



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting

Confirmed Minutes

7.00pm

Monday 26 November 2018

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In Person

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



www.sjshire.wa.gov.au



Ordinary Council Meeting Minutes

Monday 26 November 2018

Councillor Attendance Listing

In accordance with Special Council Meeting, 27 November 2017, Resolution SCM162/11/17, clause 10 – “That Council requests the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee Meetings, as well as other meetings and official functions of Council”, below is the attendance listing of Council Meetings and PCF’s.

Attendances

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Denholm	Cr Gossage	Cr McConkey	Cr Piipponen	Cr See
07/05/18	SCM	✓	✓	✓	✓	✓	A	✓	A	✓
07/05/18	PCF	✓	✓	✓	✓	✓	A	✓	A	✓
14/05/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
28/05/18	OCM	✓	✓	✓	LOA	✓	A	✓	✓	✓
11/06/18	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
13/06/18	SCM	✓	✓	✓	✓	✓	✓	A	NA	✓
25/06/18	OCM	✓	✓	✓	✓	✓	✓	✓	A	✓
02/07/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
09/07/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
23/07/18	OCM	✓	A	✓	✓	✓	✓	✓	✓	✓
30/07/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
06/08/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	A
13/08/18	PCF	✓	✓	✓	✓	✓	NA	✓	NA	✓
27/08/18	OCM	✓	✓	✓	✓	✓	A	✓	A	✓
03/09/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
10/09/18	PCF	✓	✓	✓	✓	✓	A	✓	A	✓
25/09/18	OCM	✓	✓	✓	✓	✓	A	✓	A	✓
01/10/18	PCF	✓	✓	✓	✓	✓	✓	A	NA	NA
08/10/18	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
08/10/18	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
22/10/18	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
29/10/18	PCF	✓	A	✓	A	✓	A	✓	NA	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 26 November 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

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

The Shire President, Cr Rich acknowledged and welcomed Freeman Mr John Kirkpatrick and past Councillor Sandra Hawkins.

Minutes

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

In Attendance:

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

Officers: Mr K Donohoe Chief Executive Officer
Ms H Sarcich Deputy CEO / Director Community Services
Mr F Sullivan Director Corporate Services
Mr A Schonfeldt Director Development Services
Mr S Harding Director Infrastructure Services
Mr A Bowman Manager Governance
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Leave of Absence: Nil

Apologies: Councillor S Piipponen

Observers:

Members of the Public – 31
Members of the Press – 1
Shire Officers – Nil

2. Public question time:

2.1 Response to previous public questions taken on notice:

Nil.



2.2 Public questions:

Public question time commenced at 7.00pm.

Mr Gary Jones, Murdoch Jones Realty, 194 Anstey Road, Forrestdale regarding OCM119/11/18

Question 1

Is the applicant in any way associated with, in business with, in communication with or planning any of the above activities with any of the formerly suspended owners of Bio-Organics Pty Ltd?

Response:

Shire Officers are not aware of any association between Aussie Organics Garden Supplies Pty Ltd and Bio-Organics. The applicant has advised in the response to the submissions (attachment OCM119.4/11/18) "this proposal bears no relationship to the Bio-organics site in Oakford. There is no connection between Aussie Organics and the operators of the Oakford facility".

Question 2

Has the applicant in the past had any association with the owners of Bio Organics?

Response:

Shire Officers are not aware of any association between Aussie Organics Garden Supplies Pty Ltd and Bio-Organics.

Question 3

How can the neighbours to this Facility possibly trust the applicants business to not pollute the environment, groundwater Serpentine River and cause odours as occurred in the past?

Response:

The information provided as part of the development application demonstrates mechanisms to ensure that any of the products associated with the composting process i.e. liquid waste will not come in contact with the environment. All areas of hardstand associated with the processing are bunded and graded towards lined capture basins. The stormwater management system proposed will cater for a 1:20 ARI which is in excess of the Department of Water and Environment Regulation (DWER) requirement. Based on this information provided, Officers are satisfied that sufficient measures are in place to protect the environment, groundwater and the Serpentine River.

The odour assessment provided demonstrates that odour levels achieve compliance with the regulations. In addition, Officers have recommended a condition requiring an additional odour assessment and monitoring to be carried out at the commencement of the operations to ensure that compliant odour levels are maintained.



Ms Anne Cooper, 185 Boomerang Road, Oldbury WA 6121 regarding OCM118/11/18

Question 1

When an application is approved stating the terms and conditions for operating, why is the applicant then allowed to then ask for an extension if they have not utilised the time frame given to them? Then that is their problem. And what is stopping them for asking for more extensions?

Response:

The State Government's legislation - Planning and Development (Local Planning Schemes) Regulations 2015 allows for an owner of land to vary conditions of an approval to include the timeframe in which a development is allowed to operate. This legislation also allows the landowner to apply for further extensions of the timeframes and if so Officers will then reassess the proposal against the future current planning framework.

Question 2

When this application was approved, what start time was given, as trucks leave this site fully loaded before 7am. And was safety for other road users also covered? As this operator has 2 sand extraction sites on King Road, the countless times that semi's have pulled out in front of vehicles is unacceptable. I know that Council and the Police have received numerous complaints.

Response:

The operating hours for the development were restricted under the initial approval between 7:00am to 5:00pm Monday to Saturday. Safety for other road users was considered and the applicant was required to submit a Traffic Management Plan to address road safety.

Question 3

Has anyone other than Andrew Harris from the Shire been out and seen the impact this and other businesses on King, Boomerang and Gossage Roads have had on the environment?

Response:

The Shire's Statutory Enforcement Officers have attended a number of sites on King, Boomerang and Gossage Road as part of the Shire's compliance programme. In doing so, Officers have been working closely with the Department of Water and Environment Regulation to ensure that any environmental concerns raised as part of a complaint are being addressed.



Mr David McKee, 796 King Road, Oldbury on behalf of King Road Brewing Co

Question 1

What is the process forward regarding Lot 766 King Road, Oldbury?

Response:

It would depend on whether or not the owners of Lot 766 King Road, Oldbury, comply with the Direction Notice issued to them. If they don't, the Shire could prosecute.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

There has been a lot of discussion of late about transparency in the actions of Councillors in the eyes of the Ratepayers and Residents of the Shire and for elected members to show that they are acting in manner that shows that they are up front about any organisations that may benefit from their actions.

Question 1

In item OCM098/09/18 for the footpath in Linton Street North it finishes at the Byford and Districts Country Club. This is a private commercial business. I believe that the mover and seconder of this motion are or have been a legal adviser to this organisation and a member of the board of directors. In this do their action in moving and seconding the motion constitute a minor breach of the Act?

Response:

This item was in regard to a petition for the installation of a footpath at the opposite end of Linton Street to the Byford Districts Country Club therefore it is unlikely that any Councillor with an affiliation with the Byford District Country Club would be required to declare an interest.

At the October OCM a Mrs Sandra Hawkins who asked for her address to be kept suppressed asked a number of questions about costs for meals to the Council.

Question 2

Is this the same Sandra Hawkins that was an Elected Member up to October 2017 who claimed for Hairdressing , dry-cleaning and various other things in item OCMOCM034/03/15 and also moved the motion that the sitting fees and allowances be put up to the maximum in item OCM066/05/17?

Response:

Yes

At the Byford Progress Association meeting of the 24/10/2018 Councillor Coales stated that at a Concept Forum he had raised the possibility of a RV parking area in Byford.

Question 3

Has this matter been progressed any further and when will it be coming to the community for public consultation?



Response:

No project plan has been put together for the development of an RV Parking Area in Byford at this time.

Mrs L Bond, Box 44, Armadale WA 6112

Question 1

With regard to item OCM119/11/18, how will the water balance be managed and how has it been managed on this site, given that it is a wetland and natural rain will increase the volume of water on the site

Response:

Shire Officers are satisfied that the information provided as part of the development application demonstrates that any of the materials associated with the proposal will not enter the environment. All areas of hardstand are bunded and graded towards lined capture basins. A recommended condition of approval requires that this capture system has the capacity to contain a 1:20 ARI event, above the DWER requirement of 1:10 ARI. Furthermore, an additional condition requires for groundwater monitoring to be undertaken quarterly and submitted to the Shire of Serpentine Jarrahdale.

Question 2

How much is the training for Councillor Rich's public speaking and media course going to cost the ratepayer and why is it necessary given that there will be Council Elections in 2019?

Response:

Dealing with media is a set training course which costs \$695 and the professional public speaking is up to \$5,000 as it is tailored made to the individual.

The term of a Shire President is for a two-year period before the position is considered by Council again and this role is highly important to Council as by statute this position is required to speak on behalf of the Local Government in accordance with section 2.8 of the Local Government Act 1995.

Question 3

Please list everything controlled waste contains?

Response:

The controlled liquid wastes that are proposed to be used as part of the proposal include the following:

1. *Grease Trap Waste*
Fats and oils produced through a food manufacturing process.
2. *Salts*
These liquids are sourced from facilities that have plant maintenance and wash out lines such as CSBP (Kwinana). It also includes solutions that have come from the washing out of isotainers that may contain traces of ammonia nitrate.



3. *Low Strength Waste Waters*
Industrial wastewater, carwash or truckwash waters excluding fire wash waters, predominately from larger controlled waste carriers.

Public question time concluded at 7.15pm.

3. Public statement time:

Public statement time commenced at 7.15pm.

Mr Larry Smith, Planning Consultant, on behalf of Mr Joseph James, PO Box 73, Serpentine WA, Aussie Organics Garden Supplies

Good Evening Madam President and Councillors and thank you for the opportunity to speak tonight.

On behalf of my client, Joseph James who is the owner and operator of Aussie Organics which has been operating at the Punrak Road site for approximately 25 years. Aussie Organics produces a wide range of manures and soil blends which is a bulk wholesale to nurseries, landscape suppliers and the like. There are no public sales from the site.

As noted in the Officer's Report there have been no complaints raised in respect of their operations by their neighbours and, in fact, both the Shire and Department of Environment Inspectors have frequently commended them on the operation of the site during their annual inspections.

We are very confident that Aussie Organics will continue to maintain its current track record as the detailed noise and odour assessments undertaken, as part of the proposed composting facility application, both confirm that the proposed green waste composting facility will not impact the immediate neighbours.

Importantly, it is worth noting also that the proposed composting facility has been assessed by the Department of Water and Environmental Regulation and the Department has issued a Draft Approval subject to Planning Approval from the Shire.

We have read the Officer's Report and are happy with the proposed conditions for Stage 1 with the exception of Condition f.

Condition f currently requires Aussie Organics bear the full cost of upgrading the Punrak Road / Hopeland Road intersection prior to operation of the Composting Facility.

As Councillors would be aware there is a number of other major land uses in the local area including, to the south, four poultry farms and a piggery plus the prospect of a major Motor Sport facility at the southern end of Punrak Road.

These other uses to the south as well as the Motor Sport facility would clearly benefit far greater from any upgrading of the Punrak / Hopeland intersection than is anticipated that less than 30% of the traffic associated with our proposed composting facility would access the site to or from the south.

We request that the condition be re-worded requiring a pro-rata contribution only to be determined by the Shire having regard to other benefiting users and that the process of design, construction and maintenance of the intersection upgrade be managed by the Shire and respectfully suggest the following alternative condition:



The proponent providing to the Shire a letter of undertaking to contribute on a pro-rata basis to the upgrading of the Punrak Road / Hopeland Road intersection; such contribution to take into account other major land uses in the area that would benefit from the upgrading of the intersection including the proposed Motor Sport facility. The letter of undertaking is to be provided to the Shire prior to operation of the development hereby approved.

In closing Madam President I again thank you and advise that both my client, his Environmental Consultant, Mr Noel Davies who are in attendance and I would be happy to address any questions Councillors may have.

Mrs Sandra Hawkins, Whitby (address supplied but withheld by request)

Addressing the matter on the agenda of Advance Training

Whilst it is great to see the Shire President wanting to undertake Advance Training is this not a little like shutting the stable door after the horse has bolted?

All the Shire Councillors have the opportunity to educate themselves as soon as they become Elected members commencing a four year term of office. So why now in the Presidents case in the fourth year, wouldn't it have been more beneficial from the ratepayers point of view to have done this type of training prior to being in a leadership position and then be able to put into practice before a major leadership position is taken up.

Advanced training when really one should learn to walk before they run and enrol to not only have an insight into leadership but all other aspects of being an Elected Member. To avail themselves of the many different roles and responsibilities that a Shire carries out in its everyday life. Being part of a team of Councillors that are also responsible for making life-changing decisions.

All the units of a Local Government Diploma gives one the necessary tools to be able to not only make the correct and proper decision but also to teach one how to present themselves when speaking publicly without being rude or offensive to anyone. Maybe this course has the ability to do just that but at what cost to the ratepayers? This I can't seem to justify.

I was elected to council in 2013 and at the first Ordinary Council Meeting I remember thinking oh my God what am I doing, I don't have a clue and here I am making decisions that could affect people's lives. So I made it my business to learn, became enrolled to study for the Diploma completing all the 12 units (they have combined a couple of the courses now to 10) and all the assignments. After a few months, I gained the Local Government Diploma and was able to use that knowledge for three years that I was in office.

There is nothing wrong with wanting to further oneself, but not at the tail end of one's office. Unless somehow one is going to be able to guarantee being voted back in for another four year term.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

It may seem that I am being picky but transparency in the actions of elected members is paramount to the community. It is that all members of the community feel that they are being treated equally. Not just organisations that elected members are involved with.



I have no problem with an elected member helping an organisation they are involved with when it comes to Shire (Ratepayers) monies may be involved. Recently Councillor's Atwell and Denholm have interests in various sporting and youth groups in the Shire and have declared such interests.

The figures quoted in reply to my questions on the Byford and Jarrahdale halls that I asked at the October OCM were mind blowing. It shows the level of support the Council is giving to local organisations. At the rate the Byford hall is losing money about \$750,000.00 in five years. As it has only about 12 parking bays to cater for about 200 people, perhaps the Shire should consider selling it and investing in the money in a new venue with better parking.

There appears to be ample parking at the hall but a lot of it is road reserve which cannot be developed.

The area is zones Highway commercial so should fetch a fair price. There is no Shire hall in Mundijong, it has been converted into the Council offices. Remembering that Mundijong is planned to be bigger than Byford in the not too distant future.

We have a number of smaller facilities in the Byford area and a large hall at the Recreation centre. The Shire has built new meeting facilities at the Bill Hicks reserve and at the oval at West Byford Primary school to cater for smaller groups both have kitchen facilities.

At the October OCM a previous elected member raised the issue of the cost of meals prior to Council Meetings.

I find this a very interesting position for a previous elected member to take when one looks at her history as a Councillor.

All the facts as stated are from the minutes of a number of Council Meetings.

Whilst all the claims might comply with the requirements of the Act, they do not appear to be within the spirit of serving the community.

The expenses as detailed in Question 2 tonight for example, two claims for hairdressing, postage which is paid by the Shire, Dry Cleaning and stationary which again is supplied by the Shire.

Failure to declare a proximity interest in the location of a toilet block in Percies Park and moving an alternate motion to the officers recommendation even though she lived just about opposite the proposed location of the toilet. This delay added about another \$200,000.00 to the cost of the project.

Moving the motion to put the sitting fees up to the maximum allowed by the tribunal. This was supported by our part time elected member (just look at the attendance record). The current administration reduced the fees as one of its first actions.

Sitting very silent when the amount being spent on alcohol was being challenged and the then Director of Finance giving the incorrect figures in reply to a question asked by the Public, the reply was \$5000.00 when in fact after a member of the public under FOI got copies of the CEO's Shire credit card details which showed the true figure to be in excess of \$10,000.00. Mainly spent at a Mandurah liquor outlet close to the then CEO's residence not even spent in the Shire. Thankfully the current administration has stopped all this.

Then she has the audacity to query the cost of a couple of meals for Councillor's prior to a Council meeting.



No wonder she was not re-elected at the last local government elections in the Tsunami that cleaned out the group that appeared to be running the Council.

It is also of note that in item OCM134/11/18 section DOR530 of tonight's agenda that an amount of \$4500 is to go to the Darling Downs Residents Groups even though there has never been a satisfactory explanation where the \$180,000.00 of Green Army Federal funding (obtained by Don Randall) was spent and who approved what damage and illegal clearing was done there.

Mrs L Bond, Box 44, Armadale WA 6112

Tonight's agenda seeks approval for an increase in waste for Aussie Organics in Punrak Road and it is obvious that the original approval for this establishment was sadly lacking intelligent/ factual decision making. This Shire has the same behaviour operating on King Road and Orton Road and little has stopped the rampant disregard for rules/ approvals and decency towards the neighbours. It is time Councillors did their homework on matters and stopped rubber stamping anything a Council Officer says is a good idea.

Councillor Rich has not had any problem conversing with the media or speaking publicly up until now, why waste money on a course when she may not be on Council in 2019. It was okay to state the amount Councillor See requested but she failed to announce how much she requested.

All Councillors are over 25 years of age and if you now need the resources of ratepayers money for emotional intelligence training to learn how to be respectful to people including your fellow Councillors you need to get off Council. This is a blatant abuse of the ratepayer again. I will make sure the public are aware of these claims as I am sure they won't want to re-elect those who use our rate monies for needless gains to the ratepayer.

Public statement time concluded at 7.29pm.

4. Petitions and deputations:

4.1 Petition – Mr Paul Evans

Cr See presented a petition containing 21 signatures from Mr Paul Evans on the following: *"We the undersigned, propose that Council considers the installation of central splitter islands on the first two bends immediately east of Warrington Road, along Mead Street, Byford due to ongoing concerns of abutting residents, relating to unsafe driving practises around the aforementioned bends."*

OCM4.1/11/18 COUNCIL RESOLUTION / Officers Recommendation

Moved Cr See, seconded Cr Denholm

That Council, as the petition meets the requirements of clause 3.6(1)(a) - (f), Council, in accordance with clause 3.6(4)(d) of Council's *Standing Orders Local Law 2002 (as amended)*:

- 1. Accepts the Petition regarding the installation of central splitter islands on the first two bends immediately east of Warrington Road, along Mead Street, Byford, and**



2. Requests the Chief Executive Officer include the Petition in a report to a subsequent meeting of Council.

CARRIED UNANIMOUSLY 8/0

4.2 Deputation

Mr Aaron Lohman, Principal – Planning, Element and Mr Michael Mistilis, Senior Associate, Hotchin Hanly Lawyers gave a deputation on items OCM121/11/18 and OCM122/11/18 on behalf of their client, Peter Rifici, owner of Lots 786, 787 and 788 on plan 202447 (“Adjoining Land”).

Mr Lohman and Mr Mistilis spoke against the Officer Recommendations. In addition, a written submission was received and provided to Council from both Mr Lohman (IN18/27057) and Mr Mistilis (IN18/27055).

5. President’s report:

Hello and welcome to the November Ordinary Council Meeting.

We have once again partnered with the Mundijong Police and Neighbourhood Watch to deliver our popular community BBQ events throughout the Shire. It has been great to see the community come together to not only discuss community safety, but to form connections, and just have a chat with fellow locals.

Since August, the SJ Men’s Shed has been busily constructing replica Christmas trees, stars, angels and rein-garoos – a cross between a reindeer and a kangaroo. Recently students from Jarrahdale Primary, Marri Grove Primary, Serpentine Primary and Mundijong Primary decorated the pieces. You can see this brilliant community collaboration on display at our free community Christmas concert in Jarrahdale on 14 December. Everyone is welcome to attend, and we would love to see as many people there as possible.

On Remembrance Day, I attended a commemorative service and morning tea at ANZAC Memorial Park in Byford. The Serpentine Jarrahdale RSL organised the function, and I would like to thank them for the lovely ceremony, it is always a pleasure to work together. After 13 years, Ric Giblett has stepped down as the President of the RSL. I want to thank Ric for his significant contribution to our veteran community and welcome former Secretary Shana McKay as the RSL’s new President.

It has been an exciting month across the Peel with the Australasian Police and Emergency Services Games happening throughout the region. More than 3,400 competitors from Australia, Singapore, Hong Kong, New Caledonia, New Zealand and China took part in the games. The cycling events took place on Kingsbury Drive, and we hosted the equestrian events locally at the Serpentine Sports Ground. I attend both days of the event, and it was exciting to hear from some of the interstate judges that the ground was one of the best they had ever seen. I want to congratulate Shanaya King who dominated the event with five medals and finished as the overall High Point Champion. Shanaya graduated from Serpentine Jarrahdale Grammar School in 2017. She then joined the WA Police as a cadet and was posted to the Mundijong Police Station.

Still on the Peel region, the Peel Regional Leadership Forum has appointed Anika Serer as Executive Director. I met with Anika recently to welcome her to the region. She has



spent the last eight years in management roles at the Shire of Ashburton and brings with her well-developed knowledge on all aspects of local government. I also attended the Peel Presidents and Mayors lunch at the King Road Brewery on 9 November.

At the end of October, I attended the RAC President's reception. RAC President Tony Evans hosted the event, which included a presentation on the RAC's road safety initiatives. The RAC will have a change in leadership next year with their long-serving CEO Terry Agnew stepping down in March after 20 years of service. Their current Chief Operating Officer Rob Slocombe is his successor.

RAC's state-wide Risky Roads survey is on now until 17 December and residents can help us advocate for safer roads in SJ. Please visit riskyroads.rac.com.au and nominate roads or intersections that you think pose a safety threat. While you are there look around the map, and click the yellow button to support other nominations. Your supporting votes will count towards the overall results.

Locally some of our special community groups have been celebrating significant milestones. I recently attend the Byford Community Kindergarten's 40th Anniversary celebration. It was a wonderful evening, and I want to thank the dedicated and passionate committee who have contributed considerably to our community and our children. We also celebrated in Serpentine, with the Serpentine Country Women's Association hosting their 80th birthday celebration. CWA has played an important role in our community over the past 80 years, and I congratulate them for being an amazing organisation.

As the fire season approaches its time for us to get prepared. I attended a DFES Pre-Season Forum with other local governments and agencies. The key message from this forum was preparedness! The DFES website has many resources available to assist you in preparing a Bushfire Plan. Locally our volunteer brigades are preparing with 150 volunteers attending a preseason brief at the Mundijong Fire Station. Thank you to the local units for keeping our community safe.

Last but certainly not least, on Saturday 23 March 2019, world-class international opera artists will perform parts from the most famous operas at the Jarrahdale Heritage Mill. This event will attract people from SJ and afar and will showcase Jarrahdale's beauty and rich history. Please show your support for this special event by sharing it on your social media, and by coming along - tickets are on sale now through Ticketek!

Date	Meeting Title	Location
23 October 2018	Keysbrook Community Hall, Elliott Road, Keysbrook	Keysbrook
24 October 2018	Peel Development Commission Board Meeting	Shire Office
	Funeral – Mr. John (Jack) Townsend – former Councillor	Bowra and Odea Chapel, 312 South Street, Hilton
	Clubs For All - Development Workshop - Goal Setting & Planning	BDCC



Ordinary Council Meeting Minutes

Monday 26 November 2018

Date	Meeting Title	Location
29 October 2018	Metro East JDAP	Shire Office
	Communications Discussion	Shire Office
	Document Signing/Sealing	Shire Office
	Policy Concept Forum	Shire Office
30 October 2018	LandCorp Investor Forum	Subiaco Oval
31 October 2018	DFES Pre Season Forum	Technology Park Function Centre, Bentley
	Community BBQ	Whitby Nature Playground, Tinspar Avenue, Whitby
	RAC Presidents Cocktail Reception	Lamonts Bishops House, 90 Mounts Bay Road, Perth
1 November 2018	Australasian Police and Emergency Services Games - Medal Presentation	Equestrian Events, Serpentine Sports Ground
2 November 2018	Australasian Police and Emergency Services Games - Medal Presentation	Equestrian Events, Serpentine Sports Ground
5 November 2018	Communications Discussion	Shire Office
	JDAP Preparation	Shire Office
	Document Signing/Sealing	Shire Office
	Policy Concept Forum	Shire Office
6 November 2018	Metro East JDAP	Perth
	Media Photo – Christmas Decorations	Jarrahdale Primary School



Ordinary Council Meeting Minutes

Monday 26 November 2018

Date	Meeting Title	Location
7 November 2018	Weekly Meeting with CEO	Shire Office
	Western Australia Container Deposit Scheme	Perth
	Community BBQ	Clem Kentish Hall – Serpentine
	Site Meeting with A/Director Community Services	St John Ambulance Hall, Serpentine
	Meeting - Jarrahdale Community Collective	Jarrahdale
8 November 2018	Meeting with Meeting with new PRLF Executive Director	Shire Office
9 November 2018	Peel Presidents and Mayors Lunch	King Road Brewery
	City of Rockingham - Annual Recognition Function	City of Rockingham
11 November 2018	Remembrance Day 2018 - VIP Morning Tea	Byford
	Remembrance Day 2018	ANZAC Memorial Park, ANZAC Crescent, Byford
12 November 2018	Communications Discussion	Shire Office
	Document Signing/Sealing	Shire Office
	Special Council Meeting	Shire Office
	Policy Concept Forum	Shire Office
13 November 2018	Play in the Park	Percy's Park, Byford
	Emergency Services Bush Fire Preseason Brief	Mundijong
14 November 2018	Weekly meeting with CEO	Shire Office
	Probus Monthly get together	Byford Hall
15 November 2018	Community BBQ	Mundijong
	Bushfire Advisory Committee Meeting	Shire Office



Ordinary Council Meeting Minutes Monday 26 November 2018

Date	Meeting Title	Location
16 November 2018	Seniors Week Event - Be Entertained Seniors – Entertainment – Story Book of the 60's	Serpentine Jarrahdale Community Recreation Centre, Mead Street, Byford
17 November 2018	Byford Community Kindergarten's 40th Anniversary Cheese and Wine Night	Byford
19 November 2018	Communications Discussion	Shire Office
	Document Signing/Sealing	Shire Office
	Q&A	Shire Office
20 November 2018	CWA 80 th Birthday Celebration	Serpentine
	Community BBQ	Byford
	Audit, Risk and Governance Committee Meeting	Shire Office
21 November 2018	Weekly meeting with CEO	Shire Office
	Community Forum - Local Government Act Review	Kwinana
22 November 2018	Australia Day Awards 2019 Selection Panel	Shire Office
	LWP Bus Tour - The Glades	Byford
23 November 2018	Tentative: Meeting with Alyssa Hayden	
26 November 2018	Meeting - Tourism Opportunity for the Shire	Shire Office
	Meeting with Casuarina Wellard Progress Association - Mr. Sturgeon	Shire Office
	Communications Discussion	Shire Office
	Document Signing/Sealing	Shire Office
	Ordinary Council Meeting	Shire Office

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

Mr Kenn Donohoe, Chief Executive Officer declared a Proximity Interest in item OCM120/11/18 as he is a resident and was consulted for planning. Mr Donohoe will leave the Chambers while this item is discussed.

Cr Gossage declared a Closely Associated Persons Interest in item OCM121/11/18 as he has knowledge of the applicant through the Volunteer Fire Brigade. Cr Gossage will leave the Chambers while this item is discussed.

Shire President, Councillor Michelle Rich declared a Financial Interest in items OCM125/11/18; OCM126/11/18 and OCM129/11/18. Money received for service supplied for items OCM125/11/18 and OCM126/11/18. Cr Rich is a possible course attendee for item OCM129/11/18. Cr Rich will leave the Chambers while these items are discussed.

Cr See declared a Financial Interest in item OCM129/11/18 as she is undertaking a Leadership Course at a total of \$18,990. Cr See will leave the Chambers while this item is discussed.

Cr Rich declared a Financial Interest in item OCM139/11/18 as the applicant is a client therefore money is received for services supplied. Cr Rich will leave the Chambers while this item is discussed.

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Denholm

That items OCM125/11/18; OCM126/11/18; OCM129/11/18 and OCM139/11/18 be dealt with after item OCM138/11/18, given that the Shire President, Councillor Rich has declared Financial Interests in these items and will be required to vacate the Chair. This will allow all four items to be dealt with consecutively

CARRIED UNANIMOUSLY 8/0

7. Confirmation of minutes of previous Council meeting(s):**7.1 Ordinary Council Meeting – 22 October 2018****COUNCIL RESOLUTION**

Moved Cr McConkey, seconded Cr Denholm

That the minutes of the Ordinary Council Meeting held on 22 October be confirmed (E18/11975).

CARRIED UNANIMOUSLY 8/0



7.2 Special Council Meeting – 12 November 2018

COUNCIL RESOLUTION

Moved Cr McConkey, seconded Cr Byas

That the minutes of the Special Council Meeting held on 12 November be confirmed (E18/12856).

CARRIED UNANIMOUSLY 8/0

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

8.1 Audit, Risk and Governance Committee Meeting – 20 November 2018

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Byas

That the [minutes and resolutions](#) contained therein of the Audit, Risk and Governance Committee Meeting held on 20 November 2018 be endorsed. (E18/13392).

CARRIED UNANIMOUSLY 8/0

9. Motions of which notice has been given:

Nil.

**10. Chief Executive Officer reports:****10.1 Development Services reports**

OCM118/11/18 – Proposed Extension of Time for Development Approval P00701/03 for Extractive Industry (Sand) at Lot 102, 491 King Road, Oldbury (PA18/476)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
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:	Urban Resources Pty Ltd
Owner:	Urban Resources Pty Ltd
Date of Receipt:	28 June 2018
Lot Area:	10ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of the report is for Council to consider a development application to extend the timeframe in which an approved 'Extractive Industry' can operate at Lot 102, 491 King Road, Oldbury. The current approval requires the operation to cease on or by 26 July 2019. The proposal would allow for the operation to continue until 26 July 2021.

The application is presented to Council as objections have been received during the advertising period. Officers do not have delegation to determine applications where objections cannot be satisfied by way of amendments to the proposal or through planning conditions, under delegation 11.1.1 – Determination of Development Applications.

The report recommends that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

OCM029/03/15 – Council refused a development application for an Extractive Industry (sand) on 23 March 2015.

OCM113/07/15 - Council approved a development application for an Extractive Industry (sand) on 27 July 2015.

Background

On 23 March 2015, Council refused a development application for an Extractive Industry (sand) at its Ordinary Council Meeting. Following an appeal to the State Administrative Tribunal (SAT), amendments were made to the proposal to try to satisfy the concerns of Council. The amended proposal included a relocated site entrance further north along King Road, an increased buffer to the neighbouring property to the east and a third excavation stage (2B) to limit the time excavation occurs in proximity to the eastern neighbour.



In addition, further noise management measures to limit the use of reversing beepers and an updated Traffic Management Plan addressing the relocated site entrance and safety management were provided.

Subsequently, on 27 July 2015, Council approved the development application for an 'Extractive Industry' (sand) at the subject site. Condition a) of the approval states *"This planning approval shall be valid for a period of four years expiring on 26 July 2019"*.

The applicant has satisfied several of the conditions of approval and site works have been undertaken including clearing. However, as stated by the applicant, the general economic climate has resulted in a downturn in volumes of material required in the area and this has resulted in the delay of commencing extraction. Extraction did not commence until March/April 2018. The Shire has no record of any complaints received from the operations.

Existing Development

The subject site is located within a rural area of Oldbury. King Road runs along the western boundary and Boomerang Road is located to the south. Existing development on site comprises of a shed and water tank located in the northern portion of the property. Clearing and site works have been undertaken in accordance with the existing approval and clearing permit.



Location Plan



Proposed Development

The application details as approved are contained within attachment OCM118.1/11/18. Under this existing approval, the 'Extractive Industry' can only operate until 26 July 2019. The proposal seeks to extend this timeframe for a further two years until 26 July 2021. No other amendments are sought as part of the application except for the staging of the works.

Due to the delay in commencing extraction it is considered that the works should be completed within a further two years and are proposed as follows:-

Stage 1

Stage 1 is now approximately 70% excavated and it is proposed to be completed by the first quarter of 2019. This will allow the southern batters to be formed before April 2019 and prior to the winter season. The topsoil will have been stockpiled for a little under 2 years in this area and therefore should have retained a reasonable amount of seed viability. The applicant has undertaken to carry out supplementary planting following assessment of the regrowth on the batters.

Stage 2

The proponent expects that Stage 2A will take a further 18 months dependent on market conditions. Stage 2B is a relatively small section that was set aside to assist with screening from the neighbours until the project was close to completion and the applicant advises this should only take 6 months.

Community / Stakeholder Consultation

Public Consultation

Advertising has been undertaken to surrounding landowners in accordance with Clause 64 of the Deemed Provisions and LPP1.4 – Public Consultation for Planning Matters.

During the advertising period, five submissions were received. Two submissions provide support for the proposal and three raised objections. The concerns raised are outlined and addressed in the report. A full summary of the submissions can be viewed as attachment OCM118.2/11/18. The objections received relate to the following:

- Hours of Operation not compliant with conditions
- Noise
- Dust
- Visual Impact

Consultation with other Agencies or Consultants

Department of Planning, Lands and Heritage (DPLH)

The DPLH – Aboriginal Heritage Directorate has advised that in this instance the property does not intersect with the actual boundaries of any sites on the Aboriginal Heritage Register.



Department of Biodiversity, Conservation and Attractions

It is noted that the native vegetation within the application area has now been cleared, and therefore the department has no further comment on the application.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2 – Environment and Natural Resources (SPP2)
- State Planning Policy 2.4 – Basic Raw Materials (SPP 2.4)
- EPA's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3

Local Policies

- Shire of Serpentine Jarrahdale Rural Strategy Review 2013
- Local Planning Policy 4.10 – Extractive Industries (Including Extraction of Mineral Sand and Other Minerals)

Planning Assessment

Clause 77 (1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) allows for landowners to apply to amend or delete any condition to which an approval is subject. The Deemed Provisions also state that an application made under Clause 77 is to be made and dealt with as if it were a new application for development approval.

As such, a full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed in attachment OCM118.3/11/18. For the purposes of this report, the objections resulting in the item being presented to Council or where Council is required to exercise discretion will be discussed.

Land Use:

The application seeks approval to extend the timeframe for carrying out the extraction of sand. This falls within the land use of 'Industry Extractive'.

'Industry is defined under TPS2 as *"the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:*

- The winning, processing or treatment of minerals;*
- The making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;*
- The generation of electricity or the production of gas;*
- The manufacture of edible goods;*



and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include:

- (i) The carrying out of agriculture;
- (ii) Site work on buildings, work on land;
- (iii) In the case of edible goods the preparation of food for sale from the premises;
- (iv) Panel beating, spray painting or motor vehicle wrecking”.

‘Industry Extractive’ is defined under TPS2 as “and industry which involves –

- a) The extraction of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- b) The production of salt by the evaporation of salt water.

As the proposal is for the extraction of sand from the land, it is considered the proposal is consistent with this land use definition. ‘Industry Extractive’ is an ‘AA’ land use under Table 1 – Zoning Table of TPS2 and therefore the use can be permitted at Council’s discretion.

Rural Strategy Review 2013 (Strategy)

When the application was previously considered by Council, the subject site was located within an area identified as ‘Subject to Future Investigation’ under the Strategy. At the time, it was anticipated that land in these areas would be investigated between the 2013 and 2018. At that time, the proposal was due to be completed within a four year timeline inclusive of a two year extraction phase and a two year rehabilitation phase for the end use. It was therefore considered that the investigations for the subject site would likely correspond with the lifespan of the extractive industry.

Following the amendments and approval of the Strategy, the subject site is no longer within an area identified for future investigation. The site is now designated as ‘Rural’. The purpose of the ‘Rural’ policy area under the Strategy is to “*maintain the integrity of the Shire’s rural and agricultural character*”. Notwithstanding this designation, the Strategy recognises that economic returns for some forms of agriculture are diminishing.

Basic raw materials are identified within the Strategy as requiring protection for existing and future extraction operations and to assist in reducing potential land use conflicts. The Strategy identifies areas for basic raw materials in accordance with the State Planning Policy. The subject site is not identified for Raw Materials Extraction, however this does not expressly exclude it from being able to be considered as such.

One of the themes under the Strategy is to “*Recognise the importance of best practice environmentally managed extraction of Basic Raw Materials within the Shire*”. In this case, as part of a landscape and rehabilitation plan, it has been demonstrated that the stages of works will allow for the site to be rehabilitated using the removed topsoil to allow for its end use which has been described as a native plant nursery. As part of the rehabilitation, a flat area is proposed to be created within the excavated pit suitable for the establishment of a plant nursery. The batters of the pit would be graded and no final soil slope would be greater than 1:4.



Amenity

The EPA's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 (Guidance Statement No.3) provides for separation distances between industry (such as Extractive Industries) and sensitive land uses.

Under Appendix 1 of the Guidance Statement No. 3, the recommended separation distance to sensitive land uses from extractive industries involving sand extraction with no grinding or milling works is 300m to 500m depending on size.

The nearest sensitive land use, a dwelling, is located approximately 70m east of the eastern edge of the extraction area in the northern portion of the site. Three other dwellings are located within 100 and 200 metres from the extraction area to the south of the site.

Measures to address the externalities associated with the Extractive Industry, particularly relating to noise and dust, have been incorporated into specific management plans. In 2015, it was considered that these management plans had satisfied the concerns of Council following the refusal in 2015 in relation to the impact on surrounding landowners.

Dust

Condition (O) of the approval required for a Dust Management Plan to be submitted to demonstrate that dust emissions are minimised and to ensure that visible dust is not emitted beyond the boundaries of the development. A Dust Management Plan was submitted on 25 March 2018, Appendix C of attachment (OCM118.4/11/18). This plan sets out mitigation measures to ensure that the proposal does not unduly harm the amenity of neighbouring residents by way of dust. Such measures include the following:

- Wind fencing
- Stabilisation of land
- Restriction of vehicle paths to limestone road routes
- Trucks carrying loose material must be covered
- Restricting vehicle speeds on site
- Water carts
- Dust Monitoring Programme

Noise

A Noise Assessment has also been carried out (OCM118.4/11/18). The site layout includes earth bunds around the perimeter of the excavation area ranging from 3m to 7m in height. These bunds will serve to reduce noise emissions from the site. The use of these bunds results in noise levels at the nearest premises have been calculated to comply with the *Environmental Protection (Noise) Regulations 1997* for the proposed operating times. In addition, the applicant has indicated that 'croaker' alarms will be used for reversing alarms instead of conventional reversing beepers. 'Croaker' alarms are directional towards the location of areas where persons are more likely at risk and they provide a significant reduction in noise from conventional reversing alarms.

It is noted that the operating hours seek a variation to the Acceptable Development Criteria of LPP4.10 in that it is proposed to operate on a Saturday from 7:00am to 5:00pm in lieu of the policy requirement of 7:00am – 1:00pm. This Local Planning Policy was not in force at the time of the initial approval. Notwithstanding the Noise Assessment, it is considered that a condition should



be imposed to allow operations to only be carried out in line with the new policy. This goes further to ensure that the amenity of neighbouring properties is not adversely impacted upon and addresses concerns raised during the consultation period.

Visual Impact

It is acknowledged that the clearing of vegetation and excavation generally has an impact on visual amenity. LPP4.10 acknowledges this by allowing for extractive industries where proposals do not adversely impact on the natural landscape where viewed from major travel routes. In this case, as part of the management plans, the applicant has provided for visual buffers to mitigate the visual impact of the proposal on the surrounding landscape. This is considered consistent with the objectives of the policy and the existing approval.

Conclusion

The application seeks approval to vary a condition of approval to extend the timeframe in which an approved Extractive Industry can operate from 26 July 2019 to 26 July 2021. Since the initial approval in 2015, the planning framework has remained generally consistent except for the change in designation under the Rural Strategy Review 2013 and the introduction of LPP4.10 which has replaced LPP30.

Notwithstanding these changes, the proposal is considered consistent with the objectives of these policies for the reasons discussed in the technical report. It is considered that the impact on the amenity of surrounding landowners and the objections raised can be effectively mitigated through the suite of management plans. Officers therefore recommend that Council approves the development application.

Attachments

- [OCM118.1/11/18](#) – Approved Details (OC15/14340)
- [OCM118.2/11/18](#) – Summary of Submissions (E18/9702)
- [OCM118.3/11/18](#) – Technical Assessment (E18/11899)
- [OCM118.4/11/18](#) – Management Plans (Traffic, Dust and Noise) (IN15/6016)
- [OCM118.5/11/18](#) – Plans and Management Plans for Determination (E18/11996)

Alignment with our Strategic Community Plan

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

The proposal will allow for an extension of time resulting in extraction on the subject site to be completed in accordance with the proposed staging. The proposal provides raw materials for the building industry in the Shire contributing towards the economy.

Financial Implications

Nil.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council Refusing the development application	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM118/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Denholm

1. That Council approves the development application to vary Condition a) of approval P00701/03 to allow for the development contained within attachment OCM118.5/11/18 to be carried out until 26 July 2021 subject to the following conditions:



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

Plans and Specifications	P1-P2 received at the Shire's Offices on 28 June 2018 and the following: Management Plan (Noise, Dust and Traffic) dated 10 February 2015, Water Management Plan dated 2 November 2015: Community Consultation Plan dated October 2015, Fire and Emergency Management Plan dated 15 June 2015.
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- b. This planning approval is valid for a period of two years only expiring on 26 July 2021.
- c. The excavation activities shall be restricted to a level no lower than 2m above the highest known water table.
- d. Operating hours are limited to 7:00am to 7:00pm Monday to Friday and 7:00am to 1:00pm on Saturday. No operations shall be permitted on Sundays or Public Holidays.
- e. The landowner shall submit an Annual Compliance Assessment Report to the Shire of Serpentine Jarrahdale by 31 December each year.
- f. Within 60 days of the date of the approval, an amended Landscape and Rehabilitation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. No material shall be brought onto the site unless forming part of the approved rehabilitation plan or otherwise approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Rehabilitation Plan shall be implemented and maintained in its entirety thereafter.
- g. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on site and available for immediate inspection by the Shire of Serpentine Jarrahdale.
- h. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
- i. On site testing and monitoring of groundwater levels within the excavation area is to be undertaken during winter and spring of each year of excavation to:
- i. confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater;



- ii. to verify that any potential contaminants, not limited to acid sulfates, are not liberated from the dunal systems as a result of mining activities; and
- iii. ensure management actions in accordance with the Department of Environment Regulation's guidelines "Treatment and management of disturbed acid sulfate soils" and "General Guidance on Managing Acid Sulfate Soils".

CARRIED UNANIMOUSLY 8/0



OCM119/11/18 – Proposed Expansion of Compost Manufacturing and Soil Blending Facility ('Industry – Noxious') at Lot 815, 76 Punrak Road, Hopeland (PA18/92)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
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:	Aussie Organics Garden Supplies Pty Ltd
Owner:	Francis James & Kay James
Date of Receipt:	30 January 2018
Lot Area:	40.59ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of the report is for Council to consider a development application for the expansion to an existing composting and soil blending facility located at Lot 815, 76 Punrak Road, Hopeland. The facility is currently licenced to manufacture up to 8,000 tonnes of compost and soil blends per annum.

The proposal seeks to manufacture an additional 11,400 tonnes of product per year combining shredded green waste, sheep manure and controlled liquid wastes into the composting process. It is proposed to undertake the increase in production in two stages with the first stage producing an additional output of 5,700 tonnes per annum, an approximate 71.25% increase in existing production. Subsequently stage 2 would involve the production of a further 5,700 tonnes resulting in a total of 11,400 tonnes, which equates to a 142.5% increase in the current approved production.

However, as the submitted Odour Management Plan only address the impact of the existing development and stage 1, Officers consider that only stage 1 should be considered as part of the application. It is considered that the information required to demonstrate the acceptability of the second stage of the development goes beyond information that is generally provided by way of planning conditions. It is therefore recommended that a further application be submitted at a later date to consider the second stage of the development.

The application is presented to Council as objections have been received during the advertising period. Officers do not have delegation to determine applications where objections cannot be satisfied by way of amendments to the proposal or through planning conditions, under delegation 11.1.1 – Determination of Development Applications.

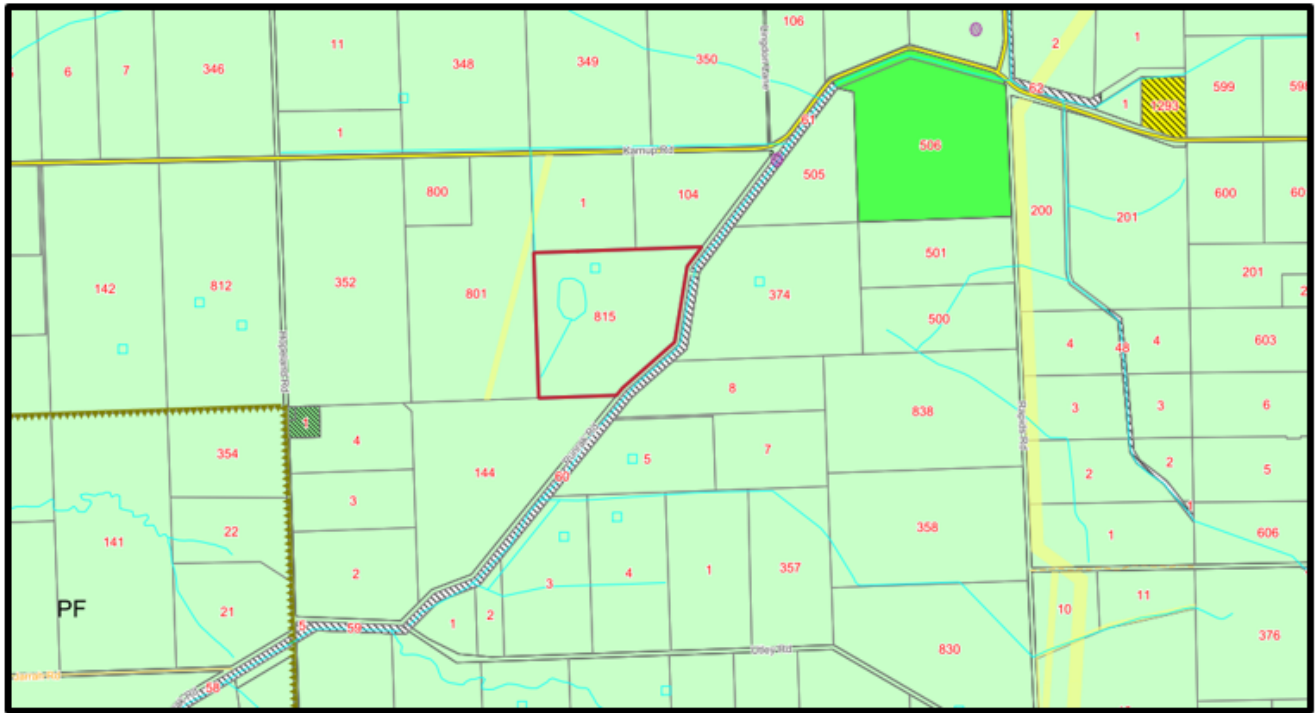
As the proposal complies with the planning framework and the objections are able to be addressed or mitigated by way of conditions, Officers recommend that Council approve the application subject to conditions as detailed in this report.



Background

Existing Development

The subject site is a 40.59ha property that contains an existing composting facility, caretaker's residence and paintball business. The property contains a water body in the north-east corner that is surrounded by remnant vegetation.



Location Plan

The existing composting facility was granted approval in 2002 and was approved to manufacture 8,000 tonnes of compost and soil blends per year. The Shire has no record of any complaints received in relation to the operations of this facility.

The manufacturing process currently involves the blending of dry materials (sand/soil, saw dust and shredded green waste) with wet manures (sheep, chicken, cow and pig manures) which are then put through the composting process either as straight manure or blended soils/soil improvers.

The final product is then bagged onsite and delivered to retailers as pre-packaged manures, soil conditioners, mulches and potting soils. No direct sales are available to the public from the site.

Proposed Development

The applicant's Development Report and Plans outlining the proposal has been included as attachment OCM119.1/11/18 of this report. The proposed facility is seeking to produce an additional 11,400 tonnes of compost per year. The facility will be constructed over two stages commencing with a first stage an increased output of 5,700 tonnes of compost and building over three years to 11,400 tonnes per year. As previously stated, Officers consider that based on the information provided, Council should only consider stage 1, involving an additional 5,700 tonnes which equates to a total of 13,700 tonnes of production per annum. It is considered that a further development application is required to be able to make an informed decision regarding stage 2.



This additional tonnage will integrate 10,000 tonne per year of controlled liquid waste into the composting process. Liquid waste will be increased progressively to ensure that odour controls are satisfactory. As provided by the applicant the proposed controlled liquid waste is to include:

1. Grease Trap Waste

Fats and oils produced through a food manufacturing process.

2. Salts

These liquids are sourced from facilities that have plant maintenance and wash out lines such as CSBP (Kwinana). It also includes solutions that have come from the washing out of isotainers that may contain traces of ammonia nitrate.

3. Low Strength Waste Waters

Industrial wastewater, carwash or truckwash waters excluding fire wash waters, predominately from larger controlled waste carriers.

The controlled liquid waste is then mixed with shredded green waste to assist in the composting process. The green waste is then blended with sheep manure and maintained to particular moisture and oxygen levels to achieve optimum composting conditions and minimise odour emissions.

The compost production pad will be constructed with a minimum of 200mm layer of limestone compacted and topped with a 40mm layer of asphalt. It will also be bunded and graded to ensure run off is captured in a lined basin.

The final product is to be stored in assigned bays on a dedicated hardstand area and will be directly loaded onto trucks for delivery to retailers. The hardstand will be bunded to ensure the materials can be sufficiently contained.

Any risk to the surrounding environment is mitigated as wastes are transferred and stored in enclosed tanks located in an impermeable bunded area and composting occurs on an impermeable hardstand and any run-off from the hardstand is contained in lined ponds.

The composting operations and use of controlled liquid waste requires the separate approval and licencing of the Department of Water and Environment Regulation (DWER). A draft copy of the necessary 'Works Approval' for this proposal from DWER has been included as attachment OCM119.2/11/18 to this report.

Community / Stakeholder Consultation

The application was advertised in accordance with LPP1.4 – Public Consultation for Planning Matters. Letters were sent to 67 surrounding properties within a 2km radius. The application details were displayed on the Shire's website and a notice was placed in the Examiner Newspaper. The application was advertised for a period of 21 days from 25 July 2018 to 15 August 2018.

During the advertising period nine submissions were received from the community, eight raising concerns in relation to the proposal and one letter of support. Three submissions were also received from Government Agencies. A schedule of submissions has been included as attachment OCM119.3/11/18 to this report and have been addressed within the report.



Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Health (Miscellaneous Provisions) Act 1911*
- *Environmental Protection (Noise) Regulations 1997*
- Environmental Protection Regulations 1987
- Environmental Protection Act 1986

State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.0 – Environment and Natural Resources Policy
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.4 – Basic Raw Materials
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 2.9 – Water Resources
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 4.1 – State Industrial Buffer Policy
- Environmental Protection Authority Guideline for Separation Distances Between Industrial and Sensitive Land Uses
- Environmental Protection (Swan Coastal Plain Lakes) Policy 1992
- Water Quality Protection note 90 Organic material Storage and Recycling
- Water Quality Protection Note 39 Ponds for stabilising organic matter.

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Local Planning Policy 1.2 – Development Application Information Policy
- Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy
- Local Planning Policy 2.3 – Development Standards for Development Applications
- Local Planning Policy 2.7 – Biodiversity Planning Policy
- Local Planning Policy 4.1 – Sea Containers Policy
- Local Planning Policy 4.13 – Revegetation Policy
- Local Planning Policy 4.16 – Landscape & Vegetation Policy

Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed in attachment OCM119.4/11/18. For the purposes of this report, the objections resulting in the item being presented to Council are addressed.



Amenity

The *Environmental Protection Authority: Separation Distances between Industrial & Sensitive Land Uses* provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses.

The document recommends a 1000m buffer for uncovered composting facilities processing manures and food/putrescible waste (grease trap). Listed potential impacts for composting facilities include dust, odour & noise. The buffer for controlled Liquid Waste Facilities is determined case by case and lists potential impacts as noise and odour.

The potential impacts of noise, odour and dust and management of these emissions is discussed in detail below.

Emissions

Given the emissions that will be generated by this proposal, it is imperative that appropriate measures are put in place to ensure that the amenity and character of the 'Rural' zone is protected.

The property currently contains a facility that generates 8,000 tonne of compost per year. With the proposed application of 5,700 additional tonnes this will increase the total compost produced onsite to 13,700 tonne per year.

For the purposes of the assessment of buffers (separation distances) these are measured from the location of the proposed facility to premises deemed as 'sensitive premises' which is generally habitable buildings such as dwellings.

As the below figure demonstrates the proposal is to the west of the existing composting facility. There are five potentially sensitive receptors (dwellings) within 1km of the proposed composting facility. Approximate distances to potential sensitive receivers from the closest composting or stockpile area within the facility are:

- 418m to the north east;
- 433m to the east;
- 544m to the south;
- 550m to the north; and
- 920m to the north west.

The potential emission impacts are considered on the cumulative results of both the existing facility and proposed facility combined and assessed in conjunction with the separation distances to the nearest sensitive receptors. The following sections of this report discuss each of the potential emissions in detail.



Figure 1 – Extract from applicants report detailing separation distances to nearest dwellings

Odour Management

The applicant has provided a detailed Odour Assessment that is compliant with relevant legislation for maximum odour levels received at nearby sensitive premises (i.e. habitable buildings) for the accumulative effect of existing production (8,000 tonnes) and Stage 1 of the expanded facility (5,700 tonnes) to a total production tonnage of 13,700 tonnes per annum.

The report demonstrates that odour impacts are within the required limits at all dwellings within 1km of the proposal. The report has made the following assumptions on which to base its assessment and as such these will be listed as ongoing requirements of any subsequent approval:



- raw manures are only delivered to the site and handled (by Front End Loader) for times between 0700 to 1300 hours and winds outside south-to-west (bagging of less odorous products such as mulches, barks, soils and potting mixes can, however, continue for winds south-to-west);
- raw manure stockpiles are covered with mulch or finished compost within 2 hours after delivery or disturbances; and
- the existing compost stockpiles, while being aerated, will be incorporated into the expanded compost production on the new hardstand (the existing bunkers can, however, continue to be used for compost curing).

Onsite monitoring will be required at the completion of Stage 1 under the DWER Works approval to ensure that odour emissions are compliant as received from the nearest habitable buildings.

Should the applicant seek to expand the new facility to the 11,400 tonnes per annum (total onsite production of 19,400) then revised Odour Modelling is required under the DWER Works Approval prior to construction to demonstrate the sites capacity to meet legislative requirements.

As odour modelling provided to date is not for the total capacity of 19,400 tonne per annum upon the site, it is recommended that Council approve the expanded facility for up to a further 5,700 tonnes and a further application is submitted for the additional 5,700 tonnes as part of stage 2. This will also address the level of objection raised by the community submissions in relation to the proposal.

It is recommended that onsite odour monitoring be undertaken at the commencement of Stage 1 (or as directed by the Local Government or DWER) at the applicants expense to ensure that odour levels are within the targets predicted by the odour modelling and compliant with prescribed odour limits for sensitive premises.

A copy of the applicants submitted Odour Assessment information has been included as attachment OCM119.5/11/18 to this report.

Noise Management

Noise associated with the operation of the proposal is required to comply with the *Environmental Protection (Noise) Regulations 1997*. The applicant has provided an Acoustic Assessment that provides noise emission modelling based on predictions of potential noise levels produced onsite. Noise nuisance is based on the potential noise impacts received at a sensitive premise (habitable building).

The Acoustic Report concludes that the proposal complies with the Environmental Protection (Noise) Regulations 1997 for all habitable buildings within 1km of the proposal.

It is noted that the acoustic report indicates compliance with legislative requirements. Given the level of community concern in relation to noise, it is recommended that Council impose a condition of approval to require onsite noise assessment to be undertaken on commencement of operations onsite for Stage 1 of the proposal to confirm that the facility is meeting the prescribed requirements.

A copy of the applicants submitted Acoustic Assessment has been included as attachment OCM119.6/11/18 to this report.



Dust Management

The applicant has not supplied a Dust Management Plan as part of this application. Whilst this is not seen as a major item, it is still considered important for the applicant to demonstrate appropriate dust suppression management for the construction phase, ongoing dust suppression within the site and collection, removal and disposal of material from capture basins.

Should Council grant approval of this application, Officers have recommended that a Dust Management Plan be submitted and approved prior to the commencement of works.

Traffic Management

Current Traffic Movements (trucks):

- 20 vehicles a week bringing material in and 25 vehicles a week taking material out
- 45 vehicles or 90 vehicle movements a week
- 8 vehicles or 15 movements a day
- 0.8 vehicle an hour

Proposed Traffic Movements (trucks):

- 45 vehicles a week bringing material in and 35 vehicles a week taking material out
- 80 vehicles or 160 vehicle movements a week
- 13 vehicles or 26 movements a day
- 1.3 vehicles an hour average

The proposal results in a difference of 0.5 vehicles per hour or an additional five vehicles to the site per day during operating hours.

Given the zoning, scale and surrounding land uses, traffic generated by this developments is not considered to significantly increase in traffic movements to a volume that will have a negative impact on the locality or other road users.

Officers note that Punrak Road along the eastern boundary of the site is sealed with a width of only 4m. The condition of the road is poor and deteriorating at some sections. It is considered that the increase in traffic, although not significant, to the facility along this section of narrow road could lead to further road deterioration and safety hazards. As such, it is recommended that conditions are imposed requiring the upgrade of the intersection at Punrak Road and Hopeland Road and upgrading of Punrak Road adjacent to the site entrances.

Crossovers

Two new crossovers are proposed that will allow for one to be used for incoming traffic and the other for outgoing. It is recommended as a condition of any forthcoming approval that the final location, design and construction requirements of the crossovers be undertaken in liaison with the Shire's engineering department and that the crossovers be constructed with a minimum 20m bitumen fishtail to ensure that the edge of Punrak Road is protected. The existing crossover will not be permitted to be used for business practices following installation of the new crossovers and is to be used for private traffic only for access to the existing caretakers residence and incidental buildings.



Nutrient & Irrigation Management

During the advertising period, Officers wrote to DWER (land use planning) specifically seeking their feedback in relation to environmental impacts and the potential need for further information to be supplied. Part of the response received states:

“From a water regulatory perspective we are in support of the DWER (Environmental Regulatory Services) Part V works approval assessment and subsequent granting in that all water related considerations have been captured as conditions within the works approval. The need for a nutrient management plan would not be required as the risks to ground water have been mitigated through hardstand areas and collection ponds to accommodate rainfall drainage. The advice under WQPN 90 have been addressed through the setback requirements included in the correspondence from the proponent in response to the Shire’s comments (including cross sections of the evaporation pond and 2m separation distance from maximum groundwater levels) and the DBCA’s recommendation of a 50m buffer from the edge of the wetland vegetation.”

It is considered that the DWER Works Approval captures water related emissions and that a separate Nutrient & Irrigation Management Plan is not required.

Stormwater & Surface Water Management

Water management within the site is crucial given the potential to impact water quality resulting from the release of waters with high nutrient loading from the site to the environment during a heavy rainfall event.

For waters associated with the composting facility this is addressed through a site based Stormwater Management System to be provided to capture runoff from hardstand areas. Runoff is proposed to be directed to a capture basin, then to an overflow pond which leads into an evaporation basin. The system has been designed to capture runoff from a 1 in 10 year storm event. Stormwater requirements and specifications relating to the composting facility are addressed and conditioned through the DWER works approval. The information provided demonstrates that the system can adequately handle all runoff from the facility and rainfall from a 1:10 year event.

Should Council wish to approve the application it is recommended that as a condition of approval that it be made clear that the system must be constructed and maintained to hold a 1:20 ARI rainfall event. This provides an additional assurance that waters associated with the composting facility will not enter into the environment, addressing the concerns of the submitters. Additionally, the applicant be required to lodge a Stormwater Management Plan (SMP) detailing the management and treatment of stormwater on the access road, carparks and buildings (and any other aspects not captured by the DWER works approval relating to stormwater and surface water management) to the Shire’s satisfaction.

Options and Implications

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

Option 1

Council may resolve to approve the application subject to appropriate conditions.

**Option 2**

Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

Conclusion

The proposed extension to the compost manufacturing and soil blending facility and proposed liquid waste facility ('Industry - Noxious') has been assessed against the provisions of Clause 67 of the *Planning and Development (Local Planning Schemes), Regulations 2015*, TPS2, the Rural Strategy, relevant Local Planning Policies and State Legislation.

In consideration of the application for expanded operations at the subject site, it is recommended that the application can be supported by Council subject to conditions. The conditions will ensure that emissions are effectively managed and that there are adequate reporting and complaint procedures in place to swiftly respond to matters should they arise thereby reducing the potential for the land use to impact on the environment or the amenity and character of the surrounding area.

Attachments

- [OCM119.1/11/18](#) – Development Application Report (E18/12058)
- [OCM119.2/11/18](#) – Draft Works Approval (E18/12059)
- [OCM119.3/11/18](#) – Schedule of Submissions (E18/12060)
- [OCM119.4/11/18](#) – Technical Assessment (E18/12286)
- [OCM119.5/11/18](#) – Odour Assessment (E18/12061)
- [OCM119.6/11/18](#) – Acoustic Assessment (E18/12062)
- [OCM119.7/11/18](#) – Plans for Approval (E18/12300)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not approving the development application	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM119/11/18

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Byas

Procedural Motion

That the Council proceed to the next business.

CARRIED 7/1

Reason for Procedural Motion

To defer the item to allow further information to be provided to Councillors.



Mr Kenn Donohoe, Chief Executive Officer declared a Proximity Interest in item OCM120/11/18 and left the Chambers at 8.27pm prior to this item being discussed.

Mr Kenn Donohoe, Chief Executive Officer vacated his seat and Ms Helen Sarcich, Deputy CEO/Director Community Services assumed his seat at 8.27pm.

OCM120/11/18 – Proposed Telecommunications Tower – Lot 120, 40 Baldwin Road, Serpentine (PA18/398)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
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:	Aurecon Australasia
Owner:	Koorana Pty Ltd
Date of Receipt:	22 May 2018
Lot Area:	159,119m ² (15.9ha)
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

This report is presented to Council to determine a development application for a Telecommunications Tower at Lot 120, 40 Baldwin Road, Serpentine. A number of objections were received during the consultation period resulting in the requirement to refer the application to Council for determination in accordance with delegation 11.1.1 – Determination of Development Applications. Officers consider the proposed development complies with the relevant framework and recommend the application be approved.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

Existing Development

The subject site is a rural property to the north of the Serpentine Townsite. The Serpentine River runs along the southern boundary of the lot, Baldwin Road runs along the eastern boundary and rural land adjoins the lot to the north and west. Existing development on the site comprises of a residence, a number of outbuildings and several fenced-off paddocks. The existing development is focused to the south eastern corner of the lot.



Location Plan

Proposed Development

The proposed development includes a 50m high monopole structure within a 12m by 10m wide compound. The compound would be fenced off by 2.4m high chain wire fence with a 3m wide access gate at the eastern face of the compound. The development would be located to the north west of the property, 26.8m from the northern boundary, 36.7m from the western boundary, 355m from the eastern boundary and 207m from the southern boundary.



Community / Stakeholder Consultation

The application was advertised to land owners within a 5km radius of the site for a period of 21 days from 12 July 2018 to 2 August 2018 and details of the application were made publicly available on the Shire's website. During the advertising period, a total of 13 submissions were received, nine of which raise an objection to the proposed development and four of which raised no objection. A full summary of the submissions and the applicants response can be viewed as attachment OCM120.2/11/18.

The objections received relate to the following matters: visual impact, health impact, traffic and impact on rural character. These matters have been discussed in detail in the Planning Assessment section of this report.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 5.2 – Telecommunications Infrastructure (SPP5.2)

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Local Planning Policy 4.6 – Telecommunications Infrastructure (LPP4.6)

Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the Deemed Provisions of the *Planning and Development Regulations 2015*, the assessment can be viewed as part of attachment OCM120.3/11/18. The focus of the report will be on areas of concern raised through community consultation and those matters requiring Council to exercise discretion.

Land Use

The proposed land use is 'Radio, TV and Communications Instalment', which is defined under Town Planning Scheme 2 (TPS2) as:

'Radio, TV and Communications Instalment – means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antennae domestic.'

The proposed development would transmit and receive signals from domestic and commercial premises, providing connection to the NBN network. As there are no other land use definitions within TPS2 that the development may align with, the proposed development is considered a 'Radio, TV and Communications Instalment' land use.



Within the Rural zone a 'Radio, TV and Communications Installment' land use is an 'AA' use, meaning it may be permitted at Council's discretion subject to consideration of those matters listed under clause 67 of the Deemed Provisions. Officers consider the application satisfies those matters requiring consideration under Clause 67 and is capable of approval.

Rural Strategy 2013

The subject property is within the Rural Policy Area of the Rural Strategy 2013. The intent of the Rural Policy Area is primarily to maintain the integrity of the Shire's rural and agricultural character whilst preserving the opportunity for the use of larger lots for intensified development into the future. The objectives provided to achieve this area are listed and addressed in the table below:

Strategic objective	Officer comment
To retain and maintain traditional agricultural uses in this Policy Area.	Access to more reliable internet services would enable land owners involved in traditional agricultural uses to invest in new technology, allowing operations to become more efficient. While the proposed development is not a rural or agricultural use in its own right, the benefits provided are considered to meet the objective on a broader scale.
To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.	Access to new technology would also enable alternative agricultural uses to develop. The application of software for the management and application of certain tasks can reduce land degradation and improve commercial viability of agricultural land uses.
To prevent further fragmentation of land through subdivision and thus retain the remaining large lots for future rural use.	The proposal does not seek the subdivision of the land, nor would it fragment the land by means of the location or design of the development.
To retain and enhance the rural lifestyle and character of the area.	The proposed development would not impact on the ability for any person to use or enjoy their land. Officers consider development would need to have a regular, ongoing and measurable impact to affect lifestyle or character. As the development would not generate any dust, noise or odour and would be located over 250m from the nearest visual receptor (dwelling), Officers consider the proposed development would not impact on rural lifestyle or the character of the area.
To protect Local Natural Areas and encourage revegetation.	The proposed development would be setback over 200m north of the Serpentine River and would not cause any impact to the Serpentine River. The proposal does not seek the removal of any vegetation.

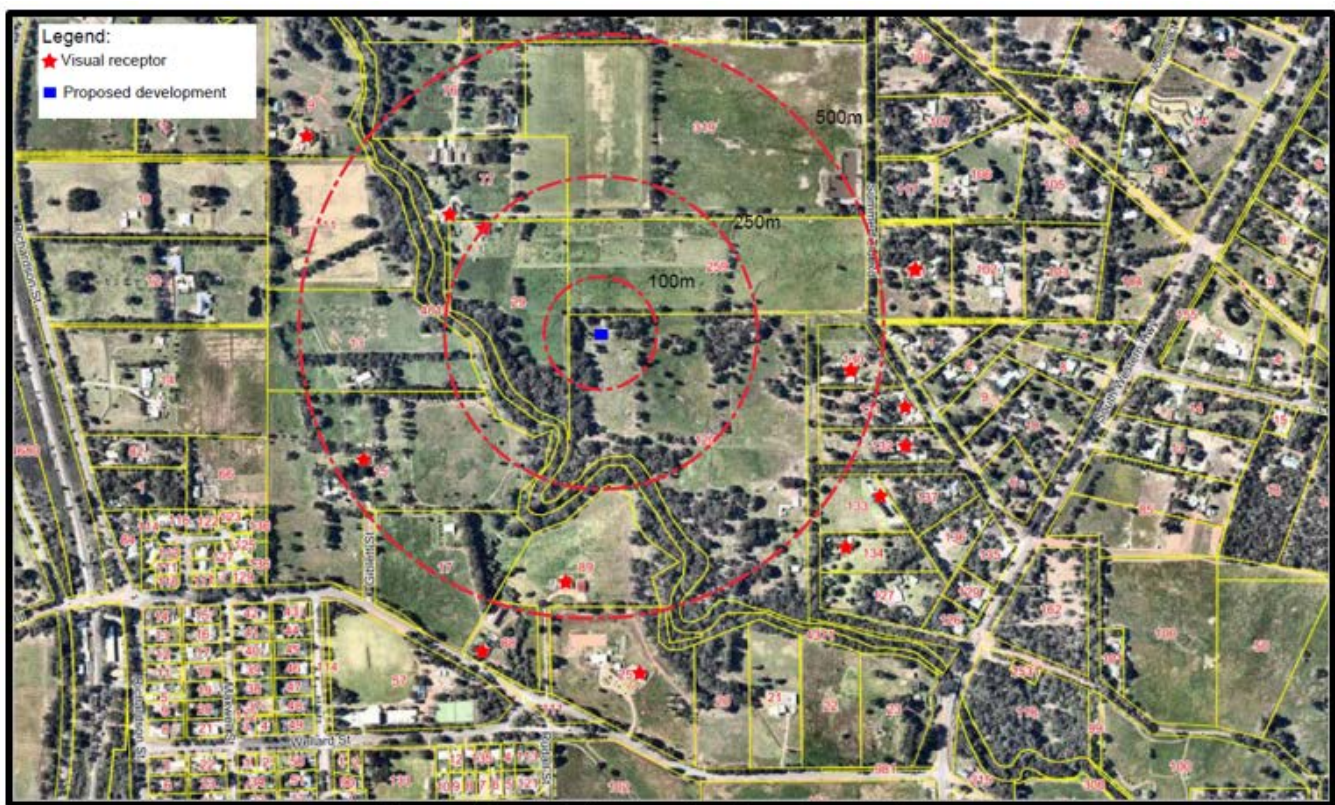


The proposed development is considered to meet the objectives for the Rural Policy Area under the Rural Strategy 2013.

Visual Impact

The proposed development received four objections that raised concerns about the visual impact of the development. The visibility of a development could be measured by the height of the development and setback to 'visual receptors', primarily dwellings in the context of this application. If the proposed development was considered to be highly visible, it would be reasonable to expect that the development would have an impact on visual receptors.

The proposed development is 50m in height, much taller than other development within the area; however, the visible part of the development is between 1m – 2m in width. The narrow width of the development results in the visual 'footprint' on the landscape being relatively small. The nearest dwelling would be approximately 250m from the proposed development, with five dwellings within 500m. There are also portions of the Serpentine River within 250m and 500m of the proposed development. The plan below shows the location of dwellings in relation to the proposed development for reference.



The surrounding area is characterised by properties with established mature vegetation. Officers consider the proposed development would largely be screened from view at pedestrian scale by existing vegetation surrounding visual receptors such as surrounding dwellings and the Serpentine River. As such, Officers consider the proposed development would have a low impact on the visual amenity of the area in spite of the height of the proposed development.

Officers consider the visual impacts of the development are not significant enough to warrant refusal, a condition in relation to screening could be imposed; however, such a condition may be unreasonable given the extent of mature vegetation surrounding the proposed location currently



and the level of screening it provides. A condition to protect the existing vegetation is recommended to ensure the vegetation surrounding the proposed development will remain.

Health Impact

The proposed development must comply with relevant national standards relating to radiation emissions. An Environmental Electromagnetic Energy report was submitted with the application and indicates radiation output from the development would reach 0.11% of the public exposure limit set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). Officers are satisfied that the proposed development complies with the national standards for radiation emissions.

Traffic

The proposed development would generate approximately two to six vehicle movements annually for maintenance of the facility. This number of vehicle movements is less than the average daily vehicle movements for residential development. Officers consider the traffic generated from the development is not significant enough to warrant refusal and that any condition imposed to mitigate traffic would be unreasonable.

Rural Character Impact

The proposed development is not considered to adversely impact on the rural character of the area. This type of development is not uncommon in Rural zoned areas due to the ability to mitigate visual impacts by providing large separation distances to residential developments, which can be achieved on large rural lots. Furthermore, the Guiding Principles for the Location, Siting and design of Telecommunications Infrastructure, which are to be read in conjunction with SPP5.2, states that Telecommunication Infrastructure should be located in industrial, commercial, business or rural areas. Officers consider the proposed development is located to minimise visual impacts and would not negatively affect the rural character of the area.

Options and Implications

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

Option 1

Council may resolve to approve the application subject to appropriate conditions.

Option 2

Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

Conclusion

The application seeks approval for a 50m high telecommunication tower and associated facilities on a rural property in Serpentine. The development would form part of the NBN's fixed wireless network and enable access to NBN internet for domestic and commercial properties in the area. The proposed development is compliant with relevant State and Local Planning Policies; however, the proposed development has received several objections from surrounding residents resulting in the application requiring determination by Council in accordance with the Shire's delegations. Officers support the proposed development and recommend approval.



Attachments

- [OCM120.1/11/18](#) – Development Plans (E18/12198)
- [OCM120.2/11/18](#) – Summary of Submissions and Applicant Response (E18/12199)
- [OCM120.3/11/18](#) – Technical Assessment (E18/12184)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no financial implications as a result of the determination of this application.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not approving the development application	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

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



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

Voting Requirements: Simple Majority

OCM120/11/18 COUNCIL RESOLUTION

Moved Cr Gossage, seconded Cr McConkey

1. That Council approves the application submitted by Aurecon Australasia for a 'Radio, TV and Communications Instalment' (NBN Tower), as contained within attachment OCM120.1/11/18 at Lot 120, 40 Baldwin Road, Serpentine, subject to the following conditions:

a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plans P1 received at the Shire's Offices on 21 May 2018.
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b. Upon decommissioning of the telecommunications facility, the monopole shall be removed and the site returned to its original condition at the cost of the proponent.

c. All existing trees on the lot shall be retained and protected from damage prior to, during and after construction of the approved works, unless otherwise approved by the Shire of Serpentine Jarrahdale.

d. Within 21 days of the date of this approval a schedule of colours and finishes to be used for the approved development are to be submitted to the Shire of Serpentine Jarrahdale for approval. The colours and finishes must be natural and non-reflective, to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED 6/2

Councillor Coales, in accordance with Section 5.21(4)(b), *Local Government Act 1995* requested the votes be recorded.

Councillors Rich, McConkey, Denholm, Gossage, See and Byas voted FOR the motion.
Councillors Coales and Atwell voted AGAINST the motion



Mr Donohoe, Chief Executive Officer returned to the Chambers at 8.37pm.

Cr Gossage declared a Closely Associated Persons Interest in item OCM121/11/18 and left the Chambers at 8.37pm prior to this item being discussed.

OCM121/11/18 – Retrospective Transport Depot - Water Carting Business – Lot 200, 125 Walker Road, Serpentine (PA18/392)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
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:	Donald Hollis – Water Force WA
Owner:	Paul Andrews
Date of Receipt:	13 May 2018
Lot Area:	4ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of the report is for Council to consider a retrospective development application for a 'Transport Depot' at Lot 200, 125 Walker Road, Serpentine. The development is seeking approval for parking of Commercial Vehicles, which are associated with a water carting business and the storage of firefighting materials in a sea container.

The application is presented to Council, as Officers do not have delegation to determine development applications where objections received cannot be addressed through amendments to the proposal or conditions, in accordance with delegation 11.1.1 – Determination of Development Applications.

The report recommends that Council approve the application subject to conditions. Officers consider that the proposal is consistent with the planning framework and that potential offsite impacts can be mitigated and managed through the implementation of appropriate management plans.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background



Location Map

Site Characteristics

The subject land, which is 4ha in area, has a 150m frontage to Walker Road. Walker Road forms the boundary between land zoned 'Rural' to the west and 'Rural Living A' to the east. Access to the site is via a driveway constructed of crushed blue metal. The site contains significant amounts of dense remnant vegetation located within a resource enhancement wetland, which traverses the northern portion of the site.

Existing Development

The subject land is used for the operation of two 'Transport Depots', which involve parking of commercial vehicles. The 'Transport Depots' operate independently of each other and both are being presented to Council under separate reports. The Shire has not previously granted development approval for these 'Transport Depots' and as such, retrospective approval is sought.

The retrospective development subject of this report is a water carting business, which has been operating from this site for the past twenty-eight years. The business formally known as Don's Water's Supply is currently registered as Water Force WA. It is noted that there are no records of complaints received by the Shire during this period regarding operations of the business.



The business is primarily involved in supplying potable water to the local community. Water Force WA provides water to local rural industries that include but not limited to nursery and garden supplies, poultry farms, hobby farms and equestrian facilities. It also provides support to the Department of Fire Emergency Services (DFES) and the Department of Biodiversity Conservation and Attractions (DBCA) firefighting appliances. In addition, Water Force WA are the primary contractor for the Water Corporation, which respond to outages across the Perth Metropolitan Area.

Retrospective Development

The original development application, which was received by the Shire on 17 May 2018, comprised of the following details:

- Parking of at least six to seven commercial vehicles and two trailers;
- Storage of three twenty-foot commercial sea containers used for the storage of bottled water, water pumps, 'gen sets', firefighting foam agents (non-toxic) and hoses;
- Storage of six intermediate bulk containers for fresh water; and
- Use of an existing shed for storage.

Following comments received from nearby landowners and Government Agencies, on 19 September 2018, the applicant provided information to amend the application to reduce the number of commercial vehicles from seven to three. The amendment also proposes to remove two trailers, six intermediate bulk containers and two sea containers from site. As a result of the amendments, the application to be considered has the following details:

- Parking of three commercial vehicles;
- Storage of one sea container; and
- Use of an existing outbuilding for storage and staff amenities.

The 'Transport Depot' operates between the hours of 7.00am and 5.00pm Monday to Friday. The business also operates after hours and on weekends for incident call outs, which occur at an average of six calls in twelve months. The development plans can be viewed as attachment OCM121.1/11/18.

Community / Stakeholder Consultation

Public Consultation

Advertising was undertaken to surrounding landowners within a radius of 400m for a period of 21 days between 10 July 2018 and 31 July 2018, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

As a result of the consultation three submissions were received. One submission was in support of the proposal and the other two submissions objected to the application due to a number of concerns in relation to the proposal. The concerns raised are outlined and addressed in the report. A full summary of the submissions and the applicants response can be viewed as OCM121.2/11/18.



In summary the submissions raised the following concerns:

- Classification of the land use;
- Suitability of the land use with a 'Rural' zone;
- Compatibility of the land use in the 'Rural Policy' area as identified within the Rural Strategy review 2013;
- Potential amenity impacts of the proposal by way of noise and dust; and
- Potential impact of the proposal on the Resource Enhancement wetland area (UFI 4550).

Consultation with other Agencies or Consultants

Department of Biodiversity, Conservation and Attractions (DBCA)

The application was referred to DBCA as a Resource *Enhancement wetland area (UFI 7550)* traverses the northern portion of the site.

The department *noted that the proposal was not directly impacting the adjoining Resource Enhancement wetland area (UFI 7550) as mapped in the Geomorphic Wetlands (Swan Coastal Plain) dataset.* It was also the Department's expectation that the Shire will consider the risk of the wetland being impacted as part of its assessment of the application. This matter is discussed further under the Environmental section of the 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
- State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment
- 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
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 4.2– Sea Container Policy (LPP4.2)



Planning Assessment

A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed in the Technical Assessment within attachment OCM121.4/11/18. For the purposes of this report, the objections resulting in the proposal being presented to Council are discussed as well where Council is required to exercise discretion.

Land use

The proposed development is considered to fall under the use class of a 'Transport Depot' in accordance with Table I of Shire's Town Planning Scheme No.2 (TPS2). A 'Transport Depot' is an 'SA' use within this zone, which means that *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions."*

The land use category 'Transport Depot' is defined in Appendix 1 of TPS2 as follows:

Transport Depot – *"means land or buildings designed or used for one or more of the following purposes:*

- (a) *The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) *The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) *The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

The above uses (a) to (c) inclusive, singularly or collectively may, with Council's planning consent, include as an incidental use overnight accommodation of patrons of the facilities."

Officers are satisfied that the retrospective development which involves parking of commercial vehicles which are associated with a water carting business fits within section (a) of the above definition of a 'Transport Depot'. The storage of goods for firefighting materials and equipment in sea containers on site is incidental and forming part of the 'Transport Depot'.

Aims and Objectives of TPS2

The subject site is zoned 'Rural' under TPS2. The purpose and intent of the 'Rural' zone specified in clause 5.10.1 is to *"allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

The Zoning Table of TPS2 establishes the permissibility of different categories of rural land uses, as well as identifying other uses that may be considered as 'associated activities' that support the carrying out of 'rural pursuits' in the rural zone.

Officers consider that whilst a 'Transport Depot' cannot be described as a rural activity, in this particular case, the land use supports the carrying out of rural pursuits in the 'Rural' zone. The proposal operates commercial vehicles that facilitate supply of drinking water to the local community, supply of water to local rural industries such as nursery and garden supplies, poultry farms, hobby farms and equestrian facilities among others. It also supports essential services such as Department of Fire Emergency Services (DFES) and DBCA by supplying providing water to their firefighting appliances used within the local community. It is therefore appropriate to recommend approval for the 'associated activity' that supports the carrying out 'rural pursuits' in a 'Rural' zone.



Officers consider the use class to be of 'Transport Depot' to be consistent with purpose and intent of the of the 'Rural' zone as provided in TPS2 as this class is considered to be an associated activity that supports the carrying out of the rural pursuits in the rural zone.

Rural Strategy Review 2013

The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 2013 Review. Walker Road forms the boundary between the land zoned 'Rural' to the west and land zoned 'Rural Living A' to the east. The policy area seeks to protect land for productive agriculture and preserve rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation.

The objectives of this policy area relevant to this proposal are:

- *"To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.*
- *To retain and enhance the rural lifestyle and character of the area.*
- *To protect Local Natural Areas and encourage revegetation."*

Officers have considered that the proposed land use can be supported in the policy area as the development will not impact on the agricultural capacity of the land due its size and scale. The subject site 4ha in area and a portion of this land is within a Resource Enhancement wetland. The policy also promotes alternative agricultural uses that have less land degradation. It is considered that the proposal is an acceptable alternative to an agricultural use that supports the local rural community. The size and scale of the proposal is considered to be compatible with the general locality and does not detract from the character and rural lifestyle of the area or result in any degradation of land.

The application will not result in removal of any vegetation. The proposal is outside the buffer of the existing resource enhancement wetland and will not adversely impact on the water regime or result in any modification to the wetland habitat. Officers have considered that the proposal is not in conflict with the policy and can be approved.

Amenity

The Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides guidance to proponents, responsible authorities and stakeholders on generic separation distances between industries and sensitive land uses to avoid or minimise the potential for land use conflicts. With regard to the proposed development, the generic separation distance that applies between 'Transport Depots' and sensitive land uses is 200m.

Clause 2.3 of the document defines a sensitive land use as:

"Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings".

Where the separation distance is less than the generic distance, a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts.



The map below identifies two sensitive receptors (two dwellings marked A) within the generic 200m buffer and two (marked C and D) outside the buffer as identified in Figure 1 below. In addition, land to the east of Walker Road is zoned 'Rural Living A' and can be further subdivided (subject to approval) to potentially a minimum of 4,000m² lots. Whilst Officers consider that in the future there may be more sensitive receptors (dwellings) within the 200m buffer, these lots have not been developed with dwellings (sensitive land use) to be able to determine the extent of potential noise impacts. This has however been discussed in the report due to an objection that was received.



To assess potential noise impacts from the existing development, a Noise Assessment was submitted by the applicant which was prepared by Marshall Day Acoustic which can be viewed as attachment OCM121.3/11/18. The assessment modelled noise levels from vehicle movements from the 'Transport Depot' operations and its impact on existing noise sensitive receptors (dwellings). It also assessed noise impacts on potential future sensitive receptors (dwellings) on Lots 788, 791 and 786 Walker Road. It should also be noted that the operations from the other existing 'Transport Depot' located onsite was included in the modelling to ensure that cumulative impacts were measured.

In relation to the existing sensitive receptors, the Noise Assessment identified that vehicle movements do not impact the sensitive receptors (dwellings) as they comply with the assigned 55LAmax noise levels prescribed under the *Environmental Protection Noise Regulations 1997*. The report also indicates that as the proposal has the potential to operate afterhours for



emergency call outs, noise emissions from vehicle movements and reversing beepers can impact the existing sensitive receptors. To manage this issue a condition of approval will be recommended for the applicant to submit a Noise Management Plan documenting procedures that have to be implemented to reduce noise for afterhours vehicle movements. The plan is to be reviewed annually, and complied with at all times.

The Noise Assessment also identified that the afterhours noise emissions from vehicle movements has the potential to also impact future subdivision and development of dwellings on Lots 788 and 786 Walker Road. As discussed before, Council should note that the site is currently not developed. This matter has been discussed as an objection was received in this regard

In order to address this, at the time of subdivision, Officers will recommend a layout that identifies larger lots immediately abutting Walker Road in order to create a transition and buffer area from the 'Rural' to 'Rural Living A' settlement. This concept will be consistent with the Subdivision Guide Plan which was approved for Lot 791 Walker Road where larger 8000m² lot sizes were created adjoining Walker Road. Through this process, the Shire will have an opportunity to recommend the location of building envelopes further east within future lots to ensure that sensitive land uses (dwellings) are sufficiently set back from potential noise sources. In addition, Officers can also recommend at the subdivision stage that future dwellings within Lot 788 Walker Road incorporate quiet noise house designs.

In considering the above Officers are satisfied that the proposal can be recommended for approval given that trucks entering or leaving the site comply with the assigned noise levels under *Environmental Protection (Noise) Regulations 1997* for day time vehicle movements. As the proposal includes potential night-time movements, the report will also include a condition of approval limiting truck movements to be between the hours of 7.00am and 7.00pm to ensure compliance. After hours, operations will not be permitted unless there is an emergency call out to respond. The applicant has provided information that they have an average of six call outs in twelve months, which is considered a low risk. In order to restrict truck movements outside normal hours, Officers recommend a condition of approval requiring the applicant document all after hours movements and provide an annual report to the Shire.

State Planning Policy 2.5 – Rural Planning

The purpose of this policy is to, *"protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values"*. The policy provides a planning framework that comprehensively considers rural land and compatibility between land uses.

The policy seeks to protect rural land by requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or Scheme. Notwithstanding that, a transport depot is not a rural land use, Officers do not consider the proposal be a change of use. The land use has been considered to be an associated activity that supports the carrying out of rural pursuits and as such is compatible with the surrounding land uses by way of size and scale. The proposed development will not prevent land from being used for rural purposes in the future.

In addition, the policy also states that where an area is transitioning from a 'Rural' zone to another zone ('Rural living A' in this case), buffers may be required to manage land use transition. Buffers will allow existing land uses to be continued without adversely impacting on existing receptors (dwellings) until such a time when the land use ceases or when relocation occurs. In that regard, as part of the subdivision process, Officers will recommend a layout that identifies larger lots immediately abutting Walker Road in order to create a transition and buffer area from the 'Rural' to 'Rural Living A' settlement.



Traffic Movements

In addition, Clause 67(t) of the deemed provisions indicates that due regard should be given to the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

Officers consider that truck movements associated with this proposal do not result in increased traffic on the local road network to require an upgrade of the existing crossover and Karnup/Walker Road intersection. However, a Traffic Impact Statement is recommended as a condition of approval to ensure that truck movements are legal and safe in accordance with the Road Traffic Code of Western Australia.

Dust

Concerns were raised by submitters with regard to the generation of dust from the site having a detrimental impact on the amenity of neighbouring properties. The applicant advised that the hardstand and access ways are constructed of blue metal crush rock which is regularly maintained to minimise dust concerns. In addition, dust suppressing is also managed by spraying water on the hardstand and access ways using a water cart. Officers consider that the dust on site can be adequately managed and will not adversely impact on the amenity and character of the locality. As such, a condition is recommended for a Dust Management Plan to be provided and subsequently implemented to address potential dust concerns.

Environmental Considerations

The application was referred to DBCA as a *Resource Enhancement Wetland Area (UFI 7550)* traverses the northern portion of the site. This is discussed under the Environmental Considerations section of the report.

A *Resource Enhancement wetland area (UFI 7550)* traverses the northern portion of the site and as such the application was referred to DBCA. The department provided the following comments:-

- *The department notes that while not directly impacting the adjoining Resource Enhancement wetland area (UFI 7550) as mapped in the Geomorphic Wetlands (Swan Coastal Plain) dataset, the proposal is located in close proximity to the wetland boundary.*
- *The Environmental Protection Authority (EPA) Guidance 33 (Environmental Guidance for Planning and Development) outlines that “the EPA urges that all reasonable measures are taken to minimise the potential impacts on Resource Enhancement wetlands and appropriate buffers”, and that “wetlands that are to be protected require a minimum fifty metre buffer width”.*
- *It is noted that while much of the development site is located more than 50 metres from the mapped wetland boundary, the north west corner of the site is within 50 metres.*
- *It is recognised that the proposed development site has already been subject to development, and that there are existing buildings and infrastructure immediately adjoining other sections of the wetland.*
- *It is the department’s expectation that the Shire will consider the risk of the wetland being impacted as part of its assessment of the application.*

As recommended in the submission, Officers have assessed the proposal in accordance with WAPC’s *Guideline for the determination of Wetland buffers requirements (2005)* and consider that the proposal will not adversely impact on the wetland.



The 'Transport Depot' is located more than 50m from the wetland boundary, its activities are unlikely to have a direct impact on the water regime or result in any modification to the wetland habitat. Officers consider that the proposal will not adversely impact on the wetland by way of diminishment of the wetland water quality, given that the location of the activities is not within the 50m wetland buffer.

The applicant provided information that mechanical servicing and heavy pressure washing of the vehicles will be carried out off site by various providers. As such, the proposal will not have an adverse impact on ground water by way of nutrients export to the Peel-Harvey Estuarine System. A condition is recommended, if approved, to ensure that no activities such as mechanical servicing are carried out at the subject site to ensure compliance with this guideline.

Options and Implications

Option 1

Council may resolve to approve the application subject to appropriate conditions.

Option 2

Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

Conclusion

The application seeks retrospective approval for an existing 'Transport Depot' that has been operating for the past 28 years without development approval. Officers have considered that the potential off site impacts resulting from the proposal can be adequately addressed and mitigated through the implementation of management plans. It is considered the proposal is consistent with the planning framework and is therefore recommended for approval subject to conditions.

Attachments

- [OCM121.1/11/18](#) – Development Plans (E18/12076)
- [OCM121.2/11/18](#) – Summary of Submissions (E18/12306)
- [OCM121.3/11/18](#) - Noise Assessment Report (IN18/24914)
- [OCM121.4/11/18](#) – Technical Assessment (E18/12259)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil

Risk Implications

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



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council refusing the application	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM121/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

Procedural Motion

That the Council proceed to item OCM123/11/18.

CARRIED 6/1

Reason for Procedural Motion

To defer item OCM121/11/18 and OCM122/11/18 to allow further information to be provided to Councillors.



Cr Gossage had declared an interest for OCM121/11/18 only and as such, the above motion was declared ultra-vires as it did not allow Cr Gossage to vote on OCM122/11/18.

The above Council Resolution was put aside.

OCM121/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

Procedural Motion

That the Council proceed to the next business.

CARRIED 6/1

Reason for Procedural Motion

To defer item OCM121/11/18 to allow further information to be provided to Councillors.

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



Councillor Gossage returned to the Chambers at 8.49pm.

OCM122/11/18 - Retrospective Transport Depot, Prime Movers – Lot 200, 125 Walker Road, Serpentine (PA18/519)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
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:	Paul Andrews
Owner:	Paul Andrews
Date of Receipt:	20 July 2018
Lot Area:	4ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of the report is for Council to consider a retrospective development application for a 'Transport Depot' at Lot 200, 125 Walker Road, Serpentine. The development is seeking retrospective approval for the parking of two Commercial Vehicles (prime-movers) for the purposes of providing fuel to farmers, small businesses and Local Governments within Western Australia.

The application is presented to Council, as Officers do not have delegation to determine development applications where objections raised cannot be addressed through amendments to the development or conditions, in accordance with delegation 11.1.1 – Determination of Development Applications.

The report recommends that Council approve the application subject to conditions. Officers consider that the proposal is consistent with the planning framework and that potential offsite impacts can be mitigated and managed through the implementation of appropriate management plans.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background



Location Map

Site Characteristics

The subject land, which is 4ha in area, has a 150m frontage to Walker Road. Walker Road forms the boundary between land zoned 'Rural' to the west and 'Rural Living A' to the east. Access to the site is via a driveway constructed of crushed blue metal. The site contains significant amounts of dense remnant vegetation located within a resource enhancement wetland, which traverses the northern portion of the site.

Existing Development

The subject site is used for the parking of commercial vehicles. The site contains two 'Transport Depots', both of which will be presented to Council under separate reports. These 'Transport Depots' operate independently of each other.

The site contains an existing outbuilding with a total floor area of 384m² and a ridge height of 5m. In addition, the site has a hardstand area and truck parking area of 779m².

The Shire has not previously granted development approval for these 'Transport Depots' and as such, retrospective approval is sought.



Retrospective Development

The applicant provided information that the commercial vehicles, trading as Oil Tech Fuel, deliver fuel directly to farmers, small business and various Local Government depots within Western Australia. The transport depot has been operating from this site for the past ten years.

The retrospective development proposed the following details:

- Parking of two prime movers with trailers with total length of nine metres;
- Storage of three fuel tankers; and
- Outbuilding for storage and staff amenities including a lunch room, toilet and wash basin.

The 'Transport Depot' operates between the hours of 7:00am and 5:00pm Monday to Friday. Trucks depart from the site on Monday and return to site on Thursday or Friday when all deliveries are completed. No fuelling of trucks is undertaken on the subject site. The development plans can be viewed as attachment OCM122.1/11/18.

Community / Stakeholder Consultation

Public Consultation

Advertising was undertaken to surrounding landowners within a radius of 400m for a period of 21 days between 8 August 2018 and 30 August 2018, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

As a result of the consultation four submissions were received. Two submitters were in support of the proposal while two submitters representing landowners adjoining the subject site to the east objected to the proposal raising a number of concerns. The concerns raised are outlined and addressed in the report. A full summary of the submissions and the applicants response can be viewed as attachment OCM122.2/11/18.

In summary the submissions raised the following concerns:

- Suitability of the land use with a 'Rural' zone;
- Compatibility of the land use in the 'Rural Policy' area as identified within the Rural Strategy review 2013;
- Potential amenity impacts of the proposal by way of noise and dust; and
- Potential impact of the proposal on the Resource Enhancement wetland area (UFI 4550).

Consultation with other Agencies

Department of Biodiversity, Conservation and Attractions (DBCA)

The application was referred to DBCA as a Resource *Enhancement wetland area (UFI 7550)* traverses the northern portion of the site. The department provided the following comments:-

- *The department notes that while not directly impacting the adjoining Resource Enhancement wetland area (UFI 7550) as mapped in the Geomorphic Wetlands (Swan Coastal Plain) dataset, the proposal is located in close proximity to the wetland boundary.*



- *The Environmental Protection Authority (EPA) Guidance 33 (Environmental Guidance for Planning and Development) outlines that “the EPA urges that all reasonable measures are taken to minimise the potential impacts on Resource Enhancement wetlands and appropriate buffers”, and that “wetlands that are to be protected require a minimum fifty metre buffer width”.*
- *It is noted that while much of the development site is located more than 50 metres from the mapped wetland boundary, the north west corner of the site is within 50 metres.*
- *It is recognised that the proposed development site has already been subject to development, and that there are existing buildings and infrastructure immediately adjoining other sections of the wetland.*
- *It is the department’s expectation that the Shire will consider the risk of the wetland being impacted as part of its assessment of the application.*

As recommended in the submission from DBCA Officers assessed the proposal in accordance with WAPC’s *Guideline for the determination of Wetland buffers requirements (2005)* and consider that the proposal will not adversely impact on the wetland. The Transport Depot is located more than 50 metres from the wetland boundary, its activities are unlikely to have a direct impact on the water regime or result in any modification to the wetland habitat. Given that, the proposal does not propose any activities within the wetland buffer, Officers have considered that the proposal has a low risk or potential for causing a diminishment of the wetland water quality.

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
- State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment
- 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
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)

Planning Assessment

A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the Technical Assessment in attachment OCM122.4/11/18. For the purposes of this report, the objections resulting in the



proposal being presented to Council are discussed as well as where Council is required to exercise discretion.

Land use

The proposed development is considered to fall under the use class of a 'Transport Depot' in accordance with Table I of the Shire's Town Planning Scheme No.2 (TPS2). A 'transport depot' is an 'SA' use within this zone, which means that *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions."*

The land use category 'Transport Depot' is defined in Appendix 1 of TPS2 as follows:

Transport Depot – *"means land or buildings designed or used for one or more of the following purposes:*

- (a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

The above uses (a) to (c) inclusive, singularly or collectively may, with Council's planning consent, include as an incidental use overnight accommodation of patrons of the facilities."

Officers are satisfied that the proposed retrospective development which involves parking of two prime movers fits within section (a) of the above definition of a Transport Depot.

Aims and Objectives of TPS2

The subject site is zoned 'Rural' under TPS2. The purpose and intent of the Rural zone specified in clause 5.10.1 is to *"allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

Officers consider that whilst a 'Transport Depot' cannot be described a rural activity, the land use supports the carrying out of rural pursuits by providing fuel directly to farmers, small business within and outside the locality of the Shire of Serpentine Jarrahdale. In that regard, Officers consider in this particular case, the land use supports the carrying out of rural pursuits by providing a service for rural activities by providing fuel to farmers. Regardless, a 'Transport Depot' is a land use that can be considered in the subject zone in accordance with TPS2.

The key consideration of this proposal is the scale of the activities and the impact on the amenity within the 'rural' zone. In this instance, it is considered that amenity impacts can be mitigated by way of conditions.

Rural Strategy Review 2013

The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 2013 Review. Walker Road forms the boundary between the land zoned 'Rural' to the west and land zoned 'Rural Living A' to the east. The policy area seeks to protect land for productive agriculture and preserve the rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation.



The objectives of this policy area relevant to this proposal are:

- *“To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.*
- *To retain and enhance the rural lifestyle and character of the area.*
- *To protect Local Natural Areas and encourage revegetation.”*

Officers have considered that the proposed land use can be supported in the policy area as the proposed development will not impact on the agricultural capacity. It is considered that the subject site, which is 4ha in area is of size that would not unreasonably reduce land available for agricultural activities. In addition, the site is already environmentally constrained by the existing Resource Enhancement wetland, which limits agricultural practices that can be permitted on site. The policy also promotes alternative agricultural uses that have less land degradation. It is considered that the proposal is an acceptable alternative to agriculture that supports the local rural community. The proposal is of low intensity, small scale and not visually intrusive. It is therefore considered that the proposal does not adversely impact on the rural lifestyle or character of the area.

The proposal does not propose removal of any vegetation and as previously stated would not adversely impact on the wetland. It is therefore considered that the proposal is consistent with the objectives of the Rural Strategy Review 2013.

Amenity

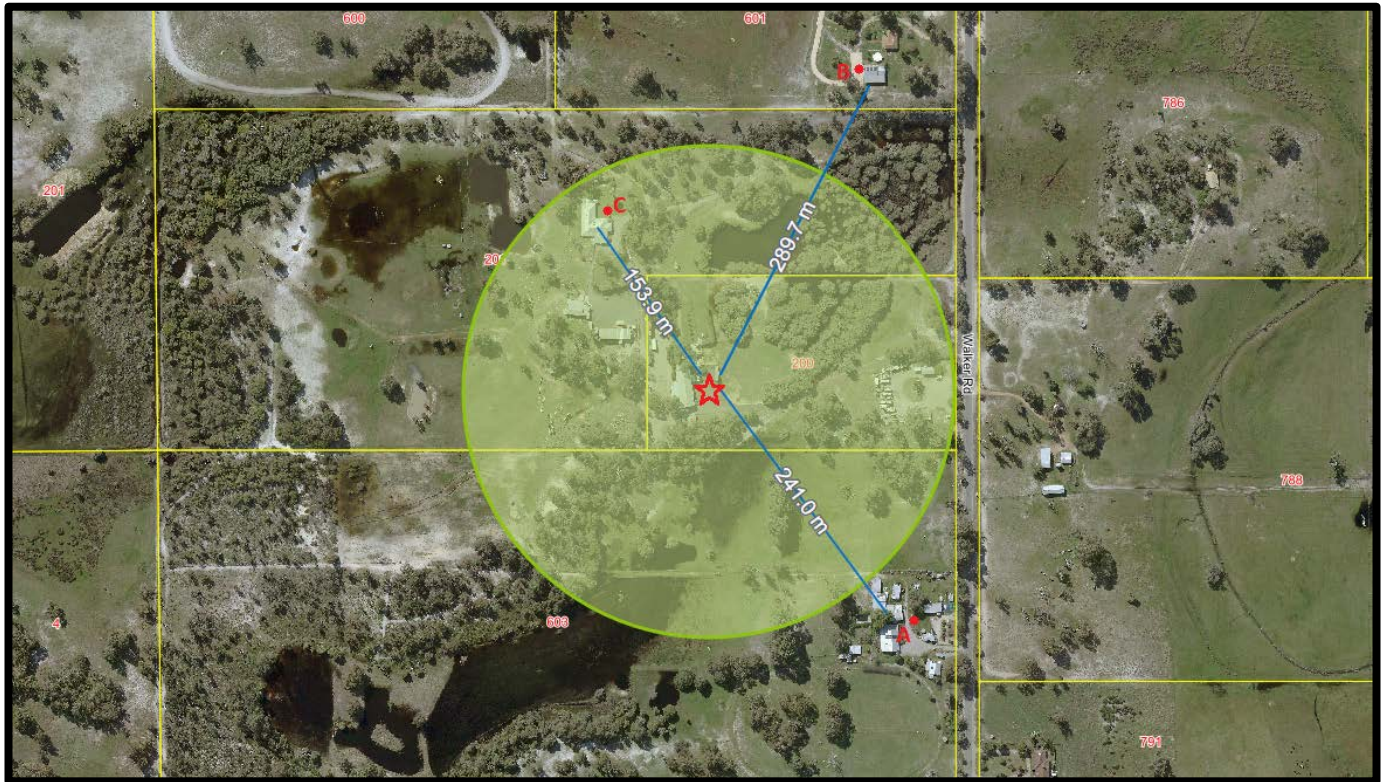
The Environmental Protection Authority's Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses, guides appropriate separation distances between 'Transport Depots' and sensitive land uses (dwellings).

Clause 2.3 of the document defines a sensitive land use as:

“Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings”.

Where the separation distance is less than the generic distance, a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable amenity impacts.

The map below identifies one sensitive receptor (dwelling marked C) within the generic 200m buffer and two just outside of 200m as identified in Figure 1 below (A and B). In addition, land to the east of Walker Road is zoned 'Rural Living A' and can be further subdivided (subject to approval) to potentially a minimum of 4,000m² lots increasing sensitive receptors (dwellings) within the 200m buffer. Whilst Officers consider that the impact on future sensitive receptors (dwellings) should not be a consideration when determining an application, this issue is addressed in the report as an objection was received regarding this matter.

**Figure 1**

To assess noise impacts from the existing development, a Noise Assessment was submitted by the applicant which was prepared by Marshall Day Acoustic which can be viewed as attachment OCM122.3/11/18. The assessment modelled noise levels from vehicle movements from the 'Transport Depot' operations and its impact on existing noise sensitive receptors (dwellings). It also assessed noise impacts on potential future sensitive receptors (dwellings) at Lots 788, 791 and 786 Walker Road. The operations from the other existing 'Transport Depot' located onsite was also included in the modelling to ensure that cumulative impacts were measured.

The assessment concluded that noise levels are compliant with the *Environmental Protection (Noise) Regulations 1997*. The Noise Assessment, however, also identified that the future subdivision and development of dwellings on Lots 788 and 786 Walker Road may be impacted by noise emissions from semi-trailers entering and leaving the site at all times as part of the operations of the existing 'Transport Depot'.

Council should note that, although these lots have subdivision potential there is currently no subdivision approval granted over the site by the Western Australia Planning Commission. As stated before these lots have not been developed with dwellings. Potential noise impacts for future dwellings have been discussed as an objection was received in this regard.

Shire Officers consider that this issue can be adequately addressed when a subdivision application is submitted as there is an opportunity to recommend a layout that will reduce noise impact to future dwellings on the site. Officers will recommend a subdivision layout that identifies transition lots from the 'Rural' to 'Rural Living A' zones which are considerably larger than the average 'Rural Living A' lots. This concept is consistent with the subdivision, which was approved for Lot 791 Walker Road where larger lots with an average of 8000m² abut Walker Road. This will provide the opportunity for building envelopes to be located further east of the lots to ensure that



sensitive land uses (dwellings) are sufficiently set back from potential noise sources subject to this application.

Based on the information provided, Officers have considered that impacts related to noise from truck movements will not unduly impact on the adjoining neighbours due to the scale of the operations. The trucks depart the site on a Monday returning on a Thursday or Friday. As such, the average truck movement is four trips per week in total for both trucks. It is not considered that four trips per week will adversely impact on the amenity of the locality. A condition limiting vehicle movements between the hours of 7am and 7pm will also be recommended with no movements permitted on the weekends or public holidays.

A Noise Management Plan will also be conditioned to be submitted to the Shire for approval and thereafter implemented to ensure that the operations of the 'Transport Depot' comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The Noise Management Plan must include the management measures contained within the Noise Assessment prepared by Marshall Day Acoustics as follows:

- *"Any new equipment selections should favour the quietest reasonably available;*
- *Trucks should avoid reversing on site, particularly during night time hours. To assist with this, trucks should always be parked so that reversing is not required during emergency night-time callouts;*
- *Further to the above point, should reversing be necessary, trucks should be fitted with broadband reversing alarms rather than tonal beepers;*
- *Regular identification of noisy activities and adoption of improvement techniques;*
- *Defined procedure for handling noise complaints should they occur; and*
- *Truck activity on site prior to 7:00am should be minimised. Where practicable, regular truck movements should start after 7:00am."*

The condition will require that plan is to be reviewed annually and complied with at all times.

State Planning Policy 2.5 – Rural Planning

The purpose of this policy is to, *"protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values"*. The policy provides a planning framework that comprehensively considers rural land and compatibility between land uses.

The policy seeks to protect rural land by requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or Scheme. Notwithstanding that, a transport depot is not a rural land use, Officers do not consider the proposal be a change of use. The land use have been considered to be an associated activity that supports the carrying out of rural pursuits and such is compatible with the surrounding land uses by way of size and scale. The proposed development will not prevent land from being used for rural purposes in future.

In addition, the policy also states that where an area is transitioning from a rural zone to other zones (Rural living A zone in this case) buffers may be required to manage land use transition. Buffers will allow existing land uses to be continued without adversely impacting existing receptors (dwellings) until such a time when the land use ceases or when relocation occurs. In that regard, at subdivision stage, Officers will recommend a layout that identifies larger lots



immediately abutting Walker Road in order to create a transition and buffer area from the 'Rural' to 'Rural Living A' settlement.

Traffic Movements

In addition, Clause 67(t) of the deemed provisions indicates that due regard should be given to the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

Officers consider that truck movements associated with this proposal do not result in increased traffic on the local road network to require an upgrade of the existing crossover and Karnup / Walker Road intersection. However, a Traffic Impact Statement is recommended as a condition of approval to ensure that truck movements are legal and safe in accordance with the Road Traffic Code of Western Australia.

Dust

Concerns were raised by submitters with regard to the generation of dust from the site. The applicant advised that the yard surface which is made up of blue metal crushed rock is regularly maintained to minimise dust. Officers consider that the dust on site can be adequately managed so as to not adversely impact on the amenity of neighbouring properties. As such, a condition is recommended for a Dust Management Plan to be provided and subsequently implemented to address these concerns.

Environmental Considerations

As previously stated, the application was referred to DBCA as a Resource *Enhancement wetland area (UFI 7550)* traverses the northern portion of the site. The DBCA noted that whilst the proposal is located in close proximity to the wetland boundary it would not directly impact on the Resource Enhancement wetland area.

Clause 67(o) of the deemed provisions indicates that due regard should be given to the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource. Officers consider that the proposal is not in conflict with this provision. EPA Guidance *Statement No 33 – Environmental Guidance for Planning and Development* indicates that CCWs should be fully protected and that buffers should be a minimum of 50m width. The proposal is outside this buffer and therefore complies with the policy.

The applicant provided information that the business operates under a strict fleet maintenance programme where mechanical servicing and heavy pressure washing of the vehicles is carried out off site. As such, it is considered that the proposal will not have an adverse impact on ground water by way of nutrients export to the Peel-Harvey Estuarine System by way of nutrient export as the subject site is located within the Peel-Harvey catchment area. A condition is recommended, if approved, to ensure that no such activities such as mechanical servicing are carried out at the subject site to ensure compliance with this policy.

Officers consider that the that the proposal will not adversely impact on the wetland given that the location of the activities is not within the 50m wetland buffer.



Options and Implications

Option 1

Council may resolve to approve the application subject to appropriate conditions.

Option 2

Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

Conclusion

The application seeks approval for an existing 'Transport Depot' that has been carried out for ten years without development approval. Officers acknowledge that the proposal has the potential to result in offsite impacts by way of noise and dust. However, it is considered that these impacts can be mitigated and managed through appropriate management plans. These management plans have the ability to ensure that the proposal does not adversely impact on the amenity of surrounding landowners.

It is considered that the proposal is consistent with the planning framework and therefore is recommended for approval subject to conditions.

Attachments

- [OCM122.1/11/18](#) – Development Plans (E18/12227)
- [OCM122.2/11/18](#) – Summary of Submissions Plan (E18/12231)
- [OCM122.3/11/18](#) – Noise Assessment Plan (IN18/24914)
- [OCM122.4/11/18](#) – Technical Assessment (E18/12252)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil

Risk Implications

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



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council refusing the application	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM122/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

Procedural Motion

That the Council proceed to the next business.

CARRIED 5/3

Reason for Procedural Motion

To defer item OCM122/11/18 to allow further information to be provided to Councillors.

Councillor Rich, in accordance with Section 5.21(4)(b), *Local Government Act 1995* requested the votes be recorded.

Councillors Rich, Atwell, McConkey, Denholm and Byas voted FOR the motion.

Councillors Gossage, Coales and See voted AGAINST the motion



10.2 Infrastructure Services reports

OCM123/11/18 – Lot 55 Beenyup Road, Byford – Request to close Pedestrian Access Way (SJ141)	
Responsible Officer:	Manager Subdivisions
Senior Officer:	Director Infrastructure Service
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> .

Report Purpose

At its meeting held on 26 March 2018, Council resolved to support in principle for the closure of the Public Access Way (PAW) at Lot 55 Beenyup Road, Byford, considering the request made by the owner of Lot 107 (#23) Beenyup Road in December 2015.

Upon the completion of the required public consultation period under the *Land Administration Act 1997*, Council is requested to support the permanent closure of Lot 55 Beenyup Road, Byford. Further to that, Council are asked to request the Minister for Lands to progress with the process of closure and support the purchase of Lot 55 Beenyup Road, Byford by the adjoining landholder of Lot 107 (#23) Beenyup Road, Byford.

Relevant Previous Decisions of Council

OCM019/03/18 – Lot 55 Beenyup Road, Byford – Request to close Pedestrian Access Way

“That Council resolves to support in principle the closure of the Public Access Way (PAW) at Lot 55 Beenyup Road, Byford, and initiate the required advertising and consultation process with a view to requesting the Minister for Lands to close the Public Access Way (PAW) in accordance with the procedures set out in the Land Administration Act 1997.”

Background

The owner of Lot 107 (#23) Beenyup Road formally approached the Shire in December 2015 to request the permanent closure, sale and amalgamation of Lot 55 Beenyup Road, Byford.

Lot 55 Beenyup Road, Byford was created on 22 June 1987 as a pedestrian access way (PAW) from subdivision under section 20A of the *Town Planning and Development Act 1928*, to allow pedestrian movement between Beenyup Road and the Lot 2 Nettleton Road, Byford. Since that time, Lot 2 Nettleton Road, Byford has been developed into the Brook at Byford subdivision. As part of this subdivision, the use of Lot 55 Beenyup Road, Byford as a PAW was made redundant due to a retaining wall being constructed directly behind this lot. Therefore the original use for access is no longer possible. As the lot no longer serves any public purpose, it may be officially closed and sold to adjacent neighbours. A plan showing the subject area is below.



Lot 55, Beenyup Road, Byford

Since the acceptance of the resolution in March 2018 by Council, the proposal has been advertised in the local newspaper for the statutory requirement of 35 days. The newspaper article being advertised on 30 August 2018.

The utility service providers were contacted in May 2018 to identify any existing services impacted by the PAW closure. The neighbouring properties were also given an opportunity to provide comment on the proposal.

With regards to the sale of Lot 55 Beenyup Road, Byford, the Shire would not benefit financially from this sale as it is managed by the Department of Planning, Lands and Heritage.

Community / Stakeholder Consultation

Advertising was undertaken in accordance with section 58 of the *Land Administration Act 1997* (LAA) for a period of 35 days from 30 August, 2018. No objections to the closure were received from the public, adjacent neighbours or service providers.

Statutory Environment

Land Administration Act 1997

Section 58 - community consultation required to be undertaken for the closure of a PAW.

Section 74 - provides the Minister with the powers to sell Crown Land.

Section 87 - deals with 'Minister may convey in fee simple or lease Crown Land for subsequent amalgamation with adjoining land' and states that "if the Minister considers that a parcel of Crown Land is unsuitable for retention based on good land use and planning principles, the Minister may, by order amalgamate that parcel with the adjoining land".

Comment

The closure of the PAW at Lot 55 Beenyup Road, Byford will allow adjoining neighbours to purchase the parcel of land from the State and have it amalgamated into their property. Once this has occurred all responsibilities regarding maintenance on this public portion of land will no longer be the responsibility of the Shire. Removal of public access along the boundary of the adjoining properties will also improve security for those properties.



Options and Implications

Option 1

Council resolves to support the permanent closure of Lot 55 Beenyup Road, Byford and request the Minister for Lands to close the PAW and make it available for sale to the adjoining owners.

Option 2

Council resolves not to support the permanent closure and sale of the PAW, in which case the PAW will remain public ownership and costs associated with the maintenance will remain the responsibility of the Shire.

It is recommended that Council support Option 1 which is the closure and has no objection to the sale and amalgamation of the PAW at Lot 55 Beenyup Road, Byford by the Department of Planning, Lands and Heritage and make it available for sale to the adjoining owner.

Conclusion

As the original purpose of the PAW can no longer be fulfilled due to the adjacent development not providing a connection through to Nettleton Road, there is no benefit for the Shire or public to retain this portion of land as a PAW and it should be permanently closed.

Should Council decide not to support the closure and sale of this lot, then Council will continue to be responsible for the ongoing maintenance on this property at Council's cost with no community benefit.

Attachments

- [OCM123.1/11/18](#) – Email from resident requesting closing and purchase of PAW (Lot 55) Beenyup Road, Byford (E18/2511)
- [OCM123.2/11/18](#) – Previous Council's resolution - Lot 55 Beenyup Road, Byford- Request to close Pedestrian Access Way (CR18/26)
- [OCM123.3/11/18](#) – Advertisement for the local newspaper (OC18/21487)
- [OCM123.4/11/18](#) – Table of responses from Service Providers (E18/11945)

Alignment with our Strategic Community Plan

Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

There are no financial implications for Council. Advertising costs are to be borne by the applicant.

Risk Implications

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



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not support the progress of the closure process	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk
Ongoing maintenance if retained as Council managed	Almost certain (5)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Unacceptable risk

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Absolute Majority

OCM123/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Coales

That Council:

- 1. Supports the permanent closure of Lot 55 Beenyup Road, Byford - Pedestrian Access Way (PAW), the future amalgamation of Lot 55 Beenyup Road, Byford- Pedestrian Access Way (PAW) with Lot 107 (#23) Beenyup Road**
- 2. Requests the Minister for Lands to close the Lot 55 Beenyup Road, Byford- Pedestrian Access Way (PAW) and amalgamate the unallocated crown reserve created via the closure with adjacent private land holdings as requested in attachment OCM123.1/11/18, in accordance with Clause 58 of the *Land Administration Act 1997*.**
- 3. Advises the owner of Lot 107 (#23) Beenyup Road, Byford that all costs associated with the road closure process will be at their expense including the purchase of the land as determined by the Minister for Lands.**

CARRIED UNANIMOUSLY 8/0



OCM124/11/18 – Dog Exercise Area – Enquiry by Design (SJ2731)	
Responsible Officer:	Manager Subdivisions
Senior Officer:	Director Infrastructure Services
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>

Report Purpose

The purpose of this report is to present to Council the results of the community consultation (Enquiry by Design) process for developing a Dog Exercise Area on the site, along with concept designs and indicative financial costs.

In accordance with Council Resolution OCM092/08/18, Council selected Reserve R50333 at the corner of Larsen and Sansimeon Boulevard, Byford as the first purpose designed Dog Exercise Area within the District.

Relevant Previous Decisions of Council

OCM092/08/18 – Council resolved that a community consultation (Enquiry by Design) process be undertaken for developing a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard).

Background

During the review of Council's strategic planning process in 2017/2018, the community indicated a need for a dedicated Dog Exercise Area to be developed in the district.

Reserve R50333 at the corner of Larsen Road and Sansimeon Boulevard, Byford was identified in August 2016 as one of five prospective sites for a Dog Exercise Area, and selected for this purpose in August 2018 following a process of community consultation. Reserve R50333 was selected as a central location that is highly accessible to the Byford community. This land is undeveloped, and is opposite developed public open space with footpath access on the other side of Larsen Road.

An opportunity exists to develop the Larsen Road open space into a high quality Dog Exercise Area for the use of the community and reflecting best practice. An amount of \$399,500 provided by the land developer in Public Open Space contributions specific to this Reserve could be allocated to the project. An additional developer contribution of \$69,102.50 for drainage works can be allocated to upgrade the drainage of the area.

In August 2018, Council identified Reserve R50333 as a prospective Dog Exercise Area, and requested an Enquiry by Design process with the community to design an appropriate site on the Reserve. This community consultation process has taken place, and the results are now being presented to Council along with concept designs and indicative financial costs.



Community / Stakeholder Consultation

Policy Concept Forum

Nil.

The community consultation process included an online survey (running from 28 September to 9 October 2018) with 57 responses and an Enquiry by Design workshop on Saturday 6 October 2018, with community participation.

The community were given opportunity to design the dog park during the consultation process. Officers were assistance to the people to recommend the design changes and see the reflection in live on larger screen. A dog park model in scale and number of sample materials were presented to the community to assist them to settle on the preferred options.

The community workshop finding is presented in the OCM124.2/11/18

On the basis that the public have been instrumental in working with Council Officers in the design of the park it is suggested that the finalised version be distributed to the registered participants for final comment.

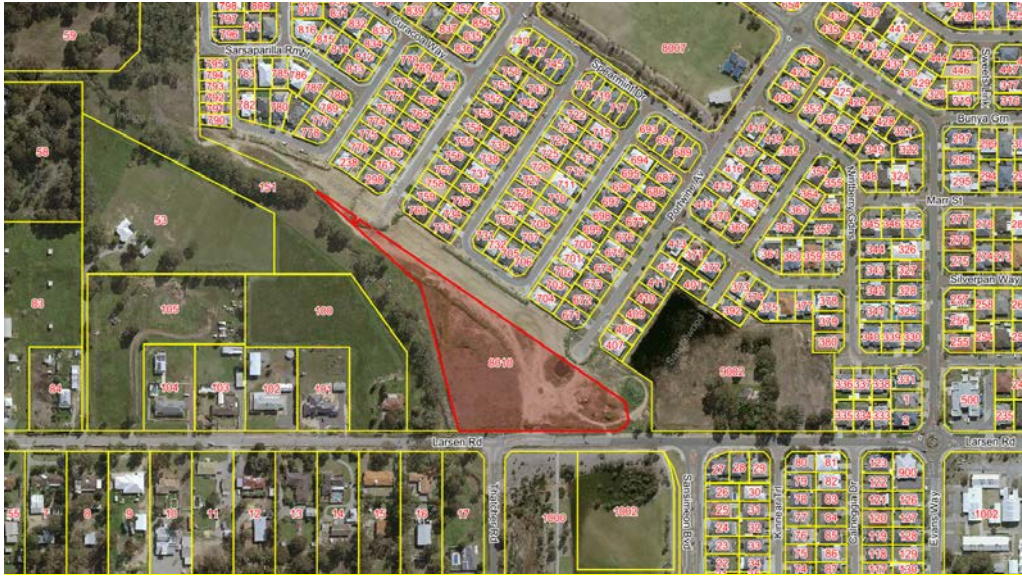
Statutory Environment

Section 31 of the *Dog Act 1976* - Control of dogs in certain public places

- (1) A dog shall not be in a public place unless it is —
 - (a) held by a person who is capable of controlling the dog; or
 - (b) securely tethered for a temporary purpose, by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.
- (2) A dog is exempt from the requirements of subsection (1) if —
 - (a) it is in a dog exercise area specified under subsection (3A);
- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995 section 1.4*, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Comment

Reserve R50333 at the corner of Larsen and Sansimeon Boulevard, Byford was identified in August 2016 as one of five prospective sites for a Dog Exercise Area within the District, and selected for this purpose in August 2018 following a process of community consultation. Reserve R50333 was selected as a central location that is highly accessible to the Byford community.



In 2017 Shire staff, responding to community requirements, investigated and subsequently mapped dog ownership in the Shire and used a heat mapping system to identify where dog ownership existed so as to determine the best location.

An opportunity exists to develop the currently undeveloped land on Larsen Road for a Dog Exercise Area. This land is open, mainly cleared land with some deposited sand and a generally untidy appearance. The area is opposite developed public open space with footpath access on the other side of Larsen Road.

ARTISTS IMPRESSION - PERSPECTIVE CONCEPT

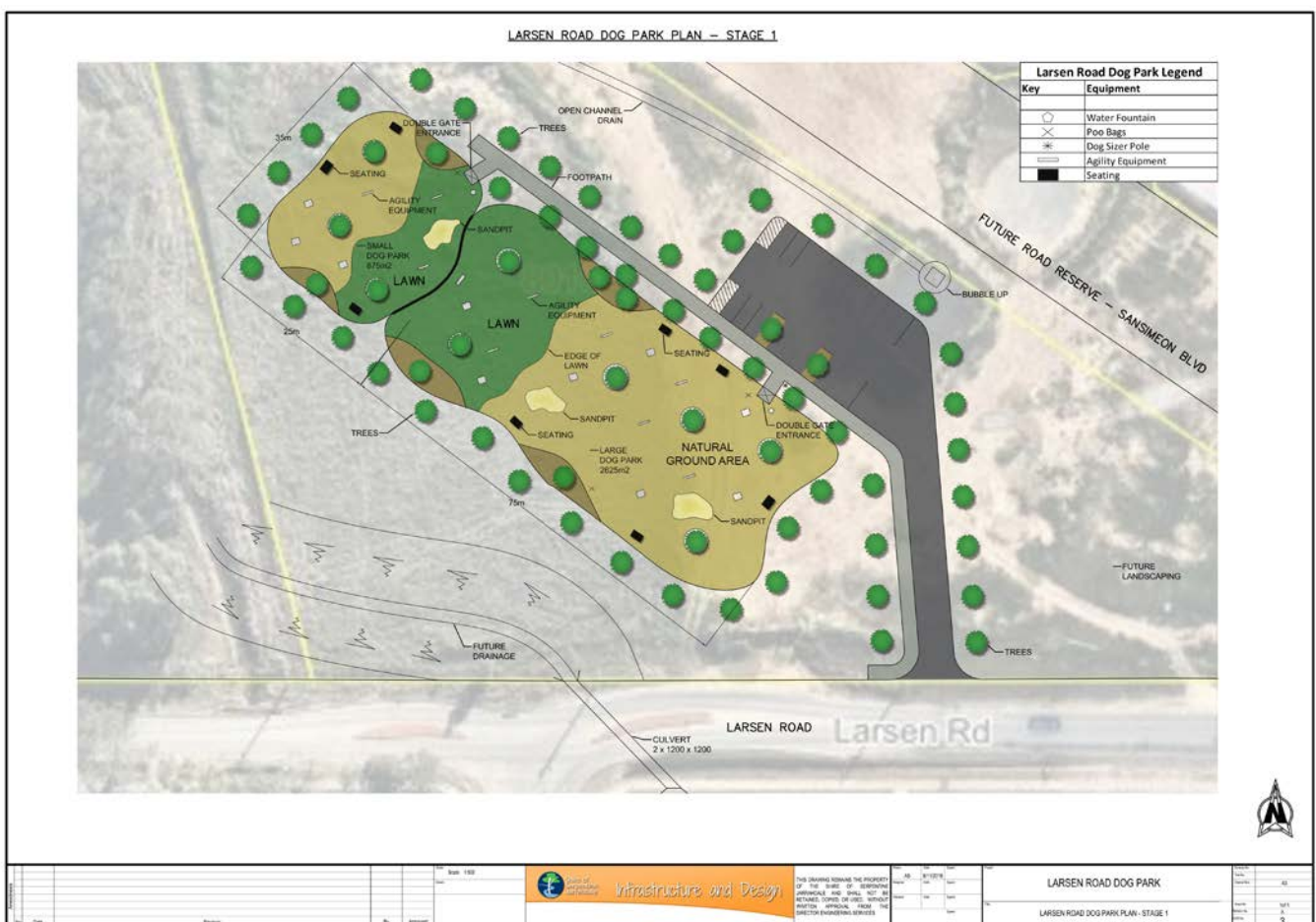




While Council has trialed developments elsewhere in the Shire, the Larsen Road open space could be developed into a high value, high quality Dog Exercise Area for the use of the community and reflective of best practice examples elsewhere in the metropolitan region.

An allocation of funds could be assigned to the project should Council agree to proceed with the concept. These funds were contributed by the developer for unfinished works, consisting of \$399,500 for Public Open Space and \$69,102.50 for drainage works, and are protected funds specific to the Reserve so can be used for the development.

Improving the drainage of the area is an essential component of construction of a Dog Exercise Area at this location. The Oaklands Drain runs along the western side of the Reserve, and hydraulic modeling predicts considerable flooding in the 20% and 1% Annual Exceedance Probability (AEP) events, overtopping Larsen Road and flooding the area proposed for the Dog Exercise Area. A revised drainage layout has been proposed, including lifting the ground surface level of the Dog Exercise Area, establishing a new second branch of the Oaklands Drain passing under Larsen Road through two new box culverts, and providing an online storage area downstream of the Reserve. With these drainage improvements, modelling predicts that overtopping of Larsen Road is prevented in the 20% AEP event (some overtopping remains in the 1% AEP), and the Dog Exercise Area is maintained free of flooding in both events. Refer to attachment OCM124.1/11/18 – Drainage report.



The development of the Reserve with community input has overcome concerns as to its design, purpose and traffic management. The level of engagement was unprecedented as the community worked together with the staff to design a Dog Exercise Area. A collective approach was taken to



Account Number	Description	Debit \$	Credit \$
BDP900	Construction of Dog Exercise Area	\$468,602.50	
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$399,500.00
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$69,102.50

4. That Council directs the allocation of available funds to design and construct a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford).
5. That Council directs the allocation of available funds to install two new box culverts under Larsen Road to improve drainage of the area as a component of construction of the Dog Exercise Area.
6. That Council name the dog park be known as the Larsen Road Dog Park.

Option Two

1. That Council notes and endorses the results of the community consultation process for developing a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford) and the associated concept designs and indicative financial costs.
2. That Council adopts the concept designs as shown in OCM124.3/11/18, with amendments, to direct development of a final design for the Dog Exercise Area.
3. Pursuant to section 6.8 of the Local Government Act 1995, approves the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:

Account Number	Description	Debit \$	Credit \$
BDP900	Construction of Dog Exercise Area	\$468,602.50	
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$399,500.00
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$69,102.50

4. That Council directs the allocation of available funds to design and construct a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford).
5. That Council directs the allocation of available funds to install two new box culverts under Larsen Road to improve drainage of the area as a component of construction of the Dog Exercise Area.
6. That Council directs that the park be named following suggestions from the community.

**Option Three**

1. That Council does not note and endorse the results of the community consultation process for developing a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford) and the associated concept designs and indicative financial costs.
2. That Council does not adopt the concept designs as shown in OCM124.3/11/18 to direct development of a final design for the Dog Exercise Area.
3. Pursuant to section 6.8 of the Local Government Act 1995, not approve the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:

Account Number	Description	Debit \$	Credit \$
BDP900	Construction of Dog Exercise Area	\$468,602.50	
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$399,500.00
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$69,102.50

4. That Council does not direct the allocation of available funds to design and construct a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford).
5. That Council does not direct the allocation of available funds to install two new box culverts under Larsen Road to improve drainage of the area as a component of construction of the Dog Exercise Area.
6. That Council does not direct that the park be known as the Larsen Road Dog Park.

Options and Implications

Officer recommendation is for Council to support Option 1 and note and endorse the results of the community consultation process for developing a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford) and the associated concept designs and indicative financial costs, and to direct the allocation of available funds to design and construct a Dog Exercise Area on the site and to improve the drainage of the area as per attachment OCM124.1/11/18.

During the review of Council's strategic planning process in 2017/2018, the community indicated a need for a dedicated Dog Exercise Area to be developed in the district. Following consultative identification of the most appropriate location, concept designs have been developed by an Enquiry by Design collaborative process involving both staff and the community working together. Design and construction of the Dog Exercise Area will meet an identified need within the community.

Conclusion

Council is requested to note and endorse the results of the community consultation process for developing a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford) and the associated concept designs and indicative financial costs,



and to direct the allocation of available funds to design and construct a Dog Exercise Area on the site and improve the drainage of the area, in order to meet an identified need within the community.

Attachments

- [OCM124.1/11/18](#) - Drainage Report (IN18/25566)
- [OCM124.2/11/18](#) – Enquiry by Design Community Workshop Report (E18/12539)
- [OCM124.3/11/18](#) – Concept Designs (E18/12835)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment

Financial Implications

Council has an amount of \$399,500 in allocated Public Open Space contributions and \$69,102.50 for drainage works particular to this lot development.

The concept plan is developed with staging arrangement. Stage 1 can be constructed with available funding. The stage 2 can be implemented in the future with detail costing following detail design which will assist future funding opportunity.

The final stage 1 design will be constructed to remain inside an allocated budget.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Community disagrees with proposed Dog Park location	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk



Risk Matrix

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

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

Voting Requirements: Absolute Majority

OCM124/11/18 COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Byas

That Council:

1. Notes and endorses the results of the community consultation process for developing a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford) and the associated concept designs and indicative financial costs.
2. Adopts the concept designs as shown in OCM124.3/11/18 to direct development of a final design for the Dog Exercise Area, with the exclusion of the children's playground area from stage 2 due to future road traffic conflicts.
3. Pursuant to section 6.8 of the Local Government Act 1995, approves the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:

Account Number	Description	Debit \$	Credit \$
BDP900	Construction of Dog Exercise Area	\$468,602.50	
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$399,500.00
011003	Transfer from Miscellaneous Developer Contribution Reserve		\$69,102.50



4. Directs the allocation of available funds to design and construct a Dog Exercise Area on Reserve R50333 (Larsen Road, corner of Sansimeon Boulevard, Byford).
5. Directs the allocation of available funds to install two new box culverts under Larsen Road to improve drainage of the area as a component of construction of the Dog Exercise Area.
6. Forwards the adopted concept plan to community participants of the design process for final comments that can be considered in the detailed designs of the Dog Exercise Area.
7. Advises participants of the Enquiry by Design process of Council's decision.
8. Undertakes a competition to include the public in suggesting the name for the dog park and that the prize be up to the value of \$500.00; with the preferred name of the park to be presented to Council.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation:

Sansimeon Boulevard, Byford, will be a thoroughfare and with small children it will be a dangerous intersection.



10.3 Corporate Services reports

OCM127/11/18 – Council and Committee Meeting Dates 2019 (SJ2332)	
Responsible Officer:	Manager Governance
Senior Officer:	Director Corporate Services
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> .

Report Purpose

The purpose of this report is for Council to set the Council and Committee Meeting dates, times and schedule for the 2019 calendar year.

Relevant Previous Decisions of Council

OCM174/12/17 Adopted the format of one Ordinary Council Meeting per month, to be held on the fourth Monday of each month (unless that day is a public holiday,) then the meeting will be held on the following business day.)

Background

The *Local Government Act 1995* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary meetings of Council are held within the next 12 months.

All Committee and Council meetings are held in the Council Chambers at the Shire of Serpentine Jarrahdale Administration Building at 6 Paterson St Mundijong.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	29 October 2018
Councillors Attendance	in Cr Rich, Cr Byas, Cr Denholm, Cr McConkey, Cr See

In accordance with Regulation 12 of the *Local Government (Administration) Regulation's 1996*, an advertisement will be placed in the local community paper. In addition, this advertisement will be placed on the Shire's website and on the Shire's notice boards.

Statutory Environment

Section 5.25(1)(g) of the *Local Government Act 1995* provides for the giving of public notices of the date and agenda for Council or Committee meetings.

Regulation 12(1) of the *Local Government (Administration) Regulation's 1996* provides:-

"(1) At least once each year a local government is to give local public notice of the dates on which and time and place at which-

(a) The ordinary council meetings; and



(b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to the members of the public, are to be held in the next 12 months.”

Comment

There are a number of options that Council can consider when deciding Council meeting dates / structure for 2019. These are, but not limited to: what day; what time; whether Council has briefings; the frequency of meetings; and which week of the month.

In setting times for meeting, consideration should be given to:

- Impact for Councillors – Councillors in Western Australia are not full time. The majority of Shire of Serpentine Jarrahdale Councillors work full time and have family responsibilities. They attend to Council obligations in addition to these roles. Councillor’s duties are not limited to Council meetings and in many cases, a number of weeknights and weekends are occupied with Council obligations.

One of the principle roles of a Councillor is to participate in the decision making process at Council meetings. Maximum Councillor attendance is important for rigorous debate and decision-making. Council’s primary consideration in setting meeting times should be the availability of councillors and the optimal time to ensure effective decision-making.

- Public Attendance – meeting times of Council are after hours and should be optimised for all the community. It is considered that any one meeting time will not suit all sections of the community.
- Impact for Senior Staff - Longer meetings, if started later, will extend later into the evening. This may have impacts on Councillors and rostering of staff who attend meetings and potential Occupational Health and Safety impacts if meetings extend late into the evening.

Councillors should consider the suitability of meetings that extend into the later part of the evenings, and how this impacts on them, members of the public and staff, and whether good decision making can still occur later in the night.

Options and Implications

- Day: Monday, Tuesday, Wednesday, Thursday, Friday.

Council currently meets on a Monday, a large percentage of Metro Local governments meet on a Tuesday with a few on Mondays, Wednesdays and Thursdays.

- Start Time: Between the Hours of 8.30am and 7pm.

Council currently meets at 7pm; all metro local governments meet sometime between 5.30pm and 7.30pm. The Shire of Murray meets at 9am.

- Agenda Briefings: Yes or No; opened or closed.

Council currently has an agenda briefing the week before the Council meeting, which are closed to the public. Metro Local Governments are evenly split into those that have agenda briefings and those that do not.

- Frequency: 1 a month; 2 a month; every 3 or 4 weeks.

Council currently has one Council meeting a month. Approximately 75% of the metro Local Governments meet once per month.



- Cycle; 1st week, 2nd week, 3rd week, 4th week, last week.
The 4th week is slightly more favoured than the 3rd week for metro local governments.
- Consideration also need to be given to Council committees.

Option 1

1. That Council meets on the 3rd Monday of the Month.
2. That the Council meeting in October 2019 be brought forward one week to 14 October 2019 to allow for the Local Governments Elections.
3. That Council does not hold a meeting in January 2019.
4. That Council meetings commence at 5.30pm.
5. That Council has a closed Agenda Briefing session on the 2nd Monday of the Month.
6. That, commencing on Monday 4th February, Policy Concept Forums be held on the remaining Mondays of the month, except those that are public holidays;
7. That Council Committee meetings be scheduled on the first and if required fourth Wednesday of the Month commencing at 5.30pm.

Option 2

1. That Council meets on the 3rd Monday of the Month
2. That the Council meeting in October 2019 be brought forward one week to 14 October 2019 to allow for the Local Governments Elections.
3. That Council does not hold a meeting in January.
4. That Council meetings commence at 7pm.
5. That Council has a closed Agenda Briefing session on the 2nd Monday of the Month.
6. That, commencing on Monday 4th February, Policy Concept Forums be held on the remaining Mondays of the month, except those that are public holidays;
7. That Council Committee meetings be scheduled on the first and if required last Monday of the Month commencing at 5pm.

Option 1 is recommended.

Conclusion

In accordance with section 5.25(1)(g) of the *Local Government Act 1995* and Regulation 12 of the *Local Government (Administration) Regulations 1996*, Council is required to endorse the proposed meeting dates and give local public notice of the purpose, date and time of Committee and Council meetings to be held over the following 12 month period.

Attachments

- [OCM127.1/11/18](#) - Calendar of proposed Council on a Monday and Committee Dates on a Wednesday for 2019 (E18/12626)
- [OCM127.2/11/18](#) - Calendar of proposed Council and Committee Dates on a Monday for 2019 (E18/12624)



- [OCM127.3/11/18](#) - Council meeting schedules of metro local governments (E18/12486)

Alignment with our Strategic Community Plan

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

Financial Implications

Advertising costs of approximately \$2,000.

There are minimal cost variances to council for what time meetings are held. Currently a 7pm meeting incurs the following costs: catering \$300, overtime of 2 staff of approximately \$280. A start time of 5.30pm would eliminate the need for catering and the overtime of staff would reduce to \$100.

These costs are minimal and are not considered a significant consideration in determining meeting times.

The opportunity costs in lost productivity of having all executive staff attend council meetings during the day would be significant and on this basis alone should be a reason for Council to not entertain holding council meeting during any part of the normal working day.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Officers Recommendation not be accepted	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation



Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM127/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Gossage

1. That Council meets on the 3rd Monday of the Month.
2. That the Council meeting in October 2019 be brought forward one week to 14 October 2019 to allow for the Local Governments Elections.
3. That Council does not hold a meeting in January 2019.
4. That Council meetings commence at 7.00pm.
5. That Council has a closed agenda briefing session on the 2nd Monday of the Month.
6. That, commencing on Monday 4th February, Policy Concept Forums be held on the remaining Mondays of the month, except those that are public holidays.
7. That Council Committee meetings be scheduled on the first and if required fourth Monday of the Month commencing at 5.30pm as per the attached schedule OCM127.2/11/18.

CARRIED 6/2

Reason for Change:

To allow better access to Council meeting by the community.



OCM128/11/18 – Local Government Elections (SJ533)	
Responsible Officer:	Manager Governance
Senior Officer:	Director Corporate Services
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> .

Report Purpose

For Council to agree to local government elections up until the end of 2023 being postal elections and to appoint the WA Electoral Commissioner to conduct the elections on the Shire's behalf.

Relevant Previous Decisions of Council

OCM019/02/17 – Council resolved at the February 2017 meeting for the Electoral Commissioner to be responsible for the 2017 Election and for the method to be postal. This is the same resolution that Council has done every 2 years since 1999.

Background

Local Government Elections are held on the third Saturday in October every second odd year with the next election to be held on Saturday 19 October 2019. The *Local Government Act 1995* and associated regulations prescribe how elections must be conducted.

The Shire recently received notification from the Electoral Commissioner, WA Electoral Commission that he was prepared to conduct the Shire's local government elections and any other polls that may be required until the end of 2023.

Council is required in accordance with the *Local Government Act 1995* to confirm whether the Electoral Commissioner is to be responsible for the local government elections up until this date. In addition, Council must also determine the voting method to be used for any elections held between now and 31 December 2023.

The Shire of Serpentine Jarrahdale has been conducting postal elections since 1999. The voting turnout figures are as follows:



Election Date	Election Method	Vote turn-out
May 1999	Postal	46.10%
May 2001	Postal	43.00%
May 2003	Postal	33.10%
May 2005	Postal	40.39%
October 2007	Postal	35.96%
October 2009	Postal	36.60%
October 2011	Postal	32.70%
October 2013	Postal	23.20%
October 2015	Postal	27.30%
October 2017	Postal	34.40%

Historical figures from Metro Local Governments, when they last conducted voting in person elections, have a turnout of only 6-7%.

Community / Stakeholder Consultation

The Electoral Commissioner has advised that he is willing to be responsible for the Shire's Local Government elections and any other polls up until the end of 2023.

Statutory Environment

- *Local Government Act 1995* – section 4.20(4) and section 4.61(2)
- *Local Government (Elections) Regulations 1997*

Comment

The *Local Government Act 1995* allows Councils to conduct their own elections as attendance-in-person ballots, but only the Electoral Commissioner may conduct a postal voting election. The Commission's involvement in postal elections has increased at successive local government elections, conducting a record number of 85 postal elections in 2017, with over 97% of the State's eligible electors having access to the postal voting method.

Elections conducted by the Electoral Commission are far more independent as it allows for the complete removal of the Chief Executive Officer from the process. If Council did not agree to the Electoral Commissioner conducting the election, the Act requires the Chief Executive Officer to be the Returning Officer. This creates at a minimum, perception of bias and conflict. The Electoral Commissioner is able to conduct our elections on our behalf as a 'voting in person' election, but this option should not be entertained, as the voter turnout would considerably drop and the cost for the Electoral Commission to conduct a 'voting in person' election is similar to that of a postal election.



In addition, given the level of behaviour that was exhibited across the metropolitan area from a number of the candidates during the 2017 election, all complaints lodged are also required to be dealt with by the Electoral Commissioner.

As part of the *Local Government Act* review currently under way, the Department of Local Government, Sport and Cultural Industries has raised a number of matters for consideration regarding elections, including, but by no means limited to: election methods; third party involvement in conducting elections (such as the Australian Electoral Commission) and electronic voting. Although it is unknown at this point in time what the outcome will be, and, even whether the Minister will propose any significant changes to the provisions in the *Local Government Act 1995* on elections.

Until such time that the Legislation is reviewed and any changes are known, due to the WA Electoral Commissions' experience in running elections of this type, and the Shire's overall satisfaction on previous elections, it is recommended that the WA Electoral Commissioner be responsible for the Shire's Local Government Elections up until 31 December 2023. It is also recommended that Council continue to support the postal voting system given the significant increase in voter turnout in comparison to in-person elections.

Options and Implications

Option 1

That Council declares the WA Electoral Commissioner be responsible for its elections, and the election method being postal.

Option 2

That Council not declare the Electoral Commissioner to be responsible for its elections, and as such, the method can only be voting in person.

Option 1 is recommended.

Conclusion

The Shire of Serpentine Jarrahdale has successfully used the WA Electoral Commission to conduct Elections by postal vote since 1999. This report and recommendation appoints the WA Electoral Commissioner to conduct the Shires Local Government Elections up until the end of 2023 using the Postal Vote method.

Attachments

- [OCM128.1/11/18](#) – WA Electoral Commission – Letter of acceptance (IN18/24929)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

The estimated cost for the 2019 election as quoted by the Western Australian Electoral Commission is \$81,000 including GST.



Appropriate allocations will be made in the 2019/20 and future budgets for the local government elections. This amount will include the cost from WAEC as well as any other advertising and promotion the Shire determines to undertake to promote the election and voter participation.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not appoint the WA Electoral Commissioner to conduct Elections by Postal vote to 2023	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Absolute Majority

OCM128/11/18 COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr McConkey

That Council:

- 1. In accordance with section 4.20(4) of the *Local Government Act 1995*, declares by an absolute majority, that the WA Electoral Commissioner be responsible for all Local Government Elections for the Shire of Serpentine Jarrahdale together with any other elections or polls which may be required between now and 31 December 2023;**
- 2. In accordance with section 4.61(2) of the *Local Government Act 1995*, determines by an absolute majority, that the method of conducting all elections for the Shire of Serpentine Jarrahdale between now and 31 December 2023 will be as postal elections;**
- 3. Notes that resolutions 1 and 2 above are not a binding contract with the WA Electoral Commissioner and nothing shall prevent Council from revoking the decision at any time before 31 December 2023.**

CARRIED BY ABSOLUTE MAJORITY 8/0



OCM130/11/18 - Confirmation of Payment of Creditors (SJ801)	
Responsible Officer:	Acting Manager Finance
Senior Officer:	Director Corporate Services
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> .

Report Purpose

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

Relevant Previous Decisions of Council

Nil.

Community / Stakeholder Consultation

Nil.

Statutory Environment

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

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

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

Comment

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

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

A detailed list of invoices for the period 1 October 2018 to 31 October 2018 is provided in attachment OCM130.1/11/18.



Attachments

- [OCM130.1/11/18](#) – Creditors List of Accounts 1 October 2018 to 31 October 2018 (E18/12476)
- [OCM130.2/11/18](#) – Purchasing Card Report 6 September 2018 to 7 October 2018 (E18/12477)

Alignment with our Strategic Community Plan

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

Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for October 2018 totalled \$2,374,307.49.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the payments.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation



Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item.

Voting Requirements: Simple Majority

OCM130/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Denholm

That Council receives the Schedule of Accounts as paid under delegated authority for October 2018, totalling \$2,374,307.49 as attached, covering:

1. EFT Vouchers EFT53064 to EFT53398 including purchasing card payment totalling \$2,253,014.31;
2. Municipal Cheque Vouchers CHQ45943 to CHQ45948 totalling \$1,098.75; and
3. Municipal Direct Debits DD46779.34 to DD46779.34 totalling \$120,194.43.

CARRIED UNANIMOUSLY 8/0



OCM131/11/18 – Monthly Financial Report – October 2018 (SJ801)	
Responsible Officer:	Acting Manager Finance
Senior Officer:	Director Corporate Services
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>

Report Purpose

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

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

Relevant Previous Decisions of Council

The original budget for 2018/19 was adopted on 25 June 2018 at an Ordinary Council Meeting (OCM059/06/18). As a part of this decision, and in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances, as resolved by Council, shall be:

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

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

Background

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

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of October 2018. The audit of financial statements for 2017/18 is now complete and the opening surplus agrees to the audited financial statements.

The municipal surplus for the month ending 31 October 2018 is \$20,278,648, which is favourable, compared to a budgeted surplus for the same period of \$15,401,456. The reasons for the variances are discussed below.

Description	YTD Budget	31 October 2018 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2018	441,441	1,126,999	685,558
Proceeds from sale of assets	117,780	79,322	(38,458)
Changes to net transfers to and from Reserves	(600,050)	(600,050)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	-	-	-
Capital expenditure	(3,540,707)	(1,767,614)	1,773,093
Capital revenue (cash items)	430,000	656,267	226,267
Operating revenue (cash items)	29,333,967	29,142,649	(191,318)
Operating expenditure (cash items)	(10,780,975)	(8,358,925)	2,422,050
	15,401,456	20,278,648	4,877,192

Attachments

- [OCM131.1/11/18](#) – Monthly Financial Report October 2018 (E18/12528)



Alignment with our Strategic Community Plan

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

Financial Implications

As at 31 October 2018 the Shire's respective cash position was as follows:

Municipal Fund: \$1,329,478

Trust Fund: \$1,456,048

Material variances that may have an impact on the outcome of the budgeted closing surplus position are detailed in this report and listed below:

Operating Revenue**Rates**

No variance analysis required, variance to budget is less than 10%.

Operating Grants, Subsidies and Contributions

Unfavourable variance of \$298,000 due to timing differences related to payment of grant funding, significant budgeted amounts unpaid at reporting date include untied Financial Assistance Grants - \$325,000 and Volunteer Fire Brigades Funding - \$30,000.

Fees and Charges

No variance analysis required favourable variance less than 10%.

Interest Earnings

Favourable variance of \$79,000 due to timing differences relating to payment of interest earned on Term Deposits. Payments made based on maturity dates of these investments.

Other Revenue

Unfavourable variance of \$73,000 due primarily to reimbursements outstanding from SJ Recreation Centre (Gym Equipment Lease & Electricity), and reimbursements from Landcare for payroll (payroll no longer processed by the Shire).

Operating Expenses**Employee Costs**

Favourable variance of \$997,000 due to timing differences related to new positions not recruited yet and positions currently vacant.

Materials and Contracts

Favourable variance of \$1,165,000 due to timing differences in relation to provision of services across all programs and business units the largest of which is in Waste Services at \$603,000. Consulting fees are also \$355,000 under the year to date budget, due to the timing of various strategy and planning initiatives across the organisation.



Utility Charges

Favourable variance of \$79,000 due to timing differences in relation to utility charges across the organisation, the most significant component being electricity costs associated with Street Lighting - \$60,000.

Depreciation on Non-Current Assets

Favourable variance of \$2,113,000 due to the fact that no depreciation is able to be processed until year end completed, asset revaluation processed and asset module rolled over.

Interest Expenses

Favourable variance of \$56,000 due to timing differences relating to loan repayment dates.

Insurance Expenses

Unfavourable variance of \$39,000 due to timing differences related to dates on which insurance premiums fall due.

Other Expenditure

Favourable variance of \$84,000 primarily in relation to timing of Community funding programs - \$78,000 and Members of Council Conference/Training Costs - \$33,000. These are partially offset by unfavourable variances in bank fees - \$12,000, and timing differences in the contributions made to Landcare - \$33,000.

Other

Profit on Asset Disposals

No variance analysis required as no variance to budget.

Loss on Asset Disposals

Favourable variance of \$58,000. Although several vehicles have been disposed of and proceeds received for them, they have not been able to be processed through the assets module due to the year end roll over, and no profits/losses on disposal have been realised.

Non-Operating Grants, Subsidies and Contributions

Favourable variance of \$226,000 due to timing of grant funding, .

Proceeds from Disposal of Assets

Unfavourable variances of \$38,000 due to timing differences on disposal of vehicles.

Repayment of Debentures

No variance analysis required as no variance to budget.

Proceeds from New Debentures

No variance analysis required as no variance to budget.

Transfers (to)/from Cash Backed Reserves (Restricted Assets)

No variance analysis required as no variance to budget.

Transfers (to)/from restricted cash (Municipal)

No variance analysis required as no variance to budget.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Simple Majority

OCM131/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Gossage

That Council receives the Monthly Financial Report for October 2018, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM131.1/11/18.

CARRIED UNANIMOUSLY 8/0



OCM132/11/18 – Budget Opening Surplus Adjustment for 2017/18 Carry Forward Items (SJ514-09)	
Responsible Officer:	Acting Manager Finance
Senior Officer:	Director Corporate Services
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> .

Report Purpose

This report is to seek approval from Council to adjust the 2018/19 Budget for items required to be carried forward from 2017/18.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this report.

Background

At the time the 2018/19 Budget was adopted by Council on 25 June 2018, the Annual Financial Statements for the 2017/18 year end had not been completed. Any surplus or deficit resulting from the 2017/18 year financial year and amounts available for carry forward on incomplete projects were not known.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government
- Is authorised in advance by Council resolution
- Is authorised in advance by the President in an emergency

Comment

The 2017/18 annual financial statements have now been audited and the actual income and expenditure to be carried forward has been finalised. Budget opening surplus (net current assets) is \$441,441, compared to an actual opening surplus (net current assets) of \$1,126,999, giving rise to an increase of \$685,557. After all adjustments are processed, there is an additional \$32,067 of unallocated surplus available for distribution in the 2018/19 Budget - refer to (OCM133/11/18 - separate agenda item - Budget Opening Surplus Adjustment for Unallocated Surplus).



The following budget variations are recommended to adjust for the carried forward income and expenditure.

Account Number	Type	Description	Debit \$	Credit \$
GPG142	Decrease Income	Financial Assistance Grants - Untied	817,349	
GPG143	Decrease Income	Financial Assistance Grants - Untied Roads	544,113	
	Increase Current Assets	Change in Current Assets		1,361,462

Reason:

These grants were budgeted to be received in the 2018/19 financial year, but were partly received in advance 2017/18. Adjustment is to reduce expected income in 2018/19.

Account Number	Type	Description	Debit \$	Credit \$
	Decrease Current Assets	Change in Current Assets	747,207	
UNC400	Increase Income	Sale of Land Proceeds - Keirnan		747,207

Reason:

Council approved the purchase of the Keirnan Street Land in May 2018 (SCM07/05/18) as a long term investment, and associated potential sale. The sale of land is unrealised and forms part of the carry forward surplus. This adjustment reflects the movement of the long term investment from the prior accounting period to the current accounting period.

Account Number	Type	Description	Debit \$	Credit \$
KAL901	Increase Expenditure	Kalimna Cricket Net	10,700	
SRS572	Increase Expenditure	Sport and Recreation Strategy	23,400	
COM530	Increase Expenditure	Community Perceptions Survey	14,564	
DVS525	Increase Expenditure	Development Strategies	43,008	
BYP900	Decrease Expenditure	Briggs Park Youth Precinct Facilities		15,088
EDT605	Decrease Expenditure	Asset Management Plans		27,349
EQU572	Decrease Expenditure	Equine Strategy		10,000



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Account Number	Type	Description	Debit \$	Credit \$
	Increase Current Assets	Change in Current Assets		39,235
Reason: These projects were all budgeted for in the 2017/18 year but incomplete at the end of the financial year, and require carrying forward into the 2018/19 year.				
Account Number	Type	Description	Debit \$	Credit \$
DCP133	Decrease Expenditure	Abernethy Road Separable Portion 1		314,943
RRG133	Increase Expenditure	Abernethy Road Separable Portion 2	237,557	
RC133	Increase Expenditure	Abernethy Road Separable Portion 4	293,479	
SBS133	Increase Expenditure	Abernethy Road - Separable Portion 2 - Blackspot Funded	6,000	
143121	Increase Transfer	Transfer from Restricted Cash - Unspent Borrowings		517,737
011003	Decrease Transfer	Transfer from Byford DCP Reserve	295,644	
Reason: Adjustments required to the Abernethy Road project budget to reflect actual amounts available for carry forward into 2018/19.				
Account Number	Type	Description	Debit \$	Credit \$
BBX572	Increase Expenditure	BMX Feasibility Study	13,750	
011003	Increase Transfer	Transfer from Byford BMX Reserve		13,750
MOC901	Increase Expenditure	Front Counter Upgrade - Installation of Security Cameras	8,000	
ADM905	Increase Expenditure	Upgrade of Server Room - Battery packs	13,000	
011003	Increase Transfer	Transfer from Administration Building Reserve		21,000
RRN253	Increase Expenditure	Road Renewals - Marsh Court	16,000	



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Account Number	Type	Description	Debit \$	Credit \$
RRN131	Increase Expenditure	Road Renewals - Park Road	75,000	
RRN102	Increase Expenditure	Road Renewals - Wanliss Street	85,000	
011003	Increase Transfer	Transfer from Road Renewals Reserve		176,000

Reason:

These projects were all budgeted for in the 2017/18 year to be funded from Reserves, but were incomplete at the end of the financial year and require carrying forward into 2018/19. They are funded from the Reserves identified above.

Account Number	Type	Description	Debit \$	Credit \$
SEN101	Decrease Income	Seniors Grant	10,000	
143120	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - Seniors		10,000
ESD409	Decrease Income	Department Premier and Cabinet - Bushfire Mitigation Grant - Operating	110,000	
ESD406	Decrease Income	Department Premier and Cabinet - Bushfire Mitigation Grant - Capital	90,000	
143115	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - Fire Services Grant		194,850
GFI265	Increase Income	Reimbursements		5,150
VFB100	Decrease Income	DEFS - Volunteer Bushfire Brigade Funding	99,373	
143119	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - DFES		99,373
OSR408	Decrease income	Local Jobs, Local Projects Grant - Briggs Park Redevelopment	200,000	
143116	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - Briggs Park Local Jobs, Local Projects		200,000
CDA100	Decrease Income	Regional Road Group - Soldiers Road between Bushlar and Daisy Road	213,643	
143117	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - Soldiers Road - Daisy & Bushlar		145,431

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Account Number	Type	Description	Debit \$	Credit \$
011003	Increase Transfer	Transfer from Road Asset Renewal Reserve		68,212
Reason: These grants were all budgeted to be received in the 2018/19 financial year, but were received in 2017/18 and recognised as restricted cash.				
Account Number	Type	Description	Debit \$	Credit \$
R2R010	Increase Expenditure	Gossage Road	125,585	
143118	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - R2R - Gossage Road		125,585
Reason: There is \$125,585 of unspent Roads to Recovery Funding which was received in prior years but not yet spent.				
Account Number	Type	Description	Debit \$	Credit \$
011003	Decrease Transfer	Transfer from Unspent Grants Reserve	852,948	
143114	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - Blackspot - Abernethy Road		2,408
143113	Increase Transfer	Transfer from Restricted Cash - Unspent Grant - Main Roads Bridges		850,540
Reason: The budget includes an opening balance of \$852,948 in the unspent grant reserve, and an associated transfer out for the same amount. This relates to grants which have been received for Abernethy Road Blackspot and the Richardson Road Bridge. Due to a change in treatment as at 30 June 2018, all unspent grants were transferred out of reserve and are now included in restricted cash.				



Account Number	Type	Description	Debit \$	Credit \$
RPP950	Increase Expenditure	Hino 500 Series Truck	98,910	
011003	Increase Transfer	Transfer from Light Fleet Reserve		98,910
Reason:				
This truck was included as part of the prior year plant replacement program to be funded from the light fleet reserve. The purchase order was raised in the prior year, however the truck was not delivered until the 18/19 year.				

Alignment with our Strategic Community Plan

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

Financial Implications

The financial implications are detailed in this report.

Risk Implications

Risk has been assessed based on the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation



Risk Matrix

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

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

Voting Requirements Absolute Majority

OCM132/11/18 COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Byas

That Council approves the schedule of variations to the 2018/19 Budget as presented below, in accordance with section 6.8 of the Local Government Act 1995, resulting in a change to the opening municipal surplus (net current assets) of \$653,490 as at 1 July 2018:

Account Number	Description	Debit \$	Credit \$
GPG142	Financial Assistance Grants - Untied	817,349	
GPG143	Financial Assistance Grants - Untied Roads	544,113	
UNC400	Sale of Land Proceeds - Keirnan		747,207
KAL901	Kalimna Cricket Net	10,700	
SRS572	Sport and Recreation Strategy	23,400	
COM530	Community Perceptions Survey	14,564	
DVS525	Development Strategies	43,008	
BYP900	Briggs Park Youth Precinct Facilities		15,088
EDT605	Asset Management Plans		27,349
EQU572	Equine Strategy		10,000
	Change in Current Assets		653,490
DCP133	Abernethy Road Separable Portion 1		314,943



Account Number	Description	Debit \$	Credit \$
RRG133	Abernethy Road Separable Portion 2	237,557	
RC133	Abernethy Road Separable Portion 4	293,479	
SBS133	Abernethy Road - Separable Portion 2 - Blackspot Funded	6,000	
143121	Transfer from Restricted Cash - Unspent Borrowings		517,737
011003	Transfer from Byford DCP Reserve	295,644	
BBX572	BMX Feasibility Study	13,750	
011003	Transfer from Byford BMX Reserve		13,750
MOC901	Front Counter Upgrade - Installation of Security Cameras	8,000	
ADM905	Upgrade of Server Room - Battery packs	13,000	
011003	Transfer from Administration Building Reserve		21,000
RRN253	Road Renewals - Marsh Court	16,000	
RRN131	Road Renewals - Park Road	75,000	
RRN102	Road Renewals - Wanliss Street	85,000	
011003	Transfer from Road Renewals Reserve		176,000
SEN101	Seniors Grant	10,000	
143120	Transfer from Restricted Cash - Unspent Grant – Seniors		10,000
ESD409	Department Premier and Cabinet - Bushfire Mitigation Grant - Operating	110,000	
ESD406	Department Premier and Cabinet - Bushfire Mitigation Grant - Capital	90,000	
143115	Transfer from Restricted Cash - Unspent Grant - Fire Services Grant		194,850
GFI265	Reimbursements		5,150
VFB100	DEFS - Volunteer Bushfire Brigade Funding	99,373	
143119	Transfer from Restricted Cash - Unspent Grant - DFES		99,373
OSR408	Local Jobs, Local Projects Grant - Briggs Park Redevelopment	200,000	
143116	Transfer from Restricted Cash - Unspent Grant - Briggs Park Local Jobs, Local Projects		200,000



Account Number	Description	Debit \$	Credit \$
CDA100	Regional Road Group - Soldiers Road between Bushlar and Daisy Road	213,643	
143117	Transfer from Restricted Cash - Unspent Grant - Soldiers Road - Daisy & Bushlar		145,431
011003	Transfer from Road Asset Renewal Reserve		68,212
R2R010	Gossage Road	125,585	
143118	Transfer from Restricted Cash - Unspent Grant - R2R - Gossage Road		125,585
011003	Transfer from Unspent Grants Reserve	852,948	
143114	Transfer from Restricted Cash - Unspent Grant - Blackspot - Abernethy Road		2,408
143113	Transfer from Restricted Cash - Unspent Grant - Main Roads Bridges		850,540
RPP950	Hino 500 Series Truck	98,910	
011003	Transfer from Light Fleet Reserve		98,910
	Totals	5,782,224	5,782,224

CARRIED BY ABSOLUTE MAJORITY 8/0



OCM133/11/18 – Budget Opening Surplus Adjustment for Unallocated Surplus	
Responsible Officer:	Acting Manager Finance
Senior Officer:	Director Corporate Services
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> .

Report Purpose

This report is to seek approval from Council to adjust the 2018/19 Budget to redistribute the unallocated surplus from the 2017/18 financial year.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this report.

Background

At the time the 2018/19 Budget was adopted by Council on 25 June 2018, the Annual Financial Statements for the 2017/18 year end had not been completed. Any surplus or deficit resulting from the 2017/18 financial year was not known.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government
- Is authorised in advance by Council resolution
- Is authorised in advance by the President in an emergency

Comment

The 2017/18 annual financial statements have now been audited and the actual income and expenditure to be carried forward has been finalised. Budget opening surplus (net current assets) is \$441,441, compared to an actual opening surplus (net current assets) of \$1,126,999, giving rise to an increase of \$685,557. After all other adjustments are processed refer to (OCM132/11/18 - separate agenda item – Budget Opening Surplus Adjustment for 2017/18 Carry Forward Items), there is an additional \$32,067 of unallocated surplus available for distribution in the 2018/19 Budget



The following budget variation is recommended to adjust for the unallocated surplus.

Account Number	Type	Description	Debit \$	Credit \$
ITS910	Increase	ICT Equipment	32,067	
	Increase	Change in Current Assets		32,067

Reason:

Additional funding required for the purchase of ICT equipment for new staff, set up of the training room in preparation for Tech one, and for the desktop refresh of existing equipment which is at end of life. Total additional costs required is \$97,730. It is proposed to part fund this requirement from the unallocated surplus of \$32,067 remaining.

Alignment with our Strategic Community Plan

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

Financial Implications

The financial implications are detailed in this report.

Risk Implications

Risk has been assessed based on the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation



Risk Matrix

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

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

Voting Requirements Absolute Majority

OCM133/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Coales

That Council approves the schedule of variations to the 2018/19 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*, resulting in a change to the opening municipal surplus (net current assets) of \$32,067 as at 1 July 2018:

Account Number	Description	Debit \$	Credit \$
ITS910	ICT Equipment	32,067	
	Change in Current Assets		32,067

CARRIED BY ABSOLUTE MAJORITY 8/0



OCM134/11/18 – Budget Adjustments – September 2018 Quarterly Review	
Responsible Officer:	Acting Manager Finance
Senior Officer:	Director Corporate Services
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> .

Report Purpose

Council is requested to approve adjustments to the 2018/19 budget as per the recommendations contained in this report.

Relevant Previous Decisions of Council

The original budget was adopted by Council on 25 June 2018

Background

The quarterly progress against budget was reviewed by the Executive Management Group and Managers at the September quarterly Financial and Costing Review meetings. The recommendations contained in this report come from those discussions.

Community / Stakeholder Consultation

There is no requirement for community / stakeholder consultation regarding this report.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government
- Is authorised in advance by Council resolution
- Is authorised in advance by the President in an emergency

**Comment**

Approval is sought for the following budget adjustments for the reasons specified:

Account Number	Type	Description	Debit \$	Credit \$
WFR900	Increase Expenditure	Whitby Farm Remedial Drainage	5,000	
FNW200	Decrease Expenditure	Thomas Road Shared Path		5,000

Reason:

Quotes for the Whitby Farm project have come in above the budget allocation of \$10,000. A budget adjustment is requested from the Thomas Road Shared Path project where it is expected that there will be cost savings.

Account Number	Type	Description	Debit \$	Credit \$
RRG137	Increase Expenditure	Orton Road - Resurfacing	31,698	
RRB005B	Decrease Expenditure	Wright Road - Resurfacing		31,698

Reason:

To correct administrative error of incorrect allocation of budget for Orton Road from Wright Road.

Account Number	Type	Description	Debit \$	Credit \$
ITS912	Increase Expenditure	Server Room Expansion	70,000	
011003	Increase Transfer	Transfer from Administration Building Reserve		70,000

Reason:

The current server room has no more capacity to add any additional equipment. A number of ICT rack mounted equipment is required to be implemented as part of a Wide Area Network redesign which is required to simplify our internet network services and prepare the Shire for Cloud Computing. The end result will be an annual saving of approximately \$38,000 in our internet network services.

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Account Number	Type	Description	Debit \$	Credit \$
ECD508	Increase Expenditure	Economic Development - Staff Training	5,000	
ECD525	Decrease Expenditure	Economic Development Marketing		5,000
Reason: Additional training funds required in Economic Development to allow for enrolment in the LG Professionals Executive Leadership Program.				
Account Number	Type	Description	Debit \$	Credit \$
TPP500	Increase Expenditure	Town Planning Relief Staff Wages	10,800	
TPP502	Decrease Expenditure	Town Planning Consulting Fees		10,800
Reason: To provide for funding for a relief town planning officer position for a period of 4 weeks				
Account Number	Type	Description	Debit \$	Credit \$
DDR530	Increase Expenditure	Community Sponsorship - Darling Downs Residents Association	4,500	
BGC530	Decrease Expenditure	Community Sponsorship - Byford Glades Community Garden		4,500
Reason: To reallocate funding between community sponsorship groups.				

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Account Number	Type	Description	Debit \$	Credit \$
SAF573	Increase Expenditure	Safer Communities Project Expenditure	159,011	
SAF101	Increase Income	Safer Communities Grant		159,011

Reason:

Unbudgeted grant received from Department of Industry Innovation and Science for the purposes of the Safer Communities project.

Account Number	Type	Description	Debit \$	Credit \$
DCO101	Decrease Income	Compliance Fines and Penalties	14,000	
RAN210	Increase Income	Rangers Fines and Penalties		14,000

Reason:

Rangers Fines and Penalties income is currently sitting \$25,000 over the full year budget. The additional income is being used in part to offset the reduction in fines and penalties expected in Compliance.

Account Number	Type	Description	Debit \$	Credit \$
PSO600	Increase Expenditure	Opera at the Mill Concert Event	62,000	
OTC250	Increase Income	Opera at the Mill - Sponsorship Contributions		62,000

Reason:

Unbudgeted sponsorships of \$62,000 are expected for the Opera at the Mill event, with \$58,000 of this already received. The additional income is being used to offset the additional costs expected to run the event. Total current event budget is \$80,000, after adjustment will be \$142,000.



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Account Number	Type	Description	Debit \$	Credit \$
OGC519	Increase Expenditure	Occupational Health Expenditure	18,000	
OGC200	Increase Income	Human Resources/OSH Reimbursements		18,000

Reason:

Advised that a reimbursement from our insurers for the experience fund of \$18,000 is to be expected. This money is available for expenditure on occupational health and safety measures.

Account Number	Type	Description	Debit \$	Credit \$
ANZ600	Decrease Expenditure	Anzac Day Event		2,000
CHR600	Increase Expenditure	Christmas Event	2,000	
HAR600	Decrease Expenditure	Harmony Week		1,000
NEI600	Decrease Expenditure	Neighbour Day		1,000
PAW600	Increase Expenditure	Paws in the Park	2,000	
SCH600	Decrease Expenditure	School Holiday Programming		7,000
SUM600	Increase Expenditure	Summer Series Event	7,000	
VOL600	Decrease Expenditure	Volunteer Week		2,000
FAM600	Increase Expenditure	Families Week	2,000	

Reason:

To reallocate amounts within the overall Events Budget.



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Account Number	Type	Description	Debit \$	Credit \$
RAN600	Increase Expenditure	Rangers - Minor Asset Purchases	14,000	
RAN210	Increase Income	Rangers - Fines and Penalties		14,000
Reason: Higher than expected Rangers Fines and Penalties income being used in part to offset an increase in expenditure required for the installation of car cams and tablet mounts for all Ranger vehicles.				
Account Number	Type	Description	Debit \$	Credit \$
ESD647	Increase Expenditure	Bushfire Brigades Mitigation Projects	25,000	
ESD405	Increase Income	Emergency Services Reimbursements		25,000
Reason: To recognise offsetting expenditure and reimbursement required for conducting controlled burns for property owners.				
Account Number	Type	Description	Debit \$	Credit \$
DCD508	Increase Expenditure	Director Community Services Training	8,150	
GFI265	Increase Income	Reimbursements		8,150
Reason: Full Director training allowance not included within original budget. Increase in costs to be offset by higher than budgeted reimbursements.				



Account Number	Type	Description	Debit \$	Credit \$
ITS910	Increase Expenditure	ICT Equipment	65,663	
ITS911	Increase Expenditure	Fitout of ICT Training Room	14,500	
ITS525	Increase Expenditure	Computer Licensing - Microsoft	39,194	
GFI265	Increase Income	Reimbursements		11,700
ECG100	Increase Income	Every Club Grant		15,000
CCS540	Decrease Expenditure	Purchase of Minute and Agenda Software		20,595
BUI375	Increase Income	Swimming Pool Inspection Fees		7,000
RAN210	Increase Income	Rangers Fines and Penalties		11,000
MOC517	Decrease Expenditure	Subscription Fees - National Growth Areas Alliance		12,000
STP517	Decrease Expenditure	Strategic Planning - Subscription Fees		2,000
OGC560	Decrease Expenditure	Employee Provision Allocation		40,062

Reason:

Additional funding required for the purchase of ICT equipment for new staff, set up of the training room in preparation for Tech One, and for the desktop refresh of existing equipment which is at end of life. It is proposed to offset this increase in costs with the following savings which have been identified and higher than expected income;

1. Higher than expected reimbursements being received for workers compensation claims and refunds on insurance expenditure.
2. Unbudgeted grant received from Department of Sport and Recreation as partial funding for the Recreation Development Officer position.
3. The purchase of the minute and agenda software is no longer required as Council has recently approved the purchase of Tech One.
4. Swimming pool inspection fees are currently sitting \$7,000 over the full year budget.
5. Rangers Fines and Penalties income is currently sitting \$25,000 over the full year budget. The additional income is being used in part to fund ICT equipment.
6. Membership with the Urban Development Institute of Australia and National Growth Areas Alliance is not being renewed.



Account Number	Type	Description	Debit \$	Credit \$
011003	Increase Transfer	Transfer to Administration Building Reserve	100,000	
WAS146	Increase Income	Waste Fees & Charges		100,000
Reason: Higher than budgeted fees and charges have been received for Waste. It is proposed to transfer the additional revenue into the Administration Building Reserve.				

Alignment with our Strategic Community Plan

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

Financial Implications

The financial implications are detailed in this report.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation



Risk Matrix

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

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

Voting Requirements Absolute Majority

OCM134/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

That Council approves the schedule of variations as presented below in accordance with section 6.8 of the Local Government Act 1995, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:

Account Number	Description	Debit \$	Credit \$
WFR900	Whitby Farm Remedial Drainage	5,000	
FNW200	Thomas Road Shared Path		5,000
RRG137	Orton Road - Resurfacing	31,698	
RRB005B	Wright Road - Resurfacing		31,698
ITS912	Server Room Expansion	70,000	
011003	Transfer from Administration Building Reserve		70,000
ECD508	Economic Development - Staff Training	5,000	
ECD525	Economic Development Marketing		5,000
TPP500	Town Planning Relief Staff Wages	10,800	
TPP502	Town Planning Consulting Fees		10,800
DDR530	Community Sponsorship - Darling Downs Residents Association	4,500	

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Account Number	Description	Debit \$	Credit \$
BGC530	Community Sponsorship - Byford Glades Community Garden		4,500
SAF573	Safer Communities Project Expenditure	159,011	
SAF101	Safer Communities Grant		159,011
DCO101	Compliance Fines and Penalties	14,000	
RAN210	Rangers Fines and Penalties		14,000
PSO600	Opera at the Mill Concert Event	62,000	
OTC250	Opera at the Mill - Sponsorship Contributions		62,000
OGC519	Occupational Health Expenditure	18,000	
OGC200	Human Resources/OSH - Reimbursements		18,000
ANZ600	Anzac Day Event		2,000
CHR600	Christmas Event	2,000	
HAR600	Harmony Week		1,000
NEI600	Neighbour Day		1,000
PAW600	Paws in the Park	2,000	
SCH600	School Holiday Programming		7,000
SUM600	Summer Series Event	7,000	
VOL600	Volunteer Week		2,000
FAM600	Families Week	2,000	
RAN600	Rangers - Minor Asset Purchases	14,000	
RAN210	Rangers - Fines and Penalties		14,000
ESD647	Bushfire Brigades Mitigation Projects	25,000	
ESD405	Emergency Services Reimbursements		25,000
DCD508	Director Community Services Training	8,150	
GFI265	Reimbursements		8,150
ITS910	ICT Equipment	65,663	
ITS911	Fitout of ICT Training Room	14,500	
ITS525	Computer Licensing - Microsoft	39,194	
GFI265	Reimbursements		11,700
ECG100	Every Club Grant		15,000
CCS540	Purchase of Minute and Agenda Software		20,595
BUI375	Swimming Pool Inspection Fees		7,000

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Account Number	Description	Debit \$	Credit \$
RAN210	Rangers Fines and Penalties		11,000
MOC517	Subscription Fees - National Growth Areas Alliance		12,000
STP517	Strategic Planning - Subscription Fees		2,000
OGC560	Employee Provision Allocation		40,062
011003	Transfer to Administration Building Reserve	100,000	
WAS146	Waste Collection Fees and Charges		100,000
	Totals	1,009,516	1,009,516

CARRIED BY ABSOLUTE MAJORITY 8/0



10.4 Community Services reports

OCM135/11/18 – Annual Report 2017/2018 (SJ2756)	
Responsible Officer:	Deputy CEO/Director Community Services
Senior Officer:	Chief Executive Officer
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> .

Report Purpose

The purpose of this report is for Council adopt the 2017/2018 Annual Report as required by Section 5.54 of the *Local Government Act 1995* and resolve to hold the Annual Elector's Meeting on 20 December 2018.

Relevant Previous Decisions of Council

Nil.

Background

In accordance with section 5.54 of the *Local Government Act 1995 (the Act)* the Annual Report is to be adopted by Council no later than 31 December after that financial year, or no later than two months after the auditor's report becomes available.

Community / Stakeholder Consultation

Following adoption of the Annual Report by Council, section 5.55 of *the Act* will be complied with. *Section 5.55 of the Local Government Act 1995* states that:

“the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.”

Statutory Environment

Section 5.53 of the *Local Government Act 1995* requires Local Government to prepare an Annual Report for each financial year and stipulates the format of the report.

Section 5.54 of the *Local Government Act 1995* states that this report is to be accepted by the Local Government no later than 31 December each year unless the auditor's report is not available.

Section 5.27 of the *Local Government Act 1995* outlines the timeframe for holding an Annual Elector's Meeting.

Section 5.29 of the *Local Government Act 1995* outlines notice requirements for the CEO to convene an Annual Elector's Meeting.



Comment

Section 5.54 of the *Local Government Act 1995* requires Council to accept the Annual Report no later than 31 December each year. Should the auditor's report not be available in time for the Annual Report to be accepted by 31 December, then the local government is to accept the Annual Report no later than two months after the auditor's report becomes available.

Preparation of the Annual Report has progressed in anticipation that the Audit, Risk and Governance Committee would consider the Annual Financial Statements and Audit Report for 2017/2018 by mid November 2018 with a recommendation to Council at this ordinary meeting. As a part of the process, the Annual Report is also presented for consideration at this meeting.

The 2017/2018 Annual Report conforms with the requirements of the *Local Government Act 1995* and contains:

1. Shire President's Report,
2. Chief Executive Officer's Report,
3. Overview of Planning for the Future of the District in accordance with Section 5.56 of the Act and achievements made against the Strategic Community Plan 2017-2027
4. Report in relation to the Complaints Register subject to Section 5.121 of the Act,
5. Report required under Section 29(2) of the Disability Services Act 1993,
6. Auditor's Report and Audited Financial Statements,
7. Remuneration of Senior Employees,
8. A report on compliance with the organisation's recordkeeping plan.

The Annual Report will be available for public access via the Shire website and at the Annual Electors Meeting to be held on 20 December 2018.

In accordance with section 5.27 of the *Local Government Act 1995*, a general meeting of electors of a district is to be held once every financial year. The meeting is to be held not more than 56 days after the local government accepts the annual report for the previous financial year.

Advertising of the Annual Elector's Meeting is required to the community through the local newspaper as well as through community notice boards. The public will be asked to provide questions in writing at least 48 hours before the meeting to enable questions to be answered fully and without delay.

The recommended date for the Annual Elector's Meeting is 20 December 2018, to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6.30pm.

The *Local Government Act 1995*, Section 5.33 notes that all decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable, at the first ordinary council meeting after that meeting; or at a special meeting called for that purpose, whichever happens first. It is anticipated that the outcomes of the 2017/2018 Annual Elector's Meeting will be presented to the Ordinary Council Meeting in February 2019.



Options and Implications

Option 1 – Adopt Annual Report (Recommended)

To ensure the timely presentation of the Annual Report and conduct of the Annual Electors Meeting, Council is requested to adopt the Annual Report as per attachment OCM135.1/11/18 and hold an Annual Elector's Meeting on 20 December 2018.

Option 2 – Adopt Annual Report with amendments

Council may opt to suggest changes to the Annual Report for 2017/2018. The implications of this option would be a delay to the availability of the Annual Report, in turn resulting in a change to the Annual Electors Meeting date.

Option 3 – Reject Annual Report

Should Council resolve to reject the Annual Report for 2017/2018, there is a possibility of compliance failure with Section 5.54 of the *Local Government Act 1995*.

Option 1 is recommended.

Conclusion

Council is requested to adopt the 2017/2018 Annual Report as required by Section 5.54 of the *Local Government Act 1995* and resolve to hold the Annual Elector's Meeting on 20 December 2018. Holding an Annual Elector's Meeting promptly after adoption of the Annual Report is a significant indicator of positive organisational performance.

Attachments

- [OCM135.1/11/18](#) – Shire of Serpentine Jarrahdale Annual Report 2017/2018 (E18/12933)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient, and effective organisation.
Outcome 4.1	A strategically focused Council.

Financial Implications

A budget provision has been made in the 2018/19 budget to accommodate the costs associated with producing the Annual Report.

Risk Implications

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



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

Risk Matrix

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

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



Voting Requirements: Absolute Majority

OCM135/11/18 COUNCIL RESOLUTION

Moved Cr McConkey, seconded Cr Byas

That Council:

- 1. Adopts the 2017/2018 Annual Report for the Shire of Serpentine Jarrahdale as provided at attachment OCM135.1/11/18, in accordance with section 5.54 of the *Local Government Act 1995*.**
- 2. Resolves that the Annual Electors Meeting be held on 20 December 2018 in the Council Chambers at the Shire Civic Centre in Mundijong commencing at 6.30pm and local public notice given as such.**

CARRIED BY ABSOLUTE MAJORITY 8/0



OCM136/11/18 – Community Group Fee Waiver Requests (SJ291)	
Responsible Officer:	Manager Community Development
Senior Officer:	Deputy CEO/Director Community Services
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> .

Report Purpose

The purpose of this report is for Council to consider facility hire fee waiver requests received from Community Groups for the 2018/2019 financial year.

Relevant Previous Decisions of Council

OCM059/06/18 – Adoption of 2018/2019 Budget and 2019-2029 Long Term Financial Plan.

As part of the 2018/2019 budget adoption process, Council considered facility hire costs for sporting and community groups in the 2018/2019 Schedule of Fees and Charges. Council indicated that it is important that all user groups make a contribution to the costs associated with the maintenance and operations of these facilities.

OCM116/10/18 – Sporting Club Fee Waiver Requests

At the October 2018 Ordinary Council Meeting, Council considered and approved fee waiver requests from sporting clubs within the Shire to the total value of \$28,454 for the 2018/2019 financial year.

That Council:

- 1. Approves a fee reduction to the value of \$25,640 for the Serpentine Jarrahdale Cricket Club's 2018/19 junior and senior seasons for the 2018/2019 financial year period and advises that Serpentine Jarrahdale Cricket Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*
- 2. Approves a fee reduction to the value of \$1,407 for the Serpentine Badminton Club Incorporated for the 2018/2019 financial year period and advises the Serpentine Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*
- 3. Approves a fee reduction to the value of \$1,407 for the Jarrahdale Badminton Club Incorporated for the 2018/2019 financial year and advises the Jarrahdale Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*
- 4. Defers consideration towards a fee waiver for Mundijong Central Junior Football Club until such time as the booking details and value of fee waiver can be determined.*

CARRIED BY ABSOLUTE MAJORITY 9/0



Background

Council Policy 5.1.4 – Facility Hire, outlines a fair and equitable method for determining fees and charges for the hire of community facilities. It states that the intention of charging fees and charges is to assist the Shire with the cost of operating and maintaining community facilities.

Dating back to the adoption of Fees and Charges at the May 2013 Special Council Meeting, a number of sporting and community groups have been charged annually at a precedential rate with no clear justification for how their facility hire fees were originally calculated.

The process of charging varied fees based on historical arrangements and contrary to the adopted fees and charges is recognised as being inconsistent, inappropriate and created inequities amongst user groups. It has also resulted in limited financial contributions towards the operations of the Shire's facilities.

In order to assist with these challenges and to have a more transparent and consistent charging method, the 2018/2019 Schedule of Fees and Charges outlines the hire rates and inclusions per community facility, with an applicable hourly hire fee.

Post 1 July 2018, Officers have applied the Schedule of Fees and Charges as adopted to each hire request. As a result, some community groups have seen changes to their hire fees and booking arrangements. Council considered four fee waiver requests from sporting groups at the October OCM and five requests have subsequently been received from community groups for fee waivers/reductions.

In the absence of a Council Policy regarding hire fee waivers/reduction requests, the item is presented to Council for consideration.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	14 May 2018
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr See

Statutory Environment

Council Policy 5.1.4 – Facility Hire outlines that the intention of charging fees and charges is to assist the Shire with the cost of operating and maintaining community facilities.

Section 6.12 of the *Local Government Act 1995* is relevant to this report.

Comment

Officers have worked with each community group to encourage an open and fully-informed assessment of their requests.

Where a group has expressed concerns with their ability to meet the fees for hire, Officers have worked with the group to explain options available for support dependent on the circumstances of each individual group. These options have included the opportunity to request a fee waiver or reduction, the opportunity to apply for a community grant from the Shire to assist with the costs and where appropriate, the opportunity to enter into a license arrangement.



Thus far this Financial Year, fee waiver requests have been received from the following community groups;

- Heritage Country Choir - Attachment OCM136.1/11/18.
- Juniper Community Podiatry - Attachment OCM136.2/11/18.
- Serpentine Jarrahdale Girl Guides - Attachment OCM136.3/11/18.
- Dance Fit Academy - Attachment OCM136.4/11/18.
- Byford Carols – Attachment OCM136.5/11/18.

A summary of the group, membership base, fee waiver request and recommendation are detailed in Options and Implications. Officers have taken a number of factors into account when providing a recommendation:

- Health and wellbeing benefits for individuals actively engaging in recreational and community based pursuits;
- Usage per week (and/or per booking occurrences) of facilities;
- Whether the information provided allows for reasonable and consistent consideration in the context of current requests;
- An affordable option to sustain the above points.

Options and Implications

Option One (recommended)

Below outlines the recommended fee waivers and suggested value per request. In the absence of a clear policy and procedure regarding fee waiver requests, Officers requested groups provide;

- The fees and correlating amount the group is requesting to have waived;
- A brief description of both the community and organisational benefit of waiving fees;
- The current membership numbers of the organisation; and
- Member fee structure (should they wish to provide it as supporting information).

The submitted fee waiver requests are attached to this report. Officers are unable to substantiate comments received from groups regarding ability to meet costs and have not requested further financial information. Recommendations have been based on the information provided within the written request only.

Heritage Country Choir

The Heritage Country Choir has 20 members and utilises the Briggs Park Pavilion for two hours per week. Dating back to at least May 2013, the Choir has previously paid a nominal facility hire fee of \$264 per annum. Under the 2018/19 Schedule of Fees and Charges, the present total value of annual hire by the Heritage Country Choir is \$5,616.

The Choir has suggested that a nominal fee of \$500 per year is an affordable option for the sustainability of the group, and therefore have requested a fee reduction of \$5,116.



Officers recommendation is to approve the fee reduction to the value of \$5,116, requiring the Choir to pay \$500 in the 2018/19 financial year. The charge of \$500 per annum represents a 52.8% increase in previous years' fees and is considered fair and reasonable.

This will result in a total facility hire cost of approximately \$10/week (excluding Christmas/New Year period). It is also recommended that the Heritage Country Choir be informed that no further reduction in facility hire can be considered for the 2018/2019 financial year.

Juniper Community Podiatry

As a government-funded program, Juniper Podiatry provides not-for-profit healthcare services once per week from the St Johns Ambulance Hall, Serpentine. 18 bookings have been confirmed for the 2018/2019 financial year equating to \$2,025. The clinic have advised Officers that facility hire costs have not been budgeted for the program, as they have previously not been charged hire fees.

Up to 10 clients are seen at the clinic per week. Juniper Podiatry is requesting a fee waiver for the total amount (\$2,025) for bookings up to June 2019.

Officers recommendation is to approve the fee waiver to the value of \$2,025 on the basis that the clinics income per week would not cover the hire fees. Although health services are not a core function of local government there are limited similar services available in Serpentine, and therefore provides important benefit to the community.

It is also recommended that Juniper Community Podiatry be advised that as facility hire is applicable to all groups into the future, ongoing communication will need to occur between the Shire and Juniper regarding 2019/2020 Schedule of Fees and Charges, to allow such facility hire to be budgeted appropriately.

Serpentine Jarrahdale Girl Guides

The Serpentine Jarrahdale Girl Guides group utilises Mundijong Kindergarten known as 'The House'. Previously, the group has been paying a legacy nominal fee of \$268 per annum for approximately 40 bookings per year. 2018/2019 charges equate to \$1,142.40 for 34 bookings.

With 20 members, the group charges \$25 per term per member to cover costs for facility hire and activities.

The SJ Girl Guides have requested a fee reduction of \$874.40 for the remainder of the 2018/2019 financial year as to reduce the hire fees back to the \$268 nominal fee.

Officers recommendation is to reduce the facility hire fee to \$273.10, allowing for a 1.9% CPI increase from 2017/2018. This results in a fee reduction of \$869.30.

It is also recommended that the Serpentine Jarrahdale Girl Guides is advised that no further fee waivers can be considered for the 2018/2019 financial year.

Dance Fit Academy

Dance Fit Academy are a commercial organisation providing dance classes from Byford Hall. The organisation operates from the Hall for 7 hours and 45 minutes per week, for 39 weeks of the year, and runs 21 classes with a minimum of five students per class.

Before this financial year, Dance Fit Academy have paid approximately \$6,150 per annum. Based on current bookings and 2018/2019 Fees and Charges, this years' annual hire fee equates to \$12,096.25.



A fee structure was not provided by Dance Fit Academy though the organisation has requested either one of the following two reduction options;

- 5% discounted rate, equating to a total value fee reduction of \$604.81 (p/a) or;
- Flat rate of \$32.50/hour, equating to a total value fee reduction of \$2,272.93 (p/a).

On the basis of Dance Fit Academy being a commercial entity, Officers do not recommend the provision of a fee reduction for the 2018/2019 financial year.

Council may opt to apply the 20% not-for-profit discounted rate, though this is not recommended by Officers as it is not seen as fair and equitable given that the organisation is not a registered not-for-profit business.

Byford Carols Incorporated

Byford Carols Incorporated holds an annual Christmas event in Byford. This year, the event will be held at Briggs Park Reserve, and the group has requested a fee waiver of \$520 for the 2018 event facility hire.

Council has supported Byford Carols this financial year via a Sundries Grant to the value of \$116 for reimbursement of Incorporation fees. Officers have also previously encouraged Byford Carols Inc. to apply for a Minor Events Grant (maximum value of \$1,500) to assist with costs of the event. An application for a Minor Events grant has not yet been received. Should an application be received and subsequently approved and a fee waiver endorsed by Council, the total value of support could reach \$2,136.

The group has previously indicated that 700-800 attendees are expected at the event and therefore Officers recommend approving the fee waiver request on the basis that \$520 is regarded as a relatively low cost to Council for an established community event.

Option Two

Council may determine to waive all applicable facility hire fees. This option would not be recommended as it does not present a suitable option for the groups, ratepayers or Council.

Providing free facility hire does not support the long-term sustainability of the groups in the Shire. Groups may become financially dependent on the Shire making it difficult for groups to meet their financial commitments should Council find it necessary to increase fees and charges to meet increasing demands in future. It also makes it challenging and/or financially unsustainable for Council to offer the same level of support to all local community groups.

Option Three

Council may determine not to waive or reduce any of the applicable fees and charges. This option would not be recommended as it would likely result in the groups experiencing negative operational consequences.

Conclusion

Following a range of consultation between community groups and Officers, fee waiver and reduction requests have been received from five community organisations.

Officers have taken a range of factors into consideration when assessing the fee waiver requests and as such, recommend a fee waiver or reduction for four applications.



Attachments

- [OCM136.1/11/18](#) – Heritage Country Choir fee waiver request (E18/12412)
- [OCM136.2/11/18](#) – Juniper Podiatry fee waiver request (E18/12413)
- [OCM136.3/11/18](#) – Serpentine Jarrahdale Girl Guides fee waiver request (E18/12414)
- [OCM136.4/11/18](#) – Dance Fit Academy fee waiver request (E18/12498)
- [OCM136.5/11/18](#) – Byford Carols Incorporated fee waiver request (E18/12668)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure.
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations.

Financial Implications

No increase in facility hire income was budgeted for within the 2018/2019 financial year and remains the same as budgeted in 2017/2018, therefore the proposed hire fee reductions will not result in a change to the projected income budgets.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Groups financially not able to afford fees and charges	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation Values indicated have been provided by groups so should be affordable.
Shire unable to sustain the upkeep and provision of	Likely (4)	Moderate (3)	High (10-16)	Reputation - 3 Moderate - Substantiated, public embarrassment,	Accept Officer Recommendation



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
facilities to the community.				moderate impact on key stakeholder trust or moderate media profile	

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 12 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements: Absolute Majority****OCM136/11/18 COUNCIL RESOLUTION****Moved Cr Coales, seconded Cr Denholm****That Council**

- 1. Approves a fee reduction to the value of \$5,116 for the Heritage Country Choir Incorporated for the 2018/2019 financial year and advises the Heritage Country Choir Incorporated that no further reduction in facility hire costs will be considered for 2018/2019.**
- 2. Approves a fee waiver to the value of \$2,025 for the Juniper Community Podiatry Clinic for the 2018/2019 financial year and advises the Juniper Community Podiatry Clinic that communication will take place prior to the 2019/2020 financial year for future facility hire budgeting purposes.**
- 3. Approves a fee reduction to the value of \$869.30 for the Serpentine Jarrahdale Girl Guides for the 2018/2019 financial year and advises the Serpentine Jarrahdale Girl Guides that no further reduction in facility hire costs will be considered for 2018/2019.**
- 4. Declines all fee reduction requests for Dance Fit Academy for the 2018/2019 financial year.**
- 5. Approves a fee waiver to the value of \$520 for Byford Carols Incorporated for the 2018/2019 financial year.**
- 6. Records the value of the fee reduction concessions in the accounts of the Shire as donations as per the following budget variation:**

Account Number	Description	Debit \$	Credit \$
DON560	Donation Expense	8,530.30	
CMF100	Community Facility Hire Fees Income		8,530.30

CARRIED BY ABSOLUTE MAJORITY 8/0



OCM137/11/18 – Closed Circuit Television (CCTV) Policy	
Responsible Officer:	Manager Community Development
Senior Officer:	Deputy CEO/Director Community Services
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> .

Report Purpose

The purpose of this report is for Council to consider adopting a Closed Circuit Television (CCTV) Policy.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this item.

Background

In June 2018, the Shire was successful in securing a grant from the Department of Industry, Innovation and Science to the value of \$159,000 ex GST. This grant was for the purchase and install of CCTV infrastructure for priority areas identified throughout the Briggs Park precinct.

In developing the CCTV project brief for formal quotation, it was identified that Council do not have a policy that clearly articulates the purpose and objective of CCTV provision throughout the Shire.

In establishing a CCTV policy, the prescribed boundaries, guidelines and expectations of Council are set to allow for a consistent and reasoned approach to all CCTV projects into the future. This further allows Officers to communicate relevant information to stakeholders, including community where required.

As a best practice approach, Officers are presenting this draft CCTV Policy for Council consideration.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	12 November 2018
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr See

The draft policy was circulated to the local Mundijong Police for their consideration. The Officer in Charge has perused the document with no concerns noted.

The policy was also presented and endorsed by the Management Team, 5 September 2018.



Statutory Environment

Section 2.7(2)(b) of the *Local Government Act 1995*

Council is to have due regard to its policies to be able to govern its affairs and performance.

Other Acts and associated legislation is applicable to the implementation and management of CCTV systems. These are referenced in the draft policy attached.

Comment

The purpose of the CCTV policy is to establish clear parameters for the use of closed circuit television (CCTV) systems across the Shire of Serpentine Jarrahdale to assist in:

- a) Creating a safer environment for residents and visitors to the Shire of Serpentine Jarrahdale;
- b) Protect Council's assets and other assets under the control and care of Council.

The objective of CCTV within the Shire of Serpentine Jarrahdale is to reduce personal and property crime, in association with a range of other crime prevention strategies. Whilst CCTV cameras bring benefits to the community, such as a reduction in crime, which can lead to enhanced community safety and property protection in particular areas, it is recognised that crime will never totally be prevented. This would be beyond the scope of any one agency or sector.

Officers have considered a range of CCTV policies applicable to other local government areas in order to draft the proposed CCTV policy – attachment OCM137.1/11/18. Consequently, the following principle areas (as relevant to the Shire of Serpentine Jarrahdale) are proposed to be set by Council via the adoption of the draft CCTV policy:

1. Purpose, privacy and public interest.
2. Ownership of CCTV, responsibilities and accountability.
3. Shire of Serpentine Jarrahdale CCTV and police involvement.
4. Public information and community consultation.
5. Evaluation of CCTV provision.
6. Management of CCTV monitors, control rooms and associated infrastructure.
7. Retention of and access to recorded material.

It should be noted that although the Serpentine Jarrahdale Community Recreation Centre is managed by the YMCA, as a Council facility and asset, CCTV systems at this location are to be governed by this policy. The system is currently managed under the auspice of YMCA policies and procedures. The proposed policy is not expected to contradict or conflict with any processes currently in place.

Options and Implications

Option 1 – Adopt draft CCTV Policy (Officers Recommendation)

In order for Officers to effectively and consistently apply principles to the planning, management and installation of CCTV infrastructure, a governing policy is required.

**Option 2 – Reject draft CCTV policy**

Should Council resolve not to adopt a CCTV policy, it is anticipated that the CCTV project identified for the Briggs Park precinct will proceed to installation, however the system will not be operational until parameters are set for its provision and management. Particularly in the interests of public privacy, to ensure they are operated fairly, within applicable law and with a clearly defined community safety purpose relevant to the functions of local government.

Option 3 – Suggest amendments to the drafted CCTV policy

Council may opt to suggest changes to the drafted policy. Implications of any suggested changes would have to be considered on an individual basis. This would not be recommended as the policy has been generated in a holistic manner to address a broad range of areas and changes may have unintended implications to its implementation.

Conclusion

Council is requested to consider adopting a Closed Circuit TV (CCTV) Policy to establish clear parameters for the use of CCTV systems across the Shire of Serpentine Jarrahdale.

In establishing a CCTV policy, the prescribed boundaries, guidelines and expectations of Council are set to allow for a consistent and reasoned approach to all CCTV projects into the future. This further allows Officers to communicate relevant information to stakeholders, including community where required.

Attachments

- [OCM137.1/11/18](#) – Shire of Serpentine Jarrahdale Closed Circuit TV (CCTV) Policy (E18/12573)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live.
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.3	Enhance community safety.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.

Financial Implications

Nil



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Non compliance with adopted policy	Rare (1)	Moderate (3)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Risk
Council does not adopt CCTV policy.	Possible (3)	Minor (2)	Moderate (5-9)	Service Interruption - 2 Minor - Temporary interruption to an activity – backlog cleared with existing resources	Accept Officer Recommendation The Briggs Park CCTV would be installed however the system will not be operational until parameters are set for its provision and management.

Risk Matrix

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

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



has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM137/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

That Council adopts the Closed Circuit TV (CCTV) Policy as presented in attachment OCM137.1/11/18.

CARRIED UNANIMOUSLY 8/0

**11. Urgent business:**

OCM138/11/18 - Proposed 'Service Station', Car Wash, and 'Showroom' at Lot 104, 3 Larsen Road, Byford (PA18/372)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
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:	Peter Webb and Associates
Owner:	Byford Development No.3 Pty Ltd
Date of Receipt:	14 May 2018
Lot Area:	1.16ha
Town Planning Scheme No 2 Zoning:	'Showroom/Warehouse'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of the report is for Council to endorse an amended Responsible Authority Report (RAR) for a development application for proposed 'Service Station', 'Automotive Vehicle Wash' and 'Showroom' land uses at Lot 104, 3 Larsen Road, Byford. The proposal is presented to Council, as Officers do not have delegated authority to provide a recommendation to the Joint Development Assessment Panel (JDAP).

Relevant Previous Decisions of Council

SCM012/10/18 – Council endorsed the RAR recommending refusal of the application for the reasons that the proposal is contrary to the following provisions;

- (a) *"Clause 67(t) of the Planning and Development (Local Planning Schemes) Regulations 2015 which indicates that due regard should be given to the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road network in the locality and probable effect on traffic flow and safety."*
- (b) *"The proposal is contrary to Clause 67(s) for the Planning and Development (Local Planning Schemes) Regulations 2015 which indicates that due regard should be given in relevant cases to the proposed means of access to and egress from the site and arrangements for the loading, unloading manoeuvring of vehicles."*

Full details of the refusal reasons are contained within the previous Council Report OCM138.2/11/2018.



Background

The original application was lodged with the Shire on 14 May 2018 as a Development Assessment Panel (DAP) application, and it was presented to Council at its Special Council Meeting of 8 October 2018. At this meeting, Council endorsed the RAR which recommended refusal of the application due to insufficient information having been provided to enable Officers to complete an informed assessment of the traffic impacts from the proposed development.

The application was subsequently presented to the Metro East Joint Development Assessment Panel (JDAP) on 17 October 2018, where the application was deferred. The deferral was to allow the applicant to provide additional information addressing concerns regarding traffic movement within the site, impact of the traffic generated by the development on the road network and the location of the loading bays. In addition, the applicant was also required to provide additional information that presented interesting and attractive facades to the South Western Highway and George Street frontages.

In that regard, the applicant provided additional information to the Shire on 9 November 2018. The additional information included an amended Traffic Impact Assessment (TIA), amended site plan and amended elevations including 3 dimensional drawings of the buildings.

Based on the additional information provided, Officers consider that the concerns initially raised have been addressed. As such, the attached RAR OCM138.1/11/2018 recommends that the application be approved subject to conditions recommended by both Officers and Main Roads Western Australia (MRWA).

The subject site is bound by South Western Highway to the east, Larsen Road to the north, and George Street (unconstructed) to the west. An existing passenger and freight railway line is situated further west of the site. The areas to the east and north are predominantly residential. A primary school is located to the north-west of the site.



Location Plan



Existing Development

The subject site is 1.1ha and is currently vacant with vegetation located along South Western Highway. Council granted retrospective development approval on the subject site on 22 December 2014 for a Transport Depot. It is noted that there has previously been a dwelling on the lot, however this has been demolished.

Initial Proposal

The initial development application that was submitted to the Shire on 14 May 2018 for a proposed 'Service Station', car wash, vehicle service store/tyre centre, showroom/restricted retail and associated car parking. Full details of the initial proposal are contained OCM138.3/11/2018.

The proposal comprised of the following:-

- A 432m² convenience store incorporating a café, outdoor seating area, cool room, store room, sales area, preparation area and drive through;
- A service station with 8 fuel points for cars and 2 for trucks (open 24 hours a day, seven days a week);
- A 132m² self-service car wash with 4 manual wash bays, 1 automatic wash bay and 4 vacuum bays (open 24 hours a day, seven days a week);
- A 365m² Tyre and Automotive centre;
- A 630m² showroom tenancy/restricted retail operating Monday to Friday between 8:00am – 5:00pm, seven days a week;
- A drive-through coffee shop operating between 5:00am – 9:00pm;
- Fuel and diesel canopies including and a canopy which links the convenience shop; and
- A car park comprising of 51 standard bays, 4 ACROD bays and 3 loading bays.

Revised Proposal

On 9 November 2018, the applicant provided an amended Traffic Impact Assessment (TIA) to address the concerns raised by Officers and the JDAP regarding traffic movements within the site and the impact of the traffic generated by the development on the road network.

In addition, amended plans were provided which include the following changes:

- Car Wash and Tyre Service Centre uses have been relocated so that the Car Wash is adjacent to George Street and the Tyre Service Centre is located internal to the site. This resulted in one loading bay being removed from the George Street frontage of the site;
- The floor area of the Car Wash has been reduced from 132m² to 100m²;
- The floor area of the Tyre Service Centre has been slightly increased from 365m² to 400m²;
- The landscaping area has been increased from 2886m² (24.82%) to 3095m² (26.6%); and
- Car Parking has increased from 55 car parking bays to a total of 69 car parking bays plus 2 waiting bays associated with the drive thru.



Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*

State Government Policies

- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses
- State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment

Local Policies

- Byford Townsite Detailed Area Plan
- Local Planning Policy 4.11 - Advertising (LPP4.11)
- Local Planning Policy 1.6 - Public Art (LPP1.6)
- Local Planning Policy 4.16 - Landscape and Vegetation (LPP4.16)
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP4.15)
- Local Planning Policy 3.7 – George Street Design Guidelines (LPP3.7)

Community / Stakeholder Consultation

Public Consultation

Advertising was undertaken for the initial proposal to surrounding landowners for a period of 21 days between 22 May 2018 and 12 June 2018, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

As a result of this consultation a total of eleven submissions were received from nearby landowners. Nine submissions raised concerns in relation to the proposal and two provided support. A full summary of the submissions and the applicants response can be viewed as OCM138.4/11/2018.

The revised application has not been readvertised as Officers do not consider the amendments fundamentally alter the development being considered.

Consultation with other Agencies

The Shire received five submissions from State Government Agencies which have been addressed within the RAR, however for the purposes of this report MRWA's submissions will be discussed.



MRWA in its submission dated 12 June 2018 which is attachment OCM138.5/11/18 did not support the proposed development and raised concerns relating to the following:

- Use of the existing access driveway located on South Western Highway which was not considered to be consistent with the Western Australia Planning Commission's Development Control Policy 5.1 Regional Roads (Vehicle Access, Section 3.3.2);
- Increased right turn movements from South Western Highway showing a right turn of 55 metres in lieu of 75 metres right turn pocket in accordance with section 5.2 of Austroads Part 4A;
- Impacts of internal traffic movement to vehicle traffic movement onto the site. Specifically, the lengths available for stacking of vehicles during peak times and the impact of queuing impacting on South Western Highway; including queuing at car wash facility and right turn to access the drive through facility.
- The initial traffic Impact Assessment (TIA) states that Larsen Road is at capacity and increased traffic volumes on Larsen Road may require dual left and right turn lanes. The TIA takes into account the Shire of Serpentine-Jarrahdale's future plans for closure of Larsen Road, included in the attached Vehicle Access Strategy. Whilst this might offset the capacity issues on Larsen Road in the longer term, the certainty and timing of these concept plans are contingent on multiple factors including rail crossing relocation and broader district wide traffic access.

In order to address the issues raised by MRWA, the applicant submitted a revised site plan, which deleted the vehicle access to/from South West Highway. This resulted in access being taken from both George Street and Larsen Road. Fuel tankers are proposed to access the site from George Street and exit on to Larsen Road. The information was sent to MRWA for further assessment on 31 August 2018. The Shire received updated comments from MRWA on 21 September 2018 providing conditional support for the proposal. This submission is contained within attachment OCM138.6/11/18.

Notwithstanding this conditional support, MRWA further reiterated its concerns over the issue of Larsen Road being at capacity and the need to construct dual left and right lanes to cater for increased traffic movements. MRWA also advised that the applicant was required to consult with the Shire Officers in this regard. These concerns are discussed within the Traffic and Vehicle Movement section of the report.

Planning Assessment

A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the RAR in attachment OCM138.1/11/18. For the purposes of this report, where Council is required to exercise discretion and the additional information provided as a result of the deferral, Built Form and Traffic, will be discussed. The reasons for deferral are as follows:-

- *Additional information is required to show that the buildings, as viewed from South Western Highway and George Street, present interesting, attractive facades.*
- *To address concerns raised in the RAR over traffic movements within the site, including the location/function of the loading bays adjacent to the George Street entrance.*
- *To address concerns raised in the RAR over the lack of information on the impact of the traffic generated by the development on the road network in the area.*



Land Use and Permissibility

In determining the land uses of the proposal, the following have been considered:-

‘Service Station’ defined under TPS2 as:-

“land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking”;

Officers have considered that the proposed petrol bowzers, associated retail building with café and Tyre Service Centre fall within the definition of a ‘Service Station’.

TPS2 includes a separate land use for the ‘Automotive Vehicle Wash’ (car wash) which is defined as follows:

“A building or portion of a building wherein vehicles are washed and cleaned by or primarily by mechanical means”.

The proposal also seeks approval for a building referred on the plan as restricted retail. This building is also referred in the application details as commercial and showroom. The applicant has not provided details of the specific tenancies or the operations that would be carried out. The application details do however state that the proposed land use sought for this building is ‘Showroom’ which is defined under TPS2 as follows:-

“land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of; foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment”.

The subject site is zoned ‘Showroom/Warehouse’ under TPS2. A ‘Service Station’ is an ‘SA’ use which means that Council has discretion to permit the use following advertising.

‘Automotive Vehicle Wash’ and ‘Showroom’ land uses are permitted within the subject zone.

Built Form

One of the reasons for deferral was to allow for the provision of additional information to show that the buildings, as viewed from South Western Highway and George Street, present interesting, attractive facades.

In assessing the additional information provided, Officers have been guided by the development guidelines of the Character Area H provisions of the Byford Townsite Detailed Area Plan (DAP) and the George Street Design Guidelines (LPP 3.7).

George Street View

The amended site plan shows the Car Wash and the ‘Showroom’ tenancy fronting onto George Street. The applicant has provided an architectural drawing (TP12) OCM138.7/11/18 which incorporates timber battens as a feature along George Street in front of the Car Wash.

In addition, a stainless steel wire support frame will be attached to the ‘Showroom’ building. It is considered that the frame will provide an interesting façade to the building as viewed from



George Street. It would also provide an opportunity for additional creeper planting in front of the loading bay adjacent to George Street. The loading bay is proposed to have roof cover to provide further articulation and an area of landscaping in front of it.

With the exception of the location of the loading bay, Officers consider that the elevation incorporates design measures that visually contribute to the streetscape of George Street whilst screening the visual impact of the car wash and allowing for further landscaping.

The inclusion of a stainless steel wire support frame attached to walls for creeper planting is considered to be an urban design tool which has been incorporated within another development located further south of the subject site. The Byford Townsite DAP encourages new development to demonstrate some consistency with elements of neighbouring buildings in terms of basic form and materials. The proposal is considered consistent with the aspirations of the built form of the character area under the Byford Townsite DAP. It is also considered to satisfy the concerns of Officers in relation to the streetscape of George Street.

A revised landscape plan is also required to reflect the current development layout. As such, Officers have recommended a condition of approval requiring the applicant to submit a revised Landscape Plan.

South Western Highway View

The elevations, as viewed from South Western Highway, were also raised as a concern during the JDAP meeting and included as part of the reasons for deferral. The applicant has provided an architectural drawing (TP13) OCM138.8/11/18 showing the 'Service Station' as viewed from South Western Highway.

The drawing shows a timber colonnade located amongst the existing vegetation around the drive thru that is considered to provide a quality presentation to South Western Highway. In addition, the built form of the Service Station will be softened by a 5m wide landscaping area adjacent to South Western Highway which includes retention of existing mature trees. The applicant has provided a justification stating that most of the building will be screened by vegetation.

Notwithstanding this additional information, the revised elevations do not propose any physical changes to the building itself. Whilst Officers consider the timber colonnade will improve the visual impact of the site, Officers consider this does not fully address the concerns of Officers or the requirements of the Byford Town Centre DAP.

It is recommended that the elevation facing South Western Highway should be redesigned to include further design features such as stone cladding to break up the monotony of the blank wall. Officers consider that the stone cladding together with the timber columns and existing vegetation will improve the visual impact of the fuel shop as viewed from the South Western Highway. Officers consider that this can be addressed by way of a condition of approval.

Traffic and Vehicle Movement

As previously stated, the applicant has provided an updated TIA (OCM138.9/11/18) to address the concerns. In summary, the concerns relate to the following

- Capacity of Larsen Road;
- Requirement of upgrading of Larsen Road/South Western Highway intersection;
- Stacking of vehicles over the railway;
- Movement of vehicles through the Larsen Road/George Street intersection; and



- Access for servicing vehicles from George Street.

It is proposed to provide dual turning lanes at the Larsen Road/South Western Highway intersection. This will increase the capacity of Larsen Road to deal with the additional traffic and also eliminate the concern of traffic stacking over the railway crossing to the west. A condition of approval is recommended to provide detailed engineering drawings of this upgrade prior to commencement of works.

In addition, the applicant has demonstrated by way of a swept path analysis that vehicles including those up to 19m in length can satisfactorily maneuver through the intersection of Larsen Road/George Street. Shire Officers are satisfied with the swept path analysis and therefore consider no further treatments or upgrades are required to this intersection.

Shire Officers previously raised the issue of service vehicles entering the site from George Street and lane compliance. In reconsidering this issue, Shire Officers are now satisfied that in accordance with *Liveable Neighbourhoods Operation Policy in Section R58 of Element 2 – Movement*, heavy rigid vehicles are permitted to depart their lane using any part of the pavement to enter and exit a site. Therefore, Officers are satisfied that movement of service vehicles in this area will not adversely impact the proposal.

The TIA initially submitted by the applicant identified that the development will generate an additional 200 vehicle movements during the network peak time between 4-5 pm. Officers were not satisfied with the method that was used to determine the pm weekday peak as it did not include the school collection time of between 3-4 pm. As such, Officers considered that the level of service on Larsen road had the potential to be further impacted upon the development than was reflected in the TIA. The TIA has subsequently been updated and shows that traffic during the peak hours including the school collection time does not significantly impact on the capacity calculations of Larsen Road as initially stated. Officers are now satisfied that the methodology used as part of the TIA reflects Larsen Road's capacity during peak time.

In relation to service vehicles, Officers consider a condition to require service deliveries to be conducted outside peak hours. Additionally, Officers recommend that 19m Semi Trailer Fuel Tankers can only enter the site from George Street and exit at Larsen Road access way. This will further ensure that the level of service on the road network is not adversely impacted upon.

Location and function of the loading bays

The location of the loading bays fronting on to George Street, which is an access road to the Byford Town centre, was another reason for deferral. The applicant was required to reconsider the location of the loading bays due to safety concerns over vehicle movements within the site. It was also considered that the location did not represent development consistent with the good urban design principles.

The revised site plan shows the relocation of one loading bay and the other one is still located adjacent to George Street. Officers consider that the loading bay could be relocated adjacent to the 'Showroom' or another appropriate location. The applicant has not provided any justification as to why the loading bay could not be relocated. Officers still consider that the remaining loading bay should be relocated so that the application is compliant with the streetscape requirements of George Street Guidelines (LPP 3.7). Officers therefore recommend a condition of approval requiring the applicant to submit a revised site plan showing the new location of the loading bay.

**Construction of George Street**

George Street as previously advised is currently unconstructed, LPP3.7 requires a contribution to be made by developers for the construction of George Street for adjoining lots. The contribution required is based on the length of frontage of the development site and the overall length of George Street, which then forms the percentage of the estimated cost to construct George Street that the developer is liable for. The subject lot forms 10% of the overall length of George Street and the applicant is therefore liable for 10% of the estimate cost to construct George Street. The current estimate cost to construct George Street is \$2.1 million, which means the developer is liable for a contribution of \$210,000.

The Shire does not currently have an ultimate design for George Street, if the development is to commence in the short term the developer will have to construct part of George Street to enable access to the lot. LPP3.7 allows for construction by the developer as an alternative to making a contribution subject to the works not preventing the construction of the remainder of George Street in a coordinated manner, the entirety of works being undertaken i.e intersections as well as frontage, and the materials and landscaping being consistent with Council requirements. As such, if the development was approved by JDAP, a condition requiring the construction of George Street and the associated intersections and cross overs at the developer's cost will be recommended by Shire Officers.

Options and Implications**Option 1**

That Council endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application for proposed 'Service Station', 'Automated Car Wash' and 'Showroom' 'at Lot 104, 3 Larsen Road, Byford subject to conditions.

Option 2

That Council does not endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application for proposed 'Service Station', 'Automated Car Wash' and 'Showroom' at Lot 104, 3 Larsen Road, Byford.

Conclusion

The application seeks approval for proposed 'Service Station', 'Automotive Vehicle Wash' and 'Showroom' land uses. The application was presented to the JDAP on 17 October 2018, whereby the application was deferred to allow the applicant to provide additional information addressing concerns regarding traffic and the built form.

Following the submission of additional information, Officers consider that, subject to conditions, the applicant has addressed the initial concerns of Officers. As such, it is recommended that Council endorse the amended RAR recommending that the JDAP approve the development application subject to conditions.



Attachments

- [OCM138.1/11/18](#) – Responsible Authority Report (E18/13257)
- [OCM138.2/11/18](#) – Previous Council Report (CR18/138)
- [OCM138.3/11/18](#) – Initial Proposal (E18/10959)
- [OCM138.4/11/18](#) – Summary of Submissions (IN18/22797)
- [OCM138.5/11/18](#) – Initial submission from MRWA (IN18/13724)
- [OCM138.6/11/18](#) – Revised submission from MRWA (IN18/21836)
- [OCM138.7/11/18](#) – TP12 – Artists Impression (E18/13263)
- [OCM138.8/11/18](#) – TP13 – Artists Impression (E18/13261)
- [OCM138.9/11/18](#) – Updated TIA (E18/13258)
- [OCM138.10/11/18](#) – Development Plans for Approval (IN18/25813)
- [OCM138.11/11/18](#) - Drawing No. TP03.1 (E18/13262)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not endorsing the RAR	Possible (3)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

**Risk Matrix**

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 3 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM138/11/18 COUNCIL RESOLUTION**Moved Cr See, seconded Cr Byas**

1. That Council endorses the Responsible Authority Report contained within attachment OCM138.1/11/18 which recommends that the Metropolitan East Joint Development Assessment Panel approve the 'Service Station', 'Automated Car Wash', and 'Showroom' land uses at Lot 104, 3 Larsen Road, Byford as contained within attachment OCM138.10/11/18 subject to the following conditions:

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

Plans and Specifications	P1 – P18 received at the Shire Offices on 9 November 2018 and Traffic Impact Assessment dated November 2018.
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- b. Prior to occupation, a monetary contribution of 1% being paid to Council, for the establishment of public art or, alternatively, the provision of public art being provided in accordance with Council's Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.



- c. Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation.**
- d. Prior to occupation, the applicant shall construct George Street in accordance with LPP3.7 – George Street Design Guidelines to the satisfaction of the Shire of Serpentine Jarrahdale.**
- e. Should the value of the works required for the construction of George Street be less than the contribution required under the Shire of Serpentine Jarrahdale Local Planning Policy 3.8 – George Street Design Guidelines, the applicant must provide a contribution of funds or works to the Shire of Serpentine Jarrahdale for the remaining value of the contribution required.**
- f. Prior to construction works, an updated Stormwater Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan shall be implemented and maintained thereafter. The Plan shall be prepared in accordance with the Byford Town Centre Local Water Management Strategy and Local Planning Policy 2.4 – Water Sensitive Design.**
- g. Prior to commencement of works, an updated Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads and road verges shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Vegetation Management Plan shall be implemented prior to occupation and maintained thereafter.**
- h. Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly from the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation noise.**
- i. The pylon sign shall not exceed 6.5m in height and shall be in accordance with LPP4.11 – Advertising.**
- j. Prior to commencement of works, an updated site plan showing the revised location of the loading bay shall be submitted and approved by the Shire of Serpentine Jarrahdale. The loading bay shall then be constructed in accordance with the approved site plan thereafter.**
- k. All loading and unloading associated with the development must be undertaken within the subject property boundaries.**
- l. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter.**



- m. Prior to occupation, shared paths, bicycle parking facilities shall be installed in accordance with Local Planning Policy 4.15 Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.**
- n. Prior to commencement of works, an amended drawing of the eastern elevation of the fuel shop, shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The elevation shall include further design features addressing South Western Highway in accordance with the Byford Townsite Detailed Area Plan. The building shall be constructed in accordance with this approved drawing.**
- o. Service deliveries shall occur outside the hours of 4:00pm to 5:00pm Monday to Friday. Service vehicles shall enter from the George Street entrance and exit from the Larsen Road exit.**

Main Roads Conditions

- p. Prior to occupation, the redundant crossover on South Western Highway shall be removed and the verge reinstated at the applicant's cost.**
- q. Prior to occupation, modifications to South Western Highway must be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale and Main Roads Western Australia as follows:**
 - i) the construction of left and right turn auxiliary lanes from South Western Highway onto Larsen Road, as depicted on Drawing No. TP03.1 Revision dated 14 September 2018 OCM138.11/11/18.**
 - ii) The construction of a median on Larsen Road, as depicted on Drawing No. TP03.1 Revision dated 14 September 2018 OCM138.11/11/18.**
- r. Signage illumination shall not exceed 300cd/m², not flash, pulsate or chase. The signage shall not contain fluorescent, reflective or retro reflective colours or materials.**
- s. Vegetation within the road reserve must not be removed or trimmed to improve the visibility of the proposed advertising devices.**

CARRIED 7/1



Shire President, Councillor Rich declared a Financial Interest in items OCM125/11/18, OCM126/11/18, OCM129/11/18 and OCM139/11/18 and left the Chambers at 9.21pm prior to these items being discussed.

The Presiding Member, Councillor Rich vacated the chair and Deputy Shire President, Councillor Atwell assumed the chair as Presiding Member at 9.21pm.

OCM125/11/18 - Award Contract for RFQ21/2018 Australian Government Black Spot Program – Kingsbury Drive and Karnup Road, (SJ2697)	
Responsible Officer:	Manager Infrastructure and Assets
Senior Officer:	Director Infrastructure Services
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> .

Report Purpose

To advise Council of submissions received in relation to RFQ21/2018 Australian Government Black Spot program for Kingsbury Drive and Karnup Road and recommend the best value for money quote and ask Council to award as a separable portion the contract to the preferred quoter for the Karnup Road only.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

Both projects Kingsbury Drive and Karnup Road projects are funded through the Metropolitan Regional Road Group's (MRRG) Australian Government 2018/19 Black Spot Program. The funding received are:

- \$363,500.00 for Kingsbury Drive, and
- \$375,000.00 for Karnup Road

The grant amounts also represent the allocated budget under the 2018/19 financial year capital budget.

The funding are provided at 100% full fund with no contribution from the Shire. The purpose of the grant funding is to enhance road and traffic safety of both Kingsbury Drive and Karnup Road. The road and traffic safety enhancement works include removal of the road side hazard, widening the road pavement width, sealing the road shoulders, installing tactile edge lines along the widened shoulders and installing guide posts and advisory signs around bends and straights

A request for quote was advertised on the WALGA eQuote Vendor Panel website on 14 September 2018 and closed at 2.00pm on 2 October 2018 with four submissions received. Under the received submission the Kingsbury Drive delivery cost came substantially over the allocated budget of \$363,500 while the Karnup Road delivery cost came below budget.



Under the MRRG Black Spot grant guidelines, budgets cannot be transferred between projects and therefore, although the Karnup Road project came under budget, its fund cannot be transferred to top up the Kingsbury Drive Project. The only available options are either to obtain a budget variation or a scope variation through the Metropolitan Regional Road Group funding partner.

A request for budget variation for more fund was made for Kingsbury Drive, by Shire officers to the funding partner but the request was rejected on the basis that all funding is already allocated. The only available option is therefore a scope reduction for the Kingsbury Drive project with a new request for quote to be invited. On this basis, a new RFQ36/2018 will be assessed and take to Council in a separate report as a single separable portion for Kingsbury Drive project.

Request for Quote

While estimation of the total project cost was assisted by civil contractor prices and the Metropolitan Regional Road Group unit rate for road and traffic safety improvement, the total project cost was still subject to final designs, and market forces.

In issuing a request for quote, a decision was made to manage the project financial risk by reviewing the project's scope and recalling request for quotes if the received quote prices, combined with other project elements, are substantially outside a reasonable budget.

The quoted Kingsbury Drive project delivery price was substantially over the allocated budget, and therefore using the above approach the project scope was reviewed in negotiation with the funding partners and a new request for quote invited for the Kingsbury Drive project. The scope review has involved reducing the project in linear length so the delivery cost will fit within Council's allocated budget. The review of the scope was undertaken ensuring no adverse impact on road and traffic safety treatment.

A new request for quote, RFQ36/2018, was therefore issued for Kingsbury Drive while the request for quote RFQ21/2018 is kept for Karnup Road.

Community / Stakeholder Consultation

N/A

Submissions

The Request for Quote RFQ21/2018 Australian Government Black Spot Program – Kingsbury Drive and Karnup Road, was advertised on the WALGA eQuote Vendor Panel website on 14 September 2018 and closed at 2.00pm on 2 October 2018.

Although Four (4) submissions were received, advice from Main Roads Black Spot indicated that the scope for Kingsbury Drive would have to be reduced and this was then readvertised as a new tender for Kingsbury Drive only. The four successful applications for Karnup road have been summarised in isolation from this point in an evaluation report and included in the confidential attachment OCM125.1/11/18 - Confidential - RFQ21/2018 Australian Government Black Spot Program – Karnup Road - Evaluation report. All received submissions comply with the request for quote guidelines.



Submissions were received from the following companies:

Company Name
Densford Civil Pty Ltd
Dowsing Group
RCA Civil Group
WCP Civil Pty Ltd

Evaluation Panel

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

- Manager Infrastructure and Assets;
- Coordinator Design
- Coordinator Project and Assets; and
- Senior Engineer Subdivisions.

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the quoters. Each member of the panel assessed the quotes separately.

Evaluation Criteria

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none">• Details of similar work (type, size and budget);• Quoters involvement including details of outcome;• Details of issues and how these were managed;• Any additional information.	15%
Quoters' Resources, Key Personnel, Skills and Experience with <ul style="list-style-type: none">• Key personnel's role in the performance of the contract, including their experience in similar projects;• Curriculum Vitae of key personnel;• Plant, equipment and materials;• Resources availability schedule, including any contingency measures or back up of resources;• Details of subcontractors and major suppliers of goods and services.	15%
Demonstrated Understanding/Experience with <ul style="list-style-type: none">• Project schedule;• Process for delivery of goods/services;• Project Management Plan;• Occupational Health and Safety Management Plan;• Critical assumptions; and• Any additional information.	15%



Comment

While the submissions are all of high quality with proven records in the delivery of similar projects, the Karnup Road project bid is under the allocated budget, while the Kingsbury bid is substantially outside the allocated budget.

Based on the evaluation report (OCM125.1/11/18 - Confidential - RFQ 21/2018 Australian Government Black Spot Program – Kingsbury Drive and Karnup Road - Evaluation report), the recommended submission is:

- RCA Civil Group for the Karnup Road project.

The assessment of all quotes was based on a lump sum price. The qualitative and quantitative assessments are articulated in confidential attachment OCM125.1/11/18 - Confidential – RFQ 21/2018 Australian Government Black Spot Program –Karnup Road - Evaluation report.

The prices submitted for the recommended contractor are documented in confidential attachment OCM125.2/11/18 - RFQ21/2018 - Australian Government Black Spot Program - Karnup - Pricing Schedule RCA Civil Group.

Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite Tenders before it enters a contract of a prescribed kind under which another person is to supply the goods or services. However the *Local Government (Functions and General) Regulations 1996* states:

Part 4; 11.(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

- (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program

Quotes were sought via the WALGA preferred supplier program.

Options and Implications

The following options have been identified:

Option1

Award the two Kingsbury Drive and Karnup Road projects as separable portions to RCA Civil Group. As part of the 2018-19 budget, increase the Kingsbury Road Rehabilitation project's budget to match the submission delivery cost of \$414,339.86. The increase being limited to the actual funds required and to be sourced from reserve. The addition budget to be sourced from reserve is \$50,839.86.

Option 2

Award RFQ 21/2018 Australian Government Black Spot program – Kingsbury Drive and Karnup Road as a separable portion for Karnup Road only to RCA Civil Group as per the confidential attachment OCM125.2/11/18 - RFQ 21/2018 - Australian Government Black Spot Program - Karnup - Pricing Schedule RCA Civil Group.

Option 3

Not award the contract and requote.



Option 4

Not award the contract and not requote i.e. – nil action.

Conclusion

It is recommended that Council approve Option 2 and award only the Karnup Road project to the quoter assessed as the preferred or best value for money, being RCA Civil Group.

Attachments

- OCM125.1/11/18 - **Confidential** - RFQ 21/018 Australian Government Black Spot Program – Karnup Road - Evaluation report (E18/12240)
- OCM125.2/11/18 – **Confidential** - RFQ 21/2018 - Road Rehabilitation - Karnup - Pricing Schedule RCA Civil Group (E18/12308)

Alignment with our Strategic Community Plan

Outcome 3.3	An innovative, connected transport network
Strategy 3.1.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

The tender evaluation outcome shows that the final cost for the Kingsbury Drive Black Spot project Works is well above the initial allocated budget and cannot be accommodated in the current Annual Budget accounts SBS171 for Kingsbury Road. Consequently the project was re-scope and new request for quote was invited. The outcome of the project will be decided in a separate report to Council. There is therefore not budget implication for the Kingsbury Drive project as part of this report.

The Karnup Road project came within the allocated 2018/19 capital work budget of \$375,000.00.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not awarding the contract to the successful quoter.	Unlikely (2)	Major (4)	Moderate (5-9)	Financial Impact - 3 Moderate - \$250,000 - 500,000	Accept Officer Recommendation



Risk Matrix

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

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

Voting Requirements: Absolute Majority

OCM125/11/18 COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Byas

That Council:

1. Notes that RFQ 21/2018 Australian Government Black Spot program – Kingsbury Drive and Karnup Road will be split into two separate Request for Quotes;
2. Notes that the Kingsbury Drive portion of the Request for Quote (RFQ) has not been awarded as part of RFQ21/2018 and will be rescoped;
3. Awards Contract RFQ21/2018 Australian Government Black Spot program – Kingsbury Drive and Karnup Road as a separable portion for Karnup Road only to RCA Civil Group for the amount of \$339,615.58 excluding GST.

CARRIED BY ABSOLUTE MAJORITY 7/0



OCM126/11/18 - Award Contract for RFQ36/2018 Australian Government Black Spot Program – Kingsbury Drive (SJ2805)	
Responsible Officer:	Manager Infrastructure and Assets
Senior Officer:	Director Infrastructure Services
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> .

Report Purpose

To advise Council of submissions received in relation to RFQ36/2018 Australian Government Black Spot program for Kingsbury Drive and recommend the best value for money quote and ask Council to award the contract to the preferred quoter.

RFQ36/2018 is the result of a rescoping of Request for Quote (RFQ21/2018) – Australian Government Black Spot Program – Kingsbury Drive and Karnup Road.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

Initially quotes were requested for RFQ21/2018 – Australian Government Black Spot Program – Kingsbury Drive and Karnup Road. The quotes received for this RFQ were over budget, therefore a rescoping for the work was required. A new RFQ36/2018 – Australian Government Black Spot Program – Kingsbury Drive was called.

Refer OCM126/11/18 – Award Contract for RFQ21/2018 Australian Government Black Spot Program – Kingsbury Drive and Karnup Road for the awarding of that Contract.

The Shire received grant funding through the 2018/19 Australian Government Black Spot program funding to enhance road and traffic safety of Kingsbury Drive. The grant funding is providing 100% with no contribution from the Shire. Amount of the grant is:

- \$363,500.00

The grant amount also represent the allocated budget under the 2018/19 financial year capital budget.

Kingsbury Drive project works include removal of the road side hazard, widening the road pavement width, sealing the road shoulders, installing tactile edge lines along the widened shoulders and installing guide posts and advisory signs around bends and straights.

Community / Stakeholder Consultation

N/A



Submissions

The Request for Quote RFQ36/2018 Australian Government Black Spot Program – Kingsbury Drive, was advertised on the WALGA eQuote Vendor Panel website on 7 November 2018 and closed at 2.00pm on 13 November 2018.

Four (4) submissions were received and summarised in the request for quote evaluation included in the confidential attachment OCM126.1/11/18 - Confidential - RFQ36/2018 Australian Government Black Spot Program – Kingsbury Drive - Evaluation report. All received submissions comply with the request for quote guidelines.

Submissions were received from the following companies:

Company Name
Densford Civil Pty Ltd
Dowsing Group
RCA Civil Group
WCP Civil Pty Ltd

Evaluation Panel

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

- Manager Infrastructure and Assets;
- Coordinator Design
- Coordinator Project and Assets; and
- Senior Engineer Subdivisions.

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the quoters. Each member of the panel assessed the quotes separately.

Evaluation Criteria

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none">• Details of similar work (type, size and budget);• Quoters involvement including details of outcome;• Details of issues and how these were managed;• Any additional information.	15%
Quoters' Resources, Key Personnel, Skills and Experience with <ul style="list-style-type: none">• Key personnel's role in the performance of the contract, including their experience in similar projects;• Curriculum Vitae of key personnel;• Plant, equipment and materials;• Resources availability schedule, including any contingency measures or back up of resources;• Details of subcontractors and major suppliers of goods and services.	15%



EVALUATION CRITERIA	WEIGHTING
Demonstrated Understanding/Experience with <ul style="list-style-type: none">• Project schedule;• Process for delivery of goods/services;• Project Management Plan;• Occupational Health and Safety Management Plan;• Critical assumptions; and• Any additional information.	15%

Comment

Based on the request for quote value for money assessment, the evaluation panel recommended submission is RCA Civil Group (see attachments OCM126.1/11/18 - Confidential - RFQ36/2018 Australian Government Black Spot Program – Kingsbury Drive - Evaluation report and OCM126.2/11/18 - RFQ36/2018 - Australian Government Black Spot Program - Kingsbury Drive - Pricing Schedule RCA Civil Group)

The assessment of all quotes was based on a lump sum price. The qualitative and quantitative assessments are articulated in confidential attachment OCM126.1/11/18 - Confidential - RFQ36/2018 Australian Government Black Spot Program – Kingsbury Drive - Evaluation report.

The prices submitted for the recommended contractor are documented in confidential attachment.

Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite Tenders before it enters a contract of a prescribed kind under which another person is to supply the goods or services. However the *Local Government (Functions and General) Regulations 1996* states:

Part 4; 11.(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

- (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program

Quotes were sought via the WALGA preferred supplier program.

Options and Implications

A capital budget was allocated to the Kingsbury Drive Rehabilitation project as part of the 2018/19 budget. The allocated budget was based on the Metropolitan Regional Road Group's treatment cost guidelines which are mandatory in relation to treatment measures' cost estimate. The current market provided a higher construction cost compared to the allocated budget of \$363,500.00. Consequently, the scope of the works was narrowed so the project can be delivered within the allocated budget. The scope adjustment focused on reducing the linear length of the project by reducing length of the road to be treated, while ensuring no detrimental impact on road and traffic safety.

The new quote related to the revised Kingsbury Drive's scope is \$288,936.54 Excl. GST and falls within the allocated budget of \$363,500.00.



The following options have been identified:

Option 1

Award the contract per officer's recommendation to RCA Civil Group as per attachment OCM126.1/11/18 - Confidential - RFQ 36/2018 Australian Government Black Spot Program – Kingsbury Drive - Evaluation report, and give the Chief Executive Officer the discretion to optimise the project outcome by extending the project delivery to remain within the allocated budget.

Option 2

Not award the contract to RCA Civil Group as recommended by officer and make alternative decision or delay the projects until such time a new request for quote is undertaken and a new respondent selected.

Option 3

Not award the contract and requote.

Option 4

Not award the contract and not requote, i.e., - nil action

Conclusion

It is recommended that Council approve Option 1 and award the project to the quoter assessed as the preferred or best value for money, being RCA Civil Group. It is also recommended that Council give the Chief Executive Officer the discretion to optimise the project outcome by extending the project delivery to remain within the allocated budget.

Attachments

- OCM126.1/11/18 - **Confidential** - RFQ36/2018 Australian Government Black Spot Program – Kingsbury Drive - Evaluation report (E18/12813)
- OCM126.2/11/18 – **Confidential** - RFQ36/2018 - Road Rehabilitation - Kingsbury Drive - Pricing Schedule RCA Civil Group (E18/12812)

Alignment with our Strategic Community Plan

Outcome 3.3	An innovative, connected transport network
Strategy 3.1.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

Budgets are allocated in the 2018/19 capital works budget to undertake the works. The allocated budgets is \$363,500.00 for the Kingsbury Drive .



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not awarding the contract to the successful quoter.	Unlikely (2)	Major (4)	Moderate (5-9)	Financial Impact - 3 Moderate - \$250,000 - 500,000	Accept Officer Recommendation

Risk Matrix

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

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

Voting Requirements: Absolute Majority

OCM126/11/18 COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Denholm

That Council awards RFQ36/2018 Australian Government Black Spot program – Kingsbury Drive to RCA Civil Group for \$288,936.54 excluding GST.

CARRIED BY ABSOLUTE MAJORITY 7/0



Councillor See declared a Financial Interest in item OCM129/11/18 and left the Chambers at 9.22pm prior to this item being discussed.

OCM129/11/18 – Elected Member Professional Development (SJ529)	
Responsible Officer:	Manager Governance
Senior Officer:	Director Corporate Services
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> .

Report Purpose

The purpose of this report is for Council to approve Councillor Training.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Shire President, Councillor Michelle Rich in consultation with the Chief Executive Officer has requested to attend training for advanced public speaking and dealing with the media.

Councillor Jacqui See had requested to receive training for The Advanced Leadership Program.

In addition, it has been identified through various Councillor discussions with the Chief Executive Officer, a common request for all Councillors to undertake Emotional Intelligence Training.

Community / Stakeholder Consultation

Policy Concept Forum

Not Applicable.

Statutory Environment

In accordance with Council Policy 1.1.15 – Councillor Fees and Entitlements, an annual allocation in the Shire's budget was made. This amount is \$10,000 per Councillor. The policy states that Councillors can attend appropriate training, conferences and events up to an amount not exceeding the annual budget allocation without further approval from Council.

Clause 3.1.1.6:

“Any training session, conference or event considered by the Chief Executive Officer and the Shire President to be directly relevant to the performance or function of the Shire including leadership, planning, financial management, corporate governance and social infrastructure.”

As a request has been made by the Shire President to attend training, it could be seen as a conflict in her approving her own training, as such, the request is presented to Council for approval.



In addition, although the request from Councillor Jacqui See is only up to her allocated budgeted amount of \$10,000 as the total cost of training is over \$10,000, the policy is ambiguous in regard of part payment and is presented to Council for approval.

Comment

The Advanced Leadership Program (ALP)

The Advanced Leadership Program meets the criteria set out in the Councillor Fees and Entitlements policy, namely "leadership". An important role of being a Councillor is to have effective leadership and this course will assist in this area.

The Advanced Leadership Program is a high-impact and challenging developmental experience for elite female leaders. Over a career-defining, twelve-month journey, participants engage in a deep exploration of their own strengths and weaknesses as they relate to building and leading highly effective organisational communities. Purpose designed to stretch experienced leaders beyond their comfort zone, the ALP challenges participants to develop their critical thinking abilities and begin to unlock their full leadership potential. Refer attachment OCM129.1/11/18.

Advanced Public Speaking

The public speaking coaching meets the criteria set out in the Councillor Fees and Entitlements policy. An important role of being, in particular the Shire Presidents, is being able to speak confidentially and effectively. This coaching will assist in this area.

Beyond IQ offer professional coaching which will assist the Shire President with improving on the skills she is already equipped with, allowing her to speak with more confidence knowing what to say and being comfortable with her delivery. This coaching will provide practical and engaging tips to assist with becoming a confident speaker engaging with the audience.

Dealing with the Media

Dealing with the Media, is a skill that any Mayor/Shire President must continually improve and develop to be able to undertake their role. The Local Government Act is very specific in naming this as one of the primary roles of a Shire President. *Section (2.8(1)(d) of the Local Government Act 1995 states;*

2.8. Role of Mayor/Shire President

(1) the mayor or president –

(d) speaks on behalf of the local government; and

More and more local governments are ensuring the Mayor/Shire President receives this training. In addition, one on one training/mentoring has been shown to be the most effective way to deliver this training.

8m Media and Communications provide solutions for media and communication issues for Government Agencies. 8m Media and Communications specialise in how to build, brand and sustain personal, professional and corporate reputation. They assist with understanding how the media works, what makes a story, when to comment and what to say. The training covers managing and improving media performances in an interactive media-training workshop, giving more confidence in dealing with the media and effectively getting the message across for print, television and radio interviews.



Emotional Intelligence

Training providers recommend Emotional Intelligence Training, as this helps to work more effectively, develop better relationships and achieve greater success in local government.

The EI Institute have worked with a significant number of Local Governments, running a series of emotional intelligence workshops for LGMA, and the City of Busselton, City of Kwinana, City of Melville, City of Swan and worked with the Shire of Mundaring.

Feedback from other Local Government participants illustrates the benefits of undertaking Emotional Intelligence training. Some comments have been:

- “It allowed me to understand that others see things differently and this should be seen as an opportunity not a challenge”.
- “It improved the way we worked together as a Council”.
- “I was better able to communicate with all different types of people, as I was able to better understand where they were coming from”.
- “It showed me an insight into my own level of emotional intelligence and has helped me identify the areas that I need to develop”.
- “Using emotional intelligence can assist us in achieving better outcomes with all spheres of Government.”

Options and Implications

Council has the following options:

Option One

Council may accept the Officer recommendations to undertake all recommended training, to learn how to work more effectively, develop better relationships and achieve greater success in local government.

Option Two

Council may accept part of the Officers recommendations

Option Three

Council may resolve to decline the proposed training, with no further implication.

Option One is recommended.

Conclusion

Council is dedicated to providing Elected Members with training and development opportunities that will contribute to the success in furthering their development, whilst assisting in the process of delivering a responsive, community-focused service. This training is in recognition of the importance of Elected Members managing and communicating effectively to further enhance and meet the expectations of community and stakeholders.



Attachments

- [OCM129.1/11/18](#) - Women & Leadership Australia – The Advanced Leadership Program – Monash University (IN18/26288)

Alignment with our Strategic Community Plan

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

Financial Implications

In accordance with Council Policy 1.1.15, Clause 3.1.5:

“The cost of training that is specifically arranged for attendance by all Councillors (e.g. team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Councillors Training and Conference budget allocation.”

Current Councillor Group training allowance is \$8,750 with all funds available.

The total estimated cost for Elected Members to attend The EI Institute, Emotional Intelligence training to be held in the Shire offices, is \$2,640. The EI Institute are able to accommodate our number of Elected Members and location without extra charges being incorporated into the final quote.

Councillor Jacqui See has \$10,000 remaining in her budget allocation for training.

Councillor Michelle Rich has \$8,249.12 remaining in her budget allocation for training.

Risk Implications

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



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not accept officer recommendation for Emotional Intelligence Training	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of **3** has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Simple Majority

OCM129/11/18 Officer Recommendation:

1. That Council approves all Councillors to undertake Emotional Intelligence Training with the EI Institute at a date and time suitable for both parties.
2. That Council approves \$10,000 towards the cost for Councillor Jacqui See to undertake The Advanced Leadership Program through Monash University on the condition that failure to successfully complete the program will result in the funds having to be repaid.
3. That Council approve Councillor Michelle Rich to attend training on dealing with media at a cost of \$695.00 through 8m Media and Communications, on the condition that failure to attend the seminar will result in the funds having to be repaid.
4. That Council approve Councillor Michelle Rich to undertake professional public speaking coaching through either Beyond IQ or 8m Media and Communications up to the value of \$5,000.

Voting Requirements: Simple Majority

OCM129/11/18

Moved Cr Byas, seconded Cr McConkey

That Council resolves to decline the proposed training, with no further implication.

During debate, Cr Coales foreshadowed the following motion:

1. That Council approves \$10,000 towards the cost for Councillor Jacqui See to undertake The Advanced Leadership Program through Monash University on the condition that failure to successfully complete the program will result in the funds having to be repaid.
2. That Council approve Councillor Michelle Rich to attend training on dealing with media at a cost of \$695.00 through 8m Media and Communications, on the condition that failure to attend the seminar will result in the funds having to be repaid.
3. That Council approve Councillor Michelle Rich to undertake professional public speaking coaching through either Beyond IQ or 8m Media and Communications up to the value of \$5,000.

On the condition that if either Councillor is not re-elected at the next election, they will be required to reimburse the Shire the full cost of the above training.



OCM129/11/18 COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

That Council resolves to decline the proposed training, with no further implication.

CARRIED 5/1

Reason for change:

The timing and the cost of the training was not necessary.

Councillor Coales, in accordance with Section 5.21(4)(b), *Local Government Act 1995* requested the votes be recorded.

Councillors Byas, Denholm, Gossage, Atwell and McConkey voted FOR the motion.

Councillors Coales voted AGAINST the motion.



Cr See returned to the Chambers at 9.30pm.

OCM139/11/18 – Award Request for Tender - RFT 10/2018 - Briggs Park Oval Upgrade (SJ2704)	
Responsible Officer:	Manager Infrastructure
Senior Officer:	Director Infrastructure Services
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> .

Report Purpose

To advise Council of submissions received in relation to Tender RFT 10/2018 Briggs Park Oval Upgrade and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

OCM176/12/17

That, with respect to Stage 1 of the Briggs Park Recreation Precinct Redevelopment, Council:

- 1. Accepts the Grant Agreement – Local Projects and Local Jobs Funding – Stage 1 of Briggs Park Master Plan;*
- 2. Pursuant to Section 6.8 of the Local Government Act 1995, approves the transfer of \$200,000 in grant funds once received to the Briggs Park Reserve, to be applied to Stage 1 of the Briggs Park Recreation Precinct Redevelopment once all funding sources have been confirmed in the Shire's Budget.*

OCM048/04/17

That Council:

- 1. Notes that the Briggs Park Lower Oval Upgrade has been contemplated within the Briggs Park Recreation Precinct Masterplan (Masterplan) and the Community Infrastructure and Public Open Space Strategy.*
- 2. Endorses the scope of Stage One elements of the Briggs Park Master Plan - Staging and Funding Plan contained in OCM048.1/04/17 for priority consideration in the 2017/18 and 2018/19 Budgets.*
- 3. Endorses Stage One of the Briggs Park Master Plan - Staging and Funding Plan contained in OCM048.1/04/17 as Council's number one priority for recreation sporting facilities funding applications.*
- 4. Notes that Officers will prepare a business case as per the scope of Stage One of the Briggs Park Master Plan - Staging and Funding Plan contained in OCM048.1/04/17 for submission through the Community Sport and Recreation Facilities Fund by 30 September 2017.*



5. Authorise an amendment to the 2016/17 Budget as per the following table, to enable the design phase of the approved components of Stage One of the Briggs Park Master Plan to be progressed:

Account- Number	Account- Description	16/17-Current- Budget	Proposed- 16/17- Amended- Budget	Change-in-Net- Current- Assets
BPP900	Briggs Park Lower Oval Redevelopment	(\$19,887)	(\$119,887)	(\$100,000)
	Transfer from Briggs Park Reserve	\$0	\$100,000	\$100,000
				\$0

Background

Briggs Park and the Serpentine Jarrahdale Community Recreation Centre (11 hectares collectively) is a popular recreational node for all residents. The Lower Oval has been unusable for organised sport in winter due to poor drainage for over nine years. Given the current population of Byford and the identified shortfall in sporting space, a fully functional Lower Oval is required immediately to cater for the growing AFL, cricket, and diamond sports clubs currently occupying Briggs Park. The redevelopment will double the capacity of Briggs Park Ovals and provide the Shire with its first district sporting space.

The Community Infrastructure Implementation Plan states that ten ovals will be required in Byford by build out at 2050 with seven required by 2031. The Byford Structure Plan does not provide the required unrestricted public open space needed to meet this demand and as a result there are very limited opportunities to bridge the gap. The Briggs Park District Recreation Precinct Redevelopment was identified in the Briggs Park Recreation Precinct Master Plan, and is specifically identified as a project of significance and potential investment under the Peel Development Commission's Blueprint 2050.

The Engineering Design Team refined the Civil and Drainage designs to optimize the outcome, taking the approach of ensuring that the Oval's purpose was achieved.

Community / Stakeholder Consultation

In 2012 the Shire met with the user groups and relevant community stakeholders to discuss usage of Briggs Park and to gain further understanding of the needs and desires for Briggs Park in the future. A preliminary concept layout was drafted and presented to the user groups and stakeholders for their comment.

Consultation has since occurred throughout the development of the Community Facilities and Services Plan to 2020, Briggs Park Recreation Precinct Master Plan and the Concept Design process for the Byford BMX Track.

The Master Plan consultation occurred over three rounds in total - 2012, 2013 and 2014. Stakeholders included Briggs Park user groups, Recreation Centre, Shire staff and Councillors, Catholic Education Office, Department of Education, Department of Sport and Recreation,



relevant peak sporting bodies, Department of Planning, Department of Parks and Wildlife and other State Government Agencies.

Submissions were received during the comment periods and all feedback has been considered when developing Corporate Plans and concept designs underpinning the tender requirements.

Submissions

Tenders were advertised in The West Australian newspaper on Wednesday 26 September 2018 and closed at 2.00pm on 25 October 2018.

Tenders submitted:

Company Name
Environmental Industries
GMF Contractors
Horizon West Landscape Construction
Interlec WA Pty Ltd
New Ground Water Services Pty Ltd
Remote Civils Australia Pty Ltd
Tracc Civil Pty Ltd

Evaluation Panel

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

- Director Infrastructure Services
- Project Coordinator Infrastructure and Assets
- Project Officer Community Infrastructure

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenders. Each member of the panel assessed the quotes separately.

Evaluation Criteria

EVALUATION CRITERIA	WEIGHTING
Relative Experience	15%
Key Personnel Skills and Resources	15%
Demonstrated understanding	15%
Price	55%



Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Comment

Submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the quote specification: Relevant Experience, Key Personnel, Skills and Resources, Demonstrated Understanding and Price.

Following the assessment of tenders against the criteria detailed in the tender specification, the tender submitted by Tracc Civil Pty Ltd was assessed as being the best value for money and meets the Shire's operational requirements.

Options and Implications

As part of the 2018/19 budget the project total delivery cost as submitted by the recommended successful submitter falls within the allocated Operations budget.

The following options have been identified:

Option 1

Award the contract as recommended in the Confidential Evaluation Report to Tracc Civil Pty Ltd.

Option 2

Not award the contract and retender.

Option 3

Not award the contract and not retender i.e. – nil action.

Conclusion

Tracc Civil Pty Ltd has been assessed as being able to meet the requirements of the contract and it is recommended that Council support Option 1 and the contract be awarded to Tracc Civil Pty Ltd. The tenderer met the requirements for Relevant Experience; Key Personnel, Skills and Resources; and Demonstrated Understanding and resulted in the best value for money when taking price into account.

Attachments

- OCM139.1/11/18 **Confidential** - RFT 10/2018 Briggs Park Oval Upgrade - Evaluation Report (E18/13162)
- OCM139.2/11/18 **Confidential** - RFT 10/2018 Briggs Park Oval Upgrade - Pricing (E18/13163)



Alignment with our Strategic Community Plan

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

Financial Implications

In 2017 Officers were successful in securing a grant via the (then) Department of Sport and Recreation for \$1million for redevelopment of the Oval, and also \$200,000 from local Projects and Local Jobs Funding.

The following is an outline of the funding for the project:

Ref	Scope		Amount AUD\$
1	CSRFF Grant 2018/2019		\$750,000.00
2	CSRFF Grant 2019/2020		\$250,000.00
3	Transfer from Briggs Park Reserve		\$66,557.00
4	Transfer from Community Facilities Reserve		\$288,684.00
5	Local Projects and Local Jobs Funding		\$200,000.00
6	Proceeds from new Loan Borrowings		\$2,430,087.50
	TOTAL Funding		\$3,985,328.50

The tender submissions received are within the 2018/19 budget allocation as adopted. The project is to be funded by grants, loans and reserves. The Tender Panel preferred submission, which is best value for money, will allow the loan funds required, to be substantially less, which will result in ongoing savings.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not awarding the tender	Unlikely (2)	Moderate (3)	Moderate (5-9)	Financial Impact - 4 Major - \$500,000 - \$2M	Accept Officer Recommendation



Risk Matrix

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

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

Voting Requirements: Absolute Majority

OCM139/11/18 COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Coales

That Council awards Tender RFT10/2018 Briggs Park Oval Upgrade to Tracc Civil Pty Ltd, at \$ 2,659,721.17 excluding GST.

CARRIED BY ABSOLUTE MAJORITY 7/0



Cr Rich returned to the Chambers at 9.31pm.

12. Councillor questions of which notice has been given:

12.1 Councillor Coales

Councillor Coales asked the Chief Executive Officer in accordance with 3.11A of Council's Standing Orders Local Law 2002 (as amended) as below:

3.11A Questions by Members of which due notice has not been given

(1) A Member who wishes to seek general information from the CEO at a Council meeting may, without notice –

(a) ask the CEO a question; and

(b) with the consent of the Presiding Member, ask the CEO one or more further questions.

(2) Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that-

(a) the question be placed on notice for the next meeting of the Council; or

(b) the answer to the question be given within 7 days to the Member.

1. In regards to the amount for GT Media of \$8,315.10 as reflected in Invoice 02252, September 2018 listing of accounts for Abernethy Road Byford Project Communications Support, I hereby request a copy of the Job time Detail Report.

Response

This information is confidential in accordance with 5.23(2)(c) of the Local Government Act 1995, as it relates to a contract entered into.

This information has been provided to Councillors under separate confidential cover on 1 November 2018.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 9.32pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 17 December 2018.

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Presiding Member

.....
Date