



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Minutes

Monday, 28 August 2017

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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



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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 28 August 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

Minutes

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

In Attendance:

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

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

Leave of Absence: Nil

Apologies: Nil

Observers:

Members of the Public – 28
Members of the Press – 1
Shire Officers - 2

Councillor Erren, on behalf of himself, fellow Councillors and Officers, expressed his deepest sympathies to Councillor Sandra Hawkins and her family after the passing of her beloved husband Trevor, who passed away peacefully last night after a long battle with ill health.

2. Public question time:

2.1 Response to previous public questions taken on notice:

There were no questions taken on notice at the Ordinary Council Meeting held on 24 July 2017.

**2.2 Public questions:****Public question time commenced at 7.01pm.**
Mrs Lee Bond, Box 44, Armadale WA 6112Question 1

Has evidence been produced to substantiate the mileage claim of \$4,271.11 by John Erren for the month of July 2017 which has been paid?

Response

The Shire has established a template on which Councillors are to document their claims relating to Council Policy G003 – Councillor Entitlements. Claims for mileage are reconciled against appointments and meeting attendances in the Councillor's diary. Cr Erren has completed this form for reimbursement and entitlements have been confirmed.

Question 2

Has proof been provided to the CEO by Byford Progress Association of the collection of roadside rubbish within the Shire of Serpentine Jarrahdale for 569 bags for May 2017 and 30 bags for June 2017 at a cost to the ratepayer of \$1,797.00?

Response :

To make a claim for payment, the Byford Progress Association submits a form citing the number of bags of rubbish collected. As the Shire collects the bags from the verge, if there was concern, the claim can be audited against the bags collected by the Shire.

Question 3

Did Michelle Rich have her payment of \$2,208.32 for July sitting fee rescinded?

Response

Cr Rich has opted to forgo the increase in meeting attendance fees. This was confirmed in writing to the CEO. Due to an administrative oversight, Cr Rich was paid the higher fee during the month of July. This has since been rectified, and an adjustment has been made for the August payment.

July Sitting Fees Paid (including increase)	\$ 1,916.66
July Sitting Fees (without increase)	\$ 1,350.42
Difference to be corrected in August	\$ 566.24

The payment for August will be:

August Sitting Fees	\$1,350.42
August ICT Allowance	\$ 291.66
Less: July overpayment	-\$ 566.24
August Payment will be	\$1,075.84



Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

I wrote to the Acting CEO Mr Gary Clark raising my concerns about Councillor Hawkins failing to declare a Proximity or Financial Interest in an item for a toilet in Percies Park in Mead Street Byford as she lived opposite the Park. She failed to declare the interest prior to the matter being debated and voted on. This is a major breach of the Local Government Act.

Question 1

Did the Acting CEO, Gary Clark write to the department asking them to take it to the panel for review and what was their reply?

Response

Cr Hawkins informed the CEO on Wednesday 24 August 2016 (after the OCM on 22 August 2016) that she thought she had a proximity interest in the Percy's Park item (OCM156/08/16). Cr Hawkins advised she would declare a proximity interest when the item returns to Council the following month.

Local Government sector advice obtained, confirmed Cr Hawkins had a proximity interest in the item and it was advised that Cr Hawkins declare this interest and excuse herself from any and all future discussion and voting related to this item. It is important to also convey to Cr Hawkins that it is recommended she also refrain from commenting or discussing the matter outside of the chambers such as with residents or community members as she has acknowledged that her interest exists.

Question 2

Who represents the BDCC during discussions on the Funding agreement between the Shire and the BDCC as presented in Item OCM036.1/03/16?

Response

The Funding Agreement was prepared by the Shire's solicitors. The Funding Agreement was forwarded to the BDCC under cover of a letter addressed to the President of the BDCC and executed by John Erren as President of the BDCC and Ann Dyer as Secretary of the BDCC.

There were a number of unrecorded meetings between Shire Officers, Byford and District Country Club and others. I was invited by Mr Stephen White to one which he attended.

Question 3

Why no minutes or records of clandestine meetings which were held between the Shire, Byford and districts Country Club and others, and were any of the three Councillors that have a declared interest in the matter present at any of the meetings?

Response

Shire staff and Councillors attend numerous meetings with residents and community groups on a weekly basis, where there is no formal record keeping of meeting minutes on occasions. Councillors are not required to declare an interest during these meetings as there is no formal decision making role at these meetings. A declaration of interest will only apply if the matter is being discussed at a Council or Committee Meeting, and where Councillors have an impartiality, financial, or proximity interest. The Local Government (Rules of Conduct) Regulations 2007 and Local Government (Administration) Regulations 1996 prescribes how and when disclosures of interest must be made.



Mr Cameron Rowley, Post Office, Serpentine WA 6125 (read by Shane Rowley)

OCM089/07/17 – Thomas Road

Question 1

Why is the Shire applying for Black Spot Funding to put a roundabout at the intersection of Thomas and Kargotich Roads at a cost to the ratepayers of \$325,000 when Thomas Road is the responsibility and owned by the Main Roads Departments and they have a duty of care to make the intersection safe?

Response

The Shire has submitted a Blackspot application on behalf of Main Roads Western Australia. The agreement to submit this application was on the basis that the Shire would not contribute towards the project cost. If this project is successful in attaining grant funding, Main Roads will need to find the required funds for the project to proceed.

The Shire has also submitted a Black Spot application for the intersection of Mundijong and Kargotich Road, which is a Shire intersection. This application has been submitted to both the Federal and State pools. If the project is funded under the National program, there will not be a requirement for a contribution. If funded under the State program, the Shire will need to contribute \$325,000 to the project.

Councillor Gossage was an apology for the June OCM as he was attending a conference in Queensland at the Council expense.

Question 2

When did Councillor Gossage submit his written report to the CEO and council and where can I find a copy of this report as the trip was funded by the ratepayers?

Response

In accordance with Council Policy G003 Councillor Entitlements, any Councillor attending an interstate conference, where registration and other associated costs are met by the Shire, is required to prepare a written report on their attendance and benefits to them and the Shire (to be circulated to all councillors), or present a verbal report on their attendance at a briefing session. To date, this has not occurred. Cr Gossage has advised that he has prepared a draft report but has not submitted it at this time.

Question 3

If there is no money to fix the roads, how do you expect to pay your pay rise?

Response

The Shire's 2017/18 Budget includes the following expenditure on roads:

- Road maintenance \$2,277,468*
- Road renewals other \$1,634,359*
- Road capital expenditure (itemised list in Budget) \$3,517,036*
- Abernethy Road \$13,271,291*

This amounts to \$20,700,154 in total expenditure on roads. The Shire's total budgeted operating and capital expenditure for 2017/18 (excluding non-cash items and financing activities is \$53,678,139. So, nearly 39% of the Shire total budgeted expenditure is allocated to roads.



Mr Shane Rowley, Post Office, Serpentine WA 6125

Question 1

Why is the Shire implementing a hierarchy Road Safety Audit? Wouldn't this money be better spent on roadworks?

Response

A road hierarchy will determine maintenance standards for roads, determine construction standards for roads, and allow the prioritisation of road upgrades.

Question 2

What future work is planned for Gobby Road?

Response

Once the weather improves, the Shire will return to Gobby Road to finish correcting the shape. The Shire is currently undertaking a gravel study to look for a suitable gravel source for resheeting gravel roads. With a gravel source identified, Gobby Road will be considered for resheeting.

Question 3

The Shire has sought funding for roadworks in the north of the Shire e.g. Abernethy Road. Why not other roads especially Gobby Road due to the dangerous conditions?

Response

The Shire seeks funding for road upgrade and renewal works across the Shire. In the current budget, there is approximately \$1.3m grant funding allocated to roads south of the Mundijong Townsite. Gobby Road is not eligible for any currently available competitive funding pool.

Ms Karina Salzmänn Baker, 11 Daisy Road, Cardup

Firstly my apologies for how slow I'll talk due to a fractured rib, it's a bit painful to take a full breath.

Question 1

What was the cost to the ratepayers for the 2015 Election?

Response

Council elected to appoint the WAEC as the Returning Officer for the 2015 Election. The WAEC charged according to the number of electors in the district. Expenses incurred for the 2015 Election included \$45,488.54 to the Western Australian Electoral Commission plus \$1927.88 in miscellaneous expenses which included furniture hire and count staff.

Question 2

What was spent on the catering and alcohol for the night of the 2015 Election and cost to Ratepayers?

Response

This question was taken on notice at the meeting and the response is now provided:

The cost of catering for the 2015 Election count on 17 October 2015 was \$1013.63. The Special Council Meeting/Swearing In Ceremony catering on the 19 October 2015 cost \$390.91. The actual cost for the consumption of alcohol and other beverages on both nights is not known, however expenditure was incurred shortly after on the 21st and 24th October 2015 to replenish stock at a cost of \$723.73.

**Question 3**

What is the budgeted amount of ratepayers money for the 2017 election?

Response

The Western Australian Electoral Commission has provided a cost estimate of \$74,000 for undertaking the 2017 Election. There may be further incidental expenses for additional advertising and polling and count staff for election day.

Mr Brian Williamson, 95 Pony Place, Oakford 6121**Question 1**

How much has it cost per year the people of Serpentine Jarrahdale to clean up after illegal dumping throughout the shire over the last 4 years?

Response

The Shire does not maintain a separate general ledger account to record expenditure against illegal dumping clean up. We do however account for roadside litter control which undoubtedly would capture illegal dumping. Expenditure incurred against this account for the last 4 financial years is as follows:

2013/14 \$83k

2014/15 \$115k

2015/16 \$142k

2016/17 \$170k

Question 2

How much has it cost per year over the last 4 years for annual bulk kerbside pickups of general waste for rural and semirural areas together and urban areas separately? Not including ordinary rubbish bin collection?

Response

The Shire collects its bulk pickup data by locality, rather than land use type, so cannot provide an answer in the form requested. By locality, the costs were as follows:

Locality	2013/14	2014/15	2015/16	2016/17
<i>Darling Downs, Oakford and Oldbury</i>	<i>\$30,859</i>	<i>\$44,100</i>	<i>\$38,477</i>	<i>\$66,222</i>
<i>Byford and Cardup</i>	<i>\$38,189</i>	<i>\$80,126</i>	<i>\$65,814</i>	<i>\$161,279</i>
<i>Mundijong, Whitby, Karrakup and Jarrahdale</i>	<i>\$15,221</i>	<i>\$47,762</i>	<i>\$35,097</i>	<i>\$69,811</i>
<i>Mardella, Serpentine, Hopelands and Keysbrook</i>	<i>\$47,055</i>	<i>\$46,814</i>	<i>\$51,636</i>	<i>\$91,111</i>

**Question 3**

How much has it cost per year over the last 4 years for biannual bulk kerbside pickups of green waste for rural and semirural areas together and urban areas separately. Not including ordinary recycling bins?

Response

The Shire collects its bulk pickup data by locality, rather than land use type, so cannot provide an answer in the form requested. By locality, the costs were as follows:

Locality	2013/14	2014/15	2015/16	2016/17
<i>Darling Downs, Oakford and Oldbury</i>	\$10,774	\$10,496	\$8,009	\$12,505
<i>Byford and Cardup</i>	\$33,953	\$53,681	\$44,606	\$60,837
<i>Mundijong, Whitby, Karrakup and Jarrahdale</i>	\$42,248	\$42,758	\$24,232	\$24,313
<i>Mardella, Serpentine, Hopelands and Keysbrook</i>	\$14,575	\$5,271	\$17,912	\$22,825

Public question time concluded at 7.18pm.

3. Public statement time:

Public statement time commenced at 7.18pm.

Mrs Lee Bond, Box 44, Armadale WA 6112

The collection of rubbish within this shire should be just that and all streets should be named not just an amount to be paid. This is not intended to cast aspersions on community members who pick up 25 or 30 bags now and then.

Now that Councillors are being paid enormous amounts for what was once an honourable position of volunteering, they should fund all their own mileage, boot polish, hairdressing etc or we need to do away with Councillors. A business does not pay people to do nothing and we the ratepayers, don't believe we should pay Councillors to do nothing.

Now that council elections are coming, already we have seen those that want to use this council as their ladder to state parliament. I know I speak for many when I say we don't want you. We are in desperate need for councillors who care about this Shire, not their own needs or their mates or for the monthly financial slug to the ratepayer. How many of you councillors would donate your monthly pay packet plus mileage etc to the needs of the homeless or some other truly worthy cause, not one of you would.

The suggestion to any councillor who is thinking of quitting after election, don't, do it now!

Mr Thomas Dyer, 254 Soldiers Road, Cardup WA 6122

Wormalls retrospective concrete moulding /canopy/signage.

Wormalls have not planted trees for buffer zone on the west side of their property, or landscaped their verge as the original condition stated to be in place prior to the commencement of operations.

They have told the Ratepayers Association that the Shire would not let them erect a solid fence around the property which would rebound some degree of the noise. The signage on the



fence has not been up long, but is already dilapidated. I feel that a sign either on the building or near the entry gate would be appropriate.

As an entry to Cardup, the north eastern end to their property looks unsightly, looking like a waste dump.

People in the nearby houses are continually complaining of dust and noise. I live approximately 250 metres away and the noise I hear inside my house with doors and windows closed, when they remove the moulds from their cement formings is very loud. I don't envy the people living closer. I have seen on many occasions when taking my grandson to work prior to 6.30a.m. in the morning, trucks and forklifts have been on the go.

On all previous concerns with Wormalls development, I feel the Shire and Wormalls have ignored the local residents issues with unsightly conditions and health issues such as dust entering houses and noise levels. The Shire has been well aware that Wormalls have been moulding concrete for many months and they have allowed them to continue without authority from the Shire. It appears with this Shire, erecting buildings and carrying on business is the way to go, and if caught apply for a retrospective licence, with very little restrictions and no consequences.

We received the letter from the Shire on Thursday 24th, a day after the closing of deputations. With the months the Shire have been dealing with this proposal, they could have sent the letters out earlier.

Mr Michael Glendinning, PO Box 723, Mount Lawley WA 6929 on behalf of Michael Glendinning Property

Statement regarding OCM100/08/17

As the Owner's planning consultant, I wish to make a statement in support of the Officer's Recommendation. Since the need for approval of the additional use of the moulding of concrete products at Wormall's Cardup premises in the Cardup Business Park was raised last year, we have worked with the Shire's planning and environment requirements for the use. Cognisant of the potential offsite impacts, we have most recently responded to the Shire on all submissions received during the advertising period, including the provision of an Environmental Noise Assessment confirming the operation meets with the State's Environmental Noise Regulations, and have agreed to conditions addressing other issues raised in submissions. We therefore look forward to Council's favourable consideration of our application based on the Officer's Recommendation.

Ms Karina Salzmann Baker, 11 Daisy Road, Cardup

Agenda Item Retrospective Concrete Moulding

Firstly I would like to say that it is very disconcerting at how many retrospective & delegated authority has been approved for this business, but our main concern is the Concrete Moulding production and as it reads, not considered likely to impact health, well I would disagree. An updated Dust management plan for this application is imperative, as the 2015 Dust Management Plan, I believe does not include Concrete Dust from this type of production but for the establishment of buildings and site works. I would ask that the Shire require the Business to, at their cost, have a monitoring dust system in place over a 12 month period to collect data, as this is to be 170meters from Sensitive Land Use in an open Canopy Structure with the Easterly Torrents of Wind there is no one that could convince me that there will be no concrete dust thrown our way regardless how they try to clean it up and a 1.8 metre high shade cloth fence will not be enough. This will be accumulative over the years and the potential for health problems has to be factored in. Doing research on Concrete safety for workers, be dry or wet, the one line that stood out to me was that workers should work upwind due to fine dusts in any concrete production, together with Austral Bricks I would say there is a high risk to people's



health. Sensitive Land Uses definition- residential, schools, hospitals etc. but let's call it what it really means People - men, women, elderly, children, family pets, livestock. I would believe that if anyone on Council were to live here, in this particular Cardup area, that any one of you would want more than not considered likely, do you want to be the people who make a decision today only to find out down the track that people and especially children are suffering from eye, nose, throat, skin and lung problems, there is a greater than not potential for the Business to apply in the future to ramp up production as the Business grows, we are not against industry but the type of Industry. This was sold to us as a Transport Depot Workshop and splitting hairs on the definition of Concrete Moulding, production or Manufacturing is irrelevant. There is always a bi-product be it airborne and possible water contaminants and is the risk worth it, Please consider writing in better safeguards and if the Business in question is considerate of the people in Cardup then it would be prudent of them to do what is necessary to alleviate our concerns now and into the future.

Thank you

Mr Brian Williamson, 95 Pony Place, Oakford 6121

For the people of Serpentine Jarrahdale to have confidence in its council it is important that there be Transparency and Accountability.

Currently council avoids allowing the free flow of information to the ratepayers as is demonstrated by the lack of proper answering of lawful questions asked by the residents and ratepayers of this shire,

One can only assume they are concerned that the Accountability will then bite them on the arse.

As everyone knows our shire is the fastest growing in the country. To ensure proper direction and planning it is important that an informed community has a say in how this happens.

When people give their input based on misleading or incorrect information given to them by a council that appears to be more concerned that they may be made accountable can only cause problems, after all a building built without a good footing will eventually fall down.

How you vote on the motions on notice will be a statement to everyone in SJ where your priority's lie, with yourself and you mates or with the people of SJ.

Public statement time concluded at 7.29pm.

4. Petitions and deputations:

4.1 Mr Behnam Bordbar, representing Transcore / Peter Webb and Associates, Unit 2, 19 York Street, Subiaco

I refer to item OCM104/08/17 (Lot 5 (#34) Abernethy Road, Byford) which has a recommendation by Planning staff to reject the proposed Right Hand Turn (RHT) from Abernethy Road, Byford into the site (whilst recommending Approval for the balance part of the Application).

We seek the Council to approve the proposed RHT movement on the basis of Transcore's report that was submitted as part of the Application that addressed safety and functionality of the proposed RHT movement into the site.

We note that the Report to Council outlines four (4) main reasons for recommending refusal of the RHT movement (detailed on page 60 of the Report).



In response to the Shire's reason for refusing this component of our Application, we provide the following additional information for the Council's consideration, after each point:

Shire reason:

- *Having a permanent right turn into Lot 5 Abernethy Road may facilitate 'rat-run' vehicle movements. Vehicles may turn left when exiting Lot 76 Abernethy Road and cut across three lanes of traffic to enter Lot 5 Abernethy Road.*

Applicant Response:

- A Planning Application must not be determined on driver behaviour, and certainly should not be determined on the basis that illegal driving manoeuvres may occur. This is not a valid reason for refusal, and has been tested in SAT. Instead, the Application (and proposals within the Application) should be assessed on its merits, following review of the submitted traffic engineering assessment.

Shire reason:

- *It is also likely that a permanent right turn into Lot 5 Abernethy Road is likely to facilitate illegal U-turns on Abernethy Road.*

Applicant Response:

- Following on from Point 1, considering illegal U-turn movements should also not be a determining factor in the Application, as it should not be envisaged that drivers will be undertaking illegal driving manoeuvres. An Application should be determined assuming that all drivers will obey the law. A "No U-Turn" sign can be posted to restrict this turn movement.

Shire reason:

- *A permanent right turn into Lot 5 Abernethy Road would create unsafe conditions given the close proximity of two major intersections on either side of the proposed access to Lot 5 Abernethy Road.*

Applicant Response:

- The proposal has been carefully reviewed and modelled by Transcore, which has concluded that it will not create unsafe conditions along Abernethy Road. In fact, it actually improves conditions at the intersection to Pioneer Street (and Transcore's specific assessment shows this). Together with a controlled dual lane roundabout which slows the traffic environment, the proposed access to Lot 5 is considered safe.

Shire reason:

- *Shire Officers consider the Applicant's perceived requirement of a permanent right turn into Lot 5 Abernethy Road to be superfluous as the development site is able to be accessed by traffic travelling both east and west along Abernethy Road. Westbound traffic will be able to use the future roundabout to gain access to the multiple entrances to the site.*

Applicant Response:

- The Shire's reason that the Applicant's proposal is superfluous is not a technical reason for refusal.
- Further, if the right hand turn movement is restricted, drivers travelling west along Abernethy Road would be required to make a 180-degree



turn around the roundabout in the inner lane, then drivers have to weave to the left lane well prior to the crossover, and then access the site. This movement has the potential to be more unsafe than the right turn movement itself.

Transcore's report provides all of the justification and necessary assessment in support of the right hand turn movement.

To find some kind of "middle ground" on this particular issue, the Applicant suggests an Alternate Motion be put as follows, which includes a future review of the right hand turn movement:

1. Approve RHT off Abernethy Road.
2. Review of the right turn movement for 12 months after San Simeon and Pioneer Street are both totally operational and handed over to the Shire (at the Proponent's cost).
3. If assessed to be unsafe, the Shire to close RHT movement.

This Alternate Motion would 'tie in' to the already approved temporary approval for the right turn movement which has always formed part of the Approval for site, but provides for the Shire's review within a reasonable time following the creation of both side roads, to assess if the turn movements continue to be safe.

On this basis, we would respectfully seek you to suggest an Alternate Motion at the Meeting.

In addition, for the Council's information:

- The RHT movement is crucial to Woolworth's long term viability.
- The Proponent is investing in excess of \$30M in the Shire.
- The development through construction and operation will employ in excess of 200 people.
- Significant Shire rates will be paid through the development of the site.
- The Proponent wishes to avoid the expense of a potential referral to the State Administrative Tribunal (SAT).

In all of these circumstances, we seek for the Council to approve our proposed Amendments to the Existing Development Approval, inclusive of the right hand turn (RHT) movement into the site.

It would be greatly appreciated if you would consider moving the Alternate Motion as set out in this correspondence.

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

The Byford and District Country Club (BDCC) is an Exclusive private club available to members only. The only connection to the Shire appears to be that the President of the BDCC is the Shire President and his partner Councillor See may have given legal advice to the BDCC from time to time.

The original lease to the BDCC was for a portion of the crown reserve lease Lot 2857 known as the old rifle range as in item OCM193/06/14 for a sum of \$1.00 per year for twenty plus twenty years. The Shire would contribute \$280,000.00 as seed funding to assist the BDCC in attracting grant funding. The BDCC would be able to construct any improvement at their cost provided that it was approved by the Council. You will note that there is no suggestion at the time of the Lease being signed that the Shire should



be involved in the construction of any facilities. There is nothing in the lease agreement committing the Shire to providing earthwork for the BDCC

We then have OCM44/09/13 for an application to CSRFF for a grant for the construction of the BDCC to a value of \$1,318,792.00, this would be subject Council allocating funds in the 2014/15 budget. This is a most interesting document in which it states that a sinking fund will be created to replace the facility at the end of its life. Did not happen. The application also states that the Shire will supply in cash and kind a sum of \$483,557.00 including GST, never came to Council and Council never gave this commitment. It states that it is number one priority for the Council, the best it ever got was a poor second.

Item OCM021/08/14, gave BDCC planning approval to construct a Multi-Purpose Sporting and Community. You will note this was the BDCC not the Shire.

In Item OCM105/12/14, the Council accepted a tender for forward earth works for the BDCC on the advice of the then CEO and Director of Finance that there was about \$5,000,500.00 in the budget for this. In fact, that Budget line was subject to grant funding being available so the Council did not have to bear the cost. That funding was not available until the funding agreement was signed following item OCM 036/1/03/2016 some 15 months later so the Shire funded that activity. The then CEO and Director of Finance clearly misled Council. They were both later paid to leave the Shire employment for undisclosed reasons.

There is no evidence of the BDCC applying to the Council to construct the facility on behalf of the BDCC as the planning decision is clearly for the BDCC not the Council and the land is now under the control of the BDCC, but the next we see is a quote to construct the Clubrooms and the Council accepts the tender from Alita Constructions at a Special Council meeting in December to build the facility. The Council has no money and the funding agreement is not signed until some three months later.

This would appear to be the Council and Officers pre-empting a Council decision to sign the funding agreement which came to Council as OCM036.1/03/16. This is clearly contrary to the Local Government Act and the then Acting CEO Mr Gary Clark should have referred this matter to the department for a decision as to the legality of the action.

The Council clearly made a decision prior to the funding agreement being presented and accepted and before the matter had been debated and all the facts made clear.

There is no reference to the fact that the Council had decided to spend money prior to it having access to it. In other words, the money was not available to the Council other than Shire funds. You cannot spend money from a bank loan before all the documentation is complete and this is what the Council have done.

We then have the matter of the waiving of about \$850,000.00 in Management fees as in item OCM036/03/16. Contrary to the statement in OCM109/08/17, there is no documented evidence of the BDCC asking for the fee to be waived or the Council at any time agreeing to waive them. The Officers do not have delegated authority to waive them and those costs are real, whether you charge them or not, as shown in the Budget papers for the upgrade of Briggs Park Precinct charged at 18% this is about \$850,000.00.

We then have the matter of the Community shed and Garden which I see that the Shire has arranged a credit of \$200,000.00 of the grant, when in fact, the business plan for the construction of this facility is in excess of \$800,000.00. Where did the difference go?

When I read the letters of support for the project, just about all of them were clear about the importance of this facility, the one from the Byford Progress Association



signed by Mrs Colleen Rankin particularly mentions it. Yet, it is only proposed for some time in the future.

I notice Mr Steven White is quoted in the business plan "We will keep these kids involved in the garden and shed, that is our main purpose" so we build a licenced restaurant that the Kids cannot use without supervision of an adult.

In the business plan, it has 17 participants. How many are using the facility on a regular basis? Has the Karnet prison used it for rehabilitation of prisoners?

There have been many clandestine meetings of the BDCC group with the Shire, including Mr Alan Hart and Council Officers and others. I call them clandestine as no records of these meetings have ever been made available to Councillors although the Council was called on to finance the BDCC.

I see Jacqui See and John Erren are included on the list along with Stephen White. Are they part of what I have heard described as the Stephen White Faction? That is, on the current Council, some Councillors expense's at the last election were paid by Stephen White.

There are too many variations in the finances in this matter and with three of the current Council not able to vote if two vote against the issue tonight, it throws the matter into limbo as although it is passed, it cannot be dealt with. It needs a thorough investigation with all the documents on the table, as I feel sure that the current CEO and Officers have not all the history of the matter. It would appear that the whole basis of the construction of this facility is based on a lot of false promises, what in fact some people might describe a downright lies. There appears to be a lot of misleading statements by some Shire Officers and a failure of the Shire President of the time to pick them up and work for the benefit of the Community as a whole.

You will note that nothing else was built in the Shire in this period of time as all the available funding was funnelled into this Private venture.

I have copies of the documents I quote from.

5. President's report:

Hello and welcome to this August Ordinary Council Meeting.

We would like to pass on our condolences to the family of June Haigh, a resident and champion of Serpentine Jarrahdale for over 30 years. She was passionately involved in anything to do with the environment, especially the red-tailed cockatoo. She volunteered in many capacities and was the instigator of getting the original Doctors Surgery in Serpentine. Rest in peace.

The Local Government Ordinary Election will be held on 21 October 2017. Tomorrow night the Shire and the WA Electoral Commission will be holding an evening to enable prospective candidates to gain more information on becoming an Elected Member and how to stand for Council. This session will be held from 6pm on 29 August in Council Chambers.

We are now seeking expressions of interest from potential committee members for the Economic Development Advisory Committee to assist in advancing new economic development and investment attraction opportunities for the Shire. Expressions of Interest close on Friday 8 September and details are available on the Shire's website.

Subscribe to the Shire's monthly e-newsletter 'SJ Matters' to keep up to date on what's coming up in the Shire. You can subscribe on the home page of the Shire's website.



6. Declaration of Councillors and Officers interest:

Councillor Atwell declared a financial interest in OCM100/08/17 as he has undertaken paid services of carrying out firebreaks and slashing for the owner. Councillor Atwell will leave the chambers when this item is discussed.

Councillor Piipponen declared a financial interest in OCM100/08/17 as the company has done work on his property. Councillor Piipponen will leave the chambers when this item is discussed.

Councillor Gossage declared a closely associated persons interest in OCM100/08/17 as a family member works at the location.

Shire President, Councillor Erren declared a financial interest in OCM109/08/17 as he is an employee of Byford Legal, who has provided services to BDCC. Councillor Erren will leave the chambers when this item is discussed.

Councillor See declared a financial interest in OCM109/08/17 as Byford Legal has undertaken legal work for the BDCC. Councillor See will leave the chambers when this item is discussed.

Acting Director Corporate and Community, Peter Kocian declared a financial interest in Confidential item OCM116/08/17 as he is going to be an applicant for the vacant Director Positions. Acting Director Corporate and Community, Peter Kocian will leave the chambers when this item is discussed.

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

7.1 Ordinary Council Meeting – 24 July 2017

COUNCIL DECISION

Moved Cr Ellis, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 24 July be confirmed (E17/7240).

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 Planning reports

Councillor Atwell declared a financial interest in OCM100/08/17 and left the chambers at 7.55pm while this item was discussed.

Councillor Piipponen declared a financial interest in OCM100/08/17 and left the chambers at 7.55pm while this item was discussed.

Councillor Gossage declared an impartiality interest in OCM100/08/17 being that a family member works at the location and left the chambers at 7.55pm while this item was discussed.

OCM100/08/17 – Retrospective Concrete Moulding, Dome Structure and Signage – Lot 41, 17 Cardup Siding Road, Cardup	
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	3 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Michael Glendinning Property
Owner:	C.C Wormall Pty Ltd
Date of Receipt:	3 April 2017
Lot Area:	47,159m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Industrial'

Introduction

This report is presented to Council to determine an application for retrospective concrete moulding, a dome structure and signage at Lot 41, 17 Cardup Siding Road, Cardup. The application cannot be determined under delegated authority (P035D) due to objections being received, which cannot be addressed through conditions of approval.



Officers recommend the application be approved subject to conditions.



Aerial Photo

Relevant Previous Decisions of Council

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

Background

The subject lot is located within the Cardup Business Park, south of the Byford Town Centre. The site is within close proximity to residential land to the west and South Western Highway to the east. The Shire has previously approved two development applications on the site which relate to industrial development.

The first application was received 22 January 2014 for the retrospective construction of a workshop and site office being used as Light Industry/Transport Depot. The application was initially refused and subsequently reconsidered through the State Administrative Tribunal (SAT). At the time it was considered there was insufficient progress of the Cardup Business Park Local Structure Plan to be certain that development approval would not prejudice the Structure Plan. Once the Structure Plan was considered by Council and supported subject to modifications, the application for development of a workshop and office and use for 'Light Industry/Transport Depot' was approved.

The second application was received 23 September 2015 for a proposed storage shed, canopy and apprentice training centre associated with the Light Industry/Transport Depot use. The application was approved under delegated authority on 2 December 2015.

Proposed Development

The current application was received 3 April 2017 requesting retrospective approval for:

1. Construction of a dome structure over an existing wash down bay;
2. Use of the land for Concrete Moulding.
3. The erection of signage; and



The dome structure is used as a wash down bay for vehicles associated with the Transport Depot and moulds associated with the retrospective Concrete Moulding. The dome structure features the following:

- Materials: Trimdeck Roof Sheeting / Colourbond Trimdeck Weather Apron Flashing
- Length and Width: 12m by 12m
- Wall Height: 6.0m
- Ridge Height: 6.4m

The Concrete Moulding process is proposed to occur within a 500m² area of the eastern portion of the approved existing canopy. The final products are stockpiled along the southern boundary of the lot and are used in civil works undertaken by the operator.

The moulding process involves the importation of concrete, which is batched off site and delivered by a truck to be poured into the moulds on site. A maximum of 15m³ of concrete is proposed to be moulded per week. The applicant estimates that one additional truck will access the site per day.

The proposed signage is 1.8m high, cyclone fencing featuring the Wormal's logo and extends 129.5m along the Cardup Siding Road boundary (north).

Community / Stakeholder Consultation

The application was referred to surrounding landowners within 500m of the subject site for 21 days from 30 May 2017 to 20 June 2017. Upon request, the advertising period was extended to 27 June 2017. During the referral period a total of 11 submissions were received, two of which supported the application and nine of which objected. A summary of submissions have been included as an attachment to this report (OCM100.3/08/17).

The application was also referred to the Department of Water and Environmental Regulation (DoWER). No submission has been received from the DoWER during the referral period.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Cardup Business Park Local Structure Plan
- Local Planning Policy 5 – Advertising Signs (LPP5)
- Local Planning Policy 58 – Bicycle Parking (LPP58)



Planning Assessment

In determining the application, Council is required to consider Schedule 2 Deemed Provisions, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) and relevant Local Planning Scheme provisions. Attachment OCM100.4/08/2017 details a comprehensive assessment of each of the 27 matters contained within Clause 67 of the Deemed Provisions. For the purposes of this report, topics of concern and variations sought are discussed including orderly and proper planning, form of development and amenity.

Orderly and Proper Planning

Land Use Permissibility

With respect to the Dome Structure, the proposal is deemed to fall under the use class definition of Light Industry under the TPS2 'Industry' is defined under the TPS2 as follows:

Industry - *"Means 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:*

- (i) The winning, processing or treatment of minerals;*
- (ii) 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;*
- (iii) The generation of electricity or the production of gas;*
- (iv) 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 or 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."*

A 'Light Industry' is defined as an Industry in which:

- "(i) The processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- (ii) The establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities or any like services."*

The dome structure is considered to be a Light Industry as the washing down of trucks and moulds in an enclosed space does not generate any off-site impacts or place undue strain on any services.

The Concrete Moulding is considered to be consistent with the definition for Industry as it involves a process whereby materials are altered in shape, using a mould, to make the final product. The process involved with the Concrete Moulding does generate off-site impacts, primarily noise, and is therefore considered to be General Industry. A General Industry is defined in the TPS2 as:

'an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.'



Based on the information provided and subject to the application of appropriate conditions, Officers consider the potential amenity impacts of the Concrete Moulding could be mitigated, as discussed further in this report.

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

The subject site is zoned 'Industrial' under the Metropolitan Region Scheme (MRS). Clause 30(1) of the MRS requires regard be given to the purpose for which the land is zoned or reserved under the MRS. As the land is zoned 'Industrial', Officers consider the proposed 'Light Industry' and 'General Industry' to be consistent with the MRS.

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

The site is subject to the Draft Cardup Business Park Local Structure Plan (Draft LSP), which was adopted by Council in February 2015 and subsequent modifications endorsed by Council in July 2016. The Draft LSP designates the subject site as 'General Industry'. The Draft LSP is currently with the Western Australian Planning Commission pending final approval; however, as Council has adopted the Draft LSP due regard should be given to ensure consistency with Clause 27(2) of the Deemed Provisions as mentioned above.

'Light Industry' and 'General Industry' are both 'P' (Permitted) uses within the 'General Industry' zone under the TPS2, meaning the uses are permissible. Approval of the proposed use is considered unlikely to prejudice the preparation of a Local Structure Plan as the proposed use is consistent with the Draft LSP. The proposed use is also not considered likely to impact the health, amenity, safety or convenience of future occupants of the area intended for the Local Structure Plan as similar uses are expected to be approved.

Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Separation distances and buffers between industrial and sensitive land uses are guided by the Environmental Protection Authority Draft Environmental Assessment Guidelines for Separation Distances between Industrial and Sensitive Land Uses (EPA Draft Guidelines). The proposal is considered to be Concrete Moulding under the EPA Draft Guidelines, which provides a recommended buffer ranging from 300m to 500m due to potential noise and dust impacts, which the proposal seeks to vary to 170m. The separation distance can be reduced where it can be shown that off-site impacts can be mitigated to an acceptable standard. The primary off site impact resulting from the proposal is noise, which has been discussed in detail later in this report.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

The subject property is located within a designated bushfire prone area and is subject to the provisions of SPP3.7 and associated guidelines. A Fire Management Plan has been prepared for the Cardup Business Park, which identifies a 20m Building Protection Zone (BPZ) along the western lot boundary. The retrospective canopy subject to this application is setback only 10m from the lot boundary; however, the previous approvals for the 'Warehouse' and 'Training Centre' permitted a setback less than 20m. The location of the retrospective canopy is consistent with previous approvals, furthermore the use of the canopy is as a wash down bay for trucks and concrete moulds and is not considered to constitute an



increased fire risk, due to the large amount of water associated with the use of the structure. Given the nature of the use occurring within the retrospective canopy, Officers do not consider the reduction to the BPZ likely to impact the fire risk to the site or any adjoining site.

Local Planning Policy 5 – Advertising Signage (LPP5)

The proposed cyclone fencing contains the Wormal logo and is considered to be Advertising Signage. LPP5 contains provisions relating to ‘tethered - off-building’ signs, which are defined under the policy as:

Tethered – Off Building: an advertising sign which is suspended from, or tethered (tied) to any structure, or tree or pole (with or without supporting framework). The sign may be made of paper or plastic or fabric or similar material. The term includes lighter-than-air devices, inflatables, bunting, banners, flags and kites.

The proposed banner signage constitutes a variation to the requirements of LPP5 as detailed in the variation table below.

Policy Requirement	Proposed	Variation
Signage to be located within the lot boundaries.	Proposed signage is located on the lot boundary.	No.
Maximum vertical dimension of 0.75m.	Maximum vertical dimension of 1.8m.	1.05m in excess of the policy.
Maximum area of 2.0m ² .	Maximum area of 233.1m ²	231.1m ² in excess of the policy.
Signage to be not less than 2.7m or greater than 8.0m from ground level.	The signage is proposed to be 1.8m in height from ground level.	All proposed signage is below the minimum separation from ground level.
One such sign per street frontage.	One sign proposed at Cardup Siding Road frontage and one proposed at the unconstructed Robertson Road reserve frontage	No.
Signage not permitted within 10.0m of a pylon sign.	No Pylon Signs within 10.0m.	No.

The proposed signage serves an alternative function as a visual screen between the site and Cardup Siding Road and as a dust barrier. During the neighbour referral period several submissions raised concerns about dust and the visual impact of existing development on the site. The proposed signage would screen the development from the Cardup Siding Road boundary and reduce dust impacts to adjoining land to the north. The objections were primarily raised by landowners to the west, who would not benefit from the existing screening. Objections were also raised to the area of signage proposed and impact on the streetscape and character of the area. The applicant has agreed to a condition requiring the proposed banner sign be replaced with an unbranded shade cloth screen and extended along the western boundary. The temporary nature of this screening will allow design guidelines for walls to be finalised and implemented. Officers support such a condition, which would improve screening and dust control and no longer require compliance with LPP5.

Local Planning Policy 58 – Bicycle Parking (LPP58)

LPP58 requires bicycle parking and associated facilities be provided with certain land uses to encourage cycling for employees and the general public. Under LPP58 one long term bicycle parking space is required per 150m² of net leasable area. The proposal includes 500m² area for Concrete Moulding and 144m² for the canopy over the wash down bay for a total of 644m², which results in a requirement of 5 long term bays. Long term bays need to be secure and provision made for minor maintenance, toilet facilities, water bottle refilling and weather protection. Officers recommend a condition requiring the provision of 5 long term bays to satisfy the policy requirements.



Form of Development

The application includes a retrospective canopy, retrospective signage and Concrete Moulding within part of an approved canopy.

Table 4 of the TPS2 sets out site requirements for uses within the 'General Industry' zone, which should be applied given the site is identified as 'General Industry' in the Draft LSP. 'Light Industry' land uses require a minimum 9m front (primary street) setback and a minimum side and rear setback based on the height of the walls of the building. The dome structure is 6m in height and would require a side and rear boundary setback of 6m. The proposed setbacks comply with the site requirements under Table 4 being: 10m from the western side boundary, 269m from the eastern side boundary, 93m from the southern rear boundary and 67m from the northern primary street boundary.

The Dome Structure is 3.65m lower in height than the approved shed and canopy already on the site and will be screened by these buildings from the south and north. The office, approved under a previous approval, is 5.6m in height and screens the majority of the dome structure from the east. A condition of a previous approval required a 10m landscaping strip along the western boundary which will screen the dome structure from the west once established. The dome structure will be screened from all sides and is not considered to impact on the visual amenity of the surrounding area.

Officers have recommended a condition requiring the retrospective signage be replaced with unbranded shade cloth screen. The screen would extend 129.5m along the Cardup Siding Road frontage and along the Robertson Road frontage at 1.8m in height. The screen is considered to reduce the visual impact of the development and improve dust control.

The Concrete Moulding operation does not involve any further development; however, the products created from the process are stockpiled on site, currently along the southern boundary of the lot. Officers recommend a condition limiting the height of stockpiles to 1.8m to reduce the visibility of the stockpiles from neighbouring residential development. Should Council support the condition recommending a 1.8m high screen be erected along the western boundary, the limit in height of stockpiles will ensure they do not exceed the height of the screen. Officers have not recommended a screen to the south or east of the lot as the adjoining land is identified for future industrial development and visual amenity is less of a concern.

Amenity

Dust Management

The primary source of dust in the Concrete Moulding process is the mixing of cement to be poured into the moulds. The proposed operation involves the batching of cement off-site which significantly reduces the risk and impact of dust. Wet cement is brought onto the site in a cement mixing truck to be poured into the moulds. The cement hardens and the final product is removed from the mould and stockpiled on-site prior to dispatch. Although the dust risk is significantly reduced, the proposal still results in the intensification of development on the site and as a result Officers recommend a condition requiring an updated Dust Management Plan.

Noise Management

The Concrete Moulding operation involves removing concrete products from moulds using hammers and additional vehicle movements around the site to stockpile and dispatch the products, also creates noise. A Noise Assessment was prepared by George Lloyd Acoustics and received at the Shire on 27 July 2017. The Assessment indicates that the proposed operations will comply with the *Environmental (Noise) Regulations 1997* as operating between 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. A condition is recommended that operations are undertaken in accordance with the Noise Assessment to ensure compliance is achieved.



Waste Water Management

The primary source of waste water is generated from the washing of the moulds in the wash down bay, which is proposed to occur once every 4 – 6 months. The wash down bay is connected to a settling tank and oil/water separator allowing the contaminants to be separated from the water and collected by a liquid waste contractor. An apparatus for the treatment and disposal of effluent and liquid waste requires approval by the Shire's Health Services in accordance with the Shire's Health Local Laws. The proposed waste water management method is acceptable; however, approval will need to be granted by the Shire's Health Services and daily waste water volumes considered. Officers recommend a condition requiring an updated Waste Water Management Plan be provided to cover the additional operations and a condition requiring an application be submitted to the Shire's Health Services for approval of the waste water treatment and disposal system.

Light Pollution

Officers have considered light pollution as a potential amenity impact on surrounding land. A condition is recommended relating to any future lighting to pre-empt potential impacts of light pollution.

Options and Implications

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion

The application seeks retrospective approval for a canopy, signage and Concrete Moulding at Lot 41, 17 Cardup Siding Road, Cardup. The application complies with the statutory requirements of the TPS2 and *Environmental Protection (Noise) Regulations 1997* and is consistent with the strategic planning framework. Subject to appropriate conditions, the potential amenity impacts of the development could be mitigated. As such Officers recommend the application be approved subject to conditions.

Attachments

- [OCM100.1/08/17](#) - Site Plan (E17/7559)
- [OCM100.2/08/17](#) - Elevation Plan (E17/7561)
- [OCM100.3/08/17](#) – Summary of Submissions (E17/7825)
- [OCM100.4/08/17](#) – Deemed Provision Checklist (E17/7479)
- [OCM100.5/08/17](#) – Noise Assessment (IN17/15345)
- [OCM100.6/08/17](#) – Concrete Moulding Operation Details (E17/7653)
- [OCM100.7/08/17](#) – Technical Report (E17/7716)



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

There are no financial implications.

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)
Refusal may result in a SAT appeal	Almost Certain (5)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Risk
Approval may not be agreed to by residents	Likely (4)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Impose conditions and Accept Risk

Risk Matrix

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

OCM100/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council approves the application submitted by Michael Glendinning Property on behalf of C.C. Wormall Pty Ltd for Retrospective Concrete Moulding, Canopy and Screening at Lot 41, 17 Cardup Siding Road, Cardup, subject to the following conditions:

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

Plans and Specifications	P1-P2 (Site plan and Elevation Plan) received at the Shire's Offices on 20 June 2017; P3 (Operation Details) received at the Shire's Offices on 23 May 2017; and P4 (Environmental Noise Assessment) received at the Shire's Offices on 16 August 2017.
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2. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
3. Signage shall be replaced with an unbranded screen of the same material and shall be extended along the western lot boundary with the intention of screening the development, to the satisfaction of the Shire of Serpentine Jarrahdale.
4. Within 28 days of the date of this approval a Fire Management Plan shall be submitted, approved and thereafter implemented, to the satisfaction of the Shire of Serpentine Jarrahdale.
5. Within 28 days of the date of this approval an amended Dust Management Plan, consolidating all activities undertaken onsite, shall be submitted, approved and thereafter implemented, to the satisfaction of the Shire of Serpentine Jarrahdale.
6. Within 28 days of the date of this approval an updated Landscaping Plan shall be submitted, approved and thereafter implemented, to the satisfaction of the Shire of Serpentine Jarrahdale.
7. Concrete shall be imported in its pre-mixed state. The mixing of concrete on site is not permitted.
8. Stockpiling of concrete products shall not exceed 1.8m in height.
9. A minimum 5 bicycle parking bays shall be provided.
10. Floodlighting shall not be illuminated after 10:00pm or before 7:00am, all light sources shall be hooded with no light spill outside of the property in accordance with Australian Standard AS 4282-1997.
11. Any trade waste water collected from the cleaning of the concrete moulds to be removed by a licenced liquid waste contractor.



Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
4. In relation to the implementation of recommendations for noise attenuation provided within the Environmental Noise Assessment, the Shire requires scenario 2 to be implemented in its entirety at all times.

CARRIED 3/2

Councillor Atwell returned to the meeting at 7.59pm.

Councillor Piipponen returned to the meeting at 7.59pm.

Councillor Gossage returned to the meeting at 7.59pm

The Shire President informed Councillors Atwell, Piipponen and Gossage that the Officers Recommendation was carried 3/2.

**OCM101/08/17 - Proposed Amendment to Local Development Plan – Lot 9051 Symons Road, Lot 9065 Doley Road and Lot 9071 Kinsella Avenue, Byford (Woodland Grove Stages 1 and 2) (PA17/457)**

Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	7 July 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Taylor Burrell Barnett Town Planning and Design
Owner: LWP Byford Syndicate Pty Ltd
Date of Receipt: 15 June 2017
Lot Area: Portion of 3.67ha
Town Planning Scheme No 2 Zoning: 'Urban Development'
Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to consider an amendment to an existing Local Development Plan (LDP) for Woodland Grove Stages 1 and 2. Shire Officers do not have delegation to determine LDP's, therefore the report is presented to Council for its consideration.

The applicant seeks to amend an existing LDP for this area as the lot configuration and layout has changed following a revised subdivision approval. The proposed amendments to the LDP seek to align it with this subdivision approval. No new variations to the State Planning Policy 3.1 – Residential Design Codes (R-Codes) are proposed as part of the amendment.

Shire Officers recommend that Council approves the amended LDP as submitted.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application/issue. The original LDP for this area was approved under delegated authority.

BackgroundExisting Development

The subject site forms part of the Woodland Grove stages of the Glades Estate. The site is located to the south of Abernethy Road and to the west of Doley Road.



Location Plan

Initial Proposal

On 22 August 2012, subdivision approval (146082) was granted by the Western Australian Planning Commission (WAPC) for the creation of 268 single residential lots, one grouped housing lot and three balance of title lots. The proposed lot sizes range from 225m² to 2297m², providing densities of between R20 and R50.

Condition 27 of this subdivision approval states that, "Detailed Area Plans are to be prepared and approved for all proposed laneway lots and lots abutting areas of public open space to the satisfaction of the Western Australian Planning Commission (Local Government)". A Detailed Area Plan was submitted and approved under delegated authority on 23 April 2013 (OCM101.1/08/17). The approved Detailed Area Plan included additional lots that were not required to be included as part of the subdivision condition.

On 16 February 2017 an amended subdivision application, supported by the Shire, was approved by the WAPC for 46 of the residential lots. This proposal amended the layout of the lots and proposed an additional four lots.

Condition 11 of this approval states that "Local Development Plan(s) being prepared and approved for proposed lots 22 to 29 and 39 to 46 shown on the plan that address residential lot interface with Public Open Space to the satisfaction of the Western Australian Planning Commission (Local Government)."

Revised Proposal

The purpose of the amendment is to ensure that the LDP is consistent with the recent subdivision approval. The changes include the reconfiguration of the lots and the addition of four new lots (OCM101.2/08/17). The amended LDP does not propose any new R-Code variations, however the 2013 LDP involved R-Code variations to setbacks and open space as detailed on Attachment 3 (OCM101.3/08/17). These previously approved R-Code variations are retained in the proposed amended LDP.



Community / Stakeholder Consultation

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

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

Shire Officers consider that the variations may have limited impact on the future residents of the dwellings on the lots, but adjoining landowners would not be affected as the adjoining land is owned by the same landowner as the land to which this LDP relates. The prospective purchasers would be made aware of the LDP but would not however be adversely affected. For this reason, the LDP has not been advertised.

Agency Referrals

Clause 7.3.2 of the R-Codes requires variations not listed in Clause 7.3.1 of the R-Codes to be approved by the (WAPC) before they are considered by Council. The LDP was referred to the WAPC who have provided support for the amended LDP.

Statutory Environment

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 59 (1) of the Deemed Provisions of the *Regulations* states that "A local development plan may be amended by the local government" and (3) "The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan".

State Government Policies

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

Shire Officers consider the proposed LDP format and provisions are consistent with the WAPC framework for LDP's.

State Planning Policy 3.1 – Residential Design Codes.

The proposed LDP has been assessed with regard to Clauses 7.3.1 and 7.3.2 of the R- Codes, which outlines the scope of changes which LDP's can facilitate. Clause 7.3.1 of the R-Codes permits variations to the following R-Code requirements:

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



Clause 7.3.2 of the R-Codes states:

“Notwithstanding Clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed-to-comply provision within the R-Codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

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

The proposed LDP includes R-Code variations as approved on the 2013 LDP.

Clause 5.1.4 P4 of the R-Codes states that development may be permitted where the following design principles are demonstrated:-

- *“Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *Provide access to natural sunlight for the dwelling;*
- *Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *Provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *Provide space for external fixtures and essential facilities.”*

Although the Open Space provision has already been varied through the previous LDP, it is considered that this is consistent with the Design Principles of the R-Codes.

Clause 5.1.2 P2.1 and P2.2 sets out the Design Principles for street setbacks and states that buildings should be set back to:-

- *“contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodated site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors”.*

Clause 5.1.2 P2.2 of the R-Codes also states that buildings should be designed so their mass and form:-

- *“uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank wall, servicing infrastructure access and meters and the line; and*
- *positively contributes to the prevailing development context and streetscape.”*

The setback provisions that have already been varied through the previous LDP are considered to be consistent with the Design Principles of the R-Codes.



- Metropolitan Regional Scheme (MRS)

The lot is zoned 'Urban' under the MRS.

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

The lot is zoned 'Urban Development' under TPS2.

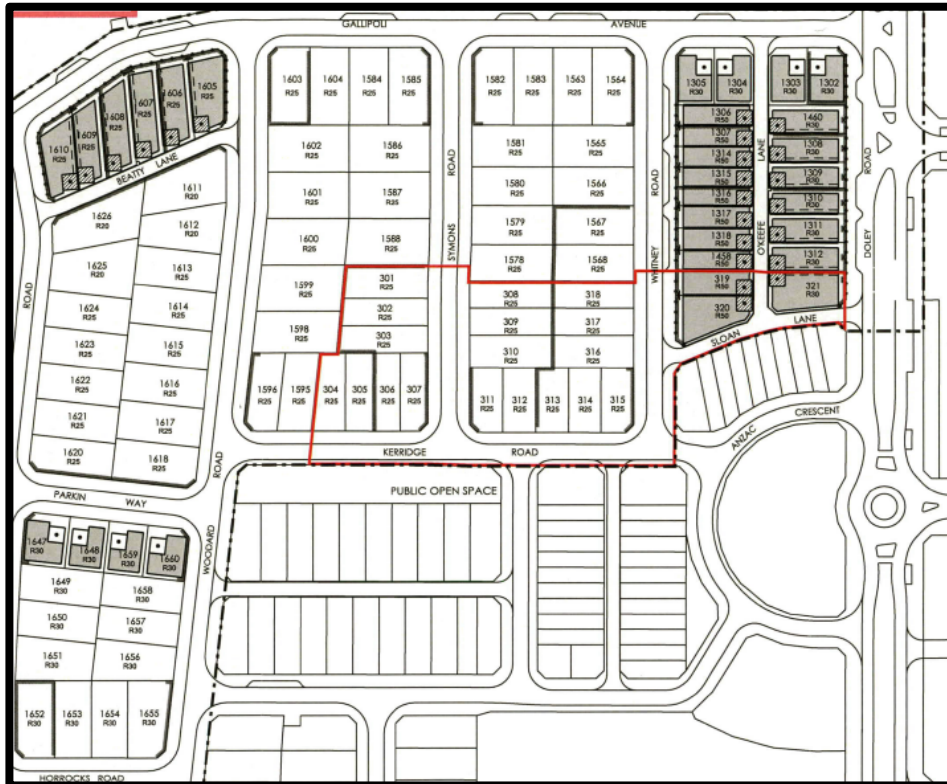
Planning Assessment

Site Planning and Design

The purpose of the LDP amendment is to ensure that it is consistent with the revised lot layout as approved at subdivision stage. The plan below shows the layout of the lots as depicted on the existing approved LDP.



The lots to the north of the Anzac Park, on Sloan Lane, have been removed from this LDP and now form part of the LDP for Stage 10. The diagram below shows the amended lot layout with four additional lots, two of which are located to the west of Symons Road and two to the east.



As previously stated, the lot layout has already been approved by the WAPC and the approval of this amended LDP will ensure that the planning framework for this area is consistent.

As part of the previous approved LDP, variations to the R-Codes were approved under Delegated Authority. These approved variations relate to Open Space, Street Setbacks and Lot Boundary Setbacks.

Open Space

Table 1 of the R-Codes sets out the recommended open space requirements for different densities. The LDP initially sought variations to these Deemed-to-Comply requirements of between 10 and 15 percent, as set out in Attachment 3 (OCM101.3/08/17).

The purpose of the open space requirement under the R-Codes is to ensure that development reflects the desired streetscape, results in an attractive setting, provides access to sunlight and for the use of external space.

The approved LDP's for the whole Glades Estate generally incorporate variations to open space similar to that of Stages 1 and 2 to allow for a larger house type on smaller lots. Due to the size and shape of the lots, the reduction of open space allows for more flexibility for home owners and housing diversity for future occupants of Byford.

It is considered that the provisions of the LDP with regard to open space would not adversely impact on the desired streetscape character and would provide for an attractive setting with space for external fixtures and essential facilities.

The Outdoor Living Area requirements for the particular densities would ensure that the lots had adequate access to natural sunlight and residents have opportunities to use space external to the dwelling for outdoor pursuits.



Setbacks

Table 1 of the R-Codes sets out the recommended street setbacks for dwellings, which have been modestly varied as part of the approved LDP as set out in attachment (OCM101.3/08/17). The Design Principles of the R-Codes states that buildings should be set back from the street to ensure that they are consistent with the streetscape, provide adequate open space and privacy and accommodate site planning requirements. The R-Codes also states that mass and form of buildings should positively contribute to the prevailing development context and streetscape.

The Glades Estate has previously varied the deemed-to-comply requirements of the R-Codes by way of setbacks. It is considered that by continuing this variation in the amended LDP will ensure the streetscape is consistent with the existing built environment. It is considered that the setback provisions of the LDP would contribute positively to the character of the streetscape and result in a design outcome consistent with the Design Principles of the R-Codes.

Options and Implications

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

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

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

Option 2: Council may resolve to approve the Local Development Plan subject to modifications.

The approval of the Local Development Plan subject to modifications would not result in a negative impact on the amenity or character of the area.

Option 3: Council may resolve to refuse the Local Development Plan.

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

Option 1 is recommended.

Conclusion

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

The amendment to the approved LDP seeks to align the layout of the lots with a revised subdivision approved by the WAPC. This includes a reconfiguration of the lots and incorporates an additional four lots.

The R-Code variations, as discussed, have been carried over to the amended LDP to ensure that the built form of the lots is consistent with the built form of the Glades Estate. It is considered that the amendments to the LDP are consistent with LDP's in the area and the planning policy framework and therefore Shire Officers recommend the proposed LDP be supported.



Attachments

- [OCM101.1/08/17](#) – Approved Local Development Plan (E17/6748)
- [OCM101.2/08/17](#) – Proposed Local Development Plan (E17/6749)
- [OCM101.3/08/17](#) – R-Code Variations (E17/6750)

Alignment with our Strategic Community Plan

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

The proposed LDP seeks to provide design requirements consistent with the wider estate. The proposal is considered to contribute to creating a village environment for the future occupants of Byford.

Financial Implications

There are no financial implications.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation. The LDP has already been approved under delegated authority and it is considered that there is no risk in approving an amendment to this in relation to the reconfiguration of the lots. Officers consider that minimal risk lies with Council not approving the amendment resulting in an inconsistency with previous decisions and the character of the area. The risk surrounding the refusing of the LDP is considered to be related to the reputation of Council as details in the table below.

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)
Impact to Council's reputation by not approving the amended LDP	Possible (3)	Moderate (3)	Moderate (5-9)	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 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

OCM101/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Piipponen

That Council approves the application for the Local Development Plan submitted by Taylor Burrell Barnett Town Planning and Design on Lot 9051 Symons Road, Lot 9065 Doley Road and Lot 9071 Kinsella Avenue, Byford as contained in attachment OCM101.2/08/17 in accordance with clause 52(1) Schedule 2 Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.

CARRIED UNANIMOUSLY 8/0

**OCM102/08/17 - Proposed Amendment to Local Development Plan – Lot 9051 Symons Road, Lot 9065 Doley Road and Lot 9071 Kinsella Avenue, Byford (Woodland Grove Stage 3) (PA17/502)**

Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	7 July 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Taylor Burrell Barnett Town Planning and Design
Owner: LWP Byford Syndicate Pty Ltd
Date of Receipt: 15 June 2017
Lot Area: Portion of 3.67ha
Town Planning Scheme No 2 Zoning: 'Urban Development'
Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to consider an amendment to an existing Local Development Plan (LDP) for Woodland Grove Stage 3. Shire Officers do not have delegation to determine LDP's, therefore the report is presented to Council for its consideration.

The applicant seeks to amend an existing LDP for this area as the lot configuration and layout has changed following a revised subdivision approval. The proposed LDP seeks to align it with this subdivision approval and also seeks variations to State Planning Policy 3.1 – Residential Design Codes (R-Codes) in relation to open space, garage setbacks and indicative stair locations.

Shire Officers recommend that Council approve the amended LDP as submitted.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application/issue. The original LDP for this area was approved under Delegated Authority.

BackgroundExisting Development

The subject site forms part of the Woodland Grove stages of the Glades Estate. The site is located to the south of Abernethy Road and to the west of Doley Road.



Location Plan

Initial Proposal

On 22 August 2012, subdivision approval (146082) was granted by the Western Australian Planning Commission (WAPC) for the creation of 268 single residential lots, one grouped housing lot and three balance of title lots. The proposed lot sizes ranged from 225m² to 2297m², providing densities of between R20 and R50.

Condition 27 of this subdivision approval states that, “Detailed Area Plans are to be prepared and approved for all proposed laneway lots and lots abutting areas of public open space to the satisfaction of the Western Australian Planning Commission (Local Government)”. A Detailed Area Plan was submitted and approved under delegated authority on 3 October 2013 (OCM102.1/08/17). The approved Detailed Area Plan included additional lots that were not required to be included as part of the subdivision condition.

On 16 February 2017 an amended subdivision application, supported by the Shire, was approved by the WAPC for 46 of the residential lots. This proposal amended the layout of the lots.

Condition 11 of this approval states that “Local Development Plan(s) being prepared and approved for proposed lots 22 to 29 and 39 to 46 shown on the plan that address residential lot interface with Public Open Space to the satisfaction of the Western Australian Planning Commission (Local Government)”.

Revised Proposal

The purpose of the amended LDP (OCM102.2/08/17) is to ensure that it is consistent with the recent subdivision approval. The changes include the reconfiguration of the lots and also excludes some of the lots that will now form part of the LDP for Stage 10 which is also being considered on this agenda.



Lots 384 – 387 and Lot 1326 have been amended from Residential R40 and R50 to Residential R60 as part of the subdivision approval and subsequently the Open Space provision has been modified on the amended LDP. Now the lots are coded R60 it is proposed to amend the Open Space requirement from 40% to 30%.

A modification is also sought to increase the garage setback of the laneway lots (Lots 384 – 388 and Lots 1661 – 1663) from 0.5m, as approved on the 2013 LDP, to 1m. The additional setback is required in order to address servicing issues to these particular lots. The applicant also wishes to remove the indicative stair locations for lots abutting public open space (Lots 377 – 382). These lots are abutting public open space that largely accommodates a drainage basin and therefore providing direct access from the lots would add no real benefit.

No other R-Code variations are proposed, however the 2013 LDP involved R-Code variations to setbacks and open space as detailed on attachment (OCM102.3/08/17). These previously approved R-Code variations are retained in the proposed amended LDP.

Community / Stakeholder Consultation

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

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

Shire Officers consider that the variations may have limited impact on the future residents of the dwellings on the lots but not adjoining landowners. The adjoining land is owned by the same landowner as the land to which this LDP relates. The prospective purchasers would be made aware of the LDP but would not however be adversely affected. For this reason the LDP has not been advertised.

Agency Referrals

Clause 7.3.2 of the R-Codes requires that variations not listed in Clause 7.3.1 of the R-Codes are approved by the Western Australian Planning Commission (WAPC) before they are considered by Council. The LDP has been referred to the WAPC who are in support of the amended LDP.

Statutory Environment

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 59 (1) of the Deemed Provisions of the *Regulations* states that "A local development plan may be amended by the local government" and (3) "The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan".

State Government Policies

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

Shire Officers consider the proposed LDP format and provisions are consistent with the WAPC framework for LDP's.



State Planning Policy 3.1 – Residential Design Codes.

The proposed LDP has been assessed with regard to Clauses 7.3.1 and 7.3.2 of the R- Codes, which outlines the scope of changes which LDP's can facilitate. Clause 7.3.1 of the R-Codes permits variations to the following R-Code requirements:

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

Clause 7.3.2 of the R-Codes states:

“Notwithstanding Clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed-to-comply provision within the R-Codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

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

The proposed LDP includes R-Code variations as approved on the 2013 LDP.

Clause 5.1.4 P4 of the R-Codes states that development which demonstrates the following design principles may be permitted:-

- *“Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *Provide access to natural sunlight for the dwelling;*
- *Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *Provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *Provide space for external fixtures and essential facilities.”*

The Open Space provision has already been varied through the previous LDP, however it is considered that this is consistent with the Design Principles of the R-Codes.

Clause 5.1.2 P2.1 and P2.2 set out the Design Principles for street setbacks and states that buildings should be set back to:-



- “contribute to, and are consistent with, an established streetscape;
- provide adequate privacy and open space for dwellings;
- accommodated site planning requirements such as parking, landscape and utilities; and
- allow safety clearances for easements for essential service corridors.”

Clause 5.1.2 P2.2 of the R-Codes also states that buildings should be designed so their mass and form:-

- “uses design features to affect the size and scale of the building;
- uses appropriate minor projections that do not detract from the character of the streetscape;
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank wall, servicing infrastructure access and meters and the like; and
- positively contributes to the prevailing development context and streetscape.”

The setback provisions that have already been varied through the previous LDP, are considered to be consistent with the Design Principles of the R-Codes.

- Metropolitan Regional Scheme (MRS)

The lot is zoned ‘Urban’ under the MRS.

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

The lot is zoned ‘Urban Development’ under TPS2.

Planning Assessment

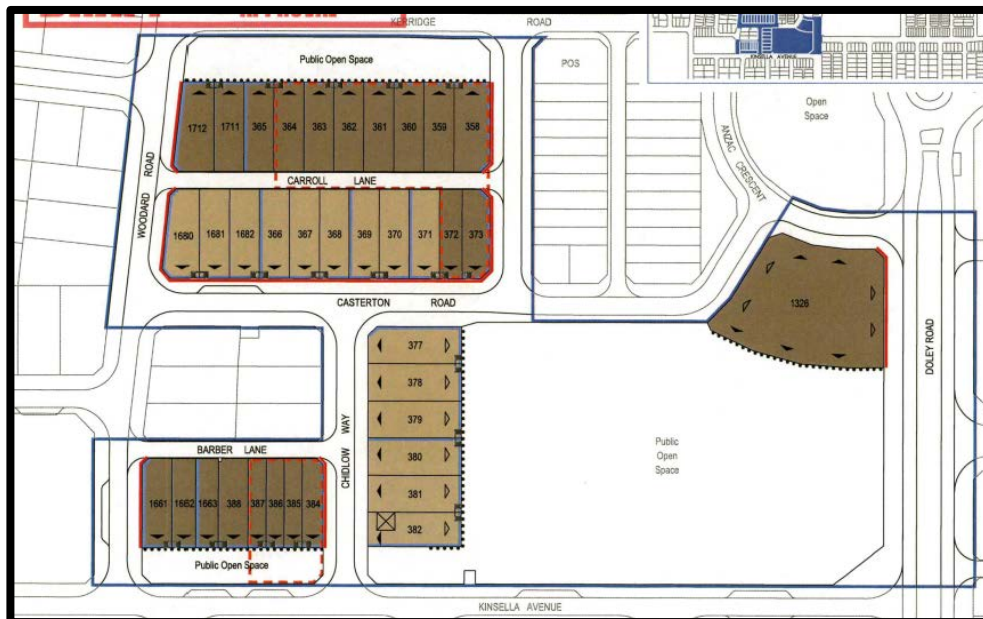
Site Planning and Design

The purpose of the LDP amendment is to ensure that it is consistent with the revised lot layout as approved at subdivision stage and propose further minor modifications. The plan below shows the layout of the lots as depicted on the existing approved LDP.





The lots adjacent to the Anzac Park have been removed from this LDP and now form part of the LDP for Stage 10. The diagram below shows the amended lot layout.



As previously stated, the lot layout has already been approved by the WAPC and the approval of this amended LDP will ensure that the planning framework for this area is consistent.

As part of the previous approved LDP, variations to the R-Codes were approved under delegated authority. These approved variations relate to Open Space, Street Setbacks and Setbacks.

Previously Approved Open Space Variations

Table 1 of the R-Codes sets out the Open Space requirements for different densities. The LDP initially approved variations to these Deemed-to-Comply requirements of between 10 and 20 percent, as set out in Attachment 3 (OCM102.3/08/17).

The purpose of the Open Space requirement under the R-Codes is to ensure that development reflects the desired streetscape, results in an attractive setting and access to sunlight, and provides opportunities for the use of external space.

The approved LDP's character for the whole Glades Estate generally incorporate variations to Open Space similar to that of Stage 3 to allow for a larger house type on smaller lots. Due to the size and shape of the lots, the reduction of open space allows for more flexibility for home owners and housing diversity for future occupants of Byford.

It is considered that the provisions of the LDP with regard to open space would not adversely impact on the desired streetscape character and would provide for an attractive setting with space for external fixtures and essential facilities.

The outdoor living requirements for the particular densities would ensure that the lots had adequate access to natural sunlight and residents have opportunities to use space external to the dwelling for outdoor pursuits.

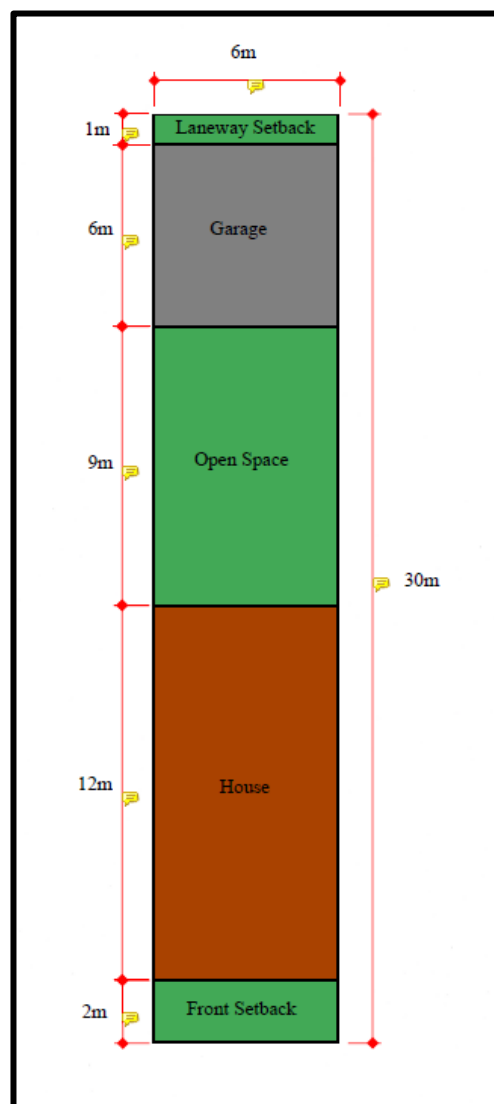


Proposed Open Space Variations

As previously stated, Lots 384 – 387 on Barber Lane have modified densities under the R-Codes as a result of the revised subdivision approval and are now coded R60 in lieu of R40. Subsequently, it is proposed to vary the Deemed-to-Comply Open Space requirement. Initially, it was proposed to reduce the Open Space from 40% to 20%, Officers had concerns that this variation was significant and may adversely impact on the amenity of future occupants. It was considered that suitable justification had not been provided to support that variation.

Following discussions with the applicant, the Open Space variation has been amended and now seeks a variation of 30% in lieu of 40%. It is acknowledged that in the LDP for Stage 10 of the Woodland Grove Estate an Open Space requirement of 20% has been supported however, that is due to the increased requirement for an outdoor living area, landscaping within the front setback and a mandatory balcony and second storey. In this instance Lots 384 – 387 abut public open space to the front and the provision of additional landscaping within the front setback would not achieve any additional benefit to the streetscape.

Officers have undertaken calculations to investigate the potential options for single storey residential development on lots of this density. It has been concluded that effective housing design for single storey dwellings is not easily achievable when applying a 40% Open Space requirement on small lots.





The diagram above demonstrates how single storey development in this instance would be required to be laid out to comply with a 40% open space requirement, which is the Deemed-to-Comply requirement. The lots on the LDP measure 6m x 30m, equating to 180m². Taking off the 40% required for open space would leave 108m² for buildings. The R-Codes also requires dwellings to have two car parking spaces that are normally provided within a double garage measuring approximately 6m in depth, as shown on the diagram above. In addition to the garage depth of 6m, a depth of 12m would be required for the 40% (72m²) of open space. This leaves an area of 12m x 6m or 72m² in which to construct a single storey dwelling.

This floor area of 72m² is considered appropriate for an Ancillary Dwelling but not for the effective use of a main residence. For this reason, in this particular circumstance, Officers are supportive of the open space variation and consider it a requirement to be able to achieve single storey residential development of this density in this location. It is considered that the resultant open space is compliant with the Design Principles of the R-Codes in that it is suitable to reflect the desired streetscape, provide natural sunlight and not result in excessive building bulk.

Due to the location of the lots, there is also a substantial amount of public open space located in close proximity for the use by occupants of the lots.

Street Setbacks

Table 1 of the R-Codes sets out the recommended street setbacks for dwellings. These have been modestly varied as part of the approved LDP. The Design Principles of the R-Codes states that buildings should be set back from the street to ensure that they are consistent with the streetscape, provide adequate open space and privacy and accommodate site planning requirements. The R-Codes also states that mass and form of buildings should positively contribute to the prevailing development context and streetscape.

The Glades Estate has typically varied the deemed-to-comply requirements of the R-Codes by way of setbacks. It is considered that by continuing this variation in the amended LDP will ensure the streetscape is consistent with the existing built environment. It is considered that the setback provisions of the LDP would contribute positively to the character of the streetscape and result in a design outcome consistent with the Design Principles of the R-Codes.

Garage Setbacks to Laneway

As part of the amendment to the LDP, the applicant seeks to vary the approved garage setback to the laneway on Lots 384 – 388 and Lots 1661 – 1663. The approved LDP allowed a 0.5m garage setback to the laneway in lieu of the Deemed-to-Comply requirement of 1m. This setback is proposed to be modified to 1m to allow for services.

The lots related to this provision are coded R40 and R60 under the R-Codes where the Deemed-to-Comply requirement of the setback to the laneway is 1m. As the 1m proposed setback is deemed compliant with the R-Codes, Officers are supportive of this amendment.

Stair Locations

The approved 2013 LDP included indicative stair access locations. The applicant seeks to remove these stair locations from Lots 377 – 382. These lots are coded R30 under the R-Codes and abut an area of public open space.

As these stair locations were indicative only and not prescribed, it was not definite that this would be there eventual location. For this reason Shire Officers have no objections to them being removed from the amended LDP.



Options and Implications

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

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

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

Option 2: Council may resolve to approve the Local Development Plan subject to modifications.

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

Option 3: Council may resolve to refuse the Local Development Plan.

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

Option 1 is recommended.

Conclusion

The proposed LDP has been assessed with regard to the *Planning and Development (Local Planning Schemes) Regulations 2015*, WAPC Framework for Local Development Plans 2015 and the R-Codes. The amendment to the approved LDP seeks to align the layout of the lots with a revised subdivision approved by the WAPC and provide further modest variations.

The R-Code variations, as discussed, have been carried over to the amended LDP to ensure that the built form of the lots is consistent with the built form of the Glades Estate. It is considered that the amendments to the LDP are consistent with LDP's in the area and the planning policy framework and therefore Shire Officers recommend the proposed LDP be supported.

Attachments

- [OCM102.1/08/17](#) – Approved Local Development Plan (E17/6789)
- [OCM102.2/08/17](#) – Proposed Local Development Plan (E17/6790)
- [OCM102.3/08/17](#) – R-Code Variations (E17/6791)

Alignment with our Strategic Community Plan

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

The proposed LDP seeks to provide design requirements consistent with the wider estate. The proposal is considered to contribute to creating a village environment for the future occupants of Byford.

Financial Implications

There are no financial implications.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation. The LDP has already been approved under delegated authority and it is considered that there is no risk in approving an amendment to this in relation to the reconfiguration of the lots. Officers consider that minimal risk lies with Council not approving the amendment resulting in an inconsistency with previous decisions and the character of the area. The risk surrounding the refusing of the LDP is considered to be related to the reputation of Council as details in the table below.

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)
Impact to Council's reputation by not approving the amended LDP	Possible (3)	Moderate (3)	Moderate (5-9)	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 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

OCM102/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Ellis

That Council approves the application for the Local Development Plan submitted by Taylor Burrell Barnett Town Planning and Design on Lot 9051 Symons Road, Lot 9065 Doley Road and Lot 9071



Continued

Ordinary Council Meeting Minutes
Monday, 28 August 2017

Kinsella Avenue, Byford as contained in attachment (OCM102.2/08/17) in accordance with clause 52(1) Schedule 2 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY 8/0

**OCM103/08/17 - Proposed Local Development Plan – Lot 9051 Symons Road and Lot 9065 Doley Road, Byford (Woodland Grove Stage 10) (PA17/458)**

Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	7 July 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Taylor Burrell Barnett Town Planning and Design
Owner: LWP Byford Syndicate Pty Ltd
Date of Receipt: 15 June 2017
Lot Area: Portion of 2.69ha
Town Planning Scheme No 2 Zoning: 'Urban Development'
Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to consider a Local Development Plan (LDP) for Woodland Grove Stage 10. Shire Officers do not have delegation to determine LDP's, therefore the report is presented to Council for consideration.

The applicant seeks to provide built form guidelines for two storey terraced development and also vary requirements of State Planning Policy 3.1 – Residential Design Codes (R-Codes) in relation to setbacks, open space, visual privacy, solar access and car parking.

Shire Officers recommend that Council approve the LDP as submitted.

Relevant Previous Decisions of Council

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

BackgroundExisting Development

The subject site forms part of the Woodland Grove stages of the Glades Estate. The site is located to the south of Abernethy Road and to the west of Doley Road.



Subdivision Design

The lots forming the approved subdivision include narrow laneway lots to provide for high density residential development. The lots are within close proximity of the Glades Village Centre and have access to public open space both directly abutting the lots and on the opposite side of the street.



Location Plan

Proposal

On 11 July 2017, subdivision approval (154919) was granted by the Western Australian Planning Commission (WAPC) for the creation of 42 single residential lots. The lots have a density code of R60 under the R-Codes.

Condition 8 of this subdivision approval states that:-

“Local Development Plan(s) being prepared and approved for lots shown on the plan dated 10 March 2017 (attached) that address the following:

- (a) *Dwelling orientation;*
- (b) *Vehicle access points;*
- (c) *Minimum Two Storey Built form; and*
- (d) *Boundary fence standards for corner lots.*

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

The proposed LDP seeks to satisfy this condition and provides further development standards. These standards aim to achieve a design outcome enhancing the character and appearance of the area.



The LDP covers 32 of the residential lots within the subdivision all with a density code of Residential R60. The applicant proposes R-Code variations to street setbacks, lot boundary setbacks and open space as follows:-

R-Code Element	Deemed-to-comply requirement	LDP proposal
Primary Street Setback (All lots except Lot 356 and Lot 357)	Min 2m	Min 1.5m Max 4m
Primary Street Setback (Lots 356 and 357)	Min 2m	Min 1.5m Max 3m
Laneway Setback – Dwellings	1m	1m
Laneway Setback – Garages	1m	0.5m
Buildings on Boundaries other than street and POS boundaries	2/3 length of boundary behind front setback to one boundary only	Two side boundaries permitted determined by front and rear setbacks and outdoor living area requirement.
Setbacks to POS Dwellings (Lots 334 and 347)	1m – walls less than 9m in length 1.5m walls greater than 9m in length	1m
Setbacks to POS Garages (Lots 334 and 347)	1m – walls less than 9m in length 1.5m walls greater than 9m in length	Nil Single storey only with a maximum length of 6m
Open Space	40%	20% Minimum OLA of 24m ² with a minimum dimension of 4m and directly accessible from a habitable room and a mandatory balcony requirement.

The LDP also makes provisions for building form and landscaping as follows:-

Lots Applicable	Requirement
All lots	<ul style="list-style-type: none"> • Mandatory requirement for two storey dwellings (second storey element must be a minimum of 50m² including balcony); • Dwellings must be orientated to the adjoining primary street, with major openings located in the front façade at both floor levels; and • Lots on this LDP are exempt from R-Code provisions determining solar access and visual privacy.
All lots except Lots 356 and 357	<ul style="list-style-type: none"> • At least one balcony shall be provided to the primary street elevation, with a minimum depth of 1.5m for at least 70% of the frontage.
Lots 334 – 343 and Lots 347 - 355	<ul style="list-style-type: none"> • Two storey development is only permitted to a lot depth of 15m taken from the front boundary, and for a distance of 6.5m from the rear boundary. Single storey development to a wall height



Lots Applicable	Requirement
	of 2.7m is permitted over the remainder of the lot and a pitch roof of no greater than 30 degrees. This provision will ensure that the length of the two storey elements are similar and therefore will not be overbearing over the outdoor living area of neighbouring properties and preserve the character of the desired streetscape.
Lots 356 and 357	• At least one balcony shall be provided to the primary street elevation, with a minimum depth of 1.5m for at least 30% of the frontage
Corner lots and lots adjacent to POS	• Balconies provided along the primary street elevation shall extend through to, and be unobstructed to, the secondary street and where directly adjacent to POS to a minimum width of 1.5m
Lot 344	• Dwelling at all levels shall have one or more major opening(s) to a habitable room facing and allowing unobstructed views of the POS to the south.
Lots 344, 356 and 357	• Provision of at least one on-site car parking space. All other lots shall provide car parking in accordance with the provisions of the R-Codes
Lots 322 - 331	• Second storey development above garage is not permitted

The LDP also indicates dwelling orientation, vehicle access points and boundary fence standards to satisfy the subdivision condition.

The applicant has provided a presentation to demonstrate examples of products available for these lots, this is contained in Attachment 2 (OCM103.2/08/17).

Community / Stakeholder Consultation

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

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

Shire Officers consider that the variations may have limited impact on the future residents of the dwellings on the lots but other landowners are not affected as the owner of the land immediately adjoining the site is also the owner of the land covered by the LDP. The prospective purchasers would be made aware of the LDP but would not however be adversely affected. For this reason the LDP has not been advertised.

Agency Referrals

Clause 7.3.2 of the R-Codes requires variations not listed in clause 7.3.1 of the R-Codes to be approved by the (WAPC) before they are considered by Council. The LDP was referred to the WAPC who have provided support for the proposal.



Statutory Environment

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

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

“47. When local development plan may be prepared

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

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

Clause 47(a) and Clause 47(d) apply to this LDP. Clause 47(a) has been satisfied as the LDP has been prepared in accordance with Condition 8 of the conditional subdivision approval (154919) issued by the WAPC on 11 July 2017.

Clause 47(d) applies to this LDP because Condition 8 relates to specific provisions that are required to be addressed. The applicant is requesting that additional provisions be included within the LDP, which are not required as part of Condition 8. It is a requirement that the WAPC and Local Government consider the LDP to be required for the purposes of orderly and proper planning.

Officers consider the additional provisions on the LDP will achieve greater consistency and outcome of the built form and streetscape of this subdivision stage, in line with the subdivision works approval. As such, Officers consider the provisions included on the LDP in addition to those required by Condition 8 are for the purpose of orderly and proper planning.

State Government Policies

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

Shire Officers consider the proposed LDP format and provisions are consistent with the WAPC framework for LDP's.

State Planning Policy 3.1 – Residential Design Codes.

The proposed LDP has been assessed with regard to Clauses 7.3.1 and 7.3.2 of the R- Codes, which outline the scope of changes which LDP's can facilitate. Clause 7.3.1 of the R-Codes permits variations to the following R-Code requirements:

- Street setbacks;
- Lot boundary setbacks;
- Building height;
- Setback of garages and carport;



- Garage width;
- Street surveillance;
- Street walls and fences;
- Sight lines;
- Appearance of retained dwellings;
- Site works; and
- External fixtures; and aged and dependant person dwellings.

Clause 7.3.2 of the R-Codes states:

“Notwithstanding Clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed – to – comply provision within the R-Codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

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

Clause 5.1.4 P4 of the R-Codes sets out design principles for Open Space. Development may be permitted where these Design Principles are demonstrated. The Planning Assessment section of the report discusses how Officers consider that the LDP is compliant with these Design Principles with regard to Open Space.

Clause 5.1.2 P2.1 and P2.2 of the R-Codes set out the Design Principles for street setbacks. These Design Principles have been assessed in the Planning Assessment section of the report and Officers consider that the LDP is consistent with these.

Clause 5.3.5 Vehicular Access of the R-Codes states that *“Vehicular access provided for each development site to provide:*

- Vehicle access safety;
 - Reduced impact of access on the streetscape;
 - Legible access;
 - Pedestrian safety;
 - Minimal crossovers; and
 - High quality landscaping features.”
-
- Metropolitan Regional Scheme (MRS)
The lot is zoned ‘Urban’ under the MRS.
 - Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
The lot is zoned ‘Urban Development’ under TPS2.



Planning Assessment

Site Planning and Design

Street Setbacks

Street setback variations have typically been approved within the Glades Estate, however, each LDP is to be assessed on its merits to ensure the overall character is maintained. In this instance, the variations to the primary street setbacks facilitate larger outdoor living areas on the lots. The Deemed-to-Comply street setback requirement for R60 lots is 2m. It is considered that this area to the front would not make for a significant useable space. The modest reduction to a proposed 1.5m setback would allow for this additional area to be added to the useable outdoor living area, which would be located behind the dwelling.

The R-Codes allow for different setback requirements based on density coding. The primary street setback requirements are ordinarily based on minimum and average setbacks under the R-Codes. The LDP proposes minimum and maximum primary street setback requirements with no averaging. This is considered appropriate as it will create a uniform streetscape with some articulation and a sense of identity for the area through design and consistency.

The proposed LDP includes soft landscaping provisions and packaged landscaping requirements for front setback areas. This will assist in creating a sense of place for the LDP area by providing high quality landscaping within the front setback that is manageable and appealing. Despite a decrease in the front setback area the amenity of the area will be maintained with this use of landscaping. This requirement would ensure that the front setback area is attractive and actively contributes to the streetscape and is therefore supported by Officers.

Lot Boundary Setbacks

The LDP proposes to allow lots to have a boundary wall for a length determined by the front and rear setbacks and the outdoor living area, to both side boundaries. This is a variation as R60 lots are only allowed to have a nil boundary setback for two thirds of the length of one side boundary under the Deemed-to-Comply requirements of the R-Codes.

This variation seeks to facilitate two storey terraced development making the most of the space available on the narrow lots. Having a side setback from the boundary would not allow for an area of usable space and in any case it would likely be overshadowed since the adjacent development would be two storey.

It is considered that the additional boundary wall length to both side boundaries will allow flexible design and an improved internal dwelling layout whilst enhancing privacy to adjoining landowners. The variation will not unduly impact the streetscape, given boundary walls are required to be located behind the front setback area and the streetscape would be relatively consistent given the minimum and maximum setbacks to the street.

The boundary wall requirements are considered appropriate in this instance as they will allow for better use of space, create privacy and not detract from the streetscape and are therefore supported.

Open Space

The applicant seeks to vary the open space requirement from the Deemed-to-Comply requirement of 40% to 20%. It is acknowledged that this variation is significant and therefore there are additional provisions on the LDP to offset the loss of open space and provide for quality, functional outdoor spaces.

One of these provisions is the requirement for 24m² of outdoor living in lieu of the Deemed-to-Comply requirement of 16m² and the addition of a mandatory balcony.



Variations to open space requirements are to be considered against the Design Principles of clause 5.1.4 of the R-Codes, which states:

“P4 Development incorporates suitable open space for its context to:

- reflect the existing and/or desired streetscape character or as outlined under the local planning framework;
- provide access to natural sunlight for the dwelling;
- reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;
- provide an attractive setting for the buildings, landscape, vegetation and streetscape;
- provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and
- provide space for external fixtures and essential facilities.”

The purpose of open space is to provide a streetscape which has a sense of openness and a reasonable size of outdoor living area ('backyard'). The streetscape within this area will be two storey terraced dwellings with design features such as balconies to contribute to an attractive streetscape. The incorporation of the front setback landscaping requirement will also assist in creating a green streetscape whilst providing weather relief and visual interest. This will ensure these areas are landscaped to a high quality and will include the planting of additional trees and plants that would not ordinarily occur in other areas of the Glades Estate.

The R-Codes defines Open Space as *“generally that area of a lot not occupied by any building”*. Included in this are the areas beneath eaves, uncovered driveways and uncovered car parking spaces. Open Space also includes the land within the setback areas. Although these areas can contribute to the visual amenity and openness of a streetscape, they do not necessarily provide for a useable and functional space for residents of the dwellings.

In this instance the proposed LDP seeks to provide areas of Open Space and Outdoor Living that are functional and to the benefit of residents. The table below indicates how this functional Open Space could be achieved.

Location of Open Space	Area of Open Space (m ²)
Setback area to the rear	3m ²
Outdoor Living Area to the rear of dwelling	24m ²
Front setback	9m ²
Balcony	6m ²
Total	42m ² or 23.3%

The table above shows the provision of open space/outdoor living on the lots and how the different areas would be used. It shows that although the percentage of open space would be reduced from the Deemed-to-Comply requirements of the R-Codes, the open space that will be provided is to be functional and able to be used by the residents of the dwellings. It does not include narrow areas within side setbacks, driveways or parking areas as is sometimes included. As such, Officers consider that this proposal aims to maximise the functionality of open space and are therefore supportive of the proposal.

The LDP proposes to vary open space which can have the potential to result in excessive building bulk from development in close proximity to lot boundaries. In this instance, as the development is terraced the boundary walls to both sides of the dwellings will be attached. As such, the side elevations would not be visible by neighbouring residents thus reducing the perception of bulk and scale as opposed to if the two



storey walls were set back from the boundary. To further address this, Lots 334 – 343 and Lots 347 – 355 where the street runs from north to south have a prescribed area where only single storey development is permitted. The purpose of this is to ensure that development does not overshadow the outdoor living area of the property to the south. By allowing a reduction in open space but an increased area of outdoor living, residents are more likely to use their private outdoor space as intended under the R-Codes.

It is considered that the open space variation on this occasion can be supported given the applicant has introduced mandatory landscaping requirements and increased outdoor living areas that will both increase the amenity of the streetscape and amenity of residents by way of functional outdoor space.

Building Form Guidelines

A variety of building form guidelines have been incorporated into the LDP to ensure that the desired design outcome is achieved together with a high level of residential amenity for future occupants. These provisions are considered necessary to ensure that the area results in an attractive higher density development that contributes towards housing diversity in the area. The proposal provides an alternative to apartments whilst maintaining contemporary building standards and improved streetscapes.

Lots Applicable	Requirement	Comment
All lots	<ul style="list-style-type: none"> • Mandatory requirement for two storey dwellings (second storey element must be a minimum of 50m² including balcony; • Dwellings must be orientated to the adjoining primary street, with major openings located in the front façade at both floor levels; and • Lots on this LDP are exempt from R-Code provisions determining solar access and visual privacy. 	<ul style="list-style-type: none"> • This provision will ensure that all dwellings are two storey to achieve the desired character of the streetscape whilst maintaining a satisfactory level of residential amenity. • This provision will ensure a desired streetscape with no blank walls to the primary street. • Refer to Visual Privacy and Solar Access sections of Report.
All lots except Lots 356 and 357	<ul style="list-style-type: none"> • At least one balcony shall be provided to the primary street elevation, with a minimum depth of 1.5m for at least 70% of the frontage. 	<ul style="list-style-type: none"> • A balcony provides for an important design feature contributing to the amenity of the streetscape whilst also providing an additional area of outdoor space and surveillance for occupants.
Lots 334 – 343 and Lots 347 - 355	<ul style="list-style-type: none"> • Two storey development is only permitted to a lot depth of 15m taken from the front boundary, and for a distance of 6.5m from the rear boundary. Single storey development to a wall height of 2.7m is permitted over the remainder of the lot and a pitch roof of no greater than 30 degrees. 	<ul style="list-style-type: none"> • This provision will ensure that the length of the two storey elements are similar and therefore will not be overbearing over the outdoor living area of neighbouring properties and preserve the character of the desired streetscape .
Lots 356 and 357	<ul style="list-style-type: none"> • At least one balcony shall be provided to the primary street elevation, with a minimum depth of 1.5m for at least 30% of the frontage 	<ul style="list-style-type: none"> • A balcony provides for an important design feature contributing to the amenity of the streetscape whilst also providing an additional area of outdoor space for occupants



Lots Applicable	Requirement	Comment
Corner lots and lots adjacent to POS	<ul style="list-style-type: none"> Balconies provided along primary street elevation shall extend through to, and be unobstructed to, the secondary street and where directly adjacent to POS to a minimum width of 1.5m 	<ul style="list-style-type: none"> This will allow for surveillance of the street and adjoining POS and provide for an attractive design outcome.
Lot 344	<ul style="list-style-type: none"> Dwelling at all levels shall have one or more major opening(s) to a habitable room facing and allowing unobstructed views of the adjacent POS. 	<ul style="list-style-type: none"> This provision will achieve a desired design outcome facing onto the POS and allow for surveillance.
Lots 344, 356 and 357	<ul style="list-style-type: none"> Provision of at least one on-site car parking space. All other lots shall provide car parking in accordance with the provisions of the R-Codes 	<ul style="list-style-type: none"> Refer to Car Parking section of report
Lots 322 - 331	<ul style="list-style-type: none"> Second storey development above garage is not permitted 	<ul style="list-style-type: none"> Two storey development to the northern aspect, over the garage, would result in overshadowing of the outdoor living area therefore that form of development has been restricted on these lots.

Car Parking and Driveway Location

The LDP proposes a requirement that Lots 344, 356 and 357 provide, *“at least one on-site car parking space. All other lots shall provide car parking in accordance with the provisions of the R-Codes”*. The Deemed-to-Comply requirements of the R-Codes requires two parking bays per single house.

The applicant has commented that the proposed provision does not restrict the owner to only provide one car parking space but provides flexibility due to the constraints of the sites. With regard to Lot 344, the 3m truncation severely constrains the width of the lot. In order to accommodate a double garage, a greater setback than the 0.5m, currently afforded by the LDP, would be required. This increased setback would compromise the design of the house whereby either the building floor area, open space or outdoor living area would be reduced.

With regard to Lots 356 and 357, the applicant wishes to provide further flexibility for future occupants given the squarer shape of the lots.

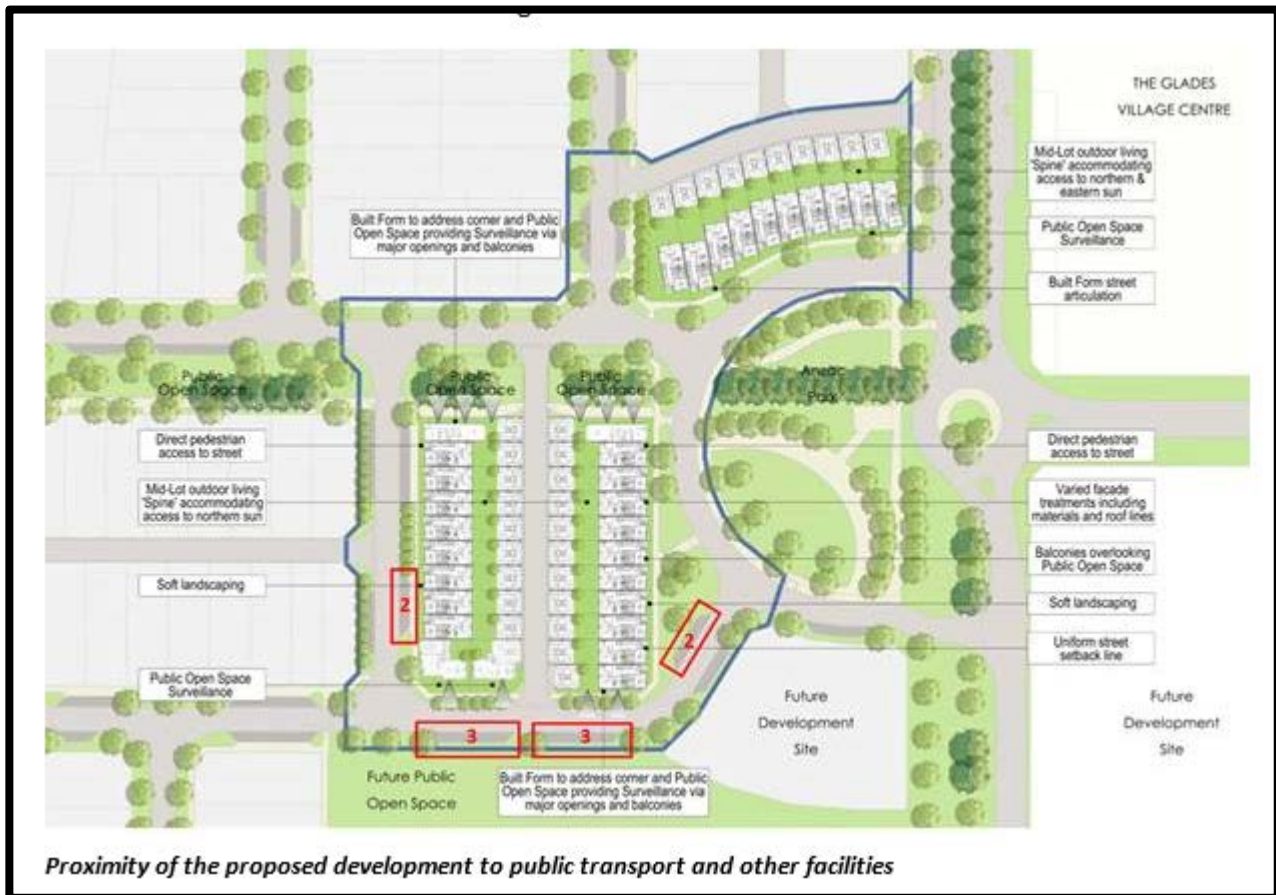
The Design Principles of the R-Codes require development to demonstrate adequate car parking in relation to the type, number and size of dwellings; the availability of on-street parking; and the proximity of the proposed development to public transport.

The applicant considers that due to the lot sizes, dwellings will be modestly sized dwellings and accordingly these lots may be occupied by a single car family. Any on-site parking provision will be further complemented by adjacent on street public parking bays within the immediate area. Whilst some of this parking is required to meet visitor parking requirements, additional street parking will be provided for general use to the estate and the public open space.

The applicant has carried out an audit of on-street parking to identify the availability of parking. The calculations have identified 27 on-street parking bays in excess of standard provision for laneway lots (i.e. 1 bay per 4 dwellings) within approximately 100m of the dwellings. A total of 6 bays are provided



immediately south of the dwellings along Casterton Road. Bays in excess of the standard requirements within the immediate vicinity are identified on the plan extract below.



The existing bus route 254 operates between Armadale Station via Doley Road approximately every 30 minutes. The bus stop location on Doley Road is located less than 100m from the lots and it is anticipated that the planned development with the Village Centre, The Glades and surrounding estates in general will demand additional services. Properties are located within approximately 100m from retail and commercial uses which has the potential to greatly reduce the use of cars. Based on this information, and due to the constraints of Lot 344, Officers are in support of the provision for only one car parking bay to this lot.

With regard to Lots 356 and 357, Officers consider that these lots are capable of accommodating a single house and two car parking bays and are not as constrained as Lot 344. It is therefore recommended that these lots be removed from the provision. If future occupants wish to vary the car parking provision they may submit a development application and provide further justification which will be assessed under the Design Principles of the R-Codes on individual merit.

It is also noted that corner lots on the LDP cannot meet the Deemed-to-Comply requirement of the R-Codes in relation to the driveway location that states that *“driveways shall be no closer than 6m to a street corner or the point at which a carriageway begins to deviate”*. Due to the width of the lots and the truncations, the driveway location cannot meet this Deemed-to-Comply requirement.

As access to corner lots will be taken from a laneway, Officers consider that the driveways would meet the Design Principles of the R-Codes by providing *“vehicle access safety”* and *“pedestrian safety”*. It is therefore considered that an additional provision for Lots 322, 331, 344, 356 and 357 should be added to the LDP to allow for the driveways to be less than 6m from the truncation in accordance with the Deemed-to-Comply requirement.

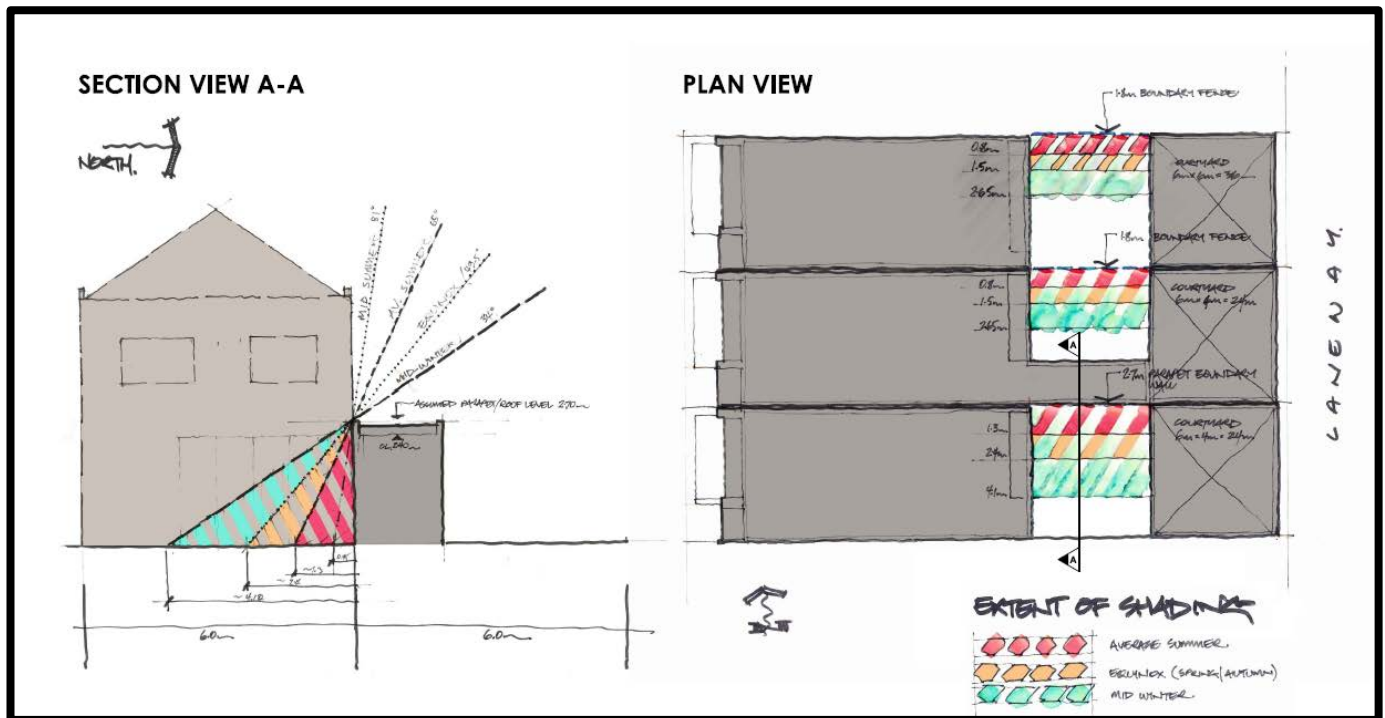


Visual Privacy and Solar Access

One of the provisions under the Building Form Requirements of the LDP states “Lots on this LDP are exempt from R-Code provisions determining solar access and visual privacy”. Clause 5.4.1 Visual Privacy of the R-Codes sets out the Deemed-to-Comply requirements for lots coded R60. It states major openings to bedrooms and studies should be setback, in direct line of sight from the lot boundary, a minimum distance of 3m. Habitable rooms, other than bedrooms, should be set back a minimum of 4.5m from the lot boundary.

Due to the lots being 6m in width, the buildings would be long and narrow in form. It is considered that compliance with the Deemed-to-Comply requirements would result in very limited natural sunlight into the dwellings and provide for poor residential amenity. It is acknowledged that the openings to the rear of the dwellings could result in potential overlooking over neighbouring outdoor spaces, however the properties are two storey and already constrained by way of width. Even if the development was compliant with the Deemed-to-Comply requirements, it would still result in the next door property being visible to some extent. It is considered that due to the form of the development and the site constraints, Officers are supportive of this variation.

With regard to solar access the applicant has provided the overshadowing diagram below. This diagram shows the extent of overshadowing during an average summer, spring/autumn and mid-winter.



Two storey development is mandatory for this area, however it is likely that the building footprint and the first floor plan is likely to be very similar between all dwellings. It is acknowledged that due to the nature of the built form there is potential for some overshadowing of rear outdoor living areas, although this has been mitigated on Lots 334 – 343 and Lots 347 – 355 by providing an area where two storey development is not permitted.

Furthermore, Lots 334 – 344 and Lots 347 – 357 are either east/west or south facing and therefore the outdoor living areas will have access to northern sun. For Lots 322 – 331 that are orientated north/south, a requirement has been provided ensuring these lots only have single storey garages so that their areas of outdoor living are not further overshadowed.



It is considered that the applicant has sufficiently demonstrated the level of overshadowing likely to occur and that this has been mitigated as far as possible using the building form requirement provisions on the LDP.

Condition 9 of the subdivision approval states *“The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Detailed Area Plan provisions apply (Local Government).”* For this reason, any purchaser of the lots will be aware that design may result in the Deemed-to-Comply requirements by way of visual privacy and solar access not being complied with.

Options and Implications

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

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

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

Option 2: Council may resolve to approve the Local Development Plan subject to modifications.

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

Option 3: Council may resolve to refuse the Local Development Plan.

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

Option 2 is recommended.

Conclusion

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

The LDP proposes R-Code variations to open space, setbacks, visual privacy, solar access and car parking. Provisions are also proposed for additional building form requirements. The proposed LDP provides improvements beyond the standard requirements of the R-Codes by including additional landscaping and an increase in the required outdoor living areas.

It is considered that the LDP provisions will result in a well-designed built form providing housing diversity for the future occupants of Byford whilst maintaining a high level of visual and residential amenity.

The LDP is therefore recommended for approval by Officers subject to the modifications.



Attachments

- [OCM103.1/08/17](#) – Proposed Local Development Plan (E17/7153)
- [OCM103.2/08/17](#) – Presentation From Applicant (E17/7749)

Alignment with our Strategic Community Plan

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

The proposed LDP seeks to provide design requirements consistent with the wider residential estate. The proposal is considered to contribute to creating a village environment for the future occupants of Byford.

Financial Implications

There are no financial implications.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation. Similar R-Code variations have been supported within the Glades and it is considered that there is minimal to no risk in approving or refusing the LDP.

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)
Impact to Council's reputation by not approving the amended LDP	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk

Risk Matrix

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



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

OCM103/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council

- 1. Approves the application for the Local Development Plan submitted by Taylor Burrell Barnett Town Planning and Design for Lot 9051 Symons Road and Lot 9065 Doley Road, Byford as contained in attachment OCM103.1/08/17 in accordance with clause 52(1) Schedule 2 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following modifications:-**
 - a. Lots 356 and 357 are removed from the table where the provision states *“Provision of at least one on-site car parking space. All other lots shall provide car parking in accordance with the provisions of the R-Codes”*.**
 - b. An additional provision is added to allow Lots 322, 331, 344, 356 and 357 to not be required to achieve the Deemed-to-Comply requirement of Clause 5.3.5 Vehicular Access C5.3 that states *“Driveways shall be no closer than 6m to a street corner or the point at which a carriageway begins to deviate”*.**

CARRIED UNANIMOUSLY 8/0



OCM104/08/17 – Lot 5 (34) Abernethy Road, Byford – Proposed Amendment to Existing Development Approval (PA17/430)	
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	24 July 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Peter Webb and Associates
Owner:	Australasian Property Investments Ltd
Date of Receipt:	7 June 2017
Lot Area:	1.8ha
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Introduction

The purpose of the report is for Council to consider a Development Application to amend the existing Joint Development Assessment Panel (JDAP) approval on Lot 5, 34 Abernethy Road, Byford. The proposed changes to the development are:

1. The deletion of two fast food/takeaway tenancies in the south west corner of the site to facilitate an additional vehicle access point to a future road (San Simeon Boulevard);
2. Addition of shade sails over the eastern portion of the car parking area;
3. Change to the carpark layout; and
4. Changing the southern intersection with Abernethy Road to allow a permanent right turn into the site.

Unlike previous applications for this site, due to a change to Regulation 17 to include Regulation 17A in the *Planning and Development (Development Assessment Panels) Regulations 2011* in December 2016, the Applicant can apply for the responsible authority (in this case it is the Shire of Serpentine Jarrahdale) to amend or cancel the development approval. This means the Applicant avoids the procedural requirements and expenses of having the amendments considered by the JDAP.

The proposal is presented to Council as Officers do not have delegation to determine development applications that vary Local Planning Policies, in accordance with delegations P035D and P035S, which state:

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

As the relevant provisions of LPP31 do not provide for discretion to be exercised by Shire officers, the application is presented to Council for determination. Shire Officers recommend Council grant approval to the proposed deletion of tenancies to facilitate additional access, shade sails and carpark layout subject to updated conditions of planning approval. Shire Officers also recommend Council refuse the permanent right turn into the site due to vehicular and pedestrian safety concerns.



Relevant Previous Decisions of Council

- OCM026/03/15 – Council resolved to endorse the Responsible Authority Report which recommended refusal.
- OCM074/05/15 – Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM256/11/15 - Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM035/03/16 - Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM106/06/16 - Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM224/12/16 - Council resolved to endorse the Responsible Authority Report which recommended approval.

Background

The subject site is located within the Byford Town Centre. The site is separated from existing commercial development to the east by a rail reserve. Land adjoining the proposed development site has recently been developed as a Coles supermarket. The Coles development reflects a town centre style built form with a mix of land uses which provide services to the growing local community. Beenyup Brook traverses the site and shall form part of a Multiple Use Corridor linking to the west and east.

Approved Development

The approved development is summarised as follows:

- Large Shop comprising of 3,600m²;
- Small Shops with a total area of 799m²;
- Medical Centre comprising of 459m²;
- Fast Food/Takeaway Shops comprising of 132m²;
- Multiple Use Corridor;
- Car parking area; and
- Temporary right turn into the site until surrounding roads are developed.

Existing Development

The site is currently vacant, with initial earthworks having been completed in accordance with the existing development approval for the site. The Building Permit for the structures was issued in May 2017.



Aerial Photograph of Lot 5 (34) Abernethy Road and adjoining development (25/7/17)

Revised Proposal

The application seeks to amend the existing JDAP approval for Shops, Fast Food/Takeaway and Medical Centre tenancies, associated car parking and the construction of a Multiple Use Corridor to accommodate Beenyup Brook.

The four key elements proposed to be modified include:

1. Changing the southern access to Abernethy Road to allow a permanent right turn vehicle movement into the site;
2. The deletion of two Fast Food/Takeaway tenancies in the south western corner of the site to facilitate an additional vehicle access point to a future road (San Simeon Boulevard);
3. Addition of shade sails over the eastern portion of the car parking area; and
4. Change to the carpark layout.

The amended development plans also propose façade signage for Woolworths, however this is not considered to be a major change to the development as façade signage was provided for in a generic manner on the previous application which required JDAP approval.

These elements have flow on effects relating to traffic, car parking, land use and built form expectations for development within the Byford Town Centre area, and are assessed in detail in this report.

Community / Stakeholder Consultation

The amended application was advertised to surrounding landowners for a period of 21 days in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. During advertising no submissions were received. This process is also consistent with the requirements of Local Planning Policy 27 – Stakeholder Engagement.



Policy Concept Forum

Not Applicable.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2

State Government Policies

- Directions 2031
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)
- State Planning Policy 4.2 Activity Centres

Local Planning Framework

- Local Planning Policy 24 – Designing Out Crime
- Local Planning Policy 27 – Stakeholder Engagement
- Local Planning Policy 31 – Byford Town Centre Built Form Guidelines
- Local Planning Policy 58 – Bicycle Facilities in Urban Developments
- Local Planning Policy 59 – Public Art Policy for Major Developments
- Local Planning Policy 67 – Landscape and Vegetation
- Local Planning Policy 68 – Sustainability Assessment
- Local Planning Policy 73 – Byford Town Centre Public Realm Guidelines
- Byford Town Centre Local Structure Plan (BTCLSP)
- Byford Structure Plan

Planning Assessment

Land Use

Definitions

The proposal is consistent with the definition of 'Shop' with regard to the tenancies on the western portion of the site. The tenancies on the eastern portion of the site could be considered as either 'Medical Centre' or 'Consulting Rooms', however as each definition is exclusive of the other, the land use could not be both. In this case the Applicant has advised that a Chemist is a likely future tenant. As 'Consulting Rooms' does not facilitate a Chemist, Shire Officers consider the proposed land use of the tenancies on the eastern portion of the site to be 'Medical Centre' under TPS2.

Permissibility of Proposed Land Uses

The subject lot is zoned 'Urban Development' under TPS2. A 'Shop' and 'Medical Centre' is capable of approval in the 'Urban Development' zone under Clause 5.18.6.3 of TPS2.



The original DAP Approval for this site included 'Fast Food/Takeaway' within the 'Highway Commercial' designated area. As this land use has been removed from the development, only car parking and landscaping is proposed within the 'Highway Commercial' designated area of the site.

Due Regard to Structure Plans

It should also be noted that Clause 27 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) states:

"(1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application."

Council Discretion

Council needs to exercise its discretion before granting planning approval in accordance with Clause 27 (above). In giving 'due regard' to the Byford Town Centre LSP Council must consider State and Local Planning Policies which are relevant to the proposed development. In this case, the overall development proposes variations to Local Planning Policies. In considering if Council uses its discretion and approves the application, Council is required to consider Schedule 2, Part 9, Clause 67 of the Deemed Provisions.

Attachment OCM104.2/08/17 details a comprehensive assessment of each of the 27 matters contained within Clause 67. For the purposes of this report, topics of concern or where variations are sought are discussed within this report including 1) Orderly and Proper Planning 2) Form of Development and 3) Amenity.

Orderly and Proper Planning

Clause 67 of the Deemed Provisions, specifically A – J, considers the state and local planning policy framework including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning. The Deemed Provisions also specifically require consideration of the aims and objectives of the Scheme.

Aims and Objectives of the Scheme

Clause 5.17 of TPS2 states the objectives of the 'Urban Development' zone, as follows:

"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances".

It is considered that the proposed land uses are consistent with the objectives of the 'Urban Development' zone because the development services the needs of the community and is integrated with surrounding services to maximise convenience.

Policy Framework

When considering the State and Local Planning Policy framework the following policies are relevant:

Directions 2031 and Beyond

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



Draft Perth and Peel @ 3.5 Million

The proposal is consistent with the objectives of providing self-sufficient employment opportunities in line with the Draft Perth and Peel @ 3.5 Million and Draft South Metropolitan Peel and Sub-Regional Framework Towards Perth and Peel @ 3.5 Million.

The proposal is consistent with the State Planning framework, Local Planning framework being TPS2 and the objectives of the zone. As a result, the development is considered to be in accordance with orderly and proper planning.

Local Planning Policy 31 – Byford Town Centre Built Form Design Guidelines

LPP31 provides land use provisions for the precinct in which the subject lot is located. Clause 3.2.1(a) states:

“The following land-uses are envisaged for the Abernethy North Precinct:

- *Commercial Offices;*
- *Consulting rooms and medical suites;*
- *Small scale retail (complementary to the Town Centre); and*
- *Residential.*

Fast food outlets, drive through’s and large footprint developments are considered inappropriate land uses.”

The land uses are capable of approval under TPS2, however, consideration must be given for the built form and car parking variations to LPP31, which will be discussed later in this report.

Form of Development

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

Visual Amenity

State Planning Policy 4.2 – Activity Centres (SPP 4.2)

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

Officers consider the built form of the amended development to be consistent with the broad urban design objectives of SPP 4.2 which are further refined in Local Planning Policy 31.

Local Planning Policy 31

Local Planning Policy 31 outlines built form requirements of development in the Abernethy North Precinct, specifically focussing on building height, building setbacks and building orientation.

Local Planning Policy 31 envisages a one to two storey building height for this precinct. The development proposes predominantly single storey building height, however the building façade presents as two storey. Given the two storey appearance of the proposed development, Shire Officers consider the built form to be consistent with Local Planning Policy 31.

Local Planning Policy 31 envisages building setback distances between nil and three metres from property boundaries and the Multiple Use Corridor. The development proposes 0.5m setbacks to the west, east and 30.9m to the north (including 30m wide Multiple Use Corridor), however, there is a significant setback of 38.5m from Abernethy Road to allow for the car parking area. This variation to Local Planning Policy 31 is considered acceptable to Shire Officers as the façades of the proposed tenancies are of a high standard



of architectural design. The increased setback allows for visual permeability from Abernethy Road through to the Multiple Use Corridor and further north-east towards the Village Square, located on Lot 2 Abernethy Road. It has been the Shire Officers experience that tenants of buildings with two frontages can find it difficult to address both to a high standard, often resulting in windows facing major roads being blocked with signage and locked doors. The proposed building layout allows for tenants to focus on providing one activated building façade which achieves other objectives of Local Planning Policy 31.

The colour and materials for the facade are consistent with Local Planning Policy 31, providing for a rural aesthetic incorporating masonry, wood, metal and natural green elements. In addition to stone cladding, exterior vertical fins in a bronze anodized finish will be located between indicative shop signage locations. The cladding adds to the natural rural aesthetic of the Byford area due to presenting an 'unfinished' or 'raw' masonry finish. This adds texture and depth to the façade of the building.

The individual signage panels on the proposed pylon sign were combined as part of the most recent DAP amendment to provide space for three tenancy signs, rather than the five approved as part of a previous DAP approval. This did not change the area or size of the pylon sign. Whilst it is noted that Local Planning Policy 31 does not facilitate the construction of pylon signs within the Local Planning Policy area, it was supported as part of the previous DAP approval. Shire Officers have no concerns with signage, however, it is noted that a condition requiring a signage strategy will still be necessary due to the size and location of signs across the site only being provided indicatively.

Shade Sails

Local Planning Policy 31 states in clause R18.7 that :

“Car parks shall be appropriately landscaped, overlayed with a regular grid of trees between parking rows to provide visual break-up, shade and infiltration of stormwater. Trees shall be planted every 5th parking bay within vegetation swales and bio-retention tree pits...”

The Applicant will be required to demonstrate in its overall landscaping plan for the site that trees and smaller vegetation required to be planted within the car park will not be affected by the shade sails. Shire Officers are satisfied that subject to appropriate plant choices, the shade sails will not restrict the survival and long term growth of vegetation within the car park. The nearby development on Lot 2 Abernethy Road has had shade sails installed over bioretention areas within the car park for approximately nine months and the vegetation does not show any signs of being negatively impacted by the shade sails.

Shire Officers consider that the applicant has sufficiently demonstrated that the addition of shade sails to the car parking area will not affect the ability for development to remain consistent with Local Planning Policy 31 with regards to car park landscaping.

Amenity

Clause 67 of the Deemed Provisions, specifically N, relates to the amenity of the locality which is required to be assessed.

Noise, Dust and Odour

Dust is only a consideration during the construction phase of this development, as surfaces will be sealed or landscaped as shown on the development plans. A condition of planning approval requiring a dust management plan is an appropriate measure to ensure the development does not impact on visitors to the site of neighbouring properties during its construction.

Individual tenants will be required to operate in accordance with the *Environmental Protection (Noise) Regulations 1997*. This is not recommended to be addressed as part of this application as a condition of



approval would be referring to legislation outside the *Planning and Development Act 2005* which may require the approval of a third party. Shire Officers note that the loading dock for the site is located abutting the Multiple Use Corridor. This is a good location for this facility as it is likely to include activities which will create noise. The proposed location maintains a buffer to proposed tenancies on the site and will be separated from adjoining sites by the Multiple Use Corridor. Shire Officers consider the design of the proposed development to sufficiently address potential noise impacts due to appropriate location of noise creating activities.

Similar to possible noise impacts, due to specific tenants not being known for the smaller tenancies Shire Officers are not able to assess odour impacts. Some tenancies may be occupied by cafés and others by offices. Shire Officers consider that the development is able to manage the odour impact of future tenants, however odour management measures will be applied on a case by case basis after planning approval is issued.

Other Matters

Car Parking

The proposal provides 202 bays, which does not comply with the 330 car bays required under TPS 2. Clause 5.2.1 of TPS2 provides Council with the discretion to vary development standards of TPS2 for non-residential development.

The variation is appropriate given the consistent application of the Byford Town Centre LSP parking requirement of 1 bay per 20m² of GLA for previous approvals on this site and surrounding development sites within the Town Centre area. Based on the new floor area of the development, the revised car parking requirement when calculated using 1 bay per 20m² of GLA is 243 bays. The development has a 41 bay shortfall, which is a greater shortfall than previous DAP approvals. The additional shortfall can be attributed to realignment of the car parking layout to a regular north-south east-west layout. This is an improvement on previous car parking designs as it has greater legibility for car park users and will integrate easily with car parking provided on the Lot 4 Abernethy Road.

Requiring 330 bays would have a negative impact on the Town Centre as the Applicant would have to reduce the number of tenancies in order to comply with TPS2 and the site would be dominated by car parking. The reduction in parking will result in less hardscape and resultant impacts on the amenity of the area. The variation is not considered to adversely impact on future occupiers, users and inhabitants of the locality. Given that the Applicant can provide cash-in-lieu of car parking for the shortfall of 41 bays, the proposed development is not considered to unreasonably depart from the requirement.

The existing DAP approval requires the provision of 10 short term bicycle parking bays in accordance with Local Planning Policy 58 – Bicycle Facilities in Urban Developments. This requirement is not affected by the small reduction in floor area of the development. The proposed amended development does not impact bicycle parking requirements of the development.

Traffic

The Applicant provided an amended Traffic Assessment to support the two traffic related changes to the development, being the additional access to the site from the west and changing the right turn in from Abernethy Road from being temporary until the roads on the west and east of the site are created and ceded to the Shire, to be a permanent right turn into the site.

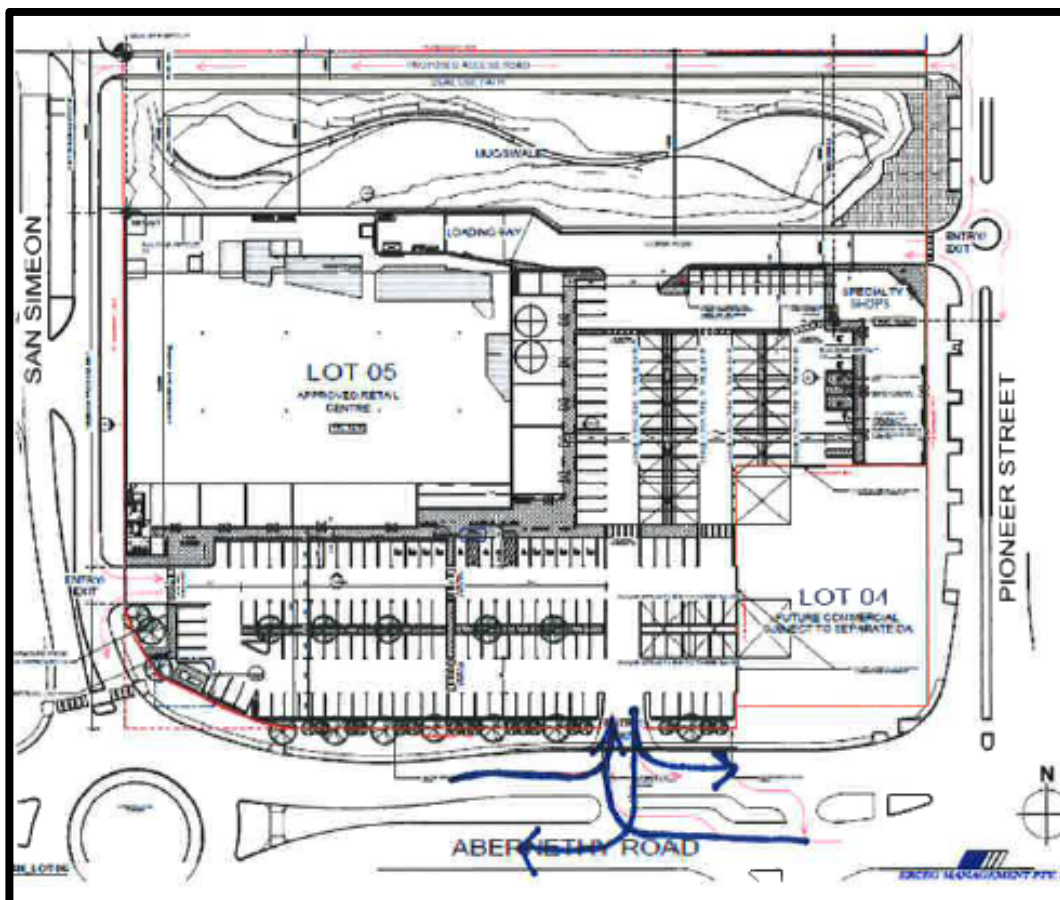
Shire Officers have reviewed the amended Traffic Assessment and no concerns have been raised with the design of the additional access on the western boundary of the site. However, Shire Officers have raised significant concerns regarding the permanent right turn into the site.



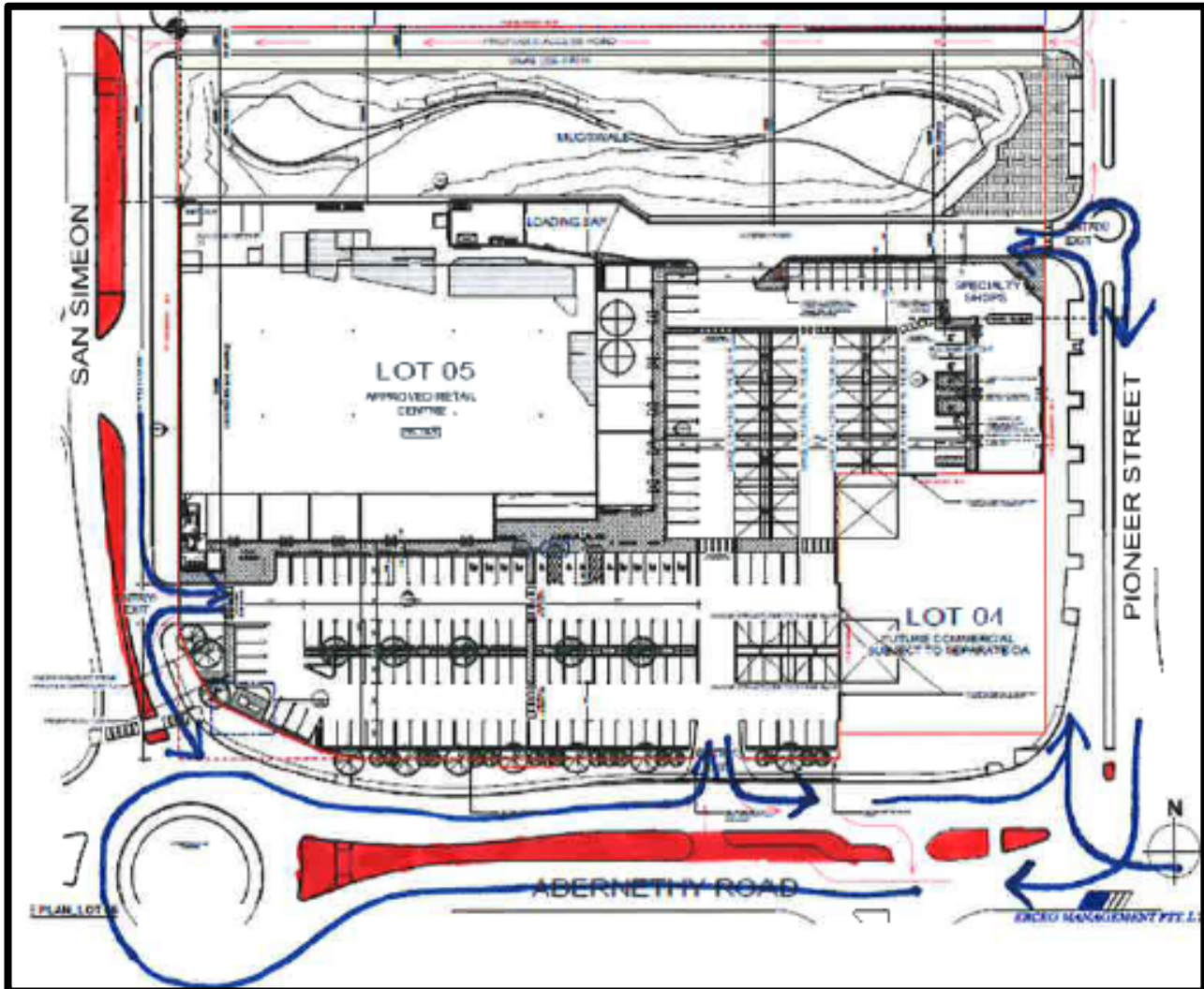
Given the 50km/h design speed in Abernethy Road, one channelised right turn treatment into the site from Abernethy Road would require a 42.5m length for a single access. Shire Officers note that due to the right turn into Lot 76 (25) Abernethy Road occupied by the 7/11 Service Station, the proposed scenario would result in opposing and overlapping right turns. Allowing for tapering, the required length in the proposed scenario is 72m. Unfortunately only 27.5m will be available due to the westbound right turn which will provide access to Lots 75, 76 and 77 Abernethy Road upon the completion of the Abernethy Road upgrade. This means that there is a 44.5m shortfall. This is a fatal flaw of the intersection design as when a queue develops on the opposing right turns, the queue will block the other turning movement and all movement will cease or become unsafe.

In addition to the geometric distance concerns, Shire Officers have also identified the following road safety concerns:

- Having a permanent right turn into Lot 5 Abernethy Road may facilitate 'rat-run' vehicle movements. Vehicles may turn left when exiting Lot 76 Abernethy Road and cut across three lanes of traffic to enter Lot 5 Abernethy Road.
- It is also likely that a permanent right turn into Lot 5 Abernethy Road is likely to facilitate illegal U-turns on Abernethy Road.
- A permanent right turn into Lot 5 Abernethy Road would create unsafe conditions given the close proximity of two major intersections on either side of the proposed access to Lot 5 Abernethy Road.
- Shire Officers consider the Applicant's perceived requirement of a permanent right turn into Lot 5 Abernethy Road to be superfluous as the development site is able to be accessed by traffic travelling both east and west along Abernethy Road. Westbound traffic will be able to use the future roundabout to gain access to the multiple entrances to the site.



Interim Access Point to Lot 5 (34) Abernethy Road (until adjoining roads are publicly accessible)



Ultimate Access (when adjoining roads are publicly accessible)

Bushfire

The subject site is located within a Bushfire Prone Area.

Shops and Medical Centres are considered to be vulnerable land uses under State Planning Policy 3.7 (SPP3.7) and accompanying guidelines. In accordance with SPP3.7, a Bushfire Management Plan is required for any proposed vulnerable land use within a bushfire prone area.

The Bushfire Management Plan will need to include an Emergency Evacuation Plan and Risk Management Plan for any flammables stored on site. Officers have recommended that a Bushfire Management Plan be required as a condition of approval.

Development Across Lot Boundaries

Shire Officers acknowledge that the Shade Sail and revised car park design will integrate well with future development on adjoining Lot 4 Abernethy Road. However, to ensure appropriate construction and ongoing access Shire Officers have recommended a condition for a reciprocal access agreement to be reached between Lot 5 Abernethy Road and Lot 4 Abernethy Road.



Recommended Conditions

Vehicle access to the subject site has been conditioned on previous DAP approvals based on the design of the site. Due to the proposed changes to vehicle access to the subject site, Shire Officers have revisited conditions which relate to vehicle access to reflect the proposed new access arrangements and provide clarification of the Shire's expectations for the intersection with Abernethy Road given Shire Officers have recommended the proposed permanent right turn into Lot 5 Abernethy Road be refused.

Shire Officers have deleted reference to the Shire's Draft Local Planning Policy No.62 in Condition No.6. This allows an urban water management plan to be prepared in accordance with the Western Australian Planning Commissions Better Urban Water Management (2008) document.

To ensure that the multiple use corridor reserve and 4.9m road reserve are ceded to the Shire in accordance with the Western Australian Planning Commission Subdivision Approval for the site dated 17 July 2017, Shire Officers have recommended that conditions be added to this approval to ensure consistency.

Options and Implications

Council has the following options:

Option 1: Council may resolve to approve the amended Shop and Medical Centre subject to conditions.
Approval of the Shops and Medical Centre will provide a service to the community without impacting the amenity of the area.

Option 2: Council may refuse the Shops and Medical Centre.
Should Council resolve to refuse the application the applicant may wish to appeal the decision. Reasons for refusal must be provided to ensure Council's position can be argued at the State Administrative Tribunal.

Option 1 is recommended.

Conclusion

The proposed development will provide commercial and medical services to the growing population of the Shire of Serpentine Jarrahdale, in particular the local area of Byford. The proposed development will provide these services in a form which is consistent with the aspirations and objectives of TPS2 and Local Planning Policies which apply to the site. With the exception of the proposed permanent right turn into the site from Abernethy Road, which is not supported due to safety concerns, Shire Officers acknowledge the overall positive contribution of the development to the Shire and its residents, and recommend that the application be approved subject to conditions.

Attachments

- [OCM104.1/08/17](#) – Development Plans (OC17/14656)
- [OCM104.2/08/17](#) – Technical Assessment Report (E17/7487)
- [OCM104.3/08/17](#) – Clause 67 Assessment (E17/7051)
- [OCM104.4/08/17](#) – Traffic Assessment (IN17/15164)
- [OCM104.5/08/17](#) – Current Abernethy Road Design (IN17/15165)



Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework.
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district

Financial Implications

There are no financial implications to Council as a result 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)
Refusal	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Risk

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 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.

A key component of the amended application is the addition of a permanent right turn movement into Lot 5 Abernethy Road. As Shire Officers recommend this element of the amended application be refused, it is considered likely that the applicant will appeal a decision to refuse the permanent right turn into Lot 5 Abernethy Road to the State Administrative Tribunal. Shire Officers are satisfied that the reasons for



refusal are clear and of a sound technical basis and recommend the risk of appeal be accepted as approval of the permanent right turn into Lot 5 Abernethy Road would be a poor outcome in the town centre area.

Voting Requirements: Simple Majority

OCM104/08/17 Alternate Recommendation

Moved Cr Rich, seconded Cr Atwell

1. That Council APPROVES the amended application including additional access to Lot 5 Abernethy Road from the western boundary of the site, shade sails and signage detail subject to the following conditions:

1. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.
2. The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to contribute towards the cost of providing the common service and community infrastructure of the Byford Structure Plan as established through the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
3. A monetary contribution being paid to Council for the establishment of public art or, alternatively, the provision of public art being provided on-site in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire.
4. Intersections to Abernethy Road, future San Simeon Boulevard and future Pioneer Road must be designed and constructed to the satisfaction of the Shire prior to the occupation of the development.
5. The entrances to the site shall be maintained to the satisfaction of the Shire. Any damage caused to the intersection with Abernethy Road, future San Simeon Boulevard and future Pioneer Road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Shire.
6. An Urban Water Management Plan being prepared in accordance with the Western Australian Planning Commission's Better Urban Water Management (2008) document and approved prior to the commencement of site works to the satisfaction of the Shire. Once approved, the Urban Water Management Plan is to be implemented in its entirety.
7. A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the Shire, prior to applying for a Building Permit.

All works must be carried out in accordance with the Dust Management Plan, for the duration of development.

8. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
9. The owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works and that any filling or backfilling has been adequately compacted.



10. Works (including earthworks) are not to commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction.
11. A Landscape Plan must be prepared and include the following detail, to the satisfaction of the Shire, prior to applying for a Building Permit:
 - a. Be drawn to a scale of 1:200 and show the following:
 - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;
 - ii. Areas of drainage swales for at source storm water percolation; and
 - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
 - b. The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - c. Any lawns to be established;
 - d. Any natural landscape areas to be retained;
 - e. Measures creating sustainable landscapes and extensively using local plants for nutrient reduction, water conservation and creation of a "sense of place": this shall include dry planting of local plants on verges.
 - f. Include the provision of semi-mature trees at least 2m in height to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
 - g. Those areas to be reticulated or irrigated; and
 - h. Verge treatments.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire.
12. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.
13. The carpark must:-
 - a. be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
 - b. include 196 car parking bays;
 - c. include six (6) car parking spaces dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - d. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - e. have lighting installed, prior to the occupation of the development; and
 - f. confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times;

The car park must comply with the above requirements for the duration of the development.
14. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
15. A petrol and oil trap being installed in the car park drainage system prior to occupation of the development, to the satisfaction of the Shire.
16. Ten (10) short-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit.



The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

17. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the Shire, prior to applying for a Building Permit:-
 - a. the location of bin storage areas and bin collection areas;
 - b. the number, volume and type of bins, and the type of waste to be placed in the bins;
 - c. management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - d. frequency of bin collections.All works must be carried out in accordance with the Waste Management Plan, for the duration of development.
18. Floodlighting must not be illuminated after 10:00pm or before 7:00am. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
19. A Sign Strategy must be prepared and include the information required by Planning Policy No.5, Advertising Signs, to the satisfaction of the Shire, prior to applying for a Building Permit and implemented as such for the duration of the development.
20. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
21. The external walls of the loading area must be articulated to the satisfaction of the Shire.
22. All loading and unloading to take place within the boundaries of the premises.
23. Measures being taken to the satisfaction of the Shire to ensure the identification and protection of any vegetation on the site, not affected by necessary development works, which is worthy of retention prior to commencement of site works.
24. The right turn into the site from Abernethy Road is temporary only and must cease being used as access to Lot 5 Abernethy Road upon road access being available from roads to the western and eastern boundaries of the site.
25. The landowner must enter into a bond to the satisfaction of the Shire for the construction of the median within Abernethy Road for the temporary 'broken' section of the southern boundary of Lot 5 to prevent right turn movements to the site from Abernethy Road to the satisfaction of the Shire.
26. A cash contribution, in lieu of the shortfall of on-site car parking for the development of 41 car parking spaces, with the calculation of the cash contribution being in accordance with clause 7.9 of Town Planning Scheme No.2, must be provided to the Shire of Serpentine Jarrahdale, prior to applying for a Building Permit.
27. The landowner must enter into a legal agreement with the owner of Lot 4 (30) Abernethy Road, Byford to ensure reciprocal rights of vehicular access and carparking to the satisfaction of the Shire.



28. The proposed multiple use corridor shown on the approved development plan as a reserve for Public Open Space/Drainage being vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Shire prior to the development being occupied.
29. The proposed 4.9 metre right-of way is to be provided, constructed and drained at the landowner/applicants cost along the northern boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the deposited plan and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Shire prior to the development being occupied.
30. Prior to commencement of works, a Bushfire Management Plan being prepared, approved and relevant provisions implemented in accordance with Planning for Bushfire Protection Guidelines, State Planning Policy 3.7 - Planning in Bushfire prone areas and to the specifications of the Shire of Serpentine Jarrahdale.

Advice Notes

1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.
2. The Landscape and Vegetation Management Plan shall:
 - a. Be drawn to a scale of 1:200 and show the following:
 - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;
 - ii. Areas of drainage swales for at source storm water percolation; and
 - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
 - b. Incorporate measures creating sustainable landscapes extensively using local plants for nutrient reduction, water conservation and creation of a "sense of place". This includes dry planting of local plants on verges.
 - c. Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
3. The Shire encourages the following Water Sensitive Urban Design principles:
 - a. The use of permeable surfaces within the car park;
 - b. Installation of flush kerbs around tree wells;
 - c. Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;
 - d. Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);
 - e. Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;
 - f. Harvesting storm water run-off from roofs and hard surfaces wherever possible;
 - g. Extensive use of local plants, grown to provenance; and
 - h. The use of reticulation systems suitable for native plants where applicable.
4. Any food premises must comply with the Food Act 2008, Food Regulations 2009, Australian and New Zealand Food Safety Standards Code.



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5. Any proposal to utilise the premises as a food business requires the submission of plans to the local government for health approval prior to any alterations, fitting out or use of such shop as a food business.
 6. Any food business is not to commence the sale of food without the prior approval of the local government. The applicant is required to submit an Application for Registration of a Food Business at least two weeks prior to commencing operation.
2. That Council REFUSES the permanent right turn movement into the site from Abernethy Road for the following reasons:
1. A channelised right turn treatment into the site from Abernethy Road requires 42.5m length for a single access, however only 27.5m is available due to a westbound right turn which will provide access to Lots 75, 76 and 77 Abernethy Road upon the completion of the Abernethy Road upgrade.
 2. A permanent right turn into Lot 5 Abernethy Road is likely to increase undesirable 'rat-run' vehicle movements as cars enter Lot 5 Abernethy Road from the south, navigate north-east through the car park to access car parks and commercial tenancies on Lot 2 Abernethy Road
 3. A permanent right turn into Lot 5 Abernethy Road is likely to facilitate illegal U-turns on Abernethy Road.
 4. A permanent right turn into Lot 5 Abernethy Road is likely to create unsafe conditions given the close proximity of two major intersections on either side of the proposed access to Lot 5 Abernethy Road.
 5. The Applicants perceived requirement of a permanent right turn into Lot 5 Abernethy Road is superfluous as the development site is able to be accessed by traffic travelling both east and west along Abernethy Road.
3. That Council, in accordance with clause 17A (3) of the Planning and Development (Development Assessment Panel) Regulation 2011 provides the Development Assessment Panel with the following information:
- a. the date of the determination;
 - b. the determination;
 - c. the terms of any condition to which the approval of the application is subject; and
 - d. reasons for any refusal of the application.

Alternate Recommendation Lost 3/5

Council Note:

The Alternate Recommendation made changes to clause 11 of the Officers Recommendation.



OCM104/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Ellis

1. That Council APPROVES the amended application including additional access to Lot 5 Abernethy Road from the western boundary of the site, shade sails and signage detail subject to the following conditions:

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- 2. The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to contribute towards the cost of providing the common service and community infrastructure of the Byford Structure Plan as established through the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- 3. A monetary contribution being paid to Council for the establishment of public art or, alternatively, the provision of public art being provided on-site in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire.**
- 4. Intersections to Abernethy Road, future San Simeon Boulevard and future Pioneer Road must be designed and constructed to the satisfaction of the Shire prior to the occupation of the development.**
- 5. The entrances to the site shall be maintained to the satisfaction of the Shire. Any damage caused to the intersection with Abernethy Road, future San Simeon Boulevard and future Pioneer Road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Shire.**
- 6. An Urban Water Management Plan being prepared in accordance with the Western Australian Planning Commission's Better Urban Water Management (2008) document and approved prior to the commencement of site works to the satisfaction of the Shire. Once approved, the Urban Water Management Plan is to be implemented in its entirety.**
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All works must be carried out in accordance with the Dust Management Plan, for the duration of development.

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 - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
 - b. Incorporate measures creating sustainable landscapes extensively using local plants for nutrient reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.
 - c. Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.



- 3. The Shire encourages the following Water Sensitive Urban Design principles:**
 - a. The use of permeable surfaces within the car park;
 - b. Installation of flush kerbs around tree wells;
 - c. Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;
 - d. Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);
 - e. Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;
 - f. Harvesting storm water run-off from roofs and hard surfaces wherever possible;
 - g. Extensive use of local plants, grown to provenance; and
 - h. The use of reticulation systems suitable for native plants where applicable.
 - 4. Any food premises must comply with the Food Act 2008, Food Regulations 2009, Australian and New Zealand Food Safety Standards Code.**
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 - 6. Any food business is not to commence the sale of food without the prior approval of the local government. The applicant is required to submit an Application for Registration of a Food Business at least two weeks prior to commencing operation.**
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 - 4. A permanent right turn into Lot 5 Abernethy Road is likely to create unsafe conditions given the close proximity of two major intersections on either side of the proposed access to Lot 5 Abernethy Road.**



5. The Applicants perceived requirement of a permanent right turn into Lot 5 Abernethy Road is superfluous as the development site is able to be accessed by traffic travelling both east and west along Abernethy Road.
3. That Council, in accordance with clause 17A (3) of the Planning and Development (Development Assessment Panel) Regulation 2011 provides the Development Assessment Panel with the following information:
 - a. the date of the determination;
 - b. the determination;
 - c. the terms of any condition to which the approval of the application is subject; and
 - d. reasons for any refusal of the application.

CARRIED 5/3

**OCM105/08/17 – Acknowledgment of DoWER Light Industry Program and request for extension and participation (SJ119)**

Author:	James Wickens – Senior Environmental Health Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	4 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report requests Council to take note of the importance of the Light Industry Program (LIP), a joint initiative of the Department of Water and Environmental Regulation, and the Department of Biodiversity, Conservation and Attractions. The LIP only had funding to operate for two years, and scheduled to finish in September 2017. It also only operated in Local Governments located in the Canning and Swan River catchments. It is recommended the Council authorise the Chief Executive Officer to write to the Department of Water and Environmental Regulation requesting the LIP be extended and widened to include other Local Governments, particularly in the Peel Harvey coastal catchment.

Relevant Previous Decisions of Council

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

Background

In August 2014, the Western Australian, Auditor General reported on the Health of the Swan Canning River System and recommended that State Government Agencies work with Local Government, businesses and the community to reduce contaminants entering Perth's rivers. A major source of contaminants is small to medium sized commercial operators. The LIP is funded for two years by the Federal Government's *National Landcare Program* until September 2017. The funding employs a Department of Water and Environmental Regulation LIP Officer to conduct light industry inspections, along with Local Government Officers, providing advice to businesses to improve their practices and protect the environment. The Department of Water and Environmental Regulation has committed to continuing the program beyond 2017, but this is contingent on support from local councils.

Community / Stakeholder Consultation

In preparation of this report the Author consulted with the Department of Water and Environmental Regulation (*the Department*). The Department advised the importance for the continuation of the program, is dependent on the support of external agencies such as Local Governments. They advised that the City of Swan has recently sent a letter of support. The City of Swan as participants in the program stated that in their experience many small businesses are prepared to invest in improvements if they know it will be a level playing field and that their competitors will be held to the same standard. The City requested that the program continue, and even expands to other Local Authorities who wish to join in the future.

Statutory Environment

The inspections of light industrial and commercial operations in Perth's river catchments will assess environmental risk and compliance in accordance with the *Environmental Protection Act 1986 (the EP Act)*



and associated regulations such as the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.

Shire Environmental Health Officers are all Authorised Persons and Inspectors under sections 87 and 88 of the EP Act. Sections 87 and 88 allow the Department to appoint persons to be authorised persons of the EP Act to undertake certain functions subject to limitations. In regards to Local Government Environmental Health Officers, these functions generally refer to investigating noise pollution and unauthorised discharge offences. The limitations placed on Environmental Health Officers, is that the powers are only valid whilst they are employed, and only within the geographical boundaries of the Shire or City which they are employed. Performance of duties are only permitted during designated working hours and can only be undertaken on premises that do not hold a registration, works approval or licence under the EP Act.

It is important to note that Shire policy ED203 Duties relating to the *Environmental Protection Act 1986* establishes a framework for avoiding duplication between the Health Services and the Department of Water and Environment Regulation. The policy considers Council functions in relation to the EP Act, and will only undertake services where it does not inappropriately duplicate services provided by another body or person. The Council will continue to only:

- Undertake initial investigations relating to premises registered under the EP act but will refer any matters, which are not easily resolved under the provisions of the *Local Government Act 1995*, *Local Laws or Health (Miscellaneous Provisions) Act 1911* to the Department.
- Deal with noise pollution related matters with the exception of licensed premises in accordance with the delegation under the EP Act, but where a matter becomes too complex or requires expertise or resources beyond which the Council could reasonably expect to provide will be referred to the Department.
- Investigate low level pollution which can be dealt with by the Council under its Local Laws.

The LIP specifically excludes premises licenced by the Department of Water and Environmental Regulation therefore avoiding duplication, and the collaborative approach is in line with the policy.

Comment

What does the LIP do and what industries does it target?

The LIP is primarily an education program, aimed at working together with industry to improve environmental outcomes and has several parameters, which include:

- Identifying industries with potential to contribute to contaminant loadings;
- Developing inspection plans and conducting inspections of small to medium industries;
- Building partnerships with Local Governments and increasing capacity and skills of Officers
- Educating industry on environmental awareness; and
- Identifying environmental risk and issues, and enforcing legislation as required.

The LIP focuses on small to medium industries, however does not include industries licensed with the Department of Water and Environmental Regulation under Part V of the *Environmental Protection Act 1986*.

The type of industries targeted in the LIP are usually ones that fall under the thresholds requiring licensing. Inspections can be carried out on any type of small to medium industry however industries that generate wastewater and store hazardous chemicals are generally targeted and include but not limited to:



- Motor vehicle wreckers;
- Motor vehicle mechanical workshops (including engine re-conditioners);
- Motor vehicle hire and sale yards;
- Machinery repair services (including engineering services and supplies);
- Spray painters and metal coating facilities;
- Cement, concrete and stone producers; and
- Laboratories.

Why does our Shire need to be involved?

In 2003, the Peel-Harvey Coastal Catchment was identified as a priority hotspot under the Australian Government's Coastal Catchments Initiative. The Peel Harvey Coastal Catchment takes up approximately 50% of the Shire and includes all the land located to the west of South Western Highway. Additionally, the Shire is the fastest growing local authority in the Country with an increasing population and demand for commercial and industrial land.

The Shire has a variety of small industrial business located mainly in Byford, but also scattered throughout our rural areas, such as transport depots, builder's yards, spray painters, mechanical workshops etc. The creation of two new industrial precincts, being Cardup Business Park and West Mundijong Industrial Area will see a significant increase in these type of industries, and the potential for cumulative environmental impacts on the catchment and our river systems.

The Cardup Business Park will facilitate a wide variety of general industrial land uses. It is expected that typical businesses will include warehousing, transport and logistics businesses and showroom type commercial facilities. Existing businesses in the Cardup Business Park include the Wormalls Transport Depot, Colli Timber and Hardware Production Centre, Permacast precast concrete facility and Permapole which operates a treatment plan for plantation pine log products (It should be noted Permapole is a licensed premise and will not be included in this program).

The West Mundijong Industrial Area will eventually accommodate up to 880 industrial lots, and will include a general industry core surrounded by supporting light industrial precincts to the south and east. Types of industries proposed in the general industry core include abattoirs, food processing, canneries, breweries, manufacturing and prefabricating of building products, storage and logistics, heavy machinery servicing, transport and fuel depots. Types of industries proposed in the light industry area includes automotive repair and servicing, storage, logistics, showrooms, rural and service industries.

It is likely that in the short to medium term, the Cardup Business Park or West Mundijong Industrial Area will not be connected to deep sewage. Therefore, industries will have to rely on private wastewater disposal systems and controlled waste carriers to adequately dispose of a variety of trade wastes. It is critical that businesses are aware of their legal obligations in regards to their environmental responsibilities and the Shire can play an important role in providing this education and oversight.

A priority objective of the Strategic Community plan is to target and engage sustainable, environmentally and socially responsible industries and businesses. The LIP is a coordinated approach with the Department of Water and Environmental Regulation that works together with Industry to ensure a level playing field exists and that all businesses have adequate standards in place to minimise and prevent environmental harm.

Conclusion

The Light Industry Program is an initiative of the Department of Water and Environmental Regulation, the Department of Biodiversity, Conservation and Attractions, and conducted in partnership with Local



Government. This program has proved to be a success in reducing contaminants being released to ground and surface water in the Swan and Canning River catchments. The program is scheduled to finish in September 2017, however the Department of Water and Environment Regulation is committed to continuing the program beyond 2017. Although the program initially focused on the Swan and Canning River Catchments, it is suggested that the program be expanded to look at other priority catchment areas, such as the Peel Harvey Coastal Catchment, which includes the Shire of Serpentine Jarrahdale. It is recommended that the Shire request the Chief Executive Officer write to the Department of Water and Environmental Regulation requesting the program be continued and expanded to include other Local Governments, particularly in the Peel Harvey Coastal Catchment, so that the Shire can participate.

Attachments

- [OCM105.1/08/17](#) – 2015 – 2017 Light Industry Program Brochure (E17/7306)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment.
Strategy 2.2.3	Continue to minimise the volume and impact of waste generated within the district.
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.

Financial Implications

There are no direct financial implications and can be accommodated in accordance with existing staffing levels.

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)
Light Industry Program is not continued by the Department of Water and Environmental Regulation.	Possible (3)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed Environment - 3 Moderate - Contained, reversible impact managed by external agencies	Write to Department of Water and Environment Regulation to extend program and include other Local Governments.

**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

OCM105/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Piipponen

That Council:

- 1. Requests the Chief Executive Officer to write to the Department of Water and Environmental Regulation, requesting the Light Industry Program (LIP) be continued, and expanded to include Local Governments in the Peel Harvey Coastal Catchment; and**
- 2. Authorises the Chief Executive Officer to have the Shire participate in the Light Industry Program (LIP).**

CARRIED UNANIMOUSLY 8/0



OCM106/08/17 – Community Infrastructure Implementation Plan (SJ2081)	
Author:	Evian Elzinga – Strategic Community Planner
Senior Officer/s:	Andre Schonfeldt – Director of Planning
Date of Report:	16 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to consider the adoption of the Community Infrastructure Implementation Plan (the Implementation Plan).

The Shire of Serpentine Jarrahdale is anticipating an additional 100,000 people by 2050 requiring significant forward planning. The Shire has produced a number of plans and research over the last ten years, which has now undergone extensive review and consolidation. Developed in sequence are three documents to plan for and fund community infrastructure and public open space. The Implementation Plan serves as the second report in the suite of community infrastructure documents:

- The Community Infrastructure and Public Open Space Strategy (feasibility and guiding principles);
- The Community Infrastructure Implementation Plan (prioritization, location and funding allocation); and
- The Community Infrastructure Development Contribution Plan (funding mechanism).

The Implementation Plan is based on the needs identified within the Community Infrastructure and Public Open Space Strategy recently approved by Council. The Implementation Plan has undergone a review subsequent to the outcomes of the Integrated Planning and Reporting Framework Review as required by Council. Community feedback has been integrated and outcomes have been refined to reflect recent Council decisions. The Implementation Plan sets the framework to enable the development of the Community Infrastructure Development Contribution Plan (DCP).

There are two parts to the Community Infrastructure Implementation Plan:

- Part A: Development Contribution Projects – The estimated financial commitment of the Shire will be \$16.6 million up to 2050. This will enable an estimated contribution of \$67.1 million through Development Contribution Plans.
- Part B: Non Development Contribution Projects – The cost of the projects under Part B is \$34.4 million. The \$20 million cost of an aquatic centre is excluded as this will require private provision. Grants will be able to reduce the total cost further.

It is recommended that Council adopt the Implementation Plan as attached, to allow the appropriate actions to be taken for the facilities to be developed. Endorsing the projects within Part A will enable the Community Development Contribution Plan. Endorsing all projects, in both Part A and Part B, will enable the Development Strategies to integrate the projects into structure plans, concept plans and further detailing through master plans.



Relevant Previous Decisions of Council

The following Council decisions have been considered as part of the implementation plan:

OCM048/05/17 - Briggs Park Recreation Precinct Master Plan – Staging and Funding Plan - Stage One Priorities – Council endorsed the Briggs Park Master Plan stage 1 including the lower oval redevelopment as number one priority in recreation sporting facilities funding applications. It was endorsed as priority in subsequent budgets with an amended budget requirement; and

OCM217/12/16 - Community Infrastructure and Public Open Space Strategy – Council adopted the Community Infrastructure and Public Open Space Strategy. The Community Infrastructure Implementation Plan was received by Council, and required a modification to reflect a preference for the concept design as in the Tredwell Sport & Recreation Precinct Feasibility Report. Furthermore, the priorities and funding options were subject to community input through the Integrated Planning and Reporting Framework.

Background

In 2009, Council endorsed the Community Facilities and Services Plan (CFSP) to fund infrastructure to 2020. The implementation cost of the facilities and services within the plan is at a total of \$208 million. This comprises capital costs of \$163 million, staffing costs of \$15 million and additional maintenance costs for new infrastructure of \$30 million. It was assumed that the Community Infrastructure Development Contribution Plan would be in place in 2008, and would collect \$132 million towards the capital costs. By 2020, Developer Contributions of \$50 million were expected to be collected, resulting in a total funding requirement of \$158 million by the Shire. To achieve this, a funding model proposed that this would be met by \$85 million municipal funds (allocating 25% of Shire revenues each year), \$30 million as Shire loans which left \$43 million unfunded. The unfunded component would be equivalent to the staffing funding and ongoing maintenance. It was expected that the remaining \$82 million of Developer Contributions that would be received after 2020, would repay the loan borrowings and unfunded component. No municipal funding was set aside to enable implementation of the Community Facilities and Services Plan. There have also been no development contributions for the identified community infrastructure to date. The approach to undergo significant debt and leave components unfunded in anticipation of developer contribution funding would carry significant risk, and in this instance will not be advised by the Shire.

As first adopted in 2011, the Byford Traditional Infrastructure Development Contribution Plans mentioned the need for a Community Infrastructure Development Contribution Plan. As it stands, there is currently no Community Infrastructure Development Contribution Plan in place.

Council in 2013 was presented with the outcomes of a Feasibility Study for a Community Sporting and Recreation Precinct Feasibility Study. Council supported the Serpentine Jarrahdale Community Recreation and Sporting Group Incorporated in their efforts to provide such a precinct, and indicated the preferred location at Keirnan Street on the land owned by the Western Australian Government in the Mundijong-Whitby urban cell. Council requested the land to enable the construction of a multipurpose sporting and recreation precinct on this land. The feasibility study indicated an estimated implementation cost, including contingencies and professional management fees, in order of \$85-\$90 million. The facilities that were proposed are as follows:

- Indoor and Outdoor Aquatic Facilities
- Indoor Sport and Recreation Centre
- Grandstand & Conference Room
- Lawn Bowls
- Athletics Track



-
- 16 Netball Courts
 - 4 AFL Ovals;
 - 3 Rectangular Sports Fields
 - 16 Tennis Courts
 - Diamond Pitch Sports Pitch
 - 1 Synthetic Hockey Field
 - 3 Indoor Basketball Courts / Multi Use
 - Skate Park
 - Dirt Track BMX Facility
 - Large Adventure Playground
 - Playground
 - Trails within Precinct
 - Grounds Maintenance Facility
 - Car Parking
 - Multiple Change Rooms

In 2014, Council adopted with the Briggs Park Recreation Precinct Master Plan that identified six elements: the lower oval upgrade, carpark and recreation centre expansion, new BMX precinct, new pavilion, youth precinct and ancillary items. The Master Plan includes a staged approach with a total construction cost of \$14.6 million.

With little progress and no clear Long Term Financial Plan, the Community Infrastructure and Public Open Space Strategy was prepared to outline principles and provide rationale to community facility provision. Council adopted the Strategy in December 2016.

Community / Stakeholder Consultation

Community Consultation

The Community Infrastructure and Public Open Space Strategy and Community Infrastructure Implementation Plan has reviewed previous works undertaken in between 2008 and 2014. In January and February 2016, workshops were held in Mundijong, Byford and Serpentine to determine current needs. Additionally, community groups were contacted either through phone calls and/or email and completed surveys. The outcomes of this consultation process have been integrated into the document.

Further community consultation was undertaken as part of the Integrated Planning and Reporting Framework Review. The community consultation process is known as 'SJ Real Choices' and involved a randomly selected focus group (panel) and the wider community for feedback on the current level of resource allocation to various services and prioritization of expenditure within asset categories. Various forms of community engagement included the panel, open workshops, public hard copy surveys, Facebook survey, an online platform and youth surveys. Residents ranked their community infrastructure priorities for the Shire to integrate the main projects of interest.

The outcomes in order of priority are represented below. The priority ranking depends on the frequency of the identified project being in the top 10 of the various engagement sources.

- Youth Centre
- Aquatic Centre
- Byford Library
- Basketball Courts



- Byford Fire Station Relocation
- Heritage Museum/Visitors Centre
- Sport Spaces, Mundijong
- Briggs Park Lower Oval Upgrade
- Oakford Fire Station
- District Community Centre, Byford
- District Community Centre, Mundijong
- Seniors Centre/Lawn Bowls
- Netball Courts
- Briggs Park Skate Park
- Mundijong Fire Station
- Kalimna Sporting Reserve
- Regional Public Library
- District Equine Facility
- Regional BMX Facility
- Briggs Park Parking and Gordin Way Roundabout

Policy Concept Forum

Meeting Date	7 August 2017
Councillors in Attendance	Cr Erren, Cr Hawkins, Cr Rich, Cr See

Meeting Date	3 July 2017
Councillors in Attendance	Cr Atwell, Cr Ellis, Cr Hawkins, Cr Piipponen, Cr Rich, Cr See

Statutory Environment

The Community Infrastructure Implementation Plan takes into account *State Planning Policy 3.6 Development Contributions for Infrastructure* (2016) and forms the basis of the Development Contribution Plan.

Services and facilities provided by a local government are subject to *The Local Government Act 1996*, section 3.18.

Comments

Previous commitments and plans brought to light the need to establish a long-term vision shared by the Community, Council and the Shire, which initiated the development of the Community Infrastructure and Public Open Space Strategy. The Strategy consists of several project phases.

Initially, consultants were appointed to audit the Shire facilities, conduct the community consultation processes and prepare a draft report. The research included conclusions from the community consultation, surveys outcomes of community groups, risk assessment of external relations and internal issues, facility trends, social/service trends, gap analysis and audit of facilities, and social impact assessment. This part



of the work was completed around July 2016. This preliminary report went through several rounds of internal review and discussions in order to adapt the recommendations to local conditions.

Consultants were appointed in October 2016 to consolidate existing Shire plans and to integrate their specialised sporting facility and sporting space knowledge. It was adapted by Shire Officers to include public open space content and to recommend implementation plans that offer a holistic approach. This formed the Community Infrastructure and Public Open Space Strategy that was presented to and adopted by Council in December 2016. Council received the associated Community Infrastructure Implementation Plan, requesting Officers to modify the plan to reflect the original concept plan of the Tredwell Community Sport & Recreation Precinct Feasibility Report. Furthermore, the priorities and funding options identified were to be subject to further community consultation through the Integrated Planning and Reporting Framework (IPRF). This decision allowed interactive discussions and greater community ownership through the IPRF process.

In March 2017, the Shire undertook the community consultation for a Shire-wide review of the IPRF known as 'SJ Real Choices'. The Shire engaged with the wider community and a randomly selected focus group on the current level of resource allocation to various services and prioritization of expenditure within asset categories. The community feedback received is reflected in the latest and attached version of the Community Infrastructure Implementation Plan. The plan includes Council's second point of the resolution to include the full concept design on Keirnan Street as preference. A refined design is suggested however to reflect community needs and for implementation to be at a pace and level that is financially viable.

The Community Infrastructure Implementation Plan has been refined and brought into line with recent Council decisions regarding community infrastructure projects. Project sequences and costs have been considered and projects are prioritised to ensure a practical framework for project delivery is achieved aligned with the long term financial planning of the Shire. The following table outlines the proposed general order of projects:

Priority	Project	Facility Type	Indicative Timing	Estimated Cost (\$)
1	Briggs Park Lower Oval Upgrade (Briggs Park Stage 1)	Sport	2018/19	3,827,802
2	Keirnan Park Recreation Precinct (Land Acquisition)	Sport	2018/19	To be determined
3	Byford Library & Multi agency Service Centre	Community	2019/20	10,500,000
4	BMX Facility (Relocation)	Recreation	2019/20	1,000,000
5	Byford Fire Station (Relocation)	Emergency	2020/21	2,000,000
6	Serpentine Courts (Reactivation)	Sport	2020/21	35,000
7	Dog Park Development	Recreation	2020/21	200,000
8	Visitors Centre and Heritage Museum	Tourism	2021/22	1,000,000
9	Briggs Park Pavilion	Sport	2021/22	2,500,000
10	Multi Use Indoor Sporting Facility including basketball courts	Sport	2022/23	6,000,000
11	Jarrahdale Oval Facility	Tourism	2022/23	650,000
12	Briggs Park Youth Centre	Community	2023/24	2,500,000
13	Keysbrook Rest Area and Toilets	Tourism	2023/24	500,000
14	Oakford Fire Station (Relocation)	Emergency	2024/25	2,000,000
15	Orton Road District Sport Space	Sport	2025/26	5,000,000
16	Mundijong Whitby Library & Community Centre	Community	2026/27	10,500,000
17	District Equine Facility	Sport	2026/27	500,000
18	Netball Courts	Sport	2027/28	1,375,000
19	Keirnan Park Recreation Precinct (Development)	Sport	2027/28	7,500,000
20	Mundijong Fire Station (Relocation)	Emergency	2028/29	4,000,000
21	Shire Depot (Relocation)	Shire	2029/30	3,200,000
22	Kalimna Sporting Reserve	Sport	2029/30	500,000



Priority	Project	Facility Type	Indicative Timing	Estimated Cost (\$)
23	Whitby District Sporting Space	Sport	2030/31	5,000,000
24	Shire Administration Building Expansion	Shire	2032/33	15,000,000
25	District Community Centre (at Shire offices)	Community	2032/33	5,000,000
26	Mundijong Whitby District Skate Park	Recreation	2033/34	1,250,000
27	Byford Skate Park – Stage 2	Recreation	2033/34	250,000
28	Mundijong District Sporting Space	Sport	2034/35	5,000,000
29	Tennis Courts & Facility	Sport	2035/36	1,320,000
30	Aquatic Centre	Recreation	2050/51	20,000,000
Total Cost				118,107,802

The Implementation Plan will be used as the basis of a yet to be initiated Community Infrastructure Development Contribution Plan. The estimated cost of all infrastructure identified to 2050 is \$118 million. Any grant funding would reduce both the developer's and the Shire's contribution further.

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

Options and Implications

Option 1 - Resolve to adopt the Community Infrastructure Implementation Plan

Implications are that the development of the community infrastructure development contribution is enabled through a financial commitment and that the report will provide a basis for grant applications and development contributions; or

Option 2 - Resolve not to adopt the Community Infrastructure Implementation Plan

Implications are that the long term financial plan is affected and that the capital works program is not finalised. This may affect the success potential of grant application and there will be a realised loss of developer contribution for any delay in adoption.

Conclusion

It is proposed that the Community Infrastructure Implementation Plan be adopted to provide a clear guiding document for future planning. It would enable the Shire to progress with a Community Infrastructure Development Contribution Plan. It will also fulfil the requirements of Council Resolution OCM 217/12/16.

Attachments

- [OCM106.1/08/17](#) – Community Infrastructure Implementation Plan (E17/4150)

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



Outcome 2.1	A diverse, well planned built environment
Strategy	Actively engage in the development and promotion of an effective planning framework.
Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district
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
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

This document will influence the Forward Capital Works Plan, Long Term Financial Plan, and annual budgets. The estimated cost of all infrastructure identified to 2050, after development contributions, is \$51 million. This amount is still subject to grants that would reduce both the developers' and the Shire's contribution further.

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 Infrastructure Implementation is not supported/ adopted	Possible (3)	Catastrophic (5)	High (10-16)	Financial Impact - 5 Catastrophic - More than \$2M	Accept Officer Recommendation
Community Infrastructure Implementation is supported/ adopted	Likely (4)	Catastrophic (5)	High (10-16)	Financial Impact - 5 Catastrophic - More than \$2M	Accept Risk and ensure funding through the Long Term Financial Plan provides funds and Reserve allocations.



Risk Matrix

Voting Requirements: Simple Majority

OCM106/08/17 Officer Recommendation:

That Council:

1. Adopts the Community Infrastructure Implementation Plan included in attachment OCM106.1/08/17 for the purposes of community infrastructure and sport space provision.
2. Endorses the projects under *Part A: Development Contribution Projects* as the basis for the Shire's proposed Community Development Contribution Plan and acknowledge that these will carry a financial commitment.
3. Endorses the projects under both Part A and Part B as the basis for the Development Strategies to enable integration into structure plans, concept plans and further detailing through master plans.
4. Requests that the identified projects be incorporated into the draft Long Term Financial Plan to fully Assess the financial implications.

OCM106/08/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Gossage, seconded Cr See

That Council:

1. **Adopts the Community Infrastructure Implementation Plan included in attachment OCM106.1/08/17 for the purposes of community infrastructure and sport space provision with the following amendment:**
 - a) **Recommend the Oakford Fire Station to be retained on the current site within the Community Infrastructure Implementation Plan, and for this option to be explored further through a land transaction business case.**
2. **Endorses the projects under *Part A: Development Contribution Projects* as the basis for the Shire's proposed Community Development Contribution Plan and acknowledge that these will carry a financial commitment.**
3. **Endorses the projects under both Part A and Part B as the basis for the Development Strategies to enable integration into structure plans, concept plans and further detailing through master plans.**
4. **Requests that the identified projects be incorporated into the draft Long Term Financial Plan to fully assess the financial implications.**

CARRIED UNANIMOUSLY 8/0

Council Note:

The Officers Recommendation was changed by adding the amendment 1a) which recommends the Oakford Fire Station be retained on the current site.



8.2 Engineering reports

OCM107/08/17 – Adoption of the Detailed Breakdown of the Capital Works Budget (SJ514)	
Author:	Pascal Balley – Manager Infrastructure and Design
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	11 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Due to the process and timelines of the Strategic Community Planning Process, and the subsequent development of the Long Term Financial Plan, it was not possible to finalise the Capital Budget prior to the final draft 2017/18 budget document being adopted. Accordingly, it is necessary to populate the 'pools' of funds allocated to various asset classes, in order for the 2017/18 Capital Budget to be implemented. Council is asked to endorse the proposed detailed breakdown of the capital budget.

Relevant Previous Decisions of Council

OCM090/07/17 – Adoption of the 2017/18 Annual Budget.

Background

During the consultation process with the Serpentine Jarrahdale Community, to develop the Strategic Community Plan, a theme of desire for increased investment in asset renewal was salient. As a result, an iterative process was used to develop a corresponding long-term financial plan that achieved this desire. Through this process, an attempt was made to reach a financial balance between asset renewal, while progressing other community expectations, future needs, Shire roles and responsibilities, and prudent financial management. As the final funding by asset type directly impacts the development of short-term and long-term budgets, the 'moving target' prevented the finalisation of a draft detailed capital budget until after the completion of the final draft of the 2017/18 financial year budget.

With the completion of the draft long-term financial plan, final investments into asset renewal have been penciled in over the next ten years, allowing for some progression of future programs. However, as previous asset management plans, and corresponding forward capital works plans, were based on existing investments, rather than based on a portion of the required investments, it is not possible to adjust the previous plans to accommodate new allocations. To address this deficiency, Officers are progressing re-writes of the Roads and Buildings Asset Management Plans this financial year – these are the Shire's two largest asset classes – and the development of a Road Hierarchy; with these completed, Officers will work with Council to develop ten-year forward capital works plans for each asset class, this financial year.

Pending the finalisation of revised Asset Management Plans, and the Road Hierarchy, a program for each budget allocation has been developed, as described in the Comment section below. It is recommended that Council approve the proposed detailed breakdown of the capital allocations for the 2017/18 financial year.



Community / Stakeholder Consultation

The Shire has completed a substantial public consultation process to develop the new Community Strategic Plan, Corporate Business Plan and the draft Long-term Financial Plan. This process included a number of workshops with the Council. The outcome of this process has been the establishment of a community desire for increase expenditure in asset renewal, increased expenditure in roads in particular, and a desire for road funding to be weighted towards the high order road network (i.e. distributors).

Statutory Environment

The *Local Government Act 1995* establishes the requirements for determining budgets and the establishment of the Plan for the Future. In this case, Council has adopted the 2017/18 budget with 'pools' of funds for each asset class. The adoption of the detailed breakdown of the capital budget is not altering Council's adopted budget, it is populating the funding pools. In previous budgets, funding pools for road reseals, gravel road re-sheeting and footpath construction, were determined by officers outside of the budget process. Officers have now committed to fully allocating the capital budget for endorsement by Council as part of the budget process. Accordingly, although Council has adopted the 2017/18 budget, Council is being asked to also adopt the detailed breakdown of the capital budget for this financial year. The process of adopting the detailed breakdown of the capital budget will not alter Council's adopted 2017/18 budget.

Comment

The proposed capital budgets have been developed on the following basis:

- Funded projects;
- A review of existing forward capital works plans;
- Consideration of existing staged projects;
- Complaints and issues determined over the previous six months, where non-action could result in early higher costs or creates an obvious risk of injury;
- The draft road hierarchy; and
- Prioritisation based on usage, risk or potential to generate asset users.

Using this methodology, the following works are recommended.

Road Programme (excluding projects already listed on the 2017/18 budget).

Road Name	From	To	Type of works	Cost (\$)
Marsh Court	Entire length	-	Shoulder works and road surface reseal, some vegetation pruning/clearing	\$30,000
Jarrahglen Rise	Entire length	-	Shoulder works and road surface reseal, some tree pruning	\$40,000
Rapid Road	Gull Road	Rowe Road	Shoulder works and road surface reseal, some vegetation pruning/clearing	\$25,000
Briggs Road	Abernethy Road	Bridge	Profile road surface and reseal (asphalt overlay), shoulder works and upgrading of slow points	\$75,000



Road Name	From	To	Type of works	Cost (\$)
Bateman Street	Gordin Way	Soldiers Road	Shoulder works and road surface reseal, and kerbing renewal	\$30,000
Clifton Road	Catherine Street	Mary Street	Profile road surface and reseal (asphalt overlay)	\$40,000
Alice Road	Cardup Sliding Road	Redcliffe Road	Remove tree roots, reseal road surface and some vegetation pruning / clearing	\$30,000
Soldiers Road	Bushlark Road	Karbro Drive	Shoulder works and road surface reseal	\$40,000
Edward Crescent	Blytheswood Avenue	Park Road	Shoulder works and road surface reseal, kerbing renewal and some vegetation pruning/clearing	\$30,000
Tonkin Street	Mundijong Road	SLK 1.170	Shoulder works and road surface reseal	\$20,000
Mason Court	Entire length	-	Shoulder works and road surface reseal, some vegetation pruning/clearing	\$15,000
Park Road	South Crescent	SLK 1.100	Profile road surface and reseal (asphalt overlay)	\$75,000
Wanliss Street	Brady Road	Cousens Street	Profile road surface and reseal (asphalt overlay)	\$85,000
Kargotich Road	North of Thomas Road	-	Repair numerous dips in the road	\$80,000
Lowlands Road	Wright Road	Summerfield Road	Reconstruct and widen road pavement from 3.2m to 7.0m wide with 1.9m wide shoulders	\$400,000
Henderson Road	SLK 1.966	SLK 4.089 (Hopeland Road)	Reconstruct and widen road pavement from 3.2m to 7.0m wide with 1.9m wide shoulders	\$620,000
TOTAL				\$1,635,000

Building Programme (excluding projects already listed on the 2017/18 budget).

The Shire has a diverse building stock servicing six communities and the wider region. A significant proportion of the Shire's building assets have been in existence for many years with the bulk built from 1975 to 2005. Over these many years, very little has been spent on building renewal, resulting in a large backlog of work. The existing asset management plan does place expenditure focus on roof replacements, due to the risk to the building fabric through water ingress. This focus is supported by recent issues with water ingress into the Civic Centre and water ingress into the Byford Hall. The following is recommended.

- Byford Hall on South Western Highway – water is running down internal walls and round electrical sockets due to the incorrect roof material being used for the roof pitch. This problem risks the viability of the existing Jarrah floor. The works will consist of new roof at an estimated cost of \$90,000.



- Building Maintenance Shed at the Shire Depot - The roof has significant rust in the middle of the sheets directly over the light fitting and other equipment. The estimated cost of replacement is \$80,000.
- Byford Hall – The upper windows in the main hall are timber frame construction and deteriorating rapidly. In addition, the windows open outwardly and are regularly vandalised. Officers' recommendation is to replace the timber frame with alloy frame, with the new windows designed to open inwardly. In addition, it is recommended that the windows be protected by security screens. This measure will protect the glazing and reduce the continued vandalism and associated maintenance costs. The works will be completed at a cost of \$56,500.
- Reconfiguration of Mundijong Library in accordance with existing project scope. The estimated cost is \$30,000 (this project was included in the 2016/17 budget, but the available funds were insufficient to complete).

Building	Renewal Works Description	Cost (\$)
Byford Hall on South Western Highway	Replace roof to prevent water ingress through the roof and in the ceiling and alleviate associated safety concern	\$90,000
Building Maintenance Shed at the Shire Depot	Replace damaged roof	\$80,000
Byford Hall	Replace the timber frame window with alloy construction frame with the awing windows to open inwardly and protect the outer glazing with security screens to protect against and reduce the continued vandalism and reduce future maintenance costs.	\$56,500
Library	Construct a new door opening, install new door, removing the existing roller door and closing off the opening.	\$30,000
TOTAL		\$256,500

Drainage Programme

The majority of the Shire's old drainage systems were installed without completing designs. Many of the existing systems are undersized for achieving a reasonably acceptable level of service. In some cases, nuisance flooding has been a longstanding concern for residents. The following is recommended:

Drainage infrastructure/system	Renewal Works Description	Cost (\$)
Tonkin Street, Mundijong	Upgrade existing drainage system via kerbing and table drainage	\$40,000
Soldiers Road & Cardup Sliding Intersection, Byford	Upgrade existing culvert to mitigate flooding at the intersection and associated traffic safety concern	\$45,000
Clondyke Drive & South Western Highway Intersection, Byford	Upgrade existing culvert to mitigate flooding at the intersection and associated traffic safety concern	\$55,000
Bateman Street & Mead Street, Byford	Install underground culvert to mitigate surface drainage	\$115,000
Gossage Road Culvert	Replace managed 4 X 600mm culvert with a 1200mm x 600mm box culvert	\$45,000
Drainage Various	Complete minor drainage upgrades and renewals.	\$40,000
TOTAL		\$340,000



Footpath Programme (excluding projects already listed on the 2017/18 budget).

The following principles were adopted in framing the footpath program:

- Condition of the path (state of dilapidation) and maintenance needs;
- Age of the path; and
- Safety concerns, such as tripping;
- Missing links to key pedestrian generators.

Based on the condition rating and age, the following paths is recommended for renewal:

- Jarrahdale Road footpath, between Lang Street and the Gooralong Brook Bridge, over the Jarrahdale River. Replace with concrete path at an estimated cost of \$75,000.
- Cockram Street footpath, between Paterson Street and Butcher Street, Mundijong. Replace concrete slabs with concrete path, at an estimated cost of \$35,000.
- Lefroy Street, Serpentine – Replace concrete slabs with concrete path, at an estimated cost of \$30,800.

In addition, the following new sections of path are recommended:

- South Western Highway, Byford, between Nettleton Road and Hungry Jack's Restaurant. Connection of the Byford by the Scarp development and the Byford Town Centre (including access to the High School). Estimated cost \$60,000.
- Gordin Way, Byford, between Abernethy Road and Grenfell Way (opposite the Byford Community College). Estimated cost of \$20,000.
- Tonkin Street, Serpentine (adjacent Primary School). Estimated cost of \$20,000.
- Bateman Street, Byford (link to Briggs Park and schools). Estimated cost of \$25,000.

Road Name	From	To	Type of works	Cost (\$)
Jarrahdale Road	Lang Street	Gooralong Brook Bridge	Renewal - 2m concrete footpath	\$75,000
Cockram Street	Paterson Street	Butcher Street	Renewal 2.5m concrete footpath	\$35,000
Lefroy Street	Entire length		Renewal 2.5m wide concrete footpath	\$30,800
South Western Highway	Nettleton Road	Hungry Jacks	New 2.5m wide concrete footpath	\$60,000
Gordin Way	Abernethy Road	Grenfell Way	New 2.5m wide concrete footpath	\$20,000
Tonkin Street, Serpentine	Entire length		New 2.5m wide concrete footpath	\$20,000
Bateman Street	Abernethy Road	Grenfell Way	New 2.5m wide concrete footpath	\$25,000
TOTAL				\$265,800

Bus Shelter Programme

It is recommended that a bus shelter be installed at the Byford Community College. This site is a very large generator of bus users, and due to the school policy of closing the gates behind the students, there is no place to shelter in inclement weather. Estimated cost is \$15,000.



Road	Work Required	Cost (\$)
Gordin Way	Construction of new shelter at Byford Secondary College	\$15,000
TOTAL		\$15,000

Conclusion

It is recommended that Council endorse the detailed breakdown of the capital works budget, as included at attachment OCM107.1/08/17.

Attachments

- [OCM107.1/08/17](#) - 2017/18 Financial Year Detailed Breakdown of the Capital Budget (E17/7718)

Alignment with our Strategic Community Plan

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

Financial Implications

The endorsement of the detailed breakdown of the capital budget does not modify the 2017/18 budget, so has no financial effect. However, delays in endorsing the budget will constrain delivery of project this financial year.

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)
Capital Budget Not Adopted – Capital Budget Cannot be Expended	Likely (4)	Major (4)	High (10-16)	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)

Voting Requirements: Simple Majority

OCM107/08/17 Officer Recommendation:

That Council endorses the Detailed Breakdown of the Capital Budget for Roads, Buildings Drainage, Footpaths and Bus Shelters, as included at attachment OCM107.1/08/17.

OCM107/08/17 COUNCIL DECISION / Alternate Recommendation:

Moved Cr Rich, seconded Cr Atwell

That Council endorses the Detailed Breakdown of the Capital Budget for Roads, Buildings, Drainage, Footpaths and Bus Shelters, as included at attachment OCM107.1/08/17, with the following changes:

- a) Remove the Lefroy Street footpath renewal project from the Footpath Program, at value \$30,000; and
- b) Include a new footpath, in the Footpath Program, from the Serpentine Caravan Park to the existing footpath in Karnup Road, at value of \$30,000.

CARRIED UNANIMOUSLY 8/0

Reasons for Change:

1. The Lefroy Street footpath is a replacement of an existing footpath. Constructing a new footpath to connect a location with a high population of elderly residents, to the Serpentine Townsite, is considered to be a higher priority than replacing an existing footpath.
2. The substitution is in the same general area.
3. Swapping these paths will not affect the construction of other high priority paths, such as near the Serpentine Primary School and the Byford Community College.



8.3 Corporate and Community reports

OCM108/08/17 – Memorandum of Understanding Template – Community Group Sponsorship (SJ684)	
Author:	Sarah Farrance – Acting Manager Community Engagement
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	8 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report is presented to Council to seek endorsement of the Shire of Serpentine Jarrahdale's Memorandum of Understanding (MOU) template for Community Group Sponsorship and to provide an update on proposed terms for the following MOU documents:

- Agreement for Funding Support - Serpentine Jarrahdale RSL (ANZAC Day Dawn Service)
- Agreement for Sponsorship – Lions Club of Serpentine Jarrahdale (Log Chop and Country Fair)
- Agreement for Sponsorship – Food and Farm Alliance (Food and Farm Fest)

Council is also requested to consider a budget variation to the 2017/18 budget that would allocate an additional \$50,000 to allow the Shire to enter in MOU arrangements with community groups to further support their activities.

Relevant Previous Decisions of Council

OCM078/06/17 – Approval of indicative Community Events Calendar and associated budget of \$265,000 to provide support to Community Events.

OCM080/06/17 – Community Grants Program

OCM090/07/17 – Adoption of the 2017/18 Budget.

Background

At its Ordinary Meeting held in June 2017, Council provided approval of an indicative Community Events Calendar and associated budget of \$265,000. This amount was subsequently included in the 2017/18 Budget and adopted by Council at its July meeting.

Within the Budget, an amount of \$50,000 was proposed to be allocated towards the provision of sponsorship towards community managed events, including, but not limited to ANZAC Day, Serpentine Jarrahdale Log Chop and Lions Country Fair and the Food and Farm Fest.

At the June 2017 Ordinary Meeting, Council also endorsed the Community Grants Policy which included a review of the way that insurance is provided to Community Groups. As a result, the Community Group Insurance policy was revoked and replaced with a Sundry Grant.



Community / Stakeholder Consultation

Consultation has taken place with relevant officers internally and a wide range of community organisations and Local Community Insurance Services (LCIS).

Statutory Environment

MOU's are not legally binding agreements, however because the agreements contain financial implications, the terms are presented to Council for consideration. Outward year contributions will need to be approved by Council of as part of the annual budget process.

In accordance with delegation instrument EX022D, the Chief Executive Officer is delegated authority to execute documents under s9.49A(4) of the *Local Government Act 1995*.

A variation to the adopted 2017/18 Budget is being requested pursuant to s6.8 of the *Local Government Act 1995*.

Comment

Memorandum of Understanding template – key conditions

A copy of the MOU template is attached as OCM108.1/08/17.

The MOU template outlines the shared objectives of the Shire and the relevant community organisation in relation to the delivery of community events.

It also provides clarity in relation to the responsibilities of each party, including appropriate recognition of each party in their commitment to the provision of and/or support of community events and provides guidance in relation to the regulatory approvals process and insurance requirements.

Endorsement of the MOU template will support an efficient process in the administration of community event funding. Additionally, the provision of an agreement to provide annual funding for a period of 3 years will provide community organisations with the opportunity to leverage other funding opportunities in advance and support the sustainability of their annual events.

At the time of preparing this item, Officers are working on the finalisation of agreements for the following:

Organisation	Event	Term of MOU	Indicative Event Budget	Shire Contribution
Serpentine Jarrahdale RSL	ANZAC Day Dawn Service	5 years	\$35,000	\$10,000 (28%)
Lions Club of Serpentine Jarrahdale	Log Chop and Country Fair	3 years	\$15,000	\$7,000 (46%)
Food and Farm Alliance Inc	Food and Farm Fest	3 years	\$77,000	\$17,000 (22%)

It is envisaged that an MOU will also be entered into with the organising committee of the Carols By Candlelight event and the Serpentine Community Association for the running of the Serpentine Community Markets.



Community Group Insurance

The minutes of the June OCM reads in part:

“Community Group Insurance

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

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

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

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

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

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

In keeping with this, the Community Team have been working with affected groups to assist them in obtaining their own cover prior to the expiration of the policy on 30 September 2017.

Part of the consultation prior to the change to the Community Group Insurance Policy involved obtaining quotes from LCIS for groups if groups were to source insurance directly.

The quote received indicated that the cost of cover for groups would be \$612.15 for \$10m Public and Products Liability Insurance or \$750.24 for \$20 million and this was the basis of the Sundries Grant, which allows eligible groups to be reimbursed for up to \$750 for the cost of insurance.

Initial enquiries with the insurers by some affected groups has led to quotes being received in excess of the original amount quoted. The insurer has suggested that this is because of the underwriting costs associated with a greater level of disclosure.

This reinforces the original concern that some groups were not adequately covered as there was no requirement for annual disclosure of their activities.

Officers recognise the valuable work that groups within our community carry out and wish to support them to continue in their activities.



If it is recommended that Council approve a budget variation of \$50,000 that would allow the Shire to enter into MOU funding arrangements with Community Groups that would in part cover the cost of their insurance but also provide extra support to these associations.

The Shire is in negotiations with Alcoa Huntly with respect to a Community Sponsorship Partnership, which is likely to be presented to Council at the September Ordinary Meeting. The additional funding of \$50,000 will support these arrangements.

The groups initially identified as potential recipients of a MOU sponsorship arrangement are:

- Byford Community Garden Inc.
- Darling Downs Residents Association Inc.
- Hugh Manning Tractor and Machinery Museum Inc.
- Jarrahdale Heritage Society Inc.
- Serpentine Jarrahdale Youth Activity Group.

Attachments

- [OCM108.1/08/17](#) – Memorandum of Understanding - Template (E17/7726)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment

Financial Implications

The total amount proposed for sponsorship of the three events noted in this report will see the commitment of \$34,000 from the 2017/18 budget.

A budget variation is requested to the 2017/18 adopted Budget pursuant to Section 6.8 of the *Local Government Act 1995*.

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)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
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

OCM108/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Piipponen

That Council:

- Endorses the Memorandum of Understanding template as contained in attachment OCM108.1/08/17.**
- Authorises the Chief Executive Officer to execute MOU's with the Serpentine Jarrahdale RSL, Lions Club of Serpentine Jarrahdale and Food and Farm Alliance Inc., in accordance with funding amounts approved in the 2017/18 Budget.**
- Pursuant to Section 6.8 of the *Local Government Act 1995*, approves an amendment to the 2017/18 Budget of \$50,000, as per the schedule below, to allow the Shire to enter into MOU funding arrangements with Community Groups. This will in part cover the cost of their insurance but also provide extra support to these associations, as well as support good faith negotiations with Alcoa Huntly with respect to the establishment of 3-year Community Sponsorship Partnership.**

Account Description	GL Account	17/18 Adopted Budget	17/18 Amended Budget	Change in Net Current Assets
Community Funding	CDO528	(\$289,000)	(\$339,000)	(\$50,000)
Transfer from Community Grants Reserve		\$214,000	\$264,000	\$50,000
				\$0



4. Authorises the Chief Executive Officer to enter into negotiations with Community Groups to establish MOUs that would provide assistance and support with their activities including but not limited to:

- **Byford Carol's by Candlelight Organising Committee**
- **Serpentine Community Association Inc**
- **Byford Community Garden Inc.**
- **Darling Downs Residents Association Inc.**
- **Hugh Manning Tractor and Machinery Museum Inc.**
- **Jarrahdale Heritage Society Inc.**
- **Serpentine Jarrahdale Youth Activity Group Inc.**

CARRIED BY ABSOLUTE MAJORITY 8/0



Shire President Councillor Erren declared a financial interest in OCM109/08/17 and left the chambers at 8.13pm while this item was discussed.

The Presiding Member, Councillor Erren vacated the chair and Deputy Shire President, Councillor Piipponen assumed the chair of Presiding Member at 8.13pm.

Councillor See declared a financial interest in OCM109/08/17 and left the chambers at 8.13pm while this item was discussed.

OCM109/08/17 – Byford and Districts Country Club – Closing Report (SJ975-06)	
Author:	Peter Kocian, A/Director Corporate and Community
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	14 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report provides an overview of the Shire's involvement in the Byford and Districts Country Club project with a view of closing out on any matters that may be considered to be in the public interest.

Relevant Previous Decisions of Council

Council has extensively considered the Byford and Districts Country Club project since 2013, with Council resolutions as follows (presented in chronological order). These matters have been openly discussed in a public forum at Ordinary Council Meetings, and the information has been publicly available in the published minutes.

OCM015/08/13 COUNCIL DECISION *Moved Cr Moore, seconded Cr Piipponen*

That Council seek the approval from the Minister of Lands to lease part of Reserve 10164 to the Byford and Districts Country Club for the purpose of constructing a bowling green and associated club facilities for a period of twenty years with an option of a further twenty years.

CARRIED 5/0

**OCM044/09/13 COUNCIL DECISION:**

Moved Cr Kirkpatrick, seconded Cr Wilson

That Council:

1. *Acknowledge that two submissions for Community Sport and Recreation Facilities Fund (CSRFF) for the Annual Grants September 2013 round were received.*
2. *Endorse the submission of the grant applications and prioritise them as follows:*

<i>Priority</i>	<i>Project</i>	<i>Estimated Project Cost</i>	<i>CSRFF Amount</i>	<i>Level of Support</i>
<i>1st</i>	<i>Jarrahdale Skate Park</i>	<i>\$330,000</i>	<i>\$110,000</i>	<i>High (well planned and needed by municipality)</i>
<i>2nd</i>	<i>Byford and Districts Country Club Relocation</i>	<i>\$1,318,792</i>	<i>\$483,557</i>	<i>High (well planned and needed by municipality)</i>

CARRIED 6/0

Council Note: In response to advice from the Director Corporate and Community Council changed the 2nd Priority figures for estimated project cost and CSRFF amount to reflect a slight increase in the project cost.

OCM119/02/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Piipponen

That Council:

1. *Consider allocating \$440,000 in the 2014/15 Budget towards the construction of the new Byford and Districts Country Club facility that is planned to be constructed on Lot 2857 South Western Highway, Byford.*
2. *Recognise the importance of this strategic project and support the Byford and Districts Country Club and co-partners in relocating the facility to Lot 2857 South Western Highway, Byford.*
3. *Subject to Council allocating funds in the 2014/15 budget, the Forward Capital Works Plan be amended to reflect this project.*

CARRIED 4/3

*The Shire President used his casting vote
Cr Kirkpatrick voted against the motion*



OCM193/06/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Kirkpatrick

That Council authorise the Chief Executive Officer and Shire President to sign the lease as per attachment OCM193.1/06/14 with the Byford and Districts Country Club on Reserve 10164 for a period of twenty years with an option to renew for a further twenty years.

CARRIED BY ABSOLUTE MAJORITY 6/0

OCM021/08/14 COUNCIL DECISION / New Motion:

Moved Cr Wilson, seconded Cr Piiipponen

That Council grant approval for a Multi-Purpose Sporting and Community Facility at Lot 2857 (Reserve 10164) South Western Highway, Byford subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.*
- 2. All storm water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted*
- 3. The vehicle parking area, access way(s), and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.*
- 4. The crossover shall be designed and constructed to the specification and satisfaction of Director Engineering.*
- 5. A minimum of 61 parking bays are required to be provided on site*
- 6. A minimum of 2 car parking bays to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.*
- 7. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the erection of any signage on the site. No signs are to be displayed in the road reserve at any time.*
- 8. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1.*
- 9. All external lighting to be hooded and orientated so that the light source is not directly visible by adjacent residents.*
- 10. An Urban Water management plan and detailed technical drawings and specifications for the car park area and accessway are to be submitted for approval by the Director Engineering prior to the commencement of siteworks.*



11. *The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Director Engineering.*
12. *A landscape plan and vegetation management plan must be submitted to Council for approval by Director Engineering prior to occupying of the development. The landscaped plan shall be drawn to a scale of 1:100 and shall show the following:*
 - a) *The location, name and mature heights of proposed trees and shrubs;*
 - b) *Any lawns, paved areas, decks, water features, shade structures and the like to be established;*
 - c) *Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles; and*
 - d) *Plants used to landscape the site shall comprise species indigenous to the area.*
13. *Landscaping shall be maintained at all times to satisfaction of the Director Engineering.*
14. *A Fire Management Plan shall be submitted for the development and approved by Director Engineering.*
15. *Only the colours and materials as identified on the plan attached to and forming part of this approval are to be used unless prior written approval is obtained from the Shire*
16. *Bicycle parking facilities being provided in accordance with the Shire's Local Planning Policy No 58 to the satisfaction of the Director Planning.*
17. *No vehicles access shall be permitted to or from South Western Highway road reserve from Lot 2857.*

Advice Notes:

1. *Compliance with the Building Code of Australia and Building Act. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.*
2. *Compliance with the Health Act, Food Act, Health (Food Hygiene Regulations and Health (Public Building) Regulations.*

CARRIED 5/1

Council Note: Condition 15 was removed as Council considered that a contribution to Public Art was not necessary on a facility on a Council reserve.

OCM105/12/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Wilson

That Council award the Contract to Curnow Group Pty Ltd to undertake the forward works at Lot 2857 South Western Highway, Byford.

CARRIED ABSOLUTE MAJORITY 6/0



SCM007/12/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, Seconded Cr Hawkins

That Council award RFT09/2015 to Alita Constructions Pty Ltd to construct the club facility building for the Byford & Districts Country Club – Building Works contract as per attachment SCM007.1/12/15.

CARRIED 7/0

OCM036/03/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council:

- 1. Approve the terms and conditions in the Funding Agreement as per attachment OCM036.1/03/16.*
- 2. In accordance with Section 9.49(A) (4) of the Local Government Act (1995) authorise the Chief Executive Officer and Shire President to sign the Funding Agreement as per attachment OCM036.1/03/16 with the Byford and Districts Country Club Incorporated for the purpose of construction of a multipurpose facility.*

CARRIED 7/0

Council Note: The Shire President advised that due to the financial interest he has declared in this matter, he wishes to apply s5.34(b) of the Local Government Act 1995 for this resolution only and have the Deputy Shire President act for the Shire President in executing the Funding Agreement as per attachment OCM036.1/03/16 with the Byford and Districts Country Club Incorporated.

Background

A number of public questions have been submitted to the Chief Executive Officer, and tabled at Council Meetings, enquiring about the status of the Byford and Districts Country Club project, and the level of Shire involvement. A summary of questions and answers is provided as OCM109.4/08/17. As this subject appears to be an ongoing item of public interest, a closing report is being presented to Council reporting against key items.

Community / Stakeholder Consultation

Policy Concept Forum

Not Applicable.

Statutory Environment

There are no statutory implications relevant to this item.

Comment

Council has formally considered the following two documents, which are re-presented as attachments to this report:

- Funding Agreement between the Shire of Serpentine-Jarrahdale and the Byford and Districts Country Club (OCM109.1/08/17).
- Lease Agreement between the Shire of Serpentine-Jarrahdale and the Byford and Districts



Country Club (OCM109.2/08/17).

A summary of both documents is provided below:

Funding Agreement:

- Parties agreed that the Shire will be responsible for the construction and development of the project and that the BDCC will contribute to the cost of the project;
- Project is defined as the construction and development of a new Byford and Districts Country Club House building, construction and installation of synthetic bowling greens, construction of reinforced footings and roof structures over the bowling green, installation, connection and commissioning of services and fit-out of the BDCC Club House;
- Shire maximum contribution of \$280,000 towards the project;
- Remainder of project to be funded by the BDCC less the Shire Contribution and Grants;
- Schedule 1 outlines the Budget and Funding of Project;
- Schedule 2 outlines the Progress Payment Schedule.
- Conditions of payment were such that the internal costs of the Shire including salaries could not be charged to the project.

Lease Agreement:

- 20 year term commencing 1 September 2014 with a further 20 year term exercisable by the Lessee provided that there is no subsisting default;
- A new lease has been registered due to the original registered lease plan being different to the final as constructed plan (being the positioning of the driveway). The new lease was signed by the Deputy Shire President and Chief Executive Officer under delegated authority;
- Lessee to pay all outgoings;
- Lessee to pay all costs in connection to the preparation and registration of the lease;
- Lessee to maintain required insurances including \$20m public liability;
- Lessee to maintain premises at its own expense;
- Lessee must promptly repair at its own expense any damage to the premises including damage of a structural nature regardless of how it is caused;
- All access roads to the land are deemed to be shared access roads;
- Requirements with regards to liquor licensing;
- On termination of the lease, the Lessee must peacefully surrender and yield up to the Lessor the Premises;
- Peppercorn rental of \$1 per annum.

Financials:

The final cost of the Byford and Districts Country Club Project was \$4,954,823. An itemised breakdown of this cost is presented as OCM109.3/08/17. These costs were incurred over three financial years with year-end expenditure as follows:

- | | |
|----------------|-------------|
| • 30 June 2015 | \$658,700 |
| • 30 June 2016 | \$4,270,046 |
| • 30 June 2017 | \$26,076 |



The Byford and Districts Country Club primarily funded the project with an own-source contribution of \$2,175,000 with remaining funds provided by project partners:

- Shire of Serpentine-Jarrahdale \$280,000
- LotteryWest \$900,000
- Department of Sport and Recreation \$261,468
- Home and Community Care \$500,000
- Regional Development Australia \$245,000
- Royalties for Regions \$600,000

The Shire of Serpentine-Jarrahdale is withholding \$6,645 of Shire funding which remains unspent due to project savings, meaning that the total contribution paid is \$273,355.

All grants have been successfully acquitted, with two of the grants (LotteryWest and Home and Community Care) being conditioned on the Byford and Districts Country Club successfully entering into Access and Usage Agreements with not-for-profit care providers, being Southern Districts Support Association Inc. and Anchor Home Help Inc. A formal Access and Usage Agreement has been finalised with Southern Districts Support Association Inc. with the other care provider Anchor Home Help Inc. entering into a formal agreement to merge with Rise Network Inc. (from March 2017). This merger delayed the finalisation of an Agreement with Rise Network Inc., but they are now using the building and in-principle agreement has been reached between parties.

Home and Community Care (HACC) provided a \$500,000 contribution to the main building construction. As part of the overall project concept, it was proposed that a Community Shed and Garden be constructed - to be used primarily by the HACC providers in the initial staging of this project, with latter stages to consider other participants such as the primary schools and community groups. Rise Network Inc. is holding \$200,000 for the construction of the proposed community shed and garden.

The Shire has provided development approval for the proposed Community Shed and Garden, dated 27 February 2017. The development approval is valid for two years.

Attachments

- [OCM109.1/08/17](#) – Funding Agreement – Construction of Byford and Districts Country Club House & Bowling Green on portion of Reserve 10164.(E17/7892)
- [OCM109.2/08/17](#) – Lease of Portion of Reserve 10164: Lot 2857 South West Highway, Byford between the Shire of Serpentine- Jarrahdale and Byford and Districts Country Club (Incorporated).(E17/7893)
- [OCM109.3/08/17](#) – Summary Financial Statement – Byford and Districts Country Club Construction (E17/7889)
- [OCM109.4/08/17](#) – Summary of Questions and Answers from Council Meetings.(E17/7891)



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 relevant to the recommendations contained within 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 the community does not accept the information presented in this report	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	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 9 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

OCM109/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Hawkins

That, with respect to the Byford and Districts Country Club project, Council:

- 1. Receives the Officer's report including the following attached documents:**
 - a. OCM109.1/08/17 – Funding Agreement – Construction of Byford and Districts Country Club House & Bowling Green on portion of Reserve 10164.**
 - b. OCM109.2/08/17 – Lease of Portion of Reserve 10164: Lot 2857 South West Highway, Byford between the Shire of Serpentine- Jarrahdale and Byford and Districts Country Club (Incorporated).**
 - c. OCM109.3/08/17 – Summary Financial Statement – Byford and Districts Country Club Construction.**
 - d. OCM109.4/08/17 – Summary of Questions and Answers from Council Meetings.**
- 2. Notes that the Community Shed and Garden Project has been delayed due to the merger of Anchor Home Help Inc. with Rise Network Inc., but that the Shire has issued development approval for this community project which is valid until 26 February 2019.**
- 3. Notes that the conditions of the LotteryWest and Home and Community Care Grants have been fully satisfied, with the Byford and Districts Country Club successfully entering into formal partnerships with Southern Districts Support Association Inc. and Rise Network Inc., and that a large number of community groups are now using the facility as a meeting space.**

CARRIED 4/2

Shire President Councillor Erren returned to the meeting at 8.19pm and resumed the role of Presiding Member.

Councillor See returned to the meeting at 8.19pm.

Councillor Piipponen advised President Erren and Councillor See that the Officers Recommendation was carried 4/2.

**OCM110/08/17 - Confirmation of Payment Of Creditors (SJ801)**

Author:	Megan Mateljan – Finance Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	4 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Statutory Environment

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

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:

- Payees name;
- The amount of the payment;
- The date of the payment; and
- Sufficient information to identify the transaction.

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

A detailed list of invoices for the period 1 July 2017 to 31 July 2017 is provided per attachment OCM110.1/08/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 June 2017 to 5 July 2017 as per attachment OCM110.2/08/17.

Attachments

- [OCM110.1/08/17](#) - Creditors List of Accounts 1 July 2017 to 30 July 2017. (E17/7639)
- [OCM110.2/08/17](#) – Purchasing Card Report 6 June 2017 to 5 July 2017. (E17/7640)



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

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

Risk Implications

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

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

Risk Matrix

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

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



Continued

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Voting Requirements: Simple Majority

OCM110/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council records the accounts as paid under delegated authority for July 2017, totalling \$3,292,885.21 as attached, covering:

1. EFT Vouchers EFT47603 to EFT47965 including Purchasing Card Payment totalling \$3,150,146.39.
2. Municipal Cheque Vouchers CHQ45858 to CHQ45867 totalling \$25,316.47.
3. Municipal Direct Debits DD45145.10 to DD45193.34 totalling \$117,422.35.

CARRIED UNANIMOUSLY 8/0



OCM111/08/17 – Monthly Financial Report – June 2017 (SJ801)	
Author:	Stacey Hobbins – Acting Manager Finance
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	11 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to provide 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 30 June 2017.

Relevant Previous Decisions of Council

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

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

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

Background

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



Community / Stakeholder Consultation

No community consultation was undertaken / required.

Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report is an approximation of our final year end position as at 30 June 2017. The estimated surplus for the year is \$3,117,970 compared to an original budgeted surplus for the same period of \$40,870.

Description	Original Budget	30 June 2017 Actual	Variance
Opening Surplus at 1 July 2016	1,064,265	2,235,294	(1,171,029)
Proceeds from sale of assets	493,000	308,340	184,660
Changes to net transfers to and from Reserves	(1,363,343)	(13,217,245)	11,853,902
Changes to net transfers to and from Restricted Cash	5,638,984	8,757,256	(3,118,272)
Loan Principal Drawdown (New loans)	1,986,057	-	1,986,057
Loan principal repayments	(506,744)	(386,723)	(120,021)
Capital expenditure	(12,477,433)	(5,136,522)	(7,340,911)
Capital revenue (cash items)	3,271,241	4,839,778	(1,568,537)
Operating revenue (cash items)	30,183,898	32,547,447	(2,363,549)
Operating expenditure (cash items)	(28,249,055)	(26,769,655)	(1,479,400)
	40,870	3,177,970	(3,137,100)

A more detailed explanation of these variances can be found in the attached report, including a full list of Committed Operating and Capital Works that have been carried forward into the 2017/18 budget, and disclosure of all Capital Grants & Contributions that were received in the 2016/17 year, but have not yet been spent. These amounts are reflected as a part of the 30 June 2017 closing balance of Reserve Funds. The 2017/18 Budget provides for the full expenditure of the Committed Works Reserve against the identified projects.

The main variances contributing to the increased surplus position are the advance payment of the Shire's Financial Assistance Grants (\$1.3m) and an underspend on employee costs (\$1.1m).

Whilst it is envisaged that the actual municipal surplus as at 30 June 2017 will be approx. \$3.13m, compared to a 2017/18 Budget carried forward surplus of \$2.73m, a formal budget variation considering the treatment of the additional surplus will not be presented to Council until after the Shire receives audit clearance on its 2016/17 annual financial statements (expected in October 2017).



Attachments

- [OCM111.1/08/17](#) – Monthly Financial Report June 2017 (E17/7698)

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

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

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's 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		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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



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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

OCM111/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Ellis

That Council receives the Monthly Financial Report for June 2017, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM111.1/08/17.

CARRIED UNANIMOUSLY 8/0



OCM112/08/17 – Christmas Closure December 2017 – Administration Centre, Mundijong Public Library and Operations Depot (SJ967)

Author:	Angelyn Liersch – Minutes and Governance Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	8 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to request Council adopt the draft Policy, Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot and request endorsement for the closure of the Administration Centre, Mundijong Public Library and Operations Depot for the Christmas / New Year period.

Relevant Previous Decisions of Council

OCM165/08/16 – approved closure Monday 26 December 2016 to Monday 2 January 2017 inclusive.

Background

In previous years the Administration Centre, Mundijong Public Library and Operations Depot have closed for the working days between Christmas Day and New Year's Day.

This year, it is proposed that Council's facilities would be closed from Saturday 23 December 2017 – Monday 1 January 2018 inclusive.

The adoption of the draft Policy, Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot as attachment OCM112.1/08/17 would enable the Chief Executive Officer to advertise the specific closure dates each year without the need for a Council Report.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	N/A
Councillors in Attendance	N/A

Closure notices will be displayed at the Administration Centre, Mundijong Public Library and the Operations Depot.

The dates would be advertised in a local newspaper, and on the Shire's website.



Statutory Environment

There is no statutory obligation to advertise the Administration Centre, Mundijong Public Library or Operations Depot closures.

Comment

The draft Policy, Christmas Closure – Administration Centre, Mundijong Public Library and Operations Depot as attachment OCM112.1/08/17 will enable the Chief Executive Officer to advertise the specific closure dates annually without the need for a Council Report. The specific closure dates each year could be reported to Council through the Councillor Information Bulletin.

For the 2017/18 year, it is proposed to close the Administration Centre, Mundijong Public Library and Operations Depot for the working days between Christmas and New Year. The Mundijong Public Library would normally be open on Saturday 23 December and Saturday 30 December but it is requested that these two days be included in the closure.

Operations will maintain a skeleton crew and two Leading Hands during the period Wednesday 27 December to Friday 29 December to respond to urgent matters. The on call Supervisor will assess urgent calls on the after-hours number on the Public Holidays and weekend.

Ranger Services roster staff to work on the three normal working days and contact can be made via the telephone number advertised. Coverage on Public Holidays and weekends is as per the after-hours messaging service.

Contact Numbers will be advertised with the closure dates.

The Mundijong Public Library has a returns box situated on site for anyone wishing to return items over the closure period. The due date for Library items to be returned is extended to the second working day back from the closure period.

Staff use accrued rostered days off, annual leave or leave without pay for the 3 days that are not specified public holidays.

Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
Dec 23 Library closed	Dec 24	Dec 25 Public Holiday	Dec 26 Public Holiday	Dec 27 Closed	Dec 28 Closed	Dec 29 Closed
Dec 30 Library closed	Dec 31	Jan 1 Public Holiday	Jan 2 Office, Depot and Library reopen			

Options and Implications

The closure and emergency contact details will be advertised in advance to ensure residents are aware of the closure.

There are no rates payments due at that time.

Library returns can be made at the Library returns box, which is accessible after hours.



Due dates for other fees and payments would be deferred until the Administration Centre opened on Tuesday 2 January 2018.

Conclusion

The closure of the three Council sites for the three normal working days, and the Library for the two Saturdays will have minimal impact for the residents of the Shire of Serpentine Jarrahdale.

The adoption of the Policy, Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot will enable the Chief Executive Officer to define the specific closure dates each year, and advertise accordingly.

Attachments

- [OCM112.1/08/17](#) – Policy - Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot. (E17/7691)

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

There are no financial implications.

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 Officers Recommendation	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.

Voting Requirements: Simple Majority

OCM112/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council:

1. **Adopts the Policy, Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot as contained in attachment OCM112.1/08/17.**
2. **Approves the Administration Centre and Operations Depot being closed Wednesday 27 December 2017 to Friday 29 December 2017 inclusive.**
3. **Approves the Mundijong Public Library being closed Saturday 23 December 2017; and Wednesday 27 December 2017 to Saturday 30 December 2017 inclusive.**
3. **Advertises by local Public Notice the closure dates as specified in recommendations 2 and 3 and display the closure dates at the Administration Centre, Operations Depot and Mundijong Public Library.**

CARRIED UNANIMOUSLY 8/0

**OCM113/08/17 – Authorise Contract for Library Management System (SJ2171)**

Author:	Lisa Keys – Manager Library
Senior Officer/s:	Peter Kocian - Acting Director Corporate and Community
Date of Report:	4 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report seeks approval from Council to enter into a Contract for the provision of a replacement Library Management System with Civica Pty Limited and authorisation for the CEO to sign the 5 year contract.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

The current automated Library Management system, AMLIB, has been in place since 2000. The library upgraded this system when available, however AMLIB has become outdated and cumbersome for staff and customers. The current support for AMLIB from the provider OCLC is limited and being further reduced. There is limited support for the Public Use Online catalogues. Our current service contract for the AMLIB system is due for renewal in March 2018. Entering into a new contract now will facilitate the changeover to the new system before the old system licence expires.

A business case was approved for a replacement Library Management System and adopted as part of the Shire's Budget for 2017/2018. A request for quotes for a Library Management System was submitted through the WALGA E-Quotes Preferred Supplier Program on 7 June 2017 with applications closing on 19 June 2017. An evaluation panel assessed the responses received. The assessment is contained within the attachments.

Community / Stakeholder Consultation

Community consultation was not required to be undertaken on this matter.

Policy Concept Forum

Meeting Date	N/A
Councillors in Attendance	N/A

Statutory Environment*Local Government Act 1995*

Section 9.49A(4) – Execution of Documents

Council may, by resolution, authorise the CEO or another employee to sign documents on behalf of the Council, generally or subject to conditions or restrictions specified in the authorisation. Council have granted the CEO a delegation to execute certain documents on behalf of Council. However, in this



instance, the contract as presented does not meet the conditions of the delegation. Therefore, the execution of the contract is presented to Council for approval and authorisation.

Section 3.57 requires a Local Government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. However in accordance with *Local Government (Functions and General) Regulations 1996 – regulation 11(2)(b)*, tenders do not have to be publicly invited if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

Comment

The contract for the Library Management System is for a period of 5 years. The total cost of the 5 year contract to the Shire is \$152,875. The first year cost of \$35,375 includes \$6,000 for data extraction from the existing system. A budget allocation of \$29,375 is required for years 2, 3, 4 and 5 of the contract. The contract includes a 5-month transition phase, which includes training. At the end of the 5 years there is an option to extend the contract by a further 3 years.

Having sourced procurement through the WALGA Preferred Supplier program, the three-year extension is within the procurement guidelines and therefore no need to go back out to the market again if the Shire were satisfied with the product and level of service. Civica is a company owned, single vendor fully managed system in the Cloud.

Attachments

- **CONFIDENTIAL-OCM113.1/08/17** – Contract for provision of Library Management System between the Shire and Civica (IN17/15618)
- **CONFIDENTIAL-OCM113.2/08/17** - Evaluation of Responses to Request for Quotation (E17/6945)

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 total cost to the Shire for the term of the contract is \$152,875. Costs for year 1 have been included in the 2017/18 adopted budget.



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)
Not entering into a contract for the supply of a Library Management System	Unlikely (2)	Minor (2)	Low (1-4)	Service Interruption - 2 Minor - Temporary interruption to an activity – backlog cleared with existing resources	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		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 4 has been determined for this item.

Voting Requirements: Simple Majority

OCM113/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council:

- Approves the 5 year contract, plus subsequent extension, for the provision of a replacement Library Management System as contained in CONFIDENTIAL attachment OCM113.1/08/17.
- Authorises the Chief Executive Officer to execute the contract between the Shire and Civica Pty Limited as contained in attachment CONFIDENTIAL OCM113.1/08/17.

CARRIED UNANIMOUSLY 8/0

**OCM114/08/17 – Serpentine Jarrahdale Community Recreation Centre – Management Contract (SJ994)**

Author:	Sarah Farrance – Acting Manager Community Engagement
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	8 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report is presented to Council to consider:

- Key Performance Indicators relating to the management of the Serpentine Jarrahdale Community Recreation Centre.
- Variations to the existing contract.
- Creation of a Reserve Account for the investment of any surplus funds.
- Reinvestment of surplus funds from the 2016/17 financial year.

Relevant Previous Decisions of Council

OCM086/11/13 – Awarding a Tender Management of Shire of Serpentine Jarrahdale Community Recreation Centre

OCM065/05/17 – Management Contract – Serpentine Jarrahdale Community Recreation Centre – 2017/18 Operating Budget, Fees and Charges and Capital Works Plan.

Background

The Serpentine Jarrahdale Community Recreation Centre (SJCRC) is a Shire owned multi-purpose sports facility in Byford. The Centre opened in 2005 and has been managed by the YMCA WA under a Management Contract. The current contract commenced in April 2014 and runs until 31 December 2018 with an option of a three year extension until 2021.

The YMCA WA and the Shire have a strong partnership and established links within the Serpentine Jarrahdale Community.

Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	8 May 2017
Councillors in Attendance	Cr Atwell, Cr Ellis, Cr Erren, Cr Gossage, Cr Hawkins, Cr Rich, Cr See

Consultation has occurred with a number of external/internal stakeholders.



Statutory Environment

Variation to Management Contract.

A variation to the adopted 2017/18 Budget is being requested pursuant to s6.8 of the *Local Government Act 1995*.

Comment

Key Performance Indicators and Reporting

Clause 9.28 of the Management Contract addresses Benchmarking and Key Performance Indicators (KPIs) for the performance of the SJCRC and Clause 9.11 sets out the requirements for Monthly Meetings and Reports.

Officers and the YMCA WA have been working together to ensure that the conditions in these clauses are met. Attachment OCM114.1/08/17 is presented to Council as the template for the required monthly reporting against the KPIs and other requirements of the contract.

The completed report including a profit and loss statement for the month will be provided to Council quarterly through the Audit, Risk and Governance Committee.

Variations to Existing Contract and Extent of Recreation Centre

In conducting a review of the contract document, five elements of the contract are identified for amendment.

Clause 7.2 (3) – Review of Budgets

The current wording in this clause dictates for the YMCA to submit their proposed operating budget for the year ahead by 28 February of each year of the contract (save the last). The practical management of this has posed a number of issues and as such, it is recommended that this timeframe be amended to be 31 March.

Clause 9.5 (2) – Fees and Charges for the Recreation Centre and Seniors Recreation Services

The current wording of this clause dictates for the YMCA WA to submit their proposed fees and charges for the following financial year by 31 January. It is recommended that this date is amended to 1 March.

Clause 9.12 – Annual Reports and Forward Plans

The current requirement is for the YMCA WA to provide a comprehensive forward plan by 31 January of each year of the contract term. This consists of a business plan, sponsorship and advertising plan and an annual marketing strategy. It is recommended that the submission date for this be altered to 31 May as this will allow for the YMCA WA operating budget to be adopted thus informing the plans.

Clause 9.28 (4) – Benchmarking and KPIs

As per the dates above, the YMCA WA are required to submit proposed KPIs for the year ahead by 28 February of each year of the contract (save the last). It is proposed that this date be amended to align with the revised submission of an operating budget.

Attachment OCM114.2/08/17 is presented to Council to show the proposed amendments to the contract as well as the other annual contractual obligations.



Annexure 1 – Sketch of Extent of Recreation Centre

The existing sketch contained within the contract document denoting the extent of the property to be managed by the YMCA WA includes the fire pump house, which services all of the Shire's facilities within the Briggs Park precinct.

It is recommended that the pump house and services be excised from the area under the management of the YMCA WA as the provision and servicing of the fire services should remain the responsibility of the Local Government as indicated in attachment OCM114.3/08/17.

This will result in a direct financial cost to the Shire of approximately \$5,000 per annum as these costs were previously incorporated in the operating budget for the YMCA WA as an indirect cost to the Shire.

Surplus Funds

For the 2016/17 financial year the SJCRC has generated a surplus. Under clause 6.4 (1) of the current Contract, any Surplus funds are to be split equally between the Shire and the YMCA.

Confidential Attachment OCM114.4/08/17 shows the unaudited position for the 2016/17 financial and likely surplus funds of \$77,270 with the Shire's portion being \$38,635.00.

The Surplus is not included in the Shire's Budget for 2017/18.

This is the second consecutive financial year where a surplus has been achieved by the YMCA, which is a terrific operating result for the SJCRC.

It is prudent to reinvest any surplus funds in the SJCRC to ensure that we are meeting asset management requirements with regard to the building. Management Plans for community facilities indicate that at least 1% of the capital replacement value should be either spent or restricted for the purpose of maintaining these assets. The SJCRC has a replacement value of \$5.3million, indicating that the Shire should be spending \$53,000 per annum on renewal.

Two improvements with an immediate need have been identified and Council is requested to consider the funding of these projects from the surplus.

Creche – new playground

When the building was originally constructed, a playground was installed in the Creche. The play equipment was later deemed not to be age appropriate and removed and relocated by the Shire. This equipment was not replaced. Under Clause 11.2 Capital Works of the contract, the Shire is responsible for this. Quotes have been obtained for the supply and installation of appropriate equipment and it is recommended that funds of up \$10,000 be approved to be allocated from the 2016/17 Surplus for this.

Internal building alterations – office accommodation

With the continued growth of the Shire and the Centre, the YMCA WA are responding to growth by increasing their staffing levels and are at capacity for office space. Current office accommodation is not suitable or sustainable and Council is requested to consider that a further \$25,000 of the Surplus funds be allocated for the purpose of works to make best use of the space.

It has been identified that the existing first aid rooms and health assessment areas can be modified to allow for additional office space with quotes currently being obtained for the work. It is proposed that the Shire cover the costs of the capital improvements within the proposed budget with the YMCA WA contributing \$25,000 to the project to cover the cost of fitout.



Conclusion

It is recommended that Council endorse the Key Performance Indicators for the Serpentine Jarrahdale Community Recreation Centre and support the proposed contract variations, which will ensure that reporting to the Shire is both timely and accurate.

It is also recommended that Council approve the budget variation to allow for capital investment in the SJCRC.

Attachments

- [OCM114.1/08/17](#) – Template for monthly report including KPI's (E17/7719)
- [OCM114.2/08/17](#) – Proposed Annual Contractual Obligations (E17/7720)
- [OCM114.3/08/17](#) – Proposed Variations to Contract (E17/7721)
- **CONFIDENTIAL-OCM114.4/08/17** – Unaudited Profit and Loss Statement 2016 / 2017 (E17/7722)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment.

Financial Implications

A budget variation is requested to the 2017/18 adopted Budget pursuant to Section 6.8 of the *Local Government Act 1995*.

This variation will have a nil impact on the budget position as at 30 June 2018 as it will be a contra amendment as follows:

Account Description	GL Account	Original Budget	Amended Budget	Change in Net Current Assets
Surplus from Serpentine Jarrahdale Community Recreation Centre	OSR102	\$0	\$38,635	\$38,635
Capital Expenditure Serpentine Jarrahdale Community Recreation Centre	REC900 REC901 REC902	(\$28,353)	(\$69,988)	(\$38,635)
Change in net current assets				\$0



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 Officers Recommendation	Unlikely (2)	Moderate (3)	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 (medium) 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

OCM114/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr See

That, with respect to the Management Contract between the Shire of Serpentine Jarrahdale and the YMCA WA for the management of the Serpentine Jarrahdale Community Recreation Centre, Council:

- 1. Approves the Key Performance Indicators for the 2017/18 financial year as contained in attachment OCM114.1/08/17**
- 2. Authorises the minor variations to the Management Contract as contained in attachment OCM114.3/08/17, amending the submission dates for :**
 - a. Proposed Fees and Charges from 31 January to 1 March**



- b. Proposed Operating Budget from 28 February to 1 April
- c. Proposed Forward Plans from 31 January to 1 May
- d. Proposed KPIs from 28 February to 1 May

3. Authorises the minor variation to the Management Contract as contained in attachment OCM114.3/08/17, excising the fire pump house from the management area.
4. Pursuant to Section 6.8 of the Local Government Act 1995, approves an amendment to the Shires 2017/18 Budget as per the schedule below to enable the operating profit from the Serpentine Jarrahdale Community Recreation Centre to be reinvested into building improvements.

Account Description	GL Account	Original Budget	Amended Budget	Change in Net Current Assets
Surplus from Serpentine Jarrahdale Community Recreation Centre	OSR102	\$0	\$38,635	\$38,635
Capital Expenditure Serpentine Jarrahdale Community Recreation Centre	REC900 REC901 REC902	(\$28,353)	(\$69,988)	(\$38,635)
Change in net current assets				\$0

CARRIED BY ABSOLUTE MAJORITY 8/0

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

ARG004/07/17 - Present Key Recommendations from the Governance Health Review (SJ2297)	
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Kellie Bartley – Manager Corporate Services Peter Kocian – Acting Director Corporate & Community
Date of Report:	1 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to receive the report, the key recommendations and the Officers' response to the Governance Health Review – June 2017. The Audit, Risk and Governance Committee Meeting adopted the Officers recommendation to receive the report at the Audit, Risk and Governance Committee Meeting held on 31 July 2017.

Relevant Previous Decisions of Council

AEM009/01/17 – Council authorised the CEO to undertake a health assessment of general compliance provisions of the organisation and the appropriateness and effectiveness of the financial management systems and procedures of the Shire.

Background

The CEO engaged the services of Gary Martin and Ron Back in April 2017, in response to the decision of Council referred to in the section above. Both Mr Gary Martin and Mr Ron Back have extensive relevant local government experience and a brief synopsis of experience is provided below.

Mr Gary Martin

Gary Martin is a Local Government consultant with some 52 years' experience, covering all regions of Western Australia. Mr Martin's experience includes the conduct of Local Government investigations, Code of Conduct allegations, disciplinary matters, Public Interest Disclosure complaints and compliance audits. Mr Martin's most recent roles included the Acting CEO at the Shire of Dowerin following the Corruption and Crime Commission intervention in 2015 and the examination of issues at the Shire of Exmouth arising from the Crime and Corruption Commission's investigation in 2017.

Mr Ron Back

Mr Back is a specialist Local Government financial consultant with some 37 years of Local Government experience. Mr Back has been actively involved in the development of corporate plans, business plans, policy reviews, advisory services concerning governance, finance and accounting. Mr Back has also developed all components under the integrated planning framework for a number of Local Governments in Western Australia. In 2016, Mr Back undertook a forensic audit for the Shire of Dowerin in conjunction with the Crime and Corruption Commission's investigation as well as an examination of issues at the Shire of Exmouth in 2017.

Community / Stakeholder Consultation

The Governance Health Review was presented at Policy Concept Forum.

Policy Concept Forum

Meeting Date	10 July 2017
Councillors Attendance	in Cr Atwell, Cr Ellis, Cr Erren, Cr Gossage, Cr Hawkins, Cr Piipponen, Cr Rich, Cr See

There has been no community consultation in the undertaking of the Governance Health Review (the Review). However, the decision to undertake the Review is in line with a decision made at the Annual Meeting of Electors, held 23 January 2017. Presenting the Review to Council, and consequently the wider community having access to the report, endorses transparency and accountability.

The Governance Health Review was presented to the Audit, Risk and Governance Committee on 31 July 2017 whereby the Committee adopted the Officers Recommendation.

Statutory Environment

Whilst there are many provisions in the Local Government Act 1995 and associated Regulations regarding the auditing of financial records, assessment of risk management, internal control and legislative compliance, the undertaking of this Governance Health Review is not bound by a legislative requirement.

Comment

The scope of the Governance Health Review concentrated mainly on the governance, financial and compliance aspects of the Shire's operations, including: local laws, delegations, disclosure of interests, credit card control, risk management, tendering, procurement, compliance and internal control, policies, financial management systems, primary and annual returns. Interaction and discussion with relevant employees occurred during the two weeks that Mr Martin and Mr Back were at the Shire offices. This provided the opportunity to discuss and assist employees in regards to compliance and best practice, and issues effecting roles and responsibilities.

The Review refers to the Shire experiencing a period of instability, a consequence of the Local Government reform process and recent turnover of CEO's and Directors, which adversely affected the organisation and contributed towards a loss of organisational knowledge and momentum. With the appointment of a new CEO in February 2017, the governance health check provides a foundation for the new CEO's management of the Shire going forward.

The key recommendations from the Review are highlighted in this report and the Officers' Response indicates the progress, or the intended action to be carried out in response to the recommendation.

Key Recommendation 1

It is recommended that a suitable external resource be engaged to review the Shire's Local Laws as soon as possible.

Officers' Response

An amount of \$50,000 has been allocated in the 2017/18 budget for a consultant to undertake a review of the Shire's Local Laws. A project plan will be undertaken by Corporate Services and presented to Executive Management Group (EMG) in September 2017.

Key Recommendation 2

It is recommended that the Risk Assessment Matrix be subject to monthly review by senior management.



Officers' Response

- Training for employees in using the Shire's adopted Risk Assessment Matrix is underway.
- Commencing August 2017 the Risk Assessment Matrix will form part of every agenda item report in accordance with Council decision OCM233/12/16.
- Any item with a risk ranking of greater than '10' categorised as either 'High' or 'Extreme Risk', and apparent to be ongoing, will be listed on the Shire's Risk Register.
- The Risk Register will be reviewed by Executive Management Group and will be a standing item on the agenda for each Audit, Risk and Governance Committee meeting.

Key Recommendation 3

It is recommended that the Council conduct at least an annual Governance Workshop. June each year would be timely in respect of the completion of Annual Returns.

Officers' Response

- The Shire is preparing a comprehensive induction process for Councillors in readiness for the 2017 Local Government Elections.
- Corporate Services shall provide a training session for Councillors on completing Primary Returns following the 2017 Local Government elections.

Key Recommendation 4

It is recommended that the Shire engage a suitable Procurement Manager to control the procurement function.

Officers' Response

The Shire's organisational structure is currently under review and it will be proposed that a Procurement Officer be funded.

Key Recommendation 5

It is recommended that the CEO implement a comprehensive internal audit function.

Officers' Response

An Internal Audit Charter is being developed and will be presented to the ARG Committee in September 2017.

Key Recommendation 6

It is recommended that the annual Compliance Return be independently prepared.

Officers' Response

A suitable consultant shall be appointed for this process.

Prior to the 2016 Compliance Audit Return, the Shire engaged an external consultant to peer review and audit the Shire's annual Compliance Audit Return. Each year, a copy of the consultant's report was presented to Council when seeking adoption of the Compliance Audit Return.

Key Recommendation 7

It is recommended that the CEO develop a process of issuing Shire workplace management directives, work procedures, a program of internal checklists and the regular reporting of the status of internal control compliance.

Officers' Response

- Corporate Services is working with all Departments to review and update their processes and relevant Work Procedures. These work procedures support and assist Council's policy position.



- Regular reporting on the progress of the Shire's Regulation 17 report to the Audit, Risk and Governance Committee shall ensure regular updates are provided on internal control compliance.

Key Recommendation 8

It is recommended that the Shire review all policies with the view to separating policy from procedures.

Officers' Response

- A review of Council's policies is programmed to occur in late 2017.
- A project plan outlining the process is to be presented to Executive Management Group in September 2017. Comment is invited from Councillors on the level of involvement and the stage they would like to be involved in the Policy review before the project plan is to be submitted.

Key Recommendation 9

It is recommended that a register be maintained of the status of Elected Member training.

Officers' Response

- A register is in place detailing the training each Councillor undertakes, the cost of the training and any on costs is recorded by Executive Services.
- Reporting this information is planned to be included in the Councillor Information Bulletin commencing July 2017.

Options and Implications

Council has 3 options in relation to this report.

Option 1: Accept the report, the key recommendations and the Officers' response as contained in this report.

Option 2: Reject the report, the key recommendations and the Officers' response.

Option 3: Accept the report, the key recommendations and the Officers' response subject to modifications.

Adopting Option 1 is recommended.

Conclusion

In summary, the Review notes that: *"the Shire has sound management systems and procedures. The matters noted in this report generally reflect inconsistent or incomplete compliance and human error, and not any systemic failure. The overall level of compliance and management processes is sound, with an obvious awareness of legislation and requirements in some key personnel. But there is a need for constant and rigorous discipline and regular review to counter error and misinterpretation of complex legislative requirements."*

The Shire notes all matters raised in this Review and intends to capture the recommendations and action required on the Shire's Business Improvement Plan, which is brought before each Audit, Risk and Governance Committee for reporting and assessment.

Attachments

- [ARG004.1/07/17](#) - Governance Health Review – June 2017 (IN17/14299)



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 best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are financial implications associated with some of the key recommendations in the Governance Health Review. These costs have been identified and form part of the adopted 2017/18 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)
Not proceeding with key recommendations from the Review	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	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

ARG004/07/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation



Moved Cr See, seconded Cr Ellis

That Council:

- 1. Accepts the Governance Health Review as contained in attachment ARG004.1/07/17.**
- 2. Acknowledges and accepts the key recommendations and the Officers' response as contained in this report.**
- 3. Requests that action taken to implement the key recommendations of the Governance Health Review be recorded and reported on at a future meeting of the Audit, Risk and Governance Committee.**

CARRIED UNANIMOUSLY 8/0



ARG005/07/17 - Report and findings from Department of Local Government and Communities on alleged breaches (SJ2143)	
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Kellie Bartley – Manager Corporate Services Peter Kocian – Acting Director Corporate & Community
Date of Report:	1 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to accept the findings of a report from the Department of Local Government and Communities into alleged breaches. The Audit, Risk and Governance Committee Meeting adopted the Officers Recommendation at the Audit, Risk and Governance Committee Meeting held on 31 July 2017.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

On 23 December 2016, representatives from the Department of Local Government and Communities (the Department) (now known as Department of Local Government, Sport and Cultural Industries) met with the then Acting Chief Executive Officer (CEO) and Shire Officers, and hand delivered two letters requesting information as a result of complaints received by the Department.

The first request for information related to alleged unauthorised corporate credit card expenditure during 2013, 2014 and 2015 and included some 150 transactions. The second request for information related to 7 allegations that a number of breaches had occurred.

Community / Stakeholder Consultation

The report from the Department was presented to Councillors at Policy Concept Forum.

Policy Concept Forum

Meeting Date	10 July 2017
Councillors in Attendance	Cr Atwell, Cr Ellis, Cr Erren, Cr Gossage, Cr Hawkins, Cr Piipponen, Cr Rich, Cr See

Presenting this report to Council, and releasing it to the public demonstrates the Shire is functioning openly and transparently. Upon advice from the Department, personal information contained within the report is required to be redacted and this is the reason for many blacked out sections within the report.

The Report and findings were presented to the Audit, Risk and Governance Committee on 31 July 2017 whereby the Committee adopted the Officers Recommendation.



Statutory Environment

Section 8.2 of the *Local Government Act 1995* requires a Local Government to provide information as specified in a written notice from the Minister or Departmental CEO.

Comment

The Department's findings and the Shire's comment relating to each allegation is presented below.

Allegation 1

During the years 2013, 2014 and 2015 former employees used Shire issued credit cards to make multiple unauthorised purchases.

Department's Findings

It is noted that the credit card policy has been reviewed and updated, however further tightening of the policy is recommended to ensure consistency, openness and transparency.

It is also recommended that a more detailed explanation should be considered when preparing credit card transaction for acquittal and the process in doing so should be consistent throughout the organisation.

Shire's Response

- The Shire has reduced the number of cards to a single card.
- The cardholder signs a Corporate Purchasing Card User Agreement acknowledging and agreeing to the conditions of use.
- The CEO countersigns the monthly purchasing card statement.
- All requests for purchases using the corporate card require a requisition form to be completed, detailing the nature of all transactions.
- Council Policy G917 Corporate Purchasing cards is to be reviewed coinciding with a complete Policy Review scheduled to occur in late 2017.

Allegation 2

Expenditure incurred by Shire employees on corporate credit cards is alleged to not have been made available in an open and transparent reporting to Council as per Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (the Regulations).

Department's Findings

The Department considers no further action is necessary as the Council has rectified their non-compliance and provided evidence of the amended Policy G917.

Shire's Response

A list of all transactions made with a Shire issued Corporate Purchasing Card is reported to Council with the monthly accounts list, this has been in place since July 2016.

Allegation 3

Two Councillors as well as unnamed Shire employees allegedly failed to disclose financial interests in matters before Council as per the financial interest provisions of the *Local Government Act 1995* (the Act).

Department's Findings

The allegation is unsubstantiated.

Allegation 4

Alleged unauthorised expenditure concerning the allocated funding for the relocation of the Byford and Districts Country Club (BDCC) and the Byford and Districts BMX Track (BMX Track).



Department's Findings

The allegation is unsubstantiated.

The Shire is reminded that a decision to create a Reserve can only be made by Council.

Shire's Response

Council adopted the 2016/17 budget on 25 July 2016 and the Reserve account was adopted as part of that budget. The Reserve account has been maintained since it was formally established and has a current balance of \$328,583.

Allegation 5

A former employee allegedly published confidential information namely tender documentation on the Shire's website resulting in a financial loss to the Shire of \$78,488.68 excluding GST.

Department's Findings

The allegation is unsubstantiated.

Shire's Response

The Shire paid a total of \$5,777.20 in legal fees. The Shire's insurer, LGIS advise this matter has been successfully resolved and is now finalised.

Allegation 6

Alleged failure to comply with Policy "G807 - Legal Representation and Cost Indemnification" regarding legal action.

Department's Findings

The Department recommends that the Shire consider implementing changes to Policy G807 to ensure that Council, the Shire and their legal representatives are of the same opinion with similar matters going forward.

Shire's Response

A review of Council's policies is programmed to occur in late 2017. A project plan outlining the process is to be presented to Executive Management Group in September 2017. Comment is invited from Councillors on the level of involvement and the stage they would like to be involved in the Policy review before the project plan is submitted.

Allegation 7

Alleged failure to comply with Policy "G003 - Councillor Entitlements" relating to training undertaken by a Councillor over the course of 2014 and 2015 exceeded the Shire's budget allocation for training of \$3,500.00 per Councillor per year.

Department's Findings

The Department recommends that Council review Policy G003 to provide consistent and clear guidelines for Councillors, the Council and the CEO going forward.

Shire's Response

- Whilst the budget was based on an allotted \$3,500 per Elected Member for training, the overall adopted budget for Elected Member training was not exceeded.
- A review of Council's policies is programmed to occur in late 2017. A project plan outlining the process is to be presented to Executive Management Group in September 2017. Comment is invited from Councillors on the level of involvement and the stage they would like to be involved in the Policy review before the project plan is submitted.



Options and Implications

Council has 3 options in relation to this report.

Option 1: Accept the report from the Department and endorse the Shire's response as contained in this report.

Option 2: Reject the report from the Department and the Shire's response as contained in this report.

Option 3: Accept the report from the Department and the Shire's response subject to modifications.

Adopting Option 1 is recommended.

Conclusion

In order to monitor the recommendations made, the Department has requested that the Shire provide the Department with evidence of the progress made towards implementing the recommendations within three months. The Shire will ensure it informs the Department on progress made on policy reviews relating to allegations 1, 6 and 7. Allegations 2, 3, 4 and 5 are considered final with no further action required.

Attachments

- [ARG005.1/07/17](#) - Redacted Report from Department of Local Government and Communities - Findings and recommendations on allegations (E17/6821)

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
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

The financial implications of this report was limited to Officers undertaking the relevant research and providing suitable evidence to counter the allegations made against the Shire. It is estimated that, over a period of 4 weeks, some 160 hours of Officer time was dedicated to undertaking research and information gathering in order to provide the Department with the relevant information and evidence to assess the allegations.

Actions required to progress the recommendations and report to the Department will be met from the Shire's operating 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)
Not undertaking the	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular	Accept Officer Recommendation



recommendations of the Department				noticeable temporary non-compliances	
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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

ARG005/07/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation

Moved Cr See, seconded Cr Ellis

That Council:

1. **Accepts the Report - Findings and recommendations on allegations from the Department of Local Government and Communities (as contained in attachment ARG005.1/07/17).**
2. **Acknowledges and accepts the key recommendations and the Shire's response as contained in this report.**
3. **Requests that action taken to inform the Department on progress made on policy reviews relating to allegations 1, 6 and 7, of the Department of Local Government and Communities report (as contained in attachment ARG005.1/07/17), be reported on at a future meeting of the Audit, Risk and Governance Committee.**

CARRIED 6/2



ARG006/07/17 - Audit, Risk and Governance Committee – Terms of Reference – External Independent Member (SJ2196)	
Author:	Peter Kocian, Acting Director Corporate and Community
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	1 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

At the Audit, Risk and Governance Committee meeting of 20 March 2017, the Committee agreed to amend the name of the Committee to the Audit, Risk and Governance Committee and adopted the Terms of Reference which included the addition of two (2) external independent members on the Committee.

The purpose of this report is to evaluate the expression of interests received from community members following advertising, and make a recommendation to Council for appointment(s) to the Audit, Risk and Governance Committee.

The Audit, Risk and Governance Committee Meeting received the information at the Audit, Risk and Governance Committee Meeting held on 31 July 2017.

Relevant Previous Decisions of Council

AC002/03/17 is applicable:

COUNCIL DECISION / Audit Committee Recommendation / Officer Recommendation:

Moved Cr Rich, seconded Cr See

That Council:

- 1. Endorses and recommends that Council adopt the change of name from Audit Committee to Audit, Risk & Governance Committee.*
- 2. Endorses and recommends that Council adopt the Terms of Reference as contained in attachment AC002.1/03/17.*

CARRIED UNANIMOUSLY

Background

Part 5 of the Terms of Reference for the Audit, Risk and Governance Committee deals with the composition of the Committee and states as follows:

- 5.1 The ARG committee will comprise of seven (7) members, five (5) Elected Members and two (2) external independent members.
- 5.2 An external member will be a person independent of the Shire of Serpentine Jarrahdale, and will not have provided paid services to the Shire either directly or indirectly.
- 5.3 External independent members will be selected based on the following criteria:
 - a) demonstrated high level of expertise and knowledge in financial management, reporting, governance and audit; and



- b) relevant skills and experience in providing independent expert advice.
- 5.4 Appointments of external independent members will be made following a public advertisement. The Chief Executive Officer (CEO) will evaluate potential members and make a recommendation to Council.
- 5.5 The Council will appoint all members of the ARG committee.
- 5.6 Members shall be appointed for a period of up to two (2) years terminating on the day of the Local Government Ordinary Council Elections, unless Council resolves otherwise.
- 5.10 Reimbursement of expenses approved by Council may be paid to an external person who is a member of the ARG committee.

Community / Stakeholder Consultation

Expressions of Interest calling for community nominations to the Audit, Risk and Governance Committee were advertised in The West Australian Public Notices on 3 May 2017 and the Examiner Newspaper on 4 May 2017. Expressions of Interest closed on 26 May 2017, resulting in three (3) nominations.

The Expressions of Interest were presented to the Audit, Risk and Governance Committee on 31 July 2017.

Statutory Environment

The Audit, Risk and Governance Committee has been established in accordance with part 7 of the *Local Government Act 1995*. Council has approved the Terms of Reference for the Committee to support the Council in fulfilling its responsibilities in relation to risk management systems, internal control structure, financial reporting, compliance with laws and regulations and internal and external audit functions.

Section 7.1A (2) of the *Local Government Act 1995* states the membership of an Audit Committee must be at least three members and the majority of members must be Council members. Members to the Committee are appointed by an absolute majority vote by Council.

The Committee does not have executive powers or authority. All recommendations of the Committee are to be presented to Council for determination.

Section 5.100 of the *Local Government Act 1995*, states that a person who is not a council member or an employee is not to be paid a fee for attending any committee meeting. Council, can however, determine an amount as reimbursement.

Comment

A summary of the three community nominations received is presented as confidential attachment **ARG006.1/07/17**. All applicants appear suitably qualified to be considered as external independent members on the Audit, Risk and Governance Committee. The Acting Director Corporate and Community did speak directly to one of the applicants, and it is deemed that this person would be a strong contributor on the Committee.

However, remuneration for the external independent members is an issue. Two of the applicants have requested a meeting fee (ranging from \$600 a meeting to \$1,200 a meeting), whilst the other applicant has requested reimbursement of travel costs to attend Committee Meetings. It is suggested that the Committee recommend to Council an annual gratuity of \$2,000 for reimbursement of expenses in attending Audit, Risk and Governance Committee Meetings.

The Terms of Reference provides for a minimum four (4) meetings per year. The proposed gratuity is not considered unreasonable as a significant time commitment is required to prepare for meetings.



Options and Implications

1. The Committee can recommend to Council to accept a maximum of two (2) external nominations as appointments to the Audit, Risk and Governance Committee pursuant to the Terms of Reference.
2. Should the Committee decide that none of the nominations are suitable as appointments to the Audit, Risk and Governance Committee, the Committee should determine whether the Terms of Reference need to be amended to remove external members from the composition of the Committee.

Conclusion

Option one is recommended as all applicants are considered suitable for appointment to the Audit, Risk and Governance Committee.

Attachments

- **CONFIDENTIAL ARG006.1/07/17** – Summary of Expressions of Interest (E17/6782)
- **CONFIDENTIAL ARG006.2/07/17** – Expression of Interest Forms and Resumes (E17/6784)

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 deliver the best outcome for the community within allocated resources
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest

Financial Implications

Should Council accept the Audit, Risk and Governance Committee and Officers Recommendation; the 2017/18 Budget will need to be amended to include the amount of \$4,000 as reimbursements for the external members appointed to the Audit, Risk and Governance Committee.

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 Committee does not endorse the appointment of external members	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
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 9 has been determined for this item. Should Council not endorse the appointment of external members, it may give rise to reputational damage and accusations of limited transparency.

Voting Requirements: Simple Majority

ARG006/07/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation

Moved Cr Hawkins, seconded Cr Gossage

That Council, with respect to the appointment of external members to the Audit, Risk and Governance Committee,

- 1. Approves an annual gratuity of \$2,000 as reimbursement for expenses for each external member, inclusive of travel to meetings.**
- 2. Approves an amendment to the 2017/18 Budget, to include an additional allocation of \$4,000 against general ledger account MOC617 'Sitting Fees', increasing the budget from \$293,223 to \$297,223, resulting in an unfavourable change to net current assets as at 30 June 2018 of \$4,000.**
- 3. Appoints Ms Eileen Newby and Mr Santo Casilli as external members to the Audit, Risk and Governance Committee with the term of office to be reviewed in November 2017 when all Committee appointments are reviewed by Council following the October 2017 Local Government Ordinary Election.**

CARRIED UNANIMOUSLY 8/0



8.5 Confidential reports

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Hawkins

That the meeting be closed to members of the public at 8.27pm, whilst item OCM115/08/17 is discussed, pursuant to *section 5.23 (2)(f) of the Local Government Act 1995* and item OCM116/08/17 is discussed, pursuant to *section 5.23 (2)(a), (b), (e) of the Local Government Act 1995*.

Item OCM115/08/17 is a matter currently subject to mediation through a State Administrative Tribunal appeal process; and item OCM116/08/17 deals with a matter affecting the local government and its employees.

CARRIED UNANIMOUSLY 8/0

OCM115/08/17 – CONFIDENTIAL - Development Application and Extractive Industry Licence – Sand Extraction – Lot 137 (394) Hopeland Road, Hopeland (PA16/164)	
Author:	Stephen Walker – Coordinator Statutory Planning
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	20 July 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM115/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr See

That Council approves the application submitted by Roberts Day Australia Pty Ltd for an Extractive Industry on Lot 137, 394 Hopeland Road, Hopeland as contained in CONFIDENTIAL attachment OCM115.1/08/17 in accordance with section 31 of the State Administrative Tribunal Act 2004 subject to the following conditions:

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

Plans and Specifications	<p>Plans P1 – 12 received at the Shire's Offices on the 13 February 2017</p> <p>Flora and Vegetation Survey received at the Shire's Offices on the 9 January 2017</p> <p>Dust Management Plan received at the Shire's Offices on the 13 February 2017</p> <p>Acoustic Assessment received at the Shire's Offices on the 13 February 2017</p>
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	Water Management Plan received at the Shire's Offices on the 13 February 2017 Transport Impact Assessment received at the Shire's Offices on the 9 January 2017 Fire and Emergency Plan received at the Shire's Offices on the 13 February 2017
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2. Stage three and an associated 20 metre buffer identified on plan 'figure 2' 'staging plan' does not form part of this approval as the clearing of native vegetation results in the removal of Banksia Woodland which is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999 and the Environmental Protection Act 1986.
3. The development complying with any details marked in red on the approved plans.
4. That the Chief Executive Officer forward a copy of the notice of determination to the Western Australian Planning Commission in accordance with RES 2015/01 resolution under Clause 32 of the Metropolitan Region Scheme for their consideration.
5. This approval is valid for a period of five years from the date of determination.
6. Operating hours shall be restricted to 7.00am to 5.00pm Monday to Saturday. Work is not permitted on Sundays or Public Holidays.
7. The applicant shall not undertake any washing of excavated material on the development site.
8. The applicant shall implement noise mitigation measures in accordance with the Noise Assessment Report prepared by Herring Storer Acoustics dated 17 November 2016 so that no unreasonable noise (as defined in Regulation 5 of the Environmental Protection (Noise) Regulations 1997 (WA)).
9. The applicant shall implement dust management measures in accordance with the Dust Management Plan prepared by RPS dated 2 February 2017, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
10. The applicant shall implement the water management measures detailed in the Water Management Plan prepared by RPS dated 2 February 2017 so that the development does not adversely affect groundwater or surface water quality in any manner.
11. All stormwater is to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, water courses and drainage lines is prohibited.
12. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area. No earthworks, including batters, shall intrude into any buffer areas described in the Water Management Plan prepared by RPS dated 2 February 2017.
13. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.
14. The applicant shall implement suitable fire protection measures in accordance with the Fire Management Plan prepared by RPS dated 2 February 2017.



15. The applicant shall implement measures to minimise the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons in accordance with the Management Plan and shall ensure that no chemicals or potential liquid contaminants are disposed of on site.
16. The applicant shall submit an annual report to the Shire of Serpentine Jarrahdale by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and Rehabilitations Management Plan requirements, to the satisfaction of the Shire. The annual report shall also provide details of complaints and complaint responses.
17. Prior to the commencement of works the developer shall make a substantial or complete contribution to the costs associated with the required upgrading of Hopeland Road and Karnup Road intersection. The contribution is to be negotiated with the Shire.
18. Prior to commencement of works the developer shall construct a 3m wide sealed road with 500mm shoulder on both sides and one passing lane for semi-trailers, within the unmade road reserve up to Hopeland Road. The pavement shall be built to the specification shown on Plan 17-4-42/100 (Rev A) dated June 2017 and prepared by Porter Consulting Engineers.
19. The landowner shall ensure that all loads leaving the premises with sand, soil or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism used to prevent dust nuisance.
20. A Rehabilitation Management Plan shall be prepared by a suitably qualified person at the developer's cost and submitted for approval by the Shire and thereby implemented by the developer at the conclusion of each stage of extraction work prior to commencement of further extraction works.
21. At the completion of mining operations, the landowner shall ensure that all sand faces, non-operational stock piles and bund walls are safe and stable and must provide a report from a certified geotechnical Engineer.

Advice Note:

1. In relation to condition 1, the removal of Banksia Woodland does not comply with clause 7.13.6(c) of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2. Removal of vegetation will impact on a threatened ecological community which is contrary to this clause.

CARRIED UNANIMOUSLY 8/0



Acting Director Corporate and Community, Peter Kocian declared a financial interest in Confidential item OCM116/08/17 and left the chambers at 8.31pm while this item was discussed.

OCM116/08/17 – CONFIDENTIAL Organisational Structural Review	
Author:	Kenn Donohoe, Chief Executive Officer
Senior Officer/s:	Not Applicable
Date of Report:	7 August 2017
Disclosure of Officers Interest:	The Acting Director Corporate and Community has declared a financial interest, as he is the incumbent in the Director's position.

Voting Requirements: Simple Majority

OCM116/08/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Ellis

That, with respect to the Chief Executive Officer's Key Performance Indicator regarding an organisational structure review, Council:

1. Receives the draft Long Term Financial Plan 2017-2027 for the Shire of Serpentine Jarrahdale.
2. Endorses the proposed Executive Structure and Functions as follows:

Directorate	Business Units / Functions	Indicative FTE Allocation	Approved 17/18 Budget
Executive Services	<ul style="list-style-type: none"> • Human Resources • Economic and Promotions • Executive Support 	10.4	1,069,290
Community Services	<ul style="list-style-type: none"> • Community Development • Strategic Community Planning • Property Administration • Library Services • Community Projects 	17.9	1,384,546
Corporate Services	<ul style="list-style-type: none"> • Financial Management • Governance • Customer Service • Information Technology and Business Systems • Records Management 	27.2	2,478,941
Development Services	<ul style="list-style-type: none"> • Statutory Planning • Building Services • Environmental Health Services • Rangers and Emergency Services • Compliance 	35.5	3,118,679
Infrastructure Services	<ul style="list-style-type: none"> • Infrastructure and Design 	55.8	4,516,699



	<ul style="list-style-type: none"> • Asset Management • Subdivisions • Environment • Operations 		
		146.8	12,568,156

3. Pursuant to section 5.37 of the *Local Government Act 1995*, designates the positions of Director Community Services (Deputy Chief Executive Officer), Director Corporate Services, Director Development Services and Director Infrastructure Services as Senior Employees.
4. Notes that the adopted 2017/18 Budget provides full funding for the proposed organisational restructure including resourcing new positions, including a fourth Director position, in the Community Directorate.
5. Authorises the Chief Executive Officer to commence advertising for the recruitment of the Director Corporate Services and Director Community Services (Deputy Chief Executive Officer), with a three to five year contract to be negotiated with the successful applicants.
6. Requests that the Chief Executive Officer fully implement the proposed organisational realignment by March 2018, pursuant to the confidential Organisational Chart as presented.

CARRIED UNANIMOUSLY 8/0

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr See

That the meeting be reopened to the public at 8.34pm.

CARRIED UNANIMOUSLY 8/0

Acting Director Corporate and Community, Peter Kocian returned to the meeting at 8.34pm.

The Shire President informed the public and Acting Director Corporate and Community that the Officers Recommendation for OCM115/08/17 and OCM116/08/17 was carried unanimously 8/0.

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

OCM117/08/17 – Develop a Refreshment and Alcohol Policy	
Author:	Councillor Michelle Rich
Date of Report:	23 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM117/08/17 Councillor Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council:

1. **Develops a Refreshment and Alcohol Policy to provide,**
 - a) **Clarity and consistency in decision making in line with community expectation.**
 - b) **Improved efficiency and effectiveness in financial management.**
 - c) **Improved community outcomes through open and transparent governance.**
 - d) **The draft policy is to be presented to council for adoption no later than November 2017.**

2. **The Shire immediately cease the purchase of all alcohol except where those purchases form part of Council Policy G011 Civic functions, ceremonies and receptions and use of the Civic Centre. The Chief Executive Officer is to have sole discretion as to which Civic functions, ceremonies and receptions that alcohol is to be supplied.**

Motion Lost 2/6

Officer Comment

A full Policy review will commence following the October 2017 Council Elections. It will be recommended at this time that a Council Working Group be formed to oversee the review of all Policies, as the setting of Policy is one of Council's primary roles under the *Local Government Act 1995*.

However, should Council wish to bring forward the review of a specific Policy, or consider the development of a new Policy, this could readily be achieved by November 2017. The Policy Concept Forum would be used as the consultation framework with Councillors to undertake this review.



OCM118/08/17 – Commissioning of an Audit Program	
Author:	Councillor Michelle Rich
Date of Report:	23 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

Councillor Gossage foreshadowed he would move an alternate recommendation if the motion under debate is lost.

OCM118/08/17 Councillor Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council

1. **Requests the Chief Executive Officer to commission an audit program to be implemented and completed by June 2018 including the following outcomes:**
 - a) **Full audit and review of Asset replacement schedules,**
 - b) **Written Asset management report to Council quarterly,**
 - c) **Review Shire Asset Management Strategy,**
 - d) **Audit Shire community buildings utilisation,**
 - e) **Audit/review Shire's roads, footpaths, cycleways and drainage strategies business plans,**
 - f) **Individual project timelines to be developed by the Chief Executive Officer, and**
 - g) **The completed audit program be used to inform and update the Shire's Long Term Financial Plan.**

Motion Lost 2/6

OCM118/08/17 COUNCIL DECISION / Foreshadowed Motion

Moved Cr Gossage, seconded Cr See

That a business case outlining methodology and resourcing be presented to the November 2017 Ordinary Council Meeting regarding the implementation of the following:

1. **Chief Executive Officer commissioning an audit program to be implemented and completed by June 2018 including the following outcomes:**
 - a) **Full audit and review of Asset replacement schedules,**
 - b) **Written Asset management report to Council quarterly,**
 - c) **Review Shire Asset Management Strategy,**
 - d) **Audit Shire community buildings utilisation,**



e) **Audit/review Shire's roads, footpaths, cycleways and drainage strategies business plans.**

2. **Individual project timelines to be developed by the Chief Executive Officer, and**

3. **The completed audit program be used to inform and update the Shire's Long Term Financial Plan.**

CARRIED UNANIMOUSLY 8/0

Officer Comment

Shire staff have commenced a review of the Asset Management Plans, however this is a significant body of work and the Shire does not have a fully resourced asset management team. The carrying value of the Shire's assets is over \$250m, and data pick-up, validation, and condition assessments of all assets is a very resource intensive (and expensive) task. The Shire's 2017/18 adopted Budget does include an allocation of \$100,000 for reviewing asset management plans and a further allocation of \$100,000 to commence data pick-up for drainage, bridle paths and street trees.

The *Local Government (Financial Management) Regulations 1996* were amended to require local governments to revalue all assets on a 3-year cyclical basis, commencing the financial year ending 30 June 2013. A full cycle of revaluation has now been completed and the quality of the Shire's asset data has certainly improved. However, an assessment of the current asset management plans does indicate weaknesses in data, particularly for infrastructure assets such as roads, drainage, footpaths etc.

If the above requirements are to be achieved by the 30 June 2018, a budget amendment will be required to ensure that appropriate resources are in place, in terms of both internal staff and a consultancy budget. An amount of \$400,000 will be required.

The June 2017 Monthly Financial Report indicates a closing surplus of \$3,177,970 for the 30 June 2017. This compares to a 2017/18 budgeted opening surplus of \$2,735,736. This effectively results in \$442,234 of 'unallocated' surplus, meaning that there is funding capacity to support the requested resourcing.

It is thus recommended that if the above motion is supported, that the following recommendation also be considered to ensure that the motion can be fully implemented:

Voting Requirements: Absolute Majority

Officer Recommendation:

That Council, pursuant to section 6.8 of the *Local Government Act 1995*, approve an amendment to the 2017/18 Budget, allocating an additional \$400,000 against general ledger account EDT525, to support dedicated resourcing to advance the Shire's Asset Management Framework as per the above motions.

**OCM119/08/17 – Audit & Review of Council Resolutions**

Author:	Councillor Michelle Rich
Date of Report:	23 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

Councillor Gossage foreshadowed he would move an alternate recommendation if the motion under debate is lost.

OCM119/08/17 Councillor Recommendation

Moved Cr Rich, Seconded Cr Atwell

That Council:

1. Requests the Chief Executive Officer to cost a full audit and review of all Council Resolutions from October 2011 to February 2017 with the view to:
 - a) Report to Council the number of resolutions passed by Council that have not been completed or acted on by the past administration of the Shire,
 - b) Report to Council the number and nature of open resolutions that will affect the direction and future resolutions of Council,
 - c) Report to Council what information contained in these open resolutions needs to be picked up and incorporated into future strategies, policies and objectives,
 - d) Recognise the fact that the current Chief Executive Officer has inherited a large backlog of outstanding resolutions of council and that council need to clear this backlog and any financial commitments at this point in time for the shire to move forward with a clean slate,
 - e) For the Council to start to rebuild the community trust and confidence in the Council and the Shire of Serpentine Jarrahdale; and
 - f) A report detailing the cost is to be presented to council for consideration no later than September 2017.

Motion Lost 2/6

OCM118/08/17 COUNCIL DECISION / Foreshadowed Motion

Moved Cr Gossage, seconded Cr Ellis

That Council:

1. Requests the Chief Executive Officer to cost a full audit and review of all Council Resolutions from October 2011 to February 2017 with the view to:
 - a) Report to Council the number of resolutions passed by Council that have not been completed or acted on by the past administration of the Shire,
 - b) Report to Council the number and nature of open resolutions that will affect the direction and future resolutions of Council,
 - c) Report to Council what information contained in these open resolutions needs to be picked up and incorporated into future strategies, policies and objectives,



- d) **Recognise the fact that the current Chief Executive Officer has inherited a large backlog of outstanding resolutions of council and that council need to clear this backlog and any financial commitments at this point in time for the shire to move forward with a clean slate, and**
- e) **For the Council to start to rebuild the community trust and confidence in the Council and the Shire of Serpentine Jarrahdale.**

- 2. **Requests the report detailing the information as specified in clause 1 above, including the costs, be presented for consideration to the December 2017 Ordinary Council Meeting:**

CARRIED UNANIMOUSLY 8/0

Officer Comment

The above motion was a Key Performance Indicator that was proposed for the Chief Executive Officer by the CEO Employment Committee. It was subsequently not supported by full Council due to the estimated costs involved in undertaking a full audit of Council Resolutions from 2011.

A report can be provided to Council by the 30 September outlining the methodology and associated costs with implementation should the above motion be supported.

**OCM120/08/17 – Audit & Review of Light Vehicle and Earthmoving Machinery**

Author:	Councillor Michelle Rich
Date of Report:	23 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM120/08/17 Councillor Recommendation

Cr Rich, seconded Cr Atwell

That Council requests the Chief Executive Officer to commission a full audit and review of all light vehicle and earthmoving machinery needs and report to council by December 2017.

Motion Lost 3/5

Officer Comment

Officer's agree that this is an area requiring review. The Shire does not have a ten-year plant replacement program indicating that a full assessment of plant requirements is needed to ensure that plant is fit for purpose, and is being optimised through high utilisation rates. The 2017/18 Budget details Plant Operation Costs of \$1.4m including operating lease payments of \$339,169 and plant depreciation of \$289,060. The operating leases in particular need to be reviewed, as it has already been identified that the Shire is over-serviced by leasing two graders and two rollers. It is intended that these leases will not be renewed when they mature at the end of 2017.

This review can be completed by December 2017 from internal resourcing, and a nominal consultancy budget of \$10k (which can be funded through the existing Budget).



OCM121/08/17 – Audit of Shire compliance with the Integrated Planning Framework	
Author:	Councillor Michelle Rich
Date of Report:	23 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

Councillor Gossage foreshadowed he would move an alternate recommendation if the motion under debate is lost.

OCM121/08/17 Councillor Recommendation:

Moved Cr Rich, seconded Atwell

That Council requests the Chief Executive Officer to complete an audit of Shire compliance with the Integrated Planning Framework (IPF) and report to Council no later than December 2017.

Motion Lost 2/6

OCM121/08/17 COUNCIL DECISION / Foreshadowed Motion

Moved Cr Gossage, seconded Cr See

That Council requests the Chief Executive Officer complete an audit of Shire compliance with the Integrated Planning Framework (IPF) and report to Council no later than the March 2018 Ordinary Council Meeting.

CARRIED UNANIMOUSLY 8/0

Officer Comment

This can be achieved by December 2017 through internal resources. As part of this process, it would be intended that the Shire liaise with the Department of Local Government to audit compliance against the Integrated Planning and Reporting Framework. Council, at its July 2017 Ordinary Meeting, adopted the Strategic Community Plan and Corporate Business Plan, as well as the Annual Budget. The draft Long Term Financial Plan will also be presented to Council at the September Ordinary Meeting.

The Shire has met the requirements of Regulations 19C and 19DA of the Local Government (Administration) Regulations with the preparation and adoption of the Strategic Community Plan and Corporate Business Plan.



OCM122/08/17 – Cost to Supply & Implement an Accountability & Governance Portal	
Author:	Councillor Michelle Rich
Date of Report:	23 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

Councillor Gossage foreshadowed he would move an alternate recommendation if the motion under debate is lost.

OCM122/08/17 Councillor Recommendation:

Moved Cr Rich, seconded Cr Atwell

That Council:

1. Requests the Chief Executive Officer to cost the supply and implementation of an Accountability & Governance Portal on the Shire website to show but not limited to the following:
 - a) Councillor attendance of Ordinary Council Meetings,
 - b) Councillor attendance of Special Council Meetings,
 - c) Councillor attendance of Policy Concept Forums and Workshops,
 - d) Councillor attendance of Agenda Q&A,
 - e) Councillor attendance of delegated committee positions,
 - f) All Councillor disclosed interests,
 - g) All fee allowances including JDAP and RRC Committee and Council fees; and
 - h) A report detailing the cost is to be presented to council for consideration no later than September 2017.

Motion Lost 2/6

OCM122/08/17 COUNCIL DECISION / Foreshadowed Motion

Moved Cr Gossage, seconded Cr Ellis

That Council

1. Requests the Chief Executive Officer to cost the development and implementation of an Accountability & Governance Portal on the Shire website to show but not limited to the following:
 - a) Councillor attendance of Ordinary Council Meetings,
 - b) Councillor attendance of Special Council Meetings,



- c) **Councillor attendance of Policy Concept Forums and Workshops,**
- d) **Councillor attendance of Agenda Q&A,**
- e) **Councillor attendance of delegated committee positions,**
- f) **All Councillor disclosed interests,**
- g) **All fee allowances including JDAP and RRC Committee and Council fees.**

- 2. Requests the report detailing the cost of supply and implementation of clause 1 above be presented to Council at the April 2018 Ordinary Council Meeting, upon which time the current Local Government Legislation amendments should be known.**

CARRIED UNANIMOUSLY 8/0

Officer Comment

The above motion was a Key Performance Indicator that was proposed for the Chief Executive Officer by the Employment Committee. It was subsequently not supported by full Council due to the estimated costs involved in establishing the proposed Accountability and Governance Portal.

If the above motion is supported, it is requested that Officer's be given until the October Ordinary Meeting to report back to Council on the methodology and costs associated with establishing the proposed portal.



OCM123/08/17 – Risk Register

Author:	Councillor Michelle Rich
Date of Report:	23 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM123/08/17 Councillor Recommendation:

Moved Cr Rich, seconded Cr Atwell

That Council requests the Chief Executive Officer to review the Risk Register for the full organisation and provide a written report to Council by June 2018.

Motion Lost 2/6

Officer Comment

All agenda items prepared for Council and Committee Meetings now include a risk implications heading, so organisational risks can be assessed and included in the Risk Register should the risk rating exceed 10 (considered to be high or extreme risk).

The Shire has implemented an enterprise risk management framework including STEMS (Safety Incident Management Software). The cost of this software is \$4,320 per annum (for 10 licenses) and includes a Risk Register.

A full Risk Register can be prepared internally and presented to Council by June 2018.

10. Chief Executive Officer reports:
Nil

11. Urgent business:
Nil

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

13. Closure

There being no further business the Presiding Member declared the meeting closed at 9.23pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 26 September 2017

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Presiding Member

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Date