



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Confirmed Minutes

**7:00pm**

**Monday, 11 October 2021**

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## Contact Us

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### In Person

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



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



## Ordinary Council Meeting Minutes Monday, 11 October 2021

### Councillor Attendance Register

In accordance with Ordinary Council Meeting, 16 December 2019, Resolution OCM293/12/19, clause 5 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums”.

#### Council October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
20/09/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/09/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/08/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
23/08/21	PCF	✓	✓	✓	✓	✓	✓	A	✓	✓
16/08/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/08/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
28/07/21	SCM	✓	✓	✓	EPNG	✓	✓	A	✓	✓
19/07/21	OCM	✓	✓	✓	A	✓	✓	✓	✓	✓
05/07/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
28/06/21	PCF	✓	✓	✓	✓	✓	✓	A	✓	✓
21/06/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
31/05/21	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
24/05/21	PCF	✓	✓	✓	✓	A	A	A	✓	✓
17/05/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/05/21	PCF	✓	✓	✓	✓	A	A	✓	✓	✓
19/04/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
29/03/21	SCM	✓	✓	A	A	✓	✓	✓	✓	✓
22/03/21	PCF	✓	✓	✓	✓	A	✓	A	✓	✓
15/03/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
22/02/21	SCM	✓	✓	✓	✓	A	✓	A	✓	✓
15/02/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
14/12/20	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
14/12/20	SCM	✓	✓	✓	✓	A	✓	A	✓	✓
30/11/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓



Continued

## Ordinary Council Meeting Minutes Monday, 11 October 2021

23/11/20	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
23/11/20	PCF	✓	✓	✓	✓	A	✓	A	✓	✓
16/11/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/11/20	PCF	A	✓	✓	✓	A	✓	✓	✓	✓
05/10/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/09/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
07/09/20	PCF	✓	✓	✓	✓	✓	✓	A	✓	✓
24/08/20	PCF	✓	✓	✓	✓	A	A	✓	A	✓
17/08/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/08/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/07/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/07/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	A
06/07/20	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
22/06/20	SCM	✓	✓	✓	✓	✓*	✓	✓	✓	✓
15/06/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/05/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
23/03/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/03/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/02/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
17/02/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/02/20	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
03/02/20	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
16/12/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

\* Councillor Dagostino was an apology for the Special Council Meeting on 22 June 2020, but attended the resumed Special Council Meeting on 29 June 2020 from 7:00pm to 7:05pm, before Declaring an Interest and leaving the meeting.

A – Apology

LOA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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## Table of Contents

1. Attendances and apologies (including leave of absence):	6
2. Public question time:	7
2.1 Response to previous public questions taken on notice:	7
2.2 Public questions:	7
3. Public statement time:	13
4. Petitions and deputations:	18
5. President's Report:	18
6. Declaration of Councillors and Officer's interest:	21
7. Confirmation of minutes of previous Council meeting(s):	21
7.1 Ordinary Council Meeting – 20 September 2021	21
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:	21
9. Motions of which notice has been given:	22
9.1 - Notice of Motion – Serpentine Jarrahdale Community Recreation Centre (SJ994-2)	22
10. Chief Executive Officer reports:	25
10.1 Development Services reports	25
10.1.1 – Proposed Child-Minding Centre – Lot 15 and Lot 16 Beenyup Road, Byford (PA21/646)	25
10.1.2 – Retrospective Ancillary Dwelling – Lot 12, 365 Jarrahdale Road, Jarrahdale (PA21/404)	52
10.1.3 – Retrospective Stables and Horse Riding Arena (including Riding School) – L135, 15 Angus Close, Oakford (PA21/451)	59
10.1.4 – Extension of Extractive Industry Licence for Lot 713, 344 King Road, Oldbury (PA21/735)	66
10.1.5 – Community Engagement Plan to formulate the new Jarrahdale Oval Master Plan (SJ2081)	73
10.1.6 - The Brook at Byford Stage 3 Local Development Plan (PA21/866)	81
10.1.7 – Adoption of the annual revision of the West Mundijong Industrial Development Contribution Plan Report DCP3 (SJ2147)	86
10.1.8 – Consideration to undertake community engagement on improving pedestrian connectivity between Mundijong, Whitby and the future Keirnan Park Recreation Precinct (SJ326-02)	92
10.1.9 – Update regarding Oakford Bushfire Brigade (SJ3171)	99
10.2 Infrastructure Services reports	105
10.2.1 – Update on the Risk Management Strategy for the Kwinana Waste to Energy Project (SJ216)	105
10.2.2 - Adoption of Council Policy - Community Signage on Shire Reserves and Facilities (SJ514-10)	110
10.2.3 - Heritage Country Choir Fee Waiver request (SJ901- 4)	114



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10.2.4 - Soldiers Road Rehabilitation – Request for Variation Approval (SJ3479) .....	125
10.2.5 - Award Request for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant (SJ3539) .....	131
10.3 Corporate Services reports .....	145
10.3.1 - Confirmation of Payment of Creditors (SJ801) .....	145
10.3.2 – Monthly Financial Report – August 2021 (SJ801) .....	148
10.4 Community and Organisational Development reports .....	154
10.4.1 – Jarrahdale Trail Town Business Case (SJ3406).....	154
10.5 Executive Services reports.....	165
10.6 Confidential reports .....	166
10.6.1 – CONFIDENTIAL – <i>Criminal Procedure Act 2004</i> – Lot 61 (241) Boomerang Road, Oldbury (PA19/876).....	166
10.6.2 – CONFIDENTIAL – Allegation of breach of code of conduct SJ2021-3.....	167
10.6.3 – CONFIDENTIAL – Allegation of breach of code of conduct SJ2021-4.....	168
11. Urgent business: .....	169
12. Councillor questions of which notice has been given:.....	169
13. Closure:.....	169

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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 11 October 2021 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7pm 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 her respects to the Traditional Owners, Elders Past, Present and Emerging.

The Shire President, Councillor Rich acknowledged and welcomed past Councillor Sandra Hawkins.

**Minutes**

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

**Attendees:**

**Councillors:** M Rich.....Presiding Member  
 D Atwell  
 M Byas  
 R Coales  
 M Dagostino  
 B Denholm  
 K McConkey  
 L Strange  
 D Strautins

**Officers:** Mr P Martin.....Chief Executive Officer  
 Ms H Sarcich.....Deputy CEO / Director Community  
 and Organisational Development  
 Mr F Sullivan .....Director Corporate Services  
 Mr A Trosic .....Director Development Services  
 Mr R Najafzadeh .....Director Infrastructure Services  
 Dr K Parker .....Manager Governance and Strategy  
 Ms M Gibson.....Governance Officer – Council and Committees  
 (Minute Taker)

**Apologies:** Nil.

**Observers:** Members of the Public – 24  
 Staff members – 2



**2. Public question time:**

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

**Ordinary Council Meeting – Monday, 20 September 2021**

Questions asked by **Ms Lisa Brazier** at the Ordinary Council Meeting, 20 September 2021. Correspondence was sent to Ms Brazier on 1 October 2021 (OC21/21463).

Question 1

Has the State Government purchased all land for the Tonkin Highway extension between Thomas and Mundijong Roads?

*Response (Director Development Services)*

*Main Roads has advised the Shire that the majority of land within the Metropolitan Region Scheme (MRS) required for the Tonkin Highway extension between Thomas and Mundijong roads has been purchased and held in government ownership for many years. Concept design development currently underway will inform final land requirements outside the MRS.*

Question 2

Has the Tonkin Highway extension reserve land been transferred from the Department of Planning, Lands and Heritage to the Department of Transport?

*Response (Director Development Services)*

*Main Roads has advised the Shire that all the WAPC land was transferred to the Commissioner of Main Roads on 15 June 2021.*

**2.2 Public questions:**

**Public question time commenced at 7:01pm.**

**Ms Lois Johnston**

On the 17th August 2020 the Shire of Serpentine-Jarrahdale Council endorsed as the preferred site the utilisation of 2 hectares of Lot 6 Wills Place (access Pony Place) Oakford for the construction of a Level 2 Incident Control Centre for the relocation of the Oakford Volunteer bush fire brigade.

Question 1

A Facebook survey was conducted for consultation and public comment regarding the 4 chosen sites. The Shire of Serpentine-Jarrahdale population is approx. 36 500 Feedback was obtained by 53 Shire residents. Which represents 0.14% response.

Does a Facebook survey with 0.14% response address the Shire's policy for Community Engagement and Planning Policy 1.4 and Policy 5.3.4 and provide the robust and transparent consultation as was indicated in the minutes of 17th August 2020?

*Response (Director Development Services)*

*At the May 2020 Ordinary Council Meeting, Council considered a report regarding the Oakford Fire Station Project. That report identified four possible options for a*



*new Oakford Fire Station, and presented to Council an approach in how to assess these options and undertake community engagement in an open and transparent manner for the whole community. In this regard, Council resolved to seek community feedback on all four possible options, as well as establish an advisory group in order to assess the four options according to a multi-criteria analysis framework that was adopted as part of the report. Community engagement on the four potential site options was undertaken via an online survey on the Shire's website, which was further promoted through the Shire's Facebook Page. This was to enable a broad reach to the entire community, noting for example the more than 10,000 follows of the Shire's Facebook page. This community engagement enabled our community to be consulted and provide input to the subsequent consideration of the four options by Council. This occurred at the August 2020 Ordinary Council Meeting. Furthermore, the application to develop the station and associated infrastructure will be subject to a transparent planning process, which will include nearby landowner consultation so that community input can continue to this project.*

### Question 2

At the September 2021 SJ Council meeting I asked, "Did the Shire conduct any environmental impact studies on all sites, including noise, chemical and air pollutants?" The response from the Shire indicated - "the adopted multi criteria pertaining to the planning framework and relationship to surrounding future land uses. This considered compatibility at the strategic level. The application to develop the station and associated infrastructure will be subject to a transparent planning process. This will include aspects such as noise management in order to maintain the rural residential amenity of the area".

This statement suggests that no environmental, traffic or security impact studies have been performed to date.

Please can you explain how a site can be chosen and voted on by the Shire without due diligence and research occurring prior to decision making?

*Response (Director Development Services)*

*The adopted multi criteria analysis framework included criteria pertaining to safe and efficient accessibility and; relationship to surrounding future land uses. This formed part of the assessment of all four options, and Pony Place scored the highest overall. As mentioned, the application to develop the station and associated infrastructure will be subject to a transparent planning process, which will include the detailed considerations regarding operational management, traffic management, noise management and the like. The Shire's Local Planning Scheme prescribes a range of land uses that may be permissible subject to planning approval being obtained. Thus, it is the process of planning approval that addresses detailed issues to ensure the development can be undertaken in an acceptable manner.*

### Question 3

Traffic congestion in the vicinity of Thomas Rd/Nicholson Rd and Pony Place has been an ongoing concern for local residents; the Shire has informed of its intention to realign the roads to mitigate this. Other sites are all situated on thoroughfares with easy access to main arterial roads.



Can the Shire please provide the quantified impact of traffic made by the new facility on all sites considered and the mitigation plan for the chosen site?

*Response (Director Development Services)*

*The adopted multi criteria analysis framework included criteria pertaining to safe and efficient accessibility under all conditions. This included all intersections in proximity of the four options assessed. As mentioned, the application to develop the station and associated infrastructure will be subject to a transparent planning process. This will include a traffic impact assessment to inform how safe access design for the development can occur.*

**Mr Shaye Mack, Byford 6122**

**Question 1**

Over the last weekend I have been out door knocking nearly 400 houses. Of these houses I was able to talk to nearly 40% of the residents. Of those I spoke to 45% of them stated they have NOT received their voting ballots (avg over area surveyed that's 166 ballots). Many expressed an opinion that fraud is rampant in this Shire and with police arrests being made in relation to stealing ballot papers from letterboxes, it is a fair assumption these ballots have also been stolen. This month we also see a disgraced former Councillor being sentenced for fraud committed while serving this electorate, it is understandable people are frustrated and are losing faith in the system. With this in mind, what is this council doing with regards to these ballot thefts and potentially fraudulent election and what, if anything is this Council doing to improve its reputation.

*Response (Manager Governance and Strategy and Chief Executive Officer)*

*Manager Governance and Strategy:*

*The 2021 Local Government Election is being undertaken by the Western Australian Electoral Commission (WAEC) in accordance with the Local Government Act 1995 and Electoral Act 1907.*

*To be eligible to vote, a resident of the Shire must be on the State Electoral Roll in the Shire. Being a resident of the Shire does not automatically confer eligibility to vote.*

*The WAEC has issued 20,370 election packages to eligible Shire electors and over 1.6 million packages to electors for local government elections across the State.*

*Eligible electors requiring a replacement ballot paper for any reason can apply for a replacement ballot paper. As of 12:00pm today, a total of ten replacement election packages had been issued on behalf of the WAEC. Five of these packages were for the North Ward and the remaining packages split between the North West and South Wards. This number of replacement ballot papers approximates the figure of replacement ballot papers at the same time in 2019.*

*As the WAEC has been legally authorised to conduct the election, it would be inappropriate for the Shire to comment further on the matters you have raised or intervene in the legal conduct of the election by the WAEC.*

*Anyone who has concerns regarding the conduct of the election these concerns should be directed to the WAEC and the WA Police. In addition, section 4.80 of the*



*Local Government Act 1995 provides that the Court of Disputed Returns may hear and rule on complaints from any person regarding the validity of an election.*

*Chief Executive Officer:*

*The Shire has done a lot to improve governance of the organisation over the past 4 years. However, if you have any allegations of fraud and corruption by Public Officers, I would encourage you to come and meet with me, or, they can be reported variously to the Corruption and Crime Commission, Public Sector Commission and WA Police depending on the nature of the allegation and the subject of the complaint.*

**Mrs Lee Bond, Box 44, Armadale 6112**

**Question 1**

Is a prosecution going to be lodged against the person who took video of the OCM 20/9/2021, if not, why not, and what action will be taken to make sure this does not occur again?

*Response (Director Corporate Services)*

*To date only an allegation of filming has been submitted with no evidence provided to substantiate the allegation, therefore no prosecution could be contemplated at this time.*

*A prosecution authorised by Council under Clause 18.5 of the Shire's Standing Orders Local Law 2002 would be heard at a Magistrates Court.*

*In considering whether to recommend a prosecution be commenced, Officers take into account any evidence presented, the seriousness of the alleged offence and the associated costs of conducting a prosecution. Given the aforementioned, in this instance Officers have written to the person alleged to have breached the Standing Orders to inform them of the prohibition on filming of Council proceedings.*

**Question 2**

Recent information sent to some people re the clearing of undergrowth within twenty metres from buildings, a ten meter turn around on corners to be conducted by December 2021 needs a concise explanation as this is way too vague and a test has already been won against a Council by a ratepayer for stupidity relating to this type of matter, what is Council going to do to rectify this and when will it be done?

*Response (Director Development Services)*

*The 'clearing of undergrowth within 20m from buildings' relates to the Asset Protection Zone around buildings, which is a requirement of the Australian Standard 3959 Guidelines for Planning in Bushfire Prone Areas. The Shire's website links to separate DFES publications, including a number that talk about Protection Zones around buildings / assets. These give both visual and detailed advice on how to maintain the APZ. Officers will be making this more visually present on the Shire's website to assist our landowners.*

*In terms of the '10m' reference, this relates to the turning radius for firebreaks as they meet corners or bends in a property. This is to ensure the Shire's fleet of firefighting appliances can manoeuvre safely.*



*Officers are currently undertaking updates to the Shire's website to make this information clear for residents. This will be done in the coming week.*

Question 3

When a Councillor breaches the code of conduct who determines that breach?

*Response (Director Corporate Services)*

*Regulation 12 of the Local Government (Model Code of Conduct) Regulations 2021, establishes that Council is to make a finding as to whether the alleged breach has occurred following a formal complaint being received. Regulation 12 goes on to state that if the Council makes a finding that the alleged breach has occurred, it may take no further action or prepare and implement a plan to address the behaviour.*

**The Presiding Member, Councillor Rich called forward Mr Rick Gill to ask his submitted Questions. Mr Gill was not in attendance at the meeting.**

**Mr Don Martin on behalf of Brett Grandin, President of Recreational Trailbike Riders' Association WA Inc.**

Question 1

How is it after an extensive consultation process for the Peel Trails masterplan that determined "Jarrahdale State Forest as the highest priority locally significant location", this has not been a primary focus and consideration in any trails planning?

*Response (Deputy CEO / Director Community and Organisational Development)*

*As outlined in the Jarrahdale Trail Town Business Case consideration has been given to use of the Jarrahdale State Forest for off road trails use. Due to limitations with land use and a lack of support from DBCA the land owner/manager the Business Case does not recommend the development of off road trails at this time. Additionally the Peel Trails Strategy recommendation is to investigate partnerships with private landowners in investigating the potential for development of an Off Road Vehicle Area and DBCA have indicated that they may consider a private lease of DBCA land for off-road purposes should an opportunity arise. The Shire is not in a position to commit to the development of trails on land where the Shire is not the land owner/manager and where there is not support for this from the land owner/manager. However the Business Case does recognise that there may be future options and that a review should be undertaken at a future date to assess the land availability and support from land owners/ managers.*

Question 2

How is it that the clear preferred recreation type from the Peel trails Planning sample group (38.75%) and the second largest Trail User Group in the region and one of the largest Trail Users were not asked to stakeholder meetings? There are a lot of existing Trails in the Area including the Mundal track that do not appear to have been considered. Or is it a case of there was a preconceived outcome that has been progressed no matter that the public consultation process indicated otherwise.

*Response (Deputy CEO / Director Community and Organisational Development)*

*The focus of the Jarrahdale Trail Town Business Case is strongly centred around the development of Equine trails opportunities and the improvement of existing walking, running and mountain biking trails. The Business Case is clear the focus*



*on achieving Trail Town Accreditation is through the development of Equine Trails and that this is the point of difference for Jarrahdale. Any areas or trails being ridden by off road trail bike users in Jarrahdale are not sanctioned off road trail bike trails nor have they been listed in the Peel Trails Strategy. The opportunity to comment was extended to a range of stakeholders through email, public notice and through the Your Say SJ Page. You and I had a lengthy conversation and a submission was received from the Recreation Trailbike Riders Association.*

**Question 3**

Understand that there has been a concern expressed with the aspiration to achieve Trail Town accreditation given the close proximity to Dwellingup and the level of investment in developing Dwellingup and Collie as Trail Towns. There was support for focussing on the development of equine trail opportunities and a recognition of this as a strong point of difference for Jarrahdale, why have motorised trail uses also been considered as a point of difference from these Trail Towns?

*Response (Deputy CEO / Director Community and Organisational Development)*

*The Shire has recognised that Equine is the unique point of difference for the development of Jarrahdale as a Trail Town and this is supported by DBCA and the Department of Local Government Sport and Cultural Industries. The Shire has not considered motorised trail uses as a point of difference as a Trail Town as there are significant limitations with available land use. Throughout the development of the Business Case the Shire has been clear that equine is the point of difference for Jarrahdale. Becoming an accredited trail town is a significant process that involves a high level of resource commitment, it is not possible to meet all trails needs through this process.*

**Mr Ross Miller**

To the Shire President, I would like you to answer this question personally.

At the last meeting you failed to answer my question personally and attempted to hand the question over to the CEO.

The gallery would like to know if there is any corruption happening within the Council among its members.

**Question 1**

What connection do you have:

- a) with the owners of Bolinda Vale; and
- b) the events that are happening there?

*Response (Shire President)*

- a) *They are residents of the district; and*
- b) *Nil.*

**Question 2**

Are you or any other Councillors getting any kickback from Bolinda Vale or the people who run these events?



*Response (Shire President)*

*I have spoken to all 9 Councillors and the answer is no.*

**Public question time concluded at 7:25pm.**

**3. Public statement time:**

**Public statement time commenced at 7:25pm.**

**Ms Therese and Mr Brian Kite, Byford 6122**

We are very strongly against the proposed Early Learning Centre on Lot 15 34 and Lot 16 36 Beenyup Road, Byford, we have lived in Byford for over 40 years and feel it very unfair to be wedged between two Child Care Centres, we already have to endure constant excessive noise from the Child Care Centre on the corner of Mary and Clifton Streets with constant screaming yelling and crying and their carers getting louder and louder to make themselves heard over the noise from the Children. With another 120 Children we will be bombarded from both directions with even more unwanted noise. If the new centre was soundproofed the outside areas cannot be soundproofed, children spend a greater amount of time outside playing. We have no break from the noise from the Child Care Centre on the weekends as they spend many hours using a blower to remove sand from artificial grass and play areas and cleaning the roof. Beenyup road is very congested with traffic sometimes banking back from the lights to past Mary Street and taking up to three changes of traffic lights to get out onto the highway as there is no traffic light filter on this side. Beenyup Road is also a hot spot for hoons and speeders. More traffic in the area is of great concern for the primary school children walking to and from school.

This new Early Learning Centre will devalue our property. Please spare a thought for established residents and shift workers.

**Ms Lois Johnston**

Good evening Councillors, Council staff and members of the public.

In the City of Swan, Bullsbrook residents have been forced to buy bottled water or truck it to their properties for more than five years after tests confirmed their groundwater was contaminated by the toxic chemical contained in firefighting foam used at defence airbase. The toxic chemicals pre and polyfluoroalkyl substances (PFAS) utilised have negatively impacted on properties, land values and livelihoods of the Bulls brook community. Per-and poly-fluoroalkyl substances (PFAS) are chemicals that resist heat, oil, stains and water.

The outcome has been Ending in the Commonwealth government funding the establishment piped water to the town and areas affected.

On the 17th August 2020 the Shire of Serpentine-Jarrahdale Council endorsed as the preferred site the utilisation of 2 hectares of Lot 6 Wills Place (access Pony Place) Oakford for the construction of a Level 2 Incident Control Centre for the relocation of the Oakford Volunteer bush fire brigade. The only utility provided to Pony Place residents is electricity; water is sourced from the Jandakot Mound ground water supply or rainfall.

At the last Council meeting held on the 20th September 2021 I tabled several questions and made a statement for response; during my statement I acknowledged and continue to acknowledge, and value the service to our community of the Oakford Volunteer Bush Brigade and all its volunteers.



The endorsement of the site was based on a report using a Multi Criteria Site Analysis of 4 sites brought to council by a working group. The working group was composed of 3 Shire Councillors; 3 Officers of the Shire and 2 Oakford Bush fire Brigade members. One would question if this quorum has the expertise to decide on environmental, traffic and security matters.

Concern was raised with the meeting regarding the validity of the Multi Criteria Site Analysis performed by the internal working group. Many of the criteria could be considered subjective and results skewed either way. Of concern was the lack of due diligence performed by the shire into the environment, traffic and security impact for each site; along with the lack of expert, impartial and objective analysis.

The Shire responded accordingly as per the official minutes - "the adopted multi criteria pertaining to the planning framework and relationship to surrounding future land uses. This considered compatibility at the strategic level. The application to develop the station and associated infrastructure will be subject to a transparent planning process. This will include aspects such as noise management in order to maintain the rural residential amenity of the area".

This statement suggests that no environmental, traffic or security impact studies have been performed to date. Is it easier to bear the consequence of a decision and remedy it after the fact when people's lives and situations have been impacted; or would it be prudent and transparent of the Shire to support all ratepayers by ensuring all due diligence is standard prior to the decision making process.

Is the Shire aware of the chemicals utilised by the fire brigade? What standards are applicable for storage, use and disposal of these chemicals. What guarantee do residents have that the chemicals utilized by the Fire brigade will not have a long term effect on the Jandakot Mound water source?

In lieu of the concerns raised here tonight I request that the Council have independent experts reassess all the sites for the fire station taking into account the impact to the environment, traffic flow and disruption, noise pollution along with security concerns. We request that Council notifies all residents / business impacted at all the sites and immediate surrounds of the outcome of the requested review; the Shire of Serpentine-Jarrahdale give the community guarantee that no chemicals utilised by the Oakford Bush Fire brigade will impact the Jandakot Mound water supply; share publicly any risk assessments of all sites addressing the above. Commence community engagement to mitigate concerns; involve the immediate community in the site planning to reduce the impact; provide publicly any traffic mitigation strategies, and risk mitigation plans.

I would like to thank Shire for this opportunity to raise these concerns and hope that it is given the consideration deserved.

**Ms Michelle Wilson, Serpentine 6125**

Good evening and thank you for this opportunity to share my request. My name is Michelle Wilson and I am an enthusiastic parent and a committee member of the growing Serpentine Playgroup based in the Child Health building in Serpentine. We are grateful to the Shire for the use of this space for our group and find the facilities perfect. However, we have a safety concern with the verandah on the south and west side of the building. The verandah is 640mm from ground level at its highest and, with no physical barriers present, is a significant risk for injury if a child is to fall over the edge. At this stage it is only luck that has stopped injury from occurring after having children fall off the verandah. On 18 March



2021, we contacted the Shire with our concern and requested for a fence to be installed and was told that the building complied with building regulations, so no fencing was required. However, we feel that although it may comply with building regulation, it is quite unsafe for the children and for any person who may be standing on the verandah and inadvertently fall off as the edge of the verandah is not marked. The Shire estimated the cost of a fence would be approximately \$2000.

We respectfully ask that a small barrier be installed that won't take away from the aesthetics of the facility but that will increase the safety of the Playgroup children and other users of the facility.

I hope you view my request favourably.

**The Presiding Member, Councillor Rich called forward Mr Kirk McLachlan to present his submitted Public Statement. Mr McLachlan was not in attendance at the meeting.**

**The Presiding Member, Councillor Rich called forward Mr Norm Jackson to present his submitted Public Statement. Mr Jackson was not in attendance at the meeting.**

**Ms Julie Baker and Mr Damian Ellis, Oakford 6121**

We would like to present this letter for consideration and presentation.

I would like to open by stating that we reside at 16 Angus Close Oakford, numbers 15 and 16 share driveways and fence lines in the cul-de-sac of Angus Close Oakford.

I have owned 16 Angus Close for >22 years, as recently as today I was notified of a disturbing allegation made upon the owners of 15 Angus Close Oakford. I would like to take the time to address the below points to this proposal:

- Increased traffic flow
- Noise
- Lights on at night (arena lights)
- Large quantity of people on property
- Dust

**Increased traffic flow**

As my family live on the street and utilize the same cul-de-sac for our driveways, I strongly disagree with any the comments around increased traffic flow. All traffic is managed within the property and with no impact on the access of the cul-de-sac. As for how often this occurs, I cannot account as the management of any activities at 15 Angus Close is barely noticeable.

**Noise**

Noise, I would have to turn my hearing add up (if I had one) to hear anything. There is no noise pollution form this property that we are aware of. We reside on the downward side of any prevailing wind and find any noise to be more than acceptable. We have found motorbike activity from other properties and bridal paths more of a noise pollution issue in this area.



Lights on at night (arena lights)

If lights were of any concern, we would have noticed them. As a direct neighbour to 15 Angus Close there has not been an occasion where the lights have affected any areas outside of the immediate riding area.

Large quantity of people on property

In relation to large quantities of people on the property- I do not believe any more people are present than what would be a normal family / friend event. Everyone is always quiet and respectful and scarcely noticeable.

Dust

Again, we share the boundary of 15 Angus close and reside on the downward side of any prevailing wind and find no issues around dust levels even when someone is riding no dust carries over to my property. We find motorbike activities from other properties create more dust than what can be seen from 15 Angus Close.

Furthermore, we strongly recommend the approval of this submission. As a resident of Angus Close, we appreciate, and support any improvements that add value to the appearance of properties as what has occurred at 15 Angus Close.

We also support activities that are inclusive of which only helps to enhance our Serpentine Jarrahdale community.

**Mrs Lee Bond, Box 44, Armadale 6112**

Is it the responsibility of Councillors to investigate matters where submissions go against an application to Council for whatever reason or do you just come in and vote without any consideration for either party? How many of you have voted on matters when you have not had time to read the item let alone understand and be able to make an honest assessment on them. One such matter appears on tonight's Agenda and who honestly here can say they know the truth; I know you have been deceived on more than one matter involving the same complainant. You have permitted people to make defamatory statements about others and it is the responsibility of the President or CEO to make sure that does not occur. One of my statements was censored some time ago with no valid reason for doing so and yet an OCM recently allowed untruthful statements to be made about others without evidence. I suggest Councillors you do your homework properly.

**The Presiding Member, Councillor Rich called forward Mr Rick Gill to present his submitted Public Statement. Mr Gill was not in attendance at the meeting.**

**Mr Don Martin on behalf of Brett Grandin, President of Recreational Trailbike Riders' Association WA Inc.**

Thank you for your previous correspondence around Trailbikes and Trailriding in Western Australia. RTRA members have again contacted us expressing concerns about the lack of safe, legal Recreational Trailbike Riding opportunities in WA, and in particular the Planning and Consultation process that has been carried out around Western Australian Trails and planning.

Failing to Plan is planning to Fail.

It is perfectly legal to ride a registered trailbike in State Forest and on open public roads including those in Forest, National Parks and drinking Water Catchments. RTRA submission to the Shire of Serpentine Jarrahdale was specifically aimed along the same



lines as the Peel trails Plan assessment which looked at “Noting assessment was made for trailbike riding on public roads and gazetted roads only”.

It should also be noted that State Forest is not owned by DBCA as suggested in the Jarrahdale Trail Town business Case it is owned by the people of Western Australia and State Forest is under legislation for “Including its use for the purposes of Recreation and tourism, conservation, timber production, mining leases and licenses, fishing etc”. It is sad indictment of Government that policy is being determined as noted in the Jarrahdale Business Case by “a significant shortage of both staff and financial resources” when the current government is predicting a budget surplus of 2.8 billion dollars this year and 5.6 billion under the current government.

Could the Shire of Serpentine Jarrahdale Council please clarify where in the Peel Regional trails Strategy the statement “DBCA recognise that there may be merit in a private lease arrangement for DBCA land for the operations of a private safe and secure off road bike and 4wd facility” is? We understand that may be their position, but we could not find that recommendation in the Peel Regional Trails Strategy. To suggest so if it is not in that document is not factually correct and potentially very misleading to both council and other readers.

With regards to the Off-road Vehicle committee this has been in existence for quite some time, and this committee has existed prior to 2020 which is contrary to what is suggested in the Shire of Serpentine Jarrahdale’s Business Case. The reputation of this committee is that it doesn’t do anything aside from increase fees and charges and to date it has been living up to its reputation.

Bike sales are currently in excess of 10,000 units per year in Western Australia. This has been suppressed by supply issues, but strong growth figures are expected to continue. This includes both dirt bikes (Off-road Vehicles) and Trailbikes (Registered Vehicles), and there are several manufacturers that are not represented in these figures so would expect sales would be between 12-15,000 units per year <https://www.fc.ai.com.au/news/index/view/news/723>. We cannot stress this enough that these numbers are just a drop in the ocean compared to what is coming with the Electric Bike market. This is the largest growth area in Trails and expect will be the largest user group very shortly. Currently, if you are under 16 it is not lawful to use an E-bike on public roads (Regulation 228 *Road Traffic Code 2000*) or DBCA land or estate; *Conservation and Land Management Regulations 2002* (Regulation 54) “Traffic laws apply”. The under 16 cohort is often the target market for these kinds of things, and it seems most unusual that these are being excluded from the planning process.

The exclusion of Motorised Trails in WA appears to be in contradiction to the strategic intent of the Western Australian Trails Blueprint as well as WALGA document Off-road Vehicles and Local Government and results in huge parts of the state being excluded by omission. It also seems to be discriminatory or “Trailist”.

After contacting the Shire of Serpentine Jarrahdale about some funding for master planning in the “South Metro and Peel” they advised that The Regional Peel Trails Master planning Process was underway. This identified that Trailbikes were the second largest Trail user group in the Region and there is currently not one sanctioned Trail in Peel, or South West WA for that matter. Trail Bike riding was a clear preferred recreation type from the sample group (38.75%).



The WA4wd association's Mundal track extends through this area, is well established, well utilised and should be considered in any Trails planning as a key tourism driver? This existing trail is all within publicly accessible realm and doesn't really cost anything as it's all there. It is well established, well utilised, Has an absolutely enormous and massive user group and this existing trail brings loads of tourism and economic development to the shire.

Users are licensed, registered and insured and are paying for road maintenance and infrastructure through fuel taxes, licences and registration fees. This existing trail is well documented in other Trails Planning documents such as the Shire of Collies which is available here: <https://www.collie.wa.gov.au/wp-content/uploads/2020/03/Collie-River-Valley-Trails-Strategy-2018-%E2%80%93-2021.pdf>

Seems most unusual that this not consider this as due diligence in any planning. Shire of Serpentine Jarrahdale have had discussions and dialogue on this some of which is below

Further information is available on the WA4wd association website here: <https://www.wa4wda.com.au/services/>

After an Extensive consultation process with all the relevant stakeholders this planning process identified - "Noting assessment was made for trail bike riding on public roads and gazetted roads only, the MCA results indicated there is potential for Dwellingup area to be developed as a regionally significant trailbike location (refer to figure 44). Dwellingup captures Lane Poole Reserve in its development zone creating potential for a regionally significant trailbike location. The terrain and proximity of a number of public roads and gazetted roads within parks means this location has the highest potential for trailbike trails within the Peel Region. The MCA process identified Jarrahdale State Forest and Myalup State Forest as the highest priority locally significant locations."

In light of this we strongly urge Council to support Option 2:

That Council:

1. DOES NOT ENDORSE the Jarrahdale Trail Town Business Case as contained in attachment 2; and
2. REQUESTS the Chief Executive Officer undertake further community consultation and provide a revised Jarrahdale Trail Town Business Case as soon as practicable.

**Public statement time concluded at 7:43pm.**

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

Nil.

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

Good evening, and welcome to the Ordinary Council Meeting for October 2021.

I would like to begin tonight by paying tribute to long-standing Serpentine Jarrahdale resident Joan Gardner, who sadly passed away recently.

Having lived in Mundijong for many years before more recently relocating to Byford, Joan was a tireless volunteer and active community member in SJ.

Her eagerness to be involved in the community led her to becoming part of many of our local groups. Over the years she spent time as a member of the SJ Lions Club, Serpentine Tractor Museum, Mardella Ladies and the Mundijong Arts and Crafts Group.



Joan was also part of the Shire's Australia Day committee for many years, and was awarded the Clem Kentish Community Service Award in 2019.

Her impact in Serpentine Jarrahdale was significant and Joan leaves a wonderful legacy of community work behind her. Our thoughts are with her friends and family at this time.

I would also like to pass on my condolences to the family and friends of Eugene Winmar and Boyce Lording, both long term Jarrahdale residents, who also recently passed away.

Moving on, it was wonderful to see so many people attend and support the Jarrahdale Log Chop and SJ Lions Club Country Fair earlier this month.

It was great to join some of my fellow Councillors and Shire staff in chatting with local residents and visitors who stopped by our marquee at the event.

The Shire is proud to be a sponsor of the event and on behalf of the Shire I would like to congratulate the Serpentine Jarrahdale Lions Club and the Central Districts Axemen's Association on delivering such a successful community event.

I was pleased to attend Landcare SJ's 2021 AGM last Wednesday night, which provided the Board, staff and volunteers an opportunity to celebrate their achievements over the past 12 months.

It's extremely encouraging to see so many of our residents passionate about protecting their environment, and the it was great to learn about the progress Landcare SJ has made over the past 12 months.

Since my last address I was also able to meet with the Peel Harvey Biosecurity Group, the Peel Trails Committee and our Equine Advisory Group.

These groups continue to carry out important work and advocacy in our region and it's always great to understand how we can partner together to achieve positive outcomes for our community in their respective areas of focus.

Tonight I would also like to touch on the importance of Mental Health Week, which kicked off on Saturday and will continue through to this weekend.

There are several events being held in the Shire to mark the occasion, including wellness and guest speaker sessions. More information on these events can be found in the What's On section of the Shire's website.

Finally, I would like to acknowledge that this will be this Council's final meeting before the Local Government Elections this Saturday.

This Council formed with 3 new elected members as well as a new CEO in October 2019, and I am sure none of us could have expected the challenges that we would be presented with some 6 months later.

As I reflect on our achievements over the past two years, in particular the past 18 months and navigating our way through COVID-19, I am extremely proud of our collective achievements in supporting our community, keeping each other safe while still delivering our projects, services and programs.

As I complete my second term as Shire President, I would also like to thank my fellow Councillors for your support – It has been a privilege and an honour to lead our Council and community over the past four years.



## Ordinary Council Meeting Minutes Monday, 11 October 2021

To our CEO Paul Martin and all Shire staff, on behalf of this Council, I would like to thank you all for your commitment to our community and the resilience you have all demonstrated over the past 2 years.

Finally I would like to thank Councillor McConkey for her contribution to the Council and our Community over the past four years, during which time the Shire has undertaken a transformational change in many areas. We wish her well in her future endeavours.

To all candidates contesting this Saturday's election, thank you for putting yourself forward to represent our community and I wish you all well.

As always, my full calendar can be viewed on the following pages:

20 <sup>th</sup> September 2021	WALGA Heads of State Breakfast	Perth
	WALGA Annual General Meeting	Perth
	Ordinary Council Meeting	Civic Centre
21 <sup>st</sup> September 2021	WALGA Annual Conference	Perth
22 <sup>nd</sup> September 2021	Regional Roads Group Chairs Meeting	Teleconference
	Meeting with Hon Minister Paul Fletcher	Teleconference
	Weekly Meeting with CEO	Shire Offices
	Peel Harvey Biosecurity Group Committee Meeting	Teleconference
23 <sup>rd</sup> September 2021	Peel Trails Committee Meeting	Shire Offices
28 <sup>th</sup> September 2021	Meeting with Senator Colbeck and Andrew Hastie	Mandurah
30 <sup>th</sup> September 2021	State of Business Breakfast	Byford
	Equine Advisory Group Meeting	Shire Offices
3 <sup>rd</sup> October 2021	SJ Lions Log Chop	Jarrahdale
4 <sup>th</sup> October 2021	Q&A Agenda Briefing	Civic Chambers
7 <sup>th</sup> October 2021	Weekly Meeting with CEO	Shire Offices

**Shire President, Councillor Rich presented Councillor McConkey with a Certificate of Service as a retiring Councillor. Councillor McConkey accepted the Certificate and made the following statement:**

*“Being elected to represent the South Ward community was an incredible honour, it’s a position that I have held in the highest regard and one that I have never taken lightly, which is why it is with equal measures of sadness and gratitude that I have decided not to contest the 2021 Council election.*

*When I campaigned for my seat in 2017 it was to contribute to shaping the growing Serpentine Jarrahdale region that I grew up in and have chosen to raise my family in. It was my intention to re stand again, however my husband and I have recently purchased property in Serpentine and will be about to commence building our forever home. In doing so, this requires us to temporarily move out of the area for at least 18 months and therefore I do not feel I can serve the South Ward residents*



*with the presence that they deserve, although we will still remain connected to the community through our children's schooling and local sporting clubs.*

*I am proud of the body of work that this Council has achieved to support the hypergrowth of our region, including the delivery of an Integrated Planning Framework, the rejuvenation of the Watkins Road Waste Transfer Station and the development of Town Planning Scheme No.3. As chair of the Mundijong Community Association I am also proud of our achievements to celebrate Mundijong's heritage significance with the 125 year celebration in 2018 and more recently our 2020 Halloween Scavenger Hunt that saw over 200 locals reconnect after the impacts of COVID-19.*

*Thank you to the Serpentine Jarrahdale community for their ongoing support and especially those who put their faith in me to assist them with their local issues. I would also like to acknowledge and thank past and present CEO's, Directors, and my fellow Councillors".*

## **6. Declaration of Councillors and Officer's interest:**

Councillor Atwell has declared a Financial interest in item 10.1.7 - Adoption of the annual revision of the West Mundijong Industrial Development Contribution Plan Report DCP3, as Councillor Atwell is part owner of property in West Mundijong Industrial Area. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor Atwell has declared an Impartiality interest in item 10.2.5 - Award Request for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant, as Councillor Atwell has advocated for this project since its inception.

Shire President, Councillor Rich has declared an Impartiality interest in item 10.2.5 - Award Request for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant, as Councillor Rich is a long term supporter of Keirnan Park Precinct projects.

Councillor Denholm has declared an Impartiality interest in item 10.2.5 - Award Request for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant, as Councillor Denholm is a long term supporter of Keirnan Park Precinct.

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

### **7.1 Ordinary Council Meeting – 20 September 2021**

OCM266/10/21

#### **COUNCIL RESOLUTION**

**Moved Cr Byas, seconded Cr Strange**

**That the minutes of the Ordinary Council Meeting held on 20 September 2021 be CONFIRMED (E21/11107).**

**CARRIED UNANIMOUSLY 9/0**

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

Nil.

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

<b>9.1 - Notice of Motion – Serpentine Jarrahdale Community Recreation Centre (SJ994-2)</b>	
<b>Councillor</b>	Councillor Dagostino
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Notice of Motion**

A Notice of Motion was received from Councillor Dagostino via email on Monday, 4 October 2021.

The Notice of Motion is "That Council:

1. REQUESTS that the Chief Executive Officer investigate options for leasing arrangements of the Serpentine Jarrahdale Community Recreation Centre with the following conditions:
  - a. A nominal or rent free basis in return for the tenant contractually committing to undertaking for the period of the lease and any extension of lease, the Planned Preventative Maintenance, Asset Lifecycle Renewals and Proposed Capital Works (excluding any capital works currently outlined in the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025) as outlined in the Serpentine Jarrahdale Community Recreation Centre- Building Condition Audit and Lifecycle Costing Report, received by Council at its Ordinary Council Meeting held 20 September 2021; and
2. PROVIDES a report detailing the outcomes of these investigations for Council's consideration at the Ordinary Council Meeting to be held 15 November 2021."

**Officer Comment**

At its September 2021 Ordinary Council Meeting, a report was presented to Council to consider matters relating to the Serpentine Jarrahdale Community Recreation Centre including operational management models, services and asset management.

Three options were presented regarding operational management models for the Centre:

1. Contract Management (current model)
2. In-house Management
3. Lease Management

An extract of Council's September 2021 decision relating to the Serpentine Jarrahdale Community Recreation Centre (OCM263/09/21) is provided below:

6. *REQUESTS the Chief Executive Officer commence a tender process in December 2021 for the external Management and Operation of the Serpentine Jarrahdale Community Recreation Centre, with key terms to address the following:*
  - a. *5 Year term with a 3 year option;*
  - b. *All maintenance to be undertaken by the Shire;*
  - c. *Respondent to outline approach for management of all internal/loose equipment (including servicing) within the submission and for the term of the contract;*



- d. *Signage on the Serpentine Jarrahdale Community Recreation Centre to be at Respondents cost, co branded and approved by Shire;*
- e. *Tender documents to address recommendations within the Review that will improve future contract arrangements and community outcomes.*
- f. *Maintaining key operational arrangements, including Local Emergency Management requirements.*

If Council supports the Notice of Motion, Shire Officers propose to carry out the following activities:

- Contact commercial real estate agents and businesses to ascertain any interest in the market for potential tenancy in line with the stipulated conditions of the Notice of Motion (fees may be applicable to obtain information/feedback from commercial real estate agents).
- Ascertain services that potential/interested tenants would deliver, in order for Council to consider community impact in the event a lease management option was considered for the Centre (gym services, childcare, venue/court hire etc).
- Prepare a report for November OCM outlining outcome of the investigations above.

The above activities will be in addition to work currently underway for the tender process, due to commence in December 2021 (per the September Council resolution).

Carrying out work related to this Notice of Motion may delay commencement of work related to the development of the Shire's Reconciliation Action Plan, contained within the Shire's Corporate Business Plan, in order for Officers to meet the November report timeline.

**Voting Requirements:** Simple Majority

Councillor Recommendation

That Council:

1. REQUESTS that the Chief Executive Officer investigate options for leasing arrangements of the Serpentine Jarrahdale Community Recreation Centre with the following conditions:
  - a. A nominal or rent free basis in return for the tenant contractually committing to undertaking for the period of the lease and any extension of lease, the Planned Preventative Maintenance, Asset Lifecycle Renewals and Proposed Capital Works (excluding any capital works currently outlined in the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025 as outlined in the Serpentine Jarrahdale Community Recreation Centre- Building Condition Audit and Lifecycle Costing Report, received by Council at its Ordinary Council Meeting held 20 September 2021; and
2. PROVIDES a report detailing the outcomes of these investigations for Council's consideration at the Ordinary Council Meeting to be held 15 November 2021.



Alternative Officer Recommendation

That Council:

1. REQUESTS that the Chief Executive Officer investigate options for leasing arrangements of the Serpentine Jarrahdale Community Recreation Centre with the following conditions:
  - a. A nominal or rent free basis in return for the tenant contractually committing to undertaking for the period of the lease and any extension of lease, the Planned Preventative Maintenance, Asset Lifecycle Renewals and Proposed Capital Works (excluding any capital works currently outlined in the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025 as outlined in the Serpentine Jarrahdale Community Recreation Centre- Building Condition Audit and Lifecycle Costing Report, received by Council at its Ordinary Council Meeting held 20 September 2021; and
2. PROVIDES a report detailing the outcomes of these investigations for Council's consideration at the Ordinary Council Meeting to be held 15 November 2021.
3. NOTES that the activity may result in a delay in the development of the Shire's Reconciliation Action Plan contained within the Shire's Corporate Business Plan.

**OCM267/10/21**

**COUNCIL RESOLUTION / Councillor Recommendation**

**Moved Cr Dagostino, seconded Cr Coales**

**That Council:**

1. **REQUESTS that the Chief Executive Officer investigate options for leasing arrangements of the Serpentine Jarrahdale Community Recreation Centre with the following conditions:**
  - a. **A nominal or rent free basis in return for the tenant contractually committing to undertaking for the period of the lease and any extension of lease, the Planned Preventative Maintenance, Asset Lifecycle Renewals and Proposed Capital Works (excluding any capital works currently outlined in the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025 as outlined in the Serpentine Jarrahdale Community Recreation Centre- Building Condition Audit and Lifecycle Costing Report, received by Council at its Ordinary Council Meeting held 20 September 2021; and**
2. **PROVIDES a report detailing the outcomes of these investigations for Council's consideration at the Ordinary Council Meeting to be held 15 November 2021.**

**CARRIED 5/4**

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

*Councillors Coales, Dagostino, Denholm, McConkey, Strautins voted FOR the motion.  
Councillors Rich, Atwell, Byas, Strange voted AGAINST the motion.*



## 10. Chief Executive Officer reports:

### 10.1 Development Services reports

<b>10.1.1 – Proposed Child-Minding Centre – Lot 15 and Lot 16 Beenyup Road, Byford (PA21/646)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Rowe Group
Owner:	Liem Thanh Bui, Rose Marie Nguyen & Luke Broere
Date of Receipt:	14 July 2021
Lot Area:	2591.93m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

#### Report Purpose

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) prepared for the development application for the construction of a single storey building for use as a 'Child Minding Centre' on Lots 15 and 16 Beenyup Road, Byford. The proposal involves the demolition of the existing structures onsite and the construction of a new 'Child Minding Centre' across the two lots. It is proposed to amalgamate the parcels should development approval be secured.

The applicant has opted in for the Metro Outer Development Assessment Panel (MODAP) to determine the application. The MODAP will replace Council as the decision-making authority for the application in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011. The report is presented to Council as Officers do not have delegated authority to make a RAR direct to the MODAP. The report is also presented on the basis of objections being received.

The RAR, as contained in **attachment 1** recommends that the application be REFUSED subject to the reasons outlined in the report. Officers consider that the proposal, in its current scale, will adversely impact upon the existing and intended future amenity of neighbouring properties and the general locality, and is incompatible for this reason.



## Relevant Previous Decisions of Council

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

## Background

### Existing Development

The subject site comprises of two land parcels with a total area of 2591.93m<sup>2</sup> located within the 'Byford Old Quarter'. The site is bound by Beenyup Road to the south, Amy Street to the east and by unconstructed Corbel Lane to the north. Lot 15 to the west is developed with residential single dwelling and outbuilding, Lot 16 to the east is vacant.

The general locality predominantly comprises of modest residential dwellings constructed of face brick with tile or corrugated iron roofing. There is an existing 'Child Minding Centre' and Primary School both located approximately 100m to the north as shown in Figure 1 below. The locality also comprises of new in fill residential development. The site is nestled within the Byford Old Quarter, at a mid point between the Darling Scarp to the east and South Western Highway to the west.



Figure1: Aerial Photo

### Proposed Development

The proposal seeks approval to construct a single storey building, purpose built 'Child Minding Centre' on Lot 15 and Lot 16 Beenyup, Byford. The proposed building would be constructed of concrete panels with timber aluminium look cladding and colourbond roof. Vehicle access to the site is proposed via a new crossover to the north eastern boundary of the subject site off Amy Street.



Figure 2: Site Plan

The applicant provided information that the centre will accommodate up to 120 children falling within the following age groups:

- 24 babies (less than 24 months old);
- 30 toddlers (24 – 26 months old); and
- 66 kindergarten age children (greater than 36 months old).

Specifically, the proposal comprises of the following:

- Demolition of the existing single dwelling and all structures on Lot 15;
- Construction of a 'Child Minding Centre' building with a floor area of 800m<sup>2</sup> across Lot 15 and Lot 16;
- Building comprising of five activity rooms/playrooms, kitchen, staff room, reception, foyer, meeting rooms, prep rooms, amenity rooms, sleeping room, laundry, amenities, café seating area;
- Construction of a car park with 31 car parking bays comprising of 12 spaces for pick-up and drop-off, 19 staff car parking spaces including one (1) universal access bay, a shared space vehicle;
- Construction of two new crossovers from Amy Street to provide access to the car parking area and Corbel Lane way;
- Widening, construction and upgrading of the Corbel Lane way abutting to the development to the Shire standard, constructed and drained at the full cost of the applicant;
- Construction of solid fence (up to 2 metres) along the western boundary;
- Operation hours of the centre proposed from 6:30am to 6:30pm, Monday to Saturday;
- Employment of up to 19 full-time staff members on-site at any one time;



- Construction of outdoor play areas with a total area of 846m<sup>2</sup> provided to the north western, south western and south portions of the subject site as shown in Figure 2 above;
- Building setback 5.02m from the primary street and 1.5m from the eastern boundary;
- The proposed development incorporating landscaping within the subject site.

Full details of the proposal are contained within **attachment 2**.

### Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 21 July 2021 to 11 August 2021 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. In addition, a notice of the development proposal on a sign was placed on site for the same period.

At the conclusion of the consultation, 11 submissions consisting of seven objections, two letters of concern and two letters of support were received. The objections and concerns relate to the following issues, which are discussed in the relevant headings of the report and form part of the Officer assessment:

- Potential noise from the 'Child Minding Centre';
- Potential noise impacts due to increased traffic movements on the road network;
- Suitability of the subject site to accommodate up to 120 children;
- Sufficient Child-Minding Centres in the locality to cater the need;
- Insufficient parking;
- Upgrading of Corbel laneway and signage.

In response to objections received during the consultation period, particularly with noise concerns, the applicant provided an amended site plan and elevations. These plans were subsequently re-advertised for a period of 14 days from 26 August 2021 to 11 September 2021. The initial site plan and amended design, subject to this application, is shown in Figure 3 below.

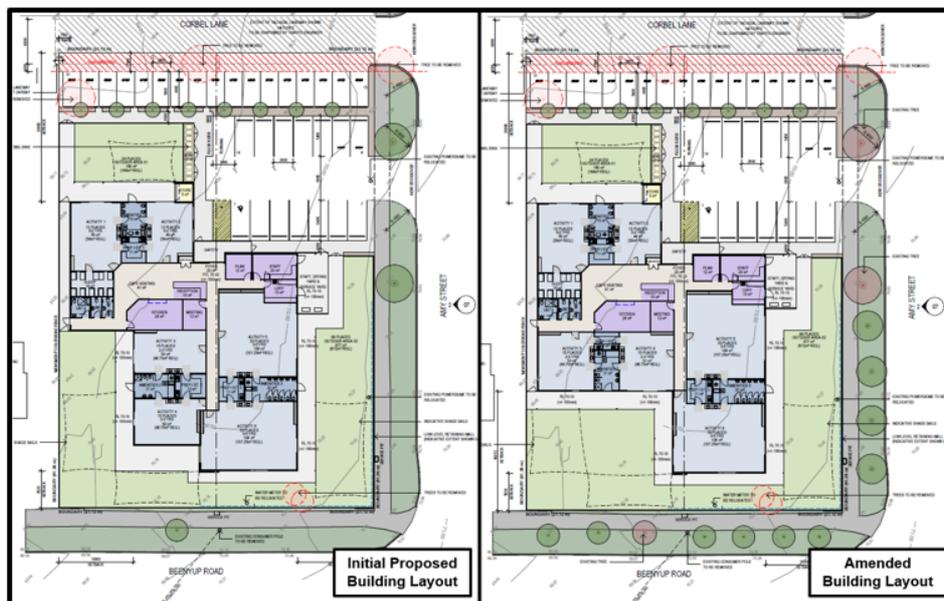


Figure 3 Site Plans



The amended layout shows the relocation and reorientation of two outdoor play space areas abutting the western neighbouring property being Activity Rooms No. 3 and 4. The applicant provided information that the rationale to move child play areas was to minimise the extent of the outdoor play space that abuts the western lot boundary and potentially noise impact on the amenity of the neighbouring property. Activity Rooms No. 3 and 4 were to be reoriented to face Beenyup Road.

As seen in the table below, the breakdown of internal areas for the various activity areas remained the same except for a small increase of floor area for activity rooms and slight reduction of planning room.

<b>Areas</b>	<b>Initial Layout</b>	<b>Amended Lay out</b>
Activity Rooms (1-6)	415m <sup>2</sup>	419 m <sup>2</sup>
Outdoor Areas	846m <sup>2</sup>	846 m <sup>2</sup>
Kitchen	28m <sup>2</sup>	28 m <sup>2</sup>
Reception area and Foyer	30m <sup>2</sup>	30 m <sup>2</sup>
Meeting and planning	24m <sup>2</sup>	23 m <sup>2</sup>
Laundry	13m <sup>2</sup>	13 m <sup>2</sup>
Amenities and Prep rooms	89m <sup>2</sup>	89m <sup>2</sup>
Sleeping Room	18m <sup>2</sup>	18 m <sup>2</sup>
Café Seating	41m <sup>2</sup>	41 m <sup>2</sup>
Staff Room	20m <sup>2</sup>	20 m <sup>2</sup>
Other Amenities	15m <sup>2</sup>	15 m <sup>2</sup>
Bin Area and Store	15m <sup>2</sup>	15 m <sup>2</sup>

The applicant has also provided amended elevations plans which be viewed and discussed in the built form section of the report.

At the conclusion of the second round of advertising, six submissions consisting of five objections and a submission from the Department of Education were received. The objections and concerns relate to the following issues:

- Potential noise from the 'Child Minding Centre';
- Increase of traffic movements during the peak periods within the locality;
- Safety concerns due to traffic congestion from the proposal and from the primary school;
- Insufficient parking to cater for additional staff;
- Increase of Child Minding Centres within the locality.

### **Consultation with other Agencies or Consultants**

#### Department of Education (DoE)

The application was referred to the Department of Education who provided no in principle objections to the proposed Child Care Premises, subject to the following matters being given due consideration.



### Land Use

*The proposed Child Care Premises is considered acceptable in principle as the siting of such a use within close proximity of a primary school is consistent with the State Government's EduCare commitment. The EduCare commitment seeks to provide more child care, before and after school and holiday care within close proximity of each new public primary school site. Whilst Byford Primary School is an existing school, the benefits associated with locating child care premises adjacent to existing school sites is consistent with the intent and objectives of the EduCare commitment.*

*Notwithstanding this, there is an existing Child Care Premises at No. 27 Clifton Street and a separate application has been submitted for a potential third Child Care Premises within the area (at nos. 13-15 Beenyup Road). It will be the responsibility of the Shire of Serpentine Jarrahdale (Shire) and the JDAP to consider whether the number of Child Care Premises within the area would be consistent with the intent and objectives of the Shire's Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3 (LPS3).*

### Traffic Impact Statement

*The Department notes that at peak drop-off/pick-up times, primary schools generate a significant number of vehicular movements in and around the sites. It is therefore critical to ensure that any development within close proximity of a school does not compromise the ability for staff, students and parents to safely and efficiently access the site.*

*In this instance, the Traffic Impact Statement fails to provide any detailed commentary on the impacts on the Local Access Streets surrounding the application site and the Byford Primary School site. The proposal has therefore failed to demonstrate that the local street network will be able to adequately accommodate for the projected increase in vehicular movements generated by the proposed Child Care Premises.*

*To address these concerns, the Department requests that additional information is provided prior to a determination being made on the application. The additional information should demonstrate that traffic generated by the proposal will not result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times. It should also consider the traffic generated from the Primary School, as well as the existing and proposed additional Child Care Premises at Nos. 13-15 Beenyup Road.*

### Car Parking and Access

*The Applicant's report indicates that the number of car parking bays provided complies with the requirements of draft LPS3. However, the report advises that the Child Care Premises will operate with a minimum of 19 staff on site at any given time, whereas the car parking ratio of draft LPS3 requires one bay per staff member for the maximum number of employees on the premises at any given time.*

*It would therefore appear that the proposal does not comply with LPS3 if more than 19 staff members are likely to be on site at any given time. The Department would not be supportive of the proposal relying on the on and off-street car parking embayments associated with the school site being used to accommodate for overflow car parking generated by the Child Care Premises. The Department would therefore request that a condition of approval be imposed which would either:*

- Require the requisite number of car parking bays to be provided on site and/or the maximum number of children on site at any given time being reduced; or*



- *Require a car parking management plan being submitted and implemented prior to the initial occupation of the development. A car parking management plan should ensure that the proposed number of bays are appropriately managed so as to not have a reliance on the school's on and off-site car parking bays.*

#### Waste Management

*The Waste Management Plan submitted in support of the proposal indicates that waste and recycling bins will be moved by staff to the Amy Street verge and collected twice per week (four collections in total). Whilst the Department has no in principle objections to this, it is requested that a condition of approval is imposed which would require collections to occur outside of the Byford Primary School's peak drop-off /pick-up times to ensure that there is no conflict between vehicles accessing the school site and waste collection vehicles.*

#### Construction Management

*Due to the application site's close proximity to Byford Primary School, it is important the school is not burdened by the impacts associated with construction works. Therefore, it is requested that a condition of approval is imposed which would require a Construction Management Plan to be submitted prior to any works being undertaken on site. The Construction Management Plan should address the following matters:*

- *Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays surrounding the Byford Primary School site during peak drop-off/pick-up times.*
- *How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Byford Primary School.*

#### Officer Comment

Officers have addressed the submission from DoE within the body of the report.

A summary of the submissions for both advertising periods including Officers comments on the objections can be viewed in **attachment 3**.

### **Statutory Environment**

#### Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997;*
- *Planning and Development (Development Assessment Panel) Regulations 2011;*
- *Metropolitan Region Scheme.*

#### Local Planning Framework

- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2;*
- *Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;*
- *Shire of Serpentine Jarrahdale Local Planning Strategy.*

#### State Government Policies

- *South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;*



- Planning Bulletin 72/2009 – Child Care Centres;
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances.

#### Local Planning Policies

- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4);
- Local Planning Policy 1.6 – Public Art for Major Developments (LPP1.6);
- Local Planning Policy 2.4 – Water Sensitive Design (LPP2.4);
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP 4.15);
- Local Planning Policy 4.16 – Landscape and Vegetation Policy (LPP4.16);
- Local Planning Policy 4.18 – Street Tree Policy (LPP4.18).

#### **Planning Assessment**

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

#### Town Planning Scheme No. 2

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objectives of the 'Urban Development' zone, as "*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*". This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The subject site is identified as 'Residential' within the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Local Development Plan (LDP) which provide the relevant land use permissibility and indicative land use designation applicable to the site. The proposed land use can be considered within the designation within the Structure Plan and Local Development Plan.

Both documents refer to the subject site falling within the 'Byford Old Quarter' and for development to be sympathetic to the existing rural character and pattern of development within the area. The BDSP states as follows:

*"The area east of South Western Highway and north of Beenyup Road is referred to as the Byford Old Quarter' or Blytheswood Park, being the original estate concept for Byford influenced by the garden city movement. The area includes traditional larger lots and is contained by a green belt. The spatial development pattern is still relevant as this presents a desirable alternative to urban sprawl. This area is also the historical development approach for Byford that should be celebrated as part of the Shire's heritage."*

The relevant objective of the LDP relating to development within the area states:

*"To minimise the impact of subdivision and development on the existing character, natural environment and amenity of the area"*

In this regard, Officers consider that that the proposal, in its current scale and intensity, is likely to impact upon the existing amenity of the area and is incompatible with the expected form of development of the abovementioned documents. The addition of new development to the Byford Old Quarter, while inevitable over time, should reflect a pattern, scale, layout and intensity that is consistent with the character intended to be preserved. The quintessential pattern of low density,



consistently fronted and modestly developed lots of the Old Quarter, is a perceivable aspect of the character that will be changed should this development be approved. This change is considered to detract from the prevailing and intended future character for the Byford Old Quarter.

### Land Use

The proposal falls within the TPS2 definition of 'Child Minding Centre', which is defined as follows:

*"Child Care Centre – means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended) but does not include a family care centre as defined by those regulations, or an institutional home".*

The 'Child-Minding Centre' land use is a 'SA' land use in the 'Residential' zone which means *that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions.*

An 'SA' land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval. Subsequent to an assessment and consultation being undertaken, Officers consider that due to the size, scale and intensity of the proposal, the development is not compatible with the existing locality of the area, which is characterised by low density residential development, comprising of forms of development which reflects the traditional rural character of Byford.

Officers consider that although child minding centres can be found within the 'Residential' zones, the proposed development reflects a significantly larger, more intense operation, better located as part of, or immediately adjoining a Neighbourhood Centre. Such centres by their nature are designed with a supporting infrastructure network of roads and access streets that provide for flexible and efficient access, and have a supporting mix of primary and secondary uses which tend to create a more active urban setting. This compares to the Byford Old Quarter, which is better described as suburban in its setting, with a limited land use mix and prevailing quiet residential amenity.

### Draft Local Planning Scheme No.3 (LPS3) and Draft Local Planning Strategy (LPS)

The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will remain 'Urban Development'. The proposal would still fall under the land use of "Child Care Premises" which is defined as

*"means premises where - (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided".*

The relevant objectives of the 'Urban Development' zone under LPS3 is to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.

As mentioned above, through the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Local Development Plan (LDP), the planned development for the area is predominantly associated with low scale moderately sized residential development. Within these documents, there is a strong expectation that development within this area celebrates or is sympathetic to the traditional rural area of Byford, known as the 'Byford Old Quarter'.



Within the 'Urban Development' zone, under the 'Child Care Premise' land use, such is classified as a discretionary ('A') land use and therefore capable of approval subject to the local government exercising its discretion after giving notice in accordance with clause 64 of the deemed provisions.

An 'A' land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval. Subsequent to an assessment and consultation being undertaken, Officers consider that due to the size, scale and intensity of the proposal, the development is not compatible with the planned development for the area, being predominantly residential which seeks to preserve and maintain the traditional character of Byford

### Byford District Structure Plan 2020

The purpose of this Structure Plan is to provide a "broad-district level planning framework for development" which provides the basis for the subsequent preparation of Local Structure Plans. The subject site is designated as 'Residential' under the BDSP.

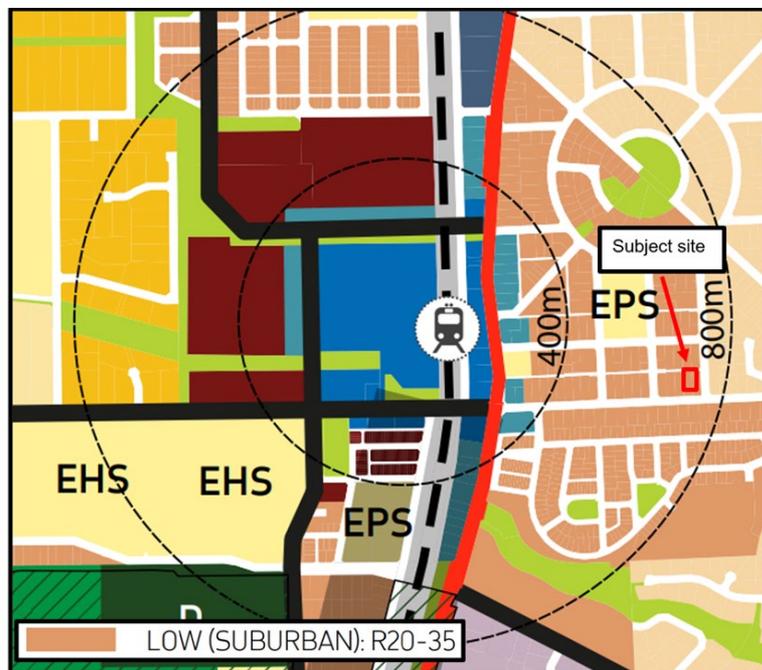


Figure:4 Byford Structure Plan 2020

It is noted as being on the very edge of the walkable catchment to the future Byford Metronet Station, and interfaces with lower dense development to the east. This establishes also a transitional role for the subject land.

### Planning Bulletin 72/2009 – Child Care Centres

The bulletin provides guidance of planning considerations in relation to the location and development of child care centres. It states that broadly, child care centre activities are located in residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. The objectives of the policy are to:

- a) *locate child care centres appropriately in relation to their surrounding service area;*
- b) *minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) *minimise the impact the surrounds may have on a child care centre; and*



- d) *consider the health and safety of children attending the child care centre within the confines of the planning system.*

The bulletin states that childcare centres should be located to provide the maximum benefit to the community and should be within easy walking distance and serviced by public transport. The proposal is located within a predominately residential area, but does not facilitate a through traffic movement due to the eastern edge of the Byford Old Quarter being hemmed in by the Darling Scarp. The closest bus stop, located in Clifton Street, is approximately 450 metres north west of the proposed development site. There is an existing foot path along Beenyup Road and Amy Street abutting the site.

The bulletin also states that it is crucial in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In regard to the level of impact the proposal may have on the amenity of the locality, Officers consider that the area the development is proposed to be located within is an area characterised by low density residential development, with low sized forms of development which reflect the traditional rural suburban character of Byford. The development by way of scale, noise and increased vehicle trips to the site and broader area will negatively impact upon the existing amenity of the area. Therefore, the proposal is not considered consistent with the Bulletin.

During the consultation period, concerns were raised regarding the increasing number of 'Child Minding Centres' in the locality and whether a demand analysis study had been undertaken. The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy. While there are some narrow circumstances in which competition may be considered a relevant planning consideration, such circumstances do not relate to this proposal.

Notwithstanding this, the applicant also provided a demand analysis study which concluded that there is a need for an early learning centre in this locality currently and in the future. The study considered projected population growth and other proposed centres in the Byford area.

#### Car Parking:

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 120 children, a minimum of 24 parking bays would need to be provided. The plans provided indicate that the proposal is compliant with the minimum TPS2 parking requirements, as it incorporates a total of 31 bays, including one (1) universal bay.

Officers note that parking availability onsite could be significantly impacted upon by the take up of bays by the 19 employed staff, leaving only 12 available for patrons. It is noted earlier that public transport is not conveniently located nearby the subject land, leading to this mode of transport being unlikely to be utilised. This creates a reasonable degree of planning uncertainty as to whether a centre of up to 120 children, and 19 staff, arriving at similar times of the day can occur in a safe manner. Officers consider that a parking utilisation study should have been completed to demonstrate that the proposed development can achieve a safe operational outcome in respect of parking, drop and pick up activities, noting the prevailing character and amenity of local streets does not see any parking or access spill out in to such streets. For example, a parking utilisation study would help determine if the peak am/pm trips (84) and daily vehicle movements (420) can be efficiently accommodated.

The applicant has provided following table which summarises the parking requirements for the proposed development under LPS3:



LAND USE	PARKING REQUIREMENT	NO. OF CHILDREN / STAFF	PARKING REQUIRED	PARKING PROPOSED
Child Minding Centre	1:10 children, plus	120	12	12
	1:1 employee	19	19	19
Total	-	-	31	31

Officers consider that although the parking requirements have been met, there are still concerns that insufficient information has been provided to demonstrate that the development will be able to deal with the peak hour demand and overall trips generated by the development.

During the consultation period, these concerns were shared by the Department of Education. The DoE also raised concerns that the development did not cater for additional part-time staff on the premises that may be required.

#### Development Requirements

Table 11 TPS 2 set out site requirements for selected uses in the Residential Zone

<b>Child Minding Centre</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
<u>Setbacks</u>			
Front (Beenyup Road)	7.5m	5.02m	No
Rear (Corbell Lane)	7.5m	20.65m	Yes
Side (Western neighbour)	3.0m	1.5m	No
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.32	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.32	No

The front and side setbacks of the building are not consistent with Site Requirements of TPS2, which requires a minimum front and rear setback of 7.5m and a 3m side setback. The proposal also exceeds the minimum site coverage.

Officers acknowledge that the development slightly exceeds the prescribed site coverage requirements of TPS 2. The 0.3m site coverage provision reflects the maximum amount of area permitted to be developed upon. This is not a given; site coverage should be considered in context of the scale of development located within the surrounding area to ensure compatibility. In this regard, development within the locality of the subject site, is considered as low scale, moderately sized residential development, with traditional rural character. A development proposal of a commercial nature, which is at the higher end of the site coverage threshold, is considered to impact upon the amenity of the established area.

In terms of the front setback, the proposed development is set back 5.02m from Beenyup Road. The development is also proposed to be a setback of 10.2m from Amy Street, which does not achieve consistency with the existing streetscape. Dwellings along Amy street to the north and east generally have a front setback of 4m. Although the proposed setback of 10m has been increased to allow outdoor play areas further away from the western boundary, it is considered to detract from the existing streetscape.



Officers also consider that the solid wall proposed along Beenyup Road boundary and Amy Street boundary will adversely dominate the existing residential streetscape. Officers consider that the development, in terms of scale, is considered to impact upon the amenity of the area as it is considered out of character from the existing form of development within the area.

Byford Townsite Detailed Area Plan (DAP)

The subject site lies within Character Area A – Old Quarter of the DAP, which predominantly features single storey residential dwellings commonly constructed with face brick, and weather board with iron roofing. The DAP also sets out the aspirations of the future built form of the character area and as such, an assessment against the BDAP provisions under Character A is contained in the table below:

DAP Requirement	Proposed Development
<p><b>Lot sizes (infill)</b> Lots shall conform with the Residential Design Codes of Western Australia (RCodes) for R20 i.e. minimum 440m<sup>2</sup> average 500m<sup>2</sup>. (Lots within 400m of the intersection of Beenyup Road and the South West Highway, may be permitted to develop to the R30 code.</p>	<p><b>Complies</b> – The application does not propose any infill development. The application proposes to amalgamate the two lots if planning approval were secured.</p>
<p><b>Lot Configuration</b> Where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway.</p>	<p><b>Complies</b> - The site abuts a Right of Way (RoW) Corbel Laneway on its northern boundary, which provide access to the car park to the development. The RoW is proposed to be widened for a depth of 2.5m as shown on the site plan forming part of this assessment. The applicant has provided information that the lane way will be ceded to the Shire.</p>
<p><b>Building Setbacks</b> New buildings constructed fronting the existing streets shall be set back to achieve consistency within the streetscape.</p>	<p><b>Does not Comply</b> – The proposed development is set back a minimum of 10.2m from Amy Street and 5.02m from Beenyup Road. The proposed setback of 10m along Amy Street does not achieve consistency with the existing streetscape where dwellings along Amy Street generally have a front setback of 4m. Although the proposed setback of 10m has been increased to allow outdoor play areas further away from the western boundary, this is considered to distort the existing streetscape.</p> <p>Officers also consider that the solid wall proposed along Beenyup Road boundary and Amy Street boundary would detract from the existing residential streetscape.</p>
<p><b>Dwelling Placement and Orientation</b> All dwellings shall front the street to maximise casual surveillance of the street or open space, at least one room shall face</p>	<p><b>Complies</b> – The proposed building is orientated along a north–south axis. The activity rooms have major openings that would allow natural light.</p>



DAP Requirement	Proposed Development
<p>the street. They shall be orientated along a north–south or east–west axis to maximise solar access.</p>	
<p><b>Scale, Proportion &amp; Built Form (infill)</b></p> <p>The existing built form, as described above, is of modest, single storey homes with porches, verandahs and/or awnings and steep roof pitches. New development shall complement this character. All new dwellings and/or additions to existing dwellings shall have:</p> <ul style="list-style-type: none"> <li>- a porch, verandah or fixed window awnings to the front of the dwelling (mandatory);</li> <li>- Roof pitch of no less than 25 degrees.</li> </ul>	<p><b>Does not comply.</b> The proposed scale and built form of the ‘Child Minding Centre’ is not considered to be compatible with the immediate locality, which is characterised by single storey modest homes. The design of the ‘Child-Minding Centre’ does not in any way attempt to mimic the existing architectural designs of the dwellings in the immediate vicinity. The building will stand out as a modern building, which is not sympathetic of the existing built form. The quintessential pattern of low density, consistently fronted and modestly developed lots of the Old Quarter, is a perceivable aspect of the character that will be changed should this development be approved. This change is considered to detract from the prevailing and intended future character for the Byford Old Quarter. While the building incorporates an awning fronting Beenyup and Amy Street, the built form is not considered consistent with the surroundings.</p> <p>The roof pitch is also not compliant.</p>
<p><b>Building Materials and Colour</b></p> <p>Colours that take inspiration from the local soils and vegetation are most appropriate. The following materials and colours are not supported:</p> <ul style="list-style-type: none"> <li>• Walls of custom orb steel sheeting, or concrete tilt up panels.</li> <li>• Colours that are garish and/or sharply contrasting with neighbouring dwellings and the context of the dwelling.</li> </ul>	<p><b>Does not comply</b> – The building is proposed to be constructed of tilt up concrete tilts and timber cladding. The applicant provided information that Dark grey and timber colours will be used to ensure the building is sympathetic to natural soils and vegetation</p>
<p><b>Corner Sites</b></p> <p>Due to their prominence in the neighbourhood, new dwellings situated on a corner lot must provide a frontage to both streets. This may be achieved by the use of feature windows, wrap-around verandahs, together with architectural detailing which reduces the visual impact of the façade. There should be no blank building facades facing either street.</p>	<p><b>Complies</b> – The proposed development incorporates an awning around the periphery of the building fronting Beenyup Road and Amy Street.</p> <p>Officers are however of the opinion that the scale of the building will result in a built form that is not compatible with the existing vicinity.</p>



<b>DAP Requirement</b>	<b>Proposed Development</b>
<p><b>Servicing (bin storage, clothes drying areas, air conditioning units etc)</b></p> <p>Bin storage, clothes drying areas, air conditioning units, water heating systems and other plant and/or equipment are to be located such that they are not visible from the street, and all noisy plant and equipment shall be located and insulated to minimise noise impacts on neighbouring properties.</p>	<p><b>Complies</b> – a provision for bin storage has been located to the rear of the building on the northern boundary near the main car park away from the and areas of street view.</p>
<p><b>Landscaping</b></p> <p>Encouraging a more sustainable or environmentally friendly approach to development should be inclusive of the development of private gardens.</p>	<p><b>Complies</b> – The applicant has provided a Landscape Plan and Revegetation Plan. The commercial nature of the land use limits the capacity to minimise the extent of outdoor paving to achieve the desired car parking for the site and soft landscaping required for child play areas.</p> <p>The proposed landscaping plan demonstrates through design and plant selection to be drought resistant to significantly reduce the requirement for continual reticulation.</p>
<p><b>Paving</b></p> <p>The hard landscape component comprises mainly surface treatments in the form of footpaths, kerbs and crossovers and of course the general road pavement.</p>	<p><b>Complies</b> – The subject site has existing footpath along the verges of Beenyup Road and (Amy Street). Two new crossovers are proposed along Amy street</p>
<p><b>Walls and Structures</b></p> <p>This incorporates public hard landscaping features, and features on private properties such as landscaping walls, steps, retaining walls, etc.</p> <p>Walls and structures should be constructed of appropriate materials.</p> <p>Limestone or limestone like constructions should not be permitted except where they are not visible from the street. Appropriate materials are timber, metal, red brick and granite or laterite rock constructions. These materials are consistent with the natural environment of the locality.</p>	<p><b>Complies</b> – The proposed retaining walls along the street boundaries have been included on the Landscape and Revegetation Plan.</p>
<p><b>Street Trees</b></p> <p>Street trees are an integral part of Byford. Where subdivision occurs, street trees</p>	<p><b>Complies</b> – The proposed development will include the planting of ten (10) new street trees shrubs, and grass. A Landscape and</p>



DAP Requirement	Proposed Development
<p>shall be planted by the developer at a rate of 10 per 100m, or proportional amount depending on the width of the subdivided lot. The type of street trees to be planted shall be determined by Council to ensure consistency within the street.</p>	<p>Revegetation Plan has been provided and is forming part of this assessment.</p>
<p><b>Fences</b> Front fences in Byford are not common, and therefore new front fencing is not encouraged.</p> <p>a) No fences over 1.2m high in front of the building setback.</p> <p>In the case of corner lots, fencing over 1.2m shall only be permitted in front of the secondary street building setback, as determined by Council and at its discretion.</p>	<p><b>Does not comply.</b> The application proposes construction of solid walls with an overall height of 2m. The solid wall with perspex infills is proposed along Beenyup Road to Amy Street. While the wall is required to provide security for children and achieve the acceptable noise levels, Officers note that a 2m solid fence has the potential to visually impact the adjoining properties and distort the streetscape. This proposal is therefore not suited for the residential place.</p>

Form of Development:

TPS2 does not specifically set out development standards for development in the 'Urban Development' zone. Part VII of TPS2 does however provide general development standards.

The objective of provision 7.1 – General Appearance of Buildings and Preservation of Amenity seeks to ensure architectural style, height, bulk colour, use of materials and the general appearance of buildings are harmonious with existing buildings and the amenity of the locality.

Below are the first set of elevations, as viewed from the north (Corbel Lane Way), east (Amy Street) and north Beenyup Road).





The applicant has provided updated elevations as follows:



Figure 5: Revised Elevation Plans



The proposed 'Child Minding Centre', as shown in Figure 5 above, would be constructed of concrete panels with timber aluminium look cladding with a colourbond roof. In reviewing these, Officers consider that the elevations do not reflect the built form of the 'Byford Old Quarter Character A', as it seeks to ensure that new development respects and compliments the traditional style of development in the area which typically reflects rural character.

The proposed form of development is considered modern, enclosing an expansive space and with punctured openings to panels reflective of the intended function of the adjoining rooms. While modern development forms do have a place especially in commercial areas where technology often drives for efficient operation, such is inconsistent with the expressed intent for the Byford Old Quarter.

The proposal presents a commercial design that is not sympathetic with the surrounding residential context. The overall design and materials proposed do not replicate the existing residential dwellings, thereby imposing on the existing streetscape. The scale of the building (800m<sup>2</sup>) is otherwise considered inconsistent with the surrounding buildings in terms of scale and design. The overall design of the proposal fails to complement the established patterns and character of the general locality.

#### Amenity

During the consultation period, neighbouring residents raised significant concerns in relation to noise impacts of the proposal on the residential amenity of the area. Specific concerns relate to the level of noise that would result from the scale of the 'Child Minding Centre' with a capacity of 120 Children.

Clause 67 of the Deemed Provisions, namely clause (n), requires the Local Government to consider the amenity impacts of a development. Noise generated from the proposal has the potential to impact upon the amenity of the area, given the proximity of the proposal to existing neighbouring residential dwellings (sensitive receptors).

To address noise, the applicant submitted an Environmental and Noise Assessment (ENA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). This can be viewed as **attachment 5**. The report assessed noise emissions from outdoor child play areas, car doors closing in the car park and mechanical plants (air conditioning units, plant and extraction fans), against the prescribed standards of *the Environmental Protection (Noise) Regulations 1997*.

The Regulations set out the maximum allowable noise level that may be emitted, measured from the point of the receiver of that noise. In this case, computer modelling was used to predict noise emissions from the development at all sensitive receptors as shown below and demonstrated within the ENA.

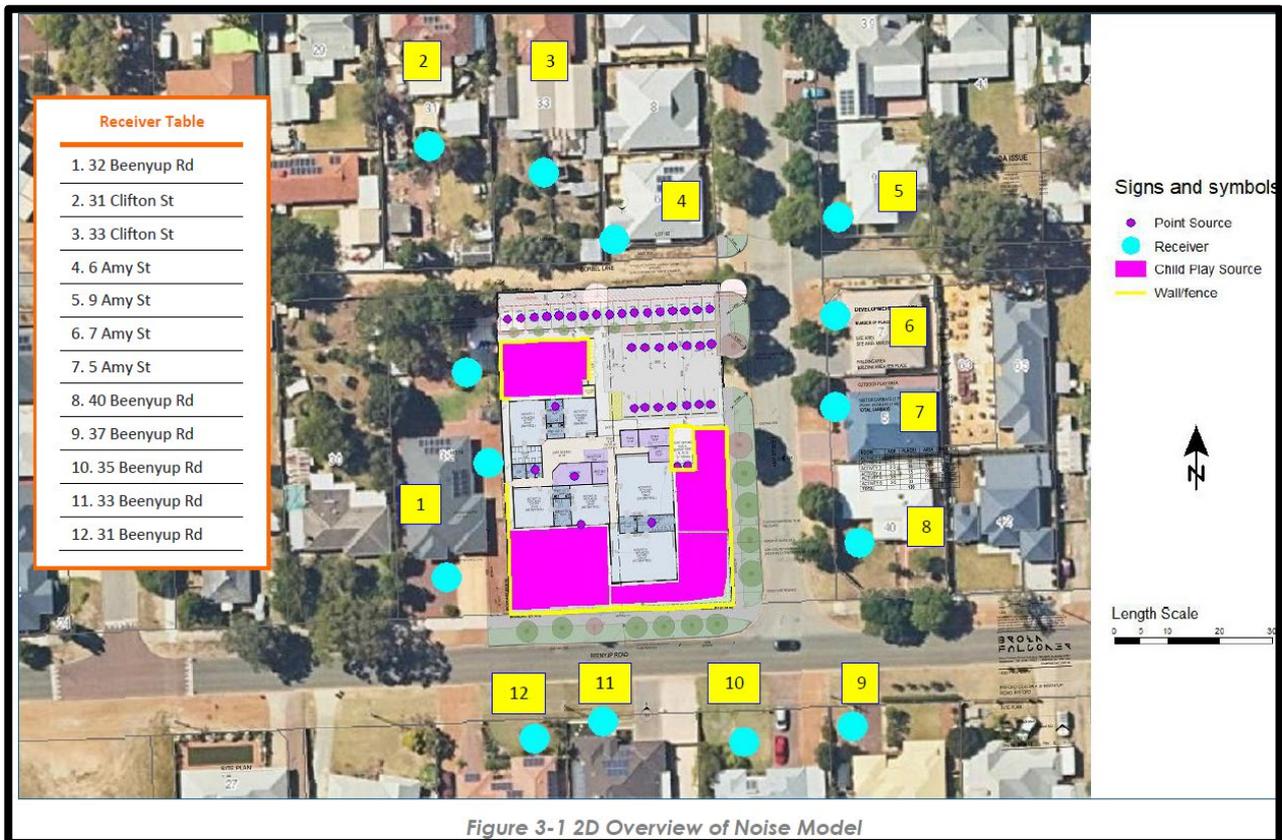


Figure 3-1 2D Overview of Noise Model

The predicted noise levels received at the sensitive receptors within the ENA for the major noise sources has been detailed within tables 5-1, 5-2 and 5-3 of **attachment 5**. The location of the sensitive receptors and noise receivers at this location have been captured in the above plan.

In terms of the child play assessment, the ENA demonstrates the noise receivers located at 1, 6, 7, 8, 9, 10, 11, and 12 will be exposed to noise levels at the higher end of the assigned 47 decibels (dB) level of the threshold. The sensitive receptors within these locations will be exposed to levels between 40 dB – 47 dB.

In regard to the noise emitted from the mechanical plant, the ENA demonstrates that noise receivers located at 1,6,7,8 although comply with the Regulation, will be exposed to noise levels at the higher end of the 37 dB assigned level of the Regulations. The sensitive receptors at these locations will be exposed to noise levels between 27 dB - 30 dB.

In respect to car doors opening and closing, ENA demonstrates that receivers 6 and 7 exceed the 57 dB assigned level of the Regulation. Furthermore, Officers note the receivers at 1,4, 6, 7 will be exposed to noise levels at the higher end of the 57 dB assigned level of the Regulations.

Officers consider that although the predicted noise levels generally comply with the Regulations, the sensitive receptors, due to the scale and intensity of the development, will be exposed to frequent noise emissions over a duration of the day, which will impact upon the amenity afforded to the occupiers of dwellings. In this regard, section 3(3) of the *Environmental Act 1986* sets out the circumstances where noise will be considered unreasonable (and therefore an offence under the EP Act). Noise is considered unreasonable when it contravenes the noise regulations, but it is also considered to be unreasonable where, in section 3(3)(b) states:

*“having regard to the nature and duration of the noise emissions, the frequency of similar noise emissions from the same source (or a source under the control of the same person or*



*persons) and the time of day at which the noise is emitted, the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person;”*

In terms of frequency and duration of noise from car doors, in the SAT matter *Land Alliance Pty Ltd and City of Belmont (205) WASAT 100* it was determined that drop off and pick up events associated with child mining centres would typically require three door openings and closing events.

*“The car will be in the car park and the driver will open the driver’s door, alight from the car and close the door. The door where the child is located will then be opened, the child will alight, and that door will be closed, there may also be a requirement for the driver to remove equipment from the boot that child needs for their day. After taking the child into the centre the driver will need to open and close the door.”*

The proposed development will generate 84 vehicle trips during the am (7am -10am) and pm (3pm to 6pm) peak times using a conservative amount of three door openings and closing events would trigger 126 events during the peak periods (42 x 3). In terms of the am peak period, Officers consider this to be a significant number of events at a time in the morning where low level activities in a low density residential suburb may be expected. The ENA has already demonstrated noise levels associated with this event being at the higher end of the threshold.

In terms of the outdoor play area, this will be available for use after 7am. There are no other details surrounding the periodic use of these areas subject to groups. The play areas are located around the north, south and west of the building and are in close proximity to residential properties. Within these play areas, there are likely to be number of activity points (such as a sandpit) which will attract children, thereby increasing the likelihood of concentration, frequency and extended periods of noise being received at the nearby sensitive receptors. Again, the ENA already demonstrates noise levels received at a number of the sensitive receptors are at the higher end of the threshold.

The mechanical plant comprises of the kitchen rangehood and exhaust fan to be located on the roof, various exhaust fans (toilets, laundry, nappy room) also to be located on the roof, AC plant to be located on ground level to be operational throughout periods of the day. The ENA stating that *“the most critical mechanical plant noise levels are to the residences to the east”*. The nature of the mechanical plant means that noise would be emitted over the course of the day and before 7am.

Officers therefore consider that the proposed development in respect to the frequency, concentration and duration of the noise emissions generated from the development to pose an unreasonable impost on the amenity of the area afforded to the occupiers of the nearby sensitive receptors. The development in this regard should not be supported.

Officers advise however, even if the applicant argues that the noise emission are not unreasonable as they comply with the Regulations, Officers consider compliance with the Regulations should not be the only test of deeming the appropriateness of a proposal.

Consideration needs to be given to the noise emissions generated from the development in context to the existing levels of noise in the locality, which form part of the amenity of the area to appropriately determine the impacts of a development. This position is consistent with Supreme Court’s decision in *G Rossetto &Co Pty Ltd v District Council of East Torrens (1984) LGRA 390*, Matheson regarding the *South Australian Noise Control Act 1976-1977* which was also cited by the Western Australian Town Planning Appeal Tribunal in *BSD Consultants Pty Ltd and McDonalds Australia Ltd v City of Stirling* (Appeal No 1 of 1996, 24 May 1996) as follows:



*"The Act is thus an Act to control excessive noise and provides a penalty for breach of its provisions. I can understand the reference to it by the acoustical engineers, but I do not think it by any means follows that emission of noise that is not excessive pursuant to its provisions and to the said regulations has of necessity no effect on the amenity of a particular locality."*

As such, without an assessment demonstrating the existing noise levels, there is insufficient information to assess the impacts of noise and the appropriateness of the development. Making a decision purely on meeting the assigned levels of the Regulations does not reflect proper and orderly planning. Assigned noise levels can be poor measures especially in quieter areas, and the logarithmic nature of noise means for every 3db increase in noise from what currently exists, the noise is perceived as being twice as loud. This explains some of the importance in understand clearly existing noise levels.

### Traffic

The category of the vehicles associated with the proposed development will predominantly comprise of small passenger vehicles dropping off and picking up children, as well as staff and waste vehicles. Vehicle access to the subject site is proposed via two crossovers from Amy Street. The northern crossover will provide access to the staff car park abutting Corbel Lane way with 17 bays. The southern crossover will provide access to the main parking area comprising of 14 parking spaces, including two staff spaces plus one Accessible (disabled) space. There are existing footpaths along the northern side of Beenyup Road and the western side of Amy Street, immediately adjacent to the proposed development.

During the consultation period, concerns were raised to increased traffic movements on the road network, and potential safety issues. A Transport Impact Statement (TIS) was provided with the application, which can be viewed in **attachment 6** to this report. The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the surrounding local road network, which includes South Western Highway, Clifton Street, Mary Street and Amy Street.

Beenyup Road is classified as a Local Distributor Road and Amy Street is classified as an Access Road, both under the Main Roads Western Australia (MRWA) road hierarchy, and has a speed limit of 50 km/h.

The findings on the volume of traffic likely to be generated by the proposal was estimated using surveyed traffic counts obtained from the Main Roads WA Traffic Map website and available data. The TIS states that the AM and PM peak periods for the early learning centre is 7am to 10am and 3pm to 6pm, respectively. The peak periods were aligned, with the early learning centre having more staggered peak. The TIS provided that the development is estimated to generate a total of 420 vehicle trips per day, with a peak hour flow of 84 vehicle trips per hour during both the AM and PM peaks, which falls under the 'moderate impact' category according to WAPC Transport Impact Assessment Guidelines.

*"The TIS assumed that 55 percent of the total trip generation will access the site to/from the west (via Beenyup Road and South Western Highway), while 30 percent is expected to/from the east, leaving 15 percent to/from the north. It also states that a significant proportion of the total traffic generation will be 'passing trips' that are already on the road network, travelling from the surrounding residential area to/from South Western Highway or to/from the nearby Primary School. The report therefore contents that the proposed development is therefore expected to have little or no traffic impact on the current operation of the nearby signalised intersection and surrounding road network. The traffic generated by the proposal will not*



*result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times”.*

Notwithstanding the findings of the report concluding that the road network has the capacity to accommodate the extra traffic, Officers are concerned that the increase traffic movements will adversely impact upon the residential amenity of the locality. The 420 additional vehicle movements to the site (84 vehicle trips per hour during the AM and PM) would be a significant increase from the existing vehicle movements within the locality which is predominately associated with residential development. The extra vehicle movements and noise associated with it aligns more towards a scale of development which would be better placed within a commercial or centre zone of the Shire where there are the appropriate buffers to sensitive receptors and where the expectation of development is different.

#### Local Planning Policy 1.6 – (LPP 1.6) – Public Art for Major Developments

The objective of LPP1.6 is to facilitate per cent for art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

Officers note that the applicant has not provided any details for a public art feature within the design of the development. The applicant acknowledged that the provisions of the LPP further provided a view that the imposition of a condition did not serve a proper planning purpose and made reference advice with DR 87 of 2018 (**the BGC Case**) on 4 September 2018. However, Officers consider that there are differences between the matters. This development, if approved, will be a commercial development within a residential setting. The above case involved public art for industrial development within an Industrial zone. The impacts upon the residential amenity from commercial development being constructed, can be balanced by art which seeks to reflect the broader characteristics of the locality, reducing the overall impact of the development.

In this instance, commercial development is proposed within a residential setting which, by way of its natural form of development, can impact upon the amenity of the area. The area currently comprises of residential development within a traditional rural character area of Byford. The purpose of the public art in this case would be to celebrate this and contribute towards a sense of place.

To this end, should the application be approved, a percentage for art condition of development approval would be recommended by way of a condition, consistent with the policy. The condition would ensure that public art is accounted for and further negotiation with the applicant can be undertaken as part of the ongoing process.

#### Local Planning Policy 4.11 (LPP4.11) – Advertising

Local Planning Policy LPP 4.11 – Advertising sets out development standards and requirements for advertisements. The plans, as submitted, have identified nominal wall signage for the proposal integrated into the façade of the development. No detailed drawings of the signage were provided with the application.

If the application were to be approved, a signage plan will be required to be prepared and approved prior to operation of the development, to ensure any signage is compliant with the policy.



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### Local Planning Policy 4.15 (LPP4.15) – Bicycle Facilities

LPP4.15 provides guidance to developers on the design and requirements of bicycle parking and end of trip facilities for each specific land use. In accordance with the policy, bicycle facilities are to be provided in accordance with Schedule 1 of the policy.

Officers note that the applicant has not provided any details or provisions for a bicycle rack. If the application were to be approved, the applicant would be required to comply with the requirements of the policy.

### Local Planning Policy 2.4 – Water Sensitive Design

LPP2.4 aims to maximise water efficiency by encouraging best practice urban water management methods. The policy aims to ensure water sensitive design best management practices are implemented for new developments with the Shire.

A Stormwater and Drainage Management Plan (SMP) will be required, demonstrating how the stormwater incident to the site is managed shall be provided prior to commencement of works. The SMP shall address the stormwater management and treatment system for managing stormwater quality and quantity from small, minor and major rainfall events.

The car park stormwater drainage system to be designed, constructed and managed in accordance with the DWER's *Decision process for stormwater management in Western Australia (November 2017)*. Rain gardens and flush kerbing providing first flush storage and water treatment is considered an important design response for the land. This would be included as a condition of approval if the development were to be approved.

### Local Planning Policy 24 (LPP24) – Designing Out Crime

LPP24 encourages commercial development to incorporate principles of Crime Prevention through Environmental Design (CPTED). LPP24 sets out five key crime prevention principles that are to be applied to different levels of the planning framework according to the policy. A development application needs to be assessed against the principles of the policy. The principles relate to surveillance, access control, territorial reinforcement, target hardening, management, and maintenance.

Officers note that a solid wall has been included, which would normally impact passive surveillance and design out of crime. The use of perspective infill elements appears to address some degree of visual surveillance of the surrounding public realm.

### Developer Contributions (DCA3)

This development falls within Development Contribution Area No. 1 (DCA1), which is incorporated into the Town Planning Scheme No. 2 under Plan No. 10A (Byford Traditional Infrastructure DCP). It is therefore subject to the provisions of the DCP, and the landowner will be required to make the associated Development Contribution payment when the liability is triggered (the application for the Building Permit).

As the Byford Traditional Infrastructure DCP is currently undergoing an Amendment (Amendment 208) to the Town Planning Scheme, which is considered Seriously Entertained (being adopted by Council and submitted to the WAPC for final approval), the landowner will be required to make a payment in line with the new Amendment, once gazette and the associated DCP Report Revision is in place, at which point the revised Contribution Per Lot value will be confirmed.

As such, the subject site will be subject to Development Contributions if approval of the development were to be issued.



## **Options and Implications**

### Option 1

That Council RESOLVES the following Responsible Authority Recommendation:

That the Metro Outer Joint Assessment Panel REFUSES the development application for the construction of a 'Child Minding Centre' at Lot 15 and Lot 16 Beenyup, Byford due to the following reasons:

- a. The development is considered to be an inappropriate scale that is incompatible with the 'Residential' character and will detrimentally impact on the preservation of the amenity of adjoining and nearby landowners.
- b. Noise generated from the development will adversely impact upon the existing amenity of the general locality and the adjoining neighbouring properties.
- c. The commercial nature of the development is not considered compatible with the low density of residential development (R20 – 35) within the immediate locality.
- d. Insufficient information has been provided to demonstrate that the onsite parking is sufficient for the proposed development.
- e. The proposal does not comply with the Shire of Serpentine Jarrahdale Byford Townsite DAP in regard to the expected overall built form outcome which not considered to be sympathetic to the surrounding residential area.

### Option 2

That Council RESOLVES the following Responsible Authority Recommendation:

That the Metro Outer Joint Assessment Panel APPROVES the application for a 'Child Minding Centre' development at Lot 15 and Lot 16 Beenyup Road subject to the following conditions:

- a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.
  - Revised Architectural Plans
  - Environmental Noise Assessment
  - Transport Impact Assessment
  - Landscape and Revegetation Plan
- b. The maximum number of children on the premises at any one time shall not exceed 120.
- c. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pick up time of no later than 6:30pm Monday to Saturday, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- d. A 2.5m strip along the northern boundary of the subject land, as well as a 3m by 3m truncation to Amy Street, being subdivided and created as road widening of Corbel Lane, at no cost to the Shire, prior to the issue of a Building Permit.
- e. Plans submitted for a building permit are to demonstrate the following infrastructure upgrades being undertaken by the applicant, to the specifications and satisfaction of the Shire of Serpentine Jarrahdale:



- Corbel Lane being upgraded to a 5m wide asphalt sealed, semi mountable kerbed and centrally drained standard, from Amy Street to Mary Street;
  - The new 2.5m southern verge of Corbel Lane created by condition (d) being upgraded as a semi mountable kerbed, 2.5m red asphalt strip, and flush kerb to demarcate the property line;
  - The footpath along the southern and eastern frontages of the lot being suitably upgraded and supplemented with shade trees at no greater spacings than 3m.
  - Once the plans are approved, the full infrastructure upgrades are to be undertaken by the applicant prior to occupation of the development.
- f. The application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the Environmental Noise Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- i. The Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- j. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- k. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
- l. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.
- m. Prior to issuing of a Building Permit, the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government)
- n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through amendment 208 (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.

Option 1 is recommended.



## Conclusion

This report is presented to Council to endorse a Responsible Authority Reports for the Metro Outer Joint Assessment Panel for a 'Child Minding Centre' development Byford. Officers consider that the proposed 'Child Minding Centre' proposed to cater a maximum of 120 children is a significant scale development that would adversely impact on the surrounding residential amenity property by way of noise. The resultant built form is not considered to be sympathetic to the surrounding residential area which is characterised by contemporary modest single dwellings predominant of the Byford Old Quarter.

Officers are concerned that the proposal in its current form and scale is not compatible with the residential settings of this locality and would adversely impact the amenity of the locality and therefore recommends refusal of the application.

## Attachments

- **10.1.1 – attachment 1** – Responsible Authority Report (E21/10937)
- **10.1.1 – attachment 2** – Revised Architectural Drawings Elevations (IN21/21811)
- **10.1.1 – attachment 3** – Summary of Submissions (IN21/22794)
- **10.1.1 – attachment 4** – Deemed Provisions Regulations Clause 67 Checklist (E21/10908)
- **10.1.1 – attachment 5** – Environmental Noise Assessment (IN21/21815)
- **10.1.1 – attachment 6** – Transport Impact Assessment (IN21/21816)
- **10.1.1 – attachment 7** – Genius Demand Analysis (IN21/21818)
- **10.1.1 – attachment 8** – Landscape and Revegetation Plan (IN21/21810)

## Alignment with our Strategic Community Plan

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

## Financial Implications

Nil.

## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						



2	That Council RESOLVES the Responsible Authority Recommendation for the MODAP to approve the application subject to conditions.	Planning framework	Organisational Performance	Possible	Moderate	MODERATE	Explain reasons for decision
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**Voting Requirements:** Simple Majority

### OCM268/10/21

#### **COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Coales, seconded Cr Atwell

That Council RESOLVES the following Responsible Authority Recommendation:

That the Metro Outer Joint Assessment Panel REFUSES the development application for the construction of a 'Child Minding Centre' at Lot 15 and Lot 16 Beenyup, Byford due to the following reasons:

- a. The development is considered to be an inappropriate scale that is incompatible with the 'Residential' character and will detrimentally impact on the preservation of the amenity of adjoining and nearby landowners.
- b. Noise generated from the development will adversely impact upon the existing amenity of the general locality and the adjoining neighbouring properties.
- c. The commercial nature of the development is not considered compatible with the low density of residential development (R20 – 35) within the immediate locality.
- d. Insufficient information has been provided to demonstrate that the onsite parking is sufficient for the proposed development.
- e. The proposal does not comply with the Shire of Serpentine Jarrahdale Byford Townsite DAP in regard to the expected overall built form outcome which not considered to be sympathetic to the surrounding residential area.

**CARRIED UNANIMOUSLY 9/0**



<b>10.1.2 – Retrospective Ancillary Dwelling – Lot 12, 365 Jarrahdale Road, Jarrahdale (PA21/404)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Arnold Schiebaan Building Design
Owner:	Clinton and Jenna Wells
Date of Receipt:	3 May 2021
Lot Area:	145,332m <sup>2</sup> (14.5ha)
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

### Report Purpose

The purpose of this report is for Council to consider a development application for a retrospective 'Ancillary Dwelling' at Lot 12, 365 Jarrahdale Road, Jarrahdale. The application poses a minor 10m<sup>2</sup> variation to the maximum plot ratio permitted under Local Planning Policy 4.1 – Ancillary Dwellings (LPP4.1).

Officers do not have delegated authority to determine development applications which vary Local Planning Policies in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

For the reasons outlined in this report, Officers recommend Council approves the application, subject to conditions.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

### Background

The subject site is zoned 'Rural', and is located on the northern side of Jarrahdale Road and is approximately 4.3ha in size. The lot comprises of two parcels of land, fragmented by the former railway. Existing development on site is located on the larger parcel of land to the north of the railway, within a cleared area of the property.

Access to the property is taken from the smaller parcel of land, south of the railway, via an unconstructed dirt track from Jarrahdale Road. The property is surrounded by State Forest



comprising of dense vegetation and is screened from the street and from nearby properties. Aerial images of the property and its locality can be viewed in the below images.

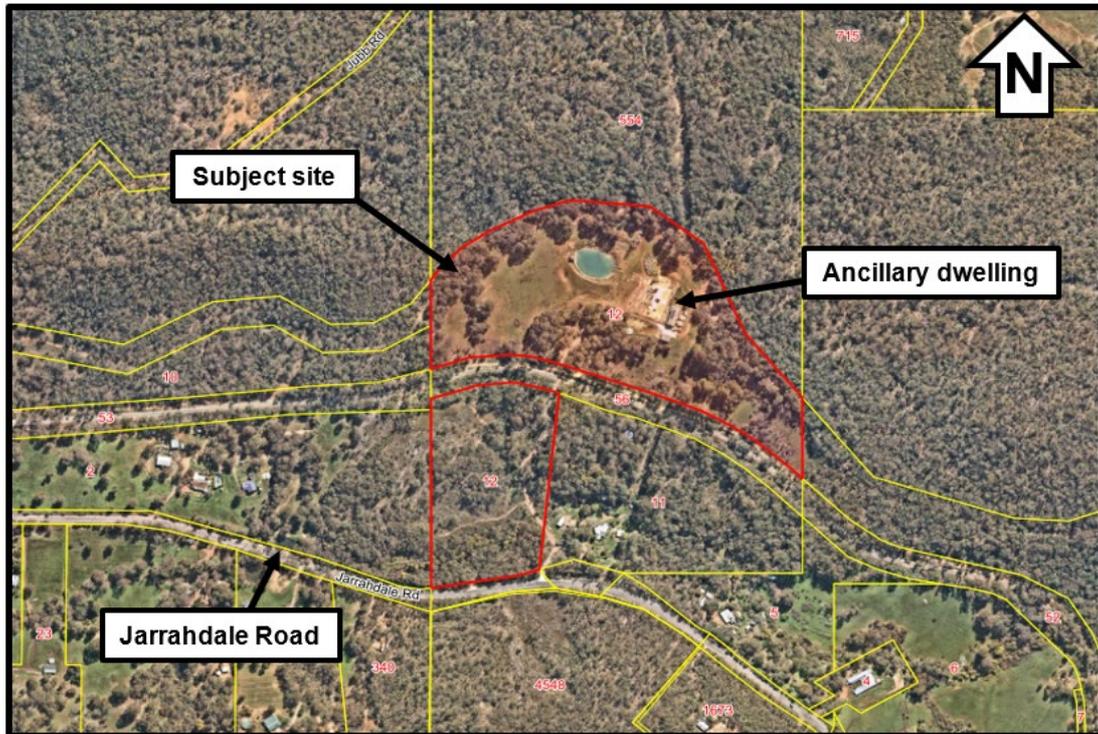


Figure 1: Site Context

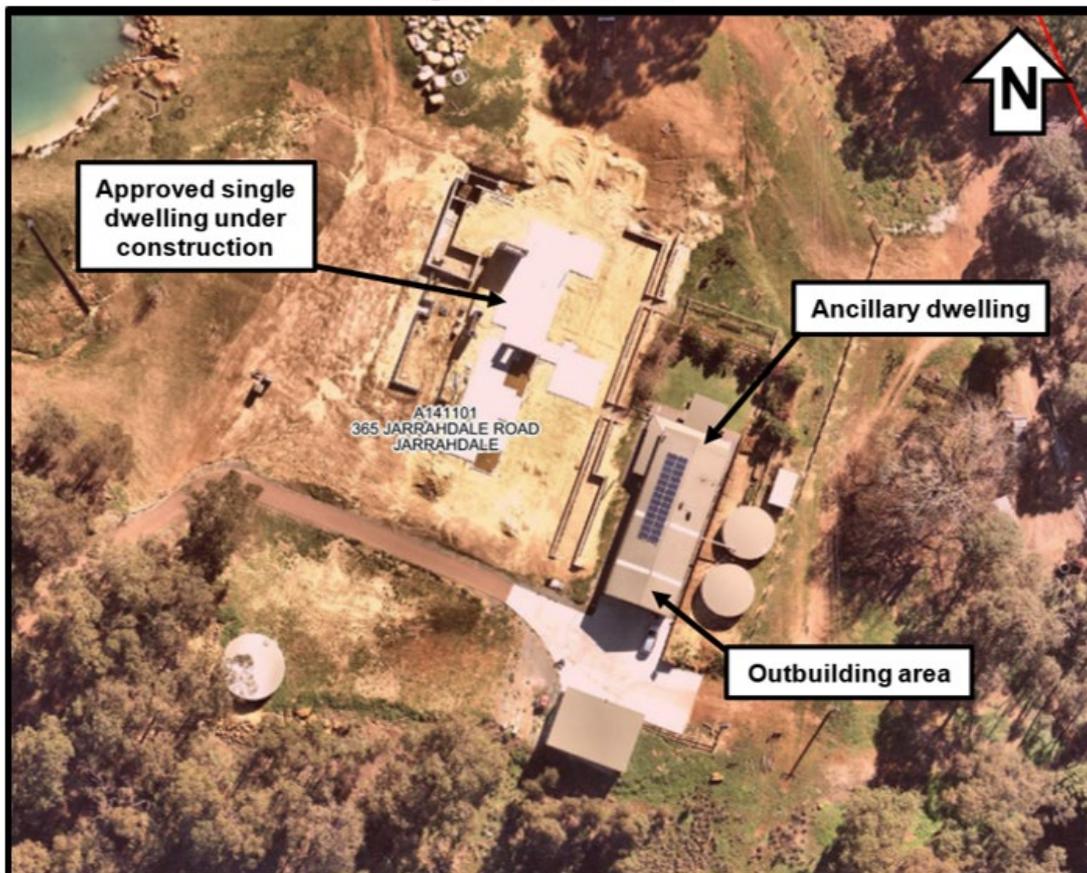


Figure 2: Aerial Imagery



Retrospective Development:

The application relates to the retrospective use of part of an existing approved outbuilding as an ancillary dwelling. An area of the outbuilding, measuring 127m<sup>2</sup> across two levels, was retrospectively established for habitable use.

Through the assessment process, the applicant agreed to propose amendments to the existing floorplan of the development to reduce the overall floor area of the proposal to 110m<sup>2</sup>. To achieve this, one of the bedrooms and the storeroom on the mezzanine level are proposed to be removed.

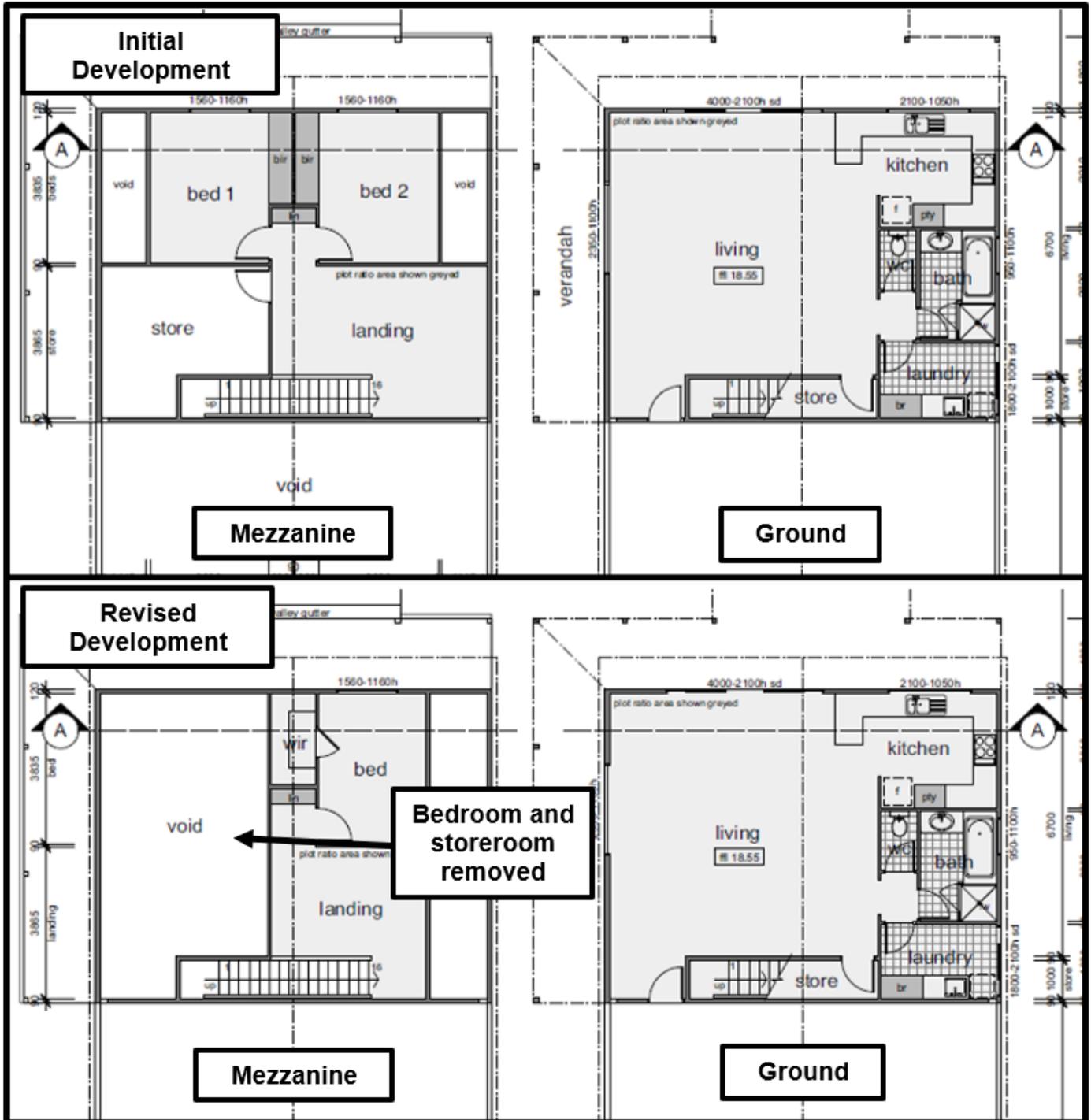


Figure 3: Initial and revised floor plan



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## **Community / Stakeholder Consultation**

Given that the siting of the proposed development and the land use permissibility do not require mandatory advertising and acknowledging that the proposed development posed no adverse impacts upon the immediate locality, advertising was not undertaken in accordance with the Shire's Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4).

## **Statutory Environment**

### Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*;
- Metropolitan Regional Scheme (MRS); and
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).

### State Government Policies

- State Planning Policy 3.1: Planning in Bushfire Prone Areas; and
- State Planning Policy 7.3: Residential Design Codes Volume 1 (R-Codes).

### Local Planning Framework

- Rural Strategy Review 2013;
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3);
- Shire of Serpentine Jarrahdale Local Planning Strategy;
- Local Planning Policy 1.4 – Consultation on Planning Matters Policy (LPP1.4); and
- Local Planning Policy 4.1 – Ancillary Dwellings (LPP4.1).

## **Planning Assessment**

A full technical assessment was carried out against the current planning framework in accordance with Clause 67, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the plot ratio which varies LPP4.1 and where Council is required to exercise its discretion.

### Land Use

The application seeks approval for a retrospectively constructed 'Ancillary Dwelling', which is defined under the R-Codes as a *"Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house"*.

The subject site is zoned 'Rural' under the Shire's TPS2. Under Table 1 – Zoning Table of TPS2, the land use of 'Ancillary Dwelling' is an 'AA' or discretionary use in the 'Residential' zone which means had the designation been the zone *"Council may, at its discretion, permit the use"*. The land use is therefore able to be considered within TPS2.

### Form of Development and Amenity

LPP4.1 allows Ancillary Dwellings in areas with an R2 coding to have a plot ratio of up to 100m<sup>2</sup>. The retrospective development currently has a plot ratio of 127m<sup>2</sup>, that it proposed to be reduced to 110m<sup>2</sup> through the removal of a bedroom and storeroom. This poses a minor variation to LPP4.1, and is assessed according to the objectives of the policy.



<b>Local Planning Policy 4.1 – Ancillary Dwelling</b>	
<b>Objectives</b>	<b>Proposal</b>
1. Ensure that Ancillary Dwellings are designed and located to appear visually related with the primary dwelling and minimise impact on the amenity of the locality.	<p>The Ancillary Dwelling is located within the existing outbuilding on the property. It is located adjacent to the main dwelling, establishing an important element of visual relation. The development also features habitable design elements, such as windows and verandahs, facing the main dwelling and further building on the visual relation between the two buildings.</p> <p>Given the context of the site and orientation of the Ancillary Dwelling, the retrospective development is not visible from the street or any neighbouring property and does not impact the amenity of the locality.</p>
2. Ensure that Ancillary Dwellings are subservient to the primary dwelling.	<p>The Ancillary Dwelling is located behind the main dwelling, as approached from the street and is smaller in scale as compared to the main dwelling. Officers are satisfied that the variation to plot ratio would not impact the subservience of the Ancillary Dwelling in terms of either appearance or function.</p>
3. Protect against increase in residential density and ad hoc fragmentation of land by ensuring that development does not encourage future subdivision.	<p>The development is not considered to result in an increase in residential density. The Ancillary Dwelling would have only a single bedroom once conversion works have been completed, which is less than the maximum two bedrooms permitted under LPP4.1. The additional 10m<sup>2</sup> of plot ratio area is primarily taken up by the staircase and landing and does not contribute to an increase in residential density beyond a compliant development.</p> <p>In terms of subdivision, the main dwelling, outbuilding and Ancillary Dwelling are clustered on site. The layout of the site presents as a cohesive and integrated development. Officers are satisfied the development does not encourage the future subdivision of the land.</p>

The proposed 10m<sup>2</sup> variation to the maximum plot ratio area is considered to align with the objectives of LPP4.1.



## Options and Implications

### Option 1

That Council APPROVES the development application for the retrospective ancillary dwelling at Lot 12, 365 Jarrahdale Road, Jarrahdale subject to the following conditions:

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

Plans and Specifications	P1 – P4 received at the Shire’s Offices on 3 May 2021 (amended 23 August 2021); and P5 – P13 (BAL) received at the Shire’s Offices on 3 May 2021.
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- b. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. Within 90 days of occupation of the Single House, the Ancillary Dwelling being converted in accordance with the approved plans.

### Option 2

That Council REFUSES the development application for the retrospective ancillary dwelling at Lot 12, 365 Jarrahdale Road, Jarrahdale stating reasons for refusal.

Option 1 is recommended.

## Conclusion

The proposal is considered consistent with the objectives of LPP4.1 for Ancillary Dwellings, primarily due to its siting on the block and close proximity to the main dwelling. Officers consider that the proposal is consistent with the intent for Ancillary Dwellings and is therefore recommended for approval.

## Attachments

- **10.1.2 – attachment 1** – Development Plans (E21/10666)
- **10.1.2 – attachment 2** – Technical Assessment (E21/7328)
- **10.1.2 – attachment 3** – BAL Assessment (IN21/22509)

## Alignment with our Strategic Community Plan

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

## Financial Implications

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1.						
2	That Council refuses the application and an appeal is lodged with the State Administrative Tribunal.	Reasons for refusal reflecting valid planning concerns or variations.	Reputation	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.

**Voting Requirements:** Simple Majority

### OCM269/10/21

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Dagostino

1. That Council **APPROVES** the development application for the retrospective ancillary dwelling at Lot 12, 365 Jarrahdale Road, Jarrahdale subject to the following conditions:

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

<b>Plans and Specifications</b>	<b>P1 – P4 received at the Shire’s Offices on 3 May 2021 (amended 23 August 2021); and P5 – P13 (BAL) received at the Shire’s Offices on 3 May 2021.</b>
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b. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

c. Within 90 days of this approval, the Ancillary Dwelling being converted in accordance with the approved plans.

**CARRIED UNANIMOUSLY 9/0**



<b>10.1.3 – Retrospective Stables and Horse Riding Arena (including Riding School) – L135, 15 Angus Close, Oakford (PA21/451)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Aidan Higo and Tessa Davies
Owner:	Aidan Higo and Tessa Davies
Date of Receipt:	17 May 2021
Lot Area:	20,124.96m <sup>2</sup> (20.12ha)
Town Planning Scheme No 2 Zoning:	'Special Rural'
Metropolitan Region Scheme Zoning:	'Rural'

### Report Purpose

The purpose of this report is for Council to consider a development application for a retrospective Stable and Horse Riding Arena (including a riding school) at Lot 135, 15 Angus Close, Oakford.

The application is presented to Council as Officers do not have delegated authority to determine development applications where objections have been received that cannot be addressed through design or mitigated through conditions. This is in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

For the reasons outlined in the report, it is recommended that Council approve the development application, subject to conditions.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

### Background

#### Existing Development

The subject property is located at the northern end of Angus Close in Oakford. The surrounding area is characterised by residential development and low scale equine activities. Stable complexes and open-air horse arenas are commonplace in the locality. The locality is characterised by equestrian uses.

The subject property has been developed with a single house, a water tank, paddocks and the retrospective stable complex and open-air horse arena.



Figure 1: Site Context

### Development

The application seeks retrospective approval for a Stable and the horse arena, which includes a small scale riding school (in which to teach riding lessons). The application entails the following:

#### *Stables*

- Keeping of up to eight horses;
- Four indoor stables;
- Four holding yards;
- Three large paddocks (one irrigated and two un-irrigated);
- Two medium paddocks (irrigated)
- One small paddock (un-irrigated);
- Two large yards (un-irrigated).

#### *Riding Lessons*

- Use of an open-air horse arena, measuring 60m by 30m.
- Private lessons once every six weeks with a maximum capacity of eight people, provided by an external trainer; and
- Group lessons (clinics) twice per year, held across two days with a maximum capacity of six people, provided by an external trainer and entailing the following:
  - Operation hours being Saturday and Sunday from 9am – 4pm; and
  - Use of a speaker.



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Full details of the proposal are contained within **attachment 1**.

### **Community / Stakeholder Consultation**

The application was advertised to adjacent landowners for a period of 21 days from 17 May 2021 to 7 June 2021, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During the consultation period, three submissions were received, one in support and two in objection to the proposal.

The concerns raised in the objections in summary are listed below:

- Light pollution
- Noise
- Operating hours
- Traffic

The concerns raised in the objection are addressed under the relevant headings of the report. A full summary of submissions with the applicant's response and Officer comments is contained within **attachment 2**.

### **Statutory Environment**

#### Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection (Noise) Regulations 1997*;
- Metropolitan Region Scheme (MRS);
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).

#### State Planning Framework

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

#### Local Planning Framework

- Rural Strategy Review 2013;
- Draft Local Planning Scheme No.3 (LPS3);
- Local Planning Strategy (LPS);
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4).

### **Planning Assessment**

A full technical assessment was carried out against the current planning framework in accordance with Clause 67, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to addressing the objections received and where Council is required to exercise its discretion.

#### Land Use

The subject property is zoned as 'Special Rural' under the Shire's Town Planning Scheme No.2 (TPS2). The stable structure would fall within the land use definition of 'Stable', which is defined under TPS2 as follows:



**Stable** – “means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.”

The ‘Stable’ land use is an ‘AA’ use within the ‘Special Rural’ zone, meaning it is a discretionary use and can be considered for approval within this zone.

The use of the horse arena for providing lessons would fall within the land use definition of ‘Equestrian Activity’, which is defined under TPS2 as follows:

**Equestrian Activity** – “means any land or buildings used for the showing, competition or training of horses and includes a riding school.”

The ‘Equestrian Activity’ land use is a ‘SA’ use within the ‘Special Rural’ zone, meaning it is a discretionary use and can be considered for approval within this zone, but must first undergo community consultation.

The subject site is proposed to be rezoned to ‘Rural Residential’ under the draft Local Planning Scheme No. 3 (LPS3). The stable structure would fall within the ‘Rural Pursuit/Hobby Farm’ land use, which is defined under LPS3 as follows:

**‘Rural Pursuit/Hobby Farm** - means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier’s household -

(c) the rearing, agistment, stabling or training of animals;

(d) the keeping of bees;

(e) the sale of produce grown solely on the premises.’

The ‘Rural Pursuit/Hobby Farm’ land use is a ‘D’ use within the ‘Rural Residential’ zone, meaning it is a discretionary use and would therefore be capable of approval under LPS3.

The provision of riding lessons would generally fit within the land use category of ‘Rural Pursuit/Hobby Farm’; however, this land use definition only applies where provided by a member of the occupiers household. As the lessons would be provided by an external provider, the development could not fall within the category of a ‘Rural Pursuit/Hobby Farm’ and would therefore need to be considered in accordance with Clause 18(4) of LPS3 as a use not listed in the Scheme. This requires consideration of the nature of the proposed use against the objectives of the zone. In this regard, the objectives of the ‘Rural Residential’ zone are as follows:

- To provide for lot sizes in the range of 1 ha to 4 ha.
- To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
- To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- To provide a residential amenity with a rural character.

Due to the infrequent nature of the private and group riding events and recognising the small-scale nature of the proposed activities, Officers consider that the development will not result in amenity impacts. Any emissions generated from the development (dust, odour) due to the small scale/low intensity nature of the proposal, can be appropriately managed through conditions of



approval. Therefore, Officers consider the proposal consistent with the objectives of the zone, which would allow the application to be considered for approval under the provisions of LPS3.

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

The subject site is located within a designated Bushfire Prone Area and therefore subject to the provisions of SPP3.7. Compliance with the Shire's Fire Control Notice is a requirement for all properties within the Shire, and this is reflective of managing risk of bushfire. There is not considered to be a heightened risk of bushfire associated with the proposed development.

Traffic:

During the consultation period, one of the submissions raised concerns in relation to the volume of cars and floats attending the premises on a regular basis. The application under consideration would see private lessons provided once every six weeks and clinics provided twice per year. The private lessons would be limited to a maximum of eight people and the clinics limited to six people. The traffic generated from this scale of development would be very low and infrequent and Officers consider this is unlikely to result in any detrimental impact onto surrounding landowners. Conditions have been recommended to limit the capacity, frequency and hours of operations of private lessons and clinics, in accordance with the application as proposed, to ensure the development does not result in any detrimental impacts as a result of traffic.

Amenity:

During the consultation period, the two objections raised concerns in relation to noise and light from operations occurring on the arena. In terms of the noise impacts, the provision of riding lessons on the site entails the use of a microphone and speaker to allow the riders to take direction from the instructor over the course of the lesson. Given the infrequent nature of such riding lessons, and that taking audible instruction is an important aspect of such lesson, it is not considered that amenity will be adversely affected as a result. A condition has been imposed to limit the use of a microphone to an audible level that is only necessary for clear instruction to take place.

In relation to light, Officers are satisfied this can be addressed through a condition, requiring any lighting to be installed in accordance with the relevant Australian Standard.

## **Options and Implications**

### Option1

1. That Council APPROVES the application for the retrospective stable and horse arena at Lot 135, 15 Angus Close, Oakford, subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P4 received at the Shire's Offices on 15 May 2021.
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- b. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. Within 30 days of the date of this determination, an updated Equine Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated Plan shall be prepared with a view to including management practices relating to dust, odour and waste. Once approved, the Equine Management Plan shall be implemented in its entirety to the satisfaction of the Shire of Serpentine Jarrahdale.



- d. Lighting shall be installed in accordance with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting.
- e. The use of loud speaker system is limited to the duration of lessons only, and is to be only used to a level necessary to give safe instruction to riders undertaking lessons.
- f. Riding lessons are limited to between the hours of 7am to 7pm.

### Option 2

As per Option 1, but deleting condition (e) and (f) and replacing with a new condition (e) as follows:

- e. There are to be no private riding or group lessons undertaken on the subject land, and the horse arena is to be limited to use by the occupier of the land only.

Option 1 is recommended.

### **Conclusion**

The application seeks retrospective approval for a stable and horse arena (with the arena including small scale riding lessons). Officers recommend that Council approves the application, subject to conditions.

### **Attachments (available under separate cover)**

- **10.1.3 – attachment 1** – Development Plans (E21/10756)
- **10.1.3 – attachment 2** – Summary of Submissions (E21/10757)
- **10.1.3 – attachment 3** – Technical Assessment (E21/10758)

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

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

### **Financial Implications**

Nil.

### **Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1.						



2	That Council grants retrospective approval but does not support any private riding lessons or group lessons.	Planning framework	Reputation	Possible	Moderate	MODERATE	Ensure a valid planning reason as to why the private riding lessons or groups lessons are not supported.
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**Voting Requirements:** Simple Majority

**OCM270/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strange**

**1. That Council APPROVES the application for the retrospective stable and horse arena at Lot 135, 15 Angus Close, Oakford, subject to the following conditions:**

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

<b>Plans and Specifications</b>	<b>P1 – P4 received at the Shire’s Offices on 15 May 2021.</b>
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**b. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**

**c. Within 30 days of the date of this determination, an updated Equine Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated Plan shall be prepared with a view to including management practices relating to dust, odour and waste. Once approved, the Equine Management Plan shall be implemented in its entirety to the satisfaction of the Shire of Serpentine Jarrahdale.**

**d. Lighting shall be installed in accordance with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting.**

**e. The use of loud speaker system is limited to the duration of lessons only, and is to be only used to a level necessary to give safe instruction to riders undertaking lessons.**

**f. Riding lessons are limited to between the hours of 7am to 7pm.**

**CARRIED UNANIMOUSLY 9/0**



**10.1.4 – Extension of Extractive Industry Licence for Lot 713, 344 King Road, Oldbury (PA21/735)**

<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: Taylor Burrell Barnett  
 Owner: LWP  
 Date of Receipt: 3 August 2021  
 Lot Area: 283,474.71m<sup>2</sup> (28.34ha)  
 Town Planning Scheme No 2 Zoning: 'Rural'  
 Metropolitan Region Scheme Zoning: 'Rural'

**Report Purpose**

The purpose of this report is for Council to consider an application to extend an Extractive Industry License (EIL) for a period of five (5) years for Lot 713, 344 King Road, Oldbury. This coincides with the current development approval, which expires in 2026, and thus represents the consideration to issue a licence under the local law.

Officers support the extension of time to the EIL and recommend Council approves the application.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 22 August 2011 - SD016/08/11</i>  <b>COUNCIL RESOLUTION / Officer Recommendation</b></p> <p>A. <i>Planning approval be granted for an extractive industry (sand extraction) at Lots 200 &amp; 441 Coyle Road and Lots 713 &amp; 1242 King Road, Oldbury for a ten year period expiring 30 June 2021 subject to the following conditions:</i></p> <p>5. <i>Planning approval for the extractive industry is limited to ten (10) years expiring on 30th June 2021.</i></p>
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**Background**

The subject site is a 28.34ha lot located on the western side of King Road. The land is zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).

The subject site adjoins a broader extraction area which has been extracted to the full extent of its approval. The application seeks a five (5) year extension to the EIL to allow the final area of



extraction to be completed. An application for a five (5) year extension to the extraction timeframe under the development approval was received on 3 August 2021. This was approved in accordance with the Shire's Notice of Delegation, taking into account that the public advertising of the development application received no objections, and the proposal was consistent with the planning framework.



Figure1: Site context

The EIL application area has been cleared and partially extracted across the initial approval period. The extension of time would allow the remaining approved area to be extracted, which totals approximately 271,387 cubic metres of material. The topography of the site ranges in elevation between 34m AHD and 21m AHD and the extraction depth proposed is 22.18m AHD to preserve a 2m separation distance to groundwater levels.

The extraction area of the approval is depicted below:



Figure 2: Proposed extraction area



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## **Community / Stakeholder Consultation**

There is no advertising associated with extractive industry licenses, as they rely on the planning approval process (which is subject to advertising) having been undertaken first.

In this regard, the development application for a five (5) year extension to the extraction timeframe was advertised in accordance with the Scheme and Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy (LPP1.4). As mentioned, during the advertising period no submissions were received.

The development application was also referred to relevant Government Agencies, who raised no objection to the proposal.

## **Statutory Environment**

### Legislation

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

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Law: Extractive Industry.

## **Comment**

An assessment of the EIL application was undertaken by Officers against the Shire of Serpentine Jarrahdale Extractive Industry Local Law. The application comprised of the following key documents previously approved as part of the planning process:

- Environmental Management Plan
- Rehabilitation and Decommissioning Plan.

The information submitted has been assessed, and reflects the expectations of the local law. A comprehensive assessment of the plans and activities have also been recently undertaken as part of the Shire's annual audit of the extractive industry operations program. The audit concluded that the activities are being undertaken as per the planning approval. As such, this demonstrates that the development will continue to be undertaken in a manner which will address environmental and amenity impacts.

Council should note that Officers, as part of determining the recent development application for an extension of time for the extractive industry for the site, have imposed a condition of approval requiring a contribution towards the accelerated deterioration of the Shire's local road network resulting from the 244 vehicle movements a day generated by the development. The condition will directly enable the contribution to be put towards addressing more rapid road deterioration of the haulage route, thus addressing traffic safety issues that are brought forward as a result of deterioration.

Officers have also conditioned an amended haulage route as part of the recent development approval resulting from road infrastructure (narrow road bridges over main drains and 3m wide road pavements not allowing for two-way movements) in some areas of the existing route. The new approved haulage route is shown in the image below. Officers consider that this will further address road safety issues for the broader community.

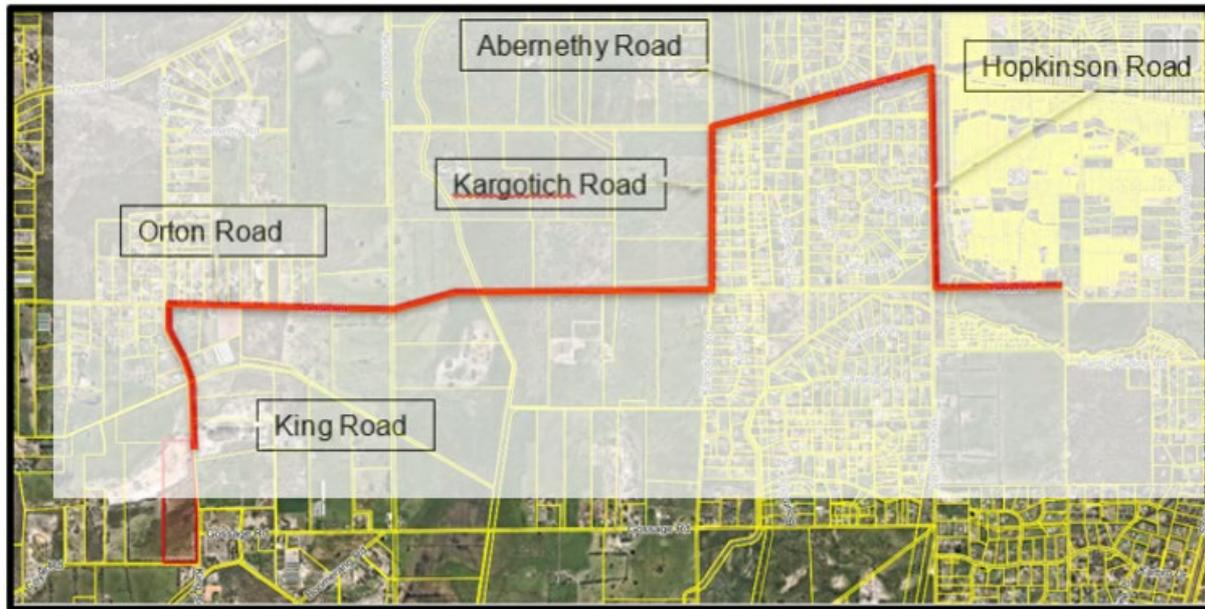


Figure 3: New Haulage Route

## Options and Implications

### Option 1

That Council APPROVES the application contained within **attachment 1** and **attachment 2** to extend an Extractive Industry License at Lot 713, 344 King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following conditions:

- a) The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an Extractive Industry at Lot 713, 344 King Road, Oldbury;
- b) The landowner shall pay an annual Extractive Industries Licence Fee as set by the Shire of Serpentine Jarrahdale;
- c) The landowner/licensee shall comply with the Management Plans, Extractive Industry Approval and Licence conditions as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as agreed in writing between the Shire and the landowner/licensee and to provide all reports and documents as required by the Extractive Industry Approval and Licence conditions; and
- d) The licensee submit a surveyor's certificate each year, prior to the annual audit fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

### Option 2

That Council resolves to REFUSE the application to extend the 'Extractive Industry License' for a period of five (5) years over Lot 713, 344 King Road, Oldbury.

Option 1 is recommended.



## Conclusion

The application is to extend an EIL to coincide with the extended development approval timeframe, to allow the remaining area of approved extraction to be completed. Officers support the proposal and recommend Council approves the application.

## Attachments

- **10.1.4 – attachment 1** – Extension Application (E21/10795)
- **10.1.4 – attachment 2** – Management Plans (E21/10796)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

## Financial Implications

As part of the development approval issued for the extractive industry, a condition has been imposed consistent with the planning framework pertaining to road maintenance agreements for the haulage route. In this respect, Condition 23 has been imposed on the development approval as follows:

*23. Prior to the commencement of works, the applicant/landowner shall make a financial contribution of \$83,077.49 to the Shire of Serpentine Jarrahdale, reflective of the calculated annual road asset deterioration impact of the proposed development. Upon payment of this contribution, the applicant/landowner shall thereafter make an annual contribution on the same date each year at the same rate. This contribution satisfies the accelerated depreciation of the Shire's road network associated with the haulage of the development to address road safety along this route.*



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	All foreseeable risks have been addressed in respect of option 1.						
2	If Council do not resolve to approve to extend the EIL over the lots subject to this application, the operator will not be able to continue operating under the Local Law: Extractive Industry. This may also result in an appeal to the Minister of Local Government pursuant to Part 9 of the Local Government Act.	Local Law: Extractive Industry	Reputation	Possible	Minor	MODERATE	Having a robust reason not to support the extension to the EIL.



**Voting Requirements:** Simple Majority

**OCM271/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr McConkey**

1. That Council **APPROVES** the application contained within attachment 1 and attachment 2 to extend an Extractive Industry License at Lot 713, 344 King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following conditions:
  - a) The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an Extractive Industry at Lot 713, 344 King Road, Oldbury;
  - b) The landowner shall pay an annual Extractive Industries Licence Fee as set by the Shire of Serpentine Jarrahdale;
  - c) The landowner/licensee shall comply with the Management Plans, Extractive Industry Approval and Licence conditions as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as agreed in writing between the Shire and the landowner/licensee and to provide all reports and documents as required by the Extractive Industry Approval and Licence conditions; and
  - d) The licensee submit a surveyor's certificate each year, prior to the annual audit fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

**CARRIED UNANIMOUSLY 9/0**



**10.1.5 – Community Engagement Plan to formulate the new Jarrahdale Oval Master Plan (SJ2081)**

<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Owner:	Shire of Serpentine Jarrahdale
Lot Area:	46,223 m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Public Open Space'
Local Planning Scheme No 3 Zoning:	'Public Open Space'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

The purpose of this report is for Council to endorse a Community Engagement Plan that will shape how community engagement occurs as part of the upcoming Jarrahdale Oval Master Plan exercise. While a landscape architecture consultant will be engaged to help deliver the Master Plan, Officers consider that having a clear and inclusive process for community engagement in the formulation process, will help deliver an effective outcome for Council's ultimate consideration.

It is recommended that Council endorses the Community Engagement Plan.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 21 June 2021 – OCM154/06/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *RECEIVES the draft Jarrahdale Trail Town Business Case as contained in attachment 1;*
2. *REQUESTS the Chief Executive Officer advertise the Jarrahdale Trail Town Business Case for public comment for a period of 60 days;*
3. *REQUESTS that the draft Jarrahdale Trail Town Business Case and any public submissions be presented for consideration by Council at the September 2021 Ordinary Meeting of Council.*

**Background**

Jarrahdale Oval is located on Millars Road, approximately two kilometers from the Jarrahdale Town Centre. The area currently facilitates the following:

- A turfed non-irrigated oval;



- The oval doubles as an off-leash dog park as it is fenced, has gates and other facilities for dogs;
- An unpaved parking area;
- Two pavilions;
- Toilets;
- Two water tanks.

Various trails in the Jarrahdale area (Langford Park, Kitty's Gorge Walk Trail, Mundlimup Trail and the Munda Bididi Trail), pass by or pass through the Jarrahdale Oval site.

The oval space also gets used for events and functions as a public open space. These include:

- Jarrahdale Log Chop and Serpentine Jarrahdale Lions Country Fair;
- Safari Rally;
- Dams Challenge;
- Jarrahdale Endurance Ride;
- Various trail running events;
- Western Australia Men's Shed Country Markets;
- Jarrahdale Cycling Team Time Event.

Council has recently considered the Draft Jarrahdale Trails Town Business Case, which identifies the following actions for Jarrahdale Oval:

No.	Recommendation	Cost Estimate	Priority	Lead Agency and Partners
3.3	Develop the Jarrahdale Oval Trail Head with a linkage into the Jarrahdale Trail Centre. This should be in line with the concept plans developed as part of the <i>Trail Business Case in 2020</i> and complement, not duplicate the functions of the Trail Centre to be established at Lot 814. This should focus as a site for special events and for commencing trail activity in this area.	\$350,000	High	SSJ/DBCA/ DLGSCI
8.2	Connect the Jarrahdale Oval Trail Head to the Town Centre via a pathway network.	\$200,000	Medium	SSJ/DBCA
10.6	Review requirements for horse float parking areas allowing for easy access to equine trails, including ensuring provision of horse float parking areas through the Jarrahdale Oval Master Plan, Jarrahdale Oval Trail Head and at the Trail Centre Lot 814 Jarrahdale Road.	Existing SSJ resources	Medium	SSJ



No.	Recommendation	Cost Estimate	Priority	Lead Agency and Partners
12.1	Redevelop Jarrahdale Oval in response to community use and to support Trail Town activities.	\$4m	High	SSJ
13.2	Utilise the Jarrahdale Oval as an event space for trail based events along with other community events that are compatible with the site.	Existing SSJ resources	High	SSJ/Event Organisers
16.3	Investigate the feasibility of installing and constructing free water stations at St Pauls Church/Heritage Park, Jarrahdale Oval Trailhead site, and Kitty's Gorge car park.	Existing SSJ resources	Low	SSJ/DBCA
16.4	Encourage pop-up locations for mobile vendors e.g. food trucks at key sites such as Jarrahdale Oval and the proposed Trail Centre at Lot 814 and potentially the upgraded parking area at the Kitty's Gorge Trail Head.	Existing SSJ resources	Low	SSJ
18.1	Install free Wi-Fi provision to provide internet access to Lot 814, Jarrahdale Heritage Park, Jarrahdale Oval and Kitty's Gorge car park.	\$100,000	High	SSJ

The Draft Business Case provides the following concept plan, that should be the basis of the Master Plan:





Should Council wish to now proceed with a Master Plan, it will be important to ensure it reflects the expectations set out under the Trails Town Business Case.

### **Community / Stakeholder Consultation**

In addition to the proposed Community Engagement Plan, there has previously been various forms of community engagement relating to Jarrahdale Trails. This has included community discussion on the Jarrahdale Oval also.

The Community Engagement Plan importantly does not seek to re-engage the community on feedback that has already been provided. Rather, its focus is on sense checking along the process to formulate the intended Master Plan for the Oval.



### Statutory Environment

#### Legislation

- *Local Government Act 1995*

#### Comment

Jarrahdale Oval is a community asset for the residents of Jarrahdale. It provides recreational space as an off leash dog exercise area, a place to walk, a meeting point, an emerging trails hub, and events space, parking area for equestrian based activities and a place for other recreational pursuits.

Various attempts have been made to establish what the longer term functionality of the space should be. Officers consider there to be unique opportunity to now embark on a Master Plan for the Oval, as the absence of a clear Plan for the future will invariably mean this asset continues to depreciate and not fulfill its potential for Jarrahdale and the Shire more broadly.

Recently, the Shire has had various discussions with the residents of Jarrahdale regarding transforming the town into a Trails Town/Trails Hub. This engagement provided some insight as to what the oval is being used for, and what residents thought the oval could become as part of the overall picture, to the benefit of the community of Jarrahdale.

The following actions have been identified in the Trails Town Business Case:

- 3.3: Develop the Jarrahdale Oval Trail Head with a linkage into the Jarrahdale Trail Centre. This should be in line with the concept plans developed as part of the Trail Business Case in 2020 and complement not duplicate the functions of the Trail Centre to be established at Lot 814. This should focus as a site for special events and for commencing trail activity in this area;
- 12.1: Redevelop Jarrahdale Oval in response to community use and to support Trail Town activities.
- 13.2: Utilise the Jarrahdale Oval as an event space for trail based events along with other community events that are compatible with the site.

The Business Case also identifies this as a high priority, with an aspiring goal to see a redevelopment occur of some \$4m magnitude.

#### D. Attractions and Activities

No	Recommendation	Cost	Lead Agency/ Partners	Criteria 1	Criteria 2	Criteria 3	Total Rating	Year 1	Year 2	Year 3	Total Cost Years 1-3
12.1	Redevelop Jarrahdale Oval in response to community use and to support Trail Town activities.	\$4,000,000	SSJ	3	3	2	8	\$400,000	\$2,000,000	\$1,600,000	\$4,000,000
13.1	Create an online event calendar, so that events are programmed evenly throughout the year to avoid clashes and the public is aware about what events are planned for the area.	Existing SSJ resources	SSJ	2	1	1	4			\$0	\$0
13.2	Utilise the Jarrahdale Oval as an event space for trail based events along with other community events that are compatible with the site.	Existing SSJ resources	SSJ/Event Organisers	2	2	2	6			\$0	\$0
13.7	Provide a range of trails activation activities and events throughout the year.	\$20,000	SSJ/Event Organisers	3	3	2	8	\$20,000	\$20,000	\$20,000	\$60,000
Total Cost								\$420,000	\$2,020,000	\$1,620,000	\$4,060,000

The only ability in which to secure funding for such a redevelopment, would be to have a Master Plan in place which forms part of an overall coherent vision that is represented through the Trails Town Business Case. Officers consider that a small investment of circa \$40,000 to prepare a Master Plan, provides an important step towards achieving redevelopment which will be dependent on external grants to deliver.



At the August 2020 Ordinary Council Meeting, the Serpentine Jarrahdale Trails Town Business Case was endorsed by Council. One of the three key projects outlined as part of the Serpentine Jarrahdale Trail Development Business Case was the potential to develop a trail head adjacent to Jarrahdale Oval.

It is also outlined that a trailhead would result in a flow on economic benefit to the town of Jarrahdale. It will likely also create opportunities to host more events at the Jarrahdale Oval site. A trail head of this gravitas would need to be of state level significance, and this a budget of \$4m to achieve the Master Plan is a realistic costing for what it would need to be in order to prove effective. Accordingly, the Master Plan could become the advocacy piece in which to attract the necessary State and/or Federal Government funding to deliver.

Included in the Draft Jarrahdale Trails Town Business Case are key recommendations that will be required in order to strengthen the case for Jarrahdale to be considered a trails town. These would form the basis to informing a Master Plan, together with sense checks with the community along the way.

#### Proposed Community Engagement Plan

The proposed community engagement plan for the upgrade of Jarrahdale Oval encompasses a focus on sense checking, rather than reinventing, the large amounts of community engagement already received.

The following will form the engagement process:

- An initial sense checking, whereby the appointed consultant undertakes a process to confirm community input provided on the Oval Master Plan process to date;
- The appointed consultant identifying, and undertaking direct engagement with, other key stakeholders including Councillors, State Government agencies, community groups/organisations;
- Based on the community sense checking process; the stakeholder engagement and; the concept prepared as part of the Trails Town Business Case, the consultant formulates a draft Master Plan;
- Draft Master Plan is published for community feedback;
- Presentation of Draft Master Plan to Council for final approval.

### **Options and Implications**

#### Option1

That Council **ENDORSES** the Jarrahdale Oval Community Engagement Plan as contained in **attachment 1** and **NOTES** the beginning of the Master Planning process consistent with the Engagement Plan.

#### Option 2

That Council **DOES NOT ENDORSE** the Jarrahdale Oval Community Engagement Plan and decides **NOT TO PROCEED** with the Master Planning process.

Option 1 is recommended.



## Conclusion

The proposed Community Engagement Plan for the site is designed to test the information received previously relevant to the project. This will include previous business cases as well as the input from the community. At the conclusion of the process, the Draft Master Plan will be reported to Council, with the remit of community and stakeholder input, with a request for consideration to adopt the Master Plan.

## Attachments (available under separate cover)

- **10.1.5 – attachment 1** – Jarrahdale Oval Community Engagement Plan (E21/10444)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

## Financial Implications

The engagement process for the Jarrahdale oval masterplan is included in the 2021/2022 budget.

## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered to address risks.						
2	The Jarrahdale oval will not fulfill its potential as a trails head and recreation space that the community have identified they need.	Nil	Social / Community Outcomes	Possible	Moderate	MODERATE	If Council chooses not to proceed with a Master Plan, it will be important to explain the basis of the decision and how this may influence the future of Jarrahdale as a Trails Town.



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 October 2021**

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**Voting Requirements:** Simple Majority

**OCM272/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr McConkey, seconded Cr Byas**

**That Council ENDORSES the Jarrahdale Oval Community Engagement Plan as contained in attachment 1 and NOTES the beginning of the Master Planning process consistent with the Engagement Plan.**

**CARRIED UNANIMOUSLY 9/0**



**10.1.6 - The Brook at Byford Stage 3 Local Development Plan (PA21/866)**

<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Taylor Burrell Barnett
Owner:	Daleford Property PTY LTD – Cedar Woods
Date of Receipt:	9 September 2021
Lot Area:	Various
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

**Report Purpose**

The purpose of this report is for Council to consider the proposed The Brook at Byford Stage 3 Local Development Plan (LDP) Amendment. The LDP Amendment proposes a variation to the garage setback requirements under the deemed-to-comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) and the approved LDP. This amendment has been proposed following a detailed examination of the placement of footpaths, and the setback of garages, in order to ensure sufficient driveway width to park a car without overhanging the footpath. It is recommended that Council approve the proposed LDP Amendment.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 16 August 2021 - OCM218/08/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, APPROVE the Brook at Byford Stage 3 Local Development Plan as contained within attachment 1, subject to modifications as contained within attachment 3.*
- 2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PUBLISH the Brook at Byford Stage 3 Local Development Plan in accordance with Clause 87.*



## Background

The subject site is zoned Urban Development in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2). The density code plan that accompanied the approved subdivision plan for the subject site identified lots coded R20, R30 and R40. On 16 March 2021, the Western Australian Planning Commission (WAPC) issued a conditional subdivision approval (WAPC Ref. 160032) for the subject site with a condition requiring the preparation of a LDP. Condition 20 of the subdivision approval requires:

*'Local development plan(s) being prepared and approved for Lots 1, 2, 14, 15, 16, 40 and 41, as shown on the attached plan dated 22 January 2021 that address:*

- (a) quiet house design and construction requirements; and*
- (b) vehicle access and garage location.'*

The Brook at Byford Stage 3 Local Development Plan was approved, subject to modification, at the Ordinary Council Meeting held on 16 August 2021. The applicant has since submitted a proposed LDP Amendment under Clause 59 Part 6 Schedule 2 of the *Planning and Development (Local Planning (Schemes) Regulations 2015* (the Regulations), seeking to amend the garage setback requirements specified by the LDP, following review of the placement of footpaths and the need to achieve minimum length to park a vehicle without overhanging the footpath.

## Community / Stakeholder Consultation

Pursuant to Clause 59(4) of the Deemed Provisions, the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature. As the LDP Amendment is not considered to impact on any owners or occupiers within the area covered by the plan, or in the area adjoining the area covered by the plan, the LDP Amendment was not advertised. The discrete nature of the LDP precinct is such that its northern, eastern, southern and western interfaces do not affect owners or occupiers within or adjoining the precinct.

## Statutory Environment

### Legislation

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

### State Government Policies

- State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Local Planning Policy 2.2 – Residential Development Standards (R25-R60)

## Planning Assessment

### Garage Setbacks

The proposed LDP Amendment seeks to vary the deemed-to-comply provisions within the R-Codes relating to garage setbacks. The LDP, as approved by Council, specifies a 4.5m minimum garage setback for all lots, though contains a provision relating to the garage setbacks of some R30 and R40 lots which states that:

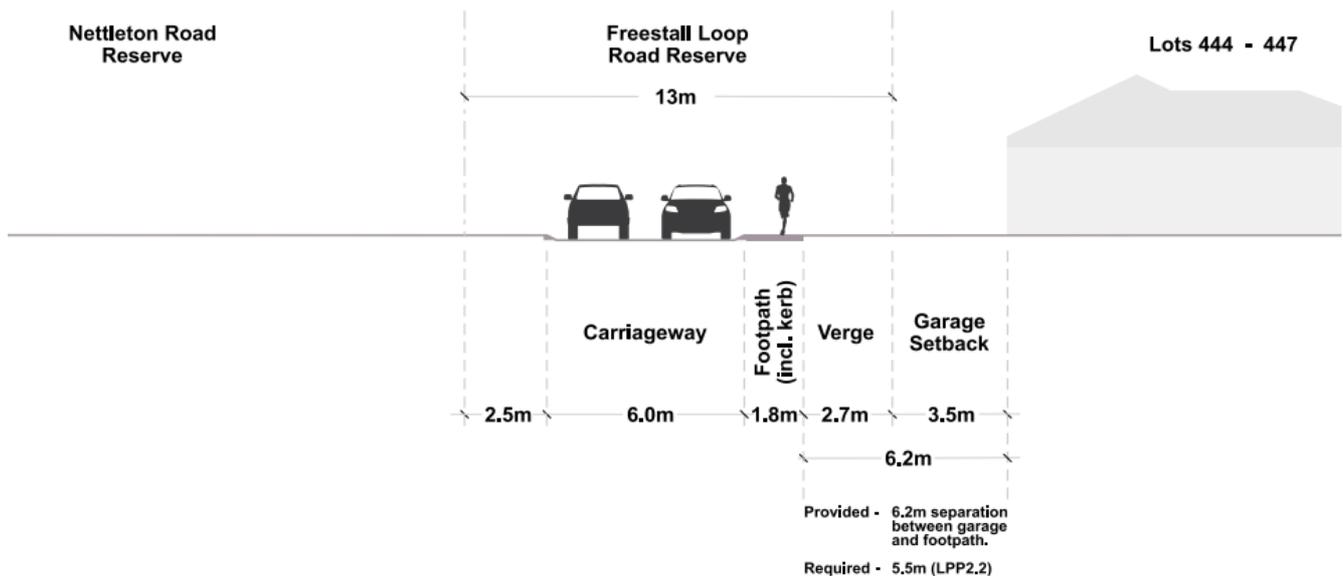


*'Where a footpath is located 1m or greater from the lot boundary: 4.5m (primary); Where a footpath is located less than 1m from the lot boundary: 5.5m (primary); May be reduced to 3.5m where no footpath is planned'.*

The proposed LDP Amendment seeks a minor change to this provision to allow for a 3.5m garage setback where a footpath is located 2m or greater from the lot boundary. The proposed amended provision is as follows:

*'Where a footpath is located 1m from the lot boundary: 4.5m (primary); Where a footpath is located less than 1m from the lot boundary: 5.5m (primary); May be reduced to 3.5m where a footpath is located 2m or greater from the lot boundary or where no footpath is planned'.*

Given a standard parking bay has a depth of 5.5m, it is important to ensure that a sufficient separation between the garage and footpath is always achieved, so as to allow for safe pedestrian access and to prevent an enforcement burden on the Shire to regulate. In this regard, the following image depicts that the proposed setback will work, as there will be a clear 6.2m for a car to park, which will be adequate to avoid overhang even with a tow bar in check.



Given that the proposed LDP Amendment ensures a 5.5m separation between the garage and the footpath can be achieved to prevent vehicles overhanging the footpath, and the Amendment only relates to constrained lots with shallow lot depths, Officers support the proposed LDP Amendment.

## Options and Implications

### Option1

That Council:

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE The Brook at Byford Stage 3 Local Development Plan Amendment as contained within **attachment 1**.



2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH The Brook at Byford Stage 3 Local Development Plan Amendment in accordance with Clause 87.

Option 2

That Council REFUSE The Brook at Byford Stage 3 Local Development Plan Amendment.

Option 1 is recommended.

### **Conclusion**

The proposed LDP Amendment seeks to vary the deemed-to-comply provisions within the R-Codes relating to garage setbacks. The proposed Amendment relates to constrained lots and ensures that a 5.5m separation between the garage and the footpath can be achieved, to prevent vehicles overhanging footpaths. Officers recommend that the proposed LDP Amendment be supported.

### **Attachments (available under separate cover)**

- **10.1.6 – attachment 1** – Proposed The Brook at Byford Stage 3 LDP Amendment (IN21/22197)

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

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

### **Financial Implications**

There are no direct financial implications relating to this matter.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council APPROVE The Brook at Byford Stage 3 Local Development Plan Amendment.	There are no material risks within this option.					
2	That Council REFUSE The Brook at Byford Stage 3 Local Development Plan Amendment.	Planning principles and framework.	Social / Community Outcomes	Possible	Insignificant	LOW	Accept Officer recommendation

**Voting Requirements:** Simple Majority

### OCM273/10/21

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Denholm

That Council:

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE The Brook at Byford Stage 3 Local Development Plan Amendment as contained within attachment 1.
2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH The Brook at Byford Stage 3 Local Development Plan Amendment in accordance with Clause 87.

**CARRIED UNANIMOUSLY 9/0**



**Councillor Atwell declared a Financial Interest in item 10.1.7 and left the Chambers at 8:24pm prior to this item being discussed.**

<b>10.1.7 – Adoption of the annual revision of the West Mundijong Industrial Development Contribution Plan Report DCP3 (SJ2147)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.

### Report Purpose

The purpose of this report is for Council to approve the annual update of the West Mundijong Industrial Development Contribution Plan (being Report Revision No.3), which updates the below items and the Contribution Per Metre Squared value, as detailed in the Appendices contained within the DCP Report in **attachment 1**. The Revision includes the following updates:

- Remaining m<sup>2</sup> to be developed
- Remaining Land to be acquired for POS/Drainage and Roads
- Remaining Infrastructure costs (indexed as required)
- Administration costs (actual costs to date plus future cost forecast)
- Minor textual changes to update references to informing strategies, documents, etc.

It is a requirement of State Planning Policy 3.6 Development Contributions for Infrastructure, that a DCP Report for a gazetted DCP, is updated at least annually.

These annual updates are minor in nature, as the primary purpose is to update development progress and the associated cost impact, in order to keep the Contribution Per Metre Squared value in line with remaining development.

### Relevant Previous Decisions of Council

Approval of the (previous) annual update to the West Mundijong Industrial Development Contribution Plan Report No. 2 (DCP2), adopted by Council on 21 September 2020:

*Ordinary Council Meeting – 21 September 2020 - OCM290/09/20 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council APPROVES the West Mundijong Industrial Development Contribution Plan Report 2 in accordance with attachment 1 for adoption and is published on the Shire website.*



## Background

The amendment to include the West Mundijong Industrial Development Contribution Plan (DCP) and the associated Development Contribution Area (DCA2) within the Town Planning Scheme No. 2 (TPS2) was initiated in 2015, and on 13 February 2018 this Amendment 187 was gazetted.

Following the gazettal of the DCP, Council adopted a DCP Report (and cost apportionment schedule) within 90 days (as per State Planning Policy 3.6). The DCP Report and the associated cost apportionment schedule sets out, in detail, the calculation base of the cost contribution for each owner, in accordance with the methodology shown in the DCP.

The DCP Report needs to be a dynamic document to maintain the currency of the cost apportionment and contribution liability. This is due to such costs, like land and infrastructure construction costs, being subject to change. The most recent annual update occurred on 1 October 2020, whereby DCP Report No. 2 was implemented. This annual update will be for DCP Report No. 3.

Appendix 16A of TPS2 under the heading of “Review Process” requires that *“The Development Contribution Plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing, but not exceeding a period of 5 years.”*

The pending Amendment 209, and associated DCP revision number 4 (DCP4), will achieve the five-year major review.

Throughout 2019-2020, the Shire has undertaken a full reconciliation of the West Mundijong Industrial DCP progress to ensure that all contributions, credits and other payments have been accurately recorded with a supporting audit trail.

The full updated DCP3 Report is contained within **attachment 1**.

Once this annual update is approved and adopted by Council, DCP3 will be in place until it is superseded by the gazettal of Amendment 209 to the Town Planning Scheme (and accompanying DCP4), or until the next annual (minor) review is due – whichever occurs first.

## Community / Stakeholder Consultation

There is no statutory obligation for the Shire to advertise or seek comment on the minor annual review of a DCP report.

Section 5 of the DCP Report provides that:

*“Where the costing and details of the West Mundijong Industrial Development Contribution Plan report are revised as listed below, the revised report may not be advertised for public comment, but will remain available for public inspection:*

- *indexed on a standard basis;*
- *revised based on construction cost increases/decreases;*
- *revised based on land value increases/decreases; and*
- *revised based on revisions to the likely lot/dwelling/development area outcome.*

The Mundijong Industry Reference Group (MIRG), represents the interests of developers who may be subject to the provisions of this DCP. The group also provides advice and guidance as to where and when future development will occur, which assists in developing timelines for



provision of the DCP infrastructure. This DCP3 has been reviewed by the MIRG group and feedback has been considered and included within this report, where appropriate.

This revision number 3 seeks only to update those items listed above and therefore is not required to be advertised prior to adoption.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- State Planning Policy 3.6 Development Contributions for Infrastructure (SPP 3.6)

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2

## **Planning Assessment**

State Planning Policy 3.6 Development Contributions for Infrastructure section 6.10.4 Requirements of a DCP, point (d) states that *“the costs of infrastructure must be transparent, appropriate and reviewed at least annually”*.

The (remaining) cost of infrastructure items, and other associated costs, such as land to be acquired and administration costs, are shared across the remaining lots anticipated to be developed within the DCP lifespan.

The annual reconciliation of costs and remaining meterage to be developed, set the starting Contribution Per Metre Squared value for each annual DCP revision. Likewise, any DCP Fund surplus or deficit at the time of the annual review, informs and adjusts the Contribution Per Metre Squared cost. This annual update serves to maintain the “cost neutral” position of the DCP, in order to ensure equitable sharing of costs and minimise the risk that the DCP fund closes in either a deficit or a surplus.

## **Options and Implications**

The West Mundijong Industrial DCP is fully funded by Developers operating within DCA2. As there is no “Shire Share” component of this DCP, there is no Financial impact to the Shire budget as a result of the annual update or any change in associated costs.

### Option1

1. That Council APPROVES the West Mundijong Industrial Development Contribution Plan Report 3, in accordance with **attachment 1**, for adoption and that the new revision be PUBLISHED on the Shire website.
2. That Council AUTHORISES the Chief Executive Officer to UPDATE the Development Contribution Plan Report appendices prior to publishing the Report, in order to capture any DCP transactions occurring between the submission of this Report and the date of the Council adoption of the report.

Option 2

That Council DOES NOT APPROVE the West Mundijong Industrial Development Contribution Plan Report 3.

Option 1 is recommended.

**Conclusion**

The West Mundijong Industrial Contribution Plan Report No.3 has been updated to reflect accurate costs and development progress, which inform an accurate Contribution Per Metre Squared rate as at the date of adoption of the DCP Report. This rate will form the basis for Contributions for the forthcoming DCP year.

The report is presented to Council for consideration for adoption. If approved, DCP3 will immediately succeed DCP2 as the operative DCP Report for Development Contribution Area 2 (DCA2).

**Attachments (available under separate cover)**

- **10.1.7 – attachment 1** – DCP Report Revision 3 (DCP3) (E21/9928)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

The modifications to DCP3 will slightly reduce the Contribution Per Metre Squared value payable, as compared to the currently operative DCP revision 2 (DCP2).

A single per metre squared rate is applicable across the whole DCA2 area. The Contribution Per Metre Squared rate under the current (DCP2) and proposed DCP3 are shown below:

Current DCP2 Rate per Metre Squared:	\$11.16
Proposed DCP3 Rate per Metre Squared:	\$10.57

The cost reduction is reflective of the following aspects which have occurred during the past year:

- Administrative efficiencies: gained from streamlined processes and the cost of dedicated DCP resources being shared across additional DCAs, plus a reconciliation of administration costs applied to date, including being offset by grant funding for the initial setup costs allocated to the DCP.
- The amount of land for POS/Drainage and Roads being acquired during DCP2, thus reducing the remaining land (and associated cost) that is still to be acquired.
- Reduction in cost associated with the Mundijong Road/Kargotich Road roundabout, due to funding received from the State Government through its Black Spot Program.



Remaining infrastructure costs (IER) have been indexed based on the “Road and Bridge Construction” index, published in the latest available (June 2021) WALGA economic briefing. The actual IER rate for 2020/21 is not yet published, and therefore the forecast rate for that period of 3.6% has been used. This informs the “starting cost” of the DCP at the date of the new revision.

The WALGA Index forecasts a 4.2% increase in cost over the Financial Year 2021/2022. This “future” increase is calculated using a daily escalation rate, based on the number of days between the start of the revision and the date a DCP contribution becomes due (e.g. subdivision clearance). This ensures costs keep pace with forecast indexing throughout the year.

The WALGA economic briefing is considered the most relevant index to keep infrastructure costs aligned with the construction sector, in between the 5-yearly Major DCP Reviews.

Upon approval of Amendment 209, which is the next Major DCP Review, all remaining infrastructure costs and all new infrastructure inclusions, will be fully reviewed by a suitably qualified professional (based on more detailed designs where appropriate) and re-costed in line with state sector costs at that time. These values will then inform the costs in the associated DCP4 revision.

It is noted that Amendment 209 has been submitted for final Ministerial approval with the Western Australian Planning Commission, and as such, subdivision or development approvals processed *on or after* the date of the submission, have development conditions applied which require contributions to be made in line with the DCP revision which accompanies Amendment 209 (DCP4). Interim arrangements are in place for such instances (pending the future adoption of DCP4), such as bond payments or legal deeds of agreement).

Development approvals granted *prior* to the submission of Amendment 209 to the Western Australian Planning Commission, will be required to provide contributions as per this DCP3, until such time that Amendment 209 is gazetted.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Council approving this annual DCP update (DCP 3).						



2	That Council DOES NOT APPROVE the West Mundijong Industrial Development Contribution Plan Report Number 3.	Nil	Strategic Stakeholder Relationships	Unlikely	Moderate	MODERATE	As the annual DCP update is a requirement of the Town Planning Scheme, it would not be possible to lower this risk as it would place the Shire in a position of not conforming with the requirements of the Scheme.
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**Voting Requirements:** Simple Majority

#### OCM274/10/21

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council:

1. **APPROVES** the West Mundijong Industrial Development Contribution Plan Report 3, in accordance with attachment 1, for adoption and that the new revision be **PUBLISHED** on the Shire website; and
2. **AUTHORISES** the Chief Executive Officer to **UPDATE** the Development Contribution Plan Report appendices prior to publishing the Report, in order to capture any DCP transactions occurring between the submission of this Report and the date of the Council adoption of the report.

**CARRIED UNANIMOUSLY 8/0**

Councillor Atwell returned to the Chambers at 8:24pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.7.

**10.1.8 – Consideration to undertake community engagement on improving pedestrian connectivity between Mundijong, Whitby and the future Keirnan Park Recreation Precinct (SJ326-02)**

<b>Responsible Officer:</b>	Director Development Services
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
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**Report Purpose**

The purpose of this report is to present to Council options to address a need for safer pedestrian access between Mundijong Town Centre, Whitby Estate and the future Keirnan Park Recreation Precinct.

This report presents a visual representation of options, which are recommended to be initially engaged with the community on, so that this can shape more detailed consideration and costing as to implementing the preferred option.

**Relevant Previous Decisions of Council**

There is no previous Council decision specifically relating to this matter.

**Background**

Mundijong and Whitby represent an area of significant growth and investment taking place. This growth and investment is across new residential landscapes, new recreational landscapes, new town centre landscapes and new civic and governance landscapes. In the short term, there is a need to address community connectivity especially between Mundijong Town Centre, Whitby and the soon to begin developing Keirnan Park Recreation Precinct.

**Community / Stakeholder Consultation**

The purpose of this report is to illuminate for community consideration the different options on pedestrian connectivity between Mundijong Town Centre, Whitby and the future Keirnan Park Recreation Precinct.

**Statutory Environment**

- *Local Government Act 1995*
- *Planning and Development Act 2005*

**Comment**

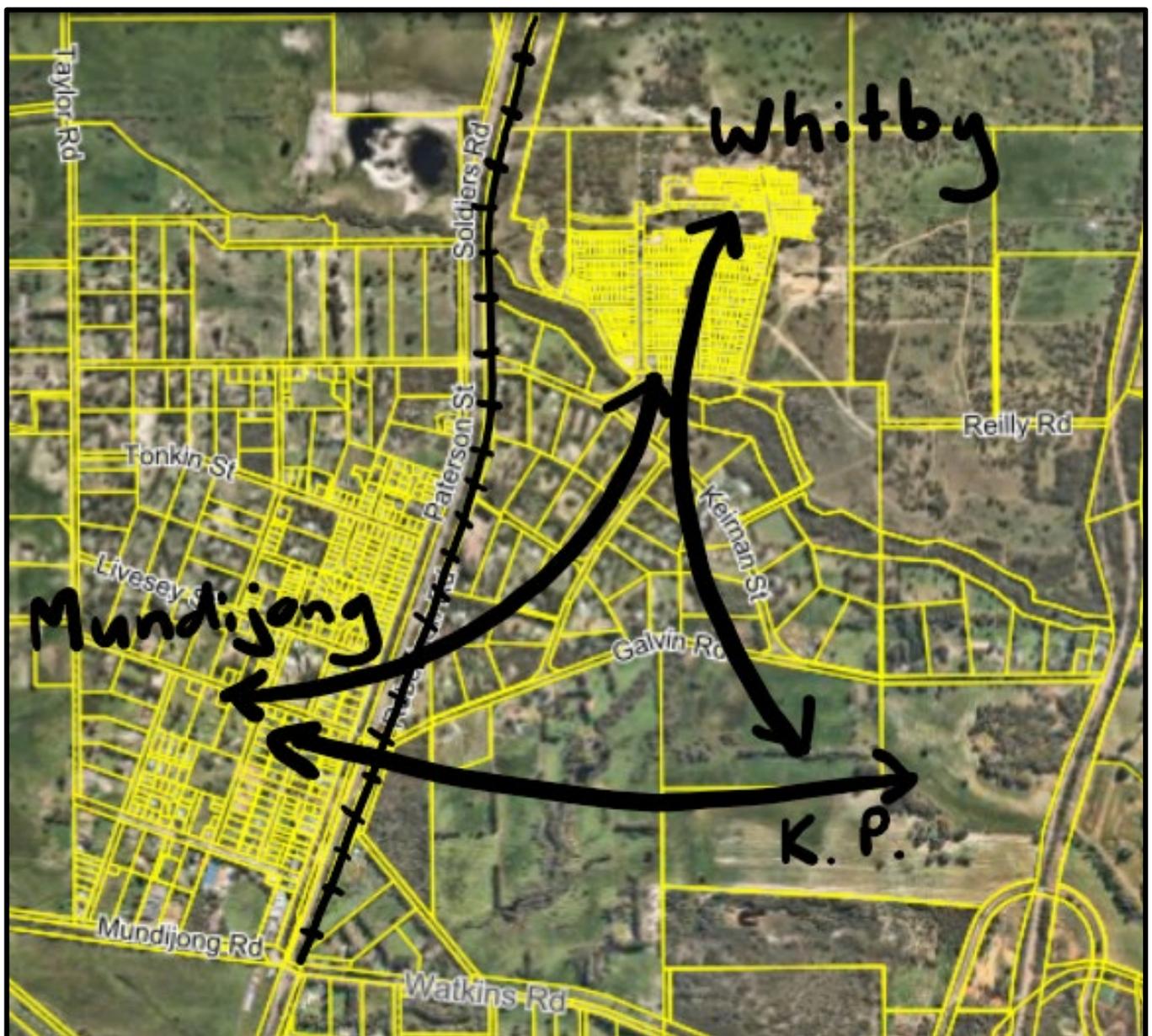
Since Whitby began its development in 2015, a number of elements of the planning and recreational framework have evolved. These include:



1. Publishing of the Southern Metropolitan Sub-regional Planning Framework in March 2018;
2. Updating of the Mundijong Whitby District Structure Plan, in order to better align to the Sub-regional Framework;
3. Adoption of the Keirnan Park Recreation Precinct Master Plan in 2021.

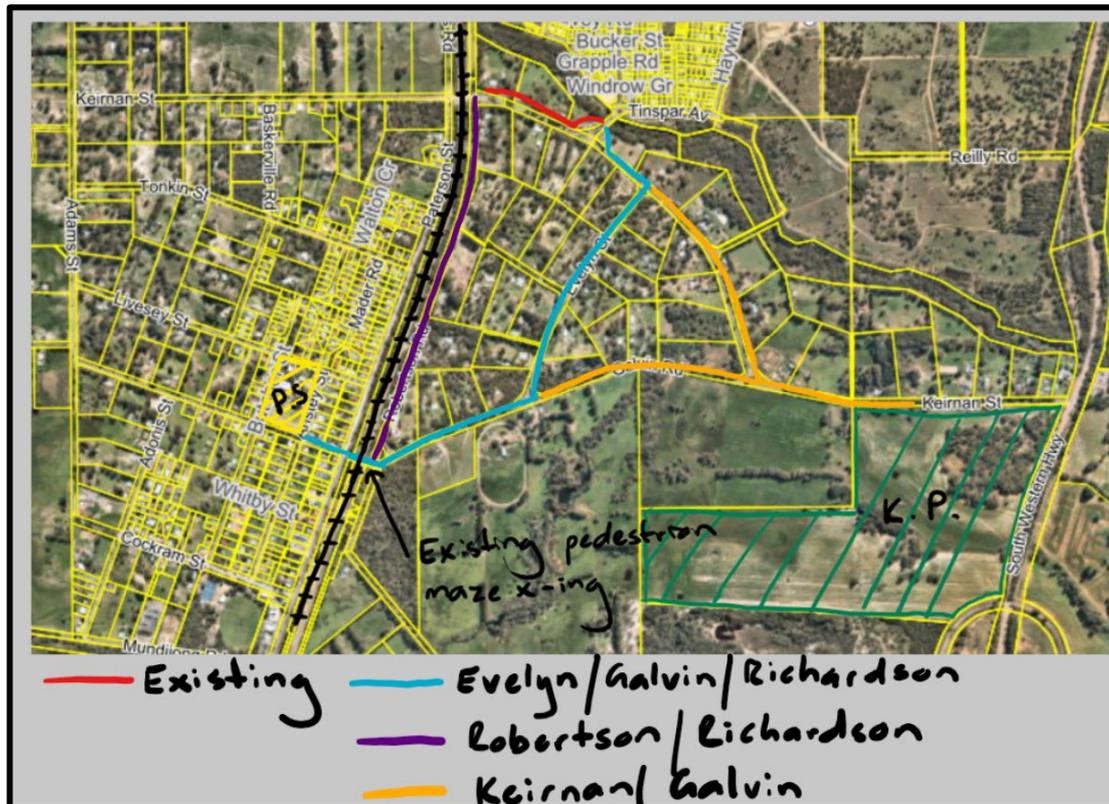
Through visual sketching, it is apparent that the Shire has the opportunity now to start consulting on how best to deliver community connectivity in a safe and efficient manner. It is particularly apparent (and also consistent with the adopted 2020 Mundijong Whitby District Structure Plan) that Keirnan Street will not provide a convenient pedestrian link when considering the three drawcards of Mundijong Town Centre/Primary School, suburb of Whitby and the Keirnan Park Recreation Precinct.

This is shown following:





In order to address this, the following image presents what are considered potential solutions for pedestrian connectivity:



These are discrete legs, but which range in scale, connectivity and ultimately cost. The blue route and purple route, initially, look to address a more efficient and safer connection between Whitby and Mundijong Town Centre. The orange route looks to address connectivity to Keirnan Park, both from Whitby and Mundijong Town Centre. It is important particularly to recognise that this would be a large component of works to deliver, and for that reason, community feedback would be important, to begin to understand what would be seen as a priority, and what would likely be used.

In terms of the red colour depicting the existing, the current situation of Keirnan Street and the rail is unsafe for pedestrians, given the absence of space to provide an acceptable connection. This would also be addressed by a replacement path infrastructure.

This is the purpose of this report.

## Options and Implications

### Option 1

That Council REQUESTS the CEO to undertake a process of community engagement with all residents of Whitby and Mundijong, to seek community priority and preferred staging for different footpath options in order to link the emerging activity precincts of Mundijong together.

### Option 2

That Council RESOLVES not to undertake community engagement.

Option 1 is recommended.



**Conclusion**

Mundijong and Whitby represent an area of significant growth and investment taking place. This growth and investment is across new residential landscapes, new recreational landscapes, new town centre landscapes and new civic and governance landscapes. In the short term, there is a need to address community connectivity especially between Mundijong Town Centre, Whitby and the soon to begin developing Keirnan Park Recreation Precinct. It is recommended that Council embark on a process of community engagement to determine community preferences in respect of connectivity.

**Attachments (available under separate cover)**

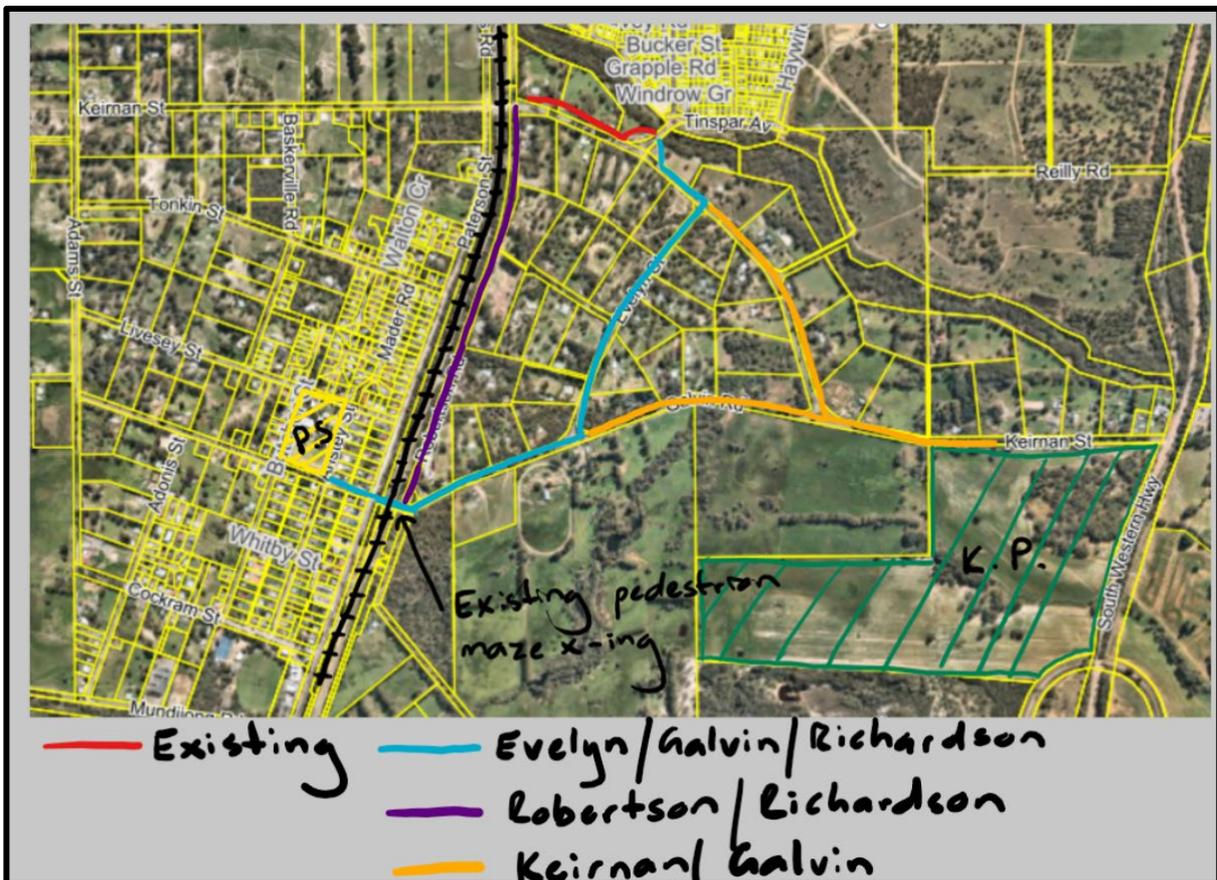
Nil.

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Strategy 2.2.4</b>	Support community groups (both new and existing), who are preserving and enhancing the natural environment.

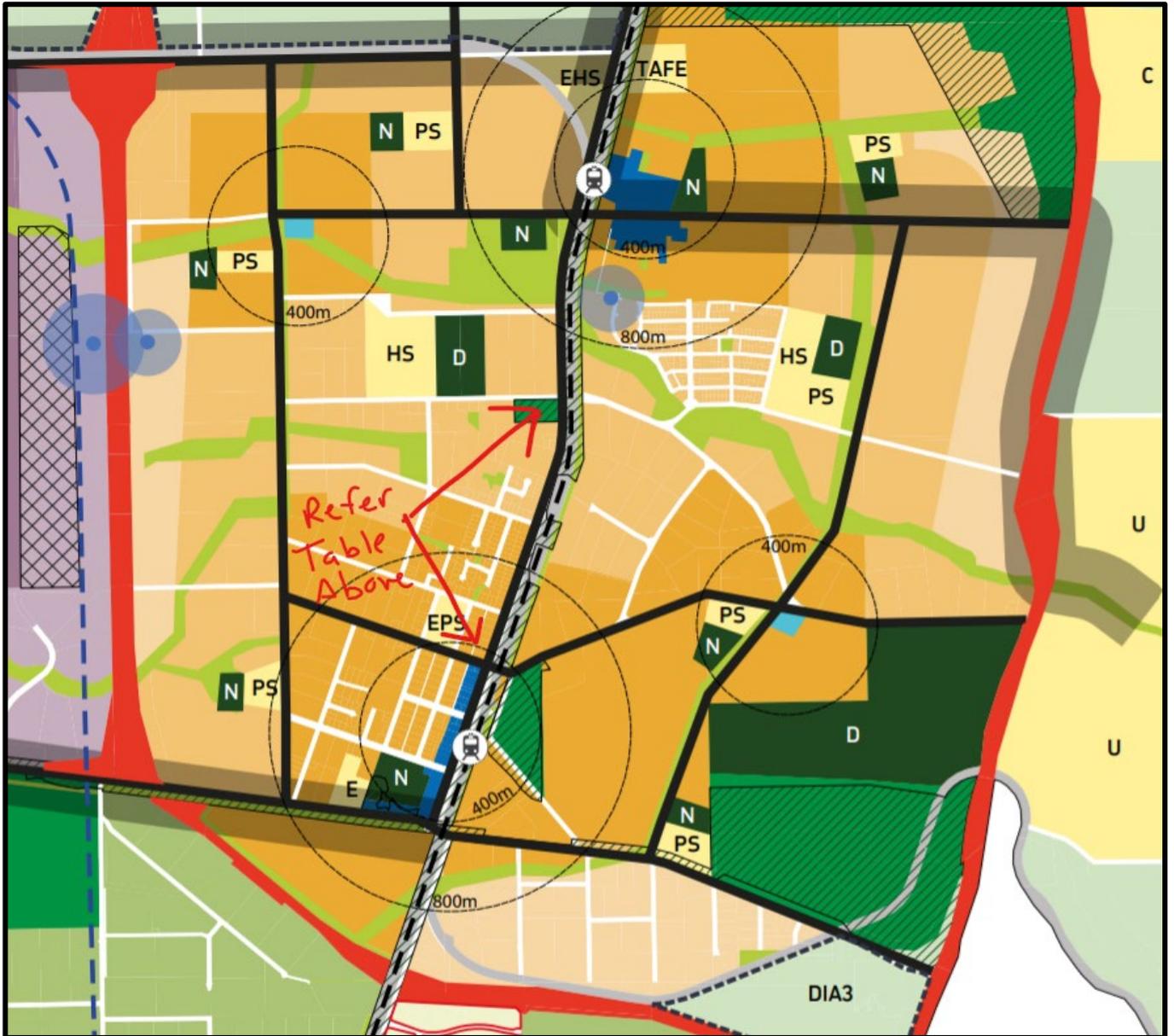
**Financial Implications**

The following high levels costings have been prepared for the different coloured routes:





<b>OPTION</b>	<b>Comments</b>	<b>Costs</b>
Red route	<ul style="list-style-type: none"><li>- This requires an approval from ARC Infrastructure for a crossing, to date of which has not been forthcoming;</li><li>- The path is in place, except for the rail crossing;</li><li>- It could promote a link that is not consistent with the long-term planning for Mundijong. This shows the Keirnan Street connection being eventually replaced with a more direct Evelyn Street / Galvin Street / Richardson Street connection;</li><li>- Unit rates of rail crossing for the Abernethy Road were used for the cost of this Option.</li></ul>	\$300,000
Blue route	<ul style="list-style-type: none"><li>- This would be a 1.6km replacement to having residents rely on the Keirnan Street / Paterson Street connection (refer above);</li><li>- It benefits from an already in place pedestrian crossing of the rail near Richardson Street;</li><li>- Provides a potential link that is consistent with the long-term planning for Mundijong;</li><li>- Footpath can be built as a 1.5m wide shoulder separated from the road by a solid white line;</li><li>- If the footpath is built behind the open drain it would require more clearing, drainage redesign and thus more cost.</li></ul>	\$421,000
Orange route	<ul style="list-style-type: none"><li>- If the blue route was considered, this would be a possible future stage that would also link to Keirnan Park;</li><li>- It would be a further 2km of path, depending on how far it extends into Keirnan Park.</li></ul>	\$704,000
Purple route	<ul style="list-style-type: none"><li>- Along Robertson Road - road reserve (not constructed);</li><li>- Would be a 1.2km section of new path, though previous comment that Robertson Road doesn't currently extend all the way through between Keirnan Street and Evelyn Street.</li></ul>	\$330,000





### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Endorsing Option 1	All risks have been considered as part of this option.					
2	Endorsing Option 2	Nil	Reputation	Possible	Major	SIGNIFICANT	Explain reason for not embarking on community engagement. Officers also note this maintains an unsafe crossing currently at Keirnan Street and the railway

**Voting Requirements:** Simple Majority

### OCM275/10/21

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr McConkey, seconded Cr Denholm

That Council **REQUESTS** the CEO to undertake a process of community engagement with all residents of Whitby and Mundijong, to seek community priority and preferred staging for different footpath options in order to link the emerging activity precincts of Mundijong together.

**CARRIED UNANIMOUSLY 9/0**



<b>10.1.9 – Update regarding Oakford Bushfire Brigade (SJ3171)</b>	
<b>Responsible Officer:</b>	Director Development Services
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
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### Report Purpose

The purpose of this report is to present to Council an update regarding the Oakford Bushfire Brigade Station. There continues to be significant progress made in respect of this project, and accordingly this report updates Council on:

1. The current status of land;
2. The current status of funding for a new brigade building.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 17 August 2020 – OCM254/08/20 – COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *NOTES the community feedback on the four possible options identified for a possible new Oakford Fire Station;*
2. *NOTES the results of the multi criteria analysis of the Advisory Group assessment of the four possible options;*
3. *ENDORSES a 2ha portion of Lot 106 Wills Place (off Pony Place) as the preferred location for the future Oakford Fire Station;*
4. *REQUESTS the Chief Executive Officer to write to the State Government landowner (Chair of the Western Australian Planning Commission) seeking a suitable leasehold interest in the subject land for the Shire to establish its Oakford Fire Station;*
5. *REQUESTS the Chief Executive Officer to inform the Local Government Grants Scheme of the Department of Fire and Emergency Services, that it has identified a preferred site for the future of Oakford Fire Station and requests priority funding of this Station;*
6. *REQUESTS the Chief Executive Officer to write to the landowner of the current site of the Oakford Fire Station, seeking a new lease agreement for a period of 2 years (with an option for a further 2 years) to secure the short term presence of the current Oakford Fire Station.*



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## **Background**

By way of background, the Shire has been considering the matter of the future for Oakford Bushfire Brigade Station, with the intent to secure a permanent location for this facility. With the Oakford locality comprising a diverse mix of special rural, agricultural and environmental landscapes, the capability of bushfire response has always been front of mind for the Shire and the community.

The current site, being on privately held land under historic short-term leasing arrangement, does not enable asset renewal or expansion to occur, given the absence of a permanent land location. Accordingly, finding a suitably located piece of Crown land for a permanent location for a new Oakford Station, has been a strategic priority for the Shire.

## **Community / Stakeholder Consultation**

As per the May 2020 decision of Council, community engagement was an important aspect of consideration of the four options for the future of the Oakford Bushfire Brigade.

## **Statutory Environment**

- *Local Government Act 1995*
- *Planning and Development Act 2005*
- *Land Administration Act 1997*

## **Comment**

### The current status of land

At the May 2020 Council Meeting, Council resolved to seek community feedback on four possible options for a new Oakford Station, and for an Advisory Group to also perform an assessment of the four options against a multi criteria analysis endorsed at that meeting. Subsequently, broad community feedback was sought via an online survey, with this running in parallel with the site options analysis.

At the August 2020 meeting of Council, both the community feedback and results of the multicriteria analysis were considered, and Council resolved to endorse a 2ha portion of State Government owned land off Pony Place, Oakford, as a preferred location for the new Oakford Station.

A 2ha portion of land has now been surveyed and is progressing through the final stages of State Government approval to be created as a Reserve for Emergency Purposes, vested in the Shire. This comprises a 200m long frontage of land to Pony Place, and depth of 100m. This provides flexibility to design and place the facility in a manner cognisant of nearby residents, which is an important objective to achieving a compatible development outcome. An image of the location is provided following, with the land designated as 'Lot 800':



This is an important outcome, and the Management Order request will be presented to Council once it is finally received, for Council to formally accept the Management Order and become the Management Body for the land.

The nearby community of Pony Place have also been updated by way of letter, to keep them informed on the progress that is being made.

#### The current status of funding for a new brigade building

As part of the 2021 Local Government Grants Scheme, the Shire has been awarded the opportunity for a 10 year self-supporting loan in order to fund the new Oakford Bushire Brigade. The Shire did not seek a self-supporting loan, rather the Shire sought a \$1.105m capital grant in order to deliver the brigade building. A self-supporting loan option, instead, offers Council the opportunity to undertake a 10 year loan from WA Treasury Corporation, with the principal and interest payments of this loan to be met entirely by State Government DFES. A letter copy of the 2021/22 Local Government Grants Scheme Capital Grants is provided at **attachment 1**.

Officers have responded to the Grants Funding Office of DFES, advising as follows:

1. The Shire doesn't have a practice of taking out loans mid budget stream, as this needs to be agreed by Council as part of its budget setting process. Accordingly, Officers would present as part of next year's 22/23 budget, a self-supporting loan for Council's consideration.
2. In terms of the loan amount, Officers would seek to engage a Quantity Surveyor in early 2022 to review / update costs associated with the capital build, based on the standard LGGS 4 Appliance Bay Facility & Amenities which is being requested for Oakford.
3. By undertaking an updated QS assessment, Officers will be in the best position to be able to advise Council on the quantum of the self-supporting loan being needed from WATC (and thus to be paid for by DFES). This seeks to understand any cost escalations in



construction, and therefore what adjusted amount from DFES will be required to cover the principal and interest over a 10 year loan term.

4. If Council agrees to the self-supporting loan, as part of the 22/23 budget deliberations, the Shire would then be able to tender for the construction work. The anticipated timing being to tender Q3 2022, and tender award Q4, 2022.
5. In the intervening period, the Shire would be able to organise preparatory site works and service extensions.

It is also noted that the design process of the project can begin, such as the necessary planning processes to provide opportunity for community input to the design and layout of the facility.

### **Options and Implications**

#### Option 1

That Council:

1. NOTES this update on the Oakford Bushfire Brigade project;
2. NOTES that a future report will be presented to Council dealing with the acceptance of the management order for the Crown Land Title created for the Oakford Bushfire Brigade Project;
3. NOTES that a \$1.105m self-supporting loan request will be listed for consideration through the 2022/23 financial year annual budget and Corporate Business Plan setting process;
4. NOTES that site preparation works will be considered for funding under the Oakford Bushfire Brigade Reserve Account.

#### Option 2

That Council DOES NOT NOTE the update on the Oakford Bushfire Brigade.

Option 1 is recommended.

### **Conclusion**

This report provides Council an update on the current progress of the Oakford Bushfire Brigade Project. It is recommended that Council note this update.

### **Attachments (available under separate cover)**

- **10.1.9 – attachment 1** – 2021/22 Local Government Grants Scheme Capital Grants (IN21/21436)



### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Strategy 2.2.4</b>	Support community groups (both new and existing), who are preserving and enhancing the natural environment.

### Financial Implications

As discussed, a \$1.105m self-supporting loan request is proposed to be placed for Council consideration as part of the forthcoming 2022/23 Budget.

As part of delivering a new bushfire brigade, local government is response for site servicing (power and water) and site preparation costs (preparing the site to a builder ready status). Council has established an Oakford Bushfire Brigade Reserve Account for this, which includes funds of \$250,000. It is anticipated that these preparatory works could occur in advance of the self-supporting loan consideration. This however cannot take place until the management order has been presented for Council's consideration in order to finalise its management of the new reserve being created.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Endorsing Option 1	All risks have been considered as part of this option.					
2	Not noting the update on the Oakford Bushfire Brigade Project	Nil		Possible	Moderate	MODERATE	Explain reason for not noting



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 October 2021**

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**Voting Requirements:** Simple Majority

**OCM276/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Denholm**

**That Council:**

- 1. NOTES this update on the Oakford Bushfire Brigade project;**
- 2. NOTES that a future report will be presented to Council dealing with the acceptance of the management order for the Crown Land Title created for the Oakford Bushfire Brigade Project;**
- 3. NOTES that a \$1.105m self-supporting loan request will be listed for consideration through the 2022/23 financial year annual budget and Corporate Business Plan setting process;**
- 4. NOTES that site preparation works will be considered for funding under the Oakford Bushfire Brigade Reserve Account.**

**CARRIED UNANIMOUSLY 9/0**



## 10.2 Infrastructure Services reports

### 10.2.1 – Update on the Risk Management Strategy for the Kwinana Waste to Energy Project (SJ216)

<b>Responsible Officer:</b>	Manager Waste and Fleet
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Information	For the Council to note
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#### Report Purpose

This report is to provide an update to Council, with regards to the Risk Management Strategy for the Kwinana Waste to Energy (KWtE) project.

#### Relevant Previous Decisions of Council

*Audit, Risk and Governance Committee Meeting – 6 May 2019 - ARG004/05/19 - COMMITTEE RESOLUTION / Officer Recommendation*

*That the Audit Risk and Governance Committee recommends that Council:*

1. *RECEIVES the report on the risk register; and REQUESTS the Chief Executive Officer formalise a specific risk treatment plan for SCM010/06/18 Rivers Regional Council and that it be submitted to Council.*

*Ordinary Council Meeting – 19 May 2019 - OCM074/05/19 - COUNCIL RESOLUTION / Officer Recommendation*

1. *That the minutes and resolutions contained therein of the Audit, Risk and Governance Committee held on 6 May 2019 be endorsed.*

*Ordinary Council Meeting – 15 June 2020 - OCM154/06/20 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

1. *ADOPTS the Waste Management Strategy 2020 to 2024 as contained within attachment 1.*

*Ordinary Council Meeting – 15 June 2020 - OCM154/06/20 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

1. *ADOPTS the Waste Management Strategy 2020 to 2024 as contained within attachment 1.*

*Ordinary Council Meeting – 16 August 2021 – OCM228/08/21 - COUNCIL RESOLUTION / Officer Recommendation*

1. *ADOPTS the Long-Term Financial Plan 2021-31 at attachment 1; and*
2. *ADOPTS the Corporate Business Plan 2021-25 at attachment 2.*



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## Background

The KWtE Waste to Energy Project is the construction of a waste processing facility in Kwinana being undertaken by Avertas Energy. As a member of the Rivers Regional Council (RRC), the Shire of Serpentine Jarrahdale has committed a proportion of its residual waste stream, for a minimum, contractual period of twenty years, to the KWtE project. The waste deliveries (and contract) are scheduled to commence mid to late 2022.

At the special Council Meeting of 13 June 2018, Council were provided with Confidential Report SCM010/06/18 regarding the contractual commitments to the KWtE project and their consequential risks. In May 2019, the Audit, Risk and Governance Committee, through review of the Shire's outstanding risks, noted that no formal risk treatment plan had been developed to date, and requested that the CEO formulate a specific risk treatment plan and submit it to Council for oversight.

In the time between the Committee meeting in May 2019 and now, the Shire has implemented several actions related to its overall Strategic Waste Management direction. These include:

- The employment of a dedicated resource to manage the Shire's overall waste strategy including the Waste to Energy contract and strategic relationships with DWER;
- Adoption of a Waste Management Strategy which included consideration of the Waste to Energy Project and the implementation of FOGO (as the below extract details);
- *"A staged rollout of the FOGO bins will be conducted following compositional analysis and mapping of the quantity of waste expected to be captured by the FOGO bin ensuring that the contractual obligations of the Shire to the Kwinana WTE facility are met."*
- Contract arrangements and governance considerations of the transition from Rivers Regional Council to Rivers Regional Subsidiary;
- Revision of the implementation strategy for FOGO through the 2021-22 Long Term Financial Plan, Annual Budget and Corporate Business Plan review process.

In lieu of presentation to Council of a formal risk treatment plan, the above-mentioned actions were progressed to manage risk and reports and their associated risks were provided to Council. Notwithstanding, the substance of the risk highlighted in June 2018 remains and with the revised FOGO timeline adopted in August 2021, it is appropriate that the risk is reassessed, and a formal update provided to Council.

## Community / Stakeholder Consultation

Nil.

## Statutory Environment

Section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act):

### *40. Waste plans*

- (4) The CEO may by written notice require a local government to include within its plan for the future a waste plan outlining how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the waste strategy*



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**Comment**

The risks identified concern the contractual volumes of waste that have been committed to the project and the composition of the waste that will be delivered and processed through the facility.

The Shire has committed to delivering 8,500 tonnes in the first year of the facility's operation, with an average of 7,500 tonnes per year to be delivered over the first ten years of the contract. In addition, the Shire has an optional tonnage volume that can be utilised for additional waste above the committed volumes. However, the optional volume is significantly lower than the committed, with an expected breach of the committed and optional tonnage by 2025.

While the Shire can comfortably meet the committed tonnages, the risk is that due to the Shire's hyper growth, the excess above the committed and optional volumes will be charged at a higher rate than the contracted volume pricing, as there is no mechanism in the contract to accommodate this scenario.

With regards to the composition of the waste, the State Government have made the decision that only residual waste can be delivered to the KWtE. This means only waste that has no possibility of alternative processing i.e. organics recycling, can be incinerated at the facility.

Organics recycling is known as Food Organics, Garden Organics (FOGO) and it is the centrepiece of both the State Government and the Shire's Waste Management Strategy. The FOGO project has a set target by the State, to be rolled out by all Western Australian Local Governments before 2025. This project requires a third bin to be provided to residents, that can be used to recycle FOGO material. The State Government recognises this change in direction will be a large contributor to achieving their targets in reducing, recovering and recycling waste.

Once the FOGO material is removed from the residual waste stream, the volumes will decrease on average by 30%. This adjustment will ensure the Shire meets its committed tonnages to the KWtE, without exceeding the committed and optional availability. Furthermore, the Shire will be compliant with the State Government directive to rollout the FOGO service before 2025, and to deliver only purely residual waste to the KWtE facility.

If the Shire doesn't comply with both the FOGO directive and delivering residual waste only to the KWtE, the Department of Water and Environmental Regulation (DWER) can enforce the change in operations through the *Waste Avoidance and Resource Recovery Act 2007*, and the Shire could be liable to pay a waste levy charge for every tonne of non-residual waste delivered to the KWtE.

In order to mitigate the identified risks, the Shire has made the decision to rollout the FOGO service to Shire residents from July 2022, which will reduce the total residual volume being delivered to KWtE, without compromising the committed tonnages, and to further comply with the State directive. This revised timeline was adopted by Council in August 2021, through the 2021-25 Corporate Business Plan.



### Current Risk Assessment

In light of the above, the risk of the Shire exceeding the contractual commitments under the KWtE project has been reassessed and is provided to Council for their noting as follows:

Risk Description	Principal Consequence Category	Inherent Risk Assessment			Controls	Residual Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
		Likelihood	Consequence	Risk Rating		Likelihood	Consequence	Risk Rating	
Due to the Shire's hyper growth, the Shire may exceed the contracted tonnage limit resulting in a financial cost to the Shire.	Financial	Almost Certain	Moderate*	HIGH	Implementation of FOGO	Unlikely	Minor	LOW	Not required – risk is within Risk Appetite.

*\*As the contract does not provide a price for exceeding tonnage limits, in order to produce a tangible risk assessment, Offices have assumed the charge to be an additional \$100 per tonne on the contracted pricing schedule (i.e. \$230 per tonne total) plus an estimated potential state government waste levy charge of \$50 per tonne. Between 2022-2032, without FOGO, the Shire would exceed the limits by at least 1600 tonnes. The financial impact in this regard is \$240,000 (\$150 x 1600 tonnes) which is a Moderate consequence under Council Policy Risk Management.*

As the above risk assessment demonstrates, the implementation of FOGO will reduce the Shire's financial risk exposure from High to Low. In accordance with Council Policy Risk Management, a low risk is within Council's risk appetite and may be managed at Officer level with oversight through the Executive Management Group.

### Options and Implications

The following options have been identified:

#### Option 1

1. NOTES the risk assessment for the Kwinana Waste to Energy Project as contained in this report; and
2. NOTES that in accordance with Council Policy Risk Management, the risk is acceptable to be managed at Officer level.



Option 2

That Council DOES NOT NOTE the new risk assessment for the Kwinana Waste to Energy Project.

Option 1 is recommended.

**Conclusion**

The Shire of Serpentine Jarrahdale has assessed the risks associated with the contractual commitment to the Kwinana Waste to Energy project and has developed the plans to best mitigate the risks identified.

**Attachments**

Nil.

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

There is no financial implication associated with the Officer Options.

**Risk Implications**

There are no risks associated with the Officer Options.

**Voting Requirements:** Simple Majority

**OCM277/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Denholm**

**That Council:**

- 1. NOTES the risk assessment for the Kwinana Waste to Energy Project as contained in this report; and**
- 2. NOTES that in accordance with Council Policy Risk Management, the risk is acceptable to be managed at Officer level.**

**CARRIED UNANIMOUSLY 9/0**



**10.2.2 - Adoption of Council Policy - Community Signage on Shire Reserves and Facilities (SJ514-10)**

<b>Responsible Officer:</b>	Senior Property and Facilities Officer
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Legislative	Includes adopting local laws, local planning schemes and policies.
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**Report Purpose**

The purpose of the report is for Council to consider adopting the draft Council Policy - Community Signage on Shire Reserves and Facilities. This Policy has recently completed the process of public engagement for a period of 28 days. No submissions were received during the public consultation period. It is recommended that Council adopt Council Policy - Community Signage on Shire Reserves and Facilities with no further modifications.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 15 February 2021 - OCM025/02/21 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p>1. <i>That Council requests the Chief Executive Officer ADVERTISES the new Council Policy - Community Signage on Shire Reserves and Facilities for 28 days, as contained in attachment 1 and re-present to Council at a future Council meeting.</i></p>
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**Background**

Currently no Council policy exists to provide guidance for Officers in the administration and advice to the public and users of facilities as to the Council guideline for sponsorship signage within Shire's reserves and facilities.

Given that Council facilities are used by the broader community, there is a need to establish clear direction and to provide a consistent approach and optimise usability for all users. Subsequently, a Policy for Community Signage on Shire Reserves and facilities was drafted and presented to Council at its Ordinary Council Meeting of 15 February 2021. Council resolved to advertise the draft Council Policy - Community Signage on Shire Reserves and Facilities for a period of 28 days, as part of the process to adopt a policy. In addition, a further consultation period was undertaken for a further 14 days.

**Community / Stakeholder Consultation**

Policy Concept Forum

Nil.

In accordance with Council's resolution, Council Policy - Community Signage on Shire Reserves and Facilities was advertised for a period of 28 days from 4 March 2021 until 1 April 2021, through the following:



- YourSaySJ;
- Shire's Facebook page;
- Copy displayed at the Shire's Administration Office;
- Examiner newspaper;
- Email sent to all current users of Shire facilities;

No submissions were received during the consultation period.

Additionally, the Policy has recently been re-advertised for a period of 14 days from 13 to 27 August 2021 through YourSaySJ and the Shire's Club Corner newsletter. No submissions have been received through the additional advertising period as well.

### **Statutory Environment**

Nil.

*Council is to have due regard to its policies to be able to govern its affairs and performance.*

### **Comment**

The objective of this policy is to establish a framework for the approval and installation of sponsorship signage by clubs and organisations on Shire owned or managed facilities and reserves, excluding Shire leased facilities which have a contractual arrangement to have signs permanently fixed.

### **Options and Implications**

#### Option 1

That Council ADOPTS Council Policy - Community Signage on Shire Reserves and Facilities as contained within **attachment 1**.

#### Option 2

That Council DOES NOT ADOPT draft Council Policy - Community Signage on Shire Reserves and Facilities.

Option 1 is recommended.

### **Conclusion**

Council Policies perform one important guiding document used to assist Officers in undertaking their roles within the Shire. Adoption of the proposed Policy will provide sufficient guidance for Officers in the administration of signage located on Shire reserves and facilities. This will ensure sponsorship signage located within Shire reserves and facilities is suitable and aligns with the Shire's adopted standards. The Policy has been advertised twice, by a 28-day advertising phase and more recently an additional 14-day period. No submissions have been received, therefore the policy is now submitted to Council for approval.

### **Attachments (available under separate cover)**

- **10.2.2 - attachment 1** –Community Signage on Shire Reserves and Facilities (E21/354)



### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### Financial Implications

There could be a cost to remove existing signs if the associated facility and reserve user cannot be identified.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this action						
2	Council not adopting the new Council Policy	Nil	Organisational Performance	Possible	Minor	MODERATE	If new policies covering relevant issues are not adopted, Officers would need to rely on the exercise of discretion on important design matters.



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 October 2021**

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**Voting Requirements:** Simple Majority

**OCM278/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strautins**

**That Council ADOPTS Council Policy - Community Signage on Shire Reserves and Facilities as contained within attachment 1.**

**CARRIED UNANIMOUSLY 9/0**



**10.2.3 - Heritage Country Choir Fee Waiver request (SJ901- 4)**

<b>Responsible Officer:</b>	Senior Property and Facilities Officer
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is for Council to consider a facility hire fee waiver request from Heritage Country Choir (the Choir) for 150 hours at no cost to use Briggs Park Pavilion in Byford.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 14 December 2020 - Councillor Recommendation*

*That Council APPROVES the fee waiver request from the Heritage Country Choir for hiring of the Briggs Park Pavilion – Main Hall in 2020-21 to the amount of \$450. This waiver is in addition to the waiver of \$1,275 provided under delegated authority on 19 November 2020.*

*Ordinary Council Meeting – 16 December 2019 - OCM306/12/19 - COUNCIL RESOLUTION*

*That Council:*

- 1. APPROVES a fee reduction to the value of \$1,316 for the Centrals Junior Football Club 2019 season kitchen hire fees.*
- 2. APPROVES a fee reduction to the value of \$3,650 for the Heritage Country Choir 2019/2020 Briggs Park Pavilion hire.*
- 3. APPROVES a fee reduction to the value of \$888 for the Serpentine Jarrahdale Girl Guides 2019/2020 'Mundijong House' hire.*
- 4. RECORDS the value of the waivers in the accounts of the Shire as a donation and fee waiver expense as per the following budget variation:*

<i>Account Number</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>OTH530</i>	<i>Expense (Junior Football)</i>	<i>\$1,316</i>	
	<i>Expense (Choir)</i>	<i>\$3,650</i>	
	<i>Expense (Girl Guides)</i>	<i>\$888</i>	
<i>10020</i>	<i>Sundry Debtors</i>		<i>\$5,854</i>
<i>Total</i>		<i>\$5,854</i>	<i>\$5,854</i>



*Ordinary Council Meeting – 26 November 2018 - OCM136/11/18 - COUNCIL RESOLUTION  
That Council*

1. Approves a fee reduction to the value of \$5,116 for the Heritage Country Choir Incorporated for the 2018/2019 financial year and advises the Heritage Country Choir Incorporated that no further reduction in facility hire costs will be considered for 2018/2019.
2. Approves a fee waiver to the value of \$2,025 for the Juniper Community Podiatry Clinic for the 2018/2019 financial year and advises the Juniper Community Podiatry Clinic that communication will take place prior to the 2019/2020 financial year for future facility hire budgeting purposes.
3. Approves a fee reduction to the value of \$869.30 for the Serpentine Jarrahdale Girl Guides for the 2018/2019 financial year and advises the Serpentine Jarrahdale Girl Guides that no further reduction in facility hire costs will be considered for 2018/2019.
4. Declines all fee reduction requests for Dance Fit Academy for the 2018/2019 financial year.
5. Approves a fee waiver to the value of \$520 for Byford Carols Incorporated for the 2018/2019 financial year.
6. Records the value of the fee reduction concessions in the accounts of the Shire as donations as per the following budget variation:

<i>Account Number</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
DON560	Donation Expense	\$8,530.30	
CMF100	Community Facility Hire Fees Income		\$8,530.30

## Background

The Heritage Country Choir have been operating for 22 years originally with 36 members. Since then, the Choir have grown as a group together and provide a significant arts program within the Shire of Serpentine Jarrahdale as well as surrounding areas. The Choir undertake the following events and activities:

- Sing at the Shire's ANZAC and Australia day event;
- hold one concert per year within the Shire of Serpentine Jarrahdale;
- more recently, provided entertainment at Byford Primary School's 100-year anniversary;
- Sing at hospitals during Christmas;
- collaborate with Armadale and Gosnells choir on events.

The Choir currently hold 24 members and have engaged with an accompanist and pianist to assist with their events, with the intent to attract new members.

The Shire's Council Policy 5.1.14 – Community Contributions outlines the Shire of Serpentine Jarrahdale's principles relevant to community contributions with the objective to establish a transparent and coordinated approach to both incoming and outgoing contributions such as in-kind contributions, donations, sponsorships, fee waivers and reductions.

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

The Heritage Country Choir are requesting the Shire to waive up to 150 hours of use of the Briggs Park Pavilion in addition to Council Policy 5.1.14 – Community Contributions outlines that the Chief Executive Officer may approve any application for fee waiver or reduction up to the value of \$2,000 ex GST per group, per financial year. This request is referred to Council for consideration as the amount requested exceeds Officer delegation.



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## **Community / Stakeholder Consultation**

### Policy Concept Forum

Nil.

### Applicant discussion

In October 2020, a request for a fee waiver amount of \$1,725 for 2020/21 was received from the Choir. Following the approval of \$1,275, granted under delegated authority, a meeting was held with the Choir to discuss the amount supported for 2020/21 and provide options to reduce fee waivers for next financial year with the intent of empowering the Choir to become financially sustainable.

More recently, Shire Officers have met with the outgoing and incoming president of the Choir to discuss the fee waiver. Further information has been provided to Shire Officers on the operational costs by the Choir and future endeavours.

## **Statutory Environment**

*Local Government Act 1995 - Section 6.17 Setting level of fees and charges –*

*(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors-*

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

*Local Government Act 1995- Section 6.12 Power to defer, grant discounts, waive or write of debts.*

*(1) Subject to subsection (2) and any other written law, a local government may-*

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money, which is owed to the local government.*

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

Council Policy 5.1.14 – Community Contributions outlines the Shire of Serpentine Jarrahdale's principles related to: In-Kind contributions, Donations, Sponsorships, Fee Waivers and Reductions.

## **Comment**

Officers have held discussions with the Choir on a number of occasions to explain options available for support and financial assistance towards sustainability as a group and financially.

A summary of the group, membership base, request and recommendation is provided below.

### Usage

The Heritage Country Choir has 25 members and utilise the main function room at Briggs Park Pavilion for 1.5 hours every Wednesday night all year, plus an additional 1 hour meeting once per month.



The cost to hire the main function room at Briggs Park Pavilion is \$25 per hour, with the Shire supporting community groups for no cost incurred for monthly meeting.

### Request

The Choir have requested up to 150 hours of the Briggs Park Pavilion free of charge under a sponsorship agreement. The facility hire cost would be equivalent of \$3,750.

Under the Shire's Council Policy 5.1.14 – Community Contributions, the request does not meet the criteria for sponsorship, being:

- A sponsorship is a commercial arrangement in which a sponsor provides a financial contribution or in-kind support to an activity in return for certain specified benefits.
- Sponsorship is not philanthropic. Sponsors can expect to receive a reciprocal benefit beyond a modest acknowledgement.
- Activities suitable for granting sponsorship are generally non-core, non-operational activities relevant to the shire, including but not limited to:
  - Festivals and events not coordinated by the Shire;
  - Competitions or corporate activities/conferences that attract significant attention to the region;
  - Community education activities;
  - Conferences;
  - Economic Development opportunities.

Given the type of expense requested, not being an event or direct program - related, this proposal would be considered as a fee waiver/ reduction.

### Choir's expenditure

Over the past 22 years, the Choir has faced a 33% reduction in the number of members. To increase their organisation, earlier in the year the Choir arranged a workshop which resulted in 3 additional new members.

Additionally, to be able to encourage the arts, provide high quality concerts and attract new members, the Choir have employed an accompanist and pianist to attend weekly sessions with the group. The Choir currently pay \$80/hour for the pianist with the accompanist being paid a reduced rate per hour. Both are crucial and are the essence to build the profile of the Choir.

Other outgoing costs associated are the printing of the performing rights scripts (\$2-\$3 per song) and annual insurance.

The Choir previously charged \$5 per person per year to cover the cost of insurance. However, the Choir now charge \$7.50 per person per week to cover the additional expenses.

### Previous requests

The Choir have previously requested set amounts based on the cost to hire the facility as opposed to in-kind contribution of X number of hours. The requests have been as follows:

- 2018/19 - \$5,116;
- 2019/20 – \$ 3,650;
- 2020/21 - \$1,725;



- 2021/22 – up to 150 hours (\$3,750)

Fee waivers have been brought to Council previously, as the requests had exceeded the delegated authority threshold, apart from 2020/21 (this was under the \$2,000 limit). The reason for the reduced fee waiver request amount for this year was due to COVID-19. The pandemic had caused reduced usage of the facility due to fewer performances held. As a result, the Choir had sought the employment of a permanent accompanist and conductor to provide assistance to host regular concerts, therefore more income in future.

Subsequently, approval was granted for \$1,275 which would provide assistance towards the cost of the facility hire with a follow up meeting arranged between the Choir and Shire Officers. Discussions were held regarding the approved fee reduction amount and intentions towards facility hire expenses for the future. Following the meeting held with the Choir, a Notice of Motion was received from a Shire Councillor that the Shire provide a fee waiver for an additional \$450, taking the total to \$1,725 for 2020/21 which is equivalent to 69 hours of use.

### Shire donation contribution

The Shire currently contributes to the Choir for their performance at the Shire's Australia Day event. Since 2015, this has ranged between \$200 - \$300 per event. The Shire also contributes by covering the facility hire cost for monthly meetings at \$25 per hour, totaling \$300 per year.

Additionally, the Choir perform under the Byford Carols Inc annually with the Shire covering the full cost of this event through the grant application.

### Recommendation

The Choir currently occupy a total of 90 hours (including monthly meetings) at Briggs Park Pavilion costing \$1,950 for the year, which is significantly less than the requested amount of 150 hours.

2021/22 Hire Fees (estimated use 52 weeks x 1.5 hrs)	Fee Waiver requested by Heritage Country Choir (based on 150 hours)	Amount Heritage Country Choir seek to pay
\$ 1,950	\$ 3,750	\$0

Based on the number of members, hours of use and costs associated, the actual amount for use of the facility equates to \$1.80 per member per week. The Shire has previously provided fee waivers along with support in the form of free monthly meetings and annual donations towards events. It would appear reasonable for the Choir to cover this amount and a fee waiver of up to 150 hours would not be warranted. However, given the recent employment of a pianist and accompanist, and low membership income and numbers, the Choir are also currently not in a financial position to continue to operate without the Shire's support.

Shire Officers therefore recommend supporting the Choir for the next 3 years, until 2023/24 by providing the same fee waiver amount of \$1,725 (equivalent to 69 hours) as approved by Council in 2020/21. This amount will allow the Choir to sustain their position within the Shire and work towards supporting themselves independently from July 2024 onwards whilst still being fair and reasonable towards a small community group.



## Options and Implications

### Option 1

That Council:

1. APPROVES a fee reduction amount of \$1,725 (equivalent to 69 hours) towards the Heritage Country Choir for the use of Briggs Park Pavilion hire for 2021/22, 2022/23 and 2023/24 in line with the amount the Choir received during 2020/21.
2. RECORDS the value of the fee reduction concessions in the accounts of the Shire as per the following budget variations:

Account Number	Project	Natural Account	Type	Debit	Credit
				\$	\$
3510-30006-4311-0000	Briggs Park Pavilion	Hire Fees	Decrease Income	1,725	
4300-15434-6276-0000	Fee Waiver	Grants/Sponsorship	Decrease Expenditure		1,725
Facility hire fee reduction for Briggs Park Pavilion					

### Option 2

That Council:

1. APPROVES \$1,875 fee reduction (equivalent to 75 hours) for the 2021/22 financial year for the Heritage Country Choir for the use of Briggs Park Pavilion hire, which is 50% of the requested 150 hours.
2. RECORDS the value of the fee reduction concessions in the accounts of the Shire as per the following budget variations:

Account Number	Project	Natural Account	Type	Debit	Credit
				\$	\$
3510-30006-4311-0000	Briggs Park Pavilion	Hire Fees	Decrease Income	1,875	
4300-15434-6276-0000	Fee Waiver	Grants/Sponsorship	Decrease Expenditure		1,875
Facility hire fee reduction for Briggs Park Pavilion					

Option 3

That Council:

1. APPROVES \$3,750 fee reduction (equivalent to 150 hours) for the 2021/22 financial year for the Heritage Country Choir for the use of Briggs Park Pavilion hire, which is the requested 150 hours.
2. RECORDS the value of the fee reduction concessions in the accounts of the Shire as per the following budget variations:

Account Number	Project	Natural Account	Type	Debit	Credit
				\$	\$
3510-30006-4311-0000	Briggs Park Pavilion	Hire Fees	Decrease Income	3,750	
4300-15434-6276-0000	Fee Waiver	Grants/Sponsorship	Decrease Expenditure		3,750
Facility hire fee reduction for Briggs Park Pavilion					

Option 1 is recommended.

**Conclusion**

Officers have taken a range of factors into consideration when assessing fee waiver requests. Shire Officers have been working with several organisations previously to provide support and empowerment with managing their organisation efficiently and sustainably. Discussions have been held with the Heritage Country Choir previously to assist with fee waivers and better managing their organisation. Shire Officers recommend providing a fee waiver for 45 hours for 2021/22 with the intent to support the Choir in attracting new members, providing more events and activities and to be able to cover facility hire fees in future with a sustainable model.

**Attachments (available under separate cover)**

- **10.2.3 - attachment 1** – Heritage Country Choir – Request for Sponsorship for use of Briggs Park Pavilion 2021/22 (IN21/20613)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources



### Financial Implications

Over the last 3 years the Shire has covered \$10,491 in facility fee hire reductions with a total of \$12,091 including donations to the Choir by way of fee monthly meetings. Below is a breakdown of the fee waivers approved by the Shire within the last 3 years:

Year	Total Facility Hire fee	Paid (by Choir)	% of Total Fee by Choir	% of Total Fee by Shire
2018/19	\$5,616	\$500	8.9%	91.1 %
2019/20	\$4,150	\$500	12%	88%
2020/21 (under delegation)	\$2,275	\$1000	44%	56%
2020/21 (Council resolution – 14 December 2020)	\$2,275	\$ 550	24.2%	75.8%

Should Option 2 or 3 be supported, this will result in a reduction in facility hire income up to \$3750 for the 2021/22 financial year.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council resolves to support the Choir by providing a reduction in facility hire fees which is equivalent to 69 hours of facility use. This amount exceeds the maximum facility hire fee stated in the Shire's Facility Hire policy.	Council Policy 5.1.4 Facility Hire allows for a maximum 50% facility hire fee reduction	Social / Community Outcomes	Possible	Minor	MODERATE	Shire Officers to provide support to the Group by working through options to become financially sustainable and increase their organisation by increasing member numbers and events and activities within the Shire.



2	That Council supports to provide a fee reduction covering 50% of the requested 150 hours of no cost to hire the facility for 2021/21. By providing a reduction for the 4 <sup>th</sup> consecutive year, this may set a precedent for the organisation and other community groups.	Council Policy 5.1.4 Facility Hire allows for a maximum 50% facility hire fee reduction	Reputation	Unlikely	Minor	LOW	Shire Officers to provide support to the Group by working through options to become financially sustainable.
3	That Council supports to provide a fee reduction covering 100% of the facility hire costs for 2021/21 for the 4 <sup>th</sup> consecutive year and this may set a precedent for the organisation and other community groups.	Council Policy 5.1.4 Facility Hire allows for a maximum 50% facility hire fee reduction	Financial	Almost Certain	Insignificant	MODERATE	Nil

**Voting Requirements:** Absolute Majority (s.6.12(2) of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. APPROVES a fee reduction amount of \$1,725 (equivalent to 69 hours) towards the Heritage Country Choir for the use of Briggs Park Pavilion hire for 2021/22, 2022/23 and 2023/24 in line with the amount the Choir received during 2020/21.
2. RECORDS the value of the fee reduction concessions in the accounts of the Shire as per the following budget variations:

Account Number	Project	Natural Account	Type	Debit	Credit
				\$	\$
3510-30006-4311-0000	Briggs Park Pavilion	Hire Fees	Decrease Income	1,725	
4300-15434-6276-0000	Fee Waiver	Grants/Sponsorship	Decrease Expenditure		1,725
Facility hire fee reduction for Briggs Park Pavilion					



OCM279/10/21

**MOTION**

**Moved Cr Coales, seconded Cr Dagostino**

**That Council:**

- 1. APPROVES** the Heritage Country Choir to receive a fee reduction of equivalent to 69 hours of use (currently valued at \$1,725) of Briggs Park Pavilion hire for 2021/22, 2022/23 and 2023/24 Financial Years in line with the number of hours utilised by the Choir during 2020/21.
- 2. RECORDS** the value of the fee reduction concessions in the accounts of the Shire for 2021/22 (for 2022/23 and 2023/24 subject to change as per adopted Fees & Charges) as per the following budget variations:

Account Number	Project	Natural Account	Type	Debit	Credit
				\$	\$
3510-30006-4311-0000	Briggs Park Pavilion	Hire Fees	Decrease Income	1,725	
4300-15434-6276-0000	Fee Waiver	Grants/Sponsorship	Decrease Expenditure		1,725

**Facility hire fee reduction for Briggs Park Pavilion**

**MOTION LOST 4/5**

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

*Councillors Coales, Dagostino, McConkey, Strautins voted FOR the motion.  
Councillors Rich, Atwell, Byas, Denholm, Strange voted AGAINST the motion.*



OCM280/10/21

**COUNCIL RESOLUTION****Moved Cr Denholm, seconded Cr Byas****That Council:**

- 3. APPROVES \$1,875 fee reduction (equivalent to 75 hours) for the 2021/22 financial year for the Heritage Country Choir for the use of Briggs Park Pavilion hire, which is 50% of the requested 150 hours.**
- 4. RECORDS the value of the fee reduction concessions in the accounts of the Shire as per the following budget variations:**

Account Number	Project	Natural Account	Type	Debit	Credit
				\$	\$
3510-30006-4311-0000	Briggs Park Pavilion	Hire Fees	Decrease Income	1,875	
4300-15434-6276-0000	Fee Waiver	Grants/Sponsorship	Decrease Expenditure		1,875
<b>Facility hire fee reduction for Briggs Park Pavilion</b>					

**CARRIED UNANIMOUSLY 9/0***Reason for difference to Officer recommendation**To provide a yearly fee waiver in line with other clubs.*



### 10.2.4 - Soldiers Road Rehabilitation – Request for Variation Approval (SJ3479)

<b>Responsible Officer:</b>	Manager Project Delivery
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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#### Report Purpose

The purpose of this report is to request approval for variations exceeding ten percent (10%) of the awarded contract sum.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 17 May – OCM117/05/21 - COUNCIL RESOLUTION / Officer Recommendation*

1. That Council **APPROVES** the contract variations to the Soldiers Road Rehabilitation as outlined in attachment 1 to the value of \$122,672.87.
2. That Council **APPROVES** pursuant to section 6.8 of the Local Government Act 1995, the schedule of variations to the 2020/21 Budget as contained within this report.

Account	Type	Description	Debit	Credit
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd – Turner Rd – Cardup Siding Rd	70,000	
6400-80198-4819-0000	Increase Income	Grant – Capital - RRG		70,000

*Ordinary Council Meeting – 15 February - OCM32/02/21 - COUNCIL RESOLUTION / Officer Recommendation*

1. That Council **NOTES** that the formal Mid-Year budget review will be presented at the Ordinary Council Meeting in March 2020, subsequent to resolution of carry forwards and surplus allocation considered throughout this agenda.
2. That Council, pursuant to section 6.8 of the Local Government Act 1995, **APPROVES** the schedule of variations to the 2020/21 Budget as presented below, resulting in a change to the opening municipal surplus (net current assets) of \$374,209 as at 1 July 2020:

Account	Type	Description	Debit	Credit
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd–Turner Rd– Cardup Siding Rd	60,000	
		Change in Net Current Assets		60,000

*Reason: Allocation of 2019/2020 Unallocated Surplus to fund additional capital works identified as part of December 2020 quarterly review.*



Ordinary Council Meeting – 14 December 2020 - OCM392/12/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. APPROVES the following budget variation to repurpose \$4,000 from Road Maintenance operating budget to fund the shortfall for RFT 15/2020 – Soldiers Road Rehabilitation Works as follows:

Account Number	Type	Description	Debit	Credit
6400-80198-6600	Increase Expenditure	Soldiers Road: Turner Road - Cardup Siding Road	\$4,000	
3610-40000-6125	Decrease Expenditure	Road Maintenance - Materials		\$4,000

2. AWARDS Tender RFT 15/2020 – Soldiers Road Rehabilitation to Wormal Civil Pty Ltd to the value of \$873,255.95, excluding GST, as contained within CONFIDENTIAL attachment 1.
3. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 15/2020 – Soldiers Road Rehabilitation.

### Background

The Shire identified the section of Soldiers Road from Turner Road (SLK 0.72) to Cardup Siding Road (SLK 2.28) as deteriorating with cracks, stripping, rutting and ageing seal with narrow shoulders.

Through a successful application to the Metropolitan Regional Road Group (MRRG), the Shire received a grant funding allocation for two thirds of the estimated \$869,700 capital expenditure to rehabilitate the Soldiers Road pavement between Turner Road and Cardup Siding Road. The pavement rehabilitation works will involve base reconstruction, resurfacing the road, drainage extension and footpath construction.

Council awarded the contract for Soldiers Road Rehabilitation to Wormal Civil Pty Ltd at the Ordinary Council meeting of 14 December 2020 and approved a budget variation to fund the monetary shortfall. The original contract sum awarded to Wormal Civil via Tender RFT 15/2020 was \$873,255.95.

Construction of the Soldiers Road Rehabilitation Project was to be carried out in four (4) stages however, to save on costs, Shire Officers requested the Contractor to omit stage 4.



Figure 1. - Location Map



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## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

*Local Government Act 1995* - Section 6.8 (1)(b) – Expenditure from municipal fund not included in annual budget.

Regulation 21A of the *Local Government (Functions and General) Regulations 1996* - a variation to a contract for the supply of goods or services with a successful tenderer may only be made in accordance with regulation.

Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996* – when tenders have to be publicly invited.

## **Comment**

The *Contract and Variation* section of this report elucidates the variations to the original contract as approved by the Chief Executive Officer and as required by Regulation 21A of the *Local Government (Functions and General) Regulations 1996*.

The *Budget* section of this report will outline the additional source of funds required to meet these variations as required by *Local Government Act 1995* - Section 6.8 (1)(b).

## Delegation and Authorisation

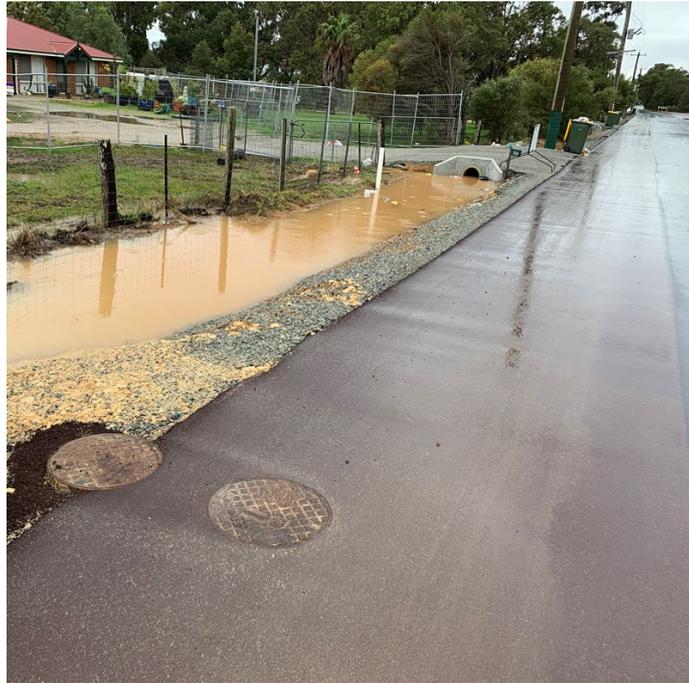
The Shire's Register of Delegations and Sub-delegations, section 1.1.15 (Tenders for Goods and Services), 13(a) provides the Chief Executive Officer authority to "vary a contract after it has been entered into, with a successful tenderer provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%".

Given that the variations mean an increase in costs that exceed 10%, in accordance with Council's sub delegation 13(a), there is a requirement that Council approve the additional contract price increase. Under *regulation 21A of the Local Government (Functions and General) Regulations 1996 (FG Regulations)* the contract value can be increased provided that it does not involve a change in scope.

## Contract and Variations

Wormall Civil Pty Ltd submitted 10 cost variations throughout the construction period. Variations one (1) to five (5) were approved by Council at the 17 May 2021 OCM and included works such as: the removal of unsuitable material and associated costs, additional 140mm limestone subbase, test pits, Water Corporation works and other unforeseen works.

Shire Officers are seeking approval for Variations six (6) to ten (10) as detailed in **CONFIDENTIAL attachment 1**. These variations were the result of latent conditions and severe weather conditions that occurred throughout Stages 2 and 3 of the construction period. For context, the Shire experienced a 1:100-year storm event as shown below.



Shire Officers exercised due diligence and thoroughness in assessing the variations submitted by the contractor. Variations are assessed based on information within contracts, quotations received and current market rates where contract rates do not prevail. Details of the variations are in **CONFIDENTIAL attachment 1**.

Shire Officers are seeking approval for contract variations to the value of \$23,059.

Funding of the above contract variations will be as per the below proposed budget adjustment.

Account	Type	Description	Debit	Credit
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd – Turner Rd – Cardup Siding Rd	\$23,059	
6400-NEW-5033-0000	Trf from Reserve	Road Asset Management Reserve		\$23,059
Reason: To cover costs associated with variations to contract				

### Options and Implications

#### Option1

That Council:

- APPROVES the contract variations to the Soldiers Road Rehabilitation - as outlined in **CONFIDENTIAL attachment 1** to the value of \$23,509 exGST
- APPROVES, pursuant to section 6.8 of the *Local Government Act 1995*, the schedule of variations to the 2021/22 Budget as contained within this report.

Account	Type	Description	Debit	Credit
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd – Turner Rd – Cardup Siding Rd	\$23,509	
6400-NEW-5033-0000	Trf from Reserve	Road Asset Management Reserve		\$23,509

Option 2

That Council:

1. DOES NOT APPROVE the contract variations to the Soldiers Road Rehabilitation - as outlined in **CONFIDENTIAL attachment 1** by the value of \$23,509 exGST
2. DOES NOT APPROVE, pursuant to section 6.8 of the *Local Government Act 1995* the schedule of variations to the 2020/21 Budget as contained within this report.

Account	Type	Description	Debit	Credit
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd – Turner Rd – Cardup Siding Rd	\$23,509	
6400-NEW-5033-0000	Trf from Reserve	Road Asset Management Reserve		\$23,509

Option 1 is recommended.

**Conclusion**

Soldiers Road Rehabilitation construction was completed on 24 August 2021. The road was opened to the public immediately after. The Contractor carried out variation works as outlined in **CONFIDENTIAL attachment 1** under instruction from the Superintendent. The Superintendent deemed these works as necessary in order to avoid delays and penalties under the contract. Council approval is required to amend the contract and incorporate the additional budget.

**Attachments (available under separate cover)**

- **10.2.4 – CONFIDENTIAL attachment 1** – Variation approval request form for tender contracts to be varied by council (E21/10961)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

**Financial Implications**

All financial implications have been included within the body of this report.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Additional expenditure and variation to the tender carries reputation risk	Nil	Reputation	Possible	Moderate	MODERATE	Nil
2	Variation to the tender not approved will mean that contract will not be completed	Nil	Reputation	Possible	Major	HIGH	Accept Officer Recommendation

**Voting Requirements:** Absolute Majority (s6.8 of the *Local Government Act 1995*)

### OCM281/10/21

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Coales

That Council:

- APPROVES** the contract variations to the Soldiers Road Rehabilitation - as outlined in CONFIDENTIAL attachment 1 to the value of \$23,509 ex GST
- APPROVES**, pursuant to section 6.8 of the *Local Government Act 1995*, the schedule of variations to the 2020/21 Budget as contained within this report.

Account	Type	Description	Debit	Credit
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd – Turner Rd – Cardup Siding Rd	\$23,509	
6400-NEW-5033-0000	Trf from Reserve	Road Management Reserve		\$23,509

**Reason:** To cover costs associated with variations to contract

**CARRIED UNANIMOUSLY 9/0**



**Shire President, Councillor Rich declared an Impartiality Interest in item 10.2.5.**

**Councillor Atwell declared an Impartiality Interest in item 10.2.5.**

**Councillor Denholm declared an Impartiality Interest in item 10.2.5.**

<b>10.2.5 - Award Request for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant (SJ3539)</b>	
<b>Responsible Officer:</b>	Manager Project Delivery
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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### Report Purpose

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 02/2021 - Keirnan Park – Design Services – Consultant and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 15 March 2021 – OCM057/03/21 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>ADOPTS the Keirnan Park Masterplan as detailed in attachment 3.</i></li> <li>2. <i>ENDORSES the staging plan as proposed in the Keirnan Park Masterplan Report: 1(a) Senior AFL ovals, entry road and pavilion – fully funded. 1(b) BMX Facility – funding application submitted. 1(c) Netball Hub – not funded at this stage.</i></li> <li>3. <i>ADOPTS the Keirnan Park Business Case detailed in attachment 2.</i></li> <li>4. <i>NOTES that the Chief Executive Officer has submitted an application for round 5 BBRF funding for Stage 1(b) BMX facility, supported by the Keirnan Park Masterplan and Business Case.</i></li> <li>5. <i>NOTES the consultation undertaken in the development of the Keirnan Park Masterplan project.</i></li> <li>6. <i>REQUESTS the Chief Executive Officer explore funding options for Stage 1(c) Netball Hub.</i></li> <li>7. <i>NOTES a notional space has been allowed for on the Masterplan and an update will be presented to Council once the Community Space/Men’s Shed details have been developed.</i></li> </ol>
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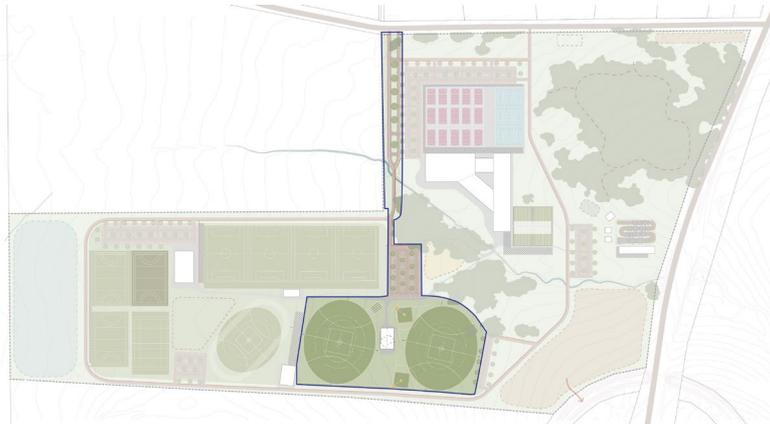
### Background

At the 15 March 2021 Ordinary Council Meeting, Council adopted the Keirnan Park Masterplan and endorsed the staging plan as outlined in the Masterplan Report: 1(a) Senior AFL ovals, entry

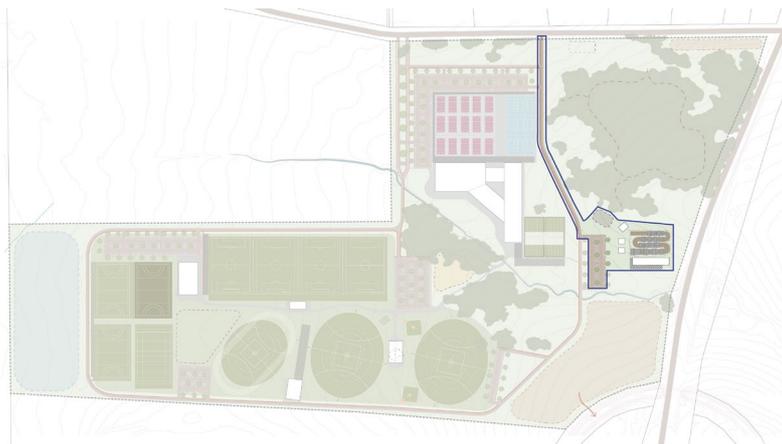


road and pavilion – funded under the WA Covid-19 Recovery Plan; 1(b) BMX Facility – funding requested through Building Better Regions Fund (BBRF), if unsuccessful, to be funded through Community Infrastructure Developer Contribution Plan (CIDCP); and 1(c) Netball Hub – not funded at this stage. The staging plan is illustrated below:

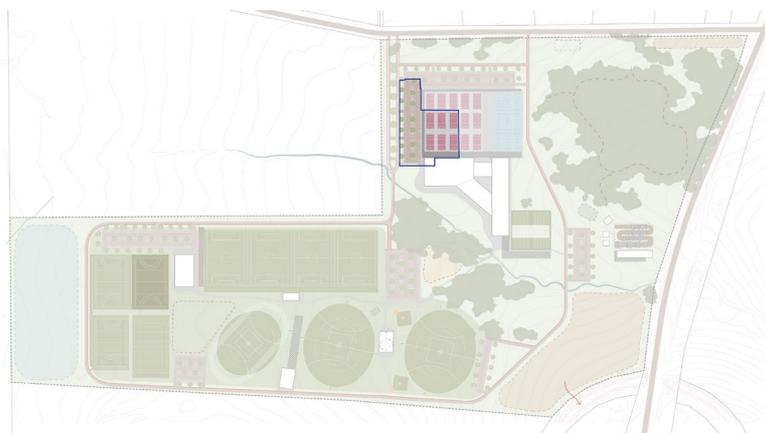
*Stage 1A – AFL/Cricket ovals, pavilion, supporting infrastructure (\$20m)*



*Stage 1B – BBRF: BMX Facility (\$8.2m)*



*Stage 1C – Netball Hub (\$5.5m)*



In the Shire's federal election advocacy priorities, the cost of Shire overheads were added to the above figures.

The various funding mechanisms for each stage are described below.



### WA COVID-19 Recovery Plan – Stage 1A

This project was identified on the Shire's WA state election commitments and requests that was adopted by Council on 20 July 2020. Through the WA COVID-19 Recovery Plan, the State Government has committed \$20m towards the development of the Keirnan Park Sporting Precinct. At the 14 December 2020 Ordinary Council Meeting it was resolved to execute a Financial Assistance Agreement (FAA) with the Department of Local Government, Sport and Cultural Industries (DLGSC), for \$2m to advance the planning of this project. The grant is to be paid by instalments based upon the achievement of the milestones set out below:

Milestone	Description	Milestone Payment
1	Execution of Agreement	\$1m
2	Council Endorsement of Masterplan and the Business Case	\$500k
3	Awarding of tender for detailed design of Stage 1 of Keirnan Park Recreation Precinct	\$500k

The first two instalments of the grant have been received. This report marks the achievement of milestone 3. The final instalment will be paid at the achievement of milestone 3. Prior to the completion of milestone 3, the Chief Executive Officer will develop a secondary agreement for \$18 million with the DLGSC (in accordance with the FAA) for the construction for Stage 1A of the project.

Under the FAA, milestone 3 is to be completed by 31 December 2021. Due to the thoroughness of the evaluation period and tenderers seeking extension of time, the milestone date will need to be renegotiated to 30 June 2022.

### Building Better Regions Fund (BBRF) – Stage 1B

This project is eligible for Round 5 BBRF – Community Investments Stream (infrastructure project stream). For round 5, \$200m is available across Australia – with \$100m dedicated to tourism-related infrastructure and \$100m for broader community infrastructure and investment. The maximum grant amount is \$10m. The infrastructure project stream only supports investment ready projects – where construction can commence within 12 weeks of executing the grant agreement. The Shire applied for Round 5 BBRF for Stage 1B in March this year with the outcome to be announced late October 2021. Should the Shire be unsuccessful for this round, CIDCP funds can be contributed to assist in the funding of Stage 1B.

### Community Infrastructure Developer Contribution Plan (CIDCP) – Stage 1B

The Shire has in place a Community Infrastructure Development Contribution Plan (CIDCP), which places an obligation on landowners who develop land within the Byford and Mundijong development contribution area (DCA4), to contribute towards the cost of the BMX and Pump Track at Keirnan Park. As Development Contributions may only be levied for agreed infrastructure items required for growth (i.e. additional population), the Developers will contribute 67% of the cost through the CIDCP, and the Shire will contribute the remaining 33% of the cost (which accounts for the current population).

Any grant funding received for items included within the CIDCP, will be apportioned between the CIDCP and the Shire-share, using those same percentages.

As the future development of the Briggs Park Complex is dependent upon the relocation of the current BMX track, the new BMX and Pump track is the first infrastructure to be funded through the CIDCP, identified to commence in 2023/24.



The 2023/24 timeline is reflective of when funds are anticipated to be available, both through the CIDCP (from contributions being collected from developers) and within the Shire's cash-backed fund for its CIDCP cost-share items.

### Summary

The request for tender RFT 02/2021 – Keirnan Park – Design Services – Consultant, included a scope for the design services for Stage 1 (consisting of 1A, 1B and 1C). The contract was structured to treat all stages of the project as separable portions, this is to allow for completion of the contract in the event that the works are unable to be completed due to unforeseen circumstances i.e. insufficient funds, approvals not being able to be obtained for key components of the works, etc.

### **Community / Stakeholder Consultation**

A stakeholder engagement plan outlining stakeholder engagement activity like stakeholder workshops, formation of a stakeholder reference group will be developed with the successful consultant and brought back to Council for endorsement.

The stakeholder reference group is likely to consist of a cross section of the community stakeholders most impacted by this project eg sporting clubs, residents/business owners within a 400m radius of the site. Council will consider the Terms of Reference and membership of this group, including appointment of elected members, following the election.

### **Submissions**

The Request for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant was advertised on Saturday 15 May 2021 and closed at 2.00pm on Friday 18 June 2021.

The Tender was advertised in the following papers:

- West Australian Newspaper
- Examiner (Serpentine Jarrahdale and Armadale)
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times)
- Sound Telegraph (Rockingham and Kwinana)

Two (2) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

All tender submissions comply with the request for tender for quote guidelines and compliance criteria.

Tender submissions were received from the following companies:

#	Company Name
1	Bolliq Design Group Pty Ltd (Bolliq)
2	Cardno WA Pty Ltd (Cardno)

### **Evaluation Panel**

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

- Manager Project Development



- Director Infrastructure and Assets
- Deputy CEO/Director Community and Organisational Development
- Manager Design
- Manager Community Activation
- Environmental and Biodiversity Officer

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenders. Each member of the panel assessed the submissions separately. A probity auditor was engaged to oversee the evaluation process. The probity auditor's report is attached in **CONFIDENTIAL attachment 2**.

### Evaluation Criteria

The following evaluation criteria and weightings were used by the tender evaluation panel to assess tender submissions:

<b>EVALUATION CRITERIA</b>	<b>WEIGHTING</b>
Price with quantities	40%
Relevant experience with: <ul style="list-style-type: none"> <li>• Demonstrated relevant experience of the Company in providing the same or similar services to local government, Federal and WA State government bodies, the private sector, or other public sector bodies/organisations over the past five years.</li> <li>• Please provide a response, which addresses this criterion. In the examples provided please describe how the following challenges were resolved (if relevant)</li> <li>• Designing near a Bush Forever Site</li> <li>• Designing around Flora and Fauna challenges (particularly Cockatoos)</li> <li>• Addressing water scarcity issues</li> <li>• Application of Water Sensitive Urban Design (WSUD) principles</li> </ul>	30%
Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / Professional skills <ul style="list-style-type: none"> <li>• Describe the key personnel who will be involved in the work, including past work of a similar nature and sub consultants used.</li> <li>• Demonstrate how you successfully deliver multidisciplinary projects while working with sub consultants?</li> <li>• Please provide a response, which addressed this criterion. You may wish to use the following headings to assist with your response.</li> </ul>	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> <li>• Companies should detail the process they intend to use to achieve the Requirements of the Specification.</li> <li>• Use dot points to explain the process.</li> <li>• The process should include a timetable for delivering the services</li> </ul>	15%



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**Comment**

All tender submissions were assessed against the evaluation criteria compliant to the Shire's evaluation process between July and September. Following the qualitative and pricing evaluation for Stage 1 in July, the pricing exceeded the project budget significantly. Separable portions were examined for affordability. A revised scope of service for Stages 1A and 1B was considered and re-issued to both tenderers in August. Their revised responses were received mid-August. Both tenderers were also requested to attend interviews late-August to confirm understanding of the revised scope of service. Following the interviews, the evaluation panel undertook the evaluation process again. Both Bollig and Cardno were assessed as low risk.

The qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by **Bollig** was assessed as being the best value for money that meets the Shire's requirements. A credit risk analysis was conducted on Bollig and they were assessed as minimal risk. The full report is attached in **CONFIDENTIAL attachment 3**.

The tender evaluation panel therefore recommends the tender submission made by Bollig for Stage 1A and 1B be accepted.

**Stage 1A Available Funding**

The project budget for Stage 1A of this contract is \$1.5m. This is based on the availability of unspent/unallocated budget under the Financial Assistance Agreement. The fee submitted by Bollig is \$1,664,426, which is 11% above the budget. This is due to overheated demand in the market. Shire Officers approached the DLGSC to seek the Department's expectations under the current market situation. DLGSC's advice was to scale the project back ie reduce the scope further.

Officers would not recommend further scope reduction as it would impact on the quality of the end product. Early lessons learnt from previous projects have informed that the better quality of the detailed design, the better the outcome and also leads to less potential for variations in the construction stage and contractual disputes.

Considering the current overheated market, it is likely that construction costs will exceed the budget. In response, a staged construction approach may be required to mitigate scope, time and cost risks. Council will need to consider, when the tender is advertised for the construction contract, the approach that best meets market forces. The staged construction approach proposes smaller discrete packages of work to increase certainty around project deliverables and construction methodology. For example, designing the AFL pavilion in modular form and constructing in stages. This will ensure the current building requirements are met and the building has the capacity to grow with demand. Officers will work with Council to explore these opportunities over the coming months.

Officers recommend that Council awards the tender for the full detailed design fee for Stage 1A and fund the \$164,426 difference. It is proposed to fund the \$164,426 difference by reallocating funds set aside for the Briggs Park Drainage budget as this project could benefit from additional scoping and designing and is unlikely to be delivered in the current year.

**Stage 1B Available Funding**

The current line item in the CIDCP Costings ("Professional Fees") allocated for BMX and Pump Track under which the Design Costs would fall, is to the value of \$509,976. The fee submitted by



Bollig is \$434,815. This fee does not include any contingency. Including a 10% contingency, the design cost is to the value of \$478,296. As described earlier, the CIDCP includes a “Shire Share” and a “Developer’s Share”, which is 33% and 67% respectively. Therefore, at \$478,296 the Shire would fund \$159,432 and the DCP would fund \$318,864.

It is proposed to fund the Shire’s share of \$159,432 from the Byford BMX Track Reserve.

#### Additional Funding Options

Council may opt to award the tender to Cardno. The fee submitted by Cardno for Stages 1A and 1B are \$1,825,714 and \$391,075 respectively. Additional funding will be required to fund the \$325,714 difference for Stage 1A. It is proposed to fund the \$325,714 difference by reallocating funds set aside for Briggs Park Drainage budget and the Community Facilities Reserve. For Stage 1B, the fee inclusive of contingency is \$430,182. The Shire would fund \$143,394 and the DCP would fund \$286,788. It is proposed to fund the Shire’s share of \$143,394 from the Byford BMX Track Reserve.

This option is not considered value for money as Stage 1A is \$161,288 above Bollig’s fee and requires contribution from the Community Facility Reserve. There is \$150,000 available in the Community Facilities Reserve. Replenishment will be required through any savings identified this financial year as \$150,000 is required for the Kitty Gorge Toilets project scheduled for the 2022/23 financial year.

### **Discussion**

#### Early Site Works

In addition to detailed design, early works are proposed to be undertaken to ensure the Shire is in a position to enter into the main construction phase in FY2022/23. These works can take 6 to 9 months to deliver and ideally need to be completed to reduce any schedule risks and weather risks.

The proposed early works package consists of the following:

Item	Cost Estimate by QS
Power – Supply and Communications	\$324,500
Ground Water – Exploration and Production Bores	\$450,000
Site Clearing <sup>1</sup>	\$250,000
Earthworks <sup>2</sup> – Stage 1A	\$1,346,000
SUB-TOTAL	\$2,370,500
Contingency (26% due to overheated demand)	\$629,500
TOTAL	\$3,000,000

This package is subject to service authority capacity to perform their portion of the work.

Officers are recommending that Council authorises the CEO negotiate an early works package for \$3m of the \$18m to be released with a report to be brought back to Council to endorse the

<sup>1</sup> Subject to heritage and planning approvals

<sup>2</sup> Subject to completion of site clearing



agreement. Subject to planning and heritage approvals, Officers envisage Council could be commencing procurement in the current financial year for the above works.

### Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Council Policy - *Procurement of Goods or Services through Public Tendering* (E19/5672):

#### Tendering

1. Requirement for Tender

Regulation 11(1) of the *Local Government (Functions and General) Regulations 1996* determines where tenders are required:

*Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

### Options and Implications

The following options have been identified:

#### Option1

1. That Council AWARDS Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd to the value of \$2,099,241.25, excluding GST, for Stage 1A and 1B as contained within **CONFIDENTIAL attachment 1**;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant;
3. APPROVES funding of Keirnan Park Recreation Precinct planning by reallocation of municipal funding for Briggs Park Drainage and the BMX Track Capital Expenditure from the Byford BMX Track Reserve

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	164,426	
6500-80298-6600-0000	Briggs Park Drainage Capital Expenditure	Decrease Expenditure		164,426
Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Briggs Park Drainage				
6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	478,296	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		159,432
6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		318,864
Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.				



4. AUTHORISES the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.
5. AUTHORISES the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.
6. REQUESTS the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.

### Option 2

1. That Council DOES NOT AWARD Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd;
2. AWARDS Tender RFT02/2021 – Keirnan Park – Design Services – Consultant to Cardno WA Pty Ltd, to the value of \$2,216,789.34, excluding GST for Stage 1A and 1B as contained within **CONFIDENTIAL attachment 1**;
3. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant for Stage 1A and 1B;
4. APPROVES funding of Keirnan Park Recreation Precinct planning by reallocation of municipal funding for Briggs Park Drainage and from the Community Facilities Reserve, and the BMX Track Capital Expenditure from the Byford BMX Track Reserve

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	325,714	
6500-80298-6600-0000	Briggs Park Drainage Capital Expenditure	Decrease Expenditure		200,000
6600-80235-5008-0000	Transfer from Community Facilities Reserve	Decrease Reserve		125,714
Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Briggs Park Drainage and from the Community Facilities Reserve.				
6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	430,182	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		143,394
6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		286,788
Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.				

5. AUTHORISES the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.



6. AUTHORISES the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.
7. REQUESTS the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.

Option 3

That Council NOT AWARD the contract and retender.

Option 1 is recommended.

**Conclusion**

**Bollig Design Group Pty Ltd** has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to **Bollig**.

**Attachments (available under separate cover)**

- **10.2.5 – CONFIDENTIAL attachment 1** – RFT 02/2021 – Keirnan Park – Design Services – Consultant - Confidential - Evaluation Report (E21/8073)
- **10.2.5 – CONFIDENTIAL attachment 2** – RFT 02/2021 – Keirnan Park – Design Services – Consultant - Probity Auditor Report (to be provided at a later date under separate cover)
- **10.2.5 – CONFIDENTIAL attachment 3** – RFT 02/2021 – Keirnan Park – Design Services – Consultant – Illion Comprehensive Report – Bollig Design Group Pty Ltd (E21/11352)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Strategy 2.2.2</b>	Seek to minimise resource usage and continue to maximise reuse opportunities
<b>Strategy 2.2.4</b>	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.



**Strategy 4.2.2**

Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

**Financial Implications**

As discussed above.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Recommended Consultant unable to provide works to an acceptable standard.	Procurement and tender evaluation completed as per the Shire procurement policy. Contract Management	Reputation	Unlikely	Moderate	MODERATE	Nil
2	Council selecting an applicant contrary to the evaluation report may affect the probity of the procurement process resulting in reputation damage.	Nil	Reputation	Possible	Moderate	MODERATE	Provide justification for selecting the alternative tenderer that is in line with the evaluation criteria
3	Retender process will cause up to 3 months delay in project delivery. Shire reneges on its obligation under the Financial Assistance Agreement.	Nil	Financial	Unlikely	Moderate	MODERATE	Nil



**Voting Requirements:** Absolute Majority

Officer Recommendation

That Council:

1. AWARDS Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd to the value of \$2,099,241.25, excluding GST, for Stage 1A and 1B as contained within CONFIDENTIAL attachment 1;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant;
3. APPROVES funding of Keirnan Park Recreation Precinct planning by reallocation of municipal funding for Briggs Park Drainage, and the BMX Track Capital Expenditure from the Byford BMX Track Reserve

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	164,426	
6500-80298-6600-0000	Briggs Park Drainage Capital Expenditure	Decrease Expenditure		164,426
Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Briggs Park Drainage				
6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	478,296	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		159,432
6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		318,864
Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.				

4. AUTHORISES the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.
5. AUTHORISES the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.
6. REQUESTS the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.



OCM282/10/21

**MOTION**

Moved Cr Coales, seconded Cr McConkey

That Council:

1. **AWARDS** Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd to the value of \$2,099,241.25, excluding GST, for Stage 1A and 1B as contained within CONFIDENTIAL attachment 1;
2. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant;
3. **APPROVES** partial funding of Keirnan Park Recreation Precinct detailed design by reallocation of municipal funding for Rowley Road Rehabilitation project and the BMX Track Capital Expenditure from the Byford BMX Track Reserve.

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	164,426	
6400-80286-6600-0000	Rowley Road Rehabilitation Capital Expenditure	Decrease Expenditure		164,426

**Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Rowley Road Rehabilitation**

6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	478,296	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		159,432
6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		318,864

**Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.**

4. **AUTHORISES** the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.
5. **AUTHORISES** the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.
6. **REQUESTS** the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.

**MOTION LOST 2/7**

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

*Councillors Coales, McConkey voted FOR the motion.*

*Councillors Rich, Atwell, Byas, Dagostino, Denholm, Strange, Strautins voted AGAINST the motion.*



OCM283/10/21

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Rich, seconded Cr Denholm

That Council:

1. **AWARDS** Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd to the value of \$2,099,241.25, excluding GST, for Stage 1A and 1B as contained within CONFIDENTIAL attachment 1;
2. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant;
3. **APPROVES** funding of Keirnan Park Recreation Precinct planning by reallocation of municipal funding for Briggs Park Drainage, and the BMX Track Capital Expenditure from the Byford BMX Track Reserve

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	164,426	
6500-80298-6600-0000	Briggs Park Drainage Capital Expenditure	Decrease Expenditure		164,426

**Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Briggs Park Drainage**

6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	478,296	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		159,432
6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		318,864

**Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.**

4. **AUTHORISES** the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.
5. **AUTHORISES** the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.
6. **REQUESTS** the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.

**CARRIED 8/1**

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

*Councillors Rich, Atwell, Byas, Dagostino, Denholm, McConkey, Strange, Strautins voted FOR the motion.*

*Councillor Coales voted AGAINST the motion.*

**10.3 Corporate Services reports**

<b>10.3.1 - Confirmation of Payment of Creditors (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Legislative	Includes adopting local laws, local planning schemes and policies.
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**Report Purpose**

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

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

Nil.

**Community / Stakeholder Consultation**

Not Applicable.

**Statutory Environment**

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.17 - Payments from Municipal and Trust Fund.

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

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* requires where a local government has delegated authority to make payments from the municipal or trust fund, that a list of accounts paid be prepared each month showing each account paid since last such a list was prepared.

**Comment**

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



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

A detailed list of invoices for the period 1 August 2021 to 31 August 2021 is provided in **attachment 1**.

### **Options and Implications**

#### Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 September 2021 to 17 September 2021, totalling \$3,410,833.22.

#### Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 September 2021 to 17 September 2021, totalling \$3,410,833.22.

Option 1 is recommended.

### **Conclusion**

Nil.

### **Attachments (available under separate cover)**

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 17 September 2021 (E21/10861)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 July 2021 to 30 August 2021 (E21/10860)

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

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

### **Financial Implications**

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

The accounts paid under delegated authority for 1 September 2021 to 17 September 2021 totalled \$3,410,833.22.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council accepts the payments	Provision of sufficient information and records to support the recommendation	Financial	Likely	Insignificant	LOW	
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

**Voting Requirements:** Simple Majority

**OCM284/10/21**

#### **COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strautins**

**That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 September 2021 to 17 September 2021, totalling \$3,410,833.22 as attached.**

**CARRIED UNANIMOUSLY 9/0**

**10.3.2 – Monthly Financial Report – August 2021 (SJ801)**

<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

**Authority / Discretion**

Legislative	Includes adopting local laws, local planning schemes and policies.
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**Report Purpose**

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

This report is about the financial position of the Shire as at 31 August 2021.

**Relevant Previous Decisions of Council**

*Special Council Meeting – 28 July 2021 – SCM051/07/21 - COUNCIL RESOLUTION – extract*

11. *That Council, in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2021/22 for reporting material variances shall be:*

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

*Whichever is greater.*

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

**Background**

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

**Community / Stakeholder Consultation**

Nil.



## Statutory Environment

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

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

## Comment

### Monthly Financial Report

The attached report shows the month end position as at the end of August 2021. Please note the opening position is a preliminary result for the year ended 30 June 2021 as the Financial Statements for 2020-2021 are still being finalised, and as a result may be subject to change.

The municipal surplus as at 31 August 2021 is \$25,018,395 which is unfavourable, compared to a budgeted surplus for the same period of \$25,658,781.

Reasons for the variances as per the below table are discussed below.

Description	YTD Budget	31 August 2021 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2021	2,930,228	5,482,292	2,552,064
Proceeds from sale of assets	-	-	-
Changes to net transfers to and from Reserves	(929,993)	(3,069,927)	(2,139,934)
Loan principal drawdowns (new loans)	-	-	-
Loan principal repayments	-	-	-
Capital expenditure	(1,952,241)	(752,967)	1,199,274
Capital revenue (cash items)	0	1,355,423	1,355,423
Operating revenue (cash items)	31,319,930	31,165,757	(154,173)
Operating expenditure (cash items)	(30,895,897)	(29,770,739)	1,125,158
	<b>472,027</b>	<b>4,409,839</b>	<b>3,937,812</b>

Material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

### Operating Revenue

#### Rates

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

#### Operating Grants, Subsidies and Contributions

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

#### Fees and Charges



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

**Interest Earnings**

Unfavourable variance of \$39,436 due primarily to underlying low interest rates and timing of maturity of term deposits.

**Other Revenue**

Favourable variance of \$128,477 due primarily to timing of reimbursement of Lease Payments related to SJ Rec Centre - \$12,939, \$38,442 for reimbursement for provision of meat inspection services at Karnet Prison, and \$34,999 for LSL recoup from other Local Governments.

**Profit on Asset Disposal**

No variance analysis required, variance to budget is less than \$10,000.

**Operating Expenses****Employee Costs**

Favourable Variance of \$560,069 due to vacant positions primarily in Infrastructure Services - \$191,634 and Community Development - \$180,470.

**Materials and Contracts**

Favourable variance of \$461,435 due to timing and provision of services across the organisation primarily related to Materials - \$80,887, Consultancy - \$54,833, Software Subscriptions and Licenses - \$79,502, Legal Expenses - \$31,693, Refuse Collection - \$99,953, and External Contractors - \$48,999.

**Utility Charges**

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

**Depreciation on Non-Current Assets**

Favourable Variance of \$191,727 due to interim calculation based on June 2021 depreciation. Depreciation cannot be processed through the ERP until audit sign off, anticipated to occur in November 2021.

**Interest Expenses**

No variance analysis required as variance to budget is less than \$10,000.

**Insurance Expenses**

Unfavourable variance of \$73,732 to budget due to the timing of insurance policy payments.

**Other Expenditure**

Favourable variance of \$33,736 to budget due to timing of bank fees payments of \$10,550, training for Members of Council of \$6,167, and \$8,667 for Switch Your Thinking Grants.

**Loss on Disposal of Assets**

No variance analysis required as net profit/loss variance to budget is less than \$10,000.



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**Other****Capital Expenditure**

Favourable variance of \$1,199,275 to budget primarily due to the delay in supply and delivery of plant and fleet items due to impacts of COVID on supply chain.

Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

**Non-Operating Grants, Subsidies and Contributions**

Favourable variance of \$1,355,423 due to unbudgeted developer contributions received for Byford DCP, CIDCP, and West Mundijong DCP.

**Proceeds from Disposal of Assets**

No variance analysis required, variance to budget is less than \$10,000.

**Repayment of Loans**

No variance analysis required, variance to budget is less than \$10,000.

**Repayment of Leases**

Unfavourable variance of \$24,192 due to timing of lease repayments.

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

Transfers to cash reserves are ahead of budget by \$1,064,748 largely due to the unbudgeted transfer of \$1,067,444 to the Byford DCP, CIDCP, and West Mundijong DCP reserves specific to unbudgeted contributions received as detailed above.

Transfers from cash reserve are behind budget by \$1,075,186 due to timing of capital expenditure projects funded from reserves.

**Options and Implications**Option 1

That Council RECEIVES the Monthly Financial Report for August 2021 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 1**.

Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for August 2021, 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 1**.

Option 1 is recommended

**Attachments (available under separate cover)**

- **10.3.2 - attachment 1** – Monthly Financial Report August 2021 (E21/11177)



### Alignment with our Strategic Community Plan

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

### Financial Implications

As at 31 August 2021 the Shire's respective cash position was as follows:

Municipal Fund:	\$8,409,871
Reserve Fund:	\$1,501,672
Trust Fund:	\$304,222

### Risk Implications

Risk has been assessed on the basis of the Officer's Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for August 2021 leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 October 2021**

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**Voting Requirements:** Simple Majority

**OCM285/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strautins**

**That Council RECEIVES the Monthly Financial Report for August 2021 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 1.**

**CARRIED UNANIMOUSLY 9/0**

**10.4 Community and Organisational Development reports**

<b>10.4.1 – Jarrahdale Trail Town Business Case (SJ3406)</b>	
<b>Responsible Officer:</b>	Deputy CEO / Director Community and Organisational Development
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is for Council to consider adopting the draft Jarrahdale Trail Town Business Case and Implementation Plan after a period of community comment.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 21 June 2021 - OCM154/06/21 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"><li><i>RECEIVES the draft Jarrahdale Trail Town Business Case as contained in attachment 1;</i></li><li><i>REQUESTS the Chief Executive Officer advertise the Jarrahdale Trail Town Business Case for public comment for a period of 60 days; and</i></li><li><i>REQUESTS that the draft Jarrahdale Trail Town Business Case and any public submissions be presented for consideration by Council at the September 2021 Ordinary Meeting of Council.</i></li></ol>
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<p><i>Ordinary Council Meeting – 20 July 2020 - OCM227/07/20</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"><li><i>ADOPTS the Corporate Business Plan 2020-24 as contained within attachment 1;</i></li><li><i>ADOPTS the Long Term Financial Plan 2020-30 as contained within attachment 2; and</i></li><li><i>AUTHORISES the Chief Executive Officer to apply the Shire's Corporate Branding in finalising the Corporate Business Plan for publication.</i></li></ol>
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**Background**

In June 2021 Council considered the draft Jarrahdale Trail Town Business Case (**attachment 1**) and agreed to advertise it for a period of public comment for 60 days.

The public consultation period was held from 22 June to 20 August 2021 and Council is now requested to endorse the Jarrahdale Trail Town Business Case with amendments as contained in **attachment 2**, reflecting feedback received during the public comment period.



## **Community / Stakeholder Consultation**

### Invitation to Comment

An invitation to comment was sent to all Stakeholders, previous survey respondents and landholders as identified in the report provided to Council at the June 2021 OCM.

Responses were received from:

- Main Roads WA
- Department of Biodiversity, Conservation and Attractions (DBCA)
- Jan Star
- Department Local Government Sport and Cultural Industries (DLGSC)
- National Trust WA
- Jarrahdale Heritage Society
- Recreational Trailbike Riders' Association WA
- Hike West
- Department of Fire and Emergency Services (DFES)
- Alcoa of Australia Limited
- Southern Hills Mountain Bikers
- Department of Primary Industries and Regional Development (DPIRD)
- Water Corporation
- Department of Water and Environmental Regulation (DWER)

### Stakeholder Meetings

Individual meetings were held with the following stakeholders:

- Peel RDA, 23 June 2021
- DBCA, 15 July & 12 August 2021
- Jan Star, 15 July 2021
- SJ Trails Group, 5 August 2021
- DLGSC, 16 August 2021
- National Trust, 11 August 2021

### Community Comment- Your Say SJ

The Business Case was available for comment on your Say SJ from 22 June 2021 to 20 August 2021. The page received 441 visits with 83 responses received.

### Public Meetings

Two opportunities to meet with Officers in Jarrahdale to discuss the Business Case were advertised to the public being, 15 July 2021 and 5 August 2021 between 4pm to 6.30pm. Officers met community members and groups during these times and at times suitable to the community members.



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### Access to copies of the Business Case

Hard copies were available at the Shire Administration Centre, Mundijong Public Library, Jarrahdale Community Collective Office and Share Shed and at the Old Post Office and Museum during their opening times. Hard copies were also printed and provided to the community on request. The Business Case was also available online.

Summaries of all responses are included as **attachment 3** of this report.

### **Statutory Environment**

Nil.

### **Comment**

#### Overview of outcomes from community consultation

The period of public comment provided Officers with an opportunity to further discuss the aspirations and outcomes contained in the draft business case.

Overall, the consultation and feedback supported the recommendations contained in the draft Business Case and the positions expressed in the initial community and stakeholder consultation.

Discussion with community members and groups provided an overview of their further consideration of the actions in the business case. Overall, the business case was well received by the community, with high levels of excitement and anticipation at the Shire's commitment to achieving trails and economic outcomes in Jarrahdale.

Discussions with State Government Agencies were varied, there was general concern expressed with the aspiration to achieve Trail Town accreditation given the close proximity to Dwellingup and the level of investment in developing Dwellingup and Collie as Trail Towns. There was support for focussing on the development of equine trail opportunities and a recognition of this as a strong point of difference for Jarrahdale. There was also caution in relation to the proposed three-year time frame to achieve accreditation given the level of investment and coordination needed to meet the accreditation requirements. Dwellingup as an example has been a process of over seven years and still has not met all criteria to achieve Trail Town accreditation. Officers were encouraged to consider a longer time period with an initial focus on Jarrahdale becoming a quality trails destination with a ten-year target to meet Trail Town accreditation. There was however support for the coordination of trails maintenance and development in Jarrahdale and efforts to enhance Jarrahdale as a trails destination.

Community responses through surveying were dominated by off road trail bike riders advocating for off road trails and riding areas. Many indicated that they currently ride in Jarrahdale and were advocating for the inclusion of off-road trails in the business case.

Other points of feedback during the consultation period include the importance of working in partnership with Traditional Owners, capturing the key role that DBCA plays in trails and land management in Jarrahdale and the partnership required between the Shire and DBCA. The interruption of the current Jarrahdale Bridle Trail and the need for its realignment around a quarry, the impact of the proposed expansion of Alcoa mining into the Myara North lease area, the need to include possible funding opportunities in the business case, the benefits of a working group consisting of a range of stakeholders, and the need to work with Trails WA to establish equine trails requirements to be included in the Trail Town accreditation package.



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### Changes/ additions to the draft business case

As a result of this consultation period, a number of changes have been made to the draft business case, including the removal of some information considered unnecessary. Due to the nature of the changes a track changes version of the document is not available, and changes are summarised below.

**Time period for achieving Trail Town Accreditation:** It is recommended this be changed to be a ten-year period as opposed to a three-year period. The actions for the first five years will focus on the enhancement of the existing trails networks and supporting infrastructure and quality of Jarrahdale as a trails destination. This will include works to understand the condition of the trails, prioritisation of works on existing trails, developing concepts for new equine trails, building relationships with Traditional Owners and understanding the Aboriginal Heritage Values of Jarrahdale, establishing a model of governance with the key trails partners in Jarrahdale, planning for land use and understanding associated costs. This will provide a solid foundation of information to inform funding applications and future development of trails and associated infrastructure leading towards accreditation around the ten-year period. This time period is also better aligned with the Shire's capacity to deliver the recommendations from both a financial and human resource perspective.

The Key Priority Areas and Recommendations section has been updated to reflect this time period along with the Implementation Plan and the Financial and Economic Analysis Sections.

**Trail Town Case Study:** This section has been removed as it was considered unnecessary and was contributing to the significant size of the document.

**Funding Opportunities:** This section has been added identifying possible funding opportunities for the maintenance and development of trails.

**Key Priority Areas and Recommendations:** Minor changes have occurred removing some works already achieved and including some new recommendations including the realignment of the Jarrahdale Bridle Trail, inclusion of additional recommendations in working with Traditional Owners and the need to work with Trails WA to develop equine trail criteria for inclusion in the accreditation documentation. Other changes are focussed on the inclusion or removal of lead agency / partners against the recommendations where organisations advised that they should be excluded or included.

### **Implementation Plan:**

The Implementation Plan lists all high priority recommendations that are necessary to be undertaken over a ten year period in order to achieve Trail Town Accreditation. The Business Case outlines other recommendations listed as medium or low priority that will provide additional benefit to the development of Jarrahdale as a Trail Town but are not necessary to achieve the requirements for accreditation therefore these have not been included in the Implementation Plan.

The following recommendations have been removed from the Implementation Plan:

- **Develop a Jarrahdale Trail Town website \$20,000** - due to current upgrades to the Trails WA website the opportunity to have a Jarrahdale destination page on the website will become available and as the primary site for trails in WA there will be better exposure for Jarrahdale trails via this website and avoid unnecessary duplication.
- **Install large generators at the Jarrahdale telecommunications tower to increase longevity of backup power \$35,000-** Investigate the feasibility of diesel generator vs solar battery storage - this project has been completed.



- **Design and construct new Trail Centres in Jarrahdale and Byford. These Trail Centres can be linked through the Langford Park and Wungong Regional Park Trail Network \$5,000,000-** Strong feedback was received that references to trail development in Byford should not be included in the business case as these were separate projects. Therefore, reference to trails development in Byford has been removed from the document. Officers recognise that the Implementation Plan and costings will require update annually to reflect actions that arise from work undertaken and accurate costings as they become known. Once the cost of the development of the Trail Centre in Jarrahdale are known, the Implementation Plan will be updated to reflect these costs.
- **Work with TrailsWA to create a Trail Town profile on TrailsWA.com.au \$0-** This was a duplication of another recommendation.

The following new recommendations have been added to the Implementation Plan:

- **1.8 Prepare a plan and associated costings for the operations of the No 1 Jarrahdale Mill and the Mill Managers House, complementing the desired outcomes of the activation of Jarrahdale Heritage Park, proposed Trail Centre at LOT 814 and accreditation as a Trail Town. Use the plan to support an expression of interest to the National Trust of Western Australia, to lease both facilities when the opportunity arises \$10,000-** This recommendation has been reclassified from a medium to a high priority and therefore included in the Implementation Plan. This is to ensure that the Shire has completed these works prior to an Expressions of Interest Period for the lease of these two facilities being undertaken by National Trust, with Officers having been informed by the National Trust that this process will be undertaken again in the near future.
- **3.6 Investigate the commercial feasibility of developing LOT 814, Jarrahdale to support the Jarrahdale Trail Town Initiative \$20,000-** This has been included in the Implementation Plan to reflect the necessary feasibility work be undertaken prior to the master planning of LOT 814.
- **8.4 Review the footpath provision in Jarrahdale linking the key infrastructure sites and develop a footpath plan \$10,000-** This has been included to ensure that the footpath network in Jarrahdale supports the safe movement of pedestrians and other users throughout the town, linking the key infrastructure sites.

Other high priority recommendations have either remained within their initial timeframe for delivery or been moved to future years recognising the span of 10 years for delivery. Consideration has been given to the year one recommendations taking into consideration current resource availability and recognising that it is now the end of quarter one of the first year. Some first-year projects are significant and expected to continue being delivered in the 2022/2023 financial year.

The inclusion and removal of recommendations in the Implementation Plan has an overall impact on the total costs within the Implementation Plan and an impact on the economic and tourism output data as outlined in the Business Case.

**Key Stakeholder Groups:** This section has been enhanced with the identification/inclusion of additional stakeholders and landholders/ owners.

**Appendices:** These have been reduced as a result of feedback received regarding the size of the business case.

**Trails and Trail Markets:** This section has been introduced combining some trails information previously contained in other sections of the business case and the Trail Market section.



**Trail Bikes and Off-Road Vehicles:** Given the level of response from the off road community, in particular the trail bike community this has been addressed in the business case. Due to a lack of available land and a lack of support from DBCA as the land owner/manager, the business case does not recommend the development of trail bike trails or sanctioned riding areas or trails and recommends a review in ten years and a period of community consultation with residents prior to any decisions being made.

**Equine Trails opportunities:** The role of equine trails as a point of difference and the development of further equine trail opportunities has been enhanced in the business case.

Economic and tourism benefits

The direct investment estimated in this business case to develop and enhance Jarrahdale as a Trail Town is \$31.487 million which will generate positive economic benefits, both during construction and development of the trails and associated infrastructure, and through the on-going generation of visitors through tourism and the associated spend and flow-on effects generated by the visitor economy.

This investment will enable Jarrahdale to become an integrated, high quality and sustainable Trail Town in one of Western Australia's premier tourism regions. Visitors will enjoy high quality tourism experiences and will likely return with plans to further utilise the trails and spread the word to their connections to visit also. The generation of additional visitation will also increase the demand for services such as accommodation, food and beverage, and trail related services such as equipment hire and supplies, guided tours and shuttle services.

It is forecast that the total economic impact of investing in the Jarrahdale Trail Town, as a result of the direct investment, will be \$54.442m. This will support up to 124 jobs (includes 73 direct and 51 flow on/indirect jobs) over the lifespan of the implementation plan.

It is forecast that the additional economic impact as a result of the development of the visitor economy and increased visitation within Jarrahdale, will be \$452.63 million over 10 years. This includes \$260.76 million directly and \$191.86 million indirectly through the supply chain and consumption effect. This will support up to 979 jobs over a minimum 10 year period.

Delivery of year one priorities

The implementation plan on pages 109-122 provides an overview of priorities and high-level costing and resourcing of the delivery of the priorities.

Table 1 below details the actions for year one, which some will take two years to complete, as per the implementation plan.

ACTION	Year(s) of delivery - Cost	
	2021/2022	2022/2023
1.5 Prepare a business case to inform Council decision making regarding the feasibility of entering into a lease of Heritage Park.  The business case is to consider any improvement works necessary, future development opportunities (e.g. nature play, cultural heritage interpretation, amphitheatre, sculptures and picnic areas), proposed arrangements for maintenance and management of the park, commercial opportunities and associated costings.	\$7,000	\$3,000
2.4 Conduct a detailed on ground trail audit of all 20 trails identified in this Business Case that are relevant to the creation of Jarrahdale	\$15,000	\$35,000



ACTION	Year(s) of delivery - Cost	
as a Trail Town. This should include signage, risks/hazards, upgrades, determine grading, surface type, usage, trail type etc.		
2.9 Complete the development of the Mounts Loop Trail Feasibility and Implementation plan, detailing a trail development that links Jarrahdale to the Mounts and the Bibbulmun Track.	\$31,000	
2.12 Work with DBCA to develop a concept plan for new Jarrahdale Equine networks.	\$30,000	
3.6 Investigate the commercial feasibility of developing LOT 814 Jarrahdale to support the Jarrahdale Trail Town Initiative, including a land feasibility study for the development of residential lots at LOT 814 Jarrahdale by the Shire or by a State Government Agency.	\$20,000	
4.2 Provide support to the Jarrahdale Heritage Society to enable the ongoing production of the Jarrahdale Trail Booklet and Trail Maps.	\$5,000	
4.3 Develop a Signage design suite for each trail type integrating the Jarrahdale Trail branding and relevant information to meet industry and Australian standards for signage	\$20,000	
4.6 Upgrade the Jarrahdale Town Walk Signage.	\$5,000	
6.6 Allocate Shire resources including persons and equipment to undertake trail maintenance.	Ongoing \$150,000	
10.1 Upgrade the Kitty's Gorge trail head car parking and provide additional carparking bays in the road reserve located north of Atkins Street (locally known as Myrtle Way).	\$50,000	\$161,000
12.1 Redevelop Jarrahdale Oval in response to community use and to support Trail Town activities.	\$40,000	
13.7 Provide a range of trails activation activities and events throughout the year.	Ongoing \$20,000	
21.1 Establish a Trail Town reference group to assist the Shire in the development of Jarrahdale as a Trail Town.	Ongoing \$2,500	
24.1 Continue to develop the Jarrahdale Trails brand identity project.	\$36,000	
<b>TOTAL COST</b>	<b>\$431,500</b>	<b>\$199,000</b>

*Table 1: Year 1 Priority Action plan delivery financial impacts*

#### Annual revision of the Business Case Implementation Plan

The Business Case contains a number of significant projects, the exact cost of which are currently unknown until investigation and planning works are complete. Costs included are estimations based on actual costs for similar projects or in the case of some projects such as lease of Heritage Park and development of the Trail Centre at LOT 814, the costs have not been included as they are unknown. The Implementation Plan will be reviewed annually to reflect updated projects and costings as they evolve, this will also allow for the recognition of new opportunities as they arise through partnership with community and the State and Federal Governments.



## Options and Implications

### Option 1

That Council:

1. NOTES the submissions received at **attachment 3** on the Jarrahdale Trail Town Business Case;
2. ENDORSES the Jarrahdale Trail Town Business Case as contained in **attachment 2**; and
3. REQUESTS the Chief Executive Officer to advocate for external funding to deliver the recommendations within the Jarrahdale Trail Town Business Case at **attachment 2**.

### Option 2

That Council:

1. DOES NOT ENDORSE the Jarrahdale Trail Town Business Case as contained in **attachment 2**; and
2. REQUESTS the Chief Executive Officer undertake further community consultation and provide a revised Jarrahdale Trail Town Business Case as soon as practicable.

### Option 3

That Council:

1. DOES NOT ENDORSE the Jarrahdale Trail Town Business Case as contained in **attachment 2**; and
2. REQUESTS the Chief Executive Officer revise the Jarrahdale Trail Town Business Case Implementation Plan to reflect a three year time period to achieve Trail Town Accreditation and provides a revised copy for Council's consideration at the August 2021 Ordinary Meeting of Council.

### Option 4

That Council:

1. DOES NOT RECEIVE the Jarrahdale Trail Town Business Case as contained in **attachment 2**; and
2. RESOLVES not to progress with further works with the goal of the achievement of Jarrahdale as a Trail Town.

Option 1 is recommended.

## Conclusion

The investment in the development of Jarrahdale as an accredited Trail Town will result in localised employment opportunities, improved trail quality and amenity and a total economic impact of \$54.442m. It is recommended endorse the Jarrahdale Trail Town Business Case as contained in **attachment 2**.

## Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Draft Jarrahdale Trail Town Business Case (original) (IN21/8930)
- **10.4.1 - attachment 2** - Jarrahdale Trail Town Business Case (revised) (E21/9994)



- **10.4.1 – attachment 3 – Submissions Summary (E21/8673)**

### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Strategy 2.2.4</b>	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

### Financial Implications

The total value of required investment into the development of Jarrahdale as an accredited Trail Town \$13.298 million over 10 years. This does not include any capital construction costs that arise from capital works necessary to develop a trail centre at Lot 814 Jarrahdale Road, Jarrahdale, costs associated with the development and maintenance of Jarrahdale Heritage Park and the maintenance of trails. The costs of these are unknown until the initial exploratory work is undertaken.

The majority of the actions listed in the business plan are to be led or undertaken by the Shire. The Shire will continue its advocacy efforts to secure funding from State and Federal Governments to achieve the recommendations within the Business Case.

Some actions will be able to be achieved through current Shire staff resources as outlined in the Business Case.

Should Council request further work be undertaken on the business plan as per Option 2 and Option 3 this may result in additional consultancy costs and may require the provision of additional budget.

The costs contained in the Business Case are estimated costs largely based upon average costs at the time of writing the Business Case intended to serve as a guide. Until the projects within the Business Case are fully planned and costed the actual cost of many of these will remain unknown. For this reason the Implementation Plan and costings will be updated annually.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council has insufficient funds to deliver the recommendation contained in the business case and cause community disappointment.	Consider annual budget allocations and seek external funding opportunities. Build partnerships with other key stakeholders.	Strategic Stakeholder Relationships	Possible	Major	SIGNIFICANT	Nil
2	Delays in the completion of the business case and delivery of recommendations	Endorse business case	Organisational Performance	Unlikely	Moderate	MODERATE	Nil
3	Significant financial investment in a short period of time will result in loss of service delivery in other areas	Endorse business case with recommended ten year period for delivery	Organisational Performance	Unlikely	Major	MODERATE	Nil
4	Loss of opportunities to capitalise on social, environmental and economic outcomes of a trail town	Endorse business case	Reputation	Rare	Major	LOW	Nil



**Voting Requirements:** Simple Majority

**OCM286/10/21**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Rich, seconded Cr Byas**

**That Council:**

- 1. NOTES the submissions received at attachment 3 on the Jarrahdale Trail Town Business Case;**
- 2. ENDORSES the Jarrahdale Trail Town Business Case as contained in attachment 2; and**
- 3. REQUESTS the Chief Executive Officer to advocate for external funding to deliver the recommendations within the Jarrahdale Trail Town Business Case at attachment 2.**

**CARRIED 8/1**

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

*Councillors Rich, Atwell, Byas, Dagostino, Denholm, McConkey, Strange, Strautins voted FOR the motion.*

*Councillor Coales voted AGAINST the motion.*



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 October 2021**

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**10.5 Executive Services reports**

**Nil Reports.**

**10.6 Confidential reports**

<b>10.6.1 – CONFIDENTIAL – <i>Criminal Procedure Act 2004</i> – Lot 61 (241) Boomerang Road, Oldbury (PA19/876)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**OCM287/10/21****COUNCIL RESOLUTION****Moved Cr Denholm, seconded Cr Strange**

That the meeting be closed to members of the public while items 10.6.1, 10.6.2 and 10.6.3 are discussed pursuant to section 5.23(2)(b), (d) and (f) of the *Local Government Act 1995*.

**CARRIED UNANIMOUSLY 9/0**

At 9:26pm the meeting went behind closed doors.

**Voting Requirements:** Simple Majority

**OCM288/10/21****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Coales, seconded Cr Denholm**

That Council **AUTHORISES** the prosecution proceedings under section 20(1)(b)(ii) of the *Criminal Procedure Act 2004* against the landowners and company occupying the property for unauthorised development and any further charges as advised by the Shire's appointed solicitors.

**CARRIED UNANIMOUSLY 9/0**



**The following Officers left the meeting at 9:28pm and did not return:**

Ms H Sarcich.....Deputy CEO / Director Community and Organisational Development  
 Mr A Trosic .....Director Development Services  
 Mr R Najafzadeh .....Director Infrastructure Services  
 Ms M Gibson .....Governance Officer – Council and Committees  
 (Minute Taker)

**The Manager Governance and Strategy, Dr K Parker, assumed the role of the Minute Taker.**

**10.6.2 – CONFIDENTIAL – Allegation of breach of code of conduct SJ2021-3**

**Disclosure of Officers Interest:**

No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

**Councillor Coales left the meeting at 9:34pm.**

**Councillor Coales returned to the meeting at 9:35pm.**

**OCM289/10/21**

**COUNCIL RESOLUTION**

**Moved Cr Strautins, seconded Cr Byas**

**That Council RESOLVES the alleged breach dated 1 September 2021 related to the conduct of Cr Michelle Rich is found to be not substantiated.**

**CARRIED 7/2**

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

*Councillors Rich, Atwell, Byas, Dagostino, Denholm, Strange, Strautins voted FOR the motion  
Councillors Coales and McConkey voted AGAINST the motion.*

**10.6.3 – CONFIDENTIAL – Allegation of breach of code of conduct SJ2021-4****Disclosure of Officers  
Interest:**

No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

**OCM290/10/21****COUNCIL RESOLUTION**

Moved Cr Denholm, seconded Cr Strautins

That Council **RESOLVES** the alleged breach dated 1 September 2021 related to the conduct of Cr David Atwell is found to be not substantiated.

**CARRIED 7/2**

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

*Councillors Rich, Atwell, Byas, Dagostino, Denholm, Strange, Strautins voted FOR the motion  
Councillors Coales and McConkey voted AGAINST the motion.*

**OCM291/10/21****COUNCIL RESOLUTION**

Moved Cr Denholm, seconded Cr Strange

That the meeting be reopened to members of the public.

**CARRIED UNANIMOUSLY 9/0**

At 10:15 pm the doors were reopened to members of the public.

Presiding Member, Councillor Rich advised the public gallery of the Council Resolutions for items 10.6.1, 10.6.2 and 10.6.3.



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 October 2021**

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**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  
10:23pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 15 November 2021.

  
..... Presiding Member – Councillor Rich

..... 02/11/2021. Date