



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 13 December 2021

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



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 2021 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
6/12/21	SCM	✓	✓	A	✓	✓	✓	✓	✓	A
29/11/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
22/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
15/11/21	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
10/11/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
01/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
01/11/21	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
25/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
25/10/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 13 December 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 Mayor Terresa Lynes and Deputy Mayor, Cr Adam Hort from the City of Gosnells.

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member
 D Atwell (From 7:06pm)
 M Byas
 R Coales
 M Dagostino
 T Duggin
 G Singh
 L Strange
 D Strautins

Officers: Ms H Sarcich.....Deputy CEO / Director Community and Organisational Development
 Mr F SullivanDirector Corporate Services
 Mr A TrosicDirector Development Services
 Mr R NajafzadehDirector Infrastructure Services
 Dr K ParkerManager Governance and Strategy
 Ms M Gibson.....Governance Officer – Council and Committees (Minute Taker)

Apologies: Mr P Martin.....Chief Executive Officer

Observers: Members of the Public – 38
 Staff members – 2

2. Public question time:

2.1 Response to previous public questions taken on notice:

Special Council Meeting – Wednesday, 10 November 2021

Questions asked by **Mrs Lee Bond** at the Special Council Meeting, Wednesday, 10 November 2021. Correspondence was sent to Mrs Bond on 15 November 2021 (OC21/24654).

Question 1

Who removes the signature part of the election postal ballot and what do they do with it, are they retained and if so for how long, if they are not retained why not?



Response (Chief Executive Officer)

The advice from the Western Australian Electoral Commission who conducted the 2021 Ordinary Local Government Election on behalf of the Shire is that:

“The elector certificates are removed from the ballot paper envelopes by electoral officials employed by the WA Electoral Commission at the Commission’s Processing Centre. All the removed certificates are retained by the Commission and will be forwarded together with all other Electoral Material to the Shire at a later date.

Once received by the Shire, the Electoral Material from the election is to be held by the CEO in safe custody and retained for a period of at least 4 years after the declaration of the result. Regulation 82 of the Local Government (Elections) Regulations 1997 outlines the procedure for keeping election papers.”

Question 3

Did the Serpentine Jarrahdale Shire Council receive any correspondence from the West Australian Electoral Commission, Minister for Local Govt or any other authority in 2015-2017 regarding ballot fraud in this Shire?

Response (Chief Executive Officer)

I have enclosed the 2015 and 2017 Election Reports provided to the Shire of Serpentine Jarrahdale by the Western Australian Electoral Commission. Page 7 of each report discusses complaints received by the Western Australian Electoral Commission in relation to the respective elections.

The 2015 report states:

“There were a number of written complaints lodged with the Returning Officer.

Five complaints involved incorrect authorisation of election material. One of these complainants also complained about the content of an advertisement in a local newspaper.

One complainant questioned the legality of an elector becoming a candidate based on the elector’s residency.

A series of complaints arose from the display of a poster allegedly containing misleading information and not being properly authorised. The authorisation was remedied and the claim of misleading information was found not to be misleading but the candidate then complained of threatening behaviour and damage to materials.

The Chief Executive Officer took out a restraining order against the candidate who displayed the poster. This candidate then complained that the CEO was attempting to intimidate and discredit him.

Two scrutineers, representing the same candidate, who noted that some votes appeared to look too similar to each other and alerted the fact to the Returning Officer. They later complained that the Returning Officer did not take their complaint seriously.

The final complaint was wide ranging and included: alleged late mail out of election packages, non-receipt of election packages for some electors, poor public awareness of the election, the performance of the Returning Officer, ballot



packages, Social Media, Statutory Notices, Public Awareness and the use of by the Commission of social media.

All complaints were investigated and resolved.”

The 2017 report states:

“Twelve written complaints, some covering more than one aspect, were made to the Returning Officer. Six complaints related to candidate conduct and five related to how the Commission or the Returning Officer were conducting the election.

All complaints were investigated and resolved to the extent possible.”

The Shire’s records do not indicate that any correspondence was received by the Shire from the Western Australian Electoral Commission, Minister for Local Govt or any other authority regarding ballot fraud in the 2015 and 2017 ordinary local government elections.

Ordinary Council Meeting – Monday, 15 November 2021

Question asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 15 November 2021. Correspondence was sent to Mrs Bond on 26 November 2021 (OC21/25477).

Question 3

Who is responsible for supervising and checking all cleaning and maintenance of Shire assets, e.g. toilets, halls, etc. and how frequently are these assets checked? If they are not checked regularly, why not?

Response (Director Infrastructure Services)

Further to the response provided on Monday night at the Ordinary Council Meeting, clarification to your question is shown below:

To date, inspections and maintenance works on the Shire’s buildings and facilities have largely been on an ad-hoc and reactive basis. Reporting of maintenance issues have been mostly undertaken by various user groups and multiple teams within the Shire. Accordingly, frequency of inspections and checking the facilities have not been regular and in a proactive manner which may have resulted in some facilities not being cleaned regularly. The Shire has recently employed a Building and Facilities Coordinator which is a newly created position. The Shire will be preparing proactive inspection and maintenance plans which will result in improved maintenance of the Shire’s buildings and facilities.

2.2 Public questions:

Public question time commenced at 7:02pm.

Athol Wigg, Byford WA 6122

Question 1

A combined total of 253 new and planned residential blocks on Nettleton Road will place a significant increase on the number of vehicles accessing the intersection of Nettleton Road and the Southwest Highway. What are the plans to ensure a safe traffic flow at this point?

*Response (Director Development Services)*

The Proposed Structure Plan included a Transport Impact Assessment, which analysed the capacity of the road network to accommodate future anticipated traffic movements. In respect of the intersection of Nettleton Road and Southwest Highway, the Traffic Impact Assessment identified that although the proposed structure plan was expected to generate a significant amount of traffic when compared to the existing site's traffic generation, it was not expected to significantly impact the performance of intersections in the vicinity of the site. All intersections assessed were identified to perform within an acceptable 'Level of Service'. In terms of the intersection of Nettleton Road and Southwest Highway, this was shown to maintain a Level of Service A (free flow operation) for all movements except the right turn on to Southwest Highway from Nettleton Road. This was identified to have a Level of Service B (am peak) and C (pm peak), which still equates to near free flow operations. Based on this intersection performance analysis, there are no direct upgrades required to the intersection.

Question 2

Ground cover enhancing the brick entry statements at the North end of Byford on the Southwest Highway have been removed by the Shire outside staff. These ground covers were planted by the volunteer Envirogroup about twelve years ago. Why were they removed and what are the plans for their replacement?

Response (Director Infrastructure Services)

These plants were removed in error. Shire Officers have recently met with key members of the local volunteer group who have been undertaking various landscaping work in this area for several years, to determine the arrangements for the future landscaping of the site.

Question 3

The initial part of an entry statement on the eastern side of the Southwest Highway just North of the Wungong Bridge has never been completed. I suggest a community competition that would provide original suggestions as to how this gaunt structure could be developed to be more meaningful and appropriate.

Response (Director Infrastructure Services)

Thank you for your suggestion regarding an entry statement competition. The Shire has no plans to develop or construct any entry statements at this location at this time.

Colin Gault, Serpentine WA 6125Question 1

Was the Shire aware Greyhounds are on site and construction of runs taking place?

Response (Director Development Services)

Officers are aware of this, insofar that the application before Council tonight is for a retrospective development application for a dog kennel establishment. In respect of the Shire's Local Law relating to the keeping of dogs, it provides the following limits above which a kennel establishment approval is required under the Town Planning Scheme:



Any application relating to the following circumstances will be considered a Kennel and will require a Development Application and Planning approval in accordance with Councils Local Law Relating to Kennels and Catteries and Town Planning Scheme 2-

- (i) keeping of more than six dogs;*
- (ii) keeping more than two (2) dogs for the purpose of breeding or commercial gain or enterprise;*
- (iii) where in the same ownership, within the Shire of Serpentine-Jarrahdale or another municipality, the number of dogs registered with the same ownership, joint ownership, business, kennel establishment, company or affiliation exceeds the number of dogs permitted, being six (6) registered dogs.*

Any activities taking place above these limits is not permitted without a dog kennel establishment approval under the Shire's Town Planning Scheme.

Question 2

Why are kennels not put in designated kennel area of Nambelup 5kms from Mandurah Greyhounds track?

Response (Director Development Services)

A kennel is a use which can be considered for approval within the Rural zone of the Shire. Currently there are three operating dog kennels specific to greyhounds on Rural zoned land within the Shire. Provided that potential impacts of development can be appropriately managed, kennels are a use which may be considered to align with the objectives of the Rural zone.

Question 3

Are these Greyhounds registered with the SJ Shire?

Response (Director Development Services)

No, a Greyhound that is registered under the Racing and Wagering Western Australia Act 2003 section 41 is exempt from registration with any local government authority while the registration is in effect. The Shire is advised that the Greyhounds are registered under the Racing and Wagering Western Australia Act 2003.

Wendy Jones, Byford WA 6122

Question 1

If this does proceed, what measures will be put in place to decrease speed and restrict hooning?

Response (Director Development Services)

In respect to Wilaring Street, the report before Council includes a specific modification (17) pertaining to ensuring traffic management devices are implemented in the detailed design of the extension of Wilaring Street. Subject to the WA Planning Commission supporting this modification, the Structure Plan will require suitable traffic management devices to be determined at the subdivision application stage, and may include:

- Variation in road pavement width (narrowing to help slow traffic)*



- Vertical deflection treatments (raised speed humps to slow traffic)
- Horizontal deflection treatments (chicanes and traffic islands designed to make a driver turn their wheel and reduce their speed).

Question 2

What measures are in place to ensure the Animals in Cohuna aren't affected?

Response (Director Development Services)

The Proposed Structure Plan depicts a road reserve surrounding the full perimeter of the Park. This road reserve in conjunction with layers of verge planting is considered to provide the most appropriate interface to the park, to help ensure the welfare of animals.

Bill Denholm, Byford WA 6122

Question 1

Remediation works at our ovals was to have been done over a 2 week period in early October. Mundijong and Briggs upper oval, minimal action required, obviously great maintenance. Most of this work is done in-house. Briggs lower however, is a disaster! Since it was new, most maintenance has been done by contractors. Since 15 October, the lower oval has been virtually useless, unusable. A huge amount of work has been done by contractors to fix the damage, what happened! A huge amount of turf is re-laid. What is the total cost to the Shire and contractors? And who is paying, as most maintenance is done by contractors?

Response (Director Infrastructure Services)

The treatment of Lower Briggs was quite different to the other ovals as part of the spring renovation program. Since its establishment several years earlier, there has been minimal renovation and turf management practices applied to Lower Briggs Oval. Following inspection and closer investigation of this oval, Officers found that there was a considerable amount of fusarium disease, nematodes through the western quadrant, an abundance of thatch with underlying deficiency in the nutrients that was resulting in no root structure and development. Additionally, a soil analysis found that the soil nutrition was deficient.

During this renovation there was a large corridor of turf that had no root structure and as a result, the majority of the turf was pulled up during the renovation and needed to be removed and replaced. This work was undertaken by contractors and Shire Officers.

The cost of this was approximately \$52,000 paid to contractors, and \$17,000 for internal Shire costs.

Councillor Atwell left the Chambers at 7:15pm.

Deputy CEO / Director Community and Organisational Development, Helen Sarcich left the Chambers at 7:15pm and returned at 7:16pm.

Question 2

A gravel road was installed at Briggs lower oval on the east side. What was the total cost of this track that goes nowhere, apart from the canteen? Whose idea was it to construct it as there was a previous limestone track?



The Shire President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 3

Have we ordered a new screener, what is the proposed estimated time of arrival?

Response (Director Infrastructure Services)

The Shire intends to commence the procurement process for the waste screener early in 2022.

Shaye Mack, Byford WA 6122

Question 1

During a case management hearing, the magistrate mentioned it would be presumed a claimant would have sufficient evidence to support their claim.

- a) Does the Shire of Serpentine Jarrahdale believe they have enough evidence for a successful claim with their invalidity claim into the North Ward election result?
- b) Is the Shire aware they may be liable for court costs if they have put in a claim without believing there is enough evidence to support the claim?

Response (Shire President)

As this question relates to ongoing legal proceedings it would be inappropriate to comment on these legal proceedings.

Councillor Atwell returned to the Chambers at 7:20pm.

Question 2

During this conference, an order was proposed to make all full transcripts of proceedings made public, as the case is in the public interest. It was indicated through legal representation that the Shire does not support this order.

Why does the Shire not support the transcripts of this case being made public?

Response (Shire President)

As this question relates to ongoing legal proceedings it would be inappropriate to comment on these legal proceedings.

Question 3

As the case referred to above is in the public interest, will the Shire purchase the transcripts and make them public? If not, why not?

Response (Shire President)

As this question relates to ongoing legal proceedings it would be inappropriate to comment on these legal proceedings.

Mrs Lee Bond, Box 44, Armadale WA 6112

Question 1

Were Councillors aware an invalidity complaint had been made by a candidate before they voted to put their invalidity complaint in?



Response (Shire President)

On Tuesday, 9 November 2021 at 4:23pm the Chief Executive Officer was sent an email to notify that an invalidity complaint regarding the 2021 Ordinary Local Government Election in the Shire of Serpentine Jarrahdale had been received by the Armadale Court. Councillors were notified of the receipt of the correspondence in an email sent at 8:18am on Wednesday, 10 November 2021 by the Chief Executive Officer prior to the meeting held at 5pm that day.

Public question time concluded at 7:23pm.

3. Public statement time:

Public statement time commenced at 7:23pm.

The Presiding Member, Councillor Rich called forward Ms Kym Kubank to present her submitted Public Statement. Ms Kubank was not in attendance at the meeting.

Wendy Jones, Byford WA 6122

Objection to Wilaring Road Extension to Nettleton Road, unsociable behaviour from this road already exists, speeding, hooning. This extension will just be used as a shortcut to get to South West Highway not for residents use. Vacant block across from Wilaring is already attracting unsociable behaviour and is used as a short cut from Nettleton. Motorbike access and weekend 4WD fanatics using as entertainment precinct.

Abby Honey, Byford WA 6122

I understand the opening of Wilaring Street to Nettleton Road is open again for discussion!

As per last year's objection; I am still opposed to this happening as our Street is a race track now and we cannot stop the idiots driving from Nettleton Road through the little street, through bushland directly in front of our house, then race down our street or Benalla! It's ridiculous. There is no need to open Wilaring to the Nettleton Road, it doesn't make it a faster journey, nor help with getting into the estate.

It will be too dangerous, especially for us all with young families who play out the front of our houses now!

Councillor Atwell left the Chambers at 7:26pm and did not return.

Abby Honey, on behalf of Ashleigh Herangi, Byford WA 6122

Objection to the extension of Wilaring Street through to Nettleton, there is no need to put extra cars on our road for no reason. Until we know what is happening with the vacant land over the road there isn't a need to extend the road. If the land is being developed as residential/light industrial land, extend the road when that goes ahead. All it will do is send cars racing down the road then slow points will need to be installed. Leave it for now while it's not needed. When the vacant land is developed do it then.

Bill Denholm, Byford WA 6122

My statement tonight is in regard to the changerooms, or lack thereof, at Briggs lower oval. The Officer's report to Council is misleading in my opinion. On the 16 August 2021, Council voted for the CEO to investigate opportunities for the provision of changerooms. This had to be done urgently as funding closed in February 2022, and yet the club Presidents were not contacted until 15 October 2021, 2 months later, 1/3 of the time had elapsed. Centrals Junior football, it states, played games and trained on oval. No games were played on



Briggs lower last year. It states that Byford Bushrangers currently use Briggs lower for games. They have been playing their home games at Kelmscott. SJ Cricket have played no games on lower oval this year. Serpents Rugby Club currently play their home games at Kwinana. I don't think the clubs requested 2 massage / doctors rooms, rather it was the governing bodies!

What ovals do you know that have 2 massage / doctors rooms? On page 233, one of the site locations listed in Figure 4 proposes demolishing current canteen, toilets, storeroom. Who would suggest that, or agree with doing that? The report states that all the current user groups were supportive of a changeroom amenity being provided (page 227). They are all volunteers and their contribution to the community is invaluable.

All the people I have spoken to in the last 2 weeks agree the need for changerooms would enable groups to maximise the Briggs lower usage. After all, the oval costs millions to build and yet is underutilised. We have magnificent award winning lighting system, a very well drained oval, and yet no changerooms. Surely, we can have 2 simple changerooms, an umpires room for under \$300,000.

It has to be modular, so when Briggs Park Pavilion is eventually built, it will not be wasted! Rather than putting gravel roads that go nowhere, maybe changerooms might be a bit more essential. Thanks for your time.

Public statement time concluded at 7:30pm.

4. Petitions and deputations:

4.1 Deputation – Sarah Appleton regarding item 10.1.1 - Retrospective Development Application - Dog Kennels - Lot 600, 1282 Karnup Road, Serpentine (PA21/752)

Good evening to the Serpentine Jarrahdale Councillors and general public.

My name is Sarah Appleton and I along with my family have recently moved to Serpentine, we absolutely love it here!

I have submitted a Development Application to licence and keep 18 greyhounds for your consideration tonight and I was just hoping to provide some further information and clarification on a couple of points.

Our greyhounds are our family and very well looked after and loved. My trainer's licence is issued by Racing and Wagering WA (RWWA), which is heavily regulated and monitored by a number of stewards. These stewards can and do inspect whenever they deem necessary, mostly unannounced, so we must maintain very high standards of animal welfare at all times to ensure compliance. Also on the property caring for the dogs is my husband, Richard and daughter, who both have relevant RWWA licences. Our greyhound kennels are classified as a hobby and not classed as a commercial kennel or boarding kennel. We only house our racing greyhounds.

Noise has been a very important issue raised from the community feedback we have received during the DA process. From our experience living with the dogs, they don't bark for extended periods of time, but rather in two short bursts, which can last up to two minutes total. Generally these times are 7am and 4pm. This is when we are moving them in and out of the kennel environment to the toileting areas. This is due to excitement, as they are happy to see us and all want to be the first one to go out the door.



Noise Management

High quality acoustic insulation all throughout the ceiling and walls in the kennel area.

The property has many large established trees and shrubs around the perimeter and kennel area. 1.8m solid colourbond fence around the toileting area. Another additional 60m of solid colourbond fencing along the eastern boundary.

A minimum of two people at one time to let the dogs out, which speeds the process up. Personal access door from the kennel block directly opening to the toileting area.

More excitable dogs get moved first as not all dogs bark at once, in my opinion it would be 25% barking at one time.

There is also always someone present whilst the greyhounds are outside so that any noise can be mitigated quickly.

Greyhounds are exercised off the property at RWWA approved locations, such as Cannington Racetrack, Mandurah Racetrack, nearby straight track or the trial track in Treeby. This not only reduces any barking but also makes them more inclined to rest whilst they are at home.

In summary, we are more than happy to work with the Council, whether it may be more fencing or planting additional trees and shrubs, should it be deemed beneficial in reducing any noise impacts.

After further consideration, and looking at the precedent set by other nearby greyhound kennel properties (Jarrahdale 7 Acres with 12 dogs and Hopeland 60 acres with 18 dogs) and a local doggy day care centre, I am willing to work with the Council to reduce the numbers to a minimum of 14 greyhounds, should it be required. This would then reduce any potential impacts our kennels may have on the community by 23%, should it be deemed necessary.

Thank you very much for your time tonight.

4.2 Deputation – Daniel Lewis from Harley Dykstra, on behalf of Ransberg Pty Ltd, regarding item 10.1.2 - Section 31 Reconsideration – Concrete (Wet) Batching Plant - Lot 60 (394) Robertson Road, Cardup

Deputation presented in support of Officer's Recommendation.

4.3 Deputation – Matthew Scott regarding item 10.1.6 – Retrospective 'Rural Use' – Lot 110 (43) Windmill Avenue, Serpentine (PA21/138)

Good Evening.

Firstly I want to wish Madam President, the Councillors, and Council Staff a Merry Christmas and all the best for 2022.

I was given the opportunity to make a deputation at the November Council meeting. At that meeting you heard about my family and myself, and how I support local businesses by buying horse feed, supplies, fuel, lunches etc. I also made mention that I have trained nearly 500 winners in Harness and Thoroughbred Racing – holding licences with Racing & Wagering Western Australia (RWWA) since 1993.

My Retrospective Application was deferred due to an email received by the Council on the morning of the meeting from a resident. I have seen this email and wish to outline some points to you on this matter.



Firstly, the email's author is not a rate payer in the street. His concerns on soil erosion, waste management, drainage, and paddock stocking are all explained in the report prepared by Bio Science, at my cost, for the Shire and him to read. The answers to his concerns are all outlined in the report, and explained in detail.

When issued with a licence from RWWA, horse welfare is taken very seriously. As I hold both a Harness and a Thoroughbred licence, my stables are visited by RWWA personnel twice as often as a single licence holder. Horses are subjected to "Out of Competition" testing, Race Day Identification, Compliance of Medicine Log Book etc. I would have 12-15 visits per year by Stewards and Compliance Officers. Not once have I been queried, or asked questions, on the care of my horses, whether in the middle of a hot summer, or like the winter we had this year, where record rainfalls were recorded. RWWA has inspected where my horses are kept, noting no issues.

Re the email received from the nearby resident with photos of horses in paddocks with some puddles – I can assure him, and the Council, that RWWA had no concerns on the welfare of the horses.

As outlined in my Plan and emails, if my Application is successful:

- more yards will be built to allow paddocks to be rested for five to six days per week
- grass will be established in those paddocks which have limited grass
- manure will be removed off-site in one of my three trailers (as per my Plan)

The emailer has concerns re insects. I learnt something Saturday just gone on Radio 6PR. An expert on flies was being interviewed and said that due to the record rainfall, and late rains we have received this year, the Dung Beetle has started to appear much later than in previous years, and has not had time "to do his job". This in turn means flies are hanging around for a longer period. My property is not causing a fly problem – all of Perth has an increase in flies.

I can assure you, Councillors of the Shire, that if you support Option 1 tonight, to approve my Application for the Retrospective Rural Use at 43 Windmill Avenue Serpentine, I will be complying with your conditions. I want to continue to be a successful trainer based in Serpentine for many years to come.

Thank you for allowing me to address tonight's meeting.

4.4 Deputation – Joanna Baker, on behalf of Byford Community Kindergarten, regarding item 10.2.2 - Consideration of tenure request - Byford Community Kindergarten

Good evening Councillors, ladies and gentlemen of the public.

Thank you for the opportunity to allow Byford Community Kindergarten (BCK) to make a statement regarding Agenda Item Number 10.2.2 which is the consideration of a tenure agreement between the Shire of Serpentine Jarrahdale and the BCK at 43-45 Park Road, Byford. My name is Joanna Baker and I am the current Secretary on the Parent Committee. I also have alongside me Noela Marshall, the current teacher and Principal of Byford Community Kindergarten, Kirsten Barry, the President on the Committee, Cathy Aplin the Vice President on the Committee and Jody Harrington, the Principal of Byford Primary School.

Byford Community Kindergarten was established in 1978 by a Committee who were desperate for learning opportunities for their young children. Children who were



showing an interest in schooling and extended social and emotional learning opportunities, yet were too young for pre-primary and compulsory schooling. After 3 years' worth of setbacks, the Committee was finally able to secure the land at 43-45 Park Road and with funding and grants, were able to build the building as it stands currently. A building purpose built for a Kindergarten for 3-5 year olds, and a child health nurse for new mothers. At the time it was the only Kindergarten in Byford. Over the years as Byford grew and also the Shire of Serpentine Jarrahdale came into the picture the Kindergarten was operating as the only Kindergarten for Byford Primary School, while the other local primary schools started to make space and have Kindergartens onsite. Due to the facilities offered at Park Road and the extensive resources, prior to 2017 the Kindergarten was running 2 groups consistently every year with a wait list. Since its re opening in 2019 as an offsite / second Kindergarten for Byford Primary School the Kindergarten has met its obligations to the DoE each and every year and have always secured enough enrolments to run 1 class. The Community Kindergarten still holds strong numbers and with population growth within the Shire of Serpentine Jarrahdale we predict a second class running again in 3-5 years.

BCK is unique in that it is a Kindergarten run by the community for the community. Which is the whole community, not just those in its surrounding area. We operate from a purpose built building which is designed to nurture children's development. Our Kindy is strongly focused on play and nature based learning and our teacher is so passionate about teaching the required curriculum this way. The values and skill sets that are taught to children in community Kindergartens are skills that children take with them throughout their schooling years and it sets the foundations for them to embrace a lifelong love of learning. BCK has the flexibility to accept enrolments from all areas, not just the areas zoned and set out by the DoE. Over the last few years, this has allowed us to take on the overflow students from other local primary schools, enabling more and more children the opportunity to receive an education. We also provide a facility for those who are looking for an alternative to mainstream Kindergarten. Byford Community Kindergarten is a special Kindergarten. It is in a standalone, purpose built building. It is surrounded by nature which is utilised very strategically and well by the teachers. The students are able to enjoy bush walks, collect nature to use in their art work, sit outside and listen to the birds and insects and their favourite – a tad poling excursion. Lots of natural learning, while the students are having fun.

As indicated in the Shire Officer's report, Community Kindergartens have declined in numbers over the last several years, for a multitude of reasons. The dissolving of the department for early childhood, pre-primary becoming a compulsory school year, acquisition of real estate from local Shires and school based programs are contributing factors. Byford Community Kindergarten is 1 of 18 remaining community Kindies and being in a semi-rural location it draws strong commitment from parents and families who embrace the ethos of parent, teacher and community collaboration in the early years of education. The Shire should be proud that the Kindergarten has thrived for 40 plus years and continues to have active community members who engage in the community. These parents and young families continue to join other committees and volunteer within the local community. Although Community Kindergartens are smaller in numbers now, play and nature based learning is increasing in popularity for families.



Throughout the years, various parent Committees of the Kindergarten have undertaken works to upgrade and add to the facility at Park Road. This has included installation of a functional kitchen, an office, upgrades to the bathroom facilities, installation of a playground and various works outside including replacing the lawn and installing retaining walls for the sand pit etc. We now find ourselves in a bit of a grey area as to who is responsible for maintaining, replacing as required and future upgrades of the facilities which is why the current parent management of the BCK are working with the Shire Officers and we are here tonight to approach Council, seeking a lease which will allow us continued exclusive use of the building and to provide clarity on responsibilities for the maintenance of the facility. To be clear, BCK are seeking a lease and are aware, as per Council Policy 5.1.3, the Kindy as the Lessee will be responsible for the general maintenance of the facility and for the cost of the utilities. As you have seen in the confidential attachments, we do receive funding from the DoE which will allow us to pay for this, as well as various fundraising activities we undertake throughout the year.

It is for practicality reasons and also privacy / confidentiality reasons staff and Committee are requesting a lease providing exclusive use of the building. At the moment the building at 43-45 Park Road is and has been exclusively used as a Kindergarten, for which it was purposely built. It has been used as an exclusive Kindergarten for many years, meaning that the facility is set up with our resources, home corners are set up, building/creative corners set up etc. The resources are regularly changed and rotated by the teachers. Students art work is displayed around the room. Students have their own spaces for their personal belongings as well as clearly labelled pigeon holes for their works to go home. Keep in mind that students names are plastered over the room and the reason for this is to foster and build independence. One of the core lessons in Kindergarten is independence and when children are able to remember where their belongings are or recognise their own name, they feel a huge sense of achievement. Should we open up the Kindergarten to other members of the community we are breaching our confidentiality agreements with parents of the children as well as the Department of Child Protection as required. Should we need to make changes to the current arrangement and not display children's names it will not only hinder their learning but also takes away their sense of agency and ownership in their own learning environment.

We as staff and Committee members feel it is unreasonable to expect teachers to pack up the resources and art works at the end of each day / week to allow for other groups to also utilise the building. It is a big job that will require additional non paid hours from our teaching staff. That being said, we are willing to work with the Shire on making the building available over the school holidays for various like-minded activities. The issue was raised by the parent committee to the Shire Officers regarding the suitability of the building as it is. Internal security will need to be upgraded to enable staff to lock away all of the technology and children's enrolment details. There will also need to be changes to the building to allow staff to lock away and protect the Kindy's resources. An agreement will need to come to decide who pays for this and the best way to do it.

I wanted to touch on the table in the Shire Officers report comparing the Kindergarten facilities with the facilities at Byford Primary School. The \$180 fee that we charge per year is made up of voluntary contributions, a uniform, cooking resources and includes all the costs involved in the students incursions and excursions. It is my



understanding that these fees are added to the students fees at Byford Primary School throughout the year. I strongly disagree with the statement that our facilities lack the same provision of a primary school. While the students at Byford Community Kindergarten are not dictated by sirens and also do not have access to the pre-primary playground, designed and built for pre-primary aged students, the Kindergarten has throughout its years of operation amassed an incredibly large supply of resources, which allows them to provide exactly the same curriculum (as is required by the Department of Education) to their students. Students are given access to library books to take home each week. Students are given the opportunity to utilise resources such as reading eggs and mathseeds on iPads. Students have access to an age appropriate playground, built for 4 year olds, as well as a secondary play area with a bike track, water play and space for creative play. Until recently we also had funding secured to build a nature play area to create a third play space. Students at Byford Primary School only have the one area, which they do need to share with others. On top of that, Byford Community Kindergarten is under the umbrella of and have a fantastic relationship with their linked school Byford Primary School and have access to the school for various activities held throughout the year such as an early childhood sports day.

Over the years Byford Community Kindergarten has welcomed parent and community involvement helping young children learn about themselves, others and their environment. Parent rosters, Mother's Day morning teas, Fathers Nights, concerts, family picnics, lapathon sports days, community incursions, hospital support visitors, ambulance visits, cultural diversity, not to forget recycling and water wise education have encouraged our children to connect and contribute to the community. The social and emotional well-being of children and families is strengthened and a sense of community belonging has always been a priority within our setting. Through these social connections Byford Community Kindergarten continues to broaden our children's interests and skills in becoming active contributors to their world. Enthusiastic parent support has always given favourable feedback recognising the value of the unique developmental learning opportunities at Byford Community Kindergarten. Our Community Kindergarten offers parents and children an appropriate Kindergarten program that is friendly, relaxed, welcoming and stimulating, with no time restraints, to provide an ideal transition from home to school.

The learning environment, both indoor and outdoor, plays a crucial role in the way young children develop and learn. The Kindergarten environment at Byford Community Kindergarten has flexible spaces that are inviting and nurturing, thanks to the hard work of past and present parents and committees. To the thousands of grandparents, parents and children who have passed through our doors over the past 40 years it remains a very valuable community asset.

I wanted to acknowledge and thank the honourable Donna Faragher who is the Member for the East Metropolitan Region and the Shadow Minister for Early Childhood Education, for her continued support and work she does for our remaining Community Kindergartens. Donna has been out to Byford Community Kindergarten a number of times over the years and recognises the value of community kindergartens as an alternative to school based kindergartens. Donna believes that the wonderful early childhood educational opportunities Byford Community Kindergarten has to offer makes them a highly valued asset to the local community.



The current parent committee at Byford Community Kindergarten are keen to reach a decision on this matter urgently as it is expected that 50% of our current committee are resigning in February and a new committee is formed. In conclusion, Byford Community Kindergarten are seeking a lease with exclusive use of the building, however provided we can reach an agreement regarding the internal changes to be made, are willing to make provision to have the building available throughout the school holidays.

Thank you for your time this evening.

5. President's Report:

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

It has been fantastic to see the Christmas spirit taking over SJ in recent weeks.

The Shire's Christmas Markets and Food Truck Fiesta event proved a tremendous success earlier this month, and it's wonderful to see such a positive response to the inaugural SJ Christmas Lights competition.

Voting for the competition is open until 4pm this Wednesday – If you haven't already done so, I encourage you to visit the Shire's Facebook page to view the entries and cast your vote.

I attended a photo shoot with local volunteer fire brigade members from Serpentine and Jarrahdale to promote the two new light tanker vehicles they received.

I would like to thank the support we have received from the State Government through the Emergency Services Levy for providing our local brigades with these vital resources.

Meetings attended by the CEO Mr Paul Martin and I include:

- Meeting with WA Senator Louise Pratt to discuss the Shire's Federal Election Advocacy priorities
- Meeting with the City of Armadale Mayor Ruth Butterfield and CEO Joanne Abbiss to discuss the South East Councils Corridor Alliance
- Monthly Meeting with Darling Range MLA Hugh Jones

Last week I presided over our December Citizenship Ceremony where we welcomed 23 new Australian citizens and I attended Landcare SJ's end of year event as well as the Shire's Equine Advisory Group meeting.

Over the past few weeks it has been a privilege to attend local Year 6 primary school graduations. Congratulations to the graduating classes of 2021 and I wish all year 6 students the best of luck with their journey to high school.

In closing, to our community, we wish you a Merry Christmas and a safe and Happy New Year.

While it is an exciting time of year, it can also be a challenging and overwhelming time for others.

I encourage you to reach out to someone you know who may appreciate a phone call or a visit this Christmas.



Ordinary Council Meeting Minutes Monday, 13 December 2021

We hope you find the time to rest and spend time with those near and dear to you this Christmas, and enjoy the spoils of the festive season. If you are travelling on our roads, please be safe.

On a personal note, I would like to thank my fellow Councillors and Shire staff for their contributions over the past year.

Your commitment to our community is something to be proud of, and I thank you for your dedication to the Serpentine Jarrahdale community.

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

16 November 2021	Community BBQ - Mundijong	Mundijong
18 November 2021	Peel Zone Meeting	Murray
	Community BBQ - Byford	Byford
19 November 2021	Meeting with Senator Louise Pratt	Belmont
	Weekly Meeting with CEO	Belmont
22 November 2021	PDC Board Meeting	Mandurah
	Bus Tour of Local Heritage Site	Various
	Policy Concept Forum	Civic Chambers
23 November 2021	Serpentine Volunteer Bush Fire Brigade Photo Op and BBQ	Serpentine
24 November 2021	WALGA Training Course - The role of Mayors and Presidents	Perth
	WALGA State Council Induction	Perth
25 November 2021	Peel Regional Leaders Forum AGM and General Meeting	Murray
26 November 2021	Landcare SJ Board Meeting	Mundijong
29 November 2021	Policy Concept Forum	Civic Chambers
	Special Council Meeting Q&A	Civic Chambers
1 December 2021	WALGA State Council Meeting	Perth
2 December 2021	Weekly Meeting with CEO	Shire Offices
	Discussion with City of Armadale about SECCA	Armadale
3 December 2021	Citizenship Program Delivery WA	Shire Offices
6 December 2021	Monthly Meeting with Hugh Jones	Byford
	Special Council Meeting	Civic Chambers
	Agenda Briefing Q&A	Civic Chambers
7 December 2021	Woodland Grove Primary School Assembly	Byford
	Special Council Meeting Overview Filming	Shire Offices
	Australian Citizenship Ceremony	Civic Chambers



8 December 2021	Weekly Meeting with CEO	Shire Offices
	Meeting with Mr Nick Clayton	Shire Offices
	Pre-SAC Meeting	Teleconference
	Landcare SJ End of Year Event	Mundijong
9 December 2021	West Byford Primary School Assembly	Byford
	Play in the Park Christmas	Byford
	Equine Advisory Group Meeting	Shire Offices
	Court Grammar School Presentation Night	Mundijong
10 December 2021	State Road Funds to Local Government Advisory Committee	Perth

6. Declaration of Councillors and Officer's interest:

Councillor Gary Singh declared a Financial Interest in item 10.3.6 - Request for Reimbursement of Legal Costs, as the requisition approval relates to financial benefit, to the extent of \$8,500 or fee set by lawyer. Councillor Singh will leave the Chambers while this item is discussed.

Chief Executive Officer, Mr Paul Martin, declared an Impartiality Interest in item 10.4.3 – Equine Facility Masterplan, as the Equine Facility Feasibility Study is a CEO KPI.

Councillor Tricia Duggin declared a Financial Interest in item 10.4.4 - Serpentine Jarrahdale Community Recreation Centre Management Services Tender Weighted Criteria, as Cr Duggin is a financial member of the YMCA (Rec Centre). Councillor Duggin will leave the Chambers while this item is discussed.

Manager Community Activation, Ms Rebecca Steinki, declared an Impartiality Interest in item 10.4.4 - Serpentine Jarrahdale Community Recreation Centre Management Services Tender Weighted Criteria, as Ms Steinki is a member of the facility through the provisions of the Shire Wellbeing Program and other recreational pursuits.

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

7.1 Special Council Meeting – 10 November 2021

OCM330/12/21

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Duggin

That the minutes of the Special Council Meeting held on 10 November 2021 be CONFIRMED (E21/13744).

CARRIED UNANIMOUSLY 8/0



7.2 Ordinary Council Meeting – 15 November 2021

OCM331/12/21

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Singh

That the minutes of the Ordinary Council Meeting held on 15 November 2021 be CONFIRMED (E21/13918).

CARRIED UNANIMOUSLY 8/0

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

**8.1 Audit, Risk and Governance Committee – 15 November 2021
[Rescheduled from 1 November 2021]**

Attachments (available under separate cover)

- **Attachment 1** – Audit, Risk and Governance Committee Minutes – 15 November 2021 [Rescheduled from 1 November 2021] (E21/13917)

Voting Requirements: Simple Majority

OCM332/12/21

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Strautins

1. That Council **RECEIVES** the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 15 November 2021 [Rescheduled from 1 November 2021] (E21/13917).
2. That Council **ADOPTS** Audit, Risk and Governance Committee Resolution ARG014/11/21 and **NOTES** progress of the reviews conducted in accordance with Regulation 5 of the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996*.
3. That Council **ADOPTS** Audit, Risk and Governance Committee Resolution ARG015/11/21 and **ADOPTS** the Internal Audit Plan 2021-2022 to guide Internal Audit Activities for the period November 2021 to November 2022.
4. That Council **ADOPTS** Audit, Risk and Governance Committee Resolution ARG016/11/21 and **REQUESTS** the Chief Executive Officer appoint Stantons International as the preferred supplier to conduct the Inquiry into the Abernethy Road project.
5. That Council **ADOPTS** Audit, Risk and Governance Committee Resolution ARG017/11/21 and **NOTES** the due diligence actions as detailed in this report, pertaining to the Work Health and Safety Reforms and their impact on bushfire brigade volunteers, and **REQUESTS** the Chief Executive Officer to identify the suitable funding source for the project.



6. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG018/11/21 and NOTES the Strategic Risk Register Review as contained within this paper, and ENDORSES the updated Strategic Risk Register as contained within attachment 1, with the inclusion of:

- **A new action under Risk Reference 6, being the preparation of a Register of Properties where an incident must be responded to by career Fire Officers, with a report on the matter being presented to Council.**
- **In Risk Reference 8, include future reference to Asset Replacement Funding.**

CARRIED UNANIMOUSLY 8/0

9. Motions of which notice has been given:



10. Chief Executive Officer reports:

10.1 Development Services reports

10.1.1 – Retrospective Development Application – Dog Kennels – Lot 600, 1282 Karnup Road, Serpentine (PA21/752)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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:	Sarah Louise Appleton
Owner:	As Above
Date of Receipt:	10 August 2021
Lot Area:	16.19ha
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 'Dog Kennels' at Lot 600, 1282 Karnup Road, Serpentine. The proposal involves the keeping of 18 greyhounds within an existing 150m² outbuilding on the subject site. The proposal also includes construction of a 1.8m high colourbond fence to the east of the shed to enclose an outdoor area of 85m² which will be used for toileting and as outdoor area for the greyhounds. The cages for the outdoor area, subject to this approval, have already been constructed and will thus form a retrospective component of the application.

The applicant will be the sole operators of the Kennels and are licensed racing and wagering trainers under Racing and Wagering Western Australia (RAWWA) and have been operating kennels within the City of Canning for the past 10 years.

The application is presented to Council as six objections were received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

While the proposal has some elements of consistency with the planning framework, Officers consider there to be insufficient information in order to conclude on the amenity impact associated with potential noise from the use. Having regard to the planning framework, the application is recommended for refusal.



Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

Existing Development

The subject site is located in the rural area to the west of Serpentine. The site is approximately 16.19ha in area and is bound by Karnup Road along the northern boundary. The subject site has been developed for residential and equestrian uses, featuring a dwelling, outbuildings, horse shelters and water tanks.

The general locality comprises of rural and rural living properties and surrounding properties are generally developed for grazing or equine activities.



Figure 1: Location Plan

Proposed Development

The application seeks approval for a 'Dog Kennel' facility that caters for 18 greyhounds owned by the landowner, who would be the sole operator of the facility. The proposed development can be described as follows:

- Establishment of 18 kennels within an existing 150m² shed;
- Establishment of a toileting and outdoor area (85m²) to the east of the shed;
- Construction of 1.8m high colourbond fence surrounding the toileting and outdoor area.

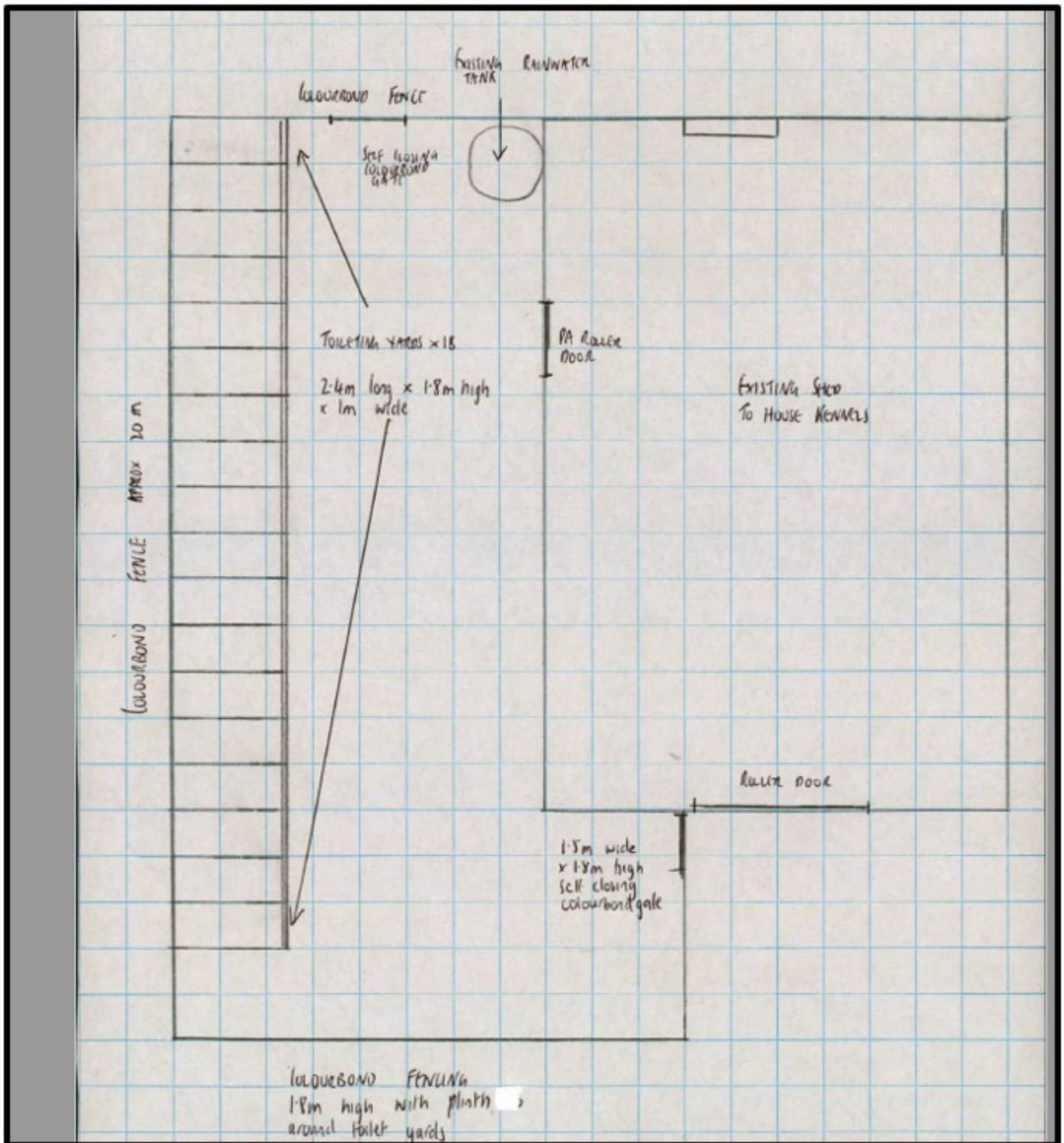


Figure 2: Layout Plan

The applicant has provided the following details regarding the daily routine of the proposal:

- 0700: let greyhounds out for toileting and outdoor use. Whilst greyhounds are outside, we proceed to disinfect and mop kennels and remove waste, change drinking water and prepare meals. The dog walker may also be used if needed.
- 0800 – 0830: return greyhounds to kennels for meals and resting purposes. Wash food bowls and dispose of food waste, pick any excreta from outdoor yards and put in a general waste bin.



- 1600: remove dogs from kennels for toileting purposes. Remove waste, mop and disinfect floors.
- 1700 - 1730: return dogs to kennels to rest for the evening, remove excreta from outdoor yard waste receptacle.
- The only exercise that will be conducted on the property is the dog walking machine (similar to a treadmill) that is set up inside the kennel block. The noise made from the walker is very minimal, any other exercising of the dogs will be off site at RWWA approved facilities.
- Dogs are transported 3-4 times a week to trials and for racing purposes. They travel in a Hyundai iLoad van, this may have a 6 berth dog trailer attached depending on the number of dogs required to be exercised. This could be any day of the week but within business hours.

A site visit that occurred showed that the construction of kennels within the existing shed and the exercising area had already commenced as shown in the photographs below, without approval.



Figure 3: Toileting and outdoor area



Figure 4: Existing shed with Kennels

The applicant currently has a licence for the keeping of six dogs in accordance with the Dog Local Law. This is now for a planning application, to develop a kennel for 18 greyhounds.

Full details of the application area contained within **attachment 1**.

Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 500m radius of the subject site from 18 August 2021 - 8 September 2021 in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters (LPP1.4). The application was also advertised on the Shire's website for the same period.

At the conclusion of the advertising period, six submissions were received from surrounding landowners objecting to the proposed development. The concerns raised in the objections are summarised below:

- Land use inappropriate in the rural zone;
- Close proximity of the proposal to sensitive receptors;
- Potential noise impacts from barking dogs and impact on livestock (horses, foals, cattle sheep);
- Scale of proposed operation with regards to number of dogs and animal welfare;
- Potential odour Impacts;
- Devaluing of properties;
- Management of complaints in relation to noise or odour;



- Setting a precedence for future kennel operators.

In response to objections received during the consultation period, particularly relating to noise concerns, the applicant provided an Acoustic Report in support of the application. This report was subsequently readvertised to all submitters for a period of 14 days from 14 October 2021 - 28 October 2021.

At the conclusion of the second round of advertising, four further objections were received. The additional four objections were received from four of the six initial objectors. The concerns raised in the additional objections have been summarised below:

- Potential noise from barking dogs;
- Potential odour from dog excreta and urine;
- Suitability of the land use in the rural zone;
- Potential danger from escaping dogs to and fauna (rabbits, bandicoots and lambs);
- Potential property devaluation;
- Setting a precedence that attracts dog kennels operators in the Shire.

A summary of the submissions including applicant responses on the matters raised and Officers comments on the objections can be viewed in **attachment 2**.

In addition to the above, one of the submitters engaged an independent consultant (Eco Acoustics) to undertake a peer review of the Acoustic Report. The peer reviewed report is contained within **attachment 3** and its findings are discussed under the relevant headings of this report. The findings of the peer review concluded that the proposed Kennel in its current form will not comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The reasons for this conclusion have been summarised below:

- *Lack of information relating to the acoustic design and construction of the shed;*
- *The noise management plan is not sufficient;*
- *The outdoor exercise area has not been considered;*
- *The predicted noise levels do not appear to be correct;*
- *The representative assessment period has been incorrectly applied;*
- *Predictions should include penalty adjustment for impulsiveness as the noise associated with multiple dogs barking is different to the ambient noise, therefore it will be discernible.*

This matter will be discussed further in the amenity section of the report.

Consultation with other Agencies or Consultants

Water Corporation

The application was referred to Water Corporation who expressed no concerns or objections to the proposal as the subject site is remote from water and wastewater services.

Statutory Environment

Legislation

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



- *Environmental Protection (Noise) Regulations 1997*
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

State Government Policies

- State Planning Policy 2.5 – Rural Planning
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)

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 current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

Land Use:

The proposed development falls under land use definition of 'Dog Kennels' under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2), which is defined as:

'Dog Kennels – means any land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council and may include the sale of dogs.'

The subject site is zoned Rural under TPS2, within the 'Rural' zone the land use 'Dog Kennels' is an 'SA' use, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting development approval after the application has been advertised.

Officers are satisfied that the proposal, which involves 18 kennels for greyhounds owned by the applicant, fits within the above definition of a 'Dog Kennels'.

Under the draft Local Planning Scheme No.3 (LPS3) the proposed development is considered to be an 'Animal Establishment' land use, which is defined under LPS3 as:

'Animal Establishment – means premises used for the breeding, boarding, agistment, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary Centre.'

The subject site would be zoned 'Rural' under LPS3. Within the Rural zone, an 'Animal Establishment' land use would be a 'D' use, meaning the use is not permitted unless the local government has exercised its discretion by granting development approval.

Objectives of the Rural zone:

Clause 5.10.1 of TPS 2 sets out the objective of the Rural zone, as follows:



The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.

While the general land use of 'Dog Kennel' is considered to be consistent with the purpose and intent of the 'Rural' zone, there is still the consideration of potential amenity impacts. This often requires good separation distance from nearby properties, in order to avoid an adverse amenity impact associated with the introduction of impulsive noise associated with dogs barking. So whereas the operations of kennels are not that far removed from ordinary rural operations and activities, it is only where such are scaled in a manner that does not cause noise impact. This matter is addressed further in the report.

It is also noted that Section 5.10.2 Kennels of the Shire's Town Planning Scheme No. 2 specifically states the following with regards to Dog Kennels:

Where the Council grants approval to a Kennels use, the following provisions shall apply:

- (a) the approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;*
- (b) the approval shall not run with the land in respect of which it was granted;*
- (c) the person to whom approval is given by the Council to carry on a Kennels use shall not carry on that use at any premises other than the land in respect of which the Council's approval is granted; and*
- (d) if a Kennel use has been carried on with the approval of the Council and if in the opinion of the Council such use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw its approval and after such withdrawal, no person shall upon the subject land carry on a Kennel use unless a further approval to do so is granted by the Council.*

Provisions of sub-clauses (a), (b) and (c) are included as conditions, which makes an approval personal to the applicant where management expertise and experience of the applicant is associated. Based on the current Scheme also, Council has the ability to withdraw its approval if Council determined such was causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood. It should be noted, however, that this provision does not exist within proposed Local Planning Scheme No. 3.

Local Planning Strategy:

The subject site is designated 'Rural' under the Local Planning Strategy (LPS). The LPS provide two broad aims for the Rural areas of the Shire, which are to protect agricultural land and protect the rural landscape.

In seeking to protect agricultural land, the relevant objectives of the LPS advocate for the promotion of sustainable agriculture and food production, prioritisation of agricultural enterprises and minimisation of nutrient export.

The development occupies only a small portion of the area of the lot, with the balance being available for agricultural use. The applicant has proposed measures to ensure nutrient export from the proposed development is managed and minimised.

Rural character and amenity will be discussed in more detail under the 'Amenity' section of this report.

State Planning Policy 2.5 Rural Planning (SPP2.5):

The policy intent of SPP 2.5 is set out as follows:



The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

Ensuring broad compatibility between land uses is essential to delivering this outcome.

Officers are not able to consider if the proposed development is consistent with the principles of SPP2.5, due to the difficulty in determining whether the proposed development maintains an acceptable level of rural amenity by virtue of noise impact.

Amenity

Dog Kennels are listed under the EPA's Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement) as a land use that may potentially impact nearby sensitive receptors by way of noise and odour impacts.

The Guidance Statement recommends a minimum separation distance of 500m between Dog Kennels and noise sensitive receptors (dwellings). There are four sensitive receptors within 500m of the proposed development footprint as shown in Figure 3 below. The nearest sensitive receptor being located approximately 310m to the north-west from the proposed Kennel location.



Figure 5: Separation Distance Map

Where a proposal does not meet the recommended buffer under the Guidance Statement, a scientific study based on site and industry specific information must be presented to propose why a lesser distance should be considered based on the expected amenity impacts.



During the consultation period, neighbouring residents raised concerns in relation to noise impact from the proposed development. To address noise, the applicant submitted an Acoustic Report by Acoustic Engineering Solutions, which can be viewed in **attachment 5**.

Computer modelling was used to predict noise emissions from the development at all sensitive receptors within the 500m buffer. The report modelled two operational scenarios with no influencing factors. Scenario 1 modelling is based on all 18 greyhounds being in the outdoor area and one third (six) of the greyhounds barking simultaneously with staff present. Scenario 2 modelling is based on all 18 greyhounds being in the enclosed shed and all of them barking simultaneously with no staff present.

The acoustic assessment modelled the two scenarios for worst-case noise emissions and a penalty of 10 db was added to the noise received at the sensitive receptors to account for impulsiveness applicable to dog barking noise. The modelled noise emissions were then assessed for compliance against LA₁ assigned levels. The assigned level for the Sunday day time outdoor activities scenario was 50 dB(A). The assigned level for the weekend night time scenario was 45 dB(A).

Officers note that the Acoustic Report has not established existing noise levels in the rural area. Often rural areas are quieter than the assigned levels of 45 dB(A), and therefore establishing current levels allows a more transparent representation of what the noise impact may be. This has been communicated to the Shire from the DWER in recent times, noting:

"...in some cases, an assessment of a noise source against the assigned levels, while identifying compliance with a prescribed standard, may under represent the impact of the noise source which might be better served by referencing the emergence of the noise source above the background."

And;

"Subjectively an increase in level of 3 dB is generally just noticeable, a 5 dB increase is obviously noticeable and a 10 dB increase is considered twice as loud. Continuing on, a 20 dB increase is therefore four times as loud and a 30 dB increase is eight times as loud."

This places that if background levels are much lower than assigned levels, the logarithmic nature of noise perception may be far greater, and an amenity impact.

As mentioned already, Officers note that four sensitive receptors are located within 500m of the proposed development footprint, with the closest being 310m. The application includes an acoustic assessment, which while establishing an element of compliance with the Noise Regulations that sit outside of the Planning Framework, does not establish current noise levels and therefore the broader amenity impact question which is important to the planning assessment is uncertain.

Officers thus take the position that 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 the Supreme Court's decision in *G Rossetto & Co Pty Ltd v District Council of East Torrens (1984) LGRA 390*, 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)*. This provided 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. For this reason, the application is recommended for refusal.

The report demonstrates that the predicted noise levels in both scenarios would comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) at sensitive receptors within the 500m buffer area. In considering this proposal, Officers note that:

- The applicant provided information that dogs are trained and primarily exercised off-site and are inclined to rest when at home due to fatigue, reducing the likelihood of barking while on-site;
- The proponent are registered wagering trainers under RAWWA and have been operating kennels for the past ten years where their management expertise and experience are likely to be significant in reducing the amenity impacts of proposed uses.

If Council were of the view to approve the development, conditions would need to be imposed to address noise management. These are proposed under Option 2 of the report.

During the advertising period, the Shire received a peer review of the acoustic assessment provided by way of a submission by an adjoining landowner to the proposal. The issues raised in the peer review have been summarised in the table below, including responses provided by the Applicant's acoustic consultant and Officer:

Issue raised in peer review	Applicant's Response	Officer Comment
Lack of information relating to the acoustic design and construction of the shed	The shed wall/roof are metal sheets with R2.5 Bradford Sound Screen Acoustic Insulation Batts. The noise model assumes no holes and gaps in the shed structures.	In the absence of understanding background noise levels, it is not possible to conclude on this point.
The "worst case" assumption of 'Scenario 1' within the AES Report that only one-third of the dogs within the outdoor yard area may bark at any one time is flawed. Rather, the correct worst case would be all 18 dogs barking at once.	<p>As discussed in section 3.4 of the acoustic report, when Staff are present, they can stop barking quickly (my experience during visiting several dog care centres). I never saw that half or all of dogs bark simultaneously at one time.</p> <p>The assumption is reasonable to reflect the facts. Some published reports even assumed the worst-case operation of 25% of dogs barking at one time.</p> <p>Please note that the predicted noise levels will be increased by less than</p>	Officers consider that the worst case scenario would better represent all dogs barking during the modelled period.



Issue raised in peer review	Applicant's Response	Officer Comment
	1.8dB if 50% (9) of dogs are assumed to bark simultaneously for scenario 1.	
The representative assessment period has been incorrectly applied and should be 15 minutes	The acoustic report does not deal with site measurements. In the compliance assessment, we assume that the time for the worst-case dog barking should be less than 10% of any 4-hours. This is why we use assigned noise levels of LA1.	Officers would require both LA ₁ and LA ₁₀ measures compared against background.
The noise modelling did not include a penalty adjustment for impulsiveness as noise from multiple dogs barking is different to ambient noise	In acoustic report Rev1, section 5.1 on page 8 discusses the reason why no 10dB impulsiveness adjustment applies to the low dog-barking levels. If you do not accept it the argument, the 10dB impulsiveness adjustment applies to all of the predicted noise levels in the updated Rev2. Please refer to the updated report Rev2.	No comment

Taking account of the lack of clarity of background noise, it is not possible to conclude that the proposal is consistent with orderly and proper planning.

Odour Management

Kennels have the potential to generate odour from food waste, dog excreta and urine. Concerns have been raised during the consultation period of the potential odour impacts resultant from 18 dogs being kept on the site. The applicant provided information on the following waste disposal and manure management methods:

- Appropriate lining of outside toileting areas with 50-100mm of crushed limestone to neutralise urine odour and to ensure it does not enter the groundwater.
- The crushed limestone levels will be regularly topped up and urine stained limestone disposed of into the waste receptacle.
- Food waste will be collected promptly and emptied into the waste receptacle, and food bowls are washed immediately after use. All food is stored in sealed containers to deter pests.
- Dog excreta is picked up promptly and regularly to ensure good hygiene and disposed of into a general 1.5m² waste bin which is contracted to be emptied fortnightly.
- Kennel will be cleaned twice daily with a pet friendly disinfectant to reduce odour and provide a pleasant-smelling environment.
- The Kennel building will be designed for ease of cleaning with a sealed concrete floor, which is sealed with a non-slip epoxy coating to ensure no urine seeps through the concrete floor.
- Good ventilation through four whirly birds air conditioners which will be on the roof of the Kennels, and prevent odour build up.



Officers are satisfied that the proper implementation of the Waste Management Plan would ensure that odour can be adequately managed.

Impact on Livestock and Native Fauna:

During the consultation period, concerns were raised about the potential for dogs to escape enclosures and attack livestock and native fauna. The applicant has provided the following response in that regard:

- The subject site will also be used for keeping of horses and as such would ensure that the proposal would be operated in a way that protects other animals.
- The excising and toileting areas outside of the existing shed is enclosed by a 1.8m colourbond fence with two self-closing lockable gates.
- The outside colourbond fencing will also be fitted with a plinth to enhance the security of the Kennel block and to ensure no dogs can dig underneath the fence-line.
- Each kennel is made via galvanised mesh and tubing and is manufactured to the highest quality to ensure comfort, care, security and safety of each dog; the custom-made Kennel will have elevated beds with plush bedding.
- Each kennel is 2.4m long, 1.2m wide and 1.3m high with a mesh roof to stop dogs from jumping out.

The applicant also notes that the dogs would be supervised at all times while using outdoor areas. Officers are satisfied that the risk of dogs escaping the enclosures could be adequately managed through supervision and fencing.

Devaluation of properties

During the consultation period, concerns were raised regarding devaluation of properties due to the property. It is considered that impact on property values is not a valid planning consideration that should be taken into account as part of decision-making.

Options and Implications

Option 1

That Council REFUSES the application for the following reasons:

1. Insufficient information has been submitted to determine whether the development is consistent with maintaining the current and intended future amenities of the Rural zone. Specifically, background noise levels have not been established, in order to compare whether modelled noise from the development will or will not be acceptable in respect of noise impacts.
2. The development does not achieve the minimum 500m separation distance from nearby sensitive premises, which creates the potential for adverse noise and amenity impacts by virtue of the lack of separation.

Option 2

That Council APPROVES the development application for a 'Dog Kennel' as contained within **attachment 1** at Lot 600, 2812, Karnup Road, Oldbury 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	Development Plans received at the Shire Offices on 30 October 2021; and 8 November 2021 Updated Acoustic report prepared by Acoustic Solutions, dated 2 November 2021.
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- b. A maximum of 18 dogs are permitted to be kept at the premises at any one time.
- c. The training of dogs shall not be permitted and exercising of dogs on-site shall be limited to the use of a 'dog walker' within the Kennel structure only.
- d. The approval shall not run with the land in respect of which it was granted, rather the approval shall be personal to the applicant and shall not be transferred to or assigned to any other person.
- e. Prior to commencement of operations, suitable fencing shall be installed around the dog exercise yards to ensure the dogs are effectively confined at all times, to the satisfaction of the Shire of Serpentine Jarrahdale. The fencing shall be maintained in proper functional condition at all times, to the satisfaction of the Shire of Serpentine Jarrahdale.
- f. Prior to commencement of operations, a Noise Management Plan shall be submitted to the Shire for approval. The Noise Management Plan shall be prepared with a view to addressing noise mitigation measures in detail, to set out requirements that the operator will implement and maintain to ensure noise levels do not adversely impact on amenity, to the satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan must include a complaints register.
- g. Prior to commencement of operations, the Kennel shall be retrofitted to meet a suitable acoustic design standard based on the Acoustic Report forming part of this approval, to the satisfaction of the Shire of Serpentine Jarrahdale.
- h. Dog waste (excreta) shall be collected throughout the day and stored in a designated airtight bin prior to disposal off-site.
- i. The applicant shall submit annual noise report audits to the Shire of Serpentine Jarrahdale. This annual audit must document noise associated with the development, including any exceedances or complaints, and how such have been remedied by changes in the management of the development.

Option 1 is recommended.

Conclusion

The application has been presented to Council to consider an application for 'Dog Kennels', which received objections during the consultation process. Officers consider the proposed development is not consistent with orderly and proper planning, by virtue of not having sufficient information to be able to determine the extent of noise impact and the lack of a 500m separation distance to surrounding properties.



Attachments (available under separate cover)

- **10.1.1 – attachment 1** – Development Application Details (IN21/28061)
- **10.1.1 – attachment 2** – Summary of Submissions (E21/10202)
- **10.1.1 – attachment 3** – Acoustic Report (IN21/28063)
- **10.1.1 – attachment 4** – Technical Assessment (E21/14251)
- **10.1.1 – attachment 5** – Updated Acoustic Report (IN21/28066)

Alignment with our Strategic Community Plan

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

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	That Council refuses the development for the reasons mentioned.	Appropriate reasons are recommended for refusal, which addresses the risks of the proposal.					
2	That Council approves the development application subject to conditions	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensure appropriate conditions



Voting Requirements: Simple Majority

Officer Recommendation

That Council REFUSES the application for the following reasons:

1. Insufficient information has been submitted to determine whether the development is consistent with maintaining the current and intended future amenities of the Rural zone. Specifically, background noise levels have not been established, in order to compare whether modelled noise from the development will or will not be acceptable in respect of noise impacts.
2. The development does not achieve the minimum 500m separation distance from nearby sensitive premises, which creates the potential for adverse noise and amenity impacts by virtue of the lack of separation.

OCM333/12/21

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Coales

That Council APPROVES the development application for a 'Dog Kennel' as contained within attachment 1 at Lot 600, 2812, Karnup Road, Oldbury 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	Development Plans received at the Shire Offices on 30 October 2021; and 8 November 2021 Updated Acoustic report prepared by Acoustic Solutions, dated 2 November 2021.
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- b. A maximum of 18 dogs are permitted to be kept at the premises at any one time.
- c. The training of dogs shall not be permitted and exercising of dogs on-site shall be limited to the use of a 'dog walker' within the Kennel structure only.
- d. The approval shall not run with the land in respect of which it was granted, rather the approval shall be personal to the applicant and shall not be transferred to or assigned to any other person.
- e. Prior to commencement of operations, suitable fencing shall be installed around the dog exercise yards to ensure the dogs are effectively confined at all times, to the satisfaction of the Shire of Serpentine Jarrahdale. The fencing shall be maintained in proper functional condition at all times, to the satisfaction of the Shire of Serpentine Jarrahdale.
- f. Prior to commencement of operations, a Noise Management Plan shall be submitted to the Shire for approval. The Noise Management Plan shall be prepared with a view to addressing noise mitigation measures in detail, to set out requirements that the operator will implement and maintain to ensure noise levels do not adversely impact on amenity, to the satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan must include a complaints register.



- g. Prior to commencement of operations, the Kennel shall be retrofitted to meet a suitable acoustic design standard based on the Acoustic Report forming part of this approval, to the satisfaction of the Shire of Serpentine Jarrahdale.**
- h. Dog waste (excreta) shall be collected throughout the day and stored in a designated airtight bin prior to disposal off-site.**
- i. The applicant shall submit annual noise report audits to the Shire of Serpentine Jarrahdale. This annual audit must document noise associated with the development, including any exceedances or complaints, and how such have been remedied by changes in the management of the development.**

CARRIED 5/3

Reason for difference to Officer Recommendation

Sufficient evidence that the impact on amenity can be dealt with or not compromised.



10.1.2 – Section 31 Reconsideration – Concrete (Wet) Batching Plant - Lot 60 (394) Robertson Road, Cardup (SJ3663)

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

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:	Harley Dykstra
Owner:	Keyline Nominees Pty Ltd
Date of Receipt:	28 July 2021
Lot Area:	2,339.286m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

Council at its 16 August 2021 meeting granted a conditional approval for a Concrete (Wet) Batching Plant at Lot 60 Robertson Road, Cardup. The applicant requested review by the State Administrative Tribunal of six conditions forming part of that approval. Processes of mediation have taken place, and this has resulted in the applicant providing additional information. In response to that information, Council has now been invited under section 31(1) of the *State Administrative Tribunal Act 2004*, to reconsider its original decision including the six conditions.

Following consideration of the additional information, including independent expert review and advice on dust matters, Officers recommend Council reconsider its original decision, and vary this to remove certain conditions and impose a revised dust management plan condition to ensure an effective regulatory environment for the development of the concrete batching plant.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 August 2021- OCM216/08/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. APPROVES the development application for a mobile concrete batching plant, as contained within attachment 1, at Lot 60, 394 Robertson Road, Cardup 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.*

<i>Plans and Specifications</i>	<i>Development Plans (P1-P3) received at the Shire Offices on 27 May 2021; Traffic Impact Assessment (P4-P47) dated 1 February 2021; Dust Management Plan (P48-P73) dated 29 January 2021; Stormwater Management Plan (P74-P141) dated 1 February 2021; and Acoustic Assessment (P142-P167) dated 1 February 2021.</i>
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- b. *This approval is valid for a period of 24 months from the date of approval (until 16 August 2023), as per Clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition d.*
- c. *The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24 / 7 / 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.*
- d. *By 30 June 2023, the operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition b, together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale, and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.*
- e. *Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- f. *Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:*
i. Detailing design, capacity, overflow and predevelopment discharge rates for the basin;
ii. Emptying of the drainage basin after each rainfall event;
Once approved, development and operations shall be carried out in accordance with the approved SMP.
- g. *Prior to commencement of works or issue of a Building Permit (whichever comes first), an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:*
i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway intersections;
ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as of right' trucks.
Any upgrades recommended by the amended TIA shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the full cost of the applicant.
- h. *No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.*



- i. All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.
- j. Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.
- k. Prior to commencement of works or issue of a Building Permit (whichever comes first), a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES. The BMP is to demonstrate management of bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.

Background

Existing Development

The subject site (the site) is zoned 'Development' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2) and designated 'Industry General' under the Cardup Business Park Local Structure Plan (LSP). The site is approximately 47ha and takes access from Robertson Road.

The site is currently occupied by Permacast (concrete product business) and Permapole (timber product business). Vacant areas of the site have been established as yards for the storage of products and materials associated with business operations for Permacast and Permapole. The southern portion of the lot contains bush forever as depicted following:

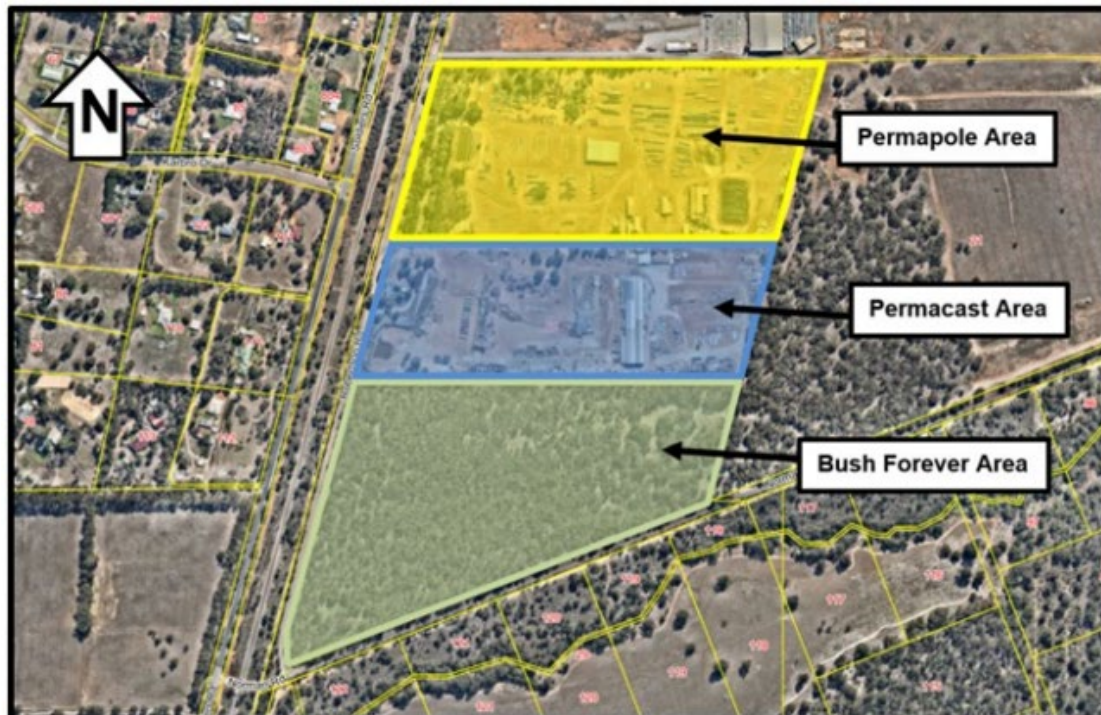


Figure 1: Existing Site Layout



Approved Development:

At its Ordinary Council Meeting on 16 August 2021, Council resolved to conditionally approve a proposed Concrete Batching Plant (wet process) at Lot 60 Robertson Road, Cardup. The approval was for the following:

- An area of concrete hardstand measuring 2,970m²;
- The concrete batching plant, specifically a feed hopper, aggregate holding hopper, the batching computer and the sealed plant batcher;
- A material storage area being made up of:
 - seven storage bins enclosed on three sides with a capacity of 150m³;
 - two base cement material holding silos; and
 - three water tanks.
- A maximum of 16 material delivery trucks;
- A maximum of 20 concrete agitator trucks for external deliveries (used on a needs basis only);
- Slump stands (where the concrete quality is assessed in the truck), truck loading and wash out areas;
- A stormwater management system including:
 - A wedge pit that the water from the processing area is directed to; and
 - A detention basin immediately to the south of the material storage area that would contain stormwater runoff from the hardstand.

An overlay of the approved operations is shown in Figure 2 below:

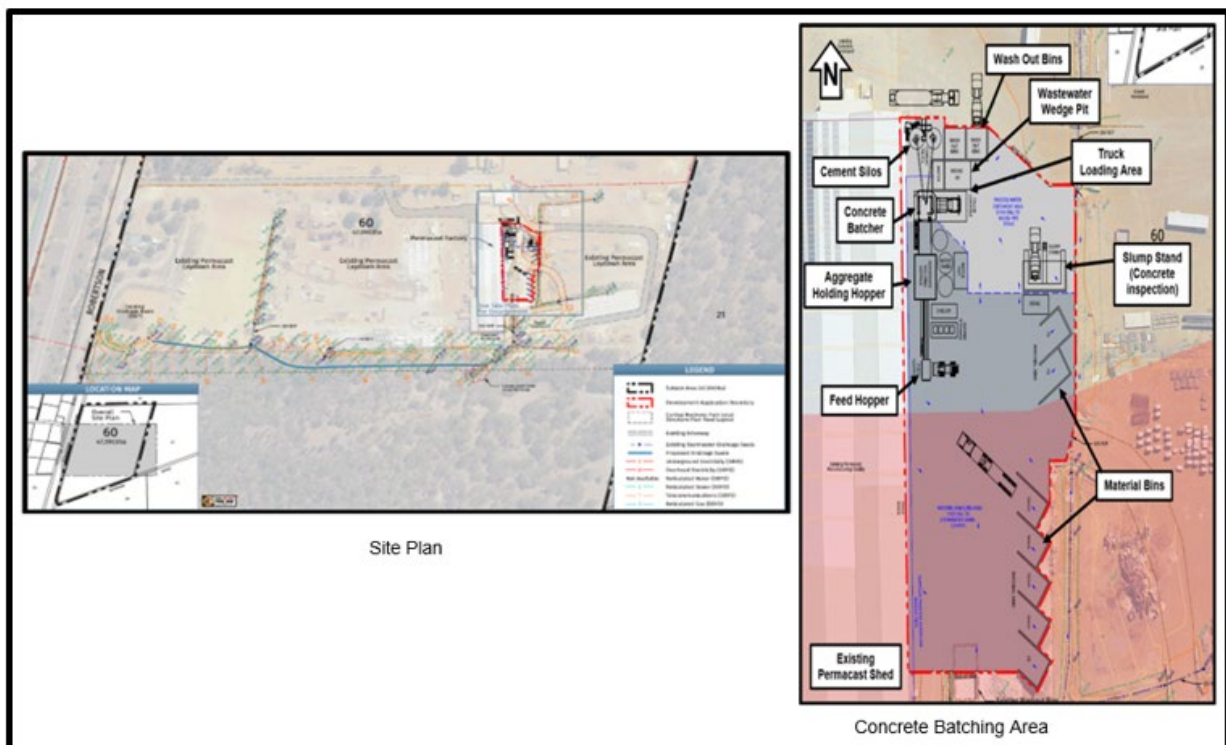


Figure 2: Approved Development Layout



The approved development would have an estimated output of 62,400m³ or 146,640T of concrete per year, which would generally be used by the neighbouring Permacast facility. However, there may be instances where concrete may be delivered offsite via the 20 agitator trucks.

The operations entail use of a 'wet-mix' process in order to create the concrete. This process involves combining water with various dry ingredients (concrete base material, aggregate and sand) in a central mixer within the plant. The process is computer controlled and fully mixes and prepares the concrete within a sealed and enclosed compartment before loading into a concrete agitator truck for transport.

The raw materials (sand and aggregate) would be delivered to the site and stored in material bins. The sand and aggregate are transported using a front-end-loader and deposited into a hopper which feeds the materials into a storage area. The concrete base material would be delivered by a sealed tanker and transferred to sealed storage silos that are attached to the plant itself.

Once the batch has been completely mixed within the sealed plant, it is discharged into a concrete agitator truck via a rubber chute. The agitator truck then moves from the loading area to the slump stand where both the load and truck are inspected prior to being delivered to either the adjacent Permacast business or offsite.

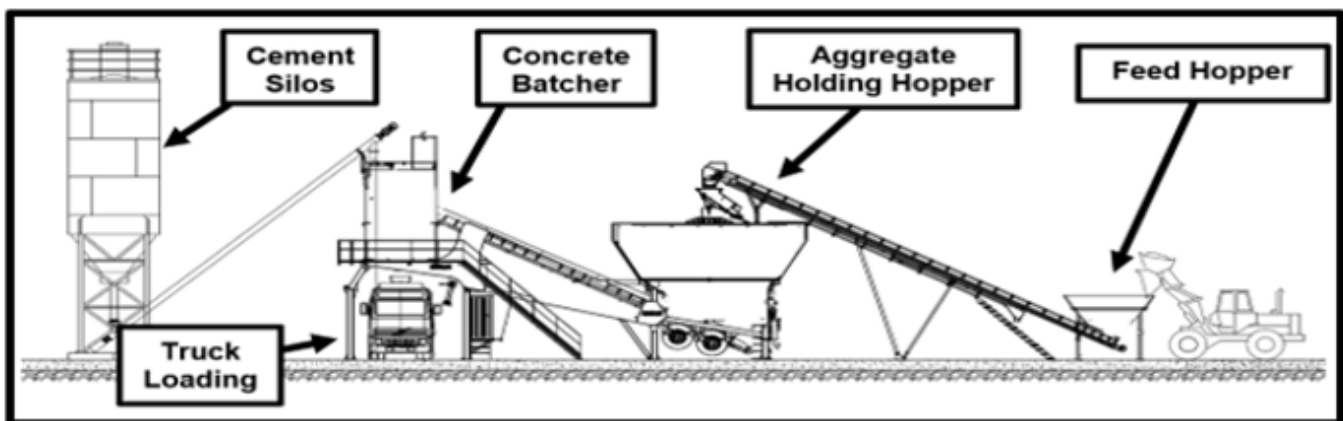


Figure 3: Elevation of Concrete Batching Plant

Reconsideration:

On 14 September 2021, the applicant lodged an application for review of Council's decision with the State Administrative Tribunal (SAT). The applicant sought review of conditions (b), (c), (d), (e), (g) and (k) of the approval. The conditions are as follows:

Condition (b):

This initial approval is valid for a period of 24 months from the date of approval (until 16 August 2023), as per Clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition d, and the approval is extended for a further 36 months, if it is established to the satisfaction of the Shire that there have not been any dust breaches of more than 1 per year, not corrected within 24 hours.

Condition (c):

The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24 / 7 / 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.



Condition (d):

By 30 June 2023, the operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition b, together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale, and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.

Condition (e):

Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.

Condition (g):

Prior to commencement of works or issue of a Building Permit (whichever comes first), an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:

- i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway intersections;*
- ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as of right' trucks.*

Condition (k):

Prior to commencement of works or issue of a Building Permit (whichever comes first), a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES. The BMP is to demonstrate management of bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.

Processes of mediation have taken place, and this has resulted in the applicant providing additional information. In response to that information, Council has now been invited under section 31(1) of the *State Administrative Tribunal Act 2004*, to reconsider its original decision including the six conditions.

Following consideration of the additional information, including independent expert advice requested by Officers on dust matters, it is recommended that Council reconsider its original decision and vary this to:

1. Remove certain conditions and;
2. Impose a revised dust management plan condition to safeguard the amenity of the area.

The SAT orders allow the matter to be reconsidered at Council's Ordinary Council Meeting on 13 December 2021.

The additional information can be viewed within **attachment 1**.

Community / Stakeholder Consultation

The initial application was advertised in accordance with the Shire's Local Planning Policy 1.4: Public Consultation for Planning Matters (LPP1.4) for a period of 21 days, from 8 March 2021 – 29 March 2021 as follows:



- An advertisement placed on the Shire's Community Engagement page on the Website;
- A sign displayed on site giving details of the proposal; and
- Letters were sent to surrounding landowners within a 1km radius of the site.

During the consultation period, eight submissions were received, which included six objections and two letters of support. In addition, the application was referred to relevant State Government Departments for a period of 42 days, whereby four submissions were received.

The additional information submitted as part of this process does not impact upon any of the responses to the previous submissions received, and does not require re-advertising.

Statutory Environment

Legislation

- *State Administrative Tribunal Act 2004*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection (Noise) Regulations 1997*;
- Metropolitan Region Scheme (MRS);
- Town Planning Scheme No.2 (TPS2).

State Government Policies

- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances.

Local Planning Framework

- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3);
- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS);
- Cardup Business Park Local Structure Plan (LSP).

Planning Assessment

The initial approval determined by Council included conditions pertaining to the following issues:

Issue 1 - time limitation, dust and production limits;

Issue 2 - traffic impact assessment;

Issue 3 - updated bushfire management information.

These three issues are addressed following.

Issue 1 - Applicant's additional information pertaining to time limitation, dust and production limits

Officers were originally concerned about the robustness of the proposed dust management measures, and the risk based nature of an approval in light of this. By combination of conditions imposed to time limit the approval, require dust monitoring and capping production levels, Officers sought to essentially test the basis made under the application in respect of dust management.

The applicant undertook further analysis of dust and provided additional information to assist Council in reviewing the related conditions. The applicant's environmental consultant reviewed the existing amenity of the locality, in combination with the influencing factors on such amenity.



From here, their environmental consultant considered the impact of katabatic winds, and the risk to exacerbating dust in the area as a result. The consultant, as part of their additional research and reporting, concluded that dust generating activities associated with the development itself were not considered to present a risk to the amenity of the locality. This was due to:

1. Their expert view of the effectiveness of measures imposed within the DMP and;
2. Their expert view of the low scale nature of the development.

Shire review of Issue 1 additional information

Due to the importance of the dust issue, the Shire engaged an independent expert environmental consultant (Talis Environmental) to peer review the applicant's dust measures and environmental information. This was sought to provide Officers (and thus Council) an independent expert opinion on the question of 'effectiveness' in dealing with dust generated from the development and the climatic conditions such as scarp winds. The independent expert peer review can be viewed within **attachment 2**.

The review analysed the additional information, and posited that:

In short, the broader environment is not one without the potential to generate dust and it is our view that the proposal and its siting (immediately adjacent to the Permacast shed) will not present an unacceptable additional impact to the levels of dust already likely to be present in the environment as long as appropriate management measures are implemented.

We draw this conclusion notwithstanding concerns in relation to the potential for the downslope/scarp/katabatic winds to be present in the area. Whilst these will no doubt exacerbate dust generation in the locality, we are of the view that the proposal is unlikely to present an unacceptable risk in this regard and that dust generation from the surrounding environment/activities is more likely to present as a concern.

In positing this, the consultant has made further suggestions as matters that *could* be implemented. This is provided following:

Further suggestions for the DMP include:

- *additional landscaping, particularly on the boundary of the property;*
- *the use of a street sweeper at the premises entrance/exit on to Robertson Road on a regular basis;*
- *sealing of the ingress/egress for the site; and*
- *the inclusion of roofs on the storage bins (access permitting).*

We do not suggest that these are required at this time, but such measures would further minimise the potential for dust generation to occur and could be implemented where potential impacts or amenity concerns are identified.

The expert consultant has suggested these further measures could be implemented "where potential impacts or amenity concerns are identified." While the expert consultant has made the suggestion that these aren't required at this time, it would be important that any revised condition deal with:

1. Those measures that Council considers as needing to be done prior to commencement of the operation;
2. Those measures that could be required if deployed amenity impacts were detected and verified.



In respect of this, Officers consider that an updated Dust Management Plan condition would be appropriate as follows:

Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval, based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows:

- i. Video monitoring of the process water catchment area and material handling areas as set out on the approved Site Plan (22428-02D);*
- ii. Staff training to detect dust and respond to dust complaints accordingly;*
- iii. A process for investigating and responding to any complaints registered within the complaints register of the Dust Management Plan, including consultation between the site manager and the Shire of Serpentine-Jarrahdale to identify the need for any supplementary dust management measures (depending on the nature of any complaint) such as (but not limited to) the following:*
 - additional use of the water truck to regularly water down the concrete batching site;*
 - the use of a streetsweeper on the process water catchment area and site crossover;*
 - (re)sealing of the ingress/egress (crossover) for the site; and/or*
 - wind shielding measures for the storage bins.*

Officers consider that this condition provides both upfront measures, as well as future measures that can be implemented if dust amenity complaints are received and verified.

In light of the peer review undertaken by the Shire's independent expert environmental consultant, and noting that there are no sensitive receptors located within the 300-500m separation distance for 'Concrete Batching Plant or Cement Products' under the EPA Guidance Statement document, Officers consider the revised condition to be appropriate.

Issue 2 - Applicant's additional information pertaining to traffic impact assessment

The applicant provided an updated Traffic Impact Assessment (TIA), to address concerns raised as part of the original assessment.

Shire review of Issue 2 additional information

In considering the additional information, Officers noted that the surrounding road network is currently a RAV 4.1 road network whereby vehicles of a certain tonnage and length above as-of-right requirements can use the road network. Through the assessment process of the TIA, it was identified that the Robertson Road/South Western Highway intersection cannot appropriately accommodate south bound travelling vehicles manoeuvring through the intersection without needing a degree of upgrades being undertaken as part of a Main Roads process in conjunction with the Shire. As a result, the applicant amended their proposal to only utilising as-of-right vehicles which are compliant though this intersection.

The updated TIA now meets this requirement.

Issue 3 - Applicant additional information pertaining to bushfire management

The applicant submitted a BAL Contour Map for the portion of the development that is located within the designated bushfire prone area. The map has come back designating the site as BAL-Low, therefore removing the need for a Bushfire Management Plan being submitted in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7). The BAL Contour Map has been attached for Council as per **attachment 3**.



Shire review of Issue 3 additional information

Based on the submitted contour map, Officers concur there to be a low level of bushfire risk.

Options and Implications

Option 1

1. That Council, in response to the Section 31 request for reconsideration, review its original decision in the following manner:

a. Removes the following conditions:

Condition (b) which states:

This initial approval is valid for a period of 24 months from the date of approval (until 16 August 2023) as per clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition (d), and the approval is extended for a further 36 months, if it is established to the satisfaction of the Shire that there have not been any dust breaches of more than 1 per year, not corrected within 24 hours.

Condition (c) which states:

The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24/7 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development

Condition (d) which states:

The operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition (b), together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.

Condition (e) which states:

Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.

Condition (g) which states:

Prior to commencement of works or issue of a Building Permit (whichever comes first) an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:

- i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway Intersections;*
- ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as-of-right' trucks.*



Any upgrades recommended by the amended TIA shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the full cost of the applicant.

Condition (k) which states:

Prior to commencement of works or issue of a Building Permit (whichever comes first), a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES. The BMP is to demonstrate management of bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.

b. Imposes a new condition as follows:

Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows:

- i. Video monitoring of the process water catchment area and material handling areas as set out on the approved Site Plan (22428-02D);*
- ii. Staff training to detect dust and respond to dust complaints accordingly;*
- iii. A process for investigating and responding to any complaints registered within the complaints register of the Dust Management Plan, including consultation between the site manager and the Shire of Serpentine Jarrahdale to identify the need for any supplementary dust management measures (depending on the nature of any complaint) such as (but not limited to) the following:*
 - additional use of the water truck to regularly water down the concrete batching site;*
 - the use of a streetsweeper on the process water catchment area and site crossover;*
 - (re)sealing of the ingress/egress (crossover) for the site; and/or*
 - wind shielding measures for the storage bins.*

c. Renumbers all remaining conditions of the original decision, to now be read as the new decision as follows:

*APPROVES the development application for a mobile concrete batching plant, as contained within **attachment 1**, at Lot 60, 394 Robertson Road, Cardup 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.*

<i>Plans and Specifications</i>	<i>Development Plans (P1-P3) received at the Shire Offices on 27 May 2021; Traffic Impact Assessment (P4-P47) dated 1 February 2021; Dust Management Plan (P48-P73) dated 29 January 2021; Stormwater Management Plan (P74-P141) dated 1 February 2021; and</i>
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Acoustic Assessment (P142-P167) dated 1 February 2021.

- b. *Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:*
- i. *Detailing design, capacity, overflow and predevelopment discharge rates for the basin;*
 - ii. *Emptying of the drainage basin after each rainfall event;*
- Once approved, development and operations shall be carried out in accordance with the approved SMP.*
- c. *No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- d. *All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.*
- e. *Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.*
- f. *Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows:*
- i. *Video monitoring of the process water catchment area and material handling areas as set out on the approved Site Plan (22428-02D);*
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 - *additional use of the water truck to regularly water down the concrete batching site;*
 - *the use of a streetsweeper on the process water catchment area and site crossover;*
 - *(re)sealing of the ingress/egress (crossover) for the site; and/or*
 - *wind shielding measures for the storage bins.*

Option 2:

That Council REAFFIRMS its original decision of 16 August 2021.

Option 1 is recommended



Conclusion

Council has been invited to reconsider conditions (b), (c), (d), (e), (g) and (k) of its approval granted at the 16 August 2021 OCM approval for a Concrete Batching Plant (wet process) located at Lot 60 Robertson Road, Cardup. The reconsideration follows a review of these conditions and the applicant has provided additional information to address amenity issues. It is recommended Council review its original decision, to remove certain conditions and impose a further condition specific to dust.

Attachments (available under separate cover)

- **10.1.2 – attachment 1** – Additional Information submitted by the Applicant (E21/14488)
- **10.1.2 – attachment 2** – Talis Peer Review (E21/14501)
- **10.1.2 – attachment 3** – BAL Contour Map (E21/14502)

Alignment with our Strategic Community Plan

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

Financial Implications

The Shire engaged Talis Environment to undertake a peer review of the additional dust information at a cost of \$3,300.

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	If Council refuse to reconsider the conditions , the matter will likely be heard at a full hearing by the State Administrative Tribunal	Planning framework	Financial	Possible	Moderate	MODERATE	Clearly explain reasons for decision



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council, in response to the Section 31 request for reconsideration, review its original decision in the following manner:

- a. Removes the following conditions:

Condition (b) which states:

This initial approval is valid for a period of 24 months from the date of approval (until 16 August 2023) as per clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition (d), and the approval is extended for a further 36 months, if it is established to the satisfaction of the Shire that there have not been any dust breaches of more than 1 per year, not corrected within 24 hours.

Condition (c) which states:

The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24/7 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development

Condition (d) which states:

The operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition (b), together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.

Condition (e) which states:

Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.

Condition (g) which states:

Prior to commencement of works or issue of a Building Permit (whichever comes first) an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:

- i. *Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway Intersections;*
- ii. *The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as-of-right' trucks.*

Any upgrades recommended by the amended TIA shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the full cost of the applicant.



Condition (k) which states:

Prior to commencement of works or issue of a Building Permit (whichever comes first), a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES. The BMP is to demonstrate management of bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.

b. Imposes a new condition as follows:

Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows:

- i. Video monitoring of the process water catchment area and material handling areas as set out on the approved Site Plan (22428-02D);*
- ii. Staff training to detect dust and respond to dust complaints accordingly;*
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 - the use of a streetsweeper on the process water catchment area and site crossover;*
 - (re)sealing of the ingress/egress (crossover) for the site; and/or*
 - wind shielding measures for the storage bins.*

c. Renumbers all remaining conditions of the original decision, to now be read as the new decision as follows:

APPROVES the development application for a mobile concrete batching plant, as contained within attachment 1, at Lot 60, 394 Robertson Road, Cardup 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.*

<i>Plans and Specifications</i>	<i>Development Plans (P1-P3) received at the Shire Offices on 27 May 2021;</i> <i>Traffic Impact Assessment (P4-P47) dated 1 February 2021;</i> <i>Dust Management Plan (P48-P73) dated 29 January 2021;</i> <i>Stormwater Management Plan (P74-P141) dated 1 February 2021; and</i>
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	<i>Acoustic Assessment (P142-P167) dated 1 February 2021.</i>
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- b. *Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:*
- i. Detailing design, capacity, overflow and predevelopment discharge rates for the basin;*
 - ii. Emptying of the drainage basin after each rainfall event;*
- Once approved, development and operations shall be carried out in accordance with the approved SMP.*
- c. *No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- d. *All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.*
- e. *Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.*
- f. *Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows:*
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OCM334/12/21

COUNCIL RESOLUTION

Moved Cr Singh, seconded Cr Duggin

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a. Removes the following conditions:

Condition (b) which states:

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c. Renumbers all remaining conditions of the original decision, to now be read as the new decision as follows:

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	Stormwater Management Plan (P74-P141) dated 1 February 2021; and Acoustic Assessment (P142-P167) dated 1 February 2021.
b.	Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following: <ul style="list-style-type: none">i. Detailing design, capacity, overflow and predevelopment discharge rates for the basin;ii. Emptying of the drainage basin after each rainfall event; Once approved, development and operations shall be carried out in accordance with the approved SMP.
c.	No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.
d.	All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.
e.	Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.
f.	Prior to the use commencing, an updated Dust Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval based on advice of the Shire's independent expert consultant. The updated Dust Management Plan must include the additional measures as follows: <ul style="list-style-type: none">i. Video monitoring of the process water catchment area and material handling areas as set out on the approved Site Plan (22428-02D);ii. Staff training to detect dust and respond to dust complaints accordingly;iii. A process for investigating and responding to any complaints including a 24/7 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development;iv. A process for investigating and responding to any complaints registered within the complaints register of the Dust Management Plan, including consultation between the site manager and the Shire of Serpentine Jarrahdale to identify the need for any supplementary dust management measures (depending on the nature of any complaint) such as (but not limited to) the following:<ul style="list-style-type: none">- additional use of the water truck to regularly water down the concrete batching site;- the use of a streetsweeper on the process water catchment area and site crossover;- (re)sealing of the ingress/egress (crossover) for the site; and/or- wind shielding measures for the storage bins.
	CARRIED UNANIMOUSLY 8/0



Continued

**Ordinary Council Meeting Minutes
Monday, 13 December 2021**

Reason for difference to Officer Recommendation

Health and wellbeing concerns for the community because of appropriateness and timely response to community members if there are any health concerns raised.



10.1.3 – Proposed Road Naming – Lot 9006 Keirnan Street, Whitby (SJ500-03)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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:	McMullen Nolan Group
Owner:	Gold Fusion Group
Date of Receipt:	1 November 2021
Lot Area:	39.98ha
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 a proposal for 12 new road names and alternative road names for a subdivision at Lot 9006 Keirnan Street, Whitby. This is the continuing development of the Whitby Estate.

Officers recommend that Council endorse the proposed road names and alternatives, on the basis of their suitability in respect of assessment against the Policies and Standards for Geographical Naming in Western Australia (GNC policy) and Local Planning Policy 1.7 – Road Naming (LPP 1.7).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 10 November 2014 - OCM080/11/14 - COUNCIL RESOLUTION / Officer Recommendation
That Council approve the theme "Timber Milling" for the Whitby Town estate, Keirnan Street, Whitby.

Background

The proposal relates to the subdivision of Lot 9006 Keirnan Street, Whitby, which will result in the creation of 12 new roads. Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*.



Figure 1: Aerial Photography

Section 26A of the *Land Administration Act 1997* requires the relevant Local Government to endorse names for roads created as part of subdivision. Those names endorsed by the Local Government must then be forwarded to the Minister for Planning, Lands and Heritage for final approval. The Geographic Names Committee (GNC) has delegated authority from the Minister for Planning, Lands and Heritage to grant final approval for road names.

Proposal

The application proposes the naming of 12 new roads to be created as part of the next stage of the Whitby Estate Development. The proposed road names are shown in the road layout plan below:



Figure 2: Road Layout Plan

The application also entails five alternative names to be used in the event there are any issued with the preferred names shown in Figure 2 above. The full list of names and alternatives is provided below:

Road Name Table			
Proposed Preferred Names	Background	Alternative Names	Background
Goodwood	A Timber Mill located 10km west of Donnybrook.	Tullis	A Timber Mill located 29km east of Dwellingup.
Treesville	A Timber Mill located 40km east of Mornington.	Asquith	A Timber Mill located 34km east to south-east of Yarloop.
Lockeville	A Timber Mill located 2.5km north-east of Wonnerup.	Amphion	A Timber Mill located along the Pinjarra-Narrogin railway, 40km from Pinjarra.
Pindalup	Pindalup Port has two Timbermills located 20km east to south-east of Dwellingup.	Lucknow	A Timber Mill located 10km south-west of Collie.
Whittackers	A Timber Mill located 5km south-east of North Dandalup Dam, with	Wuraming	A Timber Mill located 6km south of Wuraming.



Road Name Table			
Proposed Preferred Names	Background	Alternative Names	Background
	operations also in Serpentine.		
Hedges	A Timber Mill located 6km south-west of Donnybrook.		
Kirkup	A Timber Mill located 14km north-east of Kirkup.		
Hollyoake	A Timber Mill located 3km east of Dwellingup.		
Quindalup	A Timber Mill located 3km inland of Quindalup.		
Newlands	A Timber Mill located along the old railway between Donnybrook and Kirkup.		
Boranup	A Timber Mill located 4km north of Karridale.		
Plavins	A Timber Mill located 12km east to north-east of Collie.		

Community / Stakeholder Consultation

No consultation is required in accordance with Shire and GNC policy.

Statutory Environment

Legislation

- *Land Administration Act 1997*

State Government Policies

- Policies and Standards for Geographical naming in Western Australia (GNC Policy)

Local Planning Framework

- Local Planning Policy 1.7 – Road Naming (LPP1.7)

Assessment

LPP1.7 states that where more than four road names are proposed then an overall theme should be proposed by the applicant. The current road naming theme for the Whitby Estate is “Timber Milling”. The proposed road names have been considered against this theme and deemed acceptable.

The proposed names have been assessed against the GNC policy in conjunction with the Shire’s LPP 1.7. The policy provisions and considerations have been provided in the table below:



Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	The proposed preferred and alternative names are not considered to be offensive, incongruous or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	The proposed names have been derived from existing timber mills around WA. Given their existing usage the proposed names are considered to be adequate.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred and alternative names comprise of no more than 11 letters and are only one word in length.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the GNC policy.</p> <p>Lane (Lane) – Narrow way between walls, buildings or a narrow country or city roadway.</p> <p>Road (Rd) – Open way or public passage primarily for vehicles.</p> <p>Street (St) – Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.</p> <p>Way (Way) – Roadway affording passage from one place to another. Usually not as straight as an avenue or street.</p> <p>Avenue (Av) – Broad roadway, usually planted on each side with trees.</p> <p>Parkway (Pwy) – Roadway through parklands or an open grassland area.</p> <p>Mews (Mews) – Roadway in a group of houses.</p>



Policy Assessment	
Policy Requirement	Officer Comment
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are considered to be practical.

Options and Implications

Option 1

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the Land Administration Act 1997; and forwards the preferred names as contained within **attachment 1** to Landgate for final approval:
 - a. Goodwood
 - b. Treesville
 - c. Lockeville
 - d. Pindalup
 - e. Whittackers
 - f. Hedges
 - g. Kirkup
 - h. Hollyoake
 - i. Quindalup
 - j. Newlands
 - k. Boranup
 - l. Plavins
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:
 - a. Tullis
 - b. Asquith
 - c. Amphion
 - d. Lucknow
 - e. Wuraming

Option 2

That Council DOES NOT ENDORSE the proposed road names.



Option 1 is recommended.

Conclusion

Council endorsement is sought for 12 proposed road names and five alternatives to be used as part of the subdivision at Lot 9006 Keirnan Street, Whitby. The proposed names are considered to be consistent with the requirements of LPP1.7 and the GNC's road naming policy.

Officers support the proposal and recommend that Council endorse the proposed names.

Attachments (available under separate cover)

- **10.1.3 – attachment 1** – Road Layout Plan (E21/13680)
- **10.1.3 – attachment 2** – Road Name List (E21/13681)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the 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 option.						
2	Council not supporting the names	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 – Road Naming	Social / Community Outcomes	Possible	Insignificant	LOW	Propose alternative names to replace those that are not supported



Voting Requirements: Simple Majority

OCM335/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Singh, seconded Cr Coales

That Council:

- 1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the preferred names as contained within attachment 1 to Landgate for final approval:**
 - a. Goodwood**
 - b. Treesville**
 - c. Lockeville**
 - d. Pindalup**
 - e. Whittackers**
 - f. Hedges**
 - g. Kirkup**
 - h. Hollyoake**
 - i. Quindalup**
 - j. Newlands**
 - k. Boranup**
 - l. Plavins**
- 2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:**
 - a. Tullis**
 - b. Asquith**
 - c. Amphion**
 - d. Lucknow**
 - e. Wuraming**

CARRIED UNANIMOUSLY 8/0

**10.1.4 – Retrospective Additions to Ancillary Dwelling – Lot 117, 214 Abernethy Road, Byford (PA21/511)**

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

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:	David Kelder
Owner:	David and Sharene Kelder
Date of Receipt:	27 July 2021
Lot Area:	6,461.80m ²
Town Planning Scheme No 2 Zoning:	'Special Residential
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for retrospective additions to an Ancillary Dwelling at Lot 117, 214 Abernethy Road, Byford. During the advertising period, an objection was received from an adjoining neighbour.

The proposal is presented to Council as Officers do not have delegated authority to determine development applications where objections have been received in accordance with Delegated Authority – 12.1.1 – Determination of Development Applications.

It is considered that the Ancillary Accommodation, based on the revised plans that indicate a reduction in the extent of the unapproved addition, is consistent with the 'Design Principles' of the Residential Design Codes Western Australia (R-Codes), and therefore the application is recommended for conditional approval.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site is 6,261m² and zoned 'Special Residential' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2). The lot currently fronts Abernethy Road and comprises of a single house, incidental development and an ancillary dwelling which was approved in 2018 with a floor area of 100.72m². Additions have been undertaken to this building since this time without approval, and the applicant is thus now seeking retrospective approval for the additional works through this application.

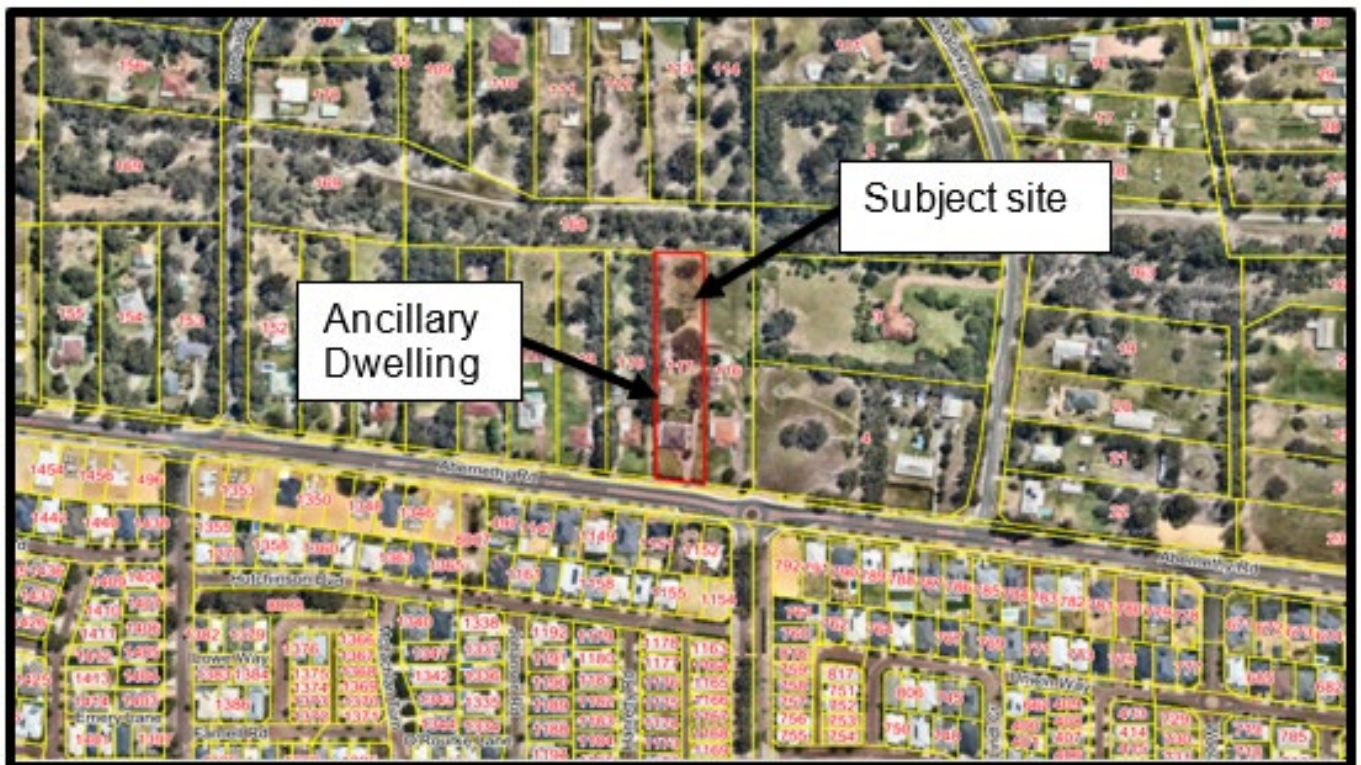


Figure 1: Site Context

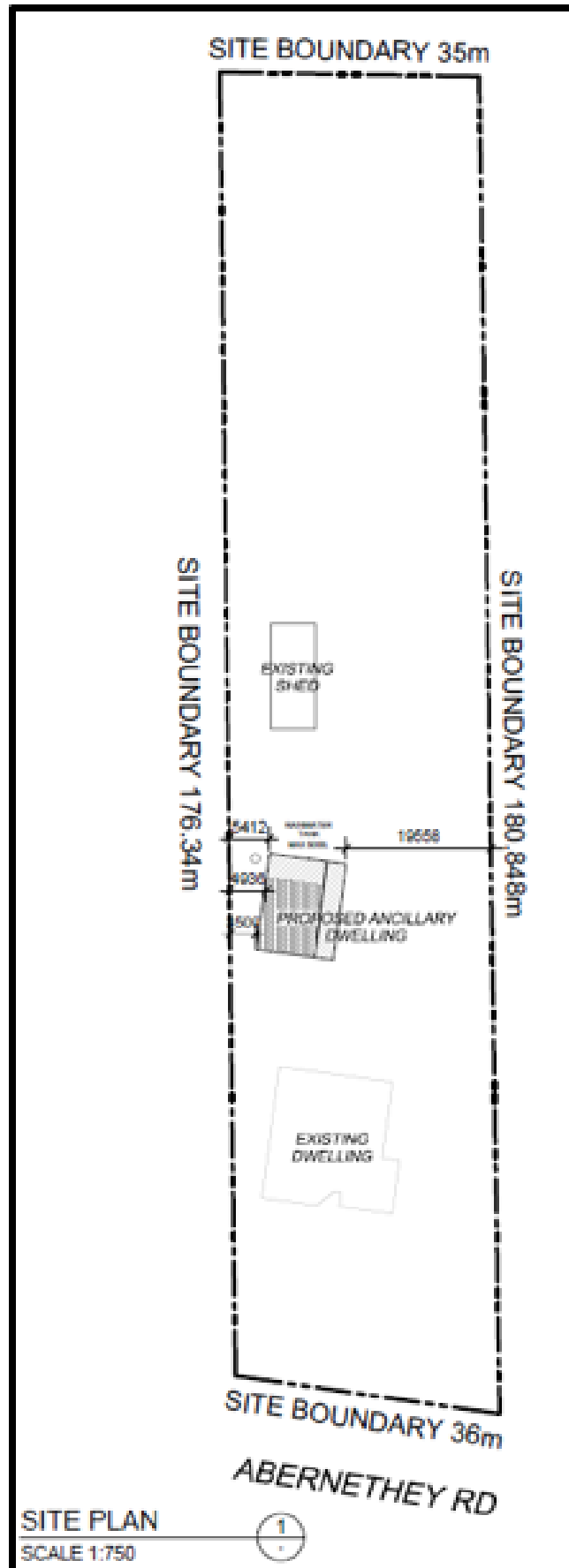


Figure 2: Site Plan



Retrospective Development

The application submitted to the Shire initially sort retrospective approval for the full extent of the unapproved modifications. However, the applicant proceeded to revise their application, and it now seeks retrospective approval for:

- Additions to the ancillary dwelling taking into a total area of 111sqm;
- Removal of the unapproved mezzanine level.

The revised plans also result in compliance with visual privacy requirements.

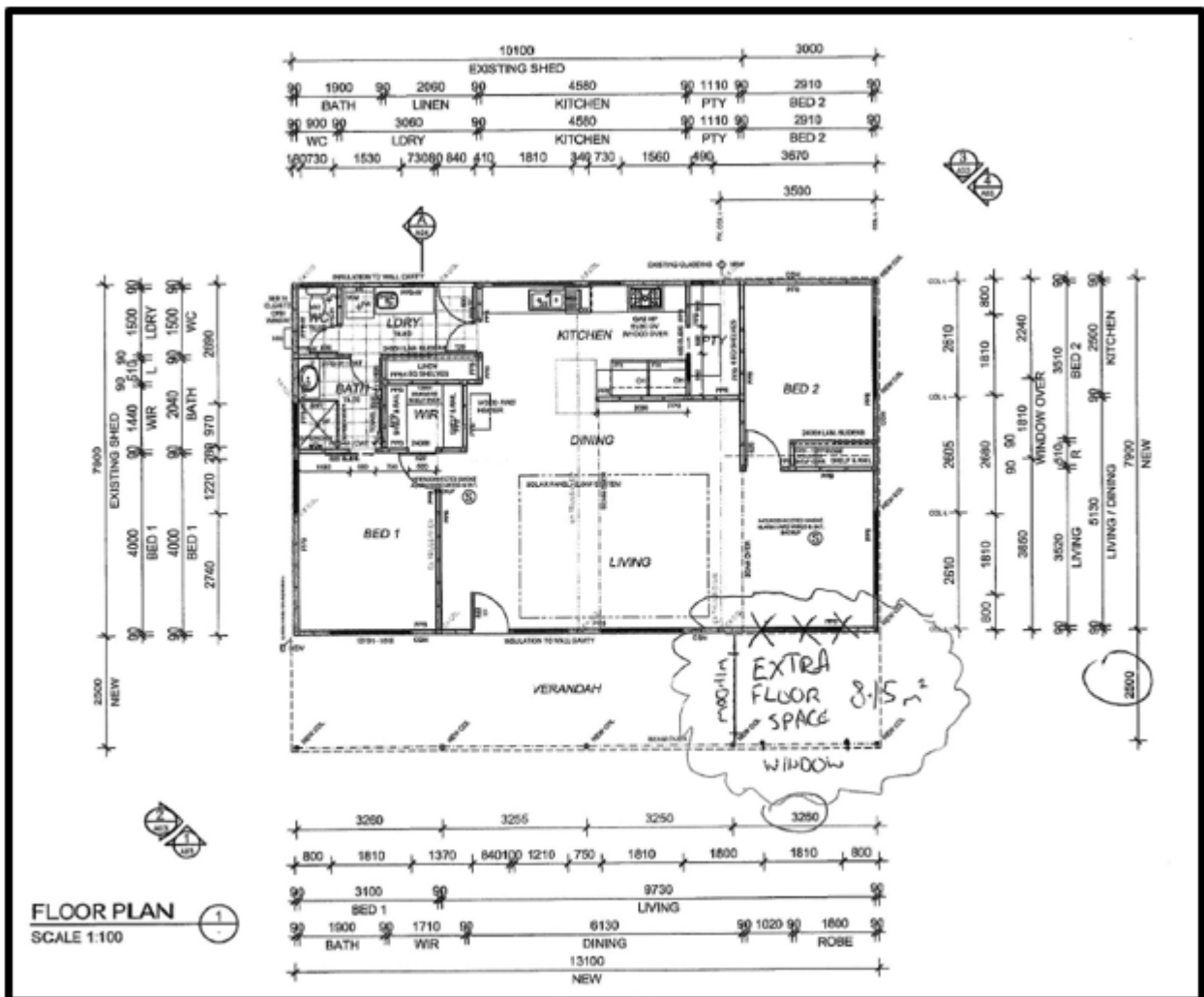


Figure 3: Revised Ancillary Dwelling Floor Plan

A full copy of the application details can be viewed in **attachment 1**.

Community / Stakeholder Consultation

The application was advertised to adjoining neighbours for a period of 21 days from 27 July 2021 – 17 August 2021, in accordance with Local Planning Policy 1.4 – Consultation on Planning Matters (LPP1.4). During the consultation period, one submission was received objecting to the application. The grounds of the objection are summarised as follows:

- The development exceeds the plot ratio area for ancillary dwellings;
- The development is retrospective;



- Concerns in relation to privacy; and
- Lack of screening.

Revised plans submitted by the applicant are considered to address the concerns raised in relation to visual privacy. The fact the proposed development is retrospective is not a relevant planning consideration as the 'Deemed Provisions' provide a pathway for approval for retrospective development. The concerns raised in relation to plot ratio area and screening have been addressed in the planning assessment section of this report. Officers also provided the revised plans for comment by the objector, however they still maintain their objection.

The full details of the submission can be viewed in **attachment 2**.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Policy

- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS)
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4)

Planning Assessment

A planning assessment has been undertaken in accordance with clause 67 of the Deemed Provisions and can be viewed within **attachment 3**. For the purpose of this report, discussion is confined to the issues raised in the objection and where Council is required to exercise its discretion.

Land Use:

The subject site is currently zoned 'Special Rural' under TPS2. Under the zoning Table 1, the land use for 'Ancillary Accommodation' is an 'AA' use in the 'Special Residential' zone which means the Council may, at its discretion, permit the use.

The subject site is proposed to be rezoned to 'Rural Residential' under Local Planning Scheme No. 3 (LPS3). Under the Zoning Table of LPS3 an 'Ancillary Dwelling' use would become a 'P' use within the Rural zone.

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

The revised application seeks approval for the increase in height of part of the building by 700mm and the enclosure of part of the verandah of an Ancillary Dwelling, which would add an additional 11sqm of area. This addition would result in the overall plot ratio area of the Ancillary Dwelling being 111sqm.



In terms of the retrospective increase to building height, the maximum height permitted under the R-Codes is 7m to the top of the wall and 8m to the peak of the roof, where the roof is a gable roof. The retrospective increase to building height results in the pitch of the roof being 5m above ground level and would comply with the R-Codes requirements.

In terms of plot ratio area, the R-Codes allows for a maximum of 70m² of plot ratio area for Ancillary Dwellings. The proposed additions would result in a plot ratio area of 111m². When considering variation to the R-Codes, regard must be given to the 'Design Principles' for the relevant provisions. The Design Principles for Ancillary Dwelling are as follows:

- P1 Ancillary dwelling is of a small scale and designed to support people living independently or semi-dependently to the residential of the single house, sharing some site facilities and services.*
- P2 Ancillary dwellings to positively contribute to its setting, including the existing single house and where visible from the street or adjoining properties, to the amenity of the streetscape and context.*

Although the plot ratio area is larger than permitted, the Ancillary Dwelling would remain subservient to the main dwelling which has a floor area of approximately 287m². The amendments are not considered to impact the fundamental use of the Ancillary Dwelling to support independent living and do not alter the existing arrangements for the sharing of site facilities. As such, the amendments are considered to comply with Design Principle P1.

The additional plot ratio area is located on the eastern side of the Ancillary Dwelling, away from the closest neighbouring property and screened by existing vegetation from the east. The Ancillary Dwelling is located to the rear of the primary dwelling and would not be visible from the street. As such, the amendments are considered to comply with Design Principles P2.

In considering the proposed variation, Officers also note the subject site is a relatively large lot with an area of 6,461.8m². This is the equivalent of an R2 lot under the R-Codes, which have a minimum lot size of 5,000m². Generally, Ancillary Dwellings on R2 coded lots would be considered against the provisions of Local Planning Policy 4.1 – Ancillary Dwellings (LPP4.1), which allows for a maximum plot ratio area of 100m². Although the subject site does not have an applicable R-Coding and would not technically enjoy the allowance permitted under LPP4.1, the site would present in a similar manner as an R2 coded lot and the impacts of an Ancillary Dwelling would be equivalent. In this respect, the variation as compared to the lot size and allowances for similar lots is considered to be relatively low in scale. Officers are satisfied the retrospective amendments, as per the revised proposed, are acceptable.

Options and Implications

Option 1

That Council APPROVES the development application for retrospective additions to an Ancillary Accommodation, as contained within **attachment 1**, at Lot 117, 214 Abernethy Road, Byford 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-P3 received at the Shire's Offices on 27 July 2021 (amended on 16 November 2021)
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- b. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. Within 120 days of the date of this approval, the first floor of the Ancillary Dwelling shall be removed to the satisfaction of the Shire of Serpentine Jarrahdale.

Option 2

That Council:

1. REFUSES the development application for retrospective additions to an Ancillary Accommodation at Lot 117, 214 Abernethy Road, Byford due to the development exceeding a plot ratio of 100sqm;
2. ISSUES written direction pursuant to s214(3)(a) of the *Planning and Development Act 2005* to remove the unapproved additions, including the submission of a demolition permit to demonstrate the safe demolition.

Option 1 is recommended.

Conclusion

The application submitted to the Shire seeks development approval for retrospective additions to an Ancillary Dwelling. The application is presented to Council due to an objection being received during the advertising period. Officers consider the Ancillary Dwelling to be consistent with the planning framework, subject to the removal of the first floor and therefore recommend the application for approval.

Attachments

- **10.1.4 – attachment 1** – Development Plans (E21/14018)
- **10.1.4 – attachment 2** – Summary of Submissions (E21/14019)
- **10.1.4 – attachment 3** – Technical Assessment (E21/11123)

Alignment with our Strategic Community Plan

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

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 this option						
2	Council refuses the application and a subsequent appeal is lodged with the SAT	Planning Framework	Reputation	Possible	Minor	MODERATE	Council should provide sound planning reasons for refusal

Voting Requirements: Simple Majority

OCM336/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Singh

1. That Council **APPROVES** the development application for retrospective additions to an Ancillary Accommodation, as contained within attachment 1, at Lot 117, 214 Abernethy Road, Byford 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-P3 received at the Shire's Offices on 27 July 2021 (amended 16 November 2021).
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b. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

c. Within 120 days of the date of this approval, the first floor of the Ancillary Dwelling shall be removed to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 8/0



10.1.5 – Proposed Single House and Conversion of Existing Single House to Ancillary Dwelling – Lot 2, 2127 Thomas Road, Darling Downs – (PA21/1003)

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

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:	Perth Building Broker
Owner:	William and Michelle Lloyd
Date of Receipt:	14 October 2021
Lot Area:	21,087.443 sqm (2.1ha)
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 proposed Single Dwelling and the conversion of the existing Single Dwelling to an Ancillary Dwelling at Lot 2, 2127 Thomas Road, Darling Downs.

The plot ratio area of the proposed Ancillary Dwelling varies Local Planning Policy 4.1 – Ancillary Dwellings (LPP4.1). The plot ratio area of the proposed Ancillary Dwelling is 109m² in lieu of the 100m² allowance.

The proposal is presented to Council as 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.

It is considered that the Ancillary Accommodation, despite the variation proposed, is consistent with the objectives of LPP4.1, and therefore the application is recommended for conditional approval.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site is approximately 2.1 ha and zoned 'Special Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2). The lot currently fronts Thomas Road, and comprises of a single house and an incidental outbuilding. The frontage to Thomas Road narrows due to the presence of the roadside drain, which diverts to the south side of Thomas Road near the southeast corner of the subject land. The undeveloped north section of the property is an open paddock.



Figure 1: Site Context

Proposed Development

The application submitted to the Shire seeks approval for a new Single Dwelling and the conversion of the existing Dwelling to an Ancillary Dwelling. The Ancillary Dwelling component of the proposal seeks a 9m² variation to the plot ratio area permitted under LPP4.1. The proposed Single Dwelling complies with the broader planning framework, as detailed within the technical assessment which can be viewed within **attachment 2**.

The proposed Ancillary Dwelling (the existing dwelling being converted) is located 157m from Rain Lover Court, and setback 27m from the nearest (west) lot boundary and is screened from Thomas Road, Rain Lover Court and neighbouring lots by way of existing mature vegetation.

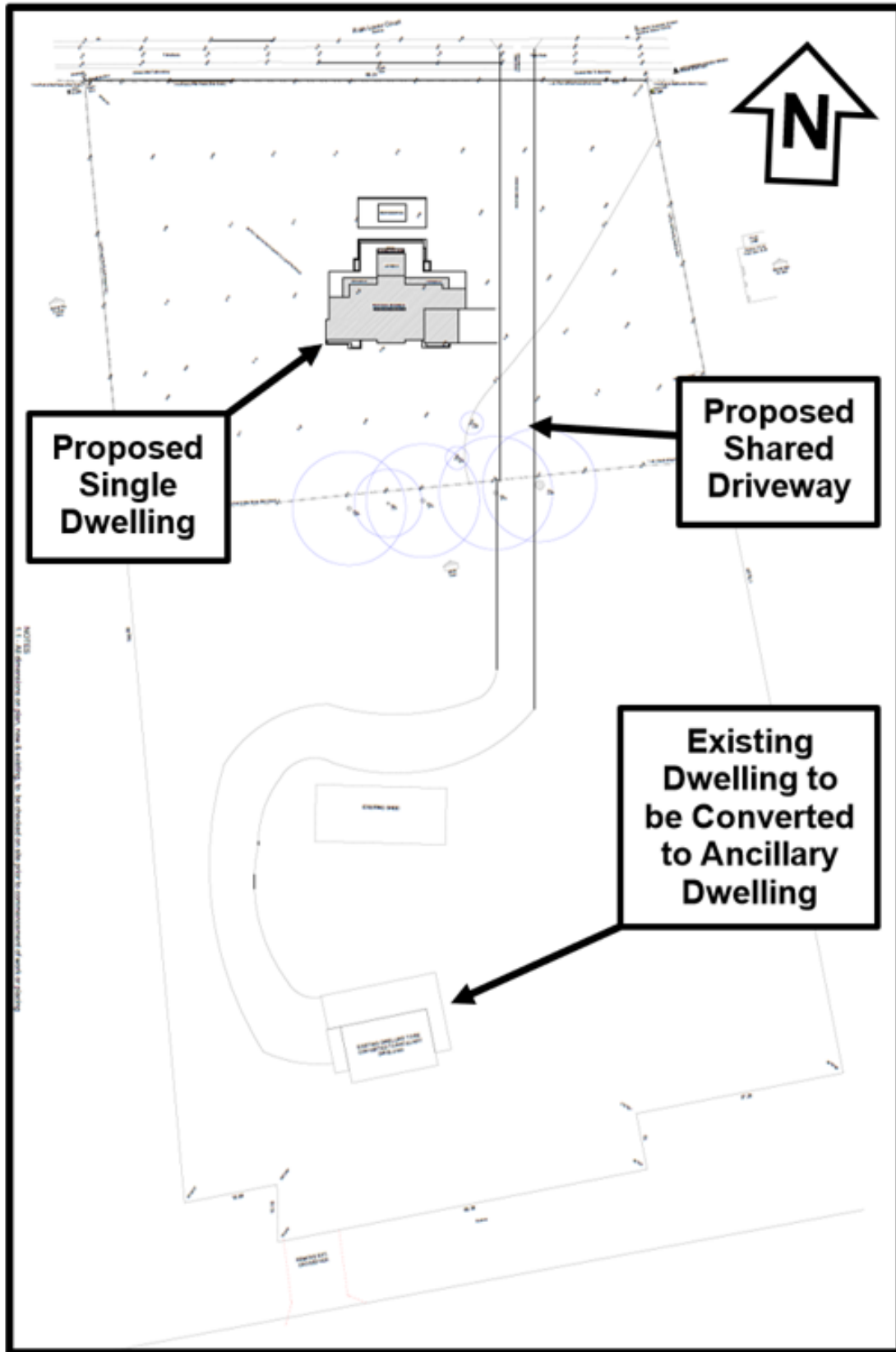


Figure 2: Site plan



The conversion of the existing Single Dwelling into an Ancillary Dwelling entails internal works to convert two rooms into storerooms. The conversion entails enclosing internal doors and creating new access to these rooms externally. Storerooms are not included in the calculation of plot ratio area, thereby reducing the plot ratio area to 109m², as shown in Figure 3 below:

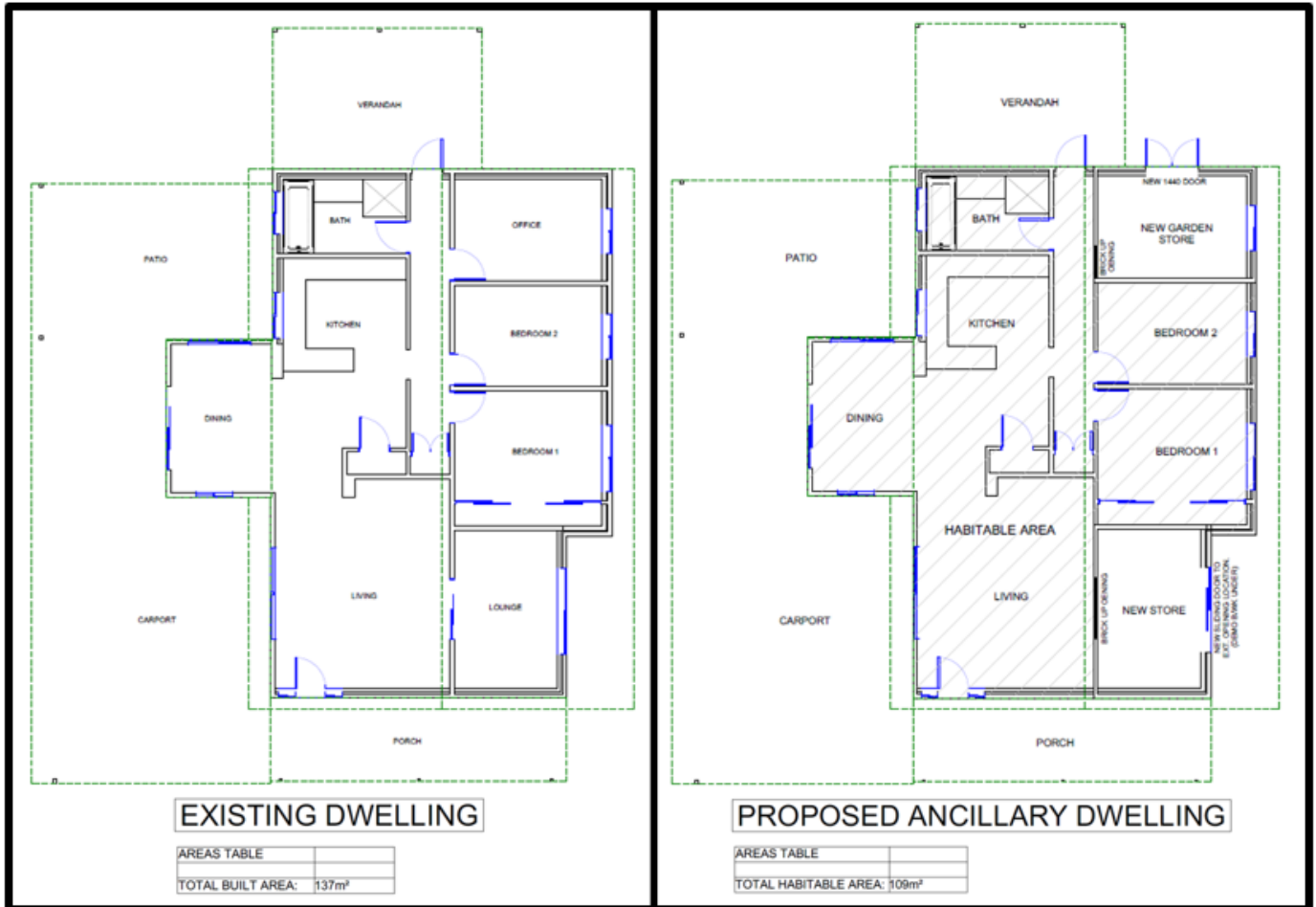


Figure 3: Ancillary Dwelling Floor Plan

Officers have recommended a condition of approval requiring these rooms to be maintained as storerooms. This will ensure the usable area of the dwelling will remain subservient in scale to the new dwelling.

A full copy of the application details can be viewed in **attachment 1**.

Community / Stakeholder Consultation

Advertising for this application is not required in accordance with Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4).

Statutory Environment

Legislation

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



State Government Policies

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)
- State Planning Policy 7.3 – Residential Design Codes – Volume 1 (R-Codes)

Local Planning Policy

- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS)
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4)
- Local Planning Policy 4.1 – Ancillary Dwelling (LPP4.1)

Planning Assessment

A planning assessment has been undertaken in accordance with clause 67 of the Deemed Provisions and can be viewed within **attachment 2**. For the purpose of this report, discussion is confined to the variations proposed to the Ancillary Accommodation and where Council is required to exercise its discretion.

Land Use:

The application seeks approval for an ‘Ancillary Dwelling’, 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 proposed development is considered to fall within this land use category given the proposed establishment of a new Single House as part of this application.

The subject site is currently zoned ‘Special Rural’ under TPS2. Under the zoning Table 1, the land use for ‘Ancillary Accommodation’ is an ‘AA’ use in the ‘Special Rural’ zone which means the Council may, at its discretion, permit the use.


The subject site is proposed to be rezoned to ‘Rural Residential’ under Local Planning Scheme No.3 (LPS3). Under the Zoning Table of LPS3 an ‘Ancillary Dwelling’ use would become a ‘P’ (permitted) use within the zone.

Local Planning Policy 4.1 – Ancillary Dwellings (LPP4.1):

The proposed Ancillary Dwelling would be 109m² in internal floor area in lieu of the 100m² allowance under the requirements of LPP4.1. The variation has been assessed against the objectives of LPP4.1 to ensure the development still aligns with the intent of the policy, as shown below:

Objective	Proposal
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 would have a pitched tin roof, which is similar in form and material to the pitched colourbond roof of the proposed Single House. Both dwellings will also have awnings, verandahs and patios attached to them.</p> <p>Regarding the positioning of the dwellings, they would be positioned 110m apart. However, it is noted that the existing dwelling to be converted to the Ancillary Dwelling is well screened on all boundaries by mature vegetation. Officers consider that due to the minimal visibility of the proposed Ancillary Dwelling (as seen below in figure 4) that any adverse impact to the visual amenity of the locality by way</p>



Objective	Proposal
	<p>of the additional 9m² of floor area would be mitigated. It is important to ensure the visual relationship between the dwellings, by ensuring that they share the one common access from what will become the new primary street of Rain Lover Court. A condition is imposed to require removal of the current access and crossover to Thomas Road, and for the property to also change its address accordingly. This will also assist in maintaining the larger rural land presence, a characteristic of rural living.</p>  <p>Figure 4: The proposed Ancillary Dwelling viewed from Thomas Road</p>
<p>Ensure that Ancillary Dwellings are subservient to the primary dwelling.</p>	<p>The proposed Ancillary Dwelling would be smaller in scale as compared to the Single House, which has a proposed floor area of 197m², excluding verandahs, garage or alfresco area. Also sharing access to the new driveway to the new main dwelling.</p>
<p>Protect against increase in residential density and ad hoc fragmentation of land by ensuring that development does not encourage future subdivision.</p>	<p>The proposed design and location are considered to not generate or increase density beyond what the policy allows. Although the plot ratio area poses a variation, the number of bedrooms remains compliant with the policy requirements, being limited to two bedrooms.</p>

The proposed Ancillary Dwelling poses a variation to the plot ratio limit under LPP4.1, proposing 109m² of internal floor area in lieu of the 100m² requirement. Despite this, Officers consider that the position of the proposed Ancillary Dwelling and the presence of significant existing mature vegetative screening ensure that the proposal would not adversely impact the visual amenity of surrounding landowners nor the streetscape. The proposal is therefore considered to achieve the objectives of LPP4.1 and is capable of approval.

By also conditioning the removal of the access to Thomas Road, it will become very clear that the main dwelling (and access to the property) is from Rain Lover Court, and will also remove the less safer access from Thomas Road that is no longer relevant to the access for the property.



Options and Implications

Option 1

That Council APPROVES the development application for a Single House and the conversion of a Single House to an Ancillary Accommodation at Lot 2, 2127 Thomas Road, Darling Downs 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-P6 received at the Shire’s Offices on 14 October 2021; and The Bushfire Attack Level report (P7-P17) received at the Shire’s Offices dated 17 September 2021.
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- b. The existing crossover and gate access to Thomas Road must be removed, and the verge reinstated with grass cover, prior to occupation of the main dwelling.
- c. The property address is to be updated to reflect its new frontage of Rain Lover Court.
- d. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- e. The rooms identified as ‘storeroom’ on the approved plans shall not be used for any purpose other than storage.
- f. Within 90 days of the dwelling being constructed, the existing dwelling subject to this approval must be converted to an Ancillary Accommodation in accordance with the approved plans.

Option 2

That Council REFUSES the development application for a Single House and the conversion of a Single House to an Ancillary Accommodation at Lot 2, 2127 Thomas Road, Darling Downs for the following reason:

- a. The ancillary accommodation is proposed to have a floor area of 109m² in lieu of the 100m² requirement under Local Planning Policy 4.1 – Ancillary Dwelling, which is inconsistent with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Option 1 is recommended.

Conclusion

The application submitted to the Shire seeks planning approval for a Single House and the conversion of the existing Single House to an Ancillary Dwelling. The Ancillary Dwelling component of the application is presented to Council for determination as it seeks a variation to LPP4.1. Despite the proposed variation, Officers consider the Ancillary Accommodation to be consistent with the objectives of LPP4.1. As such, the proposal is recommended for approval.

Attachments

- **10.1.5 – attachment 1** – Development Plans (E21/13510)
- **10.1.5 – attachment 2** – Technical Assessment (E21/12987)



Alignment with our Strategic Community Plan

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

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 this option						
2	Council refuses the application and a subsequent appeal is lodged with the SAT	Planning Framework	Reputation	Possible	Minor	MODERATE	Council should provide clear planning reasons for refusal



Voting Requirements: Simple Majority

OCM337/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

1. That Council APPROVES the development application for a Single House and the conversion of a Single House to an Ancillary Accommodation at Lot 2, 2127 Thomas Road, Darling Downs 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-P6 received at the Shire's Offices on 14 October 2021; and The Bushfire Attack Level report (P7-P17) received at the Shire's Offices dated 17 September 2021.
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b. The existing crossover and gate access to Thomas Road must be removed, and the verge reinstated with grass cover, prior to occupation of the main dwelling.

c. The property address is to be updated to reflect its new frontage of Rain Lover Court.

d. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

e. The rooms identified as 'storeroom' on the approved plans shall not be used for any purpose other than storage.

f. Within 90 days of the dwelling being constructed, the existing dwelling subject to this approval must be converted to an Ancillary Accommodation in accordance with the approved plans.

CARRIED UNANIMOUSLY 8/0



10.1.6 – Retrospective ‘Rural Use’ – Lot 110 (43) Windmill Avenue, Serpentine (PA21/138)

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

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:	Matthew Garry Scott
Owner:	Matthew Garry Scott
Date of Receipt:	16 February 2021
Lot Area:	25954.96m ²
Town Planning Scheme No 2 Zoning:	‘Rural Living B’
Metropolitan Region Scheme Zoning:	‘Rural’

Report Purpose

The purpose of this report is for Council to consider a retrospective development application for the keeping of horses at Lot 110, 43 Windmill Avenue, Serpentine. The application proposes the keeping of up to 22 competition horses.

Officers note that the application proposes a higher stocking rate, based upon the intensive stabling (non grazing) nature of the equestrian activity proposed – this being the high performance management approach.

The item was presented to Council at the 15 November 2021 Ordinary Council Meeting (OCM). Council, at this meeting, resolved to defer the matter to the 13 December 2021 OCM. Officers understand this was in response to an email that had been circulated by a nearby landowner to some or all Councillors. Subsequent to this, Officers also met with the applicant, and received additional email information from the applicant. To ensure Council has access to all information to assist in making its decision on this matter, the report now includes:

1. A new **attachment 4** (email correspondence received from Brad Smits).
2. A new **attachment 5** (email correspondence from applicant Matthew Scott with redacted information).
3. A new **CONFIDENTIAL attachment 6** (unredacted correspondence from applicant. This is a confidential attachment due to Clause 5.23 of the *Local Government Act 1995*).

The Officers report remains unchanged, except to clarify that the proposal is for high performance horses associated with pacing and racing only, and not show jumping.



The site is a fully established equestrian property which has been developed (without planning approval) with a horse stable, irrigated paddocks, shade sail shelters, racetrack, storage shed and pond. The layout of the site and size of the paddocks are shown in Figure 2 and the accompanying table below:



Figure 2: Site Plan



Paddock	Size (m²)
A	2,900
B	1,240
C	1,380
D	1,220
E	1,940
F	1,690
G	780
H	700
I	910
J	390
K	500
L	1,200
M	1,000
Total	15,850

Retrospective Proposal

The application seeks retrospective approval for a 'Rural Use' development featuring the following:

- Keeping of 22 competitive horses on site, managed according to high performance intensive stabling, training and competition;
- Construction of nine (9) stables and 13 horse paddocks with electric fences;
- Employment of six (6) staff inclusive of two casuals and an apprentice jockey;
- Training track along the boundary on the northern portion of the block;
- Filling of the land on the northern boundary by 100mm to reduce waterlogging over winter months;
- Revegetation of the northern portion of the site within the wetland to reduce waterlogging over winter months;
- On racing days, horses leaving/returning between 5am to 7pm on Tuesdays and Wednesdays, and between 6am to 10pm on Fridays;
- Horses being fed three times a day, seven days a week, with imported feed only optimised for horse racing with high protein content;
- Feed delivered to site once a week;
- Manure collected and taken offsite.

The application indicates that horses do not graze on site, due to weight control and to minimise the risk of horses developing a laminitis condition from pasture which would be detrimental to the intended performance based outcomes of the horses. In addition to stabling across the day, some horses will be placed in the stables overnight while others will have limited paddock time. This type of high-performance horse management is associated with horses engaged at the elite end of competitive sports.

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



Community / Stakeholder Consultation

The application was advertised to surrounding properties for a period of 21 days from 15 February 2021 to 8 March 2021, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During the consultation period, three letters of objection were received, raising the following matters:

- Overstocking of the property;
- Land degradation resulting in soil erosion runoff and dust;
- Noise impacts from vehicle movements;
- Increase of flies due to poor manure management and impact on amenity;
- Pollution of underground water; and
- Training track too close to adjoining boundary.

These matters are discussed in the report section.

Consultation with other Agencies

The application was also referred to the Department of Water and Environmental Regulation (DWER), the Department of Primary Industries and Regional Development (DPIRD) and the Department of Biodiversity, Conservation and Attractions (DBCA) for comment. The submissions received from each department have been summarised below:

Department of Primary Industries and Regional Development (DPIRD)

DPIRD provided a submission of objection to the proposal due to the following reasons:

Existing land degradation

- *DPIRD administers the Soil and Land Conservation Act 1945. The purpose of this act is to prevent soil and land degradation.*
- *Aerial photos, both in the ELMP and on Google Earth, indicates that the stocking rates and management have degraded the land with little to no groundcover present, trees dying, and waterlogging issues.*
- *DPIRD has no confidence that the updated ELMP, supplied with the application, will be sufficient to prevent land degradation or that it will be adhered to.*

Proposed stocking rate

- *The ELMP is based on the irrigated stocking rate for this soil landscape unit.*
- *DPIRD does not consider irrigation to be appropriate at this location due to the waterlogging, inundation, and the presence of shallow groundwater.*
- *Calculations of stocking rates require established pasture. As the land is currently bare, the relevant stocking rate is zero DSE per hectare.*
- *Pasture needs to be established before grazing commences.*
- *Section 2.4 (page 9) includes the statement: “Horses do not graze on site. Grazing can trigger pasture-caused laminitis which would be detrimental to the horse performance.” This appears aimed at supporting the practice of keeping horses on bare paddocks, and conflicts with other sections of the ELMP.*



- *It is not clear how BioScience arrived at their conclusions relating to the stocking rate. For example, the calculation in section 3.3.2 (page 11) of the report is numerically incorrect, and it is also unclear why they chose multiplication.*
- *The numbers described in tables 3, 4, and 5 do not cross-reference well, leading to doubts about the calculations.*
- *The stocking rate calculation by BioScience assumes each horse will only access the pastured paddocks for one hour a day before being returned to a stable and enclosure. However, there are inconsistencies in BioScience's ELMP about the activities of the horses.*
- *An example is the shade sails proposed for the paddocks. If the horses are in the paddocks for one hour of exercise each, they will be moving around, and not standing underneath the shade sails, thereby making the sails redundant.*
- *Section 2.4 (page 9) states that some horses will be placed in the stables overnight while other will remain in the paddocks.*
- *Given the high number of horses that all completely rely on imported feed, DPIRD consider the equine activity to be a high intensity land use, analogous to a small feedlot.*

Nutrient Management

- *From a nutrient management perspective and the existing historic use of the land for horses, the ELMP should include site-specific soil testing of soil nutrients and Phosphorus Retention Index (PRI), rather than estimating PRI.*
- *Soil testing should use representative samples from each paddock and from each enclosure outside the stables.*
- *The enclosure yards, used by the stabled horses, should have an impermeable base and a mechanism for collecting nutrient-enriched run-off.*
- *The proposed 100mm fill layer should have an appropriate PRI to assist in nutrient retention on site. This may require the addition of a high PRI amendment.*

Maintain Groundcover

- *A minimum of 50% groundcover should be maintained evenly across the property at all times.*
- *As there appears to be little to no groundcover on the property, DPIRD recommends the horses are removed until the pasture has re-established so that groundcover can then be maintained at or above the minimum threshold of 50%.*

Department of Water and Environmental Regulation (DWER)

DWER provided a submission of objection to the proposal due to the following reasons:

- *The development application area is located within Pinjarra (P1b) soil type. The Stocking Rate Guidelines for Rural Small Landholdings (Department of Agriculture, 2000), recommends the stocking rate of six Dry Sheep Equivalent (DSE) per hectare on dry pasture or 20 DSE on irrigated pasture. The applicant is requesting up to 22 horses be kept on the property. Each horse is the equivalent of 10 DSE (therefore requesting a total of 220 DSE). With 1.58 ha of dry pasture, the allowable stocking rate is 9.48 DSE which is marginally sufficient for one horse.*
- *It should be noted however that Paddocks A-F are unsuitable for stocking due to seasonal waterlogging and at the seasonal highest maximum groundwater intercepts the surface.*



Within the WQPG 13: Environmental Guidelines for Horse Facilities and Activities (WQPG 13), "Horses should be kept away from swampy or seasonally water covered ground, with a minimum distance of at least 1.2 m above the highest annual groundwater table level". This would not appear achievable within the lot in the absence of bringing in fill.

- *In addition, the Wetlands dataset of the Swan Coastal Plain identifies a 'Resource Enhancement Wetland' (REW) that runs through the majority of the Lot. Figure 1 within the development application indicates that the horse paddocks and stables are located within this REW. Within the WQPG 13, "Horses should not be kept or allowed access to within 200m of wetlands".*
- *The applicant proposes to significantly increase the stocking rate and it is noted that an Equine Land Management Plan (ELMP) (Bioscience, October 2020) has been included within this application. The ELMP in its current form does not contain sufficient information to support the significant increase in suitable stocking rates.*

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCA provided no comments on the application and further advised that it was their expectation for the Shire to address any environmental issues associated with the proposal.

A full summary of the submissions received 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 (TPS 2).*

State Government Policies

- *The Stocking Rate Guidelines for Rural Small Landholdings (Department of Agriculture, 2000);*
- *WQPG 13: Environmental Guidelines for Horse Facilities and Activities (WQPG 13);*
- *State Planning Policy 2.5 – Rural Planning (SPP2.5);*
- *State Planning Policy 2.1 The Peel-Harvey Coastal Plain Catchment (SPP2.1);*
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7).*

Local Planning Framework

- *Rural Strategy Review 2013;*
- *Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3);*
- *Draft Local Planning Strategy (LPS);*
- *Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4);*
- *Local Planning Policy 4.7 – Placement of Fill (LPP4.7).*



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 purposes of this report, discussion is confined to the content of the objections received and where Council is required to exercise its discretion.

TPS 2

The subject site is currently zoned 'Rural Living B' under TPS2. The intent of the 'Rural Living B' zone as set out in TPS 2 is as follows:

5.12.3 The Rural Living B Zone is intended to cater for rural-residential development and ancillary rural related uses on a range of lots between two hectares to four hectares in accordance with the objectives and guidelines of the Rural Strategy.

Section 5.12.9 (g) of TPS2 further states that 'The keeping of horses, sheep, goats and other grazing animals, where permitted, shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by the Department of Agriculture for the applicable pasture types;

The keeping of horses is consistent with the stated purpose and intent of the Zone. In this respect, the retrospective proposal as presented exceeds the stocking rate of the land and would not satisfy clause 5.12.9(g) of TPS2. The issue of stocking rates will be discussed further in this report.

Land Use:

There are three land use definitions the proposal could fall within under TPS2 as follows:

'Equestrian Activity' defined as any land or buildings used for the showing, competition or training of horses and includes a riding school.

'Stable' defined as "any land, building or structure used for the housing, keeping and feeding of horses asses and mules and associated incidental activities".

'Rural Use' is defined as "the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) The growing of vegetables, fruit, cereals, or food crops except for domestic purposes;
- (b) The rearing or agistment of goats, sheep cattle, or beasts of burden;
- (c) The stabling, agistment or training of horses, or other ungulates;
- (d) The growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (e) The sale of produce grown solely on the lot".

It is considered that the proposal could fall within these definitions. Officers, however, consider that the proposal appropriately falls within the 'Rural Use' classification as the proposal involves both the training and keeping of horses that are kept onsite. Within the 'Rural Living B' Zone, the land use is discretionary which requires planning approval to be obtained prior to the use occurring.

This 'Rural Living B' area was created via Scheme Amendment 49, which rezoned the parent lot 793 Wattle Road, Serpentine from 'Rural' to 'Rural Living B'. This Scheme amendment listed both



'Rural Use/Intensive Agriculture' and 'Stables' as discretionary uses. The amendment also identified the careful consideration of such intensive uses, providing that:

"In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with Government Agencies that the land use does not involve excessive nutrient application or the clearing of the land."

The Officer assessment specific to nutrient management is discussed in this report.

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

The subject site is proposed to be zoned 'Rural Residential' (RR2) under the Strategy and Draft LPS3. The proposal could fall within two land uses under LPS3, as follows:

'animal establishment' defined as meaning *"premises used for the breeding, boarding, agistment, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre."*

This land use is proposed to be a Prohibited 'X' use in the 'Rural Residential 2' zone.

'rural pursuit/hobby farm' defined as meaning *"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 -*

- (a) the rearing, agistment, stabling or training of animals;*
- (b) the keeping of bees;*
- (c) the sale of produce grown solely on the premises."*

The key difference pertains to the nature of employment associated with the use.

This use is proposed to be a Discretionary 'D' use in the 'Rural Residential 2' zone.

In respect of the Local Planning Strategy, the relevant objectives of the 'Rural Residential' zone include:

- *Provide for Rural Residential development in appropriate, well-located areas.*

Equestrian uses are typically found in rural residential areas and therefore the use is common place subject to proper manage plans and stocking rates being met.

- *Preserve and enhance the existing rural character of Rural Residential properties.*

Equestrian uses are generally complimentary to the establishment of rural character subject to appropriate Equine Management Plan being in place.

- *Ensure Rural Residential developments are sensitive to environmental values.*

The development does impact on a Resource Enhancement category geomorphic wetland and exceeds the stocking capacity of the land, which has resulted in some degradation of paddock areas. Currently, the proposal would not meet this objective of the Rural Residential zone under LPS3.

Statement of Planning Policy (SPP) 2.1: The Peel Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the catchment to the Peel-Harvey Estuarine System are controlled to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-



Harvey Estuarine System, should be managed to reduce or eliminate nutrient export from the land. As discussed further in this report, the waste management measures proposed as part of this application are considered to adequately address the risk of nutrient export.

Stocking Rates

Under the Stocking Rate Guidelines for Rural Small Holdings by the Department of Agriculture and Food (the guidelines), stocking rates are defined as “the numbers for stock, e.g. sheep, cattle, horses, emus or any other type of animal that can consistently be kept on a piece of pasture all year round with minor additional feeding without causing environmental degradation.”

The soil type for the subject site is Pinjarra (P1b) which is defined by moderately deep pale sand to sandy loam over clay, which are imperfectly drained and moderately susceptible to salinity. The application suggests the SR4 Stocking Rate Unit applies based on the soil type present on the site. The submission received from DPIRD indicates the appropriate Stocking Rate Unit would be SR5, which applies where the land is semi-wet or poorly drained. In this instance, as evidenced by the inundation present on the site each year, Officers agree that the appropriate Stocking Rate Unit would be SR5.

The base stocking rate for both SR4 and SR5 is six (6) Dry Sheep Equivalent (DSE) per hectare on dry pasture or 20 DSE on irrigated pasture. The SR5 Stocking Rate Unit also accounts for swampy or salty areas and provides a stocking rate of 0-2 DSE for dry pasture and notes stocking is not suitable for irrigated pasture under these soil type conditions.

Under the stocking rate guidelines, one horse equals 20 DSE. The application seeks approval for up to 22 horses be kept on the property, or 220 DSE. Based on the proposed paddock area of 1.58ha, 1.415ha of which are irrigated, the application suggests the site has a base stocking rate of 29.32 DSE. Based on DPIRD’s advice in relation to the applicable Stocking Rate Unit, the actual stocking rate of the land is much lower.

DPIRD’s advice note that paddocks A-F are located in swampy soils, which are considered unsuitable for stocking in accordance with the guidelines. This reduces the paddock area that can be stocked to 4,580m², which equates to a stocking rate of 0.9. This would allow the stocking of a single horse based on traditional normal stocking and horse management practices.

Officers consider that that the scale of the proposed operations and the context of the site present a proposal that would need careful management to ensure adverse environmental and amenity impacts could be avoided. In support of this, the proposed development has included the following detailed information:

- Horses kept within the premises produce 8-10 droppings a day, with 80% of these droppings occurring between the morning feed and afternoon feed. Manure is picked up daily in the paddocks and stored prior to being disposed offsite every Wednesday and Saturday. The trailers are covered with a waterproof cover to prevent fly breeding, liquid waste run off and discharge to ground. Manure collection is done every afternoon to ensure that daily droppings are collected;
- Horses and equipment are washed near the stables and washdown waters are to be contained within a containment sump to reduce the possibility of nutrients leaching into the environment;
- Irrigation of paddocks and the track occurs every morning to suppress dust generated from the movement of the horses;
- Revegetation of the northern portion of the site using wetland adapted species to further reduce waterlogging and potential of run off to adjoining sites.



These measures are proposed to be captured within various management plans (dust, noise and waste) to be enshrined within the overarching Equine Land Management Plan document as contained within **attachment 1**. As such, these management plans as recommended through conditions, once approved and implemented in their entirety, are considered to address amenity and environmental concerns raised within the submissions received by the Shire.

Geomorphic Wetlands

The subject site is mapped as having a Multiple Use Wetland and Resource Enhancement Wetland (REW). During the consultation period, concerns were raised by the DWER regarding the location of horse paddocks and stables within the designated REW, which is contrary to Water Quality Protection Guideline 13 (WQPG13). In relation to REW and Conservation Category Wetlands, WQPG13 states that *“Horses should not be kept or allowed access to within 200m of wetlands”*. The layout of the wetlands on the site are displayed in the figure below:



Figure 3: Geomorphic Wetland Mapping

Wetland areas generally express groundwater at the surface during winter months, which leaves water resources directly vulnerable to nutrient leaching from animal waste. The application seek approval for the paddocking of horses directly within a REW, which poses a risk of nutrient export into the ground water, as well as direct degradation to the wetland itself from the presence of stock.

This was a key issue raised by Officers with the applicant. In response to this key issue, the applicant has advised as follows:

- Manure will be picked up daily to avoid nutrient from waste to leach into groundwater;



- Importation of fill proposed to provide separation between the perched water and where the horses will be paddocked and likely to generate waste;
- Planting of wetland vegetation to reduce the likelihood of water perching reducing impacts to the wetland;
- Extensive stabling, high performance management and tight control of horses occurs at all times and differs greatly to traditional equine practices;
- Wastewaters from the washdown area to be contained within a sump to avoid leaching into the groundwater.

These measures will form part of the Waste Management Plan enshrined within the overarching Equine Land Management Plan document for the development. The management plans will be required to be approved by the Shire and implemented at all times to ensure environmental impacts from the development are avoided.

Waste Management

Given the high risk of nutrient export from the waste produced by the keeping of 22 horses on site, Officers identified a further key issue in respect of the management of manures and particularly nutrient export risk.

The applicant provided a Waste Management Plan to address the issues of odour, flies and nutrient export. The Waste Management Plan can be viewed within Figure 10 of the submitted Equine Land Management Plan as contained within **attachment 1**. The Management Plan provides the following waste disposal and manure management methods:

- manure is picked up daily in the paddocks and stored in trailers prior to be disposed of off-site every Wednesday and Saturday. This results in no more than a three day frequency between waste removals.
- The trailers are covered with a waterproof material to prevent fly breeding, liquid waste runoff and discharge to the ground.
- Manure collection is done every afternoon to ensure that most of the daily droppings are collected, hence minimising potential environmental impacts.
- Horses and equipment are washed near the stables daily.
- Washdown water will be directed by gravity to a bunded spoon drain to ensure washdown water is contained and directed to a collection sump (capacity 1,500L).
- The sump will only collect washdown water. The sump is able to store 10 days of washdown water (150 L/day), and as such will be emptied once every seven days to prevent overflow.

In terms of manure, this can be collected, stockpiled and exported; however, urine is harder to manage and could add a nutrient load to the property, particularly considering the lack of separation between stocking activities and the groundwater/surface water present on the site.

Generally, the risk and intensity of nutrient export would be mitigated by pasture cover and vegetation within paddocked areas, as the pasture and vegetation absorb some of the nutrients leached into the soil. In this instance the subject site is not heavily pastured, due to the intended high performance equine management intended for the competitive animals. As stated in the application, horses are stabled across the day, with some horses additionally stabled overnight. This provides a focussed area in which urine would be generated by horses (in the stable area), and which through effective stable design can ensure that:



- An impervious floor prevents the risk of urine infiltration to the groundwater and;
- Frequent cleaning and turnout of stable floor materials (namely sand) ensures a responsible management of amenity impacts that would otherwise build up through extensive urine accumulation.

The applicant's Waste Management Plan will be required to be updated to include the frequency of the stables being cleaned, washed down and the use of sand within the stables to contain urine and suppress odour that could result otherwise.

Noise

During the consultation period, concerns were raised regarding noise impacts from vehicle movements associated with the start and finish times of the daily horse activities. The applicant provided information that operating times were dependent on racing days. Vehicle movements involving horse trailers occur on Tuesdays and Wednesdays, leaving the premises at 5am to return around 7pm. On Fridays, vehicles leave at 6am to return at 10pm.

The applicant has not provided a Noise Management Plan but has instead proposed the following noise mitigatory measures to control noise emissions:

- *No radios are on at any time.*
- *Vehicle only has to start and go, no need to warm up brakes hence preventing excess noise.*
- *An agitated horse that can paw the ground in float, is put in the trailer last when leaving the site so it gets off first from the trailer to the stables when coming back from a race. In addition, such a horse would have its feet shackled so it cannot make excess noise by jumping in the trailer and or stables.*
- *Feed delivery to the horses are done by walking. No vehicles are used to conduct the work, hence preventing noise.*
- *The applicant will also liaise with the direct neighbours to mitigate any potential excess noise. This includes an all hours contact number of the operator, for neighbours to be able to contact in the event of a noise issue.*

Officers recommend a condition that requires the preparation (by suitably qualified consultant) and approval (by the Shire) of a Noise Management Plan, and that plan to be implemented once approved at all times to the satisfaction of the Shire.

Dust

During the consultation period, concerns were raised regarding dust emanating from paddocks and the training track. The applicant provided information that dust is managed by irrigating the paddocks and track every morning. Sprinklers are controlled from a panel located in the existing dwelling. The applicant provided information relating to best management practices that would be implemented, like maintaining minimum pasture height, paddock rotations, rotation of feeding areas and water troughs, coverage of bare areas and minimising reticulation would be implemented.

In terms of pasture cover, Officers consider it unlikely that the land would be capable of establishing sufficient pasture cover to assist in the management of dust issues. Furthermore, elements of the application refer to maintaining bare paddocks to prevent horses from grazing, allowing their feed to be more carefully controlled and digestive issues from grazing avoided. This therefore requires a very high degree of land management, in order to support the intended high



performance management being proposed by the development. Dust management provisions are located within the Equine Land Management Plan document within **attachment 1**.

Fill

The application proposes filling of the land within the waterlogged area on the northern boundary by 100mm to reduce the effect of the waterlogging across winter months. The application also proposes revegetation of the northern portion of the site using wetland adapted species to further reduce waterlogging and hence runoff to the neighbouring lot, as shown in Figure 3 below:

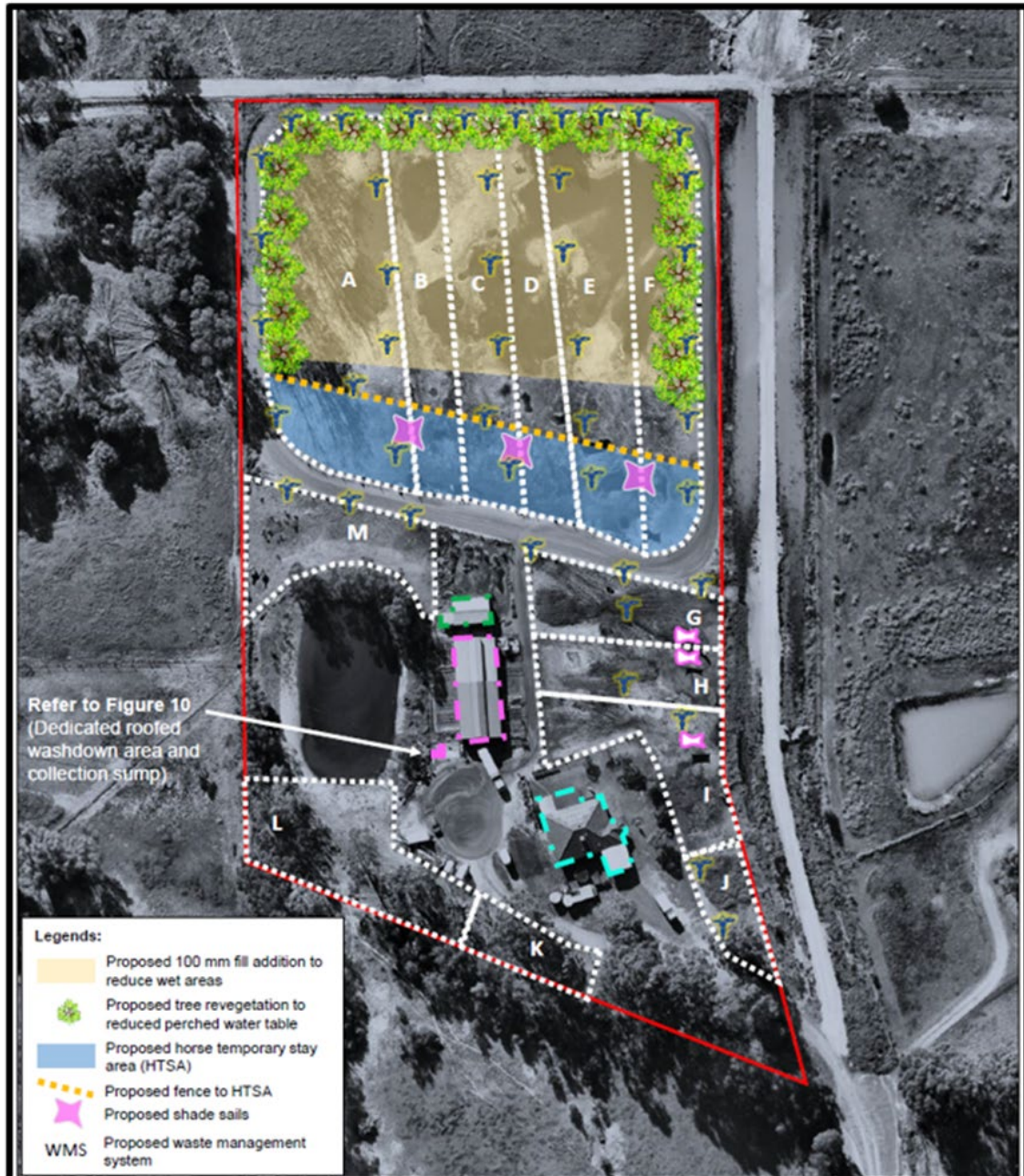


Figure 3: Proposed Revegetation

In accordance with Local Planning Policy 4.7 – Placement of Fill (LPP 4.7), the filling of land by less than 100mm would generally not require development approval, except where the location is in a flood plain or environmentally sensitive area. The subject site is not located within a flood plain and is not mapped as an environmentally sensitive area.



LPP4.7 also states that the filling of wetlands is not supported, and the filling of land shall not adversely impact on adjoining land. During the consulting period, concerns were raised regarding the placement of fill up to the lot boundary and the subsequent spill of fill materials across lot boundaries and growth of weeds.

The relevant objectives of LPP4.7 seek to ensure the filling of land does not adversely impact on the amenity of environment of the locality and that filling minimises environmental impacts on water resources and vegetation. The placement of fill is intended to reduce the amount of seasonal inundation in the REW area to the north of the subject site. The environmental value of wetland areas is largely linked to the expression of groundwater. The filling aspect of the proposal needs to ensure only certified clean fill is used, and that active weed management occur in order to avoid the deleterious impact that exposed soils can have to attracting and spreading weeds. This is an aspect also requiring conditioning.

Options and Implications

Option 1

That Council APPROVES the application for the retrospective 'Rural Use' at Lot 110 (43) Windmill Avenue, 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 Specification	Bioscience Report: Equine Land Management Plan dated August 2021 Site Plan: Figure 8 dated 16 October 2020 of the Bio Science Report Wastewater Management Plan: Figure 10 dated 5 August 2021 of the Bioscience Report
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- b. An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality at all times. Once approved, the updated Equine Management Plan must be implemented at all times.
- c. A maximum of 22 horses are permitted to be kept on the subject land. In undertaking the development, the landowner is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the landowner can investigate and address such issues. Within 7 days of receiving a call, the landowner is to also advise the Shire, together with the remedy action take to address the issue raised in the call.
- d. All stormwater to be disposed of within the subject land. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- e. Horses are to be kept out of any paddock that is partially or completely inundated with water, until such time that the inundation subsides, to the satisfaction of the Shire. During periods of prolonged inundation, the number of horses is to be reduced reflective of the reduced availability of land that is not inundated.
- f. All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage onto permeable surfaces.



- g. An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material.
- h. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
- i. Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
- j. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.
- k. All declared and environmental weeds are to be eliminated from the lot.
- l. Within 60 days of the date of approval, a Noise Management Plan being prepared by a suitably qualified consultant, and then submitted to and approved by the Shire. This is to demonstrate the appropriate noise management practices that must take place in order to maintain an acceptable amenity level for the area. The Noise Management Plan once approved is to be implemented at all times.
- m. Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

Option 2

That Council REFUSES the application for the retrospective Equestrian Activity at Lot 110 (43) Windmill Avenue, Serpentine, for the following reasons:

1. The location of development within a Resource Enhancement Wetland poses an unacceptable risk to an environmental feature by means of physical degradation from the filling and stocking of the wetland.
2. The development poses an unacceptable risk to the quality of groundwater resources by means of the intensity of development, location within a wetland, and insufficient waste management measures proposed.
3. Insufficient information has been provided to demonstrate the impacts of the development on the amenity of the area can be managed, particularly in relation to noise and dust.

Option 1 is recommended

Conclusion

The application seeks retrospective approval for an existing Rural Use, being the keeping of 22 high performance horses and the construction of stables. Officers recommend that Council approve the application, subject to robust management conditions, that will address environmental and amenity issues as discussed within the report.

Attachments (available under separate cover)

- **10.1.6 – attachment 1** – Development Plans (IN21/23048)
- **10.1.6 – attachment 2** – Summary of Submissions (E21/3438)
- **10.1.6 – attachment 3** – Clause 67 Checklist (E21/11089)



- **10.1.6 – attachment 4** – email from B Smits (E21/14520)
- **10.1.6 – attachment 5** – email from applicant with redacted content (E21/14521)
- **10.1.6 – CONFIDENTIAL attachment 6** – unredacted email from applicant (E21/14524)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment

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	That Council approves the development application subject to conditions	Appropriate conditions are recommended which address the risk issues associated with the development					
2	That Council REFUSES the development application	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensure robust reasons for refusal



Voting Requirements: Simple Majority

OCM338/12/21

MOTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council APPROVES the application for the retrospective 'Rural Use' at Lot 110 (43) Windmill Avenue, 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 Specification	Bioscience Report: Equine Land Management Plan dated August 2021 Site Plan: Figure 8 dated 16 October 2020 of the Bio Science Report Wastewater Management Plan: Figure 10 dated 5 August 2021 of the Bioscience Report
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- b. An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality at all times. Once approved, the updated Equine Management Plan must be implemented at all times.**
- c. A maximum of 22 horses are permitted to be kept on the subject land. In undertaking the development, the landowner is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the landowner can investigate and address such issues. Within 7 days of receiving a call, the landowner is to also advise the Shire, together with the remedy action take to address the issue raised in the call.**
- d. All stormwater to be disposed of within the subject land. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- e. Horses are to be kept out of any paddock that is partially or completely inundated with water, until such time that the inundation subsides, to the satisfaction of the Shire. During periods of prolonged inundation, the number of horses is to be reduced reflective of the reduced availability of land that is not inundated.**
- f. All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage onto permeable surfaces.**
- g. An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material.**
- h. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.**



- i. Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
- j. Disposal of hard and liquid wastes is to be in accordance with *Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’*.
- k. All declared and environmental weeds are to be eliminated from the lot.
- l. Within 60 days of the date of approval, a Noise Management Plan being prepared by a suitably qualified consultant, and then submitted to and approved by the Shire. This is to demonstrate the appropriate noise management practices that must take place in order to maintain an acceptable amenity level for the area. The Noise Management Plan once approved is to be implemented at all times.
- m. Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

MOTION LOST 4/4

The Presiding Member used her casting vote and voted **AGAINST** the motion

OCM339/12/21

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Strange

That Council **APPROVES** the application for the retrospective ‘Rural Use’ at Lot 110 (43) Windmill Avenue, 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 Specification	Bioscience Report: Equine Land Management Plan dated August 2021 Site Plan: Figure 8 dated 16 October 2020 of the Bio Science Report Wastewater Management Plan: Figure 10 dated 5 August 2021 of the Bioscience Report
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- b. An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality at all times. Once approved, the updated Equine Management Plan must be implemented at all times.
- c. A maximum of 15 horses are permitted to be kept on the subject land. In undertaking the development, the landowner is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the landowner can investigate and address such issues. Within 7 days of receiving a call, the landowner is to also advise the Shire, together with the remedy action take to address the issue raised in the call.
- d. All stormwater to be disposed of within the subject land. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- e. Horses are to be kept out of any paddock that is partially or completely inundated with water, until such time that the inundation subsides, to the satisfaction of the Shire.



During periods of prolonged inundation, the number of horses is to be reduced reflective of the reduced availability of land that is not inundated.

- f. All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage onto permeable surfaces.
- g. An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material.
- h. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
- i. Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
- j. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.
- k. All declared and environmental weeds are to be eliminated from the lot.
- l. Within 60 days of the date of approval, a Noise Management Plan being prepared by a suitably qualified consultant, and then submitted to and approved by the Shire. This is to demonstrate the appropriate noise management practices that must take place in order to maintain an acceptable amenity level for the area. The Noise Management Plan once approved is to be implemented at all times.
- m. Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

CARRIED 4/4

The Presiding Member used her casting vote and voted FOR the motion

Reason for difference to Officer Recommendation

To avoid a feedlot situation in a semi-residential rural area.



10.1.7 – Proposed Child-Minding Centre – Lot 9074 Gordin Way, Byford (PA21/931)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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:	Apex Planning
Owner:	LWP Byford Syndicate Pty Ltd
Date of Receipt:	29 September 2021
Lot Area:	2,389m ²
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 a 'Child Minding Centre' at Lot 9074 Gordin Way, Byford.

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 RAR, as contained in **attachment 1** recommends that the application be approved subject to conditions. Officers consider that the proposal is consistent the objectives of the zone and the planning framework and is considered to provide a development response that addresses relevant matters including residential amenity, built form, traffic and noise management. The proposal will increase the provision of early learning services for the local Byford community, within an existing community/educational precinct. For the reasons outlined in the report, it is recommended that Council endorse the RAR which recommends approval of the application by the MODAP, subject to conditions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.



Background

Existing Development

The subject site lies within the western side of the Byford Town Centre within an established community/educational precinct. It is located at the south east corner of the intersection of Gordin Way and Granfell Way in Byford. The subject site is currently vacant and is bounded by Gordin Way to the west, Granfell Way to the north, Marchant Way to the east (with portion still to be constructed to connect to Granfell Way) and two vacant residential lots to the south.

The site is opposite the existing Public Open Space site (POS) to the north which also functions as a drainage swale for the eastern adjoining residential subdivision. Byford Secondary College and Byford John Calvin School are located to the west and east of the subject site respectively. The proposed development links effectively to Abernethy Road, via both Gordin Way and Soldiers Road. These provide important and supporting road infrastructure for efficient and safe access to the broader precinct. The locality plan is shown on Figure 1 below:

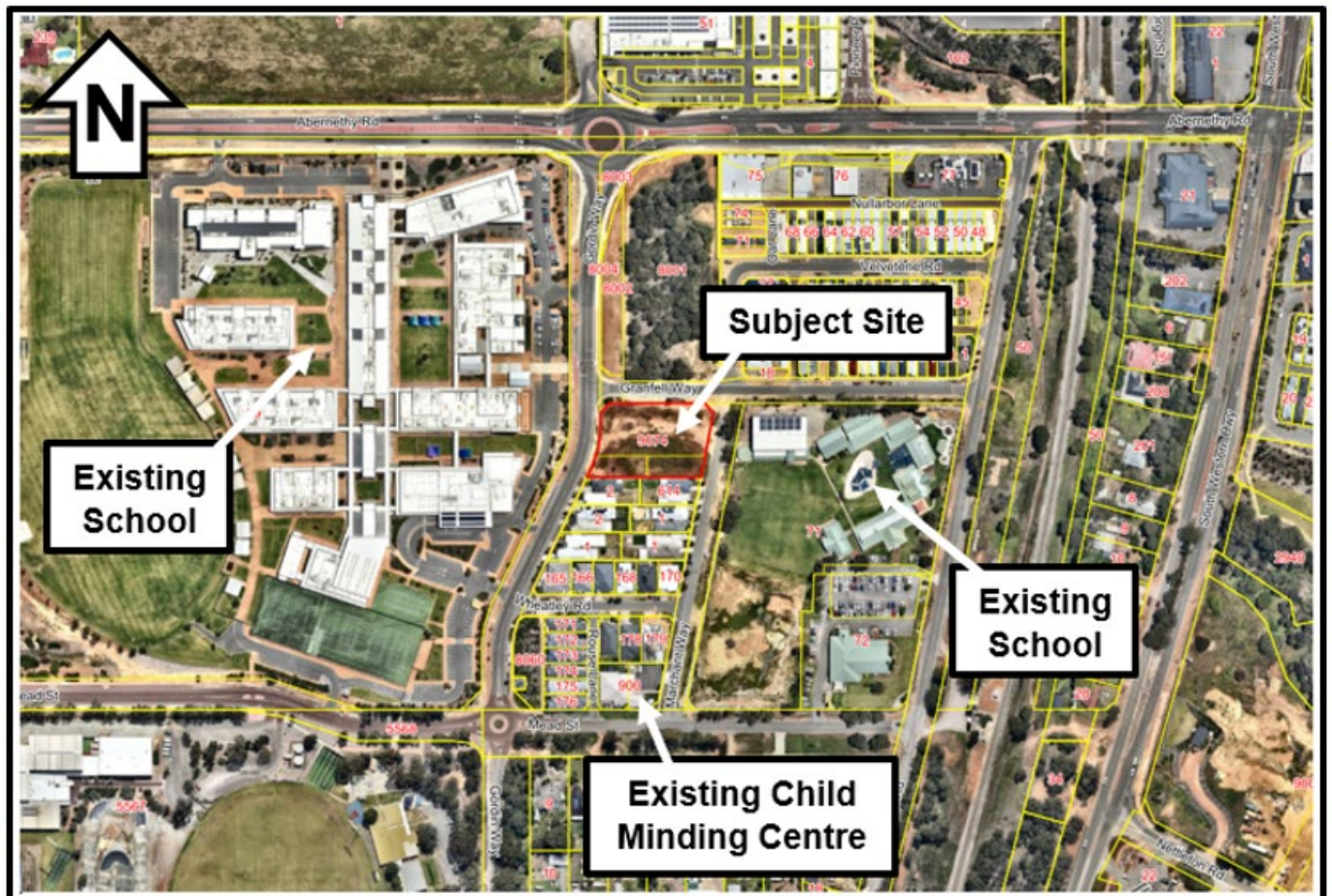


Figure 1: Aerial location



Figure: 2 – Surrounding Development



Proposed Development

The proposal seeks approval to construct a single storey skillion roof building, purpose built 'Child Minding Centre' on Lot 9074 Gordin Way, Byford. The proposed building would be constructed of cladded concrete tilt panels. Vehicle access to the site is proposed via a full movement crossover on Marchant Way to the south eastern boundary of the subject site, off Marchant Way. Marchant Way will be constructed through to Granfell Way, and provides the greatest degree of separation from the key road interface of Gordin Way and Granfell Way.

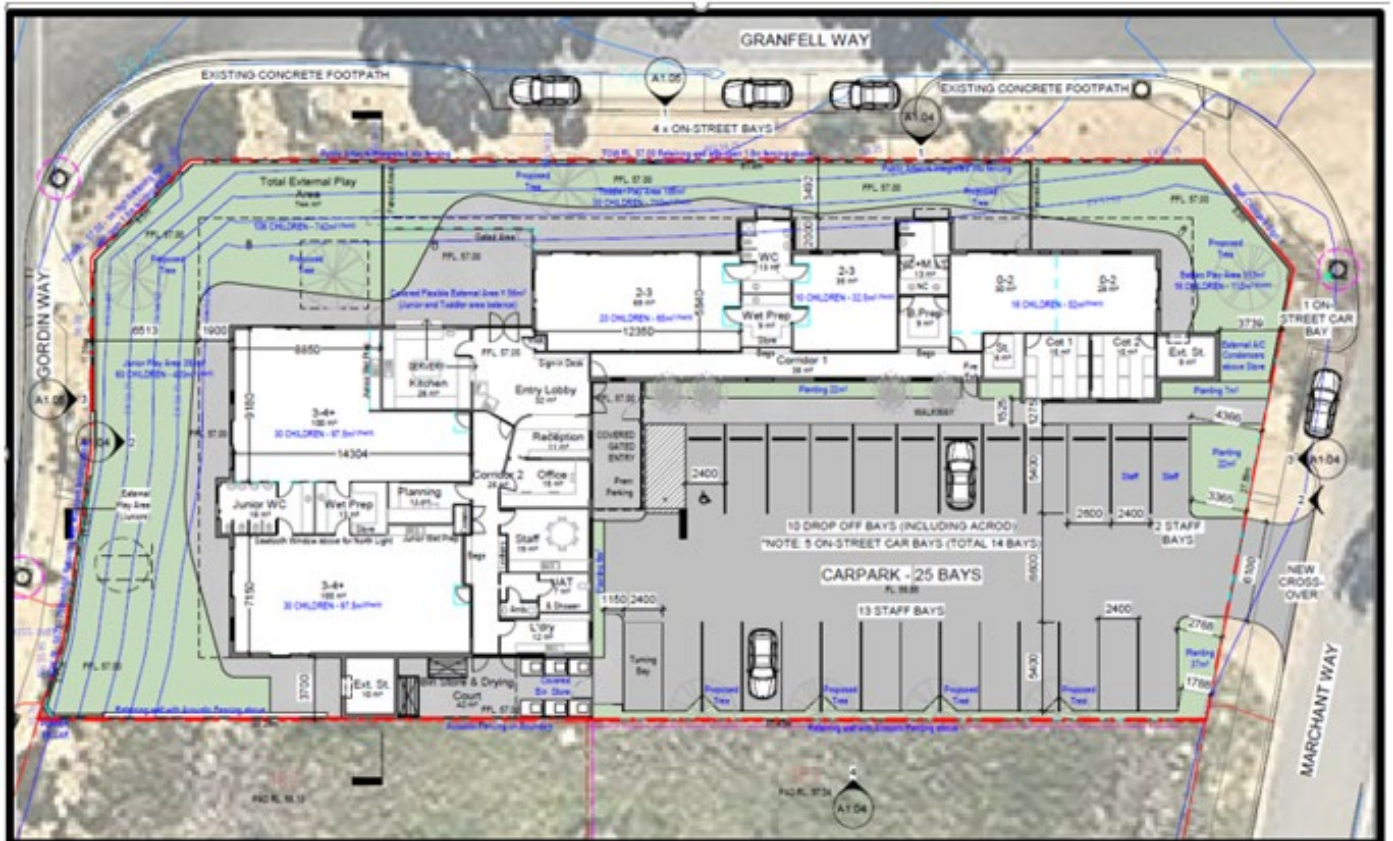


Figure: 3 – Floor Plan

The applicant provided information that the centre will accommodate up to 106 children within the following age groups:

- 0-2 years: 16 places;
- 2-3 years: 30 places;
- 3+ years: 60 places.

The proposal comprises:

- Building comprising of an entry lobby, reception desk, office staff room, staff amenities, kitchen with storage areas, dining area, group activity rooms, sleep rooms, prep rooms toilets, change rooms, laundry and storage areas;
- Construction of a car park with 25 car parking bays comprising of 10 spaces for pick-up and drop-off, 15 staff car parking spaces including one universal access bay;
- Construction of one on-street parking bay along western side of Marchant Way and four on-street bays along the southern side of Granfell Way. These 5 bays will be exclusively used for drop off and pick up, providing a total of 15 such bays for clients (refer above point).



- Construction of a new a crossover on Marchant Way to provide access to the car parking area;
- Construction of outdoor play areas with a total area of 744m² provided to the north and eastern portions of the subject site;
- Construction of 1.8m high solid fence of minimum 8kg/m² surface mass along the outdoor play area's southern boundary (at the south west of the site) and along the car park's southern boundary;
- Construction of garrison style fencing along the street boundaries, and a covered gated entry to the facility with pram parking, with a paved walkway linking the entry of the site to visitor parking bays and the future footpath network along Marchant Way;
- A fully enclosed bin store (with roof) along the southern boundary;
- Perimeter landscaping along the southern car park boundary and a landscape buffer between the car park and Marchant Way;
- Employment of up to 15 full-time staff members on-site at any one time with additional part time staff during off-peak periods for the purposes of lunch cover, admin duties, or training purposes;
- Operation hours of the centre proposed from 6:30am to 6:30pm Monday to Friday;
- Building footprint of 469.23m², with the following street setbacks:
 - Granfell Way:
 - 3.5m to WC rooms and front verandah;
 - 5.5m to 0-2 and 2-3 activity rooms.
 - Gordin Way:
 - 6.5m to verandah;
 - 8.4m to 3-4+ activity rooms.
 - Marchant Way:
 - 3-3.7m to external storeroom.

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

Community / Stakeholder Consultation

The application was advertised for a period of 27 days from 22 October 2021 to 17 November 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, three submissions raising no objections were received. These did also raise concerns pertaining to the following aspects:

- Parking to sufficiently cater for employees and staff;
- Traffic movements on the existing road network and potential safety concerns; and
- Consideration to reduce the speed limit on Granfell Way to 40km/hr.



These matters are discussed in the report below.

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 Childcare Premises is considered acceptable in principle as there is likely to be some level of reciprocal use between the Childcare Premises and the adjoining Byford Secondary School site.

Notwithstanding this, there is an existing Child Care Premises at No. 27 Clifton Street and separate applications have recently been considered by the Shire of Serpentine Jarrahdale (Shire) for two additional Child Care Premises at nos. 34-36 Beenyup Road and nos. 13-15 Beenyup Road. It will be the responsibility of the Shire to consider whether the potential number of Child Care Premises within the area would be consistent with the intent and objectives of Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3 (LPS3).

Construction Management

Due to the application site's close proximity to Byford Secondary College, 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 and approved 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 within and surrounding the Byford Secondary College 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 Secondary College.*

Service and Waste Management

The Department is satisfied that the Service and Waste Management arrangements contained within Section 4 of the Transport Impact Statement (September 2021) would ensure there is no conflict with traffic associated with the Byford Secondary School site. The Department requests that these measures are secured by way of a condition of approval.

Department of Water and Environmental Regulation (DWER)

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

Stormwater Management

Drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia (DoW, 2004-2007). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15 mm of stormwater runoff (1 Exceedance per Year runoff) from the car park area should undergo water quality treatment via bio-infiltration.



Groundwater

The subject property is located within the Serpentine Groundwater Area (Byford 3 Subarea) as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The issuing of a groundwater licence is not guaranteed but if issued, will contain a number of conditions that are binding upon the licensee. It is important to note there may be difficulties securing groundwater in the Serpentine Groundwater Area (Byford 3 Subarea).

DFES submission

DFES has recommended modifications to be undertaken to the submitted Bushfire Management Plan. These modifications primarily relate to the classification of vegetation plots. Notably the vegetation plots in question are excluded in accordance with AS3959-2018. The BMP currently includes these plots as classified vegetation, which can be resolved through an amended BMP to be required as a condition of approval.

A summary of the submissions including applicant comments 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 3.8 – Byford Town Centre Guidelines;
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP 4.15);
- Local Planning Policy 4.16 – Landscape and Vegetation Policy (LPP4.16).



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 Town Centre Local Structure Plan (LSP) 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 residential designations of the structure plans. The two structure plans, showing the land in question, are provided following:

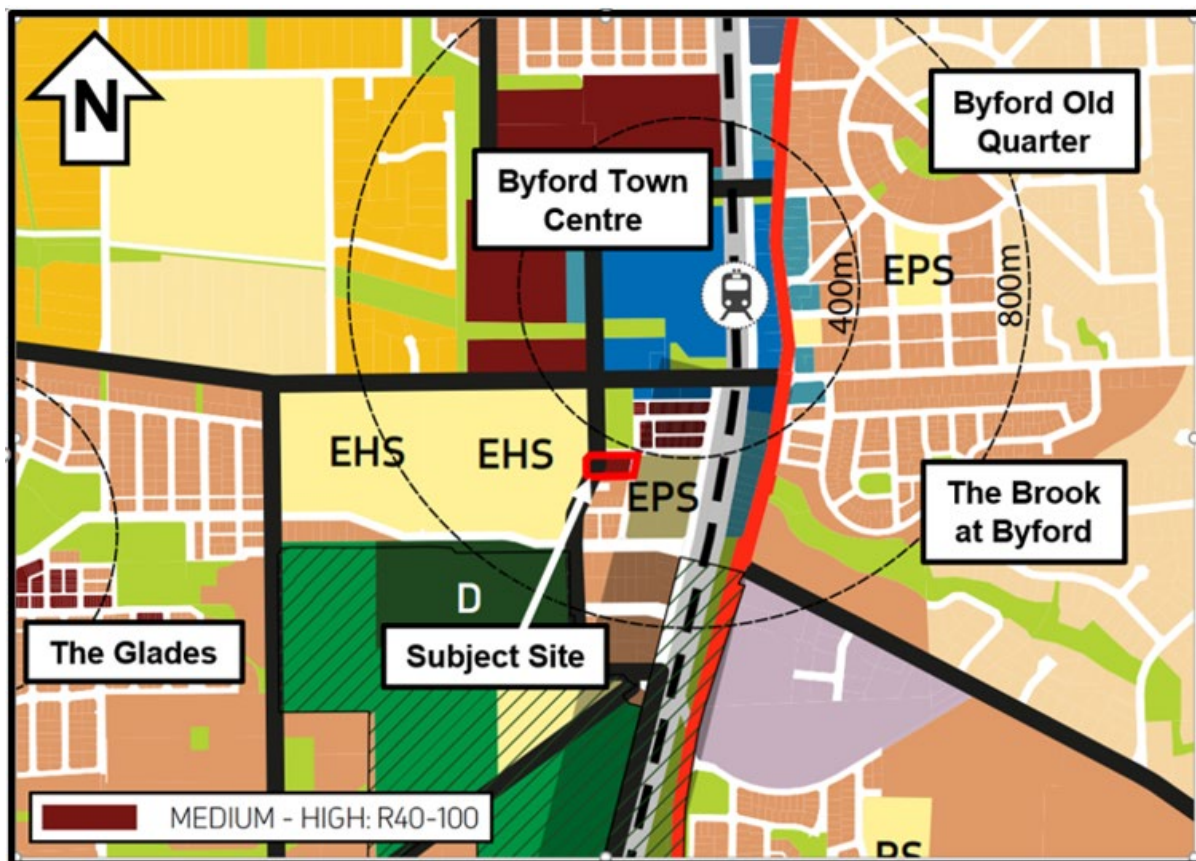


Figure: 4 – Byford District Structure Plan

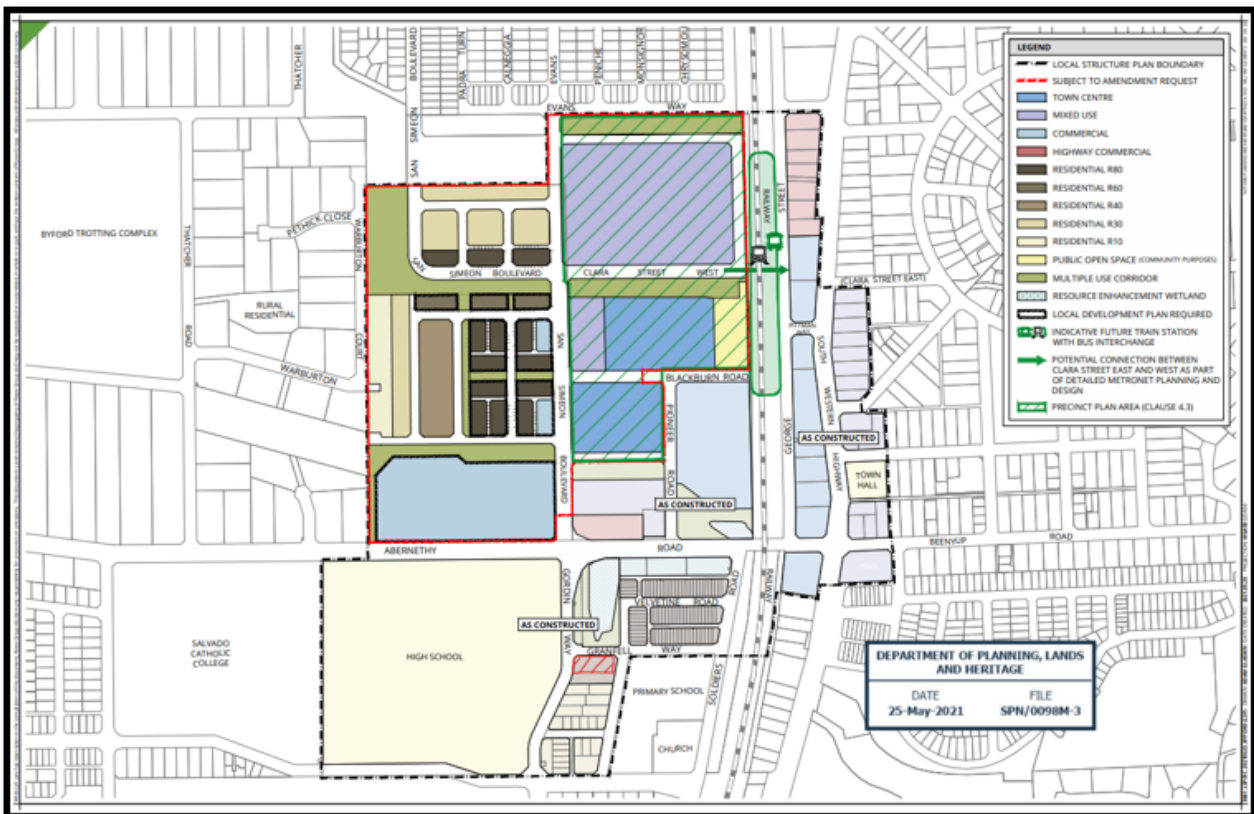


Figure 5: – Byford Town Centre Structure Plan

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’ is an ‘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.

Officers consider that the development, by way of scale, intensity and form of development is consistent with the current and intended future amenity of the area, being a town centre environment expected to comprise a mix of primary, secondary and supporting uses, with a mix of building types and an increasing density of residential development.

Officers further consider that the design of the development is compatible with nearby residential development as it seeks to incorporate design elements to the building which, when viewed from the street, would appear residential in form (i.e. skillion roofs), providing for a high degree of compatibility with adjoining and nearby medium residential density developments located within the broader locality.



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

The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will be 'Residential'. 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 use is similarly a discretionary use, subject to advertising, within the Residential zone of LPS3.

The 'Residential zone' objective under LPS3 supports a range of non-residential uses, which are compatible with and complementary to residential development, encouraging high quality design, built form and streetscapes throughout residential areas which is appropriate to the climate. This development is considered to reflect such.

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 an easy walking distance and serviced by public transport. The proposal is located within the Byford Town Centre, as part of the education precincts and medium density housing environment. It is serviced by Transperth bus routes on Gordin Way, approximately 45 metres with a walking distance accessible by the existing path network south west of the proposed development site. In addition, the development is within a walkable 400m catchment of the future Byford Metronet Station. The existing foot path along Gordin Way and Granfell Way abutting the site provides infrastructure available to enable residents from the nearby catchment areas to walk to the subject site consistent with this objective of the Bulletin. A condition has been imposed to ensure the completion of road, footpath and on-street parking associated with the extension of Marchant Way to Granfell Way. Also, on-street parking on Granfell Way.

The bulletin also states that it is important in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In this regard, the development is proposed to be located on the edge of the Town Centre boundary, in close proximity to existing education and community facilities. It has two yet to be developed residential lots to the south, and demonstrates a configuration of development to moderate as best possible noise impacts associated with the development. Noise is later discussed in the report.



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 106 children, a minimum of 22 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 30 bays, 25 onsite bays, (including one [1] universal bay), four proposed to be constructed along Granfell Way and one on along the western side of Merchant Way. The bays along both Granfell Way and Marchant Way will be public bays (not exclusive to the development), however will be available for the development in circumstances of the early morning drop off (before school hours) and evening pick up (after school hours).

In terms of the 15 bays available during the AM/PM drop off and pick up times, these activities are generally modelled upon a seven-minute average period of utilisation. The submitted Traffic Impact Statement (TIS) indicates that this development would generate 80 vehicle trips (40-in/40-out) during the AM (7am-10am) and 64 (32-in/32-out) during the PM (3pm-6pm) peak time periods. Using the higher AM peak trip generation scenario, this results in approximately an hourly average of 26 vehicle trips (13-in/13-out) generated. Based on a seven minute drop off and pick up period, each bay across an hour could on average cater for eight vehicles. The 15 bays therefore have the capacity to hold up to 120 vehicles. Based on the 40 vehicles projected to attend site during the three-hour peak period, the 15 bays have the capacity to manage the peak flows.

The on-street bays to be constructed as part of this development were proposed to be time limited, however the Shire is not currently resourced to operate a car parking time compliance function. Therefore, Officers do not support these bays as time limited bays. The rationale for this is that the likely peak demand for such bays will be before and after school hours. Therefore, any public use of the bays during school hours will unlikely affect these bays being available for use outside of school hours, by patrons of the development. This also allows for fuller utilisation of the limited space that is available in the town centre for car parking.

In terms of LPS 3, the table below summarises the parking requirements for the proposed development under draft LPS3:

Land Use	Parking Requirement	No of Children/Staff	Parking Required	Proposed Bays
Child Minding Centre	1:10 children, plus	106	11 bays	10 bays on + 5 bays on street
	1.1 employee	15	15	15
Total			26	30

The proposal complies with the parking requirements under LPS 3. During the consultation period, concerns were raised regarding insufficient parking to cater for employees and staff. Officers consider that the parking requirements have been met and that the proposed additional five on-street bays will sufficiently cater for the parking demand of the development and ensure that during peak hours, parking and road safety can be maintained. Officers are satisfied with the proposal in this regard.

Officers have also considered that public transport is conveniently located nearby the subject land, leading to this mode of transport being fully utilised. The parking analysis within the Transport Impact Statement determines that onsite and on street parking proposed should sufficiently cater for the needs of the centre



With regards to safety concerns from increased traffic raised during the consultation period, Officers are satisfied with the proposed configuration of the centre's car park and access is acceptable. The location of the parking has been specifically sited and designed in response to existing development conditions in the locality that would alleviate traffic congestion along Gordin Way, considering it is one of the main access point for Byford Secondary College. The design of the of the development enables the effective distribution of traffic to both Soldiers Road and Gordin Way, with clients being advised to utilise Granfell Way to Soldiers Road to depart the centre in the morning. This will help to remove any build up of traffic on the Gordin Way frontage.

During the consultation period, a suggestion was raised to reduce the speed limit to 40km/hr on Marchant Way to ensure safety during the peak periods. Officers have considered that Marchant Way is classified as an Access Road under the Main Roads Western Australia (MRWA) road hierarchy, and has a speed limit of 50 km/h. The environment of Marchant Way, as a short residential street, means that traffic should not approach speeds of 50km/h, as they will meet a new 'T' intersection with Granfell Way.

Development Requirements

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

Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Gordin Way)	7.5m	8.4m	Yes
Rear (Marchant Way)	7.5m	3.74m storeroom	No
Side (Granfell Way)	3.0m	3.492m	Yes
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	0.33	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.44	No

The front and side setbacks of the building are generally consistent with development requirements of TPS2. The rear setback and side boundary abutting the adjoining future residential area is varied by a reduced and nil setback to the east and south respectively for external storerooms. These variations are considered to be minor considering that the rest of the building complies with the setbacks. The minor variations are not considered to adversely impact upon the existing streetscape.

The development slightly exceeds the prescribed site coverage requirements of TPS 2. Officers have considered that the slight exceedance on the site coverage would not adversely impact on the available open space. The development features three outdoor playscapes fronting Gordin Way and Granfell Way street frontages that will ameliorate the bulkiness of the building. The minor variation is not considered to present the development as bulky or overbearing when viewed from the street frontage due to the design of the building particularly the skillion roof. The applicant has also proposed to construct visually permeable fencing along this boundary to maintain a sense of openness between the street and the development, removing the presence of bulk.



The development helps to create an avenue type feeling, with the green edges of the open space to the north complemented by the building edges being introduced on the south side of Granfell Way.

Form of Development:

The purpose of LPP.38– Byford Town Centre Built Form Guidelines is to facilitate and coordinate a desired built form and development outcomes within the Byford Town Centre LSP area. The objective of the policy is to be able to achieve a high standard of architectural design that responds innovatively to Byford’s rural atmosphere, whilst contributing to an attractive streetscape. A full assessment can be viewed within **attachment 5**.

The built form of the proposed ‘Child Minding Centre’, as shown in the elevations below, features an L shaped single-storey skillion roof building (with multiple roof forms). The building is intended create a distinct identity for the development, whilst maintaining congruity with the pattern of development of this community/educational precinct. The roof forms are varied and are accentuated at different areas to make them interesting, while providing a sense of larger scale. The design has been designed in response to site-specific characteristics of the corner location.

The development is considered to reflect the evolving nature of the immediate locality, noting the site is located within a ‘Residential’ zone, that adjoins an educational development to the east and west. The contemporary style building, which is architecturally designed in response to its corner location is therefore considered to strike a balance between the existing forms of development within the area and considered to complement the existing architectural forms within the established streetscape. Officers consider that the development meets the provisions of the Policy.

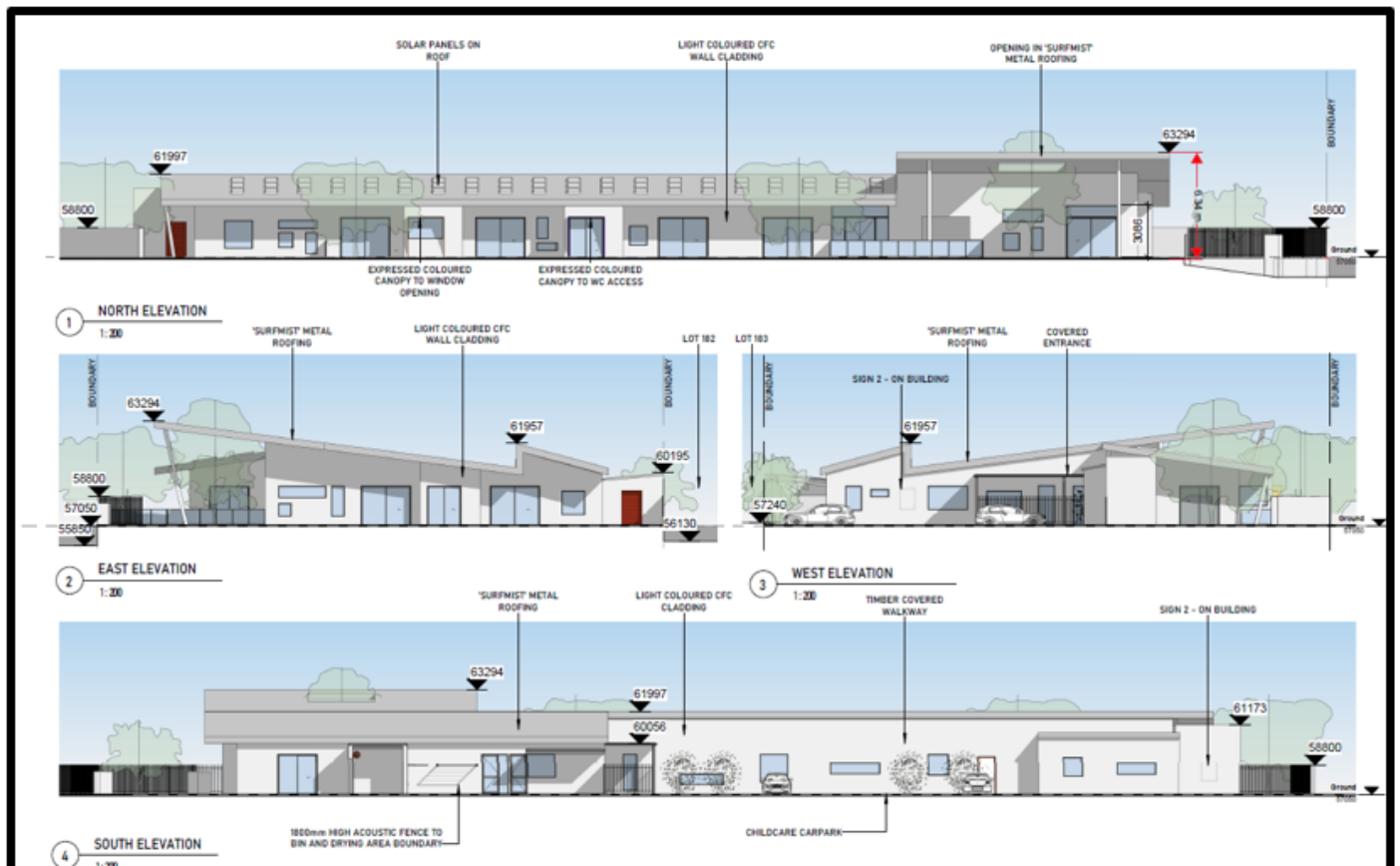


Figure 5: Elevation Plans



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 a single full movement crossover on Marchant Way. While Marchant Way is currently not connected to Granfell Way, the applicant has provided information that Marchant Way will formally connect to Granfell Way and be constructed as a T-intersection as incidental works to the subdivision approval. In any case, a condition is also imposed to secure this.

The proposed crossover on Marchant Way will provide access to the main car park consisting of 25 bays (inclusive of one ACROD bay) as shown in the diagram following. There are existing footpaths along the southern side of Granfell Way, immediately adjacent to the proposed development, which would provide pedestrian access to the proposed development.

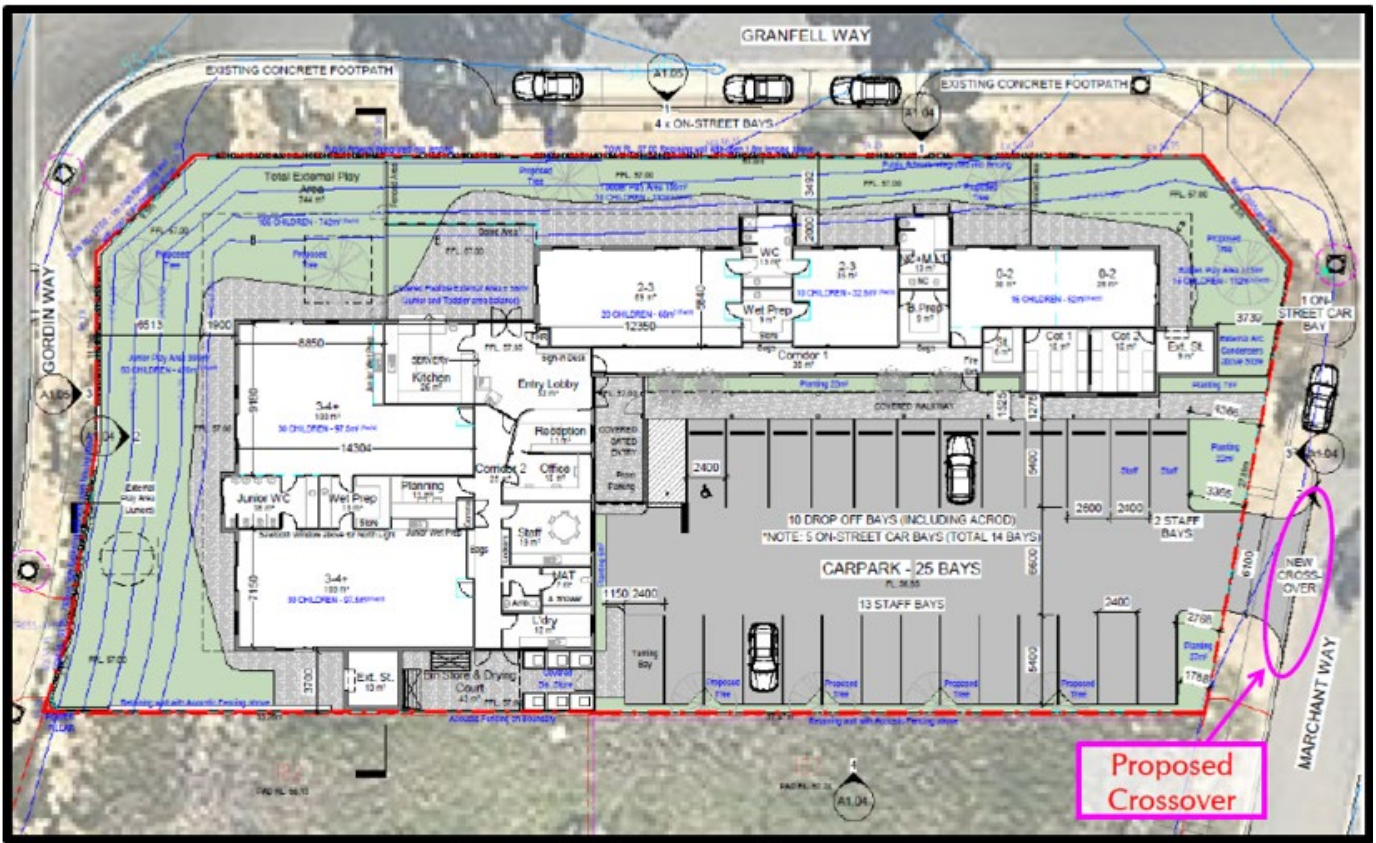


Figure 6: Proposed Crossover

To access 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 Gordin Way, Granfell Way and Marchant Way which are all classified as Access Roads 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 available data from surveyed traffic counts undertaken by Transcore at similar centres in the Perth Metropolitan Area. The TIS states that information provided by centre managers of similar centres provided information that the AM (drop-offs) and PM (pick-ups) peak periods for the early



learning centres is between 7am to 10am and 3pm to 6pm respectively. From the total number of children at each of the centres on the surveyed days, the following average generation rates were established for the morning and afternoon surveyed periods:

- 7:00am – 10:00am: 1.58 trips per child (52% in / 48% out); and
- 3:00pm – 6:00pm: 1.67 trips per child (47% in / 53% out).

With regard to traffic generation, the TIS provided that the development is estimated to generate a total of 371 vehicle trips per day, with an AM peak of 80 vehicle trips generated and a PM peak of 64 trips generated. The predicted peaks fall under the 'moderate impact' category according to WAPC Transport Impact Assessment Guidelines, resulting in an acceptable (insignificant) impact to the surrounding road network.

The WAPC Transport Impact Assessment Guidelines (2016) provides guidance on the assessment of traffic impacts:

“As a general guide, an increase in traffic of less than 10 per cent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 per cent may. All sections of road with an increase greater than 10 per cent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 per cent of capacity. Therefore, any section of road where development traffic would increase flows by more than 100 vehicles per hour for any lane, should be included in the analysis.”

The findings of the report concluded that the traffic generation of the proposed development is relatively low and as such would not have a significant impact on the surrounding road network. The site provides a robust and interlinked set of road connections, which help in traffic distributions in all directions and avoiding peak traffic along Gordin Way.

Amenity

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 to the south of the subject site (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 7**. 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.



The predicted noise levels received at the two educational establishments, existing and future sensitive receptors within the ENA for the major noise sources, has been detailed within tables 4-1, 4-2 and 4-3 of the ENA. The location of the sensitive receptors and noise receivers at this location have been captured in the above diagram.

In terms of the outdoor child play assessment, the ENA assessment demonstrates that all noise receivers will comply with the assigned levels under the regulations with the exception of an exceedance of 3 dB at Byford Secondary College Science block (C) to the west. The applicant has provided information that the east facades of this building have been observed to not have a significant amount of glazing visible to the street and carpark areas and therefore consider that child play noise would not be considered impactful above vehicle noise and other ambient sounds, particularly inside the building.

In regard to the noise emitted from the mechanical plant, the ENA demonstrates that all existing noise receivers, including sensitive receptors, comply with the assigned levels under the regulations Regulation, with the exception of future sensitive receptors located at 6 and 7 which are likely to exceed. To ensure full compliance, the applicant has provided information that mechanical plant noise (specific AC unit types) is to be reviewed by a qualified acoustic consultant during detailed design, to ensure that noise attenuation is applied to achieve compliance with the future sensitive receptors to the south. This will include measures such as acoustic shielding. This has been conditioned accordingly.

In respect to car doors opening and closing, ENA demonstrates that all noise receivers will comply with the assigned levels under the regulations. In order to achieve compliance for the future noise receivers 6 and 7, the applicant has provided information that the southernmost parking bays will be reserved for staff and specifically those arriving after 7am only. If compliance were not



achieved, the wall height may need to be increased, subject to later detailed design at building stage. This has been conditioned accordingly.

In terms of the indoor child play assessment, the ENA demonstrates that the all noise receivers will comply with the assigned levels under the regulations based on the following:

- External doors and windows will be closed during indoor activity / play;
- Internal noise levels within activity rooms would not exceed those from outdoor play for each age group; and
- Any music played within the internal activity areas would be 'light' music with no significant bass content and played at a relatively low level.

To assist in reducing noise emissions from the centre to future sensitive receptors to the south, the application proposes construction of solid fence along the southern boundary enclosing the carpark. Officers will be recommending a noise management plan be submitted to address all activities associated with outdoor play. This would address limiting the use of equipment that typically generate noise at a lower decibel, no amplified music to be played outside, appropriate flooring to reduce vibrations of noise travelling during playtime, use of soft balls and rubber wheeled toys and limit the hours of play. Officers consider this will ensure the development respectfully interacts with nearby sensitive receptors.

Officers are satisfied that the implementation of recommendations within the ENA would result in the development not adversely detracting from the existing amenity of the area currently afforded to occupiers of the area.

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. 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 is 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.

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 and shall be provided prior to issue of a Building Permit.

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.

It is considered that the corner location of the site affords the site with a high level of passive surveillance. In addition, proposed activity spaces and outdoor play areas face public streets and facilitate passive surveillance over the public realm.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

SPP3.7 provides the requirements and guidelines for development within areas identified as bushfire prone. The subject site is located within a designated bushfire prone area in accordance with the Department of Fire and Emergency Services (DFES) Map of Bushfire Prone Areas. SPP3.7 seeks to ensure the risk of bushfire to developments is considered and mitigated through the development assessment process.

Pursuant to the provisions of SPP3.7, the application included a Bushfire Management Plan (BMP) for the subject site. The BMP identified a risk rating of BAL-19 for the development and outlined compliance with the four elements of the bushfire protection criteria.

As a Child-Minding Centre is a vulnerable land use, the application has been referred to DFES for assessment. DFES recommended modifications to be undertaken. These modifications primarily relate to the classification of vegetation plots. Notably the vegetation plots in question are excluded in accordance with AS3959-2018. The BMP currently includes these plots as classified vegetation, which can be resolved through an amended BMP to be required as a condition of approval.

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



an arrangement with the Shire to pay any additional value associated with Amendment 208, once gazetted.

Options and Implications

Option1

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a 'Child Minding Centre' at Lot 9074 Gordin Way, Byford 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	Development Plans received at the Shire Offices on 29 September 2021; Transport Impact Statement received at the Shire Offices on 29 September 2021; Bushfire Management Plan received at the Shire's Offices on 29 September 2021; and Environmental Noise Impact Assessment received at the Shire's Offices on 29 September 2021.
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- b. The maximum number of children on the premises shall not exceed 106.
- c. The operating hours for clients shall be between 6:30am and 6:30pm, Monday to Friday.
- d. The development shall include the full construction of Marchant Way to Granfell Way, including all associated intersection, footpath and on street carparking requirements, to the satisfaction of the Shire of Serpentine Jarrahdale. Plans submitted for a Building Permit are to include all details of this infrastructure, to the specifications and satisfaction of the Shire. This infrastructure must be completed prior to operation of the development.
- e. Prior to issue of a Building Permit, the applicant shall submit a Noise Management Plan to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan shall be prepared to ensure appropriate measures are designed and implemented for the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*, with particular regard to the following points:
 - the design of the wall on the south side of the carpark;
 - the management of outdoor play areas;
 - the design and shielding of mechanical plant.

Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan 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.

- f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in



accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

- g. A minimum of one 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.
- h. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented in its entirety to the satisfaction of the Shire.
- i. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, 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. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- 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 of the development, 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 issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- 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 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- o. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The 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 within and surrounding the Byford Secondary College site during peak drop-off/pick-up times.
 - Management of dust and noise.
- p. Prior to issue of a Building Permit, an amended Bushfire Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan shall address the following:



- Correct the classification of vegetation plots that are excluded under AS3959-2018
- Inclusion of Emergency Evacuation Plan

Once approved, the updated Bushfire Management Plan shall be implemented to the satisfaction of the Shire.

Option 2

That Council RESOLVES the following alternative Responsible Authority Recommendation:

As per Option 1, but with a modified maximum capacity (condition b) of 75 children.

Option 3

That Council RESOLVES the following alternative Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel REFUSES the application for a 'Child Minding Centre' development at Lot 9074 Gordin Way, due to the size of the development posing an adverse amenity impact on the surrounding current and future sensitive land uses.

Option 1 is recommended.

Conclusion

This report is presented to Council to endorse a Responsible Authority Reports for the Metro Outer Development Assessment Panel for a 'Child Minding Centre' development Byford. Officers consider that the development is consistent with the planning framework. The proposed development will increase the child care services and provide employment opportunities for the local community that will assist to support the population growth within the Shire. Officers are satisfied that the conditions recommended will address concerns raised during public submission and it is considered to not adversely impact upon the existing amenity of the area.

As such, for the reasons outlined in the report, it is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.7 – attachment 1** – Responsible Authority Report) (E21/14633)
- **10.1.7 – attachment 2** – Development Plans (IN21/27349)
- **10.1.7 – attachment 3** – Summary of Submissions (E21/13194)
- **10.1.7 – attachment 4** – Deemed Provisions Regulations Clause 67 Checklist (E21/14089)
- **10.1.7 – attachment 5** – Assessment Against the Town Centre Built Form Guidelines (E21/13947)
- **10.1.7 – attachment 6** – Traffic Impact Assessment (IN21/27352)
- **10.1.7 – attachment 7** – Environmental Noise Assessment (IN21/27353)
- **10.1.7 – attachment 8** – Bushfire Management Plan (IN21/27354)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the 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 approves the development with a lower capacity	Planning framework	Organisational Performance	Possible	Moderate	MODERATE	Explain reasons for decision
2	That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to refuse the application.	Planning framework	Organisational Performance	Possible	Moderate	MODERATE	Explain reasons for decision

Voting Requirements: Simple Majority

Officer Recommendation

That Council RESOLVES the following Responsible Authority Recommendation:

- That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a 'Child Minding Centre' at Lot 9074 Gordin Way, Byford 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.

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- b. The maximum number of children on the premises shall not exceed 106.
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 - the design of the wall on the south side of the carpark;
 - the management of outdoor play areas;
 - the design and shielding of mechanical plant.

Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan 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.

- f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. A minimum of one 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.
- h. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented in its entirety to the satisfaction of the Shire.



- i. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, 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. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- 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 of the development, 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 issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- 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 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
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 - Management of dust and noise.
- p. Prior to issue of a Building Permit, an amended Bushfire Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan shall address the following:
 - Correct the classification of vegetation plots that are excluded under AS3959-2018
 - Inclusion of Emergency Evacuation PlanOnce approved, the updated Bushfire Management Plan shall be implemented to the satisfaction of the Shire.



OCM340/12/21

COUNCIL RESOLUTION**Moved Cr Coales, seconded Cr Duggin****That Council RESOLVES the following Responsible Authority Recommendation:**

1. That the Metro Outer Joint Assessment Panel APPROVES the development application for the construction of a 'Child Minding Centre' at Lot 9074 Gordin Way, Byford 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.

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b. The maximum number of children on the premises shall not exceed 75.

c. The operating hours for clients shall be between 6:30am and 6:30pm, Monday to Friday.

d. The development shall include the full construction of Marchant Way to Granfell Way, including all associated intersection, footpath and on street carparking requirements, to the satisfaction of the Shire of Serpentine Jarrahdale. Plans submitted for a Building Permit are to include all details of this infrastructure, to the specifications and satisfaction of the Shire. This infrastructure must be completed prior to operation of the development.

e. Prior to issue of a Building Permit, the applicant shall submit a Noise Management Plan to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The Noise Management Plan shall be prepared to ensure appropriate measures are designed and implemented for the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*, with particular regard to the following points:

- the design of the wall on the south side of the carpark;
- the management of outdoor play areas;
- the design and shielding of mechanical plant.

Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan 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.

f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

g. A minimum of one 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.
- h. Prior to issue of a Building Permit, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented in its entirety to the satisfaction of the Shire.
- i. Prior to the issue of a Building Permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, 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. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Stormwater may be managed through either soak wells, raingardens or a combination of the two.
- 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 of the development, 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 issue of a Building Permit, the landowner/applicant contributing towards development infrastructure, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- 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 (once gazetted) to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- o. Prior to issue of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The 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 within and surrounding the Byford Secondary College site during peak drop-off/pick-up times.
 - Management of dust and noise.
- p. Prior to issue of a Building Permit, an amended Bushfire Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan shall address the following:
- Correct the classification of vegetation plots that are excluded under AS3959-2018
 - Inclusion of Emergency Evacuation Plan
- Once approved, the updated Bushfire Management Plan shall be implemented to the satisfaction of the Shire.

CARRIED UNANIMOUSLY 8/0



Continued

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Reason for difference to Officer Recommendation

To allay concerns regarding traffic management.



10.1.8 – Outcomes of Community Engagement - Draft Local Heritage Survey (SJ2740)

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

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

This report updates Council on the outcomes of the recent community engagement that has taken place regarding local heritage within the Shire. The recent community engagement was based upon Council's adoption of the community engagement plan in February of this year. This community engagement sought new nominations of places of heritage significance within the Shire, as well as any additional information for places previously listed as having heritage significance.

The report seeks Council to endorse a Draft Local Heritage Survey, for community engagement to take place on it.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 February 2021 – OCM020/02/21- COUNCIL RESOLUTION / Officer Recommendation
That Council ENDORSES the Local Heritage Survey Engagement Plan to begin the process of creating an updated 2021 Local Heritage Survey

Background

The *Heritage Act 2018* (the Act) requires each local government to identify places of cultural heritage significance in a Local Heritage Survey. This is intended to be an up to date list of such places, noting that the Shire's original Survey is in excess of 20 years old and needs review.

The Shire's Corporate Business Plan 2020-2024 approved in July 2020, highlights the importance of Arts, Culture and Heritage within the Shire. The Plan identifies that the Shire "...provide local programs and opportunities for residents to participate and engage in arts, culture and heritage" and provides outcomes to recognise local heritage (1.2.1).

This action is dependent on the Shire preparing an up-to-date Local Heritage Survey, to replace the original version dated 2000. Once the Local Heritage Survey has been updated and renewed, there is a good opportunity to consider ways in which to support place owners and the community in experiencing and learning about heritage.

In February 2021, Council resolved to undertake community engagement in order to invite new nominations for places, or to obtain updated information for existing places, to form a new Draft



Local Heritage Survey. The engagement process ensured that community members were provided with the opportunity to nominate what they considered culturally and/or historically significant places to be, to enable an assessment process to then be taken to determine if a place should be included on a new Draft Local Heritage Survey.

The process of a Local Heritage Survey will help inform a future process to determine what additional places Council may choose to elevate to a Heritage List under the Scheme. That is, a Local Heritage Survey does not, in and of itself, automatically elevate a place on the Survey to a Heritage List. Rather, it is a decision of Council under Clause 8(1) of the Deemed Provisions of the Scheme which states:

8(1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

In maintaining a heritage list (given the Shire already has one under the Scheme), Clause 8(3) of the Deemed Provisions states:

8(3) The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government —

- (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
- (b) invites each owner and occupier to make submissions on the proposal within a period specified in the notice; and*
- (c) carries out any other consultation the local government considers appropriate; and*
- (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.*

This report considers the Draft Local Heritage Survey, as opposed to the Heritage List.

Community / Stakeholder Consultation

Following Council's decision to endorse the Local Heritage Survey Engagement Plan, the Shire advertised by means of The Examiner newspaper Public Notice, Website Advertising and Facebook Posts starting from 25 March 2021 and called for:

- Any changes to existing places on the 2000 Shire of Serpentine Jarrahdale Local Heritage Survey (such as new information);
- New place nominations that may be considered to be of cultural heritage significance; and
- Any additional historical information that community members can provide to the Shire for the updated Historical Overview.

The Shire of Serpentine Jarrahdale heritage advertising process took place for a period of 53 days, ending on 8 May 2021.

Through this exercise, Shire Officers have had the opportunity to engage with key stakeholders and the wider community, both of which have been provided with the opportunity to partake in the assessment process. This has resulted in 87 new 'Place' nominations and 52 pieces of new information or corrections on to the previous 2000 version of the Survey.



Policy Concept Forum

Meeting Date	22 November 2021
Councillors in Attendance for PCF Presentation	Cr Rich, Cr Atwell, Cr Byas, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

Statutory EnvironmentLegislation

- *Heritage Act 2018, Part 8 – Local Heritage Surveys*

State Government Guidelines

- Guidelines for Local Heritage Surveys

CommentLandowner Engagement

Following the close of advertising, a notification was distributed to landowners of newly nominated places inviting initial discussion with the landowner to assist them in understanding of the nomination received, consider any information that they may have regarding their nominated property, and have a discussion about the role of the Local Heritage Survey.

Notification to landowners of existing places listed in the 2000 version of the Local Heritage Survey were also invited for discussions, to determine any changes to information or structure of the building/site that was different to the 2000 version. Officers engaged with 42 landowners, 12 of these being direct face-to-face meetings.

Many of the landowners that Officers engaged with, especially those already listed in the 2000 version of the Survey, were supportive of an updated Local Heritage Survey. New inclusions of property on the Local Heritage Survey were however met with mixed positions, and there was a reluctance by some regarding places being put on the Survey.

Next steps: Assessment of nominated heritage places

The past engagement and meetings with the landowners who have had places of significance nominated have primarily focused on understanding the overall heritage landscape within the Shire and informing landowners of the facts and sharing information with regard to these heritage places.

The next step in the process is to provide a Draft Local Heritage Survey for comment, which is provided as **attachment 1**, now that it has been formulated based on community feedback. Part of this process will be to also highlight the management category that the Shire is considering for each place. Such classification will be one of the following categories:



Level of significance to the local area	Classification	Description	Will place category normally be included on the Heritage List?
Exceptional	Category 1	Essential to the heritage of the locality Rare or outstanding example.	Yes
Considerable	Category 2	Very important to the heritage of the locality.	Yes
Some/moderate	Category 3	Contributions to the heritage of the locality.	No
Little	Category 4	Has elements or values worth noting for community interest otherwise makes little contribution.	No

Council will note that in the fourth column, Category 1 and 2 places will normally be considered for listing on the Heritage List.

Based on the assessment of the places included on the Draft Local Heritage Survey, the following classifications are identified for consideration for listing. These are a 'consideration' (not the final category), in order to engage the community on this. In the consideration of category table below, the places highlighted in yellow already exist on the Scheme Heritage List:

Place Name	Place Address
Category 1 – Essential to the heritage of the locality (Rare or outstanding example)	
Whitby Falls Hostel (Whitby Falls Estate) – State listed	1619 (L4594) South Western Highway, Whitby
Middleton's Store (Serpentine General Store) – State listed	6 Wellard Street, Serpentine
Spencer's Cottage (Carralong Cottage) – State listed	Serpentine Gorge, Serpentine
Turner Cottage – State listed	Karnup Road, Serpentine
Mill Manager's Residence – State listed	1 Foster Way, Jarrahdale
Whitby Falls Coach House (The Jarrahdale Inn c 1873) – being assessed for State listing	Corner South Western Highway and Keirnan Street, Whitby
Lowlands (Group of Buildings) – being assessed for State listing	On the Serpentine River, Hopelands. A Large estate of 444 ha.
Old Serpentine School (Bridge School) and large Moreton Bay Fig – school is being assessed for State listing and the tree is National Trust listed	South Western Highway, Serpentine
Category 2 – Very important to the heritage of the locality	
Uniting Church (Byford Uniting Presbyterian Church) – Currently listed in TPS2	9 (L39) Clifton Street, Byford



Place Name	Place Address
Baldwin's Cottage (Staging Post and Inn) – Currently listed in TPS2	2464 South Western Highway, Serpentine
Bateman Homestead – Currently listed in TPS2	331 (L4) Kargotich Road, Oakford
Former Catholic Convent and Church (St. Maria Goretti's) – Currently listed in TPS2	Atkins & Cousens Streets, Jarrahdale
Buckland's Cottage (Millbrook Cottage) – Currently listed in TPS2	Rhodes Place, Jarrahdale
Chestnuts – Currently listed in TPS2	Chestnut Road, Jarrahdale
Jarrahdale Tavern (former Murray Arms Hotel) – Currently listed in TPS2	Jarrahdale Road, Jarrahdale
Bishop Hale's Cottage (Lefroy's) – Currently listed in TPS2	Gordon Road, Serpentine
Stone Ruins (Longbottom's Cottage) – Currently listed in TPS2	Gordon Road, Serpentine
Gooralong Park & Remains of Flour Mill– Currently listed in TPS2	Straddling Gooralong Brook, to the west of Jarrahdale and Chestnut Roads.
Mundijong Tavern– Currently listed in TPS2	Paterson Street, Mundijong
Residence (former Old Mundijong Hotel) – Currently listed in TPS2	Corner Paterson Street and Mundijong Road, Mundijong
The Nook (Szczencinski's Cottage) – Currently listed in TPS2	Roman Road, Mundijong
Mundijong Railway Station – Currently listed in TPS2	Mundijong
Keysbrook Farm House – Currently listed in TPS2	South Western Highway, Keysbrook
Old Bolinda Vale Farmhouse – Currently listed in TPS2	South Western Highway, Keysbrook
St Stephens Church– Currently listed in TPS2	Corner South Western Highway and Falls Road, Serpentine
Lake View (Mead's House) – Currently listed in TPS2	Kiln Road, Cardup
Millrace Farmhouse – Currently listed in TPS2	Homestead Place, Byford
Wungong Farm Cottage – Currently listed in TPS2	Southern side of Wungong Brook, Darling Downs
Lazenby's Old Farmhouse (Nairn's) – Currently listed in TPS2	South bank Cardup Brook, Kiln Road, Byford
Burnbrae Orphanage (Plaiستowe's Farm) – Currently listed in TPS2	Corner Nettleton Road and Admiral Road, Karrakup
Ye Olde Serpentine Inn – Currently listed in TPS2	Corner Richardson and Wellard Streets, Serpentine
Old Cheese Factory – Currently listed in TPS2	Hall Road, Serpentine
Yangedi Swamp – Currently listed in TPS2	



Place Name	Place Address
Red Gum Patch – Currently listed in TPS2	Corner. Alice and Redcliffe Roads, Cardup
Manjedal Brook – Currently listed in TPS2	From its source east of Nettleton Road along its length to the extension of Tonkin Highway
Italian Prisoner of War Camp – Currently listed in TPS2	Balmoral Road, Jarrahdale
Ivan Elliot's Shearing Shed – Currently listed in TPS2	Lot 68 Hopeland Road, Keysbrook
Jarrahdale Swamp – Currently listed in TPS2	Lot 80 Jarrahdale Road, Serpentine
Flora Roads – Currently listed in TPS2	Soldiers Road / Paterson Street (Turner Road to Mundijong Road) and Mundijong Road from Paterson Street to Lightbody Road.
Jarrahdale Timbertown: Comprising old sawmill, Workers Cottages, Mill Managers House, Company Office, Former Nursing Post and Former Post Office. – Currently listed in TPS2	Incorporated in a general area north of Jarrahdale Road, South of Gooralong Brook, between the bridges on Jarrahdale and Millars Roads.
Jarrahdale Townsite: (Precinct)	Comprising Old Post Office and Telegraph Office, Old Sawmill, St Paul's Anglican Church, former Nursing Post, former Doctor's Residence, General Store, Mill Manager's House, Single Men's Cottages, Mill Worker's Cottages on Staff and Millars Road, Forestry Worker's Cottages on Forest Avenue and Brady Road, Catholic Church, Jarrahdale Tavern (former Murray Arms Hotel)
Library (former Road Board)	10 (L58) Paterson Street, Mundijong
Mundijong Primary School (former)	12 & 12A Paterson Street, Mundijong
Hopeland School (Community Hall)	289 (L1) Hopeland Road, Hopeland
Old Post Office and Telegraph Office	631 (L1338) Jarrahdale Road, Jarrahdale
Category 3 – Contributes to the heritage of the locality	
Serpentine Townsite Conservation Area	8, 65, 64, 32 and 99 Gordon Road, Reserve R6080, 1631 Karnup Road, 2464 & 2427 South Western Highway and 2 & 5 Falls Road
Fremnell's Dairy (Kargotich Dairy)	681 Hopkinson Road, Cardup
Masonic Lodge	32 (L502) Butcher Street, Mundijong (former Jarrahdale)
Jarrahdale Cemetery	Atkins Road, Jarrahdale
Serpentine Cemetery	South Western Highway, Serpentine
St Paul's Anglican Church	Jarrahdale Road, Jarrahdale
Jarrahdale General Store	701 (L5) Jarrahdale Road, Jarrahdale
Jarrahdale School	Wanliss Street, Jarrahdale
Mill Sheds (Group of Buildings)	Millars Road, Jarrahdale

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Place Name	Place Address
Mill Worker's Cottages	1 - 4 & 6 - 8 Millars Rd & 2, 4, 6, 8, 10, 12 Staff Street, Jarrahdale
CALM Houses (Forestry Houses)	L29 Brady Street, Lots 110 – 114, L213 Forest Avenue and # 3 & 19 Forest Avenue and Lot 102 Jarrahdale Road, Jarrahdale
Keysbrook General Store	2 Elliott Road, Keysbrook
Brooklyn Farm	237 (L8) Lowlands Road, Mardella
Summerfield Cottage	32 (L100) Gordon Road, Serpentine
Uniting Church (Community Church)	Paterson Street, Mundijong
Wungong Farm Homestead	Lot 612 (80) Bruns Drive, Darling Downs
Whologan's Bakery	50 (L80) Paterson Street, Mundijong
Mundijong Post Office, Dot's Tea Gardens (former)	26 (L1) Paterson Street, Mundijong
Residence	1441 (L86) Mundijong Road, Mundijong
Railway Cottage (former)	L4375) Roman Road, Mundijong
Teachers' Quarters (Hopeland)	Gordon Road, Serpentine
McKay's House (Eton Farm)	145 (L180) Summerfield Road, Serpentine
Butcher Shop	19 (L5) Richardson Street, Serpentine
Residence (Karnup Road)	1409 (L122) Karnup Road, Serpentine
Bodhinyana Buddhist Monastery	216 (L1) Kingsbury Drive, Serpentine
Serpentine Dam, Tearooms & Gardens	Kingsbury Drive, Serpentine
Byford Primary School and Large Tree	36 Clifton Street, Byford
Byford 1 st Brick House	14 Mead Street, Byford
Byford Fire Station (Old Dairy)	16 (L1) Clara Street, Byford
Gordin Residence	121 (L150) Nettleton Road, Byford
Byford War Memorial	858 South Western Highway, Byford
Byford State Brickworks Scar	96 Beenyup Road, Byford
Brickwood Reserve	
Oak Trees	Jarrahdale
Wungong Art Studio	511 (L78) South Western Highway, Byford
Residence (former R.A.N house)	907 (L18) South Western Highway, Byford
Residence (former R.A.N house)	909 (L19) South Western Highway, Byford
Residence (former R.A.N house)	911 (L20) South Western Highway, Byford
Residence	889 (L6) South Western Highway, Byford
Residence	13 (L37) Clifton Street, Byford
Residence	844 (L89) South Western Highway, Byford
Residence	129 (L5) Phillips Road, Karrakup
Residence and Citrus Grove	77 (L3) Phillips Road, Karrakup

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Place Name	Place Address
Residence	83 (L1) Hella Kipper Drive, Karrakup
Cooralong Orchard	1201 (L14) Nettleton Road, Karrakup
Lyster Residence	146 Lyster Road, Jarrahdale
Residence	102 Lyster Road, Jarrahdale
Residence	354 (L102) Kiln Road, Karrakup
Atkinson Residence	1151 (L4) South Western Highway, Cardup
Residence	1408 (L23) South Western Highway, Whitby
Residence	1466 (L24) South Western Highway, Whitby
Residence	1 (L124) Jarrahdale Road, Jarrahdale
Gangemi Residence	217 (Lots 47, 48, 809) Shanley Road, Mardella
Residence	232 (L461) Shanley Road, Mardella
Residence	43 (L225) Watkins Road, Mundijong
Serpentine Camping Centre	32 (L1) Transit Road, Jarrahdale
Yoothamurra Homestead (Kargotich Farm)	743 (L215) Abernethy Road, Oakford
Kargotich's Farm	1136 (L698) Nicholson Road, Oakford
Residence	4 (L31) Larsen Road, Byford
Wellstrand Farm	29 (L11) Taylor Road, Mundijong
Residence	Lot 9508 Briggs Road, Byford
Master's Dairy	2127 (L2) Thomas Road, Darling Downs
Old Thomas Road (No information found)	Gravel Road near Anketell Road
School Master's House Mundijong	14 (L220) Paterson Street, Mundijong
Lightbody's Residence (No information found)	13 (L19) Anstey Street, Mundijong
Rose Feast Residence (No information found)	14 (L81) Cockram Street, Mundijong
Serpentine Memorial Hall (No information found)	
Post Office / Fish and Chip Shop	Paterson Street, Mundijong
Frank Lupino Park & Monument	
Serpentine School (crème building only)	Lefroy Street, Serpentine
Serpentine Town Dam	Behind the Serpentine Falls on the River
Whittakers Mill House	22 Lefroy Street, Serpentine
Group Settlement House	Lot 500 Hopeland Road, Hopeland
Teacher's Residence	590 (L507) Hopeland Road, Hopeland
Terry's Shop	16 Wellard Street, Serpentine
Old Post Office	11 Wellard Street, Serpentine
Blacksmith and Plumber	5 Maxwell Street, Serpentine
Transport Company	2 Maxwell Street, Serpentine
Mouldsdale Bakery	41 Richardson Street, Serpentine
St. Kevin's Catholic Church	37 (L6) Richardson Street, Serpentine
Plaistowe Farm	Lot 331 Selkirk Road, Serpentine
Whittakers Mill Manager's House	49 (L3) Richardson Street, Serpentine
Teacher's Residence	1561 (L88) Karnup Road, Serpentine
Wendowie Stud	15 Giblett Street, Serpentine
Rudall's / Perringa Stud	Lots 76, 77 and 29 Summerfield Road (63), Serpentine



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Place Name	Place Address
Mundijong Police Station	Lot 26 (29) Anstey Street, Mundijong
Farm-Residence	204 Soldiers Road, Cardup
Race Course, Agricultural Show Ground	1432 Karnup Road, Serpentine
Byford Hall	858 (L850) South Western Highway, Byford
Perrett's Bushlands	Corner of Norman & South Western Highway, Cardup
Station Master's House	South Western Highway, Byford
Mardella Post Office and Store	373 Wright Road, Mardella
Manjedal Scout Centre	Reserve F22, Karrakup
Byford Quarantine Station	106 Nettleton Road, Byford
Byford Water Storage Tank	Above the brickworks scar, Byford
Byford Bakery	28 (L12) Beenyup Road, Byford
Category 4 – No longer present or highly modified	
Old Railway Bridge, Brickworks Railway Bridge (site only)	Brickwood Reserve R44646, Byford
St Aidan's Church (Anglican) (site only – not original church)	19 (I801) & 21 (L802) Clifton Street, Byford
Royal Armament Depot (R.A.N 145) (site only)	Warrington Road to Cardup Brook. Between South Western Highway and Cardup Brickworks Lot.
Brick Kilns	52 Kiln Road, Cardup
Old Serpentine Inn (site only)	Richardson Street, Serpentine
Jarrahdale to Rockingham Railway c1872 (site only)	Jarrahdale to Rockingham (alongside Mundijong Road)
Briggs Park (former Show Grounds)	38 Mead Street, Byford
Eddie the Bull's water trough	Reserve 40246
New McGurk's Store (site only)	861 South Western Highway, Byford
Arthur George Strelley's House (site only)	Off Beenyup Road, where Lovegrove Court is now, Byford
Dalley's Garage & Service Station (Site only)	Where the Byford Tavern is now, Byford
Byford Motors (service station) (site only)	Corner of Nettle Road & South Western Highway, Byford
Brickworks Cottages (State Brickworks) (site only)	Bradshaw Road, Byford
Brickworks single men's quarters (site only)	End of Bradshaw Road, Byford
Byford State Brickworks - Brickyard (site only)	End of Bradshaw Road, Byford
Railway bridge (site only)	on creek beside existing Beenyup Road close to entry to Shale Pit (burnt down during the Dwellingup fires), Byford
Winkfield Farm (site only)	Part 18, Lot 1 (40 acres) and Lot 47 (7 acres) part of the Serpentine Agricultural Area, Soldiers Road, Cardup
Stock Yards (site only)	5 (L21) Wellard Street, Serpentine
Water Tank and Stand (site only)	Along railway line Serpentine
Hopelands Church School	Lot 67 Hopeland Road, KEYSBROOK



Place Name	Place Address
Baldwin's Bluff	
Mardella Hall and Fire Station	365 Wright Road, Mardella
Midwife's House	32 Mary Street, Byford
Cricket Pitch Keysbrook	1 Elliott Road, Keysbrook
Sain's Vineyard	20 (L20) Bradshaw Road, Byford
Hopeland School Cricket Pitch	Hopeland Road, Hopeland
Bank of NSW (site only)	6 Wellard Street, Serpentine
Railway Station and house (site only)	Keysbrook
Railway Station and house (site only)	Mardella
Jarrahdale Road Reserve	Serpentine
Mundella Farm	46 (L2) Randell Road, Mardella
Mundijong Anglican Church (site only)	Corner Anstey & Whitby Street, Mundijong
Mundijong Boarding House (site only)	
Byford Country Club (site only)	Albany Highway, Byford
Yardley Valley	17 Jarrahdale Road, Jarrahdale
Bakers Oven Door – Byford Bakery	Private Residence Byford
Old Rifle Range (site only)	Byford

As mentioned above, these are considerations to classify, and it will be for a future (and separate) decision of Council to consider the Heritage List once the Local Heritage Survey is complete. Some local governments, as an example, may choose to elevate category 1 and 2 places to a Heritage List under the Scheme (thus enabling a greater degree of protection), whereas category 3 and 4 places remain only on the Survey. Thus, it is important to engage with affected landowners.

If a place is elevated to the Heritage List under the Scheme, a local government have a number of opportunities to consider how to protect heritage values. From an incentive based perspective, Clause 12 of the Deemed Provisions states:

12. Variations to local planning scheme provisions for heritage purposes

- (1) The local government may vary any site or development requirement specified in this Scheme to —
 - (a) facilitate the built heritage conservation of a place entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42 or included on the heritage list; or
 - (b) enhance or preserve heritage values in a heritage area.
- (2) A variation under subclause (1) may be unconditional or subject to any conditions the local government considers appropriate.
- (3) If the local government is of the opinion that the variation of site or development requirements is likely to affect any owners or occupiers in the general locality of the place or the heritage area the local government must —
 - (a) consult the affected parties by following one or more of the provisions for advertising under clause 64(4); and
 - (b) have regard to any views expressed prior to making its determination to vary the site or development requirements under this clause.



From a regulatory perspective, Clause 13(2) of the Deemed Provisions states:

13(2) If the local government forms the view that a heritage place is not being properly maintained the local government may give to a person who is the owner or occupier of the heritage place a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given.

This is subject to independent review by the SAT, if an affected landowner felt aggrieved by such written notice. This power is intended to avoid demolition by neglect.

Finally, it would be unlikely that a place on the Heritage List would be permitted to be demolished, however this would be subject to a merits based assessment by way of a development application.

By adopting a Draft Local Heritage Survey for community consultation, there will be an open and transparent process for the community to comment on new place additions and records, and also the consideration of place classifications.

Officers will consider all feedback received, and where necessary may engage the assistance of a suitably qualified expert to assist in reviewing feedback. Officers will then report back to Council to seek final adopted of the Local Heritage Survey.

Options and Implications

Option 1

That Council:

1. ENDORSES the Draft Local Heritage Survey for the purposes of community consultation for a period of 60 days.
2. REQUESTS the Chief Executive Officer to ensure all place owners on the Draft Local Heritage Survey are sent a letter advising them of the Draft Survey, the consideration to classify their place and the table explaining the different classifications.

Option 2

That Council DOES NOT ENDORSE the Draft Local Heritage Survey for community consultation.

Option 1 is recommended.

Conclusion

The process of advertising for nomination of new places has helped to formulate a Draft Local Heritage Survey. Officers recommend that the Draft Local Heritage Survey now be released for public comment, including the considerations to classify proposals, to ensure an open and transparent process to engage the community before the Draft Survey is presented to Council for final consideration.

Attachments (available under separate cover)

- **10.1.8 – attachment 1** – Draft Local Heritage Survey Including Proposed Categories (E21/14565)



Alignment with our Strategic Community Plan

Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage

Financial Implications

Should external assistance be required to review concerns or objections raised in relation to considerations to classify a place on the Draft Local Heritage Survey, there are budgeted consultant funds in the 2021/22 Financial year budget that can be utilised to undertake a review and make recommendation for Council to consider.

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	The Draft Local Heritage Survey is released for further open and transparent community engagement.	This is considered to be the lowest risk option.					
2	The Draft Local Heritage Survey is not progressed.	Nil	Reputation	Possible	Major	SIGNIFICANT	To ensure compliance with the Heritage Act, this option is not recommended.



Continued

**Ordinary Council Meeting Minutes
Monday, 13 December 2021**

Voting Requirements: Simple Majority

OCM341/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council:

- 1. ENDORSES the Draft Local Heritage Survey for the purposes of community consultation for a period of 60 days;**
- 2. REQUESTS the Chief Executive Officer to ensure all place owners on the Draft Local Heritage Survey are sent a letter advising them of the Draft Survey, the consideration to classify their place and the table explaining the different classifications.**

CARRIED UNANIMOUSLY 8/0

**10.1.9 – Revised Korribinjal Brook Reserve Management Plan – Release for Public Comment (SJ816)**

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

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 Council to release the Revised Korribinjal Brook Reserve Management Plan for public comment. The Management Plan is a coordinating document, intended to facilitate effective management of the Reserve for both recreation and conservation purposes. The original Management Plan was adopted by Council in 2010 and is thus due for update and revision. The Revised Draft Management Plan is recommended to be adopted for community consultation, which aims to engage local residents of Millbrook Estate (where the reserve exists) to help shape the revised plan and assist in its implementation.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 25 October 2010 – SD043/10/10 - COUNCIL DECISION / Committee/Officer Recommendation:

That Council considers the public submission received and endorses the final Korribinjal Brook Reserve Management Plan as per Attachment SD043.1/10/10.

Background

Korribinjal Brook Reserve covers a total area of almost 5.5 hectares. It is located in the Millbrook Estate area, within the Darling Scarp to the west of Jarrahdale. The Reserve follows the course of the Korribinjal Brook, but has suffered from inconsistent maintenance and extensive weed infestation. The Reserve purpose is public recreation and has the capacity to be restored to a higher conservation value and community asset.

Local residents, Landcare SJ Inc. and the Shire have been working since 1987 in an attempt to improve the condition of the Reserve through mainly weed control and revegetation with local native plants. The aim of this has been to restore the Reserve closer to its original state, while enhancing its important conservation values through the establishment of two major walk trails that can be utilised by residents and the general community who have an interest in a healthy lifestyle and/or the natural beauty of the Shire. These trails also provide a key edge to helping manage the bushfire risk associated with the reserve.

Given the extensive work still to be undertaken, and the need for ongoing stewardship of the land, there is an important opportunity to partner with local residents in helping achieve sustainable management practices for the reserve. This Revised Draft Management Plan seeks to sustainably



manage the Reserve's maintenance, through planning its management response pertaining to the environmental, social and economic values of the Reserve. Central to this is the opportunity to harness local resident stewardship of the area, to assist in the ongoing management responsibilities and combat the impact weeds are having on the area.

Community / Stakeholder Consultation

Copies of the revised Draft Management Plan were provided to members of the Reserves Advisory Group and discussed at the meeting on 25 November 2020. The Reserves Advisory Group was supportive of the revised Draft Management Plan.

During revision of the Management Plan, the Friends of Korribinjal Brook Reserve were invited to comment on the revised Draft Plan. The Friends group was supportive of the Draft Plan. Extending this information to residents and other groups will bring a further understanding and shared responsibility.

Statutory Environment

Not Applicable.

Comment

Korribinjal Brook Reserve consists of four land parcels which were vested in the Shire in 1980 for the purpose of Public Recreation, as part of the Millbrook subdivision. The western part of the Reserve (consisting of one lot) is on the northern side of Millbrook Close, west of Medulla Road, and is over two hectares in size. The eastern part of the Reserve (consisting of three lots) is on the eastern and northern side of Medulla Road, and totals approximately 3.4 hectares.

Korribinjal Brook runs through the Reserve and is a tributary of the larger Medulla Brook. This Brook discharges into the Serpentine River, which empties into the Peel Harvey inlet. There is little native understorey left, the ground cover being dominated by grassy weeds, but the tree canopy is mostly native. The Reserve is important to native animals, as it provides habitat to twenty-four bird species, two mammal species, one frog and six reptile species, with many more likely to be present.

Since 1987, local residents have been involved in weed control, walk trail establishment and planting of local native plants. This original group was known as the Korribinjal Brook Residents Group, but held their last planting day in 2013. A new group of local residents resumed Reserve management activities in 2019. As local properties changed hands and volunteers moved away, the Reserve came under increasing pressure from reduced maintenance and associated fire hazard concerns. The Shire's management practices have also been unable to keep up with the enormity of the task associated with this reserve's management.

This Revised Draft Management Plan seeks to sustainably manage Reserve maintenance in view of local interests and the environmental, social and economic values of the Reserve.

The four land parcels that make up Korribinjal Brook Reserve are shown below in Figure 1.



Figure 1 – Korribinjal Brook Reserve

Community input is essential for the protection of the conservation and recreation values of the Korribinjal Brook Reserve. The original Management Plan is now more than ten years old, some of the information it contains is outdated, and many of the actions are no longer relevant.

The Revised Draft Management Plan has been adjusted to make it more readable, information has been updated, and the actions have been revised to be current, relevant and achievable, with monitoring proposed to avoid the previous situation where the reserve suffered a gradual decline due to inadequate natural reserve management. Monitoring will be particularly important to help identify and schedule works that the Shire's Operations Team can perform, in conjunction with other work that volunteers and SJ Landcare can also assist with.

The Revised Draft Management Plan proposed to be advertised is as per **attachment 1**.

The benefit of the engagement will be in creating a heightened shared understanding of the importance of the Reserve, and the required management practices to improve the standard of the Reserve.

At the conclusion of the public comment period, the Revised Draft Management Plan, together with any submissions and recommendations received, will be presented to Council for consideration.



Options and Implications

Option 1

That Council:

1. ENDORSES the publication of the Revised Draft Korribinjal Brook Reserve Management Plan as per **attachment 1** for public comment for a period of 42 days; and
2. REQUESTS the Chief Executive Officer to present the Revised Draft Management Plan together with any submissions received to Council for consideration at the conclusion of the public comment period.

Option 2

That Council DOES NOT RESOLVE to release the Revised Draft Korribinjal Brook Reserve Management Plan for comment.

Option 1 is recommended.

Conclusion

The Revised Draft Management Plan is a guiding document intended to facilitate coordinated management of the Korribinjal Brook Reserve for both recreation and conservation. The release of the Revised Draft Management Plan to the public for comment will demonstrate Council's commitment to shared management of this Reserve, and its respect for the value of community input into management documents. It will also allow buy-in of the general community, residents and active environmentally conscious groups to assist in the management of the Reserve.

Attachments (available under separate cover)

- **10.1.9 – attachment 1** – Revised Korribinjal Brook Reserve Management Plan (E21/3131)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district

Financial Implications

Advertisement of the Revised Management Plan for public comment has been budgeted for in the 2021/22 financial year. The actions resulting from the Revised Management Plan do not have additional resource implications as ongoing Reserve management actions are covered within the Reserve management budgets, and additional actions if required will be the subject of business cases. The plan may result in added value to the upkeep of the Reserve through volunteer efforts.



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 releases the Revised Draft Plan for comment.	This option is considered the lowest risk option.					
2	Council does not release the Revised Management Plan for public comment.	Reserve management is a function of the Shire and current practices will continue in line with the current Management Plan	Organisational Performance	Unlikely	Minor	LOW	Return to original management plan which included community input

Voting Requirements: Simple Majority

OCM342/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Singh

That Council:

1. **ENDORSES** the publication of the Revised Draft Korribinjal Brook Reserve Management Plan as per attachment 1 for public comment for a period of 42 days; and
2. **REQUESTS** the Chief Executive Officer to present the Revised Draft Management Plan together with any submissions received to Council for consideration at the conclusion of the public comment period.

CARRIED UNANIMOUSLY 8/0

**10.1.10 – Significant Tree Register – Shire Trees (SJ781)**

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

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.
Information	For the Council / Committee to note.

Report Purpose

The purpose of this report is to request Council to adopt the Shire's inaugural Significant Tree Register. This initial proposal deals only with trees on Shire managed land (crown reserves, road reserves and freehold land), but in the future could be considered for other lands within the Shire. The Significant Tree Register provides an important step in a process to record, recognise and protect trees that are special or have significant value to the community, and to promote the special trees that characterise the Shire.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Significant Tree Register records trees in the Shire that are special or significant, which may be a single tree or a group, avenue or area. Trees have been nominated for the Register by both community and staff, and assessed for inclusion on the Register.

A Significant Tree may be:

- Particularly old or large
- Of a beautiful shape or form
- Of heritage significance
- An unusual type or species
- Special to a person or the community for a specific reason

The Significant Tree Register as it pertains to Shire land will draw attention to those listed trees' special qualities and values. It will ensure that consideration is given to such trees, as part of the Shire's responsibilities in managing its vast land and asset portfolio.

As mentioned, the initial establishment of the Significant Tree Register only considers trees on Shire controlled land. **attachment 1** contains the register and **attachment 2** contains the assessment reports for the nominated trees. Shire lands include road reserves, managed Crown



reserves and land owned by the Shire. Nominated trees on private property or on land controlled by government agencies have not yet been considered, but may be a future step for the Shire to take.

Community / Stakeholder Consultation

In 2019, the Shire invited the community to nominate trees for consideration. 105 nominations were received, with 53 pertaining to Shire controlled lands (the focus of this first list). Of the 53 nominated, 47 are recommended for inclusion. In formulating the list, internal consultation has taken place to build awareness of the process and how that can inform future considerations of asset management, capital works and the planning framework.

Statutory Environment

- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*

Comment

The Significant Tree Register provides a first step in a process to record, recognise and protect trees that are special or have significant value to the Shire. Significant Trees can be particularly old or large, have a beautiful shape or form, have heritage significance, be an unusual type, or be special to a person or community for a specific reason. The nomination form (**attachment 3**) provides ten categories of significance, based on the categories used by the National Trust.

The Significant Tree Register is an action arising from the Urban and Rural Forest Strategy, which was adopted by Council in September 2018. The Urban and Rural Forest Strategy formalises the Shire's commitment to managing, protecting and retaining trees and native flora. The Strategy will guide the Shire in its vision to create and maintain cool, healthy and liveable communities which integrate the natural environment and reflect the Shire's unique sense of place and identity.

Action 2.2 (a) of the Urban and Rural Forest Strategy is to prepare a Significant Tree Register. As part of the nomination process, a total of 105 trees were nominated and assessed. The first phase in the establishment of the Register is in respect of trees on Shire controlled land, of which 53 nominations were received. Of those 53, 47 are recommended for inclusion.

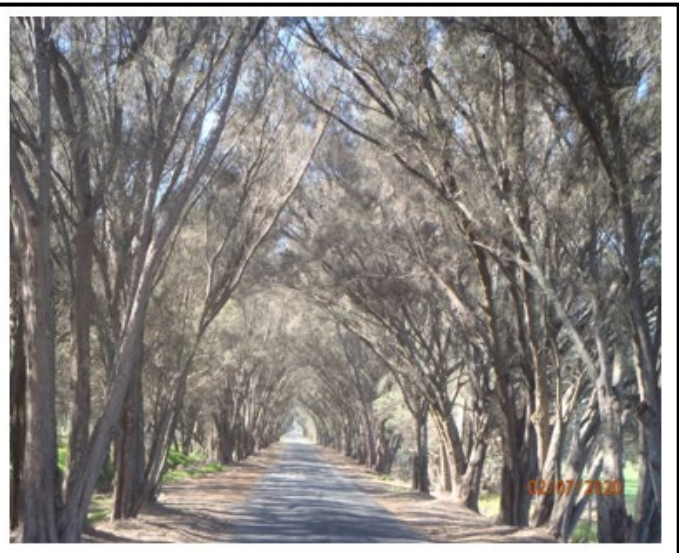
Some notable trees include:

1. ST 03 and ST 04 – Jarrahdale General Store carpark
 - Three jarrahs and ten marris, of various sizes (some pictured below)
 - Ages estimated as 20 to 250 years
 - Significant feature of townsite
 - Used as informal carpark for the Jarrahdale General Store
 - Use as carpark detrimental to health of trees (root damage etc.)
 - Could be protected by rock circles, as pictured.



2. ST 07 – Abernethy Road tree tunnel

- Swamp sheoak (*Casuarina obesa*), over 400 trees
- Estimated age 10 to 100 years
- Highly attractive local icon
- Used by community for photography, e.g. for weddings
- Road is very narrow, with little opportunity for two cars to pass
- Could be protected by reducing road to single lane or installing barriers





3. ST 05 – Karnup Road’s oldest jarrah tree

- Oldest jarrah tree known in the Shire
- Estimated age over 500 years
- Trunk diameter 2.25 m
- Significant fauna habitat and hollows
- Very close to the edge of Karnup Road, a 100 km/h road
- Future road upgrades could deviate or narrow slightly to protect the tree



By beginning with Shire controlled land, the register can be assessed for its utility in respect of information consideration of asset management and capital works, and how the register assists in the protection of such trees. For example, by inclusion on the register, Council would be ultimately requested to determine if (as part of a capital project) a tree can be modified or removed. Beginning with Shire managed land, internal processes can be established and going forward consideration can be given to extending this to other land tenures.

Thus nominated trees on private property or on land controlled by government agencies may be considered at a later date.



Options and ImplicationsOption 1

That Council ADOPTS the Significant Tree Register as per **attachment 1**.

Option 2

That Council DOES NOT ADOPT the Significant Tree Register.

Option 1 is recommended.

Conclusion

The Significant Tree Register provides a first step in a process to record, recognise and protect trees that are special or significant, and to promote the special trees that characterise the Shire. Adoption of the Register will help to progress implementation of the Shire's Urban and Rural Forest Strategy, and demonstrate the value Council places on the natural and historic heritage of the Shire.

Attachments (available under separate cover)

- **10.1.10 – attachment 1** – Significant Tree Register – Shire Trees (E21/12468)
- **10.1.10 – attachment 2** – Significant Tree Assessment Reports – Shire Trees (E21/13195)
- **10.1.10 – attachment 3** – Significant Tree Nomination Form (E21/12881)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

Financial Implications

There are no financial implications of adoption of the Significant Tree Register.



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 adopts the significant tree register	This option is considered the lowest risk					
2	Council does not adopt the Significant Tree Register.	Internal processes to minimise impacts by way of operational or capital works	Organisational Performance	Possible	Moderate	MODERATE	Ensure awareness of significant trees

Voting Requirements: Simple Majority

OCM343/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Singh

That Council ADOPTS the Significant Tree Register as per attachment 1.

CARRIED UNANIMOUSLY 8/0



10.1.11 – Proposed Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan (PA20/529)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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:	Harley Dykstra
Owner:	Nardino Leonardo Sorbello Lucille Irene Sorbello Water Corporation
Date of Receipt:	19 June 2020
Lot Area:	23.79ha
Town Planning Scheme No 2 Zoning:	Urban Development; Public and Community Purposes
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider the submissions received during advertising of the Proposed Structure Plan for Lots 102, 103 and 801 Nettleton Road, Byford. The report also provides for Council to consider making a recommendation to the Western Australian Planning Commission (WAPC) on whether the Proposed Structure Plan should be supported for approval, and what modifications should be recommended as part of this.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

The subject site currently accommodates the Cohunu Wildlife Park, which is a tourist facility located on Lot 103 Nettleton Road. The facility currently accommodates a number of animal enclosures of primarily native Australian species, including koalas, emus, kangaroos, dingos and others. A disused quarantine station is located at Lot 801 Nettleton Road and some dwellings are located at the subject site.

The Proposed Structure Plan has been prepared for land zoned Urban Development and reserved as Public and Community Purposes under Town Planning Scheme No. 2 (TPS2). The Structure Plan proposes to facilitate the future subdivision and development of residential lots with residential densities of R25 and R30, creating a potential 162 residential lots. The Proposed



Structure Plan identifies a 6.67ha site as Tourism to allow for the ongoing operation of the existing Cohunu Wildlife Park. Areas of public open space (POS) have also been identified within the Proposed Structure Plan, including a Conservation POS area. The south western portion of the subject site is zoned Public and Community Purposes under TPS2 for the purpose of a future primary school. The Proposed Structure Plan identifies this land as a Public and Community Purposes - Education reserve to facilitate the future primary school.



Figure 1: Subject Site

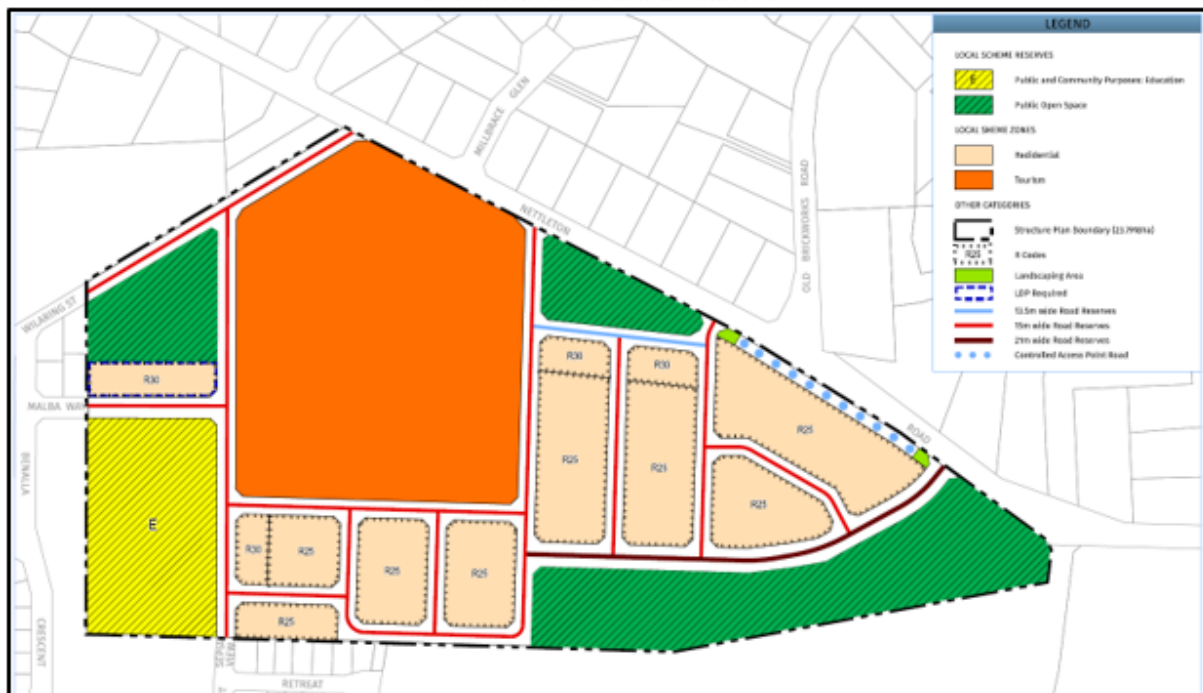


Figure 2: Proposed Local Structure Plan as advertised



Community / Stakeholder Consultation

Public Advertising

The Proposed Structure Plan, as contained within **attachment 1**, was publicly advertised from 24 September 2020 to 21 October 2021 for a period of 28 days. The Shire received 33 submissions, comprised of 13 from government agencies and 20 from nearby landowners. The Schedule of Submissions is contained within **attachment 2**. Clause 19 (1) of the Deemed Provisions outlines the local government requirements to consider submissions and allows the local government to request further information from the proponent of the Proposed Structure Plan.

The submission received from the Department of Education (DoE) raised concerns with the Threatened Ecological Communities (TECs) located at the future primary school site and the impact this may have on the development of the primary school. DoE also requested a modification to the road network surrounding the school site and noted an inconsistency between the public purposes reserve within TPS2 and the Proposed Structure Plan. The Department of Planning, Lands and Heritage (DPLH) – Heritage Services provided a submission seeking further information on the existing heritage structures, as the site is known as the Naval Armament Depot. The Department of Water and Environmental Regulation (DWER) provided a submission recommending that the Local Water Management Strategy (LWMS) be updated to address and clarify some matters. The Department of Fire and Emergency Services (DFES) provided a submission to request modifications to the Bushfire Management Plan (BMP), which included addressing the management of the Cohunu Wildlife Park, as well as clarification on some matters. The Department of Biodiversity, Conservation and Attractions (DBCA) provided a submission recommending that the proposed conservation reserve be extended and that some management plans be prepared at subdivision stage.

The key concerns raised by surrounding landowners included the following:

- Connection of Wilaring Street from South Western Highway to Nettleton Road
- Proposed intersections on Nettleton Road
- Proposed residential densities and interface concerns
- Loss of vegetation and natural habitat
- Management of the tourism site

These matters will be discussed further under the planning assessment section of this report.

Statutory Environment

Legislation

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

State Government Policies

- *State Planning Policy suite*
- *Liveable Neighbourhoods*



Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Local Planning Policy suite

Planning Assessment

Planning Framework

The Proposed Structure Plan has been prepared for land zoned Urban Development and reserved as Public and Community Purposes under TPS2. The subject site is identified as Low (Suburban): R20-R35 under the Shire's Byford District Structure Plan. The proposed residential densities align with the designation under the Byford District Structure Plan.

Proposed Education Reserve

A portion of land within the Proposed Structure Plan is reserved under TPS2 as Public and Community Purposes for a future primary school. DoE provided a submission raising concerns in regards to the Threatened Ecological Communities located at the site and the impact this may have on the feasibility of delivering the future primary school. Shire Officers met with Officers from DoE and DPLH to further discuss this matter. Following this meeting, DoE provided further comments stating that given the site is already reserved for public purposes, the remnant significant vegetation on site will be formally assessed closer to acquisition.

The submission from DoE also requested that the Proposed Structure Plan be modified to accommodate 'Access Street C' roads surrounding the school site to be consistent with the partially constructed roads within the adjoining development and to provide for on-street parking. A minimum road reserve width of 15.4m is required in accordance with a typical 'Access Street C' road, as defined within Liveable Neighbourhoods, to provide for on-street drop-off/pick-up car parking bays within the road reserve. Officers recommend a modification to identify Malba Way and Sepia View, which abut the primary school site, as 'Access Street C' roads in accordance with Liveable Neighbourhoods.

The further submission from DoE noted that there is an inconsistency between the public purpose reserve under TPS2 and the surrounding existing subdivision layout and the Proposed Structure Plan. The TPS2 Scheme Map indicates the reserved school site of approximately 4.27ha being located slightly further north of Cooperage Street and extending over Malba Way and portions of residential lots at No.1 and No.3 Malba Way. In addition, the eastern and western boundaries of the school site reserve deviate from the established street edge. DoE confirmed that the location of the school site identified within the Proposed Structure Plan is the correct location and recommended that the scheme be modified to reflect this. The Shire is currently progressing Draft Local Planning Scheme No.3 (LPS3). This inconsistency will be addressed to reflect the correct location of the future primary school site within LPS3 to be consistent with the existing subdivision layout and the Proposed Structure Plan.

Tourism Site

The Cohunu Wildlife Park has been identified as 'Tourism' within the Proposed Structure Plan. 'Tourism' is not listed as a zone under the Shire's TPS2 or Draft LPS3 and as such, it is not considered appropriate for a new zone to be identified in the Structure Plan. Officers recommend that the proposed 'Tourism' site be designated as 'Special Use – Tourism'. Designating the site



as 'Special Use' allows for provisions and land use permissibility to be specified for the site, which are reflective of the operations and aspirations for the site of the Cohunu Wildlife Park as a tourist facility. Officers recommend the following land use permissibility for the 'Special Use – Tourism' site with all other uses being prohibited:

Discretionary use classes:

- Art gallery
- Exhibition centre
- Recreation – private
- Restaurant/café
- Single house

Discretionary use classes with advertising:

- Community purpose
- Holiday accommodation
- Holiday house
- Reception centre

Incidental use classes:

- Office
- Shop

The recommended land uses provide for the existing operations of the Cohunu Wildlife Park and provide opportunities for the further development of tourism generating land uses in this location. Additionally, Officers recommend that a concept plan be included within the Structure Plan for the 'Special Use – Tourism' site that identifies the current consolidated development and future potential development.

Heritage

The subject site is known to the Heritage Council as the Naval Armament Depot. DPLH – Heritage Services provided a submission on the structure plan advising that their records indicate that the site contains intact building structures and extant railway switching points, however the currency of this information cannot be verified. The submission requested that further information on the heritage structures at the site be sought from the applicant. The applicant has advised that there is no extant rail infrastructure remaining at the site. The applicant has also advised that there is an old Naval Storage Shed at the site, which is located within the public purposes reserve for the future primary school and the land for the future road which will abut the primary school. As the old Naval Storage Shed is located on land which has been reserved for public purposes for the future primary school, the structure plan has not identified the retention of this structure. The applicant has advised that some interpretive measures could be taken in relation to the heritage significance of the Naval Depot at subdivision stage.

Local Water Management Strategy

DWER provided a submission requiring modification to the LWMS to address matters including groundwater, surface water, irrigation, stormwater management and infrastructure, monitoring, matters to be addressed at the Urban Water Management Plan (UWMP) stage and further



diagrams and cross-sections. The applicant has provided an updated LWMS – Revision 2 dated 25 May 2021 that addresses the comments raised by DWER and the Shire. A modification is recommended to replace the LWMS with the updated version.

Bushfire Management Plan

DFES raised concerns with vegetation exclusion and some matters relating to the management of the Cohunu Wildlife Park within the Bushfire Management Plan (BMP). The applicant has provided further comment in regards to vegetation exclusion. It was also recommended by DFES that the structure plan and BMP should contain the requirement for a notification to be placed on title for all affected lots to advise of the requirement to site buildings within Bushfire Attack Level (BAL)-29 or less and that a local development plan be required to spatially identify the bushfire management measures to ensure construction within BAL-29 or less.

Bushfire Management Plans will be required to be provided at subdivision stage. Officers recommend that the BMP be modified to address vegetation exclusion and the Cohunu Wildlife Park to the satisfaction of DFES and the Shire to assess and demonstrate compliance with the Guidelines for Planning in Bushfire Prone Areas and to identify management measures for the Cohuna Wildlife Park. Officers recommend that the Structure Plan and BMP be modified to state the requirement for a notification to be placed on the title of affected lots to advise of the requirement to site buildings within BAL-29 or less to notify of the requirements of A1.1 of the Guidelines for Planning in Bushfire Prone Areas. Officers also recommend that a provision be included to state that a local development plan may be required to spatially identify the bushfire management measures to ensure construction within BAL-29 or less.

Natural Environment and Threatened Ecological Communities

The loss of natural vegetation and habitat was a key concern that was raised by surrounding landowners. The subject site contains a number of Commonwealth and State listed Threatened Ecological Communities (TECs) as shown in Figure 3. TECs are ecological communities that are recognised as rare or under threat and therefore warrant special protection under Commonwealth and State legislation. Relevant referrals will be required to be undertaken under the *Environmental Protection Act 1986* and the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999* prior to subdivision and development stages. The applicant has advised that consultation with the Environmental Protection Authority (EPA) was undertaken and the EPA advised that the legislation does not provide for referrals at the structure plan stage. Furthermore, relevant management plans relating to the protection of the environment will be required to be provided prior to subdivision.

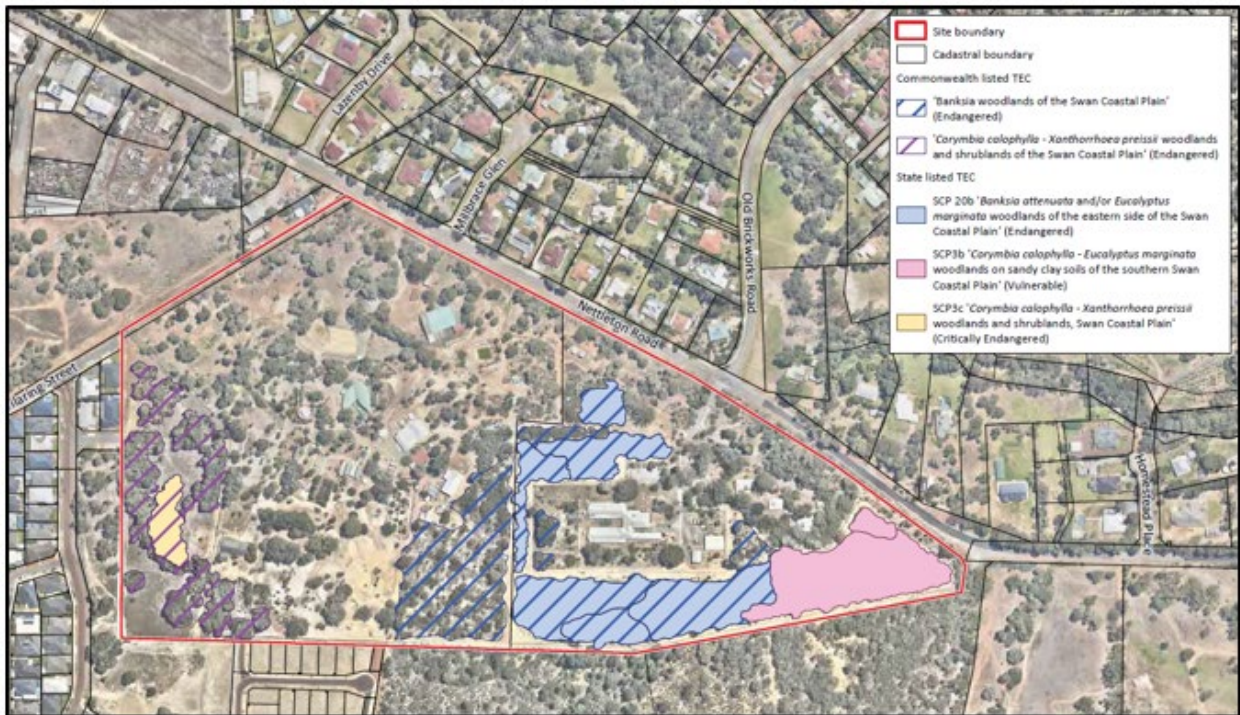


Figure 3: Threatened Ecological Communities

An Environmental Assessment and Management Strategy has been prepared to address matters relating to the protection of the environment. A conservation area is identified within the Proposed Structure Plan area to preserve vegetation located within mapped TECs that has been identified to be in good to very good condition. The DBCA provided a submission on the Proposed Structure Plan that recommended the proposed conservation reserve be extended further west to include vegetation mapped as the Banksia Woodlands of the Swan Coastal Plain (SCP), Commonwealth TEC. While this vegetation has been identified as degraded, it is understood that DBCA recommends this land be reserved to improve the condition of the vegetation and restore the values of the State Listed TEC SCP 20b - Banksia attenuata and/or Eucalyptus marginata woodlands of the eastern side of the Swan Coastal Plain. Officers recommend that a southern portion of this vegetation be included within the proposed conservation reserve to improve the condition of the vegetation and restore the State Listed TEC SCP 20b. Officers recommend that the street block configuration and road network be modified to accommodate the extended conservation reserve and achieve a more efficient road and street block design as demonstrated in Figure 4. The reconfigured street block rationalises the road network and allows for the connection of the right-of-way from Reliant Retreat. Officers have discussed this recommendation with the applicant and the applicant has updated the Proposed Structure Plan to illustrate this modification as shown in Figure 4.

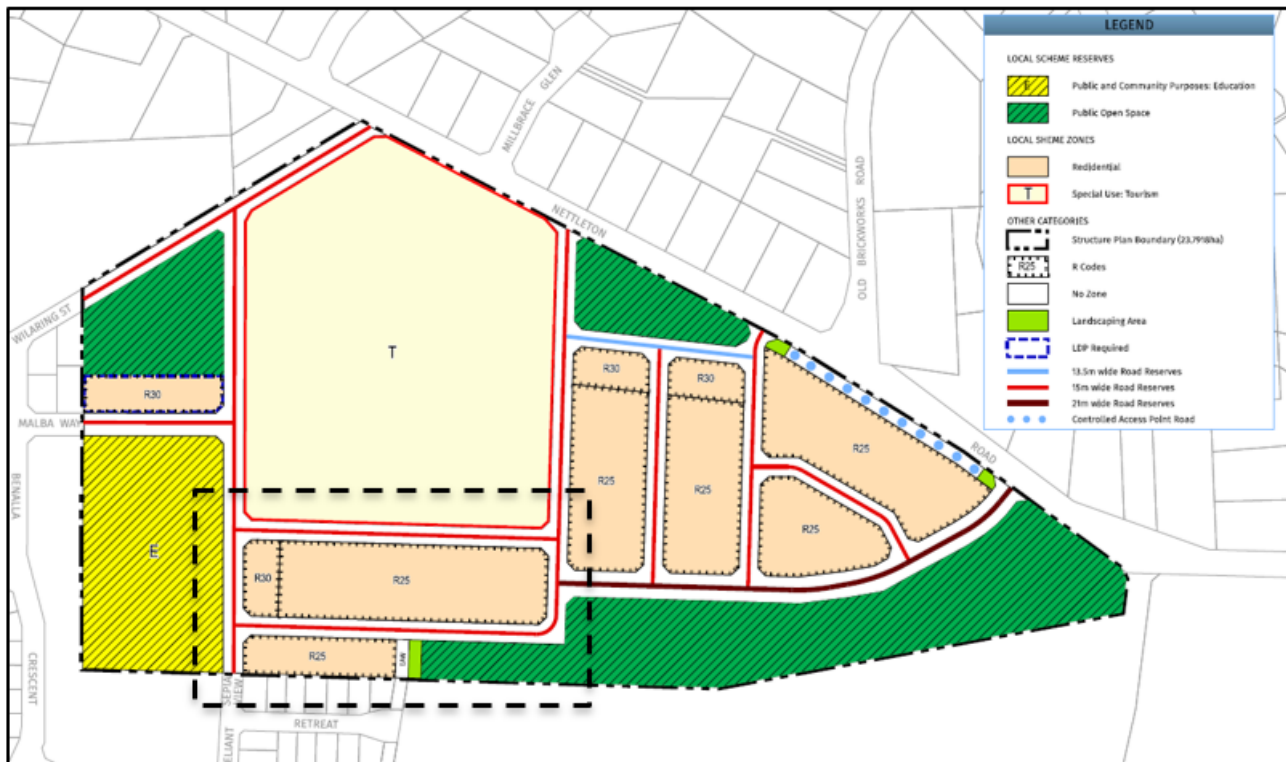


Figure 4: Recommended Modification to Conservation Reserve and Street Block

Road Network

Concerns were raised by local residents in regards to the traffic safety of the proposed eastern intersection with Nettleton Road. A Transport Impact Assessment (TIA) has been provided by the applicant which addresses the impact of the Proposed Structure Plan on the intersections with Nettleton Road. The traffic consultant for the TIA has advised that there are sufficient site distances for vehicles at this intersection, advising that sightlines for 70km/h roads (noting this is signposted at 60km/h) are required to be 151m, while this has at least 165m available. Surrounding residents also raised concerns about the connection of Wilaring Street from South Western Highway to Nettleton Road with regard to possible hooning and traffic safety. The extension of Wilaring Street to Nettleton Road will provide a logical road connection to service the surrounding area and ensure sufficient access to the site is achieved. Officers recommend that traffic calming measures on Wilaring Street are implemented at the detailed design stage.

Residential Densities and Interface

Nearby residents to the north of the Proposed Structure Plan area raised concern with the lack of transition in residential density and the possible impacts this would have on the character of the existing development. The development to the north of the Proposed Structure Plan area is comprised of predominantly 2,000m² – 6,000m² lots. Officers recognise that the R25-R30 density proposed by the Structure Plan is greater than the density of the residential development to the north of Nettleton Road. To ensure an appropriate transition in density and to protect the character of the existing development, it is recommended that the residential designated land that abuts Nettleton Road be identified as Residential R15.

The proposed location of the Residential R30 land on Malba Way creates some interface issues with the adjoining Residential R20 development to the west and the proposed POS to the north. The established layout of the existing Residential R20 lots is not continued creating a disjointed interface. The side boundary of the existing Residential R20 lots are proposed to directly abut the



proposed POS. These lots have not been developed with the intention to directly abut POS and as such there may be limited passive surveillance at this interface. The proposed Residential R30 lots will have a dual frontage to the street and the proposed POS, which can also result in limited passive surveillance over the POS. Furthermore, the site of the Residential R30 is comprised of land identified as a Commonwealth listed TEC. Given the interface issues and the existence of the Commonwealth TEC, Officers recommend that the Residential R30 land on Malba Way be reduced in density to R20, providing for a larger allotment with the capability of interfacing the future public open space in a dual frontage manner.

Recommended Modifications

The following modifications are recommended to the Structure Plan:

1. Designate the proposed 'Tourism' site as 'Special Use – Tourism'.
2. Extend the Conservation Reserve west to the eastern boundary of Reserve 53031 and 30 metres north from the southern boundary of the structure plan.
3. Reconfigure the street block configuration and street network in the south western portion of the LSP to extend the southernmost east-west road further east, re-orient the street block to provide for north-south lots and identify a right of way to connect to the existing right of way (Reserve 53031) in the subdivision to the south.
4. Identify the residential designated land that abuts Nettleton Road as Residential R15.
5. Identify the Residential R30 land on Malba Way as Residential R20.
6. Include a concept plan for the 'Special Use – Tourism' site that identifies the current consolidated development and future potential development.
7. Identify Malba Way and Sepia View, which abut the primary school site, as 'Access Street C' roads in accordance with Liveable Neighbourhoods.
8. Modify to include the following new sub-section: *'All indicative subdivision layouts shown in this Local Structure Plan and associated appendices are subject to further investigation and detailed design at subdivision stage.'*
9. Modify to include the following new sub-section: *'At the time of subdivision, a condition of subdivision approval is to be imposed requiring a notification to be placed on the Certificate(s) of Title(s) to all affected lots to advise of the requirement to site buildings within BAL-29 or less.'*
10. Modify to include the following new sub-section: *'Local Development Plans may be required for affected lots to spatially identify the bushfire management measures to ensure construction within BAL-29 or less.'*
11. Modify to include the following new sub-section: *'Land use permissibility for the 'Special Use – Tourism' site within the Structure Plan area shall be in accordance with the following:*

Discretionary use classes:

- *Art gallery*
- *Exhibition centre*
- *Recreation – private*
- *Restaurant/café*
- *Single house*



Discretionary use classes with advertising

- *Community purpose*
- *Holiday accommodation*
- *Holiday house*
- *Reception centre*

Incidental use classes:

- *Office*
- *Shop*

All other uses are prohibited.'

12. Modify the section to state: *'At the time of subdivision, the following strategies and plans may be required to be provided with the subdivision application or required as a condition of subdivision approval:*
 - a) *Landscaping and Streetscape Plan;*
 - b) *Urban Water Management Plan;*
 - c) *Bushfire Management Plan;*
 - d) *Geotechnical Report;*
 - e) *Vegetation/flora survey;*
 - f) *Fauna Relocation and Management Plan; and*
 - g) *Interface Management Plan.'*
 13. Modify to include the following additional text: *'The following management plans may be required prior to the subdivision and/or development of the 'Special Use – Tourism' site:*
 - a) *Noise Management Plan;*
 - b) *Dust Management Plan;*
 - c) *Visual Amenity Management Plan;*
 - d) *Bushfire Management Plan;*
 - e) *Vegetation and Landscaping Plan.'*
 14. Update the Local Water Management Strategy with Version 2 dated 25 May 2021 to the satisfaction of the Department of Water and Environmental Regulation and the Shire of Serpentine Jarrahdale.
 15. Modify the Bushfire Management Plan to address vegetation exclusion and the Cohunu Wildlife Park to the satisfaction of the Department of Fire and Emergency Services and the Shire of Serpentine Jarrahdale.
 16. Update Figure 5.2 to accurately depict the location of the Byford Train Station.
 17. Amend to require local area traffic management devices to be implemented in the detailed design of the extension of Wilaring Street.
 18. Include a Landscape Masterplan as part of the structure plan to demonstrate the design and functionality of the identified public open space areas.
-



Options and Implications

Option 1

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES the Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan subject to modifications as contained within **attachment 3**.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) a list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

Option 2

That Council recommend the Western Australian Planning Commission REFUSE the Proposed Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan.

Option 1 is recommended.

Conclusion

The Proposed Structure Plan covers approximately 23.79 hectares of land zoned Urban Development and is estimated to yield approximately 162 lots. Key concerns raised during the advertising period included environmental matters, heritage, the tourism site, water management, bushfire management, residential interface and the road network. Modifications are recommended to address these concerns and provide a positive planning basis in which to recommend support for approval of the Proposed Structure Plan.

Attachments (available under separate cover)

- **10.1.11 – attachment 1** – Proposed Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan as advertised (IN20/19536)
- **10.1.11 – attachment 2** – Summary of Submissions (E20/10630)
- **10.1.11 – attachment 3** – Schedule of Modifications (E21/11945)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district

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 Structure Plan with modifications.	There are no risks associated with this option.					
2	That Council recommends refusal of the Proposed Structure Plan.	Appropriate planning reasons to recommended refusal	Social / Community Outcomes	Possible	Moderate	MODERATE	Accept Officer recommendation



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES the Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan subject to modifications as contained within attachment 3.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) a list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

MOTION

Moved Cr Coales, seconded Cr Duggin

That Council recommend the Western Australian Planning Commission REFUSE the Proposed Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan.

OCM344/12/21

MOTION

Moved Cr Coales, seconded Cr Dagostino

In accordance with clause 11.1(f) that the ruling of the person presiding be disagreed with.

MOTION LOST 4/4

The Presiding Member used her casting vote and voted AGAINST the motion

OCM345/12/21

MOTION

Moved Cr Coales, seconded Cr Duggin

That Council recommend the Western Australian Planning Commission REFUSE the Proposed Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan.

MOTION LOST 2/6



OCM346/12/21

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Rich

That Council:

- 1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.**
- 2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES the Lots 102, 103 and 801 Nettleton Road, Byford Local Structure Plan subject to modifications as contained within attachment 3, with the addition of a further modification 19, as follows:
19. Wilaring Street not be connected between Nettleton Road and Southwest Highway, until such time that 80% of the Structure Plan area has been fully sub-divided and Lot 806 Wilaring Street has been similarly fully sub-divided to at least 80% of its area.**
- 3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) a list of the submissions considered by the local government;**
 - b) any comments by the local government in respect of those submissions;**
 - c) a schedule of any proposed modifications to address issues raised in the submissions;**
 - d) the local government's assessment of the proposal based on appropriate planning principles; and**
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.****

CARRIED 6/2

Reason for difference to Officer Recommendation

To delay provision of Wilaring Road connection until a later stage.

**10.1.12 – Bush Fire Advisory Committee Information Report (SJ648)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to provide Council with the Minutes of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee (BFAC) Meeting held on 18 November 2021. Officers recommend Council receive the Minutes and make separate resolution in respect of bringing a future report back to Council regarding the item raised in respect of rural road verges.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 June 2021 – OCM142/06/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council APPROVES the amendments to the Terms of Reference of the Bush Fire Advisory Committee as per attachment 1 (E20/11550).

Background

Minutes of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 18 November 2021 and the Minutes are hereby presented to Council.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 67 of the *Bush Fires Act 1954*

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade Officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*



- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may –*
- a. *Make rules for the guidance of the committee: and*
 - b. *Accept the resignation in writing of, or remove, any member of the committee; and*
 - c. *Where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section –*
- a. *May from time to time meet and adjourn as the committee thinks fit;*
 - b. *Shall not transact business at a meeting unless the quorum fixed by the local government is present;*
 - c. *Is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

Comment

A Bush Fire Advisory Committee (BFAC) meeting was held on 18 November 2021. The following recommendations were made by BFAC, which an Officer comment is provided following on:

6.1.1/11/21 – Deputy Chief Bush Fire Control Officer Arrangements

That the Bush Fire Advisory Committee NOTES that the Chief Executive Officer will be commencing the process for the recruitment of a fourth Deputy Chief Bush Fire Control Officer.

Officer comment - through discussions with relevant stakeholders, the Shire's Chief Bush Fire Control Officer raised the issue of recruitment of a fourth Deputy Chief Bush Fire Control Officer. This voluntary role provides support to the Shire's Chief Bush Fire Control Officer in respect of brigade activities and other authorisations under the *Bushfires Act 1954*. An additional Deputy Chief also allows for succession planning within the Leadership Group and addresses issues faced by the complexities of the position, being fatigue management, volume of work and risk management. This was noted by BFAC, as the CEO is responsible for all employment matters of the Shire.

6.1.2/11/21 – Information report regarding forthcoming Work Health and Safety Reforms

That the Bush Fire Advisory Committee NOTES the due diligence actions as detailed in this report, pertaining to the Work, Health and Safety Reforms and their impact on Bush Fire Brigade volunteers.

Officer comment - The report to BFAC explained that the new *Work Health and Safety Act 2020* (WSH Act) passed the Western Australian Parliament on 3 November 2020 and was assented by the Governor on 10 November 2020. The WHS Act will commence when the Regulations and Codes of Practice are completed, which is estimated by March 2022. The WHS Act replaces the *Occupational Safety and Health Act 1984*; *Mines Safety and Inspection Act 1994*; and *Petroleum and Geothermal Energy Safety Levies Act 2011*. The WHS Act includes volunteers in the definition of a 'worker' (section 7), essentially providing volunteers with the same level of protection as an employee. The Shire has in excess of 250 active bushfire brigade volunteers, who come under the auspices of the new WHS Act. The report explained the due diligence processes being undertaken to ensure the Shire's readiness in respect of the WHS Act coming in to operation in 2022. This was noted by BFAC.



7.2 (Urgent Business) Maintenance of Road Verges

That the Bush Fire Advisory Committee ENDORSES that the Infrastructure Directorate produce a consolidated road verge management plan that includes:

- a. Annual spraying and fuel hazard reduction programme:*
- b. A transition plan to facilitate the transformation from current state to an annual maintenance steady state:*
- c. Seek input into the verge treatment plan from the Shire's Emergency Services Department and the Shire's Bush Fire Brigades during development of the plans.*

Officer comment - The Shire has a large amount of verges and drains, with a road network of over 800km. The Shire also has an adopted Council Policy on managing rural road verges, which provides a shared responsibility in terms of verge maintenance. The Policy provides the following in respect of rural verge maintenance:

Verge Maintenance Works

The Shire seeks to support adjoining landowners in maintaining their verge areas to acceptable levels. This is through providing education materials to residents, through constructing well designed infrastructure, and promoting verge tree subsidy programs and the like.

The Shire will take action on a verge in front of private property if it constitutes a significant sight-line hazard when at road intersections, or the slashing of drains and footpath edges if growth is causing obstruction to this infrastructure. The Shire has maintenance schedules for such works, but also welcomes residents reporting such action requests given the varying nature of vegetation growth that can occur across the district.

Verge maintenance by landowners is a key action that can assist in the shared responsibility towards bushfire preparedness and prevention.

In respect of the most recent winter season, the unseasonably high rainfall hampered efforts in respect of weed spraying, and in the absence of resource to undertake comprehensive verge slashing, has resulted in a higher loading within verges and drains. This issue is therefore complex, and Officers recommend that a future report be presented to Council at the February 2022 OCM.

Options and Implications

Option 1

That Council:

1. RECEIVES the Bush Fire Advisory Committee Minutes of 18 November 2021 as per **attachment 1**.
2. NOTES the recommendations contained therein.
3. REQUESTS the Chief Executive Officer to present a report to the February 2022 Ordinary Council Meeting pertaining to Urgent Business Item 7.2.

Option 2

That Council do not receive the Bush Fire Advisory Committee Minutes of 18 November 2021 as per **attachment 1** and does not note the recommendations contained therein.

Option 1 is recommended.



Conclusion

Officers recommend Council receive the Minutes, note the recommendations and requests a future report on verge maintenance.

Attachments (available under separate cover)

- **10.1.12 – attachment 1** – Bush Fire Advisory Committee (BFAC) Minutes – 18 November 2021 (E21/13823)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety

Financial Implications

There are no direct financial implications regarding 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	There is no risk associated with this recommendation						
2	That Council does not receive and endorse the Minutes			Unlikely	Minor	LOW	Accept Officer Recommendation



Continued

**Ordinary Council Meeting Minutes
Monday, 13 December 2021**

Voting Requirements: Simple Majority

OCM347/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Singh, seconded Cr Byas

That Council:

- 1. RECEIVES the Bush Fire Advisory Committee Minutes of 18 November 2021 as per attachment 1.**
- 2. NOTES the recommendations contained therein.**
- 3. REQUESTS the Chief Executive Officer to present a report to the February 2022 Ordinary Council Meeting pertaining to Urgent Business Item 7.2.**

CARRIED UNANIMOUSLY 8/0



10.1.13 – Bush Fire Brigades Local Law 2021 undertakings from the Joint Standing Committee on Delegated Legislation (SJ3418)

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

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 enable Council to consider next steps following receipt of undertakings from the Joint Standing Committee on Delegated Legislation related to the *Shire of Serpentine Jarrahdale Bush Fire Brigades Local Law 2021*.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 June 2021 – OCM141/06/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *NOTES the submissions received during the public advertising period required by the Local Government Act 1995 and the responses taken to the proposed Local Law.*
2. *In accordance with section 3.12(4) of the Local Government Act 1995, MAKES the Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 as shown in attachment 1.*
3. *AUTHORISES the Shire President and Chief Executive Officer to affix the common seal to the Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 as shown in attachment 1.*
4. *In accordance with section 3.12(5) of the Local Government Act 1995, AUTHORISES the Chief Executive Officer to cause the local law to be published in the Government Gazette and provide copies to the Minister for Local Government and Minister for Emergency Services.*
5. *After gazettal, in accordance with section 3.12(6) of the Local Government Act 1995, REQUESTS the Chief Executive Officer to give local public notice:*
 - a. *Stating the title of the local law;*
 - b. *Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c. *Advising that copies of the local law may be inspected or obtained from the Shire office.*
6. *After gazettal, in accordance with the Local Laws Explanatory Memorandum Directions as issued by the Minister on 12 November 2010, REQUESTS that a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*



Background

In November 2020, the Shire's Bush Fire Advisory Committee resolved to recommend that Council progress with the advertising of a new Bush Fire Brigade Local Law.

Following consultation prescribed in legislation, in June 2021 Council formally made the *Bush Fire Brigade Local Law 2021* in accordance with section 3.12 of the *Local Government Act 1995*. At the same time Council resolved to publish the local law and provide copies to the relevant Ministers and the Joint Standing Committee on Delegated Legislation (JSCDL). Officers progressed these actions in accordance with Council's resolution.

All laws made by local governments undergo scrutiny by the JSCDL. Every year, between 20 to 30 per cent of local laws made by local government are required to be amended based on directions given by the JSCDL.

If a local government does not make the amendments sought by the JSCDL, the JSCDL will recommend that the Legislative Council disallows the local law.

Community / Stakeholder Consultation

Nil.

Statutory Environment

All legislation not made by Parliament (namely regulation amendments which are made by Ministers and local laws made by local governments) is reviewed by the JSCDL. The JSCDL can make recommendations to the Legislative Council to disallow legislation not made by Parliament.

Correspondence from the JSCDL is confidential and subject to Parliamentary Privilege under the *Parliamentary Privileges Act 1891*.

Amendments to local laws involve the creation of an amendment local law under section 3.12 of the *Local Government Act 1995*. This means that amending a local law can take approximately six months.

Comment

On 10 November 2021, the Legislative Council's JSCDL wrote to the Shire providing directions to the Shire to modify the local law to ensure compliance with the *Bush Fires Act 1954*.

A copy of the correspondence from the JSCDL is contained in **CONFIDENTIAL attachment 1**. Further correspondence from the JSCDL dated 17 November 2021 is contained in **CONFIDENTIAL attachment 2**.

If Council wishes to discuss the contents of **CONFIDENTIAL attachment 1** and **CONFIDENTIAL attachment 2** it should close the meeting to members of the public as discussing the contents in public would be a breach of Parliamentary Privilege.

When reviewing local laws, the JSCDL may ask local governments to make undertakings to modify the local law. If the local government agrees to make the undertakings, it is required to write to the JSCDL to confirm its agreement. If the local government does not agree, the JSCDL will recommend to the Legislative Council that the local law in question is disallowed. There are no options for appealing a JSCDL decision.

All local laws are subject to JSCDL review. It is not uncommon for local governments to receive requests to make undertakings. The JSCDL publishes the undertakings required to be undertaken by local governments on their [website](#).



As noted in previous reports, it is not entirely unforeseen in the preparation of the local law that the JSCDL could request undertakings. This is in large part to the legal construction of the *Bush Fire Act 1954*.

The issuing of the undertakings will not impact operational effectiveness of the Shire's brigades and bush fire prevention and responsiveness.

There are five options available to the Shire in response to the correspondence received from the JSCDL.

Option 1 – Seek an extension to consider the undertakings in 2022 and for the confidential provisions to be waived to enable the undertakings to be considered by the Shire's Bush Fire Advisory Committee

The recommended option is for Council to seek an extension to consider the undertakings in 2022 and the confidentiality provisions associated with Parliamentary Privilege to be waived in this instance to enable the undertakings to be considered by the Shire's Bush Fire Advisory Committee.

The undertakings sought by the JSCDL represent a significant change to the practical usage of the local law to manage brigades. With the confidentiality provisions of Parliamentary Privilege, it is not possible at this time to consult with the Shire's Bush Fire Advisory Committee on the changes that would be required to give effect to the JSCDL's undertakings.

These confidentiality provisions limit the Shire's capacity to engage with key stakeholders on the changes to the local law.

A request could be made from the Shire President to the JSCDL requesting an extension on the period for Council to consider whether to commit to making the undertakings and requesting that the JSCDL waive the Parliamentary Privilege associated with the content of the undertakings to enable consultation with BFAC.

If Council agreed, with the Parliamentary calendar, the JSCDL consideration of this request would occur in February 2022 at the earliest. If the JSCDL agreed, consultation could occur with the BFAC in April with Council consideration later in 2022.

If the JSCDL did not concur with this request, the most likely outcome is that the local law would be disallowed by Parliament in the first half of 2022 and the Shire's 2019 local law would be reinstated.

Option 2 – Agree to the undertakings

Following receipt of the correspondence from the JSCDL, Council may wish to agree to make the undertakings.

If Council agrees to make the undertakings, the Shire President is required to write to the JSCDL confirming that the Shire agrees. Following the resumption of Parliament in 2022, the JSCDL will then write to the Shire confirming receipt of the Shire's agreement to complete the undertakings. Only when this occurs may the Shire commence advertising an amendment local law to modify the existing local law.

By taking this option the Shire is giving a commitment to make the amendments to the local law requested. This will occur without consultation with key stakeholders due to the provisions related to Parliamentary Privilege.

**Option 3 – Propose alternative undertakings**

Alternatively, the Shire may wish to propose alternative undertakings, this could include adopting the WALGA Model Local Law. Officers do not think that the JSCDL will agree to alter the substance of its requested undertakings.

Option 4 – Commence drafting a repeal local law

Council could request that the Chief Executive Officer commence drafting a repeal local law. If made following the statutory timeframe of advertising, this option would result in the previously repealed Bush Fire Brigade Local Law replacing the current local law. This option would still require a new local law to be prepared and would not generally be supported as an option by the JSCDL.

Option 5 – Decline to make the undertakings

If Council does not wish to make the undertakings it has the option, to decline the JSCDL's request. The JSCDL will then recommend to the Legislative Council to disallow the local law. When local governments in the past have pursued this option, they have not been successful in achieving a successful outcome. It is expected this would likely result in the disallowing of the 2021 local law.

Options and ImplicationsOption 1

That Council REQUESTS that the Shire President write to the Joint Standing Committee on Delegated Legislation requesting:

- an extension to 31 May 2022 to enable Council to consider whether to make the undertakings
- that the Joint Standing Committee on Delegated Legislation waive the confidentiality provisions binding their correspondence on the matter to enable engagement with the Shire's Bush Fire Advisory Committee on the proposed undertakings.

Option 2

That Council:

1. RESOLVES to undertake to the Joint Standing Committee on Delegated Legislation that:
 - a. Within the next nine months, the local law is amended to ensure compliance with the *Bush Fires Act 1954* by making all required amendments, which could include attaching the Procedures to the local law and to correct typographical errors;
 - b. Ensure all consequential amendments arising from undertaking a. will be made;
 - c. That the local law will not be enforced in a manner contrary to undertaking a.;
 - d. Where the local law is publicly available by the Shire, where in hard copy or electronic form, that it is accompanied by a copy of the undertaking.
2. REQUESTS that the Shire President write to the Joint Standing Committee on Delegated Legislation advising of Council's resolution.

Option 3

That Council:

1. RESOLVES to undertake to the Joint Standing Committee on Delegated Legislation that:
 - a. Within the next nine months, the local law is amended to ensure compliance with the *Bush Fires Act 1954* by making the following alternative amendments as prescribed in the following points;

[insert alternative amendments]
 - b. Ensure all consequential amendments arising from undertaking a. will be made;
 - c. That the local law will not be enforced in a manner contrary to undertaking a.;
 - d. Where the local law is publicly available by the Shire, where in hard copy or electronic form, that it is accompanied by a copy of the undertaking.
2. REQUESTS that the Shire President write to the Joint Standing Committee on Delegated Legislation advising of Council's resolution.

Option 4

That Council:

1. REQUESTS that the Chief Executive Officer commence drafting a repeal local law to repeal the *Bush Fire Brigades Local Law 2021*;
2. REQUESTS that the Shire President write to the Joint Standing Committee on Delegated Legislation advising of Council's resolution.

Option 5

That Council REQUESTS that the Shire President write to the Joint Standing Committee on Delegated Legislation advising of Council's resolution not to make the undertakings requested.

Option 1 is recommended.

Conclusion

While local governments have the power under the Act to make law, the Legislative Council has final say on the laws made. As is a regular occurrence, the JSCDL has requested that the Shire make undertakings related to the Bush Fire Brigades Local Law 2021. The options available to Council are described above.

Attachments (available under separate cover)

- **10.1.13 – CONFIDENTIAL attachment 1** – Correspondence from the Joint Standing Committee on Delegated Legislation 10 November 2021 (E21/13414)
- **10.1.13 – CONFIDENTIAL attachment 2** – Correspondence from the Joint Standing Committee on Delegated Legislation 17 November 2021 (E21/13809)

Alignment with our Strategic Community Plan

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



Financial Implications

The advertising and making of an amendment local law involves costs of approximately \$2,000. This can be accommodated within the related Shire's budget allocation.

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	The approach represents a reputation risk and does not guarantee that the JSCDL will agree		Organisational Performance	Possible	Moderate	MODERATE	Accept Option 1.
2	Agreeing to the undertakings will result in a likely outcome for the local law, but does introduce less flexibility by virtue of procedures forming part of the local law. In agreeing to make the undertakings, the Shire will be agreeing to a course of action without the opportunity to engage with key stakeholders.		Organisational Performance	Possible	Moderate	MODERATE	Accept Option 1.
3	The JSCDL may not agree to the amended undertakings and recommend disallowing the local law		Organisational Performance	Possible	Moderate	MODERATE	Accept Option 1.
4	The improvements achieved by the 2021 local law will not be realised		Organisational Performance	Likely	Minor	MODERATE	Accept Option 1.



5	The JSCDL will recommend disallowing the local law		Organisational Performance	Almost Certain	Moderate	Significant	Accept Option 1.
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Voting Requirements: Simple Majority

OCM348/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Singh

That Council REQUESTS that the Shire President write to the Joint Standing Committee on Delegated Legislation requesting:

- **an extension to 31 May 2022 to enable Council to consider whether to make the undertakings; and**
- **that the Joint Standing Committee on Delegated Legislation waive the confidentiality provisions binding their correspondence on the matter to enable engagement with the Shire's Bush Fire Advisory Committee on the proposed undertakings.**

CARRIED UNANIMOUSLY 8/0

**10.2 Infrastructure Services reports**

10.2.1 – Hopeland Community Hall (SJ3694)	
Responsible Officers:	Manager Project Delivery
Senior Officer:	Director Infrastructure Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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 present Council with a condition report and recommendation for restumping work at the Hopeland Community Hall.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 16 August 2021 – OCM206/08/21 - COUNCIL RESOLUTION / Councillor Recommendation</i></p> <p><i>That Council REQUESTS the Chief Executive Officer prepare a report:</i></p> <p><i>a. Detailing the condition and any restumping work needed to the support stumps of the Hopeland Community Hall.</i></p> <p><i>b. Provide a costing of works needed and possible funding options.</i></p> <p><i>c. Present the report to Council at the December 2021 Ordinary Council Meeting.</i></p>

Background

At the August 2021 Ordinary Council meeting, Council considered a Notice of Motion, resulting in a request to prepare a report detailing the condition and any restumping work needed to the support stumps of the Hopeland Community Hall.

The Hopeland Community Hall was constructed as a school in 1924. The building is on the Shire's heritage inventory list.

The school closed in 1954 when the new Serpentine Primary School opened. The Hopeland Community Hall is now primarily used by the Hopeland Community Group for local community meetings. There have been eleven (11) bookings during the January and November 2021 period.



Figure 1 – building exterior



Figure 2 – building interior

**Condition Report**

Officers have worked in conjunction with specialist stumping contractors to inspect the property and advise building stump condition, repair requirement and repair urgency.

The following information summarises the work site inspection:

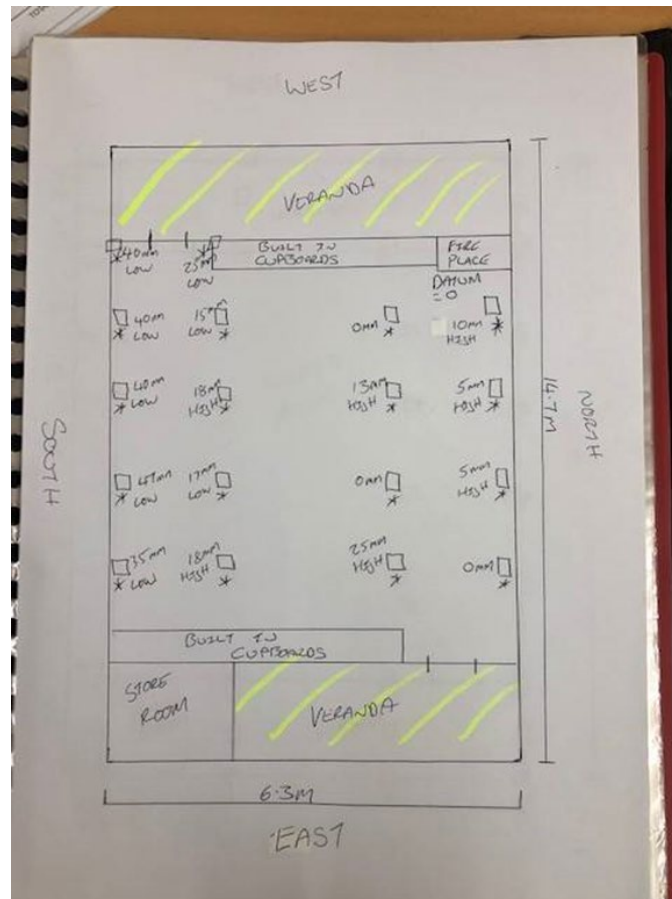


Figure 3 – measurement of levels from North West corner of the building (datum point)

The stumps of the building are sinking into the soil (settlement in floor level ranging between 0 – 47mm). It is worse on the southern side of the building running west to east (slope). A specialist contractor's recommendation is to re-stump the entire building urgently.

Proposed repair methodology:

- Remove small garden on south wall prior to commencement of restumping;
- Excavate a small trench between each stump to allow room for extraction of soil underneath building;
- Expose stumps;
- Jack building to correct level;
- If required, batten out between stumps to enclose floor cavity;
- Remove existing stumps in stages;
- Replace with new stumps including termite caps;
- On completion of restumping, repair any external damage (e.g. cracks on the external façade or weatherboard) that may have resulted from the restumping works.



Community / Stakeholder Consultation

A site inspection was conducted on 24 August 21 by the Shire's Project Development Engineer. No sign of external stump deterioration and decay was observed.

A second site visit was conducted on Tuesday, 21 September by Shire Officers and Ray Elliot and Sue Mead from the Hopeland Community Association (HCA). The HCA representatives requested the building stump issue be addressed quickly. Other maintenance requirements requested are listed below:

1. Replace concrete pavers on Male and Female toilets paths;
2. Carpentry repair and maintenance on timber decking, access ramp, handrail, balustrade etc back and front of building;
3. Painting to external windows, handrails, balustrade, access ramp and re-staining timber decking back and front of building;
4. Reinstate driveways from fire storage tank hardstand;
5. Cutting weeds from playground and around the site;
6. Remove stored mulched behind fire tanks;
7. Repair potholes entire parking area south of the building;
8. Painting colorbond screens in front of Male and Female toilets;
9. Reinstate driveways from Hopeland Road;
10. Replace 3xtimber stands under water storage tanks and tanks plumbing.

It should be noted that the above list of items above differ from the list submitted with the funding application.

This was due to reconsideration of priorities by the Hopeland Community Association Inc. during discussions with Shire Officers.

Accordingly, items 1 to 5 plus the Building restumping were requested by Hopeland Community Association to be completed as a high priority. It should be noted that item 6 has already been completed by the Shire.

Should Council resolve to proceed with restumping works, further consultation with stakeholders will be required to facilitate access to the building, moving of furniture etc.

Statutory Environment

Nil.

Comment

A specialist contractor was engaged to assess building condition. His assessment is the stumps of the building are sinking into the soil, even though there are no signs of decay and deterioration. The building subsidence looks worse on southern side of building running west to east. The external stumps are jarrah timber and the internal stumps are treated pine. The recommendation is to re-stump urgently. No date has been booked with stumping contractor yet and it is anticipated restumping works will take around 2 weeks to complete.

The estimated cost for the proposed restumping works is \$45,000+GST. This includes the cost for restumping, access to/from the stumps via the Southern side of the building (which requires



the removal and reinstatement of the garden and rainwater tanks), plus an allocation for emergency repairs for any external damage that may occur and Shire's internal cost.

This work has been identified as the top priority in consultation with Hopeland Community Representatives to be delivered under the Election Commitments – Small Grants Program for the Hopeland Community Association Inc (see **attachment 1**). The grant was executed on 22 October 2021 for a funding amount of \$50,000.

The estimated cost for high priority items 1 to 5 above is \$20,000. Combined with restumping works, the total estimate is \$65,000.

Based on the latest cost estimates and quotations received from contractors, the grant funding is insufficient to cover building restumping as well as items 1 to 5 above. It is therefore recommended that the Shire provides an additional \$15,000 to undertake the restumping works, which has been requested by Hopeland Community Association to be undertaken for over three years. Funding can be sourced from the Building Asset Management Reserve.

When considering approval of additional funding to undertake the stumping works, it is important to note that restumping work should be completed in advance of some other priority maintenance work including items 2 and 3 from the itemised maintenance task list to ensure works are staged in the right order and also to ensure cost efficiencies in the long term. It would not be cost effective and value for money to undertake all other listed maintenance work this year without restumping and returning to do the restumping at a later date in the coming years

It should also be noted that this building is on the Shire's heritage inventory list and the Shire has a responsibility to maintain it.

Options and Implications

Option1

That Council:

1. REQUESTS the Chief Executive Officer perform maintenance/restumping works as recommended in this report;
2. AUTHORISES a budget amendment as per table below to complete items 1 to 5 as well as building restumping:

Account Number	Type	Account Description	Debit \$	Credit \$
6200-NEW-5002-0000	Increase Transfer From Reserve	Hopeland Community Hall – Restumping – Trf From Building Asset Management Reserve		15,000
6200-NEW-6600-0000	Increase Expenditure	Hopeland Community Hall – Capital Expenditure	15,000	
Reason: Provide funds for the restumping and repair of Hopeland Community Hall, funding from the Building Asset Management Reserve.				

Option 2

That Council requests the Chief Executive Officer to NOT PROCEED with building restumping works at this stage, and proceed with allocating the entire election commitment funding to undertake works as requested by the Hopeland Community Association Inc.



Option 1 is recommended.

Conclusion

At the August 2021 Ordinary Council meeting, Council considered a Notice of Motion, resulting in a request to investigate the condition and any restumping work needed to the support stumps of the Hopeland Community Hall.

General maintenance items 1 to 5 are immediate maintenance requirements and need to be attended urgently. If building restumping is left untreated, the defective stumps can lead to structural damage and potentially result in the building totally or partially collapsing.

Attachments (available under separate cover)

- **10.2.1 – attachment 1** – Signed Grant agreement- Old Hopeland School Hall- (E21/14077)

Alignment with our Strategic Community Plan

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

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	
1,2	If building restumping left untreated, the defective stumps can lead to structural damage and potentially result in the building totally or partially collapsing	Condition report contained in this report has recommended that the restumping works be carried out urgently.	Physical or Psychological	Possible	Major	SIGNIFICANT	Restumping works be carried out urgently.

**Voting Requirements:** Absolute Majority**OCM349/12/21****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Strautins, seconded Cr Duggin****That Council:**

- 1. REQUESTS the Chief Executive Officer perform maintenance/restumping works as recommended in this report;**
- 2. AUTHORISES a budget amendment per table below to complete items 1 to 5 as well as building restumping:**

Account Number	Type	Account Description	Debit \$	Credit\$
6200-NEW-5002-0000	Increase Transfer From Reserve	Hopeland Community Hall – Restumping – Trf From Building Asset Management Reserve		15,000
6200-NEW-6600-0000	Increase Expenditure	Hopeland Community Hall – Capital Expenditure	15,000	

Reason: Provide funds for the restumping and repair of Hopeland Community Hall, funding from the Building Asset Management Reserve.**CARRIED UNANIMOUSLY 8/0**

**10.2.2 – Consideration of tenure request – Byford Community Kindergarten (L070)**

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

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 suitable tenure arrangement between the Shire of Serpentine Jarrahdale and the Byford Community Kindergarten (Kindy), for the facility located at 43-45 Park Road, Byford. The Kindy management have requested a leasehold interest over the facility, and the purpose of this report is to request Council give consideration to the request by the Kindy and other potential tenure options.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

Since the 1970s, the existence of Community Kindergartens in Western Australia has declined considerably, with community-run services either being transferred to the Department of Education (DoE) or ceasing to operate. In the last 10 years, the number of community-run kindergartens has reduced from 45 to 18 in Western Australia.

The Byford Community Kindergarten (Kindy) was established in 1978 and has operated out of the Park Road facility since its inception.

There has not been any formal agreement in place between the Shire of Serpentine Jarrahdale (Shire) and the Kindy management for the land and the building. The building is owned by the Shire, is captured in the Shire's asset register, and the land is owned by the Shire in freehold. The Shire has an objective to formalise usage of all its facilities, in order to provide maximum community benefit. Formalising usage includes options including regular hire, non-exclusive licence or exclusive lease. These arrangements can also contemplate various tenant and landlord responsibilities.

Historically, the Shire has undertaken most of the maintenance and upkeep of the facility, including minor capital improvements in addition to the payment of utilities and services.

Officers have been working with the Kindy management over the last 3 years to ensure the building is operational and tenure options have been considered and discussed. Council is requested to consider a suitable tenure arrangement and associated key terms. This will provide clarity on responsibilities including building maintenance, financial obligations and usage



considerations of the facility for both the Kindy and Shire, and depending on the tenure option adopted, usage by other groups.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	1 November 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

Consultation

Several meetings have occurred between Shire Officers and the Kindy management over the last 3 years to work through tenure arrangements. More recently, Shire Officers met with the Kindy's current committee to discuss options and responsibilities for management of the facility.

Statutory Environment

Council Policy 5.1.3 *Lease and Licence Management*

This policy provides guidance when developing new agreements. In the context of a lease, the Policy indicates;

Where a Lease is entered into, the Lessee will be responsible for the general maintenance of the facility and for the cost of all utilities.

In the context of a licence, the Policy indicates:

Where a Licence is issued and services are made available to the wider public or a common access point is shared between Council and the organisation, the contribution of the organisation towards this cost will be negotiated (based on utilisation) and will be detailed in the schedule attached to the agreement.

In the context of not for profit community-based groups, the Policy indicates:

In recognition of the benefit to the community provided by Not for Profit groups or organisations the lease fee applicable will be \$1.00 per annum (peppercorn). As a result, the remainder of the lease terms and conditions are to be on a 'No Cost to the Shire' basis. The Lessee will be responsible for cleaning, repairs, maintenance, insurances, rates and taxes (if applicable) and all other outgoings associated with the facility.

Depending on what Council decide, the relevant sections of the *Local Government Act 1995* (s3.58) apply. For example, if a formal disposition of lease or licence was to be contemplated, regulation 30(2)(b)(i) provides exemptions for, inter alia, groups whose objects are charitable or educational. The land is held in fee simple and would therefore not be subject to any Ministerial consent. This is stated as follows:

"the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions"

Additionally, the Shire of Serpentine Jarrahdale's Local Law: Public Places and Local Government Property includes:



Clause 1.7 as “*Overriding power to hire and agree Despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of the local government, may (b) enter into an agreement with any person regarding the use of any local government property*”

Comment

Shire Officers have had discussions with the Kindy management regarding tenure options for a number of years. Initially, a lease option was deemed suitable due to the high number of children enrolled and maximum number of classes operating from the site. Discussions with the Kindy for a lease were considered on an exclusive-use basis, with full maintenance and payment for utilities undertaken by the Kindy. These discussions have been ongoing since 2018, with various delays including bushfire mitigation works, new Kindy committee members every year and therefore changes in proposed options and directions. However, this is understandable given the nature of community based organisations.

Discussions have only recently re-commenced, due to the Kindy initially receiving external grant funding to build a nature play space that they wish to undertake. In almost all circumstances, the Shire prefers to undertake capital works to its assets, given the risk of these works being done by other parties where compliance and safety could become a concern. As capital improvements revert back to the owner of the land, it is important to consider the issue in the context of this proposal also.

The Kindy management have indicated their preference of an exclusive lease, securing use of the facility for the Kindy only. Given the delay in negotiations, the grant is no longer available for the Kindy to be utilized for a nature play area.

Table below compares the Kindy facilities available to the area:

	Byford Primary School	Byford Community Kindy
In-take area	Local only	Non local-intake schools
Cost	\$50 voluntary contribution plus provide items on a Personal Use List (2021 this was \$57.60)	\$180 per child per year. Parents may also be given a booklist and asked to provide those items
No. of classes (for 2022)	2	1
No. of students (for 2022)	Up to 40	18
Facilities	Byford Primary School offers children a school environment. They are able to access the facilities that the school offers –i.e. library, ICT programs, physical activity programs. Utilise the same play are as pre-primary students allowing for a smoother transition into pre-primary.	The curriculum content is the same at Byford Community Kindergarten and at Byford Primary School. However, facilities lack provision of a standard primary school, amenities and technology



In support of their request for an exclusive lease, the Kindy management are proposing an operating regime as follows:

	School activities (students present)	Kindy management (no students present)
Monday	8.45am-2.50pm	7.30am – 3.30pm (teacher only)
Tuesday	8.45am-2.50pm	7.30am – 3.30pm (teacher only)
Wednesday	8.45am-12.45pm	7.30am – 3.30pm (teacher only)
Thursday	-	7.30am – 3pm (teacher only)
Friday	-	cleaning/gardening/maintenance as required
Saturday	-	cleaning/gardening/maintenance as required
Sunday	-	

Kindy's Financial Position

The provision of community kindergartens is supported by the Department of Education (DoE) through the provision of an annual operating grant based on the number of enrolments (minimum 16 students for funding eligibility). The DoE also provides two paid staff (1 teacher and 1 assistant) to the service. Day to day operational management is the responsibility of the Byford Community Kindergarten Parents Committee. DoE provide a set amount twice per year depending on the number of enrolments. Next year the Kindy will be granted a total of \$15,100 by the Department of Education.

Other income is generated through student membership fees, fundraising and grants throughout the year. The main fundraisers include Bunnings sausage sizzles which are held twice a year, chocolate boxes, various raffles/events held at the Kindy ie a lapathon etc.

Officers have undertaken several discussions with the Kindy management to better understand their financial position, their capacity to undertake maintenance and payment of utilities. Through this process, the Kindy management have provided a statement of financial position to indicate their current and ongoing financial obligations for the Shire's information. This information is outlined in the modelling included as **CONFIDENTIAL attachment 1**.

Tenure options

The Kindy have been presented with 4 options:

1. Lease

- Exclusive use;
- 7 days per week use;
- Lessee to cover the cost of:
 - Building maintenance (approx. \$6,500 pa, excluding outside area of playground, sandpit and gardens currently undertaken by Kindy);
 - Utilities (approx. water = \$1,950, electricity =\$2,300);
 - Rates & Taxes (if applicable);
 - Rubbish bins, Emergency Service Levy (ESL).

**2. Lease with community-use availability**

- Same as above, however the facility to be available for use by other community groups /organisations during the school holiday to run appropriate programs and activities (eg. school readiness programs, parenting classes etc).

3. Licence

- Same as a lease arrangement, however the cost will be proportionate to the number of days of use. Licence will not allow for exclusive use.

4. Regular Hire arrangement

- Fees payable based on an hourly charge out rate (approximately \$18/hour)

During the latest meeting with the Kindy they advised Shire Officers that their preferred option would be an exclusive use lease arrangement. However, when Shire Officers suggested a shared use arrangement to be part of the lease arrangement based on various reasons, the Kindy agreed that they would consider this option as a workable arrangement if an exclusive (single use) option was not possible.

Options and Implications**Option1**

That Council:

1. In accordance with regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*, GRANTS Byford Community Kindergarten an exclusive lease for 43-45 Park Road, Byford, with the terms and conditions of this lease as follows:
 - a) Two-year lease term with a two-year option to extend subject to proof of financial sustainability and adequate enrolment numbers;
 - b) building being made available for other similar groups during the school holiday period coordinated by Kindy;
 - c) \$1 Peppercorn lease fee;
 - d) Lease preparation and registration costs borne by the Kindy;
 - e) Water usage costs borne by the Kindy;
 - f) Electrical usage costs borne by the Kindy;
 - g) All maintenance performed by the Shire and paid for by the Kindy;
 - h) Rubbish and ESL charges paid by the Kindy;
 - i) Ability to hire the facility on a casual basis to other individuals and groups;
 - j) Kindy to provide public liability insurance and the Shire to provide building insurance.
2. AUTHORISES the Chief Executive Officer to negotiate and execute a suitable lease agreement with the above terms.

This is for an exclusive lease option with the ability to provide the facility to other groups with similar use on a casual hire basis.



Option 2

That Council:

1. In accordance with regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*, GRANTS Byford Community Kindergarten an exclusive lease for 43-45 Park Road, Byford, with the terms and conditions of this lease as follows:
 - a) Two-year lease term with a two-year option to extend subject to proof of financial sustainability and adequate enrolment numbers;
 - b) \$1 Peppercorn lease fee;
 - c) Lease preparation and registration costs borne by the Kindy;
 - d) Water usage costs borne by the Kindy;
 - e) Electrical usage costs borne by the Kindy;
 - f) All maintenance performed by the Shire and paid for by the Kindy;
 - g) Rubbish and ESL charges paid by the Kindy;
 - h) Kindy to provide public liability insurance and the Shire to provide building insurance.
2. AUTHORISES the Chief Executive Officer to negotiate and execute a suitable lease agreement with the above terms.

This is an exclusive lease option with no ability to hire or sublease to other groups.

Option 3

That Council GRANTS Byford Community Kindergarten a non-exclusive licence for 43-45 Park Road, Byford, with the terms and conditions of this licence to be negotiated by the Chief Executive Officer.

Option 4

That Council SUPPORTS Byford Community Kindergarten as a regular hirer of 43-45 Park Road, Byford, subject to an appropriate fee being approved by Council.

Option 1 is recommended.

Conclusion

The Kindy have been utilising the building for over 30 years with the Shire undertaking maintenance and utility-cost during this period. Discussions with the Kindy have indicated the continuation of the Kindy is wholly based on student enrolment numbers to be eligible for grant funding and provision of a teacher by the Department of Education. It is also acknowledged the use of other tenure arrangements such as licence or hire arrangement would only be utilised to other "like-minded" organisations to be able to provide a similar program and activity for the community, and on the proviso this is suitable with the Kindy given they will continue to operate at the Park Road facility as primary users.

For the reasons outlined in the report, a tenure arrangement with the ability to allow other organisations to utilise the facility is recommended.



Attachments (available under separate cover)

- **10.2.2 – CONFIDENTIAL attachment 1** – Byford Community Kindergarten Inc - Financial Audit 2019 2020 (IN21/25438)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

If Council chose to lease the facility to Kindy as per the recommendations of this report then the cost recovery objectives of the Lease and Licence Council Policy 5.1.3 will be achieved.

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	The Kindy are not able to increase student enrolment numbers and utilise the facility in the best capacity may lead to increasing costs or ineligible for grant funding	Future lease provisions to allow similar programs and activities to complement the Kindy	Social / Community Outcomes	Possible	Minor	MODERATE	The Kindy promoting the facility to increase enrolment numbers.
2	Kindy not able to manage the facility (and lease) due to lack of available funds or capacity	Policy 5.1.3 Lease and Licence Management states a lease is grant "at no cost" to the Shire	Financial	Possible	Moderate	MODERATE	The Kindy promoting the facility to increase enrolment numbers.



3	Shire not being able to find similar users for use of the facility on a licence arrangement	Nil	Financial	Unlikely	Minor	LOW	Nil
4	Shire not being able to find similar users for use of the facility on a hire arrangement	Nil	Financial	Possible	Minor	LOW	Nil

Voting Requirements: Simple Majority

OCM350/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strautins

That Council:

1. In accordance with regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*, GRANTS Byford Community Kindergarten an exclusive lease for 43-45 Park Road, Byford, with the terms and conditions of this lease as follows:
 - a) Two-year lease term with a two-year option to extend subject to proof of financial sustainability and adequate enrolment numbers;
 - b) building being made available for other similar groups during the school holiday period coordinated by Kindy;
 - c) \$1 Peppercorn lease fee;
 - d) Lease preparation and registration costs borne by the Kindy;
 - e) Water usage costs borne by the Kindy;
 - f) Electrical usage costs borne by the Kindy;
 - g) All maintenance performed by the Shire and paid for by the Kindy;
 - h) Rubbish and ESL charges paid by the Kindy;
 - i) Ability to hire the facility on a casual basis to other individuals and groups;
 - j) Kindy to provide public liability insurance and the Shire to provide building insurance.
2. **AUTHORISES** the Chief Executive Officer to negotiate and execute a suitable lease agreement with the above terms.

CARRIED UNANIMOUSLY 8/0

**10.2.3 – Minutes of the Rivers Regional Council – 14 October 2021 (SJ3180)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council meeting held on 14 October 2021.

Relevant Previous Decisions of Council

Nil.

Background

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale is a member of the Rivers Regional Council.

The RRC provides waste services on behalf of member local governments.

Community / Stakeholder Consultation

Nil.

Statutory Environment

From a legislative perspective, the RRC is a distinct local government entity. With the exception of the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government

Comment

On 14 October 2021 an Ordinary Council Meeting of the RRC was held. The unconfirmed minutes of the meeting are contained in **attachment 1**. While Council is under no obligation to consider the minutes of the meeting, the unconfirmed minutes are presented for Council's information. Council's decision on this matter does not confer endorsement or otherwise of the minutes. The confirmation of minutes will be a matter for the members of the RRC at their next meeting.

Previously, Council as well as other member Councils had resolved to support the disbanding of the RRC and the establishment of a Regional Subsidiary. At the time of writing the Minister for Local Government was considering the application made by the RRC.

**Options and Implications**Option 1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council meeting held on 14 October 2021.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council meeting held on 14 October 2021.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 14 October 2021 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.3 - attachment 1** – Rivers Regional Council Ordinary Council Meeting Minutes 14 October 2021 (E21/13872)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

There are no risks associated with the Officer options.

Voting Requirements: Simple Majority

OCM351/12/21**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Byas, seconded Cr Strautins

That Council NOTES the unconfirmed minutes of the Rivers Regional Council meeting held on 14 October 2021.

CARRIED UNANIMOUSLY 8/0

**10.3 Corporate Services reports**

10.3.1 - Confirmation of Payment of Creditors – November 2021 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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 November 2021 to 30 November 2021 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 November 2021 to 30 November 2021, totalling \$3,760,164.75.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 November 2021 to 30 November 2021, totalling \$3,760,164.75.

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 30 November 2021 (E21/14608)
- **10.3.1 - attachment 2** – Westpac Banking Corporation Corporate Card Statement – 28 September - 27 October 2021 (IN21/26288)

Alignment with our Strategic Community Plan

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

Financial Implications

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 November 2021 to 30 November 2021 totalled \$3,760,164.75.



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

OCM352/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council **RECEIVES** the Schedule of Accounts as paid under delegated authority from 1 November 2021 to 30 November 2021, totalling \$3,760,164.75 as attached.

CARRIED UNANIMOUSLY 8/0

**10.3.2 – Monthly Financial Report – October 2021 (SJ801)**

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

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 October 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 October 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 October 2021 is \$30,974,342 which is favourable, compared to a budgeted surplus for the same period of \$19,947,200.

Reasons for the variances as per the below table are discussed below.

Description	YTD Budget	31 October 2021 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2021	2,930,228	5,482,292	2,552,064
Proceeds from sale of assets	0	0	0
Changes to net transfers to and from Reserves	989,566	(2,012,578)	(3,002,144)
Loan principal drawdowns (new loans)	0	0	0
Loan principal repayments	0	0	0
Capital expenditure	(2,470,212)	(1,785,515)	684,698
Capital revenue (cash items)	0	2,345,163	2,345,163
Operating revenue (cash items)	32,205,102	32,368,076	162,974
Operating expenditure (cash items)	(13,707,484)	(5,423,096)	8,284,387
	19,947,200	30,974,342	11,027,142

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

Favourable variance of \$208,624 due primarily to budget phasing of Main Roads Direct Grant revenue for road maintenance.

Fees and Charges

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

Interest Earnings

Unfavourable variance of \$22,042 due primarily to underlying low interest rates and timing of maturity of term deposits.



Other Revenue

Favourable variance of \$40,394 due primarily to reimbursement from the Department of Corrective Services for Meat Inspection Services.

Profit on Asset Disposal

No variance analysis required as net profit/loss variance to budget is less than \$10,000.

Operating Expenses

Employee Costs

Favourable Variance of \$1,281,706 due to vacant positions primarily in Operations - \$429,662, Financial Services - \$95,889, People and Culture - \$104,763, and ICT – \$140,566.

Materials and Contracts

Favourable variance of \$786,385 due to timing and provision of services across the organisation primarily related to External Contractors - \$146,523, Materials - \$147,008, Refuse Collection - \$58,737, Consultancy - \$160,945, and Non-Recurrent Expenditure - \$106,584.

Utility Charges

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

Depreciation on Non-Current Assets

Favourable Variance of \$409,485 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

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

Other Expenditure

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

Loss on Disposal of Assets

No variance analysis required as net profit/loss variance to budget is less than \$10,000.

Other

Capital Expenditure

Favourable variance of \$684,698 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 \$2,345,163 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 \$15,087 due to timing of lease repayments.

Transfers to/ from Cash Backed Reserves (Restricted Assets)

Transfers to cash reserves are ahead of budget by \$1,801,840 largely due to the unbudgeted transfers 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 \$1,200,304 due to timing of capital expenditure projects funded from reserves.

Options and Implications

Option 1

That Council RECEIVES the Monthly Financial Report for October 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 October 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 October 2021 (E21/14016)

Alignment with our Strategic Community Plan

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

Financial Implications

As at 31 October 2021 the Shire's respective cash position was as follows:

Municipal Fund:	\$6,080,105
Reserve Fund:	\$1,502,279
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 October 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

Voting Requirements: Simple Majority

OCM353/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Byas

That Council RECEIVES the Monthly Financial Report for October 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 8/0



10.3.3 – Shire of Serpentine Jarrahdale Integrated Planning and Reporting Timetable 2022/23 (SJ801)

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to provide Council with the 2022/23 Integrated Planning and Reporting Timetable. This process is scheduled to commence in December 2021. The Shire's annual Integrated Planning and Reporting process includes the Annual Budget development, Corporate Business Plan review and Long Term Financial Plan update.

Relevant Previous Decisions of Council

Nil.

Background

The Annual Integrated Planning and Reporting (IPR) timetable outlines the anticipated timeframes to undertake IPR process. This includes a series of workshops with Council, Executive and other key Shire staff. The purpose of these workshops is to facilitate the annual review of the Long Term Financial Plan and Corporate Business Plan, and the development of the annual budget. Workshops with Council are scheduled as follows:

- 2 March 2022– Corporate Business Plan Direction Setting
- 27 April 2022 – Rates Modelling, Long Term Financial Plan and Fees and Charges;
- 11 May 2022 – Operating Budgets.
- 25 May 2022 – Capital and the Corporate Business Plan;
- 6 July 2022– Pre-Adoption Q&A

Adoption of the Long Term Financial Plan, Corporate Business Plan and Annual Budget is planned for mid July 2022.

Details regarding the major components of the IPR process are outlined below.

Long Term Financial Plan

The Long Term Financial Plan will be reviewed in relation to revenue and expenditure implications arising from changes to the operating environment since adoption and will inform the Corporate Business Plan review and the Annual Budget development.



Corporate Business Plan

The Corporate Business Plan (CBP) details Council's priorities and actions within the resources available and is fully integrated and aligned with the Shire's Annual Budget. Notwithstanding, there are several other factors that will also be considered on review of the CBP. These include:

- Council direction and/or priorities as a result of the CBP Direction Setting Workshop with Councillors;
- Identification and consideration of actions to mitigate strategic risk;
- An analysis of performance data (i.e. CBP quarterly performance reporting) to assess where improvement is required and/or what projects require amendment; and
- Consideration of resource capability in line with the Organisational Development RoadMap.

Annual Budget

It is planned that the 2022/23 budget be presented to Council for adoption in mid July 2022. In order to achieve this outcome, a number of preparatory steps need to be undertaken in a particular order to ensure the budget is prepared. These have been incorporated into the IPR Timetable.

Community / Stakeholder Consultation

Consultation with Managers, the Shire's Executive Group and Councilors will occur throughout the IPR process as outlined in the timetable.

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt by absolute majority, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

The *Local Government (Administration) Regulations 1996* ('the Regulations') require a local government to ensure that a Corporate Business Plan is made for its district (reg 19DA) and that the Corporate Business Plan is reviewed every year (reg 19DA(4)).

Comment

The 2022/23 Integrated Planning and Reporting (IPR) Timetable sets out the core IPR processes to be completed and the due date for completion of each activity. The IPR Timetable also includes planned workshops with Council, Executive and other key Shire staff.

Options and Implications

Option 1

That Council:

1. NOTES the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable as contained within **attachment 1**.

Option 2

That Council:

1. DOES NOT NOTE the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable as contained within **attachment 1**.

Option 1 is recommended.

Attachments (available under separate cover)

- **10.3.3 - attachment 1** – 2022/23 Integrated Planning and Reporting Timetable (E21/14205)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no financial implications for the Officer Options.

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	If Council does not note the IPR timetable, there is a risk Council are not aware of their upcoming involvement in the process which could result in delays to the process.	Nil	Organisational Performance	Rare	Minor	LOW	Subsequent Calendar invites for Councillor workshops



Continued

**Ordinary Council Meeting Minutes
Monday, 13 December 2021**

Voting Requirements: Simple Majority

OCM354/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Singh

That Council:

- 1. NOTES the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable for the Corporate Business Plan Review, 2022/23 Budget and Long Term Financial Plan as contained within attachment 1.**

CARRIED UNANIMOUSLY 8/0

**10.3.4 - Council and Committee Meeting Dates for 2022 (SJ513)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider the Council and Committee Meeting dates, times and schedule for the 2022 calendar year.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 November 2020 - OCM373/11/20 adopted that Ordinary Council Meetings would be held at 7pm on the third Monday of each month, with the exception of the month of October, when, due to Elections the meeting would be held on the second Monday of the Month; and, that no Ordinary Council Meeting be held in January.

Committee Meetings would be held at 5:30pm, Q & A and PCF meetings would be held at 6pm, unless a Committee Meeting is held prior, then Q & A / PCF would start at 6:30pm.

Background

The *Local Government (Administration) Regulation's 1996* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary meetings of Council are to be held within the next 12 months.

Currently all Council and Committee meetings are held in the Council Chambers at the Shire of Serpentine Jarrahdale Administration Building at 6 Paterson Street, Mundijong. Committee Meetings in 2021 commence at 5:30pm, and Council Meetings commence at 7pm. Council and Committee meetings are open to the public.

Community / Stakeholder Consultation

Nil.

Subject to Council's approval, in accordance with Regulation 12 of the *Local Government (Administration) Regulation's 1996*, an advertisement regarding Council and Committee meetings will be placed on the Shire's website, as well as the Shire's Facebook page and notice boards.

Statutory Environment

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



Regulation 12(2) of the *Local Government (Administration) Regulation's 1996* provides:-

“(2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —-

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.”

Section 5.3(2) of the Act requires that a local government hold Ordinary Council Meetings no more than three months apart.

Comment

Ordinary Council Meetings

Beyond the requirement to hold Ordinary Council Meetings at least quarterly, the Act is silent on when Council and Committee meetings are to be held. Accordingly, Council has significant autonomy in determining the frequency, sequencing and commencement time of Ordinary Council Meetings and supporting meetings.

In setting the frequency, sequencing and commencement time of Ordinary Council Meetings, Council should consider:

- maximising the opportunity for public participation;
- the greater efficiencies achievable through a regular meeting schedule; and
- the impact on Councillors and administration in relation to work/life balance, cost and other obligations.

Councils across Western Australia manage these three factors in different ways. In metropolitan Perth, most Councils hold their meetings on a weekday evening. While no date or time will suit all community members and Councillors, the practice of holding meetings on a Monday evening has generally been accepted as the most appropriate approach in the Shire.

It is proposed to continue to hold meetings on the third Monday of the month, as in 2021, except for:

- the month of January when no meeting is proposed;
- the month of April, when due to Easter, the meeting would be held on the second Monday of the month; and
- the month of December, when due to Christmas, the meeting would be held on the second Monday of the month.

The practice of holding a meeting monthly, excluding January, is recommended to continue based on the volume of matters anticipated to be brought to Council.

Q & A Agenda Briefings

A Q & A Agenda Briefing is currently held on the week prior to each Ordinary Council Meeting. These sessions provide an important opportunity for Councillors to pose questions regarding agenda reports and contributes to the effective and efficient conduct of Council meetings. Q & A Agenda Briefings are not a decision-making body, are consistent with the provisions in the Act and are used by local governments across Western Australia.



It is recommended that Q & A Agenda Briefings continue to commence 6pm.

Policy Concept Forums (PCF)

It is recommended that PCF's continue to be held on the first and fourth Mondays of the month, commencing at 6pm. If a Committee Meeting is scheduled for the same night, then PCF commences at 6:30pm. PCF's are not scheduled to be held when the date coincides with a Public Holiday.

PCF provides the opportunity for Councillors and Officers to present items that are relevant to the current and future directions of the Council.

Committees of Council Meetings

It is recommended that Committees of Council continue to be held at 5:30pm on the first, and if required fourth Monday nights. Committee Meetings are scheduled at times to comply with the individual frequency required in accordance with the Committee Terms of Reference. Committee Meetings are held prior to the PCF scheduled for that night. The PCF scheduled for that night would commence at 6:30pm.

Options and Implications

Option 1

That Council:

1. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's 2022 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
 - a) 21 February 2022
 - b) 21 March 2022
 - c) 11 April 2022
 - d) 16 May 2022
 - e) 20 June 2022
 - f) 18 July 2022
 - g) 15 August 2022
 - h) 19 September 2022
 - i) 17 October 2022
 - j) 21 November 2022
 - k) 12 December 2022
2. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's Committees of Council meetings in 2022 to commence at 5:30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
 - a) Audit, Risk and Governance Committee - 28 February 2022
 - b) Audit, Risk and Governance Committee – 23 May 2022



- c) Audit, Risk and Governance Committee – 22 August 2022
 - d) Audit, Risk and Governance Committee – 7 November 2022
 - e) CEO Employment Committee – 7 February 2022
 - f) CEO Employment Committee – 1 August 2022
3. REQUESTS that the Chief Executive Officer makes arrangements to hold Q & A Agenda Briefing sessions, closed to the public and commencing at 6pm on the dates below, or at dates and times otherwise set in consultation with the Shire President:
- a) 14 February 2022
 - b) 14 March 2022
 - c) 4 April 2022
 - d) 9 May 2022
 - e) 13 June 2022
 - f) 11 July 2022
 - g) 8 August 2022
 - h) 12 September 2022
 - i) 10 October 2022
 - j) 14 November 2022
 - k) 5 December 2022
4. REQUESTS that the Chief Executive Officer makes arrangements for Policy Concept Forums (PCF) on the dates shown below commencing at 6pm on the dates below unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6:30pm, or at dates and times otherwise set in consultation with the Shire President:
- a) 7 February 2022
 - b) 28 February 2022
 - c) 28 March 2022
 - d) 2 May 2022
 - e) 23 May 2022
 - g) 27 June 2022
 - h) 4 July 2022
 - i) 25 July 2022
 - j) 1 August 2022
 - k) 22 August 2022
 - m) 5 September 2022
 - n) 3 October 2022
 - o) 24 October 2022
 - q) 7 November 2022



r) 28 November 2022

Option 2

Beyond the requirement to hold an Ordinary Council Meeting no more than every three months apart, Council has full discretion in setting the frequency and starting time of Council and Committee meetings.

Option 1 is recommended.

Conclusion

Regulation 12 of the *Local Government (Administration) Regulations 1996*, requires that at least once a year, every Local Government gives local public notice on the dates on which and the time and place at which Ordinary Council Meetings are to be held.

Beyond the requirement to hold an Ordinary Council Meeting no more than every three months apart, Council has full discretion in setting the frequency and starting time of Council and Committee meetings.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

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

Financial Implications

Council's decision regarding the frequency, starting time and date of Council and Committee Meetings have varying financial implications.



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 and Committee Meetings are held at times that do not suit Councillors and public attendance	Meetings are publicly advertised; Ordinary Council Meetings and Committee Meetings have been held on Monday evenings previously	Reputation	Possible	Minor	MODERATE	Promote Council and Committee Meeting times to enable public participation.
2	That Council and Committee Meetings are held at times that do not suit Councillors and public attendance	Meetings are publicly advertised;	Reputation	Possible	Minor	MODERATE	Promote Council and Committee Meeting times to enable public participation.

Voting Requirements: Simple Majority

OCM355/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

1. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's 2022 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
 - a) 21 February 2022
 - b) 21 March 2022
 - c) 11 April 2022
 - d) 16 May 2022
 - e) 20 June 2022
 - f) 18 July 2022
 - g) 15 August 2022
 - h) 19 September 2022



- i) 17 October 2022
 - j) 21 November 2022
 - k) 12 December 2022
2. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's Committees of Council meetings in 2022 to commence at 5:30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
- a) Audit, Risk and Governance Committee - 28 February 2022
 - b) Audit, Risk and Governance Committee – 23 May 2022
 - c) Audit, Risk and Governance Committee – 22 August 2022
 - d) Audit, Risk and Governance Committee – 7 November 2022
 - e) CEO Employment Committee – 7 February 2022
 - f) CEO Employment Committee – 1 August 2022
3. REQUESTS that the Chief Executive Officer makes arrangements to hold Q & A Agenda Briefing sessions, closed to the public and commencing at 6pm on the dates below, or at dates and times otherwise set in consultation with the Shire President:
- a) 14 February 2022
 - b) 14 March 2022
 - c) 4 April 2022
 - d) 9 May 2022
 - e) 13 June 2022
 - f) 11 July 2022
 - g) 8 August 2022
 - h) 12 September 2022
 - i) 10 October 2022
 - j) 14 November 2022
 - k) 5 December 2022
4. REQUESTS that the Chief Executive Officer makes arrangements for Policy Concept Forums (PCF) on the dates shown below commencing at 6pm on the dates below unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6:30pm, or at dates and times otherwise set in consultation with the Shire President:
- a) 7 February 2022
 - b) 28 February 2022
 - c) 28 March 2022
 - d) 2 May 2022
 - e) 23 May 2022
 - g) 27 June 2022
 - h) 4 July 2022
 - i) 25 July 2022
 - j) 1 August 2022
 - k) 22 August 2022
 - m) 5 September 2022
 - n) 3 October 2022
 - o) 24 October 2022
 - q) 7 November 2022
 - r) 28 November 2022

CARRIED 7/1



Continued

**Ordinary Council Meeting Minutes
Monday, 13 December 2021**

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

Councillors Rich, Byas, Dagostino, Duggin, Singh, Strange and Strautins voted FOR the motion.

Councillor Coales voted AGAINST the motion.



10.3.5 – Corporate Business Plan Performance Report – July to September 2021 (SJ940-3)

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

Authority / Discretion

Information	For the Council to note.
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.

Report Purpose

The purpose of this report is to provide Council with a performance report against the 2021-25 Corporate Business Plan (CBP) for the period 1 July to 30 September 2021 and an amended CBP for adoption.

Relevant Previous Decisions of Council

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

That Council:

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

Background

On 16 August 2021, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-25 (OCM228/08/21).

The Corporate Business Plan 2021-25 is the Shire of Serpentine Jarrahdale's four-year delivery program, aligned to the Shire's Integrated Planning and Reporting Framework (i.e. Strategic Community Plan, Annual Budget, Long Term Financial Plan and other supporting strategies). The purpose of the plan is to operationalise the Community's vision and the Shire's strategic objectives through the establishment of actions that address each strategy contained within the Strategic Community Plan.

The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2021-25 Corporate Business Plan to provide Council and the Community with an update towards the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district. Any amendments to a Corporate Business Plan must be adopted by absolute majority (Regulation 19DA(6)).





Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government and Communities. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".

Comment


The Shire of Serpentine Jarrahdale has completed a performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track or Complete	Action is complete or on target.
 At Risk or Behind Target	Minor issues have put achievement of the project due date or level of service at risk. or Minor issues have put the project/service behind target. The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period.
 Critical	Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods
 On hold	Work is unable to commence due to a dependency (e.g. awaiting grant funding or completion of another project).



Status	Selection Criteria
 Deferred or Not Proceeding	Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan. or Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g. loss of grant funding / change of government) or a change of direction by Council.

Report Summary

The Report provides an update against 117* actions in the Corporate Business Plan. Statistics this period show:

- **81%** are on track or complete (95/117);
- **10%** are at risk or behind target (12/117);
- **0%** are critical (0/117);
- **7%** are on hold (8/117); and
- **2%** are deferred or not proceeding (2/117).

*The Corporate Business Plan contains 124 actions to be reported on during the 2021-22 financial year. 7 of these are not captured in this report as their start dates are post this reporting period.

Key achievements and highlights this reporting period are as follows:

- Delivery of the 2021 Emergency Services Volunteer Awards Evening to honour the outstanding contributions of local firefighting and SES volunteers.
- Award of a commemorative park bench and plaque in celebration of 10-years as a Waterwise Council.
- Reopening of Baker Hall for community use.
- Beginning of the SJ Food Truck Fiesta events and delivery of the Muddy Buddies Adventures event.
- Community survey on planning for the Byford Town Centre.
- Announcement of a \$1.1M self-supporting loan from DFES towards the Oakford Fire Station.
- Tender release for key road upgrades including:
 - Gossage Road Upgrade
 - Mundijong Road and Nettleton Road Federal Blackspot Upgrades
 - Anketell Road, Keirnan Street and Thomas Road / Anketell Road Intersection State Blackspot Upgrades
 - Nettleton Road and Kingsbury Drive MRRG Upgrades
- Approval of 159 development applications valued at \$21,438,227.



- Processing of 336 building applications.
- Tender award for the Byford Hall Refurbishment (Library Relocation).
- Infrastructure Directorate review and restructure.
- Installation of the Jarrahdale Communications Tower generator backup and asset protection zone.
- Completion of the Abernethy Road project.
- Adoption of the Local Food Action Plan 2021-24.



The **12** actions identified as **at risk or behind target** are:

Action 1:	<u>Drainage Material Disposal</u> Find a disposal solution for the drainage material produced from operations (as opposed to disposal at landfill).	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers are currently investigating undertaking a screener trial to determine output and product viability. Sampling of material has also commenced, and asset data is being collated. The decision to purchase the screener cannot be made until this work is complete. At this stage if the purchase does go ahead it is likely to not be operational until August 2022. The Webb Rd site which is owned by the Shire will be used to stockpile 500 tonnes of the material, as approved by DWER, while investigations to the purchase of the screener is undertaken.				
Remedial Action:	If testing of material is within acceptable levels, the screener will be purchased in accordance with the strategy. If not, a report will be presented to Council.				

Action 2:	<u>Enterprise Resource Planning (ERP)</u> Implement an Enterprise Resource Planning system.	Status			
		Q1	Q2	Q3	Q4
Comment:	External factors such as resourcing and project timings with the City of South Perth has forced the project team to realign the project outcomes based on current and expected future influences. Data migration training has commenced for the Shire's document management system and our properties, a report to council detailing the projects future direction is currently being created.				
Remedial Action:	A report to council detailing and seeking the projects future direction is currently being created and will be presented at November's OCM.				



Action 3:	<u>Marcora Trail Upgrades</u> Trails upgrades to Marcora Trail (Carpark Improvements and maintenance works on the trail).	Status			
		Q1	Q2	Q3	Q4
Comment:	Project has been delayed awaiting response from DBCA on audit and risk assessment to guide approved works to be undertaken.				
Remedial Action:	Complete scope and obtain agreement for works from DBCA by end Q2.				

Action 4:	<u>Minor Facility Renewals</u> Women's changerooms at Centrals FB and Netball Club	Status			
		Q1	Q2	Q3	Q4
Comment:	This project did not commence in the quarter as funding for the Changerooms was provided by the State Government directly to the Club. Officers will make contact with the club to discuss project timing and scope.				
Remedial Action:	Work with the club to determine next steps.				

Action 5:	<u>Metropolitan Regional Road Group Upgrades</u> Minor Road Upgrades under MRRG · Hopkinson Road	Status			
		Q1	Q2	Q3	Q4
Comment:	The Shire was informed by MRRG on July 2021 that this project was unsuccessful. There is a possibility that it can be funded as a reserve project (to be announced in January 2022). Accordingly, the decision to proceed with the project or otherwise will be brought to the Q2 Budget Review for consideration.				
Remedial Action:	This project has been submitted for MRRG consideration as a reserve project (to be announced in January 2022).				

Action 6:	<u>Metropolitan Regional Road Group Upgrades</u> Minor Road Upgrades under MRRG · Rowley Road	Status			
		Q1	Q2	Q3	Q4
Comment:	The scope of works and cost estimating for this project is being reviewed to ensure a fit for purpose and cost efficient treatment methodology is selected which can be completed within available budget. A report will be presented to the Council at a future meeting seeking approval to either proceed with the project or withdraw the project and return the grant funds to MRWA. Further to this, City of Armadale will be contacted to commence negotiation of a new MoU for the maintenance and ownership of the road.				
Remedial Action:	Continue to work through the above-mentioned issues.				



Action 7:	<u>Serpentine Heritage Precinct</u> Develop a Business Plan for the Turner Cottage site and undertake community consultation.	Status			
		Q1	Q2	Q3	Q4
Comment:	Project is behind schedule due to the Shire having to finalise the recruitment for the resource responsible for this project, the resource commenced in September. Work is underway in preparing a project brief for the submission EOI process and to engage consultants to undertake the community engagement plan.				
Remedial Action:	Continue to progress project.				

Action 8:	<u>Horse and Pony Expo</u> Investigate and determine viability of hosting a horse and pony expo within the Shire, including proposed model, stakeholders and cost.	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers have started the design of the consultation using IAP2 methodology. The progression of the consultation is dependent on the Equine Advisory Group which has been disbanded due to Council Elections and who's members will be reappointed in November. Officers will present the consultation / engagement plan at their first meeting anticipated to be in December.				
Remedial Action:	Awaiting appointment of members to the Equine Advisory Group.				

Action 9:	<u>Reconciliation Action Plan</u> Develop a Reconciliation Action Plan.	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers attended WALGA Aboriginal Engagement and Reconciliation Forum on 22 September 2021. Through this forum and conversation with other local governments and agencies, Officers have come to understand that the creation of a RAP will not be a one year process. Given the current lack of relationship with Traditional Owners and beginning of the Shire's reconciliation journey it will be necessary to provide a report to Council for consideration on the way forward with this project. It is anticipated this report will be provided in February 2022.				
Remedial Action:	Report to Council in February 2022.				



Action 10:	<u>Environmental Health</u> Provide efficient, effective, compliant environmental health services; · Food Safety and Quality Assessments · Drinking and Recreational Water Sampling · Public Buildings and Events Applications and Risk Assessments · Wastewater Treatment and Disposal Applications and Approvals · Offensive Trades Licensing and Administration · Service Request Investigations and Compliance · Health Risk Assessments and Reports · Light Industry Program · Other health premises assessments	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	During this quarter the environmental health team was able to stabilise and continue delivery across all core service levels of the service team plan. The team completed a high number of applications for the quarter and responded to an increased volume of service requests from the community, when compared to last quarter. The team completed 95% of the average required health premise assessments for the quarter, however the team was not able to reduce the backlog of food business inspections outstanding from the last quarter. Health premise assessments will remain a priority area until the backlog is reduced.				
Remedial Action:	Recruitment of Environmental Health Trainee.				

Action 11:	<u>Asset Management – Maintenance</u> Provide scheduled and reactive maintenance work to the Shire's assets: · Repair and maintain roads, bridges, drainage, street lighting, footpaths, trails, cycle ways, sports fields, parks, gardens, street trees, verges and facilities.	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	This quarter 753 works requests were created, 573 were completed leaving 94 outstanding. The YTD number of outstanding requests is 542. Higher than average rainfall in August resulted in an increase of incoming requests for the reporting period. 21% of outstanding YTD requests are tree related. Operations team have received a high number of work orders than available capacity to be able to complete the work orders in a timely manner, particularly in tree, drainage and road maintenance areas.				
Remedial Action:	6 month casual administration officer to assist with back log of outstanding requests (interviews underway)				

Action 12:	<u>Health, Safety and Wellbeing</u> Provide and maintain a safe and healthy workplace environment	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	All Safety processes, procedures, recordings and practices are currently being audited against the international standard for Health and Safety Management Systems. Actions scheduled for completion by end of December 2021.				
Remedial Action:	The outcome of this audit will provide the organisation with a road map and action plan to navigate the way forward and address compliance with the soon to be released Work Health and Safety Act and Regulations.				



The 8 actions identified as **on hold** this reporting period are:

Action 1:	<u>Oakford Bush Fire Brigade Station</u> Deliver the new Oakford Volunteer Bush Fire Brigade station building.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	As per the adopted 2021-25 Corporate Business Plan, commencement of this project is subject to land acquisition and LGGS grant funding. In September 2021, DFES advised the Shire that, subject to formal documentation, DFES will fund a self-supporting loan of \$1.1M towards the Oakford Fire Station. As per the report provided to Council in October (refer OCM276/10/21), Officers will provide a future report to Council on the management order for the land and the DFES funding will be listed for consideration in next year's budget and Corporate Business Plan setting project. The first milestone of this project (to undertake a QS assessment) is likely to commence in early 2022. The Corporate Business Plan will be updated to reflect the progress of this project.				

Action 2:	<u>Soldiers Road Principal Shared Path</u> Construct the Principal Shared Path on Soldiers Road from Bishop Road to Abernethy Road (WA Bicycle Network Grants Program - DoT).	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	<p>This project is on hold pending the Ministers announcement for the proposed Metronet extension rail over road design and confirmation of Public Transport Authority's (PTA) proposed infrastructure design. The Shire's current Principal Shared Path (PSP) detailed design conflicts with PTA's proposed infrastructure works which includes installation of a stabling yard and main cable works. These changes will have a significant impact on the current design for the path, pedestrian maze and footbridge.</p> <p>Officers informed the funding body, Western Australia Bicycle Network (WABN) of these delays and have requested an extension of time (EOT) the outcome of which will be announced in the coming months.</p> <p>In the interim, Officers have actioned the following:</p> <ul style="list-style-type: none"> - organised a consultant to carry out a Flora and Fauna Survey this September/October. The report is due December 2021 and will be used to submit a clearing permit application to DBCA. - requested a feasibility report for the footbridge design. This was completed by Porter Consulting and is currently being reviewed. - submitted the Activation Plan (ACE) to WABN. 				

Action 3:	<u>Orton Road Upgrade</u> Rehabilitate the existing pavement on Orton Road between Hopkinson and King Road.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	As per the adopted Corporate Business Plan, this project is on hold until receipt and confirmation of the grant funds. Officers are in the process of obtaining the first 40 per cent claim from MRRG and expect to be able to commence the project in Q2.				



Action 4:	<u>Soldiers Road Upgrade</u> Rehabilitate the existing pavement and improve intersections.	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the adopted Corporate Business Plan, this project is on hold until receipt and confirmation of the grant funds. Officers are in the process of obtaining the first 40 per cent claim from MRRG and expect to be able to commence the project in Q2.				

Action 5:	<u>Minor Facility Renewals</u> Disability Improvements at Serpentine Bridge School	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the 2021-25 Corporate Business Plan, this project is on hold until the grant funds from the State Government is confirmed which Officers are currently progressing. Officers have met with the relevant community representatives to confirm scope and following confirmation of the grant funds, the next step is to develop a program schedule for the delivery of the works.				

Action 6:	<u>Minor Facility Renewals</u> Upgrades to Old Hopeland School	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the 2021-25 Corporate Business Plan, this project is on hold until the grant funds from the State Government is confirmed which Officers are currently progressing. Officers have met with the relevant community representatives to confirm scope and following confirmation of the grant funds, the next step is to develop a program schedule for the delivery of the works.				

Action 7:	<u>Electrical, HVAC inspection and renewal report</u> Review the electrical wiring and isolation boxes within Shire facilities for compliance.	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the 2021-25 Corporate Business Plan, this project is on hold until recruitment of the Facilities Maintenance Coordinator is finalised. This position was recruited to in the reporting period and will be commencing in October 2021. Based on this, it is likely the project will not be completed until March 2022. The Corporate Business Plan will be updated to reflect the new start and finish dates.				

Action 8:	<u>Heritage Park Business Case</u> Development of Heritage Park Business Case.	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the adopted 2021-25 Corporate Business Plan, this project is unable to commence until the recruitment of the Jarrahdale Trails Officer is finalised.				



The **2** actions identified as **Deferred or Not Proceeding** this reporting period are:

Action 1:	<u>Briggs Park Upper Oval Drainage</u> Renew the subsoil drainage at Briggs Upper Oval.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	At the October Council Meeting, Council agreed to reallocate \$164,426 of the funding for this project to the Keirnan Park - Design Services Tender (refer OCM283/10/21). As such, the project as it originally stood will not be proceeding and will be removed from the Corporate Business Plan. To address the drainage concerns, Officers will propose to utilise \$25,000 of the remaining funding to undertake minor drainage improvement works along the northern edge of the oval to prevent flow of water from the oval onto the car park reducing pedestrian safety risk.				

Action 2:	<u>Masterplan of Trails Centre at Lot 814 Jarrahdale Road, Jarrahdale</u> Masterplan of Trail Centre at Lot 814 Jarrahdale Road.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	As per the Jarrahdale Trail Town Business Case adopted by Council at October Ordinary Council Meeting, the masterplan for Lot 814 is rescheduled to the 2022-23 financial year to allow the necessary feasibility work be undertaken first (refer section B, numbers 3.2 and 3.6 of the Jarrahdale Trail Town Business Case Implementation Plan).				

Details of the remaining **95** actions **on track** this reporting period are outlined in **attachment 1**.

Corporate Business Plan Amendments

To uphold the principle of an Integrated Planning and Reporting Framework and to ensure the Corporate Business Plan (CBP) remains aligned to the Shire's Annual Budget and other supporting strategies, Officers recommend Council amend the CBP following each quarterly budget review and corporate business plan performance reporting process. Conscious of the requirement to uphold the integrity of reporting against the CBP Key Performance Indicators, the following principles are applied when considering whether to amend the CBP:

1. If there is a Council resolution, projects may be amended to match. This can include amendments to project descriptions, start and finish dates, and milestones. It can also include the removal of a project and the addition of a project.
2. If the project has not commenced for a planned reason (such as awaiting grant funds, recruitment of a resource or the completion of another project), once this dependency is no longer the project can be updated to reflect its new timeline.
3. Any amendments made as a result of quarterly budget reviews are to be reflected.

In line with the abovementioned principles, the following amendments to the Corporate Business Plan are proposed:



Under Principle One:

- Removal of Briggs Park Upper Oval Drainage Major Capital Project as per OCM283/10/21 to utilise the funds for Keirnan Park Recreation Precinct Major Capital Project.
- Addition of the Bruno Gianatti Hall – Outdoor Hub Major Capital Project as per OCM264/09/21 to provide funds under the community infrastructure fund.
- Slight rescoping of deliverables and due dates for the Oakford Bush Fire Brigade Station Major Capital Project as per OCM276/10/21 in light of DFES loan and project progress.
- Addition of funds into Keirnan Park Recreation Precinct Major Capital Project and scope updated to include detailed design for the BMX track as per OCM283/10/21.
- Addition of LRCI funds into the Byford Library Major Capital Project as per OCM256/09/21.
- Addition of funds into the Minor Facility Renewals of the Capital Works Program for the Serpentine Jarrahdale Community Recreation Centre renewals as per OCM263/09/21.
- Insertion of the Karnup Road Culvert Replacement into the Capital Works Program as per OCM256/09/21.
- Reschedule of the Masterplan of Trails Centre at Lot 814 Jarrahdale Road Strategic Operating Project to 2022-23 as per OCM286/10/21 to adopt the Jarrahdale Trail Town Business Case.
- Insertion of the Commercial Feasibility of developing Lot 814 Strategic Operating Project as per OCM286/10/21 to adopt the Jarrahdale Trail Town Business Case
- Milestones inserted for the Serpentine Jarrahdale Community Recreation Centre Operation and Management Arrangement Strategic Operating Project as per OCM263/09/21.

Under Principle Two:

- Removal of the Facilities Maintenance Coordinator dependency on the Electrical, HVAC Inspection and Renewal Report Strategic Operating Project and update of the start and finish dates.

Under Principle Three:

- Addition of the Gordin Way Bus Bay Extension into the Capital Works Program.
- Remaining funds from the Briggs Park Upper Oval Drainage Major Capital Project placed into the Drainage Renewal Capital Works Program for minor repair works at Briggs Park and the Gordin Way Bus Bay Extension Capital Works Program.

These amendments are detailed in tracked changes at **attachment 2**.

Corporate Business Plan Key Performance Indicators

The Corporate Business Plan 2021-25 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 85% of budgeted capital works are expended
3. Improvement is seen in all key result areas of the community perceptions survey
4. Improvement is seen in the Performance Index Score of the Employee Scorecard Survey
5. Financial Sustainability – maintain a financial health indicator above 70 (as published on the *MyCouncil* website)



A progress update on each KPI, including a projected end of year result, is provided below for the Council to note.

KPI 1: 80% of strategic operating projects are completed by their due date

Projected Result: 81% (17/21)

Comment:

The Corporate Business Plan 2021-25 contains 23 Strategic Operating Projects due on, or before 30 June 2022. As at 30 September 2021, 15 are on track, 2 are on hold, 1 is deferred, 3 are flagged as 'at risk / behind schedule' and 2 do not yet have a status because their start dates are post this reporting period (refer performance reporting above).

The projected result for this KPI is 81% (17/21), which assumes:

- The 15 projects currently 'on track', remain on track and are completed on time;
- The 2 projects not yet due to commence are completed on time;
- The proposed amendments to the CBP outlined above are adopted, resulting in the removal of 2 projects from the total (the Masterplan of Trails Centre at Lot 814 Jarrahdale Road and the Electrical, HVAC Inspection and Renewal Report) and the addition of 1 new project (the Commercial Feasibility of developing Lot 814) which is assumed to be on track;
- The remaining 'on hold' project (Heritage Park Business Case) has its due date amended under principle 2 once the dependency is no longer and is therefore removed from the total;
- The 3 projects flagged 'at risk / behind schedule' do not get back on track.

KPI 2: 85% of budgeted capital works are expended

Current Expenditure: 2.7%

Comment:

Total amount of capital expenditure for the period was \$1.356m, with \$604k spend relating to new projects and \$752k relating to carried forward projects. This equates to 2.7% of the new capital budget being expended YTD. Tenders for annual supply contracts and 8 capital road projects will be presented to Council in the Q2 period which will result in expenditure reaching its predicted trend.

KPI 3: Improvement is seen in all key result areas of the community perceptions survey

Comment: Not applicable – the survey is carried out biannually and is not due again until 2022-23.

KPI 4: Improvement is seen in the Performance Index Score of the Employee Scorecard Survey

Comment: Unable to report at this stage. Survey will be undertaken later this financial year.

KPI 5: Financial Sustainability – maintain a financial health indicator above 70 (as published on the MyCouncil website)

Comment: Unable to report until closer to end of financial year.



Options and Implications

Option 1

That Council

1. NOTES the performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2021-25 as outlined in this report and **attachment 2**.

There are no implications associated with this option.

Option 2

That Council:

1. NOTES the performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2021-25 as outlined in this report and **attachment 2**.

Refer to Risk Implications for the implications associated with this option.

Option 1 is recommended.

Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 14 key achievements, including confirmation of funding for the Oakford Bushfire Brigade Station and the release of several tenders for major road upgrades. Of the 117 actions reported against, 10% are currently 'at risk or behind target' and 77% are on track.

KPI 1 related to Strategic Operating Projects is projected to be achieved, and KPI 2 related to capital works expenditure is at risk. It is expected that the percentage of capital expenditure will increase significantly by quarter 3 as several large projects commence.

Introducing a CBP amendment process and a KPI progress report into the quarterly CBP performance report provides the Shire with a more integrated, structured and specific framework and greater oversight and accountability of the Shire's performance.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Corporate Business Plan 2021-25 Performance Report 1 July to 30 September 2021 (E21/12903)
- **10.3.5 - attachment 2** – Corporate Business Plan 2021-22 Quarter One Review – Tracked Changes (E21/12664)

Alignment with our Strategic Community Plan

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



Financial Implications

There are no financial implications associated with the Officer Options.

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 Option 1.						
2	If Council do not adopt the CBP, this will result in documents that are not aligned with the annual budget. This will create a fragmented environment for the Shire to operate in.	Existing Corporate Business Plan 2021-25 2021-22 Annual Budget	Organisational Performance	Unlikely	Moderate	MODERATE	Nil.

Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

OCM356/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

1. **NOTES** the performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 as contained in this report and attachment 1.
2. **ADOPTS** the amendments to the Corporate Business Plan 2021-25 as outlined in this report and attachment 2.

CARRIED UNANIMOUSLY 8/0



Councillor Singh declared a Financial Interest in item 10.3.6 and left the Chambers at 9:45pm prior to this item being discussed.

10.3.6 – Request for Reimbursement of Legal Costs (SJ1002-25)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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 enable Council to consider a request made by Cr Gary Singh for reimbursement of legal costs in relation to invalidity complaints lodged on 2 November 2021 and 12 November 2021 regarding the 2021 Ordinary Local Government elections.

Relevant Previous Decisions of Council

<p><i>Special Council Meeting – 10 November 2021 – SCM079/11/21 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"><i>1. NOTES the legal advice obtained by the Shire of Serpentine Jarrahdale related to the 2021 Ordinary Local Government Election contained in CONFIDENTIAL attachments 3 and 4 and the response from the Western Australian Electoral Commission contained in attachment 2.</i><i>2. RESOLVES that in accordance with section 4.80 of the Act that an invalidity complaint is made pertaining to the 2021 ordinary local government election in the Shire of Serpentine Jarrahdale North Ward.</i><i>3. REQUESTS the Chief Executive Officer use the Council Report for item 6.1.1 as supporting material for the complaint, plus any other factual information, together with a Form 53C.</i>

Background

At the Special Council Meeting held on 10 November 2021, Council resolved that in accordance with section 4.80 of the *Local Government Act 1995* (the Act) that an invalidity complaint be made pertaining to the 2021 ordinary local government in the Shire of Serpentine Jarrahdale North Ward.

On 12 November 2021, lawyers acting on the Shire's behalf lodged the required forms to give effect to Council's resolution to the Armadale Magistrates Court.

On 1 December 2021, the Shire received correspondence from Vogt Graham Lawyers representing Cr Gary Singh in relation to the invalidity complaints that were lodged on 2 November 2021 by another person and on 12 November 2021 on behalf of the Shire of



Serpentine Jarrahdale. The correspondence is available in **attachment 1**. The correspondence was accompanied by declarations made by Cr Singh as contained in **attachment 2**.

The purpose of the correspondence is to request that pursuant to Council Policy 1.1.2 – Legal Representation and Cost Indemnification that Cr Singh's legal costs related to the above matters are reimbursed by the Shire.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The Act is silent regarding reimbursement of legal expenses. As noted in the Department's guidance material '*Legal Representation for Council Members and Employees*':

"Section 9.56 of the Local Government Act 1995 (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law. However, the legislation does not preclude people taking action against individual council members or employees if they believe that the council member or employee has not acted in good faith.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function."

Comment

In accordance with the recommendations contained in the Department's operational guideline, Council has previously adopted a policy regarding legal representation and cost indemnification as contained in **attachment 3**.

Council's policy on the matter mirrors the model policy contained in the Department's operational guideline.

Clause 5 of the Policy states that Council may refuse, grant or grant subject to conditions an application for payment of legal representation costs.

In respect to payment criteria, clause 1 of the policy states that:

- a) the legal representation costs must relate to a matter that arises from the performance by the relevant person, or his or her functions;
- b) the legal representation cost must be in respect of legal proceedings that have been, or may be commenced;
- c) in performing his or her functions, to which the legal representation relates, the relevant person must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- d) the legal representation costs do not relate to a matter that is of a personal or private nature.



The policy goes on to state in clause 2 that if the criteria in clause 1 is met the Shire may approve the payment of legal representation costs:

- a) where proceedings are brought against a relevant person in connection with his or her functions an action for defamation or negligence arising out of a decision made or action taken by the relevant person
- b) to enable proceedings to be commenced and/or maintained by a relevant person to permit his or her functions (e.g. where a relevant person seeks to take action to obtain a restraining order against a person using threatening behaviour to the relevant person); or
- c) where exceptional circumstances are involved (e.g. where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about a relevant person.)

In support of his client's request, the lawyers acting on behalf of Cr Singh submit that:

- The Shire itself has lodged an Invalidity Complaint that legal representation costs relate to a matter that arises from the performance by Cr Singh of his functions
- Cr Singh will be unable to perform his functions as an Elected Member, as declared by the Returning Officer at the conclusion of the election, if what the Returning Officer declared is subsequently determined as an invalid election
- Cr Singh's legal representation costs do not arise from any personal or private matter in the sense that his personal · private legal interests are at stake. Instead, and especially in the context of the grounds stated in the Shire's Invalidity Complaint, his involvement in the proceedings is about ensuring the Court is adequately able to deal with the matter, to ensure that the declaration by the Returning Officer arose from a free and fair election, in order for the community to have confidence in the electoral process and the outcome declared.
- If Cr Singh is not represented by adequate and properly resourced legal representation, the Shire's interests in ensuring that the matter is properly and fully inquired into by the Court will be compromised.

Officers do not agree with the viewpoint presented by Cr Singh's legal representation.

Officers recommend refusing the request based on the criteria set in the policy not being met. The Officer's assessment against the criteria provided for by the policy is described in the table below:

Clause	Officer Assessment	Officer Comment
1a) the legal representation costs must relate to a matter that arises from the performance by the relevant person, or his or her functions.	This criteria has NOT been met	<p>The action relates to a question of the validity of the 2021 Ordinary Local Government Election North Ward in which Cr Singh was one of seven candidates.</p> <p>The legal representation costs do not relate to a matter that arises from the performance by the person of his functions as a Councillor.</p>



Clause	Officer Assessment	Officer Comment
1b) the legal representation cost must be in respect of legal proceedings that have been, or may be commenced.	This criteria has been met	Proceedings have been scheduled in the Armadale Magistrates Court.
1c) in performing his or her functions, to which the legal representation relates, the relevant person must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.	This criteria is not applicable	As the legal action does not relate to the performance of Cr Singh's functions this clause is not relevant.
1d) the legal representation costs do not relate to a matter that is of a personal or private nature.	This criteria has NOT been met	The legal action does not relate to the performance of Cr Singh's functions under the Act
2a) where proceedings are brought against a relevant person in connection with his or her functions an action for defamation or negligence arising out of a decision made or action taken by the relevant person	This criteria has NOT been met	The action relates to a question of the validity of the 2021 Ordinary Local Government Election North Ward in which Cr Singh was one of seven candidates. The action is not in connection with Cr Singh functions as an action for defamation or negligence arising from a decision made by the Councillor.
2b) to enable proceedings to be commenced and/or maintained by a relevant person to permit his or her functions (e.g. where a relevant person seeks to take action to obtain a restraining order against a person using threatening behavior to the relevant person);	This criteria has NOT been met	The action does not meet the example criteria where a Councillor is seeking to take action against another person to enable them to continue to perform their role. While Cr Singh may wish to make representations that the result was valid, that action is not to permit his functions be performed but generally to continue to hold office.
2c) where exceptional circumstances are involved (e.g. where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about a relevant person.)	This criteria has NOT been met	The action relates to a question of the validity of the 2021 Ordinary Local Government Election North Ward as resolved by the Council at the Special Council Meeting on 10 November 2021.

Overall, Officer's contend that only one of the four requisite initial criteria provided by clause 1 of the policy has been met and that none of the three subsequent criteria set out by clause 2 of the policy have been met. Accordingly, Officers recommend that the request is refused.



Options and Implications

Option 1

That Council REFUSES the request dated 1 December 2021 made on behalf of Cr Gary Singh that his legal costs be reimbursed in relation to Invalidity Complaints that have been lodged with the Magistrates Court related to the 2021 Ordinary Local Government Election in the North Ward.

Option 2

That Council GRANTS the request dated 1 December 2021 made on behalf of Cr Gary Singh that his legal costs be reimbursed in relation to Invalidity Complaints that have been lodged with the Magistrates Court related to the 2021 Ordinary Local Government Election in the North Ward.

Option 3

That Council CONDITIONALLY GRANTS the request dated 1 December 2021 made on behalf of Cr Gary Singh that his legal costs be reimbursed in relation to Invalidity Complaints that have been lodged with the Magistrates Court related to the 2021 Ordinary Local Government Election in the North Ward.

A conditional approval could involve approving reimbursement up to a maximum value set by Council.

Option 1 is recommended.

Conclusion

In accordance with Council's policy on the matter, a request for reimbursement of Councillor legal costs has been made. Officers have reviewed the material supplied against the criteria contained in the policy and for the reasons detailed above recommend that Council refuse the request.

Attachments (available under separate cover)

- **10.3.6 - attachment 1** – Request for reimbursement of legal expenses related to invalidity complaint – Cr Gary Singh (E21/14600)
- **10.3.6 - attachment 2** – Declarations made regarding request for reimbursement of legal expenses related to invalidity complaint – Cr Gary Singh (E21/14601)
- **10.3.6 - attachment 3** – Council Policy 1.1.2 – Legal Representation and Cost Indemnification (E21/14602)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Lawyers representing Cr Singh have estimated the costs associated with the reimbursement to be \$8,500. Provisions to manage the expenditure related if Council was to proceed would need to be considered as part of the quarterly budget review as this amount exceeds Council's allocated budget related to this purpose.



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 material risks associated with this option.						
2 & 3	The reimbursement of legal expenses related to this matter will likely attract reputation damage to the Shire.	Council has a policy for considering applications and could specify in the difference with Officer's recommendation the rationale	Reputation	Likely	Moderate	SIGNIFICANT	

Voting Requirements: Simple Majority

OCM357/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Strange

That Council REFUSES the request dated 1 December 2021 made on behalf of Cr Gary Singh that his legal costs be reimbursed in relation to Invalidation Complaints that have been lodged with the Magistrates Court related to the 2021 Ordinary Local Government Election in the North Ward.

CARRIED UNANIMOUSLY 7/0

Councillor Singh returned to the Chambers at 9:47pm.

Presiding Member, Councillor Rich advised Councillor Singh of the Council Resolution for item 10.3.6.



10.3.7 – Communication Protocol (SJ2762)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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 enable Council to consider adopting a communication Protocol to provide a framework for interactions between Council and the Administration.

Relevant Previous Decisions of Council

Nil.

Background

The *Local Government Act 1995* (the Act) sets out the different roles and functions of the Council, the Mayor and President, Councillors and the Administration of the local government overseen by the Chief Executive Officer (CEO).

This legislation, which is consistent with Westminster principles of democracy, provide for a separation of powers between the legislature, the executive, and the judiciary.

Under the Act, a local government is made up of two distinct parts, the Council and Administration. Each part has a specific role and requires the other to succeed in the overall objective of the local government to provide for the good governance of a district.

This scenario is not unique. In both State and Federal Government, under the Westminster system, an elected legislature is supported by a public sector.

In both State and Federal Governments, communication protocols are used to ensure the effective relationship between legislature and administration and to ensure separation of powers.

Community / Stakeholder Consultation

Policy Concept Forum

This item was discussed at the Policy Concept Forum held on 22 November 2021. In addition, a draft version of the protocol was distributed to Councillors on Friday, 26 November 2021.

Statutory Environment

The Act provides a framework for the distinct roles and responsibilities for Council and the Administration. The *Local Government Model Code of Conduct Regulations 2021* sets out rules



for interactions between Councillors and the Administration. Legislation also provides strict rules regarding the influence and conflict of interest.

Comment

A communication protocol for Councillors and employees was prepared in 2016. The document was not formally presented to Council but many of the conventions contained have guided interactions between Council and the Administration in the intervening period. This simple communication protocol enshrined that the primary communication points for Councillors is to be the CEO and Council Support Officer.

The impetus for presenting a revised communication protocol to Council occurred as part of the CEO Key Performance Indicator (KPI) setting where it was identified as a priority action.

Separately, a communication protocol has been identified as a future legislative requirement as part of the Minister for Local Government's latest tranche of proposed legislative reforms announced on 10 November 2021.

In the Department of Local Government's material that accompanied the Minister's announcement, the following rationale was provided:

"In State Government, there are written Communication Protocols between Ministers and agencies that set standards for how information and advice will be provided.

It is proposed that local governments will need to have Council Communications Protocols between the council and the CEO.

These Council Communication Protocols would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided."

Officers have prepared a draft communication protocol for Council's consideration (**attachment 1**).

In preparing the draft Communication Protocol, Officers have examined communication protocols from twelve local governments being Bayswater; Belmont; Cockburn; Gosnells; Kalamunda; Kwinana; Nedlands; Rockingham; Stirling; Subiaco; Victoria Park; and Waroona.

A common theme in these communication protocols is a separation of powers to protect Councillors from explicitly or inadvertently directing Officers to a course of action that would contravene regulations 19 and 20 of the *Local Government (Model Code of Conduct) Regulations 2021* which prohibit a Councillor from involving themselves in the Administration and directing an Officer in the course of their duties.

Another a common theme in communication protocols is a framework for how information requests under section 5.92 are to be received and who in the Administration is permitted to communicate with Councillors. This is most commonly through a combination of Chief Executive Officer, senior Officers and named positions that perform specific functions related to Council business.

As noted above communication protocols are also a normal practice to provide a framework between State and Federal Government Ministers and their office and public sector departments. While State Government protocols are not generally published which has limited the capacity for Officers to conduct a current comparison, Officer's past familiarity with these types of documents across government has identified the core elements of these protocols within the draft protocol.



Contents of the draft protocol

The draft protocol commences with an acknowledgement of the need for a partnership between Council and the Administration to deliver on the objectives of the local government and provide for good governance of the district and a commitment to abide by the protocol and to recognise the unique and essential contribution that each part of the local government makes.

The protocol then moves on to the unique roles of the parts of the local government as set out in the legislation being the Council; Councillors; President and Chief Executive Officer and Officers.

The Communication Protocol establishes the following overarching principles:

- Excluding matters such as integrity matters, development of Alternative Motions, development of Notices of Motions, personally sensitive information and individual training, communication that goes to one Councillor is sent to all Councillors.
- Notwithstanding, in accordance with section 2.8 of the Act, the role of the President includes liaising with the CEO on the local government's affairs and the performance of its functions which requires heightened communication to achieve.
- Councillors are leaders in the community and their conduct can impact positively and negatively the reputation of the Shire.
- The Administration has respect for the Office of Councillor and values the contribution that Councillors make.
- Both Administration and Councillors acknowledge the separation of powers enshrined in legislation.
- Both Administration and Councillors recognise the importance of timely communication and that the provision of accurate information takes time.
- Both Administration and Councillors recognise the importance of professionalism in communication.

To give effect to these principles the protocol specifies processes for customer requests made on behalf of Councillors, information requests made under s5.92 of the Act and documents conventions related to communication, Friday Facts, diaries, maintaining confidentiality and meetings.

For the most part, the draft Communication Protocol documents practices that have been convention in the Shire for many years. The most significant change from current conventions is changes to the way customer requests made by Councillors on behalf of members of the public.

Currently, requests for service made by Councillors on behalf of members of the public are received and assigned by the Council Support Officer.

This scenario puts Councillors in jeopardy of inadvertently breaching three sections of the *Local Government (Model Code of Conduct) Regulations 2021* being:

- Regulation 18 states that a Council Member must not make improper use of their office to gain directly or indirectly an advantage for the council member or any other person.
- Regulation 19 states a Council Member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- Regulation 20 states that a Councillor must not direct or attempt to direct a local government



employee to do or not to do anything in their capacity as a local government employee or attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee.

With the implementation of the Shire's new Customer Request Management (CRM) system, when receiving a request for service from a constituent, the draft Communication Protocol provides that Councillors should direct the member of the public to the CRM. Any Customer Requests received from Councillors will be treated like any other request for service.

This approach is more in keeping with communication protocols across the sector and with practices enshrined in Federal and State Government communication protocols. Overall, this initiative is considered to be an important step in the journey of continuous improvement from a governance and integrity perspective in ensuring that every community member in the Shire has equal access to services.

Options and Implications

Option 1

That Council ADOPTS the Communication Protocol as contained in **attachment 1**.

Option 2

That Council NOTES the draft Communication Protocol presented for Council's consideration and REQUESTS that the Chief Executive Officer present a revised draft to a future Council meeting following further consultation.

Option 1 is recommended.

Conclusion

As recognised in the Minister's proposed reforms, a communication protocol between Council and Administration that describes how the separation of powers between legislature and executive is enacted is recommended.

Attachments (available under separate cover)

- **10.3.7 - attachment 1** – Draft - Communication Protocol (E21/14361)

Alignment with our Strategic Community Plan

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

Financial Implications

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 material risks associated with this option						
2	In the absence of a protocol, Councillors may continue to be at risk of inadvertently breaching the Rules of Conduct Regulations		Organisational Performance	Possible	Minor	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the Communication Protocol as contained in attachment 1.

OCM358/12/21

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Coales

That the Council DEFER the matter to the February 2022 Ordinary Council Meeting and NOTES that change to the CEO KPI timeframes will be considered by the CEO Employment Committee at the meeting to be held in February 2022.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation

To allow further consideration of the Communication Protocol.

**10.4 Community and Organisational Development reports**

10.4.1 - Local Emergency Management Committee Information Report (SJ716-02)	
Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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.

Report Purpose

The purpose of this report is for Council

- to receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 9 November 2021, and
- consider a recommendation for the Shire to continue as a party to the Local Government Emergency Management Memorandum of Understanding (MoU).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 November 2021 – OCM326/11/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 September 2021 contained in attachment 1.

Ordinary Council Meeting – 21 September 2020 - OCM311/09/20 COUNCIL RESOLUTION / Local Emergency Management Committee Recommendation - EXTRACT

That Council:

- 3. APPROVES the Shire of Serpentine Jarrahdale become a party to the Local Government Emergency Management Memorandum of Understanding, as per attachment 4; and*
- 4. AUTHORISES the Chief Executive Officer to sign the Local Government Emergency Management Memorandum of Understanding.*

Background

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council;



however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Community / Stakeholder Consultation

The Local Emergency Management Committee considered the MoU at its meeting on 9 November 2021.

Statutory Environment

Emergency Management Act 2005

Section 38 local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

Section 39 Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) *to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) *to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Comment

A LEMC meeting was held on 9 November 2021 with the minutes of the meeting at **attachment 1**. There is one recommendation for Council to consider.

Local Government Emergency Management Memorandum of Understanding (MoU)

The Shire of Serpentine Jarrahdale has been a party to an Emergency Management MoU with the Cities of Mandurah and Rockingham as well as the Shires of Murray and Waroona for the purposes of sharing resources during emergencies and post-incident recovery.

The aim of this MOU is to improve the efficiency of joint response to a disaster, share experiences, enhance cooperation between local governments and improve regional resilience.



The Shire shares a boundary or is in close proximity to each of the signatories. As a smaller local government organisation, should the Shire find itself in a position of requiring additional support, the resources of the signatories would be of great assistance to the Shire. Additionally, the Shire has many skilled staff and resources available that may be of assistance should the signatories find themselves in need.

The MoU outlines the expectations of partner local governments with respect to capacity and provision of resources and cost recovery.

This existing MoU (**attachment 2**), is contained in Appendix 11 of the Shire of Serpentine Jarrahdale Local Emergency Management Arrangements and expires on 10 December 2021.

The proposed new MoU is included in this report as **attachment 3**. There is no variation from the previous MoU.

The Local Emergency Management Committee made the following recommendation to Council at its meeting on 9 November 2021.

4.7.2/11/2021 LOCAL EMERGENCY MANAGEMENT COMMITTEE RECOMMENDATION

The Local Emergency Management Committee recommends Council:

1. *CONTINUES as a party to the Local Government Emergency Management Memorandum of Understanding until December 2025, and*
2. *REQUESTS the Chief Executive Officer to sign the Local Government Emergency Management Memorandum of Understanding.*

Council is requested to consider the continuation of the MOU as per the LEMC's recommendation.

Options and Implications

Option 1

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 9 November 2021 contained in **attachment 1**;
2. RESOLVES to continue as a party to the Local Government Emergency Management Memorandum of Understanding as contained in **attachment 3** until December 2025, and
3. REQUESTS the Chief Executive Officer sign the Local Government Emergency Management Memorandum of Understanding until December 2025 at **attachment 3**.

Option 2

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 9 November 2021 contained in **attachment 1**; and
2. DOES NOT CONTINUE as a party to the Local Government Emergency Management Memorandum of Understanding until December 2025 at **attachment 3**.

Option 1 is recommended.



Conclusion

The minutes of the Local Emergency Management Committee meeting held 9 November 2021 are provided to Council for information along with a recommendation to continue as a party to the Local Government Emergency Management Memorandum of Understanding (MoU).

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Local Emergency Management Committee (LEMC) - Minutes – 9 November 2021 (E21/12873)
- **10.4.1 - attachment 2** – Existing Local Government Emergency Management Memorandum of Understanding (MoU) (E20/12264)
- **10.4.1 - attachment 3** – Proposed Local Government Emergency Management Memorandum of Understanding (MoU) (E21/13589)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety

Financial Implications

There may be financial implications to Council if the MOU is enacted. These will be managed through existing budget provisions and disaster funding arrangements if enacted.

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	Nil						
2	That the Shire is unable to access additional resources from local governments who are party to the MOU as required in an emergency	Recommendation to continue	Reputation	Rare	Major	MODERATE	Nil



Continued

**Ordinary Council Meeting Minutes
Monday, 13 December 2021**

Voting Requirements: Simple Majority

OCM359/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Singh

That Council:

- 1. RECEIVES** the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 9 November 2021 contained in attachment 1;
- 2. RESOLVES** to continue as a party to the Local Government Emergency Management Memorandum of Understanding as contained in attachment 3 until December 2025, and
- 3. AUTHORISES** the Chief Executive Officer sign the Local Government Emergency Management Memorandum of Understanding until December 2025 at attachment 3.

CARRIED UNANIMOUSLY 8/0

**10.4.2 - Provision of change rooms at lower Briggs Oval (SJ3640)**

Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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 provide Council with outcomes of investigations into the provision of change rooms at lower Briggs Oval, to enable consideration towards an application to the Community Sport and Recreation Facilities Fund (CSRFF) February 2022 small grant funding round, administered by the Department of Local Government, Sport and Cultural Industries (DLGSC).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 August 2021 - OCM230/08/21

That Council:

- 1. DOES NOT REQUEST the Chief Executive Officer prepare an application for submission in the February 2022 CSRFF Small grant funding round for the Briggs Park Drainage Project;*
- 2. RESOLVES that the Chief Executive Officer DOES NOT progress with a CSRFF forward planning application for the Briggs Park Pavilion Project in the current round closing September 2021;*
- 3. RESOLVES that that the Briggs Park Pavilion Project be listed for consideration through the 2022/2023 financial year budget and Corporate Business Plan setting process;*
- 4. RESOLVES that the review of the Briggs Park Precinct Masterplan be listed for consideration in the 2022/2023 financial year budget and Corporate Business Plan setting process; and*
- 5. REQUESTS the Chief Executive Officer investigates opportunities for the provision of change rooms at lower Briggs Oval, including costings, consultation with user groups, funding options and resourcing impacts of the project, with a report to be provided for Council's consideration as soon practicable to enable Council to make a decision regarding submission of an application in the February 2022 CSRFF small grant funding round.*



Background

At the Ordinary Council Meeting held 16 August 2021 Council requested the Chief Executive Officer investigate opportunities for the provision of change rooms at lower Briggs Oval, including costings, consultation with user groups, funding options and resourcing impacts of the project, with a report to be provided for Council's consideration as soon practicable. This would provide Council with sufficient information to consider a decision to submit an application in the February 2022 CSRFF small grant funding round.

Figure 1 below shows the location of lower Briggs Oval at the Briggs Park Sporting Precinct.



Figure 1 Briggs Park Sporting Precinct

This report outlines details of these investigations, allowing for consideration on the constraints and opportunities for change rooms to be located at the lower Briggs Oval site in response to the suggested need.

Community Sport and Recreation Facilities Fund (CSRFF)

Twice a year, the Department of Local Government, Sport and Cultural Industries (DLGSC) calls for small grant applications via its Community Sport and Recreation Facility Fund (CSRFF) and invites eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects. Key conditions are as follows:

- Maximum grant will be up to 1/3rd of the total estimated project (being eligible items only). The total value of the project must not exceed \$300,000, exclusive of GST.
- Projects must be shovel ready & have confirmed funding for the remaining 2/3rd project value and any other costs ineligible under the scheme.
- Any ineligible items shown as eligible will be deducted from the project cost. This may result in any funding successfully allocated to the project being less than the amount requested.



- Funding is not for maintenance projects.
- Applicants must contact DLGSC office to register the proposed project prior to submission and consult with any relevant State Sporting Associations. In the case of a submission by a local community group or club, the Local Government must also be consulted, and applications are to be prioritised by the Local Government Council prior to submission.
- Small grant applicants can receive an upfront grant payment upon the signing of a works contract (copy of signed contract to be provided to the Department) or where no formal works contract exists, payment will be determined on a case by case basis in consultation with the applicant.
- In the case of a successful February 2022 round application, the grant must be acquitted (therefore project complete) by June 2023.

All applications received by DLGSC are assessed on the following criteria:

- Project justification.
- Planned approach.
- Community consultation.
- Management planning.
- Access and opportunity.
- Design.
- Financial viability.
- Coordination.
- Potential to increase physical activity.
- Sustainability.

Previous Feedback and Briggs Precinct Pavilion

A centralised Pavilion with changeroom facilities is consistent with provisions identified in the Community Infrastructure Developer Contributions Scheme (CIDCP), therefore consistent with current Integrated Reporting Frameworks of Council (such as the Long Term Financial Plan and Corporate Business Plan), with delivery intended for 2027.

Feedback received previously from DLGSC on the Briggs Precinct Pavilion Project that remains relevant to this report:

- The intent to provide change rooms at lower Briggs Oval would provide benefit to current sport and recreational activities that occur on the oval, as well as allow for more sport and recreational activities to occur. For this reason, it is consistent with the intent of the CSRFF scheme.
- Whilst DLGSC have confirmed that the provision of change rooms at lower Briggs Oval Project would be eligible for this scheme, it must still meet conditions of funding outlined above such as project value.
- The provision of change rooms at lower Briggs Oval is not included in the 2021/2022 financial year budget or the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025. As such, the required contribution towards the project would need to be provided for or committed in order to make the submission.



Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	22 November 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

Briggs Lower Oval Users

Prior to consultation with users of Lower Briggs Oval for this report, no formal requests had been received by Officers for changerooms. In general, conversations between Officers and club representatives indicated a future requirement for these facilities due to the anticipated growth the clubs would have as the population growth occurs. However, this had not been formulated into a specific request or immediate demand.

Lower Briggs Oval is currently used by the following clubs;

- Mundijong Centrals Junior Football Club (AFL) – Currently use Lower Briggs Oval for training and games.
- Byford Bushrangers (Teeball, Baseball and Softball) – Currently use Lower Briggs Oval for training and games during the week and on Saturday.
- Serpentine Jarrahdale Cricket Club – Currently use Lower Briggs Oval for games on a Sunday and Saturdays where available.
- Serpentine Jarrahdale Rugby League & Sporting Club – Currently use Lower Briggs Oval for training and then play all games out of the Shire.

It is anticipated that the primary user groups of Briggs Upper and Lower Ovals, once the first stage of Keirnan Park is completed, will be the Byford Bushrangers and Serpentine Jarrahdale Rugby League & Sporting Club.

Consultation with each of clubs has been summarised in the below table. In general, all current user groups listed below were supportive of changeroom amenity being provided at the Lower Oval:

Club	Date of Consultation	Type of Consultation	Consultation Outcomes
Mundijong Centrals Junior Football Club	15/10/2021	Phone call- Mitchell Crosby	<p>Ideal requirements for Changerooms:</p> <ul style="list-style-type: none"> • 2 x Changerooms and amenities (showers and toilets) • 2x Massage/Doctor room • Umpire changerooms and amenities (showers and toilets) • Public Unisex Disabled amenities (toilets) • Public amenities (toilets) <p>Currently the club utilises the oval for teams ages seven to twelve. This cohort do not require changerooms.</p>



Ordinary Council Meeting Minutes Monday, 13 December 2021

			The club utilises Briggs Upper Oval and Mundijong Oval for older ages 13-18 as changerooms are required, hence this project would increase capacity to for timetabling and scheduling of activities.
Byford Bushrangers	15/10/2021	Phone call – President Jeff Ryan	<p>Ideal requirements for Changerooms:</p> <ul style="list-style-type: none"> • 2x Change rooms • Umpire change rooms • Public toilets – Current public toilet amenity numbers are not great but manageable. With the growth of the club it is expected this will not be the case in the near future. • Change room facilities that are suitable for Football and Rugby would be more than adequate for Teeball/Baseball and Softball <p>Changerooms would assist the club to accommodate the growth of the club into youth 13-17 years of age; and Senior teams in Baseball and Softball. It would also allow for the possibility of hosting state championships with increased toilet provision to service the ovals and amenities for umpires.</p>
Serpentine Jarrahdale Cricket Club	15/10/2021	Phone call – Geoff Coombs President	<p>Ideal requirements for Changerooms:</p> <ul style="list-style-type: none"> • 2 x Changerooms and amenities (showers and toilets) • 2x Massage/Doctor room • Umpire changerooms and amenities (showers and toilets) • Public Unisex Disabled amenities (toilets) • Public amenities (toilets) <p>Currently the Lower Briggs Oval is only utilised for Junior cricket to the age of 12 as they do not require changerooms. The club utilises Briggs Upper Oval and Mundijong Oval for Youth cricket ages 13- 17; and Seniors as changerooms are required.</p>
Serpentine Jarrahdale Rugby League & Sporting Club	15/10/2021	Phone call – Steven Rowe President	<p>Ideal requirements for Changerooms</p> <ul style="list-style-type: none"> • 2 x Changerooms and amenities (showers and toilets) • 2x Massage/Doctor room • Umpire changerooms and amenities (showers and toilets) • Public Unisex Disabled amenities (toilets)



			<ul style="list-style-type: none"> Public amenities (toilets) Would like the possibility of a kiosk/canteen to be included in the facility. <p>The club currently plays all games outside of the Shire boundaries due to oval availability. Changerooms would allow the club to operate youth and Senior teams in the future (specifically when other user groups are relocated).</p>
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Briggs Precinct User Groups

Whilst not direct user groups of the potential changerroom facilities, given the possible site locations and proximity to the project area, comment has been sought from Byford BMX and facility managers YMCA at the SJ Community Recreation Centre as precinct users.

Venue/Club	Date of Consultation	Type of Consultation	Consultation Outcomes
Byford BMX Club	22/10/2021	Phone call – Dan Lander Club President	<ul style="list-style-type: none"> If public toilets were included in the change room facility and in close proximity to the BMX track, the club would be able to utilize these for State events. The club currently needs to hire portable toilets for State events as the current facility is not adequate. Investigations would need to be done on the power supply for the BMX track if the preferred site location is the decommissioned toilet and storage facility. Club believes current power supply for BMX track runs off this location. Demolition or extension of decommissioned facility would need to investigate if parking bays would be lost, as parking is currently an issue for the site. Any demolition or restricted access on the current toilet, storage and canteen facility prior to the club relocating to Keirnan Park would significantly affect the club. The facility is currently utilised for club activities. The club would require this level of amenity to be retained at a minimum, with a preference to increase access to toilets if possible.



SJ Community Recreation Centre / YMCA	21/10/2021	Face to face discussion – facility manager.	<ul style="list-style-type: none"> • There is an increasing need for Public Toilets in the Briggs Park Precinct. This need is particularly apparent after school hours. Managing protocols around Child Safety, maintaining standards of amenity for patrons and discouraging anti-social behaviours within the facility/toilets is becoming increasingly difficult without nearby access to public toilets. Increased usage of Centre toilets for public toilet purposes is resulting in an increased need for supervision and cleaning, and associated costs. • General comment made that conceptually there are advantages to locating the toilets near the SJ Recreation Centre as demonstrated below, however design process would need to clearly demonstrate how this was to be managed (who had responsibility for oversight), how the design could address foreseeable crime related issues (graffiti, placement of CCTV infrastructure, trespassing onto the roof as has occurred previously), and how the placement ties into the longer term objectives and potential development at the Centre. • Parking across the site would need to be considered if increasing amount of use/visitors at the precinct.
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Department Local Government, Sport and Cultural Industries

Further to their initial feedback, at a meeting with DLGSC on 29 September 2021 occurred to obtain preliminary feedback on the Briggs Park Lower Oval Changerooms Project. This feedback is outlined in subsequent sections of this report.

Statutory Environment

Nil.

Comment

Level of Amenity and Specifications

To ensure the project was scoped to contemporary standard and to ensure any build would remain viable and fit for purpose for the required term of use, Officers referred to AFL, Cricket Australia, Baseball Australia and NRL facility guidelines - being all sports played at the Lower Briggs Oval location – to first determine the level of amenity required within the changerrooms and the correlated specifications. Being consistent with sporting specifications will also be important



to the CSRFF funding body, with the specifications further considered in context of feedback received from current user groups (summarized above).

Based on investigations, the AFL Venue Guidelines provided the most comprehensive detail for amenity of all the sports, meeting the requirements for all sports currently played at this location. This is included as **attachment 1** to this report. From these guidelines, Officers further considered the General Amenities as outlined in Figure 2 and recommend the following inclusions as a minimum for the project, to best enable activities on both Lower and Upper Ovals simultaneously (maximizing recreational outcomes) and addressing feedback from stakeholders:

- 2 x Changerooms and amenities (showers and toilets)
- 2x Massage/Doctor room
- 2x Umpire changerooms and amenities (showers and toilets)
- Public Unisex Universal Access amenities (toilets)
- Public amenities (toilets)

GENERAL AMENITIES

Player amenities (toilet / showers)

As a minimum, provision for two change rooms to cater for home and away teams per oval on site is required.

Showers: lockable cubicle showers are preferred. Refer to the *Change Facilities – Inclusive Design* section of these Guidelines.

Toilets: there is no expectation to install urinals in player amenity areas. Replacement of urinals with an additional toilet pan or appropriate screening should be considered to provide more flexible usage options.

State: minimum of five showers with five pan toilets

Regional: four showers with four pan toilets

Local: three showers with three pan toilets

Changes rooms

Two separate change rooms (one home and one away team) with bench seating provided around the room perimeter. If lockers are included then the size of the room may need to increase to compensate.

State: 30 individual lockers in each change room

Regional: clothing bags / hooks above bench seating

Local: clothing bags / hooks above bench seating

Massage / strapping room

A separate room immediately adjacent to each change room is to be provided with massage / strapping tables for use by home and away teams.

State: four massage / strapping tables

Regional: two massage / strapping tables

Local: can be performed within a change room with appropriate screening to cater for more flexible usage options

Umpires rooms

Umpires rooms need to be gender neutral and cater for diversity, particularly female umpires. The provision of areas where changing can occur in private is critical to the retention of umpires. Options also should be considered for a 'common area' with benches for use during breaks where umpires are able to congregate.

All facility hierarchy levels

Showers: two (minimum) within a lockable cubicle toilet

Hand basin: one

Seating: bench seating and clothes / bag hooks

Figure 2: AFL Venue Guidelines General Amenities recommendation

The AFL venue guidelines further stipulate a recommended modular supplier "Ausco".

Three possible Ausco modular systems have been identified that would suit the majority of, or all the recommended amenities. Figure 3 demonstrates each of the inclusions and exclusions for each of the stipulated models.



INCLUSIONS/ADDITIONAL FEATURES	LM240.1	LM240.2	RM277
SIZE	19.3 x 12.4 - 240.5m ² TOTAL	19.3 x 12.4 - 240.5m ² TOTAL	28.2 x 10.2 - 277m ² TOTAL
PRICE POINT <\$500K	TBC	TBC	TBC
PRICE POINT >\$500K	TBC	TBC	TBC
CHANGEROOM/S	✓	✓	✓
GYMNASIUM/MULTI-USE ROOM			
UMPIRE ROOM/S	✓	✓	
DOCTOR ROOM/S	✓	✓	
MASSAGE ROOM/S	✓	✓	
AMENITIES	✓	✓	✓
DISABLED AMENITIES	✓		
STORE/UTILITY ROOM/S			
TIMEKEEPERS BOX			
KITCHEN			
SOCIAL AREA WITH BAR			
FLEXIBILITY OF SOUND RATED OPERABLE OR FIXED WALLS	✓	✓	✓
PERIMETER CHASSIS DESIGN AND CLOSER FLOOR JOISTS FOR FIRM FLOOR FEEL	✓	✓	✓
3.0M TALL CEILING HEIGHT THROUGHOUT	✓	✓	✓
MODERN AND DYNAMIC CUSTOMISED BUILDING FINISHES IN CLUB COLOURS	✓	✓	✓
INTERNAL CEILING AND WALL PROTECTION AND RECESSED LIGHTS TO AVOID DAMAGE FROM BALL IMPACT	✓	✓	✓
ENERGY EFFICIENT SENSOR LIGHTING	✓	✓	✓
VENTILATION (FANS)	✓	✓	✓

Figure 3: Inclusions and exclusions for each of the 3 modular systems best suited to the recommended level of amenity.



Floor plans for the three modular options are included in **attachment 2**. Of the three modular options considered, LM240.1 meets the recommended level of amenity. Pricing and site considerations were progressed based on the specifications for this modular as a baseline.

Site Locations

Three possible site locations exist that may accommodate the specified modular provisions (LM240.1) for change rooms at lower Briggs Oval. These locations are demonstrated in Figure 3 as follows:

1. Decommissioned canteen, storage and toilet block previously servicing lower Briggs oval.
Scope would require demolishing the existing masonry building, and realigning/extending the current building footprint in order to fit at this location.
2. Behind Serpentine Jarrahdale Community Recreation Centre Basketball Courts and Group fitness room.
Scope would require removal of decommissioned waste system.
3. Current storage/ canteen and toilets that service lower Briggs Oval and BMX track.
There is not enough space to accommodate the dimensions of the modular if the current building was to be retained. As such, under this option the scope would require removal of current facility. This would result in the current canteen facility being demolished, and would be inconsistent with the feedback received from BMX about retaining current level of amenity as a minimum.

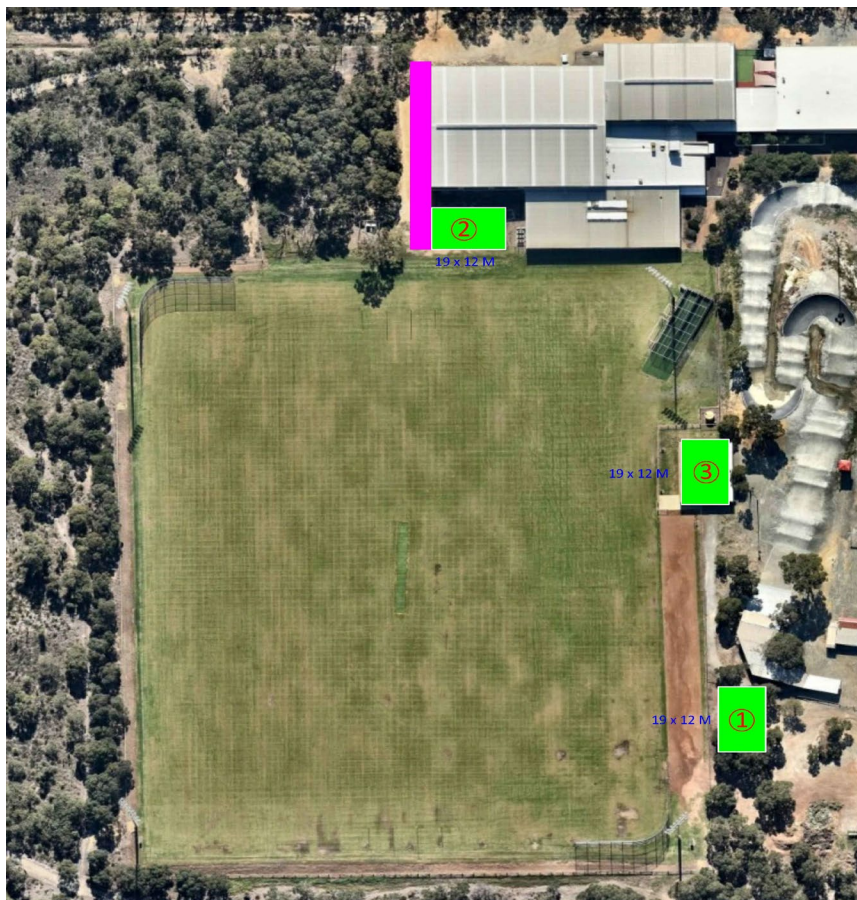


Figure 4: Possible site locations for Changeroom facility (as per LM240.1 Ausco Modular).



Each of these locations have been investigated on site, with findings summarised in **attachment 3**.

Officers have also considered possible site locations that would require a custom modular system or project approach. Three additional locations/approaches were identified as potentially accommodating a customised option for Changerooms at lower Briggs Oval and these are demonstrated in Figure 5 as follows:

1. Southern side of existing toilet and canteen block on level gravel.
Vehicle and Emergency Service access to the existing building (canteen and toilets) would need further consideration, dependent on footprint of the new/custom facility.
2. Northern side of existing toilet and canteen block
Footprint of new facility would need to be within available space, and not impede on use of nets. Relocation of nets would be at an additional cost.
3. Decommissioned canteen and toilet block previously servicing lower Briggs oval.
Scope would be to re-purpose existing masonry building and extend it via a customised modular option, to accommodate recommended level of amenity.



Figure 5: Possible site locations that may accommodate a custom modular system.



The options have been investigated on site and findings summarised in **attachment 4**.

For any of the above options, parking across the site and access to existing facilities (should these be retained) would have to be considered. Figure Six demonstrates current traffic flows and parking areas relevant to activities at the site and the general project area.

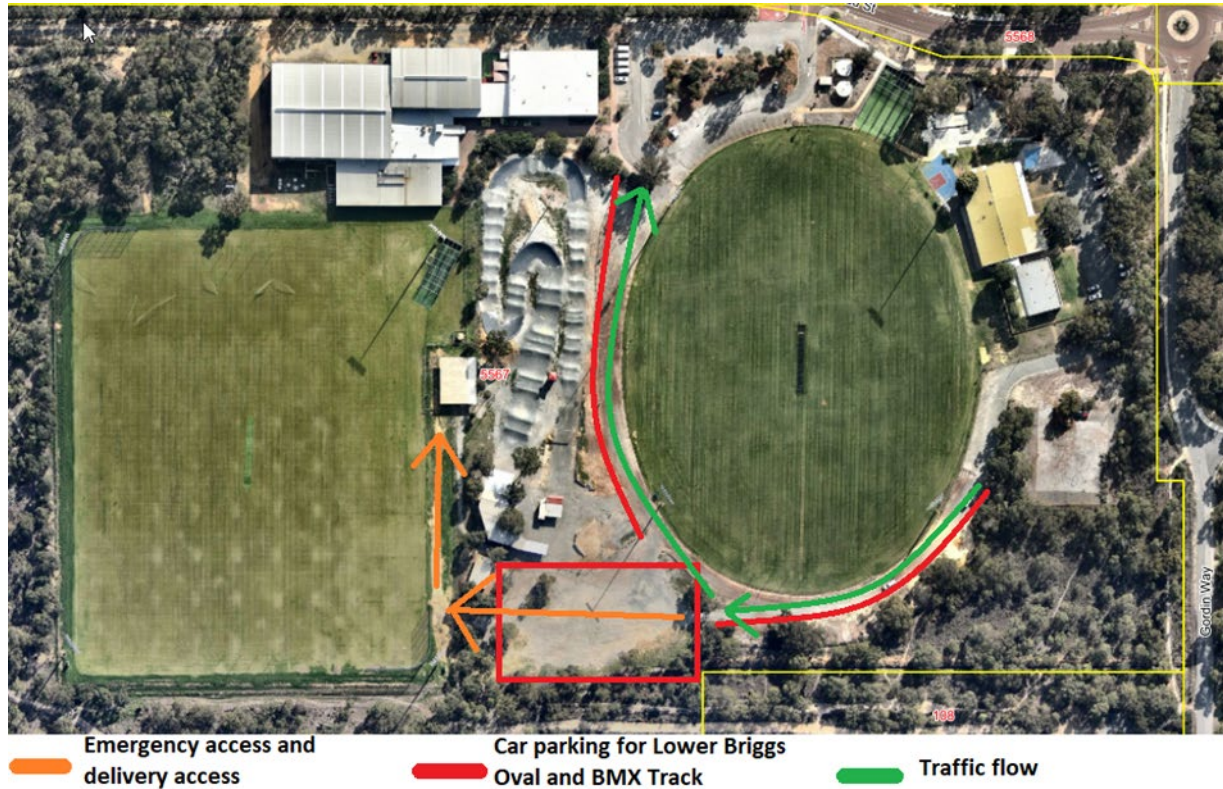


Figure 6: Parking areas and traffic flow surrounding project area

Cost for construction and installation of Ausco modular LM240.1

In order to minimise potential impacts on other users of the Briggs Precinct, Officers would recommend site location 3 in Figure 4, if there is an intent to progress with this project in the immediate term (being the decommissioned canteen and toilet block previously servicing lower Briggs oval) as it would result in an outcome most aligned to user group feedback, would replace the decommissioned building with new infrastructure and would be best aligned with current and future use at Lower Briggs Oval.

However, this option would be ineligible for CSRFF small grant funding. Officers have received indicative costings in **attachment 5** for the LM240.1 modular changeroom from Ausco and the total project cost would exceed the eligible project value for the CSRFF February small grant round. With the high demand Ausco are currently experiencing for modulars they have indicated that whilst they have provided an approximate costing they are unable to provide a formal quote until such time as Council has made a commitment towards progressing with the project. The costing for construction, freight and installation is approximately \$570,000 excluding all site investigations and preparation that the Shire would be required to undertake prior to Ausco's delivery of the modular to site. The Shire would additionally be responsible for project management of this site preparation, the development of tender documentation and award processes (consistent with anticipated project value) and oversee the installation phase.

Without a clear scope of works and defined requirements via a feasibility or business case document, \$300,000 is conservatively estimated for investigations and preparation of any site



listed as a potential location. With limited plans of underground services from when the Briggs Park site was initially constructed and the subsequent developments, service locating is problematic via this initial desktop investigation.

This would make the total project cost in the vicinity of \$870,000. At this value, the project would only be eligible for the CSRFF Forward Planning grants, with a feasibility study and investigative works required in order to progress an application. Officers would recommend considering a budget allocation through the 2022/23 financial year budget and Corporate Business Plan setting process if this approach was to be supported.

Cost for construction and installation of customised “changeroom only” modular

Ausco have advised that they are unable to provide a formal quotation for a ‘changeroom only’ modular as the Shire’s specific needs would need to be considered in order to provide formal quotation. Ausco have verbally provided an approximate costing of just under \$300,000 ex GST which would be a facility that consisted of changerrooms only, with no additional public toilets, umpire rooms or first aid rooms. This option would be inconsistent with user group feedback and future growth requirements for the facility.

The dimensions for the “changeroom only” facility were not provided by Ausco in time for the preparation of this report to allow for more specific consideration towards a preferred location.

\$300,000 would remain as the estimated amount for investigations and preparation required by the Shire, in addition to the cost of the modular resulting in a project valued at approximately \$600,000, exceeding the total project value of \$300,000 allowed under the CSRFF Small Grants program.

At this value, the project would only be eligible for the CSRFF Forward Planning grants, with a feasibility study and investigative works required in order to progress an application. Officers would recommend considering a budget allocation through the 2022/23 financial year budget and Corporate Business Plan setting process if this approach was to be supported.

Grant Application and Project Delivery

Preliminary feedback obtained from DLGSC on the project and correlated site deliberations to date is as follows:

- The Shire can apply for 1/3 of eligible costs only. All other project costs must be met by the Shire, with these clearly outlined in the application (demonstrating project is shovel ready).
- CSRFF won’t fund temporary facilities. Ausco Modulars can be used as permanent fixtures for facilities and would satisfy this requirement if this is the preferred approach.
- The application would need to clearly articulate any impacts on current site users, in particular BMX facility users that may be disadvantaged if the current storage/ canteen and toilets servicing lower Briggs oval and BMX track becomes the preferred site location.
- Location of changerrooms near Recreation Centre, that have the ability to service the oval and potentially the recreation centre in the future is a good option for funding, as it will be able to service multiple user groups from the one project (multiple recreational benefits) and demonstrate longevity for the funding awarded.
- If CSRFF funding for changerrooms is successful, it may affect the amount of funding that the Shire would be eligible to request for CSRFF funding towards the future Briggs Pavilion project (planned to commence in 2027).



Officers have since considered the feasibility of preparing an application for the February 2022 Small Grant funding round and have determined that with current resourcing, it is unachievable to meet the requirements for an application in this coming round regardless of the size and composition of the changerooms.

- This project has not been included in the Corporate Business Plan or the 2021/2022 financial year budget therefore the work associated with the development of the project has not been resourced. Should Council determine to proceed with a grant application, existing resources will be required to be diverted from existing project(s) listed in the Corporate Business Plan or a budget provision for additional project delivery resources will need to be made to ascertain the detail required for lodgement of an application.
- Further investigation is required to determine a preferred site and location, to minimise unexpected variations and project costs. Ongoing maintenance and operational requirements also need to be considered (lifecycle costs) to ensure these are affordable for Council.
- If the intent is to provide a level of amenity consistent with user group feedback, the project will not be eligible for a CSRFF small grant as the anticipated project costs will be over the stipulated total project value (cannot exceed \$300,000, exclusive of GST). If proceeding with an application for a reduced level of amenity that fits within the eligibility criteria, this will need to be communicated to user groups.
- To acquit funds by the required 15 June 2023 deadline, a successful application in the current round would require both design development and construction to occur in the 2022/2023 financial year. Due to the number of projects already scheduled, the Lower Briggs Changeroom Project would exceed the current resourcing capabilities. A budget provision for additional project delivery resources would be necessary, or the postponement/discontinuation of a currently identified project.

Officers do not recommend proceeding with a CSRFF small grant application in the February 2022 round, however, Council may choose to list the project for consideration as part of the 2022/2023 financial year budget and Corporate Business Plan deliberations.

If Council wished to progress with this project at this stage financial and human resources will need to be reallocated from current Corporate Business Plan and Long Term Financial Plan projects or additional budget provided to meet project development and management costs and the Shire's contribution to the modular and associated works.

Options and Implications

Option1

That Council:

1. REQUESTS that the Chief Executive Officer DOES NOT progress with a CSRFF application for the provision of change rooms at lower Briggs Oval project in the February 2022 round, noting the current resourcing limitations within the Shire to support the development of such a project; and
2. REQUESTS that that the provision of change rooms at lower Briggs Oval as a project be listed for consideration through the 2022/2023 financial year budget and Corporate Business Plan setting process, to enable Council to consider the project in its entirety and the associated financial and project management requirements.



Implication: Council will be able to consider the resourcing and timing of the provision of change rooms at lower Briggs Oval project through the budget setting and Corporate Business Plan processes.

Option 2

That Council:

1. REQUESTS that the Chief Executive Officer DOES NOT progress with a CSRFF small grant application for the provision of change rooms at lower Briggs Oval project in the February 2022 round; and
2. DOES NOT resolve to list the provision of change rooms at lower Briggs Oval project for consideration in the 2022/2023 financial year budget and Corporate Business Plan setting process.

Implication: Provision of change rooms at lower Briggs Oval will not be undertaken in the immediate future, with the sporting needs to be addressed via the Briggs Pavilion Project outlined within the CIDCP for 2027.

Option 1 is recommended.

Conclusion

Officers have investigated opportunities for the provision of change rooms at lower Briggs Oval, including costings, consultation with user groups, funding options and resourcing impacts of the project. Council is requested to further consider the submission of an application in the February 2022 CSRFF small grant funding round, based on the information ascertained to date.

Officers recommend that this project is not progressed at this time due to project resourcing and capacity, as well as constraints of the CSRFF small funding round as relevant to the scope of works recommended from consultation processes. However, Officers recommend that the provision of change rooms at lower Briggs Oval project be listed for consideration through the 2022/2023 financial year budget and Corporate Business Plan setting process.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – AFL Venue Guidelines 2019 (E21/11954)
- **10.4.2 - attachment 2** – Floor plans for the 3 Ausco modular options (E21/11916)
- **10.4.2 - attachment 3** – Summary of site investigations - Modular Changeroom LM240.1 at lower Briggs Oval (E21/11917)
- **10.4.2 – attachment 4** – Summary of site investigations - customised modular or project approach (E21/11915)
- **10.4.2 – attachment 5** – Ausco - Indicative costings for changerroom (IN21/26231)

Alignment with our Strategic Community Plan

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



Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

The provision of change rooms at lower Briggs Oval is currently not budgeted. This would require Council to either borrow funds or redirect funding from other asset budgets.

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	Nil						
2	Sporting clubs needs for changeroom facilities will arise before the Briggs Pavilion is built planned for 2027	Continue to work with sporting clubs to access existing facilities to meet their needs.	Reputation	Unlikely	Insignificant	LOW	Accept Officers Recommendation

Voting Requirements: Simple Majority

OCM360/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

1. **REQUESTS** that the Chief Executive Officer **DOES NOT** progress with a CSRFF application for the provision of change rooms at lower Briggs Oval project in the February 2022 round, noting the current resourcing limitations within the Shire to support the development of such a project; and
2. **REQUESTS** that that the provision of change rooms at lower Briggs Oval as a project be listed for consideration through the 2022/2023 financial year budget and Corporate Business Plan setting process, to enable Council to consider the project in its entirety and the associated financial and project management requirements.

CARRIED UNANIMOUSLY 8/0

**10.4.3 – Equine Facility Masterplan (SJ3652)**

Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	Chief Executive Officer, Mr Paul Martin, declared an Impartiality Interest in item 10.4.3 as the Equine Facility Feasibility Study is a CEO KPI.

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 that Council endorse the development of an Equine Facility Masterplan for the Shire and agree to defer the development of a Multi-disciplinary Equine Facility Feasibility Study to allow for an informed approach to the development of the Feasibility Study.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 September 2021 - OCM239/09/21 - COUNCIL RESOLUTION - extract

2. *That Council ADOPTS CEO Employment Committee Resolution CEO018/08/21 and ENDORSES the recommendations as outlined in CONFIDENTIAL attachment 1; and REQUESTS the Shire President write to Mr Paul Martin, Chief Executive Officer, informing him of the outcomes of the CEO KPI Setting for the 2021/2022 financial year.*

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

That Council:

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

Ordinary Council Meeting – 15 March 2021 - OCM066/03/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RECEIVES the Equine Advisory Group priorities as contained in attachment 1;*
2. *NOTES the Officers comments as contained in the report and attachment 1 in regard to the ability to achieve priorities;*
3. *CONSIDERS the following projects through the annual Corporate Business Plan review:*
 - a) *Signage on equine trails;*
 - b) *Equine Emergency Preparedness program;*
 - c) *Equine Officer position (0.5 FTE); and*



d) *Equine Facility Feasibility and Business Case.*

4. *NOTES that there will be a need to consider an allocation of funds in future budgets to meet priorities as described in this report; and*
5. *THANKS the Equine Advisory Group for their efforts to deliver the priorities.*

Background

At the Ordinary Meeting of Council held in March 2021 Council endorsed the Equine Priorities as provided by the Equine Advisory Group. These priorities included the priority "Design and deliver a multidisciplinary equine facility" with the recommended timeframe being 5-10 years with the project having a ranking of priority of 7.5/10.

Subsequently at the Ordinary Meeting of Council held in August 2021 Council adopted the Corporate Business Plan 2021/25 including the project "Equine Facility Feasibility Study, Undertake an Equine Facility Feasibility Study with the project finish date of 30 June 2022 and a budget of \$50,000.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	1 November 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

Statutory Environment

Nil.

Comment

The Shire of Serpentine Jarrahdale Equine Strategy lists a number of reserves and trails used for equine trails in the shire. The Shire currently manages five reserves being used for equine purposes by the community (excluding trails).

Serpentine Sports Reserve, 1432 (Lot778) Karnup Road, Serpentine.

- Used by Serpentine Horse and Pony Club under a licence arrangement.
- Serpentine Foothills Polocrosse Club under licence arrangement.
- SJ Adult Riders Club - relocating to the site in 2022.
- The reserve is also used for a range of other equine and community related activities such as events.
- The reserve is managed directly by the Shire, with the Shire having responsibility for the maintenance and bookings of the reserve and community facilities on the reserve.
- This reserve is well regarded as one of the best community equine facilities in the State and Australia.



Image 1- Serpentine Sports Reserve

467 (Lot 427) King Road Oldbury

Leased to the Peel Metropolitan Horse and Pony Club until February 2026 with a further term until 2036. Property maintenance is the responsibility of the Club under the lease.



Image 2- Peel Metropolitan Horse and Pony Club Oldbury



88 (Lot 281) Gossage Road, Cardup

Leased to Riding for the Disabled Association Inc until May 2025 with a further term until 2035. Property maintenance is the responsibility of the Association under the lease.



Image 3- Riding for the Disabled Association Cardup

70 Acres Darling Downs

The Darling Downs bridle trails and equestrian area comprises an area of over 70 hectares. The subject land sits over Reserves 35601, 35603, 35701, 35702, 35706, 38830, 39190 and Lot 55 Empire Rose, Darling Downs. The Shire holds management orders over these Reserves for the purpose of Public Recreation. The trails and equestrian area is available for community use without a booking and at no charge.

The Darling Downs Resident's Association has a Memorandum of Understanding with the Shire for the maintenance of bridle trails, horse training area and tracks on the public recreation reserves in Darling Downs.



Image 4 – 70 Acres Darling Downs



Tallagandra Reserve L1357 Coffey Road, Serpentine

Crown land vested to the Shire for public recreation. 6 hectares in size

The Reserve is general community space used by residents, walkers and horse riders. Previously used by Polocrosse as informal training ground when Serpentine Sports Reserve is waterlogged.



Image 5 – Tallagandra Reserve

Additional to these facilities there are a number of Shire and State Government owned reserves that are used for trails purposes (these will be addressed through the Equine Masterplan which is currently under development) and there are a number privately owned equine facilities in the Shire catering to a range of disciplines.

The Shire of Serpentine Jarrahdale Equine Masterplan provides an overview of facilities and reserves in the Shire and some possible future facility opportunities including:

- Investigate Darling Downs Reserve and Tallagandra Reserve as possible venues for future, organised equine activities and events.
- Encourage further utilisation of Serpentine Sports Reserve via shared-use arrangements, relevant to equine activities.
- Support the development and promotion of a range of training and leisure riding activities through well maintained trails and facilities.

Recently the Shire has begun to be approached by equestrian groups and facility users in relation to future needs and development opportunities on existing sites. In considering the approach to developing the feasibility for a multidisciplinary equine facility, it is evident to Officers that no master planning has been undertaken for the existing reserves being used for equine purposes and therefore it is difficult to understand the needs to be met by a multidisciplinary equine facility in the Shire.

Officers propose that a master planning process be undertaken for the existing sites, including a gap analysis of all equine facilities available in the Shire, including Shire managed, State Government managed and privately owned facilities, to best understand the current facility provision and future needs in order to adequately support equine disciplines in the Shire.



All user groups will be consulted, along with the wider community and land managers through the process. It is expected that the outcome of this will be a planned approach to the future development of each facility on Shire owned/ managed land, an understanding of what State and privately owned facilities can provide to the equine community now and into the future, consideration of the potential for alternative parcels of land to be used for equine purposes and the identification of the facilities to be included in a multidisciplinary equine facility and the timing of the delivery of such a facility. The document produced through this process will also allow the Shire and user groups to advocate and apply for funding to support the development identified.

Officers therefore propose that the project “Equine Facility Feasibility Study, Undertake an Equine Facility Feasibility Study” be deferred for consideration through the 2022/2023 Corporate Business Plan setting process and that a new project “Equine Facility Masterplan, Undertake the development of a masterplan for existing Shire owned/managed equine facilities” be endorsed by Council for completion in September 2022. This completion date recognises a change of priority occurring in December 2021 and provides necessary time to have the work undertaken and completed. Officers also propose that the \$50,000 provided for in the 2021/2022 financial year budget be used to undertake the Equine Facility Masterplan works.

The project “Equine Facility Feasibility Study, Undertake an Equine Facility Feasibility Study” also forms part of the CEO KPI’s for the 2021/2022 financial year. Change to CEO KPI timeframes will be considered by the CEO Employment Committee at the meeting to be held in February 2022.

Options and Implications

Option1

That Council:

1. AGREES to REMOVE the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project from the 2021-25 Corporate Business Plan;
2. AGREES to ADD the 'Equine Facility Masterplan - Undertake the development of a masterplan for existing Shire owned/managed equine facilities' Strategic Operating Project to the 2021-25 Corporate Business Plan, with a due date of 30 September 2022 and APPROVES the budget variation below:

Account Number	Type	Account Description	Debit \$	Credit \$
4000-10403-6383-0000	Decrease Expenditure	Equine Feasibility Study – Non-Recurrent Expenditure		50,000
4000-NEW-6383-0000	Increase Expenditure	Equine Facility Masterplan	50,000	

Reason: Undertake the development of a masterplan for existing Shire owned/managed equine facilities

3. NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments through the 2021-22 Quarter 2 Corporate Business Plan Performance Report;
4. ENDORSES the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project for funding consideration through the 2022-23 Annual Budget and Corporate Business Plan setting process; and
5. NOTES that change to the CEO KPI timeframes will be considered by the CEO Employment Committee at the meeting to be held in February 2022.

**Option 2**

That Council REQUESTS the that the Chief Executive Officer continue with the delivery of the Equine Facility Feasibility Study as per the 2021/2025 Corporate Business Plan.

Option 1 is recommended.

Conclusion

Officers recommend that the development of an Equine Facility Masterplan is a logical first step to be undertaken to inform the development of an Equine Facility Feasibility Study to ensure support for a range of uses and disciplines across Shire owned/managed land and inform organised development of these sites.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

An amount of \$50,000 has been allocated in the 2021/2022 financial year budget in account 4000-10403-6383-0000 for the feasibility study. A budget variation is proposed to allocate these funds to 4000-NEW-6383-0000 for the development of the masterplan.



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 the time period provided is not sufficient given the need to consider multiple sites and the availability of consultants to undertake the work.	Should it become apparent that there is insufficient time provided, this will be addressed with Council	Organisational Performance	Possible	Insignificant	LOW	
2	The current sites remain without a masterplan to guide organised development on the sites.	Officers recommendation	Financial	Possible	Minor	LOW	
2	The equine feasibility is developed in isolation and without consideration of other facility needs and provision and therefore results in duplication and insufficient provision of facilities and ineffective spending of financial resources.	Officer recommendation	Financial	Possible	Moderate	MODERATE	

**Voting Requirements:** Absolute Majority

Officer Recommendation

That Council:

1. AGREES to REMOVE the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project from the 2021-25 Corporate Business Plan;
2. AGREES to ADD the 'Equine Facility Masterplan - Undertake the development of a masterplan for existing Shire owned/managed equine facilities' Strategic Operating Project to the 2021-25 Corporate Business Plan, with a due date of 30 September 2022 and APPROVES the budget variation below:

Account Number	Type	Account Description	Debit \$	Credit \$
4000-10403-6383-0000	Decrease Expenditure	Equine Feasibility Study – Non-Recurrent Expenditure		50,000
4000-NEW-6383-0000	Increase Expenditure	Equine Facility Masterplan	50,000	
Reason: Undertake the development of a masterplan for existing Shire owned/managed equine facilities				

3. NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments through the 2021-22 Quarter 2 Corporate Business Plan Performance Report;
4. ENDORSES the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project for funding consideration through the 2022-23 Annual Budget and Corporate Business Plan setting process; and
5. NOTES that change to the CEO KPI timeframes will be considered by the CEO Employment Committee at the meeting to be held in February 2022.



OCM361/12/21

COUNCIL RESOLUTION**Moved Cr Dagostino, seconded Cr Duggin****That Council:**

1. **AGREES to REMOVE the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project from the 2021-25 Corporate Business Plan;**
2. **AGREES to ADD the 'Equine Facility Masterplan - Undertake the development of a masterplan for existing Shire owned/managed equine facilities' Strategic Operating Project to the 2021-25 Corporate Business Plan, with a due date of 31 July 2022 and APPROVES the budget variation below:**

Account Number	Type	Account Description	Debit \$	Credit \$
4000-10403-6383-0000	Decrease Expenditure	Equine Feasibility Study – Non-Recurrent Expenditure		50,000
4000-NEW-6383-0000	Increase Expenditure	Equine Facility Masterplan	50,000	

Reason: Undertake the development of a masterplan for existing Shire owned/managed equine facilities

3. **NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments through the 2021-22 Quarter 2 Corporate Business Plan Performance Report;**
4. **ENDORSES the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project for funding consideration through the 2022-23 Annual Budget and Corporate Business Plan setting process; and**
5. **NOTES that change to the CEO KPI timeframes will be considered by the CEO Employment Committee at the meeting to be held in February 2022.**

CARRIED UNANIMOUSLY 8/0*Reason for difference to Officer Recommendation**To ensure the equine priorities continue to be addressed in a timely fashion.*



Councillor Duggin declared a Financial Interest in item 10.4.4 and left the Chambers at 9:59pm prior to this item being discussed.

10.4.4 –Serpentine Jarrahdale Community Recreation Centre Management Services Tender Weighted Criteria (SJ994-2)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	Manager Community Activation, Ms Rebecca Steinki declared an Impartiality Interest in item 10.4.4 as Ms Steinki is a member of the facility through the provisions of the Shire Wellbeing Program and other recreational pursuits.

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 endorse the weighted criteria for the Tender for Management and Operation of the Serpentine Jarrahdale Community Recreation Centre, prior to tender documentation being released in December 2021.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 20 September 2021 - OCM263/09/21 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>NOTES the Serpentine Jarrahdale Community Recreation Centre Review as contained in attachment 1;</i> 2. <i>NOTES the Building Condition Audit & Life Cycle Costing report for the Serpentine Jarrahdale Community Recreation Centre as contained in attachment 2;</i> 3. <i>ENDORSES the Vision for the Serpentine Community Recreation Centre as contained in this report;</i> 4. <i>REQUESTS the Chief Executive Officer negotiate a new Contract arrangement with the YMCA WA as a sole supplier from 1 January 2022 until 30 June 2022, applying the same conditions of current contract and in accordance with the provisions of the Shire’s Purchasing Policy;</i> 5. <i>REQUESTS the Chief Executive Officer purchase outright the current gym equipment, upon the expiry of the lease in October 2021;</i> 6. <i>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:</i> <ol style="list-style-type: none"> a. <i>5 Year term with a 3 year option;</i>



- 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.

7. APPROVES pursuant to s6.8 of the Local Government Act 1995, a budget amendment to the 2021/22 budget, as per the below table:

Account Number	Type	Description	Debit	Credit
6200-NEW-6600-0000	Capital Expenditure (new project)	SJ Community Recreation Centre Capital Works	60,000	
6200- NEW - 5002-0000	Reserve Transfer	Buildings Asset Management Reserve.		60,000

Reason: To address outcomes of the Building Condition Audit & Life Cycle Costing report at the Serpentine Jarrahdale Community Recreation Centre, to be funded from the Buildings Asset Management Reserve.

8. ENDORSES the prioritisation of works on the Serpentine Jarrahdale Community Recreation Centre following completion of the State Funding Agreement works as follows, to address outcomes of the Building Condition Audit & Life Cycle Costing report (excluding Climbing Wall items):
- a. Defects.
 - b. Urgent repairs identified and Optional Capital Works (2021 and 2022).
 - c. Asset Renewals (2021 and 2022).
9. REQUESTS the Chief Executive Officer list the remaining capital works as contained in attachment 2 totalling \$386,060, for consideration through the 2022/2023 budget setting process.

Background

The Serpentine Jarrahdale Community Recreation Centre is located at 38 Mead Street (Briggs Park), Byford as indicated in Figure 1 below. The facility is adjacent to Briggs Park Sports Reserve which features an oval, baseball facility, BMX club and skate park and Brickwood Reserve open space. The facility is centrally located in the suburb of Byford and has two schools in close proximity being Byford Secondary College and Salvado Catholic College.



Figure 1: Location and aerial of Serpentine Jarrahdale Community Recreation Centre

The SJCRC was built in 2005 and since that time has been managed by an external agency on behalf of the Shire via tender processes.

At the September 2021 Ordinary Council Meeting, Council requested that the Chief Executive Officer commence a tender process in December 2021 for the external Management and Operation of the Serpentine Jarrahdale Community Recreation Centre from 1 July 2022. The key terms of the Tender were 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 SJ Community Recreation Centre Review that will improve future contract arrangements and community outcomes
- f. Maintaining key operational arrangements, including Local Emergency Management requirements

In order to progress the development of the Tender documentation, an experienced consultant was engaged in line with Council Policy to provide advice to Officers and assist in developing the documentation.

CCS Strategic (the Consultant) was engaged based on the following demonstrated experience:

- Local context - CCS Strategic has a history of providing advice to the Shire, having prepared the Community Facilities and Services Plan (CFSP) in 2008, periodically assisting with



updates and implementation strategies for the CFSP, preparing the master plan for Briggs Park and Brickwood Reserve (2015) and engaging with the Shire on other community facility plan initiatives throughout this time

- Recent experience - CCS Strategic recently developed the Tender documentation for the City of Wanneroo, who are currently in the process of engaging an external agency to manage their recreation facility. The Shire's Tender documentation is based on a similar model
- Background knowledge - CCS Strategic has prepared facility management plans for numerous other leisure facilities including Wanangkura Stadium in South Hedland, Champion Lakes International Regatta Centre and Kingsway Stadium for Badminton WA

In consultation with Officers the Consultant has suggested a weighted criteria that is tailored to the unique nature of this procurement and Council is requested to endorse this criteria.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local Government Act 1995- Part 3- Functions of local governments

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.*

Local Government (Functions and General) Regulations 1996 – Part 4- Provision of goods and services

11. When tenders have to be publicly invited

- (1) 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.*

Comment

At the September Ordinary Council Meeting, Council endorsed the following Vision Statement for the Centre. This has formed the basis of information to be requested from Respondents via the Tender process:

The SJ Community Recreation Centre is to provide a diverse range of high quality, inclusive, community focussed programs and opportunities across all demographics within our community.

Primarily, these opportunities should respond to recreational health and wellbeing requirements to enrich the social; emotional; and psychological wellbeing of our community. They should be consistent with identified needs and aspirations of the community and are to respond and adapt to evolving trends.

The Consultant has recommended a tailored assessment criteria for this Tender in consultation with Officers, as outlined in Table 1 below.



Weighted Assessment Criteria		Weighting
Qualitative Criteria 1:	Sustainable Procurement	8%
	Sustainable Practices (Environmental and Economic Development)	4%
	Disability Access & Inclusion	4%
Qualitative Criteria 2:	OH&S demonstrated working documents	5%
Qualitative Criteria 3:	Demonstrated experience of tenderer and personnel performing the services	25%
	Customer Satisfaction Measures	3%
	Recreational/Sports Centre performance under management over the past 5 years	5%
	Success Stories and Contracts Performing Better Than Budget	5%
	Centre Management Systems Accounting and Reporting Systems	5%
	Head Office Support	3%
	Qualifications and Experience of Key Personnel Based In Perth	4%
Qualitative Criteria 4:	Methodology, resources and capacity for operational and maintenance services	42%
	Resource Transition	3%
	Operating Budget Forecasts	7%
	Fees and Charges Summaries	1%
	Your Proposed Staff Structure	3%
	Your Proposed FTE Allocation and Costs	4%
	Asset Management	6%
	Cleaning Regime	3%
	Program and Service Delivery Development	10%
	Proposed Capital Contributions / Improvements	5%
Price	Management Fee	20%

Table 1: Recommended weighted criteria for Management and Operational Services at the SJ Community Recreation Centre.



The criteria reflects the various aspects of the management and operational requirements of the facility. The proposed weighting is designed to encourage a broad range of respondents committed to delivering the Vision of the Centre. Similarly, the weightings aim to afford an evaluation process aligned to this objective and encouraging a community driven approach.

The proposed criteria and weighting are not consistent with Shire Policy. This is due to the unique and complex nature of services to be procured; with the criteria aligning with the detail that will be required from Respondents to ensure measurable Contract outcomes.

It is important that Council considers the weighting of each of the Criteria and the breakdown of the components of each Criteria, as the weightings determine the importance of each one in assessing the Tender. Whilst the consultant has recommended these weightings in line with best practice examples for tenders of similar facilities, Council may consider that some aspects should be weighted higher or lower than those proposed in this report.

Council is requested to note that Asset Management in Qualitative Criteria 4 refers to items and tasks that will be the responsibility of the Respondent to manage (not asset management of the building structure which will be undertaken by the Shire). Primarily, this refers to all internal equipment and loose fittings such as:

- AV equipment and speakers.
- ICT equipment.
- Gym, café and sports equipment.

This criteria component aims to ensure that the proposed operational budgets submitted by the respondent adequately caters for the equipment required to deliver the stated outcomes.

Options and Implications

Option 1:

That Council ENDORSES the weighted criteria for the Tender of Management and Operation at the SJ Community Recreation Centre as follows:

Weighted Assessment Criteria		Weighting
Qualitative Criteria 1:	<i>Sustainable Procurement</i>	8%
	Sustainable Practices (Environmental and Economic Development)	4%
	Disability Access & Inclusion	4%
Qualitative Criteria 2:	<i>OH&S demonstrated working documents</i>	5%
Qualitative Criteria 3:	<i>Demonstrated experience of tenderer and personnel performing the services</i>	25%
	Customer Satisfaction Measures	3%
	Recreational/Sports Centre performance under management over the past 5 years	5%



Weighted Assessment Criteria		Weighting
	Success Stories and Contracts Performing Better Than Budget	5%
	Centre Management Systems Accounting and Reporting Systems	5%
	Head Office Support	3%
	Qualifications and Experience of Key Personnel Based In Perth	4%
Qualitative Criteria 4:	<i>Methodology, resources and capacity for operational and maintenance services</i>	42%
	Resource Transition	3%
	Operating Budget Forecasts	7%
	Fees and Charges Summaries	1%
	Your Proposed Staff Structure	3%
	Your Proposed FTE Allocation and Costs	4%
	Asset Management	6%
	Cleaning Regime	3%
	Program and Service Delivery Development	10%
	Proposed Capital Contributions / Improvements	5%
Price	<i>Management Fee</i>	20%

Option 2:

Council may choose to vary the percentage weighting given to the components of each Qualitative Criteria.

Option 1 is recommended.

Conclusion

Council is requested to endorse the weighted criteria, which aims to deliver the most beneficial outcomes for the community and reflects current best practice in tender of recreational facilities within the local government industry.

Attachments (available under separate cover)

Nil.



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

There are no financial implications relevant to this report, however the endorsed weighted criteria is expected to impact the number of submissions received.

Costs for the engagement of the Consultant have been met under the SJ Community Recreation Centre budget (4300 – 30068).

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	The criteria represents a departure from current Council policy and panel members will require additional briefings on its application which adds to the complexity of the tender process	Procurement process aligned to financial years, to allow consideration of costs in the 2022/23 budget setting process.	Financial	Possible	Minor	MODERATE	Nil
2	Weightings of criteria do not reflect the best practice or allow for the best outcomes for the operations of the Centre	Accept Officers Recommendation	Organisational Performance	Likely	Moderate	SIGNIFICANT	Nil



Voting Requirements: Simple Majority

OCM362/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Dagostino

That Council **ENDORSES** the weighted criteria for the Tender of Management and Operation at the SJ Community Recreation Centre as follows:

Weighted Assessment Criteria		Weighting
Qualitative Criteria 1:	<i>Sustainable Procurement</i>	8%
	Sustainable Practices (Environmental and Economic Development)	4%
	Disability Access & Inclusion	4%
Qualitative Criteria 2:	<i>OH&S demonstrated working documents</i>	5%
Qualitative Criteria 3:	<i>Demonstrated experience of tenderer and personnel performing the services</i>	25%
	Customer Satisfaction Measures	3%
	Recreational/Sports Centre performance under management over the past 5 years	5%
	Success Stories and Contracts Performing Better Than Budget	5%
	Centre Management Systems Accounting and Reporting Systems	5%
	Head Office Support	3%
	Qualifications and Experience of Key Personnel Based In Perth	4%
Qualitative Criteria 4:	<i>Methodology, resources and capacity for operational and maintenance services</i>	42%
	Resource Transition	3%
	Operating Budget Forecasts	7%
	Fees and Charges Summaries	1%
	Your Proposed Staff Structure	3%
	Your Proposed FTE Allocation and Costs	4%
	Asset Management	6%
Cleaning Regime	3%	



Continued

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Weighted Assessment Criteria		Weighting
	Program and Service Delivery Development	10%
	Proposed Capital Contributions / Improvements	5%
Price	<i>Management Fee</i>	20%

CARRIED UNANIMOUSLY 7/0

Councillor Duggin returned to the Chambers at 10:03pm.

Presiding Member, Councillor Rich advised Councillor Duggin of the Council Resolution for item 10.4.4.



10.5 Executive Services reports

Presiding Member, Councillor Rich advised that Councillor Atwell had declared a Financial Interest in item 10.5.1 prior to the meeting and was not present.

10.5.1 – West Mundijong Industrial Area - Business Case (SJ2201)	
Responsible Officer:	Manager Economic Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is to present Council with a Business Case for the development of the West Mundijong Industrial Area. The Business Case assesses the benefits from constructing the enabling Shire road infrastructure to allow rapid development and occupation by businesses of the West Mundijong Industrial Area. If Council adopts this Business Case, it can be used in advocacy for this important economic development initiative and funding programs.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 June 2021 – OCM166/06/21 – COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the successful outcomes of the advocacy for the recent State Government election.*
- 2. AGREES to the advocacy approach outlined in this report for the upcoming Federal Government Election including the Shire President and Chief Executive Officer visiting Canberra to advocate for Councils priorities.*
- 3. APPROVES the list of Election Priorities and Requests as outlined in Attachment 2 with the following amendments inserting the following rows:*
- 4. REQUESTS the Chief Executive Officer to include \$30,000 in the draft 2021/22 Financial Year Budget for the Shire's Federal Government Election approach, as outlined in the report.*
- 5. REQUESTS the Chief Executive Officer to include an amount of \$30,000 in the 2021/22 Financial Year budget for the development of a Business Case for the development of the West Mundijong Industrial Area.*
- 6. NOTES that the West Mundijong Industrial Area Business Case and Jarrahdale Trails Town Business Case will be finalised in the 2021/22 FY and the associated Federal Government*



election request for Jarrahdale Trails Town and West Mundijong Industrial Area will be finalised when the document is presented to Council for endorsement.

*Ordinary Council Meeting – 20 September 2021 - OCM265/09/21 - COUNCIL RESOLUTION
That the Council DEFER the matter to the October 2021 Ordinary Council Meeting.*

Background

The planning by the Shire of Serpentine Jarrahdale for the development of the West Mundijong Industrial Area began in 2008 after project consultation with the Department of Planning, Lands and Heritage. In 2018 this 440ha land parcel was zoned industrial, with the potential to create up to 880 industrial lots and employ as many as 13,600 people at full buildout. The Shire has completed a Structure Plan for this area and the first industrial lot subdivision has recently been approved by the Western Australian Planning Commission. This subdivision has attracted strong interest from investors looking to locate new businesses to West Mundijong. However, the existing surrounding roads and their current condition are not suitable for use by large scale industrial businesses that are the primary proponents for these industrial lots. This will enable a stronger case for funding to unlock the land and enable Mundijong Industrial Area to be developed with the following upgrades / construction of:

1. Mundijong Road upgrades between Kargotich Road and Tonkin Highway reservation
2. Kargotich Road upgrades between freight rail crossing and Mundijong Road
3. Bishop Road upgrades between Kargotich Road and Tonkin Highway reservations

Since Council resolved to prepare a Business Case, Officers obtained three proposals to develop a Business Case following the Shire's procurement guidelines. Urbis, Pracsys Economics and Remplan each provided proposals. After a submission selection process conducted by Officers, Pracsys Economics was selected as the preferred consultant.

Officers note that Council were requested to endorse the first business case on the 20 September 2021. Council resolved to defer the matter to the October 2021 Ordinary Council Meeting. Since this time, further amendments have been made to the Business Case to strengthen the Shire's funding opportunities. This is discussed in the comment section of the report.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	1 November 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Singh, Cr Strange, Cr Strautins

In addition, the Shire and Pracsys have engaged with a range of stakeholders as part of preparing this Business Case. These include West Mundijong landowners, prospective industrial land investors/business owners looking to locate to West Mundijong, State Government agencies, specialised planning consultants, industrial real estate specialists, local businesses and State and Federal Members of Parliament.

Statutory Environment

Nil.



Comment

Following external meetings with Federal Government members, feedback received indicated support for upgrading of Shire roads only. Officers therefore requested for Pracsys to undertake further updates to the first Business Case. Pracsys undertook amendments to the report to remove the Spine Road, update project costs, and strengthen the connection to Perth & Peel @3.5 million planning framework. The below figure's 1 and 2 illustrate the key amendment to the business case to remove the New North South Spine Road. This is to be funded through a development contribution plan (paid for by the developer of the land) and will allow for access and further subdivision.



Figure 1 –Business Case 1 - Project Roads



Figure 2 – Business Case 2 - Project Roads



The principal findings of this Business Case are as follows:

- Enabling the development of the West Mundijong Industrial Area by upgrading and adding to the critical surrounding road infrastructure will grow the capacity of the Shire of Serpentine Jarrahdale and this key industrial development to develop industry, grow the local and regional economy and deliver a very large number of new local jobs.
- 250 new local jobs will be created during the construction phase (direct and indirect) and up to 13,600 new direct local jobs and as many as 40,100 indirect jobs will be created at full buildout of this project.
- Industrial rates income will top out at \$45.7 million annually and related residential rates will be an additional \$5.12 million annually, also at full build out.
- As a result of the upgrades to the key roads surrounding West Mundijong Industrial Area, there will be improved critical freight connectivity to and from the Inner Harbour and to the proposed Westport Outer Harbour. It will also mean improved connectivity to the new Tonkin Highway Extension leading to the main north-south road freight network. These upgraded roads will also prepare West Mundijong for the proposed Intermodal Terminal that will complete the main north-south rail freight corridor
- This project Value for Money assesses the project in relation to the associated development expenditure. The project Benefit Cost Ratio (BCR) is estimated at 3.55. This means that for every dollar invested into this project, there is approximately \$3.55 of social and economic benefits generated for the Shire and regional communities, making it an appropriate and attractive investment for governments.

This Business Case enables Council to have a strategic advocacy document that sets out clearly the many advantages of funding the required road infrastructure to be upgraded. This is to accelerate and maximise the rapid development of this key strategic industrial land area within the fastest growing economic corridor of the Perth and Peel region.

Building Better Region Fund

The Australian Government Building Better Region Fund (BBRF) aims to create jobs, drive economic growth and build stronger regional communities. The Australian Government announced \$250,000 million in the 2021/22 Budget towards a sixth round of BBRF. Council has an opportunity to apply for funding for investment in which this Business Case can be used for future funding applications.

Options and Implications

Option 1

That Council:

1. ENDORSES the West Mundijong Industrial Area Business Case as attached at **attachment 1**.
2. NOTES the Business Case will be used to advocate for funding for this development of the West Mundijong Industrial Area including future Building Better Region Fund application rounds.
3. AUTHORISES the Chief Executive Officer to submit this project to future Building Better Region Fund application rounds.

Option 2

1. That Council DOES NOT ENDORSE the West Mundijong Industrial Area Business Case
2. That Council DOES NOT AUTHORISE the Chief Executive Officer to submit this project to future Building Better Region Fund application rounds.

Option 1 is recommended.

Conclusion

This infrastructure is a key generational change project for the Shire of Serpentine Jarrahdale and the regional community and economy. Delivering it quickly will lift the Shire from being a long-term dormitory area to being a significant local and regional industrial area leader, bringing significant new investment, jobs, prosperity, social uplift and confidence. The Shire advocates strongly for the federal and state governments to fund this project and allow this key strategic industrial area to develop fully, and see the Shire of Serpentine Jarrahdale grow as a major economic activator in this fast growing south east metropolitan growth corridor.

Attachments (available under separate cover)

- **10.5.1 –attachment 1**–West Mundijong Industrial Area Business Case 2 (E21/13479)
- **10.5.1 – attachment 2** –West Mundijong Industrial Area Business Case 1(E21/9894)
- **10.5.1 – attachment 3** – West Mundijong Industrial Area Advocacy Paper (E21/13480)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.3.1	Identify and promote rural and agriculture industry opportunities
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.3	An innovative, connected transport network

Financial Implications

Preparation of the initial Business Case cost \$26,850. Further updates to the Business Case cost \$4,620.00 which resulted in a minor overspend on the original budget of \$30,000 by \$1,470.



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 adopting the Business Case. As and when projects are funded, specific risk management plans are developed for the respective project.						
2	If Council do not adopt the Business Case, this will impede the Shire's ability to successfully deliver the West Mundijong Industrial Area including the potential loss of investors and its associated multiple economic and social benefits.	West Mundijong Industrial Area Structure Plan	Social / Community Outcomes	Likely	Moderate	SIGNIFIANT	Nil.
2	If Council do not adopt the Business Case, there may be reputational loss with potential investors due to expectations that this will proceed within a reasonable time period.	Current relationship with stakeholders	Reputational	Likely	Major	HIGH	Nil.

Voting Requirements: Simple Majority

OCM363/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strautins

That Council:

- 1. ENDORSES the West Mundijong Industrial Area Business Case as attached at attachment 1**
- 2. NOTES the Business Case will be used to advocate for funding for this development of the West Mundijong Industrial Area including future Building Better Region Fund application rounds.**
- 3. AUTHORISES the Chief Executive Officer to submit this project to future Building Better Region Fund application rounds.**

CARRIED UNANIMOUSLY 8/0

**10.5.2 – Byford Health Hub – Project Update (SJ3305)**

Responsible Officer:	Strategic Project Specialist
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is to present Council with an overview and update on the Byford Health Hub project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 February 2021 - OCM038/02/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES in principle, the Byford Health Hub Business Case, as per attachment 1;*
2. *SUPPORTS in principle, the Health Hub Facility to be located on the Shire's 7000m² Civic Reserve in Byford, subject to endorsement of a future Business Plan;*
3. *REQUESTS the Shire President and Chief Executive Officer ADVOCATE for the State Government to fund the construction of the Byford Health Hub and;*
4. *REQUESTS the Chief Executive Officer present a report back to Council after the WA State Government election to determine how to progress the project.*

Ordinary Council Meeting – 19 April 2021 - OCM085/04/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *ENDORSES the initiative of the Byford Activity Centre forum;*
2. *REQUEST the CEO to engage a suitably qualified consultant, using up to \$15,000 consultancy funds, to organise and facilitate this forum;*
3. *APPROVES the budget variation as per below:*

<i>Account</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>1000-10100-6230-0000</i>	<i>Increase Expenditure</i>	<i>Consultancy</i>	<i>15,000</i>	
<i>5200-17100-6230-0000</i>	<i>Increase Expenditure</i>	<i>Consultancy</i>		<i>15,000</i>



Reason: Reallocation of consultancy budget to fund undertaking of forum.

4. *SEEKS participation of local, state and federal government representatives, state agency representatives, community leaders, school representatives, business stakeholders and city centre landowners;*
5. *FOLLOWING the forum, seeks a report back with a recommendation on options.*

Ordinary Council Meeting – 16 August 2021 - OCM231/08/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RECEIVES the update on the progress of the Byford Health Hub.*
2. *NOTES that the Chief Executive Officer has been appointed a member of the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee.*
3. *REQUESTS that the Chief Executive Officer provide further reports to Council as planning for the site and the facility progress.*

Background

The Byford Health Hub is to be constructed within the Shire's future Civic Reserve site at Lot 103 (No.3) Bushman Glade, Byford. A Management Order is to be provided to the Shire to have the power to lease this land.

In February 2021 Council adopted the Business Case for the Byford Health Hub. The Business Case identified preferred health hub options, assessed the benefits and costs and its detailed implementation requirements to support its delivery.

The State Government as part of the 2021 election campaign committed \$30.6 million for the delivery of the Health Hub in Byford as per the Media Release contained at Attachment 1.

The site which is 7000 sqm is currently undeveloped (see site photos – Figures 1, 2 and 3) and not serviced. A map of the town center is illustrated in (Figure 4):





Figure 1 – Current Site Conditions



Figure 2 – Current Site Conditions



Figure 3 – Current Site Conditions



Figure 4 – Byford Town Centre

The Shire Civic Reserve will also feature:

- Future library and multi-agency building, subject to developer contributions and will be delivered as a shared infrastructure item between both DCP funds and Shire funds. This is identified for delivery in 2032, at a total cost of \$6.18m and must be accommodated in full on the community purpose site.
- The site may also feature all of, or a component of, a future town square, plaza and nature play splash park. The nature play space was initially planned for Bill Hicks Reserve however funding has been provided as part of the State Government Election for construction of this facility at this location.

A funding agreement is currently being negotiated for the nature play space with the State Government and will be presented to Council in the coming months.

Community / Stakeholder Consultation

Byford Activity Centre Forum

The Shire recently brought together stakeholders to participate in a forum on 26 October 2021 to discuss the future Byford Activity Centre. With a range of stakeholders delivering transformational projects like the new Byford Metronet train station, Byford Health Hub, key access links and public realm, the Shire sees coordination and collaboration as central to achieving the best outcomes for our community. Facilitated by LK Advisory, the Byford Activity Centre Forum was the beginning of a conversation around major infrastructure and investment projects that will be delivered and built in the Byford Town Centre. In lead up to the forum, community input was invited and this provided a basis to shape the discussion as to what our community aspire for the Byford Town Centre, and how all stakeholders can unite to deliver upon this vision of success and vibrancy.



While the Shire's updated Byford Town Centre Structure Plan, adopted by Council in August 2020, provides for layout and land use designations, it doesn't deliver the finer grain detail for how individual uses and their buildings will be arranged, or how full integration of the Byford Town Centre on both sides of the rail will be achieved. To achieve the community's vision for a vibrant and integrated Byford Town Centre, the Forum outcomes will shape our conversations with key State and Commonwealth Government stakeholders and private landowners and developers.

Byford Health Hub Community and Consumer Advisory Group

The East Metropolitan Health Service have commenced advertising for expressions of interest for two advisory groups:

- EMHS Byford Health Hub Community and Consumer Advisory Group
- EMHS Byford Health Hub Service Provider and Clinician Advisory Group

The role of the advisory group member is to:

- Provide advice on design and user needs for the BHH as directed by the Project Reference Group, based on your knowledge and experience as a health care consumer and understanding of the Byford community.
- Consider the views and issues affecting the Byford community which will be important considerations as part of the BHH planning.
- Provide advice and identify opportunities to consult and engage with the broader community about the BHH. This may include consulting with identified consumers/consumer groups to gauge their views on relevant issues.
- Guide the longer-term plan for the ongoing involvement of community and consumers in the BHH Program.
- Provide community/consumer input to other BHH advisory and working groups as required.

The expressions of interest for these groups close on Monday 6th December 2021.

Statutory Environment

There are no immediate statutory implications associated with this report. In the course of the project, disposals of land will be required that must be conducted in accordance with the *Local Government Act 1995*.

Comment

Byford Health Hub Steering Committee

Since the appointment of the Chief Executive Officer to the Byford Health Hub Steering Committee. Officers have been working in collaboration with the East Metropolitan Health Service (EMHS) attending bi-monthly meetings to commence planning for the delivery of this facility.

The Byford Health Hub Steering Committee is governed by the Board of EMHS which is set out in the following structure and working groups:

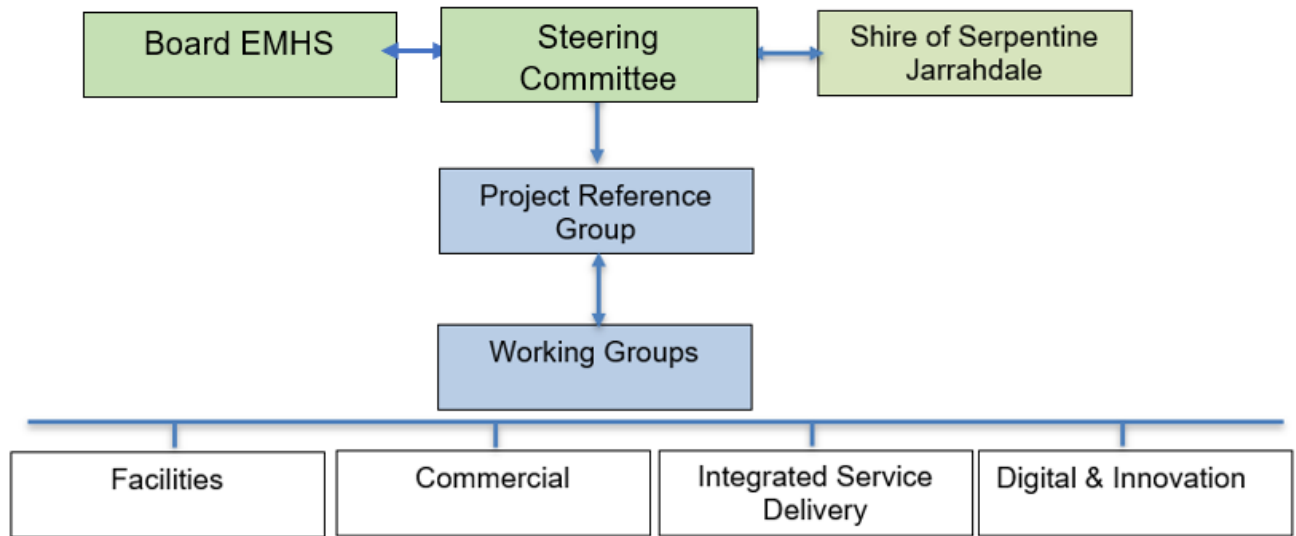


Figure 5 – Steering Committee

The project reference group sits under the Steering Committee which provides the technical advice, clarity and support to help shape the delivery of the Byford Health Hub program. This includes the innovative integrated service delivery model, capital infrastructure analysis and business case. The Chief Executive Officer nominated for the Shire’s Deputy CEO and Strategic Project Specialist to sit within this group.

Service Plan

The East Metropolitan Health Service (EMHS) have engaged a business management consultant (Nous) to co-ordinate the co-design of the Byford Health Hub and operating model for the integrated service delivery of the project. This report will directly inform the development of the business case for the Byford Health Hub that will be submitted to the Department of Treasury.

The project will consist of two phrases, with Phase 1 commenced with the undertaking of interviews with governance and subject-matter experts. Figure six below sets out the two phrases for the project:

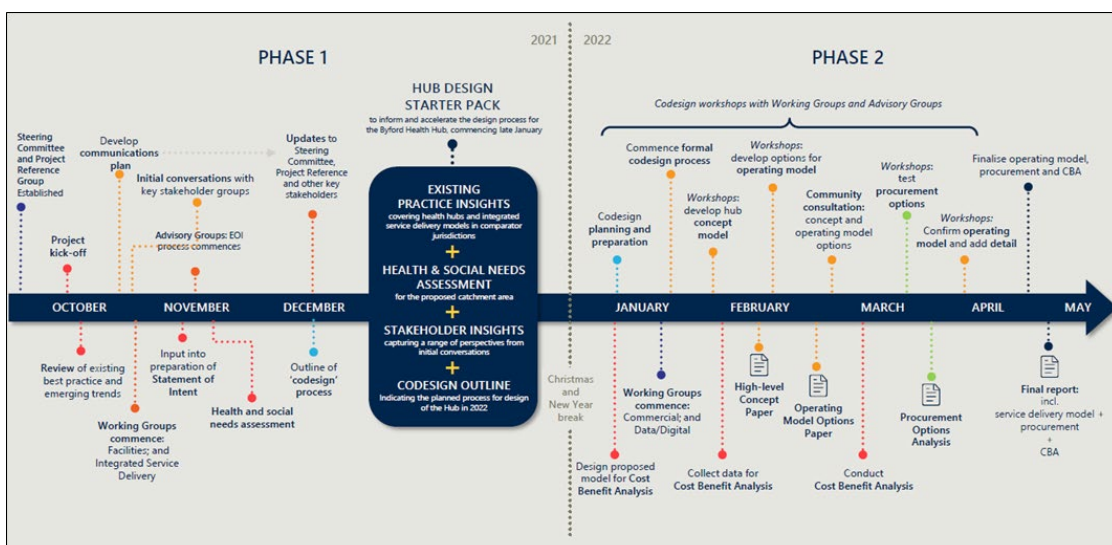


Figure 6 – Hub Design Project Process



The first phrase also includes research / review of existing Health Hub's located within Western Australia, Nationally and International. The second phrase includes the co design process with work shops and sessions to develop the hub concept and operating model. This phrase will also feature a Cost Benefit Analysis to determine the key components required for the Byford Health Hub, this includes a range of potential measures across social, health and other benefits.

Site Costs

The EMHS aim to lodge a Statement of Intent by December 2021. This is part of the budget cycle to be submitted to the Department of Treasury for funds to be released to commence site investigations. The EMHS is covering all costs of this initial assessment have engaged a Quantity Surveyor. This will include options for the staged timing of these works which would include the Byford Health Hub, Splash Park and Library. The staged timing of these works will be informed by the Master Planning process which is discussed below.

Byford Town Centre – Civic Purpose Masterplan

The Shire has engaged Urbis to undertake the Master Planning for the 7000sqm community purpose reserve within the Byford Activity Centre, which is to comprise a number of uses including:

- The Byford Health Hub
- The library and multi-agency facility
- Elements of a town square, plaza and Byford Nature Splash Park

This site will provide a central location and civic area for the town centre. The combination of the above uses will provide a unique opportunity to Byford to meet the growing needs of the local community.

The following points provides an overview of the project and an indicative timeframe for the completion of the Master Plan to be presented to Council by April 30 2022. This will include:

- Stage 1

Inception meetings, site visit / case studies

- Stage 2

Stakeholder engagement, workshops and opportunities and constraints analysis

- Stage 3

Draft master plan, present to executives and councillors

- Stage 4

Finalise master plan and 3D renders, present to executives and councillors

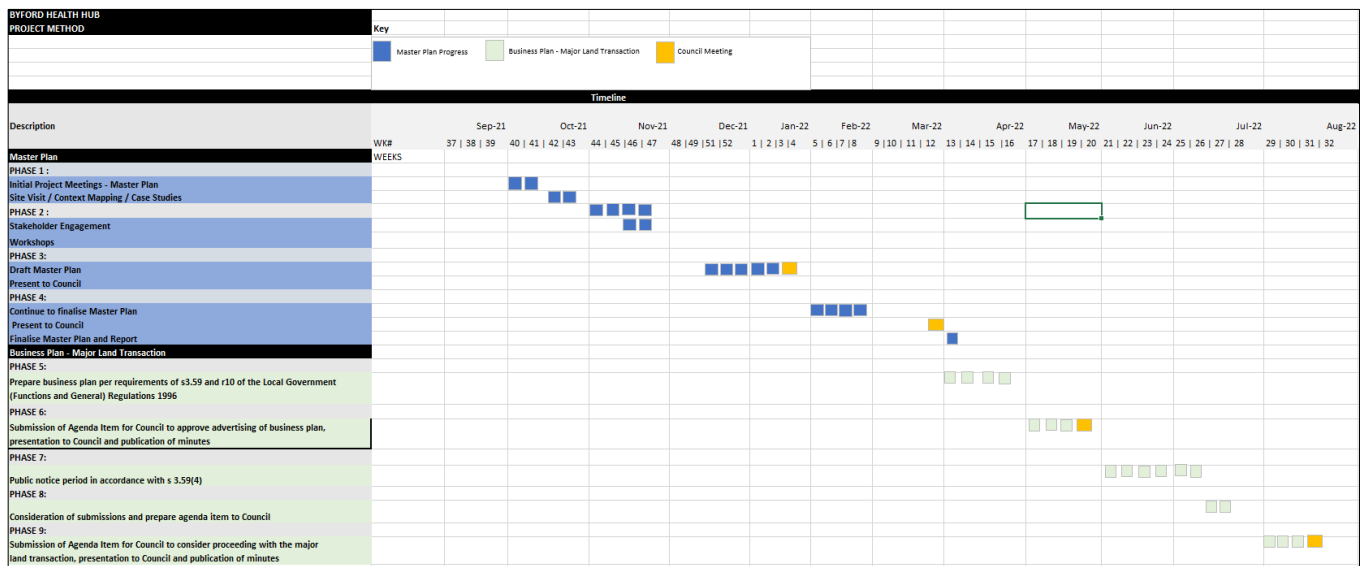


Figure 7 – Byford Health Hub – Project Time Line

Business Plan

Following the completion of the Master Plan, Officers will commence the preparation of a Business Plan in accordance with Section 3.59 of the *Local Government Act 1995*.

In accordance with Section 3.59 before a Local Government enters in into a major land transaction, which is this case is the proposed disposal by way of a lease to the State Government – Department of Health.

The Local Government (Functions and General) Regulations 1996 sets a threshold at which a land transaction becomes a major land transaction defined in section 3.59. As the total value of the transaction at this stage is not known, the Shire's timetable has been prepared on the basis that a business plan will be required. In either event, the preparation of a business plan for this type of project would be considered appropriate.

This will include an overall assessment of the major land transaction and is to include details of:

- a) Its expected effect on the provision of facilities and services by the Local Government; and
- b) Its expected effect on other persons providing facilities and services in the district; and
- c) Its expected effect financial effect on the Local Government; and
- d) Its expected effect on matters referred to in the Local Government’s current plan prepared under section 5.59; and
- e) The ability of the Local Government to manage the undertaking of the performance of the transaction; and
- f) Any other matter prescribed for the purposes of this subsection.

Options and Implications

Option 1

That Council:

1. NOTES the progress on the development of the Byford Health Hub on the community purposes site in Byford Town Centre.



2. REQUESTS that the Chief Executive Officer provide further reports to Council as planning for the site and the facility progress.

Option 2

That Council DOES NOT NOTE the progress of the Byford Health Hub and requests an alternative course of action be followed.

Option 1 is recommended.

Conclusion

The Byford Health Hub represents a major transformation for meeting community health needs in the Shire as well as vibrancy and employment in the Byford CBD.

The Shire will continue to work in collaboration with the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee to deliver this significant election commitment.

The Master Planning and site analysis is being undertaken over the coming months will ensure the site is designed to accommodate all future uses and is integrated into the broader town centre.

Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Media Release – Byford Health Hub Election Commitment. (E21/8739)
- **10.5.2 - attachment 2** – Correspondence from the East Metropolitan Health Service regarding the establishment of the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee (IN21/18834)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 2.1	A diverse, well planned built environment
Strategy 3.4.1	Identify and promote innovation and education opportunities
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.2.1	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

There are no financial implications associated with 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&2	The site determined for Health Hub is not integrated with other future uses on the site.	The Planning work currently being undertaken.	Organisational Performance	Rare	Moderate	LOW	Nil
1&2	The Shire is not involved in the planning for the health hub.	The involvement in the Steering Committee will address this.	Organisational Performance	Unlikely	Moderate	LOW	Nil
1&2	The Shire is required to manage the construction of the entire facility which will be challenging as a result of capacity constraints.	The State Govt taking responsibility for the construction of the facility addresses this. The Shire may be required to undertake site works.	Organisational Performance	Unlikely	Major	MODERATE	Nil
2	Council will not be appropriately briefed on the matter	Nil		Unlikely	Moderate	Moderate	Nil



Continued

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Voting Requirements: Simple Majority

OCM364/12/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

- 1. RECEIVES the update on the progress of the Byford Health Hub.**
- 2. REQUESTS that the Chief Executive Officer provide further reports to Council as planning for the site and the facility progress.**

CARRIED UNANIMOUSLY 8/0



Continued

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10.6 Confidential reports

Nil Reports.



Continued

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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
10:05pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 21 February 2022

..... Presiding Member – Councillor Rich

...23/02/2022... Date