



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Agenda

7.00pm

Monday, 14 December 2020

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 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
30/11/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
23/11/20	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
23/11/20	PCF	✓	✓	✓	✓	A	✓	A	✓	✓
16/11/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/11/20	PCF	A	✓	✓	✓	A	✓	✓	✓	✓
05/10/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/09/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
07/09/20	PCF	✓	✓	✓	✓	✓	✓	A	✓	✓
24/08/20	PCF	✓	✓	✓	✓	A	A	✓	A	✓
17/08/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/08/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/07/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/07/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	A
06/07/20	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
22/06/20	SCM	✓	✓	✓	✓	✓*	✓	✓	✓	✓
15/06/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/05/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
23/03/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/03/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/02/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
17/02/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/02/20	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
03/02/20	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
16/12/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓



Continued

Ordinary Council Meeting Agenda Monday, 14 December 2020

18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

* Councillor Dagostino was an apology for the Special Council Meeting on 22 June 2020, but attended the resumed Special Council Meeting on 29 June 2020 from 7.00pm to 7.05pm, before Declaring an Interest and leaving the meeting.

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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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.



Dear Elected Member

The next Ordinary Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 14 December 2020 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong – commencing at 7.00pm.

Paul Martin
Chief Executive Officer

4/12/20

Agenda

- 1. Attendances and apologies (including leave of absence):**
- 2. Public question time:**
 - 2.1 Response to previous public questions taken on notice:**
 - 2.2 Public questions:**
- 3. Public statement time:**
- 4. Petitions and deputations:**
- 5. President's Report:**
- 6. Declaration of Councillors and Officer's interest:**
- 7. Confirmation of minutes of previous Council meeting(s):**
 - 7.1 Ordinary Council Meeting – 16 November 2020**

That the minutes of the Ordinary Council Meeting held on 16 November 2020 be CONFIRMED (E20/13301)
 - 7.2 Special Council Meeting – 23 November 2020**

That the minutes of the Special Council Meeting held on 23 November 2020 be CONFIRMED (E20/13687)



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 – 23 November 2020

Attachments (available under separate cover)

- **Attachment 1 – Audit, Risk and Governance Committee Minutes – 23 November 2020 (E20/13662)**

Voting Requirements Simple Majority

- 1. That Council RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 23 November 2020 (E20/13662).**
- 2. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG026/11/20 and RECEIVES the Internal Audit Plan Update; ENDORSES variations to planned timeframes through a) an extension for reporting timeframes for the Contract and Supplier Management Internal Audit into the October to December 2020 Quarter to cater for wider scope, organisation wide engagement for recommendations and additional fieldwork; b) an extension of time for fieldwork and reporting for grants management into the October to December 2020 Quarter to cater for wider stakeholder for fieldwork; and c) rescheduling the Delegations – follow-up into the October to December 2020 Quarter to cater for prioritising other fieldwork and allowing embedding of business processes after recent training efforts; ENDORSES extended timeframes into April-June 2021 to deliver Swimming Pool Inspections and Firebreak Inspections / Management with existing resources.**
- 3. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG027/11/20 and RECEIVES the Audit Recommendations Update and Detailed Audit Recommendation Status as contained in confidential attachment 1.**
- 4. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG028/11/20 and NOTES the Strategic Risk Register Review as contained within this paper; ENDORSES the updated Strategic Risk Register as contained within attachment 1.**

9. Motions of which notice has been given:

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

10.1.1 - Retrospective 'Transport Depot' and 'Plant Nursery' - Lot 101, 132 Boomerang Road, Oldbury (PA20/376)	
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 (eg 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:	Bradley John & Lisa Marie Walton
Date of Receipt:	15 April 2020
Lot Area:	10.05ha
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 two separate land uses, a retrospective 'Transport Depot' and 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury. The 'Transport Depot' involves parking of various commercial vehicles, trailers, and machinery. The 'Plant Nursery' involves the growing of eucalyptus and various native trees on an impermeable hardstand to accommodate the nursery operations.

The 'Transport Depot', which is owned by BWC Civil, has been operating for the past five years without development approval. The Shire approved a 'Plant Nursery' and 'Floriculture' operations in October 1997. The approval was however only valid for a period of 24 months. This subsequently expired with no further extensions in time having been given. There are also no approved plans on record to show the extent of the hardstand that forms part of the current operations.

In accordance with Council Policy on General Compliance and Enforcement, Officers have been engaging with the applicant to achieve a compliant based outcome, framed initially on having all prerequisite approvals in place. This is the basis to this retrospective development application.

This application was presented to the November meeting of Council, at which Council deferred making a decision on the matter to enable the applicant to submit further details of proposed



access arrangements, so that these can be considered by Officers (as part of the application) and the matter presented back to the December 2020 meeting.

Further to this, an objection was also received during the consultation period on the application, which further requires the matter to be considered by Council. Officers do not have delegated authority to determine development applications where objections cannot be satisfied by way of amendments or the imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

This report recommends that the:

- retrospective 'Transport Depot' be granted conditional approval, subject to this approval being time limited to enable a transition of the use to a more appropriate zone to occur and;
- the 'Plant Nursery' component be granted conditional approved, without any time limit;

Conditional approval is recommended including an updated condition to reflect the assessment of the further information submitted by the applicant, pertaining to access.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 November 2020 – OCM355/11/20

That Council DEFERS consideration of the application for the 'Transport Depot' and 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oakford, to enable the applicant to submit further details of proposed access arrangements, so that these can be considered by Officers (as part of the application), and the whole matter presented back to Council at the December 2020 meeting.

Background

Existing Development

The subject site is located in a rural area towards the west of the Shire. The site is approximately 10.05ha in area and Boomerang Road runs along the north-eastern lot boundary.

The site abuts the Pony Club reserve to the north as shown in Figure 1 below. The general locality comprises of rural properties used for a variety of rural uses that include grazing, equestrian activities, poultry farms, market gardens, cattle studs and rural lifestyle lots. It has an intended rural amenity and character under the current and proposed planning frameworks for the future. The western adjoining extractive industry is time limited in its approval until 26 July 2021.



Figure 1: Location Plan

The subject site comprises an existing single dwelling, horse shelters, outbuildings associated with the single house and an existing equestrian facility for the keeping and training of racehorses. The site also contains two transportable buildings which are used for office administration. The area for the proposal is generally cleared. The site however contains a significant amount of remnant vegetation concentrated on the south western portion and north eastern corner which will not be impacted by the revised proposal.

Proposed Development

The application seeks retrospective approval for a 'Transport Depot' with associated site office, a 'Plant Nursery' and an amendment to a previous approval for a shed, as depicted on the site plan below. There is a second transportable building that is to be used in conjunction with the existing dwelling.

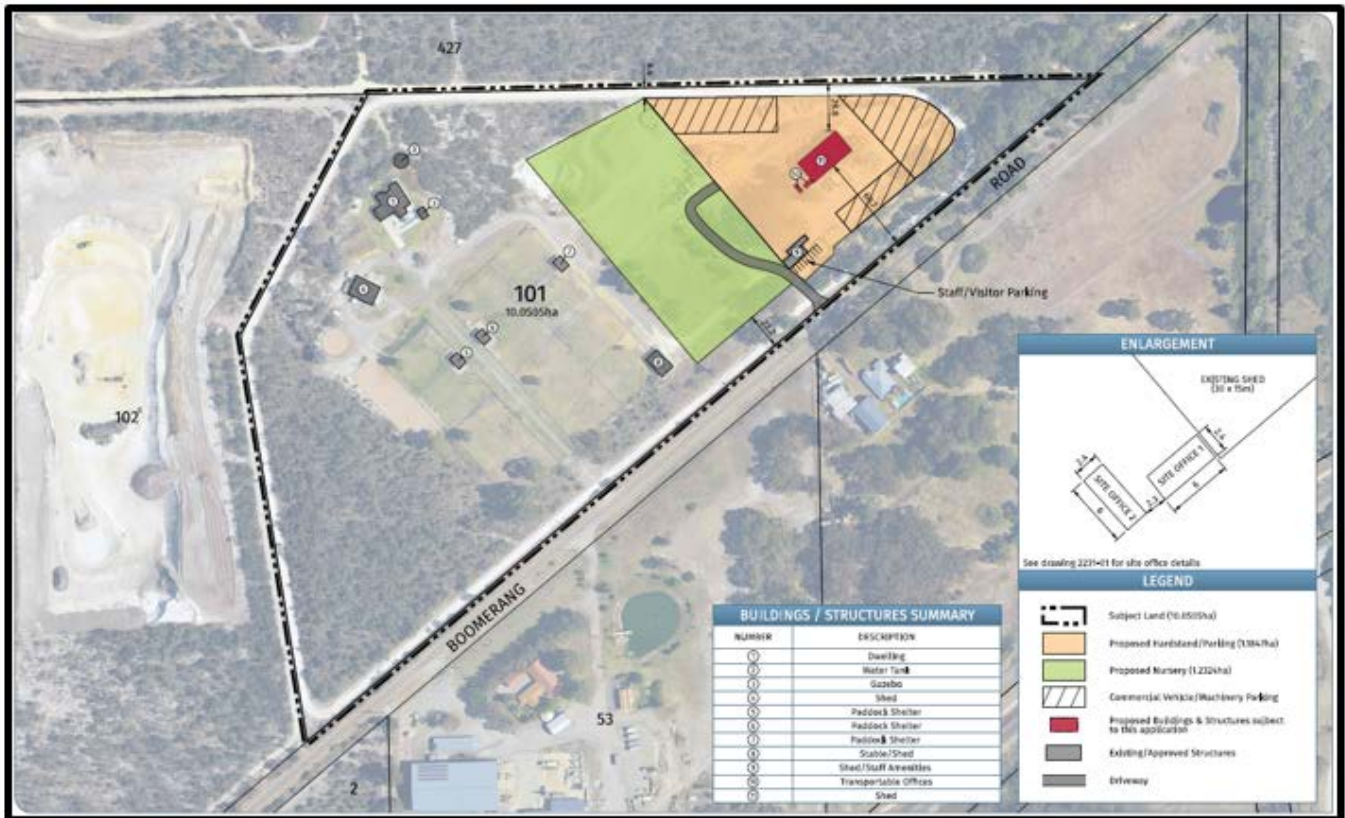


Figure 2: Site Plan

Transport Depot:

The 'Transport Depot' involves the parking of various commercial vehicles, trailers, machinery and employee vehicles. BWC Civil, who are described as a small civil and earthmoving contractor, have been operating the business from the subject site. The applicant provided information that the machines and vehicles are mobilised to site and used for construction purposes. Machinery is often left on the work site and not necessarily brought back to the subject site daily.

Specifically, the 'Transport Depot' comprises of the following aspects as shown on Figure 2:

- Construction of a 1.184ha impervious rolled limestone hardstand for parking of various commercial vehicles and machinery listed as follows:
 - 2 x Single Cab Utes;
 - 1 x Light Tool Truck;
 - 1 x Medium tray top truck;
 - 2 x 6 Wheel Trucks;
 - 1 x Prime Mover;
 - 3 x Truck Trailers.
- The following machinery would also be stored on the subject site when not mobilised as follows:
 - 2 x Front End Loaders;
 - 3 x POSI Track;
 - 3 x Excavators;



○ 2 x Rollers.

- Access to the site would be via the existing crossover onto Boomerang Road which is located 170m north west of the crossover that services the existing dwelling;
- The business currently employs five staff, six days a week on Monday to Friday between 7:00am and 5:30pm and Saturdays between 7:00am and 12:00pm;
- There would be five employees at the site whose vehicles would also be parked;
- Office 1 would be used as a playroom for the children of the landowner and office 2 would be used for administration tasks for the 'Transport Depot' (Figure 2);
- Repairs and servicing of vehicles and machinery would be carried out off site;
- A skip bin would also be occasionally stored on site for a short period before its contents taken to landfill.

Plant Nursery:

BWC Civil would also operate the 'Plant Nursery' for the wholesale of plants. Specifically, the 'Nursery' involves the following:

- Nursery operations would occur on the proposed 1.3ha impervious rolled limestone hardstand area;
- Eucalypts and another native trees are planned to grow in pots to an advanced stage;
- It would operate from 7:00am to 5:00pm Monday to Friday;
- The nursery would operate as wholesale only with no retail component;
- The nursery would result in an addition of one to two truck movements per week and a maximum of one additional passenger vehicle movement per day;
- Staff employed by BWC would conduct the majority of daily tasks and a part time horticulturalist would be employed to oversee the operations;
- Amenities for staff are located within a shed.

Full details of the proposals are contained within **attachment 1**

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 3 June 2020 to 25 June 2020 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP4.1 - Consultation for Planning Matters.

A total of two submissions were received, one in support of the proposal and one objecting to the proposal due to the portion of Boomerang Road being a single lane bitumen road. The objection considers that the road is not designed for constant heavy vehicle use or an increase in vehicle movements and therefore not capable to support the proposal.

A summary of the submissions including the Officers response can be viewed in **attachment 2**.



Consultation with other Agencies or Consultants

Department of Biodiversity, Conservation and Attractions (DBCA)

As the site is located near geomorphic wetlands the application was referred DBCA who have advised that they have no comments on the proposal.

Department of Water and Environment Regulation (DWER)

As the subject site contains native vegetation and the initial nursery footprint proposed removal of vegetation, the application was referred to DWER who did not object to the proposal but provided advice on the following key issues and recommendations:

- Clearing of native vegetation and advice on obtaining a clearing permit;
- Wastewater Management to occur in accordance with *Government Sewerage Policy* (Western Australian Government, 2019) as the site is located within a 'sewage sensitive area';
- Provisions of *State Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment and Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992* as the site locates is located within the Peel-Harvey catchment area;
- Amendment of the current groundwater license for the purposes of stock watering and household garden to included groundwater for nursery and transport deport operations.

In view of the advice, the applicant amended the nursery footprint. The revised proposal does not exist within any vegetated areas and as such, a clearing permit will not be required.

DWER also provided advice on the best management practices for the 'Plant Nursery' to outlined in the *Water Quality Protection Note No. 3: Nurseries and garden centres* (DWER, 2018) and *Water Quality Protection Note No 90: Organic material - storage and recycling* (DWER, 2011). The advice include the following:

- Nursery operations shall be contained on impermeable surfaces to prevent the leaching of nutrients and contaminants into the groundwater. Gravel, rolled limestone or forestry by-products over plastic film may be used for walking paths and under plant benches;
- Any wastes should be contained in a purpose-built, weatherproof storage container, skip or on an impermeable sheltered surface until removed offsite to an authorised waste disposal facility;
- Water according to the plant development requirements, seasonal evaporation losses, variations in plant water needs and the water-holding capacity of the potting media;
- Any runoff may drain towards a settling pond for reuse or recycling, or into vegetated swales. Wastewater and clean stormwater should be kept separate. Uncontaminated stormwater should be managed as recommended in the *Stormwater Management Manual for Western Australia* (DoW, 2004-2007);
- Nursery operators should minimise nutrient losses by only applying fertiliser amounts required by the plant at various stages of its development cycle and adopting measures to reduce leaching;
- Pesticides, fertilisers, manures and soil amendment materials should be stored on impermeable surfaces that are weatherproof and exclude stormwater runoff from other areas;



- As detailed in the Nutrient and Irrigation Management Plan, groundwater quality monitoring will be carried out on-site. However, no detail has been provided regarding the proposed trigger values, contingency actions if triggers are breached and the submission of monitoring results to the Shire.

In response to the comments that were made by DWER, the applicant provided a revised Nutrient and Irrigation Plan. Following review of this revised NIMP, Officers are now satisfied that the management practices identified will adequately protect the environment and control the risk associated with nutrient application and use. Compliance with the NIMP has been included as a condition of approval in the Officer recommendation.

DWER also provided advice on the best management practices for the transport depot to include the following:

- The transport depot and parking areas must be constructed on a non-permeable concrete hardstand that will contain leaks and spills of all fuels, lubricants and wastewater in the event that the integrity of the vehicles becomes compromised;
- Mechanical servicing should be carried out on a durable, low-permeability floor or pad (such as reinforced concrete) finished and graded to contain any spilt material or washdown water;
- Washdown water containing any oils or grease emulsions should pass into a physical separator (e.g. corrugated plate interceptor) or chemical separator (e.g. chemical coagulation tank, followed by water-oil separation) allowing sufficient time to break emulsions and permit effective removal of any floating oil by skimming.

Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- Metropolitan Region Scheme;
- State Planning Policy 2.5 - Rural Planning;
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses;

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
- Rural Strategy Review 2013;
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3;
- Draft Shire of Serpentine Local Planning Strategy;



- 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 the Technical Assessment in **attachment 3**. For the purposes of this report, discussion is confined to the objection resulting in the proposal being presented to Council, and where Council is required to exercise discretion.

Land Use:

The proposed development is considered to fall under the two land use definitions of 'Plant Nursery' and 'Transport Depot' defined under TPS2 as follows:

'Plant Nursery': 'means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities'

A 'Plant Nursery' is an 'AA' use in the 'Rural' zone, which means that Council may at its discretion permit the use. The use is not required to be advertised pursuant to TPS2. Officers are satisfied that the proposal fits within the land use definition of a 'Plant Nursery' and is consistent with the objectives of the rural zone and therefore capable of approval.

Under the Shire's Draft Local Planning Scheme No. 3 (LPS3), the subject land is identified to remain zoned 'Rural' whereby the Plant Nursery would fall in the land use category of 'Agriculture Intensive'. This use is a 'D' use, which remains the equivalent to 'AA' use under the current Scheme.

A 'Transport Depot' is defined in Appendix 1 of TPS2 as follows:

'Transport Depot' - 'means land or buildings designed or used for one or more of the following purposes:

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

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

Officers consider that the proposal fits within the 'Transport Depot' land use as it involves the parking and garaging of up to ten commercial vehicles (consistent with the definition of a 'commercial vehicle') and machinery for an earthmoving contractor. Table 1 - Zoning Table of TPS2 provides that 'Transport Depot' is an 'SA' use in the 'Rural' zone, meaning the use is not permitted unless Council has exercised its discretion to permit the use, after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions and any submissions considered.

Officers consider that although the land use is capable of approval within the zone, the use is not considered to reflect the strategic intent of the Shire's Rural zone. Rather, considering the operational nature of the business servicing a range of earthmoving and civil construction projects



within a range of sectors, it is considered to be located more appropriately within an industrial type zone.

For this reason, Officers recommend only a time limited approval for the 'Transport Depot' use of four years, whereas the 'Plant Nursery' is not proposed to be time limited.

Aims and Objectives of TPS2

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

While TPS2 does not define a 'rural pursuit', the general definition as determined by SAT is something that relates to, or is a 'characteristics of the country' as sited in (*Attwell and City of Albany*) where in the *Macquarie Dictionary* rural means:

- "(1) Of, relating to, or characteristic of the country (as distinguished from towns or cities), country life, or country people, rustic;*
- (2) Living in the country;*
- (3) Of or relating to agriculture.*

And *"pursuit.*

- (1) The act of pursuing; efforts to secure; quest; any occupation, pastime or the like, regularly or customarily pursued."*

In considering a discretionary land use like 'Transport Depot', the Officer assessment considers the nature and extent of association with a rural pursuit or associated activity carried out within the Scheme area. Land uses not directly rural in nature, may still be considered capable of approval where they directly serve the local rural community, thereby supporting rural pursuits.

In this case, the proposal does not clearly demonstrate its association with rural pursuits or associated activities. It is considered to be more consistent with development in an industrial area, where civil construction businesses would generally be found. Such precincts have the advantages of being serviced by higher order road environments, which makes them more capable of accommodating the demands of these kinds of uses which generate higher level of commercial and freight traffic.

BWC Civil services the building and construction industry providing road stabilisation and construction, subdivisional earthworks, retaining walls and stormwater drainage systems. These works, although they can be found in rural areas, do not relate specifically to the country or are not a characteristic of the country. For this reason, Officers recommend that a time limited approval be granted for the 'Transport Depot', in order to provide a sufficient window of time for the business to relocate within an industrial area of the Shire.

This concern was raised with the applicant who provided the following information:

"While the term 'Rural Pursuits' is not defined within TPS 2, it is considered that all of the land uses which are capable of approval in the Rural Zone under Table 1 must fall in the category of the "full range of rural pursuits and associated activities" as referenced in Clause 5.10.1 of TPS 2. The Rural Zone is therefore intended to accommodate a broad range of land uses, as reflected in the Zoning Table. Furthermore, as demonstrated in the application and the accompanying



Transport Impact Statement, the proposed use will not have a negative impact on the amenity of the Rural zone.

Significantly, it should be noted that the owners of BWC Civil personally own and live on the subject land, raising their children, and intend to continue using the land for their already established and ongoing rural activities and pursuits including the keeping, preparation and training of equestrian and race horses, and the establishment of a Plant Nursery. The area of the land occupied by the proposed Transport Depot represents only approximately 11.8% of the total subject land area.

BWC Civil also take great pride in providing services to the local rural area within the Shire of Serpentine - Jarrahdale and the broader Peel Region. Examples of such work include the following:

Local - Shire Serpentine Jarrahdale

1. *SFSJ - Kargotich Road widening, Oldbury (road construction works);*
2. *Gambara - Karnup Road (earthworks);*
3. *Rural Activities- Earthworks for nursery and horticulture hothouse establishment;*
4. *Private (various) - Shed pads, driveways, arena construction and general earthworks for numerous Rural properties located within the Shire”.*

Officers acknowledge that while a ‘Transport Depot’ is a use that can be considered for approval in the ‘Rural’ zone, in this case the nature of the use is more closely associated with the civil construction sector. Officers recommend providing a time limited approval of four years, in order to enable the applicant to relocate to a more appropriate location (being industrial zoned land), and hopefully securing a site still within the Shire.

The ‘Plant Nursery’ is considered a ‘rural pursuit’ and is compatible with the zone.

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

The subject site is designated to remain Rural under LPS3 and the LPS. The objectives of the Rural area under the draft LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. LPS emphasises the importance of protecting large rural lot sizes for agriculture.

Supporting this, LPS3 refers to the protection of rural land for rural uses and protecting the rural character. The proposed ‘Plant Nursery’ aligns with the intent of the rural area and the objectives of the Strategy by introducing an agricultural use that can be operated on the site with minimal environmental impact.

As outlined above, the ‘Transport Depot’ is not sufficiently aligned to the purpose or intent of the ‘Rural’ zone, and is recommended for time limited approval so as to enable an orderly transition to an appropriate industrial zoned location., it is inconsistent with the rural land designation under LPS3 and LPS. Approval of the proposal would introduce a land use that is not appropriate in the rural area and does not conform to the objectives or strategic intent for uses in this area.

The objectives of the Rural zone under LPS3 are as follows:

- To provide for the maintenance or enhancement of specific local rural character.
- To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits



and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.

- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

This underpins the Officer recommendation that supports the 'Plant Nursery' due to its alignment with the zoned based objectives, whereas only a time limited approval for the 'Transport Depot' to enable an orderly transition to a more compatible zone.

State Planning Policy 2.5

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. The relevant objectives of the policy to this proposal are to:

- support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;
- priority agricultural land is to be preserved for that purpose due to its proximity to major population centres; and (e) conversion of land from priority agriculture to other uses must be appropriately planned in strategies or schemes, where such conversion is required as a matter of State significance.

SPP2.5 requires consideration of ensuring compatibility between land uses and is relevantly focused on the need to assess potential impacts that may arise from non-rural activities on nearby rural land use and include such matters as traffic volumes, amenity, visual compatibility and noise.

Officers have considered that the proposed continuation of the plant nursery operations are supportive of the rural economy and can be carefully managed so as to not adversely impact on the environmental and landscape values, consistent with the objectives of SPP2.5 and therefore can be supported.

Officers consider that the proposed 'Transport Depot' doesn't have a sufficient relationship to rural activities, and thus not sufficiently reflective of the policy framework under SPP2.5.



State Planning Policy 2.1 (SPP2.1) 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 so as 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.

Accordingly, as described within SPP2.1 measure 6.6, appropriate nutrient reduction measures to reduce groundwater contamination, nutrient entering into the groundwater profile, and movement towards the Peel Inlet need to be addressed.

With regards to the 'Plant Nursery' the applicant provided a Nutrient and Irrigation Management Plan (NIMP), which was prepared in accordance with the best practice management and protection notes, recommended by DWER.

The nursery is 1.3ha in area and undertaken on a limestone hardstand area where eucalypts and other native trees are grown in pots until they are three years old at which time they are sold by wholesale. At full development, the nursery would grow 1000 potted trees. Irrigation would be drip fed for half the year between October and April and the remaining year would rely on rainfall.

Nutrients will be applied solely by the application of slow release, low analysis commercial fertilisers specifically developed for native trees. Fertilisers will be added into the potting mix consisting of organic rich-sand.

The operations would be undertaken on a hardstand constructed of rolled limestone. As shown on the figure following:

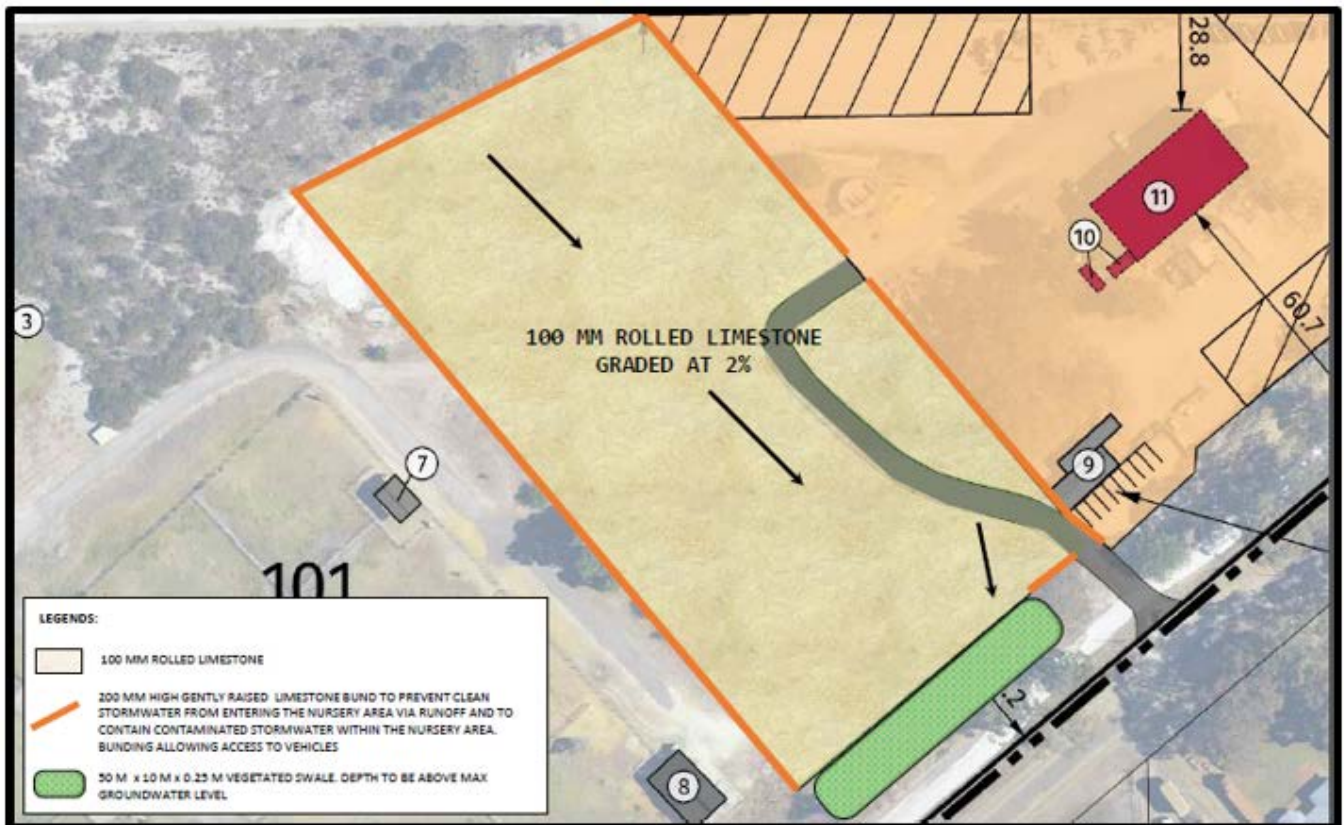


Figure 3: Run off and Stormwater Management



Runoff from the hardstand will be directed to a vegetated swale. The vegetation within the swale will absorb the nutrients from the wastewater and any excess water would be significantly depleted of nutrient contaminants. A condition is recommended to ensure that the swale is adequately lined and contains media that will sufficiently nutrient strip the water. This is consistent with the requirements of DWER. Stormwater will be kept separate from the nursery area through the establishment of gently raised 200 mm limestone bunds.

In addition, the NIMP proposes a monitoring program comparing upstream and downstream groundwater and surface water. The water monitoring and contingency proposes bores to be installed to provide data about the nursery's influence on nutrients in groundwater as well as contingency actions. All use of chemical pesticides are proposed to adhere to the industry best practice principles with chemicals to be stored in a locked area with a concrete floor.

The application details that the 'Transport Depot' would not involve washing or major servicing of vehicles onsite. In addition, the application does not propose to either store fuel or refuel commercial vehicles on site. To prevent adverse impact on the surrounding environment the plan proposes to establish dedicated areas for the parking of the commercial vehicles, trailers, machinery and employee vehicles. This is considered an acceptable management approach, noting the time limited approval recommended by Officers.

As shown in Figure 4 below, the parking areas will be divided in two main categories, consisting of the existing hardstand for machinery or equipment without fuel tanks, lubricant or harmful liquid, e.g. trailers; and an impervious truck parking area (including employee vehicles) made of 100 mm of compacted asphalt profile on top of the existing hardstand.



Figure 4: Proposed spill and Stormwater Management System



This impervious truck parking area will have an infiltration < 10⁻⁹ m/s and graded at 1% towards a concrete sump for spill and leak containment. The sump is designed for a spill volume of up to 20,000 L, allowing full containment of a spill from all trucks and employee vehicles at once. It is also noted that stormwater falling in the impervious parking area will also be discharged in the sump. The plan concludes that in the event of a fuel or other type of spill liquid will be contained in a concrete sump and isolated from the natural environment prior to being disposed off-site. This process is consistent with DWER's Water Quality Protection Notes, and particularly WQPN 51- *Industrial wastewater management* and WQPN 52 - *Stormwater management at industrial sites*.

Officers are satisfied that the management of stormwater and spill could be carefully managed so as to not cause any unacceptable risk to the environment.

Traffic and Access

Access to and from the site is proposed via Boomerang Road utilising a second driveway. During the consultation period concerns were raised regarding increase of traffic on Boomerang Road and its capability to accommodate additional traffic given it is a single carriageway. In that regard, the applicant has submitted a Traffic Impact Statement (TIS). The TIS assessed traffic generated by both the 'Transport Depot' and the 'Plant Nursery' and the potential impact on Boomerang Road. The TIS outlines the vehicle movements as follows:

- 12 employee vehicle movements per day (based on two trips daily in the morning and afternoon);
- 14 licenced work vehicle movements per day (based on two trips daily in the morning and afternoon);
- Two additional nursery truck movements per week.

The total number of vehicle movements generated by the proposal per week is estimated to be 158 movements, equalling 28 movements per day (26 for four of the six working days). This is based on two movements per vehicle per day and has been considered as the worst-case scenario.

The TIS quotes the Western Australian Planning Commission's Transport Assessment Guidelines for Development (Vol. 4) which states that *"Where a traffic increase as a result of a proposed development is less than 10% of the current road capacity, it would not normally have a material impact."*

Boomerang Road is designated as an "Access Road" in accordance with the Main Roads WA Road Hierarchy. Access Roads generally have the capacity to carry a volume of 3,000 vehicles per day (28 trips is 0.93% of the roads capacity). The TIS states that at peak usage times the proposal *"would have no material impact on the surrounding road capacity. This is particularly the case given that King Road is designated as a "Regional Distributor Road" and Gossage Road a "Local Distributor Road," and due to the conservative method that weekly traffic generation has been calculated"*.

The TIS also considers that vehicles have in excess of 50m sightlines in each direction when exiting the site and no safety concerns have been identified.



Officers have considered the TIS, and also the current condition of Boomerang Road which is depicted following:



Officers initially raised concerns that, even with a time limited approval of four years, there was a need to improve the current standard of the road to meet the operational needs of the proposed development such as the transport depot. In Council's consideration of the matter at the November meeting, the applicant presented a deputation seeking deferment of their item to enable them to provide new information to better define the access arrangements and potential road impacts associated with the proposed transport depot.

This has resulted in the applicant submitting new technical information, prepared by traffic engineering firm Cardo, to define:

- Current road conditions and volumes;
- Crash history data and driver behaviour analysis;
- The expected volumes and type of traffic associated with the transport depot use;
- In response to this technical data, what recommended improvements to the infrastructure of Boomerang Road should occur.

Officer consideration of further analysis undertaken by applicant

The further analysis submitted by the applicant is provided in **attachment 8**. This has addressed issues of traffic volumes, driver behaviours and safety analysis. Key points from the technical information is identified below, along with an Officer comment:

Additional information	Officer response
<i>The proposed development is expected to generate up to 28VPD (Worst Case scenario), with a more likely average traffic generation of 40 vehicles per week (8VPD). This indicates that the traffic generated by the proposed development (some of which is existing) would only contribute less than 6.5% of the existing</i>	Based on volumes less than 10%, demonstrable road impact is usually within acceptable limits. However, Officers note that despite lower traffic generation numbers, there is still the concern regarding safety that needs consideration. This is due to the current single width bitumen standard of Boomerang Road, and how modified driver



Additional information	Officer response
<i>traffic along Boomerang Road. Under the WAPC Transport Assessment Guidelines for individual developments, developments that generate such a low traffic volume are noted to be unlikely to result in adverse transport impacts on the surrounding area.</i>	behaviour is required along such roads within the Shire.
<i>The majority of vehicles were travelling along Boomerang Road at a high speed. Occasionally, when two vehicles travelling in opposing directions would meet within the road section, both vehicles would adjust their speed and move further left onto the unsealed shoulder to allow each other to pass.</i>	Officers note that this is an important driver behaviour to ensure safety. Officers note however that <u>no advisory signage</u> current exists to specifically emphasise and raise awareness of this narrow road, and why this kind of driver behaviour is needed. Signage to this affect would address this concern. Also, evidence points to drivers travelling at lower speeds are able to more safely move to the left when faced with an oncoming vehicle. Having signage that both identifies a narrow road and includes an advisory (yellow and black) speed limit would be a required minimum standard in this regard.
<i>The subject road section is relatively straight with minimum vertical displacement, which provides drivers from both directions with excellent line of sight. This allows drivers sufficient reaction time when an opposing vehicle is observed. As such, no significantly hazardous behaviour by drivers was noted</i> <i>Although the rare interaction between opposing drivers and their courteous behaviour indicates that the road environment is currently sufficient to accommodate the existing traffic volume along Boomerang Road safely, full upgrade to the road should be considered to improve road safety.</i> <i>A review of the most recent 5-year crash history shows a single 'Property Damage Only' crash being recorded within the relevant Boomerang Road section. The crash has been reported as occurring late afternoon in July 2017 during wet conditions. The crash involved only a single vehicle and has been identified as "Swerving: To Avoid Animal". There is insufficient evidence to indicate whether</i>	Officers concur that evidence on crash history shows only a single crash, which appears to not be attributable to the road condition. During this time, the transport depot operated (albeit without its prerequisite approval) in place. Officers note that documented driver behaviours demonstrate a general awareness to the road condition, and that there is no specific safety issue evidenced by recent crash data.



Additional information	Officer response
<i>this crash could have been avoided had a 7.0m wide sealed pavement width existed.</i> <i>As such, there does not appear to be any indication by crash history that Boomerang Road is a significant safety concern.</i>	

Officers have reviewed the additional information and concur with the findings as being technically sound.

Considering the recommended time limited approval of 4 years and the updated information relating to traffic generation and safety analysis, Officers consider that while a road upgrade condition is still warranted, the extent of this upgrade should be modified.

The original recommended condition pointed to a widening of the whole western length of Boomerang Road, given the absence of evidence of driver behaviour and crash data. This evidence now points to a more appropriate infrastructure response.

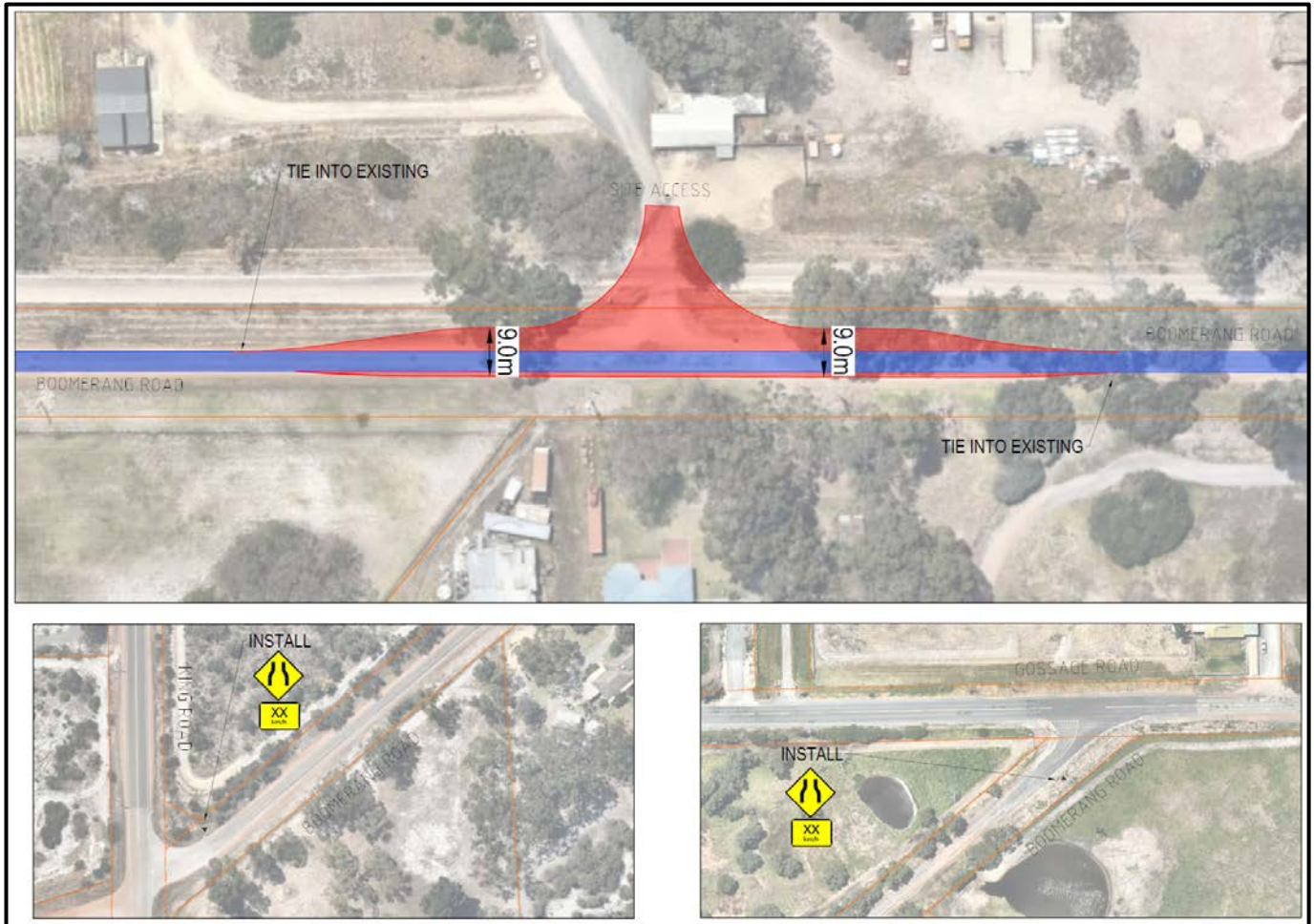
This modified road upgrade condition should reflect such evidence, resulting from the review of the technical information that has now been submitted.

This modified road upgrade condition is recommended to ensure the following upgrade elements occur:

1. In order to assist with heavy vehicles turning into and out of the site, and allow vehicles to pass safely at that point, the property crossover to Boomerang Road and the road section 30m east and west of that crossover should be upgraded to a 7m carriageway with compliant taper length.
2. There should be the installation of "Narrow Road" advisory signage to warn drivers unfamiliar with the one lane wide paved road environment.
3. Advisory speed drop tags of 50km/h or 60km/h should be added to the signs.



This is graphically shown following:



It should be noted that this is still subject to Council discretion of the matter. Officers gave no indication in meeting with the applicant following deferral of the original application, other than to communicate the further analysis requested.

Built Form

The application seeks retrospective approval for an existing outbuilding incidental to the residential house. The outbuilding measures 30 x 15 m (450m²) with a wall height of 6.17m and a ridge height of 7.20m. The outbuilding was previously approved under delegated authority in 2014 but was subsequently built in a slightly different location.

Officers note that large outbuildings are commonplace within rural areas and the appearance of these can be mitigated through siting, design and landscaping. Due to the existing setbacks, it is considered that the proposed shed would not adversely impact on the amenity of the streetscape or that of neighbouring properties.



Amenity

Environmental Protection Authority (EPA) - Guidance Statement No.3

The *Environmental Protection Authority's Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses* (Guidance Statement), sets out generic separation distances between industrial land uses and sensitive land uses.

Clause 2.3 of the Guidance Statement defines a sensitive land use as:

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

The separation distance recommended between a 'Transport Depot' and sensitive land uses is 200m. The off-site health and amenity impacts associated with a 'Transport Depot' is primarily noise. Figure 5 below identifies that there is one sensitive receptor within the generic 200m separation distance which is a dwelling located at Lot 10, 133 Boomerang Road, approximately 70m from the development site.



Figure 5: Separation Distance



Given the location of a sensitive premises within the generic separation distance, an Acoustic Assessment is required to be undertaken to ensure there would be no adverse impact on the residents of this dwelling. At this stage, the report has not been undertaken. The application details that noise levels are not expected to exceed that of a typical rural property and that machinery stored on site will remain stationary except where loading and unloading occurs. On the basis of a time limited approval of four years, Officers do not recommend a further acoustic assessment be undertaken given the intended transition after four years.

Options and Implications

Option 1

That Council APPROVES the development application for the 'Transport Depot' and the 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury, subject to a time limited approval of four years for the 'Transport Depot' and normal conditions otherwise.

Option 2

That Council APPROVES the development application for the 'Transport Depot' and the 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury, with no time limited approval for the 'Transport Depot' and normal conditions otherwise.

Option 3

That Council REFUSES the development application for the 'Transport Depot' and the 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury, for reasons stated.

Option 1 is recommended.

Conclusion

The application seeks approval for a 'Transport Depot' (involving the parking of commercial vehicles and machinery associated with a civil and earthmoving business) and a 'Plant Nursery' on 'Rural' zoned land. It is considered that the 'Plant Nursery' is consistent with the objectives of the rural zone and would not adversely impact on the character or amenity of the area or that of surrounding landowners. The 'Transport Depot' is recommended for a time limited approval of four years, given it is aligned with the objectives of an industrial zone rather than the objectives of a rural zone. A time limited approval will enable a transition over time to an appropriately zoned industrial precinct within the Shire, being West Mundijong or Cardup Business Park.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Development Application (IN20/26240)
- **10.1.1 - attachment 2** - Technical Assessment (E20/11284)
- **10.1.1 - attachment 3** - Summary of Submission (E20/6560)
- **10.1.1 - attachment 4** - Nutrient and Irrigation Management Plan (IN20/26229)
- **10.1.1 - attachment 5** - Stormwater and Spill Management Plan (IN20/26231)



- **10.1.1 - attachment 6** - Transport Impact Statement (IN20/26226)
- **10.1.1 - attachment 7** - Development Application details for Determination (IN20/27286)
- **10.1.1 – attachment 8** – Traffic Analysis (E20/13943)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the 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	<i>Approval of the development application for a period of four (4) years may result in short term amenity impacts by way of the appearance of the machinery on site which has not been assessed as being a characteristic of the country</i>	Nil	Social/ Community outcomes	unlikely	Insignificant	LOW	Nil.
2	<i>Unlimited time approval of the development application may result in long term amenity impacts.</i>	Nil	Social/ Community outcomes	Possible	Insignificant	LOW	Additional conditions to address potential amenity impacts
3	<i>That Council refuses the development</i>	Nil	Financial	Possible	Insignificant	LOW	Nil



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	
	<i>application for the 'Transport Depot' and the 'Plant Nursery' and the decision is appealed to the SAT</i>						

Voting Requirements: Simple Majority

Officer Recommendation:

1. That Council **APPROVES** the application for the 'Transport Depot' and 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oakford as contained within attachment 7, subject to the following conditions:

- a) The 'Transport Depot' is time limited to a four year approval only, following which the use must cease unless a further time extension is granted by the Council of the Shire of Serpentine Jarrahdale.
- b) 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	<ul style="list-style-type: none"> 1. Development Site Plan received at the Shire's on 8 September 2020; 2. Stormwater and Spill Management System dated 2 September 2020 prepared by Bioscience; 3. Nutrient and Irrigation Management Plan dated 2 September 2020 prepared by Bioscience. 4. Updated technical analysis
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- c) No retail sales to the public are to be conducted from the subject land.
- d) The hours of operation of the 'Plant Nursery' and 'Transport Depot' are restricted to 6:00am to 5.00pm Monday to Friday and 7.00am to 12.00 on Saturdays .



- e) **The storage of chemicals, pesticides and other toxic or hazardous substances on site shall be in accordance with the Department of Water and Environmental Regulation Water Quality Protection Note 65 (April 2006) Toxic and Hazardous Substances - Storage and Use.**
- f) **Prior to commencement of the ‘Plant Nursery’, details of the nutrient retaining media to be used in the swale shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the vegetated swale shall be constructed and maintained in accordance with the approved details.**
- g) **Within three months of the date of approval, the following upgrades of Boomerang Road shall be undertaken at the full cost of the applicant, to the specifications and satisfaction of the Shire of Serpentine Jarrahdale:**
- **the crossover to Boomerang Road and road section 30m east and west of the crossover, be upgraded to a standard 7m bitumen sealed carriageway and 1.5m gravel shoulders, with compliant taper length;**
 - **the installation of “Narrow Road” advisory signage to warn drivers unfamiliar with the one lane wide paved road environment;**
 - **advisory speed drop tags of 50km/h or 60km/h be included on the advisory signage;**
- Plans and specifications depicting the road upgrade are to be submitted to and approved by the Shire of Serpentine Jarrahdale within one month of the date of this approval, to allow completion of the road upgrade within three months of the date of the approval.**
- h) **Traffic volumes associated with the transport depot use are not to exceed more than 28 vehicles per day, or 40 vehicles (average) per week.**



10.1.2 - Proposed Telecommunications Tower - Lot 233, 928 Orton Road, Oldbury (PA20/585)	
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 (eg 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:	Telstra Corporation Ltd C/o Visionstream Australia Pty Ltd
Owner:	Algeri Nominees Pty
Date of Receipt:	13 July 2020
Lot Area:	38.25ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a telecommunication facility to include a 40m high monopole at Lot 233, 928 Orton Road, Oldbury.

The item was presented to the November meeting of Council, whereby the matter was deferred in order to request the applicant to undertake further investigations and submit additional information to identify whether the following alternative options are possible to support an amended development application:

1. Additional boosting equipment being added to existing telecommunications infrastructure in the nearby locality, in order to expand its coverage; and/or
2. Additional transmission equipment being added to existing telecommunications infrastructure in the nearby locality, in order to expand its coverage.

This report presents the outcome of these further investigations back to Council, in conjunction with the original Officer assessment. The report also is presented to Council as an objection remains to the proposed development. Officers do not have delegated authority to determine development applications where objections cannot be satisfied by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

The additional information submitted by the applicant reveals that options for either boosting signal strength of existing equipment, or the addition of equipment to existing towers, will not



address the current weak signal coverage that exists between Byford and Mundijong for the Telstra network.

Officers therefore consider the proposed development to still be consistent with State Planning Policy 5.2 - Telecommunications Infrastructure and Local Planning Policy 4.6 - Telecommunications Infrastructure. It is therefore recommend that Council approve the application.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 November 2020 – OCM357/11/20

That Council DEFERS consideration of this proposed development application to the December Council Meeting, in order to allow the applicant to undertake further investigations and submit additional information to identify whether the following alternative options are possible to support an amended development application:

- 1. Additional boosting equipment being added to existing telecommunications infrastructure in the nearby locality, in order to expand its coverage; and/or*
- 2. Additional transmission equipment being added to existing telecommunications infrastructure in the nearby locality, in order to expand its coverage.*

Background

The subject site lies within a rural area of the Shire, to the west of Cardup. Orton Road runs along the northern boundary. Lots in the immediate locality are rural, with lots zoned 'Rural Living A' located approximately 430m to the west.

Existing Development

The subject site is developed for residential occupation and pastoral land, used for the grazing of stock. The majority of the site is undeveloped, with the dwelling located on the western side of the lot and towards the Orton Road street boundary.



Figure 1: Aerial Image

Proposed Development

The application seeks approval for the following

- Installation of one 40m high monopole;
- Installation of one triangular headframe;
- Installation of nine new panel antennas (no greater than 2.8m in length);
- Installation of one Telstra Equipment Shelter that is not more than 3m high with a base area of not more than 7.5m² at the base of the aforementioned tower;
- Installation of associated ancillary cabling and equipment;
- Installation of 8m by 11m chain-link fence with a 3m wide gate.

The development would be contained within a 9m by 11m fenced lease area. The proposed lease area would be set back 27m from the Orton Road street boundary and 2.5m from the western lot boundary.

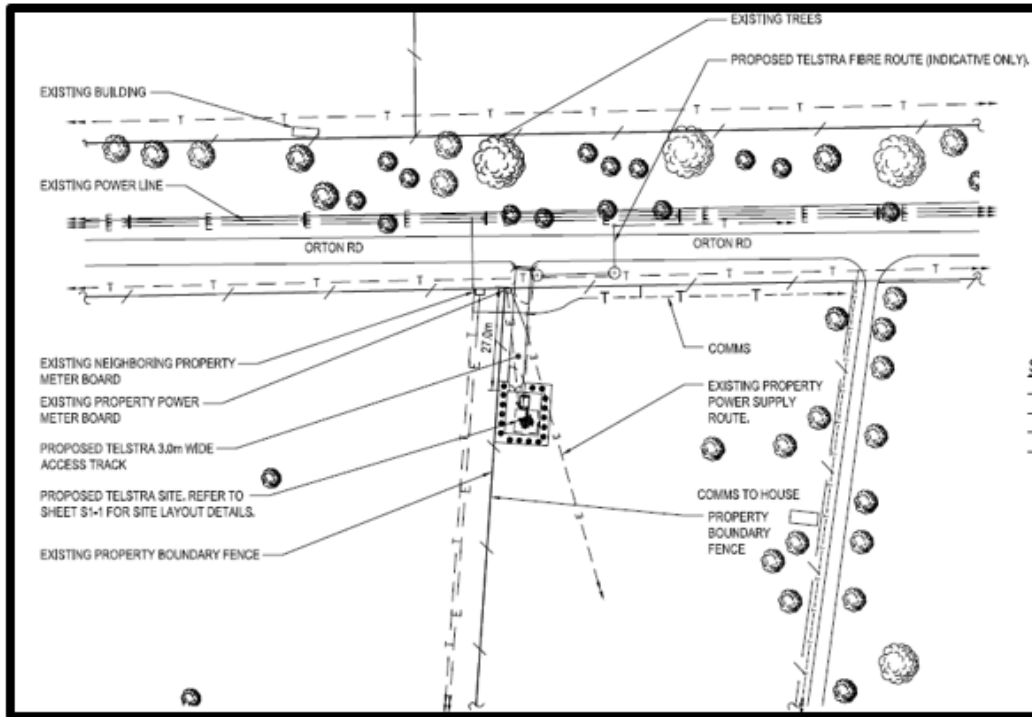


Figure 2: Proposed Site Plan

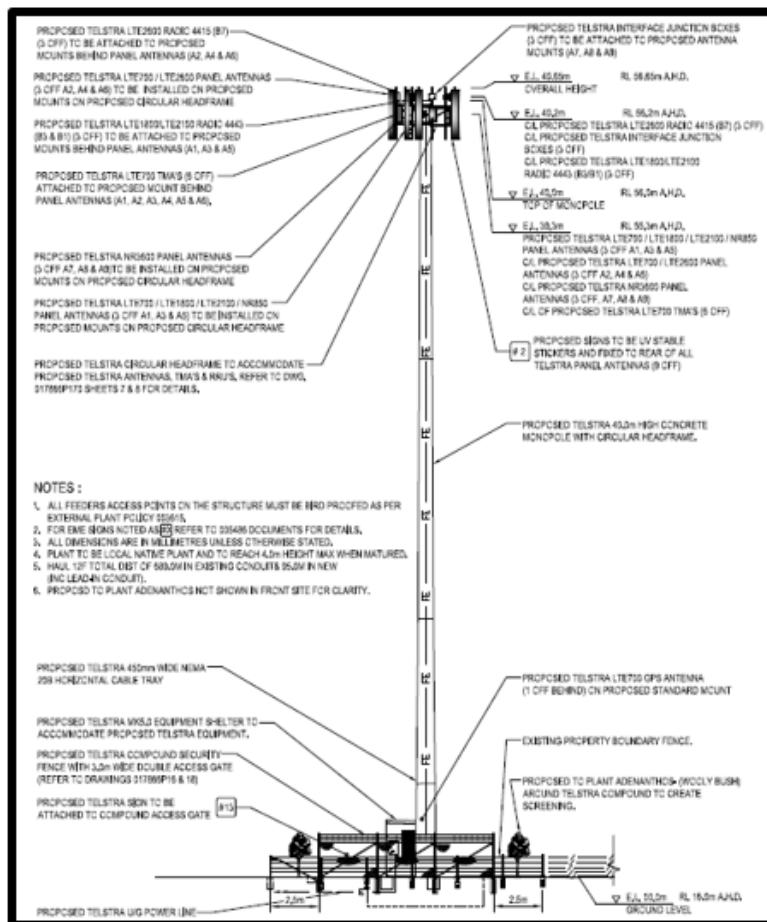


Figure 3: Proposed Elevation



The proposal is part of Telstra's 4GX and 5G network to serve the Oldbury and Byford localities. As reported by the applicant:

"The subject site at Orton Road has been specifically selected in order to provide the required Telstra coverage to the area that will abide by spectrum licensing rules but also to ensure there is no interference to any surrounding telecommunications sites, that can impact coverage."

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

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 30 September 2020 to 21 October 2020 to surrounding landowners within a 1km radius of the subject site, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. During this period, two submissions were received. One raising no objections to the proposed development and one submission objecting to the proposal. The objection relates to visual impact and the fact there are already towers located to the north and south of the site. The submissions are contained within **attachment 2**.

Statutory Environment

Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- Metropolitan Region Scheme;
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).

State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- State Planning Policy 2.5 - Rural Planning;
- State Planning Policy 1 - State Planning Framework;
- State Planning Policy 5.2 - Telecommunications Infrastructure.

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No.3;
- Rural Strategy Review 2013;
- Local Planning Policy 4.6 - Telecommunications Infrastructure.

Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed within **attachment 3**. For the purpose of this report, discussion is confined to the areas of concern or where Council is required to exercise discretion.



Land Use:

The application relates to a Telstra Telecommunications Tower, which is considered to fall within the land use classification of 'Radio, TV and Communications Installation', which is defined under TPS2 as:

'Radio, T.V. and Communication Installation - means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antenna domestic.'

The proposed development would transmit and relay signals for telecommunications and is considered to meet the definition above. Within the 'Rural' zone, a Radio, TV and Communication Installation is an 'SA' land use, meaning it can only be approved at the discretion of the Shire/Council subject to community consultation being undertaken and consideration of any submissions being taken into account.

Under Proposed Local Planning Scheme No. 3 ("LPS3"), the proposed development is considered to meet the land use definition of 'Telecommunications Infrastructure', which is defined as:

'Telecommunications Infrastructure - means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.'

Within the 'Rural' zone under LPS3, a Telecommunications Infrastructure land use is an 'AA' use, meaning it can be considered for approval at the discretion of the Shire/Council, subject to community consultation and consideration of any submissions.

Landscape setting and rural amenity issues are an important consideration in respect of telecommunication infrastructure proposals. In this regard, that amenity question also takes account of the nearby rural residential area (and its amenity expectation), and beyond that the residential area (and its amenity expectation). This reflects that varying patterns of land use exist across the landscape, and that the rural plain currently affords vistas across the landscape from these different areas.

Officers consider that in respect of the rural area and nearest rural residential area, that the proposed development will be compatible with its setting. The proposal is presented as a necessary part of modern infrastructure being delivered to service the locality, and is similar to infrastructure such as power poles and radio transmitters. With respect of the setting of this proposed development, it was noted to the east that existing power infrastructure had created a visual infrastructure presence on the land as shown following:



As viewed from Orton Road looking south



Zoomed in image



Layout

Whereas the height of the monopole will be visible and is higher than the power poles (more than twice), the combination of existing power infrastructure strung to the east, and the distance from the more intensely developed rural residential area further afield, means Officers do not consider that amenity is so detrimentally affected that it takes away from rural character.



Officers also note the fact that just because the proposed development will be visible does not, in and of itself, mean that the proposed development will have a negative impact on the visual amenity of the locality. As can be seen from State Planning Policy 5.2, factors such as the prominence of the development within the landscape, the extent to which visual aspects of value to the community as a whole might be compromised, and the degree to which the development is sympathetic to the surrounding landscape are relevant to this assessment. Officers consider the location, being on a plain, avoids what would otherwise be more prominent impacts if an elevated location was chosen. Likewise, the presence of nearby power infrastructure means the rural character is already influenced by the presence of power lines, and thus Officers conclude the structure is compatible in this case.

Rural Strategy 2013 Review:

The Shire's Rural Strategy 2013 Review (Strategy) outlines key themes that future development within rural areas should be considered against. Generally, the Strategy requires rural areas to maintain a rural character, retain natural assets and facilitate productive rural areas by ensuring the areas are economically productive.

The subject site is located within the Rural Policy Area under the Rural Strategy, within this location the objectives seek to promote the use of agricultural and rural type land uses and maintain the rural character of the area. The question of protecting character, while still ensuring essential services are provided, is part of what needs to be balanced in this regard.

Given the utility of this infrastructure for surrounding rural and rural residential areas, and the landscape setting documented above in respect of the proposal, the development is considered acceptable in this location.

Draft Local Planning Strategy:

The subject site is located within the Rural area under the Draft LPS. Within this area, the LPS seeks to preserve the natural landscape and to strengthen agricultural and rural uses. It is considered that the development can co-exist with the existing and any future rural land uses.

State Planning Policy 5.2 - Telecommunications Infrastructure:

The proposed development is subject to the provisions of SPP5.2, which seeks to balance the need for infrastructure with the potential amenity impacts generally associated with this type of development.

The objectives of this policy are to:

- a) *facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;*
- b) *manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;*
- c) *ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,*
- d) *promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure."*



Visual Impact:

As mentioned already, SPP5.2 acknowledges that telecommunication infrastructure is generally located in prominent positions where they are more likely to be visible to the public in order for them to be effective. However, it states that telecommunication infrastructure should be sited and designed to “*minimise visual impact*” and where possible be located where such will not detract from a streetscape where viewed from public or private land, under provision 5.1.1(11)(b).

The proposed location of the development, in noting the combination of existing power infrastructure strung to the east, and the distance from the more intensely developed rural residential area further afield, means Officers do not consider that visual amenity is so detrimentally affected that it takes away from the rural character.

Local Planning Policy 4.6 - Telecommunications Infrastructure:

The proposed development is subject to the provisions of LPP4.6, which seeks to protect the character and amenity of areas within the Shire and ensure telecommunications infrastructure is located appropriately and with minimal impact.

In addition to SPP5.2, the provisions of LPP4.6 also encourage co-location wherever possible. In this instance, as previously stated, the nearest existing telecommunications towers are 1.5km to the south or 2.4km to the north. The application details the other telecommunications in the locality as shown on the map following.

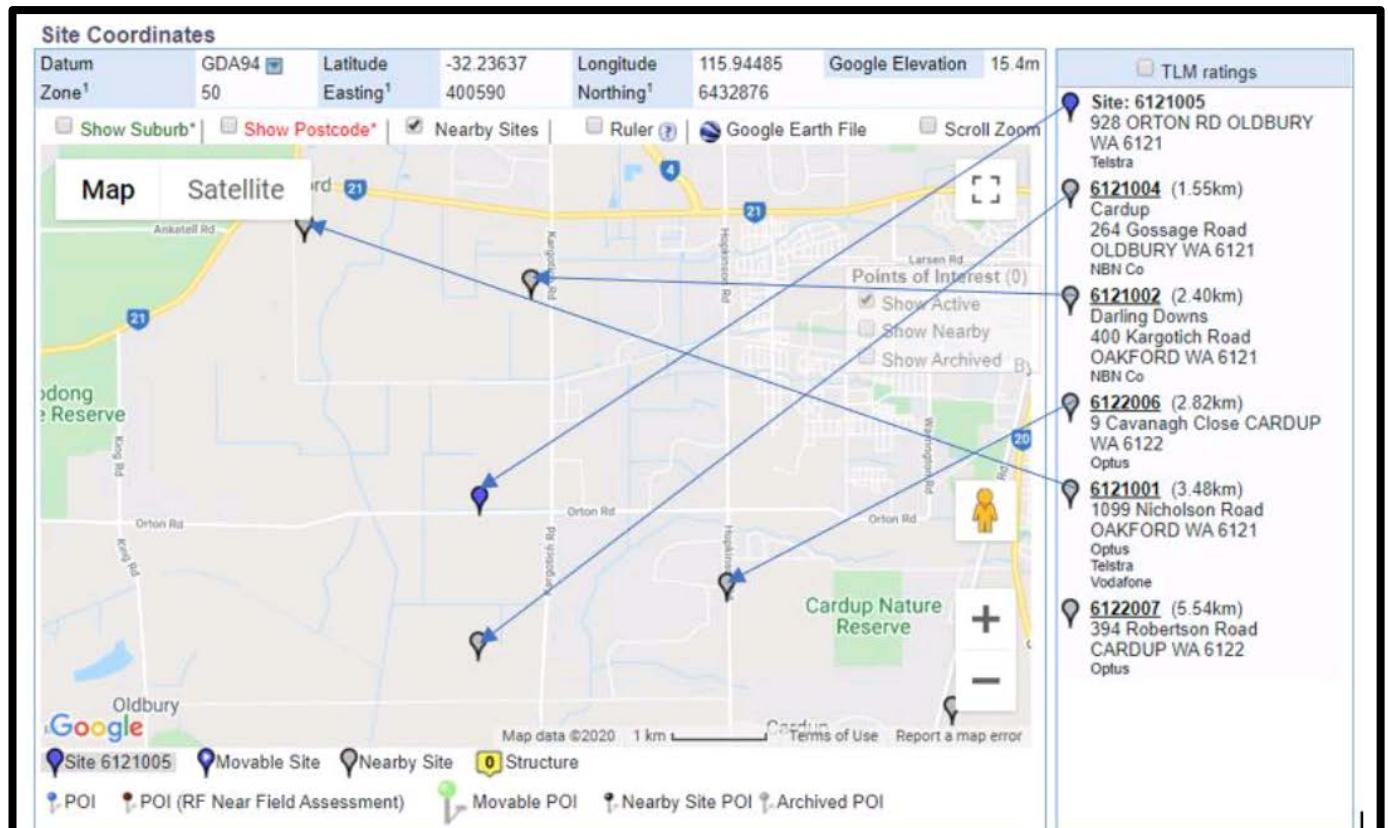


Figure 1: Location of nearby existing telecommunications facilities – Source: RFNSA, www.rfnsa.com.au



The grey marker to the south-west indicates where an existing NBN tower is located, however, the applicant states that this site is not in close enough proximity to meet the capacity and in building coverage requirements of the project. There are no other telecommunication facilities within the locality that the applicant considers capable of accommodating the proposed infrastructure.

Provision 3.2 of LPP4.6 requires telecommunications towers to be reasonably screened from view by vegetation. A condition has been imposed to require this.

Council consideration at the November 2020 meeting

Council deferred consideration of the original application, to obtain further information in respect of other options that may exist to address the coverage issue intended to be overcome by this development. Council specifically have sought information on whether:

1. Additional boosting equipment could be added to existing telecommunications infrastructure in the nearby locality, in order to expand its coverage; and/or
2. Additional transmission equipment could be added to existing telecommunications infrastructure in the nearby locality, in order to expand its coverage.

The applicant has responded to both these requests for further consideration, which is provided in **attachment 4**.

In response to boosting options, the applicant advises:

“In simple terms all Mobile Carriers design their networks to comply with the current legislation, as defined in the spectrum Licence Conditions. Amplifying or boosting of technology beyond the maximum absolute power level, as defined in the Licence Conditions on any site will be in direct contravention of Section 66 of the Radiocommunications Act. As such the ACMA may suspend or cancel a spectrum licence if the licensee is in breach of its Licence Conditions the Radiocommunications Act or any Commonwealth, State or Territory law.”

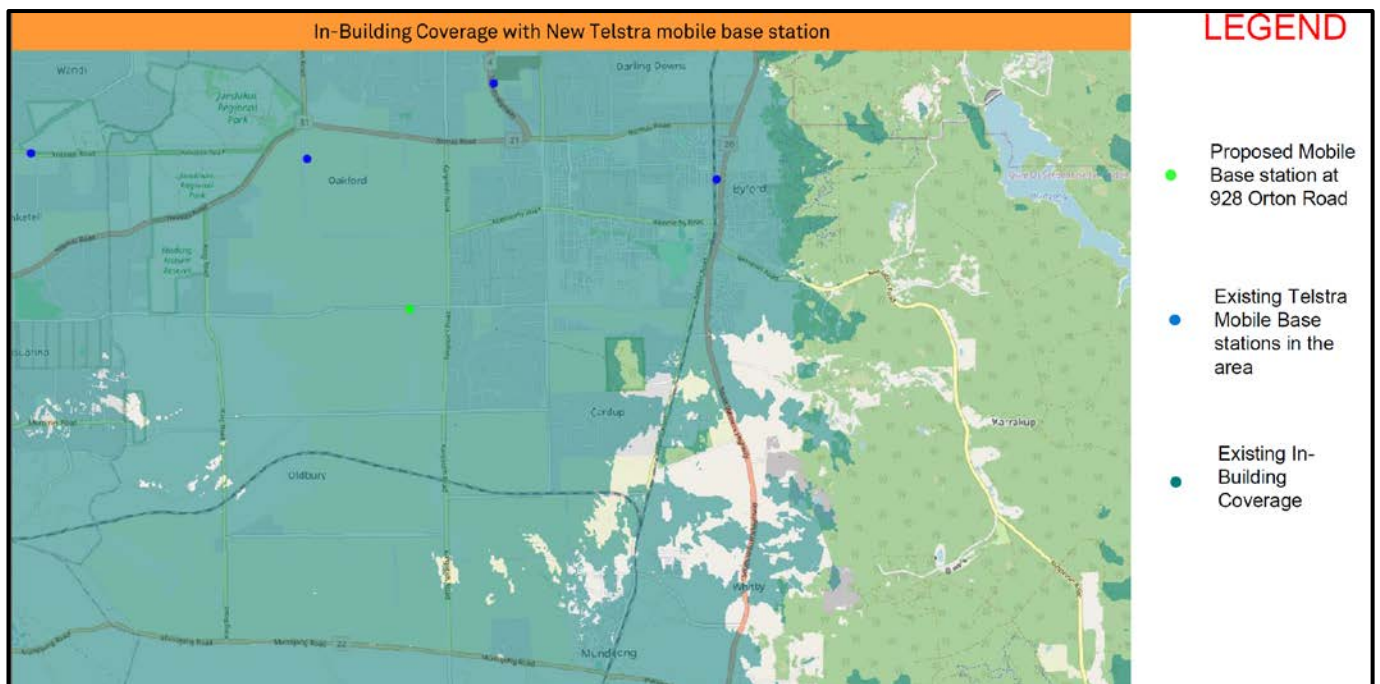
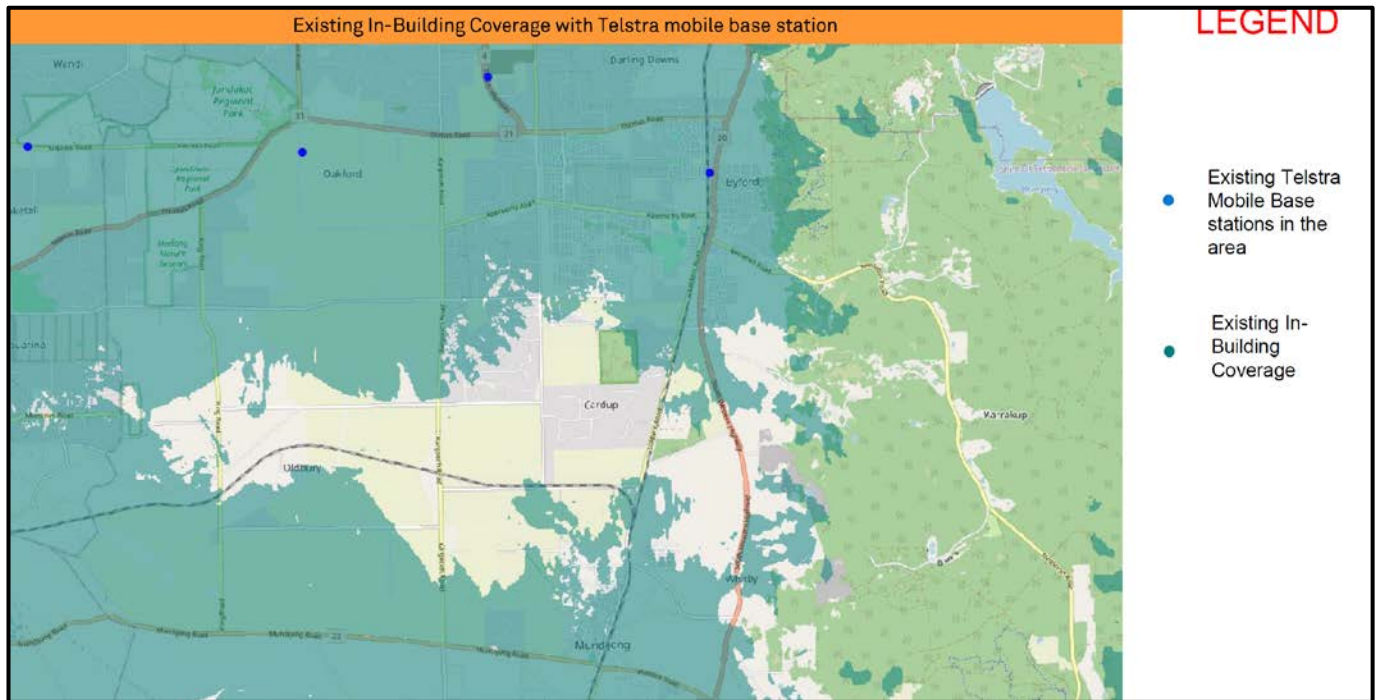
The applicant further advises that:

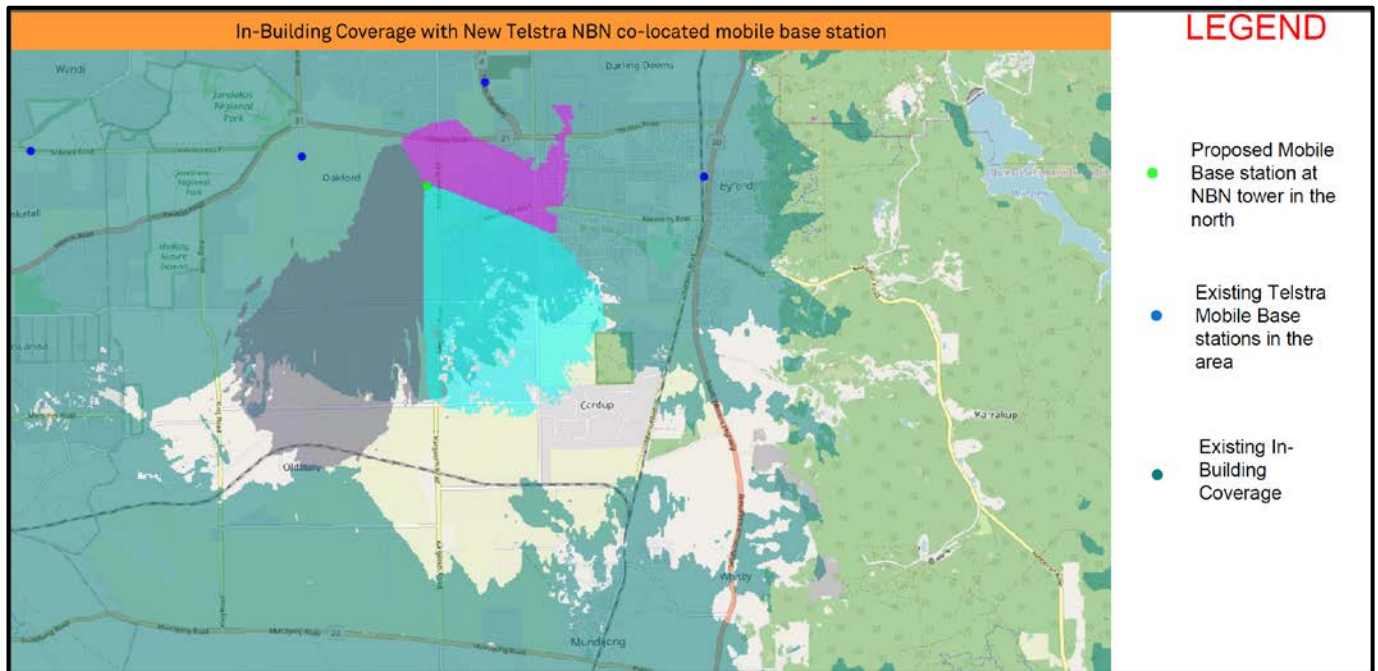
“Adding boosting equipment to a site aside from being illegal will cause interference to the existing Telstra, Optus and Vodafone networks within the area if added to nearby sites. The subject site at Orton Road has been specifically selected in order to provide the required Telstra coverage to the area that will abide by spectrum licensing rules but also to ensure there is no interference to any surrounding telecommunications sites, that can impact coverage.”

In terms of the addition of equipment to existing telecommunications infrastructure:

“Attached are a set of indicative coverage maps that show the following;

- Existing Telstra base station in-building coverage in the area;
- Coverage provided with the proposed facility 928 Orton Road, Oldbury;
- Coverage provided if Telstra equipment is co-located upon the NBN facility at 400 Kargotich Road, Oakford. This NBN site is 2.4km from our proposed site.”





The applicant concludes that:

“coverage maps clearly indicate that there is a significant area (coverage hole) that can only be adequately covered with the proposed facility at 928 Orton Road.”

Options and Implications

Option 1

That Council APPROVES the development application for proposed telecommunications tower and associated infrastructure at Lot 233, 928 Orton Road, Oldbury subject to conditions.

Option 2

That Council REFUSES the development application, as contained in attachment 1, for proposed 40m high telecommunications tower with associated infrastructure at Lot 233, 928 Orton Road, Oldbury for the following reason:

- The proposal by way of its siting would have an adverse impact on the character and amenity of the locality and the visual amenity of the neighbouring property to the west, in consistent with State Planning Policy 5.2 - Telecommunications Infrastructure and Local Planning Policy 4.6 - Telecommunications Infrastructure.

Option 1 is recommended.



Conclusion

Officers agree with the additional technical information provided by the applicant, which concludes that neither boosting nor equipment co-location will address the Telstra coverage issue which exists between Byford and Mundijong. Officers have assessed the proposal against all the relevant factors, including:

- the prominence of the development within the landscape;
- the extent to which visual aspects of value to the community as a whole might be impacted;
- the degree to which the development is sympathetic to the surrounding landscape

Officers consider the location, being on a plain, avoids what would otherwise be more prominent impacts if an elevated location was chosen. Likewise, the presence of nearby power infrastructure means the rural character is already influenced by the presence of power lines, and thus Officers conclude it can be considered sympathetic in this case. The utility will service the surrounding rural and rural residential landscape, and address an identified Telstra coverage issue between Byford and Mundijong. Balancing all relevant planning issues, it is recommended for approval.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Application Details (E20/12087)
- **10.1.2 - attachment 2** - Summary of Submissions (E20/11925)
- **10.1.2 - attachment 3** - Officer Technical Assessment (E20/11504)
- **10.1.2 - attachment 4** - Further Technical Information from Applicant (E20/13915)

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 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	<i>There are no material risks associated with Council approving the application conditionally.</i>						
2	<i>Council refusing the application, which may result in an appeal to the State Administrative Tribunal</i>	<i>Nil</i>	Financial	Possible	Minor	MODERATE	Nil.

Voting Requirements: Simple Majority

Officer Recommendation

That Council **APPROVES** the development application, as contained in attachment 1, for the proposed 40m high telecommunications tower with associated infrastructure at Lot 233, 928 Orton Road, Oldbury subject to the following conditions:

- a) Prior to commencement of works, a landscape plan being submitted to and approved by the Shire of Serpentine Jarrahdale. This landscape plan is to demonstrate the planting of advanced mature native tree and shrub species, intermixed with advanced medium and ground cover shrubs, to provide a series of green layers to help moderate the impact of the facility. The landscaping plan shall include the area between the property boundary and the development compound, with additional planting on the eastern and southern sides for a distance of 20m, to the satisfaction of the Shire. The landscaping shall be installed and thereafter maintained in accordance with the approved plan, to the satisfaction of the Shire.



10.1.3 – Proposed Road Naming – Lot 8, 78 Warrington Road, Byford (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 (eg 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
Owners:	8 Warrington Road Pty Ltd
Date of Receipt:	21 September 2020
Lot Area:	4.04ha
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 three new road names for a subdivision at Lot 8, 78 Warrington Road, Byford.

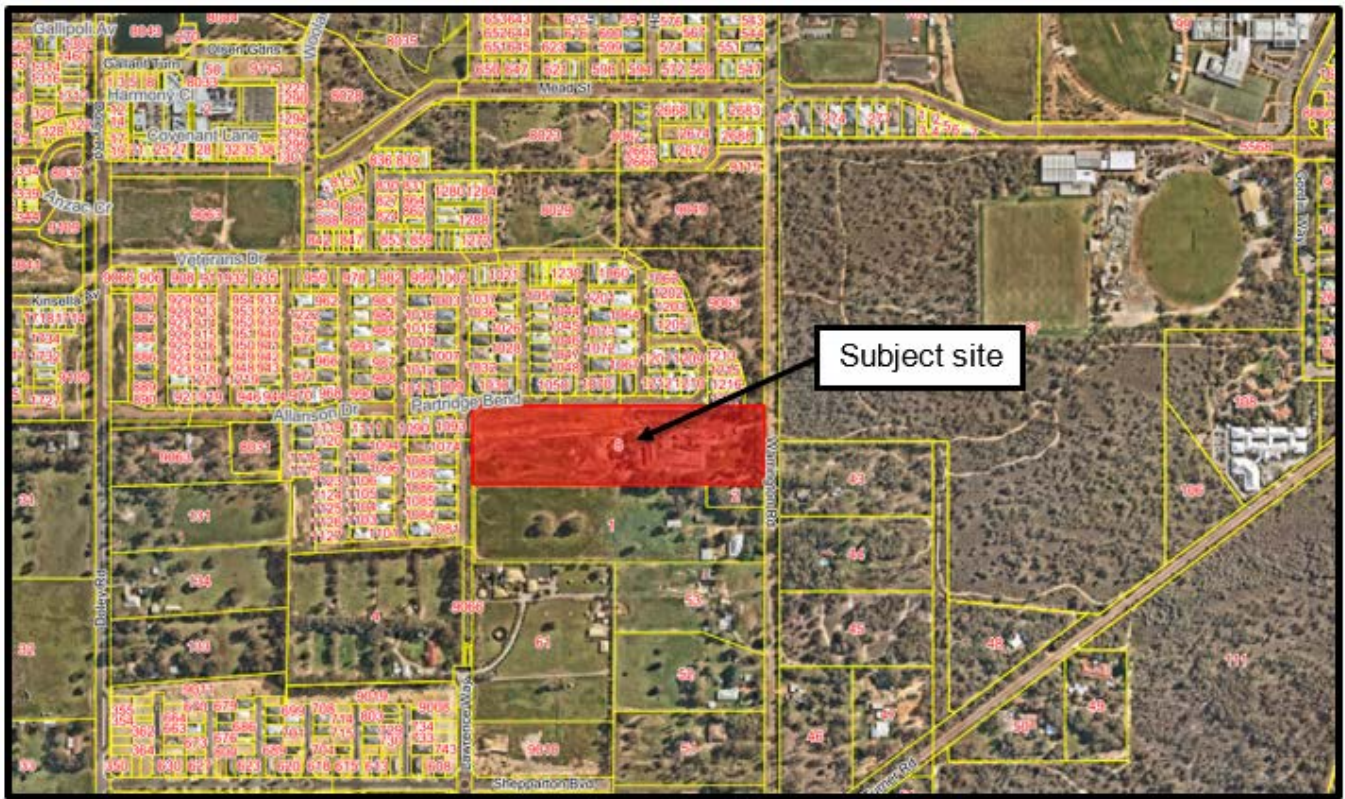
Officers recommend that Council endorse the proposed road names, on the basis of their suitability in respect of assessment against the Policies and Standards for Geographical Naming in Western Australia (GNC policy) and Local Planning Policy 1.7 – Road Naming (LPP 1.7).

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter. However, the matter was presented at the November 2020 Ordinary Council Meeting but failed to receive a mover for the Officer Recommendation.

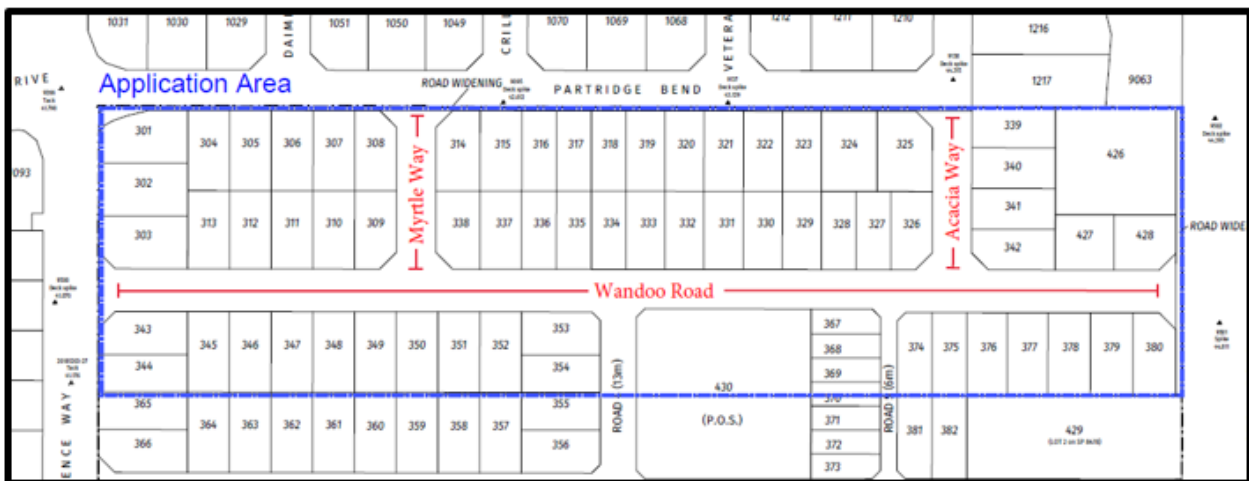
Background

The proposal relates to the subdivision of Lot 8, 78 Warrington Road, Byford, which will result in the creation of three new roads. Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*.



Location Plan

A copy of the proposal is included in **attachment 1** and the indicative road layout plan is shown below:



Road Layout Plan

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.



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

LPP 1.7 requires a road naming theme to be approved for a proposal involving five or more names. This generally applies at the initial stages of subdivision for an area and ensures a coordinated approach to road naming that develops and builds on the character of the area. In this instance, the proposal relates to a stage of subdivision. The proposed theme for this stage of subdivision seeks to continue and reflect the equine character of the area, aligning proposed names to racehorses.

Officers consider the alignment with the existing naming trend in the area to be suitable, and reflective of the equine character of the broader Darling Downs area.

Refer to the below table for the full list of names and associated definitions:

Road Name Table	
Proposed Names	Background/History
Road 1: Myrtle Way	A genus of flowering plant in the family Myrtaceae
Road 2: Acacia Way	A large genus of shrubs and trees in the subfamily Mimosoideae of the pea family Fabaceae.
Road 3: Wandoo Road	A small to medium sized Eucalypt endemic to the southwest of Western Australia.
2nd Preference Names	Background/History
Road 1: Grevillia Way	A diverse genus of evergreen flowering plants in the family proteaceae.
Road 2: Hovea Way	A genus of perennial shrubs native to Australia.
Road 3: Salmongum Road	A small to medium sized Eucalypt endemic to Western Australia.



The proposed names have been assessed against the GNC policy in conjunction with the Shire's LPP 1.7. The policy requirements 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 preferred and alternative names are considered to be easy to read, spell and pronounce.
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 nine letters and are only one word in length.
Proposals for road names shall include an appropriate road type suffix.	Only 'Way' and 'Road' have been utilised as suffixes in the proposal. The proposed suffixes are considered to be appropriate and are consistent with suffix definitions under the GNC policy. Way – Roadway affording passage from one place to another. Usually not as straight as an avenue or street. Road (Rd) – Open way or public passage primarily for vehicles.
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.	All road names proposed are between five to nine letters, are of a practical length.



Options and Implications

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

Option 1:

That Council resolves to ENDORSE the proposed road names and forward the endorsed names to the Geographic Naming Committee for approval.

Option 2:

That Council resolves NOT TO ENDORSE the proposed road names.

Option 1 is recommended.

Conclusion

Council endorsement is sought for three proposed road names to be used as part of the subdivision at Lot 8 78 Warrington Road, Byford. 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 Naming Proposal (E20/11848)
- **10.1.3 - attachment 2** – Road Layout Plan (E20/11849)

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	<i>The Geographic Naming Committee do not approve the road naming proposal resulting in delays to land being available for development</i>	<i>A list of alternative names are provided.</i>	<i>Social / Community Outcomes</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Nil.</i>
2	<i>Council not supporting the names and this causing delays, or other names being proposed which are not compliant with the policy resulting in the delay in land being available for development.</i>	<i>Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 – Road Naming</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Propose alternative names to replace those that are not supported, in line with Council Policy.</i>



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **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 the Geographic Names Committee for final approval:
 - a. Myrtle;
 - b. Acacia;
 - c. Wandoo.

2. That Council **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 the Geographic Names Committee:
 - a. Grevillia;
 - b. Hovea;
 - c. Salmongum.



10.1.4 - Local Planning Policy 4.20 - Licensed Premises (SJ3362)

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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Report Purpose

The purpose of the report is for Council to consider a new draft Local Planning Policy (LPP) for the purposes of public consultation. The LPP arose from Council's adoption of the Community Safety and Crime Prevention Plan 2020 to 2022, at the May 2020 Council meeting.

The LPP seeks to assist applicants and Shire Officers through defining design and assessment principles as they relate to licensed premises. The LPP includes considerations pertaining to placement, orientation, street interface and lighting, which will help shape development outcomes that are attractive, vibrant, safe and welcoming uses in town centres.

If Council adopts the draft LPP for public advertising, the community and stakeholders will be invited to provide feedback. As such, this is an interim decision to commence the process, and following public advertising will be reported back to Council to consider the draft LPP for final adoption.

The report recommends that Council resolves to consider the draft LPP as satisfactory for public advertising.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 May 2020 - OCM112/05/20

That Council ADOPTS the Community Safety and Crime Prevention Plan 2020-2022 as contained within attachment 1 SUBJECT to:

- 1. Updating the table on page 7 of the Plan to include a per capita measure and an appropriate regional comparator to benchmark against.*
- 2. A new action 4.1.3 being included under Outcome 4.1 'Reduction in the incidence of crime and harm related to alcohol and other drugs' of the Plan as follows: "Formulate and implement a local planning policy specific to helping guide the exercise of discretion in respect of amenity considerations associated with the location, siting and design of liquor stores within the Shire of Serpentine Jarrahdale." CARRIED UNANIMOUSLY 9/0*



Background

At its Ordinary Council Meeting of 18 May 2020, Council resolved to adopt the Community Safety and Crime Prevention Plan 2020-2022 with an additional action for the preparation of an LPP to guide the location, siting and design of liquor stores. Following Council's resolution, Officers undertook a literature review across other local governments to research various approaches, and also undertook a broader analysis to explore how effective design can assist in creating safe, vibrant and welcoming developments.

Officers consider the LPP will provide benefit to both the early design phase of a proposal, as well as through the assessment phase when a proposal is submitted for its merits based planning assessment.

The aim of LPPs are to create more effective and efficient means of assessing and determining development applications, particularly through assisting in the exercise of discretion. LPPs provide information and guidelines for assessing applications, and in helping align expectations for intended development outcomes for an area.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date		2 November 2020
Councillors Attendance	in	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Statutory Environment

Legislation

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

Local Planning Framework

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

Comment

The draft LPP relates to the following types of land uses and their associated physical development:

- Taverns;
- Restaurants;
- Hotels;
- Nightclub;
- Shop;



- Liquor Stores (small or large format including drive through);
- Small Bar; and
- Any other premises prescribed by the Department of Local Government, Sport and Cultural Industries.

The governance of liquor licensed premises is regulated by the Liquor regulation area within the Department of Local Government, Sport and Cultural Industries. This draft LPP does not seek to replicate or replace that process, rather it seeks to assist applicants in the design and layout of effective development forms that contribute positively to town centres.

Clause 67 of the Deemed Provisions sets out the matters to be considered as part of an assessment of a development application. Amongst other things, Clause 67 (n) requires consideration to be given to the amenity of the locality including social impacts of a development. Good design can create welcoming, safe and vibrant outcomes, notwithstanding that a use may include the consumption of alcohol. Good design is particularly an important ingredient for successful town centres.

The purpose of this draft LPP is to provide guidance and assessment principles for licensed premises to assist in protecting and promoting the intended levels of safety and amenity within the Shire. The draft LPP establishes design considerations and information to be submitted, as part of a development application. This includes information relating to:

- How the licensed premises would operate;
- Hours of operation;
- External advertising and signage;
- Information about nearby licensed premises;
- Information about sensitive premises, nearby residents and how these are considered in planning and design.

The draft LPP then sets out sections providing guidance in relation to design and development including:

- Location (to maintain an appropriate level of amenity for residents and contribute positively to town centres);
- Design (to encourage active street frontages and street surveillance through design features such as glazing and balconies to provide a safe and vibrant atmosphere for patrons);
- Car parking layout (especially for drive through developments, to carefully consider safety for pedestrians);
- Amenity (consideration to be given to outdoor seating, building orientation, noise management and good street interface).

It is considered that the draft LPP is an important document that will assist applicants, the community and Shire Officers in the assessment process of licensed premises and will help create attractive, vibrant and safe town centres.



Options and Implications

Option 1:

That Council resolves to deem the draft LPP4.20 SATISFACTORY for advertising.

Option 2:

That Council resolves that the draft LPP4.20 IS NOT SATISFACTORY for advertising.

Option 1 is recommended.

Conclusion

The report is presented to Council recommending that draft LPP4.20 is advertised for 21 days in accordance with Schedule 2 Part 2, Clause 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

It is considered that the draft LPP will assist applicants and Shire Officers through defining design and assessment principles as they relate to licensed premises. This is considered to help create safe and welcoming town centres, which are vibrant and attractive places for the benefit of the community.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Local Planning Policy 4.20 - Licensed Premises (Liquor) (E20/12834)

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

There will be a minimal cost involved in the advertising of the policy in a newspaper.



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	<i>Advertising/consultation not appropriately engaging with the community.</i>	<i>Advertising to occur in all communication channels.</i>	<i>Reputation</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Nil.</i>
2	<i>Council resolving that the LPP is unsatisfactory for advertising may result in the approval of licensed venues without proper consideration of the levels of safety and amenity within the Shire.</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	<i>Social / Community Outcomes</i>	<i>Unlikely</i>	<i>Minor</i>	<i>LOW</i>	<i>Nil.</i>

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Pursuant to Schedule 2 Part 2 Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **ADOPTS** Draft Local Planning Policy 4.20 - Licensed Premises (Liquor) as contained within attachment 1 for the purposes of public advertising.
2. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **ADVERTISES** Local Planning Policy 4.20 - Licensed Premises (Liquor) for a period of not less than 21 days.



10.1.5 - Development Application - Temporary Works (Screening, Sorting and Crushing) Associated with the Remediation of 766 King Road, Oldbury

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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Rowe Group
Owner:	Kingroad Holding Pty Ltd
Date of Receipt:	28 February 2020
Lot Area:	246294.22m ²
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of this report is for Council to consider an application for planning approval for 'Temporary Works' for a period of six months associated with the remediation of 766 King Road, Oldbury.

The temporary works comprise of the screening, sorting and crushing of the existing 30,000m³ of unauthorised materials stockpiled onsite. The application also seeks approval for the construction of a hardstand using a portion of the materials within the stockpiles available for reuse (those deemed safe and uncontaminated). The hardstand will ultimately be used in association with the existing Tree Grinding Facility previously approved for the site.

The site was subject to formal compliance investigation in 2018, resulting from the unauthorised stockpiling of materials, which was approximately 30,000m³ of construction and demolition waste. The Shire successfully prosecuted the landowner in 2019 where significant fines and penalties were awarded to the Shire as part of the process.

The proposed remediation works will result in approximately 40% of the stockpiled materials being reused for the construction of a hardstand, with approximately 60% of the materials proposed to be removed for disposal offsite due to their unsuitability for re-use.

Officers recommend that development approval for 'Temporary Works' (screening, sorting and crushing materials) and the construction of a hardstand be approved subject to conditions to address the various risk management issues to return the site to a viable end use. This includes controls pertaining to hours of operation, process management and ongoing reporting.



Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 November 2020 - OCM270/11/19 -Council Resolution/Officer Recommendation:

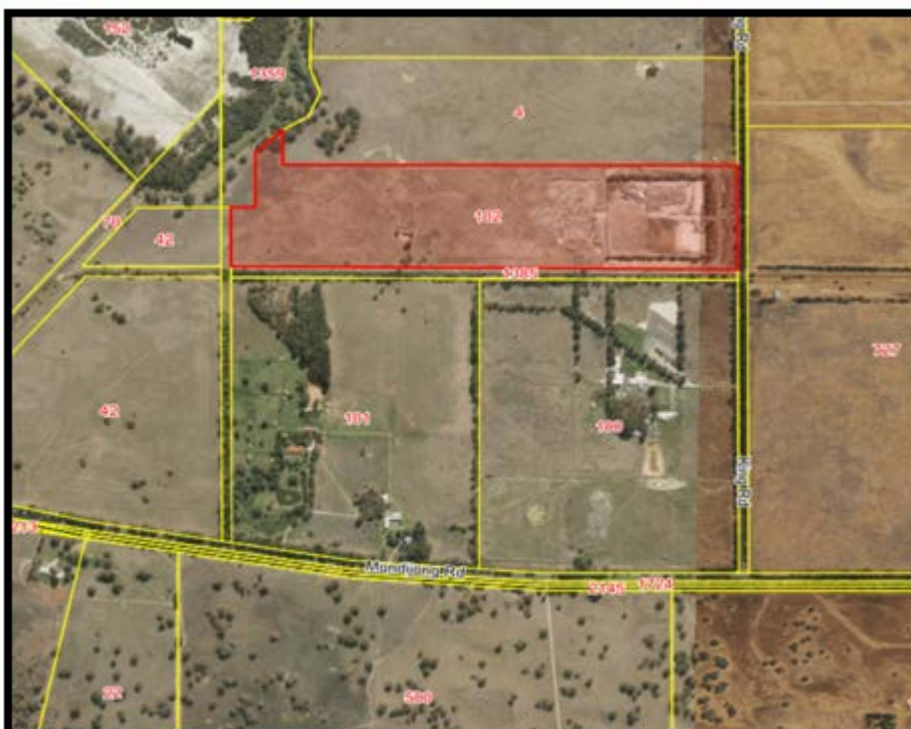
That Council:

- 1. Accepts that the Environment Assessment Report contains sufficient detail of the potential risks and provides realistic recommendations in respect of removal of the unauthorised material from the land;*
- 2. REQUIRES, in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No.2, submissions of a competent temporary works development approval by 1 March 2020, for the purposes of site remediation*
- 3. PROCEEDS to enforce the directions notice issued under section 214 of the Planning and Development Act 2005 against Kingroad Holding Pty Ltd and Global Corp Enterprise Pty Ltd should item 2 of this resolution not be complied with*

Background

The site is approximately 24.61ha in area and is located within a rural area of Oldbury on the northern side of Mundijong Road. It is zoned 'Rural' under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2). The site adjoins a brewery to the south (King Road Brewery) and agricultural uses to the north.

The site on 29 January 2019 was classified by the Department of Water Environment Regulation (DWER) as a 'Possibly Contaminated - Investigation Required' site under the *Contaminated Sites Act 2003*. This resulted from the unauthorised stockpiling of materials on the site which is discussed further in the report. An aerial view of the subject land is provided below:



Subject Site



A tree grinding facility was approved by Council at its 23 February 2015 Ordinary Council Meeting. The approved development comprised of processing green waste and untreated timber pallets and included the construction of an earth bund, a transportable office, toilet block and perimeter road track for firefighting purposes.

The property comprises of unauthorised material, approximately 30,000m³ stockpiled towards the northern portion of the site. The material is mostly made up of demolition and construction waste, however, also contains asbestos containing materials.

The dumping of unauthorised material onsite was subject to a formal investigation by the Shire in 2018. After a comprehensive investigation, the Shire successfully prosecuted the landowners for the unauthorised development. Images of the stockpiles are below:



Existing Stockpiles

Following a successful prosecution for unauthorised material, Council at its 15 July 2019 OCM resolved to endorse issuing a directions notice to the landowner under the *Planning and Development Act 2005*. The directions required the removal of the unauthorised stockpiled material and to reinstate the land to its state prior to the unauthorised development occurring. The directions notice also required the landowner to submit an Environment Assessment Report (EAR) detailing how the site would be remediated, which includes the characterisation of the materials and importantly the methodology proposed, acknowledging the impacts the removal of the material could have to nearby sensitive receptors and the amenity of the area.

The Shire received the EAR on 25 October 2019 which provided details of the materials onsite. The EAR identified that the stockpiles comprised of asbestos containing materials (ACM) and recommendations for the safe removal of such waste from the site. It also proposed the removal of 100mm of surface soil from the site after the waste has been removed to ensure asbestos is completely removed from the site. The landowners at the time the EAR was submitted, sought to remove the entire stockpiles from site and to process offsite at an approved facility.

The EAR was presented to Council at its 18 November OCM, where Council resolved to accept the EAR and request that the applicant submit an application for development approval by no later than 1 March 2020. This was successfully received prior to this deadline.

Since the application was submitted, Officers have been working with the applicant towards providing the required information requested after an initial assessment of the development application. The additional information was received on 13 October 2020.

The application now seeks to remove approximately 60% of the unauthorised stockpiled material and to process approximately 40% of uncontaminated material onsite. The approximate 40% is



proposed to be used in the construction of a hardstand associated with the existing approved development onsite.

The application includes a Remediation Management Plan (RMP) which details how the site will be managed through the screening and crushing of materials and ultimately remediated. It also comprises of a 'Conceptual Site Model' (CSM) which details the risks associated with possible public health and amenity impacts generated from the proposed works to occur. This document identifies the Contaminants of Possible Concern (COPC) as listed within the *Department of Water and Environmental Regulation's Landfill Waste Classification and Waste Definition 1996 (as amended 2018)* document, possible exposure pathways, risks to the environment and importantly the management of those identified risks.

Independent to Council's decision, the applicant will also be required to obtain approval as a Category 62 Licensed Premise through Department of Water Environment Regulation (DWER) in accordance with the *Environment Protection Regulations 1987*. As part of this separate process, the applicant will be required to submit technical information so DWER can undertake their assessment of the risk.

The application is being presented to Council as Council resolved at its 18 November 2019 OCM for a development application to be submitted for the remediation of the site.

Proposed Development

The development application is for 'Temporary Works' for a period of six months associated with the remediation of 766 King Road, Oldbury. The temporary works comprise of the screening, sorting and crushing of the 30,000m³ of unauthorised materials stockpiled onsite. The application also seeks approval for the construction of a hardstand using the materials that have been identified as being able to be reused from the processed stockpiles. The hardstand will be used in association with the existing Tree Grinding Facility previously approved for the site. It is estimated that about 40% of the material will be used for this purpose and 60% removed offsite for disposal. No further material is permitted to be brought to the site whatsoever.

In terms of the temporary processing, the application proposes a visual inspection of the stockpiles prior to separating the materials into separate stockpiles based on the content. Stockpiles considered to comprise of solely sand/mulch will be designated to an area for reuse. Any ACM identified during the inspection will be double bagged and removed offsite in accordance with the proposed Asbestos Management Plan.

Stockpiles comprising of mulch/sand with some debris will be relocated to a designated area for waste classification purposes, prior to being removed offsite.

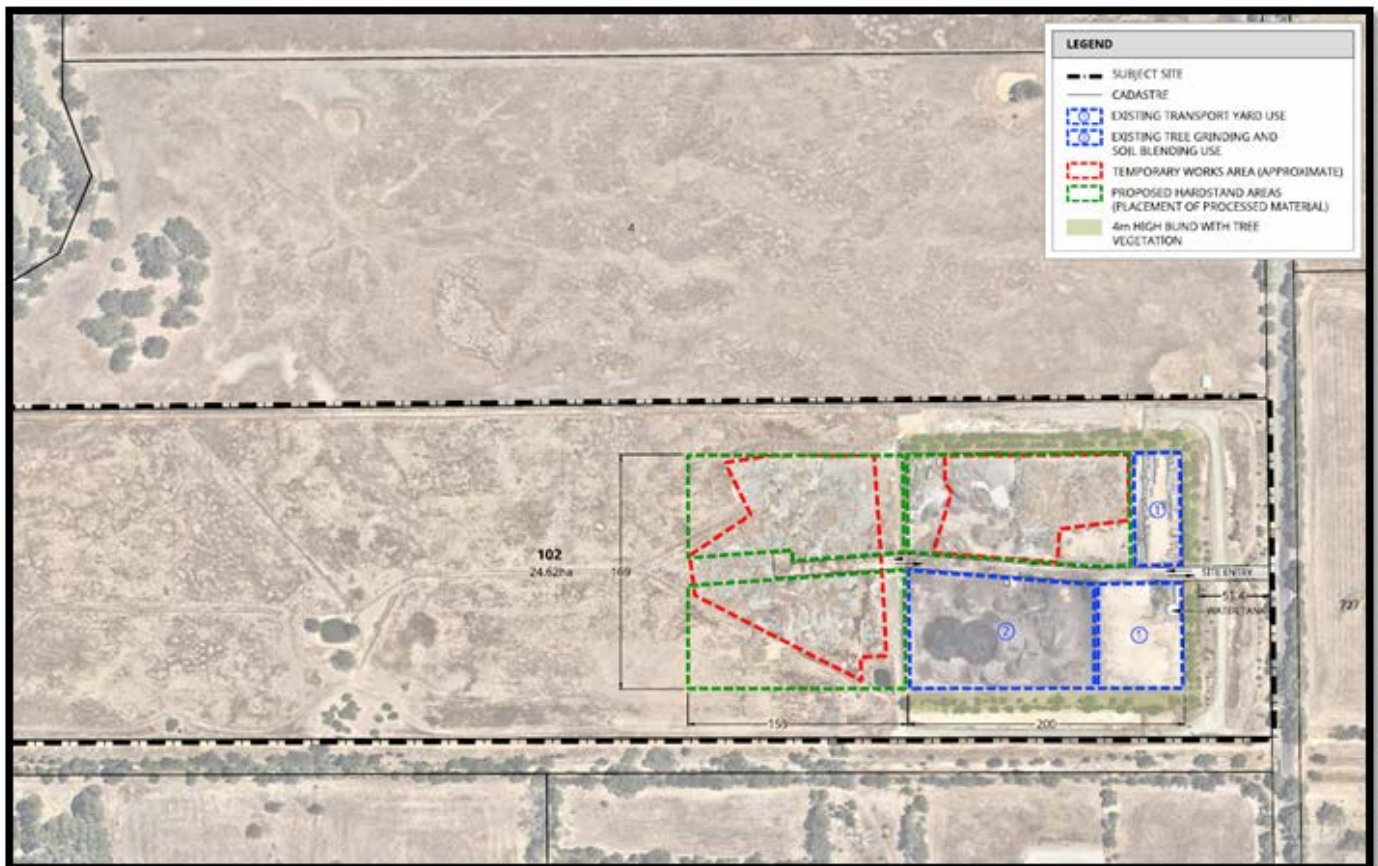
Stockpiles comprising mostly of building rubble mixed with a small amount of sand will be conducted as follows:

- Visually inspect surface area for asbestos fragments prior to disturbance with machinery. IN the event ACM is identified fragments will be double bagged for disposal purposes in accordance with an Abbreviated Asbestos Management Plan;
- Load material onto a mechanical screen which will separate material >65mm for sorting purposes
- Separate material <65 mm into brick/concrete for crushing and beneficial reuse onsite and other material into recyclable, non-recyclable and potential hazardous material stockpiles for disposal offsite;
- The remainder of the soil <65mm will be disposed of to landfill as type 1 special waste.



The removal of the waste will generate approximately 1,600 vehicle movements, ranging between 16-24 per day. The full application can be viewed within **attachment 1**. The additional and supplementary information can be viewed with **attachment 2 & 3**

The below images are the location of the materials and areas designated for processing within the site and the location of the stockpiles onsite.



Temporary Works (Interim use) Site Plan

Community / Stakeholder Consultation

In accordance with *Local Planning Policy 1.4: Public Consultation matters* the application was referred to adjoining neighbours within a 500m radius of the site for a period of three weeks, between 15 October - 6 November 2020. At the end of the consultation period, one submission was received providing a non-objection as follows:

“ We have no arguments for works taking place at Lot 102 King Road as long as the correct procedures in place. We would like it to be taken into consideration that, we are open serving lunches weekdays and there will be no dust etc. blowing over our property”.

The Shire also referred the application to State Government Departments who amongst other things advised as below. Full copies of the submissions with an Officer response can be viewed within **attachment 4**.



Department of Water and Environment Regulation (DWER) - Contaminated Sites Section

The department has reviewed the information submitted in regard to the proposed temporary works. This includes the removal and/or recycling of stockpiled building rubble waste on a portion of the land and the establishment of an additional hardstand area from recycled stockpiled materials, for use in accordance with the site's earlier land use approvals.

The application also includes temporary works on a portion of the site to sort and process stockpiled building material. The proposed screening and sorting of waste for the volume of material present on the site will trigger the criteria for a Category 62 prescribed premise as per Schedule 1 of the Environmental Protection Regulations. This would trigger regulation of the premise under the Environmental Protection Act 1986 (and EP Regulations) and the site would require a license that sets out the regulatory controls to manage potential risks associated with the proposed activities.

Based on available information, the site is considered to be suitable for the proposed ongoing "rural", industry light or transport depot' land use. Furthermore, potential risks associated with the temporary works involving the screening and sorting of waste material will be managed as a prescribed premise requiring compliance with the license requirements under the Environmental Protection Act.

Therefore, the department has no objection to the proposed temporary works and proposed hardstand area on Lot 102 on Diagram 82617 for "rural", "industry light" or "transport depot" land use, and recommends that the approval should not include a contamination conditions.

However, given the risks associated with the historical use of the site, and consistent with previous advice from the department to the Shire, the department recommended that the approval include the following advice note with respect to the Contaminated Sites Act:

Advice

A preliminary site investigation and detailed site investigation should be undertaken to address data gaps relating to the historical land use, characterise the stockpiled waste, develop a conceptual site model and conduct a risk assessment

An 'abbreviated Remediation Management Plan has been prepared for the site. However, a Remediation Action Plan that meets the requirements of the Contaminated Sites Guidelines (2014) should also be prepared to ensure that potential risks to on-site and off-site receptors from all former land uses and from the relocation and/or reuse of stockpiled waste materials have been identified.

A site management plan may be required to manage potential ongoing risk to human health and the environment, depending on the conceptual model, level of remediation and future site activities

Investigation and reports should be undertaken in accordance with Contaminated Sites Guidelines (2014) and the Department of Health's asbestos guidelines (2009).

**Officer Comment**

The applicant has submitted a comprehensive Conceptual Site Model which identifies the risks associated with public health and amenity impacts resulting from the proposed screening, processing and crushing of materials. It importantly identifies the Contaminants of Possible Concerns (COPC) as listed within the *Department of Water and Environmental Regulation's Landfill Waste Classification and Waste Definition 1996 (as amended 2018)* document, possible exposure pathways, risks to the environment and importantly the management of those identified risks.

The Department of Water Environment Regulation under their relevant legislation will require an application for works approval as a Prescribed Premise to be obtained prior to works commencing onsite. This will require a suite of additional information to ensure the risk to public health and the environment is adequately managed.

Department of Water - Land Use Planning Section

"The Department has identified that the application has the potential to impact on water resource values and/or management. While the Department does not object to the proposal key issues and recommendations are provided below, and these matters should be addressed:

Issue: Industry Regulation – Prescribed Premises**Recommendation**

Based on the information provided, the proposed operations are likely to cause the premises to become a prescribed premises as per Schedule 1 of the *Environmental Protection Regulations 1987* for the following categories:

13	Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	1,000 tonnes or more per year
62	Solid Waste Depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	1,000 tonnes or more per year

The Environment Protection Act 1986 requires a works approval to be obtained before constructing prescribed premise and makes it an offence to cause an emission or discharge unless a license or registration (for operation) is held for the premises

The application will need to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997, Environmental Protection (Controlled Waste) Regulations 2004, Environmental Protection (Unauthorised Discharges) Regulations 2004, irrespective of whether the premises is prescribed or not".

Officer Comment

The application is required to demonstrate that the works proposed to be undertaken meets the *Environment Protection (Noise) Regulations 1997* through the preparation of an acoustic assessment to be undertaken by a suitably qualified person. The acoustic assessment must also recommend management measures to be enshrined within a noise management plan to be submitted to the Shire prior to works commencing.



Importantly, as mentioned in the above correspondence by DWER, the proposal will be subject to a works approval process under the *Environment Protection Act 1986* regulated by DWER which is another layer of assessment which will assess impacts on the environment and public health.

Department of Health

DoH recommend that the proponent discuss whether the proposal to process waste on site requires formal DWER Works approval under the Environmental Protection Act 1986, and whether a sufficient 'Separation Distance' has been achieved between the site and nearby sensitive land uses, as per EPA GP3 "Separation Distances Between Industrial and Sensitive Land Uses" (June 2005). In addition:

DoH request confirmation and reassurance as to the temporary nature of the proposed land-uses, and for the inclusion of a specific time-limit on the approved works (e.g. 20 weeks). DOH recommend that:

- i) no additional waste materials are allowed onto the site,*
- ii) no existing or future stockpile height is allowed to exceed the height of the surrounding earthen bund,*
- iii) the mechanical screening and crushing plant should be located on site, to minimise noise and dust emissions,*
- iv) the site is supervised by a suitably qualified and experienced Occupational Hygienist, and that works are undertaken by WorkSafe licensed personal,*
- v) the proposed works should not be conducted during periods of dry or windy weather,*
- vi) the site operator consult and liaise with nearby land users to agreed mutually acceptable operating times and vehicle routes,*
- vii) a designated vehicle decontamination/washdown facility is operated at the site access.*

The Remediation Management Plan (360 Environmental, May 2020) does not provide sufficient information for DOH to assess the public health risks associated with the project. In particular DOH would wish to receive details of,

- a) A comprehensive characterisation of the waste material,*
- b) Details of site personnel roles, training and experience,*
- c) Detailed method statements in respect of each stage of the remediation process (Table 2 Bullet 4),*
- d) An assessment of the public health risks associated with likely air and waste emissions from the site,*
- e) Detailed proposals for measures to mitigate those risks,*
- f) Details of ongoing monitoring and management to demonstrate the effectiveness of those measures,*
- g) Compliance standards and corrective actions,*
- h) Unexpected Hazardous Materials (including asbestos) Finds protocol and procedures,*
- i) Incident and complaint recording, actions and reporting,*



In particular, DoH would wish the proponent to provide further details of the 'air dust/fibre monitoring program' and 'soil and groundwater validation sampling and analysis plan' with reference to current and relevant guidelines.

The site is currently regulated under the Contaminated Sites Act 2003. Once works are completed, in order for DWER/DOH to consider any reclassification of the site and consider it suitable for future uses, all sampling/analysis and risk assessments must be conducted by a suitably qualified and experienced person in accordance with Contaminated Sites Management Series guidelines (incl. NEP(ASC)M and DOH, 2009 guidelines). A 'Closure and Validation Report' should be prepared for this purpose.

Officer Comment

The applicant has submitted a comprehensive Conceptual Site Model which identifies the risks associated with public health and amenity impacts resulting from the proposed screening and crushing proposed to occur. It identifies the Contaminants of Possible Concerns (COPC) as listed within the *Department of Water and Environmental Regulation's Landfill Waste Classification and Waste Definition 1996 (as amended 2018)* document, possible exposure pathways, risks to the environment and importantly the management of those identified risks.

Officers will also be requiring through a condition of approval that the applicants submit a site specific dust management plan which uses the metrological data for the site to ensure the proposed mitigation measures are adequate in managing dust movement from the site. More specifically nuisance dust which is discussed later in the report.

Further information to address the Department of Water Environment Regulation's requirements under their relevant legislation will form part of a works approval application required to be obtained by the applicants prior to works commencing. This will further ensure that the risk to public health and the environment is adequately managed.

Main Roads

Main Roads responded advising that they have no comment to make on the proposal.

Water Corporation

Drainage

The subject area falls within the Oaklands Drainage Catchment in the Mundijong Drainage District, a rural drainage system. The Oakland's Main Drain and Birrega Main Drain runs along the boundary of the subject site within a Water Corporation Reserves. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water corporation maintains its existing drains to ensure they are capable of clearing water form adjacent properties within three days of a storm event, where contours and internal drainage make this physically possible.

Development within this catchment are required to contain the flows from one in a hundred year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. No adverse discharge or runoff form the subject land would be allowed into our drainage system. The developer may be required to provide calculation form a consulting engineer to demonstrate, to the satisfaction of Water Corporation, that the run off from the development has been restricted as above.



This area could be prone to future flooding so the developer of this land should be advised to liaise with the Department of Water and Environment Regulations to determine the flood levels

General Comments

The developer may be required to fund new works or the upgrading of existing works and protection of all works

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is valid.

Officer Comment

The applicant will be required to submit an updated Stormwater Management Plan to ensure the existing onsite drainage network, including detention ponds, have been remediated. Specifically, removing debris within the channels and to account for the additional hardstand area which must include adequately sized bio-retention swales. It should be noted that, the existing Stormwater infrastructure on site has already been constructed to manage a 1/100 year event. The revised Stormwater Management Plan will ensure that the Water Corporation's comments are addressed.

Statutory Environment

Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997;*
- *Contaminated Sites Act 2003.*

State Government Policies

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

Local Planning Framework

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

Planning Assessment

Schedule 2, Part 9 Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed with the Technical Assessment (**attachment 10**)

Town Planning Scheme No. 2

The objectives of the 'Rural' zone are 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".



The proposed hardstand will be used in association with the existing approved tree grinding facility, which was assessed as being associated with a rural pursuit in that it provides products such as sawdust, mulch, biomass and wood chips to poultry farms and various rural uses occurring within the Shire.

The proposed hardstand will also provide a sealed area for the vehicles associated with operations and also storage area for the green waste and other materials permitted to be stored onsite. This will ultimately provide for separation between the groundwater to eliminate the possibility of contaminants, possibly hydrocarbons, leaching into the environment.

In regard to the processing of the materials onsite, the removal of the unauthorised material and the processing will allow for the site to be used for its intended purpose as mentioned above.

Officers consider that the proposal meets the objectives of the zone.

Land Use:

The proposed development is being considered under the head of power of 'temporary works in order to achieve remediation of the land reflective of the s214 written direction issued by Council. Crushing and screening is normally defined as a General Industry, and is prohibited in the Rural zone.

The temporary works are specific to affecting remediation only, and will not be permitted to perform any other function other than remediation.

In terms of the hardstand to be constructed, it is considered that this component is incidental component to the existing tree grinding facility which was approved as a dual land use classification of 'Transport Depot' and 'Industry Light' based on its operations.

Council should further note that due to the proposed crushing and screening to occur onsite and the volume of waste currently present on site, the Department of Water and Environment Regulation (DWER) separately to this process, will require the applicant obtain approval as a Category 62 Licensed Premise, in accordance with the *Environment Protection Regulations 1987*. As part of this separate process, the applicant will be required to submit further technical information so DWER can undertake their assessment of the proposals risk to the to public health and the environment. This is reflective of DWERs comments as detailed above.

Critically, both the conditions of planning approval (if resolved by Council) and the licenced premise (if granted by DWER) will limit the temporary works (screen and crushing) to affecting the remediation of the land, and nothing further.

Amenity

The Environment Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides proponents, responsible authorities and stakeholder's policy guidance on generic separation distances between industries and sensitive land uses to avoid or minimise the potential for land sue conflict. With regard to the proposed development, the generic separation distance that applies to 'Screening and Processing' works to sensitive land uses is 500m.

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



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

Where the separation distance is less than the generic distance, a scientific study based onsite and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. The map following identifies two sensitive receptors located within the generic 500m buffer.



Figure 5: Sensitive Receptors Located within 500m Buffer

Management of risk associated with the temporary works is documented under the Remediation Management Plan (RMP) which details how the site will be managed through the screening and crushing of materials and ultimately remediated. Further, a ‘Conceptual Site Model’ (CSM) details the risks associated with possible public health and amenity impacts generated from the proposed works to occur. Further to this, the DWER licencing process will be required to deal with the specific environmental and human health risks associated with the ultimate proposal.

Officers note the proximity of King Road brewery to the south of the subject land, and that this use attracts public visitation numbers which particularly peak across the weekend period. In this regard, a suite of conditions are recommended that impose a range of process management controls for how the temporary works are to take place. In addition, it is recommended that a specific condition be imposed that limits operations outside of the weekend period, in order to avoid conflict with the likely peak visitation times of the King Road brewery.



Noise

An acoustic assessment will be required to be submitted prior to works occurring onsite. The acoustic assessment must accurately model the following:

- Accurately quantify noise impacts on nearby sensitive receptors from all noise sources generated from the proposal, this includes (but not limited to):
 - o Screener and Crusher; and
 - o All Vehicle movements.

The recommendations of the acoustic assessment will be required to be detailed within a Noise Management Plan. Officers have recommended a condition in this regard to ensure that the development would comply with the assigned levels under Regulation 7 of the *Environmental Protection (Noise) Regulations 1997*. The acoustic assessment and associated Noise Management Plan will be required to be submitted for approval by the Shire prior to works commencing onsite.

Dust

Dust will be generated during the remediation works. Disturbance of the ground surface including mobilisation and demobilisation to site, movement of plant and equipment, earthworks screening and crushing processes has the potential to generate hazardous particulate matter and possibly release friable airborne asbestos fibres.

The applicant has proposed the following procedures to minimise the potential of dust lift off, airborne particles and airborne asbestos fibre associated with both construction and pre-construction activities will include the following:

- Water carts to be available at all times to carry out dust suppression activities to control and prevent excessive dust from earthworks operation;
- No timber or other debris is to be burn;
- The construction and maintenance of fencing with dust control mesh;
- Cessation of all work when wind speed exceeds 25km/h or conditions are such that preventative measures are unable to contain dust and wind-blown materials;
- Trucks carrying soils or other dusty materials are to be fitted with high tailgates and are not overloaded. At least 75mm of freeboard must be maintained or loads must be covered with a tarpaulin to prevent the release of dust outside the site;
- Trucks carrying soils to or from the site are to be covered or wet down to prevent windblown dust; and
- Installation of automatic dust monitoring equipment providing an alert link by mobile phone to the site foreman or other responsible person, where required.

Despite the fact the applicant has prepared a Dust Management Plan (DMP), the measures proposed are generic in nature and are not based on site specific evidence. As such, a site specific DMP will be required to be submitted prior to works occurring onsite, which will form a condition of approval. The site specific DMP will be required to manage PM 10 dust particles (particulate matter with an equivalent aerodynamic diameter of 10 um or less) which is associated with impacts on human health and amenity as the particles tend to remain suspended in the air



for longer periods. The management of these particles will also reduce the risk of nearby sensitive receptors.

The Dust Management Plan will be required to be prepared in accordance with DWERs (formerly DEC) document, 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities' and 'Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia'. This sets out the industry standard for DMPs and the methodology in the preparation of a DMP.

The applicants will also be required to obtain approval by DWER as a Category 62 licensed premise in accordance with the *Environmental Protection Regulations 1987*. This, resulting from the screening, sorting and crushing activities proposed to occur onsite and the volume of waste present. Council should note that as part of this process the applicant will be required to submit a suite of information to be submitted to further ensure the risk to public health and the environment is appropriately managed under their legislation.

Visual Amenity

The existing development onsite comprises of earth bunds which formed a requirement of the existing approval for the site. The earth bunds were constructed to ensure the activities are screened from adjoining neighbours and from street view.

The earth bunds are 4 metres in height and initially comprised of vegetation on top of the earth bunds to further screen the operations prevent dust leaving the site. The stockpiles as part of the approval were limited to 4 metres to prevent visual impacts on adjoining neighbours. The vegetation however, is not present anymore.

In terms of the proposed development, the works will be undertaken generally in the area which is already bunded which will provide for provides for an adequate screening mechanism. Debris, mud and sand will be removed from the access way to ensure the site does not appear as unsightly. Additionally, stockpiles will be required to be kept at a 4 metre height restriction to ensure the existing earth bunds can screen the development.

Officers consider that as the nearest developments are located 240m to the south and 200m to the west, the existing earth bunds and proposed recommended stockpile height restrictions are considered adequate to address possible visual impacts of the proposal. Officers will also be recommending that the stockpiles be located within the bunded areas only.

Environmental Consideration

Due to the volume of waste onsite, the applicants have been unable to fully characterise the stockpiled waste. This poses a risk in that there may be friable ACM within layers of the stockpiles that may not be identified. Details of the content of the waste to date have been based on visual inspection and sampling of the stockpiles as detailed within the previously submitted ENA.

The applicant to address public health and environmental safety, has prepared a Conceptual Site Model (CSM) as part of its submitted Remediation Management Plan (RMP) which identifies a range of risks associated with the unauthorised material. This includes identifying the COPC as listed within the *Department of Water and Environmental Regulation's Landfill Waste Classification and Waste Definition 1996*, impacts upon key receptors including sensitive



receptors and exposure pathways leading to environmental impacts. This risk based approach is commonly used when the content of materials on a site cannot be fully characterised.

The CSM identified the following COPCs within the stockpiles and possible migration pathways to receptors (receptors within the CSM include persons, structures and environmental assets).

AOPC / Volume	PSRA	COPCs	Description
Stockpile Area A ~19,466 m ³	Construction/demolition rubble	ACM/asbestos fines/fibrous asbestos Metals PCBs CFCs CCA Cresols	Stockpile Area A comprises of brick, concrete, plastic items, plaster board and wood. In addition some hazardous waste materials have been identified Material has been stockpiled in this area up to a height of 8 m.
Stockpile Area B ~5,638 m ³	Woodchip waste products	ACM/asbestos fines/fibrous asbestos, CCA Cresols	Stockpile Area B is comprised mostly wood chips with some plasterboard and other general debris scattered on what appears to be the surface of stockpiles.
Stockpile Area C ~10,285 m ³	Construction/demolition rubble	ACM/asbestos fines/fibrous asbestos Metals PCBs CFCs CCA Cresols	Stockpile Area C comprises of mostly brick and concrete. In addition some hazardous waste materials have been identified.

The CSM lists the potential pathways as:

Transport Mechanism	Exposure Pathway
Direct spillage of COPCs in solid or liquid state to ground and adsorption to soils.	Direct contact, ingestion, inhalation, biotic uptake
Windborne transport of impacted soil particulates	Inhalation
Potential for onsite soil impacts to leach COPCs into groundwater.	Direct contact with impacted groundwater via abstraction
Transport of contaminants via surface water drainage channels or preferential overland flow pathways	Direct contact, ingestion, inhalation, biotic uptake
Lateral migration of COPCs in groundwater in the direction of groundwater flow.	Direct contact, ingestion, inhalation, biotic uptake

In terms of the windborne transport of the COPCs, it will be dealt with through the preparation of the site specific DMP as recommended by Officers. As aforementioned, this will adequately manage the risk associated with PM10 nuisance dust particles and the possibility of asbestos fibres.

In relation to environmental and public health risk identified within the CSM, the RMP has been prepared as the lead document to ensure those risks identified are adequately managed. Additionally, a suite of management plans have also been proposed to be prepared to accompany the submitted RMP to further ensure that the development does not pose a risk to the environment and nearby land users.



The RMP reveals that the materials, including the COPCs pose a threat to the environment and public health once they have been disturbed. This is likely to occur during the separation of stockpiles and thus the management plans have been made to address this. To address this, the RMP seeks to firstly process and separate the stockpiles into various categories, either for removal or reuse within designated areas using which are bunded and dust control measures to manage the possibility of airborne particles (dust and possibly friable ACM) escaping the site.

Subsequent to being processed onsite within the designated areas (details surrounding the management of this process will be included within the Stockpiling and Screening Management Plan), the stockpiles considered high risk (due to the presence of ACM or other hazardous material) will be relocated to a designated area for temporary holding and covered with an impermeable plastic prior to being disposed offsite. The area will be appropriately bunded to ensure contaminants do not escape through stormwater runoff during a rain event or water spray which forms part of the dust mitigation measures proposed as part of the overall DMP. To this end, Officers consider as the materials to be disposed are intended to be stockpiled onsite for a temporary period of time and that the processing is to occur within specified designated areas, the proposed approach within the RMP is considered satisfactory in addressing the risks identified within the CSM.

In terms of the stockpiles of materials proposed to be reused, they will be inspected further and tested after being sorted and processed to ensure that they do not exceed the acceptable remedial targets under *Department of Water and Environmental Regulation's Landfill Waste Classification and Waste Definition 1996 (as amended 2018)* document. Importantly, where the stockpiles tested exceed the thresholds, the stockpiles will be disposed appropriately and not be available for reuse. This process will also ensure that remnant ACM and or other hazardous materials is appropriately managed.

Following the removal of the respective stockpiles from site, the RMP proposes the testing of the first 100mm of surface soils, over the entire area where the unauthorised materials had been placed. An area of approximately 12,000m² will be tested for COPCs to ensure that the land can be used for its intended purpose, being a tree grinding facility as previously discussed. Groundwater testing is also proposed to occur via the installation of three (3) groundwater monitoring wells to assess the impacts of the stockpiled materials on the groundwater. This reporting of this testing will be submitted to the Shire once completed.

Importantly, the RMP relies on a number of management plans which will be required to be submitted prior to works occurring onsite. These are Asbestos and Hazardous Materials Management Plan, Stockpiling and Screening Management Plans, Construction Management Plan, Dust Management, Noise and Vibration Management, Water Management and Traffic Management Plan. Preliminary details have been provided within the application, however, this will be expanded upon once formally prepared for the Shire's approval prior to works occurring onsite.

In terms of the reclassification of the site to remove the 'Possibly Contaminated - Investigation Required' classification, the development application process is not intended to achieve this as this is DWERs and DoHs process under the *Contaminated Sites Act 2003*. This forms part of a separate process of the State Departments. As part of that process, these regulatory bodies will require a further level of technical information if the landowners seek to pursue this path.

Despite the robustness of the RMP, Officers will be recommending that an area be dedicated for the purposes of a temporary wash-down bay constructed to the satisfaction of the Shire of Serpentine Jarrahdale. All vehicles associated with the disposal of the stockpiles will be required for their tyres/vehicles to be washed prior to leaving the site to prevent contaminants escaping.



These updates will be requested as part of a condition of approval to be undertaken prior to works occurring onsite. This will address a risk that has been identified with the RMP.

Stormwater

There is currently a regional Water Corporation drain to the south of the site as depicted below: Drainage onsite comprises of a series of drainage channels and retention basins which extend through the site. The channels divert water to retention basins which go through a filtration process prior to being discharged into the environment. The existing network of channels and retention basins form part of the existing Stormwater Management Plan for the site which was based on a 1/100 year storm event for the tree grinding facility. The existing channels and detention ponds have been identified below:

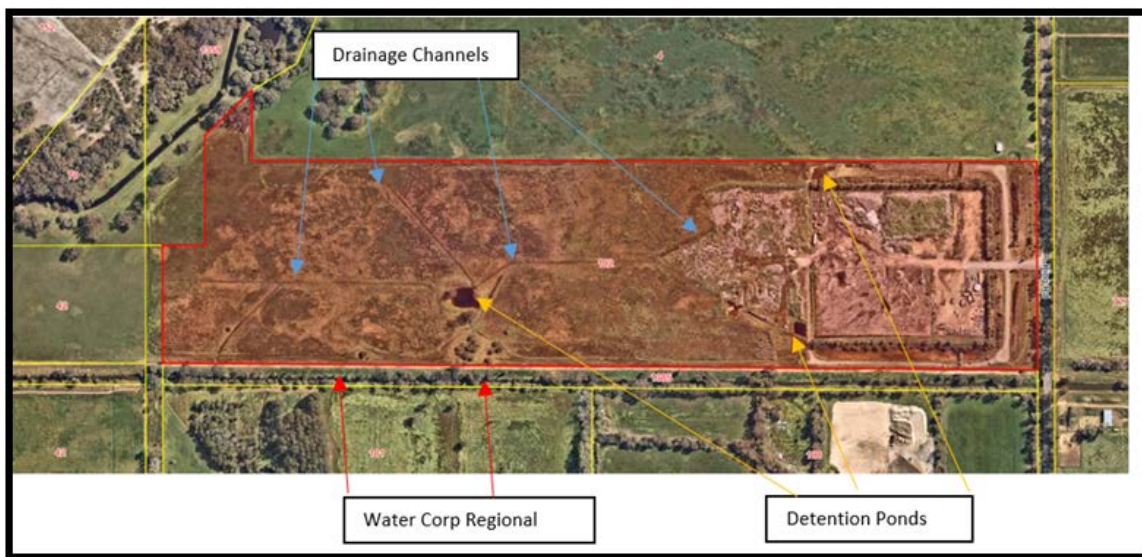


Figure 6: Existing Stormwater Management

The existing channels and drainage ponds have been impacted upon by the stockpiled material insomuch that the waste has entered the channels and basins overtime obstructing the treatment train to clean water prior to being discharged. The drains and the basins are required to be reinstated prior to works occurring onsite. This includes replanting of vegetation within the retention basin and channel to ensure the water is adequately cleaned before being discharged into the environment.

Furthermore, the proposed hardstand area to be constructed must be graded appropriately towards the detention basins to ensure the water is directed from the hardstand towards the drainage network removing the flow of uncontrolled water into the environment.

A condition will be required for the existing Stormwater Management Plan to be updated accordingly.

Asbestos and Hazardous Materials Management Plan

The preparation and submission of an Asbestos and Hazardous Materials Management Plan (AHMMP) is required prior to commencement of works. The AHMMP is to be the principle document to demonstrate sound methodology for asbestos management to ensure the safety of



workers and bystanders, including neighbourhood residents. The plan will be required to provide detailed control measures to prevent fibre release and complete management of hazardous materials during remediation works, prepared in accordance with the WA Department of Health *Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australian* and the *Code of Practice for the Safe Removal of Asbestos*. The following management strategies are to be implemented to guide remediation work across the site and will be presented in detail within the AHMMP:

- Asbestos and hazardous materials register;
- Site induction and training;
- ACM and hazardous material management;
- Personal Protective Equipment;
- Barricading and/or signage;
- Vehicle and mobile equipment management;
- Personal decontamination;
- Air quality monitoring;
- Asbestos and hazardous material waste disposal;
- Emergency, contingency and incident management.

The AHMMP will be assessed to the satisfaction Officers of the Shire, WA Department of Health and the Department of Water and Environmental Regulation.

Traffic

The proponent as part of the application submitted a Traffic Impact Statement (TIS) which identifies that a total of 1,600 vehicle movements will be generated as part of the temporary works to remove approximately 60% of the stockpiled material from site. This would result in approximately 16-24 trucks entering the site over a ten hour working period a day.

In terms of the existing access from Lot 102 onto King Road it is sealed and approximately 8.5 metres in width. It is currently of a standard which can accommodate the turning movements of the prescribed trucks, which are 'as-of-right vehicles.

In respect to the impacts on the broader network, the vehicle trips expected to be generated by the site during the peak hour periods is considered to be between 7-10. Off peak, truck movements to and from the site would generate around 4-6 trips per hour. These movements are considered to be low and therefore not considered to cause an adverse impacts on the broader network.

Council should note that the TIS was based on the assumption that the volume of materials onsite was between 70,000m³ - 80,000m³ and that 60% would be removed. The applicants have however, provided the Shire with a survey of the volume of the material where it has been calculated as approximately 30,000m³. This would result in reduced vehicle movements overall which are already considered to not impact upon the road network.

Although the movements are not considered to impact upon the broader network as they are considered low, a Traffic Management Plan will be recommended to be submitted prior to works occurring on site. This will ensure that appropriate temporary signage is erected to alert oncoming



traffic both north and south bound on King Road that vehicles will be leaving the property. This will add an extra layer of management to the operations to further ensure that it can occur in an orderly and proper manner.

Ongoing reporting

Given the importance of ensuring compliant activities throughout the temporary works remediation, a condition is recommended for two monthly reporting, specific to any exceedance that occur and how process adjustments have taken place to address these. There is also a condition pertaining to monthly reporting of volume processing, in order to track the volume of material remaining and the amount diverted either to the hardstand or offsite for disposal.

Options and Implications

Option 1

That Council APPROVES the application for temporary works (screening, sorting and crushing materials) associated with the remediation of the site only at 766 King Road, Oldbury subject to conditions.

Option 2

That Council REFUSES the application for temporary works.

Option 1 is recommended.

Conclusion

The application seeks approval for temporary works (screening, sorting and crushing material) to achieve remediation of the site, which was subject to a formal compliance action resulting from unlawful land use. Remediation will essentially take the form of sorting, screening, crushing and compatible reuse of material for a hardstand, together with removal from site of incompatible material.

The application proposes a comprehensive Remediation Management Plan which depicts the stages of the remediation process. The applicant will be required to submit a number of revised management plans to the Shire for approval prior to works occurring onsite to ensure that the proposed development will not cause undue impacts to the locality.

Additional documents will be required to also be submitted to ensure public and environmental risks as adequately addressed as part of DWERs works approval process which is required prior to works occurring onsite. DWER will require further documentation as required by their legislation.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Development Application (IN20/4512)
- **10.1.5 - attachment 2** - Additional Information (IN20/29611)
- **10.1.5 -attachment 3** - Supplementary Information (IN20/29612)
- **10.1.5 - attachment 4** - Summary of Submissions (E20/13114)
- **10.1.5 - attachment 5** - Technical Assessment (IN20/29891)



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
Outcome 2.1	A diverse, well planned built environment
Outcome 2.2	A sustainable natural environment
Outcome 2.3	A productive rural environment

Financial Implications

There are no financial implications as part of this proposal

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	<i>Insufficient management plans submitted by applicant leading to delays in approval and delay in remediating the site.</i>	<i>Clearly detailed conditions identifying requirements to be included within the relevant management plans to be submitted.</i>	<i>Physical or Psychological</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil.</i>
2	<i>Council does not approve the development, resulting in the land not being remediated and associated amenity, environmental and public health risks remaining on the land.</i>	<i>Nil</i>	<i>Physical or Psychological</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil.</i>



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	
2	<i>Council refusing the application which may result in an appeal to the State Administrative Tribunal.</i>	<i>Nil</i>	<i>Financial</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil.</i>

Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for temporary works (screening, sorting and crushing of materials) associated with the remediation of the site only at 766 King Road, Oldbury, and for the construction of a hardstand as contained within attachment 1, 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	<p align="right">Revised Planning Application received on 13 October 2020,</p> <p align="right">Traffic Impact Assessment received on 22 May 2020</p> <p align="right">Remediation Management Plan received on the Shire on 13 October 2020</p>
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- b) Full site remediation, and specifically the screening, sorting and crushing activities associated with the temporary works and the construction of the hard stand, must be fully completed within twelve months of the date of this approval.
- c) Prior to works occurring onsite, an updated Remediation Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to include the construction of a washdown facility, to control the risk of contaminated material leaving the site on vehicles, to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Plan is to be implemented at all times during the temporary works.



- d) Prior to the works occurring onsite, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must contain the details prescribed within the updated Environmental Management Plan. The Construction Management Plan must demonstrate how pre-development works will be undertaken without causing emissions being generated offsite, and the location of any incidental structures associated with the proposal. Once approved, the Plan is to be implemented at all times during the temporary works.
- e) Prior to the works occurring onsite, an Asbestos and Hazardous Materials Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation and Department of Health. The Plan must include the following details:
- Asbestos and hazardous materials register;
 - Site induction and training;
 - ACM and hazardous material management;
 - Personal Protective Equipment;
 - Barricading and/or signage;
 - Vehicle and mobile equipment management;
 - Personal decontamination;
 - Air quality monitoring;
 - Asbestos and hazardous material waste disposal;
 - Emergency, contingency and incident management.

Once approved, the Plan is to be implemented at all times during the temporary works.

- f) Prior to the works occurring onsite, a Stockpiling and Screening Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following detail to the satisfaction of the Shire of Serpentine Jarrahdale:

The location of a designated area to set up the mechanical screener and crusher;

The location of a designated area for temporary stockpiles of different materials including amount of limestone material required to create pad base for stockpile areas:

- Stockpile sampling requirements for waste classification
- A waste tracking log to track all waste leaving the site;
- Inclusion of contingency measures to manage unexpected finds.

Once approved, the Plan is to be implemented at all times during the temporary works.

- g) Prior to works occurring onsite, an Acoustic Assessment and Noise Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This Plan must quantify noise impacts from the development on nearby sensitive



receptors, from all noise generating activities to occur as part of the temporary works. Recommendations resulting from the acoustic assessment shall be incorporated within the Noise Management Plan, to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Plan is to be implemented at all times during the temporary works.

- h) Prior to works occurring onsite, a site specific Dust Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation and Department of Health. The Dust Management Plan must be prepared in accordance with the Department of Water and Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'. Once approved, the Plan is to be implemented at all times during the temporary works.**
- i) Prior to works occurring onsite, an updated Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must demonstrate how the existing channels and detention ponds will be reinstated to remove existing debris located within it resulting from the existing stockpiles. It must also include how water runoff from the proposed hardstand will be treated prior to being discharged into the environment. Once approved, the Plan is to be implemented at all times during the temporary works.**
- j) Prior to works occurring onsite, a Traffic Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Traffic Management Plan must include provisions which alert oncoming traffic that vehicles will be exiting the site and adhered to thereafter. Once approved, the Plan is to be implemented at all times during the temporary works.**
- k) The processed stockpiles subject to this development must not exceed 4 metres in height and must be located within the bunded areas**
- l) The driveway into the site from King Road, must be kept clean and maintained free of debris, mud and sand at all times.**
- m) The temporary works shall not occur during the weekend period, and will be limited to hours of operation between 7am to 7pm Monday to Friday.**
- n) The applicant shall undertake two monthly reporting to the Shire of Serpentine Jarrahdale against all conditions of planning approval, specific to any exceedances of adopted Management Plans and what process adjustments have occurred, and will continue to occur, to avoid any such further exceedances taking place.**
- o) The applicant shall provide monthly reporting to the Shire of Serpentine Jarrahdale which details:**

 - the starting volume for that month of remaining material on the subject land to be processed;**
 - the amount of volume processed and placed within the hard stand area;**
 - the amount of volume exported from the subject land.**



10.1.6 – Proposed Extractive Industry Licence - Lot 422 (313) King Road, Oldbury (PA18/441)

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 (eg 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:	Cook Industrial Minerals Pty Ltd
Owner:	Cook Industrial Minerals Pty Ltd
Date of Receipt:	26 November 2020
Lot Area: 20.51ha	20.51ha
Town Planning Scheme No. 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of this report is for Council to consider an application for an Extractive Industry Licence (EIL) at Lot 422 King Road, Oldbury. Sand extraction commenced in 1984 and has continued to operate subject to the relevant approvals being in place.

Conditional approval was granted on 23 May 2019 for an extension of time for an existing extractive industry on the subject land, for a period of five years expiring on 23 May 2024. Approval for the extension of time has also been granted by the Western Australia Planning Commission (WAPC).

Typically, the issuance of an Extractive Industry Licence (EIL) will follow subsequent to development approval being issued. A new EIL will enable the continuation of sand extraction, reflective of the extended development approval. This is the purpose of this report.

The report is presented to Council as there is no delegation granted to Officers for the approval of Extractive Industry Licences. The report recommends that Council approve the EIL for a period to match the extended development approval for the use.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.



Background

The subject site is approximately 20.5ha in size and is zoned 'Rural' in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2). The site is bound to the west by King Road and Rural zoned properties to the north, east and south. Notably, another extractive industry, LWP King Road Syndicate Pty Ltd is located on the opposite side of King Road.



Figure 1: Location Plan

The site has operated as an extractive industry since approximately 1984, with the most recent extension granted on 23 May 2019. The current development approval can be viewed within **attachment 1**.

Existing development on the site consists of a site office, sand washing plant, two dams and a set down yard. The site is partially cleared and was historically used as rural farming land. The approval includes the screening and washing of sand for use in water filtration systems

The site is accessible by a limestone gravel driveway from King Road. A large part of the excavation has now been completed, with a small portion on the western portion of the site yet to be mined. The current development approval envisages the continued extraction of 7,000m³ and the future extraction of a further 15,000m³ over the coming 5 year period. The extraction covers a total area of 2.2ha.

The site includes a small area in the southern portion of the lot classified as Multiple Use Wetland. This includes a Threatened Ecological Community containing Native Vegetation (Banksia Woodland). Given the extended life of the mine, the majority of the site has now been rehabilitated, as can be seen in Figure 3 below.



Figure 3: Aerial image of site, including rehabilitation areas

Community / Stakeholder Consultation

No consultation has occurred as part of this EIL as consultation previously occurred as part of the development approval process.

Statutory Environment

- *Shire of Serpentine Jarrahdale Extractive Industries Local Law.*

Planning Assessment

Extractive Industry Licence

An assessment of the EIL application was undertaken by Officers against the *Shire of Serpentine Jarrahdale Extractive Industries Local Law*. The application comprised of the following key documents previously approved as part of the planning process and can be viewed within **attachment 2 and 3**:

- Plans 1 to 7;
- Excavation and Rehabilitation Management Plan dated 18 April 2018.

Following conclusion of a technical assessment, Officers are satisfied with the information submitted. A comprehensive level of assessment has also been undertaken of the above plans during the initial planning process in 2018. As such, this provides the Shire with a good degree of certainty that the development will be undertaken in a manner which will address the environmental and amenity impacts. Officers also conduct the annual extractive industry development approval and EIL audit onsite at the property which allows an annual review of the



operations occurring on the subject site which provides for an extra layer of assessment against the operations.

In terms of the Excavation and Rehabilitation Management Plan (ERMP), Council should note that the applicant has commenced the rehabilitation of the site in various locations to the satisfaction of the Shire. In this regard the following is relevant:

Excavation and Rehabilitation Management Plan (ERMP)

Rehabilitation efforts have continued in the northern portion of the site over the last two years, including the planting of tube stock during the last two wet seasons. Officers also discussed rehabilitation of the south western portion of the property where mining has recently finished. Suggestions which were discussed included hydromulching, seed planting and infill planting of tube stock to encourage a diversely vegetated ecosystem.

The areas which have been rehabilitated since approximately 2018 are shown in Figure 4, below.



Figure 4



Furthermore, Council should also note that, the ERMP includes details regarding complaint management and the registration of complaints. In this regard, there appears to be no complaints received since the extension of time was approved.

Officers are satisfied that the site is being operated in accordance with the development approval and Excavation and Rehabilitation Management Plan.

Options and Implications

Option 1

That Council resolves to APPROVE the application for an Extractive Industry Licence at Lot 422 (313) King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law and authorises the Chief Executive Officer to issue an Extractive Industry Licence.

Option 2

That Council resolves to REFUSE the application for an Extractive Industry Licence.

Option 1 is recommended.

Conclusion

The application is for an extractive industry licence under the *Shire of Serpentine Jarrahdale Extractive Industry local Law*. The application reflects the development approval granted in 2019 for an extension of time for a period of five years, expiring 23 May 2024. The reports now recommends that Council grant an EIL to enable the operations to continue on the subject site as per the development approval and approved management plans.

Attachments (available under separate cover)

- **10.1.6 - attachment 1** - Notice of Determination (E20/13688)
- **10.1.6 - attachment 2** - Application for EIL (E20/13689)
- **10.1.6 - attachment 3** - Approved Plans and Excavation and Rehabilitation Management Plan (E20/13690)

Alignment with our Strategic Community Plan

Strategy 1.1.2	Provide a healthy community environment
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
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Outcome 2.3	A productive rural environment



Financial Implications

There are no financial implications as part of this report.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>The applicant may not comply with the conditions of the EIL which could lead to amenity impacts to nearby sensitive receptors</i>	<i>Conditions of the EIL; Annual Extractive Industry Audits</i>	<i>Social / Community Outcomes</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Nil.</i>
2	<i>If Council refuse the application the decision may be subject to an appeal to the Minister of Local Government pursuant to part 9 of the local Government Act requiring the Shire to engage a third party.</i>	<i>nil</i>	<i>Financial</i>	<i>Rare</i>	<i>Minor</i>	<i>LOW</i>	<i>Provide justified reason for refusal.</i>



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the application contained within attachment 2 for an 'Extractive Industry Licence' at Lot 422 (313) King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following conditions:
 - a) The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an extractive industry at Lot 422 (313) King Road, Oldbury.
 - b) The landowner shall pay the annual Extractive Industries Licence fee as set by the Shire of Serpentine Jarrahdale Fees and Charges.
 - c) The landowner/licensee shall comply with the Management Plans, Extractive Industry Approval and Licence conditions as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as agreed in writing between the Shire and the landowner/licensee, and to provide all reports and documents as required by the Extractive Industry Approval and Licence conditions.
 - d) The licence expires on 23 May 2024, which matches the expiry of the planning approval.
2. **AUTHORISES** the Chief Executive Officer to issue the Extractive Industry Licence, in line with this decision.



10.1.7 - s31 Request for Reconsideration of Conditions - Proposed Commercial Building - Lots 18 & 22 (813 & 815) South Western Highway, Byford (SJ3315)	
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 (eg 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:	Urbis and Metrowest Special Projects
Owner:	Margaretha Catharina Gysberdina Martina, Wayne, Ashely Hughes-Odgers and Byford Premiere Holdings
Date of Receipt:	27 March 2020
Lot Area:	2.929m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

This report presents to Council the request for reconsideration received from the State Administrative Tribunal (SAT) pursuant to Section 31(1) the *State Administrative Tribunal Act 2004*. The request for reconsideration relates to Council's decision of 20 July 2020, which approved (subject to 14 conditions) the two storey commercial development located on Lots 18 and 22 (813 and 815) South Western Highway, Byford.

Two specific conditions are requested for reconsideration, and these relate to development contributions and car parking requirements. This report deals with the request, and recommends Council modify its decision relating specifically to these two conditions.

**Relevant Previous Decisions of Council**

Ordinary Council Meeting - 22 July 2020 - OCM209/07/20

That Council APPROVES the development application for the construction of a commercial building comprising of a 'Health Studio', Child Play Centre and Swim School as contained within attachment 1 at Lots 18 & 22, (813 & 815) South Western Highway, Byford subject to the following conditions:

- 1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent. Plans and Specifications Plans P1 - P7 received at the Shire Offices on 27 March 2020, Traffic Impact Statement prepared by Transcore and dated 7 February 2020, Bushfire Management Plan prepared by Fire Protection Association Australia and dated 24 March 2020*
- 2. Prior to the issue of a Building Permit, revised elevation and development plans being submitted to and approved by the Shire of Serpentine Jarrahdale. These revised plans are to demonstrate the addition of either recycled facebrick or natural timbers to the windows trim facing South Western Highway, reflective of the Shire's rural character.*
- 3. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.*
- 4. Prior to the commencement of works, the landowner/applicant must contribute towards development contribution infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2.*
- 5. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the amendment (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.*
- 6. Prior to occupation of the development, all vehicle parking areas (both on and offsite), accessways and crossovers shall be designed, constructed, sealed, kerbed, drained, linemarked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale. A suitable legal agreement being prepared to be prepared at the Applicants cost, to the satisfaction of the Shire.*
- 7. Prior to operation, an updated Landscape and Vegetation Management Plan, showing all areas of retained vegetation, additional planting including all car parking areas, access roads and road verges shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Vegetation Management Plan shall be implemented in its entirety and maintained thereafter.*
- 8. Prior to issuing of a Building Permit, an Urban Water Management Plan (UWMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the UWMP shall be implemented and maintained thereafter. The Plan shall be prepared in accordance with the Byford Town Centre Local Water Management Strategy and Local Planning Policy 2.4 - Water Sensitive Design.*
- 9. 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.*



10. *Prior to occupation, a Waste Management Plan must be prepared and submitted to the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the following:*
- a. *The location of bin storage areas and bin collection areas;*
 - b. *The number, volume and type of waste to be placed in the bins;*
 - c. *Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and*
 - d. *Frequency of bin collections.*

Once approved, the Waste Management Plan shall be implemented and maintained thereafter.

11. *Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved lighting plan shall be implemented and maintained thereafter.*
12. *Prior to operation, an Environmental and Transport Noise Assessment, incorporating field noise measurements, shall be submitted to and approved by the Shire. Recommendations resulting from the Environmental and Transport Noise Assessment shall be incorporated within a Noise Management Plan to the satisfaction of the Shire and implemented/adhered to in its entirety.*
13. *Prior to occupation, the redundant crossovers on South Western Highway shall be removed and the verge reinstated at the applicant's cost to the satisfaction of the Shire.*
14. *The applicant providing a cash in lieu payment to the Shire of Serpentine Jarrahdale, in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, equivalent to 26 car parking bays, prior to issue of a Building Permit.*

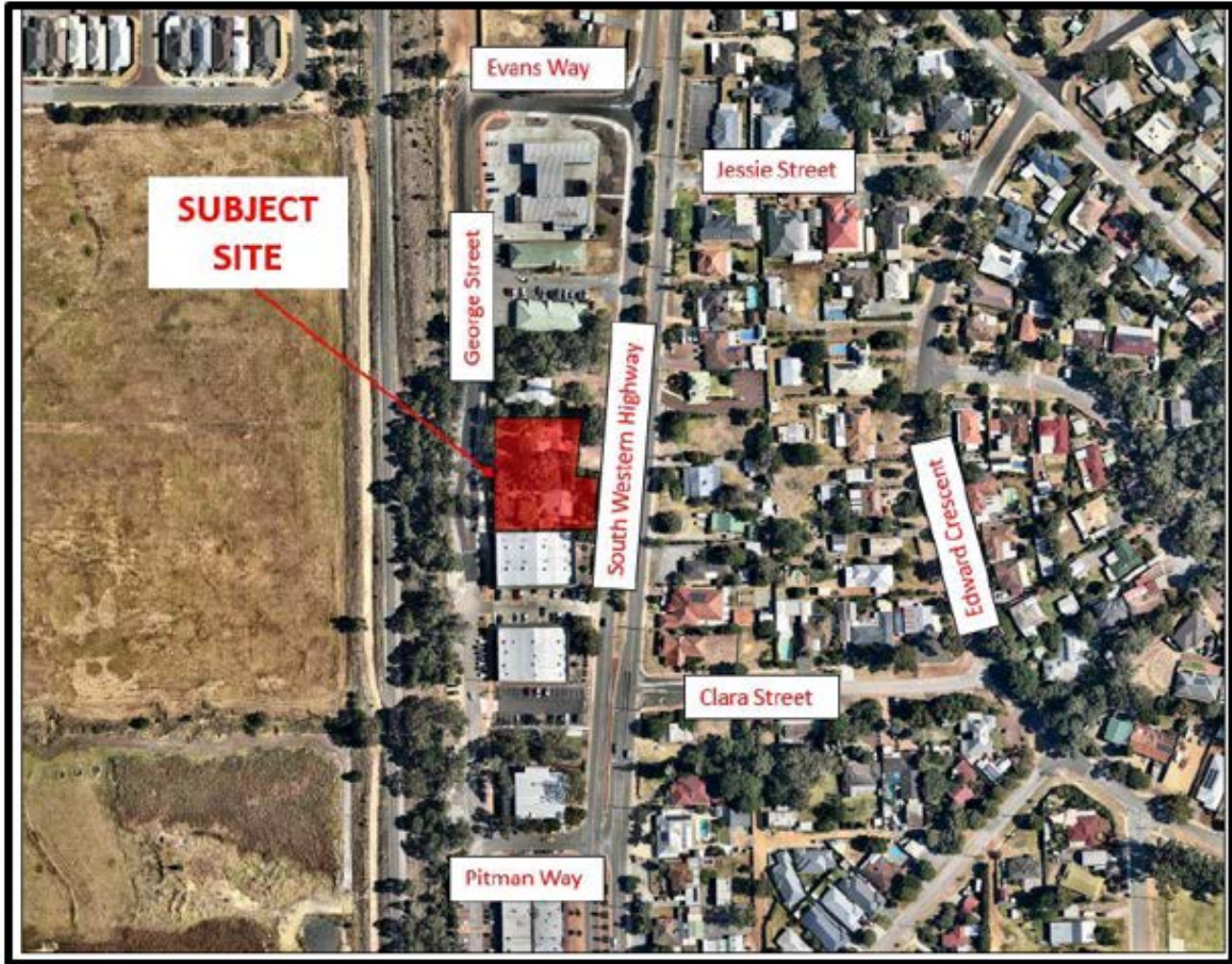
ADVICE NOTES

1. *Prior to commencement of works, a demolition licence for the removal of the existing dwellings and all structures is to be obtained from the Shire of Serpentine Jarrahdale.*

Background

Council, at its Ordinary Council Meeting held on 20 July 2020, resolved to grant a development approval for the construction of a two storey commercial building at Lots 18 and 22 South Western Highway, Byford. Minutes of the Council meeting can be viewed within **attachment 1**. The Notice of Determination can be viewed within **attachment 2**.

The approved development comprised of a Health Studio, Swim School and Children's Play Centre, with an incidental café and associated carpark on the ground and first floor. Access was proposed from George Street, with an aesthetic edge to South Western Highway. The subject land comprises two land parcels, which in conjunction with neighbouring properties are intended to set an urban form of development that announces a sense of arrival to the town centre of Byford from the north.



Aerial photograph

On 6 August 2020, the Shire received notice that the applicant had lodged an application for review of two conditions imposed as part of Council's decision, with the SAT. These two conditions were:

Condition 5

5. *Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the amendment (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.*

Condition 14

14. *The applicant providing a cash in lieu payment to the Shire of Serpentine Jarrahdale, in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, equivalent to 26 car parking bays, prior to issue of a Building Permit.*

Mediation occurred on 2 November 2020, in order to discuss the key issues as they related to the conditions. As a result of mediation, the applicant has submitted further plans and information, which provide a planning basis for Council to reconsider these conditions.



With regard to any reconsideration request under Section 31(1), a responsible authority may:

- Vary the conditions of approval; or
- Affirm the conditions of approval.

If Council resolved to vary conditions, the applicant seeking the review could choose to withdraw the proceedings as a result of the new conditions. If an applicant was still not satisfied with the new decision, the proceedings would continue under the auspices of a full hearing before the SAT.

Community / Stakeholder Consultation

The development application was originally advertised to surrounding landowners for a period of 21 days, from 7 April 2020 - 28 April 2020, in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters. The application was also advertised to relevant State Government agencies. The additional information now submitted by the applicant seeks to address concerns that were raised in relation to potential car parking deficiencies, by proposing that the full quantum of required car parking be provided by the development. This addresses concerns that were raised as part of the planning assessment and submissions.

Statutory Environment

Legislation

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

Local Planning Framework

- Local Planning Policy 3.7 - George Street Design Guidelines;
- Local Planning Policy 3.8 - Byford Town Centre Built Form Guideline;
- Local Planning Policy 1.8 - Cash-in-lieu for Parking;
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3;
- Draft Shire of Serpentine Jarrahdale Local Planning Strategy;
- Byford Town Centre Structure Plan.

Planning Assessment

The following assessment discusses:

- The original condition;
- The additional information received;
- Officer assessment of that additional information;



- The recommended response.

Original Condition 5

Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the amendment (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.

Additional information received

The applicant presented additional information that Condition 5 did not have sufficient need and nexus to apply to the proposed development. This was on the basis that Amendment 208 was still in draft form.

Officer assessment of additional information

While Amendment 208 has now been adopted by Council at the 16 November 2020 Ordinary Meeting (and is no longer considered a 'draft'), that amendment was adopted subject to modifications. One such modification was to remove Area E - George Street Infrastructure from the amendment. This was due to George Street, where it abuts the subject land, having already been constructed and thus not being required for shared infrastructure costing. Condition 5 can thus be recommended for deletion.

Further to this, Condition 4 of the original approval can also be recommended for deletion on the basis that Amendment 207 does not relate to the proposed development. Amendment 207 deals with community infrastructure contributions, and has a calculation methodology on the basis of a per residential dwelling contribution. Given this development is exclusively for non-residential purposes, the condition would not apply.

Recommended response

Delete Conditions 4 and 5.

Original Condition 14

The applicant providing a cash in lieu payment to the Shire of Serpentine Jarrahdale, in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, equivalent to 26 car parking bays, prior to issue of a Building Permit.

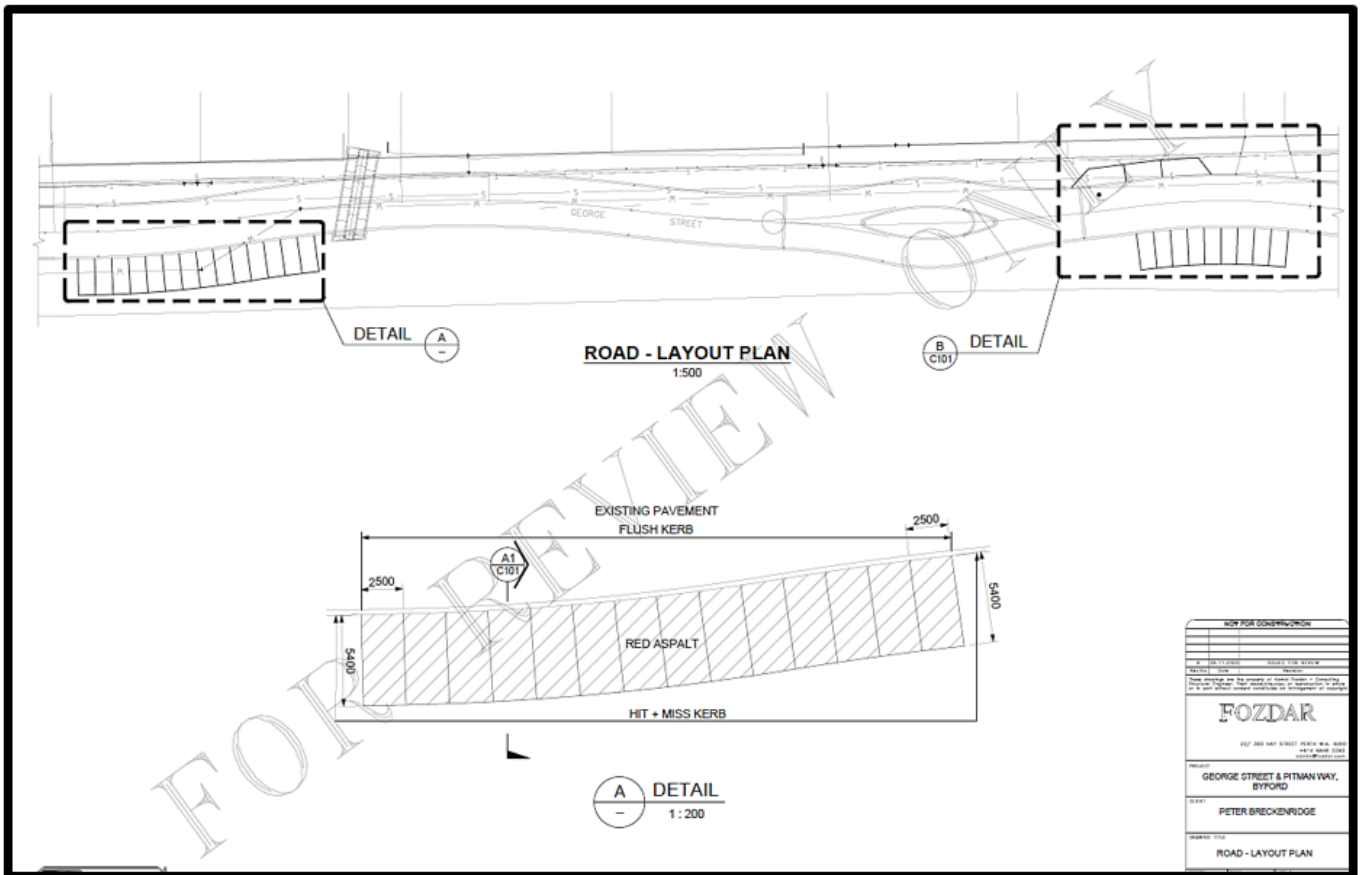
The condition was included as to ensure the deficiency in car parking associated with the proposed development was made good through a cash in lieu of parking arrangement. As the application did not seek to provide the full car parking requirement, the merits based planning assessment determined that a cash in lieu condition should be imposed to enable the Shire to deliver the associated shortfall in parking (26 car parking bays) in the George Street road reserve.

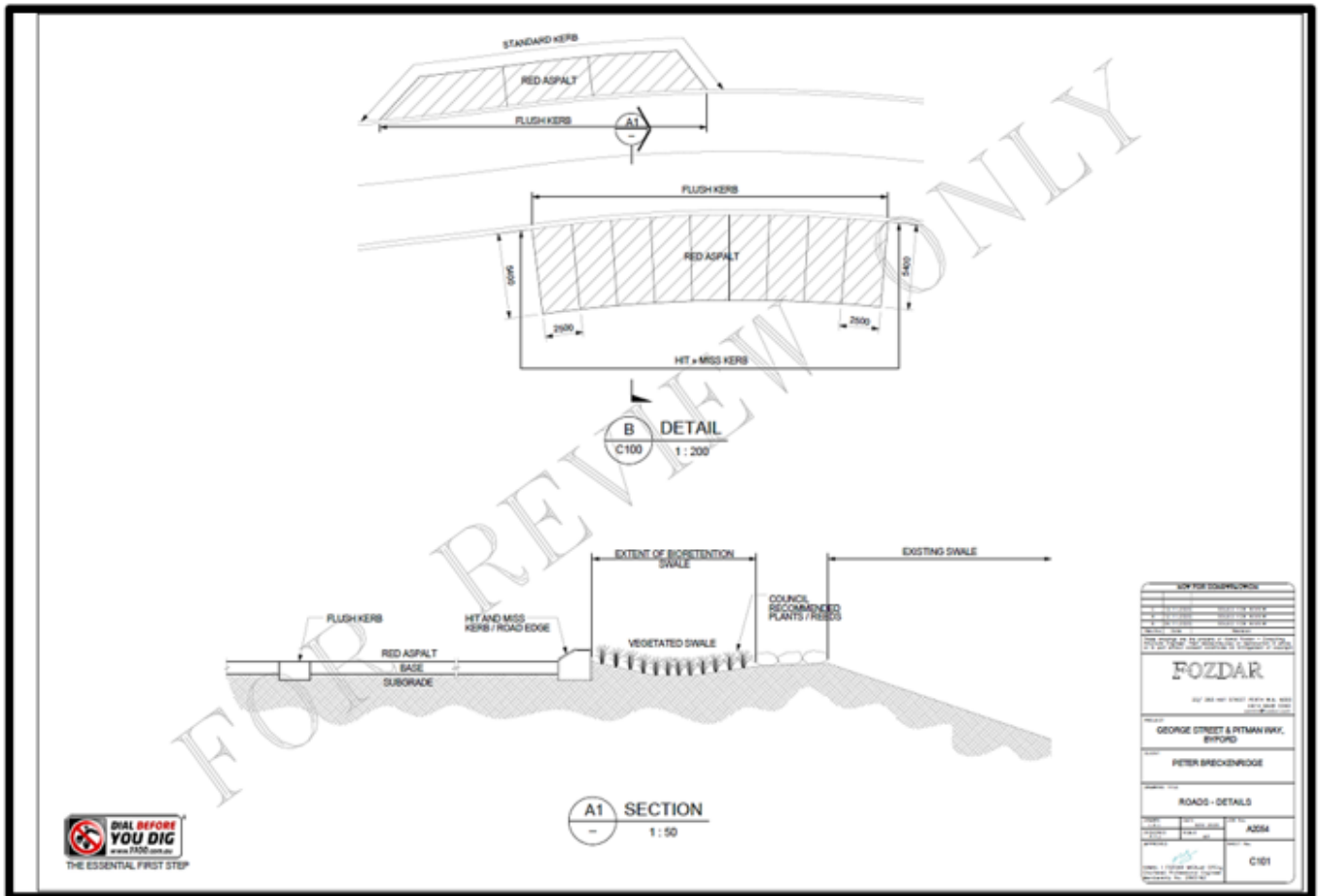
The rationale of the condition was to ensure that adequate parking was provided, and that available public parking on street did not become over subscribed particularly given the reliance of such parking for short term customer parking in the town centre.



Additional information received

The applicant has submitted modified plans to construct the full quantum of car parking required by the development. This is proposed to be done under the auspices of the Byford Town Centre Structure Plan and Local Planning Policy 3.7 - George Street Design Guidelines, which provides for public parking to be constructed on George Street to meet car parking requirements of a development. The applicant's submitted plan of this car parking can be viewed within **attachment 3**, with details also extracted following:





Applicant Concept Plan

Officer assessment of additional information

The Byford Town Centre Structure Plan and associated LPP3.7 provides the mechanism for on-street parking to be constructed and included as part of a development (where such is proposed). This reflects the approach taken in recent planning decisions relating to the ALDI supermarket and DOME café. The additional 26 bays now proposed by this development will be available for public use, and being appurtenant to the proposed development will naturally be utilised by customers of that development. This enables the intended urban design outcomes of development to be met on the land, while ensuring a well-functioning and conveniently accessible town centre environment for the broader community.

Shire Officers have assessed the additional information and deem the design of the 26 car parking bays to be acceptable. These bays will provide additional parking options on George Street, in a manner which includes pedestrian connectivity (footpaths, pedestrian crossing) to the site from the parking areas and stormwater infrastructure.

Recommended response

Amend Condition 14 to now read as follows:

“Plans submitted for a building permit are to include engineering drawings showing the provision of 26 car parking bays within the George Street road reserve, to the satisfaction of the Shire of Serpentine Jarrahdale. This is to include footpath and pedestrian crossing of George Street, in



order to link these bays to the development, to the satisfaction of the Shire. These bays must be constructed by the applicant prior to the completion of the development.”

Options and Implications

Option 1

That Council RECONSIDER its decision of 20 July 2020 by:

1. Deleting conditions 4 and 5;
2. Amend condition 14 to read as follows:

“Plans submitted for a building permit are to include engineering drawings showing the provision of 26 car parking bays within the George Street road reserve, to the satisfaction of the Shire of Serpentine Jarrahdale. This is to include footpath and pedestrian crossing of George Street, in order to link these bays to the development, to the satisfaction of the Shire. These bays must be constructed by the applicant prior to the completion of the development.”

Option 2

That Council REFUSES to modify its original decision.

Option 1 is recommended

Conclusion

Council has been invited to reconsider its decision to approve a two storey commercial development on the subject land. The reconsideration follows a review of conditions imposed by Council in its approval of the development, and the applicant has provided additional information specific to three conditions of that approval. The additional information provided by the applicant, assessed against the planning framework, reveals that two conditions are able to be recommended for deletion and one condition modified to address the development achieving its car parking requirement.

The outcome of the merits based planning assessment recommends Council modified its original decision, to delete conditions 4 and 5 and modify condition 14 to enable the most preferable planning decision to be made.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Council Resolution 20 July 2020 OCM (CR20/153)
- **10.1.7 - attachment 2** - Notice of Determination (OC20/13075)
- **10.1.7 - attachment 3** - Concept plans - Applicant (IN20/30130)

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.
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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	<i>There are no material risks associated with option 1</i>						
2.	<i>If Council refuse to reconsider the original conditions subject to the SAT appeal, the matter may progress towards a full hearing at the SAT.</i>	<i>Nil.</i>	Financial	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Nil.</i>

Voting Requirements: Simple Majority

Officer Recommendation

That Council, in response to the s31 Request for Reconsideration issued by the State Administrative Tribunal, REAFFIRMS its decision made at the 20 July 2020 Ordinary Council Meeting pertaining to the proposed commercial development at Lots 18 and 22 (813 and 815) South Western Highway, Byford, EXCEPT for:

- a) Conditions 4 and 5 of that decision which are DELETED;
- b) Condition 14 of that decision which is MODIFIED to read as follows:

Plans submitted for a building permit are to include engineering drawings showing the provision of 26 car parking bays within the George Street road reserve, to the satisfaction of the Shire of Serpentine Jarrahdale. This is to include footpath and pedestrian crossing of George Street, in order to link these bays to the development, to the satisfaction of the Shire. These bays must be constructed by the applicant prior to the completion of the development.



10.1.8 - Amendment to existing development approval - 693 Mundijong Road, Oldbury

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 (eg 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:	Robert David & Christine Robyn Davies
Date of Receipt:	25 June 2020
Lot Area:	4.23 hectares
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of this report is for Council to consider an amendment to the development approval resolved by Council at its 18 May 2020 Ordinary Council Meeting. That development approval was for the replacement of an existing dwelling, and the conversion of a second dwelling to be used for the purposes of a 'Rural Workers Dwelling.'

The application seeks to essentially amend the development approval, to remove the limitation associated with the 'Rural Workers Dwelling' on the basis that the land has historically comprised two dwellings on it, without any limitation to the second being for a rural worker. Two dwellings on one lot is defined as a 'grouped dwelling', which are a prohibited use in the Rural zone. The application seeks to utilise a non-conforming use (NCU) right arrangement to protect the grouped dwelling arrangement that has otherwise applied to the land.

As the long standing arrangement on the land has been a grouped dwelling arrangement, there is the ability to amend the development approval in order to remove the limitation of the 'Rural Workers Dwelling' and enable grouped dwelling use. The application is presented to Council as Council approved the application on 18 May 2020, which is now sought to be modified.



Background

The first dwelling on the property was constructed between 1965 -1974 where it was used as the primary residence prior to the second dwelling being constructed in 1997. The first dwelling was thereafter primarily used for the purposes of accommodating workers associated with the existing rural use occurring onsite. The second dwelling since constructed has been used as the primary landowner residence of the property. These two dwellings have essentially functioned as grouped dwellings given the absence of any limitation to rural worker dwelling use.

The applicant seeks to amend the development approval issued by Council resolution at the May 2020 meeting. The applicant sets out that the land has enjoyed NCU rights as two grouped dwellings, as there were no restrictions on a second dwelling within TPS2 at the time the dwellings were established. The controls pertaining to Rural Workers Dwellings were introduced to TPS2 via Amendment 127, in 2002.

An aerial image below shows the location of the dwellings:



Aerial Image: Two Dwellings

In terms of the provisions within TPS 2 in 1997 , a second dwelling fell within the definition of 'Grouped Dwelling' which was an 'AA' land use within the 'Rural' zone (refer to Appendix A of **attachment 1**). This meant, *"that Council may, at its discretion, permit the use"*. The TPS 2 at the time in relation to a second dwelling within the Rural zone stated:

"In the Rural zone only one dwelling unit is permitted per lot for lots up to four hectares in area and only two dwelling units per lots having an area greater than four hectares and less than 50 hectares".

Given that the subject site is approximately 33 hectares in area, the site fell within the threshold for a second residence to be considered. On this basis, two grouped dwellings was a lawful use for the land.



Subsequently, Clause 5.10.3 was introduced in 2002 as part of Amendment 127 of TPS 2, which was seven years after the second dwelling was constructed. This replaced the above clause to limit the occupation of a second dwelling in the 'Rural' zone as follows:

- a) *The Council may permit the construction of an additional dwelling on a lot within the rural zone that;-*
- i. *The lot has a land area of not less than 4 hectares;*
 - ii. *The total number of dwelling on the lot will not exceed two;*
 - iii. *The additional dwelling is to be used for the purposes of a rural worker's dwelling as defined in Appendix 1 of the Scheme; and*
 - iv. *The additional is located within close proximity of the existing dwelling on the lot as determined by the Council and shares all services where practical.*

As however the two dwellings had been developed prior to this, the land enjoyed a NCU right protection under TPS 2. This provides the Shire with the planning framework to deal with the two dwellings as a grouped dwelling, without the associated limitation of one dwelling being for a Rural Worker only.

Recent Council Approval

Council at its 18 May 2020 OCM approved an application for development approval for the property (**attachment 4**) which sought to revert the 1965-1971 dwelling to a 'Rural Workers Dwelling' and to replace the dwelling constructed in 1997. This was limited by way of conditions 2 and 3 as follows:

- "2 *The occupancy of the dwelling is restricted to the rural worker/s working at the approved 'Rural Use' on the subject site and their immediate family.*
- 3 *A notification under s70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title on the subject land of the proposed development prior to issuing of a Building Permit. The s70A shall notify owners and prospective purchasers of the land that restrictions apply for the use of the Rural Workers Dwelling as stipulated in conditions 2."*

The applicant has made a request under Clause 77(1)(b) of the Deemed Provisions of the Scheme, which provides that an owner may make application to "amend or delete any condition to which [an] approval is subject." In this case, the request is to delete conditions 2 and 3.

Community/Stakeholder Consultation

In accordance with the clause 64 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the application was referred to adjoining landowners for a period of three (3) weeks between 15 October 2020 - 6 November 2020. At the end of the consultation period one submission was received, providing a non-objection. This can be viewed within **attachment 7**.



Statutory Environment

Legislation

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

State Government Policies

- Metropolitan Region Scheme;
- Residential Design Codes WA;
- State Planning Policy 2.5 - Rural Planning.

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.02;
- Rural Strategy Review 2013 ;
- Draft Local Planning Scheme No.03;
- Draft Local Planning Strategy.

Proposed Development

The full application and the supplementary information can be reviewed within **attachment 5 & 6**.

Planning Assessment

In determining the land use of the proposal, it is considered the proposal enjoys a NCU for 'Grouped Dwelling', which is defined, as follows:

"A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property".

These types of development are often considered compatible with the rural landscape, as they are often smaller in scale and do not detract from the often unique landscape features of a rural area. They are subservient in scale to appear as if not to fragment large landholdings, retaining the appearance of a large lot which is a character of the rural locality.

The proposed development needs to be considered in context of the existing NCU rights, which provides the planning framework for the two grouped dwelling use class permissibility.



Options and Implications

Option 1

That Council AMENDS the approved development as two grouped dwellings and DELETES conditions 2 and 3 of the planning approval dated 18 May 2020 in accordance with Clause 77(1)(b) of the Deemed Provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Option 2

That Council REFUSES to amend the approved development as two grouped dwellings and REFUSES to delete conditions 2 and 3 of the planning approval dated 18 May 2020.

Option 1 is recommended.

Conclusion

The site currently enjoys NCU rights under TPS 2. The proposed replacement of an existing dwelling onsite is not considered to impact upon the character of the area or overall integrity of the planning framework. Importantly the development associated with the NCU rights will be used in association with the existing rural pursuit occurring onsite as the one of the dwellings will be available to accommodate rural workers and the main residence will be used to accommodate the landowners who are also involved in the rural pursuit occurring onsite. Officers consider that the planning approval can be modified to reflect the NCU that has existed on the land.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - 1997 Building Permit (IN20/23043)
- **10.1.8 - attachment 2** - Council Endorsement of Amendment 127 (E02/5885)
- **10.1.8 - attachment 3** - Council Adoption of Amendment 127 (E03/3051)
- **10.1.8 - attachment 4** - 18 May 2020 OCM Minutes (CR20/91)
- **10.1.8 - attachment 5** - Development Application (IN20/29151)
- **10.1.8 - attachment 6** - Supplementary Information (IN20/29118)
- **10.1.8 - attachment 7** - Public Submission (IN20/27189)
- **10.1.8 - attachment 8** - Technical Assessment – IN20/30584

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the basis of the Officer 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	<i>There are no material risks associated with option 1</i>						
2	<i>Council not approving the development application amendment resulting in an appeal to SAT</i>	<i>Nil.</i>	<i>Financial</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Nil.</i>

Voting Requirements: Simple Majority

Officer Recommendation

That Council **AMENDS** the approved development as two grouped dwellings and **DELETES** conditions 2 and 3 of the planning approval dated 18 May 2020 in accordance with Clause 77(1)(b) of the Deemed Provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.



10.1.9 – Proposed Sub-Precinct G2 – Keirnan Street, Mundijong Local Structure Plan (PA19/606)

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 (eg 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:	Peter Webb and Associates
Owner:	DJM Mundijong Pty Ltd; Minister for Education; Barry Norman and Nina Janet Mort; Samuel Hughes Lang.
Date of Receipt:	5 August 2020
Lot Area:	36.26ha
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is to consider the submissions received on the proposed Sub-Precinct G2 – Keirnan Street, Mundijong Local Structure Plan (LSP) and make a recommendation to the Western Australian Planning Commission (WAPC).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 14 October 2019 – OCM221/10/19 – COUNCIL RESOLUTION / Officer Recommendation

That Council SUPPORTS the proposed amendment to the Local Structure Plan boundaries identified in the Mundijong Whitby District Structure Plan to create revised Sub-Precincts G2 and G3, subject to modifications as per attachment 3.



Background

The applicant originally submitted the proposed LSP on 12 June 2019. The Shire requested further information to require the LSP to address the entire LSP area, which led to the applicant making a request to amend the LSP boundaries. At the Ordinary Council Meeting on 14 October 2019, Council supported the request to amend the local structure plan boundaries of Precinct G of the Mundijong District Structure Plan (DSP) to create Sub-Precincts G2 and G3.

The applicant submitted an updated LSP on 5 August 2020 for the land within the revised boundary of Sub-Precinct G2, as supported by Council. The proposed LSP covers 36.26ha of land and identifies land as Residential R20-R30, Public Open Space (POS) and Public Purposes – Educational (High School) / Recreational (District Playing Fields). The proposed LSP is estimated to accommodate approximately 230 dwellings.

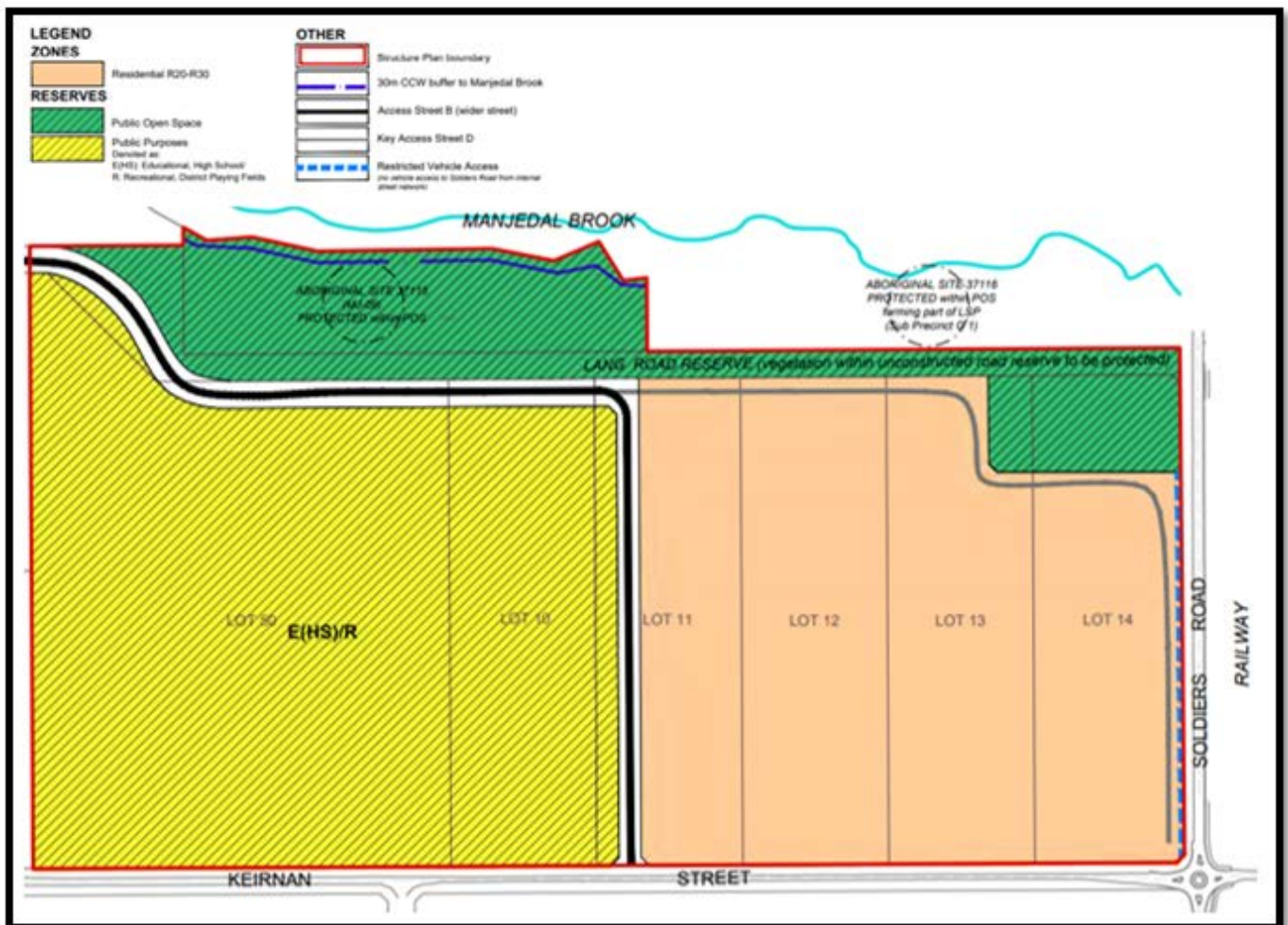
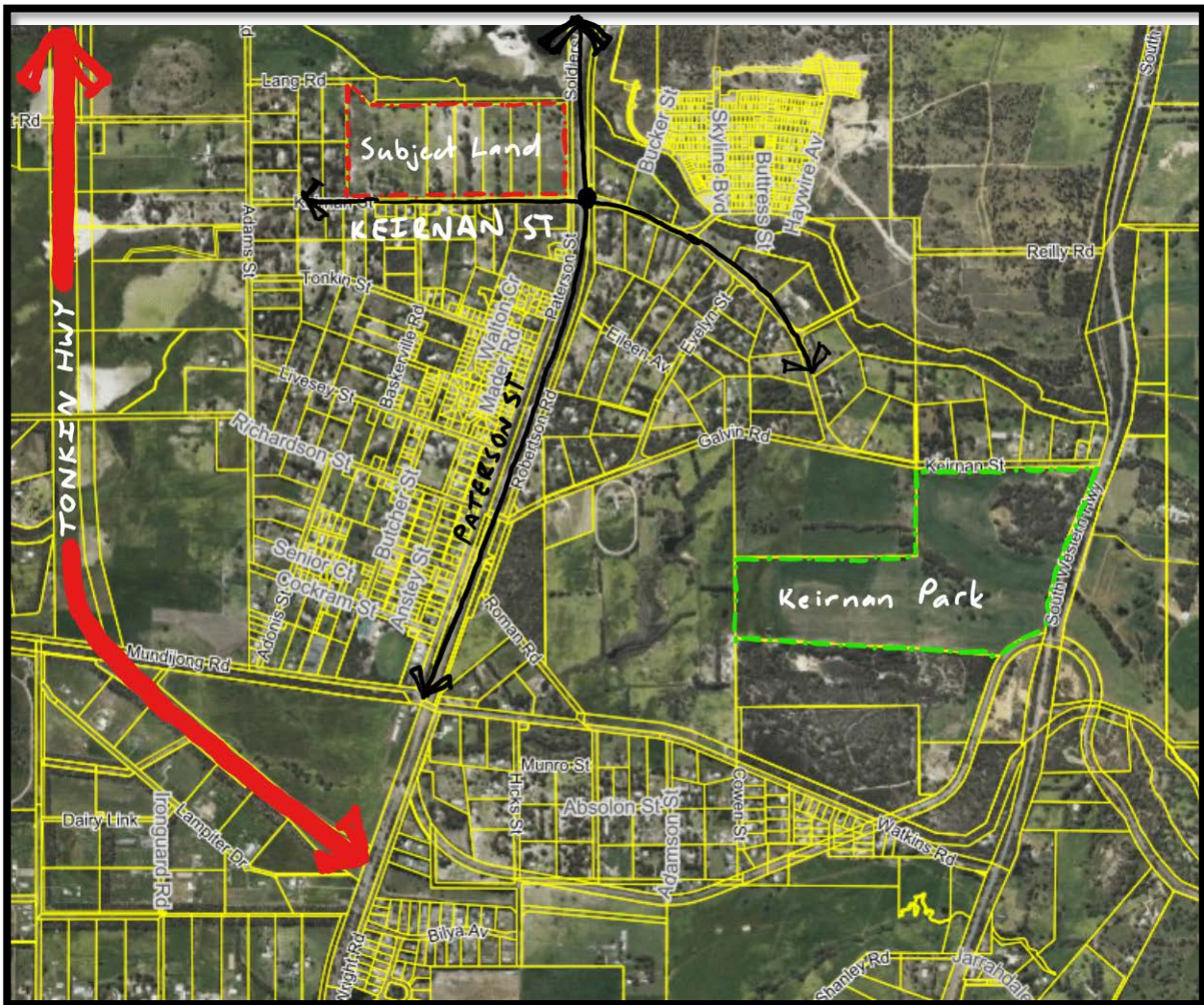


Figure 1: The proposed LSP as advertised.



Aerial image depicting local features and subject land

Community / Stakeholder Consultation

The proposed LSP was publicly advertised for a period of 28 days from 27 August 2020 to 23 September 2020 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and Local Planning Policy 1.4 Public Consultation for Planning Matters (LPP1.4). The Shire received 16 submissions including ten from government agencies and six from landowners / residents.

Concerns were raised by the Department of Education in regards to the concept plan of the proposed public purposes site. The Department of Water and Environmental Regulation provided detailed comments recommending modifications to the Local Water Management Strategy. The Department of Fire and Emergency Services raised concern with the proposed cul-de-sac road layout. The other government agencies provided general comments, recommending some minor considerations and modifications. Objections were received from landowners within the LSP area located at Lot 10 Keirnan Street, Mundijong and Lot 101 Lang Road, Mundijong and a surrounding landowner located at Lot 41 Keirnan Street, Mundijong. These submissions are discussed in detail within the Planning Assessment section of this report and the Schedule of Submissions contained within attachment 2.



Statutory Environment

Legislation

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

State Government Policies

- Metropolitan Region Scheme;
- Liveable Neighbourhoods;
- State Planning Policy Suite.

Local Planning Framework

- Shire of Serpentine Jarrahdale Draft Local Planning Strategy;
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3;
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Mundijong District Structure Plan.

Planning Assessment

Strategic Planning Framework

The subject site is zoned Urban under the Metropolitan Region Scheme and Urban Development under Town Planning Scheme No.2 and Draft Local Planning Scheme No.3. The Mundijong DSP, which was approved by Council at the Ordinary Council Meeting held on 16 November 2020, identifies the subject site as 'Low (Suburban): R20-R35' and 'Community and Public Purpose' for a high school site. The Community and Public Purpose site is identified only on Lot 50 Keirnan Street, Mundijong. A multiple use corridor / local open space is shown to the north of the site along Manjedal Brook.

The proposed LSP identifies residential land with densities between R20-R30 and public open space to the north of the site within the Lang Road reserve, which is consistent with the DSP. A Public Purposes site is identified on Lots 50, 10 and 11 Keirnan Street, Mundijong within the proposed LSP, while the DSP only identifies this site on Lot 50 Keirnan Street, Mundijong.

Public Purposes Site

The proposed LSP identifies a Public Purposes – Educational (High School) / Recreational (District Playing Fields) site over Lot 50, Lot 10 and a portion of Lot 11 Keirnan Street Mundijong. A proposed concept plan of the future high school site and district playing fields identifies one whole senior sized oval and a portion of a second senior sized oval within Lot 50 Keirnan Street, Mundijong, which is land that has been acquired by the Department of Education for the future high school site. The Department of Education raised several concerns with the proposed layout depicted in the concept plan that would create issues in developing the future high school site. These issues included:



- limited site access;
- inefficient school layout; and
- possible reduced developable area based on the requirement for a greater setback to the northern and western boundaries where the Bushfire Attack Levels are higher.

Lot 50 Keirnan Street, Mundijong, which has been identified as Public Purposes and acquired by the Department of Education, is 11.6ha in size and therefore exceeds the 10ha requirement under the WAPC's Development Control Policy 2.4 - School Sites and draft Operational Policy 2.4 - Planning for School Sites. Given Lot 50 Keirnan Street, Mundijong is of sufficient size, the Shire will work with the Department of Education to pursue a community access agreement to their future oval, delivered as part of the future high school development. As such, the Public Purposes designation shown on Lots 10 and 11 Keirnan Street, Mundijong is no longer required, and was addressed as part of Council's consideration of the Mundijong DSP at the November 2020 OCM. This aligns with the identification of the high school site only on Lot 50 Keirnan Street, Mundijong under the Mundijong DSP, as recently approved by Council. Officers recommend that the public purposes designation be removed from Lots 10 and 11 Keirnan Street, Mundijong and the land instead be identified as Residential R20-R30 and Public Open Space.

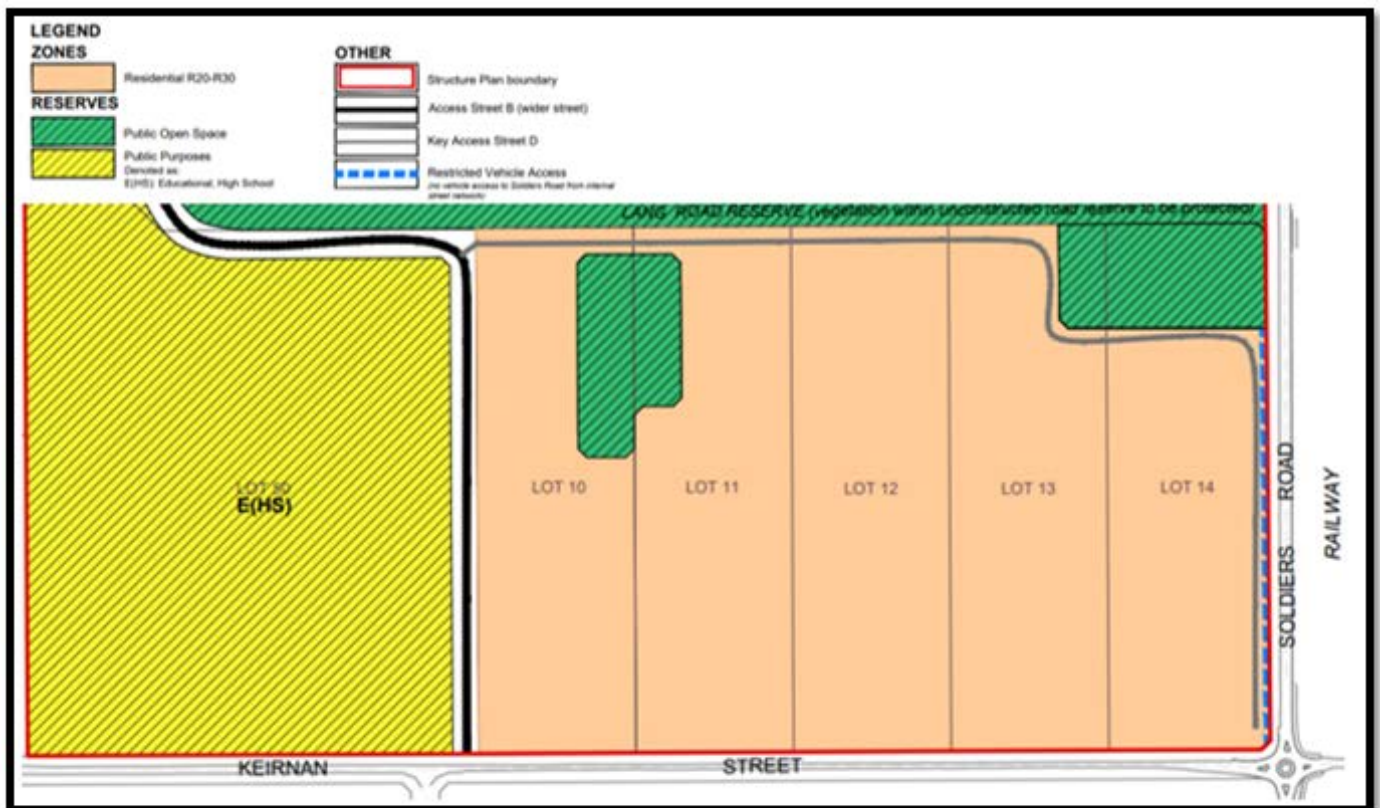


Figure 2: Recommended modifications to the LSP designations for Lots 10 and 11 Keirnan Street, Mundijong.



Sub-Precinct G2 Local Structure Plan Boundary

Council supported a portion of Lot 101 Lang Road, Mundijong being included within the boundary of Sub-Precinct G2 to ensure the integration of planning and development across the precincts. This portion of Lot 101 Lang Road, Mundijong abuts the Manjedal Brook and contains Aboriginal Site 37115. The inclusion of this portion of land within the Sub-Precinct G2 boundary was to ensure the protection of the Manjedal Brook and the Aboriginal Site. In accordance with the requirements of the Aboriginal Heritage Act 1972, it will be a requirement on the proponent to ensure that any development does not result in contravention of section 18 of the Act,

Further studies will likely occur at the future subdivision and development stage, and this will specifically enable closer focus on Aboriginal Site 37115 to be undertaken.

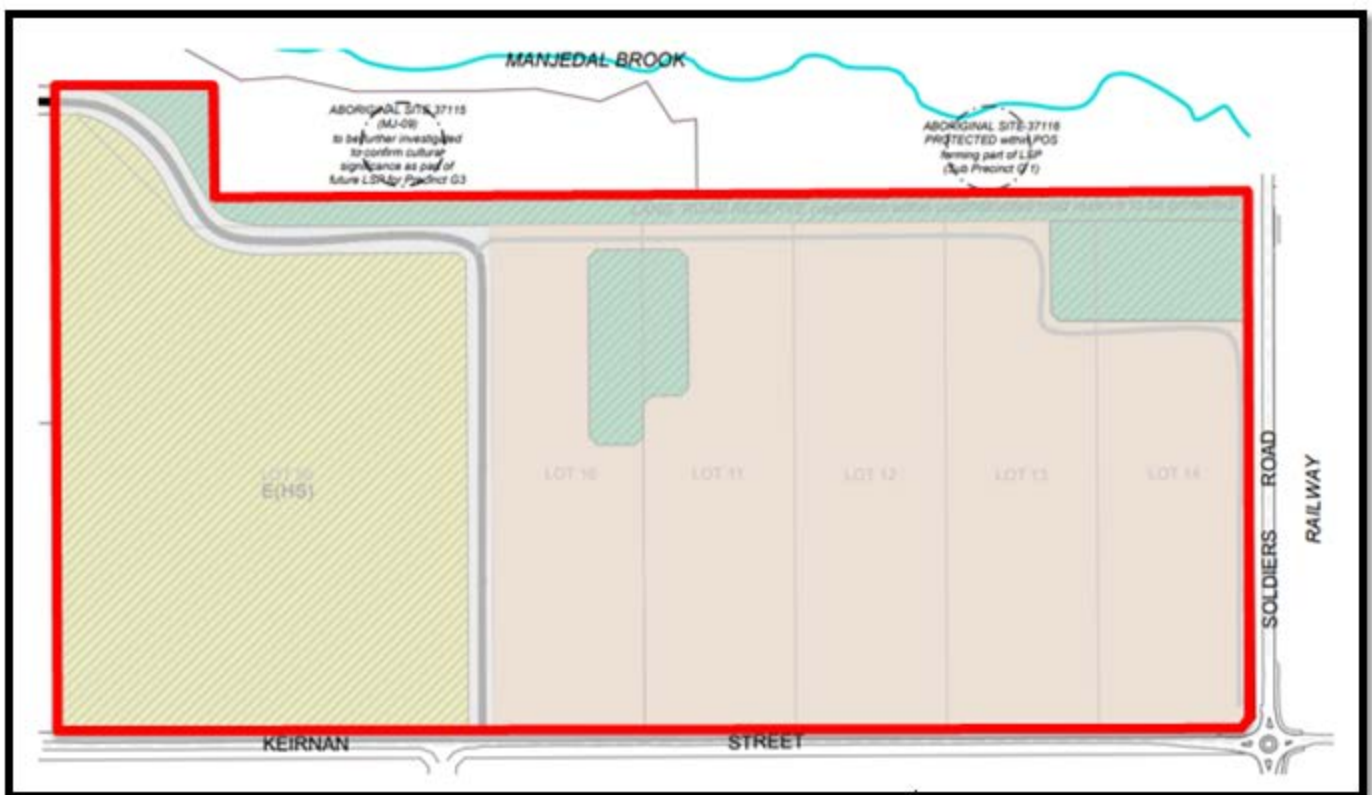


Figure 3: Recommended revised LSP boundary, excluding Lot 101 Lang Road, Mundijong.

Public Open Space

The LSP proposes to provide 17% (3.35ha) of credited POS across the LSP area, including a significant proportion of this POS located at Lot 101 Lang Road, Mundijong. Officers recommend that the portion of Lot 101 Lang Road, Mundijong included with the LSP be excluded from the LSP area for the reasons outlined in the previous section of this report. As this property contained a significant proportion of the POS contribution for the LSP, excluding this land from the LSP area will result in a shortfall of POS being provided within the LSP. As such, an additional 0.7154ha of unrestricted POS will need to be provided within the revised LSP area to meet the 10% (2.05ha) POS requirement specified by Liveable Neighbourhoods.



Officers recommend that a new area of POS that provides 0.7154ha of unrestricted POS be identified to the north west of the LSP area over Lots 10 and 11 Keirnan Street, Mundijong. This new POS will ensure that the 10% POS requirement is achieved. The location of the new POS will ensure the western portion of the LSP will have a local park, given that a local park is already identified to the east of the LSP. The new POS is recommended to be located over both Lots 10 and 11 Keirnan Street, Mundijong to ensure a generally equitable distribution between the landholdings.

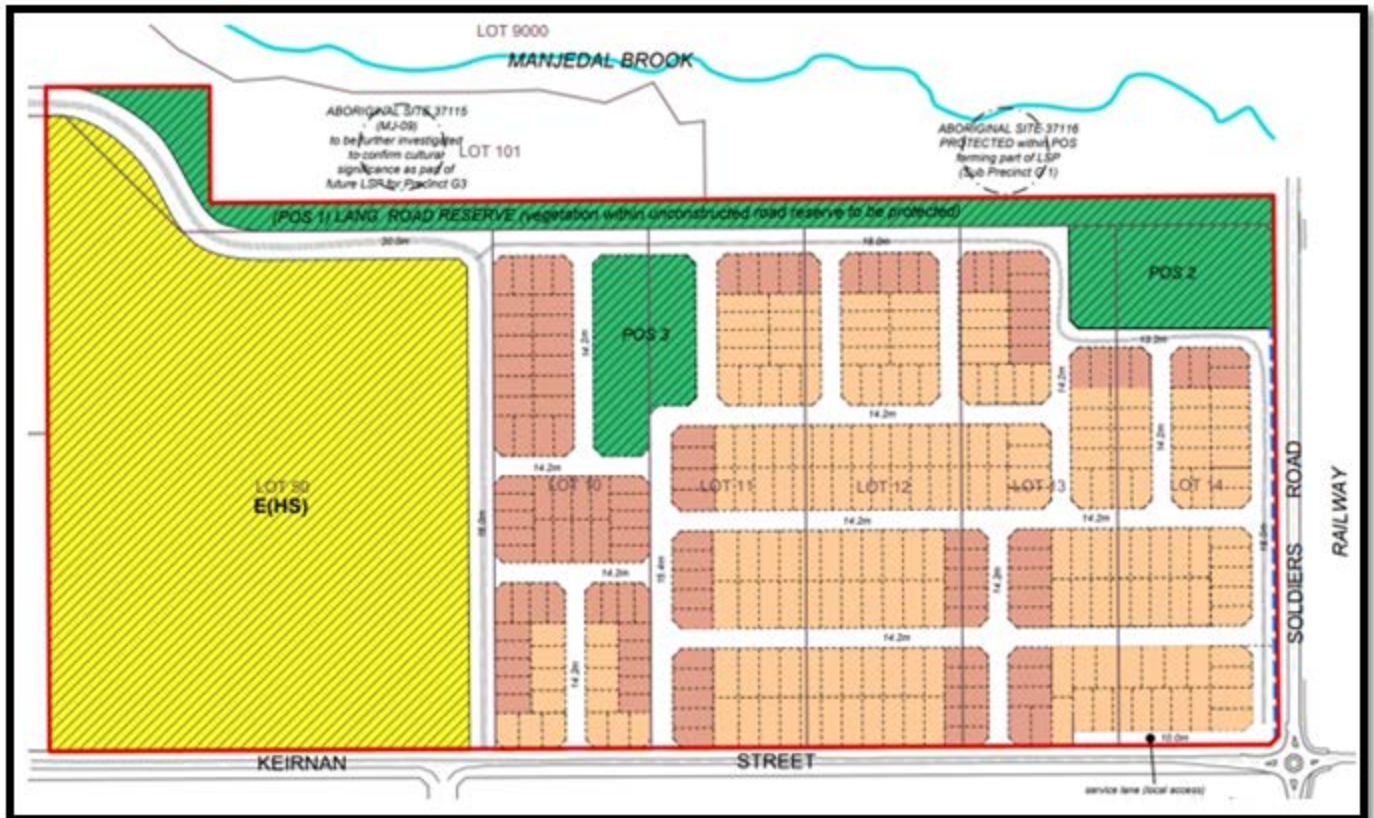


Figure 4: Concept plan of the recommended location of the new local park (POS 3).

Road Network

The proposed LSP identifies a 'Key Access Street D' which travels adjacent to Soldiers Road and terminates in a cul-de-sac. The Department of Fire and Emergency Services (DFES) raised concern within their submission that the proposed road layout does not meet Element 3 – Acceptable Solution A3.3 of the State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) Guidelines, which states a cul-de-sac and/or a dead end road should be avoided in bushfire prone areas. Officers consider that this matter should be addressed at the structure plan stage to ensure the future planning stages can align with the LSP. Officers recommend that the LSP be modified to show the proposed 'Key Access Street D', which terminates in a cul-de-sac, connecting through to Keirnan Street, allowing left-in and left-out vehicular access only. This will enable improved vehicular and pedestrian connectivity and address the requirements of the SPP3.7 Guidelines. The restricted left-in and left-out vehicular access will reduce the potential for traffic conflict on Keirnan Street.

The proposed LSP identifies an 'Access Street B' adjacent to the high school site. Element 8 of Liveable Neighbourhoods recommends that secondary schools should be located adjacent to Neighbourhood Connectors. Officer recommend that the proposed 'Access Street B' (18.0m)



instead be identified as a 'Neighbourhood Connector B' (19.4m). The greater road width will allow for on-street parking, buses and increased pedestrian and vehicular traffic, which is anticipated adjacent to a school site.

Recommended Modifications

The key modifications recommended are outlined below:

- Amend the LSP to exclude Lot 101 Lang Road, Mundijong from the Sub-Precinct G2 LSP area.
- Amend the LSP to remove the Public Purposes – Educational (High School) / Recreational designation of Lots 10 and 11 Keirnan Street, Mundijong and identify the land as Residential R20-R30 and Public Open Space.
- Amend the LSP to remove references to the district open space.
- Amend the LSP to identify the 'Access Street B' adjacent to the school site as a 'Neighbourhood Connector B'.
- Amend the LSP to identify a 'Neighbourhood Connector B' along the eastern boundary of Lot 50 Keirnan Street, Mundijong.
- Amend the LSP to connect the proposed 'Key Access Street D', which terminates in a cul-de-sac, through to Keirnan Street allowing left-in and left-out vehicular access only.
- Amend the LSP to allow clarification of the information requirements at subdivision stage.
- Amend the LSP to include a new area of public open space that provides 0.7154ha of unrestricted public open space to be identified to the north west of the LSP area over Lots 10 and 11 Keirnan Street, Mundijong.
- Amend the LSP to discuss an alternate alignment for the future sewer if the Lang Road reserve is not available to accommodate the future sewer.
- Amend the Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation and the Shire of Serpentine Jarrahdale.
- Amend the LSP to include traffic management measures for the uncontrolled four-way intersection other than a threshold treatment, to the satisfaction of the Shire of Serpentine Jarrahdale.

Options and Implications

Option 1

That Council recommend the WAPC approve the LSP subject to modifications.

Option 2

That Council recommend the WAPC do not approve the LSP.

Option 3

That Council recommend the WAPC approve the LSP subject to other modifications as determined by Council.

Option 1 is recommended.



Conclusion

The proposed LSP covers 36.26ha of land and identifies land as Residential R20-R30, Public Open Space (POS) and Public Purposes – Educational (High School) / Recreational (District Playing Fields). Submissions were received on the proposed LSP that raised concerns in relation to the public purposes site, the allocation of POS, water management and the road network. Officers recommend that the proposed LSP be approved subject to modifications.

Attachments (available under separate cover)

- **10.1.9 – attachment 1** – Proposed LSP as advertised (IN20/17930)
- **10.1.9 – attachment 2** – Schedule of Submissions (E20/9429)
- **10.1.9 – attachment 3** – Schedule of Modifications (E20/13184)

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

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	There are no material risks associated with option 1.						



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	
2	<i>That Council does not recommend approval of the LSP subject to modifications. This does not reflect the outcomes of the merits based planning assessment, which could erode public confidence in the planning assessment functions of the Shire.</i>	<i>State and local planning framework</i>	Reputation	Possible	Moderate	MODERATE	Ensure a justified reason for not recommending approval.



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	
3.	<i>That Council recommend the WAPC approve the LSP subject to other modifications as determined by Council. Other modifications may not necessarily reflect the outcomes of the merits based planning assessment, which could erode public confidence in the planning assessment functions of the Shire.</i>	<i>State and local planning framework</i>	Reputation	Possible	Moderate	MODERATE	Ensure a justified reason for any further modifications.

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. SUPPORTS a revised local structure plan area boundary for the Keirnan Street, Mundijong Sub-Precinct G2 Local Structure Plan, which excludes Lot 101 Lang Road, Mundijong.
3. Pursuant to Clause 20 (2) (e) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian



Planning Commission APPROVES the Keirnan Street, Mundijong Sub-Precinct G2 Local Structure Plan subject to modifications as contained within attachment 3.

- 4. 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.**



10.1.10 – Proposed Doley Road Precinct – Local Structure Plan – Amendment 1 (PA20/532)

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 (eg 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:	Urbanista
Owner:	Fitzpatrick, Greta / Fitzpatrick, Kevin Thomas
Date of Receipt:	23 June 2020
Lot Area:	120.5ha
Town Planning Scheme No 2 Zoning:	Urban Development
Draft Local Planning Scheme No.3	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to make a recommendation to the Western Australian Planning Commission (WAPC) on whether the proposed Doley Road Precinct Local Structure Plan (LSP) amendment pertaining to 55 Lawrence Way, Byford should be approved following public advertising. Assessment of the amendment reveals a number of planning issues, primarily associated with the loss of active open space from the precinct. These issues are considered to compromise proper planning principles, particularly pertaining to acceptable design for accessible, functional and flexible public open space. The LSP amendment is recommended to the WAPC for refusal.

**Relevant Previous Decisions of Council**

23 May 2016 – **extract** OCM084/05/16 COUNCIL RESOLUTION / New Motion

1. *Receives the memo from Shire Officers in response to questions raised as attachment OCM084.5/05/16.*
2. *Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the schedule of submissions and comments contained within attachment OCM084.2/05/16.*
3. *Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the Doley Road Precinct Local Structure Plan with modifications as outlined in the Schedule of Modifications contained within attachment OCM084.3/05/16 and illustrated in attachment 1 of OCM084.5/05/16 and forward to the Western Australian Planning Commission the following:*
 - a. *A list of the submissions considered by the local government and any comments by the local government in respect of those submissions OCM084.2/05/16*
 - b. *A schedule of any proposed modification to address issues raised in the submissions OCM084.3/05/16 and OCM084.5/05/16;*
 - c. *This Council Report as the local government's assessment of the proposal based on appropriate planning principles;*
 - d. *Council's to approve the local structure plan with modifications.*
 - e. *A copy of the memo and relevant attachments contained within OCM84.5/05/16.*

Background

The proposed Doley Road Precinct LSP Amendment is an amendment relating to 55 Lawrence Way, which is part of the approved Doley Road Precinct LSP. The Doley Road Precinct LSP, which was prepared by CLE Town Planning and Design, was endorsed by the WAPC on 17 July 2017. The LSP was prepared to guide the built form outcomes of the Doley Road Precinct.

Brickwood Reserve abuts the LSP site to the east, 'The Glades' residential estate adjoins the LSP area along the northern and western boundaries and the land on the southern side of the Orton Road consists of cleared rural land which is part of the current approved Glades LSP.

The proposed LSP amendment proposes a change to layout and therefore design of future public open space, and associated lot layout adjustments. The amendment does not change the density of the LSP, which is proposed for residential purposes split between the densities of R25 – R40. The LSP amendment area covers approximately 3.97ha.

The LSP amendment will impact what is currently designated a future neighbourhood level park, which is strategically designated as a central point to this overall precinct.



Community / Stakeholder Consultation

Public Advertising

The proposed LSP amendment was publicly advertised for 28 days between 17 September 2020 and 14 October 2020. The Shire received 19 submissions on the proposed LSP, comprised of 13 from government agencies, 3 from consultants and 3 from nearby landowners. All submissions from Government Agencies had no objections to the proposed LSP amendment besides the Department of Fire and Emergency Services (DFES), who provided advice on the amended Bushfire Management Plan (BMP), which accompanied the LSP and proposed actions to be taken to amend the BMP. Notwithstanding this, DFES provided overall comment that they still supported the amendment to the LSP. A number of nearby landowners were in support of the LSP amendment and another made comments that had no relevance to the proposed LSP amendment. The main objections to the LSP amendment came from planning consultants, Harley Dykstra and CLE Planning + Design. The key points are outlined below:

Consultants

Two submissions were in objection to the LSP, in relation to the following issues:

- Public Open Space calculations;
- Timing of the Structure Plan;
- Updating of obsolete provisions within the LSP document.

These specific objections will be explored further throughout the Council report. The Schedule of Submissions is contained within **attachment 2**. Part 4 Schedule 2 Clause 18 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) outlines the local government requirements to consider submissions and allows the local government to request further information from the proponent of the proposed LSP.

Based upon the extent of amendment proposed by the LSP, it was not considered viable to contemplate modifications given such modifications would essentially strike at the substantial intent of the proposed LSP amendment. Assessment against proper planning principles recommends refusal of the LSP amendment.

Statutory Environment

Under Part 4 Schedule 2 Clause 20 (1) of the Regulations, the Local Government is required to prepare a report to the WAPC no later than 60 days after the last day for making submissions or a day agreed by the WAPC.

Under Part 4 schedule 2 Clause 20 (2) of the Regulations, the local government report on the LSP must include the following:

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



- 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.*

Legislation

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

State Government Policies

- Metropolitan Region Scheme
- Perth and Peel @ 3.5 Million
- South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0)
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)
- Liveable Neighbourhoods

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Strategy and Local Planning Scheme No.3
- Byford District Structure Plan

Planning Assessment

Proposed Development

This LSP amendment applies to 55 Lawrence Way,

The LSP was approved in 2017 and has already started to develop as shown in the two figures below.

The areas within the LSP which have increased in yield and developed since the approval of the LSP in 2017 includes the Beenyup Primary School and a number of houses surrounding the development, this can be seen in the centre of Figure 3.



Figure 2: March 2017 Aerial LSP Area



Figure 3: March 2020 Comparison Aerial LSP Area



Figure 4: Current Approved LSP – 2017



Figure 5: Proposed LSP - Amendment 1

The amendment to the LSP focuses on the reduction of public open space on the basis of justification to “improve functionality of the site, allowing for the development of 55 Lawrence Way.” The LSP amendment proposes to change the layout of the POS within the specified lot. The applicant has proposed the amendment to increase the built form potential for 55 Lawrence Way by reallocating the public open space component within the lot. As depicted in the images above, this changes the proposed layout of POS from a nodal arrangement, to one which is almost exclusively linear based.

For Byford, part of the challenge is about ensuring a balance between node based destination POS (that is capable of being developed for active open space) vs linear based POS (which is about dealing with drainage and providing limited passive recreation). In this case, it is considered to significantly impact upon a designated node based POS area being delivered, for this southern community precinct.



State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP3.7 requires that any Structure Plan incorporate a Bushfire Hazard Level assessment to consider hazard levels. The policy notes that development should occur only where moderate or low hazard rating can be achieved.

A Bushfire Management Plan (BMP) has been prepared for 55 Lawrence Way by Linfire for the LSP Amendment No.1. DFES supported the LSP but outlined a number of modifications are required to the BMP as well as a single BMP having regard to the entirety of the LSP reflecting the amendment layout is required to be developed prior to support from DFES. The detail within the BMP is discussed further in this report, and demonstrates compliance of the proposal with the objectives of SPP3.7.

Town Planning Scheme No.2 (TPS2)

The subject site is zoned 'Urban Development' under the TPS2. Pursuant to Clause 5.17 of TPS2, the purpose of the 'Urban Development' zone is:

'to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context.'

The LSP amendment lodged is pursuant to Clause 5.18 of TPS2, which indicates that the purpose and objectives of the zone are facilitated by means of "*establishment of Structure Plans to ensure that development takes place in conformity with those Plans*".

Officers however do not arrive at a position that the LSP amendment represents orderly planning of a large area of land. Specifically, orderly planning of this large (but fragmented) precinct cell requires particular attention to the layout, function, accessibility and flexibility of the recreation network that will support the future community. This particularly reveals itself as a high priority objective across the suburb of Byford, and most outer growth areas being developed currently, whereby government regional planning objectives are delivering lot sizes which average 350sqm in size.

This reduced prevailing lot size, coupled with the market response of three and four bedroom / two bathroom / two garage homes, results in a far reduced area of private open space in comparative example to a larger lot area. This is due to the size of a dwelling having not reduced in proportionate size to that of reduced lot sizes. Thus private open space areas, such as backyards, are not as flexible or large to support the range of private play space demands, or opportunities for urban garden and tree canopies.

Orderly planning recognizes the need for particular well planned, walkable, convenient and accessible open space particularly to cater for the heightened demand for active play, urban tree canopy, shading, cooling and water management.

Draft Shire of Serpentine Jarrahdale Local Planning Strategy and Local Planning Scheme No.3

Council recently supported the Draft Local Planning Strategy and Draft Local Planning Scheme No.3 at the Special Council Meeting on 22 June 2020 to provide a recommendation to the WAPC following advertising.

The draft Strategy indicates that the subject site has been identified for urban settlement. Urban settlement outlines any urban area or town site providing key infrastructure such as housing, shops, offices, health, financial and social services, educational establishments, and community and cultural facilities. The current LSP site provides opportunities for residential, education and



community purposes. The amendment proposed to the LSP is however not considered to adequately outline community facilities, insofar that it reduces community facilities in the form of active open space.

The draft scheme indicates the site as Urban Development. Urban Development outlines to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. Similar to analysis against the draft Strategy, the proposed LSP amendment is not considered to fulfill the provision of the full suite of uses to support the intended residential community need.

Form of Development

Access – Movement Networks

The LSP amendment area is connected to Shepparton Road to the south and abuts Lawrence way to the west, both of which are local connectors with a 20m road reserve width, which connect the amendment site to other services and localities within the Byford area. The proposed LSP amendment identifies a L-shaped access street with 55 Lawrence Way.

The advertised LSP amendment is outlined below in **Figure 6**, which shows the proposed road network for the LSP. The creation of L shape roads particularly presents a non-favourable design response, as it can reduce permeability and connectivity and the ability for land use to evolve overtime as a result of a supporting grid like road structure.



Figure 6: Proposed LSP Amendment



Drainage Infrastructure & Local Water Management Plan

A Local Water Management Strategy (LWMS) has been prepared by Essential Environmental dated July 2016 in support of the approved LSP and incorporates the details from the 'Byford Townsite Drainage and Water Management Plan'. The general stormwater management is to ensure that urban development does not increase the peak flow discharging to the receiving environment, and that runoff water quality is maintained or improved.

The LSP amendment focuses on the Multiple Use Corridor (MUC) that passes through the entire LSP area from the Brickwood Reserve, within the boundaries of 55 Lawrence Way. The living stream is outlined to be landscaped in accordance with the 'Byford Townsite Drainage and Water Management Plan' and will provide:

- Native and WaterWise groundcover, plants, and trees for easy and low cost maintenance.
- Pedestrian pathways and seating, including a respite area for passive recreation outside areas affected by frequent storm events.
- Viewing nodes for viewing opportunities over the "living stream", including through visually permeable fencing.
- A design which achieves the principles and objectives of Water Sensitive Urban Design.

The MUC is considered to present an unnatural representation of drainage within the natural landscape, especially through depicting a training of water to perform two right angle bends in a short length of space. Whereas some limited meandering is shown below, the overall stream depiction is considered a very unnatural response to water in the landscape, which poses a risk to longer term erosion of infrastructure that is necessary to supporting this kind of design response.



Figure 7: Proposed MUC



This issue is a central concern in comparison to the current design of the stream which is more sympathetic and gradual in its movement through the landscape. This is shown following:



Figure 9: Approved POS 5 – LD Total 2017



Figure 10: Proposed Amendment to POS 5 – LD Total 2020

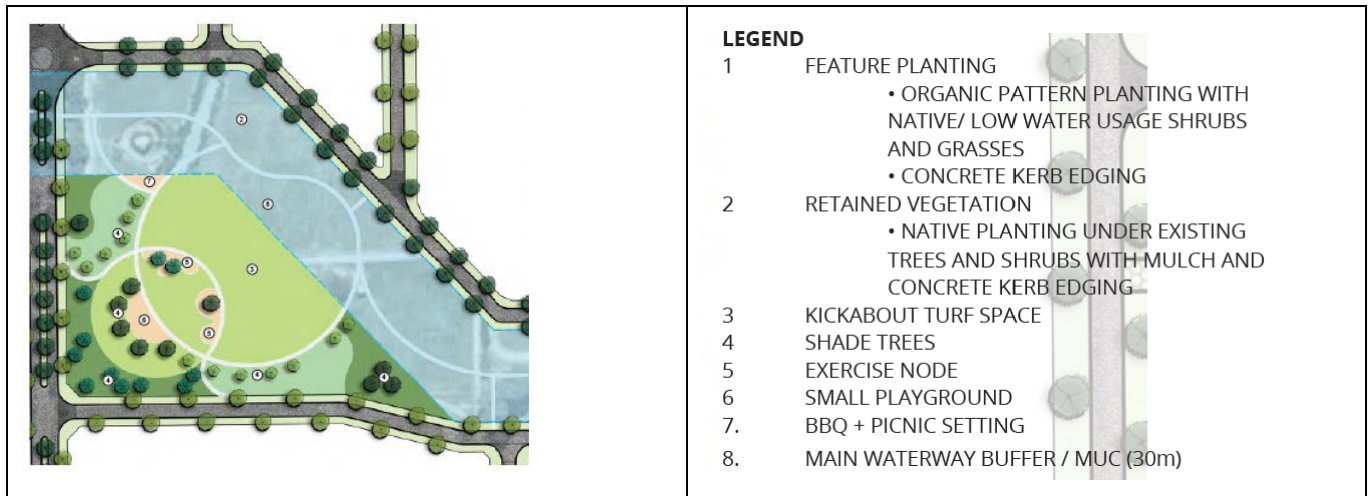
Open Space

A central issue relevant to this LSP amendment is that of POS. Currently, the LSP proposes a total of nine areas of POS which total a percentage of 9.86% of POS of the entire LSP area. This is already below a 10% minimum that is normally expected for functional, accessible and connected POS areas. The POS under the current LSP contributes to the following features:

- Continuation of a MUC 'living stream' through the LSP integrating the existing waterways originating from the Brickwood Reserve, as outlined in the Landscape Management Plan developed by LD Total in 2017;
- A defined active node of recreation, which provides a focus for activity accessible along the linear corridor;
- Recognition of the linear POS network that encourages walking and cycling.

A Landscape Master Plan had been developed by LD Total to address the district, neighbourhood and local open space needs of current and future residents. Particularly, emphasis was placed upon ensuring a balance between active and passive recreation pursuits, noting that challenges are placed in an environment like Byford where water management has often driven linear corridor POS design responses in the landscape. This has driven passive recreation outcomes, with only limited active recreation pursuits.

The Amendment to the LSP specifically changes the shape and overall function of the POS in specifics to 55 Lawrence Way. Outlined below is the Landscape Master Plan developed by LD Total in 2017. Also shown, is the area of POS and how it was intended to function as an active POS node:



This potential active POS node was a central POS feature for the ultimate development of the LSP area.

The Landscape Master Plan outlines the POS developments and functions for the nine public open space pockets throughout the LSP. The LSP Amendment refers specifically to POS 5 as shown in figure 8. Below is a comparison table of the functions proposed within POS 5 from the original LSP approved in 2017 and the proposed LSP Amendment.

Approved POS 5 – LD Total 2017	Proposed Amendment POS 5 – LD Total 2020
<p>Featured planting</p> <ul style="list-style-type: none"> - Organic pattern planting - Native/ low water usage shrubs and grasses - Concrete kerb edging <p>Retained vegetation</p> <ul style="list-style-type: none"> - Native planting under existing trees and shrubs with mulch and concrete kerb edging <p>Kick-about turf space</p> <p>Shade trees</p> <p>Exercise node</p> <p>Small playground</p> <p>BBQ & picnic areas</p> <p>Main waterway buffer (MUC)</p>	<p>Meandering path network through POS</p> <p>Seating Node</p> <p>Living stream with native revegetation planting surrounding</p> <p>Passive turf pockets</p> <p>Future POS connecting living stream, by others</p>



This proposes a reduction and loss of features. This is not consistent with proper planning principles, as the LSP in total provided a layout and POS design that, in conjunction with various POS areas working collectively, adequate open space would be provided. To remove a significant node of active open space, creates a gap in the POS network that is not otherwise identified to be addressed.

The following two figures show a clearer side by side comparison of this:



Figure 10: Proposed Amendment to POS 5 – LD Total 2020 Figure 10: Proposed Amendment to POS 5 – LD Total 2020

The difference between the approved POS 5 (2017) and the proposed Amendment (2020) is the use of active open space. The approved concept as shown in figure 9 proposes a kick-about space, exercise node, small playground and BBQ & picnic area within the POS area compared to minimal functions within the proposed Amendment shown in figure 10. This issue presents an inadequate POS outcome for the future community, through the reduction of a multipurpose, accessible and functional POS node which is structurally set out as a central feature of the LSP area.

Open Space Contributions

The approved LSP area had a total of 9.86% of POS across the LSP area, which has been rounded to 10%. The proposed LSP amendment proposes a total of 11.10ha of POS, or 9.69%. The proposed amendment thus also decreases the overall POS provision by 0.2ha and 0.17%. Not only does it decrease the overall POS contribution it provides a less usable and functional POS by not providing any active recreational POS. The decrease in overall POS affects not only 55 Lawrence Way, but the wider LSP area.

Proposed Lot Configuration

The LSP amendment has not provided a proposed concept subdivision for the site, however the proposed alignment of the internal access street indicates a suggested lot configuration. However irrespective of the road layout, there is a need to firstly address the POS issue before determining what level of resulting amendment to residential street block structure is appropriate.

Even if the POS was supported as currently proposed, Officers are concerned in respect of safety and design issues of the POS. The WAPC's Designing Out Crime Planning Guidelines 2006 outline that:



'The safety of Public open space is directly related to the design of the spaces and their ability to provide surveillance, sightlines, legibility and protection from entrapment. In new areas a risk assessment may be of value and in established areas a safety audit could identify issues to be resolved in a renewal programme. It is also important to design public open space to be interesting and inviting to legitimate users'

Shire Officers consider that the proposed road layout and resulting lot configuration would result in limited opportunities for passive surveillance to the POS and obscured sightlines.

Taking in to account the unnatural response to water management in the landscape; the impact of POS utility; the inadequate street block design and; overall impact on POS provision, the LSP amendment is recommended for refusal.

Options and Implications

Option1

That Council recommend the WAPC REFUSE the LSP for the reasons stated.

Option 2

That Council recommends the WAPC APPROVE the LSP, subject to modifications as Council determines.

Option 1 is recommended.

Conclusion

The proposed LSP amendment represents an inadequate response to planning principles that seek to create an effective neighbourhood design for this future community area. The LSP amendment proposes an unnatural response to the training of water in the landscape, and undermines POS provisions for the community. It proposes an ad hoc street block design, that decreases the ability for land use transition over time. It is recommended for refusal on this basis.

Attachments (available under separate cover)

- **10.1.10 - attachment 1** – Proposed Doley Road Precinct Local Structure Plan Amendment No. 1 (IN20/19260)
- **10.1.10 - attachment 2** – Schedule of Submissions (E20/13436)

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 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
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 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
Outcome 4.2	A strategically focused Council
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
Strategy 4.2.3	Provide clear strategic direction to the administration

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.	<i>There are no material risks associated with option 1.</i>						
2.	<i>The Council approve the LSP Amendment subject to modifications, which specifically compromises the provision of future open space for the Doley Road Precinct.</i>	<i>State and Local Planning Framework</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Ensure close scrutiny of the design of the open space to ensure that its reduced size does not result in the material loss of minimum functionality required of it.</i>

Voting Requirements: Simply Majority

Officer Recommendation

That Council

- Pursuant to Schedule 2 Part 4 Clause 19 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2;**



2. Pursuant to Schedule 2 Part 4 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that the proposed Doley Road Precinct Local Structure Plan Amendment 1 be REFUSED for the following reasons:
 - a) The Proposed LSP amendment presents an unnatural response to water management in the landscape, through the provision of right angular bends which does not reflect the gradual meandering of water patterns through the landscape;
 - b) The Proposed LSP amendment prevents implementation of a functional, accessible and flexible network of public open spaces, through the removal of a designated active node of POS;
 - c) The Proposed LSP amendment creates a disconnected street block design, which inhibits land use transition of the longer term.
3. **FORWARDS** to the Western Australian Planning Commission the recommendation together with items following:
 - a) A list of the submissions considered by the local government, as outlined within the Schedule of Submissions contained in attachment 2;
 - b) Any comments by the local government in respect of those submissions, as outlined within the Schedule of Submissions contained in attachment 2;
 - c) The local government's assessment of the proposal based on appropriate planning principles, as contained within this Council report;
 - d) This recommendation by the local government to **REFUSE** the proposed Local Structure Plan Amendment, subject to modifications, as contained within this Council resolution.

**10.2 Infrastructure Services reports**

10.2.1 - Award Request for Tender– RFT 15/2020 – Soldiers Road Rehabilitation (SJ3365)	
Responsible Officer:	Manager Infrastructure and Assets
Senior Officer:	Director Infrastructure Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 15/2020 – Soldiers Road Rehabilitation and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2020/21 Annual Budget.

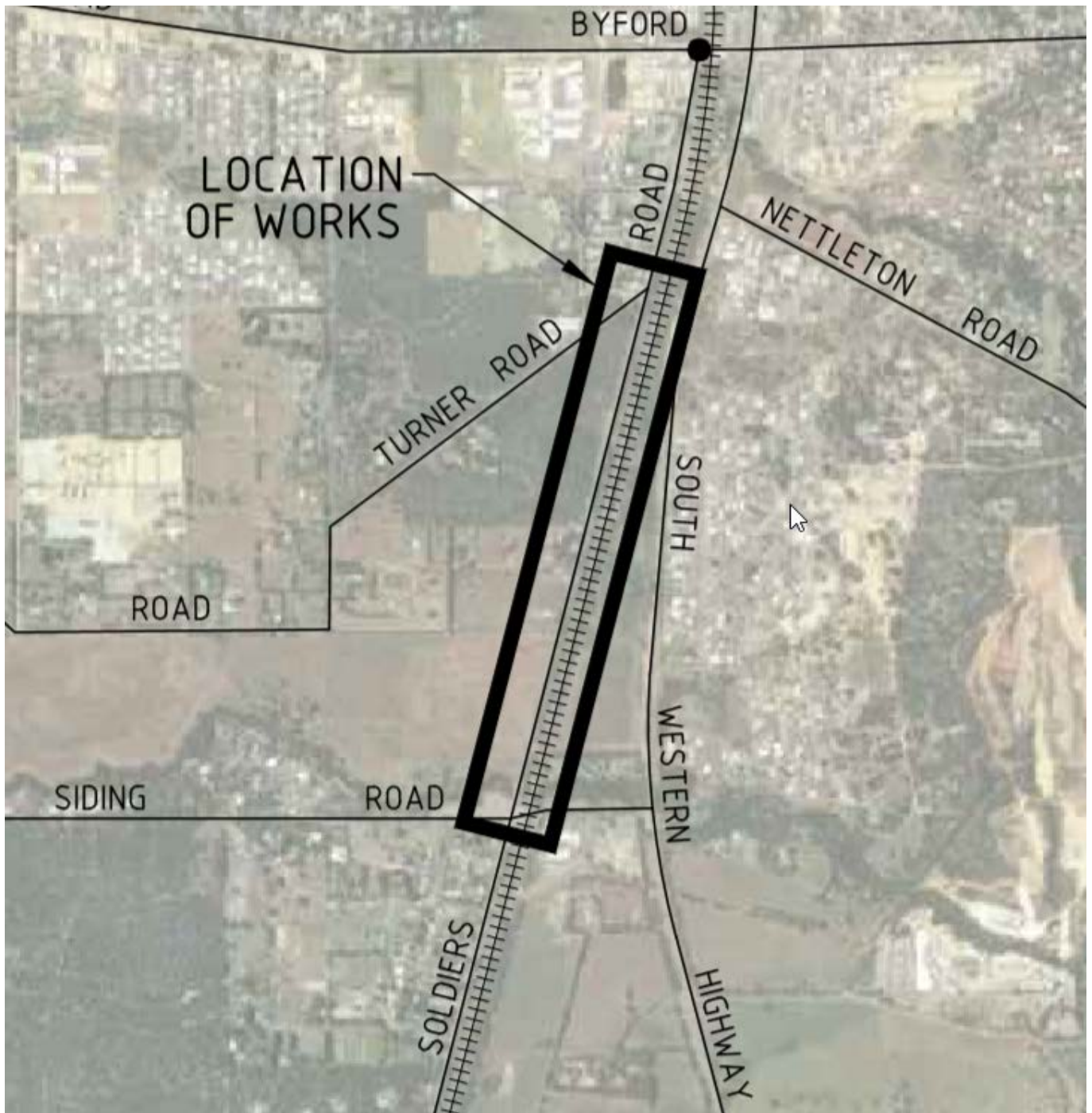
Background

Site inspection identified the section of Soldiers Road from Turner Road (SLK 0.72) to Cardup Siding Road (SLK 2.28) as deteriorating with cracks, stripping, rutting and ageing seal with narrow shoulders.

Through a successful application to the Metropolitan Regional Road Group (MRRG), the Shire received a grant funding allocation of \$869,700 to rehabilitate the Soldiers Road pavement between Turner Road and Cardup Siding Road. The pavement rehabilitation works will involve base reconstruction, resurfacing the road, drainage extension and footpath construction



Figure 1: Soldiers Road Rehabilitation Works Locality Map





Community / Stakeholder Consultation

Prior to commencement of site works, notification shall be made to the public via the Shire's website and Facebook page. In addition, the adjacent properties will be notified via letter drop.

Submissions

The Request for Tender RFT 15/2020 – Soldiers Road Rehabilitation was advertised on Saturday 31 October 2020 and closed at 2.00pm on Friday 20 November 2020.

The Tender was advertised in the following papers:

- West Australian Newspaper;
- Examiner (Serpentine Jarrahdale & Armadale);
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times);
- Sound Telegraph (Rockingham & Kwinana).

Three (3) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

All tender submissions comply with the request for tender for quote guidelines and compliance criteria.

Tender submissions were received from the following companies:

#	Company Name
1	Raubex Construction Pty Ltd
2	RCA Civil Group Pty Ltd
3	Wormall Civil Pty Ltd

Evaluation Panel

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

- Director Infrastructure Services;
- Design Coordinator;
- Road and Drainage Engineer;
- Coordinator Infrastructure & Assets;
- Coordinator Civil Maintenance.

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenders. Each member of the panel assessed the submissions separately.



Evaluation Criteria

The following evaluation criteria and weightings were used by the tender evaluation panel to assess tender submissions:

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none"> • Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. 	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"> • Capacity to deliver the services including: • Key personnel / Professional skills; • Describe the key personnel who will be involved in the work, including past work of a similar nature. 	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> • Project schedule; • Process for delivery of goods/services; • Project Management Plan; • Critical assumptions; and • Any additional information. 	15%

Comment

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

Approval by probity auditor Butler Settineri has been received and is documented in **CONFIDENTIAL attachment 2**.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by Wormal Civil Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by Wormal Civil Pty Ltd be accepted.

Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Council Policy - *Procurement of Goods or Services through Public Tendering* (E19/5672):

Tendering

2. Tender Exemption



The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;

All Legislation references are to be in italics.

Options and Implications

The following options have been identified:

Option 1

That Council

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

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

2. AWARDS Tender RFT 15/2020 – Soldiers Road Rehabilitation to Wormal Civil Pty Ltd to the value of \$873,255.95, excluding GST, as contained within **CONFIDENTIAL attachment 1**.

Option 2

That Council NOT AWARD the contract and retender.

Option 3

That Council NOT AWARD the contract and NOT retender i.e. – nil action.

Option 4

That Council REASSESS and appoint an alternative tenderer.

Option 1 is recommended.



Conclusion

Wormall Civil Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to Wormall Civil Pty Ltd.

Attachments (available under separate cover)

- **10.2.1 – CONFIDENTIAL attachment 1** – RFT 15/2020 - Soldiers Road Rehabilitation - Evaluation Report (E20/13181)
- **10.2.1 – CONFIDENTIAL attachment 2** – RFT 15/2020 - Probity Auditor Butler Settineri (IN20/31501)

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
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	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 funding for this tender is included in the 2020/2021 Annual Budget to undertake the works

The allocated budget for the work is \$869,700 and the recommended tender value of \$873,255.95 ex GST together with other project costs necessary to deliver this project exceeds the allocated budget and additional funding will be required.

In this respect, the Shire has applied for additional funding from the MRRG. As the Shire has not received approval of the additional grant funding from MRRG, the below budget variations are recommended to manage the current project shortfall in the interim. The total budget shortfall for the construction works is \$3,555.95



Should the Shire be successful in obtaining the additional funds from MRRG for Soldiers Road Rehabilitation Works, the money proposed to be transferred from the road maintenance project can then be returned back to original account.

Funding Summary			
Project	Shire	MRRG	Total
Soldiers Road	\$289,900	\$579,800	\$869,700
Fund transfer from Road maintenance	\$4,000		
Total Budget	\$293,900	\$579,800	\$873,700

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	<i>Recommended Contractor unable to provide works to an acceptable standard.</i>	<i>Procurement and tender evaluation completed as per the Shire procurement policy. Contract Management.</i>	<i>Reputation</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil.</i>



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	
2	<i>Retender process will causes up to 3 months delay in the construction and project delivery. If particular project is not delivered within the current financial year, potential penalty will be applied for the following year grant funding</i>	<i>Nil</i>	<i>Financial</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>
3	<i>If particular project is not delivered, Grant funding need to be returned to MRRG will result in loss of funding opportunity. In addition, there will be potential penalty over the following year funding allocation to the Shire</i>	<i>Nil</i>	<i>Financial</i>	<i>Unlikely</i>	<i>Major</i>	<i>MODERATE</i>	<i>Nil</i>



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	
4	<i>Recommended Contractor unable to provide works to an acceptable standard.</i>	<i>Procurement and tender evaluation completed as per the Shire procurement policy. Contract Management.</i>	<i>Reputation</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>
4	<i>Council selecting an applicant contrary to the evaluation report may affect the probity of the procurement process resulting in reputation damage.</i>	<i>Nil.</i>	<i>Reputation</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Provide justification for selecting the alternative tenderer that is in line with the evaluation criteria</i>



Voting Requirements: **Absolute Majority** (as per 6.8(1) of the *Local Government Act 1995*)

Officer Recommendation**That Council:**

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

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

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



10.2.2 – Mundijong Centrals Football and Sportsman’s Club Inc. (Seniors) 2020 Seasonal Sporting Fee Waiver Request (SJ906)

Responsible Officer:	Senior Property and 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 facility hire fee waiver reduction request for the 2020 Winter season for the Mundijong Centrals Football and Sportsman’s Club Inc. (Seniors).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 14 October 2019 – OCM233/10/19 - COUNCIL RESOLUTION / Officer Recommendation:

That Council:

1. *APPROVES a fee waiver for Centrals Football and Sportsman’s Club Inc for the football and netball 2019 senior seasons to the value of \$5,811.*
2. *RECORDS the value of the waivers in the accounts of the Shire as a donation expense as per the following budget variation*

Ordinary Council Meeting – 19 December 2019 – OCM306/12/19 - COUNCIL RESOLUTION / Officer Recommendation:

That Council:

1. *APPROVES a fee reduction to the value of \$1,316 for the Centrals Junior Football Club 2019 season kitchen hire fees.*
2. *APPROVES a fee reduction to the value of \$3,650 for the Heritage Country Choir 2019/2020 Briggs Park Pavilion hire.*
3. *APPROVES a fee reduction to the value of \$888 for the Serpentine Jarrahdale Girl Guides 2019/2020 ‘Mundijong House’ hire.*
4. *RECORDS the value of the waivers in the accounts of the Shire as a donation and fee waiver expense as per the following budget variation: Account Number Description Debit Credit*
OTH530 Expense (Junior Football) \$1,316 Expense (Choir) \$3,650 Expense (Girl Guides)
\$888 10020 Sundry Debtors \$5,854 Total \$5,854 \$5,854

Reason for difference to Officer Recommendation: To provide support to the operations and use of community facilities by community groups.



Background

In previous years the club's registered players have totaled around 120. Due to the ramifications of COVID-19 and the reduction on games and player numbers, the Mundijong Centrals Football and Sportsman's Club Inc. (Seniors) are requesting a fee waiver for seasonal sporting fees for the 2020 winter season.

Council Policy - Community Contributions outlines that the Chief Executive Officer may approve any application for fee waiver or reductions up to the value of \$2,000 ex GST per group, per financial year. This item is referred for consideration by Council as the amount requested is larger than the Officer delegation.

The group have had previous approved fee waivers as shown above.

Community / Stakeholder Consultation

Nil.

Statutory Environment

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

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

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

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

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

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

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

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



Comment

The 2020 winter sporting season was greatly affected by COVID-19 restrictions and regulations. The season was shortened by approximately six weeks and numbers of registered players dropped considerably. Although the Club had reduced their membership fee from \$240 to \$100 this year, the number of registered players had dropped 41%. The Centrals Football Club managed to complete the season with three teams which is in line with previous years.

The Centrals Football and Sportsman's Club Inc. (Seniors) expressed concerns to Officers regarding their ability to meet the fees for seasonal hire, which prompted Officers to advise the group of the opportunity to request a fee waiver or reduction through the Facility Hire fee waiver process. Shire Officers have been liaising with the Club to provide assistance during this unforeseen situation. An application for Fee Waiver/Reduction was lodged in July 2020. Due to insufficient information in the original application an amended Application for Fee Waiver/Reduction was submitted by the Club in September 2020.

The seasonal fee that applies to the senior football club for the 2020 season is \$1,200 per team.

The fee is inclusive of 2 x preseason training sessions per week. In season – 2 x training sessions per week and 1 x game day per week, use of reserve, pavilion and kitchen.

The Club had three teams registered for the 2020 winter sporting season which totals \$3,600 seasonal fees.

2019/2020 Seasonal Sporting Fees	Fee waiver Requested by Centrals Football and Sportsman's Club
\$3,600	\$3,600

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

In accordance with the policy outlined above and on the grounds of the reduced ability to access the oval and facilities, Shire Officers recommend that a 50% fee reduction is approved and a \$1,800 fee be applied.

Options and Implications

Option 1

That Council APPROVES a partial fee waiver of 50% of the waiver request for the amount of \$1,800 to the Centrals Football and Sportsman's Club Inc. (Seniors) for winter season 2020.

Option 2

That Council APPROVES the fee waiver request from the Centrals Football and Sportsman's Club Inc. (Seniors) for the full amount of the winter seasonal fees 2020 for the total amount of \$3,600

This option would not be recommended as the Club was able to complete the shortened season with three full teams registered.

Option 3

That Council does NOT APPROVE the waiving of any fees for 2020.



This option would not be recommended as it is likely to result in the Club experiencing negative operational consequences.

Option 1 is recommended.

Conclusion

Officers have taken a range of factors into consideration when assessing the fee waiver request. The Centrals Football and Sportsman's Club Inc. (Seniors) completed a reduced season and Officers therefore recommend a 50% reduction of the seasonal sporting charges.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Mundijong Reserve - Centrals Football and Sportsman's Club – Amended Request for Fee Waiver 2020 season (IN20/20341)

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

Should Option 1 be supported this will result in a reduction in facility hire income of \$1,800 for the 2020/21 financial year

Account Number	Description	Debit	Credit
4300-15434-6276	Expense Centrals Football	\$1,800	
3520-30047-4311	Facility Hire Football		\$1,800
Totals		\$1,800	\$1,800



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	<i>Shire to receive a reduction of 50% in Fees & Charges for 2020 Winter season. Centrals Football Club may be impacted financially.</i>	<i>In accordance with Council Policy, a reduction is a reasonable and fair fee and charge given the reduced season due to the COVID pandemic.</i>	<i>Financial</i>	<i>Possible</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Shire to charge full seasonal hire fees for 2020.</i>
2	<i>Full fee waiver will provide a loss of income to Council and does not align with Council Policies</i>	<i>Centrals Football Club will continue to operate within the Shire. A full fee waiver does not align with Council Policy in relation to reasonable and fair fees and charges</i>	<i>Financial</i>	<i>Possible</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Nil</i>
3	<i>Centrals Football Club will be required to pay full fees for 2020 winter season</i>	<i>Centrals Football Club will continue to operate within the Shire however may have a financial impact on the Club.</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>



Voting Requirements: **Absolute Majority** as per (s6.12(1) of the *Local Government Act 1995*.

Officer Recommendation**That Council:**

1. **APPROVES** a partial fee waiver of 50% of the waiver request for the amount of \$1,800 to the Centrals Football and Sportsman's Club Inc. (Seniors) for winter season 2020.
2. **RECORDS** the value of the fee waiver in the accounts of the Shire as a donation expense as per the following budget variation:

Account Number	Description	Debit	Credit
4300-15434-6276	Expense Centrals Football	\$1,800	
3520-30047-4311	Facility Hire Football		\$1,800
	Totals	\$1,800	\$1,800

**10.2.3 –Soldiers Road Principal Shared Path Funding Requirements (SJ263)**

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

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 inform Council of formal notification received from the State Government of \$3 million for implementation of Soldiers Road Principal Shared Path (PSP) and to outline the Council financial contribution, timeframe and seek Council endorsement of this project. In addition to the funding agreement, the report is to give an account of progress made to date and future program and resource requirements.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 April 2020 – OCM094/04/20

That Council:

- 1. Endorses the Department of Transport's aspirational Long Term Cycle Network as per attachment 1.*

Ordinary Council Meeting - 17 February 2020 – OCM019/02/20

That Council

- 1. ADOPTS the draft Shire of Serpentine Jarrahdale Cycling and Walking Plan without amendments as contained within attachment 1.*
- 2. NOTES that the implementation of the Plan will follow the Walking and Cycling Implementation Program as per Appendix A of attachment 1.*



Background

The proposed Soldiers Road PSP is approximately a 6km length connecting Mundijong to the rapidly developing Byford Town Centre. The project aligned with the Department of Transport (DoT) Long Term Cycling Network (LTCN) for the Shire of Serpentine Jarrahdale (the Shire).

The Shire is planning forward infrastructure works to satisfy anticipated future demand for cycling and pedestrian activity. The PSP will connect from a recently completed section of path on Abernethy Road to around 500m south of Bishop Road near the rail crossing. There is an existing section of PSP ending on the southern side of the rail crossing. The proposed PSP alignment is shown in Figure 1.

Correspondence was received from the DoT, dated 28 August 2020, confirming that the Shire had been successful in receiving a funding commitment of \$3 million towards the implementation of Soldiers Road PSP (see **attachment 1**) over 2020/21 and 2021/22. The context of the funding is part of the McGowan Government's WA Recovery Plan, with the funds managed through the Western Australian Bicycle Network Grants program (see **attachment 2**).

The Shire had originally planned this project to be implemented over an 8 year period, excluding the pedestrian maze at the freight rail crossing south of Bishop Road, with the Shire's proposed annual contribution of \$250,000 and DoT's equal annual co-contribution of \$250,000 via the Western Australian Bicycle Network (WABN) grant program. As the Shire is receiving the funding commitment of \$3 million, the implementation of the project can be fast-tracked over a 2 year period, instead of the original staged 8 years period, as previously proposed based on affordability of Council's contribution.

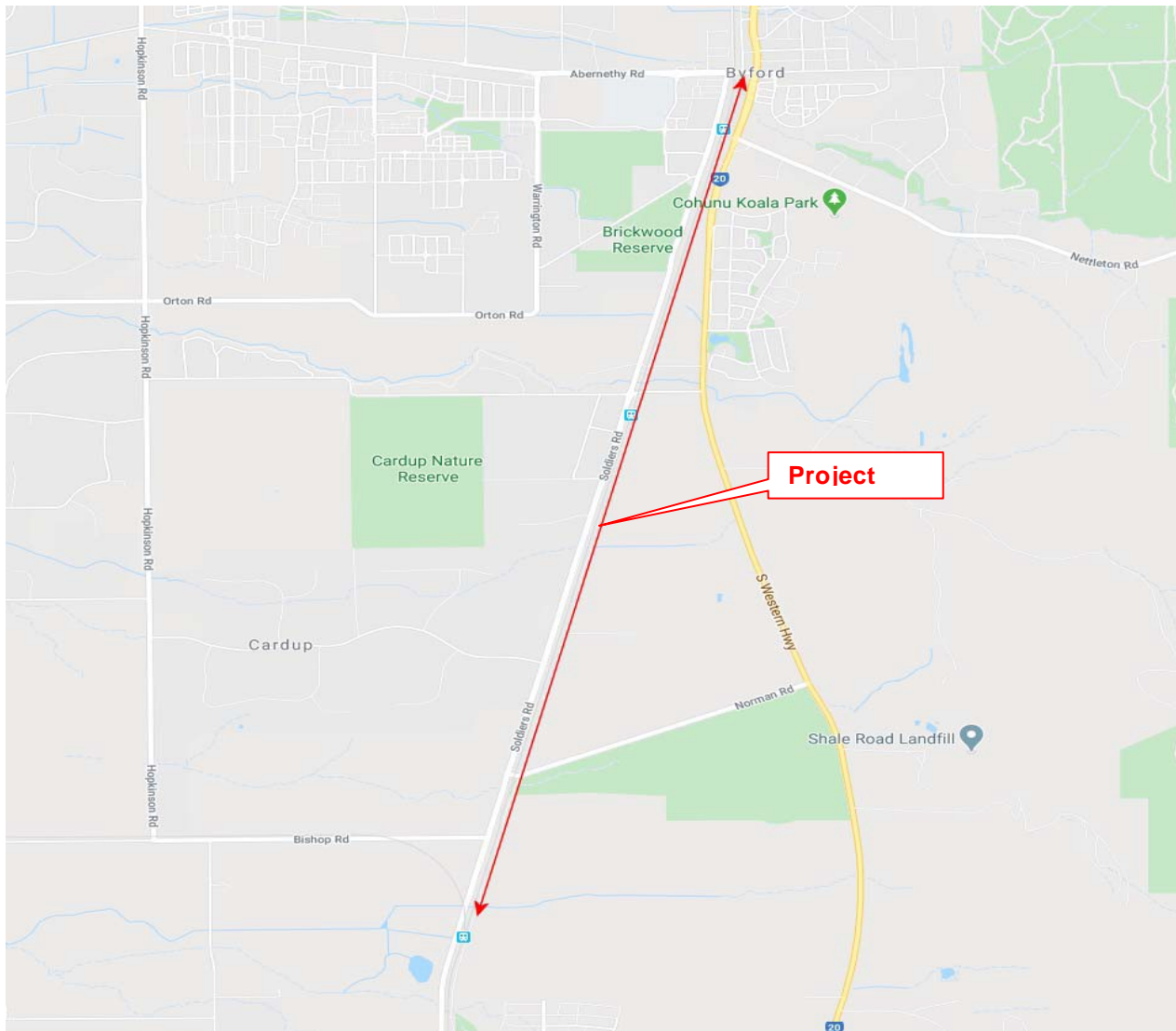
The scope of works for the project includes site clearing, earthworks, drainage works, installation of Public Transport Authority (PTA) fence along the entire length of the rail corridor separating the path and the rail (as the path is located within the rail corridor), a 3.0m wide red asphalt path, concrete kerbs and lines marking.

The path will provide the required path connectivity from Byford and surrounding areas to the future Kiernan Park Recreation Precinct.





Figure 1 - Location Map – Soldiers Road Principal Shared Path, between Abernethy Road and rail crossing south of Bishop Road



Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Community Consultation

The Shire has conducted the following community consultation events for the Shire's endorsed Walking and Cycling Plan, whereby the proposed Soldiers Road PSP is part the endorsed plan:

- A survey of the Serpentine Jarrahdale community between November 2018 and January 2019.
- A public information session hosted on 10 May 2019.
- A public comment period of 28 days from 31 October 2019 to 28 November 2019.



Additional community consultation will be carried out to align with the grant funding requirements.

Statutory Environment

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

- is incurred in a financial year before the adoption of the annual budget by the local government;
- is authorised in advance by Council resolution;
- is authorised in advance by the Mayor or President in an emergency.

Comment

Grant funding

Since receipt of the funding advice in **attachments 1 and 2**, Shire Officers have discussed with DoT Officers to understand the process to follow in order to enter into an agreement and gain access to the funds.

The approved \$3 million funding will be released over 2 years, i.e. 2020/21 (\$2 million) and 2021/22 (\$1 million).

The Shire has advised DoT the proposed project comprising of the following work scope will cost approximately \$4.55 million:

- Implementation of the 6km path – estimated \$3.25 million;
- Implementation of path bridge works at Cardup Brook – estimated \$0.7 million;
- Implementation of pedestrian maze at rail crossing south of Bishop Road – estimated \$0.6 million.

DoT requested the Shire to contribute \$250,000 for 2020/21 and additional \$250,000 in 2021/22 towards the project as part of the funding agreement. The proposed works will exclude the pedestrian maze at the rail crossing south of Bishop Road and the path bridge at Cardup Brook.

The DoT is currently seeking an additional minimum \$1 million funding to cover the cost of the path bridge and pedestrian maze at the rail crossing south of Bishop Road. If the additional funding becomes successful, the entire path project including the bridge and pedestrian maze can be delivered within 2020/21 and 2021/22. If unsuccessful, the Shire will need to address the funding shortfall at a later date to complete the project.

Main Roads WA is currently progressing the Freight Rail Realignment planning in the area, parallel with the Tonkin Highway Extension development works for the ultimate project case concept designs. If the freight rail is re-aligned in future, the pedestrian maze at the rail crossing may become redundant.

The Shire has an option to detour the path around Cardup Brook, using the existing road bridge as a short-term solution (not ideal). If the bridge cannot be delivered within the \$3.5 million budget and additional funding cannot be provided through the State Recovery funding (it is unknown if the Shire would be successful), the Shire can reapply for funding top up through the Western Australian Bicycle Network (WABN) grants program in 2022/23.

Current status

The detailed design of the path project is complete. There are some external processes that are yet to be finalised :

- Memorandum of Understanding and License to Occupy with the Public Transport Authority (PTA), as the path is located within the rail corridor.
- Finalisation of the Clearing permit with Department of Water and Environmental Regulation (DWER).
- Approval of a pedestrian rail crossing by the PTA and Arc Infrastructure.

Officers are aiming to have the above outstanding matters resolved to enable construction to commence in 2020/21.

Options and ImplicationsOption1

That Council:

1. NOTES the update of the Soldiers Road PSP project as per this report;
2. AUTHORISES the Chief Executive Officer to sign the Western Australian Bicycle Network (WABN) associated grant agreement once received; and
3. APPROVES the Shire's funding contribution of \$250,000 towards the project for 2020/21.

Account	Type	Description	Debit	Credit
6400-80133-6600	Increase Expenditure	Soldiers Rd Principal Shared Path – Capital Purchases	\$3,250,000	
6400-80133-4810	Increase Revenue	Soldiers Rd Principal Shared Path – Grants Department of Transport		\$3,000,000
6500-80236-6600	Decrease Expenditure	Trails Development – Capital		\$250,000

The following year \$250,000 required be included in the 2021/22 budget in line with the obligations of the proposed grant agreement.

4. NOTES that a further \$250,000 will need to be included in the 2021/22 financial year budget to meet the Council's requirements in the funding agreement.

Option 2

That Council:

1. NOTES the update of the Soldiers Road PSP project as per this report;
2. DOES NOT enter into the WABN agreement for \$3 million and advise the Department of Transport that \$4.5million of funding is required to complete the project.



Option 1 is recommended.

Conclusion

The Soldiers Road PSP project is part of the DoT Long-term Cycle Network for the Shire and provides a long-term aspirational bicycle network for the region that supports and addresses local and regional bicycle connections. Shire Officers recommend accepting the State funding and provide Shire's own funding contribution towards this project.

Attachments (available under separate cover)

- **10.2.3 - attachment 1** – Soldiers Road PSP funding announcement email (IN20/30375)
- **10.2.3 - attachment 2** - Soldiers Road PSP funding summary email (IN20/30376)

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

Financial Implications

There is no current budget allocation for this financial year for the project and so it is proposed that the Shire contribution of \$250,000 (required as part of the agreement) be drawn down from the trails budget of which \$450,000 was allocated as part of the budget process.

In agreeing to the funding agreement, the Council will also have to find a further \$250,000 in the next financial year budget to honour its contribution to the project. These funds are currently not identified in the Long Term Financial Plan however, Officers are confident of being able to identify the funds required.

In relation to the additional \$1 million required to complete the works there are 4 options that could be considered:

1. An additional \$1 million is provided by the State Government (currently being sought) which would allow the full scope of works i.e. bridge and maze to be completed.
2. If unsuccessful in seeking additional State Government funding, Council could decide to fund the \$1 million shortfall for the full scope of works from municipal funds.
3. Council seek funding for the bridge only, through State Government funding, without any Council contribution. If by way of a grant, then it may require some Council contribution. The maze would be left until after the railway realignment has been finalised.
4. Alternatively, if no funds are available and Council doesn't provide funding for the full scope of works, the maze and the bridge could be left unconstructed.



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	<i>That the project is unable to obtain the Memorandum of Understanding and License to Occupy with the Public Transport Authority (PTA) in a timely manner for construction to commence 2020/21.</i>	<i>Engage with PTA early to facilitate the required documents.</i>	<i>Strategic Stakeholder Relationships</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>High level Officer intervention.</i>
2	<i>That the project does not proceed resulting in the loss of an opportunity to provide an essential amenity for the community.</i>	<i>Nil.</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Council allocating municipal funds in future years.</i>



Voting Requirements: **Absolute Majority** (s6.8 of the *Local Government Act 1995*)

Officer Recommendation**That Council:**

1. **NOTES** the update of the Soldiers Road PSP project as per this report;
2. **AUTHORISES** the Chief Executive Officer to sign the Western Australian Bicycle Network (WABN) associated grant agreement once received; and
3. **APPROVES** the Shire's funding contribution of \$250,000 towards the project for 2020/21.

Account	Type	Description	Debit	Credit
6400-80133-6600	Increase Expenditure	Soldiers Rd Principal Shared Path – Capital Purchases	\$3,250,000	
6400-80133-4810	Increase Revenue	Soldiers Rd Principal Shared Path – Grants Department of Transport		\$3,000,000
6500-80236-6600	Decrease Expenditure	Trails Development – Capital		\$250,000

4. **NOTES** that a further \$250,000 will need to be included in the 2021/22 financial year budget to meet the Council's requirements in the funding agreement.



10.2.4 - Council Policy 3.3.6 – Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections (SJ2812)

Responsible Officer:	Manager Waste and Fleet
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

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 adopting Council Policy 3.3.6 – Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 June 2020 OCM155/06/20- COUNCIL DECISION/Alternate Officer Recommendation:

That Council:

1. *ADOPTS the Waste Management Strategy 2020 to 2024 as contained within attachment 1*
2. *REQUESTS the Chief Executive Officer to:*
 - a) *commence with the Projects in Table 1 in this report*
 - b) *purchase four trailers, to provide a free rental service to residents*
 - c) *prepare, for Council’s consideration by August 2020 Ordinary Council Meeting, a Policy dealing with how an on-demand free bulk waste pick up service will be implemented and assessed for eligibility.*
 - d) *cease bulk waste collections in the 2020/21 financial budget.*

Background

As per the adoption of the Shire’s Waste Management Strategy 2020-2024, Council resolved to request an On Demand Waste Collections Policy be produced, that would assist residents with physical limitations transporting their bulk waste items to the Watkins Road Transfer Station and Recycling Centre. In addition, the policy was to include the process for residents to utilise the free trailer hire system, to transport their items to the Watkins Road Transfer Station and Recycling Centre.



Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	23 November 2020
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

November 2020 Access and Inclusion Advisory Group Meeting

Meeting Date	12 November 2020
Councillors in Attendance	Cr Coales and Cr Strautins

Statutory Environment

The major waste management legislation in Western Australia is the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), which established the Waste Authority and prescribes local government mechanisms, including:

- the minimum level of waste services to be provided by local councils;
- requirement for the development of Waste Plans by local councils;
- requirement for Waste Local Laws; and
- adherence to the principles of the Waste Hierarchy in local government decision-making.

Part 6, Division 5 of the *Local Government Act 1995* (the Act) provides the statutory framework for the setting of fees, while section 6.12 of the Act provides the basis by which fees payable may be waived. Council has delegated the power to waive fees to Officers in accordance with delegation 1.1.18.

When setting a fee, Council must issue a local public notice for a period of not less than 7 days before the fee comes into effect. If Council resolves in the affirmative, this requirement can be met with the fees commencing on 1 January 2021.

Comment

The draft Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections Policy (attachment 1) was presented to the Access and Inclusion (A&I) Advisory Group on 12 November 2020. The policy aims to address matters associated with the collection of bulk waste upon opening of the Watkins Road Transfer Station and Recycling Centre. The facility opened on 26 November 2020 and operates four days a week.

The Shire has purchased four trailers that are available for use by all Shire residents with the payment of a refundable bond. The Shire aims to implement both free and fee payable on demand collection services, for those members of the community who are not able to bring their own waste or make use of the trailers.

It is proposed that the On Demand Waste Collections will operate through:

- a free collection service;



- a fee payable collection service; and
- a trailer hire service.

Free on demand service

The free on demand service is proposed to be available for residential properties where the resident meets eligibility criteria. That criteria being:

- National Disability Insurance Scheme (NDIS) participant;
- pensioner with physical impairment;
- person with long-term injury / illness (six plus months).

Residents wishing to receive the free collection service will be required to complete an application form (as per **attachment 2**) online or in person at the Shire Administration Office. This application will be assessed by an Officer under the delegated authority provided by delegation 1.1.18, Defer, Waive or Write off Debts and Fees.

Pending approval, the collections will be scheduled with the contractor for the next available collection date.

The free collection service is available for kerbside collection only. Officers and the contractor will not be permitted to enter the property and/or assist in the transport of the items to the kerbside.

Items will be restricted to those outlined below.

Fee payable on demand service

For residents who are not eligible for the free on demand service and unable or do not wish to utilise the free trailer hire service, it is proposed that a fee payable collection service is provided.

The fee payable service will cost:

- \$40 for whitegoods (maximum 4 items);
- \$40 for mattresses (maximum 4 items);
- \$50 per lounge suite;
- \$40 green waste for equivalent of two 6'x4' trailer loads.

The fee payable collection service is available for kerbside collection only. Officers and the contractor will not be permitted to enter the property and/or assist in the transport of the items to the kerbside. Application can be made as per **attachment 3**.

Free trailer hire service

The free trailer hire service is proposed to provide trailers that residents can use to transport waste to the Watkins Road Transfer Station and Recycling Centre .

Residents wishing to hire a trailer from the Shire will need to pay a refundable bond of \$100 when making a booking online or at Council reception as per **attachment 4** with terms and conditions as per **attachment 5**.

Use of the free trailer will be subject to terms and conditions. These terms and conditions include that the trailer is only to be used for the purposes of transporting waste from the residence to the



Watkins Road Transfer Station and Recycling Centre. If a resident uses the trailer for another purpose or takes the trailer outside of the Shire, it is proposed that the resident will forfeit their bond. The nominated bond amount is set to deter use for purposes other than delivering waste to the transfer station and to deter taking trailers outside the Shire boundaries. It is proposed to achieve this by setting the bond fee higher than the rental costs trailers by private providers. It is also noted that the trailers are not to be used for mulch collection.

Figure 1 – Trailers for Waste Transfer Station free trailer hire



Rationale for the approach

The proposed approach is intended to provide a fair and equitable access to the Watkins Road Transfer Station and Recycling Centre. This includes members of the community who otherwise would not be able to utilise the free trailer service.

In considering the approach, input was received from the Shire's Access and Inclusion (A&I) Advisory Group regarding an appropriate eligibility criteria. The feedback received included:

- The NDIS scheme does not issue a card like a pension card and that there are a significant number of NDIS recipients who would not be requiring this service but who may take up the free service because they qualify. Perceived to be a generous offering.
- The NDIS plan (which could be used as proof) is very detailed including personal documentation. The requirement to provide proof, could be considered non-inclusive or discriminatory.
- Examples of other residents who may need similar assistance was raised such as single mothers who were unable to access a trailer or lacking a suitable vehicle. A suggestion to consider case-by-case scenarios was provided.
- Concerns raised that whatever process or eligibility criteria that is determined must be clearly and extensively publicised, with current feedback from the community indicating some residents were unaware that verge side collections would be stopping.



- Clarification requested as to what proof would be required for long-term illness or injury, with the suggestion that the presentation of a Doctor's Certificate could act as proof of eligibility if deemed appropriate.
- Clarification requested as to what proof would be required for Shire residents who are not Australian citizens. These residents cannot access NDIS or Pension schemes but may qualify due to limited physical capacity. Suggestion provided that a Doctor's Certificate could act as proof of eligibility if deemed appropriate.
- Some existing community groups have previously assisted community members to move waste to the verge. They may be able to continue this process of assistance to residents; either in accessing trailers (to deliver waste), or placement for Shire collection.
- Clarification requested as to whether the process would require an application every time a resident wanted to make use of the service, or if an approval could cover a 12mth period or lifetime. Indicated it would be preferable that people did not have to "prove their disability" every time.

Section 6.17 of the Act requires that in determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration:

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

Fees for the trailer hire and on demand pick up are considered to meet all elements of the criteria specified in section 6.17. In proposing the fee Officers have met with trailer providers and local small business owners.

The fee is consistent with competitive neutrality principles and does not constitute a major trading undertaking under section 3.59 of the Act.

Under section 6.19 of the Act, local public notice of the intention to set the fee is to be given before the fee commences. Under Regulation 3A of the *Local Government (Administration) Regulations 1996* the period of the local public notice is not less than 7 days. As such, it is proposed that Council commence the date of the new fees on 1 January 2021.

An on demand waste collection service is unique across Western Australian local government and considered to be highly innovative and responsive. As an innovative approach, it is recommended that Council review the policy after 12 months to consider learnings made and any refinements to the approach.



Options and Implications

Option 1

That Council

1. ENDORSES the On Demand Waste Collections approach.
2. ADOPTS Council Policy 3.3.6 - Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections, as contained within attachment 1.
3. REQUESTS that the Chief Executive Officer give local public notice of the intention to impose the following fees for the Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections commencing on 1 January 2021.

Free On Demand Waste Collections:

- Nil for free on demand pick up.

Fee Payable On Demand Waste Collections:

- \$40 for whitegoods (maximum 4 items);
- \$40 for mattresses (maximum 4 items);
- \$50 per lounge suite;
- \$40 green waste for equivalent of two 6'x4' trailer loads.

Free Trailer Hire and Associated Bond:

- Nil for hire.
 - \$100 security bond.
4. Pending the public notice being issued in accordance with section 6.19 of the Act, IMPOSES fees for the Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections commencing on 1 January 2021

Free On Demand Waste Collections:

- Nil for free on demand pick up.

Fee Payable On Demand Waste Collections:

- \$40 for whitegoods (maximum 4 items);
- \$40 for mattresses (maximum 4 items);
- \$50 per lounge suite;
- \$40 green waste for equivalent of two 6'x4' trailer loads.

Free Trailer Hire and Associated Bond:

- Nil for hire.
- \$100 security bond.

Option 2

That Council DOES NOT ENDORSE the approach and associated next steps.

**Option 3**

That Council ENDORSES the approach with modification.

Option 1 is recommended.

Conclusion

As per previous Council resolution OCM155/06/20, the Shire has prepared a proposed approach for On Demand Waste Collections to support the Watkins Road Transfer Station and Recycling Centre and an associated policy. If Council wishes to support this approach, a Council resolution is required to adopt the policy and advertise the associated fees.

Attachments (available under separate cover)

- **10.2.4 - attachment 1** – Council Policy 3.3.6 - Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections (E20/13683)
- **10.2.4 - attachment 2** - Application for Free On Demand Waste Collections (E20/13684)
- **10.2.4 - attachment 3** Application for Fee Payable On Demand Waste Collections (E20/13685)
- **10.2.4 - attachment 4** - Application for Trailer Hire Service (E20/13686)
- **10.2.4 – attachment 5** - Terms and Conditions of Trailer Hire Service (E20/13964)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment
Strategy 2.2.3	Continue to minimise the volume and impact of waste generated with the district
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 4.2	A strategically focused Council
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

The financial implications of the approach are difficult to quantify. In setting fees for the service, a cost neutral approach has been taken. Take-up of the free on demand service is also difficult to quantify but considered to be an essential service as part of the approach. The costs associated with this element of the approach will be monitored with use of the delegation reported to Council via the current reporting approach and quarterly budget process.

Notwithstanding, the challenges in forecasting demand, it is anticipated that the costs will be covered by the savings from the verge collections no longer being undertaken.



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	<i>That demand for the free service is greater than anticipated</i>	<i>Demand will be monitored closely with operational resourcing redirected as required.</i>	<i>Reputation</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>It is proposed that demand will be considered in future consideration of the approach by Council.</i>
1	<i>That demand for the fee payable on demand service is greater than anticipated</i>	<i>Demand will be monitored closely with operational resourcing redirected as required.</i>	<i>Reputation</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>It is proposed that demand will be considered in future consideration of the approach by Council.</i>
2	<i>That the Watkins Road Transfer Station and Recycling Centre does not deliver on its potential</i>	<i>Nil</i>	<i>Reputation</i>	<i>Possible</i>	<i>Major</i>	<i>SIGNIFICANT</i>	<i>Nil</i>
3	<i>That the approach adopted by Council is not consistent with feedback received in the course of preparing the approach and associated policy</i>	<i>Nil</i>	<i>Reputation</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Nil</i>

Any risks with a **SIGNIFICANT** or **HIGH** risk rating will require ongoing reporting to the Audit, Risk and Governance Committee, and any risks with a **HIGH** risk rating will require a specific risk treatment plan to be developed and ongoing reporting to Council.



Voting Requirements: Absolute Majority (as per s6.16 of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. **ENDORSES** the On Demand Waste Collections approach.
2. **ADOPTS** Council Policy 3.3.6 - Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections, as contained within attachment 1.
3. **REQUESTS** that the Chief Executive Officer give local public notice of the intention to impose the following fees for the Watkins Road Transfer Station and Recycling Centre - On Demand Waste Collections commencing on 1 January 2021:

Free On Demand Waste Collections:

- Nil for free on demand pick up.

Fee Payable On Demand Waste Collections:

- \$40 for whitegoods (maximum 4 items);
- \$40 for mattresses (maximum 4 items)
- \$50 per lounge suite;
- \$40 green waste for equivalent of two 6’x4’ trailer loads.

Free Trailer Hire and Associated Bond:

- Nil for hire;
- \$100 security bond.

4. Pending the public notice being issued in accordance with section 6.19 of the Act, **IMPOSES** fees for the Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections commencing on 1 January 2021.

Free On Demand Waste Collections:

- Nil for free on demand pick up.

Fee Payable On Demand Waste Collections:

- \$40 for whitegoods (maximum 4 items);
- \$40 for mattresses (maximum 4 items);
- \$50 per lounge suite;
- \$40 green waste for equivalent of two 6’x4’ trailer loads.

Free Trailer Hire and Associated Bond:

- Nil for hire;
- \$100 security bond.

**10.3 Corporate Services reports**

10.3.1 - Confirmation of Payment of Creditors (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

Nil.

Statutory Environment

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.17 - 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 of the *Local Government (Financial Management) Regulations 1996*.



Comment

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

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

A detailed list of invoices for the period 1 November 2020 to 30 November 2020 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 November 2020 to 30 November 2020, totalling \$2,759,844.42

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 November 2020 to 30 November 2020, totalling \$2,759,844.42

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 2020 (E20/13894)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 September 2020 to 27 October 2020 (E20/13898)

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 2020 to 30 November 2020 totalled \$2,759,844.42.

Risk Implications

There are no risks associated with the Officer Options.

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 November 2020 to 30 November 2020, totalling \$2,759,844.42 as attached, including credit card payments of \$2,047.41.

**10.3.2 – Monthly Financial Report – October 2020 (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 2020.

Relevant Previous Decisions of Council

Special Council Meeting – 27 July 2020 – SCM240/07/20 - COUNCIL RESOLUTION / Officer Recommendation - extract

PART 6 – Material Variances**That Council**

1. **ADOPTS** the definition of 'significant (material) variances to be used in statements of financial activity for reporting' to be \$10,000 or 10% (whichever the greater).
2. **ADOPTS** the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:
 - a) Total operating revenue and expenditure by Nature and Type; and
 - b) Capital income and expenditure.

Background

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



Community / Stakeholder Consultation

Nil.

Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of October 2020. Please note the opening position is a preliminary result for the year ended 30 June 2020 as the Financial Statements for 2020 are still being finalised and as a result may be subject to change.

The municipal surplus for the month ending 31 October 2020 is \$23,194,541, which is favourable, compared to a budgeted surplus for the same period of \$17,767,870.

The primary cause of this is the opening surplus position, however as mentioned above the Financial Statements for the year ended 30 June 2020 are still being finalised and are subject to change.

Further reasons for the variances as per the below table are discussed below.

Description	YTD Budget	31 October 2020 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2019	2,516,604	7,990,228	5,473,624
Proceeds from sale of assets	-	-	-
Changes to net transfers to and from Reserves	(1,299,972)	(1,325,638)	(25,666)
Net movements in non-current assets and liabilities	-	(11,940)	(11,940)
Loan/Lease principal repayments	-	(100,749)	(100,749)
Capital expenditure	(2,935,634)	(2,636,289)	299,345
Capital revenue (cash items)	1,974,244	1,565,565	(408,679)
Operating revenue (cash items)	28,715,852	26,827,422	(1,888,430)
Operating expenditure (cash items)	(11,203,224)	(9,114,058)	2,089,166
	17,767,870	23,194,541	5,426,671



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

Unfavourable variance of \$1,616,987 due to receipt of large portion of 2020/21 general purpose grants in 2019/20 requiring a major budget variation from the brought forward surplus (\$1,522,554 to October) and the timing of grant payments, significantly bushfire mitigation funding (\$153,336) and local road maintenance (\$258,400). This variance is partly offset by other grants received earlier than anticipated.

Fees and Charges

Unfavourable variance of \$231,960 due primarily to a greater-than-expected transfer to contract liabilities for waste service charges due to timing variances with respect to waste collection expenses.

Interest Earnings

Unfavourable variance of \$107,728 due primarily to the timing of maturity of term deposits and underlying low interest rates.

Other Revenue

Favourable variance of \$98,059 primarily to due to an LGIS surplus distribution credit of \$56,300.

Operating Expenses

Employee Costs

Favourable variance to budget of \$756,439 (12% YTD).

The following cost centres have recorded the majority of this variance:

- Parks and gardens \$261,314;
- Operations \$100,336;
- Engineering maintenance \$66,578;
- Emergency Services \$61,469; and
- Infrastructure services directorate \$60,226.

Materials and Contracts

Favourable variance of \$1,198,823 in relation to the timing and provision of services across all programs and business units, the most material of which is waste services (\$288,238). Other significant variances include community activation (\$178,460), bushfire mitigation (\$159,576), materials (\$102,963), and consultancy services across the organisation (\$94,698).

Utility Charges

Favourable variance of \$70,330 due primarily to street lighting - \$43,710.



Depreciation on Non-Current Assets

Favourable variance of \$2,897,952 as depreciation will not be processed until the Financial Report for the year end 30 June 2020 is finalised and asset balances confirmed.

Interest Expenses

Unfavourable variance of \$16,555 due to timing of loan guarantee fees and lease interest (to be transferred from materials and contracts).

Insurance Expenses

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

Other Expenditure

Favourable variance of \$80,057 due to a lower-than-expected expenditure primarily relating to the community grants program and sponsorships.

Other

Capital Expenditure

Favourable variance of \$299,645 due to timing of capital works program. Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Profit/(Loss) on Asset Disposals

Both profit (unfavourable) and loss (favourable) on sale of assets are yet to be recorded.

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$436,859 due to timing of grant-funded capital works programs, primarily bridge renewal work to be undertaken by Main Roads WA on Jarrahdale Road at Gooralong and Medulla Brooks - \$338,268. It should be noted that there are favourable savings of \$375,852 in capital expenditure related to these two projects.

Proceeds from Disposal of Assets

Only one vehicle sold (traded) to date with a number of other vehicles and plant items to be traded upon delivery of replacements.

Repayment of Debentures

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

Repayment of Leases

Budget to be varied as principal component of lease repayments current forms a portion of the materials and contracts operating budget.

Changes in Other Non-Current Assets and Liabilities

The minor non-budgeted net movement of \$11,940 in this category will likely fall below the \$10,000 materiality threshold during 2020/21 but relates mainly to lease principal and related right-of-use asset valuation movements with respect to new leases.

Proceeds from New Debentures

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

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

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

Options and ImplicationsOption 1

That Council RECEIVES the Monthly Financial Report for October 2020, 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 2020, 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 2020 (E20/13525)

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 2020, the Shire's respective cash position was as follows:

Municipal Fund: \$3,458,507

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	<i>Nil.</i>						
2	<i>That Council does not receive the Monthly Financial Report for October 2020 leading to the Shire not meeting legislative requirements on financial reporting.</i>	<i>Provision of sufficient information and records to support the recommendation</i>	<i>Financial</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Accept Officer Recommendation</i>

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Monthly Financial Report for October 2020, 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.



10.3.3 – September 2020 Quarterly Budget Review (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

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 represents the September quarterly review of the 2020/2021 Budget. A number of budget variations are proposed as part of this review.

Relevant Previous Decisions of Council

Special Council Meeting – 22 July 2019 – SCM239/07/20 – extract

PART 5 – Municipal Fund Budget for 2020/2021

That Council ADOPTS, in accordance with section 6.2 of the Local Government Act 1995 the Municipal Fund Budget as contained in attachment 2, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2021.

Background

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*



- (b) *is authorised in advance by resolution*; or*
- (c) *is authorised in advance by the mayor or president in an emergency.*

Comment

The 2020/21 Budget has been reviewed and approval is sought for the following budget adjustments for the reasons specified:

Staffing

It has been identified that a number of additional staff are required to meet growing operational requirements as a result of increased activity due to COVID stimulus funding and projects.

The following positions are required to meet the increased service requirement of the Shire:

Human Resources Support

At present there are nineteen (19) positions vacant and being recruited.

Additional resource is required to facilitate the recruitment of these positions and continue to deliver other Human Resource functions

These funds will be utilised to fund additional Officer hours.

*Total Additional Budget Required for 2020/21 **-\$23,463***

Subdivision Support Officer (1.0 FTE) and Subdivision Engineer (0.6 FTE)

The Covid-19 stimulus measures from the Federal and State Governments have boosted development activities within our Shire significantly. Pre-stimulus, there were 2-4 concurrent subdivision construction activities in the Shire, which created 40-80 lots at a time. Currently, there are 14 active construction sites, creating 356 lots. It is evident that subdivision activities have increased by more than 400% from pre-stimulus levels.

As such a Subdivision Support Officer is required to provide additional administrative support for a two-year period. This will help the Shire to continue to provide appropriate levels of customer service and to manage the increased workload.

Increased revenue which has been received as a result of the increased activity from subdivision fees subsidises the cost of the additional position.

In addition, an increase in hours for the part-time Subdivision Engineer is considered necessary to handle the additional work and provide leave relief to other Officers.

*Total Additional Budget Required for 2020/21 **-\$23,556** (\$53,577 increase in expenditure offset by \$30,021 increase in Subdivision fee income)*



Coordinator Building (1.0 FTE)

Building applications received have been steadily rising and this increased activity is expected to continue as the COVID stimulus has been extended specific to residential construction.

In addition to this increased activity it is also essential that the Shire adequately prepare for and manage the change required for a successful OneComm implementation

The cost of this position is subsidised by a reduction in Building services from an increase in building permit fees revenue

Total Additional in budgeted costs in 2020/21 - \$701 (\$60,701 increase in expenditure offset by an increase of \$60,000 in building permit fees)

The total additional budget funding required for all staffing is **\$47,720**.

Capital Works Projects

The following capital works projects have been identified as requiring adjustment this financial year:

Karnup Road Final Grant Payment & Minor Road Works

Final grant payment of \$82,634 for Karnup Rd Black Spot was not budgeted for in 2020/21 Budget. These funds are to be utilised to fund the below minor works:

- Karnup Rd Black Spot Project - \$10,588;
- Kardan Boulevard at Ballawarra Avenue Blackspot Project - \$6,756;
- Minor Kerb Repairs - \$10,405.

Total additional revenue in 2020/21 - \$54,885 (\$82,634 additional grant funding less \$27,749 additional expenditure)

Roads to Recovery Grant Funding

Roads to Recovery grant funding allocated for 2020/21 has been fully allocated. The Commonwealth Department of Transport and Infrastructure has advised that no advance grant payments are available due to pressure on the Commonwealth's finances.

Funding the below projects this financial year was dependent upon the availability of future years allocation being brought forward.

- Punrak Road, Karnup Road to Hopeland Road - \$1,082,000;
- Upgrade - Gossage Rd, Oldbury - \$312,000;
- Munro Street, Jarrahdale Road to Wanliss Street - \$44,000.

Total Savings in 2020/21 - \$0 (reduction in grant income offset by reduction in expenditure)

The total savings from capital projects is **\$54,885**.



Operational Project Requirements

The following operational projects have been identified as requiring adjustment this financial year:

Local Government Insurance Scheme Dividends

Dividends received from Local Government Insurance scheme for 2019/2020

Total Additional Revenue in 2020/21 - \$20,835

Volunteer Bushfire Ready Group Bushfire Readiness Planning

To accommodate our Volunteer Bushfire Awareness Team in their efforts to educate the community in bushfire planning and preparedness

Total Funds required in 2020/21 - \$5,000

Synergy Business System Support

Increase in consultancy budget to enable Synergy software support as internal resources have been redeployed to the OneComm project.

Total Funds required in 2020/21 - \$23,000

The total additional funding required for operating projects is **\$7,165**.

Internal Reallocations of Operating Budget

The below table outlines any internal reallocations of operating budgets which do not result in either a savings or request for additional funding:

Account Number	Type	Account Description	Debit \$	Credit \$
Department of Primary Industries and Regional Development Grant				
3200-13506-4122	Increase Income	Conservation & Protection of Threaten Ecological Community - Natural Area Management		21,889
3200-13506-6314	Increase Expenditure	Conservation & Protection of Threaten Ecological Community - Natural Area Management	21,889	
Reason: Department of Primary Industries and Regional Development Grant received to fund operational costs associated with Natural Resource Management.				
Clem Kentish Hall Toilets Operational Budget				



Account Number	Type	Account Description	Debit \$	Credit \$
3410-30020-6392	Decrease Expenditure	Clem Kentish Halls - External Contractor		1,500
3410-30020-6393	Decrease Expenditure	Clem Kentish Halls - Contractor - Cleaning		2,500
3410-30020-6921	Decrease Expenditure	Clem Kentish Halls - Wage Allocation		500
3410-30020-7200	Decrease Expenditure	Clem Kentish Halls - Overhead Allocation		500
3410-30021-6392	Increase Expenditure	Clem Kentish Public Toilets - External Contractor	1,500	
3410-30021-6393	Increase Expenditure	Clem Kentish Public Toilets - Contractor - Cleaning	2,500	
3410-30021-6921	Increase Expenditure	Clem Kentish Public Toilets - Wage Allocation	500	
3410-30021-7200	Increase Expenditure	Clem Kentish Public Toilets - Overhead Allocation	500	
Reason: Budget was assigned in full to the Clem Kentish Hall project in adopted budget, however the Toilets require a separate budget to monitor the costs associated with the toilet building which is separate from the hall.				
Corporate Document Branding and Design				
4100-16000-6349	Increase Expenditure	Communications - Corporate Documents	15,000	
4100-16000-6230	Decrease Expenditure	Communications - Consultancy		15,000
Reason: Increase in the number of corporate documents that require branding and design. This increase in expenditure is offset by reduction in consultancy expenditure due to State Government election advocacy project delivered in – house.				
Economic Development Subscriptions				
1200-10101-6364	Decrease Expenditure	Economics & Promotions - Economic Development - Subscription & Licences		15,000
1200-10101-6363	Increase Expenditure	Economics & Promotions - Economic Development - Corporate Membership	15,000	
Reason: Subscription to Peel Chamber of Commerce and Committee for Economic Development Australia were classified as corporate membership. Adjustment require to correctly reflect expenditure on subscriptions.				



Account Number	Type	Account Description	Debit \$	Credit \$
Australia Day Grant				
4300-15701-4132	Increase Income	Australia Day – Grant – Operating – Australia Day Council		20,000
4300-15701-4132	Increase Expenditure	Australia Day – Program Activities	20,000	
Reason: Australia Day Council Grant of \$20,000 received to fund additional costs incurred to deliver an Australia Day Event the meets the requirements under the WA Department of Health Events Plan.				

Options and Implications

Option 1

That Council ADOPTS the September 2020 Quarterly Budget Review as contained within this report.

Option 2

That Council DOES NOT ACCEPT the September 2020 Quarterly Budget Review as contained within this report.

Option 1 is recommended.

Conclusion

A quarter 1 review of the Annual Budget has been done. A list of budget variations requiring approval has been identified.

Attachments

Nil.

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

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



Risk Implications

Risk has been assessed on the 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 risk associated with Council adopting the budget amendments.						
2	<i>Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending.</i>	<i>The organisation undertakes a quarterly finance and costing review prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.</i>	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)

Voting Requirements: Absolute Majority - (s6.8 of the *Local Government Act 1995*)

Officer Recommendation

That Council, pursuant to section 6.8 of the *Local Government Act 1995*, **APPROVES** the schedule of variations to the 2020/21 Budget as presented below:

Account Number	Type	Account Description	Debit \$	Credit \$
4700-10300-6000	Increase Expenditure	Human Resources - Wages	18,725	
4700-10300-6020	Increase Expenditure	Human Resources - Annual Leave	1,913	
4700-10300-6010	Increase Expenditure	Human Resources - Sick Leave	814	
4700-10300-6030	Increase Expenditure	Human Resources - Superannuation	2,011	



Continued

Ordinary Council Meeting Agenda
Monday, 14 December 2020

Account Number	Type	Account Description	Debit \$	Credit \$
3210-13300-6000	Increase Expenditure	Subdivision -Wages	42,756	
3210-13300-6020	Increase Expenditure	Subdivision - Annual Leave	4,369	
3210-13300-6010	Increase Expenditure	Subdivision - Sick Leave	1,860	
3210-13300-6030	Increase Expenditure	Subdivision - Superannuation	4,592	
3210-13300-4304	Increase Revenue	Subdivision – Subdivision Fees		30,021
2310-12600-6000	Increase Expenditure	Building Services Admin - Wages	41,577	
2310-12600-6035	Increase Expenditure	Building Services Admin - Allowances	9,500	
2310-12600-6020	Increase Expenditure	Building Services Admin - Annual Leave	4,248	
2310-12600-6010	Increase Expenditure	Building Services Admin - Sick Leave	1,808	
2310-12600-6030	Increase Expenditure	Building Services Admin - Superannuation	3,568	
2310-12600-4335	Increase Income	Building Services Admin - Building Permit Fees		60,000
6400-80063-4816	Increase Income	Karnup Rd Black Spot Project - Grant - Capital - Black Spots - Federal		82,634
6400-80063-6600	Increase Expenditure	Karnup Rd Black Spot Project - Capital Purchases	10,588	
6400-80066-6600	Increase Expenditure	Kardana Boulevard at Ballawarra Avenue Blackspot Project - Capital Purchases	6,756	
6400-80044-6600	Increase Expenditure	Minor Kerb Repairs - Capital Purchases	10,405	
6400-80211-4806	Decrease Income	Punrak Rd Karnup Rd to Hopeland Rd - Roads to Recovery Grant	1,082,000	
6400-80211-6600	Decrease Expenditure	Punrak Rd Karnup Rd to Hopeland Rd - Capital Purchases		1,082,000
6400-80212-4806	Decrease Income	Upgrade - Gossage Rd, Oldbury - Roads to Recovery Grant	312,000	
6400-80212-6600	Decrease Expenditure	Upgrade - Gossage Rd, Oldbury - Capital Purchase		312,000



Continued

Ordinary Council Meeting Agenda
Monday, 14 December 2020

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80213-4806	Decrease Income	Munro St, Jarrahdale Rd to Wanliss St - Roads to Recovery Grant	44,000	
6400-80213-6600	Decrease Expenditure	Munro St, Jarrahdale Rd to Wanliss St - Capital Purchases		44,000
5300-17300-4700	Increase Income	General Purpose Funding - Reimbursements		20,835
2410-12100-6368	Increase Expenditure	Fire Emergency Management - Volunteer Expense	5,000	
5100-17200-6392	Increase Expenditure	Information & Communication Technology - Consultancy	23,000	
3200-13506-4122	Increase Income	Conservation & Protection of Threaten Ecological Community - Natural Area Management		21,889
3200-13506-6314	Increase Expenditure	Conservation & Protection of Threaten Ecological Community - Natural Area Management	21,889	
3410-30020-6392	Decrease Expenditure	Clem Kentish Halls - External Contractor		1,500
3410-30020-6393	Decrease Expenditure	Clem Kentish Halls - Contractor - Cleaning		2,500
3410-30020-6921	Decrease Expenditure	Clem Kentish Halls - Wage Allocation		500
3410-30020-7200	Decrease Expenditure	Clem Kentish Halls - Overhead Allocation		500
3410-30021-6392	Increase Expenditure	Clem Kentish Public Toilets - External Contractor	1,500	
3410-30021-6393	Increase Expenditure	Clem Kentish Public Toilets - Contractor - Cleaning	2,500	
3410-30021-6921	Increase Expenditure	Clem Kentish Public Toilets - Wage Allocation	500	
3410-30021-7200	Increase Expenditure	Clem Kentish Public Toilets - Overhead Allocation	500	
4100-16000-6230	Decrease Expenditure	Communications - Consultancy		15,000
4100-16000-6349	Increase Expenditure	Communications - Corporate Documents	15,000	
1200-10101-6364	Decrease Expenditure	Economics & Promotions - Economic Development - Subscription & Licences		15,000
1200-10101-6363	Increase Expenditure	Economics & Promotions - Economic Development - Corporate Membership	15,000	



Continued

Ordinary Council Meeting Agenda
Monday, 14 December 2020

Account Number	Type	Account Description	Debit \$	Credit \$
4300-15701-4132	Increase Income	Australia Day - Grant - Operating - Australia Day Council		20,000
4300-15701-6131	Increase Expenditure	Australia Day – Program Activities	20,000	



10.3.4 – Shire of Serpentine Jarrahdale Integrated Planning and Reporting Timetable 2021/22 (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 2021/22 Integrated Planning and Reporting Timetable. This process will commence in December 2020. 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:

- February 2021 – Direction Setting (Long Term Financial Plan, Community Perceptions Survey and Corporate Business Plan Performance Analysis);
- March 2021 – Fees and Charges;
- April 2021 - Long Term Financial Plan, Corporate Business Plan and Capital Projects;
- April 2021 – Rates Modelling;
- May 2021 – Operating Budgets.

Adoption of the Long Term Financial Plan, Corporate Business Plan and Annual Budget is planned for the end of June 2021.

Details regarding the major components of the IPR process are outlined below.



Rating Equity Project and Rates Modelling

The proposed IPR timetable is contingent on the completion of the Rating Equity Project, as accurate Rates Modelling for the 2021/22 financial year cannot be undertaken until this review is finalised.

The outcome of this rates review needs to be firstly assessed by the Shire and presented to Council. Once approved by Council the outcome needs to be approved by the Minister for Local Government, Sport and Cultural Industries and lastly the Valuer General before any changes can be applied to affected properties.

Due to State Elections and the associated caretaker period, there is uncertainty around the time frames for receiving this approval and therefore the dates outlined in the proposed Integrated Planning and Reporting timetable may be altered to accommodate this.

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.

Corporate Business Plan

The Corporate Business Plan (CBP) details Council's priorities and actions within the resources available and is the main driver for developing the Shire's Annual Budget. Notwithstanding, there are several other factors that will also be considered on review of the CBP to ensure integrated alignment and resource capability. These include:

- Identification and consideration of actions to mitigate strategic risk;
- Identification and consideration of actions to address the 2020 community perceptions survey;
- An analysis of performance data (i.e. CBP quarterly progress reporting) to assess where improvement is required and/or what projects require amendment;
- Consideration of amendments to resource capability as a result of the Rating Equity Project;
- Consideration of amendments to resource capability in line with the recently adopted Organisational Development RoadMap.
-

Annual Budget

It is planned that the 2021/22 budget be presented to Council for adoption at the end of June 2021. 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.

Of note, this year will see the introduction of the Enterprise Budgeting module within OneComm, which will greatly assist in the production of the Shire's budget and associated reports.



Strategic Community Plan

The Strategic Community Plan outlines community long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities. A full review of the Strategic Community Plan is required every four years with a desktop review required to be completed every two years.

The Shire's Strategic Community Plan is due for a full review in June 2021 after undergoing a desktop review in June 2019.

The Integrated Planning and Reporting Framework and Guidelines as produced by the Department of Local Government, Sport and Cultural Industries, recommends that a full review be undertaken after every four years, after the local government elections are held. The Ordinary Local Government Elections will be held in October 2021.

Additionally, Officers have been speaking to representatives from the Department of Local Government, Sport and Cultural Industries who have advised that the guidelines relating to the development of the Strategic Community Plan are currently under review and that should the Shire wish to wait until after October 2021 to undertake the full review, the revised guidelines will be of assistance.

Representatives of the Department have recommended that should Council wish to wait until after the October 2021 elections, the appropriate approach is to write to the Department seeking approval to delay the full review from commencing June 2021 to commence after the 2021 Local Government elections.

Community / Stakeholder Consultation

As the start of the Shire engagement to greater community consultation the Draft Capital budget will be advertised in May at the same time to Shire advertised Rates.

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 2021/22 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 include 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; and
2. REQUESTS the Chief Executive Officer write to the Department of Local Government, Sport and Cultural Industries to request an extension of time to commence the full review of the Strategic Community Plan, commencing after the Local Government elections to be held in October 2021.

Option 2

That Council

1. DOES NOT NOTE the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable as contained within attachment 1; and
2. REQUESTS the Chief Executive Officer commence the full review of the Strategic Community Plan in June 2021.

Option 1 is recommended.

Attachments (available under separate cover)

- **10.3.4 - attachment 1** – 2021/22 Integrated Planning and Reporting Timetable (E20/13532)

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 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	<i>There are no risks associated with option 1.</i>						
2	<i>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.</i>	<i>Nil</i>	<i>Organisational Performance</i>	<i>Rare</i>	<i>Minor</i>	<i>LOW</i>	<i>Subsequent Calendar invites for Councillor workshops</i>

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **NOTES** the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable as contained within attachment 1; and
2. **REQUESTS** the Chief Executive Officer write to the Department of Local Government, Sport and Cultural Industries to request an extension of time to commence the full review of the Strategic Community Plan, commencing after the Local Government elections to be held in October 2021.



10.3.5 – Corporate Business Plan Performance Report – July to September 2020 (SJ2880)

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

Authority / Discretion

Information	For the Council to note.
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Report Purpose

The purpose of this report is to provide Council with a performance report against the 2020-24 Corporate Business Plan for the period 1 July to 30 September 2020.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 July 2020 – OCM227/07/20 - COUNCIL DECISION/Officer Recommendation:

That Council:

- 1. ADOPTS the Corporate Business Plan 2020-24 as contained within attachment 1;*
 - 2. ADOPTS the Long Term Financial Plan 2020-30 as contained within attachment 2;*
- and*
- 3. AUTHORISES the Chief Executive Officer to apply the Shire's Corporate Branding in finalising the Corporate Business Plan for publication.*

Background

On 20 July 2020, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2020-24 (OCM227/07/20).

The Corporate Business Plan 2020-24 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 2020-24 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.





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




Following successful implementation of Corporate Business Plan performance reporting in the Shire's Enterprise Resource Planning system, the Shire of Serpentine Jarrahdale has completed a performance report against the 2020-24 Corporate Business Plan for the period 1 July to 30 September 2020 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

Report Structure

The Report includes a summary page for each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive) where the key achievements and highlights for the reporting period are detailed. Following each summary page and grouped under respective delivery program areas, is the narrative performance reporting for each action. 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	On target or as expected.
 Needs Attention	Some issues are present that could jeopardise achievement of the due date (or for ongoing actions, such as a service, may jeopardise providing the full level of service). The causes for this are/will be managed by routine procedures and the issues are likely to be resolved by the next reporting period.
 Critical	Major issues are present that will jeopardise achievement of the due date (or for ongoing actions, such as a service, will jeopardise providing the full level of service). The causes for this do/will require significant action 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
	<p>This status must only be selected where the Corporate Business Plan has it contemplated. If the action was meant to be underway but is on hold for another reason (e.g. resourcing) then the 'Needs Attention' or 'Critical' status, as relevant, should be used.</p> <p>In extraordinary circumstances (for example, the withdrawal of grant funding or approvals by a third party), the 'on hold' status may be selected providing no work has commenced.</p>
 Complete	Action is complete.
 Deferred	<p>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.</p> <p>This status must only be selected after Council has been advised (which may be through a budget amendment, CBP review or a separate Council report).</p>
 Not Proceeding	<p>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.</p> <p>This status must only be selected after Council has been advised (which may be through a budget amendment, CBP review or a separate Council report).</p>

Report Summary

The Report provides an update against 108 actions in the Corporate Business Plan. Statistics this period show:

- **83%** are on track (90/108);
- **5%** are complete (5/108);
- **7%** needs attention (8/108);
- **1%** are critical (1/108); and
- **4%** are on hold (4/108).

Details of the 90 actions **on track** this reporting period are outlined in **attachment 1**. Key achievements and highlights this reporting period are as follows:

- Advancement of the Waste Transfer Station with civil works 90% complete.
- Successful implementation and go-live of Corporate Business Plan performance reporting in the Shire's Enterprise Resource Planning system.
- Establishment and appointment of members to the Equine Advisory Group.
- Formal advertising of the Byford and Mundijong District Structure Plans and Development Contributions Plans.
- Delivery of a Local Business Tender Session.
- Endorsement of the Community Engagement Strategy and Community Engagement Policy.
- Endorsement of the Trails Business Case and the Serpentine Heritage Precinct concept design report.
- \$20m secured for Stage 1 of the Kiernan Park Recreation Precinct.



- Adoption of the Project Plan and Engagement Strategy for the Mundijong Precinct F1 Local Structure Plan to progress further planning and development of the Mundijong Townsite Area F.
- Hosted a meeting of Community Cabinet in the Serpentine Jarrahdale Civic Centre
- Adoption of the 2020-24 Public Health and Wellbeing Strategy
- Adoption of the 2020-21 Budget, 2020-24 Corporate Business Plan and 2020-30 Long Term Financial Plan
- Confirmation of the Byford Rail Extension
- Receipt of \$493,500 in Bushfire Mitigation Activity Funding
- Securing agreement with the owner of land in the Byford Town Centre to create a 7000sqm public open space (community purpose) site, integrated as part of the future station precinct.

The action identified as **critical** this reporting period is:

Action	Issue	Comment
<p><u>Asset Management – Minor Capital Renewals</u></p> <p>Undertake minor capital works as per the annual capital works program (Building Asset renewals & Park Asset renewals)</p>	Resourcing (Personnel)	This item has not progressed due to resourcing issues. The Shire will continue to work through the resource issue as part of the quarterly financial and costings review.

The eight actions identified as **needs attention** are:

Action	Issue	Comment
<p><u>Electrical, HVAC inspection and renewal report</u></p> <p>Review the electrical wiring and isolation boxes within Shire facilities for compliance.</p>	Resourcing (Personnel)	Limited resourcing to undertake scoping of works and as such the project is likely to be delayed. The shortfall in resource availability will be addressed at the quarterly Financial and Costings Review.
<p><u>Volunteer Expansion</u></p> <p>Investigate the expansion of existing neighbouring volunteer services into the Shire.</p>	Resourcing directed to an unforeseen priority (COVID-19 recovery)	Desktop review not yet commenced due to available resources focusing on COVID-19 recovery initiatives. Anticipated completion date for desktop comparison to neighbouring LG's is 30 Nov 2020.
<p><u>Kingsbury Drive Quarry Gravel Pit</u></p> <p>Investigate natural resource availability for potential gravel pit site at Kingsbury Drive Quarry.</p>	External Approvals	The initial approvals by the Department of Biodiversity, Conservation and Attractions (DBCA) for preliminary studies are due to expire on 31st October 2020 and Officers are working towards renewal so that further investigations on this site can be progressed, when appropriate. The Shire is also currently waiting on Native Title issues to be resolved as all projects on State land have been put



Action	Issue	Comment
<p><u>Conservation Zone Initiative Review</u></p> <p>Conduct formal review of the existing Conservation Zone initiative to enable its possible expansion to other natural areas of high significance.</p>	<p>Resourcing directed to an unforeseen priority (additional subdivision applications and clearance requests from stimulus funding)</p>	<p>on hold by DBCA. The estimated time for resolution is between 4-5 months.</p> <p>The State government housing stimulus package has resulted in the output for this quarter being deferred to the next. Whilst it was anticipated that a discussion document was to have been drafted this has not happened due to additional work pressures. The project will still be completed on time with the discussion document being completed in the next quarter.</p>
<p><u>Maintenance Service Level Plan</u></p> <p>Detailed Service Level Plan for reactive and scheduled maintenance aligning with resource requirements.</p>	<p>Resourcing (Personnel)</p>	<p>This project has not yet commenced due to the vacancies of key roles. One role has been recruited to and will be starting mid-November at which time the project will be underway. At this stage, the due date of 30 June is still achievable.</p>
<p><u>ICT Governance Framework</u></p> <p>Develop ICT Governance Framework.</p>	<p>Resourcing directed to an unforeseen priority (COVID-19)</p>	<p>Gathering of key ICT decision points has been completed and meetings will now be arranged with relevant stakeholders to progress the project. Unfortunately, due to COVID-19 and other pressing operational work the project is behind schedule however time will be allocated to ensure an ICT governance framework can be endorsed.</p>
<p><u>Rates Review</u></p> <p>Undertake a rating equity review.</p>	<p>Monitoring</p>	<p>Shire Officers have received a significant number of submissions and are currently collating and reviewing these to enable preparation of a report for Council. The project remains a high priority action for the Shire and is contingent on external factors such as Minister approval. As such, the project is flagged as needing attention to ensure it continues to receive a high level of responsiveness.</p>
<p><u>Subdivision Management</u></p> <p>Oversee the construction of sub divisional infrastructure.</p>	<p>Increased Work Demand (additional subdivision applications)</p>	<p>The management of subdivisions continued this reporting period however there has been increased activities following the COVID-19 economy boost stimulus packages. This additional work is extending some time frames for processing applications. The Shire is organising additional resources to meet the increased work demand.</p>



The five actions marked as **complete** this reporting period are:

Action	Comment
<p><u>Local Business Tender Sessions</u></p> <p>Facilitate free tender information sessions for businesses registered within the Shire of Serpentine Jarrahdale on an annual basis.</p>	<p>The Tender Workshop was held on the 9th July 2020 at the Shire Offices in conjunction with WALGA. There were approximately 20 people in attendance. The workshop was a great success and hopefully encouraged potential and existing suppliers to submit for Quotes and Tenders going forward.</p>
<p><u>Oakford Bush Fire Brigade Station</u></p> <p>Progress planning and delivery of the new Oakford Volunteer Bush Fire Brigade station building.</p>	<p>This Project, as contained with the CBP, is complete. Officers have obtained a Council resolution on a new location, however this is now subject to processes of State Government to consider if the land will be made available (WAPC process), and also processes of DFES to consider funding of the station infrastructure. To date, the Shire's 2020 LGGS application was declined. An appeal has been made, however no decision is yet to be communicated.</p>
<p><u>Business development areas (Mundijong Townsite (AreaF))</u></p> <p>Prepare a project plan (including outlining options for community engagement) for the development of the Mundijong Townsite (Area F) Structure Plan.</p>	<p>OCM147/06/20 Council adopted the Project Plan and the Engagement Strategy for the Mundijong Precinct F1 Local Structure Plan to progress further planning and development of the Mundijong townsite.</p>
<p><u>Strategic Trails Planning Stage 1</u></p> <p>Develop a business case for Trails Development.</p>	<p>Business Case endorsed at 17 August 2020 Ordinary Council Meeting.</p>
<p><u>Nicholson Road Upgrade (North)</u></p> <p>Resurfacing of the existing pavement with 40mm DGA14 Asphalt (Metropolitan Regional Road Group).</p>	<p>This project coincided with the proposed Nicholson Road and Thomas Road intersection upgrade works which will be carried out by Main Roads Western Australia (MRWA). MRWA Grant funding will be returned and the Shire will re-purpose the Council contribution of \$36,000 to other road projects as part of the quarterly financial and costings review.</p>

The four actions placed **on hold** this reporting period are:

Action	Comment
<p><u>Byford Place Plan</u></p> <p>Develop a Byford Place Plan.</p>	<p>As per the adopted 2020-24 Corporate Business Plan, this project is on hold until the Byford District structure plan is complete.</p>
<p><u>Jarrahdale Place Plan</u></p>	<p>As per the adopted 2020-24 Corporate Business Plan, this project is on hold until the Local planning Strategy is complete.</p>



Action	Comment
Develop a Jarrahdale Place Plan.	
<p><u>Punrak Road Widening</u></p> <p>Pavement widening to 8.2m sealed carriageway between Karnup Road and Hopeland Road (Roads to Recovery).</p>	Initially, Roads to Recovery (R2R) approved these projects for delivery in 2020-21 and approved the work schedules. However, due to COVID-19, R2R withdrew the funds. It is now expected that the projects will be delivered in the 2021-22 financial year, subject to the receipt of grant funding. It is recommended these projects be deferred to the 2021-22 financial year as part of the 2021-22 budget development and corporate business plan review process and be subject to receipt of grant funding from R2R. The projects are therefore on hold at this stage.
<p><u>Gossage Road Upgrade</u></p> <p>Section between King Road and Kargotich Road will be upgraded to meet RAV 3 requirements (Roads to Recovery).</p>	

As the above commentary describes, some action timings will require consideration by Council. To ensure integrated decision making, changes to projects within the Corporate Business Plan (such as deferrals and removals) will occur through the budget development and corporate business plan review process or a budget amendment as relevant. The Corporate Business Plan performance reporting is not the mechanism used to make resource allocation decisions as this requires wider considerations related to budget implications.

Options and Implications

Option 1

That Council

1. NOTES the performance report against the 2020-24 Corporate Business Plan for the period 1 July to 30 September 2020 as contained in **attachment 1**
2. NOTES that any amendments required to projects within the Corporate Business Plan will be considered by Council through the annual budget development and corporate business plan review process or a budget amendment as relevant.

There are no implications associated with this option.

Option 2

That Council DOES NOT NOTE the performance report against the 2020-24 Corporate Business Plan for the period 1 July to 30 September 2020 as contained in **attachment 1**.

There are no implications associated with this option.

Option 1 is recommended.

**Conclusion**

The completion of the new Corporate Business Plan has empowered the Shire to implement performance reporting that is specific and informative to the annual budget development and Corporate Business Plan review process. The performance reporting against the Corporate Business Plan this reporting period is strong. Actions identified with issues is less than 10 percent and approximately 90 percent of actions are continuing as planned. The continuation of succinct, robust and transparent reporting will provide Council and the Community with continued assurance of the Shire's commitment to achieving the community's vision and the Shire's strategic objectives.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Corporate Business Plan 2020-21 Progress Report 1 July to 30 September 2020 (E20/13766)

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

There are no risks associated with the Officer Options.

Voting Requirements: Simple Majority

Officer Recommendation**That Council:**

1. **NOTES the performance report against the 2020-24 Corporate Business Plan for the period 1 July to 30 September 2020 as contained in attachment 1.**
2. **NOTES that any amendments required to projects within the Corporate Business Plan will be considered by Council through the annual budget development and corporate business plan review process or a budget amendment as relevant.**

**10.3.6 – Policy Concept Forums - 2021 (SJ513)**

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

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 confirm the Policy Concept Forum (PCF) commencement time for 2021. This matter was resolved at the Ordinary Council Meeting 16 November 2020, but following the meeting it has been identified that the resolution was in conflict with the time shown on the attachment to the Officer's report that formed part of the resolution and the text of the Officer's Report. The resolution approved PCF in 2021 to commence at 5.30pm, whereas the attachment indicated the starting time of 6.00pm.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 November 2020 – OCM373/11/20 - extract

5. *APPROVES that Policy Concept Forums (PCF) commence at 5.30pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm, as contained within attachment 1.*

Background

At the 16 November 2020, Council resolved the dates and times of the Council and Committee Meetings for 2021. The resolution included that:

- Ordinary Council Meetings commence at 7.00pm;
- Audit, Risk and Governance Committee Meetings and CEO Employment Committee Meetings commence at 5.30pm.

The resolution also included the commencement times and dates for the Q & A Agenda Briefing (Q & A) and Policy Concept Forums (PCF). Following the meeting it was identified that clause 5 of resolution OCM373/11/20 incorrectly stated the commencement time for PCF was to be 5.30pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm, as contained within attachment 1. This resolution is in conflict with the attachment which stated that PCF's would commence at 6pm, unless there was a Committee meeting prior, in which case the PCF for that night would commence at 6.30pm.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Regulation 10 of the *Local Government (Administration) Regulations 1996* provides rules associated with Council revoking or changing decisions. Regulation 10(3) states that the regulation does not apply to a change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

The decision to change the PCF starting time is not considered to be substantially different and accordingly the rules associated with revoking decisions do not apply.

Comment

At the 16 November 2020 Ordinary Council Meeting, resolution OCM373/11/20 resolved the Ordinary Council Meeting dates and times for 2021; the Special Council Meeting / Swearing In Ceremony to be held on the 18 October 2021 at 6.00pm; the Audit, Risk and Governance Committee Meeting dates and times, the CEO Employment Committee Meeting dates and times, the Q & A dates and times and the Policy Concept Forum (PCF) dates and times.

Clause 5 of the resolution stated that Council:

APPROVES that Policy Concept Forums (PCF) commence at 5.30pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm, as contained within attachment 1.

Following the meeting it was identified that the resolution above was in conflict with the attachment that stated that Policy Concept Forums would start at 6.00pm, unless PCF is on the same night as a scheduled Committee Meeting, the PCF to commence at 6.30pm. Attachment 1 also formed part of the Resolution.

The content of the Officer's report which was included in the 16 November 2020 Ordinary Council Minutes stated that it recommended that PCF's continue to be held on the 1st, 4th and 5th (if applicable) Mondays of the month, commencing at 6.00pm as it had in 2020. If a Committee Meeting is scheduled for the same night, then PCF commences at 6.30pm.

However, Clause 5 of the Officer Recommendation contained in the report contained a typographical error stating that Policy Concept Forums (PCF) were to commence at 5.30pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm, as contained in attachment 1. Attachment 1 to the Officer's Report stated that PCF were to commence at 6:00pm.

To remove any confusion, Council is requested to resolve the commencement time of Policy Concept Forums of 6:00pm, unless a Committee Meeting is scheduled prior, in which case, PCF's commence at 6.30pm.

Clauses 1, 2, 3, 4 and 6 within resolution OCM373/11/20 remain unchanged and are unaffected by the error.



Options and Implications

Option 1

That Council APPROVES that Policy Concept Forums (PCF) commence at 6.00pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm.

Option 2

That Council APPROVES that Policy Concept Forums (PCF) commence at 5.30pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm.

Option 1 is recommended.

Conclusion

To remove any doubt on the starting time of PCF in 2021, Council is asked to approve that Policy Concept Forums (PCF) commence at 6.00pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm.

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

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	<i>There are no significant risks associated with Council approving that Policy Concept Forums (PCF) commence at 6.00pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm.</i>						
2	<i>Policy Concept Forums being held at 5.30pm is inconsistent with the associated Officer Report and attachment leading to confusion</i>	<i>Councillors are advised in advance of the time of the Policy Concept Forum.</i>	<i>Organisational Performance</i>	<i>Rare</i>	<i>Minor</i>	<i>LOW</i>	<i>Nil.</i>

Voting Requirements: Simple Majority

Officer Recommendation

That Council **APPROVES** that Policy Concept Forums (PCF) commence at 6.00pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm for 2021.



10.3.7 - OneComm Project Progress Report, Efficiencies and Improvements Baseline (SJ514-10)

Responsible Officer:	Manager Information Communication Technology
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

This report seeks Council to:

1. NOTE the progress of the OneComm Project – Phase 2;
2. NOTE the progress of the OneComm Project – Phase 2.5; and
3. NOTE the OneComm systems efficiency baseline on the efficiencies and improvements, tangible and intangible, to Council gained over the 2020/2021 Financial Year.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 25 September 2018 – OCM107/09/18 – COUNCIL DECISION / Officer Recommendation - **extract***

That Council:

1. *Approves the adoption of the Integrated Enterprise Resource Planning Strategy;*
2. *Approves the supplier, TechnologyOne, as the sole supplier of Australian Local Government Authority Integrated Enterprise Resource Planning System under Local Government (Functions & General) Regulations 1996 11(2);*
3. *Agrees to enter into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil, with final contract subject to Chief Executive Officer and Shire President approval;*
4. *Approves the adoption of the pre-configured business processes inherent in the TechnologyOne OneCouncil solution for implementation at the Shire of Serpentine Jarrahdale;*
5. *Approves the implementation of the TechnologyOne OneCouncil solution using Cloud technology (Option 1); and*
6. *Approves, pursuant to section 6.8 of the Local Government Act 1995, the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:*



*Ordinary Council Meeting – 15 June 2020 – OCM164/06/20 – COUNCIL DECISION / Officer Recommendation – **extract***

1. *NOTES the completion of the OneComm Project – Phase 1;*
2. *NOTES the progress of the OneComm Project – Phase 2;*
3. *APPROVES the implementation of the Online Customer Request Management as Phase 2.5 to commence in September 2020 and implement in April 2021;*
4. *APPROVES deferring the implementation of OneComm Phase 3 by 12 months to commence in September 2021 to allow the City of South Perth to proceed ahead of the Shire;*
5. *APPROVES deferring the implementation of OneComm Phase 4 by 12 months to commence in September 2022 to allow the City of South Perth to proceed ahead of the Shire;*
6. *APPROVES deferring the Strategic Asset Management implementation to Phase 4, the 2022/2023 financial year; and*
7. *APPROVE deferring funding allocation for ‘new scope items’ and issues until the 2022/2023 financial year at a cost of \$460,000.*

Background

Following the Council resolutions made at the Ordinary Council Meeting dated 25 September 2018 (OCM107/09/18), the Acting Chief Executive Officer and Shire President entered into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil.

Following this approval by Council, the Shire rebranded the OneCouncil name to “OneComm” and developed a OneComm logo and a vision of ‘one system, one community’ as per the following:



The OneComm Project is a significant investment that enables a completely new way of doing business more efficiently and effectively. To this end, OneComm Phase 1, successfully delivered on time and on budget, on the 3 February 2020 with the following integrated systems:

- Finance System;
- Supply Chain Management System (procurement);
- Human Resources System;
- Payroll System;
- Safety Management System; and
- Asset Management System ‘Financial’ Registers.



Community / Stakeholder Consultation

The OneComm Project has developed the followings stakeholder consultation plans:

Stakeholder Consultation Plans	Purpose
Change Management Plan	To outline the strategy and approach to managing the organisational change associated with implementing the OneComm project for employees, customers and stakeholders.
Communication Plan	To provide an overall framework for the ongoing management, coordination and delivery of communications to all staff across the Shire impacted by the OneComm project activities.
Stakeholder Engagement Plan	To outline the Shire's approach to managing stakeholder engagement throughout the implementation of the OneComm solution to ensure clear direction for the delivery of stakeholder engagement actions.
Training Strategy and Plan	To identify training and capability needs and define appropriate training and support requirements to ensure that all employees have the skills needed, and demonstrate the behaviours required to perform their jobs efficiently and confidently using OneComm.

Statutory Environment

The OneComm Project will be implemented in accordance with the *Local Government Act 1995* and associated regulations, *State Records Act 2000*, as well as various policies and business operating procedures.

Comment

The implementation of OneComm will be via five (5) phases over four (4) years using a standard project management methodology. The scope of the abovementioned phases is largely driven by the fact that we are leveraging the implementation work undertaken at other Western Australian Local Governments. This approach reduces the implementation cost and overall risk to the Shire.

**Project Status Report - OneComm Phase 2**

Implementation of Phase 2 is underway. OneComm Phase 2 is scheduled to progressively implement the following modules to the end of March 2021:

#	OneComm Module	Status
1	Business Intelligence and Reporting tools	Completed
2	Upgrade of OneComm software to the latest version 2020a	Completed
3	Corporate Strategic Performance Planning System	Completed
4	Asset Life Cycle 'Operating' Registers	Completed
5	Asset Life Cycle Management for Works Management	In Progress
6	Enterprise Budgeting System	In Progress
7	e-Recruitment	In Progress

Project Status Report - OneComm Phase 2.5

This Phase is the implementation of the Online Customer Request Management system. The implementation of Phase 2.5 is underway and scheduled for May 2021.

OneComm Benefits/Improvements Management Framework & Strategy

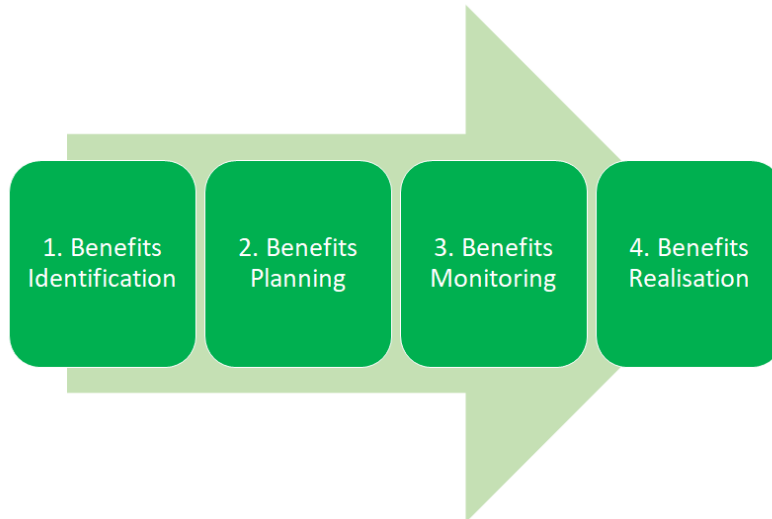
The OneComm Project team has developed a Benefits/Improvements Management Framework and Strategy. This encompasses a collective set of processes and practices for identifying benefits and aligning them with formal strategy, ensuring benefits are realised as project implementation progresses and finishes, and that the benefits are sustainable—and sustained—after project implementation is complete.

Therefore, the Benefits/Improvements Management Framework and Strategy sets out the approach and framework that the OneComm Project will use to manage the planning, monitoring, realisation and delivery of benefits and improvements. Specifically, it will:

- Outline the activities necessary for achieving the planned benefits and improvements;
- Identify the tools and resources necessary to ensure the benefits and improvements are fully realised over time; and
- Define the benefits/improvements and associated assumptions and how each benefit and improvement will be achieved.



The benefits/improvements management framework has four (4) key process steps as per the following:



The benefits/improvements management framework process steps are described in the table below:

Process Step	Description
1. Benefits Identification	This process formalises the identification of benefits that are typically included in the approved business case and other supporting justification deliverables
2. Benefits Planning	This process examines the identified benefits and establishes key performance indicators for each benefit.
3. Benefits Monitoring	This process monitors the benefits during the project implementation to ensure that project decisions do not erode or remove any expected benefits. This process will also assist in identifying any new benefits that may become more evident during the project implementation life cycle.
4. Benefits Realisation	This process occurs post project implementation. It is a process of assessing the actual benefits and comparing these to the expected benefits.

There are two (2) main types of improvement benefits, these being:

- 1. Tangible improvements and benefits.** These benefits are those measured in monetary terms. These can be measurable cost reductions or the avoidance for future costs that would have been incurred otherwise; and
- 2. Intangible improvements and benefits.** These benefits cannot be measured in monetary terms, but they do have a very significant positive business impact. Examples are risk reduction and improved service delivery (internal and external).



OneComm Improvements and Benefits – Tangible

The overarching improvements and tangible benefits realised by the implementation of OneComm to date, are cost savings in the following areas:

#	Overarching OneComm Improvements and Tangible Benefits	\$ Savings 2020/2021	\$ Savings over 7 years 2021-2022 to 2027/2028	Total Savings \$
1	Asset Management System replaces the legacy RAMM asset system	\$4,000	\$56,000	\$60,000
2	Human Resources Safety System replaces the legacy STEMS Safety System	\$4,500	\$31,500	\$36,000
3	e-Recruitment System replaces the legacy BigRedSky e-Recruitment system	\$813	\$68,271	\$69,084
4	Finance System introduces efficiencies to reduce reliance on a casual staff in Finance. Further reviews will be completed in 2021/2022 and additional savings are anticipated. This will be a direct result of transforming the Senior Accountant role to a Systems Accountant role with business system analysis capacity. These savings are nett of the appointment of the Systems Accountant.	\$39,292	\$438,844	\$478,136
	TOTAL	\$48,605	\$594,615	\$643,220

OneComm Improvements and Benefits – Intangible

The overarching improvements and intangible benefits realised by the implementation of OneComm, to date, are inter alia;

#	Overarching OneComm Intangible Improvements and Benefits
1	Replacing the Shires' legacy obsolete IT systems reduces operational and service delivery risk. Prior to implementing OneComm the software supporting key administrative functions such as finance, payroll and human resources were no longer up to new challenges being faced by a fast-growing Shire, resulting in a patchwork of solutions designed to fill the gaps. As a result, it was making the Shire's IT infrastructure more complex, less flexible, more expensive and less customer focused.
2	Delivers contemporary ICT systems with the capability to scale as the Shire grows
3	Delivers the capability to deliver e-services as expected by the Shires' customers. Prior to impending OneComm, the existing software systems were limiting our ability to innovate and deliver on key goals like increasing opportunities for our community to self-service and access council services via mobile devices
4	Optimisation of business processes based on streamlined and proven business processes as adopted by other Local Government Authorities across Australia



#	Overarching OneComm Intangible Improvements and Benefits
5	Improve information accuracy and decision-making capability. Staff and customers can access accurate and timely information essential to the delivery of effective services to ratepayers and residents
6	Elimination of unnecessary manual and paper-based business processes
7	The ability to electronically share information between all areas of the Shire
8	With OneComm implemented in the Cloud, the OneComm system is available for all staff to use in any location at any time. This being particularly critical for staff that work in the field and/or from home. This allowed staff to 'work from home' during the Covid-19 lock down period and ensured that services and activities could easily be performed off site. There is no doubt that, without OneComm, the Shire would have been unable to be as effective and efficient during that period of time.
9	With the ability to use OneComm from any device in any location, it may result in shaping the future capacity and design of the Shire's administration building. This may result in future cost savings.
10	Improved staff health and welfare in Finance, Payroll and Human Resources as they are not under the same level of constant pressure due to the efficiencies realised by OneComm.

OneComm Improvements and Benefits – Intangible by Module

Implementing the OneComm System in the Cloud realises the following improvements and intangible benefits:

#	Information and Communication Technology Improvements and Benefits
1	Implements the Shire's Council approved Cloud First Strategy. This avoids the needs to recruit two (2) additional IT staff to manage the OneComm system On-Premise. This is estimated to avoid staff costs of approximately \$1.4 million over the next 7 years.
2	Addresses business continuity of the Shire's information and communication technology systems.
3	Avoids the cost of implementing a disaster recovery IT infrastructure for the OneComm System. This is estimated to avoid IT infrastructure costs of approximately \$448,000 over the next 7 years.
4	Future system upgrades are included in the Cloud hosting fee, so the Shire does not need to undertake these technical projects – along with the cost of the implementation cost of these upgrades, This is estimated to avoid the On Premise OneComm system upgrades cost of approximately \$490,000 over the next 7 years.



The following table lists the intangible improvements and benefits of implementing Human Resources and Safety System are:

#	Human Resources & Safety System Improvements and Benefits
1	<p>Improve quality of HR Services through improved efficiencies, reduce operational pressures through the introduction of self-service system for</p> <ul style="list-style-type: none"> • Timesheets • Leave • Personal details such as address, bank details, emergency contact • Training requests <p>This equates to less enquires to Human Resources and no paper forms.</p>
2	<p>Improved operational efficiencies will allow Manager Human Resources to focus on Strategic Human Resources Management (i.e. Workforce Management) and reduce the need to employ Human Resources consultants to do this work.</p>
3	<p>Safety incidents and hazard reporting and tracking can be initiated by all staff. More efficient notification processes, auditability and greater levels of reporting will lead to a safer workplace and risk reduction. The manual paper-based Safety 'books' are replaced by OneComm.</p>
4	<p>OneComm can visually represent the Organisational Chart so staff no longer need to maintain in an Excel spreadsheet. The Organisational chart will therefore always be up to date.</p>
5	<p>Staff can view their staff leave and balances online - not previously available in SynergySoft. This will result in less enquiries to Human Resources.</p>
6	<p>Managers and Supervisors can view their staff leave balances online before approving. This will reduce the number of queries to Human Resources and re-work if staff did not have enough leave (i.e. Manager's had no way of determining this in SynergySoft before approving leave).</p>
7	<p>Simplify the recruitment process with electronic workflow capability. This will replace the existing manual paper-based system.</p>

The following table lists the intangible improvements and benefits of implementing the Finance System are:

#	Finance System Improvements and Benefits
1	<p>Improved granularity of reporting with a revised Chart of Accounts which will improve financial management and future budgeting processes.</p>
2	<p>Coordinators, Managers and Directors will be able to self-serve financial information rather than relying on the Finance Team to send these details via email or paper formats.</p>



#	Finance System Improvements and Benefits
3	An efficient accounts payable processing system which allows for prompt payments to be made to the Shire's suppliers.
4	Processes within Finance are now mostly paperless. Documents are retained electronically against transactions in OneComm and can be accessed at any time without the need for a hard copy record.
5	The production of end of month financial reports was labour intensive and typically took around 4 days effort in SynergySoft. OneComm has produced efficiencies whereby end of month reporting now only takes well less than one day's effort. Refer to tangible benefits for details of savings.
6	Finance has moved from being largely reactive to have the capacity to focus on future improvements and capacity to address strategic financial decision making.

The following table lists the intangible improvements and benefits of implementing the Procurement System are:

#	Procurement System Improvements and Benefits
1	The approval of Purchase Orders is completed via electronic workflow with inherent controls to ensure that financial delegations are applied at a system level – with a full electronic audit trail.
2	Invoices can be electronically attached to Purchase Orders in OneComm. This obviates the need to retain and file paper copies of invoices. All invoices are then available for any staff to view on demand.
3	Improved controls over procurement approvals which will mitigate risks of fraud/corruption. OneComm has a delivery receipt function with full audit logging which is not available in SynergySoft.
4	Purchase Order can be automatically sent to suppliers using OneComm which will save Officers time in manually printing/scanning Purchase Orders and emailing/faxing to suppliers.
5	OneComm has the ability to reject purchases requisitions with insufficient detail and the requesting Officer can correct and re-submit the purchase requisition. Previously in SynergySoft you could only cancel a requisition and staff would need to manually re-enter the purchase requisition.
6	Improved Creditor records management, including creating reporting codes such as insurance expiry dates, adding attachments to the creditor record and being able to make creditors inactive. Previously in SynergySoft you could only delete the creditor record.
7	Increased audit and compliance with the Shire's procurement policies. Staff awareness of procurement policies has increased as OneComm enforces compliance with financial delegations and this reduces the risk of procurement policy breaches.



The following table lists the intangible improvements and benefits of implementing the Payroll System are:

#	Payroll System Improvements and Benefits
1	The OneComm Payroll system has the ability for staff to self-serve accessing their pay slips with history. A reduction in enquiries to Payroll.
2	Ability to split 2 x pay runs over alternate weeks to smooth out processing workload over 2 weeks rather than having this work compressed into 1 week. This will reduce pressure to increase payroll FTE in the future. This functionality was not available in SynergySoft.
3	There is no longer any need to complete paper-based timesheets and leave forms, seek approval and for payroll to manually enter timesheets/leave forms into the Payroll system. Staff can now complete attendance timesheets and leave forms electronically and have their timesheet and leave approved online by their supervisor. Thereafter Payroll can process timesheets and approved leave without the need to manually re-enter data.
4	The OneComm Payroll payday processing efficiencies results in staff receiving their fortnightly pay in the morning rather than after 6pm. The OneComm Payroll has been processed on time every fortnight.

The following table lists the intangible improvements and benefits of implementing the Performance Planning System are:

#	Corporate Strategic Performance Planning System Improvements and Benefits
1	Improved operational and strategic reporting capability and response times. Current process is largely manual and based on Excel and Word documents and labour intensive.
2	Ability to report, track and monitor strategic initiatives and activities in a centralised database – previously this information is scattered throughout the Shire in various spreadsheets and monitoring was very difficult.
3	Ability to capture, manage and report on Key Performance Indicators more efficiently. Previously Key Performance Indicators were manually collated and reported.

The following table lists the intangible improvements and benefits of implementing the Asset Register System are:

#	Asset Register System Improvements and Benefits
1	Improved visibility and maintenance of the Shire's Asset database.
2	Currently the Shire has no Works management system in SynergySoft and cannot allocate maintenance costs against Assets. OneComm will, in the future, allow work orders with appropriate costs to be recorded against all assets which will improve asset management processes and reporting.



#	Asset Register System Improvements and Benefits
3	Positions the Shire for strategic asset management modelling capability in the medium to long term.

The following table lists the improvements and intangible benefits of implementing the Business Intelligence and Reporting Tools are:

#	Business Intelligence and Reporting Tools Improvements and Benefits
1	Ability for key users to create visual dashboards of strategic information – reduced reliance on ICT staff to develop dashboards.
2	Faster reporting, analysis and planning for Supervisors, Managers and Directors.
3	Improved and timely business decisions will help us to better measure how we're tracking – strategically and financially.

OneComm Improvements and Benefits Baseline

The abovementioned OneComm tangible and intangible improvements and benefits represents a baseline for which the Shire can extend and further leverage as new versions of OneComm are implemented annually.

The vendor of OneComm, Technology One, continually invest in improving their software and these improvements are passed onto their customers as new versions of their software. As the Shire implements these new versions of OneComm, new features and functionality can be assessed and introduced which will result in the realisation of further improvements and efficiencies which can be added to the baseline of improvements and benefits.

Critical to the realisation of the improvements inherent in new versions of OneComm is staff capacity and capability to ensure drive improvements as part of business as usual. The transformation of the Senior Accountants position to a Systems Accountant position has made it possible for the Shire to continue the ongoing development of the Finance and Procurement modules in OneComm. Likewise, by allocating a full-time Key User in the development of the OneComm Payroll module and then transitioning the Key User to the Payroll Officer position allowed the smooth transition to business as usual. In addition, the capability and capacity exists for the ongoing delivery of improvements in new versions of the Payroll Module.

The OneComm modules where the Shire can consider improving capability and capacity to further drive improvements and efficiency is for the Human Resources Module, Asset and Works Management Module and the Online Customer Request Management module.



Options and Implications

Option 1

That Council

1. NOTES the progress of the OneComm Project – Phase 2;
2. NOTES the progress of the OneComm Project – Phase 2.5; and
3. NOTES the OneComm systems efficiency baseline on the efficiencies and improvements, tangible and intangible, to Council gained over the 2020/2021 Financial Year.

Option 2

That Council

1. DOES NOT NOTE the progress of the OneComm Project – Phase 2;
2. DOES NOT NOTE the progress of the OneComm Project – Phase 2.5; and
3. DOES NOT NOTE the OneComm systems efficiency baseline on the efficiencies and improvements, tangible and intangible, to Council gained over the 2020/2021 Financial Year.

Option 1 is recommended.

Conclusion

The implementation of OneComm Phase 1 and the progressive implementation of Phase 2 modules are significant milestones that ushers the Shire into a new and exciting digitally enhanced era.

It places the Shire in a great space moving forward with:

- An information and communication technology system that underpins our operations and provides a platform on which to innovate for the future;
- Improved and more effective business processes resulting in the increased efficiency of our people;
- Increased capacity to innovate; and
- A solid foundation for the delivery of excellent service to our customers.

The organisational impacts of COVID-19 have demonstrated all too clearly that work sometimes needs to get done outside a physical office. With the Shire implementing OneComm in the Cloud, the new software has enabled staff to access information anywhere, anytime and from any device. This has allowed the Shire to be more flexible and resilient during a period of time of unexpected challenges. This degree of business continuity would not have been possible prior to OneComm. These benefits are being realised and are tightly linked to the Council approval of the Shire's Cloud Computing Strategy (OCM103/09/18) and the Strategic Information and Communication Technology Plan 2018-2021 (OCM104/09/18).

The implementation of OneComm has realised tangible efficiencies and improvements to date and future phases will continue to do so over time. Important to note is that the realisation of improvements and benefits are not always efficiency related, they can also relate to the effectiveness of the Shire.



There are many intangible benefits that introduce efficiencies or improve the effectiveness of the Shire, but are not easily measurable in monetary terms, these being:

- Significantly reduces operational risk by replacing obsolete and outdated IT systems;
- Improves the quality and timeliness of operational and strategic information. The analytics tools in OneComm will help us to better measure how we're tracking – strategically and financially;
- Addresses the implementation of ICT Business Continuity, Cloud Strategy and the Strategic Information and Communication Technology Plan 2018-2021;
- Introduces efficiencies through the automation of many manual paper-based processes; and
- Introduces more effective business processes by changing how the Shire operates, made possible with the new functionality delivered by OneComm.

Importantly, the realisation of business benefits will continue as the Shire implements future Phases and new versions of OneComm and as staff further develop and enhance the OneComm modules already implemented. However, the ongoing realisation of the baseline improvements and benefits can only continue if the Shire funds the staff capacity and capability for the ongoing development of the OneComm modules, implemented to date, as per the experience in the Finance and Payroll modules.

Attachments

Nil.

Alignment with our Strategic Community Plan

The proposed Integrated Enterprise Resource Planning Systems Strategy is critical to the Shire's efficient and effective operations as it aligned to the Strategic Community Plan 2017-2027 with particular reference to:

Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.2	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



Innovation was also recognised in the Strategic Community Plan 2017-2027 for Serpentine Jarrahdale 2050 core community aspirations whereby “*The Shire’s community are open to new technologies and embracing innovation. Respondents indicate that the Shire has an opportunity to be progressive and embrace change and creative thinking*”.

Financial Implications

The OneComm Project is in accordance with the Project Plan Budget (adopted 2018/19 Budget) and Council approved variations. OneComm is a 10-year investment with the implementation occurring over a period of four (4) financial years as per the following table:

2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
\$1,485,000	\$1,287,900	\$1,050,668	\$736,826	\$608,825	\$299,651	\$299,651	\$299,651	\$299,651	\$299,651

Risk Implications

There are no risks associated with the Officer Options.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- 1. NOTES the progress of the OneComm Project – Phase 2;**
- 2. NOTES the progress of the OneComm Project – Phase 2.5; and**
- 3. NOTES the OneComm systems efficiency baseline on the efficiencies and improvements, tangible and intangible, to Council gained over the 2020/2021 Financial Year.**



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

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 for Council to receive the minutes and consider recommendations from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 3 November 2020.

Relevant Previous Decisions of Council / Committee

Local Emergency Management Committee – 3 November 2020 - 5.1.1/11/20

That the Local Emergency Management Committee;

1. *RECEIVES the debrief report for the COVID-19 pandemic; and*
2. *RECOMMENDS that Council REQUESTS the Shire President write to all members of the Local Recovery Coordination Group and sub-committees to thank them for their involvement and commitment to the recovery response.*

Local Emergency Management Committee – 3 November 2020 - 5.1.2/11/20

That the Local Emergency Management Committee:

1. *ENDORSES the draft Local Emergency Management Arrangements (2020) and draft Local Recovery Plan (2020) as contained in attachments 1 & 2 and acknowledges further comments from DEMC may be received, and;*
2. *RECOMMENDS that Council ADOPTS the draft Local Emergency Management Arrangements (2020) and draft Local Recovery Plan (2020) and REQUESTS the Shire President and Chief Executive Officer to sign the documents and provide a copy to the State Emergency Management Committee for noting.*



Ordinary Council Meeting – 21 September 2020 - OCM311/09/20

That Council:

1. *RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 26 August 2020 contained in attachment 1;*
2. *APPROVES the Terms of Reference of the Local Emergency Management Committee as contained in attachment 3;*
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.*

Ordinary Council Meeting – 16 March 2020 – OCM043/03/20

That Council:

1. *RECEIVES the Unconfirmed Minutes of the Local Emergency Management Committee held on 11 February 2020 (E20/2642)*

Ordinary Council Meeting - 16 December 2019 – OCM296/12/19 - EXTRACT

That Council

REQUESTS that the Chief Executive Officer present the draft terms of reference detailed in the Committees and Related Groups Handbook 2019 – 2021 to the next available meetings of the Local Emergency Management Committee and Bush Fire Advisory Committee's for the consideration of the respective Committees.

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

No formal community consultation is required.

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

The LEMC considered two items at its meeting on 3 November 2020. A summary is provided below and the full reports can be reviewed in the LEMC minutes at **attachment 1**. Both items resulted in recommendations for Council's consideration.

COVID-19 Pandemic Community Recovery Debrief

A detailed debrief including feedback from the Local Recovery Coordination Group and sub-committee members and an assessment of lessons learnt, was provided to the LEMC.

A function of the LEMC is to consider post-incident reports to ensure that lessons learnt are discussed and necessary improvements are made.

The LEMC received the report from the Local Recovery Coordinator and made a recommendation to Council for the Shire President to write to all members of the Local Recovery Coordination Group and Sub-committees to thank them for their involvement and commitment to the recovery response.

Document Review – Local Emergency Management Arrangements and Local Recovery Plan

In early 2020, consultant Lewis Winter of Fire and Emergency Management undertook a comprehensive review of the Shire's Local Emergency Management Arrangements and Local Recovery Plan. An overview of the process for this work was provided to LEMC at its meeting on 11 February 2020.

The consultant met with Shire Officers on 14 May 2020 to present the reviewed documents, which were subsequently reviewed internally and prepared in final draft format. The LEMC were then provided with the draft documents for review and comment.



The Department of Fire and Emergency Services District Emergency Management Advisor validated the documents for compliance with the State EM Policy, State EM Plan, State EM Procedures and State EM Guidelines. The documents were deemed compliant in advice received on 21 September 2020. A few minor edits were suggested to text and references. The District Emergency Management Advisor commented on a job well done and that the documents will serve the local government and broader community well when the need arises.

The amended documents were formally sent to the District Emergency Management Committee (DEMC) for review and noting on 23 October 2020. DEMC members provided feedback and this was communicated to the LEMC at the meeting on 3 November 2020 where the LEMC recommended Council adopt the draft Local Emergency Management Arrangements (2020) and draft Local Recovery Plan (2020). The documents can be viewed at **attachment 2** and **attachment 3**.

It is worth noting that during the course of the COVID-19 Pandemic response and recovery earlier in the year, the revised documents were exercised and were found to provide improved guidance to Officers than the existing Local Emergency Management Arrangements and Local Recovery Plan.

Options and Implications

Option 1

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 3 November 2020 contained in attachment 1;
2. REQUESTS the Shire President write to all members of the Local Recovery Coordination Group and sub-committees to thank them for their involvement and commitment to the COVID-19 pandemic recovery response; and
3. ADOPTS the draft Local Emergency Management Arrangements (2020) at attachment 2 and the draft Local Recovery Plan (2020) at attachment 3 and REQUESTS the Shire President and Chief Executive Officer to sign the documents and provide a copy to the State Emergency Management Committee for noting.

Option 2

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 3 November 2020 contained in attachment 1;
2. REQUESTS the Shire President write to all members of the Local Recovery Coordination Group and sub-committees to thank them for their involvement and commitment to the recovery response; and
3. DOES NOT ADOPT the draft Local Emergency Management Arrangements (2020) at attachment 2 and the draft Local Recovery Plan (2020) at attachment 3 and provides reasons as to why.

Option 1 is recommended.



Conclusion

The minutes of the Local Emergency Management Committee meeting held 3 November 2020 are provided to Council along with recommendations to adopt the draft Local Emergency Management Arrangements (2020) and draft Local Recovery Plan (2020) and to formalise appreciation to Local Recovery Coordination group and sub-committee members who participated in the recovery response, by way of a letter.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting 3 November 2020 (E20/12624)
- **10.4.1 - attachment 2** - draft Local Emergency Management Arrangements (2020) (E20/13876)
- **10.4.1 - attachment 3** – draft Local Recovery Plan (2020) (E20/13886)

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

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	<i>That Council does not adopt the Local Emergency Management Arrangements and/or the Local Recovery Plan, and does not have the revised documents for use in any future emergency situations</i>	<i>Documents have been reviewed by a number of internal and external parties and have been found to be compliant.</i>	<i>Organisational Performance</i>	<i>Rare</i>	<i>Minor</i>	<i>LOW</i>	<i>Nil</i>
2	<i>That Council does not acknowledge the efforts of, and thank the members of the Local Recovery Coordination Group and sub-committees</i>	<i>Council support the Shire President writing to members.</i>	<i>Reputation</i>	<i>Rare</i>	<i>Moderate</i>	<i>LOW</i>	<i>Nil</i>

Voting Requirements: Simple Majority

Local Emergency Management Committee Recommendation

That Council:

1. **RECEIVES** the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 3 November 2020 contained in attachment 1;
2. **REQUESTS** the Shire President write to all members of the Local Recovery Coordination Group and sub-committees to thank them for their involvement and commitment to the recovery response; and
3. **ADOPTS** the draft Local Emergency Management Arrangements (2020) at attachment 2 and the draft Local Recovery Plan (2020) at attachment 3 and **REQUESTS** the Shire President and Chief Executive Officer to sign the documents and provide a copy to the State Emergency Management Committee for noting.



10.4.2 – COVID-19 Pandemic Community Recovery Plan (SJ3306)

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

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 adopts the Community Recovery Plan COVID-19 pandemic, after inviting public comment.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 October 2020 - OCM341/10/20

That Council:

1. *RESOLVES to advertise the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic, as contained in attachment 1, for a period of 14 days with a report brought to Council at the December 2020 Ordinary Council Meeting outlining any comments received; and*
2. *NOTES the updated COVID-19 pandemic Communication Plan as contained in attachment 3.*

Ordinary Council Meeting – 15 June 2020 - OCM170/06/20 - extract

That Council:

2. *APPROVES a budget adjustment for 2019/20 for the engagement of a specialist consultant to develop a community led, Community Long Term Recovery Strategy as follows:*

<i>Account Number</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>5200-17101-6230</i>	<i>Decrease</i>	<i>Members of Council – Consultancy Expenditure</i>		<i>10,000</i>
<i>4000-15003-6230</i>	<i>Increase</i>	<i>Community Recovery – Consultancy Expenditure</i>	<i>10,000</i>	

Reason: To enable development of a Community Long Term Recovery Strategy in response to the COVID-19 Emergency.



Background

The Emergency Management Act 2005 specifies that it is the responsibility of the local government to manage recovery following an emergency affecting the community in its district. Recovery is defined in the Act as “the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing”.

The Government of Western Australia declared a State of Emergency on 16 March 2020 and a Public Health Emergency on 17 March 2020 in response to COVID-19 coronavirus.

Since March 2020 the Shire has been working closely with State Government agencies, non-government and community organisations to ensure a coordinated response to and recovery from the COVID-19 pandemic.

In June 2020, the Western Australian State Government made the decision that coordination of recovery from the pandemic was more appropriate at a statewide level as opposed to coordination of recovery at the local level. As a result, the State Government assumed control of the recovery effort for a period of 12 months. However, Local Governments have been encouraged to develop recovery plans that align with the *WA Recovery Plan* document that was developed by the State Government after extensive community and sector consultation. Plans are also to reflect the role of local governments in recovery, as outlined by the State Recovery Controller and detailed below:

1. Collect and provide local impacts to the State Recovery Coordinator to inform recovery planning and implementation.
2. Align local recovery plans to the State Recovery Plan where required to ensure Consistency.
3. Build on the strong work already undertaken by local governments in:
 - a) reviewing or adopting financial hardship policies to support ratepayers to provide rate, fee and tenancy relief to businesses and individuals in distress;
 - b) reviving community services, sports and recreation to promote wellbeing and enable the community to resume active, connected lives in a COVID safe manner;
 - c) supporting arts, culture, events and tourism activities and content in local areas and helping these industries to innovate to operate in the future;
 - d) accelerating small capital works projects to provide vital employment channels and use local materials, contractors and labour services to support vulnerable parts of the workforce; and
 - e) streamlining or fast tracking approvals processes and relieving compliance burdens on businesses and households where possible to stimulate local economic activity.
4. Monitor recovery progress and report any emerging issues and key actions taken at the local level to the State Recovery Coordinator to inform quarterly reporting to the State Recovery Steering Committee.



Community / Stakeholder Consultation

In August, the Shire undertook a range of sector and community consultation activities to better understand the impact of the pandemic on Serpentine Jarrahdale businesses and community and those agencies and organisations working within the Shire, and their concerns and needs for recovery from the pandemic.

Activities included:

- An advert in Examiner Newspaper on 30 July and 6 August 2020.
- Workshops with members of the Local Recovery Coordination Group, Economic Recovery and Community Wellbeing Recovery Sub Committees on 6 and 7 August 2020.
- Community Drop In Session on Saturday 15 August 2020 at the Serpentine Jarrahdale Community Recreation Centre.
- Direct email to registered home businesses, the Shire's Business Directory, Sporting Groups, Community Groups and 1500 subscribers to E-News.
- Facebook posts on 30 July, 5 and 15 August 2020.
- Corflute signs advising the Survey and Community Session at the:
 - Jarrahdale General Store.
 - Serpentine IGA.
 - Serpentine Jarrahdale Community Recreation Centre.
 - Outside the Office of Alyssa Hayden MLA.

Feedback on the draft plan has been sought from:

- Local Emergency Management Committee.
- Local Recovery Coordination Group.
- Economic Recovery Group.
- Community Wellbeing Sub Committee.

Following Council's resolution at the September OCM, public comment was sought on the Community Recovery Plan by way of:

- An advertisement in the Examiner Newspaper on 5 November 2020.
- Notice of the Invitation to Comment on the Shire's website.
- Copies of the Community Recovery Plan available at the Shire Administration Centre and Mundijong Public Library for viewing.
- Facebook post reminder on 18 November 2020.

No comments on the Community Recovery Plan were received. Corporate design of the Community Recovery Plan COVID-19 Pandemic will be undertaken now that the community consultation period has closed.



Statutory Environment

Emergency Management Act 2005

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and*
- (b) to manage recovery following an emergency affecting the community in its district; and (c) to perform other functions given to the local government under this Act.*

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

The Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic is included with this report as **attachment 1**. The Plan has been developed after consultation with the community, the business community, State Government agencies, non-government agencies, community organisations, members of the Local Recovery Coordination Group and its sub-committees.

The Plan is intended to act as a guide to recovery within the Shire for an 18-month period until April 2022, and may be updated should significant changes occur in relation to the pandemic.

The Plan has been developed consistent with the *WA Recovery Plan* and outlines actions to be undertaken under a number of headings from the *WA Recovery Plan* as relevant to the Shire:

- Major infrastructure investment.
- Local building and maintenance.
- Major road construction.
- Building community infrastructure.
- Housing construction.
- Supporting small business.
- Investing in local tourism.
- Connecting our community.



Under each of the headings are the actions to be undertaken during three phases;

Protect	Actions undertaken to support community and businesses to continue to survive and function in an uncertain environment.
Pivot	Actions undertaken to respond to new opportunities, changes in the way we live, and changes in consumer behaviours.
Prosper	Actions undertaken to create a new future, and build long-term sustainability acknowledging that things won't be as they were.

Because of the nature of the pandemic, it is possible that activities from each of these three phases will be undertaken concurrently, as recovery and response have both been necessary at each stage throughout the pandemic.

The Plan will be reviewed quarterly, with an assessment of achievements against the plan and an assessment of environmental factors that might result in required changes to the plan.

Options and Implications

Option 1

That Council ADOPTS the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic as contained in attachment 1, noting that it is subject to review and change in response to the pandemic environment.

Option 2

That Council:

1. DOES NOT adopt the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic, as contained in attachment 1; and
2. REQUESTS the Chief Executive Officer undertake further work on the development of the Plan.

Option 1 is recommended.

Conclusion

The Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic has been developed to reflect feedback from the community, State Government agencies, non-government organisations, community groups, members of the Local Recovery Coordination Group and its sub-committees and members of the Local Emergency Management Group.

The Plan reflects the needs and desires of the community, the role of local government in recovery as outlined by the State Recovery Controller and aligns with the Western Australian State Government *WA Recovery Plan*.



Attachments (available under separate cover)

- **10.4.2 – attachment 1** – Community Recovery Plan COVID-19 Pandemic (E20/10375)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 4.1	A resilient, efficient, and effective organisation
Strategy 1.3.3	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 additional financial implications of this plan beyond that which is currently in the Shire's 20/21 budget.

Any additional funds required to achieve the actions will be managed through future budget processes and possible funding through grants.

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	<i>Nil</i>						
2.	<i>The Shire does not have a clear response to recovery to the COVID-19 pandemic.</i>	<i>Community Recovery Plan as been developed in consultation with the community</i>	<i>Social / Community Outcomes</i>	<i>Rare</i>	<i>Moderate</i>	<i>LOW</i>	<i>Nil</i>



Continued

Ordinary Council Meeting Agenda
Monday, 14 December 2020

Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic as contained in attachment 1, noting that it is subject to review and change in response to the pandemic environment.



10.5 Executive Services reports

10.5.1 – Keirnan Park – Financial Assistance Agreement for Project Planning and Detailed Design (SJ1364-02)	
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

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 provide authority to the Shire President and Chief Executive Officer to execute the Financial Assistance Agreement from WA Department of Local Government, Sport and Cultural Industries, for the Keirnan Park Recreation Precinct Project Planning and Detailed Design.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 19 October 2020 – OCM335/10/20 - COUNCIL DECISION/Officer Recommendation:</i>				
<i>That Council:</i>				
1. <i>NOTES the update of the Keirnan Park Recreation Precinct as per this report;</i>				
2. <i>REQUESTS the Chief Executive Officer to negotiate an initial agreement with the Department of Local Government, Sport and Cultural Industries for \$2 million, to complete all project planning, including studies and design to enable Stage 1 of the Keirnan Park Recreation Precinct project to be ready for construction;</i>				
3. <i>AUTHORISES the Chief Executive Officer to commence spending planning funds (and recruiting dedicated project staff) for project planning prior to the funding agreement for project planning being executed;</i>				
4. <i>REQUESTS the Chief Executive Officer to negotiate a secondary agreement for \$18 million with the Department of Local Government, Sport and Cultural Industries for the construction for Stage 1 of the Keirnan Park Recreation Precinct once project planning is able to inform the final scope and milestones; and</i>				
5. <i>APPROVES funding of Keirnan Park Recreation Precinct planning from grant funds and reallocate municipal funds set aside for Keirnan Park Recreation Precinct to the Building Asset Management Reserve.</i>				
<i>Account</i>	<i>Description</i>	<i>Type</i>	<i>Debit</i>	<i>Credit</i>



6500-80235-6600	Keirnan Street Planning	Increase expenditure	2,000,000	
6500-80235-4820	Keirnan Street Planning	Increase grant		2,000,000
<i>Reason: Recognition of grant funding to undertake Keirnan Street Planning project.</i>				
<i>Account</i>	<i>Description</i>	<i>Type</i>	<i>Debit</i>	<i>Credit</i>
5300-17302-5202	Transfer to Building Asset Management Reserve	Increase reserve	500,000	
6500-80235-6600	Keirnan Street Planning	Decrease expenditure		500,000
<i>Reason: Transfer municipal funding for Keirnan Street Planning to reserve as project is now fully grant funded.</i>				

Background

In August 2020, correspondence was received from the Minister for Sport and Recreation, acknowledging the Shire's advocacy correspondence and confirming that the Shire had been successful in receiving a funding commitment of \$20 million towards the development of the Keirnan Park Recreation Precinct, through the State's COVID Recovery Plan.

Since this time, Shire Officers have worked with the Department to determine the requirements to receive the grant funding and have prepared a draft Financial Assistance Agreement to secure the initial funds. The initial \$2 million will be released to the Shire immediately for project planning (master plan and business case) and detailed design, prior to the State Government being placed into financial caretaker mode in January.

A further agreement is to be negotiated for the remainder \$18 million for construction of Stage 1 of Keirnan Park, once stages and milestones are finalized through the project planning works.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Statutory Environment

No statutory implications are applicable.

Comment

DLGSCI Officers indicated that there is no requirement for the Shire to match or make an additional contribution towards the project to secure the grant funds, therefore a \$500,000 allocated budget for 2020/2021 has been transferred to the Building Asset Management Reserve (as per Council's resolution).

The Department is flexible as to the timing of delivery of the project, and supports robust project planning taking place prior to construction commencing. The Shire's Community Infrastructure Developer Contribution Plan provides the high-level project analysis for Keirnan Park, however



refinement of the project plans are required to ensure the facility provides the best value for money, and the infrastructure is constructed in an appropriate timeframe.

To commence project planning and detailed design, Shire Officers have prepared a scope of works for a Business Case, which will provide details around the project's progression. The scope of work includes:

- Incorporation of the master plan report currently being prepared;
 - A refined site master plan;
 - A refined staging plan;
 - Construction and operational cost estimates;
 - Job creation estimates and;
 - Desktop site condition study.
- Project alignment to Federal, State, and local strategic priorities;
- Social and environmental benefit commentary;
- A fully-costed project budget including capital, operational and maintenance costs, and a life cycle analysis;
- Economic impact assessment;
- Stakeholder engagement plan;
- Risk analysis;
- High-level project management plan;
- Evaluation framework to measure outcomes.

The business case will also align to the Regional Development Australia (Peel) Business Case assessment criteria to ensure that the document can be used by multiple agencies for advocacy.

The Business Case will be completed by March 2021 in line with the master plan report.

To fund the development of the Business Case and detailed design for Keirnan Park, the Department has provided the Financial Assistance Agreement (FAA) to enable the release of the first \$2 million prior to the State Government's caretaker period in January 2021. Should the agreement not be executed prior to the caretaker period, it is expected that the funds will not be released to the Shire until after the State Election, delaying the Keirnan Park project.

The FAA outlines the obligations upon the Shire in relation to insurances, milestone reporting and general legal requirements, and is included as **attachment 1**. It provides for the release of the remaining \$18 million at the successful completion of the milestones from this FAA.

The following reportable milestones have been recommended as a suitable timeframe for the detailed design project. These milestones align to and exceed the project milestones within the Corporate Business Plan relating to Keirnan Park and are achievable within allocated resources:

1. Master Plan Report and Business Case complete – 31 March 2021;
2. Detailed Design – Stage 1 complete – 31 December 2021.

The following payment installments have been proposed by the Department. Officers consider this to be fair and reasonable:



	Description	Installment amount
1	Execution of the Agreement	\$1,000,000
2	Council endorsement of the Master Plan and Business Case	\$500,000
3	Awarding of tender for detailed design of Stage 1 of Keirnan Park Recreation Precinct	\$500,000

Council is requested to authorise the Chief Executive Officer and Shire President to execute the FAA.

Options and Implications

Option 1

That Council AUTHORISES the Shire President and Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and Shire of Serpentine Jarrahdale for the WA Recovery Plan – Development of a Business Case for the Keirnan Park Recreation Precinct as per attachment 1, by affixing the common seal.

Option 2

That Council AUTHORISES the Shire President and Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and Shire of Serpentine Jarrahdale for the WA Recovery Plan – Development of a Business Case for the Keirnan Park Recreation Precinct, by affixing the common seal, with amendments.

Option 3

That Council DOES NOT AUTHORISE the Shire President and Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and Shire of Serpentine Jarrahdale for the WA Recovery Plan – Development of a Business Case for the Keirnan Park Recreation Precinct.

Option 1 is recommended.

Conclusion

The Shire has received the draft Financial Assistance Agreement from the Department of Local Government, Sport and Cultural Industries for the first committed instalment of the Keirnan Park Recreation Precinct funding. The agreement is intended to administer the first \$2 million of the total \$20 million, to fund the project planning and detailed design. Council are requested to authorise the Shire President and Chief Executive Officer to finalise the agreement.



Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Keirnan Park Recreation Precinct – Department of Local Government Sport and Cultural Industries – Financial Assistance Agreement (E20/13481)

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

Execution of the Financial Assistance Agreement will result in the Shire receiving \$2 million from the Department in the 2020/2021 Financial Year.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>There is no material risk associated with Option 1.</i>						
2	<i>Due to the time associated with requesting amendments, the Chief Executive Officer may not be able to secure a finalised agreement prior to caretaker mode, resulting in a delay of receiving funds and project progression.</i>	<i>Nil</i>	<i>Organisational Performance</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>
3	<i>Detailed design is not completed in full in 2021/2022 requiring</i>	<i>Nil</i>	<i>Financial</i>	<i>Rare</i>	<i>Major</i>	<i>LOW</i>	<i>Nil</i>



	<i>municipal funds to complete in future years.</i>						
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Voting Requirements: Simple Majority

Officer Recommendation:

That Council AUTHORISES the Shire President and Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and Shire of Serpentine Jarrahdale for the WA Recovery Plan – Development of a Business Case for the Keirnan Park Recreation Precinct as per attachment 1, by affixing the common seal.

**10.5.2 – Byford TAFE Feasibility Study and Byford Civic Precinct Plan (SJ3304)**

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 for Council to consider the Byford TAFE Feasibility Study report.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 June 2020 – OCM173/06/20 - COUNCIL RESOLUTION/ Officer Recommendation:

That Council:

- 1. ACCEPTS the grant from the Peel Development Commission of \$40,000 and AUTHORISES the Chief Executive Officer to sign the Project Execution Strategy as per attachment 2.*
- 2. AGREES to consider an allocation of \$40,000 in the 2020/21 financial year budget for the business cases for the Byford TAFE and Byford Health Hub.*

Background

Over recent months, Officers have been considering which facilities should be located within the Byford Town Centre in proximity to the MetroNet Rail Extension to Byford. The announcement of the Byford Station provides opportunity to appropriately plan for the Shire's future and create a vibrant town centre.

The planning has involved consultation with stakeholders, assessment of Perth and Peel@3.5m State Planning documentation and consideration of what will make both an active town centre in Byford, create short and long-term employment opportunities to meet the needs of the Shire's growing and relatively young community.

Through this process the opportunity to establish a new TAFE site in the Byford area solidified as an opportunity worthy of further consideration. The response to COVID19 enabled the concept to



progress earlier than initially planned through a request to Peel Development Commission for a 50% contribution to a feasibility study.

In June, Officers received advice from Peel Development Commission that the request for \$20,000 was successful. At that time, Council resolved to authorise the Chief Executive Officer to execute the project execution strategy (agreement) and then allocated a matching contribution budget of \$20,000 in the 2020/2021 financial year.

The feasibility study was undertaken by consultants Urbis, in consultation with South Metropolitan TAFE, WA Department of Training and Workforce Development, Byford Secondary College and Court Grammar School; and is now completed. The key findings of the report are summarised below.

Community / Stakeholder Consultation

Throughout the development of the study, Shire Officers and the consultants engaged with South Metropolitan TAFE to gauge an understanding of their planning processes, obtain student and campus data and discuss course offerings.

The WA Department of Training and Workforce Development was also engaged through the study to understand new campus assessment criteria, costs for a TAFE development and to understand the strategic positioning of Byford as a new campus location.

Byford Secondary College and Court Grammar School were engaged as interested stakeholders to support and promote pathways for students. Both secondary schools were provided with opportunity to review and comment on the draft report and both have indicated their support for the proposal. Byford Secondary College in particular, has expressed an interest in providing the school facility as an initial location for delivery of TAFE courses. Salvado College were not engaged as they are yet to offer senior high school services.

Statutory Environment

There are no statutory considerations in relation to this matter.

Comment

The study has demonstrated that a Byford TAFE campus would create local jobs, support skills development and improve the liveability of the Shire. The key findings of the report are;

Timing

The Department of Training and Workforce Development have advised that realistically, a Byford TAFE Campus would not be operational until 2030. This is due to the large investment in existing and new TAFE campuses through the COVID Recovery Fund, which will slightly increase other TAFE capacities in the short term.

Officers support this timeline as it enables Council to advocate to the State to purchase the land, with a 5-10 year construction horizon.



Demand

The number of Shire residents who are likely to attend TAFE was determined to be 600 in the year 2020 (approximately the same number as Armadale students), with the potential to double to 1,200 by 2035 (student numbers similar to Mandurah).

TAFE offerings are relatively inaccessible for Shire residents (with the closest campus located in Armadale), and in particular, the closest TAFE construction trades training is at the Thornlie campus, 22km from Byford. With construction being the Shire's largest employment sector, a Byford campus would support local career pathways and enable residents to study and work locally.

The immediate demand for a TAFE campus has prompted discussions between the Shire, South Metropolitan TAFE and Byford Secondary College to commence a pilot program to deliver TAFE courses from the school facility. The first expected course is a Job Ready Basic Skill Set program likely to be delivered in Semester One of 2021, providing an avenue to continue discussions to deliver higher-level education from the school, such as Certificates or Diplomas.

Officers will also work with TAFE and local businesses to promote and facilitate job creation opportunities, such as business matching (apprentices with local businesses).

Government priorities

The proposed Byford campus is strongly aligned with State Government initiatives for economic recovery and growth. Additionally, a campus located in the Byford town centre provides opportunity for prolonged community activation, colocation with other community facilities and aligns to the Shire's advocacy priorities.

Skills shortages

The Peel region experiences a shortage of skilled workers across a range of sectors. Specifically, the Shire experiences shortages of skilled workers in technical, professional and scientific industries, as well as human services (such as aged, health and child care), and equine specialties (husbandry and farriers). These skills needs are likely to increase as new infrastructure in the area (such as West Mundijong Industrial Area, METRONET and the Tonkin Highway Extension), drives increased skilled worker requirements, population continues to grow and the Shire's equine industry expands.

The recommended education courses are based on encouraging local industry development and expansion, by facilitating links and partnerships between TAFE, schools offering vocational training and education, and local businesses. The courses will enable the local workforce to become educated with appropriate skills that match local and regional industry needs, increasing Shire employment self-sufficiency. The study recommends course offerings such as;

- Education and training;
- Health / population services;
- Construction trades;
- Agriculture / intensive horticulture / livestock / equine;
- Tourism / hospitality and
- Manufacturing / food processing / logistics.



Location

The consultant considered three nominal sites within the Byford Town Centre for comparison, considering transport access, proximity to a growing catchment population, lot suitability, proximity to the activity centre and cost considerations.



Figure 1 - Site considerations for TAFE campus (credit: Urbis)

Site A was deemed the most suitable due to the good transport access, and the presence of some existing essential services within the vicinity, which reduces costs during construction. It is recommended that this site be considered as the preferred site for TAFE.

Site B was deemed suitable also, though noting that the site has a lack of essential infrastructure, making it more costly to construct.

Site C was assessed for comparison purposes and as a contingency site should there be any major unforeseen constraints with Site A or nearby land areas. It is not recommended to pursue this option.



The study recommends the development of a 2-3 storey construction to accommodate a range of courses. This could accommodate both a trade school and institutional learning. This option, being able to provide for 1,500 students, is likely to cost \$29 million and create 370 construction and ongoing jobs. This cost excludes the cost to purchase land if required.

Project progression

To progress a Byford TAFE campus, the following broad project phases are required:

- Facilitate discussions between South Metropolitan TAFE and Byford Secondary College to promote delivery of courses at the school facility.
- Advocate for Government to acquire the preferred site.
- Produce effective collateral to advocate for the forward planning and development of the TAFE to State and Federal Government.

Options and Implications

Option 1

That Council:

1. ENDORSES the Byford TAFE Campus Feasibility Study as per **attachment 1**;
2. REQUESTS the Chief Executive Officer engage with Byford Secondary College and South Metropolitan TAFE to determine how TAFE courses could be delivered at Byford Secondary College in the short-term;
3. SUPPORTS Site A in principle as the preferred site for a Byford TAFE and;
4. ADVOCATES for the State Government to acquire Site A for the purpose of a TAFE facility.

Option 2

THAT Council:

1. ENDORSES the Byford TAFE Campus Feasibility Study as per **attachment 1**;
2. REQUESTS the Chief Executive Officer engage with Byford Secondary College and South Metropolitan TAFE to determine how TAFE courses could be delivered at Byford Secondary College in the short-term;
3. SUPPORTS Site B in principle as the preferred site for a Byford TAFE and;
4. ADVOCATES for the State Government to acquire Site B for the purpose of a TAFE facility.

Option 3

That Council NOT ENDORSE the Byford TAFE Campus Feasibility Study.

Option 1 is recommended.



Conclusion

The Byford TAFE Feasibility Study indicates a significant need for a campus to be located within the Shire based on estimated attendance, population growth, skills shortages and career pathways for students. Council is requested to consider the Feasibility Study, and a preferred site for advocacy purposes.

Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Byford TAFE Campus Feasibility Study (E20/13596)

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 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
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 impacts 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	<i>There are no material risks associated with Option 1.</i>						
2	<i>Site B is contrary to the recommendation in the feasibility study and therefore this could lead to reputation damage with key stakeholders</i>	<i>Nil</i>	<i>Strategic Stakeholder Relationships</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Nil</i>
2	<i>Site B is not collocated with the Shire's Civic Precinct and therefore may result in less community activation opportunities</i>	<i>Nil</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Nil</i>
3	<i>If Council do not endorse the study, this could lead to reputation damage given funds have been spent.</i>	<i>Nil</i>	<i>Reputation</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>
3	<i>If Council do not endorse the study, this could jeopardise the chances of securing a TAFE, impacting community education opportunities</i>	<i>Nil</i>	<i>Social / Community Outcomes</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **ENDORSES** the Byford TAFE Campus Feasibility Study as per attachment 1;
2. **REQUESTS** the Chief Executive Officer engage with Byford Secondary College and South Metropolitan TAFE to determine how TAFE courses could be delivered at Byford Secondary College in the short-term;
4. **SUPPORTS** Site A in principle as the preferred site for a Byford TAFE and;
5. **ADVOCATES** for the State Government to acquire Site A for the purpose of a TAFE facility.



10.5.3 – Fire and Emergency Services Training Academy – Site Brief (SJ2330)

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.
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Report Purpose

The purpose of this report is for Council to consider providing a submission to the WA Department of Fire and Emergency Services (DFES) regarding Lot 500 Mundijong Road (Webb Road Reserve), to be considered for a new Fire and Emergency Services Training Academy site.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

In September 2020, the State Government announced a budget allocation of \$2.05 million to develop a business case and project planning for a new emergency services training academy. The academy is set to provide better training for an increased range of emergencies and natural hazards to replace the current Forrestfield facility built in the 1980's.

The Department of Fire and Emergency Services is currently investigating possible designs, locations, costs and timeframes to build the state of the art facility, which will cater to volunteer, and career firefighters training needs.

It is anticipated that the facility will accommodate classroom training and practical learning using prop structures. This will provide firefighters with replicas of real urban and marine risk environments that may include a multi-story building, ship, cars and hazardous materials; though no there are no confirmed site inclusions and designs as yet. Dependent on the site selected, there is potential for accommodation to be constructed to cater to visiting firefighters.

DFES have advised that there is the potential for small visual impacts such as smoke plumes from the facility during training, which will be utilized year-round and would have the capability for 24-7 operations.

The noise impacts of the facility will be assessed by DFES through the design process.



Community / Stakeholder Consultation

Shire Officers have met with the Department to understand the process to determine a site location for the academy. DFES have indicated that they are undertaking site assessment as part of the business case preparation and are interested in considering any site that has merit. DFES also indicated that there is no formal expression of interest process for site selection, however have requested a briefing note describing any site and its benefits for consideration.

Statutory Environment

There are no statutory implications relating to this matter. Should DFES request to progress the site, this would be considered a Major Land Transaction and would trigger the preparation of a Business Plan as per Section 3.59 of the *Local Government Act 1995*. If this occurs it includes a period of not less than six weeks of community consultation on the proposal.

Comment

Project Analysis

A high-level project analysis through *Forecast.id* (the Shire's standard modelling software for job creation and economic impacts) calculated the impact of creating 100 jobs in the Shire. 100 jobs would result in a total estimated rise in output of \$64.92 million into the Shire's economy; and would result in a further 175 jobs being created in flow-on industries. From this, it is estimated that 120 of these jobs would be expected to be filled by Shire of Serpentine Jarrahdale residents.

The *Forecast.id* report is included as **attachment 1**.

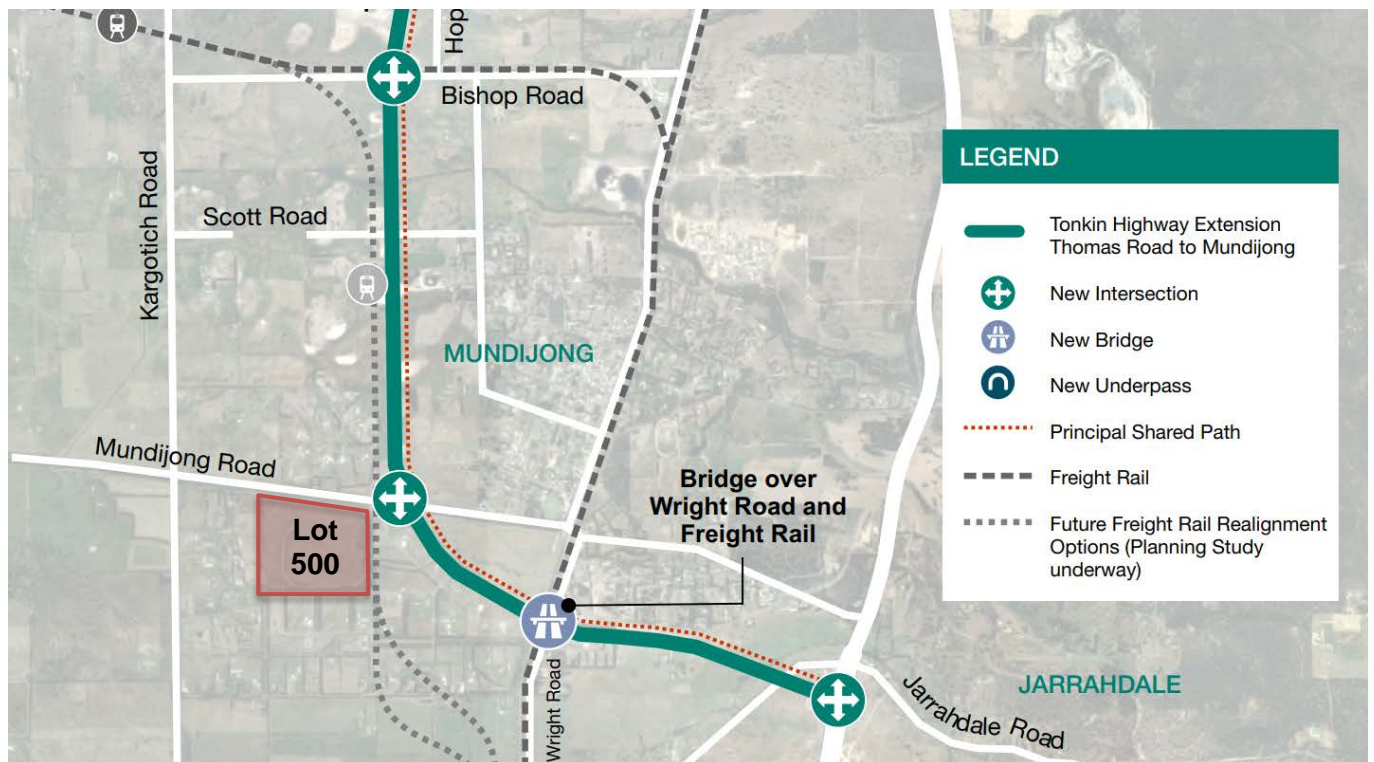
Lot 500 Mundijong Road, Mundijong (colloquially known as Webb Road)

Officers have focused efforts on Lot 500 only, as the site has no strategic plans and no other Shire freehold properties were deemed to be suitable for the DFES project.

The Shire has owned Lot 500 Mundijong Road in freehold since 2019 when Council paid \$1.69 million for the property. The property is 50 hectares in size. Planning framework identifies:

- Tonkin Highway Extension to be located within 250m of the site boundary.
- Potential Freight Rail Realignment to be located on the eastern boundary of the site.

These two projects place the property in a strategic location for any future use.



Tonkin Highway and potential Freight Rail Realignment relating to Lot 500.

The site is currently zoned Parks and Recreation under the Metropolitan Regional Scheme and would need to be amended to Public Purposes to accommodate this development.

The property's surrounding zones are 'farmlet', which are predominantly equestrian use.

Perth and Peel @ 3.5million planning framework indicates the property as 'proposed open space – nature/passive recreation', though this was prior to the Shire's land purchase which has altered the intent of the property.

Other site constraints include Bush Forever along the northern boundary of the site, site drainage and access road conditions though these are unlikely to hinder the sites potential.

Equine Advisory Group

The recently formed Equine Advisory Group have identified the need for an equine development in the southern area of the Shire district, similar to 70-acres in Darling Downs. Webb Road has been raised by the group as a possible location for this facility.

The Equine Advisory Group is currently determining their priority actions and timeframes for Council consideration in early 2021.

Site Briefing

Submission of a site briefing note to DFES does not commit Council to the project, but rather enables DFES to formally assess the site for suitability.

Should the Shire's submission progress with DFES, this would trigger the preparation of a Business Plan outlining all options and implications of the proposal, including consideration of



DFES' development, financial implications for Council and any associated risk for the Shire or residents. Council would be required to consider tenure arrangement options also. These tenure arrangements could be in the form of a land swap or sale. DFES have advised they would not consider a lease arrangement.

Options and Implications

Option 1

That Council REQUESTS the Chief Executive Officer prepare and submit a non-binding briefing note to the Department of Fire and Emergency Services for the Training Academy Business Case, to consider the property at Lot 500 Mundijong Road, Mundijong as a potential site.

Option 2

That Council NOT SUPPORT the preparation or submission of a site briefing note to the Department of Fire and Emergency Services for the Training Academy Business Case.

Option 1 is recommended.

Conclusion

The Department of Fire and Emergency Services are currently investigating site options to assess within the Training Academy Business Case. The development of a DFES Training Academy in the Shire would create 275 jobs. Lot 500 Mundijong Road has been identified as having merit in terms of its strategic location, size and surrounding zoning for this development. Council is requested to consider supporting a non-binding submission to DFES identifying the site.

Attachments (available under separate cover)

- **10.5.3 - attachment 1** – Department of Fire and Emergency Services Training Academy - Forecast ID Economic Impact Analysis (E20/13654)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.2	Support local emergency services
Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
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 relating to this item. The site briefing note can be completed with existing resources.



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	<i>Perception of the submission as a final decision without requesting community input.</i>	<i>Clear Council resolution that indicates the submission is non-binding.</i>	<i>Reputation</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Prepare website post and FAQs outlining the submission/engagement process.</i>
2	<i>Lost opportunity to advocate for significant job creation and economic injection into the Shire.</i>	<i>Nil</i>	<i>Social / Community Outcomes</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Council may formally consider uses for Lot 500 Mundijong Road.</i>

Voting Requirements: Simple Majority

Officer Recommendation

That Council **REQUESTS** the Chief Executive Officer prepare and submit a non-binding briefing note to the Department of Fire and Emergency Services for the Training Academy Business Case, to consider the property at Lot 500 Mundijong Road, Mundijong as a potential site.



Continued

Ordinary Council Meeting Agenda
Monday, 14 December 2020

11. Urgent business:

12. Councillor questions of which notice has been given:

13. Closure: