



Shire of  
Serpentine  
Jarrahdale

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Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Agenda

**7.00pm**

**Monday, 15 February 2021**

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## Contact Us

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### In Person

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



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## Ordinary Council Meeting Agenda Monday, 15 February 2021

### Councillor Attendance Register

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

### Council October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
14/12/20	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
14/12/20	SCM	✓	✓	✓	✓	A	✓	A	✓	✓
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	✓	✓	✓	✓



## Ordinary Council Meeting Agenda Monday, 15 February 2021

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
03/02/20	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
16/12/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

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

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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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



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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, 15 February 2020 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong – commencing at 7.00pm.

Paul Martin  
**Chief Executive Officer**

5 February 2020

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## **Agenda**

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

### **2. Public question time:**

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

##### **Ordinary Council Meeting – 14 December 2019**

Question asked by **Ms Lisa Brazier, PO Box 80, Mundijong WA 6123**, at the Ordinary Council Meeting, 14 December 2020. A letter was sent to Ms Brazier on 22 December 2020. (OC20/25293).

##### Question 3

What current sitting Councillors hold a valid Diploma of Local Government or Diploma of Governance or hold accreditation with the Australian Institute of Company Directors?

*Response (Acting Director Corporate Services)*

*The Shire does not have a record of all qualifications of Councillors.*

*Councillors may obtain qualifications prior to commencement on Council, or during the term as a Councillor. Training and/or qualifications could be paid for by the local government or the individual Councillor.*

*Recent changes to the Local Government Act 1995 regarding Elected Member training are outlined below:*

##### **5.126 Training for council members**

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may -*
  - (a) *prescribe a course of training ; and*
  - (b) *prescribe the period within which training must be completed, and*



- (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1), and*
- (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

*[Section 5.126 inserted: No. 16 of 2019 s. 61.]*

**5.127 Report on training**

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

*[Section 5.127 inserted: No. 16 of 2019 s. 61.]*

**5.128 Policy for continuing professional development**

- (1) *A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.*

*\* Absolute majority required.*

- (2) *A local government may amend\* the policy.*

*\* Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government -*
  - (a) *must review the policy after each ordinary election; and*
  - (b) *may review the policy at any other time.*

*[Section 5.128 inserted: No. 16 of 2019 s. 61.]*

*A copy of the report identified in Section 5.127 for the 2019/20 FY can be found on the Shire's website at the following link:*

*[www.sjshire.wa.gov.au/council/governance/registers](http://www.sjshire.wa.gov.au/council/governance/registers).*

*A copy of the Council's policy identified in Section 5.128 can be found on the Shire's website at the following link:*

*<https://www.sjshire.wa.gov.au/council/governance/local-laws-and-policies/policies.aspx>*





Question asked by **Mrs Lee Bond, Box 44, Armadale WA 6112**, at the Ordinary Council Meeting, 14 December 2020. A letter was sent to Mrs Bond on 21 December 2020 (OC20/25133).

Question

How many times has the pound been broken into?

*Response (Chief Executive Officer)*

*Since February 1995, there has been:*

- *4 break-ins, and unauthorised release of 5 impounded dogs,*
- *2 break-ins, and unauthorised release of 7 impounded sheep,*
- *1 break-in, and the unauthorised release of 1 impounded cow, and,*
- *3 break-ins / damage recorded, with no release of any impounded animals*

*from the Watkins Road Animal Holding Facilities.*

Question asked by **Mr Christopher Jacobs** at the Ordinary Council Meeting, 14 December 2020. An email was sent to Mr Jacobs on 18 December 2020 (OC20/25069).

Question 2

How much is the Shire spending on the waste transfer facility compared to the roadside collection each year?

*Response (Director Infrastructure Services)*

*The combined verge collections (green & hard waste) budget was \$560k per annum. The anticipated baseline costs to operate the Watkins Road Transfer Station and Recycling Centre are estimated to be \$480k per annum. However, until the Shire has measurement of throughput / volumes / actual costs, this could increase above the estimated range. Please note that the \$480k doesn't take into account the offset received from the sale of recovered commodities. It should also be noted that given the all year access there is an improved level of service being provided to the ratepayers.*

**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 Special Council Meeting – 14 December 2020**

That the minutes of the Special Council Meeting held on 14 December 2020 be **CONFIRMED (E20/14714)**.

**7.2 Ordinary Council Meeting – 14 December 2020**

That the minutes of the Ordinary Council Meeting held on 14 December 2020 be **CONFIRMED (E20/14717)**.

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

**8.1 CEO Employment Committee – 1 February 2021 [rescheduled 8 February 2021]**

The Chief Executive Officer has declared a Financial Interest in this item and will leave the Chambers prior to this item being discussed.

This meeting was originally scheduled to occur on 1 February 2021, however due to COVID-19 Public Health Directives, the meeting has been rescheduled to occur on Monday 8 February 2021, which is post distribution of this Agenda. Therefore, the Minutes of this meeting will be distributed under separate cover prior to the Ordinary Council Meeting.

**8.2 Special Audit, Risk and Governance Committee – 1 February 2021 [rescheduled 8 February 2021]**

This meeting was originally scheduled to occur on 1 February 2021, however due to COVID-19 Public Health Directives, the meeting has been rescheduled to occur on Monday 8 February 2021, which is post distribution of this Agenda. Therefore, the Minutes of this meeting will be distributed under separate cover prior to the Ordinary Council Meeting.

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

**10. Chief Executive Officer reports:****10.1 Development Services reports****10.1.1 - Proposed Dog Kennel - Lot 2, 320 Leipold Road, Oldbury - (PA20/1036)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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:	Planning Horizons
Owner:	Allana Tyler
Date of Receipt:	30 October 2020
Lot Area:	201,808.125m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

This report is presented to Council to consider an application for a Dog Kennel at Lot 2, 302 Leipold Road, Oldbury. The application is presented to Council as seven objections were received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

The proposal is considered to be consistent with the planning framework and the report recommends that Council approve the application, subject to appropriate conditions which will ensure an acceptable level of amenity is maintained for the area.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this application.

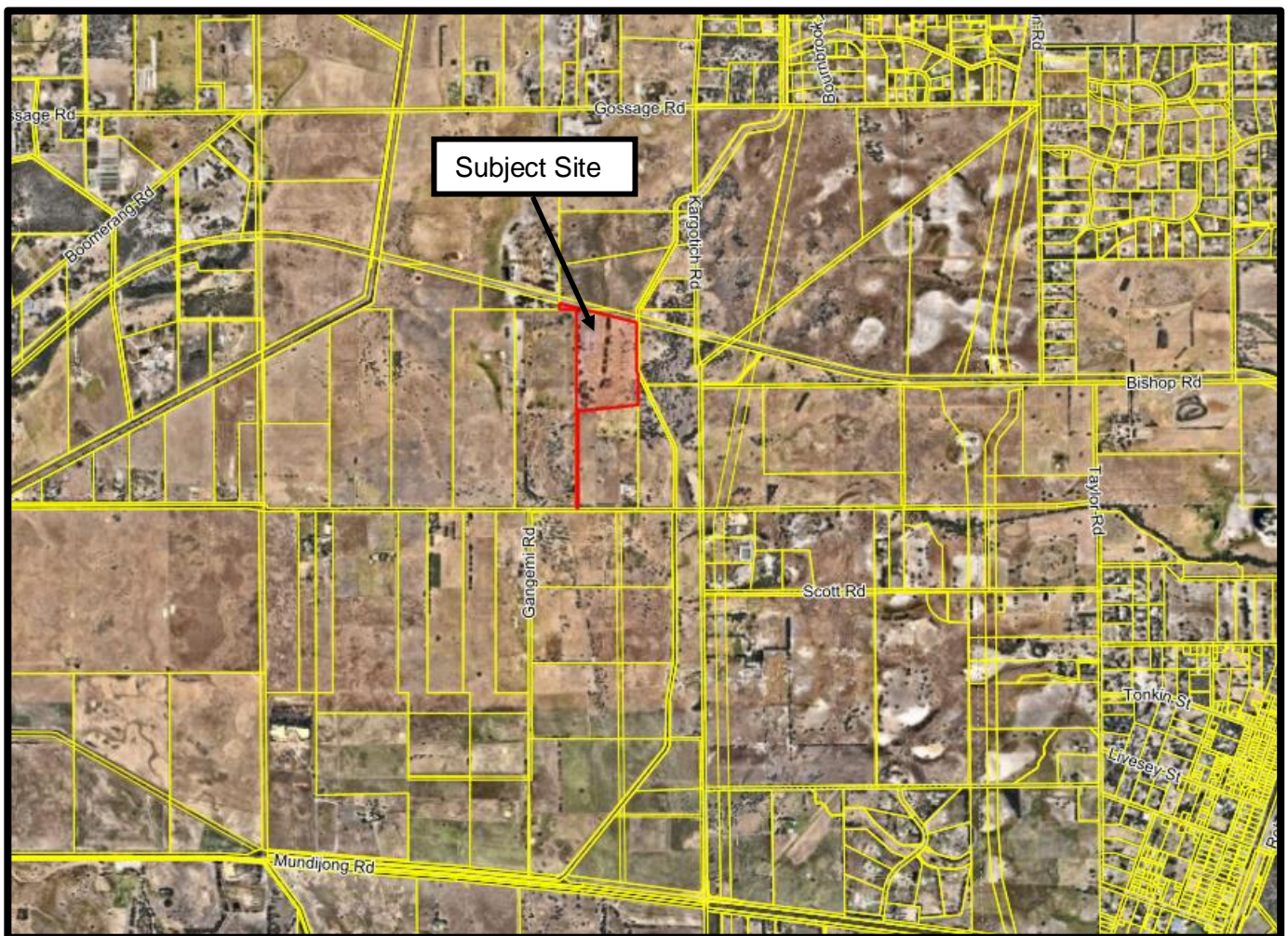




## Background

### Existing Development

The subject site has been developed for residential and equestrian uses, featuring two dwellings, several outbuildings, paddocks, horse shelters and a trotting track. The aerial image below shows the context of the site, which is a battle axe lot surrounded by rural land. Notably the freight rail runs along the northern boundary of the land, and the land itself is proximate to the West Mundijong Industrial Area which is within close proximity to the east. The western edge of the industrial area is approximately 350m from the eastern edge of the subject land.



### Proposed Development

The application seeks approval for the operation of a Dog Kennel, which would provide day care and overnight boarding services. The operations have been designed to facilitate a maximum of 15 dogs per day for day care services and a maximum of six dogs for overnight boarding services.

The proposed day care operations would make use of three fenced exercise yards, providing supervised activities for the dogs including treibball, lure coursing and agility. The dogs would be kept within the smaller yard for the majority of the day and taken into one of the two larger yards for an hour of exercising in the morning and afternoon. Across the wetter months, the





dogs would be kept in an existing shed with a horse yard, located at the south western corner of the lot. The operations would entail the employment of up to two external staff.

The overnight boarding service is proposed as an extension to the day care service and only offered to patrons of the day care service. The dogs are proposed to be kept within the dwelling overnight.

The development is proposed to operate Monday to Sunday; however, the day care services would be limited to Monday to Friday between 7am and 6pm.

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



**Site Plan**

### **Community / Stakeholder Consultation**

The application was advertised to surrounding residents within a 500m radius for a period of 21 days in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters Policy (LPP1.4). During the consultation period a total of eight submissions were received, seven of which raised objections to the proposal. The objections raised a number of concerns including:

1. Traffic impacts generated by the development;
2. Dust generated by the development;
3. Noise from the dogs;



4. Property devaluation;
5. Impact on livestock;
6. Impact on native fauna; and
7. Fire management issues.

A summary of the submissions can be viewed in **attachment 2** to this report. A detailed assessment against each area of objection has been undertaken further in this report, with the exception of impacts on property devaluation, which is not a relevant planning matter.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses;
- State Planning Policy 2.5 - Rural Planning;
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas.

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Rural Strategy Review 2013;
- Draft Local Planning Scheme No.3;
- Draft Local Planning Strategy;
- Local Planning Policy 1.4 - Public Consultation for Planning Matters Policy;
- Local Planning Policy 4.11 - Advertising Policy.

## **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 applicable matters relevant to this proposal and can be viewed within the Technical Assessment contained within **attachment 3**. For the purpose of this report, discussion is confined to those matters relating to the objections and where Council is required to exercise discretion.



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Land Use:

The proposed development is considered to be a 'Dog Kennels' land use under Town Planning Scheme No. 2 (TPS2), which is defined as:

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

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

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

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

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

State Planning Policy 3.7 - Planning in Bushfire Prone Areas:

The subject site is located within a designated bushfire prone area and subject to the provisions of State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7). An objection received during the consultation period raised concerns about safety at the site in the event of a fire.

A Bushfire Management Plan (BMP) was submitted with the application which addresses the proposal under the assessment criteria and demonstrates compliance with SPP3.7. The BMP includes a Bushfire Attack Level (BAL) rating of BAL12.5, consistent with SPP3.7. The BMP also includes an assessment against the *Guidelines for Planning in Bushfire Prone Areas* demonstrating compliance with the acceptable solutions.

The BMP goes further to set out bushfire management strategies to reduce bushfire risk such as the maintenance of an Asset Protection Zone and installing driveway access including passenger lanes and turn around areas.

Officers are satisfied the proposal meets the requirements for planning in bushfire prone areas and have recommended a condition of approval to ensure the recommendations of the BMP are implemented.

Amenity:

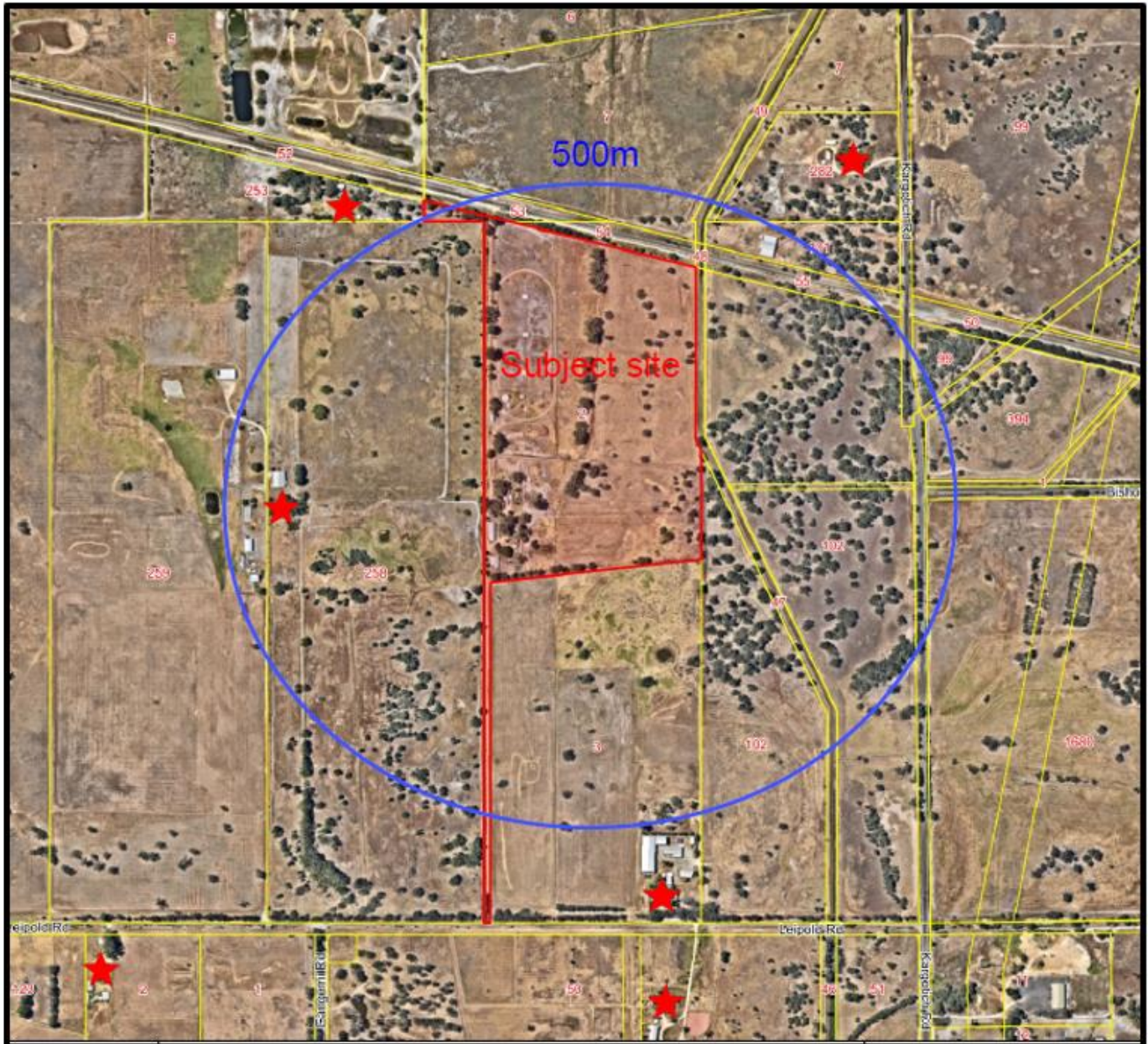
Dog Kennels are developments listed under the Environmental Protection Authority's Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement) as a development that may result in noise and odour impacts.

The Guidance Statement recommends a minimum separation distance of 500m between Dog Kennels and noise sensitive receptors (dwellings). There is one sensitive receptor within 500m





of the proposed development footprint (shown below), which is located approximately 360m west of the shed intended to be used in poor weather conditions and approximately 375m west of the dwelling intended to be used for overnight boarding. Notably, no submission was received from this property.



**Separation Distance Map**

As a matter of consideration in respect of the planning framework, rural zones are, generally, the repositories for dog kennels and similar associated operations. Such operations are not that far removed from ordinary rural operations and activities that are expected to constitute the intent of the zone and which shape the expected amenity outcomes.

As mentioned, the EPA's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No 3 (June 2005) recommends that dog





kennels in rural areas should be located a minimum of 500 m from sensitive land uses, due to potential noise and odour impacts. This increases to one kilometre adjoining urban areas.

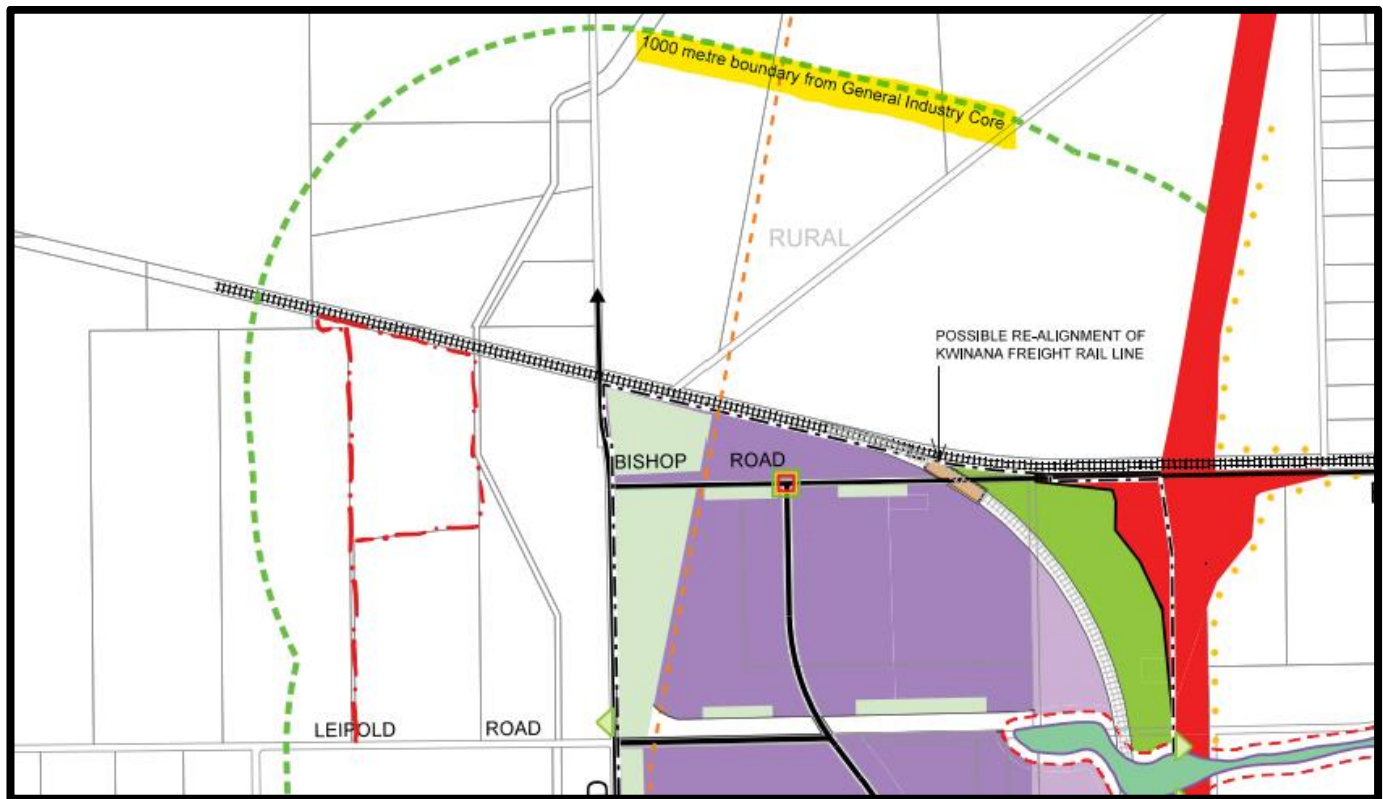
While the EPA recommended buffer is always considered to be guidance only, it still requires appropriate consideration in respect of this application. In considering this proposal, officers note that:

- The subject land exists within the 1000m buffer to the West Mundijong Industrial Area, which does guide future land use and development considerations. In this regard, further subdivision and development within the buffer to introduce sensitive land use is not contemplated or promoted;
- The subject land is influenced by proximity to the freight rail line;
- The existing dwelling and vegetation on the subject application site provides shielding to help moderate potential noise impacts travelling to the west;
- The dogs are identified and marked by appropriate fence-like barriers so as to not make use of whole property, with night time use conducted within house.

Balancing these considerations, given the scale of the development and the distance between the development footprint and the nearest sensitive receptor, Officers consider noise generated by the development unlikely to impact on the amenity of the area. Two conditions however are recommended to help secure the amenity expectations. These being:

1. A Noise Management Plan to address mitigation measures in more detail, with this to set out requirements that the operator will implement and maintain to ensure noise levels do not adversely impact on amenity;
2. Annual reporting in respect of noise impacts, and such annual reporting to document any noted exceedances and how such exceedances were responded/managed to avoid further repeat.

Also, while planning approvals are generally non-personal in nature, a condition may be imposed which makes the permit personal to the applicant where management expertise and experience of the applicant are likely to be significant in reducing the amenity impacts of proposed uses. This is a further condition to help ensure amenity considerations.



In relation to odour impacts from the development, as the proposal is primarily outdoors and dogs would only be kept indoors overnight and during poor weather conditions, the development is considered unlikely to result in odour impacts that may affect surrounding properties. The application includes proposed waste management measures that are considered to be adequate to address odour. A condition has been recommended to ensure the waste management measures proposed are implemented.

It is noted that surrounding land uses include grazing of cattle, and that this activity often includes manure smells that are more or less a characteristic of a rural productive farming area. Odour issues are further considered to be addressed in this regard.

Dust impacts from the development were also raised as a concern by submissions through the consultation period, specifically in relation to the use of the battle-axe driveway to gain access to the site. Officers note that the nearest premises that may be affected by dust is a dwelling located approximately 270m to the east of the start of the battle-axe leg of the subject site and approximately 592m from the end of the battle-axe leg. The applicant in response to submissions has proposed to make use of an existing water cart on the site to irrigate the driveway prior to the morning and afternoon peak periods to address dust. Officers consider this approach adequate to address the potential for dust impacts on surrounding properties and have recommended a condition of approval to ensure this measure is implemented.



Traffic:

The proposed development is predicted to result in a maximum of 15 light vehicles attending the premises in the morning and again in the afternoon for drop-off and pick-up and two light vehicles attending the premises in the morning and departing in the afternoon for staff. It is also noted that the boarding service provided for day care users may reduce the frequency of vehicles attending the premises. The estimated vehicle numbers are considered to be low and Officers consider unlikely to have an impact on the broader road network.

Impact on Livestock and Native Fauna:

During the consultation period a number of submissions raised concerns about the potential for dogs to escape enclosures and attack livestock and native fauna. In the applicant's response to the submission it is noted that the subject site is also used for grazing cattle and horses and the enclosures are intended to be fenced with 1.8m mesh fencing and 200mm sub-surface fencing (to prevent digging under the fence) to prevent dogs from escaping the enclosure and native fauna from entering the enclosures. The applicant also notes that the dogs would be supervised at all times. Officers are satisfied that the risk of dogs escaping the enclosures could be adequately managed through supervision and fencing and have recommended a condition of approval to ensure adequate fencing is installed and maintained around the enclosure areas.

**Options and Implications**

Option 1

That Council APPROVES the development application subject to conditions.

Option 2

That Council APPROVES the development application subject to the same conditions as Option 1, EXCEPT that the maximum number of dogs permitted during the day is 10 (instead of 15) and during the night is 3 (instead of 6).

Option 3

That Council APPROVES the development application subject to the same conditions as Option 1, EXCEPT with a further condition that requires the construction of a suitable colorbond fence of minimum height 1.8m surrounding the primary dog yard area to the satisfaction of the Shire of Serpentine Jarrahdale.

Option 4

That Council REFUSES the application due to concerns regarding amenity impacts associated with the proposed development.

Option 1 is recommended.



### Conclusion

The application has been presented to Council to consider an application that has received a number of objections during the consultation process. Officers consider the proposed development aligns with the current and expected planning framework and is unlikely to result in any undue impacts on the traffic network or amenity of the locality. Officers support the proposed development and recommend the application be approved, subject to a number of conditions to address the concerns raised through submissions.

### Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Development Application Details (E21/646)
- **10.1.1 - attachment 2** - Summary of Submissions (E21/644)
- **10.1.1 - attachment 3** - Technical Assessment (E21/647)

### Alignment with our Strategic Community Plan

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

### 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 Approves the development application and the conditions of approval are not complied with by the applicant leading to potential amenity impacts to the locality</i>	<i>Annual audit program undertaken by Ranger Services</i>  <i>Compliance and Enforcement under the Planning and Development Act 2005</i>	Social / Community Outcomes	Possible	Moderate	MODERATE	Appropriate conditions imposed to regulate the development



# Ordinary Council Meeting Agenda

## Monday, 15 February 2021

2	That Council APPROVES the development application subject to the same conditions as Option 1, EXCEPT that the maximum number of dogs permitted during the day is 10 (instead of 15) and during the night is 3 (instead of 6). This may result in an appeal to the SAT.	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2	Social / Community Outcomes	Possible	Moderate	MODERATE	Nil
3	That Council APPROVES the development application subject to the same conditions as Option 1, EXCEPT with a further condition that requires the construction of a suitable colorbond fence of minimum height 1.8m surrounding the primary dog yard area to the satisfaction of the Shire of Serpentine Jarrahdale. This may result in an appeal to the SAT.	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2	Social / Community Outcomes	Possible	Moderate	MODERATE	Nil



4	<i>That Council Refuses the development application and the applicant appeals the decision to the SAT</i>	<i>Nil.</i>	Financial	Possible	Moderate	MODERATE	Robust reasons for refusal based on relevant planning issues.
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**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council APPROVES the development application for a 'Dog Kennel' as contained within attachment 1 at Lot 2, 320 Leipold Road, Oldbury subject to the following conditions:**

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

<b>Plans and Specifications</b>	<b>Development Plans received at the Shire Offices on 30 October 2020; and  Bushfire Management Plan prepared by Bushfire Perth Pty Ltd, dated 21 October 2020.</b>
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- b. A maximum of 15 dogs are permitted to attend the premises during the day and a maximum of 6 dogs are permitted to be boarded at the premises overnight.
- c. The operation hours shall be limited to between 7am and 6pm Monday to Friday, with the exception of overnight boarding.
- d. Prior to commencement, suitable fencing shall be installed around the dog exercise yards to ensure the dogs are effectively confined at all times, to the satisfaction of the Shire of Serpentine Jarrahdale. The fencing shall be maintained in proper functional condition at all times, to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Prior to commencement, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plan shall be implemented in its entirety for the lifetime of the development.
- f. Prior to commencement, a Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plan shall be implemented in its entirety for the lifetime of the development.
- g. Dog waste (faeces) shall be collected throughout the day and stored in a designated airtight bin prior to disposal off-site.
- h. This approval is specific to the applicant of the development only. The approval is not transferrable with land.
- i. The applicant shall submit annual noise report audits to the Shire of Serpentine Jarrahdale. This annual audit must document noise associated with the



**development, including any exceedances or complaints, and how such have been remedied by changes in the management of the development.**



**10.1.2 – Retrospective Temporary Signage – Lot 2, 1842 Thomas Road, Oakford (PA20/838)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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:	Tuscanny Management PTY LTD of Care of Gilmour Thornett and Jefferies
Date of Receipt:	8 September 2020
Lot Area:	351,784.2m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural', 'Primary Regional Roads'

**Report Purpose**

The purpose of this report is for Council to consider a development application for two billboard signs advertising the sale of land at Lot 2, 1842 Thomas Road, Oakford for a period of three years. The signage varies Local Planning Policy 4.11: Advertising (LPP4.11) by way of the permissibility of the sign type and the number of signs applied for.

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

Officers consider that the application is consistent with the objectives of LPP4.11 and therefore recommend the signage be approved for a period of three (3) years, subject to conditions.

The application was submitted, and the Council report prepared, at which time Officers were made aware that the subject signage works have been completed. The application is therefore retrospective.



**Relevant Previous Decisions of Council***Ordinary Council Meeting – 20 April 2020 - OCM092/04/20 - COUNCIL RESOLUTION*

1. *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 Lot 2 Thomas Road & Lot 4 Kargotich Road, Oakford be APPROVED subject to modifications as outlined in the Schedule of Modifications contained within attachment 3, and forward to the Western Australian Planning Commission the following:*
  - a. *A list of the submissions considered by the local government, as outlined within the Schedule of Submissions contained in attachment 1;*
  - b. *Any comments by the local government in respect of those submissions, as outlined within the Schedule of Submissions contained in attachment 1;*
  - c. *A schedule of any proposed modifications, as outlined in the Schedule of Modifications contained within attachment 3, with the addition of a further 8 as described following:*

8	Lot 2 Thomas & Lot 4 Kargotich Road Local Structure Plan - Part 1 Implementation Section – Section 4.0 Subdivision and Development Requirements	Add a new sub-section which states: 'A street tree master plan shall be prepared, approved and implemented by the developer as part of subdivision, providing for street verges to be suitably planted with mixed native ground storey, mid storey and upper storey species that provide for tree canopy and forest habitat, consistent with the Shire's adopted Urban and Rural Forest Strategy 2018 to 2028.'
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- d. *The local government's assessment of the proposal based on appropriate planning principles, as contained within this Council report;*
- e. *A recommendation by the local government to approve the proposed activity centre plan, subject to modifications, as contained within this Council resolution.*

**Background****Existing Development**

The subject site primarily comprises of open pastureland and is developed with a single dwelling and associated outbuildings. The property comprises a prominent position on the intersection of Thomas Road and Kargotich Road.



**Figure 1: Current aerial imagery and lot boundaries**

The property has been rezoned from 'Rural' to 'Rural Living A' as part of Amendment 206 to Town Planning Scheme No.2 (TPS2), which was gazetted on 4 October 2019. Amendment 206 requires that a Structure Plan be prepared for the site in order to guide future development.

Lot 2 Thomas Road and Lot 4 Kargotich Road Local Structure Plan (LSP) was presented to Council at its Ordinary Council Meeting of 20 April 2020. At this meeting Council resolved to recommend that the Western Australian Planning Commission (WAPC) approve the Structure Plan subject to modifications. The LSP, as depicted below, is currently awaiting final approval from the WAPC.

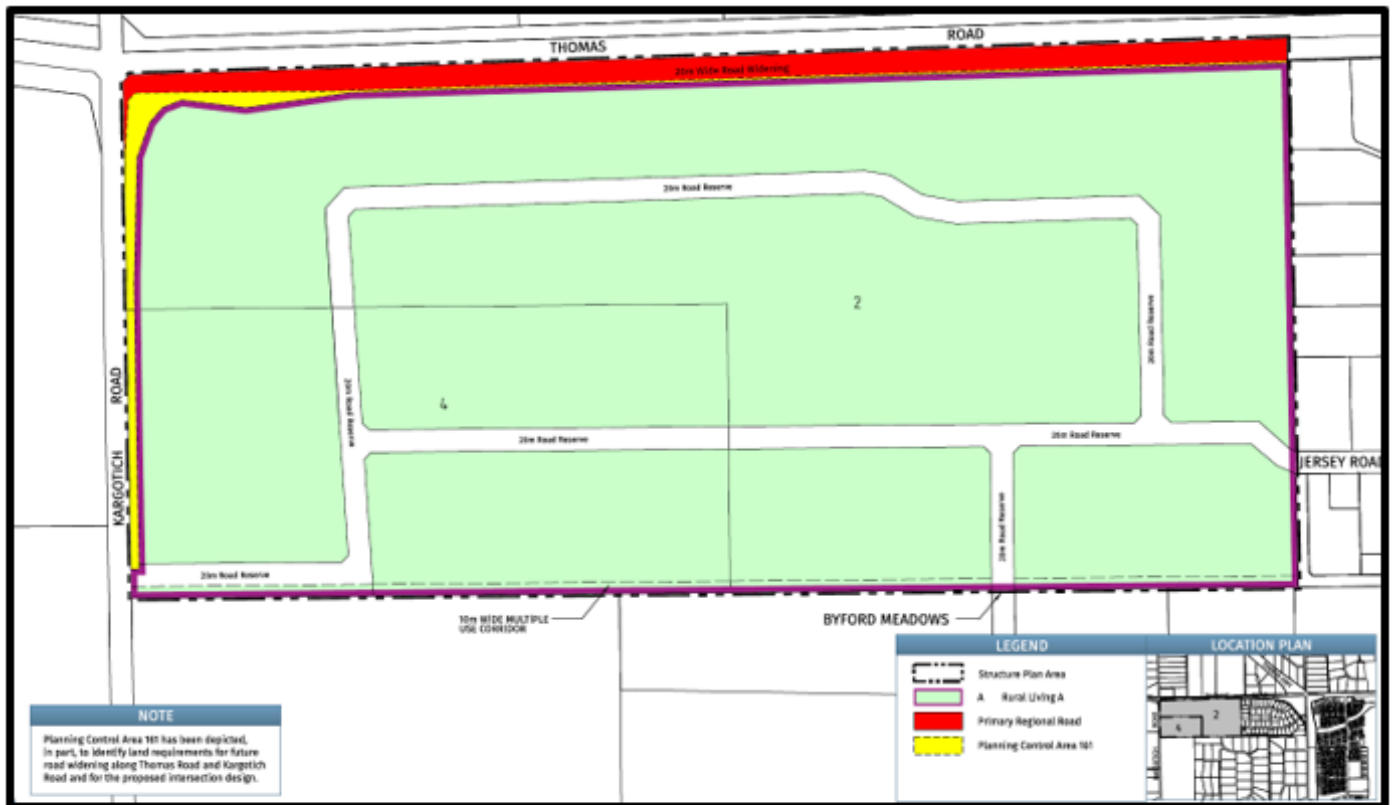


Figure 2: Update to the structure plan

Simultaneously, two separate subdivision applications have been lodged for the subject site.



Figure 3: Most recent proposed lot layout of the subdivision





### Retrospective Development

The subject application seeks approval for signage taking the form of two single faced billboard signs which are to be displayed for a period of three years. The signs are located 28m from the Thomas Road lot boundary, have a total height of 4.5m and a signage area of 18m<sup>2</sup> per sign face. The colours associated with the signage are a white background and various earthy tones of red and brown. The content of the signage is to advertise the future sale of 4,000m<sup>2</sup> blocks on the subject site, as depicted below:



Figure 4: Content of the signage





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## Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, from 16 September 2020 – 7 October 2020, whereby no submissions were received.

The application was also referred to Main Roads Western Australia (MRWA) in accordance with Local Planning Policy 4.11 – Advertising, due to the proximity of the signage to Thomas Road, which is under the control of MRWA. A submission was received in response requesting the signage be set back an additional 5m from the Thomas Road boundary, from 23m to 28m. An amended site plan was provided accordingly. The full MRWA submission is contained within **attachment 2** to this report.

## 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;
- Rural Strategy Review 2013;
- Local Planning Policy 4.11 – Advertising;
- Draft Local Structure Plan – Lot 2 Thomas Road & Lot 4 Kargotich Road, Oakford.

## Planning Assessment

A comprehensive assessment has been undertaken in accordance with section 67 of the Deemed Provisions (**attachment 3**). For the purpose of this report, discussion is confined to the variations to LPP4.11, and where Council is required to exercise discretion.

### Orderly and Proper Planning

Clause 67 of the regulations, specifically A – J, considers state and local planning policy frameworks including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning.

#### *TPS2:*

The objective of the 'Rural Living A' zone under TPS2 is, *"to cater for rural residential development on a range of lots between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy."* The application provides for signage intended to advertise the future sale of the subject site for rural residential blocks with a size of 4,000m<sup>2</sup>.



### *Rural Strategy:*

The Shire of Serpentine Jarrahdale Rural Strategy 2013 Review (Rural Strategy) identifies the subject site as falling within the Rural Living Policy Area. Applicable objectives for consideration identified for this policy area include the following:

- *Provide for additional choice in style and location of residential land not available within the Shire's urban nodes.*
- *Provide opportunities for development that maintains rural character and promotes appropriate land management.*
- *Provide for a diversity of lot sizes ranging from 0.4 and 4 hectares.*

In this instance, the signage advertises the future use of the subject site for rural residential lifestyle lots, consistent with the objectives under the Rural Strategy.

### Form of Development and Amenity

Clause 67 of the Deemed Provisions, specifically K, L, M, N, P, all relate to the form and amenity of the development that is required to be assessed. The signage has therefore been assessed against the provisions and requirements of Local Planning Policy 4.11 – Advertising (LPP4.11).

### Local Planning Policy 4.11 – Advertising

LPP4.11 includes definitions and sign types. The signage is consistent with the LPP's definition of billboard signs. Table 1 of LPP4.11 sets out the permissibility of each sign type within each zone. A billboard sign is a sign type that is not permitted in the 'Rural Living A' zone which the subject site is zoned. This will be discussed further later in the report.

Table 2 of LPP4.11 sets out acceptable development standards for the different sign types which are addressed in the table below:

<b>LPP4.11 – Billboard Sign Assessment</b>		
<b>Table 2 – Development Standards</b>		
<b>Provision</b>	<b>Proposed</b>	<b>Compliant</b>
The maximum total sign face area is 18m <sup>2</sup> per face, for a maximum of two faces.	The signage consists of two billboard signs with a single face of 18m <sup>2</sup> .	N
The maximum height above the ground is to be 6.5m or the height of a building in close proximity, whichever is the greater, but is not to exceed 10m. The height of a building is defined as the height of the uppermost part of the building above ground level.	Total height of 4.5m, 1.5m for the vertical supports and 3m for the billboard height.	Y
Must be mounted as a freestanding structure.	The sign is freestanding, mounted on vertical supports.	Y
Must not be located less than 3.0m from the front property boundary (including the primary and secondary street frontages of a corner lot),	The signage is set back 28m from the primary street boundary.	Y



### LPP4.11 – Billboard Sign Assessment

**Table 2 – Development Standards**

Provision	Proposed	Compliant
and must not project beyond the alignment of any property boundary.		
Must not face adjoining premises unless the sign is a minimum of 3.0m from the property boundary of that premises, or unless the landowner of the adjoining premises consents to the sign being a lesser distance from the boundary.	The sign is not in close proximity to adjoining premises.	Y
Must not be erected to expose an unsightly back view of the sign to a road or other public place.	The backs of the signs face internally to the site, so there is no unsightly back view onto another road or public place.	Y
Must not be located on a street frontage of a premises along which is located another billboard sign, billboard sign - large, ground sign, pole sign, pylon sign or pylon sign - large.	The application seeks approval for 2 single faced billboard signs	N

**Table 2 – Performance Criteria**

Provision	Compliant	Comment
<b>Size</b> Is in keeping with scale of the development or site on which it is proposed.	Y	The signs are consistent with the size requirements of a billboard sign in that the face of the signs do not exceed 18m <sup>2</sup> for a maximum of 2 faces. Additionally, the signage does not exceed the 6.5 metres allowed by the Policy.
<b>Colour and Shape</b> Is complementary to the development and surrounding landscape.	Y	The shape is rectangular. The colours are mostly white, with earthy tones for the text. This is not considered to be in contrast to the area, which is characterised by natural features and open vistas. No illumination, reflective or fluoro colours are part of this application.
<b>Number</b> There is not an excess of signage that detrimentally impacts on the visual amenity and character of the area.	Y	The application consists of 2 single faced signs. Overall, this means there are two sign faces on the lot. It is essentially as single double-faced sign but that has been split to allow higher visibility to the streetscape.
<b>Location</b> The location is sympathetic to the existing landscape /streetscape and does not impede on the function of the approved use for the site.	Y	Due to the setback of 28m from the primary street boundary, Officers consider the signs do not appear visually intrusive within the streetscape. It is also worth noting that as it is a land sale sign, it will be in place for a period of time only while the land is being subdivided and sold. The applicant has advised that a 3-



**Table 2 – Performance Criteria**

		year period should suffice for the purposes of advertising the land. Hence, a condition has been drafted recommending the approval be temporarily granted for 3 years. Upon that time as the land sales cease it will be removed.
<b>Design</b> The scale and form of the sign complements the building /development and does not obstruct key architectural features.	N/A	There is currently no development on the site that the signage is associated with, nor visually impacting.
<b>Safety</b> The proposed signage does not pose an unacceptable risk to the public.	Y	The signage has been set back additionally as per Main Roads request, so that adequate safety setbacks can be maintained.

LPP4.11 also states, “*Signs must be directly related to the land or building in which the sign is located.*” In this instance, the sign directly advertises the future subdivision and sale of the land. Officers consider that this is directly related to the land, aligning with the general policy measure.

*Variations:*

The application seeks variations to LPP4.11 in relation to the permissibility of the sign type as it states that a billboard signs are not permitted within the ‘Rural Living A’ zone. Variation is also sought to the number of signs applied for, as only a single billboard sign is permitted per street frontage. The relevant objectives of LPP4.11 are listed and considered in relation to the signage below:

- “a) To ensure that the siting, design and general appearance of advertising and signage does not detract from the landscape values, amenity and character of the area.*
- c) To ensure that signs make a positive contribution to the streetscape and streetscape interaction.*
- e) To improve the quality of advertising signs and their overall visual impact.”*

Officers consider that at this stage, despite the subject site being zoned ‘Rural Living A’ it bears the characteristics of a ‘Rural’ zoned property. The locality comprises of broad open vistas and pastureland, with low scale residential development. The character of the area remains as such until the subdivision has been completed and development occurred.

Given the LPP allows for billboard signs in a rural area, it is considered that the signage does not have an adverse impact on the amenity or character of the area until such a time when it transitions to ‘Rural Living A’. It is therefore considered that as long as the signage is displayed on a temporary basis and removed once the character of the area changes it is capable of approval.



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**Options and Implications**Option1

That Council APPROVES the application subject to conditions.

Option 2

That Council REFUSES the application due to the signage comprising two billboard signs which is not consistent with Local Planning Policy 4.11, and will create a negative amenity impact on the locality.

Option 1 is recommended.

**Conclusion**

The application seeks temporary approval for signage to advertise the future subdivision and sale of blocks on the subject site. While posing variations to LPP4.11, the signage is considered to meet the objectives of the policy. Therefore, Officers recommend the signage for approval for a period of three years and then after that period to be removed.

**Attachments (available under separate cover)**

- **10.1.2 – attachment 1** – Development Plans (E21/333)
- **10.1.2 – attachment 2** – Main Roads Submission (E21/861)
- **10.1.2 – attachment 3** – Technical Assessment (E20/13952)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

**Financial Implications**

Nil.



## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	Council refusing the development application and a subsequent SAT appeal being made to the decision.	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2	Financial	Possible	Minor	MODERATE	Ensuring reasons for refusal reflect appropriate planning considerations

**Voting Requirements:** Simple Majority

## Officer Recommendation

1. That Council **APPROVES** the retrospective development application for signage at Lot 2, 1842 Thomas Road, Oakford 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.
 

<b>Plans and Specifications</b>	Plans P1-P3 received at the Shire's Offices on 10 November 2020.
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  - b. The signage is approved for a period of three years only from the date of this approval. Upon the completion of the three-year period, the signage shall be removed.
  - c. Signs shall be kept clean and maintained free of dilapidation at all times to the satisfaction of the Shire of Serpentine Jarrahdale.

**10.1.3 – Proposed Single Storey Addition (Patio) at Lot 57 (16) Davey Road, Mundijong (PA20/1187)**

<b>Responsible Officer:</b>	Eleni Thorman, Principal Planner (CLE Town Planning + Design) (Independent Planning Consultant)
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	In accordance with the Shire's Business Operating Procedure related to interests, as the applicant is an employee of the Shire, upon receipt of the application, appropriate declarations of interest were made by Officers and to ensure no conflict, an Independent Planning Consultant was appointed to undertake the assessment and to prepare this report to Council.

**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:	Teresa Atkinson and Murray Atkinson
Owner:	Teresa Atkinson and Murray Atkinson
Date of Receipt:	25 November 2020
Lot Area:	814m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

**Report Purpose**

The purpose of this report is for Council to consider a development application for a proposed patio at Lot 57 (16) Davey Road, Mundijong (the subject site) which has been submitted by an employee of the Shire.

In accordance with Business Operating Policy 1.1.0 – Control Over Employees Dealing in Land and Other Business Activity within the Shire of Serpentine Jarrahdale (BOP), the Shire engages an independent planning consultant to assess the application and for the application to be determined by Council as one of the applicants is an employee of the Shire.

The application seeks a rear setback variation to the deemed-to-comply requirements of the State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes).

This report recommends that the proposal be approved subject to conditions.





## **Background**

The subject site is located at Davey Road, which is a cul-de-sac, approximately 200m east of Paterson Street and approximately 1.1km north of Mundijong Road. The immediate surrounding lots within Davey and Mader Road are similarly sized and are also zoned 'Urban Development'. The wider surrounding locality is also zoned 'Urban Development'.

## **Existing Development**

The subject site currently contains an existing single-storey single house with an existing patio and an outbuilding at the rear of the property. A swimming pool is also under construction at the rear of the property.

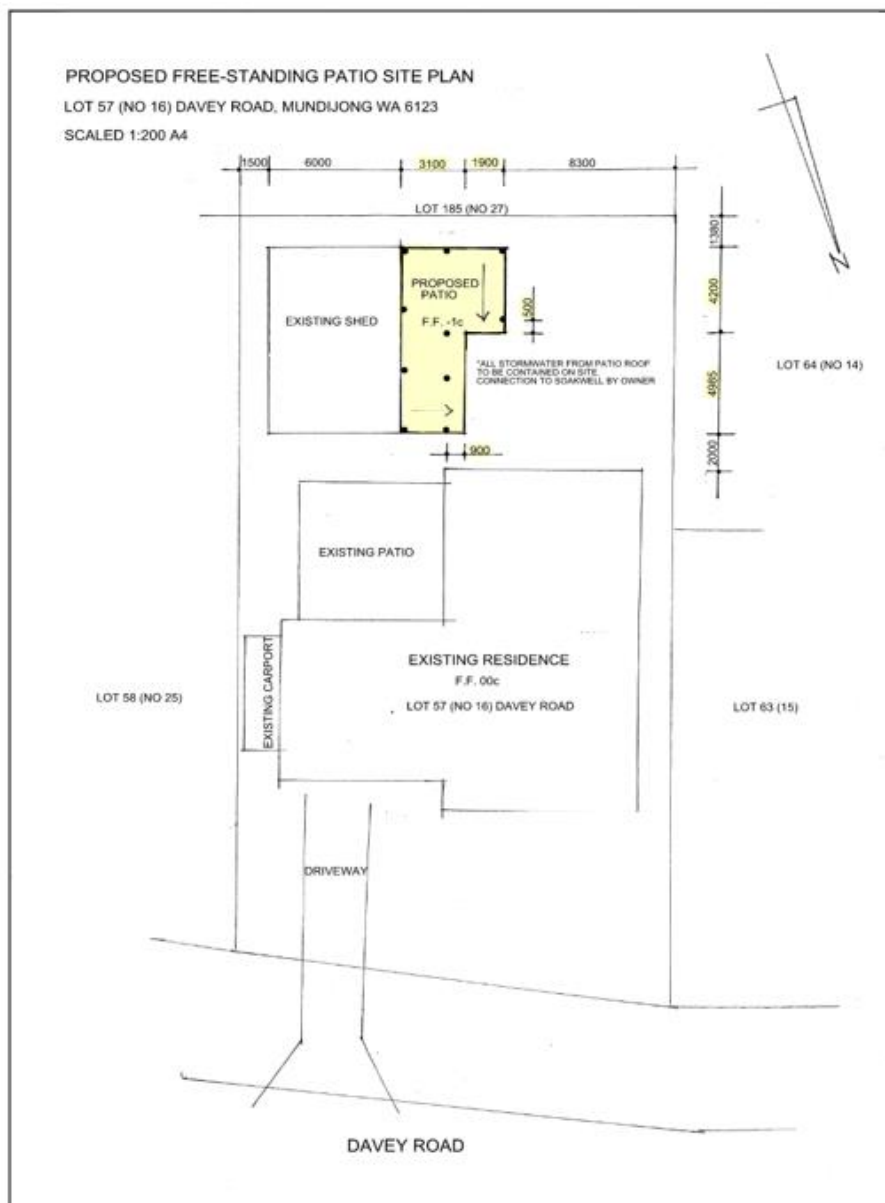


**Figure 1: Aerial Photograph**

**Proposed Development**

The application seeks approval for a 36.45m<sup>2</sup> patio, attached to the western side of the existing outbuilding and adjoining the swimming pool (**attachment 1**). The patio has a length of 9.18m, a depth of 3.1m - 5m, a wall height of 2.3m and a ridge height of 2.8m. The patio is set back 1.38m from the rear lot boundary (south) and 8.3m from the side (west) lot boundary.

The proposed patio is incidental to the existing residential use on site and intended to be used for passive recreational use.

**Figure 2: Site Plan**

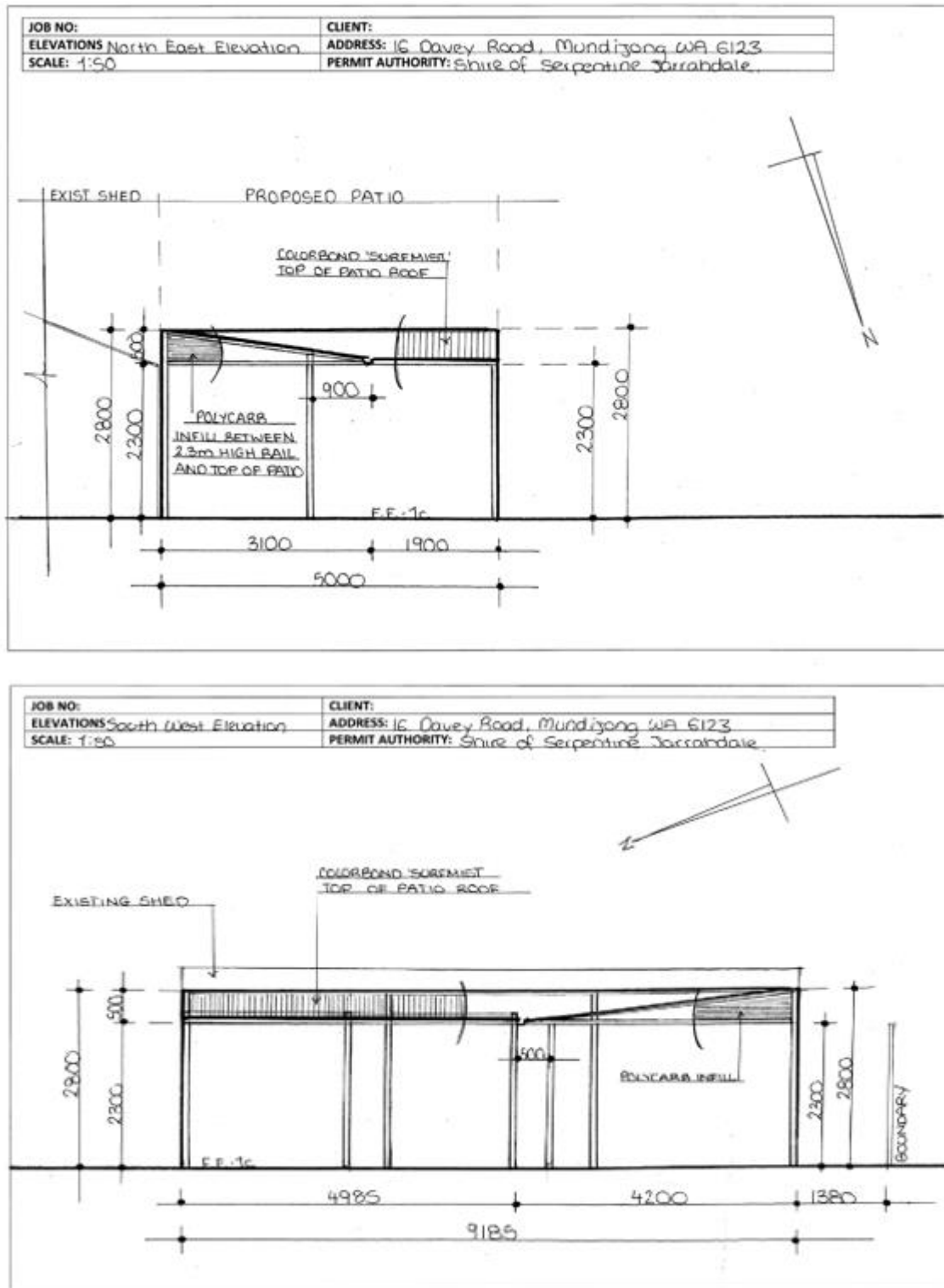


Figure 3: Elevations



## Community / Stakeholder Consultation

The application was advertised to the abutting southern property owner at Lot 185 (27) Mader Road due to the proposed southern rear setback for a period of 21 days from 2 December 2020 – 23 December 2020, in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters. The adjoining property owner provided comment and raised no objection to the proposed patio. No other submissions were received during the advertising period.

## Statutory Environment

### Legislation

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

### State Government Policies

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

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Draft Local Planning Scheme No. 3;
- Mundijong/Whitby District Structure Plan;
- Draft Mundijong Structure Plan 2020;
- Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy.

### Business Operating Policy

- Business Operating Policy 1.1.0 – Control Over Employees Dealing in Land and Other Business Activity within the Shire of Serpentine Jarrahdale (BOP).

## Planning Assessment

CLE Town Planning + Design have completed a comprehensive assessment of the proposal in accordance with *section 67, Schedule 2 – Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, the assessment can be viewed as part of **attachment 2**. For the purposes of the report, discussion is confined to the variations sought to the deemed-to-comply requirements of State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes).

The property does not have a designated R-Code under TPS2 or the Structure Plan, the provisions of the R-Codes are still considered relevant. In this instance, for the purpose of assessment, in accordance with the 814m<sup>2</sup> lot size, an R10 density code has been adopted.





As per CI 5.1.3 of the R-Codes, a 6m rear setback is required. Despite this, CI 5.4.1 of TPS2 outlines the following variation:

*“Where the provisions of the R10 or R12.5 Density Codes apply, the minimum setback from rear boundaries shall be 7.5 metres.”*

The proposed patio is therefore setback 1.38m in lieu of the required 7.5m to the southern rear boundary.

### Orderly and Proper Planning

#### *Land Use*

The subject land is zoned ‘Urban Development’ pursuant to the Shire’s TPS2. The purpose and intent 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, whilst retaining flexibility to review planning with changing circumstances...”*

Land use and development in the ‘Urban Development’ zone is guided by Structure Plans. The subject site lies within the Mundijong/Whitby District Structure Plan area and is identified with the ‘Residential’ zone and designated a density corresponding to ‘Medium/High’ (urban). The Structure Plan does designate a specific density code. Despite this, the proposed patio is considered to be incidental to the existing residential use of the site and consistent with the Structure Plan zoning. Additionally, CI 5.3.4 of TPS2 requires development relating to residential purposes to conform with the R-Codes.

### Design Principle Assessment

The rear setback has been assessed against the Design principles of 5.1.3 Lot Boundary Setback of State Planning Policy 7.3 – Residential Design Codes Volume 1 as follows:

- The patio has a proposed maximum wall height of 2.8m at the southern elevation which will not have any impact of building bulk to the adjoining property. The patio does not adjoin any habitable rooms or outdoor living areas of Lot 185 Mader Road;
- The proposed addition is located abutting the northern boundary of Lot 185 Mader Road however does not pose any overshadowing impact or reduce the amount of direct sun access to the adjoining property. The proposed patio is adequately separated approximately 9.5m from the primary outdoor living area of Lot 185 Mader Road;
- There are no privacy implications from the proposed addition as the patio, does not propose a floor level above 500mm above natural ground level and is located below dividing fence height. Finished floor levels are not proposed to be modified as part of this application;
- Subject to the orientation of lots and design of the surrounding local street network, the rear boundary of the subject site abuts a side boundary of the adjoining Lot 185 Mader Road. Typically, side lot boundary setbacks are assessed in accordance with Tables 2a and 2b of the R-Codes which provides the accepted separation distances to ensure an appropriate amenity outcome is achieved for adjoining landowners. If assessed as a side lot boundary setback the patio would only be subject to a 1.5m setback. As the patio is setback at 1.38m from the southern boundary the variation is considered to be minor and acceptable in consideration of other matters discussed above;



- The lots in the locality are subject to further structure planning and higher residential density codings as identified by the Mundijong District Structure Plan. The subject site is designated a 'Medium-High' (R40-R100) urban density under the Mundijong District Structure Plan, therefore the application of the R10 density code is considered a temporary measure until local structure planning designates specific density codes, which will require lesser lot boundary setbacks generally consistent with that proposed as part of this application; and
- It is noted that other lots along Davey and Mader Road currently contain outbuildings, garages, patios and structures that vary the 7.5m rear setback as required by CI 5.4.1 of LPS2, and are generally consistent with setbacks proposed as part of this application.

In addition to the above, there were no objections from the adjoining neighbour to the rear. As such, the proposal is considered to demonstrate compliance with the Design Principles of the R-Codes.

### **Options and Implications**

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

Approval of the application would be consistent with the planning policy framework and the objectives of the zone. The approval of the application will not result in a negative impact on the amenity or character of the area or adjacent landowners.

Option 2: Council may resolve to REFUSE the application.

Refusal of the application could result in a SAT appeal which may not be able to be successfully argued.

Option 1 is recommended.

### **Conclusion**

The application seeks approval for a patio addition. The proposed patio addition will not result in any adverse impacts to the amenity of the landowner of the adjoining Lot 185 Mader Road who has commented on the application with no objection. The patio meets the relevant requirements of the relevant planning framework with the exception of the southern rear lot boundary setback, which satisfies the Design Principles of the R-Codes.

The proposal is therefore recommended for conditional approval.

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

- **10.1.3 - attachment 1** – Application Details (E21/362)
- **10.1.3 - attachment 2** – Technical Assessment (E21/361)



### Financial Implications

Should Council resolve not to approve the application, the applicant may appeal the decision to the State Administrative Tribunal (SAT) within 28 days of the decision. As such, the Shire may be required to appoint a planning consultant or legal counsel to represent the Shire and Council throughout the SAT proceedings.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with option 1.						
2	Should Council resolve not to approve the application, the applicant may appeal the decision to the State Administrative Tribunal.	Nil	Financial	Possible	Minor	MODERATE	Nil.



**Voting Requirements:** Simple Majority

**Consultant Recommendation**

1. That Council **APPROVES** the application submitted by T and M Atkinson for patio at Lot 57, (No. 16) Davey Road, Mundijong as contained in 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	P1 – P3 received at the Shire Offices 25 November 2020
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**10.1.4 - Proposed Solar Panel Installation - Lot 118, 243 Foxton Drive, Oakford (PA20/962)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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:	Ross Wilkins
Owner:	Martin Skinner
Date of Receipt:	14 October 2020
Lot Area:	20,024.85m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Rural Groundwater Protection'/'Special Rural'
Metropolitan Region Scheme Zoning:	'Rural - Water Protection'/'Rural'

**Report Purpose**

The purpose of this report is for Council to consider a development application for a solar panel installation at Lot 118, 243 Foxton Drive, Oakford. Two submissions were received during the advertising period objecting to the proposal. Officers do not have delegated authority to determine development applications where objections cannot be satisfied by way of amendments or through the imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Officers consider that the proposal is consistent with the planning framework and would not adversely impact the private amenity of neighbouring residents or the broader public amenity of the immediate locality. This report recommends the proposal be approved subject to conditions.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this application.





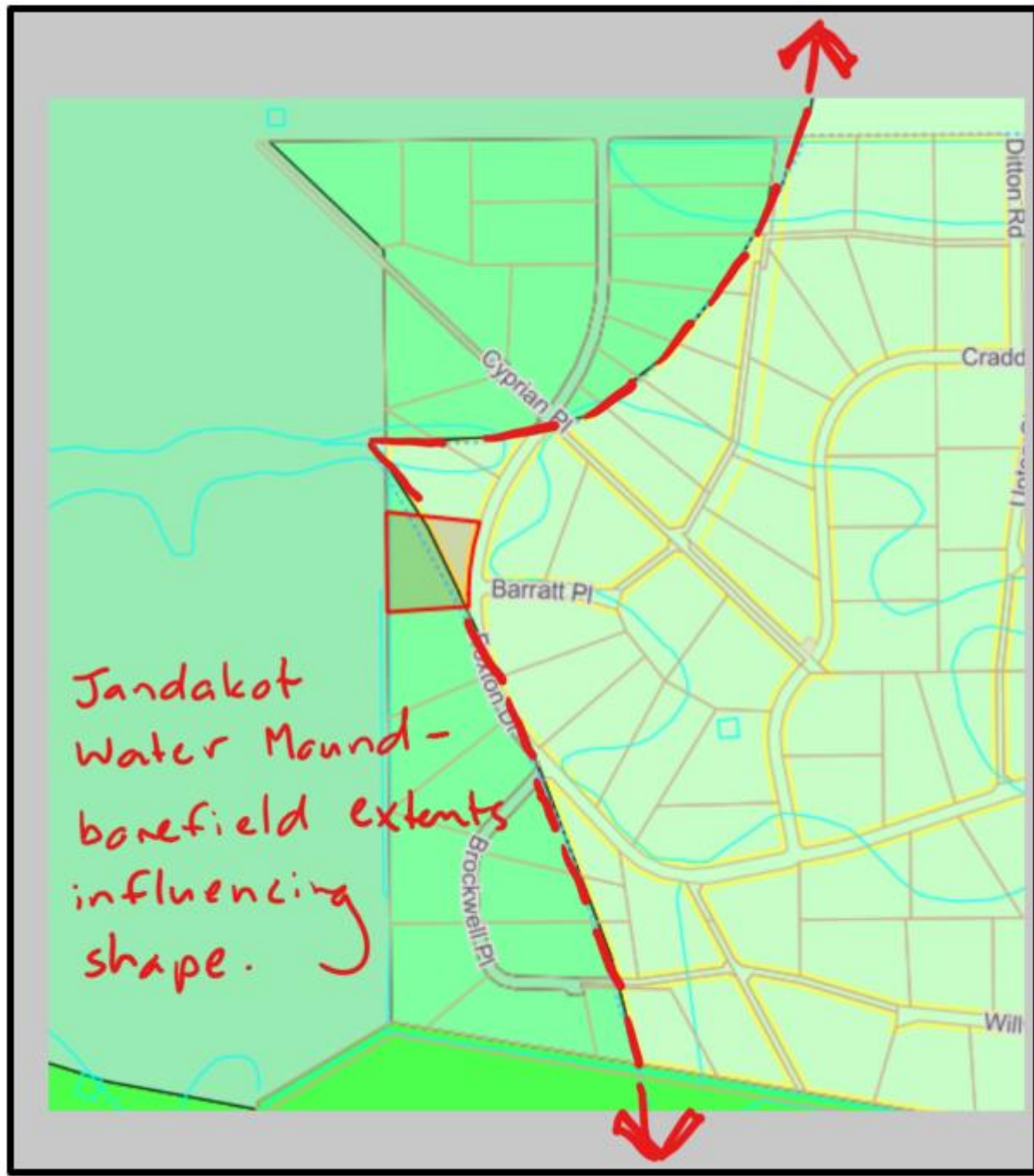
## Background

### Existing Development

The subject site comprises of a rural living property, with dense vegetation surrounding a cleared area at the centre in which the development is located. The site is developed with a single dwelling, swimming pool, water tanks and outbuildings. The property has a split zoning of 'Rural Groundwater Protection' and 'Special Rural', as depicted on the plan below. This 'split' zoning accounts for the mapped extent of the Jandakot Water Mound, which has a spatial location based upon bore fields and their associated extraction zone.



Figure 1: Zoning map



**Water Mound Shape and Interface**

### Proposed Development

The application seeks approval for a solar panel installation. This involves two separate panel arrays, the first array with 48 panels and the second array with 24 panels. A transportable structure is also proposed to be used for the purpose of storing the batteries and inverters associated with the solar panels. The proposed development is to be located towards the rear of the site, 14.4m from the nearest property boundary to the west and 56.2m to the southern property boundary. No vegetation is proposed to be removed as part of the proposal.

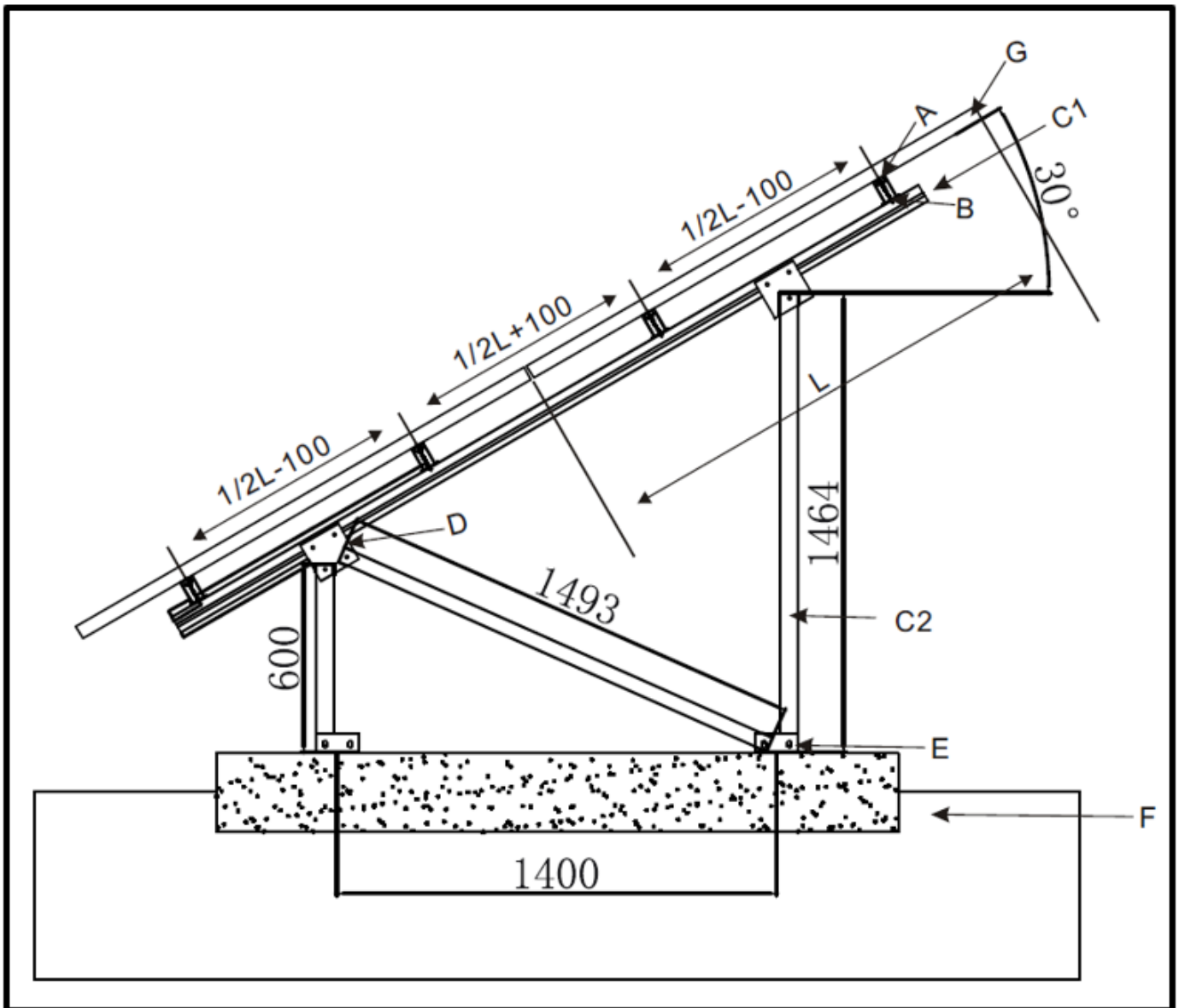


Figure 2: Site plan





Figure 3: Location of solar panel arrays and the transportable



**Figure 4: Solar panel elevation**

The applicant has advised that the electricity generated by the solar panels is to power multiple split systems, heat pumps, hot water, multiple servers associated with a home office and a future swimming pool heat pump. Full details of the proposal are contained within **attachment 1**.

### **Community / Stakeholder Consultation**

Advertising was carried out for a period of 21 days, from 8 September 2020 to 29 September 2020 to the neighbouring properties to the south and west who were considered the affected landowners, in accordance with LPP4.1 - Consultation for Planning Matters.

During this period two submissions were received objecting to the proposal. A summary of the submissions along with a response from the applicant is contained within **attachment 2**. The relevant issues raised in the objections area as follows:

- Bushfire risk;





- Health related risks;
- Visual impact; and
- The use of the solar panels generated energy.

These issues are discussed in detail later in the report.

## Statutory Environment

### Legislation

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

### State Government Policies

- State Planning Policy 2.3 - Jandakot Groundwater Protection;
- State Planning Policy 7.3 - Residential Design Codes (Volume 1).

### Local Planning Framework

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

## Planning Assessment

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

### Orderly and Proper Planning

Clause 67 of the regulations, specifically A - J, considers state and local planning policy frameworks including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning.

#### *Land Use:*

The portion of the lot in which the proposed solar panel installation is proposed is within the 'Rural Groundwater Protection' zone. As previously mentioned, the use of the solar panels is to power a number of items around the property, associated with the residential use. The proposal would therefore fall within the 'Residential - Single House' land use.

Clause 5.1202 of TPS2 states that a 'Dwelling' land use is a discretionary land use within the zone as such the development is capable of approval.



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**TPS2:**

Clause 5.20.1 of TPS2 states that development within the 'Rural Groundwater Protection' zone shall be in accordance with State Planning Policy 2.3 - Jandakot Groundwater Protection Policy (SPP2.3). This is discussed later in the report.

Clause 5.20.3 of TPS2 states that uses shall only be supported within the zone where there is not, *"excessive nutrient application or clearing of land, or risk of damage to any on site vegetation or risk of contamination to the Jandakot Groundwater Protection area."* In this instance, the solar panel installation would be located within a cleared area of the site, with no vegetation removal proposed.

By nature, solar panels would not contribute to any nutrient application to the groundwater. Officers consider that the application is therefore consistent with the intent of the zone in accordance with TPS2.

**SPP2.3:**

The purpose of SPP2.3 is to protect the Jandakot Groundwater Protection area from any detrimental effects, through the regulation of land use and provision of factors to consider in assessing development. This involves consideration to be given to the removal of vegetation (especially native vegetation), any possible nutrient export from a proposal and ensuring suitable land uses are conducted within the area. In this instance the development proposed is associated with the existing residential use of the property, not resulting in any vegetation removal or nutrient export. Officers consider that the proposal is consistent with SPP2.3 and that it would not adversely impact the Jandakot Groundwater Protection area.

**Form of Development and Amenity**

The Design Principle for solar panels under State Planning Policy 7.3 Residential Design Codes (Volume 1) (R-Codes) states solar panels are acceptable where they are *"integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties"*.

Concerns were raised in an objection in relation to the proposal having an adverse visual amenity impact and glare from the solar panels, impacting neighbouring properties. This was an important issue to assess in respect of the relevant levels of public and private amenity that are expected to be provided and maintained in the relevant zone and locality.

Officers note that the subject site and surrounding properties are densely vegetated. Between the location of the proposed development and the nearest dwelling, there is in excess of 30m of vegetation with a height greater than 2m, as shown in Figure 5 below.



**Figure 5: Proposed location of the solar panel installation and surrounding vegetation**





**Position of photo taken**

The solar panel arrays would be facing the north, where the setback of the proposed development is in excess of 80m. Officers therefore, do not consider that the solar panels would be visible from neighbouring properties and due to their orientation are not expected to have an adverse amenity impact by way of glare, consistent with the Design Principle of the R-Codes.

*Health Impacts:*

An objection raised concerns that the solar panel installation would result in an adverse health impact to the locality. This was particularly in relation to concerns about electro-magnetic fields at the solar inverters. The solar inverter is the part of the system which converts the captured solar energy into AC electricity which can be fed into the home system. Officers note that the Australian Radiation Protection and Nuclear Safety Agency establishes that there is no evidence of health effects from exposure to electric and magnetic fields and the levels near solar inverters. Nevertheless, the solar inverter is not in close proximity to any property boundary and is to be stored within the transportable structure. Officers do not consider there to be any adverse health impacts due to the solar panel installation.

*Fire Management:*

Concerns were also raised in relation to the potential fire risk associated with the solar panels. Fires which start from ground mounted solar panels are extremely rare. Any risk would be associated with a poor installation of the collectors (batteries). However, the batteries are enclosed within the proposed transportable structure. Officers consider that the threat of fire would not stem from the solar panels themselves and they would not pose a risk of ignition. As



with any infrastructure, its proper installation, commissioning and ongoing maintenance will address such risk.

## **Options and Implications**

### Option 1

That Council APPROVES the application subject to conditions.

### Option 2

That Council APPROVES the application subject to the same conditions as Option 1, except to require the western side boundary setback be increased by a further 5m to provide greater separation to the western adjoining land.

### Option 3

That Council REFUSES the application subject to reasons.

Option 1 is recommended.

## **Conclusion**

The application seeks approval for the installation of a solar panel system at the subject property. The power generated is intended to be used for residential related purposes. Officers consider that the interface with the surrounding properties as comprised with layers of vegetation, coupled with the northern orientation of the solar installation, means that elements of private and public amenity will not be adversely affected. The assessment further identifies that risks associated with health or fire related concerns will be addressed and suitably managed. The application is therefore recommended for approval subject to conditions.

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

- **10.1.4 - attachment 1** - Development Plans (E21/930)
- **10.1.4 - attachment 2** - Summary of Submissions (E21/834)
- **10.1.4 - attachment 3** - Technical Assessment (E21/833)

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

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.2</b>	Seek to minimise resource usage and continue to maximise reuse opportunities





### 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 resolves to approve the application and the applicant fails to comply with the approved conditions leading to possible amenity impacts.</i>	<i>Enforcement provisions within the Planning and Development Act 2005 undertaken by the Shire's Compliance Officers</i>	<i>Social / Community Outcomes</i>	<i>Unlikely</i>	<i>Minor</i>	<i>LOW</i>	<i>Nil</i>
2	<i>That Council approves the application subject to the same conditions as Option 1, except to require the western side boundary setback be increased by a further 5m to provide greater separation to the western adjoining land. This results in an appeal to the SAT.</i>		<i>Social / Community Outcomes</i>	<i>Unlikely</i>	<i>Minor</i>	<i>LOW</i>	<i>Ensuring justification for requiring the increased setback.</i>



3	<i>That Council resolves to refuse the application and an appeal is lodged with the State Administrative Tribunal.</i>	<i>Nil</i>	<i>Financial</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Provide detailed reasons for refusal defensible at the Tribunal</i>
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**Voting Requirements:** Simple Majority

### Officer Recommendation

1. That Council **APPROVES** the development application for a solar panel installation at Lot 118, 243 Foxton Drive, Oakford 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.

<b>Plans and Specifications</b>	<b>Plans P1-P4 received at the Shire's Offices on 14 October 2020.</b>
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- b. All existing native trees and / or revegetated areas on the lot shall be retained and adequately protected as part of the development being implemented, to the satisfaction of the Shire of Serpentine Jarrahdale.

**10.1.5 – Proposed Commercial Vehicle Parking – Lot 5, 81 Park Road, Byford (PA20/765)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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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Owner:	Matthew Thatcher
Date of Receipt:	21 August 2020
Lot Area:	2,024.21m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

**Report Purpose**

The purpose of this report is for Council to consider a development application for proposed Commercial Vehicle Parking at Lot 5, 81 Park Road, Byford. The proposed development is capable of approval under Town Planning Scheme No. 2 (TPS2), but would represent a prohibited land use under new Local Planning Scheme No.3 (LPS3) once it becomes operational following adoption. This is expected to be in the second half of 2021.

The proposal is considered inconsistent with the intended planning framework, and the intended level of residential amenity reasonably expected for the locality. It is being presented to Council for consideration, due to this conflict with the intended future planning framework.

The location of the subject land, being within the established Byford residential area east of Southwest Highway, results in officers being unable to:

1. guarantee acceptable amenity considerations in respect of noise and;
2. guarantee acceptable compatibility of vehicle with the local road network of the neighbourhood.

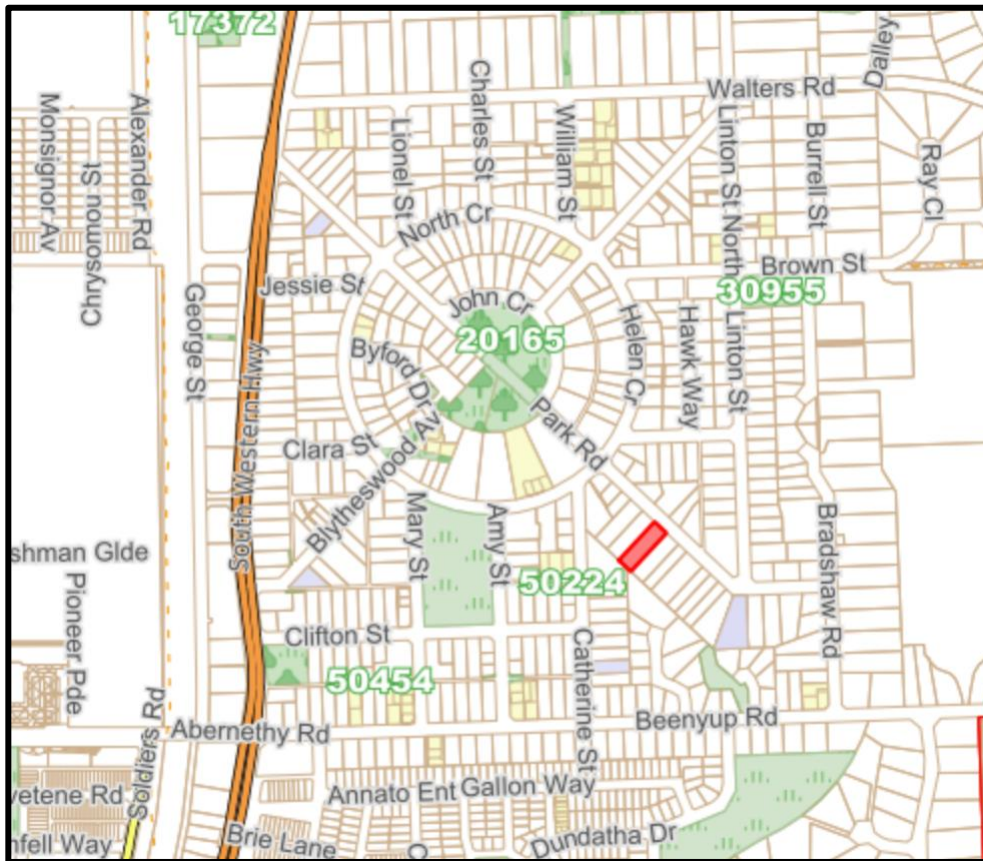
It is recommended for refusal on this basis.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this application.

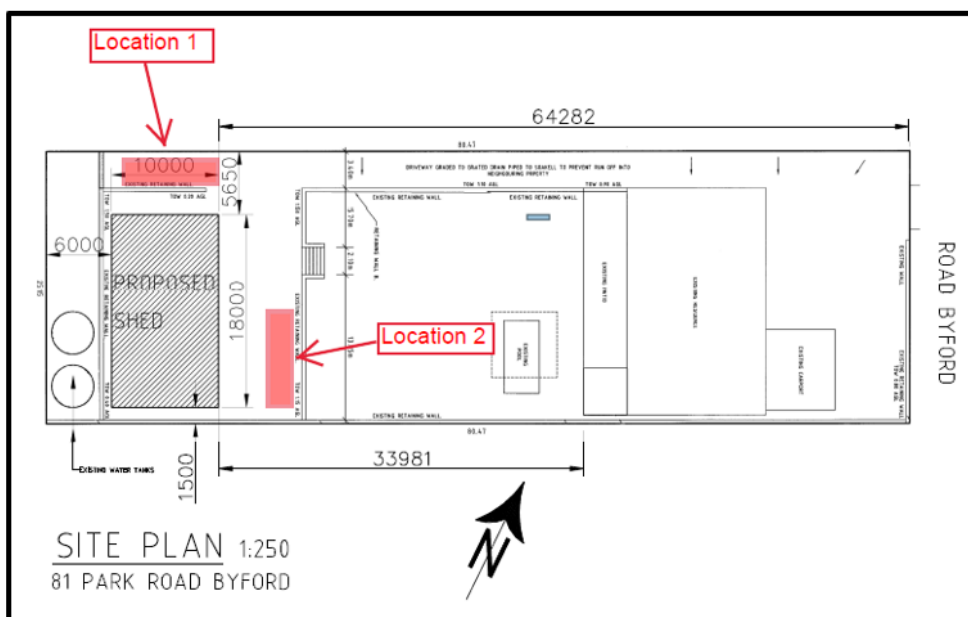






### Proposed Development

The application seeks approval for the parking of one Commercial Vehicle, being a six wheel tipper truck, with a width of 2.5m, length of 9m and height of 3.5m. The vehicle is sought to be parked generally in location 1 as shown in the following plan; however, may be parked in location 2 on occasion if access to the rear of the property is required:



Parking Location Plan





The applicant states in the response to submissions that the Commercial Vehicle is intended to be parked at the premises only and would only leave or enter the site during working hours.

The application details can be viewed in **attachment 1** to this report.

### **Community / Stakeholder Consultation**

The application was advertised to surrounding landowners for a period of 21 days, in accordance with Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4). During the advertising period a total of two submissions were received, one of which raised objection to the proposed development. The objection was subsequently withdrawn in favor of a submission indicating no objections as long as a visual screen is provided between the driveway and adjoining dwelling. The second submission raised no objections as long as the vehicle is primarily parked in location 1 as shown on the parking location plan above.

The content of the submissions and the Applicant's responses can be viewed in **attachment 2** to this report.

### **Statutory Environment**

#### Legislation

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

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Draft Local Planning Scheme No.3;
- Draft Local Planning Strategy;
- Byford District Structure Plan 2020.

### **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 applicable matters relevant to this proposal and can be viewed within the Technical Assessment contained within **attachment 3**. For the purpose of this report, discussion is confined to those matters raised in submissions and areas in which Council is required to exercise delegation.



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Land Use:

The proposal relates to the parking of one Commercial Vehicle, intended solely to be parked while on the site. The proposal fits most appropriately within the 'Commercial Vehicle Parking' land use classification under Town planning Scheme No.2 (TPS2), which is defined as:

**'Commercial Vehicle Parking – means**

- (a) *The parking of one or more commercial vehicles on any land within the Scheme Area. A vehicle shall be parked for the purpose of this definition if it is present on the subject land for more than two hours and is not in that time being used to load or unload anything, or in connection with building or development work carried on with all necessary Council approvals.*
- (b) *If a trailer or the like having no independent means of propulsion is attached to a prime mover or other motorised vehicle, the two in combination shall be regarded as one commercial vehicle for the purpose of this Scheme.*
- (c) *However, where a trailer or the like is not presently attached to a prime mover or other motorised vehicle, it shall, subject to paragraph (3) be regarded as a separate commercial vehicle for the purpose of this Scheme.*
- (d) *Where there is one prime mover and one trailer on a lot, and even though not attached they are ordinarily used in combination, the two shall be regarded as one commercial vehicle for the purpose of this Scheme.'*

The proposal is considered to meet this definition as the vehicle is intended solely to be parked while on the site and meets the definition of a Commercial Vehicle under TPS2, which is defined as:

**'Commercial Vehicle - means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession, and without limiting the generality of the foregoing includes any van, truck, trailer, tractor and any attachment to any of them or any article designed to be an attachment to any of them, and any bus or any other passenger vehicle, or any earth moving machine whether self-propelled or not, but the term shall not include a vehicle designed for use as a passenger car or a trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or a light truck which is rated by the manufacturer as being suitable to carry loads of not more than three (3) tonnes.'**

The vehicle is a 6-wheel tipper and meets the requirement of being designed to be used for commercial purposes.

The subject site is designated as 'Residential (R20)' under the Byford District Structure Plan. Within the Residential zone, Commercial Vehicle Parking is an 'SA' use, meaning it is capable of approval at the discretion of Council, subject to advertising the application and consideration of any submissions.

The subject site is proposed to be zoned 'Residential (R10)' under Local Planning Scheme No.3 (LPS3). The proposal is also considered to fit within the 'Commercial Vehicle Parking' land use category under LPS3, which is defined as:



**‘Commercial Vehicle Parking** – means premises used for the parking of a single commercial vehicle, used offsite for commercial purposes but does not include –

- (a) Any part of a public road use for parking or for a taxi rank; or
- (b) Parking of commercial vehicles incidental to the predominant use of the land.’

The proposal relates to a single vehicle that would be used offsite for commercial purposes and the vehicle meets the definition of a Commercial Vehicle under LPS3, which is defined as:

**‘Commercial Vehicle** – means a vehicle, whether licensed or not, that has a gross vehicle mass of greater than 4.5 tonnes including –

- (a) A utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) A vehicle that is or is designed to be an attachment to a vehicle referred to in paragraph (1).’

The vehicle proposed to be parked is a 6 wheel tipper truck with a gross vehicle mass of greater than 4.5 tonnes and would meet the above definition.

Within the ‘Residential’ zone under LPS3, Commercial Vehicle Parking is a prohibited land use and could not be considered for approval. As LPS3 has been endorsed by Council and is in the process of being considered for approval by the Western Australian Planning Commission (WAPC) and Minister, due regard must be given to LPS3 in considering any application for approval. As the proposed land use would be prohibited and incapable of approval in the relevant zone under LPS3, Officers consider the application should be refused. It is considered a sound and relevant planning consideration to not have commercial vehicle parking in residential areas of the Shire, given the nature of such vehicles likely to be inconsistent with expectations and reasonable considerations of amenity for such areas.

Should Council resolve to approve the application, the development would become a non-conforming use once LPS3 is adopted.

In this case, Clause 22 of LPS3 states the following

“(1) Unless specifically provided, this Scheme does not prevent -

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if
  - (i) before the commencement of this Scheme, the development was lawfully approved; and
  - (ii) the approval has not expired or been cancelled. (2)

(2) Subclause (1) does not apply if -

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the nonconforming use.”



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### Character and Amenity

In terms of the amenity of the locality, as discussed earlier in the report, the locality comprises of predominantly residential development within a typical residential setting, which is structured upon a modified street grid. The character and amenity of the locality is described as residential in nature with limited land uses being undertaken other than 'Residential - Single House'. In the future, the surrounding locality would be zoned 'Residential' with a density code under State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes) of R10 where lot sizes would be a minimum of 875m<sup>2</sup>. It is therefore expected that land use will remain at a relatively low scale of intensity, with some limited subdivision potential.

One of the objectives of the residential zone under LPS3 is to *“provide for a range of non-residential uses, which are compatible with and complementary to residential development”*. Furthermore, draft Local Planning Strategy (LPS) also seeks to *“preserve and enhance existing character areas within existing urban areas”*.

The planning framework for this area specifically requires for the existing residential character of the area to be retained and enhanced. Commercial vehicles and the associated activities are not considered sympathetic to residential character or consistent with development that would be expected to be found in the zone.

The commercial vehicle in this regard is considered to potentially impact the character and amenity by way of visual and noise impact, and the compatibility of vehicle type with the scale of road environment that exists. It is acknowledged that the majority of the time the commercial vehicle would be parked alongside the north western boundary, adjacent to the outbuilding. While there is vegetation located along this boundary screening the visual appearance of the vehicle once parked, the activity of the vehicle entering and exiting the site would remain visible. The lack of visibility of a development does not fully negate the impact of its mere presence which is at odds with the character and visual amenity of the area, given the future land use permissibility under LPS3.





**Existing Driveway Location**

No information has been provided in relation to noise levels of the proposed commercial vehicle. Given the site and locality is residential, it is expected that vehicles utilising the site would be residential in nature and consist of passenger vehicles.

It is considered that the proposed land use is incompatible with residential development and the character and amenity of the locality, inconsistent with the objective of the residential zone under LPS3 and LPS.

## **Options and Implications**

### Option 1

That Council REFUSES the development application for the stated planning reasons which deal with the intended future planning framework and amenity impacts.

### Option 2

That Council APPROVES the development application with a time limitation of 4 years, to enable the development to transition to a more appropriate zone by that time (West Mundijong Industrial Area). Should Council consider this option to be appropriate, Officers recommend the following conditions should be imposed:

- (a) *This approval is valid for 4 years from the date of this approval, after which time the approval expires and the development must cease.*





- 
- (b) *This approval relates to one (1) six-wheel tipper truck only.*
- (c) *The commercial vehicle subject to this approval shall not enter or leave the site outside the hours of 6am to 6pm Monday to Sunday.*
- (d) *The commercial vehicle subject to this approval shall not attend the site with any load and shall not be loaded or unloaded on site.*
- (e) *The commercial vehicle subject to this approval must exit the premises in forward gear.*
- (f) *Reversing 'beepers' shall be disabled or otherwise turned off while making reversing manoeuvres within the site.*
- (g) *Prior to commencement, the driveway shall be constructed to a suitable standard to the satisfaction of the Shire of Serpentine Jarrahdale.*

### Option 3

That Council APPROVES the development application without any time limitation, and imposes the same conditions as Option 2 except for Condition (a).

Option 1 is recommended.

### **Conclusion**

The proposed development is currently capable of approval under TPS2; however, would become a prohibited land use under LPS3. Approval of the proposed development would not be in accordance with the principles of orderly and proper planning given the advanced status of LPS3 and Officers recommend the proposed development be refused. It is not considered to reflect the intended reasonable levels of amenity expected for a residential area.

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

- **10.1.5 - attachment 1** – Development Plans (E21/541)
- **10.1.5 - attachment 2** – Summary of Submissions (E20/9838)
- **10.1.5 - attachment 3** – Technical Assessment (E21/543)

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

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

### **Financial Implications**

Nil.



### Risk Implications

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

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>If Council refuses the application this could result in a request by the applicant to review the decision at the SAT.</i>	<i>Planning framework</i>	Financial	Possible	Insignificant	LOW	Ensuring valid and relevant reasons for planning refusal.
2	<i>If Council approves the application on a time limited basis, this will not be generally reflective of the pending Local Planning Scheme No. 3, resulting in development that is not consistent with the future character of the locality</i>	<i>Conditions of approval to control the potential impacts of the development</i>	Reputation	Possible	Moderate	MODERATE	Nil
3	<i>If Council approves the application without any time limitation, this will not be generally reflective of the pending Local Planning Scheme No. 3,</i>	<i>Conditions of approval to control the potential impacts of the development</i>	Reputation	Possible	Moderate	MODERATE	Nil



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<i>resulting in development that is not consistent with the future character of the locality</i>							
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**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council REFUSES the development application for ‘Commercial Vehicle Parking’ as contained within attachment 1 at Lot 5, 81 Park Road, Byford for the following reasons:**

- (a) The proposed ‘Commercial Vehicle Parking’ land use is a use that is prohibited under Draft Local Planning Scheme No.3, which is a seriously entertained planning instrument that must be given due regard in accordance with the Deemed Provisions. Approval of the proposed development would be inconsistent with the principles of orderly and proper planning.**
- (b) The proposed development has the potential to adversely impact the amenity of the locality and will introduce a scale of vehicle considered to be incompatible with the local road network.**

**10.1.6 – Proposed Road Naming – Lot 2, 1842 Thomas Road, Byford (SJ500-03)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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 one new road name for a subdivision at Lot 2, 1842 Thomas Road, Byford.

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

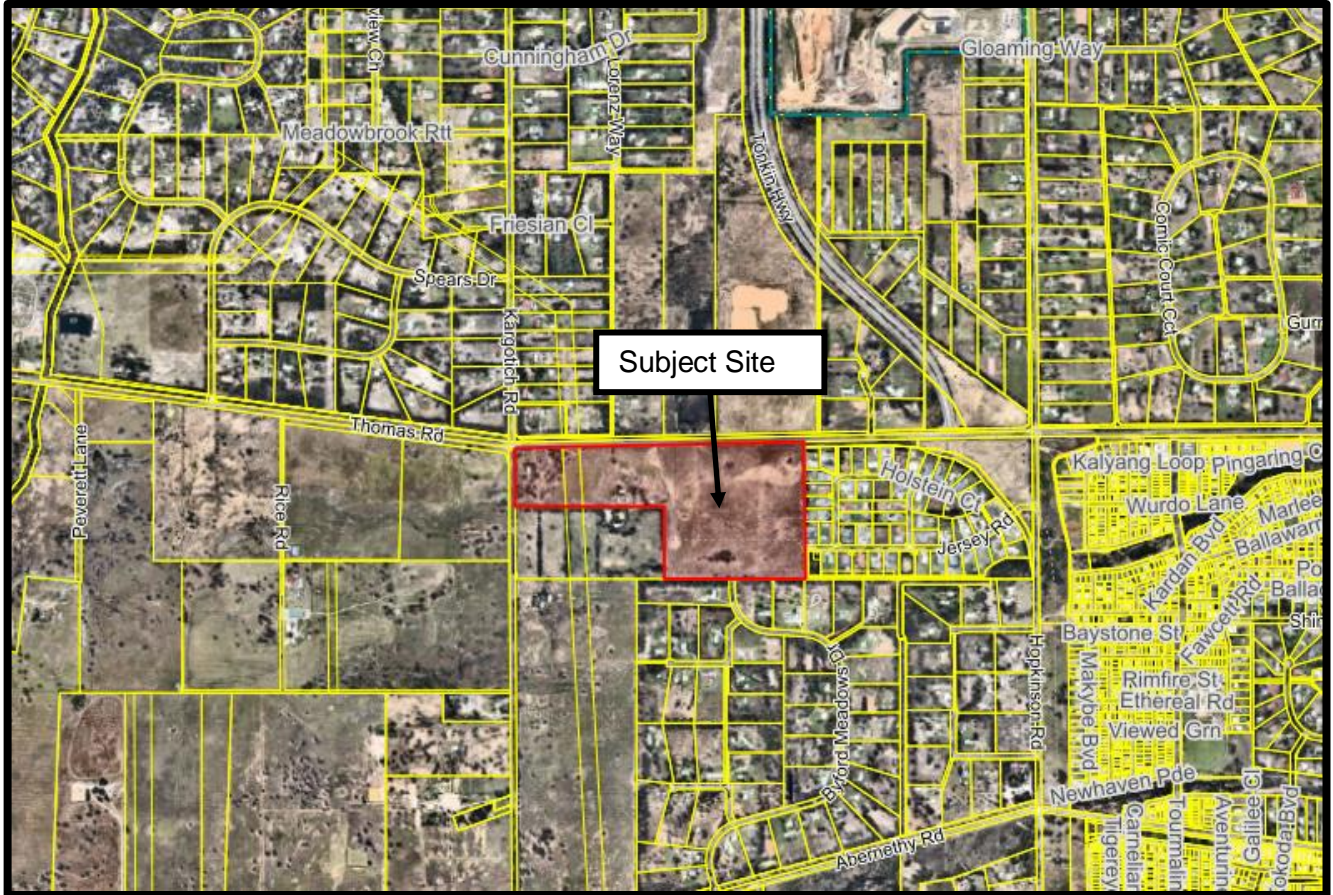
**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.



## Background

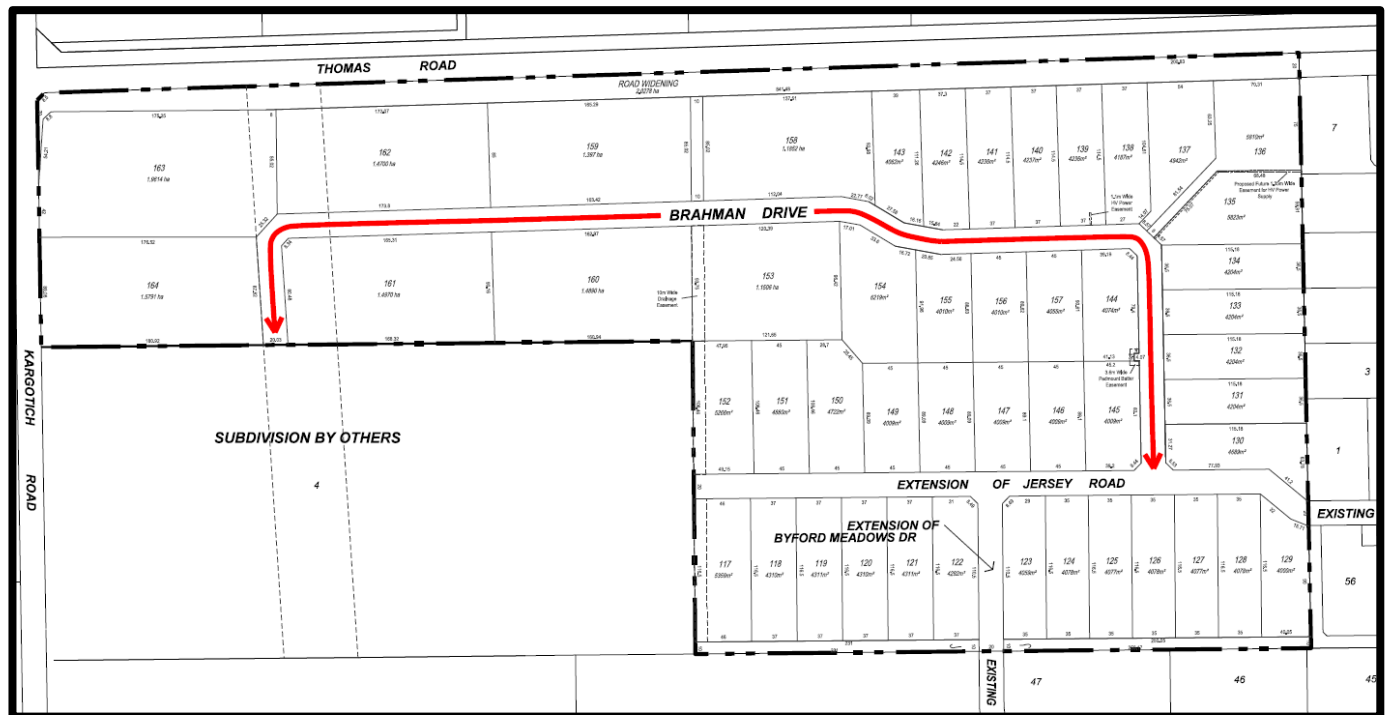
The proposal relates to the subdivision of Lot 2, 1842 Thomas Road, Byford, which will result in the creation of one new road. Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*.







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



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. As the proposal entails only one new road, the requirement for a theme under LPP1.7 does not apply. While there is no formally approved naming theme in the broader area, the prevailing trend in the area is cattle breeds. The proposed name 'Brahman' would align with this informal theme and Officers consider the name acceptable.

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

<b>Road Name Table</b>	
<b>Proposed Names</b>	<b>Background/History</b>
Road 1: Brahman	A breed of cattle commonly used in Western Australia
<b>Alternative Names</b>	<b>Background/History</b>
Road 1: Illawarra	A breed of cattle commonly used in Western Australia
Road 1: Indicus	A breed of cattle commonly used in 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:

<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
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	The proposed preferred and alternative names comprise of no more than nine letters



Policy Assessment	
avoided	and are only one word in length.
Proposals for road names shall include an appropriate road type suffix	Only 'Drive' has been utilised as a suffix in the proposal. The proposed suffix is considered to be appropriate and consistent with suffix definitions under the GNC policy.  Drive (DR) – Wide thoroughfare allowing a steady flow of traffic without many cross-streets.
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 seven 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 one proposed road name and two alternatives to be used as part of the subdivision at Lot 2, 1842 Thomas 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)

- **10.1.6 - attachment 1** – Road Naming Proposal (E21/224)
- **10.1.6 - attachment 2** – Road Layout Plan (E21/225)

### Alignment with our Strategic Community Plan

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



### Financial Implications

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 approve the road naming proposal based on Council's decision</i>	<i>Well developed and assessed list of names plus alternatives</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Minor</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</i>  <i>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</i>

**Voting Requirements:** Simple Majority

### Officer Recommendation

- That Council **ENDORSES** the following road name 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:
  - Brahman.
- 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:
  - Illawarra;
  - Indicus.

**10.1.7 – Proposed Road Naming – Lot 9, 147 Hardey Road, Serpentine (SJ500-03)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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:	Arbitrage Projects
Owners:	Serene Environs Pty Ltd
Date of Receipt:	18 January 2021
Lot Area:	22.73ha
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

The purpose of this report is for Council to consider a proposal for one new road name for a subdivision at Lot 9, 147 Hardey Road, Serpentine.

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

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.





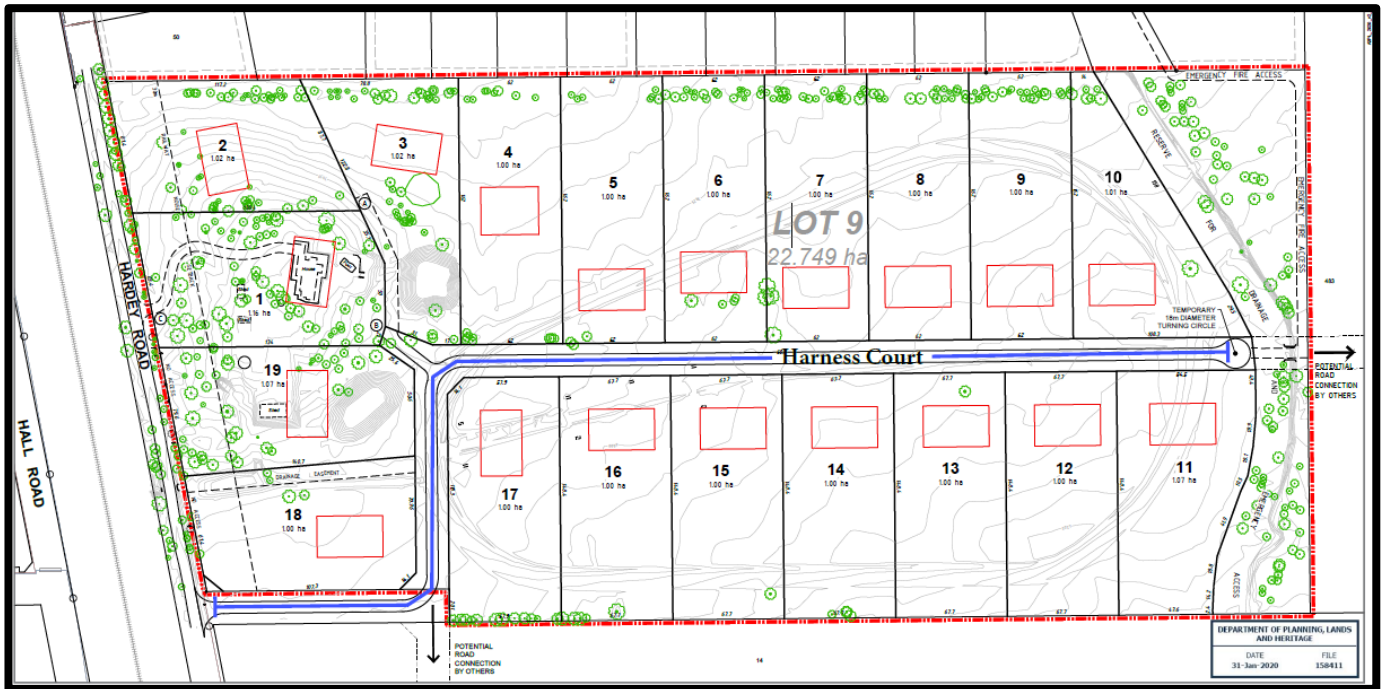
## Background

The proposal relates to the subdivision of Lot 9, 147 Hardey Road, Serpentine, which will result in the creation of one new road. Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*.





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



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. As the proposal entails only one new road, the requirement for a theme under LPP1.7 does not apply. While there is no formally approved naming theme in the broader area, the subject site and surrounding area is heavily characterised by equine development. The proposed names 'Harness', 'Hopples' and 'Derby' relate to equine activities and is considered to align with the character of the area and Officers consider the name acceptable.

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

<b>Road Name Table</b>	
<b>Proposed Names</b>	<b>Background/History</b>
Road 1: Harness	A device used to connect a horse to a vehicle or another type of load.
<b>Alternative Names</b>	<b>Background/History</b>
Road 1: Hopples	Straps which connect the front and rear legs on the same side of a pacer.
Road 1: Derby	Any of several races held annually and usually restricted to three year old horses.

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:

<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
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 given 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	The proposed preferred and alternative names are considered to be easy to read, spell and pronounce.





Policy Assessment	
public	
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 'Court' has been utilised as a suffix in the proposal. The proposed suffix is considered to be appropriate and consistent with suffix definitions under the GNC policy. Court (Ct) – Short, enclosed roadway.
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 seven letters, are of a practical length.

### Options and Implications

#### 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 one proposed road name and two alternatives to be used as part of the subdivision at Lot 9, 147 Hardey Road, Serpentine. 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)

- **10.1.7 - attachment 1** – Road Naming Proposal (E21/637)
- **10.1.7 - attachment 2** – Road Layout Plan (E21/638)

### Alignment with our Strategic Community Plan

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

### Financial Implications

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 based on Council's decision</i>	<i>Well developed and assessed list of names plus alternatives</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Minor</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</i>  <i>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</i>

**Voting Requirements:** Simple Majority

## Officer Recommendation

1. That Council **ENDORSES** the following road name 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. Harness.
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. Hopples;
  - b. Derby.



**10.1.8 - SAT Reconsideration - Proposed Child Minding Centre - Lot 51, 116 Warrington Road, Byford (SJ3371)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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:	Burgess Design Group
Owner:	Macromax Pty Ltd
Date of Receipt:	22 May 2020
Lot Area:	19,775m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

**Report Purpose**

The purpose of this report is for Council to consider amendments to an approved Child Minding Centre at Lot 51, 116 Warrington Road, Byford. The application was approved by Council at its Ordinary Council Meeting held on 21 September 2020 subject to conditions. Condition d(iii) of the approval required amendments to the car parking area entailing the provision of additional bays and amendments to the internal car park layout.

The approval was subsequently appealed by the applicant as a result of Condition d(iii). Through mediation at the State Administrative Tribunal (SAT), amendments to the proposal have been proposed and orders made under section 31 of the *State Administrative Tribunal Act 2004* for the reconsideration of the application.

The proposed amendments are considered to be sufficient to address the concerns that were relevant to condition d(iii), being concerns relating to ensuring sufficient car parking and design of the proposal. Through the submission of further information, the applicant has demonstrated that a revised design will provide the necessary car parking and layout for the development.

It is therefore recommended that Council delete condition d(iii) to reflect the amendments proposed by the updated information and plans.

**Relevant Previous Decisions of Council**

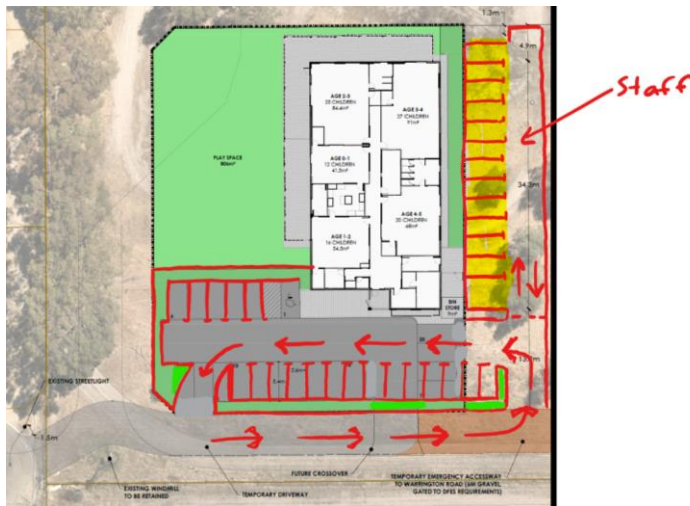
*Ordinary Council Meeting - 21 September 2020 - OCM286/09/20 - COUNCIL RESOLUTION/ Officer Recommendation (extract):*

*That Council:*

1. That Council **APPROVES** the development application for the construction of a 'Child Minding Centre' as contained within attachment 1 at Lot 51, 116 Warrington Road, Byford subject to the following conditions:

*d. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:*

*iii. In terms of site plan and layout, the customer drop off and pick up car parking area being modified to provide a one way traffic flow, and a separate staff car parking area comprising 15 bays, as depicted generally in red as follow:*



*Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the submission of a Building Permit application.*

**Background****Existing Development**

The subject site is 19,775m<sup>2</sup> in area and is bound by Warrington Road to the east, which provides the current access point to the site. The current extent of Shepparton Boulevard abuts the site as a temporary cul-de-sac at the south-western corner of the lot. The site has been developed for residential and features a single dwelling located to the north-eastern corner of the lot and incidental development including a shed and water tank. The remainder of the site is undeveloped.

The surrounding land is comprised of large lots intended for residential development.



### Initial Proposal

The application sought approval for the construction of a Child Minding Centre, which would be located to the south-western corner of the subject lot adjacent to the recently constructed Byford South East Primary School. The proposed development would occupy 2,262m<sup>2</sup> of the lot and included:

- A single storey building comprising five activity rooms, a kitchen, office/staff room, foyer with reception, one cot room, laundry/nappy change area, bathrooms and storerooms;
- A fenced outdoor play area;
- A car parking area with 20 bays;
- Construction of an access road from Shepparton Boulevard to the west; and
- Construction of an emergency access to Warrington Road to the east.

The proposed Child Minding Centre is designed to facilitate a maximum capacity of 100 children and is intended to operate between the hours of 6:30am - 6:00pm Monday to Friday. The proposed Child Minding Centre is expected to employ up to a maximum of 17 staff across the operations in varying shift times.

The full details of the proposal can be viewed in **attachment 1**.



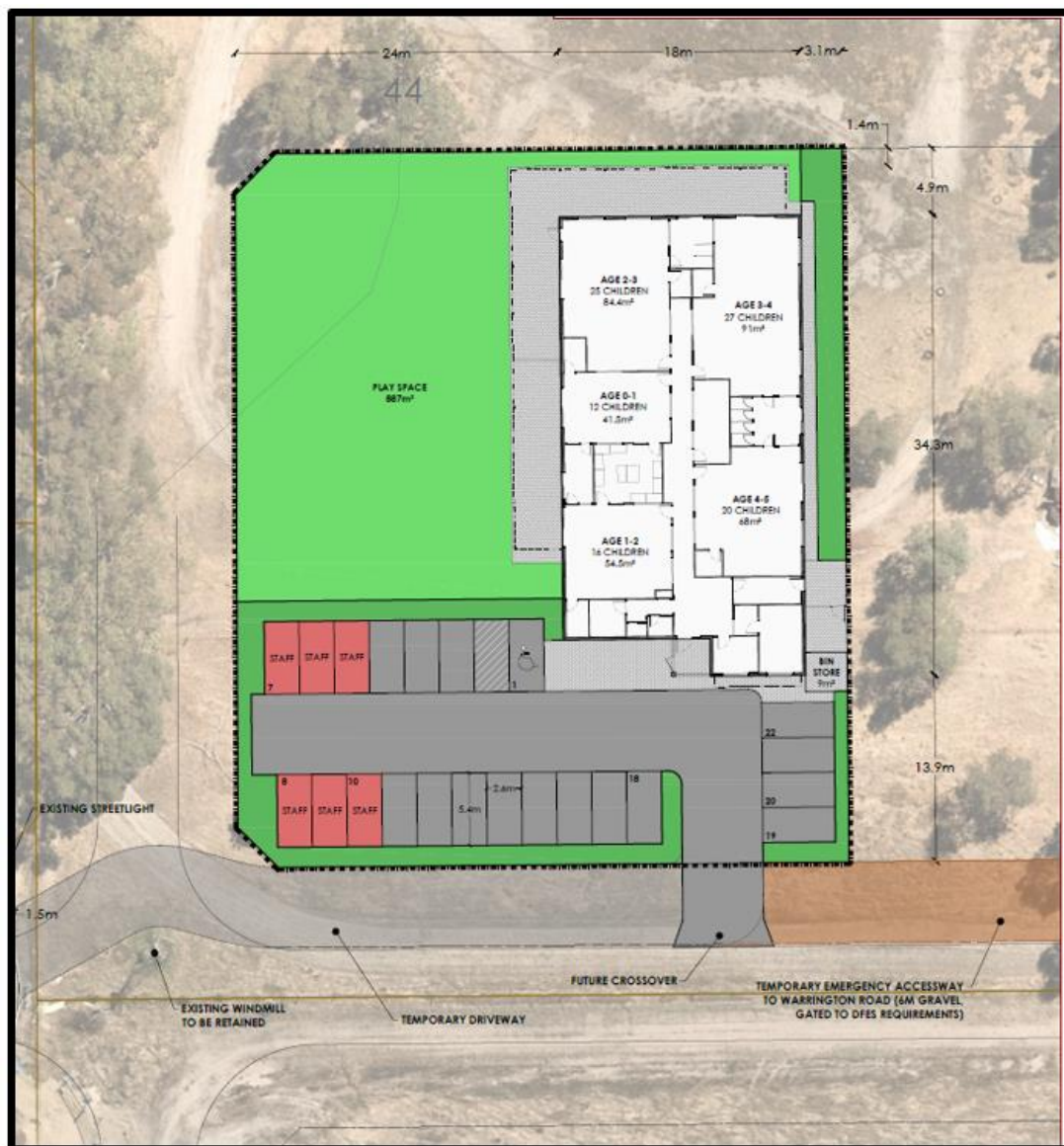


### SAT Proceedings

On 2 November 2020 the Shire received notification of an application to the State Administrative Tribunal (SAT) seeking to review condition d (iii) of the approval. This condition requires the applicant to amend the site plan to alter the car parking layout and include additional car parking bays. Through the SAT proceeding the applicant provided a revised site plan and additional information and the parties agreed to progress the matter to a section 31 reconsideration.

### Revised Proposal

The applicant's revised proposal includes an additional two car parking bays, the designation of six car parking bays for exclusive use for staff and further justification for the proposed number of car parking bays and layout of the car parking area. To facilitate the additional bays the footprint of the development area has been increased in width by 2.6m, which has also increased the open space by 132m<sup>2</sup>. The revised site plan is shown below:



**Revised site plan**



The amended site plan along with the additional information justifying the car parking provisions and layout can be viewed in **attachment 2**. The proposed amendments and additional information has been assessed in detail further in this report.

### **Community / Stakeholder Consultation**

The revised proposal has not been advertised as the modifications proposed are not considered to be a significant deviation from the initial proposal.

### **Statutory Environment**

#### Legislation

- *State Administrative Tribunal Act 2004;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997.*

#### State Government Policies

- State Planning Policy 7.3 - Planning in Bushfire Prone Areas.

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Rural Strategy Review 2013;
- Draft Local Planning Scheme No.3;
- Draft Local Planning Strategy;
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy;
- Local Planning Policy 1.6 - Public Art for Major Developments;
- Local Planning Policy 4.11 - Advertising Policy;
- Local Planning Policy 4.16 - Landscape and Vegetation Policy.

### **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 applicable matters relevant to this proposal and can be viewed within the Technical Assessment contained within **attachment 3**. For the purpose of this report, discussion is confined to the aspects of the proposal under review.

#### Car Parking

The applicant has amended the proposed site plan to include two additional bays (22 bays in total) and designate six of the bays for exclusive use for staff to address the concerns underlying condition d(iii) of the approval. Additional information has also been provided in the form of engineering advice justifying the number of parking bays proposed, which exceeds the parking requirements under Town Planning Scheme No.2 (TPS2) by two bays.





The additional justification provides more detail on the way in which the centre operates in order to satisfy concerns about traffic and parking demand. The justification focuses on key areas including child attendance rates, staff attendance rates and average use time for parking bays across drop-off and pick-up times.

In terms of the child and staff attendance rates, the applicant has noted that it is highly unlikely the maximum capacity of 100 children and 17 staff members would occupy the premises at any one time. Data drawn by the applicant from other franchised childcare centre provides indicates such centres generally operate at 85% capacity at most times. The reasoning for this is varied and includes the following reasons (amongst others):

- Children may attend the premises on a part time basis only (i.e. only on certain days of the week).
- Children may be absent from childcare due to illness.
- Children may be absent due to family commitments.

The applicant has also noted that in circumstances where a child is unable to attend on a particular day, the enrolments in relation to capacity prevent the operator from accommodating another child.

Similarly, the maximum number of staff employed by the centre are highly unlikely to arrive at the premises at the same time. As the pick-up and drop-off time from such premises extends over a two hours period, general practice is to have a basic level of staff attending the premises from the commencement of the drop-off period, which incrementally increases up until mid-day. Similarly, staff shifts finish incrementally towards the pick-up period. On top of this the applicant has noted that these centres typically employ junior staff through traineeships, who tend to be school leavers at year 10 or year 12 levels, and below independent driving age. The proposed centre is expected to employ up to two staff in this manner reducing the expected staff parking uptake.

In terms of the usage of parking bays for pick-up and drop-off, the applicant has made reference to the average length of stay for the proposed use stated in NSW RTA - Guide to Traffic Generating Developments, which is 6.8 minutes. This has been used as there is no WA equivalent guide. Taking a conservative measure and assuming a 10-minute length of stay, across the two-hour drop-off / pick-up period each bay could facilitate up to 6 vehicles. Even at maximum accommodation only 17 bays should be required to facilitate clients, leaving five bays available for staff. At the estimated operating capacity of 85% only 15 bays would be required, leaving seven bays available for staff. Taking into account the staggered staff arrival times and that some staff will not be able to attend in a personal vehicle the proposed 22 bays are considered to be sufficient.

In regard to the portion of the condition which seeks the car parking design to be amended to cater for one way movement, this is no longer required as the additional information submitted by the applicant provides clarity surrounding the utilisation of the car parking bays within the AM and PM peak times. As there will be adequate parking for patrons of the centre during these times, queuing and congestion within the parking area and along Warrington Road is unlikely to occur.



Officers therefore consider that the proposed revised plan acceptable and support the deletion of condition d(iii). Condition (f) as a result will be slightly modified to ensure the parking and access ways are designed in accordance with the updated car parking plans received on 10 December 2010 which can be viewed within attachment 2 and forms part of this report.

### **Options and Implications**

#### Option 1

That Council APPROVES the amended application subject to appropriate conditions.

#### Option 2

That Council REFUSES the amended application providing appropriate reasons.

Option 1 is recommended.

### **Conclusion**

The proposed amendments to the parking layout of the approved Child Minding Centre is considered to address the initial concerns with the proposal in relation to parking availability. Taking into account the specific operational nature of the development, Officers are satisfied that the development would not result in parking or traffic difficulties and recommend Council approve the amended proposal.

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

- **10.1.8 - attachment 1** - Development Application (E20/7736)
- **10.1.8 - attachment 2** - Additional Information (IN20/32531)
- **10.1.8 - attachment 3** - Technical Assessment (E21/539)

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

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

### **Financial Implications**

Nil.



## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with approving this development.						
2	That Council Refuses the application and the matter progresses to a full hearing before the SAT	Nil	Financial	Likely	Minor	MODERATE	Detailed reasons for the decision should be provided to assist in further proceedings

**Voting Requirements:** Simple Majority

## Officer Recommendation

That Council, in response to the s31 Request for Reconsideration issued by the State Administrative Tribunal, AMENDS as detailed following its decision made at the 21 September 2020 Ordinary Council Meeting pertaining to the Child Minding Centre at Lot 51 (116) Warrington Road, Byford:

- Condition d(iii) being deleted;
- Condition (f) being modified to read as follows:

*Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans received on 10 December 2020 and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.*

**10.1.9 – Draft Local Planning Policy 4.16 – Tree Retention and Planting (SJ3362)**

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

**Authority / Discretion**

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

The purpose of the report is for Council to consider new draft Local Planning Policy 4.16 – Tree Retention and Planting (LPP4.16) for the purposes of public consultation (**attachment 1**). The draft LPP4.16 seeks to consolidate and update three existing policies relating to landscaping, revegetation and street trees.

If Council adopt 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.

**Relevant Previous Decisions of Council**

Nil.

**Background**

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.

It is important that LPPs are reviewed on a regular basis to ensure they are up to date, consistent with best practice and in line with the strategic planning framework.

**Community / Stakeholder Consultation**

Should Council resolve to proceed with the new Draft LPP4.16, it will proceed to a process of public consultation.





## 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;
- Draft LPP4.16 - Tree Retention and Planting;
- LPP4.13 Revegetation;
- LPP4.18 Street trees;
- Existing LPP4.16 Landscape and Revegetation.

## Comment

### Draft LPP4.16 - Tree Retention and Planting

Currently, the Shire has three LPPs that deal with landscaping and revegetation. The purpose of draft LPP4.16 (**attachment 1**) is to consolidate the provisions of these LPPs into one to ensure all the information is contained in one place, making it more efficient for assessment purposes and easier for members of the public to navigate the documents. Once LPP4.16 has undertaken the advertising process, any submissions received will be considered by Council and Council will decide whether or not to adopt the new LPP.

### Existing LPP4.13 Revegetation (**attachment 2**)

This policy sets out five principles for revegetation including replacement planting for lost or lacking vegetation; preference for local native species to be used; revegetation to be undertaken in accordance with best practice; and a requirement for bank guarantees where works have not been completed prior to subdivision clearance. All these elements are considered to be addressed under the revised draft LPP4.16.

### Existing LPP4.18 Street trees (**attachment 3**)

This policy sets out four provisions requiring the provision of street trees which can be achieved through bonding; a preference for particular species; and a requirement for the retention of existing street trees where possible. All these provisions are considered to be addressed in revised draft LPP4.16

### Existing LPP4.16 Landscape and Revegetation (**attachment 4**)

This LPP contains a background as to why vegetation is important but lacks specific provisions for assessment purposes. The main provision relates to the protection of trees proposed to be retained as part of development, in accordance with the Australian Standard. These provisions are also considered to be contained within the new draft LPP. It is proposed to use the numbering of this LPP for the new draft LPP.



The objectives of new Draft LPP4.16 are:

- *“To preserve the Shire’s landscape character;*
- *To protect and retain significant trees contributing to the amenity of the Shire;*
- *To provide guidance as to when the Shire will support tree removal and require replacement planting;*
- *To enhance the Shire’s urban areas through landscaping; and*
- *Increase canopy coverage, preserving the Shire’s urban forest.”*

To achieve these objectives, the LPP is split up into 3 Parts:

1. Part 1 - Significant Tree Removal and Replacement;
2. Part 2 - Design of Street Tree Planting as part of Subdivision;
3. Part 3 - Design of Street Tree Planting as part of Development.

Part 1 clearly sets out the matters that are considered as part of an application for development approval resulting in tree removal and lists circumstances where tree removal will generally not be supported. This part of the LPP is considered to have clearer and more transparent provisions for applicants than the existing LPPs and will go further to assist Officers in the development application process.

Part 1 also sets out requirements for replacement planting in instances where the Shire does support tree removal. If a tree cannot reasonably be replaced on the lot, consideration can be given to require replacement planting on the verge to enhance the visual amenity of the streetscape whilst maintaining canopy cover.

Where trees cannot reasonably be replaced on the lot or the street, the LPP allows for a financial contribution to be made to the Shire which would be used towards tree planting in the Shire and increase canopy cover in accordance with the Urban Forest Strategy.

Part 2 of the LPP deals with street tree planting as part of the subdivision process. Once a subdivision has been approved, there is a requirement for the production of engineering/civil works drawings prior to commencement of works. The LPP requires for these to include street trees and how they will be maintained. Three options are available to an applicant/developer as follows:

*Option 1 (preferred)* - Applicant provides contribution payment to Shire who then takes responsibility. In this option, an applicant can choose to pay the Shire \$600 per street tree. This payment must be made prior to the practical completion certification of the civil works. In receiving this contribution, the Shire will purchase, install and maintain all street trees within the subdivision for three years. Installation will occur at the most optimal time in the opinion of the Shire, taking into account development rates on each lot.

*Option 2* - Applicant takes responsibility and plants the trees after clearance and after each lot is developed.

*Option 3* - Applicant takes responsibility and plants the trees prior to clearance of the subdivision. The applicant is required to install and manage the street trees for a two year period post installation, performing sound arboricultural maintenance practices that promote good form and shape with a well-defined canopy, to the satisfaction of the Shire. Street trees which are not adequately maintained in the opinion of the Shire will be required to be removed, replaced and



maintained for a further three years. Details of maintenance must be set out in the Street Tree Management Plan.

The key difference with this option and option 2 is that to achieve clearance of the subdivision, a bond equal to \$600 per street tree must be provided to the Shire. The Shire will return this in one amount once all street trees have been planted and maintained consistent with the Street Tree Management Plan.

Part 3 of the LPP deals with street tree planting as part of a development application and states that development other than residential, will be required to establish street trees on the verge of the lot. The LPP provides applicants/developers with two options in this regard as follows:

*Option 1 (preferred)* - Applicant provides contribution payment to Shire of Serpentine Jarrahdale who then takes responsibility.

In this option, an applicant can choose to pay the Shire the equivalent of \$600 per street tree. This payment must be made prior to the issue of a Building Permit, as the Street Tree Management Plan (required prior to Building Permit) will demonstrate the planting areas of the street trees. In receiving this contribution, the Shire will purchase, install and maintain all street trees identified in the approved Street Tree Management Plan. Installation will occur at the most optimal time in the opinion of the Shire, taking into account development rates.

*Option 2* - Applicant takes responsibility and plants the trees.

The applicant is required to install the street trees prior to occupation and manage the street trees for a three year period post installation, performing sound arboricultural maintenance practices that promote good form and shape with a well-defined canopy, to the satisfaction of the Shire. Street trees which are not adequately maintained in the opinion of the Shire will be required to be removed, replaced and maintained for a further three years. Details of maintenance must be set out in the Street Tree Management Plan.

It is considered that draft LPP4.16 provides improved guidance for applicants/developers when proposing tree removal or planting and a robust framework for Officers as part of the assessment process.

## **Options and Implications**

### Option 1:

That Council

1. Pursuant to Schedule 2 Part 2 Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ADOPTS Draft Local Planning Policy 4.16 - Tree Retention and Planting 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 4.16 - Tree Retention and Planting for a period of not less than 21 days.

### Option 2:

That Council resolves that the draft LPP4.16 IS NOT SATISFACTORY for advertising

Option 1 is recommended.



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**Conclusion**

The report is presented to Council recommending that draft LPP4.16 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 the development and subdivision process when dealing with tree removal and new street tree provision. The LPP will also ensure that the Shire's canopy cover is preserved and enhanced.

**Attachments (available under separate cover)**

- **10.1.9 - attachment 1** - Draft LPP4.16 - Tree Retention and Planting (E21/95)
- **10.1.9 - attachment 2** - Existing LPP4.13 Revegetation Policy (E18/8815)
- **10.1.9 - attachment 3** - Existing LPP 4.18 - Street Trees Policy (E18/8809)
- **10.1.9 - attachment 4** - Existing LPP4.16 - Landscape and Vegetation Policy (E18/8812)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

**Financial Implications**

There 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	No significant risk associated with Option 1						
2	If Council resolves not to proceed with the new draft LPP, the planning framework may not reflect best industry practice	Planning framework	Reputation  Organisational Performance	Possible	Minor	MODERATE	If policies are not updated, it will be important that officers continue to assist applicants to understand the policy environment which currently has overlapping and unclear policy interrelationships in place.

**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*, ADOPTS Draft Local Planning Policy 4.16 - Tree Retention and Planting 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 4.16 - Tree Retention and Planting for a period of not less than 21 days.



**10.1.10 – Amendments to Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers, Local Planning Policy 1.5 – Exempt Development and Local Planning Policy 1.3 – Amendments and Extensions to Approvals (SJ3362)**

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

**Authority / Discretion**

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

The purpose of the report is for Council to consider amendments to three existing Local Planning Policies (LPPs). Firstly, Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds, and Sea Containers (LPP4.19) has been amended to provide a further exemption from the requirement to obtain development approval for an outbuilding in areas that do not have a density code under State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes).

Local Planning Policy 1.5 - Exempt Development (LPP1.5) is proposed to be amended to provide further clarity as to when the development of a patio to a Single House is exempt from the requirement to obtain development approval.

Amendments are also proposed to LPP1.3 - Amendments and Extensions to Approvals (LPP1.3). The amendments seek to provide further clarity as to what is considered as part of a development application to extend the timeframe in which an approved development must be substantially commenced.

The amendments to the policies are considered minor and therefore should Council support the recommended amendments, they would be adopted, and no further advertising undertaken.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 15 June 2020 - OCM146/06/20 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council*

- 1. ADOPTS new LPP4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers as contained within attachment 8, in accordance with Provision 4 of the Deemed Provisions;*
- 2. ADOPTS revised draft LPP4.7 – Placement of Fill as contained within attachment 9, in accordance with Provision 4 of the Deemed Provisions;*
- 3. ADOPTS amended Local Planning Policy 1.5 – Exempt Development as contained within attachment 10, in accordance with Provision 5(2) of the Deemed Provisions;*



4. *REVOKES LPP4.2 – Sea Containers as contained within attachment 5, in accordance with Provision 6(a)(i) of the Deemed Provisions; and*
5. *Pursuant to Clause 4(4) of Part 2 of Schedule of the Planning and Development (Local Planning Schemes) Regulations 2015, PUBLISHES a notice of the adoption of the new, revised and revoked Local Planning Policies.*

*Ordinary Council Meeting – 21 September 2020 - OCM285/09/20 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *ADOPTS minor amendment to Local Planning Policy 1.5: Exempt Development as contained within attachment 3 in accordance with Clause (5)(2) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015; 2. pursuant to Clause 4(4) of Part 2 of Schedule of the Planning and Development (Local Planning Schemes) Regulations 2015, PUBLISHES a notice of adoption of amended Local Planning Policy 1.5: Exempt Developments.*

*Ordinary Council Meeting – 23 July 2018 - OCM063/07/18 COUNCIL DECISION / Officer Recommendation*

*That Council:*

1. *Pursuant to Clause 4(3)(b)(i & ii) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to adopt the new and revised Local Planning Policies as listed within OCM063.2/07/18.*
2. *Revokes the following Local Planning Policy contained within OCM063.8/07/18 in accordance with Clause 6(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015; (a)LPP 80 – Development within Structure Plan Areas which Development Approval is not Required*
3. *Pursuant to Clause 4(4) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, publish a notice of the adoption of new and revised Local Planning Policies within OCM063.2/07/18.*

## **Background**

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.

It is important that LPPs are reviewed on a regular basis to ensure they are up to date, consistent with best practice and in line with the strategic planning framework.

## **Community / Stakeholder Consultation**

Nil.



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## 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;
- LPP1.5 Exempt Development;
- LPP4.19 Outbuildings, Sheds, Garden Sheds and Sea Containers;
- LPP1.3 amendments and extensions to approvals.

## Comment

### LPP4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers

Council at its Ordinary Council Meeting of 21 September 2020 resolved to amend LPP1.5 to include the following provision:

The erection or extension of a single house, external fixture, boundary wall or fence, pergola, veranda, garage, carport or swimming pools and spas on the same lot as a single house or grouped dwelling within the Urban Development Zone	<ul style="list-style-type: none"><li>- Where a Structure Plan is in place and designates an R Codes and the proposed development complies with the R-Codes as amended by this policy; OR</li><li>- <i>Where a District Structure Plan is in place and designates the land as Urban/Residential and the development satisfies the deemed-to-comply requirements of the R-Codes based on the equivalent minimum site area compared to the lot size</i></li></ul>
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This provision exempts residential and incidental development from requiring development approval where in an area designated for residential purposes and the proposal complies with the deemed-to-comply requirements of the R-Codes based on equivalent minimum site area compared to the lot size. This amendment however does not include outbuildings.

As the provisions for outbuildings are contained within LPP4.19 it is considered that this LPP should be amended to allow outbuildings to be exempt from requiring development approval where in a residential area and the proposal complies with the deemed-to-comply requirements of the R-Codes based on equivalent minimum site area compared to the lot size. Existing LPP4.19 is contained within **attachment 1**. It is worth noting that the deemed-to-comply requirements of the R-Codes for outbuildings do not vary depending on the density.



The deemed-to-comply requirements are detailed below:

<b>Deemed-to-comply</b>	
<i>Development satisfies the following deemed-to-comply requirements (C)</i>	
<b>C3 Outbuildings that:</b>	
i. are not attached to a <b>dwelling</b> ;	
ii. are non-habitable;	
iii. collectively do not exceed 60m <sup>2</sup> in area or 10 per cent in aggregate of the <b>site area</b> , whichever is the lesser;	
iv. do not exceed a <b>wall height</b> of 2.4m;	
v. do not exceed ridge height of 4.2m;	
vi. are not within the <b>primary</b> or <b>secondary street setback area</b> ;	
vii. do not reduce the amount of <b>open space</b> required in <b>Table 1</b> ; and	
viii. are set back in accordance with <b>Tables 2a</b> and <b>2b</b> .	

The amendment to LPP4.19 proposes to allow lots that are designated for residential purposes but do not have an R-Code to enjoy an exemption from the requirement to obtain development approval for an outbuilding where compliant with the above. The amendment is proposed as follows:

Urban Development zone where designated Residential under a Structure Plan with no R-Code	As per R-Codes based on equivalent minimum site area compared to the lot size
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As with the amendment approved in September 2020, Officers consider the proposed amendment to be minor and capable of adoption without advertising. The updated version of LPP4.19 with tracked changes is provided within **attachment 2**, and the version for Council's adoption is contained within **attachment 3**.

### LPP1.5 - Exempt Development

LPP1.5 (**attachment 4**) includes exemptions from the requirement to obtain development approval for minor development. It is proposed to make minor amendments to this LPP to provide more clarity in relation to when a patio is exempt.

Currently, LPP1.5 provides the following exemption for patios:

Patios	Residential Zone (Including where designated Residential under a Structure Plan): <ul style="list-style-type: none"> <li>Setback at least 500mm from lot boundary (maximum of two);</li> </ul>
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	<ul style="list-style-type: none"><li>• Where the wall length does not exceed 9m;</li><li>• Open Space compliant with the deemed-to-comply requirements of the R-Codes;</li><li>• 2/3 of outdoor area remains permanently uncovered:<ul style="list-style-type: none"><li>o R20-R25 = 20m<sup>2</sup>;</li><li>o R30-R35 = 16m<sup>2</sup>; and</li><li>o R40 = 13m<sup>2</sup></li><li>o R50-R80 = 10.6m<sup>2</sup></li></ul></li></ul> <p>All other zones:</p> <ul style="list-style-type: none"><li>• Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation.</li></ul> <p>All Zones:</p> <ul style="list-style-type: none"><li>• Positioned behind the building line; and</li><li>• No higher than the roof of the attached approved dwelling on the property.</li></ul>
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The intent of the exemption was to vary the R-Codes, specifically for lots coded R20 or greater, to allow for a 500mm setback to two lot boundaries in lieu of one, where the wall length does not exceed 9m in length. It is however not clear whether the wall length relates solely to the proposed patio or the full extent of the wall including the existing and proposed.

If the clause is interpreted as just the patio, it could result in a 9m length patio being built up to the boundary (0.5m setback) and a wall length of the dwelling being built up to the boundary, as allowed under the R-Codes, resulting in an 18m length wall built up to the boundary.

If the clause is interpreted as the total wall length (including the existing wall of the dwelling) the exemption is no less restrictive than the R-Codes which allows walls to be built up to the boundary for a maximum length of 9m in any case.

Officers have considered both scenarios in relation to the potential impacts of such development and the risk of the development being exempt, in particular the impact on adjoining landowners of having potentially an 18m length of a wall built up the boundary.

In considering this impact and the intent of the existing provision, it is considered that the wording in the LPP should be amended to provide more clarity and allow for both the dwelling to be built up to the boundary in accordance with the R-Codes and in addition a patio with a wall length of no more than 9m.

It is worth noting that the R-Codes allows for eaves of a dwelling to encroach into the lot boundary setback by 0.75m. As such, where a wall is setback 1m, the eaves can be 0.25m from the boundary and where a wall is set back 1.5m, the eaves can be 0.75m as of right. It is considered that due to a patio being an unenclosed structure supported by posts, the impact by way of building bulk is not dissimilar to the impact of the eaves of a dwelling.





In light of this, the proposed amendment to LPP1.5 is recommended as follows:

Patios - (these provisions are in addition to the requirements in relation to buildings built up to lot boundaries under the R-Codes).

Residential Zone (Including where designated Residential under a Structure Plan) with a density of R20 or greater:

- **Roofline** Set back at least 500mm from up to two lot boundaries (Posts may be built up to boundaries);
- Where the **length of any patio wall/s, built up to a lot boundary, does not exceed 9m;**
- **Open Space and Outdoor Living** compliant with the deemed-to-comply requirements of the R-Codes;

All other zones:

- Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation.

All Zones:

- Positioned behind the building line; and
- No higher than the roof of the attached approved dwelling on the property.

It is considered that this is a minor amendment clarifying the existing provision without altering its intent and therefore can be adopted without further advertising. The updated version of LPP1.5 with tracked changes is provided within **attachment 5**, and the version for Council's adoption is contained within **attachment 6**.

### LPP1.3 - amendments and extensions to approvals

LPP1.3 deals with development applications for amendments to existing approvals and applications seeking an extension of time in which an approval is required to be commenced.

Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes Regulations 2015)* (Deemed Provisions) allows "an owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following -

- To amend the approval so as to extend the period within which any development approved must be substantially commenced;*
- To amend or delete any condition to which the approval is subject;*
- To amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
- To cancel the approval."*

The clause goes further to explain the process involved in determining an application made under Clause 77.



It is proposed to amend this existing LPP as contained within **attachment 7**. The purpose of the amendments are summarised as follows:

- Strengthen the objectives;
- Provide clearer guidance on what constitutes an amendment and what requires a new application;
- What is considered as part of an application to extend the timeframe for when an approved development must be substantially commenced; and
- Delete repetition of the Deemed Provisions.

A copy of the proposed LPP is contained within **attachment 8** with track changes to show the amendments. The final version for Council's adoption is contained within **attachment 9**.

It is considered that these changes do not alter the intent of the existing LPP and are therefore are minor amendments. It is therefore recommended that Council adopt the revised LPP and no advertising of these amendments are required.

### **Options and Implications**

#### Option 1:

That Council resolves to ADOPT amended Local Planning Policy 4.19 Outbuildings, Sheds, Garden Sheds and Sea Containers, amended Local Planning Policy 1.5 - Exempt Development and amended Local Planning Policy 1.3 – Amendments and Extensions to Approvals.

#### Option 2:

That Council resolves to NOT ADOPT amended Local Planning Policy 4.19 Outbuildings, Sheds, Garden Sheds and Sea Containers, amended Local Planning Policy 1.5 - Exempt Development, and amended Local Planning Policy 1.3 – Amendments and Extensions to Approvals.

Option 1 is recommended.

### **Conclusion**

The report is presented to Council recommending an amendment to LPP 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers to allow for outbuildings to be exempt from the requirement to obtain development approval in residential areas with no R-Code, where the development is consistent with the deemed-to-comply requirements of the R-Codes.

Amendments are also proposed to LPP1.5 - Exempt Development. It is considered that, as amended, the LPP provides more clarity as to when a patio is exempt from the requirement to obtain development approval and provide a more robust planning framework.

In addition, minor amendments to LPP1.3 - Amendments and Extensions to Existing Approvals are proposed. It is considered that the revised LPP will further assist Officers and the



community during the development application process and provide a more robust planning framework.

It is considered that the revised LPPs will assist in a more streamline development application process and provide a more robust planning framework.

**Attachments (available under separate cover)**

- **10.1.10 - attachment 1** - Existing LPP 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers (E20/5315)
- **10.1.10 - attachment 2** - LPP4.19 with track changes (E21/826)
- **10.1.10 - attachment 3** - LPP4.19 for Council's adoption (E21/829)
- **10.1.10 - attachment 4** - Existing LPP1.5 - Exempt Development (E20/10228)
- **10.1.10 - attachment 5** - LPP1.5 with track changes (E21/821)
- **10.1.10 - attachment 6** - LPP1.5 for Council's adoption (E21/823)
- **10.1.10 - attachment 7** - Existing LPP1.3 - Amendments and Extensions to Existing Approvals (E18/8849)
- **10.1.10 - attachment 8** - LPP1.3 Amendments and Extensions to Existing Approvals with track changes (E21/100)
- **10.1.10 - attachment 9** - LPP1.3 Amendments and Extensions to Existing Approvals for Council's Adoption (E21/101)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

**Financial Implications**

There will be a minimal cost involved in the advertising of the updated policies 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	No significant risk associated with Option 1						
2	If Council resolves not to update minor amendments to the existing LPPs the planning framework may not reflect best industry practice	Planning framework	Reputation  Organisational Performance	Possible	Minor	MODERATE	If policies are not updated, it will be important that officers continue to assist applicants to understand the policy environment which currently has overlapping and unclear policy interrelationships in place.

**Voting Requirements:** Simple Majority

## Officer Recommendation

**That Council:**

- ADOPTS amended Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers as contained within attachment 3, in accordance with Provision 5(2) of the Deemed Provisions.**
- ADOPTS amended Local Planning Policy 1.5 - Exempt Development as contained within attachment 6, in accordance with Provision 5(2) of the Deemed Provisions.**
- ADOPTS amended Local Planning Policy 1.3 - Amendments and Extensions to Approvals as contained within attachment 9, in accordance with Provision 5(2) of the Deemed Provisions.**

**10.1.11 - Outcomes of Community Engagement Regarding Off Lead Dog Exercise Area Community Engagement (SJ899-05)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider the outcomes of the recent community engagement regarding current and future off leash dog exercise areas within the Shire. This community engagement process was in response to a previous decision of Council, seeking a report to consider future planning and/or provision off-leash dog exercise areas.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 16 December 2019 - OCM206/06/19 - COUNCIL RESOLUTION:*

*That Council:*

- 1. RESOLVES to designate the Bill Hicks Reserve as an "off leash dog exercise area" between the hours of 0500hrs and 0900hrs only from 15 February 2020 to enable publication of a local public notice specifying the limitation per section 31 of the Dog Act 1976 and REQUESTS that the Chief Executive Officer conduct an information campaign to alert the community of the change and encourage use of the new purpose built dog park; A short term designation UNTIL 31 December 2019 as an off leash dog exercise area.*
- 2. RESOLVES to extend the designation of the Bill Hicks Reserve as an "off leash dog exercise area" until 14 February 2020 to enable the information campaign to be conducted; and*
- 3. REQUESTS that the Chief Executive Officer, in consultation with the community, prepare a report related to the future of dog exercise areas for Council's consideration no later than the June 2020 Ordinary Council Meeting.*

**Background**

At the Ordinary Council Meeting in December 2019, Council resolved to request a further report on the future of off-leash dog exercise areas. While this had a target date of June 2020, in order to undertake a robust process of community engagement, and recognising some of the challenges faced through the COVID 19 pandemic during 2020, consultation was delayed until the later half of 2020.





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**Community / Stakeholder Consultation****Survey**

Shire Officers compiled an online survey that was made available to Shire residents. The survey was advertised in the Examiner Newspaper, the Shire website and on the Shire's Facebook page. A total of 92 people completed the survey over the two-week timeframe.

Advertisement	Medium	Date
Public Notice	Examiner Newspaper	15 October 2020
Facebook post	Social Media	15 October 2020
Survey Opens	Website (Survey Monkey)	15 October 2020
Secondary Facebook post	Social Media	25 October 2020
Survey Closes	Website (Survey Monkey)	29 October 2020

71% of respondents stated that they would like to see additional off leash dog areas within the Shire and 55% of respondents stated that they use existing off leash dog areas at least once a week.

The most popular location for a possible additional off leash dog area is Byford, which 43% of respondents specified as their preferred location for the facility. It should be noted that this is due, at least in part, to Byford having a significantly larger population than other areas in the Shire as well as being home to approximately 47% of the Shire's registered dogs.

Additionally, 27% of respondents stated that they would like to see an off-leash dog area in Mundijong, Serpentine, Jarrahdale or Whitby. While it is not possible at this stage to provide off-leash dog exercise areas in every locality within the Shire, there is potential for a facility to serve residents of the southern part of the Shire once population thresholds are met. It is also likely, for example, that the planned urbanisation of Mundijong will include developers contemplating the provision of dog parks as part of their implementation of subdivision and development in years to come. The Shire would be central to this process, and it would be important to work collaboratively not only in considering a preferred location, but it ensuring design and ongoing management is suitable especially in light of the learnings having now been taken from Byford Bark Park.

Of the comments that were submitted in the survey, 14% made mention of the need for a larger off-leash dog exercise area. It was stated that this would be beneficial for those with larger dogs.

**Statutory Environment**

*Dog Act 1976, Sect 31. (3A) A Local government may, by absolute majority specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

**Legislation**

- *Local Government Act 1995;*
- *Dog Act 1976.*



## **Comment**

### Existing Facilities

Currently, the only official off leash dog exercise areas in the Shire are:

1. Bill Hicks Reserve, albeit with limited hours and;
2. The Byford Bark Park, which was officially opened in January of 2020.

Both locations are located in Byford, approximately 260 metres apart.

There is an additional off-leash exercise currently in operation within The Glades in Byford. LWP Property Group (LWP) intends to formalise this park in collaboration with the Shire as part of future development stages, and through this process an additional facility may be created for Byford as a result. This will be dependent on design and development, to ensure such a facility can successfully operate as a second off-leash area.

Shire Officers recognise that the result of the online survey suggests that there is the greatest demand for off-leash dog areas in Byford. In saying this, all the Shire's existing off-leash dog exercise areas are located in Byford. The limited available space in Byford also makes the construction of any additional off-leash dog exercise area extremely difficult.

In the short term, Shire residents will continue to utilise the Bill Hicks Reserve during the specified hours as well as the Byford Bark Park throughout the day. The addition of the facility in the Glades, subject to this being achieved in collaboration with the developer LWP, may help to meet the demands for additional facility among Byford residents.

Preliminary discussions have occurred between Shire Officers and LWP Property Group. LWP intend to develop the area that is currently used as an interim off-leash dog exercise into a feature park. As a result, a new off leash dog exercise area will be created in order to replace the current facility. There is the possibility that the new site will require temporary fencing in its initial stages. The Shire endeavors to ensure that there will be no lag time in the process or relocating the facility.

Officers have also noted the advantage of having different experiences available from different forms of dog parks. For example, the Byford Bark Park presents a high level of aesthetic garden amenity, with the irrigated green grass and modern agility equipment presenting a park which is akin to the English garden movement.

The current temporary park in The Glades, however, presents a more natural amenity with utilisation of natural features reinterpreted and reused in a dry park space. This helps connect users with the natural landscape of the Shire, which dries through the summer and greens itself through the winter. This can have a different appeal compared with that of Byford Bark Park.

Officers will look to work with the developer, to ensure an appropriate level of dog park amenity is presented by a second park in Byford, which doesn't necessarily mean an attempt to replicate what Byford Bark Park represents.









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### Mundijong

Much like Briggs Park, Mundijong Oval is predominantly used for sports training and competitive matches. As such, it would not be appropriate to be used as an off-leash dog exercise area. However, it is likely that a facility will be required in Mundijong in the future as the population continues to grow. The planned urbanisation of Mundijong will include developers contemplating the provision of dog parks as part of their implementation of subdivision and development in years to come. The Shire would be central to this process, and it would be important to collaborate not only in considering a preferred location, but in ensuring the design and ongoing management is suitable again noting the learnings from the Byford Bark Park.

### Jarrahdale

Currently Jarrahdale Oval only hosts a few events throughout the year. As such, consideration should be given to allowing the space to be utilised as an off-leash dog exercise area. Very few alterations would be required as there is already fencing around the oval and enough space for car parking. The continued supply of dog bags and a formal water source on the site is required for it to effectively function as an off-leash dog exercise area. As the area around Jarrahdale Oval is also used for parking by horse owners for the nearby equine trails, it must be ensured that there is no conflict between the horses and dogs within the area. In terms of infrastructure the site only requires skirts for the gates and new signage to ensure the site is fit to be used as an off-leash dog exercise area.

Importantly, Jarrahdale Oval is a much larger site than the Shire's existing designated off-leash dog exercise. This addresses a specific issue that was raised by 14% of respondents in the online survey, which highlighted the need for a larger off-leash dog exercise area.

The oval is currently used informally for dog exercise, mainly by medium to large dogs, and contemplating formalisation of this would help to legitimise this activity.

If Council elects to designate Jarrahdale Oval as an off-leash dog exercise area, as well as collaborating with LWP Property Group for them to provide a final off-leash dog exercise area, Officers are confident that the current and medium term future needs of dog owners will be adequately met.

## **Options and Implications**

### Option 1

That Council:

1. SUPPORTS an approach for Shire Officers to engage with LWP, who will be responsible for preparing plans (for Shire consideration and approval) for their permanent dog park as part of future stages of subdivision of The Glades development;
2. NOTES that any additional dog park developed by subdividers includes the standard two years of annual maintenance before such park transfers for maintenance responsibility to the Shire;
3. CONTINUES with Bill Hicks Reserve in its current time limited use for off-leash dog exercise;



4. REQUESTS the Chief Executive Officer issues a local public notice specifying its intention of designating Jarrahdale Oval (Reserve 6428 being Lot 2657 Millars Road) as an “off leash dog exercise area”; per Section 31 of the *Dog Act 1976*.
5. In the event that there are no submissions received, DESIGNATES Jarrahdale Oval (Reserve 6428 being Lot 2657 Millars Road) as an “off leash dog exercise area”, 29 days after the local public notice is issued;
6. In the event that submissions are received, REQUESTS the Chief Executive Officer present a further report to Council.

### Option 2

That Council DOES NOT choose to make any changes to the current provision of off-leash dog exercise areas in the Shire.

Option 1 is recommended.

### **Conclusion**

With the Shire's rapidly growing population and the increasing number of young families coming to the Shire, the demand for designated off-leash dog areas is forecast to increase. Ideally, Shire residents will be able to utilise the Byford Bark Park and Bill Hicks Reserve in the north of Byford and a new Glades facility in the south of Byford. Further, designating Jarrahdale Oval for use reflects what has been observed to be happening at that space. Furthermore, design of the second park will consider options for food van locations to be potentially explored, that could help not only activate the park, but generate additional passive income to be put back in to maintaining the park in the longer term.

Jarrahdale Oval will also provide residents with the option of accessing a much larger space, and potentially creates a further drawcard for visitation to Jarrahdale.

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

- **10.1.11 - attachment 1** - Off Leash Dog Exercise Area - Community Engagement - Survey Monkey Survey Results (E20/12387)
- **10.1.11 - attachment 2** - Off Leash Dog Exercise Area - Community Engagement - Survey Monkey Results - Individual Responses (E20/12866)

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

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets



**Strategy 2.2.2**

Seek to minimise resource usage and continue to maximise reuse opportunities

**Financial Implications**

Byford Bark Park is currently budgeted for annual maintenance costs of \$200,000. Whereas a second dog park has been identified for Byford, it is not necessarily the intent to merely replicate Byford Bark Park (or its budgeted maintenance costs). Rather, Officers will look to work with the developer and particularly explore design principles that pick up on the natural amenity that the current temporary park presents, vs that of the more formalised Byford Bark Park.

Any new park created is subject to a two year maintenance period by the subdivider before being transferred to the Shire as a park asset.

In respect of upgrading works for Jarrahdale Oval, this will include two skirts for the gates (\$300) and signage (\$500). This can be met within current budget parameters.

**Risk Implications**

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

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1.						
2	Council decides to make no changes leading to lack off leash dog areas resulting in poor social outcomes.	Byford Bark Park and Bill Hicks Reserve which are the only off leash dog areas currently in use.	Social / Community Outcomes	Likely	Moderate	SIGNIFICANT	Nil



**Voting Requirements:**      **Absolute Majority** (*Dog Act 1976, Sect 31. (3A)*)

**Officer Recommendation**

**That Council:**

1. **SUPPORTS** an approach for Shire Officers to engage with LWP, who will be responsible for preparing plans (for Shire consideration and approval) for their permanent dog park as part of future stages of subdivision of The Glades development;
2. **NOTES** that any additional dog park developed by subdividers includes the standard two years of annual maintenance before such park transfers for maintenance responsibility to the Shire;
3. **CONTINUES** with Bill Hicks Reserve in its current time limited use for off-leash dog exercise;
4. **REQUESTS** the Chief Executive Officer issues a local public notice specifying its intention of designating Jarrahdale Oval (Reserve 6428 being Lot 2657 Millars Road) as an “off leash dog exercise area”; per Section 31 of the *Dog Act 1976*.
5. In the event that there are no submissions received, **DESIGNATES** Jarrahdale Oval (Reserve 6428 being Lot 2657 Millars Road) as an “off leash dog exercise area”, 29 days after the local public notice is issued;
6. In the event that submissions are received, **REQUESTS** the Chief Executive Officer present a further report to Council.

**10.1.12 – Proposal to commence community consultation - Draft Local Heritage Survey (SJ3163)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider commencing the Shire's new Local Heritage Survey process, which will enable community consultation on updating the Local Heritage Survey. This project has been previously identified in the adopted Corporate Business Plan, and moreover provides the opportunity to modernise and update the year 2000 version of the current Municipal Heritage Inventory. These Inventories are now termed as a Local Heritage Survey, following passage of the new Heritage Act and new terminology.

Undertaking a process of community engagement will enable heritage views of stakeholders and community to be captured and considered by Council, as part of creating a new 2021 Local Heritage Survey.

**Relevant Previous Decisions of Council**

Nil.

**Background**

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

This is proposed to be undertaken through preparation of an updated Local Heritage Survey and associated Strategy and Policy documents. These are intended to combine to provide the framework for consideration of heritage aspects in decision making.

The Local Heritage Survey will record information regarding heritage places within the Shire, and assign a place record and category listing reflecting of such information and its values as measured according to the statement of significance. This also reflects the requirements of Section 103 of the new Western Australian Heritage Act 2018, which requires local governments to compile and maintain a list of places which in its opinion are, or may become, of cultural heritage significance.



The Shire of Serpentine Jarrahdale's current Municipal Heritage Inventory was adopted in the year 2000. It is needing to be updated in conjunction with community input.

### **Community / Stakeholder Consultation**

The purpose of the community engagement will to be engage with key stakeholders and the wider community. The engagement process will be used to ensure that community members are provided with the opportunity to nominate what they consider culturally and/or historically significant, to enable an assessment process to then be taken to determine if a place should be included on the new Local Heritage Survey. This in itself does not impose obligations in respect of the planning framework, rather it will help inform a future process of determining what additional places should be added to the Heritage List. The List is adopted under the planning framework (Town Planning Scheme) and elevates consideration of heritage protection in the planning process.

As the Local Heritage Survey is of Shire-wide significance, it will be open for comment for at least 42 days and will be featured at least twice in the Examiner Newspaper in the form of a Public Notice. It has an associated Community Engagement Plan, which this report seeks Council to adopt. The Community Engagement Plan will facilitate the communication between the Shire and various stakeholders.

### **Statutory Environment**

#### Draft Local Heritage Strategy

The Local Heritage Strategy sets out the objectives and establishes the framework for managing the Shire's heritage places, through the Local Heritage Survey. The Strategy is intended to be a practical working document and provides a realistic plan to achieve the Strategy's objectives and provides a framework within which the Local Heritage Survey sits.

#### Draft Local Heritage Survey

Under the *Heritage Act 2018*, Part 8 – Local Heritage Surveys, Section 103, a local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance. In reviewing and updating the Local Heritage Survey, the Shire must have regard to the purposes and guidelines set out in section 104 of the *Heritage Act 2018*:

#### *104. Purposes of local heritage survey*

*The purposes of a local heritage survey by a local government include —*

- (a) identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) providing a cultural and historical record of its district; and*
- (d) providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.*



The *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 states:

*8. Heritage list*

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

*(2) The heritage list —*

*(a) must set out a description of each place and the reason for its entry in the heritage list; and*

*(b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and*

*(c) may be published on the website of the local government.*

It needs to be noted that the Heritage List process will follow the Local Heritage Survey Process. That is, it will be informed by the results of the Survey, and importantly inclusion on the Survey does not automatically mean inclusion on the List.

**Comment**

The Shire's Local Heritage Survey is outdated and after twenty years requires a review to ensure it is relevant. Additionally, both State legislation and the Shire's local planning scheme have been updated requiring the Local Heritage Survey to be modernised to ensure that the document is in-line with contemporary thinking and best practice and informs a new future Heritage List.

It is central to any process of formulating a Local Heritage Survey, that community consultation and participation take place. The approximate timeframe and methods for this stakeholder and community engagement are contained within the Local Heritage Survey Community Engagement Plan. Importantly, it will be important to document the facts about the role of the Local Heritage Survey, and separate this from the future consideration of the Heritage List. Starting out with the objective to provide an up-to-date Local Heritage Survey, which is the aim of this project, will then provide the community and Council a contemporary understanding of the cultural heritage assets which exist.

Council will then be able to consider what, if any, modifications to the current Heritage List should occur. It will be important to provide a clear set of FAQs and information sheets, to ensure that the proper purpose of the project (being to update the Local Heritage Survey) is understood and hopefully embraced by the community.





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**Options and Implications**Option1

That Council ENDORSES the community engagement plan to begin the process of creating the new 2021 Local Heritage Survey.

Option 2

That Council DOES NOT endorse the community engagement plan to begin the process of creating the new 2021 Local Heritage Survey

Option 1 is recommended.

**Conclusion**

Officers seek to commence the process of creating a 2021 Local Heritage Survey, with the process beginning with public engagement to seek nominations for consideration of inclusion. This will ensure that the heritage views of the stakeholders and community are able to be identified and considered in preparing the 2021 version of the Survey, which following advertising will be reported to Council for consideration to adopt.

It is proposed that the Shire Officers open the process inviting stakeholder and community participation to nominate new places to be considered for inclusion, and to seek new information to gain a better understanding of existing places on the 2000 version of the Survey.

**Attachments (available under separate cover)**

- **10.1.12 - attachment 1** - Local Heritage Survey Engagement Plan (E20/14697)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage

**Financial Implications**

All costs for the formal advertising are covered in the current budget. No additional costs will be required.

Community input to the draft updated Local Heritage Survey may result in new community nominations, or proposed additions to existing places identified on the 2000 version of the inventory (survey). Shire officer expertise includes heritage assessment and local history research, however there may be some additional external expertise drawn upon to assist (for example) if a nominated place is close to a certain threshold of being recommended for listing. Any consultant costs in this regard will be nominal.

The draft Local Heritage Survey, once formulated, will be presented to Council for adoption to advertise, together with an updated draft Heritage List. This future process may also include



some nominal consultant costs, should (for example) community submissions be received on both the draft survey and list once they are formally advertised.

### 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>Council endorsing the process of creating the new 2021 Local Heritage Survey may lead to the community not agreeing with the overall approach being followed by the Shire.</i>	<i>An effective Community Engagement Plan with clear processes and outcomes.</i>	Reputation	Possible	Minor	MODERATE	<i>Nil.</i>
2	<i>If Council does not endorse the process to begin creating the new 2021 Local Heritage Survey this will result in an outdated heritage list leading to potential inappropriate management of the Shire's heritage assets.</i>	<i>Reliance will remain on the outdated year 2000 version of the Survey</i>	Organisational Performance	Likely	Minor	MODERATE	<i>Nil.</i>



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council ENDORSES the Local Heritage Survey Engagement Plan to begin the process of creating an updated 2021 Local Heritage Survey.**

**10.1.13 – Consideration of key terms of shared use agreement – Shire of Serpentine Jarrahdale and the Roman Catholic Archbishop of Perth representing Salvado Catholic College (SJ1393-03)**

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

**Authority / Discretion**

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

The purpose of this report is to consider the draft key terms of a shared use agreement between the Shire and the Roman Catholic Archbishop of Perth representing Salvado Catholic College.

This report is presented to Council, consistent with the resolution of Council made at the 3 February 2020 Special Council Meeting which requested the draft key terms be presented back by February 2021.

A shared use agreement, if agreed by Council, will underpin how future cost contribution liabilities are met by the landowner, pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 ("Scheme") and the Byford Development Contribution Area and Plan.

Following an extensive process of good faith negotiations between Shire Officers and landowner representatives, a set of draft key terms have been arrived at which are recommended for endorsement by Council to proceed to the formal drafting of the shared use agreement proper. Should Council support this, it is recommended that the formal drafting be undertaken by the Shire's Solicitor (McLeod's Barristers and Solicitors) at the cost of the landowner.



## Relevant Previous Decisions of Council

*Special Council Meeting – 3 February 2020 – SCM003/02/20 – Council Resolution*

*That Council:*

- 1. At the landowners cost, requires the preparation of a legal agreement by the Shire's Solicitors to the Shire's satisfaction prior to the issue of a building permit for the next stage of development, as approved by JDAP on 12 November 2019, or by 3 April 2020 (whichever is the lesser), that requires the landowner and Shire to work collaboratively to reach a shared use agreement for the future district open space oval on the College site;*
- 2. Requires the landowner to pay \$96,080.48 to the Shire prior to the issue of a building permit for the next stage, to bring to account the current stages of development that have occurred, based on this being the concessional rate as a result of a shared use agreement; and*
- 3. Requests the final draft shared use agreement be presented to Council by 3 February 2021 for consideration, in accordance with the terms of the legal agreement prepared in accordance with Part 1 above.*

*Reason for difference to Officer Recommendation*

*To provide greater certainty in respect to setting a time frame to reach an agreement and finalise the matter.*

## Background

Salvado Catholic College, Lot 102, 115 Abernethy Road, Byford is bound by Abernethy Road to the north, Warrington Road to the west, and Mead Street to the south. The eastern boundary adjoins the Byford Secondary College site. The land to the south is the Shire's district recreation facility Briggs Park, and the adjoining Bush Forever site.

The school has completed the administration block and primary school development components, and the first stage of the secondary school component to enable transition to educate for secondary schooling from 2021 onwards. In accordance with the master plan, the school will ultimately provide a K to year 12 learning experience.

Development to date has been in three main stages:

2015 - Administration Block, Teaching Block, Classroom Block and Covered Assembly Area.

2017 - Provision of 2 further teaching blocks, one multi-use resource block, covered walkways.

2020 - Secondary school teaching block, being the first stage of the secondary school component.

Discussions with the Shire in respect of developer contribution arrangements date back to 2012, and evidently should have been concluded upon prior to development of the school commencing. Previous discussions have focussed on both parties pursuing the cost contribution option that reflects a shared use agreement for district open space on the school grounds. This would enable community access for sporting purposes on a shared arrangement with the school, accessing an agreed district level oval delivered by the school on its land.

The landowner, being the Roman Catholic Archbishop of Perth, is subject to making a cost contribution in accordance with Development Contribution Area No. 1 (Byford) and the associated Plan, pursuant to the Scheme. This provides two options in respect of calculating and imposing the cost contribution liability as follows:





Shared Use Agreement Outcome (concessional rate)

*For private education establishments and associated development, provided a shared use agreement for public access to district open space is agreed to the satisfaction of the Shire, development contributions shall be levied at the 0.3 percent of the total development costs of the site, as agreed with the Shire based on the building licence application.*

Non Shared Use Agreement Outcome (non-concessional rate)

*(iii) Non-residential subdivision or development*

*The R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate.*

*(Precinct contribution rate per lot/dwelling x DER x D x R20 subdivision/development potential of the site – the equivalent of one lot or one dwelling = Required development contribution)*

**Community / Stakeholder Consultation**

The Shire has been in discussions dating back to 2012 with the landowner and Catholic Education on the issue of the cost contribution requirements. In lead up to the February 2020 Special Council Meeting, Officers had been meeting with the School Principal, representatives of Catholic Education and the School Board to explain the importance of addressing the issue of the intended/preferred approach to addressing current and future cost contribution liabilities. Council's resolution of 3 February 2020 resolved that Shire Officers and the landowner work collaboratively to progress draft key terms of a potential shared use agreement, and good faith collaborations and engagement has occurred over the past 12 months in accordance with Council's decision.

It is noted by all stakeholders that addressing this issue will provide certainty to inform the design and delivery of future school stages, and also how the Shire facilitates its sport and recreation opportunities for the community.

**Statutory Environment**

The most important elements of the planning framework in this regard are:

- State Planning Policy 3.6 Development contributions for infrastructure.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

**Comment**

Officers reported to Council at a Special Council Meeting held on 3 February 2020, to consider the development contribution arrangements for the landowner of Lot 102 Abernethy Road, Byford. Officers have been actioning the subsequent resolution of Council, with a number of meetings held to collaboratively arrive at a draft shared use agreement for the future district open space oval on the College site. In accordance with the decision of Council, this is required to be presented back to Council by February 2021.



In accordance with Part 1 of Council's decision, the landowner entered into a deed of legal agreement with the Shire, that set out the process and the alternative outcomes, depending on whether a 'shared use agreement' or a 'non shared use agreement' outcome is ultimately arrived at, working collaboratively and in good faith.

In order to qualify for the concessional development contribution rate pursuant to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 ("Scheme"), the landowner is seeking to enter into a Shared Use Agreement with the Shire, to enable public access to District Open Space Facilities to be developed by the landowner, on the landowner's land.

Provided a shared use agreement for public access to district open space is agreed to the satisfaction of the Shire, if, for example sake, the total school development cost was \$50m, a concessional contribution rate would be calculated as follows:

$$\$50m \times 0.3\% = \$150,000$$

(N.B. \$50m is a purely hypothetical cost for the purpose of an example calculation only)

The Shared Use Agreement Outcome, as defined by the Scheme, is for 'public access' to 'district open space', that needs to be 'agreed to the satisfaction of the Shire.' Officers have been working towards this, with both parties acting reasonably and collaboratively which has been productive.

If a Shared Use Agreement is not agreed, with the Shire acting reasonably, the non-concessional development contribution rate would stand.

This is defined in exact terms under Appendix 10 of the Scheme as follows:

(iii) Non-residential subdivision or development

The R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate.

(Precinct contribution rate per lot/dwelling x DER x D x R20 subdivision/development potential of the site – the equivalent of one lot or one dwelling = Required development contribution)

The non-concessional development contribution rate would therefore be calculated as:

Salvados College Lot Area = 105379.56sqm

R20 average lot size equivalent = 450sqm

$(105379.56 / 450) - 1 = 233.1768$

DCP5 lot rate = \$11,722 DCP cost contribution = \$2,733,298.45

#### Draft key terms of a shared use agreement

Officers, in accordance with Council's decision, have been working collaboratively and in good faith with the owner of the land since February 2020. While the draft key terms document is presented in full as **attachment 1**, it is useful to highlight those main key terms that occupied a large portion of discussion and deliberation.

These were:

*a. What ought to be the length of a shared use agreement, and what ought to be the shared times of use;*



*b. What ought to be the maintenance responsibilities of both parties, considering the difference between the hypothetical concessional rate (\$150,000) and actual non-concessional rate (\$2.73m);*

*c. What ought to be the extent of facilities, public access and use;*

The draft key terms of the shared use agreement are considered, as contained in **attachment 1**, to represent an acceptable outcome for Council to agree to.

In particularly highlighting the most significant key issues that were able to be deliberated through, Officers note the following:

*a. What ought to be the length of a shared use agreement, and what ought to be the shared times of use;*

The draft key terms have arrived at the following position in this regard:

#### SHARE PERIOD

The period of ten (10) years commencing on the date the Facilities are constructed and available for the Permitted Use.

#### EXTENSION PERIOD

The Shire has the exclusive option to extend this Agreement for two consecutive periods of five (5) years. This provides for a total Share Period of twenty (20) years.

20 years is considered an acceptable timeframe in which the shared use agreement can operate. At the end of this time period, it will be open to representatives of both parties of the day, to consider negotiating a new shared use agreement, if those parties wished for this to occur. Officers note that Byford will change significantly over that 20 year period, including the addition of further district level sporting facilities that may influence the reliance on this shared use agreement being renewed. Given this level of uncertainty, the opportunity to reconsider the need for a further shared use agreement after 20 years is considered acceptable and would not appear to place under threat the Shire's sporting facility infrastructure.

In terms of the shared times of use, the draft key terms reflect that the landowner and the Shire agree to work in good faith towards seasonal use arrangements that reflect the needs of both parties. The draft key terms state further that the Shire recognises the College's exclusive use times between the hours of 7.30am and 4pm on all school days, and till 5pm on school days where after-school sport occurs in accordance with pre-arranged seasonal agreements. The draft key terms then provide that the Shire and general public can use the Facilities outside these times, in accordance with Permitted Use as defined.

The draft key terms finally define permitted use as including:

- district level sport and recreational use by junior sporting clubs;
- use by the general public for activities such as walking, jogging, informal play and sitting for relaxation, typically termed passive recreation.

But not including:

- use by senior sporting clubs;
- any use by dogs, irrespective of whether on or off leash;
- any golfing use whatsoever.



*b. What ought to be the maintenance responsibilities of both parties, considering the difference between the hypothetical concessional rate (\$150,000) and actual non-concessional rate (\$2.73m):*

The draft key terms present that the Parties (the Shire and the landowner) should be responsible for the cost and labour to undertake the maintenance of the Facilities based on the proportional use of the Facilities. This should be determined every three (3) months in arrears, based on the following formula approach:

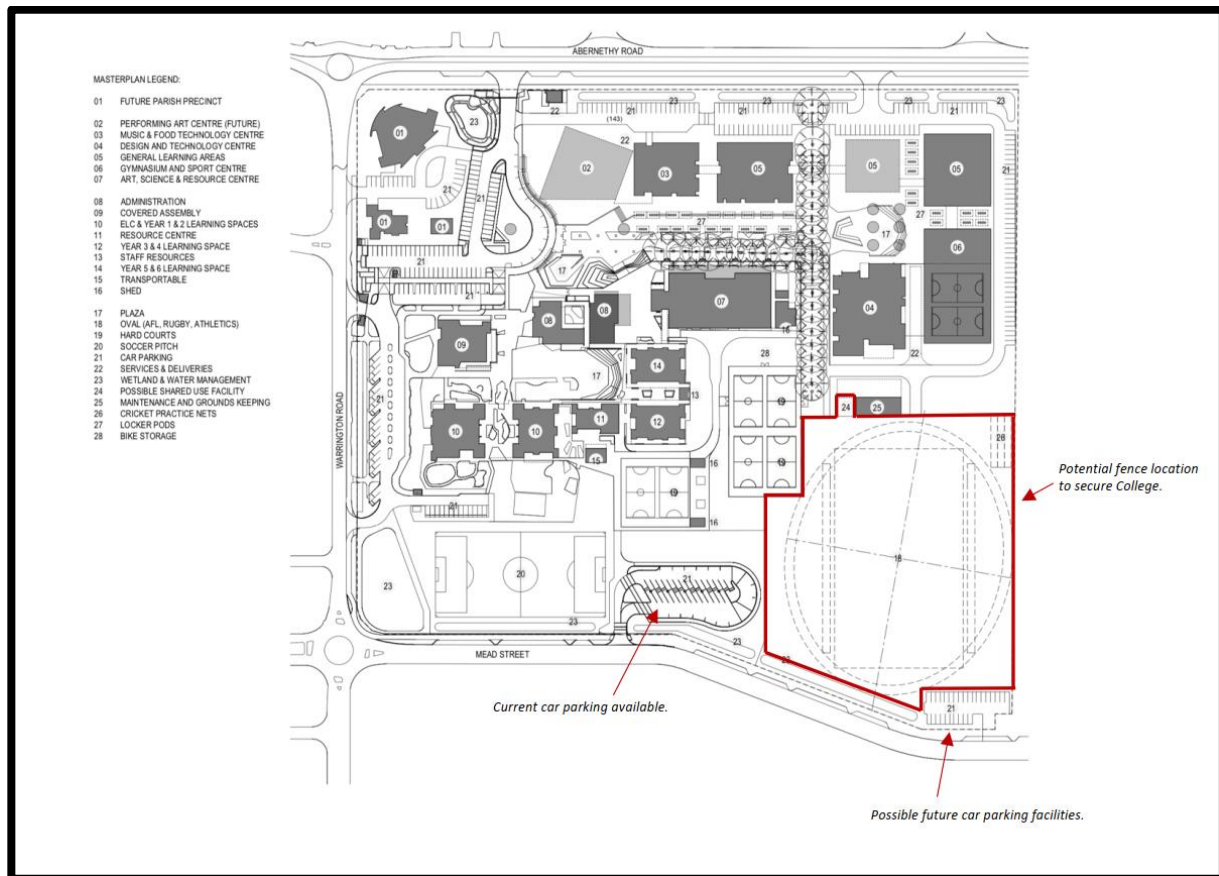
Maintenance Cost For Previous 3 Month Period	= A
Total Facility Hours Available During 3 Month Period	= X
College Exclusive Use	= Y
Shire Booked Use For Junior Sports	= Z
College Cost	= (Y/X) x A
Shire Cost	= (Z/X) x A

Draft key terms also state that the landowner will undertake required maintenance of the Facilities, in accordance with standards for a junior sporting oval. Required maintenance must maintain this standard for junior sporting at all times. Finally, draft key terms identify that upon agreement to the calculation of the 3 monthly usage, the College will invoice the Shire for payment based on a three (3) month in arrears schedule.

There has been some discussion in respect of the need and nexus for the charging of developer contributions for the likes of a private school, based upon a comparison to residential development. Officers have pointed out that, on the one hand, a private school benefits from, and places a load upon, the infrastructure provided for by the Development Contribution Plan within Byford. However, the Scheme also recognises that it is fair and equitable to allow a private school to off-set the value of its provision of facilities for public use, in so far as they can be seen to contribute, in effect, to the provision of district open space that would otherwise need to be provided by shared developer costs elsewhere. This is given effect in the form of the concessional rate of 0.3% of development cost. The Scheme development contribution report defines the rationale for pursuing a shared use agreement on the basis that “there are significant economies of scale and efficiencies involved which will allow schools to become a focal point for the community.”

*c. What ought to be the extent of facilities, public access and use:*

Draft key terms define the shared facilities as the College oval and a basic toilet and storage facility, delineated and coloured red on a plan which is annexed to the draft key terms of agreement.



The draft key terms also provide that the Facilities may be fenced to a height of 1.8m with locked gated openings, which are managed in accordance with this Shared Use Agreement. This would include locking and unlocking to enable public use based on the following schedule:

- Summer timetable:

Weekdays (school term): 05:30am to 07:30am, 5:00pm to 08:00pm;

Weekends and school holidays: 05:30am to 08:00pm.

- Winter, Spring and Autumn timetable:

Weekdays (school term): 06:00am to 07:30 am, 5:00 pm to 06:30pm;

Weekends and school holidays: 06:00am to 06:30pm.

The draft key terms also provide coverage of the following issues:

- That the College agrees to develop at its cost the Facilities within 5 years of the date of the final agreement;

- Both Parties will review the Agreement every five years during the Share Period from the completion date of the Facilities. The review will consider:

- (a) the level of maintenance being performed;
- (b) operational considerations including children and public safety;
- (c) any other issues as either Party wishes to raise.





The draft key terms have been robustly and collaboratively discussed and arrived to at a point where it is recommended that Council endorse these key terms, to the form the basis of a properly drafted shared use agreement, to finalise this outcome.

## **Options and Implications**

### Option 1

That Council:

1. AGREES the key terms shared use agreement document as contained within attachment 1, to form the basis of a shared use agreement to be developed by the Shire's Solicitors, at the cost of the landowner;
2. REQUESTS the final shared use agreement document, once properly drafted by the Shire's Solicitors, be presented back to Council for final adoption.

### Option 2

That Council DOES NOT ENDORSE the key terms of the shared use agreement, and requests Officers continue further discussion with the landowner on the draft key terms for presentation back to Council within three months.

Option 1 is recommended.

## **Conclusion**

The landowner is subject to DCA1 under the Scheme. The cost contribution amount depends on whether the Shire chooses to enter a shared use agreement to its satisfaction, to enable community access to the future district open space oval on the College site. Officers consider the current and emerging sporting needs of our community to drive a preferred option as a shared use agreement for the future oval. Officers have arrived at a set of draft key terms for Council to consider adopting to form the basis of the shared use agreement to be developed by the Shire's Solicitors, at the landowner's cost.

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

- **10.1.13 - attachment 1** – Draft key terms document (E21/1034)

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

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets



<b>Strategy 2.2.2</b>	Seek to minimise resource usage and continue to maximise reuse opportunities
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### Financial Implications

There is a demonstrable difference in the concessional vs non-concessional rate. The underlying rationale for this difference in calculation is important to define. It is noted that the landowner / College benefits from, and places a load upon, the infrastructure provided for by the Development Contribution Plan within DCA 1. However, the Scheme recognises that it is also fair and equitable to allow the College to off-set the value of its provision of facilities for public use in so far as they can be seen to contribute, in effect, to the provision of district open space that would otherwise need to be provided elsewhere.

As the final shared use agreement is the mechanism associated with the landowner's cost contribution liability under the Scheme, all costs involved in its preparation must be met by the landowner.

### Risk Implications

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

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no significant risk associated with Option 1.						
2	Council decides not to endorse the draft key terms, and instead requests officers to negotiate further such terms as defined by Council.	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2	Social Community Outcomes /	Possible	Moderate	MODERATE	Clearly state the further draft key terms Council seeks to have negotiated



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

- 1. AGREES the key terms shared use agreement document as contained within attachment 1, to form the basis of a shared use agreement to be developed by the Shire's Solicitors, at the cost of the landowner;**
- 2. REQUESTS the final shared use agreement document, once drafted by the Shire's Solicitors, be presented back to Council for final adoption.**

**10.1.14 - Bush Fire Advisory Committee Information Report (SJ648)**

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

**Authority / Discretion**

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 receive the minutes and consider the recommendations from the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee meeting held 19 November 2020.

**Relevant Previous Decisions of Council**

*Bush Fire Advisory Committee - 21 November 2019 - OCM274/12/19 - COUNCIL RESOLUTION*

- 1. That Council RECEIVES the Unconfirmed Minutes of the Bush Fire Advisory Committee held on 21 November 2019 (E19/15472).*
- 2. That Council ADOPTS Bush Fire Advisory Committee Resolution 6.1.3/11/19 and NOTES the Bush Fire Advisory Committee's support for Council seeking State Government consideration for a Career Fire Station for the Mundijong Emergency Services Precinct.*

**Background**

Minutes of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 19 November 2020 and the minutes and resolutions contained within are hereby presented to Council.



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## Community / Stakeholder Consultation

Nil.

## Statutory Environment

### Section 67 of the Bush Fires Act 1954

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may -*
  - a. *Make rules for the guidance of the committee: and*
  - b. *Accept the resignation in writing of, or remove, any member of the committee; and*
  - c. *Where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section -*
  - a. *May from time to time meet and adjourn as the committee thinks fit;*
  - b. *Shall not transact business at a meeting unless the quorum fixed by the local government is present;*
  - c. *Is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

### Section 41 – Bush fire brigades

- (1) *For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*
- (2) *A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.*
- (2a) *A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).*
- (3) *A local government may at any time cancel the registration of a bush fire brigade.*





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*[Section 41 inserted: No. 65 of 1977 s. 37; amended: No. 60 of 1992 s. 22; No. 14 of 1996 s. 4; No. 38 of 2002 s. 32; No. 22 of 2012 s. 69.]*

*Section 43 – Election and duties of officers of bush fire brigades*

*A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.*

**Comment**

At its meeting of 19 November 2020, the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee made two recommendations that require Council's consideration in this report. The BFAC minutes also included a further recommendation pertaining to the bushfire local law, which is dealt with as a separate report in this agenda. The two recommendations dealt with in this report are explained following:

Formation of Emergency Support Brigade

The purpose of the report was to request the Bush Fire Advisory Committee consider the formation of the Shire of Serpentine Bushfire Support Brigade. This proposal would specifically recognise the Emergency Services Group as a Brigade Entity, which will provide further identity for its members and enable access to further opportunities of Local Government Grants Scheme funding. It was recommended that BFAC support this request, and recommend to Council the establishment of the Shire of Serpentine Jarrahdale Emergency Support Brigade.

The Emergency Support Group is a group of existing Bush Fire Brigade members who provide incident management support at fire stations and crew the Incident Control Vehicle operated by the Shire. It should be noted that the Incident Control Vehicle is operated by the Shire under a memorandum of understanding with Department Fire and Emergency Services.

The Incident Control Vehicle is a strategic appliance that forms part of an integrated network of response vehicles within Western Australia. The response area for the Incident Control Vehicle includes areas outside of the Shire. This vehicle is mobilized regularly and for extended durations to incidents outside the boundaries of the Shire at the discretion of Department Fire and Emergency Services.

The Group has requested consideration to be formed as a separate Support Brigade, similar to those already operating at the Cities of Swan and Wanneroo. This would allow the Group to set up a formal management within the Group, instead of being a part of other Brigades, which in turn allows them to allocate responsibilities accordingly and create further emphasis on both attracting and retaining volunteers who are interested in incident support. This enables new volunteer pathways to also be formed, opening up diverse opportunities for more people to participate in the rewarding process of volunteering.

Becoming a separate Brigade would enable direct recruitment, training and succession planning, which is key to long-term success. Through previous discussions, there are members of the community who are interested in becoming a part of the Group but are not keen on fire ground training or placement. At present, nearly half the members are active fire fighters who would still have the ability to help when they wanted to. As they are a support unit of the fire fighters, they would not like to have to strip Brigade members from active firefighting but would like the ability



to recruit specific people who can no longer be active within the Brigades, or who may wish to be in a specific support (rather than firefighting) role.

The Brigade would provide support to the Incident Management Teams both locally and out of Shire responses, with the potential to assist with logistics where personnel are available. The Brigade would continue to be based at the Mundijong Station.

The Emergency Support Group have met and recommend the following positions:

Captain - David Richer;

First Lieutenant - Nathan Carrall;

Second Lieutenant (Secretary) - Amanda Beaverstock;

Third Lieutenant (Treasurer) - Jackie Dines;

#### Bush Fire Advisory Committee Terms of Reference

At the Ordinary Meeting of Council held on 16 December 2019, Council was asked to consider a review of Committees and related groups.

Through this process, Council was asked to consider revised Terms of Reference for the Bush Fire Advisory Committee. Council subsequently resolved that the proposed Terms of Reference be presented to the next meeting of the Bush Fire Advisory Committee for consideration by the Committee.

The proposed Terms of Reference provided to Council at the meeting held on 16 December 2019 are contained in this report as **attachment 3**. The changes proposed are minor amendments and updated format that align the Terms of Reference with other committees of Council. This supports the effective operation of the Bush Fire Advisory Committee.

A further report is presented on this agenda to Council in respect of a new Bush Fire Brigade 2021 Local Law.

### **Options and Implications**

#### Option 1

That Council:

1. RECEIVES and ENDORSES the Bush Fire Advisory Committee minutes of 19 November 2020 as contained in attachment 1;
2. ESTABLISHES, in accordance with Clause 5(1) of the Shire of Serpentine-Jarrahdale Volunteer Bush Fire Brigades Local Law 2019, the formation of the Shire of Serpentine Jarrahdale Emergency Support Brigade, with the specified support area being the Shire of Serpentine Jarrahdale;
3. APPOINTS, in accordance with Clause 6(1)(c) of the Local Law, the following Officers of the brigade:

Captain - David Richer;

First Lieutenant - Nathan Carrall;

Second Lieutenant (Secretary) - Amanda Beaverstock;



Third Lieutenant (Treasurer) - Jackie Dines;

4. AUTHORISES the Chief Executive Officer to inform the Fire and Emergency Services Commissioner of the formation;
5. APPROVES the amendments and ADOPTS the Terms of Reference of the Bush Fire Advisory Committee as contained within attachment 3.

#### Option 2

That Council DOES NOT resolve the above.

Option 1 is recommended.

### **Conclusion**

The Bush Fire Advisory Committee minutes are presented to Council. The minutes give rise to the following matters for Council's endorsement:

1. Formation of an Emergency Support Brigade; and
2. Terms of Reference Bush Fire Advisory Committee.

A further report is included on this agenda, dealing with the new Bushfire Brigades Local Law 2021.

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

- **10.1.14 - attachment 1** - Bush Fire Advisory Committee Minutes 19 November 2020 (E20/13405)
- **10.1.14 - attachment 2** - 5.1.2 (1) - Terms of Reference ADOPTED (E17/10586)
- **10.1.14 - attachment 3** - 5.1.2 (2) - Terms of Reference DRAFT (E20/11550)

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

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Strategy 1.3.2</b>	Support local emergency services
<b>Strategy 1.3.3</b>	Enhance community safety

### **Financial Implications**

There are no financial implications relating to these matters.



## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1.						
2	If Council does not endorse the Bushfire Support Brigade the Incident Control Vehicle may not have adequate personnel at extended incidents.	Personnel are intermittently sought from volunteers from other Local Government areas.	Organisational Performance	Possible	Moderate	MODERATE	Further consideration at the next BFAC to consider other options.

**Voting Requirements:** Simple Majority

## Bush Fire Advisory Committee Recommendation

That Council:

1. **RECEIVES** and **ENDORSES** the Bush Fire Advisory Committee minutes of 19 November 2020 as contained in attachment 1;
2. **ESTABLISHES**, in accordance with Clause 5(1) of the Shire of Serpentine-Jarrahdale Volunteer Bush Fire Brigades Local Law 2019, the formation of the Shire of Serpentine Jarrahdale Emergency Support Brigade, with the specified support area being the Shire of Serpentine Jarrahdale;
3. **APPOINTS**, in accordance with Clause 6(1)(c) of the Local Law, the following officers of the brigade:  
 Captain - David Richer;  
 First Lieutenant - Nathan Carrall;  
 Second Lieutenant (Secretary) - Amanda Beaverstock;  
 Third Lieutenant (Treasurer) - Jackie Dines;



- 4. AUTHORISES the Chief Executive Officer to inform the Fire and Emergency Services Commissioner of the formation;**
- 5. APPROVES the amendments and ADOPTS the Terms of Reference of the Bush Fire Advisory Committee as contained within attachment 3.**





### 10.1.15 – Draft Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 – Request to give notice (SJ648)

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

### Authority / Discretion

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

The purpose of this report is to enable Council to consider approving the advertising of the *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021*, in accordance with section 3.12 of the *Local Government Act 1995* (the Act). The new Local Law aims to support Captains and the Chain of Command (Chief and Deputy Chief Bush Fire Control Officers) in the effective day to day management of brigades, so that all members of brigades enjoy a clear, consistent and effective framework underpinned by good governance and principles of natural justice.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 17 June 2019 – OCM112/06/19 – COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- In accordance with section 3.12(4) of the Local Government Act 1995, ADOPTS the Shire of Serpentine-Jarrahdale Volunteer Bush Fire Brigades Local Law 2019, as at attachment 3.*
- In accordance with s3.12(5) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government and Emergency Services.*
- After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to give local public notice:*
  - Stating the title of the local law;*
  - Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - Advising that copies of the local law may be inspected or obtained from the Shire office.*
- Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, DIRECTS that a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*



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## Background

This report presents a draft *Bush Fire Brigades Local Law 2021* for Council's consideration. The draft local law proposes to replace the local law made by Council in 2019. The new 2021 version is proposed in order to strengthen the effective management and administration of the Shire's bush fire brigades. It also recognises the Shire's willingness to pursue continued improvement, and in this regard to look to always apply best practice to support the Shire's Captains, Brigades and Volunteers.

The new local law provides an improved legislative framework to support Captains and the Chain of Command in the effective day-to-day management of brigades, so that all members of Brigades enjoy a clear, consistent and effective framework underpinned by good governance, which reflects their critical, emergency response work in the Shire.

## Community / Stakeholder Consultation

The proposed local law has been the subject of stakeholder consultation with bushfire brigades and brigade captains.

At the 19 November 2020 Committee meeting, the Bush Fire Advisory Committee resolved unanimously to recommend that Council authorise the Chief Executive Officer to progress the local law by advertising the draft local law in accordance with legislation.

*Bush Fire Advisory Committee – 19 November 2020 – 5.1.5/11/20 – COMMITTEE RESOLUTION*

*That the Bush Fire Advisory Committee RECOMMEND Council AUTHORISE the Chief Executive Officer to give local public notice of the proposed Bush Fire Brigades Local Law 2021.*

Should Council resolve to support making the new local law, the decision to give public notice will provide for additional community and stakeholder consultation. In accordance with the requirements of the Act, prior to making the local law, Council is required to give notice of the local law and its purpose and effect for a period not less than six weeks and provide copies of the local law to the Minister for Local Government and the Minister for Emergency Services.

Following the close of the statutory consultation period, Council is required to consider any submissions received, including those from the Minister for Local Government and Minister for Emergency Services.

## Statutory Environment

### *Local Government Act 1995*

Section 3.12 of the Act establishes the procedure for making local laws. This procedure requires the local government to give local public notice stating:

- the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
- a copy of the proposed local law may be inspected or obtained at any place specified in the notice;



- submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

As soon as the notice is given, the local government must give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

Following the notice period any submissions received are presented to Council who may then by Absolute Majority consider formally making the local law.

### *Bush Fires Act 1954*

Section 62 of the *Bush Fires Act 1954* states that a local government may make local laws in relation to:

- the appointment, employment, payment, dismissal and duties of bush fire control officers; and
- the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
- any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

Sections 41 and 43 of the *Bush Fires Act 1954* respectively provide that:

- the local government may, in accordance with its local law, establish and maintain one or more bush fire brigades and equip each bush fire brigade with appliances, equipment and apparatus; and
- the local government shall by its local law provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

The proposed local law is aligned with the requirements of the *Bush Fires Act 1954*.

### **Comments**

A Bush Fire Brigades local law should provide a statutory framework for the establishment, organisation and maintenance, membership, equipment and funding of bush fire brigades within the district.

The Shire's current local law meets the basic legislative requirements of section 41 and 43 of the *Bush Fires Act 1954* in that it empowers the Shire to establish bush fire brigades and appoint a captain (with prescribed duties), a first lieutenant, a second lieutenant, and such additional lieutenants.

The new draft local law proposes to expand on this minimalist approach to the legislative framework that is more commensurate to the investment required to successfully manage bush fire brigades.



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**Purpose and Effect**

The **purpose** of this local law is to make provisions about the establishment, organisation and maintenance, administration and funding of bush fire brigades.

The **effect** of this local law is that bush fire brigades will be organised and managed to comply with the provisions of this local law.

The current Bush Fire Brigade Local Law 2019 does not provide a full statutory framework for the establishment, organisation, maintenance, membership, equipment or funding of bush fire brigades. To address this, the proposed new Local Law 2021 enhances the statutory framework, dealing with these prerequisite elements in a coordinated and clear manner. It also includes a new clear head of power for the establishment of subsidiary documents, including the Bush Fire Brigade Operating Procedures.

The brigade operating procedures ( BOP ) are a set of sound management procedures outlining all aspects of the Shire of Serpentine Jarrahdale fire services maintaining consistency across all brigades. The format of the procedures aligns and contextualise state operating procedures making the procedures user friendly and relevant to the context of the Shire.

The updated local law maximises support for Captains and the Chain of Command in the effective day-to-day management of brigades, so that all members of brigades enjoy a clear, consistent and effective framework underpinned by good governance and principles of natural justice. This includes provisions pertaining to:

- The preparation, adoption and implementation Bush Fire Brigade Operating Procedures;
- Appointment of officers of bush fire brigade;
- The Bush Fire Brigade Operating Procedures and Policies supporting administration of the brigades;
- Enabling an appropriate structure through which the organisation of bush fire brigades is maintained;
- Managerial and Duty Role Statement for the Chief Bush Fire Control Officer;
- Clear processes of natural justice and procedural fairness to underpin discipline and dismal processes.

Importantly, having been formulated in collaboration with Captains and their Brigades, the draft local law and supporting Brigade Operating Procedures enables the Shire to support it Brigades and members with a clear, consistent and relevant local law.

The proposed Serpentine Jarrahdale Bush Fire Brigades Local Law 2021 is based on similar contemporary local laws adopted by other local governments. In preparing the proposed local law, Officers have consulted the current list of Local Government undertakings which form the directions of the Joint Standing Committee of Delegated Legislation (JSCDL). The list of undertakings published by the JSCDL do not identify any issues present in the proposed local law that would result in the JSCDL directing amendments or disallowing the local law. Notwithstanding, every year between 20% and 30% of laws made by local governments across the State are required to be amended following Parliamentary review by the JSCDL.

The local law is presented to Council for the purpose of public advertising.



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## Options and Implications

### Option 1:

That Council

1. In accordance with section 3.12 of the *Local Government Act 1995*, AUTHORISES the Chief Executive Officer to give public notice stating that:
  - a. It is proposed to make a *Shire of Serpentine-Jarrahdale Bush Fire Local Law 2021*, and a summary of its purpose and effect; being:
    - i. The purpose of this local law is to make provisions about the establishment, organisation and maintenance, administration and funding of bush fire brigades.
    - ii. The effect of this local law is that bush fire brigades will be organised and managed to comply with the provisions of this local law.
  - b. The proposed local law may be inspected at the Shire offices during normal opening times, and
  - c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given.
2. In accordance with section 3.12(3)(b), as soon as the notice is given, REQUESTS that the Chief Executive Officer to give a copy of the local law to the Minister for Local Government and Minister for Emergency Services.
3. In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed local law be supplied to any person requesting it.
4. NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.

### Option 2:

That Council resolves NOT to advertise the *Shire of Serpentine Jarrahdale Bush Fire Brigades Local Law 2021*.

Option 1 is recommended.

## Conclusion

Officers recommend that Council approve the proposed Serpentine Jarrahdale Bush Fire Brigades Local Law 2021 for the purpose of public advertising. The proposed Local Law will be advertised for public comment for a minimum period of 6 weeks. Following the public comment period, submissions received will be presented to Council for its consideration on whether to formally make the local law.

## Attachments (available under separate cover)

- **10.1.15 – attachment 1 – *Shire of Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021* – draft (E20/13012)**





### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of the Shire operations to deliver the best outcome for the community within allocated resources.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration.

### Financial Implications

It will cost approximately \$2,000 for the advertising of the law and publication in the Government Gazette. The costs have been considered in the Shire's budget.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>There is no significant risk association with Option 1</i>						
2	<i>That the opportunity to strengthen the statutory framework provided for managing brigades is lost resulting in impacts on the effective management of brigades.</i>	<i>The controls in place to manage bush fire brigades includes:</i> <ul style="list-style-type: none"> <li><i>BFAC</i></li> <li><i>CESM</i></li> </ul>	<i>Organisational performance</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Nil.</i>



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

1. In accordance with section 3.12 of the *Local Government Act 1995*, **AUTHORISES** the Chief Executive Officer to give public notice stating that:
  - a. It is proposed to make a *Shire of Serpentine-Jarrahdale Bush Fire Local Law 2021*, and a summary of its purpose and effect; being:
    - i. The purpose of this local law is to make provisions about the establishment, organisation and maintenance, administration and funding of bush fire brigades.
    - ii. The effect of this local law is that bush fire brigades will be organised and managed to comply with the provisions of this local law.
  - b. The proposed local law may be inspected at the Shire offices during normal opening times, and
  - c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given.
2. In accordance with section 3.12(3)(b), as soon as the notice is given, **REQUESTS** that the Chief Executive Officer to give a copy of the local law to the Minister for Local Government and Minister for Emergency Services.
3. In accordance with section 3.12(3)(c) of the Act, **NOTES** a copy of the proposed local law be supplied to any person requesting it.
4. **NOTES** that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.

**10.2 Infrastructure Services reports**

<b>10.2.1 - Award Request for Quote – RFQ 15/2020 – Truck Mounted Road Sweeper (SJ3376)</b>	
<b>Responsible Officer:</b>	Manager Waste and Fleet
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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 RFQ 15/2020 Truck Mounted Road Sweeper 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**

As part of the Plant and Fleet budget for 2020/21 the purchase of a Truck Mounted Street Sweeper was budgeted. The basis of the inclusion of the Truck Mounted Road Sweeper was to provide a much needed community benefit of ensuring that streets were being swept on a more regular basis as opposed to the once a year schedule, if at all. The additional reason was to provide a cost effective way to maintain the piped drainage network in a fast developing Shire mitigating the potential for accumulating sand etc. in drainage pits and pipes.

**Community / Stakeholder Consultation**Policy Concept Forum

*Nil.*

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 Quote RFQ 15/2020 – Truck Mounted Road Sweeper was advertised on Tuesday 8 December 2020 and closed at 2.00pm on Thursday 17 December 2020.

The Quote was advertised on WALGA's eQuotes.



Seven (7) submissions were received, and the submissions are summarised in **confidential attachment 1**.

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

Quote submissions were received from the following companies:

#	Company Name
1	Garwood International Pty Ltd
2	Hino Motors Sales Australia Pty Ltd
3	Hino Motors Sales Australia Pty Ltd (Alternative)
4	Isuzu Australia Pty Ltd
5	Rosmech Sales and Service Pty Ltd
6	Rosmech Sales and Service Pty Ltd (Alternative)
7	Superior Pak Pty Ltd

### Evaluation Panel

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

- Manager Waste and Fleet;
- Workshop Supervisor;
- Supervisor 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 respondents. Each member of the panel assessed the submissions separately.

### Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
Parts Supply	20%
Mechanical Assessment	10%
Driver/Operator Assessment	10%



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## Comment

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

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

The quote evaluation panel therefore recommends the quote submission made by **Isuzu Australia 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;

## Options and Implications

### Option1

That Council AWARDS the contract as recommended in **confidential attachment 1** –RFQ 15/2020 – Truck Mounted Road Sweeper to **Isuzu Australia Pty Ltd**.

### Option 2

That Council NOT AWARD the contract and requote.

### Option 3

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

### Option 4

That Council REASSESS and appoint an alternative respondent.

Option 1 is recommended.





### Conclusion

**Isuzu Australia 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 **Isuzu Australia Pty Ltd**.

### Attachments (available under separate cover)

- **10.2.1 – CONFIDENTIAL attachment 1** – RFQ 15/2020 – Truck Mounted Road Sweeper – Confidential Evaluation Report (E21/445)

### Alignment with our Strategic Community Plan

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

### Financial Implications

The funding for this tender is included in the 2020/2021 Annual Budget to purchase the Truck Mounted Road Sweeper.

The allocated budget for the work is \$400,000 and the recommended tender value of \$330,250.00 ex GST is within budget.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>That the supplier did not supply the plant as specified in the RFQ.</i>	<i>Officer to monitor that the supplier adheres to the offer provided in the Quote.</i>	<i>Reputation</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>
2	<i>Best value for money not being</i>	<i>Nil</i>	<i>Reputation</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>



	<i>achieved and delayed benefit to the community.</i>						
3	<i>That the budget allocation will not be utilised and that drainage could be unserviceable in the future due to the level of maintenance that the road sweeping will continue to occur only in certain localities.</i>	<i>Utilise contractors at higher costs.</i>	<i>Reputation</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>
4.	<i>Best Value for money not being achieved.</i>	<i>Nil</i>	<i>Reputation</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>

**Voting Requirements:** Simple Majority

### Officer Recommendation

#### That Council:

- AWARDS Tender RFQ 15/2020 – Truck Mounted Road Sweeper to Isuzu Australia Pty Ltd to the value of \$330,250.00, excluding GST, as contained within confidential attachment 1.**
- AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFQ 15/2020 – Truck Mounted Road Sweeper.**

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

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

**Authority / Discretion**

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

The purpose of this report is to request that Council advertise the new Council Policy - Community Signage on Shire Reserves and Facilities for 28 days.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

The Shire frequently receives requests to erect signage on Council owned or managed reserves and facilities.

Given that Council facilities are used by the broader community there is a need to have clear direction and to provide a consistent approach and optimise usability for all users.

Currently no Council policy exists to provide guidance for officers in the administration and advice to the public and users of the facilities, as to the Council direction for sponsorship signage within our reserves and facilities.

**Community / Stakeholder Consultation**

Policy Concept Forum

Nil.

**Statutory Environment**

- *Local Government Act 1995* - section 2.7(2)(b);
- *Town Planning Scheme No. 2*;
- *Public Places and Local Government Property Local Law 2019*.

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



## **Comment**

The Shire of Serpentine Jarrahdale, as the asset manager of public reserves and facilities, has the responsibility to ensure there is a consistent approach to signage across the Shire. Due to the growing population and increasing demand on the Shire's reserves and facilities, this Policy considers the multiple clubs and groups that may be using these designated spaces into the future.

This Policy recognises that where multiple clubs and groups utilise a space, a coherent and structured approach to the installation of signage (particularly promotional signage) is essential to manage any potential conflict or reputational concerns - real and/or perceived.

This policy acknowledges that sponsorship agreements (including commercial/promotional signage), provides clubs and groups with a source of income that aids the delivery of local sporting activities, whilst creating opportunities such as local business networks within the Shire. The implementation of this policy aims to continue support towards fundraising efforts of clubs and groups, whilst ensuring responsibility of the safety, maintenance and visual aesthetics of Shire reserves and facilities are provided through the use of temporary signage only.

This policy does not cover naming rights for facilities or reserves. Sponsorship agreements between clubs and commercial entities for naming rights are not supported by the Shire and will not be considered within the confines of this policy.

The adoption of the Policy will provide guidance to all stakeholders and manage the reserve and facility in its current state and the future.

## **Options and Implications**

### Option 1

That Council requests the Chief Executive Officer ADVERTISES the new Council Policy - Community Signage on Shire Reserves and Facilities for 28 days, as contained in attachment 1 and re-present to Council at a future Council meeting.

### Option 2

That Council MAKES AMENDMENTS to the proposed Policy prior to advertising.

### Option 3

That Council DOES NOT ADVERTISE the new Council Policy - Community Signage on Shire Reserves and Facilities for 28 days, as contained in attachment 1.

Option 1 is recommended.

## **Conclusion**

Adoption of the proposed Policy will ensure sufficient guidance for Officers in their administration of signage located on Shire reserves and facilities.



### Attachments (available under separate cover)

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

### Alignment with our Strategic Community Plan

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

### Financial Implications

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

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Retrospective application for existing signs	Council officers use their own judgement in the absence of a policy.	Reputation	Likely	Minor	MODERATE	Nil
2	Changes would not be informed due to lack of Officer input.	Nil	Reputation	Likely	Minor	MODERATE	Nil.
3	No Policy is currently available. Therefore no guidance or direction is available for	Council Officers use their own judgement in the absence of a policy.	Reputation	Likely	Minor	MODERATE	Nil





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	<i>Shire Officers or Clubs and user groups</i>						
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**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council requests the Chief Executive Officer ADVERTISES the new Council Policy - Community Signage on Shire Reserves and Facilities for 28 days, as contained in attachment 1 and re-present to Council at a future Council meeting.**

**10.2.3 - Abernethy Road Upgrade - Separable Portion 4 (Works within Rail Boundary) - Additional Funding Requirements (SJ1665)**

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

This report will be distributed prior to the Ordinary Council Meeting.



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### 10.3 Corporate Services reports

#### 10.3.1 - Confirmation of Payment of Creditors – December 2020 (SJ801)

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

#### Authority / Discretion

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

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

#### Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

#### Background

Nil.

#### Community / Stakeholder Consultation

Not Applicable.

#### Statutory Environment

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.17 - Payments from Municipal and Trust Fund.

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

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



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**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 December 2020 to 31 December 2020 is provided in **attachment 1**.

**Options and Implications**Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 December 2020 to 31 December 2020, totalling \$4,554,636.49.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 December 2020 to 31 December 2020, totalling \$4,554,636.49.

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 31 December 2020 (E21/159)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 October 2020 to 30 November 2020 (E21/162)

**Alignment with our Strategic Community Plan**

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



### Financial Implications

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

The accounts paid under delegated authority for 1 December 2020 to 31 December 2020 totalled \$4,554,636.49.

### 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 accepts the payments</i>	<i>Provision of sufficient information and records to support the recommendation</i>	Financial	Likely	Insignificant	LOW	
2	<i>That Council does not accept the payments</i>	<i>Provision of sufficient information and records to support the recommendation</i>	Financial	Unlikely	Insignificant	LOW	

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 December 2020 to 31 December 2020, totalling \$4,554,636.49 as attached, including credit card payments of \$382.14.**



**10.3.2 - Confirmation of Payment of Creditors – January 2021 (SJ801)**

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

**Authority / Discretion**

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

The purpose of this report is to 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*.



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**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 January 2021 to 31 January 2021 is provided in **attachment 1**.

**Options and Implications**Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 January 2021 to 31 January 2021, totalling \$3,405,600.95.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 January 2021 to 31 January 2021, totalling \$3,405,600.95.

Option 1 is recommended.

**Conclusion**

Nil

**Attachments (available under separate cover)**

- **10.3.2 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 January 2021 (E21/1094)
- **10.3.2 - attachment 2** – Westpac Purchasing Card Report – 30 November 2020 to 28 December 2020 (E21/1095)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

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

The accounts paid under delegated authority for 1 January 2021 to 31 January 2021 totalled \$3,405,600.95.

**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 accepts the payments</i>	<i>Provision of sufficient information and records to support the recommendation</i>	Financial	Likely	Insignificant	LOW	
2	<i>That Council does not accept the payments</i>	<i>Provision of sufficient information and records to support the recommendation</i>	Financial	Unlikely	Insignificant	LOW	

**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 January 2021 to 31 January 2021, totalling \$3,405,600.95 as attached.**

**10.3.3 – Monthly Financial Report – November 2020 (SJ801)**

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

**Authority / Discretion**

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

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

This report is about the financial position of the Shire as at 30 November 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***

- 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).*
- ADOPTS the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:*
  - Total operating revenue and expenditure by Nature and Type; and*
  - 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 November 2020.

The municipal surplus for the month ending 30 November 2020 is \$22,490,302, which is favourable, compared to a budgeted surplus for the same period of \$18,390,702.

The primary cause of this variance is the opening surplus position brought forward from 2019/20.

Further reasons for the variances as per the below table are discussed below.

Description	YTD Budget	30 November 2020 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2020	2,516,604	7,990,228	5,473,624
Proceeds from sale of assets	60,000	60,091	91
Changes to net transfers to and from Reserves	(1,791,715)	(1,840,568)	(48,853)
Loan/Lease principal repayments	(225,000)	(232,576)	(7,576)
Capital expenditure	(3,703,684)	(3,043,353)	660,331
Capital revenue (cash items)	2,467,805	1,537,385	(930,420)
Operating revenue (cash items)	32,689,016	29,498,844	(3,190,172)
Operating expenditure (cash items)	(13,622,324)	(11,479,749)	2,142,575
	<b>18,390,702</b>	<b>22,490,302</b>	<b>4,099,600</b>





Material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

**Operating Revenue****Rates**

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

**Operating Grants, Subsidies and Contributions**

Unfavourable variance of \$1,169,283 due to receipt of large portion of 2020/21 general purpose grants in 2019/20 requiring a variation from the brought forward surplus (\$702,108 to November as contained in the carry forward item 10.3.5) and the timing of grant payments, significantly bushfire mitigation funding (\$151,526) and DCP administration charges (\$153,155). This variance is partly offset by other grants received earlier than anticipated.

**Fees and Charges**

Unfavourable variance of \$2,000,503 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, as revenue cannot be recognised until performance obligations are met in accordance with accounting standards (AASB15).

**Interest Earnings**

Unfavourable variance of \$120,049 due primarily to the timing of maturity of term deposits and underlying low interest rates.

**Other Revenue**

Favourable variance of \$89,849 primarily to due to an LGIS surplus distribution credit of \$56,300.

**Operating Expenses****Employee Costs**

Favourable variance to budget of \$936,126 (12.23% YTD) due to vacant positions across the organisation, specifically:

- Parks and gardens \$328,701;
- Operations \$102,251;
- Engineering maintenance \$107,643;
- Emergency Services \$84,127; and
- Infrastructure services \$70,870.

**Materials and Contracts**

Favourable variance of \$1,036,010 in relation to the timing and provision of services across all programs and business units, the most material of which is waste services (\$331,793). Other significant variances include community activation (\$182,016), emergency services (\$206,562), economic development (\$66,931), and infrastructure services (\$96,820).



**Utility Charges**

Favourable variance of \$66,724 due primarily to the timing of expenditure related to street lighting electricity (\$40,167).

**Depreciation on Non-Current Assets**

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

**Interest Expenses**

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

**Insurance Expenses**

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

**Other Expenditure**

Favourable variance of \$106,500 due to a lower-than-expected expenditure primarily relating to the community grants program and sponsorships.

**Other**

**Capital Expenditure**

Favourable variance of \$660,331 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**

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

**Non-Operating Grants, Subsidies and Contributions**

Unfavourable variance of \$930,420 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 - \$422,835. It should be noted that there are favourable savings of \$469,815 in capital expenditure related to these two projects.

Other projects where grant funding remains behind budget include Abernethy Road (\$286,869) and Hopeland Road (\$316,095).

**Proceeds from Disposal of Assets**

Only two vehicles 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**

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%.



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**Options and Implications**Option 1

That Council RECEIVES the Monthly Financial Report for November 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 November 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)**

- **10.3.3 - attachment 1** – Monthly Financial Report November 2020 (E21/918)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

As at 30 November 2020, the Shire's respective cash position was as follows:

Municipal Fund:      \$2,402,627.88

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	There is no significant risk with this option.						
2	That Council does not receive the Monthly Financial Report for November 2020 leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Nil

**Voting Requirements:** Simple Majority

## Officer Recommendation

That Council **RECEIVES** the Monthly Financial Report for November 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.

**10.3.4 – Monthly Financial Report – December 2020 (SJ801)**

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

**Authority / Discretion**

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

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

This report is about the financial position of the Shire as at 31 December 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***

- 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).*
- ADOPTS the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:*
  - Total operating revenue and expenditure by Nature and Type; and*
  - 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 December 2020.

The municipal surplus for the month ending 31 December 2020 is \$21,005,479, which is favourable, compared to a budgeted surplus for the same period of \$16,077,502.

The primary cause of this variance is the opening surplus position brought forward from 2019/20.

Further reasons for the variances as per the below table are discussed below.

Description	YTD Budget	31 December 2020 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2020	2,516,604	7,990,228	5,473,624
Proceeds from sale of assets	60,000	60,091	91
Changes to net transfers to and from Reserves	(1,783,458)	(1,842,064)	(48,606)
Loan/Lease principal repayments	(225,000)	(300,078)	(75,078)
Capital expenditure	(4,499,483)	(4,521,379)	(21,896)
Capital revenue (cash items)	3,044,000	2,945,202	(98,798)
Operating revenue (cash items)	33,011,359	30,443,840	(2,567,519)
Operating expenditure (cash items)	(16,046,520)	(13,770,361)	2,276,161
	<b>16,077,502</b>	<b>21,005,479</b>	<b>4,927,977</b>



Material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

**Operating Revenue****Rates**

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

**Operating Grants, Subsidies and Contributions**

Unfavourable variance of \$962,350 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 (\$702,108 to December) and the timing of grant payments, significantly bushfire mitigation funding (\$123,375) and DCP administration charges (\$183,787). This variance is partly offset by grants received earlier than anticipated.

**Fees and Charges**

Unfavourable variance of \$1,552,140 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, as revenue cannot be recognised until performance obligations are met in accordance with accounting standards (AASB15).

**Interest Earnings**

Unfavourable variance of \$156,346 due primarily to the timing of maturity of term deposits and underlying low interest rates.

**Other Revenue**

Favourable variance of \$80,169 primarily to due to an LGIS surplus distribution credit of \$56,300.

**Operating Expenses****Employee Costs**

Favourable variance to budget of \$1,061,365 (11.77% YTD).

The following cost centres have recorded the majority of this variance:

- Parks and gardens \$398,365;
- Operations \$50,985;
- Engineering maintenance \$146,647;
- Emergency services \$55,908; and
- Infrastructure services directorate \$73,211.

**Materials and Contracts**

Favourable variance of \$1,045,316 in relation to the timing and provision of services across all programs and business units, the most material of which is waste services (\$362,441). Other significant variances include community activation (\$231,767), emergency services (\$275,971) and infrastructure services directorate (\$84,502).



**Utility Charges**

Favourable variance of \$61,661 due primarily to street lighting electricity (\$34,685).

**Depreciation on Non-Current Assets**

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

**Interest Expenses**

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

**Insurance Expenses**

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

**Other Expenditure**

Favourable variance of \$110,603 due to a lower-than-expected expenditure primarily relating to the community grants program and sponsorships.

**Other**

**Capital Expenditure**

Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

**Profit/(Loss) on Asset Disposals**

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

**Non-Operating Grants, Subsidies and Contributions**

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

**Proceeds from Disposal of Assets**

Only two vehicles sold (traded) to date with a number of other vehicles and plant items to be traded upon delivery of replacements.

**Repayment of Loans**

Unfavourable variance of \$64,345 due to timing of loan repayments.

**Repayment of Leases**

Unfavourable variance of \$10,733 due to timing of lease repayments.

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

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



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**Options and Implications**Option 1

That Council RECEIVES the Monthly Financial Report for December 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 December 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)**

- **10.3.4 - attachment 1** – Monthly Financial Report December 2020 (E21/924)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

As at 31 December 2020, the Shire's respective cash position was as follows:

Municipal Fund:           \$2,216,704

Trust Fund:               \$304,222



## Risk Implications

Risk has been assessed on the basis of the Officer's Options and Implications:

Risk has been assessed on the basis of the Officer's Options and Implications.

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for October 2020 leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

**Voting Requirements:** Simple Majority

## Officer Recommendation

That Council **RECEIVES** the Monthly Financial Report for December 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.



**10.3.5 - Budget Opening Surplus Adjustment for 2019/20 Carry Forward Items (SJ801)**

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

**Authority / Discretion**

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 seek approval from Council to adjust the 2021/21 Budget for items required to be carried forward from the 2019/20 Budget.

**Relevant Previous Decisions of Council**

*Special Council Meeting – 27 July 2020 – 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**

At the time the 2021/21 Budget was adopted by Council on 27 July 2020, the Annual Financial Statements for the 2019/20 year end had not been completed. Any surplus or deficit resulting from the 2019/20 year financial year and amounts available for carry forward on incomplete projects were not known.

**Community / Stakeholder Consultation**

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

**Statutory Environment**

Section 6.8 of the *Local Government Act 1995* requires a local government 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; and
- is authorised in advance by the President in an emergency.



### Comment

The 2019/20 annual financial statements have been audited and the carry forward income and expenditure finalised. The total value carried forward of \$7,986,561 consist of \$4,695,904 municipal funds and \$3,290,657 restricted cash at 30 June 2020.

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

Account	Type	Description	Debit	Credit
6100-80019-6610	Decrease Expenditure	ERP System Implementation		66,099
6100-80118-6610	Decrease Expenditure	Disaster Recovery Centre Construction		13,976
6200-80127-6610	Decrease Expenditure	Admin Building Upgrade and Renewal		1,647
6400-80136-6610	Decrease Expenditure	Elliott Road - 2nd Cost Reseal - Resurfacing		55,660
6400-80139-6610	Decrease Expenditure	Mundijong Road Rehabilitation Works		48,397
6400-80141-6610	Decrease Expenditure	Traffic Island - Abernethy Rd/Kargotich Rd		32,296
6400-80048-6610	Decrease Expenditure	Abernethy Road - Separable portion 4		43,328
6400-80067-6610	Decrease Expenditure	Hopeland Road and Karnup Road Intersection Improvements		18,370
6400-80169-6610	Decrease Expenditure	George Street New Footpath		1,074
6400-80143-6610	Decrease Expenditure	Black Spot - Jarrahdale Road		43,708
6400-80144-6610	Decrease Expenditure	Black Spot - Wright Road		506,874
6400-80145-6610	Decrease Expenditure	Black Spot -Kingsbury Drive		38,800
6400-80146-6610	Decrease Expenditure	Black Spot - Cardup Siding Road		16,748
6400-80170-6610	Decrease Expenditure	Black Spot -Hopkinson Road		15,124
6400-80171-6610	Decrease Expenditure	R2R - Elliot Road - Keysbrook		18,081
6400-80172-6610	Decrease Expenditure	R2R - Hopeland Road - Hopeland		46,377
6500-80130-6610	Decrease Expenditure	Kandimak Reserve - BBQ Table		1,638
3100-13202-6610	Decrease Expenditure	Target Zero		24,650
4100-16000-6610	Decrease Expenditure	Communications - Website Development		3,850
4100-16000-6610	Decrease Expenditure	Communications - Community Engagement Strategy		2,093



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Account	Type	Description	Debit	Credit
4100-16000-6610	Decrease Expenditure	Communications - Design & Promotional Projects		23,783
3000-15002-6610	Decrease Expenditure	Kiernan Due Diligence		4,428
<b>Reason:</b> Expenditure in 2019/20 greater than anticipated in initial carry forward estimate, resulting in lower carry forward budget required in 2021/20.				

Account	Type	Description	Debit	Credit
6200-80011-6610	Increase Expenditure	Renewal of Jarrahdale Historic Town Site	16,857	
6200-80011-5002	Increase Reserve Trf	Renewal of Jarrahdale Historic Town Site - Transfer From Reserve		16,857
6200-80012-6610	Increase Expenditure	Access and Inclusion Improvements to Facilities	25	
6200-80012-5002	Increase Reserve Trf	Access and Inclusion Improvements to Facilities - Transfer from Reserve		25
6200-80013-6610	Increase Expenditure	Jarrahdale Station Improvement - Evacuation Warning System	12,225	
6400-80042-6610	Increase Expenditure	Other Minor Road and Traffic Safety Improvements	10,565	
6400-80047-6610	Increase Expenditure	Abernethy Road - Separable Portion 2	59,081	
6400-80049-6610	Increase Expenditure	Abernethy Road - Separable Portion 2	2,408	
6400-80138-6610	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd	87,978	
6400-80140-6610	Increase Expenditure	Rowley Road - Rehabilitation Works	8,486	
1200-10108-6610	Increase Expenditure	Jarrahdale Road (Lot 814) Development	73	
2200-12501-6610	Increase Expenditure	Local Planning Strategy	30	
2200-12502-6610	Increase Expenditure	Development Strategies	406	
2400-12201-6610	Increase Expenditure	Community BBQ's	297	
2400-12202-6610	Increase Expenditure	Gone in 60 Sec Contribution	2,000	
2400-12203-6610	Increase Expenditure	Security	5,155	
2410-12100-6610	Increase Expenditure	Fire and Emergency - Volunteer Award Night	15,000	
2410-12101-6610	Increase Expenditure	Firebreaks - Bushfire Mitigation	40,335	



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Account	Type	Description	Debit	Credit
4000-15003-6610	Increase Expenditure	Community Recovery	5,740	
4000-15003-5012	Increase Reserve Trf	Community Recovery - Transfer from Reserve		20,740
<b>Reason:</b> Expenditure in 2019/20 less than anticipated in initial carry forward estimate, resulting in a higher carry forward budget required in 2021/20				

Account	Type	Description	Debit	Credit
6400-80136-4806	Decrease Income	Elliott Road - 2nd Cost Reseal - Resurfacing - Roads to Recovery Grant	55,660	
6400-80171-4806	Decrease Income	R2R - Elliot Road - Keysbrook - Roads to Recovery Grant	18,081	
6400-80172-4806	Decrease Income	R2R - Hopeland Road - Hopeland Roads to Recovery Grant	46,377	
6400-80067-4808	Decrease Income	Hopeland Road and Karnup Road Intersection Improvements	98,695	
6400-80143-4816	Decrease Income	Black Spot - Jarrahdale Road - Federal Black Spot	43,708	
6400-80144-4816	Decrease Income	Black Spot - Wright Road - Federal Black Spot	506,874	
6400-80145-4816	Decrease Income	Black Spot -Kingsbury Drive - Federal Black Spot	38,800	
6400-80146-4817	Decrease Income	Black Spot - Cardup Siding Road - State Black Spot	124,040	
6400-80170-4817	Decrease Income	Black Spot -Hopkinson Road - State Black Spot	64,122	
6400-80047-4819	Decrease Income	Abernethy Road - Seperable Portion 2 - RRG Grants	264,612	
6400-80138-4819	Decrease Income	Roundabout - Mundijong Rd/Kargotich Rd - RRG Grants	114,747	
6400-80139-4819	Decrease Income	Mundijong Road Rehabilitation Works - RRG Grants	99,342	
6400-80140-4819	Decrease Income	Rowley Road - Rehabilitation Works - RRG Grants	55,626	
6400-80141-4819	Decrease Income	Traffic Island - Abernethy Rd/Kargotich Rd - RRG Grants	31,804	
<b>Reason:</b> Recognised Grant Revenue in 2019/20 greater than anticipated due to greater than anticipated income, resulting in a lower carry forward income budget required in 2021/20				



Account	Type	Description	Debit	Credit
2400-12204-4124	Increase Income	Safer Communities Grant Program		15,000
<b>Reason:</b> Recognised Grant Revenue in 2019/20 less than anticipated due to less than anticipated income, resulting in a higher carry forward income budget required in 2021/20				

Account	Type	Description	Debit	Credit
5300-17300-4100	Decrease Income	Federal Assistance Grants (received in Advance)	723,875	
5300-17300-4101	Decrease Income	Federal Assistance Grants - Roads (received in Advance)	705,899	
<b>Reason:</b> 1st Quarter Federal Assistance Grants Received in advance				

### Options and Implications

#### Option1

That Council ADOPTS the carry forward budget adjustments as contained within this report.

#### Option 2

That Council DOES NOT ADOPT the carry forward budget adjustments as contained within this report.

Option 1 is recommended.

### Conclusion

A review of the carry forwards in the Annual Budget has been completed. A list of budget variations requiring approval has been identified.

### Attachments (available under separate cover)

- **10.3.5 - attachment 1** – 2020/21 Capital and Operating Expenditure - Carry Forward (E20/13592)





### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.2.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### Financial Implications

The financial implications are detailed in this report.

### Risk Implications

Risk has been assessed on the 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	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending.	The organisation undertakes a review of the adopted carry forwards prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	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 **APPROVES** the schedule of variations to the 2020/21 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*, resulting in a increase to the opening municipal surplus (net current assets) of \$2,179,300 as at 1 July 2020:

Account	Type	Description	Debit	Credit
6100-80019-6610	Decrease Expenditure	ERP System Implementation		66,099
6100-80118-6610	Decrease Expenditure	Disaster Recovery Centre Construction		13,976
6200-80127-6610	Decrease Expenditure	Admin Building Upgrade and Renewal		1,647
6400-80136-6610	Decrease Expenditure	Elliott Road - 2nd Cost Reseal - Resurfacing		55,660
6400-80139-6610	Decrease Expenditure	Mundijong Road Rehabilitation Works		48,397
6400-80141-6610	Decrease Expenditure	Traffic Island - Abernethy Rd/Kargotich Rd		32,296
6400-80048-6610	Decrease Expenditure	Abernethy Road - Separable portion 4		43,328
6400-80067-6610	Decrease Expenditure	Hopeland Road and Karnup Road Intersection Improvements		18,370
6400-80169-6610	Decrease Expenditure	George Street New Footpath		1,074
6400-80143-6610	Decrease Expenditure	Black Spot - Jarrahdale Road		43,708
6400-80144-6610	Decrease Expenditure	Black Spot - Wright Road		506,874
6400-80145-6610	Decrease Expenditure	Black Spot -Kingsbury Drive		38,800
6400-80146-6610	Decrease Expenditure	Black Spot - Cardup Siding Road		16,748
6400-80170-6610	Decrease Expenditure	Black Spot -Hopkinson Road		15,124
6400-80171-6610	Decrease Expenditure	R2R - Elliot Road - Keysbrook		18,081
6400-80172-6610	Decrease Expenditure	R2R - Hopeland Road - Hopeland		46,377
6500-80130-6610	Decrease Expenditure	Kandimak Reserve - BBQ Table		1,638
3100-13202-6610	Decrease Expenditure	Target Zero		24,650
4100-16000-6610	Decrease Expenditure	Communications - Website Development		3,850



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Account	Type	Description	Debit	Credit
4100-16000-6610	Decrease Expenditure	Communications - Community Engagement Strategy		2,093
4100-16000-6610	Decrease Expenditure	Communications - Design & Promotional Projects		23,783
3000-15002-6610	Decrease Expenditure	Kiernan Due Diligence		4,428
6200-80011-6610	Increase Expenditure	Renewal of Jarrahdale Historic Town Site	16,857	
6200-80011-5002	Increase Reserve Trf	Renewal of Jarrahdale Historic Town Site - Transfer From Reserve		16,857
6200-80012-6610	Increase Expenditure	Access and Inclusion Improvements to Facilities	25	
6200-80012-5002	Increase Reserve Trf	Access and Inclusion Improvements to Facilities - Transfer from Reserve		25
6200-80013-6610	Increase Expenditure	Jarrahdale Station Improvement - Evacuation Warning System	12,225	
6400-80042-6610	Increase Expenditure	Other Minor Road and Traffic Safety Improvements	10,565	
6400-80047-6610	Increase Expenditure	Abernethy Road - Separable Portion 2	59,081	
6400-80049-6610	Increase Expenditure	Abernethy Road - Separable Portion 2	2,408	
6400-80138-6610	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd	87,978	
6400-80140-6610	Increase Expenditure	Rowley Road - Rehabilitation Works	8,486	
1200-10108-6610	Increase Expenditure	Jarrahdale Road (Lot 814) Development	73	
2200-12501-6610	Increase Expenditure	Local Planning Strategy	30	
2200-12502-6610	Increase Expenditure	Development Strategies	406	
2400-12201-6610	Increase Expenditure	Community BBQ's	297	
2400-12202-6610	Increase Expenditure	Gone in 60 Sec Contribution	2,000	
2400-12203-6610	Increase Expenditure	Security	5,155	
2410-12100-6610	Increase Expenditure	Fire and Emergency - Volunteer Award Night	15,000	
2410-12101-6610	Increase Expenditure	Firebreaks - Bushfire Mitigation	40,335	



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Account	Type	Description	Debit	Credit
4000-15003-6610	Increase Expenditure	Community Recovery	5,740	
4000-15003-5012	Increase Reserve Trf	Community Recovery - Transfer from Reserve		20,740
6400-80136-4806	Decrease Income	Elliott Road - 2nd Cost Reseal - Resurfacing - Roads to Recovery Grant	55,660	
6400-80171-4806	Decrease Income	R2R - Elliot Road - Keysbrook - Roads to Recovery Grant	18,081	
6400-80172-4806	Decrease Income	R2R - Hopeland Road - Hopeland Roads to Recovery Grant	46,377	
6400-80067-4808	Decrease Income	Hopeland Road and Karnup Road Intersection Improvements	98,695	
6400-80143-4816	Decrease Income	Black Spot - Jarrahdale Road - Federal Black Spot	43,708	
6400-80144-4816	Decrease Income	Black Spot - Wright Road - Federal Black Spot	506,874	
6400-80145-4816	Decrease Income	Black Spot - Kingsbury Drive - Federal Black Spot	38,800	
6400-80146-4817	Decrease Income	Black Spot - Cardup Siding Road - State Black Spot	124,040	
6400-80170-4817	Decrease Income	Black Spot - Hopkinson Road - State Black Spot	64,122	
6400-80047-4819	Decrease Income	Abernethy Road - Separable Portion 2 - RRG Grants	264,612	
6400-80138-4819	Decrease Income	Roundabout - Mundijong Rd/Kargotich Rd - RRG Grants	114,747	
6400-80139-4819	Decrease Income	Mundijong Road Rehabilitation Works - RRG Grants	99,342	
6400-80140-4819	Decrease Income	Rowley Road - Rehabilitation Works - RRG Grants	55,626	
6400-80141-4819	Decrease Income	Traffic Island - Abernethy Rd/Kargotich Rd - RRG Grants	31,804	
2400-12204-4124	Increase Income	Safer Communities Grant Program		15,000
5300-17300-4100	Decrease Income	Federal Assistance Grants (received in Advance)	723,875	
5300-17300-4101	Decrease Income	Federal Assistance Grants - Roads (received in	705,899	



Continued

## Ordinary Council Meeting Agenda Monday, 15 February 2021

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Account	Type	Description	Debit	Credit
		Advance)		
10-9000-9000-3900-0	Increase Equity	Accumulated Surplus - Muni		2,179,300



**10.3.6 – Budget Opening Surplus Adjustment for Unallocated Surplus (SJ801)**

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

**Authority / Discretion**

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 seek approval from Council to adjust the 2020/21 Budget to redistribute the unallocated surplus from the 2019/20 financial year.

**Relevant Previous Decisions of Council**

*Special Council Meeting – 27 July 2020 – SCM239/07/20 - COUNCIL RESOLUTION / Amended Officer Recommendation – **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**

At the time the 2020/21 Budget was adopted by Council on 27 July 2020, the Annual Financial Statements for the 2019/20 year end had not been completed. Any surplus or deficit resulting from the 2019/20 financial year was not known.

**Community / Stakeholder Consultation**

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



### Statutory Environment

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

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

### Comment

The unallocated 2019/20 Budget Opening Surplus available for distribution in the 2020/21 Budget is **\$3,294,323**. The surplus is available for distribution after allocation of the 2019/20 Carry Forward Items.

The savings and additional income were derived from numerous areas, the most material of which are listed below:

Description	
<b>Cost Savings</b>	<b>Amount \$</b>
<i>Employee Costs - including training, uniforms and pre-employment medicals</i> <b>Reason:</b> Savings existed in employee costs due to a number of vacancies throughout the year as well as a freeze on recruitment due to Covid-19. Furthermore, staff training, uniforms and medical costs were also below budget.	1,227,000
<i>Waste Services</i> <b>Reason:</b> Operational savings achieved in relation to provision of waste services.	293,000
<i>Finance Costs</i> <b>Reason:</b> Refinancing of Briggs Park/Abernethy Road Loan resulting in no principal repayments in relation to this facility in the period due to Abernethy Road not yet completed.	249,000
<i>Consultancy</i> <b>Reason:</b> Consultancy costs were generally below budget across the organisation due to work requiring consultancy being postponed due to Covid-19.	185,000
<i>Legal Expenses</i> <b>Reason:</b> Legal Expenses were generally below budget across the organisation due to less than anticipated legal cases being taken up by the Shire in 2019/20.	131,000
<i>Materials &amp; Consumables</i> <b>Reason:</b> Material expenses were below budget across the organisation with the majority being in Parks, Buildings and Engineering.	175,000



<b>Description</b>	
<b>Additional Revenue:</b>	<b>Amount \$</b>
<b>Abernethy Road Separate Portion 1</b> <b>Reason:</b> An additional grant of \$453,606 was received for Abernethy Road Separable Portion1 that was not originally budgeted for, which is partially offset by increased expenditure. The grant reduced the amount of shire funds required for this project, resulting in a surplus of \$172,264.	172,264
<b>Fees and Charges</b> <b>Reason:</b> Fees and charges were higher than expected across the organisation, for example, fines/penalties, subdivision fees and dog registration.	147,000
<b>Interest on Overdue Rates</b> <b>Reason:</b> Interest on overdue rates was higher than anticipated as the amount of overdue rates was higher than anticipated resulting in higher interest.	112,000
<b>Interim Rates</b> <b>Reason:</b> Number of properties and value subject to interim rating was higher than anticipated.	95,000

### Additional Information

The Shire has done significant work in constraining operating costs whilst continuing to grow at a significant rate. Operating expenditure excluding depreciation has decreased by \$551,637 (equivalent to 1.89%) over the last two years.

In the same period the Shire's revenue has increased by \$3,147,833 (equivalent to 9.64%).

Fixed Assets have increased by \$32,925,661 in the same period (equivalent to 8.20%).

<b>Operating Expenditure (Excl. Depreciation)</b>			
<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Total</b>
29,157,838	28,399,322	28,606,201	
<b>YOY Increase/ (Decrease):</b>	(758,516)	206,879	(551,637)
<b>As %:</b>	-2.60%	0.73%	
<b>2Y Decrease:</b>		-1.89%	

<b>Operating Revenue</b>			
<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Total</b>
32,638,451	34,859,884	35,786,284	103,284,619
<b>YOY Increase:</b>	2,221,433	926,400	3,147,833
<b>As %:</b>	6.81%	2.66%	
<b>2Y Decrease:</b>		9.64%	



Fixed Assets			
2018	2019	2020	Total
401,622,611	417,402,411	434,548,272	
<b>YOY Decrease:</b>	15,779,800	17,145,861	32,925,661
<b>As %:</b>	3.93%	4.11%	
<b>2Y Decrease:</b>		8.20%	

### Surplus Allocation

It is recommended that the surplus allocation be used to fund the following activities:

- Providing funding for purchase of ASV RT – 120 verge mulcher and FYH 300-350 LWB Beavertail loader. This purchase will allow greater service delivery with regard to verge maintenance, drainage maintenance, bushfire mitigation, reduced glyphosate usage, and allow for the provision of safer road networks through improving line of sight and reducing encroachment of flora on our roads and road reserves. Please note given estimated delivery date will be so close to the end of the financial year, minimal operating costs are expected this financial year, therefore no specific budget variation is warranted. Two new crew and associated operating costs of approximately \$160,000 will be required to be funded in the following financial year - \$500,000.
- \$250,000 for Trails Development to reinstate original budget after funds reallocated to Soldiers Road PSP.
- Funding reserves to facilitate future capital and strategic projects that arise as the Shire continues to grow.

### Capital Works Projects

The following capital works projects have been identified to be undertaken this financial year, which requires a total budget of **\$750,000**.

- Purchase of ASV RT – 120 Mulcher - \$300,000
- Purchase of FYH 300-350 LWB Beavertail - \$200,000
- Trails Development – Reimburse funds transferred for Soldiers Road PSP 2020/2021 required contribution - \$250,000.

To facilitate these projects the following budget adjustments are required:

Account	Type	Description	Debit	Credit
6500-80236-6600-0000	Increase Expenditure	Trails Development	250,000	
6300-NEW-6600-0000	Increase Expenditure	ASV RT – 120 Mulcher	300,000	
6300-NEW-6600-0000	Increase Expenditure	FYH 300-350 LWB Beavertail	200,000	
		Change in Net Current Assets		750,000
<b>Reason:</b> Allocation of 2019/2020 Surplus to fund additional capital works.				



### Reserve Transfers

The following reserve transfers are proposed in the current financial year to fund future capital and strategic objectives. The total of these transfers is **\$1,350,000**.

- Administration Building Reserve - \$1,150,000
- Footpaths Asset Management Reserve - \$200,000

Below is the required budget adjustments required to facilitate the reserve transfers detailed above:

Account	Type	Description	Debit	Credit
5300-17302-5200-0000	Increase Transfer to Reserve	Administration Building Reserve – Transfer to Reserve	1,150,000	
5300-17302-5213-0000	Increase Transfer to Reserve	Footpaths Asset Management Reserve	200,000	
		Change in Net Current Assets		1,350,000

**Reason:** Allocation of 2019/20 surplus to set aside funds for future projects.

### Operational Requirements

It is proposed that \$100,000 be allocated as per OCM340/10/20 to resource the delivery of the Organisational Development Roadmap.

Below is the required budget adjustment to facilitate funding in this regard:

Account	Type	Description	Debit	Credit
4700-10300-6230-0000	Increase Expenditure	Consultancy	100,000	
		Change in Net Current Assets		100,000

**Reason:** Allocation of 2019/20 surplus to fund Human Resources initiatives as per OCM340/10/20.

The remaining surplus of \$1,094,323 is to be set aside as unallocated. The December quarterly review and other items within this agenda propose further surplus allocations based on organisational requirements which, if adopted, will result in nil remaining unallocated surplus. A summary of these adjustments which total \$1,094,323 is listed below:

- Abernethy Road – Separable Portion 4 - \$672,264 (Refer item 10.2.3 - Abernethy Road Upgrade - Separable Portion 4 (Works within Rail Boundary) - Additional Funding Requirements)
- Town Teams - \$47,850 (Refer item 10.4.2 – Establishing a Byford Town Team)
- December Quarterly Review - \$374,209 (Refer Item 10.3.7 - December 2020 Quarterly Budget Review)





## **Options and Implications**

### Option1

That Council APPROVES the budget adjustments to allocate the surplus as contained within this report.

### Option 2

That Council DOES NOT APPROVE the budget adjustments to allocate the surplus as contained within this report.

Option 1 is recommended.

## **Conclusion**

At the time the 2020/21 Budget was adopted by Council on 27 July 2020, the Annual Financial Statements for the year ended 30 June 2020 had not yet been finalised. Any surplus or deficit resulting from the 2019/20 financial year was not known.

Following finalisation of the Annual Financial Statements, the surplus position has now been finalised and surplus funds are recommended to be allocated as per above.

## **Attachments**

Nil.

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

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

## **Financial Implications**

The financial implications are detailed in this report.



### Risk 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	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending.	A review of the 2019/20 annual statements was undertaken to verify the surplus. A process of submitting and reviewing funding requests was conducted prior to make council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)

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

That Council **APPROVES** the schedule of variations to the 2020/21 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*, resulting in a change to the opening municipal surplus (net current assets) of \$2,200,000 as at 1 July 2020:

Account Number	Type	Account Description	Debit \$	Credit \$
6500-80236-6600-0000	Increase Expenditure	Trails Development	250,000	
6300-NEW-6600-0000	Increase Expenditure	ASV RT – 120 Mulcher	300,000	
6300-NEW-6600-0000	Increase Expenditure	FYH 300-350 LWB Beavertail	200,000	
5300-17302-5200-0000	Increase Transfer to Reserve	Administration Building Reserve – Transfer to Reserve	1,150,000	
5300-17302-5213-0000	Increase Transfer to Reserve	Footpaths Asset Management Reserve	200,000	
4700-10300-6230-0000	Increase Expenditure	Consultancy	100,000	
		Change in Net Current Assets		2,200,000

**10.3.7 – December 2020 Quarterly Budget Review (SJ801)**

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

**Authority / Discretion**

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 report represents the December 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 2020/2021 Budget has been reviewed and approval is sought for the following budget adjustments for the reasons specified. Please note this is not the formal Mid-Year budget review, which will be presented at the Ordinary Council Meeting to be held in March 2020, encompassing resolution of carry forwards and surplus allocation considered throughout this agenda:

### Capital Works Projects

The following projects are considered priority projects and have been identified as being able to be completed in the current financial year. These projects require a total budget of **\$217,500**:

- Drainage Modelling Program - \$98,000 – Allows for modelling of drainage networks to ensure that as subdivisions come on we can model downstream effects ensuring we appropriately manage existing and future infrastructure needs in this regard.
- Additional funding required for Mobile Phone Booster - \$13,000 – To provide better mobile phone coverage to staff and visitors of the Shire.
- George Street Footpath - \$29,000 – To enable infill of existing path.
- Karnup Road and Wellard Road Shared Path – Survey and Design - \$17,500 – Matching Shire contribution for grant funds which we have received from WA Bicycle Network in relation to this shared path.
- Soldiers Road/Turner Road/Cardup Siding Road – \$60,000 - To facilitate relocation of high pressure gas pipe required, but which was not part of original project scope.

To facilitate these projects the following budget adjustments are required:

Account	Type	Description	Debit	Credit
6100-NEW-6600-0000	Increase Expenditure	Drainage Modelling Program	98,000	
6100-80189-6600-0000	Increase Expenditure	Mobile Phone Booster	13,000	
6400-80169-6600-0000	Increase Expenditure	George Street Footpath	39,000	
6400-80169-4907-0000	Increase Income	Capital Contribution – George Street		10,000
6400-NEW-6600-0000	Increase Expenditure	Karnup Road and Wellard Road Shared	35,000	





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Account	Type	Description	Debit	Credit
		Path		
6400-NEW-4821-0000	Increase Income	Grant – Capital – WA Bicycle Network		17,500
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd–Turner Rd–Cardup Siding Rd	60,000	
		Change in Net Current Assets		217,500
<b>Reason:</b> Allocation of 2019/2020 Unallocated Surplus to fund additional capital works identified as part of December 2020 quarterly review.				

### Operating Projects

The following operational needs have been identified as part of the December quarterly review. To facilitate these needs an additional budget allocation of **\$244,000** is required:

- Road Maintenance Works - \$10,000
- ACROD Signage across various locations- \$5,000
- Consulting costs in relation to subdivision of community purpose site for the Byford Town Centre - \$20,000
- WALGA Training for Members of Council - \$6,000
- Development of Bridges Asset Management Plan - \$18,000
- Initiation and implementation of Information and Communication Technology projects to continue the modernisation and advancement of the Shire's ICT tools, including migration of email server, cloud storage systems and continued standardisation of the Shire's hardware and software to facilitate a high level of mobility to better mitigate work from home risks associated with COVID-19 - \$185,000.

To facilitate these operational requirements the following budget adjustments are required:

Account	Type	Description	Debit	Credit
3610-40000-6125-0000	Increase Expenditure	Road Maintenance	10,000	
3510-NEW-6125-0000	Increase Expenditure	ACROD Signage	5,000	
2200-12500-6230-0000	Increase Expenditure	Consultancy	20,000	
5200-17101-6906-0000	Increase Expenditure	Councillor Training	6,000	
3100-13200-6230-0000	Increase Expenditure	Consultancy	18,000	
5100-17200-6365-0000	Increase Expenditure	Software Licenses	30,000	
5100-17200-6160-0000	Increase Expenditure	Minor Equipment Purchases	45,000	
5100-17200-6230-0000	Increase Expenditure	Consultancy	110,000	
		Change in Net Current Assets		244,000
<b>Reason:</b> Allocation of 2019/2020 Unallocated Surplus to fund additional operating requirements identified as part of December 2020 quarterly review.				



### Internal Reallocations of Operating and Capital Budget

The following table outlines internal reallocations of operating and capital budgets which result in savings of \$87,291:

Account	Type	Description	Debit	Credit
1000-10100-6326-0000	Reduce Expenditure	Legal Expenses		5,000
5000-17000-6326-0000	Reduce Expenditure	Legal Expenses		5,000
3000-13000-6326-0000	Reduce Expenditure	Legal Expenses		15,000
4300-15701-6131-0000	Reduce Expenditure	Program Activities – Australia Day		10,000
4300-15703-6131-0000	Reduce Expenditure	Program Activities - Christmas		3,500
4300-15712-6131-0000	Reduce Expenditure	Program Activities – Thank a Volunteer		3,000
4300-15420-6276-0000	Increase Expenditure	Community Grant – General Grants	6,000	
4300-15810-4122-0000	Increase Income	Sport & Rec - Operating Grant		30,000
4100-16002-6364-0000	Reduce Expenditure	Online Engagement Platform		15,000
5300-17300-4501-0000	Reduce Income	Interest on Muni Funds	70,000	
5300-17300-4700-0000	Increase Income	Reimbursements		45,000
5300-17500-6388-0000	Increase Expenditure	Labour Hire	50,000	
5300-17501-4004-0000	Increase Income	Rates Interim		59,291
5300-17501-4460-0000	Increase Income	Charges – Rates Information		75,000
2300-12400-6000-0000	Increase Expenditure	Salaries & Wages	7,500	
2310-12600-4331-0000	Increase Income	Verge Licenses		30,000
2310-12600-4335-0000	Increase Income	Building Permits		40,000
2310-12600-6000-0000	Increase Expenditure	Salaries & Wages	10,000	
2310-12600-6230-0000	Reduce Expenditure	Consultancy		10,000
4700-10300-6051-0000	Reduce Expenditure	Employee Wellbeing		10,000
4700-10300-6064-0000	Increase Expenditure	Corporate Training	10,000	
2100-12504-6230-0000	Increase Expenditure	Consultancy	37,500	
2100-12504-6326-0000	Increase Expenditure	Legal Expenses	37,500	
6400-80138-6600-0000	Increase Expenditure	Roundabout – Mundijong Rd/ Kargotich Rd	80,000	
2200-12500-4308-0000	Increase Income	Structure Plan Fee		10,000
3210-13300-4304-0000	Increase Income	Subdivision Fees		30,000
3810-51128-7310-0000	Reduce Plant Recovery	Plant Cost Recovery	25,000	
3810-51128-6150-0000	Reduce Expenditure	Fuel		8,000
3810-51128-6155-0000	Reduce Expenditure	Plant Parts		2,000
3810-51128-6502-0000	Reduce Expenditure	Depreciation		15,000



Account	Type	Description	Debit	Credit
3230-13403-6265-0000	Increase Expenditure	Equipment Hire/Lease	25,000	
3230-13403-7210-0000	Decrease Expenditure	Plant Operating Costs		25,000
		Change in Net Current Assets	87,291	
<b>Reason:</b> Reallocation of operating and capital budgets based on December 2020 quarterly budget review.				

### Employee Costs

The Shire has to the end of December 2020, accrued savings in relation to Employee Expenses of \$1,061,365, with approximately 20 positions currently vacant. In addition, for the same period the Shire has spent only 21% of its annual budgeted Capital Works program.

To assist with managing the current circumstances, two additional staff are intended to be recruited for the Human Resources team to respond to increased demand for recruitment and HR support, and to undertake necessary works for the development of Human Resource modules in the Onecomm system, which will result in operational improvements and increased capacity.

It is intended that these positions both be offered initially as two year contracts, with one role to become permanent after the expiration of the initial contract period. The two roles are to be as follows:

- Role 1 – To perform all aspects of Human Resources recruitment and support;
- Role 2 – To undertake system development and facilitate implementation of Human Resource modules within Onecomm.
- Total annual cost (estimated) to be \$200,000

No budget adjustment is required in the current financial year due to the extensive savings which already exist.

### Options and Implications

#### Option1

That Council NOTES that the formal Mid-Year budget review will be presented at the Ordinary Council Meeting in March 2020, subsequent to resolution of carry forwards and surplus allocation considered throughout this agenda.

That Council ADOPTS the December 2020 Quarterly Budget Review report and approves the schedule of variations as contained within this report.

#### Option 2

That Council DOES NOT NOTE that the formal Mid-Year budget review will be presented at the Ordinary Council Meeting in March 2020, subsequent to resolution of carry forwards and surplus allocation considered throughout this agenda.

That Council DOES NOT ADOPT the December 2020 Quarterly Budget Review report or approve the schedule of variations as contained within this report.



Option 1 is recommended.

### Conclusion

A quarterly 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

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

### Financial Implications

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 quarterly budget review and proposed amendments.						
2	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending as well being non compliance	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	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)



	<i>with Financial regulations.</i>	<i>budget unless authorised by resolution.</i>					
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**Voting Requirements:** Simple Majority – Part 1  
**Absolute Majority – Part 2** (s6.8 of the *Local Government Act 1995*)

### Officer Recommendation

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

Account	Type	Description	Debit	Credit
6100-NEW-6600-0000	Increase Expenditure	Drainage Modelling Program	98,000	
6100-80189-6600-0000	Increase Expenditure	Mobile Phone Booster	13,000	
6400-80169-6600-0000	Increase Expenditure	George Street Footpath	39,000	
6400-80169-4907-0000	Increase Income	Capital Contribution – George Street		10,000
6400-NEW-6600-0000	Increase Expenditure	Karnup Road and Wellard Road Shared Path	35,000	
6400-NEW-4821-0000	Increase Income	Grant – Capital – WA Bicycle Network		17,500
6400-80198-6600-0000	Increase Expenditure	Soldiers Rd–Turner Rd–Cardup Siding Rd	60,000	
		Change in Net Current Assets		217,500

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

Account	Type	Description	Debit	Credit
3610-40000-6125-0000	Increase Expenditure	Road Maintenance	10,000	
3510-NEW-6125-0000	Increase Expenditure	ACROD Signage	5,000	
2200-12500-6230-0000	Increase Expenditure	Consultancy	20,000	
5200-17101-6906-0000	Increase Expenditure	Councillor Training	6,000	
3100-13200-6230-0000	Increase Expenditure	Consultancy	18,000	
5100-17200-6365-0000	Increase Expenditure	Software Licenses	30,000	



Account	Type	Description	Debit	Credit
5100-17200-6160-0000	Increase Expenditure	Minor Equipment Purchases	45,000	
5100-17200-6230-0000	Increase Expenditure	Consultancy	110,000	
		Change in Net Current Assets		244,000
Reason: Allocation of 2019/2020 Unallocated Surplus to fund additional operating requirements identified as part of December 2020 quarterly review.				

Account	Type	Description	Debit	Credit
1000-10100-6326-0000	Reduce Expenditure	Legal Expenses		5,000
5000-17000-6326-0000	Reduce Expenditure	Legal Expenses		5,000
3000-13000-6326-0000	Reduce Expenditure	Legal Expenses		15,000
4300-15701-6131-0000	Reduce Expenditure	Program Activities – Australia Day		10,000
4300-15703-6131-0000	Reduce Expenditure	Program Activities - Christmas		3,500
4300-15712-6131-0000	Reduce Expenditure	Program Activities – Thank a Volunteer		3,000
4300-15420-6276-0000	Increase Expenditure	Community Grant – General Grants	6,000	
4300-15810-4122-0000	Increase Income	Sport & Rec - Operating Grant		30,000
4100-16002-6364-0000	Reduce Expenditure	Online Engagement Platform		15,000
5300-17300-4501-0000	Reduce Income	Interest on Muni Funds	70,000	
5300-17300-4700-0000	Increase Income	Reimbursements		45,000
5300-17500-6388-0000	Increase Expenditure	Labour Hire	50,000	
5300-17501-4004-0000	Increase Income	Rates Interim		59,291
5300-17501-4460-0000	Increase Income	Charges – Rates Information		75,000
2300-12400-6000-0000	Increase Expenditure	Salaries & Wages	7,500	
2310-12600-4331-0000	Increase Income	Verge Licenses		30,000
2310-12600-4335-0000	Increase Income	Building Permits		40,000
2310-12600-6000-0000	Increase Expenditure	Salaries & Wages	10,000	
2310-12600-6230-0000	Reduce Expenditure	Consultancy		10,000
4700-10300-6051-0000	Reduce Expenditure	Employee Wellbeing		10,000
4700-10300-6064-0000	Increase Expenditure	Corporate Training	10,000	
2100-12504-6230-0000	Increase Expenditure	Consultancy	37,500	
2100-12504-6326-0000	Increase Expenditure	Legal Expenses	37,500	
6400-80138-6600-0000	Increase Expenditure	Roundabout – Mundijong Rd/ Kargotich Rd	80,000	
2200-12500-4308-0000	Increase Income	Structure Plan Fee		10,000



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Account	Type	Description	Debit	Credit
3210-13300-4304-0000	Increase Income	Subdivision Fees		30,000
3810-51128-7310-0000	Reduce Plant Recovery	Plant Cost Recovery	25,000	
3810-51128-6150-0000	Reduce Expenditure	Fuel		8,000
3810-51128-6155-0000	Reduce Expenditure	Plant Parts		2,000
3810-51128-6502-0000	Reduce Expenditure	Depreciation		15,000
3230-13403-6265-0000	Increase Expenditure	Equipment Hire/Lease	25,000	
3230-13403-7210-0000	Decrease Expenditure	Plant Operating Costs		25,000
		Change in Net Current Assets	87,291	
Reason: Reallocation of operating and capital budgets based on December 2020 quarterly budget review.				

**10.3.8 – Transition arrangements associated with the *Model Code of Conduct Regulations 2021* (SJ514)**

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

**Authority / Discretion**

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

The purpose of this report is to enable Council to consider matters following the commencement of the *Local Government (Code of Conduct) Regulations 2021*, namely:

- the appointment of one or more persons to receive complaints and withdrawals of complaints of the code under Regulation 11; and
- approval of the form for making a complaint of an alleged breach under Regulation 11.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

On 2 February 2021, local governments were notified by the Department of Local Government, Sport and Cultural Industries (the Department) that His Excellency the Governor had approved regulations that bring into effect the remaining parts of the *Local Government Legislation Amendment Act 2019 (Amendment Act)*.

This means that the following regulations took effect from Wednesday, 3 February 2021:

- *Local Government (Administration) Amendment Regulations 2021*;
- *Local Government (Model Code of Conduct) Regulations 2021*;
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

The Department has advised local governments that there will be an implementation phase of up to three months where local governments must undertake a series of actions to operationalise these regulatory amendments.



At the same local governments are required to take specific initial actions within three weeks of the regulations taking effect (by 24 February 2021). These are:

- the appointment of one or more persons to receive complaints and withdrawals of complaints of the code under Regulation 11; and
- approval of the form for making a complaint of an alleged breach under Regulation 11.

The remaining matters related to the implementation of the new regulations will be presented to Council at future meetings in accordance with the timetable set by the Department

It is further expected that local governments adopt the new regulations and any other procedures and processes required for implementation within three months from the regulations taking effect (by 3 May 2021).

Complaints made before the commencement of the new regulations are not impacted by the changes to the regulations and will be managed in accordance with the Shire's procedure.

### **Community / Stakeholder Consultation**

The decision by the State Government to commence the legislation on the date of gazettal has limited the opportunity for consultation on the matters dealt with in this report.

In accordance with Council's resolution on the matter feedback to the State Government was provided in 2020 regarding the amendments proposed to CEO recruitment and the Councillor code of conduct. In making amendments, the State Government has opted not to incorporate the Shire's feedback.

### **Statutory Environment**

The new and amended regulations are the next step in implementing the Local Government Act review. In summary the changes introduce:

- a model code of conduct for Councillors, committee members and candidates;
- a new process for dealing with complaints of alleged breaches of the code;
- new standards for the recruitment, performance management and contract review of the Chief Executive Officer, including establishing a selection panel to make recommendations on CEO vacancies with at least one independent person (the independent person must not be a Councillor, employee or a human resources consultant engaged by the local government); and
- a new model code of conduct for employees.

The regulations commenced the day of gazettal being 3 February 2021. The Department has asked local governments to implement changes required with the new regulations by 3 May 2021, with some changes required by 24 February 2021.



## Comment

The commencement of new regulations requires Council to adopt new processes, procedures and conduct new appointments. The majority of these will be presented to Council for consideration at future meetings in a systematic manner based on the feedback provided by the Department and the Western Australian Local Government Association (WALGA).

Given the complexity and potential for unintended consequences resulting from the legislation, Officers will also draw from expertise from the sector in presenting a workable approach to Council.

In the immediate term, the Department has identified two actions that require Council's immediate attention:

- the appointment of one or more persons to receive complaints and withdrawals of complaints of the code under Regulation 11; and
- approval of the form for making a complaint of an alleged breach under Regulation 11.

### Appointment of person to receive complaints and withdrawal of complaints of the code

Regulation 11 requires the local government to appoint a person or persons to be the complaints officer for the purpose of receiving complaints and withdrawal of complaints under the code of conduct.

This position is distinct from the 'Complaints Officers' responsible for receiving complaints of a serious or minor breach of the *Local Government Act 1995* under section 5.120 of the Act.

Beyond receiving and complaints and withdrawal of complaints under the code of conduct for Councillors, the person or persons appointed under Regulation 11 has no legislative responsibilities. Under the approach in new legislation, it is the role of the local government (meaning Council) to adjudicate on alleged breaches of the code of conduct. How this practically will occur at the Shire will be considered at a later meeting.

It is proposed that the Director Corporate Services and Manager Governance be appointed as the person under Regulation 11. This role would be consistent with the role currently performed by the Officers.

An instrument of authorisation has been prepared in **attachment 1**. If agreed to by Council, this instrument would be added to the Shire's register of delegations and authorisations.

### Approval of the form for making a complaint of an alleged breach under Regulation 11.

Regulation 11 requires the local government to approve the form for making a complaint of an alleged breach. The Department has prepared a template of this form for local governments.

The Department's template has been adapted with the Shire's branding in **attachment 2**.



### Transitional arrangements

The immediate commencement of the regulations presents challenges for local governments across the state. In respect to transitional arrangements related to complaints, WALGA has prepared guidance that advises that local governments should develop new complaints management procedures and that:

“If Local Governments receive complaints immediately, WALGA recommends that Local Governments acknowledge and accept the lodgement, but advise that the complaint cannot be progressed until a policy and procedure are adopted.”

As part of the transitional arrangements a new code of conduct complaint management procedure will be presented to Council at a future meeting.

It is recommended that Council agree to this approach in the interim.

Any complaints received prior to the gazettal of regulations on 3 February 2021 will be managed in accordance with the legislation as it was at the time that the complaint was received and dealt with in accordance with the Shire's current procedure.

### **Options and Implications**

#### Option 1

That Council:

1. AUTHORISES Director Corporate Services and Manager Governance as the complaint officers under Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* per the instrument of authorisation contained in attachment 1.
2. APPROVES the form contained in attachment 2 as the complaint form under Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021*
3. REQUESTS the Chief Executive Officer prepare a new procedure for managing code of conduct complaints to be presented to a future meeting of Council; and
4. RESOLVES that if complaints made under Regulation 11 are received prior to Council's adoption of a new procedure, that these complaints will be dealt with once a new procedure is adopted in accordance with this new procedure.

#### Option 2

That Council does not commence with transitional arrangements to implement the *Local Government (Model Code of Conduct) Regulations 2021*.

Option 1 is recommended.



### Conclusion

The immediate commencement of new regulations presents a challenge for local governments across the state. A transitional approach to implementation has been recommended by the Department but requires initial decisions by Council related to:

- the appointment of one or more persons to receive complaints and withdrawals of complaints of the code under Regulation 11; and
- approval of the form for making a complaint of an alleged breach under Regulation 11.

Further arrangements to operationalise the new requirements will be presented to future meetings of Council.

### Attachments (available under separate cover)

- 10.3.8 - attachment 1** – Instrument of authorisation (E21/1208)
- 10.3.8 - attachment 2** – Complaint about alleged breach form – Code of Conduct for Councillors, Committee Members and Candidates (E21/1195)

### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### Financial Implications

Nil.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						
2	There is a reputational risk associated with non-compliance with the new	Nil	Reputation	Unlikely	Minor	LOW	Nil





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<i>regulations and failure to adopt the Department's recommended transitional approach.</i>							
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**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

1. **AUTHORISES** Director Corporate Services and Manager Governance as the complaint officers under Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* per the instrument of authorisation contained in attachment 1;
2. **APPROVES** the form contained in attachment 2 as the complaint form under Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021*;
3. **REQUESTS** the Chief Executive Officer prepare a new procedure for managing code of conduct complaints to be presented to a future meeting of Council; and
4. **RESOLVES** that if complaints made under Regulation 11 are received prior to Council's adoption of a new procedure, that these complaints will be dealt with once a new procedure is adopted in accordance with this new procedure.

**10.4 Community and Organisational Development reports****10.4.1 – 2019/2020 Annual Report (SJ800)**

<b>Responsible Officer:</b>	Manager Communications and Customer Engagement
<b>Senior Officer:</b>	Deputy CEO / Director Community and Organisational Development
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is for Council to consider:

- Accepting the 2019/2020 Annual Report in accordance with section 5.54 of the *Local Government Act 1995 (the Act)*; and
- Setting a date for the General Meeting of Electors.

**Relevant Previous Decisions of Council**

Nil.

**Background**

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

The process undertaken for the preparation of the 2019/2020 Annual Report has included:

- July 2020 – Officers were requested to undertake an analysis of the activities undertaken in their respective areas and align these to the Strategic Community Plan and Corporate Business Plan;
- October 2020 – A first draft of the Annual Report text was provided to Officers, seeking suggestions, comments and corrections. The External Auditor commenced audit procedures. The Executive Management Team reviewed the second draft of the Annual Report;
- November 2020 – A final draft of the annual report was collated, and the External Auditor completed their audit requirements;



- February 2021 – Council is requested to accept the final version of the Annual Report 2019/2020 prior to presentation to the General Meeting of Electors.

## **Community / Stakeholder Consultation**

Following acceptance of the annual report, the CEO is required to give local public notice of that decision and publish the Annual Report on the local government's website.

## **Statutory Environment**

The minimum contents of an annual report and the process to be followed following acceptance of the annual report are defined in the *Local Government Act 1995*.

### **5.53. Annual reports**

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report is to contain —*
  - (a) a report from the mayor or president; and*
  - (b) a report from the CEO; and*
  - [(c), (d) deleted]*
  - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
  - (f) the financial report for the financial year; and*
  - (g) such information as may be prescribed in relation to the payments made to employees; and*
  - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
  - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —*
    - (i) the number of complaints recorded in the register of complaints; and*
    - (ii) how the recorded complaints were dealt with; and*
    - (iii) any other details that the regulations may require; and*
    - (i) such other information as may be prescribed.*

### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*



*(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

**5.55. Notice of annual reports**

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

**5.55A. Publication of annual reports**

*The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.*

**5.27. Electors' general meetings**

*(1) A general meeting of the electors of a district is to be held once every financial year.*

*(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

*(3) The matters to be discussed at general electors' meetings are to be those prescribed.*

**Comment**

Annual Report

The draft 2019/2020 annual report presented for Council's consideration at **attachment 1** meets the requirements of the Act through the inclusion of:

1. Shire President's Report;
2. Chief Executive Officer's Report;
3. Overview of Planning for the Future of the District in accordance with Section 5.56 of the *Local Government Act 1995* and achievements made against the Strategic Community Plan 2017-2027;
4. A report on entries made under section 5.121 of the Act that relate to complaints of minor breaches of the Act Report in relation to the Complaints Register subject to Section 5.121 of the Act;
5. Report required under Section 29(2) of the *Disability Services Act 1993*;
6. Auditor's Report and Audited Financial Statements;
7. Information about certain employees required under regulation 19B of the *Local Government (Administration) Regulations 1996*; and
8. A report on compliance with the organisation's recordkeeping plan.

The Annual Report will be available for public access via the Shire's website, Administration Centre and Mundijong Public Library.

A copy of the 2019/2020 Annual Report will also be provided to the Director General of the Department of Local Government, Sport and Cultural Industries.



### General Meeting of Electors

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

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

The recommended date for the General Meeting of Electors is Wednesday, 17 March 2021, to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6.30pm.

Section 5.33 of the Act states that all decisions made at an electors' meeting are to be considered at the next Ordinary Council Meeting or, if that is not practicable, at the first Ordinary Council Meeting after that meeting; or at a Special Council Meeting called for that purpose, whichever happens first.

At the time of preparing this report, the Perth Metropolitan Region, Peel and South West Regions had been locked-down as a result of a COVID-19 outbreak. The sudden introduction of public health directives could result in a delay or change to the proposed date of the electors meeting outside the control of the Shire. The legislation does not contemplate virtual or online electors' meetings.

### Annual Financial Statements and Audit Report 2019/2020

The Annual Financial Statements and Audit Report 2019/2020 will be considered by the Audit, Risk and Governance Committee at a Special Meeting on Monday, 1 February 2021. The 2019/2020 Annual Financial Statements are contained in **attachment 2** pending consideration by the Audit, Risk and Governance Committee.

## **Options and Implications**

### Option 1 – Adopt the 2019/2020 Annual Report

That Council:

1. **ADOPTS** the Shire of Serpentine Jarrahdale 2019/2020 Annual Report provided at attachment 1, in accordance with section 5.54 of the Local Government Act 1995;
2. **RESOLVES** that the General Meeting of Electors be held on Wednesday, 17 March 2021, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2019/2020 Annual Report;
3. **REQUESTS** the Chief Executive Officer give local public notice of the General Meeting of Electors; and
4. **AUTHORISES** the Shire President and Chief Executive Officer to set an alternative date and time for the General Meeting of Electors in the event that Public Health Directives do not permit the meeting to be held on the date and time set out in point 2 above.



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Option 2 – Adopt 2019/2020 Annual Report with minor amendments

That Council:

1. ADOPTS the Shire of Serpentine Jarrahdale 2019/2020 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* with amendments;
2. RESOLVES that the General Meeting of Electors be held on Wednesday, 17 March 2021, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2019/2020 Annual Report;
3. REQUESTS the Chief Executive Officer give local public notice of the General Meeting of Electors; and
4. AUTHORISES the Shire President and Chief Executive Officer to set an alternative date and time for the General Meeting of Electors in the event that Public Health Directives do not permit the meeting to be held on the date and time set out in point 2 above.

Option 3 – Not adopt the 2019/2020 Annual Report

That Council DOES NOT adopt the 2019/2020 Annual Report.

Council would need to reconsider the 2019/2020 Annual Report at a Special Council Meeting to ensure compliance with the Act.

Option 1 is recommended.

**Conclusion**

Council is requested to adopt the 2019/2020 Annual Report as required by section 5.54 of the Act and resolve to hold the General Meeting of Electors on Wednesday, 17 March 2021, to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6.30pm.

**Attachments (available under separate cover)**

- **10.4.1 - attachment 1** – 2019/2020 Annual Report (E21/1166)
- **10.4.1 - attachment 2** – 2019/2020 Annual Financial Statements (E21/1141) - To be distributed under separate cover following the Special Audit, Risk and Governance Committee Meeting.

**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	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>Council is unable to hold its General Meeting of Electors because of changes to COVID-19 requirements for public meetings and physical distancing.</i>	<i>Follow State Government guidelines for public gatherings and physical distancing.</i>	<i>Organisational Performance</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Continue to follow State Government guidelines for public gatherings and physical distancing.</i>
2	<i>Major changes to the Annual Report would delay the availability of the Annual Report and may compromise compliance with the legislation requirements to hold a General Meeting of Electors following the acceptance of the Annual Report.</i>	<i>Engagement with all service teams to ensure all information and achievements are captured in the Annual Report.</i>	<i>Organisational Performance</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>N/A</i>

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3	<i>That Council does not accept the officer recommendation and does not meet its obligations under Section 5.53 of the Local Government Act 1995.</i>	<i>2019/20 Annual Report prepared and presented to Council for their consideration.</i>	<i>Organisational Performance</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>N/A</i>
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**Voting Requirements: Absolute Majority (section 5.54, *Local Government Act 1995*)**

**Officer Recommendation****That Council:**

- 1. ADOPTS** the Shire of Serpentine Jarrahdale 2019/2020 Annual Report provided at attachment 1, in accordance with section 5.54 of the *Local Government Act 1995*;
- 2. RESOLVES** that the General Meeting of Electors be held on Wednesday, 17 March 2021, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2019/2020 Annual Report;
- 3. REQUESTS** the Chief Executive Officer give local public notice of the General Meeting of Electors; and
- 4. AUTHORISES** the Shire President and Chief Executive Officer to set an alternative date and time for the General Meeting of Electors in the event that Public Health Directives do not permit the meeting to be held on the date and time set out in point 2 above.

**10.4.2 – Establishing a Byford Town Team (SJ3373)**

<b>Responsible Officer:</b>	Deputy CEO / Director Community and Organisational Development
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to request Council support the establishment of a Byford Town Team and agree to engage Town Team Movement to facilitate this work.

**Relevant Previous Decisions of Council**

Nil.

**Background**

At the centre of every community are public places, the parks, shopping facilities, town squares, verges and other areas where people can gather and socialise, recreate or simply spaces they may pass through every day on the way to and from work, school or the shops.

Placemaking creates opportunity for people to reimagine these spaces, to enhance the usability and amenity of the spaces and allows for opportunities for a greater connection to public places. It allows community to harness social assets, enhance economic development and improve community well-being through use of the public realm.

Council recognised the opportunity to strengthen connections and the wellbeing of the community by including moving to a place making model for Byford and Jarrahdale town centres as a Strategic Operating Project in the Corporate Business Plan 2020-2024.

**What is a Town Team?**

Town Team Movement describe Town Teams as "...positive and proactive organisations that work collaboratively with their local government to improve their place. Town Teams are focused on building lasting relationships, practical outcomes and positive experiences".

Town Teams consist of volunteers from a range of backgrounds including business owners and community members, who work in partnership with businesses, residents and local



governments to provide a range of initiatives within the intention of activating space and improving the usability public areas. The relationships are as shown in image 1 below.



*Image 1: Relationship between Town Team and other stakeholders.*

Whilst supported in their activities by local governments, Town Teams are a community group formed and operating independent of local government. In general Town Teams become incorporated and are able to access funds through grant funding, and contributions from other sources including businesses and local government.

### Byford CBD

With a growing community in Byford, an emerging Byford Central Business District (CBD), the delivery of the Byford Metronet project and creation of additional public space, including the creation of a Town Square area and the ongoing economic and social impacts of the COVID-19 pandemic, Officers consider that a Town Team has the potential to deliver a grass roots, community led approach to activation of existing spaces and businesses and the creation of strong connections with emerging public space within the Byford CBD area.



### Town Team Movement

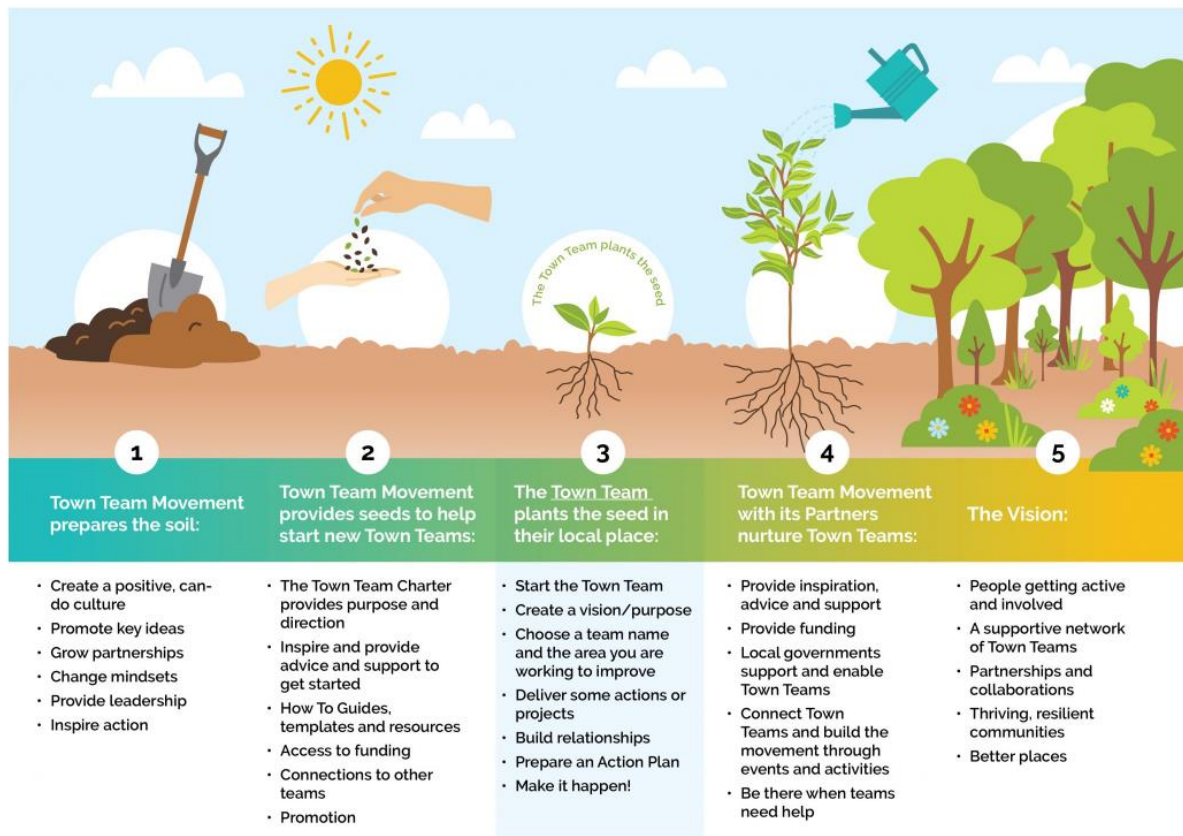
Town Team Movement is a social enterprise that was formed in 2018 and provides support to 55 Town Team across Australia and New Zealand. Town Team Movement also provide services to local governments who wish to support the establishment of Town Teams within their local government area.

Town Team Movement is the only organisation of its kind in Western Australia, undertaking specific work to develop and support Town Teams.

Further information about Town Team Movement and Town Teams can be found in **attachment 1**, with a copy of the presentation that Town Team Movement provided to Council at the PCF in 3 August 2020 included as **attachment 2**. Further information about Town Team Movement and a range of resources regarding Town Teams can be found at the Town Team Movement Website, <https://www.townteammovement.com/>.

Town Team Movement provide the following visual as an overview of how the organisation works to develop and support Town Teams.

#### How We Do It



*Image 2: Overview of Town Team Movement approach to Town Team development.*



### Community / Stakeholder Consultation

#### Policy Concept Forum

<b>Meeting Date</b>	03 August 2020
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

### Statutory Environment

Council Policy 3.2.4- Purchasing-Procurement of Goods or Services up to \$250,000, makes provision for Sole Source arrangements where the purchasing value is estimated to be over \$5,000.

### Comment

Town Team Movement have provided a proposal including methodology and quotation to provide services to the Shire of Serpentine Jarrahdale and development of a Town Team for the Byford CBD area. This is included as **attachment 3**. Officers have confirmed that the quotation provided remains current.

Additionally, Officers recommend that Council consider an initial financial commitment of \$30,000 to be spent over the first 12-month period to assist the Town Team to become established and have capacity to deliver initiatives. Any additional financial support can be considered through the annual budget process.

### Options and Implications

#### Option1

That Council:

1. APPROVES an amount of \$17,850 excluding GST from the 2019/2020 Budget Surplus to engage Town Team Movement to establish a Town Team in the Byford CBD as per the proposal contained in attachment 3; and
2. APPROVES an amount of \$30,000 from the 2019/2020 Budget Surplus to support the activities of the Byford Town Team Movement and APPROVES that the Chief Executive Officer distribute these funds at his discretion;
3. APPROVES a sole source supply arrangement with Town Team Movement under Council Policy 3.2.4- Purchasing-Procurement of Goods or Services up to \$250,000; and
4. APPROVES the following budget amendment:

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
4300-15508-6276	Increase Expenditure	Town Teams – Community Grant	30,000	
		Adjustment to Net Current Assets		47,850
<b>Reason:</b> Funding for Town Teams initiative from 2019-2020 surplus.				



Option 2

That Council:

1. APPROVES an amount of \$17,850 excluding GST from the 2019/2020 Budget Surplus to engage Town Team Movement to establish a Town Team in the Byford CBD as per the proposal contained in attachment 3;
2. DOES NOT approve an amount of \$30,000 from the 2019/2020 Budget Surplus to support the activities of the Byford Town Team Movement;
3. APPROVES a sole source supply arrangement with Town Team Movement under Council Policy 3.2.4- Purchasing-Procurement of Goods or Services up to \$250,000; and
4. APPROVES the following budget amendment:

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
		Adjustment to Net Current Assets		17,850
<b>Reason:</b> Funding for Town Teams initiative from 2019-2020 surplus.				

Option 3

That Council DOES NOT proceed with the establishment of a Town Team in the Byford CBD.

Option 1 is recommended.

**Conclusion**

With the growth of the Byford CBD it is important to support and resource the development of place making activities to activate the town centre and encourage a connection with and use of public space.

**Attachments (available under separate cover)**

- **10.4.2 - attachment 1** – Town Team Movement – Overview Brochure (E21/240)
- **10.4.2 - attachment 2** – Presentation - Creating Great Places at Serpentine Jarrahdale (E21/238)
- **10.4.2 - attachment 3** – Town Team Movement Proposal (IN20/14124)



### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas
<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

### Financial Implications

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
4300-15508-6276	Increase Expenditure	Town Teams – Community Grant	30,000	
		Adjustment to Net Current Assets		47,850

**Reason:** Funding for Town Teams initiative from 2019-2020 surplus.

As Town Team Movement is a specialist provider of Town Team establishment and support services, Council is requested to consider a sole supplier arrangement under Council Policy 3.2.4- Purchasing-Procurement of Goods or Services up to \$250,000.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>That there is no interest from the community to join a Town Team</i>	<i>Nil</i>	<i>Social / Community Outcomes</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Community consultation will be undertaken</i>
2	<i>That there is no funding to support the activities of the Town Team and outcomes are limited and there is criticism of Council for initiating the Town Team with no resources.</i>	<i>Nil</i>	<i>Reputation</i>	<i>Possible</i>	<i>Major</i>	<i>SIGNIFICANT</i>	<i>Nil</i>
3	<i>There is no community lead activation of the town centre and support for economic activity</i>	<i>Nil</i>	<i>Financial</i>	<i>Possible</i>	<i>Major</i>	<i>SIGNIFICANT</i>	<i>Nil</i>



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

**Officer Recommendation**

**That Council:**

1. **APPROVES** an amount of \$17,850 excluding GST from the 2019/2020 Budget Surplus to engage Town Team Movement to establish a Town Team in the Byford CBD as per the proposal contained in attachment 3;
2. **APPROVES** an amount of \$30,000 from the 2019/2020 Budget Surplus to support the activities of the Byford Town Team Movement and **APPROVES** that the Chief Executive Officer distribute these funds at his discretion;
3. **APPROVES** a sole source supply arrangement with Town Team Movement under Council Policy 3.2.4- Purchasing-Procurement of Goods or Services up to \$250,000; and
4. **APPROVES** the following budget amendment:

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
4300-15508-6276	Increase Expenditure	Town Teams – Community Grant	30,000	
		Adjustment to Net Current Assets		47,850
Reason: Funding for Town Teams initiative from 2019-2020 surplus.				

**10.4.3 – 2020 Community Perceptions Survey (SJ3327)**

<b>Responsible Officer:</b>	Manager Communications and Customer Engagement
<b>Senior Officer:</b>	Deputy CEO / Director Community and Organisational Development
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to request Council receive the results of the Community Perceptions Survey 2020 - MARKYT Community Scorecard Report.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 18 December 2017 – OCM179/12/17 (extract)*

*That Council:*

- 1. Adopts the revised Policies as contained in attachment OCM179.1/12/17 effective from 18 December 2017.*

OCM179/12/17 – Council adopted Council Policy 1.3.4 - Community Survey, requiring that a community survey be undertaken at least every two years.

**Background**

Council Policy 1.3.4 Community Survey requires that a community survey be undertaken at least every two years to gauge the level of success the Shire is achieving in its delivery of local government services.

The previous community survey was undertaken in 2018.



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**Community / Stakeholder Consultation**Policy Concept Forum

<b>Meeting Date</b>	30 November 2020
<b>Councillors Attendance</b>	<b>in</b> Cr Rich, Cr Atwell, Cr Byas, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

The survey was conducted between 12 October 2020 to 30 October 2020. In addition to the survey being directly sent to 4000 randomly selected residents, a link to the survey was also shared on the Shire's Facebook page on 27 October 2020.

**Statutory Environment**

Nil.

**Comment**

The biannual Community Perceptions Survey allows Council to receive an overview of the organisations' performance in service delivery and provides Council with further input from the community to consider in the delivery of the Strategic Community Plan.

In September 2020, Shire Officers engaged the services of Catalyse Pty Ltd to undertake the 2020 Community Perceptions Survey in line with the requirements of Council Policy 1.3.4 Community Survey.

Catalyse have undertaken previous customer perception surveys on behalf of the Shire and has assisted more than 40 local government authorities with their customer surveying needs.

The MARKYT Community Scorecard, as supplied by Catalyse, was used as the base template for the survey, which enabled benchmarking against other local governments that also use the scorecard in their surveying.

The Community Perceptions Survey sought to:

- Measure overall perceptions of the Shire of Serpentine Jarrahdale;
- Evaluate community perceptions of selected services and facilities;
- Identify community priorities;
- Provide benchmarking and historical analysis (where available);
- Determine whether perceptions differ across the community (by selected geo-demographics such as age, gender, where they live, etc.); and whether these differences are statistically significant.

The survey was conducted between 12 October 2020 to 30 October 2020.

A hardcopy of the survey was mailed to 2000 randomly selected households from the Shire's owner occupier rate role across the Shire. An email invitation to complete the scorecard was emailed to another 2000 randomly selected email contacts, which were drawn from within the Shire's customer contact databases.





Residents who did not receive a copy of the scorecard or an email invitation to participate, were still able to participate by completing the scorecard online via the Shire's website and Facebook page.

The target for the number of responses to be received was 600. In total 1025 responses were received, 422 of these were from the randomly selected group and 603 responses were from residents who were outside of the randomly selected group and opted to participate in the survey.

Overall, the responding residents scored the Shire 72/100 as a place to live, up 2 points from the 2018 scorecard report, however the Shire remains 3 index points behind the MARKYT Industry Standard when compared with other local governments. As a governing organisation, the Shire received 43/100, the same score as the 2018 scorecard report, which is 12 index points below the MARKYT industry standard of 55/100.

The Community Perceptions Survey 2020 - MARKYT Community Scorecard Report is provided as **attachment 1**.

The Shire recorded its strongest performing areas is weekly rubbish collections, fortnightly recycling collections and the Serpentine Jarrahdale Recreation Centre.

The results provided six key areas that respondents would like the Shire to focus on:

1. Local roads;
2. Value for money from Council rates;
3. Streetscapes;
4. Bulk waste/rubbish;
5. Footpaths, trails and cycleways; and
6. Safety and security.

The Community Perceptions Survey 2020 - MARKYT Community Scorecard Report provides Council with guidance as to the current priorities of the community. These results will be taken into consideration during strategic planning and budgeting processes.

Communication of the survey results will be via the Shire's website, eNewsletter and Facebook page.

## **Options and Implications**

### Option One

That Council:

1. RECEIVES the results of the Community Perceptions Survey 2020 - MARKYT Community Scorecard Report as contained in attachment 1; and
2. NOTES and CONSIDERS addressing the priorities identified as part of the following:
  - a. annual budget processes;
  - b. review of the Strategic Community Plan, Corporate Business Plan and Long-Term Financial Plan; and
  - c. advocacy with State and Federal Governments.



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**Option Two**

That Council DOES NOT receive the results of the Community Perceptions Survey 2020 - MARKYT Community Scorecard Report as contained in attachment 1.

Option 1 is recommended.

**Attachments (available under separate cover)**

- **10.4.3 - attachment 1** – Community Perceptions Survey 2020 - MARKYT Community Scorecard Report (E20/13597)

**Conclusion**

The Community Perception Survey enables Council to keep in touch with the current wishes of local residents, determine priorities and make the best decisions possible on behalf of the community in line with the Shire's Strategic Community Plan.

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community.
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure.
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation.
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community.
<b>Outcome 4.2</b>	A strategically focussed Council
<b>Strategy 4.2.2</b>	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>Nil</i>						
2	<i>Council does not receive the Community Perceptions Survey 2020 - MARKYT Community Scorecard Report, which contains the community's feedback and priorities regarding the Shire's performance.</i>	<i>Councillors have been briefed on the survey results and work will be ongoing to address themes and issues raised by the community in the survey results.</i>	Reputation	Possible	Minor	MODERATE	<i>Council receives the Community Perceptions Survey 2020 - MARKYT Community Scorecard Report</i>

**Voting Requirements:** Simple Majority

## Officer Recommendation

**That Council:**

1. **RECEIVES** the results of the Community Perceptions Survey 2020 - MARKYT Community Scorecard Report as contained in attachment 1; and
2. **NOTES and CONSIDERS** addressing the priorities identified as part of the following:
  - a. annual budget processes;
  - b. review of the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan; and
  - c. advocacy with State and Federal Governments.



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**10.5 Executive Services reports****10.5.1 – Serpentine Heritage Precinct Business Plan (SJ3006)**

<b>Responsible Officer:</b>	Strategic Project Specialist
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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.
Legislative	Includes adopting local laws, local planning schemes and policies.

**Report Purpose**

The purpose of this report is for Council to consider the draft Serpentine Heritage Precinct Business Plan, and progression of the project.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 17 August 2020 – OCM273/08/20 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. ENDORSES the Serpentine Heritage Precinct Concept Design Report as contained within attachment 1;*
- 2. AUTHORISES the Chief Executive Officer to seek a formal purchase price from the landowner of L23 Karnup Road, Serpentine;*
- 3. REQUESTS the Chief Executive Officer prepare a Business Plan in accordance with section 3.59 of the Local Government Act 1995;*
- 4. AUTHORISES the Chief Executive Officer to advertise the draft Business Plan in accordance with section 3.59 of the Local Government Act 1995 and;*
- 5. REQUESTS that a report be presented to Council at a later date detailing the submissions to the Business Plan, and the outcome of discussion with the landowner.*



## **Background**

At the 17 August 2020 Ordinary Council Meeting, Council requested the Chief Executive Officer prepare a Business Plan in accordance with Section 3.59 of the *Local Government Act 1995* to determine the viability of the Serpentine Heritage Precinct project, which included negotiations with the landowner to seek a formal purchase price of the property located at Lot 23 Karnup Road, Serpentine known as Turner Cottage.

The draft Business Plan (included as **attachment 1**):

- Provides details of the proposal;
- Outlines and responds to the legislative framework for the proposal;
- Considers two implementation options and
- Provides a critical review and analysis of the operations and risks associated with the proposal.

## **Community / Stakeholder Consultation**

Throughout the preparation of the draft Business Plan, consultation has occurred with the following stakeholders:

### Property Owners

The current owners of the site have expressed an appetite for the Shire to purchase the property to ensure the heritage of the site is preserved. The owners have provided a sale price to the Shire and have willingly facilitated building investigations at the property. They are supportive of the project concept.

### Hugh Manning Tractor Museum

Representatives of the Hugh Manning Tractor Museum have reviewed the concept design and provided feedback and are generally supportive of the project, noting there is no timeframe on development at this stage. Further consultation will be required with the committee to confirm plans for relocation or remove them from the scope.

### Serpentine Park

Serpentine Park was consulted to determine potential market competition between the conceptualized RV Rest Stop within the concept design and the local business. Serpentine Park have indicated that they are not supportive of an RV Rest Stop at the Serpentine Heritage Precinct, due to the potential loss of business.

### State-wide public notice

A requirement of Section 3.59 of the *Local Government Act 1995* (Major Land Transactions) is to give State-wide public notice and make the draft Business Plan available for public submissions should Council opt to proceed with the project. No wider community consultation has been undertaken yet.



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## Statutory Environment

The Shire's approximate operating expenditure of 2019/2020 governs the Shire to prepare a Business Plan for any Major Land Transactions over \$3.56million.

Purchasing of Lot 23 Karnup Road does not constitute a Major Land Transaction itself, however the amount of funds proposed to be spent upgrading the facility and associated operational costs together with the intention to dispose of portions of the site via leasing arrangements that are potentially commercial in nature, means that the purchase of Turner Cottage is preparatory to a possible Major Land Transaction and therefore requires a Business Plan to be prepared as per Section 3.59 of the *Local Government Act 1995*.

The section states:

### 3.59. Commercial enterprises by local governments

#### (2) *Before it —*

- (a) *commences a major trading undertaking; or*
- (b) *enters into a major land transaction; or*
- (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*

*a local government is to prepare a business plan.*

#### (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- (a) *its expected effect on the provision of facilities and services by the local government; and*
- (b) *its expected effect on other persons providing facilities and services in the district; and*
- (c) *its expected financial effect on the local government; and*
- (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
- (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) *any other matter prescribed for the purposes of this subsection.*

#### (4) *The local government is to —*

- (a) *give Statewide public notice stating that —*
  - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
  - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
  - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*





and

- (b) *make a copy of the business plan available for public inspection in accordance with the notice; and*
- (c) *publish a copy of the business plan on the local government's official website.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

*\* Absolute majority required.*

- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
  - (a) *prescribe any land transaction to be an exempt land transaction;*
  - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

Further information pertaining to Major Land Transactions is outlined within the *Local Government (Functions and General) Regulations 1996*.

## Comment

The draft Business Plan has been prepared on the basis of the proposal being:

1. Shire purchasing Turner Cottage in freehold;
2. Shire developing the land as per the endorsed concept design report;
3. Shire to lease buildings;
4. Shire management of the visitors centre in-house for the short term and
5. Casual hire of open spaces.

The Plan considers land purchase price, design costs, remediation costs, construction and operating expenditure, and potential income.



The Plan indicates that the proposal will generate more expenditure than income however no consideration has been made for the likely additional visitor expenditure and job creation that would generate from the ongoing operations of the project. An economic analysis of the construction expenditure is included within the Plan.

Key details of the Plan are outlined below:

#### Land Purchase

The owners of the property have provided a purchase price range of \$600,000 - \$650,000 as per **Confidential attachment 2**. This is significantly more than the current property valuation of \$525,000 ex GST. The draft Business Plan has considered a purchase cost of \$650,000 ex GST.

Officers would not support purchasing the site above market valuation. This difference impacts upon the project progressing.

#### Building Condition Assessment and Termite Inspection

A Building Condition Assessment was undertaken by a heritage engineer, with remediation costs provided by heritage builders. This is included as an appendix to the draft Business Plan. The remediation of Turner Cottage and the associated kitchen was estimated to cost \$481,735 ex GST.

A termite inspection carried out on the property indicated active termites present in the buildings and significant termite damage. No cost report was prepared to repair the damage; however, the property owner addressed the active termites immediately. The inspection was non-invasive therefore would require additional inspection prior to any development.

#### Implementation

Two implementation options were considered in the Plan to enable Council to proceed with a less expensive development should there be an appetite to do so. Option 1 provides for the full site development up front, and Option 2 provides costs for a three-staged development including:

Stage One: Development of an interpretive walk between Turner Cottage and Serpentine Falls, and renovation of Turner Cottage to become a tourist attraction only.

Stage Two: Upgrades to the driveway, adaptive reuse of Turner Cottage to become a visitors' centre, development of the public open spaces and rest rooms.

Stage Three: Construction of the Hugh Manning Tractor Museum, landscaping to South Western Highway, and public open space developments for the Old Bridge School.

Stage One of this option would see the development of the Falls Road footpath to connect Turner Cottage to Serpentine Falls, which could be designed as a heritage trail product. In this option, Turner Cottage is remediated fully to repair the heritage deterioration as well as reinstate original construction materials that have been replaced with modern materials.



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### Option One – Full Development

In total, this option will cost approximately \$7.02 million to purchase, design and construct the development. Annually, it is expected to cost \$422,000 to operate and maintain the facility. The estimated income is approximately \$17,000.

These capital and operating costs are not currently included or funded in the Shire's Long Term Financial Plan.

### Option Two – Staged Development

This development option costs approximately \$7.3 million over the lifespan of the entire project, though it has been designed to enable the cost to be spread across as many financial years as required. Stage One includes the costs to purchase land and undertake the detailed design for the full site to enable the project to be construction-ready for future investment. The indicative cost to build each stage is:

- *Stage One* (Interpretive walk): \$2.93 million, with an annual operating cost of \$43,000.
- *Stage Two* (Visitors Centre, public open spaces and rest rooms): \$1.43 million, with an annual operating cost of \$355,000.
- *Stage Three* (Old Bridge School, gateways, Hugh Manning Tractor Museum): \$2.94 million, with an annual operating cost of \$422,000.

The operational costs that would be incurred from Stage Two onwards (development of the visitors centre) include the cost to operate the visitors centre.

The Economic.id impact modelling has indicated that the full development will create 14 jobs and an additional \$1.78 million direct output into the local economy during construction. The economic impact report is included as an appendix to the Plan.

These capital and operating costs are not currently included or funded in the Shire's Long Term Financial Plan.

### Heritage Significance

Turner Cottage is listed on the Shires Municipal Heritage Register as Category 1A which indicates State or National value with the highest level of protection appropriate. It is also listed on the State Heritage Register with the Statement of Significance being,

*“Turner Cottage has a high level of cultural heritage significance as an example of early rural residences built out of local materials and close to the Serpentine River, in its association with the old Serpentine townsite and the Turner family, and as the first postal business and staging post for the district. The cottage is a reminder of the difficult conditions under which early settlers lived and the need for self-sufficiency. The reconstructed kitchen, although not original, does contribute to the values of the cottage. Consideration to be given to its inclusion in the historic Serpentine townsite group of buildings.”*



### Next Steps

Council has several options to proceed with this project, or a combination of these, detailed below.

#### *1. Supportive of the project in principle*

- 1.1 Should Council support the entire project in principle, the draft Business Plan must be advertised to the public and feedback invited. Council must then consider the submissions formally and determine whether to move forward with the project, and if so, which option to move forward with. The decision to move forward with the project after submissions are received will require an absolute majority vote of Council.
- 1.2 Council may opt to revise the concept to design a more financially viable development. The draft Business Plan would then be revised to analyse the updated concept and be presented back to Council.
- 1.3 Council may want to only purchase the property at this stage, to preserve the heritage value of Turner Cottage. In this instance, the draft Business Plan will be advertised publicly, and feedback invited. The decision to purchase the property after submissions are received will require an absolute majority vote of Council. Council will determine the financial offer for purchasing the property at that time.
- 1.4 Council may determine to consider the project at a later date by including it within the Corporate Business Plan for 2025/2026.

#### *2. Not supportive of the project*

- 2.1 Should Council determine the project is unviable, the project will be closed, and the property owners notified of Council's decision.
- 2.2 Should Council have an appetite to protect the heritage of the building but not support the project as is, Council may opt to write a letter to the Minister for Heritage and National Trust to purchase the property and ensure its continued protection.

The cost of each option is outlined in the Financial Implications section of this report.

The draft Business Plan is a feasibility report only. At this early stage, no option commits Council to proceeding with the purchase or the construction of the project.

## **Options and Implications**

### Option1

That Council:

1. DOES NOT progress the Serpentine Heritage Precinct draft Business Plan at this time;
2. REQUESTS the Chief Executive Officer notify the property owners of Lot 23 Karnup Road, Serpentine of Council's decision;
3. REQUESTS the Chief Executive Officer write to the Minister for Heritage to request the State Government purchase the property and;
4. REQUESTS the Chief Executive Officer identify the Serpentine Heritage Precinct as a project to be reconsidered by Council as part of the Corporate Business Plan review for 2025/2026.

Option 2

That Council:

1. SUPPORTS the Serpentine Heritage Precinct draft Business Plan in principle;
2. AUTHORISES the Chief Executive Officer to commence state-wide public advertising of the Serpentine Heritage Precinct draft Business Plan as per Section 3.59 of the Local Government Act 1995 and;
3. REQUESTS the Chief Executive Officer presents a report back to Council at the conclusion of the advertising period detailing the submissions.

Option 3

That Council:

1. REQUESTS the Chief Executive Officer revise the concept design to develop a financially viable project in consultation with Council and;
2. REQUESTS the Chief Executive Officer presents the revised concept design to Council at a later date.

Option 1 is recommended.

**Conclusion**

The Serpentine Heritage Precinct draft Business Plan has been prepared. The Plan details two options to proceed with the project – a full development option, and a staged option. Should Council support the project in principle based on the analysis within the Plan, the Plan must be advertised state-wide before Council determine to proceed by an absolute majority vote. Council may opt to not support the Plan, in which the project will be closed. Council is requested to consider whether to advertise or close the project.

**Attachments (available under separate cover)**

- **10.5.1 - attachment 1** – Serpentine Heritage Precinct draft Business Plan (E21/718)
- **10.5.1 – CONFIDENTIAL - attachment 2** – Turner Cottage purchase price (IN20/28440)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is



undertaken and considered when making decisions

## Financial Implications

Option	Short term cost	Comment
1.1 – Support the project in its entirety	\$5,000 – Advertising costs	This can be afforded within the existing budget for this project.
1.2 – Revise the concept design	\$30,000 – Cost to revise the design	This can be afforded within the existing budget for this project.
1.3 – Purchase the property only	Up to \$650,000 – Property price and legal fees	Council will be required to endorse a budget amendment.
2.1 – Close the project	Nil	-
2.2 – Advocate to the State Government	Nil	This can be afforded with in-house 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>By Council not supporting the project, a significant heritage building may deteriorate further and may result in complete dilapidation, resulting in a loss of a highly valued heritage place, significant to the Shire's history.</i>	<i>Option 1 provides for Council to advocate to the State Government to purchase the property which reduces the likelihood of the risk.</i>	Environment / Heritage	Possible	Major	SIGNIFICANT	<i>Option 1 provides for the project to be reconsidered in the future.</i>
2	<i>Community may</i>	• <i>The Local</i>	Reputation	Low	Minor	Low	<i>Ensure</i>





	<i>perceive the draft Business Plan as a final decision, resulting in reputational damage.</i>	<p><i>Government Act 1995 requires Council to advertise the Plan for feedback prior to decision making.</i></p> <ul style="list-style-type: none"> <li><i>Absolute Majority required for decision to proceed</i></li> <li><i>Council agenda item detailing the Plan is non-binding.</i></li> </ul>					<i>advertising explicitly details the process prior to a Council decision.</i>
3	<i>Nil risk associated.</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:** Simple Majority

### Officer Recommendation

#### That Council:

- DOES NOT** progress the Serpentine Heritage Precinct draft Business Plan at this time;
- REQUESTS** the Chief Executive Officer notify the property owners of Lot 23 Karnup Road, Serpentine of Council's decision;
- REQUESTS** the Chief Executive Officer write to the Minister for Heritage to request the State Government purchase the property and;
- REQUESTS** the Chief Executive Officer identify the Serpentine Heritage Precinct as a project to be reconsidered by Council as part of the Corporate Business Plan review for 2025/2026.

**10.5.2 – Byford Health Hub – Business Case (SJ3305)**

<b>Responsible Officer:</b>	Strategic Project Specialist
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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 Health Hub Business Case and the location of the future facility.

**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 response to COVID-19 saw an opportunity to progress a feasibility study of a Health Hub located in Byford, with a 50% (\$20,000) funding contribution provided by the Peel Development Commission for the project.

The Business Case was undertaken by consultants Urbis and is now completed. The key findings of the report are summarized below.



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**Community / Stakeholder Consultation**

Throughout the preparation of the report Shire Officers and the consultants engaged with East Metropolitan Health Service, Child and Adolescent Health Service and WA Primary Health Alliance to determine health service supply and demand, health risks, hospital presentations and infrastructure requirements of each service. All stakeholders are supportive of the project though no provider has made any financial commitments to the project as yet.

**Statutory Environment**

The recommended location of the Health Hub is consistent with the endorsed Byford Town Centre Structure Plan.

Prior to Council making a decision that is considered preparatory to an agreement about the construction and/or operation of the Health Hub, a Major Land Transaction Business Plan must be prepared as per Section 3.59 of the *Local Government Act 1995*. Council is not requested to confirm the location of the Health Hub as yet but provide support to enable Officers to enter into discussions with stakeholders.

**3.59. Commercial enterprises by local governments****(2) Before it —**

- (a) commences a major trading undertaking; or*
- (b) enters into a major land transaction; or*
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,*

*a local government is to prepare a business plan.*

**Comment**

The Business Case has demonstrated the significant need for additional Health Services within the Shire. It identified that specialist services are limited across a range of health professions and that many of the medical centres are relatively smaller practices with limited hours of operation and ability to accommodate urgent care needs.

**Need**

There were specific needs identified in the Shire of Serpentine Jarrahdale for psychology, mental health, child and maternal health, optometry, urgent care and extended hours general practitioners and dental services. The lack of required health services were found to be contributing to a range of economic and social challenges in the Shire, such as;

- High substance abuse and chronic disease;
- High mental health prevalence and youth suicide;
- High rates of hospital presentations, including preventable hospitalisations and;
- Flow on absenteeism, productivity issues and preventable deaths.



### Options Assessment

The needs analysis and stakeholder engagement identified five health hub options for consideration. The five options were based around construction of a health hub within the Shire's future Byford Library and Multiagency Centre, or adjacent to the Library but on the same site. All five options considered the Shire's 7,000sqm Civic Reserve as the location of the Health Hub, based on the endorsed 2021 State Election Priorities and Requests.

Depending on the size of the private and public service spaces, the cost of the facility and operational surplus differs within each option.



*Figure 1 - Indicative site for Byford Health Hub (credit: Urbis)*

Without a financial commitment from the State Government for either capital or operational funding, all options were based on a Shire-owned facility model. This provides for leasable tenancy spaces for both private health and public service providers for a commercial and subsidised return. Additionally, this model provides the fastest progression path for the project.

It is suggested that this may not be the most advantageous outcome for Council, however it provides a realistic model from which options can be assessed.





A high-level summary of the options assessment is outlined below:

	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Location</b>	Incorporated into Library	Incorporated into Library	Incorporated into Library	Separate to Library	Separate to Library
<b>Building footprint</b>	1,500 sqm	2,100 sqm	1,100 sqm	1,250 sqm	2,500 sqm
<b>Private Health floorspace</b>	1,000 sqm	1,000 sqm	-	-	1,000 sqm
<b>Social Service floorspace</b>	400 sqm	1,000 sqm	1,000 sqm	1,000 sqm	1,000 sqm
<b>Indicative cost</b>	\$5,054,400	\$7,076,160	\$3,706,560	\$4,932,000	\$9,624,000
<b>Estimated staff</b>	40	57	29	29	57
<b>Indicative operating surplus</b>	\$260,820	\$271,548	\$13,668	\$1,650	\$239,700

Each option assessed against a multi-criteria assessment that considered;

- Stakeholder and strategic alignment;
- Economic and social benefits;
- Capital cost requirements; and
- Operating costs and revenues.

Retaining status quo (no Health Hub) was also assessed against the criteria.

Option 1 was considered marginally the most optimal of the health hub options due to:

- The relatively low capital costs associated with constructing additional floorspace required to accommodate health providers;
- The ability to leverage the construction of Library which provides costs savings;
- The strong economic and social outcomes;
- The strong alignment with community health needs and
- The expected operating surplus which can ensure the sustainability of the asset and contribute to debt servicing if required.

Option 2 was also considered to have strong merit and conversations with health services have suggested that the larger size of health space is more appropriate for their needs, though this would increase the capital costs of the facility. Should the State Government opt to fully fund the construction, Officers suggest that Option 2 should be considered to have the most merit.



At this time, Council is not required to adopt an option but is requested to consider the location of the Health Hub. A recommended operational model including details about building ownership and tenure of a Health Hub facility will be presented to Council after the State Government election to provide time for Officers to continue discussions with the service providers. Council is requested to endorse the Business Case in principle only for this reason.

#### Other considerations

The following information is also included within the Business Case;

- Economic analysis;
- Budget and funding strategy;
- Stakeholder and strategic alignment;
- Project implementation Plans;
- Case studies;
- Relevant policies and;
- Risk Management Plan.

#### Advocacy

The preparation of the Business Case now provides an opportunity to advocate to the State Government to help fund the capital (and future operational) costs of the Byford Health Hub.

The Shire's 2021 State Election Priorities and Requests report details the cost of the facility to be \$5 million and outlines the request;

*"50% funding to deliver the Byford Health Hub (subject to Business Case). Federal Government to fund other 50% and Shire to provide land".*

#### Other health projects – for Council's information only

Engagement with health providers during the development of the Health Hub Business Case has led to additional health projects being undertaken at no cost to the Shire.

This year, the Shire will take part in the Public Health Advocacy Institute of WA / Curtin University *Local Government and Primary Care Linkage Project*. This is a research project which will;

- Examine the intersection between health and local government to better connect people to place-based primary health care;
- Learn about the 'touch points' for health in local government, as identified in the evolving Local Government Public Health Plans;
- Assist in the future development of localised referral pathways between community services and primary health care services, and vice versa, and;
- Collect information that could inform replication of project learnings in other Local Government Areas.





The project will be completed in November 2021 and a report presented to Council after this time.

### **Options and Implications**

#### Option 1

That Council

1. ENDORSES in principle, the Byford Health Hub Business Case, as per attachment 1;
2. SUPPORTS in principle, the Health Hub Facility to be located on the Shire's 7000m<sup>2</sup> Civic Reserve in Byford, subject to endorsement of a future Business Plan;
3. REQUESTS the Shire President and Chief Executive Officer ADVOCATE for the State Government to fund the construction of the Byford Health Hub and;
4. REQUESTS the Chief Executive Officer present a report back to Council after the WA State Government election to determine how to progress the project.

#### Option 2

That Council

1. ENDORSES in principle, the Byford Health Hub Business Case, as per attachment 1;
2. REQUESTS the Chief Executive Officer consider other land sites for a Byford Health Hub and present a report back to Council to determine how to progress the project.

#### Option 3

That Council NOT ENDORSE the Byford Health Hub Business Case.

Option 1 is recommended.

### **Conclusion**

The Byford Health Hub Business Case has been completed. It highlights a significant and urgent need for additional health care in the Shire, particularly around child and maternal health care, and psychological and mental health services. Council is requested to consider providing land on the Shire's 7000m<sup>2</sup> Civic Reserve in Byford for the future facility.

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

- **10.5.2 - attachment 1** – Byford Health Hub Business Case (E21/876)

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

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



<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

### Financial Implications

There are no immediate 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	<i>Nil risk associated.</i>	<i>Nil.</i>					
2	<i>Not advocating for funding may result in less or no funding commitment from State Government, resulting in less-than-optimal health service facilities.</i>	<i>Nil.</i>	<i>Social / Community Outcomes</i>	<i>Rare</i>	<i>Moderate</i>	<i>LOW</i>	<i>Nil.</i>
3	<i>Not endorsing the Business Case may result in a Health Hub facility not being realised, and community health needs continue to not be met.</i>	<i>Nil.</i>	<i>Social / Community Outcomes</i>	<i>Rare</i>	<i>Major</i>	<i>LOW</i>	<i>Continue advocating to the State Government to provide additional health services into the Shire.</i>

**Voting Requirements:** Simple Majority

### Officer Recommendation

#### That Council

- ENDORSES** in principle, the Byford Health Hub Business Case, as per attachment 1;
- SUPPORTS** in principle, the Health Hub Facility to be located on the Shire's 7000m<sup>2</sup> Civic Reserve in Byford, subject to endorsement of a future Business Plan;
- REQUESTS** the Shire President and Chief Executive Officer **ADVOCATE** for the State Government to fund the construction of the Byford Health Hub and;



- 4. REQUESTS the Chief Executive Officer present a report back to Council after the WA State Government election to determine how to progress the project.**

**10.5.3 – Minutes of the Peel Regional Leaders Forum General Meeting and Annual General Meeting – 26 November 2020 (SJ1350)**

<b>Responsible Officer:</b>	Manager Governance
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

**Authority / Discretion**

Information	For the Council / Committee to note.
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**Report Purpose**

The purpose of this report is to enable Council to note the minutes of the Peel Regional Leaders Forum General Meeting and Annual General Meeting both held on Thursday, 26 November 2020.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The Peel Regional Leadership Forum (PRLF) was established in 2010 to provide a vehicle for the coordination and prioritisation of project funding across the Peel Region. Its membership comprises the local governments of the Region (the City of Mandurah and the Shires of Boddington, Murray, Serpentine Jarrahdale and Waroona) together with Regional Development Australia (RDA) Peel, the Peel Community Development Group and the Peel Harvey Catchment Council. The Peel Development Commission (PDC) attends meetings of the PRLF as a non-voting member.



### **Community / Stakeholder Consultation**

Nil.

### **Statutory Environment**

Nil.

### **Comment**

On Thursday, 26 November 2020 the PRLF held both a General Meeting and Annual General Meeting. The matters discussed at the General Meeting included (per minutes in **attachment 1**):

- A presentation from Dr Fiona Valesini, The Nature Conservancy and Dr Matt Hipsey, University of Western Australia regarding:
  - ARC Linkage Research Findings: Peel-Harvey Estuary Health;
  - 'Restoring the Peel-Harvey Estuary' Project – Valuing Nature.
- Meeting dates for 2021 as shown in **attachment 3**;
- Definition of priority programs from the 2020-21 activities plan;
- Partial reallocation of Peel Transport Funding to the 'Valuing Nature' project;
- Peel Health and Wellbeing taskforce;
- Peel Trails Committee Meeting;

The matters discussed at the Annual General Meeting included (per minutes in **attachment 2**):

- Chair's report;
- Treasurer's report;
- Executive Director's report;
- Election of Office Bearers;
- Appointment of auditor.

The next meeting of the PRLF will be held on Thursday, 25 February 2021 at the Shire of Serpentine Jarrahdale.



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**Options and Implications**Option1

That Council NOTES the minutes of the general meeting and annual general meeting of the PRLF held on 26 November 2020 as contained in attachments 1 and 2 and the PRLF's 2021 meeting dates as contained in attachment 3.

Option 2

That Council DOES NOT NOTE the minutes of the general meeting and annual general meeting of the PRLF held on 26 November 2020 as contained in attachments 1 and 2 and the PRLF's 2021 meeting dates as contained in attachment 3.

Option 1 is recommended.

**Conclusion**

As a member of the PRLF, the minutes of the last meeting of the Peel Regional Leaders Forum are attached for Council's noting.

**Attachments (available under separate cover)**

- **10.5.3 - attachment 1** – Minutes – PRLF – General Meeting (E20/14643)
- **10.5.3 - attachment 2** – Minutes – PRLF Annual General Meeting 26 November 2020 (E20/14642)
- **10.5.3 - attachment 3** – PRLF Meeting Dates 2021 (E20/14644)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

Nil.

**Risk Implications**

Nil.





Continued

## Ordinary Council Meeting Agenda Monday, 15 February 2021

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**Voting Requirements:** Simple Majority

### **Officer Recommendation**

**That Council NOTES the minutes of the general meeting and annual general meeting of the PRLF held on 26 November 2020 as contained in attachments 1 and 2 and the PRLF's 2021 meeting dates as contained in attachment 3.**

**10.5.4 – Consideration of draft Council Policy 1.1.7 – Honorary Freeman of the Municipality (SJ3408)**

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

**Authority / Discretion**

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

The purpose of this report is to enable Council to consider adopting a revised Honorary Freeman of the Municipality policy to replace the Shire's current policy.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 17 August 2020 – OCM278/08/20 – COUNCIL RESOLUTION*  
*That Council DEFER consideration of the bestowing of any Honour of the Freeman of the Municipality until Council Policy 1.1.13 – Honorary Freeman of the Municipality has been reviewed by the Council within the next 6 months.*

**Background**

A tradition exists whereby local governments on occasion bestow the honorific title of freeman to a person that has demonstrated an exceptional contribution to the community and commonly the local government.

At the August 2020 Ordinary Council Meeting, Council resolved to defer consideration of the bestowing of any Freeman until the policy had been reviewed by Council. In the intervening period, Officers have reviewed the approaches used in forty local governments in Western Australia and prepared a draft policy for Council's consideration.

**Community / Stakeholder Consultation**

Nil.



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## **Statutory Environment**

In 1965, amendments were made by Parliament to the *Local Government Act 1960* to insert a power for local governments to, by Absolute Majority and with the approval of the Minister, confer upon any person the title of 'Honorary Freeman of the Municipality'. With the passage of the 1995 Act, the dedicated legislative power for local government to confer the title was removed and within the general function under section 3.1 of the *Local Government Act 1995* (the Act) to provide for the good government of persons in its district and the executive functions under the Act.

As is the case in local governments across Western Australia matters relating to the appointment of a person to freeman of the Shire are treated in confidence under section 5.23 of the Act and debated behind closed doors as they can be reasonably assumed relate to the personal affairs of a person.

## **Comment**

Following Council's resolution in August 2020, a review as conducted into the practices related to appointing Freeman at forty Western Australian local governments. The results of the review are presented in **attachment 1**.

Overall, the approach currently employed by the Shire is largely consistent with that used by other local governments. Across a sample of forty local governments, some variation in practice is to be expected between local governments and differences can be seen across the forty policies in the:

- Voting requirements (Simple, Absolute, Special);
- Specific eligibility requirements;
- Processes for assessing suitability of the recipient outside the normal Council decision-making framework; and
- Verbosity and comprehensiveness of criteria.

While the Shire's current approach is broadly consistent with that used in local governments across Western Australia, the review has concluded that there may be merit in revising the policy significantly to incorporate different elements taken from other local governments.

The proposed new policy (**attachment 2**) is ultimately more descriptive and perspective which provides a clearer decision-making framework for Council.

Given the breadth of changes to the policy in respect of presentation and formatting as well as content it is proposed that the Council repeal the current policy (**attachment 3**) and adopt the proposed policy (**attachment 2**). The approach is reflected in the proposed policy being assigned a new policy number.



The significant recommended changes and their rationale identified in the review is as follows:

*Voting requirements*

The proposed policy establishes that a decision to bestow or withdraw the title of Freeman is to be made by a special majority decision defined as seven Councillors in the affirmative. Currently, a decision to bestow can be made by simple majority with a decision to withdraw made to be made by Absolute Majority.

The rationale for this proposed change is that a special majority decision better reflects the intent of the original legislative power to bestow the title which required Ministerial consent and the significance of the decision as the highest honour that Council can bestow.

The requirement for the decision to be made by Absolute or Special Majority decision is required by half of the forty local governments examined as part of the review, including the cities of Albany, Canning, Cockburn, Gosnells, Melville, Rockingham and Swan.

Reflecting the importance and ceremonial nature of the decision, the draft policy also sets out that the decision is to be made at a Special Meeting of Council.

*Eligibility requirements*

The proposed policy establishes an expanded eligibility criteria. In addition to the current criteria being:

- have served the Serpentine Jarrahdale community for a minimum 15 years in any capacity;
- been a resident of the district for all, or most of the period relating to their eligibility;
- not be a currently serving Councillor or employee.

The proposed policy adds a fourth eligibility criteria that the nominee's specific achievement/s must be of a nature which would encourage the local government to nominate that person for an honour under the Australian Honours System.

The policy further defines the criteria for nominating a person for an honour under the Australian Honours System using the Council of the Order of Australia's selection criteria of:

- demonstrated achievement at a high level;
- made a contribution over and above what might be reasonably expected through paid employment; or
- whose voluntary contribution to the community stands out from others who may have also made a valuable contribution.

This element of an eligibility criteria is employed by the City of Busselton and is considered to reflect the status of the honour.

In considering eligibility requirements, the review noted that one-quarter of local governments examined place a cap on the number of permitted active Freeman. On balance, this eligibility requirement was considered to be too arbitrary for inclusion in the proposed policy.



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### *Selection criteria*

As noted in the review, the given selection criteria was the subject of greatest variation between local governments examined. Some local government's employ a very succinct selection criteria specifying that the candidate must demonstrate outstanding achievement of community service or the like. Other local government policies are more prescriptive and verbose in their language.

The proposed policy takes queues from the policies of local governments in the latter category through a weighted selection criteria comprised of four categories:

- level of commitment to their field of activity (20 per cent);
- outstanding personal leadership qualities and personal integrity (20 per cent);
- benefits to the community of the district (40 per cent); and
- special achievements of the nominee (20 per cent).

This approach has similarities to a recruitment or tender process by using a scoring matrix to enable Council, if it wishes, to systematically rate a candidate's suitability.

The proposed policy also emphasises that the nominating Councillor should provide information in support of their nomination that can be included in the related Officer report. This is because the question of bestowing a Freeman is unlike other questions presented to Council such as those that relate to planning matters, organisational strategic direction or prioritisation of resources that often have a basis in legislation and that are supported by the provision of expert Officer advice in respective professional fields.

As the nominator, the relevant Councillor is considered to be best positioned to accumulate information discretely regarding the candidate that in turn can be included in the Officer's Report in accordance with legislation. The Officer's Report could then provide an analysis of information regarding pertaining to the eligibility of the nomination and supporting material to enable the Council make an assessment using the selection matrix.

As is the case in the current policy, it is proposed that nomination and assessment of candidates is conducted under a confidential basis under s5.23 of the Act.

## **Options and Implications**

### Option 1

That Council:

1. NOTES the comparison report regarding approaches to Freeman contained in attachment 1
2. REPEALS Council Policy 1.1.13 – Honorary Freeman of the Municipality
3. ADOPTS Council Policy 1.1.7 – Honorary Freeman of the Municipality

### Option 2

That Council does not REPEAL Council Policy 1.1.13 – Honorary Freeman of the Municipality or ADOPT Council Policy 1.1.7 – Honorary Freeman of the Municipality



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**Option 3**

That Council REPEALS Council Policy 1.1.13 – Honorary Freeman of the Municipality and ADOPTS Council Policy 1.1.7 – Honorary Freeman of the Municipality with amendments

**Option 4**

That Council DEFERS consideration of the Policy and requests that the Chief Executive Officer PRESENTS the matter for further consideration at a future Policy Concept Forum

Option 1 is recommended.

**Conclusion**

In response to Council's request a wide-ranging review has been conducted into local government approaches to the nomination of Freeman by Western Australian local governments. Based on the analysis undertaken, it is recommended that the current policy is repealed and replaced with the proposed policy in **attachment 2**.

**Attachments (available under separate cover)**

- **10.5.4 - attachment 1** – Comparison report regarding approaches to Freeman (E20/11187)
- **10.5.4 - attachment 2** – Draft Council Policy 1.1.7 – Honorary Freeman of the Municipality (E20/11185)
- **10.5.4 – attachment 3** – Council Policy 1.1.13 – Honorary Freeman of the Municipality (E17/11020)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

There are no financial implications associated with this report.





### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>That the direction of the proposed policy in providing a more descriptive and prescriptive means of considering a nomination of Freeman is viewed negatively in the community.</i>	<i>The recommendation is based on an analysis of forty WA local governments</i>	<i>Reputation</i>	<i>Possible</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Nil.</i>
2	<i>That the concerns with the current policy that resulted in Council resolving to the review the policy are not addressed.</i>	<i>A revised policy is attached for Council's consideration</i>	<i>Reputation</i>	<i>Possible</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Nil.</i>
3	<i>That the policy may not reflect practices adopted in other Western Australian local governments and is viewed negatively in the community.</i>	<i>Nil</i>	<i>Reputation</i>	<i>Possible</i>	<i>Insignificant</i>	<i>LOW</i>	<i>Nil.</i>
4	<i>There are no significant risks associate with this option.</i>						



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

- 1. NOTES the comparison report regarding approaches to Freeman contained in attachment 1;**
- 2. REPEALS Council Policy 1.1.13 – Honorary Freeman of the Municipality as contained within attachment 3;**
- 3. ADOPTS Council Policy 1.1.7 – Honorary Freeman of the Municipality as contained within attachment 2.**



- 11. Urgent business:**
- 12. Councillor questions of which notice has been given:**
- 13. Closure**