



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Agenda

7:00pm

Monday, 15 November 2021

Contact Us

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In Person

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



www.sjshire.wa.gov.au

**Councillor Attendance Register**

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

Council October 2021 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
01/11/21	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
25/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
25/10/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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

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



Dear Elected Member

The next Ordinary Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 15 November 2021 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong – commencing at 7:00pm.

Paul Martin
Chief Executive Officer

5 November 2021

Agenda

- 1. Attendances and apologies (including leave of absence):**
- 2. Public question time:**
 - 2.1 Response to previous public questions taken on notice:**

Special Council Meeting – Monday, 25 October 2021

Question asked by **Ms Lisa Brazier** at the Special Council Meeting, Monday, 25 October 2021. Correspondence was sent to Ms Brazier on 3 November 2021 (OC21/23435).

Question 2

The WALGA State Council's Governance Policy Team will meet in late October to consider member's comments and submissions, and will provide guidance to inform a State Council agenda item. This will be considered at the Peel Zone Meeting to be held on the Thursday, 18 November and the 1 December meeting of State Council. Will this WALGA State Council item be placed on the Shire's OCM Agenda of 15 November for Councillor's consideration?

Response (Chief Executive Officer)

On Friday, 24 September 2021 WALGA wrote to Local Government Chief Executive Officers calling for feedback a draft policy paper to advocate for Councillors to be required to be paid superannuation.

WALGA requested feedback by Friday 22 October 2021.

Officers contacted WALGA seeking an extension to the timeframe as it would not be possible to prepare an informative Officer Report in time for consideration at the 11 October 2021 Ordinary Council Meeting. The notice paper and reports for the 11 October 2021 Ordinary Council Meeting were published on Friday, 1 October 2021.

On 29 September 2021, WALGA advised local government Chief Executive Officers that as many local governments had contacted WALGA regarding the timing of the



consultation period that WALGA would accept submissions directly advising of Councils' decision on this matter by a revised date of 23 November 2021.

Having sufficient time to consider WALGA's discussion paper and make informed recommendations for Council's consideration, a report is intended to be presented at the November 2021 Ordinary Council Meeting.

2.2 Public questions:

3. Public statement time:

4. Petitions and deputations:

5. President's Report:

6. Declaration of Councillors and Officer's interest:

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

7.1 Ordinary Council Meeting – 11 October 2021

That the minutes of the Ordinary Council Meeting held on 11 October 2021 be CONFIRMED (E21/11921).

7.2 Swearing In Ceremony and Special Council Meeting – 18 October 2021

That the minutes of the Swearing In Ceremony and Special Council Meeting held on 18 October 2021 be CONFIRMED (E21/12225).

7.3 Special Council Meeting – 25 October 2021

That the minutes of the Special Council Meeting held on 25 October 2021 be CONFIRMED (E21/12529).

7.4 Special Council Meeting – 1 November 2021

That the minutes of the Special Council Meeting held on 1 November 2021 be CONFIRMED (E21/12886).

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

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

At the Special Council Meeting held on 1 November 2021, Council resolved to reschedule the Audit, Risk and Governance Committee Meeting scheduled for 1 November 2021 commencing at 5:30pm, to 15 November 2021, commencing at 5:30pm.

9. Motions of which notice has been given:



10. Chief Executive Officer reports:

10.1 Development Services reports

10.1.1 – Proposed ‘Warehouse’ – Lot 41, 17 Cardup Siding Road, Cardup (PA21/281)	
Responsible Officer:	Manager Statutory Planning and Development
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harvey Construction WA
Owner:	Wormall Cardup Pty Ltd
Date of Receipt:	30 March 2021
Lot Area:	4.72ha
Town Planning Scheme No 2 Zoning:	‘Urban Development’
Metropolitan Region Scheme Zoning:	‘Industrial’

Report Purpose

The purpose of this report is for Council to consider a development application for the construction of a ‘Warehouse’ at Lot 41, 17 Cardup Siding Road, Cardup. The subject site comprises various approved developments including:

1. Light Industry/Transport Depot
2. Shed and Canopy and Retrospective Training Centre
3. Concrete Moulding and Dome Structure
4. Plastic Production Workshop and Storage (Plastics Warehouse).

The new proposed development is for a warehouse and would be solely used for storage of electrical goods such as electrical drums, cables and associated equipment.

This application is presented to Council as objections were received during the consultation period. 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.

The proposed warehouse is considered consistent with the planning framework and the strategic plan for the Cardup Business Park. Of specific relevance, Officers requested the upfront preparation of a Stormwater Management Plan, to provide information as to the capacity of the



site to manage stormwater arising from further development. This has been assessed as satisfactory. Officers consider the proposal to be an appropriate land use that will improve the visual appearance of the property, through internalising and consolidating the storage of the electrical cables and equipment associated within the building which is currently externally stored.

It is recommended that Council approve the application subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 23 April 2018 - OCM031/04/18 - COUNCIL DECISION / Alternative Councillor Motion

That Council approves the application submitted by Harvey Construction WA on behalf of C.C. Wormall Pty Ltd for Development Approval for a Plastic Production Workshop and Storage at Lot 41, 17 Cardup Siding Road, Cardup, subject to conditions.

Ordinary Council Meeting - 9 February 2015 - OCM007/02/15 - COUNCIL DECISION / New Councillor Motion

That Council approve the application seeking Retrospective Planning Approval for a Light Industry/Transport Depot at No.17 (Lot 41) South Western Highway, Cardup, subject to conditions.

Background

Existing Development

The subject site is 4.72ha in area and has its frontage to Cardup Siding Road. The site is located within the Cardup Business Park which is located south of the Byford Urban Node. The site is cleared of vegetation with the remaining vegetation located along the northern, eastern and western boundaries of the subject site. The site is within close proximity to rural residential development to the west and residential settlement to the north east.

The subject site has been developed since 2014 and comprises a workshop and office, light industry, transport depot, storage shed, canopy, apprentice training centre, concrete moulding and a plastic production warehouse. These are shown following:



Figure 1: Location Plan



Proposed Development

The application seeks approval for the construction of a new warehouse for storage of existing materials which are currently externally stored. The proposal is , setback 60m from Cardup Siding Road, and within the site is located 30m north of the existing plastic production workshop.

The existing driveway and crossover would provide access to the proposed warehouse. The warehouse would be used for storage of electrical cables and materials associated with the civil engineering business. Specifically, the proposal seeks the following:

- Construction of a building 42m x 14m in (588m²), with a wall height of 6m and ridge height of 7.4m, setback 45m from the eastern boundary and 30m from the access way on the west boundary;
- The warehouse features two roller doors on the northern elevation and one door on the southern elevation proposed to be constructed entirely out of colourbond, with a dark grey/blue and colour;
- Construction of an 170m² hardstand area made up of reconstituted bitumen;
- Construction of six car parking bays to the south of the proposed warehouse;
- A maximum of three employees operating within the warehouse at any one time with no customers or public access available; and
- Operating hours will be between 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm on Saturdays consistent with current approved hours of operation for this site.

The full details of the proposal can be viewed in **attachment 1**. The proposed site plans and elevations are depicted below:

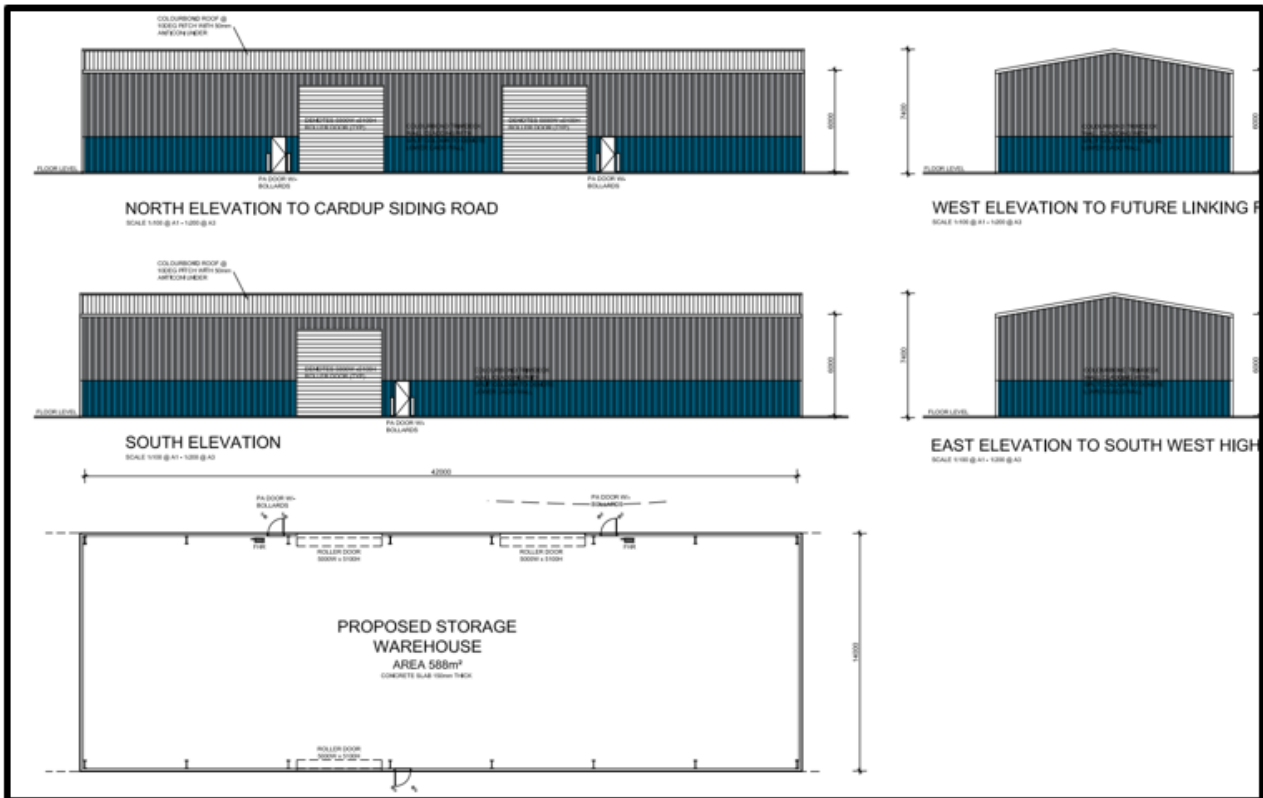


Figure 2: Elevation and Floor Plan

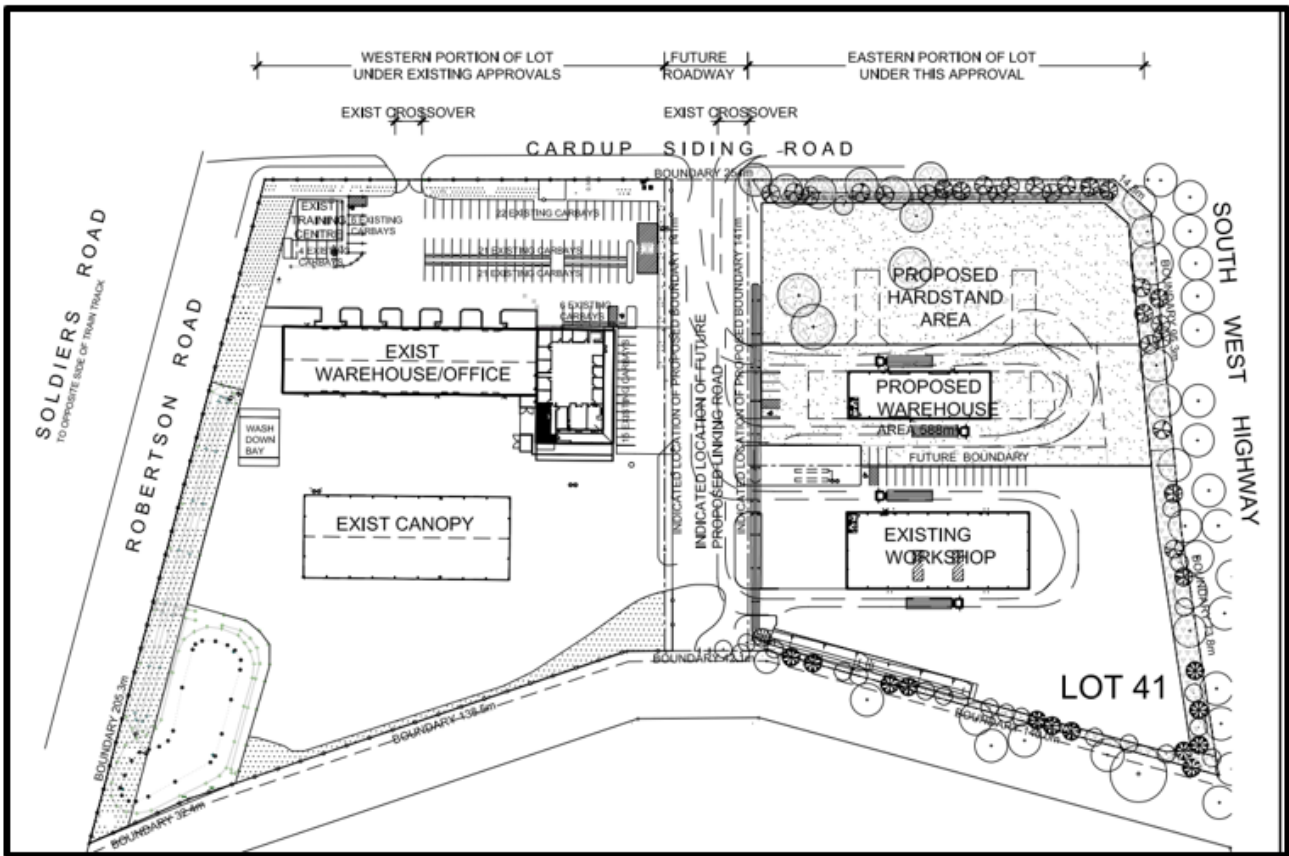


Figure 3: Site Plan

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 30 March 2021 to 20 April 2021 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters.

During this period, three submissions were received, one letter in support and two letters of objection. The objections relate to issues of hours of operation, noise, dust, odour concerns and lack of planting of trees along the western boundary.

In respect of the proposed development, Officers note that it is limited to storage only, and does not have any operational aspects in the form of production or manufacturing. In respect of amenity considerations, the proposed warehouse is considered to improve the amenity of the area, by storing internally materials and equipment that is otherwise stored externally. There are not considered to be adverse amenity impacts associated with the proposal.

Any issues associated with existing development and potential amenity impacts, are able to be addressed through the compliance functions of the Shire.

Consultation with other Agencies or Consultants

The Department of Biodiversity Conservation and Attractions (DBCA)

The application was referred to DBCA as the site abuts a Bush forever site and no objections to the proposal were raised.



Department of Water and Environment Regulation (DWER)

The application was referred to DWER and no objections to the proposal were raised. DWER however provided advice the following advice:

- *It is noted that the site has potential contaminated site issues. Upon consultation with the Contaminated Sites branch, the Department advises that a model contamination condition is not considered necessary in this instance.*
- *In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.*

These comments have been forwarded to the applicant.

Public Transport Authority (PTA)

The application was referred to the PTA as the site abuts a rail line, used primarily for the Perth to Australind service. No objections to the proposal were received.

Main Roads Western Australia (MRWA)

The application was referred to MRWA as the site abuts Southern Western Highway, which is a Primary Regional Road under the Metropolitan Region Scheme (MRS). MRWA raised no objections to the proposal and recommended conditions relating to treatment of the South Western Highway road reserve and stormwater. The conditions and advice notes proposed by MRWA have been included in the recommendation.

A summary of the submissions including the applicant's response and Officer comments can be viewed in **attachment 2**. The matters are also addressed under the relevant headings of the report.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Byford District Structure Plan
- Cardup Business Park Local Structure Plan
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)



Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 3**.

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

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objectives of the 'Urban Development' zone, as "to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances". This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

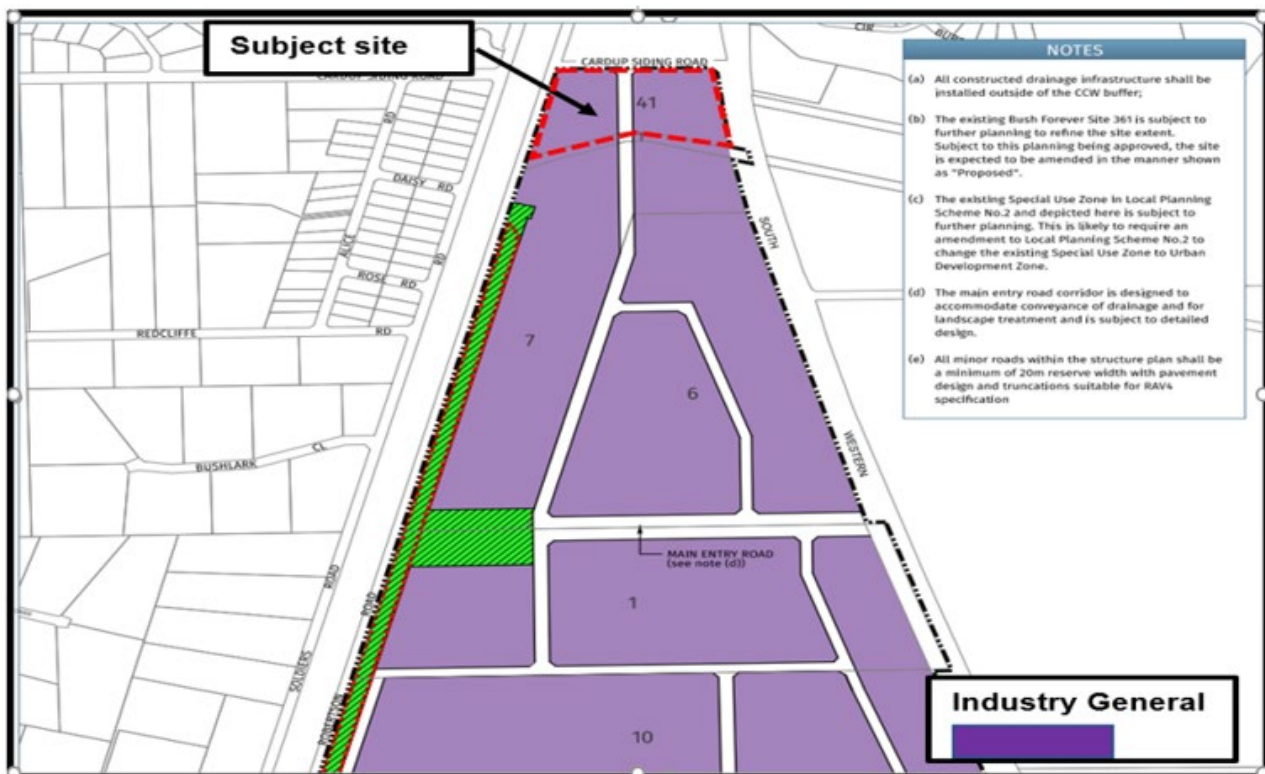


Figure 5: Cardup Business Park Structure Plan

The approved Structure Plan provides the planning framework for development within the Cardup Business Park and designates the subject site as 'Industry General'. The designation is consistent with the 'Industrial' zoning of the site under the Metropolitan Regional Scheme (MRS).

Land Use

The proposal falls within the land use definition of 'Warehouse' defined under TPS2 as follows:

'Warehouse – means land and buildings wherein goods are stored and may be offered for sale by wholesale.'

The applicant provided information that the warehouse is for storage purposes only and does not involve wholesaling of any goods.

Under the Zoning Table of TPS2, a 'Warehouse' is a 'P' (permitted) land use within the 'General Industry' zone, as designated under the Structure Plan.



Local Planning Strategy

As part of the WAPC consideration of the Local Planning Strategy, it was resolved that the Cardup Business Park be designated Industry, with reference to the approved Structure Plan. The proposed is consistent with that determination of the WAPC. In respect of Draft Local Planning Scheme No. 3, this has designated the land as 'Industrial Development', referencing the adopted Structure Plan.

Car Parking:

Under TPS2 a 'Warehouse' land use requires one parking space per 100m² gross leasable area (GLA). The GLA for the warehouse is 588m² and would trigger the requirement for six car parking bays. In addition to the existing car parking bays south of the warehouse, the applicant has provided information that an additional of six car parking bays would be constructed to service the proposed development therefore complying with the requirement of TPS2.

Stormwater Management Plan

Officers, in undertaking site investigations while responding to a resident complaint, identified the discharge of stormwater on to the Robertson Road reserve, via a system in the southwest corner of the subject land. This was despite there being conditions of previous development approvals for the subject land, requiring stormwater to be managed onsite. This management of stormwater is necessary, to ensure that predevelopment surface water flows are not exceeded by post development surface water flows. This is important to protect the Shire's drainage infrastructure from being exceeded.

Upon this finding, Officers engaged with the applicant to request a comprehensive stormwater management plan to be submitted upfront, given concerns that the site appeared to be relying upon discharge of stormwater which was contrary to the previously imposed conditions of development approval.

With specific regard to the development application being considered, Officers took the precautionary step to hold off on determining the application until a whole of site Stormwater Management Plan was submitted, and this demonstrating how stormwater could be appropriately managed.

The applicant, through this process, submitted a whole site Stormwater Management Plan, including the development proposed under the application that is the topic of this report. Following technical assessment by Officers, the Stormwater Management Plan provides clarity and confidence that stormwater can now be appropriately managed. This adopts a management approach that demonstrates predevelopment sheet volumes flows not being exceeded post development.

In summary, the updated Stormwater Management Plan articulates that stormwater from buildings and hard surfaces on the western section of the property will be channelled to appropriately sized bio-retention swales directed towards the existing drainage retention. In terms of the eastern section of the property, stormwater from buildings and hard surfaces will be channelled through subsurface infrastructure pipes towards an underground storage unit appropriately sized to cater for larger rain event. Stormwater from the underground storage unit will then be pumped to the existing drainage retention basin. Once the stormwater is directed into the retention basin, it will go through a natural bio-filtration process (through vegetation) to strip oils and nutrient from the water which will also allow for any sediment to settle. The water will then be released in a controlled manner via 150mm diameter pipes extending 150m along the western



boundary, such that at no point are the predevelopment surface sheet flow rates exceeded. The overall Stormwater Management Plan can be viewed within **attachment 4**.

Officers are satisfied that the updated drainage design provides satisfactory management controls over the site ensuring all pre-development sheet flow volume rates are not exceeded by post-development flow volume rates. This includes the additional discharge from the proposed development.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

SPP3.7 provides the requirements and guidelines for development within areas identified as bushfire prone. The subject site is identified within the bushfire prone area in accordance with the Department of Fire and Emergency Services (DFES) Map of Bushfire Prone Areas.

Pursuant to the provisions of SPP3.7, the subject site has an approved BMP which formed part of the approval for the plastic production workshop. Due to the nature of the proposal for storage purposes only, it would not impact the classification or overall bushfire management measures of the site. The applicant has however provided an update to the approved BMP, to include the proposed warehouse which would be incorporated into the approval.

Amenity

Officers consider that the primary amenity issue associated with the proposed development is the potential visual impact. In this regard, the proposal is considered to result in an improvement to the visual amenity, by virtue of internalising what is currently stored externally on the site. This helps improve the general views of the site.

As mentioned, other issues were raised in submissions. These are also addressed following:

Dust:

Concerns were raised by submitters with regard to the generation of dust. It is considered that the proposed warehouse and the hardstand will help minimise dust concerns. Dust impacts from truck movements entering and leaving the site are considered low as the site will be sealed with reconstituted bitumen. Officers consider that the generation of dust during construction of the warehouse can be adequately managed so as not to adversely impact on the amenity of neighbouring properties.

With regard to the dust concerns raised regarding existing operations, these would be investigated separately by the Shire's compliance team.

Noise:

Concerns were raised by submitters with regard to the generation of noise from the beeping of reversing trucks reversing before 6.00am. The Officer recommendation includes a condition limiting vehicle movements associated with the warehouse to the hours between 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays to ensure that noise levels from the site remain compliant with the *Environmental Protection (Noise) Regulations 1997* and do not cause any adverse impact to nearby noise sensitive receptors. These hours are consistent with previous approvals.

Odour:

Concerns were raised by submitters with regard to odour from the existing plastic production warehouse. Officers consider that the objection is not directly related to the proposed warehouse which is for storage purposes only. With regard to odour concerns, these would be investigated separately by the Shire's compliance team.



During the consultation period, concerns were raised regarding planting of trees having not been undertaken along the western boundary (Soldiers Road) in accordance with the conditions of approval for previous developments. The lack of trees planted was considered to result in the proposal being potentially visually prominent from Soldiers Road. Officers consider that the proposed warehouse, which is located approximately 280m from Soldiers Road, is not likely to adversely impact on the amenity of the streetscape along Soldiers Road due to the setbacks. In addition, there is also existing mature vegetation along the Soldiers Road reserve and the Bush forever site abutting the site to the west.

Options and Implications

Option 1

That Council APPROVES the application 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 - P2 received at the Shire Offices 19 April 2021 P3 - Bushfire Management Plan prepared by Emerge. P3 - Updated Stormwater Management Plan received at the Shire Offices on 13 October 2021 prepared by JDSi Consulting Engineers.
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- b. The 'Warehouse' hereby approved shall be used for storage purposes for the existing materials and vehicles onsite only.
- c. The use of the warehouse is restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- d. No earth works shall encroach onto the South Western Highway road reserve and the ground levels on the South Western Highway road reserve are to be maintained as existing.
- e. The updated Stormwater Management Plan to be implemented within 60 days of the date of this approval, to ensure that pre-development surface flows are not exceeded at any time by post-development surface flows.
- f. The landowner/applicant preparing a new Landscape Plan that demonstrates the appropriate feature landscaping along the entirety of the southern Cardup Siding Road verge where it abuts the subject land. This Plan is to demonstrate a landscaping response comprising of intermixed native ground covers, medium shrubs and tall trees that will establish a green edge along this verge area. The Plan is to demonstrate the use of advanced plantings. The Plan is to be submitted to and approved by the Shire prior to the issue of a Building Permit.

Option 2

That Council REFUSES the application due to insufficient information being provided that demonstrates the adequate onsite management of stormwater and surface water sheet flows.

Option 1 is recommended.



Conclusion

The application seeks approval for a warehouse for storage purposes only. Notwithstanding the objections received, the proposal is considered to meet the objectives and intent of the zone. It is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.1 – attachment 1** – Development Plans (IN21/13013)
- **10.1.1 – attachment 2** – Summary of Submissions (E21/4423)
- **10.1.1 – attachment 3** – Clause 67 Deemed Provisions (E21/5605)
- **10.1.1 – attachment 4** – Updated Stormwater Management Plan (IN21/24948)

Alignment with our Strategic Community Plan

Strategy 3.1.1	Actively support new and existing local businesses within the district.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council approves the development	There are no risks associated with course of action.					
2	That Council refuses the development application for the 'Warehouse' and the decision is appealed at SAT	Planning Framework	Financial	Possible	Moderate	MODERATE	Clearly explained reasons for refusal



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the application 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 - P2 received at the Shire Offices 19 April 2021 P3 - Bushfire Management Plan prepared by Emerge. P3 - Updated Stormwater Management Plan received at the Shire Offices on 13 October 2021 prepared by JDSi Consulting Engineers.
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- b. The 'Warehouse' hereby approved shall be used for storage purposes for the existing materials and vehicles onsite only.
- c. The use of the warehouse is restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- d. No earth works shall encroach onto the South Western Highway road reserve and the ground levels on the South Western Highway road reserve are to be maintained as existing.
- e. The updated Stormwater Management Plan to be implemented within 60 days of the date of this approval, to ensure that pre-development surface flows are not exceeded at any time by post-development surface flows.
- f. The landowner/applicant preparing a new Landscape Plan that demonstrates the appropriate feature landscaping along the entirety of the southern Cardup Siding Road verge where it abuts the subject land. This Plan is to demonstrate a landscaping response comprising of intermixed native ground covers, medium shrubs and tall trees that will establish a green edge along this verge area. The Plan is to demonstrate the use of advanced plantings. The Plan is to be submitted to and approved by the Shire prior to the issue of a Building Permit.



10.1.2 – Proposed Amendment to Existing Abattoir – Lot 504 Yangedi Road, Keysbrook (PA21/358)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	Larry and Linda Blandford
Date of Receipt:	14 April 2021
Lot Area:	50.445ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a proposed amendment to the existing approved Abattoir at Lot 504 Yangedi Road, Keysbrook. The amendment seeks to increase the meat production capacity from the currently approved 100 tonnes, to 500 tonnes per annum.

The application is presented to Council as an objection was received during the advertising process. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of planning conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

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

Relevant Previous Decisions of Council

Ordinary Council Meeting – 26 February 2018 – OCM006/02/18 - COUNCIL DECISION / Officer Recommendation – extract

That Council approves the development application submitted by Harley Dykstra on behalf of L and L Blandford on Lot 504 Yangedi Road, Keysbrook as contained in attachment OCM006.1/02/18 and OCM006.3/02/18 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions:

- 2. No more than 100 tonnes of pet meat is to be processed per annum.*



Background

Existing Development

The site is located within the rural area of Keysbrook, the land to the south comprises of a pet meat abattoir, the land to the east comprises of a turf farm and the remainder of the surrounding land is used for broad acre rural uses including grazing for sheep and beef cattle, cropping and hay production. The Punrak Drain runs along the northern boundary of the site.

The site is currently developed with an Abattoir approved for the processing of meat for both pet and human consumption.



Figure 1: Locality Context

Proposed Development

The application seeks an amendment to the approved Abattoir on the subject site, to enable an increased annual meat production from 100 tonnes to 500 tonnes. No works are proposed as part of this application, nor any addition to the number of staff employed at the Abattoir. Instead the additional production would occur through operational efficiencies and the Abattoir operating additional up to its permitted five days per week operation. The Abattoir's existing approval enables operation between Monday to Friday, however, only two days are currently being utilised. Increased operation within this operation period would achieve the higher throughput. Full details of the proposal can be viewed in **attachment 1**.

Community / Stakeholder Consultation

The application was advertised to adjacent landowners for a period of 21 days from 19 May 2021 to 10 June 2021, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning



Matters (LPP1.4). During the consultation period, one submission was received objecting to the proposal. The submission objected to the proposal on the following grounds:

1. Polluting industry;
2. Too close to residents;
3. Devalue the price of properties.

The application was referred to the Department of Water and Environmental Regulation (DWER) and the Department of Primary Industries and Regional Development (DPIRD) and the Department of Health (DOH) for a period of 42 days. DWER and DPIRD both raised concern regarding the Nutrient Irrigation Management Plan (NIMP) that was submitted with the application, while DOH provided a submission of no objection. The applicant updated the NIMP (as seen within **attachment 1**) to address the concerns raised; however, following a second referral the following concerns remained:

- The nutrient balance provided in the NIMP is insufficient and would be significantly higher than the maximum targets under the Peel-Harvey Environmental Protection Policy;
- The proposal does not propose adequate wastewater management;
- Separation to groundwater;
- Nutrient application through Wastewater Irrigation; and
- Monitoring and contingency methods.

A summary of the submissions with the applicant's response and Officer comments is contained within **attachment 2**. The updated DWER submission is located in **attachment 3** and the updated DPIRD submission in **attachment 4**.

Statutory Environment

Legislation

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

State Government Policies

- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses No.3
- State Planning Policy 2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1)
- State Planning Policy 2.5 – Rural Planning
- Water Quality Protection Note 98 – Rural Abattoirs (WQPN 98)

Local Planning Framework

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



Planning Assessment

A full technical assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions, which can be viewed in **attachment 5**. For the purpose of this report, discussion is confined to those areas in which Council is required to exercise discretion and for addressing the concerns raised in the objection to this proposal.

Land Use

The application seeks approval for amendments to the conditions of an approved Abattoir, which falls within the land use of 'Noxious Industry'. This land use is defined under TPS2 as *"an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm"*. The subject site is zoned 'Rural' under TPS2 where a 'Noxious Industry' is an 'SA' use. This means that *"the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions."* The proposal was advertised as previously mentioned.

The subject site would be zoned 'Rural' under LPS3 and the development would fall within the land use of 'Abattoir', which is defined as *"premises used commercially for the slaughtering of animals for the purposes of consumption as food products"*. An 'Abattoir' is an 'A' use within the 'Rural' zone which means *"the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions"*.

Local Planning Strategy

The subject site is designated as 'Rural' under the Strategy. The purpose of the 'Rural' policy area under the Strategy is to *"maintain the integrity of the Shire's rural and agricultural character"*. The Strategy also emphasises the importance of *"the longer term rural landscape, features and amenity of the Shire along with the application of appropriate planning principles"*. The Strategy recognises that economic returns for some forms of agriculture are diminishing.

The expansion to the Abattoir business is proposed to be carried out on a portion of land within a 50.4ha site. The applicant has advised that the remainder of the land would still be used to accommodate a number of rural uses including cropping and grazing, which is in line with the objectives of the 'Rural' policy area of the Strategy. The proposal would be carried out within existing buildings and it is considered that these are in keeping with the rural character of the area.

Amenity

The proposal seeks approval for an increase in annual meat production from 100 tonnes to 500 tonnes. While there is no physical alterations to the site that would impact the character of the area, Officers consider that the offsite impacts of the Abattoir should be addressed to ensure the increase in meat production would not adversely impact the character and amenity of the locality.

Odour, Noise and Dust:

The Environmental Protection Guidance No. 3 – Separation Distances between Industrial and Sensitive Land Uses (2005) recommends a separation distance of between 500m-1,000m between abattoirs and sensitive land uses depending on the size of the facility. The Draft 2015 Environmental Assessment Guidelines recommends a separation distance of 500m.



Figure 3: Aerial imagery of separation distances to sensitive receptors

As shown on the above map, there are no sensitive receptors within 500m or 1,000m of the site. Generally, a proposal that meets the separation distances is deemed acceptable in terms of the impact of any off-site emissions.

As an Offensive Trade, the development is also subject to separate ongoing regulatory requirements under *The Shire of Serpentine-Jarrahdale Health Local Laws 1999*. This enables the Shire's Health Services to regulate and manage potential health and amenity impacts on an annual basis.

Traffic:

Traffic associated with the Abattoir utilises Yangedi Road. The Abattoir currently operates across two days and entails two trucks attending the site per day, one to deliver animals and one to collect offal. A delivery van also attends the premises, to undertake meat delivery. The proposed amendments would maintain this arrangement, extending the operation days from two per week to five per week. This is within the permitted timeframe of the current approval. Officers consider that due to the minor amount of traffic generated by the proposal, that the local road network would not be impacted by the increased days of operation.

Nutrient and Irrigation Management:

State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment (SPP 2.1) has the objectives of ensuring that “changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage” and “to



prevent land uses likely to result in excessive nutrient export into the drainage system". To this end, the development must demonstrate that the management of waste associated with the increase in production would not result in nutrient export that could adversely impact the quality of groundwater and the environment within the locality. The subject site is in close proximity to the Punrak Drain, which contributes directly to the Peel Harvey Estuary.

Waste Management Process:

The intention within this proposal is to maintain the existing approved waste management process of the Abattoir as approved within the existing NIMP for the current operations. During the slaughtering process, blood and offal will be contained within removable waste bins via chutes located beneath a grated floor as depicted following. Animal waste and offal is then placed into separate containers which are taken off site, generally daily. Residual solid manure waste collected is spread no closer than 100m to the nearby waterway or sensitive wetlands, complying with WQPN 98.

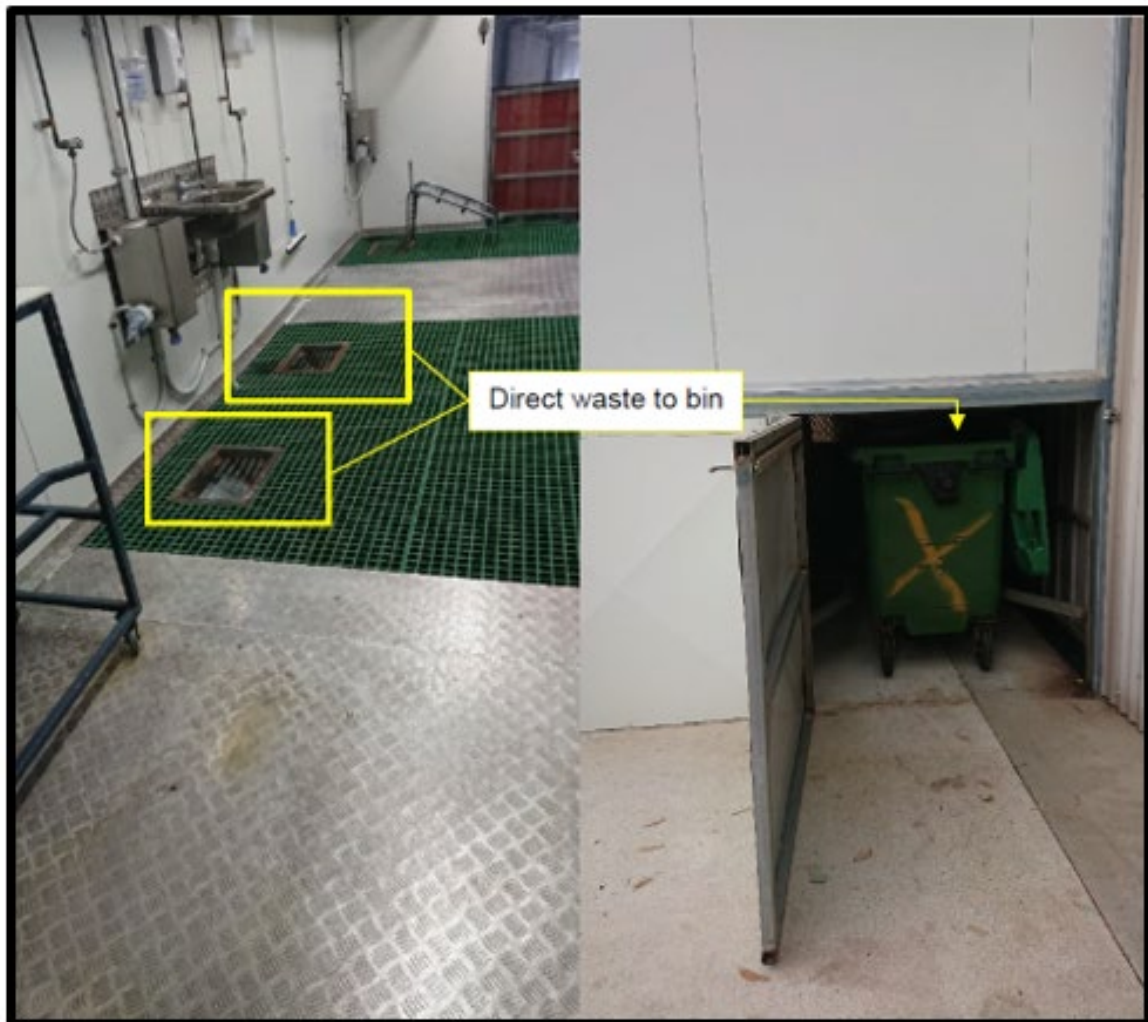


Figure 4: Waste bins capture blood and offal through chutes after processing



In terms of wastewater, approximately 500 to 1,000L of water is used daily to wash down the Abattoir facility, which is directed into an existing sump, in which any gathered solids are separated from the water. Residual solids are removed from the sump weekly and spread out across the property. The remaining wastewater is diverted to water tanks, diluted with water by a factor of ten and then pumped to reticulate an irrigation area of 3 hectares of land on site that is used for cropping. This process is depicted below:



Figure 5: Wastewater exits the processing area and gathers in the sump

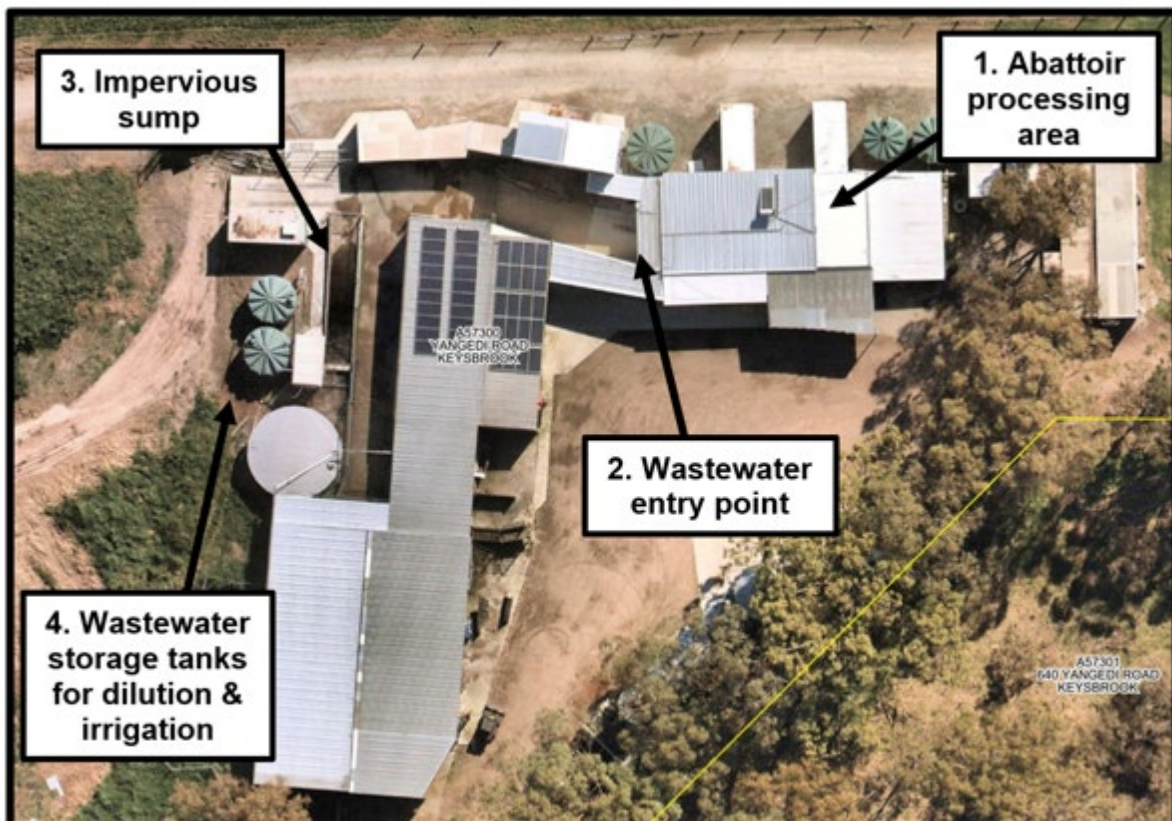


Figure 6: Waste management process



Figure 7: The irrigation area proposed in the updated NIMP

Officers note that this practice was considered acceptable based on the 100 tonne capacity of the Abattoir. Wastewater volumes and concentration were not classified as being 'nutrient-rich' (containing high levels of nutrient and phosphorous). As a result, there was no need for further treatment measures other than being diluted prior to the wastewaters being used to irrigate the paddocks.

However, due to the proposed increase in production and increase in wastewater production, Officers and DWER do not consider that the continuation of the existing nutrient management practices are suitable in dealing with the volume and concentration of wastewater likely to be generated from the development. This poses a risk of nutrient export into the environment. In this regard, Officers raise the following matters that need to be addressed within an updated NIMP:

Nutrient Balance and Application:

WQPN 98 identifies a 2-step process, which is typical of treating wastewater for rural abattoirs. The initial stage involves the removal of solids from the wastewater, which the proposal already employs through the sump. The proposed NIMP however, does not outline a secondary stage, of which the purpose is to use biological treatments to stabilise and reduce residual organic matter. Stripping as much nutrient from the wastewater as possible before irrigation is important for the management of groundwater impacts, and the broader receiving environments. A mixture of the two treatment stages would ensure the final application of wastewater for irrigation has acceptable contaminant concentrations.



The proposed NIMP relies upon dilution of the wastewater after being contained prior to being used for irrigation purposes. It also relies upon the use of a product called iron man gypsum spread within the paddock as an additional method to strip phosphorous which is a key nutrient generated by the development. This however is not a preferred method identified by DWER, as it doesn't fully address nitrogen which is another key nutrient generated by Abattoir waste. DWER and DPIRD also raised concerns that the process of dilution does not in fact reduce the potency of the nutrients at the proposed volume, causing concerns over the efficacy of the NIMP. As such, a secondary treatment process would become necessary and more significant in appropriately managing nutrients generated from the development. This forms the basis of a recommended condition.

In terms of a preferred secondary treatment, WQPN 98 identifies the following treatment ponds as a suitable method. A number of these ponds and their purpose are identified below (*Water Quality Protection Note 39: Ponds for stabilising organic matter*):

- Anaerobic pond – *“Anaerobic ponds are generally used to reduce organic wastewater strength for subsequent treatment in facultative or aerobic ponds.”*
- Aerobic pond – *“Aerobic ponds are shallow (less than 120 centimetres deep) and rely on sunlight, atmospheric oxygen and algal cells to assist the pond microbes to stabilise wastewater.”*
- Polishing pond – *“These shallow ponds containing aquatic plants e.g. reeds may be used following wastewater stabilisation to foster nutrient removal and reduce the suspended solids content of effluent.”*

Officers consider that due to the increased production and increase in nutrient rich wastewater generated by the development, a condition of approval requiring an updated NIMP to the satisfaction of the Shire, on advice of relevant state agencies, should be imposed. The updated NIMP is conditioned to include a suitable secondary treatment method of the wastewater, which is an associated incidental aspect of the process. This is conditioned to reflect WQPN 98, to ensure a suitable solution to treat wastewater is designed prior to irrigation. Any suitable treatment must also consider being sized appropriately to cater for stormwater runoff to address the potential of overflow leading to nutrient export. This condition effectively requires the current 100 tonne production capacity to not increase, until such time as the updated NIMP has been submitted and approved.

Separation to Groundwater:

Officers note that WQPN 22: Irrigation with nutrient rich wastewater (WQPN 22) and WQPN 98 require that proposals which involve 'nutrient-rich' wastewater, should only occur in areas where groundwater is at least 2m below the surface. The applicant indicates in the submitted NIMP that the groundwater level is 3m below the surface, with the ground level being 17m AHD and the groundwater at maximum is 14m AHD.

While the indicated heights would satisfy the requirement, the NIMP does not identify how these groundwater heights were identified. This is further needing to be addressed via the condition for an updated NIMP. This must demonstrate adequate depth to groundwater, based on local site-specific data. Regional measurements do not recognise seasonal variations within an area, and thus local site-specific data is necessary.

This needs to be verified as part of a revised NIMP being submitted to the Shire for approval in conjunction with DWER. Any other requirements resulting from this, for example additional fill being brought to site to maintain separation can be addressed within an updated NIMP. Fill would



ultimately have to be certified as being clean in accordance with *Landfill Waste Classification and Waste Definitions 1996*.

Monitoring and Contingency Methods:

The proposed NIMP seeks monitoring to occur as proposed below:

Monitoring Requirements	Monitoring Point	Frequency
Measuring of water levels	MB1, MB2, and MB3	Quarterly for the first two years (must include two typical winters)
Sampling and water quality analysis	MB1, MB2, and MB3	Quarterly for the first two years, then annually if impacts are not observed
Annual summary	n/a	Annually

Figure 8: A summary of the monitoring program identified in the proposed NIMP

Officers consider that monitoring is a vital method to ensure ongoing compliance and that the development is not impacting upon the amenity of the locality. The NIMP details that the outcomes of these monitoring results will be sent to DWER for reviews. Officers consider that the Shire should also receive these documents to assess the efficacy of the proposed nutrient management methods as the local government plays an important role in regulating impacts to local amenity.

Officers also recommend a condition requiring an Annual Compliance Assessment report be submitted. This will further ensure that the approved development is complying with the conditions of approval and the management plans associated. This is a common approach when dealing with such developments that have the potential to impact upon the amenity of the locality.

Options and Implications

Option 1

1. That Council APPROVES the development application for an amendment to an existing Abattoir, as contained within **attachment 1**, at Lot 504 Yangedi Road, Keysbrook subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Development Plans (P1-P2) received at the Shire Offices on 20 April 2021; and Nutrient Irrigation Management Plan (P3-P54) dated 11 August 2021.
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- b. No more than 500 tonnes of meat suitable for pet or human consumption shall be processed per annum.
- c. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto roads, neighbouring properties, watercourses and/or drainage lines is not permitted.



- d. Prior to any operations changing to achieve the additional meat production permitted in condition (b), an updated Nutrient Irrigation Management Plan (NIMP) shall be prepared and submitted to the Shire of Serpentine Jarrahdale for its approval, including advice from the Department of Water and Environment Regulation. The updated NIMP must identify the following to the satisfaction of the Shire:
 - i. Consistent with WQPN 98, a suitable secondary stage treatment system for wastewater;
 - ii. Local site-specific data to demonstrate how the minimum 2m separation from groundwater for the irrigation area will be achieved, including accounting for seasonal variation;
 - iii. Demonstration that nutrient balance of wastewater and the application through irrigation will not result in an unacceptable nutrient export impact; and
 - iv. The annual regime for monitoring compliance with the updated NIMP, which is to be reported to the Shire.
- e. The landowner shall submit an Annual Compliance Assessment report to the Shire from the commencement date which is approval of the updated NIMP in accordance with Condition (d). The Annual Compliance Assessment Report shall include an internal compliance audit of the development approval conditions and management plans.
- f. Any fill that is required to be imported to the irrigation area in order to achieve the minimum 2m separation from groundwater, must be certified as being clean fill in accordance with *Landfill Waste Classification and Waste Definitions 1996*.

Option 2

1. That Council REFUSE the development application for an amendment to an existing Abattoir for the following reasons:
 - a. Insufficient information has been provided to adequately demonstrate that the proposal will adequately manage nutrient export and associated impacts.

Option 1 is recommended.

Conclusion

This application seeks approval to expand the existing Abattoir to allow for a meat production capacity increase from 100 tonnes to 500 tonnes. This is to be done through increasing operational efficiencies and utilising a full working week of five days, rather than the two days in which operations currently occur. Overall, no change is made to the approved processes of the Abattoir. Officers as well as State Departments highlight concerns that current waste management processes are not sufficient to manage nutrient export impacts associated with wastewater application. It is considered that these concerns can be managed through an updated NIMP, to be required as a condition of approval, thereby ensuring the development would not adversely impact the amenity and environment of the locality.



Attachments (available under separate cover)

- **10.1.2 – attachment 1** – Development Plans (E21/12226)
- **10.1.2 – attachment 2** – Summary of Submissions (E21/6397)
- **10.1.2 – attachment 3** – Updated DWER Submission (E21/12227)
- **10.1.2 – attachment 4** – Updated DPIRD Submission (E21/12228)
- **10.1.2 – attachment 5** – Technical Assessment (E21/12229)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment
Strategy 2.2.3	Continue to minimise the volume and impact of waste generated with the district
Outcome 2.3	A productive rural environment
Strategy 2.3.1	Identify and promote rural and agriculture industry opportunities
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council approves the development.	This option is considered to address the risks identified in the report.					
2	That Council refuses the development and an appeal is lodged to the State Administrative Tribunal.		Reputation	Possible	Minor	MODERATE	Ensure valid reasons for refusal



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for an amendment to an existing Abattoir, as contained within attachment 1, at Lot 504 Yangedi Road, Keysbrook subject to the following conditions:

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

Plans and Specifications	Development Plans (P1-P2) received at the Shire Offices on 20 April 2021; and Nutrient Irrigation Management Plan (P3-P54) dated 11 August 2021.
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b. No more than 500 tonnes of meat suitable for pet or human consumption shall be processed per annum.

c. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto roads, neighbouring properties, watercourses and/or drainage lines is not permitted.

d. Prior to any operations changing to achieve the additional meat production permitted in condition (b), an updated Nutrient Irrigation Management Plan (NIMP) shall be prepared and submitted to the Shire of Serpentine Jarrahdale for its approval, including advice from the Department of Water and Environment Regulation. The updated NIMP must identify the following to the satisfaction of the Shire:

i. Consistent with WQPN 98, a suitable secondary stage treatment system for wastewater;

ii. Local site specific data to demonstrate how the minimum 2m separation from groundwater for the irrigation area will be achieved, including accounting for seasonal variation;

iii. Demonstration that nutrient balance of wastewater and the application through irrigation will not result in an unacceptable nutrient export impact; and

iv. The annual regime for monitoring compliance with the updated NIMP, which is to be reported to the Shire.

e. The landowner shall submit an Annual Compliance Assessment report to the Shire from the commencement date which is approval of the updated NIMP in accordance with Condition (d). The Annual Compliance Assessment Report shall include an internal compliance audit of the development approval conditions and management plans.

f. Any fill that is required to be imported to the irrigation area in order to achieve the minimum 2m separation from groundwater, must be certified as being clean fill in accordance with *Landfill Waste Classification and Waste Definitions 1996*.



10.1.3 – Proposed Outbuilding, Patio and Carport Extension – Lot 138, 81 Bucker Street, Whitby (PA21/446) – Including Addendum

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	As below
Owner:	Thomas Mullan and Margaret Waters
Date of Receipt:	19 May 2021
Lot Area:	599.987m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this Report is for Council to consider a development application for a proposed outbuilding, patio and carport extension at Lot 138, 81 Bucker Street, Whitby.

The application is presented to Council as an objection was received during the advertising process. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of planning conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications. The application also proposes a number of Residential Design Codes Western Australia (R-Codes) variations, which Officers consider adversely impact private amenity levels.

The item was presented to Council at its meeting of 20 September 2021. Council resolved to defer the matter to enable "*further consultation between the proponent and the neighbour*". The results of this further consultation are provided in the report, including additional photographs taken to assist Council in considering the matter.

For the reasons outlined in the Report, which includes consideration of the further consultation undertaken with the proponent and the neighbour, Officers maintain their recommendation that Council refuse the development application.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 September 2021 – OCM245/09/21 – Council Resolution That the Council DEFER the matter for further consultation between the proponent and the neighbour and bring back to Council as soon as practicable.



Background

Existing Development

The subject site is located within the Whitby Estate. The property is developed with a dwelling and includes an attached carport.



Figure 1: Aerial imagery of the site

Proposed Development

The application seeks approval for an extension to an existing carport and the construction of an outbuilding and patio. The carport extension measures 2.7m in length and 7.58m in width, with a wall height of 3.1m and ridge height of 4.2m, setback 0.5m from the lot boundary. The proposed outbuilding measures 6.8m by 6.5m (44.2m² in area) with a wall height of 3.2m and ridge height of 4.2m, setback 0.7m from the west lot boundary. Finally, the proposed patio (lean-to) measures 6.8m by 3.5m with an overall height of 2.4m, setback 0.7m from the west lot boundary and 0.5m from the north lot boundary.

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

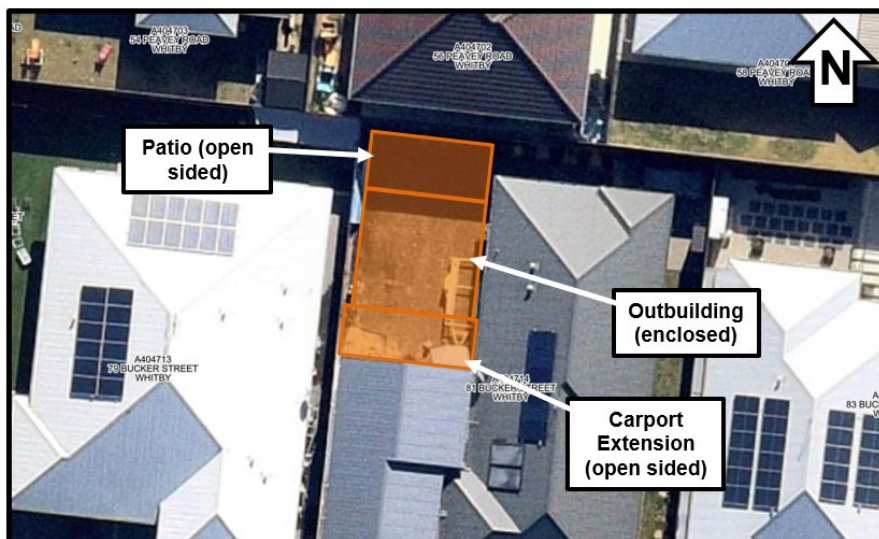


Figure 2: Proposed development layout on aerial site image

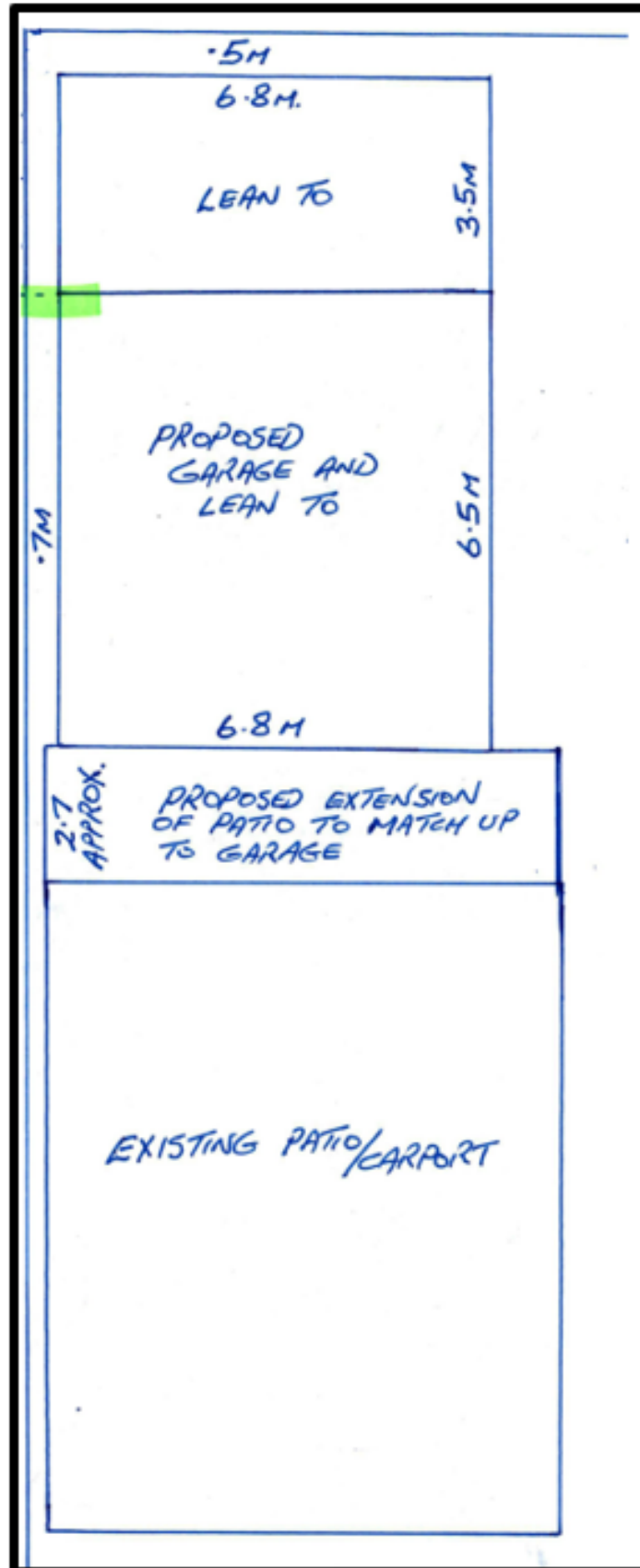


Figure 3: Layout of the proposed development

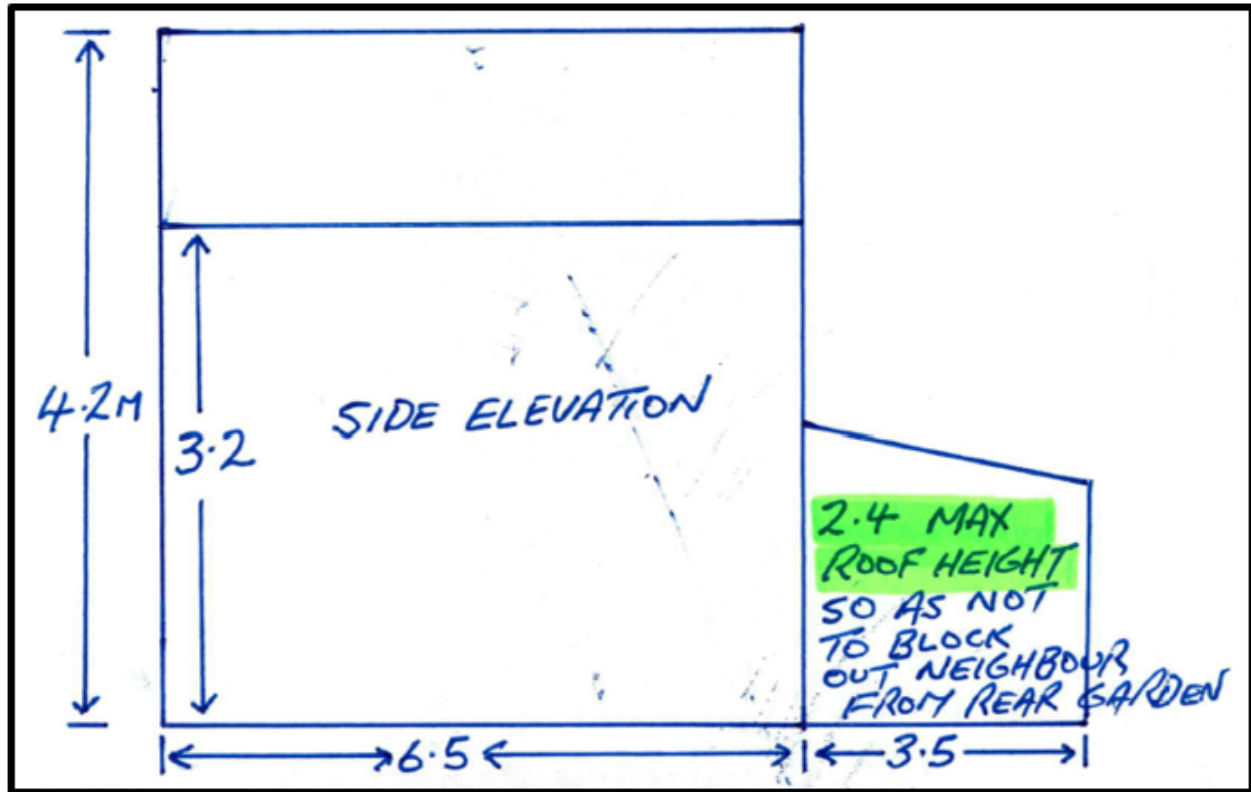


Figure 4: Elevation Plan of the Outbuilding with the attached Patio (Lean-To) at the rear

Community / Stakeholder Consultation

The application was advertised to adjacent landowners for a period of 21 days from 19 May 2021 to 10 June 2021, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During the consultation period, one submission was received objecting to the proposal. The concerns raised in the objection are summarised below:

- Sunlight access and overshadowing;
- Visual amenity; and
- Building bulk.

A full summary of submissions with the applicant's response and Officer comments is contained within **attachment 2**.

Statutory Environment

Legislation

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

State Government Policies

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



Local Planning Framework

- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Whitby Precinct A – Local Structure Plan (LSP)
- Local Planning Policy 1.4 – Public Consultation for Planning Matters

Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to those areas in which Council is required to exercise discretion and for which Officers recommend the application be refused.

Land Use

The subject site is currently zoned 'Urban Development' under TPS2. The site falls within the Whitby Precinct A – Local Structure Plan (LSP), where it is designated 'Residential'. The proposal is for an outbuilding, carport extension and patio to be used for the storage of vehicles, associated with a 'Residential – Single House' land use. This is a permitted use in the subject zone and is capable of approval.

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

The application seeks several variations to the deemed-to-comply requirements of the R-Codes. The variations proposed have been listed below:

- Side (west) lot boundary setback to carport extension proposed at 0.5m in lieu of 1.5m;
- Side (west) lot boundary setback to outbuilding and patio proposed at 0.7m in lieu of 1.5m;
- Rear (north) lot boundary setback to patio proposed at 0.5m in lieu of 1m;
- Outbuilding wall height proposed at 3.2m in lieu of 2.4m; and
- Open space proposed to be reduced from 50% to 40.45%.

Where variations to the deemed-to-comply requirements of the R-Codes are proposed, consideration must be given to the relevant design principle for that requirement. The relevant design principles resulting in the Shire's recommendation for refusal have been addressed under the headings below.

Lot Boundary Setback Design Principles:

The R-Codes sets out six design principles to be considered where a proposal seeks to vary lot boundary setback requirements. The relevant design principles for lot boundary setbacks require development to:

- Reduce impacts of building bulk on adjoining properties; and
- Not have any adverse impact on the amenity of the adjoining property.

In terms of building bulk, the proposal seeks variation to the length and height of walls on the western lot boundary. The inclusion of a low scale patio at the rear of the lot would reduce the impacts of building bulk onto the rear neighbour; however, no aspect of the proposal would result in any reduction to the impacts of building bulk on the adjoining property to the west. Generally, building bulk would be mitigated by reducing the height of development, providing vegetative



screening or altering the design to reduce the physical appearance e.g. proposing an open sided and/or open roofed design or a further setback outbuilding. The proposal has not reduced any height aspect or proposed any vegetative screening. Part of the proposal does include open sided structures; however, the increased height and length of the proposed open sided structures is considered to outweigh the reduction to building bulk.

In terms of what the R-Codes allows, the R-Codes permits a boundary wall with a maximum height of 3.5m for a maximum length of 9m. There is also allowance under the R-Codes for open sided structures to have posts up to the lot boundary for a maximum length of 10m but only where the height is 2.7m or lower. This equates to a maximum length of 19m of wall that could be built up to a lot boundary (or 63.3% of the shared lot boundary) in accordance with the R-Codes.

Including the existing 14.1m long carport, the additions proposed would result in a 26.8m long wall constructed up to the western lot boundary (or 89.3% of the shared lot boundary). This would comprise of 20.3m open sided wall (being the existing carport, extension to the carport and patio) and 6.5m of solid wall (being the outbuilding). Additionally, only 3.5m of the open sided walls would comply with the maximum 2.7m wall height allowed under the R-Codes. While the 6.5m length of solid wall would comply with the 3.5m maximum height allowed for boundary walls, as an outbuilding the R-Codes applies a separate maximum wall height of 2.4m.

Furthermore, the subject site is raised approximately 350mm higher than the adjoining property to the west as a result of levelling works undertaken as part of the subdivision of the estate. As a result, the height of any development as viewed from the western neighbour's property will appear higher and more imposing. Given the scale of development proposed up to the western lot boundary beyond what the R-Codes allows and with no mitigation, Officers consider the proposal would have an increased building bulk impact and would not meet this design principle.

This is illustrated in the following image:



Figure 5: An indicative perspective view of the proposed location of the patio and outbuilding from the neighbour's backyard



In relation to the second relevant design principle in relation to amenity, Officers consider the building bulk of the proposal would result in an adverse visual amenity impact to the neighbouring property to the west, and particularly the reasonable expectation of amenity from within bedrooms of the adjoining property. The image below shows the existing over height carport. Along this side boundary, the adjoining property includes three bedrooms, with bedrooms two and three facing the side boundary with their window accessing light from the east:



Figure 6: Proposed development location to the rear of the existing carport as viewed from the rear of the neighbouring block

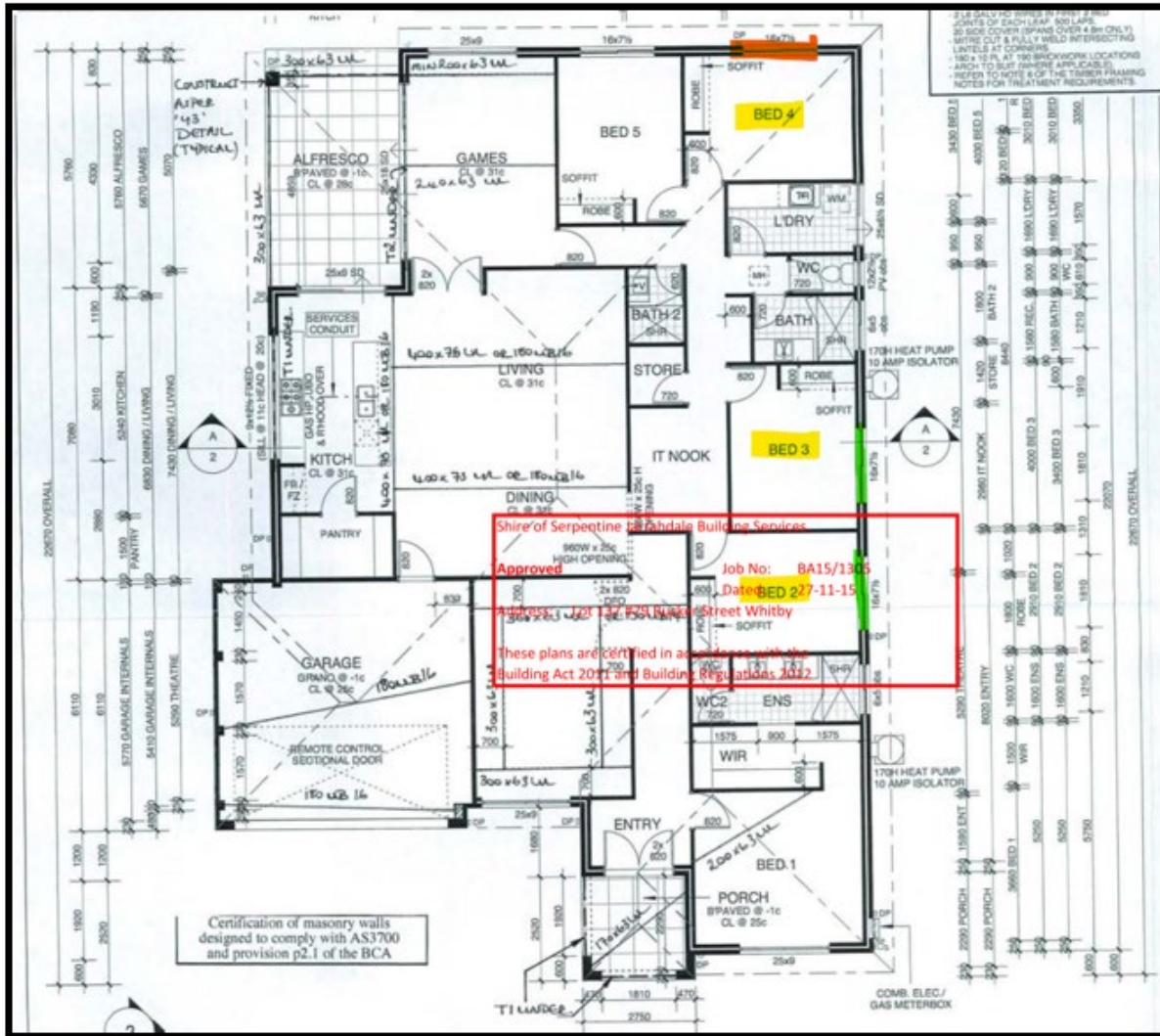


Figure 7: Image of adjoining property showing Bed 2 and Bed 3 window openings facing side boundary

The existing over height carport structure is considered to reduce direct light into Bed 2 and Bed 3. Further, extending the structure at the same height as the existing over height carport, which then encloses for the outbuilding component, is considered to further reduce the direct and non-direct light to Bed 2 and Bed 3. Sunlight from the east is commonly utilised by the placement of bedrooms on the east side of dwellings, with the benefit of access to warmth from the morning sun.

Open Space Design Principles:

The R-Codes also sets out six design principles to be considered where a proposal seeks to vary open space requirements. The relevant design principles for open space require development to:

- Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework.

In terms of the building bulk design principle for open space, it is somewhat similar to the building bulk design principle lot boundary setbacks; however, is assessed against a different baseline. The subject site has a density code of R20 applied through the Whitby Precinct A Local Structure Plan. This density coding requires a minimum of 50% of the site to be retained for open space, the proposal reducing the open space on the site to 40.45%.



Officers consider the intent for the 50% open space requirement for these R20 designated areas is to enable elements like gardens, such that residential amenity is maintained on the lot itself, on adjoining lots and on the general public realm. Currently on the lot and adjoining lots, complying with the 50% outdoor space requirement, there are areas relieved of building that creates some sense of openness, albeit in a disjointed way. This would be in contrast to the proposed development, that would largely remove any sense of open land on the subject property.

This is considered to detract from the general amenity that is otherwise afforded through the control over open space, and the open areas that design results in. Officers consider that the development is not consistent with the design principle or the expectations of the density code.

Outbuilding Design Principles:

The R-Codes sets a single design principle to be considered where a proposal seeks to vary outbuilding requirements. The relevant design principle for outbuildings requires:

- Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The proposed outbuilding would have a wall height of 3.2m in lieu of the 2.4m maximum permitted under the R-Codes. The outbuilding would be located to the rear of the dwelling and screened from view from the street removing the potential for any impact to the streetscape. As indicatively shown in the perspective of the proposal in Figure 5, the outbuilding is considered to be visually prominent, as viewed from private outdoor areas of the adjoining property. As previously discussed, open areas free of building are reasonably expected in lower density areas that typify the Residential R20 density code. The proposed wall height and reduced lot boundary setback to the western lot boundary, combined with the other aspects of the proposal are considered to result in a development that presents an adverse visual impact onto the neighbouring property to the west as discussed earlier in this report. For this reason, the proposed outbuilding is not considered to meet the relevant design principle.

Additional Engagement with Applicant and Neighbour

At the Ordinary Council Meeting held on 20 September 2021, Council resolved to defer the matter to enable further consultation to be conducted by Officers with the proponent and the neighbour. This further consultation has occurred, with Officers conducting site visits at the properties of the proponent and neighbour. Officers also met with the applicant, and with the neighbour.

In further discussing the development with the applicant, it was identified that they would seek to maintain their current proposal. No modification was proposed to the scale of the shed, as the intention is to retain the functionality of enabling the secure storage of a caravan. The applicant also referred Officers to the development of another outbuilding within the Whitby estate which appeared to depart from the deemed-to-comply requirements of the R-Codes. This is discussed below.

The neighbour has maintained their concerns and objection, citing concern of the accumulative impact on sunlight access to the side of the dwelling that the proposed development would make in conjunction with the existing carport development. The neighbour advised that they would not have concern with a shed being developed on the applicant's property if it was compliant with the deemed-to-comply requirements of the R-Codes. This means it would need to be set back and reduced in height appropriately. Refer to Figure 8 below to view a perspective of what a compliant development would appear like.



Figure 8: Perspective image of an R-Code compliant outbuilding

The current proposal is shown following:



Figure 9: An indicative perspective view of the proposed location of the patio and outbuilding from the neighbour's backyard

Officers attended both sites to gain further understanding of the proposal. It was observed that the neighbour's bedrooms two and three facing the subject site (east orientation) currently receive only indirect light due to the presence of the existing over height carport structure on the applicant's property. The R-Codes consideration of sunlight access is primarily concerned with the northern solar access, to which the proposal would not impact. However, the design principles



for lot boundary setbacks require consideration to be given to the preservation of direct sunlight access to buildings on adjoining properties. By approving the extension of this carport structure as well as the proposed outbuilding close to the boundary, it would result in further limited light being accessing by these bedrooms and therefore inconsistent with the design principles of the R-Codes.

Giving further consideration to the scale and position of the proposal, Officers maintain the concern that the proposal would result in an unacceptable adverse impact to the amenity of the neighbour. Of particular concern is the building bulk and subsequent adverse visual amenity impact of the neighbour's outdoor area. The accumulative impact resultant from the variations to the R-Code open space, outbuilding and lot boundary setback provisions would lead to a development that is inconsistent with an expected level of residential amenity enjoyed from the neighbouring site, thereby not being consistent with the design principles of the R-Codes.

General observations of the locality include that the area is characterised by residential development. Residential properties are generally packed together, and there are limited opportunities for the enjoyment or retention of a sense of 'openness'. The properties east and west of the site maintain a corridor to the rear of the property free of development. The openness this creates forms part of the existing residential amenity of these properties.

In terms of another outbuilding within the Whitby Estate brought to the Shire's attention by the applicant which appears to vary the R-Codes, Officers can confirm that variations had been sought, however, subsequent to undertaking a merits based assessment, considered the proposal to meet the design principles of the R-Codes.

Firstly, in terms of the reduced setback to the western property boundary, the development directly abutted the neighbouring garage of which had comparable dimensions. The proposal did not impact upon light entering habitable rooms of the neighbouring property or encroach upon open space requirements. Still providing for a high degree of openness to the rear of the property's outdoor area. In terms of context of the site, it differs significantly from the location of the subject site. The development adjoins a secondary street that had already comprised of a 1.8 colourbond boundary fence and side wall of the existing dwelling. Council should note, typically, on corner lots, the principal amenity considerations are impacts upon neighbouring properties and the streetscape of the primary street. As there were no adverse impacts resulting from the development on the neighbouring property or primary street, the merits of the development were elevated, and the development was subsequently supported. This location is depicted following:

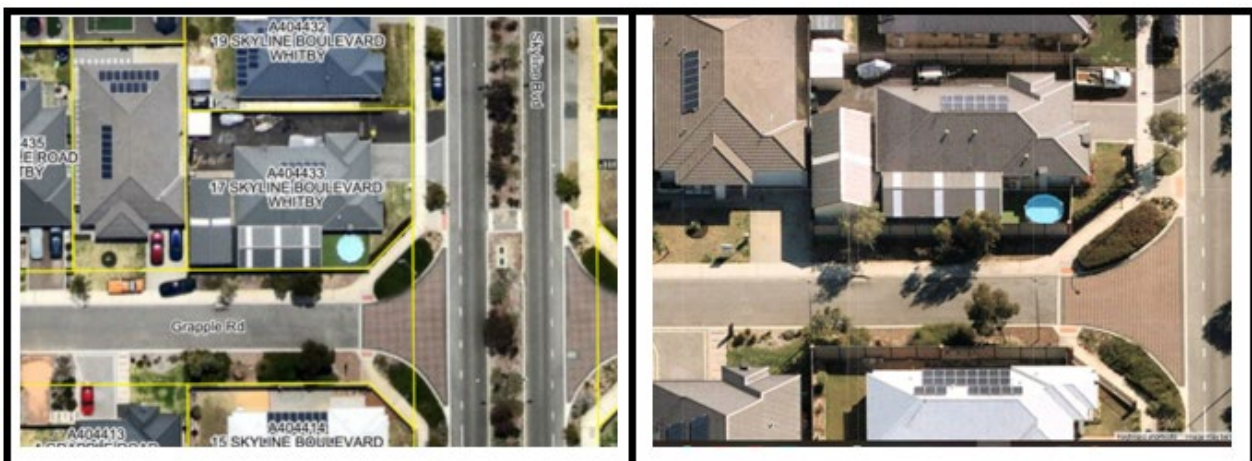


Figure 10: Existing development on corner of Grapple Road and Skyline Boulevard

Officers recommend that the development still be refused based on the above.



Options and Implications

Option 1

1. That Council REFUSES the development application for an outbuilding, carport extension and patio at Lot 138, 81 Bucker Street, Whitby, subject to the following reasons:
 - a. The proposal does not satisfy Clause 67 (f) of the Deemed Provisions as the proposal does not meet the design principles of State Planning Policy 7.3 – Residential Design Codes Volume 1 relating to lot boundary setbacks, open space and outbuildings.
 - b. The proposal does not satisfy Clause 67(m) of the Deemed Provisions as the proposal is incompatible with its setting by means of the likely effect of the height, bulk, scale and appearance of the development to development on adjoining land, specifically the adjoining neighbouring property to the west.

Option 2

1. That Council APPROVES the development application for an outbuilding, carport extension and patio at Lot 138, 81 Bucker Street, Whitby as contained within **attachment 1**, subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 received at the Shire's Offices on 11 August 2021.
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 - b. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

Option 1 is recommended.

Conclusion

The application seeks significant variations to the deemed-to-comply requirements of the R-Codes and has not satisfied the relevant design principles necessary to warrant consideration for approval. It poses an uncharacteristic level of building bulk expected for a residential area and would generate an adverse impact to the visual amenity of neighbouring properties, specifically the neighbouring property to the west. Officers consider the proposed development is inconsistent with the planning framework and recommend the application be refused.

Attachments (available under separate cover)

- **10.1.3 – attachment 1** – Development Plans (IN21/19426)
- **10.1.3 – attachment 2** – Summary of Submissions (E21/10067)
- **10.1.3 – attachment 3** – Technical Assessment (E21/6668)

Alignment with our Strategic Community Plan

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



Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered to address the risks associated with the development.						
2	That Council approves the development	Planning framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Explain reasons for approval based on relevant design principles

Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **REFUSES** the development application for an outbuilding, carport extension and patio at Lot 138, 81 Bucker Street, Whitby, subject to the following reasons:
 - a. The proposal does not satisfy Clause 67 (f) of the Deemed Provisions as the proposal does not meet the design principles of State Planning Policy 7.3 – Residential Design Codes Volume 1 relating to lot boundary setbacks, open space and outbuildings.
 - b. The proposal does not satisfy Clause 67(m) of the Deemed Provisions as the proposal is incompatible with its setting by means of the likely effect of the height, bulk, scale and appearance of the development to development on adjoining land, specifically the adjoining neighbouring property to the west.



10.1.4 – Proposed Child Minding Centre – Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford (PA21/712)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	Keyline Nominees Pty Ltd
Date of Receipt:	28 July 2021
Lot Area:	2,339.286m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a development application for a proposed 'Child Minding Centre' at Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford. The proposal involves the demolition of the existing structures onsite and the construction of a new 'Child Minding Centre', with a capacity of 100 children.

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site comprises of two land parcels with a total area of approximately 2,338m² located at the entry to what is termed the 'Byford Old Quarter'. The site is bound by Beenyup Road to the north, Dundatha Drive to the west and by residential development to the east and south. The east block (L103) in the subject site is developed with a dwelling, while the west block (L102) is vacant.

The subject site is located opposite the commercial development of the Byford Town Centre to the west; the older residential development of the 'Byford Old Quarter' to the north and east and; the newly developed residential area of "The Brook at Byford" to the south. The site is located within 100m of South Western Highway.



Figure 1: Aerial Locality

Proposed Development

The proposal seeks approval to construct a single storey building, purpose built 'Child Minding Centre' on Lot 102 and Lot 103 Beenyup, Byford. The proposed building would be constructed with a skillion roof design, bearing feature brick and rendered walls. Vehicle access to the site is proposed via a new 'left-in / left-out' crossover to the western boundary of the subject site off Dundatha Drive. This also includes a proposed reciprocal rights of carparking arrangement with the western adjoining commercial development.

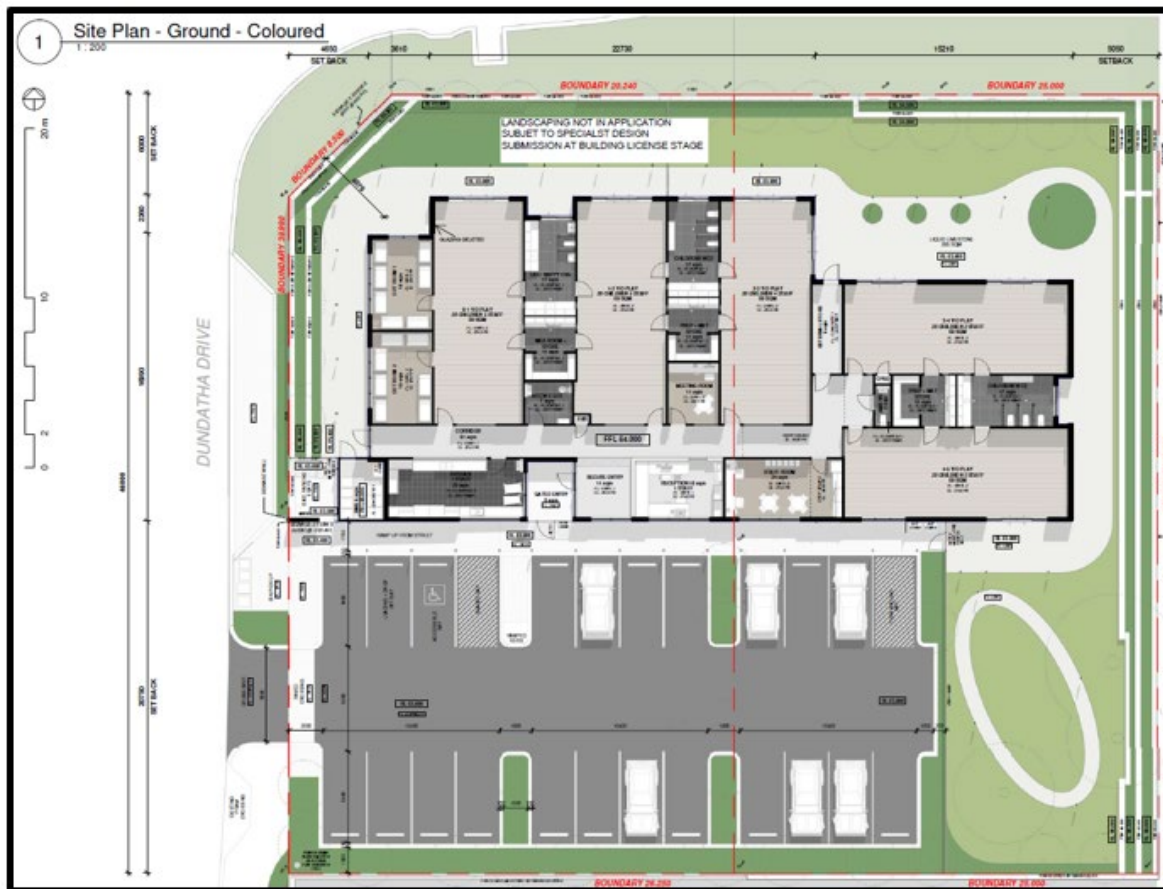


Figure 2: Site Plan

The applicant provided information that the centre will accommodate up to 100 children falling within the following age groups:

- 40 children aged less than 24 months old (10 staff educators);
- 20 children aged 24 to 36 months old (4 staff educators); and
- 40 children aged greater than 36 months old (4 staff educators).

Regarding the operation of the Child Care Centre itself, the key features would be:

- Operation hours of the centre proposed from 6:30am to 6:30pm, Monday to Friday; and
- Employment of up to 20 full-time staff members.

Specifically, the design elements of the proposal comprise of the following:

- Demolition of the existing single dwelling and all structures on Lot 103;
- Construction of a 'Child Minding Centre' building with a floor area of 701m² across Lot 102 and Lot 103;
- The building comprising of five main activity rooms/playrooms, attached toilets, utility rooms, a kitchen, staff room, reception, foyer and a meeting room;
- Construction of a car park with 23 car parking bays, comprising of 20 standard parking spaces, 1 ACROD bay, 1 drop off / loading bay and 1 shared bay;
- The provision of 6 shared bays in the car park to the west of the adjacent site, through a reciprocal parking agreement;



- Additionally, a single turn around bay is provided at the end of the carpark.
- Construction of a 'left-in / left-out' crossover from Dundatha Drive to provide access to the car parking area and avoiding unsafe right turn movements either in to or out of the development;
- Construction of 1.8m high vertical bar fence along the north and west boundaries that will be fitted with a clear ('see-through') material for noise attenuation purposes;
- Building setback 6m from the primary street (Beenyup Road) and 2.8m from the secondary street (Dundatha Drive);
- Construction of outdoor play areas with a total area of 721m² provided to the north and eastern portions of the subject site as shown in Figure 2 above;
- The provisions of 5 bike parking bays (it is noted that none are required under LPP4.15);
- The removal of the existing vegetation on the site; and
- The proposed development incorporating new landscaping within the site.

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

Community / Stakeholder Consultation

The application was advertised for a period of 24 days from 13 August 2021 to 10 September 2021 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. In addition, a notice of the development proposal on a sign was placed on site for the same period.

At the conclusion of the consultation, 16 submissions consisting of 13 objections, one letters of concern and two letters of support were received. The objections and concerns relate to the following issues, which are discussed in the relevant headings of the report and form part of the Officer assessment:

- Potential noise from the 'Child Minding Centre';
- Potential noise impacts due to increased traffic movements on the road network;
- Suitability of the subject site to accommodate up to 100 children;
- Sufficient Child-Minding Centres in the locality to cater the need;
- Insufficient parking, especially considering the need for employees and staff;
- Potential for road network conflicts with nearby intersections and ensuing safety concerns; and
- A decrease in safety for pedestrians and vehicles.

The applicant has provided a response to these concerns and objection, as well as making amendments to the proposal to address these concerns. A full list of the submissions received, including the applicant's response, can be found in **attachment 2**.



Consultation with other Agencies or ConsultantsDepartment of Education (DoE)

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

Land Use

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

Notwithstanding this, there is an existing Child Care Premises at No. 27 Clifton Street and a separate application has been submitted for a potential third Child Care Premises within the area at Nos. 34-36 Beenyup Road (your ref: PA21/646). It will be the responsibility of the Shire of Serpentine Jarrahdale (Shire) to consider whether the potential number of Child Care Premises within the area would be consistent with the intent and objectives of Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3 (LPS3).

Traffic Impact Statement

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

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

To address these concerns, the Department requests that additional information is provided prior to a determination being made on the application. The additional information should demonstrate that traffic generated by the proposal will not result in unreasonable levels of traffic congestion around the school site at peak drop-off/pick-up times. It should also consider the cumulative impact of traffic generated from the Primary School, as well as the existing Child Care Premises at No. 27 Clifton Street and the proposed additional Child Care Premises at Nos. 34-36 Beenyup Road. Given the Child Care Premises' (existing and proposed) and the Byford Primary School Site are likely to have similar peak drop-off/pick-up times, the TIA should demonstrate how vehicle banking will be avoided in the area.

Car Parking and Access

The Applicant's report indicates that the number of car parking bays provided complies with the requirements of TPS2. Notwithstanding this, the car parking ratios contained within draft LPS3 have been updated and would require 1 per 10 children accommodated under maximum occupancy and 1 bay per employee for each of the maximum number of employees on the



premises at any given time. This ratio would require a total of 30 car parking bays to be provided for the number of children and staff on site.

The proposal therefore does not comply with draft LPS3, which is considered a seriously entertained document. The Department would not be supportive of the proposal relying on the on and off-street car parking embayment's, which are intended to service the Byford Primary School site, being used to accommodate for overflow car parking generated by the Child Care Premises.

The Department would therefore request that a condition of approval be imposed which would either:

- Require the requisite number of car parking bays to be provided on-site and/or the maximum number of children/staff on site at any given time being reduced.
- Require a car parking management plan being submitted and implemented prior to the initial occupation of the development. A car parking management plan should ensure that the number of bays provided are appropriately managed so that parking associated with the proposal is contained entirely within the site.

Construction Management

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

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

Subject to the above matters being given due consideration, the Department offers no in principle objections to the proposed Child Care Premises.

Officer Comment

The concerns and matters raised by DoE have been addressed within the body of the report. The full submission from DoE can be located in **attachment 3**.

Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2);
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3);



- Shire of Serpentine Jarrahdale Local Planning Strategy.

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- Planning Bulletin 72/2009 – Child Care Centres;
- State Planning Policy 5.4 – Road and Rail Transport Noise (SPP5.4);
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances.

Local Planning Policies

- Byford District Structure Plan 2020;
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4);
- Local Planning Policy 1.6 – Public Art for Major Developments (LPP1.6);
- Local Planning Policy 2.4 – Water Sensitive Design (LPP2.4);
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP 4.15);
- Local Planning Policy 4.16 – Landscape and Vegetation Policy (LPP4.16);
- Local Planning Policy 4.18 – Street Tree Policy (LPP4.18).

Planning Assessment

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

Town Planning Scheme No. 2

The subject site is zoned ‘Urban Development’ under the Shire’s TPS2. Clause 5.18 of TPS2 sets out the objectives of the ‘Urban Development’ zone, as “*to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances*”. This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The subject site is identified as ‘Residential’ within the Byford District Structure Plan 2020 (BDSP), and the Byford Townsite Detailed Area Plan (DAP) which provide the relevant land use permissibility and indicative land use designation applicable to the site. The proposed development can be considered within the designation within the Structure Plan and DAP.

Land Use

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

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

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



An 'SA' land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval.

In terms of the planning framework, the site falls within a unique position within the DAP and BDSP. Officers consider that the site is within a transitional position between the older and newer suburban area as well as the town centre designation to the west. As a result, the amenity of the area has evolved/changed over time. Moving away from the pattern of historic residential development and character elevated within the 'Byford Old Quarter'. In this regard, subsequent to an assessment and consultation being undertaken, Officers consider that the development, by way of scale, intensity and form of development is considered to not adversely impact upon the amenity and character of the area. Its location on the edge of the Byford Old Quarter, with a more direct relationship to the western adjoining commercial development (by way of shared parking) and key intersection, the development location is considered to be acceptable.

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

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

"means premises where –

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

The relevant objectives of the 'Urban Development' zone under LPS3 raise the importance of the need to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. This has been undertaken through detailed structure planning within the Byford District Structure Plan and associated informing DAP.

As mentioned above, the site is considered by Officers to serve as a transitional role between the older and newer suburban area as well as the town centre designation to the west. The amenity and development expectation as a result through the framework has evolved gradually in this location moving away from the traditional new town / garden suburb movement which characterises the 'Byford Old Quarter'.

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

An 'A' land use requires the Shire to consider all submissions received and the broader planning framework in applying its discretionary powers to determine an application for approval. Subsequent to an assessment and consultation being undertaken, Officers consider that the development by way of form, scale and intensity is considered acceptable and to not adversely impact upon the amenity of the locality noting the location of the property and surrounding development.

Byford District Structure Plan 2020

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

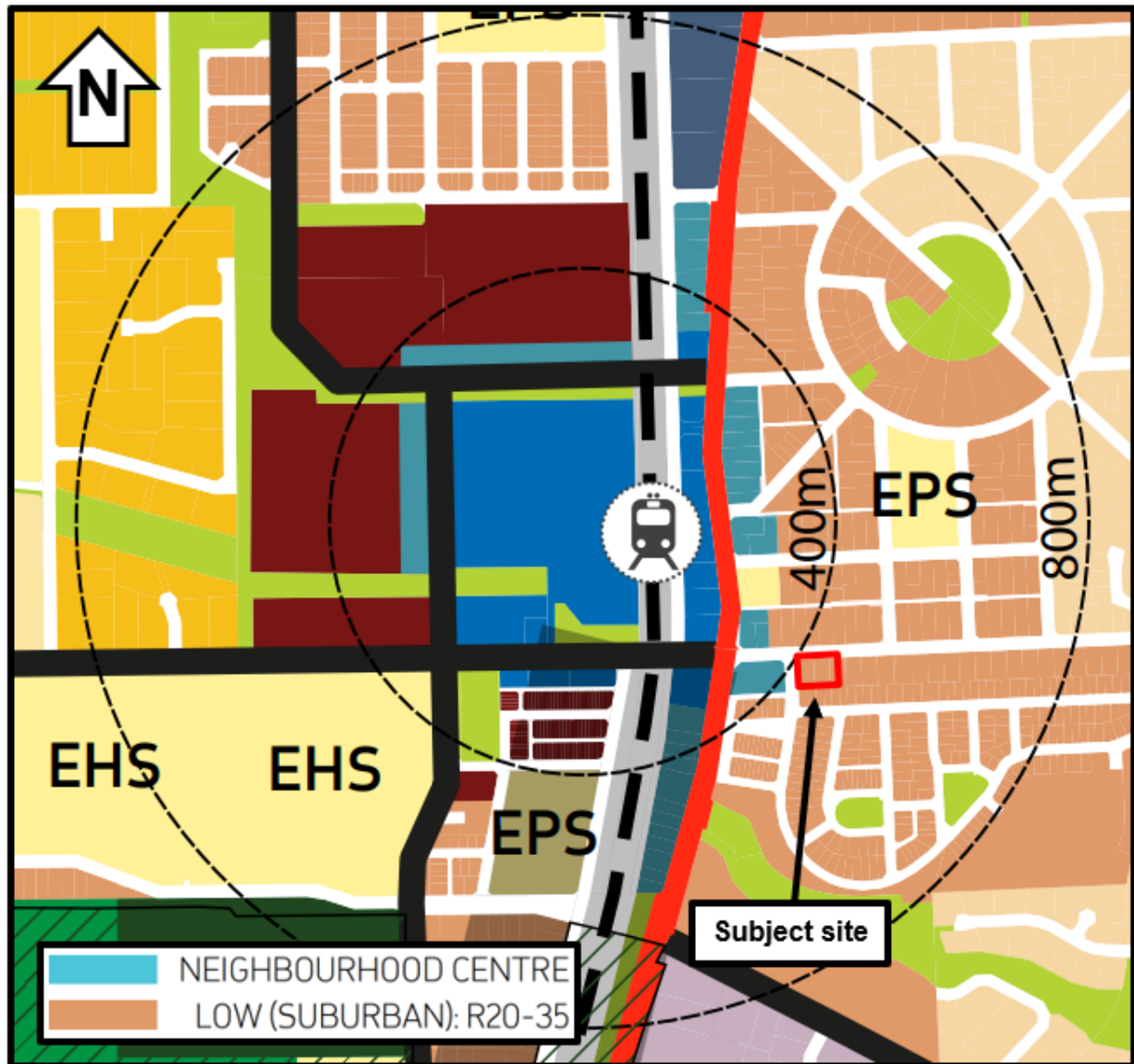


Figure 4: Byford District Structure Plan

The site is noted as being on the edge of the 400m walkable catchment to the Byford Town Centre and within 400m of the future Byford Metronet Station. The site is characterised by its prominent position at the cross point of the 'Byford Town Centre', 'Byford Old Quarter' older residential area, the 'Byford by the Brook' newer residential area and the future local structure planning areas as seen within Figure 5.

The site is therefore considered to be located within a transitional position, between older and newer suburban, as well as town centre designated land.

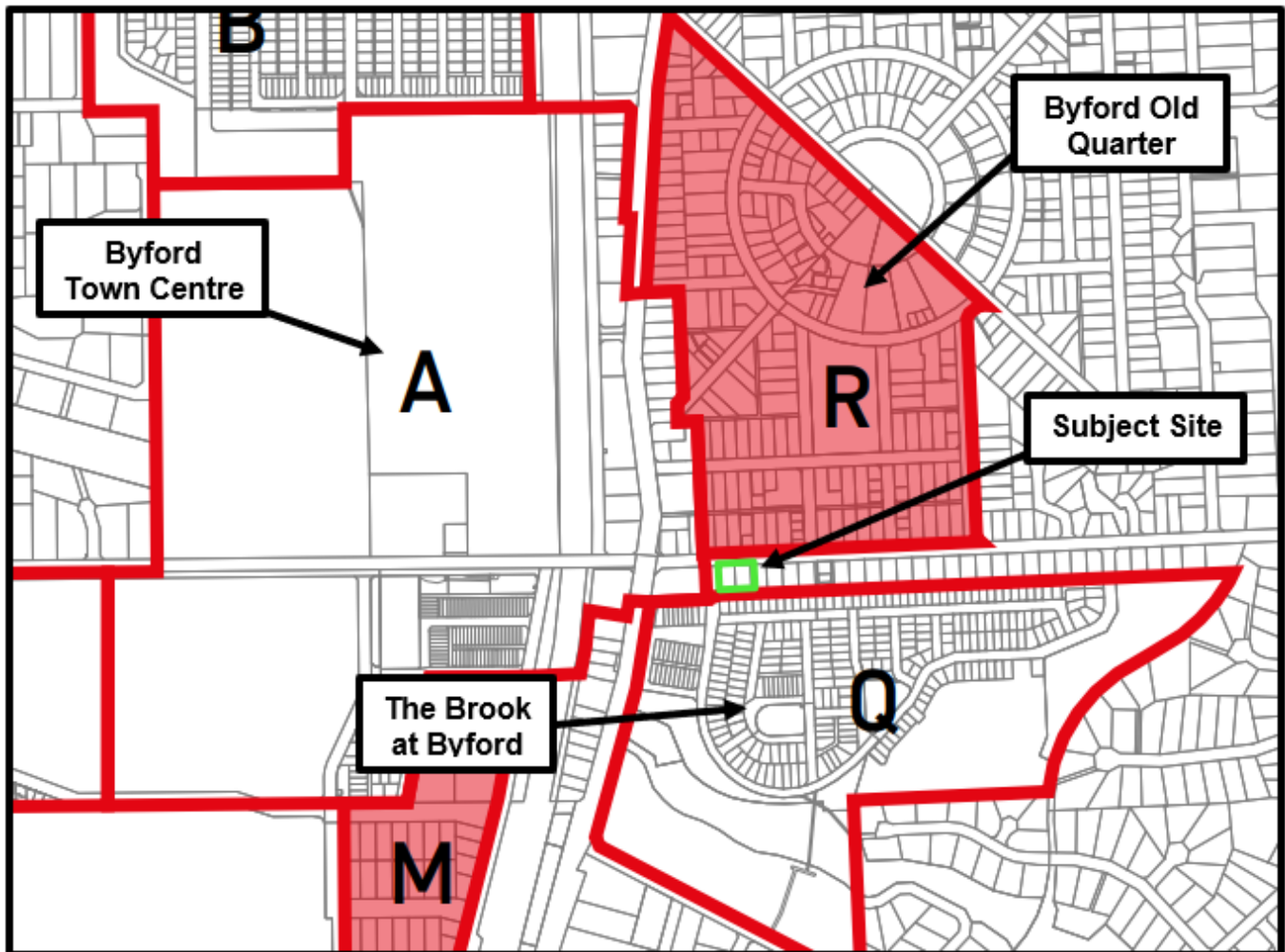


Figure 5: Local Structure Plan areas identified in the BDSP

Officers consider that the proposed 'Child Care Premises' is suitable in its location as it provides an interface between the commercial town centre and the residential character of the 'Byford Old Quarter'. Furthermore, the land use associated with the development is able to be considered within the 'Residential' zone. Officers therefore consider that the proposal is consistent with the BDSP.

Planning Bulletin 72/2009 – Child Care Centres

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

- a) *locate child care centres appropriately in relation to their surrounding service area;*
- b) *minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) *minimise the impact the surrounds may have on a child care centre; and*
- d) *consider the health and safety of children attending the child care centre within the confines of the planning system.*



The bulletin states that childcare centres should be located to provide the maximum benefit to the community and should be within an easy walking distance and serviced by public transport. The proposal is located on the border of the Byford Town Centre. It is serviced by a Transperth bus route and would be located within a walkable 400m catchment of the future Byford Metronet Station. It is also noted that the catchment for customers to this development would likely include the recent 'The Brook at Byford' subdivision to the south. Officers consider there currently is walkable infrastructure available to enable these residents to walk to the subject site. As will be discussed further in this report, Officers will require an improvement to the pedestrian infrastructure by the applicant, which will also ensure consistency with this objective of the Bulletin.



Figure 6: The green area is the walkable 400m catchment

The bulletin also states that it is crucial in limiting the impact a 'Child Minding Centre' may have on surrounding activities and amenity of existing residential areas. In regard to the level of impact the proposal may have on the amenity of the locality, Officers consider that the area the development is proposed to be located within is an area characterised by proximity to the commercial areas of the Byford Town Centre and South Western Highway – being on the edge threshold of this area. This site as mentioned previously is considered within a transitional position. Officers have undergone an assessment process of the key impacts of this development, being noise and traffic, which are not considered to adversely impact upon the existing amenity of the area. This is addressed in the relevant sections further into this report.



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

Car Parking

Table V of TPS2 sets out the parking requirements for different land uses. The minimum number of car parking bays for a 'Child Minding Centre' is one space per five children accommodated. Accordingly, as the proposal seeks to accommodate up to 100 children, a minimum of 20 parking bays would need to be provided. The plans provided indicate that the proposal is compliant with the minimum TPS2 parking requirements, as it incorporates a total of 23 bays, including 20 standard bays, one loading bay and two bays dedicated for Acrod parking.

Officers note that although the parking requirements onsite meet the TPS2 requirements, the availability of these bays during AM/PM peak times are likely to be impacted upon by the take up of parking bays by the 20 employed staff, potentially leaving a reduced availability of on-site parking for patrons.

To address this, the applicant has amended the proposal to dedicate 6 car parking bays within the adjoining commercial site to the west at Lot 101 (1) Beenyup Road, for reciprocal use, which is owned by the applicant. A Technical Memorandum was submitted by the applicant's traffic engineer providing parking utilisation details of the proposal and subsequent pedestrian infrastructure upgrades required to allow for improved pedestrian connectivity between the sites. Figure 7 shows the location of the existing commercial development where the 6 bays will be dedicated.



Figure 7: Car parking within the locality



The assessment identified that the AM/PM drop off and pick up activities associated with child care premises is typically modelled on a seven minute average periods. It indicates that if six bays of the adjoining car park were allocated to patrons of the proposed development, it can accommodate on average 51 vehicles per hour. The submitted TIS projects that during peak periods of the child care premises, there would be at most 42 vehicles attending the site over the full three-hour peak AM period. This would generate 14 vehicles attending site on average per hour. Officers therefore consider that based on these traffic projections that the offsite six bays in addition proposed 23 bays onsite is considered to meet the parking demands of the proposed development.

The applicant's parking utilisation plan also identifies that a legal agreement will be established for a reciprocal parking arrangement, enabling the use of bays to the west of the site by customers of the proposed child minding centre. This is able to be achieved as the owner of the subject site also owns the adjacent commercial property to the west. This will form a condition of approval, with the Shire to be a party to such agreement to ensure its security of application in perpetuity.

As part of the reciprocal arrangement, the applicant has proposed pedestrian infrastructure upgrades to improve pedestrian connectivity and safety to the site. This includes a walk ramp and staircase from the car park towards Dundatha Drive as identified in Figure 8 below. Officers also consider a further treatment on Dundatha Road between the sites in terms of a pedestrian crossing be included as part of any proposed infrastructure upgrades. This will be recommended as a condition of approval.

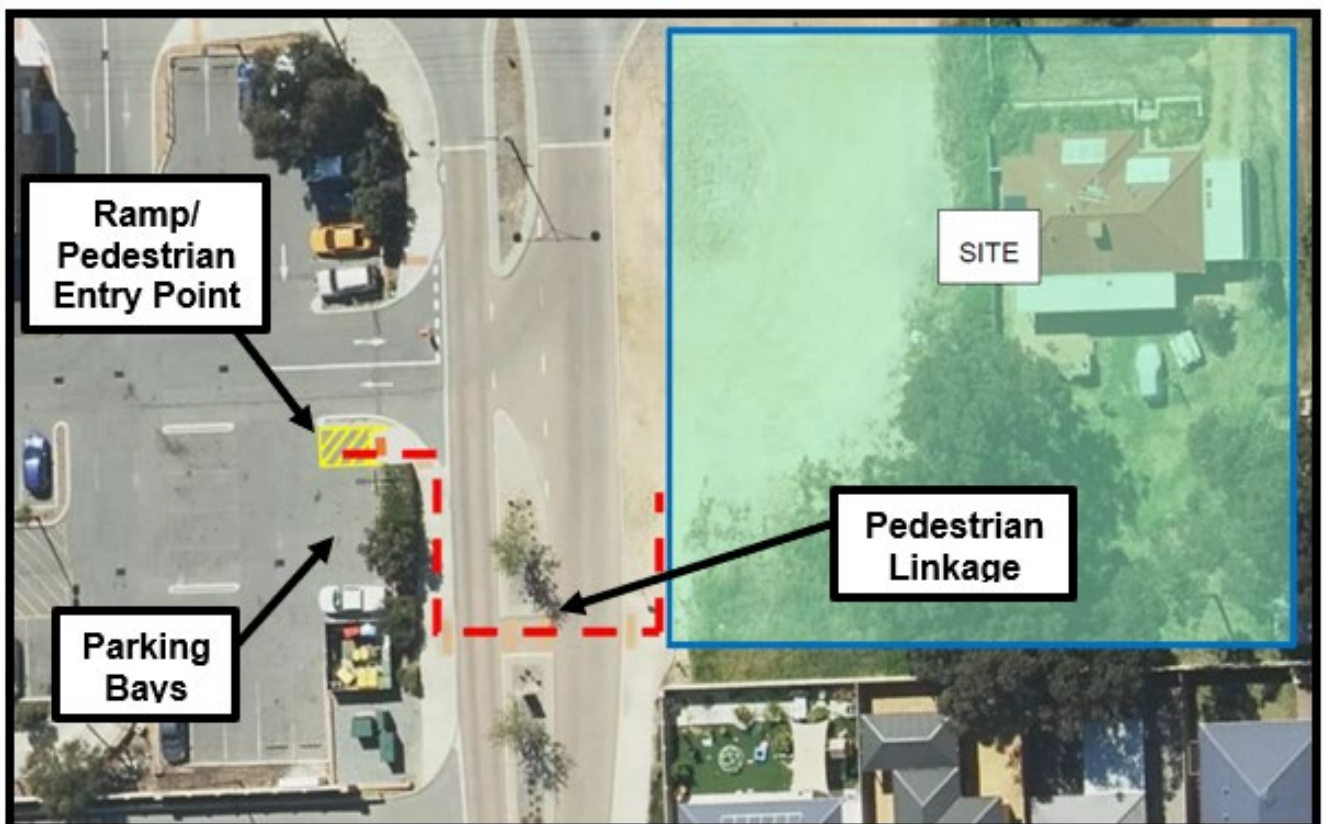


Figure 8: Identifying the proposed pedestrian movements from reciprocal parking arrangement to the site



An additional supportive factor relating to this site is that public transport is located conveniently nearby, with the 254 bus route running past the property and a number of other routes running along South Western Highway, in close proximity to the site. As previously identified, the site is within a walkable distance of the future Byford Metronet Station. This ties in with the overall objectives of the BDSP and Planning Bulletin to promote pedestrian walkability within proximity to the site. Officers consider that it is likely that a large portion of the catchment for this child minding premises would be located within the newly established 'The Brook at Byford' area to the south of the site. This leads Officers to consider that some customers may walk to the premises rather than drive. An existing footpath links to the south corner of the site along Dundatha Drive, providing this pedestrian link to the southern residential estate.

Officers consider that the parking requirements have been met and that the additional bays provided through a reciprocal parking arrangement will ensure that during peak hours, parking and road safety can be maintained. Importantly, it is considered that the use of the six bays will not impact the operational requirements of the existing commercial development as the peak demand times for those uses differ from the proposed development.

In terms of Draft LPS3, the parking requirements for the proposed development is one bay per 10 children accommodated, and one bay per employee. The application proposes 23 bays onsite which includes two bays dedicated for Acrod parking, one for servicing/unloading. The applicant also, through a parking utilisation study (as detailed above), has demonstrated that the use of six off site bays located at the adjoining property to the west will sufficiently cater for the parking demand of the development. Officers are satisfied with the proposal in this regard.

Traffic

Clause 67 of the Deemed Provisions, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and also relate to whether the traffic generated by the proposal would be suitable considering the local road network. To address this, the applicant has submitted a Traffic Impact Statement (TIS).

The TIS identifies that the category of vehicles associated with the proposed development will predominantly comprise of small passenger vehicles dropping off and picking up children, as well as similar staff and waste vehicles. Vehicle access to the subject site is proposed via a crossover on the western lot boundary from Dundatha Drive. Beenyup Road is classified as a Local Distributor Road and Dundatha Drive is classified as an Access Road under the Main Roads Western Australia (MRWA) road hierarchy, being assigned a speed limit of 50 km/h.

The TIS identifies that the AM and PM peak periods for the early learning centre is between 7am to 10am and 3pm to 6pm, respectively. Based on a capacity of 100 children, the TIS projects the following peak hour trip generation volumes:

Trips Generated To/From the Site During Peak Times			
Time	Trips to the site	Trips out of the site	Total trips within period
AM Peak	42	38	80
PM Peak	33	37	70
Total Peak hour trips	75	75	150



Based on these movements during the peak times, the development is not considered to adversely impact upon the local road network. The peak periods generate less than 100 vehicles an hour to the site which is not considered to lead to servicing issues on the road network which is currently considered to be working below its full capacity.

Officers however, had concerns over the initial access and egress arrangements proposed. The arrangements sought a left in left out arrangement only. This to avoid a potential conflict point for drivers due to the existing full movement configuration (left in and left out, right in right out) for the adjoining commercial development directly to the west. This configuration although addressing the matter of conflict with the adjoining development, enables an opportunity for patrons of the site to undertake an illegal U-turn manoeuvre through the existing full movement intersection to gain access to the site for the purpose of parking and drop off. This is especially noting that a number of the patrons of the development are likely to be coming from the south.

The applicant to address this has now proposed the adjoining commercial development in providing for parking to be used by patrons of the development. This has worked to not only disperse the AM/PM peak hour flows removing the concentration of vehicles on site, it has provided for a full movement option to cater for patrons from all directions. Removing the likelihood of illegal U-turn movements being undertaken. Officers are now satisfied with the traffic movements of the development.

Traffic signal operation

While not specific to this application, Officers have noted that the current traffic signals at the intersection of Beenyup Road/Abernethy Road and South Western Highway do not provide a dedicated right turn signal for westbound vehicles seeking to travel north along South Western Highway. With the completion of the recent road upgrades along Abernethy Road, there appears an opportunity to request Main Roads WA (MRWA) to review the traffic signal operation, and explore potential reconfiguration of the signal so that right turn movements under dedicated green arrows could be pared for both east bound and west bound traffic.



This may particularly assist with the early morning peak hour filtering and clearing of traffic. Officers recommend a formal request of MRWA to investigate this.



Development Requirements:

Table 11 of TPS2 sets out site requirements for selected uses in the Residential Zone. The provisions relating to 'Child Minding Centre' proposals are assessed as follows:

Child Minding Centre	Required	Provided	Complies
<u>Setbacks</u>			
Front (Beenyup Road)	7.5m	6m – to the building 4.15m – to the verandah	No
Rear (South lot boundary)	7.5m	17.75m	Yes
Side (Dundatha Drive and East lot boundary)	3.0m	Dundatha Dr – 2.8m	No
		East – 3.85m	Yes
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.31	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.31	No

In terms of the front setback adjoining Beenyup Road, the development proposes a minor variation. The existing setback distances of development along Beenyup Road, east and west is generally varied. Development to the north and east are residential and to the west is commercial development. The setback variation proposed to the above requirements is considered minor in nature and not considered to adversely impact upon the existing streetscape. To address the variation however, the applicant has proposed landscaping along this boundary to improve the visual appearance of the building when viewed from the street. The applicant has also proposed to construct visually permeable fencing along this boundary to maintain a sense of openness between the street and the development, removing the presence of bulk.

In respect of the side boundary, a minor variation has also been proposed to Dundatha Drive of 0.2m. Officers consider that this minor variation poses no adverse impacts to the amenity of the streetscape, considering the development on this side fronts a carpark, adjoins a 1.8m high colourbond fence to the south and forms the secondary street boundary for the adjoining development. Officers consider there will be no impacts on the streetscape resulting from this minor variation.

In terms of the site coverage, the minor variation is not considered to present the development as bulky or overbearing when viewed from the street or adjoining properties. The immediate locality already comprises of a range of forms and scale of development. For example, development to the west comprises of large commercial buildings which presents as a large building mass on Beenyup road. Development to the north and south comprises of residential developments ranging in densities and scale. There does not appear to be a consistent form of development within this area. As such, the minor variation is not considered to pose an impact upon the amenity of the area.



Byford Townsite Detailed Area Plan (DAP)

The subject site lies within Character Area A – Old Quarter of the DAP, which predominantly features single storey residential dwellings commonly constructed with face brick, and weather board with iron roofing. The relevant key characteristics of the Old Quarter Character Area within the DAP are characterised as follows:

- The area rises gently from west to east at a rate of 4-5%.
- Modest, single storey dwellings are common, constructed of face brick, weatherboard and/or fibro, with tile or corrugated iron roofing.
- Some new dwellings, with the majority being in the order of 40 years old or more.
- Dwellings commonly have a front porch, verandah or window awnings.
- Roof pitch is approximately 25 degrees or more.
- Dwellings are set well back from the road with trees in the front and rear yards.

As discussed earlier in this report, the site's position is located in a transitional point between the Byford Old Quarter and the Town Centre area. The DAP also sets out the aspirations of the future built form of the character area and as such, an assessment against the DAP provisions under Character A is contained in the table below, with consideration being given to the site-specific context of this proposal:

DAP Requirement	Proposed Development
<p>Lot sizes (infill) Lots shall conform with the Residential Design Codes of Western Australia (R-Codes) for R20 i.e. minimum 440m² average 500m². (Lots within 400m of the intersection of Beenypup Road and the South West Highway, may be permitted to develop to the R30 code.</p>	<p>Complies – The application does not propose any infill development. The application proposes to amalgamate the two lots if planning approval were secured.</p>
<p>Lot Configuration Where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway.</p>	<p>Complies - The site does not adjoin a laneway.</p>
<p>Building Setbacks All buildings shall conform with the requirements of the R Codes for the R20 Code fronting the existing streets shall be set back to achieve consistency within the streetscape.</p>	<p>Complies – The proposed development is set back 6m from Beenypup Road and 2.8m from Dundatha Drive. Despite this building not being a residential building and the site not being subject to the R20 requirements of the R-Codes, the proposal would satisfy these identified setback requirements.</p>
<p>Dwelling Placement and Orientation</p>	<p>Complies – A dwelling is not proposed.</p>



DAP Requirement	Proposed Development
<p>All dwellings shall front the street to maximise casual surveillance of the street or open space, at least one room shall face the street. They shall be orientated along a north-south or east-west axis to maximise solar access.</p>	
<p>Scale, Proportion & Built Form (infill)</p> <p>The existing built form, as described above, is of modest, single storey homes with porches, verandahs and/or awnings and steep roof pitches. New development shall complement this character. All new dwellings and/or additions to existing dwellings shall have:</p> <ul style="list-style-type: none">- a porch, verandah or fixed window awnings to the front of the dwelling (mandatory);- Roof pitch of no less than 25 degrees.	<p>Complies – The design of the ‘Child-Minding Centre’ makes a minor attempt to mimic the existing architectural designs of the dwellings in the immediate vicinity. The roof is of skillion design with a low pitch of degrees. The building applies a more modern design, however, includes feature awnings and verandahs. The colour palette of the development, being earthy tones and materials enables a level of consistency with the rural theme of the Byford Old Quarter, the backdrop of the Scarp and the overall development aim of the town centre.</p> <p>Officers consider that the development is therefore considered to strike a balance with the overall modern architectural design found in the newer residential development to the south and the town centre to the west, while incorporating elements complimentary to the ‘Byford Old Quarter’ development to the north.</p>
<p>Building Materials and Colour</p> <p>Colours that take inspiration from the local soils and vegetation are most appropriate. The following materials and colours are not supported:</p> <ul style="list-style-type: none">• Walls of custom orb steel sheeting, or concrete tilt up panels.• Colours that are garish and/or sharply contrasting with neighbouring dwellings and the context of the dwelling.	<p>Complies – The exterior of the building is proposed to be constructed copper ‘earthy toned’ cladding and dark toned feature brick walls. Officers consider that this would be sympathetic to the provisions of the DAP.</p>
<p>Corner Sites</p> <p>Due to their prominence in the neighbourhood, new dwellings situated on a corner lot must provide a frontage to both streets. This may be achieved by the use of feature windows, wrap-around verandahs, together with architectural detailing which reduces the visual impact of the façade.</p>	<p>Complies – The proposed development incorporates elements addressing both Beenyp Road and Dundatha Drive, including the pitch of the roof and the awning/verandah that wraps around the building.</p>



DAP Requirement	Proposed Development
There should be no blank building facades facing either street.	
<p>Servicing (bin storage, clothes drying areas, air conditioning units etc)</p> <p>Bin storage, clothes drying areas, air conditioning units, water heating systems and other plant and/or equipment are to be located such that they are not visible from the street, and all noisy plant and equipment shall be located and insulated to minimise noise impacts on neighbouring properties.</p>	<p>Complies – a provision for bin storage has been located to Dundatha Drive, though is screened by a section of solid wall and the bike parking area.</p> <p>Air conditioning external fixtures are located within the site, facing the car park and away from the street frontages.</p>
<p>Landscaping</p> <p>Encouraging a more sustainable or environmentally friendly approach to development should be inclusive of the development of private gardens.</p>	<p>Complies – It is noted that the proposal involves the removal of approximately 9 mature trees within the car park of the development.</p> <p>The applicant has proposed a Landscape Plan and Revegetation Plan as part of a condition of determination. The commercial nature of the land use generates the requirement for the large building to be proposed, though this site maintains 69% open space, which reserves a considerable area in which landscape efforts can be made.</p>
<p>Paving</p> <p>The hard landscape component comprises mainly surface treatments in the form of footpaths, kerbs and crossovers and of course the general road pavement.</p>	<p>Complies – The subject site has existing footpath along the verges of Beenyup Road and (Amy Street). A single new crossover is proposed along Dundatha Drive.</p>
<p>Walls and Structures</p> <p>This incorporates public hard landscaping features, and features on private properties such as landscaping walls, steps, retaining walls, etc.</p> <p>Walls and structures should be constructed of appropriate materials.</p> <p>Limestone or limestone like constructions should not be permitted except where they are not visible from the street. Appropriate materials are timber, metal, red brick and granite or laterite rock constructions. These materials are consistent with the natural environment of the locality.</p>	<p>Complies – The applicant has included a small section of colourbond fencing and retaining walls that will be visible from the street. However, there is a large portion of the street view of the development that would be complimented by landscape screening and view of the building itself, which bears brick feature walls, a metal skillion roof design and cladding and poles supporting the skillion roof, which are of earthy tones, consistent with the natural environment of the locality.</p>



DAP Requirement	Proposed Development
<p>Street Trees</p> <p>Street trees are an integral part of Byford. Where subdivision occurs, street trees shall be planted by the developer at a rate of 10 per 100m, or proportional amount depending on the width of the subdivided lot. The type of street trees to be planted shall be determined by Council to ensure consistency within the street.</p>	<p>Complies – The proposed site plan from the applicant identifies the planting of more than ten (10) new street trees. A Landscape and Revegetation Plan shall be required as a condition of determination.</p>
<p>Fences</p> <p>Front fences in Byford are not common, and therefore new front fencing is not encouraged.</p> <p>a) No fences over 1.2m high in front of the building setback.</p> <p>In the case of corner lots, fencing over 1.2m shall only be permitted in front of the secondary street building setback, as determined by Council and at its discretion.</p>	<p>Non-Compliant – Although the application proposes the construction of visually permeable fence with an approximate height of 1.8m, this is not considered to significantly depart from the intent of this provision. Officers consider the development will still provide for an unobstructed view of the development, when viewed from the road.</p> <p>Importantly it should be noted that, the proposed style of fence is required to ensure the safety of the children of the child minding premises. Therefore, an important requirement.</p> <p>It should also be noted that the proposed fence would not be inconsistent with the overall character of the area, considering some properties on Beenyup Road have front fences higher than the 1.2 metres.</p>

Form of Development:

Clause 67 of the Deemed Provisions, specifically (m) relates to the form of the development that is required to be assessed.

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

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

Below are the elevations, as viewed from the north (Beenyup Road), west (Dundatha Drive) and north-west (intersection of the two roads).

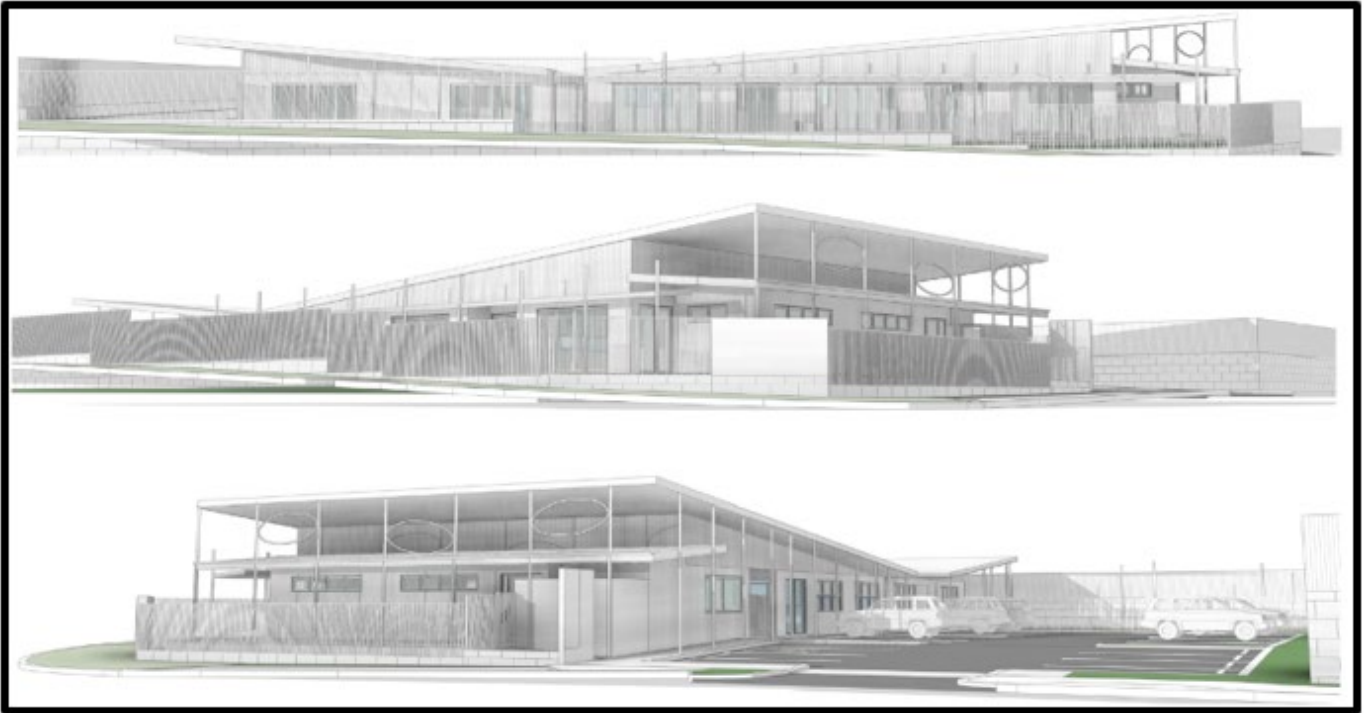


Figure 9: Elevation from Beenyup Road (top), north-west corner of the site (middle) and from Dundatha Drive (west)



Figure 10: A coloured perspective image of the development from Beenyup Road



The material externality of the proposed 'Child Minding Centre', as shown in the above image, features a colourbond roof with an earthy toned 'copper' underling, rendered white walls, with feature sections of dark toned brick walls and 'copper' toned cladding. The form of development comprises modern design elements and features which reflect the existing forms of development within the Byford Old Quarter',

Officers consider the development reflects the evolving nature of the immediate locality, noting the site is located within a transitional area between the old and new area of Byford. It also, adjoins a commercial development to the west. The development is therefore considered to strike a balance between the existing forms of development within the area and considered to compliment the existing streetscape.

Amenity

During the consultation period neighbouring residents raised concerns in relation to noise impacts of the proposal on the residential amenity of the area. Specific concerns relate to the level of noise that would result from the 'Child Minding Centre'. One of the objectives of Planning Bulletin 72/2009 is to "*minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas.*"

The applicant submitted an Environmental Acoustic Assessment (EAA) as part of the development application, to demonstrate that the activities associated with the proposal comply with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). The EAA can be viewed within **attachment 6**. The applicant due to the proximity of the site to South Western Highway (being a transport corridor) also submitted a separate acoustic assessment to assess the proposal against *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. The acoustic assessment associated with noise from the transport corridor is discussed in the next section of the report.

In terms of noise generated from activities of the proposal, the submitted EAA assessed emissions from the outdoor child play area, mechanical plant (air conditioning units, plant/extraction fans) and car doors opening/closing activities against the assigned levels of the Regulations. The report identified that emissions from these activities received at the sensitive receptors to the north, south and east of the site, meet the assigned levels under the Regulations. However, Officers note that noise generated from the closing/opening of car doors and the outdoor play area were at the upper end of the assigned level threshold. This was also raised within a number of the submissions received. Location of the sensitive receptors pictured below:



Figure 11: Location of Sensitive Receptors

In relation to car doors, the applicant as part of the revised proposal has moved drop off and pick up activities to the adjoining commercial property, drawing noise away from the immediate sensitive receptors. Officers consider that this will significantly reduce the noise of this activity received at the nearby sensitive receptors significantly. Notwithstanding the fact that the emissions from the development already complied with the assigned noise levels of the Regulations.

In terms noise generated from the outdoor play areas of the proposal, the applicant's noise report is modelled on worst case scenario. Therefore, noise generated from the development is modelled at the high end of the spectrum for this type of activities for child minding centres. This is generally to ensure compliance is achieved on a worst-case scenario. The development in real time operations will likely generate noise at lower decibels development.

Notwithstanding this, the applicant on the northern boundary has proposed to construct a garrison fence, comprising of a visually permeable noise screen (Perspex) to assist in reducing noise emissions with this activity to sensitive receptors to the north. In terms of the east and southern side, Officers will be recommending a noise management plan be submitted to address all activities associated with outdoor play. This would address limiting the use of equipment that typically generate noise at a lower decibel, recommend appropriate flooring to reduce vibrations



of noise travelling during playtime and limit the hours of play. Officers consider this will ensure the development respectfully interacts with nearby sensitive receptors.

More broadly however, it should be noted due to the location of the development adjoining existing commercial development to the west and its proximity to South Western Highway, the general locality is not currently afforded a pristine level of residential amenity than that of a property located within centre of the 'Byford Old Quarter'. Noise emissions from the nearby activities and noise from the transport corridor currently reflect the existing background noise levels of the area. Therefore, with this in mind, Officers consider the development will not adversely detract from the existing amenity of the area currently afforded to occupiers of the area.

State Planning Policy 5.4 – Road and Rail Transport Noise (SPP5.4)

The site falling within proximity to South Western Highway, is subject to the requirements of SPP5.4. This seeks to ensure that noise received at noise sensitive premises (such as the proposed child minding premises) from major transit routes would not result in any adverse impact on the enjoyment of the use of the land or potential health risks.

The applicant submitted a separate acoustic assessment (State Planning Policy 5.4 Acoustic Assessment) which can be viewed in **attachment 7**, to assess noise received at the development from the South Western Highway transport corridor. The assessment modelled that a maximum noise level of 58 decibels will be received at the proposed premises. Accounting for future traffic intensity on South Western Highway, this is projected to increase to 60 decibels at maximum.

The acoustic assessment provided by the applicant identifies a series of construction requirements that would ensure compliance with noise levels received can be achieved for the different rooms of the child minding building. These measures include brick walls with cavities, glazed windows and doors, as well as insulation of the roof that would exceed acoustic requirements. In summary, Officers consider that a condition of determination to ensure these recommendations of the acoustic assessment take place to ensure compliance with SPP5.4.

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

The objective of LPP1.6 is to facilitate the provision of meaningful public art to enhance the public realm and the community's relationship with it. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

In this instance, commercial development is proposed within a residential setting, which by way of its natural form of development, can impact upon the amenity of the area. The area to the north, east and south currently comprises of residential development within the older 'Byford Old Quarter' area and newer 'The Brook at Byford' area. Any proposed public art is recommended to primarily address the commercial town centre area to the west of site, or ensure that the design is sympathetic to the residential character of adjoining areas.

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

Local Planning Policy 4.11 – Advertising (LPP4.11)

Local Planning Policy LPP 4.11 – Advertising sets out development standards and requirements for advertisements. The plans, as submitted, have not identified the form of make of any signage that would be placed on the exterior of the building of fences of the property. Officers consider



therefore that any signage proposed by the applicant would be subject to the requirements of LPP4.11 and a separate Development Application process.

Local Planning Policy 2.4 – Water Sensitive Design

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

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

Local Planning Policy 24 (LPP24) – Designing Out Crime

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

It is considered that due to the prominence of the position of the site, a high level of passive surveillance should be provided by the development to enable the fostering of positive activity within the locality. Officers note that a small section solid wall has been included, along the street frontage at the corner of Beenyup Road and Dundatha Drive. However, Officers note that the whole frontage along Beenyup Road will be developed with windows and the fence will be visually permeable creating passive surveillance within the design.

There will be less windows facing Dundatha Drive, although with the proposal indicated to encourage clients to utilise parking in the commercial development to the west, this will create a greater sense of activation within that space of pedestrians. So, with the increase of pedestrians in that space, it will assist in ensuring an element of ‘designing out crime’ can be achieved within the surrounding public realm.

Developer Contributions

This development falls within Development Contribution Area No.1 (DCA1) and Development Contribution Area No.4 (DCA4), although DCA4 would not apply as this is non-residential development. This is incorporated into the Town Planning Scheme No. 2 under Plan No.10A (Byford Traditional Infrastructure DCP). It is therefore subject to the provisions of the DCP, and the landowner will be required to make the associated Development Contribution payment when the liability is triggered (the application for the Building Permit).

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

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



Options and Implications

Option 1

That Council

1. APPROVES the development application for a Child Minding Centre, as contained within **attachment 1**, at Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford subject to the following conditions:

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

Plans and Specifications	Development Plans (P1-P13) received at the Shire Offices on 28 July 2021; Traffic Impact Statement (P24-P44) dated 22 October 2021; Environmental Acoustic Assessment dated May 2021; State Planning Policy 5.4 Acoustic Assessment dated May 2021; and Cardno Technical Memorandum dated 21 October 2021.
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- b. Prior to the submission of a building permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- c. The maximum number of children on the premises at any one time shall not exceed 100.
- d. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pick up time of no later than 6:30pm Monday to Friday, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- e. Prior to works occurring onsite, detailed plans showing the pedestrian infrastructure upgrade as per **attachment 8** are to be submitted to and approved by the Shire of Serpentine Jarrahdale. The works associated with the pedestrian infrastructure upgrade are to be completed prior to occupation of the development.
- f. The application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the State Planning Policy 5.4 Acoustic Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Prior to occupation, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale . The Noise Management Plan shall be prepared to ensure appropriate measures are implemented for outdoor play areas and mechanical plant to mitigate noise. Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan must include the construction of a visually permeable noise fence on the northern boundary which incorporates a transparent noise screen.
- h. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.



- i. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
 - j. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale.
 - k. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
 - l. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.
 - m. Prior to issuing of a Building Permit, the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government).
 - n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through amendment 208 (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
 - o. Prior to occupation of the development, a landowner shall enter into a suitable Deed of Agreement to the satisfaction of the Shire of Serpentine Jarrahdale, to secure reciprocal parking arrangements for 6 parking bays between Lot 101 (1) Beenyup Road, Byford and Lots 102 (13) & 103 (15). The landowner shall be responsible to meeting all costs associated with preparing, executing and registering the Deed of Agreement.
 - p. Prior to the issue of a Building Permit, the two lots being amalgamated.
2. REQUESTS the Chief Executive Officer to write to Main Roads WA, for the purpose of asking Main Roads WA to review the operations of the current Beenyup Road / Abernathy Road / South Western Highway traffic signals, to determine if any refinement to provide dedicated tandem green arrow right turn movements for east west traffic could improve efficient operation of that intersection.

Option 2

As per Option 1, however with a modified condition c. to reduce the maximum capacity to 75 children.

Option 3

That Council REFUSES the development application for a Child Minding Centre for the following reasons:

1. The application proposes an inadequate access arrangement for the development, insofar that it will intensify the amount of traffic at the adjoining intersection of Beenyup Road and Dundatha Drive, which is considered to create a safety issue for users;
2. The application is considered to represent a size and scale which is inconsistent with the amenity of the surrounding residential locality.



Option 1 is recommended.

Conclusion

The application seeks approval for the construction of a new Child Minding Centre. The proposal is considered to generally align with the planning framework and considered to not adversely impact upon the existing amenity of the area. Officers are satisfied that the conditions recommended will address noise and traffic concerns raised during public submission. Officers consider due to the unique nature of the location of the proposal, the development is considered sympathetic to existing development within the area.

Attachments (available under separate cover)

- **10.1.4 – attachment 1** – Development Plans (E21/12304)
- **10.1.4 – attachment 2** – Summary of Submissions (E21/12305)
- **10.1.4 – attachment 3** – Department of Education Submission (E21/12306)
- **10.1.4 – attachment 4** – Technical Assessment (E21/12307)
- **10.1.4 – attachment 5** – Transport Impact Statement (E21/12308)
- **10.1.4 – attachment 6** – Environmental Acoustic Assessment (E21/12309)
- **10.1.4 – attachment 7** – State Planning Policy 5.4 Acoustic Assessment (E21/12322)
- **10.1.4 – attachment 8** – Cardno Technical Memorandum (E21/12323)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option						
2	Approved with a reduced capacity	Planning framework	Reputation	Possible	Moderate	MODERATE	Clearly explain reason for the decision
3	If Council refuse the application, it may result in the applicant appealing the decision to the State Administrative Tribunal	Planning framework	Financial	Possible	Moderate	MODERATE	Clearly explain reasons for refusal



Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. **APPROVES** the development application for a Child Minding Centre, as contained within attachment 1, at Lot 102 (13) and Lot 103 (15) Beenyup Road, Byford subject to the following conditions:

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

Plans and Specifications	Development Plans (P1-P13) received at the Shire Offices on 28 July 2021; Traffic Impact Statement (P24-P44) dated 22 October 2021; Environmental Acoustic Assessment dated May 2021; State Planning Policy 5.4 Acoustic Assessment dated May 2021; and Cardno Technical Memorandum dated 21 October 2021.
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- b. Prior to the submission of a building permit, a Landscape and Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Revegetation Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- c. The maximum number of children on the premises at any one time shall not exceed 100.
- d. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pick up time of no later than 6:30pm Monday to Friday, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- e. Prior to works occurring onsite, detailed plans showing the pedestrian infrastructure upgrade as per attachment 8 are to be submitted to and approved by the Shire of Serpentine Jarrahdale. The works associated with the pedestrian infrastructure upgrade are to be completed prior to occupation of the development.
- f. The application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the State Planning Policy 5.4 Acoustic Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Prior to occupation, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale . The Noise Management Plan shall be prepared to ensure appropriate measures are implemented for outdoor play areas and mechanical plant to mitigate noise. Once approved, the Noise Management Plan shall be implemented in its entirety to the satisfaction of the Shire. The plan must include the construction of a visually permeable noise fence on the northern boundary which incorporates a transparent noise screen.



- h. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.**
 - i. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.**
 - j. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. A Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale.**
 - k. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.**
 - l. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.**
 - m. Prior to issuing of a Building Permit, the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government).**
 - n. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing common infrastructure, as established through amendment 208 (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.**
 - o. Prior to occupation of the development, a landowner shall enter into a suitable Deed of Agreement to the satisfaction of the Shire of Serpentine Jarrahdale, to secure reciprocal parking arrangements for 6 parking bays between Lot 101 (1) Beenyup Road, Byford and Lots 102 (13) & 103 (15). The landowner shall be responsible to meeting all costs associated with preparing, executing and registering the Deed of Agreement.**
 - p. Prior to the issue of a Building Permit, the two lots being amalgamated.**
- 2. REQUESTS the Chief Executive Officer to write to Main Roads WA, for the purpose of asking Main Roads WA to review the operations of the current Beenyup Road / Abernathy Road / South Western Highway traffic signals, to determine if any refinement to provide dedicated tandem green arrow right turn movements for east west traffic (now road construction has concluded) could improve efficient operation of that intersection.**



10.1.5 – Proposed amendment to Local Planning Policy 4.5 – Temporary Accommodation (SJ3362)

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

Authority / Discretion

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

The purpose of this report is for Council to consider amendments to Local Planning Policy 4.5: Temporary Accommodation Policy (LPP 4.5) for the purposes of community consultation in accordance with Clause 5(1) of the Deemed Provisions.

The proposed amendments seek to provide for a clearer framework when considering temporary accommodation proposals within rural zoned areas of the Shire. The proposed amendments also seek to express the forms of development in which temporary accommodation will be supported, to ensure clarity as to the requirements of the National Construction Code, and also considerations of rural amenity.

Officers recommend that Council adopt the draft Local Planning Policy 4.5: Temporary Accommodation for the purposes of public consultation for a period of six weeks. Following public consultation, the draft Policy will be presented back to Council for its final consideration.

Relevant Previous Decisions of Council

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

That Council:

- 1. Pursuant to Clause 4 (3)(b) (i) and (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 1.*

Background

The Shire receives development applications from time to time, seeking temporary accommodation in rural zoned areas of the district. This is usually requested to enable temporary onsite accommodation to occur, while the primary single dwelling is being constructed.

Landowners typically propose one of two options – either an onsite caravan or a rural shed which is fitted for this purpose.

A clear policy framework assists in the exercise of discretion in considering these proposals. This enables a risk based planning assessment to address matters such as amenity, public health issues and to also provide a clear signal as to National Construction Code requirements (which are dealt with at the Building Permit stage).



The current Local Planning Policy 4.5: Temporary Accommodation is recommended for amendments, to create greater amounts of clarity and simplicity for landowners who may be considering temporary accommodation.

Community / Stakeholder Consultation

Pursuant to Clause 5(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), revised draft LPP 4.5 is required to be made available for community consultation and comment for a period of no less than 21 days. The amended draft LPP4.5 will be available to be viewed at the administration building and uploaded on the Shire's website.

It is recommended that public consultation occurs for a period of six weeks, to provide ample opportunity for community consideration.

Statutory Environment

Legislation

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

Local Planning Framework

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

Comment

The proposed revisions to LPP 4.5 seek that applicants initially demonstrate (through formal documentation like signed building contracts and a valid building permit), that the temporary accommodation nature of the development is intended. The proposed revisions then introduce a clear 'two stream' option as to how temporary accommodation may be considered. These are as follows:

Development Stream 1

Within the Shire's rural residential areas (Rural Living A, Rural Living B, Farmlet, Rural Residential 1, Rural Residential 2, Rural Small Holdings) and the Rural zone, the local government may approve the occupation of one (1) caravan on-site for up to 12 months pursuant to regulation 11(2)(c) of the Caravan Parks and Camping Grounds Regulations 1997, subject to:

- *A building permit having been issued for the construction of the dwelling on the property with written evidence of a signed building contract with a registered builder for the construction of the dwelling, and a commitment date that is within six (6) months by that builder for the commencement of construction of the dwelling; or*
- *In the case of an owner builder, a building permit for a dwelling has been issued by the local government and the applicant shall lodge with the local government a Statutory Declaration providing a commitment to construct a dwelling and an accompanying commencement date that is within six (6) months; and*
- *A Statutory Declaration acknowledging the use of a caravan on-site is for temporary accommodation purposes only in accordance with regulation 11(2)(c) of the Caravan Parks and Camping Grounds Regulations 1997; and*
- *Provision of adequate ablution and washing facilities connected to an approved water supply*



and effluent disposal system to the satisfaction of the local government; and

- *Where located within the Rural Living A, Rural Living B, Farmlet, Rural Residential 1, Rural Residential 2 or Rural Small Holdings zone, the caravan being located within an outbuilding;*
- *Where located within the Rural zone, the caravan not having to be located within an outbuilding if it is otherwise located in an inconspicuous position, generally to the side or rear of the land.*

The rationale for this option is that a caravan within an outbuilding doesn't result in any visual amenity impacts. In broad acre rural areas, there is also a little more flexibility to place a caravan not within an outbuilding if it is otherwise in an inconspicuous area. The caravan would still need to be connected to water and other amenities to ensure that there is no impact upon human health and more broadly, the environment. This is also covered under the *Caravan Parks and Camping Grounds Regulations 1997* of which a separate approval will be required to be obtained by the Shire's Health Services Team.

In terms of 'Development Stream 2', this provides an option for a temporary accommodation within what is otherwise a Class 10 non-habitable outbuilding, but which has the portion proposed to be habitable constructed and classified as a Class 1a habitable building. This stream is provided following:

Development Stream 2

Within the Shire's rural residential areas (Rural Living A, Rural Living B, Farmlet, Rural Residential 1, Rural Residential 2, Rural Small Holdings) and the Rural zone, the local government may approve a class 1 building (either wholly or partially), which takes the structure of a steel framed outbuilding, ahead of the main single dwelling for the land, subject to the following:

- *A building permit having been issued for the construction of the main dwelling on the property with written evidence of a signed building contract with a registered builder for the construction of the dwelling, and a commitment date that is within six (6) months by that builder for the commencement of construction of the dwelling; or*
- *In the case of an owner builder, a building permit for a dwelling has been issued by the local government and the lodging with the local government a Statutory Declaration providing a commitment to construct a dwelling and an accompanying commencement date that is within six (6) months; and*
- *Provision of adequate ablution and washing facilities connected to an approved water supply and effluent disposal system to the satisfaction of the local government for the Class 1 building; and*
- *A further Statutory Declaration acknowledging that the Class 1 building will revert to a Class 10 non-habitable outbuilding within 60 days of practical completion of the main dwelling.*

This stream importantly provides landowners with a degree of flexibility in reverting the steel framed structure to an outbuilding within 60 days of practical completion of the main dwelling. Landowners could also theoretically seek to remove the structure all together, or apply for development approval to convert it to an ancillary accommodation.

In terms of a Class 1a building, such structures (either wholly or for the portion proposed for habitation) will need to incorporate elements/features such as windows and doors, typical design features associated with a dwelling to enable the required energy ratings of the National Construction Code (NCC) to be met. This will however still allow a rural outbuilding aesthetic to occur.



Options and Implications

Option 1

That Council, pursuant to Clause 5(1) of the Deemed Provisions, ADVERTISES revised draft Local Planning Policy 4.5: - Temporary Accommodation as contained within **attachment 2** for a period of six weeks for the purposes of public consultation.

Option 2

That Council resolves that the draft LPP4.5 Temporary Accommodation is NOT SATISFACTORY for advertising.

Option 1 is recommended.

Conclusion

The revisions proposed to LPP4.5 seek to ensure for a clearer, more robust, planning framework when considering proposals for temporary accommodation. Importantly, it seeks to provide clarity for the landowner demonstrating the temporary nature of such applications, and two alternative streams to consider in this regard.

Attachments (available under separate cover)

- **10.1.5 – attachment 1** – Existing Local Planning Policy 4.5: Temporary Accommodation (E21/12072)
- **10.1.5 – attachment 2** – Revised Local Planning Policy 4.5: Temporary Accommodation (E21/9588)

Alignment with our Strategic Community Plan

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

Financial Implications

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



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1						
2	If Council resolves not to proceed with the proposed modifications to LPP 4.5, the framework surrounding temporary accommodation will not reflect the changing nature of such proposals and may result in further confusion for applicants	Planning framework	Reputation Organisational Performance	Possible	Moderate	MODERATE	Ensure policies are updated to provide clarity

Voting Requirements: Simple Majority

Officer Recommendation

That Council, pursuant to Clause 5(1) of the Deemed Provisions, ADVERTISES revised draft Local Planning Policy 4.5: - Temporary Accommodation as contained within attachment 2 for a period of six weeks for the purposes of public consultation.



10.1.6 – Proposed Additions to Single House, Ancillary Dwelling and Outbuilding – Lot 54, 192 Nettleton Road, Byford – (PA21/751)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: Keen Architecture
 Owner: Ben Theobald
 Date of Receipt: 29 July 2021
 Lot Area: 119,282.525 sqm (11.9ha)
 Town Planning Scheme No 2 Zoning: ‘Rural’
 Metropolitan Region Scheme Zoning: ‘Rural’

Report Purpose

The purpose of this report is for Council to consider a development application for an Ancillary Dwelling which forms part of a broader proposal comprising of Additions to a Single House and the construction of an Outbuilding at Lot 54, 192 Nettleton Road, Byford.

The report solely focuses on the proposed Ancillary Dwelling as it seeks a variation to the Shire’s Local Planning Policy 4.1 – Ancillary Dwellings (LPP4.1) by way of its siting, which is proposed to be forward of the primary dwelling building line rather than behind. The other components of the proposal are considered to meet the requirements of the broader planning framework.

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site is approximately 11.9 ha and zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2). It fronts Nettleton Road and comprises of a single house and incidental structures. Undeveloped areas around the site are thickly vegetated and feature mostly native vegetation.

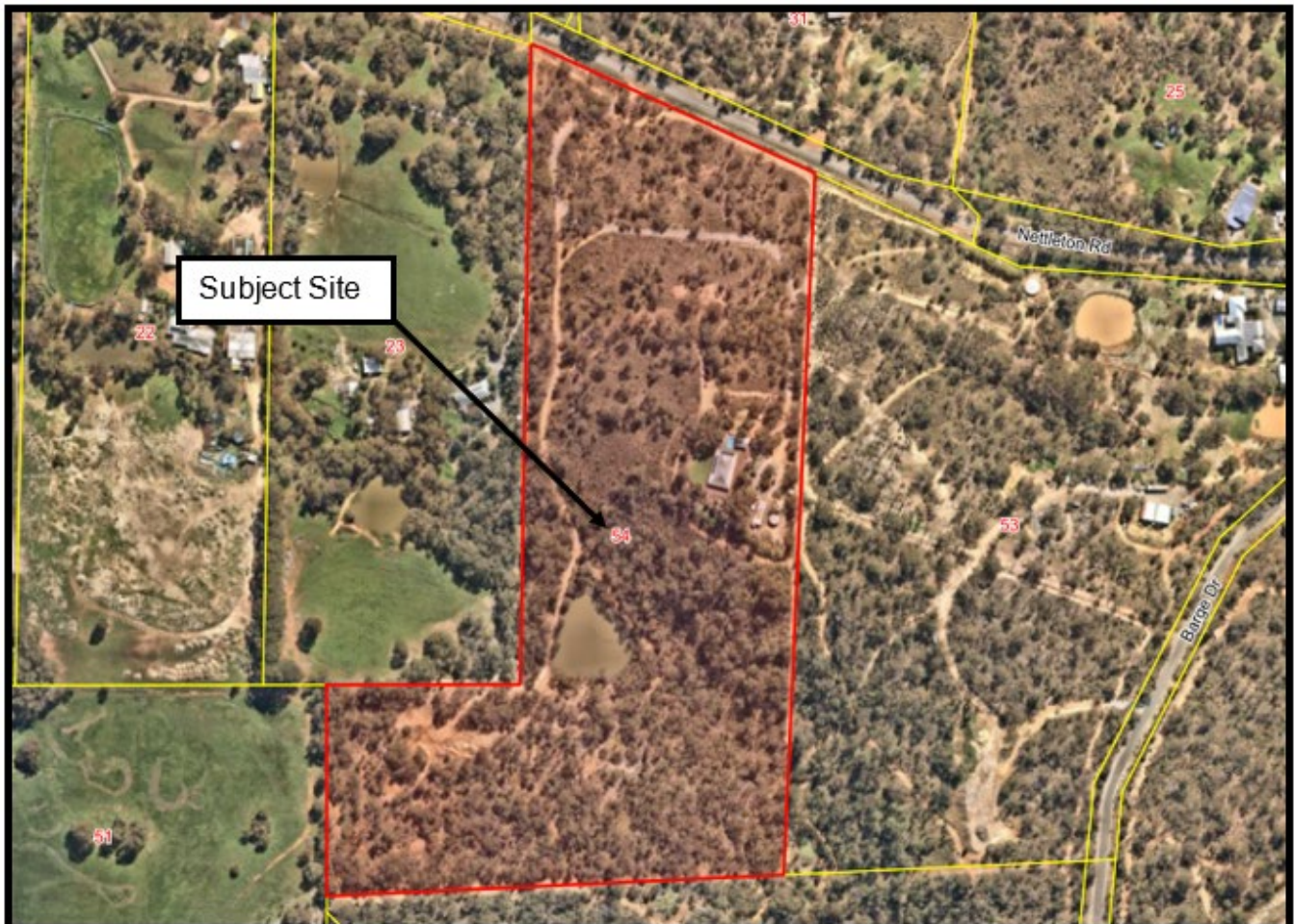


Figure 1: Site context

Proposed Development

The application submitted to the Shire seeks approval for Additions to a Single House and the construction of an Ancillary Dwelling and Outbuilding. The Ancillary Dwelling component of the proposal is subject to this report only due to the variations proposed LPP4.1. The other components of the development meet the requirements of the broader planning framework as detailed within the technical assessment which can be viewed within **attachment 2**.

The Ancillary Dwelling is proposed to be located in a relatively flat and small cleared area between the existing dwelling and Nettleton Road. The Ancillary Dwelling measures a total 77.4m². It would be located 115m from the primary street and setback 100m from the nearest (west) lot boundary. The development will be screened from Nettleton Road by way of existing mature vegetation between the building line and the road. This providing limited filtered views of the development when viewed from the street and/or neighbouring properties.

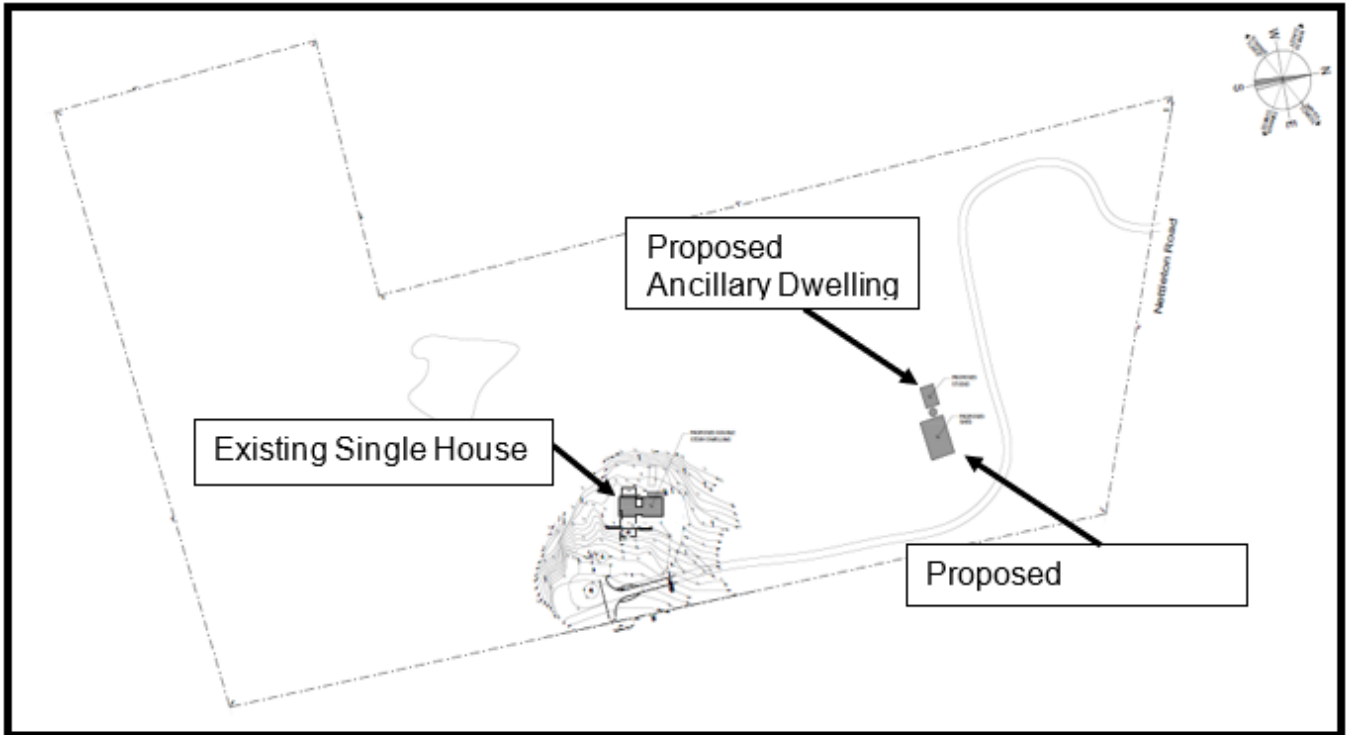


Figure 2: Site Plan

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

Community / Stakeholder Consultation

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

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Policy

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



Planning Assessment

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

- Land Use:

The application seeks approval for an 'Ancillary Dwelling', defined under the R-Codes as a *"Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house"*. The proposed development is considered to meet this definition as it entails the construction of a self-contained dwelling, which is detached from the single house on the same lot.

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

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

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

The proposed Ancillary Dwelling would be located forward of the existing Single House and therefore presents a variation to the requirements of LPP4.1. The variation has been assessed against the objectives of LPP4.1 to ensure the development still aligns with the intent of the policy, as shown below:

Objective	Proposal
Ensure that Ancillary Dwellings are designed and located to appear visually related with the primary dwelling and minimise impact on the amenity of the locality.	<p>The subject site is located towards the darling scarp and is constrained by both the contours of the land and existing vegetation. Locating the Ancillary Dwelling closer to the existing dwelling would result in the need for clearing and leveling works. The proposed location poses the least impact to the landscape and environment.</p> <p>The proposed Ancillary Dwelling includes a gable roof design to link with the additions proposed to the existing dwelling onsite. This which would create a sense of visual connectivity between the two structures.</p>
Ensure that Ancillary Dwellings are subservient to the primary dwelling.	<p>The proposed Ancillary Dwelling is smaller in scale as compared to the Single House. Irrespective its location forward of the primary dwelling, the proposed Ancillary Dwelling is considered to appear and function in a manner subservient to the Single House, thus achieving the policy objective.</p> <p>Importantly the proposal due to mature vegetation present between the development</p>



Objective	Proposal
	and Nettleton Road, is considered to provide for a high degree of natural screening providing for limited filtered views of the development from the road and neighbouring properties. This is considered to address any amenity impacts that may result from the proposed variation.
Protect against increase in residential density and ad hoc fragmentation of land by ensuring that development does not encourage future subdivision.	The proposed design and location are considered to not generate or increase density beyond what the policy allows. It is also not considered to encourage future subdivision.

The proposed Ancillary Dwelling has been located so as to minimise environmental impacts on the subject site, namely clearing of native vegetation which is in good condition. The location is central on the site and existing vegetation would visually screen the development from surrounding landowners and the street. Officers consider the proposed Ancillary Dwelling achieves the objectives of LPP4.1 and the variation sought is capable of approval.

Options and Implications

Option 1

That Council APPROVES the development application for Additions to a Single House and construction of an Ancillary Accommodation and outbuilding at Lot 54, 192 Nettleton Road, Byford subject to the following conditions:

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

Plans and Specifications	P1-P4 received at the Shire's Offices on 9 August 2021; and P5 (BAL) received at the Shire's Offices on 9 August 2021.
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- b. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. All existing native trees on the lot shall be retained and shall be protected from damage prior to and during construction unless specifically identified for removal as part of this or a separate approval.

Option 2

That Council REFUSES the development application for Additions to a Single House and construction of an Ancillary Dwelling and Outbuilding at Lot 54, 192, Nettleton Road, Byford for the following reason:

1. The ancillary accommodation is proposed to be placed forward of the main dwelling line, which creates the impression of it being a stand-alone second dwelling which is inconsistent with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Option 1 is recommended.



Conclusion

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

Attachments (available under separate cover)

- **10.1.6 – attachment 1** – Development Application details (E21/12908)
- **10.1.6 – attachment 2** – Technical Assessment (IN21/24170)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option						
2	Council refuses the application and a subsequent appeal is lodged with the SAT	Planning Framework	Reputation	Possible	Minor	MODERATE	Council should provide sound planning reasons for refusal



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for Additions to a Single House and construction of an Ancillary Accommodation and outbuilding at Lot 54, 192 Nettleton Road, Byford subject to the following conditions:

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

Plans and Specifications	P1-P4 received at the Shire's Offices on 9 August 2021; and P5 (BAL) received at the Shire's Offices on 9 August 2021.
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b. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

c. All existing native trees on the lot shall be retained and shall be protected from damage prior to and during construction unless specifically identified for removal as part of this or a separate approval.



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

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Matthew Garry Scott
Owner:	Matthew Garry Scott
Date of Receipt:	16 February 2021
Lot Area:	25954.96m ²
Town Planning Scheme No 2 Zoning:	‘Rural Living B’
Metropolitan Region Scheme Zoning:	‘Rural’

Report Purpose

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

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

For the reasons outlined in the report, Officers recommend approval subject to detailed conditions that will directly manage the potential environmental and amenity impacts associated with the proposal. Based upon these conditions, the amenity of the area will be sufficiently protected, and a compatible high performance equine use will be able to operate.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application

Background

Existing Development

The subject land, which is 2.59ha in area, has a 250m frontage to the unconstructed Windmill Road. Access to the site is via a driveway from the cul-de-sac head of Windmill Road at the north eastern corner of the site. The site is surrounded by land zoned ‘Rural’ to the west of Walker Road and ‘Rural Living A’ land to the north and east. The site is generally cleared of vegetation with low



levels of grazing pasture or grass cover. The site includes a Resource Enhancement category Wetland and expresses perched surface water across the northern and western boundaries of the lot over winter months, as shown in Figure 1 below:



Figure 1 Location Plan

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



Figure 2: Site Plan

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



Retrospective Proposal

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

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

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

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

Community / Stakeholder Consultation

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

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

These matters are discussed in the report section.



Consultation with other Agencies

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

Department of Primary Industries and Regional Development (DPIRD)

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

Existing land degradation

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

Proposed stocking rate

- *The ELMP is based on the irrigated stocking rate for this soil landscape unit.*
- *DPIRD does not consider irrigation to be appropriate at this location due to the waterlogging, inundation, and the presence of shallow groundwater.*
- *Calculations of stocking rates require established pasture. As the land is currently bare, the relevant stocking rate is zero DSE per hectare.*
- *Pasture needs to be established before grazing commences.*
- *Section 2.4 (page 9) includes the statement: "Horses do not graze on site. Grazing can trigger pasture-caused laminitis which would be detrimental to the horse performance." This appears aimed at supporting the practice of keeping horses on bare paddocks, and conflicts with other sections of the ELMP.*
- *It is not clear how BioScience arrived at their conclusions relating to the stocking rate. For example, the calculation in section 3.3.2 (page 11) of the report is numerically incorrect, and it is also unclear why they chose multiplication.*
- *The numbers described in tables 3, 4, and 5 do not cross-reference well, leading to doubts about the calculations.*
- *The stocking rate calculation by BioScience assumes each horse will only access the pastured paddocks for one hour a day before being returned to a stable and enclosure. However, there are inconsistencies in BioScience's ELMP about the activities of the horses.*
- *An example is the shade sails proposed for the paddocks. If the horses are in the paddocks for one hour of exercise each, they will be moving around, and not standing underneath the shade sails, thereby making the sails redundant.*
- *Section 2.4 (page 9) states that some horses will be placed in the stables overnight while other will remain in the paddocks.*
- *Given the high number of horses that all completely rely on imported feed, DPIRD consider the equine activity to be a high intensity land use, analogous to a small feedlot.*



Nutrient Management

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

Maintain Groundcover

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

Department of Water and Environmental Regulation (DWER)

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

- *The development application area is located within Pinjarra (P1b) soil type. The Stocking Rate Guidelines for Rural Small Landholdings (Department of Agriculture, 2000), recommends the stocking rate of six Dry Sheep Equivalent (DSE) per hectare on dry pasture or 20 DSE on irrigated pasture. The applicant is requesting up to 22 horses be kept on the property. Each horse is the equivalent of 10 DSE (therefore requesting a total of 220 DSE). With 1.58 ha of dry pasture, the allowable stocking rate is 9.48 DSE which is marginally sufficient for one horse.*
- *It should be noted however that Paddocks A-F are unsuitable for stocking due to seasonal waterlogging and at the seasonal highest maximum groundwater intercepts the surface. Within the WQPG 13: Environmental Guidelines for Horse Facilities and Activities (WQPG 13), "Horses should be kept away from swampy or seasonally water covered ground, with a minimum distance of at least 1.2 m above the highest annual groundwater table level". This would not appear achievable within the lot in the absence of bringing in fill.*
- *In addition, the Wetlands dataset of the Swan Coastal Plain identifies a 'Resource Enhancement Wetland' (REW) that runs through the majority of the Lot. Figure 1 within the development application indicates that the horse paddocks and stables are located within this REW. Within the WQPG 13, "Horses should not be kept or allowed access to within 200m of wetlands".*
- *The applicant proposes to significantly increase the stocking rate and it is noted that an Equine Land Management Plan (ELMP) (Bioscience, October 2020) has been included within this application. The ELMP in its current form does not contain sufficient information to support the significant increase in suitable stocking rates.*

Department of Biodiversity, Conservation and Attractions (DBCA)

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

A full summary of the submissions received is contained within **attachment 2**.



Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

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

Planning Assessment

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

TPS 2

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

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

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

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

Land Use:

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

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

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

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

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

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

This 'Rural Living B' area was created via Scheme Amendment 49, which rezoned the parent lot 793 Wattle Road, Serpentine from 'Rural' to 'Rural Living B'. This Scheme amendment listed both 'Rural Use/Intensive Agriculture' and 'Stables' as discretionary uses. The amendment also identified the careful consideration of such intensive uses, providing that:

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

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

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

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

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

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

'rural pursuit/hobby farm' defined as meaning "any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;



(c) the sale of produce grown solely on the premises.”

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

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

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

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

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

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

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

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

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

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

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the catchment to the Peel-Harvey Estuarine System are controlled to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System, should be managed to reduce or eliminate nutrient export from the land. As discussed further in this report, the waste management measures proposed as part of this application are considered to adequately address the risk of nutrient export.

Stocking Rates

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

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

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

Under the stocking rate guidelines, one horse equals 20 DSE. The application seeks approval for up to 22 horses be kept on the property, or 220 DSE. Based on the proposed paddock area of 1.58ha, 1.415ha of which are irrigated, the application suggests the site has a base stocking rate



of 29.32 DSE. Based on DPIRD's advice in relation to the applicable Stocking Rate Unit, the actual stocking rate of the land is much lower.

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

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

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

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

Geomorphic Wetlands

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



Figure 3: Geomorphic Wetland Mapping

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

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

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

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



Waste Management

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

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

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

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

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

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

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

Noise

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



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

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

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

Dust

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

In terms of pasture cover, Officers consider it unlikely that the land would be capable of establishing sufficient pasture cover to assist in the management of dust issues. Furthermore, elements of the application refer to maintaining bare paddocks to prevent horses from grazing, allowing their feed to be more carefully controlled and digestive issues from grazing avoided. This therefore requires a very high degree of land management, in order to support the intended high performance management being proposed by the development. Dust management provisions are located within the Equine Land Management Plan document within **attachment 1**.

Fill

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

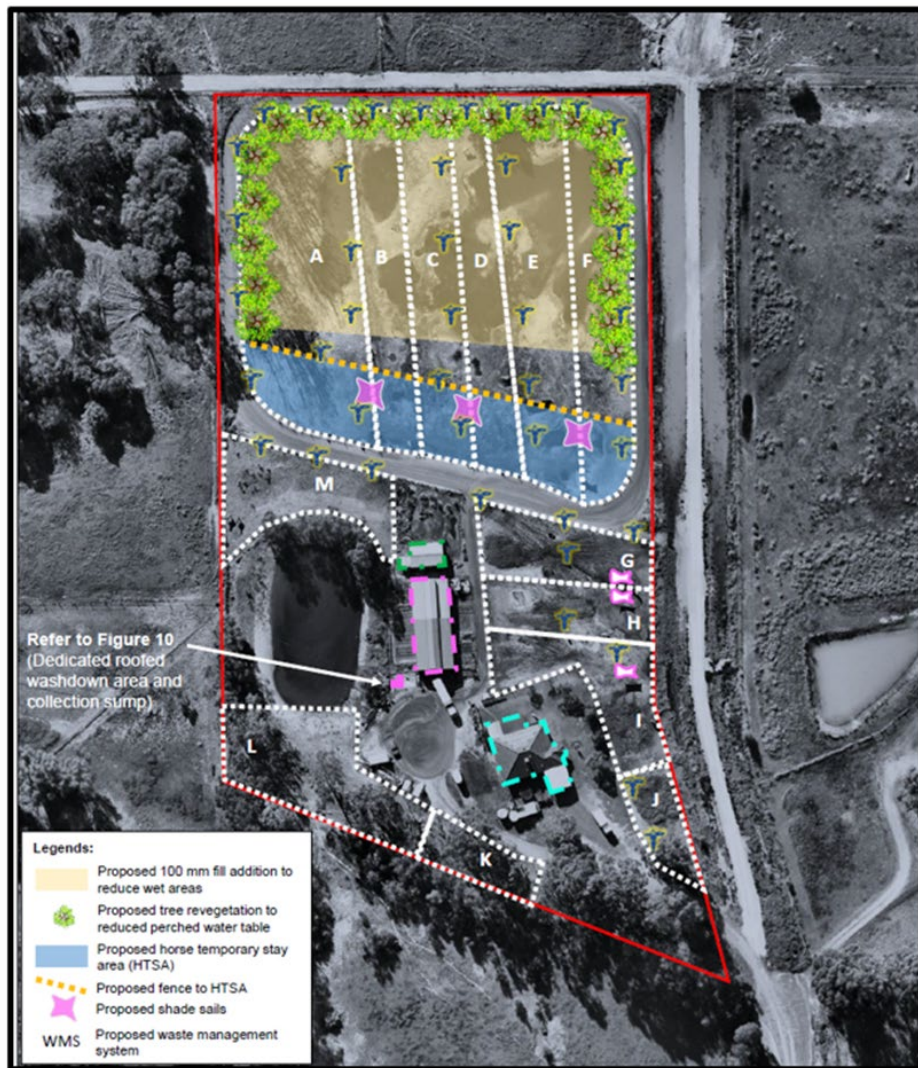


Figure 3: Proposed Revegetation

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

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

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



Options and ImplicationsOption 1

That Council APPROVES the application for the retrospective 'Rural Use' at Lot 110 (43) Windmill Avenue, subject to the following conditions.

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

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



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

Option 2

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

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

Option 1 is recommended

Conclusion

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

Attachments (available under separate cover)

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

Alignment with our Strategic Community Plan

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



Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council approves the development application subject to conditions	Appropriate conditions are recommended which address the risk issues associated with the development					
2	That Council REFUSES the development application	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensure robust reasons for refusal

Voting Requirements: Simple Majority

Officer Recommendation

That Council **APPROVES** the application for the retrospective 'Rural Use' at Lot 110 (43) Windmill Avenue, subject to the following conditions.

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

Plans and Specification	Bioscience Report: Equine Land Management Plan dated August 2021 Site Plan: Figure 8 dated 16 October 2020 of the Bio Science Report Wastewater Management Plan: Figure 10 dated 5 August 2021 of the Bioscience Report
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- b. An updated Equine Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Equine Management Plan must demonstrate, to the satisfaction of the Shire, the complete management program of the development in order to protect the environment and maintain acceptable levels of rural residential amenity for the locality



at all times. Once approved, the updated Equine Management Plan must be implemented at all times.

- c. A maximum of 22 horses are permitted to be kept on the subject land. In undertaking the development, the landowner is to display and maintain an all hours contact number which surrounding landowners can call to report any amenity issues, so that the landowner can investigate and address such issues. Within 7 days of receiving a call, the landowner is to also advise the Shire, together with the remedy action take to address the issue raised in the call.
- d. All stormwater to be disposed of within the subject land. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- e. Horses are to be kept out of any paddock that is partially or completely inundated with water, until such time that the inundation subsides, to the satisfaction of the Shire. During periods of prolonged inundation, the number of horses is to be reduced reflective of the reduced availability of land that is not inundated.
- f. All chemicals associated with the development are to be stored so as to eliminate the possibility of spillage onto permeable surfaces.
- g. An updated Waste Management Plan being submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of the date of this approval. This updated Waste Management Plan must demonstrate, to the satisfaction of the Shire, how the existing stables are to be fitted with non-permeable flooring, and with frequently turned out floor covering, in order to manage the build-up of horse urine and manure in the floor covering material.
- h. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
- i. Flooring of the stables and holding yards to consist of impermeable base only, to prevent nutrients leaching into the soil.
- j. Disposal of hard and liquid wastes is to be in accordance with *Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’*.
- k. All declared and environmental weeds are to be eliminated from the lot.
- l. Within 60 days of the date of approval, a Noise Management Plan being prepared by a suitably qualified consultant, and then submitted to and approved by the Shire. This is to demonstrate the appropriate noise management practices that must take place in order to maintain an acceptable amenity level for the area. The Noise Management Plan once approved is to be implemented at all times.
- m. Clean fill only is permitted to be brought to the site. Prior to the importation of fill, certification of the clean fill nature must be provided to the Shire.

**10.1.8 – Draft Local Planning Policy – Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter (SJ2301)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider adopting a draft Local Planning Policy pertaining to 'Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter.' Adopting a draft Policy will allow community engagement to occur and report back to Council following advertising.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Detailed Area Plan for the Old Quarter recognises the planning prospect of development of land backing onto the historic lanes of Byford. These lanes, through staged subdivision and development of interfacing land, have the opportunity to open up and form a new public realm, which is interfaced by appropriately scaled development and which accommodates the shared needs of pedestrians, trees, cars and parking. The traditional lanes were designated as 'rights-of-way', which was a method of vesting under-width roads under the *Transfer of Land Act 1893*. The laneways however were all dedicated as public roads on 12 November 2015. The existing laneways in Byford are shown in the map following.

The Byford Townsite Detailed Area Plan outlines that where rear laneways adjoin the lot, at the time of the subdivision, the laneway should be widened to a width of 10m. The widening is intended to be shared by both property owners on either side of the laneway. This is done through a condition of subdivision or development to cede a 2.5m section of the land for the road widening. Upon piecing together all the bits to form a complete 'road widening' along the lane, the vesting of such can change to a 10m wide 'public road'.



With development being intended to front the historic lanes, the upgrading of the lanes should occur so that it is at a suitable standard to facilitate access to new lots. This upgrading may not necessarily be coordinated, insomuch that lots that are located on the inner parts of the lane may be seeking to subdivide/develop before the outer sections of lanes. Importantly, what needs to be a minimum expectation, is that a safe, legible and accessible access arrangement be provided as such will form the frontage for new lots created.

Recent examples have been inadequate, insomuch that the road construction does not provide the intended safe, legible and accessible access. The following image for example shows why a clearer standard and policy position is needed:



The current process needs to change, as it is seen to create the following undesirable outcomes:

- Subdividers provide pavement to the minimum standard in the laneways with no trees or embellishments.
- Some portions of the road may not be developed for many years, resulting in uneven and different road standards on different portions of the laneway.
- The Shire is required to pay for and/or do all the maintenance on assets that are difficult to maintain, and sub-standard.
- The cost of subdivision is not properly captured by this approach.

Community / Stakeholder Consultation

Pursuant to Clause 5(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), a draft Local Planning Policy is required to be made available for community consultation and comment for a period of no less than 21 days.

It is recommended that public consultation occurs for a period of six weeks, including writing to affect laneway owners. This is to provide ample opportunity for community consideration.

Statutory Environment

- *Planning and Development Act 2005*



Comment

The purpose of this report is to provide a clear policy position to help ensure incremental subdivision and development along laneways which still provides a safe design scenario for access.

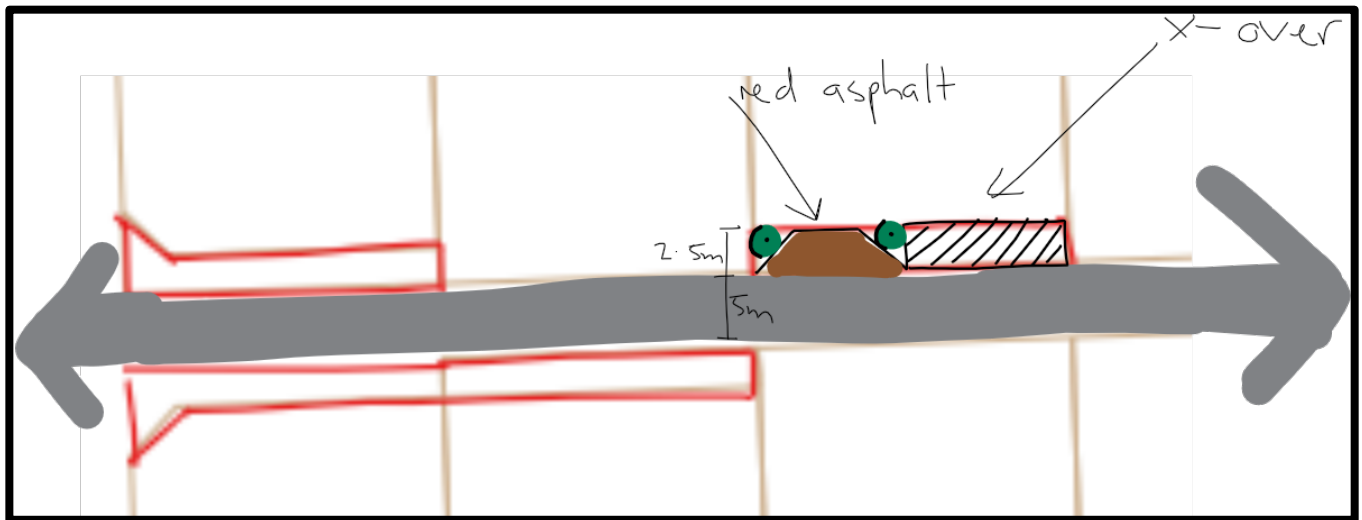
The draft LPP sets out the following policy position for subdivision and development along lanes:

Lots with front boundary abutting the laneway

Whereas each 2.5m 'segment' can be ceded to achieve the widened lane, it is about ensuring what is developed in each segment, and also how the pavement of the actual lane (the middle 5m) is upgraded.

The draft LPP proposes:

1. Ceding of 2.5m for the full frontage of the lot proposed to be subdivided;
2. Within that 2.5m ceded section of land, the construction of the crossover for the future driveway, one parallel parking bay (red asphalt) and two street trees;
3. The curb and sealing of the 5m laneway, with two coat bitumen seal, to ensure that it is a curbed and sealed standard all the way up to the frontage of the subdivided lot, with the subdivider having the choice to extend from either end to achieve this.



4. The subdivider is responsible for the upgrading of the laneway, given that a new lot will be created which relies on the laneway as its frontage.

Lots with side boundary abutting the Laneway

Lots with side boundaries abutting the laneway have the same requirement to cede 2.5m of the lot to construct visitor car parking and plant two street trees.



Options and Implications

Option 1

That Council RESOLVES, pursuant to Clause 5(1) of the Deemed Provisions, to advertise draft Local Planning Policy - Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter contained within **attachment 1** for a period of six weeks for the purposes of public consultation.

Option 2

That Council RESOLVES that the draft LPP is not satisfactory for advertising.

Option 1 is recommended.

Conclusion

The outcome of the current process is it provides inadequate pavements, with no parking or street trees within the lane. Also, in some recent examples, the laneway has not been upgraded to provide safe, legible and accessible outcomes for the new lot owner who will have frontage to the lane. Creating a draft LPP is important to help achieve a safe, legible and efficient laneway subdivision outcome.

Attachments (available under separate cover)

- **10.1.8 – attachment 1** – Draft Local Planning Policy (LPP) – Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter (E21/12811)



Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

The process will result in medium and long-term maintenance and replacement savings to the Shire and ratepayers.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1						
2	If Council resolves not to proceed with the proposed LPP, the current ad hoc situation may continue to produce poor outcomes for the Shire, community and new lot owners.	Planning framework	Reputation Organisational Performance	Possible	Moderate	MODERATE	Nil



Continued

Ordinary Council Meeting Agenda Monday, 15 November 2021

Voting Requirements: Simple Majority

Officer Recommendation

That Council RESOLVES, pursuant to Clause 5(1) of the Deemed Provisions, to advertise draft Local Planning Policy - Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter contained within attachment 1 for a period of six weeks for the purposes of public consultation.



10.1.9 – Consideration regarding response to the prospect of future mining within the State Forest surrounds to the east and southeast of Jarrahdale (SJ1067-3)

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

Authority / Discretion

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

The purpose of this report is to present to Council options to consider how it should respond to the potential for future mining within the State Forest surrounds east and southeast of Jarrahdale.

Alcoa have recently begun mining in the surrounds of Kingsbury Drive, Serpentine, which has had a demonstrable adverse impact on the natural amenity of this area. It is noted also that Alcoa have recently submitted plans for environmental assessment to both State and Commonwealth regulatory bodies, that may result in the extension of mining operations in proximity to Jarrahdale townsite.

This report provides Council with the opportunity to consider how it wishes to engage with future environmental impact assessment processes, once they become available for community comment.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Mining can have a range of impacts on social, economic and environmental systems in a range of positive and negative, and direct and indirect ways. Alcoa have recently begun mining in the surrounds of Kingsbury Drive, Serpentine, which has had a demonstrable adverse impact on the natural amenity of this area. It is noted also that Alcoa have recently submitted plans for environmental assessment to both State and Commonwealth regulatory bodies, that may result in the extension of mining operations in proximity to Jarrahdale townsite.

These plans provide for the following potential:

- Increase alumina production at Pinjarra Refinery by 5% from 5 million tonnes per annum (Mtpa) to 5.25 Mtpa.
- Transition the Huntly mine into the Myara North (within Serpentine Jarrahdale) and Holyoake regions; with Myara North Study Area being proximate to the east and southeast surrounds of Jarrahdale townsite;
- An increase in the rate of mining to supply up to 2.5 Mtpa of bauxite for export.



The map following identifies the Myara North Study Area and its relationship to Jarrahdale townsite.



Community / Stakeholder Consultation

The purpose of this report is to illuminate the different options on how the Shire may seek (or not seek) to respond to a future environmental impact assessment specific to the issue of the Myara North Study Area encroachment to the natural surrounds of Jarrahdale. An option does include an extensive process of community engagement by the Shire, whereas other options do not include this. Having a Council position will enable staff to appropriately start planning depending on what Council resolves in this regard.



Statutory Environment

The environmental impact assessment process governed under both State and Federal Legislation, provides processes of community engagement at certain points during the process. Council has the option to respond as part of these processes, and it is essentially the degree to which a response should be taken which this report provides options on.

Comment

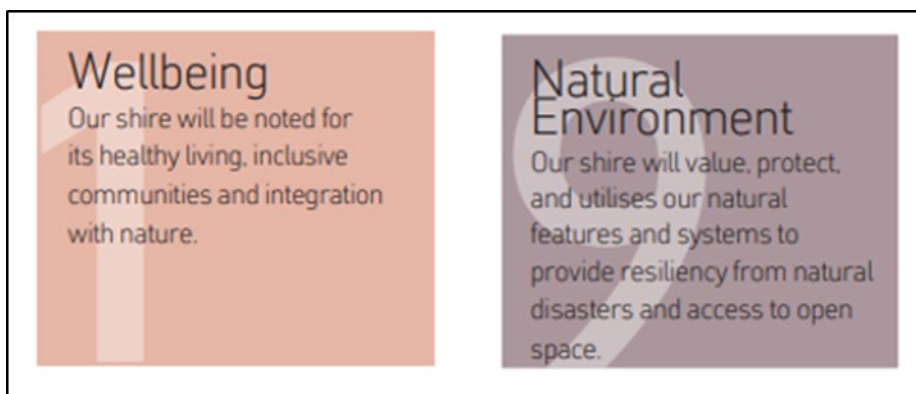
There are a number of strategic considerations that Council may wish to consider in respect of choosing an option to respond to future environmental impact assessment processes on. These are briefly discussed following:

SJ 2050

The SJ2050 document presents an outline of community values, including specific to the environmental qualities of the natural landscape. These include the following extracts from that document:



This informs two outcomes of that document, being No. 1 (under People) and No. 9 (under Prosperity) as follows:



Jarrahdale Trails Town Business Case

This recently adopted Business Case for Jarrahdale Trails Town illustrates the important utility of the Jarrahdale forest to current and future trail and nature based tourism. It also illustrates that the defining character of the town is that attributed to its setting within the forest. It documents that:

“Jarrahdale is one of Western Australia's most historic settlements located 45 km south-east of Perth in the Darling Range. Originally a logging town that exported jarrah timber to the world. In recent years the town has seen a significant increase in the number of visitors coming to Jarrahdale to use the trails, particularly through the COVID-19 pandemic period.



Jarrahdale has always been a trails mecca and provides an abundance of opportunities to walk, run, horse ride and cycle. Jarrahdale is easily accessible to 32 trails/networks comprising 20 bush and urban walking trails, two shared use trails, two mountain biking trails/networks and eight bridle trails/networks. Two of these trails are state level, seven are regional level and the remaining 23 trails are local level trails there is something for everyone at Jarrahdale. As its popularity as a trails destination grows, it could be said that Jarrahdale is already an informal Trail Town. There is now a fantastic opportunity for Jarrahdale to become a fully accredited Trail Town as sanctioned by Trails WA.

Trail tourism brings social, economic, environmental, health and community outcomes particularly in regional areas. The following are benefits of becoming a Trail Town:

- *Trails spread economic growth to regional areas.*
- *Trail tourism brings people to towns.*
- *Trails promote healthy communities.*
- *Trail tourism brings new businesses, jobs and volunteer opportunities.*
- *Trails build community and cultural capacity.”*

This status of Jarrahdale as a trails community and region, is based upon elements of the State Forest being kept intact.

SJ State of the Environment Report

The main points from this report completed in 2019 are:

“Landscape modification and habitat fragmentation are key drivers for extinction. Fragmented vegetation patches may not be large enough to support some species, and fragmentation may inhibit gene flow (causing the population to become more susceptible to disease and predation). Modification and fragmentation of the jarrah forest from bauxite mining can impact very large areas.”

“...changes to vegetation from natural and human-caused events such as fire, clearing and mining affect the condition of the soils.”

“The Shire has significant resources of bauxite, sand, gravel, clay and hard rock. Bauxite and mineral sands industries impact large areas and require intensive rehabilitation to stabilise the surface. Bauxite mining causes large-scale clearing of the jarrah forest and poses a severe threat to its biodiversity.”

“Rural character and natural beauty are highly valued by the community. Protected and celebrated by a number of policy and planning mechanisms. There is growing concern over the effect of climate change, logging and mining on the jarrah forest, which has great recreational potential.”

This resulted in a recommendation being made to address this challenge:

“Land response action 5.2.9 - Investigate options to minimise disturbance by mining and logging to the jarrah forest.”

Proposed engagement

As discussed, there are three main options that Council could consider in respect of how it chooses to involve itself in future environmental impact assessment processes. These could be considered, at one end of the spectrum, to not making a submission on the future environmental impact assessment process. The next could be Council deciding to take a position to respond to



the future environmental impact assessment process. Finally, at the other end of the spectrum, this could be a more extensive process of community engagement, with a discussion paper and community forum process facilitated across the Shire to obtain community input to help shape an ultimate position.

This would be a more reaching process, versus a less reaching process if Council chose to participate through responding to the environment impact assessment process, or not choosing to participate.

Accordingly, the three options would be:

Option A – Council not taking an active position in responding to the environmental impact assessment process.

The implications of this is that there is no local government position provided to the EPA, State Government and Federal Government as to the prospect of mining within Myara North. There would be no position from the Shire as to what impact there is considered to be in respect of mining in the surrounds to Jarrahdale townsite and across the natural landscape and recreational landscape afforded by the State Forest.

Option B – Council taking an active position in responding to the environmental impact assessment process.

The implication of this is that there would be a local government position clearly communicated to the EPA, State Government and Federal Government as part of releasing for public comment their respective environmental impact assessments. There would be a position from the Shire as to what impact it considers associated with further mining in the surrounds to Jarrahdale townsite and across the natural landscape and recreational landscape afforded by the State Forest.

Option C – Council taking an active position in responding to the environmental impact assessment process, after firstly undertaking a detailed process of community engagement to help create a community dialogue and discussion on community views of the issue. If this option was supported, the Shire would be making a submission based not only on technical analysis, but also community feedback obtained through the dialogue with the community.

The implication of this would be a stronger element of community voice, to underpin the Shire position and response to the EPA, State Government and Federal Government as part of releasing for public comment their respective environmental impact assessments.

Options and Implications

Option 1

That Council:

1. REQUESTS the Chief Executive Officer to provide a Shire submission to the EPA, State Government and Federal Government as part of their future public comment processes in respect of the environmental impact assessment of further mining within the Myara North area;
2. LISTS for mid-year budget review, an amount of \$25,000 for expert consultancy costs to assist in the analysis of detailed matters pertaining to the potential environmental impact.

This being Option B as discussed in this report.

Option 2

That Council RESOLVES not to provide any Shire submission to the EPA, State Government and Federal Government as part of their future public comment processes in respect of the environmental impact assessment of further mining within the Myara North area.

This being Option A as discussed in this report.

Option 3

That Council:

1. REQUESTS the CEO to undertake a community engagement process, to help shape a Shire submission to the EPA, State Government and Federal Government as part of their future public comment processes in respect of the environmental impact assessment of further mining within the Myara North area;
2. LISTS for mid-year budget review, an amount of \$65,000 for expert consultancy costs to assist in the analysis of detailed matters pertaining to the potential environmental impact.

This being Option C as discussed in this report.

Option 1 is recommended.

Conclusion

Mining can have a range of impacts on social, economic and environmental systems in a range of positive and negative, and direct and indirect, ways. A future proposal may result in active mining taking place closer to the Jarrahdale townsite, in the state forest surrounds. This report presents Council with options about its level of involvement in the environmental impact assessment processes that will form part of assessment a future potential expansion of mining.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

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

Financial Implications

Option A would have a minimum financial impact. Option B would benefit from expert assistance to aid the Shire in providing its response to the environmental impact assessment process, which would be considered in the vicinity of \$25,000. In addition to the Option B cost, Option C would likely involve engaging a public engagement consultant to undertake the discussion paper process and community forums, which would likely require funds of \$40,000. Thus, Option C would cost circa \$65,000.



Should Council recommend either Option B or C, it would be necessary to find the funds to implement the option at the forthcoming mid-year budget review.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Endorsing Option B	Nil	Reputation	Possible	Major	SIGNIFICANT	Explain reason for adopting this option.
2	Endorsing Option A	Nil	Reputation	Possible	Moderate	MODERATE	Explain reason for adopting this option.
3	Endorsing Option C	Nil	Reputation	Possible	Moderate	MODERATE	Explain reason for adopting this option.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **REQUESTS** the Chief Executive Officer to provide a Shire submission to the EPA, State Government and Federal Government as part of their future public comment processes in respect of the environmental impact assessment of further mining within the Myara North area;
2. **LISTS** for mid-year budget review, an amount of \$25,000 for expert consultancy costs to assist in the analysis of detailed matters pertaining to the potential environmental impact.



10.1.10 – Proposed Urban Animal Management Strategy Process – Community Engagement Plan (SJ544)	
Responsible Officer:	Coordinator Community Safety
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of the report is for Council to endorse an engagement plan that will allow residents to provide information through a survey that will guide the drafting of an Urban Animal Management Strategy and future considerations for local laws for cats and dogs, if necessary, within the Shire. Noting proposed changes to the Dog Act and the Cat Act which are under consideration, commencing community engagement to help develop a new Urban Animal Management Strategy will allow community voice to help shape future considerations in this regard.

While there is a focus on dogs and cats, there is also increasing community interest in respect of the keeping of poultry. The engagement plan also includes some additional questions as to how the community would like to be supported into the future in respect of keeping the likes of chickens, fowls, peafowls, turkeys, geese and ducks etc.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this item.

Background

Pets are an important part of peoples lives, in that they contribute to an enhanced community and individual wellbeing. Australia has one of the highest rates of animal ownership in the world, with over 67% of households owning a dog or cat. In terms of poultry, there is also an increasing movement towards chicken, especially as sustainability and the minimisation of waste shapes contemporary community values.

Responsible pet ownership goes further than caring for the health, welfare and safety of pets. Animal owners are also socially and legally responsible for managing their pets in such a way that ensures their animals are compliant with the relevant laws that exist. With the Shire continuing to grow rapidly, and changes forthcoming under both the Dog and Cat Act, Officers consider it time to formulate an Urban Animal Management Strategy to help shape future actions in this regard. Officers consider community input to helping shape such a strategy to be central to its future success.



Officers also note that the Shire's 1999 Health Local Law that provided controls pertaining to the keeping of poultry, would benefit from review and having community input and values shape such review would be very beneficial.

The management of domestic animals is a function of local government and the strategy will allow Officers to educate owners and manage animals in the community. If necessary, information received will also allow amendments to local laws, or new local laws, to be developed that will further strengthen the ability of Officers to manage such animals.

Finally, the Strategy provides an opportune time in which to seek community feedback in respect of pound options. Current pound facilities are located in Mundijong and provide pragmatic (but basic) dog pound facilities, with very good larger livestock holding facilities. Engaging with the community on pound options for the future will help inform considerations in this regard.

Community / Stakeholder Consultation

Community / Stakeholder Consultation:

Engagement with the community on a range of issues associated with animal management is important to understand the wishes and needs of the community in this space. The attached Urban Animal Management Strategy Community Engagement Plan (**attachment 1**) will initiate a process that will help shape an Urban Animal Management Strategy, for Council's consideration.

Officers see community engagement as central to the shaping of strategy options for future Council consideration.

Statutory Environment

Legislation

- *Local Government Act 1995*
- *Health Local Laws 1999*

Comment

Animals are important companions to many in our society and community, and give people a sense of purpose and enjoyment. They are good for physical health through active lifestyles and are also beneficial to mental health.

The management of animals in the urban setting, which brings different animals and humans together in a developed landscape, is an important function of local government. This is of particular importance for cats and dogs that are forced, due to the necessities of the urban structure, to cohabitate in confined and smaller spaces. Furthermore, with increasing popularity around urban sustainability, food waste reduction and growing ones own food, poultry pets are becoming commonplace in urban settings.

It is necessary to support good management of urban animals. With continued changes in our developing community, the environment and to legislation, it is important for the Shire to continually evaluate and assess how to support the community in managing pets well. This is generally done through the development of a (first stage) Urban Animal Management Strategy and, where necessary, local laws and supporting framework.

The first step in the process is to understand the needs and wishes of residents to help shape these management strategy, through a survey for community comment. This engagement with the community (as per the Urban Animal Strategy Community Engagement Plan), will help



community views be heard to shape the drafting of an Urban Animal Management Strategy, for consideration by Council. This will provide the strategic plan and steps going forward to be taken, to help in the effective management of urban animals.

The kinds of questions that will be in the survey include the following:

1. What are your thoughts about dog and cat ownership in the Shire?
2. What should we do more of?
3. What should we do less of?
4. What future pound infrastructure should the Shire be planning for? Where would you like to see a pound located?
5. Should a pound make allowance for both dogs and cats?
6. What are your thoughts on the kind of issues that future controls and community education efforts should deal with:
 - Dog do-dos
 - Dogs on leads
 - Control of nuisance behaviours
 - Any other matters?
7. What are your thoughts on the kind of issues that future controls and community education efforts should deal with:
 - Requiring cat runs if you own a cat? - Yes/No?
 - Controlling certain areas in the Shire where cat ownership may be permitted?
 - Limits on cat numbers?
 - Any other matters?
8. How could the Shire support the community in helping them discover the options associated with urban sustainability and keeping of poultry?

Once the outcomes of the engagement are available, the results will be presented through a report to Council by March 2022.

Options and Implications

Option 1

That Council **ENDORSES** the Urban Animal Management Strategy Community Engagement Plan as per **attachment 1** as the beginning of a process to formulate and develop an Urban Animal Management Strategy.

Option 2

That Council does not proceed with community engagement on the Urban Animal Management Strategy.

Option 1 is recommended.



Conclusion

Responsible pet ownership and sustainable animal management plays a significant role in ensuring the Shire continues to be a family friendly area and the place to be for a liveable and thriving Community. Officers have drafted a Community Engagement Plan that will allow the community and stakeholders to provide feedback and input into the future considerations for the delivery of animal management services in the Shire's urban areas, and to meet community expectations in regard to animal management.

Attachments (available under separate cover)

- **10.1.10 – attachment 1** – Urban Animal Management Strategy Community Engagement Plan (E21/11964)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.3	Enhance community safety

Financial Implications

Funding for the engagement is included in the 2021/2022 Budget.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Adoption of the community engagement plan	This is considered to address risks.					
2	Not proceeding with community engagement.	Nil.	Organisational performance	Possible	Moderate	MODERATE	Explain reasons for this



Continued

Ordinary Council Meeting Agenda
Monday, 15 November 2021

Voting Requirements: Simple Majority

Officer Recommendation

That Council ENDORSES the Urban Animal Management Strategy Community Engagement Plan as per attachment 1 as the beginning of a process to formulate and develop an Urban Animal Management Strategy.



10.2 Infrastructure Services reports

10.2.1 – Noongar Heritage Agreement – Local Government and Gnaala Karla Booja (SJ3417)

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

Authority / Discretion

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

The purpose of this report is to enable Council to consider authorisation the execution of the Noongar Heritage Agreement for Local Government related to the Keirnan Park Recreation Precinct.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 October 2021 - OCM283/10/21 -COUNCIL RESOLUTION / That Council:

1. *AWARDS Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd to the value of \$2,099,241.25, excluding GST, for Stage 1A and 1B as contained within CONFIDENTIAL attachment 1;*
2. *AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant;*
3. *APPROVES funding of Keirnan Park Recreation Precinct planning by reallocation of municipal funding for Briggs Park Drainage, and the BMX Track Capital Expenditure from the Byford BMX Track Reserve*

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	164,426	
6500-80298-6600-0000	Briggs Park Drainage Capital Expenditure	Decrease Expenditure		164,426
<i>Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Briggs Park Drainage</i>				
6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	478,296	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		159,432



6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		318,864
<i>Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.</i>				
<p>4. <i>AUTHORISES the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.</i></p> <p>5. <i>AUTHORISES the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.</i></p> <p>6. <i>REQUESTS the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.</i></p>				

<p>Ordinary Council Meeting – 15 March 2021 – OCM057/03/21 - COUNCIL RESOLUTION</p> <p><i>That Council:</i></p> <p>1. <i>ADOPTS the Keirnan Park Masterplan as detailed in attachment 3.</i></p> <p>2. <i>ENDORSES the staging plan as proposed in the Keirnan Park Masterplan Report: 1(a) Senior AFL ovals, entry road and pavilion – fully funded. 1(b) BMX Facility – funding application submitted. 1(c) Netball Hub – not funded at this stage.</i></p> <p>3. <i>ADOPTS the Keirnan Park Business Case detailed in attachment 2.</i></p> <p>4. <i>NOTES that the Chief Executive Officer has submitted an application for round 5 BBRF funding for Stage 1(b) BMX facility, supported by the Keirnan Park Masterplan and Business Case.</i></p> <p>5. <i>NOTES the consultation undertaken in the development of the Keirnan Park Masterplan project.</i></p> <p>6. <i>REQUESTS the Chief Executive Officer explore funding options for Stage 1(c) Netball Hub.</i></p> <p>7. <i>NOTES a notional space has been allowed for on the Masterplan and an update will be presented to Council once the Community Space/Men's Shed details have been developed.</i></p>				
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Background

At the 15 March 2021 Ordinary Council Meeting, Council adopted the Keirnan Park Masterplan and endorsed the staging plan for the project. In April 2021, as part of further detailed planning for the site, Thomson Cultural Heritage Management was commissioned to conduct an Aboriginal Heritage desktop study and due diligence assessment for the project.

In May 2021, a report on the outcomes of the study was provided to the Shire (**attachment 1**). Based on the recommendations of the Aboriginal Heritage desktop study a Noongar Heritage Agreement has been drafted with the South West Aboriginal Land & Sea Council Aboriginal Corporation (**attachment 2**). This agreement provides a framework for proceeding with the Keirnan Park project while meeting the Shire's obligations under the *Aboriginal Heritage Act 1972* (the AH Act).



Community / Stakeholder Consultation

Upon execution of the Noongar Heritage Agreement, an Activity Notice will be issued. Should an Aboriginal Heritage Survey be required, an Aboriginal Heritage Service Provider will be engaged to perform the survey. Part of this survey involves consulting meaningfully with the relevant Aboriginal people of the site. Consultation will be consistent with the WA Government's Aboriginal Heritage Due Diligence Guidelines.

Statutory Environment

The AH Act was enacted to ensure that Aboriginal heritage to which the AH Act applies could be appropriately protected and preserved.

As defined in section 5 of the AHA an Aboriginal site is:

- any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
- any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
- any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State; and
- any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Under section 17 of the AH Act, a person who excavates, destroys, damages, conceals or in any way alters any Aboriginal site commits an offence, unless he or she acts with the authorisation of the Registrar of Aboriginal Sites (Registrar) under section 16 or the consent of the Minister of Aboriginal Affairs (Minister) under section 18.

All Aboriginal sites are protected by the AH Act, whether or not they have previously been identified or registered, provided that the site can be determined to meet the section 5 definitions.

Comment

To mitigate risk of compromising Aboriginal site, the Western Australian Government recommends that landowners developing land conduct due diligence which may involve one or all of the following actions:

- assessing the landscape where an activity is to take place;
- assessing the proposed activity and the potential impact on the landscape;
- searching the Register of Aboriginal Sites and the Aboriginal Heritage Inquiry System;
- consulting with the relevant Aboriginal people;
- agreeing to an Aboriginal heritage survey; or
- other heritage management strategies.

The desktop study contained in **attachment 2** was the first step in the Shire's due diligence. As the study has found there is a medium risk to Aboriginal heritage, in line with the Western



Australian Government's recommendations a Noongar Heritage Agreement has been drafted with the South West Aboriginal Land & Sea Council Aboriginal Corporation (**attachment 1**).

The Agreement is a standard agreement produced in collaboration with the Western Australian Local Government Association, SWALSC and Department of Planning, Lands and Heritage. Use of this standardised agreement provides:

- a uniform and efficient approach to the conduct of Aboriginal heritage surveys;
- streamlined land approvals in compliance with legislation;
- consistency with the WA Government's Aboriginal Heritage Due Diligence Guidelines;
- all parties with a clear, timetabled framework about their various obligations;
- a process to ensure the submission of relevant site or Aboriginal object information for inclusion on the Aboriginal Heritage Inquiry System.

Under the agreement, before the Shire commences physical works or operations involving the area covered by the agreement the Shire must issue an activity notice. The SWALSC will consider the Activity Notice and may require an Aboriginal Heritage Survey to be conducted prior to commencement of the works specified.

If an Aboriginal Heritage Survey an Aboriginal Heritage Survey is required, an Aboriginal Heritage Service Provider will be appointed to conduct a survey at the cost to the Shire. Clauses 8.3 and 9.3 of the agreement deals with the process for selecting a survey provider. Under the agreement the SWALSC may elect to contract the Aboriginal Heritage Service Provider or perform the survey itself. Clause 8.3 notes that such an arrangement would need to be consistent with the local government's purchasing policy. Under Council Policy 3.2.4 - Purchasing - Procurement of Goods or Services up to \$250,000, any purchases over \$5,000 in value would require the seeking of three quotes from the market.

The Shire has contacted the SWALSC in order to have the agreement as contained in **Attachment 1** updated to include references to the Shire of Serpentine Jarrahdale on the signing page on page 67 of the document. At the time of preparing the report SWALSC was obtaining a copy of the template on which the agreement is based from the Department of Planning, Lands and Heritage to enable this to occur.

Options and Implications

Option 1

That Council **AUTHORISES** the Shire President and Chief Executive Officer to sign and affix the common seal to the Noongar Heritage Agreement for Local Government as contained within attachment 2 subject to revisions to the signing page of the agreement to reflect that the Shire of Serpentine Jarrahdale is the local government party to the agreement.

Option 2

That Council **DOES NOT AUTHORISE** the Shire President and Chief Executive Officer to affix the common seal to the Noongar Heritage Agreement for Local Government in **attachment 2**.

Option 1 is recommended.



Conclusion

A Noongar Heritage Agreement is considered to be best practice within stakeholders to ensure to protect Aboriginal heritage during land development. Council's authorisation of execution of the agreement via the Shire's common seal is recommended.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Aboriginal heritage desktop study and due diligence assessment for the proposed Keirnan Park Recreation Precinct (E21/5506)
- **10.2.1 - attachment 2** – Noongar Heritage Agreement for Local Government – South West Aboriginal Land & Sea Council Aboriginal Corporation, ICN 3832 for and on behalf of the Gnaala Karla Booja People Agreement Group (IN21/25340)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no direct financial implications associated with this report. Any survey required and subsequent works will be managed within the project's budget and Shire purchasing policies.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The Shire's risk of breaching s17 of the AH Act would be increased		Organisational Performance	Possible	Moderate	MODERATE	



Continued

Ordinary Council Meeting Agenda Monday, 15 November 2021

Voting Requirements: Simple Majority

Officer Recommendation

That Council AUTHORISES the Shire President and Chief Executive Officer to sign and affix the common seal to the Noongar Heritage Agreement for Local Government as contained within attachment 2 subject to revisions to the signing page of the agreement to reflect that the Shire of Serpentine Jarrahdale is the local government party to the agreement.



10.2.2 – Department of Water and Environmental Regulation – Revised Waste Plans (SJ216)

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

Authority / Discretion

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

The purpose of this report is to provide Council with the Shire’s updated waste plans, which are a regulatory requirement from the Director General of the Department of Water and Environmental Regulation (DWER). The waste plans demonstrate how the Shire of Serpentine Jarrahdale will manage the waste services it provides, whilst aligning with the Western Australian Waste Avoidance and Resource Recovery Strategy 2030.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 March 2021 – OCM058/03/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council ADOPTS the Shire of Serpentine Jarrahdale Waste Plans and authorises the submission to the Director General of the Department of Water and Environmental Regulation.

Background

On 7 November 2019, the Director General of the Department of Water and Environmental Regulation (DWER) issued a notice under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) requiring local government to include within its plan for the future a waste plan outlining how, in order to protect human health and the environment, the waste services it provides will be managed to achieve consistency with the Western Australian Waste Avoidance and Resource Recovery Strategy 2030.

Community / Stakeholder Consultation

Nil.

Comment

The waste plans are formulated in a two-part document that provide a comprehensive overview of the Shire’s waste services. Part one (services and performance) establishes the Shire’s waste profile and baseline information in relation to the objectives and targets set out in the Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy). Part two of the document is the implementation plan, which is a table by design, that reports on the waste services, infrastructure, policies and procurement, data and behavioural; change programs and initiatives.



The development of the implementation plan has been formed using the data from the Shire's Waste Management Strategy 2020-2024 (SWMS), that was adopted at the 15 June 2020 Ordinary Council Meeting. The projects listed in the SWMS are aligned with both the implementation plan and the Waste Strategy objectives.

Each of the headings are measured against the following waste management tools:

- Action;
- Detailed actions and sub-actions;
- Milestones;
- Target;
- Timeframe for delivery;
- Cost through budget or corporate business plan;
- Alignment with State waste strategy objectives (Avoid / Recover / Protect);
- Responsibility for implementation;
- Identified risks.

The following targets / actions have been identified and added to the implementation plan. The targets are individually linked to the appropriate heading. For example, the introduction of Food Organics, Garden Organics (FOGO) is linked to the waste services header and then using the waste management tools, it sets the process to completion of the target.

- Introduction of a FOGO kerbside collection service;
- Provide a Household Hazardous Waste program to Shire residents;
- Investigate the potential to establish a FOGO processing facility within the Shire;
- Develop a FOGO processing facility;
- Open the Watkins Road Transfer Station and Recycling Centre (existing action);
- Review the Shire procurement policy to incorporate preferences for the use of recyclable materials for infrastructure projects within the region;
- Improve waste data collection within the Shire;
- Conduct a resource review to inform the need for a dedicated waste education position within the Shire;
- Develop and implement a 5-year community waste education strategy, including a schools-based program.

The Shire's previous Council approved waste plans were submitted to DWER in March 2021. The initial assessment of the waste plan that was submitted to DWER, has concluded the Shire's plan did not specify the delivery of residual waste that is consistent with the SWMS definition. As such, the waste plan has now been modified to reflect the Shire's intention is to deliver the defined residual waste only, to the KWtE facility.

The first annual reporting on the implementation of waste plans 2021-22 financial year are due on the 1 October 2022.



Statutory Environment

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

Options and Implications

Option 1

That Council ADOPTS the Shire of Serpentine Jarrahdale revised Waste Plans as contained within **attachment 1** and AUTHORISES the submission to the Director General of the Department of Water and Environmental Regulation.

Option 2

That Council DOES NOT ADOPT the Shire of Serpentine Jarrahdale revised Waste Plans

Option 1 is recommended.

Conclusion

The Shire of Serpentine Jarrahdale revised waste plans have been formulated to align with the State Government’s direction for waste services. Therefore, it is recommended that Council support option 1 and authorise the submission of the revised waste plans to the Director General of the Department of Water and Environmental Regulation.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Shire of Serpentine Jarrahdale revised waste plans. (E21/2184)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Waste plans not submitted to DWER by the 30/11/2021.	Waste plan submitted to DWER	Organisational Performance	Likely	Minor	LOW	
2	Waste Plans not approved	Waste plans approved	Reputational damage and potential fines imposed	Likely	Minor	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the Shire of Serpentine Jarrahdale revised Waste Plans as contained within attachment 1 and AUTHORISES the submission to the Director General of the Department of Water and Environmental Regulation.

**10.2.3 – WALGA Energy Sustainability and Renewables Tender (SJ829)**

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

Authority / Discretion

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

Western Australian Local Government Association (WALGA) are coordinating a joint procurement project with participating local governments for the bulk purchase of electricity including renewable energy (Greenpower hereafter). The procurement process has been completed and a three-year contract has been awarded to Synergy with the contract subject to purchasing minimum 60 GWh of electricity.

The purpose of this report is to consider the offer and decide if Council elects to enter into the final procurement contract. The Energy Framework offer document is attached (**attachment 1**). The Shire must inform WALGA of their intention to participate by 18 November 2021 and sign the contract by 30 November 2021.

The final contract will be prepared by WALGA following confirmation of the Council Resolution.

Relevant Previous Decisions of Council

At the Ordinary Council Meeting on 18 August 2021, Council authorised the CEO to sign a non-binding Memorandum of Understanding with WALGA to participate in the procurement process.

Ordinary Council Meeting – 18 August 2021 - OCM223/08/21 COUNCIL RESOLUTION / Officer Recommendation

That Council AUTHORISE the Chief Executive Officer to sign the Memorandum of Understanding as contained in attachment 1.

Background

WALGA are coordinating a joint procurement project with participating local governments for the purchase of electricity including Greenpower. The procurement process has been completed and a three-year contract has been awarded to Synergy with the contract subject to minimum volumes being achieved (60 GWh). Fifty-one local governments participated in the Request for Tender (RFT) process with potential cumulative savings estimated at \$5 million per annum. Renewable power will be sourced from WA (Albany Wind Farm, Collgar Wind Farm and Emu Downs Wind Farm) and, if fully adopted by participating local governments, will result in a carbon reduction equivalent to planting 14 million new trees.



This contract applies to “contestable” sites only (large energy-consuming sites using over 50 MWh electricity per year). For the Shire of Serpentine Jarrahdale, these sites include:

- Administration and Civic Centre;
- Briggs Park and Rec Centre;
- Pony and Golf Club;
- Jarrahdale Communication Centre;
- Landcare Building.

This contract does not include uncontestable sites (consuming under 50MWh per year) and streetlights.

The contract includes options for the purchase of brown power and Greenpower (or a combination of the two), including a staged adoption of Greenpower over the 3-year contract period (e.g. 50% Greenpower in the first year, 75% in the second year and 100% by the third year).

The offer also includes a sector wide “unbundled” price and an individual local government “bundled” price. To date, the Shire’s power purchase through Synergy has been based on a bundled option. Similarly, most other local governments in WA have also opted for the bundled option until now. A bundled contract is when all the charges for energy supply including production, distribution and maintenance services are “bundled” into a fixed price (or tariff). In a bundled contract, the retailer will fix all third party and non-commodity costs (network charges, supply charges etc.) for the life of the contract. These charges typically represent 60-70 percent of electricity invoice charges.

In contrast, unbundled contracts are where the various non-commodity charges mentioned above are costed separately, they are itemized and variable (e.g. subject to change due to peak and off-peak use) and the costs are passed on to the customer. The benefit of this contract is that it allows the customer to reduce overall costs by for example minimizing energy use during peak electricity demand periods through implementing more efficient energy management plans in collaboration with Synergy and WALGA. Unbundled contracts are currently used by some of the larger Perth local governments achieving significant savings, however there is some risk that higher costs can be incurred if energy use is not managed efficiently.

Community / Stakeholder Consultation

Nil.

Statutory Environment

On 26 August 2021, the Australian Competition & Consumer Commission (ACCC) decided to grant authorisation to WALGA to enable local governments who are current and future members of a proposed joint renewable energy purchasing group to pool their demand and collectively tender for and negotiate an electricity supply arrangement. The ACCC has decided to grant authorisation for 15 years, until 30 September 2036.

Comment

Opting to purchase 100% Greenpower electricity supply for the Shire’s 5 contestable sites will reduce the Shire’s carbon emissions by approximately 442 tonnes per year (based on 2020 energy use), which is approximately 30% of the total emissions produced by the Shire. This will be a significant step towards achieving the Shire’s *Strategic Community Plan Outcome 2.2 - A*



sustainable natural environment. Purchasing Greenpower in this way would be one of the single largest actions the Shire can take to reduce carbon emissions, however, purchase of Greenpower will cost approximately an additional \$20,571 over the term of the contract. Purchasing brown power will have nil effect in reducing carbon emissions, however purchasing brown power through the contract will result in approximately \$29,658 savings over the term of the contract.

Following a cost benefit analysis of the available options in the contract, Shire Officers have determined that purchasing a combination of bundled brown power and Greenpower option would best suit the Shire. Accordingly, it is recommended bundled brown power is purchased during the first 2 years of the contract and bundled Greenpower is purchased during the third year of the contract. This presents the lowest cost and lowest risk option for the Shire which at the same time allows for purchase of renewable energy resulting in reduced carbon emissions. Purchasing brown power during the first two (2) years of the contract will result in approximately \$19,772 cost savings. The Greenpower tariff in the contract will decrease each year from 3.00 c/kWh during the first year to 2.23 c/kWh during the third (3) year of the contract, meaning that the cheapest rate for Greenpower can be achieved in year 3 of the contract. The additional cost of purchasing Greenpower during the third year of the contract will be approximately \$4,419. The net financial impact of the above electricity purchase combination will be approximately \$15,353 savings in cost.

This contract is the first phase of a multi-phase project that WALGA is coordinating which will assist participating Local Governments to better manage their energy usage with the ultimate result being a 10-year Renewable Power Purchase Agreement. The broader project will also explore joint procurement of technologies such as Electric Vehicles. Participating in this and subsequent project phases will provide the Shire with the opportunities to reduce energy bills even further whilst reducing carbon emissions.

The contract for Local Governments to enter into will be prepared by WALGA for each participating local government to execute once the Local Government has confirmed its participation. As part of this, each local government will be required to select their preferred option of power purchase in order for these details to form part of the contract.

Options and Implications

Option 1

That Council:

1. INFORMS the Western Australian Local Government Association of WA of Council's decision to participate by the participation deadline of 18 November 2021; and
2. AUTHORISES the Chief Executive Officer to sign the Synergy offer contract for 100% brown power in years one and two and 100% Greenpower in year three of the three-year contract term under the bundled contract option by 30 November 2021.

Option 2

That Council:

1. INFORMS the Western Australian Local Government Association of WA of Council's decision to participate by the participation deadline of 18 November 2021; and
2. AUTHORISES the Chief Executive Officer to sign the Synergy offer contract for 100% green power for the full term of the contract term under the bundled contract option by 30 November 2021.

Option 3

That Council:

1. INFORMS the Western Australian Local Government Association of WA of Council's decision to participate by the participation deadline of 18 November 2021; and
2. AUTHORISES the Chief Executive Officer to sign the Synergy offer contract for 100% brown power for the full term of the contract term under the bundled contract option by 30 November 2021.

Option 4

That Council does not participate in the WALGA Renewable Power Purchase Contract.

Option 1 is recommended.

Conclusion

The bundled option for purchase of electricity provides a low risk means to purchase power at a reduced cost in comparison to the current method of purchasing electricity. Additionally, if Greenpower choice is selected, this will mean that the electricity is sourced from renewable sources which will help the environment and sustainability by reduction in carbon emissions. Entering into this contract now will also provide the Shire with opportunities to enter into longer-term bulk purchase contracts through WALGA, which is likely to result in greater cost savings in future.

Attachments (available under separate cover)

- **10.2.3 - attachment 1** – Energy Framework Offer Document RFQ 06/21 Contestable Electricity Supply for Western Australian Member Local Governments (E21/12497)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

The current cumulative cost for supply of electricity for the Shire's five contestable sites is approximately \$161,000 per year. Comparing the WALGA offer with the Shire's current electricity rates and using the Shire's 2020 peak and off-peak data, purchasing the brown power as per recommended Option 1 will result in an indicative saving of \$9,886 per year, or \$19,772 over year 1 and year 2. Purchasing 100% Greenpower for contestable sites in year 3 will cost approximately an additional \$4,419. This additional cost is negligible, considering the Shire's current electricity costs of nearly \$1 million per annum and is the cheapest upfront method for reducing carbon



emissions in the Shire. This small additional cost is offset by savings in year 1 and 2, resulting in a net approximate savings of \$15,353 over the term of the contract.

Indicative total electricity costs and savings over the three-year contract, for the Shire's five contestable sites, with the three options considered:

	Approximate costs/savings over the three-year contract
Option 1: 100% Brown in Years 1 & 2 and 100% Green in Year 3	+\$15,353 (saving)
Option 2: 100% Green power all 3 years	-\$20,571 (cost)
Option 3: 100% Brown power all 3 years	+\$29,658 (saving)

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, & 3	None	None	Financial	Possible	Minor	MODERATE	None
2	Minor increase in cost	None	Financial	Possible	Minor	MODERATE	None
4	Community backlash and reputational risk Inability to participate in the longer-term contract	None	Reputation	Likely	Moderate	SIGNIFICANT	None



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4	Increased electricity costs in comparison with WALGA contract	None	Financial	Almost Certain	Minor	Significant	
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Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- 1. INFORMS** the Western Australian Local Government Association of WA of Council's decision to participate by the participation deadline of 18 November 2021; and
- 2. AUTHORISES** the Chief Executive Officer to sign the WALGA offer contract for purchase of 100% brown power in years one and two and 100% Greenpower in year three of the three-year contract term under the bundled contract option by 30 November 2021.

**10.2.4 – Jarrahdale and Serpentine Cemeteries Masterplan (SJ226)**

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

Authority / Discretion

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

The purpose of this report is to request Council to adopt the Jarrahdale and Serpentine Cemeteries Masterplan. The masterplan was released for public comment for a period of 28 days. The masterplan is a guiding document intended to facilitate management, expansion and use of the cemeteries for now and into the future.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 March 2021 - OCM061/03/21

COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. REQUESTS the CEO advertise the Cemetery Masterplan as per attachment 1 for public comment for a period of 28 days; and*
- 2. REQUESTS that at conclusion of the public comment period, the Cemetery Masterplan together with any submissions received be presented to Council for consideration and adoption.*

Background

The Jarrahdale and Serpentine Cemeteries Masterplan has been developed in response to the community's desire for a local burial option. The Shire of Serpentine Jarrahdale has two local cemeteries, one in Serpentine and one in Jarrahdale, but space for future expansion is limited (discussed further below). Shire Officers met twice with the Metropolitan Cemeteries Board which owns land in Whitby to enquire if the regional cemetery will be developed in near future. The Metropolitan Cemeteries Board advised that the Whitby Cemetery will not be needed at this stage and therefore not likely to be developed for at least ten years with burials directed to Rockingham Regional Memorial Park in the interim as and when required. The Jarrahdale and Serpentine Cemeteries Masterplan was developed to identify options for expansion of the Serpentine and Jarrahdale cemeteries to continue to provide a local burial option.

The two local cemeteries are significantly limited in capacity. The Serpentine Cemetery cannot be expanded beyond its current footprint due to being surrounded by environmentally sensitive bushland that is identified as Bush Forever with Threatened Ecological Communities and Threatened Flora present. The Jarrahdale Cemetery has more space for expansion but is limited



by the high rock content of the ground and is also lacking in facilities such as toilets and seating areas.

As the Whitby site isn't expected to be available for at least 10 years, during which time the Serpentine and Jarrahdale cemeteries may reach capacity resulting in discontinuity in local burial option being available. It is therefore recommended that the Cemeteries Board be requested to bring forward the development of the Whitby Cemetery in order to ensure continuity of burials within the Shire.

A volunteer community group dedicates significant amount of time towards the maintenance of the Serpentine cemetery, supported by Shire Officers. Community feedback suggests that the current appearance and amenities of the cemeteries are not conducive to extended visits. Landscaping to integrate design with the environment and beautification would enhance visitor experience, providing an attractive setting for remembering and reflection.

A need was identified to extend the life of the cemeteries, with a masterplan to integrate more efficient space management, civil works and beautification.

Community / Stakeholder Consultation

Policy Concept Forum

The Jarrahdale and Serpentine Cemeteries Masterplan was presented to the Cemeteries Advisory Group on 25 February 2021. The Cemeteries Advisory Group provided general support to the development of this Masterplan, however some minor changes to the master plan were recommended by the group and these changes were implemented and the master plan was revised

The Jarrahdale and Serpentine Cemeteries Masterplan was then released for public comment for a period of 28 days from the 1st of April 2021, with 25 comments being received from members of the community.

A follow up meeting with the Cemeteries Advisory Group was carried out on the 22nd of September 2021 following the completion of public consultation. The masterplan was accepted by this group with no further changes.

Summary of responses

Responses were broken into five main categories as seen in the table below:

Feedback	Officer Response
The construction of another cemetery in Whitby	This will be determined by the Metropolitan Cemeteries Board (MCB), under their development. A site has already been identified by the MCB at lot 12778 South Western Highway. Shire Officers have been in contact with the MCB who stated that this site will be developed when the demand arises.
Do not disturb existing burial plots	There is no proposal to disturb existing burial plots. Masterplan is to enhance the cemeteries and find additional plot space for future burials.
Add a section of land for Muslim burials.	Officer response is that the cemeteries are too small to designate specified areas for religious



Feedback	Officer Response
	denomination. In correspondence IN21/23526 about the matter, the MCB stated their current practice is to make new cemeteries non-denominational. The MCB stated there are currently options at Guildford Cemetery and Rockingham Regional Memorial Park, with Rockingham being the recommended site for Muslim burials.
Keep the cemeteries clean and tidy	Shire is currently maintaining as part of the maintenance schedule. This schedule will be re-assessed as part of the implementation of this masterplan.
Toilet would be nice at Jarrahdale	A toilet is proposed under the Jarrahdale Cemetery masterplan. Its funding will come through a separate grant from the Department of Local Government, Sport and Cultural Industries.

Refer to **attachment 2** for full comments.

Respondents to the public consultation have been notified of the presentation of the Cemeteries Masterplan to Council for adoption at the November Ordinary Council Meeting and advised of the opportunity for them to represent and make statements at the meeting if they choose to do so. Following the adoption of the masterplan by Council, Shire Officers will contact the respondents and notify them of the Council resolution.

Statutory Environment

- *Shire of Serpentine Jarrahdale Local Law – Cemeteries*
- *Cemeteries Act 1984*

Comment

The Serpentine and Jarrahdale cemeteries provide a local burial option for the local community, with plots for traditional burials and provision for ashes. Space is limited in both cemeteries, with Serpentine cemetery expected to be at full capacity in one to two years and Jarrahdale Cemetery will reach capacity in approximately 10 years. This estimate is based on current rates of burial and the number of vacant plots, but it should be noted that there can be up to three tier burials per plot and there are old reservations in both cemeteries that are yet to be used by families. Once the Serpentine cemetery is full, burials will be directed to Jarrahdale.

A need was identified to extend the life of the cemeteries, to continue to provide a local option for burials for the local community, until the Whitby regional cemetery is developed. The Metropolitan Cemeteries Board advised Officers that the Whitby cemetery is not currently needed and therefore will not be developed until Shire of Serpentine Jarrahdale Cemeteries, along with the Rockingham Regional Memorial Park, have reached full capacity. The timing of this is unknown at this stage.



The Serpentine cemetery cannot be expanded beyond its current footprint due to being surrounded by environmentally sensitive bushland that is identified as Bush Forever with Threatened Ecological Communities and Threatened Flora present. This bushland cannot be cleared, and further investigation is required to identify limited capacity for further burials. The Jarrahdale cemetery has more space available for expansion but is limited by the high rock content of the soil and is also lacking in facilities such as toilets and seating areas.

A volunteer community group dedicates significant amount of time towards the maintenance of the Serpentine cemetery, supported by Shire Officers. Community opinion is that the current appearance and amenities of the cemeteries are not conducive to extended visits. Landscaping to integrate design with the environment and beautification would enhance visitor experience, providing an attractive setting for remembrance and reflection.

The Jarrahdale and Serpentine Cemeteries Masterplan has identified a potential two-stage expansion for each cemetery. In Jarrahdale cemetery, stage 1 includes 53 potential new plots (extending capacity by 10 to 31 years), while stage 2 provides an additional 160 new plots (extending capacity by 42 to 127 years) however, this will require a geologist's report to determine viability due to the high rock content in the stage 2 area.

In Serpentine cemetery, stage 1 would provide 44 potential new plots (extending life by 4 to 12 years), while stage 2 provides another 30 potential plots (extending capacity by 7 to 21 years) however this may not receive approval due to the proximity to the environmentally sensitive bushland.

Stage 1 works will include the softworks landscaping of both cemeteries. This includes new plantings of trees and shrubs, along with rehabilitation of the existing ashes area, through planting and rectification works, at Jarrahdale Cemetery.

Stage 2 works will include the construction of a gazebo at Jarrahdale Cemetery.

The toilet block shown on the Jarrahdale and Serpentine Cemeteries Masterplan for Jarrahdale Cemetery will be funded separately by Department of Local Government, Sport and Cultural Industries.

Once the Serpentine Cemetery reaches full capacity then burials will be directed to Jarrahdale Cemetery.

Concept plans (from the Cemetery Masterplan) are shown below in Figures 1 and 2.

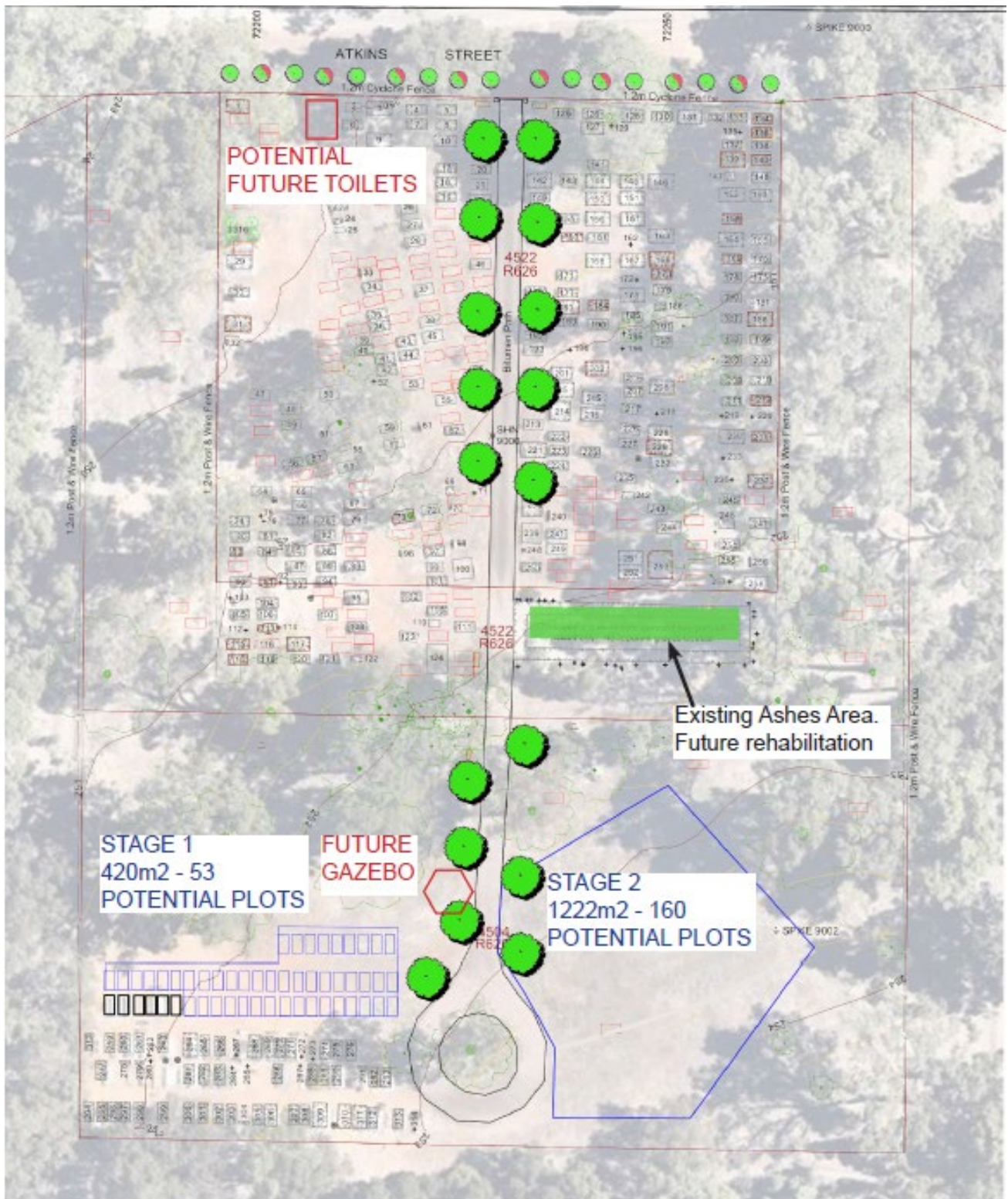


Figure 1 – Jarrahdale Cemetery Concept Plan
(blue = potential future plots)

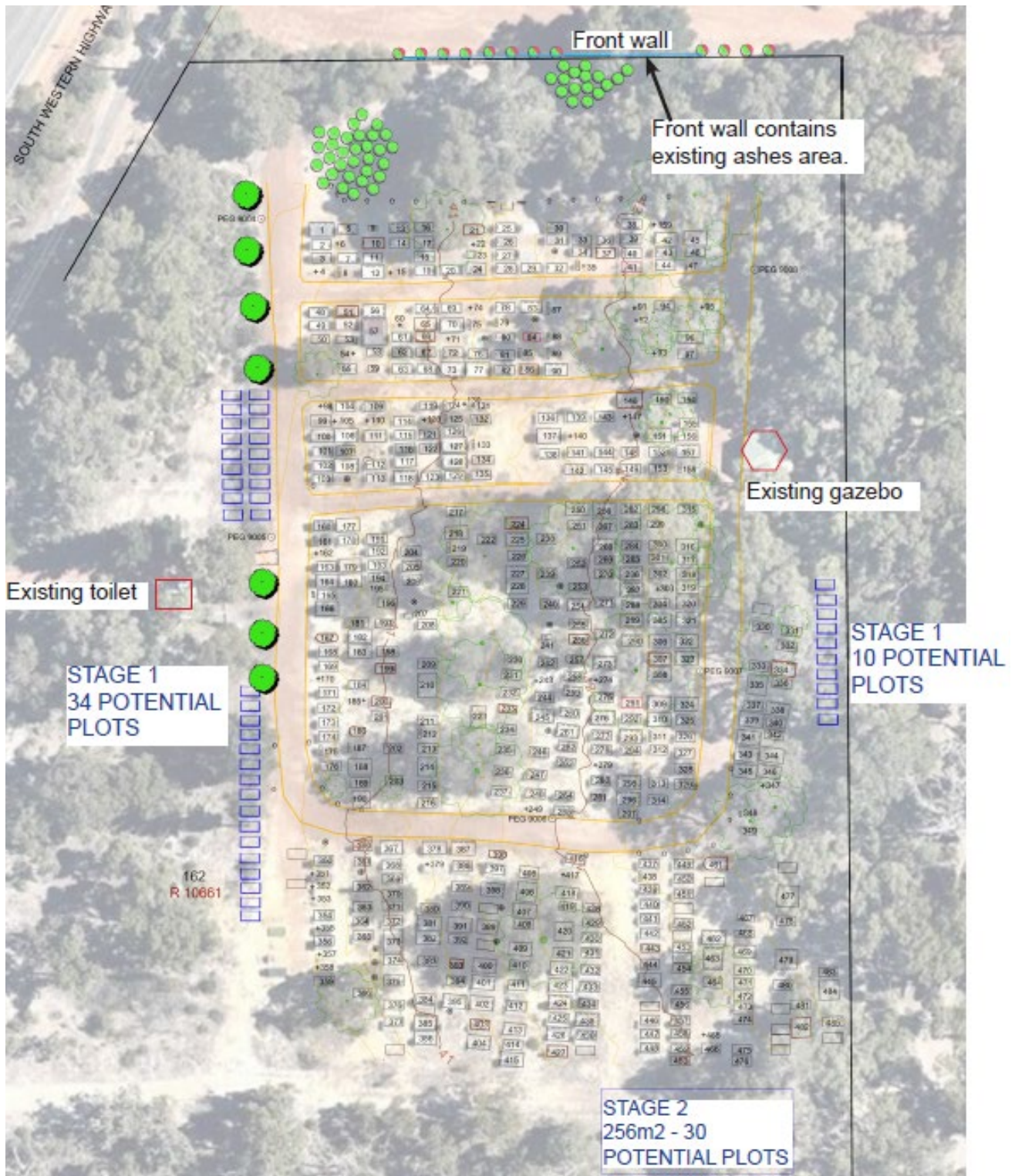


Figure 2 – Serpentine Cemetery Concept Plan
(blue = potential future plots)



Options and Implications

Option 1

That Council:

1. **ADOPTS** the Jarrahdale and Serpentine Cemeteries Masterplan as contained within **attachment 1**;
2. **ACKNOWLEDGES** those who provided comments during the public consultation period.
3. **REQUESTS** the Chief Executive Officer to advocate for timely development of Whitby Cemetery by the Metropolitan Cemeteries Board.

Option 2

That Council **DOES NOT ADOPT** the Jarrahdale and Serpentine Cemeteries Masterplan as contained within **attachment 1**.

Option 1 is recommended.

Conclusion

The Shire has two local cemeteries, one in Serpentine and one in Jarrahdale. Space is limited and both will soon be full. In order to extend the life of the cemeteries, a Masterplan to integrate space management, civil works and beautification has been developed.

The preliminary Jarrahdale and Serpentine Cemeteries Masterplan was presented to the Cemeteries Advisory Group (CAG) on 25 February 2021. The masterplan was then revised to accommodate the CAG feedback. This included the repositioning of the toilet block at Jarrahdale Cemetery closer to the carpark on Atkins Street. The CAG provided general support to the development of this final masterplan concept. The Jarrahdale and Serpentine Cemeteries Masterplan was then released for public comment for a period of 28 days, with 25 comments being received from members of the community.

Adopting the Jarrahdale and Serpentine Cemeteries Masterplan will demonstrate Council's commitment to shared management and to development of the cemeteries to a standard expected by the community.

Attachments (available under separate cover)

- **10.2.4 - attachment 1** – Jarrahdale and Serpentine Cemeteries Masterplan (E21/2078)
- **10.2.4 – attachment 2** - Cemetery Masterplan - Community Feedback Table (E21/6611)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.1	A resilient, efficient and effective organisation
Outcome 2.2	A sustainable natural environment
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

All costs for the implementation of works for this masterplan have been allowed for to a total of \$40,000 in the 2021-22 annual budget (3200-60017-6610-0000).

Stage 1 will include the softworks landscaping of both cemeteries. This includes new plantings of trees and shrubs. The Jarrahdale Cemetery will include rehabilitation of the existing ashes area, through planting and rectification works.

Stage 2 will include the construction of a gazebo at Jarrahdale Cemetery.

The proposed toilet for the Jarrahdale Cemetery will be funded by a separate grant from the Department of Local Government, Sport and Cultural Industries.

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 taking option 1						
2	Council does not adopt the Cemeteries Masterplan, leading to poor outcomes for community members.	Shire cemeteries will continue to be underserved for Serpentine Jarrahdale residents.	Social / Community Outcomes	Possible	Moderate	MODERATE	Revision of the Masterplan to meet Council's expectations and lead to future adoption.



Continued

Ordinary Council Meeting Agenda Monday, 15 November 2021

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** the Jarrahdale and Serpentine Cemeteries Masterplan as contained within attachment 1;
2. **ACKNOWLEDGES** those that provided comments during the public consultation period.
3. **REQUESTS** the Chief Executive Officer to advocate for timely development of Whitby Cemetery by the Metropolitan Cemeteries Board.

**10.3 Corporate Services reports**

10.3.1 - Confirmation of Payment of Creditors (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* requires where a local government has delegated authority to make payments from the municipal or trust fund, that a list of accounts paid be prepared each month showing each account paid since last such a list was prepared.

Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:



- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 18 September 2021 to 30 September 2021 is provided in **attachment 1**.

Options and Implications

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 18 September 2021 to 30 September 2021, totalling \$1,250,601.38, as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 18 September 2021 to 30 September 2021, totalling \$1,250,601.38.

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 from 18 September 2021 to 30 September 2021 (E21/12319)

Alignment with our Strategic Community Plan

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

Financial Implications

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

The accounts paid under delegated authority for 18 September 2021 to 30 September 2021 totalled \$1,250,601.38.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council accepts the payments	Provision of sufficient information and records to support the recommendation	Financial	Likely	Insignificant	LOW	
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 18 September 2021 to 30 September 2021, totalling \$1,250,601.38, as contained in attachment 1.

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

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

Authority / Discretion

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* requires where a local government has delegated authority to make payments from the municipal or trust fund, that a list of accounts paid be prepared each month showing each account paid since last such a list was prepared.

Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;



- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 1 October 2021 to 31 October 2021 is provided in **attachment 1**.

Options and Implications

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 October 2021 to 31 October 2021, totalling \$5,301,631.59 as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 October 2021 to 31 October 2021, totalling \$5,301,631.59.

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 October 2021 (E21/12856)
- **10.3.2 - attachment 2** – Westpac Purchasing Card Report – 30 August 2021 to 27 September 2021 (E21/12857)

Alignment with our Strategic Community Plan

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

Financial Implications

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

The accounts paid under delegated authority for 1 October 2021 to 31 October 2021 totalled \$5,301,631.59.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council accepts the payments	Provision of sufficient information and records to support the recommendation	Financial	Likely	Insignificant	LOW	
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 October 2021 to 31 October 2021, totalling \$5,301,631.59 as contained in attachment 1.



10.3.3 – Monthly Financial Report – September 2021 (SJ801)

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

Authority / Discretion

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

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

This report is about the financial position of the Shire as at 30 September 2021.

Relevant Previous Decisions of Council

Special Council Meeting – 28 July 2021 – SCM051/07/21 - COUNCIL RESOLUTION – extract

11. *That Council, in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2021/22 for reporting material variances shall be:*

- a) *10% of the amended budget; or*
- b) *\$10,000 of the amended budget.*

Whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Background

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

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of September 2021. Please note the opening position is a preliminary result for the year ended 30 June 2021 as the Financial Statements for 2020-2021 are still being finalised, and as a result may be subject to change.

The municipal surplus as at 30 September 2021 is \$27,098,407 which is unfavourable, compared to a budgeted surplus for the same period of \$23,574,105.

Reasons for the variances as per the below table are discussed below.

Description	YTD Budget	30 September 2021 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2021	2,930,228	5,482,292	2,552,064
Proceeds from sale of assets	-	-	-
Changes to net transfers to and from Reserves	(936,495)	(3,269,184)	(2,332,689)
Loan principal drawdowns (new loans)	-	-	-
Loan principal repayments	-	-	-
Capital expenditure	(2,064,098)	(1,356,333)	707,765
Capital revenue (cash items)	-	1,697,511	1,697,511
Operating revenue (cash items)	31,788,283	31,602,078	(186,205)
Operating expenditure (cash items)	(8,143,813)	(7,057,957)	1,085,856
	23,574,105	27,098,407	3,524,302

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 \$56,869 due primarily to DCP administrative cost recovery yet to be recognised.



Fees and Charges

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

Interest Earnings

Unfavourable variance of \$22,051 due primarily to underlying low interest rates and timing of maturity of term deposits.

Other Revenue

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

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable Variance of \$738,601 due to vacant positions primarily in Operations - \$309,582, Financial Services - \$67,797 and People and Culture - \$38,557.

Materials and Contracts

Favourable variance of \$626,397 due to timing and provision of services across the organisation primarily related to External Contractors - \$129,738, Materials - \$116,473, Refuse Collection - \$113,805 and Consultancy - \$93,795.

Utility Charges

Unfavourable variance to budget of \$87,942 due to budget phasing.

Depreciation on Non-Current Assets

Favourable Variance of \$298,176 due to interim calculation based on June 2021 depreciation. Depreciation cannot be processed through the ERP until audit sign off, anticipated to occur in November 2021.

Interest Expenses

No variance analysis required as variance to budget is less than \$10,000.

Insurance Expenses

Unfavourable variance of \$79,764 to budget due to the timing of insurance policy payments.

Other Expenditure

Unfavourable variance of \$86,815 to budget due primarily to refund of Developer Contribution credits specific to Byford DCP - \$137,280.

Loss on Disposal of Assets

No variance analysis required as net profit/loss variance to budget is less than \$10,000.

Other

Capital Expenditure

Favourable variance of \$707,765 primarily due to the delay in supply and delivery of plant and fleet items due to impacts of COVID on supply chain.



Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Non-Operating Grants, Subsidies and Contributions

Favourable variance of \$1,697,511 due to unbudgeted developer contributions received for Byford DCP, CIDCP, and West Mundijong DCP.

Proceeds from Disposal of Assets

No variance analysis required, variance to budget is less than \$10,000.

Repayment of Loans

No variance analysis required, variance to budget is less than \$10,000.

Repayment of Leases

Unfavourable variance of \$18,683 due to timing of lease repayments.

Transfers to/ from Cash Backed Reserves (Restricted Assets)

Transfers to cash reserves are ahead of budget by \$1,262,525 largely due to the unbudgeted transfers to the Byford DCP, CIDCP, and West Mundijong DCP reserves specific to unbudgeted contributions received as detailed above.

Transfers from cash reserve are behind budget by \$1,070,164 due to timing of capital expenditure projects funded from reserves.

Options and Implications

Option 1

That Council RECEIVES the Monthly Financial Report for September 2021 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for September 2021, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended

Attachments (available under separate cover)

- **10.3.3 - attachment 1** – Monthly Financial Report September 2021 (E21/12313)

Alignment with our Strategic Community Plan

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



Financial Implications

As at 30 September 2021 the Shire's respective cash position was as follows:

Municipal Fund:	\$5,909,181
Reserve Fund:	\$1,501,981
Trust Fund:	\$304,222

Risk Implications

Risk has been assessed on the basis of the Officer's Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for August 2021 leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Monthly Financial Report for September 2021 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

**10.3.4 – September 2021 Quarterly Budget Review (SJ3595)**

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

Authority / Discretion

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

The purpose of this report is to represent the quarterly review of the 2021/2022 Budget. A number of budget variations are proposed as part of this review.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 September 2021 – OCM264/09/21 – extract

That Council:

1. *APPROVES the Infrastructure Fund request from Jarrahdale Community Collective to the value of \$55,000 ex GST (inclusive of 10% cost recovery amount for administrative purposes), with the delivery of project (expenditure of funds) conditional upon:*
 - a) *An agreed final design that meets both Shire of Serpentine Jarrahdale and Jarrahdale Community Collective objectives outlined in this report, to be developed in 2021/22.*
 - b) *Jarrahdale Community Collective to secure remainder of any required project budget to meet agreed design, over and above Infrastructure Fund commitment from Council to deliver the project.*
 - c) *Delivery of the project to be undertaken in the 2022/23 financial year.*

Ordinary Council Meeting – 16 August 2021 – OCM229/08/21 – extract

That Council:

1. *APPROVES the Infrastructure Fund application from Darling Downs Residents Association for the 70 Acre Reserve Infrastructure Upgrade Project, to an allocated value of \$8,910 ex GST for delivery of the project in the 2021/22 financial year, consistent with the community support received via the consultation processes;*

**Special Council Meeting – 28 July 2021 – SCM050/07/21 – extract**

That Council ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2022 incorporating the following amendments:

- *Remove 1 x Library Officer Position and replace with a 0.5 Economic Development Officer.*
- *Allocate \$20,000 to fund purchase of Dress Uniforms for Bushfire Brigades volunteers, to be funded by a reduction of \$20,000 in casual wages line item within Emergency Services.*
- *Reduction in SJ Rec Centre Refurbishment Capital Expenditure - \$446,060;*
- *Remove transfer from Building Reserve to fund Library Reallocation - \$318,164;*
- *Increase Capital Expenditure identified for Other Facilities Renewal in the amount of \$127,896;*
- *Reallocate LRCI funding of \$446,060 which was set aside for the SJ Rec Centre Refurbishment to fund remaining portion of Library Relocation - \$318,164 and additional Other Facilities Renewal - \$127,896.*
- *That in addition to point 10, that the budget be amended by transferring \$375,000 from Plant Reserve to the Plant line item for the purchase of an excavator and truck, subject to a further report being provided to Council and being approved by Council.*

Ordinary Council Meeting – 21 June 2021 – OCM155/06/21 – extract

That Council:

1. *NOTES the summary of events for the 2020/2021 financial year as contained in attachment 1;*
2. *ENDORSES the proposed calendar of events for the 2021/2022 financial year as contained in attachment 2, and: a. NOTES a constant review of events may be required in line with COVID-19 pandemic restrictions; b. AUTHORISES the Chief Executive Officer to make necessary amendments where required;*

Background

As part of the Shire's financial management framework, periodic reviews of the budget are conducted throughout the year. During this process amendments to the budget are identified and put forward to ensure the budget, as the Shire's primary financial management tool, is relevant to the present state of the Shire's operations and strategic direction as events and changes occur throughout the year. Below is a summary of these processes.

Quarterly Reviews

For periods ending 30 September 2021 and 31 March 2022

The Shire will conduct quarterly reviews of the budget at the end of the first and third quarter with an agenda item expected to be presented to council at the November 2021 and May 2022 OCM's respectively. Unlike the Statutory Budget Review there is no statutory requirements to do so however this is part of good financial management to enable the Shire to proactively manage finances.



Statutory Budget Review

For period ending 31 December 2021

This is a statutory review of the budget, undertaken, in accordance with the Local Government Act 1995 and Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.

The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary. This is a more formal review of the budget and will include a standalone report detailing the impacts on the Shire's surplus/deficit position.

This review will generally occur based on the results of the second quarter and is required to be reported to council no later than 30 days from the completion of the review.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

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 2021/22 Budget has been reviewed and approval is sought for the following budget adjustments for the reasons specified:

Capital Works

The following projects require adjustments to current the budget and require a total budget of \$20,000:

- **Gordin Way Bus Bay Extension - Additional \$30,000** - The existing bus bay along Gordin Way outside Byford Secondary College is not long enough to accommodate articulated buses that are used to transport students. At a meeting with the Principal of the Byford Secondary College in May 2021, the Shire was informed that this issue was a safety concern and the Shire was requested to extend the bus bay to ensure safety of students. Further to receiving the request, Officers have prepared a design and a cost estimate for the bus bay extension. Accordingly, \$30,000 is requested to extend the bus bay to accommodate articulated buses.
- **Briggs Park Upper Oval Drainage – Savings of \$10,000** - The drainage system in the oval is not functioning due to the failure of existing sub soil drainage pipe network. As a result, one of the consequences is that there is a continuous flow of water from the northern edge of the oval onto the car parking area which restricts pedestrian movements across the car park creating pedestrian safety risk. An amount of \$200,000 was allocated for the drainage improvement works in the oval as part of the 2021-22 capital budget. However, \$164,426 of



this budget allocation was transferred to Keirnan Park Stage 1B design consultancy work. It is proposed to use \$25,000 of the funding that remains in Briggs Park Upper Oval budget to undertake minor drainage improvement works along the northern edge of the oval to prevent flow of water from the oval onto the car park reducing pedestrian safety risk.

- **Patching Truck - Nil Affect** - Officers have further assessed the current requirement to replace the Patching Truck and have been presented with the opportunity to purchase the existing leased asset for the sum of \$60,000, considering the condition, age and levels of internal maintenance the asset has received. Officers believe this is a reasonable approach. These savings will be returned to the Plant and Fleet reserve and alternative options for providing greater levels of service in this area to be investigated as part of the 2022/23 Budget process.
- **70 Acre Reserve Darling Down – Nil Affect** – As endorsed by Council at 16 August 2021 Ordinary Council Meeting, the Shire is to complete works relating to equine day yards and manure pit. The total value of works is \$15,410, with \$6,500 to be contributed by the Darling Downs Residents association with the remaining \$8,910 to be funded from the Community Grants Reserve.
- **Jarrahdale Outdoor Hub - Nil Affect** - As endorsed by Council at 20 September 2021 OCM the Shire to is complete works relating to the Jarrahdale Outdoor Hub to the value of \$55,000 to be funded from the Community Grants Reserve.

These changes are reflected in the following table:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Gordin Way Bus Bay Extension	30,000	
Reason: Increase expenditure to enable to construction of an extension to the Bus Bay at Gordin Way to accommodate articulated buses required for the students of Byford Secondary College.				
6500-80298-6600-0000	Decrease Expenditure	Briggs Upper Oval Park - Renewal		10,000
Reason: Reduce expenditure due to reduction of scope of works for drainage at Briggs Park Upper Oval.				
6300-80268-5021-0000	Decrease Trf from Reserve	Patch Truck – Civil – Replace 51086 – Trf From Reserve – Plant and Fleet	540,000	
6300-80268-6600-0000	Decrease Expenditure	Patch Truck – Civil – Replace 51086 – Capital Expenditure		540,000
Reason: Reduction in expenditure and corresponding reserve transfer due to the Shire having the option to purchase the existing leased vehicle at a lower value.				
6200-NEW-6600-0000	Increase Expenditure	70 Acre Reserve – Darling Downs – Capital Expenditure	15,410	
6200-NEW-5009-0000	Increase Trf from Reserve	70 Acre Reserve – Darling Downs – Trf From Reserve – Community Grants Reserve		8,910



Account Number	Type	Account Description	Debit \$	Credit \$
6200-NEW-4907-0000	Increase Income	70 Acre Reserve – Darling Downs – Capital Contributions		6,500
Reason: As endorsed by Council at 16 August 2021 Ordinary Council Meeting, the Shire to complete works relating to equine day yards and manure pit. The total value of works is \$15,410, with \$6,500 to be contributed by the Darling Downs Residents association with the remaining \$8,910 to be funded from the Community Grants Reserve.				
6200-80282-6600-0000	Increase Expenditure	Jarrahdale Hub – Bruno Gianatti Hall – Capital Expenditure	55,000	
6200-80282-5009-0000	Increase Trf from Reserve	Jarrahdale Hub – Bruno Gianatti Hall – Trf From Reserve – Community Grants Reserve		55,000
Reason: As endorsed by Council at 20 September 2021 OCM the Shire to complete works relating to the Jarrahdale Outdoor Hub to the value of \$55,000 to be funded from the Community Grants Reserve.				

Operating Projects

The following operational needs have been identified as part of the September 2021 quarterly review. The result of these adjustments is a saving of \$20,000 which will be reallocated to facilitate the shortfall in funding required for capital project:

- **Bushfire Mitigation - Additional \$50,000** – This additional funding will assist in managing the risk associated with the persistent and late rains that have caused verge organic growth along rural road reserves. With many fires being caused by ignition in roadside verges, slashing will assist in managing the risk.
- **Mundijong Food Truck Christmas Event – Additional \$17,000** – Funding required for an increased scale of Christmas activities to enhance Christmas light installation and related community event. Event to be hosted along Paterson Street requiring road closures, bump in infrastructure (such as light towers) and entertainment.
- **Tender Documentation development for Serpentine Jarrahdale Community Recreation Centre (SJCRC) – Savings of \$28,500 (Additional \$20,000 offset by \$48,500 additional revenue)** - Due to the complexity of the tender to be undertaken for ongoing external management of the SJCRC, from July 2022, the Shire requires external consultants for advice pertaining to the tender documentation requiring an additional budget of \$20,000. This is fully offset by an anticipated additional \$48,500 of income resulting from the Shire's portion of the operating surplus made by the Centre in 2020/21.
- **Waste Transfer Station Sale of Recycled Material – Savings of \$58,500** – The Shire's revenue streams from the Recycling Centre are exceeding expectations and budget, largely due to the consistent, commodities performance and the increased recovery and extraction of recyclable material received at the facility. Furthermore, the site has been supported by a third operative, which is capturing larger volumes of saleable recyclable material that would ordinarily be destined for landfill.
- **Developer Compliance Legal Fees - Nil Affect** - The Shire has undertaken a number of prosecutions that have carried into the new financial year. Council has also endorsed the



initiation of new prosecutions for a range of unauthorised activities occurring within the Shire. As a result, addition funds are required. This will be offset by an expected increase in Fines and Penalties income as a result of recent prosecutions whereby the Magistrate has fined landowners (offenders) guilty of an offence under the *Planning and Development Act 2005*.

- **Town Planning Legal Fees - Nil Affect** - The Shire has been involved in a Supreme Court appeal which has been processing for a period of time represented by McLeods Barristers and Solicitors. The Shire has also been involved in a number of State Administrative Tribunal matters which required legal representation in accordance with Council Policy – General Compliance and Enforcement. This is offset by an expected increase in income for Development Applications. The Shire has seen an increase in larger development applications being submitted in the first quarter of the year, with two DAP applications being submitted. Applications of a medium range are also being submitted for planning approval. Officers consider this trend will continue for a period of time and expect further mid-large range developments to be submitted towards the end of the year.
- **Community Programs Budget Realignment – Nil Affect** – Changes are reflective of the endorsed events calendar at 21 June 2021 Ordinary Council Meeting.
- **Infrastructure Fund Scheme – Nil Affect** - Council has endorsed two community projects, being 70-acre reserve Darling Downs Project (OCM229/08/21) and the Jarrahdale Outdoor Hub (OCM264/09/21) to be funded from the Community Grants reserve to a total value \$63,910. As these works are being undertaken by the Shire, a budget adjustment is required to reallocate these funds from the Community Grants project to specific capital projects to undertake the works.

Account Number	Type	Account Description	Debit \$	Credit \$
2410-12100-6460-0000	Increase Expenditure	Fire and Emergency Management – Bushfire Mitigation	50,000	
Reason: Additional funding will assist in managing the risk associated with the persistent and late rains that have caused verge organic growth along rural road reserves. With many fires being caused by ignition in roadside verges, slashing will assist in managing the risk.				
4300-15703-6131-0000	Increase Expenditure	Christmas – Program Activities	17,000	
Reason: Funding required for an increased scale of Christmas activities to enhance Christmas light installation and related community event.				
4300-30068-6326-0000	Increase Expenditure	Serpentine Jarrahdale Community Recreation Centre – Legal Expenses	20,000	
4300-30068-4570-0000	Increase Income	Serpentine Jarrahdale Community Recreation Centre – Profit Share		48,500
Reason: Budget required for consultancy to provide advice regarding tender for ongoing external management of the Serpentine Jarrahdale Recreation Centre. This is offset by an anticipated				



Account Number	Type	Account Description	Debit \$	Credit \$
increase in revenue resulting from the Shire's portion of the operating surplus made by the Centre in 2020/21.				
3230-13403-4425-0000	Increase Income	Waste Transfer Station – Sale of Recycled Material		58,500
Reason: The Shire's revenue streams from the Recycling Centre are exceeding expectations and budget, largely due to the consistent, commodities performance and the increased recovery and extraction of recyclable material received at the facility.				
2100-12300-6326-0000	Increase Expenditure	Development Compliance – Legal Expenses	20,000	
2100-12300-4346-0000	Increase Income	Development Compliance – Fines and Penalties		20,000
Reason: Increase in legal fees expenditure due to cases continuing from previous years as well as new prosecutions. This is offset by an increase in fines and penalties income due to the increase in successful prosecutions.				
2100-12504-6326-0000	Increase Expenditure	Town Planning – Legal Expenses	40,000	
2100-12504-4300-0000	Increase Income	Town Planning – Development Applications		40,000
Reason: Increase in legal fees expenditure due to an ongoing Supreme Court appeal as well as a number of State Administrative Tribunals matters requiring legal advice. This is offset by an increase in development application fee income due to increase in larger developments in the first quarter.				
4300-15701-6131-0000	Increase Expenditure	Australia Day Breakfast- Program Activities	7,000	
4300-15702-6131-0000	Increase Expenditure	ANZAC Day - Program Activities	1,000	
4300-15703-6131-0000	Increase Expenditure	Christmas - Program Activities	3,000	
4300-15711-6131-0000	Increase Expenditure	Summer Series - Program Activities	5,000	
4300-15721-6131-0000	Increase Expenditure	Civic Centre Events- Program Activities	600	
4300-15501-6125-0000	Decrease Expenditure	Arts and Culture - Materials and Consumables		9,600



Account Number	Type	Account Description	Debit \$	Credit \$
4300-15708-6131-0000	Decrease Expenditure	Paws in the Park - Program Activities		5,000
4300-15717-6131-0000	Decrease Expenditure	Family Week - Program Activities		2,000
Reason: Budget Adjustment to reflect of the endorsed events calendar at 21 June 2021 Ordinary Council Meeting, Resolution OCM155/06/21.				
4300-15423-5009-0000	Decrease Transfer from Reserve	Community Infrastructure – Trf From Reserve – Community Grants Reserve	63,910	
4300-15423-6276-0000	Decrease Expenditure	Community Infrastructure - Community Grant/Sponsorship		63,910
Reason: Council has endorsed two community projects, being 70-acre reserve Darling Downs Project (OCM229/08/21) and the Jarrahdale Outdoor Hub (OCM264/09/21) to be funded from the Community Grants reserve to a total value \$63,910. As these works are being undertaken by the Shire, a budget adjustment is required to reallocate these funds from the Community Grants project to specific capital projects to undertake the works.				

Options and Implications

Option1

That Council ADOPTS the September 2021 Quarterly Budget Review report and, pursuant to section 6.8 of the *Local Government Act 1995*, APPROVES the schedule of variations to the 2020/21 Budget as contained within this report.

Option 2

That Council DOES NOT ADOPT the September 2021 Quarterly Budget Review report, and pursuant to section 6.8 of the *Local Government Act 1995*, DOES NOT APPROVE the schedule of variations to the 2020/21 as contained within this report

Option 1 is recommended.

Conclusion

A quarter 1 review of the Annual Budget has been done. A list of budget variations requiring approval has been identified.

Attachments (available under separate cover)

Nil.



Alignment with our Strategic Community Plan

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

Financial Implications

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

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risk associated with Council adopting the budget amendments.						
2	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending as well-being non-compliance with Financial regulations.	The organisation undertakes a quarterly finance and costing review prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)



Voting Requirements: Absolute Majority

Officer Recommendation:

That Council **ADOPTS** the September 2021 Quarterly Budget Review report and, pursuant to section 6.8 of the *Local Government Act 1995*, **APPROVES** the schedule of variations to the 2020/21 Budget as contained within this report and detailed below:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase Expenditure	Gordin Way Bus Bay Extension	30,000	
6500-80298-6600-0000	Decrease Expenditure	Briggs Upper Oval Park - Renewal		10,000
6300-80268-5021-0000	Decrease Trf from Reserve	Patch Truck – Civil – Replace 51086 – Trf From Reserve – Plant and Fleet	540,000	
6300-80268-6600-0000	Decrease Expenditure	Patch Truck – Civil – Replace 51086 – Capital Expenditure		540,000
6200-NEW-6600-0000	Increase Expenditure	70 Acre Reserve – Darling Downs – Capital Expenditure	15,410	
6200-NEW-5009-0000	Increase Trf from Reserve	70 Acre Reserve – Darling Downs – Trf From Reserve – Community Grants Reserve		8,910
6200-NEW-4907-0000	Increase Income	70 Acre Reserve – Darling Downs – Capital Contributions		6,500
6200-NEW-6600-0000	Increase Expenditure	Jarrahdale Hub – Bruno Gianatti Hall - Capital Expenditure	55,000	
6200-NEW-5009-0000	Increase Trf from Reserve	Jarrahdale Hub – Bruno Gianatti Hall – Trf From Reserve – Community Grants Reserve		55,000
2410-12100-6460-0000	Increase Expenditure	Fire and Emergency Management – Bushfire Mitigation	50,000	
4300-15703-6131-0000	Increase Expenditure	Christmas – Program Activities	17,000	
4300-30068-6326-0000	Increase Expenditure	Serpentine Jarrahdale Community Recreation Centre – Legal Expenses	20,000	
4300-30068-4570-0000	Increase Income	Serpentine Jarrahdale Community Recreation Centre – Profit Share		48,500
3230-13403-4425-0000	Increase Income	Waste Transfer Station – Sale of Recycled Material		58,500
2100-12300-6326-0000	Increase Expenditure	Development Compliance – Legal Expenses	20,000	



Continued

Ordinary Council Meeting Agenda
Monday, 15 November 2021

Account Number	Type	Account Description	Debit \$	Credit \$
2100-12300-4346-0000	Increase Income	Development Compliance – Fines and Penalties		20,000
2100-12504-6326-0000	Increase Expenditure	Town Planning – Legal Expenses	40,000	
2100-12504-4300-0000	Increase Income	Town Planning – Development Applications		40,000
4300-15701-6131-0000	Increase Expenditure	Australia Day Breakfast- Program Activities	7,000	
4300-15702-6131-0000	Increase Expenditure	ANZAC Day - Program Activities	1,000	
4300-15703-6131-0000	Increase Expenditure	Christmas - Program Activities	3,000	
4300-15711-6131-0000	Increase Expenditure	Summer Series - Program Activities	5,000	
4300-15721-6131-0000	Increase Expenditure	Civic Centre Events- Program Activities	600	
4300-15501-6125-0000	Decrease Expenditure	Arts and Culture - Materials and Consumables		9,600
4300-15708-6131-0000	Decrease Expenditure	Paws in the Park - Program Activities		5,000
4300-15717-6131-0000	Decrease Expenditure	Family Week - Program Activities		2,000
4300-15423-5009-0000	Decrease Transfer from Reserve	Community Infrastructure – Trf From Reserve – Community Grants Reserve	63,910	
4300-15423-6276-0000	Decrease Expenditure	Community Infrastructure - Community Grant/Sponsorship		63,910



10.3.5 – Corporate Business Plan Performance Report – July to September 2021 (SJ940-3)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide Council with a performance report against the 2021-25 Corporate Business Plan (CBP) for the period 1 July to 30 September 2021 and an amended CBP for adoption.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 16 August 2021 - OCM228/08/21- COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <p><i>1. ADOPTS the Long Term Financial Plan 2021-31 at attachment 1; and</i></p> <p><i>2. ADOPTS the Corporate Business Plan 2021-25 at attachment 2.</i></p>
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Background

On 16 August 2021, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-25 (OCM228/08/21).

The Corporate Business Plan 2021-25 is the Shire of Serpentine Jarrahdale’s four-year delivery program, aligned to the Shire’s Integrated Planning and Reporting Framework (i.e. Strategic Community Plan, Annual Budget, Long Term Financial Plan and other supporting strategies). The purpose of the plan is to operationalise the Community’s vision and the Shire’s strategic objectives through the establishment of actions that address each strategy contained within the Strategic Community Plan.

The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2021-25 Corporate Business Plan to provide Council and the Community with an update towards the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district. Any amendments to a Corporate Business Plan must be adopted by absolute majority (Regulation 19DA(6)).






Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government and Communities. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".

Comment

The Shire of Serpentine Jarrahdale has completed a performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track or Complete	Action is complete or on target.
 At Risk or Behind Target	Minor issues have put achievement of the project due date or level of service at risk. or Minor issues have put the project/service behind target. The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period.
 Critical	Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods
 On hold	Work is unable to commence due to a dependency (e.g. awaiting grant funding or completion of another project).
 Deferred or Not Proceeding	Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan.



Status	Selection Criteria
	<p>Or</p> <p>Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g. loss of grant funding / change of government) or a change of direction by Council.</p>

Report Summary

The Report provides an update against 117* actions in the Corporate Business Plan. Statistics this period show:

- **81%** are on track or complete (95/117);
- **10%** are at risk or behind target (12/117);
- **0%** are critical (0/117);
- **7%** are on hold (8/117); and
- **2%** are deferred or not proceeding (2/117).

*The Corporate Business Plan contains 124 actions to be reported on during the 2021-22 financial year. 7 of these are not captured in this report as their start dates are post this reporting period.

Key achievements and highlights this reporting period are as follows:

- Delivery of the 2021 Emergency Services Volunteer Awards Evening to honour the outstanding contributions of local firefighting and SES volunteers.
- Award of a commemorative park bench and plaque in celebration of 10-years as a Waterwise Council.
- Reopening of Baker Hall for community use.
- Beginning of the SJ Food Truck Fiesta events and delivery of the Muddy Buddies Adventures event.
- Community survey on planning for the Byford Town Centre.
- Announcement of a \$1.1M self-supporting loan from DFES towards the Oakford Fire Station.
- Tender release for key road upgrades including:
 - Gossage Road Upgrade
 - Mundijong Road and Nettleton Road Federal Blackspot Upgrades
 - Anketell Road, Keirnan Street and Thomas Road / Anketell Road Intersection State Blackspot Upgrades
 - Nettleton Road and Kingsbury Drive MRRG Upgrades
- Approval of 159 development applications valued at \$21,438,227.
- Processing of 336 building applications.
- Tender award for the Byford Hall Refurbishment (Library Relocation).



- Infrastructure Directorate review and restructure.
- Installation of the Jarrahdale Communications Tower generator backup and asset protection zone.
- Completion of the Abernethy Road project.
- Adoption of the Local Food Action Plan 2021-24.



The **12** actions identified as **at risk or behind target** are:

Action 1:	<u>Drainage Material Disposal</u> Find a disposal solution for the drainage material produced from operations (as opposed to disposal at landfill).	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers are currently investigating undertaking a screener trial to determine output and product viability. Sampling of material has also commenced, and asset data is being collated. The decision to purchase the screener cannot be made until this work is complete. At this stage if the purchase does go ahead it is likely to not be operational until August 2022. The Webb Rd site which is owned by the Shire will be used to stockpile 500 tonnes of the material, as approved by DWER, while investigations to the purchase of the screener is undertaken.				
Remedial Action:	If testing of material is within acceptable levels, the screener will be purchased in accordance with the strategy. If not, a report will be presented to Council.				

Action 2:	<u>Enterprise Resource Planning (ERP)</u> Implement an Enterprise Resource Planning system.	Status			
		Q1	Q2	Q3	Q4
Comment:	External factors such as resourcing and project timings with the City of South Perth has forced the project team to realign the project outcomes based on current and expected future influences. Data migration training has commenced for the Shire's document management system and our properties, a report to council detailing the projects future direction is currently being created.				
Remedial Action:	A report to council detailing and seeking the projects future direction is currently being created and will be presented at November's OCM.				



Action 3:	<u>Marcora Trail Upgrades</u> Trails upgrades to Marcora Trail (Carpark Improvements and maintenance works on the trail).	Status			
		Q1	Q2	Q3	Q4
Comment:	Project has been delayed awaiting response from DBCA on audit and risk assessment to guide approved works to be undertaken.				
Remedial Action:	Complete scope and obtain agreement for works from DBCA by end Q2.				

Action 4:	<u>Minor Facility Renewals</u> Women's changerooms at Centrals FB and Netball Club	Status			
		Q1	Q2	Q3	Q4
Comment:	This project did not commence in the quarter as funding for the Changerooms was provided by the State Government directly to the Club. Officers will make contact with the club to discuss project timing and scope.				
Remedial Action:	Work with the club to determine next steps.				

Action 5:	<u>Metropolitan Regional Road Group Upgrades</u> Minor Road Upgrades under MRRG · Hopkinson Road	Status			
		Q1	Q2	Q3	Q4
Comment:	The Shire was informed by MRRG on July 2021 that this project was unsuccessful. There is a possibility that it can be funded as a reserve project (to be announced in January 2022). Accordingly, the decision to proceed with the project or otherwise will be brought to the Q2 Budget Review for consideration.				
Remedial Action:	This project has been submitted for MRRG consideration as a reserve project (to be announced in January 2022).				

Action 6:	<u>Metropolitan Regional Road Group Upgrades</u> Minor Road Upgrades under MRRG · Rowley Road	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>The scope of works and cost estimating for this project is being reviewed to ensure a fit for purpose and cost efficient treatment methodology is selected which can be completed within available budget. A report will be presented to the Council at a future meeting seeking approval to either proceed with the project or withdraw the project and return the grant funds to MRWA.</p> <p>Further to this, City of Armadale will be contacted to commence negotiation of a new MoU for the maintenance and ownership of the road.</p>				
Remedial Action:	Continue to work through the above-mentioned issues.				



Action 7:	<u>Serpentine Heritage Precinct</u> Develop a Business Plan for the Turner Cottage site and undertake community consultation.	Status			
		Q1	Q2	Q3	Q4
Comment:	Project is behind schedule due to the Shire having to finalise the recruitment for the resource responsible for this project, the resource commenced in September. Work is underway in preparing a project brief for the submission EOI process and to engage consultants to undertake the community engagement plan.				
Remedial Action:	Continue to progress project.				

Action 8:	<u>Horse and Pony Expo</u> Investigate and determine viability of hosting a horse and pony expo within the Shire, including proposed model, stakeholders and cost.	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers have started the design of the consultation using IAP2 methodology. The progression of the consultation is dependent on the Equine Advisory Group which has been disbanded due to Council Elections and who's members will be reappointed in November. Officers will present the consultation / engagement plan at their first meeting anticipated to be in December.				
Remedial Action:	Awaiting appointment of members to the Equine Advisory Group.				

Action 9:	<u>Reconciliation Action Plan</u> Develop a Reconciliation Action Plan.	Status			
		Q1	Q2	Q3	Q4
Comment:	Officers attended WALGA Aboriginal Engagement and Reconciliation Forum on 22 September 2021. Through this forum and conversation with other local governments and agencies, Officers have come to understand that the creation of a RAP will not be a one year process. Given the current lack of relationship with Traditional Owners and beginning of the Shire's reconciliation journey it will be necessary to provide a report to Council for consideration on the way forward with this project. It is anticipated this report will be provided in February 2022.				
Remedial Action:	Report to Council in February 2022.				



Action 10:	<u>Environmental Health</u> Provide efficient, effective, compliant environmental health services; · Food Safety and Quality Assessments · Drinking and Recreational Water Sampling · Public Buildings and Events Applications and Risk Assessments · Waste Water Treatment and Disposal Applications and Approvals · Offensive Trades Licensing and Administration · Service Request Investigations and Compliance · Health Risk Assessments and Reports · Light Industry Program · Other health premises assessments	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	During this quarter the environmental health team was able to stabilise and continue delivery across all core service levels of the service team plan. The team completed a high number of applications for the quarter and responded to an increased volume of service requests from the community, when compared to last quarter. The team completed 95% of the average required health premise assessments for the quarter, however the team was not able to reduce the backlog of food business inspections outstanding from the last quarter. Health premise assessments will remain a priority area until the backlog is reduced.				
Remedial Action:	Recruitment of Environmental Health Trainee.				

Action 11:	<u>Asset Management – Maintenance</u> Provide scheduled and reactive maintenance work to the Shire's assets: · Repair and maintain roads, bridges, drainage, street lighting, footpaths, trails, cycle ways, sports fields, parks, gardens, street trees, verges and facilities.	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	This quarter 753 works requests were created, 573 were completed leaving 94 outstanding. The YTD number of outstanding requests is 542. Higher than average rainfall in August resulted in an increase of incoming requests for the reporting period. 21% of outstanding YTD requests are tree related. Operations team have received a high number of work orders than available capacity to be able to complete the work orders in a timely manner, particularly in tree, drainage and road maintenance areas.				
Remedial Action:	6 month casual Administration Officer to assist with back log of outstanding requests (interviews underway)				

Action 12:	<u>Health, Safety and Wellbeing</u> Provide and maintain a safe and healthy workplace environment	Status			
		Q1	Q2	Q3	Q4
		🟡			
Comment:	All Safety process's, procedures, recordings and practices are currently being audited against the international standard for Health and Safety Management Systems. Actions scheduled for completion by end of December 2021.				
Remedial Action:	The outcome of this audit will provide the organisation with a road map and action plan to navigate the way forward and address compliance with the soon to be released Work Health and Safety Act and Regulations.				



The 8 actions identified as **on hold** this reporting period are:

Action 1:	<u>Oakford Bush Fire Brigade Station</u> Deliver the new Oakford Volunteer Bush Fire Brigade station building.	Status			
		Q1	Q2	Q3	Q4
Comment:	As per the adopted 2021-25 Corporate Business Plan, commencement of this project is subject to land acquisition and LGGS grant funding. In September 2021, DFES advised the Shire that, subject to formal documentation, DFES will fund a self-supporting loan of \$1.1M towards the Oakford Fire Station. As per the report provided to Council in October (refer OCM276/10/21), Officers will provide a future report to Council on the management order for the land and the DFES funding will be listed for consideration in next year's budget and Corporate Business Plan setting project. The first milestone of this project (to undertake a QS assessment) is likely to commence in early 2022. The Corporate Business Plan will be updated to reflect the progress of this project.				

Action 2:	<u>Soldiers Road Principal Shared Path</u> Construct the Principal Shared Path on Soldiers Road from Bishop Road to Abernethy Road (WA Bicycle Network Grants Program - DoT).	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>This project is on hold pending the Ministers announcement for the proposed Metronet extension rail over road design and confirmation of Public Transport Authority's (PTA) proposed infrastructure design. The Shire's current Principal Shared Path (PSP) detailed design conflicts with PTA's proposed infrastructure works which includes installation of a stabling yard and main cable works. These changes will have a significant impact on the current design for the path, pedestrian maze and footbridge.</p> <p>Officers informed the funding body, Western Australia Bicycle Network (WABN) of these delays and have requested an extension of time (EOT) the outcome of which will be announced in the coming months.</p> <p>In the interim, Officers have actioned the following:</p> <ul style="list-style-type: none"> - organised a consultant to carry out a Flora and Fauna Survey this September/October. The report is due December 2021 and will be used to submit a clearing permit application to DBCA. - requested a feasibility report for the footbridge design. This was completed by Porter Consulting and is currently being reviewed. - submitted the Activation Plan (ACE) to WABN. 				

Action 3:	<u>Orton Road Upgrade</u> Rehabilitate the existing pavement on Orton Road between Hopkinson and King Road.	Status			
		Q1	Q2	Q3	Q4
Comment:	As per the adopted Corporate Business Plan, this project is on hold until receipt and confirmation of the grant funds. Officers are in the process of obtaining the first 40 per cent claim from MRRG and expect to be able to commence the project in Q2.				



Action 4:	<u>Soldiers Road Upgrade</u> Rehabilitate the existing pavement and improve intersections.	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the adopted Corporate Business Plan, this project is on hold until receipt and confirmation of the grant funds. Officers are in the process of obtaining the first 40 per cent claim from MRRG and expect to be able to commence the project in Q2.				

Action 5:	<u>Minor Facility Renewals</u> Disability Improvements at Serpentine Bridge School	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the 2021-25 Corporate Business Plan, this project is on hold until the grant funds from the State Government is confirmed which Officers are currently progressing. Officers have met with the relevant community representatives to confirm scope and following confirmation of the grant funds, the next step is to develop a program schedule for the delivery of the works.				

Action 6:	<u>Minor Facility Renewals</u> Upgrades to Old Hopeland School	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the 2021-25 Corporate Business Plan, this project is on hold until the grant funds from the State Government is confirmed which Officers are currently progressing. Officers have met with the relevant community representatives to confirm scope and following confirmation of the grant funds, the next step is to develop a program schedule for the delivery of the works.				

Action 7:	<u>Electrical, HVAC inspection and renewal report</u> Review the electrical wiring and isolation boxes within Shire facilities for compliance.	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the 2021-25 Corporate Business Plan, this project is on hold until recruitment of the Facilities Maintenance Coordinator is finalised. This position was recruited to in the reporting period and will be commencing in October 2021. Based on this, it is likely the project will not be completed until March 2022. The Corporate Business Plan will be updated to reflect the new start and finish dates.				

Action 8:	<u>Heritage Park Business Case</u> Development of Heritage Park Business Case.	Status			
		Q1	Q2	Q3	Q4
		<input type="radio"/>			
Comment:	As per the adopted 2021-25 Corporate Business Plan, this project is unable to commence until the recruitment of the Jarrahdale Trails Officer is finalised.				



The **2** actions identified as **Deferred or Not Proceeding** this reporting period are:

Action 1:	<u>Briggs Park Upper Oval Drainage</u> Renew the subsoil drainage at Briggs Upper Oval.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	At the October Council Meeting, Council agreed to reallocate \$164,426 of the funding for this project to the Keirnan Park - Design Services Tender (refer OCM283/10/21). As such, the project as it originally stood will not be proceeding and will be removed from the Corporate Business Plan. To address the drainage concerns, Officers will propose to utilise \$25,000 of the remaining funding to undertake minor drainage improvement works along the northern edge of the oval to prevent flow of water from the oval onto the car park reducing pedestrian safety risk.				

Action 2:	<u>Masterplan of Trails Centre at Lot 814 Jarrahdale Road, Jarrahdale</u> Masterplan of Trail Centre at Lot 814 Jarrahdale Road.	Status			
		Q1	Q2	Q3	Q4
		●			
Comment:	As per the Jarrahdale Trail Town Business Case adopted by Council at October Ordinary Council Meeting, the masterplan for Lot 814 is rescheduled to the 2022-23 financial year to allow the necessary feasibility work be undertaken first (refer section B, numbers 3.2 and 3.6 of the Jarrahdale Trail Town Business Case Implementation Plan).				

Details of the remaining **95** actions **on track** this reporting period are outlined in **attachment 1**.

Corporate Business Plan Amendments

To uphold the principle of an Integrated Planning and Reporting Framework and to ensure the Corporate Business Plan (CBP) remains aligned to the Shire's Annual Budget and other supporting strategies, Officers recommend Council amend the CBP following each quarterly budget review and corporate business plan performance reporting process. Conscious of the requirement to uphold the integrity of reporting against the CBP Key Performance Indicators, the following principles are applied when considering whether to amend the CBP:

1. If there is a Council resolution, projects may be amended to match. This can include amendments to project descriptions, start and finish dates, and milestones. It can also include the removal of a project and the addition of a project.
2. If the project has not commenced for a planned reason (such as awaiting grant funds, recruitment of a resource or the completion of another project), once this dependency is no longer the project can be updated to reflect its new timeline.
3. Any amendments made as a result of quarterly budget reviews are to be reflected.

In line with the abovementioned principles, the following amendments to the Corporate Business Plan are proposed:

Under Principle One:

- Removal of Briggs Park Upper Oval Drainage Major Capital Project as per OCM283/10/21 to utilise the funds for Keirnan Park Recreation Precinct Major Capital Project.



- Addition of the Bruno Gianatti Hall – Outdoor Hub Major Capital Project as per OCM264/09/21 to provide funds under the community infrastructure fund.
- Slight rescoping of deliverables and due dates for the Oakford Bush Fire Brigade Station Major Capital Project as per OCM276/10/21 in light of DFES loan and project progress.
- Addition of funds into Keirnan Park Recreation Precinct Major Capital Project and scope updated to include detailed design for the BMX track as per OCM283/10/21.
- Addition of LRCI funds into the Byford Library Major Capital Project as per OCM256/09/21.
- Addition of funds into the Minor Facility Renewals of the Capital Works Program for the Serpentine Jarrahdale Community Recreation Centre renewals as per OCM263/09/21.
- Insertion of the Karnup Road Culvert Replacement into the Capital Works Program as per OCM256/09/21.
- Reschedule of the Masterplan of Trails Centre at Lot 814 Jarrahdale Road Strategic Operating Project to 2022-23 as per OCM286/10/21 to adopt the Jarrahdale Trail Town Business Case.
- Insertion of the Commercial Feasibility of developing Lot 814 Strategic Operating Project as per OCM286/10/21 to adopt the Jarrahdale Trail Town Business Case
- Milestones inserted for the Serpentine Jarrahdale Community Recreation Centre Operation and Management Arrangement Strategic Operating Project as per OCM263/09/21.

Under Principle Two:

- Removal of the Facilities Maintenance Coordinator dependency on the Electrical, HVAC Inspection and Renewal Report Strategic Operating Project and update of the start and finish dates.

Under Principle Three:

- Addition of the Gordin Way Bus Bay Extension into the Capital Works Program.
- Remaining funds from the Briggs Park Upper Oval Drainage Major Capital Project placed into the Drainage Renewal Capital Works Program for minor repair works at Briggs Park and the Gordin Way Bus Bay Extension Capital Works Program.

These amendments are detailed in tracked changes at **attachment 2**.

Corporate Business Plan Key Performance Indicators

The Corporate Business Plan 2021-25 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 85% of budgeted capital works are expended
3. Improvement is seen in all key result areas of the community perceptions survey
4. Improvement is seen in the Performance Index Score of the Employee Scorecard Survey
5. Financial Sustainability – maintain a financial health indicator above 70 (as published on the *MyCouncil* website)

A progress update on each KPI, including a projected end of year result, is provided below for the Council to note.

KPI 1: 80% of strategic operating projects are completed by their due date



Projected Result: 81% (17/21)

Comment:

The Corporate Business Plan 2021-25 contains 23 Strategic Operating Projects due on, or before 30 June 2022. As at 30 September 2021, 15 are on track, 2 are on hold, 1 is deferred, 3 are flagged as 'at risk / behind schedule' and 2 do not yet have a status because their start dates are post this reporting period (refer performance reporting above).

The projected result for this KPI is 81% (17/21), which assumes:

- The 15 projects currently 'on track', remain on track and are completed on time;
- The 2 projects not yet due to commence are completed on time;
- The proposed amendments to the CBP outlined above are adopted, resulting in the removal of 2 projects from the total (the Masterplan of Trails Centre at Lot 814 Jarrahdale Road and the Electrical, HVAC Inspection and Renewal Report) and the addition of 1 new project (the Commercial Feasibility of developing Lot 814) which is assumed to be on track;
- The remaining 'on hold' project (Heritage Park Business Case) has its due date amended under principle 2 once the dependency is no longer and is therefore removed from the total;
- The 3 projects flagged 'at risk / behind schedule' do not get back on track.

KPI 2: 85% of budgeted capital works are expended

Current Expenditure: 2.7%

Comment:

Total amount of capital expenditure for the period was \$1.356m, with \$604k spend relating to new projects and \$752k relating to carried forward projects. This equates to 2.7% of the new capital budget being expended YTD. Tenders for annual supply contracts and 8 capital road projects will be presented to Council in the Q2 period which will result in expenditure reaching its predicted trend.

KPI 3: Improvement is seen in all key result areas of the community perceptions survey

Comment: Not applicable – the survey is carried out biannually and is not due again until 2022-23.

KPI 4: Improvement is seen in the Performance Index Score of the Employee Scorecard Survey

Comment: Unable to report at this stage. Survey will be undertaken later this financial year.

KPI 5: Financial Sustainability – maintain a financial health indicator above 70 (as published on the MyCouncil website)

Comment: Unable to report until closer to end of financial year.

Options and Implications

Option 1

That Council:

1. NOTES the performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2021-25 as outlined in this report and **attachment 2**.



There are no implications associated with this option.

Option 2

That Council:

1. NOTES the performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2021-25 as outlined in this report and **attachment 2**.

Refer to Risk Implications for the implications associated with this option.

Option 1 is recommended.

Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 14 key achievements, including confirmation of funding for the Oakford Bushfire Brigade Station and the release of several tenders for major road upgrades. Of the 117 actions reported against, 10% are currently 'at risk or behind target' and 77% are on track.

KPI 1 related to Strategic Operating Projects is projected to be achieved, and KPI 2 related to capital works expenditure is at risk. It is expected that the percentage of capital expenditure will increase significantly by quarter 3 as several large projects commence.

Introducing a CBP amendment process and a KPI progress report into the quarterly CBP performance report provides the Shire with a more integrated, structured and specific framework and greater oversight and accountability of the Shire's performance.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Corporate Business Plan 2021-25 Performance Report 1 July to 30 September 2021 (E21/12903)
- **10.3.5 - attachment 2** – Corporate Business Plan 2021-22 Quarter One Review – Tracked Changes (E21/12664)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no financial implications associated with the Officer Options.



Risk Implications

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1.						
2	If Council do not adopt the CBP, this will result in documents that are not aligned with the annual budget. This will create a fragmented environment for the Shire to operate in.	Existing Corporate Business Plan 2021-25 2021-22 Annual Budget	Organisational Performance	Unlikely	Moderate	MODERATE	Nil.

Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

Officer Recommendation:

That Council:

1. **NOTES** the performance report against the 2021-25 Corporate Business Plan for the period 1 July to 30 September 2021 as contained in this report and attachment 1.
2. **ADOPTS** the amendments to the Corporate Business Plan 2021-25 as outlined in this report and attachment 2.

**10.3.6 – Councillor appointments to various groups (SJ514-10)**

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

Authority / Discretion

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

The purpose of this report is to enable Council to consider appointments to various groups following the 2021 ordinary local government election.

Relevant Previous Decisions of Council

Nil.

Background

In December 2019, Council adopted a policy to formalise the appointment of Council delegates and representation on external organisations, including community groups.

The policy notes that being a Councillor delegate is consistent with section 2.10 of the *Local Government Act 1995* which provides that the role of a Councillor includes representing the interests of electors, ratepayers and residents of the district; providing leadership and guidance to the community in the district; and facilitating communication between the community and the Council.

The policy also notes that appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with formally established Council position, or with the Council's known strategic vision or direction.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

Membership of groups expires at each ordinary local government election. With the 2021 election, it is timely for Council to consider making appointments to various community groups.



Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

As this paper deals with multiple groups, Council may wish to determine the composition of the groups as a single resolution to be voted upon or under clause 10.6 of the Shire's Standing Orders the Presiding Member may break down the question into several parts by taking a separate resolution for each group.

A summary of the groups is as follows:

Peel Harvey Biosecurity Group

The Peel Harvey Biosecurity Group aims to reduce the negative impacts of declared pests. The group's activities are informed by a committee with community representation and Councillors from the Shires of Serpentine Jarrahdale, Murray, Waroona, Mandurah and Harvey.

Meetings are held every two months on the 4th Wednesday of the month. Meetings are usually held at Waroona CRC at 4:00pm.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause are required.

South East Regional Energy Group

The South East Regional Energy Group supports the 'Switch your thinking' program which is a partnership with the Cities of Armadale and Gosnells and the Shire to reduce regional greenhouse gas emissions through the implementation and review of the 'Switch your thinking Business Plan'.

Five meetings of the group are held annually, with the next meeting to occur in November 2021.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause are required.

Darling Range Regional Park Advisory Group

The Darling Range Regional Park Advisory Group is coordinated by the Department of Biodiversity, Conservation and Attractions and engages with local governments principally on environmental issues associated with management of land in the area.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause are required.

Peel Harvey Catchment Council

The Peel Harvey Catchment Council is a not-for-profit Natural Resource Management organisation that promotes an integrated approach to catchment management a within the Peel-Harvey catchment.



The group's activities include addressing sustainable natural resource management (NRM) including climate change, river and wetland restoration, biodiversity protection, sustainable agriculture and building community capacity. The past ecological collapse of the Peel-Harvey Estuarine System demands a continued emphasis on water quality issues.

The Peel Harvey Catchment Council is seeking a nominee to become the local government member on the Peel Harvey Catchment Council Board. A decision on membership will be made at the December 2021 Peel Harvey Catchment Council board meeting.

One nominee is required.

Keysbrook Community Consultative Group

The Keysbrook Community Consultative Group is an entity established by the Doral Mineral Sands operation to assist with engagement with the community regarding their extractive industry. Meetings for 2022 are proposed for 2 February, 4 May, 3 August and 3 November 2022 and commence at 4:00pm.

Karnet Prison Farm Community Liaison Group

The Karnet Prison Farm Community Liaison Group is hosted by the Karnet Prison Farm and includes the Shire of Serpentine Jarrahdale, Department of Fire and Emergency Services, and Department of Biodiversity, Conservation and Attractions.

The purpose of the meeting is to provide an opportunity for the local community to discuss prison/community related business and promote the prison within the region.

The next meeting is scheduled for 10:00am on Tuesday, 7 December 2021.

Two members are required.

Kiernan Park Stakeholder Reference Group

As part of design of the Kiernan Park project, work to form a Stakeholder Reference Group is underway. At the time of writing, the Shire had called for quotes from IAP2 certified consultants that would update the Stakeholder Engagement and Communication Plan and prepare a terms of reference for a Stakeholder Reference Group.

Representation on the Reference Group will likely include Council delegates, a representative from each of the sporting club users, local community representation and representation from the South West Aboriginal Land and Sea Council. The proposed composition of this group will be guided by the Shire's consultants and is anticipated to be presented to Council at a future Council meeting.

Options and Implications

Option1

That Council:

- 1a. APPOINTS the following Councillor as delegate to the *Peel Harvey Biosecurity Group*
 - Cr _____
- 1b. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____



-
- 2a. APPOINTS the following Councillor as delegate to the *South East Regional Energy Group*
- Cr _____
- 2b. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
- Cr _____
- 3a. APPOINTS the following Councillor as delegate to the *Darling Range Regional Park Advisory Group*
- Cr _____
- 3b. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
- Cr _____
4. NOMINATES the following Councillor as the local government delegate to the *Peel Harvey Catchment Council* for the consideration of the Peel Harvey Catchment Council Board
- 5a. APPOINTS the following Councillor as delegate to the *Keysbrook Community Consultative Group*
- Cr _____
- 5b. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
- Cr _____
6. APPOINTS the following Councillors as delegates to the *Karnet Prison Farm Community Liaison Group*
- Cr _____
 - Cr _____
7. NOTES that an item on a Kiernan Park Stakeholder Reference Group guided by the Shire's IAP2 certified consultants will be presented to a future Council meeting.

Option 2

That Council DOES NOT APPOINT members to the groups.

Option 1 is recommended.

Conclusion

The appointment of delegates to various community groups strengthens Council's engagement with the community and good governance of the district in line with Council's policy on representation on external organisations, including community groups.



Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan:

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	The Shire will not have the opportunity to leverage participation in these groups.		Reputation	Possible	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- 1a. **APPOINTS** the following Councillor as delegate to the *Peel Harvey Biosecurity Group*
 - Cr _____
- 1b. **APPOINTS** the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____



- 2a. **APPOINTS** the following Councillor as delegate to the *South East Regional Energy Group*
- Cr _____
- 2b. **APPOINTS** the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
- Cr _____
- 3a. **APPOINTS** the following Councillor as delegate to the *Darling Range Regional Park Advisory Group*
- Cr _____
- 3b. **APPOINTS** the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
- Cr _____
4. **NOMINATES** the following Councillor as the local government delegate to the *Peel Harvey Catchment Council* for the consideration of the Peel Harvey Catchment Council Board
- 5a. **APPOINTS** the following Councillor as delegate to the *Keysbrook Community Consultative Group*
- Cr _____
- 5b. **APPOINTS** the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
- Cr _____
6. **APPOINTS** the following Councillors as delegates to the *Karnet Prison Farm Community Liaison Group*
- Cr _____
 - Cr _____
7. **NOTES** that an item on a Kiernan Park Stakeholder Reference Group guided by the Shire's IAP2 certified consultants will be presented to a future Council meeting.



10.3.7 – Western Australian Local Government Association draft policy paper regarding payment of superannuation to Councillors (SJ3417)

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

Authority / Discretion

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

The purpose of this report is to enable Council to consider WALGA's draft policy paper to advocate for Councillors to be required to be paid superannuation.

Relevant Previous Decisions of Council

Nil.

Background

On Friday, 24 September 2021 WALGA wrote to Local Government Chief Executive Officers calling for feedback a draft policy paper to advocate for Councillors to be required to be paid superannuation.

WALGA requested feedback by Friday 22 October 2021.

Officers contacted WALGA seeking an extension to the timeframe as it would not be possible to prepare an informative Officer Report in time for consideration at the 11 October 2021 Ordinary Council Meeting. The notice paper and reports for the 11 October 2021 Ordinary Council Meeting were published on Friday 1 October 2021.

On 29 September 2021, WALGA advised that as many local governments had contacted WALGA regarding the timing of the consultation period that WALGA could be informed directly of Council's decision on this matter by a revised date of 23 November 2021.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Part 5 of the *Local Government Act 1995* (the Act) sets rules for payments to council members. Section 5.98 of the Act states that a council member who attends a council or committee meeting is entitled to be paid the fee determined for attending a council or committee meeting.

Section 5.99 of the Act empowers a Council to decide via absolute majority to instead pay all council members who attend council or committee meetings either:

- a) the annual fee determined by the Salaries and Allowances Tribunal; or



- b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that, that fee.

As the Salaries and Allowances Tribunal's determination sets a range rather than an annual fee, a Council must, by Absolute Majority, set an amount within the relevant range.

Section 5.60A of the Act provides that a Councillor has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government in a particular way, result in a financial gain, loss, benefit or detriment to the person.

This matter before Council relates to consideration of advocacy efforts by WALGA that could result in the amendments being considered by Parliament to the *Local Government Act 1995*. While the declaration of interests are a matter for Councillors, Officers do not believe that consideration of the matter as presented would constitute a financial interest under the Act.

Comment

WALGA's discussion paper calls for amendments to the *Local Government Act 1995* to

"Require local governments to pay elected members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member."

WALGA's discussion paper notes that in Queensland Councils may resolve to pay superannuation; in New South Wales reforms are in progress to allow Councils to resolve to pay superannuation; and in Victoria members are paid a cash loading equivalent to superannuation guarantee.

WALGA's discussion paper does not provide an extensive justification for its conclusion beyond noting that the role of a Councillor is increasingly challenging and deserves adequate compensation. In further dialogue with WALGA, the case for paying superannuation is based on the fact that superannuation is paid to public sector board members and company directors.

Based on the fees and allowances paid in 2020-21, the cost to the Shire of implementing superannuation would be \$25,124. This amount would increase with changes to the Superannuation Guarantee rate and changes to Councillor fees and allowances.

While Officers do not dispute the notion that being a Councillor is challenging and compensation within the framework set by the Salaries and Allowances Tribunal is appropriate, Officers do not believe that the WALGA draft policy position should be supported.

WALGA's discussion paper commences with a contestable notion that local government elected members are workers. In most legislation that addresses the role of Councillors clauses specifically exclude Councillors as workers. Councillors are not employees.

For example, the *Work Health and Safety Act 2020* specifically excludes local government members acting in that capacity within the definition of a 'person conducting a business or undertaking'. Likewise, the *Corruption, Crime and Misconduct Act 2003* distinguishes public officers as either employees or public officers who hold an office (the latter being the category that Councillors fit within).

In addition, the Salaries and Allowances Tribunal Determination of April 2021 also reinforced that Councillors are not workers or employees and fees and allowances received are not salaries:

"It is emphasised that fees and allowances, in lieu of reimbursement of expenses, provided to elected members are not considered payment for work performed in a manner akin to regular employment arrangements. Elected members are provided these



fees and allowances to recognise the commitment of their time and to ensure they are not out of pocket for expenses properly incurred in the fulfilment of their duties. The Tribunal's original 2013 determination stated that "fees and allowances provided to elected members are not intended to be full time salaries for members". The Tribunal continues to recognise the degree of voluntary community service in the role of elected members."

As such, Officers do not view that a compelling case has been made by WALGA to support advocating to amend the legislation at this time.

Council has previously resolved to allow members to receive 75% of the maximum value of allowances for a band two Council as set by the Salaries and Allowances Tribunal. If Council wished, Council could set a different rate within the band set by the Salaries and Allowances Tribunal to achieve an equivalent of a 10% superannuation contribution and Councillors have the ability to make payments to superannuation or otherwise invest in any manner they see fit. This would be a matter for Council to determine.

Options and Implications

Option 1

That Council:

1. DOES NOT SUPPORT WALGA's recommendation to call for amendments to the *Local Government Act 1995* to require local governments to pay elected members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.
2. REQUESTS that the Chief Executive Officer inform WALGA of the Shire's recommendation in this regard.

Option 2

That Council:

1. SUPPORTS WALGA's recommendation to call for amendments to the *Local Government Act 1995* to require local governments to pay elected members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.
2. REQUESTS that the Chief Executive Officer inform WALGA of the Shire's recommendation in this regard.

Option 1 is recommended.

Conclusion

WALGA has written to all Western Australian local governments to determine a level of support for advocating for changes to the *Local Government Act 1995* to require elected members to be paid superannuation. While acknowledging the contribution made by Councillors, Officers do not support WALGA's position at this time.

Attachments (available under separate cover)

- **10.3.7 - attachment 1** – WALGA Policy Paper Elected Member Superannuation (E21/12486)



Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no direct financial implications associated with this report. As noted above, if the Shire was required to pay superannuation to Councillors based on circumstances in the 2020-21 financial year the value would be \$25,124.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	Reputational loss as a result of community concern regarding Councillor remuneration		Reputation	Likely	Minor	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **DOES NOT SUPPORT WALGA's** recommendation to call for amendments to the *Local Government Act 1995* to require local governments to pay elected members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.
2. **REQUESTS** that the Chief Executive Officer inform WALGA of the Shire's recommendation in this regard.

**10.3.8 – OneComm Project Reset (SJ514-10)**

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

Authority / Discretion

Information	For the Council / Committee to approve/note.
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Report Purpose

This report seeks Council to:

1. APPROVE the revised scope and extending the duration of Phase 3 through to June 2024;
2. APPROVE the introduction of OneComm Phase 2.8 to implement Project Lifecycle Management and Investment Prioritisation and Optimisation;
3. APPROVE the creation of the ICT Reserve for the purpose to provide for the Shire's ICT requirements;

Account Number	Type	Account Description	Debit \$	Credit \$
6100-80019-NEW-0000	Increase Transfer to Reserve	OneComm ERP Implementation – Trf to Reserve – ICT Reserve	\$250,000	
6100-80019-6600-0000	Decrease Expenditure	OneComm ERP Implementation – Capital Expenditure		\$250,000

Reason: Variation required to transfer \$250,000 of current capital budget for the OneComm project to reserve for use in future financial years due to a change in the project timelines and scope.

4. NOTE the revised Long-Term Financial Plan OneComm implementation financial projections for the 2021-2022, 2022-2023 and 2023-2024 Financial Years as listed under the financial implications section of this report.



Relevant Previous Decisions of Council

*Ordinary Council Meeting – 17 May 2021 – OCM127/05/21 – COUNCIL DECISION / Officer Recommendation – **extract***

That Council REQUESTS that the Chief Executive Officer:

- 1. List for consideration in the 2021/2022 budget the employment of a Project Management Officer and associated consultation funds to facilitate the implementation of a project management office.*
- 2. Provide a report detailing a revised OneComm implementation timetable and associated costs to Council for consideration.*

*Ordinary Council Meeting – 14 December 2020 – OCM402/12-20 – COUNCIL DECISION / Officer Recommendation – **extract***

- 1. NOTES the progress of the OneComm Project – Phase 2;*
- 2. NOTES the progress of the OneComm Project – Phase 2.5; and*
- 3. NOTES the OneComm systems efficiency baseline on the efficiencies and improvements, tangible and intangible, to Council gained over the 2020/2021 Financial Year.*

*Ordinary Council Meeting – 15 June 2020 – OCM164/06/20 – COUNCIL DECISION / Officer Recommendation – **extract***

- 1. NOTES the completion of the OneComm Project – Phase 1;*
- 2. NOTES the progress of the OneComm Project – Phase 2;*
- 3. APPROVES the implementation of the Online Customer Request Management as Phase 2.5 to commence in September 2020 and implement in April 2021;*
- 4. APPROVES deferring the implementation of OneComm Phase 3 by 12 months to commence in September 2021 to allow the City of South Perth to proceed ahead of the Shire;*
- 5. APPROVES deferring the implementation of OneComm Phase 4 by 12 months to commence in September 2022 to allow the City of South Perth to proceed ahead of the Shire;*
- 6. APPROVES deferring the Strategic Asset Management implementation to Phase 4, the 2022-2023 financial year; and*
- 7. APPROVE deferring funding allocation for 'new scope items' and issues until the 2022-2023 financial year at a cost of \$460,000.*

*Ordinary Council Meeting – 25 September 2018 – OCM107/09/18 – COUNCIL DECISION / Officer Recommendation - **extract***

That Council:

- 1. Approves the adoption of the Integrated Enterprise Resource Planning Strategy;*
- 2. Approves the supplier, TechnologyOne, as the sole supplier of Australian Local Government Authority Integrated Enterprise Resource Planning System under Local Government (Functions & General) Regulations 1996 11(2);*
- 3. Agrees to enter into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil, with final contract subject to Chief Executive Officer and Shire President approval;*



4. Approves the adoption of the pre-configured business processes inherent in the TechnologyOne OneCouncil solution for implementation at the Shire of Serpentine Jarrahdale;
5. Approves the implementation of the TechnologyOne OneCouncil solution using Cloud technology (Option 1); and
6. Approves, pursuant to section 6.8 of the Local Government Act 1995, the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:

Background

To date, the OneComm project team has successfully implemented the following 3 Phases:

- Phase 1 - Finance, Human Resources, Purchasing, Payroll, Safety and Financial Asset Registers;
- Phase 2 - Business Intelligence, Corporate Performance Planning, Asset Management for Works, e-Recruitment and Enterprise Budgeting; and
- Phase 2.5 - Online Customer Request Management.

Phase 3 commenced in September 2021 and includes the following modules:

- Property, Rating, Contracts Management, Enterprise Content Management, Enterprise Cash Receipting, Regulatory and Compliance Management.

Phase 4 is planned to commence in 2022 and includes the following modules:

- Strategic Asset Management, Project Lifecycle Management (scoping only), Investment Prioritisation and Optimisation (scoping only), Stakeholder Management (scoping only), Grants Distribution and Business Intelligence (Property and Enterprise Content Management).

Effectively this means that the Shire has completed three (3) of the five (5) planned Phases and planning and technical training for Phase 3 has commenced. In essence the Shire is more than halfway through the implementation of OneComm. The OneComm project strategy and quality plan outlines that reviews of the project should be conducted at this milestone.

Therefore, it is time to review and adjust the priorities, timing, scope and costs associated with Phase 3 and Phase 4.

This report will outline the proposed reset of the OneComm project implementation priorities, duration and timings to incorporate changes to the Shire's priorities based on a number of variables.

Community / Stakeholder Consultation

Changes to the priority, scope, duration and timings for the implementation of current and future Phases of OneComm was developed in consultation with the Shire's Executive Management Team, Technology One and through partnerships with other Local Government Authorities' (LGA).

Statutory Environment

The *State Records Act 2000* which governs the recordkeeping for all State and Local Government organisations in Western Australia.

The State Records Commission of Western Australia - Standard 8 – Managing Digital Information.



Comment

Consideration of adjusting the priority, scope and timings for the implementation of OneComm is required to factor in the following:

- The original project plan required the Shire to copy another LGA's configuration, unfortunately the Shire implementation project has now caught up with all other LGA's implementing Connected Intelligence Anywhere (CIA) OneCouncil version of Technology One's software. The rationale in copying another LGA's configuration is to reduce cost and risk to the Shire;
- Staff capacity particularly with staff turnover in a number of business units;
- The business requirement to improve controls over a significant planned investment in capital projects (OneComm Investment Prioritisation and Optimisation module);
- Improving Project Management controls and processes (OneComm Project Lifecycle Management Module); and
- Managing staff workload in periods of high growth including their ability to absorb ongoing transformational change.

Options**Option 1 - Extend the OneComm Project Duration**

In terms of background, at the Ordinary Council Meeting – 15 June 2020 – OCM164/06/20 Council approved the following:

- Re-scheduling OneComm Phase 3 from September 2020 to commence in September 2021; and
- Re-scheduling OneComm Phase 4 from September 2021 to commence in September 2022.

The duration and scope of both Phase 3 and Phase 4 has been subject to another review by the Shire's Executive Management Team.

The rationale for the Shire's Executive Management Team review is:

- Other local governments have delayed the implementation of their Phase 3. As a result, the Shire has caught up to these local governments and is unable to leverage their system configuration for implementation. Therefore, the Shire requires time for the other local governments to create some distance between their implementation of Phase 3 and the Shire's implementation of the same Phase or the Shire leading the implementation of these modules across Western Australian LGA's.
- The capacity of the organisation to participate in the project, particularly with current high workloads and staff turnover rates; and
- Lessons learnt from prior phases of implementation of OneComm.

The Executive Management Team recommend extending the implementation of Phase 3 over a longer period of time with a revised implementation date of June 2024.

Extending the overall implementation time frame is based on lessons learnt from previous implementations from other Local Governments. That is, leveraging a tested and proven solution from another Local Government results in improved overall outcomes and assists with staff workload and capacity issues.



Extending the duration of Phase 3 to June 2024 results in the 2022 calendar year having some capacity for additional OneComm implementation activities. This will continue the momentum of previous successful implementations and subsequent realisation of efficiencies earlier than planned.

To address this capacity, the Shire proposes to bring forward the implementation of the following OneComm modules that were originally planned for scoping only:

- Project Lifecycle Management; and
- Investment Prioritisation and Optimisation.

The implementation of the above-mentioned modules would be managed as a new OneComm Phase called Phase 2.8 and would implement concurrently with the extended Phase 3 implementation duration.

The proposed plan is to implement these modules in line with the following schedule:

Module	Start Date	End Date
Project Lifecycle Management	January 2022	June 2022
Investment Prioritisation and Optimisation	September 2022	February 2023

As the Shire progressively develops and implements a Project Management Framework and Contracts Management Framework and associated methodologies and processes it also requires the implementation of software tools to support efficient and effective project management, decision making and compliance. The key objective in implementing software tools is to simplify reporting, improve governance and increase transparency with the entire project management lifecycle via a single solution.

The Shire's OneComm solution offers the software tools to manage the entire long-term project planning lifecycle including new project concept and submission through approval, prioritisation, optimisation to funding, delivery, handover, maintenance and renewal in the one integrated solution. With all portfolio, program and project information in one database, reporting is streamlined and accessible in real-time to improve decision making and process compliance. The OneComm solution will guide staff through the required project management process with the associated data required and outputs such as business cases, cost estimates, resourcing requirements, asset and risk analysis in a fully workflow enabled framework.

The implementation of software tools typically follows the establishment of the Project Management Office Framework and processes but is essential to the effective management and control of the Shire's significant investment in key community and administrative projects.

The following modules will be included in Phase 3 as 'scoping only' activities, these being:

- Strategic Asset Management;
- Grants Distribution;
- Business Intelligence Tools (Property and Enterprise Content Management); and
- Stakeholder Management.

Following the scoping exercise, the implementation of these above-mentioned modules may be completed as business as usual with a revised ICT structure that will be outlined in the ICT Strategy 2022-2025 and reported to Council in February 2022.



Summary

Option 1 will result in:

- Extend the implementation duration of Phase 3 with a revised scope and final implementation date of June 2024. The Phase 3 modules will be implemented at various time intervals through to June 2024 as contained in **CONFIDENTIAL attachment 3**.
- Bringing forward implementation of the Project Management Lifecycle and Investment Prioritisation and Optimisation modules that were identified for scoping only to implement as a new Phase 2.8 as contained in **CONFIDENTIAL attachment 2**.
- Bringing forward the scoping only of Strategic Asset Management, Grants Distribution, Business Intelligence Tools (Property and Enterprise Content Management) and Stakeholder Management. These modules would be implemented as business as usual and after the completion of Phase 3; and
- If required, retention of the OneComm project team to June 2024. Refer to **CONFIDENTIAL attachment 1** for revised financial projections.

Option 2 – Progress the OneComm Project.

This option is maintaining the status quo for the OneComm Project and progressing with the implementation of Phase 3 and Phase 4 as planned.

Option 3 – Stop the OneComm Project.

This option is stopping the OneComm implementation of Phase 3 and Phase 4 from the end of the 2021 calendar year until further notice. This option allows the Shire to consolidate the implementation of existing OneComm modules and wait until such a time that another LGA has successfully implement the critical Property, Rating and Regulatory/Compliance modules. This approach will reduce risk and cost to the Shire in implementing the same.

Options and Implications

Option 1 - Extend the OneComm Project Duration

The OneComm project staff costs are budgeted to the end of December 2022. Therefore, staff arrangements will need to be extended through to the end of the 2023-2024 financial year to align with the extended implementation duration for Phase 3. These positions are:

- Project Manager;
- Change Manager;
- Solutions Architect;
- Business Systems Analyst;
- Business Analyst (new role); and
- ICT Trainer.

The OneComm staff salary variation is \$118,415 in 2022-2023 and \$696,452 in the 2023-2024 financial year. A total staff cost variation of \$814,867.

Included in the above staff costs is an additional Business Analyst for the mapping and continual improvements to business processes. This approach will also allow the Shire to address internal workload and capacity to allow the successful introduction of the critical Property & Rating Module and associated business processes.



Furthermore, extending the OneComm project team through to the end of the 2023-2024 financial year will allow for the smooth transition of the OneComm system, for all staff, into business as usual operations with an extended period of post-implementation support (called hyper care).

Post 2023-2024 the ongoing OneComm system support, enhancements and management of upgrades will require addressing. This will be included in the Shire Information and Communication Technology Strategic Plan for 2022-2025 (under development) and reported to the Ordinary Council Meeting in February 2022.

Option 2 – Progressing the OneComm Project.

The implication of this option is the following:

- No change to the scope, duration or timings of Phase 3 or Phase 4; and
- Project Lifecycle Management and Investment Prioritisation and Optimisation will not proceed.
- This option would likely see the project implementation deadlines and budget exceeded as the Shire is unable to leverage a tested and proven solution from another Local Government.

Option 3 – Stop the OneComm Project.

This option is stopping the OneComm implementation of Phase 3 and Phase 4 from the end of the 2021 calendar year until further notice. This option defers all implementation costs to future financial years. A decision will be required on the timing to re-start the OneComm project and this would be subject to a future Council report. This option would also see the Shire continue paying for antiquated and end of life software and the partially implemented Technology One Solution.

Option 1

That Council:

1. APPROVE the revised scope and extending the duration of Phase 3 through to June 2024;
2. APPROVE the introduction of OneComm Phase 2.8 to implement Project Lifecycle Management and Investment Prioritisation and Optimisation;
3. APPROVE the creation of the ICT Reserve for the purpose to provide for the Shire's ICT requirements;

Account Number	Type	Account Description	Debit \$	Credit \$
6100-80019-NEW-0000	Increase Transfer to Reserve	OneComm ERP Implementation – Trf to Reserve – ICT Reserve	\$250,000	
6100-80019-6600-0000	Decrease Expenditure	OneComm ERP Implementation – Capital Expenditure		\$250,000

Reason:

Variation required to transfer \$250,000 of current capital budget for the OneComm project to reserve for use in future financial years due to a change in the project timelines and scope.

4. NOTES the revised Long-Term Financial Plan OneComm implementation financial projections for the 2021-2022, 2022-2023 and 2023-2024 Financial Years as listed in this report.

Option 2

That Council:

1. APPROVE progressing the OneComm Project; and
2. DOES NOT APPROVE the revised scope extending the duration of Phase 3 through to June 2024;
3. DOES NOT APPROVE the introduction of OneComm Phase 2.8 to implement Project Lifecycle Management and Investment Prioritisation and Optimisation;
4. DOES NOT APPROVE the creation of the ICT Reserve for the purpose to provide for the Shire's ICT requirements;

Account Number	Type	Account Description	Debit \$	Credit \$
6100-80019-NEW-0000	Increase Transfer to Reserve	OneComm ERP Implementation – Trf to Reserve – ICT Reserve	\$250,000	
6100-80019-6600-0000	Decrease Expenditure	OneComm ERP Implementation – Capital Expenditure		\$250,000

Reason:

Variation required to transfer \$250,000 of current capital budget for the OneComm project to reserve for use in future financial years due to a change in the project timelines and scope.

5. DOES NOT NOTE the revised Long-Term Financial Plan OneComm implementation financial projections for the 2021-2022, 2022-2023 and 2023-2024 Financial Years as listed in this report.

Option 3

That Council:

1. APPROVE stopping the OneComm Project;
2. DOES NOT APPROVE the revised scope and extending the duration of Phase 3 through to June 2024;
3. DOES NOT APPROVE the introduction of OneComm Phase 2.8 to implement Project Lifecycle Management and Investment Prioritisation and Optimisation;
4. DOES NOT APPROVE the creation of the ICT Reserve for the purpose to provide for the Shire's ICT requirements;

Account Number	Type	Account Description	Debit \$	Credit \$
6100-80019-NEW-0000	Increase Transfer to Reserve	OneComm ERP Implementation – Trf to Reserve – ICT Reserve	\$250,000	
6100-80019-6600-0000	Decrease Expenditure	OneComm ERP Implementation – Capital Expenditure		\$250,000



Account Number	Type	Account Description	Debit \$	Credit \$
Reason: Variation required to transfer \$250,000 of current capital budget for the OneComm project to reserve for use in future financial years due to a change in the project timelines and scope.				

5. DOES NOT NOTE the revised Long-Term Financial Plan OneComm implementation financial projections for the 2021-2022, 2022-2023 and 2023-2024 Financial Years as listed in this report.

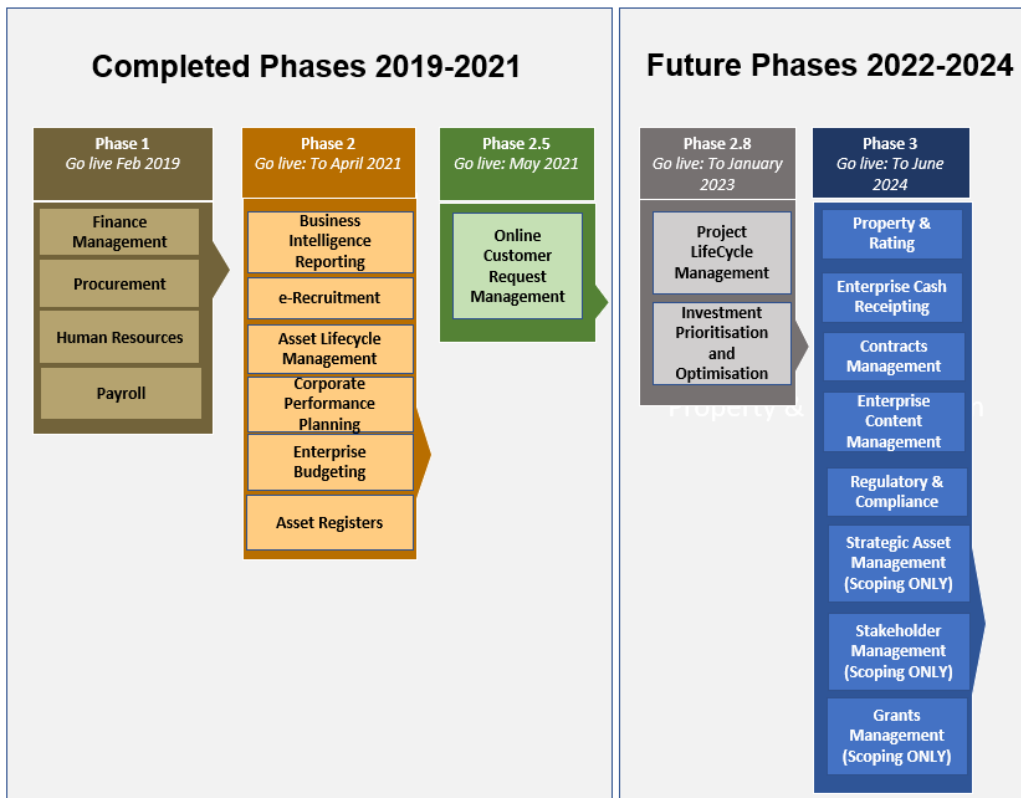
Option 1 is recommended.

Conclusion

The proposed reset of the OneComm project will:

- Extend the implementation duration of Phase 3 to create distance between the Other local governments’ system implementation and the Shires implementation of the same. This will reduce risk and allow time for another Local Government to test and ensure that the OneComm system is fully compliant with the Western Australian Local Government Act or Phase or the Shire leading the implementation of these modules across Western Australian LGA’s.;
- Introduce Project Lifecycle Management and Investment Prioritisation and Optimisation earlier than planned, to commence in January 2022, as new Phase 2.8; and
- Allow the Shire to address staff capacity in readiness for the implementation of Phase 3.

The “reset” of the OneComm project will result in the following phased implementation approach:





The implementation of the Property & Rating system will significantly transform how the Shire operates and will also extend the breadth of Online e-Services offered to our community. However, due to the criticality of the Property and Rating module the Shire will need to defer this implementation until the Shire can leverage the implementation at the other local governments. This will reduce risk and allow time for another Local Government to test and ensure that the Property & Rating system is fully compliant with the Western Australian Local Government Act. Aspects of the Property & Rating module implementation that are not reliant on another LGA's configuration, such as migrating the Property data from SynergySoft to OneComm, can still proceed in 2022 in readiness for setting up the Rating module. Similarly the migration of the data from the Shire's existing Records Management System to the OneComm records and documents module can proceed.

The Shire will keep in close contact with other LGA's that are implementing the OneComm Rating module and Regulations module to monitor their progress and success in implementing the these modules. Should the opportunity arise, the Shire will accelerate the implementation of the Rating module and the Regulations module by copying another LGA's configuration earlier than planned. Conversely, if there are no Rating module or Regulation module configurations available for copying, the Shire will commence the implementation as outlined in this report. Please see the red coloured items on **CONFIDENTIAL attachment 3** for potential acceleration points.

Introducing Phase 2.8 to implement a single software tool to improve the transparency over the entire project management lifecycle whilst the Shire creates distance from the other local governments' Property & Rating module and Regulations module implementation. The Shire will be leading the implementation of these modules across Western Australian LGA's.

Post the implementation of all OneComm modules the Shire will need to strategically consider the ongoing resources required for the management and improvements to this business-critical system. Subject to a future budget approval process, the Business Systems Analyst for Property & Rating, the Business Analyst and the ICT Trainer should transition from OneComm project funding to an operating salary funding model. The strategy for addressing this will be outlined in the ICT Strategy 2022-2025 and reported to Council in the first quarter of 2022.

Attachments (available under separate cover)

- **10.3.8 – CONFIDENTIAL Attachment 1** - OneComm Actual v Budget breakdown for Phases 1, 2 and 2.5 (2018/19 to 2020/21) and LTFP breakdown for 2022-23 and 2023-24. (E21/12890)
- **10.3.8 – CONFIDENTIAL Attachment 2** – High Level GANTT Chart Phase 2.8 (E21/12892)
- **10.3.8 – CONFIDENTIAL Attachment 3** – High Level GANTT Chart Phase 3 (E21/12893)



Alignment with our Strategic Community Plan

The proposed Integrated Enterprise Resource Planning Systems Strategy is critical to the Shire's efficient and effective operations as it aligned to the Strategic Community Plan 2017-2027 with particular reference to:

Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.2	Ensure appropriate Long-Term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Innovation was also recognised in the Strategic Community Plan 2017-2027 for Serpentine Jarrahdale 2050 core community aspirations whereby *"The Shire's community are open to new technologies and embracing innovation. Respondents indicate that the Shire has an opportunity to be progressive and embrace change and creative thinking"*.

Financial Implications

The OneComm Long-Term Financial Plan implications for the OneComm Project are:

Financial Year	OneComm LTFP	Revised OneComm LTFP	LTFP Variance
2021 - 2022	\$1,087,000	\$837,000	-\$250,000
2022 – 2023	\$660,000	\$1,186,873	\$526,873
2023 – 2024	\$359,651	\$1,195,530	\$835,879
TOTAL	\$2,106,651	\$3,219,404	\$1,112,753

It is recommended to create an ICT Reserve for the purpose of providing for the Shire's ICT requirements for the projected underspend of \$250,000 in the 2021 – 2022 financial year.



Risk Implications

Risk has been assessed on the Officer options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The existing project delivery risks associated with the project would continue if this option was selected.						
2	Project delivery would be compromised and may result in cost over-run	OneComm Project Management Plan. OneComm Benefits Management Strategy Framework.	Organisational Performance	Likely	Moderate	SIGNIFICANT	
3	This option would significantly comprise organisational performance		Organisational Performance	Possible	Major	SIGNIFICANT	



Voting Requirements: Absolute Majority

Officer Recommendation

That Council

1. **APPROVE** the revised scope and extending the duration of Phase 3 through to June 2024;
2. **APPROVE** the introduction of OneComm Phase 2.8 to implement Project Lifecycle Management and Investment Prioritisation and Optimisation;
3. **APPROVES** the creation of the ICT Reserve for the purpose to provide for the Shire's ICT requirements;

Account Number	Type	Account Description	Debit \$	Credit \$
6100-80019-NEW-0000	Increase Transfer to Reserve	OneComm ERP Implementation – Trf to Reserve – ICT Reserve	\$250,000	
6100-80019-6600-0000	Decrease Expenditure	OneComm ERP Implementation – Capital Expenditure		\$250,000

Reason:

Variation required to transfer \$250,000 of current capital budget for the OneComm project to reserve for use in future financial years due to a change in the project timelines and scope.

4. **NOTE** the revised Long-Term Financial Plan OneComm implementation financial projections for the 2021-2022, 2022-2023 and 2023-2024 Financial Years as listed in this report.



10.3.9 - OneComm: TechnologyOne Contract Variations (SJ514-11)

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

Authority / Discretion

Information	For the Council / Committee to approve/note.
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Report Purpose

This report seeks Council to APPROVE the Contract Variation with the 10-Year TechnologyOne for \$564,431 (ex-GST).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 25 September 2018 – OCM107/09/18 – COUNCIL DECISION / Officer Recommendation - extract

That Council:

- 1. Approves the adoption of the Integrated Enterprise Resource Planning Strategy;*
- 2. Approves the supplier, TechnologyOne, as the sole supplier of Australian Local Government Authority Integrated Enterprise Resource Planning System under Local Government (Functions & General) Regulations 1996 11(2);*
- 3. Agrees to enter into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil, with final contract subject to Chief Executive Officer and Shire President approval;*
- 4. Approves the adoption of the pre-configured business processes inherent in the TechnologyOne OneCouncil solution for implementation at the Shire of Serpentine Jarrahdale;*
- 5. Approves the implementation of the TechnologyOne OneCouncil solution using Cloud technology (Option 1); and*
- 6. Approves, pursuant to section 6.8 of the Local Government Act 1995, the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:*

Background

This report will outline the TechnologyOne OneComm Contract Variations due to the adoption of new software modules that were not available when the Shire initially setup the OneComm Contract with TechnologyOne in 2018.

Community / Stakeholder Consultation

Changes to the implementation of OneComm modules was developed in consultation with the Shire's Executive Management Team.



Statutory Environment

The *State Records Act 2000* which governs the recordkeeping for all State and Local Government organisations in Western Australia.

The State Records Commission of Western Australia - Standard 8 – Managing Digital Information.

Comment

Consideration of varying the Contract with TechnologyOne is required to factor the new software modules that have either been added or significantly improved in functionality since the commencement of OneComm in 2018.

Options

Option 1 - Formalise Contract Variations with TechnologyOne

This option comprises the following:

a) Formalise Contract Variations with TechnologyOne for new Software Modules

Throughout the implementation of OneComm a number of new software modules were introduced by TechnologyOne that the Shire adopted as part of its implementation to further leverage improvements and efficiencies.

These software modules are:

1. Asset Field Survey App

An Asset Field Survey App allows:

- The outside workforce to manage work orders and their time and plant utilisation against specific assets whilst in the field; and
- Asset Coordinators, Asset Inspectors and Operations Coordinators/Supervisors to manage, inspect and create assets whilst in the field.

The Asset Field Survey App is an integral part of the Shire's asset data capture program and significantly enhances our asset management abilities in real time. Refer to OCM June 2021 (OCM131/06/21) re Audit, Risk and Governance Committee resolution #4, that Council "*GIVES higher consideration and priority to resources to ensure the mitigation actions to address asset management risk in a more timely manner*". The cost is \$17,700 (ex-Gst) per annum and is subject to an annual CPI adjustment.

2. Employee Transitions Module

Employee transitions is the automation of activities that occur at different stages of the employee lifecycle such as:

- Onboarding when an employee is hired;
- Transferring an employee to a new position; and
- Offboarding when an employee is terminated.

The cost is \$6,750 (ex-Gst) per annum and is subject to an annual CPI adjustment.

3. Recruitment Email Automation and Customisation

This module automates email communication in the human resource recruitment process. The automation of email communication to applicants is throughout the



recruitment process and right through to an offer of employment letter. This is a significant efficiency gain for the People and Culture team.

The cost is \$3,750 (ex-Gst) per annum and is subject to an annual CPI adjustment.

4. Long-Term Data Retention

As part of the TechnologyOne Software as a Service fee, monthly system and data backups are held for a period of 3 months. This data retention period was reviewed for compliance with the *State Records Act (2000)*. As a result of this review, the retention of monthly data back-ups has been extended to a period of seven (7) years to improve compliance with the *State Records Act (2000)*. The cost is \$7,400 (ex-Gst) per annum and is subject to an annual CPI adjustment.

5. Testing IT Environment

As part of the OneComm implementation we procured three (3) environments of OneComm. One for Production use one for Testing and one for maintaining the OneComm master system configuration. However, the Shire needed a fourth environment of OneComm for construction purposes. This copy of the OneComm system allowed the OneComm team to build/construct the OneComm software without impacting the Production system, Configuration system and the Test system and that was actively used for user acceptance testing and all staff training. The cost is \$11,800 (ex-Gst) per annum, is subject to an annual CPI adjustment, and can be removed by providing TechnologyOne with 6 months' notice which the Shire plans to do at the completion of project implementation activities.

b) Formalise Contract Variations with TechnologyOne to introduce Application Managed Services (AMS).

This is a service offered by TechnologyOne to provide technical expertise for the OneComm modules that the Shire has already implemented. It allows the Shire to tap into TechnologyOne consultants and specific technical expertise as and when required for the following:

- Implementation of new modules, features, and capabilities;
- Operational support and application administration;
- Consulting expertise – planning, implementing, and testing;
- Training, education, and knowledge transfer;
- Advisory services, reviews, health checks, audits; and
- Transformation via continuous improvement.

Currently the services for TechnologyOne consultants are budgeted by individual service teams, by collectively utilising service teams funding. This Application Managed Service will allow the Shire to balance reactive and ad-hoc requests for system improvements by calling upon TechnologyOne to complement or backfill staff during busy periods (e.g. end of year reporting). Furthermore, the service allows the Shire to get help and assistance on the more technically complex modules of the system where internal skills gap may exist. This service can be consumed in 15-minute timeslots rather than the Shire having to book and fund a TechnologyOne consultant for a full day as is currently the case. The cost of introducing Application Managed Services is \$67,200 (ex-Gst) per annum and is subject to an annual CPI adjustment.



Option 2 – Only Formalise Contract Variations with TechnologyOne for new Software Modules

This option is only formalising Contract Variations with TechnologyOne for new Software Modules as listed above. Excluded from this option is the introduction of Application Managed Services (AMS).

Option 3 - Maintain the Status Quo

This option is maintaining the status quo.

Options and Implications

Option 1 - Formalise Contract Variations

a) Formalise Contract Variations with TechnologyOne for new Software Modules.

These new Software modules are required for the ongoing administration of the Shire. Therefore, the costs associated with these new Software modules are included in the Long-Term Financial Plan as they are already committed. However, the costs of these new software modules have reached a scale that requires Council approval.

The costs associated with formalising the Software as a Service (SaaS) contract variation with TechnologyOne is \$359,181 over 10 years allowing for an annual 2% CPI adjustment over the life of the contract.

b) Formalise Implementation Services Contract Variations with TechnologyOne for Application Managed Services (AMS).

The cost of introducing Application Managed Services is \$67,200 per annum and is subject to an annual CPI adjustment. The total Contract Variation for 3 years is \$205,250 allowing for an annual CPI adjustment of 2%. An operational budget currently exists across three service teams to fund the TechnologyOne Application Managed Services.

The detailed breakdown of the TechnologyOne Contract Variations over the 10-year contract term are:

Item	\$ T1 Original Contract	\$ T1 Actual	\$ T1 Forecast Remaining	\$ T1 Revised Contract	\$ T1 Contract Variation
New Software Modules	\$2,996,510	\$1,257,145	\$2,098,546	\$3,355,691	\$359,181
Application Managed Services	\$0	\$0	\$0	\$205,250	\$205,250
TOTAL	\$2,996,510	\$1,257,145	\$2,098,546	\$3,560,941	\$564,431



Option 2 – Only formalise Contract Variations with TechnologyOne for the new Software Modules.

The detailed breakdown of the TechnologyOne Contract Variations for Option 2 over the 10-year contract term are:

Item	\$ T1 Original Contract	\$ T1 Actual	\$ T1 Forecast Remaining	\$ T1 Revised Contract	\$ T1 Contract Variation
New Software Modules	\$2,996,510	\$1,257,145	\$2,098,546	\$3,355,691	\$359,181
TOTAL	\$2,996,510	\$1,257,145	\$2,098,546	\$3,355,691	\$359,181

Option 3 – Maintain the status quo

The implication of this option is Contract variations with TechnologyOne will exceed delegated financial authorities for contract variations.

Option 1

That Council APPROVE the Contract Variation with the 10-Year TechnologyOne for \$564,431 (ex-GST).

Option 2

That Council APPROVE the Contract Variation with 10-Year TechnologyOne for \$359,181 (ex-GST).

Option 3

That Council APPROVE maintaining the status quo with TechnologyOne.

Option 1 is recommended.

Conclusion

This agenda item proposed to formalise Contract Variations with TechnologyOne for:

- New software modules to ensure compliance with the Shire’s delegation register; and
- Application Managed Services (AMS) to allow the Shire to tap into TechnologyOne consultants and specific technical expertise as required.

Attachments (available under separate cover)

Nil.

**Alignment with our Strategic Community Plan**

The proposed Integrated Enterprise Resource Planning Systems Strategy is critical to the Shire's efficient and effective operations as it aligned to the Strategic Community Plan 2017-2027 with particular reference to:

Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.2	Ensure appropriate Long-Term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Innovation was also recognised in the Strategic Community Plan 2017-2027 for Serpentine Jarrahdale 2050 core community aspirations whereby *"The Shire's community are open to new technologies and embracing innovation. Respondents indicate that the Shire has an opportunity to be progressive and embrace change and creative thinking"*.

Financial Implications

The Long-Term Financial Plan implications are summarised in the OneComm Project Reset Agenda Item included in the agenda for the 15 November 2021 Ordinary Council Meeting..



Risk Implications

Risk has been assessed on the Officer options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2 & 3	OneComm TechnologyOne Contract Variation Report is not Approved.	OneComm Project Management Plan. OneComm Benefits Management Strategy Framework.	Organisational Performance	Rare	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council **APPROVES** the Contract Variation with the 10-Year TechnologyOne for \$564,431 (ex-GST).



10.4 Community and Organisational Development reports

10.4.1 – Access and Inclusion Advisory Group – Appointment of Community Members (SJ3175)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to appoint two (2) Councillors as Members, two (2) Councillors as Deputy Members and six (6) External members to the Access and Inclusion Advisory Group.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 17 August 2020 – OCM265/08/20 - extract</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>APPOINTS the following members to the Access and Inclusion Advisory Group for the period ending at the next ordinary Local Government election:</i> <p style="margin-left: 20px;"><i>Councillors:</i></p> <ol style="list-style-type: none"> 1. <i>Cr Coales</i> 2. <i>Cr Strautins</i> <p style="margin-left: 20px;"><i>Deputy Member for Councillor 1:</i></p> <ol style="list-style-type: none"> 1. <i>Cr Strange</i> <p style="margin-left: 20px;"><i>Deputy Member for Councillor 2:</i></p> <ol style="list-style-type: none"> 2. <i>Cr McConkey</i> 2. <i>APPOINTS six (6) external members to the Access and Inclusion Advisory Group from the list contained within confidential attachment 1, for the period ending at the next ordinary Local Government election:</i> 3. <i>AMENDS the Terms of Reference to a total of six (6) External Members</i>
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Ordinary Council Meeting – 16 December 2019 – OCM295/12/19 - extract

That Council:

6. *ESTABLISHES an Access and Inclusion Advisory Group per the terms of reference as detailed in the draft Committees and Related Groups Handbook 2019-2021*
8. *REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the following Advisory Grants, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting:*
 - a) *Access and Inclusion Advisory Group; and*
 - b) *Cemeteries Advisory Group.*

Background

Council considered the formation of an Access and Inclusion Advisory Group and established the group with a Terms of Reference at its Ordinary meeting on 16 December 2019. The endorsed Terms of Reference are included as **attachment 1** to this report.

The purpose of the Access and Inclusion Advisory Group is to support the development, implementation, review and evaluation of the Shire's Disability Access and Inclusion Strategy to ensure Council delivers high quality outcomes for the Shire of Serpentine Jarrahdale community and advise Council on matters related to access and inclusion.

The function of the Access and Inclusion Advisory Group is to:

- Contribute to the development, implementation and review of projects associated with the Shire's Disability Access and Inclusion Strategy to achieve its objectives.
- Form partnerships with and support the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale community, both residents and visitors about access and inclusion.
- Provide recommendations to the Council, as required, in relation to access and inclusion to overcome barriers in the Shire of Serpentine Jarrahdale based on stakeholder input.

At that time, Council requested the Chief Executive Officer issue an Expression of Interest (EOI) for community members to fill five positions on the Access and Inclusion Advisory Group. A total of six EOI's were received, comprising both individual and organisational representatives. As a result, Council resolved to amend the Terms of Reference to accommodate all six applications.

Terms of Reference stipulate that the tenure of appointed members expires at each ordinary local government election. As this occurred on 16 October 2021, all positions are now vacant.

Community / Stakeholder Consultation

Expressions of Interest (EOI) were called for external members to the Access and Inclusion Advisory Group during August, September and October 2021.

A public notice was placed in the Examiner Newspaper 23 September 2021.

Information outlining the purpose of the Access and Inclusion Advisory Group and the Expression of Interest process were published on the Shire's website between the 21 August and 5 October 2021. Additional promotion of the expression of interest was undertaken by way of:

- Shire of Serpentine Jarrahdale Facebook post on 21 August, 2, 14 and 23 September and 3 October 2021.
- LinkedIn post on 21 August, 2, 14 and 23 September and 3 October 2021.



- SJ Matters Group Facebook post on 26 August 2021
- Content in the August email edition of SJ Matters.
- Your Say SJ on 9 September
- A direct email detailing the expression of interest process, including the Terms of Reference was sent to members of the existing Access and Inclusion Advisory Group, local community and sporting groups and local service providers and agencies.

A total of six (6) EOI's were received by the due date. One of these applicants subsequently withdrew their interest and a late EOI was received. All of these responses have been included within **CONFIDENTIAL attachment 2**.

Statutory Environment

Nil. The Access and Inclusion Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.

Comment

The endorsed Terms of Reference (**attachment 1**) outlines that external membership of the Access and Inclusion Advisory Group is to consist of six community members with a direct interest or lived experience in access and inclusion.

A total of six (6) EOI's were received from both individual community members and those representing agency service providers before the closing date of 5pm Friday 8 October 2021. One EOI application was subsequently withdrawn, making the total number of applicants less than the number of available positions.

One (1) further application was received after the closing date, this has been provided for Council to consider including in the selection process in order to fill the currently available six external representative positions. A summary of EOI's received and comments by Officers pertaining to demonstrated knowledge and recommended appointment to the Advisory Group is included as **CONFIDENTIAL attachment 2**.

Options and Implications

Option 1

That Council:

1. APPOINTS the following Councillors as members of the Access and Inclusion Group:
 - Cr _____
 - Cr _____
2. APPOINTS the following Councillors as deputy members of the Access and Inclusion Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
 - Cr _____



3. APPOINTS six (6) external members to the Access and Inclusion Advisory Group from the list contained within **CONFIDENTIAL attachment 2** as follows, for the period ending at the next ordinary Local Government election:
 - a) Applicant 1 as an Organisational representative.
 - b) Applicant 2 as an Individual representative.
 - c) Applicant 3 as an Individual representative.
 - d) Applicant 4 as an Individual representative.
 - e) Applicant 5 as an Individual representative.
 - f) Applicant 6 as an Organisational representative.
4. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 2

That Council:

1. APPOINTS the following Councillors as members of the Access and Inclusion Group:
 - Cr _____
 - Cr _____
2. APPOINTS the following Councillors as deputy members of the Access and Inclusion Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
 - Cr _____
3. APPOINTS five (5) external members external members to the Access and Inclusion Advisory Group from the list contained within **CONFIDENTIAL attachment 2**, for the period ending at the next ordinary Local Government election:
 - a) Applicant 1 as an Organisational representative.
 - b) Applicant 2 as an Individual representative.
 - c) Applicant 3 as an Individual representative.
 - d) Applicant 4 as an Individual representative.
 - e) Applicant 5 as an Individual representative.
4. REQUESTS the Chief Executive Officer consults with the Access and Inclusion Advisory Group and advertises on the Shire's social media platforms in 2022, to identify potential applicants to fill one vacant position, from the local community and invites them to nominate; and
5. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 3

That Council:

1. APPOINTS the following Councillors as members of the Access and Inclusion Group:
 - Cr _____
 - Cr _____
2. APPOINTS the following Councillors as deputy members of the Access and Inclusion Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
 - Cr _____
3. DOES NOT APPOINT any external members to the Access and Inclusion Advisory Group from those contained in **CONFIDENTIAL attachment 2** and re-advertises for expressions of interest; and
4. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 4

That Council:

1. DOES NOT APPOINT any Councillors or external members to the Access and Inclusion Advisory Group and does not continue with the Access and Inclusion Advisory Group; and
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 1 is recommended.

Conclusion

All expressions of interest for representation on the Access and Inclusion Advisory Group were from experienced representatives with an array of community related and industry relevant knowledge. Officer comments pertinent to the individual applications are outlined in **CONFIDENTIAL attachment 2**. Council is requested to appoint the nominated representatives to the Group.

Attachments (available under separate cover)

- **10.4.1 – attachment 1** – Adopted Terms of Reference (E19/16309)
- **10.4.1 - CONFIDENTIAL attachment 2** – Expressions of Interest received (E21/11941)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment



Financial Implications

There are no financial implications of holding Advisory Group meetings. Recommendations from the Access and Inclusion Advisory Group will be presented to Council for consideration along with any financial implications of that recommendation.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with Option One.						
2	If Council chooses not to appoint some applicants there will be vacancies on the Advisory Group.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Rare	Insignificant	LOW	
2 & 3	Dissatisfaction from current EOI nominees that application not supported for appointment, and potential for low variety of community representation should sufficient EOIs not be received via readvertising process.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	
3	Difficulty achieving outcomes in a timely manner should Council choose to not appoint members to the advisory group.	Appoint as per Officers recommendation	Organisational Performance	Possible	Moderate	MODERATE	



4	Not continuing with the Access and Inclusion Advisory Group may result in a loss of relationship and input from the relevant community, and impact on Shire's ability to meet outcomes of the Disability Access and Inclusion Plan (DAIP)	Appoint as per Officers recommendation	Organisational Performance	Possible	Moderate	MODERATE	
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Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **APPOINTS** the following Councillors as members of the Access and Inclusion Group:
 - Cr _____
 - Cr _____
2. **APPOINTS** the following Councillors as deputy members of the Access and Inclusion Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
 - Cr _____
3. **APPOINTS** six (6) external members to the Access and Inclusion Advisory Group from the list contained within **CONFIDENTIAL** attachment 2 as follows, for the period ending at the next ordinary Local Government election:
 - a) Applicant 1 as an Organisational representative.
 - b) Applicant 2 as an Individual representative.
 - c) Applicant 3 as an Individual representative.
 - d) Applicant 4 as an Individual representative.
 - e) Applicant 5 as an Individual representative.
 - f) Applicant 6 as an Organisational representative.
4. **REQUESTS** the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

**10.4.2 – Appointments to Equine Advisory Group (SJ3224)**

Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider, select and appoint 10 external members as well as appoint two Councillors as members and two Councillors as deputy members to the Equine Advisory Group.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 March 2021 – OCM066/03/21- COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the Equine Advisory Group priorities as contained in attachment 1;*
- 2. NOTES the Officers comments as contained in the report and attachment 1 in regard to the ability to achieve priorities;*
- 3. CONSIDERS the following projects through the annual Corporate Business Plan review:*
 - a) Signage on equine trails;*
 - b) Equine Emergency Preparedness program;*
 - c) Equine Officer position (0.5 FTE); and*
 - d) Equine Facility Feasibility and Business Case.*
- 4. NOTES that there will be a need to consider an allocation of funds in future budgets to meet priorities as described in this report; and*
- 5. THANKS the Equine Advisory Group for their efforts to deliver the priorities.*



Ordinary Council Meeting – 21 September 2020 – OCM305/09/20 - COUNCIL RESOLUTION

That Council:

1. *SELECTS and APPOINTS 10 external members to the Equine Advisory Group from the list at confidential attachment 1, being:*
 - a) *Two representatives from the Racing Industry;*
 1. *Applicant 1*
 2. *Applicant 5*
 - b) *Two representatives from the Equestrian disciplines;*
 3. *Applicant 7*
 4. *Applicant 8*
 - c) *Two representatives from the Leisure and Trail Riding group;*
 5. *Applicant 11*
 6. *Applicant 14*
 - d) *Two representatives from the Keeping of retired and companion horses group;*
 7. *Applicant 12*
 8. *Applicant 16*
 - e) *Two representatives from Equine business;*
 9. *Applicant 15*
 10. *Applicant 18*
2. *REQUESTS the Chief Executive Officer bring a report outlining the priorities of the Advisory Group to the March 2021 Ordinary Meeting of Council.*

Ordinary Council Meeting – 20 July 2020 – OCM231/07/20

That Council:

1. *DOES NOT appoint any members at this time and DOES NOT AMEND the Terms of Reference as adopted and SEEKS additional expressions of interest from the Racing Industry, and*
2. *REQUESTS the Chief Executive Officer brings a further report to Council to the September 2020 Ordinary Council Meeting.*

Special Council Meeting – 23 March 2020 – SCM077/03/20 – extract

That Council:

21. *APPROVES that the Chief Executive Officer write to nominees to the Access and Inclusion Advisory Group, Cemeteries Advisory Group and Equine Advisory Group advising them that Council will be defer appointing members to the groups at this time.*



Ordinary Council Meeting – 17 February 2020 – OCM034/02/20

That Council:

- 1. ESTABLISHES the Equine Advisory Group as per the Terms of Reference detailed in attachment 1.*
- 2. APPOINTS the following members to the Equine Advisory Group for the period ending at the next ordinary local government election and amend the Terms of Reference accordingly:
Member – Councillor Dagostino
Deputy Member – Councillor Strautins
Member – Councillor Rich
Deputy Member – Councillor Byas*
- 3. REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the Equine Advisory Group, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting.*

Ordinary Council Meeting – 16 December 2019 - OCM300/12/19

That Council REQUESTS the Chief Executive Officer to bring a report to the February 2020 Ordinary Council Meeting on establishing the following Advisory Groups: a) Equine Advisory Group. b) Sporting Clubs Facility Users Advisory Group.

Background

Council considered the formation of an Equine Advisory Group and established the group with a Terms of Reference at its Ordinary meeting on 17 February 2020 and appointed 10 community members on 21 September 2020.

The purpose of the Equine Advisory Group is to provide the Shire with advice in regard to the needs and priorities of the Serpentine Jarrahdale Equine Community and support Council in the delivery of projects to enhance the Serpentine Jarrahdale Equine Industry and Community.

The functions of the Equine Advisory Group is to:

- Advocate to the Shire on behalf of the Serpentine Jarrahdale equine industry and community, representing their needs.
- Contribute to the development, implementation and review of projects to enhance and support the Serpentine Jarrahdale equine industry and community.
- Form partnerships with and support the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale equine community.
- Provide recommendations to the Council, as required, in relation to support and development of the equine industry and community in the Shire of Serpentine Jarrahdale based on stakeholder input.

The tenure of community members expired at the local government elections on 16 October 2021.

Community / Stakeholder Consultation

Advice of the nominations for the Equine Advisory Group was undertaken by way of:

- An advert in the Examiner Newspaper on 23 September 2021.
- Three posts on the Shire's Facebook Page.



- Information on the Shire's Website.
- Email to past applicants, equine stakeholders and Equine Advisory Group members on 20 September 2021.

Statutory Environment

Nil. The Equine Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.

Comment

Achievements of previous Equine Advisory Group

- Developed a list of priorities for the Shire based on the needs of the equine community through a series of workshops. A number of these have been captured for further consultation and delivery in the 2021/2022 Corporate Business Plan, namely;
 - Equine Facility Feasibility Study.
 - Equine Emergency Preparedness Resources
 - Awareness campaign to educate people on how horses and other vehicles can safely interact on trails and roads.
 - Improved trail signage.
- A dedicated landing page on the Shire's website as a one-stop shop to assist the equine community in its dealings with Council and information to assist the broader equine community.
- Working with Main Roads WA, Armadale Access Alliance, MetroNet and Tonkin Highway project teams to inform design to maintain connectivity for the equine community.
- Providing valuable local knowledge in the development of the Equine Trails Masterplan.
- Celebrating the local equine community through the Horse's Birthday campaign.

Appointment of Community Members

The endorsed Terms of Reference outlines the external membership of the Equine Advisory Group consistent with the predominant interest areas of horse ownership within the Shire as identified in the Serpentine Jarrahdale Equine Strategy. These are:

- 2x Representatives from the Racing Industry
- 2x Representatives from the Equestrian disciplines
- 2x Representatives from the Leisure and trail riding group
- 2x Representatives from the Keeping of retired and companion horses group
- 2x Representatives from Equine business

The Terms of Reference for the Equine Advisory Group is at **attachment 1** for Council's reference.

Ten nominations from highly experienced members of the equine community were received by the due date, for the ten available positions.

An email was received from Applicant 2 on 19 October 2021, withdrawing their Expression of Interest for the Equine Advisory Group resulting in nine nominations being available for consideration.



Five of the nominations came from previous members of the Equine Advisory Group. All expressed an interest in continuing working with the Shire to consolidate and expand on work already underway, as well as input into upcoming work from the Equine Priorities. These five applicants have been active participants in meetings and workshops and Officers recommend that Council considers their re-appointment.

Nominations received are provided at **CONFIDENTIAL attachment 2** including an Officer recommendation for Council's consideration.

Officers recommend appointment of the nine members in order to prevent delays in working with the Equine Advisory Group. Officers will consult with the Equine Advisory Group and seek Expressions of Interest via the Shire's social media platforms, to identify potential applicants from the Racing Industry. A report to Council can then be provided to consider an additional appointment to the Equine Advisory Group should Expressions of Interest be received.

Appointment of Councillors

By convention, the process that Council uses to appoint members of committees and related groups is for a call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper;
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper; and
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution to appoint members.

Options and Implications

Option1

That Council:

1. APPOINTS the following Councillors as members of the Equine Advisory Group:
 - Cr _____
 - Cr _____
2. APPOINTS the following Councillors as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
 - Cr _____
3. APPOINTS external members to the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, being:
 - a) Applicant 1 a representative from the Racing Industry;
 - b) Applicant 3 and Applicant 4 as representatives from the Equestrian disciplines;
 - c) Applicant 5 and Applicant 6 as representatives from the Leisure and Trail Riding group;



- d) Applicant 7 and Applicant 8 as representatives from the Keeping of retired and companion horses group;
 - e) Applicant 9 and Applicant 10 as representatives from Equine business.
4. REQUESTS the Chief Executive Officer consults with the Equine Advisory Group and advertises on the Shire's social media platforms in 2022 to identify potential applicants from the Racing Industry and invite them to nominate.
5. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 2

1. APPOINTS the following Councillors as members of the Equine Advisory Group:
- Cr _____
 - Cr _____
2. APPOINTS the following Councillors as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
- Cr _____
 - Cr _____
3. APPOINTS external members to the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, being:
- a) Representatives from the Racing Industry;
 - 1. _____
 - b) Representatives from the Equestrian disciplines;
 - 3. _____
 - 4. _____
 - c) Representatives from the Leisure and Trail Riding group;
 - 5. _____
 - 6. _____
 - d) Two representatives from the Keeping of Retired and Companion horses group;
 - 7. _____
 - 8. _____
 - e) Two representatives from Equine business;
 - 9. _____
 - 10. _____
4. REQUESTS the Chief Executive Officer consults with the Equine Advisory Group and advertises on the Shire's social media platforms in 2022 to identify potential applicants for any vacant positions and invite them to nominate; and
5. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.
-

Option 3

That Council:

1. DOES NOT APPOINT any external members to the Equine Advisory Group at this time and re-advertises for Expressions of Interest; and
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 4

That Council:

1. DOES NOT APPOINT any external members to the Equine Advisory Group and does not continue with the Equine Advisory Group; and
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 1 is recommended.

Conclusion

All expressions of interest for external representation on the Equine Advisory Group were from highly experienced community members across an array of equine areas of interest. Council is requested to select and appoint nine external members as per the Terms of Reference.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Terms of Reference – Equine Advisory Group (E20/2138)
- **10.4.2 - CONFIDENTIAL attachment 2** – Summary and Nominations Received (E21/11471)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

A Budget for the 2021 / 2022 financial year has been provided to support advertising for nominations and meeting expenses at 4000-15504.



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	If Council chooses not to appoint some nominees there will be vacancies on the advisory group.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Rare	Insignificant	LOW	
3	Not appointing persons who nominated and re-advertising for the positions may result in damage to the relationship with the equine community.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Rare	Moderate	LOW	
4	Not continuing with the Equine Advisory Group may result in a loss of relationship and input from the equine community.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Rare	Major	LOW	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **APPOINTS** the following Councillors as members of the Equine Advisory Group:
 - Cr _____
 - Cr _____
2. **APPOINTS** the following Councillors as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
 - Cr _____
3. **APPOINTS** external members to the Equine Advisory Group from the list at **CONFIDENTIAL** attachment 2, being:
 - a) Applicant 1 a representative from the Racing Industry;
 - b) Applicant 3 and Applicant 4 as representatives from the Equestrian disciplines;
 - c) Applicant 5 and Applicant 6 as representatives from the Leisure and Trail Riding group;
 - d) Applicant 7 and Applicant 8 as representatives from the Keeping of retired and companion horses group;
 - e) Applicant 9 and Applicant 10 as representatives from Equine business.
4. **REQUESTS** the Chief Executive Officer consults with the Equine Advisory Group and advertises on the Shire's social media platforms in 2022 to identify potential applicants from the Racing Industry and invite them to nominate; and
5. **REQUESTS** the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

**10.4.3 - Local Emergency Management Committee Information Report (SJ716-02)**

Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is for Council to receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 14 September 2021.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 April 2021 - OCM096/04/21- COUNCIL RESOLUTION / Local Emergency Management Committee Recommendation
That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 9 March 2021 contained in attachment 1.

Background

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Emergency Management Act 2005

Section 38 local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*



- (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

Section 39 Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) *to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) *to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Comment

A LEMC meeting was scheduled for 8 June 2021 however quorum was not present due to a large number of representatives on leave. The next meeting of the LEMC was held on 14 September 2021.

Key points have been summarised below and the minutes can be reviewed at **attachment 1**. There are no recommendations for Council's consideration from this meeting.

Local Emergency Management Arrangements (LEMA) - Appendices

Continued review of the Shire's LEMA Appendices resulted in a number of minor improvements to content being adopted by the LEMC. This will ensure contact details, referencing and process updates to operational appendices are current for the up-coming fire season.

Exercise Tempestas

"Exercise Tempestas" was held prior to the LEMC meeting.

The exercise was designed to:

- raise awareness of emergency management capabilities, responsibilities and processes to enhance the preparedness and resilience of the Serpentine-Jarrahdale community; and
- identify new strategies and existing gaps to improve the Shire of Serpentine-Jarrahdale local emergency management arrangements.

The scenario for "Exercise Tempestas" was built on a credible severe thunderstorm scenario. The exercise was a discussion exercise where participants were provided with injects into a range of situations and were required to formulate and present a response on behalf of their agency or local government.

The capability areas from the State Emergency Management Committee (SEMC) Emergency Management Capability Framework were used as a measure for evaluation for the exercise. Qualitative information was collected during the exercise from participants and exercise evaluators. The core capabilities assessed were *Command, Control & Coordination, Evacuation, Impact Assessment & recovery Coordination and Public Information*.



The exercise provided an excellent opportunity for multi-agency networking and relationship building, with many participants sharing their processes, capabilities, preparedness and limitations during discussions.

Emergency NBN at SJ Community Recreation Centre

The Shire of Serpentine Jarrahdale has again been successful in receiving funding from the Commonwealth Government for the provision of an NBN fixed satellite service to the Serpentine Jarrahdale Community Recreation Centre in Byford. This facility is the Shire's primary evacuation/welfare centre. Previously, the Shire has received this funding for an installation at Bruno Gianatti Hall in Jarrahdale.

This installation is designed to provide internet access and the ability to make phone calls for 40 community members concurrently using the service during emergency events. Some larger communities will have a service installed that can cater for up to 100 concurrent users. The service operates all the time in "standby" mode giving basic throttled access, and when an emergency event occurs, the service is expanded to "fully activated" for the duration of the emergency. Installation dates have not been established but are expected to occur in the next few months.

Options and Implications

Option 1

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 September 2021 contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 September 2021 contained in **attachment 1** and provides reasons as to why.

Option 1 is recommended.

Conclusion

The minutes of the Local Emergency Management Committee meeting held 14 September 2021 are provided to Council for information.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Local Emergency Management Committee (LEMC) - Minutes - 14 September 2021 (E21/10642)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	That the LEMC members feel their contribution is not respected.	Nil	Reputation	Rare	Moderate	LOW	Nil

Voting Requirements: Simple Majority

Officer Recommendation

That Council **RECEIVES** the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 September 2021 contained in attachment 1.



10.4.4 – Major Events Grants: Round One 2021 / 2022 (SJ3296)

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

Authority / Discretion

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

The purpose of this report is for Council to consider the Major Event Grant 2021/22 Round One grant applications and approve or decline community funding allocations.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 May 2021 – OCM129/05/21

That Council:

1. *APPROVES Major Event Grant funding to Byford Carols Inc for the Byford Carols to be held in December 2021, to the value of \$12,716.30 ex GST and agree to the provision of in-kind support estimated at a value of \$628; subject to the applicants agreement of conditions outlined in confidential attachment 3.*
2. *APPROVES Major Event Grant funding to Serpentine Jarrahdale Lions Club Inc for the Jarrahdale Log Chop and SJ Lions Country Fair to be held in October 2021 to the value of \$19,907.55 ex GST, and agrees to the provision of in-kind support estimated at a values of \$17,200; subject to their agreement of conditions outlined in confidential attachment 5.*
3. *APPROVES the request from Serpentine Jarrahdale Lions Club Inc for funding over a three year period for the Jarrahdale Log Chop and SJ Lions Country Fair, subject to Council acceptance and endorsement of the annual acquittal report, required to continue with funding commitments.*
4. *REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application.*

**Ordinary Council Meeting – 19 October 2020 - OCM342/10/20****That Council:**

1. **APPROVES** Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance for the SJ Food & Farm Fest to be held in May 2021, to the value of \$10,720 ex GST subject to their agreement of conditions outlined in confidential attachment 3; and **DECLINES** the request for funding over a three year period;
2. **APPROVES** Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival to be held in February 2021, to the value of \$13,800 ex GST, subject to their agreement of conditions outlined in confidential attachment 5; and **DECLINES** the request for funding over a three year period;
3. **DECLINES** Major Event funding to Jumping WA for the WA Equestrian State Jumping Championship and **REQUESTS** the Chief Executive Officer to advise that the intent of the event is noted and a future application with longer lead-in times as per policy, is encouraged; and
4. **REQUESTS** the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application, and **SUPPORTS** the applicants to develop applications for future funding rounds, that provide sufficient information to support requests for three year funding periods.

Ordinary Council Meeting – 18 May 2020 - OCM126/05/20 - extract**That Council:**

5. **ENDORSES** the funding commitment of \$10,000 per year as outlined in the existing MOU for the Serpentine Jarrahdale RSL ANZAC Day Dawn Service, be met from the Community Grants Reserve as part of the Major Events Grants allocation for the 2020/2021 and 2021/2022 financial year;

Background

Council Policy 5.1.7- Community Funding Policy, contained in **attachment 1**, includes the Major Event Grant Scheme. This scheme provides an opportunity for community organisations to apply for grants of between \$5,000 and \$20,000 (ex GST), to deliver a community, sporting or cultural event in the Shire, where the event is of significance to the Shire of Serpentine Jarrahdale community and/or draws residents from the Shire, the Peel Region and surrounds.

The Major Event Grant Scheme allows community groups to apply for annual funding for up to a three-year period, subject to Council acceptance and endorsement of the annual acquittal report, which would be required to continue with funding commitments. A strategic business plan for the event must accompany any request for three year funding.

Council has set a budget of \$75,000 for Major Event Grants in 2021/2022. Within this allocation (consistent with previous resolutions of Council), the following events and values are currently committed:

- \$10,000 ex GST committed to the RSL 2022 ANZAC Day Dawn Service.
- In accordance with their current MOU, this event is already committed to the value of \$10,000 for the 2021/22 financial year. The MOU expires after the upcoming 2022 event, hence the RSL will be required to submit a grant in Round One of the 2022/23 Major Event Scheme, should they require a financial contribution for the 2023 Event (onwards).



- \$18,000 inc. GST committed to the Lion's Club of Serpentine Jarrahdale Inc. for the 2022 Jarrahdale Log Chop and SJ Lions Country Fair. Release of funds for 2022 event conditional on receipt of satisfactory acquittal from the October 2021 event.
- This event was supported for 3 years of funding in Round Two of the 2020/21 Major Event Scheme, with \$19,907 committed in the first year (2021 event) and \$18,000 committed in the second year (2022 event). The ongoing funding commitment remains subject to Council's acceptance and endorsement of an annual acquittal report, to be presented to Council at a future OCM.

Current Round

Of the \$75,000 Major Grant allocation in the current financial year, \$47,000 ex GST remains uncommitted.

Two applications have been received for Round One:

- \$19,987 ex GST requested from the Serpentine Jarrahdale Food and Farm Alliance Inc for the 2022 Food and Farm Fest.
- Three-year funding has not been requested.
- \$20,000 inc. GST requested from the Byford Multicultural Club Inc for the Byford Multicultural Festival 2022.
- Three-year funding has been requested.

Community / Stakeholder Consultation

The first Major Event Grant round for the financial year was advertised in July and August, closing 30 August 2021. Two applications were received, and these are now presented to Council for consideration.

Advertising for the July / August round occurred through the following channels:

- 13 July – Facebook post.
- 23 July – SJ Matters eNewsletter.
- 24 July – Facebook post.
- 24 July – Twitter post.
- 18 August – Facebook post.
- 19 August – Twitter post.

Individual communication was sent directly to event organisers, known to deliver events in the Shire of Serpentine Jarrahdale during the applicable time frame. This included Jumping WA, who have previously hosted an event during the corresponding time period.

Statutory Environment

In accordance with Council Policy 5.1.7- Community Funding Policy (**attachment 1**), the Serpentine Jarrahdale Food and Farm Alliance Inc's application is registered as ineligible, as the group have an outstanding acquittal for funding already granted.

However, on this occasion Officers recommended that Council consider the SJ Food and Farm Alliance's application for funding, as the acquittal has not been forthcoming for reasons beyond the applicants control.



The original May 2021 delivery date was postponed as a result of COVID-19 lockdown restrictions, to the revised 13 November 2021 date. As such, the submission of an acquittal prior to this report has been unachievable. Marketing and promotional materials for the November event have been circulated within the community and Officers have no concerns that an appropriate acquittal will be submitted once the event has been hosted.

The Byford Multicultural Club Inc's application has been deemed eligible under the Community Funding Policy.

Comment

Two grant applications from local community groups have been received for Round One of the 2021/22 Major Event Grant scheme.

The total value of applications was \$39,987 ex GST for the available \$47,000. The competitive nature of the scheme emphasises the importance of high caliber applications, particularly where these applications request the maximum amount permissible under the scheme.

An assessment of each application was undertaken by a team of Officers across the organisation, with representation from Community Activation, Economic Development, Operations and Health, and Building. This was to enable feedback and comment over a variety of different business areas that are likely to be involved with the delivery of the events in the Shire.

Overall, applications were assessed on the following basis; in the following order:

1. Eligibility.

Confirms that the application is eligible as per the current policy. Examples of eligibility criteria include: organisation is an incorporated not-for-profit community group; event is to be hosted in the Shire; applicant has no outstanding acquittals.

2. Funding criteria.

Information contained within the application is assessed by internal departments to determine a total score out of 16. Considerations include community benefit, capacity/ability of the applicant to deliver the project described in the application and demonstrated financial capability.

3. Priority.

In considering outcomes of the above two processes, the final criteria then determines whether the application should be prioritized for funding on a low, medium or high basis. It considers factors such as availability of funds, value of the amount requested against other funded activities in the scheme, whether the timeline for delivery is achievable, whether the application could/should be considered in a future round and/or whether duplication of similar or other like-minded activities exist.

In regard to the funding criteria, Council is requested to note that the score provided through the panel assessment process is based on the information outlined and submitted in the application. An application may be written very well (and score well on that basis) but may not be eligible or considered a high priority given the competitive nature of the scheme.

Conversely, an event may present as a valuable or worthwhile community initiative, but if the application provides limited information and responses to the criteria or has not demonstrated an adequate level of planning, it will score low on that basis.



A brief description of each application and assessment comment is provided in the detail below, however the full application and assessment matrix with comments can be found in the attachments referenced. Please note that the application attachments do not include supplementary documentation, such as incorporation certificates and bank statements.

Event: Food and Farm Fest 2022

Applicant: Serpentine Jarrahdale Food and Farm Alliance Inc

The application, application checklist and assessment details are included with this report as **CONFIDENTIAL attachment 2**.

Summary:

Expected attendance	6,000 patrons
Total Event Cost	\$62,407
Total Amount Requested from Shire	\$19,987 ex GST
Three year funding commitment requested	No

The Food and Farm Fest is a one-day community event organised by the Serpentine Jarrahdale Food and Farm Alliance Inc.

The event will comprise of 4 separate arenas of activities, 2 of which will be specifically for equestrian events, one for kids and youth related activities, one for general animal parades, showcase and demonstration events/activities, and competitions for attendees of the show.

There will also be an extensive Farmers Market and an area devoted to displays of activities such as tree climbing, shearing and farrier work.

The event is ticketed with entry fee's applying to adults and has the following objectives:

- Raise awareness of local farm-based activities such as our large equestrian fraternity.
- Expose people to locally produced food and made products.
- Provide opportunities for local businesses to showcase their products.
- Enable local community groups to promote their activities and showcase their products and skills as well as gain members and/or fund raise.
- Provide an accredited show for breed shows and equestrian events.
- Increase the capacity of the show to engage larger and wider ranges of visitors.

A full outline of the applicant's budget and requested items for funding is included in **CONFIDENTIAL attachment 2**, however generally the items requested are as follows:

- Event infrastructure e.g. marquees, toilets.
- PA equipment e.g.: speakers and stage lighting.
- Lighting towers.

Assessment Comment

1. Eligible: One of the eligibility criteria could not be met for reasons beyond the applicant's control (acquittal for 2021 event has not been submitted as the event will occur in November 2021). Officers recommended that the application still be considered by Council for funding,



as there is no reason to believe that an acquittal will not be forthcoming once the event has been delivered in November.

2. Funding Criteria: 15/16. Further information pertaining to the funding criteria matrix is included in **CONFIDENTIAL attachment 2**.
3. Priority: High. The application was very well supported by the panel with comment made as to the quality of the application and supporting documentation submitted. This standard of application is consistent with the request for \$20,000, being the maximum amount permissible under the grant scheme

Three year funding: Officers noted that the applicant chose not to request 3-year funding, as this would be pre-emptive to delivery of the 2021 event. Being the first time this event is to be hosted at the identified location, Officers considered this to be a reasoned approach by the applicant.

Assessment Recommendation

Officers recommend funding to the requested value of \$19,987 ex GST for the 2022 Food and Farm Fest.

This recommendation is consistent with the value of quotes provided and amount requested from the applicant. The application was of a high quality with the applicant engaging with Officers throughout the process, when required.

A full outline of recommended conditions for the approved funding is included in **CONFIDENTIAL attachment 3**. These will be drafted into a formal agreement if resolved by Council.

Event: Byford Multicultural Festival 2022

Applicant: Byford Multicultural Club Inc

The application, application checklist and assessment details are included with this report as **CONFIDENTIAL attachment 4**.

Summary:

Expected attendance	2,500 patrons
Total Event Cost	\$47,255
Total Amount Requested from Shire	\$20,000 inc GST
Three year funding commitment requested	Yes

The Byford Multicultural Festival is an annual event which will be entering its fifth year in 2022. This will be the third time the event has been hosted outdoors. The event is aimed at providing an annual cultural event in Byford where people from different backgrounds and cultures can participate and enjoy the various activities.

The event is free to attend and will showcase live performances as well as various stalls and food vendors.

A full outline of the applicant's budget and requested items for funding is included in **CONFIDENTIAL attachment 4**, however generally the items requested are as follows:

- Audio Visual (e.g.: PA system)
- Provision of lighting towers and associated generators to meet the requirements of the event.
- Event infrastructure (e.g.: marquees)



Acquittal of Previous Funds

Byford Multicultural Club Inc were successful in their application for funding in Round One of the 2019/20 financial year for \$10,720 for the 2021 Byford Multicultural Festival. As part of this application the Group applied for three year funding, which was declined.

Conditions of the 2021 Festival event funding included the requirement to submit a completed acquittal report with supporting documents (receipts and copies of acknowledgements) to the Shire within three (3) months of the event date.

The Byford Multicultural Festival was held on Sunday 28 February 2021 following the postponement from the original date (Saturday 13 February 2021) due to COVID-19 restrictions in the Perth and Peel region. This subsequently made the acquittal report due on 13 May 2021.

Officers received an acquittal from the Club on the 28 June 2021 following several reminders that the report was overdue. Following review of the acquittal report, Officers requested additional information to enable a more detailed comparison of outcomes, against expectations outlined within their original grant application.

An updated report was received on 16 July, with the final report and supporting documents deemed complete on 19 July 2021. This acquittal has been included as **CONFIDENTIAL attachment 5** to this report, providing context to Council on outcomes delivered to the community from this event.

Requests for additional information

Officers made multiple attempts to request additional information from the applicant to support their application which was submitted lacking in detail. Officers made an additional attempt to provide the applicant with an opportunity to submit the required documentation in order to be able to consider a three year funding arrangement and to provide additional information to support their application on Thursday 21 October 2021. The applicant was made aware that without the additional information, a three year request could not be considered or recommended and that the lack of detail in the existing application had resulted in a recommendation of funding to a value less than requested. The applicant acknowledged this and committed to providing the additional information required by Monday 25 October 2021, no such information was provided by the applicant.

Assessment Comment

1. Eligible: Yes, as per Council Policy 5.1.7 – Community Funding.
2. Funding Criteria: 8 /16. Further information pertaining to the funding criteria matrix is included in **CONFIDENTIAL attachment 4**.
3. Priority: Medium. The funding application score was considered average-low by the panel, as despite the popularity of the event within the community, the application itself lacked sufficient detail to substantiate the value requested. Particularly as compared to other applications supported under this Scheme to a similar value (\$20,000), and when giving consideration towards the available budget allocation. With one round left of the Major Event grant scheme in the current financial year, supporting the application to the requested value would leave minimal opportunity for applications in Round Two.

Some anomalies also exist within the application, such as the statement that the application was submitted in consultation with Shire Officers. In regard to this Round One 2021/22 Major Events scheme, the applicant did not respond to any communications or requests by Officers



to discuss the application prior to submission, and no liaison meeting occurred in regards to this application prior to the closing date.

Three Year Funding Request

The Group's application indicates a request for three years of funding. Although the organisation provided a high level strategic plan for their Group, no detailed strategic business plan for the event was received. As this is a pre-requisite for consideration of three-year funding, the request is not recommended for support.

Assessment Recommendation

The assessment process resulted in an Officer's recommendation for a reduced level of funding on this occasion, with the assessment outcomes reflecting the low level of information provided in the application. The application has indicated that the event will be able to continue with a reduced amount of funding, but may be scaled back and the duration shortened.

On this basis, Officers recommend funding of \$10,191 ex GST being largely consistent with funding provided by the Shire for the 2021 event. This amount consists of:

- Funding for Event Infrastructure - \$7,962 ex GST as per amount requested. This item is considered essential to deliver the event.
- Funding for lighting - \$2,229 ex GST; being 50% of the invoice value.

Liaison with the applicant will also continue to occur, to support the group in accessing alternative funding sources where possible.

A full outline of recommended conditions for the approved funding is included in **CONFIDENTIAL attachment 6**. These will be drafted into a formal agreement if resolved by Council.

Options and Implications

Option1

That Council:

1. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2022, to the value of \$19,987 ex GST subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 3**;
2. APPROVES Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival 2022 to be held in February 2022, to the value of \$10,191 ex GST subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 6**;
3. DECLINES the request from Byford Multicultural Club Inc for funding over a three year period for the Byford Multicultural Festival; and
4. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application and supports the applicants to develop applications for future funding rounds, including the provision of sufficient information to support requests for three year funding periods.



Option 2

That Council:

1. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2022, to the value of \$19,987 ex GST subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 3**;
2. APPROVES Major Event Grant funding to Byford Multicultural Club Inc to the value of \$20,000 inc. GST for the Byford Multicultural Festival 2022 subject to their agreement of adjusted conditions (to the value of \$20,000) outlined in **CONFIDENTIAL attachment 7**;
3. DECLINES the request from Byford Multicultural Club Inc for funding over a three year period for the Byford Multicultural Festival;
3. AGREES to advertise Round Two of the 2021/22 Major Event grant scheme for applications that request funding up to, and including \$7,000 ex GST; and
4. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application and supports the applicants to develop applications for future funding rounds, including the provision of sufficient information to support requests for three year funding periods.

Implications

Should Council resolve to support the Byford Multicultural Club Inc to the full value requested (\$20,000), conditions as outlined in **CONFIDENTIAL attachment 7** would be recommended. Officers do not recommend the full value, as the funding application score was considered average-low by the panel, and despite the popularity of the event within the community, the application itself lacked sufficient detail to substantiate the value requested particularly as compared to other applications supported under this Scheme to the value of \$20,000.

Additionally, this option will impact on the availability of funds for the second 2021/22 Major Events Grant scheme round. Based on historical application information, second round applicants could foreseeably include the Byford Carols. Officers would recommend that advertising for the second round clearly articulates value of funding that remains available for this option (being \$7,000), as this is significantly less than the maximum amount articulated by the Scheme.

Option 3

That Council:

1. DECLINES to provide Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2022 as it is ineligible under Council Policy 5.1.7- Community Funding Policy;
2. DECLINES to provide Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival 2022; and DECLINES the request for funding over a three year period; and
3. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application and supports the applicants to develop applications for future funding rounds, including the provision of sufficient information to support requests for three year funding periods.

Option 1 is recommended.



Conclusion

The first Major Event Grand Round for the financial year was advertised in July 2021 and closed 30 August 2021. Two applications were received to a total value of \$39,987 ex GST for an available \$47,000 budget.

Officers recommend grant funding be awarded to one application, being the Serpentine Jarrahdale Food and Farm Alliance Inc's - Food and Farm Fest 2022 event, to a total value of \$19,987 ex GST.

A reduced level of funding is recommended for the Byford Multicultural Club Inc's application (Byford Multicultural Festival 2022) due to deficiencies in the grant application detail for the value of funding requested. The recommended amount for this event is \$10,191 ex GST and Officers further recommend declining the three year request for funding, as the appropriate/required documentation has not been provided.

If supported by Council, the Officers recommendation would leave \$16,822 ex GST available for Round Two of the 2021/22 Major Events Grant scheme.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – Community Funding Policy (E20/10157)
- **10.4.4 - CONFIDENTIAL attachment 2** – Serpentine Jarrahdale Food and Farm Alliance Inc Application and Summary Checklist (E21/11835)
- **10.4.4 – CONFIDENTIAL attachment 3** - Conditions for recommended funding: Serpentine Jarrahdale Food and Farm Fest (E21/11222)
- **10.4.4 – CONFIDENTIAL attachment 4** – Byford Multicultural Club Inc Application and Summary Checklist (E21/11836)
- **10.4.4 – CONFIDENTIAL attachment 5** – Byford Multicultural Club Inc Acquittal of 2021 Event Funding (E21/11841)
- **10.4.4 – CONFIDENTIAL attachment 6** - Conditions for recommended funding: Byford Multicultural Group Inc (E21/12361)
- **10.4.4 – CONFIDENTIAL attachment 7** - Conditions for Option 2 funding: Byford Multicultural Group Inc (E21/12667)

Alignment with our Strategic Community Plan

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



Financial Implications

An amount of \$75,000 has been included in the 2021/22 budget for the Major Events scheme (account number 4300-15422-6276). Should Council support the Officers recommendation, this allocation would be committed as follows:

Group/Event	Amount Committed
Serpentine Jarrahdale RSL / ANZAC Day Dawn Service	\$10,000
Serpentine Jarrahdale Lions Club Inc Jarrahdale Log Chop and SJ Lions Country Fair	\$18,000*
Serpentine Jarrahdale Food and Farm Alliance Inc / Food and Farm Fest 2022	\$19,987#
Byford Multicultural Club Inc / Byford Multicultural Festival 2022	\$10,191#
Amount remaining for Round Two of 2021/22 Major Events scheme	\$16,822
Total (4300-15422-6276)	\$75,000

*Final value of support remains subject to acquittal process following 2021 event.

Subject to outcome of this report

No application received in Round One has requested provision of in-kind support.

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 & 3	Community and applicant dissatisfaction with outcome of funding application.	Nil	Reputation	Possible	Minor	MODERATE	Nil
1 & 2	Community groups inability to deliver on the events as submitted, or not to Shire standard.	Officers continue to work with applicants through event approval process. Conditions applied to avoid contributions to community groups where an appropriate event format cannot be met.	Reputation	Unlikely	Minor	LOW	Nil



2	Significant funds provided to an event that does not clearly demonstrate what will be provided at the events and the community outcomes expected to be achieved.	Accept Officers Recommendation	Strategic Stakeholder Relationships	Possible	Minor	LOW	Nil
2	Dissatisfaction from applicants intending to apply in second round of Major Events grant scheme where this has a direct impact on their ability to deliver correlated community events.	Accept Officers Recommendation	Strategic Stakeholder Relationships	Likely	Minor	MODERATE	Nil

Voting Requirements: Simple

Officer Recommendation

That Council:

1. **APPROVES** Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2022, to the value of \$19,987 ex GST subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 3;
2. **APPROVES** Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival 2022 to be held in February 2022, to the value of \$10,191 ex GST subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 6;
3. **DECLINES** the request from Byford Multicultural Club Inc for funding over a three year period for the Byford Multicultural Festival; and
4. **REQUESTS** the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application and supports the applicants to develop applications for future funding rounds, including the provision of sufficient information to support requests for three year funding periods.

**10.4.5 – Serpentine Jarrahdale Community Recreation Centre - Outcome of enquiry into leasing possibilities (SJ994-2)**

Responsible Officer:	Deputy CEO / Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council to note.
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Report Purpose

The purpose of this report is to provide the advice received in relation to the possibility of leasing the Serpentine Jarrahdale Community Recreation Centre with the conditions as outlined in the Council Resolution OCM267/10/21 from the October 2021 Ordinary Council Meeting.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 October 2021 - OCM267/10/21 COUNCIL RESOLUTION / Councillor Recommendation

That Council:

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

Background

At the September 2021 Ordinary Council Meeting Council considered the matter of the Review, Operations, Services and Asset Management of the Serpentine Jarrahdale Community Recreation Centre. This included consideration of the Valuation Report July 2021 - SJ Community Recreation Centre.

At the October 2021 Ordinary Council Meeting Council resolved to investigate options for leasing arrangements of the Serpentine Jarrahdale Community Recreation Centre with the following conditions:

- A nominal or rent free basis in return for the tenant contractually committing to undertaking for the period of the lease and any extension of lease, the Planned Preventative Maintenance, Asset Lifecycle Renewals and Proposed Capital Works (excluding any capital works currently



outlined in the Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025 as outlined in the Serpentine Jarrahdale Community Recreation Centre- Building Condition Audit and Lifecycle Costing Report, received by Council at its Ordinary Council Meeting held 20 September 2021.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local Government Act 1995 - Part 3 - Functions of local governments

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*



- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Comment

Officers made contact with the following Real Estate providers to seek their advice in relation to this matter:

- AGORA Real Estate
- Pro Property Group
- Professionals Armadale
- O'Neil Real Estate
- G Hunter and Associates
- Professionals Byford Property Team
- Vintage Realty.

The providers approached represent local real estate providers, commercial real estate providers who have had activities in the Shire in the past 12 months and real estate providers who have online advertising for similar leasing activities.

Additionally, Officers attempted to contact Anytime Fitness and Snap Fitness Australia as the two largest fitness companies in Australia, to ascertain advice in relation to the conditions under which the fitness industry operates in relation to leasing arrangements.

Overview of the advice sought from providers

The providers contacted were asked for their advice on the following:

The Shire has had an independent valuation of the leasing opportunities undertaken for the Centre however is enquiring with commercial real estate agents as to their current experience with the market and the feasibility of securing a tenant for the centre.

Specifically the Shire would appreciate advice on the feasibility of leasing the Centre with the following conditions:

- *A nominal or rent-free basis.*



- *The tenant would need to contractually commit to undertaking for the period of the lease and any extension of lease, the Planned Preventative Maintenance, Asset Lifecycle Renewals and Proposed Capital Works as outlined in the Serpentine Jarrahdale Community Recreation Centre- Building Condition Audit and Lifecycle Costing Report.*
- *The tenant would need to contractually commit to any other works/ capital upgrades they wish to undertake in regard to their operations of the Centre.*

The Shire is also interested to understand:

- *Would it be possible to include a lease condition that in the event that the Shire required use of the facility for an Emergency Evacuation Centre the Centre would be made available, and what sort of arrangements this might incur (financially) or would this not be viewed favourably by a tenant?*
- *What sort of lease term would prospective tenants seek to secure for a lease with the above arrangements?*
- *Any other aspects that you consider may influence the success or necessary arrangements for a lease arrangement of the Centre?*

A copy of the Serpentine Jarrahdale Community Recreation Centre review document and the Serpentine Jarrahdale Community Recreation Centre - Building Condition Audit and Lifecycle Costing Report was also provided.

Responses from providers contacted

Three real estate providers responded that they did not have a sufficient commercial real estate capacity to provide advice on the matter, one provider did provide comment and that is included as **CONFIDENTIAL attachment 1**. There has been no response from the remaining real estate providers or the two fitness providers.

Options and Implications

Option 1

That Council NOTES the information provided in this report and the **CONFIDENTIAL attachment 1** in response to the enquiries regarding possible leasing arrangements at the Serpentine Jarrahdale Community Recreation Centre.

Option 2

That Council DOES NOT NOTE the information provided in **CONFIDENTIAL attachment 1** response to the enquiries regarding possible leasing arrangements at the Serpentine Jarrahdale Community Recreation Centre.

Option 1 is recommended.

Conclusion

Officers received three responses to their enquiries, one of which was able to provide advice and is included with this report. The information is provided for Councillors to note.

Attachments (available under separate cover)

- **10.4.5 – CONFIDENTIAL attachment 1** - Advice received to leasing enquiry (E21/12630)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	With only one respondent it is unknown if this advice is consistent advice across commercial real estate providers.	N/A	Financial	Unlikely	Insignificant	LOW	Nil
2	Nil						

Voting Requirements: Simple Majority

Officer Recommendation

That Council NOTES the information provided in this report and the CONFIDENTIAL attachment 1 in response to the enquiries regarding possible leasing arrangements at the Serpentine Jarrahdale Community Recreation Centre.



10.5 Executive Services reports

10.5.1 – Financial Assistance Agreements (SJ3611)	
Responsible Officer:	Strategic Project Specialist
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to provide authority to the Chief Executive Officer to execute three Financial Assistance Agreements from WA Department of Local Government, Sport and Cultural Industries. The agreements involve the following grants to enable the Shire to undertake the upgrading of the following projects:

- \$50,000 - Old Hopeland School Hall (Safety and facility upgrades);
- \$50,000 - Old Serpentine Bridge School (Disability access upgrades);
- \$30,000 - Jarrahdale Community Collective (Outdoor Hub Project)

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 20 September 2021 - OCM264/09/21 - COUNCIL RESOLUTION / Officer Recommendation:</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>APPROVES the Infrastructure Fund request from Jarrahdale Community Collective to the value of \$55,000 ex GST (inclusive of 10% cost recovery amount for administrative purposes), with the delivery of project (expenditure of funds) conditional upon:</i> <ol style="list-style-type: none"> a) <i>An agreed final design that meets both Shire of Serpentine Jarrahdale and Jarrahdale Community Collective objectives outlined in this report, to be developed in 2021/22.</i> b) <i>Jarrahdale Community Collective to secure remainder of any required project budget to meet agreed design, over and above Infrastructure Fund commitment from Council to deliver the project.</i> c) <i>Delivery of the project to be undertaken in the 2022/23 financial year.</i> 2. <i>ENDORSES the administration of the \$30,000 Western Australian State Government funding committed to the Jarrahdale Outdoor Hub project and REQUESTS the Chief Executive Officer liaise with the appropriate Government Department to progress the funding agreement and NOTES a further report is to be presented to Council once the funding agreement is received.</i> 3. <i>REQUESTS the Chief Executive Officer to advise Jarrahdale Community Collective of the outcome of their Infrastructure Fund application.</i>



Background

The upgrades to the Old Hopeland School Hall was identified by the Hopeland Community Association Inc. The project is to maintain the existing building to make the area safe, reduce hazards, increase functionality and making it accessible for all users. The project will include the following upgrades:

- Replace concrete pavers on Male and Female toilet paths;
- Remove stored mulched behind fire tanks;
- Carpentry Repair of timber decking, access ramp, handrail, balustrade at the back and front of the building;
- Painting to external windows, handrails, balustrades, access ramp and re-staining timber decking back and front of the building;
- Pave 2x driveways from Hope land Road from fire storage tank hardstand;
- Repair potholes
- Repair colorbond screens in front of Male and Female toilets;
- Replace 3x timber stand under water storage tanks
- Remove fence from playground;
- Building re-stumping or strengthening requirements

The upgrades to the Old Serpentine Bridge School was identified by the Serpentine Historical Society. The project is to make the area safe, reduce hazards and increase functionality. The project will include the following upgrades:

- Design and construct an all ability to access ramp from the car park to the building veranda;
- Improve the drainage from the car park to the surround of the building;
- Improve building roof drainage including installation of guttering and down pipes to protect the veranda timber flooring and diversion of roof drainage away from the building;
- Repair floor boards inside the building to prevent trip hazards;
- Replace non-compliant timber steps to the veranda
- Design, supply and install information board and stand to replace existing

The Outdoor Hub Project is an upgrade to the playground facilities at the Bruno Gianitti Hall. This project is in collaboration with the Jarrahdale Community Collective (JCC). Shire Officers note that the Outdoor Hub Project was previously supported by Council on 20 September 2021.

The Outdoor Hub Project will include:

- Reduction or removal of playground and sand space outside of the shade sail area. Replace with irrigated grassed and landscaped areas;
- Consideration to improved accessibility elements and functionally – such as pathways and softfall that would enable access all infrastructure onsite where required, and outdoor power sources for activation.
- Ability to sustain ongoing maintenance requirements of a finalised concept (such as access to water for irrigation purposes).



- Above ground infrastructure such as water fountain, BBQ, play and fitness equipment

Community / Stakeholder Consultation

Community consultation was undertaken in May 2021 in relation to the Outdoor Hub Project to determine the community support for the project through the Community Infrastructure Fund application process. Overall, the consultation survey demonstrated that there would be an increase in community use or enhanced experience if the project was implemented.

Statutory Environment

No statutory implications are applicable.

Comment

The following reportable milestones have been recommended as a suitable timeframe for the projects. These milestones are considered achievable within allocated resources.

Old Hopeland School Hall (Safety and facility upgrades)

	Main Activities and milestones	Milestone date
1	Consultation and design process	19 November 2021
2	Tender Process Completed	3 December 2021
3	Construction and Project Completion	31 March 2022
	Project Completion date	31 March 2022

Old Serpentine Bridge School (Disability access upgrades)

	Main Activities and milestones	Milestone date
1	Consultation and Design Process	25 November 2021
2	Design Completed	17 December 2021
3	Tender Process Completed	24 January 2022
4	Construction and Project Completion	24 March 2022
	Project Completion date	24 March 2022

Jarrahdale Community Collective – (Outdoor Hub Project)

	Main Activities and milestones	Milestone date
1	Consultation and design completed	30 June 2022
2	Tender Process Completed and Construction	30 June 2023
	Project Completion date	30 June 2023



Impacts on Corporate Business Plan

Disability Improvements at Serpentine Bridge School and Upgrades to Old Hopeland School

The due date for these works align to the due dates within the Corporate Business Plan and the projects will no longer be reported as 'on hold'. No amendments are required to the Corporate Business Plan in respect of these two projects.

Bruno Giantti Hall – Outdoor Hub Project

The Corporate Business Plan (as provided at agenda item 10.3.5) has been updated to reflect the project as outlined in Council Resolution OCM264/09/21. Regardless of whether the remaining funds for the project are sourced by Jarrahdale Community Collective (JCC) or not, the Shire will utilise these grant funds and the funds provided under the Community Infrastructure Grant for the project by the due date contained within the Financial Assistance Agreement. Therefore, no amendments are required to the Corporate Business Plan at this stage, but amendments may be required to the project scope if JCC are unable to source additional funds.

Options and Implications

Option 1

That Council **AUTHORISES** the Chief Executive Officer to execute the Financial Assistance Agreements between the Department of Local Government, Sport and Cultural Industries and Shire of Serpentine Jarrahdale for the upgrading of Old Hopeland School (attachment 1), Old Serpentine Bridge School (attachment 2) and Bruno Giantti Hall (attachment 3).

Option 2

That Council **DOES NOT AUTHORISE** the Chief Executive Officer to execute the Financial Assistance Agreements between the Department of Local Government, Sport and Cultural Industries and Shire of Serpentine Jarrahdale for the upgrading of Old Hopeland School (attachment 1), Old Serpentine Bridge School (attachment 2) and Bruno Giantti Hall (attachment 3).

Option 1 is recommended.

Conclusion

The Shire has received the signed Financial Assistance Agreements from the Department of Local Government, Sport, and Cultural Industries. The agreements will fund the required upgrades to the Old Hopeland School, Old Serpentine Bridge School and playground facilities at Bruno Giantti Hall. Council are requested to authorise the Chief Executive Officer to finalise these agreements.

Attachments

- **10.5.1 - attachment 1** – Grant Agreement – Hopeland Community Association – Old Hopeland School safety and facility upgrades (IN21/26244)
- **10.5.1 - attachment 2** – Grant Agreement – Serpentine Historical Society – Old Serpentine Bridge School – disability access upgrades (IN21/26243)
- **10.5.1 - attachment 3** – Grant Agreement – Jarrahdale Community Collective – Outdoor Hub Project (IN21/26245)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

Execution of the Financial Assistance Agreement will result in the Shire receiving \$130,000 from the Department in the 2021/2022 Financial year. These funds are already incorporated into the 2021/22 annual budget.

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	No risk						
2	If Council does not support the Financial Assistance Agreements then there is a risk that the Shire will lose funding's for these projects.	Nil	Social Community Outcomes /	Possible	Moderate	MODERATE	Work with Council to provide financial assistance agreements to their satisfaction.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council AUTHORISES the Chief Executive Officer to execute the Financial Assistance Agreements between the Department of Local Government, Sport and Cultural Industries and Shire of Serpentine Jarrahdale for the upgrading of Old Hopeland School (attachment 1), Old Serpentine Bridge School (attachment 2) and Bruno Giantti Hall (attachment 3).



Continued

Ordinary Council Meeting Agenda
Monday, 15 November 2021

10.6 Confidential reports

Nil Reports.



Continued

Ordinary Council Meeting Agenda
Monday, 15 November 2021

- 11. Urgent business:**
- 12. Councillor questions of which notice has been given:**
- 13. Closure:**