



Shire of
Serpentine
Jarrahdale



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7:00pm

Monday, 16 August 2021

Contact Us

Enquiries

Call: (08) 9526 1111

Fax: (08) 9525 5441

Email: info@sjshire.wa.gov.au

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



Ordinary Council Meeting Minutes

Monday, 16 August 2021

Councillor Attendance Register

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

Council October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
02/08/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
28/07/21	SCM	✓	✓	✓	EPNG	✓	✓	A	✓	✓
19/07/21	OCM	✓	✓	✓	A	✓	✓	✓	✓	✓
05/07/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
28/06/21	PCF	✓	✓	✓	✓	✓	✓	A	✓	✓
21/06/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
31/05/21	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
24/05/21	PCF	✓	✓	✓	✓	A	A	A	✓	✓
17/05/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/05/21	PCF	✓	✓	✓	✓	A	A	✓	✓	✓
19/04/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
29/03/21	SCM	✓	✓	A	A	✓	✓	✓	✓	✓
22/03/21	PCF	✓	✓	✓	✓	A	✓	A	✓	✓
15/03/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
22/02/21	SCM	✓	✓	✓	✓	A	✓	A	✓	✓
15/02/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
14/12/20	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
14/12/20	SCM	✓	✓	✓	✓	A	✓	A	✓	✓
30/11/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
23/11/20	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
23/11/20	PCF	✓	✓	✓	✓	A	✓	A	✓	✓
16/11/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/11/20	PCF	A	✓	✓	✓	A	✓	✓	✓	✓
19/10/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓



Ordinary Council Meeting Minutes Monday, 16 August 2021

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

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

A – Apology

LOA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



Table of Contents

1. Attendances and apologies (including leave of absence):	6
2. Public question time:	6
2.1 Response to previous public questions taken on notice:	6
2.2 Public questions:	7
3. Public statement time:	12
4. Petitions and deputations:	13
5. President's Report:	17
6. Declaration of Councillors and Officer's interest:	19
7. Confirmation of minutes of previous Council meeting(s):	20
7.1 Ordinary Council Meeting – 19 July 2021	20
7.2 Special Council Meeting – 28 July 2021	20
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:	21
8.1 CEO Employment Committee Meeting – 2 August 2021 [Rescheduled 12 August 2021]	21
8.2 Special CEO Employment Committee Meeting – 12 August 2021	21
9. Motions of which notice has been given:	22
9.1 - Notice of Motion – Publication of Councillor allowances and training in the Annual Report (SJ3414)	22
9.2 - Notice of Motion – Electronic participation at Council and Committee meetings (SJ3414)	24
9.3 - Notice of Motion – Hopeland Community Hall (SJ3414)	27
10. Chief Executive Officer reports:	29
10.1 Development Services reports	29
10.1.1 – New Council Policy – Commercial Signage on Local Road Reserves (SJ2963)	29
10.1.2 – Section 31 Request for Reconsideration – Condition (I) of Approved Tourism Development (Short Stay Serviced Apartments) – Lot 4 (829) South Western Highway, Byford (SJ3565)	35
10.1.3 – Proposed Ancillary Dwelling – Lot 12, 127 Peters Way, Oakford - PA21/556	45
10.1.4 – Proposed Road Naming – Lot 9005 Kargotich Road, Oakford (SJ500-03)	54
10.1.5 – Proposed Road Naming – Lots 9 and 9101 Warrington Road, Byford (SJ500-03)	60
10.1.6 – Proposed Health Studio, Office, Consulting Rooms, Shop and Café – Lot 201 (895) and Lot 8 (899) South Western Highway, Byford (PA20/1266) – including additional information	67
10.1.7 – Lot 60, 394 Robertson Road, Cardup – Proposed Mobile Concrete Batching Plant (PA21/163) – including additional information	100
10.1.8 – Response to proposed connectivity and access study – Tonkin Highway Extension Project (SJ3580)	137
10.1.9 – The Brook at Byford Stage 3 Local Development Plan (PA21/336)	145
10.1.10 – Shire of Serpentine Jarrahdale Local Food Action Plan (SJ429)	154



10.2 Infrastructure Services reports	162
10.2.1 – Depot Accommodation Refurbishment	162
10.2.2 – Appointment of Council Representative to Judging Panel for Serpentine Jarrahdale Garden Competition (SJ3277)	166
10.2.3 – WALGA Power Purchase Agreement	171
10.2.4 – Memorandum of Understanding – Shire of Serpentine Jarrahdale and Darling Downs Residents Association (SJ196)	175
10.3 Corporate Services reports	182
10.3.1 - Confirmation of Payment of Creditors (SJ801)	182
10.3.2 – Monthly Financial Report – June 2021 (SJ801)	185
10.3.3 – Corporate Business Plan Performance Report – April to June 2021 (SJ940-3)	190
10.3.4 – Long Term Financial Plan 2021-31 and Corporate Business Plan 2021-25 (SJ940-3)	203
10.4 Community and Organisational Development reports	216
10.4.1 - Community Infrastructure Fund Community Consultation Outcome – Darling Downs Resident Association (SJ3298)	216
10.4.2 - Community Sport and Recreation Facility Fund (CSRFF) Applications- Briggs Park Upper Oval Drainage and Briggs Park Pavilion (SJ1213)	229
10.5 Executive Services reports	242
10.5.1 – Byford Health Hub – Project Update (SJ3305)	242
10.6 Confidential reports	249
10.6.1 – CONFIDENTIAL – Infrastructure Directorate Review (SJ535)	249
11. Urgent business:	250
12. Councillor questions of which notice has been given:	250
13. Closure:	250

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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 16 August 2021 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7:00pm and welcomed Councillors, Staff, and members of the gallery, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Traditional Owners, Elders Past, Present and Emerging.

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member

D Atwell

M Byas

R Coales – (From 7:04pm)

M Dagostino

B Denholm

K McConkey

L Strange

D Strautins

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

Ms H Sarcich.....Deputy CEO / Director Community
and Organisational Development

Mr F SullivanDirector Corporate Services

Mr A TrosicDirector Development Services

Mr R NajafzadehDirector Infrastructure Services

Dr K ParkerManager Governance and Strategy

Ms M Gibson.....Governance Officer – Council and Committees
(Minute Taker)

Apologies: Nil.

Observers: Members of the Public – 24

Media – 1

Staff members - 2

2. Public question time:

2.1 Response to previous public questions taken on notice:

Nil.



2.2 Public questions:

Public question time commenced at 7:00pm.

Fiona Lowe, Canning Vale, WA 6155

Question 1

To date, please state what has been done by the Shire to assess the rectification works needed for:

- a) Dips in the road at Rowley Road near to Tonkin Highway; and
- b) Dips in the road on Kargotich Road near to Rowley Road?

Response (Director Infrastructure Services)

- a) *The Shire engaged a Consultant to prepare the Metropolitan Regional Road Grants rehabilitation grant funding application for the 2021/22 round to rehabilitate the section of Rowley Road between Tonkin Hwy and Kargotich Road.*

Funding for the Rowley Road rehabilitation is secured through the Metropolitan Regional Road Grants road rehabilitation grants 2021/22 submissions. The Shire engaged a consultant to carry out the geotechnical investigation to determine the cause of failure and recommend a pavement treatment methodology.

- b) *Section of Kargotich Road also experienced similar issues of sub grade movement. Funding for the Kargotich Road is secured through the 2021 Hypergrowth Roads election commitment funding program from the State Government. The Shire will undertake geotechnical investigation as part of the detailed design works and obtain necessary approvals for construction. Construction works will be planned following completion of detailed design.*

Question 2

Has a formal assessment been undertaken by a professional surveyor or engineer (not a Shire employee) to:

- a) Advise the Shire of the cause of the dips referred to in the above question and what was the outcome of this advice?
- b) Advise the Shire of recommendations and estimates of costs of rectification works for the dips and what was the outcome of this advice?
- c) Provide such advice as requested to the Shire in writing by way of a report and when was this report published as an Agenda item?

Response (Director Infrastructure Services)

- a) *The Shire engaged a consultant to carry out the geotechnical investigation to determine the cause of failure.*

The study found that subgrade generally comprises clayey sand and sandy clay of medium to high plasticity. The in-situ clayey soils are typically firm or stiffer and it is not expected that the pavement shape loss is due to consolidation. But, these in-situ clayey soils are highly expansive. Therefore, it's concluded that the subgrade movement is caused by severe shrink-swell



movements within the in-situ high plasticity clay subgrade as a result of significant moisture variations and poor drainage. It's recommended to stabilise the 500mm thickness of subgrade with cement stabilised materials and install geo grid reinforcement prior to building new pavement.

The detailed design is completed for the pavement repair / rehabilitation works, however, as requested by the Council, the project is on hold pending review of Rowley Rd maintenance MoU with the City of Armadale, and surrounding Councils.

- b) The estimated cost for the Rowley Road rehabilitation is \$1,270,700.*
- c) There has been no report or agenda item submitted to date.*

Question 3

In terms of the work to be done to the open drainage in the Shire:

- a) How much has been allocated to the 2022 Budget for the purposes of purchasing a forestry track mulcher and slasher (including stamp duty) and advise which make and model of forestry track mulcher and slasher are to be purchased?*
- b) How much are the projected total costs of the 2 employees to be employed to work on the drainage and when will they commence employment with the Shire for this specific activity?*
- c) What is the current plan for the drainage works to commence with reference to street names?*

Response (Director Infrastructure Services)

- a) \$300K has been allocated in the 2021/22 budget for the purchase of the forestry mulcher. The make and model are a CASE TV450B Compact Track Loader and a VM15FTUN slasher.*
- b) The projected total salaries for the two employees are approximately \$126,000 p/a. The estimated date of employment is mid-September early October subject to procurement of equipment.*
- c) The following roads are included in the current schedule of drainage maintenance works:*

Kentucky Drive Byford

Sunrays Street Park, Byford

George Street Byford

John Crescent, Byford

Jamieson Reserve, Byford

Nettleton Road

Reliant Retreat silt trap

Warrington Road and Mead Street

Orton Road

Master Road



Kardan Boulevard

Selkirk Road

Jarrahdale Road

Lowlands Road

Elliot Road

Madeira Turn

Cavanagh Close

Please note this is not a prioritised list. The listings are identified areas that are currently in need of drainage maintenance. There may also be others in addition to this list.

Shaye Mack, Byford, WA 6122

Question 1

At this year's General Meeting of Electors I moved a motion which was supported and passed that:

On the completion of the project, that the Shire Officers conduct a transparent inquiry into the management of the Abernethy Road upgrade and the budget blowouts, making all findings available to the public at the completion of the upgrade.

Can you please provide us with an update on how this is going and when would we expect the public to be informed of the findings?

Response (Director Corporate Services)

Following Council's resolution, work has commenced to prepare a scope as part of an expression of interest that will be circulated to external audit professionals in accordance with Council's resolution. As the inquiry will examine aspects of contract management of the project, the inquiry will commence once final settlement of outstanding variation requests, including contract close out has been completed. The Shire is negotiating final terms with the proponent to facilitate financial completion and anticipates that the inquiry will be able to commence later in 2021.

Question 2

This Shire pays \$30,000 pa to be a part of the regional rivers committee and we have 2 Councilors representing the Shire on this committee. According to the minutes of this committee 2018/2019 budget each Councillor receives a minimum annual meeting attendance fee of \$7,725.

Can the Shire please confirm this is correct, and what value our representing Councilors have bought to this committee to justify this expense?

Response (Director Corporate Services)

The purpose of the Rivers Regional Council is to manage the Kwinana Waste to Energy project for the development of a waste to energy facility on behalf of member local governments.

The Rivers Regional Council is a regional local government established under section 3.61 of the Local Government Act 1995 (the Act). As a regional local government established under section 3.61 of the Act, the Rivers Regional Council



is a local government in its own right with its own Council, Chief Executive Officer, meetings and legislative responsibilities under the Act including the publication of public documents.

The Shire of Serpentine Jarrahdale is one of six member local governments of the Rivers Regional Council and makes an annual financial contribution to the local government. In 2018-19, the Shire's contribution was \$27,774.

As its own local government, the Rivers Regional Council has discretion to set its own annual meeting attendance fees within the bands set by the State Government's Salaries and Allowances Tribunal. For the 2021-22 financial year, the Rivers Regional Council resolved that Rivers Regional Council Councillors would receive an annual meeting fee of \$7,725 each. This fee is paid for by the Rivers Regional Council.

In March 2021, the Shire of Serpentine Jarrahdale Council resolved to support the transition of the Rivers Regional Council to a Regional Subsidiary. A Regional Subsidiary is a different form of regional partnership between local governments that can be approved by the Minister for Local Government under 3.69 of the Local Government Act 1995. One of the benefits identified by the Rivers Regional Council to member local governments in advocating for the change was a reduction in sitting fees payable to members of the subsidiary's governing body. If approved by the Minister, the Rivers Regional Subsidiary would be the first of its kind in Western Australia.

Question 3

In the past this Council has voted against live streaming of Council meetings.

Does this Council plan to revisit this decision at any stage in the future, and if so, is there an intention in supporting it?

Response (Director Corporate Services)

The Shire notes that the recording and streaming of Council and Committee meetings is becoming increasingly widely used across Western Australian local governments. Further, the Shire notes that the Minister for Local Government has identified that streaming of Council Meetings may become a legislative requirement for local governments that have reached a specified size.

In accordance with the Council's resolution (OCM165/06/20) at the June 2020 Ordinary Council Meeting, the capacity to record and stream video from Council and Committee meetings is being included with the scope of investigations in future building requirements. In June 2021, (OCM145/06/21) Council resolved to call for tenders for the Concept and Detailed Design of a Link Building which will house Council Chambers in the future. This Concept and Detailed Design for the Shire's new Council Chambers that will be presented to Council will incorporate capacity for live streaming of Council and Committee Meetings but the decision on whether to support live streaming will ultimately be a future decision for Council.

Mrs Lee Bond, Box 44, Armadale, WA 6112

Question 1

Has the Serpentine Jarrahdale Shire Council received an application to hold a music festival in the Shire in October 2021, has it given approval for this and



provided a permit for this festival and is there a limit on the amount of people who can attend this specific music festival?

Response (Deputy CEO / Director Community and Organisational Development)

The Shire has not received an application to hold a music festival in the Shire in October 2021. If you are aware of a music festival being advertised to be held in the Shire in October and would like to provide the information, Officers will seek further details in relation to the event.

Question 2

Which Councillors are on which paid Committee's and what do they get paid for each of those Committees per year?

Response (Shire President)

In accordance with section 5.99 of the Local Government Act 1995, Council has resolved that Councillors may receive an annual fee rather than fees for attending Council and Committee Meetings on a per meeting basis. Accordingly, no Serpentine Jarrahdale Councillors are on paid Shire of Serpentine Jarrahdale committees.

Councillors may receive meeting fees for certain other groups, but these are not paid for by the Shire.

The State Government's Development Assessment Panels (DAPs) established under the Planning and Development (Development Assessment Panels) Regulations 2011, sets meeting fees payable to DAP members, which include Councillors and independent planning experts appointed by the Minister for Planning. DAPs are administered by the State Government not the Shire with meeting fees paid by the State Government and the Shire of Serpentine Jarrahdale has no discretion in setting fees for DAP members.

Council also makes appointments to the Rivers Regional Council. The Rivers Regional Council is not a committee but instead a local government in its own right created under s3.61 of the Local Government Act 1995. As its own local government with its own Council, the Rivers Regional Council sets meeting fees in accordance with the Act and the State Government's Salaries and Allowances Tribunal determination. Meeting fees are paid by the Rivers Regional Council not the Shire and the Shire has no discretion in this matter.

Council also makes appointments to the Western Australian Local Government Association (WALGA) Zone. While WALGA Zone members do not receive meeting fees, Councillors appointed can be elected by the zone to represent them at the WALGA State Council. Members of the WALGA State Council receive a sitting fee. This is not a committee of the Shire and is not paid for by the Shire.

Council also makes recommendations for the Minister for Regional Development to appoint Council representatives to the Peel Development Commission. The Peel Development Commission is a statutory body established by the Regional Development Commissions Act 1993 and is not a committee of Council. Meeting fees for the Peel Development Commission are paid for by the State Government not the Shire.



Question 3

Has the rule about the gallery or Councillors not recording Council meetings been abolished or altered in any way, if so, how has it been changed?

Response (Chief Executive Officer)

No.

Clause 8.5 of the Shire's Standing Orders Local Law 2002 states:

"Recording of Proceedings

- (1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.*
- (2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee."*

In 2010, the Shire's Standing Orders Local Law 2002 were amended but did not change the provisions contained in Clause 8.5.

Public question time concluded at 7:18pm.

3. Public statement time:

Public statement time commenced at 7:18pm.

Mr Ben Luckens

Good evening Councillors, Council staff and members of the public, my name is Ben Luckens, I am speaking for myself and Martin Luckens who have lodged the DA for 895-899 South Western Highway, Byford which is item 10.1.6 on the Agenda tonight.

We would like to thank Shire staff for the further consideration of the DA submission since the deferral of the item at last month's OCM, and in particular regarding the issues that were raised by my consultant John Wieske from Masada Property. By the way, John could not attend the meeting this evening as he is in Townsville visiting family.

We are appreciative of the collaborative approach taken by the Shire and we are satisfied with the outcome as presented to the meeting tonight.

With regards to the previous condition to amalgamate the lots, we believe what has been presented in the way of an easement over both lots for parking and access is a common-sense approach which we support.

With regards to the previous condition of the need for a left pocket turn in lane, we are thankful that this has now been reconsidered and what has now been presented in the item tonight is something we support.

The final matter that we raised was to do with the Waste Management. On this issue we have conceded and agreed to the condition of a Waste Management Plan being presented to the Shire prior to the issuing of a Building Permit. We are still of the opinion that the development will not generate excessive waste and as such we still believe that the collection of the waste from the kerbside is appropriate. We are thankful to the planning staff to make provision for this to be considered in the item tonight and humbly request that tonight with regards to item 10.1.6 Councillors vote for Option 2.



With the approval of this Development, we look forward continuing and growing our vision to build strong relationships, to continuing with our strong focus around community, to developing partnerships, and to be a beacon for health, wellness and wellbeing within the Serpentine Jarrahdale community.

Thank you again for your time.

Mrs Lee Bond, Box 44, Armadale, WA 6112

I want to make it very clear I don't run the fake Facebook sites but i am fully aware of who some of them are. I have been accused of running these sites by one particular individual who also claims I use these to destroy people and I have the backing of someone. I suggest you madam stick to the truth because you will stand alone in a court of law with your reference to me being a lunatic. I can stick to the truth and I believe my statement made public for this purpose should be sufficient for the liars to desist with their attention seeking vomit.

When is the Shire going to employ more outdoor workers so that our drains are cleaned out before next winter hopefully? Why hasn't our bridle path been cleaned up, a DFES rep came and saw me long ago and complained about the state of our bridle path and that it was a fire hazard, nothing has been done. There are some Whitegums in our street leaning over the road, are you waiting until they fall and damage the road or could we get them cut back properly for safety. Cutting a half a dozen small branches off several trees in the street is a waste of money when they could have been done properly on the only day they did come out.

Henry Dykstra of Harley Dykstra

Made a statement regarding item 10.1.5 - Proposed Road Naming – Lots 9 and 9101 Warrington Road, Byford, opposing the Officer's recommendation.

Public statement time concluded at 7:22pm.

4. Petitions and deputations:

4.1 Deputation – Henry Dykstra of Harley Dykstra on behalf of Polevine Pty Ltd ATF Permacast, regarding item 10.1.7 – Lot 60, 394 Robertson Road, Cardup – Proposed Mobile Concrete Batching Plant (PA21/163) – including additional information

Below is a draft of what I would like to present to Council this Evening. My request for modifications to several conditions is highlighted in bold below.

Good Evening Councillors, I am Henry Dykstra, here on behalf of the applicant for the Mobile Batching Plant at Robertson Road in Cardup. I presented some details about the operation to you last month and we were given another month to work things through with the Council Planners. We are pleased that we have been able to provide further information and that they have come forward with a recommendation to grant approval. There are two conditions on this approval that our client is not able to work with and cannot make a commercial decision to set up business based upon those two conditions.

Proposed condition B for a two year approval limit is not workable for our client, given that the amount of investment required to set up the business would never be recovered over a two year period if the approval were to lapse after that time, and



that is an unacceptable risk from a commercial perspective. Condition C on the approval requires the operator to undertake continuous air quality and dust monitoring and issue live daily reporting that is publicly available. The clients are not opposed to dust monitoring being undertaken and being reported; however the live daily public reporting of this monitoring is onerous and unhelpful.

By way of background, WA Premix and Permacast are combining their activities in order to be the front runner for significant Metropolitan Infrastructure projects including Byford Rail Extension and Tonkin Highway extension over the coming decade, which will bring about significant local employment opportunities and growth. WA Premix are very experienced operators in relation to concrete batching plants and given this is not a large scale plant and it is a wet plant, the risk for any dust exiting the site is extremely low. WA Premix has other plants that are far larger in terms of output and that are located in much closer proximity to full residential areas. These plants are well managed and present no unacceptable dust risks. It should be noted that this proposed plant is a relatively small scale plant and is not at all located in proximity to urban/residential areas, with the nearest dwelling over 500m away.

Even though the dust risk is extremely low, these operators are prepared to accept the very high bench mark of full time dust monitoring data and are prepared to make this data publicly available to the Council and the community where required at regular intervals, such as every 3 months.

Our clients agree to this full time monitoring and data collection to take place over a 1 year period to measure the full seasonal range of meteorological conditions, and at the end of four (4) quarters of results, these results would be independently reviewed by an expert, who would then make recommendations for any changes to the air quality management regime associated with the plant.

This level of dust monitoring by far exceeds the requirements that have been applied to other industries within the locality and in that sense, sets a new-bench mark for the Local Authority. Our clients are not opposed to meeting that higher bench mark, however, the risk associated with a time limited approval is not acceptable or commercial for them at all. They therefore request that in view of the negligible risk associated with this plant, and in view of the higher benchmark of monitoring and mitigation, they be given an approval that is not time limited.

In summary, our request is to modify the current recommendation as follows:

1. Delete condition B that relates to the time limited approval;
2. Modify condition C to read as follows:

The operator shall undertake continuous dust monitoring for a 12 month period from the commencement of development, and shall submit those results to the Shire every three months and permit the Shire to make the results publicly available; and

3. Amend condition D to read as follows:

At the conclusion of the year of continuous dust monitoring, the operator together with an independent expert is to provide a review of the results for Council consideration. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not



having an adverse amenity impact on residents to the west of the subject land, and where appropriate shall recommend further air quality and dust mitigation measures, which shall be complied with by the operator.

Councillors, I submit this request for modification of three of the recommended conditions for your consideration and would ask that you grant approval to this operation with the revised conditions as we have requested.

4.2 Deputation – Julie-Anne Fitzgerald of Taylor Burrell Barnett, on behalf of Director, Rachel Chapman, regarding item 10.1.9 – The Brook at Byford Stage 3 Local Development Plan

Good evening Mayor and Councillors. My name is Julie-Anne Fitzgerald and I am a Senior Associate at Taylor Burrell Barnett. We are the town planners for Cedar Woods Properties' - The Brook at Byford Estate. I am making this presentation on behalf of my Director Rachel Chapman who is unable to attend the meeting tonight.

Thank you for the opportunity to present in relation to Item 10.1.9 on the agenda for The Brook at Byford Stage 3 Local Development Plan. We note the Officer Recommendation is to approve the LDP subject to modifications. We are supportive of the Officer Recommendation to approve the LDP, noting it is consistent with the agreed approach for LDPs within The Brook at Byford. My presentation is in relation to the recommended modifications to the primary street garage setback provisions, whereby we're requesting a minor change to the Officers recommended modification.

This minor change was provided to you earlier today along with a cross-section to demonstrate why we believe the minor change is acceptable.

Primary Street Garage Setbacks

The draft LDP contains garage setback provisions which relate to 'squat' or shallower R30 and R40 coded lots; these lots are typically 25m deep or less. The provision allows for a reduced garage setback from 4.5m to 3.5m where a footpath is located 1.0m or more from the lot boundary. The purpose of the provision is to ensure there is sufficient area to accommodate a standard house design on the lot and sufficient length for parking on the driveway whilst not impacting on a footpath by vehicle overhang. The dwelling setback requirement for these lots is 2.0m which ensures the garage is setback behind the dwelling.

Officer Recommended Modification

The Officer's report raises concerns regarding resident or visitor vehicles which are parked on the driveway potentially overhanging onto the footpath and impacting on pedestrian connectivity. The report references the need to provide a minimum of 5.5m, being the length of a standard car bay, between a garage and footpath to ensure that parked vehicles do not overhang onto the footpath.

The Officer recommendation is for all squat R30 and R40 lots to be subject to the following garage setback requirements (R40 Lots 444-447, 405-407, 422-425, 437-440, 452-455 and 475-478 and R30 Lots 420-421):

- Where a footpath is located 1m or greater from the lot boundary, the garage setback is required to be 4.5m;
- Where a footpath is located less than 1m from the lot boundary, the garage



setback is required to be 5.5m;

- A garage setback may be reduced to 3.5m where no footpath is planned.

We support the principle of providing a minimum of 5.5m between the garage and footpath to ensure no vehicle overhang occurs onto the footpath. The verge widths at The Brook at Byford are typically 4.5m, the standard footpaths are 1.5m wide and constructed at the back of the kerb (0.3m). This leaves 2.7m in verge width between the footpath and lot boundary. Accordingly, a garage can be setback at 3.5m and this still provides 6.2m of separation between the footpath and the garage. The Officer Recommended modification to the LDP does not allow a garage to be setback at 3.5m despite a separation of 5.5m between the footpath and garage being achieved.

The proposed modification is particularly problematic for the 20m deep squat lots (Lots 444-447) that address Freestall Loop, which in turn abuts Nettleton Road. The footpath cannot be shifted to the opposite side of the road as there is insufficient verge width given the need to retain existing trees along Nettleton Road. To be clear – Nettleton Road is not within the LDP area.

Proposed Change to Officer Recommendation

We are therefore seeking a minor change to the modifications contained in attachment 3. We are proposing that the final point of the provision contained in attachment 3 state that a garage setback may be reduced to 3.5m where a footpath is located 2m or greater from the lot boundary.

Garage setback provisions for R40 Lots 444-447, 405-407, 422-425, 437-440, 452-455 and 475-478 and R30 Lots 420-421 be modified to state:

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

In conclusion, we confirm our support to the Officer Recommendation to approve the LDP and the intent to provide for pedestrian safety and minimise the impact of vehicle overhang onto footpaths. Importantly the suggested modification still ensures 5.5m of separation between a garage and footpath. We therefore respectfully request the Officer recommended modifications be changed so a garage on a squat lot coded R30 or R40 can be setback 3.5m where a footpath is located 2m or greater from the lot boundary. Thank you for your time.



5. President's Report:

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

I want to begin by acknowledging that the record rainfall we have had over the past month which has caused significant damage to our local roads. The Shire is working to address these issues, and we encourage residents who notice damage in our community to report it to the Shire via our formal channels so we can work to resolve any issues as quickly as possible.

With winter nearing a close, it's important all residents are prepared ahead of the bushfire season.

I was pleased to accompany the Shire's Bushfire Awareness Team as they visited the local Sikh community to talk about being bushfire ready last month.

Around 60 families attended the night, and it was great to see so many involved in such a productive discussion. Thank you to the United Sikhs for helping to organise this event.

Bushfire mitigation works will continue across Serpentine Jarrahdale over the coming weeks after the Shire successfully received \$288,000 through the State Government's Mitigation Activity Fund.

This funding will directly assist our Emergency Services team in carrying out more than 20 bushfire mitigation projects.

I was pleased to join SJ Landcare and our community on Sunday, 1 August for National Tree Day.

The wet and stormy weather didn't dampen the spirits of those who volunteered, with more than 2000 native seedlings planted at Manjedal Brook Reserve in Whitby.

Over the past month, the Chief Executive Officer, Mr Paul Martin, and I have also attended the following meetings together:

- Our scheduled monthly meeting with Darling Range MLA Hugh Jones, to discuss local matters.
- Meeting with WA Minister for Transport Rita Saffioti, to discuss Tonkin Highway extension, the Freight Rail realignment, Thomas Road ownership and duplication and the Byford Metronet Rail extension.
- Meeting with Federal Member for Canning, Mr Andrew Hastie, to discuss our Federal priorities, as endorsed by Council, which includes funding for elevated rail for Byford Metronet, upgrade and duplication of Thomas Road between Tonkin Highway and South West Highway, Jarrahdale Trails Town, West Mundijong Industrial Area and the continuation of the Shire's Hypergrowth Road Implementation plan for funding for Hopeland, Nettleton and Karnup roads.
- Meeting with the Shire of Murray to discuss Alcoa's operations across our local government regions.

I attended the Peel Alliance Water Taskforce Strategic Meeting to discuss water needs of the Peel region to sustain the future growth in social, economic and environmental areas.

I attended a meeting with the Deputy CEO/Director Community Services and Organisational Development, Helen Sarcich, to discuss the Youth Partnership Project (YPP) with representatives from Save the Children. It was interesting to hear of the



programs that Save the Children provide the young people and their families in the Shire and we look forward to working with them further and supporting them to connect with other service providers in the Shire.

Last Monday I was pleased to meet with the Year 5/6 class at Beenyup Primary School and see the beautiful artwork they've created for the 2021 Showcase in Pixels project.

The project sees school students from across all of WA designing artwork that symbolises their local government area, which is then displayed on the digital tower at Perth's Yagan Square from Monday, 6 September to Sunday, 26 September.

For this year's piece the students have featured the natural beauty of SJ's bushland and wildlife, the Byford Sculptures Trail and our local equine community. Well done to the students on a fantastic artwork.

Speaking of youth in our Shire, it was wonderful to see such amazing attendance at the Shire's Muddy Buddies Adventure Day last month.

It was a joy to see all the children enjoying some quality outdoors time in Jarrahdale, which I'm sure made it all worthwhile when it came time to clean up.

Next month marks the start of the SJ Food Truck Fiesta, with the first fiesta scheduled for Friday, 10 September at Clem Kentish Oval in Serpentine. The monthly fiestas will run from September through to March and alternate between Serpentine and Mundijong.

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

20 th July 2021	Rescheduled WALGA Environment Policy Team meeting	Teleconference
	Meeting with Hugh Jones regarding Whitby Rail Crossing	Shire Offices
21 st July 2021	Bushfire Brigade meeting prior to attending Captain's Meeting	Shire Offices
	Meeting with Hon Rita Saffioti - Minister for Transport; Planning; Ports	Dumas House
	Bushfire Brigade Captain's Meeting	Jarrahdale
22 nd July 2021	Electoral Reform Policy Forum	Teleconference
26 th July 2021	Meeting with Hon Andrew Hastie	Shire Offices
	Policy Concept Forum	Civic Chambers
	Special Council Meeting Agenda Briefing	Civic Chambers
27 th July 2021	Peel Alliance Water Taskforce Meeting	Mandurah
28 th July 2021	Weekly Meeting with CEO	Shire Offices
	Special Council Meeting	Civic Chambers
29 th July 2021	Pre-SAC Meeting	Teleconference
1 st August 2021	National Tree Day – SJ Landcare community planting event	Whitby
2 nd August 2021	Monthly Meeting with Hugh Jones	Shire Offices
	Policy Concept Forum	Civic Chambers
3 rd August 2021	SJ Ratepayers Association Meeting	Mundijong
	Mundijong Fire Brigade Meeting	Mundijong
5 th August 2021	Alcoa Discussion with Shire of Murray	Pinjarra



	Meeting with Peel Chamber of Commerce	Pinjarra
6 th August 2021	Photo Op - Bushfire Mitigation Funding	Jarrahdale
7 th August 2021	In Your Community- monthly radio segment	Gosnells
9 th August 2021	Photo Op - ShoWcAse in Pixels	Byford
	Q&A Agenda Briefing	Civic Chambers
11 th August 2021	Youth Partnership Project (YPP) Discussion	Shire Offices
	Pre-SAC Meeting	Teleconference
12 th August 2021	Jarrahdale Forest Protectors AGM	Jarrahdale
13 th August 2021	State Road Funds to Local Government Advisory Committee	Perth
	Local Government SAC Delegates Strategic Discussion	Perth
14 th August 2021	Military Brotherhood Veterans Fundraiser	Byford

6. Declaration of Councillors and Officer's interest:

Councillor Strange has declared an Impartiality interest in item 10.1.2 – Section 31 Request for Reconsideration – Condition (I) of Approved Tourism Development (Short Stay Serviced Apartments) – Lot 4 (829) South Western Highway, Byford, as Councillor Strange has a personal friendship with a director of Urbis, and is a member of the Activate Byford Group – Byford Pictures, who have requested access to a wall on the subject property for a temporary banner artwork.

Councillor Coales has declared a Closely Associated Persons interest in item 10.1.6 - Proposed Health Studio, Office, Consulting Rooms, Shop and Café – Lot 201 (895) and Lot 8 (899) South Western Highway, Byford (PA20/1266) – including additional information, as Councillor Coales is a client of F45 in Byford and uses the facility, and knows the applicant's son.

Deputy CEO/Director Community and Organisational Development, Helen Sarcich has declared a Financial Interest in item 10.1.7 - Lot 60, 394 Robertson Road, Cardup – Proposed Mobile Concrete Batching Plant (PA21/163) – including additional information, as Ms Sarcich's son is employed by 2XM Recruit Labour Hire to work at the Permacast Concrete business. Ms Sarcich will leave the Chambers while this item is discussed.

Councillor Atwell has declared an Impartiality interest in item 10.4.2 - Community Sport and Recreation Facility Fund (CSRFF) Applications- Briggs Park Upper Oval Drainage and Briggs Park Pavilion, as Councillor Atwell is a life member of Centrals Junior Football Club.

Councillor Denholm has declared an Impartiality interest in item 10.4.2 - Community Sport and Recreation Facility Fund (CSRFF) Applications- Briggs Park Upper Oval Drainage and Briggs Park Pavilion, as Councillor Denholm is a life member and volunteer of Centrals Junior Football Club, and his child plays in one of the teams.



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

7.1 Ordinary Council Meeting – 19 July 2021

OCM201/08/21

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Dagostino

That the minutes of the Ordinary Council Meeting held on 19 July 2021 be CONFIRMED (E21/8330).

CARRIED UNANIMOUSLY 9/0

7.2 Special Council Meeting – 28 July 2021

MOTION

Moved Cr Dagostino, seconded Cr Atwell

That the minutes of the Special Council Meeting held on 28 July 2021 be CONFIRMED (E21/8715).

OCM202/08/21

Amendment

Moved Cr Coales, seconded Cr Strautins

That the minutes of the Special Council Meeting held on 28 July 2021 be CONFIRMED (E21/8715) subject to the following amendment in item 1.2 on page 9 of the Minutes:

- **Under the heading Apologies: Delete Councillor R Coales;**
- **Insert new heading ‘Electronic participation not granted as per Agenda Item 1.1’: Councillor R Coales.**

CARRIED UNANIMOUSLY 9/0

OCM203/08/21

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Atwell

That the minutes of the Special Council Meeting held on 28 July 2021 be CONFIRMED (E21/8715) subject to the following amendment in item 1.2 on page 9 of the Minutes:

- **Under the heading Apologies: Delete Councillor R Coales;**
- **Insert new heading ‘Electronic participation not granted as per Agenda Item 1.1’: Councillor R Coales.**

CARRIED UNANIMOUSLY 9/0



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

8.1 CEO Employment Committee Meeting – 2 August 2021 [Rescheduled 12 August 2021]

This meeting was originally scheduled to occur on Monday, 2 August 2021; however, the meeting was rescheduled to Thursday, 12 August 2021; and then subsequently rescheduled to occur on Monday, 30 August 2021.

8.2 Special CEO Employment Committee Meeting – 12 August 2021

This meeting was called for Thursday, 12 August 2021, following publication of the Agenda; and then subsequently rescheduled to occur on Monday, 30 August 2021.

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

9.1 - Notice of Motion – Publication of Councillor allowances and training in the Annual Report (SJ3414)	
Councillor	Councillor Coales
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> .

Notice of Motion

A Notice of Motion was received from Councillor Coales via email on 5 August 2021.

The Notice of Motion is “That Council REQUESTS that the Chief Executive Officer include in the 2020-21 Annual Report and the years thereafter the following information:

1. The report on training required by section 5.127 of the *Local Government Act 1995* on the training completed by Council Members in the financial year; and
2. The type, and the amount or value, of any fees, expenses or allowances paid to each Council Member during the financial year required to be published on the Shire’s website by Regulation 29C of the *Local Government (Administration) Regulations 1996*.”

Officer Comment

Section 5.53 of the *Local Government Act 1995* (the Act) specifies the minimum contents of a local government Annual Report. The Annual Report is to be accepted by the local government no later than 31 December after the financial year or later if the Auditor’s report is not available to meet that date.

Other sections of the Act (most notably section 5.96A) require certain information to be published on the Shire’s official website. Legislative reforms in recent years have expanded the types of information required to be reported on local government websites and Annual Reports. There is some cross-over between the information required to be published in the Annual Report and the official website.

The information proposed to be reported in the Annual Report by this notice of motion is consistent with information typically presented in Annual Reports and no barriers exist to its publication in the Annual Report, if Council was to resolve to proceed.



Voting Requirements: Simple Majority

OCM204/08/21

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Coales, seconded Cr Dagostino

That Council REQUESTS that the Chief Executive Officer include in the 2020-21 Annual Report and the years thereafter the following information:

- 1. The report on training required by section 5.127 of the *Local Government Act 1995* on the training completed by Council Members in the financial year; and**
- 2. The type, and the amount or value, of any fees, expenses or allowances paid to each Council Member during the financial year required to be published on the Shire's website by Regulation 29C of the *Local Government (Administration) Regulations 1996*.**

CARRIED UNANIMOUSLY 9/0



9.2 - Notice of Motion – Electronic participation at Council and Committee meetings (SJ3414)	
Councillor	Councillor Coales
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> .

Notice of Motion

A Notice of Motion was received from Councillor Coales via email on Monday, 9 August 2021.

The Notice of Motion is "That Council REQUEST that the Shire President write to the Minister for Local Government to advocate that the Minister amend the *Local Government (Administration) Regulations 1996* to permit Councillors and Committee Members to attend Council and Committee meetings via electronic means in any circumstance that would otherwise preclude their attendance in person."

Officer Comment

Currently, the *Local Government Act 1995* provides that to be present at a Council meeting that a person must be physically present, unless one of following circumstances apply under the *Local Government (Administration) Regulations 1996 (Administration Regulations)*:

- Attendance by telephone under (Regulation 14A)
- Attendance by telephone after natural disaster (Regulation 14B)
- Attendance by electronic means in public health emergency or state of emergency (Regulation 14C).

Electronic attendance outside of the provisions of the Administration Regulations is not permitted.

In 2019, the Department of Local Government released a discussion paper considering possible reforms to the Administration Regulations. The issues associated with remote attendance discussed in the Department's paper were as follows:

"Remote Attendance

Currently regulations allow council members to attend council meetings remotely in specific circumstances. To be eligible for remote attendance, the person (unless they have a disability) must be located in a council-approved place in a townsite that is at least 150km from the meeting venue. Even if a person is eligible, it is the council's decision whether they approve the remote attendance or not. A council is also not permitted to have members attend remotely for more than half of the meetings in a given financial year.

A member is present if they are in audio contact, by telephone or other means, with the other members of the meeting. The advancement of technology has made video calls part of everyday life and this should be reflected in modern meeting practices. Remote attendance is of particular benefit in remote areas where elected members would otherwise have to travel great distances to be present.

What are the opportunities for reform?

Expanding the instances in which remote attendance is allowed will help to ensure that local issues are heard and voted on by all elected members. It may also reduce the number of



instances in which a quorum is not present, thereby allowing the local government to run more effectively.

Reducing, or removing altogether, the 150km distance requirement may improve outcomes for elected members and the community. This increased flexibility may facilitate more efficient use of councillor's time and possibly encourage a larger pool of individuals interested in nominating to become an elected member.

The advancement of modern technology allows individuals to be in contact with the members present at the meeting from anywhere in the world. In modern times, the requirement that a councillor be in an approved townsite does not appear to serve a functional purpose.

There is some ambiguity as to whether the person must be within their local government district to attend remotely. This is not specified within the current Act, however there is an interpretation that a person must be within Western Australia for Western Australian law to apply. There is then a potential opportunity to expand the legislation to allow individuals to participate from interstate or even internationally by specifying that the law that applies is the law in the jurisdiction of the district.

A potential issue with remote attendance arises when a secret ballot is required. As they would have to submit the vote electronically or on the phone, it would be very easy to identify the remote attendee's vote. This issue could be remedied by implementing electronic voting for all council members. It is also arguable that in-person attendance aids in promoting trust and relationship-building between council members."

The consultation report subsequently published by the Department noted:

"While there was some strong support from local governments (both metropolitan and regional local governments) to relax the current rules around remote attendance, others were of the view that in person meetings were preferable. Feedback was also received about the restrictive nature of the current legislation where a person has to be located in a "townsite" to participate in meetings remotely."

At the time the Minister did not amend the Administration Regulations as part of the *Local Government Act 1995* review but in response to the COVID-19 pandemic in 2020, amendments were made that permit electronic attendance under specific circumstances during a public health emergency or state of emergency.

In July 2021, changes were made to the audio-visual equipment in Council Chambers to permit attendance via audio means. Video conferencing in Chambers is not available at this time.

The current technology employed in Council chambers is constrained by physical realities of chambers from an acoustic perspective which is exacerbated when rain occurs. Future-proofing Chambers into the future is a key consideration in the design of the new Council Chambers building.

Meetings with an electronic participant also require an effective connection between the physical meeting participants and all electronic participants. This connection will only be as good as the weakest connection.

As highlighted in WALGA's guide 'Good Governance in Practice – Electronic Council Meetings' participation by electronic means does require modification to meeting practices and procedures. As stated in WALGA's guide:

"Administration Regulation 14A specifically defines a 'suitable place' to be used by a Council Member, which must be approved before they can attend a meeting by telephone. The same



principle applies to eMeetings too, as the suitability of the 'place' may impact the confidentiality of matters behind closed doors, and otherwise risk Council Members being interrupted during the meeting."

WALGA's guide goes on to highlight modifications to behaviour and meeting practices are required for effective meetings with electronic participants. These points reflect the difficulties that can arise in maintaining order in a meeting with electronic participants, keeping an accurate record of departures from the meeting (for example due either to technological issues or departures as a result of a declared financial or proximity interest), limitations on traditional debate and compromises to voting conducted at the meeting.

While none of these elements are considered to rule out the concept in its entirety, as noted in WALGA's guidance material, a meeting conducted with non-physical participants is different from a meeting where all are physically present and is to a degree compromised. To this point, WALGA's guidance material states: *"Participating in an electronic meeting will be more difficult for Council Members to follow; this particularly so for the Minute Taker."*

This may be why despite increasing acceptance of electronic meetings, regulations permitting their wider use for local government have not been made to date.

At the same time with technological improvements such as video conferencing into the future, the various impediments and complications associated with Council being able to undertake its quasi-judicial functions in accordance with legislation with a combination of physical and electronic attendees are likely to diminish.

Council has previously resolved that investigations should be taken into improving audio visual technology as part of design of new Council Chambers. These improvements could include greater capacity to facilitate remote participation by a portion or all Councillors and/or the public gallery within the parameters established in legislation for the legal conduct of meetings.

Voting Requirements: Simple Majority

OCM205/08/21

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Coales, seconded Cr Dagostino

That Council REQUEST that the Shire President write to the Minister for Local Government to advocate that the Minister amend the *Local Government (Administration) Regulations 1996* to permit Councillors and Committee Members to attend Council and Committee meetings via electronic means in any circumstance that would otherwise preclude their attendance in person.

CARRIED UNANIMOUSLY 9/0



9.3 - Notice of Motion – Hopeland Community Hall (SJ3414)	
Councillor	Councillor Rich
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> .

Notice of Motion

A Notice of Motion was received from Councillor Rich via email on Monday, 9 August 2021.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer prepare a report:

- a. Detailing the condition and any restumping work needed to the support stumps of the Hopeland Community Hall.
- b. Provide a costing of works needed and possible funding options.
- c. Present the report to Council at the December 2021 Ordinary Council Meeting.”

Officer Comment

The Hopeland Community Hall was erected as a School in 1924. The building is on the Shire’s heritage inventory list.

The School closed in 1954 when the new Serpentine Primary School opened. The Hopeland Community Hall is now primarily used by the Hopeland Community Group for local community meeting. In 2021, eleven bookings have been received.



Figure 1 – building exterior



Figure 2 – building interior

An assessment in the manner proposed by the Notice of Motion will need to consider the heritage implications of any repair and maintenance. This can be included in the report to Council, if Council was to resolve in the affirmative. Completing an assessment of the building is considered by Officers to be an appropriate approach to determine the condition, scope and budget for any upgrades Council may consider.

Voting Requirements: Simple Majority

OCM206/08/21

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Rich, seconded Cr Strautins

That Council REQUESTS the Chief Executive Officer prepare a report:

- a. Detailing the condition and any restumping work needed to the support stumps of the Hopeland Community Hall.**
- b. Provide a costing of works needed and possible funding options.**
- c. Present the report to Council at the December 2021 Ordinary Council Meeting.**

CARRIED UNANIMOUSLY 9/0

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

10.1.1 – New Council Policy – Commercial Signage on Local Road Reserves (SJ2963)	
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.
-------------	--

Report Purpose

The purpose of this report is for Council to consider adopting a new Council Policy: Commercial Signage on Local Road Reserves. The Policy aims to provide guidance within the framework of the *Local Government Act 1995* in which commercial signage may be considered to be permitted within local road reserves under control of the Shire. The Policy is specific to:

- Defining such roads where commercial signage may be considered;
- Defining the acceptable size of such signs;
- Defining insurance, liability and maintenance requirements that the sign owner must adhere to; and
- Amenity considerations.

The preparation of this Policy is an important step in which to support a consistent risk based approach to the consideration of commercial signage requests within road reserves. This is to enable consideration of proposals under the head of power provided by the Shire's Public Places and Local Government Property Local Law 2019.

A new fee for inclusion within the Shire's 2021/2022 Fees and Charges Schedule has been resolved by Council, which relates to an application assessment fee and an annual licence fee for commercial signage. As such, a Council Policy will provide guidance in the exercise of assessment and consideration of applications that may be received pursuant to the new fee.

Relevant Previous Decisions of Council

There are no previous decisions of Council.

Background

The Shire has received requests in the past 12 months relating to commercial signs being constructed within Shire road reserves. There is currently no framework in place to effectively consider such requests, given that local road reserves exist outside the planning framework of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.



Introducing a framework in which to consider commercial signage requests within local government road reserves is reflective of local government sector approaches to dealing with these kinds of proposals. Having a robust policy framework in place, underpins good decision making and avoiding adverse impacts upon the locality, due to ad hoc or inconsistent decision making.

The Policy sets out provisions for both the signage application and assessment processes.

Community / Stakeholder Consultation

There is no requirement under the *Local Government Act 1995* to advertise Council Policies prior to being presented to Council for adoption. All policies, once adopted, are required to be available on the Shire's website.

Statutory Environment

Legislation

- *Section 2.72 (2) (b) of the Local Government Act 1995*
- *Public Places and Local Government Property Local Law 2019.*

Comment

Amenity

A key focus of the Policy is to ensure signs do not detract from the amenity and character of an area. Signs will only generally be supported where they are located within the town centres of Byford, Mundijong, Serpentine and Jarrahdale and where they relate to promoting the range of businesses and services available within these centres. Signage outside of these areas will generally not be supported. This is also consistent with the Shire's approach to signage applications on rural land, whereby signage is not supported where it is advertising a commercial product or entity not associated with approved development on such rural land.

Signage proposed within rural areas and areas of high amenity, especially natural amenity, will generally not be supported. The objectives of the Policy are as follows:

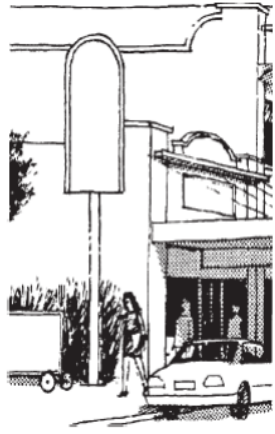
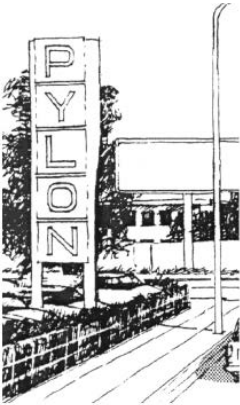
- *To provide a framework for the effective regulation of commercial signage on Shire road reserves, which ensures public safety is maintained and which protects the character and amenity of the area where signage may be proposed.*
- *To avoid the general proliferation of commercial signage, and to focus commercial signage within town centre areas where they relate to promoting the range of businesses and services available.*
- *To actively avoid commercial signage in rural areas and all areas of high amenity within the Shire, especially natural amenity.*
- *To guide applicants in understanding where commercial signage may be considered.*

Further to amenity, the Policy requires consideration be given to the 'Location, Display and Positioning' of signage. As such, to avoid clutter, signage must not be located within 100m of another sign where proposed on the same road reserve. Additionally, signage must be positioned to not expose an unsightly back to areas visible by the public. This to ensure that signage contributes to the streetscape and surrounding built form.



The Policy also requires the Shire to consider the colour, design, materials and presence of existing signage within the broader locality, including on private land, to determine the appropriateness/suitability of an application. There is a strong emphasis within the Policy of ensuring signage does not impact upon the amenity of an area.

In terms of acceptable sign types, the Policy looks to supporting a limited range of sign types that are linked with commercial signage within neighborhood and town centres in various locations. For those proposed within a road reserve, they will essentially be freestanding which means they will be either of the following forms:

Sign Type	Significant Development Standards
<p>Freestanding Sign:</p> <p>Is a sign that is not a pylon sign supported above ground level by one or more piers and is not attached directly to any building or other structure.</p> 	<p>The maximum sign face area is 2.4m²</p> <p>Has a maximum height of 5.0m above natural ground level.</p>
<p>Pylon Sign:</p> <p>Is a display surface the height of which is greater than the width and which may be positioned on the ground or mounted on one or more vertical supports.</p> 	<p>The maximum sign face is 10m² per face, for a maximum of two faces.</p> <p>The maximum height above the ground is to be 6.5m or the height of a building in close proximity whichever is the greater but is to not exceed 10m.</p> <p>Must be mounted as a free-standing sign.</p>

Importantly, obtusely large signage like freeway style billboard signs are not envisaged or supported. These are not consistent with the traditional high street character of the Shire's town centres.



The Policy will also require that signage is kept clean and free of dilapidation all times which will form part of the conditions of a permit. This is key to further ensure that there are no amenity impacts resulting from an approval of such developments.

Road Safety

Traffic safety is another important consideration within the Policy. Speed limits and traffic volumes vary within the Shire's local road network. Speed limits based on the below categories listed in the table vary between 50km/h -70km/h and can cater for significant volumes of traffic during peak traffic periods. In this regard, other than the mandatory requirement of signs being constructed to the relevant Australian standard and being frangible, signage is required to be set back from the edge of the road carriageway curb as follows:

Street Type	Design Speed Km/hr	Distance to edge of carriageway (Frangible sign)	Distance to edge of carriageway (Non frangible sign)
Integrator A and B	70	2.5m	2.75m
	60	2m	2.5m
Neighbourhood connectors and 50km/hr integrator B	50	0.75m	1.15m
Access street	50 or less	0.75m	0.75m

Ultimately, the higher the speed limit the greater the setback from the edge of the carriageway providing for a safer environment. Additionally, signage will not be supported within or in close proximity to intersections where traffic speed and movements are such that the driver needs to concentrate fully on the task of driving.

In terms of proximity to a State Government controlled roads, any sign that is visible from such road, will require a separate approval process from Main Roads Western Australia (MRWA). Officers, as part of this process, will also refer an application to MRWA for comment. This is an integral component of the process to ensure that there are no impacts upon the higher level road network which typically cater for greater volumes of traffic.

Administration

As part of any prospective application, the applicant must demonstrate suitable public liability insurance in order to indemnify the Shire against any and all claims or actions arising as a result of approving the sign. The Council Policy expressly requires an application to demonstrate this prior to being accepted by the Shire.

Any application which has been approved will be conditioned requiring that an annual licence fee is paid to the Shire. The licence fee will be in accordance with the Shire's Fees and Charges Schedule 2021 as aforementioned. The licence fee represents a fee for the use of the Shire's road reserves.

Options and Implications

Option 1

That Council ADOPTS Council Policy: Commercial Signage on Local Road Reserves as per **attachment 1**.



Option 2

That Council REFUSES TO ADOPT Council Policy: Commercial Signage on Local Road Reserves.

Option 1 is recommended.

Conclusion

The proposed Policy is a significant step towards progressing the framework to enable the consideration of commercial signage on road reserves. The policy will typically limit such signage, to only exceptional circumstances and only within key town centre areas and only where such signage is adequately spaced and which is limited to either a free standing sign or pylon sign, that does not exceed the size as specified in the policy.

The Policy emphasises that signage will not be supported within high amenity areas.

Attachments (available under separate cover)

- **10.1.1 – attachment 1** - Draft Commercial Signage on Local Road Reserves (E21/2394).

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 are no financial implications resulting from 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 is no risk associated with Option 1						
2	If Council resolves not to adopt the proposed Council Policy there will be no framework in place to accept and determine such proposals in the future.	There is currently no framework for this type of applications to be received	Reputation Organisational Performance	Possible	Minor	MODERATE	N/A

Voting Requirements: Simple Majority

OCM207/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Byas

That Council ADOPTS Council Policy: Commercial Signage on Local Road Reserves as per attachment 1.

CARRIED UNANIMOUSLY 9/0

**Councillor Strange declared an Impartiality Interest in item 10.1.2.**

10.1.2 – Section 31 Request for Reconsideration – Condition (I) of Approved Tourism Development (Short Stay Serviced Apartments) – Lot 4 (829) South Western Highway, Byford (SJ3565)	
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.
----------------	--

Report Purpose

This report presents to Council a request for reconsideration received from the State Administrative Tribunal (SAT) pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*. The request for reconsideration relates to condition (I) of Council's decision to approve the tourism development (short stay serviced apartments) located at Lot 4 (829) South Western Highway, Byford.

That condition stated as follows:

"The development shall only be occupied between a minimum of one night and a maximum of seven consecutive nights by any one person or one group of persons. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement."

In response to the legal framework of what constitutes the legal definition of short stay, and considering the additional information obtained from the applicant which illustrates the intended short stay nature, it is recommended that Council agree to modify the condition.

**Relevant Previous Decisions of Council**

Ordinary Council Meeting – 17 May 2021 – OCM111/05/21 - COUNCIL RESOLUTION –

That Council approves the development application for the construction of serviced apartments as contained within attachment 1 and attachment 4 at Lot 4 (829) South Western Highway, 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.*

<i>Plans and Specifications</i>	<i>Urbis Development Application Report dated 10 August 2020 BAL report prepared by Strategen dated 15 September 2020</i>
---------------------------------	---

- b. *Prior to the issue of a building permit, revised elevation plans being submitted to and approved by the Shire of Serpentine Jarrahdale. These revised elevation plans are to demonstrate the following minor changes:*

West Elevation

- The addition of recycled face brick on the blank portion of wall up to the first floor of the west elevation;*
- Amend the setback of the entrance of the building closer to George Street providing for large windows which wrap around toward the south elevation;*

East Elevation

- Provision of percent for art on the blank portion of wall between the first floor and the top of the second floor;*
- The addition of recycled face brick on the blank portion of wall from ground level to the first floor of elevation.*

North Elevation

- The addition of timber battens between the second floor and the top of the building;*
- The addition of recycled face brick to the most eastern part of the elevation where it encroaches past the existing building line of the adjoining development.*

- c. *Prior to occupation, the provision of percent for art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments, to the satisfaction of the Shire of Serpentine Jarrahdale.*
- d. *A total of 38 parking bays are to be provided to service the overall development. 30 parking bays are to be provided on site and eight provided on street within the adjoining George Street road reserve. The eight on street parking bays are to be constructed as right angled public bays within the western verge of George Street, designed, configured and located to the satisfaction of the Shire on advice from Metronet. Details to be submitted to and approved by the Shire prior to the issue of a Building Permit, and construction to be completed to the specifications and satisfaction of the Shire prior to occupation of the development.*
- e. *Prior to occupation of the development, all vehicle parking areas (both on and offsite) accessways and crossovers shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.*
- f. *Prior to issuing of a Building Permit, a Bushfire Management Plan shall be submitted to the Shire of Serpentine Jarrahdale for approval. The Plan shall be prepared in accordance with*



State Planning Policy 3.7 Planning in Bushfire Prone Areas. Once approved the Plan shall be implemented.

- g. Prior to issue of a Building Permit, a Signage Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy 3.8 Byford Town Centre Built Form Guidelines. Once approved, signage shall be displayed and maintained in accordance with the approved Signage Plan.*
- h. Prior to issuing a Building Permit, a Waste Management Plan must be prepared and submitted to the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the following:*
 - i. The location of bin storage areas and bin collation areas;*
 - ii. The number, volume and type of waste to be placed in the bins;*
 - iii. Management of the bins and the bin storage areas, including cleaning, rotation and moving of bins to and from the bin collection areas; and*
 - iv. Frequency of bin collections.*

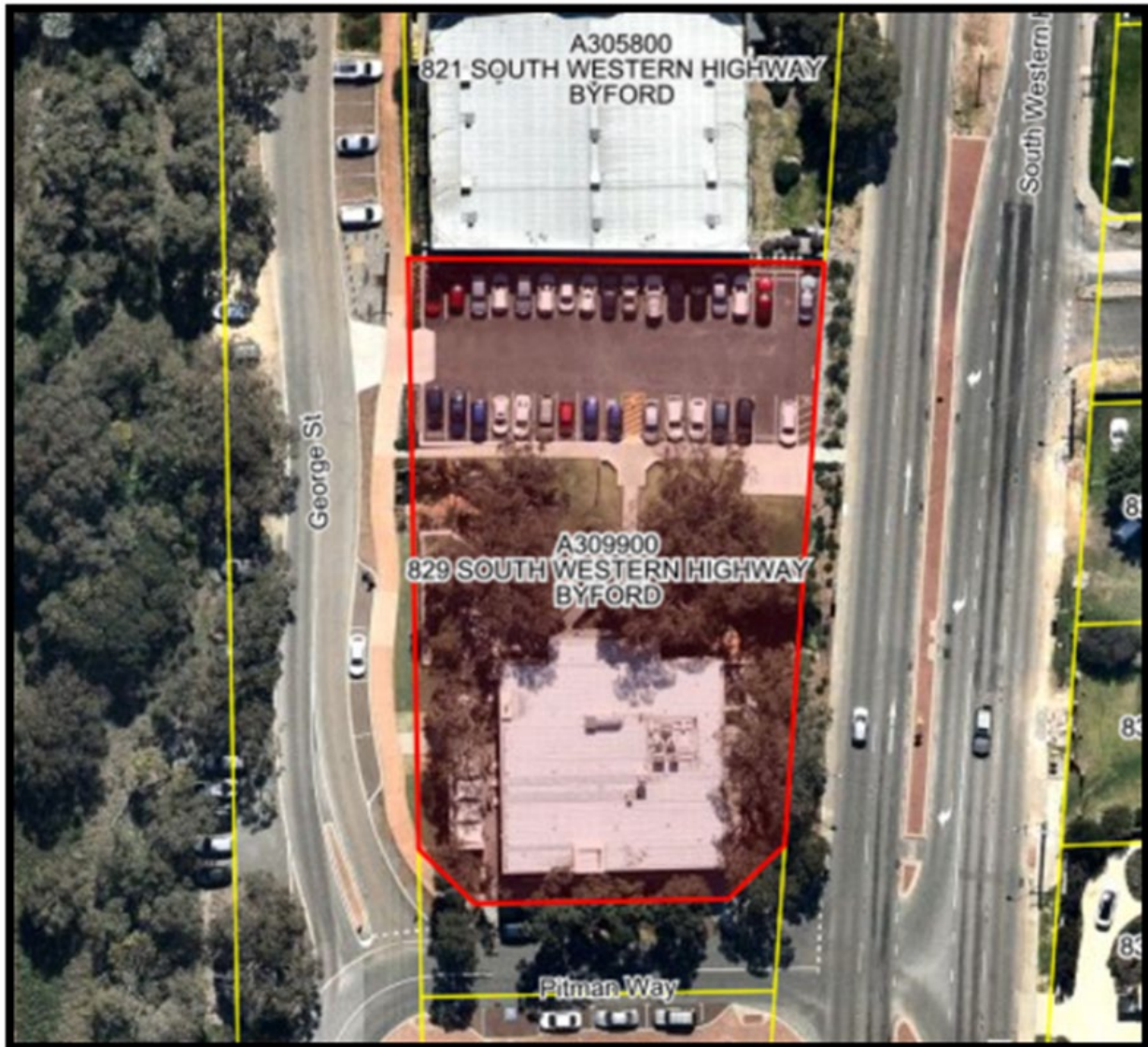
Once approved, the Waste Management Plan shall be implemented and maintained thereafter.

- i. Plans submitted for a Building Permit are to demonstrate how external noise associated with the railway and South West Highway can be moderated to ensure an acceptable level of internal amenity, to the satisfaction of the Shire of Serpentine Jarrahdale.*
- j. A Noise Management Plan is to be submitted to and approved by the Shire prior to the issue of a Building Permit. This is to demonstrate how external noise impacts associated with the development are managed so as to not create an unacceptable noise impact on nearby sensitive development, to the satisfaction of the Shire.*
- k. Prior to issue of a Building Permit, a colour and materials schedule is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The colour palette should reflect the Shire's rural tones and be sympathetic to surrounding nearby development.*
- l. The development shall only be occupied between a minimum of 1 night and a maximum of 7 consecutive nights by any one person or one group of persons. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement.*
- m. The building is to be constructed as a Class 3 public building, and is required to comply with the associated universal accessibility design requirements set out for Class 3 public buildings in Volume One of the National Construction Code.*

Background

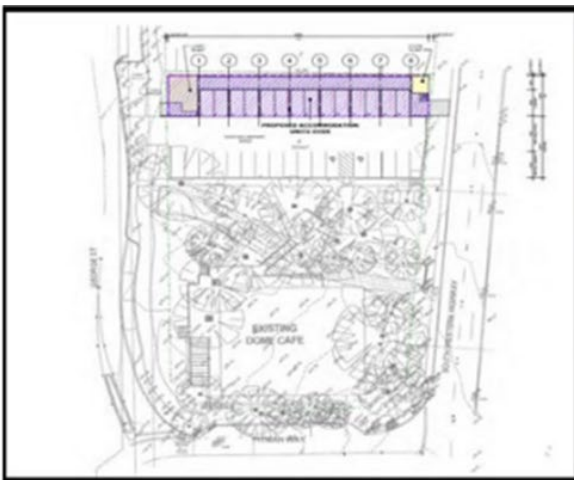
Council, at its Ordinary Council Meeting held on 17 May 2021, resolved to grant a development approval for the construction of short stay serviced apartments at Lot 4 (829) South Western Highway, Byford.

The approved development would be located opposite the existing approved restaurant (Dome Café) onsite, perched over the northern row of car parking creating undercroft parking in this regard. The approved development comprises of a lobby, onsite parking bays, 14 self-contained short stay apartments varying in size between 20-27m² over three levels. The subject site is depicted following:



Aerial Image: 829 South Western Highway

Site plan and perspective of development are also depicted following:



Site Plan



Perspective



On 2 July 2021, the applicant lodged an application for review of condition (I) of Council's decision, with the State Administrative Tribunal. The condition subject to the appeal is as follows:

Condition (I)

- (I) The development shall only be occupied between a minimum of one night and a maximum of seven consecutive nights by any one person or one group of persons. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement.*

Mediation occurred on 14 July 2021, in order to discuss the key issues relating to the imposition of the condition. As a result of mediation, the applicant has submitted further information to clarify the ultimate purpose of the short stay accommodation and expected duration of stay for occupants.

With regard to any reconsideration request under Section 31(1) of the SAT Act 2004, a responsible authority may:

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

If Council resolved to vary conditions, the applicant seeking the review could choose to withdraw the proceedings as a result of the new conditions.

Community / Stakeholder Consultation

The development application was originally advertised to surrounding landowners for a period of 21 days, between 14 October 2020 to 2 November 2020 within a radius of 100m of the site, in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters. The application was also advertised on the Shire's website, and the Examiner Newspaper. Two submissions were received resulting from this process and were adequately addressed within the Council report presented with this Item at its 17 May 2021, Ordinary Council Meeting. The application was also referred to relevant State Government agencies.

The additional information submitted as part of this process does not impact upon any of the responses to the previous submissions received.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2;*
- *State Administrative Tribunal Act 2004.*

Local Planning Framework

- Draft Local Planning Scheme No.3;
- Draft Local Planning Strategy;
- Lots 1, 3 & 128 South Western Highway Local Structure Plan;



Planning Assessment

Original Condition (I)

"The development shall only be occupied between a minimum of one night and a maximum of seven consecutive nights by any one person or one group of persons. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement".

Additional information received from applicant

The applicant has submitted information which demonstrates that the development will be operated by the Dome Café Group. The development forms part of the operator's business model, providing for short stay accommodation in conjunction with Dome Cafes around Western Australia. In discussions with the applicant, it was noted that this also focusses on the growing local tourism market, and the increased requests for wedding and conference type venues that have a unique setting with accommodation while still being close to the Perth Central Area.

The information further lists the other short stay accommodation venues similar to the approved development, operated by Dome Café Group, which have successfully integrated tourism accommodation as part of their integrated offering.

The applicant seeks to modify the condition to read as follows:

"The development shall only be occupied between a minimum of one (1) night and a maximum of three (3) consecutive months by any one person or one group of persons. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement."

Officer assessment of additional information

Given the approval for short stay accommodation, officers note for Council some of the findings of the planning framework that define what short stay means. The Shire's Draft Local Planning Scheme No. 3, which is now at an advanced stage of consideration by the WAPC and Minister, defines short-term accommodation as:

"mean[ing] temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three months in any 12 month period."

Draft LPS3 then defines the term serviced apartment as:

"meaning a group of units or apartments providing –

- (a) self-contained short-stay accommodation for guests; and
- (b) any associated reception or recreational facilities.

An important question is whether short term accommodation also means short stay. In this regard, in the matter of Clay and City of Nedlands [2012] WASAT 193 (affirmed in Clay v City of Nedlands [2012] WASC 402), the Tribunal considered the meanings. The Tribunal found that:

"Short-term accommodation' means the use of land for the temporary accommodation of the travelling public and includes a serviced apartment, a motel, holiday flat and a backpackers['] hostel, but does not include a dwelling or a hotel.

In the Tribunal's opinion, such a definition, which focuses on the use of the land for the temporary accommodation of the travelling public, captures the essential notion of what short stay accommodation is. The expressions 'short stay' and 'short term' accommodation are, in my view, more or less interchangeable for present purposes."



Given, therefore, the interchanging nature of the terms, and that Draft LPS3 provides a maximum limit of three months in any 12 month period for short term, this provides a basis for three months to be used as an upper limit.

In respect of the additional information provided by the applicant, Officers have a degree of certainty that the development will be undertaken in a manner which reflects typical short stay accommodation operations. It provides Officers with confidence that Council's concerns relating to the development potentially being used as a quasi-residential development or long-term accommodation will not occur under any basis.

Overall, based on the information submitted, Officers have a degree of certainty that the development will be specifically used for short term accommodation purposes. Officers recommend that the condition (I) be modified to reference, as follows:

"The development shall only be occupied between a minimum of one (1) night and a maximum of three (3) consecutive months by any one person or one group of persons. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement."

Options and Implications

Option 1

That Council, in response to the Section 31 Request for Reconsideration issued by the State Administrative Tribunal, reconsiders Condition (I) to be changed to the following:

"The development shall only be occupied between a minimum of one (1) night and a maximum of three (3) consecutive months by any one person or one group of persons in any 12 month period. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement"

Option 2

That Council REFUSES to reconsider modifying condition (I).

Option 1 is recommended.

Conclusion

Council has been invited to reconsider a condition of its decision to approve a three storey short stay serviced apartment development, comprising of 14 rooms. The reconsideration follows a review of a condition imposed by Council in its approval of the development, and the applicant has provided additional information specific to condition (I) of the approval. The additional information reveals that that the development will be used primarily for short stay accommodation with occupancy ranging between one night and no more than three months. The planning framework properly reference short stay to being no longer than 3 months, and it is recommended that Council reconsider condition (I) to reflect this, and the additional operational information provided by the applicant.

Attachments (available under separate cover)

- **10.1.2 – attachment 1 – Additional Information - IN21/17940**



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 material risks associated with option 1						
2	If Council refuse to reconsider the original conditions subject to the SAT appeal, the matter may progress towards a full hearing at the SAT	Nil	Financial	Possible	Minor	MODERATE	Nil



Voting Requirements: Simple Majority

OCM208/08/21

MOTION / Officer Recommendation

Moved Cr Coales, seconded Cr McConkey

That Council, in response to the Section 31 Request for Reconsideration, **RECONSIDERS** and **AMENDS** Condition (l) of the approval for the Tourism Development (Short Stay Serviced Apartments) at Lot 4 (829) South Western Highway, to now read as follows:

“The development shall only be occupied between a minimum of one (1) night and a maximum of three (3) consecutive months by any one person or one group of persons in any 12 month period. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement”

MOTION LOST 3/6

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

Councillors Coales, McConkey, Strautins voted FOR the motion.

Councillors Rich, Atwell, Byas, Dagostino, Denholm, Strange voted AGAINST the motion.

MOTION

Moved Cr Strange, seconded Cr Denholm

That Council, in response to the Section 31 Request for Reconsideration, **RECONSIDERS** and **AMENDS** Condition (l) and adds a further condition (n) to the approval for the Tourism Development (Short Stay Serviced Apartments) at Lot 4 (829) South Western Highway as follows:

- (l) The development shall only be occupied between a minimum of one (1) night and a maximum of three (3) consecutive months by any one person or one group of persons in any 12 month period. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement;
- (n) Prior to issue of a building permit, the applicant shall submit an operational management plan for the development to the satisfaction of the Shire of Serpentine Jarrahdale. This is to document management approaches pertaining to extended short stay accommodation such as meals provision, apartment servicing and laundry facilities. The operational management plan is to be approved prior to this issue of a building permit.



OCM209/08/21

MOTION

Moved Cr Coales, seconded Cr Dagostino

In accordance with clause 12.6 of the *Standing Orders Local Law 2002 (as amended)* that the ruling of the Person presiding be disagreed with.

MOTION LOST 3/6

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

Councillors Coales, Dagostino, McConkey voted FOR the motion.

Councillors Rich, Atwell, Byas, Denholm, Strange, Strautins voted AGAINST the motion.

OCM210/08/21

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Denholm

That Council, in response to the Section 31 Request for Reconsideration, RECONSIDERS and AMENDS Condition (l) and adds a further condition (n) to the approval for the Tourism Development (Short Stay Serviced Apartments) at Lot 4 (829) South Western Highway as follows:

- **(l) The development shall only be occupied between a minimum of one (1) night and a maximum of three (3) consecutive months by any one person or one group of persons in any 12 month period. The applicant shall maintain an up to date accommodation log that is to be available for viewing at any time by the Shire of Serpentine Jarrahdale, to ensure compliance with this requirement;**
- **(n) Prior to issue of a building permit, the applicant shall submit an operational management plan for the development to the satisfaction of the Shire of Serpentine Jarrahdale. This is to document management approaches pertaining to extended short stay accommodation such as meals provision, apartment servicing and laundry facilities. The operational management plan is to be approved prior to this issue of a building permit.**

MOTION CARRIED 7/2

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

Councillors Rich, Atwell, Byas, Dagostino, Denholm, McConkey, Strange voted FOR the motion.

Councillors Coales, Strautins voted AGAINST the motion.

Reason for difference to Officer recommendation

To ensure adequate consideration of operational matters prior to building licence.



10.1.3 – Proposed Ancillary Dwelling – Lot 12, 127 Peters Way, Oakford - PA21/556	
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.
----------------	--

Proponent:	Domestic Drafting Services
Owner:	Cynthia and John Jackson
Date of Receipt:	17 June 2021
Lot Area:	2.11 ha
Town Planning Scheme No 2 Zoning:	'Special Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for the construction of an Ancillary Dwelling at Lot 12, 127 Peters Way, Oakford. The proposed Ancillary Dwelling seeks a minor 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 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, notwithstanding the variation, the proposal is consistent with the objectives of LPP4.1 and the broader planning framework and therefore the application is recommended for approval.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background**Existing Development**

The subject site is approximately 2.11ha in area and has its frontage to Peters Way and is zoned 'Special Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).



The site comprises of a dwelling and associated incidental structures with mature, dense vegetation located along the northern, eastern and western boundaries.



Subject Site (north point is facing down to enable easier interpretation of design plans)

Proposed Development

The application seeks approval for the construction of an Ancillary Dwelling, which is proposed to be located to the front of the existing dwelling and attached via an existing carport. The proposed Ancillary Dwelling measures a total of 99.61m² and would be located 35.9m from the street and 17.9m from the nearest (west) lot boundary.

The proposed design would see the extension of the zincalume gable roof of the existing dwelling and use of cream face brick to match the design of the existing dwelling. The design also includes a verandah and two windows facing the street, to improve surveillance and presentation to the street, which currently presents the blank wall. The figures below show the location and design of the proposal.

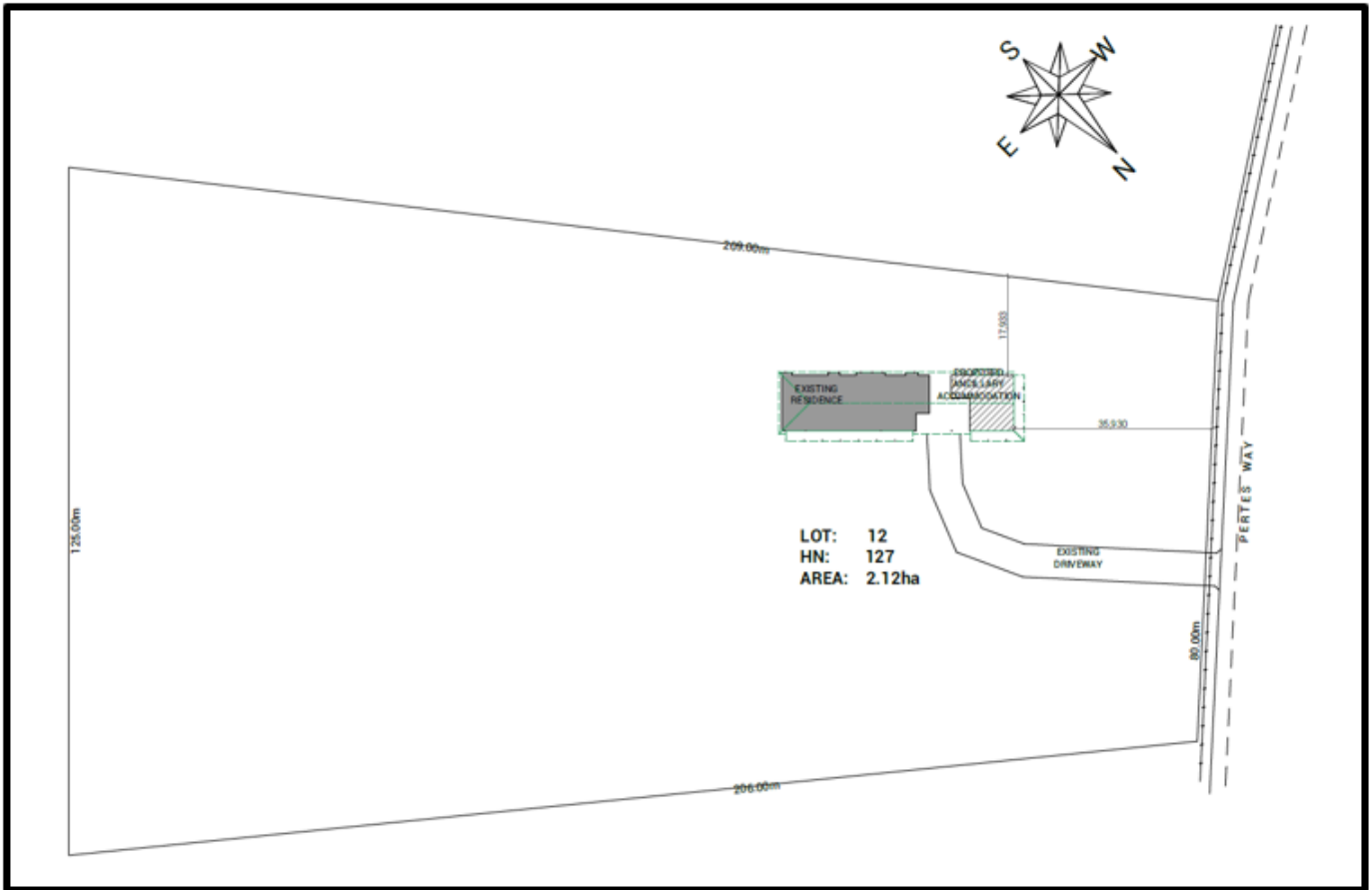


Figure 2: Site Plan

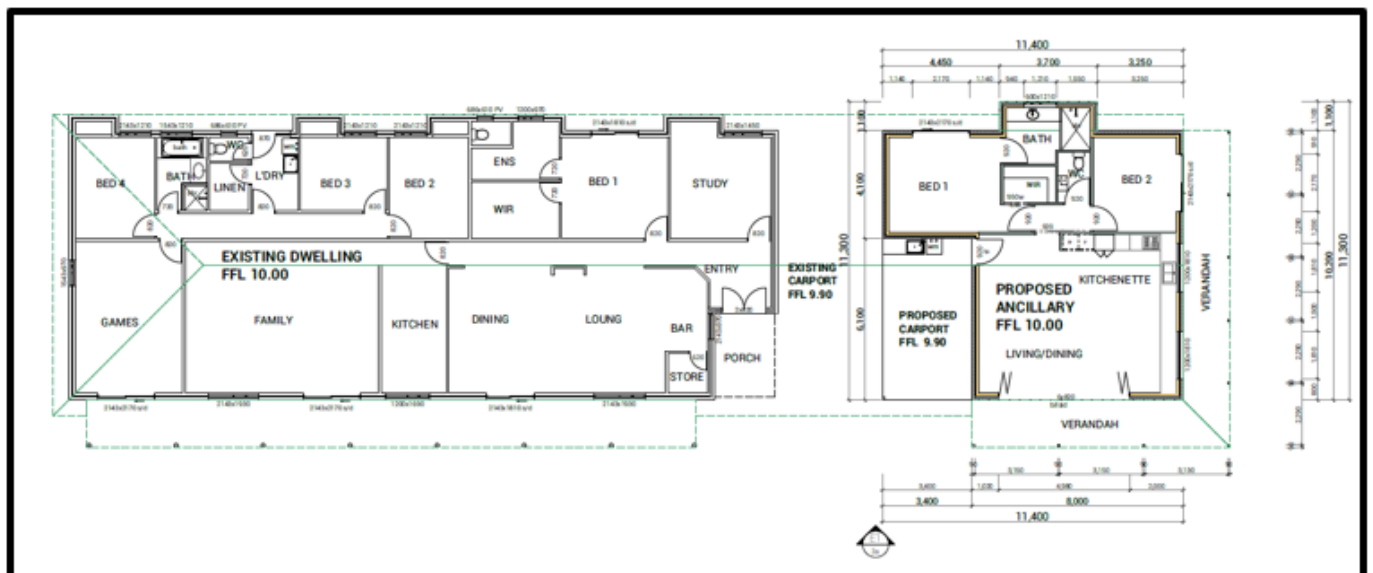


Figure 3: Floor Plan

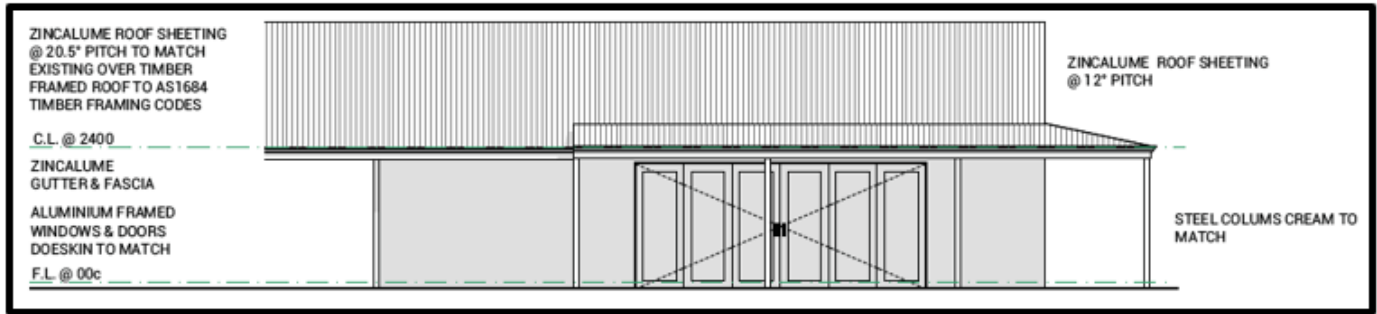


Figure 4: Northern Elevation

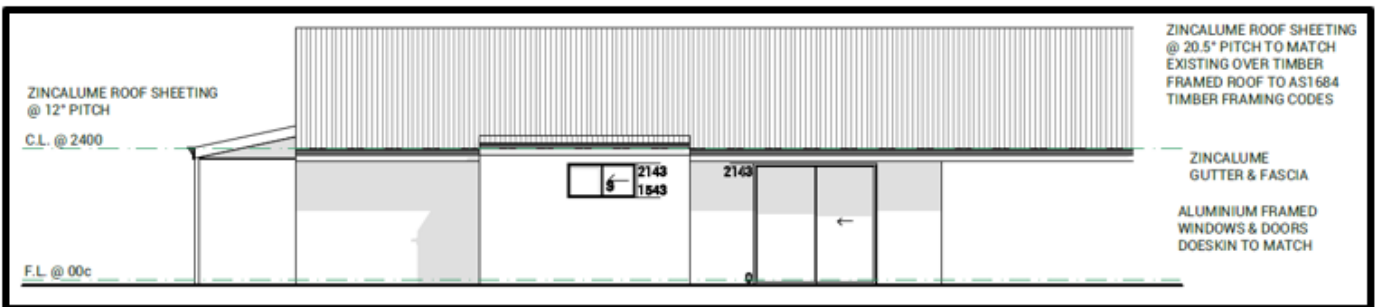


Figure 5: Southern Elevation

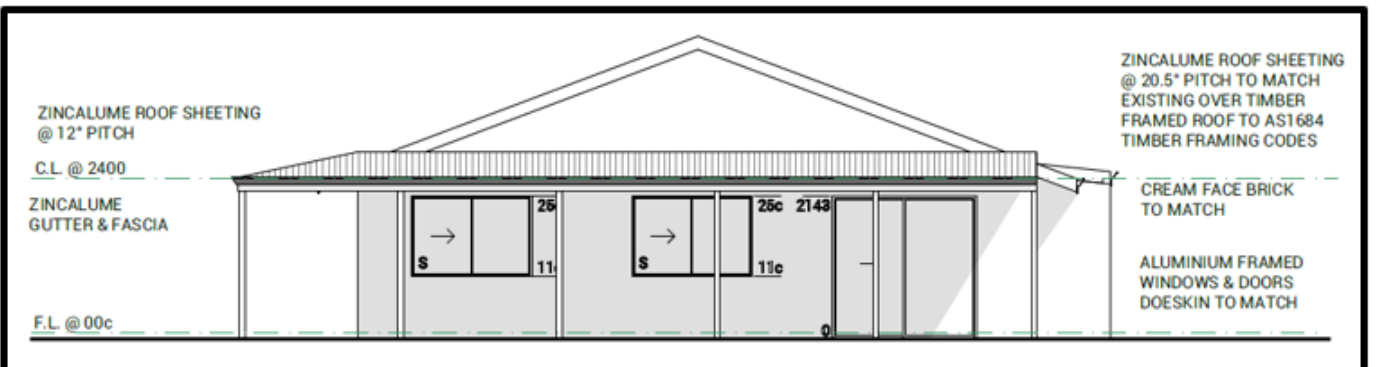


Figure 6: Western Elevation

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

Community / Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 21 days from 17 June 2021 to 8 July 2021, in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters (LPP1.4). During this period no submissions were received.

Statutory Environment

Legislation

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



State Government Policies

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

Local Planning Framework

- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;
- Draft Shire of Serpentine Jarrahdale Local Planning Strategy;
- Local Planning Policy 1.4 – Consultation for Planning Matters (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 under LPP4.1 and where Council is required to exercise 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 attached to a single house by means of extensions to the existing building.

The subject site is currently zoned 'Special Rural' under TPS2. Under Table 1 – Zoning Table of the TPS2, the land use of 'Ancillary Dwelling' is an 'AA' use in the 'Special Rural' zone, meaning *"Council may, at its discretion, permit the use"*.

The proposal also meets the definition of an 'Ancillary Dwelling' under Local Planning Scheme No.3 (LPS3), which is unchanged. The subject site would be zoned 'Rural Residential' under LPS3, in which an 'Ancillary Dwelling' use would be a 'P' use, meaning the use would be permitted if it complies with all relevant development standards and requirements of LPS3.

Based on the above, Officers are satisfied that the proposed land use is capable of approval.

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

LPP4.1 varies the maximum plot ratio allowed for Ancillary Dwellings under the R-Codes from 70m² to a maximum of 100m² where the R2 density code applies. Clause 5.4.2(a) of TPS2 applies an R2 density code for residential development on lots within the 'Special Rural' zone. As such, the development falls within the scope of LPP4.1

The policy also specifies a number of design requirements to ensure the additional floor area permitted under the policy does not adversely impact the streetscape or amenity of the area. These design requirements have been addressed in the table below:

Element	Design Requirements	Compliant
a) Siting	An Ancillary Dwelling is to be located behind the building line of the primary dwelling.	No
b) Scale	An Ancillary Dwelling shall have no more than two (2) bedrooms. An Ancillary Dwelling shall appear subservient in scale to the primary dwelling.	Yes



	An Ancillary Dwelling shall appear subservient in scale to the primary dwelling.	Yes
c) Access/Parking	A maximum of one (1) covered car parking space shall be provided in addition to those required for the primary dwelling. No additional crossovers will be permitted. Vehicle access shall be shared with that of the primary dwelling.	Yes Yes
d) External Appearance	Incorporates habitable design elements such as awnings, verandahs, patios. An Ancillary Dwelling is to be finished with a material of similar colour to the primary dwelling.	Yes Yes

The proposed Ancillary Dwelling would be located forward of the building line of the existing single house and therefore seeking a variation to the siting requirements of LPP4.1. Consideration has been given to the objectives of LPP4.1 to determine if the proposal still aligns with the intent of the policy. The policy objectives have been addressed in the table 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.	The proposed Ancillary Dwelling has been designed to appear as an extension to existing dwelling. The roofline and brickwork of the existing dwelling would be extended towards the street to facilitate the Ancillary Dwelling. The proposed design also entails two windows to habitable rooms and a verandah, which are considered to be an improvement to the presentation of the development on the street, which currently presents as a blank wall. While the Ancillary Dwelling is proposed forward of the building line of the existing dwelling, Officers are satisfied that the proposal would appear as an extension of the existing dwelling and would not adversely impact on the amenity of the locality.
Ensure that Ancillary Dwellings are subservient to the primary dwelling.	The Ancillary Dwelling would have a plot ratio area of 99.6m ² and contain only two bedrooms. The existing dwelling is a substantially sized family home with four bedrooms and multiple communal areas. The size of the Ancillary Dwelling is therefore considered subservient in scale to the Single House.



Objective	Proposal
Protect against increase in residential density and ad hoc fragmentation of land by ensuring that development does not encourage future subdivision.	<p>The proposal only seeks variation to the siting of the Ancillary Dwelling forward of the existing dwelling. No variations to plot ratio area, parking provision, or number of bedroom are sought and the Ancillary Dwelling would be attached to the existing dwelling.</p> <p>The proposed design and location are not considered to generate an increase in residential density beyond what the policy already allows and is not considered to encourage future subdivision.</p>

Officers consider that the application, despite the minor variation proposed to the siting of the ancillary accommodation, aligns with the objectives of LPP4.1 and therefore can be supported.

Options and Implications

Option1

That Council APPROVES the development application for the Construction of an Ancillary Accommodation at Lot 12, 127 Peters Way, Oakford subject to the following conditions:

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

Plans and Specifications	P1-P4 received at the Shire's Offices on the 17 June 2021 P5- P25 Bushfire Attack Level Assessment prepared by Associated Building Surveyors
--------------------------	---

- 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 approved application.

Option 2

That Council REFUSES the development application for the construction of Ancillary Dwelling at Lot 12,127, Peters Way, Oakford, stating reasons for refusal.

Option 1 is recommended.

Conclusion

The application seeks approval for the construction of an Ancillary Dwelling, which is proposed to be located forward of the existing dwelling, a variation to the siting element of LPP4.1. Notwithstanding this variation, the proposal is considered consistent with the objectives of the



policy and the planning framework. The built form is not considered to adversely impact on the amenity of the streetscape or that of neighbouring residents and the proposal is therefore recommended for approval.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** – Development Application details (IN21/17473)
- **10.1.3 - attachment 2** – Technical Assessment (IN21/16793)

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	Council approving the application	There are no risks considered associated with this option					
2	Should Council resolve to refuse the application	Planning Framework	Reputation	Possible	Minor	MODERATE	Council to provide sound planning reasons for refusal



Voting Requirements: Simple Majority**OCM211/08/21****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr McConkey, seconded Cr Byas**

That Council APPROVES the development application for an 'Ancillary Dwelling' at Lot 12, 127 Peters Way, Oakford, as contained within attachment 1, subject to the following conditions:

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

Plans and Specifications	P1-P4 received at the Shire's Offices on the 17 June 2021
	P5- P25 Bushfire Attack Level Assessment prepared by Associated Building Surveyors

- 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 approved application.**

CARRIED UNANIMOUSLY 9/0



10.1.4 – Proposed Road Naming – Lot 9005 Kargotich Road, Oakford (SJ500-03)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.

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.
----------------	--

Proponent:	Arbitrage Projects
Owner:	Asterdell Corporation Pty Ltd
Date of Receipt:	5 July 2021
Lot Area:	13.49ha
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a proposal for one new road name for a subdivision at Lot 9005 Kargotich Road, Oakford.

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

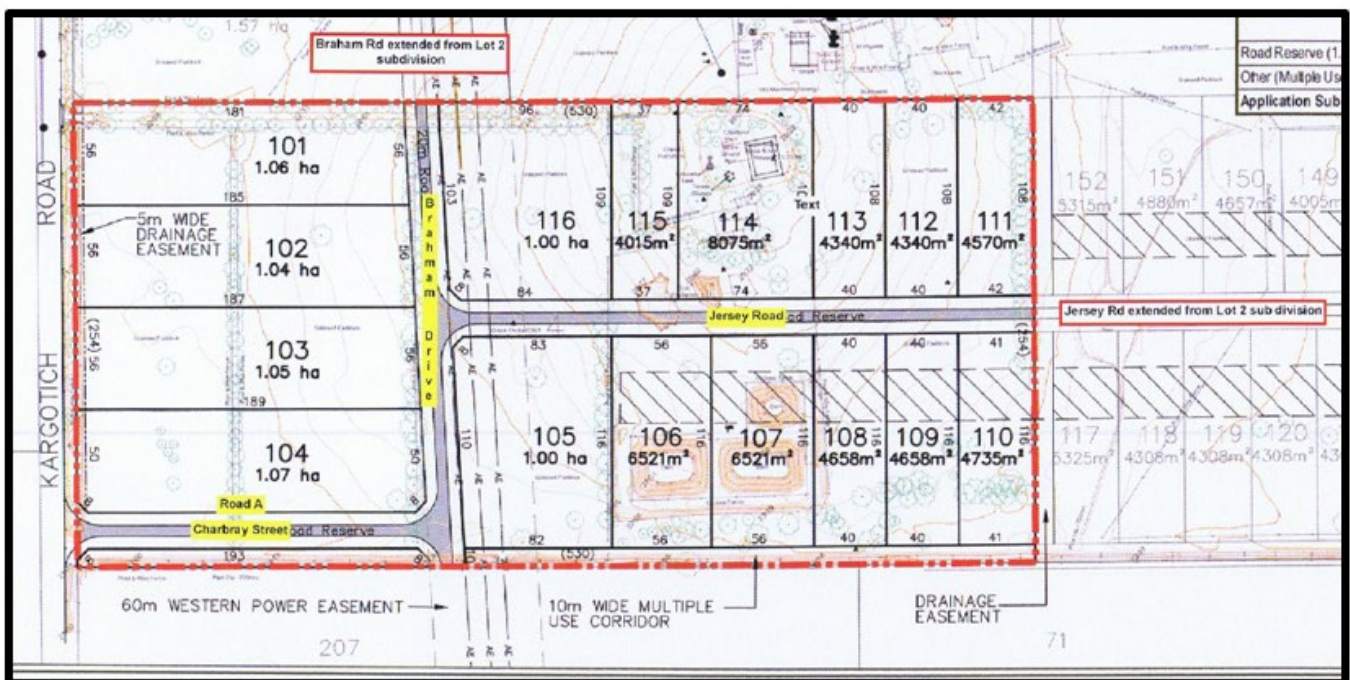
Background

The proposal relates to the subdivision of Lot 9005 Kargotich Road, Oakford, which will result in the creation of one new road and the extension of two existing roads. Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*.



Aerial Photography

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



Road Layout Plan

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



Community / Stakeholder Consultation

The Policy that was developed to guide the consideration of road naming requests was subject to community consultation and engagement.

Statutory Environment

Legislation

- *Land Administration Act 1997.*

State Government Policies

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

Local Planning Framework

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

Assessment

The proposed road name relates to the western most area of the Oakford Fields Estate, which does not have a formal naming theme; however, features names relating to cattle breeds. The road names proposed build on this informal theme to establish a sense of consistency through the broader area. Refer to the below table for the full list of names and background:

Road Name Table	
Proposed Names	Background/History
Charbray	An Australian cattle breed
Alternative Names	Background/History
Greyman	An Australian cattle breed
Brangus	A breed of Cattle popular in Australia

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

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed road names have been documented in the road name table, earlier in this report.



Policy Assessment	
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	The proposed preferred and alternative names are not considered to be offensive, incongruous or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	The proposed preferred and alternative names are considered to be easy to read, spell and pronounce.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred and alternative names comprise of no more than nine letters and are only one word in length.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the GNC policy.</p> <p>Street (ST) – Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.</p>
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	All road names proposed are between seven to eight letters, are of a practical length.

As Council may recall, Officers are currently progressing a review and update to the Shire's Municipal Heritage Inventory, which was last comprehensively compiled in the year 2000. This review and update is taking the form of a new Local Heritage Survey (LHS), to reflect the new nomenclature under the Heritage Act 2018. This process is going well and has been subject to community consultation with the intent of bringing a Draft of the LHS to Council later this year. Upon completion of the LHS, officers have proposed that Council consider generating a new set of themes and recommended place names, that can be proactively advocated to developer themes/names that they can embrace.

Options and Implications

Option 1

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forward the preferred name as contained within **attachment 1** to Landgate for final approval:
 - a. Charbray
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:
 - a. Greyman
 - b. Brangus



3. REQUESTS the Chief Executive Officer to identify, as part of the Local Heritage Survey, a process and list of names to inform future road naming requests.

Option 2

That Council DOES NOT ENDORSE the proposed road names.

Option 1 is recommended.

Conclusion

Council endorsement is sought for one proposed road name and two alternatives to be used as part of the subdivision at Lot 9005, Kargotich Road, Oakford. The proposed names are considered to be consistent with the requirements of LPP1.7 and the GNC's road naming policy. Officers support the proposal and recommend that Council endorse the proposed names.

Attachments (available under separate cover)

- 10.1.4 – attachment 1 – Road Layout Plan (E21/7992)
- 10.1.4 – attachment 2 – Road Name List (E21/7998)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	Council not supporting the names	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 – Road Naming	Social / Community Outcomes	Possible	Insignificant	LOW	Propose alternative names to replace those that are not supported



Voting Requirements: Simple Majority

OCM212/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strautins

That Council:

- 1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forward the preferred name as contained within attachment 1 to Landgate for final approval:**
 - a. Charbray**
- 2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:**
 - a. Greyman**
 - b. Brangus**
- 3. REQUESTS the Chief Executive Officer to identify, as part of the Local Heritage Survey, a process and list of names to inform future road naming requests.**

CARRIED UNANIMOUSLY 9/0



10.1.5 – Proposed Road Naming – Lots 9 and 9101 Warrington Road, Byford (SJ500-03)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
----------------	--

Proponent:	Harley Dykstra
Owner:	8 Warrington Road Pty Ltd, Gleaneagle Securities Pty Ltd and Planmar Pty Ltd
Date of Receipt:	9 June 2021
Lot Area:	8.1 ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a proposal for seven new road names and two alternative road names for a subdivision at Lots 9 and 9101 Warrington Road, Byford and a road naming theme based on locally found plant species. The theme has been inspired by plant species present within the nearby Briggs Park Reserve, most of which are local native or Australian species.

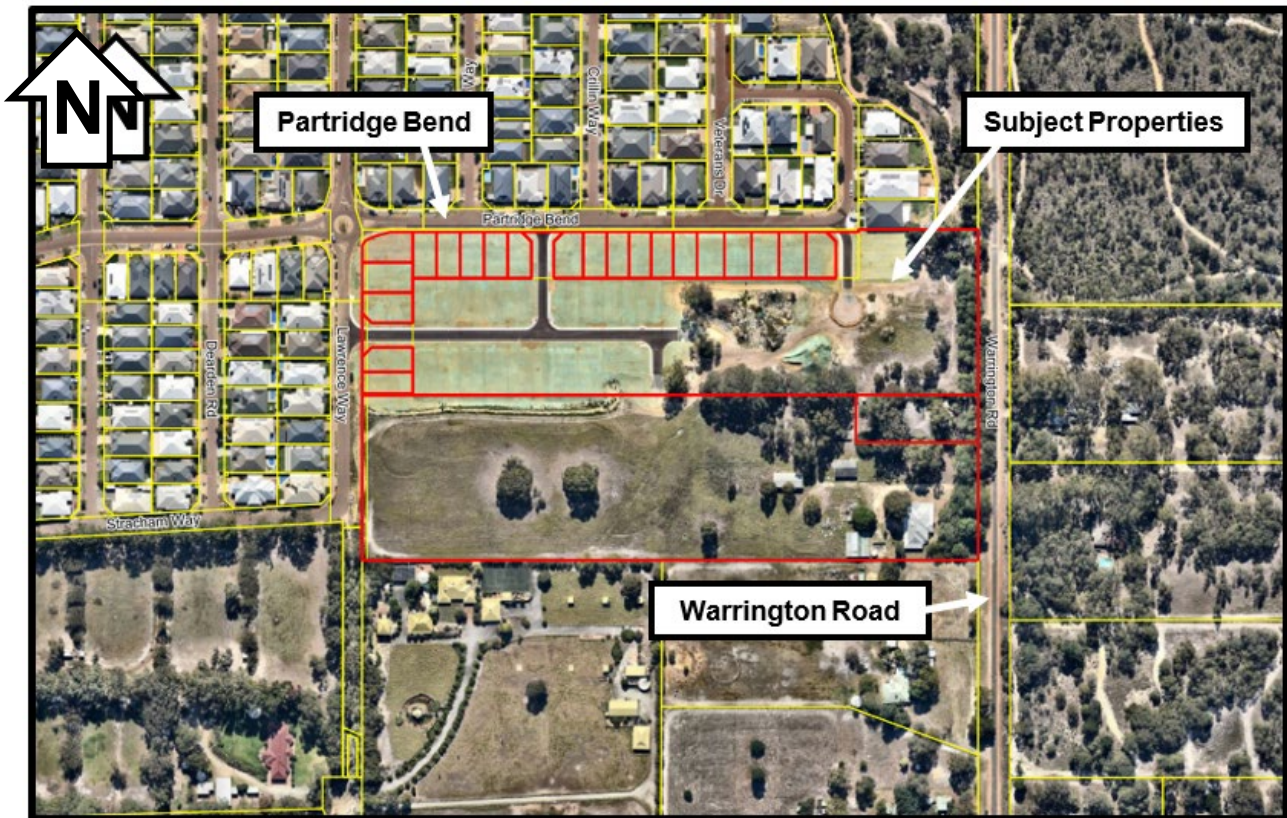
Officers recommend that Council endorse the proposed road name and alternatives, on the basis of their suitability in respect of assessment against the Policies and Standards for Geographical Naming in Western Australia (GNC policy) and Local Planning Policy 1.7 – Road Naming (LPP 1.7).

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

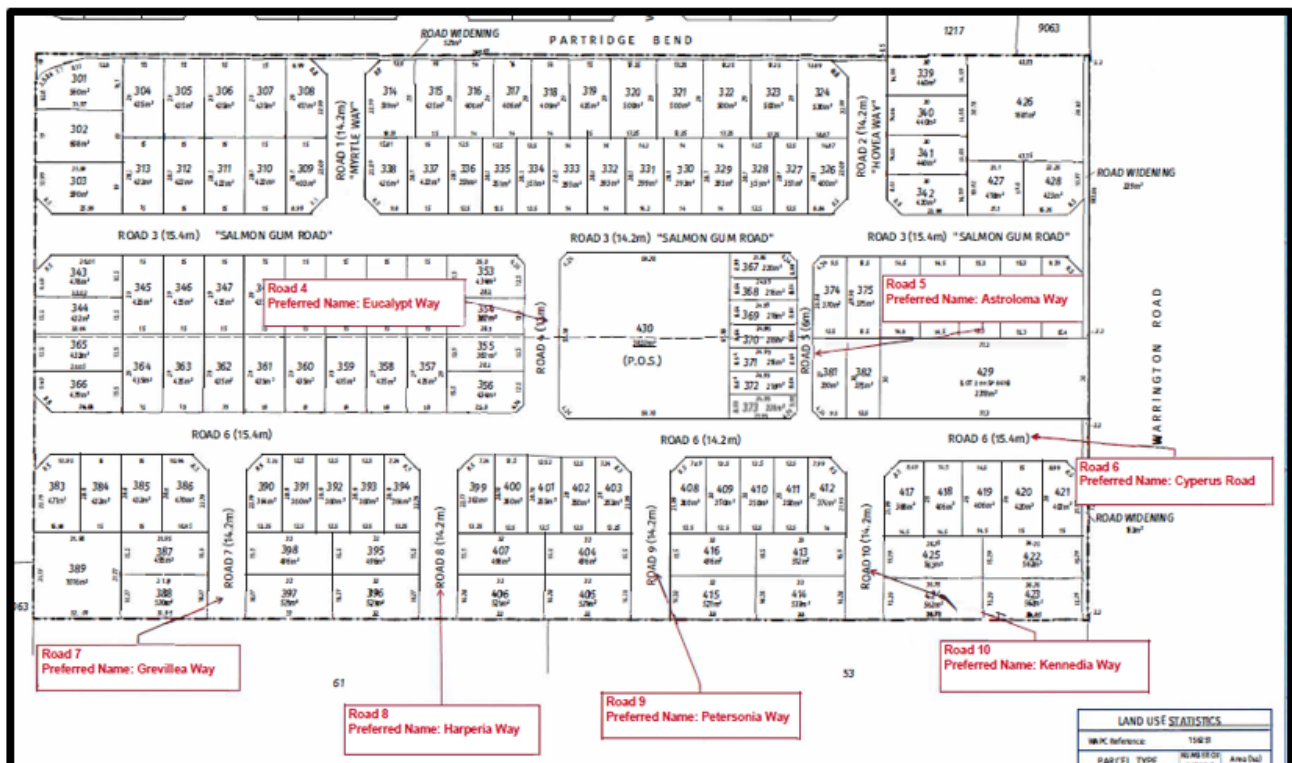
Background

The proposal relates to the subdivision of Lots 9 and 9101 Warrington Road, Byford, which will result in the creation of seven new roads. Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*.



Aerial Photography

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



Road Layout Plan



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

Community / Stakeholder Consultation

The Policy that was developed to guide the consideration of road naming requests was subject to community consultation and engagement.

Statutory Environment

Legislation

- *Land Administration Act 1997*.

State Government Policies

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

Local Planning Framework

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

Assessment

LPP1.7 states that where more than four road names are proposed then an overall theme should be proposed by the applicant. The road names form part of a proposed theme by the applicant relating to plant species found within the Briggs Park Reserve, most of which are local native or Australian species. The names have been selected from a list of plant species observed as part of a flora survey of the Briggs Park Reserve. Officers consider the proposed theme to be an appropriate theme for the area. Refer to the below table for the full list of names and background:

Road Name Table			
Proposed Names	Background	Alternative Names	Background
Eucalypt	A native plant genus found in the Briggs Park Reserve	Watsonia	A genus of plant found in the Briggs Park Reserve
Grevillea	A native plant genus found in the Briggs Park Reserve	Romulea	A genus of plant found in the Briggs Park Reserve
Harperia	A native plant genus found in the Briggs Park Reserve		
Kennedia	A native plant genus found in the Briggs Park Reserve		
Astroloma	A native plant genus found in the Briggs Park Reserve		



Road Name Table			
Cyperus	A genus of plant found in the Briggs Park Reserve		
Petersonia	A native plant genus found in the Briggs Park Reserve		

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

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	The proposed preferred and alternative names are not considered to be offensive, incongruous or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	The proposed preferred and alternative names are considered to be easy to read, spell and pronounce.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred and alternative names comprise of no more than ten letters and are only one word in length.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the GNC policy.</p> <p>Lane (Lane) – Narrow way between walls, buildings or a narrow country or city roadway.</p> <p>Road (Rd) – Open way or public passage primarily for vehicles.</p> <p>Way (Way) – Roadway affording passage from one place to another. Usually not as straight as an avenue or street.</p>



Policy Assessment	
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	All road names proposed are between seven to ten letters, are of a practical length.

As Council may recall, Officers are currently progressing a review and update to the Shire's Municipal Heritage Inventory, which was last comprehensively compiled in the year 2000. This review and update is taking the form of a new Local Heritage Survey (LHS), to reflect the new nomenclature under the Heritage Act 2018. This process is going well and has been subject to community consultation with the intent of bringing a Draft of the LHS to Council later this year. Upon completion of the LHS, Officers have proposed that Council consider generating a new set of themes and recommended place names, that can be proactively advocated to developer themes/names that they can embrace.

Options and Implications

Option 1

That Council:

1. ENDORSES the road naming theme of "Locally Found Plant Species" and the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the preferred names as contained within **attachment 1** to Landgate for final approval:
 - a. Eucalypt
 - b. Grevillea
 - c. Harperia
 - d. Kennedia
 - e. Astroloma
 - f. Cyperus
 - g. Petersonia
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:
 - a. Watsonia
 - b. Romulea
3. REQUESTS the Chief Executive Officer to identify, as part of the Local Heritage Survey, a process and list of names to inform future road naming requests.

Option 2

That Council DOES NOT ENDORSE the proposed road names.

Option 1 is recommended.



Conclusion

Council endorsement is sought for seven proposed road names and alternatives to be used as part of the subdivision at Lots 9 and 9101 Warrington Road, Byford, following a 'Locally Found Plant Species' theme. The proposed names are considered to be consistent with the requirements of LPP1.7 and the GNC's road naming policy. Officers support the proposal and recommend that Council endorse the proposed names.

Attachments (available under separate cover)

- **10.1.5 – attachment 1** – Road Layout Plan (E21/8094)
- **10.1.5 – attachment 2** – Road Name List (E21/8095)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	Council not supporting the names	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 – Road Naming	Social / Community Outcomes	Possible	Insignificant	LOW	Propose alternative names to replace those that are not supported



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ENDORSES the road naming theme of “Locally Found Plant Species” and the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the preferred names as contained within attachment 1 to Landgate for final approval:
 - a. Eucalypt
 - b. Grevillea
 - c. Harperia
 - d. Kennedia
 - e. Astroloma
 - f. Cyperus
 - g. Petersonia
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:
 - a. Watsonia
 - b. Romulea
3. REQUESTS the Chief Executive Officer to identify, as part of the Local Heritage Survey, a process and list of names to inform future road naming requests.

OCM213/08/21

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Denholm

That the Council DEFER the matter to the September Ordinary Council Meeting for further consultation and review of names.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer recommendation

For further consultation in review of names.

**Councillor Coales declared a Closely Associated Persons Interest in item 10.1.6.**

10.1.6 – Proposed Health Studio, Office, Consulting Rooms, Shop and Café – Lot 201 (895) and Lot 8 (899) South Western Highway, Byford (PA20/1266) – including additional information	
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.
----------------	--

Proponent:	Masada Property
Owner:	Martin and Denise Luckens & Dorothy Bosveld
Date of Receipt:	21 December 2020
Lot Area:	3,678m 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 the construction of a two storey commercial building at Lots 201 & 8 (895 & 899) South Western Highway, Byford. The commercial building would comprise of a Health Studio (Gym), Office, Consulting Rooms, Shop and Café, with associated car parking and landscaping. The subject site comprises of two land parcels, which form strategic parcels of the Byford town centre emanating south of Abernethy Road, between South Western Highway and the rail corridor.

The 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 conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

The item was presented to Council at its meeting of 19 July 2021, whereby Council resolved to defer the matter for Officers to obtain legal advice relating to the validity of proposed Condition (s), and for Officers to consult with Main Roads regarding proposed Condition (m).

The results of this are provided as the additional information prior to the options section of the report.



Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 July 2021 – OCM174/07/21 – COUNCIL RESOLUTION

That the Council DEFER the matter to the August 2021 Ordinary Council Meeting to enable legal advice to be obtained regarding proposed Condition (s) and further consultation with Main Roads regarding proposed Condition (m).

Background

Existing Development

The subject site comprises of two land parcels and has a total area of 3,678m². The site is bound by South Western Highway to the east and the railway corridor to the west, as shown in Figure 1 below. The general locality comprises of existing residential dwellings to the immediate north, south and east, but which are designated for mixed use development into the future.



Figure 1: Aerial Photograph

Proposed Development

The development application seeks approval to demolish the existing dwellings and other structures on the subject sites and construct a two storey commercial building comprising of a Gym, Office, Consulting Rooms, Shop and a Café, including associated access, parking and landscaping. The ground floor comprises of the following, as shown in Figure 2 below:

- Two Consulting Rooms measuring 50m² and 59.31m²;
- A Shop measuring 121m²;
- A shared foyer and amenities for the Consulting Rooms, Shop and Office measuring 63.27m²;
- A Gym, split across two areas, measuring 240m² and 330m² and an outdoor area;



- A reception, amenities, store, spa and sauna for the Gym measuring 176m²;
- A creche for the Gym measuring 66m²;
- A Café measuring 56.97m²;
- 54 car parking bays;
- Two bicycle racks providing eight short term bicycle parking spaces and a 14m² long term bike store area with access from the Gym reception area;
- One 9.7m² bin store area located by the Café and one 4m² bin store area located by the Consulting Rooms;
- 450.94m² of landscaping, including 14 shade trees within the car parking area.

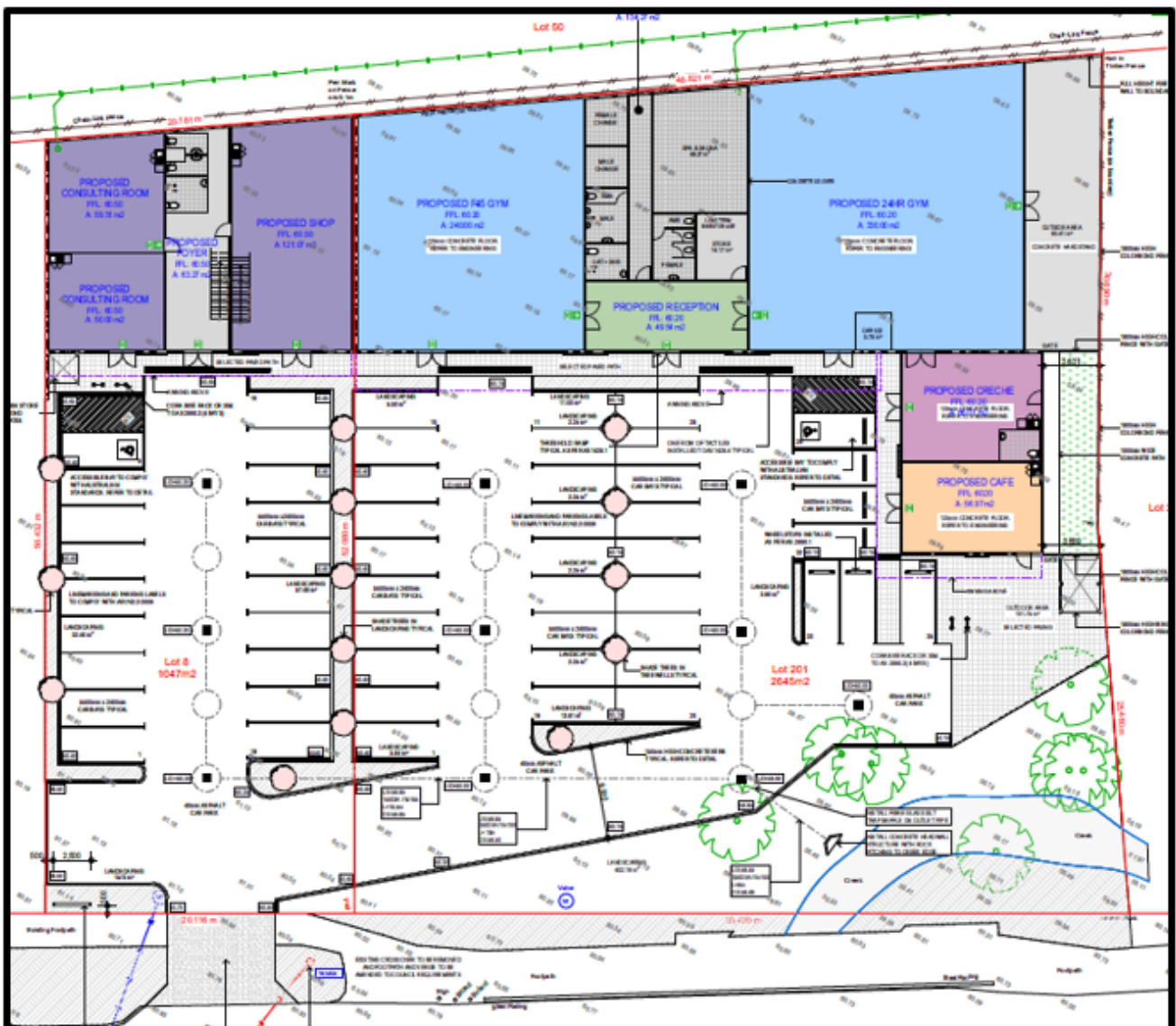


Figure 2: Site Plan/Ground Floor Plan



The upper floor is located above the Consulting Rooms and Shop and comprises the following as shown in Figure 3 below:

- An Office measuring 156m²; and
- A mezzanine level to the Shop.

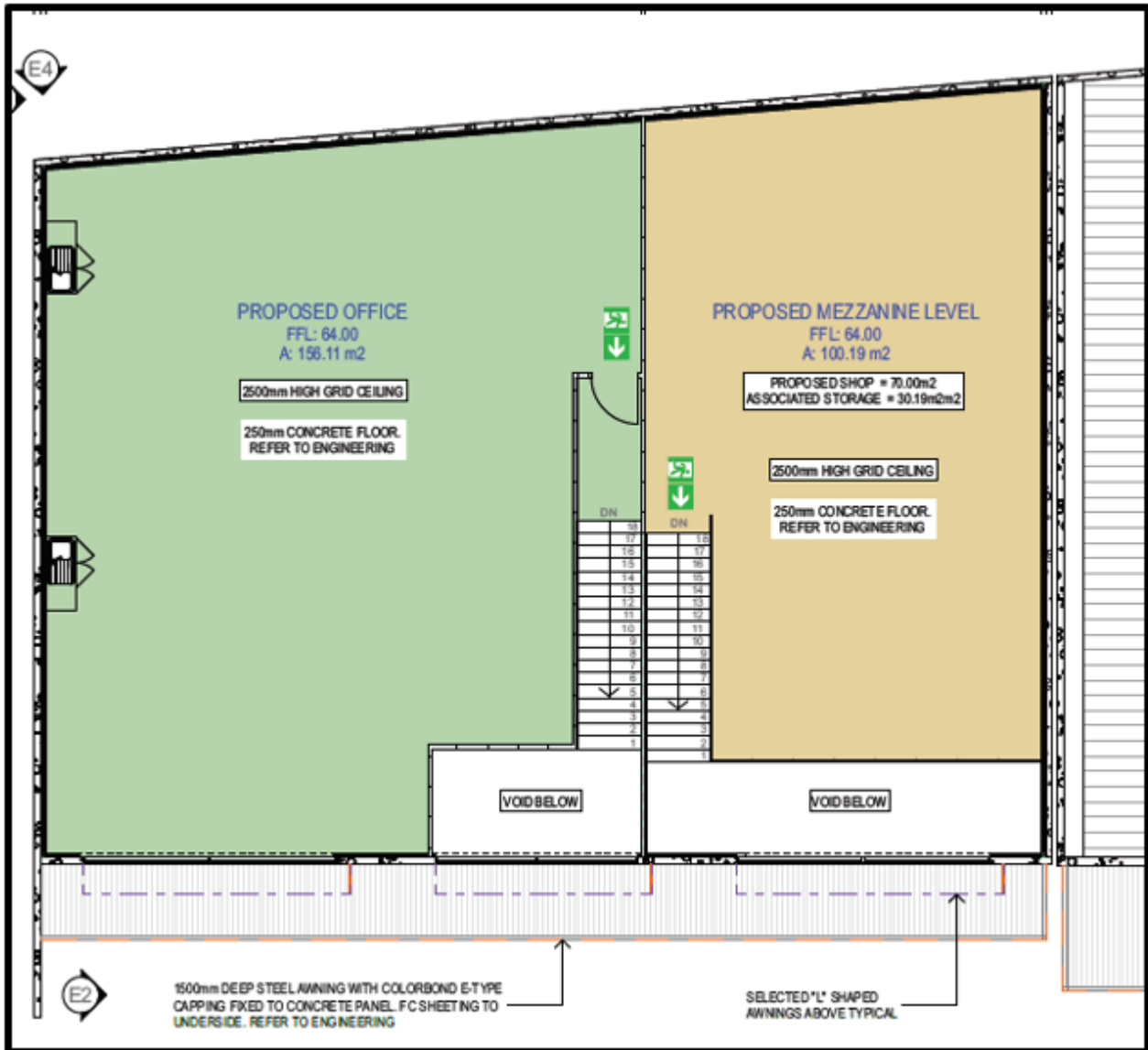


Figure 3: First Floor Plan

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

Community / Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 21 days, from 8 January 2021 – 29 January 2021 in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters. The advertising period was subsequently extended to 11 February 2021 to provide sufficient time for community submissions, and to enable further access to the advertised plans on the Shire's Website.



At the conclusion of the community consultation, six submissions were received consisting of four objections, one support and one enquiry. The objections relate to the following issues, which have been discussed in further detail within the planning assessment component of this report:

- Removal of vegetation and impact on black cockatoo habitat;
- Potential security and service impact to direct neighbours during construction, particularly where fencing may be required to be removed;
- Proliferation of similar land uses in the surrounding area;
- Congestion;
- Property values.

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

Consultation with Other Agencies

Main Roads WA (MRWA)

The application was referred to MRWA due to the site taking access from South Western Highway, which is a Primary Regional Road Reserve under the Metropolitan Region Scheme (MRS) and subject to the management and control of MRWA. MRWA raised no objections to the proposal subject to a number of conditions which have been included in the Officer recommendation. The full MRWA submission is included within **attachment 2**, in summary the conditions relate to the following:

- A left auxiliary turn land from South Western Highway into the development;
- The driveway shall be 8m in width and no more than 11m;
- All vehicles must enter and exit the site in forward gear;
- Landscaping Plan for road reservation;
- The submission of an Acoustic Report;
- A Notification under S70A of the *Transfer of Land Act 1893* to be placed on the title in relation to transport noise;
- Signage;
- Stormwater; and
- Removal of redundant crossovers.

Officers have discussed with Main Roads current concerns in respect of a lack of a right turn facility for southbound traffic into the general precinct located south of Abernethy Road and west of South Western Highway. While Main Roads have raised no objection to this proposal, Officers consider it necessary to work collaboratively with Main Roads to develop an access strategy that will ultimately address more convenient and safe access to those landholdings west of the highway.

The access strategy is recommended as a separate piece of work for Officers to undertake in collaboration with Main Roads, which can then form a position to advocate for State Government to deliver whatever ultimate solution is contemplated. Such options may include:



1. Removal of the raised median and replacement with a painted median to enable full access;
2. Development of a dedicated u-turn pocket for southbound traffic to enter the northbound lanes of the highway;
3. Provision of a traffic light or roundabout intersection upgrade to the Nettleton Road / South Western Highway intersection.

Importantly, by recognising the need to develop and implement an access strategy, the Shire can demonstrate it is seeking to work collaboratively with Main Roads and relevant landowners to develop and then advocate for State Government to deliver the preferred solution. The Shire is positioned to lead this work, particularly noting that Main Roads have indicated a desire to work with Officers in order to consider the potential options that may exist. Officers from both the Development Services and Traffic Engineering business units are well placed to be able to undertake a project which is importantly collaborative with both affected landowners and Main Roads.

In respect of the recommended left auxiliary turn lane from South Western Highway into the development, as discussed in the additional, MRWA have advised they no longer recommend this condition.

Department of Fire and Emergency Services (DFES)

The application was referred to DFES due to the Bushfire Management Plan (BMP) prepared for the site indicating the land would be subject to a bushfire attack level (BAL) rating of Flame zone. DFES provided a submission raising a number of amendments required to the BMP, which the applicant subsequently undertook.

Department of Aboriginal Affairs (DAA)

The application as referred to DAA due to the Aboriginal Heritage Site listing for the Beenyup Brook, which runs across the north-eastern corner of the subject site. DAA provided a submission indicating no objection to the proposed development, which is located generally outside of the Aboriginal Heritage listed area.

Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas.

Local Planning Framework

- Draft Local Planning Scheme No.3;
- Draft Local Planning Strategy;



- Byford District Structure Plan 2020;
- Byford Townsite DAP;
- 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 4.11 – Advertising Policy (LPP4.11);
- Local Planning Policy 4.15 - Bicycle Facilities (LPP4.15);
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16);
- Local Planning Policy 24 – Designing out Crime (LPP24).

Planning Assessment

Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed within the Clause 67 Checklist contained within **attachment 3**.

Town Planning Scheme No. 2

The subject site is zoned 'Urban Development' under Town Planning Scheme No.2 (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 lies 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 zoning applicable to the site. The subject site is identified as 'Highway Commercial' under the DAP and 'Mixed Use' under the BDSP.



Figure 4: Byford District Structure Plan 2020

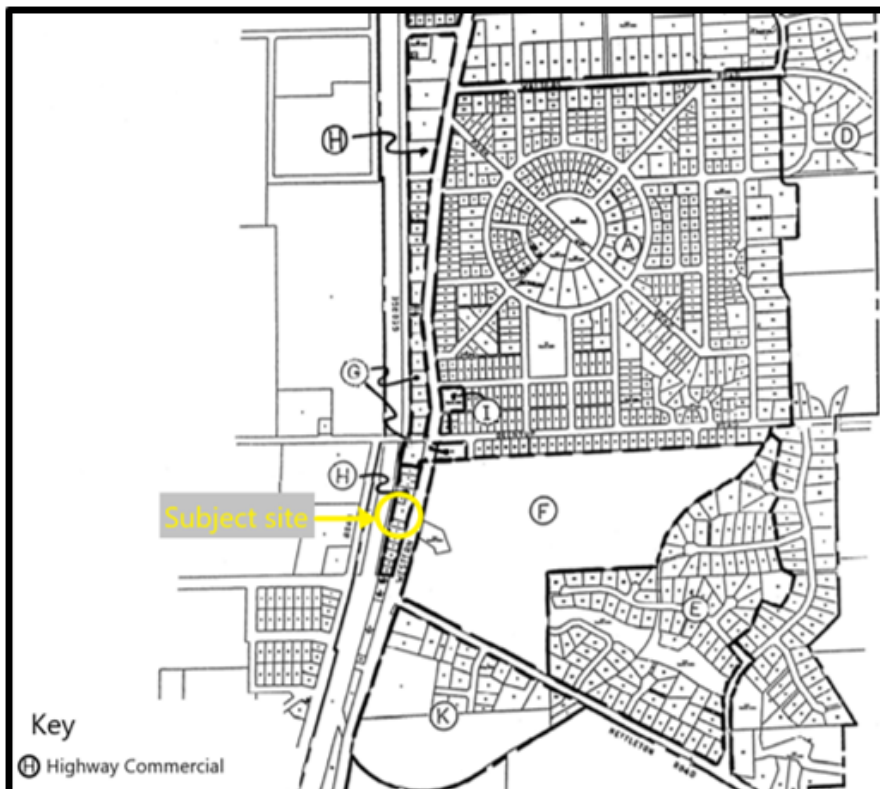


Figure 5: Byford Townsite DAP



Officers note the DAP was endorsed by Council in 2004 while the BDSP was endorsed by Council in 2020. The BDSP is the more current planning instrument and aligns most closely with the local planning framework, which has advanced significantly since 2004. This is also reflected in the proposed 'Mixed Use' zoning of the subject site under final draft Local Planning Scheme No. 3.

Clause 5.25 of TPS2 states that the intent of the 'Mixed Use' zone is *"to provide for a variety of commercial and residential and uses in a complimentary and co-located manner, often in a mixed-use format. Development in the zone may provide a transition between intense activity centre development and surrounding residential areas, or for the purposes of minor local commercial development sites in residential areas. Residential development should allow for the future conversion into mixed use development."*

The intent of the 'Mixed Use' zone is flexible to account for various circumstances and in this instance is considered to most appropriately provide for a transition between the intense activity of activity centre development (Byford Town Centre) and surrounding residential development. The proposed development incorporates a range of commercial uses, which are considered to align with the objectives for the 'Mixed Use' zone, as designated under the BDSP, and therefore capable of approval in the 'Urban Development' zone in accordance with TPS2.

Land Use Permissibility

The proposed development falls within the land use definitions of 'Health Studio', 'Office', 'Consulting Rooms', 'Shop' and 'Restaurant' as defined under TPS2 as follows:

"Health Studio - means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation"

"Consulting Rooms - means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors and persons ordinarily associated with a practitioner in the prevention, investigation or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices."

"Office - means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature."

"Restaurant - means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business."

"Shop - means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry."

Under the Zoning Table of TPS2 a 'Health Studio', 'Office', 'Consulting Room', 'Shop' and 'Restaurant' would all be 'P' uses within the 'Mixed Use' zone, as designated under the BDSP. The land uses proposed are therefore considered consistent with the planning framework.

Draft Local Planning Scheme No.3

The subject site is located within the 'Mixed Use' zone under LPS3. The proposed development would fall within the land use definitions of 'Recreation Private', 'Office', 'Consulting Rooms', 'Shop' and 'Restaurant/Café', defined under LPS3 as follows:



“Recreation - Private means premises that are -

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge.”

“Consulting Rooms means premises used by no more than two (2) health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.”

“Office means premises used for administration, clerical, technical, professional or similar business activities.”

“Shop means premises other than a bulky goods showroom, a liquor store large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.”

“Restaurant/Cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.”

Under the Zoning Table of LPS3 a ‘Consulting Room’ and ‘Office’ land use are ‘P’ uses, ‘Recreation-Private’ and ‘Restaurant/Café’ land uses are ‘D’ uses and a ‘Shop’ land use is an ‘A’ use within the ‘Mixed Use’ zone. Each use is capable of approval with varying levels of discretion required to be exercised and mandatory community consultation before determination of the ‘Shop’ land use.

The objectives of the ‘Mixed Use’ zone under LPS3 are to promote a variety of compatible land uses which do not create any adverse impacts to the amenity of the district or to the health, welfare and safety of residents. Officers consider the development generally meets the objectives of the ‘Mixed Use’ zone as it provides a range of commercial facilities that are considered compatible with the surrounding locality, as discussed within the amenity section of the report.

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 ‘Mixed Use’ under the BDSP. As discussed above, the purpose of the ‘Mixed Use’ zone is to *“to provide for a variety of commercial and residential and uses in a complimentary and co-located manner, often in a mixed-use format. Development in the zone may provide a transition between intense activity centre development and surrounding residential areas, or for the purposes of minor local commercial development sites in residential areas. Residential development should allow for the future conversion into mixed use development.”*

As previously stated, the subject precinct is considered appropriate for a higher degree of commercial development to provide a transition between the Byford Town Centre and surrounding residential development.

Byford Townsite Detailed Area Plan

The subject site lies within Character Area H – Highway Commercial of the DAP which has the intention of accommodating *“showrooms, bulky goods, offices, medical centres, consulting rooms and the like”*. The local planning framework has developed significantly since the endorsement of the DAP and greater regard has been given to the more recent BDSP and LPS3 in relation to land use permissibility.



The DAP also sets out the aspirations of the future built form of the character area, as shown in Figure 6 below:

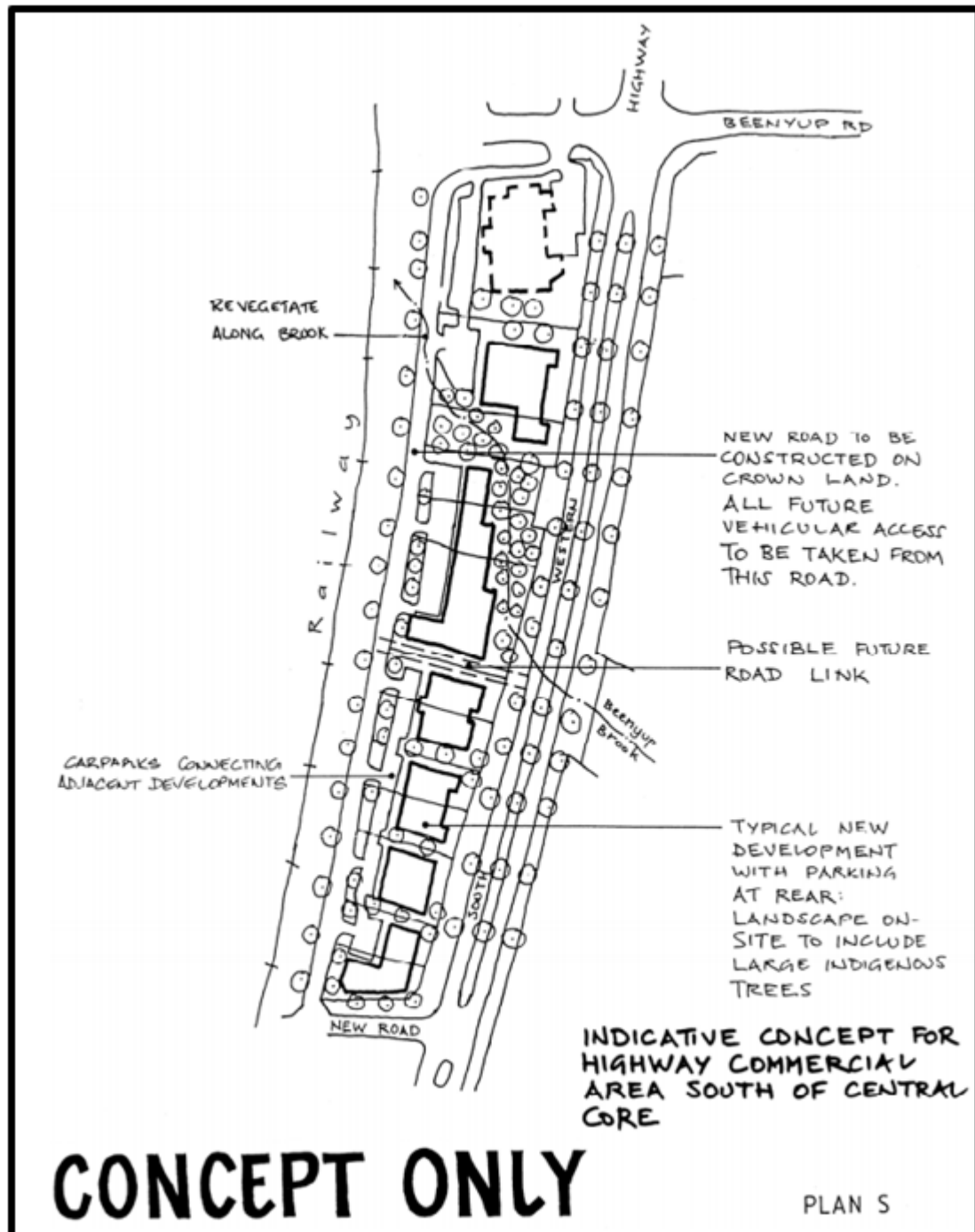


Figure 6: Byford DAP Concept

The concept was designed with the intent of limiting the number of vehicle access points from South Western Highway and proposes access to the rear through a strip of unallocated Crown Land between the lots within the precinct and railway corridor. The viability of this concept is likely to be impacted by the spatial requirements for works associated with the Byford Metronet project, and particularly future extension of rail at some point south to Mundijong. As part of engaging with Metronet on the project, the Shire received response stating that elevated options and designs have not yet been formally determined and until they are the full impact of the planned local road



cannot be definitively determined. Accordingly, while the railway reservation is widened in this area, Officers consider that the proposed access plan from South Western Highway enables longer term flexibility for design of passenger rail options south to Mundijong. This enable the Shire to demonstrate it is strategically positioning development to be able to protect and promote southern extensions of rail.

This modified access concept is shown in Figure 7 below, and provides for coordinated access and egress at two shared access points, once full development occurs.



Figure 7: Proposed Alternative Concept (Area H - South)

The proposed alternative concept entails a shift in the location of the built form of development to the rear of the lots and shared internal access and car parking to the South Western Highway frontage. This will enable the intent of the initial concept, to reduce the impact of access onto South Western Highway, to be retained without conflicting with anticipated land requirements for the Byford Metronet project.



Car Parking

The proposed development needs to be considered in respect of car parking requirements under TPS2, draft LPS3 and the BDSP. This is provided following:

Land use	TPS2 requirement – CURRENT requirement of planning framework	LPS3 requirement – FUTURE requirement of planning framework	Proposed	Officer Comment
Health Studio / Recreation-Private Total area 876.79m ² However only 620sqm available to public	1 space per 15 square metres floor area available for the public 42 bays	1 bay per 20m ² NLA, 1 bay per 4 spectator seats and 1 bay per employee 31 bays (no spectators, 2 employees)		
Consulting Rooms (2 consulting rooms with 1 practitioner each)	6 spaces for 1 practitioner plus 4 spaces for each additional practitioner 10 bays	4 bays per consulting room or professional person and 1 bay for each other employee 8 bays		
Office Total area 156.11m ²	1 space per 40 square metres gross leasable area with a minimum of 2 spaces for each office unit 4 bays	1 bay per 40m ² of NLA 4 bays		
Shop Total area 221.26m ²	1 space per 15 square metres gross leasable area 15 bays	1 bay per 20m ² of NLA 11 bays		
Restaurant/Café 28.1m ²	1 space per 4 persons accommodated 2 bays based on 8 people being accommodated	1 bay per 4m ² of dining, drinking and/or lounge areas and 1 bay per 4m ² of public assembly areas 7 bays		
Totals	73 bays	61	54 bays	TPS2: shortfall - 19 LPS3: shortfall - 7

Final draft LPS3 provides the updated calculation for car parking within the Shire, and is considered to be a planning document that the Shire is seriously considering adopting. Indeed, draft LPS3 has reached an advance stage, and provides a specific set of provisions in respect of car parking. It provides updated ratios for assessment, taking consideration of contemporary land use, and how different land uses can integrate where mixed use development is proposed.



Based on the above analysis, the proposal if strictly viewed as separate an independent land uses would result in a 19 bay shortfall under TPS2, and a seven bay shortfall under LPS3. A key consideration for Officers, in accordance with the planning framework, is to what degree that shared parking could be contemplated insofar that the peak demand of one development does not coincide with the peak demand of another development. Clause 5.2.1 of TPS2 allows for discretion to be exercised to vary a standard or requirement listed under TPS2, and specific to this car parking where there is the potential for shared parking to take place.

The planning assessment considers that the parking shortfall for each land use is relatively minor, except for the use of 'Health Studio'. The TPS2 parking requirement is based on the floor area of the use available to the public, and with a higher ratio of 15sqm per bay. It is considered that this TPS2 requirement is more onerous considering the ancillary areas to the gym are not those which attract further patrons, despite being accessible. This is supported by the LPS3 parking requirement which requires the parking to be calculated based on the more accurate Net Lettable Area (NLA) which is defined as:

"the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas:

- a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;*
- b) lobbies between lifts facing other lifts serving the same floor;*
- c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;*
- d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building."*

By basing the parking requirement for the 'Health Studio' on the net lettable area which is the most appropriate measure to exclude those areas which do not generate customer patronage, the gyms would require 31 bays. This requirement is considered a more accurate reflection of parking demand for this land use.

The development as a whole has a seven bay shortfall under LPS3. The applicant has provided additional information for Council to consider the shortfall in parking bays in the form of a traffic impact assessment.

The Traffic Impact Statement (TIS) provided with the application states that the design of the development, specific mix of uses and context of the location are such that the development is expected to attract multipurpose trips. Essentially, each use is not expected to attract independent demand, rather they are designed to complement each other, and users of the site may patronize multiple uses per visit. The TIS also notes there are three bus routes serving the site within close proximity and the future Byford rail station is expected to be located within a walkable catchment to the subject site.

In addition, information has been provided in relation to the differing peak times of the different uses which is considered to result in there being sufficient parking availability across the site. The peak times have been used from other similar uses in nearby locations. For example, the peak period for the gym would typically be before 9:00am and then after 5:00pm. The proposed F45 gym would have classes in the morning and afternoon and typically be closed between the hours of 10:00am and 4:30pm. The offices, shop, consulting rooms and café would operate between the typical business hours of 9:00am to 5:00pm. The applicant has provided parking demand for each use during a weekday and at the weekend as follows:



	Office	Consulting	F45	24/7 Gym	Shop	Cafe
Before 9am	25%	25%	100%	100%	0%	0%
9am – 10am	100%	100%	30%	50%	25%	100%
10am – 12pm	100%	100%	0%	25%	100%	100%
12pm – 4pm	100%	100%	0%	25%	100%	100%
4pm – 6pm	50%	75%	100%	75%	50%	100%
After 6pm	0%	0%	100%	100%	0%	0%

Table 2: Percent Car parking demand for each use during a weekday

	Office	Consulting	F45	24/7 Gym	Shop	Cafe	Total Space Requirement
Before 9am	1	2	14	19	0	0	36
9am – 10am	4	8	5	9	3	2	31
10am – 12pm	4	8	0	5	10	2	29
12pm – 4pm	4	8	0	5	10	2	29
4pm – 6pm	2	6	14	15	5	2	44
After 6pm	0	0	14	19	0	0	33

Table 3: Car parking demand for each use during a weekday

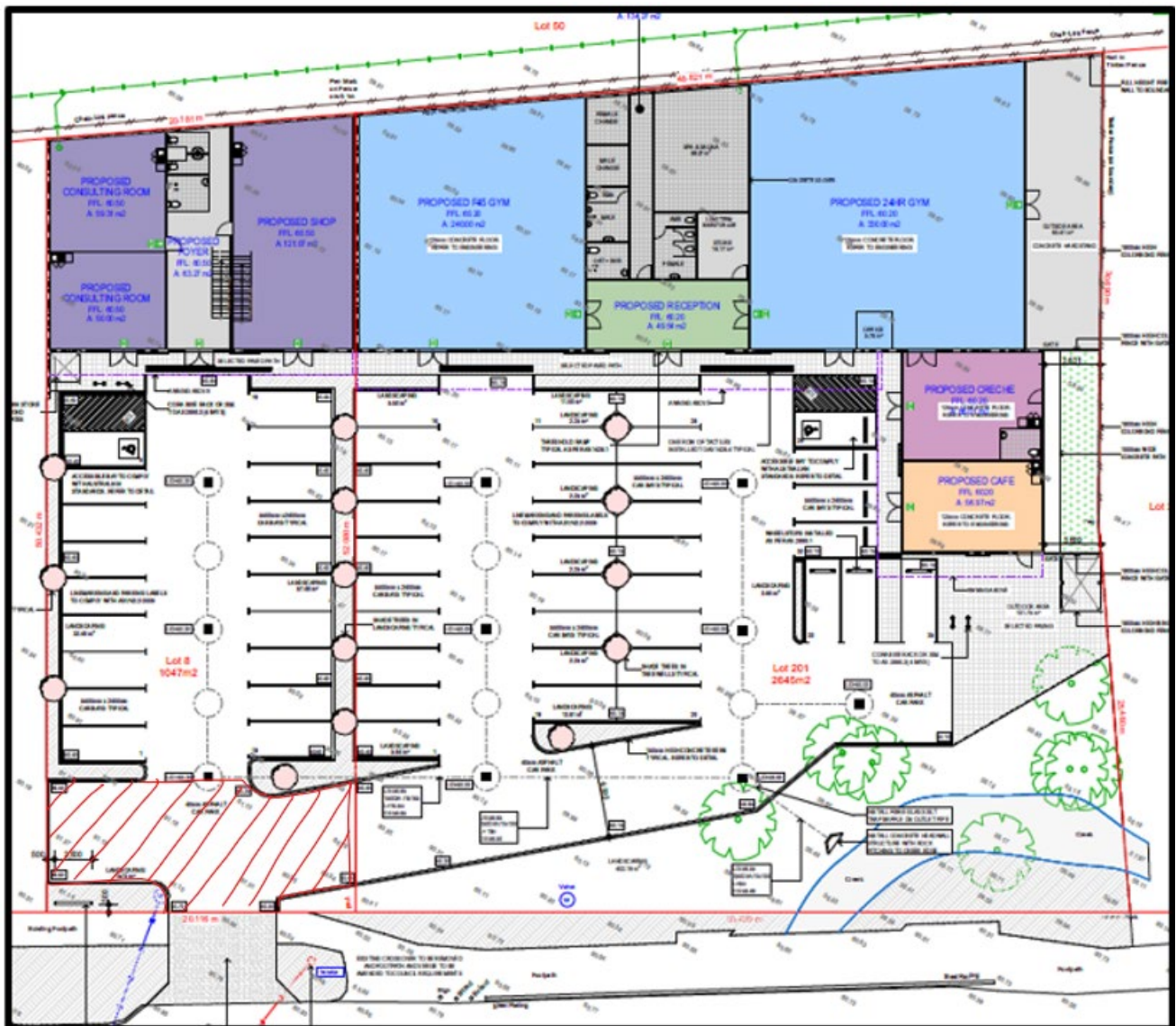
The peak parking period for the full site is detailed as the afternoon/evening between 4:00pm and 6:00pm where there would be some overlap between the gyms and the other uses, however these other uses at this time would have reduced patronage levels.

Based on the peak times of each use and the proposed parking provision, it is considered that sufficient parking is available on the site for the uses and that in this instance, the seven bay car parking variation has been suitably justified.

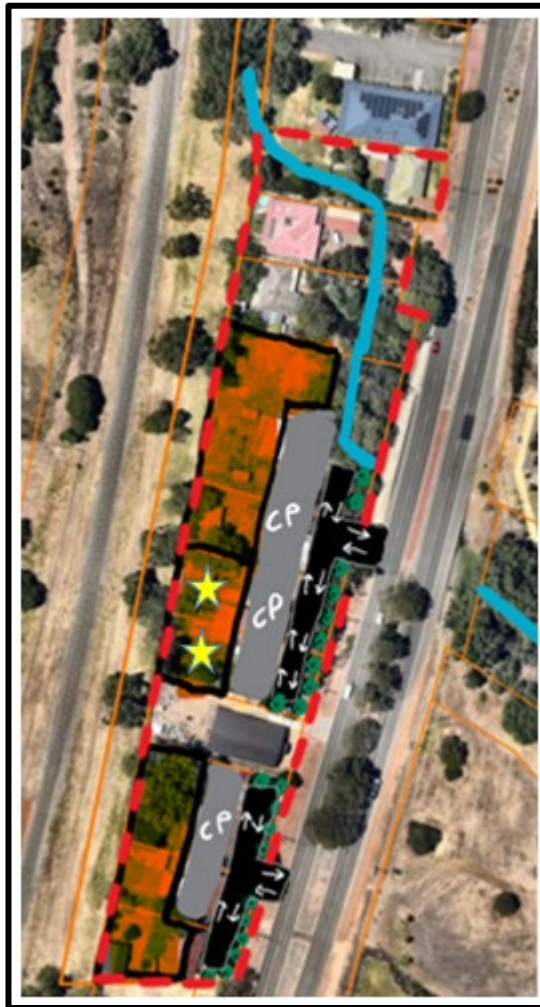
Officers base this consideration on the planning framework, that recognises that shared parking can reasonably occur where the peak demand of one development does not coincide with the peak demand of another development. This enables the overall car parking requirement to be less than the sum of the individual parts. In this matter, 88.5% of the LPS3 parking requirement is met, and the addition of the TIS demonstrates that actual parking demand generated by the development will be satisfied by the provision of proposed shared parking bays.

Access and Traffic

As mentioned above in the MRWA comment section, vehicle access to the subject site is proposed through a consolidation of existing crossovers between the two lots, onto South Western Highway. Given the proposed deviation from the access design under the Byford DAP, this access is intended provide the primary access point for future development to the south. A condition has been recommended to safeguard this access to ensure shared use is made available to future developments. This will require, prior to issue of a building permit, a suitable easement in gross (granting a right of carriageway at large) under s195 of the Land Administration Act 1997 over the common crossover and driveway access on Lot 8, such as to protect future integrated development to the south. Having this will enable future development, when proposed for mixed use purposes, to access the driveway and crossover which will enable fewer crossovers to South Western Highway. The area of lot 8 is shown hatched in red following:



This will enable a safer community based outcome, through enabling the development of Lot 9 and 10 to coordinate access to South Western Highway.



Due to the existing median within the South Western Highway Road Reserve, the crossover would only provide for a left-in, left-out access arrangement. As previously stated, MRWA had recommended a condition requiring a left auxiliary turn lane from South Western Highway into the site. This has since been removed, in respect of MRWA supporting an approach to work with the Shire in order to develop a coordinated access strategy.

The access strategy is recommended as a separate piece of work for Officers to undertake in collaboration with Main Roads and landowners, which can then form a position to advocate for State Government to deliver whatever ultimate solution is contemplated. Such options may include:

1. Removal of the raised median and replacement with a painted median to enable full access;
2. Development of a dedicated u-turn pocket for southbound traffic to enter the northbound lanes of the highway;
3. Provision of a traffic light or roundabout intersection upgrade to the Nettleton Road / South Western Highway intersection.

Importantly, by recognising the need to develop and implement an access strategy, the Shire can demonstrate it is seeking to work collaboratively with Main Roads and relevant landowners to develop and then advocate for State Government to deliver the preferred solution.



With regard to traffic volumes, it is acknowledged that an objection was received in relation to traffic congestion. The TIA details that the proposal would generate in the order of 335.2 vehicle trips per day and a maximum peak volume of 70.5 in the PM peak period. These traffic volumes are considered capable of being accommodated on the existing road network given South Western Highway is a Primary Regional Road under the (Metropolitan Region Scheme) MRS.

In addition, no concerns in relation to congestion have been raised by MRWA.

Built Form of Development

The proposed development comprises a single 'L' shaped building located to the rear of the lot. The building covers a length of 63.72m and a 13.85m depth at the short side and 32.68m depth at the long side. The building has been designed to present as a two-storey development and features a functional second storey element providing proposed Office and additional Shop floor area above the proposed Shop and Consulting Room tenancies.

The design features use of glazing, vertical and horizontal elements, awnings and other projecting features above the ground floor to break up the building bulk of the structure as viewed from the street. The incorporation of brick feature elements at ground level and timber-look slats on the first-floor level introduces a sense of rural character to the design, in contrast to the otherwise fairly traditional commercial design of the development. This helps to enrich the essential construction methodology proposed for the development. The remainder of the street facing design comprises of concrete tilt panels, which makes up a significant portion of the façade. Perspective street facing views of the proposed façade are shown in Figure 8 and 9 below:



Figure 8: Perspective View South

**Figure 9: Perspective View North**

The proposed design has considered and incorporates the elements of good design. To ensure the materials and palette choice reflect the design aspirations of the area, a condition is recommended requiring a final schedule of colours and materials on submission of a building permit. This must depict the use of recycled facebrick for those portions identified as brickwork; timber features highlighting the integrated signage panels; timber highlighting of the eaves for the upper storey window portions.

Local Planning Policy 1.6 – Public Art for Major Developments

The objective of LPP1.6 is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater. Officers have commenced discussion with the applicant around opportunities for public art on the western rear boundary wall. A condition of approval has been recommended to ensure public art is accounted for and further negotiation with the applicant can be undertaken as part of the ongoing process.

Local Planning Policy - 4.16 - Landscape and Vegetation

The key objective of LPP4.16, relevant to this application, is to “*contribute towards achievement of vegetation and landscape outcomes that meet the expectations of stakeholders and contribute towards the achievement of biodiversity and water use targets and the creation of vibrant places for our communities*”.

The proposal includes removal of vegetation on site to facilitate the development of the commercial building and associated car parking. The subject site also contains a significant environmental feature, being the Beenyup Brook. During the community consultation period a submission raised concern in relation to the loss of Black Cockatoo habitat resulting from the removal of on-site vegetation. Officers recommend a condition requiring a Landscaping Plan to be provided to ensure vegetation is adequately replaced and habitat loss is considered in the planting palette proposed.

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. This is particularly important given the development site is traversed by the Beenyup Brook.



An Urban Water Management Plan will be required, demonstrating how the stormwater incident to the site is managed shall be provided prior to commencement of works. This will be included as a condition of approval. The car park stormwater drainage system to be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2004). Rain gardens and flush kerbing providing first flush storage and water treatment is considered an important design response for the land.

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

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

A total of four bicycle racks (eight bicycle spaces) have been provided for the short term needs of patrons of the development. A bicycle storage area has also been incorporated into the proposed gym reception with an area of 14.17m². Based on the policy provisions, a total of 6 long term bays and 8 short term bays would be required. Officers consider the bicycle spaces proposed would comply with the bicycle parking requirements.

Consideration has also been given to bicycle parking requirements under LPS3. Under the LPS3 provisions a total of 11 bicycle parking spaces would be required. Officer consider the proposal meets the requirements under LPS3.

Local Planning Policy 24 (LPP24) - Designing Out Crime

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

Officers are satisfied that the proposal has been designed with active frontages and open spaces to facilitate the passive surveillance of the building fronting South Western Highway, including the internal car park. Pedestrians and cyclists would access the subject site via existing footpaths along South Western Highway.

The applicant has provided information that lighting for the centre will be adequately provided, with part of the proposed gym operating 24/7 ensuring a level of surveillance. It is therefore considered that the application complies with the provisions of the policy.

Local Planning Policy 4.11 (LPP4.11) - Advertising

LPP4.11 sets out development standards and requirements for advertisements. The plans as submitted have identified nominal wall signage for the tenancies integrated into the façade of the development. No detailed drawings of the signage were provided with the application.

If the application is approved, a signage strategy will be required to be prepared and approved prior to operation of the site detailing the signage for the tenancies to ensure compliance with the policy and recommendations made by MRWA. These recommendations are included within the Officer recommendation.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

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



SPP3.7 seeks to ensure the risk of bushfire to developments is considered and mitigated through the development assessment process. This primarily entails determining the Bushfire Attack Level applicable to the development, which should achieve a risk rating below BAL-40, and consideration of the four elements of the bushfire protection criteria: location, siting and design, vehicular access and water.

Pursuant to the provisions of SPP3.7, the application included a Bushfire Management Plan (BMP) for the subject site. The BMP identified a risk rating of BAL-19 for the development and outlined compliance with the four elements of the bushfire protection criteria. Given the size of the lot and location within a developing Urban area, the proposed development readily complies with all four elements.

The BMP also indicated the proposed development included a vulnerable use due to the inclusion of a creche, which triggers mandatory referral to DFES for assessment. Comments were received from DFES noting some amendments to be made, which were subsequently addressed by the applicant through submission of a revised BMP. The revised BMP is considered to be acceptable.

Amenity

The proposed development comprises of a number of different uses and is likely to generate noise potentially impacting adjoining residential properties. As the land has been identified for redevelopment for commercial use, dating back to the Byford DAP in 2004, there is an expectation for the types of land use and subsequent level of amenity to be afforded to the area. However, acknowledgement of existing surrounding residential uses is required and consideration of noise impacts from vehicles using car park areas and noise generating activities should be taken into account while the area is in transition.

In that regard, Officers have recommended, as a condition of approval, that the applicant prepare a Noise Management Plan for the development prior to the issue of a Building Permit, and demonstrate all requirements of the Noise Management Plan being integrated into the design and ongoing operation of the development. This is required to demonstrate compliance with the Environment Protection (Noise) Regulations 1997. This must also demonstrate:

- Effective building design to enable acceptable indoor noise levels while attenuating for traffic and rail noise cause by South Western Highway and the adjoining rail; and
- Able to accurately quantify noise impacts on the nearby sensitive receptors (residential premises on adjoining lots).

Consideration of additional information

At the Ordinary Council Meeting held on 19 July 2021, Council resolved to defer consideration of the matter to the August 2021 Ordinary Council Meeting to enable Officers to obtain legal advice relating to Condition (s), and for Officers to consult with Main Roads regarding proposed Condition (m).

In relation to Condition (s), legal advice has been obtained and is available to be viewed within the **CONFIDENTIAL attachment 4**. The legal advice sets out that the condition to amalgamate the lots satisfies the legal test for the validity of a planning condition. This also known as the Newbury Test of which comprises of three considerations, which is the basis of how Shire Officers consider what conditions to impose. The Newbury test requires a planning condition to meet the following:

- a. The condition must have a proper planning purpose:



The purpose of the condition not only seeks to limit driveways to South Western Highway as per Development Control Policy 5.1: Regional Roads, it seeks to ensure that parking and access arrangements over the two lots are secured to serve the development in perpetuity. Therefore, considered to meet this limb of the test.

- b. The condition must fairly and reasonably relate to the development:

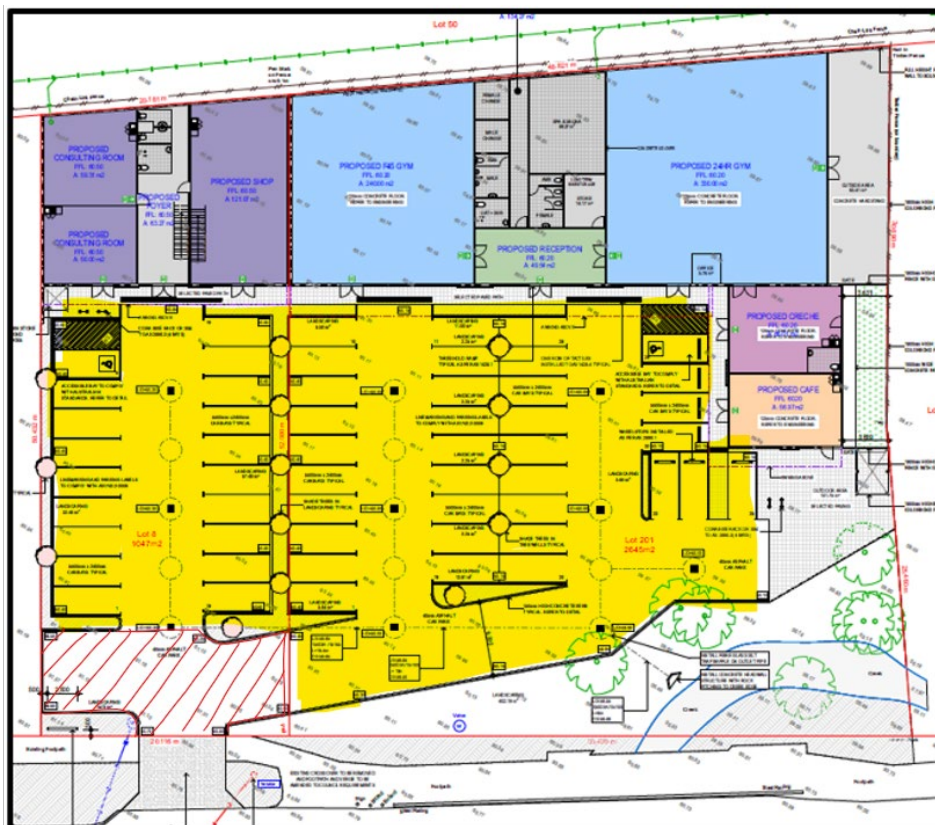
The condition fairly and reasonably relates to the development in that as the proposal is a composite development across two lots which relies on a single access point and shared carparking arrangements. The condition secures these arrangements in perpetuity and considered to meet the second limb of the test.

- c. The condition is not considered an unreasonable condition:

Having regard to the fact that if one of the properties were sold, there would be no obligation for either of the lots to continue with the shared arrangements, therefore considered reasonable, meeting the test of a valid planning condition.

Condition (s), which required the amalgamation of the lots prior to issue of a Building Permit, is considered by the legal advice to be lawful and valid.

Noting the views of the applicant however, the legal advice provides a further option that can achieve a similar outcome to that which was intended by Condition (s). This would be to alternatively impose a condition requiring cross easement arrangements between the two lots, so as to secure shared parking and access. This would achieve a similar outcome to that which was intended by Condition (s), and Officers have recommended this accordingly. This will cover the following areas of Lots 8 and 201, granting to each other the shared access and parking. This is shown in yellow, noting that the area in red will be the easement in gross.





In relation to Condition (m), the left auxiliary turn was initially proposed by Main Roads WA in its earlier submission. Following further engagement with MRWA, given the intention for the Shire to work with MRWA on a long term access strategy, they no longer recommended the need for the left auxiliary turn lane. This condition is thus no longer recommended.

Options and Implications

Option 1

That Council:

1. APPROVES the development application for a Gym, Office, Consulting Rooms, Shop and Café at Lot 201 (895) and Lot 8 (899) South Western Highway, Byford, as contained within **attachment 1**, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

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

Plans and Specifications	P1 – P6 (Development Plans) received at the Shire's Offices on 22 February 2021; P7 (Traffic Impact Statement) received at the Shire's Offices on 24 March 2021; P8 (Bushfire Management Plan) received at the Shire's Offices on 24 March 2021.
--------------------------	--

- b. Prior to occupation, the provision of art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire of Serpentine Jarrahdale. The artwork concept must be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of Building Permit.
- c. Prior to occupation of the development, all vehicle parking areas accessways 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. Detailed design plans must be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of Building Permit.
- d. Prior to issue of a Building Permit, an easement in gross shall be prepared by the Shire's lawyers at the cost of the applicant, for the portion of Lot 8 comprising its driveway and crossover access. This is to ensure that reciprocal rights of access are available over that portion of Lot 8, to enable a shared north south access way and crossover to South Western Highway.
- e. Prior to the issue of a Building Permit for the development, a Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. This must demonstrate:
 - i. landscaping abutting the South Western Highway road reservation being limited and maintained to a mature height of 1 metre;
 - ii. sight lines being maintained to ensure driver safety;
 - iii. the car park area being designed to provide a rain garden and flush kerbing treatment methodology.



The Landscape Plan must also show all areas of retained vegetation, additional planting including all car parking areas, access roads and road verges. Once approved, the Landscape Plan shall be implemented in its entirety and maintained thereafter.

- f. Prior to issue of a Building Permit, an Urban Water Management Plan (UWMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the UWMP shall be implemented and maintained thereafter. The UWMP shall be prepared in accordance with Local Planning Policy 2.4 – Water Sensitive Design. Stormwater discharge (if any) must not exceed pre-development discharge to the South Western Highway road reserve or the widened road reservation.
- g. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads. The Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs and include information to demonstrate:
 - i. Any proposed illumination of signage must not exceed 300cd.m² (candela per square metre) between sunset and sunrise;
 - ii. The proposed signage must not flash, pulsate or chase; and
 - iii. The device must not contain fluorescent, reflective or retro reflective colours or materials.

Once approved, signage shall be displayed and maintained in accordance with the strategy.

- h. Prior to issue of a Building Permit, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the following:
 - i. The location of bin storage areas and bin collection areas;
 - ii. The number, volume and type of waste to be placed in the bins;
 - iii. Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - iv. Frequency of bin collections;
 - v. No waste collection being permitted from the South Western Highway road reserve.

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

- i. Prior to issue of a Building Permit, a Lighting Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating adequate lighting responses which do not cause unobtrusive lighting impact. The approved lighting plan shall be implemented and maintained thereafter.
- j. Prior to the issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating compliance of the development with the Environment Protection (Noise) Regulations 1997. Plans submitted for a Building Permit must demonstrate all requirements of the Noise Management Plan being integrated into the design. The Noise Management Plan must also demonstrate the ongoing operational requirements of the development in order to comply with the Noise Regulations. This must also demonstrate:



- i. Effective building design to enable acceptable indoor noise levels while attenuating for traffic and rail noise cause by South Western Highway and the adjoining rail; and
 - ii. Able to accurately quantify noise impacts on the nearby sensitive receptors (residential premises on adjoining lots).
 - k. A Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:
'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'
 - l. Prior to the issue of a Building Permit, a Schedule of Colours and Materials shall be submitted to and approved by the Shire. This must depict the use of recycled facebrick for those portions identified as brickwork; timber features highlighting the integrated signage panels and; timber highlighting of the eaves for the upper storey window portions. Once approved, the development shall be constructed in accordance with the Schedule of Colours and Materials.
 - m. One (1) driveway is permitted onto South Western Highway. This driveway width must be 8 metres in width and must not exceed 11 metres in width to accommodate a 12.5metre service vehicle. The driveway must be at right angles to the carriageway.
 - n. Vegetation within the state road reserve must not be removed or trimmed to improve the visibility of the proposed advertising sign. The landowner/applicant must make good any damage to the existing verge vegetation within the South Western Highway road reserve.
 - o. Redundant vehicle crossover(s) to be removed and kerbing, verge, and footpath reinstated with grass or landscaping to the satisfaction of the Shire of Serpentine Jarrahdale.
 - p. No earthworks are to encroach onto the South Western Highway road reserve.
 - q. The ground levels on the South Western Highway are to be maintained as existing.
 - r. Prior to the issue of a Building Permit, a reciprocal rights of access and carparking easement is to be entered into between Lots 8 and 201 (excluding the portion of the easement in gross over Lot 8), to the satisfaction of the Shire. This shall be prepared by the Shire's lawyers at the cost of the applicant.
2. REQUESTS the Chief Executive Officer to work collaboratively with Main Roads WA and affected landowners to prepare an access strategy that will provide for south bound access into and out of the Mixed Use precinct located on the western side of South Western Highway, north of Nettleton Road and south of Abernethy Road. The access strategy to be presented back to Council within six months of the date of approval, together with indicative costing, so that Council can consider an advocacy strategy to achieve implementation of the strategy.

Option 2

As per Option 1, with a modified Condition h. which deletes point v. so as to allow waste collection of bins from the kerb side of South Western Highway.

Options 3

That Council REFUSES the application providing appropriate reasons.

Option 1 is recommended.



Conclusion

The application seeks approval for Gyms, Office, Consulting Rooms, Shop and Café. The uses are considered appropriate in accordance with the planning framework for the area and would not result in adverse amenity impacts. Notwithstanding the objections, it is considered that the proposal is consistent with the objectives of the planning framework and the principles of orderly and proper planning. For the reasons outlined in the report it is recommended that the application is approved subject to conditions.

Attachments (available under separate cover)

- **10.1.6 – attachment 1** – Development Plans including TIA and BMP (E21/5690)
- **10.1.6 – attachment 2** – Summary of Submissions (IN21/13783)
- **10.1.6 – attachment 3** – Clause 67 Checklist (E21/3417)
- **10.1.6 – CONFIDENTIAL attachment 4** – legal advice condition (s) (IN21/18525)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with option 1						
2	If the waste management plan allows kerb side collection, there could be a degree of inconvenience to road users of South Western Highway given a larger number of bin collections that the development will likely generate.	Planning framework	Reputational	Possible	Moderate	MODERATE	If this is supported, it is recommended that the Shire’s waste contractor continue their current practices to avoid major roads at peak time periods.
2	If Council refuse the application, it may result in the application appealing the decision to the State Administrative Tribunal.	Nil	Financial	Possible	Minor	MODERATE	Ensure valid planning reasons for refusal.

**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. APPROVES the development application for a Gym, Office, Consulting Rooms, Shop and Café at Lot 201 (895) and Lot 8 (899) South Western Highway, Byford, as contained within **attachment 1**, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

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

Plans and Specifications	P1 – P6 (Development Plans) received at the Shire's Offices on 22 February 2021; P7 (Traffic Impact Statement) received at the Shire's Offices on 24 March 2021; P8 (Bushfire Management Plan) received at the Shire's Offices on 24 March 2021.
--------------------------	--

- b. Prior to occupation, the provision of art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire of Serpentine Jarrahdale. The artwork concept must be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of Building Permit.
- c. Prior to occupation of the development, all vehicle parking areas accessways 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. Detailed design plans must be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of Building Permit.
- d. Prior to issue of a Building Permit, an easement in gross shall be prepared by the Shire's lawyers at the cost of the applicant, for the portion of Lot 8 comprising its driveway and crossover access. This is to ensure that reciprocal rights of access are available over that portion of Lot 8, to enable a shared north south access way and crossover to South Western Highway.
- e. Prior to the issue of a Building Permit for the development, a Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. This must demonstrate:
- landscaping abutting the South Western Highway road reservation being limited and maintained to a mature height of 1 metre;
 - sight lines being maintained to ensure driver safety;
 - the car park area being designed to provide a rain garden and flush kerbing treatment methodology.

The Landscape Plan must also show all areas of retained vegetation, additional planting including all car parking areas, access roads and road verges. Once approved, the Landscape Plan shall be implemented in its entirety and maintained thereafter.



-
- f. Prior to issue of a Building Permit, an Urban Water Management Plan (UWMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the UWMP shall be implemented and maintained thereafter. The UWMP shall be prepared in accordance with Local Planning Policy 2.4 – Water Sensitive Design. Stormwater discharge (if any) must not exceed pre-development discharge to the South Western Highway road reserve or the widened road reservation.
- g. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads. The Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs and include information to demonstrate:
- i. Any proposed illumination of signage must not exceed 300cd.m² (candela per square metre) between sunset and sunrise;
 - ii. The proposed signage must not flash, pulsate or chase; and
 - iii. The device must not contain fluorescent, reflective or retro reflective colours or materials.

Once approved, signage shall be displayed and maintained in accordance with the strategy.

- h. Prior to issue of a Building Permit, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the following:
- i. The location of bin storage areas and bin collection areas;
 - ii. The number, volume and type of waste to be placed in the bins;
 - iii. Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - iv. Frequency of bin collections;
 - v. No waste collection being permitted from the South Western Highway road reserve.

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

- i. Prior to issue of a Building Permit, a Lighting Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating adequate lighting responses which do not cause unobtrusive lighting impact. The approved lighting plan shall be implemented and maintained thereafter.
- j. Prior to the issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating compliance of the development with the Environment Protection (Noise) Regulations 1997. Plans submitted for a Building Permit must demonstrate all requirements of the Noise Management Plan being integrated into the design. The Noise Management Plan must also demonstrate the ongoing operational requirements of the development in order to comply with the Noise Regulations. This must also demonstrate:
 - i. Effective building design to enable acceptable indoor noise levels while attenuating for traffic and rail noise cause by South Western Highway and the adjoining rail; and



- ii. Able to accurately quantify noise impacts on the nearby sensitive receptors (residential premises on adjoining lots).
 - k. A Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:
'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'
 - l. Prior to the issue of a Building Permit, a Schedule of Colours and Materials shall be submitted to and approved by the Shire. This must depict the use of recycled facebrick for those portions identified as brickwork; timber features highlighting the integrated signage panels and; timber highlighting of the eaves for the upper storey window portions. Once approved, the development shall be constructed in accordance with the Schedule of Colours and Materials.
 - m. One (1) driveway is permitted onto South Western Highway. This driveway width must be 8 metres in width and must not exceed 11 metres in width to accommodate a 12.5metre service vehicle. The driveway must be at right angles to the carriageway.
 - n. Vegetation within the state road reserve must not be removed or trimmed to improve the visibility of the proposed advertising sign. The landowner/applicant must make good any damage to the existing verge vegetation within the South Western Highway road reserve.
 - o. Redundant vehicle crossover(s) to be removed and kerbing, verge, and footpath reinstated with grass or landscaping to the satisfaction of the Shire of Serpentine Jarrahdale.
 - p. No earthworks are to encroach onto the South Western Highway road reserve.
 - q. The ground levels on the South Western Highway are to be maintained as existing.
 - r. Prior to the issue of a Building Permit, a reciprocal rights of access and carparking easement is to be entered into between Lots 8 and 201 (excluding the portion of the easement in gross over Lot 8), to the satisfaction of the Shire. This shall be prepared by the Shire's lawyers at the cost of the applicant.
2. REQUESTS the Chief Executive Officer to work collaboratively with Main Roads WA and affected landowners to prepare an access strategy that will provide for south bound access into and out of the Mixed Use precinct located on the western side of South Western Highway, north of Nettleton Road and south of Abernethy Road. The access strategy to be presented back to Council within six months of the date of approval, together with indicative costing, so that Council can consider an advocacy strategy to achieve implementation of the strategy.

**OCM214/08/21****COUNCIL RESOLUTION****Moved Cr Dagostino, seconded Cr Byas****That Council:**

- 1. APPROVES the development application for a Gym, Office, Consulting Rooms, Shop and Café at Lot 201 (895) and Lot 8 (899) South Western Highway, Byford, as contained within attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:**

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

Plans and Specifications	P1 – P6 (Development Plans) received at the Shire’s Offices on 22 February 2021; P7 (Traffic Impact Statement) received at the Shire’s Offices on 24 March 2021; P8 (Bushfire Management Plan) received at the Shire’s Offices on 24 March 2021.
---------------------------------	---

- b. Prior to occupation, the provision of art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire of Serpentine Jarrahdale. The artwork concept must be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of Building Permit.**
- c. Prior to occupation of the development, all vehicle parking areas accessways 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. Detailed design plans must be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of Building Permit.**
- d. Prior to issue of a Building Permit, an easement in gross shall be prepared by the Shire’s lawyers at the cost of the applicant, for the portion of Lot 8 comprising its driveway and crossover access. This is to ensure that reciprocal rights of access are available over that portion of Lot 8, to enable a shared north south access way and crossover to South Western Highway.**
- e. Prior to the issue of a Building Permit for the development, a Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. This must demonstrate:**
- i. landscaping abutting the South Western Highway road reservation being limited and maintained to a mature height of 1 metre;**
 - ii. sight lines being maintained to ensure driver safety;**
 - iii. the car park area being designed to provide a rain garden and flush kerbing treatment methodology.**

The Landscape Plan must also show all areas of retained vegetation, additional planting including all car parking areas, access roads and road verges. Once



approved, the Landscape Plan shall be implemented in its entirety and maintained thereafter.

- f. Prior to issue of a Building Permit, an Urban Water Management Plan (UWMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the UWMP shall be implemented and maintained thereafter. The UWMP shall be prepared in accordance with Local Planning Policy 2.4 – Water Sensitive Design. Stormwater discharge (if any) must not exceed pre-development discharge to the South Western Highway road reserve or the widened road reservation.
- g. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads. The Strategy shall demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs and include information to demonstrate:
 - i. Any proposed illumination of signage must not exceed 300cd.m² (candela per square metre) between sunset and sunrise;
 - ii. The proposed signage must not flash, pulsate or chase; and
 - iii. The device must not contain fluorescent, reflective or retro reflective colours or materials.Once approved, signage shall be displayed and maintained in accordance with the strategy.
- h. Prior to issue of a Building Permit, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the following:
 - i. The location of bin storage areas and bin collection areas;
 - ii. The number, volume and type of waste to be placed in the bins;
 - iii. Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - iv. Frequency of bin collections;
 - v. No waste collection being permitted from the South Western Highway road reserve.Once approved, the Waste Management Plan shall be implemented and maintained thereafter.
- i. Prior to issue of a Building Permit, a Lighting Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating adequate lighting responses which do not cause unobtrusive lighting impact. The approved lighting plan shall be implemented and maintained thereafter.
- j. Prior to the issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, demonstrating compliance of the development with the Environment Protection (Noise) Regulations 1997. Plans submitted for a Building Permit must demonstrate all requirements of the Noise Management Plan being integrated into the design. The Noise Management Plan must also demonstrate the ongoing operational requirements of the development in order to comply with the Noise Regulations. This must also demonstrate:
 - i. Effective building design to enable acceptable indoor noise levels while attenuating for traffic and rail noise cause by South Western Highway and the adjoining rail; and



- ii. Able to accurately quantify noise impacts on the nearby sensitive receptors (residential premises on adjoining lots).
 - k. A Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:
'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'
 - l. Prior to the issue of a Building Permit, a Schedule of Colours and Materials shall be submitted to and approved by the Shire. This must depict the use of recycled facebrick for those portions identified as brickwork; timber features highlighting the integrated signage panels and; timber highlighting of the eaves for the upper storey window portions. Once approved, the development shall be constructed in accordance with the Schedule of Colours and Materials.
 - m. One (1) driveway is permitted onto South Western Highway. This driveway width must be 8 metres in width and must not exceed 11 metres in width to accommodate a 12.5metre service vehicle. The driveway must be at right angles to the carriageway.
 - n. Vegetation within the state road reserve must not be removed or trimmed to improve the visibility of the proposed advertising sign. The landowner/applicant must make good any damage to the existing verge vegetation within the South Western Highway road reserve.
 - o. Redundant vehicle crossover(s) to be removed and kerbing, verge, and footpath reinstated with grass or landscaping to the satisfaction of the Shire of Serpentine Jarrahdale.
 - p. No earthworks are to encroach onto the South Western Highway road reserve.
 - q. The ground levels on the South Western Highway are to be maintained as existing.
 - r. Prior to the issue of a Building Permit, a reciprocal rights of access and carparking easement is to be entered in to between Lots 8 and 201 (excluding the portion of the easement in gross over Lot 8), to the satisfaction of the Shire. This shall be prepared by the Shire's lawyers at the cost of the applicant.
2. REQUESTS the Chief Executive Officer to work collaboratively with Main Roads WA and affected landowners to prepare an access strategy that will provide for south bound access into and out of the Mixed Use precinct located on the western side of South Western Highway, north of Nettleton Road and south of Abernethy Road. The access strategy to be presented back to Council within six months of the date of approval, together with indicative costing, so that Council can consider an advocacy strategy to achieve implementation of the strategy, provided such strategy is at no external or direct costs to the Shire.

MOTION CARRIED 8/1

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

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

Councillors Coales voted AGAINST the motion.

Reason for difference to Officer recommendation
To protect the rate payers' funding.



Deputy CEO/Director Community and Organisational Development, Helen Sarcich declared a Financial Interest in item 10.1.7 and left the Chambers at 8:46pm prior to this item being discussed.

10.1.7 – Lot 60, 394 Robertson Road, Cardup – Proposed Mobile Concrete Batching Plant (PA21/163) – including additional information	
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.
----------------	--

Proponent:	Harley Dykstra Pty Ltd
Owner:	Kandalee Pty Ltd and Mecca Holdings Pty Ltd
Date of Receipt:	23 February 2021
Lot Area:	47.39ha
Town Planning Scheme No 2 Zoning:	'Urban Development' and 'Special Use'
Metropolitan Region Scheme Zoning:	'Industrial' and 'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a Mobile Concrete Batching Plant at Lot 60, 394 Robertson Road, Cardup.

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

The item was presented to Council at its meeting of 19 July 2021, whereby Council resolved to defer the matter to "enable further consultation between the Applicant and Officers."

The results of this further consultation are provided in the additional information prior to the options section of this report.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 19 July 2021 – OCM175/07/21 – Council Resolution</i> <i>That the Council DEFER consideration of the matter to the August Ordinary Council Meeting to enable further consultation between the Applicant and Officers.</i>



Background

Existing Development

The subject site was developed in the 1980s for the purpose of a timber mill business. The site is currently utilised by Permacast concrete distribution business and the Permapole timber processing business. The original shed on site was developed between 1983 and 1985, with an extension to the shed being developed in 2009. Various ancillary site works associated with the business operations have taken place over the years since the site was originally developed, with the yards being utilised for the storage of products and materials. The southern portion of the lot contains bush forever as depicted below.

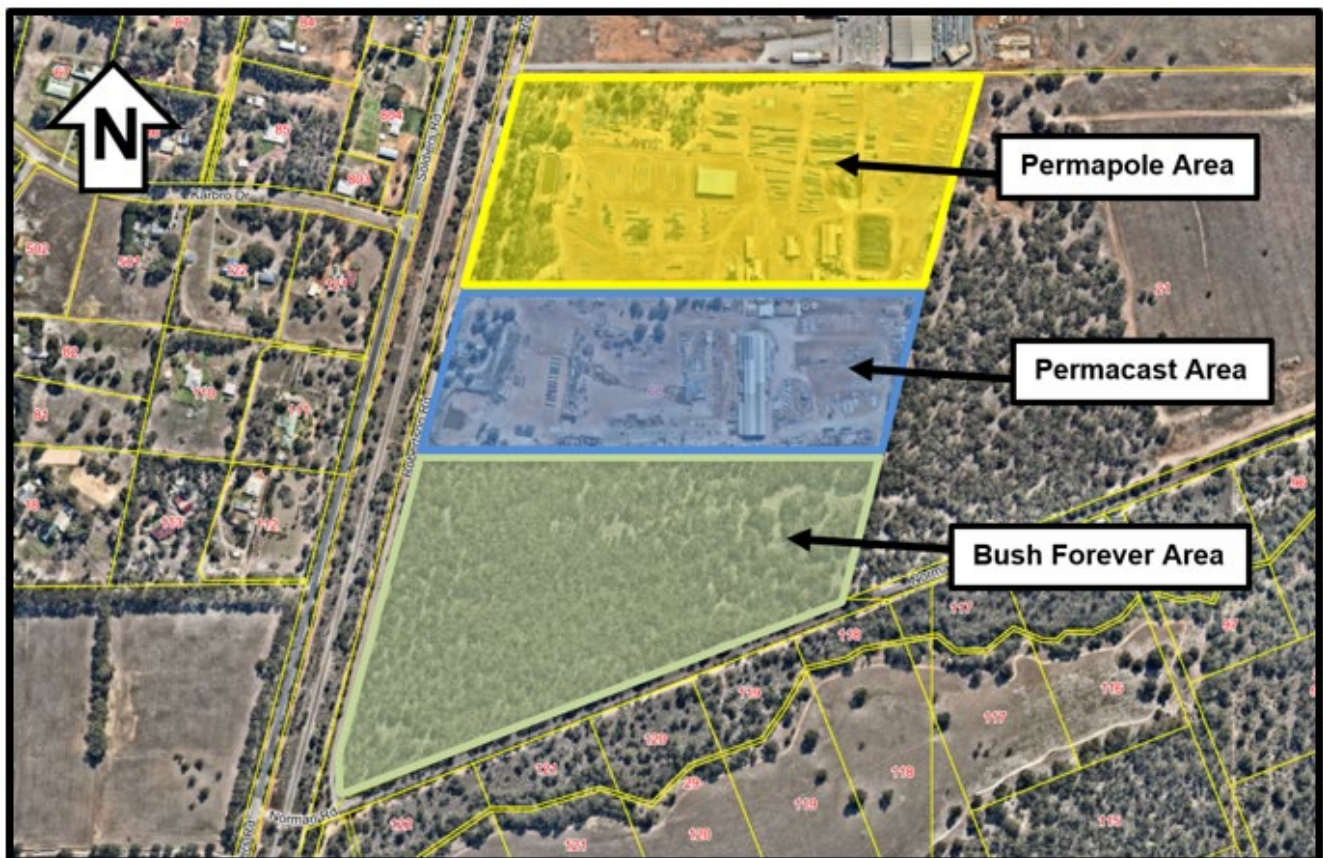


Figure 1: Aerial image with existing use overlay



Proposed Development

The development application seeks approval for a mobile concrete batching plant, proposed to be located adjacent to the existing Permacast shed, as depicted below:

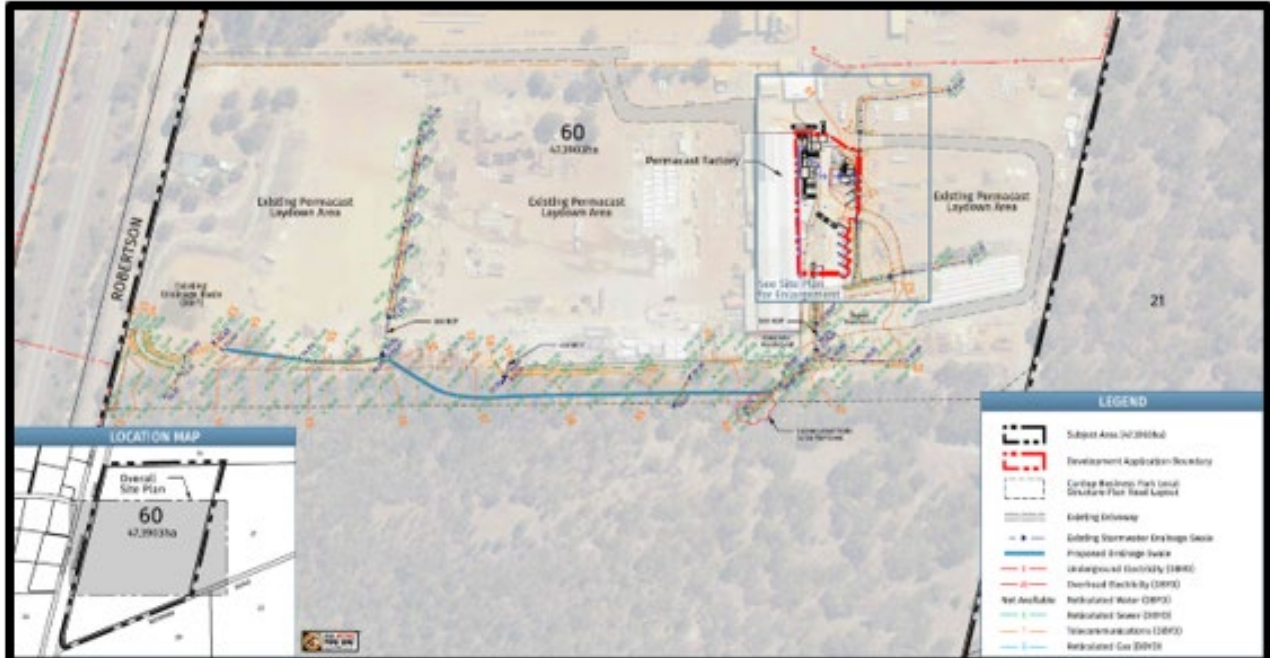


Figure 2: Site plan with the development area highlighted in red

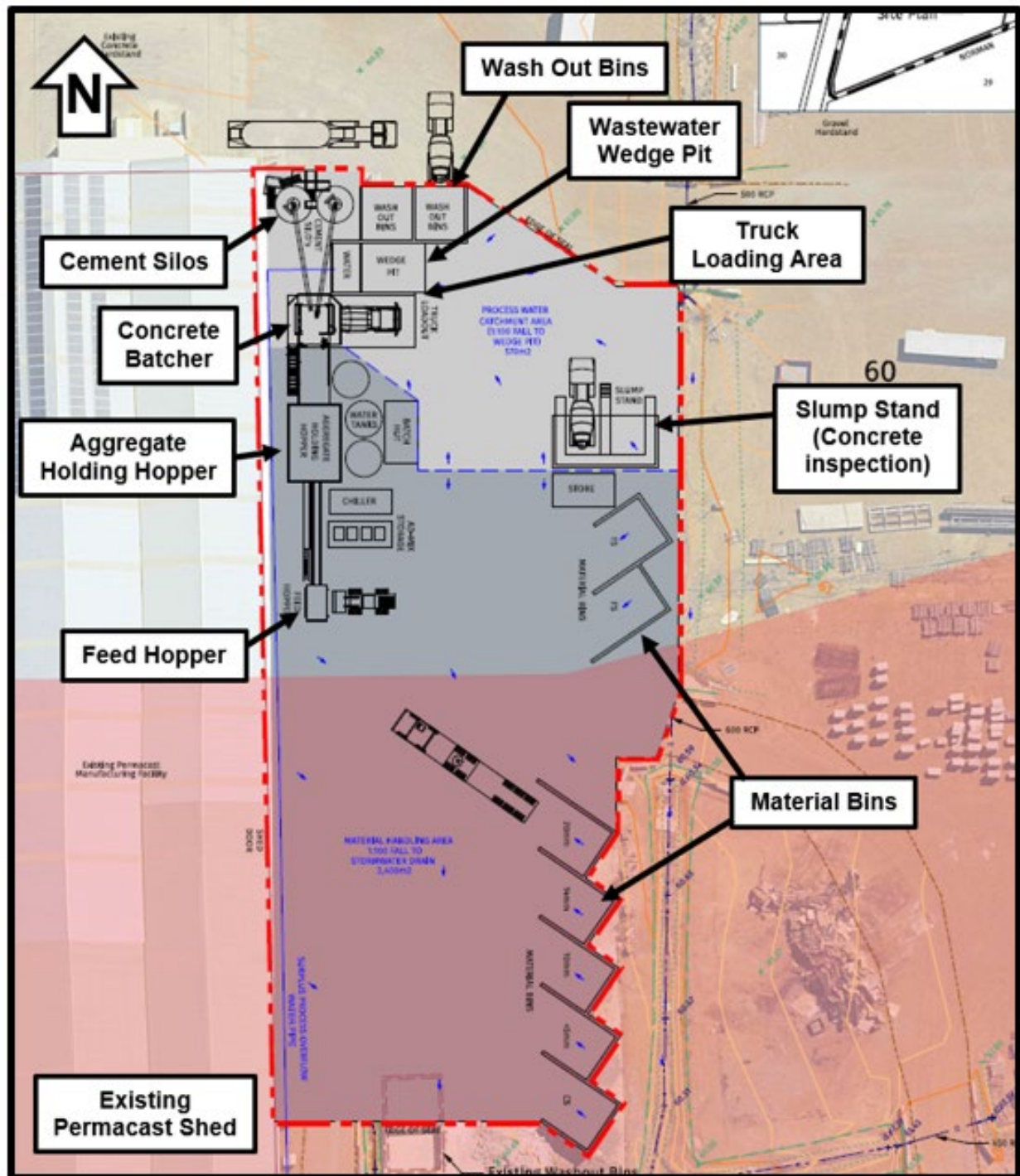


Figure 3: Concrete batching area

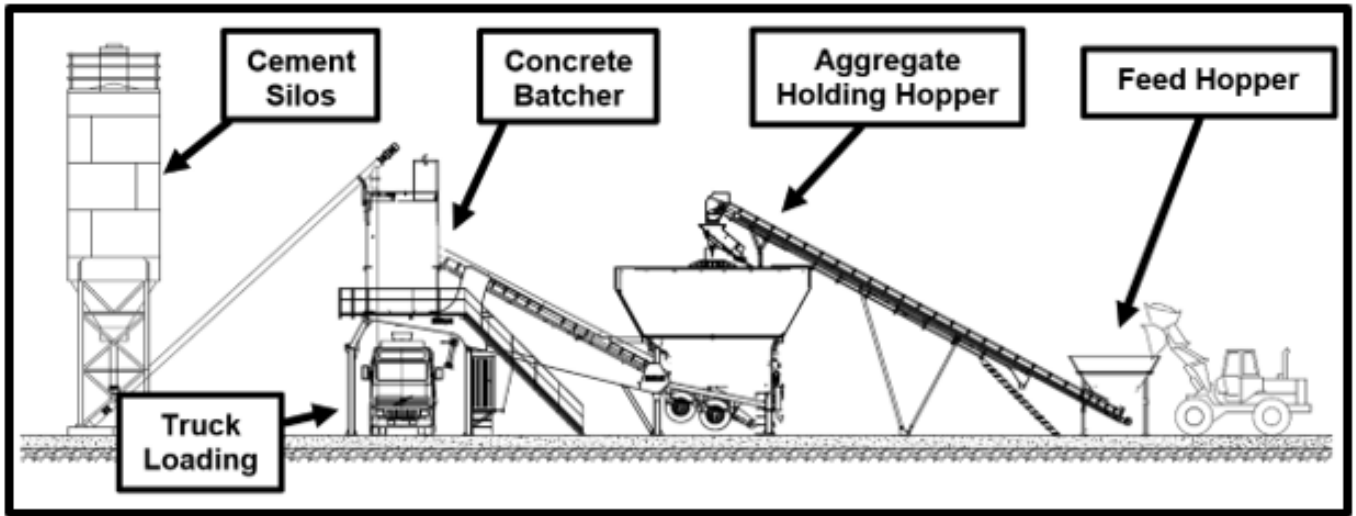


Figure 4: Elevation of Proposed Plant

The proposed development comprises of:

- An area of concrete hardstand measuring 2,970m²;
- The concrete batching plant; specifically a feed hopper, aggregate holding hopper, the batching computer and the sealed plant batcher;
- A material storage area being made up of:
 - seven storage bins enclosed on three sides with a capacity of 150m³;
 - two base cement material holding silos; and
 - three water tanks.
- Initially the proposal included eight RAV 4.1 trucks for the delivery of raw materials to the site for processing. Following comments from Main Roads Western Australia (MRWA), this aspect of the proposal has been amended and now includes a maximum of 16 smaller material delivery trucks. These trucks can travel on the road network 'as of right' and do not need specific approvals or have requirements to travel on the RAV network;
- A maximum of 20 concrete agitator trucks for external deliveries (used on a needs basis only);
- Associated with the trucks are slump stands (where the concrete quality is assessed in the truck), truck loading and wash out areas;
- A stormwater management system including:
 - A wedge pit that the water from the processing area is directed to; and
 - A detention basin immediately to the south of the material storage area that would contain stormwater runoff from the hardstand.

This aspect of the proposal is also an amendment since the submission of the application. Initially, the proposal sought approval for a water management system that included infrastructure within the bush forever. This was not supported by the Department of Planning Lands and Heritage (DPLH) and therefore has been removed from the proposal.



The proposed batching plant is estimated to have an output of 62,400m³ or 146,640 tonnes of concrete per year which would generally be used by the neighbouring Permacast facility. However, there may be instances where concrete would be delivered offsite, utilising the 20 agitator trucks as mentioned above.

The proposal seeks to utilise a 'wet-mix' process in order to create the concrete. The wet-mix process combines all the dry ingredients (concrete base material, aggregate and sand) and water by computer control in a central mixer within the plant, which fully mixes and prepares the concrete within a sealed and enclosed compartment before loading into a concrete agitator truck for delivery.

The raw materials (sand and aggregate) would be delivered to the site and stored in material bins, as shown on the site plan. The sand and aggregate are transported using a front-end-loader onto a hopper which feeds it into a storage area, awaiting processing within the plant. The concrete base material would be delivered by a sealed tanker and transferred to sealed storage silo's that are attached to the plant itself.

The abovementioned materials (the concrete base, the sand and the aggregate), are then loaded into the plant. The plant batcher enters the required mix and quantity of concrete to be produced into the batch computer, and the batch of concrete is produced autonomously. The batch is then completely mixed within the plant prior to discharge into the truck.

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

Community / Stakeholder Consultation

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

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

During the consultation period, eight submissions were received, which include six objections and two letters of support. Full details of the submissions together with the applicant's response and Officer comments are contained within **attachment 1**. The concerns raised in the objections are summarised below and addressed under the relevant headings of the report.

- Noise impacts;
- Dust and particle impacts;
- Amenity impacts due to operational hours;
- Water usage, stormwater and drainage management; and
- Traffic impacts.

In addition, the application was referred to relevant State Government Departments for a period of 42 days. The comments received are also contained within **attachment 2** and summarised below:



Department of Planning Lands and Heritage (DPLH)

As previously stated, the infrastructure initially proposed as part of the stormwater management system was located within the bush forever site portion.

DPLH provided comments that amendments to the Bush Forever area are currently being discussed between the landowner and the Western Australian Planning Commission (WAPC). The amendments proposed would realign the bush forever outside of the application site.

A Deed of Agreement and an amendment to the Metropolitan Regional Scheme (MRS) would first be required to be in place prior to DPLH being in a position to support any infrastructure within the bush forever, notwithstanding the amendments that were being worked towards.

As such, DPLH initially recommended that the application be deferred until such time as the Deed of Agreement is executed and the MRS amendment advertised for comment.

Subsequently, the proposed stormwater management system has been amended and there is no longer any infrastructure proposed within the bush forever.

DPLH has provided an amended submission raising no objections to the amended proposal. This is contained within **attachment 2**.

Department of Water and Environmental Regulation (DWER)

DWER provided the following:

- A works approval is required to be lodged with DWER under Part V, Division 3 of the *Environmental Protection Act 1986*. DWER's groundwater impact assessment would be conducted at the lodgement of the works approval to DWER.
- DWER's Environmental Noise Branch was in agreeance with the assertions of the Acoustic Assessment Report lodged by the applicant that the noise generated by the proposal would comply with the relevant legislation, being the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) at all times.

Officer Comment:

These comments have been forwarded to the applicant for information.

Main Roads Western Australia (MRWA)

The application was initially referred to MRWA due to the inclusion of eight heavy haulage RAV 4.1 trucks for the purpose of raw material supply. MRWA did not provide a response to the referral within the 42-day advertising period, however a later response was provided. MRWA requested an updated Traffic Impact Assessment (TIA) that addresses the following:

- Demand profiles to be consistent. Section 6.3 of the TIA discusses the peak arrival of the concrete deliveries is during AM, but Section 8.2 assumes a 50/50 split of the trips between the AM and PM peaks.
- Further detail is needed on heavy vehicle routes to and from the site including whether vehicles travel north and/or south along the South Western Highway.
- Traffic Impact Assessment to assess the intensification of heavy vehicles traffic at intersections and identify suitable intersection treatments to be undertaken by the developer as part of the development. The assessment must be undertaken using the 2023 volume.



Officer Comment:

This referral from MRWA resulted in the applicant revising their proposal to remove the heavy haulage RAV trucks. Traffic issues are discussed further in the Traffic section of this report.

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCA did not provide a response to the referral within the 42-day referral period, though provided a late submission which in summary reiterated the approach DPLH has undertaken in seeking an amendment to the stormwater management arrangements so that there is no adverse impact to the Bush Forever Site.

Officer Comment:

Officers have forwarded the comments to the applicant for response and factored the comments in when considering the amended stormwater proposal.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*

State Government Policies

- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement)
- State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)
- Cardup Business Park Local Structure Plan (LSP)

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**.

Land Use

The Mobile Concrete Batching Plant falls within the land use of 'Industry General' in accordance with TPS2, which is defined as:

"Industry General - means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry."

The site is zoned 'Urban Development' and 'Special Use' under TPS2, as depicted below. The portion of the site in which the proposal is located is zoned 'Urban Development'.

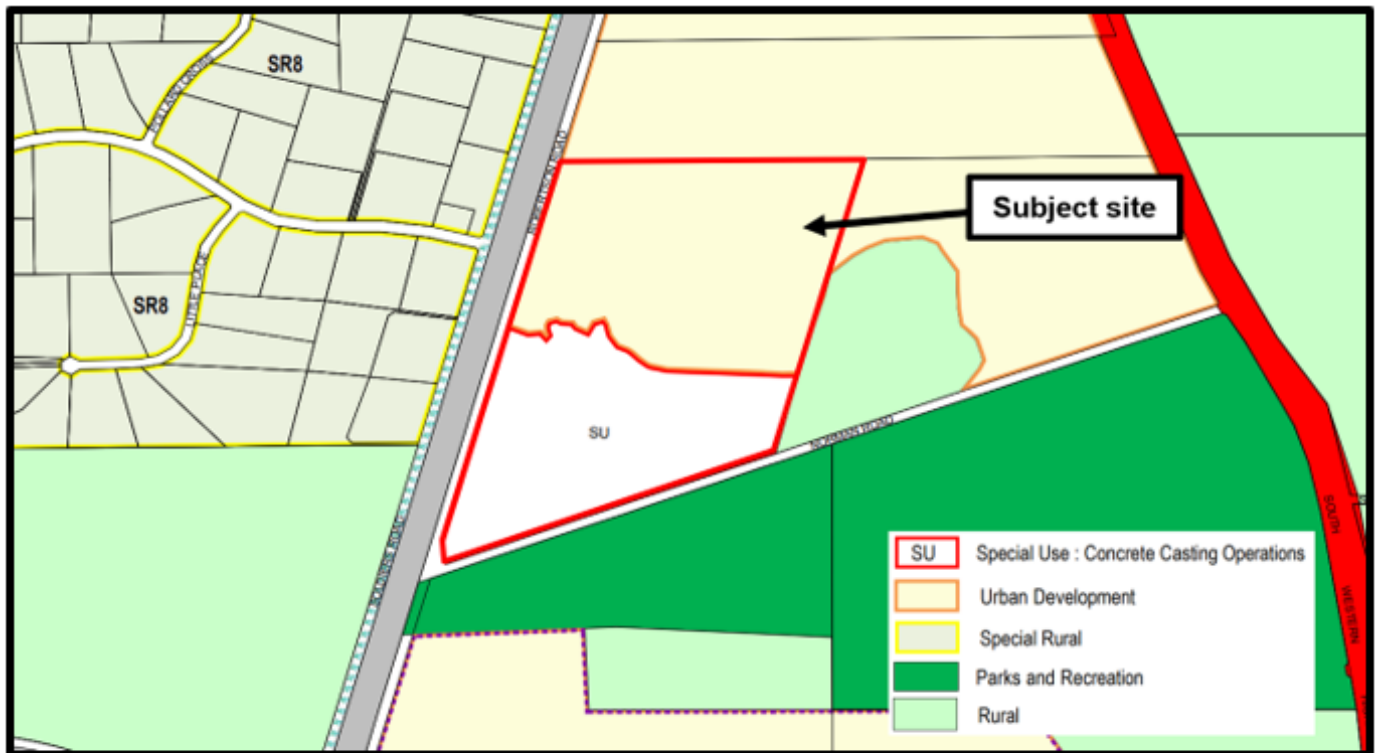


Figure 5: The split zoning of the property under TPS2

Land use and development within the 'Urban Development' zone is guided by Structure Plans. In this case, the proposal falls within the Cardup Business Park Local Structure Plan (LSP) which is further considered later in the report.

The development site is designated as 'Industry General' under the LSP. Under Table 1 – Zoning Table of TPS2, the land use of 'Industry General' is a 'P' use meaning had the LSP designation been the zone, the land use would be permitted. Whereas the use is permitted, an assessment is required against the physical works component of the proposal, including the processes and operations involved.

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

Clause 5.18 of TPS2 states that, *"The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances."* The objective is facilitated through the preparation of Structure Plans which guide the land use permissibility and development.

As previously mentioned, the subject site falls within the Cardup Business Park LSP and is zoned 'Industry General'. The purpose and intent of the zone under TPS2 is as follows:

"The purpose and intent of the General Industry zone is to provide for industries which require large areas of land for their operation".

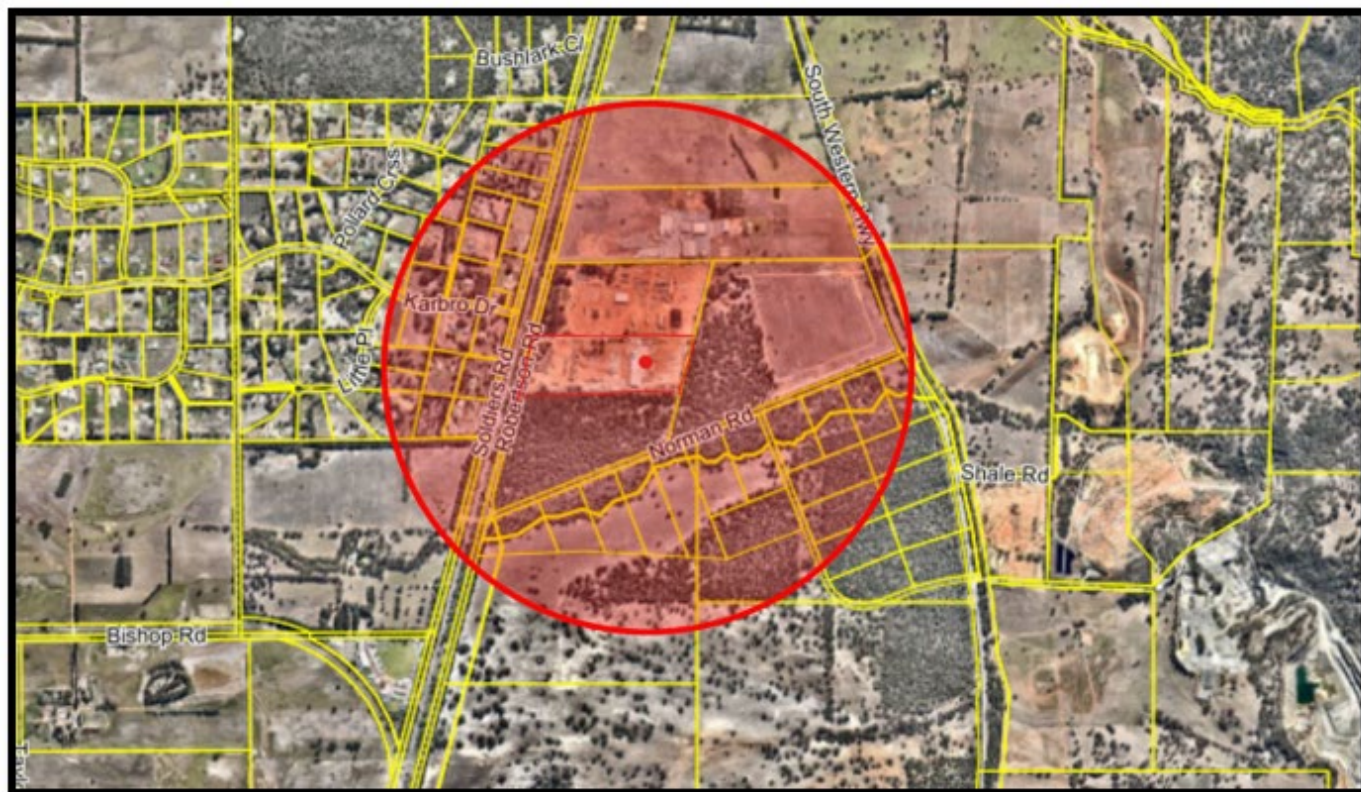
While the site is a large land area, the processes and operations involved (being Cement product manufacturing concrete from 5000 to 150 000 tonnes per year) requires a buffer distance of 500-1000m depending on site.

As per the EPA Guidance Statement No. 3 (Separation Distances between Industrial and Sensitive Land Uses), given that the processes and operations involved are at the upper limit of the spectrum that is identified, it is recommended that a 1000m buffer would be a starting point.

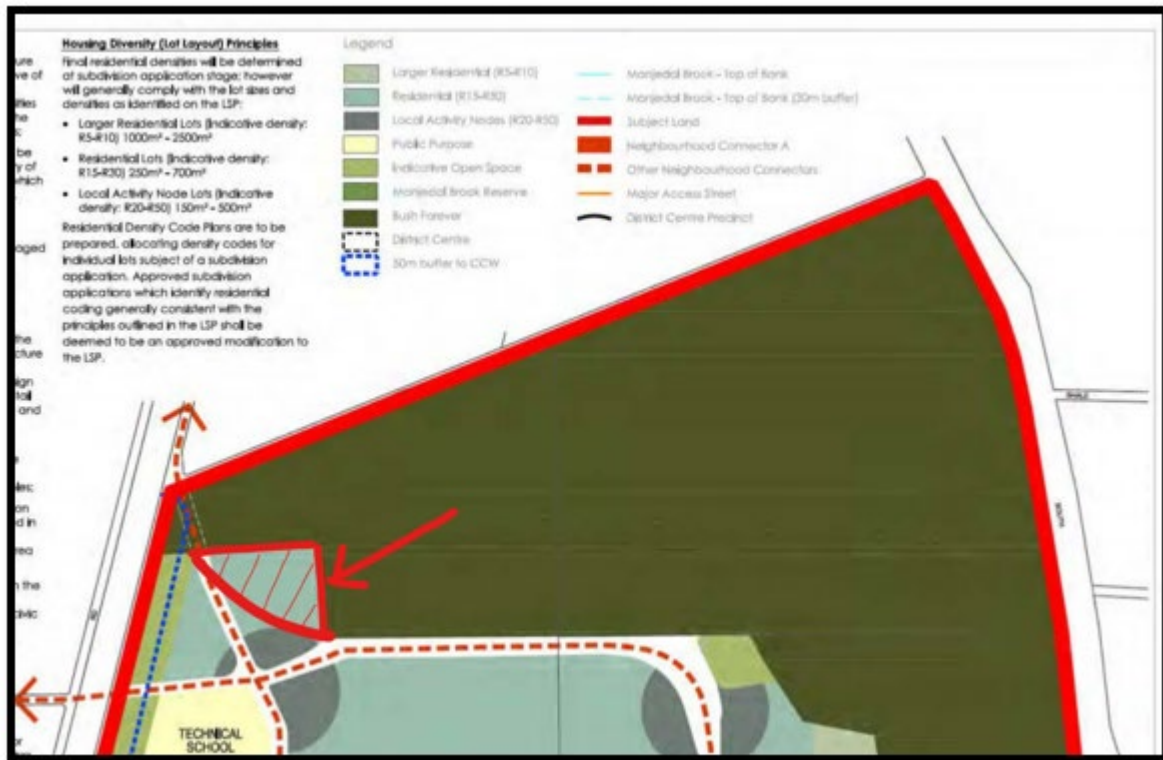


Industry	Description of industry	DoE Licence or Registration category (*)	Key Government agencies for advice or approvals	Code of Practice (CoP) / environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gaseous	Noise	Dust	Odour	Risk	
Cement product manufacturing works	concrete or cement is mixed, prepared or treated – up to 5000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			300-500, depending on size
	concrete or cement is mixed, prepared or treated – from 5000 to 150 000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			500-1000, depending on size
	concrete or cement is mixed, prepared or treated – greater than 150 000 tonnes per year	√ (77)	DoIR, WRC	√		√	√			1000-1500, depending on size

A 1000m buffer, taken from the proposed location of the physical works, shows that the land is not sufficiently large enough to accommodate the standard separation distance for the proposal. Specifically, a number of sensitive premises are affected on the west side of Soldiers Road. Also, future residential development associated with the approved Whitby Structure Plan would be affected.



1000m buffer



1000m buffer affecting future residential land on Approved Structure Plan

Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)

The portion of the site where the development is proposed is zoned 'Industrial Development' under LPS3. The proposed concrete batching plant would fall within the 'Industry' land use under LPS3, which is defined as follows:

Industry – means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes”

The 'Industry' land use is a 'D' land use within the 'Industrial Development' zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. This would require a merits based assessment to be performed against both the use component and the physical works component of the proposal. As it stands, however, given the current Scheme permits the use, it is a focus on the physical works, processes and operations that are the basis of the planning assessment.

Shire of Serpentine Jarrahdale Draft Local Planning Strategy

The Statutory Planning Committee of the WAPC recently considered the Shire's Final Draft Local Planning Strategy. At the time of writing this report, the minutes had not yet been released.



Council at the June 2020 Special Council Meeting resolved a specific modification to the Local Planning Strategy to the Cardup Business Park as follows:

Action 8 – Facilitate the zoning of the Cardup Business Park as ‘Industrial Development’, to enable a review of the current Structure Plan in response to evolving planning and development in the locality, to provide for a mix of non-impacting industrial, service commercial and composite land uses that better respond to the need to minimise offsite impacts while protecting established industrial businesses. Following a revised Structure Plan, the normalisation of zoning to occur.’

This was only partially supported in the DPLH Officer report however, which indicated an intent to give the Cardup Business Park and the West Mundijong Industrial Area the same Industrial zoning.

Officers of the Shire further responded to this indicating that Cardup Business Park did not enjoy the secured 1000m buffer from its outer precinct edges, and therefore was appropriate for non-impacting industries only.

As it stands, the proposed development is not consistent with the position expressed by Council in respect of adopting the Draft Local Planning Strategy, while noting the DPLH Officer position did not support that of the Shire’s.

Cardup Business Park Local Structure Plan (LSP)

As previously stated, the application site is designated as ‘Industry General’ under the LSP. According to the Table 1 – Zoning Table of TPS2, the land use of ‘Industry General’ is a permitted land use in the ‘General Industry’ zone. The proposal by way of land use is consistent with the LSP.

The LSP requires:

Any development contemplating dust generating activities shall be accompanied by a dust management plan to demonstrate dust is capable of being managed and monitored in accordance with EPA regulations.

This proposal includes such dust generating activities, as per the EPA guidance statement that identifies noise and dust as associated impacts.

The applicant has provided a Dust Management Plan (DMP), prepared according to the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*. The DMP considers the proposal against the wider operations occurring on site.

The DMP identifies that the sensitive receptors to the wider operations on site include the rural residential development to the west of the site and the Court Grammar School 1km to the south-west of the site. The DMP identifies the following dust sources:

- Raw material delivery; and
- Manufacturing (mixing of materials or transportation within the site).

In summary, the following methods of mitigating dust impacts are proposed within the DMP:

- Training of staff on dust management;
- Possible cease of operation if dust cannot be managed;
- Regular washing and cleaning of equipment to minimise dust build up;



- All surfaces around the concrete batching area are to be constructed on hardstand, to minimise dust;
- The availability of a water cart to dampen materials and the wider concrete batching area;
- The washing of trucks prior to leaving site, minimising dust/material being brought offsite;
- The use of storage bins for raw material which will be dampened prior to delivery and moisture levels monitored and rectified as required;
- The raw cement mix material will be stored within a fully sealed silo; and
- Regular and ongoing maintenance of equipment and processes.

Officers assessed the DMP, to determine its consistency or otherwise with the specified standard under the LSP.

Officers note the following concerns:

- The DMP did not consider site specific meteorological conditions. No information was provided to confirm that consideration had been given to the katabatic winds moving east to west across the Scarp. Rather, s2.2. of the DMP states wind data from Perth Airport being used.
- The DMP expresses *"It is likely that any dust generated by the morning easterly winds would be abated by the shed prior to leaving the property and is therefore unlikely to reach the residential dwellings located within the buffer area. Likewise, the shed is likely to screen the processing area and restrict the south westerly winds from producing dust within the processing area."* Officers are concerned that without site specific meteorological conditions, together with the fact that a number of current and future sensitive premises are located within the 1000m buffer, means Officers cannot be confident that dust is capable of being managed and monitored in accordance with EPA regulations.

It is important to note that the DWER Guideline for managing dust states: "Where meteorological information is not available, or the site characteristics such as topography are difference from those at the nearest BoM station, then site specific metrological monitoring will be required. DOH requires that meteorological data is matched to the activity on site, particularly if there is considerable potential to adversely impact public health."

The assessment of Officers is that there is potential adverse amenity impact, and the lack of certainty resulting from the absence of site specific meteorological data is a planning concern.

State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)

The aim of SPP2.8 is to provide a framework to ensure bushland protection and management issues within the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning.

Bush Forever area 361 is located in the southern portion of the property, with the area of Bush Forever 361 being shown in the image below:

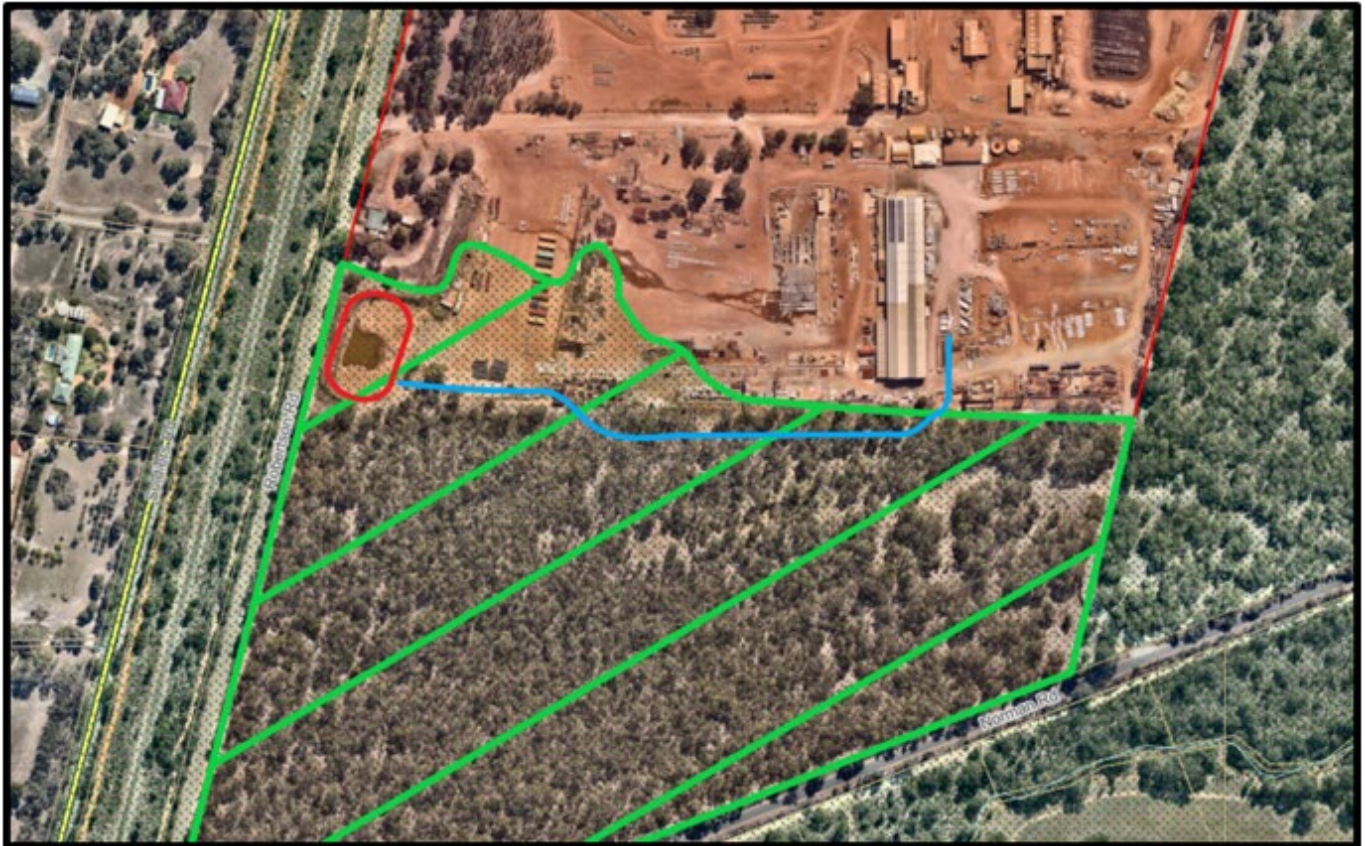


Figure 7: Bush Forever Area 361 (green), the initially proposed swale (blue) and drainage basin (red)

As previously stated, following concerns raised from the DPLH, no part of the application would be located within the vegetated extents of the bush forever site, resulting in the protection of the significant bushland, consistent with SPP2.8. This site is also in the process of being amended to reflect vegetated extents.

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

The intent of SPP3.7 is, *“to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure”*. This is facilitated through objectives, which in summary are as follows:

- *“Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.*
- *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*
- *... Ensure that ... development applications take into account bushfire protection requirements and include specified bushfire protection measures.”*

Typically, for this type of development, SPP3.7 requires a Bushfire Management Plan (BMP) to be provided. The BMP would provide the bushfire attack level (BAL) rating for any buildings and an assessment against the elements of the *Guidelines for Planning in Bushfire Prone Areas* (location, siting, water and access).

In this instance, the applicant has not provided a BMP as the main concrete batching area would be located outside of the bushfire prone area, as shown on figure 8 below.

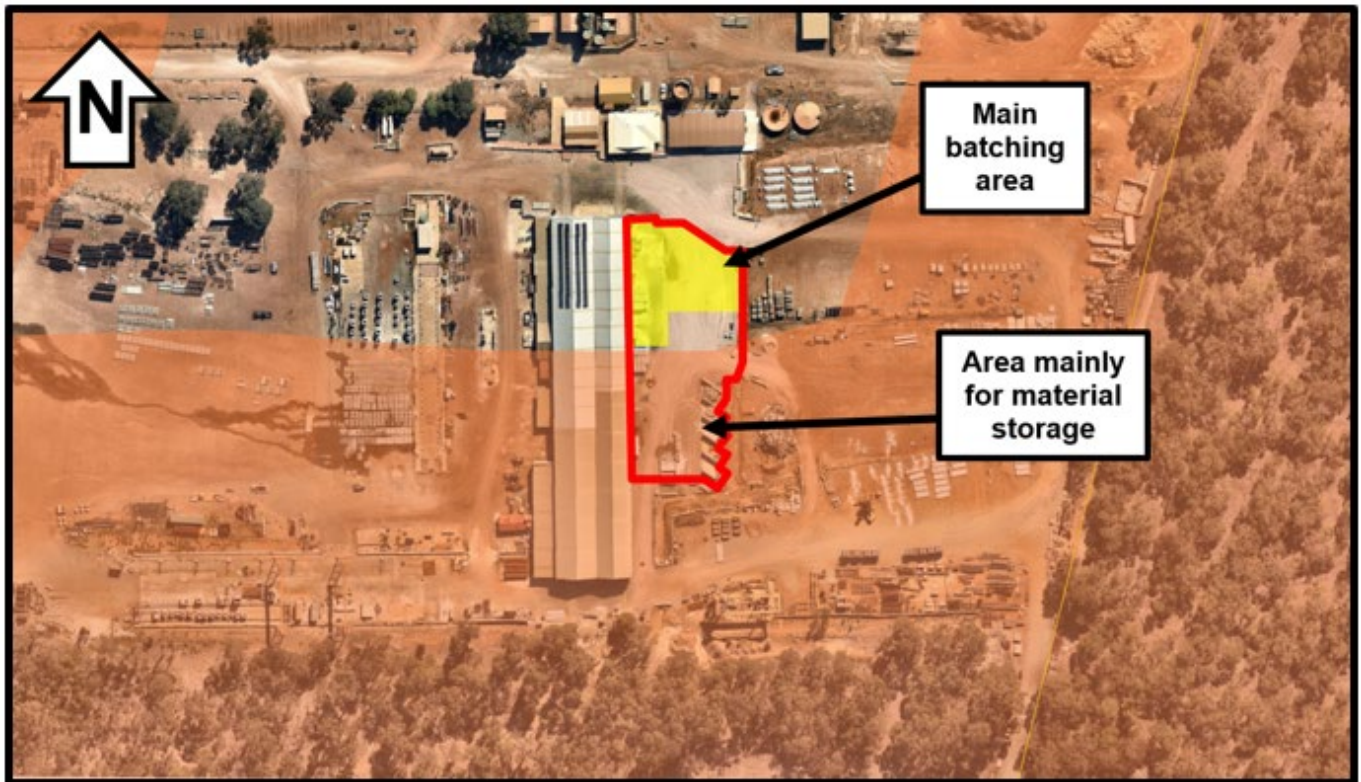


Figure 8: The bushfire prone area (orange overlay) compared to the development area

While this location is technically outside the BPA, the development area does extend within the BPA. Not having a BMP creates a degree of risk assessment that has not been assessed. This issue, however, could be adequately conditioned if Council were to consider approving the application.

Amenity

Visual Amenity:

Clause 67 of the Deemed Provisions, specifically K, L, M, N, P, all relate to the form and amenity of the development that is required to be assessed.

The development area is set back significantly from all property boundaries as follows:

- 386m to the primary street boundary (west);
- 330m to the side boundary (north);
- 257m to the side boundary (south); and
- 128m to the rear boundary (east).

In addition to this, Officers note that there is significant vegetation providing a visual screen to the development to all boundaries. Furthermore, the development would be located wholly behind the existing Permacast shed and so would not be visible from the primary street of Robertson Road, as depicted below.



Figure 9: Image from Robertson Road entry point to site. The Permacast shed just being visible would screen the concrete batching area fully from the streetscape

Officers therefore do not consider that the proposal would adversely impact the locality by way of visual amenity.

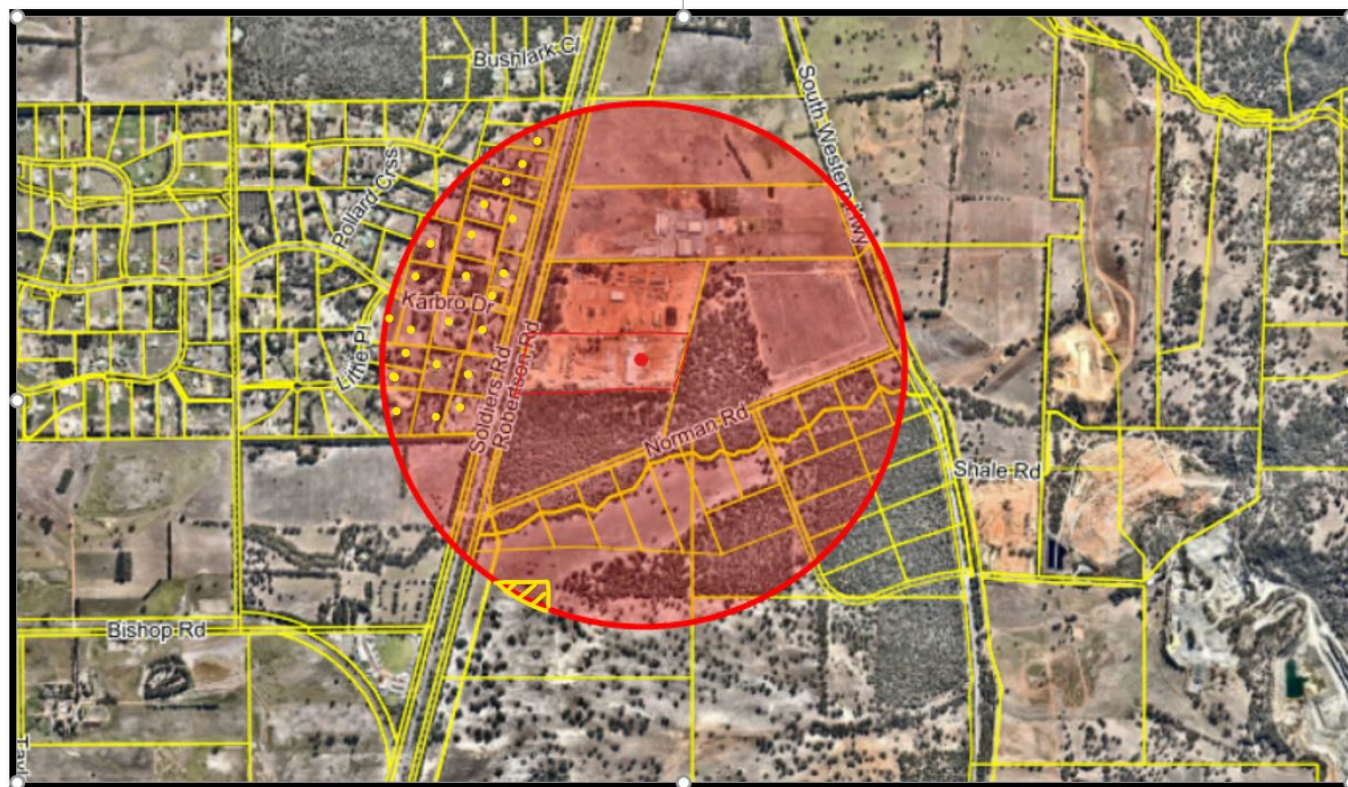
The Environmental Protection Authority Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement)

As mentioned above, the current version of EPA Guidance Statement No. 3 (Separation Distances between Industrial and Sensitive Land Uses), recommends a 1000m buffer as a starting point.



Industry	Description of industry	DoE Licence or Registration category (*)	Key Government agencies for advice or approvals	Code of Practice (CoP) / environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gaseous	Noise	Dust	Odour	Risk	
Cement product manufacturing works	concrete or cement is mixed, prepared or treated – up to 5000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			300-500, depending on size
	concrete or cement is mixed, prepared or treated – from 5000 to 150 000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			500-1000, depending on size
	concrete or cement is mixed, prepared or treated – greater than 150 000 tonnes per year	√ (77)	DoIR, WRC	√		√	√			1000-1500, depending on size

A 1000m buffer, taken from the proposed location of the physical works, shows that the land is not sufficiently large enough to accommodate the standard buffer for the proposal. Specifically, a number of sensitive premises are affected on the west side of Soldiers Road. Also, future residential development associated with the approved Whitby Structure Plan would be affected. This is shown following:



1000m buffer



The key impacts identified for this type of industry according to the Guidance Statement are noise and dust emissions. The applicable industry according to the Guidance Statement has a generic separation distance requirement of 500-1000m, and as previously discussed a 1000m distance is considered relevant. While Officers note that a draft Guidance Statement (dated 2015) prescribes a lower distance (between 300 to 500m), this remains in draft form only and does not alter that the current operative guidance statement prescribes 1000m.

This is a concern to Officers. To the west, these lots are designated to continue for Rural Residential development under the current and future scheme. The amenity for this area is one which affords for a limited range of appropriately scaled rural uses to occur. Indeed, the new Local Planning Scheme No. 3 adopts the model zone provisions which provides for “residential amenity with a rural character.”

These lots also form part of a planning investigation area under the Perth and Peel Subregional Frameworks document, which is considering whether land use should remain the same, or change, in the long term. While the Shire’s position is for the protection of Rural Residential in this area, to create clear and coherent rural green belts between the urban nodes of Byford and Mundijong, it could mean even more intensive development.

To the south, for those lots adjoining Norman Road, the Whitby Precinct A Local Structure Plan designates these lots as a ‘Reserve’ for the purpose of a Bush Forever Site. The Structure Plan does not anticipate residential development on these lots. Separately, as shown on the Structure Plan, a portion of future residential development will extend to within the 1000m separation distance, south of the lots adjoining Norman Road.

As mentioned, the technical dust report does not sufficiently address Officer concerns that the proposed physical works, processes and operations at the scale proposed will not adversely impact sensitive receptors.

In respect of noise, the applicant has provided an acoustic assessment in order to address noise impacts against the *Environmental Protection (Noise) Regulations 1997 (Noise Regulations)*. The Acoustic Assessment identifies noise sources as:

- Truck and vehicle movements;
- The loading and unloading of materials;
- Vehicle wash down;
- The operations occurring prior to 7:00am on weekdays and 9:00am on weekends are typically the first agitator trucks attending site at 6:00am.
- The operations would operate typically between 5:00am to 2:00pm, with a maximum of 16 ‘as of right’ trucks attending site to restock materials between 2:00pm to 6:00pm, at which time the plant would close.
- The nearest noise sensitive “residential” premises being located just over 500m to the west of the concrete batching area of the site.

Noise measurement and monitoring of the existing Permacast operations have been undertaken as a part of this acoustic assessment. Predictive noise modelling has been used to assess the cumulative operations of the current facility, with the addition of the proposed Concrete Batching Plant.

The acoustic assessment identifies that the main concrete production area would be screened to the nearest noise sensitive “residential” premises by the existing Permacast shed, which would



act as a noise attenuating buffer reducing the level of noise that would be received at the sensitive receptors.

It further identifies that main impact to the nearby residences from the development would be from the movement of trucks to and from site, as the vehicle access point to the site is approximately 100m from the boundary of the nearest rural residential property.

The tables below detail the four different scenarios and the noise levels recorded in relation to the assigned levels.

TABLE 7.1 – ASSESSMENT OF NOISE LEVELS L _{A10} NOISE LEVELS						
Assessable Noise Level dB(A)	Res A	Res B	Res C	Time of Day	Assigned L _{A10} Level (dB)	Compliance
Scenario 1 – Permacast Current Operations	33	31	29	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	38	Complies
Scenario 2 – Proposed Batch Plant Operations	31	23	22			Complies
Scenario 3 – Current and Proposed Operations combined	35	31	30			Complies

TABLE 7.2– ASSESSMENT OF NOISE LEVELS LA01NOISE LEVELS						
Assessable Noise Level dB(A)	Res A	Res B	Res C	Time of Day	Assigned L _{A10} Level (dB)	Compliance
Scenario 4 – Truck movements prior to 07:00am	43	38	35	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	48	Complies

Figure 12: Noise modelling and monitoring results

The results, as shown above, demonstrate that the proposed noise levels achieve compliance with the Noise Regulations at all times.

The main amenity concerns therefore relate to dust.

Traffic

Access is proposed to be taken via the existing crossover on Robertson Road, which is currently utilised by the two existing industries of Permacast and Permapole. The existing driveway is approximately 14m in width and is constructed of a hardened gravel sub-base material which allows for heavy vehicle movements.

The proposal would result in the movement of a maximum of 36 trucks in total, per day. Of the 36 vehicles, 20 of the vehicles form part of the existing operations currently being used to deliver concrete to site. The proposed development seeks to reduce the number of agitator trucks being used on a daily basis as these vehicles will now be used to transport concrete to various external projects, based on demand. It is not anticipated that the full complement of agitator trucks will be used daily to transport concrete offsite as this is not the primary function of the proposed operations.

The development will however generate an additional 16 'as of right' vehicles (under 19m in length) that would attend site for the purpose of material supply for the concrete batching process.



As mentioned in the MRWA referral section of this report, the applicant initially proposed to utilise eight RAV4.1 trucks with double trailers. However, the applicant has revised their proposal to use smaller vehicles, as it would remove the need to consider intersection upgrades to the South Western Highway and Norman Road intersection.

In summary, the maximum number of vehicles attending site each day would be as follows:

- Concrete deliveries (agitator trucks – used based on a demand basis) – 20 trucks per day
- Aggregate re-supply ('as of right' trucks) – 8 trucks per day
- Sand re-supply ('as of right' trucks) – 6 trucks per day
- Cement re-supply ('as of right' trucks) – 2 truck per day.

The route of transport of the trucks from the site would be from Robertson Road to Norman Road, to South Western Highway and then to various sites as detailed below.

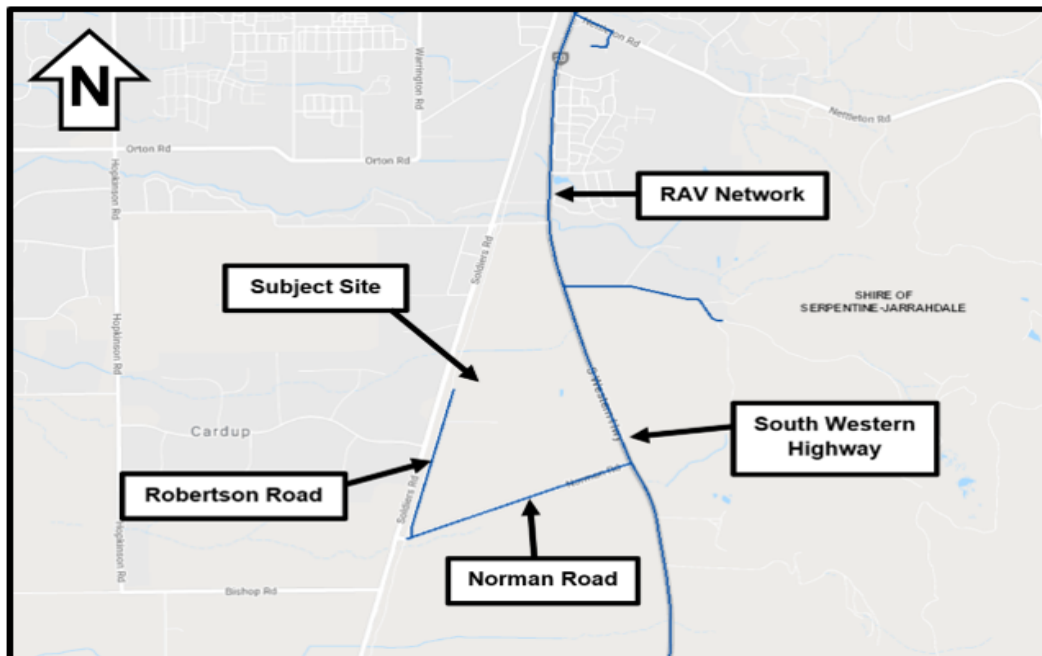


Figure 14: RAV Network and proposed route of vehicles associated with the proposal

South Western Highway, Robertson and Norman Road are all on the RAV4 network therefore are suitable for facilitating trucks associated with the development. Robertson Road and Norman Road are both Urban Local Roads with an indicative traffic volume of up to 4000 vehicles per day (vpd). Norman Road typically facilitates 416 vpd and it is expected this is similar for Robertson Road. Given the additional 16 trucks associated with the proposal and potentially 20 delivery trucks, it is considered that the road network is capable of accommodating the additional vehicles without having adverse traffic impacts, as identified in the TIA.

With regard to any vehicle movements for external concrete delivery, this is dictated by customer demand. On average for ready-mix concrete supply in the metropolitan area, peak demand is typically reached by 7:30am and reduces substantially by 9:00am with production finishing by 2:00pm. The additional sixteen service/delivery vehicles to supply aggregate, sand and cement materials to the batching plant would occur daily between 2:00pm – 6:00pm. It is considered that these additional movements at these times of day would not adversely impact on the current road network given its capacity and existing utilisation.



It is noted that Court Grammar School is located 1km to the south of the site along Soldiers Road. Officers do not consider that the vehicles associated with the proposal would adversely impact on the operation of the school and its traffic movements as trucks associated with the proposal will be confined to the RAV network along Norman Road and thereby not travelling past the school.

Regarding vehicle safety at intersections, the applicant provided initial swept paths for the intersections of Norman Road/Robertson Road, Norman Road/South Western Highway and the site access point to demonstrate that the RAV heavy trucks can enter and exit these intersections safely and remain lane compliant. However, Officers note that the proposal has been amended so that now only 'as of right vehicles' are proposed, rather than the heavy haulage RAV trucks initially considered. The initial swept path analyses indicated general compliance with the intersections, with the exception of right turning movements leaving Norman Road and traveling south on South Western Highway.

It is considered that, based on the TIA provided, due to the minor addition of vehicles associated with the proposal, it would not adversely impact on the local road network by way of capacity or safety.

Stormwater

A Stormwater Management Plan (SMP) has been prepared and submitted as part of this application. The SMP expands upon another SMP that was developed for the site in 2014 (2014 SMP). The SMP relates specifically to the management of stormwater from the 2,400m² hardstand area of the plant utilised for raw material handling. Water generated or used within the mobile batching plant processing and vehicle washdown area is to be contained within a wedge pit, managed and reused by the operator within the processing area. The SMP was developed in accordance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.

2014 SMP:

The 2014 SMP identifies a number of best management practices for development of this kind, to which development on the site intends to conform to. These practices are as follows:

- Measures to manage water balance including practices to promote local infiltration and detention;
- Measures to maintain and if possible, enhance water quality such as:
- Practices to control scour, erosion and sedimentation;
- Strategies to control stormwater run-off pollution;
- Approaches to minimise pollution and encourage wastewater recycling;
- Measures to promote water conservation;
- Measures to maximise permeable surfaces and to minimise runoff; and
- Measures to utilise natural drainage features.

The 2014 SMP identified three systems for the management of stormwater, which are as follows:

- **System 1 – Drainage system to the east of existing main buildings.** This system comprises a series of open v-drains incorporating 450 mm diameter culverts at traffic crossings which discharge into a shallow swale at the southern end of the system.



- **System 2 – Drainage system to the west of the existing main buildings.** This system comprises an open v-drain incorporating 450 mm diameter culverts at traffic crossings which discharge into a drainage basin at the western end of the system.
- **System 3 – Driveway drainage.** This system comprises a v-drain running parallel with the existing entry driveway and which discharges into the Robertson Road drainage system.

The extent of these systems is identified in figure 15 below:

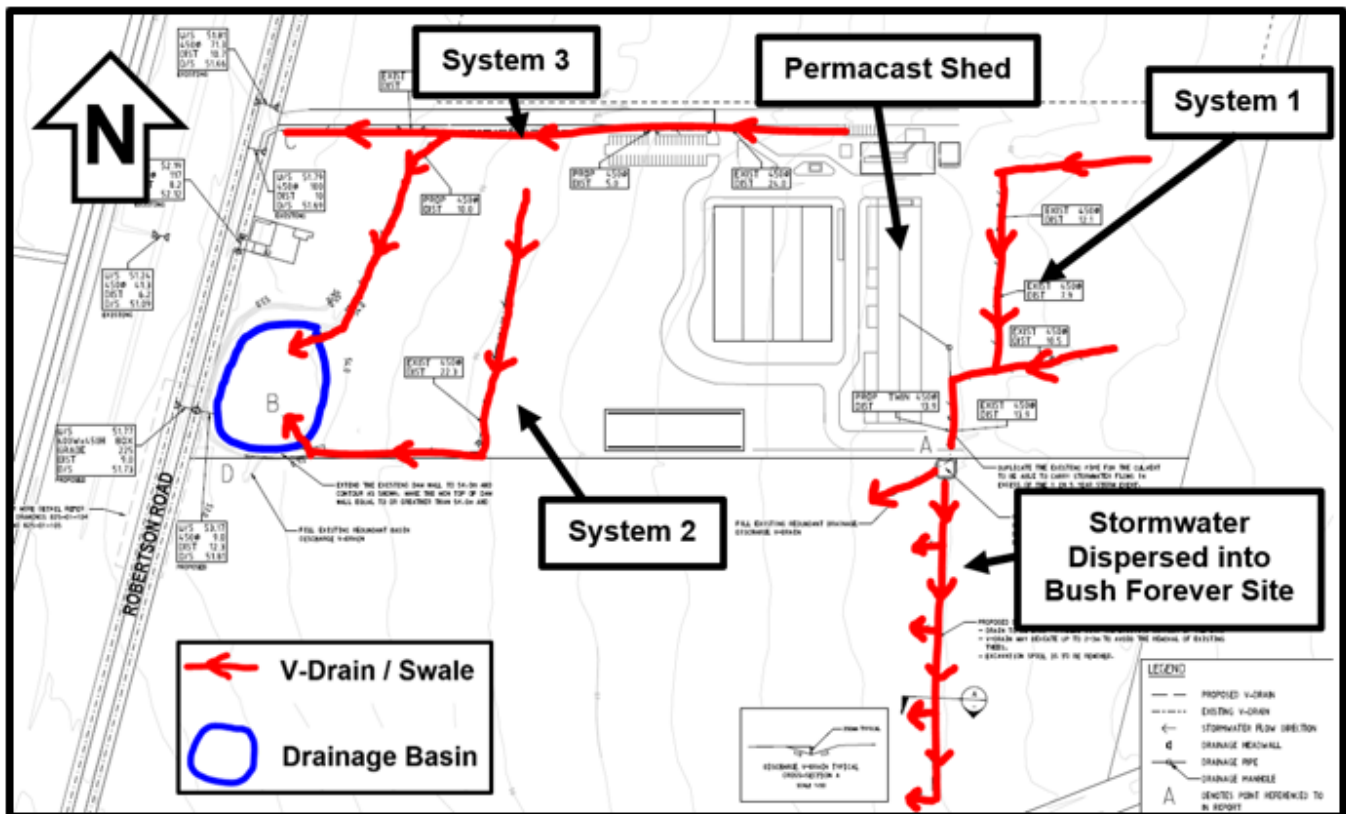
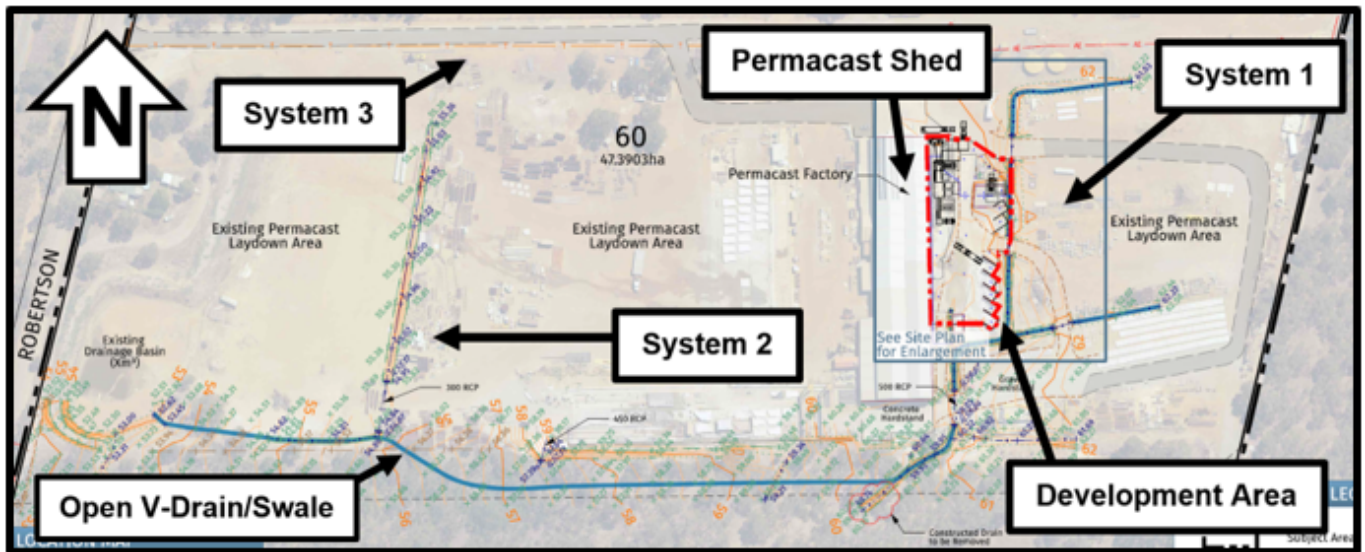


Figure 15: Stormwater management systems in the 2014 SMP

SMP:

Based on the existing stormwater management in the 2014 SMP, and taking into account the impact of the proposed development, the applicant initially proposed upgrades to the three stormwater management systems in place.

All stormwater from the proposed development area was to be drained into system 1 and transported via an open V-Drain (shown in the figure below), connecting to the existing drainage basin onsite. This constructed V-Drain was to be located within the portion of land identified as a future road reserve under the Cardup Business Park LSP and was to be constructed without the removal of any remnant vegetation. The drainage swale was to be planted with appropriate nutrient stripping vegetation and managed in accordance with the SMP. The water from the drain would traverse the site from east to west into the existing drainage basin to the west of site abutting Robertson Road.



Figures 16: Proposed upgrades to existing stormwater management systems

Amended Stormwater Management Proposal:

As previously stated, DPLH were not supportive of the initial stormwater arrangement in particular the infrastructure being located in the bush forever.

The applicant therefore proposed an updated stormwater system to ensure that all stormwater associated with the proposal would be managed outside of the Bush Forever Site. This involves the construction of a separate drainage basin, directly to the south of the concrete batching area as depicted below:



that impacts won't occur. Rather, terminology of impacts being 'unlikely', but one assumes this isn't certain. Whereas it may be acceptable to view this as a low risk in an area which is not within proximity to sensitive receptors within the 1000m separation distance, this is not the case with the subject land.

In terms of the planning analysis, Officers consider it appropriate to apply the precautionary principle and recommend refusal, on the basis of the proposal not being sufficiently separated from rural residential and (future) residential areas.

Additional information

At the Ordinary Council Meeting held on 19 July 2021, Council resolved to defer consideration of the matter to the August Ordinary Council Meeting to enable further consultation between the Applicant and Officers.

This further consultation has occurred.

In liaison with the applicant, Officers sought advice from DWER regarding recommended separation distances. The full response from DWER is contained within **attachment 4**. Extracts specific to the separation distance are provided following:

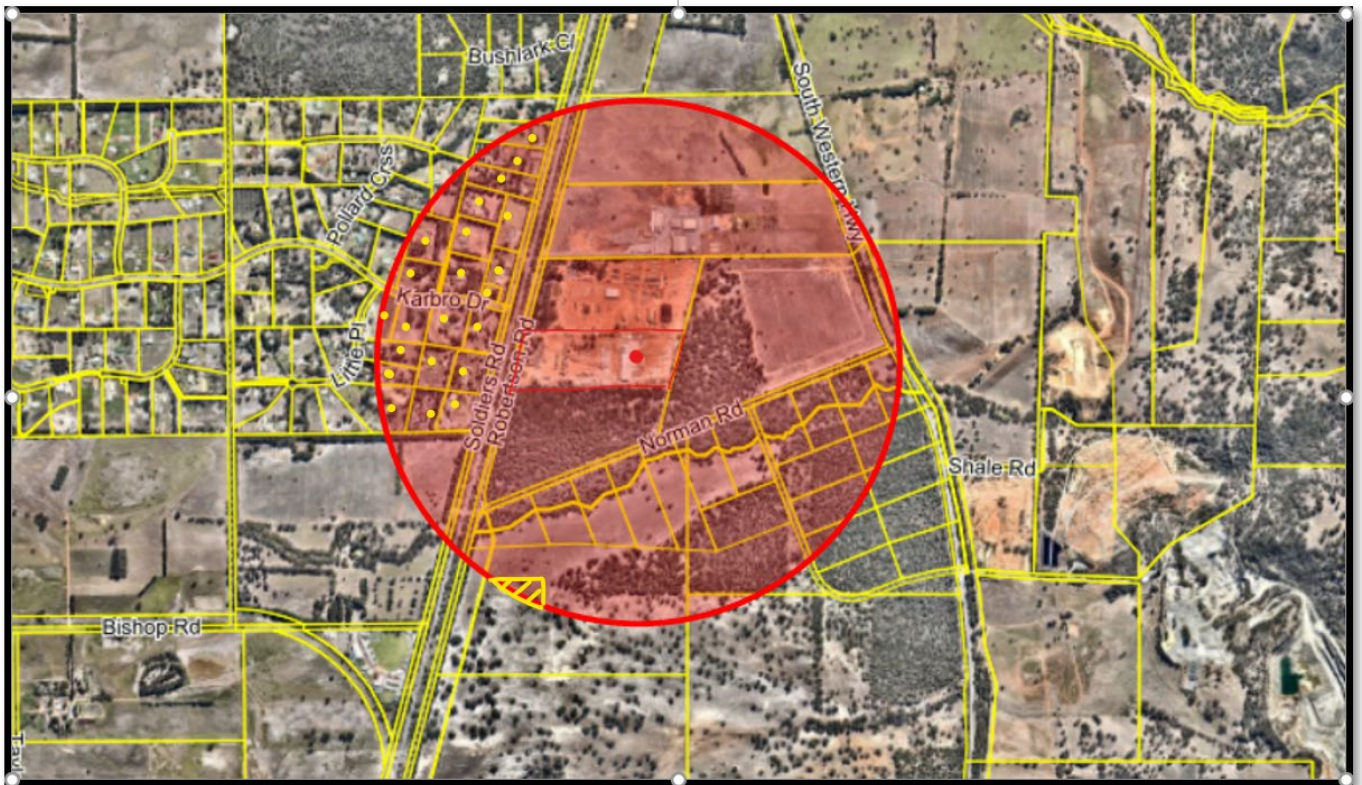
"So consistent with the Departments previous advice, the proposal for a mobile concrete batching plant may require approval from the Department as a category 77 (concrete batching or cement products manufacturing) prescribed activity under Part V of the Environmental Protection Act 1986 (EP Act). Similarly, the existing Permacast operation, which is not part of this development application, may also require approval as a category 77 prescribed premises. It is recommended the proponent contact the Departments Industry Regulation Branch on 6366 700 or info@dwer.wa.gov.au to determine regulatory requirements pertaining to their current and proposed operations.

With regard to the Shire's query to inform consideration of the development application, the definition of Concrete batching plant or cement products (bricks) manufacture would be the appropriate reference with regard to Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses (EPA, 2005). It should however be noted that this is an EPA document (not DWER) which provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses i.e. a guidance document to be considered within planning decisions.

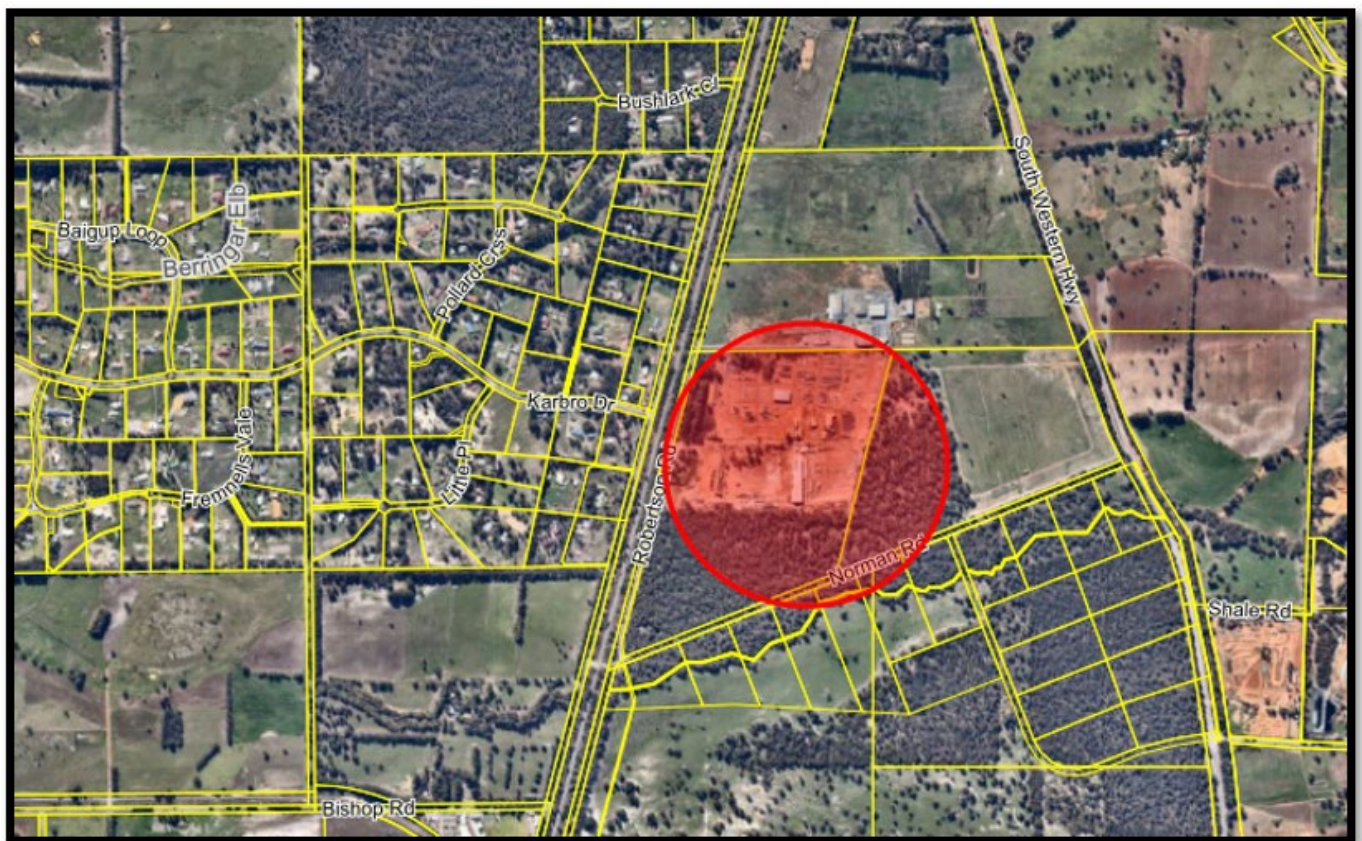
The Department regulates emissions and discharges for prescribed premises using a risk-based framework when undertaking assessments of works approval and licence applications made under Part V, Division 3 of the EP Act. Risk-based regulation ensures that DWER will regulate so that there is not an unacceptable risk of harm to public health or the environment, and so that licensing and approval decisions, including any conditions imposed on any approval, will be proportionate to the level of risk that the activity poses. The Department considers site specific technical analysis of proposals through its Part V assessment process.

I provide this extra context to ensure there is common understanding of the Department's regulatory role and risk based approach to Industry Regulation. Guidance Statement 3, provides generic separation distances which represent a precautionary approach to inform planning processes or are to be applied in the absence of a site specific analysis."

The advice from DWER provides that the appropriate categorisation in respect of land use separation from sensitive premises to be the definition of Concrete batching plant or cement products (bricks) manufacture. This has a separation distance of 300m to 500m. Maps below show the difference between a 1000m separation vs a 500m separation.



1000m buffer



500m buffer



The DWER advise that the separation distance comes from the relevant EPA document (not a DWER document), which provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses i.e. a guidance document to be considered within planning decisions.

Planning decisions do need to give weight to prescribed separation distances. However, as a guidance statement, it is important to ensure it is used for guidance only and that it is used correctly in this regard. This requires Officers to consider the context of the application, the merits of the application, and the relevant planning matters of such application.

The Guidance Statement, for example, provides the following statements:

"A sound site-specific technical analysis is generally found to provide the most appropriate guide to the separation distance that should be maintained between an industry or industrial estate and sensitive land use.

However, in recognition that a site-specific study may not be necessary in all situations, generic separation distances have been developed. The generic separation distances in Appendix 1 are based on the experience of the Department of Environment (DoE) and other regulatory authorities (eg Environmental Protection Authority, Victoria) and limited site-specific quantitative scientific assessment."

(Page 3)

*"The distances outlined in Appendix 1 are **not** intended to be **absolute** separation distances, rather they are default distances for the purposes of:*

- identifying the need for specific separation distance or buffer definition studies; and*
- providing general guidance on separation distances in the absence of site-specific technical studies."*

(Page 5)

*"Where the separation between the industrial and sensitive land uses is **greater** than the generic distance, there will not **usually** be a need to carry out site-specific technical analyses to determine the likely area of amenity impacts due to emissions from the industry. The need for technical analyses is likely to be limited to such instances as **major industrial developments, industries using new or non-typical processing techniques, or areas subject to cumulative impacts.**"*

In this respect, if the position of the DWER is correct and that the proposed development should be assessed as a concrete batching plant (and not cement product manufacturing works), then a separation distance of 300m to 500m (depending on size) is applicable. This would impact no uses potentially sensitive to emissions from industry, being either residential development or residential subdivision.

Officers do remain concerned that in the absence of site specific meteorological information that informs the proposed dust management plan, there is still a degree of uncertainty as to potential adverse amenity impacts. While the guidance statement would be met if the concrete batching plant categorization was used, there are particular site specific characteristics in the form of wind conditions.

The guidance statement does briefly discuss, on page 3 as follows:

"The area that may be adversely affected by industrial emissions will depend on site and process-specific factors such as the scale of the operation, plant processes and emission controls, storage



*of raw material and waste, **local wind patterns and topography**. The possibility of future expansion will also be relevant in the consideration of an appropriate separation distance.”*

Taking account for the guideline as being a guideline, and considering the local wind patterns of the katabatic winds off the Darling escarpment, means that Officers maintain concerns as to potential adverse amenity impacts, primarily associated with dust. While it is factual that the proposal complies with the 300m to 500m separation distance, the quite unusual local wind conditions drive a precautionary planning position of Officers.

One option that could be considered, is to put in place an initial time limited approval, in order to establish if the operation can manage potential conflicts. Through properly constructed conditions, a time limited approval could essentially be conditioned to monitor and report on any air quality or dust issues. Council would then have an evidence basis of the operations, including site specific dust and air quality monitoring, which is the primary concern of adverse amenity impacts.

Advice of the applicant

In respect of the timing of the proposed development, the applicant advises that the mobile batching plant is part of their business operation for a short to medium term contract that primarily involves servicing the Metronet projects over the coming 5-10 years. The applicant also notes that having said that, given that the batching plant proposal (in their opinion) complies with the Planning and Environmental requirements and separation distances, the owners/operators do not see any rationale to support a time limited approval.

In balancing the relevant planning matters, Officers consider that the preferable option for Council is to consider an initial 24 month time limited approval, with conditions requiring dust and air quality monitoring. The results of such monitoring are to form the basis of considering whether the time limitation should be modified or not. This will be a decision for Council, according to the recommended conditions.

Options and Implications

Option 1

1. APPROVES the development application for a mobile concrete batching plant, as contained within **attachment 1**, at Lot 60, 394 Robertson Road, Cardup subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

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



- b. This approval is valid for a period of 24 months from the date of approval (until 16 August 2023), as per Clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition d.
- c. The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24 / 7 / 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.
- d. By 30 June 2023, the operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition b, together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale, and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.
- e. Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- f. Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:
 - i. Detailing design, capacity, overflow and predevelopment discharge rates for the basin;
 - ii. Emptying of the drainage basin after each rainfall event;

Once approved, development and operations shall be carried out in accordance with the approved SMP.

- g. Prior to commencement of works or issue of a Building Permit (whichever comes first), an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:
 - i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway intersections;
 - ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as of right' trucks.

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

- h. No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.
- i. All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.
- j. Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.



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

Option 2

That Council refuses the application for the following reasons:

- a. Insufficient information has been provided to adequately demonstrate that the proposal will not adversely impact the current and intended future amenity of the locality, specifically in respect of amenity impacts associated with dust.

Option 3

As per Option 1, however with no condition (b) (time limitation); condition (c) (monitoring of air emissions / dust) or condition (d) (results of monitoring and consideration by Council).

Option 1 is recommended.

Conclusion

The application seeks approval for a concrete batching plant expanding the existing industries operating on site. With the additional information, Officers consider that the preferable option for Council is to consider an initial 24 month time limited approval, with conditions requiring dust and air quality monitoring. The results of such monitoring are to form the basis of considering whether the time limitation should be modified or not. This will be a decision for Council, according to the recommended conditions.

Attachments (available under separate cover)

- **10.1.7 – attachment 1** – Development Plans (E21/5717)
- **10.1.7 – attachment 2** – Summary of Submissions (E21/3462)
- **10.1.7 – attachment 3** – Clause 67 Assessment (E21/7065)
- **10.1.7 – attachment 4** – DWER Response to Council Query (IN21/18036)

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
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	The risk associated with Option 1 is considered manageable.						
2	That Council refuses the development and the applicant seeks a review of the decision by the State Administrative Tribunal.	Planning framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensuring valid reasons for refusal.
3	That Council approves the development without conditions requiring time limitation initially, monitoring of air emissions / dust and consideration of that data.	Planning framework	Environment / Heritage	Possible	Moderate	MODERATE	Ensuring ongoing compliance and enforcement obligations.

**Voting Requirements:** Simple Majority

Officer Recommendation

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

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

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

- b. This approval is valid for a period of 24 months from the date of approval (until 16 August 2023), as per Clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition d.
- c. The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24 / 7 / 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.
- d. By 30 June 2023, the operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition b, together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale, and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.
- e. Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- f. Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:
- Detailing design, capacity, overflow and predevelopment discharge rates for the basin;
 - Emptying of the drainage basin after each rainfall event;

Once approved, development and operations shall be carried out in accordance with the approved SMP.



- g. Prior to commencement of works or issue of a Building Permit (whichever comes first), an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:
 - i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway intersections;
 - ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as of right' trucks.

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

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

Councillor Coales left the Chambers at 8:48pm and returned at 8:50pm.

Manager Governance and Strategy, Dr Kenneth Parker left the Chambers at 8:48pm and returned at 8:50pm.

**OCM215/08/21****MOTION****Moved Cr Strautins, seconded Cr Dagostino****That Council:**

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

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

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

- b. This initial approval is valid for a period of 24 months from the date of approval (until 16 August 2023), as per Clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition d, and the approval is extended for a further 36 months, if it is established to the satisfaction of the Shire that there have not been any dust breaches of more than 1 per year, not corrected within 24 hours.**
- c. The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24 / 7 / 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.**
- d. By 30 June 2023, the operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition b, together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale, and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.**
- e. Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.**
- f. Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:**



- i. Detailing design, capacity, overflow and predevelopment discharge rates for the basin;
- ii. Emptying of the drainage basin after each rainfall event;
Once approved, development and operations shall be carried out in accordance with the approved SMP.
- g. Prior to commencement of works or issue of a Building Permit (whichever comes first), an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:
 - i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway intersections;
 - ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as of right' trucks.
Any upgrades recommended by the amended TIA shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the full cost of the applicant.
- h. No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.
- i. All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.
- j. Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.
- k. Prior to commencement of works or issue of a Building Permit (whichever comes first), a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES. The BMP is to demonstrate management of bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.

MOTION LOST 4/5

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

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

**OCM216/08/21****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Byas, seconded Denholm****That Council:**

- 1. APPROVES the development application for a mobile concrete batching plant, as contained within attachment 1, at Lot 60, 394 Robertson Road, Cardup subject to the following conditions:**
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.**

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

- b. This approval is valid for a period of 24 months from the date of approval (until 16 August 2023), as per Clause 72 of the Deemed Provisions, unless Council determines to modify such time period limitation in accordance with Condition d.**
- c. The operator shall undertake continuous air quality and dust monitoring between the period of 30 September 2021 until 31 May 2023. Live daily reporting of this monitoring is to be made publicly available through the operator's website, which is to also include a 24 / 7 / 365 mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.**
- d. By 30 June 2023, the operator shall submit the results of the air quality and dust monitoring undertaken in accordance with Condition b, together with an independent expert review of such results, for Council's consideration. The independent expert reviewer shall be chosen by the Shire of Serpentine Jarrahdale, and will be engaged by the Shire at the cost of the operator. The independent expert review is to specifically assess, based on the monitoring results, whether the operation is or is not having an adverse amenity impact on residents to the west of the subject land.**
- e. Production shall not exceed 150,000 tonnes of concrete per annum, unless otherwise approved by the Shire of Serpentine Jarrahdale.**
- f. Prior to commencement of works or issue of a Building Permit (whichever comes first), an updated Stormwater Management Plan (SMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The SMP shall include the following:**
 - i. Detailing design, capacity, overflow and predevelopment discharge rates for the basin;**



- ii. Emptying of the drainage basin after each rainfall event;
Once approved, development and operations shall be carried out in accordance with the approved SMP.
- g. Prior to commencement of works or issue of a Building Permit (whichever comes first), an amended Traffic Impact Assessment (TIA) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The updated TIA shall include the following:
 - i. Amended intersection swept path analysis of the Robertson Road/Site Entry, Robertson Road/Norman Road and Norman Road/South Western Highway intersections;
 - ii. The removal of heavy haulage RAV trucks from the proposal and their replacement with 'as of right' trucks.
Any upgrades recommended by the amended TIA shall be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the full cost of the applicant.
- h. No vegetation shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.
 - i. All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.
- j. Vehicles no greater than 19m are permitted to service the development at any given time unless approved by the Shire of Serpentine Jarrahdale on advice from Main Roads Western Australia.
- k. Prior to commencement of works or issue of a Building Permit (whichever comes first), a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of DFES. The BMP is to demonstrate management of bushfire risk affecting the subject land. Once approved, development and operations shall be carried out in accordance with the approved BMP.

MOTION CARRIED 6/3

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

Councillors Rich, Atwell, Byas, Denholm, McConkey, Strange voted FOR the motion.

Councillors Coales, Dagostino, Strautins voted AGAINST the motion.

Deputy CEO/Director Community and Organisational Development, Helen Sarcich returned to the Chambers at 9:14pm.

Presiding Member, Councillor Rich advised Deputy CEO/Director Community and Organisational Development, Helen Sarcich of the Council Resolution for item 10.1.7.

**10.1.8 – Response to proposed connectivity and access study – Tonkin Highway Extension Project (SJ3580)**

Responsible Officer:	Director Development Services
Senior Officer:	Director Development Services / 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

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

Report Purpose

The purpose of this report is for Council to consider a report which has been prepared by a consultant on behalf of Main Roads WA (“MRWA”), documenting proposed connectivity and access implications and recommendations associated with the Tonkin Highway extension project.

Officers have previously documented with MRWA a range of connectivity and access issues, and also in the spirit of collaboration, Officers have identified a suite of potential options that the project can consider in order to maintain acceptable levels of connectivity and access. This is across the perspective of private motor vehicle, pedestrian movement, cycling movement and equestrian movement. Public transport is not proposed to be impacted, given the proximal nature of the project on the western edge of the current and future urban settlement pattern.

In order to create a robust response to the study, Officers engaged an independent traffic engineering consultant to review the concerns and possible options that Officers have previously identified. This peer review concurs with the range of concerns identified, and provides a specific focused set of recommendations to address these.

These recommendations are presented to Council to consider endorsing them as the response to the draft connectivity and access report.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The State Government is currently in the final design phase of the Tonkin Highway extension project. This is a 12km extension of new controlled access highway standard infrastructure, from Thomas Road southwards past Mundijong Road and connecting eastwards to South Western Highway. As control of access occurs through highway and freeway level infrastructure, a central issue to consider is how interfacing communities may be impacted, and the connectivity and access options to minimise / manage such impacts. This is an important piece of work to be done in order to inform the project case, given the project has a responsibility to ensure acceptable connectivity and access, from the various transport modes that may be impacted.



Community / Stakeholder Consultation

MRWA has provided an opportunity for the Shire to comment on the draft study. Given the importance of this document, it is presented to Council together with an independent traffic engineering review.

Statutory Environment

Legislation

- *Main Roads Act 1930*
- *Land Administration Act 1997*
- *Local Government Act 1995*

Report comment

There are a number of areas of concern in respect of connectivity and access associated with the Tonkin Highway extension project. These areas of concern are:

1. That Abernethy Road not having an interchange with Tonkin Highway will cause rat running along Karden Boulevard and Briggs Road, impacting schools (along Karden) and the trotting complex (along Briggs);
2. That Thomas Road and Tonkin Highway can only safely operate through a grade separated interchange, and that any attempt to retain a staggered right hand turn traffic signal at grade is both unsafe, short term, and inoperable;
3. That the Orton Road interchange design needs to recognise that Orton Road currently comprises a three metre wide bitumen seal east and west of its interchange with Tonkin Highway. This needs to be upgraded to a proper Integrator B (30m) road connecting at-grade across the rail through to South Western Highway;
4. That to offset an additional crossing of Orton Road across the rail to South Western Highway, the existing Cardup Siding Road crossing could be closed;
5. That Cardup Siding Road turning into an effective two kilometre long cul de sac is very unsafe, and should be considered for an underpass to connect to the residual leg of Hopkinson Road;
6. That the proposal to cul de sac Jersey Road and lose its connection to Hopkinson Road creates a similar cul de sac and bushfire emergency risk;
7. That on the north side of Thomas Road, the deviation of Hopkinson Road to create a new roundabout intersection with Karden Boulevard is unclear in respect of whether it will function given the strong east west traffic flow bias;
8. That there is a connectivity need mid-block between Bishop Road and Orton Road, to provide equine/pedestrian/community connectivity;
9. That it is important to provide protection of the Lampiter Road connection to Mundijong Road as part of the project case for Tonkin Highway;
10. That the Bishop Road interchange design needs to recognise that Bishop Road currently comprises a five metre wide bitumen seal east and west of its interchange with Tonkin Highway. This needs to be upgraded to a proper Integrator B (30m) road connecting at-grade across the rail through to South Western Highway. MRWA has submitted the final concept design plans, and these are provided in **attachment 1**.



In respect of each of these issues, the independent traffic engineering consultant has recommended the following:

Project scope analysis

- The Connectivity and Accessibility Study undertaken by Arup needs to be backed up by appropriate transport modelling and analysis in Macro, meso and micro level to accurately analyse impacts caused by the Project Case and the Ultimate Case Tonkin Highway Extension on regional and local roads and the impacted intersections.
- The current report does not provide any information regarding level of traffic projections on the regional and local roads for the Project Case and the Ultimate Case, particularly does not report on and undertake assessments of the traffic pattern impact of the proposals.
- The proposed Tonkin Highway extension will change the existing traffic pattern on some of the local roads (within the study area identified in Arup report) and would result in the need for major upgrades on some local roads. The Arup study does not establish the traffic impact and the level of upgrades required on local roads to accommodate the additional traffic which will be redistributed to the local roads as a result of the proposed extension and road closures.
- The Arup report states that the extension of Tonkin Highway south of Thomas Road considered two stages, an intermediate Project Case and a final Ultimate Case. Even though, the number of lanes on Tonkin Highway and layout and control of the main Tonkin Highway connections has been defined in the report, there is no indication of timing for these two stages. The report states that *"The project case design consists of 2 lanes in each direction from Thomas Road to South Western Highway. Current planning for the project case proposes at-grade intersection treatments at Thomas Road, Orton Road, Mundijong Road and South Western Highway, and interchange treatment (grade separated) at Bishop Road. This has been confirmed by the Main Roads Steering Committee at the meeting on 28 May 2021"*.
- Considering that the timing for ultimate case has not been defined in the Arup report, satisfactory operation of Tonkin Highway (as two lanes in each direction) and the proposed at grade intersections during the interim stage, is a critical issue that should be investigated and addressed.
- It therefore is recommended that traffic operation of the Tonkin Highway and the proposed at grade intersections during the interim stage should be investigated and assessed through traffic modelling and analysis to ensure satisfactory traffic operation for the interim stage and establishing the timing for each at grade intersection along Tonkin Highway. This should be an important hold point in the project before it proceeds any further. Further, the outcome of these investigations and assessment should be subject to further stakeholder consultation.

Key issue	Consultant recommendation
That Abernethy Road not having an interchange with Tonkin Highway will cause rat running along Karden Boulevard and Briggs Road, impacting schools (along Karden) and the trotting complex (along Briggs).	The impact of the potential "rat run" traffic on these roads (Karden Boulevard, Briggs Road and future Malarky Road connection to Thomas Road) will need to be assessed and investigated.
That Thomas Road and Tonkin Highway can only safely operate through a grade separated interchange, and that any attempt to retain a	That traffic operation of the Tonkin Highway/ Thomas Road at grade intersection should be assessed to ensure satisfactory traffic operation



Key issue	Consultant recommendation
staggered right hand turn traffic signal at grade is both unsafe, short term and inoperable.	during the course of interim stage and to establish the timing for upgrading to an interchange. It is likely that the result of the assessment would indicate that the intersection should be built to interchange standard from the outset or at least the operation of the at grade intersection can only continue satisfactorily for a relatively short period.
That the Orton Road interchange design needs to recognise that Orton Road currently comprises a three metre wide bitumen seal east and west of its interchange with Tonkin. This needs to be upgraded to a proper Integrator B (30m) road connecting at-grade across the rail through to South Western Highway.	That the level of upgrades and appropriate standard of Orton Road should be investigated at the Project Case and Ultimate Case (depending on traffic projections) and the upgrades should be implemented as part of the Project to ensure it can provide a safe and practical connection to Tonkin Highway. It is anticipated that MRWA would upgrade Orton Road immediately to the east and west of the Tonkin Highway as part of the Tonkin Highway extension project, however the extent and nature of these upgrades will need to be established.
That to offset an additional crossing of Orton Road across the rail to South Western Highway, the existing Cardup Siding Road crossing could be closed.	It is important that the proposed connectivity and access strategy undertaken by Arup take into account the objective of the Byford District Structure Plan for Orton Road as a primary east-west connector between Tonkin Highway and South Western Highway. The level of upgrades on Orton Road and the layout and control of the Orton Road connection to Tonkin Highway should accommodate the traffic projections on Orton Road as a primary east-west connector. It is recommended that the Shire should liaise discussions with PTA and MRWA on this matter.
That Cardup Siding Road turning in to an effective two kilometre long cul de sac is very unsafe, and should be considered for an underpass to connect to the residual leg of Hopkinson Road.	<p>Arup's Study recommends closure of Cardup Siding Road at the connection to the future Tonkin Highway extension. The Shire has raised a concern that "Cardup Siding Road turning in to an effective two kilometre long cul de sac is very unsafe, and should be considered for an underpass to connect to the residual leg of Hopkinson Road."</p> <p>The closure of Cardup Siding Road with the future extension of Orton Road to South Western Highway (in line with the objective of Byford District Structure Plan) would not undermine safety and traffic operations of Cardup Siding Road. The Byford District Structure Plan also shows no connection to Tonkin Highway at Cardup Siding Road.</p>



Key issue	Consultant recommendation
That the proposal to cul de sac Jersey Road and lose its connection to Hopkinson Road creates a similar cul de sac and bushfire emergency risk.	It is recommended that the evacuation from the Jersey Road residential catchment should be further investigated and resolved. Option 3 provides better connectivity with potentially less land impact and therefore, feasibility and confirmation of this Option would need to be further investigated as part of the proposed Tonkin Highway extension.
That on the north side of Thomas Road, the deviation of Hopkinson Road to create a new roundabout intersection with Karden Boulevard is unclear in respect of whether it will function given the strong east west traffic flow bias.	It is important that traffic operation of the proposed roundabout intersection at Karden Boulevard/ Thomas Road/ Hopkinson Road realignment is investigated to ensure satisfactory traffic operations during the Project Case and Ultimate Case. Further, the feasibility of Hopkinson Road realignment should be investigated as it would require land accusation from existing Lots to the north of Thomas Road.
That there is a connectivity need mid-block between Bishop Road and Orton Road, to provide equine/pedestrian/community connectivity.	Not discussed as this is shown in the project case.
That it is important to provide protection of the Lampiter Road connection to Mundijong Road as part of the project case for Tonkin Highway.	The preferred freight rail alignment is located on the western side of Dairy Lane which is the secondary vehicle access out of Lampiter Road residential catchment. Once the freight rail is constructed, the Dairy Lane connection to the west will be lost and therefore Lampiter Road will be the primary evacuation route for the Lampiter Road residential catchment area. As a result, it is important to keep Lampiter Road connectivity to Mundijong Road not only at Project Case but also at Ultimate Case.
That the Bishop Road interchange design needs to recognise that Bishop Road currently comprises a five metre wide bitumen seal east and west of its interchange with Tonkin Highway. This needs to be upgraded to a proper Integrator B (30m) road connecting at-grade across the rail through to South Western Highway. MRWA has submitted the final concept design plans, and these are provided in attachment 1 .	That the level of upgrades and appropriate standard of Bishop Road should be investigated and established through traffic modelling and analysis for the Project Case and Ultimate Case. Any required upgrades should be implemented as part of the Project to ensure it can provide a safe and practical connection to Tonkin Highway. It is expected that Main Road WA would upgrade Bishop Road immediately to the east and west of the Tonkin Highway as part of the Project, however the extent and nature of these upgrades would need to be established.



Project scope conclusion

- The Arup's Connectivity and Accessibility Study undertaken on behalf of MRWA for the "Project Case" and the "Ultimate Case" Tonkin Highway Extension, does not include any traffic modelling, projections and analysis to test the recommendations of the report and to assess their impacts on the local community and local road network.
- This technical note has identified some of the specific traffic modelling and analysis which are required before the project progresses any further.
- This technical note has also provided commentary on some of the specific issues identified by the Shire which are associated with the Project. Traffic and modelling and assessment is a critical stage of the Project and should be undertaken by MRWA to assess the recommendations of Arup's report and to address the issues identified by Shire.
- The outcome of the traffic modelling and analysis should be subject of another stakeholder consultation process before the Project progress any further.

Options and Implications

Option 1

That Council:

1. ENDORSE the independent traffic engineering consultant technical review and recommendations of the draft connectivity and access study as the Shire's response;
2. REQUESTS that Main Roads WA make provision for further design analysis of the project case to address these recommendations, and include these recommendations as part of the project scope / case to be delivered;
3. REQUESTS Main Roads WA advise should they be not in a position to accept any of these recommendations;
4. RECOMMEND Main Roads WA undertake community consultation on their draft connectivity and access study prior to finalisation;
5. REQUESTS Main Roads WA brief the Council on their position of the recommendations;
6. REQUESTS the Shire President to write to the Minister for Transport to make the Minister aware of Council's position in this regard.

Option 2

As per Option 1, but identifies further connectivity and access issues.

Option 1 is recommended.

Conclusion

This report presents the draft connectivity and access study to Council for consideration.

Attachments (available under separate cover)

- **10.1.8 – attachment 1** – Technical Analysis (E21/8781)
- **10.1.8 – attachment 2** – Connection and Accessibility Study (E21/8784)



Alignment with our Strategic Community Plan

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

Financial Implications

If the State does not pay for the improvements identified in this report, the Shire may be required to fund them.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with option 1						
2	Additional concerns are identified	Local Government Act 1995	Reputational	Possible	Moderate	MODERATE	Explain the additional concerns



Voting Requirements: Simple Majority

OCM217/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Byas

That Council:

- 1. ENDORSE the independent traffic engineering consultant technical review and recommendations of the draft connectivity and access study as the Shire's response;**
- 2. REQUESTS that Main Roads WA make provision for further design analysis of the project case to address these recommendations, and include these recommendations as part of the project scope / case to be delivered;**
- 3. REQUESTS Main Roads WA advise should they be not in a position to accept any of these recommendations;**
- 4. RECOMMEND Main Roads WA undertake community consultation on their draft connectivity and access study prior to finalisation;**
- 5. REQUESTS Main Roads WA brief the Council on their position of the recommendations;**
- 6. REQUESTS the Shire President to write to the Minister for Transport to make the Minister aware of Council's position in this regard.**

CARRIED UNANIMOUSLY 9/0

**10.1.9 – The Brook at Byford Stage 3 Local Development Plan (PA21/336)**

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
----------------	--

Proponent:	Taylor Burrell Barnett
Owner:	Daleford Property PTY LTD – Cedar Woods
Date of Receipt:	12 April 2021
Lot Area:	Various
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider The Brook at Byford Stage 3 Local Development Plan (LDP). This LDP proposes certain variations to the R Codes, in order for such variations to be dealt with as the equivalent of deemed to comply provisions. It is recommended that Council approve the proposed LDP.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

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

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

(a) quiet house design and construction requirements; and

(b) vehicle access and garage location.'



Local Development Plan R-Code Variations

1 SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

- 1.1 Town Planning Scheme No.2 and the Residential Design Codes are varied as described in these notations.
 1.2 The requirements of Town Planning Scheme No.2 and the Residential Design Codes shall be satisfied in all other matters.

2 R- CODING

Lots Applicable	R-Code Density
Lots 486 – 492	R20
Lots 415 - 421, 430 - 431, 461 - 462, 468, 480 – 485	R30
Lots 401 – 414, 422 – 429, 432 - 435, 437-450, 452 – 460, 463 – 467, 469 – 478	R40

3 STREETSCAPE REQUIREMENTS

Setbacks		Lots Applicable	Minimum	Notes
Primary Street	Dwelling	All R20 Lots	4.0m	Averaging is not permitted to minimum.
		R30 Lots above 25 metres in depth. Lots 415-419, 431, 461, 468, Lots 480-485. R40 Lots above 25 metres in depth. Lots 401- 404, Lots 410-414, Lots 432-435, Lots 441-443, Lots 448-450, Lots 456-460, Lots 469-474, Lots 477-478.	3.0m	Averaging is not permitted to minimum.
		R30 Lots 25 metres deep (or below). Lots 420-421, 430, 462. R40 Lots 25 metres deep (or below). Lots 405 – 409, Lots 422-430, 437-440, 444-447, 452 – 455, 462-467 & 475-476.	2.0m	Averaging is not permitted to minimum.
	Garage	All R20 Lots	4.5m	Where a footpath is located 1m or greater from the lot boundary: 4.5m (primary); Where a footpath is located less than 1m from the lot boundary: 5.5m (primary).
	Garage	R40 Lots 405 – 407, 422 – 425, 437 – 440, 452 – 455 and 475 - 478. R30 Lots 420 and 421.	4.5m	May be reduced to 3.5m where an existing or planned footpath is located 1.0m or more from the lot boundary, or where no footpath is planned.
Secondary Street	Dwelling	All Lots	1.0m	N/A

- 3.1 All front-loaded lots with street frontages between 10.5m and 12.5m, a double garage is permitted to a maximum width of 6m as viewed from the street subject to:
- Garage setback a minimum of 0.5m behind the building alignment;
 - A major opening to a habitable room directly facing the primary street;
 - An entry feature consisting of a porch or veranda with a minimum depth of 1.2m; and
 - no vehicular crossover wider than 4.5m where it meets the street;



4 NOISE TREATMENT PACKAGES

4.1 Dwellings on Lots 401, 402, 414, 415 and 416 require 'Quiet House Design' and are to be constructed in accordance with the relevant 'Deemed to Comply Noise Treatment Package' specified within the Transportation Noise Assessment Lloyd George Acoustics Pty Ltd dated 16 February 2018 (refer Table 1, below), unless varied otherwise and approved by the City.

4.2 1.8 metre noise wall is to be constructed on the eastern boundary of Lots 401, 414 & 415.

Table 1 - Noise Treatment Package

Area	Orientation to Road	Package A (up to 60 dB)
Bedrooms	Facing	<ul style="list-style-type: none"> Window System: Glazing up to 40% of floor area (minimum $R_w + C_{tr}$ 28) – 6mm thick glass (monolithic, toughened or laminated) in fixed sash, awning or casement opening with seals to openings.
	Side	<ul style="list-style-type: none"> Windows systems: As above.
	Opposite	No requirements
Other Habitable Rooms including Kitchens	Facing	<ul style="list-style-type: none"> Windows and external door systems: Glazing up to 60% of floor area (minimum $R_w + C_{tr}$ 28) – 6mm thick glass (monolithic, toughened or laminated) in fixed sash, awning or casement opening with seals to openings. Doors to be either 35mm thick solid timber core door with full perimeter acoustic seals. Glazed inserts to match the above. Sliding glass doors to be same performance including brush seals.
	Side	<ul style="list-style-type: none"> Windows and external door systems: As above.
	Opposite	No requirements
General	Any	<ul style="list-style-type: none"> Walls (minimum $R_w + C_{tr}$ 45) – Two leaves of 90mm thick brick with minimum 50mm cavity Roof and ceiling (minimum $R_w + C_{tr}$ 35) – Standard rood construction with 10mm plasterboard ceiling and minimum R2.5 insulation between ceiling joists. Eaves to be closed using 4mm compressed fibre cement sheet. Mechanical vitiation – refer following pages.

5 VEHICULAR ACCESS

5.1 Vehicular access for Lots 438 and 439 is to be from the locations designated on this LDP.

5.2 Unless otherwise specified, driveway access to a garage/carport for corner lots may be provided from the primary or secondary street frontage.

5.3 Where access to on-site car parking is provided from the primary street frontage, it may be located closer than 6 metres to a street corner or the point at which the carriageway begins to deviate. This represents an acceptable variation to R-Codes Clause 5.3.5

5.4 No direct vehicular access permitted from Nettleton Road for lots 415 – 421, 430, 431, 461, 462, 468, 485 and 492.

6 OPEN SPACE REQUIREMENTS

Lots Applicable	Minimum	Notes
R20	45%	<ul style="list-style-type: none"> Outdoor Living Area (OLA) shall be located to maximise northern or eastern solar access. Refer to LDP Clause 7 – Outdoor Living Area
R30 Lots	35%	
R40	No minimum applicable	



7

OUTDOOR LIVING AREA

Lots Applicable	Requirement
R40 Lots	<ul style="list-style-type: none">• An outdoor living area (OLA) with an area of 10% of the lot size, directly accessible from a habitable room of the dwelling and located behind the street setback area;• The OLA has a minimum 3 m length or width dimension;• At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin uncovered areas; and• No other R-Codes site cover standards apply.

8

LANDSCAPING REQUIREMENTS

8.1

The front setback area, excluding the area of any verandah or porch, shall consist of soft landscaping in accordance with the following requirements:

Soft Landscaping	Lots Applicable	Minimum
	All lots	<ul style="list-style-type: none">• 40% in front setback area

9

BOUNDARY SETBACK REQUIREMENTS

Setbacks	Lots Applicable	Requirements
Buildings on boundary (other than street boundaries)	R40 Lots 405 – 407, 422 – 425, 437 – 440, 452 – 455 and 475 - 478. R30 Lots 420 and 421.	<ul style="list-style-type: none">• Permitted to both side boundaries subject to: 2/3 length to one side boundary. 1/2 max length to second side boundary for wall height 3.5 metres or less.

Figure 1: Proposed LDP

Community / Stakeholder Consultation

Pursuant to Clause 50(3) of the Deemed Provisions, as the LDP is not considered to impact on any owners or occupiers within the area covered by the plan, or in the area adjoining the area covered by the plan, the Shire was not required to advertise the LDP. The discrete nature of the LDP precinct is such that its northern, eastern, southern and western interfaces do not affect owners or occupiers within or adjoining the precinct.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

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

Planning Assessment

The Proposed LDP seeks to vary deemed to comply provisions within State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) relating to setbacks, garages, vehicular access, open space and outdoor living areas. Provisions relating to noise treatment packages and landscaping have also been included within the Proposed LDP.



Setbacks

Dwelling Setbacks

For R30 and R40 lots with lot depths of 25m or less, the LDP proposes that the primary street dwelling setback be 2m. This provision proposes a variation to the 3m setback requirement specified by LPP2.2 for R30 and R40 lots.

The reduced primary street dwelling setback is proposed for those lots with shallow lot depths. The 2m setback is proposed to enable the lots to accommodate house designs and enable an acceptable private open space configuration. The variation does not relate to the garage component of the dwelling, and thus does not pose any risks to vehicles overhanging of the footpaths. Given that the proposed setback variation only relates to those constrained lots, Officers support the proposed variation to maintain consistency in the dwelling design within the estate.

The LDP proposes primary street dwelling setbacks of 4m for the seven R20 lots within the LDP. This proposes a variation to the 6m setback required by the R-Codes for R20 lots. The R20 lots within the LDP are located opposite R30 lots. The proposed reduced setback for the R20 lots will allow for a consistent streetscape character to be achieved.

Garage Setbacks

The LDP specifies a 4.5m minimum garage setback for all lots, though contains a provision relating to some R30 and R40 lots which states that this *'may be reduced to 3.5m where an existing or planned footpath is located 1.0m or more from the lot boundary, or where no footpath is planned'*. Officers have concerns in respect of the potential for resident or visitor parking within driveways, which could see vehicles overhang footpaths. Given a standard parking bay has a depth of 5.5m, there is concerns that this LDP provision will pose a risk to pedestrians and an enforcement burden on the Shire to regulate. It would be more effective to design out this risk.

In order to affect this, Officers consider that the LDP should be consistent with the garage setback provisions within LPP2.2, to prevent vehicles overhanging footpaths. Officers recommend that the garage setback provisions for R40 Lots 444-447, 405-407, 422-425, 437-440, 452-455 and 475-478, and R30 Lots 420-421 be modified to state: *'Where a footpath is located 1m or greater from the lot boundary: 4.5m (primary); Where a footpath is located less than 1m from the lot boundary: 5.5m (primary); May be reduced to 3.5m where no footpath is planned'*.

Double Garages

The Proposed LDP contains provisions to allow a double garage to a maximum width of 6m for all front-loaded lots with street frontages between 10.5m and 12.5m. This is subject to the following design requirements being achieved:

- the garage being setback a minimum of 0.5m behind the building alignment;
- a major opening to a habitable room directly facing the primary street;
- an entry feature consisting of a porch or veranda with a minimum depth of 1.2m; and
- no vehicular crossover wider than 4.5m where it meets the street.

Clause 5.2.2 C2 of the R-Codes states that a garage facing the primary street is not to occupy more than 50% of the frontage. The proposed provision is a minor variation to the requirements of the R-Codes to allow for double garages subject to the above design requirements being met. These design requirements will ensure that the garage does not dominate the streetscape and that sufficient passive surveillance will be achieved. Officers support the proposed variation to the



R-Codes. The flaring in of the crossover will also enable planting of the landscape strips, to add a further material layer when viewing the approach of a dwelling from the street.

Noise Treatment Packages

The Proposed LDP contains provisions for noise treatment packages for quiet house design for Lots 401, 402, 414, 415 and 416. A provision for a 1.8m noise wall to be constructed on the eastern boundary of Lots 401, 414 and 415 is also specified by the Proposed LDP. The proposed provisions reflect the requirements of the Transportation Noise Assessment, Lloyd George Acoustics Pty Ltd dated 16 February 2018.

Vehicular Access

The Proposed LDP designates vehicular access for Lots 438 and 439. A provision is included to allow driveway access to a garage/carport to be provided from the primary or secondary street. A further provision allows for access to on-site car parking from the primary street frontage to be located closer than 6m to street corner or the point at which the carriageway begins to deviate. These provisions seek to vary Clause 5.3.5 of the R-Codes. An Engineering Technical Note has been provided by the applicant in support of the proposed variation. A variation to Clause 5.3.5 of the R-Codes requires the approval of the WAPC under Clause 7.3.2 of the R-Codes. As such the LDP was referred to the WAPC and the WAPC have approved the variation. A provision has also been included prevent direct vehicular access from Nettleton Road. Officers support this provision and it is consistent with the subdivision approval.

Open Space and Outdoor Living Areas

The LDP proposes variations to the open space requirements under Clause 5.1.4 of the R-Codes. A variation to Clause 5.1.4 of the R-Codes requires the approval of the WAPC under Clause 7.3.2 of the R-Codes. As such the LDP was referred to the WAPC and the WAPC have approved the variations, subject to the open space requirement for R20 lots being modified to a 45% minimum. The LDP proposes a minimum of 35% open space for R30 lots, which is consistent with LPP2.2. There is no minimum open space requirement for R40 lots proposed by the LDP, which is consistent with LPP2.2. Instead the LDP contains outdoor living area (OLA) provisions for R40 lots, which require an OLA with an area of 10% of the lot size, directly accessible from a habitable room of the dwelling and located behind the street setback area. The OLA is required to have a minimum 3m length or width dimension and at least 70% of the OLA must be uncovered. The OLA provisions for R40 lots are consistent with LPP2.2.

Landscaping

The LDP includes provisions for landscaping so that the front setback area, excluding the area of any veranda or porch, shall consist of at least 40% soft landscaping. The 40% minimum soft landscaping is consistent with the requirements of LPP2.2. Officers support the LDP including landscaping to increase the amenity of the streetscape within the estate.

Boundary Setbacks

The LDP proposes a variation to the boundary setback requirements of the R-Codes for some R30 and R40 lots. The proposed variation is for boundary setbacks to be permitted to both side boundaries subject to: 2/3 length to one side boundary, 1/2 max length to second side boundary for wall height 3.5 metres or less. The proposed provision is consistent with LPP2.2 for the R40 lots, though is a minor variation to LPP2.2 for the R30 lots. LPP2.2 allows boundary setbacks for R30 lots to both side boundaries subject to: 2/3 length to one side boundary, 1/3 max length to second side boundary for wall height 3.5m or less. The proposed variation is minor and is only proposed for two R30 lots, Lots 420 and 421. Both of these R30 lots have shallow lot depths and



are constrained lots. Officers consider that the proposed variation is minor and will allow for more useable open space at the rear of the dwellings.

Footpath and Drainage Treatment Along Nettleton Road

There is an existing shared use path located along Nettleton Road. An Urban Water Management Plan has been prepared for the subject site which indicates that the drainage for the site will flow towards the brook. A vegetated swale is identified within the Nettleton Road reserve to convey drainage. This will be restored as a part of the subdivision works.

Options and Implications

Option 1

That Council:

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

Option 2

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

Option 1 is recommended.

Conclusion

The Proposed LDP seeks to vary provisions within the R-Codes relating to setbacks, garages, vehicular access, open space and outdoor living areas. Provisions relating to noise treatment packages and landscaping have also been included. The LDP proposes some variations that are not consistent with the Shire's LPP2.2. These variations relate to constrained lots with shallow lot depths. Officers recommend that the proposed variations to LPP2.2 be supported, subject to modifications relating to garage setbacks.

Attachments (available under separate cover)

- **10.1.9 – attachment 1** – Proposed the Brook at Byford Stage 3 LDP (IN21/17690)
- **10.1.9 – attachment 2** – WAPC Decision (IN21/17691)
- **10.1.9 – attachment 3** – Schedule of Modifications (E21/8441)

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



Financial Implications

There are no direct financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

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

Voting Requirements: Simple Majority

OCM218/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Byas

That Council:

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

CARRIED UNANIMOUSLY 9/0



10.1.10 – Shire of Serpentine Jarrahdale Local Food Action Plan (SJ429)	
Responsible Officer:	Manager Health and Building Services
Senior Officer:	Direction 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.
-----------	---

Report Purpose

The purpose of this report is to present to Council the Shire's Local Food Action Plan Project, which is an action arising from the Public Health Plan of the Shire (titled Health and Wellbeing Strategy 2020-2024). The Shire has been participating in a pilot project with ECU and three other local governments (since 2018), to provide support and build capacity of our community in being able to source and access healthy local food choice options. Adoption of the Action Plan will enable the Shire to obtain grant funding to begin implementation of the Plan in collaboration with the community.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Shire is one of the four pilot sites for the '*Pathway to Healthy Food Environments: a guide for local governments in Western Australia*' project which started in July 2018. It aims to increase local government co-ordination and capacity to influence, activate and create safe, secure and healthy local food environments in Western Australia.

Based on Victoria's Healthy Food Connect model, each case study pilot site was guided through the project framework, with support materials and resources embedded in three modules:

1. Community food profile
2. Setting priorities
3. Local Food Action Plan (**attachment 1**).

The project has been supported with funding by Healthway and has a Project Advisory Group that helps guide the work. The Shire has had access to a Senior Public Health Officer and a Project Officer to help through each step of the project thus far.

In addition, subject to adoption of the Action Plan, the project includes grant funding to facilitate delivery of the actions (total \$12,500).

This is a capacity building project with a research and evaluation framework. As the hosting organisation, Edith Cowan University is committed to ensuring they capture what worked and didn't work along the process.



Statutory Environment

The Public Health Act 2016 regulates a shared responsibility between State and Local Government for public health planning. This is an embedded requirement under Part 5 of the Public Health Act, at both a State Government and local government levels.

Community / Stakeholder Consultation

Edith Cowan University conducted 60-minute face to face interviews with 10 participants at the Shire of Serpentine-Jarrahdale, from 4 April to 7 August 2019. Participants were the various stakeholders, directly or indirectly, responsible for the development and implementation of plans and initiatives that impact on the local food environment. These included local government Councillors; Director responsible; public health staff (i.e. health managers, health promotion Officers, and environmental health Officers); and senior staff from other departments including community development, strategic planning, economic development, building and planning, and environmental sustainability.

The interviews formed part of the formative research phase of a Healthway Funded Health Promotion Program to develop and pilot a WA-specific food systems policy planning framework and resources, titled 'Pathway to healthy food environments: a guide for local governments' to assist in local government planning.

From the Shire's *Health and Wellbeing Strategy 2020-2024* adopted in July 2020, a community survey was carried out to determine what the residents felt were their biggest health risk concerns for themselves and their family. In total, 239 responses were received - stress and mental health, overweight and obesity, and poor diet and nutrition ranked in the top 10.

Top ten factors	Number of 'high-risk' votes
Stress and mental health	65
Crime and safety	64
Overweight and obesity	62
Effects of extreme weather	59
Availability and ready accessibility to appropriate services	56
Food and drinking water safety and quality	55
Harmful alcohol consumption	54
Poor diet and nutrition	
Smoking	
Illicit drug use and misuse of pharmaceuticals	51

In addition to the above findings, an independent consultation for the Local Food Action Plan involved communication with external agencies such as:

- East Metropolitan Health Services;
- SJ Food and Farm Alliance Inc.;
- EarthWhile Australia; and
- Waste Is My Resource.

Also, a specific *SJ Local Food Action Plan Community Survey (attachment 2)* was created and carried out between 1 July – 15 July 2021 to determine what residents perceived were actions most important to create a pathway to healthy food environments. Shire Officers attended community events also to meet with community members and to promote the survey. Online versions of the survey on the Shire's website were also promoted.

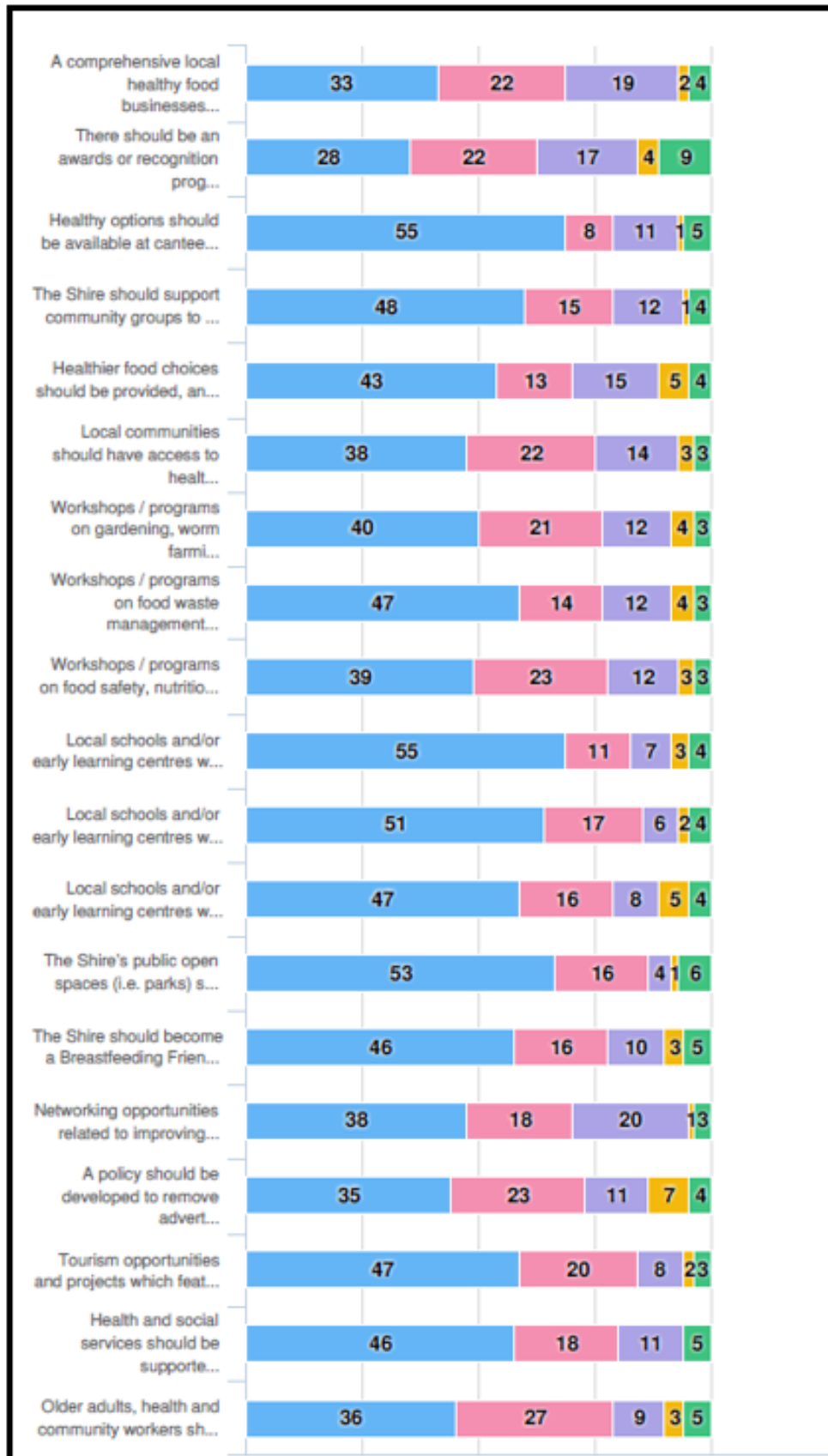


In total, 80 responses were received, and the results are depicted in the table below:

Top 5 actions perceived by the community that will help shape the delivery of healthy food environments in the Shire	Number of 'extremely important' votes
Healthy options should be available at canteens and barbeques of local sports and community groups	55
Local schools and/or early learning centres within the Shire should commit to reducing waste, and work towards becoming an accredited Waste Wise school	
The Shire's public open spaces (i.e. parks) should have accessible potable water	53
Local schools and/or early learning centres within the Shire should deliver programs which improve skills to grow and prepare healthy foods	51
The Shire should support community groups to access health promoting grants	48



Below is a snippet of the summary of the survey responses (attachment 3):



Local Food Action Plan Community Engagement Survey Response Summary



Comment

The *Shire of Serpentine-Jarrahdale Community Health Profile for 2019* which includes data from a variety of databases including the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare (AIHW), was developed by East Metropolitan Health Services.

It portrays that in the Shire, over three-quarters of the adult population (76.4%) and over one in five children (23.4%) have weight issues, and over 42% of the Shire's population engages in less than 150 mins of physical activity per week. These represent higher adverse trends compared to the WA State Average.

Such issues contribute to the development of chronic conditions such as heart disease, Type 2 diabetes, osteoarthritis and some cancers. In the Shire, ischemic heart disease (or coronary heart disease) is the most common cause of death for both genders, with males at 12.3% and females at 8.5%.

Many chronic diseases can be prevented or delayed through public health measures that encourage a balanced diet, and through good neighbourhood design that provides active local open space opportunities.

Community Health Profile		SJ Shire Persons (%)	WA Persons (%)
Top 3 health risks factors	Poor diet and nutrition		
	• Eats less than two serves of fruit daily	54.4	48.6
	• Eats less than five serves of vegetables daily	89.2	88.9
	• Eats fast food at least weekly	31.6	33.8
	Physical inactivity		
	• Less than 150 minutes of physical activity per week	42.1	36.5
	• Spends 21+ hours per week in sedentary leisure time	27.3	32.4
	Overweight and obesity	76.4	66.8

This is a key focus for collaboration, insomuch that the Shire's belief is that through education and support, our community can be empowered to pursue options available through the local healthy food environment and also the local recreation environment.

The Plan is based on the following objectives, and associated priorities:

- Objective 1: Growing together to build a healthy and resilient food system

Key Priorities

- Grow food locally
- Support local food production and sales
- Community-supported agriculture (community and school gardens, farmers' markets, home gardening)
- Reduction of food and packaging waste
- Disaster planning and food security
- Objective 2: Growing together to facilitate access and availability of safe, nutritious and sustainable food where we live, work, learn and play.



Key Priorities

- Neighbourhood design and urban planning
- Healthy food choices in local government-owned and managed facilities
- Encouraging healthy food choices in sporting and community venues, clubs and public spaces
- Active transport and movement networks, especially associated with proximity to high quality public transport
- Objective 3: Growing together to celebrate a vibrant, inclusive food culture that encourages equitable and culturally appropriate food for all.

Key Priorities

- Community connections to the local food supply, particularly for those most vulnerable
- Community education, information and skill-building
- Support equity in accessing nutritious food
- Support local food production and sales
- Objective 4: Growing together to create a resilient infrastructure for sustained action.

Key Priorities

- Shire leadership, support and collaboration
- Partnerships
- Community engagement

Community feedback was sought on their perceived priorities in terms of building healthy environments in the Shire. This formed the final draft of the Local Food Action Plan (**attachment 2**). Key stakeholders such as internal departments, East Metropolitan Health Services, and SJ Food and Farm Alliance provided input into the development of the Local Food Action Plan. It is recommended Council adopt the Plan, which will enable the Shire to receive the associated healthway grant to put towards implementation.

Options and Implications

Option 1

That Council ADOPTS the Local Food Action Plan 2021 – 2024 as contained within **attachment 1** and associated action plan.

Option 2

That Council DOES NOT ADOPT the Local Food Action Plan 2021 – 2024.

Option 1 is recommended.

Conclusion

The Shire has been participating in a pilot project since 2018 to develop an action plan specific to supporting the community and producers within the community in respect of the health food environment. Local government plays an important role in influencing, activating and creating



safe, secure and healthy environments in Western Australia. This Local Food Action Plan is based on local needs and opportunities that support sustainable access and availability to healthy environments.

Attachments (available under separate cover)

- **10.1.10 – attachment 1** – Shire of Serpentine Jarrahdale Local Food Action Plan (E21/7092)
- **10.1.10 – attachment 2** – Shire of Serpentine Jarrahdale Local Food Action Plan Community Survey (E21/6786)
- **10.1.10 – attachment 3** - Shire of Serpentine Jarrahdale Local Food Action Plan Community Engagement Survey Responses (E21/6709)
- **10.1.10 – attachment 4** – Shire of Serpentine Jarrahdale Local Food Action Plan Community Food Profile (E21/7582)
- **10.1.10 – attachment 5** – Shire of Serpentine Jarrahdale Local Food Action Plan - Proposed workshops, programmes and presentations for 2021/22 financial year (E21/7093)

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 2.2	A sustainable natural environment
Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse opportunities
Strategy 2.2.3	Continue to minimise the volume and impact of waste generated with the district
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Outcome 2.3	A productive rural environment
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.
Strategy 3.2.1	Actively support tourism growth within the district
Strategy 3.4.1	Identify and promote innovation and education opportunities

Financial Implications

For being a part of this pilot project in conjunction with Edith Cowan University, the Shire will receive a \$12,500 grant from Healthway WA to implement the actions outlined in the Local Food Action Plan if such is adopted by Council. To utilise the grant money for the implementation of the Local Food Action Plan, a list of proposed workshops, programmes and presentations for the 2021/2022 financial year is provided as **attachment 5**.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with option 1.						
2	If Council does not adopt the Plan the Shire will not receive the \$12,500 grant from Healthway and will not be able to implement the identified actions to address local health concerns	Nil.	Financial	Unlikely	Major	MODERATE	Accept Officers recommendations

Voting Requirements: Simple Majority

OCM219/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strange

That Council APOPTS the Local Food Action Plan 2021 – 2024 as contained within attachment 1 and associated action plan.

CARRIED UNANIMOUSLY 9/0



10.2 Infrastructure Services reports

10.2.1 – Depot Accommodation Refurbishment	
Responsible Officer:	Manager Project Development
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.
-----------	---

Report Purpose

The purpose of this report is to seek Council approval to refurbish the Shire's Depot facilities.

Relevant Previous Decisions of Council

Special Council Meeting – 29 March 2021 – SCM044/03/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the Needs Analysis, Discussion Paper and Feasibility Plan for the Office and Depot Accommodation as detailed in attachments 1, 2 and 4.*
- 2. NOTES that the recommendations and next steps from the feasibility plan will be provided in subsequent reports.*

Background

The current toilet at the Depot is considered inadequate for female staff (current and future). The Supervisors' office is also mouldy, leaking and well past end of life. The current length of the workshop is inadequate to accommodate larger assets such as 3-axle vehicles, larger plant that will be used for drainage maintenance, and large plant and equipment. The current length of the existing workspace for the vehicles is approximately 8m. An extension is proposed that will provide 12m, which will allow the largest asset to be fully enclosed in the workspace, allowing the technicians to work along the full length of the (3+ axles) vehicle. In addition, a work pit will be inserted to allow safe, accessible movements underneath the vehicles, without the use of jacking equipment. Provision will also be made for a small office at the back of the extension.

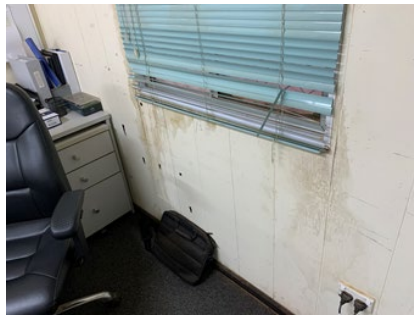


The condition of the existing facilities described is illustrated below:

Female Toilets



Supervisors' Office



Workshop



The proposed upgrades are to be transportable buildings enabling them to be relocated and used on a future site. The upgrade is proposed as follows:

- Supply and install a 6m x 3m new female toilet (\$38k)
- Replacement of 12m x 6m Supervisor's office (\$225k)
- Workshop extension of 16m x 4.5m (\$40k)

The upgrade is estimated to cost \$303,000.



Community / Stakeholder ConsultationStakeholder Consultation

Consultation conducted with Depot staff in February 2021 identified the following issues to be dealt with immediately: ablution block/toilets being overcapacity, Supervisors' office at end of life and mouldy, and a small office required in the workshop.

Statutory Environment

Nil.

Comment

The Shire has a duty to provide safe and adequate facilities for employees. The proposed upgrades in this report are needed urgently.

Options and ImplicationsOption1

That Council APPROVES the Chief Executive Officer to upgrade the toilet, Supervisors' office and workshop extension at the Depot as outlined in this report.

Option 2

That Council DOES NOT APPROVE the Chief Executive Officer to upgrade the toilet, Supervisors' office and workshop extension at the Depot as outlined in this report.

Option 1 is recommended.

Conclusion

The proposed upgrade has been developed in consultation with Shire Depot staff. The Shire's adopted budget for FY2021/22 accommodates these plans.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Outcome 2.2	A sustainable natural environment
Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse opportunities
Outcome 3.1	A commercially diverse and prosperous economy
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



Financial Implications

All proposed expenditure is budgeted as part of the 2021/22 FY 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	Not having adequate Depot space to meet organisational requirements	Development of a Feasibility Plan to address the short- and long-term requirements of the Shire	Reputation	Likely	Moderate	HIGH	Act on the recommendations provided in the feasibility plan
2	Attracting and retaining quality staff	Manage by improving work environment to attract and retain staff whereby reducing cost of ongoing recruitment	Reputation	Possible	Moderate	MODERATE	Seek input from staff during detailed design

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the Chief Executive Officer to upgrade the toilet, Supervisors' office and workshop extension at the Depot as outlined in this report.

OCM220/08/21

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Atwell

That Council:

- APPROVES** the Chief Executive Officer to upgrade the toilet, Supervisors' office and workshop extension at the Depot as outlined in this report with budget allocations.
- NOTES** the proposed upgrades, namely the female toilets and supervisors' office, are transportable buildings that could be relocated or sold at a future time.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer recommendation

To ensure value for money.



10.2.2 – Appointment of Council Representative to Judging Panel for Serpentine Jarrahdale Garden Competition (SJ3277)	
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

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

Report Purpose

The purpose of this report is to request Council to appoint a Councillor to the judging panel of the 2021 Serpentine Jarrahdale Garden Competition.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 August 2020 – OCM257/08/20 – COUNCIL RESOLUTION That Council APPOINTS Councillor Denholm to be a part of the judging panel of the 2021 Garden Competition.

Background

In 2020, the Shire held its first inaugural SJ Garden Competition. The SJ Garden Competition is returning for 2021 and aims to recognise the great gardens within our Shire, with residents able to enter in one of six categories.

The winner of each category will receive recognition with a \$200 garden voucher sponsored by local gardening businesses. The Judging Panel indicates the inclusion of a Councillor.

Council is therefore requested to appoint a Councillor to the judging panel of the inaugural SJ Garden Competition.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The 2021 Serpentine Jarrahdale Garden Competition aims to recognise the great gardens in the Shire, including rural, suburban and commercial, across six categories. The competition is for front gardens only (the area between the residence and the road, with an emphasis on inclusion of the verge in the overall design). Presence of a street tree will be favourably considered.



Residents can enter in one of six categories. The first four categories are open to gardens in any area but are particularly suited to urban gardens, the fifth is for commercial gardens, while the sixth is specifically for rural or semi-rural areas. The six categories are:

- Native gardens (mostly native plants, with a natural feel);
- Waterwise gardens (mostly non-native plants which require little water);
- Traditional gardens (mostly typical “garden” plants);
- Edible gardens (mostly edible plants);
- Commercial gardens (on the frontage of businesses or commercial properties); and
- Rural gardens (properties over 2,000 m²).

The winner of each category will receive a \$200 garden voucher sponsored by local gardening businesses, Australian Native Nursery, Forestvale Trees, Mundijong Garden Supplies and Hire, Aussie Organics Garden Supplies, and SJ Plant Supply. Entries opened on 1 June 2021 and close on Friday 3 September 2021.

Under the Guidelines for the competition (see **attachment 1**), judging will be carried out by a Selection Panel consisting of:

- An Elected Member
- A community representative
- A Council Staff member.

The Chief Executive Officer will select a suitably qualified community representative and staff member.

The Selection Panel will nominate winners based on eligibility and judging criteria, which include:

- Overall design
- Maintenance
- Plantings
- Originality and creativity
- Category specific criteria.

Judging will be carried out following the close of entries, with awards tentatively scheduled for October. Members of the Selection Panel will be required to have sufficient time available during normal business hours between Monday 6 September and Friday 27 September for the viewing and judging of potentially more than 20 gardens.

Options and Implications

Option 1

That Council APPOINTS a Councillor to be a part of the judging panel of the 2021 SJ Garden Competition.

Option 2

That Council DOES NOT APPOINT a Councillor to be a part of the judging panel of the 2021 SJ Garden Competition.



Option 1 is recommended.

Conclusion

The 2021 SJ Garden Competition aims to recognise the great gardens in the Shire and encourage others to head outdoors and beautify their own spaces. Council can also promote the local businesses who are sponsoring the competition. The presence of a Councillor on the judging panel emphasises the support of Council for home gardens as an important element of the attractive environment of the Shire.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Garden Competition Guidelines 2021 (E21/7769)

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 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community

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	Councillor appointed, perceived Council influence over judging	Councillor will be only one of three judges on the panel, balanced by a qualified staff member and a community representative	Reputation	Rare	Minor	LOW	Accept Officer Recommendation
2	No Councillor appointed, perceived lack of support for community	The other two judges, a qualified staff member and a community representative, will still judge the competition and demonstrate the Council's support	Reputation	Rare	Minor	LOW	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPOINTS Councillor _____ to be a part of the judging panel of the 2021 Serpentine Jarrahdale Garden Competition.

The Chief Executive Officer advised the Presiding Member, Councillor Rich that no nominations were received prior to the meeting.

MOTION

Moved Cr Atwell, seconded Cr Byas

That Council APPOINTS Councillor Denholm to be a part of the judging panel of the 2021 Serpentine Jarrahdale Garden Competition.



MOTION

Moved Cr Coales

In accordance with clause 12.6 of the *Standing Orders Local Law 2002 (as amended)* that the ruling of the Person presiding be disagreed with.

MOTION LAPSED for want of a seconder

OCM221/08/21

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Byas

That Council APPOINTS Councillor Denholm to be a part of the judging panel of the 2021 Serpentine Jarrahdale Garden Competition.

CARRIED UNANIMOUSLY 9/0

OCM222/08/21

COUNCIL RESOLUTION

Moved Cr McConkey, seconded Cr Denholm

In accordance with clause 11.1(c) of the *Standing Orders Local Law 2002 (as amended)* that the Council now adjourn for a period of 5 minutes at 9:30pm.

CARRIED 8/1

Councillor Coales left the Chambers at 9:31pm and did not return.

Presiding Member, Councillor Rich reopened the meeting at 9:35pm with the following in attendance:

Councillors: M Rich.....Presiding Member

D Atwell

M Byas

M Dagostino

B Denholm

K McConkey

L Strange

D Strautins

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

Ms H Sarcich.....Deputy CEO / Director Community
and Organisational Development

Mr F SullivanDirector Corporate Services

Mr A TrosicDirector Development Services

Mr R NajafzadehDirector Infrastructure Services

Dr K ParkerManager Governance and Strategy

Ms M Gibson.....Governance Officer – Council and Committees
(Minute Taker)

**10.2.3 – WALGA Power Purchase Agreement**

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.
-----------	---

Report Purpose

Western Australia Local Government Association (WALGA) is coordinating a three-year contract to purchase electricity for 48 member local governments. This is referred to as the WALGA Power Purchase Agreement.

The purpose of the report is to authorise the Chief Executive Officer signing an Memorandum of Understanding to participate in the Power Purchase Agreement Request for Quote process and authorise the Chief Executive Officer to enter into the group arrangement if the new pricing is lower than current electricity contract prices.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

WALGA is coordinating a three-year contract to purchase electricity for 48 member Local Governments. This is referred to as the WALGA Power Purchase Agreement. The Local Government members have expressed that it is essential to transition to renewable energy purchase and the Power Purchase Agreement will include renewable energy in its price.

The Economic Regulatory Authority classes electricity consumers into different bands and regulates the tariffs that can be offered to each band. The larger the consumer, the lower the tariff they are able to access. By combining our electricity purchase with other Local Governments, the Shire will be able to unlock lower prices, and purchase electricity at a lower cost.

This Power Purchase Agreement applies to Contestable sites (sites consuming over 50MWh per year). These include:

- Administration and Civic Centre
- Briggs Park and Rec Centre
- Pony and Golf Club
- Jarrahdale Communication Centre
- Mundijong Pavilion



This contract does not include uncontestable sites (consuming under 50MWh per year) and streetlights due to regulations which preclude their inclusion.

Throughout the development of this project, WALGA have been in regular communication with potential Request for Quote respondents. This has resulted in an “indicative price” that the Request for Quote might produce, as submitted by the energy industry. The indicative price is not a prediction of the likely outcome of the Request for Quote but it is an approximate cost.

WALGA have also released average tariffs which each tier of local government currently receives. The Shire of Serpentine Jarrahdale falls into the “small” category. Currently, the Shire is receiving a similar tariff to other local governments of this size.

The Power Purchase Agreement will also include “Green Power”. Green Power currently attracts a premium due to limited supply and low competition between suppliers. Joining with a large purchase group creates a powerful incentive for suppliers to provide Green Power and offer it at a fair price. As a sector, the combined local government purchasing group can strongly signal support for the renewable energy market. Green power may include electricity from a range of sources including solar, wind and waste to energy. The onus will be on the respondents to demonstrate how their electricity is sustainably sourced and this will be considered by the evaluation panel.

WALGA is intending for the group to gradually increase the percentage of Green Power by working towards 100% Green Power by year 3 of the contract. This would allow the local government sector to familiarize itself with the industry. However local governments will be able to nominate 100% Green Power earlier in the contract term. The indicative rates demonstrated that savings achieved by the bulk procurement process are likely to easily offset any additional cost of Green Power.

It is anticipated that the contract will be awarded in October 2021 and by December 2021 the Shire will receive a quote and decide whether to accept or reject the outcome. The expected date of commencement for the contract is April 2022.

A Memorandum of Understanding is required to be executed to proceed further. The memorandum is a non-binding agreement which requires:

- Sign off from the Chief Executive Officer
- Agree to provide current electricity consumption (via Western Power Access Form) to tenderers
- Agreement to act in good faith, in this instance may be interpreted as intention to proceed with the quote if it is beneficial to the Shire.

The Memorandum of Understanding is provided as **attachment 1**. The Chief Executive Officer has delegation to sign this document.

WALGA will distribute the Request for Quote through their preferred supplier panel, to six suppliers that can meet the volume of electricity required (Alinta Energy, Avertas Energy Ltd, Infinite Energy, Perth Energy, Shell Energy and Synergy). Smaller suppliers can also participate in the Request for Quote by partnering with a larger company.

The Memorandum of Understanding will result in a quote provided to the Shire for consideration in October/November 2021. At this time, the Shire of Serpentine Jarrahdale will decide if the quote and the terms are in the best interests of the Shire prior to proceeding with the Power Purchase Agreement.



Community / Stakeholder Consultation

Not applicable.

Statutory Environment

Western Australian Local Governments have not procured electricity through a Power Purchase Agreement before. Several Eastern States Local Government groups have used Power Purchase Agreements to good effect. The procurement methodology developed by WALGA was required to be reviewed by the Australian Competition and Consumer Commission and they will continue to review the project until the completion of the Request for Quote.

WALGA have developed procurement guidelines which are provided as **attachment 2**.

Comment

The Power Purchase Agreement presents an opportunity to reduce the Shire's electricity costs and is one of the best opportunities for the Shire to reduce carbon emissions. It presents minimal risk as the Memorandum of Understanding is non-binding and the quote is able to be accepted or rejected once it is received.

Options and ImplicationsOption 1

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

Option 2

That Council DOES NOT PARTICIPATE in the Power Purchase Agreement.

Option 1 is recommended as Option 2 is likely to result in higher power prices.

Conclusion

Participation in the WALGA Power Purchase Agreement would allow the Shire the opportunity to access renewable energy and lower electricity costs for contestable electricity accounts.

Attachments (available under separate cover)

- **10.2.3 - attachment 1** – Memorandum of Understanding – WALGA and the Shire of Serpentine Jarrahdale (E21/7359)
- **10.2.3 - attachment 2** - Procurement Guidelines – WALGA Power Purchase Agreement (IN21/15982)

Alignment with our Strategic Community Plan

This proposal aligns with a number of the outcomes and strategies in the 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

Last year the contestable sites at the Shire used 294,099 kWh at peak rates and 276,019 kWh at off-peak rates, costing \$140,686.40. Applying the indicative rates from WALGA the Shire would save approximately \$35,397.02 per 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	There is no additional risk associated with Option 1 as signing the Memorandum of Understanding does not commit the Shire to proceeding with the Power Purchase Agreement.						
2	Increased electricity costs and carbon emissions.	The Power Purchase Agreement would mitigate this risk.	Financial	Likely	Minor	MODERATE	

Voting Requirements: Simple Majority

OCM223/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Byas

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

CARRIED UNANIMOUSLY 8/0

**10.2.4 – Memorandum of Understanding – Shire of Serpentine Jarrahdale and Darling Downs Residents Association (SJ196)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to approve the Memorandum of Understanding (MOU), between the Shire of Serpentine Jarrahdale (Shire) and the Darling Downs Residents Association (DDRA) for the maintenance of bridle trails, horse training area and tracks on the public recreation reserve in Darling Downs. This matter has been brought back to Council as this item was moved to next business at the June 2021 OCM.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 June 2021 - OCM147/06/21- COUNCIL RESOLUTION / Officer Recommendation

In accordance with 11.1(a) of the Standing Orders Local Law 2002 (as amended) that the Council proceed to the next business.

Ordinary Council Meeting – 27 November 2017 - OCM150/11/17- COUNCIL RESOLUTION / Officer Recommendation

1. *Endorses the terms of the proposed Memorandum of Understanding with the Darling Downs Residents Association on the following terms and conditions:*
 - a. *Annual funding amount of \$10,000, to be increased by CPI on each anniversary of the term;*
 - b. *Term of 3 years;*
 - c. *Darling Downs Residents Association to provide annual evidence (Certificates of Currency to a value of \$20 million) of Public Liability insurance cover indemnifying the Shire of Serpentine Jarrahdale and the Minister for Lands against any claims related to the activities of the Darling Downs Residents Association;*
 - d. *Annual works schedule to be provided to the Shire of Serpentine Jarrahdale in advance of each anniversary of the term; and*
 - e. *Approve a sundry grant of \$750 as contribution to insurance costs with the balance to be covered under the annual funding amount of \$10,000*

**Ordinary Council Meeting – 24 October 2011 - CGAM023/10/11- COUNCIL RESOLUTION / Officer Recommendation**

That Council endorse the Memorandum of Understanding between the Shire of Serpentine Jarrahdale and the Darling Downs Residents Association for the maintenance of reserves 35603, 42696, 35706, 35701, 35702, 38830, 35601, 35701 and 46631 for a period of 2 years, as per attachment CGAM023.2/10/11 (E11/5334).

Ordinary Council Meeting – 27 October 2008- CGAM031/10/08 - COUNCIL RESOLUTION / Officer Recommendation

That:

- 1. Council endorse the licence agreement between Serpentine Jarrahdale Shire and the Darling Downs Residents Association, for the use of reserves 35603, 42696, 35706, 35701, 35702, 38830, 35601, 35701 and 46631 for bridle trails, horse training arena and track for a period of 1 year.*
- 2. Council authorise the Shire President and Chief Executive Officer to sign the lease agreement.*

Background

The Darling Downs bridle trails and equestrian area comprises an area of over 70 hectares. The subject land sits over Reserves 35601, 35603, 35701, 35702, 35706, 38830, 39190 and Lot 55 Empire Rose, Darling Downs. The Shire holds management orders over these Reserves for the purpose of Public Recreation (Reserve 35706 also includes an additional use of drainage).

In February 1987, the Darling Downs Residents Association (DDRA) was formed to assist with the management of funds provided by the Shire for maintenance of the Reserves, by way of a cash in lieu contribution by developers, towards the development of public open space within the rural residential development area. Over the subsequent 30-year period, the DDRA and the Shire worked in partnership to develop and maintain the recreational area by building bridle paths and other equine-related amenities, beautifying the overall area and managing revegetation programs. The area is now more commonly referred to as “70 acres” or known as Darling Downs Equestrian Estate by DDRA.

In 2008, the Shire entered into a licence agreement with the DDRA for one year to formalise the working relationship and set out the responsibilities and obligations of the Shire and the DDRA in the management of the area. At the end of the licence period, the agreement was reviewed and a Memorandum of Understanding (MOU) was developed between the parties. The MOU was renewed in 2010 and 2018. The latest MOU expired on 30 June 2020.

Officers have been liaising with the DDRA to consider the current status of the management arrangements and propose a recommendation on the most suitable future management arrangements for the site.

Annual Funding

Funding contribution towards the management of the Reserves has occurred since 1988. At the time, DDRA accessed funds directly available within the developer-contributed Darling Downs Reserve account, estimated at \$200,000. Since the depletion of the reserve account in 2018, the Shire has entered into an MOU Agreement with DDRA and the Shire has provided \$10,000 per year to DDRA to partly fund the maintenance operations of the upkeep of the reserves.



DDRA are now requesting the renewal of the MOU for one more year and are also requesting the Shire funding contribution of \$10,000 for expenses already incurred during 2020/21 FY and an additional \$10,000 to cover the maintenance cost during 2021/22 FY.

DDRA have indicated that they currently do not have the funds available to continue funding maintenance works beyond September 2021. In addition, they have also advised Shire Officers that their insurance cover will expire at the end of September 2021 unless Shire funding contributions are made available to cover the cost of their insurance renewal. In the event that their insurance does not get renewed, DDRA have advised that they will not be in a position to continue operating as an entity therefore will cease undertaking any maintenance of the reserve. Should DDRA discontinue maintenance of the reserve, the Shire currently does not have the capacity to undertake maintenance activities unless these works are completed using external contractors which will require additional funding outside the adopted operating budget.

Below is an itemized list of operational activities and consumables that DDRA are proposing to fund and purchase using the Shire-contributed funds:

- Stump grinding
- Fencing renewal
- Purchase of fuel, oil, filters etc
- Repair and maintenance of machinery
- Arena sand re-nourishment
- Slashing
- Weed control
- Purchase of safety equipment
- General trail maintenance
- Signage maintenance
- Insurance – public liability, volunteer insurance
- Miscellaneous expenses – administration

The payment of Shire funding contribution will enable DDRA to continue maintaining the reserve at the current standards and provide the level of service and amenities to the area, and in addition allow for the planned projects to be completed in a timely manner as per Strategic Plan. Completion of some of these projects have been delayed due to the fact that the \$10,000 Shire contribution funding for 2020/21 FY has not been paid.

Level of service

The management and future planning for the site has been proposed by DDRA as **attachment 2** - Strategic Development Plan for 2021 – 2023. This previous document for the period of 2019-2022 was approved by the Shire in December 2019. For over 30 years, DDRA have maintained the '70 acres' to a high service level to provide the Darling Downs community an exceptional reserve, complete with bridle trails, cross country jumps and sand arena surfaces. This includes weekly maintenance such as grading 4 times per week.



Assets

DDRA have advised that they will not be using Shire contributed funds to purchase any machinery including tractors and mowers, other than consumables and tools of low value.

Long Term and Continuity

The use of an MOU is legally non-binding, and essentially not an appropriate instrument which can be used to formalize the maintenance arrangements for the reserve with DDRA. It is therefore recommended that Council consider approving the MOU as attached expiring 31 June 2022 with the intent for Shire Officers to seek legal advice to develop a long term solution and legally binding agreement. This will provide a more robust arrangement to maintain the reserve on a longer term and clarify roles and responsibilities for both the Shire and DDRA in the long term.

Community / Stakeholder Consultation

Shire Officers have met with the DDRA and on a number of occasions have discussed the draft updated MOU (**attachment 1**) and discuss other funding options including grants (as opposed to the current sponsorship nature of the MOU).

Statutory Environment

Not applicable.

Comment

Through the management of volunteer labour activities, the DDRA have established and maintained a high level of service for the 70 acres reserve in Darling Downs for over 30 years. This has been achieved in part by Shire contributing funds in the special rural areas of Darling Downs for the construction and maintenance of equestrian-related amenities such as bridle trails, cross country jumps and a sand area. This has provided great sentiment, a sense of ownership and substantial services to the Darling Downs community.

The model for reserve management has however changed dramatically since the depletion of the reserve fund which occurred in 2018. The Shire has since provided funds to DDRA to assist the maintenance of the reserves to continue managing the 70 acres at the highest standard possible.

No sponsorship has been provided to DDRA since the expiry of the MOU on 30 June 2020, however, works and improvements to the reserve have continued. Therefore, to provide continuity and status quo for another 12 months, Officers propose an extension to the MOU until 30 June 2022 with a future intent to investigate the current agreement model and provide a legal framework to the works currently being undertaken to the Reserves.

Options and Implications

Option 1

That Council:

1. ENDORSES the Memorandum of Understanding with the Darling Downs Residents Association (as **attachment 1**) with the following terms and conditions:
 - a. Funding amount of \$10,000 per year;
 - b. Term of 2 years, expiry 30 June 2022, covering the period 1 July 2020 to 30 June 2022;
 - c. Darling Downs Residents Association to provide annual evidence (Certificates of Currency to a value of \$20 million) of Public Liability insurance cover indemnifying the



Shire of Serpentine Jarrahdale and the Minister for Lands against any claims related to the activities of the Darling Downs Residents Association; and

- d. Darling Downs Residents Association to provide a Quarterly Report to the Shire after each quarter.
2. REQUESTS the Chief Executive Officer negotiate with DDRA to develop a legally binding agreement to be used for future management of the reserves starting from 1 July 2022.

Option 2

That Council:

1. DOES NOT proceed with the Memorandum of Understanding arrangements for the Darling Downs Residents Association, and instead advises the DDRA to pursue the capital grant programs of the Shire.
2. CLOSSES OUT the 2020/21 financial year as the final budgeted payment of \$10,000.

Option 1 is recommended.

Conclusion

The Shire has been historically working with DDRA for the past 30 years to manage 70 acres located in Darling Downs for the purpose of public recreation to create bridle trails, revegetate and beautify the area. Officers are requesting an extension to the MOU until 30 June 2022 for the maintenance of these reserves for the purpose of public recreation. Officers also recommend that a more robust, transparent process and legal framework be pursued after this time.

Attachments (available under separate cover)

- **10.2.4 - attachment 1** - Memorandum of Understanding (E21/4769)
- **10.2.4 - attachment 2** - Strategic Development Plan 2021 to 2023 (E21/4721)

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.
Outcome 2.2	A sustainable natural environment.
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets.
Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse opportunities.
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Outcome 4.2	A strategically focused Council.
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.



Financial Implications

The Shire has funded DDRA via a historic Darling Downs reserve account that was developer contributed funds, dating back to the late 1980s. This account was depleted by June 2017 and subsequently a set amount of \$10,000 per annum had been provided to DDRA via an MOU agreement between DDRA and the Shire. This included quarterly updates and details on expenses.

Amount spent to date

Since 2001, \$81,118.47 that has been provided to DDRA for the management of the reserves. Onsite recordkeeping prior to 2001 has been limited.

Shire maintenance - current

The Shire currently assists in the management of the 70 acres reserves by undertaking slashing and spraying totalling 10 days at a cost of approximately \$7,000 per year.

Shire maintenance – future

Should Council opt for the Shire to take full control and responsibility for the management of maintenance of these reserves, the annual cost is estimated at \$28,000 per year to keep the area maintained to a standard level of service and amenity. This level of service may be inadequate for the Darling Downs community as regular users of the land.

Additionally, should Council opt to not renew the MOU until 31 June 2022, funds have not been budgeted for 2021/22 FY.

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	Retain status quo of \$10,000 for a 2 year term. This will result in a strained ability to adhere to the MOU.	DDRA to provide maximum number of volunteers to maintain the reserve	Social / Community Outcomes	Likely	Moderate	MODERATE	Accept Officer recommendation
2	Council not proceeding in further with the MOU	Nil	Financial	Likely	Moderate	MODERATE	Accept Officer recommendation



Voting Requirements: Simple Majority

OCM224/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Byas

That Council:

- 1. ENDORSES the Memorandum of Understanding with the Darling Downs Residents Association (as attachment 1) with the following terms and conditions:**
 - a. Funding amount of \$10,000 per year;**
 - b. Term of 2 years, expiry 30 June 2022, covering the period 1 July 2020 to 30 June 2022;**
 - c. Darling Downs Residents Association to provide annual evidence (Certificates of Currency to a value of \$20 million) of Public Liability insurance cover indemnifying the Shire of Serpentine Jarrahdale and the Minister for Lands against any claims related to the activities of the Darling Downs Residents Association; and**
 - d. Darling Downs Residents Association to provide a Quarterly Report to the Shire after each quarter.**
- 2. REQUESTS the Chief Executive Officer negotiate with DDRA to develop a legally binding agreement to be used for future management of the reserves starting from 1 July 2022.**

CARRIED UNANIMOUSLY 8/0



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.
-------------	--

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

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 July 2021 to 31 July 2021, totalling \$3,150,271.92.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 July 2021 to 31 July 2021, totalling \$3,150,271.92.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 July 2021 (E21/8661)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 April 2021 to 27 May 2021 (E21/8647)

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 July 2021 to 31 July 2021 totalled \$3,150,271.92.



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

OCM225/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council **RECEIVES** the Schedule of Accounts as paid under delegated authority from 1 July 2021 to 30 July 2021, totalling \$3,150,271.92 as attached.

CARRIED UNANIMOUSLY 8/0

**10.3.2 – Monthly Financial Report – June 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.
-------------	--

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 June 2021.

Relevant Previous Decisions of Council

Special Council Meeting – 27 July 2020 – SCM240/07/20 - COUNCIL RESOLUTION / Officer Recommendation - extract

PART 6 – Material Variances***That Council***

- ADOPTS the definition of ‘significant (material) variances to be used in statements of financial activity for reporting’ to be \$10,000 or 10% (whichever the greater).*
- ADOPTS the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:*
 - Total operating revenue and expenditure by Nature and Type; and*
 - Capital income and expenditure.*

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at this point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of June 2021. Please note this 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 will be subject to change.

The municipal surplus as at 30 June 2021 is \$8,214,816 which is favourable, compared to a budgeted surplus for the same period of \$0.00.

Reasons for the variances as per the below table are discussed below.

Description	YTD Budget	30 June 2021 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2020 (revised)	7,990,228	7,990,228	0
Proceeds from sale of assets	150,000	136,455	(13,545)
Net transfers to/from Reserves	(444,790)	(5,011,295)	(4,566,505)
Loan/Lease principal repayments	(1,169,391)	(1,105,424)	63,967
Capital expenditure	(24,003,869)	(10,276,405)	13,727,464
Capital revenue (cash items)	13,571,487	9,930,537	(3,640,950)
Operating revenue (cash items)	35,245,848	36,649,308	1,403,460
Operating expenditure (cash items)	(31,339,513)	(30,098,588)	1,240,925
	0.00	8,214,816	8,214,816

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

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

Favourable variance to budget of \$962,196 due to receiving 2021-2022 Financial Assistance Grants totalling \$1,391,236 in June, this is the offset partially by \$367,574 budgeted DCP Administration costs yet to be drawn down.



Fees and Charges

Favourable variance to budget of \$683,194 due largely to significant increases in Building Applications - \$86,374, Kerb Inspection Fees - \$104,795, Verge Licences - \$46,310, Waste Services - \$96,314, Subdivision Fees - \$52,200, and EAS Orders and Requisitions - \$56,186.

Interest Earnings

Unfavourable variance of \$275,397 due primarily to underlying low interest rates on term deposits. Approximately \$180,000 of this variance relates to interest on cash reserves and will be offset by a reduction in transfers to reserve, limiting the impact on Council's surplus/deficit position.

Other Revenue

Favourable variance of \$182,116 primarily due to an LGIS surplus distribution - \$56,300, reimbursement of legal costs - \$47,289, and reimbursement of traffic management costs for incident response from DFES - \$30,414.

Profit on Asset Disposal

No variance analysis required, variance to budget is less than \$10,000.

Operating Expenses

Employee Costs

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

Materials and Contracts

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

Utility Charges

Unfavourable variance of \$119,152 due primarily to an additional \$53,550 in street light charges.

Depreciation on Non-Current Assets

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

Interest Expenses

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

Insurance Expenses

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

Other Expenditure

Favourable variance of \$136,026 due primarily to underspend comparative to budget specific to community grants - \$131,506.

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 \$13,727,464 due to timing of delivery of Capital Works program and number of projects still in progress. Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$3,640,950 primarily due to approximately \$9,300,000 of grant income not being claimed or recognised as revenue due to capital projects still in progress in line with comment above.

This is offset by \$5,076,751 of unbudgeted developer contributions recognised as revenue in accordance with AASB 1058 due to the nature of the contributions not being sufficiently specific to recognise a liability.

These funds are transferred to reserve on receipt.

Proceeds from Disposal of Assets

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

Repayment of Loans

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

Repayment of Leases

Favourable variance of \$68,837 due to timing of lease repayments.

Transfers to/ from Cash Backed Reserves (Restricted Assets)

Transfers from reserves are behind budget by \$2,130,319 largely due to the timing of budgeted capital works and associated reserve funding.

Transfers to cash reserves are also ahead of budget (\$2,436,186) largely due to the unbudgeted transfer of \$2,364,170 to the Byford DCP reserve.

Options and Implications

Option 1

That Council RECEIVES the Monthly Financial Report for June 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 June 2021, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report June 2021 (E21/8402)



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 June 2021, the Shire's respective cash position was as follows:

Municipal Fund: \$2,869,554

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 June 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

OCM226/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council **RECEIVES** the Monthly Financial Report for June 2021 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY 8/0

**10.3.3 – Corporate Business Plan Performance Report – April to June 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.
-------------	--------------------------

Report Purpose

The purpose of this report is to provide Council with a performance report against the 2020-24 Corporate Business Plan for the period 1 April to 30 June 2021.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 May 2021 - OCM123/05/21- COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the performance report against the 2020-24 Corporate Business Plan for the period 1 January to 31 March 2021 as contained in attachment 1.*
- 2. NOTES that any amendments required to projects within the Corporate Business Plan will be considered by Council through the annual budget development and corporate business plan review process or a budget amendment as relevant.*

Background

On 20 July 2020, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2020-24 (OCM227/07/20).

The Corporate Business Plan 2020-24 is the Shire of Serpentine Jarrahdale's four-year delivery program, aligned to the Shire's Integrated Planning and Reporting Framework (i.e. Strategic Community Plan, Annual Budget, Long Term Financial Plan and other supporting strategies). The purpose of the plan is to operationalise the Community's vision and the Shire's strategic objectives through the establishment of actions that address each strategy contained within the Strategic Community Plan.

The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2020-24 Corporate Business Plan to provide Council and the Community with an update towards the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district.





Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government and Communities. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".

Comment




The Shire of Serpentine Jarrahdale has completed a performance report against the 2020-24 Corporate Business Plan for the period 1 April to 30 June 2021 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

Report Structure

The Report includes a summary page for each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive) where the key achievements and highlights for the reporting period are detailed. Following each summary page and grouped under respective delivery program areas, is the narrative performance reporting for each action. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track	On target or as expected.
 Needs Attention	Some issues are present that could jeopardise achievement of the due date (or for ongoing actions, such as a service, may jeopardise providing the full level of service). The causes for this are/will be managed by routine procedures and the issues are likely to be resolved by the next reporting period.
 Critical	Major issues are present that will jeopardise achievement of the due date (or for ongoing actions, such as a service, will jeopardise providing the full level of service). The causes for this do/will require significant action and the issues are likely to be ongoing into future reporting periods.
 On hold	Work is unable to commence / continue due to a dependency (e.g. awaiting grant funding or completion of another project). This status must only be selected where the Corporate Business Plan or other Integrated Planning and Reporting document has it contemplated. If the action was meant to be underway but is on hold for another reason then the 'Needs Attention' or 'Critical' status, as relevant, should be used.



Status	Selection Criteria
	In extraordinary circumstances (for example, the deferral of grant funding, pending of approvals / direction from a third party or the project is not resourced), the 'on hold' status may be selected.
 Complete	Action is complete.
 Deferred	<p>Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan.</p> <p>This status must only be selected after Council has been advised (which may be through a budget amendment, CBP review or a separate Council report).</p>
 Not Proceeding	<p>Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g. loss of grant funding / change of government) or a change of direction by Council.</p> <p>This status must only be selected after Council has been advised (which may be through a budget amendment, CBP review or a separate Council report).</p>

Report Summary

The Report provides an update against 86* actions in the Corporate Business Plan. Statistics this period show:

- **72%** are on track (62/86);
- **10.5%** are complete (9/86);
- **8%** need attention (7/86);
- **3.5%** are critical (3/86); and
- **6%** are on hold (5/86).

*The Corporate Business Plan contains 110 actions for the 2020-21 financial year. As the previous performance reports have detailed, 24 of these actions are not reported on in this period as they are either complete or have been marked as deferred or not proceeding. Please refer to previous performance reports for details on these actions.

Key achievements and highlights this reporting period are as follows:

- Implementation of the **Customer Request Management** module in OneComm;
- Completion of the **Serpentine Townsite Local Structure Plan**;
- Endorsement of the **Jarrahdale Trail Town Business Case** for advertising;
- Progress towards the **Keirnan Park Recreation Precinct** including endorsement of the **Business Case**, work towards the **concept design** for stages 1A, 1b and 1C and release of the **detailed design tender** for stage 1A;



- Completion of civil construction works on the **Nicholson Road Upgrade (South)** and **Kargotich Road Upgrade**;
- Progress towards the **Administration Accommodation** Project including adoption of the **Feasibility Plan**, commencement of the **Library Relocation** and drafting of the **detailed design** report;
- Approval for the **Watkins Road Transfer Station** to operate on **Sundays** and successful first six months of operating;
- Delivery of the **2021 Youth Festival Event** at Briggs Park in Byford as part of Youth Week WA;
- Completion of **Environmental conservation works** at **Serpentine Sports Reserve**;
- Delivery of the **2021 Free Verge Plant** program;
- Completion of the **2021 Community Safety Survey**;
- **Recognition** of **local volunteer firefighters** for **International Firefighters' Day**;
- Delivery of the **2021 Emergency Services Award Evening** to celebrate our local emergency services volunteers;
- The naming of **Brian Coffey Bridge** over Serpentine River in recognition of the late-Brian Coffey's contribution to the local area;
- Delivery of the **Be Bushfire Ready Community Day** at Clem Kentish Oval;
- Launch of the **2021 SJ Garden Competition**;
- Completion of the **Design and Implementation Plan** for the **Bibbulmun Track Loop**;
- Establishment of a **Town Team** for **Byford**;
- Assessed **367 Building Permits** at a value of **\$57.6m**;
- Processed **141 development applications** and approved **\$14M** of development; and
- Finalisation of the **Local Food Action Plan**.



The **3** actions identified as **critical** this reporting period is:

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
Issue:	Further information required				
Comment:	Upon further consideration of this project, Officers recommend the purchasing of a screener be placed on hold until further analysis of its proposed utilisation rate is undertaken as there is currently insufficient asset data which can be used to accurately estimate the quantity of mixed soil material to be processed annually using the screener. Officers need additional time to investigate and collect information in regard to sources and quantity of material to be processed. This information will be analysed and used to determine if purchase of the screener will result in cost savings and improvements in handling the material.				



Remedial Action:	It will be recommended through the Corporate Business Plan review that this project is extended for another year and the milestones for the project are to undertake an assessment of waste volumes and asset data prior to deciding whether to purchase the screener.
-------------------------	--

Action 2:	<u>Kingsbury Drive Quarry Gravel Pit</u> Investigate natural resource availability for potential gravel pit site at Kingsbury Drive Quarry.	Status			
		Q1	Q2	Q3	Q4
Issue:	External Process				
Comment:	The Department of Biodiversity, Conservation and Attractions have advised the Shire that they would not support the gravel pit.				
Remedial Action:	Due to the uncertainty of this project going forward, it will be recommended for removal from the draft 2021-25 Corporate Business Plan to be considered by Council in July.				

Action 3:	<u>Internal Audit</u> Ensure an independent, objective assurance and advisory designed to add value and improve the operations of the Shire.	Status			
		Q1	Q2	Q3	Q4
Issue:	Resourcing (Personnel)				
Comment:	The Internal Auditor position remained vacant this reporting period and as such no internal audit activities were undertaken.				
Remedial Action:	Recruitment of a new Internal Auditor was undertaken in the reporting period and an appointment is expected to be made in the week beginning 12 July, with the successful candidate commencing mid-August 2021.				



The 7 actions identified as **requiring attention** are:

Action 1:	<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
Issue:	Resourcing (Personnel)				
Comment:	As reported to Council in May 2021, proceeding with this project requires approval and recruitment of a Facilities Maintenance Coordinator.				
Remedial Action:	The resourcing for a Facilities Maintenance Coordinator is included in the draft 2021-22 budget and extension of the project to 31 December 2021 is included in the draft 2021-25 Corporate Business Plan, both planned for consideration by Council in July.				

Action 2:	<u>Maintenance Service Level Plan</u> Detailed Service Level Plan for reactive and scheduled maintenance aligning with resource requirements	Status			
		Q1	Q2	Q3	Q4
Issue:	Resourcing (Personnel)				



Comment:	As reported to Council in May 2021, proceeding with the building component of this project requires approval and recruitment of a Facilities Maintenance Coordinator. Once this occurs, the input of maintenance schedules for facilities will be incorporated into the Shire's Works Asset ERP Module.
Remedial Action:	The resourcing for a Facilities Maintenance Coordinator is included in the draft 2021-22 budget. In addition, the review of the Corporate Business Plan (CBP) has identified that this project can be replaced by a "Asset Management Maturity" project to enhance and improve asset data. Both the budget and CBP are planned for consideration by Council in July.

Action 3:	<u>Asset Management – Minor Capital Renewals</u> Undertake minor capital works as per the annual capital works program (Building Asset renewals & Park Asset renewals)	Status			
		Q1	Q2	Q3	Q4
Issue:	Resourcing (Personnel)				
Comment:	Update towards Park Asset Renewals: Trails refurbishment is complete, Jarrahdale fencing renewal is in progress, Paterson St linear park playground refurbished, Samsimeon bore and pump renewal complete and dosing unit installation in progress. Update towards Building Asset Renewals: As advised previously, proceeding with minor capital works on buildings requires approval and recruitment of a Facilities Maintenance Coordinator.				
Remedial Action:	The resourcing for a Facilities Maintenance Coordinator is included in the draft 2021-22 budget, planned for consideration by Council in July.				

Action 4:	<u>Community Development Strategy</u> Development of a strategy providing clear direction and targeted outcomes for the Community based on community feedback, demographic trends and best practice models.	Status			
		Q1	Q2	Q3	Q4
Issue:	Resourcing (Personnel)				
Comment:	This project has not progressed beyond the scoping stage due to the reallocation of resources to undertake other significant projects. As advised last reporting period, the project has been deferred to 2021-22 as part of the annual corporate business plan review process.				
Remedial Action:	The project is included in the draft 2021-25 Corporate Business Plan for delivery in 2021-22, to be considered by Council in July.				

Action 5:	<u>Council Portal</u> Develop a Council Portal within the Shire's intranet.	Status			
		Q1	Q2	Q3	Q4
Issue:	Resourcing (Personnel)				
Comment:	As advised last reporting period, this project is behind schedule due to ICT redirecting its resources towards Cyber Security Issues.				



Remedial Action:	Extension of the project to 31 March 2022 is included in the draft 2021-25 Corporate Business Plan, planned for consideration by Council in July 2021.
-------------------------	--

Action 6:	Jarrahdale Road (Lot 814) Strategic Land Use Development Develop a business plan for the possible development on Lot 814 Jarrahdale Road Jarrahdale.	Status			
		Q1	Q2	Q3	Q4
Issue:	Direction				
Comment:	The Trails Town Business Case adopted by Council in June 2021, identified Lot 814 as a potential trails centre. With this new direction, Officers will prepare a separate report to Council to deal with the 2018 expression of interest process previously undertaken for the development of Lot 814.				
Remedial Action:	A project to develop a masterplan for a Trails Centre at Lot 814 Jarrahdale Road is included in the draft 2021-25 Corporate Business Plan for delivery in 2021-22 to be considered by Council in July. Officers will prepare a report to Council to deal with the 2018 expression of interest process previously undertaken for the development of Lot 814.				

Action 7:	ICT Governance Framework Develop ICT Governance Framework to guide the implementation of the ICT Information Management (IM) Strategic Plan	Status			
		Q1	Q2	Q3	Q4
Issue:	Resource Redirection – COVID-19 and Cyber Security response				
Comment:	As advised last reporting period, this project is behind schedule due to ICT redirecting its resources towards Cyber Security Issues. The Governance framework stakeholders meetings will begin in August 2021.				
Remedial Action:	Extension of the project to 31 December 2021 is included in the draft 2021-25 Corporate Business Plan, planned for consideration by Council in July.				



The 5 actions identified as critical or needing attention in quarter 3 that are now back on track are:

Action 1:	Environmental Health Provide efficient, effective, compliant environmental health services.	Status			
		Q1	Q2	Q3	Q4
Comment:	<p>During this quarter the team implemented the remedial actions proposed in Q3. This included backfilling two vacant Environmental Health Officer positions (1.0 FTE & contract 0.6 FTE). In addition, one contract Environmental Health Officer was successfully employed to undertake the backlog of health premises assessments.</p> <p>With much needed resources during this quarter the team was able to resume deliver of all core service levels:</p> <ul style="list-style-type: none"> • 99 food safety assessments • 34 other health premises assessments • 141 health impact assessments • Determine 48 health application 				



	<ul style="list-style-type: none"> Respond to 740 external customer enquiries <p>In preparation to maintain service levels for next quarter, the team looks to progress toward recruitment of a new Environmental Health Trainee. The environmental health team work load will continue to correlate directly with the State and federal home builder grants and the Shire's growth.</p>
--	---

Action 2:	<u>Mundijong Rd/Kargotich Rd – roundabout</u> Construction of single lane roundabout at the intersection of Mundijong Road and Kargotich Road.	Status			
		Q1	Q2	Q3	Q4
Comment:	Civil construction works are complete except for line marking. Main Roads WA advised that line marking is scheduled for week commencing 12th July 2021 subject to weather conditions.				

Action 3:	<u>Soldiers Road Rehabilitation</u> Pavement reconstruction between Tuner Road and Cardup Siding Road (Metropolitan Regional Road Group).	Status			
		Q1	Q2	Q3	Q4
Comment:	Construction works are at the final stage of completion however the final stage of the construction works are delayed due to inclement weather and are scheduled to be complete by mid August 2021.				

Action 4:	<u>Serpentine Heritage Precinct</u> Develop a Business Plan for the Turner Cottage site and undertake community consultation.	Status			
		Q1	Q2	Q3	Q4
Comment:	At the June 2021 Ordinary Council Meeting, Council noted the amended business plan for the Serpentine Heritage Precinct, approved the engagement strategy and resolved to not advertise business plan until the engagement is complete and options for the site are presented back to a future meeting of Council. With this new direction set, the project is back on track and is included in the draft 2021-25 Corporate Business Plan with a due date of 30 June 2022.				

Action 5:	<u>Building Services</u> Provide efficient and effective building compliance services.	Status			
		Q1	Q2	Q3	Q4
Comment:	In total, we issued 367 Building Permits in this quarter which is slightly down from Q3 at 384 building permits issued. This drop can be attributed to the 12 month extension of the construction commencement period for applicants to be eligible for the homebuilder grants. This decision to extend was much welcomed by the building industry and Local Governments as the demand was too intense to manage in a short period of time. The grants certainly serviced their purpose of economic stimulus, in Q4 the total value of building approvals was \$57.6 million bringing the total value of building approvals for the 2020/21 financial year to \$180.7 million. The average timeframe for Certified Building Permit applications (predominantly dwellings) to be assessed and determined this quarter was 8.8 days. The average time it took to assess and determine uncertified building applications (e.g sheds, patio's, pools and other minor structures) in this reporting period was 21.5 days. This				



	<p>timeframe is almost twice as long as the average timeframe for uncertified applications to be assessed in Q4 last year at an average of 10.7 days. The decrease in application assessment efficiency reflects the overall increase in volume of applications received.</p> <p>246 Swimming pool / spa barriers were inspected in Q4 and nearly 74% of swimming pool barriers were compliant upon first inspection. This is a testament to the communities awareness of their pool safety requirements.</p>
--	---



The **5** actions identified as **on hold** this reporting period are:

Action 1:	Gossage Road Upgrade Section between King Road and Kargotich Road will be upgraded to meet RAV 3 requirements (Roads to Recovery).	Status			
		Q1	Q2	Q3	Q4
Reason:	Resourcing (Funding)				
Comment:	As advised last reporting period, this project is on hold due to the deferral of grant funding. Grant funding is now confirmed for the 2021-22 financial year and the project has been included in the draft 2021-25 corporate business plan for delivery in 2021-22.				

Action 2:	Punrak Road Widening Pavement widening to 8.2m sealed carriageway between Karnup Road and Hopeland Road (Roads to Recovery).	Status			
		Q1	Q2	Q3	Q4
Reason:	Resourcing (Funding)				
Comment:	As advised last reporting period, this project is on hold due to the deferral of grant funding. Grant funding is now confirmed and as put forward in the draft 2021-25 corporate business plan, Officers have reprioritised the works requirements and are recommending the funds be utilised for a shire wide resealing program over the 2021-22 financial year.				

Action 3:	FOGO Investigate and install FOGO options for the collection and disposal of shire waste.	Status			
		Q1	Q2	Q3	Q4
Reason:	Resourcing (Funding)				
Comment:	As advised last reporting period, further progression of this project is currently on hold. The planning for implementation of FOGO is scheduled to commence in 2021-22 with the first bin roll out undertaken in 2022-23. This timeline is included in the draft 2021-25 corporate business plan for consideration by Council in July.				

Action 4:	Byford Place Plan Develop a Byford Place Plan.	Status			
		Q1	Q2	Q3	Q4
Reason:	Resourcing (Personnel)				
Comment:	As advised previously, this action is unable to commence without a resource. The Place Manager position will not be provided at this time and as such the project has been removed from the draft 2021-25 Corporate Business Plan to be considered by Council in July.				



Action 5:	Jarrahdale Place Plan Develop a Jarrahdale Place Plan.	Status			
		Q1	Q2	Q3	Q4
Reason:	Resourcing (Personnel)				
Comment:	As advised previously, this action is unable to commence without a resource. The Place Manager position will not be provided at this time and as such the project has been removed from the draft 2021-25 Corporate Business Plan to be considered by Council in July.				



The 9 actions marked as **complete** this reporting period are:

Action	Comment
<u>Strategic Trails Planning Stage 2</u> Develop a Jarrahdale Trails Town Strategy and Implementation Plan.	At the June Ordinary Council meeting, Council received the Jarrahdale Trail Town Business Case and authorised the CEO to advertise it for a period of 60 days. Projects to be undertaken in year 1 have been included in the draft 2021-22 budget and 2021-25 Corporate Business Plan, both to be considered by Council in July.
<u>Serpentine Local Structure Plan</u> Develop a Serpentine Local Structure Plan.	Council approved the Serpentine Townsite Local Structure Plan at the Ordinary Council Meeting on 17 May 2021 through item 10.1.8. The structure plan has been forwarded to the Western Australian Planning Commission for final approval.
<u>Conservation Zone Initiative Review</u> Conduct formal review of the existing Conservation Zone initiative to enable its possible expansion to other natural areas of high significance.	Council considered the Community Consultation Outcomes - Conservation Zone Discussion Paper at the Ordinary Council Meeting on 21 June 2021 through item 10.1.3. and supported the initiative in its current format, requesting Officers to take an active role in proactively identifying and working with landowners, following adoption of the new Local Planning Strategy.
<u>Exploration of the Shire becoming a City</u> Plan and undertake a feasibility review inclusive of economic, technical, legal and scheduling considerations to assess the practicality of the Shire becoming a City.	At the June 2021 Ordinary Council Meeting, Council received the Feasibility Review of the Shire becoming a city and requested the CEO canvass the views of the community on the matter during the major review of the Shire's Strategic Community Plan. The project as per the Corporate Business Plan is now complete.
<u>Volunteer Expansion</u> Investigate the expansion of existing neighbouring volunteer services into the Shire.	Investigation into the expansion of existing neighbouring volunteer services into the Shire is complete. It is recommended that Officers work with the Peel Volunteer Resource Centre to broaden delivery of their services locally and promote these opportunities on the Shire's website holistically (e.g.: with other information already available on the website). Website review will occur once resources allow.
<u>Local Carers Support Network</u> Establish a local carers support network.	Establishment of a local carers support network complete, as ongoing consultation with the Access and Inclusion Advisory Group has revealed there are existing carers networks



Action	Comment
	established that the Shire (and local families) can access and support. New connections made with existing organisations, funded by State/Federal Depts for this purpose e.g. Carers WA who now have an active presence in the Shire.
<u>Agriculture and the Environment</u> Encourage innovative and sustainable agricultural practices and technology to reduce environmental impacts.	The Position paper has been completed and was forwarded to State departments for their input. Negotiations have indicated that there is currently little focus on supporting innovation investment for the environmental context of the Shire. Being soils, which are difficult to apply large scale nutrients, and thus not supporting broad scale cropping. There has been some focus on close loop hydroponic systems, however no immediate focus on grants to support broader trials of this.
<u>Implement Customer Request Management</u> Implement the CRM Module in OneComm.	The CRM system has been live now for over 6 weeks, the dashboard reporting is proving to be extremely useful for staff. Overtime as the data continues to be collected, better business intelligence will start to assist in improving customer service to both our internal and external stakeholders.
<u>Efficiencies (OneComm Implementation efficiencies)</u> Following the OneComm implementation/roll-out, determine a systems efficiency baseline and provide 6 monthly assessments/reports on the efficiencies and improvements to Council gained over the 2020/2021FY.	The last of the OneComm benefits reports was noted by Council at June's Ordinary Council Meeting, the report outlined the benefits and efficiencies and was well received by EMG & Council.

Details of the remaining **64** actions **on track** this reporting period are outlined in **attachment 1**.

2020-21 End of Year Performance Report

With the 2020-21 financial year now ended, Officers will prepare a 2020-21 End of Year Performance Report against the CBP for Council's noting at the September Ordinary Council meeting. The report will include:

- an update on the actions that were due to be completed by 30 June 2021;
- highlights of the Shire's major achievements and service statistics over the year;
- the result of the Shire's CBP Key Performance Indicators; and
- a summary of how the 2020-21 performance reporting has been incorporated into the 2021-25 Corporate Business Plan.

Options and Implications

Option 1

That Council:

1. NOTES the performance report against the 2020-24 Corporate Business Plan for the period 1 April to 30 June 2021 as contained in this report and **attachment 1**.



2. NOTES that a performance report for the 2020-21 Financial Year will be provided at the September Ordinary Council meeting.

There are no implications associated with this option.

Option 2

That Council DOES NOT NOTE the performance report against the 2020-24 Corporate Business Plan for the period 1 April to 30 June 2021 as contained in this report and **attachment 1**.

There are no implications associated with this option.

Option 1 is recommended.

Conclusion

The completion of the new Corporate Business Plan has empowered the Shire to implement performance reporting that is specific and informative to the annual budget development and Corporate Business Plan review process. The performance reporting against the Corporate Business Plan this reporting period details 21 key achievements and the completion of nine projects. The projects flagged as 'needing attention' is 8%, a decrease to last reporting period of 13% however the projects flagged as 'critical' has increased slightly to 3.5% from 1%. Pleasingly, 5 projects identified as critical or needing attention last reporting period are now back on track and the overall percentage of projects 'on track' has increased from 70% to 72%. The provision of an 2020-21 End of Year Performance Report will provide Council with an overview of the Shire's performance for the entire year.

Attachments (available under separate cover)

- **10.3.3 - attachment 1** – Corporate Business Plan 2020-21 Performance Report 1 April to 30 June 2021 (E21/8751)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no financial implications associated with the Officer Options.

Risk Implications

There are no risks associated with the Officer Options.



Voting Requirements: Simple Majority

OCM227/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Atwell

That Council:

- 1. NOTES the performance report against the 2020-24 Corporate Business Plan for the period 1 April to 30 June 2021 as contained in this report and attachment 1.**
- 2. NOTES that a performance report for the 2020-21 Financial Year will be provided at the September Ordinary Council Meeting.**

CARRIED UNANIMOUSLY 8/0



10.3.4 – Long Term Financial Plan 2021-31 and Corporate Business Plan 2021-25 (SJ940-3)

Responsible Officer:	Director Corporate Services
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.
-----------	---

Report Purpose

The purpose of this report is to enable Council to consider adopting the:

- Long Term Financial Plan 2021-31; and
- Corporate Business Plan 2021-25.

to meet its obligations under the annual integrated planning and reporting processes.

Relevant Previous Decisions of Council

Special Council Meeting – 28 July 2021 - SCM050/07/21 – Amendment

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.

Special Council Meeting – 28 July 2021 - SCM051/07/21 – Council Resolution

That Council:

- 1. ADOPTS, in accordance with section 6.16 of the Local Government Act 1995, the Fees and Charges contained within attachment 1.*
- 2. ADOPTS the conversion of the Shire's current short-term loan facility for Abernethy Road and Briggs Park Upgrade in the amount of \$2,715,000 to a 5 year fixed term facility.*
- 3. ADOPTS the borrowing of new loan funds of \$1,819,500 to fund the Civic Centre project, subject to further resolutions of Council.*
- 4. ADOPTS the borrowing of new loan funds of \$3,000,000 to fund the acquisition of land for the future Operations Depot, subject to development of major land transaction business case being presented to Council.*
- 5. Pursuant to section 6.11 of the Local Government Act 1995, establish the following new Reserve:*

Name of Reserve	Reserve Purpose
Public Open Space Reserve	To provide for future public open space funded from Developer contributions for cash-in-lieu of public open space.



6. Pursuant to section 6.11 Local Government Act 1995, change the purpose of the following Reserve:

Name of Reserve	Proposed New Purpose	Reason for Changing the Purpose
Community Grants Reserve	To provide funds and project management support for delivery of community infrastructure to enable individuals and community groups to build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.	To facilitate project support from Shire staff in managing and implementing projects funded through the Community Infrastructure funding program.

7. IMPOSES, in accordance with section 6.33 of the Local Government Act 1995, the following differential general and minimum rates on Gross Rental and Unimproved Values adopted for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget.

7.1 Differential Rates

Rate Category	Rate in Dollar (Expressed as cents in \$)
GRV Residential	0.103321
GRV Commercial / Industrial	0.117763
GRV Vacant	0.189295
UV General	0.004135
UV – Rural Residential	0.004342
UV – Commercial / Industrial	0.006203
UV Intensive Farmland	0.008270

7.2 Minimum Rates

Rate Category	Minimum Payment
GRV Residential	\$1,276
GRV Commercial / Industrial	\$1,434
GRV Vacant	\$972
UV General	\$1,383
UV – Rural Residential	\$1,750
UV – Commercial / Industrial	\$1,750
UV Intensive Farmland	\$1,750

8. ADOPTS, in accordance with section 6.45 of the Local Government Act 1995, the following options for payment of rates or service charges.

8.1 Instalment Arrangements



NOMINATE the following due dates for the payment of rates in full and by instalments:

<i>Instalment options</i>	<i>Date due</i>	<i>Instalment plan admin charge</i>	<i>Instalment plan interest rate</i>	<i>Unpaid rates interest rates</i>
		\$	%	%
<i>Single full payment</i>	<i>13/09/2021</i>	<i>0</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Option two</i>				
<i>First instalment</i>	<i>13/09/2021</i>	<i>0</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Second instalment</i>	<i>15/11/2021</i>	<i>0</i>	<i>2.0%</i>	<i>7.0%</i>
<i>Option three</i>				
<i>First instalment</i>	<i>13/09/2021</i>	<i>0</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Second instalment</i>	<i>15/11/2021</i>	<i>0</i>	<i>2.0%</i>	<i>7.0%</i>
<i>Third instalment</i>	<i>17/01/2022</i>	<i>0</i>	<i>2.0%</i>	<i>7.0%</i>
<i>Fourth instalment</i>	<i>21/03/2022</i>	<i>0</i>	<i>2.0%</i>	<i>7.0%</i>

8.2 Incentives for Early Payment of Rates

OFFERS, two \$1,000 incentive prizes to ratepayers who have paid their rates in full prior to 13 September 2020.

That all Elected Members and staff of the Shire of Serpentine Jarrahdale be ineligible to be chosen as a winner of the early rate payment incentive prizes.

9. ADOPTS, in accordance with section 6.47 of the Local Government Act 1995, the following Discounts and Concessions:

- *Concession of 31% to eligible Farmland and Conservation properties within the UV Rural differential rate category, pursuant to Council Policy 3.2.7 – Farmland Concession;*
- *Concession of 50% to Conservation properties.*

10. 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.*

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.

12. *REQUESTS the Chief Executive Officer present a report to Council pertaining to continued involvement of the Shire with Peel Regional Leaders Forum, prior to renewal of annual membership.*

13. *REQUESTS the Chief Executive Officer present a report to Council on the Briggs Park Oval drainage project, including funding opportunities and timing, prior to works taking place.*

14. *REQUESTS the Chief Executive Officer present a report to Council pertaining to the Rowley Road Rehabilitation capital project, including review of MoU between the Shire and the City of Armadale regarding responsibility for, and obligations with regard to Rowley Road, prior to any funds being expended.*

Special Council Meeting – 28 July 2021 - SCM052/07/21 –COUNCIL RESOLUTION / Alternative Officer Recommendation

That Council REQUESTS the Chief Executive Officer revise the Long Term Financial Plan and Corporate Business Plan in accordance with Council's decision in item 6.1.2 and present these documents to a future Council meeting for consideration.

Ordinary Council Meeting –17 May 2021- OCM123/05/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *NOTES the performance report against the 2020-24 Corporate Business Plan for the period 1 January to 31 March 2021 as contained in this report and attachment 1.*
2. *NOTES that any amendments required to projects within the Corporate Business Plan will be considered by Council through the annual budget development and corporate business plan review process or a budget amendment as relevant.*



Ordinary Council Meeting – 15 February 2021- OCM036/02/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RECEIVES the results of the Community Perceptions Survey 2020 - MARKYT Community Scorecard Report as contained in attachment 1; and*
2. *NOTES and CONSIDERS addressing the priorities identified as part of the following:*
 - a. *annual budget processes;*
 - b. *review of the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan; and*
 - c. *advocacy with State and Federal Governments.*

Ordinary Council Meeting – 21 December 2020 - OCM399/12/20- COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *NOTES the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable as contained within attachment 1; and*
2. *REQUESTS the Chief Executive Officer write to the Department of Local Government, Sport and Cultural Industries to request an extension of time to commence the full review of the Strategic Community Plan, commencing after the Local Government elections to be held in October 2021.*

Background

The Shire has an obligation to plan for the future of the district under the Integrated Planning and Reporting (IPR) Framework. The processes are annual, biennial (minor strategic review) and quadrennial (major strategic review). Information in this report addresses the annual IPR process.

The Department of Local Government and Communities IPR guidelines state that the annual process should include the:

- Development of an annual budget based on the delivery program of the Corporate Business Plan for the relevant year;
- Update and review of the Corporate Business Plan; and
- Addition of a year to the Long Term Financial Plan.

At the December 2020 Ordinary Council Meeting, Council noted the Shire's IPR Timetable. This timetable outlined the key steps involved in the Shire's annual IPR process to develop the Annual Budget, review the Corporate Business Plan and update the Long Term Financial Plan. The key steps included submission and review of business cases, workshops with Executive and Council and establishing due dates to ensure regulatory compliance. In April 2021, Councillors were provided with an updated timetable that considered the impacts of the WA State Election.

Aside from the business as usual and regulatory requirements of this process, this year's process also included:

- Identification and consideration of actions to mitigate strategic risk;
- Identification and consideration of actions to address the 2020 community perceptions survey;



- An analysis of performance data (i.e. CBP quarterly progress reporting) to assess where improvement is required and/or what projects require amendment;
- Consideration of amendments to resource capability as a result of the Rating Strategy adopted by Council in June 2021;
- Consideration of amendments to resource capability in line with the Organisational Development RoadMap; and
- the use of the Enterprise Budgeting module within OneComm to produce the budget and associated reports.

This process is now complete, and the Long Term Financial Plan and Corporate Business Plan is provided for Council consideration as detailed in this report.

Community / Stakeholder Consultation

Policy Concept Forum - Budget Workshop – Rates, Fees and Charges, LTFP

Meeting Date	3 May 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr McConkey, Cr Strange, Cr Strautins

Policy Concept Forum - Budget Workshop- Capital and Corporate Business Plan

Meeting Date	24 May 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Strange

Distribution of Budget Documents

Documentation was sent to Councillors prior to each workshop held as detailed above. A complete set of budget documents was then sent to all Councillors on 8 July 2021, requesting feedback by 16 July 2021. The documentation included the following and was distributed in hard and soft copy:

- 2021/22 Statutory Budget Documents
- 2021/22 Capital and Non-Recurrent
- 2021/22 Carryforwards
- 2021/22 Operating Budgets by Nature and Type (this excludes depreciation)
- 2021/22 Fees and Charges
- 2021/22 Long Term Financial Plan – with changes highlighted
- Items for Consideration – Council and Committee Meetings
- Budget Adjustments – Post Councillor Workshop #3
- Corporate Business Plan

Officers received no requests for changes by 16 July 2021.

Special Council Meeting - 28 July 2021

Council considered the Long Term Financial Plan and Corporate Business Plan at the Special Council Meeting of 28 July 2021 and requested the CEO update the documents to incorporate



the amendments to the budget as resolved in this meeting and provide the updated documents to a future Council meeting.

The Corporate Business Plan at **attachment 1** has been amended as follows:

1. Financial Projections on page 14 aligned to adopted budget
2. Removal of the Serpentine Jarrahdale Community Recreation Centre Refurbishment Major Capital Project
3. Change of funding source for the Byford Library Major Capital Project as it is now fully funded from LRCI grant funding
4. Increase of the funding for 'Minor Facility Renewals' in the Capital Works Program to include the remainder of LRCI funding
5. Increase of 'Plant and Fleet New' in the Capital Works Program to incorporate the new excavator and truck.

The Long Term Financial Plan at **attachment 2** has been amended as follows:

6. Removed LRCI funded expenditure (\$446,060) for Serpentine Jarrahdale Community Recreation Centre Refurbishment
7. Increased LRCI funding from \$318,614 to \$1,018,164 for the Byford Library Major Capital Project. This is turn meant the project no longer required funding from the from the building reserve (reduced reserve funding by \$700,000).
8. Increased the funding for other facilities renewals by \$127,896 which represents the remainder of LRCI funding available.

Statutory Environment

Local Government Act 1995 and Local Government (Administration) Regulations 1996

Local governments have a statutory obligation under s 5.56(1) of the *Local Government Act 1995* ('the Act') to plan for the future of their district under the Integrated Planning and Reporting (IPR) Framework. Regulations have been made under s 5.56(2) of the Act that provide minimum requirements for IPR.

The *Local Government (Administration) Regulations 1996* ('the Regulations') require a local government to ensure that a Corporate Business Plan is made for its district (reg 19DA) and that the Corporate Business Plan is reviewed every year (reg 19DA(4)). A full extract of Regulation 19DA is provided below.

19DA Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*



- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
 - (4) A local government is to review the current corporate business plan for its district every year.*
 - (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
 - (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- *Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

The Shire must also include in its Annual Report information on any significant modifications made to its Corporate Business Plan in that financial year (reg 19CA(3)).

Comment

Long Term Financial Plan 2021-31

A Long Term Financial Plan (LTFP) is a ten year rolling plan that incorporates the proposed budget and four-year financial requirements to deliver the Corporate Business Plan. It is a key tool for ensuring the financial sustainability of the Shire. The Long Term Financial Plan 2021-31 provided for Council's consideration, reflects the requirements of the Corporate Business Plan 2021-25 and ensures it is achievable within the Shire's financial resources.

The Long Term Financial Plan 2021-31 is set within the following parameters:

- 1.69% increase in rate burden for the first year (2021-22) and an increase in rates for each year thereafter, in line with increased costs, currently assumed to be approximately 2%. The latest Economic Briefing from WALGA forecasts the Local Government Cost Index ("LGCI") to be 3.3% to June 2021, with forecasts of 3.2% in 2021-22 and 2.8% in 2022-23.
- The LTFP includes proposed increase in rates income from the Shire's Rating Equity Project, which results in an additional 1.73% increase in addition to the 2% in the 2022-23 Financial Year, and an additional 1.63% in addition to the 2% in the 2023-24 Financial Year.
- Interim rates growth of 4% in 2021-22 and 1.9% in 2022-23.
- Operating costs funded from untied revenue in 2021-22 to be \$21.7M, a 1.7% increase on last year's adopted budget position, well inside the forecast LGCI above, and \$427,460 under the forecast amount in last year's adopted LTFP.
- The proportion of untied funds is expected to decline from 83% to 80% over the life of the LTFP. This means effectively that the Shire is spending proportionately less money on administration and more money on Asset Delivery and infrastructure on the ground.



- The operating savings consequential to the above point will be expended on asset renewal and upgrades lifting the asset renewal spend to be in line with asset management requirements.

Officers believe this document responds to the 2018 and 2020 community perceptions surveys which identified the community's preference that the Shire focus on providing for roads, value for money, footpaths and trails development.

Corporate Business Plan 2021-25

The Corporate Business Plan 2021-25 presented for Council's consideration represents the second year the Shire has presented a CBP that is fully costed and aligned to the Shire's Long Term Financial Plan and integrated with all components of the State Government's Integrated Planning and Reporting Framework. The Delivery Program of the Plan is divided into the following five areas:

1. Advocacy Projects - the projects that the Shire will focus its advocacy efforts towards over the next four years.
2. Major Capital Projects - capital projects to be delivered over the next four years that are considered 'Major'. A Capital Project is considered 'Major' if:
 - it is a new construction;
 - it is a significant expansion, renovation or replacement project (i.e. upgrade) of existing infrastructure;
 - it is a renewal project with a value over \$50,000; or
 - the project increases the level of service provided to the community, is important to the community or significantly reduces environmental and legal risk.
3. Capital Works Program - planned capital expenditure on our assets over the next four years, excluding Major Capital Projects.
4. Strategic Operational Projects - projects funded from the operating budget considered 'Strategic' in nature because they demonstrate a strong link to the objectives, outcomes and strategies of the Strategic Community Plan.
5. Service Plan Summary - A summary of the Shire's day-to-day service levels and activities over the next four years that sit outside of the other abovementioned projects.

A large component of this year's review was to incorporate the delivery of State Government Election commitments that the Shire successfully obtained through its advocacy efforts. A summary of the State Government Election commitments and their proposed delivery program as per the 2021-25 CBP is outlined below.

State Government Election Commitment	CBP Delivery Program
Serpentine Sports Reserve - fencing	Delivery scheduled for 2021-22 and project included in the Capital Works Program under Parks and Gardens Renewals.
Serpentine Jarrahdale Community Recreation Centre - upgrades	Delivery scheduled for 2021-22 and project included as a Major Capital Project.



State Government Election Commitment	CBP Delivery Program
Byford Bushrangers - dugouts	Delivery scheduled for 2021-22 and project included in the Capital Works Program under Minor Facility Renewals.
Old Hopeland School Hall - upgrades	Delivery scheduled for 2021-22 and project included in the Capital Works Program under Minor Facility Renewals.
Old Serpentine Bridge School - disability access	Delivery scheduled for 2021-22 and project included in the Capital Works Program under Minor Facility Renewals.
Kitty's George Walk Trail, Jarrahdale - all access toilet	Delivery scheduled for 2022-23 and project included in the Capital Works Program under Public Amenity.
Byford Skatepark	Delivery scheduled for 2022-23 and project included as a Major Capital Project.
Nature Play Splash Park	Included as a 3-year Major Capital Project commencing 2022-23 and ending 2024-25.
Upgrade of Local Shire Roads (Kargotich, Soldiers and Orton Roads)	Included as Major Capital Projects with delivery scheduled over the 2021-22 to 2023-24 financial years.
Byford Health hub	Included as a Strategic Operating Project as its likely the State Government will construct the building.

In addition to the above, the planning and delivery of Council's key strategic projects for the life of the CBP will continue, which includes:

- Implementation of the Shire's Enterprise Resource Planning system including Project Lifecycle Management, Contract Management, Property and Rating, Enterprise Content Management, Regulatory compliance and e-services.
- Keirnan Park Recreation and Sporting Precinct – construction of Stage 1A which includes AFL/Cricket Ovals, Pavilion and supporting infrastructure.
- Trails Development - Finalisation of the draft Jarrahdale Trails Town Business Case and Implementation Plan to assist the planning of trails and trail-related products for the Shire to achieve Trail Town accreditation for Jarrahdale, aligned with Trails WA Criteria.
- Shire's Library Relocation and Civic Centre Upgrade- The Shire's library services will be relocated to Byford Hall and concept planning will commence for a Link Building, the old Mundijong Library to accommodate Council Chambers and refurbishment of the existing Administration Building.



- Collaboration and partnership with Main Roads WA and Metronet to deliver the Tonkin Highway extension and the Metronet Byford Rail Extension.

Proposed initiatives for delivery over the 2021-25 period are summarised by their respective Strategic Objectives below.

<p><i>PEOPLE – A connected, thriving, active and safe community</i></p> <p>Advocating for and shaping the design of state government infrastructure to benefit our local community of which some include:</p> <ul style="list-style-type: none"> • METRONET • Tonkin Highway • Thomas Road Dual Carriage • Byford Tafe • Oakford Bush Fire Brigade Station • Byford Health Hub <p>Strengthening the connections, health and wellbeing of our growing community by:</p> <ul style="list-style-type: none"> • the development of a Reconciliation Action Plan • supporting volunteering within the community • Implementation of a new program of events and activities 	<p><i>PROSPERITY – An innovative, commercially diverse and prosperous economy</i></p> <p>Responding to growth by:</p> <ul style="list-style-type: none"> • commencing the development of the Keirnan Park Recreation Precinct • master planning for the Byford Community Purpose Site • fit for purpose road upgrades and rehabilitations to suit changing needs • enhancing the Developer Contribution Framework to create shared and equitable partnerships towards infrastructure delivery <p>Growing the economy by:</p> <ul style="list-style-type: none"> • tourism development in the Shire • supporting the development of our equine community and industry • promoting the delivery of the West Mundijong Industrial Area and Cardup Business Park • Trails development and implementation including Jarrahdale Trails Town, Byford Trail Centre, Bibbulmun track loop and the Serpentine Heritage Precinct
<p><i>PLACE – A protected and enhanced natural, rural and built environment</i></p> <p>Establish SJ as leaders in the waste management area by providing best value for money and sustainable waste manage in the shire:</p> <ul style="list-style-type: none"> • operation of the Waste Transfer Station and opening of the Tip Shop in Mundijong • implementation of FOGO <p>Implementation of the new Local Planning Strategy and Scheme, which sets the vision for our collective future and charts the course to how this vision will be achieved. Through a renewed set of</p>	<p><i>PROGRESSIVE – A resilient organisation demonstrating unified leadership and governance</i></p> <p>Planning for the future through continuing to modernise and develop the organisation to become more efficient, responsive and sustainable:</p> <ul style="list-style-type: none"> • continuation of the Shire's Enterprise Resource Planning system • improving community engagement • upgrade and long term planning for the Shire's Administration Building and Operations Centre • implementation of a Project and Contract Management Framework



zones, reserves, land use permissibility and development standards, the new planning framework sets the next exciting phase of the Shire's growth.

- implementation of strategic organisational development initiatives
- implementation of participatory budgeting

The full details of these initiatives, including their associated cost, timing and dependencies are detailed within the Delivery Program section of the plan. The Delivery Program also outlines all other projects and activities occurring within the 2021-25 period.

Options and Implications

Option 1

That Council:

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

Option 2

That Council:

1. DOES NOT ADOPT the Long Term Financial Plan 2021-31 and Corporate Business Plan 2021-25.

Option 1 is recommended.

Conclusion

The completion of the annual Integrated Planning and Reporting review provides the Shire with an integrated, structured and specific framework in which to implement and report on tangible outcomes towards the shire's vision and strategic objectives.

Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Long Term Financial Plan 2021-31 (E21/8195)
- **10.3.4 - attachment 2** - Corporate Business Plan 2021-25 (E21/8170)

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
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

The Corporate Business Plan 2021-25, Long Term Financial Plan 2020-30 and 2021-22 Annual Budget are aligned.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1. The risks to be managed in order to deliver the CBP are detailed within the Key Risks area of the CBP.						
2	If Council do not adopt the CBP and LTFP, this will result in documents that are not aligned with the annual budget and existing documents that are out of date. This will make it difficult for the Shire to demonstrate tangible outcomes to the community and will create a fragmented environment for the Shire to operate in.	Existing Corporate Business Plan 2020-24 Existing Long Term Financial Plan 2020-30 2021-22 Annual Budget	Organisational Performance Reputation	Unlikely	Moderate	MODERATE	Officers to provide revised documents that meet Council's satisfaction as soon as possible.

Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

OCM228/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Rich

That Council:

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

CARRIED UNANIMOUSLY 8/0

**10.4 Community and Organisational Development reports**

10.4.1 - Community Infrastructure Fund Community Consultation Outcome – Darling Downs Resident Association (SJ3298)	
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.
-----------	---

Report Purpose

The purpose of this report is to:

1. Present the outcomes of the community consultation undertaken for the Darling Down Residents Association application made in the 2020/21 Community Infrastructure Fund;
2. For Council to consider a financial allocation to the Darling Downs Residents Association (DDRA) project, for delivery in the 2021/2022 financial year; and
3. Make a recommendation to Council in regard to the future administration of the Community Infrastructure Fund.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 April 2021 - OCM101/04/21 - COUNCIL RESOLUTION

That Council:

1. *ACKNOWLEDGES the Byford Community Kindergarten have successfully obtained the total funding for the Nature Play Area project and:*
 - a) *SUPPORTS the intent to improve amenity at the Byford Community Kindergarten via the Nature Play Project, where this is beneficial to current and future use of site facilities.*
 - b) *REQUESTS the Chief Executive Officer undertake further consultation with the Byford Community Kindergarten to finalise a concept design prior to implementation, to ensure the design complies with relevant Australian Standards and meets both Shire of Serpentine Jarrahdale and Byford Community Kindergarten objectives outlined in this report.*
2. *ACKNOWLEDGES the application from the Serpentine Jarrahdale Food and Farm Alliance for Equestrian Fencing at Serpentine Sports Grounds and:*
 - a) *SUPPORTS the intent to improve Equestrian Fencing at the Serpentine Sports Ground, where this is beneficial to current and future use of site facilities.*
 - b) *DECLINES to provide a financial allocation to the Equestrian Fencing project due to incomplete application;*



3. *REQUESTS the Chief Executive Officer to consult with the community to determine community support for the projects proposed by the Jarrahdale Community Collective and the Darling Downs Residence Association and to report back to Council with the outcome of the consultation prior to making a decision; and*
4. *REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Infrastructure Fund application.*

Background

The Community Infrastructure Fund provides for the design, implementation and construction of infrastructure projects on Shire owned or managed facilities or reserves. Applications are submitted by user groups and all approved works are delivered by the Shire.

The Community Infrastructure Fund round for the 2020/2021 financial year was advertised in July 2020 and closed 31 August 2020.

At the April 2021 Ordinary Council Meeting (OCM), Council considered four Community Infrastructure Fund requests, with outcomes as follows:

1. *Byford Community Kindergarten – Nature Play Project*

Council acknowledged that the applicant had successfully obtained funding for their Nature Play Area from alternative sources, and supported Officers to continue working with the group to further their design and outcomes for the project.

2. *Serpentine Jarrahdale Food and Farm Alliance – Fencing at Serpentine Sports Grounds*

Council acknowledged the project and supported the intent to improve fencing at the Serpentine Sports Grounds, however declined to allocate funding due to the incomplete application.

3. *Jarrahdale Community Collective (JCC) – Jarrahdale Outdoor Hub*

The JCC requested \$50,000 ex GST towards the Jarrahdale Outdoor Hub Project. The total value of the project was identified as \$141,500 ex GST (including 10% contingency), with the JCC to fund the remaining value via sources such as Alcoa and a Stronger Communities grant applications.

Council requested that the Chief Executive Officer consult with the community to determine community support for the project, and to report back to Council with the outcome of the consultation prior to Council making a decision.

4. *Darling Downs Residence Association (DDRA) - 70 Acre Reserve Infrastructure Upgrades.*

The DDRA requested \$8,100 ex GST towards infrastructure upgrades at the 70 Acre Reserve in Darling Downs. The total value of the project was identified as \$14,579.82 ex GST, with the applicant committing to fund the remaining \$6,500 required to deliver the project. The Infrastructure Fund application is included as **CONFIDENTIAL attachment 1** to the report.

Council requested that the Chief Executive Officer consult with the community to determine community support for the project, and to report back to Council with the outcome of the consultation prior to Council making a decision.

Officers have undertaken the required consultation, with the results being presented to Council via this report.

At this time, only the DDRA project is presented for Council to consider financial support.



Following the period of community consultation, additional information was received by the Shire from the Jarrahdale Community Collective that may impact on the timeframes and ability to deliver the proposed project. Further discussions are to be had with the Jarrahdale Community Collective prior to presenting a recommendation to Council at a future Ordinary Council Meeting.

Community / Stakeholder Consultation

As requested by Council at the April 2021 OCM, community consultation was undertaken for the two Infrastructure Fund projects via a survey on the Shire's Your Say SJ platform. This survey opened on Tuesday 11 May 2021 and closed 5pm, Wednesday 26 May 2021.

A specific Community Infrastructure Fund engagement page was established and promoted on the Shire's social media platforms, with the link also sent to relevant project applicants. A report outlining the survey responses is included as **attachment 2** (screen names redacted).

There were 137 responses to the survey, from 8 local government areas as demonstrated in Image One.

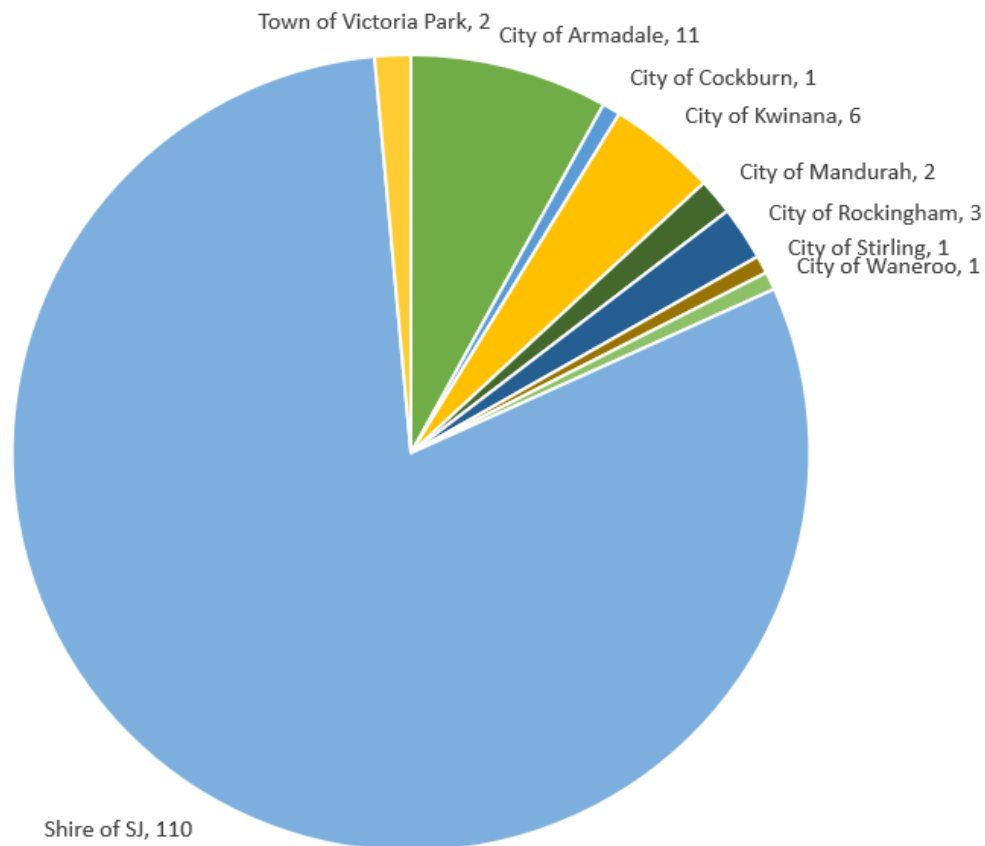


Image One: Survey Respondents by Local Government Area.



80% of respondents were from the Shire, with the breakdown by suburb area demonstrated in Image Two.

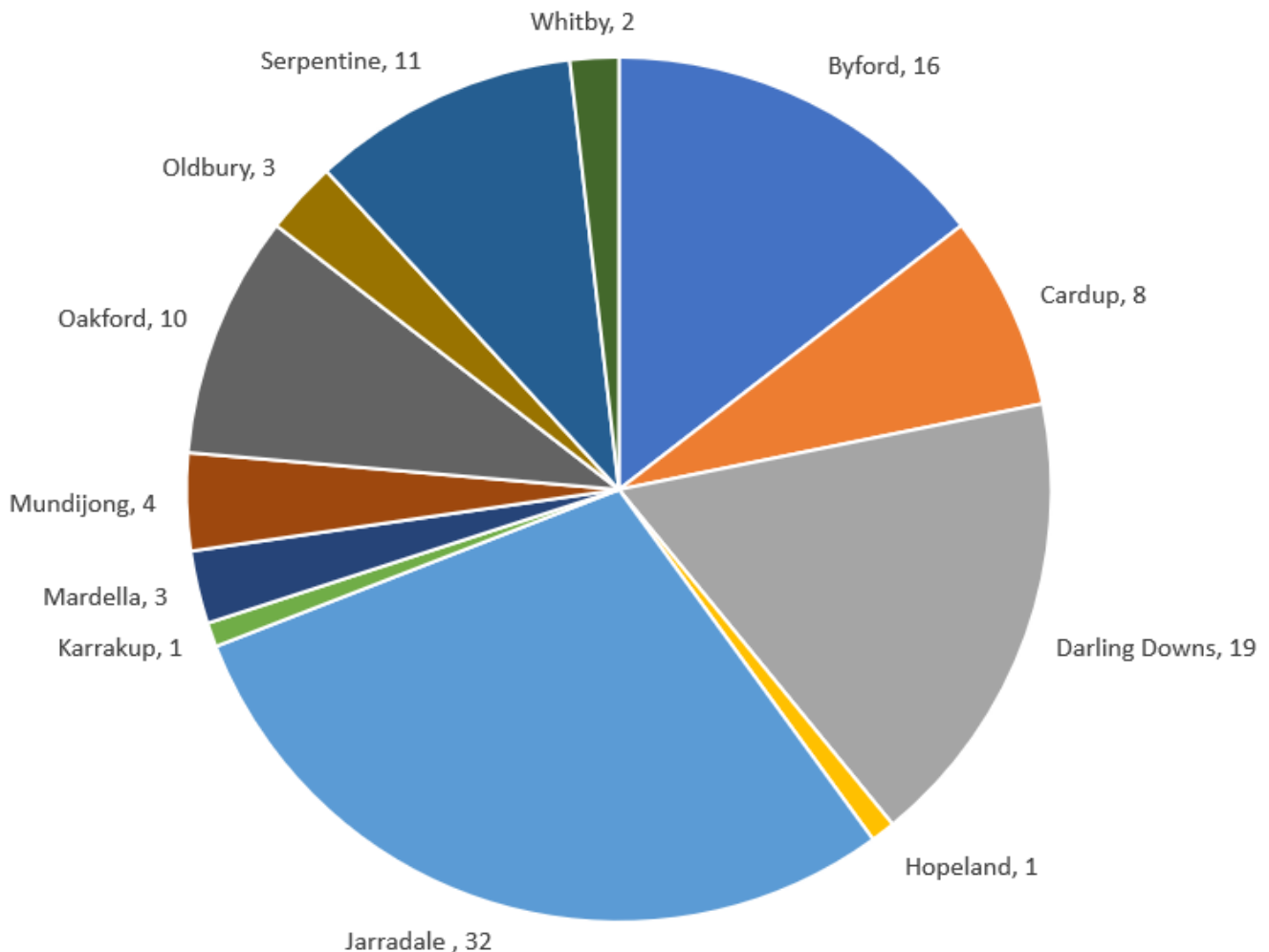


Image Two: Shire of Serpentine Jarrahdale respondents by suburb

The following three yes/no (mandatory) questions were asked for each of the projects, following a brief description of the project intent, project cost and an image of the site:

1. *Do you and/or your family utilise this space currently?*
2. *Would you and/or your family utilise this space more and/or have an enhanced experience in this space if the project was implemented?*
3. *Do you support Council funding this project?*

One “free text” question (optional) per project was provided, this being:

Please add any additional comments you may have.

The response outcomes are detailed in subsequent sections of this report.

Statutory Environment

The Officers Recommendation is consistent with Council Policy 5.1.7 - Community Funding, included as **attachment 3**.

**Comment**

Community consultation was undertaken to determine community support for the projects proposed through the Community Infrastructure Fund application process.

Officers intend to present a further report to Council on the consultation outcomes for the Jarrahdale Outdoor Hub project at a later time. The project/application overview, consultation outcomes and recommendations for the Darling Downs Resident Association Project is as follows:

Applicant – Darling Downs Resident Association (DDRA)

*Application details included as **CONFIDENTIAL attachment 1** to this report.*

Project : 70 Acre Reserve Infrastructure Upgrades.

Brief Description of Project provided by the applicant:

A review of the utilisation of the 70 acres reserve identified increasing utilisation of the facilities in this area. Additionally, one of the safety issues that has been recognised in this review is that horses are being tied to floats and trees in the area. Consequently, the provision of day yards has been identified as an important safety issue that needs to be addressed. Additionally, there are no facilities to deal with horse manure left in the car park. Riders often dump the manure around trees in the car park which can “sour the grass” and create fly problems. By constructing a pit, riders can place the manure in one designated area to be cleaned. The intent of the project is to:

- Build ten adjoining 4m x 3m steel construction day-yards;
- Lay a sand base within these yards; and
- Install a 3m x 2m manure pit.

Address: Evening Peal Car Park; 70 Acre Reserve.

Tenant History : Not directly applicable. Applicant has historically operated under an MOU arrangement with the Shire to deliver works at the Reserve

Membership Detail : 2017: 98 members; 2018: 160 members; 2019: 161 members

Total Project Value : \$14,579.82 ex GST

Funding Amount Requested : \$8,100 ex GST

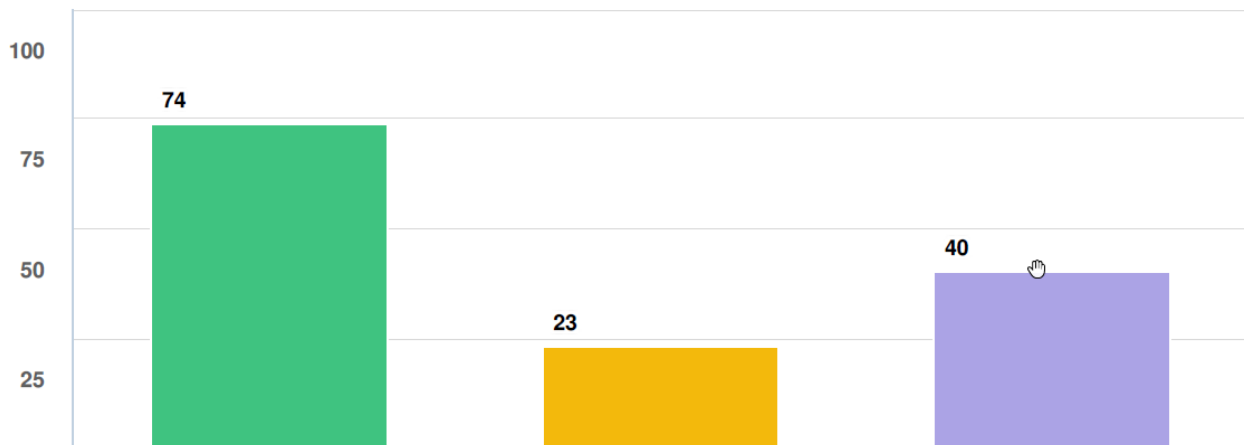
Applicant Contribution: \$6,500 ex GST



Community Consultation outcomes:

The consultation survey undertaken by Officers following the May Council meeting received the following responses:

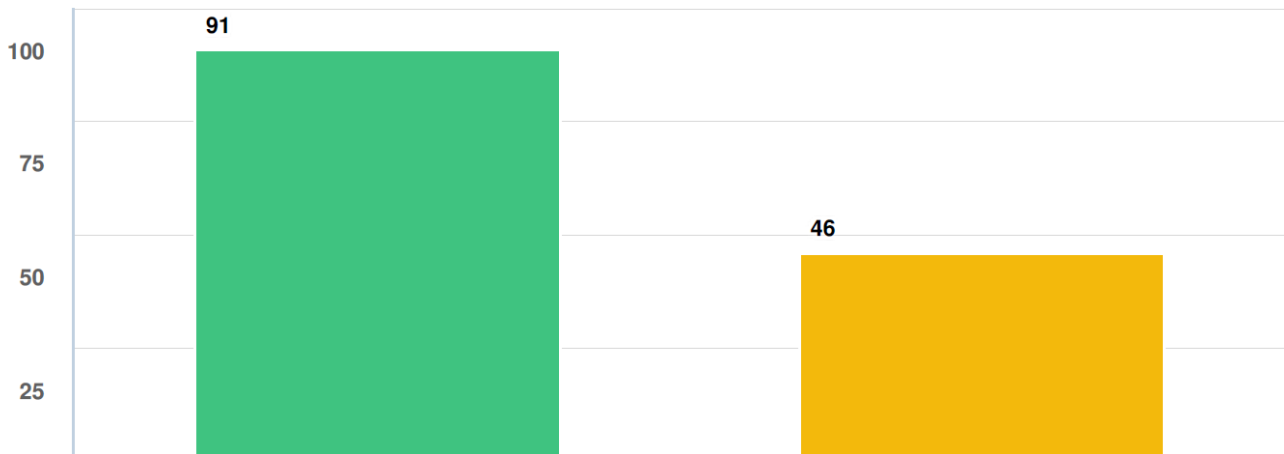
70 Acre Reserve Infrastructure Upgrades: Do you and/or your family utilise this space currently?



Question options

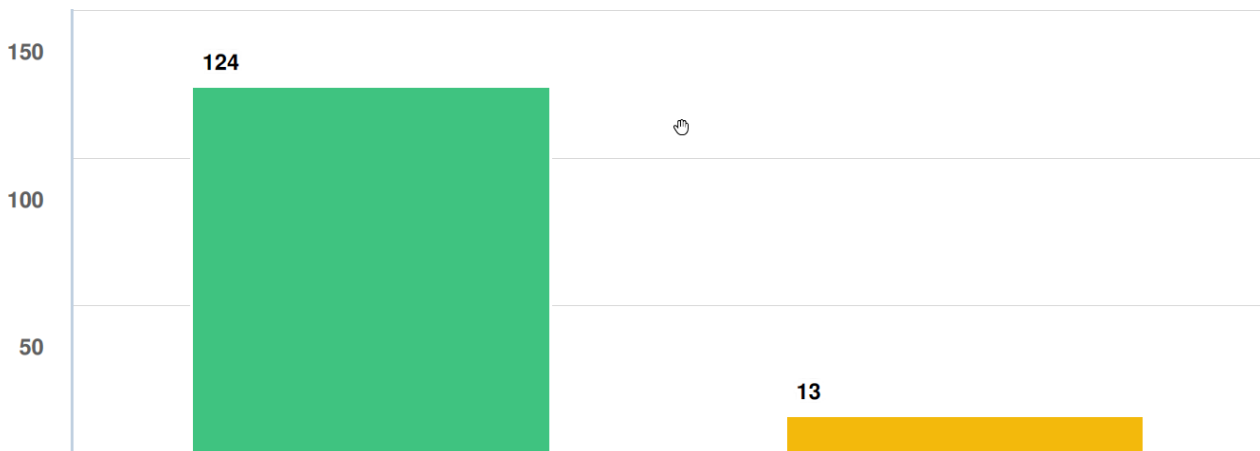
● Often ● Sometimes ● Never

70 Acre Reserve Infrastructure Upgrades: Would you and/or your family utilise this space more and/or have an enhanced experience in this space if the project was implemented?



Question options

● Yes ● No

**70 Acre Reserve Infrastructure Upgrades: Do you support Council funding this project?****Question options**

● Yes ● No

Summary of Your Say SJ Consultation Survey:

- 40 respondents advised they or their family don't utilise this space currently (29.2%); with 97 respondents selecting "sometimes" or "often" (70.8%).
- 91 respondents advised that they/their family would utilise the space more or have an enhanced experience in the space if the project was implemented (66.4%). 46 respondents advised that they or their family would not utilise the space more or have an enhanced experience in the space if the project was implemented (33.6%).
- 124 respondents supported funding the project (90.5%), with 13 respondents not supporting the funding (9.5%).

Officer Recommendation:

Community Consultation has shown a strong community support of 91% for the project to be funded by Council and 66% of respondents advising they or their family would utilise the space more or have an enhanced experience in the space if the project was implemented.

This response is comparative to the number of respondents currently using the space, suggesting there may not be an increase in use, but the experience would be enhanced.

Officers also note that only 13.9% of respondents selected Darling Downs as their place of residence, suggesting support towards the project is reflective of broader community interest and use of the site, including those who reside outside of Darling Downs.

A number of general comments indicated support for a water point to be installed as part of the project. This hasn't been included in the scoped and costed works proposed by the applicant. Investigations would need to be conducted to determine where the closest water source is to establish a tap on the site is and the associated costs to install the tap. The Shire's Darling Downs Trail Network Reserves Management Plan (**attachment 4**, page 40) states the following; *"Limited Access to Water The only current water supply on the main reserve is a bore controlled by a windmill which has a limited supply of water. There is currently no water available to equestrian users for their horses. The DDRA has an aspirational plan to drill a new bore near their storage*



shed (subject to external funding and Shire approval), and supply water to users at the Evening Peel carpark.”

Therefore, including this to the scope of works without a clear understanding of the work required is not recommended at this time.

There was also a number of comments putting railing up instead of day yards. Railing is provided currently on the site as show in image four below. The Shires Darling Downs Trail Network Reserves Management Plan on page 40 states the following;

“During periods of high usage, the carparks are not large enough to accommodate all users. This issue is compounded by users who bring more than one horse, and leave one tied to or yarded by their float while exercising the other one. The Evening Peel carpark was recently expanded, and the proposed horse yards would mitigate crowding and increase safety by removing unattended horses from the carpark.”

Providing more railing will not remove the safety concerns of horses being tied to or yarded by their float and left unattended. The application was submitted on the basis of improving amenity for that purpose.



Image Four – current railing installed at site

Overall, Officers consider the project has been adequately scoped and the project can be delivered within the budget requested. Officers recommend the delivery of the project, to improve amenity at the 70 Acre Reserve.

**Recommended Infrastructure Fund allocation**

In accordance with the above details, the total recommended value from the available \$75,000 Infrastructure Fund allocation in 2021/2022 budget is as follows:

Applicant	Project	Recommended Value of Support (ex GST)
Darling Downs Resident Association	Day yards and Manure pit	\$8,910
TOTAL		\$8,910

Please note the amount above includes a 10% cost recovery amount for Shire costs associated with administering the recommended project.

The progression of the project remains subject to the \$6,500 co-contribution from DDRA and that the project is delivered by the Shire.

Future approach for requests for works on community infrastructure

The 2020/2021 financial year was the first time that the Community Infrastructure Fund has been delivered to the community. On reflection, that process has been very involved and resource intensive for both the applicants and Shire Officers. It has required an extensive period of discussion, the coordination of attaining additional information and quotations from applicants, consultation with other impacted user groups and reiterations of project designs and scopes undertaken over the period July 2020 to July 2021, in order to present the most detailed and cost effective options possible to Council.

Officers are concerned that this significant process may act as a deterrent to community groups who wish to consider seeking support from the Shire for works on community infrastructure and that the process of having applicants seek quotes and develop the scope of works does not capture all elements of a project or represent all aspects of the Shire delivery of such projects.

Officers recommend Council do not continue with the Community Infrastructure Fund in its current format as outlined in *Council Policy 5.1.7- Community Funding*.

Officers have considered an approach that will allow community infrastructure user groups to request works be undertaken on community infrastructure, without such a significant impost upon their time.

Officers recommend that an ideal approach would be to invite Shire community facility user groups to submit requests for work on community infrastructure as part of the annual budget setting process. This process would be simplified for facility user groups. These requests can then be presented to Council for consideration through the budget setting process, including provision and overview of the project, including but not limited to cost, benefit to facility users, and consideration of budget and resource capabilities.

Officers recommend that Council does not proceed with the 2021/22 financial year Community Infrastructure Fund grant round that was due to open in July 2021 and requests the Chief Executive Officer further develop the concept of request for community infrastructure works (as described above) and provide Council with an appropriate policy reflecting the revised approach as soon as practicable.



Options and Implications

Option 1

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;
2. REQUESTS the Chief Executive Officer advise Darling Downs Resident Association (DDRA) of the outcome of their Infrastructure Fund application;
3. DOES NOT PROCEED with the 2021/22 financial year Community Infrastructure Fund grant round; and
4. REQUESTS the Chief Executive provide Council with an appropriate policy reflecting a revised community infrastructure works request process, as soon as practicable.

Option 2

That Council:

1. DOES NOT APPROVE 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, for reasons stated;
2. REQUESTS the Chief Executive Officer advise Darling Downs Resident Association (DDRA) of the outcome of their Infrastructure Fund application;
3. DOES NOT PROCEED with the 2021/22 financial year Community Infrastructure Fund grant round; and
4. REQUESTS the Chief Executive provide Council with an appropriate policy reflecting a revised community infrastructure works request process, as soon as practicable.

Option 3

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 support received via the community consultation processes;
2. REQUESTS the Chief Executive Officer advise Darling Downs Resident Association (DDRA) of the outcome of their Infrastructure Fund application; and
3. REQUESTS the Chief Executive Officer proceeds with opening the 2021/22 Infrastructure Fund as per *Council Policy 5.1.7 - Community Funding*.

Option 1 is recommended as the project has received strong community support. Officers consider the project has been adequately scoped and the project can be delivered within the budgets requested. Officers do not recommend proceeding with the 2021/22 Infrastructure Fund round in order to consider alternative approaches that would enhance the experience for all parties.



Conclusion

Community Consultation has shown a strong community support for the Darling Downs Resident Association (DDRA) 70 Acre reserve project. Officers consider the project has been adequately scoped and the projects can be delivered within the budgets requested, therefore recommend proceeding with delivery of the project.

Attachments (available under separate cover)

- **10.4.1 - CONFIDENTIAL attachment 1** – Darling Downs Residents Association Infrastructure Fund Application Details (E21/2646)
- **10.4.1 - attachment 2** - Infrastructure Fund Applications 2021 - Survey Responses Report (E21/8602)
- **10.4.1 - attachment 3** - Community Funding Policy (E20/10157)
- **10.4.1 - attachment 4** - Darling Downs Trail Network Reserves Management Plan (E19/960)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure

Financial Implications

An amount of \$75,000 has been included in the 2021/22 budget in the Community Funding – Community Infrastructure account (4300-15423-6276). The financial implications associated with this project have been described above, and have nil budget impact.



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	Allocated amounts are insufficient to deliver identified project.	Due diligence has been undertaken to the extent possible prior to project implementation. Officers have recommended an amount below the current \$75,000 budget allocation that would allow for minor variances if required.	Financial	Possible	Minor	LOW	If required, a scope variation will be negotiated with the community group to deliver project within allocated resources. Any variations that cannot be agreed will be returned to Council.
2	Community and applicant dissatisfaction with outcome.	Community consultation has been undertaken to provide community guidance to assist Council decision making.	Reputation	Possible	Moderate	MODERATE	Nil
3	Community expectations unable to be met due to limited ability to deliver funding round and any resulting projects.	Accept Officer Recommendation	Reputation	Possible	Moderate	MODERATE	Nil



Voting Requirements: Simple Majority

OCM229/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Atwell

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;**
- 2. REQUESTS the Chief Executive Officer advise Darling Downs Resident Association (DDRA) of the outcome of their Infrastructure Fund application;**
- 3. DOES NOT PROCEED with the 2021/22 financial year Community Infrastructure Fund grant round; and**
- 4. REQUESTS the Chief Executive provide Council with an appropriate policy reflecting a revised community infrastructure works request process, as soon as practicable.**

CARRIED UNANIMOUSLY 8/0



Councillor Denholm declared an Impartiality Interest in item 10.4.2.

Councillor Atwell declared an Impartiality Interest in item 10.4.2.

10.4.2 - Community Sport and Recreation Facility Fund (CSRFF) Applications- Briggs Park Upper Oval Drainage and Briggs Park Pavilion (SJ1213)	
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.
-----------	---

Report Purpose

The purpose of this report is for Council to consider the progression of applications for the Community Sport and Recreation Facility Fund (CSRFF) for the following two projects:

1. CSRFF Small Grant - Briggs Park Oval Drainage Project; and
2. CSRFF Forward Planning Grant - Briggs Park Pavilion Project.

Relevant Previous Decisions of Council

Special Council Meeting – 28 July 2021 - SCM051/07/21 - COUNCIL RESOLUTION

13. *REQUESTS the Chief Executive Officer present a report to Council on the Briggs Park Oval drainage project, including funding opportunities and timing, prior to works taking place.*

Ordinary Council Meeting – 21 June 2021 - OCM138/06/21 - COUNCIL RESOLUTION

That Council:

1. *In accordance with Clause 9.3.10.1 of the Scheme, ADOPTS Development Contribution Plan Report No. 1 (inclusive of cost apportionment schedule) for Development Contribution Area No. 4;*
2. *REQUESTS Officers make application under the current 2022-23 CSRFF funding round, for the maximum forward planning major grant possible for Item B02 (Briggs Park Pavilion);*
3. *If successful in obtaining the maximum forward planning major grant for Item B02, REQUESTS Officers present back to Council an updated capital expenditure plan to determine if item B01 (Byford Library) can be brought forward as a result of the grant monies.*

Ordinary Council Meeting – 22 September 2014 - OCM053/09/14 - COUNCIL DECISION

That Council endorse the Briggs Park Recreation Precinct Master Plan as per attachment OCM053.1/09/14.



Background

Each year the Department of Local Government, Sport and Cultural Industries (DLGSC) calls for applications via its Community Sport and Recreation Facility Fund (CSRFF) and invites eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects. There are three schemes available, being small grants, annual grants and forward planning grants.

All applications are assessed by DLGSC, based on the following criteria:

- Project justification.
- Planned approach.
- Community consultation.
- Management planning.
- Access and opportunity.
- Design.
- Financial viability.
- Coordination.
- Potential to increase physical activity.
- Sustainability.

As a result of previous resolutions of Council, Officers have contemplated eligibility of two Shire projects, giving consideration towards key application requirements and funding conditions for each scheme:

Small grants – Briggs Park Drainage Project

The Briggs Park Drainage Project has been included in the 2021/2022 financial year budget and draft Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025.

The intent of the Briggs Park Drainage Project is to install subsoil drainage around the perimeter of the northern and western part of the oval. This area is identified as soaked and puddled during the wet season, and needs improvement works to benefit sport and recreational activities that occur on the Oval.

Small grants will be awarded to projects that involve a basic level of planning, such as storage upgrades, large scale dams, water collection systems and pipelines for distribution. The DLGSC have confirmed that the Briggs Park Drainage Project would be eligible for this scheme.

There are two CSRFF small grant rounds available in the 2021/2022 financial year:

2021/22 July round: Applications to be lodged by the end of August 2021 (successful/unsuccessful announced October/November 2021).

2021/22 February round: Applications to be lodged by the end of March 2022 (successful/unsuccessful announced May/June 2022).

Key funding conditions are as follows:

- The total value of the project must not exceed \$300,000, exclusive of GST.
- Only 1/3 of the project's eligible items can be applied for. The Shire would be expected to contribute the remaining 2/3, as well as any project value that is ineligible for funding.



- DLGSC will assess the total eligible cost of the project (excluding GST) from the information provided. Any ineligible items shown as eligible will be deducted from the project cost. This may result in any funding successfully allocated to the project being less than the amount requested.
- Minimum grant amount of \$2,500. Maximum grant amount of \$100,000.
- Small grant applicants can receive an upfront grant payment upon the signing of a works contract (copy of signed contract to be provided to the Department) or where no formal works contract exists, payment will be determined on a case by case basis in consultation with the applicant.

Forward Planning Grants – Briggs Park Pavilion

The Briggs Park Pavilion project is included in the Development Contribution Plan Report No.1 for Development Contribution Area No. 4 (CIDCP) for delivery in 2027. There is no provision in the 2021/2022 financial year budget for works on this project and the project is not included in the draft Shire of Serpentine Jarrahdale Corporate Business Plan 2021-2025. The Long Term Financial Plan anticipates delivery of this project in 2027.

The new Briggs Park Pavilion project aims to satisfy the needs of the increasing population within the Shire of Serpentine Jarrahdale, and subsequent growth and popularity of local sporting clubs. Situated centrally between the two Briggs Park ovals, it will offer vantage points and facilities for both ovals. The pavilion is to include:

- Storage areas
- 2 x home changing rooms/showers
- 2 x away changing rooms/showers
- Umpire spaces
- Kitchen/Canteen Cold store
- Club Room/Social Space (including a bar)
- Male/Female Ablutions
- Parking

Forward planning grants are available for more complex infrastructure projects that require a planning period of between one and three years. The Briggs Pavilion Project would be eligible for this scheme, as the total value of the project exceeds \$500,001, exclusive of GST.

CSRFF funds may be allocated in one, or a combination of years in the upcoming triennium period. Meaning, the current round is available for projects spanning the 2022/23 to 2024/25 period.

The Shire is afforded the opportunity to indicate preferred year(s) of claim on the application form. However, the Department does advise that as funds are limited, there is no guarantee that the preferred year(s) of claim will coincide with the year of offer. Most projects will have funding allocated in Years 2 or 3 of the applicable triennium period. Other key funding conditions are as follows:

- Only 1/3 of the project's eligible items can be applied for. The Shire would be expected to contribute the remaining 2/3, as well as any remaining project value that remains ineligible for funding.



- DLGSC will assess the total eligible cost of the project (excluding GST) from the information provided. Any ineligible items will be deducted from the total project cost. This may result in any funding successfully allocated to the project being less than the amount requested
- Minimum grant amount of \$166,667. Maximum grant amount of \$2,000,000 (the Department has advised that the maximum allocation in the last 7 years has been \$1,500,000 for one project).
- For projects with a total cost over \$500,000, supporting documentation must include a needs assessment study, a feasibility study and a life cycle cost report.
- CSRFF applicants must demonstrate they can maintain the facility by developing a sinking fund for asset replacement.
- A resolution from Council that ranks all projects within the local government area (being either applications received by groups/clubs or Shire led projects) in priority order must be included with the application.
- CSRFF is a reimbursement system, meaning funds must be spent upfront and receipts reimbursed upon acquittal. Only project expenditure incurred after approvals are announced will be recognised as eligible for payment.

Applications are currently open and close 4pm on 30 September 2021. Applications are assessed by DLGSC Regional Managers and State Sporting Associations in October 2021, with successful/unsuccessful applicants being notified approximately January 2022.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Statutory Environment

The Development Contribution Plan Report No.1 for Development Contribution Area No. 4 (included within this report as **attachment 1**) provides for the delivery of a range of community infrastructure items over the next 15 years.

Whilst the Briggs Park Pavilion project is listed within this plan, this is currently listed as year to commence 2027 as demonstrated below in Figure One. The current 2021/22 budget and Long Term Financial Plan (LTFP), Corporate Business Plan and associated Shire resourcing does not currently allow for this project in the designated triennium period for the current CSRFF round.



Project Description	Ref	Catchment	Year to commence
Administration costs	Admin	Regional	
Byford Skate Park Extension Stage 1b (Fully grant funded)	B06	Byford	2021
Keirnan Park DSS- Ovals, Building & Lights (Fully grant funded)	M11	Mundijong	2022
Keirnan Park BMX relocation (Regional Facility - Stage 2)	S01	Regional	2023
The Glades District Community Facility - Building	B09	Byford	2026
Briggs Park Pavilion - Option 1	B02	Byford	2027
Byford Library & Multi-Agency Centre	B01	Byford	2032
Briggs Park Youth Centre	B03	Byford	2032
Orton Road District Sport Space - Building & Lights	B05	Byford	2033
Lindt Street Adventure Playground	B08	Byford	2034
Briggs Park Recreation Centre Extension	B04	Byford	2035
Keirnan Park Youth Centre	M06	Mundijong	2035
Kalimna Sporting Reserve - Ovals, Building & Lights	B10	Byford	2036
Cardup Brook Adventure Playground	B07	Byford	2036
Whitby (Reilly Road) District Sports Space - Building & Lights	M01	Mundijong	2036
Mundijong-Whitby Skate Park (Keirnan Park)	M02	Mundijong	2036
Mundijong Dog Park (Keirnan Park)	M05	Mundijong	2036
Whitby Adventure Playground	M07	Mundijong	2036

Figure One: Development Contribution Plan Report No.1 for Development Contribution Area No. 4 community infrastructure items over the next 15 years

Any infrastructure project identified within the Community Infrastructure Developer Contribution Plan (CIDCP) that is successful for grant funding, would be required to proportionately share the awarded funding in accordance with the articulated rates. As such, 53% of any successful grant funding would be deducted from the developer contribution component of the Briggs Park Pavilion Project. 47% of the grant funding would be deducted from the expected Shire contribution. This is further demonstrated below:

Briggs Park Pavilion (B02)		
Total	DCP contribution 53%	Shire contribution 47%
\$3,058,872.00	\$1,621,202.00	\$1,437,670.00

Comment

CSRFF Small Grant – Briggs Park Drainage Project

At the Special Council Meeting on 28 July 2021, Council adopted the 2021/22 Budget that included \$200,000 for the Briggs Park Drainage Project.

Officers have confirmed with DLGSC that the drainage project would be eligible under the CSRFF Small Grant scheme. However, as the final scope and design is currently being formalised, Officers are unable to consolidate all information, and meet all the conditions for an application to the current funding round which has a deadline of 30 August 2021.

Officers recommend that the scope and design be finalised in order to make an application in the February 2022 CSRFF Small grant funding round. This round is advertised in February, with applications to close end of March 2022. The benefits of this include maximising the amount of funds to be requested (ensuring the total costs of the project are known and an application is made for the maximum applicable amount); allows additional time to consult with relevant users of Briggs Oval to ensure timing for delivery minimises any disruption to their activities; and if the grant is successful, savings to the Shire budget can be realised.



As outcomes for the February round will not be known until approximately May 2022, this does mean delivery of the project could not occur until after this time, expected timeframes would be approximately Spring 2022.

Given the benefits described above, particularly the heightened ability to consult with user groups at Briggs Oval, Officers consider that proceeding with an application in the February 2022 round provides best outcomes for the project and stakeholders.

CSRFF Forward Planning Grant - Briggs Park Pavilion

At the June 2021 Ordinary Council Meeting, Council requested Officers make an application for the maximum amount permissible under the current CSRFF forward planning funding round for the Briggs Park Pavilion Project. If successful, this would result in the project being delivered over the 2022/2023 to 2024/2025 triennium period.

Officers have since considered the feasibility of preparing an application for the current CSRFF forward planning funding round and have determined that with current resourcing it is largely unachievable to meet the requirements for an application in the current round, with applications to be submitted by end September 2021, for the following reasons:

- This project has not been included in the draft Corporate Business Plan or the 2021/2022 financial year budget therefore the work associated with the development of the project has not been resourced.
- In order to undertake the delivery of this project including the application, existing resources will be required to be diverted from existing project(s) listed in the Corporate Business Plan or a budget provision for additional project delivery resources will need to be made.
- To acquit funds by the required June 2025 deadline, a successful application in the current round would require design development to occur throughout 2022/2023 and 2023/2024. Should the Shire be successful in the grant application, Officers would be delivering the Keirnan Park Recreation Precinct Project, BMX Relocation Project, Glades District Community Facility Project, Nature Play Project, and New Depot Accommodation Project, throughout the planning and delivery period for the Briggs Pavilion Project exceeding the current resourcing capabilities. A budget provision for additional project delivery resources will be necessary.
- The CIDCP anticipates collection of funds from both the Shire and Developers will occur prior to the delivery of projects listed in the CIDCP. The Pavilion Project is listed for delivery in 2027 subject to funds having been collected, there are two projects to be delivered prior to the Pavilion Project being the BMX relocation in 2023 and the Glades District Community Facility in 2026. Should the Pavilion Project be brought forward for delivery in 2024/2025 there will be insufficient funds in the CIDCP to fund the project, even if a CSRFF grant application is successful as it provides in the best case scenario for a total of 1/3 of the costs of eligible project items only, not 1/3 of the project costs overall.
- Having insufficient funds in the CIDCP will result in Council being required to either borrow funds or to redirect funds from other assets works such as roads. The Shire has no capacity to borrow for this project given current and planned commitments as outlined in the Long Term Financial Plan. Any further borrowing will either overextend the Shire's borrowing capacity endangering the financial status of the organisation and the debt ratios. The redirection of funds from assets will cause Council to not meet its asset maintenance responsibilities impacting on the asset sustainability ratios.



- It is a requirement of the application process that extensive community and user group consultation be undertaken. As applications close on 20 September 2021, there is insufficient time to undertake consultation in line with the Shire's Community Engagement Strategy.
- As part of the application process Council must consider each application to the funding round and rank them in order of priority, this will need to be considered by Council at the September OCM meeting in order to ensure any applications are submitted by the closing date. This provides a limited timeframe in which to prepare a complex application for Council to consider prior to submission of the application.

Department feedback to date

Preliminary advice obtained from DLGSC on the project thus far is as follows:

- The Shire can apply for 1/3 of eligible costs only. Not all items in the total project value listed will be eligible.
- Given the high subscription rate, any items considered to be a low priority are unlikely to receive funding at this time:
 - Function space – low priority
 - Change rooms – high priority
 - Canteen and store rooms – medium to high
 - Verandah areas – low priority
 - Coaches boxes/time keepers – low to medium
 - Bar area – ineligible
 - Car parking – ineligible
 - Landscaping - ineligible
- The changeroom component of the Briggs Park Pavilion would have a higher chance of funding than other general facilities such as function space, as the scheme is targeted at funding the basic needs for sport activities to occur.
- The application would need to clearly articulate what would happen to the current BMX facility and user groups that will otherwise be displaced. Officers are confident this matter can be addressed, in reference to the timing of the delivery of the project in the CIDCP.
- The application would need to clearly articulate why the current changerooms can not be retrofitted as opposed to a new facility. Officers are confident this matter can be addressed, however given the intent of a new facility is to enable further development of the youth precinct, this may not directly meet the expected conditions of the scheme.

Briggs Park Masterplan Review

All CSRFF applications are required to be submitted with a range of documentation that clearly supports the application.

In addition to the forward planning documents listed, an application would be expected to include "any other supporting documents" such as the current Briggs Park Recreation Precinct Master Plan. The Master Plan would be used to demonstrate a planned and coordinated approach to development on the site, maximising community benefit and investment.



The current Briggs Park Recreation Precinct Master Plan was endorsed by Council in September 2014. This is included as **attachment 2** to this report, with the indicative site plan demonstrated below in figure 2.

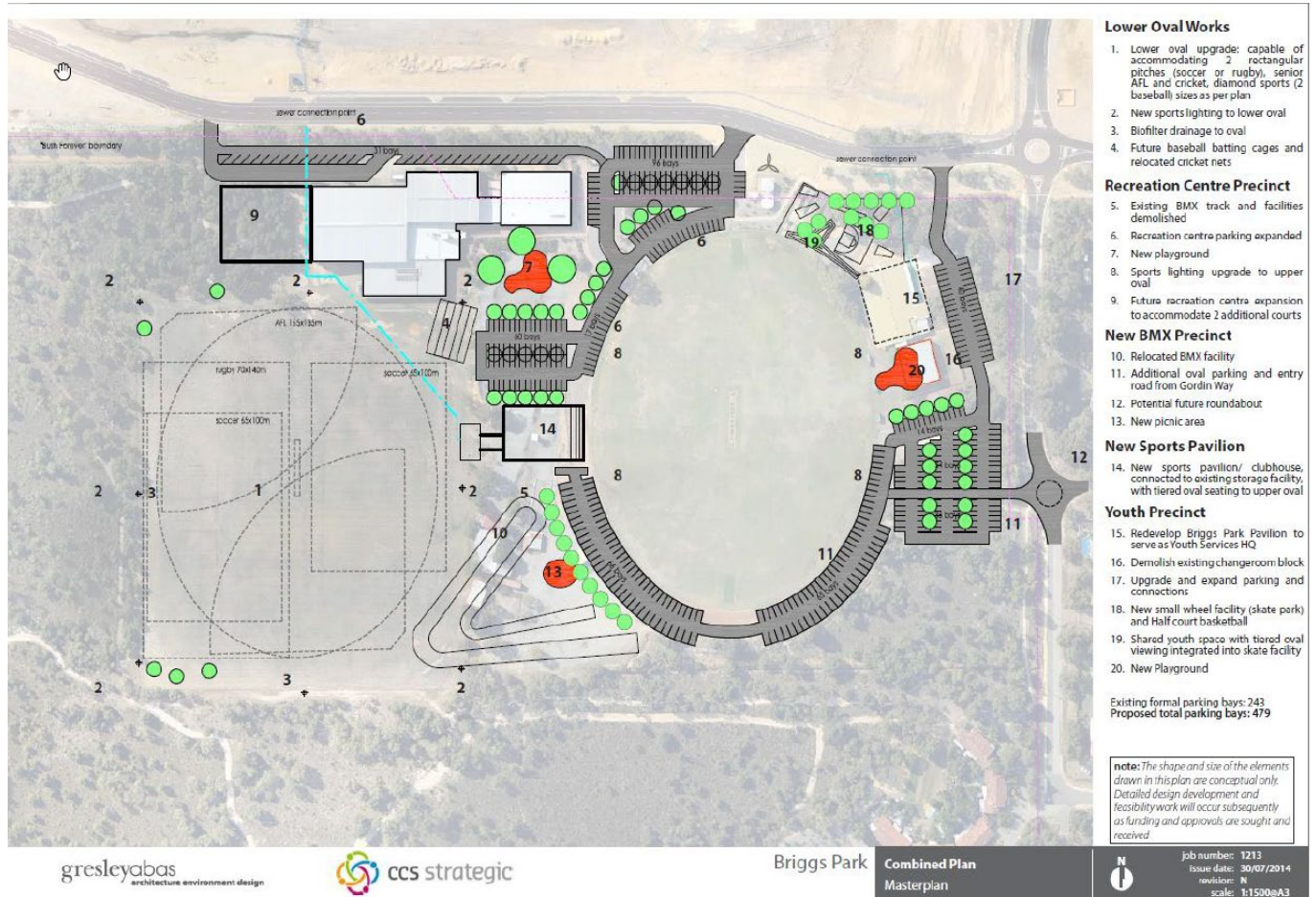


Figure 2: Briggs Park Recreation Precinct Master Plan was endorsed by Council in September 2014.

There are a number of influencing factors within the Shire that have changed since Council endorsed the current Master Plan in 2014. Most notably, the acquisition of land and progression of the Keirnan Park Recreation precinct, that will see the relocation of BMX from this site entirely although it is currently shown in the Briggs Park Masterplan as remaining on site at Briggs Park and being relocated and realigned further south as shown in Figure 2.

Officers recommend that Council consider a budget allocation for a review and update of the existing Briggs Park Masterplan in the 2022/23 FY.

This updated Masterplan would benefit and inform a range of projects and development considerations applicable to the Briggs Park precinct. An updated document will reflect the changes and support future funding applications for development at the site.

Options and Implications

Option1

That Council:

1. REQUESTS the Chief Executive Officer prepares an application for submission in the February 2022 CSRFF Small grant funding round for the Briggs Park Drainage Project;



2. RESOLVES that the Chief Executive Officer DOES NOT progress with a CSRFF forward planning application for the Briggs Park Pavilion Project in the current round closing September 2021;
3. RESOLVES that that the Briggs Park Pavilion Project be listed for consideration through the 2022/2023 financial year budget and Corporate Business Plan setting process; and
4. RESOLVES that the review of the Briggs Park Precinct Masterplan be listed for consideration in the 2022/2023 financial year budget and Corporate Business Plan setting process.

Implication

- The Briggs Upper Oval Drainage Project will not be delivered until Spring 2022 if the application is successful.
- Council will be able to consider the resourcing and timing of Briggs Park Pavilion project through the budget setting and Corporate Business Plan processes.
- Council be able to consider the resourcing and timing of the review of the Briggs Park Master Plan through the budget setting and Corporate Business Plan processes.

Option 2

That Council:

1. REQUESTS the Chief Executive Officer prepares an application for submission in the February 2022 CSRFF Small grant funding round for the Briggs Park Drainage Project;
2. REQUESTS the Chief Executive Officer progress with the development of a CSRFF forward planning application for the Briggs Park Pavilion Project in the current round closing September 2021, and AGREES to put the Keirnan Park Project on-hold until early October 2021 to provide adequate resourcing for the development of the project application;
3. REQUESTS the Chief Executive Officer bring a report to Council in September 2021 outlining what items can be removed from the draft Shire of Serpentine Jarrahdale 2021-2025 Corporate Business Plan and the Shire of Serpentine Jarrahdale Long Term Financial Plan in order to meet the Shire's financial commitment to the Briggs Park Pavilion project should the application be successful; and
3. RESOLVES that the review of the Briggs Park Precinct Masterplan be listed for consideration in the 2022/2023 financial year budget and Corporate Business Plan setting process.

Implication

- The Briggs Upper Oval Drainage Project will not be delivered until Spring 2022 if the application is successful.
- In order to continue developing an application for the Briggs Park Pavilion for the current CSRFF Forward Planning grant round, resources will need to be reallocated from current Corporate Business Plan and Long Term Financial Plan projects.
- Council be able to consider the resourcing and timing of the review of the Briggs Park Master Plan through the budget setting and Corporate Business Plan processes.

Option 3

That Council:

1. REQUESTS the Chief Executive Officer DOES NOT prepare an application for submission in the February 2022 CSRFF Small grant funding round for the Briggs Park Drainage Project;



2. REQUESTS the Chief Executive Officer DOES NOT progress with a CSRFF forward planning application for the Briggs Park Pavilion Project in the current round closing September 2021; and
3. DOES NOT resolve to list the development of a Briggs Park Precinct Masterplan for consideration in the 2022/2023 financial year budget and Corporate Business Plan setting process.

Implication

- The costs associated with the Briggs Park Drainage Project will be met from the 2021/2022 financial year budget.
- A CSRFF application for the Briggs Park Pavilion project will be made at a time when the project is supported through the appropriate budget process in line with the CIDCP.
- A review of the Briggs Park Master Plan will not be undertaken in the immediate future.

Option 1 is recommended.

Conclusion

Applications for the Department Local Government Sport and Cultural Industries (DLGSC) Community Sport and Recreation Facility Fund (CSRFF) are currently open. There are three schemes available and Officers have considered eligibility for two Shire projects, giving consideration towards key application requirements and funding conditions for each scheme.

As a result, Officers recommend progressing an application in the February 2022 CSRFF small grant round for the Briggs Park Drainage Project to maximise the amount of funds to be requested and to ensure timing for delivery minimises disruption to the activities of Briggs Park Oval user groups.

Officers further recommend discontinuing with the progression of a CSRFF Forward Planning application for the Briggs Park Pavilion Project in the current round, as the requirements for an eligible application are considered unachievable in the available timeframe and resources would need to be reallocated from other projects currently listed in the Corporate Business Plan.

Consideration of the Briggs Park Pavilion Project through the budget and Corporate Business Plan setting process will allow for consideration of appropriate resourcing of the project.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Development Contribution Plan Report No.1 for Development Contribution Area No. 4 (E21/4667)
- **10.4.2 - attachment 2** - Briggs Park Recreation Precinct Master Plan (IN14/17497)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 4.2	A strategically focussed Council



Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Briggs Park Drainage Project - CSRFF Small Grant

This project is currently budgeted in account 6500-80298-6600-000 hence there are no financial implications relevant to the submission of an application in the Winter round. A successful application would result in savings to the allocated budget.

Briggs Park Pavilion - Forward Planning Grant

Progression with the project in the triennium period 2022/23 to 2024/25, will require that Council meet the costs of the project upfront until sufficient time has passed for the collection of contributions under the CIDCP and the funds are paid through the CSRFF. These funds have not been budgeted for in the Long Term Financial Plan and would require Council to either borrow funds or redirect funding from other asset budgets.

Briggs Park Masterplan

There is no immediate financial implication relevant to the Officers recommendation for development of the Briggs Park Masterplan in the 2021/22 financial year. This will be listed for consideration in the 2022/23 budget process.

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	Briggs Park Drainage Project scope and design not finalised in time to make an application in the February 2022 CSRFF Small grant funding round.	Direction from Council requested in August 2021 to allow adequate time for design and application processes to be sufficiently completed.	Financial	Unlikely	Minor	LOW	Total project budget allocated in 2021/22 financial year that would enable delivery of project if CSRFF application not submitted.



2	Resources will need to be reallocated from current Corporate Business Plan and LTFP projects to develop CSRFF application.	Direction from Council requested in August 2021 prior to reallocation of resources for a September 2021 application in the current CSRFF Forward Planning round.	Organisational Performance	Almost Certain	Moderate	HIGH	Accept Officers Recommendation
2	Application not eligible or planning/ financial requirements from Shire inadequate as a result of insufficient supporting documentation.	Officers Recommendation	Organisational Performance	Likely	Moderate	SIGNIFICANT	Accept Officers Recommendation
3	Current Briggs Park Masterplan does not reflect recent developments for the site and will not support or demonstrate need for a future funding applications.	Option one	Financial	Likely	Moderate	SIGNIFICANT	Accept Officers Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. REQUESTS the Chief Executive Officer prepares an application for submission in the February 2022 CSRFF Small grant funding round for the Briggs Park Drainage Project;
2. RESOLVES that the Chief Executive Officer DOES NOT progress with a CSRFF forward planning application for the Briggs Park Pavilion Project in the current round closing September 2021;
3. RESOLVES that that the Briggs Park Pavilion Project be listed for consideration through the 2022/2023 financial year budget and Corporate Business Plan setting process; and
4. RESOLVES that the review of the Briggs Park Precinct Masterplan be listed for consideration in the 2022/2023 financial year budget and Corporate Business Plan setting process.



OCM230/08/21

COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Atwell

That Council:

- 1. DOES NOT REQUEST the Chief Executive Officer prepare an application for submission in the February 2022 CSRFF Small grant funding round for the Briggs Park Drainage Project;**
- 2. RESOLVES that the Chief Executive Officer DOES NOT progress with a CSRFF forward planning application for the Briggs Park Pavilion Project in the current round closing September 2021;**
- 3. RESOLVES that that the Briggs Park Pavilion Project be listed for consideration through the 2022/2023 financial year budget and Corporate Business Plan setting process;**
- 4. RESOLVES that the review of the Briggs Park Precinct Masterplan be listed for consideration in the 2022/2023 financial year budget and Corporate Business Plan setting process; and**
- 5. REQUESTS the Chief Executive Officer investigates opportunities for the provision of change rooms at lower Briggs Oval, including costings, consultation with user groups, funding options and resourcing impacts of the project, with a report to be provided for Council's consideration as soon practicable to enable Council to make a decision regarding submission of an application in the February 2022 CSRFF small grant funding round.**

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer recommendation

To allow for consideration of options for provision of change rooms at lower Briggs Oval to respond to immediate need for facilities to support existing and new sporting groups.



10.5 Executive Services reports

10.5.1 – Byford Health Hub – Project Update (SJ3305)	
Responsible Officer:	Chief Executive Officer
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.

Report Purpose

The purpose of this report is to present Council with an update on the Byford Health Hub.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 15 February 2021 - OCM038/02/21 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>ENDORSES in principle, the Byford Health Hub Business Case, as per attachment 1;</i> <i>SUPPORTS in principle, the Health Hub Facility to be located on the Shire's 7000m2 Civic Reserve in Byford, subject to endorsement of a future Business Plan;</i> <i>REQUESTS the Shire President and Chief Executive Officer ADVOCATE for the State Government to fund the construction of the Byford Health Hub and;</i> <i>REQUESTS the Chief Executive Officer present a report back to Council after the WA State Government election to determine how to progress the project.</i> 	
---	--

Ordinary Council Meeting – 19 April 2021 - OCM085/04/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. ENDORSES the initiative of the Byford Activity Centre forum;*
- 2. REQUEST the CEO to engage a suitably qualified consultant, using up to \$15,000 consultancy funds, to organise and facilitate this forum;*
- 3. APPROVES the budget variation as per below:*

<i>Account</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>1000-10100-6230-0000</i>	<i>Increase Expenditure</i>	<i>Consultancy</i>	<i>15,000</i>	



5200-17100-6230-0000	Increase Expenditure	Consultancy		15,000
Reason: Reallocation of consultancy budget to fund undertaking of forum.				
4. SEEKS participation of local, state and federal government representatives, state agency representatives, community leaders, school representatives, business stakeholders and city centre landowners;				
5. FOLLOWING the forum, seeks a report back with a recommendation on options.				

Background

In February 2021 Council adopted the Business Case for the Byford Health Hub.

The State Government as part of the election campaign committed \$30.6 million for the delivery of the Health Hub in Byford as per the Media Release contained at **attachment 1**.

Since this time Officers have been working with staff from the East Metropolitan Health Service to commence planning for the delivery of this facility.

The Shire President and Chief Executive Officer also met with representatives from the office of the Minister for Health regarding this project.

Consistent with Council's decision of April 2021, Officers have also engaged a consultant to assist the Shire in undertaking a Byford Activity Centre forum, with the aim to bring together the various stakeholders and community who are all central to the creation and use of the future Byford Activity Centre.

Finally, an organizational KPI has been proposed for the 2021/22 financial year, which involves creating a Master Plan for the 7000sqm community purpose reserve within the Byford Activity Centre, which is to comprise a number of uses including:

- The Byford Health Hub
- The ultimate library and multi agency facility
- Elements of a town square, plaza and nature play space.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Some initial engagement is proposed, not specific to the Health Hub, but to the broader Byford Activity Centre forum project. This project is proposed to occur in the following months, and is initially a 1 day forum aimed at bringing together the various stakeholders who will be delivering elements of the future Byford Activity Centre. This forum seeks to understand and align stakeholders, to ensure a coordinated and successful centre with well planned activities and synergies between the various components that are to be delivered in short succession over the coming 5 years.

Officers expect that the community and stakeholders will also be engaged in the coming months separately, as planning for the health hub facility is progressed.



Statutory Environment

There are no immediate statutory implications associated with this report. In the course of the project, disposals of land will be required that must be conducted in accordance with the *Local Government Act 1995*.

Comment

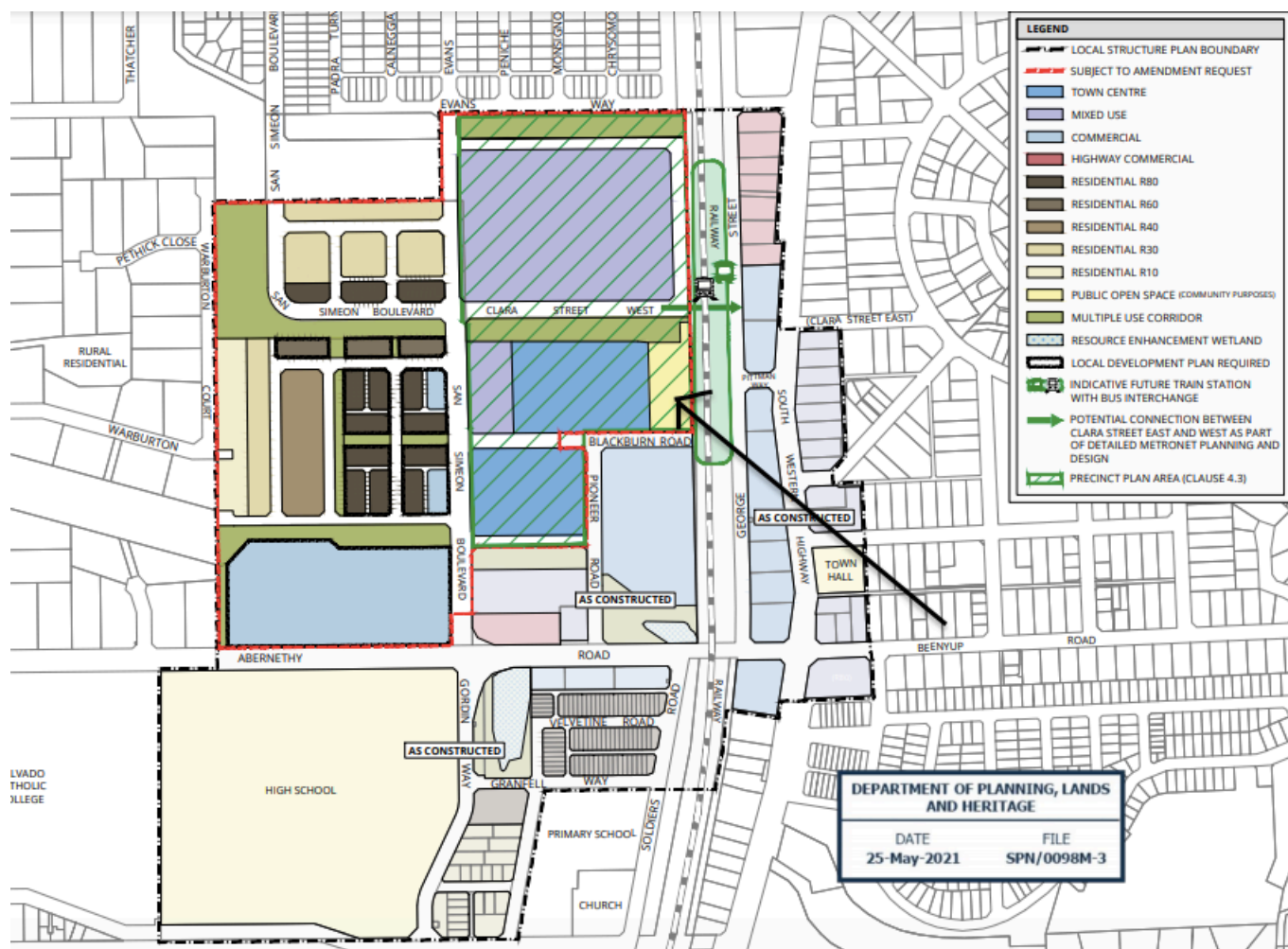
The State Government will be responsible for the delivery of the Byford Health Hub although the Shire will be intimately involved as the facility will be constructed upon Shire land.

To that end the East Metropolitan Health Service has written to the Chief Executive Officer to provide details and invite participation in the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee as outlined at **attachment 2**.

The Health Hub Steering Committee will be required to develop a further Business Case and Project Plan. Officers will present the outcomes of the Steering Group to Council as it progresses.

Officers expect that the Council will be required to excise a ground lease for this facility from part of its community purposes site in the Byford CBD. This will need to be conducted in accordance with the provisions of the Local Government Act. This will fulfill Council's resolution to provide the site for this facility.

The site which is 7000 sqm is currently undeveloped and not serviced. A map of the site is shown following:





Officers are going to advocate to access some of the \$30.6 million for the project to undertake site works and service the site. Although to be determined, Officers expect that the Shire may be asked to undertake these site works.

Master Planning for the site will be undertaken by the Shire during the 2021/22 FY by the Shire with a budget allocation of \$60,000 included in the 2021/22 FY budget.

The site also needs to accommodate the future library and multi-agency building, which is now subject to developer contributions and will be delivered as a shared infrastructure item between both DCP funds and Shire funds. This is identified for delivery in 2032, at a total cost of \$6.18m and must be accommodated in full on the community purpose site. The site may also feature all of, or a component of, a future town square, plaza and nature play splash park. As shown on the figure above, the 'yellow' community purpose site adjoins future 'green' public open space, which could accommodate all of, or a component of, the plaza, town square, nature play space etc.

The nature play space was initially planned for Bill Hicks Reserve however funding has been provided as part of the State Government Election for construction of this facility. Should the nature play space also be required to be wholly located on the public purpose site, as well as the library and multi-agency building, master planning is important to ensure whatever space is released for the health hub, retains sufficient space for the Shire's community infrastructure.

A funding agreement is currently being negotiated for the nature play space with the State Government and will be presented to Council in the coming months.

It is expected some synergies will be created between the Health Hub, Library and Multi Agency Building and Nature Play Splash Park on this site once fully developed.

The involvement of Officers on the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee will enable project planning for the Health Hub to commence as well as integration into the final uses of the site.

Options and Implications

Option1

That Council:

1. NOTES the progress on the development of the Health Hub on the community purposes site in Byford Town Centre.
2. NOTES that the Chief Executive Officer has been appointed to the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee.
3. REQUESTS that the Chief Executive Officer provide further reports to Council as planning for the site and the facility progress.

Option 2

That Council DOES NOT NOTE the progress of the Byford Health Hub and requests an alternative course of action be followed.

Option 1 is recommended.

Conclusion

The Byford Health Hub represents a major transformation for meeting community health needs in the Shire as well as vibrancy and employment in the Byford CBD.



The Shire being invited to be a member of the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee demonstrates the partnership approach being developed to deliver this significant election commitment by the State and the Shire and is welcomed by Officers.

The planning works being undertaking over the coming months will ensure the site is master planned to accommodate all future uses and is integrated into the broader town centre.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Media Release – Byford Health Hub Election Commitment. (E21/8739)
- **10.5.1 - attachment 2** – Correspondence from the East Metropolitan Health Service regarding the establishment of the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee (IN21/18834)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 2.1	A diverse, well planned built environment
Strategy 3.4.1	Identify and promote innovation and education opportunities
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

There are no financial implications associated with this report.

It should be noted however that implementing Council's decision to provide the land for this facility as part of the Community Purposes site will incur some costs in surveying, legal cost, lease preparation. This are expected to be accommodated through normal budget allocation to legal fees.

The site is currently not serviced or filled. These costs will need to come from the project budget for the Health Hub as the Shire has made no allocation for this in its long term financial plan.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1 & 2	The site determined for Health Hub is not integrated with other future uses on the site.	The Planning work currently being undertaken.	Organisational Performance	Rare	Moderate	LOW	Nil
1 & 2	The Shire is not involved in the planning for the health hub.	The involvement in the Steering Committee will address this.	Organisational Performance	Unlikely	Moderate	LOW	Nil
1 & 2	The Shire is required to manage the construction of the entire facility which will be challenging as a result of capacity constraints.	The State Govt taking responsibility for the construction of the facility addresses this. The Shire may be required to undertake site works.	Organisational Performance	Unlikely	Major	MODERATE	Nil
2	Council will not be appropriately briefed on the matter	Nil		Unlikely	Moderate	Moderate	Nil



Voting Requirements: Simple Majority

OCM231/08/21

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Atwell

That Council:

- 1. RECEIVES the update on the progress of the Byford Health Hub.**
- 2. NOTES that the Chief Executive Officer has been appointed a member of the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee.**
- 3. REQUESTS that the Chief Executive Officer provide further reports to Council as planning for the site and the facility progress.**

CARRIED UNANIMOUSLY 8/0

**10.6 Confidential reports**

10.6.1 – CONFIDENTIAL – Infrastructure Directorate Review (SJ535)	
Responsible Officer:	Director Infrastructure Services
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> .

OCM232/08/21**COUNCIL RESOLUTION****Moved Cr Denholm, seconded Cr Strange**

That the meeting be closed to members of the public while item 10.6.1 is discussed pursuant to section 5.23(2)(a) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 8/0

At 9:55pm the meeting went behind closed doors.

Voting Requirements: Simple Majority

OCM233/08/21**COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Denholm, seconded Cr Byas**

That Council **ENDORSES** the recommended changes to the Infrastructure Directorate outlined in this report and **ADOPTS** the new Directorate Structure outlined in attachment 2.

CARRIED UNANIMOUSLY 8/0**OCM234/08/21****COUNCIL RESOLUTION****Moved Cr Denholm, seconded Cr Strange**

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 8/0

At 9:57pm the doors were reopened to members of the public.

Presiding Member, Councillor Rich advised the public gallery of the Council Resolution for item 10.6.1.



Continued

Ordinary Council Meeting Minutes Monday, 16 August 2021

11. Urgent business:

Nil.

12. Councillor questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 9:58pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 20 September 2021.

..... Presiding Member – Councillor Rich

05/10/2021 Date