



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting

Confirmed Minutes

7.00pm

Monday, 17 February 2020

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In Person

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong WA 6123

Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Councillor Attendance Register

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

October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
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	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 17 February 2020 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7.01pm and welcomed Councillors, and 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 their Elders past and present.

The Shire President, Councillor Rich acknowledged and welcomed Freeman Mr John Kirkpatrick and Ms Jan Star and past Councillors Mr Barry Urban and Mrs Sandra Hawkins.

Minutes

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

In Attendance:

Councillors: M Rich Presiding Member
D Atwell
M Byas
R Coales
M Dagostino
B Denholm
K McConkey
L Strange
D Strautins

Officers: Mr P Martin..... Chief Executive Officer
Ms H Sarcich..... Deputy CEO / Director Community Services
Mr A Trosic Director Development Services
Mr S Harding Director Infrastructure Services
Dr K Parker Manager Governance
Mr B Oliver Coordinator Corporate Communications
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Apologies: Mr F Sullivan, Director Corporate Services

Observers:

Members of the Public – 17

Members of the Press – 1



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – 16 December 2019

Question asked by **Mr Paul Wright, 154 Linton Street North, Byford WA 6122** at the Ordinary Council Meeting, 16 December 2019. A letter was sent to Mr Wright on 18 December 2019 (OC19/26648).

Question 2

How many years has this been a rural property?

Response (Director Development Services)

The subject land has been zoned Rural under Town Planning Scheme No. 2 since its gazettal on 4 August 1989. It was also zoned Rural previous to this. Draft Local Planning Scheme No. 3 seeks to zone the land Rural Residential 2, and the Shire invites landowner feedback on this.

General Meeting of Electors – 20 January 2020

Questions asked by **Ms Jan Star, 230 Jarrahdale Road, Jarrahdale WA 6124** at the General Meeting of Electors, 20 January 2020. A letter was sent to Ms Star on 29 January 2020(OC20/2006)

Question 1

What expertise and investigation did the Shire use to make the decision to prune all vegetation up to 2 metres on Medulla Road? This included any naturally occurring native trees that hadn't yet become tall trees.

Response (Director Development Services)

Officers determined the two metre height in accordance with the Guidelines for Planning in Bushfire Prone Areas. Two metres is the height used for asset protection. This also enables access for managing the understory grass fuel load.

Question 2

Were they aware that many of the shrubs were given to residents as part of the verge plant scheme funded by the Shire?

Response (Director Development Services)

Officers are aware of previous verge planting programs. The change in climatic conditions requires a review of risk management strategies and mitigation activities which are ongoing.

In high or extreme fire risk locations, the Shire needs to balance fire risk against verge vegetation, and to manage and mitigate as necessary to provide an adequate and balanced level of community safety.

The vegetation on the verge, whether provided by the Shire or privately, is the responsibility of residents to prune and maintain. This shared responsibility is an important and enduring element of bushfire preparedness. In lieu of the extent of works to bring the road verge back to a manageable condition, the Shire secured a



once only resource from Karnet prison to undertake verge management works. It is now the shared responsibility of landowners to keep the verge maintained.

Question 3

Were they aware that the acacia floribunda was a firebreak as well as a grass suppressant and a windbreak established in consultation with the CFO because of the then problem of grasses, especially lovegrass, which remained flammable over summer?

Response (Director Development Services)

While Acacia floribunda is a relatively low flammability plant, it is not a firebreak and will ultimately burn. A firebreak should be completely free of any combustible material, and while the acacia is relatively slow to ignite and burns relatively slow and cool, it will unfortunately still burn. Although low flammability plants are preferable to grasses in terms of fire hazard, Acacia floribunda is an environmental weed and is not recommended, particularly in areas where seeds may spread into natural areas.

Question 4

The low flammable wattles have effectively fulfilled these functions for over 20 years. Is the Shire now going to keep the grasses down over the fire season?

Response (Director Development Services)

All vegetation burns at various temperatures, and a material's flashpoint such as wood is 300 C. When wood is heated to this temperature, it releases hydrocarbon gases that mix with oxygen in the air, combust and create fire. An average surface fire with flames reaching 1 metre in height can reach temperatures of 800°C or more. Under very high or extreme conditions, a fire can give off 10,000 kilowatts with flame temperatures exceeding 1200°C, or more under catastrophic conditions.

Question 5

Can the Shire use the mulch, from chipping the pruning's on the cleared verge to help suppress grass growth?

Response (Director Development Services)

Unfortunately, mulch is a fire hazard.

Question 6

Has there been a change of objectives of the Shire away from encouraging beautification of verges?

Response (Director Development Services)

In high or extreme fire risk locations, the Shire needs to balance the fire risk against verge vegetation, and to manage and mitigate as necessary to provide an adequate and balanced level of community safety.



Question asked by **Ms Lee Bond, PO Box 44, Armadale WA 6112** at the General Meeting of Electors, 20 January 2020. An email was sent to Ms Bond on 6 February 2020 (E20/1517), advising that the matter remains under investigation.

Question 4

Where is the money for our static water supply?

Response (Director Development Services)

I am continuing to investigate this matter. I have located a report to Council in December 2002. This provides a statement that:

"It is important to note that the Settlers Rest developers did not contribute to the construction of a facility, they appealed against having to pay due to the existing water supply coverage."

I still am investigating this however, as I want to find specific evidence that confirms this or otherwise.

We are currently seeking to contact the original subdivider of the land, as well as review all payments made by that original subdivider, to determine if they did (or did not) pay monies toward a static water supply.

I will keep you informed on these investigations.

In terms of current response times, the land at Lot 145 Hopkinson Road is secured for a future Static Water Supply, when the need arises. Emergency response planning will continue to consider what strategic improvements are needed to ensure water resource availability and response timing. At this stage, the Settler's Rest estate remains adequately covered by the Orton Road static water supply and the street hydrant on Abernethy Road. The Shire will continue to monitor this however, especially when Tonkin Highway is further extended and the impact this has on response times.



2.2 Public questions:

Public question time commenced at 7.03pm.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

The vesting of the POS in Kiernan Street Mundijong was relinquished by the Council in I believe 2014, to the State for about a week, and in that time the road reserve across it was created then it was returned to the Shire.

Question 1

When did the Council relinquish the vesting of the POS in Kiernan Street, Mundijong to allow a portion of it to be ceded as a road reserve?

Response (Director Development Services)

At the Ordinary Council Meeting on 11 May 2015 Council resolved:

That Council:

- 1. Makes application under Section 56 of the Land Administration Act to the Minister for Lands for the land identified as attachment OCM062. 1/05/15 to be dedicated as a public road.*
- 2. Advise the Department of Regional Development and Lands accordingly*

Carried 8/1

Councillor Kirkpatrick voted against the motion

The attachment references the road reserve being discussed tonight.

This Council decision sought the Minister for Lands to dedicate portion of Mandejal Brook Reserve as a public road reserve, pursuant to Section 56 of the Land Administration Act 1997.

Question 2

Did the signatories to the documents have the delegated authority to sign them?

Response (Director Development Services)

This matter did come to Council for decision at the 11 May 2015 Ordinary Council Meeting and thus the Council decision provided the relevant authority. .

Question 3

Was Mrs Sandra Hawkins an elected member of Council at the time?

Response (Director Development Services)

The Council Minutes for 11 May 2015 Indicate 'Councillors In Attendance' as including Sandra Hawkins.



Mr Anthony and Mrs Michelle Cussons, 65 Northerly Lane, Oakford

Question 1

What solution is the Shire of Serpentine providing in regards to the existing flooding?

Response (Director Development Services)

The subject landscape suffers from seasonal inundation, due primarily to the high annual average maximum ground water levels. Dewatering of this landscape is not possible or practical, and accordingly management approaches are primarily to ensure that habitable and non-habitable structures have their sand pads set with adequate separation to the Average Annual Maximum Groundwater Level (AAMGL). This includes septic systems. The general east to west flow of the floodplain, like much of the Shire on the coastal plain, is not rapid due to the combination of limited topography and the high groundwater levels in respect of proximity to surface.

Question 2

Why have we been made to pay \$441 for retrospective planning approval to solve the flooding conditions when the Shire has not provided any drainage to our property when the approval of the subdivision went ahead and also built a bridal track on our Northern boundary 182 mm higher than our property which has exacerbated the problem at hand.

Response (Director Development Services)

The fee reflects, by way of penalty, 3 times the normal minimum application fee of \$147.00. This is prescribed by the Planning and Development (Local Government Planning Fees) Regulations 2000 and Local Government Act 1995 in respect of an applicant seeking retrospective approval for development undertaken without Planning approval being obtained.

Question 3

Why has the Shire approved the raising of no 63 Northerly lanes fire break on our Western boundary by +/- 183 mm higher than Natural Ground Level (NGL) which in turn has now increased the flooding problem. We feel this has been done deliberately.

Response (Director Development Services)

Irrespective of approvals granted, landowners must manage drainage in a way that does not impact adjoining properties and must maintain regional flows at all times. The Shire is working with the landowner to ensure the regional flows are maintained.



Mr Peter and Ms Kerry Henson, 10 Staff Street, Jarrahdale WA 6124

Question 1

Difficulty in understanding what is required from the statutory framework that or working from and decisions it's based on. Please tell us in layman's terms what I can understand.

Response (Director Development Services)

The planning framework seeks to protect and enhance the heritage values of the subject property and the street, taken as an overall heritage precinct. Heritage values generally relate to the visual appearance and/or historical and social importance of a development. In this case, the precinct on Staff Street has a historical importance due to the history of the buildings and their association with the early timber industry, being the basis for the development of Jarrahdale and also aesthetic importance due to the historical visual appearances of the buildings.

Heritage elements are required to be incorporated into the design of new developments to ensure that the history and aesthetics of the area are maintained and enhanced. The architectural design of new development should reflect the scale, style and physical arrangements of existing buildings. As stated in the report, historically, outbuildings in this area would be small in scale and of timber construction. Any new outbuildings are not required to necessarily replicate this type of development but should incorporate some elements in the design i.e. use of appropriate cladding or bush poles. It is important that the size of any outbuilding reflects the scale of buildings in the area and that the house, as the heritage building, remains the dominate development on the site. New development in heritage areas should be of bespoke design to reflect the character of the area.

Question 2

What size and distance from back of house is required that we have continuously asked for. Please produce the documents to back it up.

Response (Director Development Services)

Under the planning framework there are no requirements in relation to separation distances to the house. There are however two separate requirements under the Building Code for fire separation and bushfire. It is common practice to advise applicants of these requirements as part of the planning process to ensure customers are fully aware.

Fire Separation

Under The National Construction Code (NCC) 2019 Volume Two, Section 3.7.2.5, it states that Class 10a buildings (sheds) must be set back a distance of no less than 900mm from a dwelling. If a shed is less than 900mm from the dwelling, the shed would require a wall with a fire resistance level of 60/60/60 in order to comply. Those numbers relate to the Standards

Bushfire

Furthermore, Section 3.10.5.0 of the NCC states a shed, located in a bushfire prone area, is required to be constructed to reduce the risk of ignition from a bushfire. In



order to satisfy this, compliance with Australian Standard AS 3959 is required. Section 2 Part 2.1 of the Australian Standard states a Bushfire Attack Level (BAL) report shall apply to any adjacent structures within 6m of a dwelling. For this reason, unless the proposal was located 6m from the house, a Bushfire Attack Level report would be required.

What is 6 metres? Is it from the Patio? Where does the 6 metres start?

Response (Director Development Services)

Any part of the house which is congruent. As the Patio is joined to the house, it would be 6 metres from the Patio.

Question 3

Then it comes to beautification, why are there limitations on our property and not on the rest of the street, and in particular next door? Beautification - what it relates to, where is it written and produce the documents to back it up.

Response (Director Development Services)

All the cottages on Staff Street comprise of a heritage precinct and should all be given the same level of assessment. The outbuilding at 8 Staff Street is smaller in scale, of simple form and not readily visible from the street. The use of colour in this case is similar to the dwelling however it is acknowledged that the materials do not reflect the architectural style of the heritage building. This said, it does not set a precedent for future development on Staff Street.

The requirements for heritage preservation are found in the following documents, of which, except the Municipal Heritage Inventory, can be found on the Shire's website;

- *Shire's Town Planning Scheme No.2;*
- *draft Local Planning Scheme No.3;*
- *draft Local Planning Strategy; and*
- *Municipal Heritage Inventory*



Mrs Sandra Hawkins, 58 Windrow Grove, Whitby WA 6123

Question 1

How much is the Shire spending of the ratepayers money on the “Opera at the Mill” social event this year?

Response (Deputy CEO / Director Community Services)

An amount of \$95,000 has been included in the Shire’s budget for the 2019/2020 Opera at the Mill Event.

Question 2

How much of the ratepayers money did the “Opera at the Mill” event spend last year?

Response (Deputy CEO / Director Community Services)

The Shire contributed a total of \$122,342 to the cost of the delivery of the event in the 2018/2019 financial year. This included \$34,535 in site clean-up and bush fire mitigation works which were greatly needed at the site.

Question 3

Bearing in mind that the Opera at the Mill is not a free community event, how much was the loss of ratepayers money last year?

Response (Deputy CEO / Director Community Services)

The Shire contributed a total of \$122,342 to the cost of the delivery of the event.

Mrs Lee Bond, Box 44 Armadale SA 6112

Question 1

Who monitors the use of the sprinklers at Briggs Park and is it appropriate to flood the grounds with no benefit?

Response (Director Infrastructure Services)

The Shire monitors and maintains the reticulation system at Briggs Park (both lower and upper ovals) and timers are used to regulate the hours of watering. Typically, the upper and lower ovals are watered at different times and the water usage is monitored via a metered valve.

The volume of water applied is required to ensure our active ovals are maintained to the appropriate standards for sporting clubs. The Shire is not aware of flooding occurring but welcomes feedback on specific times and dates you may have observed flooding.



Question 2

Why are some people permitted to have a transport depot in the Shire and others are not?

Response (Director Development Services)

Land use permissibility is contained under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. This defines certain zones where a transport depot may be permitted subject to planning approval, and zones where the use cannot take place. Also, the planning process will further account for whether a development is compatible with the amenity of the locality it is proposed within. This will consider issues like road access, hours of operation, noise, setbacks, distance to nearby dwellings etc.

Question 3

Is the Shire aware of the business operating under action asbestos in King Road?

Response (Director Development Services)

The Shire is aware of this matter.

Public question time concluded at 7.21pm.

3. Public statement time:

Public statement time commenced at 7.21pm.

Mr Peter and Ms Kerry Henson, 10 Staff Street, Jarrahdale WA 6124

Clarity and simplicity is still unclear, what we are asking for is to be given the same opportunity to have a Caravan, Carport + Workshop like what was oked for our neighbour. So far we have had heritage thrown at us then the covenant (Colour) then the blocks colour was an issue, then we had to change from metal to what ever, then we got beautification but still no real reason as to why we can't move forward 6 months is long enough.

Next door is 3.6mt at peak, our peak is 10 degrees and height is 4 mts and our peak is facing the road, with workshop behind the house which is 6 mt x 6 mt .

We all know in this street that the front verandah and sides of house stay the same, but you would hope and hope that some part of the property backyard, that one pays for you at least get some say.



Mr Corey Verwey, Urbanism, PO Box 1804, Subiaco WA 6904 regarding item 10.1.3

I am Corey Verwey, the applicant for National Storage Warehouse in Byford – Item 10.1.3

This DA also triggers the provision of infrastructure that will ultimately unlock the redevelopment of this industrial estate.

We have therefore been discussing this development with Shire staff for more than two years.

As much as we agree with design improvements, Condition b, as stated, is considered a risk to the deliverability and cost model for this development. I'm therefore requesting that Council consider the following rewording to remove risk to the developer and the project:

Condition b. i. and b. iii. – Remove “Pre-Cast Concrete Panels”

Condition b. ii. and b. iii. references pre-cast concrete panels to achieve certain changes to the articulation of the building facades. The proposed building is a light frame structure and the specification of concrete panels changes the construction methodology and financial model for the development. Building articulation could be achieved regardless of the structural composition of the outer walls. These architectural outcomes could be achieved in light frame structure, applying panelling and rendering to achieve the same outcomes and finishes envisaged in the condition, i.e. applying cement rendering, wood, stone or brick cladding.

Condition b. iii. – Delete condition

Condition b. iii. requires structural and design changes to a façade that is 6.5m from a side boundary. It seems counterproductive to invest in a façade that is partially blocked by Building A and the future industrial development on the adjacent land.

Furthermore, should Condition b. iii. be retained, it references the use of pre-cast concrete panels for this façade. The plans in the item demonstrates that this façade is 2.5 storeys high with a highly permeable ground floor façade, filled by roller doors. The façade, as a pre-cast concrete wall, will be top heavy and structurally difficult to achieve.

Ms Jordeana Cain, Corporate Affairs Manager, Doral / Keysbrook Leucoxene Pty Ltd (read by Daniel O'Hara)

The Keysbrook mineral sands operation has operated within the Shire of Serpentine Jarrahdale and the Shire of Murray since late 2015. The mine was previously owned and operated by MZI Resources and was recently purchased by Doral Mineral Sands Pty Ltd on 1 July 2019. Doral is an experienced mineral sands company with 18 years of operational history in the Southwest of WA.

Doral recently received Development Application approval for Lot 57, Keysbrook at the September 2019 meeting. The Extractive Industry application before Council this evening is to facilitate the commencement of mining on Lot 57.

This approval will allow for the continuation of mineral sands mining to the north of the Company's current operations, located in the Shire of Murray. The timely development of Lot 57 is critical to the future of the Keysbrook mine, which will maintain the employment of 75 local employees, suppliers and other associated economic benefits.

Doral is committed to operating to stringent environmental standards, with noise, dust and water remaining the highest of priorities for the site. Significant resources are in place to



ensure compliance and as an example, Doral has committed to daytime mining, with only the mineral processing plant and loading equipment in operation outside of those hours.

In terms of consultation, the Company wrote to all neighbours within a 2km radius of Lot 57 in November 2019, advising those residents of Doral's plans to relocate its operations to the north. To date, we have not received any feedback.

We would like to take this opportunity to acknowledge the Planning team at the Shire, who have been incredibly cooperative and supportive in working through, which at times, has been a complex approvals process given the number of applications, both at local and state level.

To this end, there is one more outstanding approval from the Shire which is the Extractive Industries Licence for Doral owned land, Lots 103, Lot 104 and Lot 105, which we understand is currently with the Planning Department for assessment.

With all approvals in place, Keysbrook will remain in the Shire of the Serpentine Jarrahdale locality for a further 4 -5 years, followed by a stringent rehabilitation program. We advise that all land mined within the Shire of Murray jurisdiction is now complete with 60% already returned to pastoral quality.

The Company's Community Partnership Program, distributed through the Keysbrook CCG remains active, with recent commitments including Opera at the Mill, Serpentine Food and Farm Alliance, Byford Carols and Landcare SJ being a prime example of funding partnerships.

At Doral, we recognize the responsibility of operating in a small community. We remain committed to ensuring we are a good neighbor, the communities benefit from our presence, we reduce our impact on the environment and our stakeholders continue to be engaged on important developments.

Mrs Sandra Hawkins, President of the Whitby Estate Residents Association Inc,

I would like to thank the CEO Paul Martin and Andrew Trosic for their immediate assistance to secure a second emergency exit from the Whitby Estate.

It was obvious that something had to be done to correct an anomaly that had been overlooked by both developers and the Shire which was brought to their attention in early January of this year. With an overwhelming number of residents attending a special meeting called by the Residents Association it was apparent that many people were worried should a fire break out and block the only exit from the Estate.

On behalf of the Whitby Estate Residents Association and all the residents within the Estate, I thank you for your mediation with the Golden Group that has brought about an agreement to ensure that we have another exit from the Estate in times of emergencies.

Without your help I am sure that the second exit would not have been constructed for many years and in the meantime we could have suffered the same fate as has befallen many people in the eastern states.

I would also like to thank the Shire President and MLA Alyssa Hayden for attending the meeting and with Alyssa meeting the Golden Group the very next day.



Ms Jan Star, 230 Jarrahdale Road, Jarrahdale WA 6124

In reference to answers to my questions at Electors Meeting, I am left with the conclusion that very little expertise was sought; that inappropriate Guidelines were used; that there is negligible understanding of the role of vegetation in fire and that the Shire's approach to fire management has only a single focus and will seriously inhibit the achievement of the objectives in the Shire's Local Planning Strategy. I will discuss this further with the Director of Planning Services.

Public statement time concluded at 7.34pm.

4. Petitions and deputations:

Nil.

5. President's Report:

Good evening and welcome to the first Ordinary Council Meeting for 2020.

I would like to start by thanking our volunteer fire fighters and emergency services personnel who worked to contain two serious fires within the Shire last month.

A fire near the western boundary of the Shire that posed a threat to Mundijong was contained at the start of January, while a second fire in Mardella and Hopeland at the end of January also posed a threat to property and lives, was contained without any serious damage.

Thank you to Shire staff who helped set up an evacuation centre at the Serpentine Jarrahdale Community Recreation Centre as a result of the Mardella/Hopeland fire.

While the emergency evacuation centre wasn't used by any residents, I would like to acknowledge Shire staff for their work and coordination with relevant agencies to ensure our emergency management plan was implemented to protect our community during the unfolding emergency.

Following these fire emergencies last month, the Shire is hosting a community forum with the Department of Fire and Emergency Services WA and Australian Red Cross - Emergency Services Western Australia to help our residents prepare for emergencies.

The Shire of Serpentine Jarrahdale Bushfire Ready Group will also attend to provide advice and resources. I encourage everyone go online and RSVP for this important session, which will be held from 6.30pm-8pm, this Thursday, 20 February here at the Shire of Serpentine Jarrahdale Council Chambers.

At the end of 2019 Main Roads WA held a community information session about the Tonkin Highway extension and Freight Rail Realignment.

More community engagement is planned by Main Roads WA in the first half of this year and we will communicate details with residents as soon as we have information on these important projects for our region.

I would like to briefly acknowledge the Hopeland Community Association and their 95th anniversary of the Hopelands School, which was held at their annual Christmas Tree event in December. Hopeland has a rich history and it was fantastic to help celebrate this significant milestone with many past students of the Hopeland Primary School.



It was fantastic to officially open and name the Byford Bark Park in conjunction with our annual Paws in the Park event to the start the year.

The park has been a huge success since it opened late last year, with lots of positive community feedback about the two designated sections for both small and big dogs, the agility equipment as well as the dog introduction area.

I would like to congratulate the 110 new Australian citizens sworn in at our two Australia Day Citizenship Ceremonies as part of our Australia Day celebrations on Sunday, 26 January.

Our Shire is truly a thriving, multicultural community with our newest citizens hailing from 33 different countries including Nigeria, Sri Lanka, Great Britain, India, South Africa, Colombia, the Philippines and Ethiopia.

I would also like to congratulate and thank our four community members who were recognised at our Australia Day Awards Ceremony for making a significant contribution to the Shire. Congratulations to Mr Tom Hoyer, Mrs Marilyn Marsden and Mrs Colleen Rankin on winning the Shires awards and Mrs Margaret Ward who won the Rotary Service Above Self Award.

Last month I also attended the Peel Trails Group meeting at the Shire of Murray. As chair of the Peel Trails Committee for Peel alliance, I am looking forward to progressing the Peel Regional Trails Strategy so we can improve the accessibility and infrastructure of our extensive trails network and the work and engagement we do with our local trails volunteers within the Shire and the wider Peel region.

I was pleased to attended the Jarrahdale Equestrian Centre on Sunday, 16 February, where they gave Youth Focus ambassadors a free adventure horse riding experience in the Jarrahdale hills.

It is fantastic to see Jarrahdale Equestrian Centre giving back to our community to recognise the amazing work of Youth Focus ambassadors who play such an important role in raising awareness and support in the field of youth mental health.

With Abernethy Road now open end-to-end, the final piece of the road upgrade involves the widening of the railway crossing, which is anticipated to be completed by the end of June.

The Shire is in complex negotiations with the Perth Transport Authority to get access to the rail reserve to complete the works. We will continue to update the community on this project.

A reminder to residents that Opera at the Mill returns to Jarrahdale Heritage Mill on Saturday, 7 March. Last year's event was a huge success and I encourage everyone to purchase a ticket via Ticketek and enjoy a wonderful night of opera under the stars in Jarrahdale. Information can be found on our website.

Finally, I would like to acknowledge the passing of Jarrahdale resident and business owner Phyl Watling. Phyl passed away today and was known by many through the Jarrahdale Basket Nursery and Giftware store.

We pass on our deepest sympathy to Phyl's family at this sad time.



Ordinary Council Meeting Minutes

Monday, 17 February 2020

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

Date	Meeting	Location
16 December 2019	Marri Grove Primary School Year 6 Leavers Assembly	Marri Grove PS, Mundijong
	Council Meeting	Shire of Serpentine Jarrahdale
17 December 2019	Serpentine Primary School Awards Ceremony	Serpentine PS, Serpentine
	State Government Freight Rail Planning Meeting	Shire of Serpentine Jarrahdale
	Lunch Meeting with PCCI	Jarrahdale
18 December 2019	Weekly Meeting with CEO	Shire of Serpentine Jarrahdale
	Jarrahdale Primary School End of Year Presentation	Jarrahdale PS, Jarrahdale
20 December 2019	Hopeland Community Association Inc. Christmas Tree and 95th Year Anniversary	Hopelands
8 January 2020	Weekly Meeting with CEO	Shire Offices
15 January 2020	Weekly Meeting with CEO	Shire Offices
	Meeting with Cardup Business Park Owners	Shire Offices
	Meeting with Jarrahdale Community Collective	Shire Offices
16 January 2020	Environment and Waste Policy Team Meeting - Review of Environment Protection Act (Submission)	WALGA
17 January 2020	Meeting with PDC Chair and CEO	Shire Offices
	Paws in the Park	Byford Bark Park
20 January 2020	General Meeting of Electors	Shire Offices
22 January 2020	Environment and Waste Policy Team Meeting	Shire Offices
23 January 2020	Peel Trails Discussion	Shire of Murray
	CEO Employment Committee - KPI Setting	Shire Offices
26 January 2020	Australia Day Celebrations	Shire Offices
28 January 2020	Peel Trails Discussion	Shire of Murray
29 January 2020	Weekly Meeting with CEO	Shire Offices

**Ordinary Council Meeting Minutes**
Monday, 17 February 2020

Date	Meeting	Location
	BDCC Board Meeting	Byford Bark Park
	PHBG Committee Meeting	Waroona
31 January 2020	Photo - Thomas Road with Hon Roger Cook	Anketell
3 February 2020	Meeting with Alyssa Hayden	Byford
	Special Council Meeting	Civic Chambers
	Policy Concept Forum	Civic Chambers
5 February 2020	Meeting with Jan Star	Shire Offices
	Weekly Meeting with Shire President	Shire Offices
	Special CEO Employment Committee Meeting	Civic Chambers
7 February 2020	Rate Payer Meeting	Byford
	Phone Meeting with PDC	Via Telephone
10 February 2020	Meeting with Examiner Newspapers	Shire Offices
	Photo - Bushfire Mitigation with Hon Matthew Swinbourn	Oakford
	Agenda Briefing	Civic Chambers
11 February 2020	Local Emergency Management Committee Meeting	Civic Chambers
	Meeting with Matt Kocaj	Shire Offices
12 February 2020	Phone Interview - ABC Radio	Shire Offices
	Weekly Meeting with CEO	Shire Offices
13 February 2020	Meeting with Mens Shed	Shire Offices
16 February 2020	Jarrahdale Equestrian Centre	Jarrahdale
	Landcare SJ Cockatoo Roost Rookery	Jarrahdale

**6. Declaration of Councillors and Officer's interest:**

Chief Executive Officer, Mr Paul Martin declared a Financial Interest in item 8.1, Special CEO Employment Committee Minutes as the matter deals with setting the CEO's KPI's as part of the CEO's employment contract. Mr Martin will leave the Chambers while this item is discussed.

Councillor Strautins declared an Impartiality Interest in item 10.1.1 - Proposed 'Tavern' - Lot 40, 15 Covenant Lane, Byford, as he has an acquaintance relationship with the applicant.

Councillor McConkey declared an Impartiality Interest in item 10.1.5 - Extractive Industry Licence (Mineral Sands) – Lot 57 (367) Elliott Road, Keysbrook and Lot 101 (720), 103 (724), and 105 (722) Westcott Road, Keysbrook as Councillor McConkey is a Member of the Doral Community Consultative Committee.

Shire President, Councillor Rich, declared a Financial Interest in item 10.2.3, Award Request for Tender – RFT 11/2019 - Hopkinson Road Widening as the tendering companies are clients of my family business. Councillor Rich will leave the Chambers while this item is discussed.

Shire President, Councillor Rich, declared an Impartiality Interest in item 10.2.4, Shire of Serpentine Jarrahdale Waste Management Strategy as Councillor Rich is a Member of the WALGA State Council and sits on the WALGA Waste and Environment Policy Forum.

Councillor Byas declared an Impartiality Interest in item 10.2.4, Shire of Serpentine Jarrahdale Waste Management Strategy as Councillor Byas is a Member of Rivers Regional Council and Serpentine Jarrahdale's Delegate.

Councillor Denholm declared an Impartiality Interest in item 10.2.4, Shire of Serpentine Jarrahdale Waste Management Strategy as Councillor Denholm is a Member of Rivers Regional Council.

Chief Executive Officer, Mr Paul Martin declared an Impartiality Interest in item 10.3.8, General Electors Meeting Minutes as the matter relates to the performance of the Executive.

7. Confirmation of minutes of previous Council meeting(s):**7.1 Ordinary Council Meeting – 16 December 2019****OCM005/02/20****COUNCIL RESOLUTION****Moved Cr McConkey, seconded Cr Byas****That the minutes of the Ordinary Council Meeting held on 16 December 2019 be CONFIRMED (E19/16445).****CARRIED UNANIMOUSLY 9/0**



7.2 Special Council Meeting – 3 February 2020

OCM006/02/20

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr McConkey

That the minutes of the Special Council Meeting held on 3 February 2020 be CONFIRMED (E20/1403).

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:

The Chief Executive Officer, Mr Paul Martin declared a Financial Interest in item 8.1 and left the Chambers at 7.44pm prior to this item being discussed.

Deputy CEO / Director Community Services, Ms Helen Sarcich, assumed the role of Chief Executive Officer at 7.44pm.

8.1 Special CEO Employment Committee – 5 February 2020

Attachments (available under separate cover)

- **8.1 – CONFIDENTIAL – attachment 1 – Price Performance Criteria Report – amended (IN20/2320)**

OCM007/02/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

- 1. That Council RECEIVES the Unconfirmed Minutes of the CEO Employment Committee held on 5 February 2020 (E20/1533).**
- 2. That Council ADOPTS CEO Employment Committee Resolution CEO005/02/20 and ACCEPTS the report as per Confidential attachment 1 submitted by Price Consulting Group Pty Ltd as amended; and ENDORSES the recommendations as outlined in Confidential attachment 1 as amended.**

CARRIED UNANIMOUSLY 9/0

The Chief Executive Officer, Mr Martin returned to the Chambers at 7.45pm and assumed the role of Chief Executive Officer.

The Shire President, Councillor Rich advised the Chief Executive Officer of the Council Resolution.

9. Motions of which notice has been given:

Nil.

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

Councillor Strautins declared an Impartiality Interest in item 10.1.1.

10.1.1 - Proposed 'Tavern' - Lot 40, 15 Covenant Lane, Byford (PA19/1009)	
Responsible Officer:	Manager Statutory Planning and Development
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Mackay Urbandesign
Owner:	Byford Bare Super Pty Ltd
Date of Receipt:	4 October 2019
Lot Area:	698m 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 that seeks to amend the development approval for the Glades Village Centre development. This amendment is to add a new use of 'Tavern' to the existing 'Restaurant' use known as The Strand Lakeside Café.

Approval would allow the operators to apply for a Tavern liquor license, the service of liquor without food being the primary difference between the two land uses.

Following assessment in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, the application is recommended for approval.



Relevant Previous Decisions of Council

29 August 2016 – Approval was granted under delegated authority for the Mixed Use development (Village Centre) comprising of 'Shop', 'Restaurant' and 'Child Minding Centre'

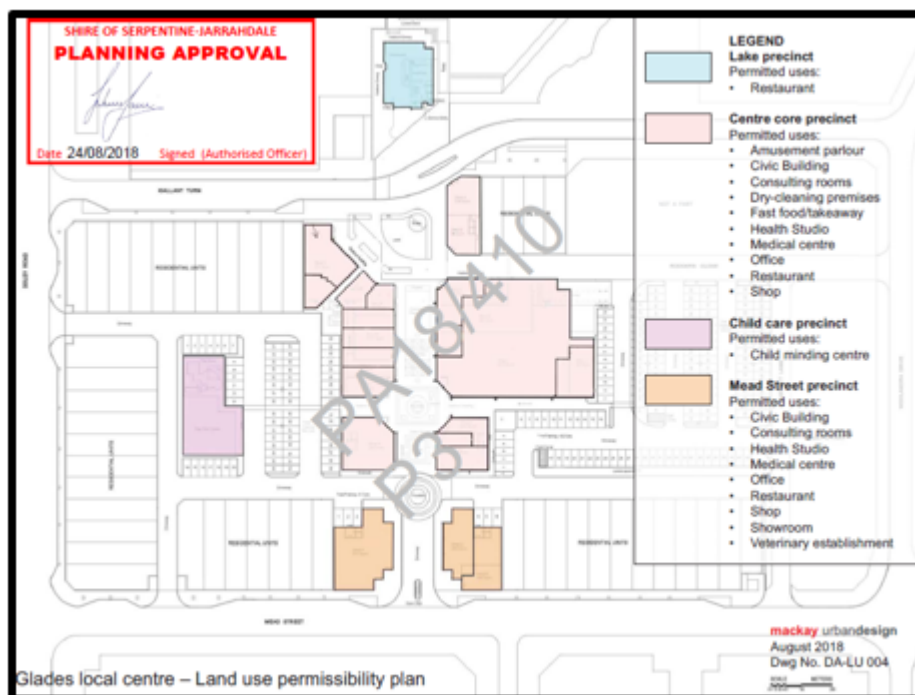
24 August 2018 – Approval was granted under delegated authority to amend the permitted land uses across the Village Centre. This approval allows for various land uses across the whole site.

Background

Existing Development:

The Glades Village Centre was approved under delegated authority on 29 August 2016 with approved land uses including 'Restaurant' (The Strand Lakeside Café), 'Child Minding Centre' (Nido) and 'Shop' (all other tenancies). As the site is zoned 'Urban Development' under TPS2, changes to any of these land uses required development approval.

On 24 August 2018, under delegated authority, the Shire approved a development application to allow for various uses across the site. This approval allows for tenancies to be changed to specific land uses without the requirement of development approval. The permitted land uses are shown on the plan below. Tavern is not one of those uses, and requires consideration in accordance with the prevailing planning framework to determine whether it should be permitted.



The subject site is established as The Strand Lakeside Cafe ('Restaurant'), in accordance with the above approvals. The development is a standalone building located on the northern side of Olsen Gardens and surrounded by a lake and Public Open Space.

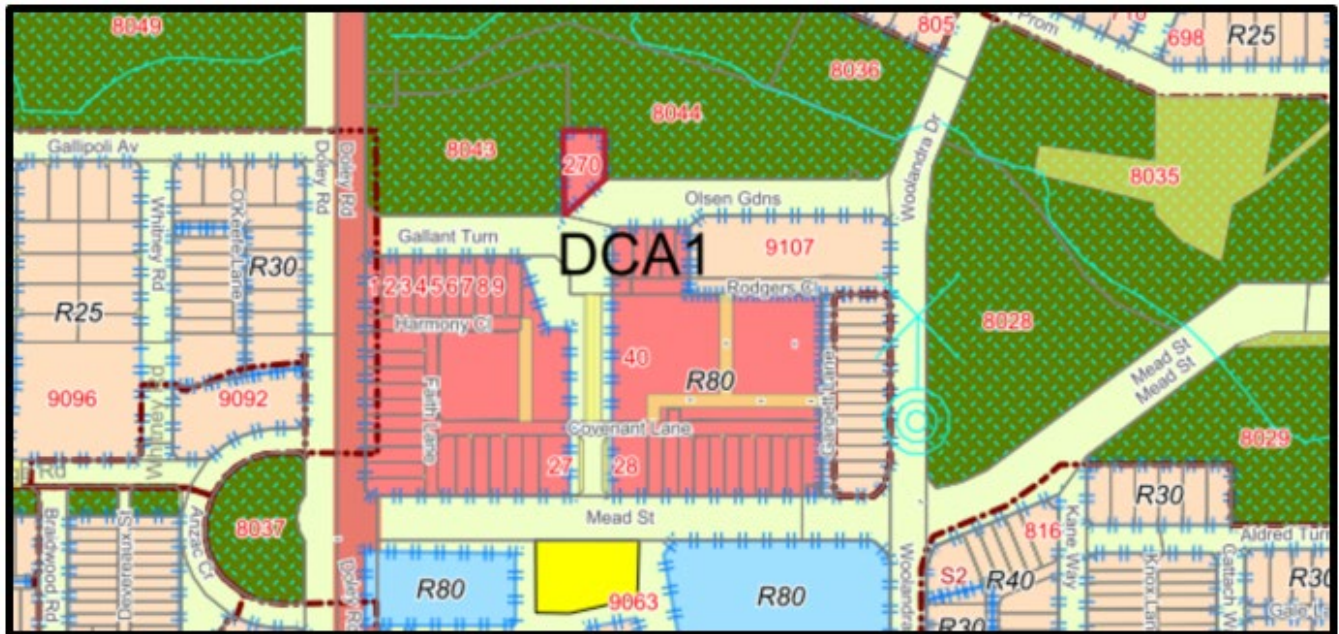


Figure 1 – Location Plan

Proposed Development

The proposal seeks approval for a 'Tavern' land use in addition to the existing 'Restaurant' land use. This would allow the operators to apply for a Tavern liquor license which permits the sale and consumption of liquor without food. The application details are contained within **attachment 1**.

Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, from 14 November 2019 – 5 December 2019. Letters were sent to 14 surrounding landowners however, no submissions were received.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Byford Structure Plan
- Byford Main Precinct (Glades) Local Structure Plan



- Local Planning Policy 3.6 – The Glades Village Centre Design Guidelines
- Draft Local Planning Scheme No. 3

Planning Assessment

An assessment has been undertaken in accordance with the Scheme and Clause 67 of the Deemed Provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*. The technical assessment can be viewed as part of **attachment 2**. As the permitted land uses are interchangeable, for the purposes of this report, the issues surrounding the change of use to 'Tavern' are discussed.

Land Use:

'Tavern' is defined under TPS2 as *"land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended)"*.

The site is zoned 'Urban Development' under the Shire's Town Planning Scheme No. 2 (TPS2), and has its land use and development objectives framed through the associated Structure Plan and Local Planning Policy.

The Glades (Main Precinct) Local Structure Plan designates the site as 'Village Centre'. The Structure Plan states that the provisions, standards and requirements for this designation are to be in accordance with a Glades Village Centre Local Planning Policy (LPP3.6).

LPP3.6 states that the preferred land use is 'Restaurant' however, other land uses can be considered in accordance with the land use requirements and permissibility of the 'Commercial' zone in accordance with TPS2.

Under Table 1 – Zoning Table of TPS2 the land use of 'Tavern' is an 'SA' use in the 'Commercial' zone which means *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions"*.

Orderly and Proper Planning:

Glades (Main Precinct) Local Structure Plan (LSP)

The objectives of the Structure Plan include to *"Provide a vibrant and active Village Centre, in accordance with the Byford Structure Plan 2005 (as amended)"*. The function of the Village Centre is to provide retail convenience and a range of services to meet the daily needs of the residents in the locality. The intent of the Village Centre is to create a community focal point through a variety of land uses. As previously stated, the land use of 'Tavern' is one that can be considered for approval under the Structure Plan.

The Structure Plan contains an Urban Design Framework Plan that sets out land uses and urban form. This plan identifies the subject site as a landmark building for land uses such as Café/Restaurant/Shelter, however this does not prevent the consideration of other land uses.

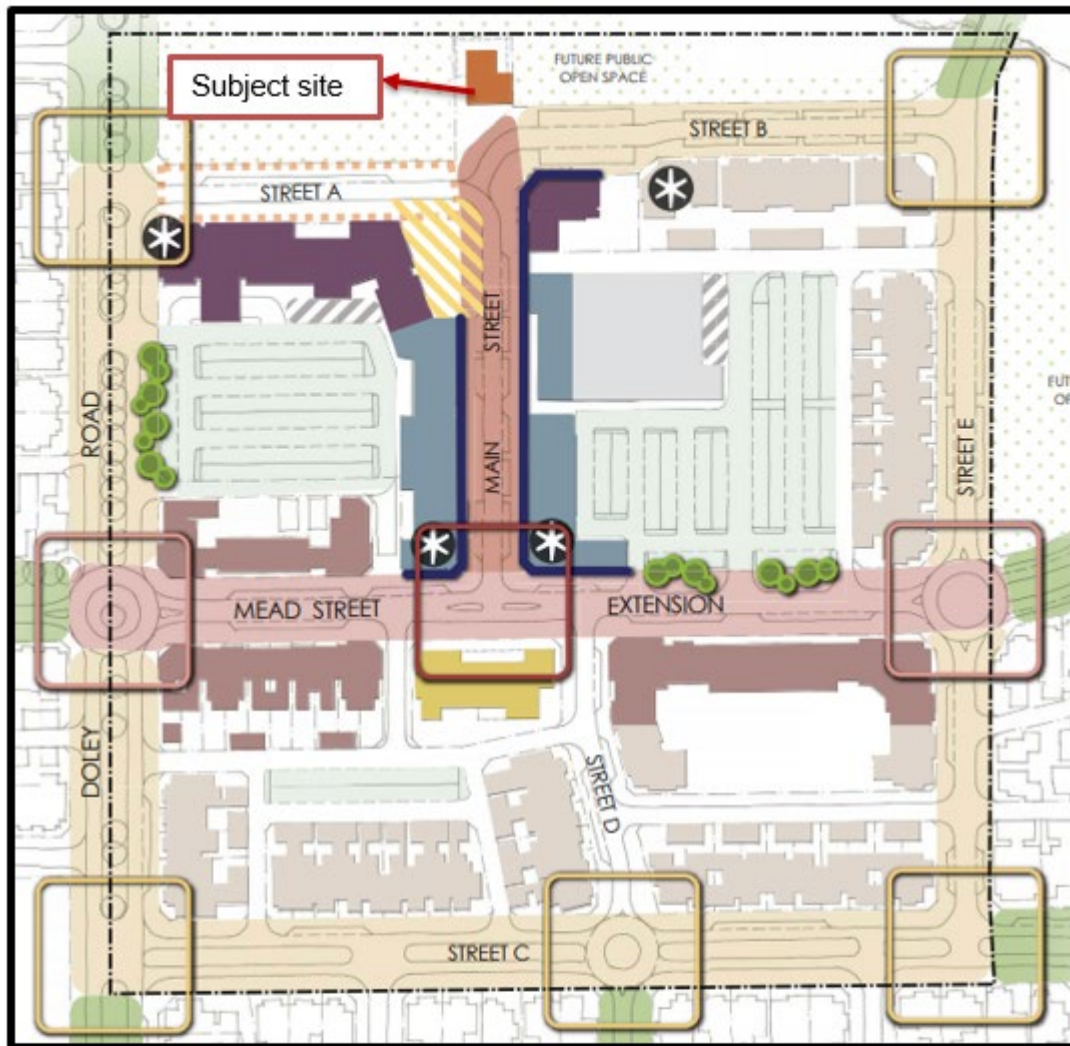


Figure 2 - Urban Design Framework Plan

LEGEND	
Land Use	
	Medium-High Density Residential Facilitating a diversity of higher density residential dwelling choices.
	Mixed Use Potential Key area for growth of commercial land use, including a mix of residential.
	Leisure and Commercial Taverns/cofes and restaurants, and some offices, overlooking public spaces.
	Civic Building Hall/activity and meeting rooms/Post Office
	Landmark Parkside Building Cafe/Restaurant/Shelter
	Focal area for supermarket and specialty retail shops, including potential for upper-floor residential.
	Supermarket Site
	Key Service Area Screened, well-maintained



Notwithstanding the Urban Design Framework Plan not designating the site for 'Tavern', the overall intent of the structure plan was to include this land use as indicated within the 'Leisure and Commercial' area of the plan.

The two areas intended for uses such as a tavern, as indicated on the above plan, have approval for alternative land uses. The area to the west has been subdivided for residential development and the area to the south is currently being developed as a Child Play Centre.

Schedule 2 Part 4 clause 27 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that "A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application". This allows for discretion to be exercised to depart from an approved Structure Plan. Furthermore, the Urban Design Framework Plan is a tool to provide guidance to ensure the Village Centre contains a variety of land uses and that these are located in a suitable location to ensure a good urban design outcome.

It is considered that in this case, permitting the tavern use as part of the existing restaurant use would not be contrary to the objectives of the Structure Plan or the principles of good urban design. The tavern is considered to contribute towards the mixed range of land uses within the Village Centre and results in a vibrant community space. With regard to social impacts, it is considered that having the tavern land use furthest from the residential properties and Child Play Centre would result in a preferred outcome.

The Structure Plan allocates floor space for retail and commercial tenancies. One tenancy is allocated for 'Tavern' with a floor space of 1500m². The subject building is located on a lot measuring 698m² with a building floor space of approximately 300m², significantly less than is allocated for under the Structure Plan. This helps to moderate the size, scale, intensity and thus overall impact of the proposed development.

Local Planning Policy 3.6 - The Glades Village Centre Design Guidelines (LPP3.6)

LPP3.6 was prepared to co-ordinate development within the Village Centre and prescribes built form and streetscape outcomes to ensure a vibrant and community focused centre. The subject site is considered to have been developed generally in accordance with LPP3.6.

Clause 8.1 of LPP3.6 sets out preferred land uses and designates the preferred land use for the subject site as 'Restaurant', with the possible addition of 'Exhibition Centre' or 'Shop' land uses being complementary or incidental to the primary use. As outlined as part of the assessment against the Structure Plan, it is considered that the land use is consistent with the overall objectives of the Village Centre. The overall intent of land use designation under LPP3.6 is to "achieve an integrated mixed-use Village Centre that provides for a range of uses and activities....". The subject application is considered to be consistent with this intent under the policy.

LPP3.6 also identifies that a tavern is proposed. As the area designated for a tavern under LPP3.6 has already been earmarked for other land uses, it is considered the change in the location in this instance is acceptable. It is separated to the north from the centre itself, and helps to also focus activity within a contained space away from residential areas.



Car Parking:

Table V of TPS2 sets out the car parking requirements for different land uses within the Scheme area. A 'Restaurant' land use is required to provide 1 space per 4 persons accommodated. A 'Tavern' is required to provide 1 space per 2m² of bar and lounge area. It is worth noting that LPP3.6 acknowledges the parking requirements under TPS2 are based on isolated development and do not consider any reduction to the parking demands as a result of cross-visitation between land uses or reduced car dependency due to public transport provision. LPP3.6 also states that *"it is detrimental to the amenity of the village centre to provide an over-supply of parking that affects the urban form"*.

The Strand Lakeside Cafe currently has a maximum occupancy of 190 persons as a public building, which translates to a requirement of 47.5 car parking bays as a 'Restaurant' land use. The Strand Lakeside Cafe has a lounge and bar area measuring approximately 30m² with a dining area of 98m². Based on the bar and lounge area, this would translate to a requirement of 15 car parking bays for a 'Tavern' land use. Given the parking requirement is less under TPS2 for a Tavern land use, the change of use is not considered likely to result in any additional need for parking and would be acceptable in this regard.

It should be noted that draft Local Planning Scheme No.3 (LPS3) requires a 'Tavern' to provide 1 bay per 4m² of dining, drinking and/or lounge areas and 1 bay per 4m² of public assembly areas. This equates to a requirement of approximately 45 parking bays.

LPP3.6 states that parking provisions for the Village Centre should allow for reciprocal use of parking facilities between different land uses. Parking for the subject site should be shared across the site as has been developed. The proposed change of use would not alter the existing car parking provision to serve the Village Centre and is therefore considered acceptable.

Further to this, the Village Centre has been developed with 237 bays, 17 more than the original condition of planning approval for the centre required. Looking more specifically at utilisation, a recent parking utilisation study showed levels to be very low – generally, between 20% and 30%, which suggests that the centre is either significantly over provided with parking bays or it is undertrading, or a combination of the above. As a benchmark, the globally accepted optimal parking utilisation is 85% of bays. Specifically, at no point during the week were there fewer than 214 vacant car bays in or immediately adjacent to the centre. At no point during the weekend were there fewer than 234 vacant car bays in or immediately adjacent to the centre. The parking demand for the centre as a whole was marginally greater on a weekday than a weekend, with peak utilisation on a weekday recorded at 30.74% compared to peak utilisation on the Saturday of 24.7%. This can be explained by the relatively high proportion of non-retail uses in the centre that act to smooth out the weekend retail peak associated with retail-only centres.

Based on this, car parking is not considered to be an issue for the proposed land use addition.

Amenity and Social Impacts:

The proposed change of use would permit the consumption of alcohol without a meal. Given the development currently includes outdoor seating areas, this has potential to result in an increased generation of noise. The subject development is located in a designated 'commercial' precinct where these types of developments are expected to occur.

Officers are satisfied that the issue of noise can be managed through the *Environmental Protection (Noise) Regulations 1997* and will recommend an advice note that ensures the



operator is aware that noise requires monitoring. Management of noise can be further considered through the Section 39 application for a liquor license by the Shire's Health Services.

In acknowledging that the subject premises already sells liquor and has a licence for such, this is limited to the service of liquor with meals. Approval of this application will allow the operator to seek a liquor licence for the serving of liquor without food. It is widely viewed that the availability of liquor in a high-risk manner has the potential to contribute to adverse social impacts within a community. Furthermore, Schedule 2, Part 9 Clause 67 (n) (iii) requires the Shire to consider social impacts of a development, and if such manifest themselves as detrimental impacts on amenity. In this regard, it is also important to consider whether the land use is compatible with land uses in the surrounding area, noting that Council recently approved a development for a Child Play Centre at Lots 41 – 45 Olsen Gardens, opposite the subject site.

To be able to address public impact it is important to consider how the tavern would be operated including the following:

- How the licenced premises will operate;
- Hours of operation;
- Marketing and pricing of liquor;
- External advertising and signage;
- Information about the cumulative impact of nearby licenced premises; and
- Information about sensitive land uses in the vicinity (e.g. schools, youth centres, health care facilities etc.).

The applicant has provided information to demonstrate that the operations of the tavern will be conducted in a manner that is considered to not adversely impact upon the residents in the locality, as contained within **attachment 1**. It is worth noting that the proposal was advertised to landowners within the vicinity and no objections were received.

The applicant has advised that no changes are proposed to the current operations of the facility albeit the ability to consume alcohol without purchasing a meal. It is advised that approval of the application and the licence would allow the operator to better cater for occasional functions contributing towards a community environment. The hours of operation are set to remain as present from 8:00am – 10:00pm daily while the service of alcohol without a meal would be restricted to 11:00am – 10:00pm.

The premises will continue to be run as a food based business showcasing local products and all promotions would refer to the business as a 'café' rather than a bar or tavern. No further signage is proposed promoting the sale of alcohol and branding is to remain.

As part of the information provided, the applicant has including the following as nearby sensitive premises:

- a children's day-care centre (140m);
- a health centre (130m);
- Woodlands Grove primary school (820m);
- Salvado Catholic College (980m);
- Byford Secondary College (1800m); and
- SJ Community recreation centre (1400m)



The nearest facility is the health centre which is considered to have no direct relationship to the Strand Lakeside Café. The applicant considers that the proximity of the schools are far enough away for the proposal to not result in an incompatible land use. Regardless, sale of alcohol is required to be in accordance with the relevant regulations and principles of responsible sale.

It is considered that due to the main entrance to the Child Play Centre being opposite the subject site, on Rodgers Close, it will reduce active connectivity between the two land uses. In addition, the operation of the Child Play Centre is restricted to 11:00am – 5:00pm Monday to Friday and 11:00am – 7:00pm on weekends and public holidays. It is therefore considered that the location of the tavern would not be incompatible with this land use.

It is considered that social impacts can be appropriately managed through the operation of the business and planning conditions. It is recommended, that a condition is imposed to ensure that consumption of alcohol is undertaken on the premises and no retail sale for consumption off the premises is allowed to ensure the amenity of the area is maintained. This is considered to result in there being no adverse social impacts in the locality.

Options and Implications

Option 1:

Council may resolve to approve the application subject to conditions.

Option 2:

Council may resolve to approve the application unconditionally.

Option 3:

Council may resolve to refuse the application subject to reasons.

Option 1 is recommended.

Conclusion

The proposal would allow for an additional permitted use within the Glades Village Centre development, allowing for the land use of 'Tavern' at The Strand Lakeside Café, currently a 'Restaurant'. The primary difference will be the ability to serve alcohol without a meal. It is considered that the proposal is consistent with the objectives of the planning framework and would not adversely impact on the character or amenity of the area, subject to conditions.

Attachments (available under separate cover)

- **10.1.1 – attachment 1** – Development Application Details (E20/729)
- **10.1.1 – attachment 2** – Technical Assessment (E20/1390)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council resolves to refuse the development and the application is appealed to the State Administrative Tribunal	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.

**Voting Requirements:** Simple Majority

Officer Recommendation

That Council

1. APPROVES the development application to add the use of tavern to the existing use of restaurant at Lot 40, 15 Covenant Lane, 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-P4 received at the Shire's Offices on 4 October 2019.
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- b. Retail sale of alcohol for consumption off the premises is prohibited unless otherwise approved by the Shire of Serpentine Jarrahdale.

NOTE 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

NOTE 2: Where an approval has not lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

NOTE 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

NOTE 4: The development approved must comply with the *Environmental Protection (Noise) Regulations 1997* at all times. Measures may need to be taken to ensure the development does not generate undue levels of noise.

OCM008/02/20**COUNCIL RESOLUTION****Moved Cr Coales, Seconded Cr Denholm****That Council**

1. **APPROVES** the development application to add the use of tavern to the existing use of restaurant at Lot 40, 15 Covenant Lane, 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-P4 received at the Shire's Offices on 4 October 2019.**

- b. Retail sale of alcohol for consumption off the premises is prohibited unless otherwise approved by the Shire of Serpentine Jarrahdale.**
- c. An updated Waste Management Plan being prepared and submitted to the Shire of Serpentine Jarrahdale for approval prior to the issue of section 39 and 40 certificates. This is to address how improved screening and servicing of external bin areas will occur to protect the amenity of the area and particularly surrounding public realm areas. Physical improvements to occur prior to commencement of the tavern liquor licence.**
- d. A minimum of two disabled car parking bays being constructed at the full cost of the applicant, and to the satisfaction of the Shire of Serpentine Jarrahdale, prior to commencement of the tavern liquor licence. These are to be delivered within Olsen Gardens Road Reserve, at full cost of the applicant.**

NOTE 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

NOTE 2: Where an approval has not lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

NOTE 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

NOTE 4: The development approved must comply with the *Environmental Protection (Noise) Regulations 1997* at all times. Measures may need to be taken to ensure the development does not generate undue levels of noise.

CARRIED UNANIMOUSLY 9/0*Reason for difference to Officers Recommendation*

Condition c. is recommended to address improved screening and management of waste, given the interface it has with the public realm. Condition d. is recommended to provide two accessible bays in a convenient location by the applicant to ensure improved universal accessibility to the venue.



10.1.2 - Retrospective Placement of Fill - Lot 2, 65 Northerly Lane, Oakford (PA19/1028)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Anthony K and Michelle L Cussons
Owner:	As above
Date of Receipt:	10 October 2019
Lot Area:	11 832m ²
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 retrospective development application for the placement of fill at Lot 2, 65 Northerly Lane, Oakford.

The application is presented to Council as it is considered 'high impact' under Local Planning Policy 4.7 - Placement of Fill in Non-Urban Areas (LPP4.7). This Local Planning Policy requires 'high impact' proposals to be determined by Council.

Notwithstanding the high impact nature of the fill, the proposal has been assessed and found to be consistent with the objectives of LPP4.7. The report therefore recommends that Council approve the development application subject to conditions to moderate the issues associated with high impact fill placement.

Relevant Previous Decisions of Council

30 August 2018 – Approval was granted for a 'Single House' and outbuilding under delegated authority.



Background

Existing Development

The subject site is a rear battle-axe lot located within the rural living area of Oakford. The site is developed with an outbuilding and water tanks as shown in Figure 1 below. The outbuilding is currently being used for temporary accommodation until the dwelling has been constructed. Approval was granted for this by the Shire, in accordance with the Council Policy 4.17 - Temporary Accommodation.





A bridle trail and swale drain directly abuts the site to the northern boundary. The land has a moderate slope from east to west being 20AHD towards the east of the lot and 19.5AHD at the western boundary. The general area is very low lying, mapped historically as comprising multiple use wetlands prone to waterlogging and shallow overland flooding during winter. The general locality comprises of rural living properties used predominantly for equestrian activities and rural lifestyle lots. Filling is a common feature for the development of structures, tanks, effluent disposal systems and the like to achieve separation from groundwater levels.

The subject site was created as part of a subdivision approved by the Western Australian Planning Commission (WAPC) on 9 December 2015. A condition of this subdivision approval stated as follows:

“The land being filled, stabilised, drained and/or graded as required to ensure that:

- (a) lots can accommodate their intended development, and*
- (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting, and*
- (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system”*

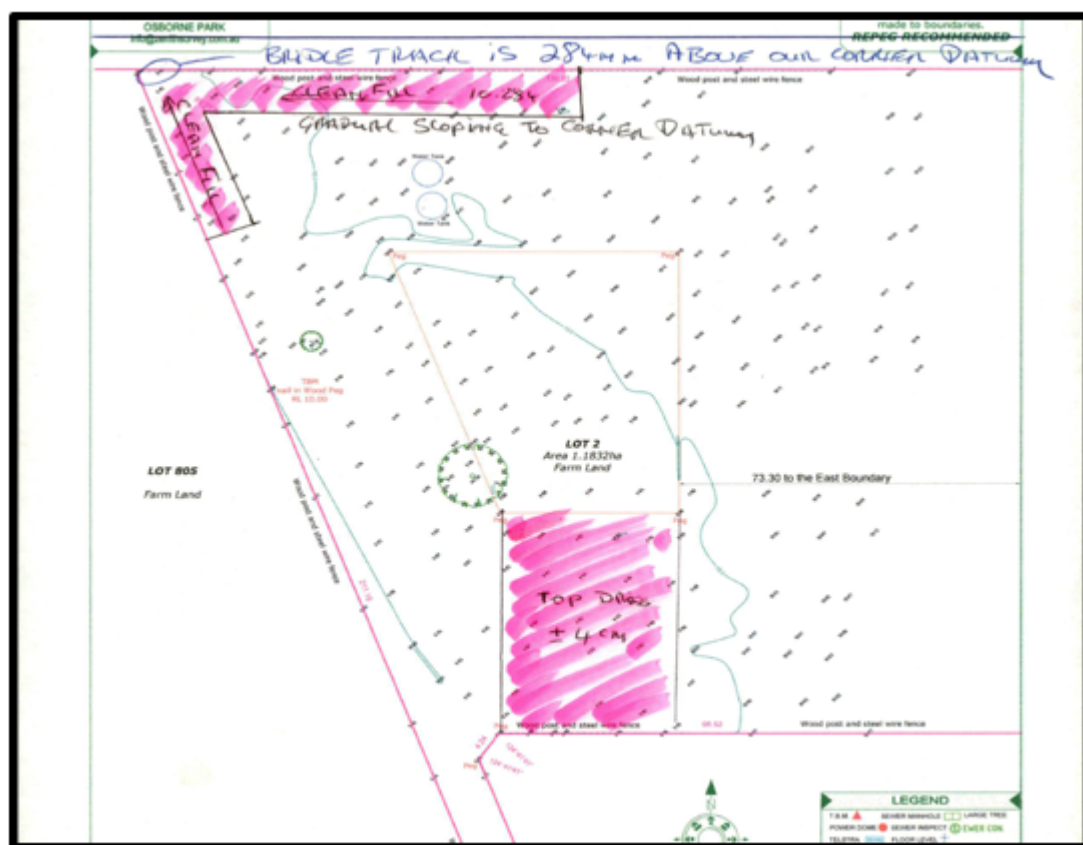
This condition was imposed to ensure that drainage is managed appropriately. Ensuring that finished levels at boundaries are coordinated with abutting land enables water flow paths to be maintained, which is very important given the fragility of the area and its risk of water management.

Retrospective Development:

The application seeks retrospective approval for the placement of fill, some works of which have been undertaken. Full details of the proposal are contained within **attachment 2**.

Figure 2 below shows the areas in which the fill would be placed once works are complete. The fill covers an area of approximately 818m² on the northern portion of the site. The purpose of the fill along this boundary is to raise the level so it is the same as the land to the rear, along the bridle trail. The applicant has advised that as a result of a lower lying portion of land on the subject site, water from the bridle trail is entering the property and worsening the seasonal inundation. If approved, the fill would ensure that water from the bridle trail does not cause further flooding to the subject site. The depth of the additional fill would range from 28cm towards the west to 0cm to the east.

The applicant has advised that the fill on the southern portion of the block was brought to site for the construction of the approved dwelling. As the site is subject to inundation, once the fill was delivered and stockpiled, it dissipated into the ground. As a result, the applicant was required to remove the fill and store it in bags until such a time it is required for the sand pad. The remainder of the fill is subject to this application.

**Figure 2 – Extent of Fill****Community / Stakeholder Consultation**

The application was advertised for a period of 21 days from 8 January 2020 to 29 January 2020 to the adjoining property to the west, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters. During this period, one submission was received, contained within **attachment 3**. The submission is summarised and addressed in the table below:

Nature of Concern	Officer Comment
There are two concrete tilt panels adjacent to the boundary that should be removed.	The applicant advised that the tilt panels will be removed and are the remains of the construction material used for the outbuilding.
Stormwater should be contained off the neighbouring property.	The proposed levels have been considered acceptable with regard to flooding by the Shire and DWER Officers. The fill will result in existing flow paths being maintained.
Concern about additional truckloads of fill.	Any further fill that does not relate to the construction of approved development will require an application for development approval. This has been relayed to the applicant.



Consultation with other Agencies:

Department of Water and Environmental Regulation (DWER)

The Shire referred the application to DWER as the site is within a mapped floodplain – this essentially makes the placement of fill a high risk activity. DWER provided its response to the Shire on 16 November 2019 raising no objection to the proposal. The Department provided the following recommendations to ensure that risks to major flooding damage can be minimised:

- *Almost the entire lot is expected to be affected by shallow overland flooding during major events with the general flow direction being in a westerly direction.*
- *Flood depths during 1% AEP flood are expected to be shallow, less than 0.5 m.*
- *Because of the shallow depths, small amounts of fill may obstruct the existing drainage flow paths and cause water to pond on adjacent properties. Any filling should not exceed surrounding levels and be aligned to allow the free-flow of floodwaters. The proposed fill sloping from the same level as the bridle track down to the north-west corner of the property to then overtop the path is not considered a significant additional obstruction to flow.*
- *Top dressing to fill holes in the existing land surface in the south-western portion of the property to mitigate localise water ponding will also continue to allow the free-flow of floodwaters.*

Statutory Environment

Legislation:

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

Local Planning Framework

- Rural Strategy Review 2013
- Draft Local Planning Strategy
- Draft Local Planning Scheme No. 3

State Planning Policies:

- State Planning Policy 2.5 – Rural Planning (SPP2.5)

Local Policies:

- Local Planning Policy 4.7 – Placement of Fill in Non-Urban Areas
- Local Planning Policy 1.4 – Public Consultation for Planning Matters



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 and is contained within **attachment 4**. For the purposes of this report, the reasons resulting in the item being presented to Council or where Council is required to exercise discretion will be discussed.

Land Use:

The subject site is developed with water tanks and an outbuilding currently being used as temporary accommodation. While the subject site has a valid building permit for a dwelling, no works have commenced and as such, there is no established residential land use.

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

The development falls within the 'Rural Living A' zone under TPS2, the intention of which is to cater for rural residential development and ancillary rural related uses on a range of lots between two to four hectares. Clause 5.12.1 of TPS2 further states that the purpose of this zone is set out in the Rural Strategy.

In respect of the Rural Strategy (2013), the subject site is designated as 'Rural Living A'. This Rural Living area provides an opportunity to establish residential uses in a rural setting.

The fill is to alleviate inundation of the site in winter and allow for future use in association with residential development, a use consistent with the objective of the Strategy. The subject area is low-lying and it is common for fill to be brought to properties to facilitate development and decrease the area which is not useable due to inundation. Officers consider the filling of the site is consistent with the purpose of the 'Rural Living A' zone by making the land more suitable for accommodating development and is therefore capable of being considered for approval.

Given Officers consider that the land use raises no concerns, it is a matter of the scale and design of the fill which requires consideration, especially to avoid impacts on surrounding landowners due to the precarious nature of the floodplain that spreads across the general area. This assessment has been guided by Local Planning Policy 4.7 – Placement of Fill in Non-Urban Areas (LPP4.7).

Local Planning Policy 4.7 – Placement of Fill in Non-Urban Areas:

LPP4.7 sets out requirements for the placing of fill in non-urban areas. The objectives of the policy are to ensure that the filling of land does not adversely impact on the amenity or the environment and to ensure visual impact is minimised on neighbouring properties.

The policy includes an Impact Significant Matrix which is a guide in determining the impacts associated with the fill. The proposal has been addressed against the characteristics of the policy, as contained within the Technical Assessment, and is considered to fall within the 'high impact' characteristics in relation to 'Residential/Rural Residential Fill' and 'Water Resources'. All the other elements of the proposal are considered 'low impact' or 'moderate impact'.



Residential/Rural Residential Fill:

The proposal falls into the 'high impact' category of LPP4.7 due to the fill exceeding 10mm, located where there is a high water table, close to a watercourse, and not being used for the purpose of building pads or vehicle access. This is a trigger for assessment and detailed information to be provided to the satisfaction of the Shire before a proposal can be considered for approval. This is essentially to ensure the risk of flooding or inundation on adjoining properties or Shire assets is carefully assessed.

The main impacts resultant from filling a large area is the potential visual impact and drainage. The relevant objective of LPP4.7 in this regard is to *"ensure visual impact is minimised on neighbouring properties"*. As previously stated, the subject area is low lying and it is expected that fill will be utilised to facilitate development and make outdoor space that is subject to inundation more useable. The proposal involves fill that would only marginally impact on existing ground levels as shown in Figure 3 below. It is not considered that the proposed fill would adversely impact on the visual amenity of neighbouring properties or the character of the area. The photographs below show the site with a portion of the fill already having been placed.



Figure 3 – Site Photograph

With regard to drainage, the relevant objective of LPP4.7 states *"Ensure that the filling of land does not adversely impact on the amenity, environment or cultural features of the locality in which it is being undertaken."*

It is considered that the fill contained central to the site, due its amount and location, would not adversely impact on the amenity or cultural features of the locality, consistent with the objective of the policy. Due to the minimal change in levels, it is considered this portion of the fill would not significantly alter existing flow paths, in line with the comments received from DWER.



It is noted that the submission received raises that stormwater should be contained within the subject site. Officers acknowledge this and have been in discussion with the applicant to ensure that the fill located in close proximity to the boundaries does not adversely impact on the current flow paths and cause flooding to the adjacent property.

A site visit was undertaken to determine the existing and proposed levels. It was noted that along the rear boundary of the subject site, the land was generally higher towards the east and lower towards the west with a depression in the centre. The placement of the fill would result in the land along the rear boundary to be level.

Currently, water flows from east to west, as shown on the figure below, and cannot flow to the north due to the level of the bridle trail being higher than the subject site. Lots on Northerly Lane are subject to seasonal inundation and multiple properties have created outlets into the bridle trail drainage network to alleviate the drainage issues associated with development. To ensure the flows northwards do not adversely impact on the bridle trail, the ground should remain uncompacted natural earth so as to not generate concentrated run-off. It is worth noting that the development of hardstand in this location would require development approval in any case and therefore an advice note is recommended in this regard.





Figure 5 – Fill levels to be achieved

It is however considered that the fill should be set back a minimum 1m from the western boundary and should not be finished any higher than the natural surface level on the western boundary as shown in the figure above. A setback of 1m would ensure fill is contained and does not wash onto the neighbouring lot. The purpose of restricting fill to the eastern portion, to the rear, is to maintain existing flow from the east and to limit the extent of fill, as indicated in red.

It is considered that drainage can be managed through the appropriate placement of fill and conditions and therefore considered consistent with the objectives of LPP4.7.

Water Resources:

A 'watercourse' is defined under LPP4.7 as "*any channel that acts as a conduit for water*". A 'high impact' proposal in this regard is considered as fill within 40m of a watercourse. The subject site is located adjacent to a surface drain on land to the north of the subject site which acts as a drain for the bridle trail. As this is a 'conduit' for water, for the purpose of the policy it is considered a watercourse.

As previously stated, water runoff from the site generally traverses from east to west. The proposal would also allow water to flow northwards into the bridle trail drain. It is considered that



the amount of run-off that would flow north would not adversely impact on the capacity of the drain to the rear and would contribute towards improving the ongoing drainage issues with the estate. It is considered that maintaining the land as natural earth, would ensure the flow of water to the drain would not impede its function and as such be consistent with the objective of LPP4.7.

Options and Implications

With regard to the determination of the application for development approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council APPROVES the application subject to appropriate conditions.

Option 2: Council REFUSES the application giving reasons for its decision.

Option 1 is recommended.

Conclusion

The application seeks retrospective development approval for the placement of fill. The applicant has demonstrated that the impacts of the proposal can be appropriately managed and that the proposal is generally consistent with development expectations in this localised Rural Living area which is prone to water logging and shallow flooding.

Notwithstanding the proposal being considered 'high impact' under LPP4.7, it is considered consistent with the objectives. For these reasons it is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** – Australian Height Datum (IN20/1463)
- **10.1.2 - attachment 2** – Development Plans (IN20/1465)
- **10.1.2 - attachment 3** – Submission (IN20/1146)
- **10.1.2 - attachment 4** – Technical Assessment (E20/1399)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council refuse the development and the application is appealed to the State Administrative Tribunal	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Simple Majority**Officer Recommendation**

That Council APPROVES the retrospective development application for the placement of fill at Lot 2, 65 Northerly Lane, Oakford as contained within attachment 2 subject to the following conditions:

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

Plans and Specifications	P1 - P3 received at the Shire's Offices on 10 October 2019
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2. No further fill or infrastructure shall be placed within 1m of the western and southern lot boundaries. The fill is not to extend closer than 70m to the eastern lot boundary.
3. The height of fill shall not exceed 19.6AHD within 15m of the western boundary. The height of the remainder of fill shall not exceed 19.8AHD.

Notes

1. The firebreak along the rear boundary should be finished in natural bare earth. Construction of a hardstand is not permitted unless approved by the Shire of Serpentine Jarrahdale.

**OCM009/02/20****COUNCIL RESOLUTION****Moved Cr Coales, seconded Cr McConkey**

That Council APPROVES the retrospective development application for the placement of fill at Lot 2, 65 Northerly Lane, Oakford as contained within attachment 2 subject to the following conditions:

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

Plans and Specifications	P1 - P3 received at the Shire's Offices on 10 October 2019
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- 2. No further fill or infrastructure shall be placed within 1m of the western and southern lot boundaries. The fill is not to extend closer than 70m to the eastern lot boundary.**
- 3. The height of fill shall not exceed 19.6AHD within 15m of the western boundary. The height of the remainder of fill shall not exceed 19.8AHD.**
- 4. The Applicant to install a drain to the western side of the property to the satisfaction of the Shire of Serpentine Jarrahdale.**

Notes

- 1. The firebreak along the rear boundary should be finished in natural bare earth. Construction of a hardstand is not permitted unless approved by the Shire of Serpentine Jarrahdale.**

CARRIED UNANIMOUSLY 9/0**Reason for difference to Officers Recommendation**

Condition 4 was added to maintain water flow paths from east to west.



10.1.3 - Proposed Warehouse – Lot 128 South Western Highway, Byford (PA18/796)	
Responsible Officer:	Manager Statutory Planning and Development
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Urbanism
Owner:	Auswide International Investments (Cardup) Pty Ltd
Date of Receipt:	11 September 2018
Lot Area:	37,614m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a development application for a Warehouse at Lot 128 South Western Highway, Byford. The proposed development would be the first to be commenced within the Local Structure Plan area and is presented to Council for determination due to objections received during the consultation period. It is a visually prominent gateway entry site to the town of Byford, from the south. In accordance with delegation 12.1.1, Officers do not have delegation to determine application where objections have been received.

Officers support the proposed development subject to conditions to address issues of design and edge treatments, and recommend Council approves the application subject to conditions.

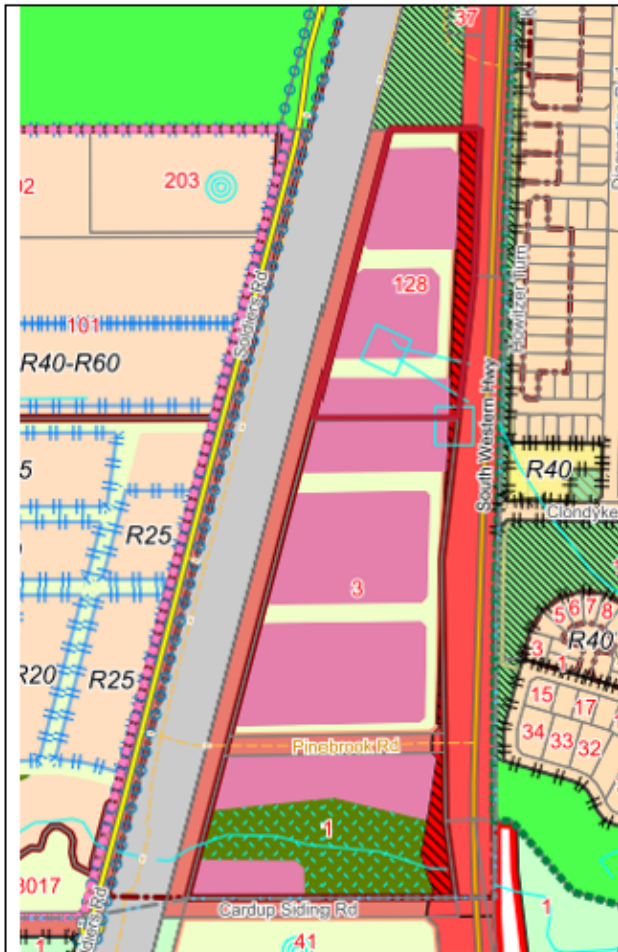
Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

The proposed development would be the first within the Local Structure Plan area. This Structure Plan extends north from Cardup Siding Road to the existing 'Reserved' bushland area. The subject land represents the northern extent of the Structure Plan area. The proposal relates to a Warehouse, located at the northern most extent of Lot 128 South Western Highway. The site is currently undeveloped and features sparse vegetation.

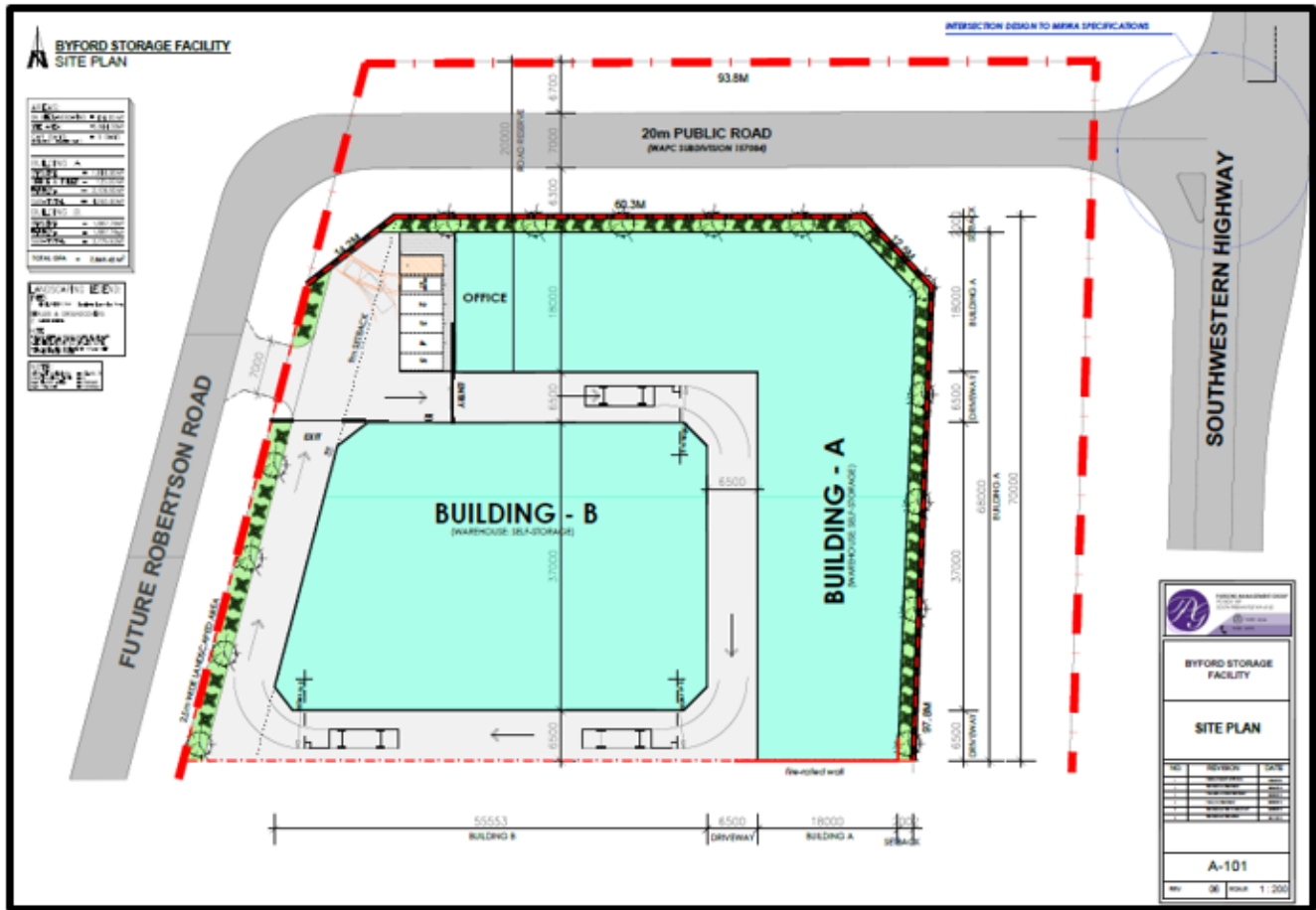


Above image - subject land

Left image - overall Structure Plan with subject land highlighted

The proposed development consists of the construction of a public road to the north extending into the unconstructed Robertson Road Reserve and the erection of two buildings that will provide rentable storage rooms

The proposal also includes an administration/reception area at the entry point to the site. The details of the proposed development can be viewed within **attachment 1** to this report, with the Site Pan extracted below.



Site Plan

Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, from 3 December 2019 – 24 December 2019, whereby 4 submissions were received, which have been summarised in **attachment 2** to this report.

The submissions contain objection to the proposal in relation to the following:

- Traffic volumes;
- Visual impact;
- Whether there is a need for this type of development; and
- Whether the land use should be relocated into an existing industrial park.

The content of the submissions have been considered in detail within the Planning Assessment section of this report.

The application was also referred to Main Roads WA (Main Roads), due to the location of the proposed development adjacent to a Primary Regional Road (South Western Highway), which the development would take access from. Initially, Main Roads objected to the proposed development raising concerns about a lack of traffic information and proximity of the access point to the intersection with South Western Highway. The applicant subsequently revised the plans and provided additional traffic assessment, which has satisfied Main Roads concerns and a letter



of no objections has been received. Main Roads' submission can be viewed in **attachment 3** to this report.

Statutory Environment

Legislation

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

State Government Framework

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 7.0 – Design of the Built Environment

Local Planning Framework

- Lots, 1, 3 & 128 South Western Highway Local Structure Plan
- Local Planning Policy 4.11 – Advertising Policy
- Local Planning Policy 4.13 – Revegetation Policy

Planning Assessment

The planning assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015 and the Scheme, and can be viewed as part of **attachment 4** to this report.

Land Use:

The proposed development is intended to be used for the storage of goods for customers renting/hiring storage units. This is considered to best fit within the land use definition of a 'Warehouse', defined under TPS2 as:

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

The proposal does not involve the offering of goods stored by wholesale; however, the definition is not worded to require this to be undertaken in order for development to meet the definition. As the proposal has been assessed on the basis of there being no wholesale, a condition would be imposed prohibiting the sale of goods by wholesale. This is an important element given warehousing for sale would include additional traffic than has been assessed as part of self-storage warehousing.

Within the 'Mixed Business' land category, as designated under the Structure Plan, a 'Warehouse' land use would be a 'P' use. While the land is zoned 'Urban Development,' the Structure Plan designation must be given due regard and in this respect provides a land use category of 'Mixed Business' – where warehousing is an expected and permitted use.



Officers consider the proposed land use is consistent with the intended use of land within the Structure Plan.

In terms of the Shire's Draft Local Planning Scheme No. 3, the land is proposed to be zoned 'Service Commercial' which has an objective to:

- *accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites and;*
- *provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.*

In the 'Service Commercial' zone, a 'Warehouse/Storage' is also a permitted and intended use.

Submissions received during consultation raised concern about the appropriateness of the proposed land use are not reflective of the current and future designation as provided by the planning framework. The use is appropriate for the land. Assessment is thus focussed on ensuring the physical works and design of the proposal reflects an acceptable development outcome.

Lots 1, 3 & 128 South Western Highway Local Structure Plan:

The subject lot falls within the Lots 1, 3 & 123 South Western Highway Structure Plan. The Structure Plan designates the site as 'Mixed Business' and provides requirements for the development of the area covered. The Structure Plan sets out requirements for Bushfire Management, Design Guidelines, Water Management, and Landscape Management Plans prior to development application. This range of issues are addressed through the following analysis of the proposed development.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas:

The subject site is located within a designated bushfire prone area and subject to the provisions under SPP3.7. The Bushfire Management Plan submitted with the application indicated the development would have a Bushfire Attack Level (BAL) of BAL-29. The Bushfire Management Plan adequately addresses the requirements of SPP3.7 and the associated guidelines and should be imposed as a condition of approval.

External design quality

A key aspect of the development assessment of this proposal is the design outcome, and especially the external presentation of development to its local setting. Both the State and Local Planning Frameworks seek to elevate specific focus on achieving good design outcomes, which is important in a context like Byford where rapid change in the built environment is occurring. Such change needs to be guided in a way which reinforces place based values, especially in the design of external edges and the choices of building materials so that development underpins an intended rural and natural character for Byford.

In respect of the State Planning Framework, State Planning Policy 7.0 (SPP7.0) has been prepared as a State wide planning policy, that exists to elevate the importance of design quality across the whole built environment. Forms of commercial and industrial development, given their



location as either integral parts to, or on the edge of, town centres particularly contribute to setting a design keynote that is an important determinant of place. SPP7.0 contains provisions that relate specifically to achieving effective design as follows:

- *New development should integrate into its landscape/townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development. Building materials, construction techniques and details should, where appropriate, enhance local distinctiveness.*
- *The orientation, proportion, composition, and articulation of built form elements should deliver an outcome that is suited to the purpose, defines the public domain, contributes to the character of adjacent streetscapes and parks, and provides good amenity for people at ground level.*
- *A well-conceived design addresses all scales, from the articulation of building form through to the selection and detailing of materials and building elements, enabling sophisticated, integrated responses to the character of the place.*
- *In assessing design quality, consideration of aesthetics should not be limited to style and appearance; the coherence of the design concept and the cultural relevance of the proposal should also be taken into account.*

These are in turn supported in the Local Planning Framework, where under Clause 67 of the Deemed Provisions of the Scheme, the development assessment is required to have due regard to the following matters:

- *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- *the amenity of the locality including the following —*
 - *(i) environmental impacts of the development;*
 - *(ii) the character of the locality;*
 - *(iii) social impacts of the development;*

This provides a strong grounding to consider how the design of the development contributes to an effective built form outcome, which sets a positive and intended key note for development as a key entry point in to Byford.

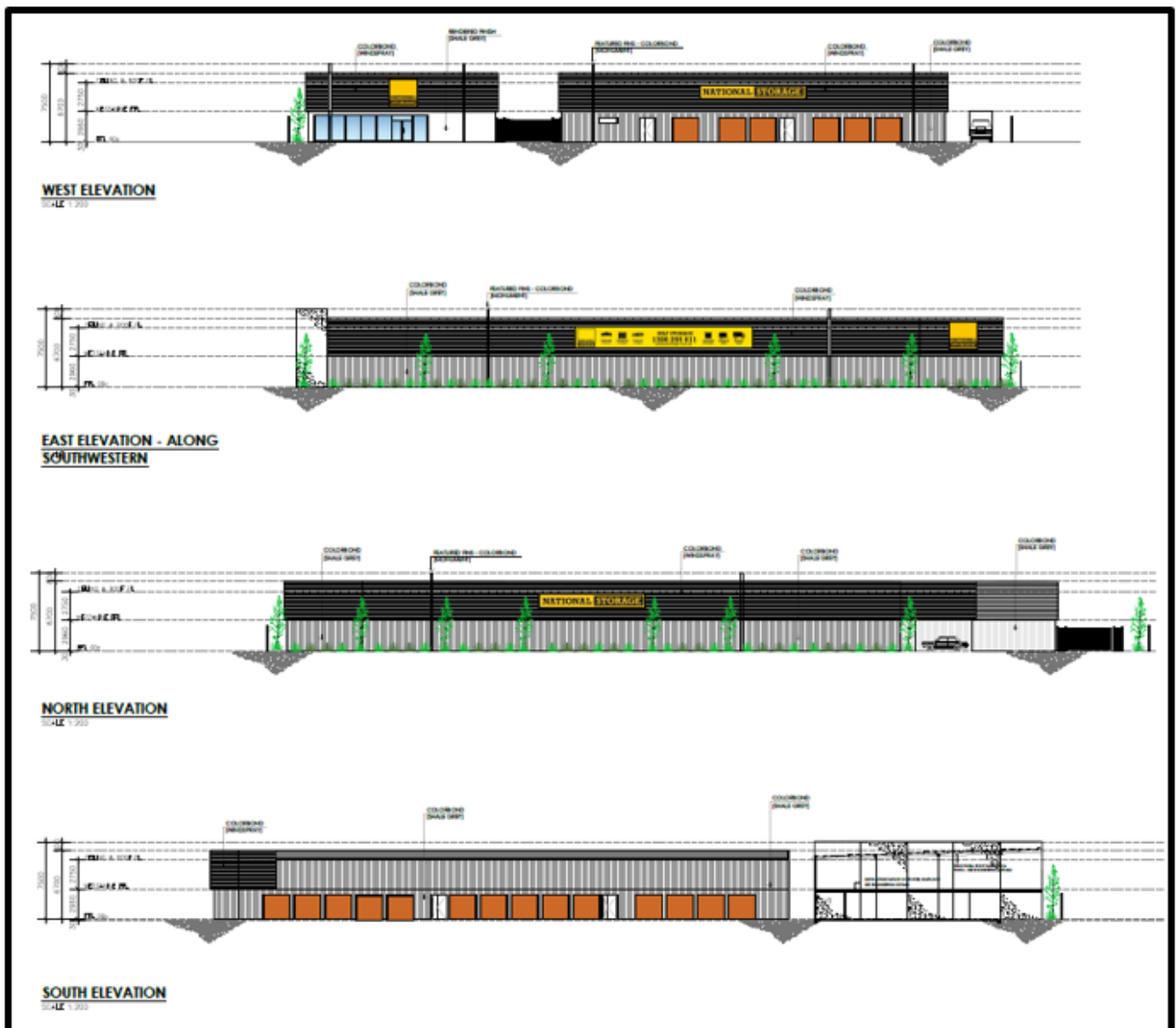
In terms of the design, the proposed development features two large-scale and what are considered to be overly simple buildings measuring 3,871.71m² in area with a height of 6.7m. Given the designation of the land as 'Mixed Business' under the Structure Plan there is an expectation that the built form of development within this estate will be of a two storey scale. This however does not remove the expectation for a visual appealing development, as expected under both the Local and State Planning frameworks, with aesthetic edges especially important to address the primary gateway entrance from the south into Byford.

The façade of the proposed development features three design elements: Shale grey colorbond at ground floor level running vertically, Windspray colorbond at the first floor level running horizontally and extending slightly beyond the footprint of the ground floor, and several Monument colorbond 'fins' extending 800mm above the building line.



This is considered only a limited attempt in creating what should be an aesthetically interesting building form. In terms of urban design, for development along major public road frontages the planning framework will often seek to promote a combination of active and/or aesthetic edges. In the case of a warehouse use however, the ability for activation is often limited given the internalised nature of activity within the vast building structure. Accordingly, it is important that design attempts to create a highly aesthetic edge, as a way to help lessen the bulk and scale of an otherwise plain looking building.

The current elevations are shown below. These are not considered to be an acceptable development form, for a site which is a key gateway entry point to the townsite and visually prominent from South Western Highway.



Elevation Plans



Considering the eastern (South Western Highway) edge, the building will present as a plain 70m rectangular box, with no prominent visual articulation, building depth or architectural treatments. While the Shire acknowledges that a self-storage warehouse has some limited practicalities in respect of aesthetic design, there are a number of recent examples across the Australian and Perth urban contexts, particularly from the national storage brand, that show how design adjustments can achieve a better visual appeal. These are illustrated following, with design notes listed:

National Storage Brand Goldcoast



- Proposed Gold Coast National Storage Brand Building
- Similar edge of centre context to Byford, with important corner elements to address
- Interesting use of pre cast angular concrete panels, exposed framing and glazing
- Colour scheme that creates a modern building look



National Storage Brand - Bundall Road, Bundall, Queensland



- Similar highway commercial context to Byford
- Extensive variation in building form, with distinct components (office, servicing component and warehouse building) coming together in an integrated way which prevents plainness
- Colour scheme that creates a modern building look

Keepsafe Storage Balcatta - 46 Ledger Road, Balcatta



- smaller building, which breaks up the bulk of a 70m long continuous structure
- strong mix of colours and materials
- interesting roof form which crowns the warehouse
- use of vertical colours help to ground the building
- articulation important varies the depth and face of the building



Keepsafe Storage Welshpool – Leach Highway, Welshpool



- compact building which is urban in scale, being on a primary highway route
- strong mix of colours and materials
- integrated depth and variation in building face
- vertical colour elements ground the structure

What this shows is that self-storage warehousing can be improved aesthetically, to ensure that it plays its part in contributing to an attractive place and setting which the Shire seeks to achieve. A condition is recommended that will require the development to be modified as it presents itself to the southeast, east and northeast edges of the site:

Revised plans being submitted to and approved by the Council of the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. These revised plans are to demonstrate the following design changes to the satisfaction of Council:

- The south east and north east corners of Building A being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes. This is to wrap at least 10m around the corners of the building;*
- The eastern elevation of Building A being provided with a vertical element of articulation at maximum intervals of 7m. These vertical elements are to be a width of at least 2m, project out from the edge of the building in order to create building depth variation and extend at least 2m above the roof height of the building;*
- The southern elevation of Building B being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes;*
- Signage being integrated with the revised design of the building, and appropriately framed to represent a further design feature for the elevations of both Building A and B.*

In the absence of a revised design, the development is considered to create a substandard planning outcome for the land. It should be noted that this condition recommends Council consider the final elevations, given the importance of the site as a gateway entry in to Byford.



Local Planning Policy 4.11 – Advertising Policy:

The proposed development features branding signage that addresses South Western Highway and two internal roads. This type of signage is subject to assessment under LPP4.11. Consideration has been given as part of this assessment for the Structure Plan designation as 'Mixed Business'.

The proposed signage includes two small brand signs (7.5m²), two large brand signs (13m²), and one large business information sign (34m²). The signage is located on the first floor walls of the proposed development and would all be considered 'Wall Signs' in accordance with LPP4.11.

LPP4.11 limits wall signs to the display of the name, logo or slogan of the business premises only and limits the area of the face of walls signs to 10m². The small branding signs comply with these requirements; however, the large branding sign exceeds the maximum area and the large business information varies both requirements. In this instance, Officer acknowledge that the planning framework envisages specific design guidelines to facilitate development within this estate, to take into account the anticipated bulky nature of development anticipated. Officers however are not satisfied with the design of the building, and by virtue of being integrated in to the building, the signage is not considered acceptable.

To address signage, the broader issue of addressing design will need to also occur first. This is as per the condition discussed above, with signage mentioned in sub point 4 of that condition:

- *Revised plans being submitted to and approved by the Council of the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. These revised plans are to demonstrate the following design changes to the satisfaction of Council:*
- *i. The south east and north east corners of Building A being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes. This is to wrap at least 10m around the corners of the building;*
- *ii. The eastern elevation of Building A being provided with a vertical element of articulation at maximum intervals of 7m. These vertical elements are to be a width of at least 2m, project out from the edge of the building in order to create building dept variation and extend at least 2m above the roof height of the building;*
- *iii. The southern elevation of Building B being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes;*
- *iv. Signage being integrated with the revised design of the building, and appropriately framed to represent a further design feature for the elevations of both Building A and B.*

Local Planning Policy 4.13 – Revegetation Policy:

The proposed development will require the removal of a significant area of vegetation at the northern end of the lot. The requirements of LPP4.13 indicate landscaping should be provided to off-set the removal of vegetation. Where possible planting should be local native species to improve biodiversity within the Shire. Officers consider a condition for a Landscaping Management Plan would be sufficient to address the requirements of LPP4.13.

**Car Parking:**

The proposed development incorporates a total of 35 parking bays, with 5 designated bays and 30 bays within the current road network pattern. The internal access way is one-way only and is 6.5m in width to allow for parallel parking of vehicles within proximity to the storage room access locations. This provides the additional 30 parking bays within the site (based on the parallel parking bay length and width requirements under the Australian standard). This reflects how a development like this works, as customers park and load/unload close to their secured unit.

Under TPS2 a 'Warehouse' land use requires one parking space per 100m² gross leasable area and an 'Office' land use requires one space per 40m² GLA or a minimum of two per office unit. The GLA for the warehouse is 7,734.42m² and would trigger the requirement for 78 parking spaces. The Office is 135m² and features one office unit, which would trigger the requirement for four bays.

The total parking requirement for the proposed development adds up to 82 parking spaces for which the proposed development would be in a 47 bay shortfall.

Under LPS3, the car parking requirements for a 'Warehouse/Storage' land use is one bay per 80m² and the requirement for an 'Office' land use is one bay per 40m². Under the parking provisions of LPS3, the proposed development would require 100 car parking bays and would be in a 65 bay shortfall.

The applicant has provided a traffic and parking demand study with the application that outlines the specific parking and traffic demands generated by the proposed development type, which is specific to a self-storage development in nature. Officers are satisfied that the proposed development, in its nature, generates a relatively low and highly transient volume of traffic and parking demand.

The problem however is that should the development ever seek to transition to an alternative tenancy, in either whole or part of the buildings, there will be insufficient parking in which to accommodate this. To address this issue, a condition is recommended to limit the use of the development to self-storage only. Additionally, the Shire through its new Local Planning Scheme 3 can impose a Restricted Use designation on the land, so that no other use can occur given the issues associated with the low levels of parking provided.

Bicycle Parking:

The Shire's Local Planning Policy 4.15 – Bicycle Facilities Policy does not require any bicycle parking spaces or facilities for 'Warehouse' land uses; however, LPS3 provides bicycle parking requirements for a 'Warehouse/Storage' land use at a rate of one bay per 2,000m². The proposed development covers an area of 7,734.42m² and would trigger the requirements for four bicycle parking bays under LPS3. Officers have recommended a condition of approval requiring the provision of four bicycle parking spaces to meet the future requirement of LPS3.

**Traffic:**

The proposed development is a type of development that typically generates low levels of vehicle traffic. As the development is designed for the storage of goods and given the location adjacent to a major road, there is an expectation that patrons of the site will arrive by car. The applicant has provided a Traffic Impact Statement, which estimates the development would generate 212 vehicle trips per day, 24 of which would occur during the peak periods.

Given the only access to the site is through South Western Highway, the primary consideration will be ensuring the intersection to South Western Highway is designed to facilitate the volume of traffic expected to be generated, this will ensure the flow of traffic to and from South Western Highway is managed. The intersection design will be subject to Main Roads satisfaction and determined through detailed design. Officers are satisfied that the traffic generated by the proposed development will be managed appropriately and will not detrimentally affect the performance of the surrounding road network.

Robertson Road is also required to be constructed, as a local road, for the full extent of the frontage of the property. This forms a condition of approval.

Options and Implications**Option1**

That council approves the proposed development subject to conditions.

Option 2

The Council refuses the proposed development and provides reasons for the decision.

Option 1 is recommended.

Conclusion

The application seeks approval for a Warehouse, to be used as a self-storage facility. The proposed development needs specific conditions to address issues in respect of design and use, and these form part of the Officer recommendation.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** – Development Plans (IN19/26858)
- **10.1.3 - attachment 2** – Summary of Submissions (E19/16516)
- **10.1.3 - attachment 3** – Main Roads WA Submission (E20/527)
- **10.1.3 – attachment 4** – Technical Assessment (E19/16504)

Alignment with our Strategic Community Plan

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



Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the application is appealed to the State Administrative Tribunal if the application is refused.	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. APPROVES the development application for a 'Warehouse (self-storage)' at Lot 128 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 (Development Plans) received at the Shire's Offices on 28 November 2019; and P2 (Bushfire Management Plan) Received at the Shire's Offices on 29 May 2019.
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- b. Revised plans being submitted to and approved by the Council of the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. These revised plans are to demonstrate the following design changes to the satisfaction of Council:
- The south east and north east corners of Building A being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes. This is to wrap at least 10m around the corners of the building;
 - The eastern elevation of Building A being provided with a vertical element of articulation at maximum intervals of 7m. These vertical elements are to be a width of at least 2m, project out from the edge of the building in order to create building depth variation and extend at least 2m above the roof height of the building;
 - The southern elevation of Building B being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes;
 - Signage being integrated with the revised design of the building, and appropriately framed to represent a further design feature for the elevations of both Building A and B.
- c. Prior to commencement of works, detailed engineering drawings shall be submitted to and approved by the Shire for the construction of the northern access road and Robertson Road as shown on the approved plans. Robertson Road must be constructed to an appropriate urban standard for the full frontage of the land (including an appropriate fully built temporary cul de sac head at the southern extent of the site), to the satisfaction of the Shire. Once approved, the works shall be undertaken in accordance with the approved plans prior to occupation, to the satisfaction of the Shire of Serpentine Jarrahdale.
- d. Prior to commencement of works, a Stormwater Management Plan shall be submitted to and approved by the Shire. Once approved, the Stormwater Management Plan shall be implemented in its entirety.



-
- e. Prior to commencement of works, a Landscape Management Plan must be prepared and shall include the following detail to the satisfaction of the Shire of Serpentine Jarrahdale, prior to commencement of site works:
 - i. The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - ii. Any lawns to be established;
 - iii. Any natural landscape areas to be retained;
 - iv. Those areas to be reticulated or irrigated; and
 - v. Verge treatments.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale.

- f. Prior to occupation, a monetary contribution shall be paid to the Shire for the establishment of public art or, alternatively, the provision of public art shall be provided on-site in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's guideline for the development and implementation of a dust management program, to the satisfaction of the Shire, prior to commencement of works. All works must be carried out in accordance with the Dust Management Plan, for the duration of the construction period.
- h. The access road must be accessible at all times by customers, through an appropriate access system in order to prevent car parking issues affecting Robertson Road (once built). Details to be submitted with the Building Permit application.
- i. A minimum of four (4) short-term bicycle parking facilities must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to commencement of works. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
- j. The sale by wholesale and distribution of goods from the site is not permitted. The internal use of the warehouse must be for self-storage only, and at all times, to the satisfaction of the Shire.
- k. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
- l. The carpark must:-
 - i. be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
 - ii. include five (5) 90 degree car parking bays, and a minimum of 30 parallel bays, all of which are appropriately signed and marked to show their intended use;
 - iii. include one (1) car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking



facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

- iv. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- v. have lighting installed, prior to the occupation of the development.

The car park must comply with the above requirements for the duration of the development.

OCM010/02/20

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Coales

That Council:

- 1. APPROVES the development application for a ‘Warehouse (self-storage)’ at Lot 128 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 (Development Plans) received at the Shire’s Offices on 28 November 2019; and P2 (Bushfire Management Plan) Received at the Shire’s Offices on 29 May 2019.
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- b. Revised plans being submitted to and approved by the Council of the Shire of Serpentine Jarrahdale, prior to the issue of a Building Permit. These revised plans are to demonstrate the following design changes to the satisfaction of Council:**

- i. The south east and north east corners of Building A being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes. This is to wrap at least 10m around the corners of the building;**
- ii. The eastern elevation of Building A being provided with a vertical element of articulation at maximum intervals of 7m. These vertical elements are to be a width of at least 2m, project out from the edge of the building in order to create building depth variation and extend at least 2m above the roof height of the building;**
- iii. The southern elevation of Building B being replaced with pre cast concrete panels, with such panel cast to provide an angular modern edge which is intermixed with stone, wood and/or recycled brick finishes;**



- iv. Signage being integrated with the revised design of the building, and appropriately framed to represent a further design feature for the elevations of both Building A and B.**
- v. Artwork as required by Condition 1(f) and consistent with Local Planning Policy 1.6 (Public Art for Major Developments) being integrated in to the external design of the building**
- c. Prior to commencement of works, detailed engineering drawings shall be submitted to and approved by the Shire for the construction of the northern access road and Robertson Road as shown on the approved plans. Robertson Road must be constructed to an appropriate urban standard for the full frontage of the land (including an appropriate fully built temporary cul de sac head at the southern extent of the site), to the satisfaction of the Shire. Once approved, the works shall be undertaken in accordance with the approved plans prior to occupation, to the satisfaction of the Shire of Serpentine Jarrahdale.**
- d. Prior to commencement of works, a Stormwater Management Plan shall be submitted to and approved by the Shire. Once approved, the Stormwater Management Plan shall be implemented in its entirety.**
- e. Prior to commencement of works, a Landscape Management Plan must be prepared and shall include the following detail to the satisfaction of the Council of the Shire of Serpentine Jarrahdale, prior to commencement of site works:**
 - i. The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;**
 - ii. Any lawns to be established;**
 - iii. Any natural landscape areas to be retained;**
 - iv. Those areas to be reticulated or irrigated;**
 - v. Verge treatment;**
 - vi. Placement within the 2m landscape strip which exist around the boundaries of the property, advanced tree plantings spaced at a maximum distance of 5m, and a minimum advanced height of 2.5m.**

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale. The landscape plan to be submitted and approved by the Council, prior to the issue of a Building Permit.
- f. Prior to occupation, a monetary contribution shall be paid to the Shire for the establishment of public art or, alternatively, the provision of public art shall be provided on-site in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire of Serpentine Jarrahdale.**
- g. A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's guideline for the development and implementation of a dust management program, to the satisfaction of the Shire, prior to commencement of works. All works must be carried out in accordance with the Dust Management Plan, for the duration of the construction period.**



- h. The access road must be accessible at all times by customers, through an appropriate access system in order to prevent car parking issues affecting Robertson Road (once built). Details to be submitted with the Building Permit application.**
- i. A minimum of four (4) short-term bicycle parking facilities must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to commencement of works. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.**
- j. The sale by wholesale and distribution of goods from the site is not permitted. The internal use of the warehouse must be for self-storage only, and at all times, to the satisfaction of the Shire.**
- k. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.**
- l. The carpark must:-**
 - i. be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;**
 - ii. include five (5) 90 degree car parking bays, and a minimum of 30 parallel bays, all of which are appropriately signed and marked to show their intended use;**
 - iii. include one (1) car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;**
 - iv. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;**
 - v. have lighting installed, prior to the occupation of the development.****The car park must comply with the above requirements for the duration of the development.**

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

This development is on a major road in Byford and Council requires assurance that the details and plans for the visual appearance of the building and surrounds will be appropriate.



10.1.4 - Draft Local Planning Policy 4.19: Development in the Rural Zone – Council Endorsement for Public Consultation (SJ2963)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider adopting draft Local Planning Policy 4.19: Development in the Rural Zone (LPP 4.19) for the purposes of community consultation in accordance with Clause 4 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

As the Shire grows, the 'Rural' zone is coming under increasing pressure from development that is not appropriate due to size, scale and location. This having detrimental impacts to the natural environment and rural landscape features. Many of these developments require the exercise of discretion and judgment, and policy is a useful tool in assisting our community to understand how such judgement will be exercised and the kinds of issues that need to be taken into account. This is the purpose of this policy.

Draft LPP 4.19 seeks to provide guidance to Officers when considering an application for planning approval for development within the 'Rural' zone. Ultimately seeking to protect the unique character and amenity of the rural area, but still allowing for appropriate development to be welcomed and to occur.

Draft LPP 4.19 will assist Officers in the interim until such time draft Local Planning Scheme No.03 becomes fully operational as the new Scheme significantly curtails the types of uses that can be considered in the 'Rural' zone in order to retain rural land for the purposes of rural pursuits and agricultural activity.

Officers recommend Council adopt the draft LPP 4.19 for the purposes of community advertising.

Relevant Previous Decisions of Council

There are no previous relevant decisions of Council.



Background

The Shire's rural area is unique. It is characterised by vast land holdings, agricultural/rural activities, natural environmental features (natural vegetation, watercourses, protected fauna, Serpentine River) and open vistas. The Shire is also located within sensitive environmental areas such as the Peel Harvey Catchment and the Jandakot Water Mound Protection area.

The Shire's Rural Strategy seeks to preserve and protect these characteristics by way of three themes. Theme 1: The 'Protection of Natural Assets (Local Natural Areas) which relates to the protection of remnant vegetation and landscape characteristics. Theme 2: 'The Protection of Rural Character' which relates to managing the impacts of urbanisation. Theme 3: 'Facilitate Productive Rural Areas' which relates to the economic viability of rural land for agricultural purposes.

Currently, the Shire of Serpentine Jarrahdale Town Planning Scheme No.02 (TPS 2) provides for a broad range of land uses that can be considered within the 'Rural' zone. Consideration of a land use is subject to an applicant demonstrating (among other things) that the 'Purpose' of the zone is met. In the 'Rural' zone, the 'Purpose' is as follows:

"To allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area".

The State Administrative Tribunal consistently define rural pursuit as *"relating, or a characteristic of the country"*. To this end, where it can be demonstrated that a land use is associated with a rural pursuit, the proposal can be entertained. This potentially provides for a greater range of uses that can be considered in the 'Rural' zone.

As the Shire continues to grow, the 'Rural' zone is coming under increasing pressure from development that often is not considered appropriate due to size, scale and location. These activities often lead to environmental degradation and changes to the rural character. Officers advise that uses are often attracted to the 'Rural' zone due to:

- Relocation from more urban areas to avoid land use conflicts and encroachment of sensitive premises;
- Comparatively affordable rural land costs in the Shire compared to more urban land elsewhere;
- Large expenses of sparsely populated rural land which can reduce exposure to and incidence of complaints from sensitive premises; and
- Rural land in the Shire is highly accessible from several existing and proposed major transport routes.

While these developments in the 'Rural' zone have the potential to generate employment and contribute to the local economy, they can also:

- Cause significant, adverse off-site impacts;
- Create land use conflicts due to their incompatibility with existing rural and sensitive land uses;
- Result in the semi-industrialisation of rural and; and
- Reduce the amount of land available for productive agricultural purposes.



With a number of land parcels within the Shire now designated for industrial development (West Mundijong, Cardup Business Park), there needs to be a more robust mechanism in place to restrict the type of developments permitted within the 'Rural' zone'

Officers acknowledge that the draft Shire of Serpentine Jarrahdale Town Planning Scheme No.03 will to a certain extent help address this issue once formally gazetted, however, is still in its draft stage and will only be operational once approved by the Minister of Planning. As such, there is a need for an interim measure to ensure the land use planning process does not impact upon the themes established within the Rural Strategy.

Community / Stakeholder Consultation

If Council choose to adopt draft LPP 4.19 for the purposes of advertising, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* a notification will be published in the local newspaper and available on the Shire's website for a period of no less than two weeks requesting submissions from the public.

Once the consultation period has ended, a separate report will be written for Council to formally consider adoption of draft LPP 4.19 where all submissions received will be presented to Council for consideration.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2.5: Rural Planning
- State Planning Policy 2.2: Peel Harvey Estuarine System
- State Planning Policy 2.3 Jandakot Groundwater Protection

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.02
- Drafts Shire of Serpentine Jarrahdale Town Planning Scheme No.03



Planning Assessment

Draft LPP 4.19 seeks to incorporate key aspects of State Planning Policy requirements, Environment Protection Authority Guidance Statements and the Shire's Rural Strategy and Scheme to ensure a robust policy is in place in order to maintain and preserve the rural character. Importantly, it provides Officers assistance in the application of discretion when considering an application.

The objectives of draft LPP 4.19 is to prevent development from occurring in inappropriate rural locations so as to preserve and maintain natural environmental features, character and also amenity. The objectives are as follows:

- Protect the water quality of the Jandakot Groundwater Mound and the Peel-Harvey Coastal Plain Catchment;
- Protect the character, amenity and environmental qualities of rural zoned land incompatible development;
- Protect rural zoned land from the encroachment of quasi-industrial development; and
- Protect and preserve rural and agricultural land in the Shire for its economic, natural resource, food production, environmental and landscape values.

To achieve the objectives, draft LPP 4.19 requires consideration of environmental matters and landscape values which if impacted upon can detrimentally impact the rural character. These will be discussed in turn.

Environment

An important consideration when assessing development within the rural zones of the Shire are impacts to water quality. Both in terms of impacts to the Peel Harvey Estuarine System and the Jandakot Groundwater Mound.

State Planning Policy 2.2: Peel Harvey Estuarine System

The Peel Harvey Estuarine System is an important regional resource of Western Australia. The Peel Harvey Catchment comprises the catchments of the Serpentine, Murray and Harvey Rivers and adjacent lands that drain directly to the estuary and ocean. Due to rapid urbanisation within the Peel Region, high water table and poor nutrient retaining soils, the system over the years has degraded significantly.

The Shire falls within the scope of *State Planning Policy 2.1: Peel Harvey Catchment* which was prepared by the State to provide guidance when considering development within the catchment to reduce the impacts of development. A key objective is as follows:

- *"To improve the social, economic, ecological, aesthetic and recreational potential of the Peel Harvey Coastal Plain Catchment;*
- *To ensure that changes to land use within the catchment to the Peel-Harvey Estuarine systems are controlled so as to avoid an minimise environmental damage".*

As such, to avoid further degradation, draft LPP 4.19 requires that an application must demonstrate that appropriate management practices to avoid nutrient loading into the estuarine take place. Applications must demonstrate the use of Water Sensitive Urban Design Principles to provide evidence to the Shire that water will be stripped of nutrients prior to infiltrating. Additionally, relevant information regarding soil profile is required to demonstrate that the site is capable of



being developed for its intended purpose. These practices will work towards ensuring that the objectives of draft LPP 4.19 and SPP 2.1 are being met.

State Planning Policy 2.3 Jandakot Groundwater Protection

Parts of the Shire also fall within *State Planning Policy 2.3 Jandakot Groundwater Protection* (SPP 2.3). Groundwater is a highly valued resource of Western Australia. The Jandakot Groundwater Protection area provides a significant volume of high quality drinking water, which is required to be mixed with desalination water in order to provide a potable water standard. The purpose of SPP 2.3 is to protect the Jandakot Groundwater Protection area from development and land uses that may have a detrimental impact on the water resource. The objectives are as follows:

- *“To ensure that all development and change to land use within the policy area are compatible with maximising the long term protection and management of groundwater, in particular for public drinking water supply;*
- *To protect groundwater quality and quantity in the policy area in order to maintain the ecological integrity of important wetlands that are hydraulically connected to the groundwater, including wetlands outside the policy area*
- *To maintain or increase natural vegetation cover over the policy area”.*

Land use planning is guided by priority areas which include Priority 1 (P1) areas (prevent risk), Priority 2 (P2) areas (minimise risk) and Priority 3 (P3) areas (manage risk). Guidance on the acceptability of land uses within the priority areas are listed within Water Quality Protection note 25: Land use compatibility tables for public drinking water source areas.

Draft LPP 4.19 requires consideration of the acceptable land uses within the priority areas of SPP 2.3. Where a use is denoted as compatible, an applicant must also demonstrate appropriate management practices to ensure water quality is preserved and the objectives of the SPP 2.3 and draft LPP 4.19 have been met.

Officers advise that where the above has not been met and there is deemed to be a risk to the Peel Harvey Catchment and the Jandakot Groundwater a proposal will be deemed unacceptable immediately.

Amenity

Environmental Protection Authority's (EPA's) Guidance for the Assessment of Environmental Factors No. 3

A number of emissions are generated by industrial, commercial and rural activities and infrastructure. These include noise and air emissions (gas, dust and odours). The levels of emissions may at times exceed amenity levels considered acceptable in residential areas and at other sensitive land uses.

Generally, impacts on the environment decrease with increasing distance from the source of the emission. If the impacts from a particular industry or industrial estate are considered to be unacceptable at the boundary of the site or estate, then there is usually a need for a buffer area to separate industrial land and sensitive land uses.



The Environment Protection Authority's Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses, specifically addresses generic separation distances between industrial and sensitive land uses to avoid conflict between land uses.

Draft LPP 4.19 requires consideration to the buffer/separation distance requirements of EPAs document in order to avoid or minimise the potential for land use conflict. This to achieve an acceptable amenity outcome. Site specific documentation is required to accompany any application to demonstrate that a proposal will have a negligible impact on the locality. This either in the form (but not limited to) an acoustic assessment, dust and/or air emissions report.

Traffic

Traffic in rural areas are typically characterised by minimal vehicle movements and generally comprise of both commercial vehicles (as-of-right-vehicles) and passenger vehicles. Often the capacity of the road network is adequate in dealing with existing movements. However, as rural areas are being developed, there is an increase in pressure on the capacity of the road network in dealing with additional traffic from new development. Often where an application has been received, a Traffic Impact Statement or Assessment is required to accompany an application to demonstrate that the capacity of the road network is suitable for the proposed development. Draft LPP 4.19 requires a proposal to demonstrate the ability of the road network in dealing with the increased traffic.

In relation to unacceptable development, Draft LPP 4.19 requires the road hierarchy to be assessed when considering an application. For example, where a proposal requires an upgrade to the network to accommodate Restricted Access Vehicle (RAV) movements, the proposal should be considered unacceptable or conditioned for the use of as-of right vehicles only. This is because upgrades to a road network to a RAV standard is a process required to be approved in conjunction with Main Roads Western Australia, and it is not certain if this will be granted. Draft LPP4.19 seeks to ensure that the safety of vehicle movements are a priority consideration and that development considers the road hierarchy.

Landscape Characteristics

As mentioned previously, the Shire's landscape is made up of natural features. Development not managed appropriately can (but not limited to) compromise these features by way of contamination (chemicals, sediment), excessive vegetation clearing, loss of wetlands and impacts to watercourses. Also, visual affects to the scarp by way of scarring through inappropriate extractive industry practices, which has unfortunately caused areas of blight on the scarp already.

To protect the landscape characteristics, draft LPP 4.19 deems a proposal unacceptable where it is considered to detract from the landscape by virtue of the proposal being:

- (a) Highly visible ;
- (b) Prominent location, design, bulk and scale;
- (c) Minimal setbacks from property boundaries;
- (d) Location on a ridgeline, in a clearing, or impinging on a desirable view corridor;
- (e) Clearing of vegetation;
- (f) Filling of land to create greater elevation;



- (g) Incompatibility with Council and community expectations for the rural area.

This will ensure that proposed development considers the natural features and seeks a sympathetic design to complement the rural landscape. Where a development does not address the above, it will be determined that the development will have a detrimental impact to the landscape and most likely better suited to an industrial area and refused accordingly.

Draft Town Planning Scheme No.03

Public consultation for the Shire of Serpentine Jarrahdale's draft Local Planning Scheme No.03 (draft LPS 3) concluded on 10 January 2019. The document is considered as a seriously entertained document and must be considered when assessing development applications.

The Rural zone in Draft TPS 3 reduces the amount of land uses that can be considered in the 'Rural' zone as a genuine attempt to work towards retaining the rural areas for rural pursuits and agricultural purposes.

Officers envisage that once draft LPS3 has been finally gazetted in the near future, draft LPP 4.19 will still be useful but amended to reflect the new Scheme. This will occur at that point.

Options and Implications

Option 1

That Council ENDORSE draft Local Planning Policy 4.19: Development in the Rural Zones for the purpose of public consultation for a period of three weeks.

Option 2

That Council REFUSE to endorse Local Planning Policy 4.19: Development in the Rural Zones for the purpose of public consultation.

Option 1 is recommended.

Conclusion

Draft LPP 4.19 seeks to guide Officers in their application of discretion when considering an application for approval in the Shire's 'Rural' zone. Importantly, it seeks to protect the natural features of the Shire's rural areas in order to preserve the unique character and amenity afforded to the community who reside in these areas, while still promoting development that is appropriate to occur. It helps the community, applicants and industry alike to have certainty in respect of the kinds of development outcomes to be expected in the Rural zone.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** – Draft Local Planning Policy 4.19: Development in the Rural Zone (E20/651)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not approving draft LPP 4.19 and rural land being further developed for quasi-industrial purposes	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the draft Local Planning Policy 4.19: Development in Rural Zone in accordance with Clause 4 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as contained within attachment 1.

OCM011/02/20

COUNCIL RESOLUTION

Moved Cr Dagostino, Seconded Cr Strange

That Council ADOPTS, for the purposes of advertising, the draft Local Planning Policy 4.19: Development in Rural Zone in accordance with Clause 4(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as contained within attachment 1, and requires this to be advertised for a minimum of 28 days including one (1) community forum midway through the advertising process.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

The Local Planning Policy has the potential to impact on the rural community and it is important to effectively engage with the community.

**Councillor McConkey declared an Impartiality Interest in item 10.1.5.**

10.1.5 - Extractive Industry Licence (Mineral Sands) – Lot 57 (367) Elliott Road, Keysbrook and Lot 101 (720), 103 (724), and 105 (722) Westcott Road, Keysbrook (SJ1072-02)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Keysbrook Leucoxene Pty Ltd
Owners:	P & G Del Borrello (Lot 57 Elliot Road) Doral Mineral Sands Pty Ltd (Lot 101, 103, and 105 Westcott Road)
Date of Receipt:	31 May 2019
Lot Area:	321.86ha (L57 Elliot Road) 40.09ha (Lot 101 Westcott Road) 40.94ha (Lot 103 Westcott Road) 40.93ha (L105 Westcott Road)
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider an application for an Extractive Industry Licence (EIL) at Lot 57 (367) Elliott Road, Keysbrook and Lot 101 (720), 103 (724), and 105 (722) Westcott Road, Keysbrook.

The report is presented to Council as there is no delegation granted to Officers for the approval new EILs.

Council at its 16 September 2019 Ordinary Council Meeting (OCM) resolved to approve an application for planning approval for an extractive industry operation over the aforementioned



properties. A condition of the approval would normally include the issuance of an Extractive Industry Licence (EIL) for the period of the operations, however, this was not undertaken at this time due to the size and complexity of the extractive industry. Officers have completed their assessment in respect of the EIL, taking account of the planning approval already issued by Council, and are in a position to recommend support for the EIL.

The applicants are now planning to progress with their operations in line with Council's approval and require an EIL to be issued in accordance with the *Shire of Serpentine Jarrahdale Extractive Industry Local Law* prior to any extraction occurring.

The report recommends that Council approve the EIL application subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 September 2019 – OCM198/09/19 - extract Council; Decision No. 10.1.4

1. That Council APPROVES the development application contained within attachment 4 for a 'Industry Extractive' at Lot 57 (367) Elliott Road, Keysbrook and Lots 101 (720), 103 (724), and 105 (722) Westcott Road, Keysbrook under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 and Metropolitan Region Scheme 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>P1 (Extraction Plan) received at the Shire's Offices on 31 May 2019; P2 (Infrastructure Corridor Plan) received at the Shire's Offices on 22 July 2019; and P3 (Fire Management Plan) received at the Shire's Offices on 31 May 2019.</i>
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b. Excavation (mining) activities must be completed by no later than 16 September 2024 (which does not include rehabilitation and related activities).

c. The approval lapses if the approved development is not substantially commenced within two years from 16 September 2019.

d. Prior to the commencement of any works, a Mosquito Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Mosquito Management Plan shall be implemented in its entirety for the duration of the development.

e. Prior to the commencement of any works, a Fauna Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Fauna Management Plan shall be implemented in its entirety for the duration of the development.



- f. Prior to the commencement of any works, a Visual Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan shall provide detail in relation to the timing/staging of construction, stabilisation and seeding of the top soil bund. Once approved, the Visual Management Plan shall be implemented in its entirety for the duration of the development.*
- g. Prior to commencement of any works, a plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale identifying surface water drainage flows entering and exiting the lot boundaries. These surface water drainage flows shall be maintained at the lot boundary, for the duration of the development to the satisfaction of the Shire of Serpentine Jarrahdale.*
- h. A Community Consultation Framework being submitted and approved by the Shire of Serpentine Jarrahdale prior to commencement of works. The Community Consultation Framework shall be implemented for the duration of the development to the satisfaction of the Shire*
- i. Complaint Management Procedures for the approved management plans shall be undertaken in accordance with the procedure set out in the approved Community Consultation Framework unless a more specific procedure is stipulated in an approved management plan.*
- j. A compliance assessment report for the approved Visual Management Plan, Fire Management Plan, Mosquito Management Plan, Fauna Management Plan and Community Consultation framework must be lodged by 31 October each year during the term of approval or by other such time as may be agreed by the local government. The compliance assessment report shall:
 - (a) Be in a form agreed to with the Shire of Serpentine Jarrahdale;*
 - (b) Assess whether the development has complied with each action required by the approved management plan, and report on any potential non-compliance and corrective actions taken;*
 - (c) Be endorsed by the developers Managing Director or a person delegated to sign on their behalf;*
 - (d) Be made publicly available.**
- k. The site is to be kept in a neat and tidy condition at all times. When vehicles and equipment associated with the development are not in use they shall be located so as to minimise their view from neighbouring residents and public roads.*
- l. The Site Manager will ensure that neighbours that have domestic water tanks collecting from the roof of a house or associated building with potential to be affected by dust emissions from the mining activities are aware of the opportunity to have the proponent wash down the roof of the potentially affected building prior to the onset of winter rain. The Site Manager is responsible for ensuring that where neighbours elect to take up this offer, the roof washing is undertaken in a timely manner.*
- m. No mining operations shall occur within 300m of the existing residences unless otherwise agreed between the proponent and the owner of the residence.*



Background

The subject site is largely established as pastoral land, with an existing residence located to the north-east of the lot. There is an easement across the land starting centrally at the northern boundary of the lot and traversing to the south-east. The easement is 60m in width and accommodates regional power transmission lines. An aerial image of the site is as per Figure 1 below:

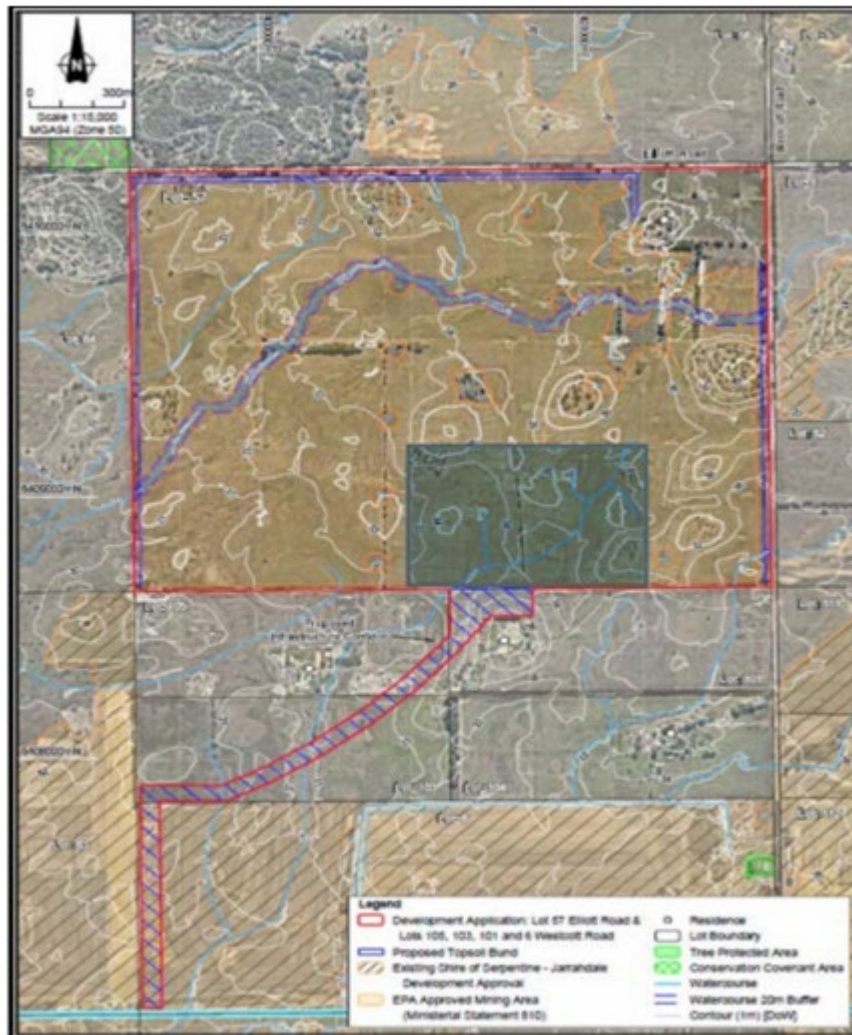


Figure 1 – Subject Site

As mentioned previously, Council at its 16 September 2019, Ordinary Council Meeting (**attachment 1**) approved an application for planning approval for an extractive industry over the subject site for a period of 5 years. The main component of the development involves the extraction of mineral sands present within the soils (Leucoxene and Zircon) from Lot 57 only. Processing is undertaken within the Shire of Murray further to the south. Figure 1 as above shows the proposed excavation area and associated infrastructure corridor. The approved development also includes:

- The removal of remnant vegetation and top soil (to a nominal depth of 120mm). the top soil will be used for the construction of earthen bunds at the lot boundaries for visual screening;



- Internal Infrastructure corridor to facilitate the movement of vehicles to avoid impacts on the Shire's road infrastructure;

A full copy of the plans relating to this proposal can be viewed in **attachment 2** of this report.

The applicants are now seeking an EIL under the *Shire of Serpentine Jarrahdale Extractive Industry Licence Local Law* in order to commence operations.

Community / Stakeholder Consultation

No consultation has occurred as part of this process as extensive consultation was undertaken during the planning application assessment and approval process. Consultation occurred to adjoining landowners within a 2km radius of the site for a period of 21 days. In addition the application was referred to State departments and agencies. At the conclusion of the consultation phase, one objection was received. The objection raised concerns relating to noise, light, safety of Elliott Road, bore water levels and Kangaroos migrating to the objector's property as a result of disturbance resulting from the mining in operations.

To address the submission, Officers advised in the previous Council report as follows:

"The management of noise and water resources are covered under management plans enforced through the Ministerial Statement. The proposal includes an earthen bund wall along the Elliott Road boundary for the purpose of visual screening, this solid barrier would also mitigate any light spill from the development. The site will be accessed from the south through an internal road network, with minimal vehicle movements along Elliott Road. The vehicle movements would occur several times a month for the purpose of ongoing rehabilitation and are not considered to be significant to warrant any requirement to upgrade Elliott Road. The development may result in the displacement of local Kangaroo populations co-exist with the mosaic nature of excavation and rehabilitation taking place. In any case, a Fauna Management Plan is a recommended condition".

As such, through the requirements of the Ministerial approval and recommended condition requiring a Fauna Management Plan, the objection is considered to now be addressed.

Statutory Environment

Legislation

- *Shire of Serpentine Jarrahdale Extractive Industries Local Law*
- *Local Planning Policy 4.10 – Extractive Industries Policy*

Extractive Industry Licence Assessment

An assessment of the EIL application was undertaken by Officers the *Shire of Serpentine Jarrahdale Extractive Industries Local Law*. The application comprised of the following key documents previously approved as part of the planning process and the existing Ministerial Approval under the *Environment Protection Act 1986*. The application can be viewed within **attachment 3** and associated documents within **attachment 4**:

- Site plans of the excavation site showing the required detail;
- Copies of the works and excavation program;



- Rehabilitation Management Plan;
- Weed and Dieback Management Plan;
- Nutrient Management Plan;
- Water Management Plan;
- Acid Sulphate Soils Management Plan;
- Noise Monitoring Plan; and
- Air Quality and Dust Management Plans.

Officers are satisfied with the information submitted, following conclusion of their technical assessment. Also the above management plans formed part of an existing Ministerial Approval, with separate assessment and reporting obligations associated.

There are three management plans outstanding, which formed conditions of the development approval for the site. A Mosquito Management Plan, a Fauna Management Plan and a Visual Management Plan. The plans are required to be submitted for approval before works occur onsite. The issuance of an EIL does not override the requirements of the planning approval, and therefore until such time as these three management plans are submitted, development is not permitted to occur.

Officers also recommend a condition be placed on the EIL requiring compliance with all conditions within the approved development application resolved by Council on 16 September 2019. This will make it very clear to the applicant regarding the required works to be undertaken .

Conclusion

The applicant as part of their development application approved by Council on 19 September 2019 provided a suite of management plans and supporting information. The application was subject to an extensive consultation and assessment process. Officers as a result were satisfied that the measures proposed to be implemented within the management plans would mitigate any adverse effect upon the environment or the community. Additionally, as there is already an existing Ministerial Approval for the site which will further regulate the operations, by way of strict environmentally reporting requirements, Officers recommend that the application be approved. The issuing of an Extractive Industry Licence is the next step in the process that the applicant is required to complete.

Options and Implications

Option 1:

That Council resolves to APPROVE the application and endorse the CEO to authorise the Extractive Industry Licence application for Lot 57, 367 Elliott Road, Keysbrook and part of Lot 105, 722 Westcott Road, Keysbrook.

Option 2:

That Council resolve to REFUSE the application for the Extractive Industry Licence at Lot 57, 367 Elliott Road, Keysbrook and part of Lot 105, 722 Westcott Road, Keysbrook.

Option 1 is recommended.

**Attachments (available under separate cover)**

- **10.1.5 - attachment 1** – Minutes of 16 September 2019 Ordinary Council Meeting (IN20/1713)
- **10.1.5 - attachment 2** – Notice of Determination (OC19/19814)
- **10.1.5 - attachment 3** - Extractive Industries Licence Application (IN19/27998)
- **10.1.5 - attachment 4** – Management Plans and Ministerial Approval (E20/1660)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Should the application be refused the applicant may appeal the decision	Likely (4)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **8** has been determined for this item.

Voting Requirements: Simple Majority

OCM012/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

1. That Council **APPROVES** the application contained within attachment 2 for a 'Extractive Industry Licence' at Lot 57 (367) Elliott Road, Keysbrook and Lots 101 (720), 103 (724), and 105 (722) Westcott Road, Keysbrook under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following conditions:

- a. The landowner / licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an extractive industry at L57, 367 Elliott Road, Keysbrook. Specifically, operation shall not commence until all conditions that need to be satisfied prior to the commencement of operations, have been met.
- b. The landowner shall pay an annual Extractive Industries Licence fee as set by the Shire of Serpentine Jarrahdale.
- c. The landowner / licensee shall comply with the Management Plans, Extractive Industry Approval and Licence conditions as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as agreed in writing between the Shire and the landowner / licensee and to provide all reports and documents as required by the Extractive Industry Approval and Licence conditions.

CARRIED UNANIMOUSLY 9/0



10.1.6 - Proposed Outbuilding – Lot 820, 10 Staff Street, Jarrahdale (PA19/652)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Grid Construction Pty Ltd
Owner:	Mr and Mrs Henson
Date of Receipt:	19 September 2019
Lot Area:	771m ²
Town Planning Scheme No 2 Zoning:	'Special Use'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for an outbuilding at Lot 820, 10 Staff Street, Jarrahdale. The proposal is presented to Council for determination, due to the nature of concerns raised by the application and the potential impacts Officers foresee in respect of the heritage character of Jarrahdale. For the reasons set out in the report, Officers recommended that the proposal be refused.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

The subject site is located on 10 Staff Street in Jarrahdale, which comprises of a row of six cottages formally timber workers cottages, c1890. The cottages are listed under Appendix 7 – Schedule of Places of Natural Beauty, Historic Buildings and Objects of Historical or Scientific Interest under TPS2.

The cottages are of timber construction with weatherboard cladding and front verandahs, painted various colours. The roofs are corrugated iron gabled roofs. The streetscape is uniform and typically, lots are developed with a modest outbuilding adjacent to the rear boundary. The lots about Shire owned land to the rear that is densely vegetated. The place is characterised by centrally located modest cottages, on basic and relatively unimproved landforms with small detached outbuildings. This helps connect us back to the precarious and modest living conditions that workers faced in early times in the Jarrahdale timber industry.



Figure 1 - Aerial Photograph

Existing Development

The subject land is developed with a 'Single House'. An outbuilding was located in the south eastern corner of the lot that has recently been demolished.

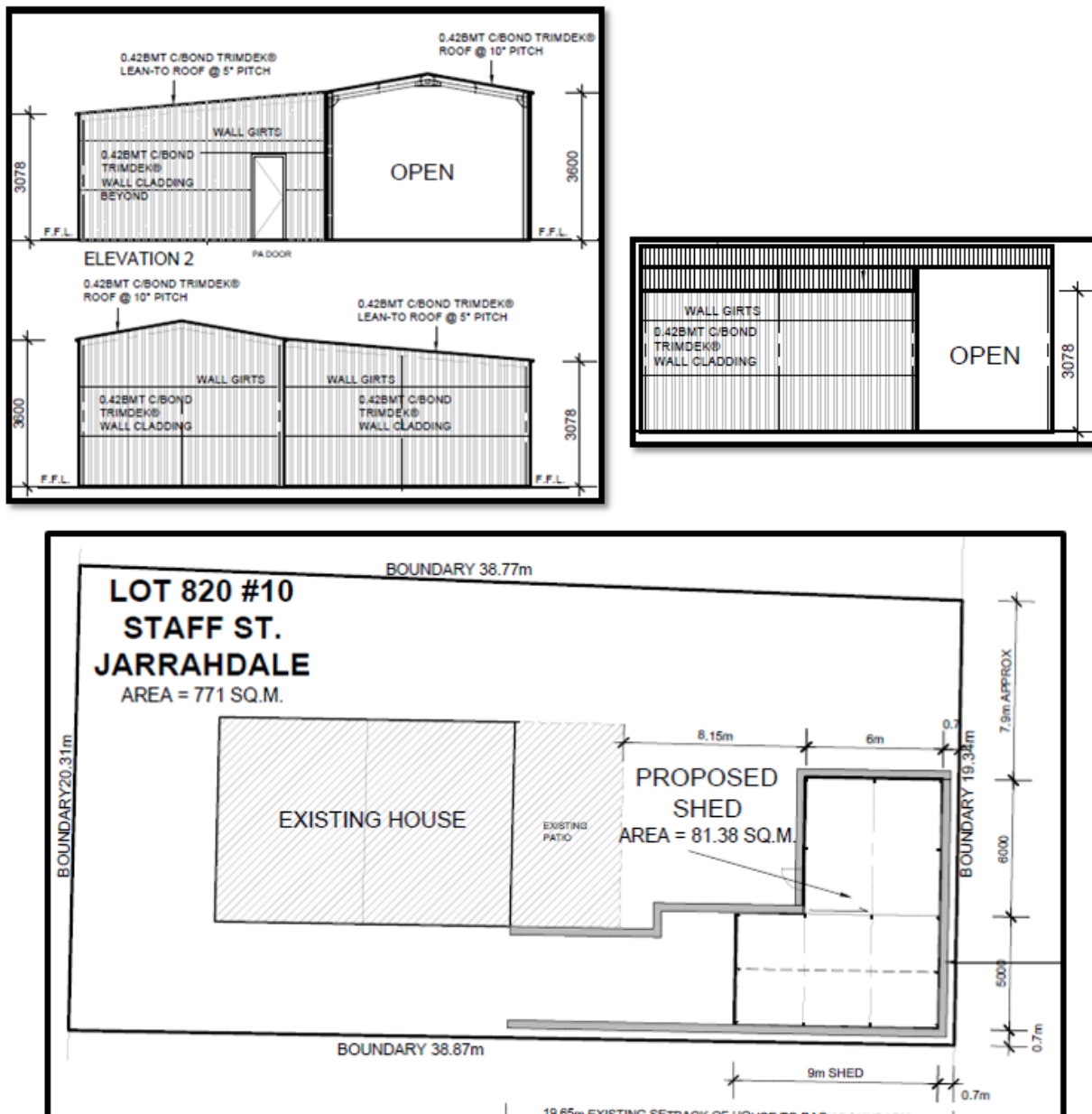


Proposed Development

The application seeks approval for an outbuilding with a total area of 81m². It would be set back 0.7m from the rear boundary and 0.7m from the southern boundary with the neighbouring property. The outbuilding would have a 3.6m wall height and a 4.065m ridge height.

Under a separate development application, approval is sought for a retaining wall to retain the 1m high sand pad and level the driveway which currently slopes downwards towards the rear. Only the outbuilding forms part of this application. Effectively however, the combination of outbuilding and retaining would see a structure in excess of 5m compared to the current site.

The outbuilding would be of colorbond construction with 'monument' (charcoal grey) coloured walls and a zincalume roof. A portion of the outbuilding is proposed to be unenclosed with a pitched roof to house a caravan. The remainder of the outbuilding would be enclosed with a lean-to roof. Full details are contained within **attachment 1**.





Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, from 17 October to 17 November 2019 in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters. During this period no submissions were received.

Statutory Environment

Legislation

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

State Government Policies

- Metropolitan Regional Scheme

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Shire of Serpentine Jarrahdale Municipal Heritage Inventory
- Draft Local Planning Scheme No.3
- Draft Local Planning Strategy

Planning Assessment

An assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment is contained within **attachment 2**. For the purposes of this report, matters resulting in the recommendation for refusal are discussed.

TPS2

The purpose and intent of the 'Special Use' Zone under TPS2 is to "*permit the use of land for any specific use not considered appropriate or desirable in any other zone and being a use which Council considers may satisfy a specific need in the locality where the use is proposed.*"

It is considered that the use of the outbuilding, incidental to the existing dwelling, is appropriate in this 'Special Use' zone.

As previously stated, however, the cottages on Staff Street are listed under Appendix 7 – Schedule of Places of Natural Beauty, Historic Buildings and Objects of Historical or Scientific Interest of TPS2. TPS2 recognises the buildings to be of historic, architectural, scientific, scenic or other value and should be retained in their present state or restored.

It is acknowledged that the application does not seek to alter the fabric of the heritage building itself, however incidental development can have an impact on the heritage significance and character of an area. This will be discussed further in the Built Form section of the report.



In respect of TPS2 assessment, it is also important to highlight the relevant matters that the assessment is required to have due regard to. These include:

- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.

For the reasons mentioned throughout the report, the size and scale of the proposed outbuilding is considered to exceed a reasonable threshold in terms of conserving cultural heritage values and the compatibility of development in respect of the setting of cottages along Staff Street.

Draft Local Planning Strategy (Strategy)

The Strategy states *“the character of a place is closely linked to its heritage and it is therefore crucial that elements of heritage are preserved and incorporated into new developments.”* The relevant objectives of the Heritage and Culture section of the Strategy are as follows:

- *“Enhance the heritage values and character contained within existing urban areas and townsites.*
- *Ensure new development is visually integrated with heritage buildings.”*

The proposed development does not incorporate elements of heritage into its design and therefore is not considered to enhance the heritage character or values within the Jarrahdale townsite.

The addition of a material consistent with the history of Jarrahdale is considered a key requirements, to ensure the development is visually integrated with the heritage building and thus able to preserve the historic significance of the place. This is discussed in further detail under the Built Form section of the assessment.

Draft Local Planning Scheme No.3 (LPS3)

The subject site is zoned ‘Special Use’ under draft LPS3 and within Special Control Area 8 – Heritage (SCA8). The objectives of the zone under draft LPS3 are as follows:

- *“To facilitate special categories of land uses which do not sit comfortably within any other zone; and*
- *To enable the Council to impose specific conditions associated with the special use.”*

Within the subject ‘Special Use’ zone, the land use of ‘Single House’ to which the proposal is incidental to is a ‘D’ use. This means there is discretion available to permit the use.

The objectives of SCA8 are to:

- *“To ensure retention of the heritage character of the Precinct and the buildings within the Precinct; and*



- *To ensure the preservation of the Jarrahdale townscape, heritage and woodlot precinct character.”*

Draft LPS3 states that *“When considering applications for development approval, the local government shall have regard to any approved development guidelines and/or policies to retain the established and recognisable character of land within SCA8. 3.”* There are no current policies or design guidelines for the subject precinct, however it is considered that the proposal does not retain the established character of the land by way of urban form and design.

Draft LPS3 lists matters that should be considered when assessing an application for development approval in order to protect the historic character of the built form and townscape within SCA8. The relevant provisions are as follows:

- *A building on a lot abutting land within SCA8 shall demonstrate architectural design detail which reflects the scale, style and spatial arrangements of existing buildings within SCA8;*
- *Use of earthy colours and materials of low reflective quality for walls and roofs shall be encouraged;*
- *Site disturbance should be minimised. Cut and fill should be discouraged.*

The proposal consists of a colorbond outbuilding and does not demonstrate architectural design reflecting the style or scale of existing buildings on Staff Street. The scale results in a spatial arrangement inconsistent with the historical urban form pattern. It results in a form of outbuilding, which in addition to proposed retaining, would overwhelm the scale and placement of cottages in the Staff Street streetscape.

Shire of Serpentine Municipal Heritage Inventory (MHI)

The Shires MHI was adopted on 31 July 2000 and sets out the places/objects of heritage significance within the Shire. The MHI details the significance of each place and includes heritage values and management categories.

The subject site holds heritage significance as *“the cottages and quarters are typical of the worker’s accommodation provided for the people, both single and married, who worked in the timber industry. Particularly important as a cohesive group of cottages and quarters forming a small precinct”*.

The cottages are significant for their association with the timber industry which was the basis for the development of the Jarrahdale townscape. The MHI awards the subject site heritage values for the aesthetic and historical significance and social, rarity and represent.

The MHI awards the cottages a management category of 1A/B – Conservation Essential. This means that the cottages should be afforded the highest level of protection appropriate, with a maximum encouragement to landowners to conserve the significance of the place. The MHI states that design guidelines/heritage policies should be developed in order to *“enhance and conserve the place in context with its location”*. To date, the Shire has not developed such policies/guidelines.

Built Form

While the proposal does not involve the alteration of the fabric of the heritage building itself, it is important that incidental development is in keeping with the character of the area and results in the heritage buildings being the prominent development on the site and within the streetscape.



Development incidental to a heritage building should “*enhance and conserve the place in context with its location*”, consistent with the intent of TPS2, LPS3 and the MHI.

The proposed outbuilding would be sited along the rear and side (southern) boundaries of the site. Generally, it is considered that siting of the proposal behind the existing dwelling would not adversely impact upon the streetscape or heritage values of the precinct, subject to the scale and external appearance of the building.

The proposed outbuilding is considered to be significant in scale especially in comparison with what would be expected in this location. Historically, outbuildings within this streetscape were modest in scale, located within the very rear corner of the lot, as show below:



Figure 2 - Aerial Photograph - 1977



Figure 3 - Street view October 2014

To conserve and enhance this heritage precinct, it is considered that an outbuilding should be modest in scale and appear subservient to the single dwelling. It is considered that the scale of the proposed outbuilding would appear at odds with development in the immediate locality and would dominate the dwelling. It is considered that the scale of the outbuilding would also alter the historic settlement pattern and street configuration as show in figure 2.

As the outbuilding would be visible from the street, it is considered that the scale would detrimentally impact on the character and amenity of the streetscape which is currently characterised with the heritage dwellings being at the forefront of the streetscape and modest outbuildings located to the rear. Currently, outbuildings on Staff Street do not appear visually prominent within the streetscape.

The proposed outbuilding is not considered compatible with development within its setting by way of bulk and scale. It is noted that there is an outbuilding located on the adjacent lot of colorbond construction, which also could be considered out of character with the heritage precinct. Council should note that this individual outbuilding does not set a precedent for future development in the street. It is also worth noting that this adjacent outbuilding is simple in form, smaller in scale and not visibly intrusive within the streetscape of Staff Street. The introduction of further large outbuildings would incrementally alter the urban form and character of the streetscape.



Comparison of these is provided following:

	8 Staff Street (approved)	10 Staff Street (proposal)
Floor Area	57.4m ²	81.38m ²
Wall Height	3m	3.6m
Ridge Height	3.6m	4.065m
Retaining Wall Max Height Above NGL	0.85m	1.16m
Material	Colourbond	Colourbond / Trimdek cladding
Colour	Surfmist	Monument

The outbuilding is proposed to be of colorbond construction coloured 'monument' (grey). While it is acknowledged that modern buildings of simple form can be designed in such a way to compliment a heritage building, this use of colour and materials, taken with the scale, would result in an incongruous addition to the lot and the streetscape. The form of the outbuilding is not considered sympathetic to the form of the main house and the outbuilding would not appear visually related.

During the application process, Officers discussed the concerns with the landowners and gave advice in regard of the type of materials that could be introduced to ensure the proposal appeared related to the dwelling and was sympathetic to the heritage values of the precinct. Furthermore, LPS3 requires for new development to demonstrate architectural design which reflects the scale, style and spatial arrangements of existing buildings within the Special Control Area.

The image below shows an example of a modern outbuilding incorporating materials to appear visually related and sympathetic to the existing character of an area.



Figure 4 – Illustration of outbuilding incorporating bush poles



The above image shows a modern style outbuilding of simple form with the introduction of bush poles. It is considered that the introduction of this type of material or timber look cladding would result in the outbuilding appearing visually related to the main dwelling and include traditional materials representative of the timber industry in Jarrahdale, creating a sense of place.

The applicant confirmed that no further amendments were to be made to the proposal. In light of this, Officers consider that insufficient information has been provided to address the preservation of the heritage precinct by way of historic and aesthetic significance. The omission of heritage elements from the proposal is considered inconsistent with the draft Strategy which as previously discussed states it is *“crucial that elements of heritage are preserved and incorporated into new developments.”*

It is considered that the design of the outbuilding due to the cumulative impacts resultant from scale and external appearance would not *“enhance and conserve the place in context with its location”*, contrary to the planning framework. It is recommended for refusal on this basis.

Options and Implications

Option1

Council may resolve to refuse the application subject to reasons.

Option 2

Council may resolve to approve the application subject to conditions.

Option 1 is recommended.

Conclusion

The application seeks approval for an outbuilding to the rear of the subject site which is located within a heritage precinct in Jarrahdale. It is considered that the scale and external appearance of the outbuilding is not compatible with development in the surrounding precinct and does not preserve or enhance the historic or aesthetic heritage significance of the area. The design of the outbuilding is considered to adversely impact on the character of the area and is therefore recommended for refusal.

Attachments (available under separate cover)

- **10.1.6 - attachment 1** – Application Details (E20/1072)
- **10.1.6 - attachment 2** – Technical Assessment (E20/1368)

Alignment with our Strategic Community Plan

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



Financial Implications

Nil

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council approving the application	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **9** has been determined for this item.



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council REFUSES the development application for an outbuilding at Lot 820, 10 Staff Street, Jarrahdale as contained within attachment 1 in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a. The proposal, by way of its external appearance, would have a detrimental impact on the established character and heritage significance of the precinct to which it is located, contrary to *Schedule 2, Part 9, Clause 67 (k), (l)* of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Serpentine Jarrahdale Municipal Heritage Inventory.
 - b. The proposal, by way of its height, bulk, scale and appearance, is not compatible with development within its setting contrary to *Schedule 2, Part 9, Clause 67(m) and (n) (ii)* of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - c. The proposal by way of form and external appearance would not appear visually integrated with the existing heritage building on the lot, contrary to the Shire of Serpentine Jarrahdale Draft Local Planning Strategy.
 - d. The proposal does not reflect the scale, style and spatial arrangements of existing buildings within the locality, contrary to the objectives of Special Control Area 8 of the Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3.

OCM013/02/20

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr McConkey

That Council APPROVES the development application for an outbuilding at Lot 820, 10 Staff Street, Jarrahdale in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

- 1. Development is to be undertaken in accordance with the approved plans dated 17 February 2020, subject to the following conditions and specific design amendments.**
- 2. Plans submitted for a building permit are to demonstrate a reduction in the size and height of the outbuilding, to not exceed:**
 - a. a maximum area of 57.4sqm;**
 - b. a maximum wall height of 3m;**
 - c. a maximum ridge height of 3.6m;**
 - d. the cladding of the shed being in mangrove (green) colorbond colour.**

Revised plans are to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale, and approved prior to the issue of a Building Permit.
- 3. Plans submitted for a building permit are to demonstrate a reduction in the filling and retaining height for the outbuilding, to not exceed a maximum height of 0.85m. Revised plans are to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale, and approved prior to the issue of a Building Permit.**



-
4. A building permit application, based upon the revised plans required under condition a. and b., is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the commencement of any works whatsoever.
 5. Plans submitted for a building permit application are to demonstrate the onsite capturing and infiltration of all stormwater from the outbuilding, to the satisfaction of the Shire of Serpentine Jarrahdale.
 6. The outbuilding is not permitted for any form of habitable accommodation.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

Consistency with previous planning decisions related to nearby outbuildings of the size approved by Council.

**10.1.7 – Proposed Business Plan and Memorandum of Understanding between the Shire of Serpentine Jarrahdale and the Department of Fire and Emergency Services for the Community Emergency Services Manager (SJ2744)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is for Council to consider endorsing the:

1. Memorandum of Understanding (**attachment 1**) between the Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services (“DFES”) in respect of the joint Community Emergency Services Manager (“CESM”) role and;
2. Business Plan (**attachment 2**) which sets out key outcomes and deliverables for the CESM position.

This follows on from Council, at its 16 December 2019 meeting, resolving to accept the offer of a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services Community Emergency Services Manager role.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 December 2019 – OCM283/12/19

That Council:

1. *RESOLVES to accept the offer of a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services Community Emergency Services (DFES) Manager;*
2. *REQUESTS DFES to begin the recruitment phase as soon as possible, and requires the recruitment panel to include:*
 - *Shire staff as nominated by the Chief Executive Officer;*
 - *A representative of the Brigades who is a Brigade Captain as decided by all Brigade Captains;*
 - *DFES.*
3. *REQUESTS DFES to place an acting CESM (who is also acting Chief Bush Fire Control Officer) within the Shire in the short term, to assist the Shire and community during the recruitment phase for the permanent CESM;*
4. *REQUESTS the Chief Executive Officer and DFES to jointly engage the current acting chief, deputies and captains to provide input to a draft business plan to set key performance measures*



for the CESM, with this to be presented back to Council in February 2020 for consideration; and

5. Prior to the end of the first three year term of the CESM, REQUESTS the Chief Executive Officer to review the CESM arrangements and report to Council on:

- the strategic performance outcomes of the role;*
- the specific level of training, skill development and succession planning that has occurred for the Shire's brigade volunteers;*
- the potential for a volunteer Chief Bushfire Control Officer to be sourced locally (being a separate role to the CESM) as a result of such training and development which has occurred.*

Ordinary Council Meeting – 18 November 2019 – OCM253/11/19

That Council:

1. NOTES the opportunities, and issues, which a Community Emergency Services Manager may provide the Shire, and undertakes engagement to gather feedback from the following stakeholders:

- a. The Shire's Acting Chief Bushfire Control Officer;*
- b. Deputy Chief Bushfire Control Officers;*
- c. Bushfire brigade captains;*
- d. Bushfire brigade volunteers; and*
- e. The community.*

2. SEEKS a report back to the February 2020 Ordinary Council Meeting with a recommendation to Council (having regard for this feedback obtained under 1. on whether to proceed forward with a CESM for the Shire.

This report deals with Item 4 of Council's December decision.

Background

The Shire of Serpentine Jarrahdale comprises six bushfire brigades, with 350 plus members, 260 to 280 of which are active members serving to protect our community in respect of bushfire risk. The Shire's brigades are the '000' first point of response, to bushfire incidents within the Shire.

The Shire also comprises one of the highest bushfire risk profiles in metropolitan Perth, with 97% of the Shire bushfire prone. The Shire comprises a broad collection of landscapes, different risk profiles, and emerging demands especially in respect of more complex firefighting capabilities. Extensive efforts are needed to ensure risks are managed, across the full spectrum of training and development levels, recruitment levels, succession planning, risk management, infrastructure planning, resource planning and grants administration.

As the fastest growing local government in WA, the Shire also provides expert input to issues of planning for bush fire risk.

The Commissioner of DFES met the Shire of Serpentine Jarrahdale and offered a joint CESM resource. The Shire, after consideration of the request and engagement with its brigades and the



community, resolved to accept the offer of a joint DFES and Shire CESM. Engaging key stakeholders and the community as part of this process enabled consideration of their feedback by Council in resolving to embark on a CESM for the Shire.

Community / Stakeholder Consultation

In accordance with the Council resolution of December 2019, the Shire engaged the Chief, Deputy Chiefs and Captains to provide input to the Draft Business Plan for the CESM. Separate to this, the Shire prepared comments on the MOU for the role, which would be required to be signed to officially begin the process of a CESM position jointly between the Shire and DFES.

Undertaking input to the Draft Business Plan has enabled full consideration of the key performance indicators that would be needed to measure performance of the CESM role, designed to reflect the unique context of the Shire, its brigades and its community.

Statutory Environment

- *Bush Fires Act 1954*
- *Emergency Management Act 2005*
- *Local Government Act 1995*

Comment

The purpose of this report is to consider endorsing the:

1. Memorandum of Understanding between the Shire of Serpentine Jarrahdale and DFES in respect of the joint CESM role and;
2. Business Plan which sets out key outcomes and deliverables for the CESM position.

The MOU is provided at **attachment 1**. This identifies and documents the respective roles and responsibilities of the Shire of Serpentine Jarrahdale and DFES as considered necessary to manage the position of a Community Emergency Services Manager (CESM) for the Shire of Serpentine Jarrahdale. The document has been jointly prepared between the Shire and DFES, and is considered to represent an effective MOU to underpin the trust and agreement between the respective organisations in embarking on the CESM position. Key objectives underpinning the MOU are defined following:

- deliver coordinated prevention programs to reduce the incidence of emergencies and improve the level of safety in the community;
- operate to a consistent set of protocols and equipment standards;
- provide efficient systems of communication between organisations at all levels to improve service delivery outcomes;
- promote and support volunteer organisational arrangements that combine the spirit of volunteerism to attract and retain members;
- provide and / or coordinate the level of training to personnel, to ensure the competencies are appropriate to the risk level of emergencies to which volunteers will be required to respond;



- work as part of the Emergency Services Team within the Emergency Services and Community Safety Business Unit of the Shire;
- develop a partnership that will see a best practice approach to emergency service delivery implemented between the Shire and DFES;
- enhance community ownership of fire prevention and preparedness programs and activities; and
- create and maintain a pool of qualified level 1 incident controllers among volunteers across the bushfire brigades of the Shire.

The Draft Business Plan sets the key performance measures that will be reported on for the role. This is an important document, as each local government that has a CESM needs to ensure the key performance expectations meet what its unique context comprises. In terms of the Shire, the Chief, Deputy Chief and Brigades Captains helped to provide input to the document. Additionally, Officers considered how the role would fit within the structure of the organisation, how it would interface with the community, and importantly how the CESM as Chief would be expected to perform in accordance with the requirements of the *Bush Fires Act 1954*.

The Draft Business Plan is included as Attachment 2. It sets out the measures that are key for achieving success for both agencies and our stakeholders in terms of the role of the CESM. This covers the relevant range of prevention, preparation, response and recovery elements, and also how the role is part of a broader team both within the organisation of the Shire and DFES, and also the volunteers of the Shire's six brigades.

This includes outcomes as follows:

- Bushfire Risk Management Plan (BRMP) developed and endorsed for Shire as per State Hazard Plan - Fire;
- Bushfire management and mitigation programs developed and implemented for Unallocated Crown Land & Unmanaged Reserves within town boundaries for the Shire;
- Practices for bushfire management on local government lands in the Shire developed;
- Support Community Engagement and awareness programs as identified in Shire BRMP or as developed for the Shire;
- Volunteer Bush Fire Brigade Training Coordination;
- LGGS Operation and Capital grants managed for SES (where required) and BFS;
- Emergency water supplies owned by Shire maintained. Hydrants outside GFDs inspected annually – faults reported; and
- Emergency Services exercised annually as per LEMA's.

This is a small snippet of the actions that underpin the role for the Shire and DFES going forward which the CESM will be measured against.

It is recommended both documents be endorsed by Council for signing by the CEO.

Subject to acceptance of the MOU and Business Plan, there will be twice yearly reporting to the Bushfire Advisory Committee and Council in respect of performance against the Business Plan. This will be the key avenue in respect of demonstrating accountability to the achievement of the performance indicators set out in the Business Plan.



Options and Implications

Option 1

That Council endorses the MOU and Business Plan for the Community Emergency Services Manager role between the Shire and the Department of Fire and Emergency Services.

Option 2

That Council does not endorse the MOU and Business Plan.

Option 1 is recommended.

Conclusion

The purpose of this report is for Council to consider endorsing the:

1. Memorandum of Understanding between the Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services ("DFES") in respect of the joint Community Emergency Services Manager ("CESM") role and;
2. Business Plan which sets out key outcomes and deliverables for the CESM position.

For the reasons discussed in this report, it is recommended both be endorsed for signing by the CEO.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** – Draft SJ Memorandum of Understanding Employed CESM (E20/1327)
- **10.1.7 - attachment 2** – Draft Business Plan (E20/1328)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

The CESM role is 50% funded by the Shire, and 50% funded by DFES. This effectively replaces the 100% Shire funded Manager Emergency Service and Community Safety, representing a cost saving of circa \$60-\$70K.

In terms of operational costs, the following matters should also be noted:

- Overtime for attendance at DFES controlled operational incidents, on-call allowance and any other authorised DFES matters will be approved by the DFES Regional Duty Coordinator and paid by DFES.
- Overtime for authorised attendance at City/Shire controlled operational incidents and any other authorised City/Shire matters will be approved by the appointed City/Shire Officer and paid by the City/Shire.
- All overtime will be paid in accordance with WA Fire Service EBA conditions.



- The vehicle used by the CESM will be by agreement between the City/Shire and DFES.
- The CESM will have commuting access, home garaging and private use within the DFES Region whilst on call.
- The CESM will not have use of the vehicle during periods of leave.
- "Vehicle Costs" – DFES to pay \$11,398 to be invoiced quarterly.
- A back fill will be supplied when the CESM is on leave for periods greater than two weeks (the relief person will be agreed by DFES and the Shire, including providing internal opportunities for staff to act in the role)

The 50% sharing of main operational costs (vehicle) is also a saving for the Shire.

All savings and reallocations will be realised at the mid-year budget review.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not endorse the Officer Recommendation	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **9** has been determined for this item.



Voting Requirements: Absolute Majority

OCM014/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strautins

That Council:

- 1. RESOLVES to endorse Memorandum of Understanding between the Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services (“DFES”) in respect of the joint Community Emergency Services Manager (“CESM”) role, as contained in attachment 1 and;**
- 2. RESOLVES to endorse the Business Plan which sets out key outcomes and deliverables for the CESM position, as contained in attachment 2.**
- 3. REQUESTS the CEO to sign both the Memorandum of Understanding and Business Plan.**

CARRIED BY ABSOLUTE MAJORITY 9/0

**10.2 Infrastructure Services reports**

10.2.1 - Application and Road Owner Support to Add or Amend a Road on Restricted Access Vehicle Network- Category 4- Growers Agrishop (SJ1218)	
Responsible Officer:	Manager Infrastructure and Assets
Senior Officer:	Director Infrastructure Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider Main Roads' application and road owner support to add a section of Rowley Road between Tonkin Highway and Nicholson Road into the Restricted Access Vehicle (RAV) Network 4. The request is for written endorsement from the Shire, which will allow this section of Rowley Road to be included in the Restricted Access Vehicle (RAV) Network 4 by Heavy Vehicle Services, Main Roads Western Australia.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background












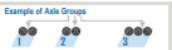

During the construction of the Armadale Road & Nicholson Road flyover, a section of Armadale Road was closed for the through traffic. All northbound traffic on Nicholson Road and businesses located south of Armadale and Nicholson Roads intersection were detoured via Rowley Road. However, Rowley Road is not part of the RAV network and therefore, all the heavy vehicles were forced to detour via Thomas Road in order to access Tonkin Highway. Therefore, Growers Agrishop, who are located south of Armadale and Nicholson Road intersection within the City of Armadale made an application to the Main Roads Heavy Vehicle Services Branch to include the section of Rowley Road between Tonkin Highway and Nicholson Road into the RAV Network 3.

Tonkin Highway and Nicholson Road are already included in the RAV Network 4. Therefore, Main Roads WA prefers to include this section of Rowley Road into Network 4 instead of Network 3.

The Commissioner of Main Roads delegated power under the *Road Traffic Act 1974* to the Main Roads Heavy Vehicle Services Branch to work collaboratively with Local Government and other road owners in the operation of heavy vehicles on local roads and to facilitate the servicing of industrial and commercial needs. Main Roads Heavy Vehicle Services will consider adding a road to the RAV Network provided support from the relevant road owner is obtained.



As per Council Policy 2.1.2- Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale, any application for the operation of RAV with tri-axle dolly, increased mass and tri-drive vehicles etc. need to be determined by council and a cost recovery method considered.

2016 Prime Mover, Trailer Combinations										
Heavy Vehicle Services										
VEHICLE DESCRIPTION AND CONFIGURATION CHART					(RAV) – PRIME MOVER, TRAILER COMBINATIONS EXAMPLES					
Category	(A) PRIME MOVER, SEMI TRAILER TOWING A PIG TRAILER	(B) PRIME MOVER TOWING AN OVERHEIGHT SEMI TRAILER	(C) SHORT B-DOUBLE	(D) TWINSTEER PRIME MOVER TOWING SEMI TRAILER	(A)	Axle Spacing Table	Length (m)	Mass (T) (Max Gross Mass)	RAV Network	
1					(A)	A	≤20	50	Network 1	
2	(A) PRIME MOVER, SEMI TRAILER TOWING A PIG TRAILER	(B) PRIME MOVER TOWING SEMI TRAILER	(C) B-DOUBLE	(D) SHORT B TRIPLE	(E) CAR CARRIER SEMI TRAILER	(B)	A	≤19	42.5	Network 2
						(C)	A	≤20	47.5	
						(B)	A	≤27.5	87.5	
							(D)	A	≤27.5	
3	(A) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER					(E)	A	≤25	42.5	Network 3
						(A)	B	≤27.5	84	
4	(A) PRIME MOVER, SEMI TRAILER TOWING 6 AXLE DOG TRAILER					Example of Axle Groups				Network 4
						 Example of Axle Group with An Optional Axle 				



Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 56 of the *Land Administration Act 1997* vests the care, control and management of roads in the local government.

Subdivision 5 of the *Local Government Act 1995* provides powers to the Local Government to close thoroughfares to vehicles or classes of vehicles

Section 3.54 of the *Local Government Act 1995* confirms the care, control and management of reserved land, to the Local Government

Comment

As per the Main Roads Heavy Vehicles Services Framework (adding a local government road to a RAV Network) Main Roads Western Australia is responsible for administering road access for RAVs in Western Australia. There are many types of RAVs operating within Western Australia and each have different performance characteristics, require a different amount of road space when operating and have different impacts on the road infrastructure. To address these requirements, Heavy Vehicle Services works collaboratively with the relevant road asset owner to establish a number of suitable state-wide networks, maintained for the various types of RAVs.

Where a local government receives an application requesting support for RAV access on a local road that is not part of the base RAV Network, it is important that the road owner conduct a preliminary assessment of the road. This is to ensure there are no evident issues identified that would deem RAV access unsuitable.

Once a preliminary assessment has been completed the local government concerned must confirm its support for (or rejection of) the application through the appropriate channels i.e. meeting of Council or Chief Executive Officer, according to Delegation of Authority arrangements.

Following a route determination request from Main Roads Heavy Vehicle Services, Shire Officers conducted the preliminary assessment for the section of Rowley Road between Tonkin Highway and Nicholson Road (3.72km). Based on the assessment, this section of Rowley Road did not meet minimum requirements to include in the RAV Network 4 due to the following reasons.

As per the Main Roads WA- Standard Restricted Access Vehicles (RAV) Route Assessment Guidelines, minimum carriageway width needs to be 9.9m for Rowley Road based on the 80km/h operating speed and more than 1000 average annual daily traffic. However, existing pavement width of the road is only 8.2m, which is below the minimum requirement

In / out movement at the Rowley Road and Nicholson Road intersection cannot be achieved without entering into the path of oncoming vehicles. However, encroachment over the centerlines is not acceptable for this intersection due to the heavy traffic volume.

RAV entering from Rowley Road does not have appropriate sight distance to see oncoming traffic from Nicholson Road. Based on the Route Assessment Guidelines, entering sight distance needs to be 220m for the 80km/h operating speed.

Existing pavement of Rowley Road is not adequate to carry the heavy vehicles. The section of Rowley Road between Kargotich Road and Tonkin Highway has pavement dipping and requires reconstruction.



In addition, Armadale Road and Thomas Roads are already included in the RAV Network 4 to provide an east- west link within the vicinity of Rowley Road.

Options and Implications

Option1

Council does not support Growers Agrishop's application / Main Roads WA request seeking road owner support to add Rowley Road between Tonkin Highway and Nicholson Road (3.72km) on either RAV Network 3 or 4.

Rowley Road between Tonkin Highway and Nicholson Road is not suitable for RAV Network 3 or 4 which will further degrade the quality of road. This section of road has pavement dipping in multiple locations due to the presence of clay materials. Allowing heavy vehicles will cause more damage to the pavement and create safety hazards to commuters. Please refer to **attachment 2** for details of preliminary assessment.

Option 2

Council supports Growers Agrishop application seeking road owner support to add Rowley Road, Oakford between Tonkin Highway and Nicholson Road on a RAV Network 3.

However, in order to add this section of the Rowley Road to meet the requirements for RAV Network 3, the following upgrade works are required:

- Section of the Rowley Road between Tonkin Highway and Kargotich Road needs reconstruction to strengthen the pavement to Shire satisfaction.
- Intersection of Nicholson Road and Rowley Road requires major upgrade works to provide the required sweep path for the 27.5 m heavy vehicles that may entail the construction of a roundabout or signalised intersection to Shire satisfaction.

Option 3

Council supports Main Roads WA request seeking road owner support to add Rowley Road, Oakford between Tonkin Highway and Nicholson Road on a RAV Network 4.

However, in order to add this section of Rowley Road and to meet the requirements for RAV Network 4, the following upgrade works are required:

- Section of the Rowley Road between Tonkin Highway and Kargotich Road needs reconstruction to strengthen the pavement to Shire satisfaction.
- Intersection of Nicholson Road and Rowley Road requires major upgrade works to provide the required sweep path for the 27.5 m heavy vehicles that may entail the construction of a roundabout or signalised intersection to Shire satisfaction.

Option 1 is recommended.

Conclusion

Council Officer's recommends Option 1, as the condition of Rowley Road between Tonkin Highway and Nicholson Road is not suitable for RAV Network 3 or 4, unless major road improvement is provided for Rowley Road and the intersection of Nicholson and Rowley Road is upgraded.

**Attachments (available under separate cover)**

- **10.2.1 - Attachment 1** – Application for Road Owner Support – Growers Agrishop (IN20/2348)
- **10.2.1 - Attachment 2** – Road Owner Preliminary assessment checklist (E20/739)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Supporting Growers Agrishop Application to operate RAV 3/4 vehicles on Rowley Road resulting in damage and surface compromise.	Unlikely (2)	Major (4)	High (10-16)	Financial Impact - 4 Major - \$500,000 - \$2M	Accept Officer Recommendation



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **8** has been determined for this item.

Voting Requirements: Simple Majority

OCM015/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council **DOES NOT SUPPORT** Growers Agrishop's application seeking road owner support to add Rowley Road between Tonkin Highway and Nicholson Road (3.72km) on a Restricted Access Vehicle Network 4.

CARRIED UNANIMOUSLY 9/0



10.2.2 - Application and Road Owner Support to Add or Amend a Road on Restricted Access Vehicle Network- Category 4.3 on Karnup Road and Hopeland Road by Hanson Construction Materials Pty Ltd (SJ1218)	
Responsible Officer:	Manager Infrastructure and Assets
Senior Officer/s:	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.
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Report Purpose

The purpose of this report is for Council to consider Main Roads' application and road owner support to add a section of Karnup Road and Hopeland Road into the Restricted Access Vehicle (RAV) Network 4, Level 3. The request is for the written endorsement from the Shire, which will allow this section of Karnup Road and Hopeland Road to be included in the RAV Network 4, Level 3 by Heavy Vehicle Services Main Roads Western Australia.

The application include the section of Karnup Road between LGA Border (SLK13.73) and Hopeland Road (SLK 8.15), and Hopeland Road between Karnup Road (SLK 1.65) to LGA Border (SLK12.50) in to the RAV Network 4, Level 3 (see Figure 1 below).

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The section of Karnup Road from the Kwinana Freeway to Hopeland Road is already included in the RAV Network 4, Level 1 with conditions. (i.e. a RAV must not be driven on this road in excess of 4.3 metres in height, no operation during School Bus hours and Transport operators are to contact the local schools to obtain school bus hours). However, Hopeland Road from Karnup Road to the boundary with the Shire of Murray is not part of any RAV Network. This section of road is classified "as of right" and includes access for a vehicle with a total length of 19 metres in the case of a combination, or total length of 12.5 metres in the case of a motor vehicle that is not part of a combination.

Hanson Construction Materials Pty Ltd made an application to the Main Roads Heavy Vehicle Services Branch to include into the RAV Network 4, Level 3, the section of Karnup Road between the boundary with the City of Rockingham and Hopeland Road and the section of Hopeland Road between Karnup Road and the boundary with the Shire of Murray. The Commissioner of Main Roads delegated power under the *Road Traffic Act 1974* to the Main Roads Heavy Vehicle Services Branch to work collaboratively with Local Government and other road owners in the operation of heavy vehicles on local roads and to facilitate the servicing of industrial and



commercial needs. Main Roads Heavy Vehicle Services will consider adding a road to the RAV Network provided support from the relevant road owner is obtained.

As per Council Policy 2.1.2- Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale, any application for the operation of RAV with tri-axle dolly, increased mass and tri-drive vehicles etc. need to be determined by council and a cost recovery method considered.

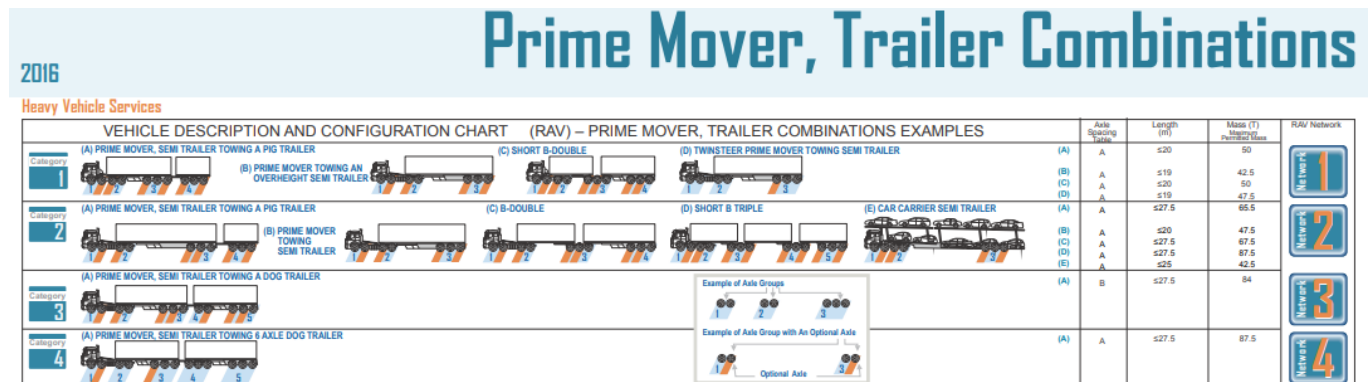


Figure 1: RAV Vehicle Classifications

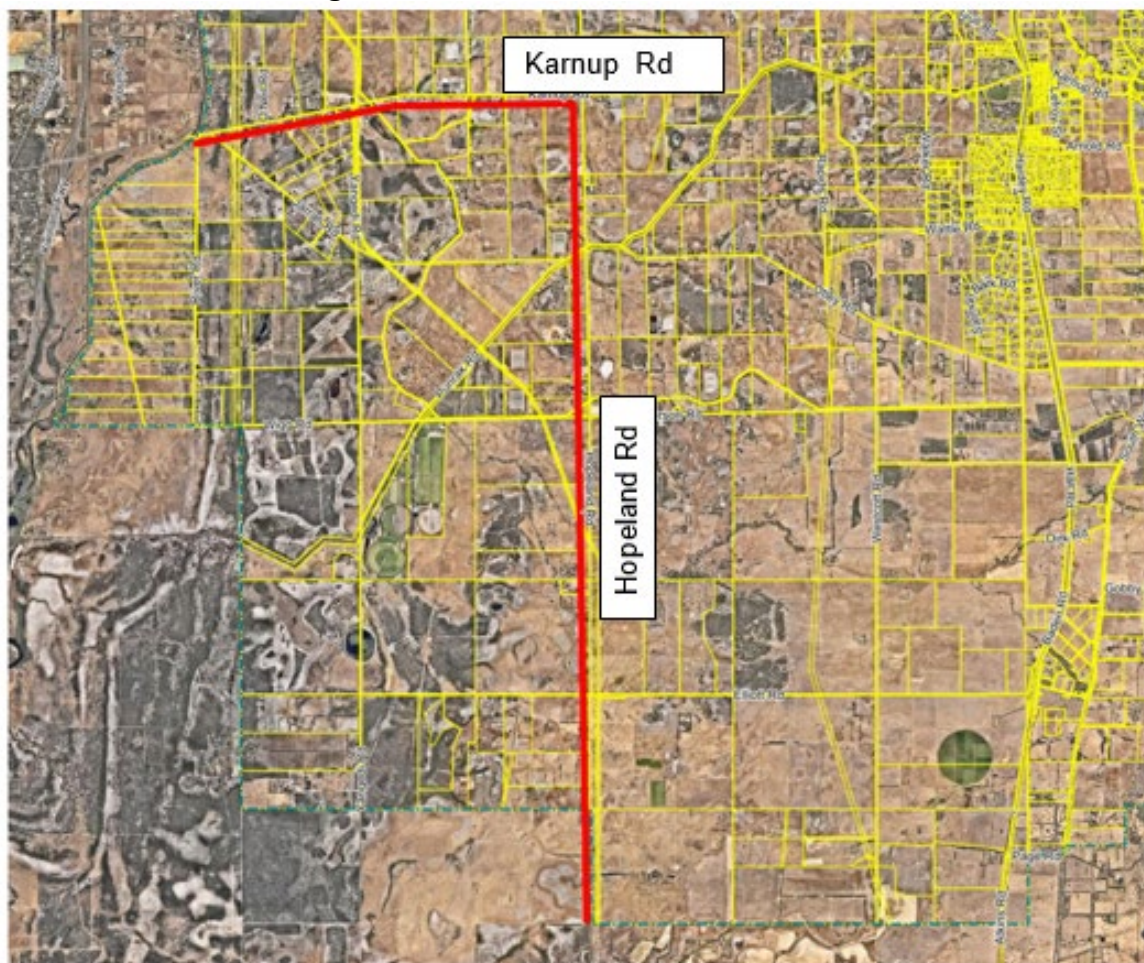


Figure 2: Location Map: Karnup Road and Hopeland Road



Community / Stakeholder Consultation

N/A

Statutory Environment

Section 56 of the *Land Administration Act 1997* vests the care, control and management of roads in the local government.

Subdivision 5 of the *Local Government Act 1995* provides powers to the local government to close thoroughfares to vehicles or classes of vehicles.

Section 3.54 of the *Local Government Act 1995* confirms the care, control and management of reserved land, to the local government.

Comment

As per the Main Roads Heavy Vehicles Services Framework (adding a local government road to a RAV Network) Main Roads Western Australia is responsible for administering road access for RAVs in Western Australia. There are many types of RAVs operating within Western Australia and each have different performance characteristics, require a different amount of road space when operating and have different impacts on the road infrastructure. To address these requirements, Heavy Vehicle Services works collaboratively with the relevant road asset owner to establish a number of suitable state-wide networks, maintained for the various types of RAVs.

Where a local government receives an application requesting support for RAV access on a local road that is not part of the base RAV Network, it is important that the road owner conduct a preliminary assessment of the road. This is to ensure there are no evident issues identified that would deem RAV access unsuitable.

Once a preliminary assessment has been completed the local government concerned must confirm its support for (or rejection of) the application through the appropriate channels i.e. meeting of Council or Chief Executive Officer, according to Delegation of Authority arrangements.

Once a route determination request was received from Main Roads Heavy Vehicle Services, Shire Officers conducted the preliminary assessment for the section of Karnup Road between the boundary with City of Rockingham and Hopeland Road; and the section of Hopeland Road between Karnup Road and the boundary with the Shire of Murray. Based on the assessment, this section of Hopeland Road did not meet minimum requirements to include it in the RAV Network 4 due to the following reasons:

- As per the Main Roads WA- Standard Restricted Access Vehicles (RAV) Route Assessment Guidelines, minimum carriageway width needs to be 9.9m for the Hopeland Road based on the 100km/h operating speed and more than 1000 average annual daily traffic. However, some of the section's existing seal width of the road is only 5.5m with narrow shoulders which do not meet the minimum requirement.
- In/ out movement at the Karnup Road and Hopeland Road intersection can't be achieved without entering into the path of oncoming vehicles. However, encroachment over the centerlines is not acceptable for this intersection due to the heavy traffic volume and high speed.

In addition, it is recommended that Council does not support allowing concessional loads on its roads. Concessional loads directly increases pavement degradation without compensation. In



particular, in the case of Karnup Road and Hopeland Road, the result of concessional loads is increased costs to the local community, to the benefit of private business outside the Shire. To ensure reduction of road maintenance cost to the Shire, Council consolidated the position of not supporting concessional loads on local roads as outlined in adopted Shire Policy 2.1.2, Restricted Access Vehicle operations within the Shire of Serpentine Jarrahdale. The policy states in Clause 4 that the Shire does not allow concessional loads.

Options and Implications

Option1

Council does not support Hanson Construction Materials Pty Ltd's application seeking road owner support to add the section of Karnup Road between the boundary with the City of Rockingham and Hopeland Road; and the section of Hopeland Road between Karnup Road and the boundary with the Shire of Murray on RAV Network 4, Level 3.

Option 2

Council supports Hanson Construction Materials Pty Ltd's application to operate vehicles up to RAV Network 4, Level 3 configuration on the section of Karnup Road between the boundary with the City of Rockingham and Hopeland Road; and the section of Hopeland Road between Karnup Road and the boundary with the Shire of Murray.

There is significant additional road degradation as a consequence of allowing concessional loads. The Shire may encounter additional risk of operators not conducting their own weight check as per recommendations by Main Roads, which will result additional maintenance cost to the Shire.

The effect of increasing weight, on pavement damage, is an increase to the power of four.

Option 1 is recommended.

Conclusion

It is recommended that Council adopt option one and does not support Hanson Construction Materials Pty Ltd's application to operate vehicles up to RAV Network 4, Level 3 configuration on Karnup Road and Hopeland Road on the basis of Main Roads WA - Standard Restricted Access Vehicles (RAV) Route Assessment Guidelines requirement and Shire Policy 2.1.2, Restricted Access Vehicle operations within the Shire of Serpentine Jarrahdale.

Attachments (available under separate cover)

- **10.2.2 - Attachment 1** – Application for Road Owner Support – Hanson Construction Materials Pty Ltd (IN20/2350)
- **10.2.2 - Attachment 2** – Road Owner Preliminary assessment checklist – Karnup Road (E20/736)
- **10.2.2 - Attachment 3** – Road Owner Preliminary assessment checklist – Hopeland Road (E20/737)

Alignment with our Strategic Community Plan

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



Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Supporting Hanson Construction Materials Pty Ltd Application to operate RAV 4, Level 3 vehicles on Karnup Road and Hopeland Road resulting in damage and surface compromise.	Unlikely (2)	Major (4)	Moderate (5-9)	Financial Impact - 4 Major - \$500,000 - \$2M	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **8** has been determined for this item.



Voting Requirements: Simple Majority

OCM016/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council DOES NOT SUPPORT Hanson Construction Materials Pty Ltd's application to operate RAV 4, Level 3 on the section of Karnup Road between the boundary with the City of Rockingham and Hopeland Road; and the section of Hopeland Road between Karnup Road and the boundary with the Shire of Murray.

CARRIED UNANIMOUSLY 9/0



Shire President, Councillor Rich, declared a Financial Interest in item 10.2.3 and left the Chambers at 8.18pm prior to this item being discussed.

The Presiding Member, Councillor Rich vacated the chair, and Deputy Shire President, Councillor Atwell assumed the Chair as Presiding Member at 8.18pm.

10.2.3 - Award Request for Tender – RFT 11/2019 - Hopkinson Road Widening (SJ3166)	
Responsible Officer:	Manager Infrastructure and Asset
Senior Officer/s:	Director Infrastructure Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 11/2019 – Hopkinson Road Widening and for Council to award the contract to the best value for money tenderer.

Relevant Previous Decisions of Council

Council supported the submission of black spot grant application for the Hopkinson Road-SLK 5.53-7.99. Refer OCM054/06/18 - Black Spot Program for the 2019/20 Financial Year (SJ2442).

*Ordinary Council Meeting – 16 December 2019 - OCM290/12/19 - **extract** -*

That Council APPROVES the schedule of variations as presented below in accordance with section 6.8 of the Local Government Act 1995, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2020:

<i>Account Number</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>New Account</i>	<i>Increase Expenditure</i>	<i>Shoulder Widening – Cardup Siding Road (SJ3088)</i>	<i>335,000</i>	

**Background**

75 crashes were recorded on Hopkinson Road between Abernethy Road and Gloaming Way. The number of crashes with higher severity are shown in the table below.

Crash Statistics	Number of Crashes
Crashes in total in the last 5 years	75
Casualties	18
Fatality	2
Hospitalisation Required	4
Medical Attention Required	12
Run-Off Carriageways	9

Based on the nature of the large number of crashes recorded and Main Roads' recommended treatment measure, the effective treatment measures considered are construction and sealing of road shoulders, installation of edge line markers and centreline delineation marking and removal of roadside hazards.

As part of its commitment to ensure safe road environments for residents and visitors, Officers lodged an application for grant funding for the 2018/19 Black Spot Program. The Shire received a written notification from the Metropolitan Regional Road Group (MRRG) on 23 October 2019 that funds have now become available and that due to its ranking on the reserve list, the Hopkinson Road project can be allocated the full available funds. The funding however, is conditional on the Shire confirming that the project can be delivered within the 2019/20 financial year with a Shire contribution of one third (1/3) funding requirement, in accordance with the State Road Funds for Local Government Agreement. The funds available through the State Road Funds for Local Government Agreement is \$210,000 and the Shire will provide matching funding of \$105,000.

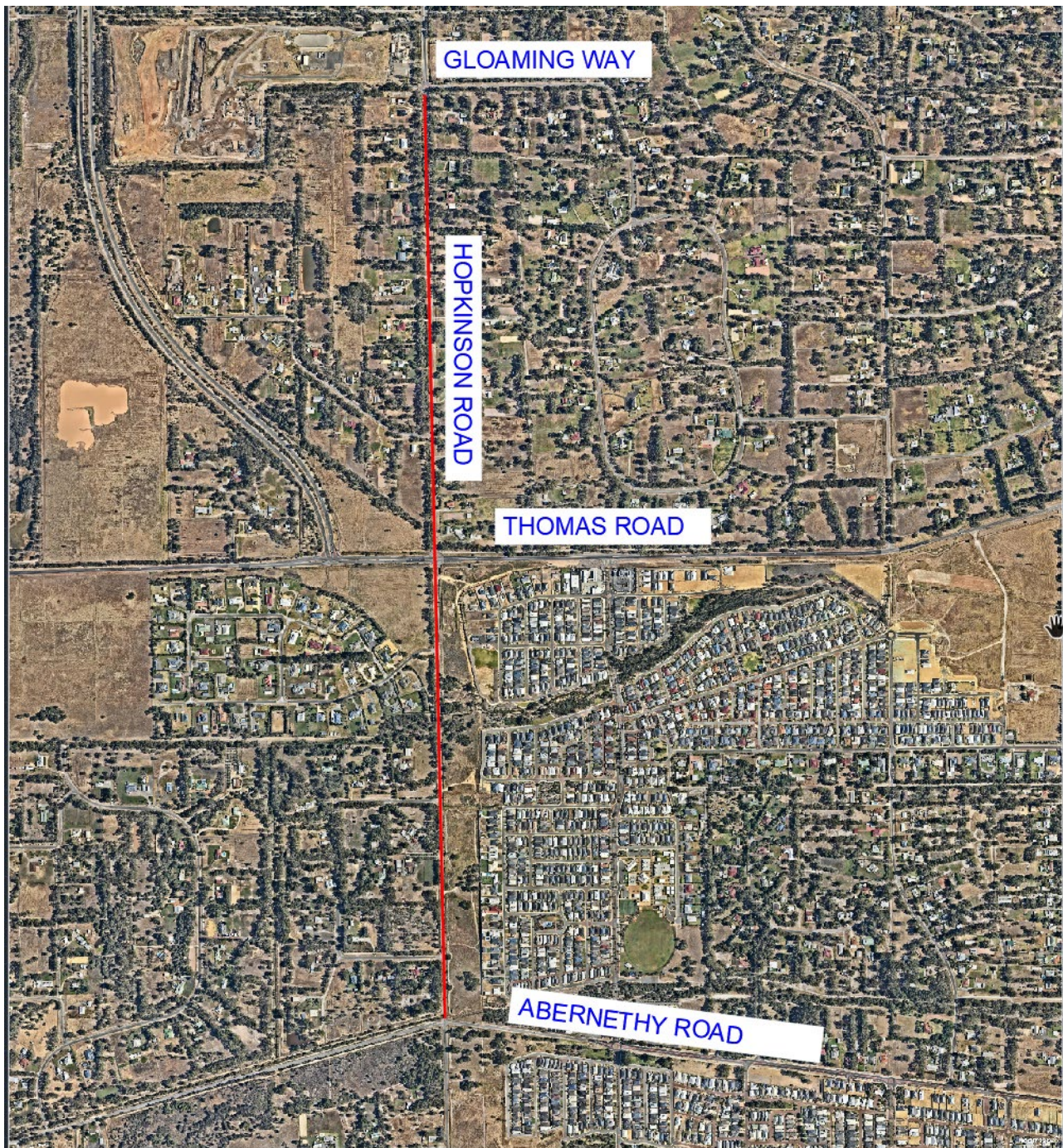


Figure 1. Hopkins Road, Byford- Widening Locality map

Community / Stakeholder Consultation

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



Submissions

The Request for Tender RFT 11/2019 – Hopkinson Road Widening was advertised on Wednesday 8 January 2020 and closed at 2.00pm on Thursday 23 January 2020.

The Tender was advertised in the following papers:

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

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

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

Tender submissions were received from the following companies:

#	Company Name
1	HAS Earthmoving
2	Industrial Roadpavers WA Pty Ltd
3	RCA Civil Group Pty Ltd

Evaluation Panel

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

- Project Coordinator Infrastructure and Assets
- Technical Officer Infrastructure and Assets
- Coordinator Design

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



Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
Relevant experience with: <ul style="list-style-type: none">Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years.	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">Capacity to deliver the services including:Key personnel / Professional skills;Describe the key personnel who will be involved in the work, including past work of a similar nature.	10%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none">Project schedule;Process for delivery of goods/services;Project Management Plan;Critical assumptions; andAny additional information.	15%

Comment

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

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

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

Statutory Environment

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

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

2. Tender Exemption

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

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



Options and Implications

The following options have been identified:

Option 1

Award the contract as recommended in **confidential attachment 1** – Request for Tender RFT 11/2019 – Hopkinson Road Widening to RCA Civil Group Pty Ltd.

Option 2

Not award the contract and retender.

Option 3

Not award the contract and not retender i.e. – nil action.

Option 4

That Council reassess and appoint an alternative tenderer.

Option 1 is recommended.

Conclusion

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

It is recommended that Council support Option 1 and the contract be awarded to RCA Civil Group Pty Ltd.

Attachments

- **10.2.3 - CONFIDENTIAL Attachment 1** – RFT 11/2019 – Hopkinson Road Widening – OCM - Confidential - Evaluation Report - (E20/560)

Alignment with our Strategic Community Plan

Outcome 3.4	An innovation centre of excellence.
Strategy 3.4.1	Identify and promote innovation and education opportunities.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community.
Outcome 4.2	A strategically focused Council.
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.
Strategy 4.2.3	Provide clear strategic direction to the administration.



Financial Implications

The funding for this tender is included in the Budget Adjustments – September 2019 Quarterly Review and adopted by Council at the 16 December 2019 Ordinary Council Meeting to undertake the works.

The allocated budget for the work is \$315,000 and the recommended tender value of \$235,566.72 ex GST is within budget.

STATE ROAD FUNDS FOR LOCAL GOVERNMENT AGREEMENT			
Project	Shire	State Government	Total
Hopkinson Road Widening	\$105,000	\$210,000	\$315,000

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Poor selection of contractor to provide quality works	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Simple Majority

OCM017/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr McConkey

That Council AWARDS Tender Request for Tender 11/2019 – Hopkinson Road Widening to RCA Civil Group to the value of \$235,566.72, excluding GST, as contained within confidential attachment 1.

CARRIED UNANIMOUSLY 8/0

Councillor Rich returned to the Chambers at 8.19pm and resumed the Chair as Presiding Member.

Councillor Atwell advised the Shire President, Councillor Rich of the Council Resolution for item 10.2.3.

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**10.2.4 – Shire of Serpentine Jarrahdale Waste Management Strategy (SJ216)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider releasing the Waste Management Strategy 2020 – 2024 for community consultation, consistent with the Communication and Engagement Plan that forms part of this report. A public consultation period of 28 days is proposed.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 29 September 2015 - OCM188/09/15

That Council:

- 1. Approve the Direct Deed and authorise the Shire President and Chief Executive Officer to sign on behalf of Council.*
- 2. Approve the final amendments, which have been completed without material changes to the previous Draft Waste Services Agreement as per attachment OCM188.2/09/15 and Draft Participants Agreement as per attachment OCM188.3/09/15, and authorise the Shire President and Chief Executive Officer to sign both documents on behalf of Council.*

Ordinary Council Meeting - 24 April 2017 - OCM049/04/17

That Council:

- 1. Accept the Deeds of Amendments, as included at Confidential Attachment OCM049.1/04/2017 and OCM049.2/04/2017, for*
 - a. Amending the Waste Supply Agreement (2015), and*
 - b. Amending the Participants Agreement (2015).*
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Deed of Amendment to the Waste Services Agreement and the Deed of Agreement to the Participants' Agreement; and*
- 3. That the CEO be requested to investigate alternate opportunities for the Shire of Serpentine Jarrahdale should the project not proceed.*



4. That the CEO provide a fully costed list of opportunities including costs to date.

Background

The Shire of Serpentine Jarrahdale (the Shire) is the fastest growing local government district in the metropolitan region of Perth, and the State of Western Australia. Population growth provides ongoing challenges and opportunities for waste management service delivery, and requires every local government to develop an effective strategy to meet such challenges and opportunities for the future. This Waste Management Strategy covers waste-related issues and opportunities in the Shire, which through consultation with the community, outline the planned waste services and infrastructure that are required to provide a secure and cost-effective future of waste management.

The Shire aims to move towards a low waste and low carbon society and recognises that this will require a co-operative effort from industry, community groups, schools, households and individuals within the region. Ongoing engagement with the residents of and visitors to the Shire will be a critical aspect to achieving the vision.

Community / Stakeholder Consultation

The Waste Management Strategy has been discussed with Council at various stages of its development. The preliminary draft was presented to Council at the Policy Concept Forum on 25 March 2019 and the updated draft was taken to the Policy Concept Forum on 23 September 2019.

Policy Concept Forum

Meeting Date	25 March 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Policy Concept Forum

Meeting Date	23 September 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

It is proposed that the draft Waste Management Strategy be advertised for community consultation for a period of 28 days. The comments received will be considered and the Strategy amended where warranted. This will then be presented to Council for consideration and formal adoption.

A Communication and Engagement Plan has been developed to ensure the engagement process provides opportunities for broad involvement of our community (see **attachment 4**). This is proposed to include:

- forums/workshops;
- printed communication i.e. frequently asked questions ('FAQ's'); Examiner "Scarp Voice"; media release;
- on-line communication i.e. SJ Matters; Facebook; website; and



- public notice.

Statutory Environment

The *Local Government Act 1995* outlines the services which the Shire must provide, including the provision of waste removal services to the Shire's residents.

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

- minimum level of waste services to be provided by local governments;
- requirement for the development of waste plans by local governments;
- requirement for waste local laws; and
- adherence to the principles of the Waste Hierarchy in local government decision-making.

Comment

The Shire has developed a new Waste Management Strategy, which will provide the framework and direction for the Shire's waste activities from 2020 to 2024.

The Shire's Strategy is linked to the State Government's Waste Avoidance and Resource Recovery Strategy 2030, which was revised in February 2019.

The Shire's vision for the management of Waste is:

'To increase capacity to recover and recycle waste, improve sustainability and reduce impacts on the environment and landfill sites while establishing a means to address future demands'.

The State Government's vision for the management of waste is:

'Western Australia will become a sustainable, low waste, circular economy in which human health and the environment are protected from the impacts of waste'.

The Shire's objectives

The Shire's objectives for the management of the waste it handles are to:

- progress towards waste reduction targets by increasing the recovery and use of materials in the three major waste streams;
- reduce waste to the Shire's waste management facilities;
- plan for sustainable management of the community's waste and assets, and increase the useful life of the Shire's landfill;
- reduce greenhouse gas emissions from waste management operations;
- provide the community with an acceptable waste management service that works to divert materials from landfill and is cost effective and equitable;
- improve data collection of solid waste disposal and recycling volumes to inform management decisions;
- be accountable and transparent in the management of the Shire's waste;



- educate the community on solid waste minimisation and resource recovery to motivate behavioural change;
- identify any remaining gaps in waste minimisation education, management and practice, enabling planning for further improvements in future years; and
- inform and develop future Shire's waste initiatives.

The centrepiece of both the Shire and the State's strategies is the proposed three-bin system for Food Organics and Garden Organics (FOGO). The document incorporates the collection of kerbside waste and recycling, and the proposed food and garden organics collection. The strategy also makes consideration of tip passes, illegal dumping, verge collections and the opportunity to reopen its Waste Transfer Station to the Shire.

It is important the community consider these elements, especially to be able to provide informed responses to the proposed strategies set out in the document.

The Shire's waste projects

The following projects listed in Table 1 will allow the Shire to move towards reducing the effects of waste produced within the Shire and on our environment.

Table 1. Projects

Number	Project	Project start	Project completion
1	Waste Education and Awareness	2020	Ongoing
2	Kerbside Collections – FOGO service roll out appraisal	2021	2024
3	FOGO processing within the Shire	2024	Ongoing
4	Waste Transfer Station reopening and optimisation	2020	Ongoing
5	Verge side bulk waste collections	2020	2022
6	Litter prevention	2020	Ongoing
7	Data Collection and Reporting	2019	Ongoing

Kerbside collections – FOGO service roll out

In line with the requirements of the State's Waste Avoidance and Resource Recovery Strategy 2030, the Shire will aim to roll out the FOGO service to its residents to align with the consistent three-bin kerbside collection system. The FOGO service aims to divert the food organics and garden organics contained within the general waste bin to a separate facility where the material is converted to compost for reuse.

The Shire will investigate conducting a compositional audit of the kerbside bins pre and post implementation of the introduction of additional bins to:

- enable targeted and informed communications with residents;



- improve forecasting and budgeting; and
- meet State reporting requirements.

Recent roll outs in other local governments has had measured key success based on upfront education for all residents transitioning to a FOGO service. For example, implementation within the Cities of Melville and Cockburn was supported by Waste Education Officers. This will be an important component of the Shire's Strategy should it be ultimately supported.

As part of the Rivers Regional Council, the Shire has committed to provide a minimum tonnage of waste material to the Kwinana Waste to Energy (WtE) facility. The provision of waste to this facility will play a large part in increasing the Shire's diversion of waste from landfill. To ensure the Shire meets its contractual obligations, all waste management activities and projects require due consideration to ensure best practice and best value for money is achieved.

A staged rollout of the FOGO bins will be conducted following compositional analysis and mapping of the quantity of waste expected to be captured by the FOGO bin ensuring that the contractual obligations of the Shire to the Kwinana WtE facility are met.

FOGO processing within the Shire

Initially, the Shire will deliver the collected FOGO material to an existing processor. Currently there are a limited number of facilities able to treat this material although; the number of suitable processors are expected to increase rapidly.

Following establishment of the collection of FOGO and with knowledge gained from the provision of this service, a business case will be developed to investigate the potential to establish a FOGO processing facility within the Shire.

Waste Transfer Station reopening and optimisation

The potential to reopen the Watkins Road Waste Transfer Station site as a drop off and recycling centre would alleviate many of the frustrations in the community regarding the availability of this type of facility. It will also provide the added benefit of reducing the occurrence of illegal dumping within the Shire, with a local and accessible transfer station creating a convenient and accessible facility.

It is anticipated that recycling passes for specified waste materials could be provided to residents, with a focus on revenue generating streams. The controlled and convenient disposal of many items currently illegally discarded within the Shire or disposed of incorrectly, ultimately end up in a landfill. A transfer station can create greater stewardship and shared responsibilities for waste, which is key to addressing the objectives of the Strategy.

The facility could accept a variety of materials in the first instance such as:

- oversize green waste not suitable for the FOGO bin;
- tyres;
- car batteries;
- scrap metal;
- waste oil;
- cardboard;



- e waste;
- other recyclable items; and
- illegally dumped waste collected by the Shire.

Verge side bulk waste collections

Bulk Garden Waste

A portion of garden organics currently collected as part of the verge side bulk collections are anticipated to be captured within the FOGO bin when implemented. The reopening of the Shire's Waste Transfer Station provides an opportunity to transition to end the bulk garden waste collection service, by providing a more accessible, year-round local waste disposal site to residents of the Shire.

Bulk hard waste

A review of bulk hard waste collections following the reopening of the Waste Transfer Station is warranted and will be conducted in conjunction with the bulk garden waste review. In addition to the collection method, the Shire will review and implement systems to better capture and recycle components of this waste stream.

Litter

The Litter Prevention Strategy for Western Australia is anticipated to be reviewed in 2020. The Shire will review the revised Litter Prevention Strategy for Western Australia and in conjunction with Department of Water and Environment Regulation (DWER) guidance, implement systems that will improve the amenity of the Shire.



Data Collection

The ultimate measure of success for this Strategy is if progress is being made towards the achievement of the WARRS 2030 targets. Reporting requirements for local governments in relation to the Strategy are partially captured in the Local Government Census.

The Shire will review and improve data collection systems in line with the:

- Waste Data Strategy being developed by the Waste Authority; and
- online system for waste reporting being developed by DWER.

Development of a comprehensive waste management data set is essential to improve existing services and to develop new services, allowing the Shire to meet the reporting requirements stipulated within the WARRS 2030.

The Shire must effectively measure operational performance and service delivery in line with council policy and public expectations. Enhanced business analysis will ensure more useful operational, financial and statistical data is available to undertake business case development and financial model review, to ascertain the success and viability of each individual service line.

Options and Implications

Option 1:

That Council **RESOLVES** to release the draft Waste Management Strategy 2020 to 2024 for community engagement and public comment for a period of 28 days, in accordance with the Communication and Engagement Plan.

Option 2:

That Council **DOES NOT RESOLVE** to release the draft Waste Management Strategy 2020 to 2024 for community engagement and public comment for a period of 28 days, in accordance with the Communication and Engagement Plan.

Option 3:

That Council **REQUEST** additional amendments to the draft Waste Management Strategy 2020 to 2024 prior to it being released for community engagement and public comment for a period of 28 days, in accordance with the Communication and Engagement Plan.

Option 1 is recommended.

Conclusion

Shire Officers recommend that Council release the Shire of Serpentine Jarrahdale Waste Management Strategy 2020 to 2024 as contained within **attachment 1** for community engagement and public comment for a period of 28 days, in accordance with the Communication and Engagement Plan. At the conclusion of the consultation period, the Strategy and any public submissions received be presented to Council with any resulting agreed amendments.

**Attachments (available under separate cover)**

- **10.2.4 - Attachment 1** – Waste Management Strategy – 2020 to 2024 (E19/15477)
- **10.2.4 - CONFIDENTIAL Attachment 2** – SLR Working Draft (E19/15486)
- **10.2.4 - Attachment 3** – WA State Government - Waste Avoidance and Resource Recovery Strategy 2030 (E19/15476)
- **10.2.4 – Attachment 4** – Waste Management Strategy – Communication and Engagement Plan (E20/1427)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

There are no immediate financial implications resulting from this report.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not adopt the Waste Management Strategy and waste within the Shire is not managed effectively.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Accept Officer Recommendation



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **9** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. RESOLVES to release the Shire of Serpentine Jarrahdale Waste Management Strategy 2020 to 2024 as contained within attachment 1 for community engagement and public comment for a period of 28 days, in accordance with the Waste Management Strategy Communication and Engagement Plan. At the conclusion of the consultation period, the Strategy and any public submissions received be presented to Council with any resulting agreed amendments.
2. ADOPTS the Waste Management Strategy Communication and Engagement Plan as contained within attachment 4.



In accordance with Regulation 11(4)(b) of the *Local Government (Rules of Conduct) Regulations 2007*, the following Councillors declared an Impartiality Interest as a result of the substance of the motion moved by Councillor Strange.

Shire President, Councillor Rich, declared an Impartiality Interest in item 10.2.4.

Councillor Byas declared an Impartiality Interest in item 10.2.4.

Councillor Denholm declared an Impartiality Interest in item 10.2.4.

OCM018/02/20

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr McConkey

That Council:

- 1. RESOLVES to release the Shire of Serpentine Jarrahdale Waste Management Strategy 2020 to 2024 as contained within attachment 1 for community engagement and public comment for a period of 28 days, in accordance with the Waste Management Strategy Communication and Engagement Plan. At the conclusion of the consultation period, the Strategy and any public submissions received be presented to Council with any resulting agreed amendments.**
- 2. ADOPTS the Waste Management Strategy Communication and Engagement Plan as contained within attachment 4, with “Email” to be included as direct communication method for the following target/stakeholder groups:**
 - i) Environmental/friends’ groups within the Shire of Serpentine Jarrahdale;**
 - ii) Industry groups/peak bodies Statewide; and**
 - iii) Resident/ratepayer groups within the Shire of Serpentine Jarrahdale.**

CARRIED 8/1

Reason for difference to Officers Recommendation

To maximise the audience likely to consider the draft plan and widen the opportunity for those interested to provide input.

**10.2.5 – Shire of Serpentine Jarrahdale Draft Walking and Cycling Plan (SJ263)**

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

Authority / Discretion

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

The purpose of this report is to seek Council's support to adopt the Shire of Serpentine Jarrahdale draft Walking and Cycling Plan following completion of the public comment period from 31 October 2019 to 28 November 2019.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 14 October 2019 - OCM223/10/19

That Council RESOLVES to release the Shire of Serpentine Jarrahdale draft Walking and Cycling Plan as per attachment 1 for public comment for a period of 28 days and that, at the conclusion of the consultation period, the Plan and any public submissions received be presented to Council.

Background

Walking and cycling are critical for the future and economic vitality of cities and regions. The Shire of Serpentine Jarrahdale draft Walking and Cycling Plan sets out an interim and long-term aspirational walking and cycling network for the Shire and includes an implementation program for individual projects that will support the realisation of the Plan's vision and objectives. The entire strategy and path alignment generally follows the Department of Transport's Perth and Peel Long Term Cycle Network Plan and is aligned with the Shire's SJ 2050 Vision Aspirations.

In the past, cycling has played a limited role in the transport concept within the Shire, mainly focusing on local paths to schools, road cycling events and mountain biking. However, due to the fast urbanisation of the Byford area, the interest for walking and cycling as a means of transport is growing.

In 2009, the Shire endorsed a Local Area Bicycle Plan, which was revised in 2012. With ending of a five-year term this version of the bicycle plan was due for review and an external consultant was engaged to compile a revised strategic document, the draft Walking and Cycling Plan, in 2019.



Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	27 May 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr See

Community Consultation

The Shire conducted a survey of the Serpentine Jarrahdale community between November 2018 and January 2019. The survey included a number of questions aimed at obtaining feedback from the community that could be used to inform the development of this draft Walking and Cycling Plan. The survey closed with a total number of 211 valid responses received.

In addition, the Shire hosted a draft Walking and Cycling Plan public information session on 10 May, 2019 whereby the Shire's consultant preparing the Plan presented it in electronic form, to the attendees for discussion. The event was advertised on the Shire's website.

The Plan was then released for public comment for a period of 28 days from 31 October 2019 to 28 November 2019.

There was one formal submission received from the community as per **attachment 3**.

Statutory Environment

Not applicable

Comment

The public consultation survey reveals the growing interest for walking and cycling as a means of transport. In contrast, the survey revealed that none of the SJ Shire's town centres are within walking distance of each other, with the closest distance of 4.5 kilometres between Mundijong and Whitby and only a few other centres are within a reasonable cycling distance. The following table (Table 2), shows the approximate time to cycle between the Shire's town centres, based on the shortest existing route (mostly on road).



	Armadale	Byford	Mundijong	Whitby	Serpentine	Jarrahdale	Keysbrook
Byford	33						
Mundijong	67	34					
Whitby	58	32	18				
Serpentine	99	64	30	38			
Jarrahdale	100	68	40	36	60		
Keysbrook	140	106	72	71	42	93	
Wellard	122	87	80	102	101	117	140
Distance determined in Google Earth							

Table 2: Estimated cycling time between locations (in minutes and 15km/h cycle speed)

The squares highlighted in green (Table 2) are considered to be within a feasible commuting time. However, it is well known that people generally aim to spend no more than one hour per day commuting (refer Marchetti Constant). Nonetheless, new cycling infrastructure does have the potential to shorten time for these journeys by providing more consistent, safer and direct cycling routes.

Although people are aware that incorporating walking and cycling into daily travel will provide regular exercise and help improve long term health, few people actively cycle or walk as an everyday transport option.

Strategic Alignment

The Shire of Serpentine Jarrahdale SJ 2050 strategic planning emphasizes the development of economic opportunity, the enhancement of local amenity and local character, and the development of places that contribute positively to the health and wellbeing of the community. The following table (refer Table 3) indicates how this plan is aligned with the community expectations as determined through the community survey and with key aspirations of the Shire's SJ2050 document and Strategic Community Plan and Corporate Business Plan.



SJ 2050 Vision Aspirations	Cycle and Walking Plan Objectives
<ul style="list-style-type: none">• Expanding and enhancing transportation choices to connect with both Perth and Peel	<ul style="list-style-type: none">• Develop walking and cycling links that support regular activity and travel patterns (especially to jobs, retail and community service facilities)
<ul style="list-style-type: none">• A built environment designed to encourage healthy and active living within a 30 minute neighbourhood catchment	<ul style="list-style-type: none">• Prioritise dedicated walking and cycling links to schools and town centres
<ul style="list-style-type: none">• Communities that are well connected by safe walking and cycling routes	<ul style="list-style-type: none">• Link the Shire's largest town sites (Byford, Serpentine, Mundijong and Jarrahdale) with safe and legible walking and cycling routes
<ul style="list-style-type: none">• A balance of mobility options and lower impact transport usage, with a continued shift to walking, cycling and public transport	<ul style="list-style-type: none">• Provide walking and cycling infrastructure and facilities that support access to jobs, education, retail and public transport
<ul style="list-style-type: none">• Programs that promote and encourage active travel to reduce travel time and traffic congestion	<ul style="list-style-type: none">• Integrate travel behaviour change activities and events with improved links to enable the development of routine walking and cycling, particularly for local trips
<ul style="list-style-type: none">• Improved public health and reduced healthcare costs with good access to health and wellbeing facilities, sport and recreation activities	<ul style="list-style-type: none">• Provide walking and cycling links to tourism, recreational and community facilities, and regional transport links. Link the network with key regional trails and to major tourism nodes
<ul style="list-style-type: none">• Young and mature age cohorts have greater propensity and opportunity to travel, experience and embrace healthier lifestyles	<ul style="list-style-type: none">• Provide walking and cycling facilities that can safely and easily be used by everyone in the community, including younger and older age groups

Table 3: SJ 2050 Vision Aspirations vs Draft Walking and Cycling Plan Objectives



Implementation program

In order to implement the draft Walking and Cycling Plan two basic plans are proposed, the priority network plan and ultimate network plan. Both plans are based on continued future investments in the cycling and walking infrastructure. The proposed priority network plan is targeted to be implemented within the next ten years and is shown in Figure 3 below. The ultimate network plan for the Shire would be implemented beyond a ten-year period and is shown in **attachment 1**, (Figure 4 below).

The cycling network hierarchy as shown in both figures is arranged by route function. Primary routes are highlighted in red, indicating regional routes that are separated from road traffic and cater for medium and long-distance cycling between major destinations. Secondary routes are highlighted in blue, displaying links between primary routes and major trip generators, such as shopping centres, schools and recreation facilities. Local routes, highlighted in green, provide a lower speed, finer grain network that typically runs through local communities, providing a route from residential areas to the higher order primary and secondary paths.

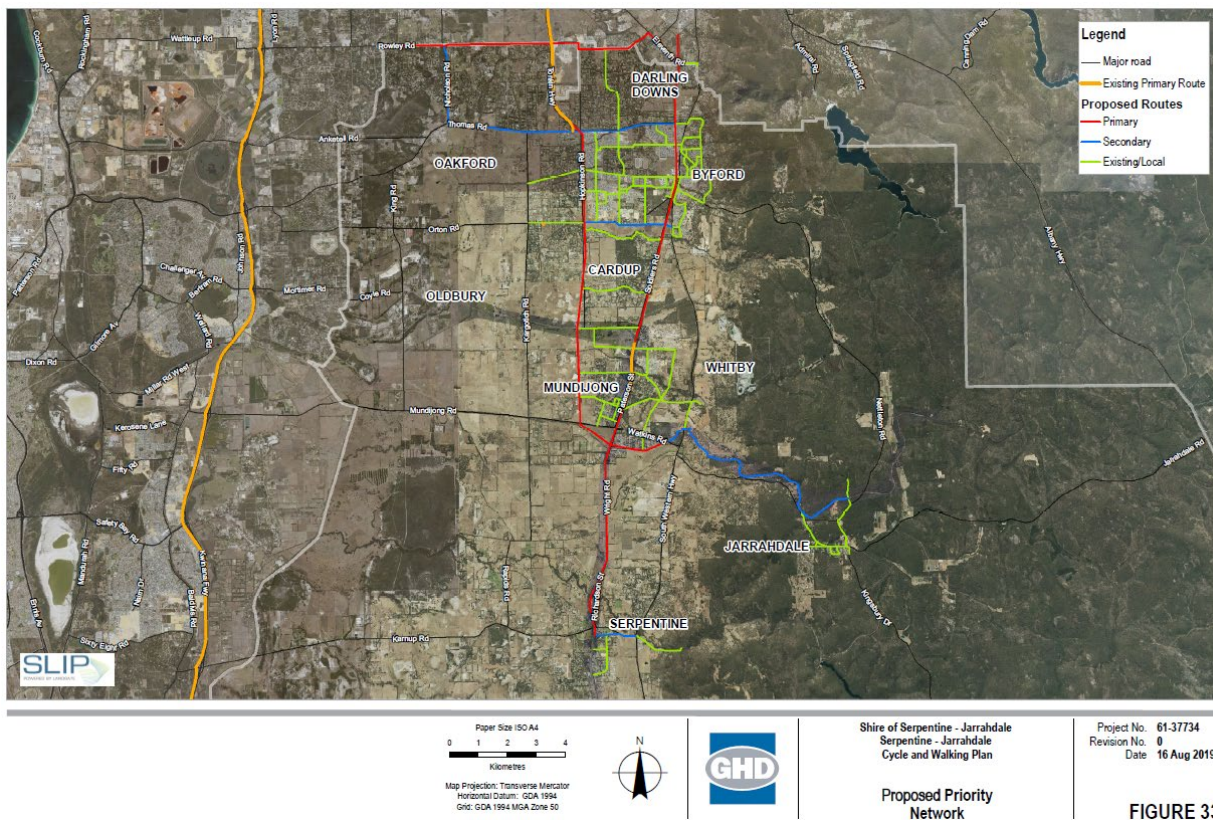


Figure3: Proposed Priority Network (Targeted for implementation within 10 years)

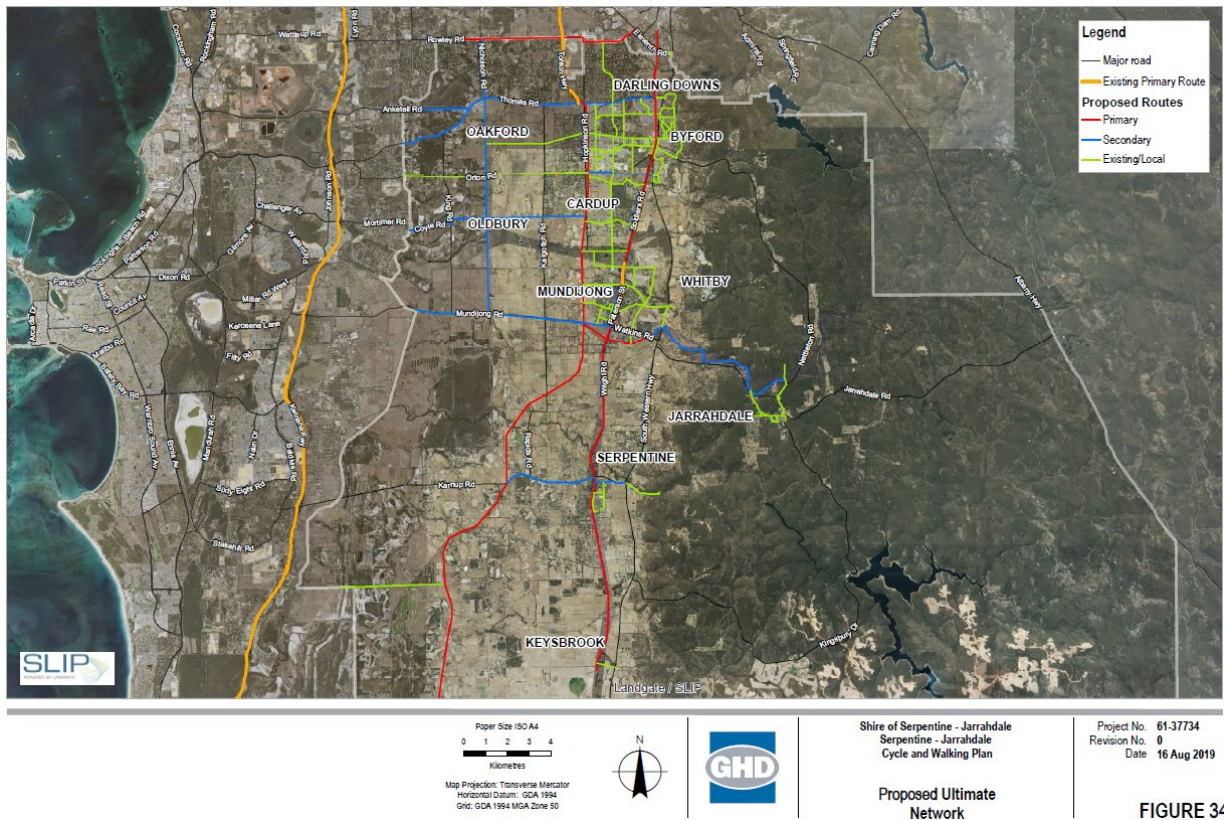


Figure 4: Proposed Ultimate Network (Targeted for implementation beyond 10 years)

Options and Implications

Option1

That Council resolves to ADOPT the draft Walking and Cycling Plan.

Option 2

That Council DOES NOT ADOPT the draft Walking and Cycling Plan.

Option 1 is recommended.

Conclusion

Following public consultation, the endorsement of this draft Walking and Cycling Plan will demonstrate Council's support for enhancing and expanding transportation choices. This Plan will promote lower impact transport usage, with a sustained shift to walking and cycling in the long-term. The endorsement of the draft Walking and Cycling Plan will also assist in the forward planning and prioritisation of pathway projects and provide a platform for funding opportunities and budget planning.

Funding is available to Local Government Authorities in Western Australia, for up to 50 percent of the total project cost, for the design and implementation of walking and bicycling network infrastructure and programs in accordance with the State Government priorities set out in the Western Australian Bicycle Network (WABN) Grant Program.

The Department of Transport has been directly involved through the development of this Plan to ensure the proposed infrastructure network is in line with adjacent councils and the broader Perth



Metropolitan Network Plan. This is to ensure the Shire's proposed network will be eligible for WBNA funding in the coming years.

Attachments (Available under separate cover)

- **10.2.5 - Attachment 1** – The Shire of Serpentine Jarrahdale draft Walking and Cycling Plan Final (E19/11751)
- **10.2.5 - Attachment 2** – Draft Walking and Cycling Implementation Program (E19/11747)
- **10.2.5 - Attachment 3** – Community Consultation Feedback (E19/13922)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide well-planned and maintained public open space and community infrastructure.
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans.

Financial Implications

The implementation of the draft Walking and Cycling Plan will have financial implications which have been determined in the Implementation Program for the draft Walking and Cycling Plan contained within **attachment 2**.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The Shire's inability to meet the outcomes in the SJ 2050 Vision statements.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation
Impact on the Shire's reputation for expanding and enhancing transport choices.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **9** has been determined for this item.



Voting Requirements: Simple Majority

OCM019/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Denholm

That Council

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

CARRIED UNANIMOUSLY 9/0

**10.2.6 – Abernethy Road Upgrade Funding Requirements (SJ1665)**

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

Authority / Discretion

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

The purpose of this report is to provide Council with an update of the expenditure already incurred and future additional anticipated costs to complete the Abernethy Road Upgrade Project from Kardan Boulevard to South Western Highway.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 17 December 2018 - OCM161/12/18 - extract

- 1. That the history relating to the Abernethy Road project be noted.*
- 2. That Council award all Separable Portions 1 and 2 and the Streetlight construction works contract per officer's recommendation to Wormal Civil Pty Ltd for \$8,257,608.76 excluding GST.*

Ordinary Council Meeting - 17 December 2018 - OCM162/12/18

That Council award RFT16/2018 Abernethy Road Electrical Works contract per officer's recommendation to Anser Group Pty Ltd for \$225,575.48 excluding GST.

Ordinary Council Meeting - 27 November 2017 - OCM149/11/17

That Council awards Tender RFT 09/2017 Abernethy Road Upgrade (Separable Portion 4 - Works within Rail Boundary) to Tenderer number 2 (Downer EDI Works Pty Ltd), in accordance with their submission at Confidential Attachment OCM149.3/11/2017.

NOTE: Council awarded the Separable Portion 4 contract above to Downer EDI Works Pty Ltd for \$ 824,917 excluding GST.



Background

The Abernethy Road Upgrade Project was divided into four (4) separate portions:

- Separable Portion 1: Kardan Boulevard to Soldiers Road – Civil construction works for road, underground stormwater drainage and stormwater basin;
- Separable Portion 2: Soldiers Road to South Western Highway – Civil construction works for road, underground stormwater drainage and Beenyp Brook culvert crossing;
- Separable Portion 3: Underground power and Services; and
- Separable Portion 4: Works within Rail Boundary.

All construction works to Separable Portions 1, 2 and 3 are completed. The remaining outstanding works are within the rail boundary, which includes rail replacement, pedestrian maze, new boom gates and rail/pedestrian signals.

The project has incurred additional costs during the implementation of Separable Portion 1, 2 and 3. Further additional costs are anticipated for the delivery of Separable Portion 4 that remains outstanding. Separable Portion 4 is anticipated to be complete by May 2020, barring any unforeseen circumstances.

Community / Stakeholder Consultation

N/A.

Statutory Environment

Local Government Act 1995 - Section 6.8 (1)(b) – Expenditure from municipal fund not included in annual budget.

Comment

The delivery of the Abernethy Road Upgrade Project has incurred additional costs to cover items of works that were previously not allowed for in the original work scope, site issues/problems encountered during the construction phase and other unforeseen works. The additional cost of \$470,000 was not adequately allowed for in the original construction delivery costings of Separable Portion 1, 2 and 3 due generally to:

- cost escalation over the extended life of the project;
- difficulties in estimating service relocation costs during planning/design stage;
- end of life for drainage pipes that require renewal; and
- additional Public Transport Authority (PTA) requirements.

**Table 1 – Additional Cost for Separable Portion 1, 2 and 3**

Description	Total
Culvert extension and additional works to south side of culvert	\$89,858
Remove and replace existing drainage along Abernethy Road, next to Byford Tavern	\$80,039
Supply and install upgraded specification reinforced concrete Class 4 drainage pipe at various road intersections	\$33,227
Changes to drainage work scope at Renaud Way	\$34,935
Adjustment of existing services pits	\$14,678
Dewatering/Soil Stabilisation at KFC	\$9,156
Move existing water hydrants (Water Corporation)	\$30,380
Remove trees at stormwater retention Basins	\$19,640
Dewatering/Blue metal bedding for drainage pipes installation	\$11,196
Install upgraded specification Class 4 reinforced concrete drainage pipe (San Simeon Rd - Pioneer Rd)	\$30,079
Install 4 bus stops Doley Rd to Kardan Blvd	\$16,283
Byford Secondary College / Gordin Way - Fence realignment/Drainage	\$8,097
Lowering of existing services Gordin Way	\$16,185
Lowering existing utilities	\$8,827
Seven Eleven driveways - Concrete works	\$5,271
Atco Gas pipe relocation works	\$62,149
Total	\$470,000

A further additional cost of \$440,000 is anticipated to be required to cover the construction delivery of Separable Portion 4. These costs, which were not budgeted nor could have been envisioned given the additional requirements put on the project by PTA, are essential to complete the project. The additional costs for this portion are due to:

- very stringent safety requirements of the PTA working within the rail corridor;
- changes in design due to review comments from PTA;
- cost increase due to escalation of contract price;
- additional construction costs to reduce road closure period from four to two weeks;
- additional Road Safety Audit;



- additional traffic management;
- landscape works; and
- professional consultancy fees for contract administration, etc.

The total additional cost to complete the project is \$910,000 in total.

Options and Implications

Option 1

That Council NOTES the additional expenditure to the Abernethy Road Upgrade Project.

Conclusion

Separable Portions 1, 2 and 3 of the Abernethy Road Upgrade Project are now complete. A cost overrun of \$470,000 has been incurred. In addition, \$440,000 is required to complete Separable Portion 4.

Therefore, to complete the Abernethy Road Upgrade Project, a total additional budget allocation of \$910,000 is required.

Attachments

Nil.

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live.
Strategy 1.3.3	Enhance community safety.
Outcome 3.3	An innovative, connected transport network.
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

An additional \$910,000 is required to complete the project.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Funds not approved will mean that the project will not be completed	Unlikely (2)	Major (4)	Moderate (5-9)	Financial Impact - 4 Major - \$500,000 - \$2M	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **8** has been determined for this item.

Voting Requirements: Simple Majority

OCM020/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Byas

That Council **NOTES** the additional expenditure to the Abernethy Road Upgrade Project and considers allocation of the additional funds at report number 10.3.6 Budget Adjustment for Unallocated Surplus.

CARRIED UNANIMOUSLY 9/0



10.3 Corporate Services reports

10.3.1 - Confirmation of Payment of Creditors – December 2019 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

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

Comment

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

- a) Payees name;
- b) The amount of the payment;



- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 01 December 2019 to 31 December 2019 is provided in **attachment 1**.

Options and Implications

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 December 2019 to 31 December 2019, totalling \$6,830,185.73.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 December 2019 to 31 December 2019, totalling \$6,830,185.73.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – Creditors List of Accounts 1 December 2019 to 31 December 2019 (E20/194)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 October 2019 to 27 November 2019 (E20/196)

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 December 2019 to 31 December 2019 totalled \$6,830,185.73.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the payments.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.



Voting Requirements: Simple Majority

OCM021/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr McConkey, seconded Cr Byas

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 December 2019 to 31 December 2019, totalling \$6,830,185.73 as attached, covering:

- 1. EFT Vouchers EFT57783 to EFT58080 including purchasing card payment totalling \$6,665,066.06;**
- 2. Municipal Cheque Vouchers Westpac CHQ200020 to CHQ200024 totalling \$17,166.48; and**
- 3. Municipal Direct Debits DD48290.1 to DD48321.32 totalling \$147,953.19.**

CARRIED UNANIMOUSLY 9/0



10.3.2 - Confirmation of Payment of Creditors – January 2020 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

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

Comment

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

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and



d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 1 January 2020 to 31 January 2020 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 January 2020 to 31 January 2020, totalling \$1,987,421.87.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 January 2020 to 31 January 2020, totalling \$1,987,421.87.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Creditors List of Accounts 1 January 2020 to 31 January 2020 (E20/1334)
- **10.3.2 - attachment 2** – Westpac Purchasing Card Report – 28 November 2019 to 30 December 2019 (E20/1337)

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 January 2020 to 31 January 2020 totalled \$1,987,421.87.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the payments.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.



Voting Requirements: Simple Majority

OCM022/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 January 2020 to 31 January 2020, totalling \$1,987,421.87 as attached, covering:

- 1. EFT Vouchers EFT58081 to EFT58392 including purchasing card payment totalling \$1,824,204.42;**
- 2. Municipal Cheque Vouchers Westpac CHQ200025 to CHQ200029 totalling \$17,728.94; and**
- 3. Municipal Direct Debits DD48357.1 to DD48403.35 totalling \$145,488.51.**

CARRIED UNANIMOUSLY 9/0



10.3.3 – Monthly Financial Report – November 2019 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Authority / Discretion

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

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

This report is about the financial position of the Shire as at 30 November 2019.

Relevant Previous Decisions of Council

Special Council Meeting – 22 July 2019 SCM163/07/19 - extract

PART 7 – Material Variances

That Council

1. *ADOPTS the definition of 'significant (material) variances to be used in statements of financial activity for reporting' to be \$10,000 or 10% (whichever the greater).*
2. *ADOPTS the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:*
 - a) *Total operating revenue and expenditure by Nature and Type; and*
 - b) *Capital income and expenditure.*

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at this point in time.

**Community / Stakeholder Consultation**

Nil.

Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

CommentMonthly Financial Report

The attached report shows the month end position as at the end of November 2019. The municipal surplus for the month ending 30 November 2019 is \$17,819,407, which is favourable, compared to a budgeted surplus for the same period of \$16,389,270. The reasons for the variances are discussed below.

Description	YTD Budget	30 November 2019 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2019	4,778,920	4,351,415	(427,505)
Proceeds from sale of assets	117,080	135,909	18,829
Changes to net transfers to and from Reserves	(66,632)	(66,632)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	(279,552)	(279,552)	-
Capital expenditure	(10,034,995)	(7,719,962)	2,315,033
Capital revenue (cash items)	3,596,660	1,694,442	(1,902,218)
Operating revenue (cash items)	31,100,318	31,171,972	71,654
Operating expenditure (cash items)	(12,822,529)	(11,468,185)	1,354,344
	16,389,270	17,819,407	1,430,137

Attachments (available under separate cover)

- **10.3.3 - attachment 1** – Monthly Financial Report November 2019 (E20/999)



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 November 2019, the Shire's respective cash position was as follows:

Municipal Fund: \$4,143,751

Trust Fund: \$304,222

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

Operating Revenue**Rates**

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

Operating Grants, Subsidies and Contributions

Unfavourable variance of \$407,660 due to timing of grant funding the most material of which is Federal Assistance Grants - \$461,249.

Fees and Charges

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

Interest Earnings

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

Other Revenue

Favourable variance of \$31,788, due to timing of reimbursements received, the most significant of which is in relation to meat inspection services performed for the Department of Justice - \$36,299.

Operating Expenses**Employee Costs**

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

Materials and Contracts

Favourable variance of \$1,087,473 due to timing differences in relation to provision of services across all programs and business units, the most material of which is Waste Services - \$608,000, Consulting Services across all business units and programs - \$241,667, Administration and Operations Centre Feasibility - \$83,330, and Subdivision Feasibility - \$62,500.



Utility Charges

Favourable variance of \$77,048 due to timing differences relating to utility charges, the most significant of which is Street Lighting - \$53,388 and Volunteer Fire Brigades - \$14,789.

Depreciation on Non-Current Assets

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

Interest Expenses

Favourable variance of \$50,214 due to timing differences relating to loan repayment dates.

Insurance Expenses

Unfavourable variance of \$247,502 due to timing differences relating to insurance premium payment dates.

Other Expenditure

Favourable variance of \$57,844 due to timing differences primarily relating to community funding and contributions - \$69,180.

Other

Profit on Asset Disposals

No variance analysis required as no variance to budget.

Loss on Asset Disposals

No variance analysis required as no variance to budget.

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$1,902,218 due to timing of grant funding not yet received, the most material of which is State and Federal Road funding - \$2,202,117. Please note \$1,164,933 worth of claims have been completed and submitted in November and were subsequently paid in December.

Proceeds from Disposal of Assets

Favourable variance of \$18,829 due to timing differences related to changeover of fleet and corresponding asset disposals.

Repayment of Debentures

No variance analysis required as no variance to budget.

Proceeds from New Debentures

No variance analysis required as no variance to budget.

Transfers (to)/from Cash Backed Reserves (Restricted Assets)

No variance analysis required as no variance to budget.

Transfers (to)/from restricted cash (Municipal)

No variance analysis required as no variance to budget.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.

Voting Requirements: Simple Majority

OCM023/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Coales

That Council **RECEIVES** the Monthly Financial Report for November 2019, 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 9/0

**10.3.4 – Monthly Financial Report – December 2019 (SJ801)**

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

Authority / Discretion

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

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

This report is about the financial position of the Shire as at 31 December 2019.

Relevant Previous Decisions of Council

Special Council Meeting – 22 July 2019 - SCM163/07/19 – extract

PART 7 – Material Variances***That Council***

- 1. ADOPTS the definition of 'significant (material) variances to be used in statements of financial activity for reporting' to be \$10,000 or 10% (whichever the greater).***
- 2. ADOPTS the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:***
 - a) Total operating revenue and expenditure by Nature and Type; and***
 - b) Capital income and expenditure.***

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at this point in time.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of December 2019. The municipal surplus for the month ending 31 December 2019 is \$12,919,120, which is unfavourable, compared to a budgeted surplus for the same period of \$13,355,807. The reasons for the variances are discussed below.

Description	YTD Budget	31 December 2019 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2019	4,778,920	4,351,415	(427,505)
Proceeds from sale of assets	140,496	149,638	9,142
Changes to net transfers to and from Reserves	(95,712)	(95,712)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	(340,201)	(3,314,201)	(2,974,000)
Capital expenditure	(11,726,594)	(9,672,402)	2,054,192
Capital revenue (cash items)	4,315,992	3,516,534	(799,458)
Operating revenue (cash items)	31,662,780	31,481,380	(181,400)
Operating expenditure (cash items)	(15,379,874)	(13,497,532)	1,882,342
	13,355,807	12,919,120	(436,687)

Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Monthly Financial Report December 2019 (E20/1036)



Alignment with our Strategic Community Plan

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

Financial Implications

As at 31 December 2019, the Shire's respective cash position was as follows:

Municipal Fund: \$4,969,034

Trust Fund: \$304,222

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

Operating Revenue**Rates**

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

Operating Grants, Subsidies and Contributions

Unfavourable variance of \$677,159 due to timing of grant funding the most material of which is Federal Assistance Grants - \$680,498.

Fees and Charges

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

Interest Earnings

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

Other Revenue

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

Operating Expenses**Employee Costs**

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

Materials and Contracts

Favourable variance of \$1,303,819 due to timing differences in relation to provision of services across all programs and business units, the most material of which is Waste Services - \$673,639, Consulting Services across all business units and programs - \$240,406, Administration and Operations Centre Feasability - \$99,996, and Subdivision Feasability - \$75,000.



Utility Charges

Favourable variance of \$68,171 due to timing differences relating to utility charges, the most significant of which is Street Lighting - \$50,707 and Volunteer Fire Brigades - \$18,090.

Depreciation on Non-Current Assets

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

Interest Expenses

Favourable variance of \$35,895 due to timing differences relating to loan repayment dates.

Insurance Expenses

Unfavourable variance of \$222,935 due to timing differences relating to insurance premium payment dates.

Other Expenditure

Favourable variance of \$98,871 due to timing differences primarily relating to community funding and contributions - \$92,044.

Other

Profit on Asset Disposals

No variance analysis required as no variance to budget.

Loss on Asset Disposals

No variance analysis required as no variance to budget.

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$799,458 due to timing of grant funding not yet received, the most material of which is NSRF funding related to Abernethy Road - \$665,142.

Proceeds from Disposal of Assets

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

Repayment of Debentures

Unfavourable variance of \$2,974,000 due to repayment of drawdown 1 for Briggs Park loan. These funds may be redrawn at a later stage however initial drawdown was repaid to avoid unnecessary interest expense.

Proceeds from New Debentures

No variance analysis required as no variance to budget.

Transfers (to)/from Cash Backed Reserves (Restricted Assets)

No variance analysis required as no variance to budget.

Transfers (to)/from restricted cash (Municipal)

No variance analysis required as no variance to budget.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.

Voting Requirements: Simple Majority

OCM024/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Byas

That Council **RECEIVES** the Monthly Financial Report for December 2019, 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 9/0



10.3.5 - Budget Adjustment for 2018/19 Carry Forward Items (SJ514-09)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to seek approval from Council to adjust the 2019/20 Budget for items required to be carried forward from the 2018/19 Budget.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this item.

Background

At the time the 2019/20 Budget was adopted by Council on 22 July 2019, the Annual Financial Statements for the 2018/19 year end had not been completed. The actual value of uncompleted works to be carried forward into the 2019/20 Budget was therefore only an estimate.

Community / Stakeholder Consultation

There has been no community/stakeholder consultation regarding this recommendation.

Statutory Environment

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

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



Comment

The 2018/19 Annual Financial Statements have now been audited and the actual income and expenditure to be carried forward has been finalised.

Approval is therefore sought for the following budget adjustments. These adjustments represent approved budgets from 2018/19 that were either not carried forward in the 2019/20 Budget or represent approved carry forwards that require adjustment:

Account Number	Type	Description	Debit	Credit
GPG142	Decrease Income	Financial Assistance Grants - Untied	804,209	
GPG143	Decrease Income	Financial Assistance Grants - Untied Roads	555,876	
BUI530	Decrease Expenditure	Legal Expenditure Building Control		10,000
HIA551	Decrease Expenditure	Health Inspection		10,900
ENV502	Decrease Expenditure	Protection of the Environment		55,000
WMS525	Increase Expenditure	Integrated Water Management Strategy	70,000	
CDO573	Increase Expenditure	Community Safety and Crime Prevention	44,003	
011003	Reserve Transfer	Transfer to Byford Developer Contribution Fund Reserve	378,644	
011003	Reserve Transfer	Transfer from Administration Building Reserve		25,160
ITS912	Decrease Expenditure	Server Room Expansion		34,379
011003	Reserve Transfer	Transfer to Building Asset Management Reserve	15,000	
REC905	Decrease Expenditure	SJ Rec Centre - Remove and replace base plates to all lighting poles in carpark		15,000
011003	Reserve Transfer	Transfer to Building Asset Management Reserve	60,000	
RSS902	Decrease Expenditure	Serpentine Sports Reserve - Replace old and damaged water supply pipeline		60,000
011003	Reserve Transfer	Transfer to Drainage Assets Management Reserve	25,700	
DRN005	Decrease Expenditure	Wright Road, Mardella - Extend set of culvert and head wall under SLK 3.026		25,700
011003	Reserve Transfer	Transfer to Drainage Assets Management Reserve	32,058	



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Account Number	Type	Description	Debit	Credit
DRN013	Decrease Expenditure	Hopkinson Road, Cardup - Extend twin box culvert under the road at SLK 2.728		32,058
011003	Reserve Transfer	Transfer from Drainage Assets Management Reserve		50,000
DRN002	Increase Expenditure	Jarrahdale Road, Jarrahdale - Road drainage renewal	50,000	
011003	Reserve Transfer	Transfer to Drainage Assets Management Reserve	22,225	
DRN153	Decrease Expenditure	Linton Street North, Byford - Upgrade stormwater drainage		22,225
011003	Reserve Transfer	Transfer from Road Asset Management Reserve		75,000
011003	Reserve Transfer	Transfer from Building Asset Management Reserve		23,000
UNC900	Decrease Expenditure	Land Purchased - Webb Road		140,143
RSS903	Decrease Expenditure	Serpentine Sports Reserve - Replace non-compliant and compromised bio system		15,000
RRN102	Decrease Expenditure	Wanliss Street Road Renewals		85,000
RC133	Increase Expenditure	Abernethy Road - Separable portion 4 - Public Transport Authority Rail Reserve Works	58,983	
RSI160	Decrease Expenditure	Mead Street Traffic Island		32,302
ITS910	Decrease Expenditure	ICT Equipment		6,823
HIA902	Decrease Expenditure	Noise Meter		34,000
GSS195	Increase Expenditure	George Street - Seal Road	10,000	
RG278A	Increase Expenditure	Rowley Road – From Nicholson Road to 230m East - Resurfacing	87,200	
011003	Reserve Transfer	Transfer from Road Asset Management Reserve		29,067
010003	Increase Transfer	Transfer from Restricted Cash		46,506
CDA100	Increase Income	Grant Income - Main Roads WA		11,627
CDA104	Decrease Income	Grant Income - Footpaths	19,921	
010003	Increase Transfer	Transfer from Restricted Cash		11,703



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Monday, 17 February 2020

Account Number	Type	Description	Debit	Credit
RC132	Decrease Expenditure	Soldiers Road Footpath		9
CDA100	Increase Income	Grant Income - Main Roads WA		67,120
RRG009	Decrease Expenditure	Kargotich Road - From Leipold Road to approximately 900m north of Mundijong Road		330,521
CDA100	Increase Income	Grant Income - Main Roads WA		19,054
RRG133	Increase Expenditure	Abernethy Road - Separable Portion 2 - Soldiers Road to SW Hwy (RRG Funded)	221,018	
CDA102	Decrease Income	Grant Income - Blackspot Funding	32,308	
SBS583	Decrease Expenditure	Kardan Boulevard at Ballawarra Avenue - Construct Pre Deflection on Both Approaches		48,462
CDA104	Increase Income	Grant Income - Footpaths		30,000
FNW200	Increase Expenditure	Principle Shared Path along Thomas Road, Byford – Alexander Road, to Tonkin Highway	28,582	
CDA105	Increase Income	Grant Income - National Funding Bridges		611,604
MBB250	Increase Expenditure	Medulla Brook Bridge	679,560	
CDA105	Increase Income	Grant Income - National Funding Bridges		403,200
GBB250	Increase Expenditure	Gooralong Brook Bridge	448,000	
SBS313	Decrease Expenditure	Malarkey Rd (SLK 0.0 to SLK 1.02) - Install two lanes slow points on multiple locations		44,053
CDA102	Decrease Income	Grant Income - Blackspot Funding	29,369	
CDA105	Decrease Income	Grant Income - Blackspot Funding	100,000	
010003	Increase Transfer	Transfer from Restricted Cash		92,390
SBS007	Decrease Expenditure	Karnup Rd (SLK3.73 to SLK6.57) - Seal shoulders 1m each side		8,820
CDA102	Decrease Income	Grant Income - Blackspot Funding	8,820	
011003	Reserve Transfer	Transfer to Briggs Park Reserve	358,433	



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Account Number	Type	Description	Debit	Credit
BPP900	Decrease Expenditure	Briggs Park Lower Oval Upgrade		484,351
010003	Increase Transfer	Transfer from Restricted Cash		618,136
011003	Reserve Transfer	Transfer from Road Asset Management Reserve		7,500
RG133A	Increase Expenditure	Abernethy Rd/Kargotich Rd - Design	17,108	
CDA100	Increase Income	Grant Income - Main Roads WA		3,000
010003	Increase Transfer	Transfer from Restricted Cash		6,608
011003	Reserve Transfer	Transfer from Road Asset Management Reserve		22,500
RRG004	Increase Expenditure	Mundijong Rd/Kargotich Rd - Construct a roundabout - Stage 1: Detailed Design	37,350	
CDA100	Increase Income	Grant Income - Main Roads WA		9,000
010003	Increase Transfer	Transfer from Restricted Cash		5,850
011003	Reserve Transfer	Transfer to Reserve - Byford Development Contributions Fund Reserve	716,225	
DCP133	Decrease Expenditure	Abernethy Road - Separable portion 1 - Kardan Blvd to Soldiers Road		1,703,695
CDA105	Decrease Income	Grant funding - National Funding Stronger Regions Funding	77,331	
010003	Increase Transfer	Transfer from Restricted Cash		2,408
VFB101	Decrease Income	Grant funding in advance - LGGS	92,898	
ESD101	Decrease Income	Grant funding in advance - LGGS	5,282	
011003	Reserve Transfer	Transfer to Light Fleet & Plant Reserve	403,867	
010003	Increase Transfer	Transfer from Restricted Cash		1,735,000
RPP950	Increase Expenditure	Plant Replacement – Komatsu Loader	235,000	
011003	Reserve Transfer	Transfer from Reserve – Light Fleet & Plant Acquisition		235,000



Account Number	Type	Description	Debit	Credit
011003	Reserve Transfer	Transfer Restricted Cash to Unspent Grants Reserve	83,184	
010003	Increase Transfer	Transfer from Restricted Cash		83,184
		Change in Net Current Assets	1,613,904	
Reason: The above adjustments represent approved budgets from 2018/19 that were either not carried forward in the 2019/20 Budget or represent approved carry forwards that require adjustment.				

Conclusion

At the time the 2018/19 Budget was adopted by Council on 22 July 2019, the Annual Financial Statements for the 2019/20 financial year had not been completed.

The above adjustments are recommended to adjust for carry forward income and expenditure.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – 2019/20 Capital and Operating Expenditure - Carry Forward (E19/15635)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.2.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

The financial implications are detailed in this report.

Risk Implications

Nil



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

There is no risk associated with this item.

Voting Requirements: Absolute Majority

OCM025/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr McConkey

That Council **APPROVES** the schedule of variations to the 2019/20 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Type	Description	Debit	Credit
GPG142	Decrease Income	Financial Assistance Grants - Untied	804,209	
GPG143	Decrease Income	Financial Assistance Grants - Untied Roads	555,876	
BUI530	Decrease Expenditure	Legal Expenditure Building Control		10,000
HIA551	Decrease Expenditure	Health Inspection		10,900
ENV502	Decrease Expenditure	Protection of the Environment		55,000
WMS525	Increase Expenditure	Integrated Water Management Strategy	70,000	
CDO573	Increase Expenditure	Community Safety and Crime Prevention	44,003	
011003	Reserve Transfer	Transfer to Byford Developer Contribution Fund Reserve	378,644	
011003	Reserve Transfer	Transfer from Administration Building Reserve		25,160
ITS912	Decrease Expenditure	Server Room Expansion		34,379



Account Number	Type	Description	Debit	Credit
011003	Reserve Transfer	Transfer to Building Asset Management Reserve	15,000	
REC905	Decrease Expenditure	SJ Rec Centre - Remove and replace base plates to all lighting poles in carpark		15,000
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RSS902	Decrease Expenditure	Serpentine Sports Reserve - Replace old and damaged water supply pipeline		60,000
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DRN005	Decrease Expenditure	Wright Road, Mardella - Extend set of culvert and head wall under SLK 3.026		25,700
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011003	Reserve Transfer	Transfer from Drainage Assets Management Reserve		50,000
DRN002	Increase Expenditure	Jarrahdale Road, Jarrahdale - Road drainage renewal	50,000	
011003	Reserve Transfer	Transfer to Drainage Assets Management Reserve	22,225	
DRN153	Decrease Expenditure	Linton Street North, Byford - Upgrade stormwater drainage		22,225
011003	Reserve Transfer	Transfer from Road Asset Management Reserve		75,000
011003	Reserve Transfer	Transfer from Building Asset Management Reserve		23,000
UNC900	Decrease Expenditure	Land Purchased - Webb Road		140,143
RSS903	Decrease Expenditure	Serpentine Sports Reserve - Replace non-compliant and compromised bio system		15,000
RRN102	Decrease Expenditure	Wanliss Street Road Renewals		85,000
RC133	Increase Expenditure	Abernethy Road - Separable portion 4 - Public Transport Authority Rail Reserve Works	58,983	
RSI160	Decrease Expenditure	Mead Street Traffic Island		32,302



Account Number	Type	Description	Debit	Credit
ITS910	Decrease Expenditure	ICT Equipment		6,823
HIA902	Decrease Expenditure	Noise Meter		34,000
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RG278A	Increase Expenditure	Rowley Road – From Nicholson Road to 230m East - Resurfacing	87,200	
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RRG133	Increase Expenditure	Abernethy Road - Separable Portion 2 - Soldiers Road to SW Hwy (RRG Funded)	221,018	
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FNW200	Increase Expenditure	Principle Shared Path along Thomas Road, Byford – Alexander Road, to Tonkin Highway	28,582	
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MBB250	Increase Expenditure	Medulla Brook Bridge	679,560	



Account Number	Type	Description	Debit	Credit
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GBB250	Increase Expenditure	Gooralong Brook Bridge	448,000	
SBS313	Decrease Expenditure	Malarkey Rd (SLK 0.0 to SLK 1.02) - Install two lanes slow points on multiple locations		44,053
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CDA100	Increase Income	Grant Income - Main Roads WA		3,000
010003	Increase Transfer	Transfer from Restricted Cash		6,608
011003	Reserve Transfer	Transfer from Road Asset Management Reserve		22,500
RRG004	Increase Expenditure	Mundijong Rd/Kargotich Rd - Construct a roundabout - Stage 1: Detailed Design	37,350	
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010003	Increase Transfer	Transfer from Restricted Cash		5,850
011003	Reserve Transfer	Transfer to Reserve - Byford Development Contributions Fund Reserve	716,225	



Account Number	Type	Description	Debit	Credit
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CDA105	Decrease Income	Grant funding - National Funding Stronger Regions Funding	77,331	
010003	Increase Transfer	Transfer from Restricted Cash		2,408
VFB101	Decrease Income	Grant funding in advance - LGGS	92,898	
ESD101	Decrease Income	Grant funding in advance - LGGS	5,282	
011003	Reserve Transfer	Transfer to Light Fleet & Plant Reserve	403,867	
010003	Increase Transfer	Transfer from Restricted Cash		1,735,000
RPP950	Increase Expenditure	Plant Replacement – Komatsu Loader	235,000	
011003	Reserve Transfer	Transfer from Reserve – Light Fleet & Plant Acquisition		235,000
011003	Reserve Transfer	Transfer Restricted Cash to Unspent Grants Reserve	83,184	
010003	Increase Transfer	Transfer from Restricted Cash		83,184
		Unallocated Surplus	1,613,904	

Reason: The above adjustments represent approved budgets from 2018/19 that were either not carried forward in the 2019/20 Budget or represent approved carry forwards that require adjustment.

CARRIED BY ABSOLUTE MAJORITY 9/0



10.3.6 – Budget Adjustment for Unallocated Surplus (SJ514-09)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to seek approval from Council to adjust the 2019/20 Budget.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application/issue.

Background

At the time the 2019/20 Budget was adopted by Council on 22 July 2019, the Annual Financial Statements for the 2018/19 year end had not been completed. Any surplus or deficit resulting from the 2018/19 financial year was not known.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

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

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



Comment

The 2018/19 Annual Financial Statements have now been audited and the actual income and expenditure to be carried forward has been finalised. After all adjustments are processed, an additional \$1,186,399 has become available to be allocated in the 2019/20 Budget.

The surplus funds were derived from a variety of sources across the organisation, the more material components of which are listed below:

Description	Surplus	Comments
Waste Services	\$414,579	Operational savings following tender process and awarding of contract.
Operations Team	\$126,285	Savings across operations including public works, plant costs, buildings, roads, reserves, and parks and gardens maintenance.
Strategic Planning	\$115,398	Savings related primarily to planning projects.
Town Planning	\$101,995	Savings achieved in relation to legal and consulting costs.
Corporate Services	\$192,436	Income exceeded budgeted amounts with regards to interim rating and discounts received from suppliers.
Members of Council	\$75,474	Savings achieved in relation to member's travelling and community consultation.

The following budget variations are recommended to allocate these funds:

Account Number	Account Name	Debit	Credit
WOH504	Workers Compensation Insurance	275,935	
	Change in Net Current Assets		275,935
Reason: Allocation of surplus funds to cover unbudgeted expense in relation to workers compensation insurance premiums. The above amount relates to Performance Based Contribution adjustments related to the 2016/17 financial year (\$4,071), 2017/18 financial year (\$118,278) and 2018/19 financial year (\$153,586). These adjustments were not previously known as we had a number of long running claims which were recently finalised, once finalised, these amounts are offset against the contribution cap in the year in which the claim was initiated, giving rise to the above amounts.			
DCP133	Abernethy Road – Kardan Boulevard To Soldiers Road (Separable Portions 1 & 2)	618,565	
RC133	Abernethy Road – Separable Portion 4	291,899	
	Change in Net Current Assets		910,464
Reason: Allocation of additional funds for Abernethy Road project to fund scope changes and additional works required. Refer Ordinary Council Meeting – 17 February 2020 - Council Report 10.2.6 – Abernethy Road Upgrade Funding Requirements			



Conclusion

At the time the 2019/20 Budget was adopted by Council on 22 July 2019, the Annual Financial Statements for the 2018/19 year end had not been completed. Any surplus or deficit resulting from the 2018/19 financial year was not known.

Following finalisation of the 2018/19 Annual Financial Statements and subsequent adoption by council, the surplus position has now been finalised and surplus funds are recommended to be allocated as per above.

Attachments

Nil.

Alignment with our Strategic Community Plan

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

The financial implications are detailed in this report.

Risk Implications

Nil

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

There is no risk associated with this item.



Voting Requirements: Absolute Majority

OCM026/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr McConkey

That Council APPROVES the schedule of variations to the 2018/19 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

Account Number	Account Name	Debit	Credit
WOH504	Workers Compensation Insurance	275,935	
	Change in Net Current Assets		275,935

Reason: Allocation of surplus funds to cover unbudgeted expense in relation to workers compensation insurance premiums. The above amount relates to Performance Based Contribution adjustments related to the 2016/17 financial year (\$4,071), 2017/18 financial year (\$118,278) and 2018/19 financial year (\$153,586). These adjustments were not previously known as we had a number of long running claims which were recently finalised, once finalised, these amounts are offset against the contribution cap in the year in which the claim was initiated, giving rise to the above amounts.

DCP133	Abernethy Road – Kardan Boulevard To Soldiers Road (Separable Portions 1 & 2)	618,565	
RC133	Abernethy Road – Separable Portion 4	291,899	
	Change in Net Current Assets		910,464

Reason: Allocation of additional funds for Abernethy Road project to fund scope changes and additional works required. Refer Ordinary Council Meeting – 17 February 2020 - Council Report 10.2.6 – Abernethy Road Upgrade Funding Requirements

CARRIED BY ABSOLUTE MAJORITY 9/0



10.3.7 – Financial Sustainability Review (SJ514-09)	
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.
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Report Purpose

The purpose of this report is to update Council on the next steps for the progression of the Corporate Business Plan (CBP) development and request Council appoint the Western Australian Treasury Corporation to conduct a review into the financial sustainability of the Shire and provide recommendations to ensure the Shire maintains financial sustainability.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 16 December 2019 - OCM295/12/19 - **extract***

9. REQUESTS that the Chief Executive Officer prepare a report for the next meeting of Council regarding options for a review of the Shire's rating approach to ensure equity in rating.

Background

Following a significant corporate restructure in 2017 whereby Council created a four Directorate executive model, each Director has systematically restructured their individual directorates to ensure the most effective and efficient service delivery methodology possible and which has resulted in millions of dollars in operational savings.

In addition to this, the Executive team has actively sought external funding opportunities to advance the interests of the Shire.

The most recent audit of the Shire's shows a significantly improved financial position in large part due to the abovementioned efforts but does highlight that additional work needs to be done in developing a larger operating surplus to devote to planned capital spending.

Leading into the end of the 2019 calendar year, Council and the Executive began the process of collating the Shire's various strategy documents into a new CBP document which envisages funding significant amenity and infrastructure enhancements.

Prior to this Council commissioned a Community Perceptions Survey which highlighted Value for Money, Roads and Footpaths as the communities main area's for concern for the Shire to deal with.



To that end, it is timely that Council seek appropriate advice on the most sustainable, equitable and financially responsible way to deliver on all of its ambitions for the District.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	3 February 2020
Councillors in Attendance	Cr Rich, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Workshop

Meeting Date	25 November 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Workshop

Meeting Date	2 December 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* ('the Act') to plan for the future of their district. Accordingly, Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

The *Local Government (Administration) Regulations 1996* ('the Regulations') require a local government to ensure that a Strategic Community Plan is made for its district (Regulation 19C) and that the Strategic Community Plan is reviewed at least once every four years (Regulation 19C s4).



A local government must also ensure that a Corporate Business Plan is made for its district (Regulation 19DA) and that the Corporate Business Plan is reviewed every year (Regulation 19DA s4). 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.*

Relevantly, Regulation 19DA(3)(b) and (c) require the corporate business plan to be within the capacity of the local governments resources and integrate long-term financial planning.

Comment

Seeking Financial Sustainability Advice

Officers believe the Western Australian Treasury Corporation (WATC) to be best qualified and experienced to provide the advice required for a Shire on the verge of becoming a City.

WA Treasury Corporation (WATC) Advisory Services exists to support government agencies, and WA Local Governments, in making better financial decisions.



Our roles cover a wide range of commercial and financial consulting services including the provision of financial and investment analysis, debt management and debt capacity analysis, interest rate exposure analysis, Asset and Liability management, the collaborative development of business cases and supporting financial models and Quality Assurance of financial models (to ensure model integrity and accuracy).

WATC is independent of any particular government agency, and operates under State legislation through our Board of Directors which includes a mixture of government and private industry Board members.

*WATC aims to “**be recognised as the best at providing financial solutions for the benefit of the Western Australian public sector**”. As part of this, we must always hold the best interests of our clients, and the State of Western Australia, as pre-eminent objectives.*

WATC Advisory Services teams advice is impartial, unbiased, and focused on adding value to our (government/Local government) clients. We exist to assist you, and while we are aware of State level strategies and goals, we retain the ability to analyse financial matters independently and provide advice on that basis. All matters are treated as confidential as a matter of course, and we prefer to work closely with our clients in a joint effort to reach appropriate conclusions.

The Shire is unlike any other local authority in the State and as such, will find it difficult to find comparable organisations to emulate as it plots its own development journey, as such Officers believe the WATC to be the only organisation with the ability to provide the unique advice required.

CBP, LTFP and Budget

Following Council's two-day workshop, staff have collated the prioritised list of projects and entered them into the Long Term Financial Plan (LTFP).

As expected, this has revealed a significant funding shortfall that will need to be addressed.

In addition a balanced LTFP has been prepared and the Shire is unable to meet even its minimum asset renewal obligations.

It appears the shire has always struggled with its sustainability, and now as it deals with being the fastest growing shire in the state these issues have been exacerbated and have become a significant issue within the community. The recently adopted Community Perceptions survey presents compelling evidence for this.

Simultaneously, the Auditor General report for the year ending 30 June 2019 has revealed a significantly improved financial position, but highlights two opportunities for improvement as mentioned above.

Officers propose the following progression of events culminating in the adoption by Council of a CBP, LTFP and Budget at a Special Council Meeting to be held in July 2020.

February Ordinary Council Meeting - Appoint Western Australian Treasury Corporation to provide the following Scope of work:

- *Meet with the Shire to review its current long term financial plan and identify the current forecast trajectory of financial performance;*
- *Gain insights to both the current revenue structure as well as contemplated alternate structures, and determine the impact of such structures on the Shire's revenue*



forecasts;

- *Review the Shire's planned operating and capital cost structure as reflected in its long term plan;*
- *Build a financial model with scenario manager and sensitivity analysis capabilities to compare and contrast the potential impact of different rate structure options on the Shire's future solvency and sustainability;*
- *Discuss the model, data and outputs with the Shire;*
- *Prepare a summary report of findings to share with the Shire;*
- *If required provide an on-site in-person briefing to the Shire regarding the financial model and associated summary results; and*
- *If requested – WATC to attend the Shire's briefing to Council to present the findings.*

March PCF – WATC and Officers to present to Council scenario's for funding the CBP.

April Ordinary Council Meeting – Council adopt a draft CBP, Communications Plan and a differential rate strategy for advertising.

June Ordinary Council Meeting – Council consider results of advertising.

July Special Council Meeting – Council adopt budget.

After Budget Adoption

Following adoption of the CBP and budget, internal service team strategies and plans will be reviewed, aligned and updated.

The updated plans and strategic objectives will then be maintained in Performance Planning Local Government Solution (PPLGS) which is a module of Onecomm.

This will allow for up to the minute dashboard reporting to Council and Executive of progress.

Councillors will be able to view progress dashboards via a dedicated Councillor portal.

Options and Implications

Option 1

That Council note the timeline of events for the adoption of the CBP, LTFP and the Budget and appoints WATC to conduct a review of the Financial Sustainability of the Shire.

Option 1 is recommended.



Conclusion

Following significant internal restructuring, cost cutting and exploring all external funding opportunities, it is timely that Council appoint a specialist financial advisor to guide its next steps on the path to financial sustainability so that it is able to deliver on all the aspirations of the community they represent.

Attachments (available under separate cover)

- **10.3.7 – attachment 1** – Timeline of Events (E20/1281)

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

IT is anticipated that the review will cost approximately \$30 000 and will result in a financially sustainable Shire.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Shire is not Financially Sustainable	Possible (3)	Catastrophic (5)	High (10-16)	Financial Impact - 5 Catastrophic - More than \$2M	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **15** has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Absolute Majority

OCM027/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Byas

That Council:

- 1. NOTES the timeline of events for the adoption of the Corporate Business Plan, Long Term Financial Plan and the Budget;**
- 2. APPOINTS the Western Australian Treasury Corporation to conduct a review of the Financial Sustainability of the Shire and;**
- 3. APPROVES the following budget variation:**

Dr	5000-17000-6230-0000	Consultant	\$30,000
Cr	5300-17501-4004-0000	Interim Rates Revenue	\$30,000

CARRIED BY ABSOLUTE MAJORITY 8/1

Councillor Coales, 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 and Strautins voted FOR the motion.

Councillors Coales voted AGAINST the motion.

**Chief Executive Officer, Mr Paul Martin declared an Impartiality Interest in item 10.3.8**

10.3.8 – Receipt of minutes and consideration of decisions from the General Meeting of Electors held on Monday, 20 January 2020	
Responsible Officer:	Manager Governance
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	The Chief Executive Officer has declared an interest as the matter relates to the performance of the Shire's Executive. Mr Martin was not involved in the preparation of this report.

Authority / Discretion

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

The purpose of this report is to enable Council to consider the decisions made at the General Meeting of Electors held on Monday, 20 January 2020.

Relevant Previous Decisions of Council

Nil.

Background

The General Meeting of Electors to consider the 2018-19 Annual Report was held on Monday, 20 January 2020 at the Shire of Serpentine Jarrahdale Civic Centre at 6 Paterson Street Mundijong.

Notification of the meeting was published in the Examiner newspaper on 19 December 2019 and 16 January 2020 and on the Shire's website and social media.

Thirty-three members of the public attended.

Community / Stakeholder ConsultationPolicy Concept Forum

Nil.



Statutory Environment

Section 5.27 of the Act requires a General Meeting of the Electors of a district to be held once every financial year. Section 5.32 of the Act further states that the CEO is to cause minutes of the proceedings at an electors' meeting to be kept and preserved and ensure that copies of the minutes are made available for inspection by members of the public before the Council meeting at which decisions made at the electors' meeting are first considered.

Section 5.33 of the Act states that all decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable at the first ordinary council meeting after that meeting; or at a special meeting called for that purpose, whichever happens first.

If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

While there is no legislative requirement to confirm minutes of General Meeting of Electors, it normal practice across local government for Council to confirm the minutes at the meeting where decisions made at an electors' meeting are considered.

Comment

Two motions were passed by electors which requires Council's consideration. These are:

GME001/01/20 - GENERAL MEETING OF ELECTORS RESOLUTION

Moved Mr John Kirkpatrick, seconded Mr Barry Urban

That the Annual Report for the Shire of Serpentine Jarrahdale for the year 2018 - 2019 incorporating the 2018 - 2019 Annual Financial Statements and the 2018 - 2019 Auditor's Report be RECEIVED.

CARRIED

GME002/01/20 - GENERAL MEETING OF ELECTORS RESOLUTION

Moved Mr Thomas Dyer, seconded Mrs Coralie Parkin

That a motion of confidence in the Council be passed under the guidance of Councillor Rich and the Executive, in listening to the people and working for the people.

CARRIED

Options and Implications

Option1

That Council RECEIVES the minutes of the General Meeting of Electors held on Monday, 20 January 2020 and NOTES the motions in question.

Option 1 is recommended.



Conclusion

Under legislation, Council is required to consider all decisions made at an electors' meeting. This report presents the two motions carried at the General Meeting of Electors held on Monday, 20 January 2020.

Attachments (available under separate cover)

- **10.3.8 - attachment 1** - General Meeting of Electors – 20 January 2020 – Minutes (E20/663)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.2.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcomes for the community within allocated resources

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the minutes of the General Meeting of Electors held on Monday, 20 January 2020 are not confirmed.	Rare (1)	Insignificant (1)	Low (1-4)	Compliance - 1 Insignificant - Occasional noticeable temporary non-compliances	Accept Risk



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 1 has been determined for this item.

Voting Requirements: Simple Majority

OCM028/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Strange

That Council:

1. RECEIVES the minutes of the General Meeting of Electors held on Monday, 20 January 2020.
2. NOTES that electors passed the following motions at the General Meeting of Electors held on Monday, 20 January 2020:

GME001/01/20 - GENERAL MEETING OF ELECTORS RESOLUTION

Moved Mr John Kirkpatrick, seconded Mr Barry Urban

That the Annual Report for the Shire of Serpentine Jarrahdale for the year 2018 - 2019 incorporating the 2018 - 2019 Annual Financial Statements and the 2018 - 2019 Auditor's Report be RECEIVED.

GME002/01/20 - GENERAL MEETING OF ELECTORS RESOLUTION

Moved Mr Thomas Dyer, seconded Mrs Coralie Parkin

That a motion of confidence in the Council be passed under the guidance of Councillor Rich and the Executive, in listening to the people and working for the people.

CARRIED 8/1

Councillor Coales, 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 and Strautins voted FOR the motion.

Councillors Coales voted AGAINST the motion.



10.4 Community Services reports

10.4.1 – Byford Tennis Courts Renewal (SJ802)	
Responsible Officer:	Manager Community Development
Senior Officer/s:	Deputy CEO / Director Community Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

This report provides options for Council to consider remediating the Byford Tennis Courts, subsequent to Council's Corporate Business Plan review process.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 August 2019 - OCM172/08/19

That Council DIRECTS the Chief Executive Officer investigate the best method of remediating the damaged Byford Tennis Courts which may include geotechnical sub-base testing and report back to Council as soon as practicable.

Ordinary Council Meeting – 19 November 2019 - OCM267/11/19

That Council;

- 1. SUPPORTS in-principle, the need for the resurface of the asphalt and acrylic layers of the Byford Tennis Courts, and*
- 2. RESOLVES to consider the project at the Corporate Business Plan Review Process including considerations of external funding options for the project.*



Background

The Byford Tennis Courts are located on Park Road, Byford and were originally constructed in 1981. The courts are asphalt with an acrylic surface. Acrylic resurfacing work was completed in 2002 and court repairs and works for the installation of tree barriers were completed in 2017.

The Byford Tennis Club submitted an application to the Shire's Major Grant Funding Scheme for the August 2019 grant round. The application requested a total of \$29,500 ex GST to complete crack repairs, lay a fiberglass coating and apply a new acrylic surface.

In August 2019, Council requested Officers investigate methods of remediating the damaged courts and undertake geo-technical sub-base testing of the courts.

This application from the Byford Tennis Club was assessed and supported (in-principle) by the Grant Assessment Panel in September 2019 and the geo-technical testing confirmed that the subsoil is stable and the courts were constructed correctly.

Subsequently, at the 19 November 2019 Ordinary Council Meeting, Council resolved to in-principally support the need to resurface the Byford Tennis Courts but to consider the project as part of a wider Corporate Business Plan review and strategically consider how best to fund the project.

Project prioritisation, as part of the Corporate Business Plan review, was undertaken by Council over two sessions in December 2019. The Byford Tennis Courts renewal was highlighted as a Flagship project to be completed. This report suggests options for Council to fund the work and complete the project.

Community / Stakeholder Consultation

Policy Concept Forum

Not Applicable.

With the exception of advising the Byford Tennis Club of Council's previous decision, no consultation has been undertaken.

Statutory Environment

Council Policy – *Community Grants* indicates that a maximum contribution of \$50,000 ex GST may be granted per approved project.

Procurement is to be conducted in accordance with Council Policy *Purchasing – Procurement of Goods or Services up to \$150,000*.

**Comment**

As Council has considered this issue recently, the following comments summarise previous information provided to Council for consideration:

Major Grant Application

The Byford Tennis Club submitted a grant application to undertake crack repairs, lay a fiberglass coating and apply a new acrylic surface to the courts for a cost of \$29,500 ex GST through the first round of the 2019/2020 Community Grants. Upon consideration of the application, the Major Grant Assessment Panel recommended the grant application to resurface the Byford Tennis Courts be supported in principle but with the following conditions;

- Shire Officers obtain additional quotes that include replacing the asphalt layer of the surface, as part of the works to ensure the work is of a higher standard and therefore have greater longevity. This quote should include new line marking.
- Court gates to be unlocked and therefore accessible to the whole community as it is a community asset.
- Consider multi-court line marking for netball, basketball and tennis to create greater flexibility for community use.
- Update the Byford Tennis Courts Lifecycle Cost Analysis based on actual expenditure and Officer time.
- Shire Officers to discuss a future management model for community usage with Byford Tennis Club that may include fees and charges for the club.

The geotechnical investigations were undertaken as per resolution OCM172/08/19, which found that the courts were constructed well, and it appeared the cracking of the courts was a result of the paint used at time of last resurfacing in 2002.

Renewal option

Council have supported in principle, the need for resurfacing of the asphalt and acrylic layers of the Byford Tennis Courts the courts through resolution OCM267/11/19 (OCM - 19 November 2019). This option provides some assurance that the surface will not crack again. Through the Corporate Business Plan review process, it was identified that this project needed to be completed.

This matter has been ongoing for some time and the Byford Tennis Club are understandably anxious for it to be resolved.

Officers recommend that the Byford Tennis Club grant application requesting funds for \$29,500 ex GST be approved. This option will provide for approximately 5-7 years of useful life of the facility as per the Tennis Australia Guidelines.

Officers also recommend that one of the two courts be line marked for full-court tennis, half-court basketball and half-court netball and that a netball hoop be installed at one end, and a basketball hoop and backboard at the other, in a location that will not interfere with playing tennis. This is in line with the Major Grant Assessment Panel recommendation of multi-marking with netball, basketball and tennis for greater community use. This would be at an additional cost of \$6,028.



The proposed layout and placement of hoops and line marking is shown in Image One below.



Image One

Officers also recommend that the courts remain unlocked at all times to allow for ease of use by the community.



Options and Implications

Option 1

That Council;

1. APPROVES the Byford Tennis Club Major Grant application for \$29,500 ex GST;
2. REQUESTS the Chief Executive Officer to line mark one tennis court with full-court tennis, half-court basketball and half-court netball and install one basketball ring and backboard and one netball ring, as per the design shown in image one at a cost of \$6,028 ex GST;
3. APPROVES the total budget of \$39,081 ex GST including a 10% contingency to be expended from account LFP528 Major Grant Scheme; and
4. APPROVES the management model for Byford Tennis Courts to be unlocked for public use.

This option is recommended. Officers suggest that this option is affordable for Council, with the budget for the project being expended from the Major Grant Scheme budget allocation. The cost has been developed from the Club's application of \$29,500, plus an additional \$6,028 for line marking and hoops and a 10% contingency. This option aligns with the Major Grant Assessment Panel recommendation to multi-mark the courts, as well as ensuring quality in the build by managing the project in-house.

Option 2

That Council;

1. APPROVES the Byford Tennis Club Major Grant application for \$29,500; and
2. APPROVES the total budget of \$32,450 ex GST including a 10% contingency, to be expended from account LFP528 Major Grant Scheme;
3. APPROVES the management model for Byford Tennis Courts to be unlocked for public use.

This option is financially viable as it allows Council to expend a total of \$32,450 ex GST, however does not provide additional line-marking and basketball and netball facilities for increased activation of the facility.

Option 1 is recommended

Conclusion

The Byford Tennis Club has submitted an application through the Shire's Major Grant Scheme to remediate the Byford Tennis Courts surface cracking issues. Work has been undertaken to investigate the site and the possibility of expanding the types of sports that can be played on the courts and ease of access of the community to the facility. It is recommended that the project move forward.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Major Grant Application 2019 – Byford Tennis Club Inc – Court Resurfacing (IN19/14331)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative and professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

Option	Cost ex GST	Cost ex GST with 10% contingency	Account	Comment
1 – Recommended: Resurface of both courts and multi-marking of one court and installation of basketball and netball infrastructure on one court	\$35,528	\$39,081	LFP528 Major Grant Scheme – in budget	This option can be afforded within the allocated Major Grant Scheme budget.
2 – Resurface only (as per application – no multi-marking)	\$29,500	\$32,450	LFP528 Major Grant Scheme – in budget	This option can be afforded within the allocated Major Grant Scheme budget.

The initial quotation that the Byford Tennis Club received for the works and was attached to the Major Grant application, was received in February 2019. As twelve months has passed since this date it is feasible that there may be an increase in costs for the works, therefore it is recommended to include a contingency of 10% additional to the total budget amount of \$35,528. This will result in a total budget of \$39,081 for option one and \$32,450 for option two. Any unspent funds will be retained in the Major Grant Scheme budget, account number LFP528.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council do not make a decision on this matter and it continues to be unresolved.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **4** has been determined for this item.



Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. APPROVES the Byford Tennis Club Major Grant application for \$29,500 ex GST;
2. REQUESTS the Chief Executive Officer to line mark one tennis court with full-court tennis, half-court basketball and half-court netball and install one basketball ring and backboard and one netball ring, as per the design shown in image one at a cost of \$6,028;
3. APPROVES the total budget of \$39,081 ex GST including a 10% contingency, to be expended from account LFP528 Major Grant Scheme; and
4. APPROVES the management model for Byford Tennis Courts to be unlocked for public use.

OCM029/02/20

COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Atwell

That Council

1. **APPROVES** the Byford Tennis Club Major Grant application for \$29,500 ex GST;
2. **REQUESTS** the Chief Executive Officer to line mark one tennis court with full-court tennis, half-court basketball and half-court netball and install one basketball ring and backboard and one netball ring, as per the design shown in amended image one with the two centre blue lines removed;
3. **APPROVES** the total budget of \$39,081 ex GST including a 10% contingency, to be expended from account LFP528 Major Grant Scheme; and
4. **APPROVES** the management model for Byford Tennis Courts to be unlocked for public use.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officers Recommendation

To ensure clarity of the markings to be added to the court which may also result in cost savings.



10.4.2 – Keirnan Park Recreation Precinct Project Update (SJ1364-02)	
Responsible Officer:	Deputy CEO / Director Community Services
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

This report provides an update regarding the Keirnan Park Recreation Precinct project and requests Council authorises the Chief Executive Officer to undertake discussions with State Sporting Associations to advocate for an anchor facility.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 29 January 2013 - OCM130/01/13

- 1. That the Council fully supports the Serpentine Jarrahdale Community Recreation and Sporting Group Incorporated in their efforts to provide a multipurpose sporting and recreation precinct within the Shire.*
- 2. The preferred site that has been identified is state owned land in the Mundijong Whitby urban cell, currently owned by the Western Australian Government.*
- 3. The property consists of Reserve 7125 (Lot 4395), Reserve 23012 (Lots 510, 511, 4396) and Reserve 50602 (Lot 4384).*
- 4. Subject to the findings of the feasibility study, the Shire will request the State Government to transfer the land to the Shire to enable the construction of a multipurpose sporting and recreation precinct on this land.*



Ordinary Council Meeting - 9 September 2013 - OCM032/09/13

That Council:

- 1. Receive and endorse the Sport and Recreation Precinct Draft Feasibility Study as at OCM032.1/09/13.*
- 2. Continue lobbying on a political level and with State Government agencies to acquire the land required for the Sport and Recreation Facility at no cost to Council.*
- 3. Prepare consultation sessions with the sporting groups in the Shire, both affiliated and not affiliated with the Serpentine Jarrahdale Community Recreation and Sports Group and the general community regarding the feasibility study and the implementation of the Sporting and Recreation precinct.*
- 4. Consider providing the necessary budget for the schematic design and detailed design of the Serpentine Jarrahdale Sport and Recreation Precinct in the 2014/15 budget.*
- 5. Consider providing further funding in the 2014/15 budget that can be used as seed funding to match any possible grants received to enable the staging as per OCM032.2/09/13.*
- 6. Submit grant applications to relevant funding bodies when and where these funding opportunities become available to facilitate the project.*

Ordinary Council Meeting - 27 August 2018 – OCM090/08/18

That Council

- 1. Receives the BMX Relocation – Feasibility Study, as contained in attachment OCM090.1/08/18 for use as a guiding document, acknowledging the Byford BMX Club requires relocation from Briggs Park Recreation Precinct.*
- 2. Agrees to the relocation of the BMX Facility to the Keirnan Park Recreation Precinct, with a preference for a State level facility.*

Background

The Shire of Serpentine Jarrahdale Sport and Recreation Precinct Preliminary Feasibility Study was funded by the Serpentine Jarrahdale Community Recreation and Sports Group Inc. in 2011, and in 2013 a further feasibility study was completed and endorsed by Council at the 13 September 2013 Ordinary Meeting.

The Feasibility Study endorsed by Council provided the following recommendations (broadly);

- Continue lobbying to acquire required land;
- Consult with sporting groups and the community about the feasibility study and implementation of the Sport and Recreation Precinct;
- Provide budget for schematic and detailed design of the precinct in the 2014/2015 financial year;
- Submit grant applications where external funding opportunities become available; and
- Provide further funding in the Long Term capital works program as seed funding to match grants and enable staging of the project.



In June 2018, the Shire accepted the management order over Reserve 7125, Keirnan Street, Whitby for the purposes of a sporting and recreation complex and the land has become known as the Keirnan Park Recreation Precinct.

The Keirnan Park Recreation Precinct (KPRP) project has been broadly scoped through the 2013 Sport and Recreation Precinct Feasibility Study and the Shire's Community Infrastructure Developer Contribution Plan, with site layouts also provided through both of these documents, indicating sporting facilities to be accommodated at the site with an estimated total project construction cost of around \$100million. The project in its entirety is expected to take up to 20 years to and will be a multiple-stage development, as determined by community triggers and funding availability. The Shire's current CIDCP (being advertised) contains the latest master plan and layout which has also enabled costing and staging to be determined. As a major 20 year project however, continued refinement will assist in delivering the most effective outcome for the land.

Council allocated \$100,000 in the 2019/2020 annual budget to commence project due diligence, meaning the investigation or exercise of care that should be taken before commencing the formal development project.

Community / Stakeholder Consultation

Policy Concept Forum

Not applicable.

Work completed to date has been informed and undertaken by various business units within the organisation.

Statutory Environment

There are no statutory implications relating to this item.

Comment

Current Land Use

The site is currently leased to the Department of Justice, for stock grazing and agricultural uses which is utilised by Karnet Prison Farm. The lease is a one-year agreement, with options to renew the lease each year, for 19 years. It contains an investigative clause that allows the Shire to store any items, conduct any investigations and access the site at any time (with notice) to facilitate investigations for the KPRP. The benefit of the lease is three-fold:

- Allows Karnet Prison Farm to provide work for minimum-security prisoners for skill building and supports production of food for WA's prisons;
- Crop cycles continually shift the soil and flora which reduces the risk of protected plant species growing on site, which would potentially impact on the precinct design;
- Removes the cost to Council to maintain the property.



Project Works

Keirnan Park Recreation Precinct is a significantly large site being 63 hectares. For context, comparisons in size against popular other Perth and Peel recreation areas are;

- Mills Park, Beckenham – 23ha
- Lake Monger Reserve, Wembley – 110ha
- Hyde Park, Perth – 15ha
- Lark Hill Sporting Complex, Port Kennedy – 41ha
- Langley Park, Perth – 12ha

Previous site layouts produced through the Feasibility Study have been further refined to create a known concept that has informed the Community Infrastructure Developer Contribution Plan Scheme amendment. This has recently completed advertising and will be presented to Council in the coming short term.

With the passage of time from the feasibility study, and noting the emerging future in respect of sports and recreation, it is necessary to continue refining plans to deliver the most effective outcome.

The project work Officers are undertaking will allow the Shire to continue refinement of the opportunities and constraints of the site, risks, operational implications, and site information. The work will comprehensively canvas key site issues, including (but not limited to), site ground surveys, water monitoring and management, topography and hydrology of the site, wetland mapping, and site contaminations (if any). This shows further refinement taking place.

The following works are planned to be completed by December 2020;

- Updated analysis and critical review of facility provision for the site to be completed in-house, including;
 - Benchmarking of sporting facility provisions based on Parks and Leisure Western Australia Community Facility Guidelines (draft 2020);
 - Gap analysis between current and required future infrastructure through to 2036;
 - Local considerations, for example, whether the WA guidelines are appropriate for the Shire's local clubs, stakeholders, and expected growth; and
 - Recommendations of which, and how many sporting facility provisions should be included, and the logical order of provision, plus a workshop for Council to endorse the facility provisions for Keirnan Park.
- A Concept Design Report incorporating;
 - 3x delivery options for the entire site master plan for Council consideration;
 - Indicative staging plan for whole of site, once Council determine a preferred site master plan;
 - Detailed concepts and artist impressions of Stage 1a (2x ovals, netball courts and pavilion) and 1b (Regional-level BMX facility) for Council consideration;
 - Estimated construction costs for Stage 1a and 1b;
 - Estimated operational and ongoing costs for Stage 1a and 1b; and



- High-level site investigations to allow the Shire to begin to understand the constraints of the land for concept purposes, including;
 - Site topography and buildings
 - Access
 - Environmental studies
 - Geotechnical, hydrology and groundwater studies
 - Aboriginal, non-Indigenous and local heritage
 - Provision of utilities
 - Site contamination
 - Easement and restrictive covenants
 - Project constraints and risks
 - Any other aspects considered necessary.

Council will be consulted during the needs analysis and concept report stages, through workshops at Policy Concept Forums and a formal agenda item presented back to Council early in 2021 to consider the Concept Design Report and progression of the project.

Key community stakeholders from sporting and recreation groups that may be affected will also be engaged during the needs analysis phase.

Investigating Additional Sporting Opportunities

Keirnan Park Recreation Precinct will be a significant recreational development project in the Perth metropolitan area. The size of the development may present opportunities to attract some state level sporting facilities to be based at Keirnan Park Recreation Precinct, additional to the sporting facilities that have been identified for the site to date. These sporting facilities could act as an anchor tenant of the site to support community activation and further developments on the land.

Officers recommend that Council authorise the Chief Executive Officer to undertake discussions with state level sporting associations to ascertain their future facility needs, and assess the feasibility of Keirnan Park Recreation Precinct as a location for the association, including facility access needs and associated costs. Any proposals will be brought to Council for further consideration.



Options and Implications

Option One

That Council:

1. RECEIVES the Keirnan Park Recreation Precinct Project update; and
2. AUTHORISES the Chief Executive Officer to undertake discussions with state level sporting associations to ascertain their future facility needs, and assess the feasibility of Keirnan Park Recreation Precinct as a location for the association, including facility access needs and associated costs, with any proposals to be brought to Council for further consideration.

Option Two

That Council RECEIVES the Keirnan Park Recreation Precinct Project update.

Option 1 is recommended.

Conclusion

The proposed process, updating of the analysis and production of the Concept Design Report are important steps in the progression of this project. With \$100,000 allocated to project due diligence for the 2019/2020 financial year, the development of a new masterplan for the site, and concept design for Stage 1a (ovals, netball and pavilion) and Stage 1b (BMX facility) will be completed by December 2020.

Additionally, Officers are seeking innovative opportunities for activating the facility and request authorisation for the Chief Executive Officer to enter into discussions with State Sporting Associations to determine whether Keirnan Park Recreation Precinct is an appropriate location for their association.

Attachments

Nil.

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure.
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.

Financial Implications

In order to complete this phase of the project, an additional amount of \$50,000 will be requested for Council's consideration through the 2020/2021 financial year budget.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council do not agree to the project approach	Rare (1)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.



Voting Requirements: Simple Majority

OCM030/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr McConkey

That Council:

- 1. RECEIVES the Keirnan Park Recreation Precinct Project update; and**
- 2. AUTHORISES the Chief Executive Officer to undertake discussions with state level sporting associations to ascertain their future facility needs, and assess the feasibility of Keirnan Park Recreation Precinct as a location for the association, including facility access needs and associated costs, with any proposals to be brought to Council for further consideration.**

CARRIED UNANIMOUSLY 9/0



10.4.3 – Reserve 17372 Larsen Road – Partial Vesting Transfer (RS0045)	
Responsible Officer:	Deputy CEO / Director Community Services
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

For Council to consider a request from Water Corporation to transfer the vesting of part of Reserve 17372, Lot 103 Larsen Road, Byford, for the purpose of extending a Water Pumping Station.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this item.

Background

Reserve 17372 is Crown Land situated over Lot 103 Larsen Road, Byford and is vested to the Shire for Public and Community Purposes. The property is approximately 3805m² and contains a small excised reserve in the southwestern corner, vested to Water Corporation (Reserve 39310). Reserve 39310 contains a water pumping station that services the Byford and Mundijong townships. Image one demonstrates the current reserves.

**IMAGE ONE**

Red – Shire Reserve 17372. Yellow – Water Corporation Reserve 39310

On 1 May 2018, the Shire received a request from Water Corporation to transfer vesting of part Lot 103 for amalgamation into the Water Corporation Reserve. The request is included as Attachment 1. The request explained that due to current and future planned development in Mundijong and Byford, the need to increase the security of the water supply had prompted Water Corporation to seek land to expand the existing Water Pumping Station and acquire approximately 1006 square metres.

Through internal consultation, it was clear that a significant lack in land assets for community infrastructure provision had been secured, and whilst the subject site was not earmarked for any specific community infrastructure projects, it was expected that the property would be subject to future feasibility studies to determine how the land could be developed to cater to the growing demand for community facilities in Byford.

Given this, Officers suggested to Water Corporation that consideration would be given to a land swap or similar should Water Corporation have any other undeveloped land assets in the Byford area that would be appropriate for community infrastructure; and Officers worked with Water Corporation to try and identify a land parcel suitable for swap.

One freehold parcel was identified, located on Gobby Road, Keysbrook, however given the distance from the Byford township it was not deemed a suitable swap with similar community use value. Water Corporation also advised that no freehold land would be considered. Other Water Corporation-owned properties were not deemed to be a fair exchange on the basis that they were drain reserves (and therefore not appropriate for a community-use).

As a result of communication between the Shire and Water Corporation and the inability to secure land to swap, Water Corporation revised the design of the extension to the Water Pumping Station so that it could be accommodated on a smaller site. The design is included as **attachment 2**.



Community / Stakeholder Consultation

Policy Concept Forum

Not Applicable.

Consultation has been undertaken between the Strategic Community Facilities, Strategic Planning and Statutory Planning business units to form a recommendation.

Statutory Environment

The *Local Government Act 1995* and the *Land Administration Act 1997* provides the following statutory environment:

Section 3.54 of the Local Government Act 1995 – Reserves under the control of local government.

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

Section 46 of the Land Administration Act 1997 - Care, control and management of reserves

- (2) The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*

Section 51 of the Land Administration Act 1997 – Cancelling, changing etc. reserves, Minister's powers as to.

Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Comment

Officers have completed due diligence in respect to this request and have undertaken a process to understand if the subject site is earmarked for any projects. The Shire's Land Asset Management Plan recommends a Land Swap to (or acquire as) Freehold property, to enable potential re-zoning for activation – this being the only mention of this property in any Shire strategic documents.

Officers have considered the request on its merits. Although the land is a strategic community parcel with good highway exposure and connections to Byford town centre; with no strategic direction for the land, the construction of an expanded Water Pumping Station may have as much, if not more, community benefit than potential other community developments on the site.



The revised design provided by Water Corporation allows minimal impact on the access of the property, as shown in image two below where red and yellow indicate the proposed new reserve alignments.



IMAGE TWO

Red – Proposed amended Shire Reserve 17372. Yellow – Proposed amended Water Corporation Reserve 39310

The transfer of vesting of the requested portion will not prevent the use of the Reserve for a community facility in the future, but will slightly restrict the opportunities as a result of the reduction in land size.

There are no other considerations.

Officers from internal business units are in agreeance that the transfer of vesting is of community benefit and is recommended to be considered favorably by Council.

Options and Implications

Option1

That Council;

1. AGREES to the transfer of the vesting of a portion of Reserve 17372 to the Water Corporation for the purposes of a Water Pumping Station, subject to the consent of the Minister for Lands and;
2. ADVISES the Water Corporation that;
 - a. all fees relating to the administration of the transfer are to be borne by Water Corporation; and
 - b. the application to the Minister for Lands for the transfer is to be undertaken by Water Corporation.
3. In accordance with Section 9.49A of the *Local Government Act 1995*, AUTHORISES the Shire President and Chief Executive Officer, to affix the common seal of the Shire to relevant



documents, or sign relevant documents on behalf of the local government, to give effect to the transfer.

Option 2

That Council **REJECTS** the request from Water Corporation to transfer a portion of the vesting of Reserve 17372.

Option 1 is recommended.

Conclusion

Water Corporation have requested a portion of Reserve 17372, Lot 103 Larsen Road, Byford, for the purposes of extending the existing Water Pumping Station located in the southwestern corner of the property. With limited strategic direction for this Community and Public Use Reserve, Officers suggest that the extension of the Water Pumping Station is of high community benefit and recommend transferring the vesting of a portion of the reserve.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Request to obtain consent to transfer vesting – Water Corporation (IN18/10220)
- **10.4.3 – attachment 2** – Land Acquisition Plan (IN20/482)

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

There are no financial implications relating to this matter. Council has no financial interest in the land, nor is there an allocated maintenance budget for the property.

Officers recommend advising Water Corporation that any costs associated with a transfer be borne by Water Corporation to ensure no cost to Council.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Loss of water security in Byford and Mundijong	Unlikely (2)	Moderate (3)	Moderate (5-9)	Health - 3 Moderate - Medical type injuries or Lost time injury < 5 days	Accept Officer Recommendation
Loss of partial land for future community facility	Likely (4)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk
Unfavourable relationship with key service agency	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.

Voting Requirements: Simple Majority



MOTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council

- 1. AGREES to the transfer of the vesting of a portion of Reserve 17372 to the Water Corporation for the purposes of a Water Pumping Station, subject to Minister for Lands consent and;**
- 2. ADVISES the Water Corporation that;**
 - a. all fees relating to the administration of the transfer are to be borne by Water Corporation; and**
 - b. the application to the Minister for Lands for the transfer is to be undertaken by Water Corporation; and**
- 3. In accordance with Section 9.49A of the *Local Government Act 1995*, AUTHORISES the Shire President and Chief Executive Officer, to affix the common seal of the Shire to relevant documents, or sign relevant documents on behalf of the local government, to give effect to the transfer.**

AMENDMENT TO MOTION

Moved Cr Dagostino, seconded Cr Strange

That Council

- 1. AGREES to the transfer of the vesting of approximately 1006 square metres of Reserve 17372, as per Attachment 2, to the Water Corporation for the purposes of a Water Pumping Station, subject to the consent of the Minister for Lands and;**
- 2. ADVISES the Water Corporation that;**
 - a. all fees relating to the administration of the transfer and any external consultant or adviser costs reasonably required to be incurred by the Shire as part of the transfer, are to be borne by Water Corporation; and**
 - b. the application to the Minister for Lands for the transfer is to be undertaken by Water Corporation.**
- 3. In accordance with Section 9.49A of the *Local Government Act 1995*, AUTHORISES the Shire President and Chief Executive Officer, to affix the common seal of the Shire to relevant documents, or sign relevant documents on behalf of the local government, to give effect to the transfer.**

CARRIED UNANIMOUSLY 9/0



OCM031/02/20

SUBSTANTIVE MOTION / COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

That Council

- 1. AGREES to the transfer of the vesting of approximately 1006 square metres of Reserve 17372, as per Attachment 2, to the Water Corporation for the purposes of a Water Pumping Station, subject to the consent of the Minister for Lands and;**
- 2. ADVISES the Water Corporation that;**
 - a. all fees relating to the administration of the transfer and any external consultant or adviser costs reasonably required to be incurred by the Shire as part of the transfer, are to be borne by Water Corporation; and**
 - b. the application to the Minister for Lands for the transfer is to be undertaken by Water Corporation.**
- 3. In accordance with Section 9.49A of the *Local Government Act 1995*, AUTHORISES the Shire President and Chief Executive Officer, to affix the common seal of the Shire to relevant documents, or sign relevant documents on behalf of the local government, to give effect to the transfer.**

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officers Recommendation

To clearly identify the land and to ensure that the Shire will not be out of pocket on the transaction, given it is a gift.

**10.4.4 – Establishing an Equine Advisory Group and Sporting Clubs Facility Users Advisory Group (SJ337)**

Responsible Officer:	Deputy CEO / Director Community Services
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is provide Council with further information in regards to establishing an Equine Advisory Group and Sporting Clubs Facility Users Advisory Group.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 December 2019 - OCM300/12/19

That Council REQUESTS the Chief Executive Officer to bring a report to the February 2020 Ordinary Council Meeting on establishing the following Advisory Groups: a) Equine Advisory Group. b) Sporting Clubs Facility Users Advisory Group.

Background

At the Ordinary Council Meeting held 16 December 2019, Council considered an item regarding the review of Committees and Related Groups.

Through this item, Council resolved to explore the establishment of an Equine Advisory Group and a Sporting Clubs Facility Users Advisory Group.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Under section 5.8 of the *Local Government Act 1995* (the Act), local governments may establish committees of three or more people to assist the Council and exercise the powers and discharge the duties of the local government.

There is no legislative provision guiding the establishment of advisory groups.



Comment

Sporting Clubs Facilities Users Advisory Group

Meetings and consultation with sporting clubs

The Shire has held a number of informal meetings with clubs since September 2018. These meetings were held in response to a significant amount of change affecting use of facilities by sporting clubs and were intended to improve communication between the Shire and the sporting clubs and address any issues being experienced by the clubs.

Four meetings were held and considered the following topics:

- 13 September 2018 - Fees and charges, licenses and leases, BMX relocation, Briggs Park lower oval update, Keirnan Park Recreation Precinct update.
- 14 November 2018 - Cleaning, capital works, building maintenance processes, and emergency maintenance processes.
- 6 March 2019 - Draft Sport and Active Recreation Plan.
- 17 July 2019 - Reserve management plans for Briggs ovals and Mundijong oval.

The Presidents of each of the following clubs were invited to attend these meetings:

- Byford Bushrangers
- Byford BMX
- Centrals Football Club
- Mundijong Centrals Junior Football Club
- Serpentine Jarrahdale Cricket Club
- Serpentine Jarrahdale Netball Association
- Byford Little Athletics
- Byford Basketball Association
- Mundijong / Serpentine Little Athletics
- Serpentine Horse and Pony Club
- Serpentine Foothills Polocrosse Club

Attendance numbers at the meetings varied with seven club representatives at the first meeting, dwindling to only two club representatives at the last meeting held in July 2019.

Officers work closely with sporting clubs in relation to their facility use needs and in regards to club development opportunities. The Shire has also sought to make improvements in communication between the Shire and clubs and bring clarity to the processes for facility use. Additionally Council have considered fees and charges that better reflect the capacity for clubs to pay while ensuring their sustainability.



Consideration of formation of an advisory group

Officers gave consideration to the different sporting clubs currently using Shire owned facilities or on land owned or managed by the Shire, resulting in a list of 18 clubs as per below;

- Byford Basketball Association
- Byford BMX
- Byford Bushrangers
- Byford Little Athletics
- Byford Tennis Club Inc.
- Byford Venom Futsal Club
- Centrals Football And Sportsman's Club
- Lightweight Motorcycle Club Inc.
- Mundijong Centrals Junior Football Club
- Mundijong/ Serpentine Little Athletics
- Peel Metropolitan Horse & Pony Club Inc.
- Redbacks Floorball Club Incorporated
- Serpentine & Districts Golf Club Serpentine Foothills Polocrosse Club
- Serpentine Horse and Pony Club
- Serpentine Jarrahdale Cricket Club
- Serpentine Jarrahdale Netball Association
- Serpentine Jarrahdale Serpents Rugby League and Sporting Club
- Sport Aircraft Builders Club of WA Inc.

As the Shire grows, it is anticipated that the number of sporting clubs will continue to increase.

Officers also considered what the possible outcomes of an advisory group might be, these included;

- Provide a shire wide strategic focus on sport and recreation issues.
- Share information and seek feedback on sport matters.
- Obtain input from local sporting groups in relation to use and planning of Shire owned sporting and recreation facilities.
- Assist clubs to access opportunities for ongoing development of clubs and of sport in the shire.

Given the large number of sporting clubs in the Shire, Officers suggest that forming an advisory group would be difficult as it would not be desirable to exclude any of the clubs, which would result in a large advisory group.

When considering the possible outcomes of the group, Officers believe these are able to be met through a combination of holding forums where all sporting clubs are invited, through specific consultation for major projects such as the Keirnan Park Recreation Precinct and through



continuing to grow relationships between the Shire and clubs, ensuring clear and consistent communications.

Officers suggest that at least two forums be held per year to coincide with the sporting seasons, with the option to call other forums or specific meetings and consultation sessions as required

Each sporting club will be requested to have one representative at the forums being either the President or a representative of the club as nominated by the committee of the club. It is important for the quality of communication and consistency in sharing of information and gathering feedback, that the attendee at the forums is consistent and they have the authority to speak on behalf of the club they represent.

Officers recommend that all Councillors be invited to attend the forums.

Equine Advisory Group

Shire of Serpentine Jarrahdale Equine Strategy

In August 2018, Council adopted the Shire of Serpentine Jarrahdale Equine Strategy.

Key findings of research undertaken for the strategy identified:

- The Shire is home to 3,876 registered horses - more than any other WA Local Government area.
- The Shire has twice the number of registered racing horses (harness and thoroughbred) than the next largest Local Government area, making it WA's biggest racing hub.
- Around 30 per cent of the State's active Standardbred (harness) horses are stabled in the Shire.
- The Shire is home to the second largest number of registered equestrian and pony club members, and the third highest number of polocrosse members.
- A further 4,500 unregistered horses kept for leisure or as companion animals are stabled in the Shire.

The Strategy outlined the predominant interest areas of horse ownership in the Shire to be:

- Racing (training and competitions).
- Equestrian disciplines (training and competition).
- Leisure and trail riding.
- Keeping of retired and companion horses.

Additional to this, equine businesses play a key role in the equine industry in the shire with an annual turnover of \$21million.

The Strategy lists a number of strategic goals and actions to be achieved and the implementation of the Equine Advisory Group provides an opportunity to receive guidance from the community in undertaking works towards these goals and actions, as well as an opportunity to address other industry and community needs.



Equine Community Guidelines

On 23 July 2019, the Shire held an Equine Community Forum with the aim of informing residents of the pre-existing responsibilities and requirements for the keeping of horses in the Shire. The forum covered information relating to planning, building, and environmental health requirements, information about land use, and how the Shire can support residents in regards to their needs in the keeping of horses. The forum was also an opportunity for residents to ask questions in relation to the keeping of horses. The forum was well attended with over 150 people attending.

As a result of the forum, the Shire has undertaken a project to develop guidelines intended to be a first educational step to assist people who may be interested in keeping horses within the Shire, and/or moving to the Shire to have the opportunity of keeping horses.

The guidelines are arranged in six key themes, as follows:

- Theme 1 - which areas of the Shire can I have horses and how many can I have
- Theme 2 - stables, paddocks, enclosures, yards, fences, shade and exercise areas - what role do these play for horses
- Theme 3 - soil and weed management best practice approaches
- Theme 4 - sowing and grazing pastures best practice approaches
- Theme 5 - manure management best practice approaches
- Theme 6 - local resources that can help you increase your knowledge

The guidelines have been developed in consultation with a working group of community members. These will soon be launched for community feedback.

Equine development across the Peel

Southern Dirt Group is currently developing a proposal to work with equine businesses across the Peel to support further development of the industry. Further information regarding this will be presented for Council's consideration in March 2020.

The Peel Regional Leadership Forum engaged GHD in April 2019 to undertake a competitive and comparative analysis of the Peel Region with regard to the equine industry; this report is currently in draft form and will be presented to Council for consideration at a future meeting.

Consideration of formation of an Equine Advisory Group

A draft Terms of Reference is included with this report as **attachment 1**.

The proposed purpose of the Equine Advisory Group is to provide the Shire with advice in regards to the needs and priorities of the Serpentine Jarrahdale Equine Community and support Council in the delivery of projects to enhance the Serpentine Jarrahdale Equine Industry and Community.

The proposed functions of the Equine Advisory Group will be to:

- Advocate to the Shire on behalf of the Serpentine Jarrahdale equine industry and community, representing their needs.
- Contribute to the development, implementation and review of projects to enhance and support the Serpentine Jarrahdale equine industry and community.



- Form partnerships with and support the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale equine community.
- Provide recommendations to the Council, as required, in relation to support and development of the equine industry and community in the Shire of Serpentine Jarrahdale based on stakeholder input.

Officers suggest that six meetings of the advisory group be held per year with the option to call other meetings as required.

Officers recommend inviting 10 community representatives to participate in the advisory group as outlined in the draft Terms of Reference. This represents two representatives from each of the predominant interest areas and two from the Serpentine Jarrahdale equine business community.

Officers recommend that the advisory group operate for an initial 12 month period and that a report be brought back to Council in December 2020, detailing the outcomes from the meetings of the advisory group and make recommendation as to the continuation of the advisory group.

Officers recommend two Councillors be appointed as members of the Equine Advisory Group and two Councillors be appointed as deputy members.

Options and Implications

Option1

That Council

1. ESTABLISHES the Equine Advisory Group as per the Terms of Reference detailed in attachment 1.
2. APPOINTS the following members to the Equine Advisory Group for the period ending at the next ordinary local government election and amend the Terms of Reference accordingly.

Members –

Deputy Members –

3. REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the Equine Advisory Group, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting.
4. AGREES to hold at least 2 Sporting forums per year for Serpentine Jarrahdale Sporting Clubs.

Option 2

That Council does not establish the Equine Advisory Group per the terms of reference as detailed in **attachment 1**.

Option 3

Council may choose to establish a Sporting Clubs Facility Users Group as well as an Equine Advisory Group.

Option 1 is recommended.



Conclusion

With significant growth in the Shire communications with sporting clubs and the equine industry and community will be paramount in ensuring that the needs of these groups are met and that strategic goals can be met to develop and support sporting and equine endeavours in the Shire.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – Equine Advisory Group Terms of Reference (E20/1293)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Outcome 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.1.2	Provide a healthy community environment
Outcome 4.2	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

Specific projects that may come from the recommendations of the advisory groups will require budget consideration from Council.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
No partnerships formed with community to understand needs and priorities	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or	Accept Officer Recommendation



				moderate media profile	
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Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **9** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. ESTABLISHES the Equine Advisory Group as per the Terms of Reference detailed in attachment 1.
2. APPOINTS the following members to the Equine Advisory Group for the period ending at the next ordinary local government election and amend the Terms of Reference accordingly.
Members –
Deputy Members –
3. REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the Equine Advisory Group, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting.
4. AGREES to hold at least 2 Sporting forums per year for Serpentine Jarrahdale Sporting Clubs.



OCM032/02/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Denholm

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.10pm.

CARRIED UNANIMOUSLY 9/0

OCM033/02/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Denholm

That Standing Orders be reinstated at 9.33pm.

CARRIED UNANIMOUSLY 9/0

OCM034/02/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Denholm

That Council

1. **ESTABLISHES** the Equine Advisory Group as per the Terms of Reference detailed in attachment 1.
2. **APPOINTS** the following members to the Equine Advisory Group for the period ending at the next ordinary local government election and amend the Terms of Reference accordingly:

Member – Councillor Dagostino
Deputy Member – Councillor Strautins

Member – Councillor Rich
Deputy Member – Councillor Byas
3. **REQUESTS** that the Chief Executive Officer issue an expression of interest for external members of the Equine Advisory Group, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting.
4. **AGREES** to hold at least 2 Sporting forums per year for Serpentine Jarrahdale Sporting Clubs.
5. **APPOINTS** the following members to the Sporting Forums for the period ending at the next ordinary local government election:

Member – Cr Denholm
Deputy Member – Cr Strautins

Member – Cr Atwell
Deputy Member – Cr Coales

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

To reflect the level of Council participation outlined in the Terms of Reference and formalise Council representation on the Equine Advisory Group and Sporting Forum.



10.5 Executive Services reports

10.5.1 – Small Business Friendly Local Government Program Discussion Paper (SJ2201)	
Responsible Officer:	Manager Economic Development, Tourism and Marketing
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

This report presents Council with the Discussion Paper requested at the October Council OCM regarding the Shire of Serpentine Jarrahdale becoming a Small Business Friendly Local Government.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 14 October 2019 - OCM217/10/19

That Council:

- 1. Requests the CEO prepare a discussion paper about the Small Business Friendly Local Governments initiative as promoted by the Small Business Development Corporation and present to Council at the February 2020 OCM.*
- 2. Include as part of the discussion paper any budgetary impacts that this initiative would have to the Shire if Council endorsed participation in the initiative.*
- 3. Include any reports or data available that shows the impact of this initiative on local businesses from Local Government areas already participating in the initiative.*

Background

Nil.

Community / Stakeholder Consultation

Nil.

Statutory Environment



Nil

Comment

Many local governments are now active supporters of the Small Business Friendly Local Government Program.

This is a free service of the Small Business Development Corporation that will enable the Shire of Serpentine Jarrahdale to further assist in the growth and development of micro and small businesses within the Shire.

The attached discussion paper outlines all of the advantages of the Shire of Serpentine Jarrahdale joining this free program for Councils consideration.

Options and Implications

Option1

That Council endorses the Shire of Serpentine Jarrahdale joining the Small Business Friendly Government Program, as promoted by the Small Business Development Corporation for the benefit of the growth and development of the micro and small business sector within the Shire.

Option 2

That Council does not endorse the Shire of Serpentine Jarrahdale joining the Small Business Friendly Local Government Program, which will inhibit the growth and development of the micro and small business sector within the Shire.

Option 1 is recommended.

Conclusion

Based upon the benefits associated with this program for the relatively small financial outlay, Officers are recommending the Shire commit to being a Small Business Friendly Local Government.

Attachments

- **10.5.1 - attachment 1** – Small Business Friendly Local Government Program Discussion Paper (E20/1460)

Alignment with our Strategic Community Plan

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



Financial Implications

There are no additional financial implications for the Shire of Serpentine Jarrahdale. All of the initiatives listed are a part of current or planned small business development activities by the Shire economic and tourism development unit.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not join the Small Business Friendly Local Government Program	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.



Voting Requirements: Simple Majority

OCM035/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Byas

That Council APPROVES the Shire of Serpentine Jarrahdale joining the Small Business Friendly Local Government Program.

CARRIED UNANIMOUSLY 9/0



10.5.2 – South Western Highway – Tourism Drive Feasibility (SJ2377)	
Responsible Officer:	Chief Executive Officer
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

This report seeks Councils consideration of committing resources to undertake a feasibility of reestablishing a tourist drive along South Western Highway from the Shire of Serpentine Jarrahdale to the Shire of Harvey. This was previously referred to as Harvey Highway.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 26 August 2002 - SM006/08/02 CRSM006

COUNCIL DECISION / Committee / Officer Recommended Resolution

- 1. Council agrees to a presentation to the Strategic Management Committee from the Bunbury Wellington Economic Alliance at a time to be agreed on 16 September 2002.*
- 2. The Bunbury Wellington Economic Alliance are advised that any request for financial assistance in relation to the Harvest Highway are encourage to be made by at the latest March each year so that it can be considered as part of Council's normal Forward Financial Planning cycle.*

Background

The "Harvest Highway" project was an initiative formulated by the Bunbury Wellington Economic Alliance in 2001 to market the South Western Highway using the produce, tourist attractions, unique communities and rural lifestyle as its focus.

The original geographical area of the "Harvest Highway" concept was from Byford in the North to Manjimup on the South and encompassed communities both on the highway (Byford, Mundijong, Pinjarra, Waroona, Harvey, Dardanup, Donnybrook, Balingup, Greenbushes, Bridgetown and Manjimup) as well as communities off but close to the highway, such as Jarrahdale, Collie, Boyup Brook, Dwellingup and Nannup. This original area encompassed twelve Shires (Serpentine Jarrahdale, Murray, Waroona, Harvey, Collie, Dardanup, Capel, Donnybrook/Balingup, Bridgetown/Greenbushes, Boyup Brook, Nannup and Manjimup) and approximately twenty-two communities of varying sizes and a number of localities.



The project was funded in its first year of operation (and subsequently for a second year), by the Australian Department of Transport and Regional Services through its Dairy RAP program, and run and managed by the Bunbury Wellington Economic Alliance, the Warren Blackwood Economic Alliance and the WA Department of Training.

By way of background the Vision and Mission of the original Harvest Highway were:

Vision

Local Communities working together to develop and market the South Western Highway as an alternative inland visitor route, showcasing local produce.

Mission

The Harvest Highway Project will be the catalyst for the development of an alternative visitor route through the inland areas of the Peel and South West regions. Creating opportunities in the business, marketing and training arenas, the project will facilitate local communities in their endeavours to develop visitor experiences and increase employment in a collaborative environment.

The Harvest Highway initiative, developed membership amongst tourism, food and other enterprise, marketed the Harvest Highway, undertook training for business, and ran and marketed a schedule of major events and activities. The initiative developed a dedicated website and produced a monthly printed newsletter.

When funding ceased at the end of 2005, the initiative scaled back but has recently been revived in the Warren Blackwood Alliance area, encompassing the communities of Donnybrook, Balingup, Greenbushes, Bridgetown, Manjimup and Nannup.

Community / Stakeholder Consultation

Officers from the Shires of Murray, Waroona, Harvey and Serpentine Jarrahdale have recently met a number of times to consider reintroducing initiative. There has been initial support to undertake a feasibility of this initiative which is the subject of this report.

It is considered that extensive consultation would take place as part of the feasibility.

Statutory Environment

Nil at this stage. Any planning or building approvals which would be required would be subject to normal application and approval processes.

Comment

The scope of feasibility proposed at this stage is to include (but not limited to):

5.1 Assessment of the current status of various Tourist Drives/Harvest Highway related initiatives in the Peel and South West regions, including the program being pursued by the Warren Blackwood Alliance, the Taste Blackwood Alliance, the Bunbury Geographie Partnership and the Perth Hills Alliance.

Meet with the above organisations (and others as may be identified) to determine for each at least the following:



- Partners/members;
- Key activities;
- Management structure and system of the initiative;
- Funding of activities, and management and operations;
- Lessons learnt from previous experience.

5.2 Assessing the level of support for an initiative to revive the Harvest Highway(or a similar tourist drive by another name) in the Peel and adjacent region, from Government Departments and agencies;

Meet with the Peel and Southwest Development Commissions, and other Government Departments/agencies identified, and determine the level of support for such an initiative, and the potential level and type of support that might be offered.

Reviewing the reasons why the Harvest Highway project was not sustainable and what lessons can be learnt and implemented if this project was to be re-established.

Discuss and assess if an alternative name/branding is required/desirable.

5.3 Assessment of the level of support for such an initiative from private enterprise, particularly (but not limited to) tourism, food and entertainment enterprise

Meet with Tourism WA and the Tourism Council, local Peel and Southwest Chambers of Commerce, local tourism structures and other local business groups to determine the level of support for such an initiative, and the potential type of support that might be offered

Discuss and assess if an alternative name/branding is required/desirable.

5.4 Determine at a high level what such an initiative would set out to do and achieve, including the resources required for it to be operational and sustainable, and assess the feasibility of proceeding with the initiative

At a high level, and from discussions held with the different government and private sector stakeholders, put forward the most likely activities of a revived Harvest Highway, how these might be managed and funded. Finally determine an overall level of feasibility to continue with the initiative



5.5 Provide recommendation on the requirements and location support infrastructure required at a local level.

This would include requirements including but not limited to the following:

- Commencements/finishing points(particularly in the Shire of Serpentine Jarrahdale.)
- Visitors centres/information centres.
- Signage
- RV rest areas and dump points

5.6 Governance Structure

Provide recommendation on governance structure required should the project be implemented.

It is proposed that this scope of work be given to a consultant to undertake. The consultancy would be managed by the Shire of Murray with input and guidance given from a reference group of the four local government authorities involved (including Shire of Serpentine Jarrahdale).

Following the feasibility, should the project be implemented, a more comprehensive governance structure would need to be established.

Officers consider investigation into this initiative is particularly important for the Shire of Serpentine Jarrahdale given the focus upon developing tourism in the Shire. As outlined later in the report this feasibility addresses a number of action items in the Shires Tourism Strategy.

One of the main issues to determine for the Shire of Serpentine Jarrahdale is where, if the project commences, this tourist drive would commence in the Shire. Would it, for example, start at Byford, Mundijong Road, the new intersection of Tonkin Highway with South Western Highway or at Karnup Road in Serpentine. These options will need to be considered and this feasibility will provide some recommendations for Councils consideration. This will in turn may implications on where the Shire may or may not establish visitors centres within the Shire.

Options and Implications

Option1

Support the feasibility for promoting South Western Highway as being a tourist drive and commit \$10,000 towards the work on the condition the same contribution is made from the Shire of Murray, Shire of Waroona and Shire of Harvey.

Option 2

Decide not to allocate funds to this feasibility at this stage.

Option 1 is recommended.



Conclusion

South Western Highway is a major road through the Shire connecting Perth to the South West. Currently Officers are unaware of any marketing strategies being used to direct or encourage tourists to use South Western Highway as opposed to Forrest Highway. Overall Officers consider the investment of \$10,000 towards this feasibility is warranted, given the potential returns and increased tourism numbers through the Shire that could result from a successful tourist drive.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district.

The Shire's Tourism Strategy identifies the following actions related to this initiative:

- Collaborate with Tourism WA, Peel Development Commission, and Perth Hills Tourism Association to align SJ Brand with external tourism initiative.
- Engage with Main Roads re highway signage.
- Collaborate with other Peel region local government areas to find ways of complimenting each area's tourism product and promotion.

It is worth noting that the Shire has been actively working and contributing towards the development of a new strategy for the Perth Hills Tourism Association. This collaboration will align the Shire with the following LGA's from a tourism perspective:

- City of Armadale
- Shire of Kalamunda
- Shire of Mundaring
- City of Swan.

This draft report is expected to be presented to Council in the coming months. This will likely require the investment of resources to enable the Shire to be considered part of the Perth Hills area.

At a strategic level, Officers see merit in being part of the Perth Hills Tourism Association and also a partner in the development of South Western Highway as a tourist drive. This reflects the geographic nature of the Shire being partly in the Perth Hills and also a connection to the South West via the South Western Highway.

Furthermore, Officers also believe that involvement in both the Perth Hills and any South Western Highway tourist drive will only assist the development and promotion of Jarrahdale as a Trails Town.



Financial Implications

It is expected this feasibility work will cost in the vicinity of \$60,000 which is proposed to be funded in the following manner:

- Shire of Serpentine Jarrahdale \$10,000
- Shire of Murray \$10,000
- Shire of Waroona \$10,000
- Shire of Harvey \$10,000
- Peel/SW Development Commission \$20,000

Contributions towards this feasibility is currently being considered by each of the local government authorities. Approaches are also being made to the Peel and South West Development Commissions. Officers are recommending that if Council wants to commit funding to the initiative it does so conditional on support from the other Local Government Authorities involved.

It is proposed that if Council wants to participate in this feasibility the contribution of \$10,000 is sourced from GL 1000-10100-6230-0000 "Consultancy". There are sufficient funds in this GL to cover this expense.

The Shire would also allocate Officer time to participate in the reference group for the feasibility.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not join the feasibility study	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Agrees to contribute \$10,000 towards the feasibility of establishing South Western Highway as a Tourist Drive in accordance with the scope outlined in this report.
2. Approves funds for this feasibility to come from GL 1000-10100-6230-0000 "Consultancy"
3. The funding of \$10,000 from the Shire is conditional upon at least the same contribution being made by the Shire of Murray, Shire of Waroona and Shire of Harvey towards the feasibility.
4. Requests the Chief Executive Officer to present the final report to Council for consideration once complete.



OCM036/02/20

COUNCIL RESOLUTION

Moved Cr McConkey, seconded Cr Dagostino

- 1. Agrees to contribute \$10,000 towards the feasibility of establishing South Western Highway as a Tourist Drive in accordance with the scope outlined in this report as well as extending the scope to include the viability and location of a tourist information Centre in the northern end of the region with consideration for the location to include Kiernan Park or South of the intersection of the future Tonkin Highway and South West Highway within the Shire of Serpentine Jarrahdale.**
- 2. Approves funds for this feasibility to come from GL 1000-10100-6230-0000 "Consultancy"**
- 3. The funding of \$10,000 from the Shire is conditional upon at least the same contribution being made by the Shire of Murray, Shire of Waroona and Shire of Harvey towards the feasibility.**
- 4. Requests the Chief Executive Officer to present the final report to Council for consideration once complete.**

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officers Recommendation

To provide long term direction for a Tourist Information Centre in the Shire of Serpentine Jarrahdale as identified in our Economic Development Strategy.

**10.6 Confidential reports**

OCM037/02/20

COUNCIL RESOLUTION**Moved Cr Byas, seconded Cr Denholm**

That the meeting be closed to members of the public whilst items 10.6.1, 10.6.2 and 10.6.3 are discussed pursuant to section 5.23(2) (d) and (f) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

At 9.40pm, the meeting went behind closed doors. All members of the Public left the Chambers.

10.6.1 – CONFIDENTIAL - Decommissioning of Unauthorised Development – <i>Building Act 2011</i> – 6 Curacoa Way, Byford (PA17/65)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	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> .

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(d) and (f) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (f) *a matter that if disclosed, could be reasonably expected to-*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety.*

A full report is provided to Councillors under separate cover. The report is not available for publication



Voting Requirements: Absolute Majority

OCM038/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Denholm

That Council:

- 1. PROCEEDS to prosecute the landowner of 6 Curacoa Way, Byford for failure to comply with the Building Order issued on 25 September 2019.**
- 2. Subject to successful prosecution being achieved against the Building Order dated 25 September 2019, Council APPROVES the decommissioning of the unauthorised bunker at 6 Curacoa Way, Byford as detailed within the Building Order, and seeks full recuperation of costs in accordance with section 118 (3) of the *Building Act 2011*.**
- 3. APPROVES the reallocation of \$15,000.00 from 2100-12300-4346-0000:Fines and Penalties to 2100-12300-6230-0000: Consultancy to assist in funding the prosecution and decommissioning works at 6 Curacoa Way, Byford.**

CARRIED BY ABSOLUTE MAJORITY 9/0



10.6.2 - CONFIDENTIAL - Commence Prosecution Proceedings under the <i>Criminal Procedures Act 2004</i> - 252 Boomerang Road, Oldbury and 129 Jackson Road, Oldbury (PA19/892)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	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> .

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(d) and (f) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (f) *a matter that if disclosed, could be reasonably expected to –*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of a local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety.*

A full report is provided to Councillors under separate cover. The report is not available for publication



Voting Requirements: Simple Majority

OCM039/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr McConkey

- 1. That Council, in relation to 252 Boomerang Road, Oldbury and 179 Jackson Road, Oldbury, AUTHORISES prosecution proceedings against Scofield Investments Pty Ltd, Tania Elisabeth Scofield and David Michael Scofield for the following reasons:**
 - a. Undertaking development without first obtaining planning approval as prescribed within clause 60 of Schedule 2 Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
 - b. Failure to comply with the Direction Notices issued under section 214 of the *Planning and Development Act 2005* on 19 August 2019, which required that the importation of building rubble and waste was to cease and for the properties to be restored as nearly as practicable to their condition immediately before the development started, to the satisfaction of the Shire.**
- 2. That Council APPOINTS McLeod's Lawyers to undertake the prosecution.**

CARRIED UNANIMOUSLY 9/0



10.6.3 – CONFIDENTIAL - Commencing Prosecution under the <i>Criminal Procedures Act 2004</i> – L214, 47 Aquanita Rise, Darling Downs (SJ1261)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	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> .

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(d) and (f) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (f) *a matter that if disclosed, could be reasonably expected to –*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of a local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety.*

A full report is provided to Councillors under separate cover. The report is not available for publication



Voting Requirements: Simple Majority

OCM040/02/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strautins

1. That Council, in relation to 47 Aquanita Rise, Darling Downs **AUTHORISES** prosecution proceedings against the landowners under Section 20 (1) of the *Criminal Procedure Act 2004* for the following reason:
 - a. Undertaking development without first obtaining planning approval as prescribed within clause 60 of Schedule 2 Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. That Council **APPOINTS** McLeod's Lawyers to undertake the prosecution.

CARRIED UNANIMOUSLY 9/0

OCM041/02/20

COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Byas

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 9/0

At 9.43pm, the doors were reopened to Members of the Public. The Shire President, Councillor Rich advised Members of the Public of the Council Resolutions for items 10.6.1, 10.6.2 and 10.6.3.

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 9.50pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on the 16 March 2020.


Presiding Member – Cr Rich

20/03/2020
Date