



Shire of
Serpentine
Jarrahdale



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Agenda

7.00pm

Monday, 19 April 2021

Contact Us

Enquiries

Call: (08) 9526 1111
Fax: (08) 9525 5441
Email: info@sjshire.wa.gov.au

In Person

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



www.sjshire.wa.gov.au



Ordinary Council Meeting Agenda

Monday, 19 April 2021

Councillor Attendance Register

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

Council October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
29/03/21	SCM	✓	✓	A	A	✓	✓	✓	✓	✓
22/03/21	PCF	✓	✓	✓	✓	A	✓	A	✓	✓
15/03/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
22/02/21	SCM	✓	✓	✓	✓	A	✓	A	✓	✓
15/02/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
14/12/20	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
14/12/20	SCM	✓	✓	✓	✓	A	✓	A	✓	✓
30/11/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
23/11/20	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
23/11/20	PCF	✓	✓	✓	✓	A	✓	A	✓	✓
16/11/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/11/20	PCF	A	✓	✓	✓	A	✓	✓	✓	✓
05/10/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/09/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
07/09/20	PCF	✓	✓	✓	✓	✓	✓	A	✓	✓
24/08/20	PCF	✓	✓	✓	✓	A	A	✓	A	✓
17/08/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/08/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/07/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/07/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	A
06/07/20	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
22/06/20	SCM	✓	✓	✓	✓	✓*	✓	✓	✓	✓
15/06/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/05/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓



Ordinary Council Meeting Agenda

Monday, 19 April 2021

23/03/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/03/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/02/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
17/02/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/02/20	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
03/02/20	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
16/12/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

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

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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

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



Dear Elected Member

The next Ordinary Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 19 April 2021 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong – commencing at 7.00pm.

Paul Martin
Chief Executive Officer

9 April 2021

Agenda

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

2. Public question time:

2.1 Response to previous public questions taken on notice:

General Meeting of Electors – 17 March, 2021

Question asked by **Ms Lisa Brazier, Box 80, Mundijong WA 6123**, at the General Meeting of Electors, 17 March 2021. A letter was sent to Ms Lisa Brazier on 30 March 2021. (OC21/6860).

Question 2

Transport is \$2.3 million over budget, what does this figure represent?

Response (Director Corporate Services)

The difference between the actual spend and adopted budget specific to Transport as reported in the Financial Report is a result of a thorough review of classifications of expenditure as part of the implementation of the ERP system, which saw a number of changes to align better with the Local Government Accounting Manual.

An example of this is Street Lighting, which was classified as Economic Services in Synergy Soft, however after review was re-classified as Transport. The annual cost in this example was \$722,518.

Another example of this is Drainage Depreciation, which was classified as Community Amenities, and subsequently re-classified as Transport in the amount of \$958,783.



Question asked by **Mrs Lee Bond, Box 44, Armadale WA 6112**, at the General Meeting of Electors, 17 March 2021. A letter was sent to Mrs Lee Bond on 30 March 2021. (OC21/6923).

Question 1

Which current Councillors have completed and passed the Diploma of Local Government?

Response (Chief Executive Officer)

The Shire does not have a record of all qualifications of Councillors. Councillors may obtain qualifications prior to commencement on Council, or during the term as a Councillor. Training and/or qualifications could be paid for by the local government or the individual Councillor. Recent changes to the Local Government Act 1995 regarding Elected Member training are outlined below.

5.126 Training for Council Members

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may –*
 - (a) *prescribe a course of training; and*
 - (b) *prescribe the period within which the training must be completed; and*
 - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
 - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5,000 for the offence.*

5.127 Report on Training

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

5.128 Policy for Continuing Professional Development

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

*A copy of the report identified in Section 5.127 for the 2019/20 FY can be found on the Shire's website at the following link:
www.sjshire.wa.gov.au/council/governance/registers.*



A copy of the Council's policy identified in Section 5.128 can be found on the Shire's website at the following link:
<https://www.sjshire.wa.gov.au/council/governance/local-laws-and-policies/policies.aspx>

2.2 Public questions:

3. Public statement time:

4. Petitions and deputations:

5. President's Report:

6. Declaration of Councillors and Officer's interest:

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

7.1 Ordinary Council Meeting – 15 March 2021

That the minutes of the Ordinary Council Meeting held on 15 March 2021 be **CONFIRMED (E21/3217)**.

7.2 Special Council Meeting – 29 March 2021

That the minutes of the Special Council Meeting held on 29 March 2021 be **CONFIRMED (E21/3713)**.

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

9. Motions of which notice has been given:

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

10.1.1 – Proposed Outbuilding – Lot 7, 25 Turner Street, Serpentine (PA21/28)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Desmond Comely
Owner:	Desmond Comely
Date of Receipt:	11 January 2021
Lot Area:	1,019.43m 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 an outbuilding at Lot 7, 25 Turner Street, Serpentine. The proposal seeks variations to the wall height, from 3.2m to 3.5m, and a variation to the lot boundary setbacks to the north and west boundaries, from 1m to 0.5m.

The application is presented to Council as two submissions were received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Officers recommend Council approves the application subject to conditions, on the basis that it will not result in an unacceptable impact on amenity, solar access or character of the area. A condition specifically relates to requiring compliance with the full setback of 1m, given this is considered a reasonable way in which to moderate the increased wall height proposed.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

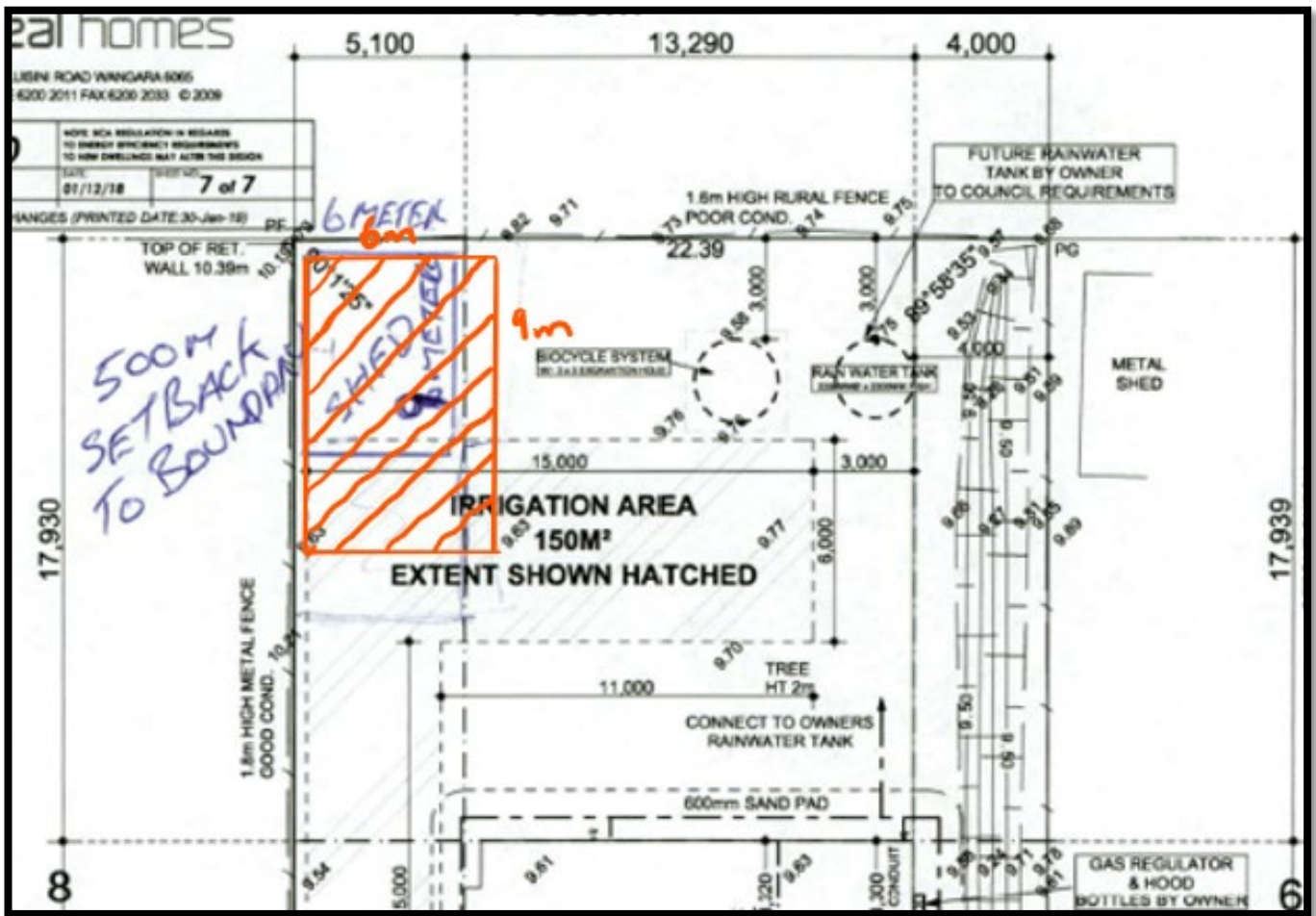
The property is located within the Serpentine Townsite and features an existing dwelling as shown in the aerial view below.



Figure 1: Aerial Photograph

Proposed Development

The development application seeks approval for an outbuilding, which would be located 0.5m from the north and west lot boundaries. The proposed outbuilding measures 6m x 9m and has a proposed wall height of 3.5m and ridge height of 4.08m. The wall height represents a variation to the acceptable development requirement of 3.2m. The site plan indicates the location of the proposed outbuilding in the context of the site. Officers also point out that the site plan is NOT TO SCALE, and have corrected it to show the true extent of the development:



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

Community / Stakeholder Consultation

The application was advertised to adjacent neighbours for a period of 21 days in accordance with Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4). During the consultation period two submissions were received, raising concerns and objection to the proposal.

The objections relate to the height, setback and alignment of the proposed outbuilding and subsequent visual impact and impact on views and property values. Concerns about the visual impact of the development have been addressed in the report. Specific concerns regarding property values have not been considered, given this is unrelated to a relevant planning consideration. A summary of the submissions is contained within **attachment 2**.

Statutory Environment

Legislation

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

State Government Policies

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



Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2);
- Draft Serpentine Townsite Local Structure Plan (LSP);
- Draft Local Planning Scheme No.3 (LPS3);
- Draft Local Planning Strategy (LPS);
- Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4);
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea containers (LPP4.19).

Planning Assessment

A technical assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the assessment against the issues raised in the objections.

Land Use

The subject property is zoned 'Urban Development' under TPS2 and designated Residential R10 under the Draft Serpentine Townsite Local Structure Plan (Structure Plan). The proposed outbuilding is incidental to the existing single house and therefore falls within the 'Residential: Single House' land use, which would be a permitted land use in the Residential zone.

Form of Development and Amenity

During the consultation period, concerns were raised in relation to the height and setback of the proposed outbuilding and the alignment of the outbuilding, which is proposed to run north-south.

The proposed development requires approval due to proposed variations to the wall height and setback requirements of LPP4.19. The requirements of LPP4.19 and variations proposed have been summarised in the table below:

	Policy Requirement	Proposal	Variation
Floor Area	100m ² maximum	54m ²	Compliant
Wall Height	3.2m maximum	3.5m	300mm variation
Ridge Height	4.5m maximum	4.08m	Compliant
Setback	1m minimum	0.5m	500mm variation

Where a proposal seeks to vary the above requirements, LPP4.19 sets out those matters that should be considered to determine the appropriateness of the development. The matters for consideration have been provided along with Officer comments in the table below:

Provision	Officer Comments
Whether a size variation is required to satisfy specific needs of the owner/applicant;	The wall height variation is proposed to achieve necessary clearances into and within the outbuilding. Importantly, the deemed to comply provisions do not establish the only way in which to achieve compliant development. That is, the design principle avenue under the R Codes does provide for variations



Provision	Officer Comments
	from deemed to comply provisions, to be assessed through the performance based design framework.
Whether a size variation is excessive, considering the character of the surrounding area;	In terms of the wall height variation, the proposed outbuilding would have a wall height 300mm above what is set as a deemed to comply provision. This in itself is not considered to be excessive, primarily accounting for the fact that the overall ridge height of the outbuilding is 492mm lower than the maximum overall height permitted.
Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes.	The Draft Serpentine Townsite Local Structure Plan (LSP) designates the lot as R10. The open space for the site would remain compliant at 70.85% (60% required). R10 lots do not have a minimum requirement for Outdoor living Area, although the site provides 347.65m ² .
Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;	The proposed outbuilding would be located towards the rear of the building, predominantly screened from the street by the dwelling. The proposed outbuilding would be most visible from three properties, adjoining the subject site on the north, north-west and west.
Whether non-reflective materials are proposed on the building;	The application does not provide the details of the colour or materials. Officers have recommended a condition requiring a schedule of colours and materials be submitted upon application of a building permit, and that this is not permitted to be a highly reflective colour (zincalume or surfmist).
Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and	The proposed outbuilding is located to the rear of the lot and is not considered to require any screening to the street, due to the setback provided. There is existing vegetation on the lot to the north providing screening and no screening (other than fencing) between the proposed development and adjoining neighbour to the west.
Consideration of comments from the affected adjoining landowners.	Objections have been received during the advertising period, which have been addressed in the summary of submissions and throughout this report.

Of the matters for consideration under LPP4.19, the primary issue relates to the visibility of the outbuilding as a result of the increased wall height and decreased lot boundary setback. In terms of the affected properties, the adjoining lots to the north and north-west have passive screening from existing vegetation, while the property to the west does not. Given the existing screening to the north and north-west, Officers consider variations to height and setback would be mitigated through existing features and have focused on the impacts to the neighbour to the west, where no such screening exists.

In reviewing the impacted property to the west, officers note the outdoor living area of the dwelling faces north and west and would enjoy a vista to the Darling Range. This background vista appears to have informed the design and placement of outbuildings in the estate, to have the narrow dimension run north south.



Figure showing existing outbuildings

This provides filtered views as part of the private amenity of properties in the area. From a planning assessment perspective, the most notable view concern is the background view that the Darling Scarp affords the Serpentine townsite. In considering this, while the planning framework cannot assert to ever give guarantee to the protection of views, it must still consider impacts on visual amenity.

Officers note that the impact on views may be a relevant planning consideration in certain circumstances. For example, in the matter of Cranston and Shire of Serpentine-Jarrahdale [2019] WASAT 19, the Tribunal stated (at [116]):

[While it is the case that there is no absolute right to a view, that does not mean that the impact on views cannot be a relevant planning consideration. Design principle 5.1.6 (for single houses and grouped/multiple dwellings coded less than R40) and design principle 6.1.2 (for multiple dwellings coded R40 or greater or within mixed use or activity centres) of the R-Codes both relate to managing the impact of development on adjoining properties and each refers to the maintenance of 'access to views of significance' as a relevant consideration. Views can also be considered as an element of amenity].

This provides some useful guidance in the assessment of access to views of significance as an element of amenity.

In balancing the assessment of this application, officers note the following:

1. The setback variation from 1m down to 0.5m to the western boundary will create a greater impact;
2. The increased wall height, will create a greater impact;
3. The north south orientation on the long dimension, will create a greater impact;



4. The reduced ridge height (below the maximum permitted) will create a lesser impact; and
5. The reduced outbuilding floor area (below the maximum) will create a lesser impact.

Officers recommend that, in considering the potential amenity impacts and balancing the consideration of views, it is appropriate to only support an increased wall height and a reduced setback subject to the orientation of the outbuilding being changed to run the long dimension east west.

Officers note that this is not preferred by the applicant, however the applicant is seeking permission to have a higher wall and reduced setback, and officers must perform a careful assessment of amenity impact. Adjoining owners who objected to the proposal, have requested such reorientation occur (refer Schedule of Submissions).

The reorientation will ensure that the narrower dimension of the outbuilding is aligned north south, rather than the longer dimension. Also as stated earlier, the properties to the north and northwest already enjoy a visual moderation from the southern adjoining property, by virtue of pre-existing vegetation. Through requiring reorientation of the outbuilding, officers consider that an appropriate and careful assessment of amenity has been undertaken, taking into account responses received from surrounding landowners.

Options and Implications

Option 1

That Council APPROVES the development application for an outbuilding at Lot 7, 25 Turner Street, Serpentine, as contained within **attachment 1** subject to the following conditions:

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

Plans and Specifications	Plans P1-P3 received at the Shire's Offices on 11 January 2021.
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted at any time.
- c. Plans submitted for a Building Permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. The orientation of the outbuilding changing so that the 6m dimension is orientated north south, and the 9m dimension orientated east west. Setbacks being as proposed.
- d. A detailed schedule of external finishes (including materials and colour schemes) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a building permit application. Zincalume or surfmist colours are not permitted to be used.

Option 2

That Council REFUSES the application giving reasons.

Option 3

That Council DEFERS consideration of the application, and requests officers to advise the applicant in respect of options that exist for a compliant outbuilding to be developed on a north south orientation which does not exceed planning requirements (area, setbacks, height).



Option 1 is recommended.

Conclusion

The application seeks approval for the construction of an outbuilding, with an increased wall height and reduced setback to the west and north lot boundaries. Officers consider that the proposed variations can only be supported on the basis that the orientation of the outbuilding change to have the narrower dimension running north south. This will retain filtered views to the Darling Scarp, which is considered an aspect of the amenity of the area. The reorientation also addresses the objections that were received.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** – Development Plans (E21/2877)
- **10.1.1 - attachment 2** – Summary of Submissions (E21/3520)
- **10.1.1 - attachment 3** – Technical Assessment (E21/1177)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with option 1						
2	That Council refuses the application and the applicant appeals the decision to the SAT.	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 R Codes	Financial	Possible	Minor	MODERATE	Ensuring valid and relevant reasons for planning refusal



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for an outbuilding at Lot 7, 25 Turner Street, Serpentine, as contained within attachment 1 subject to the following conditions:

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

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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted at any time.
- c. Plans submitted for a Building Permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
- i. The orientation of the outbuilding changing so that the 6m dimension is orientated north south, and the 9m dimension orientated east west. Setbacks being as proposed.
- d. A detailed schedule of external finishes (including materials and colour schemes) shall be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a building permit application. Zincalume or surfmist colours are not permitted to be used.



10.1.2 - Local Planning Policy 4.20 - Licensed Premises (SJ3362)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of the report is for Council to consider for adoption draft Local Planning Policy 4.20 - Licensed Premises (Liquor) (LPP4.20) that has recently completed the process of public engagement. The preparation of LPP4.20 arose from Council's consideration of the Community Safety and Crime Prevention Plan 2020 to 2022, at the May 2020 Council meeting. Council's resolution requested formulation and implementation of a Local Planning Policy to help guide the exercise of discretion in respect of amenity considerations associated with the location, siting and design of liquor stores within the Shire.

In accordance with Council's resolution, LPP4.20 has been formulated to assist applicants and Shire Officers through defining design and assessment principles as they relate to licensed premises. It includes considerations pertaining to placement, orientation, street interface and lighting, which will help shape development outcomes that are attractive, vibrant, safe and welcoming uses in town centres.

No submissions were received during the public consultation period. It is recommended that Council adopt LPP4.20 with no further modifications.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 14 December 2020 - OCM386/12/20

COUNCIL RESOLUTION / Officer Recommendation

That Council:

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



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

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

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

Background

At its Ordinary Council Meeting of 18 May 2020, Council resolved to adopt the Community Safety and Crime Prevention Plan 2020-2022 with an additional action for the preparation of a Local Planning Policy to guide the location, siting and design of liquor stores.

Following Council's resolution, Officers undertook a review across other local governments to research various approaches, and also undertook a broader analysis to explore how effective design can assist in creating safe, vibrant and welcoming developments.

Subsequently, LPP4.20 was drafted and presented to Council at its Ordinary Council Meeting of 14 December 2020 where it was resolved to commence public consultation.

Community / Stakeholder Consultation

In accordance with Schedule 2, Part 2 Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, LPP4.20 was advertised for a period of 21 days from 28 January 2021 until 18 February 2021.

The LPP4.20 was advertised in the Examiner Newspaper and on the Shire's website. No submissions were received during the consultation period.

Statutory Environment

Legislation

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

Local Planning Framework

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

Planning Assessment

Comment

The LPP4.20 relates to the following types of land uses and their associated physical development:

- Taverns;



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

The governance of liquor licensed premises is regulated by the Liquor regulation area within the Department of Local Government, Sport and Cultural Industries. The LPP4.20 does not seek to replicate or replace that process, rather it seeks to assist applicants in the design and layout of effective development forms that contribute positively to town centres.

Clause 67 of the Deemed Provisions sets out the matters to be considered as part of an assessment of a development application. Amongst other things, Clause 67(2)(n) requires consideration to be given to the amenity of the locality including the character of the locality and social impacts of a development. Good design can create welcoming, safe and vibrant outcomes, notwithstanding that a use may include the consumption of alcohol. Good design is particularly an important component for successful town centres, and the intended future character of a welcoming, reassuring, safe and vibrant town centre.

The purpose of LPP4.20 is to provide guidance and assessment principles for licensed premises to assist in protecting and promoting the intended levels of safety and amenity within the Shire. The draft LPP establishes design considerations and information to be submitted, as part of a development application. This includes information relating to:

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

It then sets out sections providing guidance in relation to design and development including:

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



It is considered that LPP4.20 is a useful document that will assist applicants, the community and Shire Officers in the assessment process of licensed premises and will help create attractive, vibrant and safe town centres. It has also been structured in such a way as to be able to transition smoothly to the new Local Planning Scheme No. 3, once that becomes operational.

Options and Implications

Option 1

That Council ADOPTS Local Planning Policy 4.20 – Licensed Premises (Liquor) in accordance with Provision 4 of the Deemed Provisions.

Option 2

That Council REFUSES to adopt draft Local Planning Policy 4.20 – Licensed Premises (Liquor).

Option 1 is recommended.

Conclusion

Local Planning Policies perform an important function in assisting Officers in undertaking their roles within the Shire. Officers consider that LPP4.20 reflects best practice and provides for a more robust and transparent planning framework.

It is considered that the LPP4.20 will assist applicants and Shire Officers through defining design and assessment principles as they relate to licensed premises. This is considered to help create safe and welcoming town centres, which are vibrant and attractive places for the benefit of the community.

Attachments (available under separate cover)

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

Alignment with our Strategic Community Plan

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

Financial Implications

There will only be a minimal cost involved in the finalisation of the policy.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this action						
2	Council not adopting the new LPP	Planning Framework	Organisational Performance	Possible	Minor	MODERATE	If new policies covering relevant issues are not adopted, officers would need to rely on the exercise of discretion on important design matters.

Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS Local Planning Policy 4.20 – Licensed Premises (Liquor) in accordance with Provision 4 of the Deemed Provisions.



10.1.3 – Lot 1285, 4 Cattach Way, Byford – Home Business – Beauty Salon (PA21/64)	
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:	Kathryn Evans
Owner:	Kathryn and Lloyd Evans
Date of Receipt:	18 January 2021
Lot Area:	392.81m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a development application for a proposed beauty salon home business at Lot 1285, 4 Cattach Way, Byford.

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

Officers consider that the proposal is consistent with the planning framework and is not considered to adversely impact upon the amenity of the locality which is a key consideration when assessing such applications. The report therefore recommends that the application is approved subject to conditions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background**Existing Development**

The subject property is located within a residential area of Byford, in the residential cell between Veterans Drive and Mead Street. The subject site is currently developed with a single dwelling.



Figure 1: Aerial context

Proposed Development

The application seeks approval for a beauty salon home business to be undertaken within the 9m² study of the dwelling. The applicant has indicated that operating hours would normally be:

- 4:30pm to 9:00pm on Monday to Friday, and
- 7:00am to 5:00pm on Saturday and Sunday.

However, the applicant also proposes that at busy times, the applicant proposes to operate between:

- 7:00am to 9:00pm on Monday to Friday, and
- 7:00am to 7:00pm on Saturday and Sunday.

The applicant also proposes between two and six customers per day, and with only one customer attending the site at any given time. The applicant, who is an occupier of the dwelling, will be the sole operator with no other staff members proposed. The proposal is to have customer parking provided for through the street bays within the locality of the site, due to the inability for customer parking to be accommodated on the land. Full details of the proposal are contained within **attachment 1**.

Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, between 25 January 2021 and 15 February 2021, whereby two submissions were received objecting to the proposal. The key concerns of



the submissions are listed below. The submissions and applicant's response are contained within **attachment 2**.

- Parking concerns; and
- Noise impacts.

The concerns of the submitters are discussed under the relevant headings of the report.

Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2);
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3);
- Byford Main Precinct (The Glades) Local Structure Plan; and
- The Glades at Byford (DAP 10) Local Development Plan.

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A comprehensive assessment has been undertaken in accordance with Clause 67 of the Deemed Provisions (**attachment 3**). For the purpose of this report, discussion is confined to the objections and where Council is required to exercise discretion.

Land Use

The proposal falls within the land use of 'Home Business', which is defined under TPS2 as follows:

"Home Business – means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, no more than two persons but which -

- (a) does not entail the retail sale, display or hire of goods of any nature;*
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- (d) does not entail employment of any person not a member of the occupier's household;*
- (e) does not occupy an area greater than 50m²;*
- (f) will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking;*
- (g) will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (h) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight."*

The proposal aligns with this definition.



The subject property is zoned 'Urban Development' under TPS2 where a 'Home Business' is an 'SA' use meaning that *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions"*. Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* relates to advertising requirements. As seen in the Community / Stakeholder Consultation section of this report the application has been advertised and the concerns raised addressed further in this report. Therefore, in relation to land use the application can be considered for approval.

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

Further to the classification under TPS2, Officers consider that the proposal would align with the definition of a 'Home Business' under LPS3. The definition of a 'Home Business' in LPS3 is as follows:

"A dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, services or profession –

- (a) Does not involve employing more than two (2) people who are not members of the occupier's household; and*
- (b) Will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) Does not occupy and are greater than 50m²; and*
- (d) Does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- (e) Does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*
- (f) Does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and*
- (g) Does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located."*

The subject property is identified as 'Residential' under LPS3. As the proposal is considered to fall within the definition of a 'Home Business' in LPS3, it constitutes a permitted land use, as the property will be rezoned to 'Residential'. Therefore, Officers consider that the proposal would align with the expected level of amenity for the area under the draft LPS3 and not prejudice its implementation.

Traffic and Parking

The main concern raised in the objections was in relation to the potential for the proposal to impact on traffic within the locality. Officers consider that due to only a single customer attending the site at any one time, there would be no adverse traffic impacts. The road network in the locality is considered capable of accommodating the additional vehicles associated with the proposal. The design of laneway lots includes the addition of visitor parking, with this to support the range of uses possible within the residential zone. Street parking anticipates residential areas evolving over time, and anticipate uses such as home business to occur. Thus, while the subject land cannot accommodate customer parking on site, the intensity and scale of the proposed home business can be well catered for by the existing street bays. There is also no planning requirement to restrict parking to private property, which is an important point to also identify.



There are approximately 42 parking bays within a radius of 100m of the subject site (seen in figure 2 below), and this presents evidence that the proposal will not result in traffic difficulties, due to the adequacy of off-site parking;



Figure 2: There are 42 parking bays within a 100m radius of the subject site.

Noise

A concern raised in an objection was in relation to potential noise impacts of customers visiting the locality, particularly with the late night 9:00pm proposed finish time. The objection raised concerns over the potential for the applicant's dogs to bark late at night with the additional movements.

The business itself is not a noise generating activity and is contained within the dwelling. Officers consider that as the proposal would only result in a single customer attending the site at any one time, noise generated by an additional vehicle within the locality would not result in adverse amenity impacts or experiences not unusual in a residential area. It is considered that a condition restricting the business to six customers per day would assist in managing any potential impacts.

It is acknowledged that home businesses generally do not occur after 7:00pm on a weekday, and if all six customers visited the site between 7:00pm and 9:00pm on a weekday, there is the potential to adversely impact on the amenity of nearby residents. Officers therefore recommend a further condition that restricts the business to having no more than two customers between the hours of 7:00pm and 9:00pm on a weekday. Also, weekend and public holidays are recommended to be limited to between 9:00am and 7:00pm, as reasonable expectations of weekend and public holiday activity (rather than allowing a 7am start on a weekend or public



holiday). Taking these issues in to account, the recommended restriction pertaining to operating hours and number of clients would be as follows:

- No more than one client attending the premises at any one time;
- A maximum of six clients per day;
- The hours of operation for the home business being between 7:00am to 9:00pm on weekdays, and 9:00am to 7:00pm on weekends and public holidays;
- Not more than two customers attending the site between the hours of 7:00pm to 9:00pm on any given weekday.

Options and Implications

Option 1

That Council APPROVES the development application for a beauty salon home business at Lot 1285, 4 Cattach Way, Byford, as contained within **attachment 1** subject to the following conditions:

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

Plans and Specifications	Plans P1-P2 received at the Shire's Offices on 18 January 2021.
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- b. No more than one client shall attend the premises at any one time. A maximum of 6 customers per day is permitted.
- c. The hours of operation for the home business is permitted to operate between 7:00am to 9:00pm on Mondays to Saturdays, and 9:00am to 7:00pm on Sundays and public holidays.
- d. Not more than two customers shall attend site between the hours of 7:00pm to 9:00pm on any given day.

Option 2

That Council APPROVES the application however with the restriction that no clients will be permitted on a Sunday or on a public holiday.

Option 3

That Council REFUSES the application giving reasons.

Option 1 is recommended.

Conclusion

The application seeks approval for a proposed beauty salon home business. The application is presented to Council for determination as objections were received during the consultation period in relation to noise, traffic and parking.

Officers consider that the proposed home business is consistent with the planning framework and any potential amenity impacts can be managed through the imposition of conditions.



Attachments (available under separate cover)

- **10.1.3 - attachment 1** – Development Plans (E21/3524)
- **10.1.3 - attachment 2** – Summary of Submissions (E21/3525)
- **10.1.3 - attachment 3** – Technical Assessment (E21/3523)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1.						
2	That Council imposes a restriction on operations which does not address residential amenity considerations effectively.	Conditions imposed.	Reputation	Possible	Minor	MODERATE	Ensure that conditions imposed deal with the issue effectively.
3	That Council refuses the application and an appeal is lodged with the State Administrative Tribunal.	Reasons for refusal reflecting valid planning concerns or variations.	Reputation	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for a beauty salon home business at Lot 1285, 4 Cattach Way, Byford, as contained within attachment 1 subject to the following conditions:

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

Plans and Specifications	Plans P1-P2 received at the Shire's Offices on 18 January 2021.
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- b. No more than one client shall attend the premises at any one time. A maximum of 6 customers per day is permitted.
- c. The hours of operation for the home business is permitted to operate between 7:00am to 9:00pm on Mondays to Saturdays, and 9:00am to 7:00pm on Sundays and public holidays.
- d. Not more than two customers shall attend site between the hours of 7:00pm to 9:00pm on any given day.



10.1.4 – Extension of Extractive Industry License for Lot 101, 103, and 105 Westcott Road, Keysbrook and Lot 104 Westcott Road, Keysbrook (PA19/1143)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Proponent:	Keysbrook Leucoxene Pty Ltd
Owners:	Doral Mineral Sands Pty Ltd (Lot 101, 103, and 105 Westcott Road, Keysbrook); and Keysbrook Leucoxene Pty Ltd (Lot 104 Westcott Road, Keysbrook)
Date of Receipt:	15 March 2021
Lot Area:	40.09ha (Lot 101 Westcott Road) 40.94ha (Lot 103 Westcott Road) 40.11ha (Lot 104 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 to extend an Extractive Industry License (EIL) for a period of two (2) years for Lots 101, 103, 104 and 105 Westcott Road, Keysbrook. This coincides with the planning approval granted by Council at its 16 March 2020 Ordinary Council Meeting (OCM), and thus represents the consideration to issue a licence under the local law.

In March 2020, the extractive industry was approved by Council over the aforementioned lots for a period of three (3) years. The applicant seeks an additional two (2) years to the EIL to align with the planning approval timeframe. This is recommended for approval. The application references that extraction of the site is close to completion, and that it will be completed within the two-year period.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 March 2020 - OCM049/03/20

COUNCIL RESOLUTION / Officer Recommendation

- 1. That Council APPROVES the development application for a 'Industry Extractive' at Lots 101 (686), 103 (722), 104 (726) and 105 (720) Westcott Road, Keysbrook as contained within attachment 5 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.*
- b. *Excavation (mining) activities must be completed by no later than 16 March 2021 (which does not include rehabilitation and related activities), unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- c. *The approval lapses if the approved development is not substantially commenced within three years from 16 March 2019.*

Background

Lots Lot 101, 103, and 105 Westcott Road, Keysbrook and Lot 104 Westcott Road, Keysbrook are 160 ha in size cumulatively. The lots are zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).

The site adjoins other extraction areas used by the proponent which have been previously approved by the Shire and the State Administrative Tribunal. These areas are depicted below. The subject site is bordered in green.

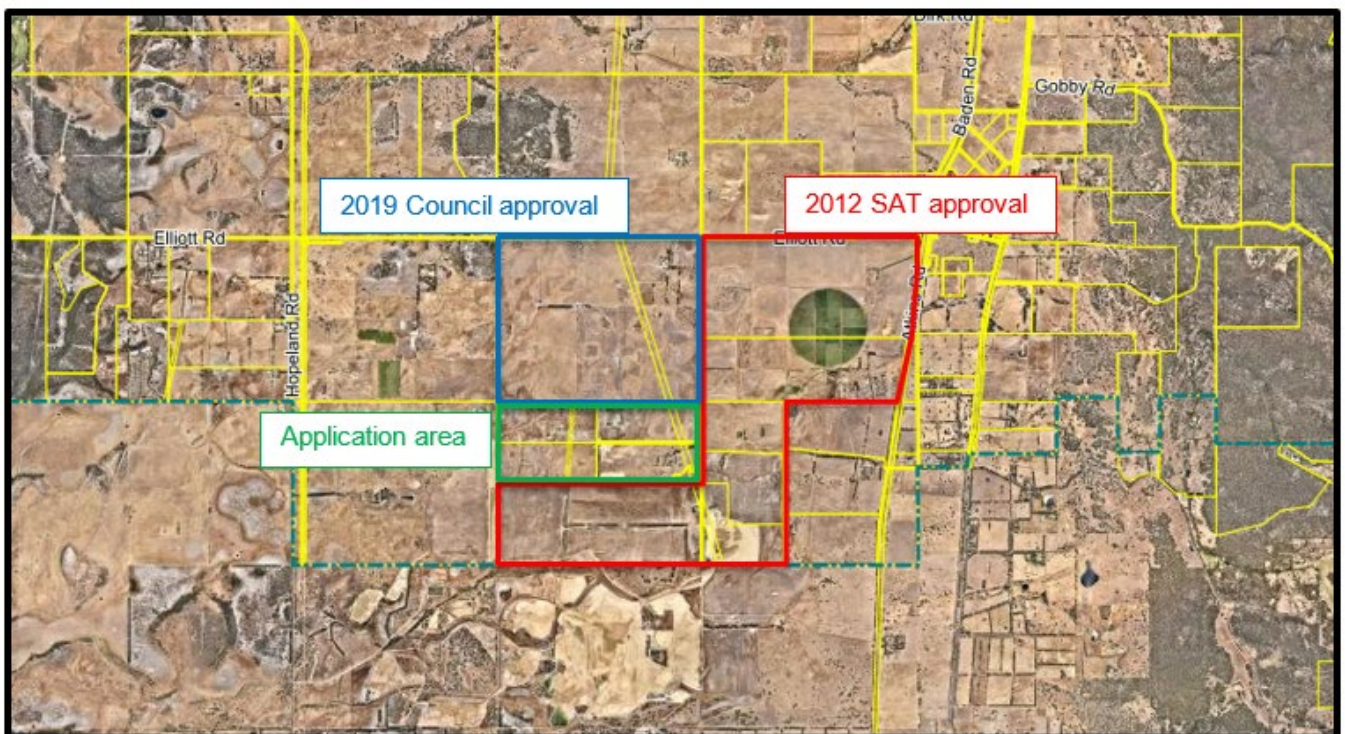


Figure 1: Aerial image showing application area in relation to previous approvals

Council, at its 16 March 2020 Ordinary Council Meeting, approved an application for an extractive industry over Lots Lot 101, 103, and 105 Westcott Road, Keysbrook and Lot 104 Westcott Road, Keysbrook. The approved development comprises of:

"The excavation area is mined at an average depth of 2m, the maximum being 6m at high points on the site. Excavated material is stockpiled and deposited in a mobile Mine Feed Unit (MFU), which screens the material to remove tree roots, rocks etc and mixes the extracted material with water creating a 'slurry'. The slurry is pumped through pipes to an off-site Wet Concentrator Plant (WCP), which separates the usable minerals from the slurry before



pumping it back to the site, backfilling the already excavated areas. Soil amendment is then added and the area is seeded and established back into pasture land.

The processing of the materials extracted occurs off-site at a facility to the South within the Shire of Murray. The minerals extracted from the soil are Leucoxene and Zircon, which constitute approximately 2.5% of the excavated material. This allows the majority of the material extracted to be returned with minimal impact to the finished landscape.

Mining machinery and equipment access the site from the facility to the south via an infrastructure corridor constructed within private lot boundaries. This allows mining machinery to access the site without using the Shire's local road network".

The mining area of that approval is depicted below:

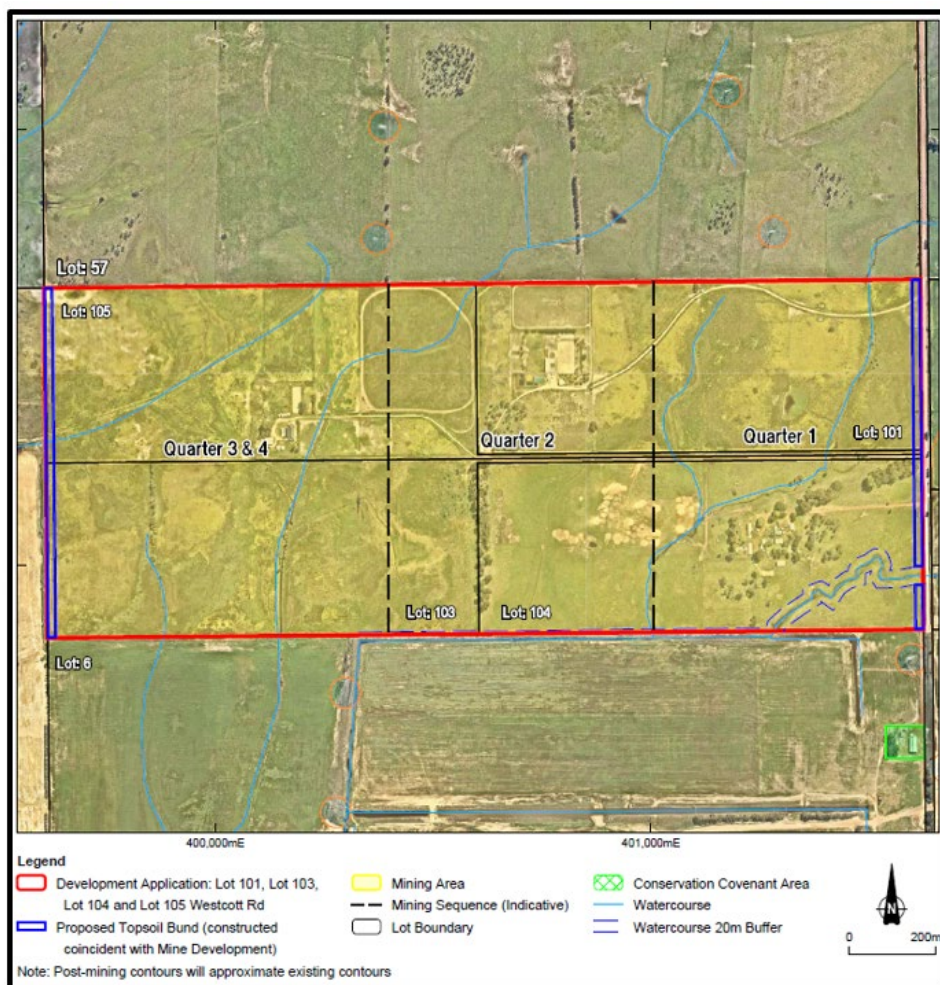


Figure 2: Proposed mining area

Shortly after Council's approval, the Minister issued a suite of planning exemptions under clause 78H of the *Planning and Development (Local Planning Schemes) Regulations 2015* to fast track development applications, and to extend previously approved developments for a further two years. This was an automatic two (2) year time extension for approvals that were valid during or before the s78H declaration. As such, the planning approval has been extended to 16 March 2023.

The issued exemptions, however, do not apply to the extractive industry licence. Therefore, the applicant is required to seek an extension to the EIL to coincide with the extended planning approval. The application can be viewed within **attachment 1**.



Community / Stakeholder Consultation

There is no advertising associated with extractive industry licenses, as they rely on the planning approval process (which is subject to advertising) having been undertaken first.

In this regard, the original development application was advertised in accordance with the Scheme and Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy (LPP1.4). One objection was received in relation to dust concerns, and the report discussed that dust was required to be addressed through management plans that had been approved under the EPA process and Ministerial Statement for the overall mining operation. This was through primarily a number of proactive and physical dust prevention and suppression measure to minimise the risk of dust drift from the mining area. The Council decision also conditioned a Community Consultation Framework and Complaint Management Procedure to enable the community to be actively involved in the issues arising from the operations.

Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2; and
- Shire of Serpentine Jarrahdale Local Law: Extractive Industry

Comment

Extractive Industry License

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

- Rehabilitation Plan.
- Flora and Vegetation Survey.
- Dust Management Plan.
- Acoustic Assessment.
- Fire and Emergency Plan.
- Rehabilitation Plan.

Officers are satisfied with the information submitted. A comprehensive assessment of the plans and activities have also been recently undertaken as part of the Shire's annual audit of the extractive industry operations. The audit concluded that the activities are being undertaken as per the planning approval. As such, this provides the Shire with a good degree of certainty that the development will continue to be undertaken in a manner which will address environmental and amenity impacts.



Options and Implication**Option 1**

That Council APPROVES the application contained within **attachment 1** and **attachment 2** to extend an Extractive Industry License at Lots 101 (686), 103 (722), 104 (726) and 105 (720) 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 Lots 101 (686), 103 (722), 104 (726) and 105 (720) Westcott Road, Keysbrook;
- 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; and
- d) The licensee submit a surveyor's certificate each year, prior to the annual audit fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.

Option 2

That Council resolves to REFUSE the application to extend the 'Extractive Industry License' for a period of two (2) years over Lots Lot 101, 103, and 105 Westcott Road, Keysbrook and Lot 104 Westcott Road, Keysbrook.

Option 1 is recommended.

Conclusion

The application is to extend an EIL to coincide with the extended mining timeframe granted by virtue of Council's 16 March 2020 approval, and the Minister's two extension of approvals granted under the clause 78H planning exemptions. Alignment of the time period of the EIL with the development approval is considered best practice to enable both current and future decision-making efficiency.

Attachments (available under separate cover)

- **10.1.4 – attachment 1** - Extension Application (E21/3164)
- **10.1.4 – attachment 2** - Management Plans (E21/3304)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure



Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework

Financial Implications

There are no financial implications resulting from this report.

The applicant as part of the Shire's annual audit process have paid their annual audit fee in accordance with the Shire's Fees and Charges Schedule 2020/2021. This was received in December 2020 in accordance with clause 3.2 of the Extractive Industries Local Law.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated option 1.						
2	If Council do not resolve to approve to extend the EIL over the lots subject to this application, the operator will not be able to continue operating under the Local Law: Extractive Industry. This may also result in an appeal to the Minister of Local Government pursuant to Part 9 of the Local Government Act.	Local Law: Extractive Industry	Reputation	Possible	Minor	MODERATE	Having a robust reason not to support the extension to the EIL.



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the application contained within attachment 1 and attachment 2 to extend an Extractive Industry License at Lots 101 (686), 103 (722), 104 (726) and 105 (720) 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 Lots 101 (686), 103 (722), 104 (726) and 105 (720) Westcott Road, Keysbrook;
 - 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; and
 - d) The licensee submit a surveyor's certificate each year, prior to the annual audit fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme.



10.1.5 - Proposed Storage Shed ('Industry – Light') – Lot 50, 471 Jarrah Road, Hopeland (PA20/1142)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Michael Cornhill
Owner:	As Above
Date of Receipt:	20 November 2020
Lot Area:	32,892.23m ²
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a storage shed at Lot 50, 471 Jarrah Road, Hopeland. The shed is to be used for garaging of commercial vehicles, earth moving machinery and prefabricated transportable buildings associated with an existing 'Industry - Light' land use that was approved by Council on 25 February 2002.

The development is capable of approval under the current Town Planning Scheme No. 2 (TPS2), representing an extension to an existing approved use. Under the Proposed Local Planning Scheme No. 3 (LPS3), the use becomes a prohibited use and could still be permitted as an extension under the non-conforming use provisions. The application is presented to Council for determination as Officers are recommending approval.

Officers consider that the proposed shed will improve the visual appearance of the property, through internalizing storage of much of the machinery associated with the approved industry – light use. It will consolidate the storage of the various goods (vehicles, materials, machinery, metal equipment) onsite, associated with the existing approval to predominantly one area of the property. This is consistent with the objectives of the Rural zone, and represents a consistent form of development that occurs in the Rural zone often, being a large shed. It is recommended for approval.



Relevant Previous Decisions of Council

Ordinary Council Meeting – 25 February 2002 – P095/02/02 PROPOSED LIGHT INDUSTRIAL USE LOT 394 JARRAH ROAD, HOPELOADS (P01790) - COUNCIL RESOLUTION / Officer Recommendation

- 1. The light industrial use of this site is limited to:*
 - The storage of vehicles, commercial vehicles, earth moving equipment and any other vehicles, machinery or equipment associated with the light industrial use*
 - The construction and storage of prefabricated sheds, dongas and dwellings*
 - The storage of materials related to the construction of prefabricated structures*
 - The carrying out of the maintenance of vehicles and equipment in accordance with the conditions listed hereunder.*
- 2. Compliance with the definition of light industry as defined within Council's Town Planning Scheme.*
- 3. The light industrial area be fenced off in accordance with the plan from the rest of lot 394 Jarrah Road. Fencing is to be carried out by the 31st December 2002. Upon completion of the fencing the applicant is to notify Council of the completion. The fence is to be constructed in accordance with the Fifth Schedule – Specification for a Sufficient Fence in a "Rural Zone" of Council's Local Law – Fences.*
- 4. All waste generated on the site is to be removed and disposed of in a certified landfill.*
- 5. All liquid waste must be captured and then disposed of off site, no on site disposal of any liquid waste is to be carried out.*
- 6. The existing leach drain is to be decommissioned and the liquid waste holding tanks sealed to provide storage for liquid prior to removal off site.*
- 7. The concrete wash down area is to be graded to a floor waste and bunded on all sides such that no liquid waste is able to escape other than via the floor waste.*
- 8. The floor waste is to incorporate a sediment trap to prevent solid particles entering the liquid waste holding tank.*
- 9. The concrete wash down area is to be covered by a suitable weatherproof enclosure to ensure any storm water is prevented from discharging or falling in the wash down area. No storm water is to enter the liquid waste holding tanks.*
- 10. The proponent is to ensure that at all times arrangements are in place for the removal of liquid waste holding tank being exceeded.*
- 11. All light industrial uses are to be carried out in the fenced area as shown on site plan lodged with the development application and is not to exceed 3.2ha in area. Any associated light industrial development/use outside this area must be incorporated into the fenced area.*



12. *The planting of three rows of local tree species and local shrub species is to be carried out on the northern, eastern, southern, and western boundaries at intervals of not greater than three metres for shrubs and four metres for trees. The distance between rows is to be between two and four metres. A mixture of trees and shrubs is required and species selected are to be appropriate for the desired height. All species and plantings are to be selected from the 'Field Planting of Trees and Shrubs Guide' (Motlock et al 1993). Planting is to be carried out by the 31st August 2002.*
13. *The applicant is to provide an independent certification that land will be suitable for any use or development appropriate with the zone at permanent cessation or change of ownership and would not present any adverse impact to the environment or human health.*
14. *Static water supply for fire fighting services is to be provided at the cost of the developer.*
15. *Compliance with the Building Code of Australia relating to fire hydrants, hose reels, emergency exits and extinguishers.*

Advice Note:

1. *This approval does not indicate that Council would support subdividing off of this section of land from Lot 394 Jarrah Road.*
2. *Field Planting of Trees and Shrubs Guide can be obtained from Council.*
3. *The storage of petrol and oil on the site may require the approval of the Department of Mineral and Petroleum Resources.*
4. *Attached is a copy of Council's Local Law – Fences.*
5. *This approval is for the use of the land for light industrial use listed in condition 1 above. Any expansion of the use, future proposals or changes to the operation will require a separate approval from Council.*
6. *Condition 4 would not prevent the proponent lodging an application with the Shires Principle Environmental Health Officer for a purpose built liquid waste holding tank to replace the current tanks on site.*
7. *No undertaking is given in regards to the upgrading or improvement of Jarrah Road.*

Background

Existing Development

The subject site is 32,892.23m² in area and has a 270m frontage to Jarrah Road. Access to the site is via Jarrah Road, to the north-east, which links up to Karnup Road further to the north. The site abuts a Western Power easement containing a high voltage power line which runs in a north to south direction along the western boundary on the adjoining lot. The general locality comprises of rural properties used for a variety of rural uses that include grazing, equestrian activities, poultry farms, market gardens, extractive industries, cattle studs and rural lifestyle lots.

The site operates an 'Industry - Light' land use which was approved by Council in 2002. The business involves manufacturing/adapting of transportable buildings and prefabricated sheds,



dongas and dwellings. The site has a large cleared area with a hardstand used for parking and storage of various commercial vehicles and machinery associated the operations, in line with the existing approval.

The site also contains a single dwelling, outbuilding, workshop, fuel storage facility and machinery sheds located on the northern portion of the site.

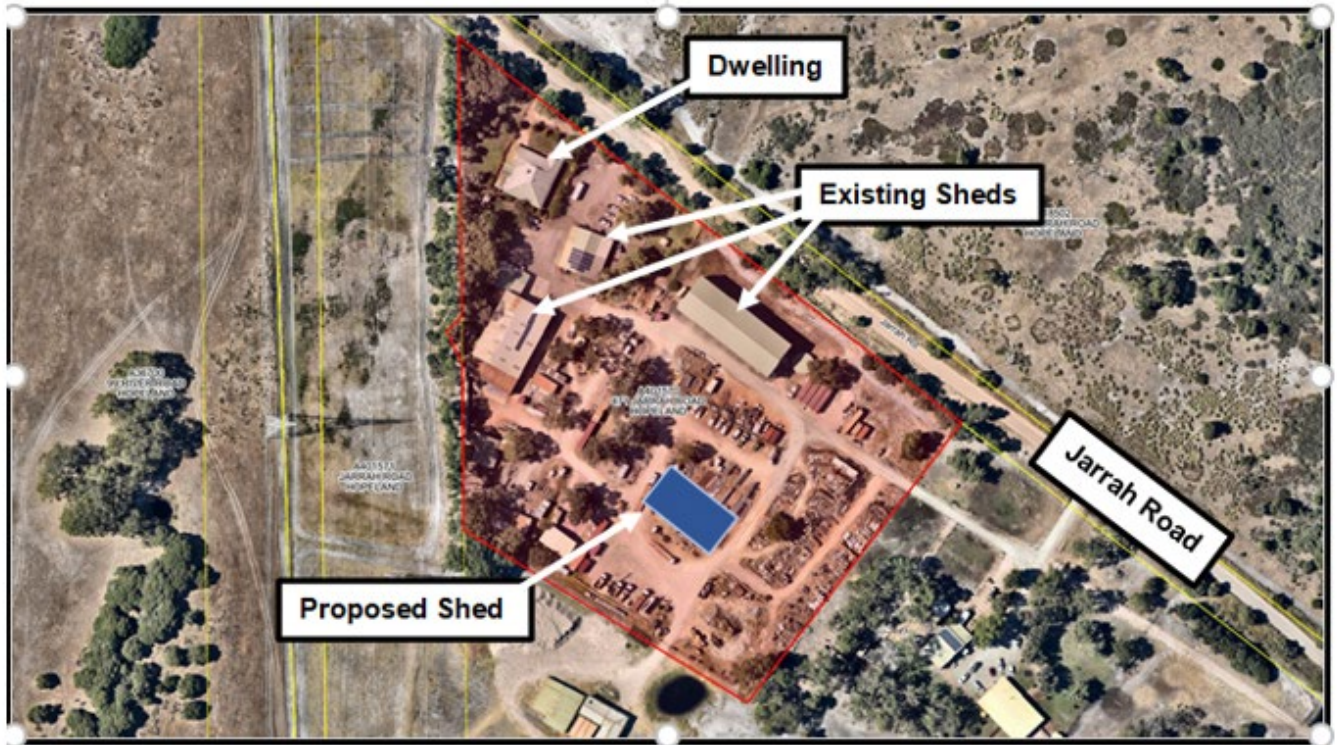


Figure 1 Aerial Image of the Site

Proposed Development

The application seeks approval for the construction of a new shed for storage, setback approximately 100m from Jarrah Road and 72m south of the existing workshop. The existing driveway and crossover would provide access to the proposed shed. The shed would be used for parking of commercial vehicles, earth moving machinery, prefabricated transportable buildings and materials incidental to the existing operations which are currently stored outside, throughout the property.

The proposed shed measures 36m in length and 18m in width (648m²), with a wall height of 5.1m and ridge height of 6.69m and would be setback 48m from the eastern boundary and 42m from the southern (rear) boundary. The shed is proposed to be open on both sides constructed entirely out of colourbond, with a green colour.

The full details of the proposal can be viewed in **attachment 1**. The proposed elevations and existing materials stockpiled throughout the property can be seen below:

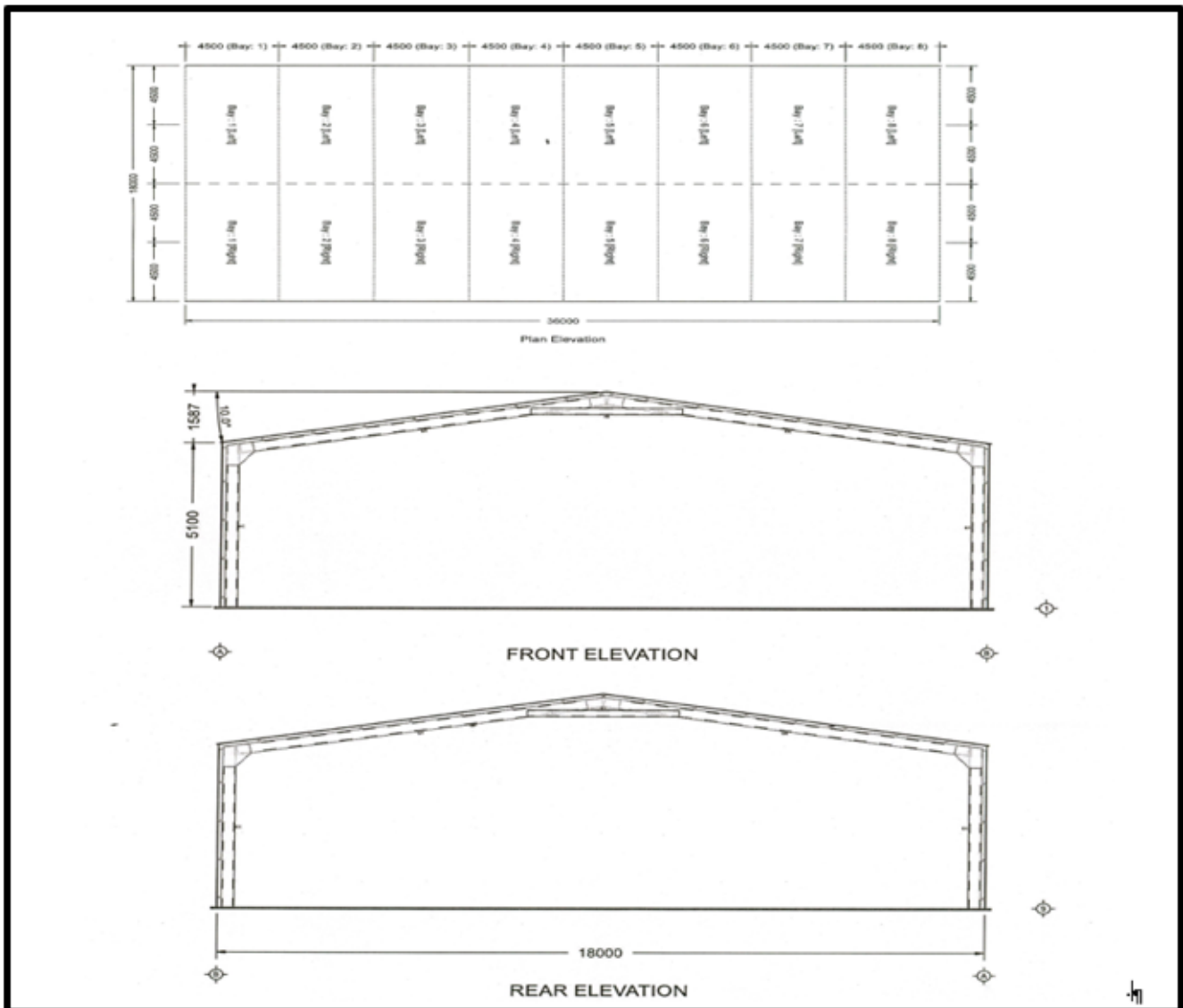


Figure 2: Floor Plans and Elevations



Figure 3 – Photograph of Stockpiles

The above image depicts the current equipment and materials stored outside, that would be stored within the new shed if granted.

Community / Stakeholder Consultation

The application was advertised to adjoining landowners for a period of 21 days. No submissions were received.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2.5 – Rural Planning



Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Rural Strategy Review 2013;
- Draft Local Planning Scheme No.3;
- Draft Local Planning Strategy;
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4); and
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19)

Planning Assessment

Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the Technical Assessment in **attachment 2**. For the purpose of this report, discussion is confined to where Council is required to exercise discretion.

Land Use

The subject property is zoned 'Rural' under TPS2. The proposed shed will be used in association with the existing 'Industry - Light' land use approved by Council in February 2002. It will be providing shelter for the vehicles, materials and equipment associated with the predominant activity onsite which relates to the construction and fabrication of sheds, transportable buildings and dwellings. The definition of the Industry and 'Industry- Light' under TPS 2 is as follows:

Industry – means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:

- a) The winning, processing or treatment of minerals;*
- b) The making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or the canning or adapting for sale, or the breaking up or demolition of any article or part of an article;*
- c) The generation of electricity or the production of gas;*
- d) The manufacture of edible goods.*

and includes, when carried out on land upon which the process is carried out an in connection with that process, the storage of goods, any work of administration or accounting, or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include:

- i) the carrying out of agriculture;*
- ii) site work on buildings, work or land;*
- iii) in the case of edible goods the preparation of food for sale from the premises;*
- iv) panel beating, spray painting or motor vehicle wrecking.*

The 'Industry- Light' land use is defined as

"...an industry:



(i) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and

(ii) The establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services."

As the proposed development will be used to store goods onsite, associated with the existing approved activities as previously mentioned, the development is considered to fall within the 'Industry Light' land use of TPS 2. It is therefore an extension to the existing approved use.

Under LPS3, the use would become a non-conforming.

In this regard Clause 22 of LPS3 states:

"(1) Unless specifically provided, this Scheme does not prevent –

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

(2) Subclause (1) does not apply if –

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

The site would therefore be able to continue operating legally. Council would also, under Clause 23(1) of Proposed LPS3, grant extensions and alteration to such non-conforming use.

Aims and Objectives of TPS2

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

The proposed is an extension associated with an approved land use within the 'Rural' zone. The shed will provide storage space to the site, consolidating the external storage across the site. This will significantly improve the visual appearance of the property, aligning it more towards being sympathetic to the existing rural character established within the locality.

Looking at the objectives of the Rural zone under Proposed LPS3, the proposed development is analysed as follows:

- *To provide for the maintenance or enhancement of specific local rural character.*
 - The shed will reduce the appearance of materials stored throughout the site and provide a consolidated area where storage is to occur. The removal of the materials will more closely align the site with the expected form of development within the 'Rural' zone and importantly amenity of the area.



- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the 'Rural' zone.*
 - The activities onsite are not being intensified as a result of the proposed shed. The proposed development will reduce visual impacts associated with the existing outdoor storage component of the existing operations from neighbouring properties, aligning the site more closely with the expected level of amenity within the 'Rural' zone.
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*
 - The proposed development will introduce a form of development, which is commonplace within rural zones. Furthermore, the visual reduction in the materials and vehicles being stored onsite will provide Officers with a good degree of certainty that the development in its entirety will be more sympathetic to its rural surrounding.

Officers consider the development is consistent with the approval use, and brings the development into closer alignment with the expectations of the Rural zone.

Built Form and Amenity

Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19) sets out design principles for sheds. The policy recognises that outbuildings and sheds are a necessary component to meet the storage needs of residential, rural and commercial properties.

The relevant objectives of the policy are as follows:

- *"Ensure that the siting, design and scale of outbuildings/sheds are site responsive and respect the character of the locality; and*
- *Ensure that outbuildings/sheds do not have a detrimental visual impact which adversely affects the amenity of the surrounding area or that of adjoining landowners."*

The design principles contained within LPP4.19 are addressed in the table below:

Provision	Officer Comments
Whether a size variation is required to satisfy specific needs of the owner/applicant;	The applicant has provided information that the additional space is required to garage commercial vehicles, earth moving machinery, prefabricated transportable buildings and materials associated with the existing 'Light Industry' land use. It is considered that the applicant has demonstrated the need for the size of the outbuilding especially given the amount of external storage that is being undertaken from the site.
Whether a size variation is excessive, considering the character of the surrounding area;	Large sheds are commonplace within rural areas. The general locality comprises of large sheds associated with Transport Depots, Poultry Farms and Rural Industries. Officers in this regard, do not consider the proposed floor area to be excessive or inconsistent with the character of the area.
Whether a size variation would reduce the amount of open space or outdoor living	The proposal is not associated with the Residential land use and therefore the open space provision does not apply. However, there is sufficient open space associated with the Residential Land use.



Provision	Officer Comments
area required in accordance with the R-Codes.	
Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;	<p>The proposed outbuilding is located behind the existing dwelling and set back 100m from the primary street. It therefore would not be visually intrusive within the streetscape.</p> <p>The shed would be set back 42m and 48m respectively from southern and eastern lot boundaries. Although the shed would be visible from the southern neighbouring property, the form of the shed itself is not considered to adversely impact upon the amenity of the neighbouring property, as large sheds are commonplace in rural zones.</p>
Whether non-reflective materials are proposed on the building;	The applicant has proposed a colourbond material for the walls and roof, which is considered non-reflective.
Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and	Due to the primary street setback and the location of the shed behind the existing workshop, no further screening to the front is considered to be required.
Consideration of comments from the affected adjoining landowners.	No concerns were raised by the adjoining neighbouring property owners during public consultation.

It is recommended that approval be granted.

Options and Implications

Option1

That Council APPROVES the development application for the 'Shed' at Lot 50, 471, Jarrah Road, Hopeland, as contained within **attachment 1** subject to the following conditions:

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

Plans and Specifications	Plans P1-P7 received at the Shire's Offices on 20 November 2020.
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- All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted at any time.
- The 'Shed' hereby approved shall be used for storage purposes for the existing materials and vehicles onsite only. No additional industrial activities are permitted to be undertaken within the shed.

**Option 2**

That Council REFUSES the development application giving reasons for its decision.

Option 1 is recommended.

Conclusion

The application seeks approval for the construction of a storage shed associated with an existing 'Industry - Light' land use. The proposed development is currently capable of approval under TPS2 and would enjoy non conforming use under LPS3.

Officers are satisfied that the proposal does not seek to intensify the land use, and will improve the visual amenity of the subject site and surrounding properties to ensure alignment with the intended amenity for the area under LPS3. As such, for the reasons outlined in the report, it is recommended that Council approve the application subject to conditions.

Attachments

- **10.1.5 - attachment 1** – Development Plans (IN21/7688)
- **10.1.5 - attachment 2** – Technical Assessment (E21/3144)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with option 1.						
2	<i>That Council refuses the application and the applicant appeals the decision to the SAT</i>	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2	Financial	Possible	Minor	MODERATE	Ensuring valid and relevant reasons for planning refusal

Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for the 'Shed' at Lot 50, 471, Jarrah Road, Hopeland, as contained within attachment 1 subject to the following conditions:

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

Plans and Specifications	Plans P1-P7 received at the Shire's Offices on 20 November 2020.
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted at any time.
- c. The 'Shed' hereby approved shall be used for storage purposes for the existing materials and vehicles onsite only. No additional industrial activities are permitted to be undertaken within the shed.



10.1.6 – Retrospective ‘Transport Depot’ and Proposed ‘Shed’ – Lot 2, 508 King Road, Oldbury (PA20/946) and (PA21/117).	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Planning Horizons
Owner:	Andrew Manson & Zharn Carstensen
Date of Receipt:	9 February 2021
Lot Area:	11.15ha
Town Planning Scheme No 2 Zoning:	‘Rural’
Metropolitan Region Scheme Zoning:	‘Rural’

Report Purpose

The purpose of this report is for Council to consider a development application for a retrospective ‘Transport Depot’, and associated ‘Shed’ at Lot 508, 2 King Road Oldbury. The subject site is used primarily for residential purposes and has also been used for ‘Commercial Vehicle Parking’ of trailers, plant and machinery used for civil, construction and farming works. These vehicles are currently stored on site and leased to civil contractors. ‘Commercial Vehicle Parking’ is a permitted land use in the ‘Rural’ zone and therefore development approval is not required for this use.

The plant hire business, which is owned by HI Plant Services (Landowner), has been operating from the subject site for the past three years. The applicant provided information that the site has been used by HI Plan Services as an overflow property for commercial vehicle parking in instances where the main business premises located in Maddington were at capacity. As the business has grown over the years, the application is seeking to change the land use from ‘Commercial Vehicle Parking’ to ‘Transport Depot’.

The proposed ‘Shed’ has been submitted as a separate application, however, is also being considered as part of this report as it is proposed to be associated with the Transport Depot land use. The new ‘Shed’ is proposed to ultimately replace the sea containers on site and be used for storage of equipment associated with the ‘Transport Depot’.

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



The proposed retrospective transport depot is considered to be generally inconsistent with the objective of the 'Rural' zone. The 'Transport Depot' is predominantly presented as a small civil and earthmoving hire business, which is considered more closely associated with civil contracting thereby servicing urban, commercial and industrial sectors, as opposed to predominantly servicing a rural area and its associated pursuits.

As such, in order to clearly indicate the need to transition this development to a more appropriate industrial zoned area, the report recommends that the application be granted a time limited approval of four years. This would enable a transition of the use to a more appropriate zone consistent with the planning framework, being either the West Mundijong Industrial Area or Cardup Business Park. The time limited approval of four years demonstrates a commitment to work with the applicant to enable a transition to a more appropriately zoned area, and for the landowner to begin that process in order to achieve full transition prior to the expiry of this time limited approval. Four years also reflects that Council has advanced the Structure Plan for West Mundijong, and that the first subdivision applications have been progressed providing a strong likelihood of new lots being available to market well within the four year timeframe.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

Existing Development

The subject site is located in a rural area towards the west of the Shire. The site is approximately 11.15ha in area and King Road provides access to the site via a battle axe access way.

The general locality comprises of rural properties used for a variety of rural uses that include grazing, equestrian activities, poultry farms, market gardens, plant nursery cattle studs and rural lifestyle lots. It has an existing and future intended level of rural amenity and character under the current and proposed planning frameworks. There is a 'Transport Depot' located to the east of the site which was also granted a four-year temporary approval by Council in November 2020.



Figure 1: Location Plan

The subject site comprises an existing single dwelling, outbuilding and a water tank. The area for the proposal is generally cleared. The site contains a significant amount of remnant vegetation along the western boundary which will not be impacted upon by the proposal.



Proposed Development

The application seeks retrospective approval for a 'Transport Depot' and for a proposed 'Shed'. The 'Transport Depot' involves the parking of various commercial vehicles, trailers and machinery. HI Plant Services, who are described as a plant hire business for civil and earthmoving, have been operating the business from the subject site for the past three years. The applicant provided information that the machines and vehicles are mobilised to site and leased to civil contractors. Machinery is often left on the work site and not necessarily brought back to the subject site daily. Specifically, the 'Transport Depot' and associated 'Shed' comprises of the following aspects as shown on Figure 2.

- Construction of a 24.545m by 14.855m (364.62m²) colourbond shed with a wall height of 5.25m and ridge height of 6.50m.
- The shed is set back 130.7m from the eastern boundary closest to King Road and 245.1m from the rear (western boundary).
- Parking of commercial vehicles and machinery on an existing aggregated hardstand which covers approximately 7,383m² of the subject site.
- The depth of the aggregate varies from 100mm to a maximum of 500mm thick.
- Parking of commercial vehicles and machinery listed as follows:
 - 3 x Scania 6-wheel tippers;
 - 2 x JCB Dinosaur watercarts;
 - 1 x telehandler;
 - Farming machinery for the property; and
 - None-operational four vehicles to be repaired and auctioned.
- Access to the site would be via the existing battle axe crossover on King Road which provides access to the existing 'Commercial Vehicle Parking'.
- The business employs a maximum of four staff, six days a week on Monday to Saturday between 7:00am and 5:00pm.
- Major repairs, wash downs and servicing of vehicles and machinery would be carried out off site.

Full details of the proposals are contained within **attachment 1** for the 'Transport Depot' and **attachment 2** for the 'Shed'.

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 19 February 2021 to 12 March 2021 to surrounding landowners within a 400m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

During this period, two submissions were received, one in support of the proposal and one objecting to the proposal. The objection relates to the following issues which are discussed in the relevant headings of the report:

- Suitability of the land use in the 'Rural' zone.



- Noise from traffic movements.
- Dust concerns from traffic movements.
- Suitability of the driveway for the type of vehicles.
- Potential impact of the nearby multiple use wetlands.
- Traffic Impacts and safety.

A summary of the submissions including the applicant's response can be viewed in **attachment 4**. The matters raised have been discussed in the report.

Consultation with other Agencies or Consultants

Department of Biodiversity, Conservation and Attractions (DBCA)

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

The 'Transport Depot' is located more than 50 metres from the wetland boundary, its activities are unlikely to have a direct impact on the water regime or result in any modification to the wetland habitat. Given that, the proposal does not propose major servicing, repairs and wash down activities within the wetland buffer, Officers have considered that the proposal has a low risk or potential for causing a diminishment of the wetland water quality.

Department of Water and Environment Regulation (DWER)

The application was also referred to DWER who provided advice on the best management practices for the transport depot to include the following:

- The transport depot and parking areas must be constructed on a non-permeable concrete hardstand that will contain leaks and spills of all fuels, lubricants and wastewater in the event that the integrity of the vehicles becomes compromised.
- Mechanical servicing should be carried out on a durable, low-permeability floor or pad (such as reinforced concrete) finished and graded to contain any spilt material or washdown water.
- Washdown water containing any oils or grease emulsions should pass into a physical separator (e.g. corrugated plate interceptor) or chemical separator (e.g. chemical coagulation tank, followed by water-oil separation) allowing sufficient time to break emulsions and permit effective removal of any floating oil by skimming.
- The storage of all toxic and hazardous substances (THS), including fuels and lubricants, shall be located within a weatherproof compound, upon a bunded hardstand area.
- Tools and materials are to be available for managing chemical spills including absorbent pillows, sawdust, rags, 'kitty litter', mops, brooms and dustpans and chemical-resistant plastic drums.
- Used batteries, used solvent containers, water treatment process sludge, lubricants and other chemicals, machinery parts, tyres and contaminated waste products should be stored inside the workshop or in a contained, weatherproof area (e.g. a lockable skip or sea container), until they can be moved off-site for recycling or to an approved disposal facility.

These have informed the assessment and recommended conditions, should Council support the officer recommendation.



Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Rural Strategy Review 2013;
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3;
- Draft Shire of Serpentine Local Planning Strategy;
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4).

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the Technical Assessment in **attachment 3**. For the purposes of this report, discussion is confined to the objection resulting in the proposal being presented to Council, and where Council is required to exercise discretion.

Land Use

The proposed development is considered to fall under the land use definition of 'Transport Depot' defined under TPS2 as follows:

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

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

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

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



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

The use is not considered to reflect the strategic intent and the objective of the Shire's Rural zone. Considering the operational nature of the business servicing a range of earthmoving and civil construction projects within a range of sectors, it is considered to be located more appropriately within an industrial type zone, due to the strong industrial character of the development.

For this reason, Officers recommend only a time limited approval for the 'Transport Depot' use of four years. In terms of the timeframe, this is recommended to be four years, to enable the applicant to plan for transition to a more appropriately zoned area, and for the landowner to begin that process in order to achieve full transition prior to the expiry of this time limited approval. Four years reflects that Council has advanced the Structure Plan for West Mundijong, and that the first subdivision applications have been progressed providing a strong likelihood of new lots being available to market well within the four year timeframe. The four year timeframe also reflects similar applications dealt with in the nearby locality.

Aims and Objectives of TPS2

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

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

"(1) Of, relating to, or characteristic of the country (as distinguished from towns or cities), country life, or country people, rustic;

(2) Living in the country;

(3) Of or relating to agriculture".

and "pursuit:

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

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

In this case, the proposal does not clearly demonstrate its primary association with rural pursuits or associated activities. It is considered to be more consistent with development in an industrial area, where civil construction businesses would generally be found.

For this reason, Officers recommend that a time limited approval be granted for the 'Transport Depot', in order to provide a sufficient window of time for the business to relocate within an industrial area of the Shire.



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

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

Supporting this, LPS3 refers to the protection of rural land for rural uses and protecting the rural character. As outlined above, the 'Transport Depot' is not sufficiently aligned to the purpose or intent of the 'Rural' zone, and is recommended for time limited approval so as to enable an orderly transition to an appropriate industrial zoned location. Approval of the proposal would introduce a land use that is not appropriate in the rural area and does not conform to the objectives or strategic intent for uses in this area.

State Planning Policy 2.5 – Rural Planning

The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

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

Officers consider that the proposed 'Transport Depot' does not have a sufficient relationship to rural activities, and thus not sufficiently reflective of the policy framework under SPP2.5 in order to support the use without the intention to facilitate a time limited transition to a more appropriately zoned location.

State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the catchment to the Peel-Harvey Estuarine System are controlled so as to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System should be managed to reduce or eliminate nutrient export from the land.

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

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

Built Form

Approval is sought for the construction of an 'Shed' associated with the transport depot. The proposed Shed is for garaging of the commercial vehicles and machinery associated with the proposed 'Transport Depot' land use, as depicted below:

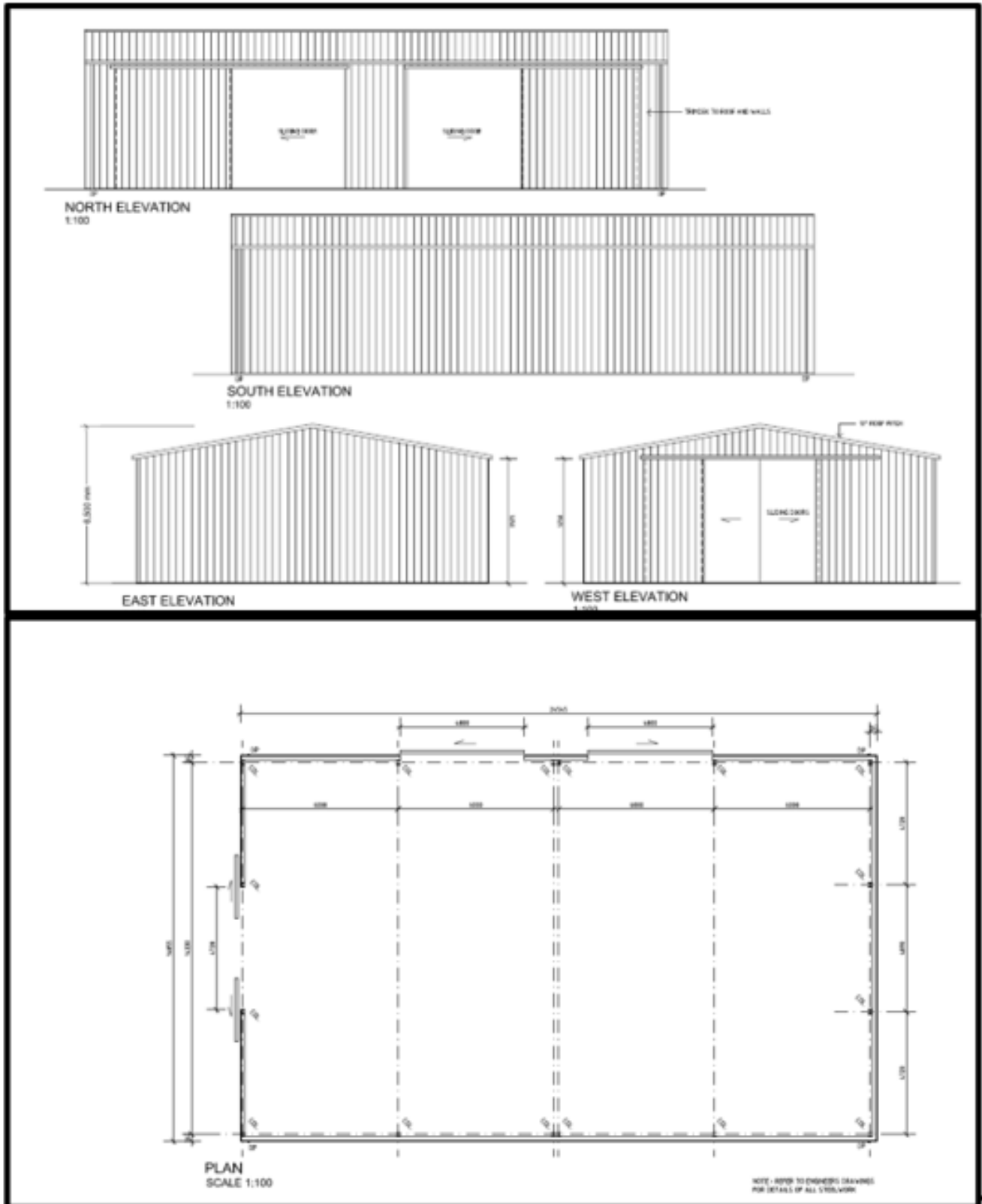


Figure 3: Floor Plan and Elevations of the shed

Officers note that large sheds are commonplace within rural areas and the appearance of these can be mitigated through siting, design and landscaping. Due to the setbacks proposed and rural style fencing around the shed, it is considered that the shed would be prominent but not an



unexpected aspect of the 'Rural' zone. For these reasons it is also considered that it would not adversely impact on the amenity of surrounding landowners.

Amenity

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

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

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

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

The separation distance recommended between a 'Transport Depot' and sensitive land uses is 200m. The off-site health and amenity impacts associated with a 'Transport Depot' is primarily noise. Figure 4 below identifies that there are two sensitive receptors within the generic 200m separation distance. The dwellings are marked red in Figure 4 below located approximately 250m to the east and 190m to the south-east of the area dedicated for the 'Transport Depot'.

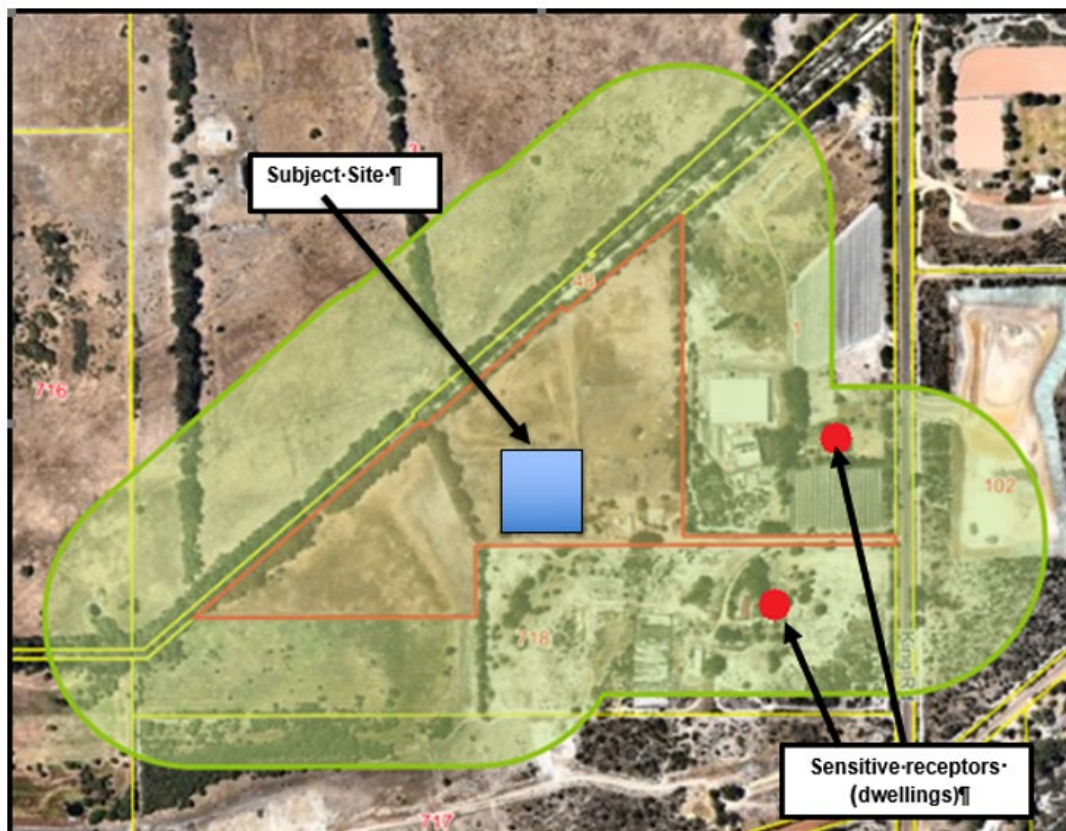


Figure 4: Sensitive receptors

To assess noise impacts from the development the applicant provided a Noise Assessment report which was prepared by Acoustics Consultants Australia which can be viewed as **attachment 5**. The report identified the main noise sources associated with the 'Transport Depot' to be from the following activities:



-
- *Light vehicles manoeuvring on the site access road and within the site;*
 - *Heavy vehicles manoeuvring on the site access road and within the site; and*
 - *Servicing and light repair work within the site.*

The outcome of the report is that the development is compliant with the *Environmental Protection (Noise) Regulations 1997* and concluded that there would be no adverse impact on the residents of the two sensitive receptors (dwellings) within the buffer zone. Officers are satisfied that through implementation of the identified noise control measures, noise levels at sensitive receptors would remain in compliance with the noise regulations and are not expected to exceed that of a typical rural property. It is also noted that the development is designed in such a way that trucks can enter and exit the property without reversing, to avoid noise generated from reverse beepers.

Officers are satisfied that the proposal can be carefully managed so as to not cause any adverse noise impacts in the general locality. Based on the information provided, Officers have considered that impacts related to noise from vehicle movements will not adversely impact on the adjoining neighbours due to the scale of the operations. A condition limiting vehicle movements between the hours of 7:00am and 5:00pm is recommended. The time limited approval also provides a clear transition for the use to a more appropriate zone, and that such use is not intended for further intensification on the subject land.

Dust Management:

Concerns were raised by submitters with regard to the generation of dust from traffic movements. The applicant provided information that the yard surface which is made up of crushed coarse aggregate is regularly maintained to minimise dust. The application provided the following measures as ways to mitigate dust:

- *As there is a water cart on site, during dry weather, the crushed aggregate parking area will be wetted each morning, and a second time during particularly dry and windy days.*
- *As the crushed aggregate parking area is made from coarse aggregate and not fine aggregate, there is not expected to be notable levels of dust created from the static parking area.*
- *As the vehicles to be parked on site remain dormant for extended periods of time and are not moved about on site until they are ready to be sent on consignment to other sites, the crushed aggregate will be seldom disrupted releasing any dust particles.*

Officers consider that the dust on site can be adequately managed so as to not adversely impact on the amenity of neighbouring properties.

Wastewater Management

The application proposes minor maintenance and light repair works to vehicles on site. During the consultation process, concerns were raised regarding potential contamination of groundwater by wastewater from the wash down area that can contain petroleum hydrocarbons. On this point, the applicant provided information that the 'Transport Depot' would not involve washing or major servicing of vehicles onsite. In addition, the applicant has provided information that the proposal neither proposes storage of fuel nor refuelling of commercial vehicles on site. The single drum of fuel that is kept on site is for emergency use only, and not for regular refuelling of any vehicles.

With regard to minor servicing, the applicant provided information that there is no drainage infrastructure on the hardstand, given that no major servicing is proposed to be carried out on site. Only minor servicing, maintenance and light repair work as mentioned above would be



undertaken on site. During the minor servicing of mechanical components containing liquids such as coolants, hydraulic oils, or brake fluid, drip trays with absorbent material would be placed under the vehicles then the excess oil poured into storage drums for removal off site and properly disposed of off-site at specific truck washes.

A condition has also been imposed to ensure management of the risk associated with minor servicing. This is in the form of a Spill Management Plan. The Plan should include details of the hardstand and how oils and hydrocarbons that would come to the site due to the movement of vehicles will be managed so as to not enter the environment.

Overall, Officers consider that the proposal will not adversely impact on the wetland given that the location of the activities is not within the 50m wetland buffer.

Traffic and Access

In addition, Clause 67(t) of the deemed provisions indicates that due regard should be given to the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

Access to and from the site is proposed via King Road utilising the existing driveway. During the consultation period, concerns were raised regarding the increase of traffic on King Road and the impact of manoeuvring large vehicles on the existing crossover.

The applicant provided information that the use of vehicles and machinery will be infrequent and minimal. When the machinery and vehicles are on hire, they remain at the worksite for the duration that they are needed on site, which is usually a minimum of one month depending on the nature of the works to be undertaken. After completion of a job, vehicles will be returned to site and remain parked until they are required on another worksite. The maximum number of commercial vehicle movements to and from the subject site will be four trips on a typical day and up to a maximum of eight trips per day for light vehicles.

Based on the information provided, Officers have considered that the traffic likely to be generated by the development is minimal and would not impact on the capacity of King Road and the road system in the locality. The proposal is not likely to adversely impact on the probable effect on traffic flow. Officers have recommended that sealing of the first 20m of the driveway to reduce gravel and debris on King Road as per the image below.



It is noted however that King Road has a speed limit of 100km/hr which would require a 234m safe intersection sight distance (SISD) in accordance with AustRoads. This is a safety measure of how far away a vehicle is when they are able to see the intersection. Vehicles travelling on King Road do not have this sight distance available and the intersection is only visible from 75m away as per the image below.



The applicant has provided the following information with regards to the safety issues that have been raised during the consultation period:



- a) *The entry to the subject site is along a long, straight and flat stretch of King Road providing excellent long-range visibility in both directions for oncoming traffic.*
- b) *There are no major visual obstructions along this section of King Road that restrict vision for traffic exiting the subject site.*
- c) *The section of King Road is in good condition with wide shoulders and well-marked with white lines down the centre and either side of the road.*
- d) *The section of King Road is a double white line down the centre of the road extending from the railway crossing to the south, to the entrance to the quarry 160m to the north. This does not permit any overtaking along this stretch of King Road, including the overtaking of vehicles entering and exiting private properties. This provides additional road safety.*
- e) *Other than the directly abutting crossover to the south, the next closest crossover on the same side (western) of the road is approximately 140m to the north, and 160m to the north for the opposite (eastern) side of the road. This provides very good separation from crossovers for safe egress and entry from all the identified sites.*

Officers recommend that a warning sign advising motorists of the driveway is displayed to the north of the driveway entrance on the road reserve. This will form part of a condition of approval, should this be supported by Council.

Options and Implications

Option 1

That Council APPROVES the application for the 'Transport Depot' and 'Shed' at Lot 2, 508 King Road, Oldbury as contained within **attachment 1** and **attachment 2**, subject to the following conditions:

- a) The 'Transport Depot' use of the land is time limited to a four year approval only, expiring on 23 April 2025, following which the use must cease, unless a further time extension is granted by the Shire of Serpentine Jarrahdale. The physical works associated with the 'Shed' are not time limited.
- b) The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1-P2 received on 9 February 2021 Noise Assessment received on 4 February 2021 Bushfire Management Plan received 4 February 2021
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- c) The hours of operation of the 'Transport Depot' are restricted to 7:00am to 7.00pm Monday to Friday; 7:00am to 5:00pm on Saturday and; no operation on Sunday.
- d) Traffic volumes associated with the transport depot use are not to exceed more than 10 vehicle movements per day.
- e) The storage of fuel, oils, and other toxic or hazardous substances on site shall be in accordance with the Department of Water and Environmental Regulation Water Quality Protection Note 65 (April 2006) Toxic and Hazardous Substances - Storage and Use.
- f) Within 3 months of this approval, a certification of the material used in the construction of the hardstand or evidence of its commercial source shall be submitted to the Shire of



Serpentine Jarrahdale demonstrating consistency with the definition of 'uncontaminated fill' under the Landfill Waste Classification and Waste Definitions 1996.

- g) Within 3 months of the date of this approval, the crossover to King Road and the first 20m length of driveway within the property is to be sealed to the satisfaction of the Shire of Serpentine Jarrahdale.
- h) Within 3 months of this approval, a Spill Management Plan (SMP) must be prepared in accordance with the Department of Water and Environmental Regulation Water Quality Protection Notes WQPN 51- Industrial wastewater management and WQPN 52 - Stormwater management at industrial sites and shall be submitted to the Shire of Serpentine Jarrahdale for approval. Once approved, the SMP shall be adhered to in its entirety at all times.
- i) Within 3 months of this approval, a Dust Management Plan (DMP) shall be submitted to, and approved by, the Shire of Serpentine Jarrahdale. The DMP shall include a site risk assessment (dust sources), management methods, roles and responsibilities and a complaints management system. The development shall thereafter be carried out in accordance with the approved DMP to the satisfaction of the Shire of Serpentine Jarrahdale.
- j) All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

Option 2

That Council REFUSES the development application for the 'Transport Depot' at Lot 2, 508 King Road, Oldbury, for reasons the land use is inconsistent with the objective of the 'Rural' zone and is not consistent with Shire of Serpentine Jarrahdale Town Planning Scheme No.2.

Option 3

That Council APPROVES the development application for the 'Transport Depot' and 'Shed' at Lot 2, 508 King Road, Oldbury, with no time limited approval.

Option 1 is recommended

Conclusion

The application seeks approval for a 'Transport Depot' and 'Shed' involving the parking of commercial vehicles and machinery associated with a civil and earthmoving business. The 'Transport Depot' is recommended for a time limited approval of four years, given it is most aligned with the objectives of an industrial zone rather than the objectives of a rural zone. A time limited approval will enable a transition over time to an appropriately zoned industrial precinct within the Shire, being West Mundijong or Cardup Business Park.

Attachments

- **10.1.6 - attachment 1** – Development Plans Transport Depot (IN21/8271)
- **10.1.6 - attachment 2** – Development Plans Shed (IN21/8260)
- **10.1.6 – attachment 3** - Technical Assessment (E21/3147)
- **10.1.6 - attachment 4** – Summary of Submissions (E21/3117)
- **10.1.6 - attachment 5** – Noise Assessment (IN21/7702)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>Approval of the development application for a period of four (4) years.</i>	<i>This approach is considered the most appropriate in managing risks of rural areas being impacted by incompatible non rural land uses over time.</i>	Social / Community Outcomes	Possible	Minor	LOW	Accept officer recommendation.
2	<i>That Council refuses the development application for the 'Transport Depot' and 'Shed' and the decision is appealed at SAT.</i>	<i>Planning Framework</i>	Financial	Possible	Moderate	MODERATE	<i>Clearly explained reasons for refusal</i>
3	<i>That Council approves the application without a time limitation resulting in other similar proposals for the Rural zone. This may</i>	<i>Planning Framework</i>	Social / Community Outcomes	Possible	Major	MODERATE	Clearly explained basis for why the proposal is considered to be consistent with the objectives of the Rural zone, in order to clearly define it separate



Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
	<i>impact the viability of the West Mundijong and Cardup Business Park industrial areas.</i>						to other potential non-rural uses.

Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the application for the 'Transport Depot' and 'Shed' at Lot 2, 508 King Road, Oldbury as contained within attachment 1 and attachment 2, subject to the following conditions:
 - a) The 'Transport Depot' use of the land is time limited to a four year approval only, expiring on 23 April 2025, following which the use must cease, unless a further time extension is granted by the Shire of Serpentine Jarrahdale. The physical works associated with the 'Shed' are not time limited.
 - b) The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

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- c) The hours of operation of the 'Transport Depot' are restricted to 7:00am to 7:00pm Monday to Friday; 7:00am to 5:00pm on Saturday and; no operation on Sunday.
- d) Traffic volumes associated with the transport depot use are not to exceed more than 10 vehicle movements per day.
- e) The storage of fuel, oils, and other toxic or hazardous substances on site shall be in accordance with the Department of Water and Environmental Regulation Water Quality Protection Note 65 (April 2006) Toxic and Hazardous Substances - Storage and Use.
- f) Within 3 months of this approval, a certification of the material used in the construction of the hardstand or evidence of its commercial source shall be



submitted to the Shire of Serpentine Jarrahdale demonstrating consistency with the definition of 'uncontaminated fill' under the Landfill Waste Classification and Waste Definitions 1996.

- g) Within 3 months of the date of this approval, the crossover to King Road and the first 20m length of driveway within the property is to be sealed to the satisfaction of the Shire of Serpentine Jarrahdale.**
- h) Within 3 months of this approval, a Spill Management Plan (SMP) must be prepared in accordance with the Department of Water and Environmental Regulation Water Quality Protection Notes WQPN 51- Industrial wastewater management and WQPN 52 - Stormwater management at industrial sites and shall be submitted to the Shire of Serpentine Jarrahdale for approval. Once approved, the SMP shall be adhered to in its entirety at all times.**
- i) Within 3 months of this approval, a Dust Management Plan (DMP) shall be submitted to, and approved by, the Shire of Serpentine Jarrahdale. The DMP shall include a site risk assessment (dust sources), management methods, roles and responsibilities and a complaints management system. The development shall thereafter be carried out in accordance with the approved DMP to the satisfaction of the Shire of Serpentine Jarrahdale.**
- j) All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**



10.1.7 – Proposed Road Naming – Lot 9002 South Western Highway, Byford (SJ500-03)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	MNG
Owner:	Daleford Property Pty Ltd
Date of Receipt:	19 March 2021
Lot Area:	5.45ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a proposal for four new road names for a subdivision at Lot 9002 South Western Highway, Byford.

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

Relevant Previous Decisions of Council

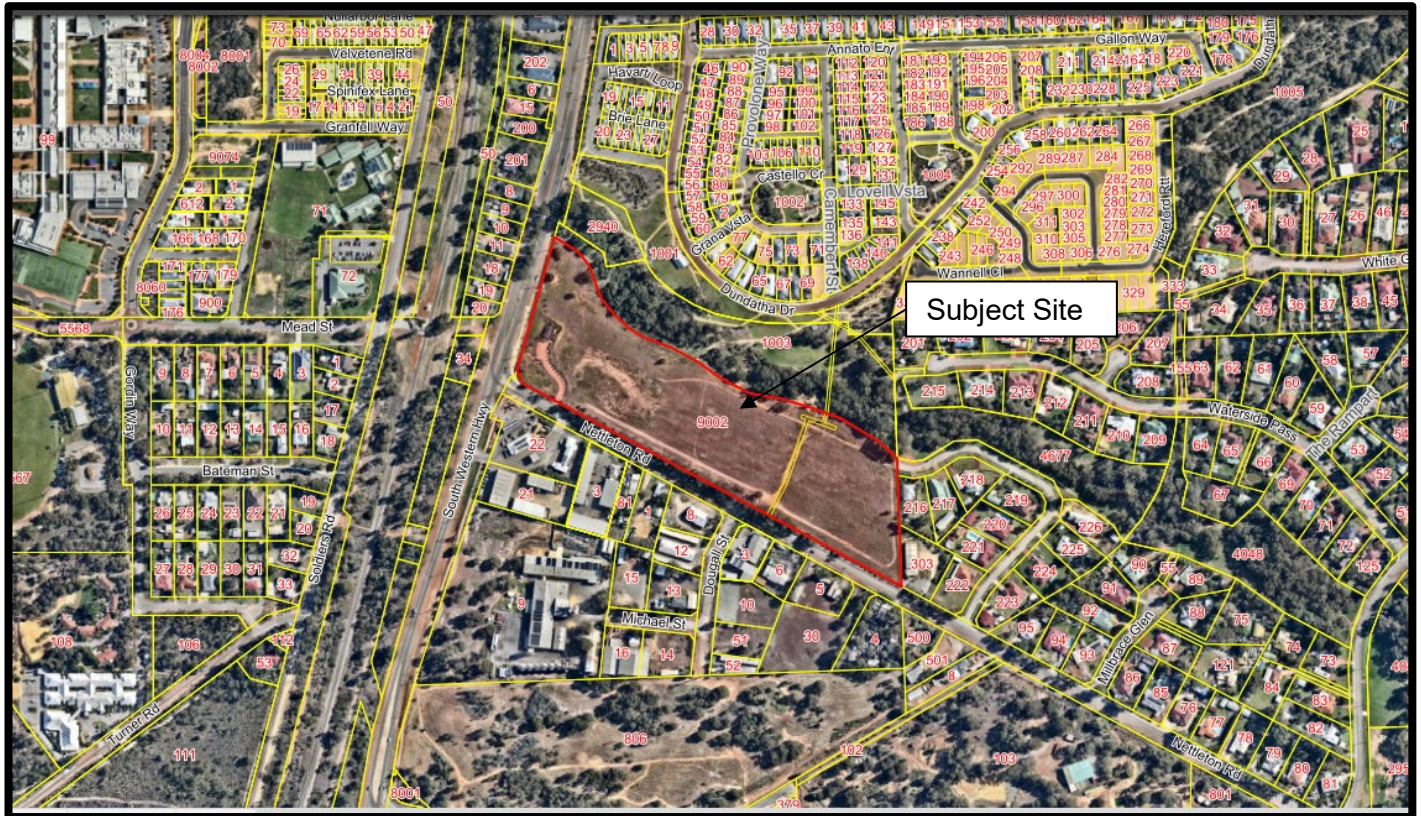
Ordinary Council Meeting – 4 April 2014 – OCM161/04/14 - COUNCIL RESOLUTION / Officer Recommendation

1. That Council approve the road naming theme "Farming Tradition" for The Brook at Byford estate, Lot 2 South Western Highway, Byford.

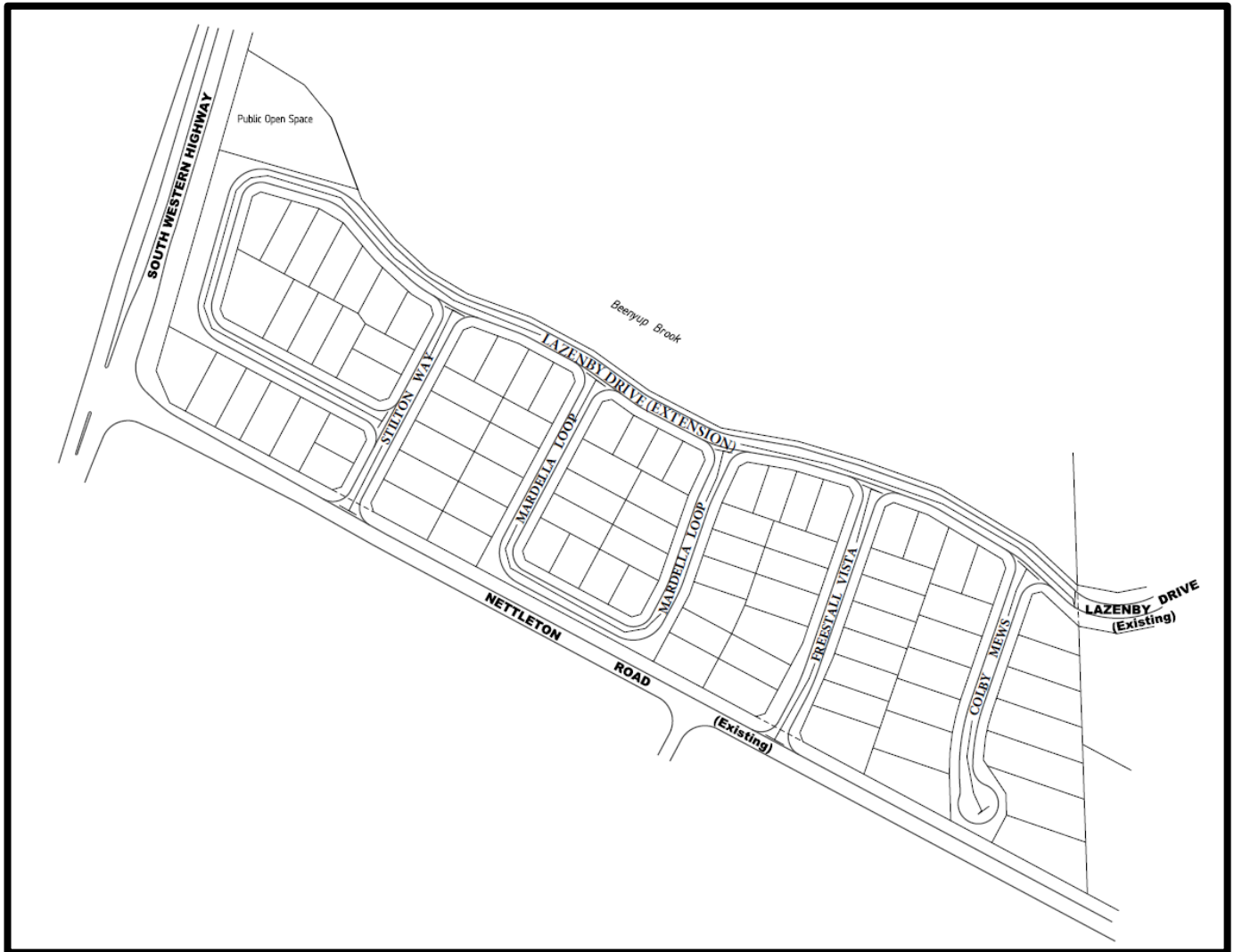


Background

The proposal relates to the subdivision of Lot 9002 South Western Highway, Byford, which will result in the creation of four new roads. Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*.



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



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

Community / Stakeholder Consultation

No consultation is required in accordance with Shire and GNC policy.

Statutory Environment

Legislation

- *Land Administration Act 1997*.

State Government Policies

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

Local Planning Framework

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

**Assessment**

The proposed road names relate to the final stages of The Brook at Byford estate, which has an approved "Farming Tradition" road naming theme. The road names proposed relate specifically to dairy farming and feature names of dairy products, facilities and farms within the Shire. Refer to the below table for the full list of names and background:

Road Name Table	
Proposed Names	Background/History
Road 1: Stilton	A type of cheese
Road 2: Colby	A type of cheese
Road 3: Mardella	Mardella Creek Farm is a local farm located within the Shire
Road 4: Freestall	A type of facility to house dairy cows that provides the animals with a clean, dry, comfortable resting area and easy access to food and water. The cows are not restrained and are free to enter, lie down, rise and leave the barn whenever they desire
Alternative Names	Background/History
Avoca	Avoca Dairy Farm is a local farm located with the Shire
Gouda	A type of cheese

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

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to given offence, incongruous or commercial in nature	The proposed preferred and alternative names are not considered to be offensive, incongruous or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	The proposed preferred and alternative names are considered to be easy to read, spell and pronounce.



Policy Assessment	
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred and alternative names comprise of no more than nine letters and are only one word in length.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the GNC policy.</p> <p>Way (Way) – Roadway affording passage from one place to another. Usually not as straight as an avenue or street.</p> <p>Loop (Loop) – Roadway that diverges from and re-joins the main thoroughfare.</p> <p>Vista (Vista) – Roadway with a view or outlook.</p> <p>Mews (Mews) – Roadway in a group of houses.</p>
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	All road names proposed are between five to nine letters, are of a practical length.

Options and Implications

Option 1:

1. That Council ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the preferred names as contained within attachment 1 to Landgate for final approval:
 - a. Stilton;
 - b. Colby;
 - c. Mardella;
 - d. Freestall.
2. That Council ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:
 - a. Avoca;
 - b. Gouda.

Option 2:

That Council resolves NOT TO ENDORSE the proposed road names.

Option 1 is recommended.



Conclusion

Council endorsement is sought for four proposed road names and two alternatives to be used as part of the subdivision at Lot 9002, South Western Highway, Byford. The proposed names are considered to be consistent with the requirements of LPP1.7 and the GNC's road naming policy. Officers support the proposal and recommend that Council endorse the proposed names.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** – Road Layout Plan (E21/3262)
- **10.1.7 - attachment 2** - Road Name List (E21/3263)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

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



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **ENDORSES** the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the preferred names as contained within attachment 1 to Landgate for final approval:
 - a. Stilton;
 - b. Colby;
 - c. Mardella;
 - d. Freestall.
2. That Council **ENDORSES** the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that any of the first preference names are not deemed acceptable by Landgate:
 - a. Avoca;
 - b. Gouda.

**10.1.8 – Proposed Rowley Road Local Structure Plan – Amendment 2 (PA20/419)**

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Element
Owner:	Darling Downs Estate Pty Ltd
Date of Receipt:	14 May 2020
Lot Area:	11.4474ha
Town Planning Scheme No 2 Zoning:	Urban Development
Draft Local Planning Scheme No.3	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider the submissions received during advertising of the proposed Rowley Road Local Structure Plan (LSP) amendment 2. The report also provides Council with the opportunity to make a recommendation to the Western Australian Planning Commission (WAPC) on whether the proposed Structure Plan amendment should be approved in light of the planning assessment and submissions received during advertising. The report recommends approval of the Structure Plan amendment.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 23 May 2016 – OCM087/05/16 COUNCIL RESOLUTION / Officers Recommendations:

That Council:

- 1. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the schedule of submissions and comments contained within attachment OCM087.2/05/16.*
- 2. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the Lots 1 and 2 Rowley Road, Darling Downs Local Structure Plan Amendment with modifications as outline in the schedule of Modifications contained within attachment OCM087.3/05/16 and illustrated in attachment OCM087.4/05/16 and forward to the Western Australian Planning Commission the following:*



-
- a. A list of the submissions considered by the local government and any comments by the local government in respect of those submission OCM087.2/05/16;*
- b. A schedule of any proposed modification to address issues raised in the submissions OCM087.3/05/16 and OCM087.4/05/16;*
- c. This Council Report as the local government's assessment of the proposal based on appropriate planning principles; and*
- d. Council's resolution recommending to the Western Australian Planning Commission to approve the local structure plan amendment with modifications.*

Background

The proposed Rowley Road Structure Plan Amendment 2 is an amendment relating to the coding of lots 1 and 2 Rowley Road of the Darling Downs estate. The original Rowley Road Structure Plan, which was prepared by Greg Rowe and Associates in 2012, was endorsed by the WAPC on 29 March 2012. The Structure Plan underwent a review in 2016 and was amended. The original amendment in 2016 entailed the following changes:

- Increase in the allocation of public open space for drainage purposes;
- Decrease in residential land within the LSP;
- Relocation of road linkages within the LSP to ensure a more positive built form outcome for the allocation of public open space and residential land.

The 2016 amendment reduced the number of residential lots to 179. This reduction in lots was a result of an increase in the amount of public open space for drainage purposes.

The Structure Plan area is bounded by Rowley Road to the North and South, Hopkinson Road to the West and Hilbert Road to the East, covering a total land area of 11.45 hectares. The site is partially developed and cleared with the first stage of the development. The Structure Plan provides the planning framework to guide the future subdivision and development of the land.

The purpose of this proposed amendment application is to re-code lots to align with a recently approved subdivision and meet current demand and market conditions. The recoding is to R20 from R40. Strategically, it also provides a more coherent response to urban development patterns, inasmuch that a more realistic landscape setting is possible in larger format lots which exhibit generous front gardens, combined with street trees and local open spaces. This compares to a more urban setting that would be expected if densities of R40 were pursued. Such urban densities in a location that is not supported by a broad mix of primary and secondary uses, it not realistic to be achieved. The current stage of development was recently approved for subdivision under subdivision approval WAPC 159469 on 30 November 2020 for a 7-lot subdivision.



Figure 1: LSP Site

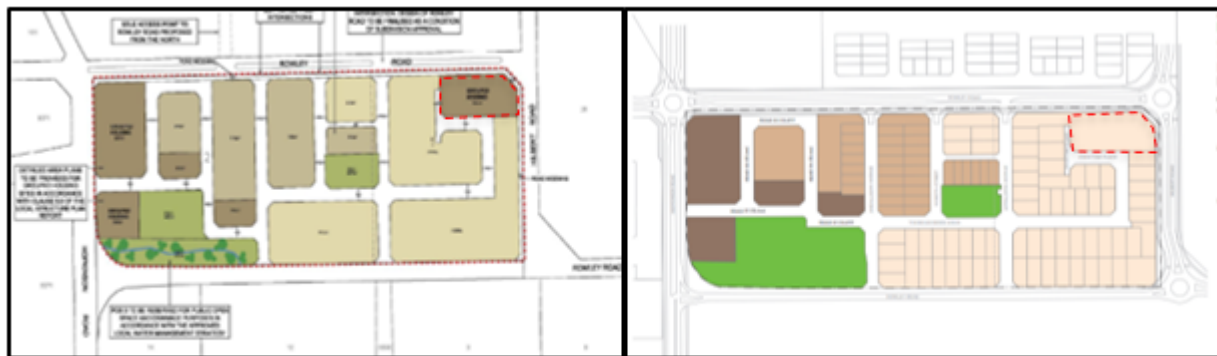


Figure 2: Current Approved LSP (left) and Proposed LSP Amendment 2 (right)

Community / Stakeholder Consultation

Public Advertising

The proposed LSP amendment was publicly advertised for 28 days between 21 January 2021 and 17 February 2021. The Shire received 14 submissions on the proposed amendment, comprised of 11 from government agencies, one from a consultant and two from nearby landowners. All submissions from Government Agencies had no objections to the proposed amendment.

Roberts Day submitted on behalf of Peet Limited in support of the amendment but in regard to another issue separate to the Structure Plan. Roberts Day outlined the inclusion of provisions within the plan for Development Contributions. The submitter outlined the need to provide upfront information in the Part 1 provisions of the Structure Plan to identify the land requirements and contributions for infrastructure items within the Development Contributions Scheme for the Wungong Urban area; Rowley Road, Hopkinson Road, Birrega Main Drain.

These specific submissions will be explored further in the Council report. The Schedule of Submissions is contained within **attachment 2**. Part 4 Schedule 2 Clause 19 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) outlines the local government requirements to consider submissions and allows the local government to request further information from the proponent of the proposed Structure Plan amendment.



Statutory Environment

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

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

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

Legislation

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

State Government Policies

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

Local Planning Framework

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

Planning Assessment

Proposed Amendment

The amendment provides a mix of low and medium density residential land use with public open space. The amendment No. 2 will re-code a portion of the structure plan from R40 to R20. This recoding will align the structure plan with the recent subdivision approval for the site.

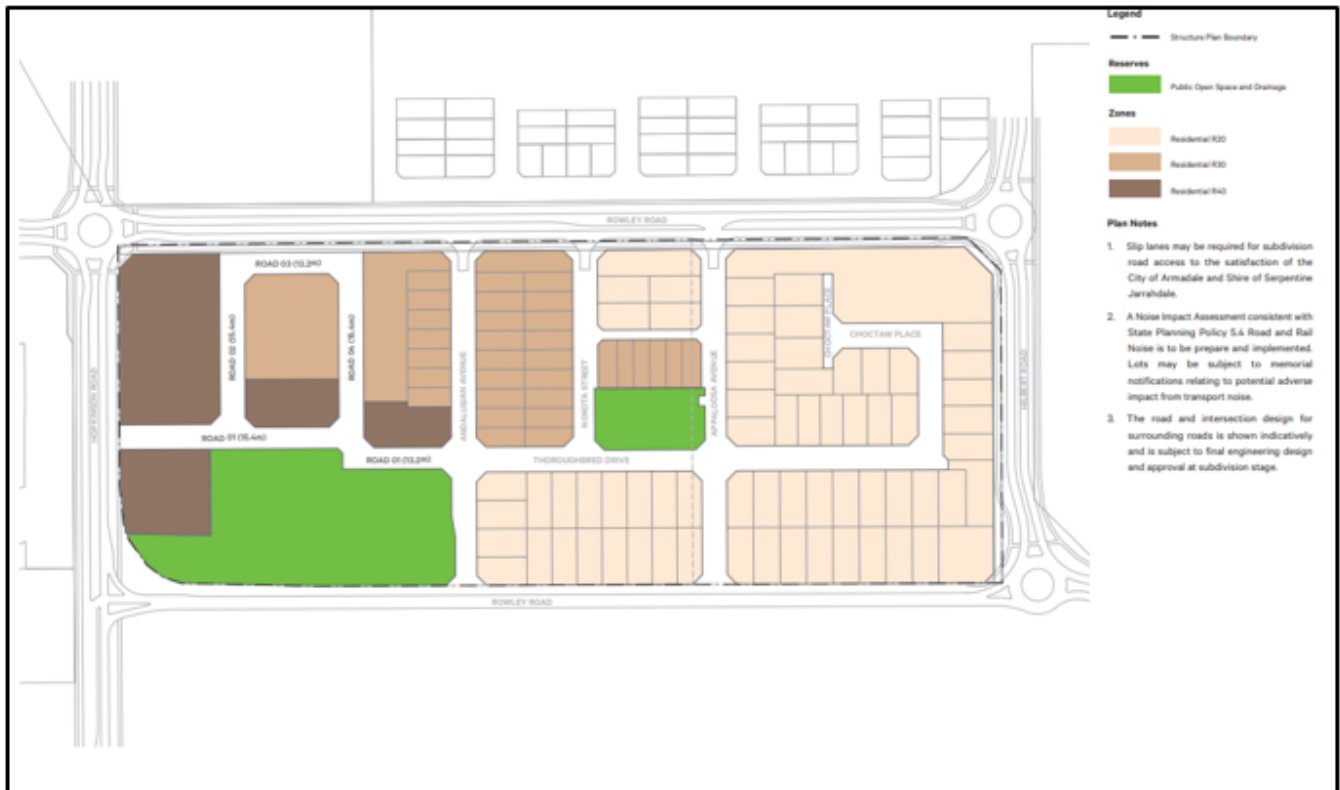


Figure 3: Amendment No.2 – Local Structure Plan

Amendment No. 2 specifically re-codes a 4,454m² portion of the Structure Plan area in the north-east from R40 to R20. This land is residual and is currently identified as a medium density grouped housing site. Given the impacts of transport noise and its location whereby the character of the area is intended to be underpinned by a landscape setting, the proposed R20 density coding will support the intended future development pattern that supports the intended character and amenity of the area.

Subdivision Approval

The amendment is also consistent with WAPC 159469 subdivision approval, which the proponent is currently progressing. The Subdivision 159469 was approved by the WAPC on 30 November 2020 subject to conditions. The larger lots sizes of 700 – 800m² are considered lifestyle lots, creating a more diverse range of housing accommodation within the Darling Downs area, and supporting an intended landscape setting that is reflective of the broader character and amenities found in the area.

Town Planning Scheme No.2 (TPS2)

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

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

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



Approximately 60% of the LSP area has now been developed. Future Staging will be from east to west as an extension of current services within the development. The residual area in the north-east will likely form part of the initial stages of development. The larger area of public open space in the south western area of the Structure Plan is proposed to be created as part of subdivision of lots in the western portion. The proposed road widening has already been provided as part of the already developed 60% portion of the structure plan area.

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

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

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

The draft scheme indicates the site as Urban Development. Urban Development outlines to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.

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

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

An updated Bushfire Management Plan (BMP) has been prepared for the amendment and subdivision plan of lots for 9300 Rowley Road, Darling Downs by Smith Bushfire Consultants, which has been accepted by the WAPC and the Shire dated 19 August 2020. Conditions on the WAPC 159469 subdivision approval require compliance with those measures.



Figure 3: Location of the EAW

The BMP was worked to ensure it met the SPP 3.7 guidelines if required by the decision maker. The Shire officers underwent meetings with the proponent, applicant and the WAPC. The outcomes from the meeting were to include figure 3 to demonstrate the location of the emergency access way (EAW) into the BMP, and it be implemented if approved by DFES and the City of Armadale.

The City of Armadale have granted approval for the removal of native vegetation within the proposed Rowley Road North road reserve.



Figure 4: Vegetation Map – Proposed Clearing (City of Armadale)

The removal of this vegetation has been included within the updated BMP and is intended to manage Bushfire Attack Levels (BAL) for existing and future development abutting the road reserve. Shire officers outline the amendment of the down coding of the lots in the north east corner will essentially lower the overall BAL rating for the LSP area.

DFES have provided a submission on the amendment, highlighting that '*Planning Bulletin 111/2016 provides guidance on exemptions from the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the deemed provisions where proposals do not result in the intensification of development (or land use)*'. The LSP amendment proposes the down coding of the subject site from R40 to R20, reducing the intensification of the future development. DFES have further stated that the '*proposal does not need to comply with SPP3.7*'.

Development Contributions

The Structure Plan area does not require any Development Contributions within the Shire's current Town Planning Scheme No.2 or Draft Local Planning Scheme No.3 for the subject site. A submission was received from Roberts Day on behalf of Peet to outline the need for such contributions to be taken at later subdivision and development stages to be put towards upgrading abutting roads and infrastructure. Roberts Day outlined the need to provide information in the Part 1 provisions of the Structure to identify the land requirements and contributions for infrastructure items. The infrastructure items requested to be included in the Structure Plan include Rowley Road, Hopkinson Road and Birrega Drain.



The amendment seeks only to re-code the subject site from R40 to R20, to align with approved subdivision WAPC 152638, which the proponent is currently progressing. No conditions relating to development contributions were placed on the recent subdivision approval WAPC 159469. This request does not appear to have any associated or clear need and nexus to what is an already approved and implemented structure plan. Officers note that the required infrastructure needing to support the implementation of the already zoned land and approved Structure Plan of the area, in the absence of a Scheme gazette development contribution plan, is done through conditions of subdivision determined by the WAPC.

The matter of contributions towards the upgrading of roads and infrastructure have been therefore addressed through the relevant subdivision approvals (and conditions) for Lots 1 & 2 already issued. It would not be possible to contemplate retrospective application of a development contribution area and plan in the circumstances of land having already been zoned, structure planned and extensively developed.

Options and Implications

Option 1

That Council

1. Pursuant to Schedule 2 Part 4 Clause 19 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES the Lot 1 & 2 Rowley Road, Darling Downs Local Structure Plan - Amendment 2 as contained in **attachment 1**.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

Option 2

That Council recommends the WAPC REFUSE the Structure Plan amendment.

Option 1 is recommended.

Conclusion

The proposed amendment represents an adequate response to planning principles to re-code the north eastern portion of the Structure Plan area. The amendment creates an effective design



through diversity of housing options for the wider community and represents orderly and proper planning. The proposed amendment is recommended for approval on this basis.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** – Proposed L1/2 Rowley Road, Darling Downs Local Structure Plan Amendment No. 2 as advertised (IN20/17965)
- **10.1.8 - attachment 2** – Schedule of Submissions (E21/286)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with option 1.						
2.	The Council Refuse the LSP Amendment 2	State and Local Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Robust reasons for recommending refusal.



Voting Requirements: Simply Majority

Officer Recommendation

That Council

1. Pursuant to Schedule 2 Part 4 Clause 19 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES the Lot 1 & 2 Rowley Road, Darling Downs Local Structure Plan - Amendment 2 as contained in attachment 1.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.



10.1.9 - Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine Local Structure Plan (PA20/786)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Hex Design and Planning
Owner:	Andrea Thomas Ryan and Stron Pty Ltd
Date of Receipt:	31 August 2020
Lot Area:	91.30ha
Town Planning Scheme No 2 Zoning:	Special Rural
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of this report is for Council to consider the submissions received during advertising of the Proposed Structure Plan for Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine. The report also provides for Council to consider making a recommendation to the Western Australian Planning Commission (WAPC) on whether the Proposed Structure Plan should be supported for approval, and what modifications should be recommended as part of this.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 October 2017 - OCM136/10/17 - COUNCIL DECISION / Officer Recommendation

That Council

- 1. Notes the Summary of Submissions and endorses the Officer comments contained in attachment OCM136.2/10/17.*
- 2. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended) and regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to support Scheme Amendment No. 199 to Town Planning Scheme No.2 (Rezoning from 'Rural' to 'Special Rural') with modifications by:*
 - a. Rezoning Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine from 'Rural' to 'Special Rural' in accordance with the Scheme Amendment Map.*



- b. Amending the Scheme Map by delineating Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine as 'SR26'.
- c. Listing Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine as 'SR26' in 'APPENDIX 4 – SPECIAL RURAL ZONE' with land use controls and special provisions as follows:

	NO.	SPECIFIED AREA OF LOCALITY	SPECIAL PROVISIONS TO REFER TO (a)
RLA	26	Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine	<ol style="list-style-type: none"> 1. All buildings and structures shall be constructed at a minimum setback of 15m from the primary street and 10m from any other lot boundary. 2. No building shall be constructed of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality. 3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health, and with the base of the system or the modified irrigation area being the required distance above the highest known water table. 4. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area. 5. The Structure Plan and subsequent subdivision shall incorporate a road on the western boundary of the subject sites to ensure an appropriate separation and buffer is created between the Rural and Rural Residential interface. To this extent it is expected that the western boundary road would be an extension of Walker Road from Wattle Road in the north to Utley Road in the south.

3. Pursuant to Part 5 Division 3 Clause 53(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports the following modifications as contained within Attachment OCM136.3/10/17, by:
- a. Removing provision 1. of SR26 contained within the table to be included in Appendix 4 of the Scheme. This provision is suitably addressed by Clause 5.4.2(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
 - b. Including the following provisions for SR26 contained within the table to be included in Appendix 4 of the Scheme as follows:



- i) *"The subdivision of Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space."*
 - ii) *"A Section 70 A notification being placed on the titles advising prospective purchasers that the lots are in a flood prone area and subject to inundation."*
 - iii) *"Lots are permitted to fill the site to a maximum area of 1,500sqm, providing the area to be filled is associated with an approved structure and/or an approved effluent disposal system."*
 - iv) *"A Section 70A notification being placed on the titles advising prospective purchasers that the lots are within the generic buffer distance from an established piggery, which may have odour impacts on the lots."*
4. *Notes the Subdivision Guide Plan provided to accompany Amendment No.199, and further notes that is not required to support Amendment No.199 or approved through this resolution.*
 5. *Forwards a copy of Amendment No.199 to Town Planning Scheme No.2, as advertised, and any other relevant documentation to the Western Australian Planning Commission in accordance with Part 5 Division 3 Regulation 53(3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Background

The Proposed Structure Plan has been prepared for land zoned Special Rural under Town Planning Scheme No. 2 (TPS2). The subject land of Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine was rezoned from 'Rural' to 'Special Rural' through Scheme Amendment No.199 to TPS2, which was approved in August 2018. Scheme Amendment No.199 included provisions for this land under Appendix 4 – 'Special Rural Zone' provision 28 of TPS2. Provision 28.1 states that *'A structure plan shall be prepared over the land'*. This is the purpose of this report.

The subject site was historically used for equestrian land use, with the main dwelling and stables still located on-site. The subject land is currently used for rural lifestyle purposes and contains two dwellings. The site is located within the suburb of Serpentine and is situated 2.7km west of South Western Highway and 2.5km south-west of the Serpentine Townsite. The Proposed Structure Plan covers approximately 91.30ha of land and is estimated to yield 39 lots, with a minimum lot size of 2ha. The Proposed Structure Plan provides the planning framework for the structure and guidance of future subdivision and development. The framework facilitates the subdivision and development of land for rural residential land uses in a manner that is consistent with the current and planned framework for the area, and provides for an appropriate interface and response to the surrounding development context.



Figure 1: Subject Land

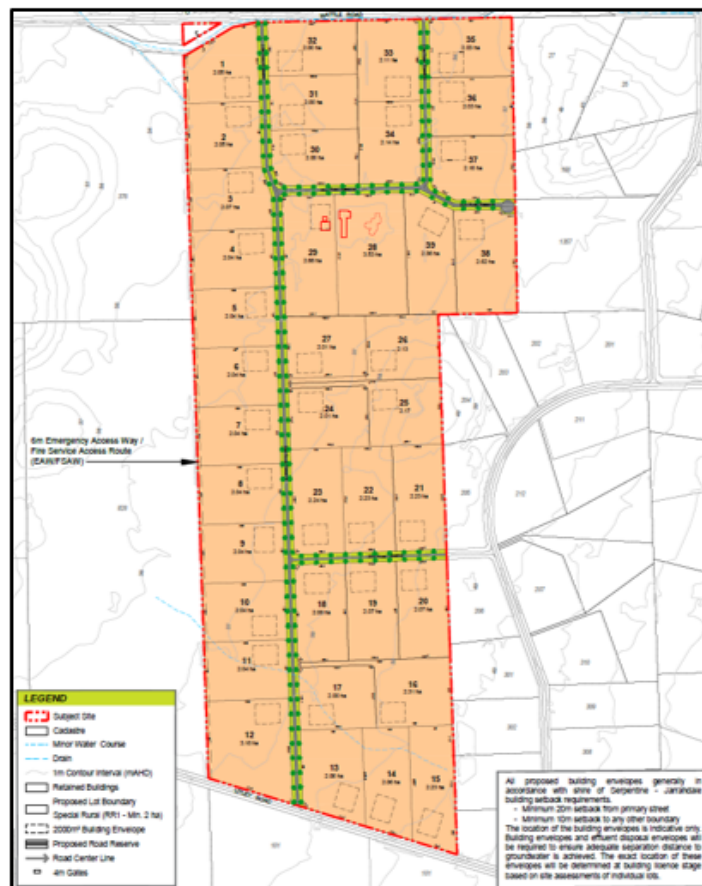


Figure 2: Proposed Local Structure Plan as advertised



Community / Stakeholder Consultation

Public Advertising

The Proposed Structure Plan, as contained within **attachment 1**, was publicly advertised from 17 December 2020 to 28 January 2021 for a period of 42 days. The Shire received 25 submissions, comprised of 12 from government agencies and 13 from nearby landowners. The Schedule of Submissions is contained within **attachment 2**. Clause 18 (1) of the Deemed Provisions outlines the local government requirements to consider submissions and allows the local government to request further information from the proponent of the Proposed Structure Plan.

Concerns were raised from the Department of Water and Environmental Regulation (DWER) and the Department of Fire and Emergency Services (DFES). DWER raised concerns and requested further information in regards to groundwater contours, cross sections, the intent of watercourses, drainage on private lots and non-potable water supply. Concerns were also raised on wastewater management and achieving the 100m setback to watercourses requirement. DFES raised concerns on vegetation classification and vehicular access in regards to cul-de-sac and battleaxe accesses and fire service access routes.

Some nearby landowners also raised concerns, which included the following key issues:

- Four-way intersection at Wattle Road and Windmill Avenue.
- Road upgrades of the surrounding road network.
- Drainage and wastewater management.
- Water availability.

These matters will be discussed further under the planning assessment section of this report.

Importantly, the previously approved Scheme amendment zones the land for Special Rural development, and therefore the issues of design response as proposed by the Structure Plan have been engaged with through the submissions received.

Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Planning Framework.
- State Planning Policy suite.
- Government Sewerage Policy 2019.
- Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

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



- Urban and Rural Forest Strategy.

Planning Assessment

Planning Framework

The subject site is zoned Rural under the Metropolitan Region Scheme and Special Rural under TPS2. Scheme Amendment No.199 to TPS2 rezoned Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine from 'Rural' to Special Rural' and included provisions relating to the subject site under Appendix 4 – 'Special Rural Zone' provision 28 of TPS2. These provisions include the following:

'28.1 A structure plan shall be prepared over the land, including the identification of building envelopes and/or building exclusion areas.'

28.2 The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the local government. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Primary Industries and Regional Development for the pasture type for the policy area.'

The Proposed Structure Plan has been prepared to address provision 28.1 of Appendix 4 of TPS2.

The subject site is identified as Rural Residential under the WAPC's South Metropolitan Peel Sub-Regional Planning Framework. The Shire's Draft Local Planning Strategy and Draft Local Planning Scheme No.3 identifies the site as Rural Residential RR-2, which specifies a 2ha lot size minimum. The Proposed Structure Plan identifies a 2ha lot size minimum, consistent with the designation under the Draft Strategy and Scheme.

Local Water Management Strategy (LWMS)

DWER raised some concerns with the LWMS in their submission. Concerns were raised that the LWMS stated that there are no groundwater contours available for the area. DWER have advised that groundwater levels are available and should be included within the LWMS. The applicant has since obtained this information from DWER to update the LWMS. DWER also requested that cross sections and inverts should be provided for drainage infrastructure. The applicant has provided this information in an updated version of the LWMS. The intent for the watercourse located on the southern portion of the site was questioned by DWER. The applicant has provided a response that this minor watercourse will be intercepted by the road drainage and directed north along the roadside swale and then westwards.

The LWMS states that lot owners will be responsible for the maintenance of drains traversing private lots. This arrangement was questioned by DWER and the applicant has responded that easements are proposed over drains located within private lots. Officers have concerns with this proposed arrangement of applying a drainage easement for what is a private lot drainage issue. Easements for drainage purposes which the Shire secures would typically deal with drainage requirements of public infrastructure like roads and trails, or with arterial drainage requirements to achieve controlled groundwater levels. Easements which provide for private lot drainage would typically not be a matter which the local government is involved with.

Officers therefore consider that drainage on private land should be managed on such future private lots, with any drainage associated with public infrastructure or arterial control of groundwater addressed within swales in the road reserve. This will enable the most efficient asset management response and also the lowest risk for control of such matters.

DWER also requested that non-potable supply be quantified and the viability of future supply to be identified. The applicant has responded that the proponent holds 38,550kL that could be used



for non-potable water if it were required for establishment irrigation or for construction purposes. The applicant has further stated that it will be the responsibility of the landowners to source non-potable water, such as rainwater tanks.

Wastewater Management

The Proposed Structure Plan is located within a sewage sensitive area for on-site sewage disposal under the Government Sewerage Policy (GSP). Clause 5.2.2 of the GSP states that on-site sewage systems are not to be located within *'100 metres of a drainage system that discharges directly into a waterway or significant wetland without treatment'*. The surrounding Water Corporation drainage network, which includes Dirk Brook Drain, discharges to the Serpentine River and ultimately Peel Harvey Estuary system. On-site sewage disposal should not be located within 100m of this drainage network. DWER have raised concerns that the LWMS stated that disposal areas can be located within 100m of adjacent Water Corporation drains. Department of Health (DoH) have provided in their submission that all development should be in accordance with the GSP. The applicant has addressed these concerns by revising lot boundaries and shifting the location of some drains to ensure that the 100m setback requirement can be achieved. The applicant has provided a plan to demonstrate that indicative wastewater disposal areas in each proposed lot meet the 100m setback requirement from drains.

DoH have stated that the site capability needs to be demonstrated via a winter Site and Soil Evaluation for on-site wastewater disposal systems to be approved. This can be addressed at subdivision stage with a Site and Soil Evaluation being provided to accompany a subdivision application. It is recommended that the Proposed Structure Plan be modified to contain a provision to require a Site and Soil Evaluation in accordance with Australian Standard 1547 On-site domestic wastewater management (AS/NZS 1547), in winter conditions, at subdivision stage.

It is recommended that the LWMS be modified to the satisfaction of DWER and the Shire to address the issues discussed above.

Bushfire Management

DFES raised some concerns with the vegetation classifications and exclusions within the Bushfire Management Plan (BMP) provided to accompany the Proposed Structure Plan. The applicant has provided further information in regards to how classifications were determined for some vegetation plots and have reclassified a plot of vegetation to address the concerns of DFES. As some of the vegetation classifications were questioned by DFES, the development location, siting and design was also questioned pending further information being provided to validate the bushfire attack level (BAL) ratings. The applicant has provided further information in regards to this and updated the BAL contour plan.

DFES has also raised concern with the identification of a cul-de-sac within the road layout. The WAPC's Guidelines for Planning in Bushfire Prone Areas Element 3, Acceptable Solution A3.3 states that *'a cul-de-sac and/or a dead end road should be avoided in bushfire prone areas'*. To address this concern, the applicant has prepared a plan that removes the identified cul-de-sac from the proposed road layout.

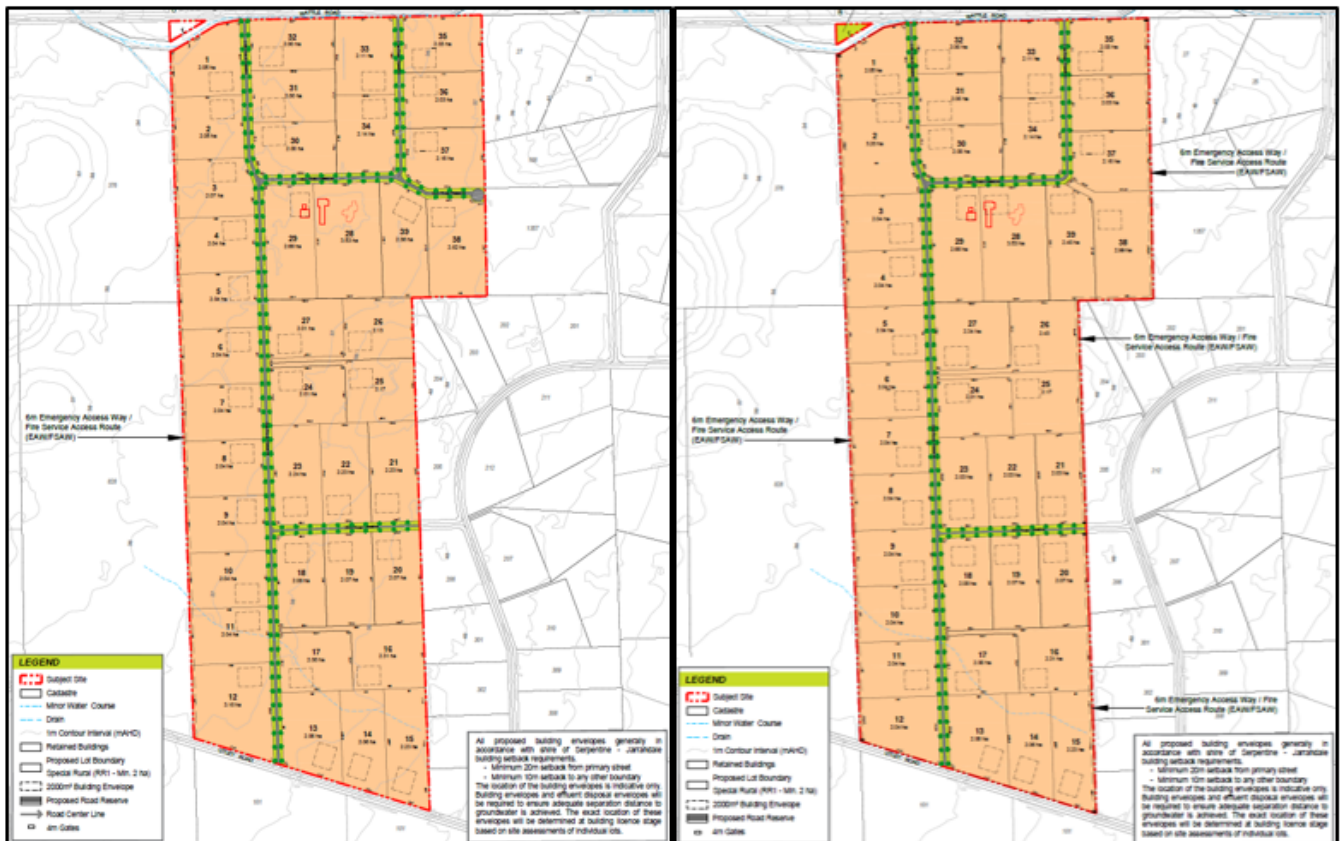


Figure 3: Comparison of advertised LSP and revised LSP with cul-de-sac removed

Concerns were also raised by DFES in regards to the identified battle-axe accesses within the conceptual subdivision layout. The WAPC's Guidelines for Planning in Bushfire Prone Areas Element 3, Acceptable Solution A3.4 states '*battle-axe access leg should be avoided in bushfire prone areas*'. The applicant has provided further justification to state that battle-axe lots cannot be avoided due to the configuration of the existing road network and surrounding development. The subdivision layout depicted with the Proposed Structure Plan will be subject to a future subdivision application and detailed design at the subdivision stage. DFES have also required that the identified fire service access routes (FSAR) be in accordance with the Guidelines.

The applicant has provided an updated version of the BMP, as contained within **attachment 4**, to address the issues raised by DFES. A modification is recommended to replace the BMP with the version dated March 2021.

Road Network and Access

The proposed road network identifies a four-way intersection at Wattle Road and Windmill Avenue. Concerns were raised by local residents in regards to the traffic safety of the four-way intersection creating a potential point of conflict. This issue was also specifically reviewed by Shire officers, to consider how traffic safety could be addressed as a response to this proposal seeking to modify the road environment.

To improve the traffic safety of this intersection, it is recommended that local area traffic management devices, such as blister islands, be implemented on the approach to the intersection. This measure would reduce traffic speeds on the approach to the intersection and reduce the potential conflict at this intersection. An example of this response has been recently implemented in a similar rural road context, between Abernethy Road and Kargotich Road as shown following:



The Proposed Structure Plan is located between Wattle Road to the north and Utley Road to the south. The existing pavement widths of Wattle Road and Utley Road vary between 5-6m sealed width with unsealed shoulders. The Transport Impact Assessment (TIA) that accompanies the Proposed Structure Plan estimates that the existing traffic volumes of Wattle Road and Utley Road are likely to be in excess of 150 vehicles per day. Development of the area will thus generate additional traffic on the surrounding road network. The TIA states that the Proposed Structure Plan is expected to generate 289 vehicle trips per day. Both Wattle Road and Utley Road will require upgrading to meet appropriate standards. It is recommended that the Proposed Structure Plan be modified to require the upgrade of Wattle Road and Utley Road to a local rural road standard in accordance with the WAPC and Institute of Public Works Engineering Australia (IPWEA) Local Government Guidelines for Subdivisional Development, with consideration of native vegetation retention. This is to ensure that the current situation is not exacerbated by adding further development, without such infrastructure being upgraded as a result of the development taking place.

Bridle Trail Network

The Structure Plan proposes an emergency access way / FSAR along the western boundary. This access way will also function as a bridle path to connect between Wattle Road and Utley Road. Ensuring a well-connected bridle trail network within the Structure Plan area, which connects to the wider bridle trail network in Serpentine, is important to provide for the established equestrian community. The Proposed Structure Plan provides for 2ha lot sizes, which are likely to accommodate equestrian activities. A modification to the Proposed Structure Plan is recommended to include an emergency access way / FSAR along the eastern boundary to also function as a bridle trail. The Structure Plan area is adjacent to Lot 1357 Coffey Road, Serpentine, which is a Shire reserve (R40340). Connecting the bridle trail network within the Structure Plan to this reserve will connect the area to the surrounding bridle trail network.

Vegetation and Landscape

The Shire's Urban and Rural Forest Strategy contains objectives for increasing canopy coverage in development areas. Revegetation measures have an important function in connecting natural areas, biodiversity support, nutrient treatment, watercourse stabilisation, interface and streetscape amenity. A modification is recommended to include a provision within the Structure Plan that requires a Landscape Management and Revegetation Plan that describes retention, replacement and additional planting for the various purposes of nutrient retention, waterlogging



reduction, windbreak and biodiversity support at subdivision stage. This will ensure that revegetation and landscape measures are considered and implemented at subdivision stage.

Amenity and Surrounding Land Uses

The proposed LSP is located approximately 3.7km west of the operational intensive piggery at 567 Utlely Road, Hopeland. The piggery is a prescribed premise under the *Environmental Protection Act 1986* and operates at a capacity of over 12,000 pigs. The proposal indicates that impacts from the piggery, primarily noise and odour, be addressed by way of notification on title advising prospective purchasers of potential odour impacts within the local area.

The 2015 Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses, provides a buffer for intensive piggeries of 1000m. This compares to the 2005 version of the guidance statement that indicates a buffer of 5km. Given the 2015 version is intended to update and replace the 2005 version, the 1000m buffer is considered the correct contemporary measure to use. This also informed the Scheme amendment which saw fit to rezone the land to allow Special Rural development to occur, with no buffer impacting the land from the piggery.

Recommended Modifications

The following modifications are recommended to the LSP:

1. Amend the wording of the provision to state: 'Subdivision within the Structure Plan area is to be *generally* in accordance with lot configuration and lot sizes prescribed by the Structure Plan. *All indicative subdivision layouts shown in this Local Structure Plan and associated appendices are subject to further investigation and detailed design at subdivision stage.*'
2. Amend the wording of the provision to state: 'Subdivision is to adhere to a *lot size minimum of 2 hectares.*'
3. Amend the wording of the provision to state: 'Building envelopes should be positioned with regard to geotechnical investigations, retention of vegetation, *wetland locations and buffers* and bushfire management.'
4. Include a new provision which states: 'A Site and Soil Evaluation in accordance with Australian Standard 1547 On-site domestic wastewater management (AS/NZS 1547), in winter conditions, is required to be prepared to the satisfaction of the Shire of Serpentine Jarrahdale and provided at subdivision stage.'
5. Include a new provision which states: 'A Bushfire Management Plan is required to be provided at subdivision stage.'
6. Include a new provision which states: 'A Landscape Management and Revegetation Plan that describes retention, replacement and additional planting for the various purposes of nutrient retention, waterlogging reduction, windbreak and biodiversity support is required at subdivision stage.'
7. Include a new provision which states: 'A Section 70A Notification will be required to be placed on the title of all lots to notify prospective purchasers of potential noise and odour impacts associated with the operating piggery at 567 Utlely Road, Hopeland.'
8. Delete the following text: '*The proposed lots are nominally 2 hectare lots (2.0 ha) which is larger than the minimum 2,000m² requirement for onsite sewerage disposal in accordance with the Government Sewerage Policy (2019).*'



9. Amend the structure plan map to reflect the revised road layout and revised lot boundaries as shown in Figure 3.
10. Amend the structure plan to include an emergency access way / fire service access route (FSAR) / bridle trail along the eastern boundary of the structure plan area between Wattle Road and Utley Road.
11. Amend the Local Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation and the Shire of Serpentine Jarrahdale.
12. Replace the Bushfire Management Plan with the version dated March 2021.
13. Amend to require the upgrade of Wattle Road and Utley Road to a local rural road standard in accordance with the Western Australian Planning Commission (WAPC) and Institute of Public Works Engineering Australia (IPWEA) Local Government Guidelines for Subdivisional Development, with consideration of native vegetation retention.
14. Amend to require local area traffic management devices, such as blister islands, to be implemented on the approach to the intersection of Wattle Road and Windmill Avenue.

Options and Implications

Option1

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES the Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine Local Structure Plan subject to modifications as contained within **attachment 3**.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) a list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

Option 2

That Council:

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



2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission NOT APPROVE the Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine Local Structure Plan.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) a list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;
 - d) the local government's assessment of the proposal based on appropriate planning principles; and
 - e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

Option 1 is recommended.

Conclusion

The Proposed Structure Plan covers approximately 91.30 hectares of land zoned Special Rural and is estimated to yield 39 lots, with a minimum lot size of 2ha. Key concerns raised during the advertising period included water management, bushfire management and the road network and access. Modifications are recommended to address these concerns, and provide a positive planning basis in which to recommend support for approval of the Proposed Structure Plan.

Attachments (available under separate cover)

- **10.1.9 - attachment 1** – Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine Local Structure Plan – As Advertised (IN21/7431)
- **10.1.9 - attachment 2** – Schedule of Submissions (E20/14248)
- **10.1.9 - attachment 3** – Schedule of Modifications (E21/3092)
- **10.1.9 - attachment 4** – Updated Bushfire Management Plan dated March 2021 (IN21/8099)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

There are no direct financial implications relating to this matter.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>That Council approve the Structure Plan with modifications.</i>	<i>There are no risks associated with this option.</i>					
2	<i>That Council recommends refusal of the Proposed Structure Plan.</i>	<i>Appropriate planning reasons to recommended refusal</i>	Social / Community Outcomes	Possible	Moderate	MODERATE	Accept officer recommendation

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVES the Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine Local Structure Plan subject to modifications as contained within attachment 3.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES a report to the Western Australian Planning Commission, which includes the following:
 - a) a list of the submissions considered by the local government;
 - b) any comments by the local government in respect of those submissions;
 - c) a schedule of any proposed modifications to address issues raised in the submissions;



Continued

Ordinary Council Meeting Agenda

Monday, 19 April 2021

- d) the local government's assessment of the proposal based on appropriate planning principles; and
- e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.



10.1.10 – Local Planning Policy 4.21: Rural Short Stay Accommodation (SJ2541)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Proponent:	Shire of Serpentine Jarrahdale
Owner:	Various
Lot Area:	Various
Town Planning Scheme No. 2 Zoning:	Various rural zones
Metropolitan Region Scheme Zoning:	Rural

Report Purpose

The purpose of the report is for Council to consider the submissions that were made regarding Draft Local Planning Policy 4.21 (LPP 4.21) following the advertising process of the policy. LPP 4.21 is intended to facilitate the effective planning and development of appropriately scaled tourism accommodation within varying rural areas of the Shire. It seeks to assist applicants who are interested in pursuing rural tourism accommodation, through defining relevant criteria pertaining to location, design and ongoing management and the exercise of planning discretion in this regard.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 16 November 2020 - OCM367//20 - COUNCIL RESOLUTION / Officer Recommendation</i>
<i>That Council ADOPTS the Proposed Local Planning Policy 4.2.1 (Rural Short Stay Accommodation) as contained within attachment 1 for the purposes of advertising, and proceeds to advertise the Proposed Policy in accordance with Deemed Provision 4(1) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.</i>

Background

In accordance with Deemed Provision Clause 3(1) of the Scheme, *“The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.”*

With the recent adoption of the Shire’s new Local Planning Strategy and Local Planning Scheme, there is a strategic emphasis placed upon promoting and facilitating tourism, especially rural and



nature based tourism, in order to grow and continue to diversify the Shire's economy. The future tourism opportunities within the Shire will be diverse and Local Planning Policy 4.21 will assist to guide the planning and development assessment of tourism proposals, which pertain to rural tourism experiences. This includes the likes of chalets, nature based camping experiences and farm stays.

New tourism development will reflect the Shire's Local Planning Strategy and Local Planning Scheme, with additional guidance and assistance provided through LPP 4.21. The provisions of LPP 4.21 are specific to rural based tourism and are aimed at guiding the exercise of discretion to ensure developments protect and enhance character and amenity.

Council resolved to advertise the Draft Local Planning Policy 4.21 for Rural Short Stay Accommodation at the Ordinary Council Meeting on 16 November 2020. This was done so in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Community / Stakeholder Consultation

Planning and Development (Local Planning Schemes) Regulations 2015 states that "the period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published"

It is also specified "that the local government must –

- (a) review the proposed policy in the light of any submissions made; and
- (b) resolve to-
 - (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy".

Shire officers used several methods as part of the community engagement process. The Shire's new engagement platform – "Your Say SJ" was used, along with public notices featured in the Examiner Newspaper. A draft copy local planning policy was also located at the Shire offices which was able to be viewed by members of the public. The engagement period remained open until 5 February 2021.

A total of four submissions were made regarding LPP 4.21 including two residents from Jarrahdale, one from Serpentine and one from Karrakup. The four submissions were generally supportive of the proposal and posed specific questions about how the policy would be applied in practice. The key issues raised by submissions were as follows:

1. Being able to access prelodgement meetings to discussion ideas – The process of prelodgement is promoted on the Shire's website and development application information. Prelodgement is proving very successful in guiding early design considerations.
2. Will the policy apply to rural residential type areas – the policy will apply to predominantly larger rural zoned land, given holiday accommodation is listed as a discretionary use in the Rural zone. The policy is also being prepared with a view towards the new Local Planning Scheme No. 3, which provides a broader range of zones where tourism type developments may be possible. This includes holiday accommodation, holiday house and tourist development. The policy importantly sets criteria for the basis of important elements of land capability including scale and amenity impacts.



3. Will further infrastructure be developed to support tourists visiting the Shire – This policy is about the regulation of development on private land. In terms of infrastructure upgrades that the Shire delivers, these are aligned to the suite of strategic documents and advocacy programs that the Shire undertakes, reflective of the Strategic Community Plan and Corporate Business Plan. Both these documents are developed in close collaboration with the community.

After the specified submission period, Shire officers also gave a brief presentation to the Shire's Equine Advisory Group on 4 March 2021. The presentation included a PowerPoint that covered the types and scale of rural accommodation that is possible, as well as the possibility of incorporating accommodation options within equine and rural properties.

While there was discussion and questions regarding the LPP at the Equine Advisory Group meeting, there were no major issues or objections raised. However, it was requested that Shire officers make minor additions to the policy to outline that equine based activities are included in the finalised policy. Overall, the Equine Advisory Group was supportive of the policy.

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 (SPP 2.5).

Local Planning Framework

- Local Planning Policy 2.4: Water Sensitive Urban Design;
- Local Planning Policy 4.1: Ancillary Dwelling;
- Local Planning Policy 4.3: Landscape Protection;
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.

Shire Policies and Strategies

- Shire of Serpentine Jarrahdale Local Planning Strategy;
- Shire of Serpentine Jarrahdale Local Planning Scheme;
- Shire of Serpentine Jarrahdale Tourism Strategy;
- Shire of Serpentine Jarrahdale Strategic Community Plan.

Planning Assessment

Preferred Development

The Draft LPP provides that the Shire of Serpentine Jarrahdale supports development that:

- Provides some on site activity or feature that is of interest to tourists;
- Is designed in harmony with existing environment, buildings and character;
- Provides a nature based tourism experience;



- Is associated with an existing tourism operation such as trails or other facilities;
- If a caravan park or camping ground, is situated preferably within proximity of tourism nodes;
- Identifies new activities to attract visitors which offer a point of difference to distinguish the Shire within the region; and
- Protects and enhances the character and heritage within the Serpentine and Jarrahdale townsites to attract visitors.

Additionally, the Shire of Serpentine Jarrahdale will seek to avoid development that:

- Involves a major disturbance to the natural landscape and environment; and
- Is not in a reasonable proximity to a township or tourist node.

Tourism Strategy

The Shire's Tourism Strategy notes the advantage that the Shire has in regards to tourism potential. The Shire enjoys a unique natural landscape that is accessible by the major population centre of the State, as well as by interstate and international tourists. One of the key findings listed within the Tourism Strategy recognised that the availability of appropriate tourist accommodation in the Shire is critical to the development of short stay tourism. An audit of tourism product that was conducted for the Shire's Tourism Strategy identified the limited designated tourism accommodation. LPP 4.21 will work towards alleviating this current limitation by facilitating tourism accommodation where appropriate.

Draft Local Planning Scheme No. 3

At the Special Council Meeting in June 2020, Council supported the Draft Local Planning Scheme No. 3 (LPS3). Council considered the submissions received and supported LPS3 requiring some changes to be made as per the Table of Modifications included in the report.

The documents have since been provided to the Western Australian Planning Commission for their consideration.

LPS3 aims to "support the growth of the local economy to attract business, investment and tourism and generate local employment opportunities". Providing tourism accommodation will in turn result in economic and employment opportunities.

Local Planning Strategy

As per 5.3 in the Shire's Local Planning Strategy, one of the key objectives is to "enable tourism growth and diversification through land use planning mechanisms." The Shire's Local Planning Strategy also includes the following strategies and actions:

- Protect and enhance the character and heritage within the Serpentine and Jarrahdale townsites to attract visitors;
- Facilitate a range of accommodation services within the Shire to encourage tourism. Encourage the development of tourism precincts which co-locate tourism activities, accommodation and access to transport connections;
- Allow holiday accommodation land uses to be considered under LPS3 within both the Serpentine and Jarrahdale Heritage/Tourism Precincts; and
- Include a special use zone within LPS3 to provide appropriate land use and development provisions for Jarrahdale to allow the development of tourism uses.



The Shire's Local Planning Strategy recognised the tourism potential in the following areas:

- Jarrahdale townsite and surrounding area;
- Serpentine historical precinct;
- Improved access to sites and day use facilities including picnic facilities and bushwalking tracks;
- Provision of information for tourists, accommodation, entertainment and food outlets; and
- Opportunities for the establishment of craft communities and holiday chalets.

Additionally, the Local Planning Strategy states that "Peri-urban tourism as an important economic opportunity for the Shire. The Shire's abundant natural assets, together with equine related tourism, is likely to boost demand." The Shire's strategic documentation require tourism development and accommodation to be prioritised. LPP 4.21 will allow the Shire to develop as a tourism location and provide tourism accommodation in the key locations previously mentioned. Developments will also create links between tourist attractions, town centres and create a range of economic opportunities. The policy sets out a framework for helping guide applicants to understand what represents an appropriate level of scale, intensity, landscape and development response. These include the following sample provisions:

Acceptable Development	Performance based
Location/Siting	
Short stay accommodation that provides on-site tourism activities or within 500m of a townsite.	Short stay accommodation that is in close proximity to tourism activities or provides access to such activities offsite.
Development located 50m from any highway, important regional road, or nominated tourist road.	Development located so as to not appear visually intrusive within the streetscape. Development location so as to not be adversely impacted upon by traffic noise. Located to avoid the clearing of trees.
Development located 100m from any lot boundary.	Development that would not impact on the visual amenity of surrounding landowners. Development that would not adversely impact on the residential amenity of surrounding landowners. Located to avoid the clearing of trees.
Development is associated with rural uses i.e. farm stay type development and will not result in land use conflict or adversely impact on rural uses or the ability for the site to be used for rural uses in the future.	Development is separated from any rural uses occurring on the site so as to ensure there is no conflict between the two uses.
Development on land that is not designated as high quality agricultural land.	Development demonstrates that it does not impact on the existing or future use of any of the high quality agricultural land for agricultural activities.
Scale	



Acceptable Development	Performance based
Lot size is a minimum of 10ha	Development on the lot by way of its location would not impact on the rural character or amenity of the locality or that of surrounding landowners.
Chalets/cabins should not be developed at a greater density than 1 chalet per 2 hectares of site, and should be made up of a minimum of two accommodation units.	Clustered development of chalets/cabins that do not adversely impact on rural character or appear as residential development of a density beyond what could otherwise be considered in the area.
Where there is an existing rural use occurring on the same site, short stay accommodation must be of a scale subservient to the rural use.	Where there is an existing rural use occurring on the same site, short stay accommodation must be demonstrated as having a direct benefit to the existing rural use.
Caravan parks and camping grounds should not comprise of more than five sites per hectare of land.	Caravan parks and camping grounds designed with a layout that maintains a nature based character
Design	
Development is constructed of natural materials (does not include caravans or camping grounds unless new buildings are proposed).	Development is of contemporary design and includes elements of natural materials to elevate the rural landscape. Development that is in keeping with the surrounding landscape and character of the locality. Development does not mimic residential urban form.
Development designed to have outdoor areas for each unit.	Development with communal outdoor areas.
Services	
The first 20m of an access road bitumised.	The scale of the development is such that traffic generation would not result in an undue level of dust or impact upon the road surface.
Suitable toilets and handwashing facilities must be made readily available to the development.	Approved wastewater disposal system and amenities to be installed subject to the requirements of the Shire of Serpentine Jarrahdale.
Potable water supply.	Clean water supply (dams will generally not be supported for this purpose).
Management	
24-hour on-site management.	Adequate management plans should be put in place to ensure that onsite owners and managers of facilities are easily contactable, so that they can respond to issues that may arise at the premises immediately.



Options and ImplicationsOption 1

That Council APPROVES the Proposed Local Planning Policy 4.21 (Rural Short Stay Accommodation) as contained within **attachment 5** in accordance with Deemed Provision 4(1) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Option 2

That Council APPROVES the Proposed Local Planning Policy 4.21 (Rural Short Stay Accommodation) with amendments.

Option 3

That Council DOES NOT APPROVE the proposed Local Planning Policy 4.21 - Rural Short Stay Accommodation.

Option 1 is recommended.

Conclusion

Following the advertising of Local Planning Policy 4.21 and the presentation and discussion around the policy at an Equine Advisory Group meeting, there were some minor changes made to the draft Local Planning Policy. Importantly, majority of feedback received was supportive of the policy. The adoption of Local Planning Policy 4.21 would not only benefit Shire residents looking to offer a rural tourism experience but will also work towards the improving tourism facilities within the Shire as well as the diversification of the Shire's local economy.

Attachments (available under separate cover)

- **10.1.10 - attachment 1** – Local Planning Policy 4.21 – Rural Short Stay Accommodation (As advertised) (E20/8590)
- **10.1.10 - attachment 2** - Local Planning Policy 4.21 – Rural Short Stay Accommodation – Community Engagement Survey Responses (E21/1347)
- **10.1.10 – attachment 3** – Local Planning Policy 4.21 – Rural Short Stay Accommodation – Summary of Submissions (E20/13810)
- **10.1.10 – attachment 4** – Local Planning Policy 4.21 – Rural Short Stay Accommodation – Equine Advisory Group Meeting – Presentation to Equine Advisory Group – 4 March 2021 (IN21/6474)
- **10.1.10 – attachment 5** – Revised Local Planning Policy 4.21 – Rural Short Stay Accommodation (As revised in response to submissions) (E21/3626)

Alignment with our Strategic Community Plan

Outcome 2.3	A productive rural environment
Strategy 2.3.1	Identify and promote rural and agriculture industry opportunities
Outcome 3.1	A commercially diverse and prosperous economy



Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequen	Risk Rating	
1	There are no major risks with this option.						
2	If endorsed with its other amendments, there is a risk that this would result in a local planning policy being endorsed that is not consistent with the local planning policy that was advertised to the public.	Planning framework	Organisational Performance	Possible	Moderate	MODERATE	Ensure robust reasoning for further amendments.
3	If Council does not endorse the Local Planning Policy 4.21, ad hoc development may occur	Planning framework	Environment / Heritage	Unlikely	Moderate	MODERATE	Adopting Local Planning Policy 4.21 will mitigate the risk of ad hoc development of rural short stay accommodation.



Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the Proposed Local Planning Policy 4.21 (Rural Short Stay Accommodation) as contained within attachment 5 in accordance with Deemed Provision 4(1) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.



10.1.11 - Proposed Byford Activity Centre, Metronet and Civic Precinct Master Plan Alliance (SJ2633)	
Responsible Officer:	Director Development Services
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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Report Purpose

This report is presented to Council to consider proceeding with a one (1) day forum among stakeholders who have a key role in delivering the Byford Activity Centre, Metronet and Civic Precinct. The intent of this forum is to undertake a first stage examination, of how stakeholders and the community may be brought together to undertake a collaborative and public process, to arrive at a master plan that coordinates delivery of the future Byford Activity Centre, Metronet and Shire's Civic Precinct. This includes a key objective of establishing the finer grain detail of integration of the town centre on both sides of the existing rail, informed by the ultimate Metronet design (at grade vs elevated rail, with the latter being the Shire's preferred option).

Such a master plan, would potentially form the avenue to the next level of detail to support the adopted Byford Town Centre Structure Plan, which is a spatial form based plan as follows:

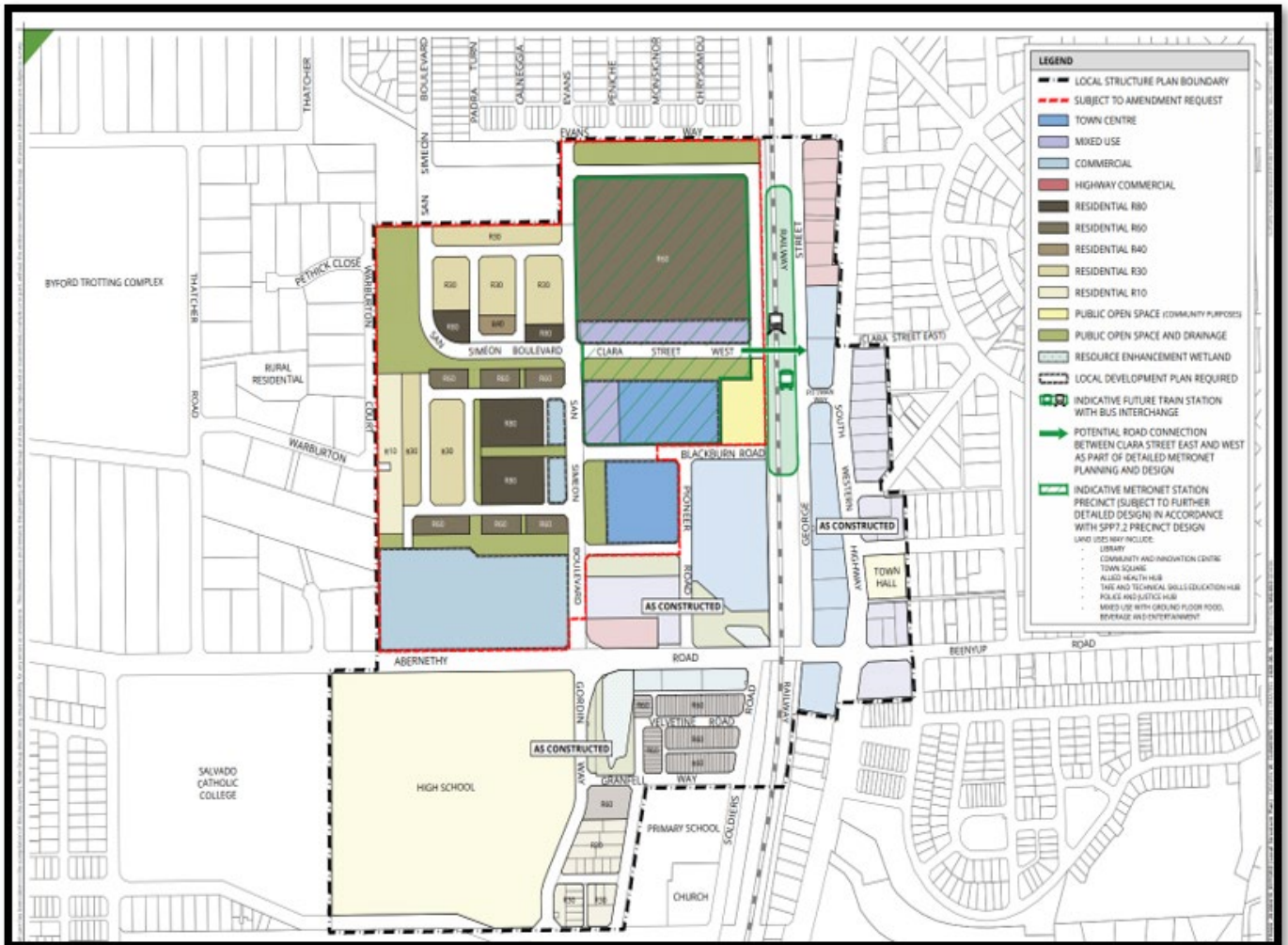


Figure 1 - Byford Town Centre Structure Plan

The one (1) day forum is an initial *testing* of the appetite and commitment of stakeholders to a potential *future* process and model in order to prepare such a master plan. It is a first step, recommended to be led by a suitably qualified independent consultant, to report back to council with recommendations on what any future steps, processes or otherwise, should be.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 December 2018 - OCM147/12/18

COUNCIL RESOLUTION / Amended Officer Recommendation:

That Council:

1. Pursuant to Schedule 2, Part 4, Clause 17 of the Planning and Development (Local Planning Schemes) Regulations 2015 deems the Byford District Structure Plan 2018 to be compliant with clause 16(1) and deems it satisfactory for advertising in terms of clause 18 of the Regulations.
2. Pursuant to Part 5, Division 2, Clause 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 deems Scheme Amendment 208 to be a Complex scheme amendment in terms of clause 35(1) and deems it satisfactory for advertising.



3. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended) and regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed to advertise Scheme Amendment 208 Byford Development Contribution Scheme to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
4. Requests that the Western Australian Planning Commission allow the Byford District Structure Plan 2018 to be advertised for a period exceeding the maximum prescribed, to allow it to be advertised alongside Scheme Amendment 208.
5. Adopt the Draft Byford Development Contribution Plan No. 5 as per in attachment OCM147.4/12/18 for the purposes of advertising for a period of 30 days and presented back to Council for the Ordinary Council Meeting in February 2019.

Ordinary Council Meeting – 17 August 2020 - OCM251/08/20

COUNCIL RESOLUTION

That Council:

1. Pursuant to Part 5 Schedule 2 Clause 19 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, ENDORSES the schedule of submissions and comments contained within attachment 2.
2. Pursuant to Part 5 Schedule 2 Clause 20 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission that the proposed Byford Town Centre Local Structure Plan amendment be APPROVED subject to modifications as outlined in the Schedule of Modifications contained within attachment 3 (subject to modification 1, 5 and 11 DELETING the 'Service Station' use class, and ADDING the new use class of 'Restaurant'), and forward to the Western Australian Planning Commission the following once modifications and actions (prior to referral) have been completed:
 - a. A list of the submissions considered by the local government, as outlined within the Schedule of Submissions contained in attachment 1;
 - b. Any comments by the local government in respect of those submissions, as outlined within the Schedule of Submissions contained in attachment 1;
 - c. A schedule of any proposed modifications, as outlined in the Schedule of Modifications contained within attachment 3;
 - d. The local government's assessment of the proposal based on appropriate planning principles, as contained within this Council report;
 - e. A recommendation by the local government to approve the proposed local structure plan, subject to modifications, as contained within this Council resolution.

Background

The updated Byford Town Centre Structure Plan provides the spatial and structural planning for the Byford Activity Centre. This deals with an activity centre which is integrated across both sides of the existing rail infrastructure, and which extends to include key civic and educational uses. The Structure Plan provides for layout and land use designations that promote a mix of primary uses which aim to deliver a vibrant, attractive and safe experience for users throughout the day.



This plan was adopted by Council at the August 2020 OCM. As revealed earlier in this report, the plan is broader in nature and while supported by local planning policies relating to public realm and building guidelines, it doesn't deliver the full finer grain detail for how individual uses and their buildings will be arranged, or how full integration of the town centre on both sides of the rail will be achieved. It doesn't deal with staging, nor with activation or place creation which are equally central components to success for a centre.

These supporting detailed arrangements are considered important to achieving the intended positive relationship between each use and the adjoining public spaces, and the momentum needed in seeding activity, in order to support a vibrant, connected and safe activity centre for Byford and the broader Shire. Ensuring the current extent of town centre development is fully connected and integrated, is also central to the objectives set for a broader connected Byford community.

There are a range of committed future developments for the activity centre in the short term, including:

- Metronet station and associated station plaza;
- Byford nature play splash park;
- Expansion to Byford Secondary College;
- Expansion to Salvado Catholic College;
- Byford Health hub.

The Shire also notes that its adopted Community Infrastructure Development Contribution Plan shows longer term (2027 onwards) the future library and multiagency building in the civic precinct within the activity centre. Council has also adopted an advocacy position for a future Byford TAFE, which should also be within the activity centre.

Private developers own extensive land in the activity centre which will be further developed, while existing small, medium and large business enterprises operate across both the eastern and western sides of the future station precinct within the heart of the activity centre.

In essence, there are diverse partners all contributing to the current and future success of an activity centre. There is an engaged and important residential and business community, who also shape this activity centre environment. Whereas a structure plan is easily implementable where timing and pressure on simultaneous development is at least moderate, in the case of Byford Activity Centre, timing and pressure is very fast, if not rapid. Decisions will need to be made in very quick succession, infrastructure will be rapidly delivered, and pressure for activation and connection will be significant.

This tremendous opportunity is equally a risk, that needs consideration of how best to be managed and coordinated.

Community / Stakeholder Consultation

The adopted Byford Town Centre Structure Plan was subject to community consultation in accordance with the requirements of the Scheme. The purpose of this report is to propose an initial step of a one (1) day forum, undertaken by a suitably qualified private consultant, to bring together the various stakeholders and community leaders to deliberate on what future steps may be needed to set the master plan framework in place to deliver the structure plan outcome.

This could be via an alliance or other similar process, but importantly clarity to this question is what an initial one (1) day forum seeks to explore.



Statutory Environment

Legislative

- *Local Government Act 1995*

Policy

- Design WA suite of planning policy documents
- 2020 Byford District Structure Plan
- Byford Town Centre Structure Plan

Planning Report

To achieve the vision for a vibrant and integrated activity centre which has many partners delivering committed development at the same time, it is considered that a negotiated and customised approach for master planning is likely needed. With involvement and collaboration between community, key stakeholders and government, it is seen as a next level of coordination and detail where an activity centre is faced with a rapid emergence from simultaneous development forms taking place. This is most certainly what the Byford Activity Centre is potentially facing.

Often the process of moving between the structure set through an adopted structure plan, to the physical design and development forms, can benefit from a closer level of design guidance than what a structure plan or local planning policies can provide. This is also important when broader imperatives around integration across borders (like rail) needs to occur, so that both parts of a precinct can equally connect and build off the success of each other. In this case, the rail border will be a central piece of infrastructure that is connected with and integrated across, whether at grade or elevated as rail (with the latter being the Shire preferred option).

Not all structure plans need this next level of detail, nor is it necessary a question that can be answered by a single stakeholder (like a local government). It is a question that needs further exploration, to determine if it is a necessary next step and if stakeholders are truly committed (both financially and resource wise) to helping create and contribute to. That is, it is not simply for the local government to fund and deliver.

Why a master plan may be needed for Byford Activity Centre

Having an adopted master plan that helps to define the expected layout, interrelationship, land uses and cross mixed diversity for an activity centre sets such up for success. This enables community and stakeholders to inform closer levels of detail, in collaborative ways, that set the foreground experience of street and public spaces to define a successful place.

Byford is set to receive a transformative passenger rail extension and station building, a station plaza and bus interchange, a civic hub to accommodate the Shire's ultimate lifelong learning centre, a \$30m health hub, a new nature play space plus TAFE facility. All of these are provided for in an adopted structure plan, that creates a logical urban, movement and green space structure. This structure ultimately supports arrival to the Byford Activity Centre.

But the Activity Centre will also need to be coupled with the broad range of jobs, services, facilities and amenities which can support a Byford settlement of 40,000 residents by 2040. An alliance based approach to defining the next level of design for Byford Activity Centre, is a question that needs exploring at this stage. This particularly recognises already developed components of the activity centre exist, which need not only protection but connection through what is the current border / barrier running through the middle of the activity centre area.



Officers aren't definitely saying this needs to occur, rather officers recommend Council consider an initial process (in the form of a one [1] day forum) to explore with stakeholders and community the idea of what next level of detail *may* be needed, and to report back to council on a recommendation on how to proceed forward (if that is the case).

The community appears to echo this kind of approach for collaboration and engagement in design. For example, in shaping the SJ2050 Strategic Plan, the community has aspired for:

- **Inclusion:** Decision making and the implementation of solutions within the shire will be done in a way that ensures all of the shire's residents have an opportunity to participate in the process, implementation and evaluation.
- **Integration:** It is critical that future planning provide for the lifecycle of its local community integrating a diversity of housing, access to public transport, cycleways, walkways and public open space to ensure healthy, active and vibrant future.
- **Connection:** The shire will work to connect with the Perth and Peel on a regional scale while ensuring local and personal connection are facilitated through better design of our local communities.
- **Equity:** All individuals and groups within the community will have full and equal access to opportunities throughout the shire.
- **Innovation:** Innovation will drive productivity and growth by enabling new and productive ways to value-add goods, services and increase

This visionary statement sets a particular keynote for Byford, especially when the prospect of rapid urbanisation coupled with infrastructure investment across local government, state government and the private sector. While it is true to say that development of the Activity Centre Precinct will occur in accordance with the adopted Structure Plan and local planning policies irrespective of an alliance model to create a master plan, it is the opportunity to really shape how development interrelates and is delivered that will potentially make a Byford Activity Centre truly remarkable and thriving. For this reason, officers consider an initial testing, via a one (1) day forum, the ideas of how a future alliance based approach could be created and fostered to deliver a master plan for the Byford Activity Centre.

To this end, it is recommended that the Council proceed with a Byford Activity Centre forum, which brings together local, state and federal government, agencies, community leaders, business stakeholders etc to test out both the concept and potential commitment to an alliance type approach for Byford Activity Centre. This would need to be run by a suitably qualified consultant with experience and understanding of this kind of initiative, in order to facilitate the forum to test the level of commitment and to formulate a recommendation to Council on what (if any) a next step should be.

Relationship with the Towns Team Movement

Separate to this item, an item is also included on this agenda for Council to consider engaging the Towns Team Movement to scope and create a Towns Team for Byford. This is a further ingredient of activation and improvement that could also benefit the process of considering what (if any) future steps may be for a master plan for the Byford Activity Centre.



Options and ImplicationsOption 1

That Council:

1. ENDORSES the initiative of the Byford Activity Centre forum;
2. REQUEST the CEO to engage a suitably qualified consultant, using up to \$15,000 consultancy funds, to organise and facilitate this forum;
3. APPROVES the budget variation as per below:

Account	Type	Description	Debit	Credit
1000-10100-6230-0000	Increase Expenditure	Consultancy	15,000	
5200-17100-6230-0000	Increase Expenditure	Consultancy		15,000
Reason: Reallocation of consultancy budget to fund undertaking of forum.				

4. SEEKS participation of local, state and federal government representatives, state agency representatives, community leaders, school representatives, business stakeholders and city centre landowners;
5. FOLLOWING the forum, seeks a report back with a recommendation on options.

Option 2

That Council DOES NOT proceed with the forum.

Options 1 is recommended.

Attachments

Nil.

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

In terms of the initial forum, this will incur Shire costs to fund a suitably qualified independent consultant to set up, design and run the forum. This would likely be in the vicinity of a \$15,000 cost, to be met from existing consultancy budgets.



Risk Implications

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

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks with this initial option given it is a first step to test the idea of an alliance model						
2	Not proceeding with an alliance and ad hoc development potentially occurring without community engagement.	Planning framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Staff resources to ensure effective design and delivery of development

Voting Requirements: **Parts 1-2 and 4-5:** Simple Majority
 Part 3: Absolute Majority (s6.8 of the *Local Government Act 1995*)

Officer Recommendation:

That Council:

1. **ENDORSES** the initiative of the Byford Activity Centre forum;
2. **REQUEST** the CEO to engage a suitably qualified consultant, using up to \$15,000 consultancy funds, to organise and facilitate this forum;
3. **APPROVES** the budget variation as per below:

Account	Type	Description	Debit	Credit
1000-10100-6230-0000	Increase Expenditure	Consultancy	15,000	
5200-17100-6230-0000	Increase Expenditure	Consultancy		15,000
Reason: Reallocation of consultancy budget to fund undertaking of forum.				

4. **SEEKS** participation of local, state and federal government representatives, state agency representatives, community leaders, school representatives, business stakeholders and city centre landowners;
5. **FOLLOWING** the forum, seeks a report back with a recommendation on options.



10.2 Infrastructure Services reports

10.2.1 - Award Request for Tender – RFT 01/2021 – Construction of Carpark – Briggs Park, Byford (SJ3466)	
Responsible Officer:	Manager Design
Senior Officer:	Acting 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 01/2021 Construction of Carpark – Briggs Park, Byford and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 July 2020 - OCM219/07/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council

- ENDORSES the following Local Roads and Community Infrastructure Program (LRCI Program) for inclusion in the financial year 2020/21 Capital Works budget.*

*	Road	Suburb	Length (m)	Amount
1	Helen Cr (Between Shelley St to Park Rd) - 2.0 wide path	Byford	45	\$6,750.00
2	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
3	Mary St (Between Beenyup Rd to Corbell Ln)	Byford	65	\$ 12,750.00
4	Butcher St (Between Cockram St to Livesey St) – 2.5m wide path	Mundijong	376	\$ 56,370.00
5	Cockram St (Between Butcher St to Adonis St) - 2.5m wide path	Mundijong	295	\$ 44,250.00



6	<i>Tonkin St (Between Lefroy St to Richardson St)</i>	<i>Serpentine</i>	300	\$40,500.00
7	<i>Wanliss St (Between Munro St to Brady Rd) – 2.5m wide path</i>	<i>Jarrahdale</i>	235	\$ 35,250.00
8	<i>Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path</i>	<i>Jarrahdale</i>	220	\$ 17,860.00
9	<i>Bishop Rd & Taylor Rd Street Lights</i>	<i>Mundijong</i>		\$ 15,000.00
10	<i>Summerfield Rd & Castle Rd Street Lights</i>	<i>Serpentine</i>		\$ 15,000.00
11	<i>Kargotich Rd and Bishop Rd Street Lights</i>	<i>Mundijong</i>		\$ 20,000.00
12	<i>Briggs Park Recreation Precinct Car Park Stage 1</i>	<i>Byford</i>		\$370,000.00
13	<i>Masters Rd - Traffic speed signs</i>	<i>Darling Downs</i>		\$ 15,000.00
				\$673,030.00

2. *AUTHORISES the Chief Executive Officer sign the Grant Agreement as contained within attachment 5 and any associated documentation in relation to the Local Roads and Community Infrastructure Program (LRCI Program) grant.*

Background

Briggs Park is a district level sport and recreation facility with a major indoor recreation centre, two ovals, changeroom block and pavilion buildings, cricket nets, baseball back nets, regional BMX track, modular skatepark and variety of associated buildings and infrastructure. Briggs Park Recreation Precinct masterplan identified that considerable upgrade and development of the precinct and its facilities are required to meet the needs of the existing groups and the projected additional demand from a growing population. In order to meet the parking demand, the location behind the building has been identified as a potential location to build a formalised car park.



Figure 1 - Location Map

On 22 May 2020 the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program). The Shire of Serpentine Jarrahdale has been successful with a funding allocation of \$673,030.

Officers identified the Briggs Park Recreation Precinct Car Park Stage 1 as a potential project for the LRCI funding and recommended at the Ordinary Council Meeting of 20 July 2020 that the project be adopted by Council for delivery.

Community / Stakeholder Consultation

Comprehensive consultation was undertaken with residents, user groups, State Government agencies, State sporting associations and government departments in the development of the Masterplan. Since that time, community perception surveys, user group meetings, the Community Infrastructure and Public Open Space Strategy and the current Strategic Community Plan review process have provided further updated information on community needs and resources required.

A project plan included a stakeholder engagement strategy to ensure ongoing liaison with current Briggs Park user groups, Shire staff, Councillors, State sporting associations and government departments during the life of the project.

Prior to commencement of site works, notification shall be made to the public via the Shire's website and Facebook page. In addition, the YMCA as part of the Serpentine Jarrahdale Community Recreation Centre, and adjacent properties will be notified via letter drop.

Submissions

The Request for Tender RFT 01/2021 - Construction of Carpark - Briggs Park, Byford was advertised on Wednesday 24 February 2021 and closed at 2.00pm on Thursday 18 March 2021.



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)

Two (2) 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	Egan Civil Pty Ltd – T/A Castle Civil
2	Estimating Civils Australia Pty Ltd – T/A LuxWorks

Evaluation Panel

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

- Manager Design;
- Project Engineer; and
- Road and Drainage Engineer.

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 / quoters. Each member of the panel assessed the submissions separately.

Evaluation Criteria

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

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



EVALUATION CRITERIA	WEIGHTING
<ul style="list-style-type: none">• Critical assumptions; and• Any additional information.	

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 *Egan Civil Pty Ltd – T/A Castle Civil* 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 *Egan Civil Pty Ltd – T/A Castle Civil* 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

That Council:

1. AWARDS Tender RFT 01/2021 - Construction of Carpark - Briggs Park, Byford to Egan Civil Pty Ltd – T/A Castle Civil to the value of \$ 296,492.87, excluding GST, as contained within **confidential attachment 1**;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 01/2021 - Construction of Carpark - Briggs Park, Byford; and
3. AUTHORISES the Chief Executive Officer to utilise the remaining funds for the landscape improvement works and overhead recovery for Tender RFT 01/2021 - Construction of Carpark - Briggs Park, Byford.

Option 2

That Council NOT AWARD the contract and retender.

Option 3

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

Option 4

That Council REASSESS and appoint an alternative tenderer.

Option 1 is recommended.

Conclusion

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

Therefore, it is recommended that Council support Option 1 and the contract be awarded to Egan Civil Pty Ltd – T/A Castle Civil.

Attachments (available under separate cover)

- **10.2.1 – CONFIDENTIAL attachment 1** – RFT 01/2021 - Construction of Carpark - Briggs Park, Byford – Confidential Evaluation Report (E21/3058)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

The funding for this tender is included in the 2020/2021 Annual Budget to undertake the works

The allocated budget for the work is \$370,000. However, \$17,500 used for the detailed design works and the remaining budget for the civil works are \$352,500. The recommended tender value of \$296,492.87 ex GST is within budget. The remaining funds after completion of works will be used for the landscape works and overhead recovery.



Local Roads and Community Infrastructure Program (LRCI)			
Project	Shire	Australian Government	Total
Briggs Park Recreation Precinct Car Park – Stage 1	Nil	\$370,000	\$370,000

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Recommended Contractor unable to provide works to an acceptable standard.	Procurement and tender evaluation completed as per the Shire procurement policy. Contract Management	Reputation	Unlikely	Moderate	MODERATE	Nil
2	Retender process will cause up to 3 months delay in the construction and project delivery. If particular project is not delivered within the current financial year, Shire would have to return the funding	Nil	Financial	Unlikely	Moderate	MODERATE	Nil
3	Council selecting an applicant contrary to the evaluation report may affect the probity of the procurement process resulting in reputation damage.	Nil	Reputation	Possible	Moderate	MODERATE	Provide justification for selecting the alternative tenderer that is in line with the evaluation criteria



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **AWARDS Tender RFT 01/2021 - Construction of Carpark - Briggs Park, Byford to Egan Civil Pty Ltd – T/A Castle Civil to the value of \$ 296,492.87, excluding GST, as contained within confidential attachment 1;**
2. **AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 01/2021 - Construction of Carpark - Briggs Park, Byford; and**
3. **AUTHORISES the Chief Executive Officer to utilise the remaining funds for the landscape improvement works and overhead recovery for Tender RFT 01/2021 - Construction of Carpark - Briggs Park, Byford.**



10.3 Corporate Services reports

10.3.1 - Confirmation of Payment of Creditors – March 2021 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

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

Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Shire'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 March 2021 to 31 March 2021 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 March 2021 to 31 March 2021 totalling \$3,345,395.34.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 March 2021 to 31 March 2021 totalling \$3,345,395.34.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 March 2021 (E21/3762)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 January 2021 to 28 February 2021 (E21/3756)

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 March 2021 to 31 March 2021 totalled \$3,345,395.34.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>That Council accepts the payments</i>	<i>Provision of sufficient information and records to support the recommendation</i>	Financial	Likely	Insignificant	LOW	
2	<i>That Council does not accept the payments</i>	<i>Provision of sufficient information and records to support the recommendation</i>	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 March 2021 to 31 March 2021, totalling \$3,345,395.34 as attached.

**10.3.2 – Monthly Financial Report – February 2021 (SJ801)**

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

Authority / Discretion

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

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

This report is about the financial position of the Shire as at 28 February 2021.

Relevant Previous Decisions of Council

Special Council Meeting – 27 July 2020 – SCM240/07/20 - COUNCIL RESOLUTION / Officer Recommendation - extract

PART 6 – Material Variances**That Council**

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

Attachment 1 shows the month end position as at the end of February 2021.

The municipal surplus for the month ending 28 February 2021 is \$15,648,606 which is favourable, compared to a budgeted surplus for the same period of \$14,899,252.

Reasons for the variances as per the below table are discussed below.

Description	YTD Budget	28 February 2021 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2020 (revised)	7,990,228	7,990,228	0
Proceeds from sale of assets	110,000	136,455	26,455
Changes to net transfers to and from Reserves	(2,641,856)	(2,885,786)	(243,930)
Loan/Lease principal repayments	(345,000)	(345,222)	(222)
Capital expenditure	(6,889,577)	(6,873,084)	16,493
Capital revenue (cash items)	3,959,513	2,904,159	(1,055,354)
Operating revenue (cash items)	33,775,156	33,538,358	(236,798)
Operating expenditure (cash items)	(21,059,212)	(18,816,502)	2,242,710
	14,899,252	15,648,606	749,354

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 \$625,434 due largely to no DCP administration contributions withdrawn (\$367,574, to be transferred to municipal after the DCP audit is completed) and outstanding bushfire mitigation grants (\$246,750). The reduction in bushfire mitigation grants is offset below by reduced materials and contracts expenditure as works not yet complete.



Fees and Charges

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

Interest Earnings

Unfavourable variance of \$148,037 due primarily to underlying low interest rates on term deposits. This is primarily related to Interest on Reserves, which is offset by a transfer to reserve and does not impact the Shire's surplus or deficit position.

Other Revenue

Favourable variance of \$89,808 primarily due to an LGIS surplus distribution credit of (\$56,300).

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable variance to budget of \$1,456,395 (12.38% YTD).

The following cost centres have recorded the majority of this variance:

- Operations \$840,359;
- Infrastructure services \$104,910.

Based on costs year to date a favourable variance of approximately \$2,000,000 in employee costs is forecast to the end of June 2021, if current trends continue.

Materials and Contracts

Favourable variance of \$833,261 in relation to the timing and provision of services across all programs and business units, the most material of which is community activation (\$309,383). Other significant variances include emergency services, specifically bushfire mitigation as detailed above (\$239,073) and waste services (\$121,852).

Utility Charges

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

Depreciation on Non-Current Assets

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

Interest Expenses

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

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

Favourable variance of \$16,129 reflecting better-than-expected sale proceeds on four vehicles traded to the end of February 2021.

**Other****Capital Expenditure**

Refer to Capital Works Expenditure within the Monthly Financial Report **attachment 1** for further details.

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$1,055,354 represents unearned infrastructure grants recorded as contract liabilities and is directly linked to infrastructure capital expenditure being some \$1,364,436 less than forecast to the end of February 2021.

Proceeds from Disposal of Assets

Favourable variance of \$26,455 due to better-than-expected sale prices for four motor vehicles traded so far.

Repayment of Loans

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

Repayment of Leases

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

Transfers from Cash Backed Reserves (Restricted Assets)

Transfers from reserves have been limited to waste-related items so far with transfers from building, community grants and light vehicles/plant dependent on future purchases.

Options and ImplicationsOption 1

That Council RECEIVES the Monthly Financial Report for February 2021 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for February 2021, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report February 2021 (E21/3642)

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 28 February 2021, the Shire's respective cash position was as follows:

Municipal Fund: \$1,237,567

Trust Fund: \$1,304,222

Risk Implications

Risk has been assessed on the basis of the Officer's Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for October 2020 leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Monthly Financial Report for February 2021 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.



10.3.3 – Receipt of minutes and consideration of decisions from the General Meeting of Electors held on Wednesday, 17 March 2021 (SJ3410)	
Responsible Officer:	Manager Governance
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 enable Council to consider the decisions made at the General Meeting of Electors held on Wednesday, 17 March 2021.

Relevant Previous Decisions of Council

Nil.

Background

The General Meeting of Electors to consider the 2019-20 Annual Report was held on Wednesday, 17 March 2021 at the Shire of Serpentine Jarrahdale Civic Centre at 6 Paterson Street, Mundijong.

The notification of the meeting was published in the Examiner Newspaper on 3 March 2021 and on the Shire's website in accordance with the legislative provisions.

Twenty-seven members of the public attended.

Community / Stakeholder Consultation

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 is normal practice across local governments 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 Council's consideration. These are:

GME073/03/21 GENERAL MEETING OF ELECTORS RESOLUTION

Moved Mr Shaye Mack, seconded Mr Tom Hoyer

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

CARRIED

GME074/03/21 GENERAL MEETING OF ELECTORS RESOLUTION

Moved Mr Shaye Mack, seconded Mrs Lee Bond

To allow for questions from the floor at an Ordinary Council Meeting without prior written notice.

CARRIED

Officer comment is provided on the two motions as per below.

Inquiry into the management of Abernethy Road

This motion supports Council's resolution passed at the Special Council Meeting on Monday, 22 February 2021 to request the Chief Executive Officer to present a report on lessons learnt for the Abernethy Road construction project and a final financial audit report for Separable Portion 4 to the Audit, Risk and Governance Committee upon completion of Separable Portion 4.

Overall, Officers support a post project review. The scope and approach of the proposed inquiry and cost implications will be the subject of a future report to Council.

Allowing questions from the floor at an Ordinary Council Meeting without prior written notice

While Council may wish to support the motion, this motion is not actionable and has no effect as questions from the floor without prior notice are already permitted at Ordinary Council Meetings in accordance with section 5.24 of the *Local Government Act 1995*. Council routinely accepts questions from the floor.

Regulation 7 of the *Local Government (Administration) Regulations 1996* states that

1. Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - by the person presiding at the meeting; or
 - in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2), (3) and (5).
2. The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.



3. Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

The Shire's approach consistent with the Department's guideline, 'Managing Public Question Time' which provides instructions to local governments on the application of Regulation 7.

Options and Implications

Option1

That Council:

1. RECEIVES the minutes of the General Meeting of Electors held on Wednesday 17 March 2021, as shown in **attachment 1**.
2. NOTES that electors passed a resolution (GME070/03/21) that the Annual Report for the Shire of Serpentine Jarrahdale for the year 2019 / 2020 incorporating the 2019 / 2020 Annual Financial Statement and the 2019 / 2020 Auditor's Report be RECEIVED
3. RESOLVES to support the following resolution (GME073/03/21) carried at the Electors Meeting: that on the completion of the project, that the Shire Officers conduct a transparent inquiry into the management of the Abernethy Road upgrade and the budget blowouts, making all findings available to the public at the completion of the upgrade.
4. RESOLVES to support the following resolution (GME074/03/21) carried at the Electors Meeting: to allow for questions from the floor at an Ordinary Council Meeting without prior written notice.
5. REQUESTS that the Chief Executive Officer prepare for Council's consideration a report regarding the scope of the inquiry into the management of the Abernethy Road upgrade.

Option 2

That Council:

1. RECEIVES the minutes of the General Meeting of Electors held on Wednesday 17 March 2021, as shown in **attachment 1**.
2. DOES NOT NOTE that electors passed a resolution (GME07/03/21) that the Annual Report for the Shire of Serpentine Jarrahdale for the year 2019 / 2020 incorporating the 2019 / 2020 Annual Financial Statement and the 2019 / 2020 Auditor's Report be RECEIVED
3. RESOLVES to support the following resolution (GME073/03/21) carried at the Electors Meeting: that on the completion of the project, that the Shire Officers conduct a transparent inquiry into the management of the Abernethy Road upgrade and the budget blowouts, making all findings available to the public at the completion of the upgrade.
4. RESOLVES to support the following resolution (GME074/03/21) carried at the Electors Meeting: to allow for questions from the floor at an Ordinary Council Meeting without prior written notice.
5. REQUESTS that the Chief Executive Officer prepare for Council's consideration a report regarding the scope of the inquiry into the management of the Abernethy Road upgrade.



Option 3

That Council:

1. RECEIVES the minutes of the General Meeting of Electors held on Wednesday 17 March 2021, as shown in **attachment 1**.
2. NOTES that electors passed a resolution (GME07/03/21) that the Annual Report for the Shire of Serpentine Jarrahdale for the year 2019 / 2020 incorporating the 2019 / 2020 Annual Financial Statement and the 2019 / 2020 Auditor's Report be RECEIVED
3. DOES NOT RESOLVE to support the following resolution (GME073/03/21) carried at the Electors Meeting: that on the completion of the project, that the Shire Officers conduct a transparent inquiry into the management of the Abernethy Road upgrade and the budget blowouts, making all findings available to the public at the completion of the upgrade.
4. DOES NOT RESOLVE to support the following resolution (GME074/03/21) carried at the Electors Meeting: to allow for questions from the floor at an Ordinary Council Meeting without prior written notice.

Option 4

That Council

1. RECEIVES the minutes of the General Meeting of Electors held on Wednesday 17 March 2021, as shown in **attachment 1**.
2. DOES NOT NOTE that electors passed a resolution (GME07/03/21) that the Annual Report for the Shire of Serpentine Jarrahdale for the year 2019 / 2020 incorporating the 2019 / 2020 Annual Financial Statement and the 2019 / 2020 Auditor's Report be RECEIVED
3. Does NOT RESOLVE to support the following resolution (GME073/03/21) carried at the Electors Meeting: that on the completion of the project, that the Shire Officers conduct a transparent inquiry into the management of the Abernethy Road upgrade and the budget blowouts, making all findings available to the public at the completion of the upgrade.
4. Does NOT RESOLVE to support the following resolution (GME074/03/21) carried at the Electors Meeting: to allow for questions from the floor at an Ordinary Council Meeting without prior written notice.

Option 1 is recommended.

Conclusion

Under legislation, Council is required to consider all decisions made at an electors' meeting. Officer's support the resolutions made.

Attachments (available under separate cover)

- **10.3.3 – attachment 1** – General Meeting of Electors Minutes – 17 March 2021 (E21/3694)



Alignment with our Strategic Community Plan

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

Financial Implications

There are no immediate financial implications associated with this report.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That the conduct of the inquiry could result in legal action	<i>Confidentiality provisions in the Local Government Act 1995</i>	Financial	Possible	Moderate	MODERATE	A scope of the inquiry will be presented to Council.
2	That the conduct of the inquiry could result in legal action	<i>Confidentiality provisions in the Local Government Act 1995</i>	Financial	Possible	Moderate	MODERATE	A scope of the inquiry will be presented to Council.
3	That Council's non-support for the resolution may impact confidence in the Shire	Nil	Reputation	Likely	Minor	MODERATE	Nil
4	That Council's non-support for the resolution may impact confidence in the Shire	Nil	Reputation	Likely	Minor	MODERATE	Nil



Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. **RECEIVES** the minutes of the General Meeting of Electors held on Wednesday 17 March 2021, as shown in attachment 1.
2. **NOTES** that electors passed a resolution (GME070/03/21) that the Annual Report for the Shire of Serpentine Jarrahdale for the year 2019 / 2020 incorporating the 2019 / 2020 Annual Financial Statement and the 2019 / 2020 Auditor's Report be **RECEIVED**
3. **RESOLVES** to support the following resolution (GME073/03/21) carried at the Electors Meeting: that on the completion of the project, that the Shire Officers conduct a transparent inquiry into the management of the Abernethy Road upgrade and the budget blowouts, making all findings available to the public at the completion of the upgrade.
4. **RESOLVES** to support the following resolution (GME074/03/21) carried at the Electors Meeting: to allow for questions from the floor at an Ordinary Council Meeting without prior written notice.
5. **REQUESTS** that the Chief Executive Officer prepare for Council's consideration a report regarding the scope of the inquiry into the management of the Abernethy Road upgrade.



10.3.4 – Adoption of Councillor, Committee Member and candidate code of conduct (SJ3410)	
Responsible Officer:	Manager Governance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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 adoption of a Councillor, Committee Member and candidate code of conduct, including associated procedures.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 November 2019 – OCM261/11/19

That Council:

- 1. APPROVES that the draft submission to the CEO standards consultation be submitted to the Department of Local Government, Sport and Cultural Industries as contained within attachment 1.*
- 2. APPROVES that the draft submission to the model Code of Conduct consultation be submitted to the Department of Local Government, Sport and Cultural Industries as contained within attachment 2.*

Ordinary Council Meeting – 15 February 2021 - OCM033/02/21

COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. AUTHORISES Director Corporate Services and Manager Governance as the complaint officers under Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021 per the instrument of authorisation contained in attachment 1;*
- 2. APPROVES the form contained in attachment 2 as the complaint form under Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021;*
- 3. REQUESTS the Chief Executive Officer prepare a new procedure for managing code*



of conduct complaints to be presented to a future meeting of Council; and

4. RESOLVES that if complaints made under Regulation 11 are received prior to Council's adoption of a new procedure, that these complaints will be dealt with once a new procedure is adopted in accordance with this new procedure.

Background

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* (the Regulations) commenced. The Regulations repeal and replace the *Local Government (Rules of Conduct) Regulations 1996* and provide a new framework for Councillor behaviour, including a model code of conduct for Councillors, Committee Members and candidates in local government elections.

As part of transitional arrangements, local governments are required to adopt a model code of conduct which has the effect of repealing and replacing the current code. Local governments, including the Shire of Serpentine Jarrahdale, will need to adopt new approaches to managing allegations of breaches of the Code.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	22 March 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Strange, Cr Strautins

Engagement with peer local governments and the Department of Local Government, Sport and Cultural Industries has occurred in the preparation of this report.

Statutory Environment

Section 5.104 of the *Local Government Act 1995* (the Act) states that within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the model code. With the commencement of the Regulations on 3 February 2021, the Shire is required to adopt the model code of conduct by 3 May 2021.

Regulation 12 of the *Local Government (Model Code of Conduct) Regulations 2021* sets out how allegations of breaches of the code are to be dealt with. Under the new legislation, Council is to adjudicate on allegations of breaches and if a breach is found to occur, may prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do one or more of the following —

- (a) engage in mediation;
- (b) undertake counselling;
- (c) undertake training;
- (d) take other action the local government considers appropriate.



An allegation regarding the behaviour of a candidate can only be heard by the local government if the person becomes a Councillor.

Non-completion of an action set out in the plan, is a minor breach of the Act and may be reported to the Local Government Standards Panel.

While the legislation contains natural justice provisions, the legislation does not incorporate an appeal process.

In respect to dismissing alleged breaches when considering the matter, the Council may dismiss the complaint under Regulation 13 if it is satisfied that:

- the behaviour to which the complaint relates occurred at a council or committee meeting; and either:
 - the behaviour was dealt with by the person presiding at the meeting; or
 - the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

Regulation 15 provides that a local government may determine procedures for dealing with complaints to the extent that they do not conflict with the provisions in the legislation.

Comment

Complaints of breaches of the code are required to be dealt with in Regulation 12. Regulation 12 states:

1. After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach, the subject of the complaint has occurred.
2. Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
3. A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
4. If the local government makes a finding that the alleged breach has occurred, the local government may —
 - a) take no further action; or
 - b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
5. When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
6. A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - a) engage in mediation;
 - b) undertake counselling;
 - c) undertake training;
 - d) take other action the local government considers appropriate.
7. If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice



of — (a) its finding and the reasons for its finding; and (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

The effect of Regulation 12 is that Council is required to adjudicate on breaches of the code of conduct and determine sanctions for members.

Options considered but not recommended

Local governments are implementing varying approaches in response within the constraints provided by Regulation 12. In preparing this report, Officers have considered options involving delegation namely:

- delegation to an Officer;
- delegation to a Committee of Council comprised of external members.

Delegation to an Officer is problematic as it would create an approach whereby an employee of Council, the CEO, would make a determination on the conduct of individuals who collectively are responsible for the CEO's performance assessment. This approach is not considered workable and is not recommended. In the event that Council did delegate the power, the delegator may elect not to exercise the delegation which would result in Council still being the decision-maker.

Delegation to a formal Committee of Council established under s5.8 of the Act provides another option. Under s5.9 of the Act a Committee of Council can be established with a membership comprising 'other persons', that is, people who are neither council members nor employees.

While the external committee approach has benefits in providing an independent decision-making body, practically, initial enquiries have identified difficulties in attracting independent members with appropriate experience and expertise that would be willing to participate. Under the Act, Committee Members are not permitted to be paid.

The Shire's current procedure involves the appointment of an external investigator. This option provides considerable independence but can be costly. Each complaint can cost between \$2,500 to \$16,000 to investigate depending on the complexity. While formal code of conduct complaints are not especially common, the expansion of the model code to include candidates and the trend across the sector for greater politicisation of local government means that it is reasonable to assume that the volume of code of conduct complaints received by local governments, including the Shire, will increase. Even if an external investigator was appointed to make a recommendation to Council, under the Act Council would still be required to be the decision-maker as it cannot delegate its power to a person other than an Employee or Committee.

The proposed code

Notwithstanding Officer concerns, a model code of conduct, including procedures for dealing with breaches of the code in accordance with Regulation 12 has been prepared for Council's consideration. The model code of conduct covers Councillors, Committee Members and candidates for local government elections. In accordance with Regulation 15, a complaint about an alleged breach by a candidate cannot be dealt with by the Local Government unless the candidate has been elected as a Councillor.

Any person is able to make a complaint.

In respect to the processing of complaints the draft code proposes:

- Upon receiving a complaint, the complaints officer will provide a response form (shown in attachment 3) to the person to whom the complaint has been received. The purpose of



this form is to enable a person to whom a complaint under the model code has been received to:

- be notified of the allegation;
- provide an opportunity to respond to the allegation in accordance with Regulation 12 of the Regulations; and
- consult with the person in making a plan to address the behaviour in accordance with Regulation 12 of the Regulations (if a breach is found).
- The information provided in this form may be published but personal information such as email addresses and phone numbers shall be redacted. The person to whom the complaint under the model code has been made shall be given 14 days to respond.
- The complaints officer will provide the complaint form and the response form (if completed) as the report to the Council to enable the Council to make a determination under Regulation 12.
- An allegation of an alleged breach must not be disclosed by any person unless it is for the purposes of dealing with the complaint or otherwise in accordance with legislation or this code. In accordance with s5.23(2)(f) the meeting that the matter is to be discussed is to be closed to the public, as it could reasonably be expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.
- Notwithstanding, when Council has found that a breach has occurred, it may under Regulation 29A of the *Local Government (Administration) Regulations 1996*, resolve that the completed complaint form and response form be made available for public inspection by including them as attachments to the minutes of the meeting.
- In accordance with Regulation 14, the complainant may withdraw the complaint by writing to the complaints officer at any time before a finding is made.

Following processing, the matter is proposed to be dealt with by Council, in accordance with Regulation 12. The draft code provides the following guidance for Council:

- The matter shall be dealt with by Council within six months of receipt of the complaint, unless otherwise resolved by Council.
- The matter is not to be discussed at any Councillor briefing session.
- In accordance with section 5.41 of the Act, the notice paper for the meeting is to include the submitted complaint form and the response form (if it is submitted within 14 days of being provided to the complainant). No Officer Recommendation is required.
- In accordance with Regulation 12 of the Regulations, must make a finding as to whether the alleged breach has occurred.
- To consider the matter, a Councillor who is not a party to the complaint (either the complainant or the person alleged to have committed the breach) shall propose one of the following motions:



Motion of dismissal

That Council RESOLVES the alleged breach dated [insert date] related to the conduct of [insert name] be dismissed because the behaviour to which the complaint relates occurred at a council or committee meeting; and either:

- the behaviour was dealt with by the person presiding at the meeting; or
- the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

Motion of that breach not substantiated

That Council RESOLVES the alleged breach dated [insert date] related to the conduct of [insert name] be found to is not substantiated.

Motion of substantiated allegation – no further action

That Council

- 1) RESOLVES that the alleged breach dated [insert date] related to the conduct of [insert name] is substantiated based on the reason that the complaint was properly made and met the relevant elements for determining a breach in accordance with this code and that the local government takes no further action.
- 2) RESOLVES in accordance with Regulation 29A of the *Local Government (Administration) Regulations 1996* that that the completed complaint form and response form be made available for public inspection by including them as attachments to the minutes of the meeting.

Motion of substantiated allegation – with sanction

That Council

- 1) RESOLVES that the alleged breach dated [insert date] related to the conduct of [insert name] is substantiated based on the reason that the complaint was properly made and met the relevant elements for determining a breach in accordance with this code and that the local government having consulted with the person by providing the opportunity presented in the response form, adopts the following requirements as a plan under Regulation 12 of the *Local Government (Model Code of Conduct) Regulations 2021* and requires the person to whom the complaint relates to by [insert date] [select as applicable]:
 - engage in mediation;
 - undertake counselling;
 - undertake training (to be specified);
 - take other action (to be specified).
- 2) RESOLVES in accordance with Regulation 29A of the *Local Government (Administration) Regulations 1996* that that the completed complaint form and



response form be made available for public inspection by including them as attachments to the minutes of the meeting.

To assist Council, the proposed code of conduct prepared by Officers includes elements in determining whether a breach occurred and possible sanctions. The elements draw from the Local Government Standard Panel's elements in determining a breach of the rules of conduct.

In considering the action to take, the Council shall consider:

- the seriousness of the breach;
- the contrition of the person who committed the breach; and/or
- actions taken by the person to address the conduct.

Following Council's resolution on a matter, the parties to the complaint shall be advised of Council's decision.

A register of complaints where a breach has been substantiated by Council and a penalty shall be maintained on the Shire's website.

It is also proposed that minor revisions are made to the complaint form adopted by Council at the February 2021 meeting. It is proposed that the form be revised as shown in attachment 2, to require the complainant to specify the behaviour requirement breached in the code.

Council as an adjudicator

When adjudicating matters related to the Code of Conduct, Councillors are reminded of their obligations under the *Local Government Act 1995* and the *Corruption, Crime and Misconduct Act 2003*.

Councillors are public officers under the *Corruption, Crime and Misconduct Act 2003* and the definition of misconduct in that Act includes:

- a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment;
- a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person;
- a public officer engages in conduct that —
 - adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
 - constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
 - constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
 - involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person.

Likewise, the *Local Government (Constitution) Regulations 1998* requires Councillors taking office to take an oath that they will duly, faithfully, honestly, and with integrity, fulfil the duties of



the office for the people in the district according to the best of their judgment and ability, and will observe the code of conduct adopted by the Local Government. This section has often been cited following the suspension or dismissal of a local government.

What happens if Council does not adopt the code?

Under section 5.104 of the Act, if Council does not adopt a new code of conduct, the model code of conduct as set out in the *Local Government (Model Code of Conduct) Regulations 2021* will still apply. The Shire will be non-compliant with s5.104 of the Act and in the event that Council receives code of conduct complaints, the Complaints Officers authorised by Council at the February 2021 Ordinary Council Meeting will not have a structure to present the complaint to Council nor will Council have an adopted procedure for dealing with the complaint under the new framework.

Options and Implications

Option 1

That Council:

1. ADOPTS the Code of Conduct for Councillors, Committee Members and candidates as shown in **attachment 1**;
2. NOTES that under s5.104 of the *Local Government Act 1995*, the Elected Member Code of Conduct which commenced on 1 November 2018 is no longer in effect as it has been replaced by the model code and REPEALS the former Code;
3. ADOPTS the Code of Conduct Complaint Form as amended in **attachment 2**;
4. ADOPTS the Code of Conduct Response Form as shown in **attachment 3**;
5. RESOLVES that any allegations of breaches of the former Elected Member Code of Conduct received between 3 February 2021 and 19 April 2021 will be presented to Council in accordance with the procedure specified in the Code of Conduct shown in **attachment 1**;
6. REQUESTS that the Chief Executive Officer prepare a report reviewing the Code of Conduct within 12 months for Council's consideration.

Option 2

That Council:

1. DOES NOT ADOPT the Code of Conduct for Councillors, Committee Members and candidates as shown in **attachment 1**;
2. NOTES that under s5.104 of the *Local Government Act 1995*, the Elected Member Code of Conduct which commenced on 1 November 2018 is no longer in effect as it has been replaced by the model code and REPEALS the former Code;
3. DOES NOT ADOPT the Code of Conduct Complaint Form as amended in **attachment 2**;
4. DOES NOT ADOPT the Code of Conduct Response Form as shown in **attachment 3**;

Option 3

That Council:

1. DOES NOT ADOPT the Code of Conduct for Councillors, Committee Members and candidates as shown in **attachment 1**;



2. REQUESTS that the Chief Executive Officer amend the Code of Conduct for Councillors, Committee Members and candidates as shown in attachment 1 to delegate responsibility for dealing with complaints under regulation 12 to the Chief Executive Officer;
3. REQUESTS that the amended Code of Conduct for Councillors, Committee Members and candidates is presented to Council at the May 2021 Ordinary Council Meeting;
4. NOTES that under s5.104 of the *Local Government Act 1995*, the Elected Member Code of Conduct which commenced on 1 November 2018 is no longer in effect as it has been replaced by the model code.

Option 4:

That Council:

1. DOES NOT ADOPT the Code of Conduct for Councillors, Committee Members and candidates as shown in **attachment 1**;
2. REQUESTS that the Chief Executive Officer amend the Code of Conduct for Councillors, Committee Members and candidates as shown in attachment 1 to delegate responsibility for dealing with complaints under regulation 12 to a Committee of Council under s5.8 of the Act comprising other persons (neither council members or employees) as defined in s5.9 of the Act;
3. REQUESTS that the amended Code of Conduct for Councillors, Committee Members and candidates is presented to Council following an expression of interest to participate in a Committee of Council established for that purpose at a subsequent meeting of Council;
4. NOTES that under s5.104 of the *Local Government Act 1995*, the Elected Member Code of Conduct which commenced on 1 November 2018 is no longer in effect as it has been replaced by the model code.

Option 5

That Council

1. DOES NOT ADOPT the Code of Conduct for Councillors, Committee Members and candidates as shown in **attachment 1**;
2. REQUESTS that the Chief Executive Officer amend the Code of Conduct for Councillors, Committee Members and candidates as shown in attachment 1 to the effect that an external investigator is appointed by the Shire to investigate Code of Conduct complaints;
3. REQUESTS that the amended Code of Conduct for Councillors, Committee Members and candidates is presented to Council at the May 2021 Ordinary Council Meeting;
4. NOTES that under s5.104 of the *Local Government Act 1995*, the Elected Member Code of Conduct which commenced on 1 November 2018 is no longer in effect as it has been replaced by the model code.

Option 1 is recommended.

Conclusion

The model code of conduct prepared in response to the legislative amendments provides for a process that is in keeping with the legislative intent and should provide an appropriate approach for dealing with complaints that can be revised by Council into the future.



Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Code of Conduct for Councillors, Committee Members and candidates (E21/3871)
- **10.3.4 - attachment 2** – Code of Conduct Complaint Form (amended) (E21/3872)
- **10.3.4 - attachment 3** – Code of Conduct Response Form (E21/3873)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community

Financial Implications

The proposed approach has been designed with fiscal responsibility in mind. The Shire's existing code of conduct procedures involve the use of an external investigator that can cost between \$2,500 and \$16,000. This expenditure is currently taken from the governance consultancy budget at the expense of other governance projects. The proposed process will not require an external investigator to be appointed.

Council would not be able to require a Councillor to pay for the sanctions it orders. When adopting future budgets, Council may wish to consider allocating funding to be used for this purpose.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>Council as the adjudicator of code of conduct matters presents a range of governance and reputational issues that could impact Council cohesiveness and community confidence.</i>	<i>The procedure provides guidance to Council to adjudicate matters based on evidence and procedural fairness within the legislation and standing orders.</i> <i>Councillors are bound by legislation to ensure that their conduct, including in adjudicating code of conduct matters is appropriate.</i>	Reputation	Possible	Moderate	MODERATE	The code of conduct adopted by Council can be reviewed to ensure that it aligns with best practice approaches in the sector.
2	<i>Council would be non-compliant with s5.104 of the Local Government Act 1995 which could result in loss of reputation and action from the Department.</i>	Nil	Reputation	Unlikely	Moderate	MODERATE	Nil



3	<i>Council would be non-compliant with s5.104 of the Local Government Act 1995 which could result in loss of reputation and action from the Department.</i>	<i>Nil</i>	Reputation	Unlikely	Moderate	MODERATE	Nil
4	<i>Council would be non-compliant with s5.104 of the Local Government Act 1995 which could result in loss of reputation and action from the Department.</i> <i>In the event that Council supports this option, it may not be possible to source external members.</i>	<i>Nil</i>	Reputation	Unlikely	Moderate	MODERATE	Nil
5.	<i>Council would be non-compliant with s5.104 of the Local Government Act 1995 which could result in loss of reputation and action from the Department.</i> <i>In the event that Council supports this option, there may be future financial implications for the Shire associated with funding external investigators.</i>	<i>Nil</i>	Reputation	Unlikely	Moderate	MODERATE	Nil



Voting Requirements: **Absolute Majority** (s5.104 of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. **ADOPTS** the Code of Conduct for Councillors, Committee Members and candidates as shown in attachment 1;
2. **NOTES** that under s5.104 of the *Local Government Act 1995*, the Elected Member Code of Conduct which commenced on 1 November 2018 is no longer in effect as it has been replaced by the model code and **REPEALS** the former Code;
3. **ADOPTS** the Code of Conduct Complaint Form as amended in attachment 2;
4. **ADOPTS** the Code of Conduct Response Form as shown in attachment 3;
5. **RESOLVES** that any allegations of breaches of the former Elected Member Code of Conduct received between 3 February 2021 and 19 April 2021 will be presented to Council in accordance with the procedure specified in the Code of Conduct shown in attachment 1;
6. **REQUESTS** that the Chief Executive Officer prepare a report reviewing the Code of Conduct within 12 months for Council's consideration.



10.3.5 – Request to execute documents associated with land transfer for Lot 19 on Strata Plan 14911 (SJ3410)	
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 enable Council to consider approving the Shire President and Chief Executive Officer execute documentation related to the land transfer for Lot 19 on Strata Plan 14911 by the Shire's common seal to give effect to the decision of the Supreme Court of Western Australia on 27 November 2020.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 September 2020 – OCM299/09/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *AUTHORISES the Chief Executive Officer to execute the Deed of Release from the Strata Company regarding outstanding liabilities in relation to (Lot 19).1256 Rowley Road, Darling Downs, and*
2. *AUTHORISES the Shire to proceed with legal proceedings through the court, to have the property at (Lot 19) 1256 Rowley Road, Darling Downs vested with the shire, and*
3. *AUTHORISES the Shire to proceed with the sale of (Lot 19) 1256 Rowley Road, Darling Downs subject to 1. and 2. which will enable recovery of outstanding rates and charges.*

Background

Following Council's resolution at the 21 September 2020 Ordinary Council Meeting, on 27 November 2020, the Supreme Court ordered pursuant to sub-section 568F(1) of the *Corporations Act 2001* that (Lot 19) 1256 Rowley Road, Darling Downs be transferred to the Shire due to the non-payment of rates for the purpose of the Shire selling the property to recover the outstanding rates and charges (**attachment 2**).

Community / Stakeholder Consultation

Nil.

Statutory Environment

Under section 9.49 of the *Local Government Act 1995*, the common seal of a local government is not to be affixed to any document except as authorised by the local government. Council Policy



1.1.4 – Execution of Documents and Use of the Common Seal requires land transfer documents to be executed by the common seal.

Section 3.58 of the *Local Government Act 1995* deals with disposing of property other than in the following circumstance and states as follows:

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or



- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

Officers do not consider that any of the exemptions as per section 3.58(5) apply.

Under section 3.59 of the *Local Government Act 1995*, entering into a major land transaction triggers public requirements for the advertising and preparation of a business plan associated with the transaction.

For the purposes section 3.59 as it relates to the Shire a major land transaction is one that involves a non-exempt land transaction of greater than \$3.6m. It is not anticipated that the land at (Lot 19).1256 Rowley Road, Darling Downs will approach this threshold.

Comment

To give effect to the intent of Council's previous resolution and the Supreme Court decision, Council's is requested to authorise:

- the Shire President to sign the Statutory Declaration (form B 3) in **attachment 1**; and
- the Shire President and Chief Executive to execute the application for land transfer (form A 5) shown in **attachment 1** by affixing the common seal.

Pending Council's authorisation to take ownership of the land, a further report will be presented to Council to enable consideration of the method of sale in accordance with Section 3.58 of the *Local Government Act 1995* and the Court order.

Options and Implications

Option 1

That Council AUTHORISE the Shire President to sign the Statutory Declaration (form B 3) in **attachment 1**; and the Shire President and Chief Executive Officer to execute the application for land transfer (form A 5) shown in **attachment 1** by affixing the common seal.

Option 2

That Council DOES NOT AUTHORISE the Shire President to sign the Statutory Declaration (form B 3) in **attachment 1**; and the Shire President and Chief Executive Officer to execute the application for land transfer (form A 5) shown in **attachment 1** by affixing the common seal.

Option 1 is recommended.

Conclusion

Council's resolution to authorise the execution of the documents as shown in **attachment 1** will enable the Shire to progress the sale of (Lot 19).1256 Rowley Road, Darling Downs in accordance with Council's resolution of 21 September 2020 and the Supreme Court's decision.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Rowley Road, Darling Downs 1256 – Application to Vest and Supporting Statutory Declaration (IN21/4844)
- **10.3.5 – attachment 2** – Supreme Court Order CIV/2072/2019 (E21/3972)



Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Sale of the property will benefit the Shire by the collection of outstanding rates and charges in relation to the property. Any additional costs associated with the sale of the property and the strata fees will also be recoverable from the sale proceeds. Any excess funds are returned to the Crown in accordance with the court order.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option						
2	Officers would be unable to comply with the Supreme Court decision and Council's resolution	Nil	Organisational Performance	Rare	Moderate	MODERATE	Nil

Voting Requirements: Simple Majority

Officer Recommendation

That Council AUTHORISE the Shire President to sign the Statutory Declaration (form B 3) in attachment 1; and the Shire President and Chief Executive Officer to execute the application for land transfer (form A 5) shown in attachment 1 by affixing the common seal.



10.4 Community and Organisational Development reports

10.4.1 - Community Safety Initiative and establishment of Byford Town Team (SJ3373)	
Responsible Officer:	Deputy CEO / Director Community and Organisational Development Director Development 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 request Council consider providing funding to a community safety education campaign (to be delivered in partnership with the Shire's Neighborhood Watch Groups) and to support the establishment of a Byford Town Team and agree to engage Town Team Movement to facilitate this work.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 February 2021 – OCM035/02/21

That Council DEFERS proceeding with the establishment of a Town Team in the Byford CBD, in order for Officers to investigate and bring a further report back to Council's April 2021 meeting on the viability of instead directly funding existing Neighbourhood Watch groups to address community perception survey feedback relating to hooning and antisocial behaviour.

Background

At the Ordinary Council Meeting held 15 February 2021, Council were asked to consider the establishment of a Byford Town Team and to engage Town Team Movement to undertake the work to establish the Town Team.

Council resolved to defer the item in order for Officers to investigate and bring a further report back to Council's April 2021 meeting on the viability of instead directly funding existing Neighbourhood Watch groups to address community perception survey feedback relating to hooning and antisocial behavior.

This report provides Council with an update of discussions which have occurred with the Shire's Neighbourhood Watch groups, and presents an initiative for Council to consider that is focused on a project that aims to increase community safety by raising awareness of opportunities to record and report antisocial behaviour. This will work in a coordinated manner with the Shire's established Neighbourhood Watch groups, while also supporting the Town Teams project that this report also presents.



Consideration of opportunities to fund activities to increase the reporting of hooning and antisocial behavior

At the Neighbourhood Watch Meeting held on 24 February 2021, Shire Officers facilitated a collaborative discussion between members of the Neighbourhood Watch groups on proposals that could be considered to address awareness raising on the important issue of identifying and reporting antisocial behaviour.

There was good discussion on some of the key behaviours that were a continuing concern for representatives of the community present, with hooning, dangerous driving and antisocial behaviour mentioned. Officers also supported this discussion by providing data from the most recent community safety survey, and the Shire's adopted Community Safety and Crime Prevention Plan, which identified a need to increase community awareness on how to report such behaviours.

Arising out of this came the idea of a targeted campaign that, through passive promotion, could reinforce the messaging of how to report antisocial behaviour through the correct channels. This forms the basis of a recommendation for Council to consider funding, through reducing the proposed budget for the Town Teams initiative and using these to fund this awareness raising initiative.

Importantly, this would support not only community safety and Neighbourhood Watch, but more broadly the initiative that Town Teams also aims for in creating safe, vibrant and attractive neighbourhoods.

Overview of Town Teams

At the centre of every community are public places, the parks, shopping facilities, town squares, verges and other areas where people can gather and socialise, recreate or simply spaces they may pass through every day on the way to and from work, school or the shops.

Placemaking creates opportunity for people to reimagine these spaces, to enhance the usability and amenity of the spaces and allows for opportunities for a greater connection to public places. It allows community to harness social assets, enhance economic development and improve community well-being through use of the public realm.

Council recognised the opportunity to strengthen connections and the wellbeing of the community by including moving to a place making model for Byford and Jarrahdale town centres as a Strategic Operating Project in the Corporate Business Plan 2020-2024.

What is a Town Team?

Town Team Movement describe Town Teams as "...positive and proactive organisations that work collaboratively with their local government to improve their place. Town Teams are focused on building lasting relationships, practical outcomes and positive experiences".

Town Teams consist of volunteers from a range of backgrounds including business owners and community members, who work in partnership with businesses, residents and local governments to provide a range of initiatives within the intention of activating space and improving the usability public areas. The relationships are as shown in image 1 below.



Image 1: Relationship between Town Team and other stakeholders.

Whilst supported in their activities by local governments, Town Teams are a community group formed and operating independent of local government. In general Town Teams become incorporated and are able to access funds through grant funding, and contributions from other sources including businesses and local government.

Town Team Movement

Town Team Movement is a social enterprise that was formed in 2018 and provides support to 55 Town Team across Australia and New Zealand. Town Team Movement also provide services to local governments who wish to support the establishment of Town Teams within their local government area.

Town Team Movement is the only organisation of its kind in Western Australia, undertaking specific work to develop and support Town Teams.

Further information about Town Team Movement and Town Teams can be found in **attachment 1**, with a copy of the presentation that Town Team Movement provided to Council at the PCF in 3 August 2020 included as **attachment 2**. Further information about Town Team Movement and a range of resources regarding Town Teams can be found at the Town Team Movement Website, <https://www.townteammovement.com/>

Town Team Movement provide the following visual as an overview of how the organisation works to develop and support Town Teams.



How We Do It

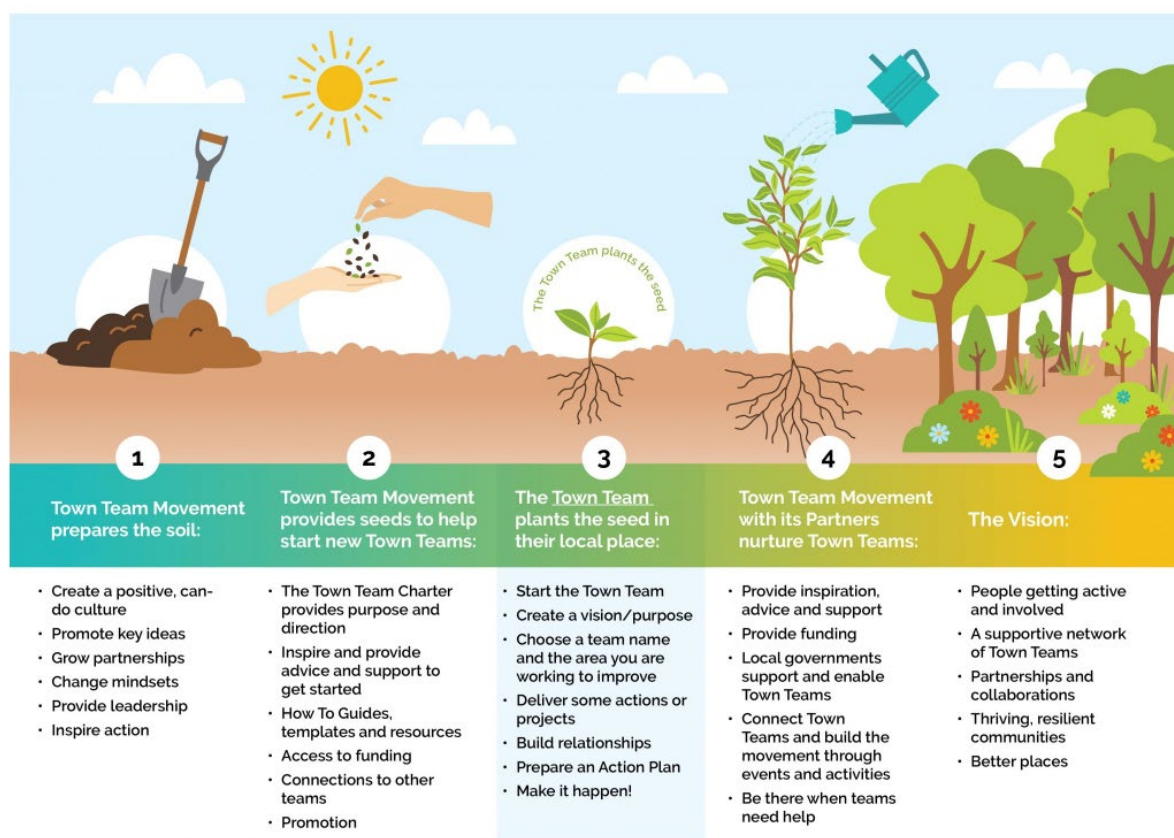


Image 2: Overview of Town Team Movement approach to Town Team development.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	03 August 2020
Councillors Attendance	in Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Officers met with representatives of Business SJ, Peel Chamber of Commerce and Industry and the Peel Chamber of Commerce and Industry – SJ Business sub group, on 29 March 2021 to discuss the concept of a Town Team and viability of the proposal to establish a Town Team for Byford Town Centre. The concept was well received with representatives expressing support for the proposal and the recognising the benefits a Town Team could bring in the activation of the Byford Town Centre and input into the development of the Byford Town Centre.

A Neighbourhood Watch Meeting was held on 24 February 2021, Officers attended to discuss the request from Council.



Statutory Environment

Council Policy 3.2.4 – Purchasing - Procurement of Goods or Services up to \$250,000, makes provision for Sole Source arrangements where the purchasing value is estimated to be over \$5,000.

Comment

Community Safety initiative

Council deferred consideration of this matter at the February 2021 meeting, to enable officers to bring a further report back to Council's April 2021 meeting on the viability of utilising Neighbourhood Watch groups to address community perception survey feedback relating to hooning and antisocial behavior.

In this regard, a Neighbourhood Watch Meeting was held on 24 February 2021, with Shire Officers inviting group members to consider options that could be done, with volunteer resources available, to address emerging issues that were being reported to them.

As mentioned above, there was good discussion on some of the key behaviours that were a continuing concern for representatives of the community present, with hooning, dangerous driving and antisocial behaviour (generally) emphasised. Officers also supported this discussion by providing data from the most recent community safety survey, and the Shire's adopted Community Safety and Crime Prevention Plan, which pointed to evidence that the community wanted additional awareness about how to report such concerning behaviours.

This has created the idea of a targeted campaign that, through passive promotion, aims to reinforce the messaging of how to report antisocial behaviour through the correct channels. This is through funding the design and creation of items that Neighbourhood Watch groups can then distribute to their members to promote awareness raising to reporting behaviours.

This would be through a combination of:

- Creating rear window stickers
- Creating windscreen sunshades

This will cost \$7,000, and its recommended for Council to consider funding this, through reducing the proposed budget for the Town Teams initiative and using these to fund this awareness raising initiative.

These initiatives would seek to:

- Emphasise the importance of "see something, say something".
- Help members of our community quickly discern the correct channel in how to say something on what they see.
- Assist WAPOL in building increased intel to assist in their ongoing targeted proactive policing programs.

This also would support not only community safety and Neighbourhood Watch, but more broadly the initiative that Town Teams also aims for in creating safe, vibrant and attractive neighbourhoods. This report recommends council consider this initiative, but still proceed with the Towns Team initiative.



Town Team

Officers recommend that the establishment of a Town Team in Byford is an important initiative for the activation of the Byford Town Centre, public spaces and businesses and an important opportunity for community lead input into the development of Metronet, public space and the Byford Town Centre.

In the 2020 Community Perceptions Survey the Shire received a Performance Index Score of 42, down from 44 for the response area 'Economic development (what the Shire is doing to attract investors, attract and retain businesses, grow tourism and create more job opportunities)'. The response area 'How Byford Town Centre is being developed' received a Performance Index Score of 48, down from 51 in the previous survey.

The Shire has an opportunity to proactively engage residents and businesses early in the development of the Town Centre to ensure that design and provision is responsive to community and business needs. Officers have identified that a Town Team could play a role in providing input and guidance on behalf of the community into the initiatives and operations of the proposed Byford Activity Centre Alliance.

It is usual to see Town Teams engaged after the creation of town centres, in response to a lack of use, vibrancy and business activity. Council has the opportunity to be proactive in supporting community led design and activation of the Town Centre, as opposed to reactively responding to criticism, poor design outcomes, and lack of business activation in the future.

Officers anticipate that this would be the first stage in the place-based approach to the design and activation of the Byford Town Centre. Future proposals will include employment of a Place Manager for the Byford Town Centre to work with the Town Team, residents, businesses, developers and government agencies in the design, development and activation of the Town Centre, and the development of a place plan to ensure a well planned approach, developed through consultation with community, businesses and stakeholders.

Town Team Movement have provided a proposal including methodology and quotation to provide services to the Shire of Serpentine Jarrahdale and development of a Town Team for the Byford CBD area. This is included as **attachment 3**. Officers have confirmed that the quotation provided remains current.

Additionally, Officers recommend that Council consider an initial financial commitment of \$23,000 to be spent over the first 12-month period to assist the Town Team to become established and have capacity to deliver initiatives. The Town Team will be required to develop a business plan or similar document outlining their proposed activities and expenditure, for consideration by the Chief Executive Officer. When the Chief Executive Officer is satisfied with the group's proposal for the expenditure of the funds, the funds will be provided in a manner that the Chief Executive Officer deems suitable.

Any additional financial support can be considered through the Shire's grants program or annual budget process.

Options and Implications

Option1

That Council:

1. APPROVES an amount of \$17,850 excluding GST from the 2019/2020 Budget Surplus to engage Town Team Movement to establish a Town Team in the Byford CBD as per the proposal contained in **attachment 3**;



2. APPROVES an amount of \$23,000 from the 2019/2020 Budget Surplus to support the activities of the Byford Town Team Movement and APPROVES that the Chief Executive Officer distribute these funds at his discretion;
3. APPROVES an amount of \$7,000 from the 2019/2020 Budget Surplus to fund the creation of items that Neighbourhood Watch groups can distribute to members of the community to encourage the identification and reporting of antisocial behaviour within the Shire of Serpentine Jarrahdale;
4. APPROVES a sole source supply arrangement with Town Team Movement under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000; and
5. APPROVES the following budget amendment:

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
4300-15508-6276	Increase Expenditure	Town Teams – Activation Funding	23,000	
2400-12201-6125	Increase Expenditure	Community safety Neighbourhood Watch initiative	7,000	
		Adjustment to Net Current Assets		47,850
Reason: Funding for Town Teams and Community Safety initiative from 2019-2020 surplus.				

Option 2

That Council:

1. APPROVES an amount of \$17,850 excluding GST from the 2019/2020 Budget Surplus to engage Town Team Movement to establish a Town Team in the Byford CBD as per the proposal contained in **attachment 3**;
2. DOES NOT approve an amount of \$23,000 from the 2019/2020 Budget Surplus to support the activities of the Byford Town Team Movement;
3. APPROVES an amount of \$7,000 from the 2019/2020 Budget Surplus to fund the creation of items that Neighbourhood Watch groups can distribute to members of the community to encourage the identification and reporting of antisocial behaviour within the Shire of Serpentine Jarrahdale;
4. APPROVES a sole source supply arrangement with Town Team Movement under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000; and
5. APPROVES the following budget amendment:

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
2400-12201-6125	Increase Expenditure	Community safety Neighbourhood Watch initiative	7,000	
		Adjustment to Net Current Assets		24,850
Reason: Funding for Town Teams and Community Safety initiative from 2019-2020 surplus.				

Option 3

That Council:

1. CONSIDERS the establishment of a Town Team in the Byford CBD as part of the Corporate Business Plan review process;
2. APPROVES an amount of \$7,000 from the 2019/2020 Budget Surplus to fund the creation of items that Neighbourhood Watch groups can distribute to members of the community to encourage the identification and reporting of antisocial behaviour within the Shire of Serpentine Jarrahdale; and
3. APPROVES the following budget amendment:

Account	Type	Description	Debit	Credit
2400-12201-6125	Increase Expenditure	Community safety Neighbourhood Watch initiative	7,000	
		Adjustment to Net Current Assets		7,000
Reason: Funding for Community Safety initiative from 2019-2020 surplus.				

Option 4

That Council:

1. DOES NOT proceed with the establishment of a Town Team in the Byford CBD;
2. APPROVES an amount of \$7,000 from the 2019/2020 Budget Surplus to fund the creation of items that Neighbourhood Watch groups can distribute to members of the community to encourage the identification and reporting of antisocial behaviour within the Shire of Serpentine Jarrahdale; and
3. APPROVES the following budget amendment:

Account	Type	Description	Debit	Credit
2400-12201-6125	Increase Expenditure	Community safety Neighbourhood Watch initiative	7,000	
		Adjustment to Net Current Assets		7,000
Reason: Funding for Community Safety initiative from 2019-2020 surplus.				

Option 5

That Council DOES NOT proceed with the establishment of a Town Team in the Byford CBD or with the community safety initiative.

Option 1 is recommended.

Conclusion

With the growth of the Byford CBD it is important to support and resource the development of place making activities to activate the town centre and encourage a connection with and use of



public space. Additionally, providing financial resources of \$7000 will allow for the Shire to work with Neighbourhood Watch to deliver a community safety initiative to encourage reporting of antisocial behaviour.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Town Team Movement – Overview Brochure (E21/240)
- **10.4.1 - attachment 2** – Presentation - Creating Great Places at Serpentine Jarrahdale (E21/238)
- **10.4.1 - attachment 3** – Town Team Movement Proposal (IN20/14124)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
4300-15508-6276	Increase Expenditure	Town Teams – Activation Funding	23,000	
2400-12201-6125	Increase Expenditure	Community safety Neighbourhood Watch initiative	7,000	
		Adjustment to Net Current Assets		47,850
Reason: Funding for Town Teams and Community Safety initiative from 2019-2020 surplus.				

As Town Team Movement is a specialist provider of Town Team establishment and support services, Council is requested to consider a sole supplier arrangement under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>That there is no interest from the community to join a Town Team.</i>	<i>Nil</i>	<i>Social Community Outcomes /</i>	<i>Possible</i>	<i>Minor</i>	<i>MODERATE</i>	<i>Community consultation will be undertaken</i>
2	<i>That there is no funding to support the community safety initiative or the Town Team, and outcomes are limited and there is criticism of Council as a result.</i>	<i>Nil</i>	<i>Reputation</i>	<i>Possible</i>	<i>Major</i>	<i>SIGNIFICANT</i>	<i>Nil</i>
3	<i>Opportunity for a Town Team to contribute to current consultation on the development of Metronet and Byford Town Centre is lost.</i>	<i>Nil</i>	<i>Social Community Outcomes /</i>	<i>Possible</i>	<i>Moderate</i>	<i>MODERATE</i>	<i>Nil</i>
4 & 5	<i>There is no community lead activation of the town centre and support for economic activity.</i>	<i>Nil</i>	<i>Financial</i>	<i>Possible</i>	<i>Major</i>	<i>SIGNIFICANT</i>	<i>Nil</i>



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

1. **APPROVES** an amount of \$17,850 excluding GST from the 2019/2020 Budget Surplus to engage Town Team Movement to establish a Town Team in the Byford CBD as per the proposal contained in attachment 3;
2. **APPROVES** an amount of \$23,000 from the 2019/2020 Budget Surplus to support the activities of the Byford Town Team Movement and **APPROVES** that the Chief Executive Officer distribute these funds at his discretion;
3. **APPROVES** an amount of \$7,000 from the 2019/2020 Budget Surplus to fund the creation of items that Neighbourhood Watch groups can distribute to members of the community to encourage the identification and reporting of antisocial behaviour within the Shire of Serpentine Jarrahdale;
4. **APPROVES** a sole source supply arrangement with Town Team Movement under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000; and
5. **APPROVES** the following budget amendment:

Account	Type	Description	Debit	Credit
4300-15508-6392	Increase Expenditure	Town Teams – External Contractor	17,850	
4300-15508-6276	Increase Expenditure	Town Teams – Community Activation Funding	23,000	
2400-12201-6125	Increase Expenditure	Community safety Neighbourhood Watch initiative	7,000	
		Adjustment to Net Current Assets		47,850
Reason: Funding for Town Teams and Community Safety initiative from 2019-2020 surplus.				



10.4.2 – Consultation Opportunity - Implementation of Child Safety Officers in Local Governments (SJ514)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider a response to the Department of Local Government, Sport and Cultural Industries, regarding proposed Child Safety Officer functions within Local Government and receive information on the status of Child Safe Reforms in Western Australia as result of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 May 2020 – OCM125/05/20

That Council:

- 1. NOTES the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;*
- 2. AGREES to participate in the National Redress Scheme as a State Government institution and is included as part of the State Government's declaration;*
- 3. AUTHORISES the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;*
- 4. NOTES that a confidential report will be provided if a Redress application is received by the Shire of Serpentine Jarrahdale; and*
- 5. REQUESTS the Chief Executive Officer prepare a Shire of Serpentine Jarrahdale Child Safe Policy for the consideration of Council as soon as practicable.*

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in response to allegations of child sexual abuse in institutional contexts that had been emerging in Australia for many years. The Royal Commission's Final Report released in 2017 made 409 recommendations, with 310 applicable to the Western Australian State Government.

The recommendations of the Royal Commission emphasised that organisations working with children must be able to provide safe environments where the rights, needs and interests of



children are met. The Royal Commission recommended a range of mechanisms to support child safe organisations, including 10 Child Safe Standards (also referred to as the National Principles for Child Safe Organisations), which organisations the standards should apply to, the role of an independent oversight body to monitor and enforce the standards to promote child safety across organisations and the role of Child Safety Officers in local government.

The Western Australia Government is currently undertaking work on three areas of Child Safety reforms within Western Australia, that are of note for local governments:

1. Implementation of Child Safety Officers

The Royal Commission cited the fundamental role local governments play in assisting and resourcing communities across Australia.

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, local governments should designate Child Safety Officer positions from existing staff profiles to carry out the following functions:

- a) developing child safe messages in local government venues, grounds and facilities;
- b) assisting local institutions to access online child safe resources;
- c) providing child safety information and support to local institutions on a need's basis; and
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

In December 2020, the Department of Communities and the Department of Local Government, Sport and Cultural Industries (DLGSC) released a discussion paper on the implementation of Child Safety Officers in local governments. The discussion paper is included as **attachment 1** to this report.

Officers have attended two webinars, providing feedback regarding the proposal and have also met with a representative from the DLGSC to discuss the proposal.

Local governments have been asked to provide feedback to the proposal by providing responses to the consultation questions provided by DLGSC. Responses were due to be returned to DLGSC by 4 April 2021, however the Shire has been granted an extension until 30 April to provide a response, to allow Council to consider this matter.

The findings of the consultation will inform a draft report outlining the State Government's proposed implementation of recommendation 6.12 and provide guidance to how local governments can implement the role of Child Safety Officers. The draft report will be made available by 7 May 2021 for comments and feedback and released to the local government sector as a final report by Friday, 4 June 2021.

2. Reportable Conduct Scheme for Western Australia

The Royal Commission found that organisations need to improve their responses to child abuse and recommended that State and Territory governments set up schemes which oblige heads of organisations to notify an independent body of alleged misconduct involving children (known as reportable conduct) by their employees, including volunteers and contractors. This does not include Councillors.

The proposed Reportable Conduct Scheme for Western Australia is to provide independent oversight of how certain organisations prevent and handle allegations and convictions of child abuse involving the organisation's employees, volunteers and contractors. The proposed



Reportable Conduct Scheme is to apply to organisations that exercise a high degree of responsibility for children and where there is a heightened risk of child abuse. These organisations will need to notify the Ombudsman (Independent Oversight Body, as outlined below) of allegations and convictions of child abuse involving their employees.

The Western Australian Government has developed a Reportable Conduct Scheme Green Bill, the objective of which is to protect children from harm by implementing a scheme for:

- reporting and investigating allegations and convictions of child abuse involving employees of certain organisations; and
- taking appropriate action in response to findings of child abuse.

It is expected that the Ombudsman will work with organisations covered by the proposed scheme to build on existing procedures and reporting requirements. The proposed Reportable Conduct Scheme will require heads of organisations that are covered by the scheme to:

- have certain systems in place, including systems for preventing, notifying and dealing with any allegations or convictions of child abuse involving an employee;
- notify the Ombudsman about any allegations or convictions of child abuse involving an employee;
- investigate any allegations or convictions of child abuse involving an employee and provide a report to the Ombudsman at the end of the investigation on any findings made and actions taken; and
- report to other bodies, such as WA Police, the Department of Communities or professional bodies as required.

If approved by Parliament, the scheme will be phased in, with childcare services, child protection and out-of-home care services, education services, health services and justice and detention services covered in the first year and the remaining services after 12 months of operation of the scheme. The phased commencement of the scheme over two years will assist organisations (which includes local governments) to prepare for the new requirements. The Green Bill for the Reportable Conduct Scheme has been tabled in Parliament and can be viewed at <https://www.ombudsman.wa.gov.au/Documents/Reportable-Conduct-Scheme-Green-Bill.pdf>. Opportunities to provide feedback on the Green Bill closed on 21 January 2021.

3. Independent Oversight System

The Royal Commission highlighted the numerous times and ways children and young people reported abuse experienced outside the home and were not believed or no action was taken. It was recommended that more independent scrutiny or oversight of organisations engaged in child-related work should occur, to avoid the problems of the past, prevent abuse occurring in the future, and to respond swiftly to allegations when they occur.

The Department of the Premier and Cabinet (DPC) is leading the work to develop a system of independent oversight that improves child safe cultures and practices in organisations. As child safety is a whole of community responsibility, DPC invited comments about elements of the system and how they will work to inform their advice to Government. The online survey on the design of the independent oversight system was open from 27 November 2020 to 26 February 2021 and feedback is now being considered.

A consultation summary report will be published in due course, however it is intended that the oversight body will work with organisations to build their capability to implement the National



Principles for Child Safe Organisations (National Principles), monitor their progress, identify where further support may be required, and take action in circumstances of non-compliance.

Further information about the Independent Oversight System can be found at <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/independent-oversight-system>

Community / Stakeholder Consultation

In order to provide feedback on this submission the Western Australia Local Government Association (WALGA) hosted a series of online discussions for local governments in partnership with DLGSC and Local Government Professionals WA (LGPRO). Department of Communities also participated in each session, with participants from a range of roles; including, CEOs, Community Development, Governance, Human Resources, Recreation Services, and Libraries.

All written responses were to be returned to WALGA by 2 March 2021 so as to be included in their submission. Alternatively, LG's were able to submit their own response by 2 April 2021, directly to the DLGSC.

At the 3 March 2021 WALGA State Council meeting, State Council passed a resolution:

"That WALGA administration request the DLGSC for an extension on the consultation process on the Child Safety Officers issue from 2 April to 30 June 2021."

On the 12 March 2021, local governments received advice that the Western Australian State Government had decided to uphold the current consultation closing date of COB Friday, 2 April 2021 due to the reasons outlined below:

1. *The State Government's consultation with Local Governments is a two part process. The first part is the release of a discussion paper to Local Governments to assist the State to better understand what Local Governments are currently delivering and what support is required from the State to implement the four functions as outlined in the Royal Commission's Recommendation 6.12 Local Government Child Safety Officers.*

The State Government will develop a findings report from Local Government submissions and draft a State Government policy position. The second part of the consultation process is for WA Local Governments to comment on the State Government's draft policy position, release anticipated by Friday, 4 June.

If the State Government receives any late submissions from Local Governments after 2 April, the State Government will do its best to include these responses into its findings paper and draft policy position. Local Governments can make the decision on how to implement the Royal Commission's Recommendation 6.12 within their local community following the finalisation of the State Government's policy position and any associated support offered by the State Government.

2. *The State Government is not seeking Councils to make decisions on resource allocation and/or responsibility within the current consultation period closing 2 April.*
3. *Recommendation 6.12 is one of many recommendations made by the Royal Commission seeking institutions to implement new and/ or improve their current practices to protect children from harm. In a general sense, extending consultation periods inevitably delays the development of legislation, regulation and policy and the implementation of child safe practices, which inadvertently maintains the status quo in which many Australians were sexually abused as children within institutional settings.*



The Shire of Serpentine Jarrahdale has been granted an extension by DLGSC to provide a response until 30 April 2021, to allow Council to consider this matter.

The Child Safety Officer discussion paper and some of the associated impacts that may eventuate, were discussed at the Community Industry Reference Group (CIRG) meeting hosted at WALGA on 26 February 2021 where Shire Officers were in attendance. A broad range of feedback was provided, as a result of diversity in local government size, capacity and perspective.

The Senior Policy and Project Delivery Officer at DLGSC met with Shire Officers on 17 March 2021 to provide further context and comment on the reforms currently in motion.

Statutory Environment

Nil.

Comment

Child Safety Officer consultation

WALGA has provided a response to the Child Safety Officer consultation on behalf of member organisations as included in **attachment 2**. However, Officers consider it is important that Council give consideration and endorsement to a Shire specific response, as it is anticipated that the requirements for Child Safety Officer provision will require additional resourcing and result in the provision of a new service to the community.

The proposed Shire response to the Child Safety Officer consultation questions from the DLGSC, is included in **attachment 3**.

Overall given the range and breadth of roles within local government that interface with the provision of safe environments for children, Officers consider the role of a Child Safety Officer to be a positive proposal. However, have some key considerations and concerns expressed in the response including;

- All resources required to be shared with the community should be provided to local governments by the Commissioner for Children and Young People, as opposed to the onus being on local governments to develop their own. This will ensure consistency in messaging and minimise opportunities for error.
- The Shire has limited staff resources available and significant additional responsibilities of a Child Safety Officer will require additional resourcing.
- The Shire does not have the ability to ensure or seek compliance from local institutions, and therefore may realise some reputational risk if an incident arises with another local institution that the Shire has provided advice to.
- Local governments should not have a responsibility to ensure compliance by other local institutions and this should remain the role of the Department of Communities and/or Commissioner for Children and Young People. In this context local governments have their strengths in facilitation of the sharing of information with communities, local government staff are not typically child support/safety workers and do not have the necessary training or experience to fulfil this role.
- It is difficult to formulate a strong response as the proposed role of Child Safety Officers is not yet clear due to the lack of associated frameworks, and there has been a range of speculation about the specific duties they may undertake throughout the discussion and consultation process.



- Local governments will need to ensure that their organisations have strong child safety systems and processes in place prior to providing such information/advice to community, to ensure they have credibility in the space of child safety.
- The discussion of the functions and role of Child Safety Officers appears premature when the Western Australian State Government is yet to confirm the legislation and frameworks for child safety resulting from the recommendations of the Royal Commission.

At this time, Officers consider that it should be the priority that direct attention be given to establishing the legislation, frameworks and oversight body for child safety, prior to the consideration of any Child Safety Officer positions within local governments. It is incumbent upon the local government industry to set a strong example on the policies, procedures and processes that underpin such organisations, prior to the establishment of a role that would provide this advice externally. Without clear guidance and frameworks in place to assist this work, Officers consider it preemptive to articulate how the Child Safety Officer role and functions could be delivered within the Shire.

Child safety within Shire of Serpentine Jarrahdale operations

In May 2020 Council resolved to agree to participate in the National Redress Scheme as a State Government Institution. Council also resolved for the Chief Executive Officer to develop a Child Safe Policy for the organisation.

Officers have been developing a draft policy for consideration by Council, taking into consideration the information provided via the Independent Oversight System, the Reportable Conduct Scheme and the Child Safety Officer consultation processes. Officers anticipate that the responsibilities of local governments will become clearer in coming months as the Western Australian State Government progresses with this work.

Officers intend to bring a draft Child Safe policy to Council in June 2021 for consideration, with the foundation of the policy being based upon the National Principles for Child Safe Organisations as developed by the Australian Human Rights Commission.

It is anticipated that in response to the proposed child safety requirements, the Shire will need to undertake reviews of operations and service delivery to ensure compliance with such requirements. The extent of this is not yet known.

Options and Implications

Option1

That Council

1. NOTES the information contained within this report regarding Child Safe Reforms; and
2. ENDORSES the Shire of Serpentine Jarrahdale submission to the Child Safety Officer consultation as contained in **attachment 3**.

Option 2

That Council

1. NOTES the information contained within this report regarding Child Safe Reforms; and
2. ENDORSES the Shire of Serpentine Jarrahdale submission to the Child Safety Officer consultation as contained in **attachment 3** with amendments.

**Option 3**

That Council

1. NOTES the information contained within this report regarding Child Safe Reforms; and
2. DECLINES to provide a Shire of Serpentine Jarrahdale submission to the Child Safety Officer consultation.

Option 1 is recommended.

Conclusion

Council is requested to endorse the Shire submission to the consultation on the proposed Child Safety Officer position and note the information about current child safety reform processes being progressed by the Western Australian Government. It is anticipated that these will have further impact on the operations of the Shire.

Attachments (available under separate cover)

- **10.4.2 – attachment 1** - Department of Local Government, Sport and Cultural Industries Discussion Paper (E21/2867)
- **10.4.2 – attachment 2** - WALGA Draft Response (E21/3892)
- **10.4.2 - attachment 3** - Shire Submission - Implementation of Child Safety Officers in Local Government (E21/3384)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live.
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community.
Strategy 1.3.3	Enhance community safety.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community.

Financial Implications

There are no financial implications relevant to making a submission to the State Government on the Child Safety Officer role and function. However, part of the feedback requested is to identify cost implications of delivering the functions recommended by a Child Safety Officer, which may occur if the position/functions become mandatory for local governments.

Should this occur at the same time as any reforms under the Reportable Conduct Scheme or via an Oversight body, there will be an impact on Officer capacity across the organisation such as Human Resources, Community Development, Facilities and potentially Procurement.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1, 2 & 3	Outcomes of child safety reform consultation by State Departments adversely impacts local Officers, with limited Shire capacity to deliver requirements of reform.	<i>Provision of a Shire of Serpentine Jarrahdale contextualised response to current consultation discussion paper.</i>	Reputation	Possible	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. **NOTES** the information contained within this report regarding Child Safe Reforms; and
2. **ENDORSES** the Shire of Serpentine Jarrahdale submission to the Child Safety Officer consultation as contained in attachment 3.

**10.4.3 – Local Emergency Management Committee Information Report (SJ716-02)**

Responsible Officer:	Deputy CEO/Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is for Council to receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 9 March 2021.

Relevant Previous Decisions of Council / Committee

Nil.

Background

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Emergency Management Act 2005

Section 38 local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*



- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

Section 39 Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Comment

The LEMC met on 9 March 2021. A summary is provided below and the minutes can be reviewed at **attachment 1**. There are no recommendations for Council's consideration from this meeting.

Oakford Fire

A debrief was provided by the DFES District Officer and Local Recovery Coordinator.

Local Emergency Management Arrangements and Local Recovery Plan

Formal correspondence from the State Emergency Management Committee has been received, noting the Shire's Local Emergency Management Arrangements and Local Recovery Plan.

NBN Satellite Connection – Bruno Gianatti Hall, Jarrahdale

NBN Co recently installed an NBN™ Disaster Satellite Service on Bruno Gianatti Hall in Jarrahdale. This service was funded by the Australian Government through the Strengthening Telecommunications Against Natural Disasters program. The details of activating this service during an emergency has been updated in the confidential operational appendices in the Local Emergency Management Arrangements under Appendix 7 – Shire Emergency Welfare Centres, Facilities and Resources Directory – Bruno Gianatti Hall.

East Metro – Armadale Region – Local Emergency Welfare Plan (Nov 2020)

Due to the significant workload experienced by the Department of Communities relating the COVID-19 Pandemic, there was a delay to the review and distribution of an updated East Metro – Armadale Region – Local Emergency Welfare Plan (Nov 2020). This plan forms part of the confidential operational appendices in the Local Emergency Management Arrangements under Appendix 11.

The East Metro – Armadale Region – Local Emergency Welfare Plan (Nov 2020) was circulated to LEMC for comment on 3 November 2020. Shire Officers had previously provided feedback and amendments to the Department of Communities.

Amendments included updates to contact details for Shire Officers involved in assisting the activation of welfare centres and capacities of venues under the current COVID-19 Pandemic requirements.



Options and Implications

Option1

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 9 March 2021 contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 9 March 2021 contained in **attachment 1** and provides reasons as to why.

Option 1 is recommended.

Conclusion

The minutes of the Local Emergency Management Committee meeting held 9 March 2021 are provided to Council.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting 9 March 2021 (E21/2812)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	That the LEMC members feel their contribution is not respected.	Nil	Reputation	Rare	Moderate	LOW	Nil



Voting Requirements: Simple Majority

Local Emergency Management Committee Recommendation

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 9 March 2021 contained in attachment 1.

**10.4.4 – Jarrahdale Trails Branding Guide (SJ3405)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider endorsing the Jarrahdale Trails Branding Guide and selecting a preferred branding concept.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 August 2020 - OCM266/08/20

That Council:

- 1. NOTES the update provided in regards to trail development and activation works being undertaken;*
- 2. ENDORSES the development of the Bibbulmun Track Design and Implementation Plan, and Equine Trails Master Plan; and*
- 3. REQUESTS the Chief Executive Officer develop a Memorandum of Understanding between the Shire and Department Biodiversity, Conservation and Attractions with a view to inform the Shire's investment in trails development/ enhancement works on Department Biodiversity, Conservation and Attractions land for the 2020/2021 financial year, to be presented for Council's consideration as soon as practicable.*

Ordinary Council Meeting – 18 November 2019 - OCM264/11/19

That Council:

- 1. ENDORSES the Strategic Communications Plan 2019-2023 (attachment 1) and Brand Style Guide (attachment 2).*
- 2. REQUESTS the Chief Executive Officer to implement the Strategic Communications Plan 2019 – 2023 within budget constraints.*

Background

The development of Jarrahdale as a Trails Town, as well as considered development and enhancement of specified trails in Jarrahdale are key strategic operating projects outlined in the Shire of Serpentine Jarrahdale Corporate Business Plan 2020-2024.



The Shire of Serpentine Jarrahdale Tourism Strategy lists Tourism Branding and Wayfinding and Serpentine Jarrahdale Trails Hub as two of the eight priorities to be achieved. Included within the actions to be undertaken for both priorities is the necessity to ensure appropriate signage and branding. This requirement is further highlighted in the Peels Trail Strategy that identifies a number of gaps and desired improvements for promotion and marketing of trails both locally and across the region.

In consideration of these strategic projects and priorities and through discussion with representatives from the Department of Biodiversity, Conservation and Attractions (DBCA) and the Jarrahdale community, Officers are aware of the need to have a defined brand and message for Jarrahdale trails, allowing for consistency in the position of Jarrahdale trails within the broader trails “market”.

The branding strategy aims to strongly position the Jarrahdale trails as having a distinct and unique offering to a broad range of current and future trail users. The Jarrahdale Branding Guide will be used to develop and drive relevant marketing materials such as:

- Advertising campaigns.
- Posters and brochures, including maps.
- Signage.
- Merchandise (if desirable).

Shire Officers conducted a procurement process in line with Council policy, to develop a Jarrahdale Trails Branding & Wayfinding Style Guide, resulting in Creative ADM being engaged to deliver the project.

Creative ADM have developed Jarrahdale Trails Branding Guide concepts for Councils consideration, included in **attachment 1**. Once a preferred concept has been selected, this will be utilised to develop a Signage and Wayfinding style guide.

Combined, these two guides will inform the branding and design development of trails messaging and signage within Jarrahdale, intended to enhance the visitor experience when researching, visiting and promoting Jarrahdale trails locally, statewide and nationally.

Community / Stakeholder Consultation

Jarrahdale Trails Workshop

Councillors were provided background information and an update on the project by Creative ADM and invited to give feedback on their preference of the concepts.

Meeting Date	30 March 2021
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Strange

Community Consultation

Creative ADM held research analysis meetings with Shire Officers, Jarrahdale community groups and businesses to establish background information and common themes for Jarrahdale and its trails. This process helped to establish what the trail offering within Jarrahdale was, how this is different to other trail networks or destinations and how to market this effectively to the identified target market.



Creative ADM hosted a community consultation session at the Bruno Gianatti Hall to compile historical information and ideas to inform the branding direction.

Meeting Date	17 December 2020
Groups/Business in Attendance	Jarrahdale Heritage Society, Jarrahdale Community Collective, Mission with Nutrition, Serpentine Heritage Society, Jarrahdale Tavern, Nomad Bicycle Tours

Creative ADM also hosted a webinar to present the brand concepts to allow feedback from Community Groups and businesses.

Webinar Date	11 March 2021
Groups/Business in Attendance	Jarrahdale Heritage Society

Internally, Shire Officers were consulted throughout the process providing background and historical information of Jarrahdale trails.

Department of Biodiversity, Conservations and Attractions (DBCA) representatives were emailed the brand concepts for comment and feedback, on 3 and 11 March 2021.

No written response had been received at time of writing this report, however Officers verbally discussed the concepts with DBCA representatives on 12 March 2021. Their general feedback at that time indicated:

- They did not consider that any of the colours utilised in the concepts would clash with DBCA signage style guides. They advised that broadly, green as the predominant colour does not work well on trail signage as it can get “lost” amongst the surrounding natural environments, therefore the orange colours would provide a good contrast for signage purposes.
- Representatives provided general guidance and advice provided on previous learnings, such as considering the Jarrahdale Trail logos ability to transition onto merchandise and other “saleable” materials in the future.

Statutory Environment

Nil.

Comment

It has been identified that creating a brand and an associated wayfinding style guide is a critical initial step in creating better cohesion and branding for Jarrahdale as a destination and (if supported by Council) a trail town. A town with a consistent brand, messaging and signage style allow visitors to identify with the trail's as well as provides a greater trail user experience. An example of a successful brand and messaging identified by Officers was Dwellingup in the Shire of Murray. An example of this has been included in **attachment 2**.

Creative ADM conducted a competitor analysis to gain an understanding of what other trail destinations and local governments had been doing in regard to trails branding. This identified some common themes of what had been successful and where the Shire can position its branding of the trails to find a competitive advantage in the trails market.



Jarrahdale Trails Brand Plan (Strategy)

Via the consultation and research process undertaken by ADM, a brand plan was formulated to help inform the creative design process and overarching strategy for the positioning of Jarrahdale Trails in the wider regional, state and national context.

The following narrative was formed from the common themes and messages articulated throughout the consultation forums:

Welcome to the Jarrahdale Trails

A series of beautiful trails around the historic Jarrahdale township, where you can choose to walk, trot or pedal – all within an hour of the Perth CBD.

Because we believe that being surrounded by nature helps us grow – mentally, physically and spiritually.

*All you need to do is **Step Outside**.*

In designing a concept to communicate this narrative, a focus has been placed on the natural environment, heritage buildings, as well as the emotional and experiential feelings of connection that come from engagement on the Jarrahdale Trails. An outline of the Brand Plan and examples of how the brand message can be applied across a broad range of contexts is included in **attachment 3**.

Brand Style Guide and Concepts

The Brand Guide process produced three concepts using Creative ADM's research and competitor analysis whilst also taking on feedback from all stakeholders involved.

The concepts have a strong alignment to the Shire's Brand Style Guide 'Growing Together' proposition as it informs the belief (the why) of the Jarrahdale Trails brand strategy. That being, surrounded by nature helps us grow – mentally, physically and spiritually. The selected colour swatches and supporting 'Quatro' font from the SSJ 'Growing Together' Brand Style Guide has also been used to create further visual synergy between the two brands.

Concept C, as shown in **attachment 1** was identified after consultation with all stakeholders as the preferred option due to the below range of factors:

- Colour - Green represents nature and the trees. Orange represents the earth and gravel of Jarrahdale and works best as the primary colour, juxtaposed with the green for trail signage.
- Font – The distressed, bold font gives it a historical/rustic feel which fits in with the heritage of the town.
- Flow - The dots in the logo represent a trail following along a path.
- Call to Action - 'Step Outside' – Works in a physical action to get out and use the trails as well as psychologically as in to mentally get out of your comfort zone and try something new.

Next Phase: Signage and Wayfinding Style Guide

Following Council's endorsement of a preferred concept, a Jarrahdale Trails Branding & Wayfinding Style Guide will be developed. This document will be used for the implementation of Shire led signage projects in Jarrahdale moving forward, creating cohesion and consistency across both marketing collateral and physical infrastructure.



DBCA, Trails WA and other identified stakeholders will be further consulted through this phase to ensure that standardised iconography and/or sign principles are included within the guide as required.

South West Native Title Settlement

Consideration was given to the South West Native Title Settlement (the Settlement) in the development of this report. The Settlement, involving six Noongar Native Title Agreement Groups, and covering 200,000 square kilometres of land, represents significant social and economic investment in the Noongar community within Western Australia. The Settlement as a whole will only become fully effective after all of the six Agreements have been conclusively registered in accordance with Commonwealth legislation, and any related court proceedings have been resolved.

However, it has been noted that as part of the Settlement, the DBCA and the six Noongar Regional Corporations will enter into Co-operative and Joint Management Agreements (CMA) for the care and protection of the South West Conservation Estate; and Cooperative Management Committees (CMC) are to be established to implement these Agreements. The South West Conservation Estate refers to all lands and waters within the South West Native Title Settlement Area (including those within the Shire of Serpentine Jarrahdale) and includes State forests, national parks, nature reserves, and other areas set aside for conservation, currently managed by DBCA.

It has been recognised that Management Plans for joint management arrangements will take considerable time to implement, but that they are not expected to impact on public access to national parks, nature reserves, rivers or other public spaces.

Officers will work with the relevant agencies and departments to assist the implementation of Management Plans for our Shire as required. Whilst the preferred branding concept and associated branding guide is applicable to the Shire's trails, it is expected that any projects identified for implementation by the Co-operative Management Plans (e.g.co-naming of trails), could also be applied to Shire land if agreed by all parties. This could further enhance the identity of Jarrahdale trails in the local and broader community with continual application of the selected branding concept.

Options and Implications

Option1

That Council:

1. ADOPTS concept C of the Shire's Jarrahdale Trails Branding Guide as shown in **attachment 1**; and
2. NOTES that a Jarrahdale Signage and Wayfinding Guide will be developed incorporating the branding.

Option 2

That Council:

1. ADOPTS concept A of the Shire's Jarrahdale Trails Branding Guide as shown in **attachment 1**; and
2. NOTES that a Jarrahdale Signage and Wayfinding Guide will be developed incorporating the branding.

Option 3

That Council:

1. ADOPTS concept B of the Shire's Jarrahdale Trails Branding Guide as shown in **attachment 1**; and
2. NOTES that a Jarrahdale Signage and Wayfinding Guide will be developed incorporating the branding.

Option 4

That Council DOES NOT adopt any of the design concepts and chooses not to proceed with adopting a Jarrahdale Trails Branding Guide.

Option 1 is recommended.

Conclusion

The Shire's Jarrahdale Trails Branding Guide has been developed incorporating feedback from Councillors, staff, local Jarrahdale community groups and businesses.

The concepts identified in the Branding Guide incorporate all aspects of the stakeholder feedback in a fresh and engaging design to communicate as effectively as possible with the community and stakeholders.

The concept design and call to action message will also enable the Shire to deliver on Jarrahdale as a destination of choice for people seeking a trails experience.

Attachments

- **10.4.4 - attachment 1** – Jarrahdale Trails Branding Guide Concepts (IN21/7735)
- **10.4.4 - attachment 2** – Dwellingup Trails Brand and Logo (E21/3139)
- **10.4.4 - attachment 3** – Jarrahdale Trails Brand Plan and Examples (E21/3728)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council

Financial Implications

Funds have been allocated from the Trails Renewals Budget (6500-80236-6600) for \$36,000.00 (excluding GST) towards the project.



Once endorsed by Council there will be signage and branding opportunities that will be managed through current and future trail budget provisions. The Signage and Wayfinding style guide is not an additional cost as it is included in the price.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1 2 3	Jarrahdale stakeholders not supportive of the branding and design and do not promote the new marketing material	Consultation conducted as part of the process to include ideas and feedback of the stakeholders.	Reputation	Possible	Minor	LOW	Accept Officer Recommendation
1 2 3	DBCA not supportive of the brand and design	Concepts provided to DBCA officers for review and feedback	Reputation	Unlikely	Minor	LOW	Accept Officer Recommendation
4	No cohesive approach to branding in Jarrahdale results in user/visitor confusion and negative experience	Nil	Reputation	Unlikely	Moderate	MODERATE	Accept Officer Recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** concept C of the Shire's Jarrahdale Trails Branding Guide as shown in attachment 1; and
2. **NOTES** that a Jarrahdale Signage and Wayfinding Guide will be developed incorporating the branding.

**10.4.5 – Outer Metro Grants Scheme – Byford Arts Portal (SJ3236)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider progressing the Byford Arts Portal project and relevant scope, as a result of the recent funding commitment from the Department Local Government Sport and Cultural Industries; Arts WA Outer Metro Arts 2020 to 2021 funding program.

Relevant Previous Decisions of Council

Council considered matters relevant to the Byford Arts Portal at the March 2021 Ordinary Council Meeting.

Ordinary Council Meeting – 15 March 2021 - OCM069/03/21

In accordance with clause 12.2 of the Standing Orders, the matter be deferred to the April 2021 Ordinary Council Meeting.

Background

In December 2020, correspondence was received from the Director General for Department of Local Government, Sport and Cultural Industries (DLGSC) confirming the Shire had been successful in receiving a funding commitment of \$50,000 ex GST for the Byford Arts Portal Project. This correspondence is included as **attachment 1** to this report.

Council is requested to note that the communication was received on the 10 December 2020, with a request to return the Agreement by the 11 December 2020. An extension has subsequently been granted by the Department.

The funding commitment is a result of the Arts WA Outer Metro Arts 2020 to 2021 funding program, which supports outer metropolitan local governments to partner with high-calibre arts or community organisations to increase participation in, and access to, arts and culture in their communities. The program builds on local creative strengths and complements existing programs to maximise participation and community relevance. The funding is offered to the Shire conditional on the project being delivered in Byford as outlined in the Outer Metro Grants Program Guidelines.

At the Ordinary Meeting of Council held 15 March 2021 Council resolved that the item be deferred for consideration to the April Ordinary Meeting of Council. This was to allow Officers to speak with



Renewal SA regarding their experience in participating in the Gold Portal Project, and for that the feedback to be shared with Council.

In order to progress with the project, Council is requested to consider arrangements for delivery of the project including, length of time, location, and provision of funds within the 2020/2021 and 2021/2022 financial year budget.

Community / Stakeholder Consultation

Throughout the development of the project concept, local community organisations were consulted to gauge interest in initiatives to be delivered. Four organisations provided letters of support to accompany the grant application submitted to the DLGSC:

- Byford Secondary College;
- Byford Progress Association;
- Cedar Woods;
- Byford Glades Community Garden.

In addition to these local groups, partnering organisations with the skills and expertise to assist delivery have been consulted, including Perth Centre for Photography and Camera Story.

Officers have also contacted South Australian representatives involved in the placement of Adelaide portals in the past to ascertain their comment and learnings. Specifically, contact was made with Renewal SA, which is the South Australian governments leading urban development agency, supporting and driving investment and growth through property and projects.

The Director of Place and Marketing verbally discussed their projects with Shire Officers, however, were unable to provide written comment by the time of writing this report. Written statements are expected to be received in the coming month.

Shared Studios and the gold portals have been used in two Adelaide site activation events:

- An Adelaide portal was first placed at the Hybrid World Adelaide event at Tonsley in October 2017 (less than a week). Tonsley Park south of Adelaide had an association with the car industry for around 60 years and the land has since been bought back by the South Australian Government. The State is in the process of re-developing the area into a collaborative and high-value industry, education and residential precinct and undertook activation activities in 2017 to support these efforts.
- An Adelaide portal was subsequently hosted at the former Royal Adelaide Hospital site in February 2018 (2 months). This was part of a comprehensive plan to activate the site during its redevelopment, which included the demolition of non-heritage listed buildings. This portal project included performances that spilled out from the sea container into the surrounding courtyards offering children's activities (face painting and balloon twisters) as well as live music and food and beverage.

Overall, comments received indicated that Renewal SA would not discount running a portal project again particularly given their knowledge on implementation. Representatives emphasised that their learnings were from projects implemented years ago and they expect Shared Studios own organizational models have evolved to address some of the challenges experienced at that time:

- Engagement and interaction with the contractor from the outset was positive, although time zone challenges exist that can impact on contract management practices (eg: being able



to contact Shared Studios representatives during relevant business hours in Australia if required).

- Time differences are challenging for programming purposes. Portals available for sessions may not be aligned to deliver outcomes relevant to the local portal audience. This may impact perceived return on investment.
- In their experience, the portal relied on foot traffic more than they anticipated and this should be considered in the positioning and placement process. Representatives also commented that they did not have a marketing budget that could have assisted in better promotion of the portal. They recommended placement in a location where ease of access by foot can be accommodated (such as a shopping centre or other highly trafficked area).
- Strongly suggest that the Shire direct and lead which staff are engaged by Shared Studio for programming purposes. Local representatives (which could include those local to the State) will have a greater curatorial insight than staff employed external to the region.

Officers have considered the feedback received and would seek to enter an agreement with Shared Studios for a project delivery model that addresses the above concerns, prior to the procurement of services. Where this model could not be negotiated, Officers would not recommend proceeding with the project.

Additional consultation has been undertaken with local groups that may be involved in the delivery of the project. The overall intent and the approach for delivery has been discussed, with positive responses:

- Byford Progress Association (with additional comments based on individual's role within Landcare also).
- Byford Heritage Country Choir.
- Byford Community Garden.
- Public Artist - Len Zuks.

And awaiting email responses from:

- Byford Secondary College.
- Byford Toastmasters.
- Cedar Woods (originally provided letter of support).

Verbal feedback has indicated that groups see a number of benefits to the project as well as their involvement, highlighting the opportunities for:

- The sharing of knowledge and expertise from local people to a global audience;
- Obtaining knowledge and expertise from global contacts, and instilling this knowledge within the local community.
- Making this a project informed and designed via community feedback. Officers intend to coordinate an Expression of Interest (EOI) process, whereby local groups and residents inform and contribute to the development of programming and activation activities from the portal. The EOI process will be aimed at:
 - a. Uncovering local talent that may be able to lead conversations or program sessions; and



b. Identifying areas of Arts and Cultural interest within the community, and utilizing the portal to facilitate conversations, workshops, development and engagement activities within these areas of interest.

- Facilitating networks and connections that have been challenging to establish over the past 12+ months.

These stakeholders will continue to be consulted throughout the program development and delivery phases, whilst other identified stakeholders such as local businesses and sponsorship partners will also be engaged.

Policy Concept Forum

Nil.

Councillors were provided broad information about the project through Friday Facts on 11 December 2020.

Statutory Environment

Nil.

Comment

Project Outline, Objectives, Outputs and Target Groups

The successful grant project (known as the Byford Arts Portal) provides a centralised portal location, where a series of local and international activities will be scheduled connecting a broad range of artistic communities.

This model of delivery is strongly recommended as there is currently a restricted ability to deliver art and cultural activities and experiences due to a lack of physical infrastructure suitable to host such activities within the local community. Without a dedicated venue (such as that offered by this project), the same level of service this project offers can not be met within the Byford community.

The portal will be provided through engagement of Shared Studios, an American based company who provide gold portals (such as sea containers and inflatable rooms) in approximately 40 locations across 23 countries. The portals connect users throughout the world with one another in real time, through technology. This project is the only project of its kind in the world.

It is proposed to engage Shared Studios as a sole supplier to work with the Shire to deliver the Byford Arts Portal, which would be connected to sites in locations such as Canada, Germany, Bangladesh, America and Rwanda. The project is a place based approach to arts development, reflective of the current COVID-19 restrictions in place globally. The portal will provide residents and visitors to the shire with opportunities for engagement in high-calibre, global arts programs without the requirement to travel. An example can be seen here <https://www.youtube.com/watch?v=63eE7HTYXxo>.

By hosting this portal in Byford the objectives of the initiative are:

1. To engage the local (and regional) communities in curated conversations and experiences.
2. Reinforce that engagement in the arts can address social inequity and disadvantage and create community vitality and shared identity.



3. Investigate, communicate and celebrate Byford's indigenous, colonial and contemporary histories (the project further aligns with the development of a Reconciliation Action Plan in the 2021/22 corporate business plan).
4. Build community participation, technical expertise and skills through training, workshops and session participation.
5. Provide world-wide connections in the Perth and Peel regions despite the international travel restrictions and challenges.
6. Encourage an increase in visitations to the Shire of Serpentine Jarrahdale and local business spend.

Intended outputs and targets for the project include, but are not limited to the following:

1. 20 curated hours of programming per week (includes outreach engagement where required), with staffing to be provided by Shared Studios (contractor) within the costs stated.
2. Programming across a variety of days and times, compatible with international time differences.
3. Creation of local art pieces that represent Byford's unique historical and social context.
4. Creation of an art trail through local business areas that create a cohesive theme across multiple locations.
5. Accessible programming for engagement with those with disabilities.
6. Workshops and training sessions, including place activation activities in the areas surrounding the portal.
7. Target of approximately 5% of attendees to be new to arts in Byford.

Project Delivery

Officers have considered a range of matters relevant to the delivery of the project. Some of these matters have not reached a final determination, as they are still subject to ongoing consultation and development. These include:

Portal Location

Whilst it is anticipated that the project will help drive visitation and spend to Byford and local businesses, the primary objective of the program (in accordance with the funding program objectives) is to increase participation in, and access to, arts and culture in the local community. As such, a location that facilitates and attracts participation of this nature is to be prioritised.

Council is requested to note that the only eligible suburb under the Outer Metro Grants Scheme within the Shire of Serpentine Jarrahdale is Byford, therefore no locations outside of the Byford area can be considered.

An overview of potential locations and considerations is included with this report as **attachment 2**. Further exploration of all sites is required, including ability to access the land, available infrastructure available at each site and any costs associated with the use of the sites. Council is requested to note these locations, with final selection of the site to be approved by the Chief Executive Officer in line with program and portal requirements.



Connection to services

The location of the portal will need to connect to relevant infrastructure such as power and reliable internet services. Discussions are ongoing internally as to which location provides the best and most reliable outcome within the proposed budget.

Spill-out space

In order to provide a breadth of programming that meets current COVID-19 events and program restrictions and engages with as many participants as possible, available spill-out space around the portal is required. Not all participants for all programs will be in the sea container at one time and Officers intend to activate the space surrounding the portal with tables, chairs and occasional entertainment.

Any physical infrastructure will need to be secured at times the portal is unattended, hence grassed areas with infrastructure already in place, or locations with strong passive surveillance (particularly at night) are preferred.

Launch and length of tenure

Originally, the Byford Arts Portal budget was scoped for two weeks of programming only, for the Outer Metro Grants application. This was due to an applicable “per day rate” that made an extended period of time unaffordable. Given the costs involved for freight and delivery. Officers have further consulted with the contractor and received a revised cost structure that includes a monthly rate, if procuring the portal for more than one month. Officers recommend an extended period of program delivery, specifically three months to better generate interest and impact over a broader cohort of people, in particular, those new to arts and culture that would be unlikely to engage in the first 2 weeks of program delivery.

The program was originally intended to be launched for the April 2021 school holidays, however, a delay in the program funding announcements and the global COVID-19 conditions, preliminary discussions with the contractor have pushed this timeline back to at least July 2021. Currently, there are a number of portals that have had to remain closed throughout the world and it will be beneficial to wait until these portals reopen, to deliver the project in Byford. The timing of the delivery of the project will be determined at a later date, once further information is known.

Programming

Officers will provide opportunities for the local community to inform and drive content for the portal project. An Expression of Interest process will be undertaken to identify individuals, groups, networks or agencies interested in participating as a facilitator, and to identify areas of local interest for program content. To date, ideas identified for further exploration (subject to the EOI and consultation process):

- Photography workshops – could include opportunities for free family portraits.
- Oral histories and sharing of stories - could include global sharing of Covid experiences and recording these for future/historical purposes.
- Family drop-in sessions - Connecting local community members (could include WA and broader community) with family members in other gold portal locations.
- Public Art in Practice – sharing opportunities and experiences of art as a career and profession; facilitating learning opportunities from global public artists.



Long lead in times to effectively undertake this process and generate the intended level of interest will be required. The recommended tenure of three months will also allow for “follow up” activities, as one area of interest may develop into new, innovative program opportunities.

The Expression of Interest process will be advertised through various means, including social media, print media, brochures, engagement with local businesses and local networks (including word of mouth).

This approach will be negotiated with Shared Studios prior to engaging their services. Where Shared Studios can not demonstrate an adequate level of curatorial content across multiple locations that will meet the intended outcomes of the Byford Arts Portal, the project will not proceed.

Budget Considerations

Council’s adopted 2020/2021 budget allows a co-contribution of \$15,000 for the Outer Metro Arts Grant Scheme Project, to deliver the Byford Arts Portal (current allocation). This allocation was determined when the scheme was temporarily “on hold” and there was uncertainty as to whether it would be continued as a result of COVID-19 restrictions. The project was scoped to a total cost of \$127,800 (total contribution from Council of \$77,800) which equated to a two week tenure for the portal.

As a result of the December communication and current financial commitment from DLGSC, Officers had further conversations with the portal provider to refine projected costs. In scoping the project and understanding the objectives to be achieved, table one below demonstrates the approximate costs for delivery of the project, relevant to the length of tenure for the portal. As the first project of its kind in the Shire (and Western Australia), costs are currently estimated, however are based on costs for other events and activities with a 5% contingency. Once a budget commitment has been confirmed, specific engagement will occur with service providers and suppliers to ensure delivery fits within the allocation provided. Should unforeseen costs arise, Officers intend to address this via corporate sponsorship or additional grant funding (such as Lotterywest).

Length of Byford Portal Project	Total Project Cost (cash)	Current Shire budget allocation 2020/2021 budget	DLGSC contribution (Outer Metro Grant Scheme)	Additional Shire cash contribution required *
2 weeks (programming every day) or can be extended to 4 weeks (programming on select days) This option is subject to a “per day” cost as less than one month in situ.	\$127,800	\$15,000	\$50,000	\$62,800
3 months	\$175,140	\$15,000	\$50,000	\$110,140
4 months	\$202,965	\$15,000	\$50,000	\$137,965

Table One: length of project and associated costs.



** Represents the additional financial commitment required from the Shire, reduced by the DLGSC contribution of \$50,000 and the \$15,000 current Shire budget allocation. Does not include commercial/corporate sponsorship that may be forthcoming which would further reduce Council's contribution. Total project cost may vary, subject to the final site location and ability to connect to existing or temporary services. Additional contribution recommended to be split over two financial years.*

The budgets proposed above include the following elements:

- Insurances
- Marketing collateral (development, print and distribution)
- Temporary power and internet connections
- Performances/place activation infrastructure
- Global Portal (including freight and delivery)
- Printing and materials for art trail.

Officers recommend delivering the project for a period of 3 months with a total project budget of \$175,140 split over two financial years. This requires an additional co-contribution from Council of \$110,140 (in addition to the current \$15,000 budget allocation) which Officers recommend be split over two financial years. \$40,000 in 2020/2021 and \$70,140 from the Shire in 2021/2022.

Should Council endorse a \$40,000 budget variation, this will result in a total \$55,000 co contribution allocation from the Shire in the 2020/2021 financial year, required in order to provide confidence that the project has the ability to proceed, secure the funding from the Western Australian State Government, and to be able to enter procurement arrangements with the portal provider.

The final/total contribution of Council may decrease if external sponsorship is secured, however given the required lead-in times for project delivery (approximately 8 weeks), Officers recommend allocating a budget consistent with the three month scope and utilising this scope as leverage for external contributions. If successful in securing sponsorship, these contributions would result in savings to Council or an enhanced program offering based on community participation and feedback. This approach dually assists in the execution of contract arrangements when required, as the period of time contracted will depend on the budget available.

The majority of costs are expected to be incurred in the set-up of the project (including freight and training requirements) however once in-situ, can be responsive and adaptable to community interest with minimal additional resourcing requirements. Ongoing marketing and advertising would be required, and extensions to any hire arrangements for temporary infrastructure.

Further opportunities to extend the programming (up to 6 months) may be explored via sponsorship from corporate/commercial entities and subject to community engagement and interest in the Portal at that time. The costs of this are indicatively provided in Table One however as stated in this report, external sponsorship has not yet been explored subject to Council's desire to continue with the Project via execution of the funding Agreement. However, the project aligns with a number of corporate objectives of both local and regional organisations that have previously demonstrated their interest in sponsoring art and cultural activities in the Shire.

Whilst there is no requirement under the Outer Metro Arts Grant Scheme for a cash co-contribution, the project is unable to be delivered within the current Arts and Culture budget allocation. Officers would not recommend continuation of the Byford Arts Portal Project with the



current allocation as the set-up costs are prohibitive to a comprehensive community program of activities.

Option Two as listed below, indicates a budget variation to the value of the committed DLGSC grant funds only. This option would allow an expenditure budget in 2020/21 to progress contractor negotiations, however Council's co-contribution to deliver the project would need to be allocated in the 2021/22 financial year. Permission to execute the funding agreement is requested under this option and Officers would seek to investigate external sponsorship opportunities to confirm length of tenure.

As it is not yet known if external sponsorship would be available, this option provides less certainty in regard to delivery of the project objectives and less certainty regarding a robust level of programming across global locations. It is a higher risk option as if the project is unable to be delivered, the funds would need to be returned to the funding body.

Options and Implications

Option1

That Council:

1. APPROVES the delivery of the Byford Arts Portal project for a period of three months;
2. APPROVES a budget variation as follows:

Account	Type	Description	Debit	Credit
4300-15501-6392-0000	Increase Expenditure	External Contractor	90,000	
4300-15501-4122-0000	Increase Revenue	Operational Grant - Other		50,000
5300-17501-4460-0000	Increase Revenue	Charges – Rates Information		22,413
6500-80130-6610-0000	Reduce Expenditure	Kandimak Reserve – BBQ Table		12,587
4300-15711-6131-000	Reduce Expenditure	Summer Series		5,000
Reason: Recognition of grant funding for Arts & Culture along with Shire co-contribution in the current year to partially fund Byford Arts Portal Project. Additional funding will be required in the 2021/2022 budget to deliver full project scope (three months).				

3. RESOLVES to consider an amount of \$70,140 in the 2021/2022 financial budget for the provision of the Byford Arts Portal Project;
4. AUTHORISES the Chief Executive Officer to execute the Outer Metro Arts 2020 to 2021 Funding Agreement;
5. REQUESTS the Chief Executive Officer to identify and seek to secure external sponsorship opportunities to maximise outcomes and tenure of the Byford Arts Portal Project, which may result in savings to Council;
6. APPROVES a sole source supply arrangement with Shared Studios (or their Australian subsidiary equivalent) under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000, where an appropriate delivery model for programming purposes can be negotiated;



7. NOTES the potential portal locations as outlined in **attachment 1** and APPROVES the Chief Executive Officer select an appropriate location from those outlined in **attachment 1**; and
8. NOTES the ongoing program delivery requirements that will be subject to change for operational reasons.

Option 2

That Council:

1. APPROVES the delivery of the Byford Arts Portal project for a period of two weeks;
2. APPROVES a budget variation as follows:

Account	Type	Description	Debit	Credit
4300-15501-6392-0000	Increase Expenditure	External Contractor	90,000	
4300-15501-4122-0000	Increase Revenue	Operational Grant - Other		50,000
5300-17501-4460-0000	Increase Revenue	Charges – Rates Information		22,413
6500-80130-6610-0000	Reduce Expenditure	Kandimak Reserve – BBQ Table		12,587
4300-15711-6131-0000	Reduce Expenditure	Summer Series		5,000
Reason: Recognition of grant funding for Arts & Culture along with Shire co-contribution in the current year to fully fund the Byford Arts Portal Project for a period of two weeks.				

3. RESOLVES to consider an amount of \$22,800 in the 2021/2022 financial budget for the provision of the Byford Arts Portal Project.
4. AUTHORISES the Chief Executive Officer to execute the Outer Metro Arts 2020 to 2021 Funding Agreement;
5. REQUESTS the Chief Executive Officer to identify and seek to secure external sponsorship opportunities to maximise outcomes and tenure of the Byford Arts Portal Project;
6. APPROVES a sole source supply arrangement with Shared Studios (or their Australian subsidiary equivalent) under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000 where an appropriate delivery model for programming purposes can be negotiated;
7. NOTES the potential portal locations as outlined in **attachment 1** and APPROVES the Chief Executive Officer select and appropriate location from those outlined in **attachment 1**; and
8. NOTES the ongoing program delivery requirements that will be subject to change for operational reasons.

Option 3

That Council:

1. DOES NOT proceed with the Byford Arts Portal Project; and
2. REQUESTS the Chief Executive Officer advise the Department of Local Government, Sport and Cultural Industries that Council will not proceed with the Byford Arts Portal Project; and on this occasion declines the committed funding.



Option 1 is recommended.

Conclusion

Correspondence has been received from the Department of Local Government, Sport and Cultural Industries (DLGSC) confirming the Shire had been successful in receiving a funding commitment of \$50,000 ex GST for the Byford Arts Portal Project. The successful grant project provides a centralised “portal” location where a series of local and international activities will be scheduled connecting a broad range of artistic communities.

Benefits of the project include the provision of a venue dedicated to the delivery of art and cultural experiences in Byford, in a format that can be responsive and adaptable to the interests of the community. Budget costs are inclusive of the physical portal and portal staffing (20 curated hours per week) from external contractor Shared Studios, temporary infrastructure (power, internet and activation fixtures), art trail consumables, marketing and promotion, and a 5% contingency. Should Council resolve to support progression of the project, Officers intend to seek external sponsorship to maximise outcomes and tenure of the Byford Arts Portal Project, which may result in savings to Council.

Council is requested to consider various requirements for project delivery, including a budget variation to realise intended outcomes of the Project.

Attachments (available under separate cover)

- **10.4.5 - attachment 1** – Arts WA Outer Metro Arts 2020 – 2021 Offer of Funding (E21/143)
- **10.4.5 - attachment 2** – Byford Art Portal considerations and project delivery options (E21/2430)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district
Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
Strategy 4.1.2	Maximise the Shire’s brand and reputation in the community

Financial Implications

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1&2	Additional unidentified costs associated with project delivery location and infrastructure required.	Project budget collated with known current costs. External sponsorship opportunities to be investigated and secured where possible.	Financial	Rare	Insignificant	LOW	A report back to Council would be required if further investigation determined the project could not be delivered within the allocation provided. Project may cease to continue to procurement stages.
1	Failure to provide required funding in the 2021/2022 financial year budget, results in project not being delivered.	Council requested to consider the remaining amount in the 2021/2022 financial year budget.	Financial	Minor	Possible	MODERATE	Nil
1&2	Continued closure of international portals due to COVID-19 pandemic environment.	Review of timing of project implementation.	Organisational Performance	Possible	Moderate	MODERATE	Ongoing communication is occurring with sole supplier, and local organisations positioned to partner in the delivery of the project.
2	Difficulty in delivering meaningful project outcomes in a 2 week period.	Nil	Organisational Performance	Possible	Moderate	MODERATE	Nil



3	Dissatisfaction from local community groups and potentially detrimental to future funding opportunities from Department Local Government, Sport and Cultural Industries, particularly where relevant to Arts and Culture.	Accept Officer Recommendation	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Nil
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Voting Requirements: Absolute Majority (6.8(1)(b) of the *Local Government Act 1995*)

Officer Recommendation:

That Council:

1. **APPROVES** the delivery of the Byford Arts Portal project for a period of three months;
2. **APPROVES** a budget variation as follows:

Account	Type	Description	Debit	Credit
4300-15501-6392-0000	Increase Expenditure	External Contractor	90,000	
4300-15501-4122-0000	Increase Revenue	Operational Grant - Other		50,000
5300-17501-4460-0000	Increase Revenue	Charges – Rates Information		22,413
6500-80130-6610-0000	Reduce Expenditure	Kandimak Reserve – BBQ Table		12,587
4300-15711-6131-000	Reduce Expenditure	Summer Series		5,000
Reason: Recognition of grant funding for Arts & Culture along with Shire co-contribution in the current year to partially fund Byford Arts Portal Project. Additional funding will be required in the 2021/2022 budget to deliver full project scope (three months).				

3. **RESOLVES** to consider an amount of \$70,140 in the 2021/2022 financial budget for the provision of the Byford Arts Portal Project;



- 4. AUTHORISES the Chief Executive Officer to execute the Outer Metro Arts 2020 to 2021 Funding Agreement;**
- 5. REQUESTS the Chief Executive Officer to identify and seek to secure external sponsorship opportunities to maximise outcomes and tenure of the Byford Arts Portal Project, which may result in savings to Council;**
- 6. APPROVES a sole source supply arrangement with Shared Studios (or their Australian subsidiary equivalent) under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000, where an appropriate delivery model for programming purposes can be negotiated;**
- 7. NOTES the potential portal locations as outlined in attachment 1 and APPROVES the Chief Executive Officer select an appropriate location from those outlined in attachment 1; and**
- 8. NOTES the ongoing program delivery requirements that will be subject to change for operational reasons.**

**10.4.6 - Community Infrastructure Fund (SJ3298)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider the Community Infrastructure Fund applications and associated financial contributions for the 2020/2021 financial year.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 May 2020 - OCM126/05/20 – Extract

That Council:

- 1. REPEALS Council Policy – Community Grants as contained in attachment 1;*
- 2. ADOPTS Council Policy 5.1.7 – Community Funding as contained in attachment 2;*
- 6. DISSOLVES the Major Grants Assessment Panel;*
- 7. LISTS for consideration an allocation of \$90,000 per year in the Long Term Financial Plan commencing in the 2021/2022 financial year to ensure the replenishment of the Community Grants Reserve.*

Ordinary Council Meeting – 15 July 2019 – OCM145/07/19

That Council RESOLVES to adopt the Darling Downs Trail Network Reserves Management Plan as contained in attachment 1.

Background

At the May 2020 Ordinary Council Meeting, Council repealed the previous community grant policy, adopting the revised Council Policy 5.1.7- Community Funding. An allocation of \$75,000 was made to the Community Infrastructure scheme for 2020/2021 through the budget process, with one scheduled round for the year.

The Community Infrastructure Fund round for the 2020/2021 financial year was advertised in July 2020 and closed 31 August 2020.

Community / Stakeholder Consultation

Advertising for the July/August round occurred through the following channels:



- Emails to community groups on the 20 and 21 July; and 3 August 2020.
- Emails to sporting groups on 21 July and 7 August 2020.
- Club Corner Newsletter: August edition.
- SJ Matters newsletter: July 2020.
- Scarp Voice Examiner: July 2020.
- Homepage Banner on Shire website: 21 July to 24 August 2020.
- General Grant landing page on Shire website.
- Facebook: 21 July, 28 July, 2 August and 19 August 2020.
- Instagram: 21 July 2020.
- LinkedIn: 26 July 2020.
- Twitter: 21 July, 23 July and 18 August 2020.
- General Grant Banner at base of all email communication from Shire during grant open period.

Site visits for each proposed project occurred on the 26 October 2020, with ongoing consultation occurring throughout the application process and up to the time of writing this report.

Statutory Environment

The applications recommended for receipt of funds are consistent with Council Policy 5.1.7- Community Funding, included as **attachment 1**.

Comment

As it has been some time since the application process began a number of changes have occurred with the funding of some projects. One applicant has withdrawn their application, and two have received a funding contribution to their projects from the Western Australian Labor Government through the election process. These changes are reflected in the comments below, however information is still provide in regard to the application and assessment of the application for Councils consideration and or information.

Infrastructure Fund Application Process

The Infrastructure Fund is for design, implementation and construction of infrastructure projects on Shire owned or managed facilities or reserves.

The July/August Infrastructure Fund round was the first under the revised Community Funding policy. The principle changes to the revised Scheme allows community groups to submit an expression of interest for projects requiring Council consideration. The supported projects are then delivered by the Shire as the land and asset owner/manager, within the budget allocated.

A new two-stage application process was developed and administered, that aims to guide community groups through the more challenging nature of infrastructure projects. An individualised approach is generally required for infrastructure projects, in order to accurately represent the priorities, scope and correlated value of the project.

In order to minimize the impost of the Expression of Interest (EOI) process on community groups in the initial stages, a two-stage process was developed to afford initial comment and input from Shire Officers, prior to further development of the concept. This initial assessment identified key



elements of the EOI that required further discussion, consequently reducing the amount of work required upfront by community groups. Furthermore, it led to the provision of more detailed and relevant information in the stage two documentation, as a direct result of initial Shire comment.

The two-staged approach entailed the following:

Stage One: Brief one page outline of project and total costs.

A one-page EOI was considered by Officers prior to applicants progressing to Stage Two. The intent was to understand the broad principles of the project and indicative costs, allowing Officers to guide the scope and quotation process for Stage Two.

In the Stage One assessment, Officers considered:

The total value of EOI Infrastructure Fund requests received, ensuring this did not significantly outweigh the available funds and set unrealistic expectations amongst community groups;

Whether the delivery of the project could be supported in the current round. For example: an EOI may not proceed to the second stage as a result of conflicting projects or priorities requiring attention, prior to a detailed application being considered;

Specific contractors required to provide quotation/costing details, in order to be delivered by the Shire (i.e.: tendered contractors).

Stage Two: Site visits and more detailed project proposal (including quotes).

This stage involved onsite meetings with applicants on 26 October 2020 and discussion as relevant to the specifics of the identified project.

Any quotation/project cost details required were highlighted by Officers. Additional costs or project inclusions were also identified to inform the total value of the project. Applicants were asked to provide any documentation that supported their application. This included, but was not limited to letters of support, membership details, conceptual drawings (if applicable) and quotations.

Information provided by applicants have been included in the confidential attachments 2, 3, 4 and 6 to this report.

Following the first round of the Infrastructure Fund, Officers note the intent of the approach was warranted and beneficial overall. However, amendments to the forms and processes will be undertaken for the next round based on learnings and an in overall intent to facilitate continual administration improvements.

2020/2021 Infrastructure Fund Applications

Three grant applications from local community groups were received in the 2020/2021 Infrastructure Fund round. One application previously received under the Major Grant scheme has been included in the current Community Infrastructure Fund assessment process for Council consideration, as required under the updated Community Funding policy.

All EOI's received in Stage One progressed to Stage Two.

Following the two-stage application process, the total value of applications received was approximately \$95,000, for a 2020/2021 annual Infrastructure Fund budget allocation of \$75,000.

Applicant	Total Value of Project (ex GST)	Contribution from Applicant (ex GST)	Amount requested from Council (ex GST)
Byford Community Kindergarten (withdrawn)	\$19,514	\$9,649 (includes Lotterywest grant)	\$9,865



		obtained by applicant)	
Jarrahdale Community Collective	\$141,500 (including 10% contingency)	\$91,500 (includes Alcoa contributions obtained by applicant)	\$50,000
Serpentine Jarrahdale Food and Farm Alliance Inc	\$27,000	\$0	\$27,000
Darling Downs Residents Association	\$14,579.82	\$6,500	\$8,100
TOTALS	\$202,593.82	\$107,649	\$94,965

As the value of applications exceeds the available budget, the assessment process acknowledges the competitive nature of the round. Consideration towards a range of factors has occurred to inform the final recommendation. Advice was received by Shire Officers on 4 March 2021 that Byford Community Kindergarten had been successful in obtaining the total funding required for their project from alternative sources, with further communication received on 7 April confirming withdrawal of their Infrastructure Fund application. Further detail regarding this matter is provided in subsequent sections of this report, however in withdrawing their application, the total amount requested from community groups remains above the \$75,000 allocation, at \$85,100.

A scoring process has not been undertaken for this round, with a general analysis of information for each project undertaken by the panel against criteria outlined in the Community Infrastructure Fund policy:

- Size, scope and financial viability of the project.
- Adequacy and availability of existing community infrastructure.
- State and local strategic plans/direction/policies where relevant.
- Demonstrated community need and benefit.
- Financial co-contribution by the applicant (and other sources of funding).
- Timeline for delivery within current resourcing, as compared to project readiness.

Additionally, the following conditions were considered when providing comments against the submitted project. These conditions align with guidelines for the Community Infrastructure Fund. Projects that demonstrate the following are favorably considered so whilst not essential, it is beneficial for the applicant to establish how the project may achieve these outcomes:

- Aligned with and/or supported relevant infrastructure documentation such as, but not limited to Shire reserve master plans and strategic plans, the Shire's Strategic Community Plan, State Sporting Associations specifications (SSA), Strategic Facilities Plans and other relevant strategic directions.
- Clearly demonstrated the current and projected community need. Project demonstrates sustainability, providing clear direction with regard to future community benefit and utilisation.
- Could be used by multiple club or community groups and have demonstrated support from those groups.



- Meet eligibility criteria for external funding opportunities such as the Department of Local Government, Sport and Cultural Industries – Community Sport and Recreation Facilities Fund (CSRFF), Sport Aus, or Lotterywest.
- Increases opportunities for physical activity and social wellbeing as well as recognising the value of accessibility and inclusive participation in the community.
- Meet established best practice functionality and operational objectives, Australian Standards and ensures delivered project is fit for purpose.
- Where similar facilities within close proximity are identified, can explain how participation will be enhanced and what positive/negative impact the project may have on those other facilities.
- Ability to be delivered with the recommended value.
- Sustainability of the group and long-term viability of investment.

The Officers recommendation is representative of a consolidated position against all the factors outlined, and within the budget allocations available. Overall, there is not one “stand-alone” reason why an application may or may not be recommended. Rather, the recommendation is presented as the result of a mutually agreed position between a range of internal departments, aiming to provide a well-rounded and considered consensus across a variety of community priorities and implementation considerations.

A description of each application, including assessment comments and funding recommendations is provided below:

Applicant - Byford Community Kindergarten Association Inc (BCK) (Withdrawn)

*Application details included as **Confidential Attachment 2** with this report.*

Project : Nature Play Area

Shire Facility : Yes

Address : 49 Park Rd, Byford WA 6122

Tenant History : Has operated from building since 1978. No current lease in place.

Enrolment Detail : See comments below.

Total Project Value : \$19,514 ex GST

Funding amount requested: Nil. (Originally \$9,865 ex GST; however advised on 4 March 2021 that they had been successful in obtaining total funding for their project via alternative sources).

Applicant Contribution: \$19,514 ex GST.

Other Identified Stakeholders : Nil

Brief Description of Project provided by applicant:

The rear yard of the community kindergarten has been left unkempt and unused for many years. The project is to ensure the longevity of the Byford Community Kindergarten (BCK) which was formed in 1978 and was one of the first kindy's in the area. The Nature Play area is an exciting opportunity to construct a modern natural play area for the current and future generations who will come through the Kindy. The play area will include balance logs, sand pit, Wig Wam, Boat and a Willy Willy Spinny.

**Comment from Panel discussions:**

In 2018, a Shire contribution of \$5,373.50 was provided to the Byford Community Kindergarten to install new turf and a pathway at the facility. The project was implemented by the Committee and acquitted accordingly. The Committee would now like to see similar improvements to the rear of the facility, realising upgraded amenities across the whole site.

Based on the Phase One information, Officers met onsite with the Byford Community Kindergarten on 26 October (site photo provided in Diagram 1), and again on 11 November and 12 November 2020. The scope of project was discussed, as well as what was included for the prices stipulated in the quotation, with the total project amount required to deliver the project increasing to \$19,514 ex GST from the original Phase One EOI.

On the 4 March 2021, the Byford Community Kindergarten advised that they had been successful in obtaining total funding for their project via alternative sources and advised formally on 7 April 2021 that they were withdrawing their application.

Although the submitted project no longer requires a financial commitment from the Shire, Officers have still given consideration to the overall benefit in implementing the project. Improvements should aim to enhance and complement amenity across the site, revitalize the area with more functional space for nature play and lead to increased utilisation of the venue without any increase to the Shire's current level of service for maintenance and upkeep purposes.



Diagram 1: Current Byford Community Kindergarten Project Site.

Panel Recommendation:

Despite the work undertaken to further develop elements of the project via the Two-Phase application process, there are a number of considerations still to work through on the current design proposed by the Byford Community Kindergarten. Predominantly, these considerations relate to the fall zone requirements for child play equipment and ensuring the project scope and budget has adequately allowed for implementation in accordance with the appropriate Australian Standards. For example, mulch was originally considered by the Byford Community Kindergarten



in keeping with the nature play theme, however further investigation would be required to ensure this can occur without creating a fire risk to the building.

Officers recommend that further consultation occur with the Byford Community Kindergarten to develop their concept prior to project implementation and that approval for delivery remains conditional upon agreement of a final concept and ongoing maintenance requirements.

Infrastructure Fund allocation: Application withdrawn.

Applicant : *Serpentine Jarrahdale Food and Farm Alliance Inc*

*Application details included as **Confidential Attachment 3** to this report.*

Project : Equestrian Fencing at Serpentine Sports Grounds

Shire Facility : Yes

Address : Lot Number 778, 1432 Karnup Road Serpentine

Tenant History: Nil.

Membership Detail: Unknown (Phase Two information not provided).

Total Project Value : \$27,000 ex GST

Funding amount requested: \$27,000 ex GST

Applicant Contribution: Stated “unknown” at Phase One EOI. Phase Two information not provided. Applicant confirmed via email 14/01/2021 that no co-contribution had been identified.

Other identified stakeholders (Letters of Support attached to application details): Serpentine Horse and Pony Club; Foothills Polocrosse; Southside JumpClub; Jump Promotions WA; Australian Carriage Driving Society WA; Australian Warm Blood Horse Association; Show Horse Council WA; PCWA; Serpentine and Districts Golf Club Inc.

Within the funding commitments announced by the Labor Party for the Shire of Serpentine Jarrahdale prior to the WA State Election, \$68,000 was allocated towards fencing at the Serpentine Sports Reserve.

Brief Description of Project provided by applicant:

1. Provide equestrian appropriate fencing from the boundary of the Serpentine Golf Club along Karnup Road to Hall Road with a detour around the hardstand area east of the pavilion. The provision of the hardstand will provide appropriate parking for people using the reserve outside of event activities.
2. Continue fencing along Hall Road to the junction of the Paul Robinson reserve.
3. Secure fencing will permit controlled entry of attendees to events which will enable ticketing of events and in the COVID environment, the capacity to register all attendees.

Comment from panel discussions:

The original Phase One application was received by the Serpentine Jarrahdale Food and Farm Alliance. Additional information and letters of support were subsequently provided by the Serpentine Horse and Pony Club as well as the neighbouring Serpentine and Districts Golf Club Inc.

No Phase Two information has been provided by the original applicant or representative equine group. A site visit was held 26 October, where unfortunately no representatives from the applicant



organisation or facility user groups were available to attend. Ad-hoc information has been provided via email from representatives supportive of the project which has been included within **Confidential attachment 3**. This information includes a quote for replacing two sides of fencing (approximately 1km, however subject to a number of exclusions) to a total cost of \$53,365 ex GST – well in excess of the original \$27,000 EOI.

As a result of the conflicting information, a meeting was held with both groups on 11 December 2020. An extension was offered that would allow for the submission of clarifying Phase Two information up to the 11 January 2021. The applicant and facility user groups were requested to provide the following information:

- Clarify the priorities and scope of the project for the value requested:
 - Option exists to reduce scope of project to meet \$27,000 EOI request. Requirement to identify which fence would be the priority for this option.
 - Alternative option to increase value of request, noting maximum eligible request is \$50,000 ex GST. A minimum \$3,365 co-contribution would be required from applicant to meet the costs of the submitted quote.
- Identify the preferred type of fencing and why. Costs must correlate to the information submitted (e.g.: quotes must match type of fencing requested) Quote submitted does not match the type of fencing proposed in the image provided.
- Mud map of proposed fence location, inclusive of gate locations and type of gates required.
- Confirm whether the applicant or club/s are unable to contribute to the project.

This information has not been provided to the Shire.

Via the ad-hoc information received in Phase One information, meetings and email communication, benefits of the project have been highlighted as minimising unauthorised entry to the site and improving safety for horses and riders:

(Extract) “At this time, we are all in agreement that the most pressing improvement needed at the grounds is safer and more secure perimeter fencing along the increasingly busy Hall and Karnup Roads (approximately 1.5kms total). The recommended type of fencing to secure active horses safely is a fence of not less than 1.2m in height with solid posts and close fill mesh such as plastic coated cyclone wire or purpose made horsemesh. This is broadly regarded in the industry as the safest type of fencing for horses. The current 3 wire fencing is unsafe, hard for horses to see and respect, prone to breakage and easily vandalised/cut and also very dangerous if a horse and rider were to collide with it”.

Officers have been unable to identify any relevant Australian Standards as applicable to equine fencing. However, as the applicant’s proposal has been based on their experience in appropriate equine fencing options Officers are generally supportive of the style suggested which is depicted in Diagram 2 below. It should be noted that this fencing style has not been quoted in the costings provided by the applicant.



Current Fencing



Fencing Proposed by Applicant

Diagram 2: Current and proposed fencing

An aerial of the site and relevant fencing lines is provided below in Diagram 3. The current asset data for the site provides a rating of 5 (requires replacement) for the 268m of fencing indicated in red to the Eastern boundary. Officers have had this fencing quoted for replacement using pine log posts and top rail with 2 x white sight wires at a cost of \$13,400 ex GST.



Diagram Three: Site Fencing. Red indicates fencing listed as condition 5. Blue indicates initial extent of funding request.

In regards to the hardstand area that the applicant would like to make accessible to the public directly off Karnup Road, Officers have provided feedback that improvements to this space have not been considered or incorporated into the scope of their funding application for Council consideration at this time for the following reasons:



- The design requires significantly more work prior to the allocation of funds for implementation and construction.
- Further consultation with all user groups of the facility will be required to inform the design.
- The cost to design and construct would exceed the amount available within the Infrastructure Fund.

Funding Commitments for the Project:

Officers note that within the funding commitments announced by the Labor Party for the Shire of Serpentine Jarrahdale prior to the WA State Election, \$68,000 was allocated towards upgrading fencing at Serpentine Sports Reserve. At a meeting held on 29 January 2021 attended by the Shire President, Chief Executive Officer, Hon Matt Swinbourn MLC and Hugh Jones (then Darling Range candidate), the Shire was advised that the funding will be provided to the Shire with the works due to be completed within 12 months.

Panel Recommendation

As additional information has not been received after the extension of time, Officers consider the application incomplete and cannot be assessed. However, the general intent of the original EOI is in-principally supported, particularly where implementation addresses priorities identified by the Shire's Equine Advisory Group, received by Council at the March 2021 Ordinary Council Meeting: *Ensure existing facilities are fit for purpose.*

Officers do not recommend financial support to the project in the current Infrastructure Fund round due to the incomplete application.

However, in acknowledging the overall intent of the Project and the \$68,000 funding commitment of the re-elected McGowan government to Equestrian Fencing, Officers propose that consultation remains ongoing with the applicant and key stakeholders to realise continual improvements to the community asset.

Officers encourage the applicant to consider a future application to the Infrastructure Fund if required, to support ongoing facility enhancements and improvements.

Infrastructure Fund Allocation: \$0

Applicant – Jarrahdale Community Collective (JCC)

*Application details included as **Confidential Attachment 4** to this report.*

Project : Bruno Gianatti Hall – Outdoor Hub Project

Shire Facility : Yes

Address : 27 Wanliss Street, Jarrahdale on Reserve 14609

Tenant History : License agreement in-principally supported by Council May 2020.

Membership Detail : 2018: 40 members; 2019: 46 members; 2020: 88 members.

Total Project Value : \$141,500 ex GST (includes 10% contingency)

Funding amount requested: \$50,000 ex GST

Applicant Contribution: JCC would need to contribute any remaining portion of the project cost, over and above an Infrastructure Fund allocation:



- Alcoa have indicatively demonstrated a potential \$50,000 contribution to the project, where Council commits a contribution of 50% of the project cost in cash/in-kind. Timing of project implementation varies the value of available Alcoa co-contributions.
- Within the funding commitments announced by the Labor Party for the Shire of Serpentine Jarrahdale prior to the WA State Election, \$30,000 was allocated towards the Bruno Gianatti Outdoor Hub Project.
- JCC are also currently working on a Stronger Communities Grant application (Federal funding program) for the project, having passed the initial EOI stage.

Other identified Stakeholders:

Jarrahdale community, Jarrahdale Primary School, Alcoa. Community surveys undertaken and attached.

Brief Description of Project provided by applicant:

Redesigning the existing 'playground facilities' next to the Bruno Gianatti Hall to incorporate a cohesive nature play and a community space, the outdoor hub will have spaces for people of all ages to enjoy. Amenities include a BBQ, water fountain, picnic area, park benches/community seating, natural outdoor gym, nature play space for both toddlers and older children, plus an open grassed area to host small music events, movie nights and more. Community consultation with JCC and Jarrahdale residents have indicated the wants and needs for space along with further consultation with SJ Shire Officers to provide an inclusive, safe and reasonable maintainable space. See Diagram 4 for proposed project area.

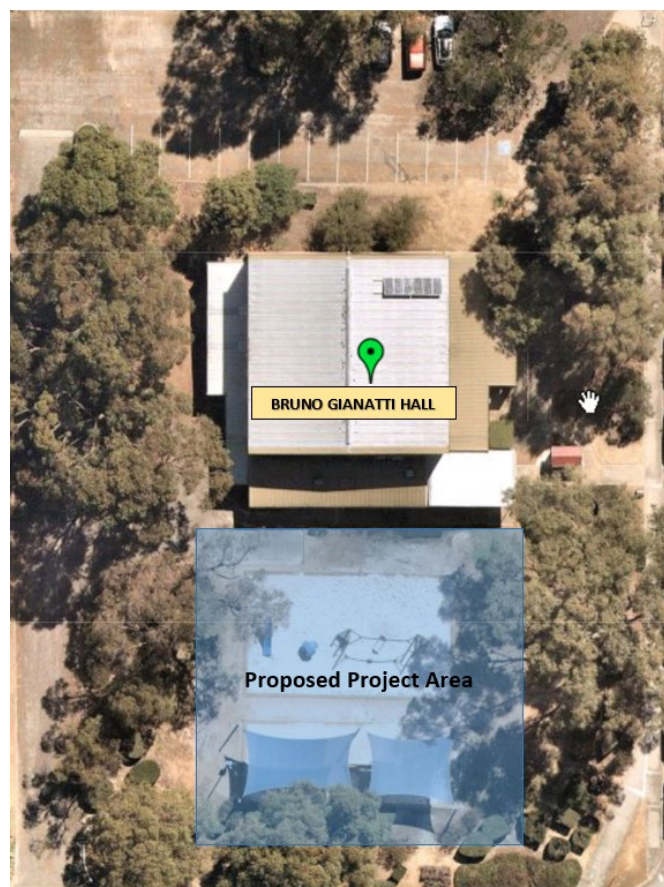


Diagram 4: Proposed project area of Jarrahdale Outdoor Hub



Comment from Panel discussions:

Given the support by Council towards a license agreement with the JCC for the use of Bruno Gianatti Hall, the Outdoor Hub project presents an opportunity to link the indoor and outdoor spaces for improved activation opportunities. The current playground area consists of large sand zones with equipment recently audited as good to average condition (included as **attachment 5** to this report). The project has the potential to improve amenities in this location utilising co-contributions from identified stakeholders (JCC, Alcoa and potential government grants).

Improvements would aim to enhance accessibility elements, revitalise the area with more functional spaces that complement the facility and lead to increased community utilisation without incurring any substantial increase to the current level of service for maintenance purposes. This would deliver valuable outcomes for both Jarrahdale residents and Council. Diagram 5 depicts the current infrastructure within the project area.



Diagram 5: Current infrastructure within proposed project area (Bruno Gianatti Hall Playgrounds).

Overall, the current/submitted scope of the project outlined in the application has been identified by the panel as too large to be undertaken in one stage and the level of infrastructure proposed may not be supported for ongoing maintenance and upkeep purposes. Further discussions around the types of material to be used and irrigation requirements for grassed areas are required and will be subject to Shire approval.



A staged approach to delivery is preferred, particularly as Officers have identified elements of the design that may require further development and/or additional budget. JCC have demonstrated their ability to leverage funding from a range of stakeholders, should the Shire support and approve a concept design. However, as other funding partners will have their own set of terms and conditions for grants and contributions, the final contribution to be secured will be dependent on the staging and costing recommended by the Shire:

- Alcoa may be willing to make a contribution to the project, subject to a commitment from Council. Alcoa have indicated that the Shire would need to contribute 50% of the total project value in cash and in kind. It is likely that Alcoa will also want to fund the play elements, that may need to be in future stages subject to final concept design and agreed project costs.
- At a meeting held on 29 March 2021, attended by the Shire President, Chief Executive Officer, Hon Matt Swinbourn MLC and Hugh Jones MLA the Shire was advised that the funding will be provided to the Jarrahdale Community Collective.
- The Stronger Communities Programme provides each of the 151 Federal electorates with \$150,000 to fund small capital projects. These projects aim to improve local community participation and contribute to vibrant viable communities. The Bruno Gianatti Outdoor Hub Project has progressed from EOI to application stage and if successful, will likely have definitive timeframes and conditions for delivery.

If successful with all grants currently submitted (including the Infrastructure Fund application), the JCC have indicated they would have \$150,000 available for the project. This will be conditional upon meeting all objectives of the funding sources.

Preliminary consideration and a commitment from Council to progress with the project is required prior to the finalization of a concept design and associated costings.

Whilst the proposed co-contribution from JCC is of notable value, it would be irresponsible for the Shire to overcommit to the project both in terms of scope and implementation for the available budget; or to significantly increase the ongoing maintenance/upkeep of the site. As such, the panel's recommendation aims to provide indicative direction for the project that would enable stakeholder engagement and progress a final concept design that meets baseline outcomes.

Panel Recommendation:

The panel recommends an allocation of \$50,000 to the project, with a revised final design concept to be developed in consultation with Officers to ensure the scope and included elements fit within the committed budget. The final committed budget is to include a co-contribution from the applicant (which may be sourced from other funding partners such as Alcoa or government grants), with the key focus elements for the design to include:

- Reduction or removal of playground and sand space outside of the shade sail area. Replace with irrigated grassed and landscaped areas, where these can be maintained.
- Consideration to improved accessibility elements – such as softfall and pathways that would enable access all infrastructure onsite where required.
- Include water fountain, BBQ and outdoor power source.
- Ability to sustain ongoing maintenance requirements of a finalised concept and recommendations for a staged approach where required for budgetary and implementation purposes.



The re-scoped design is to be achievable within the budget, including the applicant's contribution which may be sourced via sponsorship from Alcoa. Future stages may also be developed, noting that no further financial commitment is guaranteed from Council.

Infrastructure Fund allocation: \$50,000 ex GST

Applicant – Darling Downs Resident Association (DDRA)

*Application details included as **Confidential Attachment 6** to this report.*

Project : 70 Acre Reserve Infrastructure Upgrades.

Shire Reserve : Yes

Address: Evening Peel Car Park; 70 Acre Reserve.

Tenant History : Not directly applicable. Applicant has historically operated under an MOU arrangement with the Shire to deliver works at the Reserve

Membership Detail : 2017 : 98 members; 2018: 160 members; 2019: 161 members

Total Project Value : \$14,579.82 ex GST

Funding Amount Requested : \$8,100 ex GST

Applicant Contribution: \$6,500 ex GST

Brief Description of Project provided by the applicant:

A review of the utilisation of the 70 acres reserve identified increasing utilisation of the facilities in this area. Additionally, one of the safety issues that has been recognised in this review is that horses are being tied to floats and trees in the area. Consequently, the provision of day yards has been identified as an important safety issue that needs to be addressed. Additionally, there are no facilities to deal with horse manure left in the car park. Riders often dump the manure around trees in the car park which can "sour the grass" and create fly problems. By constructing a pit, riders can place the manure in one designated area to be cleaned. The intent of the project is to:

- Build ten adjoining 4m x 3m steel construction day-yards;
- Lay a sand base within these yards; and
- Install a 3m x 2m manure pit.

Comment from Panel Discussions:

This project was originally considered by the Major Grants Panel under the now repealed Community Funding Policy. In order to have the project approved in accordance with the current Community Funding policy, Council is requested to consider the revised scope and costings as supplied by the Darling Downs Residents Association via the recent Infrastructure Fund round.

As part of their application process, updated information was provided and discussed with Officers at a site visit on 26 October 2020. This included advice regarding their co-contribution and indicative site plan.

Officers have confirmed that the area proposed for the day yards appears suitable for the implementation of identified works, and the project generally aligns with detail contained within the Darling Downs Trail Network Reserve Management Plan (RMP) endorsed by Council on 15 July 2019 (OCM145/07/19). In accordance with Strategy number 29 of the RMP, *investigate and*



implement a long-term plan to increase, renovate or upgrade reserve facilities, the submitted application broadly meets the objective outlined.

Furthermore, the Management Plan outlines the desire of DDRA to implement aspirational ideas for the improvement of facilities and amenities onsite. It indicates that review and approval by the Shire would be required prior to commencement of any works, but did include the following elements:

1. Constructing ten day-yards and a manure pit near the Evening Peel carpark
2. Moving and refurbishing the existing picnic area.

The RMP indicates that the Shire's financial contribution to major works are intended to be primarily funded by grant applications to a variety of bodies. These works do not form part of the MOU arrangements that have been in place with DDRA for the management of the reserve.

DDRA have confirmed a co-contribution to the project of \$6,500 ex GST, which are funds that have been gifted to the organisation as a result of the disbanded Canning District Riders (CDR) Club. The value of the project has changed throughout the application process as a result of renewed and updated quotes.

Panel Recommendation:

Overall, the panel considers the project has been adequately scoped and the project can be delivered within the budget requested. Officers recommend the delivery of the project, to improve amenity at the 70 acre Reserve.

Infrastructure Fund allocation: \$8,100 ex GST

Total 2020/2021 Infrastructure Fund Recommendations

In accordance with the above details, the total recommended value of 2020/2021 project allocations from the available \$75,000 Infrastructure Fund are as follows:

Applicant	Project	Recommended Value of Support (ex GST)
Byford Community Kindergarten	Nature Play area	Not Required
Serpentine Jarrahdale Food and Farm Alliance	Equine Fencing	\$0
Jarrahdale Community Collective	Outdoor Hub	\$50,000 (in-principal)
Darling Downs Resident Association	Day yards and Manure pit	\$8,100
TOTAL		\$58,100

Officers further recommend a 10% allocation of overhead costs to each recommended project, to ensure these are reflected from the outset of the project.

Options and Implications**Option1**

That Council:



1. ACKNOWLEDGES the Byford Community Kindergarten have successfully obtained the total funding for the Nature Play Area project and:
 - a) SUPPORTS the intent to improve amenity at the Byford Community Kindergarten via the Nature Play Project, where this is beneficial to current and future use of site facilities.
 - b) REQUESTS the Chief Executive Officer undertake further consultation with the Byford Community Kindergarten to finalise a concept design prior to implementation, to ensure the design complies with relevant Australian Standards and meets both Shire of Serpentine Jarrahdale and Byford Community Kindergarten objectives outlined in this report.
2. ACKNOWLEDGES the application from the Serpentine Jarrahdale Food and Farm Alliance for Equestrian Fencing at Serpentine Sports Grounds and:
 - a) SUPPORTS the intent to improve Equestrian Fencing at the Serpentine Sports Ground, where this is beneficial to current and future use of site facilities.
 - b) DECLINES to provide a financial allocation to the Equestrian Fencing project due to incomplete application;
 - c) REQUESTS the Chief Executive Officer continues to work with stakeholders in realising the overall intent of the Equestrian Fencing Project (excluding the Hard Stand area), in recognition of the funding commitment announced by the Labour Party prior to the WA State Election.
3. SUPPORTS the Infrastructure Fund request from Jarrahdale Community Collective to the value of \$50,000 ex GST, with the delivery of project (release of funds) conditional upon:
 - a) An agreed final design concept that meets both Shire of Serpentine Jarrahdale and Jarrahdale Community Collective objectives outlined in this report.
 - b) Jarrahdale Community Collective to secure remainder of project budget, over and above Infrastructure Fund commitment from Council to deliver the project.
4. SUPPORTS the Infrastructure Fund application from Darling Downs Residents Association for the 70 Acre Reserve Infrastructure Upgrade Project, to an allocated value of \$8,100 ex GST.
5. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Infrastructure Fund application; and
6. APPROVES a budget amendment as follows:



Account Number	Type	Account Description	Debit \$	Credit \$
6500-80250-6600	Increase Expenditure	Jarrahdale Outdoor Hub – Capital Expenditure	55,000	
6500-80250-5009	Increase Trf From Reserve	Jarrahdale Outdoor Hub– Trf From Reserve – Community Grants Reserve		50,000
4300-15001-7300	Decrease Expenditure	Overhead Recovery		5,000
Reason: To deliver Outdoor Hub Project, subject to agreed concept design and co-contributions.				
6500-80251-6600	Increase Expenditure	Darling Downs Horse Yards – Capital Expenditure	16,000	
6500-80251-5009	Increase Trf From Reserve	Darling Downs Horse Yards – Trf From Reserve – Community Grants Reserve		8,100
6500-80251-4906	Increase Income	Darling Downs Horse Yards - Capital Contributions – Community Groups		6,500
4300-15001-7300	Decrease Expenditure	Overhead Recovery		1,400
Reason: Delivery of 10 x day yards and manure pit at 70 acre Reserve				
4300-15423-5009	Decrease Trf From Reserve	Community Infrastructure Grants - Trf From Reserve – Community Grants Reserve	58,100	
4300-15423-6276	Decrease Expenditure	Community Infrastructure Grants – Community Grants/Sponsorships		58,100
Reason: Due to change in policy, the Shire now completes the works on behalf of the organisation rather than providing cash grants. Therefore, budget previously assigned to provide cash grants to be transferred against specific projects relating to the agreed works as above.				

Option 2

That Council:

1. ACKNOWLEDGES the Byford Community Kindergarten have successfully obtained the total funding for the Nature Play Area project and DOES NOT SUPPORT further progression or implementation of the project.
2. ACKNOWLEDGES the application from the Serpentine Jarrahdale Food and Farm Alliance for Equestrian Fencing at Serpentine Sports Grounds and:
 - a) SUPPORTS the intent to improve Equestrian Fencing at the Serpentine Sports Ground, where this is beneficial to current and future use of site facilities.



- b) SUPPORTS a financial allocation to the Equestrian Fencing project of \$27,000.
- c) REQUESTS the Chief Executive Officer continues to work with stakeholders (including the State government) to deliver the Equestrian Fencing Project (excluding the Hard Stand area).
- 3. SUPPORTS the Infrastructure Fund request from Jarrahdale Community Collective to the value of \$39,900 ex GST, with the delivery of project (release of funds) conditional upon:
 - a) An agreed final design concept that meets both Shire of Serpentine Jarrahdale and Jarrahdale Community Collective objectives outlined in this report.
 - b) Jarrahdale Community Collective to secure remainder of project budget, over and above Infrastructure Fund commitment from Council to deliver the project.
- 4. SUPPORTS the Infrastructure Fund request from Darling Downs Residents Association to an allocated value of \$8,100 ex GST.
- 5. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Infrastructure Fund application.
- 6. APPROVES a budget amendment as follows:



Ordinary Council Meeting Agenda

Monday, 19 April 2021

6500-80259-6600	Increase Expenditure	Serpentine Jarrahdale Food and Farm Alliance Fencing Project	\$29,700	
6500-80259-5009	Increase Trf From Reserve	Serpentine Jarrahdale Food and Farm Alliance Fencing Project - Trf From Reserve – Community Grants Reserve		\$27,000
4300-15001-7300	Decrease Expenditure	Overhead Recovery		\$2,700
Reason: To deliver Equestrian Fencing Project, subject to agreed design.				
6500-80250-6600	Increase Expenditure	Jarrahdale Outdoor Hub – Capital Expenditure	43,800	
6500-80250-5009	Increase Trf From Reserve	Jarrahdale Outdoor Hub– Trf From Reserve – Community Grants Reserve		39,900
4300-15001-7300	Decrease Expenditure	Overhead Recovery		3,900
Reason: To deliver Outdoor Hub Project, subject to agreed concept design and co-contributions.				
6500-80251-6600	Increase Expenditure	Darling Downs Horse Yards – Capital Expenditure	16,000	
6500-80251-5009	Increase Trf From Reserve	Darling Downs Horse Yards – Trf From Reserve – Community Grants Reserve		8,100
6500-80251-4906	Increase Income	Darling Downs Horse Yards - Capital Contributions – Community Groups		6,500
4300-15001-7300	Decrease Expenditure	Overhead Recovery		\$1,400
Reason: Delivery of 10 x day yards and manure pit at 70 acre Reserve				
4300-15423-5009	Decrease Trf From Reserve	Community Infrastructure Grants - Trf From Reserve – Community Grants Reserve	75,000	
4300-15423-6276	Decrease Expenditure	Community Infrastructure Grants – Community Grants/Sponsorships		75,000
Reason: Due to change in policy, the Shire now completes the works on behalf of the organisation rather than providing cash grants. Therefore, budget previously assigned to provide cash grants to be transferred against specific projects relating to the agreed works as above.				

Option 3



Council may choose to decline the applications for other considered reasons.

Option 1 is recommended.

Option 2 is not recommended, as it disadvantages applicants that have submitted relevant information supporting their project proposal.

Conclusion

The Community Infrastructure Fund for the 2020/21 financial year was advertised in June and closed 24 August 2020. 3 applications were received in the first round under the current Community Funding Policy, with an additional application from the now repealed policy presented for Council consideration. A total value of \$58,100 ex GST of Infrastructure Fund allocations have been recommended within the specified scope of the 4 projects outlined.

Attachments (available under separate cover)

- **10.4.6 - attachment 1** – Community Funding Policy (E20/10157)
- **10.4.6 - CONFIDENTIAL attachment 2** – Byford Community Kindergarten Infrastructure Fund Application details (E20/13198)
- **10.4.6 - CONFIDENTIAL attachment 3** – Serpentine Jarrahdale Food and Farm Alliance Infrastructure Fund Application Details (E20/13242)
- **10.4.6 - CONFIDENTIAL attachment 4** – Jarrahdale Community Collective Infrastructure Fund Application Details (E20/13239)
- **10.4.6 - attachment 5** – Bruno Gianatti Playground Audit (E20/13464)
- **10.4.6 – CONFIDENTIAL attachment 6** – Darling Downs Residents Association Infrastructure Fund Application Details (E21/2646)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure

Financial Implications

An amount of \$75,000 has been included in the 2020/21 budget in the Community Funding – Community Infrastructure account (4300-15423-6276). The recommended funding commits \$58,100 ex GST of the uncommitted budget.

Officers have also applied a 10% overhead recovery cost to each of the recommended projects.



Account Number	Type	Account Description	Debit \$	Credit \$
6500-80250-6600	Increase Expenditure	Jarrahdale Outdoor Hub – Capital Expenditure	55,000	
6500-80250-5009	Increase Trf From Reserve	Jarrahdale Outdoor Hub– Trf From Reserve – Community Grants Reserve		50,000
4300-15001-7300	Decrease Expenditure	Overhead Recovery		5,000
Reason: To deliver Outdoor Hub Project, subject to agreed concept design and co-contributions.				
6500-80251-6600	Increase Expenditure	Darling Downs Horse Yards – Capital Expenditure	16,000	
6500-80251-5009	Increase Trf From Reserve	Darling Downs Horse Yards – Trf From Reserve – Community Grants Reserve		8,100
6500-80251-4906	Increase Income	Darling Downs Horse Yards - Capital Contributions – Community Groups		6,500
4300-15001-7300	Decrease Expenditure	Overhead Recovery		1,400
Reason: Delivery of 10 x day yards and manure pit at 70 acre Reserve				
4300-15423-5009	Decrease Trf From Reserve	Community Infrastructure Grants - Trf From Reserve – Community Grants Reserve	58,100	
4300-15423-6276	Decrease Expenditure	Community Infrastructure Grants – Community Grants/Sponsorships		58,100
Reason: Due to change in policy, the Shire now completes the works on behalf of the organisation rather than providing cash grants. Therefore, budget previously assigned to provide cash grants to be transferred against specific projects relating to the agreed works as above.				



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	<i>Allocated amounts are insufficient to deliver identified project.</i>	<i>Due diligence has been undertaken to the extent possible prior to project implementation. Officers have recommended an amount below the current \$75,000 budget allocation that would allow for minor variances if required.</i>	<i>Financial</i>	<i>Possible</i>	<i>Insignificant</i>	<i>LOW</i>	<i>If required, a scope variation will be negotiated with the community group to deliver project within allocated resources. Any variations that cannot be agreed will be returned to Council.</i>
2	<i>Allocation of funds to projects not adequately scoped for delivery.</i>	<i>Officers recommendation aim to provide maximum community benefit within allocated resources.</i>	<i>Financial</i>	<i>Possible</i>	<i>Minor</i>	<i>LOW</i>	<i>Not Required.</i>
3	<i>No support provided for any application resulting in disappointment from applicants</i>	<i>Council to give consideration to each application</i>	<i>Reputation</i>	<i>Unlikely</i>	<i>Minor</i>	<i>LOW</i>	<i>NIL</i>



Voting Requirements: Absolute Majority

Officer Recommendation:

That Council:

1. **ACKNOWLEDGES** the Byford Community Kindergarten have successfully obtained the total funding for the Nature Play Area project and:
 - a) **SUPPORTS** the intent to improve amenity at the Byford Community Kindergarten via the Nature Play Project, where this is beneficial to current and future use of site facilities.
 - b) **REQUESTS** the Chief Executive Officer undertake further consultation with the Byford Community Kindergarten to finalise a concept design prior to implementation, to ensure the design complies with relevant Australian Standards and meets both Shire of Serpentine Jarrahdale and Byford Community Kindergarten objectives outlined in this report.
2. **ACKNOWLEDGES** the application from the Serpentine Jarrahdale Food and Farm Alliance for Equestrian Fencing at Serpentine Sports Grounds and:
 - a) **SUPPORTS** the intent to improve Equestrian Fencing at the Serpentine Sports Ground, where this is beneficial to current and future use of site facilities.
 - b) **DECLINES** to provide a financial allocation to the Equestrian Fencing project due to incomplete application;
 - c) **REQUESTS** the Chief Executive Officer continues to work with stakeholders in realising the overall intent of the Equestrian Fencing Project (excluding the Hard Stand area), in recognition of the funding commitment announced by the Labor Party prior to the WA State Election.
3. **SUPPORTS** the Infrastructure Fund request from Jarrahdale Community Collective to the value of \$50,000 ex GST, with the delivery of project (release of funds) conditional upon:
 - a) An agreed final design concept that meets both Shire of Serpentine Jarrahdale and Jarrahdale Community Collective objectives outlined in this report.
 - b) Jarrahdale Community Collective to secure remainder of project budget, over and above Infrastructure Fund commitment from Council to deliver the project.
4. **SUPPORTS** the Infrastructure Fund application from Darling Downs Residents Association for the 70 Acre Reserve Infrastructure Upgrade Project, to an allocated value of \$8,100 ex GST.
5. **REQUESTS** the Chief Executive Officer advise organisations of outcomes relevant to their Infrastructure Fund application; and
6. **APPROVES** a budget amendment as follows:



Account Number	Type	Account Description	Debit \$	Credit \$
6500-80250-6600	Increase Expenditure	Jarrahdale Outdoor Hub – Capital Expenditure	55,000	
6500-80250-5009	Increase Trf From Reserve	Jarrahdale Outdoor Hub– Trf From Reserve – Community Grants Reserve		50,000
4300-15001-7300	Decrease Expenditure	Overhead Recovery		5,000
Reason: To deliver Outdoor Hub Project, subject to agreed concept design and co-contributions.				
6500-80251-6600	Increase Expenditure	Darling Downs Horse Yards – Capital Expenditure	16,000	
6500-80251-5009	Increase Trf From Reserve	Darling Downs Horse Yards – Trf From Reserve – Community Grants Reserve		8,100
6500-80251-4906	Increase Income	Darling Downs Horse Yards - Capital Contributions – Community Groups		6,500
4300-15001-7300	Decrease Expenditure	Overhead Recovery		1,400
Reason: Delivery of 10 x day yards and manure pit at 70 acre Reserve				
4300-15423-5009	Decrease Trf From Reserve	Community Infrastructure Grants - Trf From Reserve – Community Grants Reserve	58,100	
4300-15423-6276	Decrease Expenditure	Community Infrastructure Grants – Community Grants/Sponsorships		58,100
Reason: Due to change in policy, the Shire now completes the works on behalf of the organisation rather than providing cash grants. Therefore, budget previously assigned to provide cash grants to be transferred against specific projects relating to the agreed works as above.				



10.5 Executive Services reports

10.5.1 – Policy for Temporary Appointment of Chief Executive Officer (SJ3410)	
Responsible Officer:	Manager Governance
Senior Officer:	CEO
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 enable Council to consider adopting a policy for temporary employment or appointment of a Chief Executive Officer required under section 5.39C of the *Local Government Act 1995*.

Relevant Previous Decisions of Council

Nil.

Background

As part of the *Local Government Act 1995* review, a requirement has been introduced that requires a local government to prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following:

- the employment of a person in the position of CEO for a term not exceeding 1 year;
- the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

The legislation states that when preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

In February 2021, amendments to the *Local Government (Administration) Regulations 1996* were made to give effect to wider legislative changes associated with CEO employment. The changes to the regulations did not introduce prescribed requirements for policy for temporary appointment of the CEO.

Accordingly, it is now appropriate for Council to consider adoption of the policy.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Section 5.39C states:

1. A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following:
 - (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.
2. A local government may amend the policy.
3. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
4. The CEO must publish an up-to-date version of the policy on the local government's official website.

Comment

Arrangements for appointment of an acting CEO are currently set out in delegation 1.1.7 Appointment of Acting CEO. The delegation empowers the CEO to appoint a Director to the position of Acting Chief Executive Officer for periods of absence by the Chief Executive Officer of no longer than thirty (30) days.

The legislative amendments require Council to adopt a policy that deals with this matter.

A draft policy has been prepared for Council's consideration that complements the existing delegation (**attachment 1**).

Under the draft policy, the CEO would be responsible for appointing an acting CEO for periods of absence by the Chief Executive Officer of no longer than thirty (30) days. All other temporary arrangements for the CEO position would be determined by Council. This would include a situation where the CEO was unable to exercise the delegation.

In preparing the draft policy, Officers have examined published policies of several urban and rural local governments. The draft policy is broadly consistent with that adopted by other local governments but importantly addresses circumstances for temporary appointments where the CEO is unable to exercise the delegation.

Options and Implications

Option1

That Council ADOPTS Council policy 1.1.13 – Policy for temporary employment or appointment of CEO per **attachment 1**.

Option 2

That Council DOES NOT ADOPT Council policy 1.1.13 – Policy for temporary employment or appointment of CEO per **attachment 1**.

Option 1 is recommended.



Conclusion

The adoption of the draft policy will ensure compliance with the relevant sections of the Act and provide clear direction on temporary arrangements for CEO employment.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Draft Policy for temporary employment or appointment of Chief Executive Officer (E21/003697)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option						
2	<i>The Shire would not be compliant with section 5.39C of the Act. This could also result in a negative response in the annual Compliance Audit Return</i>	<i>Nil</i>	Reputation	Unlikely	Minor	LOW	Nil

Voting Requirements: Absolute Majority (s5.39C of the *Local Government Act 1995*)

Officer Recommendation

That Council ADOPTS Council policy 1.1.13 – Policy for temporary employment or appointment of Chief Executive Officer per attachment 1.



- 11. Urgent business:**
- 12. Councillor questions of which notice has been given:**
- 13. Closure**