



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Agenda

7.00pm

Monday, 19 October 2020

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



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



Continued

Ordinary Council Meeting Agenda Monday, 19 October 2020

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



Table of Contents

| | |
|--|-----|
| 1. Attendances and apologies (including leave of absence): | 6 |
| 2. Public question time: | 6 |
| 2.1 Response to previous public questions taken on notice: | 6 |
| 2.2 Public questions: | 6 |
| 3. Public statement time: | 6 |
| 4. Petitions and deputations: | 6 |
| 5. President's Report: | 6 |
| 6. Declaration of Councillors and Officer's interest: | 6 |
| 7. Confirmation of minutes of previous Council meeting(s): | 7 |
| 7.1 Ordinary Council Meeting – 21 September 2020 | 7 |
| 8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting: | 7 |
| 9. Motions of which notice has been given: | 7 |
| 9.1 - Notice of Motion – Request to investigate further opportunities for the Shire to support innovation and entrepreneurship within the Shire (SJ3185) | 7 |
| 10. Chief Executive Officer reports: | 9 |
| 10.1 Development Services reports | 9 |
| 10.1.1 - s31 Request for Reconsideration - Transport Depot (Waste Controlled Vehicles) - 543 King Road, Oldbury (SJ3247) | 9 |
| 10.1.2 - Proposed Outbuilding at Lot 1147, 221 Abernethy Road, Byford (PA20/637) | 29 |
| 10.1.3 – Outbuilding – Lot 383, 12 Gaddara Corner, Byford (PA20/604) | 38 |
| 10.1.4 - Proposed Equestrian Activity (Covered Horse Arena) – Lot 208 (434) Kargotich Road, Oakford (PA20/738) | 48 |
| 10.1.5 – Consideration of feasibility study of second access for Millbrook Estate (SJ537) | 60 |
| 10.1.6 - Award Request for Tender RFT 13/2020 - Mechanical Vegetation Works (SJ3329) | 70 |
| 10.2 Infrastructure Services reports | 78 |
| 10.2.1 – Appointments to the Cemeteries Advisory Group (SJ226) | 78 |
| 10.2.2 – Revised Serpentine Sports Reserve Management Plan – Release for Public Comment (SJ816) | 84 |
| 10.2.3 – Execution of Lease - Serpentine Jarrahdale Community Resource Centre (L089) | 90 |
| 10.2.4 - Award Request for Tender – RFT 10/2020 – Kargotich Road Rehabilitation Works (SJ3283) | 96 |
| 10.2.5 - Award Request for Tender – RFT 12/2020 – Nicholson Road Widening (SJ3326) | 105 |
| 10.2.6 – Keirnan Park Recreation Precinct - grant process and additional resources (SJ1364) | 112 |



| | |
|--|-----|
| 10.3 Corporate Services reports | 113 |
| 10.3.1 - Confirmation of Payment of Creditors (SJ801) | 113 |
| 10.3.2 – Monthly Financial Report – August 2020 (SJ801) | 117 |
| 10.3.3 – <i>Local Government Act 1995</i> review – Submission to WALGA on the Panel’s Recommendations to the Minister for Local Government (SJ1369) | 122 |
| 10.3.4 – Proposed Councillor mentoring program (SJ529) | 127 |
| 10.4 Community and Organisational Development reports | 132 |
| 10.4.1 – Shire of Serpentine Jarrahdale Organisational Development Roadmap (SJ388) | 132 |
| 10.4.2 – Community Recovery Plan and updated Communications Plan COVID-19 Pandemic (SJ3306) | 133 |
| 10.4.3 – Major Event Grants: Round One 2020 (SJ3296) | 140 |
| 10.4.4 – Proposed modification to Council Policy 5.1.14 – Community Contributions (SJ2119) | 152 |
| 10.4.5 – Revised Council Policy- Requests for Memorial Plaques and Trees (SJ2694) .. | 156 |
| 10.6 Confidential reports | 165 |
| 10.6.1 - CONFIDENTIAL Serpentine Jarrahdale Community Recreation Centre – Revised 2020/2021 Operational Budget (October) (SJ994) | 165 |
| 11. Urgent business: | 165 |
| 12. Councillor questions of which notice has been given: | 165 |
| 13. Closure | 165 |

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

A handwritten signature in black ink that reads "Helen Sarcich".

Helen Sarcich
Acting Chief Executive Officer

8 October 2020

Agenda

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

- 2. Public question time:**
 - 2.1 Response to previous public questions taken on notice:**
Nil.
 - 2.2 Public questions:**

- 3. Public statement time:**

- 4. Petitions and deputations:**

- 5. President's Report:**

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

Councillor Dagostino has declared a Financial Interest in item 10.1.4 - Proposed Equestrian Activity (Covered Horse Arena) – Lot 208 (434) Kargotich Road, Oakford as Councillor Dagostino is the property owner.

Manager Governance, Dr Kenneth Parker has declared an Impartiality Interest in item 10.3.3 - *Local Government Act 1995* review – Submission to WALGA on the Panel's Recommendations to the Minister for Local Government as Dr Parker worked previously on the *Local Government Act 1995* review project.

Manager Community Activation, Ms Rebecca Steinki has declared an Impartiality Interest in item 10.6.1 – CONFIDENTIAL Serpentine Jarrahdale Community Recreation Centre – Revised 2020/2021 Operational Budget (October) as Ms Steinki is a member of the facility.

**7. Confirmation of minutes of previous Council meeting(s):****7.1 Ordinary Council Meeting – 21 September 2020**

That the minutes of the Ordinary Council Meeting held on 21 September 2020 be CONFIRMED (E20/10916).

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

Nil.

9. Motions of which notice has been given:

| | |
|---|--|
| 9.1 - Notice of Motion – Request to investigate further opportunities for the Shire to support innovation and entrepreneurship within the Shire (SJ3185) | |
| Councillor | Councillor Dean Strautins |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from Councillor Dean Strautins via email on 5 October 2020.

The Notice of Motion is “That Council request the Chief Executive Officer investigate further opportunities for the Shire to support innovation and entrepreneurship within the Shire, including the development of an Innovation Friendly Charter to welcome entrepreneurial people and projects, as well as to attract resources relevant to supporting innovation and entrepreneurship, and provide a report as soon as practicable for Council’s consideration”.

Officer Comment

The Shire’s recently adopted Corporate Business Plan 2020 – 2024 recognises the importance of achieving prosperity through an innovative, commercially diverse and prosperous economy. This objective is supported explicitly through outcome 3.4.1 of the Corporate Business Plan, which provides that the Shire will identify and promote innovation and education opportunities to achieve the outcome of an Innovation Centre of Excellence.

Contemporary research identifies that a broad range of factors contribute to fostering and nurturing innovation / entrepreneurship, with a particular emphasis on the built environment including:

- The external image that a place presents and promotes;
- Brand, reputation and identity;
- The quality of buildings, how they relate to their surroundings, and how they support a vibrancy and thriving atmosphere;



- Civic and economic infrastructure that supports collaboration and chance interchanges.

It is acknowledged that the Shire is still only at the beginning of its hypergrowth journey. Planning for this growth centres upon the creation of two unique cities, made up of a network of vibrant high quality centres that will speak a language of vibrancy, activity and unique character. Recognising this upfront, helps to understand that some of the placed based characteristics that support innovation and entrepreneurship will emerge into the future.

Research also logically identifies that much of the demographic promoting innovation and entrepreneurship is that aged 30 and below, and this is a particularly important part of the Shire's community make up. Having services, facilities and a focus on attracting and retaining young people, is a further (and arguably potent) way in which to promote innovative discovery.

The financial implications of Council supporting the notice of motion can be accommodated within existing resources and through a reprioritisation of Officer time. Further, financial implications would be identified in the preparation of the subsequent report to Council.

At this time there are no legal implications or significant risks identified with the proposed resolution, but potential legal implications and significant risks of possible activities will be considered in the subsequent report, should Council resolve to support the motion.

Voting Requirements: Simple Majority

Councillor Recommendation

That Council request the Chief Executive Officer investigate further opportunities for the Shire to support innovation and entrepreneurship within the Shire, including the development of an Innovation Friendly Charter to welcome entrepreneurial people and projects, as well as to attract resources relevant to supporting innovation and entrepreneurship, and provide a report as soon as practicable for Council's consideration.



10. Chief Executive Officer reports:

10.1 Development Services reports

| | |
|---|--|
| 10.1.1 - s31 Request for Reconsideration - Transport Depot (Waste Controlled Vehicles) - 543 King Road, Oldbury (SJ3247) | |
| 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. |
|----------------|--|

| | |
|------------------------------------|----------------|
| Proponent: | Altus Planning |
| Owner: | M Nield |
| Date of Receipt: | 30 July 2019 |
| Lot Area: | 4.23 hectares |
| Town Planning Scheme No 2 Zoning: | Rural |
| Metropolitan Region Scheme Zoning: | Rural |

Report Purpose

The purpose of this report is for Council to reconsider a decision for a development application in accordance with Section 31 of the *State Administrative Tribunal Act 2004*. The proposal seeks retrospective approval for a 'Transport Depot' at 543 King Road, Oldbury for the parking of six (6) commercial vehicles of which four (4) are licensed controlled waste trucks. The application also proposes the transfer of liquid waste onsite from vehicle to vehicle approximately four times a week (septic waste, grease trap, industry washwaters, stormwater waste and oil/water combination). The development does not propose the use/application of liquid waste on any material onsite whatsoever.

The application is presented to Council in accordance with the request of the State Administrative Tribunal, which is inviting Council to reconsider the original decision. The original decision was a planning refusal for reasons associated with environmental concerns, amenity impacts and degree of consistency with the objectives of the 'Rural' zone.

The applicant, through the SAT process, has provided additional information. This additional information is the focus of the report, to assist Council to consider if it should reconsider the planning refusal. For the reasons outlined in the report, Officers still hold concerns that processes specific to waste transfer and risk containment are not sufficient to protect against adverse



environmental or amenity impacts. Officers thus recommend that Council, at this time, not vary the original decision to refuse the application.

Background

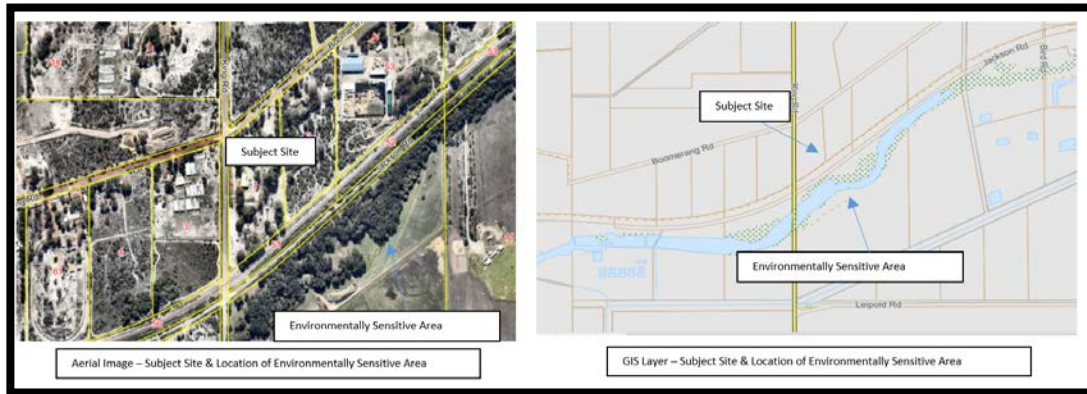
The property is zoned 'Rural' under TPS2 and is approximately 4.2 ha in size. It comprises of a dwelling, garage and a rural building. The rural building was initially approved in 1989 by the Shire and an extension granted in 1996 (**attachment 1**). The approval granted the construction for a workshop.

A row of mature trees are located along the King Road frontage. Aside from this, the site is sparsely vegetated. Access to the site is via two driveways from King Road. Refer following to aerial image of site:



Aerial Image - 543 King Road Oldbury

A Resource Enhancement Wetland (UFI 7190) and a Bush Forever Site 69 are located to the east of the site, as shown following:



Aerial image and wetland overlay

The general locality comprises of 'Rural' zoned properties used for a variety of rural uses including grazing, equestrian activities, market gardens, nursery, extractive industries and transport depots.

Initial Proposal

The initial application which can be viewed within **attachment 2**, sought retrospective planning approval for a transport depot operated by Exit Waste. The operation primarily involves parking and storage of commercial vehicles used for collecting various liquid wastes and controlled waste throughout the Perth Metropolitan Area. The waste trucks are licensed by the Department of Water and Environment Regulation (DWER).

The proposal initially sought the following:

- The parking of 5 controlled waste trucks; 1x aggregate truck weighing 15,000kg, 3 aggregate trucks weighing 22,500kg and 1x aggregate truck weighing 27,500kg;
- Only 2 vehicles operational at any one time;
- Commercial vehicles parked on hardstand area of approximately 1000m². Vehicle movement consisting of two vehicles leaving the site and two returning at the end of the day;
- Trucks and staff vehicles entering the site from King Road via the northern driveway;
- Waste trucks picking up bulk loads and disposing of the waste offsite. Vehicles mainly returning empty on the same day;
- Trucks containing controlled waste occasionally being parked on site in accordance with DWER's regulations, which allow waste to be retained in controlled waste tanks for a maximum of 7 days before disposal to a tip site; a static waste tank is also proposed to be located onsite;
- Truck-to-truck transfer of liquids between vacuum units to intermittently occur within the holding period of 7 days; between 3 to 4 times a week;



- The main type of waste being sewage collected from septic tanks. Other wastes including grease trap, (vegetable oil/food waste), carwash waters and sludges, hydrocarbons, storm and ground water waste. No dangerous goods;
- Three employees comprising of 1 full time employee, 1 contract worker and the manager/owner;
- A transportable building/mobile amenity room, rainwater tank and car parking area. The transportable building will be used as the administration office for the business;
- Hours of operation from 7am to 5pm six days a week. The business remains open for call out services outside these hours. Call out service occurs at an average of once or twice a month; and
- Servicing of vehicles onsite and washing of vehicles.

Subsequent to the assessment being undertaken, and based on the information forming the application, Officers considered that risks were too high to warrant against adverse amenity or environmental impacts.

The application was refused on the following grounds (**attachment 3**):

- 1 *The proposed development is neither a rural pursuit nor associated with a rural pursuit and is inconsistent with the objective for the 'Rural' zone in accordance with Clause 5.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.02;*
- 2 *The proposed development is inconsistent with the established rural character of the area and is likely to adversely impact on the rural lifestyle of surrounding residents, which is contradictory to the objectives of the Rural Policy Area under the Rural Strategy Review;*
- 3 *Insufficient information has been submitted to determine the noise, and odour impacts of the proposed development;*

SAT Proceedings

The refusal was subsequently appealed to the SAT on 9 March 2020. Mediation was held on 25 June 2020 where Officers explained to the SAT the issues and concerns that were not addressed, and the reasons underpinning refusal. Officers also explained the issue in respect of the objectives of the 'Rural' zone of TPS2.

Upon the applicant submitting further information through mediation, the SAT has now invited Council to reconsider its original decision. A copy of the additional information supplied to the Shire can be viewed within **attachment 4** and will be discussed later in the report.

In accordance with the SAT Orders, Council has been invited to reconsider its decision on the application under Section 31 (1) of the State Administrative Tribunal Act 2004. A reconsideration under Section 31 (1) allows for Council to either:

- Affirm the decisions';
- Vary the decisions; or
- Set aside the decisions and substitute a new decisions.

If the applicant is satisfied with the varied or substituted decision, they can withdraw the proceedings and the new decision comes into effect. If the applicant is not satisfied with the new decision, the proceedings are resolved before the SAT by way of a full hearing.



Revised Proposal

The application principally remains the same. The additional information for Council's consideration can be viewed within **attachment 4**. It includes:

- The acoustic assessment submitted by the applicant demonstrates that the nearby sensitive receptors will not be exposed to undue noise impacts;
- Odour assessment submitted demonstrates that odour will not impact upon the amenity of the area;
- Additional details of the proposed bunded hardstand and associated drainage; and
- The development seeks to service effluent disposal systems within the Shire's rural community who are not connected to reticulated sewer.

Six commercial vehicles are proposed to be parked onsite of which four are licensed waste controlled vehicles by the Department of Water and Environmental Regulations (DWER). The applicant has advised that there will also be two (2) mobile skid mounted tanks onsite which will be located on the larger hardstand area. These will be used only if required. Images of vehicles pictured following:



Waste Controlled Vehicles



Commercial Vehicle



Community/Stakeholder Consultation

During the initial advertising period two submissions were received objecting against the proposal. A full summary of the submissions with the applicants response are contained within **attachment 5**. The issues raised relate to:

- Against business from operating within this area;
- Development is not a rural pursuit or associated activity;
- Impacts to rural lifestyle/amenity;
- Unauthorised developments;
- Noise and odour emissions;
- Hazardous material;
- Vehicle movements; and
- Environmental impacts.

The application was initially referred to State Departments for a period of 42 days. At the end of the consultation period, two (2) responses were received, one from the Department of Primary Industries and Regional Development (DPIRD) and the Department of Water and Environment Regulation (DWER). DPIRD provided no objection, DWER advised as follows:

Environmental Protection Act

As per the details of use and development contained within the application, the proposed activity does not trigger any obligations relating to the Environmental Protection (Controlled Waste) Regulations 2004. The activities described also do not meet the definition of a category 61 (liquid waste facility) prescribed premises under the Environmental Protection Regulations 1987. Shire approval is likely to be the only requirement for the proposed development and use as a 'Transport Depot'.

Peel Harvey Coastal Plain Catchment

The subject area is located within the Peel-Harvey catchment and provisions of State Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment and Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992 apply.

Stormwater Management

All vehicles containing controlled waste are to be parked on sealed hardstand areas. Drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia (DoW, 2004-2007).

Best Practice Management

The following Water Quality Protection Notes (WQPN's) provide best practice management guidelines to protect the state water resources. These can be found on the DWER website here and searching under "publications"

WQPN 10 - Contaminant spills - emergency response

WQPN 51 - Industrial wastewater management and disposal

WQPN 52 - Stormwater management at industrial sites



WQPN 65 - Toxic and hazardous substances

WQPN 68 - Mechanical equipment wash down

Sewerage

In accordance with the Government Sewerage Policy (Government of Western Australia, 2019), the subject land is located within a sewage sensitive area. It is recommended that any new or upgraded staff amenities are connected to a secondary treatment system with nutrient removal."

Officer comment

Officers identify concerns in respect of the current proposed approach to management of stormwater and wastewater, primarily due to the risk of direct interaction of these two water types. This is explained further in the report.

Statutory Environment

Legislation

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

State Government Policies

- Metropolitan Region Scheme

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.02;
- Rural Strategy Review 2013 ;
- Draft Local Planning Scheme No.03; and
- Draft Local Planning Strategy.

Planning Assessment

Schedule 2, Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)* lists matters to be considered in the determination of development applications. A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed with the Technical Assessment (**attachment 6**).

For the purpose of this report, discussion is confined to the revised application and where Council is required to exercise discretion.

Town Planning Scheme No2

The subject site is zoned 'Rural' under TPS2. Clause 5.10.1 sets the objective of the 'Rural' zone as follows:

"The purpose and intent of the 'Rural' zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area".



The concept of 'rural' and 'pursuit' is not defined within TPS 2. The ordinary meaning of "rural" and of "pursuit" as cited in Attwell and City of Albany, uses the Macquarie Dictionary where "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.*

The zoning table of TPS 2 lists a range of uses that can be considered within the 'Rural' zone, the uses range from having a direct relationship to an indirect relationship to a rural pursuit or associated activity. The land uses that are not directly rural pursuits or associated activities are considered discretionary for that reason. In considering a discretionary land use, it is required to determine the association with a rural pursuit or associated activity carried out within the scheme area. Land uses not directly rural in nature are considered capable of approval where they, to an appropriate threshold, serve the local rural community thereby supporting rural pursuits.

This approach has indeed been applied by the SAT in Evangel Christian Fellowship Inc. and Shire of Serpentine Jarrahdale (2017) (WASAT 159). The SAT stated in this case that a land use such as a 'consulting room', "*which on its face could not be described as a rural activity, but is a land use that may be needed to service the medical needs of the local community, thereby supporting the carrying out of rural pursuits in the Rural zone.*"

The additional information supplied by the applicant as part of the SAT presents that the operations support the local rural community. The applicant proposes that it will provide a service to rural properties and operations that are not connected to sewer by emptying septic apparatuses, which are commonly found in country areas. The applicant has advised that this service comprises about half of the overall operations. The other half, therefore, could be argued to service a range of non-rural sectors. This is not considered to be sufficiently clear enough to warrant a close association within rural pursuits and associated activities.

Land Use Permissibility

In determining the land use of the proposal, it is considered the retrospective proposal best fits within the TPS2; definition of 'Transport Depot', which is defined, as follows:

- (a) *The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) *The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) *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.

The zoning table in TPS2 provides that 'Transport Depot' is an 'SA' use in the 'Rural' zone, which means that this use may, at the decision maker's discretion, be permitted after the proposal has been advertised in accordance with the Scheme.



Officers consider that the 'Transport Depot' land use best fits the proposal as the development seeks to transfer waste from vehicle to vehicle and the operations comprises of staff attending the site to drive the licenced waste controlled commercial vehicles. Servicing of vehicles is also proposed to occur as part of the development within the existing buildings onsite. Therefore, the proposed development has been assessed as falling within the 'Transport Depot' classification.

In terms of DWER, it should be noted that the premises itself does not require a license for the storage of liquid waste. The controlled waste vehicles are required to be licensed through DWER. The intent of this is for DWER and various other State government departments to monitor waste disposals and volumes transported around Western Australia. Under DWER's license for the waste control vehicles, liquid waste can be kept on site within a controlled waste tank or on a vehicle for up to 7 days.

Local Planning Scheme No. 3

Schedule 2, Part 9, Clause 67 (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Government to consider the principles of orderly and proper planning including any proposed Local Planning Scheme.

Under the Shire's Draft Local Planning Scheme No. 3, the subject land is identified to remain zoned 'Rural' whereby the land use of 'Transport Depot' is an 'SA' use, meaning the land use can be approved at the discretion of Council subject to the application being advertised and any submission considered in making a decision.

The relevant objectives of the 'Rural' zone under LPS3 are discussed as follows:

- *'To provide for the maintenance or enhancement of specific local rural character'*

The surrounding area generally comprises of a range of rural type uses and associated incidental developments. The works associated with the proposed development will be screened from King Road by the existing approved rural sheds on site vegetation. The applicant has also presented that the vehicles are associated with a rural pursuit (about half of overall operations). Officers are not satisfied with this extent.

- *To maintain and enhance the environmental qualities of the landscape, vegetation, spoils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage;*

The applicant has prepared a site specific Storm Water Spill and Wash Down Management Plan which depicts an asphalt raised dedicated parking hardstand of 34m x 47m for the commercial vehicles and a 10m x 47m hardstand solely for the purposes of liquid waste transfer and vehicle washing.

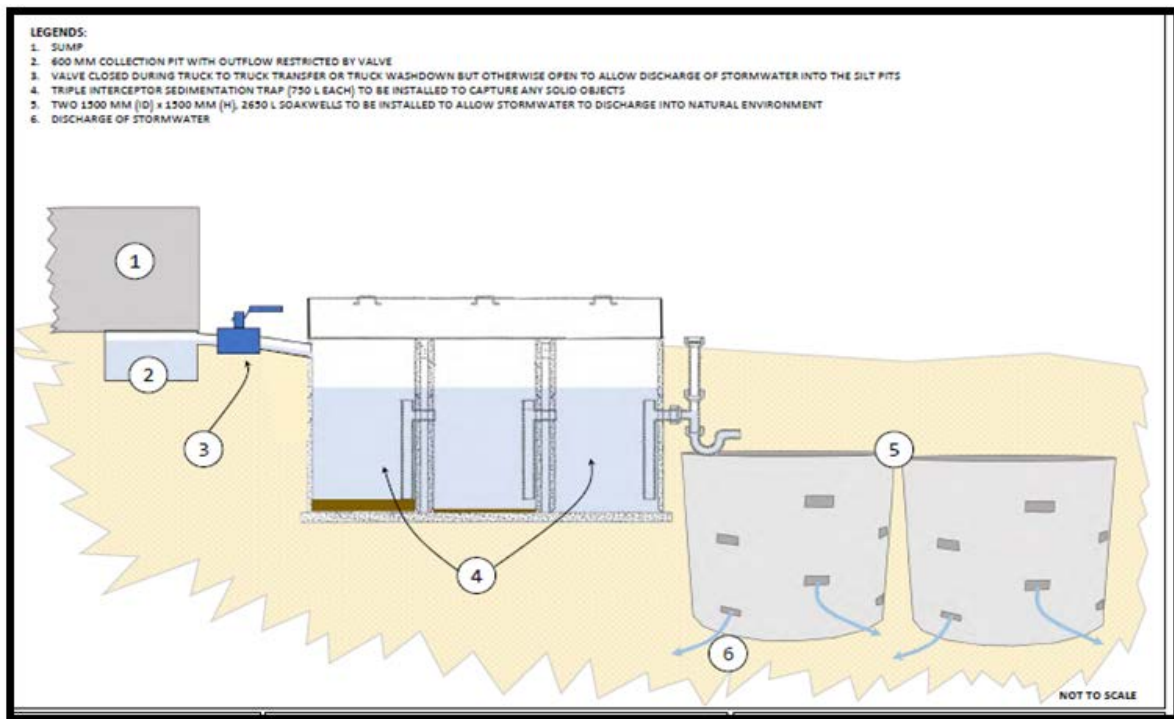
A portion of the hardstand area where liquid waste transfer and vehicle washing is proposed to occur, will be bunded by a 200mm raised concreted kerb. This portion of area will be graded towards a wastewater sump to capture any wastewater runoff, to be then pumped out and disposed of. The purpose of the kerbing and hardstand area seeks to prevent hydrocarbons and possibly other contaminants leaching into the environment.

Officers note that bunding does extend to the entire perimeter of the hardstand area. This includes the parking area of the commercial vehicles, and thus any built up or spilt hydrocarbons within this area could impact the surrounding environment.

Further to this, a stormwater pit (soakwells) is proposed to be located at the base of the wastewater sump, which is proposed to capture stormwater run-off from the 10m x 47m



dedicated hardstand areas. This is proposed when the wastewater sump is not being used as part of the liquid waste transfer process or when commercial vehicles are not being washed. This relies on a lever to be open or shut subject to the activity occurring at the time. The wastewater sump is thus sized for collection and containment of contaminated water that could occur with activities of truck to truck transfer or cleaning, with this wastewater sump cleaned after such occurs. Outside these activities however, stormwater is intended to flow 'through' the system and infiltrate once passing through sediment traps, via the end of system stormwater pit (soakwells). This is shown following. Area (2) is the wastewater sump, which will also have a flow through of stormwater before existing at (6).



Stormwater Management

This practice is not considered optimal, and Officers note DWER guidance does not support inline management of two different water quality flows. Officers have identified concerns over the possibility of contamination occurring to stormwater as a result of the stormwater pit being located at the base of the wastewater containment sump, albeit with a degree of treatment between the two. While noting this 'treatment' train, the fact liquid waste is being proposed in this operation means that risk management should demonstrate avoidance of such interaction, consistent with DWER WQPN guidance.

Officers also note that there is no dedicated sump, for stormwater purposes, for the larger hard surfaced area (34mx 47m) to capture and treat stormwater. Officers also note concern of the storage of the five skid mounted tanks on this area.

- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding land uses.*

The development argues a position of compatibility with rural character, by virtue of operations supporting a degree of rural pursuits.



Draft Local Planning Strategy

The Strategy designates the subject site as 'Rural Land'. A key component of the designations is as follows:

"The Rural land use category provides for a full range of rural land uses, tourism opportunities, rural enterprises and the preservation of the natural landscape. Rural land facilitates agricultural production and the protection of the natural landscape"

From the additional information submitted by the applicant, it is noted part of overall operations could be seen to service the rural community. In terms of natural landscape, the development will be screened by the existing rural buildings onsite which have been previously approved. Impacts to nearby rural features such as the wetland and bush forever are however not adequately demonstrated, specific to the risks in respect of wastewater and stormwater management.

State Planning Policy 2.5

Land Use Planning in Rural Areas (SPP 2.5) is also relevant to consideration of the proposed development. In particular, cl 5.8, which deals with avoiding land use conflicts, as it provides:

'The introduction of sensitive or incompatible land uses such as additional housing or accommodation in rural areas can compromise rural land uses and effectively sterilise rural land. Incompatible land uses may also include uses that are acceptable in a rural zone but have a negative impact on other rural land uses. ... There is a need to ensure that existing rural land uses are protected and landholders are able to exercise their operational needs effectively and appropriately'.

The relevance of SPP 2.5 is limited to the 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 have considered that the proposal will not prevent nearby land from being used for rural purposes and therefore consistent with the objectives of SPP2.5.

State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area and as such, the provisions of SPP 2.1 apply. 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.

Officers consider the current approach to wastewater and stormwater management represent an unacceptable level of risk.



Amenity

The Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides proponents, responsible authorities and stakeholders policy guidance on generic separation distances between industries and sensitive land uses to avoid or minimise the potential for land use conflicts. With regard to the proposed development, the generic separation distance that applies between 'Transport Depots' and sensitive land uses is 200m.

Clause 2.3 of the document 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, child care facilities, shopping centres, playgrounds and some public buildings".

Where the separation distance is less than the generic distance, a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. The map following identifies one sensitive receptor located within the generic 200m buffer. There is one located just outside the buffer:



Sensitive Receptors Located within the 200m Buffer

Noise

An Environmental Noise Assessment prepared by Herring Storer Acoustic was submitted to the Shire to demonstrate that noise levels associated with vehicle movements and the transfer of liquid waste onsite will not result in undue noise impacts on nearby sensitive receptors. The noise assessment can be viewed within **attachment 7**.



The acoustic report was assessed on the movement of two commercial vehicles a day entering and exiting the site and the sound pressure level associated with the pump which facilitates the liquid transfer from vehicle to vehicle. The assessment concluded that the noise levels generated by the development are below the assigned compliant noise levels under the *Environmental Protection (noise) Regulations 1997* at the identified nearby sensitive receptors:

| Scenario | Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Compliant L _{A1} Noise Level (dB) | Exceedance to Assigned Noise Level (dB) |
|---------------------|----------|-------------------------------|--|--|---|
| 1 – Truck Movements | R1 | 46 | 0700 - 1900 hours Monday to Saturday (Day) | 55 | Complies |
| | R2 | 46 | 0700 - 1900 hours Monday to Saturday (Day) | 55 | Complies |
| 2 – Pump Transfer | R1 | 47 | 0700 - 1900 hours Monday to Saturday (Day) | 55 | Complies |
| | R2 | 42 | 0700 - 1900 hours Monday to Saturday (Day) | 55 | Complies |

Assessment of Noise Emissions

Officers note that vehicle movements may be generated after hours due to urgent call outs. In this regard, the acoustic assessment has not assessed the possible impacts resulting from this due to the infrequent nature. Due to the low frequency of this occurring, Officers consider that a Noise Management Plan would adequately address this as vehicle noise emissions could be managed through utilising the most northern located driveway when exiting and entering the site during the after-hours call outs as it is the further away from the sensitive receptors.

Odour

An Odour Assessment (**attachment 8**) has been provided detailing the level of emissions generated from the development. The assessment identifies that odour emissions are typically generated for the vents of stationary tankers due to temperature fluctuations during the transfer of liquid waste from vehicle to vehicle. According to the applicant's consultant, odour emissions during this time are most likely emitted at low levels, and is only potent at the source of transfer. The concentration due to its low levels, will likely dissipate once it moves beyond the truck lay down area. In this regard, noting the distance of sensitive receptors from the development and the low levels of emission, the applicant's Odour Assessment submits that there will not be adverse impacts upon the locality. Refer following to images of odour sources:



Transfer of Waste from Licensed Controlled Vehicles (Decanting)

The applicant's assessment against DWERs Odour Guidelines (2019) is captured following which identifies the odour sources, potential risk and proposed controls:

| Activity / odour source | Description, including proposed controls |
|---|---|
| Liquid controlled waste tankers parked on site | <p>Tankers are used to pick up and deliver liquid waste, including sewerage, to appropriately licensed third party waste disposal facility; wastes are transported in enclosed vessels and pumped into offsite storage tanks via pipes with closed couplings. Empty tankers are stored on-site within the tanker laydown area.</p> <p>Tankers are equipped with pressure vents that could discharge gases due to expansion from temperature fluctuations. The likelihood of odour outside the Site boundary from a vent discharge, which would comprise a short low volume emission, from an empty tanker is considered rare.</p> |
| Wash down of liquid controlled waste tankers | <p>The insides of the tanks are washed down and decanted into the next tanker via closed line couplings. A plastic container is placed under couplings to catch any small dribbles that may occur during uncoupling. This activity is restricted to the tanker lay down area. Odours may be detectable by the operator, however, impacts across the Site and beyond the boundary are not likely to eventuate due to the small size of the odour source and the short duration of exposure to atmosphere of odorous liquids. A worst-case scenario for odour impacts at the boundary requires odour emitting activities to be carried out at the same times as poor dispersion conditions (i.e. neutral to stable atmospheric stability) which can occur in the early morning. This is a low probability scenario and presents a low odour risk.</p> <p>The resulting wash down water is stored temporarily in the final tanker for disposal with the next load at a licensed liquid waste disposal facility. The volume in the tanker will be small and contained and thus is unlikely to pose an odour source.</p> |
| Loaded controlled waste tanker and static controlled waste tank storage | <p>On occasion tankers may not be able to be offloaded (i.e., pickup and delivery cannot be carried out during liquid waste facility opening hours) and the loaded tanker may be temporarily parked up at the depot in the tanker lay down area.</p> <p>The Site includes a static controlled waste tank, available for use as contingency should tankers be returned to the Site containing wastewater and decanting is required to make the tanker available for the next load. Decanting would be via pipelines equipped with closed couplings and therefore a contained process from which any odour would be minimal. Dribbles from uncoupling would be caught via plastic container for appropriate disposal. Minor odour impacts may be detectable by the person handling the container however impacts across the site and beyond the site boundary are not likely to eventuate.</p> <p>The static tanks and the tankers both have pressure vents that could discharge air when filling or during expansion due to temperature fluctuations. Any venting would be small in volume and any associated detectable odour resulting would be local and transient. Impacts at the nearest sensitive receptors are not expected to result due to the separation distance and short range and duration of any vent discharges.</p> |
| Debris removal | <p>Debris (i.e., rags or similar) in the transported waste can cause clogging in the downstream wastewater treatment process. In the event of debris being detected in a load then this must be recovered prior to delivery to a prescribed facility. This is conducted by decanting the waste (from the tanker) via a screen to recover the offending items. This process has potential for odour emissions to occur. However screening for debris is understood to occur only 2 to 3 times per year. Odour from the liquid waste being screened is likely to be localised due to the low volume exposed to atmosphere at any time. Furthermore, this process is of short duration with an expected completion time of 30 to 60 minutes. Due to the low frequency, short duration, a rare likelihood of detectable odour crossing the boundary and the separation distance, the risk of odour impacts at the nearest sensitive receptors is low.</p> |

Odour Screening Analysis



Environmental Considerations

The main environmental impact considered resulting from the proposal is the potential impacts to the nearby Resource Enhancement Wetland and Bush Forever site. The soils within the subject property are Bassendean Type (b1) which is recognised as having very low phosphate retention capacity. Stormwater and contaminants leaching through the subject site could readily express themselves within these environmentally sensitive areas, and flow through to the Peel Harvey Inlet, leading to environmental degradation.

The applicant has submitted a Stormwater, Spill and Wash Down Management Plan (**attachment 9**). The applicant has proposed a sealed hardstand area where the controlled waste vehicles will be parked and where the transfer of liquid waste from vehicle to vehicle is proposed to occur. This is depicted following:



Proposed Raised Kerbed Hardstand Area

The dedicated hardstand area for this purpose is 10m x 47m in size and is impervious in nature. It consists of 100mm of profile (asphalt surface) on top of the existing surface. The area where liquid transfer and vehicle wash down is to occur will be graded at 2% towards a concrete wastewater concrete sump for spill and wastewater containment. The sump is designed for a spill volume capacity of up to 20,000L allowing full containment of a spill based on the largest truck container onsite, but relying on such being always empty and available for full use. The hardstand area where the transfer of liquid will occur will comprise of 200mm raised concrete bunds around the perimeter for the hardstand area.

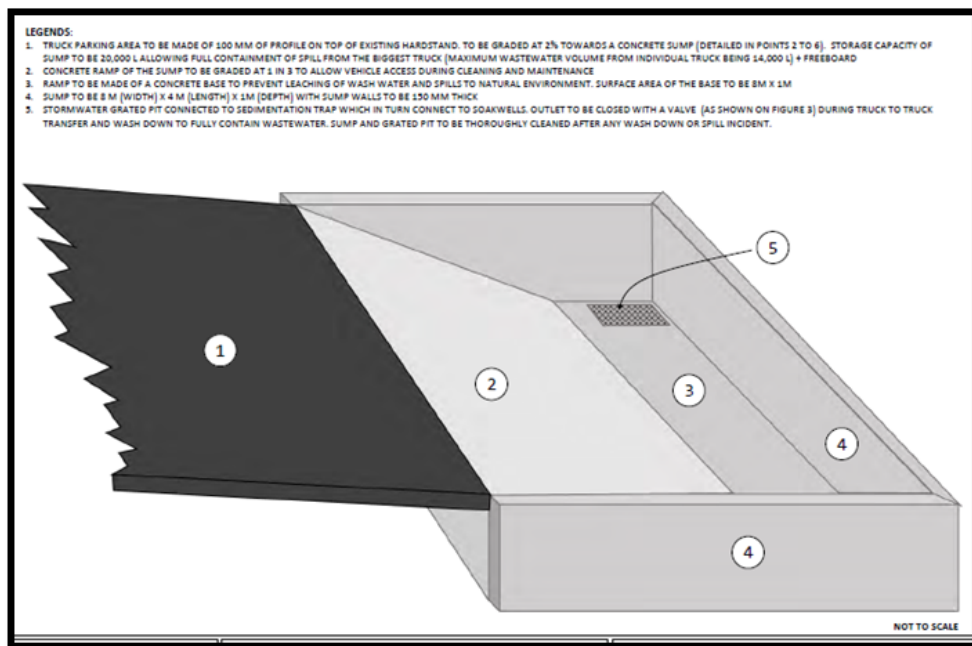
An area of 34m x 47m hardstand has also been dedicated for the parking of commercial vehicles and the skid mounted tanks, which is proposed to be constructed of the same profile as the transfer of waste and vehicle wash down area. It is noted, however, that this hardstand area is not bundled.

In terms of stormwater, a stormwater pit (soakwells) is located at the base of a wastewater containment system, in line with that system at its end point. Stormwater runoff from the 10m x 47m hardstand area will thus flow through the wastewater containment system - this is a key

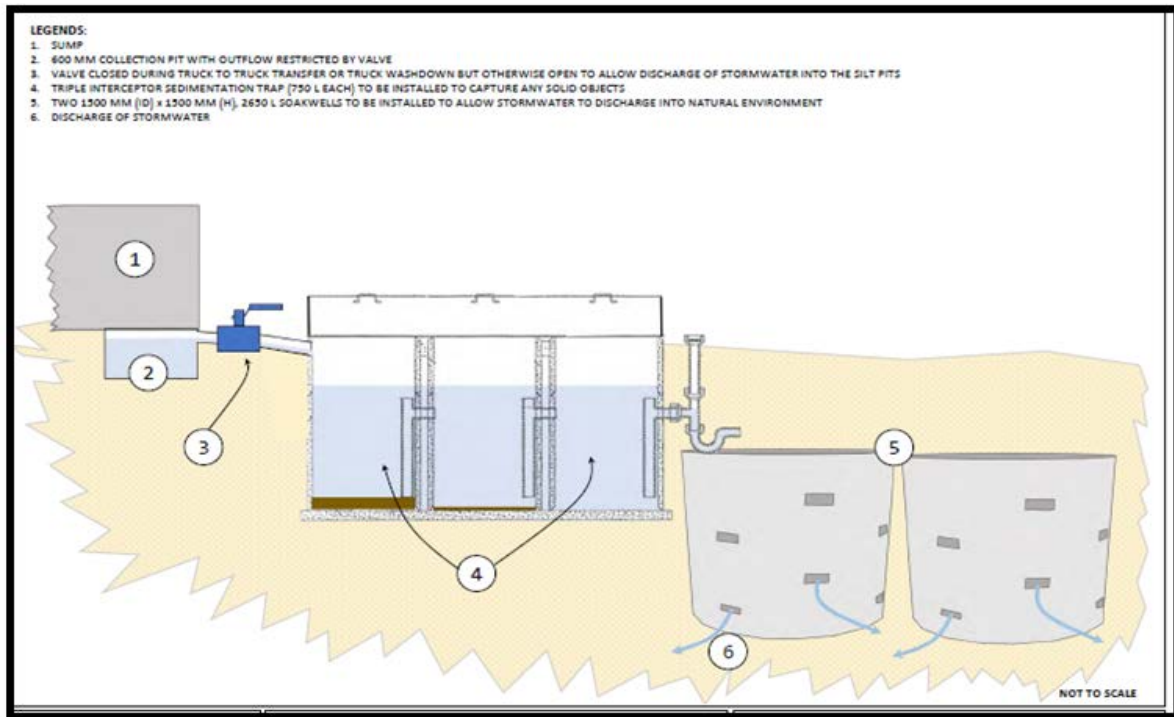


planning concern. It is also noted that there is no area proposed to capture stormwater runoff from the larger 34m x 47m hardstand area, representing a further planning concern.

The stormwater system is depicted following:



Spill and Wash Water Containment



Stormwater Management

Officers raise concerns over the proposed methodology to contemplate interaction between wastewater and stormwater within the same system.

To minimise risk, a more optimal solution would be to always separate stormwater and wastewater processes to ensure that only clean stormwater physically capable of being released into the environment, and cannot mix with contaminated water. This is not currently proposed.

Water Protection Quality Note (WQPN) 52: Stormwater Management at Industrial Sites recommends that “*uncontaminated stormwater runoff from roofs, paths and the landscape should not be allowed to mix with process effluent, stored chemicals or stormwater runoff from areas susceptible to chemical spills. Where practical processing areas involving the use of chemicals should be weather proof or covered*”.

In this regard, the proposed wastewater sump relies upon a lever to open during those processes of transfer or cleaning. The wastewater sump is sized for the maximum truck volume, and thus also relies on it being completely empty and not having any residual water in there already, such as from low frequency rainfall events. Outside transfer and cleaning, stormwater can flow through the sump to the end of line stormwater pit (soakwell).

There is the possibility that stormwater in some instances could collect residue of liquid waste from wastewater sump, providing a pathway for contaminants to leach into the environment. Also, small rainfall events could inadvertently reduce the capacity of the wastewater sump, posing a risk to the environment also.



Built Form

The development will be mainly screened from King Road by the existing line of trees along King Road. The transportable office and amenities room is located behind the existing rural building onsite. Officers note that these structures will be fully screened from view.

Options and Implications**Option 1**

That Council, in response to the s31 Request for Reconsideration issued by the State Administrative Tribunal, REAFFIRMS the original decision to REFUSE the retrospective approval for a Transport Depot involving a commercial liquid waste truck operation at Lot 1 (No. 543) King Road, Oldbury.

Option 2

That Council reconsiders its original decision, and decides to APPROVE the application, subject to appropriate conditions.

Option 1 is recommended.

Conclusion

In accordance with the SAT Orders, Council has been invited to reconsider its decision to refuse the retrospective application for a Transport Depot at Lot 1 (543) King Road, Oldbury under Section 31 (1) of the State Administrative Tribunal Act 2004. A reconsideration under Section 31 (1) allows for Council to either:

- Affirm the decisions'
- Vary the decisions; or
- Set aside the decisions and substitute a new decisions;

The application seeks retrospective approval for a Transport Depot involving the parking of commercial vehicles associated with controlled waste and the infrequent transfer of liquid waste from vehicle to vehicle. Officers do not recommend Council vary its decision due to the risks associated with stormwater and wastewater management. Officers also do not consider that the use is sufficiently associated with rural pursuits or associated activities. It is recommended that Council affirm the original decision.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - 1989 Planning Approval (IN20/21224)
- **10.1.1 - attachment 2** - Initial Application (IN19/16164)
- **10.1.1 - attachment 3** - Refusal (OC20/2524)
- **10.1.1 - attachment 4** - Additional Information (IN20/21286)
- **10.1.1 - attachment 5** - Summary of Submissions (E19/11511)



- **10.1.1 - attachment 6** - Technical Assessment (E20/11047)
- **10.1.1 - attachment 7** - Herring Storer Acoustic Assessment (E20/10812)
- **10.1.1 - attachment 8** - Strategen Odour Assessment (E20/10813)
- **10.1.1 - attachment 9** - Stormwater Spill and Wash Down Management Plan (E20/10814)
- **10.1.1 - attachment 10** - Bushfire Attack Level Assessment (IN20/21235)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|--|----------------------------------|--|--|--|
| Council not reaffirm the original decision, which could result in a development being approved that may adversely impact on the environment and amenity of the area, and which is incompatible with the zone. | Possible (3) | Moderate (3) | Moderate (5-9) | Financial Impact - 1 Insignificant - Less than \$50,000 | Accept Officer Recommendation |

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

Officer Recommendation

That Council, in response to the s31 Request for Reconsideration issued by the State Administrative Tribunal, REAFFIRMS the original decision to REFUSE the retrospective approval for a Transport Depot involving a commercial liquid waste truck operation at Lot 1 (No. 543) King Road, Oldbury.



10.1.2 - Proposed Outbuilding at Lot 1147, 221 Abernethy Road, Byford (PA20/637)

| | |
|---|--|
| 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. |
|----------------|--|

| | |
|------------------------------------|----------------------|
| Proponent: | B and K Smith |
| Owner: | B and K Smith |
| Date of Receipt: | 27 July 2020 |
| Lot Area: | 945.95m ² |
| Town Planning Scheme No 2 Zoning: | 'Urban Development' |
| Metropolitan Region Scheme Zoning: | 'Urban Deferred' |

Report Purpose

The purpose of this report is for Council to consider a development application for an outbuilding at Lot 1147, 221 Abernethy Road, Byford, against the 'Design Principles' of State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes). The proposal seeks a variation to the deemed-to-comply requirements of the R-Codes by way of lot boundary setback.

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

It is considered that the proposal is consistent with the Design Principles of the R-Codes and therefore the report recommends that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site is located in a newly developed area of Byford, along Abernethy Road. The site currently contains a single house. There is no vegetation on the property.



Figure 1: Aerial Image

Proposed Development

The development application seeks approval for an outbuilding with an attached carport to the front to be used for general domestic storage. The outbuilding would have a floor area of 47.63m² and the area of the carport would be 15.45m², with a wall height of 2.4m and a ridge height of 3.18m. The building would have a nil setback to both the southern and western lot boundary. Full details of the proposal are contained within **attachment 1**.

The proposal seeks approval against the 'Design Principles' of the R-Codes to address the variation to the rear (south) and side (west) setbacks.



Figure 2: Proposed Plans

Community / Stakeholder Consultation

The application was advertised for a period of 21 days to the adjoining landowners to the west and south. The consultation was conducted from 4 August 2020 – 25 August 2020 in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During this period, two submissions were received objecting to the proposed development. The submission can be viewed in **attachment 2**. The objections raise the following concerns in relation to the proposal:

- Visual amenity;
- Overshadowing; and
- Impact of sand dispersing onto neighbouring property.

These matters of concern will be discussed as part of the 'Form of Development and Amenity' section later in this report.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 7.3 – Residential Design Codes Volume 1;

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2);
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;
- Byford District Structure Plan (BSP);



- Byford Main Precinct – The Glades Local Structure Plan (LSP).

Planning Assessment

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

Land Use

The subject property falls within the Byford Main Precinct – The Glades Local Structure Plan (LSP). The LSP provides a designation of ‘Residential R12.5’ to the subject property. An approved single dwelling (which is a ‘Residential – Single House’ land use within TPS2) already exists on the property.

The proposed outbuilding and attached carport are incidental to the existing ‘Residential – Single House’ land use, which is a permitted use within the zone and LSP.

Form of Development and Amenity

The proposal seeks a minor variation to the deemed-to-comply requirements of the R-Codes in relation to the lot boundary setbacks. All other aspects of the proposal are compliant with the Deemed-to-Comply (DTC) requirements and as such the outbuilding would be exempt from requiring a development application if the outbuilding were set back 1m from the western lot boundary and 1.5m from the southern boundary (in lieu of nil as proposed).

The table below highlights the variation to which Council must determine whether the relevant ‘Design Principle’ has been met:

| R-Codes Design Principle Assessment – Outbuilding | | |
|--|--|---|
| Deemed-to-Comply Provision | Proposed Development | Design Principle |
| C3 Outbuildings that: viii. are setback in accordance with Tables 2a and 2b. <i>Where the wall height is 3.5m or less and the wall length is 9m or less, the required setback is 1m.</i> | viii. a setback of nil is proposed to the rear (southern) and side (western) lot boundaries. | P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or the neighbouring properties. |

In order to determine whether the proposal meets the design principle it can be considered within two key components:

- Outbuildings should not detract from the visual amenity of the streetscape; and
- Outbuildings should not detract from the visual amenity of the residents and neighbouring properties.

The proposed outbuilding is to be located to the rear of the lot. Although it may be visible from the street, behind the existing garage, the scale of the building and the setback would result in



the outbuilding not being visually prominent. It is therefore considered that the proposed development is consistent with the design principle of the R-Codes and would not “*detract from the visual amenity of the streetscape*”.

Secondly, an assessment has been undertaken to determine the impact of the proposed building on the properties adjacent to where the nil setback is proposed to ensure it does not adversely impact on the amenity of neighbouring residents, specifically in relation to the objections.

One objection relates to the impact of overshadowing to the property to the south. Section 5.4.2 of the R-Codes specifically deals with overshadowing and states that development on lots coded R25 and lower should not overshadow more than 25% of the site area of an adjoining property. An overshadowing analysis identifies that a total area of 15sqm, or 2.7%, of the adjoining property would be overshadowed which takes into account the height differences of the two properties.

The percentage of overshadowing over the southern property is therefore compliant with the deemed-to-comply requirements of the R-Codes.

As mentioned, the proposal is required to meet the design principle in order for approval to be recommended. The total wall length built up to the boundary would be 12m. In addition, the land at the subject site is 33.4AHD whereas the adjacent property to the west is at 33AHD, lower than the subject site.

The first 3m of the building is associated with the carport which would be unenclosed, reducing the visual impact over the adjoining property (through a void area being read with light flowing through the carport structure). In addition, the outdoor living area of the adjacent property is located at the west of the dwelling. Given the scale of the proposed development and the layout of the adjacent property to the west, it is considered that the reduced setback would not adversely impact on the visual amenity of the residents, consistent with the design principle of the R-Codes.

Other Considerations:

Given that the development is proposed to be built up to two lot boundaries and the site has a higher ground level than that of its neighbours to the west and south, stormwater is required to be managed to ensure it does not adversely impact on these neighbours. To ensure this, a condition is recommended to require stormwater to be contained onsite and connected to the lot connection pit at the front of the property. At building permit stage, the applicant will be required to demonstrate how stormwater runoff will be contained which will require guttering to be installed on the building.



Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19)

In addition to consideration of the R-Code design principles when considering development applications for outbuildings, Officers are required to give consideration to the provisions under Clause 2 of LPP4.19. An assessment against the provisions is in the table below:

| LPP4.19 Clause 2 Assessment | | |
|--|-----------|---|
| Provision | Compliant | Officer Comment |
| Whether a size variation is required to satisfy specific needs of the owner/applicant; | Compliant | No floor area variation is proposed. The outbuilding is to be for general domestic storage. |
| Whether a size variation is excessive, considering the character of the surrounding area; | Compliant | No floor area variation is proposed. The proposal is considered consistent with the expected size requirements of outbuildings under the R-Codes for the locality. |
| Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes. | Compliant | No variation is proposed to open space. 70.65% open space is provided in lieu of the 55% required. |
| Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties; | Compliant | The outbuilding would be sufficiently setback from the streetscape to ensure that it is not visible and is located behind the dwelling. The outbuilding would be visible from adjoining neighbouring properties, though screened by the existing fence and as it is not varying the deemed-to-comply requirements for outbuilding height is not considered to result in an adverse visual amenity impact. |
| Whether non-reflective materials are proposed on the building; | Compliant | The applicant has proposed a colourbond material for the walls and roof, which is considered generally non-reflective. |
| Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and | N/A | Screening is not considered required as the proposal does not result in an adverse visual amenity impact on neighbouring properties or the streetscape. |
| Consideration of comments from the affected adjoining landowners. | Compliant | Officers consider regardless of the objector's concerns, that the proposal meets the relevant design principle of the R-Codes and is supportable. |



Options and Implications

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

Option 1:

That Council approves the application subject to appropriate conditions.

Option 2:

That Council refuses the application giving reasons for its decision.

Option 1 is recommended.

Conclusion

The application seeks approval under the 'Design Principles' of the R-Codes for a minor setback variation to the southern and western lot boundaries. The application has received two objections. Following assessment, it is recommended that the outbuilding be supported on the basis that it meets the objectives of the design principles of the R Codes.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** – Application Details (E20/10744)
- **10.1.2 - attachment 2** – Submissions (E20/11163)
- **10.1.2 - attachment 3** – Technical Assessment (E20/11155)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

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

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

Risk Matrix

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

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



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for the outbuilding at Lot 1147, 221 Abernethy Road, 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 27 July 2020. |
|---------------------------------|---|

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.

NOTE 1: In relation to condition b, the stormwater drainage system shall be connected to the lot discharge pit located in the front of the property.



| | |
|---|--|
| 10.1.3 – Outbuilding – Lot 383, 12 Gaddara Corner, Byford (PA20/604) | |
| Responsible Officer: | Manager Statutory Planning and Compliance |
| Senior Officer/s: | Director Development Services |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

| | |
|------------------------------------|--------------------------|
| Proponent: | Ashley and Nicolle Weeks |
| Owner: | As proponent |
| Date of Receipt: | 14 July 2020 |
| Lot Area: | 676.72m ² |
| Town Planning Scheme No 2 Zoning: | 'Residential' |
| 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 383, 12 Gaddara Corner, Byford against the 'Design Principles' of State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes). The application varies the deemed-to-comply (DTC) requirements of the R-Codes by way of setback to the rear lot boundary and wall height.

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

The proposed development is considered consistent with the Design Principles of the R-Codes and therefore the report recommends that Council approve the development application subject to conditions.



Background

Existing Development

The subject site of 676.72m² is located within the residential area of Byford by the Scarp. The site is currently developed with a single house.



Figure 1: Aerial imagery

Proposed Development

The development application seeks approval for an outbuilding used for general domestic storage. The outbuilding would have a floor area of 31.55m², be located with a nil setback to the rear (south) lot boundary and 1m from the side (west) lot boundary. It would have a wall height of 2.7m and a ridge height of 3.21m. Full details of the proposal are contained within **attachment 1**.

The proposal seeks approval against the 'Design Principles' of the R-Codes to address the variations to the DTC requirements by way of rear setback and wall height. The proposal is compliant with the overall outbuilding height as set out in the DTC requirements, under Clause 5.4.3.



Community / Stakeholder Consultation

The application was advertised for a period of 21 days to the adjoining landowners to the east and south. The consultation was conducted from 29 July 2020 – 19 August 2020 in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During this period, one submission was received objecting to the proposed development. The submission can be viewed in **attachment 2**. In summary the objection states the following concerns in relation to the proposal:

- Building bulk impact;
- Colour and materials; and
- Loss of sunlight and overshadowing impacts to the open space of the objector.

These matters of concern will be discussed as part of the 'Form of Development and Amenity' section later in this report.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 7.3 – Residential Design Codes Volume 1;

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3;
- Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers.

Planning Assessment

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

Land Use

The subject property is zoned 'Residential' under the Shire's Town Planning Scheme No. 2 (TPS2). The applicant has advised that the outbuilding is to be utilised for the purpose of general domestic storage. The proposal therefore falls within the 'Residential – Single House' land use which is a permitted use in the 'Residential' zone, in accordance with TPS2.



Form of Development and Amenity

As previously stated, the proposal seeks minor variations to the DTC requirements of the R-Codes in relation to the rear setback and wall height. All other aspects of the proposal are compliant with the DTC requirements. The table below highlights the variation to which Council must determine whether the relevant 'Design Principle' has been met:

| R-Codes Design Principle Assessment – Outbuilding | | |
|---|---|---|
| Deemed-to-Comply Provision | Proposed Development | Design Principle |
| C3 Outbuildings that: iv. do not exceed a wall height of 2.4m; | A wall height of 2.7m is proposed. | P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or the neighbouring properties. |
| viii. are setback in accordance with Tables 2a and 2b. <i>Where the wall height is 3.5m or less and the wall length is 9m or less, the required setback is 1m.</i> | A setback of 0.5m is proposed to the rear (south) lot boundary. | |

In order to determine whether the proposal meets the design principle it can be considered within two key components:

- Outbuildings should not detract from the visual amenity of the streetscape; and
- Outbuildings should not detract from the visual amenity of the residents and neighbouring properties.

Firstly, an outbuilding is required to be set back behind the building line to the primary street. The outbuilding in this instance is set back 27.8m from the primary street boundary and is to be located behind the dwelling. Additionally, the proposal would be set back 18.1m from the secondary street boundary, with the narrow portion of the outbuilding façade facing this direction. Officers consider that the outbuilding would not detract from the streetscape, due to its lack of visibility and setbacks to the streetscape.

Secondly, an assessment has been undertaken to determine the impact of the proposed outbuilding on the neighbouring properties. The objection, as previously stated relates to building bulk, overshadowing and use of colour and materials. This objection was received from the neighbour to the east where the setback is compliant and the only variation is the wall height.



With regard to the objection, it is acknowledged that a portion of the outbuilding roof would be visible from the complainant's property, which is to the side (east) boundary. The outbuilding would mostly be screened from the neighbours view by the 1.8m high colourbond fence that exists between the properties. In addition, there is a retaining wall separating the two properties with an approximate height of 0.5m. As the outbuilding is to be on the lower side of the retaining wall, this will reduce the visibility of the development from the eastern adjoining property. Officers consider the approximate visibility of the outbuilding as follows:

| Estimation of the Visible Portion of the Outbuilding | | | |
|---|-------------------------|--------------------------|---|
| Colourbond fence and retaining wall combined height | Outbuilding wall height | Outbuilding ridge height | Estimated visible portion of the outbuilding |
| 2.3m | 2.7m | 3.218m | 0.918m |

The photographs below show the existing view from the objector's property.



Figure 2: View from the neighbour's alfresco area.



Figure 3: View from the neighbour's sitting room.

Officers consider that due to the overall outbuilding height and the levels of the different properties, while the outbuilding would be visible, it would not adversely impact on the amenity of the neighbouring property.

In relation to the concern of overshadowing, noting that the objector's property is to the east of the subject site, Officers consider that the proposal would not overshadow the objector's property. Any impact of overshadowing would be to the property to the south. Clause 5.4.2 of the R-Codes deals with solar access and sets out a methodology for measuring the impact. The DTC requirements of the R-Codes state that properties with an R-Code of R25 or lower should overshadow not more than 25% of an adjacent site. The proposal is compliant with this requirement, shadowing only 3%.

Finally, the objection raised concern in relation to the colour of the proposed development and the use of materials were considered reflective. To address the neighbour's concerns, the applicant has agreed to amend to the cream colour of the outbuilding to a shade of green to match the dividing fence. Officers have recommended a condition to this effect. The use of colorbond is considered a non-reflective material.

In relation to the impact on the neighbour to the south where the setback variation is proposed, there would be an 8.16m wall length abutting the property boundary with a nil setback (in lieu of 1m). The subject site is 0.5m lower than the neighbour to the south, with a retaining wall separating the properties. Officers consider that this height difference reduces concerns of visual amenity impacts imposed by the setback reduction and the wall height variation. Officers therefore consider that the proposed outbuilding is consistent with the design principle, not adversely impacting the property to the south by way of visual amenity.



Local Planning Policy 4.19 – Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19)

In addition to consideration of the R-Code design principles when considering development applications for outbuildings, Officers are required to give consideration to the provisions under Clause 2 of LPP4.19. An assessment against the provisions is in the table below:

| LPP4.19 Clause 2 Assessment | | |
|--|-----------|--|
| Provision | Compliant | Officer Comment |
| Whether a size variation is required to satisfy specific needs of the owner/applicant; | Compliant | No floor area variation is proposed. The outbuilding is to be for general domestic storage. |
| Whether a size variation is excessive, considering the character of the surrounding area; | Compliant | No floor area variation is proposed. The proposal is considered consistent with the expected size requirements of outbuildings under the R-Codes. |
| Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes. | Compliant | No variation is proposed to open space. 61.55% open space is provided in lieu of the 50% required. |
| Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties; | Compliant | The outbuilding would be sufficiently setback from the streetscape to ensure that it is not visible and is located behind the dwelling. The proposal will be visible from neighbouring properties, though due to the subject site being 0.5m lower than the neighbours, there is not considered to be an adverse impact to visual amenity. |
| Whether non-reflective materials are proposed on the building; | Compliant | The applicant has proposed a shade of green as the colour and colourbond material for the walls and roof, which is considered generally non-reflective. |
| Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and | N/A | Screening is not considered required as the proposal does not result in an adverse visual amenity impact on neighbouring properties or the streetscape. |
| Consideration of comments from the affected adjoining landowners. | Compliant | Officers consider that the applicant has made adequate effort to address the concerns of the objector. Officers consider regardless of the objector's concerns, that the proposal meets the relevant design principle of the R-Codes. |



Options and Implications

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

Option 1:

That Council approves the application subject to appropriate conditions.

Option 2:

That Council refuses the application giving reasons for its decision.

Option 1 is recommended.

Conclusion

The application seeks approval under the 'Design Principles' of the R-Codes for a minor setback and outbuilding wall height variation. The application has received an objection from an adjoining neighbour and this item is therefore presented to Council for determination.

For the reasons outlined in the report, Officers consider that the application is acceptable and that it meets the design principles of the R-Codes. It is therefore recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.3 - Attachment 1** – Development Plans (E20/11151)
- **10.1.3 - Attachment 2** – Summary of Submission (E20/11150)
- **10.1.3 - Attachment 3** – Technical Assessment (E20/11142)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

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

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

Risk Matrix

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

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



Voting Requirements: Simple Majority

Officer Recommendation

1. That Council **APPROVES** the development application for outbuilding at Lot 383, 12 Gaddara Corner, 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-P5 received at the Shire's Offices on 14 July 2020. |
|---------------------------------|---|

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.

c. The colour of the outbuilding shall match the colour of the existing dividing fence between the subject and objector's property, to the satisfaction of the Shire of Serpentine Jarrahdale.



Councillor Dagostino has declared a Financial Interest in item 10.1.4.

| | |
|---|---|
| 10.1.4 - Proposed Equestrian Activity (Covered Horse Arena) – Lot 208 (434) Kargotich Road, Oakford (PA20/738) | |
| Responsible Officer: | WA Planning and Logistics (Independent Planning Consultant) |
| Senior Officer: | Director Development Services |
| Disclosure of Officers Interest: | <p>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>.</p> <p>In accordance with Shire's Business Operating Procedure 1.1.0: 'Control over Employees Dealing in Land and other Business Activity', this application is required to be determined by Council as the applicant is a current elected member of the Shire. The report has also been prepared by an external consultant as required by the Business Operating Procedure.</p> |

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. |
|----------------|--|

| | |
|------------------------------------|----------------|
| Proponent: | M Dagostino |
| Owner: | M Dagostino |
| Date of Receipt: | 18 August 2020 |
| Lot Area: | 24.6782ha |
| Town Planning Scheme No 2 Zoning: | Rural |
| Metropolitan Region Scheme Zoning: | Rural |

Report Purpose

The purpose of this report is for Council to consider a development application for a proposed 'Equestrian Activity' being for the construction of a covered horse arena (for private use only) and an associated water tank at Lot 208 (434) Kargotich Road, Oakford.

In accordance with Business Operating Policy 1.1.0 - Control Over Employees Dealing in Land and Other Business Activity within the Shire of Serpentine Jarrahdale (BOP), the Shire engages an independent planning consultant to assess the application and report their assessment and recommendation to Council for consideration.

The proposal is considered to be consistent with the planning framework and the report recommends that Council approve the development application subject to conditions.



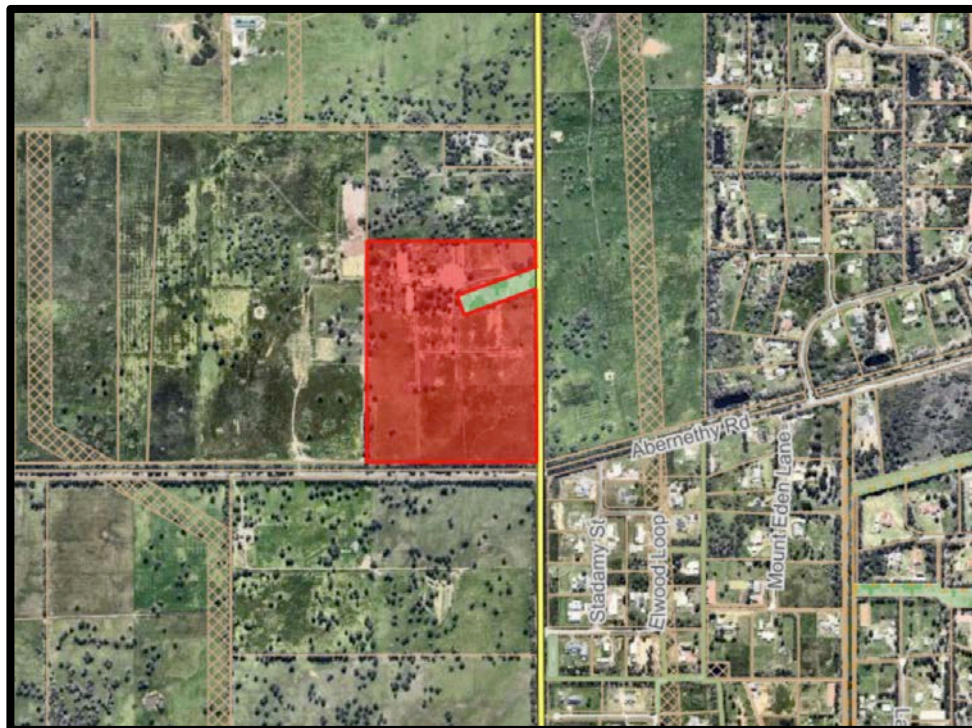
Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

Existing Development

The subject site is 24.6782ha in area and is bound by Kargotich Road to the east and Abernethy Road to the south. The site is surrounded by Rural land to the north, west and south, and special rural (Rural residential under Local Planning Scheme No.3) to the east. Reserve 19895 runs through an area of the property, however this land will not be affected by this application.



The subject land contains an existing dwelling, a number of outbuildings and multiple stables that are used in conjunction with both private use and enjoyment of horses, commercial agistment of horses and also in accordance with a riding school application which was approved in 2003 (OC03/7956).



Proposed Development

An application has been lodged for the construction of a covered horse arena on Lot 208 Kargotich Road, Oakford. The arena is to be used for the private training of the owners for the purpose of providing a covered arena that will allow for training to occur in all weather conditions. This will not be open to the public for use.

The proposed structure is located 31m to the north of the existing dwelling, setback 186m from Kargotich Road and 80m from the northern lot boundary.

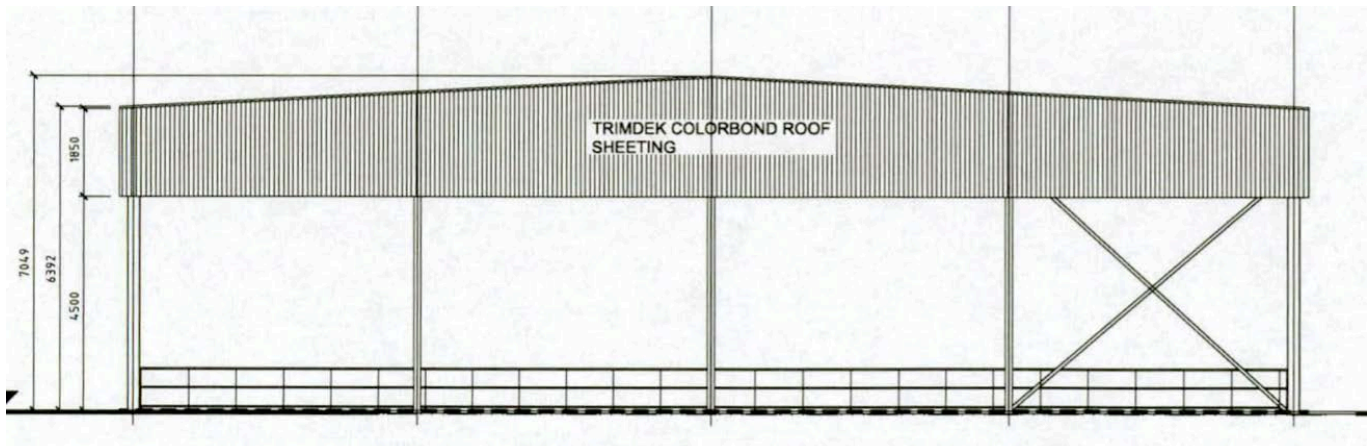
The arena will be 63.76m long x 25.018m wide producing an overall area of 1595.15m². The arena will measure 6.392m to the eaves and 7.049m to the ridge. The roof will be constructed of trim deck zincalume (uncoated) metal sheeting and have a 3 degree pitch to enable run off to the proposed 150,000 litre water tank.

The roof will incorporate a 1.850m barge constructed with a trimdeck profile metal sheeting on the southern and western elevations in a cream colorbond colour called 'Domain'.

The eastern (facing Kargotich Road) and northern walls will be enclosed with colorbond sheeting in the colour 'Domain'.

An internal perimeter will be constructed to define the area of the arena consisting of a 1.5m high timber kickboard. No flooring or slab to be installed, sand only.

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



The applicant has submitted the following summary of the proposal:

- *I am a high-level equestrian currently ranked 212th in the world in Eventing. I have also, in early August been named on a National Eventing Squad. I wish to continue to enhance and improve my World Eventing Ranking and to do that I need to undertake intensive training.*
- *The indoor arena facility will enable me to undertake further training in all weather conditions at all times of the year. Use of the arena will primarily be by me and my family, and for any coaching or training needed.*
- *Having the arena will also allow me to bring in international coaches and trainer, and local coaches and trainers to continue to assist me in improving my results and hence my world ranking.*
- *I believe that having another top-class indoor arena in the Shire will continue to reinforce and cement the reputation as the pre - eminent equestrian region.*
- *In addition, the fact that leading equestrians such as myself are prepared to invest significant capital in the Shire further reinforces the potential for the Shire to expand its equestrian reputation.*

**Previous Applications**

Table 1 below shows some of the similar applications that have been lodged with the Shire and the outcomes:

| Property Address | Size of property | Size of Arena | Outcome | Date Approved |
|--|-------------------------|----------------------|----------------|----------------------|
| Lot 62 (102) Blair Road, Oakford | 2.04ha | 60mx20m | Approved | 03/03/07 (Council) |
| Lot 281 (Reserve 46398) Gossage Road, Cardup | 3.5ha | 25mx60m | Approved | 25/05/09 (Council) |
| Lot 13 Dairy Link, Mardella. | 4.08 ha | 60mx20m | Approved | 16/03/10 (Council) |
| 62 Leaver Way, Cardup | 1.99ha | 60mx20m | Approved | 20/10/2010 |
| 138 Blair Road, Oakford | 4.41ha | 64m x 20m | Approved | PA18/681 |
| 2738 South Western Highway, Serpentine | 21.49ha | 64 x 24m | Withdrawn | PA19/480 |

Experience from these arenas indicates and identifies drainage issues (relating to stormwater collected from the roof) and visual amenity impacts as the main concerns that need to be adequately addressed and continuously monitored by the applicant. It is considered that the larger setbacks with existing mature vegetation providing a level of screening and coupled with a 150,000 litre rain water tank that these matters have been adequately addressed.

Community / Stakeholder Consultation

The application was advertised to landowners within a 500m radius of the site for a period of 21 days, in accordance with Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4). During the advertising period 1 submission was received in support of the proposed development. A copy of this submission can be provided to Councillors upon request.



Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2.5 – Rural Planning;
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas;

Local Planning Framework

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

Planning Assessment

Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists matters to be considered in the determination of development applications.

A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed within the Technical Assessment contained within **attachment 2**.

Orderly and Proper Planning

Town Planning Scheme No.2

The subject site is zoned 'Rural' under TPS2. Clause 5.10.1 sets the objective of the 'Rural zone' as follows:

“The purpose and intent of the ‘Rural’ zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area”.

Officers consider the proposed use to be a rural pursuit and consistent with the objective of the Rural zone.

The proposed development would be used for the training of horses and is considered to be an 'Equestrian Activity' land use meaning:

“means any land or buildings used for the showing, competition or training of horses and includes a riding school.”



Within the Rural zone, an 'Equestrian Activity' land use is an 'AA' use and requires the development approval of the Shire. Equestrian developments are a common feature of the Rural zone and are considered to be an appropriate and acceptable use.

Draft Local Planning Scheme No.3

Schedule 2, Part 9, Clause 67(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Government to consider principles of orderly and proper planning including any proposed Local Planning Scheme.

The Draft Scheme introduces the use classification of 'Rural Pursuit/Hobby Farm' which would be applicable to the proposed development and is a 'P' use within the 'Rural' zone.

Draft Local Planning Strategy

The proposed 'Equestrian Activity' on the subject lot is considered to be consistent with the strategic intent of Draft Local Planning Strategy 2020 for the area.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The subject site is located within Bushfire Prone Area as designated by the Department of Fire and Emergency Services (DFES).

As the structure is to be used for private equestrian activity only, constructed of non-flammable materials, open on two sides and is not within 6m of a habitable structure the subject site is considered to have a low bushfire risk and therefore no BAL assessment is recommended in this instance.

Should Council consider that further assessment is warranted for this application a suitable condition of approval could state:

“That the applicant prepare and submit a Bushfire Management Plan that demonstrates a potential Bushfire Attack Rating of BAL-29 or lower to the satisfaction of the local government prior to the commencement of the use onsite.”

It is noted that the landowner/applicant regardless of the imposition of a Bushfire Management Plan is still required to adhere to the requirements of the Shire's annual Fire Notice.

Local Planning Policy 4.19 – Outbuildings, sheds, garden sheds and sea containers

The objectives of LPP 4.19 are to:

- Ensure that the siting, design and scale of outbuildings/sheds are site responsive and respect the character of the locality.
- 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.



Policy Requirements

| Policy Requirement | Required | Proposed | Comments (Complies/Variation Supported/Condition Required) |
|---|---|---|---|
| <u>Setbacks</u> Primary Street Rear Side | <u>Minimum</u> 20 metres 10 metres 10 metres | 186 metres 195 metres 80 metres | Complies Complies Complies |
| Floor Area (accumulative*) | <500m ² | <i>Proposed arena only</i> 1,595m ² | Exempt from policy requirements |
| Wall Height | 5m | 6.4m | Exempt from policy requirements |
| Ridge Height | 6m | 7.04m | Exempt from policy requirements |

*Note: The floor areas is based on the floor area of all outbuildings and/or sheds and stables on site.

Table 1 within LPP 4.19 specifies those developments that are exempt from approval based upon the maximum floor areas, wall height and roof heights for 'Outbuildings' and 'Shed'.

A 'Shed' under the LPP is defined as "A structure enclosed on three or more sides that is non-habitable and associated with a land use other than Residential" and similarly an outbuilding is also classified as a structure with 3 or more enclosed sides. As the proposed cover for the horse arena is not enclosed on three or more sides, it is not defined as a 'Shed' or 'outbuilding'. As such the requirements under Table 1 within LPP 4.19, relating to floor areas and maximum heights, cannot be applied to this application.

However, due regard has been given to the impact that a structure with a proposed roof area of 1595m² as well as the given wall and ridge heights in the absence of specific requirements relating to this kind of development. The structure will appear as an 'outbuilding' within its context regardless of the technicality that exempts it from meeting this Policy, however it is suitable to still have regard to the provisions of this policy to provide a level of assessment.

It is considered that the merits of this application with the large setback distances, mature vegetation and high-quality building materials that the structure can be supported.

Form of Development

Built form

There are no specific design requirements for a land use of this nature in relation to appearance and location of built form with design largely driven by the need to not have a detrimental appearance or manage any associated potential emissions.

Although the structure is large, given the rural zoning of the lot and existing equestrians uses, it is considered an appropriate structure to complement onsite activities. The use of colorbond sheeting for the walls in a cream tone (colorbond colour 'domain') will ensure that the structure takes on a more visually attractive, purposeful appearance within its context.

Access

No changes to the current access arrangements are proposed and they will not be impacted in relation to the proposed development.



Setbacks

The proposed structure is located 31m to the north of the existing dwelling, setback 186m from Kargotich Road and 80m from the northern lot boundary. This is compliant with the requirements of the Scheme. Officers consider that, given the context of the site and adequate setbacks it is unlikely that the proposed development will have visual impact on the adjoining neighbours and therefore will not impact on the amenity of the area.

Landscaping

No landscaping or revegetation plans have been provided by the applicant. It is noted that the site for the location of the proposal does not contain any remnant vegetation and therefore no clearing is required.

Stormwater Management

The proposed development would result in a significant amount of stormwater run-off, which will need to be contained on site. The recommended method is for a rainwater tank for this type of development. The applicant has proposed the installation of a 150,000 litre water tank. Generally water tanks do not require development approval and could be installed after lodgement of a building permit. Officers are satisfied that this can be managed through a condition of approval.

Amenity

The proposed development is a large structure, significantly greater than any other similar development in the local area. Being located 80m from the closest adjacent lot boundary reduces the potential to impact the amenity of adjoining neighbours by means of the visual impact of the development with also mature vegetation assisting to provide screening to adjacent properties and the roads.

The training of horses for private purposes within the arena will not create nuisance emissions in relation to noise, dust, odour or light. The structure will be closed on two sides which will assist with dust and noise emissions. Noise may be a minor impact in the short-term during constructions; however, the development proposed is not a type that generates an undue amount of noise. Officers consider the noise impacts of the development would be less than an uncovered arena, which would not require development approval.

The application does not involve the removal of vegetation and it is considered that the property contains adequate existing landscaping/remnant vegetation.



Options and Implications

With regards to the determination of the application for planning approval under TPS2, Council has the following options:

Option 1:

That Council may resolve to approve the application subject to appropriate conditions.

Option 2:

That Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

Conclusion

An equestrian activity (covered horse arena) is in keeping with the rural lifestyle within this locality and complements the extensive amount of equestrian activities already occurring upon the site through the agistment of horses and training school. A covered arena will enable the landowner/applicant to conduct training activities in all weather conditions.

The proposal has been carefully assessed on its individual merit and it is considered with the proposed setbacks, management of stormwater via the installation of a large rainwater tank and measures to enhance the aesthetics of the structure, that the proposed development will maintain and enhance the specific rural area of the locality and not impact adversely on the streetscape or neighbouring properties.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** – Development Plans (E20/11210)
- **10.1.4 - attachment 2** – Technical Assessment (E20/11174)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|---|---------------------------|---|--|---|
| Council not approving the development application | Likely (4) | Minor (2) | Moderate (5-9) | Financial Impact - 2 Minor - \$50,000 - \$250,000 | Accept Officer Recommendation |

Risk Matrix

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

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



Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the development application for an 'Equestrian Activity (Covered Arena) as contained within attachment 1 at Lot 208 (434) Kargotich Road, Oakford to be approved subject to the following conditions:

- 1. The development is to be carried out in compliance with the plans and documentation endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.**
- 2. Amended plans to be received demonstrating walls for the northern and eastern elevations of the arena in trimdeck profile colorbond colour 'domain'.**
- 3. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- 4. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the local government.**
- 5. The covered horse arena is not to be used for any commercial activities unless the prior written approval of the Shire has been previously obtained.**

Advice Note:

- 1. A building licence is required to be issued prior to commencement of construction (including earthworks) and is to include details in relation to the proposed water tank and stormwater/drainage solution for the structure.**



10.1.5 – Consideration of feasibility study of second access for Millbrook Estate (SJ537)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to present to Council the outcomes of the community engagement recently undertaken with residents of Millbrook Estate, regarding a second access. In accordance with Council's previous decision, all residents and relevant State Government agencies were written to, inviting feedback on two key elements:

- The level of concern held by residents and State Government agencies regarding the estate not having a second access;
- Whether residents and State Government agencies would be willing to contribute towards the Shire undertaking a feasibility project to examine the actual cost of a second access for the estate, based on a one third funding model.

This item reports back to Council on the outcomes of the engagement.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 June 2020 - OCM149/06/20

That Council:

1. REQUESTS the Chief Executive Officer to write to residents of Millbrook Estate, and relevant State Government agencies, to determine:

- a. The level of concern held by residents and State Government agencies regarding the Estate not having a second access;*
- b. Whether residents and State Government agencies would be willing to contribute towards the Shire undertaking a feasibility project to examine the actual cost of a second access for the estate, based on a one third funding model.*

2. REQUESTS a future report back on the outcomes of this engagement in order for Council to consider whether to proceed with a feasibility study on a second access.

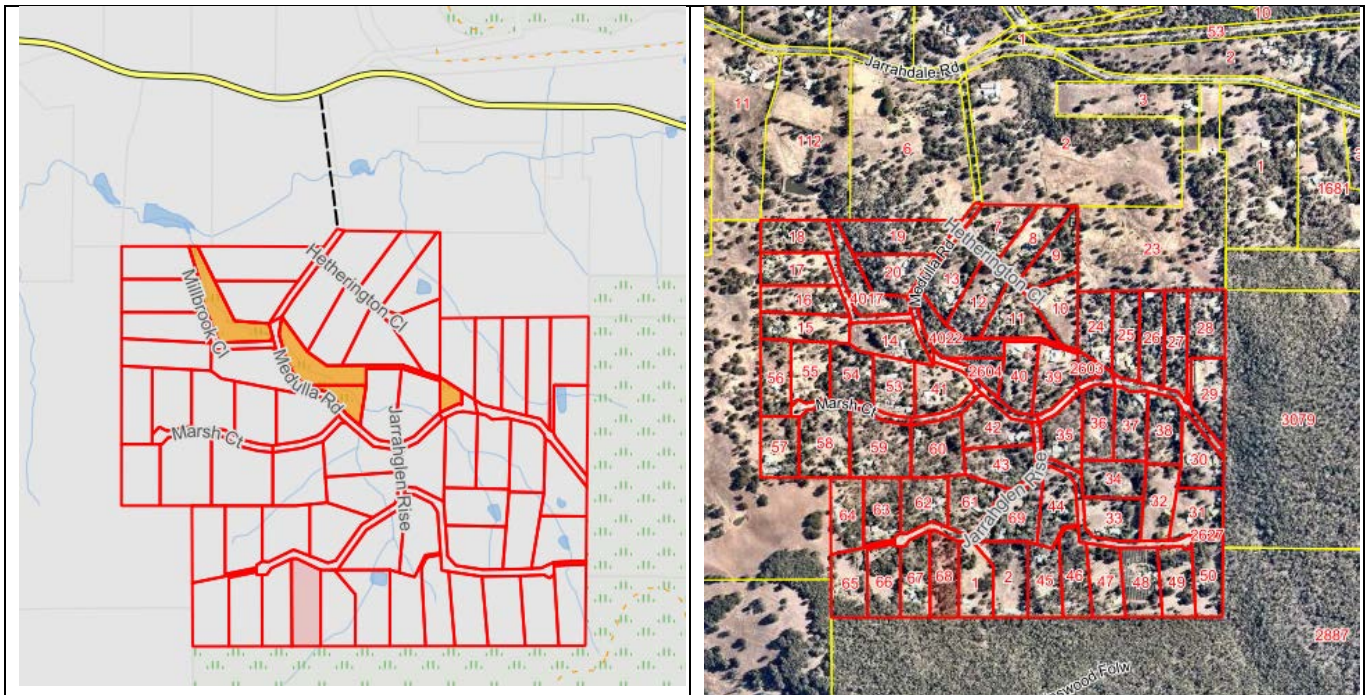


Background

Millbrook Estate began subdivision in the late 1970s, and predated the changes to the planning framework which introduced a more robust consideration of bushfire risk (including the requirement for subdividers to provide at least two access points).

The subdivision of the estate, as with all subdivision of land, was approved by the State Planning Commission, now referred to as the Western Australian Planning Commission. The subdivision was approved with only a single access to the 62 lots created, which are generally 2ha rural residential lots.

The estate is pictured in the following images:



Community / Stakeholder Consultation

Council at its June 2020 meeting resolved to undertake engagement to ascertain:

1. The level of concern held by residents and State Government agencies regarding the estate not having a second access;
2. Whether residents and State Government agencies would be willing to contribute towards the Shire undertaking a feasibility project to examine the actual cost of a second access for the estate.

As a result of the engagement, 32 submissions from residents were received, and one State Government agency submission was received. A full copy of the Schedule of Submissions is provided in **attachment 1**. The feedback received is discussed under the Report Comment section below.



Statutory Environment

Local Government Act 1995 Part 6

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government;
or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency

State Planning Policy 3.7 (Planning for Bushfire Prone Areas)

If the subdivider of the original land applied to the State Government for approval to subdivide today, they would have been responsible for establishing a robust bushfire management plan for the estate. This would have required, inter alia, the construction of a second access in accordance with developer responsibilities contained under Section 5.3 of the Planning for Bushfire Prone Areas Policy Guidelines.

Comment

As outlined in the attached schedule of submissions, the following results are revealed:

In specific response to the question: “Are you willing to assist in funding a feasibility study?”

Number of resident responses indicating ‘yes’ = 0 out of 32

Number of resident responses indicating ‘no’ = 32 out of 32

Officer comment: Respondents haven’t indicated a willingness to contribute funding towards a feasibility study. The response received from the State Government (Department of Biodiversity, Conservation and Attractions) also only offered in kind support for the study (non-financial). The Shire does not have an allocated budget to fund such a study.

Accordingly, if Council wished to undertake a feasibility study, it would need to allocate the full financial resources which would be estimated to cost between \$150,000 to \$200,000. This cost would be made up of specific aspects like:

- 1) Determining possible alignments;
- 2) Topographic survey for 15% design works;
- 3) Geotechnical investigation;
- 4) Environmental studies;
- 5) Drainage/ hydrology assessment; and
- 6) Land valuation costs.



The resulting infrastructure recommendation arising from such study is also uncertain, but would become more accurately quantified following completion of the study. Additionally, there are no capital allocations included within the Corporate Business Plan or Long Term Financial Plan for any such works.

In specific response to the question: “Explain your level of concern [regarding the lack of a second access]”

Number of resident responses indicating a level of concern = 10 out of 32.

Number of resident responses indicating no level of concern = 22 out of 32.

Officer comment: Officers note a ‘level of concern’. Responses identifying ‘no level of concern’ identified that property management coupled with reserve and verge management was an effective response to reducing risk.

Summary of key points raised across submissions:

- Acting early is the most effective response to an emergency;
- Expectation that rates should cover the cost of a study or future infrastructure;
- Other mitigation practices can address risk, and a second access alone is not effective to manage risk;
- Investment should be in preparation, prevention and education;
- There is a level of concern among some residents, especially vulnerable residents and this concern is increasing;
- Residents are aware of the risk when they purchase the land;
- An adjoining owner has indicated an interest in potentially discussing rezoning and possibly facilitating connectivity as part of subdivision permissibility (this is discussed further below);
- Verges need to be more actively maintained to reduce risk, and some responses see the Shire should be doing more in this regard;
- Request the current forest access be used as a second access;
- Concerns that a second access will increase crime to the area, and reduce privacy;
- Each property having a fire plan and acting early reduces risk; and
- Second access would be expensive.

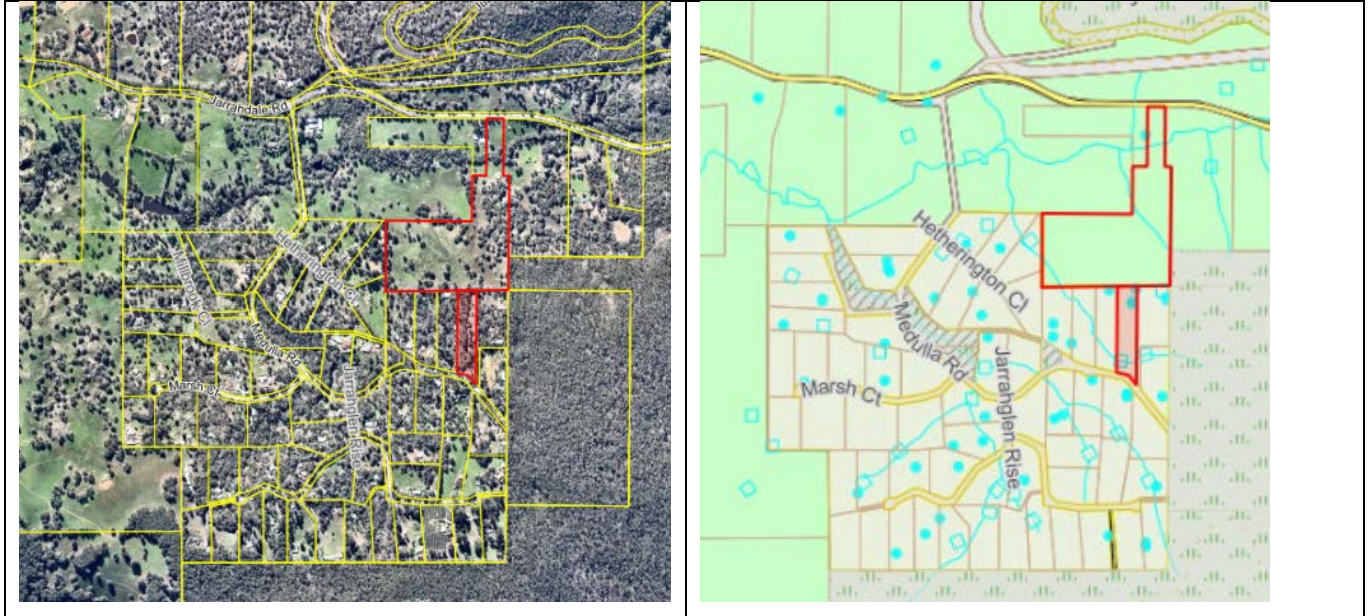
One response was received from the Department of Biodiversity, Conservation and Attractions, who advised that they *“can contribute towards a feasibility study through the provision of advice and technical information; however, is unable to contribute financially to such a study or the development of any resultant secondary access for Millbrook Estate. DBCA remains committed to working constructively with the Shire of Serpentine Jarrahdale as it progresses with investigations into resolving this local planning matter.”*

A submission from an adjoining owner has been received seeking to engage on the potential for rezoning and subdivision, which could potentially provide a second access. Officers have met with this landowner, and explained the process by which land would need to be first rezoned and structure planned, before subdivision could occur. Officers also explained that they were not able to advise the likelihood of success of rezoning or subdivision approval, given these decisions



ultimately rest with the WAPC and responsible Minister. Officers did advise that the current and future planning framework at this time, shows the land being retained for Rural with no further subdivision potential. The landowner indicated they would consider their options.

The land in question is shown following:



In taking account of the survey responses, and the key points raised, there is a noted level of concern, but also some emphasis placed on the importance of preparation and prevention as important activities in being bushfire ready. There is discussion regarding the importance of having a fire plan, and actively implementing that plan throughout the year, particularly through proactive fuel load management.

Officers also note that the Shire has a Council adopted Bushfire Risk Management Plan (BRMP) for the district, which identifies the bushfire risk and how that risk can be strategically managed. A combination of management approaches are identified within the BRMP, including prescribed burns, mosaic burns, forest mulching, targeted animal grazing and strategic fire breaks.

State lands that are vested to the Shire have the ability to receive funding to treat lands with very high and extreme bushfire risk. The Shire of Serpentine Jarrahdale has to date, received via the Office of Bushfire Risk Management, three successful rounds of mitigation funding totaling \$1.43m. This includes an amount of \$493,500 for the current round. As part of this current round, funding has been allocated to under prune, mulch and remove trees and vegetation in Millbrook Estate verges as part of ongoing fuel load management. There is also funding for weed management and under pruning in Korribinjal Reserve within Millbrook Estate. This is a specific funded work under mitigation funding received this year, and not recurrent funding of Council.

The Shire, as mentioned in the previous report, provides an extensive range of bushfire prevention, preparedness, response and recovery activities, which proactively address the shared responsibility for bushfire risk management. These include:

- Establishing its Bushfire Risk Management Plan;
- Establishing and maintaining volunteer bushfire brigades;



- Maintenance of fire water supply tanks, of which six are located within the Millbrook Estate alone;
- Ongoing assessment of verges and reserves, including where relevant seeking mitigation funding to address high risk areas in accordance with its Bushfire Risk Management Plan;
- Support for its Bushfire Readiness Action Group (BRAG) and their services which offer property assessments; and
- Encouraging residents to adopt their own property fire mitigation planning and actions.

In respect of verges, Council Policy 2.2.7 pertaining to Rural Verges states:

Verge Maintenance

The Shire relies to a large degree on its residents to maintain the rural landscape through the weeding, mowing, planting and minor maintenance of road verges adjoining their properties.

Following the installation of any approved verge modification, the property owner will be responsible for all maintenance works such as weeding, mulching, mowing and repairing the verge treatment.

Verges must be kept in a well maintained and safe condition by the resident at all times by:

- Ensuring that plants are pruned so that they do not protrude onto pathways, driveways or the trafficable road surface (excluding trees, which are maintained by the Shire)
- Ensuring that plants have no impact on drainage or other infrastructure

- Keeping the verge free of weeds and rubbish, any tripping hazards and any protruding objects

The Policy also states that:

Mowing and Slashing

The Shire will undertake the mowing or slashing of some road verges in areas including:

- Community facilities
- Open space recreational areas, parks and reserves
- In accordance with any current maintenance schedules associated with the road hierarchy

The Shire will not mow or slash road verges fronting private or commercial properties unless such mowing or slashing is deemed necessary for the maintenance of essential infrastructure.

The Shire comprises over 830km of road, with verges along these roads varying in terms of size, function and assets. While the Shire (and local governments) do not have the resources available to maintain verges in front of private properties, it does seek to support landowners in maintaining their verge areas to acceptable levels. This reflects Council Policy in respect of Rural Verge management.

Also, as noted above, the Shire has received mitigation funding for fuel load management in Millbrook Estate, which is specific to addressing the risk identified for Crown land under the BRMP. The Shire has been proactive in respect of pursuing mitigation funding opportunities, and further applications to funding rounds will be an important aspect of the Shire's bushfire management.

In light of the resident feedback received and that alternative funding is not available for the feasibility study at this point, should Council wish to proceed with a feasibility study, it has the



option to consider listing for budget consideration next financial year an amount of \$150,000 to 200,000 to fund a feasibility study.

Officers have some concern that a feasibility study may not produce a feasible infrastructure solution, due to the significantly challenging terrain around the estate. Officers however cannot absolutely advise on this, as this question can only be answered through a study being undertaken.

Options and Implications

Option 1

That Council:

1. NOTES the feedback received;
2. RESOLVES not to proceed with any feasibility study for a second access for Millbrook Estate;
3. REQUESTS the Chief Executive Officer to inform respondents of this decision, and also advise of the mitigation actions that have been funded as part of the current Bushfire Mitigation Activity Funding allocated to the Shire of Serpentine Jarrahdale; and
4. REQUESTS the Chief Executive Officer apply for future rounds of Bushfire Mitigation Activity funding.

Option 2

That Council:

1. NOTES the feedback received, and lists for budget consideration an amount of \$200,000 as part of the 2021/22 budget funding, to undertake a feasibility study for a second access for Millbrook Estate;
2. REQUESTS the Chief Executive Officer to inform respondents of this decision, and also advise of the mitigation actions that have been funded as part of the current Bushfire Mitigation Activity Funding allocated to the Shire of Serpentine Jarrahdale; and
3. REQUESTS the Chief Executive Officer apply for future rounds of Bushfire Mitigation Activity funding.

Option 1 is recommended.

Conclusion

If the Millbrook Estate was created today, the developer of that estate would have been responsible for, inter alia, constructing a second road access. This reflects that, since the original subdivision of the land in the late 1970s, the planning framework has changed to require a specific focus on bushfire risk management.

Officers have consulted with residents, and while noting a level of concern, the majority of respondents indicated that effective property management and having a fire plan in place is an important risk management approach.



Officers recommend taking every opportunity to apply for further funding to be allocated to this important program.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** – Schedule of Submissions (E20/11258)

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

Officers consider that a feasibility study would cost in the vicinity of \$150,000 – \$200,000. This is not currently budgeted.

Also, if a feasibility study was undertaken for Millbrook Estate, there may be some expectation for other studies to be undertaken for areas with a similar single access, such as the following (this is not an exhaustive list):

- Barge Drive, Byford;
- Phillips Road, Karrakup;
- Admiral Road South, Karrakup;
- Kiln Road, Karrakup;
- Manjedal Road, Karrakup;
- Chestnuts Estate, Jarrahdale;
- Falls Road, Serpentine;
- Scrivener Road, Serpentine;
- Hart Road, Serpentine;
- Firns Road, Serpentine.

This could prove financially unsustainable.



Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|---|---------------------------|---|---|---|
| That Council proceeds with a feasibility study which does not identify a second access solution. | Possible (3) | Moderate (3) | Moderate (5-9) | Financial Impact - 2 Minor - \$50,000 - \$250,000 | Accept Officer Recommendation |
| That Council does not take the opportunity to apply for further funding for mitigation, to assist in managing risk associated with State lands. | Possible (3) | Moderate (3) | Moderate (5-9) | Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile | Accept Officer Recommendation |

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **NOTES** the feedback received;
2. **RESOLVES** not to proceed with any feasibility study for a second access for Millbrook Estate;
3. **REQUESTS** the Chief Executive Officer to inform respondents of this decision, and also advise of the mitigation actions that have been funded as part of the current Bushfire Mitigation Activity Funding allocated to the Shire of Serpentine Jarrahdale; and
4. **REQUESTS** the Chief Executive Officer apply for future rounds of Bushfire Mitigation Activity funding.



10.1.6 - Award Request for Tender RFT 13/2020 - Mechanical Vegetation Works (SJ3329)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 13/2020 - Mechanical Vegetation Works and for Council to award the contract to the best value for money tenderer/s as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 17 August 2020 - OCM253/08/20 - COUNCIL DECISION/Officer Recommendation:

That Council:

- APPROVES the following Budget amendment;*

| <i>Account Number</i> | <i>Description</i> | <i>Debit</i> | <i>Credit</i> |
|------------------------|---|----------------|----------------|
| <i>2410-12101-6460</i> | <i>Bushfire Mitigation - Outgoing Expenditure</i> | <i>493,500</i> | |
| <i>2410-12101-4122</i> | <i>Grants - Incoming Grant Funding</i> | | <i>493,500</i> |

- AUTHORISES the Chief Executive Officer to sign the funding agreement as contained within attachment 1; and*
- NOTES the works to be undertaken as contained within attachment 2.*



Background

The Western Australian Government has established the Bushfire Mitigation Activity Fund to proactively treat extreme, very high and high bushfire risks in combination with the progressive rollout of the Bushfire Risk Management Planning Framework.

The Shire was notified on July 1 2020 that its funding application was successful for 2020/21 for the sum of \$493,500.00.

Part of these funds (\$210,305) is allocated for Mechanical Vegetation Works.

The identified projects will be completed and funding acquitted by 30 June 2021. This grant funding will assist the Shire in its ongoing implementation of bushfire risk management, consistent with its adopted Bushfire Risk Management Plan.

The Tender was split into five (5) Separable Portions. Those being, Mechanical Works for:

1. Separable Portion 1 - Drainage Reserve - Thomas and Rowley Road, Oakford;
2. Separable Portion 2 - Drainage Reserve - Gossage and Orton Road, Cardup;
3. Separable Portion 3 - Millbrook Estate Verges, Jarrahdale;
4. Separable Portion 4 - Millbrook Estate - Korribingal Brook Reserve and
5. Separable Portion 5 - Orton Road Verge - Kargotich and Hopkinson Road, Oakford.

Splitting the tender into Separable Portions allowed respondents the opportunity to quote on all portions or only separable portions.

Community / Stakeholder Consultation

The Bushfire Risk Management Plan (OCM141.1/12/18) includes a Communication Strategy. The Plan underpins the funding request to the Department of Fire and Emergency Services. Consultation will be facilitated through this plan, dependent on the level of funding the Shire receives. Consultation is critical to the development of the Bushfire Risk Management Plan and associated treatments, particularly because it is tenure blind, and looks at risk across all tenures.

Submissions

The Request for Tender RFT 13/2020 - Mechanical Vegetation Works was advertised Wednesday 2 September 2020 and closed at 2.00pm on Thursday 17 September 2020.

The Tender was advertised in the following papers:

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

Five (5) submissions were received, and the submissions are summarised in **confidential attachment 1**.



Tender submissions were received from the following companies:

| # | Company Name |
|---|-------------------------------|
| 1 | Centrogen Pty Ltd |
| 2 | Kennedys Tree Services |
| 3 | Natural Area Holdings Pty Ltd |
| 4 | Radiant Nominees Pty Ltd |
| 5 | Tree Care Pty Ltd |

Evaluation Panel

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

- Bushfire Mitigation Officer
- Manager Subdivisions and Environment
- Emergency Services Technical Support Officer

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 tenderers. 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. | 20% |
| Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">• Capacity to deliver the services including;• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature. | 10% |
| Demonstrated Understanding/Experience with: <ul style="list-style-type: none">• Project schedule;• Process for delivery of goods/services;• Project Management Plan;• Critical assumptions; and• Any additional information. | 15% |



Comment

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

Following the assessment of all tender submissions, against the selection criteria, the tenders submitted by

1. ***Kennedys Tree Services*** for

Separable Portion 2 - Drainage Reserve - Gossage and Orton Road, Cardup and

Separable Portion 3 - Millbrook Estate Verges, Jarrahdale.

2. ***Radiant Nominees Pty Ltd*** for

Separable Portion 1 - Drainage Reserve - Thomas and Rowley Road, Oakford;

Separable Portion 4 - Millbrook Estate - Korribingal Brook Reserve; and

Separable Portion 5 - Orton Road Verge - Kargotich and Hopkinson Road, Oakford.

All were assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission's made by ***Kennedys Tree Services and Radiant Nominees Pty Ltd*** be accepted.

Statutory Environment

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

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

Options and Implications

The following options have been identified:

Option1

That Council

1. AWARDS the contract as recommended in **confidential attachment 1** - RFT 13/2020 - Mechanical Vegetation Works to:

1. ***Kennedys Tree Services*** for

Separable Portion 2 - Drainage Reserve - Gossage and Orton Road, Cardup; and

Separable Portion 3 - Millbrook Estate Verges, Jarrahdale.

2 ***Radiant Nominees Pty Ltd*** for

Separable Portion 1 - Drainage Reserve - Thomas and Rowley Road, Oakford;



Separable Portion 4 - Separable Portion 4 - Millbrook Estate - Korribingal Brook Reserve;
and

Separable Portion 5 - Orton Road Verge - Kargotich and Hopkinson Road, Oakford.

2. AUTHORISES the Chief Executive Officer to sign the contracts on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 13/2020 - Mechanical Vegetation Works.

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

Kennedys Tree Service and Radiant Nominees Pty Ltd have been assessed as being able to meet the requirements of the contract. The respondents met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and were assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to:

1. ***Kennedys Tree Services*** for

Separable Portion 2 - Drainage Reserve - Gossage and Orton Road, Cardup; and

Separable Portion 3 - Millbrook Estate Verges, Jarrahdale.

2. ***Radiant Nominees Pty Ltd*** for

Separable Portion 1 - Drainage Reserve - Thomas and Rowley Road, Oakford;

Separable Portion 4 - Separable Portion 4 - Millbrook Estate - Korribingal Brook Reserve;
and

Separable Portion 5 - Orton Road Verge - Kargotich and Hopkinson Road, Oakford.

Attachments (available under separate cover)

- **10.1.6 - CONFIDENTIAL attachment 1 - RFT 13/2020 - Mechanical Vegetation Works - Evaluation Report (E20/10706)**



Alignment with our Strategic Community Plan

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

Financial Implications

The funding for this tender is included in the 2020/2021 Annual Budget (see below) to undertake the works.

| Account Number | Description | Debit | Credit |
|-----------------|--|---------|---------|
| 2410-12101-6460 | Bushfire Mitigation - Outgoing Expenditure | 493,500 | |
| 2410-12101-4122 | Grants - Incoming Grant Funding | | 493,500 |

The allocated budget for the work is \$210,305 and the recommended tender value of \$110,000.00 ex GST is within budget.

| Mitigation Activity Fund | | | |
|-----------------------------|-------|------------------------------------|-----------|
| Project | Shire | Western Australian Government/DFES | Total |
| Mechanical Vegetation Works | Nil | \$210,305 | \$210,305 |



Risk Implications

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

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

Risk Matrix

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

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



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **AWARDS - Separable Portion 2 - Drainage Reserve - Gossage and Orton Road, Cardup and Separable Portion 3 - Millbrook Estate Verges, Jarrahdale of Tender RFT 13/2020 - Mechanical Vegetation Works to Kennedys Tree Service to the value of \$25,000.00, excluding GST, as contained within confidential attachment 1;**
2. **AWARDS - Separable Portion 1 - Drainage Reserve - Thomas and Rowley Road, Oakford, Separable Portion 4 - Millbrook Estate - Korribingal Brook Reserve and Separable Portion 5 - Orton Road Verge - Kargotich and Hopkinson Road, Oakford of Tender RFT 13/2020 - Mechanical Vegetation Works to Radiant Nominees Pty Ltd to the value of \$85,600.00, excluding GST, as contained within confidential attachment 1; and**
3. **AUTHORISES the Chief Executive Officer to sign the contracts on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 13/2020 - Mechanical Vegetation Works.**



10.2 Infrastructure Services reports

| | |
|---|--|
| 10.2.1 – Appointments to the Cemeteries Advisory Group (SJ226) | |
| Responsible Officer: | Manager Subdivisions and Environment |
| Senior Officer/s: | Director Infrastructure Services |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is to request Council appoint Councillors and Community Members to the Cemeteries Advisory Group.

Relevant Previous Decisions of Council

Special Council Meeting – 23 March 2020 – SCM077/03/20 – EXTRACT
That Council:
 21. *APPROVES that the Chief Executive Officer write to nominees to the Access and Inclusion Advisory Group, Cemeteries Advisory Group and Equine Advisory Group advising them that Council will be defer appointing members to the groups at this time.*

Ordinary Council Meeting – 16 December 2019 – OCM295/12/19 - EXTRACT
That Council

6. *ESTABLISHES an Access and Inclusion Advisory Group per the terms of reference as detailed in the draft Committees and Related Groups Handbook 2019-2021*
8. *REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the following Advisory Grants, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting:*
 - a) *Access and Inclusion Advisory Group; and*
 - b) *Cemeteries Advisory Group.*



Background

The Cemeteries Advisory Group is a long-standing group that provides advice to the Shire on matters related to the maintenance and historical significance of Cemeteries. The group's membership has historically featured volunteers with an interest in the upkeep and history of the cemeteries in the district. The group has also had two Council representatives on the group since its inception in 2000.

Following a review of committees and related groups, Council resolved in December 2019 to call for expressions of interest to participate and to appoint members to the Cemeteries Advisory Group. This change was part of an effort to standardise terms of reference for advisory groups to improve governance and engagement.

The Terms of Reference (**attachment 1**) adopted by Council in December 2019 provides that the membership of the group shall consist of nine members.

- Two (2) Councillors appointed by Council. Two deputy members will be appointed by Council who will act as appointed members in the absence of appointed members.
- Seven (7) community members.

Community / Stakeholder Consultation

An expression of interest seeking nominations was issued following the December 2019 Ordinary Council Meeting. The expression of interest was promoted by way of:

- letters to each of the current members in January 2020 which were followed up by telephone calls;
- updates to the Shire's website in 19 December 2019;
- posts on social media on 24 January and 18 February 2020; and
- an article in the SJ Matters eNewsletter in January 2020.

Statutory Environment

Nil.

The Advisory Group is not a Committee of Council as defined in section 5.8 of the *Local Government Act 1995* and does not have delegated power or authority.



Comment

The role of the Cemeteries Advisory Group as defined in the Terms of Reference is to advise Council on management and potential issues within the two cemeteries that are managed by the Shire and that the group will provide input and advice on:

- management of the two cemeteries that are under the jurisdiction of the Shire;
- future planning for Cemeteries; and
- matters related to protecting the heritage of cemeteries and related infrastructure.

A total of eight Expressions of Interest for the community member positions on the Advisory Group have been received. Collectively, the Expressions of Interest represent community members with a strong interest in the management and maintenance of the Shire Cemeteries, including from a historical and cultural preservation perspective. The Expressions of Interest can be viewed within **confidential attachment 2**. Those community members that expressed an interest in the Cemeteries Advisory Group have all been recently contacted and advise they are still interested in being included on the Advisory Group.

It is recommended that Council amend the Terms of Reference and accept all eight Expressions of Interest for community member positions. Amending the Terms of Reference in this manner will allow the Advisory Group to effectively perform its functions while including all the community members that have nominated.

Should Council wish to not appoint all community members, a scoring matrix has been provided to assist Council in the selection process (**attachment 3**).

The group meets every quarter during business hours to discuss any matters arising surrounding the management and development of the cemeteries.

Options and Implications

Option1

That Council

1. AMENDS the Cemeteries Advisory Group Terms of Reference to increase the number of Community Members to eight (8);
2. APPOINTS the eight (8) Community Members as per confidential attachment 2 to the Cemeteries Advisory Group for the period ending the 2021 ordinary local government election:
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____



3. APPOINTS the following Councillors to the Cemeteries Advisory Group - for the period ending the 2021 ordinary local government election:

- Councillor _____
- Councillor _____ (Deputy)
- Councillor _____
- Councillor _____ (Deputy)

Option 2

That Council

1. DOES NOT AMEND the terms of reference and appoints seven (7) Community Members, and two Councillors and Deputy members;

2. APPOINTS the seven (7) Community Members as per confidential attachment 2 to the Cemeteries Advisory Group for the period ending the 2021 ordinary local government election:

- Community member – _____
- Community member – _____
- Community member – _____
- Community member – _____
- Community member – _____
- Community member – _____
- Community member – _____

3. APPOINTS the following Councillors to the Cemeteries Advisory Group - for the period ending the 2021 ordinary local government election:

- Councillor _____
- Councillor _____ (Deputy)
- Councillor _____
- Councillor _____ (Deputy)

Option 3

That Council DOES NOT appoint any Councillors or Community Members and readvertises for Expressions of Interest.

Option 4

That Council DOES NOT APPOINT Community Members to the Cemeteries Advisory Group.



Option 1 is recommended.

Conclusion

The Cemeteries Advisory Group provides a means of direct engagement between the Shire and community members with a specific interest in the Shire's cemeteries. While the response to the COVID-19 pandemic resulted in the group lapsing it is recommended that Council now amend the terms of reference and appoint all community members who responded to the expression of interest, two Councillors and two more Councillors as deputy members to the group.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Cemeteries Advisory Group – Terms of Reference (E19/16306)
- **10.2.1 - CONFIDENTIAL attachment 2** –Community Member Expressions of Interest. (E20/10785)
- **10.2.1 – attachment 3** – Scoring Matrix (E20/11252)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|--|---|---------------------------|---|--|---|
| That Council does not make appointments to the Cemeteries Advisory Group | Rare (1) | Minor (2) | Low (1-4) | Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item | Accept Officer Recommendation |



Risk Matrix

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

A risk rating of 2 has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **AMENDS** the Cemeteries Advisory Group Terms of Reference to increase the number of community members to eight (8);
2. **APPOINTS** the eight (8) Community Members as per confidential attachment 2 to the Cemeteries Advisory Group for the period ending the 2021 ordinary local government election:
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
 - Community Member – _____
3. **APPOINTS** the following Councillors to the Cemeteries Advisory Group - for the period ending the 2021 ordinary local government election:
 - Councillor _____
 - Councillor _____ (Deputy)
 - Councillor _____
 - Councillor _____ (Deputy)

**10.2.2 – Revised Serpentine Sports Reserve Management Plan – Release for Public Comment (SJ816)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to request Council to release the Revised Serpentine Sports Reserve Management Plan for public comment for a period of 28 days. The Management Plan is a guiding document intended to facilitate coordinated management of the reserve for both recreation and conservation. The original Management Plan was adopted by Council in 2012 and is due for update and revision.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 27 February 2012 – OCM083/02/12 - COUNCIL DECISION/Officer Recommended Resolution:

That Council:

- A. Adopt the Final Serpentine Sports Reserve Management Plan as per attachment OCM083.1-02-12.*
- B. Note the submission received.*

Background

The Serpentine Sports Reserve covers a total area of 68 hectares. It is located about 60 km south of Perth on the eastern edge of the Swan Coastal Plain, near the Serpentine River, the Perth to Bunbury rail line and the town site of Serpentine. The reserve includes recreational facilities, consisting of a golf club, pony club and polocrosse club, and regionally significant areas of remnant vegetation.

Serpentine Sports Reserve is a significant reserve, used recreationally by three major clubs, intermittently by other clubs for one-off events, and informally by the local community, particularly for walking and dog exercise. Landcare SJ Inc. has revegetated areas of the reserve with local community groups and the Serpentine Primary School for many years. In addition to the recreational facilities, the conservation area contains three threatened ecological communities and a number of rare plants and animals, including habitat for black cockatoos.

As more people move into the area, the conservation and recreation values of the reserve are coming under increasing pressure. This plan seeks to sustainably manage the increasing



pressures in view of the environmental, social and economic values of the reserve. As the Management Plan is now more than eight years old, updating and revision is required.

The Reserves Advisory Group (RAG) is the principal forum for providing advice to Council on the development, implementation and audit of management plans. The RAG consists of no more than eight members of the community, supported by Shire staff, and was established by Council at the Ordinary Council Meeting of 24 February 2003, where Council approved “the commencement of establishing the proposed Reserves Advisory Group”. A copy of the Terms of Reference for the Group, without track changes (as adopted by Council at Ordinary Council Meeting of 26 October 2009) is in **attachment 4**.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Copies of the revised Management Plan were provided to members of the Reserves Advisory Group and discussed at the meeting on 19 August 2020. The Reserves Advisory Group was supportive of the revised Management Plan.

During revision of the Management Plan, the reserve user groups (as below) were invited to update their club information. Responses were received from the Serpentine and Districts Golf Club, the Serpentine/Foothills Polocrosse Club, and the Serpentine Enviro Group. No response was received from the Serpentine Horse and Pony Club.

The public comment period will include consultation with the reserve user groups: the Serpentine Horse and Pony Club, the Serpentine/Foothills Polocrosse Club, the Serpentine Enviro Group (previously Serpentine Bushland Group) and the Serpentine and Districts Golf Club.

Statutory Environment

Not Applicable.

Comment

The Serpentine Sports Reserve consists of two land parcels, one on each side of Karnup Road. On the southern side, Lot 778 Karnup Road is over 46 hectares and was given to the Shire as a “Crown Grant in Trust” in 1925. It contains club houses for the golf club and equestrian sports clubs, the first nine holes of a golf course, the David Buttfeld Equestrian Park, the John Lyster Polocrosse Ground and a communications tower. Other uses of the reserve include intermittent bookings by other clubs for one-off events and informal recreation by walkers and for dog exercise. Landcare SJ Inc. has revegetated areas of the reserve with local community groups and the Serpentine Primary School for many years.

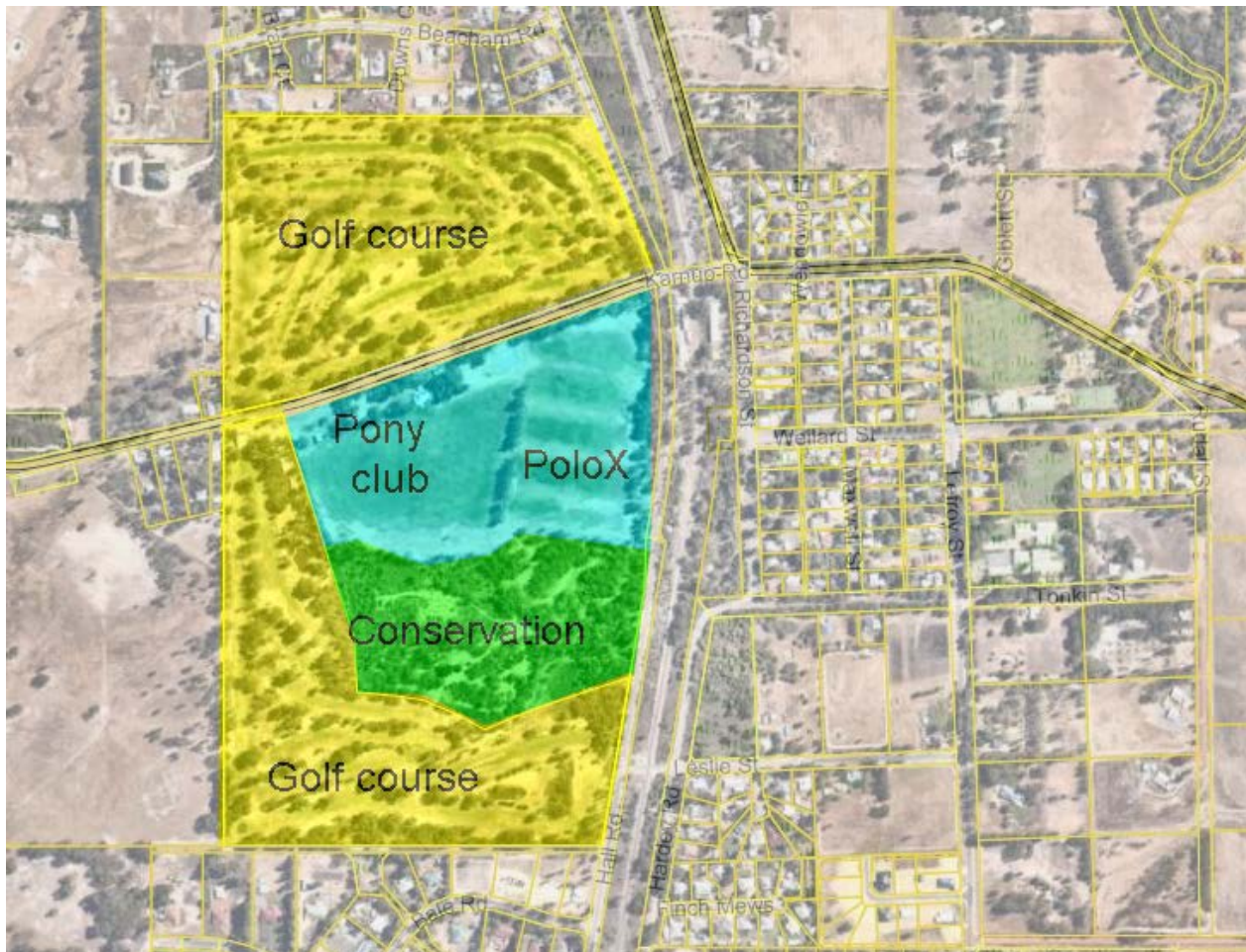
Lot 778 also includes regionally significant areas of remnant vegetation in the Paul Robinson Reserve and nearby banksia woodland. The conservation area contains three threatened ecological communities (banksia woodland, marri woodland and wetlands) and a number of rare plants and animals, including habitat for black cockatoos. The pony club cross-country course runs through the conservation area.



Lot 870 covers 21 hectares and lies to the north of Karnup Road. It is Crown Land and was vested in the Shire in 1965 for the purpose of Recreation and Showgrounds. This reserve (R27453) contains holes 10 to 18 of the golf course.

The current land uses on the two land parcels are shown below (Figure 1). The golf course is managed by the golf club, while Shire staff manage the turf areas used by the equestrian clubs. The conservation area is managed by Shire staff, with the pony club managing its cross-country trail through the bushland in consultation with the Shire.

Figure 1 – Current land uses on Serpentine Sports Reserve



Community input is essential for the protection of the high conservation and recreation values of the Serpentine Sports Reserve. The main community forum is the Reserves Advisory Group and four main stakeholder groups.

The four stakeholder groups involved in the use and management of the reserve are the Serpentine Horse and Pony Club, the Serpentine/Foothills Polocrosse Club, the Serpentine Enviro Group (previously Serpentine Bushland Group) and the Serpentine and Districts Golf Club. All of the community groups that operate on the reserve are entirely voluntary.



The original Management Plan for Serpentine Sports Reserve is now more than eight years old, some of the information it contains is outdated, and many of the actions are no longer relevant. The Revised Management Plan has been shortened to make it more readable, information has been updated, and the actions have been revised to be current, relevant and achievable. Refer to **attachment 1** for the original Management Plan, **attachment 2** for track changes version, and **attachment 3** for the Revised Management Plan.

Options and Implications

Option 1

That Council **RESOLVES** to release the Revised Serpentine Sports Reserve Management Plan as per attachment 3 for public comment for a period of 28 days. At the conclusion of the public comment period, the Revised Management Plan together with any submissions received be presented to Council for consideration and adoption.

Option 2

That Council **DOES NOT RESOLVE** to release the Revised Serpentine Sports Reserve Management Plan as per attachment 3 for public comment.

While Council may still adopt the Management Plan in the future, it will not have been through a process of thorough consultation and management of the reserve may lack coordination.

Option 1 is recommended.

Conclusion

The Revised Management Plan is a guiding document intended to facilitate coordinated management of the Serpentine Sports Reserve for both recreation and conservation. The release of the Management Plan to the public for comment will demonstrate Council's commitment to shared management of this valuable reserve, and its respect for the value of community input into management documents.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Original Serpentine Sports Reserve Management Plan (E15/464)
- **10.2.2 - attachment 2** – Serpentine Sports Reserve Management Plan (Track Changes) (E20/10899)
- **10.2.2 – attachment 3** – Revised Serpentine Sports Reserve Management Plan (E20/9478)
- **10.2.2 – attachment 4** – Reserves Advisory Group – Terms of Reference (E20/11229)



Alignment with our Strategic Community Plan

| | |
|-----------------------|--|
| Outcome 1.1 | A healthy, active, connected and inclusive community |
| Strategy 1.1.1 | Provide well planned and maintained public open space and community infrastructure |
| Outcome 2.2 | A sustainable natural environment |
| Strategy 2.2.1 | Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets |
| Outcome 3.2 | A vibrant tourist destination experience |
| Strategy 3.2.1 | Actively support tourism growth within the district |

Financial Implications

Advertisement of the Revised Management Plan for public comment will cost approximately \$400.

The Revised Management Plan has no additional resource implications. Ongoing reserve management actions are covered within the reserve management budgets, and additional actions if required will be the subject of business cases.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|--|----------------------------------|--|--|--|
| Council does not release the Management Plan for public comment | Unlikely (2) | Minor (2) | Low (1-4) | Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item | Accept Officer Recommendation |

**Risk Matrix**

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

A risk rating of **4** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation**That Council:**

- APPROVES** the publication of the draft Revised Serpentine Sports Reserve Management Plan as per attachment 3 for public comment for a period of 28 days; and
- REQUESTS** that at conclusion of the public comment period, the Revised Management Plan together with any submissions received be presented to Council for consideration and adoption.

**10.2.3 – Execution of Lease - Serpentine Jarrahdale Community Resource Centre (L089)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to provide authority to the Chief Executive Officer to execute the lease between the Shire of Serpentine Jarrahdale and Serpentine Jarrahdale Community Resource Centre Inc. (CRC) for the purpose of a community resource centre located at 2 Paterson Street, Mundijong.

Relevant Previous Decisions of Council

Ordinary Council Meeting –15 June 2020 - OCM168/06/20

That Council

1. *APPROVES the tenure arrangements between the Shire of Serpentine Jarrahdale and Serpentine Jarrahdale Community Resource Centre for the occupation of the Community Resource Centre Building at 2 Paterson Street, Mundijong, with the following terms;*

a) *Two-year lease term with the option to extend the lease for such further period commensurate with any Community Resource Centre funding received up to a maximum of a further 5 years.*

b) *\$1 Peppercorn lease fee.*

c) *Building insurance costs borne by Council for the life of the agreement.*

d) *Lease preparation costs borne by Council.*

e) *Water supply costs borne by Council for 12 months, then fully reimbursed by CRC after this time, with charges proportionate to the CRC lease area.*

f) *Electrical costs borne by CRC (with a separate electrical sponsorship for year one).*

g) *Exclusive use of two accessible car parking bays adjacent to the front door of the CRC building and three bays adjacent to the southern function room door.*

h) *Shire to be responsible for structural building maintenance.*

i) *CRC to be responsible for landscaping in immediate surrounds of the building as shown in image 2.*

j) *Shire to provide 1x standard 240L rubbish waste bin and 1x 240L recycle bin.*



- k) *In-principle consent to sub-let, subject to Shire and Ministerial approval of the sub-lease.*
- l) *CRC to provide a financial statement to Council each year of the lease.*
2. *REQUESTS the Chief Executive Officer to negotiate a suitable lease agreement with the above terms;*
3. *APPROVES a one-off sponsorship payment to the Serpentine Jarrahdale Community Resource Centre of \$920, from account 4300-15406-6276 Community Grant/Sponsorship, for the purpose of payment of electricity charges for the CRC for 12-months and REQUESTS the Chief Executive Officer seeks recognition of the Shire as a sponsor of the CRC and an acquittal report for the sponsorship at the end of the 12 month period;*
4. *RESOLVES to write off the Serpentine Jarrahdale Community Resource Centre debt of \$2,900;*
5. *APPROVES the 2019/2020 budget adjustments to reflect the debt write-off and budgeted building insurance income as per the below; and*

| Account Number | Description | Debit | Credit |
|---------------------|---------------------|---------|---------|
| 4100-17101-6920 | Charges Written Off | \$2,900 | |
| 10-9000-9000-1200-0 | Sundry Debtors | | \$2,900 |

Reason: Write off of outstanding debt in relation to insurance reimbursements for the CRC.

| | | | |
|-----------------|---------------------|---------|---------|
| 4100-17101-6920 | Charges Written Off | \$3,000 | |
| 4500-30041-4709 | Reimbursements | | \$3,000 |

Reason: Budget adjustment to reflect loss of income of building insurance costs from CRC as financial support for the 2019/2020 FY. For clarity, the current building insurance expense per annum equates to \$3,450, however only \$3,000 was budgeted as a reimbursement for the 2019/2020 FY. This is reflected in the budget amendment table above.

6. *NOTES that a report will be presented back to Council for endorsement of the final lease agreement.*

Background

The CRC is a not-for-profit organisation funded by the Western Australian State Government to provide access to government and community services, and undertake community, business and economic development activities.

The Community Resource Centre is located on the same reserve containing the Shire administration and civic buildings located on Paterson Street, Mundijong. The Shire has a Management Order over the reserve for the purpose of 'Municipal Buildings and Community Resource Centre', with the power to lease for a period of 21 years, subject to the consent of the Minister for Lands.

At the June 2020 Ordinary Council Meeting, a report was presented to Council to approve tenure arrangements between the Shire and the CRC. Council approved the following terms:



- a) Term – 2 years with the option to extend the lease for such further period commensurate with any Community Resource Centre funding received up to a maximum of a further 5 years.
- b) Rent – peppercorn (\$1) per year.
- c) Shire is responsible for operational costs including power and water for the first 12 months only.
- d) CRC to be responsible for landscaping in immediate surrounds of the building.
- e) CRC to provide a financial statement to Council each year of the lease.
- f) CRC to provide up to five hours per week of room hire for Shire bookings with a 20% reduction in the Not-For-Profit rate, subject to room availability.

Subsequently, Shire Officers have been liaising with the CRC to draft a lease agreement in accordance with Council's resolution. The lease has been endorsed by the CRC and a copy has been attached as **confidential attachment 1**.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Statutory Environment

Nil.

Comment

The building used by the CRC is owned by the Shire and has been captured in the Shire's asset register.

In early 2019, the previous Committee of the CRC ceased operations. At that time, the organisation had an informal lease arrangement with the Shire. Shortly after, a new committee was created to continue the operations of the community resource centre in Mundijong. The CRC have agreed to enter into formal leasing arrangements with the Shire to allow for continued operations as a community resource centre, with funding supported by Department of Primary Industries and Regional Development.

This matter was taken to Council in June 2020, requesting financial support, debt write off (incurred by the previous Committee) and new lease terms. Subsequently, Shire Officers have had discussions with the CRC and a lease agreement in accordance with Council's endorsed terms has been drafted for Council's consideration. In addition, to abide by the Shire's management order for the reserve, Shire Officers have sought Minister for Lands consent for the community resource centre. Ministerial consent has been granted.

Officers therefore request Council authorise the Shire President and Chief Executive Officer to execute the lease for the Community Resource Centre.



Options and Implications

Option 1

That Council AUTHORISES the Shire President and Chief Executive Officer to execute the lease agreement between the Shire of Serpentine Jarrahdale and Serpentine Jarrahdale Community Resource Centre Inc., for the occupancy of the community resource centre located at 2 Paterson Street, Mundijong by affixing the Common Seal.

This sees the continued operations as a community resource centre in Mundijong.

Option 2

Council may choose NOT TO AUTHORISE the Shire to execute the lease agreement, which is contrary to Council Policy 5.1.3 Lease and Licence Management.

Option 1 is recommended.

Conclusion

Consideration and formalisation of the lease agreement between the Shire and the CRC will restore the community resource centre in Mundijong. This will provide the SJ community with access to various resources provided by the State government and wider community. As per resolution OCM168/06/20, Shire Officers have been working alongside the CRC to facilitate a lease agreement for a community resource centre in Mundijong. In accordance with Council's resolution a lease agreement has been drafted.

It is therefore recommended that Council authorise the Shire President and Chief Executive Officer to execute the lease for the Community Resource Centre.

Attachments (available under separate cover)

- **10.2.3 – CONFIDENTIAL attachment 1** – Lease for SJ Community Resource Centre (E20/10999)

Alignment with our Strategic Community Plan

| | |
|-----------------------|---|
| Outcome 3.1 | A commercially diverse and prosperous economy |
| Strategy 3.1.1 | Actively support new and existing local business within the district. |
| Outcome 4.1 | A resilient, efficient and effective Shire |
| Strategy 4.1.1 | Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources. |
| Outcome 4.2 | A strategically focused Council |
| Strategy 4.2.1 | Build and promote strategic relationships in the Shire's interest. |
| Outcome 4.2 | A strategically focused Council |
| Strategy 4.2.2 | Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions. |



Financial Implications

The proposed building maintenance budget for the 2020/2021 financial year is approximately \$20,000. Should Council proceed with the recommendation of this item, general maintenance costs will be borne by the CRC.

In addition, the cost for water and electricity is carried by Council for 12 months.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|---|---------------------------|---|--|---|
| The CRC continuing to operate without a lease | Possible (3) | Moderate (3) | Moderate (5-9) | Financial Impact - 1 Insignificant - Less than \$50,000 | Accept Officer Recommendation |
| That the CRC do not offer services in the Shire | Possible (3) | Minor (2) | Moderate (5-9) | Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item | Accept Officer Recommendation |

Risk Matrix

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

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



Continued

Ordinary Council Meeting Agenda Monday, 19 October 2020

Voting Requirements: Simple Majority

Officer Recommendation

That Council AUTHORISES the Shire President and Chief Executive Officer to execute the lease agreement between the Shire of Serpentine Jarrahdale and Serpentine Jarrahdale Community Resource Centre Inc., for the occupancy of the community resource centre located at 2 Paterson Street, Mundijong by affixing the Common Seal.

**10.2.4 - Award Request for Tender – RFT 10/2020 – Kargotich Road Rehabilitation Works (SJ3283)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 10/2020 Kargotich Road – Rehabilitation Works and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2020/21 Annual Budget.

Background

Site inspection identified the section of Kargotich Road from Malek Drive (SLK 14.19) to Randell Road (SLK 14.76) as deteriorating with cracks, stripping, rutting and ageing seal with narrow shoulders.

Through a successful application to the Metropolitan Regional Road Group (MRRG), the Shire received a grant funding allocation of \$218,000 to rehabilitate the Kargotich Road pavement between SLK 14.19 to SLK 14.76. The pavement rehabilitation works will involve resurfacing the road.



Figure 1: Kargotich Road Rehabilitation Works Locality Map



Community / Stakeholder Consultation

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

Submissions

The Request for Tender RFT 10/2020 – Kargotich Road Rehabilitation Works was advertised on Wednesday 19 August 2020 and closed at 2.00pm on Thursday 8 September 2020.

The Tender was advertised in the following papers:

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



Four (4) submissions were received, and the submissions are summarised in **confidential attachment 1**.

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

Tender submissions were received from the following companies:

| # | Company Name |
|---|-----------------------------|
| 1 | HAS Earthmoving |
| 2 | Raubex Construction Pty Ltd |
| 3 | RCA Civil Group Pty Ltd |
| 4 | WCP Civil Pty Ltd |

Evaluation Panel

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

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

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

Evaluation Criteria

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

| EVALUATION CRITERIA | WEIGHTING |
|---|-----------|
| Price with quantities | 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% |
| Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"> • Capacity to deliver the services including: • Key personnel / Professional skills; • Describe the key personnel who will be involved in the work, including past work of a similar nature. | 15% |
| Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> • Project schedule; • Process for delivery of goods/services; • Project Management Plan; • Critical assumptions; and • Any additional information. | 15% |



Comment

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

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

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

Statutory Environment

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

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

Options and Implications

Option1

That Council:

1. APPROVES the following budget variation to repurpose the unspent Nicholson Road project budget to fund the shortfall of \$45,998.90 for RFT 10/2020 – Kargotich Road Rehabilitation Works:

| Account Number | Description | Debit | Credit |
|-----------------|---|------------|------------|
| 6400-80200-6600 | Rehabilitation – Kargotich Rd, Mardella SLK14.19 to SLK14.76 (1/3 of MRRG Rehabilitation Grant for Nicholson Road, Oakford) | \$36,000 | |
| 6400-80199-6600 | Rehabilitation - Nicholson Road, Oakford SLK2.44 to SLK 2.7 | | \$108,000 |
| 6400-80199-4819 | MRRG Rehabilitation Grant for Nicholson Road, Oakford (2/3 component) | \$72,000 | |
| 6400-80200-6600 | Rehabilitation – Kargotich Rd, Mardella SLK14.19 to SLK14.76 (1/3 of MRRG Rehabilitation Grant for Nicholson Road, Oakford) | \$9,998.90 | |
| 3610-40000-6125 | Road Maintenance | | \$9,998.90 |

Reason: Reallocation of municipal funding portion of Nicholson Road project \$36,000 to fund increased costs associated with Kargotich Road Rehabilitation Works following receipt of tender submissions, with an additional \$9,998.90 funded from Road Maintenance Budget.



And awards the contract as recommended in **confidential attachment 1** – RFT 10/2020 – Kargotich Road Rehabilitation Works to **RCA Civil Group Pty Ltd** and authorises the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale.

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

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

Therefore, it is recommended that Council support Option 1 and the contract be awarded to **RCA Civil Group Pty Ltd**.



Attachments (available under separate cover)

- **10.2.4 – CONFIDENTIAL attachment 1** – RFT 10/2020 – Kargotich Road Rehabilitation Works – Evaluation Report (E20/10598)

Alignment with our Strategic Community Plan

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

Financial Implications

Funding of \$218,000 is allocated for this tender in the 2020/2021 Annual Budget to undertake the pavement rehabilitation works for this section of Kargotich Road. However, the recommended tender value of \$263,998.90 together with other project costs necessary to deliver this project exceeds the allocated budget and additional funding will be required.

In this respect, the Shire has applied for additional funding from the MRRG. As the Shire has not received approval of the additional grant funding from MRRG, the below budget variations are recommended to manage the current project shortfall in the interim.

The total budget shortfall for the construction works is \$45,998.90. Officers propose that \$36,000 should be funded from the adopted 2020/21 budget (Shire contribution) for Nicholson Road MRRG rehabilitation project as this project is no longer required due to the future construction of Thomas Road and Nicholson Road roundabout, which is to be undertaken by Main Roads WA. The remaining budget shortfall of \$9,998.90 will be funded from the road maintenance budget.

Should the Shire be successful in obtaining the additional funds from MRRG for Kargotich Road Rehabilitation Works, the money proposed to be transferred from the Nicholson Road MRRG rehabilitation project can then be repurposed.

| MRRG Rehabilitation Program | | | |
|-------------------------------------|-------------|------------------|-----------|
| Project | Shire | State Government | Total |
| Kargotich Road Rehabilitation Works | \$72,666.67 | \$145,333.33 | \$218,000 |



| Account Number | Description | Debit | Credit |
|-----------------|---|------------|------------|
| 6400-80200-6600 | Rehabilitation – Kargotich Rd, Mardella SLK14.19 to SLK14.76 (1/3 of MRRG Rehabilitation Grant for Nicholson Road, Oakford) | \$36,000 | |
| 6400-80199-6600 | Rehabilitation - Nicholson Road, Oakford SLK2.44 to SLK 2.7 | | \$108,000 |
| 6400-80199-4819 | MRRG Rehabilitation Grant for Nicholson Road, Oakford (2/3 component) | \$72,000 | |
| 6400-80200-6600 | Rehabilitation – Kargotich Rd, Mardella SLK14.19 to SLK14.76 (1/3 of MRRG Rehabilitation Grant for Nicholson Road, Oakford) | \$9,998.90 | |
| 3610-40000-6125 | Road Maintenance | | \$9,998.90 |

Reason: Reallocation of municipal funding portion of Nicholson Road project \$36,000 to fund increased costs associated with Kargotich Road Rehabilitation Works following receipt of tender submissions, with an additional \$9,998.90 funded from Road Maintenance budget.

| Funding Summary | | | |
|--|---------------------|---------------------|---------------------|
| Project | Shire | State Government | Total |
| Kargotich Road Rehabilitation Works (MRRG current approved budget) | \$72,666.67 | \$145,333.33 | \$218,000 |
| Funds transfer Nicholson Road, Oakford (Shire component) | \$36,000 | | |
| Funds transfer from Road Maintenance | \$9,998.90 | | |
| Total budget: | \$118,665.57 | \$145,333.33 | \$263,998.90 |



Risk Implications

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

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

Risk Matrix

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

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



Voting Requirements: **Absolute Majority** (s6.8 of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. **APPROVES** the following budget variation to repurpose the unspent Nicholson Road project budget to fund the shortfall of \$45,998.90 for RFT 10/2020 – Kargotich Road Rehabilitation Works:

| Account Number | Description | Debit | Credit |
|-----------------|---|------------|------------|
| 6400-80200-6600 | Rehabilitation – Kargotich Rd, Mardella SLK14.19 to SLK14.76 (1/3 of MRRG Rehabilitation Grant for Nicholson Road, Oakford) | \$36,000 | |
| 6400-80199-6600 | Rehabilitation - Nicholson Road, Oakford SLK2.44 to SLK 2.7 | | \$108,000 |
| 6400-80199-4819 | MRRG Rehabilitation Grant for Nicholson Road, Oakford (2/3 component) | \$72,000 | |
| 6400-80200-6600 | Rehabilitation – Kargotich Rd, Mardella SLK14.19 to SLK14.76 (1/3 of MRRG Rehabilitation Grant for Nicholson Road, Oakford) | \$9,998.90 | |
| 3610-40000-6125 | Road Maintenance | | \$9,998.90 |

Reason: Reallocation of municipal funding portion of Nicholson Road project \$36,000 to fund increased costs associated with Kargotich Road Rehabilitation Works following receipt of tender submissions, with an additional \$9,998.90 funded from Road Maintenance Budget.

2. **AWARDS** Tender RFT 10/2020 – Kargotich Road Rehabilitation Works to RCA Civil Group Pty Ltd to the value of \$263,998.90, excluding GST, as contained within confidential attachment 1.
3. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 10/2020 – Kargotich Road Rehabilitation Works.

**10.2.5 - Award Request for Tender – RFT 12/2020 – Nicholson Road Widening (SJ3326)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 12/2020 – Nicholson Road Widening and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2020/21 Annual Budget.

Background

Based on the Main Roads Western Australia crash tool data, there were 10 crashes at the 1.98km section of Nicholson Road between Straight Line Kilometres (SLK) 3.02 to SLK 5.0 in the last five years, including 1 hospitalisation, 7 property damage only (PDO) major and 2 PDO minor crashes. In addition, the site *inspection identified the section of Nicholson Road from SLK 3.02 to SLK 5.0 has narrow width and deteriorated with ageing seal including edge break and edge drop off*. In order to prepare the Black Spot grant submissions for the 2020/21 round, Shire Officers analysed the prequalified locations eligible to obtain Black Spot funding through either the State Black Spot Program or the Australian Government Black Spot Program.

As per the crash analysis, three crashes were same lane left rear, two of them were off the carriageway in left direction and hitting objects, 1 of them was off lane right of carriageway and another two were while turning left at intersection. The effective treatments to attenuate such crashes are:

- Seal the pavement to have minimum 7.0 m width and construct the intersection of Abernethy road to minimum Main Roads WA standard;
- Install line marking including edge lines;
- Install delineation; and
- Install intersection warning signs.

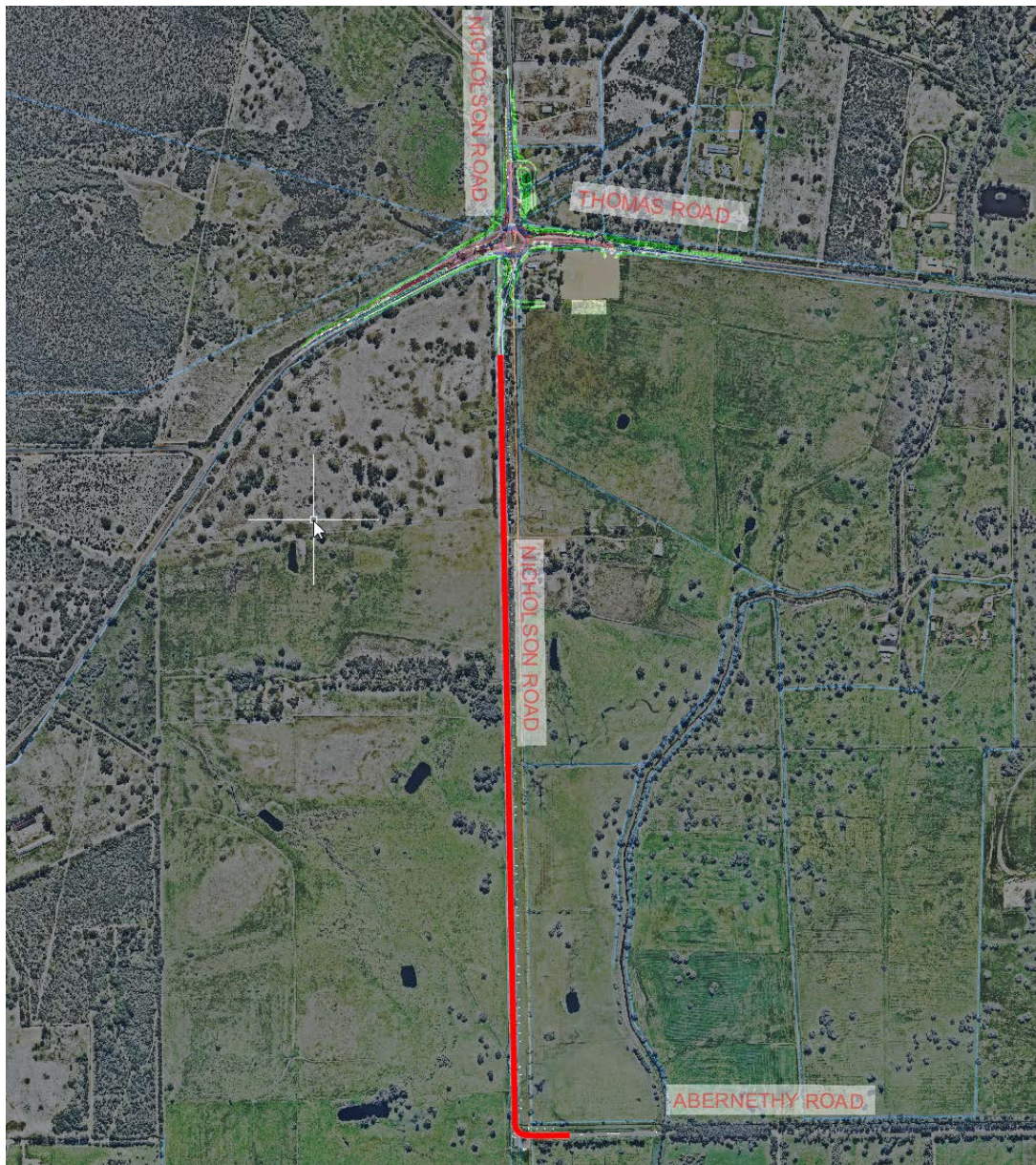


Through a successful application to the State Government Black Spot Program, the Shire received grant funding to carry out these effective treatments to mitigate the likelihood of further potential crashes at this location.

The total project budget of \$607,000 is made up of:

- State Government Black Spot Program contribution to a value of \$404,666.67;
- Shire contribution to a value of \$202,333.33.

Figure 1: Nicholson Road widening locality map





Community / Stakeholder Consultation

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

Submissions

The Request for Tender RFT 12/2020 – Nicholson Road Widening was advertised on Wednesday 26 August 2020 and closed at 2.00pm on Thursday 8 September 2020

The Tender was advertised in the following papers:

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

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

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

Tender submissions were received from the following companies:

| # | Company Name |
|---|--|
| 1 | HAS Earthmoving |
| 2 | Raubex Construction Pty Ltd |
| 3 | WCP Civil Pty Ltd (West Coast Profilers) |

Evaluation Panel

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

- Project Coordinator;
- Road and Drainage Engineer;
- Technical Officer – Infrastructure and Assets.

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

**Evaluation Criteria**

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

| EVALUATION CRITERIA | WEIGHTING |
|---|------------------|
| Price with quantities | 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% |
| Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">• Capacity to deliver the services including;• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature. | 15% |
| Demonstrated Understanding/Experience with: <ul style="list-style-type: none">• Project schedule;• Process for delivery of goods/services;• Project Management Plan;• Critical assumptions; and• Any additional information. | 15% |

Comment

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

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

The tender evaluation panel therefore recommends the tender submission made by **Raubex Construction Pty Ltd** be accepted.

Statutory Environment

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

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



Options and Implications

Option 1

That Council award the contract as recommended in **confidential attachment 1** – RFT 12/2020 – Nicholson Road Widening to **Raubex Construction Pty Ltd** and authorises the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale.

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

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

Therefore, it is recommended that Council support Option 1 and the contract be awarded to **Raubex Construction Pty Ltd**.

Attachments (available under separate cover)

- **10.2.5 – CONFIDENTIAL attachment 1** – RFT 12/2020 – Nicholson Road Widening – Evaluation Report (E20/10712)

Alignment with our Strategic Community Plan

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



Financial Implications

The funding for this tender is included in the 2020/2021 Annual Budget to undertake the works. The allocated budget for the work is \$607,000 and the recommended tender value of \$578,820.75 ex GST is within budget.

| STATE BLACK SPOT PROGRAM | | | |
|---------------------------------|--------------|------------------|-----------|
| Project | Shire | State Government | Total |
| Nicholson Road Widening | \$202,333.33 | \$404,666.67 | \$607,000 |

Risk Implications

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

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

Risk Matrix

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

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



Continued

Ordinary Council Meeting Agenda Monday, 19 October 2020

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **AWARDS** Tender RFT 12/2020 – Nicholson Road Widening to Raubex Construction Pty Ltd to the value of \$578,820.75, excluding GST, as contained within confidential attachment 1; and
2. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 12/2020 – Nicholson Road Widening.



Continued

Ordinary Council Meeting Agenda
Monday, 19 October 2020

10.2.6 – Keirnan Park Recreation Precinct - grant process and additional resources (SJ1364)

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

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

**10.3 Corporate Services reports**

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

Authority / Discretion

| | |
|-------------|--|
| Legislative | Includes adopting local laws, local planning schemes and policies. |
|-------------|--|

Report Purpose

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Nil.

Statutory Environment

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

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

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

**Comment**

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

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

A detailed list of invoices for the period 1 September 2020 to 30 September 2020 is provided in **attachment 1**.

Options and ImplicationsOption 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 September 2020 to 30 September 2020, totalling \$3,649,285.63.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 September 2020 to 30 September 2020, totalling \$3,649,285.63.

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 30 September 2020 (E20/11237)
- **10.3.1 – attachment 2** – List of Accounts Paid and Submitted to Council (Bank Fees and Payroll) for the period ending 30 September 2020 (E20/11238)
- **10.3.1 - attachment 3** – Westpac Purchasing Card Report – 28 July 2020 to 28 August 2020 (E20/11241)

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 September 2020 to 30 September 2020, totalled \$3,649,285.63.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|--|---|---------------------------|---|---|---|
| That Council does not accept the payments. | Unlikely (2) | Insignificant (1) | Low (1-4) | Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed | Accept Officer Recommendation |

Risk Matrix

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

A risk rating of **2** has been determined for this item.



Continued

Ordinary Council Meeting Agenda Monday, 19 October 2020

Voting Requirements: Simple Majority

Officer Recommendation

That Council **RECEIVES** the Schedule of Accounts as paid under delegated authority from 1 September 2020 to 30 September 2020, totalling \$3,649,285.63 as attached, covering:

1. Payment of creditors totalling \$2,902,272.50;
2. Payroll totalling \$744,647.91; and
3. Bank Fees totalling \$2,365.22.

**10.3.2 – Monthly Financial Report – August 2020 (SJ801)**

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

Authority / Discretion

| | |
|-------------|--|
| Legislative | Includes adopting local laws, local planning schemes and policies. |
|-------------|--|

Report Purpose

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

This report is about the financial position of the Shire as at 31 August 2020.

Relevant Previous Decisions of Council

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

PART 6 – Material Variances

That Council

- ADOPTS the definition of ‘significant (material) variances to be used in statements of financial activity for reporting’ to be \$10,000 or 10% (whichever the greater).*
- ADOPTS the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:*
 - Total operating revenue and expenditure by Nature and Type; and*
 - Capital income and expenditure.*

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at this point in time.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of August 2020. Please note the opening position is a preliminary result for the year ended 30 June 2020 as the Financial Statements for 2020 are still being finalised and as a result may be subject to change.

The municipal surplus for the month ending 31 August 2020 is \$29,254,796, which is favourable, compared to a budgeted surplus for the same period of \$22,175,490.

The primary cause of this is the opening surplus position, however as mentioned above the Financial Statements for the year ended 30 June 2020 are still being finalised and are subject to change.

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

| Description | YTD Budget | 31 August 2020 Actual | Variance (unfavourable) |
|---|-------------------|-----------------------|-------------------------|
| Opening Surplus at 1 July 2020 | 2,516,604 | 8,071,920 | 5,555,316 |
| Proceeds from sale of assets | - | - | - |
| Changes to net transfers to and from Reserves | (572,687) | (572,687) | - |
| Loan principal drawdowns (new loans) | - | - | - |
| Loan principal repayments | - | - | - |
| Capital expenditure | (1,392,626) | (570,722) | 821,904 |
| Capital revenue (cash items) | 987,122 | 744,736 | (242,386) |
| Operating revenue (cash items) | 26,026,297 | 25,825,094 | (201,203) |
| Operating expenditure (cash items) | (5,389,220) | (4,243,546) | 1,145,674 |
| | | | |
| | 22,175,490 | 29,254,796 | 7,079,306 |



Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report August 2020 (E20/11305)

Alignment with our Strategic Community Plan

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

Financial Implications

As at 31 August 2020, the Shire's respective cash position was as follows:

Municipal Fund: \$6,434,616

Trust Fund: \$304,222

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

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

Unfavourable variance of \$330,707 due to timing of grant payments, significantly LGGS funding for Volunteer Bush Fire Brigades - \$92,315 and State Emergency Services - \$9,215, as well as Bushfire Mitigation Funding - \$82,250.

Fees and Charges

Favourable variance of \$257,173 due primarily to the imposition of swimming pool inspection fees as part of rates billing - \$91,546 and Waste Service charges - \$58,069.

Interest Earnings

Unfavourable variance of \$71,222 due primarily to the timing of maturity of term deposits and underlying low interest rates.

Other Revenue

Favourable variance of \$16,384 primarily due to LGIS surplus distribution credit of \$28,150.

Operating Expenses

Employee Costs

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

Materials and Contracts

Favourable variance of \$823,740 in relation to the timing and provision of services across all programs and business units, the most material of which is Waste Services - \$225,571. Other



significant variances include contract services - \$120,370, materials - \$63,878, and consultancy and legal services across the organisation - \$105,835.

Utility Charges

Favourable variance of \$67,599 due primarily to street lighting - \$54,629.

Depreciation on Non-Current Assets

Favourable variance of \$1,469,441 as depreciation will not be processed until the Financial Report for the year end 30 June 2020 is finalised and asset balances confirmed.

Interest Expenses

Unfavourable variance of \$14,501 due to timing of loan repayments.

Insurance Expenses

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

Other Expenditure

Favourable variance of \$58,653 due to a lower than budgeted expenditure primarily relating to community funding via grants and sponsorships - \$83,276 offset partially by the repayment of unspent grant funds related to 2019-20 Bushfire Mitigation Funding – \$40,335.

Other**Capital Expenditure**

Favourable variance of \$821,904 due to timing of capital works program. Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Profit/(Loss) on Asset Disposals

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

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$242,386 due to timing of grant funded capital works programs, primarily federal bridge funding related to Gooralong and Medulla Brook - \$169,134.

Proceeds from Disposal of Assets

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

Repayment of Debentures

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

Proceeds from New Debentures

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

Transfers (to)/from Cash Backed Reserves (Restricted Assets)

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

Transfers (to)/from Restricted Cash (Municipal)

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



Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|---|---------------------------|---|---|---|
| That Council not accept the Officer's recommendation. | Unlikely (2) | Insignificant (1) | Low (1-4) | Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed | Accept Officer Recommendation |

Risk Matrix

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

A risk rating of **2** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council RECEIVES the Monthly Financial Report for August 2020, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.



10.3.3 – Local Government Act 1995 review – Submission to WALGA on the Panel’s Recommendations to the Minister for Local Government (SJ1369)

| | |
|---|--|
| Responsible Officer: | Manager Governance |
| Senior Officer: | Director Corporate Services |
| Disclosure of Officers Interest: | In accordance with Regulation 34C of the <i>Local Government (Administration) Regulations 1996</i> , the Manager Governance, Dr Kenneth Parker has declared an Impartiality Interest in this matter as Dr Parker worked previously on the <i>Local Government Act 1995</i> review project. |

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider the content of a submission to the Western Australian Local Government Association on the Local Government Review Panel Final Report Recommendations for a new Local Government Act for Western Australia.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 February 2019 – COUNCIL DECISION
That Council **ENDORSES** and **SUBMITS** the submission shown at attachment 1 to the Department of Local Government, Sport and Cultural Industries in response to the discussion paper, “Agile, Smart, Inclusive – Local Government for the Future” Consultation Paper.

Ordinary Council Meeting – 20 May 2019 – COUNCIL DECISION

1. *In reference to the Local Government Act review, that Council NOTES the composition of the current policy reference group for the reform of the Local Government Act excludes the public; and*
2. *That Council REQUESTS that the Minister of Local Government allows Councillors not nominated by WALGA and for members of the public to become involved at that level, and when the current process is finalised and legislation drafted, that it be REFERRED to a Parliamentary Committee to allow public hearings and input into the proposed Act.*



Background

In 2017, the State Government announced a major review of the *Local Government Act 1995*. The review is being conducted in two parallel phases. Phase one of the review has resulted in amendments to the Act in 2019 that saw the introduction of universal training for Councillors, a new gift framework, changes to the operation of the Standards Panel and improved access to information.

Phase one of the review continues to be implemented by the State Government with the Department anticipated to release a new mandatory model Council member code of conduct and policy related CEO recruitment and termination shortly.

In the meantime, in November 2019 the Minister formed a panel to provide recommendations on a new Local Government Act.

The members of the Panel were:

- Mr David Michael MLA, Member for Balcatta (Chair);
- Professor John Phillimore, Executive Director, John Curtin Institute of Public Policy;
- Mr Graham Sansom, Adjunct Professor, Institute for Public Policy and Governance, University of Technology Sydney;
- Ms Anne Wood, Partner, Kott Gunning Lawyers;
- Mr Henry Zelones OAM LGM JP, former Mayor City of Armadale; and
- Mr Duncan Ord OAM, Director General, Department of Local Government, Sport and Cultural Industries.

On 4 August 2020 the Minister published the Panel's report. The Panel has made 65 wide-ranging recommendations.

The Report's recommendations are now being considered by the Minister but a timetable for an announcement is unknown. As noted in the Panel's report, a new Local Government Act is a significant legislative undertaking that may not be possible in a single term of Government.

As a resolution of the August WALGA State Council meeting, WALGA has requested local governments provide comment on the Panel's recommendations to enable the preparation of a new whole-of-sector response.

Community / Stakeholder Consultation

Policy Concept Forum

| | |
|-------------------------------|--|
| Meeting Date | 7 September 2020 |
| Councillors Attendance | in Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr Strange, Cr Strautins |

In preparation of this Report, a survey to Shire of Serpentine Jarrahdale Councillors was circulated to obtain feedback on the sixty-five recommendations.

Wider community consultation has not occurred at this time. Members of the public wishing to have their say are encouraged to contact the Department via the review's dedicated email address actreview@dlgsc.wa.gov.au.



Statutory Environment

Nil.

Comment

The breadth of the Panel's recommendations are commensurate to the significant breadth of the Act are deal with matters including, but not limited to:

- roles and responsibilities of Local Government, Council, Councillors, Chief Executive Officers and administration;
- the establishment of a Local Government Commission;
- financial management;
- structural reform;
- relationship with Aboriginal Peoples and Communities;
- elections; and
- Integrated Planning and Reporting.

The Panel Report's charts a new direction for local governments' enabling legislation. The Panel Report proposes major and sweeping reforms.

Many of the Panel's recommendations relate to matters that are informed by individual opinions, perspectives and personal priorities and ideologies. The Panel itself noted that a majority of recommendations were agreed to unanimously by all members of the panel, with a small number either having a minority of panelists expressing an opposing view or excluding themselves due to a potential conflict of interest

Rather than provide an Officer comment on each or all of the Panel's recommendations, this report presents the results of a survey on the 65 recommendations that was prepared for Shire of Serpentine Jarrahdale Councillors.

The survey asked Councillors to respond to each of the Panel's recommendations as to whether they supported, opposed, further consideration was required or conditionally supported the recommendation.

The framing of questions in the survey in this manner was aligned to the approach taken in WALGA's draft response.

Officers have compiled the responses received from Councillors to the survey in **attachment 1** for Council's consideration.



Options and Implications

Option 1

That Council REQUESTS that the Chief Executive Officer provide attachment 1 to the Western Australian Local Government Association as the Shire of Serpentine Jarrahdale's response to the Western Australian Local Government Association's sector position.

Option 2

That Council does NOT REQUEST that the Chief Executive Officer provide attachment 1 to the Western Australian Local Government Association as the Shire of Serpentine Jarrahdale's response to the Western Australian Local Government Association's sector position.

Option 1 is recommended.

Conclusion

In response to WALGA's request for local governments to provide comment on the Minister for Local Government's Panel Report into the future *Local Government Act*, a survey was circulated to Councillors. The responses received have been compiled as a proposed Shire response.

Attachments (available under separate cover)

- **10.3.3 - attachment 1** – Survey results – Councillor survey, Minister's Panel report on Local Government Act (E20/11114)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no immediate financial implications associated with this report.

Risk Implications

Nil.



Continued

Ordinary Council Meeting Agenda Monday, 19 October 2020

Voting Requirements: Simple Majority

Officer Recommendation

That Council REQUESTS that the Chief Executive Officer provide attachment 1 to the Western Australian Local Government Association as the Shire of Serpentine Jarrahdale's response to the Western Australian Local Government Association's sector position.

**10.3.4 – Proposed Councillor mentoring program (SJ529)**

| | |
|---|--|
| 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. |
|-----------|---|

Report Purpose

The purpose of this report is enable Council to consider approving the 2020-21 Councillor mentoring program.

Relevant Previous Decisions of Council

Nil.

Background

Council Policy – Councillor Training and Continuing Professional Development, recognises the unique and challenging role that Councillors have performing their functions under the *Local Government Act 1995* (the Act) and provides a framework for Councillors to complete training and continuing professional development.

The importance of Councillor training was a major theme of phase one of the State Government's legislative reforms which introduced candidate inductions, universal training for newly elected Councillors and a requirement for Local Governments to adopt a training and continuing professional development policy.

Greater investment by local governments in training and continuing professional development for Councillors has also been a recommendation of the Minister for Local Government's Local Government Act Review panel, the City of Perth Inquiry and the Legislative Council Select Committee into Local Government's Inquiry into Local Government. The benefits of mentoring as a specific type of continuing professional development has also been highlighted by these reports.



Community / Stakeholder Consultation

In preparation of this report, Shire Officers met with the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association (WALGA). Both the Department and the WALGA conceptually support Councillor mentoring programs.

Statutory Environment

Nil.

Comment

As part of the Shire's commitment to continuous improvement, and in accordance with the Councillor Training and Continuing Professional Development Policy and the Shire's Purchasing Policies, the Shire has investigated options for a Councillor mentoring program.

Best practice guides on establishing a mentoring program report that mentoring programs work most effectively when they are:

- independently administered and facilitated; and
- pair mentors based on emotional intelligence profiles or other empirical criteria.

In keeping with these principles, Officers contacted several potential facilitators to assess interest and expertise in a mentoring program. This is a specialist area requiring both experience in local government, the capacity to engage a network of potential mentors and expertise in respect to administering coaching/mentoring programs. In accordance with the Shire's purchasing policies two other providers were contacted with a request to provide written quotes. Both declined this invitation.

Officers recommend that the proposal presented by Inspired Development Solutions be considered by Council. Inspired Development Solutions proposal is provided in **confidential attachment 1**. The scope of the proposed program comprises:

- a 2-hour session for Councillors on how to get the most out of mentoring;
- a Myer Briggs assessment to inform pairing of mentors; and
- six, 1.5-hour mentoring sessions for each Councillor.

If Council would resolve to approve the program, each Councillor wishing to participate would be offered a selection of two to three possible mentors by the facilitator who are selected based on personality fit. The recommended facilitator is also a trained mentor / executive coach, and if Council resolved to approve the program, the facilitator would be available as a mentor / coach as an alternative to mentors offered by the facilitator.

The facilitator will manage all bookings and arrangements independent of the Shire.

The program would be available to all Councillors who wish to participate but would not be mandatory. In accordance with Council policy, the mentoring sessions would need to conclude within three months of a Councillor's term of office expiring.

If all Councillors agreed to participate, the estimated costs would be approximately \$26,100. This estimate is considered to be the cost ceiling for the program. Actual costs will be dependent on



the number of Councillors who choose to participate, the number of sessions held and the individual mentor costs.

Per Council's policy, training that exceeds the allocated budget amount may be approved by resolution of Council. As the costs of the program exceed the allocated training budget, the program has been presented to Council for consideration.

Due to the inherent challenges in accurately projecting costs of a program of this type, it is proposed that Council set a maximum value per Councillor of \$2,900. This maximum value would include the costs of the introduction to mentoring session that would be jointly held for all participating Councillors at a set cost regardless of the number of Councillors who elected to participate.

Options and Implications

Option 1

That Council:

1. In accordance with Council Policy – Councillor Training and Continuing Professional Development, APPROVES the Councillor mentoring program described in this report, including the introduction to mentoring session;
2. APPROVES Councillors to participate in the mentoring program specified in this report up to the maximum value of \$2,900 per Councillor; and
3. APPROVES a budget adjustment for 2020-21 to enable investment in a Councillor mentoring program:

| Account Number | Type | Description | Debit | Credit |
|---|----------------------|----------------------------------|----------|----------|
| 5200-17101-6906 | Increase expenditure | Councillor Training / Conference | \$26,100 | |
| 5200-17101-6230 | Decrease expenditure | Consultancy | | \$16,050 |
| 5200-17100-6230 | Decrease expenditure | Consultancy | | \$10,050 |
| Reason: Reallocate funds to enable investment in a Councillor mentoring program | | | | |

Option 2

That Council does not approve Councillors to participate in the Councillor mentoring program described in this report.

Option 1 is recommended.



Conclusion

Mentoring as form of professional development has been recommended consistently by independent inquiries into Western Australia's system of local government. Per Council's policy – Councillor Training and Continuing Professional Development, Council approval of the 2020-21 Councillor mentoring program is sought.

Attachments (available under separate cover)

- **10.3.4 – CONFIDENTIAL attachment 1** – Proposed Outline of the Mentoring Program – Inspired Development Solutions (E20/11186)

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

The financial implications will be dependent on the number of Councillors that opt to participate. If all Councillors opt to participate the total cost will be \$25,980. To fund the program it is proposed that Council resolve to adjust the consultancy budget associated with Members of Council and Governance.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|--|--|----------------------------------|--|---|--|
| That Council does not take up the opportunity presented. | Possible (3) | Insignificant (1) | Low (1-4) | Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item | Accept Officer Recommendation |

**Risk Matrix**

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

A risk rating of **3** has been determined for this item.

Voting Requirements: **Absolute Majority** (s6.8 of the *Local Government Act 1995*)

Officer Recommendation**That Council:**

1. In accordance with Council Policy – Councillor Training and Continuing Professional Development, **APPROVES** the Councillor mentoring program described in this report, including the introduction to mentoring session;
2. **APPROVES** Councillors to participate in the mentoring program specified in this report up to the maximum value of \$2,900 per Councillor; and
3. **APPROVES** a budget adjustment for 2020-21 to enable investment in a Councillor mentoring program.

| Account Number | Type | Description | Debit | Credit |
|--|----------------------|----------------------------------|----------|----------|
| 5200-17101-6906 | Increase expenditure | Councillor Training / Conference | \$26,100 | |
| 5200-17101-6230 | Decrease expenditure | Consultancy | | \$16,050 |
| 5200-17100-6230 | Decrease expenditure | Consultancy | | \$10,050 |
| Reason: Reallocate funds to enable investment in a Councillor mentoring program | | | | |



10.4 Community and Organisational Development reports

| | |
|---|--|
| 10.4.1 – Shire of Serpentine Jarrahdale Organisational Development Roadmap (SJ388) | |
| 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> . |

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



10.4.2 – Community Recovery Plan and updated Communications Plan COVID-19 Pandemic (SJ3306)

| | |
|---|--|
| Responsible Officer: | Deputy CEO / Director Community and Organisational Development |
| Senior Officer: | Chief Executive Officer |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is to request Council endorse the Community Recovery Plan COVID-19 pandemic and updated Communications Plan.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 June 2020 - OCM170/06/20 - extract

That Council:

2. **APPROVES** a budget adjustment for 2019/20 for the engagement of a specialist consultant to develop a community led, Community Long Term Recovery Strategy as follows:

| <i>Account Number</i> | <i>Type</i> | <i>Description</i> | <i>Debit</i> | <i>Credit</i> |
|-----------------------|-------------|--|--------------|---------------|
| 5200-17101-6230 | Decrease | Members of Council – Consultancy Expenditure | | 10,000 |
| 4000-15003-6230 | Increase | Community Recovery – Consultancy Expenditure | 10,000 | |

Reason: To enable development of a Community Long Term Recovery Strategy in response to the COVID-19 Emergency.

Background

The Emergency Management Act 2005 specifies that it is the responsibility of the local government to manage recovery following an emergency affecting the community in its district. Recovery is defined in the Act as “the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing”.

The Government of Western Australia declared a State of Emergency on 16 March 2020 and a Public Health Emergency on 17 March 2020 in response to COVID-19 coronavirus.

Since March 2020 the Shire has been working closely with State Government agencies, non-government and community organisations to ensure a coordinated response to and recovery from the COVID-19 pandemic.



In June 2020, the Western Australian State Government made the decision that coordination of recovery from the pandemic was more appropriate at a statewide level as opposed to coordination of recovery at the local level. As a result, the State Government assumed control of the recovery effort for a period of 12 months. However, Local Governments have been encouraged to develop recovery plans that align with the *WA Recovery Plan* document that was developed by the State Government after extensive community and sector consultation. Plans are also to reflect the role of local governments in recovery, as outlined by the State Recovery Controller and detailed below:

1. Collect and provide local impacts to the State Recovery Coordinator to inform recovery planning and implementation.
2. Align local recovery plans to the State Recovery Plan where required to ensure Consistency.
3. Build on the strong work already undertaken by local governments in:
 - a) reviewing or adopting financial hardship policies to support ratepayers to provide rate, fee and tenancy relief to businesses and individuals in distress;
 - b) reviving community services, sports and recreation to promote wellbeing and enable the community to resume active, connected lives in a COVID safe manner;
 - c) supporting arts, culture, events and tourism activities and content in local areas and helping these industries to innovate to operate in the future;
 - d) accelerating small capital works projects to provide vital employment channels and use local materials, contractors and labour services to support vulnerable parts of the workforce; and
 - e) streamlining or fast tracking approvals processes and relieving compliance burdens on businesses and households where possible to stimulate local economic activity.
4. Monitor recovery progress and report any emerging issues and key actions taken at the local level to the State Recovery Coordinator to inform quarterly reporting to the State Recovery Steering Committee.

Community / Stakeholder Consultation

In August, the Shire undertook a range of sector and community consultation activities to better understand the impact of the pandemic on Serpentine Jarrahdale businesses and community and those agencies and organisations working within the Shire, and their concerns and needs for recovery from the pandemic.

Activities included:

- An advert in Examiner Newspaper on 30 July and 6 August 2020.
- Workshops with members of the Local Recovery Coordination Group, Economic Recovery and Community Wellbeing Recovery Sub Committees on 6 and 7 August 2020.
- Community Drop In Session on Saturday 15 August 2020 at the Serpentine Jarrahdale Community Recreation Centre.
- Direct email to registered home businesses, the Shire's Business Directory, Sporting Groups, Community Groups and 1500 subscribers to E-News.
- Facebook posts on 30 July, 5 and 15 August 2020.
- Corflute signs advising the Survey and Community Session at the:



- Jarrahdale General Store.
- Serpentine IGA.
- Serpentine Jarrahdale Community Recreation Centre.
- Outside the Office of Alyssa Hayden in Byford.

Feedback on the draft plan has been sought from:

- Local Emergency Management Committee.
- Local Recovery Coordination Group.
- Economic Recovery Group.
- Community Wellbeing Sub Committee.

It is recommended to seek comment on the draft from the community prior to Council adopting the Community Recovery Plan.

Statutory Environment

Emergency Management Act 2005

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and*
 - (b) to manage recovery following an emergency affecting the community in its district; and (c) to perform other functions given to the local government under this Act.*
- 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 Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic is included with this report as **attachment 1**. The Plan has been developed after consultation with the community, the business community, State Government agencies, non-government agencies, community organisations, members of the Local Recovery Coordination Group and its sub-committees. The results of this consultation is included with this report as **attachment 2**.

The Plan in draft form was also sent to members of the Local Recovery Coordination Group and its sub-committees and members of the Local Emergency Management Committee for their comment prior to being presented to Council.

The Plan is intended to act as a guide to recovery within the Shire for an 18-month period until April 2022, and may be updated should significant changes occur in relation to the pandemic.



The Plan has been developed consistent with the *WA Recovery Plan* and outlines actions to be undertaken under a number of headings from the *WA Recovery Plan* as relevant to the Shire:

- Major infrastructure investment.
- Local building and maintenance.
- Major road construction.
- Building community infrastructure.
- Housing construction.
- Supporting small business.
- Investing in local tourism.
- Connecting our community.

Under each of the headings are the actions to be undertaken during three phases;

| | |
|---------|--|
| Protect | Actions undertaken to support community and businesses to continue to survive and function in an uncertain environment. |
| Pivot | Actions undertaken to respond to new opportunities, changes in the way we live, and changes in consumer behaviours. |
| Prosper | Actions undertaken to create a new future, and build long-term sustainability acknowledging that things won't be as they were. |

Because of the nature of the pandemic, it is possible that activities from each of these three phases will be undertaken concurrently, as recovery and response have both been necessary at each stage throughout the pandemic.

The Plan will be reviewed quarterly, with an assessment of achievements against the plan and an assessment of environmental factors that might result in required changes to the plan. A report will be provided to Council on completion of each quarter.

The COVID-19 pandemic Communications Plan has also been updated in consideration of the Community Recovery Plan and is included with this report as **attachment 3**.



Options and Implications

Option 1

That Council:

1. RESOLVES to advertise the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic, as contained in attachment 1, for a period of 14 days with a report brought to Council at the December Ordinary Council Meeting outlining any comments received; and
2. NOTES the updated COVID-19 pandemic Communication Plan as contained in attachment 3.

Option 2

That Council

1. ADOPTS the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic, as contained in attachment 1 noting that it is subject to review and change in response to the pandemic environment; and
2. NOTES the updated COVID-19 pandemic Communication Plan as contained in attachment 3.

Option 3

That Council:

1. DOES NOT adopt the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic, as contained in attachment 1; and
2. REQUESTS the Chief Executive Officer undertake further work on the development of the Plan.

Option 1 is recommended.

Conclusion

The Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic has been developed to reflect feedback from the community, State Government agencies, non-government organisations, community groups, members of the Local Recovery Coordination Group and its sub-committees and members of the Local Emergency Management Group.

The Plan reflects the needs and desires of the community, the role of local government in recovery as outlined by the State Recovery Controller and aligns with the Western Australian State Government *WA Recovery Plan*.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Community Long Term Recovery Plan (E20/10375)
- **10.4.2 - attachment 2** – Consultation Outcomes (E20/10753)
- **10.4.2 - attachment 3** – Communications Plan (E20/3474)



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 1.3.3 | Enhance community safety |
| Outcome 4.1 | A resilient, efficient, and effective organisation |
| Strategy 1.3.3 | 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 additional financial implications of this plan beyond that which is currently in the Shire's 20/21 budget.

Any additional funds required to achieve the actions will be managed through future budget processes and possible funding through grants.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|--|--|----------------------------------|--|--|--|
| Lack of coordinated approach to recovery | Rare (1) | Moderate (3) | Low (1-4) | Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile | Accept Officer Recommendation |

**Risk Matrix**

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

A risk rating of **3** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation**That Council:**

1. **RESOLVES** to advertise the Shire of Serpentine Jarrahdale Community Recovery Plan COVID-19 pandemic, as contained in attachment 1, for a period of 14 days with a report brought to Council at the December 2020 Ordinary Council Meeting outlining any comments received; and
2. **NOTES** the updated COVID-19 pandemic Communication Plan as contained in attachment 3.



10.4.3 – Major Event Grants: Round One 2020 (SJ3296)

| | |
|---|--|
| Responsible Officer: | Manager Community Activation |
| Senior Officer: | Deputy CEO / Director Community and Organisational Development |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the recommended Major Event Grant 2020 Round One funding contributions and approve final allocations.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 May 2020 - OCM126/05/20

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;*
3. *REQUESTS the Chief Executive Officer to advise the Serpentine Jarrahdale Food and Farm Alliance Inc and Serpentine Jarrahdale RSL to apply for funding for future events through the Major Events Grant, on expiration of the funding MOU's between the organisation and the Shire;*
4. *LISTS for consideration a \$10,000 contribution in the 2020/2021 financial year to the Lions Club of Serpentine Jarrahdale Inc for the delivery of the 2020 Jarrahdale Log Chop and SJ Lions Country Fair, to be met from the Community Grants Reserve as part of the Major Grants Funding allocation for the 2020/2021 financial year and REQUESTS the Chief Executive Officer to advise the Lions Club of Serpentine Jarrahdale Inc to apply for funding for future events through the Major Events Grant;*
5. *ENDORSES the funding commitment of \$10,000 per year as outlined in the existing MOU for the Serpentine Jarrahdale RSL ANZAC Day Dawn Service, be met from the Community Grants Reserve as part of the Major Events Grants allocation for the 2020/2021 and 2021/2022 financial year;*
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; and*
8. *LISTS for consideration, a budget allocation of \$32,000 for General Grants and a budget allocation of \$8,000 for Friendly Neighbourhood Grant in the 2020/2021 financial year.*



Ordinary Council Meeting – 22 October 2018 - OCM117/10/18

That Council

- 1. Requests the Chief Executive Officer to advise the Serpentine Jarrahdale Food & Farm Alliance that:
 - a. The Shire will provide sponsorship of \$18,000 for the 2019 year and \$18,000 for the 2020 year.*
 - b. The Shire strongly encourages the Serpentine Jarrahdale Food & Farm Alliance to undertake a strategic review process after the 2020 Farm Fest event.**

Background

At the May 2020 Ordinary Council Meeting, Council repealed the previous Community Grant Policy, adopting the current Community Funding Policy, included as **attachment 1**. The current policy includes the Major Event Grant Scheme, which provides an opportunity for community organisations to apply for grants of between \$5,000 and \$20,000 (ex GST), to deliver a community, sporting or cultural event in the Shire, where the event is of significance to the Shire of Serpentine Jarrahdale community and/or draws residents from the Shire, the Peel Region and surrounds.

At that meeting, Council further resolved to advise community groups with a Memorandum of Understanding (MOU) relevant to event funding, that upon expiration of the MOU an application to the Major Event Grant scheme would be required. As an alternative, the current Major Event grant scheme allows community groups to apply for annual funding for up to a three-year period.

Council has set a budget of \$75,000 for Major Event Grants in 2020/2021. As relevant to the current and expiring MOU's, within the \$75,000 allocation:

- \$10,000 is committed to the RSL 2021 ANZAC Day Dawn Service;
- The \$10,000 MOU allocation for the 2020 Jarrahdale Log Chop and SJ Lions Country Fair (hosted by the Lions Club of Serpentine Jarrahdale Inc) is not required as the group has confirmed that the event will not progress this year. The MOU has now expired, ending on 30 June 2020.

As such, Officers have advised the Lion's Club that an application to the next Major Event grant round (February 2021) will be required if they intend to request funding from Council for the October 2021 event.

As a result, \$65,000 remains uncommitted for Major Event applications across two rounds for the current financial year.

The first Major Event Grant round for the financial year was advertised in July and August, closing 24 August 2020. Three applications were received, and these are now presented to Council for consideration.

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.
- Scarp Voice Examiner: July.
- Homepage Banner on Shire website: 21 July to 24 August.
- 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.

Statutory Environment

The applications recommended for receipt of funds are consistent with the Community Funding Policy, included as **attachment 1**.

Where an application contains inconsistent information or is ineligible as outlined within the policy, this has been noted in the comments.

Comment

Three grant applications from local community groups were received in the first Major Event Grant round. The total value of applications was \$59,924 ex GST for the available \$65,000.

The competitive nature of the round drives greater emphasis on the importance of high caliber applications, particularly where these applications request the maximum amount permissible under the scheme.

An assessment of each application was undertaken by a team of Officers across the organisation, with representation from Community Activation, Economic Development, Finance, Operations and Health and Building. This was to enable feedback and comment over a variety of different business areas that are likely to be involved with the delivery of events in the Shire.

Overall, applications were assessed on the following basis:

1. Eligibility.

Confirms that the application is eligible as per the current policy. Examples of eligibility criteria include: organisation is an incorporated not-for-profit community group; event is to be hosted in the Shire; applicant has no outstanding acquittals.

2. Funding criteria.

Information contained within the application is assessed by internal departments to determine a total score out of 20. Considerations include community benefit (reach within the community), capacity/ability of the applicant to deliver the project described in the application and financial capability.



3. Priority.

Considers whether the timeline for delivery is achievable, whether the application could/should be considered in a future round (particularly where available funds are less than total amount requested from organisations) or whether duplication of similar or other like-minded activities exist.

In regards to the funding criteria, Council is requested to note that the score provided through the panel assessment process is based on the information outlined and submitted in the application. An application may be written very well (and score well on that basis), but may not be eligible or considered a high priority given the competitive nature of the round. Conversely, an event may present as a valuable or worthwhile initiative, but if the application was poorly written it will score low on that basis.

A description of each of the applications, assessment comments and funding recommendations is provided below. Please note that the application attachments do not include supplementary detailed documentation, such as incorporation certificates and bank statements.

SJ Food and Farm Fest – 1 May 2021

Applicant: Serpentine Jarrahdale Food & Farm Alliance

Application and Application Checklist is included with this report as **confidential attachment 2**.

| | |
|---|-----------------|
| Expected attendance | 6,000 patrons |
| Total Event Cost | \$55,353 ex GST |
| Total Amount Requested from Shire | \$20,000 ex GST |
| Three year funding commitment requested | Yes |

This would be the fifth SJ Food and Farm Fest, and an application for funding to the 2021 event has been made consistent with the expiry of the Serpentine Jarrahdale Food & Farm Alliance MOU this year.

The event aims to demonstrate the breadth of agricultural pursuits that exist within the Shire; provide a venue for breed shows and “ag show” competitions; and engage multiple generations of local people in a wide range of activities.

The event is a paid ticketed event, with a potential profit to be made by the organisation to sustain other activities to be delivered throughout the year.

The organisation has also requested in-kind support of graphic design (site plan), advertising through Shire networks, assistance with Development Application and use of variable message boards (VMB). On this occasion, the use of a variable message board cannot be accommodated, however as the traffic management quote provided includes rates/costs of hire, a financial contribution for an additional VMB is recommended.

Recognition offered to the Shire for the funding is as follows:

- Shire logo included on all advertising (printed, social media, flyers, website, banners).
- Announcements during the event.
- Shire to be provided with stallholder space and the ability to display organisational banners and promotional materials.

Assessment Comment

1. Eligible: Yes
2. Funding Criteria: 17/20
3. Priority: Yes

Overall, the application was well supported by the panel as application demonstrated benefit to the community, stakeholder support and multiple income avenues (including ticket sales) to deliver the event.

However, only \$10,465 worth of quotes have been provided to support the application for \$20,000.

The SJ Food and Farm Alliance indicated on their application that a reduced level of funding (being less than \$20,000) would mean their event would not continue, however further details are outlined in Question 5.4 of **confidential attachment 2**.

Additionally, no strategic plan or significant detail was provided that would better support the three year funding request. Officers extended the opportunity to provide this additional information on 27 August 2020, however nothing further had been received from the applicant at time of writing this report.

Similar feedback has already been provided to the Food and Farm previously, as per Council resolution OCM117/10/18. This feedback was sent to the Serpentine Jarrahdale Food and Farm Alliance on 11 February 2019, strongly recommending that the strategic review process occur after the 2020 SJ Food and Farm Fest event. The purpose of such a review would be to critically consider all elements of the event (such as event structure, use of resources, marketing materials etc) to ensure efficiencies and quality of delivery is maximised into the future. It was suggested that in order to effectively conduct a review, there were some details that should be collected annually for comparative and event development purposes.

Due to COVID-19 pandemic impacts, the 2020 SJ Food and Farm event did not proceed and a strategic review or relevant business plan has not been provided as an attachment to the submitted application. As such, Officers do not recommend Council support the request for additional year/s funding.

Assessment Recommendation

Officers recommend funding to the value of \$10,720 ex GST (\$11,792 inc GST – organisation is registered for GST) which includes the cost of an additional VMB as the requested Shire “in-kind” provision cannot be accommodated.

This recommendation is consistent with the value of quotes provided. Quotes are to be provided for every item the organisation requests funding for, hence this recommendation is also consistent with expectations of all groups requesting funding.

Officers further recommend that as part of the funding benefits, the provision of entry for 12 Shire Officers at no cost be included. This would be for the purpose of staffing the stall at the event, which is already listed as an inclusion. Additionally, the Shire to request recognition as a Major Supporter, should the Shire’s contribution be equal or greater in value than other contributors.

A full outline of recommended conditions for the approved funding is included in **confidential attachment 3**. These will be drafted into a formal agreement once resolved by Council.

***Byford Multicultural Festival – 13 February 2021******Applicant: Byford Multicultural Club Inc***

Application and Application Checklist included as **confidential attachment 4**.

| | |
|---|---|
| Expected attendance | 7,500 patrons |
| Total Event Cost | \$47,640 ex GST (although no total event budget breakdown provided) |
| Total Amount Requested from Shire | \$20,000 ex GST |
| Three year funding commitment requested | Yes |

This would be the third event in Byford by this organisation, with 2020 seeing more than 4,000 patrons. The event showcases various cultures in the community by dances, local bands, kids activities, magic show, food stalls and stalls by local community groups; with a main stage for performances and various carnival rides. It will be free for community members to attend.

The event is aimed at providing an annual cultural event where people from different backgrounds and languages can participate and enjoy. The Byford Multicultural Club Inc also expects an increase in membership numbers (currently at 145) which helps sustain their operations and creates connections within the community.

The organisation has also requested in-kind support of advertising through Shire networks, and Officer time to assist them through the Public Event approval process. This has been factored into current workloads and can be accommodated.

Recognition offered to the Shire for the funding is as follows:

- Shire logo included on all advertising (flyers, online & press release) as the Major Sponsor for the event.
- Shire banners displayed in prominent position of the event day.
- Shire to be provided with a marquee to display information related to the Shire.
- Shire President and Councillors officially invited to attend the event.

Assessment Comment

1. Eligible: Yes - Certificates of currency and bank statement (for solvency) have not been included, however these details required to be established as a supplier so will be confirmed prior to dissemination of any approved funds.
2. Funding Criteria: 14/20
3. Priority: Yes

The project and event demonstrated strong support from stakeholders and engages large portion of the local community. However, application did not demonstrate strong financial capability. A whole of event budget was not provided, application did not demonstrate how the organisation would meet costs outside of Shire's contribution (a bank statement was not provided to confirm



the organisation's ability to meet their stated contribution) and quotes were not provided to total value of amount requested. The Byford Multicultural Club did confirm on their application that their event would continue with a reduced level of funding; that the event would be scaled back accordingly. Further details are outlined in Question 5.4 of **confidential attachment 4**.

No strategic plan or significant detail was provided that would better support the three year funding request. Officers extended the opportunity to provide all additional information on 27 August 2020, however nothing further had been received from the applicant at time of writing this report. Officers do not recommend supporting the request for additional year/s funding.

Assessment Recommendation

Officers recommend funding to the value of \$13,800 ex GST (\$13,800 inc GST – organisation is not registered for GST), consistent with the value of quotes provided. Quotes are to be provided for every item the organisation requests funding for, hence this recommendation is consistent with expectations of all groups requesting funding.

A full outline of recommended conditions for the approved funding is included in **confidential attachment 5**. These will be drafted into a formal agreement once resolved by Council.

WA Equestrian State Jumping Championships – 22 to 25 October 2020

Applicant: Jumping WA

Application and Application Checklist included as **confidential attachment 6**.

| | |
|---|---|
| Expected attendance | 3,000 patrons |
| Total Event Cost | \$80,000 ex GST (although no total event budget breakdown provided) |
| Total Amount Requested from Shire | \$20,000 ex GST |
| Three year funding commitment requested | No |

The event is proposed to include four days of jumping from Pony Club to elite level competitors; social activities; and a trade village (no further information/clarification on this component provided).

The objective of the event is to bring elite show jumping activities "south of the river" and to the local area. Because of the inability to travel interstate and internationally in the current COVID-19 environment, this event would also assist local riders and officials to gain/maintain international qualifications.



Assessment Comment

1. Eligible: No
 - In accordance with the policy, applicants must allow a minimum of three months from the closing date of the round, for applications to be processed and notifications issued regarding outcome of the grant application.
 - Application form not complete.
 - Certificate of Incorporation not included.
 - No quotes provided.
 - Officers extended the opportunity to provide this additional information on 27 August 2020.
2. Funding Criteria: 3/20
3. Priority: No

Application was incomplete and rushed, as the event was only confirmed days before the grant closing date. The event is scheduled to occur prior to confirmation of funding from Council, allowing no time for any acknowledgment or promotion of event and support. Due to the recent changes to event approval processes by the Department of Health from 25 September 2020 (for public events with more than 500 attendees), a COVID Safety Plan will also be required as part of the event. Hence, there is a reputational risk in supporting this event where it is challenging to meet all the requirements in the timeframe available. The applicant has indicated that the project can proceed if the amount requested is not granted.

Assessment Recommendation

Officers do not recommend funding this event. The application was incomplete and ineligible based on the information provided. However, the intent of the event is noted and a future application with longer lead-in times would be encouraged. Assistance for the public event approval process is currently being provided.

Overall Comments

The Officers recommendation is representative of a consolidated position against all the assessment factors outlined, and within the budget allocations available. The recommendation is presented as the result of a mutually agreed position between a range of internal business units, aiming to provide a well-rounded and considered consensus across a variety of community priorities and implementation considerations across all applications.

The ability to consistently apply the principles of assessment in future rounds has also been considered. Adherence to the Community Funding Policy, guidelines and provision of complete documentation in the application process is emphasised to community groups as essential in putting "best foot forward". The recommendations support these principles to ensure high-caliber, well considered, pre-planned events are submitted for funding and co-promoted to the Shire's standard.



Where the Officer recommendation is not to support funding over multiple years, Officers will encourage the groups to apply in future rounds and support them to develop more comprehensive applications that consider the aspects of running the events over multiple years.

The recommended funding commits \$24,520 ex GST of the uncommitted \$65,000 budget. This would leave \$40,480 remaining for Round Two, to be advertised in February 2021.

Options and Implications

Option 1

That Council:

1. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance for the SJ Food & Farm Fest to be held in May 2021, to the value of \$10,720 ex GST subject to their agreement of conditions outlined in **confidential attachment 3**; and DECLINES the request for funding over a three year period;
2. APPROVES Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival to be held in February 2021, to the value of \$13,800 ex GST, subject to their agreement of conditions outlined in **confidential attachment 5**; and DECLINES the request for funding over a three year period;
3. DECLINES Major Event funding to Jumping WA for the WA Equestrian State Jumping Championship and REQUESTS the Chief Executive Officer to advise that the intent of the event is noted and a future application with longer lead-in times as per policy, is encouraged; and
4. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application, and SUPPORTS the applicants to develop applications for future funding rounds, that provide sufficient information to support requests for three year funding periods.

Option 2

1. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance for the SJ Food & Farm Fest to the value of \$10,720 ex GST, subject to their agreement of conditions outlined in **confidential attachment 3**; and AGREES to consider the request for funding over a three year period after the acquittal documentation has been received.
2. APPROVES Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival to the value of \$13,800 ex GST, subject to their agreement of conditions outlined in **confidential attachment 5**; and AGREES to consider the request for funding over a three year period after the acquittal documentation has been received.
3. DECLINES Major Event funding to Jumping WA for the WA Equestrian State Jumping Championship and REQUESTS the Chief Executive Officer to advise that the intent of the event is noted and a future application with longer lead-in times as per policy, is encouraged.
4. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application.

Option 3

That Council:



1. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance for the SJ Food & Farm Fest to the value of \$20,000 ex GST, subject to the organisation providing quotes by 1 December 2020 totalling that amount and agreeing to conditions outlined in **confidential attachment 3**; and DECLINES the request for funding over a three year period.
2. APPROVES Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival to the value of \$20,000 ex GST, subject to the organisation providing quotes by 1 December 2020 totalling that amount and agreeing to conditions outlined in **confidential attachment 5**; and DECLINES the request for funding over a three year period.
3. APPROVES Major Event Grant funding to Jumping WA for the WA Equestrian State Jumping Championships to the value of \$20,000 ex GST or 50% of the total event cost, whichever is less. Release of funds is subject to the organisation providing detailed acquittal documentation demonstrating total cost of event and agreement to conditions such as recognition to Shire, noting that all promotional material for the event is already finalised.
4. REQUESTS the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application, and SUPPORTS the applicants to develop applications for future funding rounds, that provide sufficient information to support requests for three year funding periods.
5. ENDORSES the cancellation of Round Two of the Major Event grant scheme for 2020/2021, noting the remaining funds are insufficient for future applications.

Option 1 is recommended.

Conclusion

The first Major Event Grant round for the financial year was advertised in June, and closed 24 August 2020. Three applications were received and a total of \$24,520 ex GST grant funding is recommended across two events:

- Serpentine Jarrahdale Food & Farm Alliance; SJ Food and Farm Fest (\$10,465 ex GST)
- Byford Multicultural Club Inc; Byford Multicultural Festival (\$13,800 ex GST)

If recommendations are approved, this would leave \$40,480 available for the second Major Event Grant round to be advertised in February 2021.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Community Funding Policy (E20/10157)
- **10.4.3 - CONFIDENTIAL attachment 2** – Serpentine Jarrahdale Food and Farm Alliance Application and Checklist (E20/11095)
- **10.4.3 - CONFIDENTIAL attachment 3** – Conditions for recommended funding: SJ Food and Farm Festival (E20/11502)
- **10.4.3 - CONFIDENTIAL attachment 4** – Byford Multicultural Club Inc Application and Checklist (E20/11096)



- **10.4.3 - CONFIDENTIAL attachment 5** - Conditions for recommended funding: Byford Multicultural Festival (E20/11503)
- **10.4.3 - CONFIDENTIAL attachment 6** – Jumping WA Application and Checklist (E20/11097)

Alignment with our Strategic Community Plan

| | |
|-----------------------|--|
| Outcome 1.1 | A healthy, active, connected and inclusive community |
| Strategy 1.1.2 | Provide a healthy community environment |

Financial Implications

An amount of \$75,000 has been included in the 2020/21 budget in account 4300-15422-6276. \$10,000 is committed to the RSL 2021 ANZAC Day Dawn Service, leaving \$65,000 for Major Event applications in 2020/2021 across two rounds.

The recommended funding commits \$24,520 ex GST of the uncommitted budget, leaving \$40,480 remaining for Round Two, to be advertised in February 2021.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|--|--|----------------------------------|--|--|---|
| That Council do not approve release of Major Event Grant funding | Rare (1) | Moderate (3) | Low (1-4) | Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item | Accept Officer Recommendation Delaying or not approving the release of funds would impact negatively on a number of community groups awaiting outcomes in order to dis/continue project plans. |
| Community groups inability to deliver on | Unlikely (2) | Minor (2) | Low (1-4) | Reputation - 2 Minor - Substantiated, localised | Accept Officer Recommendation |



| | | | | | |
|--|--|--|--|---|---|
| the projects as submitted, or not to Shire standard. | | | | impact on key stakeholder trust or low media item | The assessment process has considered the group's ability to deliver outcomes stated and have not recommended applications where this could be jeopardised. |
|--|--|--|--|---|---|

Risk Matrix

| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
|-------------|---|---------------|------------|------------|--------------|--------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Likelihood | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

A risk rating of 4 has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- APPROVES** Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance for the SJ Food & Farm Fest to be held in May 2021, to the value of \$10,720 ex GST subject to their agreement of conditions outlined in confidential attachment 3; and **DECLINES** the request for funding over a three year period;
- APPROVES** Major Event Grant funding to Byford Multicultural Club Inc for the Byford Multicultural Festival to be held in February 2021, to the value of \$13,800 ex GST, subject to their agreement of conditions outlined in confidential attachment 5; and **DECLINES** the request for funding over a three year period;
- DECLINES** Major Event funding to Jumping WA for the WA Equestrian State Jumping Championship and **REQUESTS** the Chief Executive Officer to advise that the intent of the event is noted and a future application with longer lead-in times as per policy, is encouraged; and
- REQUESTS** the Chief Executive Officer advise organisations of outcomes relevant to their Major Event application, and **SUPPORTS** the applicants to develop applications for future funding rounds, that provide sufficient information to support requests for three year funding periods.



10.4.4 – Proposed modification to Council Policy 5.1.14 – Community Contributions (SJ2119)

| | |
|---|--|
| Responsible Officer: | Manager Governance |
| 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

| | |
|-------------|--|
| Legislative | Includes adopting local laws, local planning schemes and policies. |
|-------------|--|

Report Purpose

The purpose of this report is to enable Council to consider minor modifications to Council Policy 5.1.14 Community Contributions to enable the continuation of the Shire of Serpentine Jarrahdale School Book Awards program.

Relevant Previous Decisions of Council

| |
|--|
| <p><i>Ordinary Council Meeting - 18 February 2019 - OCM031/02/19</i></p> <p><i>COUNCIL RESOLUTION / Officer Recommendation:</i></p> <p><i>That Council</i></p> <ol style="list-style-type: none"> <i>ADOPTS revised Council Policy – Flags, as contained within attachment 1, and REVOKES Council Policy 1.1.5 – Flags.</i> <i>ADOPTS revised Council Policy – Use of Shire Logos and Branding, as contained within attachment 2, and REVOKES Council Policy 1.1.11 – Use of the Corporate Logo and Corporate Symbol.</i> <i>ADOPTS new Council Policy – Community Contributions, as contained within attachment 3.</i> |
|--|

Background

The Shire of Serpentine Jarrahdale Book Award is a long-standing program that electronic records indicate dates back to at least 2002 and likely earlier. The program comprises of an offer of a small monetary donation (\$60) to all schools in the district. Schools who wish to participate have the option of purchasing a material for their library or using the donation to fund recognition of a student’s efforts. In 2019, nine schools in the district accepted a donation.

In February 2019, Council adopted Council Policy ‘5.1.14 Community Contributions’ that provides a framework for the provision of in-kind support, donations, sponsorship and fee waivers. The policy was adopted to improve the administration of requests from community groups and various organisational bodies to provide financial assistance under the former Community Grants Policy.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The current policy specifically excludes donations made via the School Book Awards. The rationale for this exclusion at time was likely because the Awards was administered by its own internal process. However, this now appears to be inconsistent with the policy's intent to capture all small donations, sponsorships and in-kind support like the Shire of Serpentine Jarrahdale School Book Awards.

In keeping with the Shire's commitment to continuous improvement, it is proposed that amendments are made to the relevant policy to bring the long-standing program within the framework provided by the Policy. This change would be consistent with the Shire's reforms to grants, sponsorships and donations within the overall financial management system of the Shire.

The proposed changes remove the exclusion of the School Book Awards and provide a caveat to the prohibition on community contributions to State Government organisations for the purposes to enable the book awards to continue.

The School Book Awards are a relatively low-impact form of community support that links the Shire with educational providers, creates good-will and promotes Shire values.

Options and Implications

Option1

That Council ADOPTS the amended Council Policy 5.1.14 Community Contributions as shown in attachment 3 to enable continuation of the Shire of Serpentine Jarrahdale School Book Awards program.

Option 2

That Council DOES NOT ADOPT the amended Council Policy 5.1.14 Community Contributions as shown in attachment 3 to enable continuation of the Shire of Serpentine Jarrahdale School Book Awards program.

Option 1 is recommended.



Conclusion

As part of the Shire's commitment to good governance, minor modifications are recommended to Council Policy '5.1.14 Community Contributions' to enable the continuation of the long-standing Shire of Serpentine Jarrahdale Book Award.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – Council Policy 5.1.14 Community Contributions (adopted) (E19/1108)
- **10.4.4 - attachment 2** – Council Policy 5.1.14 Community Contributions (markup version) (E20/11018)
- **10.4.4 - attachment 3** – Council Policy 5.1.14 Community Contributions (presented for adoption) (E20/11019)

Alignment with our Strategic Community Plan

| | |
|-----------------------|--|
| Outcome 4.1 | A resilient, efficient and effective organisation. |
| Strategy 4.1.2 | Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcomes for the community within allocated resources. |

Financial Implications

The funding for the Shire of Serpentine Jarrahdale School Book Awards program can be accommodated within 5200-17101-6387 Members of Council, Awards Recognition Expenses in the 2020/21 adopted budget.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|---|---------------------------|---|---|---|
| That Council does not support the continuation of the Shire of Serpentine Jarrahdale School | Rare (1) | Insignificant (1) | Low (1-4) | Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item | Accept Officer Recommendation |



| | | | | | |
|---------------------|--|--|--|--|--|
| Book Awards program | | | | | |
|---------------------|--|--|--|--|--|

Risk Matrix

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

A risk rating of 1 has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council ADOPTS the amended Council Policy 5.1.14 Community Contributions as shown in attachment 3 to enable continuation of the Shire of Serpentine Jarrahdale School Book Awards program.



10.4.5 – Revised Council Policy- Requests for Memorial Plaques and Trees (SJ2694)

| | |
|---|--|
| Responsible Officer: | Manager Community Activation |
| Senior Officer: | Deputy CEO / Director Community and Organisational Development |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider adopting reviewed Council Policy – Requests for Memorial Plaques and Trees, as relevant to a current community request from the Byford Progress Association.

Relevant Previous Decisions of Council

Ordinary Council Minutes – 18 May 2020 - OCM121/05/20

That Council:

1. *APPROVES the commissioning of the Abernethy Sculpture in partnership with the Byford Progress Association;*
2. *APPROVES a budget variation as follows:*

| <i>Account Number</i> | <i>Type</i> | <i>Description</i> | <i>Debit</i> | <i>Credit</i> |
|------------------------|-------------------------|-----------------------------|---------------|---------------|
| <i>6200-80186-6600</i> | <i>Increase</i> | <i>Abernethy Sculpture:</i> | <i>40,000</i> | |
| | <i>Expenditure</i> | <i>Public Art</i> | | |
| <i>6200-80186-5030</i> | <i>Reserve Transfer</i> | <i>Public Art Reserve</i> | | <i>25,000</i> |
| <i>6200-80186-4907</i> | <i>Increase Income</i> | <i>Contribution</i> | | <i>15,000</i> |
3. *REQUESTS the Chief Executive Office review the Council Policy - Requests for Memorial Plaques and Trees, to give consideration to requests where the subject of the request is a living person or persons and return to the August 2020 Ordinary Council Meeting.*
4. *REQUESTS the Chief Executive Officer write to the Byford Progress Association advising that Council will consider the installation of the Byford Bag Lady Sculpture at a later date pending the review of the Council Policy- Requests for Memorial Plaques and Trees.*
5. *REQUESTS that the Chief Executive Officer write to the Byford Progress Association to confirm that Council accepts the offer from the Byford Progress Association to contribute \$15,000 towards the commissioning of the Abernethy Sculpture.*



6. *COMMISSIONS Len Zuks to create the Abernethy Sculpture.*
7. *REQUESTS the Chief Executive Officer write to the Byford Progress Association advising that Council invites future discussions regarding public art initiatives that offer opportunities for diversity in art forms and artists and explore the opportunities for Byford as outlined in the Shire of Serpentine Jarrahdale Public Art Master Plan 2019-2023; and*
8. *NOTES that the final location and dimensions of the Abernethy Sculpture is to be determined by the Chief Executive Officer in consultation with necessary landowners, the Shire of Serpentine Jarrahdale Director Infrastructure Services, Deputy CEO/Director Community Services, Byford Progress Association and artist Len Zuks.*

Ordinary Council Minutes – 19 August 2019 - OCM190/08/19

That Council ADOPTS the Shire of Serpentine Jarrahdale Public Art Strategy and Public Art Masterplan 2019 – 2023 as contained in attachment 2.

Ordinary Council Minutes – 18 March 2019 – OCM041/03/19 - EXTRACT

That Council:

Adopts revised Council Policy – Requests Memorial Plaques and Trees, as contained within attachment 4 and revokes Council Policy 2.1.7 Requests for memorial plaques and trees.

Background

At the May 2020 Ordinary Council Meeting, Council considered a request from the Byford Progress Association to install two new sculptures by internationally renowned artist Len Zuks (original request included as **attachment 1**).

Abernethy Sisters: Council considered part funding the commissioning and installation of a sculpture depicting the three Abernethy sisters and their mother. Council resolved to accept the offer, allocated a budget for commissioning purposes, and directed further discussion between the Byford Progress Association and CEO to determine final location.

Byford Bag Lady: As outlined by the Byford Progress Association, the Byford Bag Lady sculpture is representative of the President of the Byford Progress Association and Byford resident, Colleen Rankin.

Council directed a review of the Council Policy - Requests for Memorial Plaques and Trees to provide guidance to Council and Officers in regard to the memorialisation of living people moving forward. Consideration regarding installation of the Byford Bag Lady was to occur after this review.

Officers have undertaken a review of Council Policy - Requests for Memorial Plaques and Trees (included as **attachment 2**) and are proposing changes to provide improved clarity and direction.



Community / Stakeholder Consultation

Officers have met with Colleen Rankin President of the Byford Progress Association to discuss the Council Resolution of 18 May 2020 and the next steps.

The policy review has been conducted in accordance with the regular internal consultative process.

Statutory Environment

The 2020/2021 Schedule of fees and charges does not include a fee associated with the installation of memorials, monuments, plaques and trees.

Sections 6.16 and 6.19 of the *Local Government Act 1995* relate to this item.

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Should Council adopt the recommended policy revisions, the fees to be charged as outlined in the policy would be required to be advertised prior to their inclusion in the 2020/2021 Schedule of Fees and Charges.



Comment*Reviewed Council Policy - Requests for Memorials, Plaques and Trees*

Officers have undertaken a review of the above Council Policy and are proposing a range of changes as per the draft Council Policy - Requests for Memorials, Plaques, Monuments and Trees in **attachment 3**. These proposed changes are described below:

- Removal of reference to the Arts, Culture and Heritage Committee.

This Committee has been disbanded, hence any applications received under the proposed draft Policy are to be assessed by Officers consistent with criteria outlined in the Policy.

- Inclusion of Monuments as an additional category.

The Byford Progress Association request has highlighted that although the structure can be considered a memorial, a more accurate description for future clarity would be a monument. Memorials such as bench seats and picnic tables with a generalised life span of 10 years are included in the current Policy. However, structures with a longer life span that are subject to higher lifecycle costs are not.

The proposed draft policy aims to address this, and if endorsed by Council would change the title of the policy to Council Policy – Requests for Memorials, Plaques, Monuments and Trees.

- Provide scope for Policy to include people younger than 30+ (including youth).

The current policy indicates that any application for an individual or association needs to demonstrate significant contributions to the cultural, political or social aspects of the Shire's development over a minimum of 30 years. This automatically eliminates any application for people (living or deceased) under that age.

However, other criteria such as the person was a local community member, and that the placement would benefit the community in acknowledging the deceased could be met by nominees. There may be contributions to the community that could warrant acknowledgment under this policy, that were not made over 30 years. Particularly where this contribution was even broader than the local Shire of Serpentine Jarrahdale community (such as a local community member who made a State, National or International level contribution).

- Specifies that the Policy does not include living people.

Officers are unable to reference a policy that includes mention of living people (as a precedent example), and would not recommend the inclusion of living people. The current criteria within the policy (as relevant to individuals) aims to commemorate and memorialise the person nominated. Combined with Officers suggestion above to broaden the scope of the policy to include younger nominees, allowing the memorialisation of living people could prove contentious and challenging over a longer period of time.

Furthermore, Council Policy – Naming of Shire Owned or Administered Buildings, Structures and other Assets does not prohibit the recognition of living people. This Policy is included as **attachment 4**. Officers suggest retaining any recommended recognition, memorialisation or reference to a living person under the Scope of that Policy.

The Naming Policy aims to provide guidance to Officers where naming is required for a *Shire directed* project or purpose. As the current policy review relates to "Requests" from *external parties*, it is suggested that it retains focus on deceased individuals only. The



reviewed policy proposes that any application for recognition towards an individual (of any age) be presented to Council for consideration.

Alternatively, should Council prefer to include both living and deceased people within the scope of the policy, this is presented as Option Two below but is not recommended by Officers.

- Awareness campaigns and recognising relevant community matters.

In undertaking the review, Officers have determined that the submission and request process for applications relevant to awareness campaigns or community driven education projects should be included within this policy. These are initiatives that aim to raise awareness of a specified cause, and frequently include elements described within the policy (such as plaques and infrastructure), although the purpose of education and awareness falls within ordinary programming and operational functions of Shire Officers.

Examples include Purple Park Benches including plaques (awareness campaign focusing on the prevalence of domestic and family violence) and Blue Trees with plaques (raising awareness of Mental Health concerns), each individual project having correlated financial costs.

It is timely as part of the review to reference these requests, as these were previously outside of the scope.

Attachment 5 includes all the above proposed changes outlined and is presented as the proposed Council Policy – Requests for Memorials, Plaques, Monuments and Trees for Council adoption.

Current Request – Byford Bag Lady

Council is further requested to consider the outstanding request from the Byford Progress Association regarding the installation of the Byford Bag Lady.

The proposed draft Council Policy – Requests for Memorials, Plaques, Monuments and Trees recommends that requests for monuments relate to deceased individuals only.

Should Council approve the amendments to the reviewed policy, this does not automatically prohibit Council from supporting the request to install the structure. However, being outside the Scope of both the current and proposed Policy, this would require a specific resolution of Council. This is presented as Option Three below, although is not recommended by Officers.

As outlined in the letter from the Byford Progress Association included in this report as **attachment 1**, the Byford Bag Lady sculpture, is representative of the President of the Byford Progress Association and Byford resident, Colleen Rankin.

Should Council wish to consider the installation of the Byford Bag Lady sculpture Council may choose to note that the proposed sculpture is the same material and form as other public art pieces across Byford.

As such, the Byford Bag Lady would become the sixteenth public art piece created by Len Zuks located in Byford, despite the May 2020 Council resolution requesting the Chief Executive Officer write to the Byford Progress Association advising that Council invites future discussions regarding public art initiatives that offer opportunities for diversity in art forms and artists and explore the opportunities for Byford as outlined in the Shire of Serpentine Jarrahdale Public Art Master Plan 2019-2023.



Furthermore, the ongoing lifecycle costs (such as insurance and maintenance) would become the responsibility of the Shire. As a general principal of 2% of purchase price (or value), this is indicatively less than \$1,000 per annum, however final costs would be subject to further discussion with the Byford Progress Association and artist.

Options and Implications

Option 1

That Council:

1. REPEALS Council Policy – Requests for Memorials, Plaques and Trees as contained in attachment 2;
2. ADOPTS Council Policy 5.1.11 – Requests for Memorials, Plaques, Monuments and Trees as contained in attachment 5;
3. REQUESTS the Chief Executive Officer advertise Council's intent to impose a fee within the 2020/2021 Schedule of Fees and Charges as below:

| Fee Name | Cost |
|--|----------|
| Purchase and Installation of Memorials, Plaques, Monuments and Trees | At Cost. |

4. REQUESTS the Chief Executive Officer write to the Byford Progress Association advising the Council does not support the installation of the Byford Bag Lady sculpture and does not intend to assume the Byford Bag Lady sculpture into the Shire of Serpentine Jarrahdale Public Art collection at this time.

Option 2

That Council:

1. DOES NOT SUPPORT the proposed draft Council Policy 5.1.11 - Requests for Memorials, Plaques, Monuments and Trees, with the following requiring further consideration (select items as relevant):
 - a) Monuments not to be included as an additional category.
 - b) Policy to retain 30+ years of significant cultural, political or social contribution.
 - c) Specify policy relates to both deceased and living individuals. Additional criteria would be required, particularly as relevant to whether living/deceased individuals included.
 - d) Clarify plaques and installation of infrastructure as an outcome of education and awareness campaigns remain outside Scope of Policy.
2. REQUESTS the Chief Executive Officer write to the Byford Progress Association advising the Council does not support the installation of the Byford Bag Lady sculpture and does not intend to assume the Byford Bag Lady sculpture into the Shire of Serpentine Jarrahdale Public Art collection at this time;

Option 3

That Council:

1. REPEALS Council Policy – Requests for Memorials, Plaques and Trees as contained in attachment 2;
2. ADOPTS Council Policy 5.1.11 – Requests for Memorials, Plaques, Monuments and Trees as contained in attachment 5;
3. REQUESTS the Chief Executive Officer advertise Council's intent to impose a fee within the 2020/2021 Schedule of Fees and Charges as below:

| Fee Name | Cost |
|--|----------|
| Purchase and Installation of Memorials, Plaques, Monuments and Trees | At Cost. |

4. REQUESTS the Chief Executive Officer write to the Byford Progress Association advising the Council supports the installation of the Byford Bag Lady and intends to assume the Byford Bag Lady sculpture into the Shire of Serpentine Jarrahdale Public Art collection on the basis that installation is consistent with requirements of the Shire Serpentine Jarrahdale and at no cost to the Shire;
5. NOTES that the final location and dimensions of the Byford Bag Lady is to be determined by the Chief Executive Officer in consultation with necessary landowners, the Shire of Serpentine Jarrahdale Director Infrastructure Services, Deputy CEO/Director Community and Organisational Development, Byford Progress Association and artist Len Zuks.

Option 1 is recommended.

Conclusion

Council is requested to consider the review of Council Policy - Requests for Memorials, Plaques and Trees and determine an outcome for the request from the Byford Progress Association to install the Byford Bag Lady sculpture.

Attachments (available under separate cover)

- **10.4.5 - attachment 1** – Sculpture Proposal – Byford Progress Association (IN20/4399)
- **10.4.5 - attachment 2** - Current Council Policy – Requests for Memorials, Plaques and Trees (E19/1097)
- **10.4.5 - attachment 3** – Track Changes of Proposed Draft Policy – Requests for Memorials, Plaques, Monuments and Trees (E20/10141)
- **10.4.5 - attachment 4** - Naming of Shire Owned or Administered Buildings, Structures and other Assets (E19/4084)
- **10.4.5 - attachment 5** - Proposed Draft Policy - Requests for Memorials, Plaques, Monuments and Trees (E20/8310)



Alignment with our Strategic Community Plan

| | |
|-----------------------|--|
| Outcome 1.2 | A recognised local heritage |
| Strategy 1.2.1 | Recognise local heritage |
| Outcome 1.2.2 | Encourage and support public art in public areas |

Financial Implications

There are no financial implications should Council proceed with the Officers recommendation, as these costs will be met through the financial commitment Council made through resolution at the Ordinary Meeting of Council in May 2020, however there would be a financial impost for asset maintenance and lifecycle costs should Council determine to proceed with the Byford Bag Lady request.

Risk Implications

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

| Risk | Risk Likelihood (based on history and with existing controls) | Risk Impact / Consequence | Risk Rating (Prior to Treatment or Control) | Principal Risk Theme | Risk Action Plan (Controls or Treatment proposed) |
|---|--|----------------------------------|--|---|--|
| Byford Progress Association are disappointed with the decline to install Byford Bag Lady Sculpture | Likely (4) | Minor (2) | Moderate (5-9) | Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item | Accept Risk |
| Council approves the installation of the Byford Bag Lady sculpture and other residents seek approval to install sculptures of themselves or residents | Possible (3) | Minor (2) | Moderate (5-9) | Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item | Accept Officer Recommendation |



| | | | | | |
|-----------------------|--|--|--|--|--|
| who are not deceased. | | | | | |
|-----------------------|--|--|--|--|--|

Risk Matrix

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

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

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- REPEALS Council Policy – Requests for Memorials, Plaques and Trees as contained in attachment 2;**
- ADOPTS Council Policy 5.1.11 – Requests for Memorials, Plaques, Monuments and Trees as contained in attachment 5;**
- REQUESTS the Chief Executive Officer advertise Council's intent to impose a fee within the 2020/2021 Schedule of Fees and Charges as below:**

| Fee Name | Cost |
|--|----------|
| Purchase and Installation of Memorials, Plaques, Monuments and Trees | At Cost. |

- REQUESTS the Chief Executive Officer write to the Byford Progress Association advising the Council does not support the installation of the Byford Bag Lady sculpture and does not intend to assume the Byford Bag Lady sculpture into the Shire of Serpentine Jarrahdale Public Art collection at this time.**



10.6 Confidential reports

The meeting is to be closed to members of the public whilst item 10.6.1 is discussed.

| | |
|---|---|
| 10.6.1 - CONFIDENTIAL Serpentine Jarrahdale Community Recreation Centre – Revised 2020/2021 Operational Budget (October) (SJ994) | |
| Responsible Officer: | Manager Community Activation |
| Senior Officer: | Deputy CEO / Director Community and Organisational Development |
| Disclosure of Officers Interest: | In accordance with Regulation 34C of the <i>Local Government (Administration) Regulations 1996</i> , the Manager Community Activation, Ms Rebecca Steinki has declared an Impartiality Interest in this matter as Ms Steinki is a member of the facility. |

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(c), (d) and (e) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*

A full report is provided to Councillors under separate cover. The report is not for publication.

The meeting is to be reopened to the public

11. Urgent business:

12. Councillor questions of which notice has been given:

13. Closure