



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting

## Confirmed Minutes

7.00pm

**Monday, 20 July 2020**

Ordinary Council Meeting – 17 August 2020 - OCM244/08/20  
In accordance with Clause 3.7 of the Shire's Standing Orders that the minutes of the Ordinary Council Meeting held on 20 July 2020 be CONFIRMED, (E20/8254) subject to an amendment to insert the following wording between sentences nine and ten on page 148 stating, "The result of the vote was:  
Councillor Rob Coales 3 votes  
Councillor Lauren Strange 5 votes"

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#### In Person

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



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## Ordinary Council Meeting Minutes Monday 20 July 2020

### 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
06/07/20	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
22/06/20	SCM	✓	✓	✓	✓	✓*	✓	✓	✓	✓
15/06/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/05/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/05/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/04/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/04/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/03/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
23/03/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/03/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/02/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
17/02/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/02/20	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
03/02/20	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
16/12/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

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

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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

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



## Ordinary Council Meeting Minutes Monday 20 July 2020

Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 20 July 2020 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7.00pm and welcomed Councillors, and Staff, and members of the gallery, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Traditional Owners, Elders Past, Present and Emerging.

The Shire President, Councillor Rich acknowledged and welcomed Freeman John Kirkpatrick.

### Minutes

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

##### In Attendance:

Councillors: M Rich.....Presiding Member  
D Atwell  
M Byas  
R Coales (left the meeting 10.14pm, and did not return)  
M Dagostino  
B Denholm  
K McConkey (left the meeting 10.14pm, and did not return)  
L Strange

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

Apologies: Councillor D Strautins

Observers: Members of the Public – 21  
Media - 1



**2. Public question time:**

**2.1 Response to previous public questions taken on notice:**

Nil.

**2.2 Public questions:**

Public question time commenced at 7.01pm.

The Presiding Member, Councillor Rich called forward Stuart Herring and Michael & Christine Allen to present their submitted Public Questions. Mr Herring and Mr and Ms Allen were not in attendance at the meeting. A response to their questions will be sent to them.

**Trevor Tobia regarding item 10.1.7 – Proposed Byford Area D Structure Plan – Lot 57, 58 & 70 Briggs Road and Lots 53, 81, 100 & 105 Larsen Road, Byford**

**Question 1**

In relation to the proposed road that has been drawn on the plans directly behind the existing rural properties, what is its suitability and impact on these existing properties?

*Response (Director Development Services)*

*Throughout the advertising process, the Local Structure Plan was referred to the surrounding residents. A number of the residents along Larsen Road outlined within their submission to the Shire they did not support the proposed road network for a number of concerns, these included; the location of proposed road at the back of properties fronting Larsen Road.*

*Concerns relate to the east-west road outlined in the advertised version of the LSP. To address these privacy, surveillance and streetscape issues, the officer report recommends that the proposed LSP be modified to move the road further north. The modification would change the location of the road further north to accommodate a band of lots that would back onto the retained rural residential properties that front Larsen Road. This change would ensure that the east-west road would have dwelling frontages on both sides of the road addressing the surveillance and privacy concerns raised.*



**John Kirkpatrick, 77 Mead Street Byford WA 6122**

Taking into consideration the recent Class action in the United States of America in which the plaintiffs were awarded \$13.5 Billion dollars US damages against the manufacturers of the herbicide "Roundup" which is a Glyphosate based product.

**Question 1**

Is the Council or contractors within the Shire still using Glyphosate based herbicides and if so, is it considering banning the use of it after this class action has proved in court beyond reasonable doubt that it is a dangerous product to the general public?

*Response (Director Infrastructure Services)*

*In relation to this matter, the Shire adheres to the advice of the Australian Pesticides and Veterinary Medicines Authority (APVMA). The APVMA has stated that it is aware of recent international decisions concerning glyphosate.*

*Products containing glyphosate are registered for use in Australia, and APVMA approved products containing glyphosate can continue to be used safely according to label directions. Australian law requires appropriate warnings on product labels, which include relevant poisons scheduling, first aid, and safety directions detailing personal protective equipment when handling and using products containing glyphosate. The APVMA states that users of all herbicides the importance of following all label instructions.*

*As the national regulator for agricultural chemicals, the APVMA has advised that it continues to track and consider any new scientific information associated with safety and effectiveness of glyphosate, including information from other regulators.*

*As part of its commitment to good governance, the Shire will continue to monitor the advice from the Commonwealth authorities. At this point in time, glyphosate-based products will need to be used until an alternative method of effective weed management is available or directed by the approved authorities to cease its use.*

*When the Shire uses glyphosate, it adheres to the strict dosage and handling guidelines as displayed on the supplied containers.*





**Lee Bond, Box 44, Armadale WA 6112**

**Question 1**

Why hasn't the use of roundup been part of the discussion on verge treatments re: council draft policy verge treatments, it is too vague?

*Response (Director Infrastructure Services)*

*The Policy before Council tonight relates to the Verge treatments that are acceptable for guidance to the public in the Rural areas. Maintenance activities relating to weed management have not been the purpose of the Policy and as such the use of herbicides or alternative weed control strategies is not a relevant consideration of the Council Policy – Permissible Verge Treatments – Rural. The intention of the policy is to provide guidance to residents and Shire Officers as to how rural verges shall be managed, establishing minimum standards and responsibilities for the landscaping and maintenance of road verges. Weed management is a component of verge maintenance, but the methods used are a consideration for the responsible party. Current advice from the Commonwealth Government is that glyphosate is low risk when used according to the manufacturer's directions. As part of its commitment to good governance, the Shire will continue to monitor the advice from the Commonwealth authorities.*

**Question 2**

Why was \$13,500.00 spent on driver training for 30 volunteers with Drive Safe Australia WA, what type of driver training was this and for who?

*Response (Director Development Services)*

*This training was for 30 members of the Shire's six volunteer bushfire brigades to undertake updated emergency driver training. Such training is critical to helping maintain skills, and manage the risk that comes with driving bushfire appliances under emergency response conditions. This training was grant funded, and is a continuing priority for the Shire in supporting the skills of its brigades.*

**Question 3**

Isn't it time council vehicles were only permitted to be used for council business? The cost of \$300 every time a council vehicle has any damage is becoming the norm and who decides whether it was during council business or private use?

*Response (Director Infrastructure Services)*

*Council vehicles are provided to various levels of the organisation, some vehicles are provided with private use as part of an employee's terms and conditions.*

*If Shire vehicle is damaged and results in an insurance claim, the driver is required to certify the circumstances in which the damage occurred.*

**Presiding Member, Councillor Rich asked if there was any public questions from the floor at 7.11pm.**





**Lisa Brazier**

**Question 1**

Can the Shire advise farmers and neighbours when spraying in the area? Is it possible that residents be notified?

*Response (Director Infrastructure Services)*

*This question will need to be taken on notice.*

**Question 2**

The Community Events report to Council tonight summarises Council Events. I am not advocating to run Community Events at a profit, but it would be beneficial if the information could include the percentage of the population that attended.

*Response (Chief Executive Officer)*

*Officers can take this request into consideration when preparing event reports in the future.*

**Question 3**

Is it possible, when presenting reports like the Community Events report, to include a summary on the goal of the event? And the measurements of the success of the event? There is a need for more explanation for more goals and measurements in reports.

*Response (Shire President)*

*Officers can take on board the suggestion, and improvements in report writing.*

**Public question time concluded at 7.16pm.**



**3. Public statement time:**

**Public statement time commenced at 7.17pm.**

**The Presiding Member, Councillor Rich called forward Michael & Christine Allen to present their submitted Public Statement. Mr and Ms Allen were not in attendance at the meeting.**

**Lee Bond, Box 44, Armadale WA 6112**

When are the trees growing on the paver look alike islands on Abernethy Road going to be removed? I reported this many weeks ago.

Why is there two Byford Meadows Estates in the Shire, bit stupid. Council has been asked about this some time ago and appears to just ignore it. Somebody gave permission for it. Seems reasonable to sort it out now.

While there, are those of you who think ignoring ratepayers and the problem will go away, I am here to tell you that it won't. Deafening silence on the static water supply for Settlers Rest Estate. I have been told the money provided for this static water supply, which was a condition of the Estate being built has been used for something else. The Bullock Drive Estate was permitted on condition that the land be provided for this Static Water Supply both have complied. I am sure Council will be able to build this static water supply as quickly as possible.

Is Council going to continue to ignore the use of roundup, eventually another law suit will ensue. There are alternatives. This poison is killing wildlife and our bees are being seriously affected. It also has a serious health effect on humans, myself included. Biodiversity is a load of rubbish paying one person to espouse the same diatribe is a waste of money and unfair to the residents that are singled out for a thirty dollar payment. The internet can provide all the information ratepayers require and those of us who really care about the environment and the wildlife are not being bullied into assisting the deaths and destruction of our wildlife and environment. Not everyone has to pay the thirty dollars, very discriminatory.

**Public statement time concluded at 7.19pm.**



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## **4. Petitions and deputations:**

### **4.1 Deputation - Samantha Thompson, Director - Taylor Burrell Barnett - relating to item 10.1.6 - Adoption of updated Byford Development Contribution Plan (DCP5)**

Dear Shire President and Councillors, this deputation is provided by Taylor Burrell Barnett (TBB) on behalf of major developers of Byford, **LWP Property Group**, in relation to their landholdings within The Glades Estate, Byford and the Byford District Centre; **Cedar Woods Properties**, in relation to their landholdings within The Brook @ Byford and Byford on the Scarp; and **Parcel Property**, in relation to their landholdings within Beenyup Grove, Byford. A copy of this presentation has been forwarded to all Councillors today.

We acknowledge that this item serves as a minor revision and annual update of DCP 4 and that the per lot/dwelling contribution rate has decreased between DCP 5 and DCP 4, however we have taken this opportunity to raise our concerns with the review and reconciliation of costs of which adjustments in DCP 5 are based. In summary, we do not believe that the annual review provides an accurate reflection of cost adjustments of infrastructure and land during the preceding financial periods which could result in additional cost savings to the DCP and consequential savings to future homeowners thereby making Byford more affordable.

We are also mindful that the Shire is undertaking a more detailed review of the Byford DCP through Scheme Amendment No. 208 to introduce additional scope items, and as such, DCP 5 will likely only remain operational for a short period of time. We have also commenced a detailed review of Scheme Amendment No. 208 and the Draft DCP 6 and intend to document these matters in a formal submission to the Shire.

#### **Public Advertising of DCP 5**

The Officer's Report states that DCP 5 has been updated to reflect the necessary changes to account for the submissions previously received. The Officer's Report fails to acknowledge that the former Draft DCP 5 was released for comment in December 2018, however was removed from public advertising by the Acting Director of Development Services at the time as there were significant reservations with the scope of the changes.

Whilst we acknowledge that there is no requirement to advertise a minor revision to the DCP where no additional scope items are proposed, the BIRG was of the impression that DCP 5 was not being progressed and was advised that we weren't required to make a submission on this basis. It is disappointing that the BIRG was only made aware a few days prior to this Council Meeting that DCP 5 was in fact being progressed and to be presented to Council for final approval. This has provided limited time for key stakeholders (such as the BIRG) to review DCP 5, and as such, the commentary provided as part of this deputation acknowledges the fact that a comprehensive review has not been completed.



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**Cost Comparison – DCP 4 vs DCP 5**

We have undertaken a comparison of costs between DCP 4 and DCP 5. A summary is provided in **Table 1** below. Whilst the per lot/dwelling cost has decreased from DCP 4, we believe there is further opportunity to reduce the contribution rate based on the following:

1. DCP Administration: DCP administrative fees have increased by approximately \$2.4 million (equating to a 43% increase). We acknowledge that increases in annual administration costs may occur for unforeseen reasons and increases in the number of staff and hourly rates may occur, however this represents a significant increase from the previous amount estimated under DCP 4, the justification of which is not reported on within the DCP Report. Furthermore, it is difficult to justify why a 43% increase is needed to administer a DCP with no additional scope items. It is important to ensure the DCP is managed as effectively and efficiently as possible to ensure that substantial DCP increase aren't required in the future.

As such, it is requested that the administrative costs be reviewed with a view to remove the 43% increase as a minimum.

2. Thomas Road: We question the inclusion of Thomas Road as a regional road in terms of its validity as a cost item altogether. It is not the role or purpose of DCPs to include infrastructure items such as 'Other Regional Roads' and note that the inclusion of 'Regional' infrastructure items such as Thomas Road is also brought into question in light of the recently released draft SPP 3.6 and accompanying draft Guidelines.

The 'need' and 'nexus' for the required upgrades and widening of Thomas Road is not being created by additional local traffic movements and being driven solely by a new development area. The DCP should not include infrastructure items or identify a standard of infrastructure upgrade based on need generated from external sources. There are significant concerns that these costs are/have been transferred to landowners and present a significant cost burden to development in the area, particularly in light of the MRWA grant.

As such, we recommend that the DCP item should be removed from the DCP. The Shire Officers have shared this opinion in recent conversations and confirmed that the full cost (completed and remaining) should be borne by MRWA. BIRG members would like to understand how costs associated with completed works are likely to be reimbursed to the contributors on this basis.

3. Abernethy Road: DCP Report 5 correctly identifies that there are no costs remaining given works are complete. However, BIRG members note the significantly reduced construction costs during the period of construction and would have expected that the final cost of these works would have been substantially less than those reported in DCP 4 (\$13,414,742), noting the final construction costs were only marginally less at \$13,091,215.
4. Kardan Boulevard: DCP 4 Report states that the value of works completed for Kardan Boulevard were \$5,315,444 and that total remaining costs were estimated at \$813,728. DCP 5 Report documents the value of works completed as \$4,729,636 and the remaining costs estimated as \$730,826. If the works are completed in DCP 4 for one value, how can this value of completed works then



be less in DCP 5? If the only remaining works are a culvert upgrade, is the cost of \$730,826 correct?

DCP Report 4 also states that there is no remaining acquisition area, however DCP Report 5 now includes an acquisition area of 6,529m<sup>2</sup> equating to a cost of \$318,289 yet the construction of Kardan Boulevard is now complete except for the upgrade of a culvert. Does the culvert upgrade generate the need for the additional 6,529m<sup>2</sup> of land at a cost of an additional \$318,289? This equates to over \$1m for a culvert upgrade and associated minor land acquisition on a completed road upgrade.

There is a misalignment of value of works completed and land area to be acquired when DCP Report No. 5 states that construction is complete (with the exception of the culvert upgrade).

5. Doley Road: DCP Report 4 includes a total cost of \$6,636,862 relating to Doley Road and DCP Report 5 states a total cost of \$8,492,633, representing an increase of approximately 28%. This cost increase equates to an increase in cost per linear metre from \$2,100/m to \$3,000/m over three years. It is difficult to understand why the cost for Doley Road has increased when the actual cost for other roads such as Thomas Road and Abernethy Road has decreased by 11% and 40% respectively, and given the majority of works is known to be completed and under budget.
6. Land for roads: The land acquisition area for roads has remained constant between DCP Report 4 and DCP Report 5 at approximately 12 hectares, therefore we question why the associated remaining costs have increased by approximately 8%, particularly when the underlying land valuation rate has decreased.

Furthermore, we question why the costs remaining for the construction of San Simeon Boulevard and Doley Road have increased. This cost increase is inconsistent with the cost reduction for other roads.

7. Completed costs: We question why there has been a reduction in costs for some completed works/infrastructure as outlined in Appendix L of DCP Report 5 from those contained in DCP Report 4 i.e. Kardan Boulevard (\$5,315,444 to \$4,729,636), San Simeon Boulevard (\$2,419,747 to \$1,466,215), Warrington Road (\$761,367 to \$716,367), Land for District Open Space \$2,800,950 to \$2,783,215). This in turn incorrectly increases the amount for remaining works/infrastructure and ultimately elevates the cost per lot/dwelling. There should be no reason as to why the completed costs should decrease from a previous year/DCP version. If anything, the completed costs should decrease as a result of the review and reconciliation process the following year. This should be confirmed by the Shire and the DCP rate modified accordingly, as required.



*Table 1 - DCP 4 vs DCP 5 cost comparison*

Item	DCP 4 2017 Total	DCP 5 2020 Total	Variance	% Variance
Thomas Rd	13,841,570	12,282,106	- 1,559,464	-11%
Abernethy Rd	21,741,240	13,091,215	- 8,650,025	-40%
Orton Rd	10,164,238	8,624,203	- 1,540,035	-15%
Kardan Blvd	6,129,172	5,460,462	- 668,710	-11%
San Simeon Blvd	13,353,137	13,525,602	172,465	+1%
Doley Rd	6,636,862	8,492,633	1,855,771	+28%
Warrington RD	3,630,085	3,597,901	- 32,184	-1%
DOS - improvements	2,717,592	2,765,195	47,603	+2%
Land for roads	6,525,754	7,030,713	504,959	+8%
Land for DOS	4,425,370	4,263,411	- 161,959	-4%
Land for POS & Drainage	63,436,455	60,232,849	- 3,203,606	-5%
Water Quality Management	1,045,139	1,061,861	16,722	+2%
DCP Admin	5,605,653	8,039,427	2,433,774	+43%
<b>Total</b>	<b>159,252,267</b>	<b>148,467,578</b>	<b>- 10,784,689</b>	<b>-7%</b>

### Conclusion

As discussed above, the decrease in DCP costs and consequential reduction in per lot/dwelling contribution rate proposed by DCP Report No. 5 is supported. However, the benefits resulting from the significant reduction in the underlying land valuation rate are not realised in the bottom line of the DCP given the inclusion of costs for Thomas Road, the increases in DCP administrative costs and errors and anomalies in the value of works completed when undertaking a comparison between DCP Report 4 and DCP Report 5.

We also wish to reiterate that the comments provided as part of this deputation are limited on the basis that the report for this agenda item only become available days prior to the Council Meeting, which has provided limited time for key stakeholders, such as the BIRG, to review and provide informed comments and when we were specifically advised that DCP 5 was not progressing and therefore formal consideration and submissions on this Report were not required from BIRG members.





It is respectfully requested that DCP 5 be deferred for consideration at this time, while the matters raised above are resolved, and BIRG members are given an opportunity to discuss these anomalies in more detail.

**The Presiding Member, Councillor Rich called forward Trevor Tobia to present his Deputation. Mr Tobia was not in attendance in the meeting.**

## **5. President's Report:**

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

Following last month's OCM, I continued my role as chair for the Shire's Local Recovery Coordination Group meetings. The fortnightly meetings are an important forum for Shire staff and our community stakeholders to come together to discuss emerging issues and coordinate our community wellbeing recovery and economic recovery to COVID-19.

It is great to see community and sporting groups return to their regular meetings and training following the further easing of COVID-19 restrictions.

Council held a Special Council Meeting over two nights in June to adopt the new Shire of Serpentine Jarrahdale Local Planning Strategy and the new Serpentine Jarrahdale Draft Local Planning Scheme Number 3.

These two documents will guide the strategic development of the Shire and I thank everyone who has been involved and given feedback into their development.

I joined Landcare SJ staff and volunteers on 23 June at Paul Robinson Reserve, Serpentine, to help launch the 2020 tree planting season. With National Tree Day next weekend, our community is invited to join Landcare SJ at their tree planting event at 9am on Sunday, 2 August at Coffey Road Reserve, Serpentine.

Councillors and I attended our final Budget workshop on Monday, 29 June, with a Special Council Meeting being held next Monday, 27 July to consider the draft 2020/21 Shire Budget. The meeting agenda and draft 2020/21 Budget is available on the Shire's website.

Congratulations to Local Noongar Artists on their Art Exhibition at Dome Café at the start of July. The Shire was proud to sponsor the exhibition and support the celebration of Noongar culture in our community.

It was great to join volunteers from Byford Volunteer Bushfire Brigade in Darling Downs on Thursday 9 July to inspect a new emergency access bridge constructed near Phizam Place over the Wungong River.

A former wooden bridge at the site was in a state of disrepair and following work by Shire Officers, the developer and the Department of Planning the bridge has been replaced with a concrete structure which will enable firefighters to better defended properties in the event of a bushfire.

Serpentine residents now have access to health care closer to home with the opening of the Child and Adolescent Health Service at the St John Ambulance Hall. The service was made possible by an annual operating subsidy of more than \$10,000 from the Shire and tenure at the facility for the next five years which was endorsed by the Serpentine Jarrahdale Council last year.





Trails are an important tourism draw card for our Shire which is why it was great to attend the online Peel Trails Technical Group Meeting. The Shire has recently updated our trails webpages and will be undertaking a lot of work in the space over the coming year. Please head to our website, view the range of trails available, and take part in our online campaign by sharing your photos on Facebook using the SJTrails hashtag.

Main Roads WA is seeking community feedback on the preliminary concepts for the Tonkin Highway extension from Thomas Road, Oakford, to South Western Highway, south-east of Mundijong. I encourage our community to complete the Main Roads WA survey by Tuesday, 10 August so that your feedback is captured when final concepts for the extension are determined.

Information on how to access the survey is on the Shire's website or social media pages.

Thank you to community members who completed the Shire's telecommunications survey. We received more than 500 responses and we look forward to presenting the survey outcomes to our Federal Member for Canning, Andrew Hastie, later this month and to continue our advocacy for improvements to telecommunications infrastructure in the Shire.

Finally, it is with deep sadness that I announce the passing of Mr Robert Hollingsworth.

Mr Hollingsworth was passionate about the Serpentine Jarrahdale community and was an active member of the Serpentine Jarrahdale Men's Shed, Probus Club of Byford and Districts and Jarrahdale Community Collective, just to name a few.

Thank you for the bouquets and you are very welcome

Our community is much richer for the contributions made by Mr Hollingsworth over many years and we have lost a true gentleman

We pass on our deepest sympathies to his family and friends at this sad time.

As always, my full calendar can be viewed on the following page.



## Ordinary Council Meeting Minutes Monday 20 July 2020

Date	Meeting	Location
18 June 2020	Local Recovery Coordination Group Meeting	Video Conference
	Q&A Agenda Briefing Session for SCM on 22/06/2020	Shire Offices
19 June 2020	Meeting with Resident	Serpentine
	Meeting with Resident	Cardup
22 June 2020	Special Council Meeting	Civic Chambers
23 June 2020	Photo Op - Landcare SJ	Serpentine
	Meeting with Jarrahdale Forrest Protectors	Jarrahdale
24 June 2020	PDC Board Meeting	Shire of Waroona
25 June 2020	Peel Regional Leaders Forums	Shire of Boddington
	Peel Zone Meeting	Shire of Boddington
26 June 2020	Landcare SJ Board Meeting	Mundijong
29 June 2020	Budget Workshop	Shire Offices
	Special Council Meeting	Civic Chambers
30 June 2020	Meeting with RDA Perth	Shire Offices
	Meeting with Salli Galvin	Shire Offices
1 July 2020	State Council Meeting	Stirling
2 July 2020	PDC Meeting with Jan Star	Mandurah
3 July 2020	WA Commissioners Trade Famil to Peel	Mandurah
	Local Noongar Artists Art Exhibition	Byford
6 July 2020	Meeting with Resident	Byford
	Metronet Briefing	Civic Chambers
	Policy Concept Forum	Civic Chambers
8 July 2020	Weekly Meeting with CEO	Shire Offices
9 July 2020	Local Recovery Coordination Meeting	Teleconference
	Photo - Emergency Access Bridge	Darling Downs
	Audit Risk and Governance Workshop	Shire Offices
10 July 2020	Photo - Child Health Services	Serpentine
	Meeting with Alyssa Hayden MLA	Shire Offices
	Photo - SJ Garden Competition	Whitby
13 July 2020	PDC Meeting – Farriering	Teleconference
	Policy Concept Forum	Civic Chambers
	Agenda Briefing	Civic Chambers
14 July 2020	Peel Trails Technical Group Meeting	Teleconference



15 July 2020		
	Jarrahdale Forrest Protectors Meeting	Jarrahdale
16 July 2020	Metropolitan Road Rehabilitation Program – WALGA briefing	Teleconference

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

Councillor Atwell declared a Financial Interest in item 10.1.8 – Deed of Agreement for Staged Payments on Lot 11, Lot 12 and Lot 13 Kargotich Road, Mundijong, as Councillor Atwell has completed firebreaks for the party concerned, and also has land in West Mundijong Industrial area. Councillor Atwell will leave the meeting while this item is discussed.

Councillor Coales declared an Impartiality Interest in item 10.4.1 – Summary of 2019/2020 and Proposed 2020/2021 Community Events as Councillor Coales is President of the Serpentine Jarrahdale RSL and the Serpentine Jarrahdale RSL receives funding for Anzac Day events.

**7. Confirmation of minutes of previous Council meeting(s):****7.1 Ordinary Council Meeting – 15 June 2020****OCM201/07/20****COUNCIL RESOLUTION****Moved Cr Byas, seconded Cr Strange****That the minutes of the Ordinary Council Meeting held on 15 June 2020 be CONFIRMED (E20/7023).****CARRIED UNANIMOUSLY 8/0****7.2 Special Council Meeting – 22 June 2020****OCM202/07/20****COUNCIL RESOLUTION****Moved Cr Byas, seconded Cr Denholm****That the minutes of the Special Council Meeting held on 22 June 2020 be CONFIRMED (E20/7472).****CARRIED UNANIMOUSLY 8/0****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:**

<b>9.1 - Notice of Motion – Local Planning Policy : Rural Zone Tourism accommodation (SJ2541)</b>	
<b>Councillor</b>	Councillor Rich
<b>Disclosure of Officers Interest:</b>	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 the Shire President, Councillor Rich via email on 13 July 2020.

The Notice of Motion is *“That Council request the Chief Executive Officer to prepare a local planning policy to guide development of and provide opportunities for short stay, small scale, low impact tourist accommodation and related activities in the rural zones of the Shire.”*

**Officer Comment**

With the recent adoption of the Shire’s new Local Planning Strategy and Scheme, there is a strategic emphasis placed upon promoting and facilitating tourism, in order to grow and continue to diversify the Shire’s local economy. Part of the competitive advantages that the Shire enjoys is a unique natural landscape that is accessible by the major population centre of the State, as well as by interstate and international tourists.

Tourism opportunities will likely be diverse, and it is important to ensure that a policy framework in place to help guide the private sector in undertaking tourism developments that reflect the strategic and statutory planning framework for the Shire.

In accordance with Deemed Provision 3(1) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2:

*“The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.”*

Tourism planning and development is one such related matter.

In terms of tourism opportunities, the Shire offers a unique setting with an abundance of natural assets and distinctive features with easy access to Perth and Mandurah. Many of these features of the natural environment coincide with the Shire’s rural zones, which are also an important and productive component of the Shire’s economy. Achieving a balance in respect of tourism opportunities in rural areas, as well as maintaining the agricultural productive capacity of the rural sector, requires a careful balance in respect of how development may occur.

The natural landscape also offers many opportunities for tourism beyond the rural zone, with extensive State Forest, the Darling Scarp, Serpentine Falls, Serpentine Dam and various other natural areas all located within the Shire.

The rural landscape and farming activities set amongst these environmental assets offers a unique country atmosphere, and a range of potential uses of rural land which include tourism.



From an officer perspective, a local planning policy that helps to guide the exercise of discretion when dealing with proposals for tourism development in the rural zones of the Shire, is a proactive step to be taken now the new planning framework commencing.

A local planning policy for appropriately scaled low impact tourism development will also assist in addressing the following adopted strategies and actions of the Local Planning strategy:

- b. Identify new activities and enterprises to attract visitors which offer a point of difference to distinguish the Shire within the region;*
- d. Facilitate a range of accommodation services within the Shire to encourage tourism.*
- f. Attract and encourage the diversification and development of businesses which are likely to contribute to local tourism through appropriate land use planning.*

Such a policy can be developed in house by the Shire, and can deal with a range of relevant planning issues which include:

- Preferred locations;
- Intensity and scale;
- Relationship to surrounding development;
- Management planning;
- Bushfire risk management;
- Maintenance of private and public amenity;
- Minimum infrastructure requirements;
- Setbacks, architectural design and the like.

Once a draft policy is prepared, it would need to be presented to Council, for Council to consider whether to proceed to advertise the draft policy for public comment. If this occurs, and following advertising, the policy will be presented back to Council for consideration of adoption.

**Voting Requirements:** Simple Majority

**OCM203/07/20**

**COUNCIL RESOLUTION / Councillor Recommendation**

**Moved Cr Rich, seconded Cr Atwell**

**That Council REQUESTS the Chief Executive Officer to prepare a local planning policy to guide development of and provide opportunities for short stay, small scale, low impact tourist accommodation and related activities in the rural zones of the Shire.**

**CARRIED UNANIMOUSLY 8/0**



<b>9.2 - Notice of Motion – Austral Bricks (SJ3182)</b>	
<b>Councillor</b>	Councillor Rich
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Notice of Motion**

A Notice of Motion was received from Councillor Rich via email on Monday, 13 July 2020.

The Notice of Motion is

*“That:*

- 1. in response to constituent feedback received regarding the proposed expansion to the Austral Brickworks facility located in Kiln Road, Byford, and;*
- 2. in light of the recent changes introduced under Part 17 of the Planning and Development Act 2005;*

*That Council request the Chief Executive Officer to work with stakeholders including but not limited to Austral Bricks and the Peel Development Commission to investigate if there is a way Austral Brickworks could be relocated to West Mundijong Industrial Area.”*

**Officer Comment**

The Shire has received a Metro Outer Joint Development Assessment Panel (DAP) application for alterations and additions to the existing Austral Brickworks facility located at Lot 31 (104) Kiln Road, Cardup. The value of the development is more than \$55 million.

The project is a significant capital investment and one that has already generated community interest.

In exploring opportunities to capitalise on the West Mundijong Industrial Area, Officers have had initial discussions with the Peel Development Commission and other State Government agencies about the potential of a relocation of Austral Brickworks to West Mundijong Industrial Area. A resolution of Council to support continuation of this investigation to continue would be beneficial if that is what Council would like to see investigated.

It Council resolved to proceed, this investigation would be distinct from any assessment of the application under the DAP process.



**Voting Requirements:** Simple Majority

**OCM204/07/20**

**COUNCIL RESOLUTION / Councillor Recommendation**

**Moved Cr Rich, seconded Cr Strange**

That Council, in response to constituent feedback received regarding the proposed expansion to the Austral Brickworks facility located in Kiln Road, Byford and in light of the recent changes introduced under Part 17 of the *Planning and Development Act 2005*, REQUESTS that the Chief Executive Officer work with stakeholders including, but not limited to, Austral Bricks and the Peel Development Commission to investigate if there is a way Austral Brickworks could be relocated to West Mundijong Industrial Area.

**CARRIED UNANIMOUSLY 8/0**



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

<b>10.1.1 - Proposed Pylon Sign - Lot 857 (No. 8) Kardan Boulevard, Byford (PA20/431)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Claremont Project Management Pty Ltd
Owner:	Albany Developments (WA) Pty Ltd ATFT Albany Development Trust
Date of Receipt:	19 February 2020
Lot Area:	4684m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

**Report Purpose**

The purpose of the report is for Council to consider a development application for an illuminated pylon sign for a 'Fast food/Takeaway' premises at Lot 857 (No. 8) Kardan Boulevard, Byford.

The application is presented to Council as variations are sought to Local Planning Policy 4.11 – Advertising (LPP4.11). The variations include the overheight nature of the pylon sign, and also that it represents a second pylon sign for the site. Officers do not have delegated authority to determine development applications that vary Local Planning Policies in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

Officers consider that the pylon sign is inconsistent with the objectives of LPP4.11 and would impact on the character and amenity of the area. Being an additional pylon sign, which in itself is overheight, is considered to create an unacceptable level of visual clutter which is inconsistent with the rural character and amenity that is particularly established along the Thomas Road interface with Byford.



## Relevant Previous Decisions of Council

Ordinary Council Meeting – 7 December 2015 – OCM281/12/15 - COUNCIL DECISION/ Officer Recommendation:

*That Council approves the application submitted by Albany Developments (WA) Pty Ltd for 'Fast Food' and 'Service Station' as indicated on the approved plans and does not relate to any other development on Lot 857 Thomas Road, Byford, subject to the following conditions:*

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.*
- b. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.*
- c. The location of external fans, air conditioners and the like shall be to the satisfaction of the Director Planning and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.*
- d. The access way(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.*
- e. No car parking bays shall be obstructed in any way or used for any other purpose than car parking.*
- f. Prior to the occupation of the development, a petrol and oil trap must be installed to contain spillages from the fuel bowsers.*
- g. All stormwater must shall be disposed of within the property, direct disposal of storm water onto road, neighbouring properties, watercourses and drainage lines is not permitted.*
- h. All lighting must be confined to the land in accordance with the requirements of Australian Standard AS4282-1997, Control of the obtrusive affects of outdoor lighting, at all times.*
- i. No signs are permitted to be displayed in the road reserve of Thomas Road at any time.*
- j. Prior to commencement of works a Waste Management Plan shall be submitted and approved by the Director Engineering.*
- k. Prior to the commencement of works, the landowner shall submit and have approved by the Director Engineering a landscaping plan, such landscaping plan shall include all the adjoining verges.*
- l. Prior to the commencement of works the landowner shall submit and have approved by the Director Engineering a Dust Management Plan.*
- m. Prior to occupation of the development all landscaping shall be implemented as per the approved landscape plan to the satisfaction of the Director Engineering.*
- n. Prior to the occupation of the development the carpark must:-*
  - (i) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;*
  - (ii) include a minimum of 34 car parking spaces on-site;*



- (iii) include one car parking spaces dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;*
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;*
- (v) have lighting installed, prior to the occupation of the development;*
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.*
- o. Prior to the occupation of the development three (3) short-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities.*
- p. Prior to the occupation of the development a monetary contribution shall be paid to Council for the establishment of public art or, alternatively, the provision of public art being provided on-site in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire.*
- q. Prior to the occupation of the development a Sign Strategy must be submitted and approved by the Shire.*

**Advice Note:**

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant legislation and is encouraged to contact the Shire to confirm any additional requirements.*

## **Background**

### Existing Development

The subject site lies within the existing Neighbourhood Centre which comprises the subject site and the opposite site (Lot 906 Pingaring Court). Thomas Road runs along the northern boundary, Kalyang Loop to the south and Kardan Boulevard to the east.

The surrounding area is predominantly residential with composite lots on Kalyang Loop, designated for residential towards the front of the lots and light industrial to the rear. On the north side of Thomas Road is the Darling Downs locality, designated for Rural Residential under the Proposed Local Planning Strategy and Scheme. This rural edge has a commensurate objective for rural character and amenity to be maintained.

The subject site is currently developed with 'Service Station', 'Fast food/Takeaway', and 'Health Studio' land uses. There is also an existing pylon sign for the development.





Figure 1: Aerial Image

### Proposed Development

The application seeks approval for an internally illuminated pylon sign (**attachment 1**) which would be located to the north of the site as shown in figure 2 below. While additional signage is shown, this application only relates to the pylon sign.

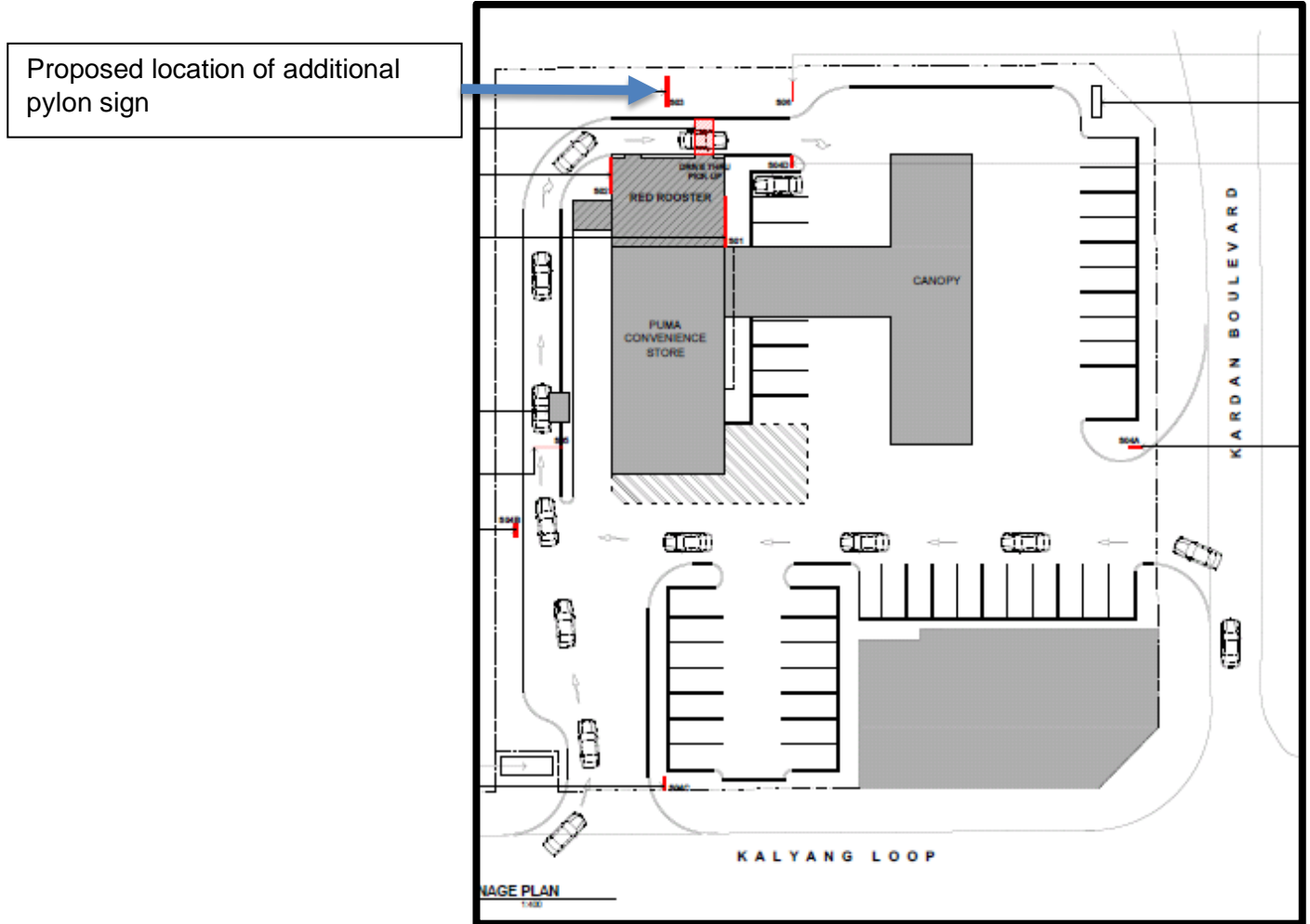


Figure 2: Site plan

The pylon sign would have a total height of 8m and display a 7.82m<sup>2</sup> face with the 'red rooster' logo. There would also be 3 smaller advertising panels measuring 0.624m<sup>2</sup> and 1.075m<sup>2</sup> relating to the tenancy as depicted below. The faces would be illuminated.

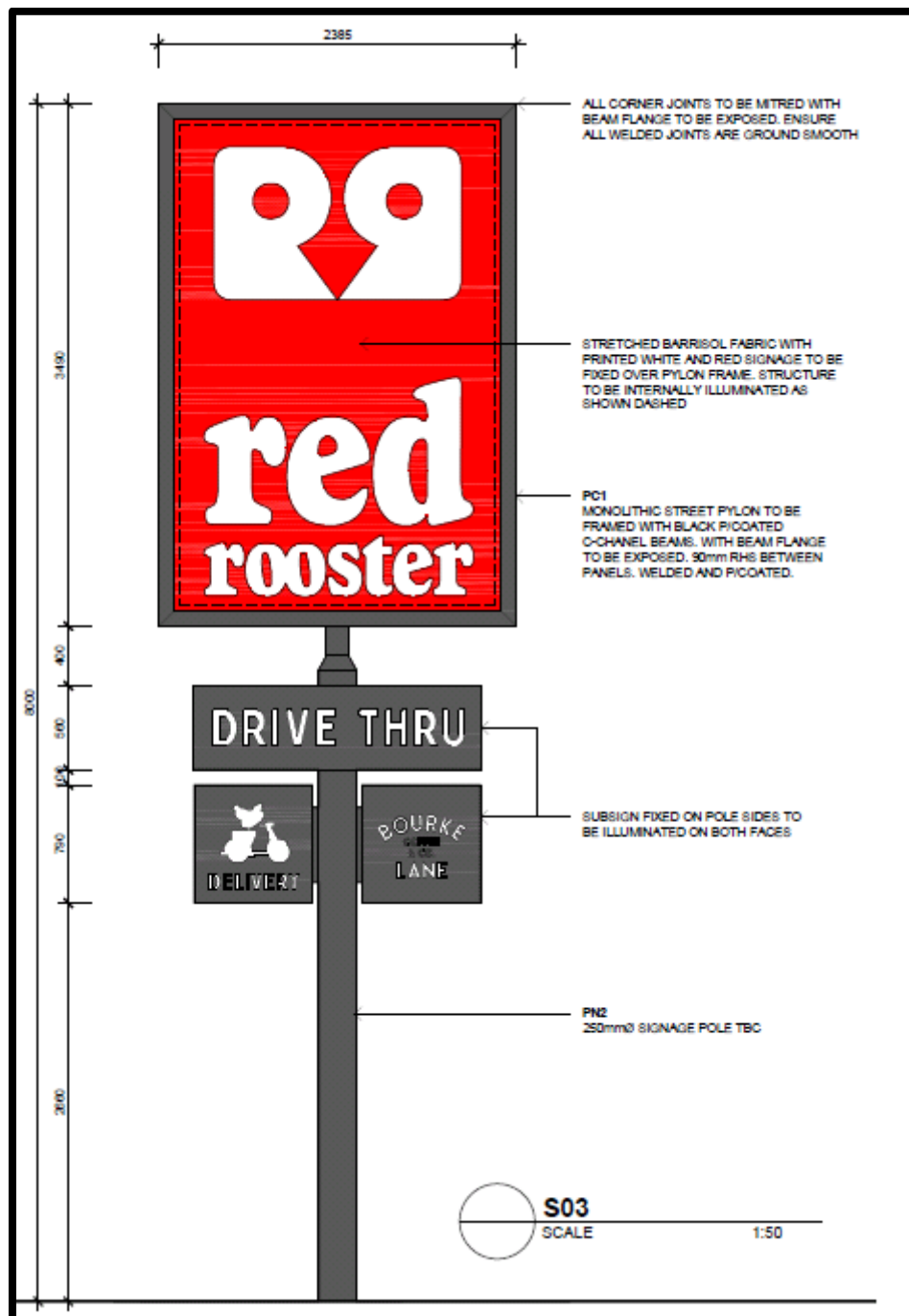


Figure 3: Elevation of Pylon Sign



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## **Community / Stakeholder Consultation**

Advertising was carried out for a period of 21 days, from 29 April 2020 – 20 May 2020 in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters. During this period 1 submission was received (**attachment 2**). The submission states that there are no objections to the proposal subject to “a wall/colorbond barrier erected so that at night headlights from cars turn their lights do not pan across and into my property”.

The submission does not directly relate to a relevant planning issue associated with this application, being concerned separately with headlight glare. As the configuration of the centre has been approved, traffic management will continue in the approved manner.

## **Statutory Environment**

### Legislation

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

### State Government Policies

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

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Local Planning Scheme No.3 (LPS3)
- Draft Local Planning Strategy (LPS)
- Redgum Brook Estate North Local Structure Plan
- Local Planning Policy 4.11 – Advertising (LPP4.11)

## **Planning Assessment**

A full Technical Assessment was undertaken against Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) which is contained within **attachment 3**. For the purposes of this report, discussion is confined to the variations resulting in the proposal being required to be determined by Council and where Council is required to exercise discretion.

### Land Use:

The subject site lies within the Redgum Brook Estate North LSP with a designation of ‘Mixed Use’. The proposed signage is incidental to the approved ‘Fast Food/Takeaway’ land use and would form part of that land use. Within the ‘Mixed Use’ zone, as designated under the LSP, ‘Fast Food/Takeaway’ is a permitted use in accordance with TPS2 and therefore capable of approval.



**LPP4.11**

LPP4.11 provides guidance and development standards for the display of signage within the Shire. This is based upon policy objectives to “ensure that public safety is maintained and to ensure that the character and amenity of the area where signage may be proposed is maintained.”

<b>LPP4.11 Provision</b>	<b>Proposal</b>	<b>Compliant Y/N</b>
The maximum sign face area is 10m <sup>2</sup> per face, for a maximum of two faces.	The combined faces of the pylon sign measure 9.5m <sup>2</sup> per side.	Y
The maximum height above the ground is to be 6.5m or the height of a building in close proximity, whichever is the greater, but is not to exceed 10m. The height of a building is defined as the height of the uppermost part of the building above ground level.	The pylon sign is 8m high. The height of the nearest building is 4.7m high.	N
Must be mounted as a free-standing structure.	The proposed pylon sign is freestanding	Y
Must not be located less than 1.5m from the front property boundary (including the primary and secondary street frontages of a corner lot), and must not project beyond the alignment of any property boundary	The pylon sign is set back 2.45m from the northern lot boundary.	Y
Must not face adjoining premises unless the sign is a minimum of 3.0m from the property boundary of that premises, or unless the landowner of the adjoining premises consents to the sign being a lesser distance from the boundary.	The pylon sign would face Thomas Road.	Y
Must not expose an unsightly back view of the sign to a road or other public place. Must not be located on a street frontage of a premises along which is located another pylon sign, billboard sign or pole sign	The pylon sign is double sided. There is another pylon sign located on the east corner of the frontage advertising the service station.	N



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**Variations:**

The proposed pylon sign varies LPP4.11 by way of its height and the fact there is already another pylon sign located along the same street frontage of the lot. The sign has therefore been assessed against the objectives of the policy.

The relevant objectives of LPP4.11 are as follows:

- *“To ensure that the siting, design and general appearance of advertising and signage does not detract from the landscape values, amenity and character of the area.*
- *To ensure that signs make a positive contribution to the streetscape and streetscape interaction.*
- *To ensure that the scale of the sign is appropriate to the size of the building or façade upon which it will be displayed.*
- *To improve the quality of advertising signs and their overall visual impact.”*

As previously stated, the pylon sign seeks to vary LPP4.11 by way of height and the fact there is an existing pylon sign located along the northern boundary of the site. The applicant has provided information that the pylon sign *“is critical to the visibility of the business considering the significant roadway setback to Thomas Road and unavailability for any additional signage area on the existing Puma pylon sign”*. The applicant considers that the sign is *“suitably separated to restrict any obstruction or visual clutter between the existing pylon and the opposing end or the northern boundary”*.

The signage serves a low-scale Neighbourhood Centre located at the northern gateway to Byford and is not considered to be in a location where numerous signs would be expected, or are intended, such as a town centre or district centre environment. There is an existing pylon sign located on the Thomas Road frontage advertising ‘Puma’ and a pylon sign located opposite on the McDonalds site (both approximately 9m in height), as shown in figure 4 below. Both these pylon signs are significantly higher than the buildings to which they are adjacent and considered by Officers to already dominate the streetscape. The display of another pylon sign, which is overheight, is considered to impact adversely upon the streetscape by way of size and clutter. Impacting upon the visual amenity of the area, especially when considering that the site falls within a key location in Byford, which has an important rural edge and amenity outcome that is expected on the northern side of Thomas Road.



**Figure 4: Site Photograph**

LPP4.11 allows for 6.5m high pylon signs or the same height as a building in close proximity, up to a maximum of 10m high. The nearby building is 4.7m in height and as such, the pylon sign would be 3.3m higher than the building in close proximity. It is considered that the height of the proposed pylon sign would appear at odds with the existing development on the lot. Officers consider that the pylon sign would not positively contribute to the streetscape and would detract from the visual amenity of the area.

Due to the location of the sign taken with its height, it is considered it would appear visually intrusive within the streetscape and adversely impact upon the amenity of the area. Officers consider that any further freestanding signage should be collocated with the existing pylon to preserve the character of the streetscape, noting that this would require the 'Puma' pylon sign to be redesigned. This has been discussed with the applicant who have advised they wish to proceed with the application as per the proposed drawings.

## **Options and Implications**

### Option 1

Council may resolve to refuse the application subject to reasons.

### Option 2

Council may resolve to approve the application subject to conditions.

Option 1 is recommended.



## Conclusion

The application seeks approval for an additional pylon sign to the Thomas Road frontage of the Neighbourhood Centre. It is considered that the additional pylon sign, together with its overheight nature, would adversely impact on the character and amenity of the area, inconsistent with the objectives of LPP4.11. It is therefore recommended that the proposal be refused.

## Attachments (available under separate cover)

- **10.1.1 - attachment 1** – Application details (E20/6588)
- **10.1.1 - attachment 2** - Objection (E20/6589)
- **10.1.1 - attachment 3** – Technical Assessment (E20/7525)

## Alignment with our Strategic Community Plan

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	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.

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Council not supporting the officer recommendation and the signage being permitted in a manner which is inconsistent with policy	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation



### Risk Matrix

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

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

**Voting Requirements:** Simple Majority

**OCM205/07/20**

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Coales

That Council

1. **REFUSES** the application for the pylon sign submitted by Claremont Project Management Pty Ltd at Lot 857, 8 Kardan Boulevard, Byford, for the following reasons:
  - a. The pylon sign, by way of its height, is inconsistent with the scale of the existing development on the lot and surrounding locality, contrary to Local Planning Policy 4.11 – Advertising.
  - b. The display of an additional pylon sign on the subject site would adversely impact the character and amenity of the streetscape, contrary to Local Planning Policy 4.11 – Advertising.

**CARRIED UNANIMOUSLY 8/0**



<b>10.1.2 - Proposed amendment to 'Home Business' at Lot 2 (No. 65) Racy Prince Court, Byford (PA20/361)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	C Ripley
Owner:	A Smit and C Ripley
Date of Receipt:	5 May 2020
Lot Area:	6041m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Special Residential'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

The purpose of the report is for Council to consider a development application to amend an existing approved 'Home Business' (beauty salon) at Lot 2, 65 Racy Prince Court, Byford. The application seeks to amend the conditions of approval relating to the number of clients permitted and the hours of operation of the business.

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

Officers consider that the proposed amendments are consistent with the planning framework and would not adversely impact on the amenity of the locality. The report therefore recommends that the application is approved subject to conditions.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this application. The 'Home Business' was approved under delegated authority on 26 February 2013.

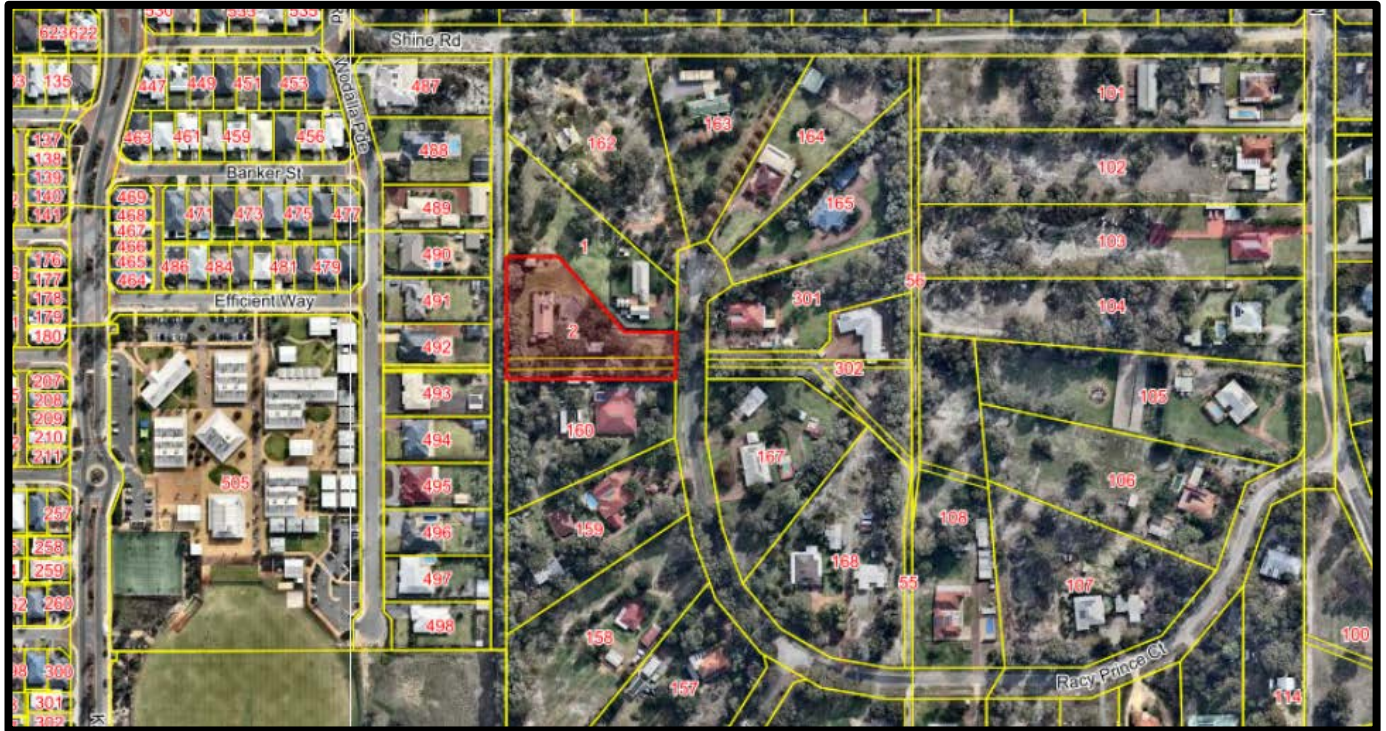




## Background

### Existing Development

The subject site is located within a rural residential area of Byford, within the equestrian precinct. The lot is currently developed with a dwelling, stables and outbuilding.



**Figure 1: Aerial Plan**

On 26 February 2013, approval was granted for a 'Home Business' (beauty salon), as contained within **attachment 1**, subject to a number of conditions as follows:

1. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted;
2. The person to whom approval is granted by the Council to carry on a home occupation or home business shall not carry on that home business or home occupation at any premises other than the land in respect of which the Council's approval is granted; and
3. The hours of operation of the business are restricted to 10am to 6pm Monday to Friday and 9am to 2pm Saturday. Operation of the businesses on Sundays and Public Holidays is not permitted.
4. A maximum of 7 customers are permitted to attend the premise per day.
5. Not more than 1 customer to attend the premise at any one time.
6. All cars associated with the home business are to be parked within the boundaries of the subject property and are not permitted to be parked on the adjacent road or verge at any time
7. The activities approved are restricted to beautician services only.
8. A fresh application for planning approval will be required if additional services are added, customer numbers are increased or hours of operation are to be extended.





9. Not more than 50m<sup>2</sup> of the dwelling or an outbuilding is permitted to be used for the purpose of the Home Business
10. A maximum of one sign with a maximum area of 0.2m<sup>2</sup> is permitted to be displayed on the property in relation to the approved home business.
11. If a home business has been carried on with the approval of the Council and if in the opinion of the Council such home business is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw the approval.

### Proposed Development

Clause 77 (1) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows for an owner of land to which development approval has been granted to apply to amend or delete any conditions to which the approval is subject.

The application seeks to amend Condition 3 of the approval to allow the hours of operation to be extended as follows:

- Tuesday to Friday: 9:00am – 7:00pm in lieu of 10:00am – 6:00pm; and
- Saturdays: 9:00am – 5:00pm in lieu of 9:00am - 2:00pm.
- No changes are proposed to Mondays and Public Holidays when no operation is permitted.

The application also seeks to delete Condition 4 of the approval, which restricts daily client numbers. Deletion of the condition would allow an unlimited number of customers in an any given day. Officers are not supportive of this, and consider that the condition should be amended, as detailed later in the report, and not deleted. This is to ensure rural residential amenity is maintained. No other amendments to the operations are proposed.

A full copy of the application can be viewed within **attachment 2** to this report.

### **Community / Stakeholder Consultation**

Advertising was carried out for a period of 21 days, from 12 May 2020 – 2 June 2020 in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters. During this period 1 submission was received, which objects to the proposed amendments. The submission raises objections in relation to traffic, noise and privacy which are discussed under the relevant headings of the report. The full details of the submission can be viewed in **attachment 3** to this report.

### **Statutory Environment**

#### Legislation

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



### State Government Policies

- Metropolitan Region Scheme (MRS)

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Draft Local Planning Scheme No.3 (LPS3)
- Draft Local Planning Strategy (LPS)

### **Planning Assessment**

A full Technical Assessment was undertaken against Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) which is contained within **attachment 4** to this report. For the purposes of this report, discussion is confined to the objection resulting in the proposal being required to be determined by Council.

#### *Traffic:*

The objection raises concern that the increase in business hours and removal of restriction on client numbers will increase traffic. The objector considers the operations should be restricted to no more than 9 clients per weekday and no more than 3 clients on Saturday.

In order to be considered a 'Home Business' land use under the TPS2 definition, a business must, amongst other things, "*not result in a substantial increase in the amount of vehicular traffic in the vicinity*".

Condition 5 of the current approval, which is not proposed to be amended, restricts the number of clients permitted to attend the premises to a maximum of one client at any one time. The application details indicate the services provided by the business can range from between 10 minutes to up to 2 hours. This does pose the potential risk of a large number of short appointments back-to-back resulting in an increase in vehicular traffic. For this reason, Officers do not support the removal condition 4, which restricts the number of clients permitted to attend the premises per day, instead supporting an amended condition allowing for an increase in daily patronage.

The amended condition would extend the number of clients permitted to attend the premises on weekdays from seven to ten (equating to one client per hour) and from seven to eight on Saturday (equating to one client per hour). This condition will allow the applicant to take additional appointments without posing a risk of the development resulting in undue volumes of traffic in the surrounding area.

#### *Noise:*

The objection raises concern in relation to noise being generated from clients accessing the property. The driveway adjoins the objectors lot boundary and the fencing between the two properties is a 1.2m high cyclone wire fencing.

Officers have noted that the applicant's driveway is located approximately 19m from the carport of the objector's dwelling and approximately 24m from the objector's dwelling itself. The car



parking area designated for client use being located approximately 45m from the objector's dwelling.



Figure 2: Site Layout

With conditions in place to limit the number of customers able to attend the premises, Officers do not consider the vehicle movements from clients attending the premises would generate an undue level of traffic noise. Officers consider that any vehicular noise from clients attending the premises would be a similar level if not lesser than vehicular noise from general road traffic.

*Privacy:*

The objection raises concern that the car parking area and the business faces their property and will result in a privacy issue due to the dividing fences being limited to a 1.2m high cyclone wire fence.

Officers have noted that there are two sheds and a solid fence on the objector's property, located between the car parking area and dwelling on the applicant's property, which provides a barrier



between the two properties. Officers consider there are no perceivable privacy issues resulting from the proposed extension of operation hours, particularly given the physical barriers between the properties and the physical distance between the area in which the business would be operating and the objectors dwelling.

Any possible privacy issues could be no greater than the level of privacy afforded by the current development, both in the residential occupation of the dwelling and the 'Home Business' with slightly more restrictive operation hours.

Considering all relevant planning issues and the concerns raised in the submission, officer's recommend approval subject to conditions limiting daily client numbers.

### **Options and Implications**

#### Option 1

Council may resolve to APPROVE the application, subject to conditions.

#### Option 2

Council may resolve to REFUSE the application, providing reasons for the decision.

Option 1 is recommended.

### **Conclusion**

The proposed development seeks to make amendments to an approved Home Business, providing beauty therapy services. Officers are supportive of the proposal to extend hours of operation; however, do not support the proposed removal of restrictions to the number of clients permitted to attend the premises per day. An alternative condition has been recommended that would increase the number of clients permitted per day, while ensuring the development remains compatible with residential amenity.

**Attachments (available under separate cover)**

- **10.1.2 - attachment 1** – Development Application (E20/7111)
- **10.1.2 - attachment 2** – Initial Approval (OC13/2354)
- **10.1.2 - attachment 3** – Objection (E20/6522)
- **10.1.2 - attachment 4** – Technical Assessment (E20/6246)

**Alignment with our Strategic Community Plan**

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	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.

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Council not approving the application and the matter being appealed at the SAT	Possible (3)	Insignificant (1)	Low (1-4)	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 **3** has been determined for this item.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That Council:

1. APPROVES the application submitted by Cheryl Ripley for amendments to conditions 3 and 4 of the approved 'Home Business' (beauticians) at Lot 2, 65 Racy Prince Court, Byford, subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 - P2 received at the Shire's Offices on 5 May 2020.
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- b. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted.
- c. The person to whom approval is granted by the Shire to carry on a home occupation or home business shall not carry on that home business or home occupation at any premises other than the land in respect of which the Shire's approval is granted.
- d. The hours of operation of the business are restricted to 9:00am to 7:00pm Monday to Friday and 9:00am to 5:00pm Saturday. Operation of the businesses on Sundays and Public Holidays is not permitted.
- e. A maximum of 10 customers are permitted to attend the premise per day between Monday to Friday and a maximum of 8 customers are permitted per day on Saturday.
- f. Not more than 1 customer to attend the premise at any one time.
- g. All cars associated with the home business are to be parked within the boundaries of the subject property and are not permitted to be parked on the adjacent road or verge at any time.
- h. The activities approved are restricted to beautician services only.
- i. A fresh application for planning approval will be required if additional services are added, customer numbers are increased or hours of operation are to be extended.





- j. Not more than 50m<sup>2</sup> of the dwelling or an outbuilding is permitted to be used for the purpose of the Home Business.
- k. A maximum of one sign with a maximum area of 0.2m<sup>2</sup> is permitted to be displayed on the property in relation to the approved home business.

OCM206/07/20

**COUNCIL RESOLUTION**

Moved Cr Strange, seconded Cr Denholm

That Council:

1. **APPROVES** the application submitted by Cheryl Ripley for amendments to conditions 3 and 4 of the approved 'Home Business' (beauticians) at Lot 2, 65 Racy Prince Court, Byford, subject to the following conditions:

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

Plans and Specifications	P1 - P2 received at the Shire's Offices on 5 May 2020.
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- b. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted.
- c. The person to whom approval is granted by the Shire to carry on a home occupation or home business shall not carry on that home business or home occupation at any premises other than the land in respect of which the Shire's approval is granted.
- d. The hours of operation of the business are restricted to 9:00am to 7:00pm Monday to Friday and 9:00am to 5:00pm Saturday. Operation of the businesses on Sundays and Public Holidays is not permitted.
- e. A maximum of 10 customers are permitted to attend the premise per day between Monday to Friday and a maximum of 8 customers are permitted per day on Saturday.
- f. Not more than 1 customer to attend the premise at any one time.
- g. All cars associated with the home business are to be parked within the boundaries of the subject property and are not permitted to be parked on the adjacent road or verge at any time.
- h. The activities approved are restricted to beautician services only.
- i. A fresh application for planning approval will be required if additional services are added, customer numbers are increased or hours of operation are to be extended.
- j. Not more than 50m<sup>2</sup> of the dwelling or an outbuilding is permitted to be used for the purpose of the Home Business.
- k. A maximum of one sign with a maximum area of 0.2m<sup>2</sup> is permitted to be displayed on the property in relation to the approved home business. This sign must also



include the following wording, in order to advise customers to be observant of horses and riders while driving within the Byford Trotting Complex: ***“This business is located within the Byford Trotting Complex, please drive cautiously at all times”***  
**CARRIED 7/1**

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

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

*Councillor Coales voted AGAINST the motion.*

*Reason for difference to Officer Recommendation*

*The additional wording for the signage will enable customers to be aware of the Byford Trotting Complex, and that they should exercise cautious driving given they may encounter horses and their riders in the road environment.*



<b>10.1.3 - Proposed 'Rural Worker's Dwelling' at L470, 2858 South Western Highway, Serpentine (PA20/417)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Owner:	Bert and Agatha Veenendaal
Date of Receipt:	6 July 2018
Lot Area:	40.1ha
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 amendments to an approved 'Rural Worker's Dwelling' at Lot 470, 2858 South Western Highway, Serpentine. The proposed amendments include an extension to the garage area, extension to the entry porch and addition of a verandah. The 'Rural Workers Dwelling' would vary the maximum floor area from 200m<sup>2</sup> to 371.7m<sup>2</sup> (existing approved area is 323.6m<sup>2</sup>) under Local Planning Policy 4.14 – Rural Workers Dwellings (LPP4.14).

The report is presented to Council as Officers do not have delegation to approve development applications that vary Local Planning Policies under Delegation 12.1.1 - Determination of Development Applications. For the reasons outlined in the report, Officers recommend that the application be approved.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 27 August 2018 – OCM080/08/18 - COUNCIL DECISION:*

- 1. That Council approves the development application on Lot 470, 2858 South Western Highway as contained in attachment OCM080.2/08/18 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions:*
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.*



<i>Plans and Specifications</i>	<i>Plans P1 – P4 received at the Shire’s Offices on 6 July 2018. Bushfire Attack Level Assessment prepared by Bushfire Planning and Design submitted on 6 July 2018</i>
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*b. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.*

*c. The occupancy of the dwelling is restricted to the rural worker/s working at the approved ‘Rural Use’ on the subject site and their immediate family.*

*d. Prior to the occupancy of the dwelling, a Section 70A Notification shall be placed on the Certificate of Title for the subject property, at the cost of the applicant. The Section 70A Notification shall state as follows:*

*“The ‘Rural Worker’s Dwelling’ shall be occupied only by person/s working at the approved ‘Rural Use’ on the subject site and their immediate family.”*

*e. A Landscape Plan shall be prepared and approved by the Shire of Serpentine Jarrahdale and include the following detail to the satisfaction of the Shire, prior to commencement of site works:*

- i. The location, number and type of proposed trees and shrubs, including calculations for the landscaping area;*
- ii. Any natural landscape areas to be retained;*
- iii. Those areas to be reticulated or irrigated; and*
- iv. The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale.*

*2. Ancillary Accommodation does not form part of this approval.*

*3. Prior to the lodgment of a Building Permit, a Farmland Concession Application must be submitted and approved to the satisfaction of the Shire of Serpentine Jarrahdale.*

## **Background**

### **Existing Development**

The subject site lies within the rural area of Serpentine. It is currently developed with a single house, outbuilding and a partially enclosed hay shed. There is an existing approval in place for an outbuilding and a Rural Workers Dwelling, the approval can be viewed in **attachment 1** to this report.



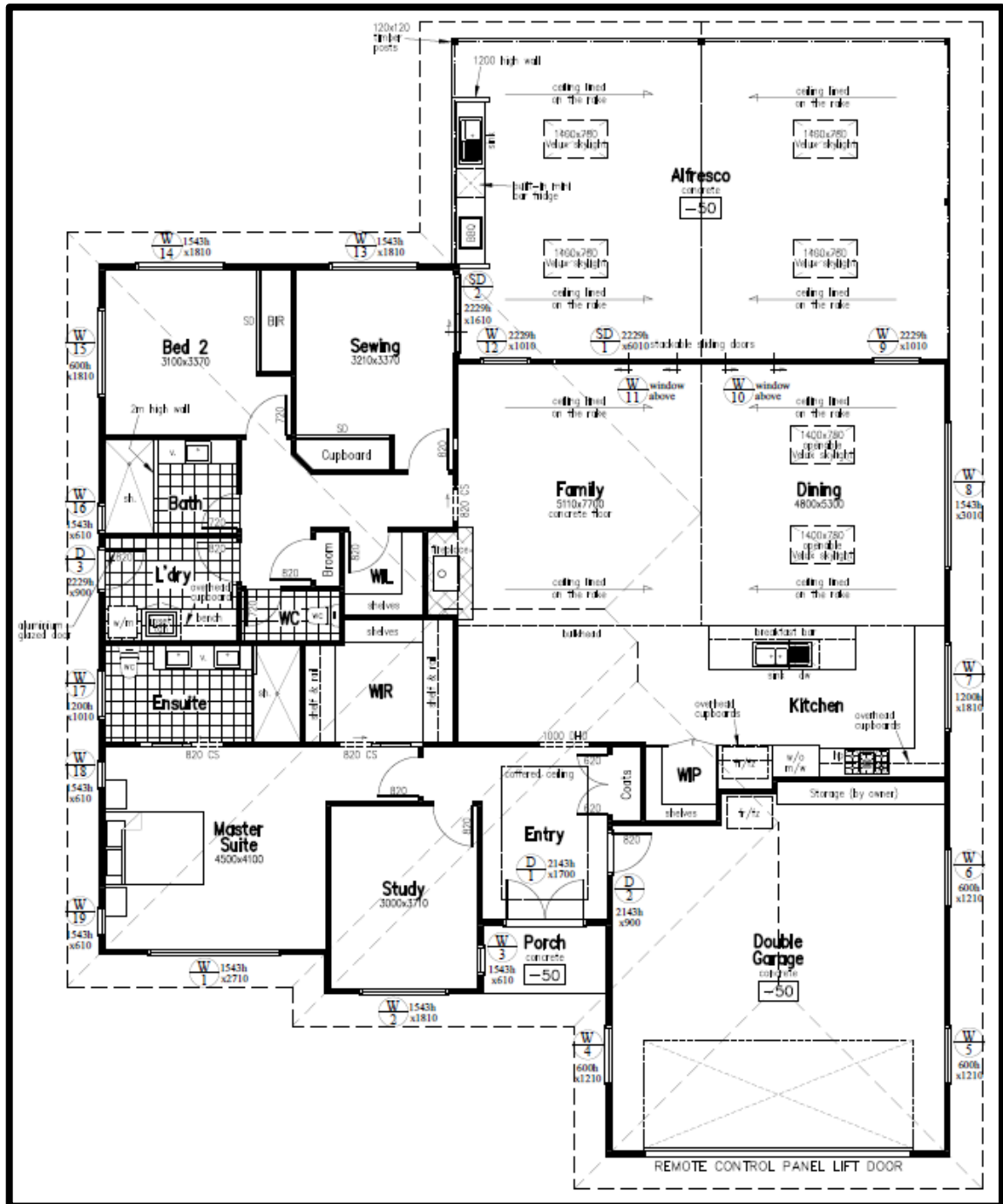
**Location Plan**

Proposed Development

The application seeks amendment to an approved Rural Workers Dwelling. The amendments relate to the extension of the garage, extension of the entry porch, and addition of a verandah on the northern face of the building. The details of the proposed amendments can be viewed in **attachment 2** to this report.

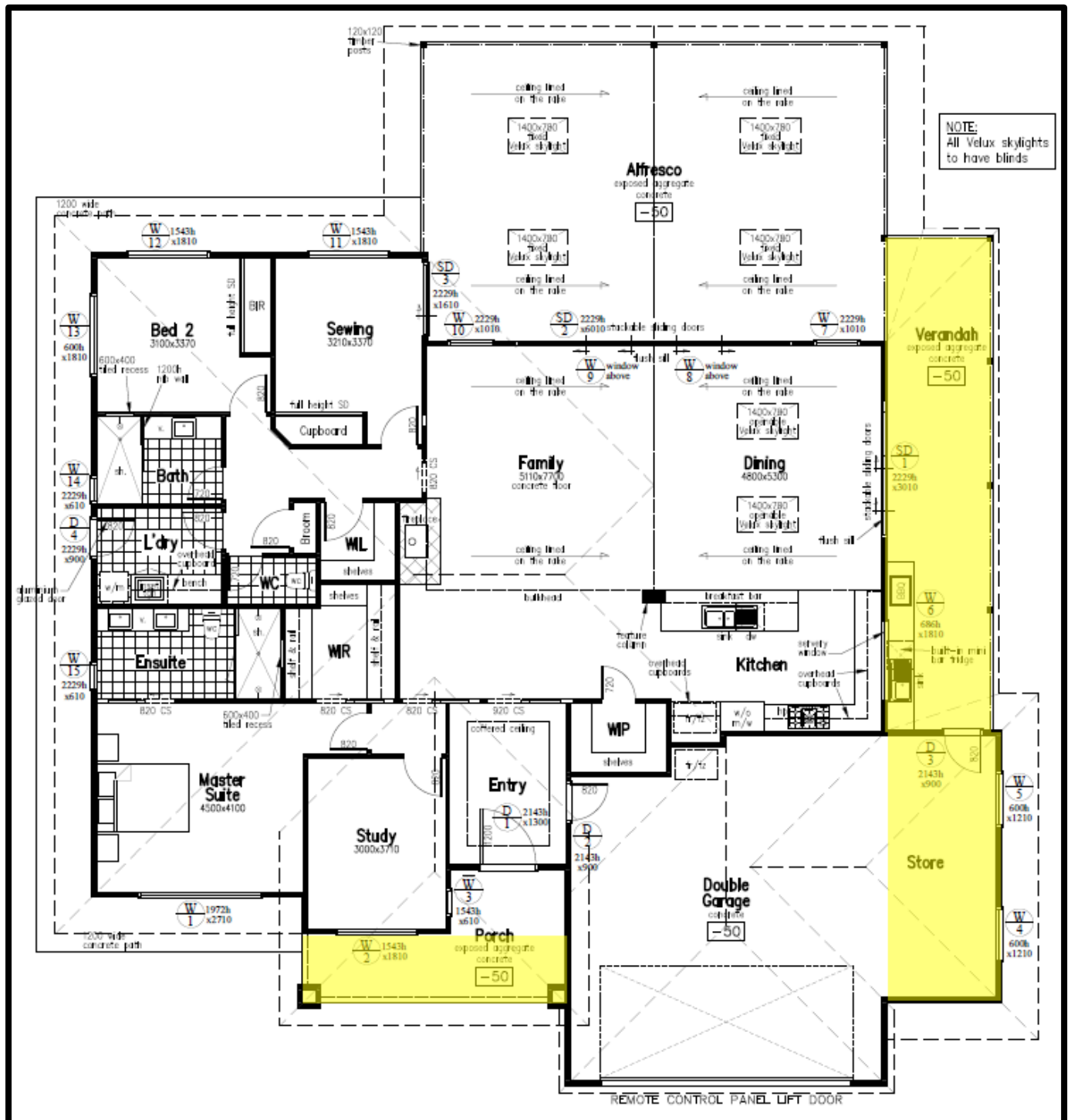


## Ordinary Council Meeting Minutes Monday 20 July 2020



Approved Floor Plan





## Proposed Amendments

The current approval occupies 323.6m<sup>2</sup> in overall floor area which exceeds the 200m<sup>2</sup> requirements under Local Planning Policy 4.14 – Rural Workers Dwellings (LPP4.14). The proposed amendments would increase the overall floor area to 371.7m<sup>2</sup>; however, the internal habitable floor area would remain at 196m<sup>2</sup>.

Officers have noted some minor amendments to the internal layout of the floor plan; however, these amendments – including relocation of doors and internal walls around the entry – do not impact the floor area or external design of the proposed development.



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## **Community / Stakeholder Consultation**

The application has not been advertised, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters, an application does not need to be advertised where there are no predictable detrimental impacts on the character or amenity of the immediate or general locality or that of adjoining owners. Officers consider the proposed amendments would not result in any predictable detrimental impacts on the character or amenity of the affected neighbour.

## **Statutory Environment**

### Legislation

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

### State Government Policies

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

### 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 4.14 – Rural Workers Dwelling Policy

## **Planning Assessment**

A full Technical Assessment was undertaken against Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) which is contained within **attachment 3**. For the purposes of this report, discussion is confined to the variations resulting in the proposal being required to be determined by Council and where Council is required to exercise discretion.

### Land Use

Clause 5.10.1 of TPS2 states “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”. In this case, the proposal is related to a ‘Rural Use’ carried out on the site and the dwelling would allow for the rural worker to reside at the subject site with their family. This is considered to be consistent with the TPS2 objective for the ‘Rural’ zone.

### Local Planning Policy 4.14 – Rural Workers Dwellings (LPP4.14)

LPP4.14 sets out requirements for ‘Rural Worker’s Dwellings’ and lists whether development is acceptable, performance based or unacceptable. The proposal has been assessed against the requirements in the table below. Where variations to the acceptable or performance based criteria are sought, these are discussed individually later in the report.

**Ordinary Council Meeting Minutes  
Monday 20 July 2020**

<b>Requirement</b>	<b>Acceptable Development</b>	<b>Performance Based</b>	<b>Unacceptable Development</b>	<b>Proposal</b>
<b>Rural Use</b>	Uses requiring a Farmland Concession	Absence of a Farmland Concession	Hobby, lifestyle or domestic use	<b>Compliant with performance criteria.</b>
<b>Size of lot</b>	>20ha	4ha – 20ha	<4ha	<b>Compliant - 40.1ha</b>
<b>Separation Distance</b>	Within 50m of primary dwelling	Between 50m and 100m from primary dwelling where constraints have been demonstrated having regard to the following:- <ul style="list-style-type: none"><li>• Topography</li><li>• Watercourses</li><li>• Vegetation</li><li>• Flooding</li><li>• Amenity</li><li>• Services</li></ul>	Greater than 100m separation distance	<b>Compliant with performance criteria – 72m from primary dwelling.</b>
<b>Services</b>	Sharing of access, power and communication infrastructure	Shares majority of services	New access and effluent disposal impacts on waterways and vegetation due to nutrient loads	<b>Compliant with performance criteria – Separate effluent disposal only.</b>
<b>Siting and Design</b>	Sited to minimise impact on the surrounding landscape and environment. Sited to minimise the impact on the suitability of the land to be used for rural purposes	-	Isolated or visually prominent locations. Conflicts with other land uses on either subject land or adjacent land	<b>Compliant</b>



In addition to these requirements, LPP4.14 states that 'Rural Worker's Dwellings' are to be constructed to a maximum floor area of 200m<sup>2</sup>. The proposed development would have an overall floor area of 371.7m<sup>2</sup>, the internal living area being 196m<sup>2</sup>. The restriction to the size of rural workers dwellings addresses two of the objectives of LPP4.14:

- Ensure that rural workers' dwellings are provided, constructed and located in such a way so as to minimise their impact on the surrounding amenity and landscape; and
- Limit the opportunity for a rural workers' dwelling to establish and facilitate land subdivision.

Officers consider that the increased scale of the proposed rural workers dwelling will still meet the above objectives. The Rural Workers Dwelling would be set back 50m from the nearest lot boundary to the north and 145m from the street boundary. The proposed location is screened to the south by the existing dwelling and from all other sides by established vegetation.

Although the proposed amendments would increase the area of the dwelling, they would not result in an increase to the occupancy of the dwelling and would not significantly affect the visual impact of the development as the amendments primarily relate to open sided patio structures, with only 14m<sup>2</sup> of additional garage adding to the visual impact of the development. Officers consider this to be minor and unlikely to result in a visual impact on adjoining neighbours or the streetscape.

## **Options and Implications**

### Option 1

That Council APPROVES the proposed amendments, subject to appropriate conditions.

### Option 2

That Council REFUSES the proposed amendments, providing appropriate reasons for the decision.

Option 1 is recommended.

## **Conclusion**

The subject application relates to an approved Rural Workers Dwelling and seeks amendments that would extend the garage and the entry porch and include a new verandah on the northern face of the building. The amendments would further vary LPP4.14 in relation to the maximum floor area permitted for Rural Workers Dwellings; however, the internal living area would accord with the policy's 200m<sup>2</sup> limit and the additional size would remain consistent with the objectives of the policy.

Officers support the proposed variations and recommend approval.

## **Attachments (available under separate cover)**

- **10.1.3 - attachment 1** – Initial Approval (OC18/17678)
- **10.1.3 - attachment 2** – Amended Plans (E20/7073)
- **10.1.3 - attachment 3** – Technical Assessment (E20/7180)

## **Alignment with our Strategic Community Plan**



<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	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 not support the application and the matter be referred to SAT	Possible (3)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

### Risk Matrix

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

**OCM207/07/20**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Strange, seconded Cr McConkey**

**That Council**

- 1. Approves the development application for amendments to a Rural Workers Dwelling at Lot 470, 2858 South Western Highway as contained in attachment 2 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:**
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.**

<b>Plans and Specifications</b>	<b>P1 – P4 received at the Shire’s Offices on 25 May 2020; and Bushfire Attack Level Assessment prepared by Bushfire Planning and Design submitted on 6 July 2018</b>
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- b. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- c. The occupancy of the dwelling is restricted to the rural worker/s working at the approved ‘Rural Use’ on the subject site and their immediate family.**
- d. Prior to the occupancy of the dwelling, a Section 70A Notification shall be placed on the Certificate of Title for the subject property, at the cost of the applicant. The Section 70A Notification shall state as follows:**  
***“The ‘Rural Worker’s Dwelling’ shall be occupied only by person/s working at the approved ‘Rural Use’ on the subject site and their immediate family.”***

**CARRIED UNANIMOUSLY 8/0**





<b>10.1.4 – Proposed Outbuilding at Lot 251, 7 Macleod Close, Byford (PA20/411)</b>	
<b>Responsible Officer:</b>	Ryan Munyard, Altus Planning (Independent Planning Consultant)
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	In accordance with the Shire's Business Operating Procedure related to interests, as the applicant is an employee of the Shire, upon receipt of the application, appropriate declarations of interest were made by Officers and to ensure no conflict, an Independent Planning Consultant was appointed to undertake the assessment and to prepare this report to Council.

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Jessica Moss and Thomas Moss
Owner:	Jessica Moss and Thomas Moss
Date of Receipt:	19 May 2020
Lot Area:	3,030m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

**Report Purpose**

The purpose of this report is for Council to consider a development application for a proposed outbuilding at Lot 251, 7 Macleod Close, Byford which has been submitted by an employee of the Shire.

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 for the application to be determined by Council as one of the applicants is an employee of the Shire.

The application seeks a 2m side setback variation to the applicable Local Development Plan and a 600mm (60cm) wall height variation to the deemed-to comply requirements of the State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes).

The proposal is recommended for conditional approval.



## **Background**

The subject site is located on Macleod Close, which is a cul-de-sac, approximately 2km east of Hopkinson Road and approximately 1km west of South Western Highway. The immediate surrounding lots within Macleod Close are similarly sized and are also zoned 'Urban Development'. To the south, on the opposite side of Cardup Siding Road are 'Rural' zoned lots, each approximately 2ha in size.

## **Existing Development**

The subject site currently contains an existing single-storey dwelling. The remainder of the property is undeveloped, except for a portion at the rear of the dwelling which contains the underground effluent disposal system.



**Figure 1: Aerial Photograph**

## **Proposed Development**

The proposed development consists of an approximate 54m<sup>2</sup> outbuilding (**attachment 1**), which is to be constructed out of metal sheeting and be of a gable roofed design with a 3m wall height and a 3.8m ridge height.

The proposed outbuilding is for the storage of personal domestic items as well as the garaging of a four-wheel drive vehicle. The outbuilding proposes a southern side setback of 1m in lieu of 3m, as specified under the relevant Local Development Plan (LDP).

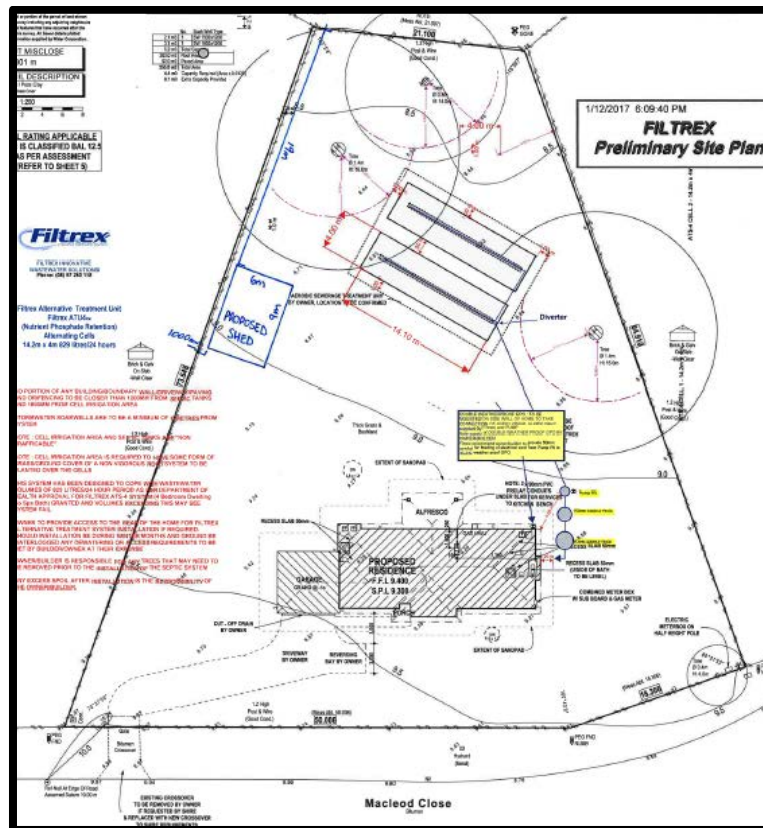


Figure 2: Site Plan

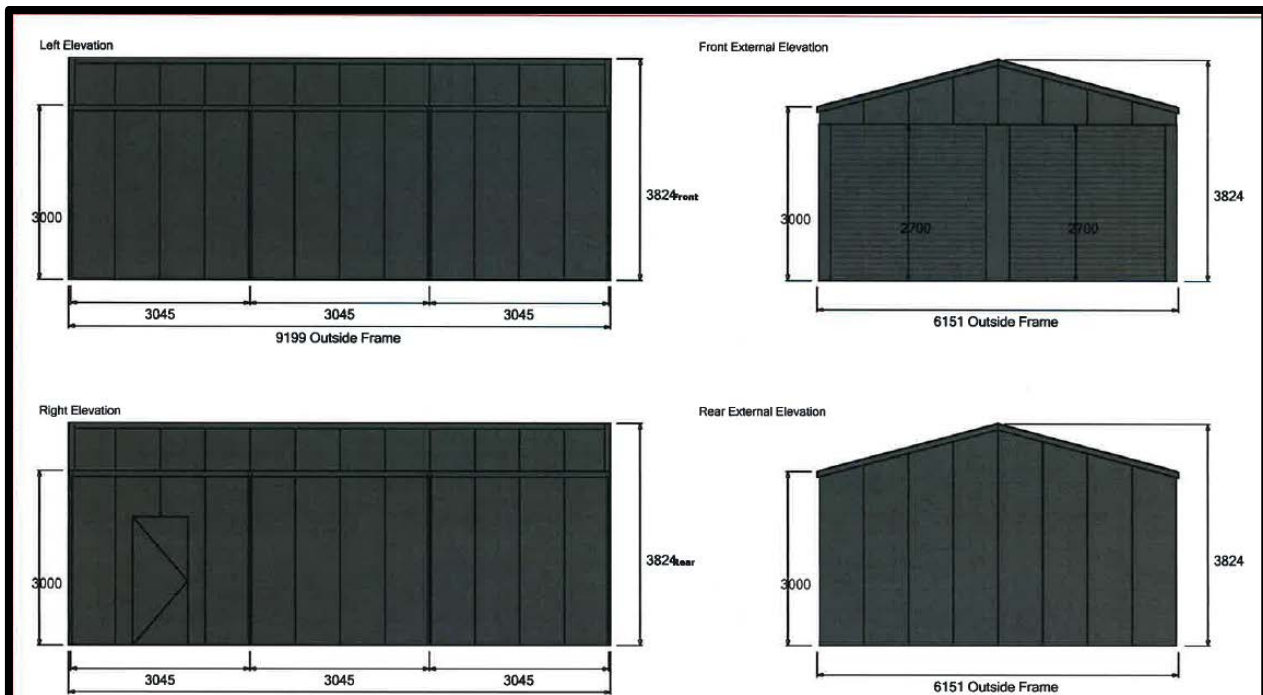


Figure 3: Elevations





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## **Community / Stakeholder Consultation**

The application was advertised to the abutting southern property due to the proposed southern side setback variation for a period of 21 days from 22 May 2020 – 12 June 2020, in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters. During this period no submission was received from the affected landowner.

## **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
- Draft Local Planning Scheme No. 3
- 'Byford by the Brook' Local Development Plan
- Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers (LPP4.19)

### Business Operating Policy

- Business Operating Policy 1.1.0 – Control Over Employees Dealing in Land and Other Business Activity within the Shire of Serpentine Jarrahdale (BOP).

## **Planning Assessment**

Altus Planning have completed a comprehensive assessment of the proposal in accordance with section 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the assessment can be viewed as part of **attachment 2**. For the purposes of the report, discussion is confined to the variations sought to the deemed-to-comply requirements of State Planning Policy 7.3 – Residential Design Codes (Volume 1) (R-Codes) and the Local Development Plan (LDP).

The outbuilding exceeds the deemed-to-comply requirements of the R-Codes by way of its wall height. The outbuilding proposes a wall height of 3.0m in lieu of 2.4m.

The outbuilding also varies the LDP by way of setback and seeks a 1m setback to the southern lot boundary in lieu of 3m.

### *Land Use:*

The subject land is zoned 'Urban Development' pursuant to the Shire's TPS2. The purpose and intent of the 'Urban Development' zone is to *"provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances..."*

Land use and development in the 'Urban Development' zone is guided by Structure Plans. The subject site lies within the Byford District Structure Plan area with a designation of 'Rural



Residential'. The proposed outbuilding is considered to be incidental to the existing residential use of the site and consistent with the 'Rural Residential' zone, as depicted on the Structure Plan.

*Built Form and Amenity:*

The proposed outbuilding seeks a variation to Provision 5.4.3 of the R-Codes deemed-to-comply requirements by way of its wall height, 3m, in lieu of 2.4m. Although the property does not have an R-Code under TPS2 or the Structure Plan, the provisions of the R-Codes are still considered relevant. Furthermore, clause 5.3.4 of TPS2 requires for all matters dealt with by the R-Codes to conform to the R-Codes.

The outbuilding also proposes to vary the southern side lot boundary setback to 1m, in lieu of 3m (as stipulated by the LDP).

The design principle P3 of clause 5.4.3 of the R-Codes states that outbuildings are acceptable that "*do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*" In addition, LPP 4.19, adopted by Council at its Ordinary Council Meeting of 15 June 2020, goes further and sets out additional matters to be considered. These criteria are addressed in the table below:

<b>Policy Provision</b>	<b>Proposal</b>
<i>Whether a size variation is required to satisfy specific needs of the owner/applicant.</i>	The proposed 3m wall height is to allow for the garaging of a four-wheel drive vehicle. It is not considered to be uncommon that landowners of such sized lots may own four-wheel drive vehicles, particularly given the relative distance of the locality from nearby developed town centre-type areas.
<i>Whether a size variation is excessive, considering the character of the surrounding area;</i>	It is noted that other lots within Macleod currently contain outbuildings, rainwater tanks or substantial garage structures that are visible from the street and surrounding properties.  In comparison, the proposed outbuilding is to be set back approximately 35m from the street and located behind the existing dwelling.
<i>Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes.</i>	The proposal would result in approximately 93% of the site available for open space which is considered sufficient to provide sufficient open space and outdoor living for a lot of this size.
<i>Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;</i>	It is considered that the increased wall height and reduced southern side setback to No. 5 Macleod Close will not result in an adverse amount of building bulk due to the following: <ul style="list-style-type: none"><li>○ The proposed outbuilding is to be located approximately directly north of an existing outbuilding at No. 5. This location also ensures an adequate</li></ul>



Policy Provision	Proposal
	<p>separation distance from the existing on-site effluent disposal system, which otherwise somewhat restricts the location of an outbuilding on the property.</p> <ul style="list-style-type: none"><li>○ There will be approximately 9m separation between the proposed outbuilding and what is considered to be the main outdoor living area of No. 5. This will comprise of the 1m side setback and an existing 3.5m wide landscaping strip and 4.5m wide driveway on No. 5.</li><li>○ The plantings within the landscaping strip are approximately 1.2m high and provide visual screening to the proposed outbuilding.</li></ul> <p>The reduced setback will not result in any significant amount of overshadowing to No. 5 and, due to the absence of any major openings, will not result in any visual privacy concerns.</p>
<i>Whether non-reflective materials are proposed on the building;</i>	The slate grey metal sheeting is considered to be a non-reflective material.
<i>Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties</i>	<p>No vegetation is required to be removed for the construction of the outbuilding.</p> <p>The proposed outbuilding is considered to be set back sufficiently from the front of the property so as to not require further landscaping to screen the development.</p> <p>As previously stated, the proposed outbuilding would be located adjacent to the neighbours outbuilding and therefore no further landscaping is considered required along the boundary to further screen the outbuilding from the neighbouring property.</p>
<i>Consideration of comments from the affected adjoining landowners.</i>	No submissions were received during the public consultation period.

Notwithstanding the above, if the outbuilding was setback 3m from the southern lot boundary, it is noted that it would still be visible from No. 5, due to the northern orientation of that dwelling. In the context also of the lot sizes as well as the length of the southern boundary, it is considered that the variation will not result in any adverse impacts in comparison to a deemed-to-comply scenario.

Based on the above, the proposal is considered acceptable from a lot boundary and wall height perspective.





### **Options and Implications**

Option 1: Council may resolve to approve the application subject to conditions.

Approval of the application would be consistent with the planning policy framework and the objectives of the zone. The approval of the application will not result in a negative impact on the amenity or character of the area or adjacent landowners.

Option 2: Council may resolve to refuse the application.

Refusal of the application could result in a SAT appeal which may not be able to be successfully argued.

Option 1 is recommended.

### **Conclusion**

The application seeks approval for an outbuilding. The outbuilding meets the deemed to comply requirements of the relevant planning framework with the exception of the wall height and the southern side lot boundary setback. The outbuilding is considered to be compliant with the associated design principles of the R-Codes and the additional criteria of the draft LPP 4.19. Accordingly, Altus Planning recommend the application be approved subject to appropriate conditions.

### **Attachments (available under separate cover)**

- **10.1.4 - attachment 1** - Application Details (E20/6797)
- **10.1.4 - attachment 2** - Technical Assessment (E20/6785)

### **Financial Implications**

Should Council resolve not to approve the application, the applicant may appeal the decision to the State Administrative Tribunal (SAT) within 28 days of the decision. As such, the Shire may be required to appoint a planning consultant or legal counsel to represent the Shire and Council throughout the SAT proceedings.



### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Should Council resolve not to approve the application, the applicant may appeal the decision 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.



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**Voting Requirements:** Simple Majority

**OCM208/07/20**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Denholm**

**1. That Council APPROVES the application submitted by J and T Moss for an outbuilding at Lot 251, (No. 7) Macleod Close, Byford as contained in 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.**

<b>Plans and Specifications</b>	<b>P1 – P3 received at the Shire's Offices on 19 May 2020.</b>
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- b. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**

**CARRIED UNANIMOUSLY 8/0**



<b>10.1.5 - Proposed Commercial Building – Lots 18 &amp; 22, (813 &amp; 815) South Western Highway, Byford (PA20/187)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Urbis and Metrowest Special Projects
Owner:	Margaretha Catharina Gysberdina Martina, Wayne, Ashely Hughes-Odgers and Byford Premiere Holdings
Date of Receipt:	27 March 2020
Lot Area:	2.929m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

**Report Purpose**

The purpose of this report is for Council to consider a development application for the construction of a two storey commercial building at Lots 18 & 22, (813 & 815) South Western Highway, Byford. The commercial building will comprise of a Health Studio, Swim School and Children's Play Centre with an incidental café and associated car park on the ground and first floor. The subject site comprises of two land parcels, which form strategic parcels of the Byford town centre emanating north of Abernethy Road, between George Street and South Western Highway.

The application is presented to Council as the proposal seeks variations to both Scheme and Policy standards. These specifically pertain to car parking and external design. Furthermore, objections were received during the consultation period. Officers do not have delegated authority to determine development applications, which vary Scheme and/or Local Planning Policies provisions, or where objections cannot be satisfied by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

While the proposal is considered generally consistent with the objectives of the 'Urban Development' zone, Structure Plan and Policy framework, conditions are required to address car parking issues (cash in lieu payment to the Shire) and external design adjustments. While important, these issues are considered incidental elements of the proposal, which subject to conditions do enable support based on the planning merits of the application.

**Relevant Previous Decisions of Council**





There is no previous Council decision relating to this application.

## Background

### Existing Development

The subject site comprises of two land parcels and has a total area of approximately 2.950m<sup>2</sup>. The site is bound by South Western Highway to the east and George Street to the west, as shown on Figure 1 below. Each lot contains a single detached residential dwelling and outbuildings, accessed via crossovers on South Western Highway. The site contains mature trees which would be cleared to facilitate development of the commercial building.

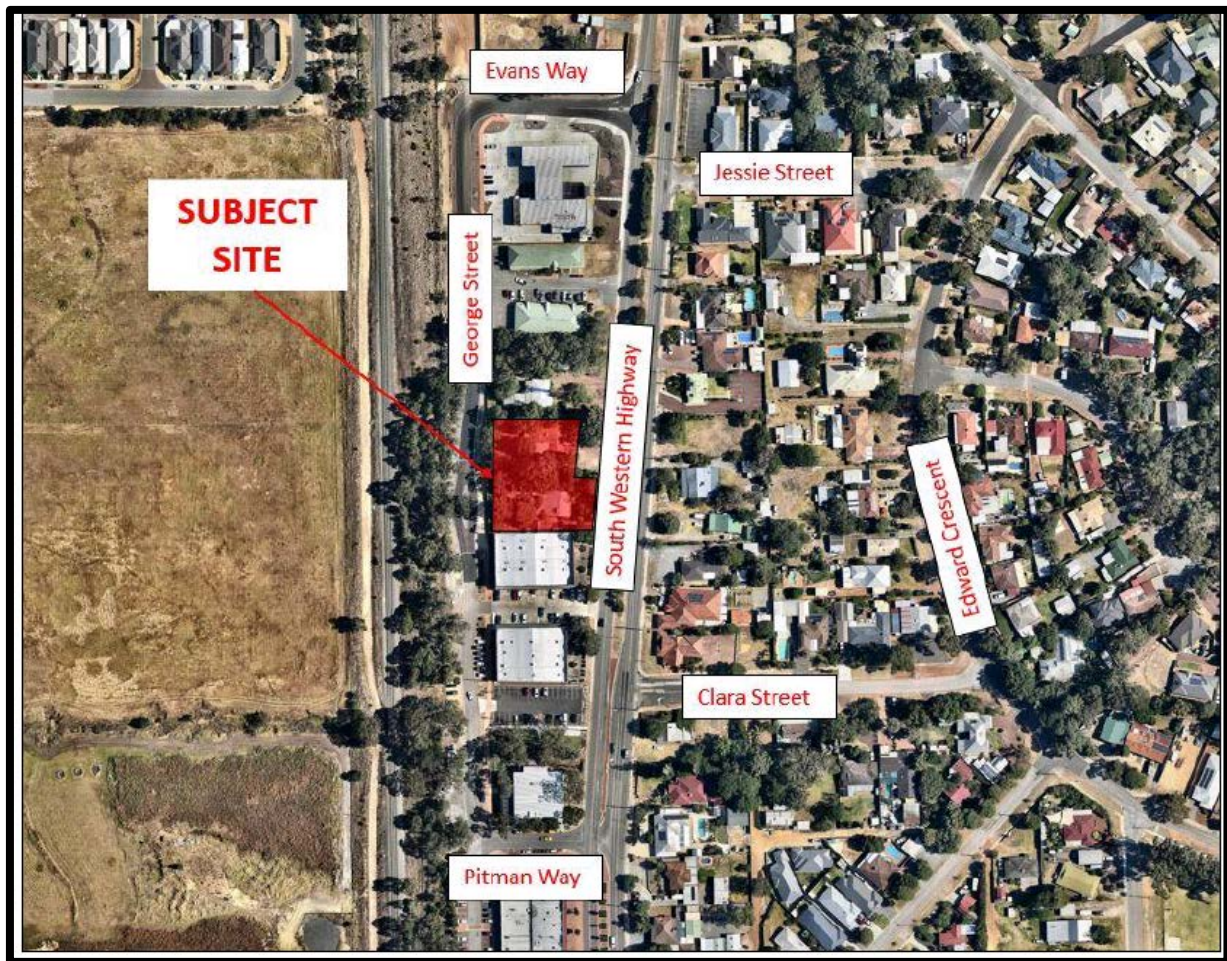


Figure 1: Aerial Photograph

The general locality comprises of existing residential dwellings to the immediate north and east, and commercial developments to the south and north, as shown on Figure 2 below. An existing passenger and freight railway line is situated further west of the site.



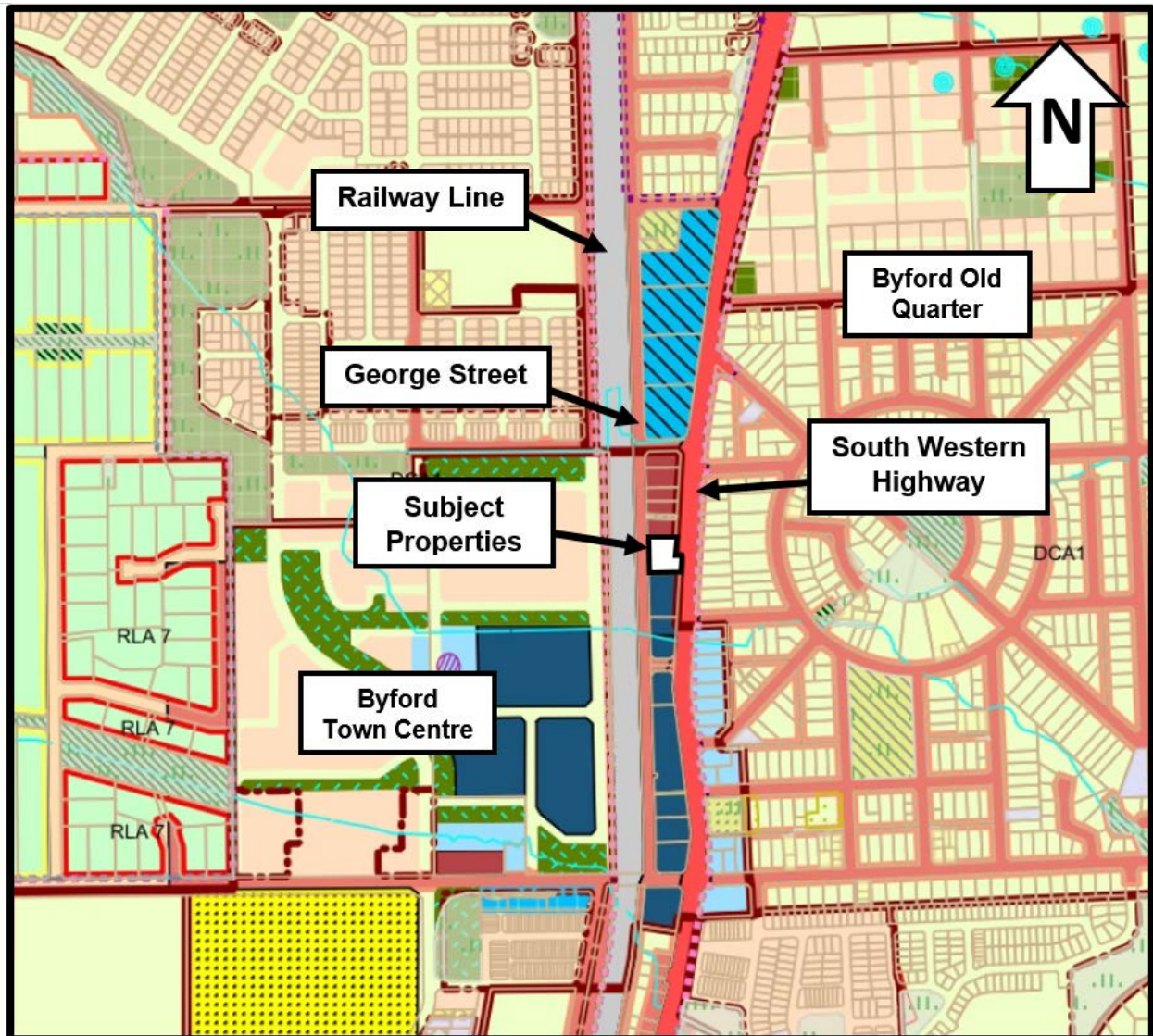


Figure 2: Location Plan

### Proposed Development

The development application seeks approval to demolish the existing dwellings and all structures on both lots and construct a two storey commercial building comprising of a swim school, health studio and a child play centre with an incidental café as well as associated landscaping, access ways, signage and integrated parking. The ground floor comprises of the following, as shown on Figure 3 below:

- Internal lobby with lift;
- Construction of a two new crossovers from George Street;
- Escape stairs, accessed via the internal car parking area;
- Ramp and pedestrian stairs to the upper level, accessed via George Street;
- Swim school with a floor area of 300m<sup>2</sup>;
- Child play centre with a floor area of 927m<sup>2</sup> and an incidental café and associated play spaces, amenities, staff areas and storerooms.





- 36 parking bays comprising of 22 standard bays, one accessible bay and 13 staff bays;
- 10 bicycle bays situated along the George street;
- A bin store of 27m<sup>2</sup>;
- 343.5m<sup>2</sup> of landscaping, including five shade trees along George Street; and
- Pedestrian/cycling access to the subject site via a direct path from South Western Highway and direct from George Street.

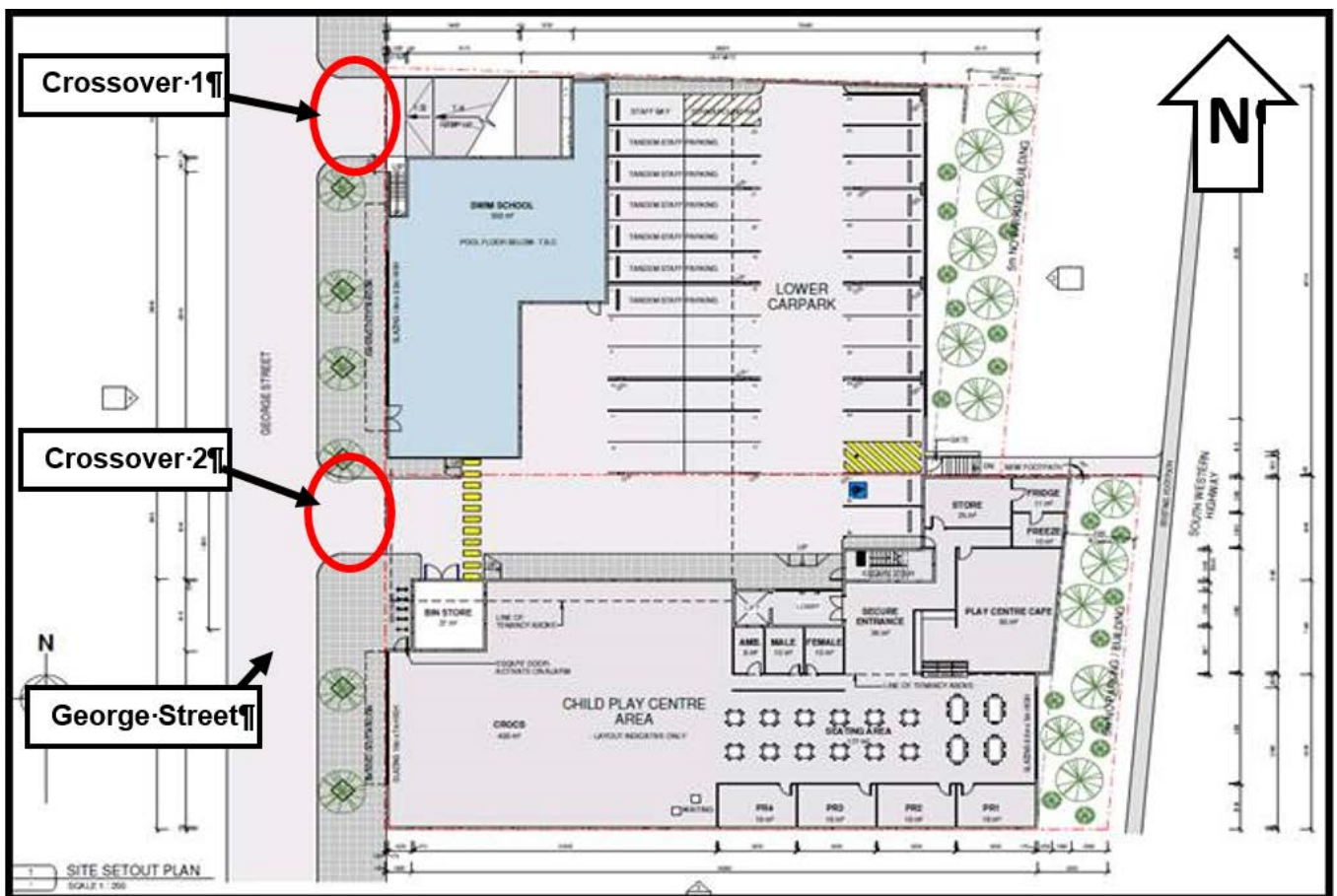
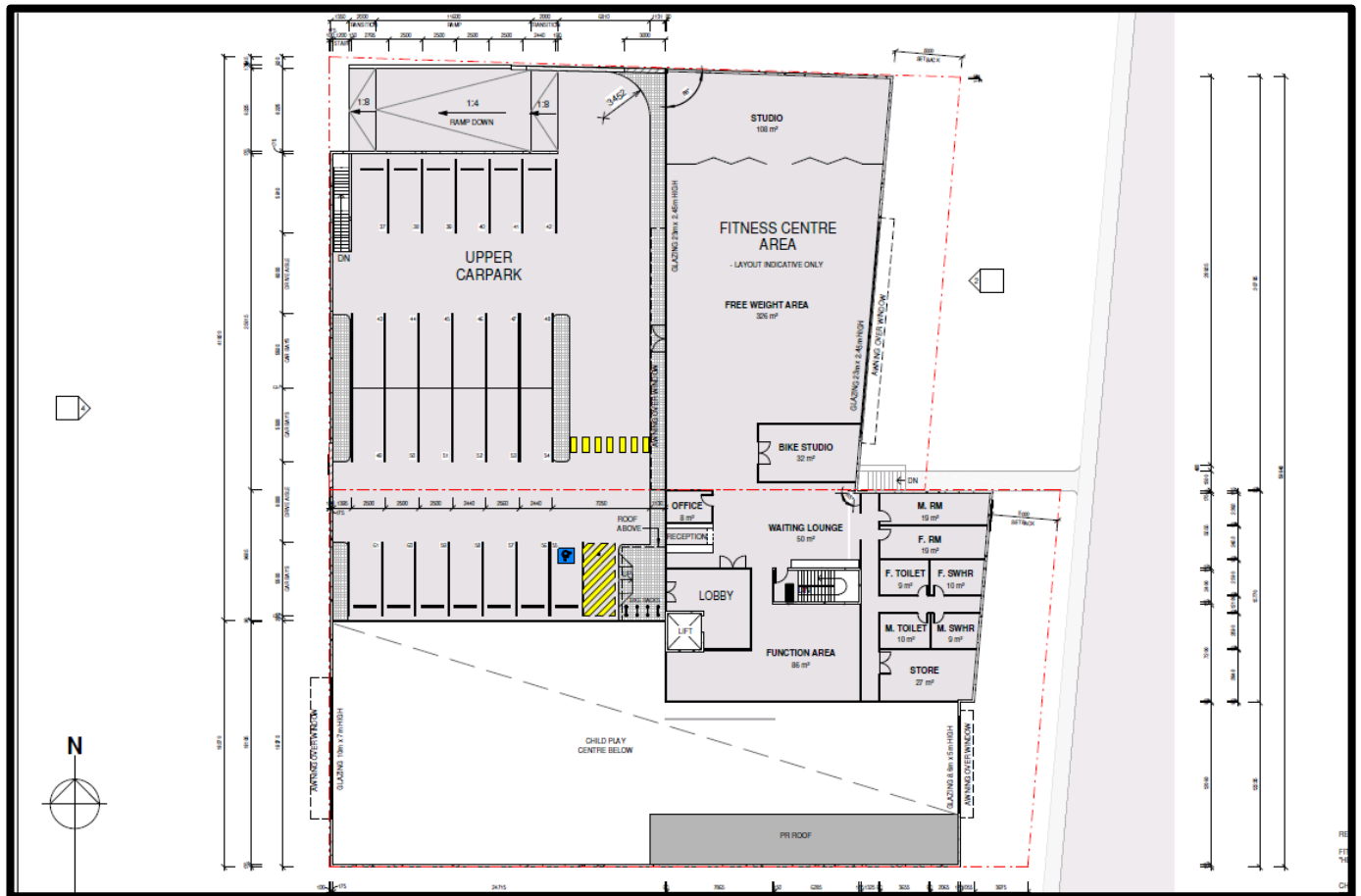


Figure 3: Ground Floor Plan

The upper floor, as shown on figure 4 below comprises:

- Internal lobby with lift;
- Heath studio with a floor area of 802m<sup>2</sup>;
- 25 parking bays including one accessible bay;
- Eight bicycle bays; and
- Single bin store.

**Figure 4: Upper Floor Plan**

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

### **Community / Stakeholder Consultation**

The application was advertised to surrounding landowners for a period of 21 days, from 7 April 2020 - 28 April 2020 within a radius of 100m, in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

At the conclusion of the community consultation, three submissions consisting of two objections and one letter of support were received. The objections relate to the following issues which are discussed under the relevant headings of the report and form part of the Officer assessment:

- Loss of community service or benefit to existing Children's Play Centre facilities in the locality;
- Proposed development is inconsistent with the local planning framework;
- Proposed development has inadequate car parking bays and bicycle spaces;
- Built form and design not consistent the public realm;
- Potential risk as the majority of the site is located within a bushfire prone area;
- No universal access to the development from South Western Highway;



- Inadequate passive surveillance of the car park area and surveillance from the streets;
- Proposed development is inconsistent with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- No provisions set out for public art component; and
- Insufficient Landscaping plans.

A summary of the submissions including the applicant's response on the objections can be viewed in **attachment 2**.

### **Consultation with other Agencies or Consultants**

#### Main Roads Western Australia (MRWA)

The application was referred to MRWA as the site abuts Southern Western Highway, which is a Primary Regional Road under the Metropolitan Region Scheme (MRS). MRWA raised no objections to the proposal and recommended conditions relating to removal of the existing vehicle crossovers on South Western Highway. MRWA also advised that that signage should be subject to a separate detailed development application as there were insufficient details. The conditions and advice notes proposed by MRWA have been included in the recommendation.

#### Department of Water and Environment Regulation (DWER)

The application was referred to DWER and no objections to the proposal were raised. DWER however recommended for the car park stormwater drainage system to be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2004). This has been reflected in the Officer recommendation.

### **Statutory Environment**

#### Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Metropolitan Region Scheme*;
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;(TPS2)*;
- *Environmental Protection (Noise) Regulations 1997*;

#### State Government Policies

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

#### Local Planning Framework

- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4);
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16);
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4);
- Local Planning Policy 4.15 - Bicycle Facilities (LPP4.15);
- Local Planning Policy 3.7 - George Street Design Guidelines;



- Local Planning Policy 3.8 - Byford Town Centre Built Form Guideline;
- Local Planning Policy 4.16 - Landscape and Vegetation;
- Local Planning Policy 24 - Design Out Crime;
- Local Planning Policy 1.8 - Cash-in-lieu for Parking
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;
- Draft Shire of Serpentine Jarrahdale Local Planning Strategy;
- Byford Townsite Detailed Area Plan;

### 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 (**attachment 3**). For the purpose of this report, discussion is confined to the areas of policy variation and objections resulting in the item being presented to Council and where Council is required to exercise discretion.

### Town Planning Scheme No. 2

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



The subject site lies within the Byford District Structure Plan (BDSP) and the Byford Town Centre Local Structure Plan (LSP) which provide the relevant land use permissibility and indicative zoning applicable to the site. Pursuant to the BDSP and the LSP, the subject site is identified as 'Highway Commercial'. Refer to Figures 5 and 6 below.

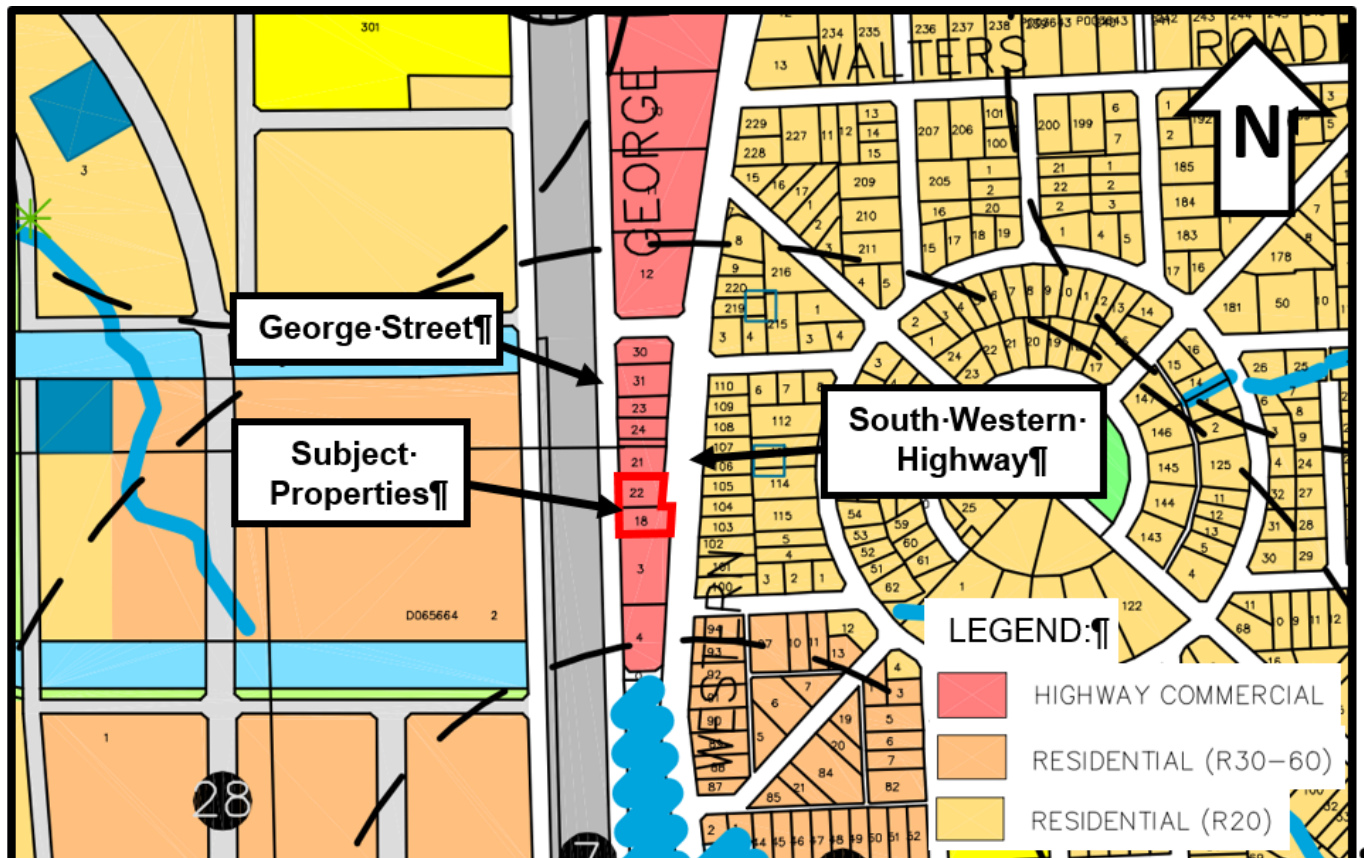
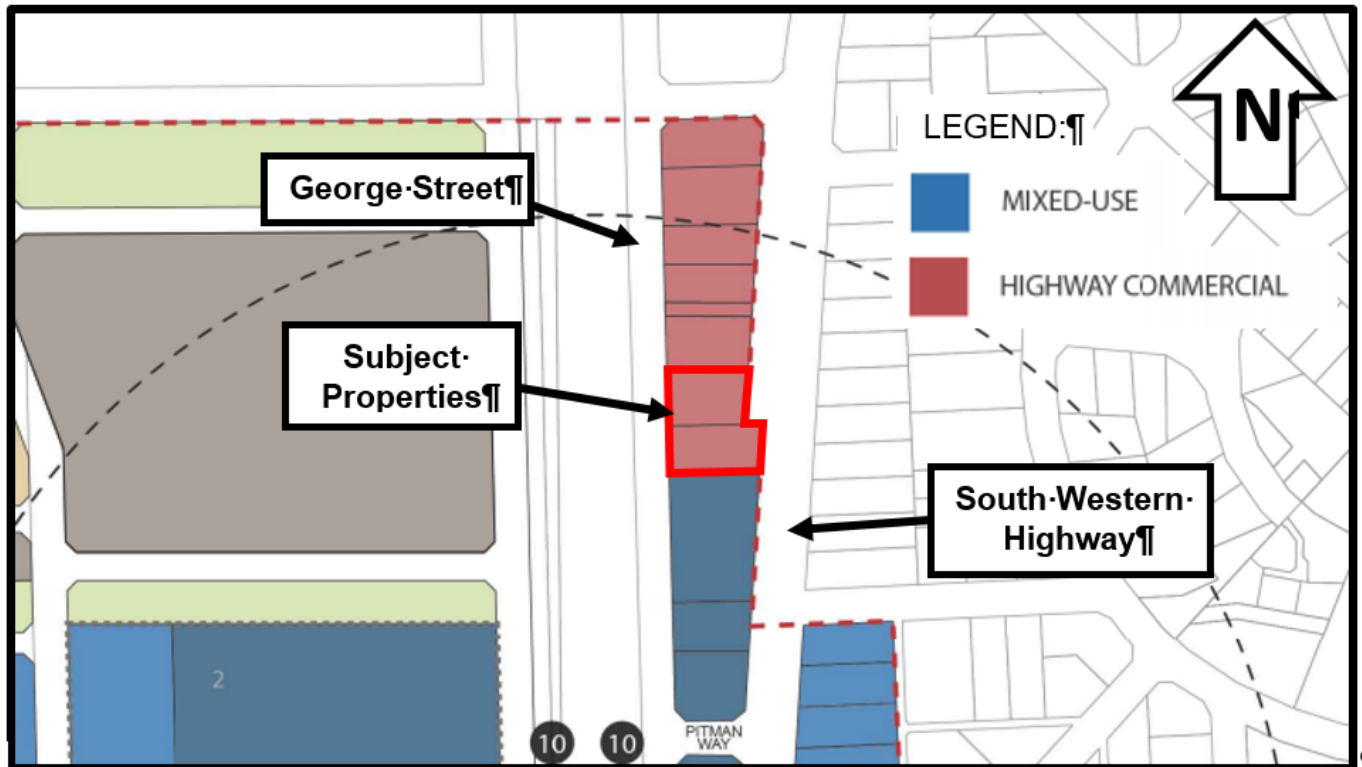


Figure 5: Byford Structure Plan





**Figure 6: Byford Town Centre Local Structure Plan**

Clause 5.23.1 of TPS2 states that the intent of the 'Highway Commercial' Zone is "to provide for a range of commercial development, including particularly bulk retailing and open air display, showrooms, bulky goods, offices, medical centres and consulting rooms which may not be suitable for an activity centre but be suitable for a highway frontage location"

The intent of the zone allows for a mixed range of land uses, particularly those that require larger buildings to facilitate the use. The proposed commercial development incorporates a range of commercial uses including private recreation and health studio. The land uses proposed are capable of approval within the 'Highway Commercial' zone, as designated under the Structure Plans, in accordance with TPS2.

#### Land Use Permissibility

The proposal falls within the two land use definitions of 'Health Studio' and 'Private Recreation' defined under TPS2 as follows:

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

**"Private Recreation** - means land used for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge".

Officers are satisfied that the proposed swim school and child play centre fall within the definition of 'Private Recreation' and the gym falls with the definition of 'Health Studio', as defined.





Under the Zoning Table of TPS2, 'Health Studio' and 'Private Recreation' land uses are 'AA' land uses in the 'Highway Commercial' zone, as designated under the BDSP and LSP.

### Orderly and Proper Planning

During the consultation period, concerns were raised regarding the consistency of the proposal with the planning framework. Officers consider that the proposal is consistent with most elements of orderly and proper planning, except as it pertains to car parking and visual design. These form the basis of the assessment following:

#### Draft Local Planning Scheme No.3 (consistent)

The subject site is located within the 'Mixed Use' zone under draft Local Planning Scheme No.3 (LPS3). The proposed land uses would both fall under the use class of "Recreation Private" which is defined as *"premises that are; (a) used for indoor or outdoor leisure, recreation or sport and (b) not usually open to the public without charge"*. Within the 'Mixed Use' zone, 'Recreation Private' is a discretionary ('D') land use and therefore capable of approval.

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

#### Byford Structure Plan (consistent)

The purpose of this Structure Plan is to provide a *"broad-district level planning framework for development"* which provides the basis for the subsequent preparation of Local Structure Plans.

The subject site is designated as 'Highway Commercial' under the Byford Structure Plan. As discussed above, the purpose of the 'Highway Commercial' zone is to *"provide for a range of commercial development, including particularly bulk retailing and open air display, showrooms, bulky goods, offices, medical centres and consulting rooms which may not be suitable for an activity centre but be suitable for a highway frontage location"*.

As previously stated, the proposed land uses are generally found in commercial areas and often sit alongside showroom land uses.

#### Draft Byford District Structure Plan (consistent)

The proposed new Byford District Structure Plan is currently undergoing public advertising. The subject site is identified within the 'Town Centre' zone where the proposed land uses would be permitted and therefore consistent.

#### Byford Town Centre Local Structure Plan (consistent)

The subject site is designated as 'Highway Commercial' under the Byford Town Centre Local Structure Plan (LSP). The land use provisions of the LSP relating to the Highway Commercial Precinct state the intended uses are; office (including home office); consulting rooms/medical suites; showrooms and drive thrus.

As previously stated, the land uses are capable of approval and considered compatible with the zone and designation under the LSP.



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**Byford Townsite Detailed Area Plan (DAP) (consistent)**

The subject site lies within Character Area H – Highway Commercial of the DAP with the intention of accommodating “showrooms, bulky goods, offices, medical centres, consulting rooms and the like”. The DAP also sets out the aspirations of the future built form of the character area to which the proposal is generally consistent with, these are discussed further under the Built Form section of the report.

**Car Parking (not consistent)**

Table V of TPS2 sets out parking requirements for specific land uses. The minimum number of car parking bays for a ‘Health Studio’ is one space per 15m<sup>2</sup> of floor area available for the public. Accordingly, as the ‘Health Studio’ has a floor area of 466m<sup>2</sup>, a minimum of 31 parking bays would need to be provided. The plans provided indicate 25 car parking bays on the upper floor where the ‘Health Studio’ is located. TPS2 does not include parking requirements for the land use of ‘Private Recreation’.

Parking requirements for non-residential uses within the Town Centre are also set out under section 1.20 of the Town Centre LSP which states that “*the minimum parking requirement for non-residential uses within the LSP is one bay for every 20m<sup>2</sup> gross leasable area (GLA), less any on-street parking adjoining the site*”. Accordingly, as the proposal comprises a GLA of approximately 1.725m<sup>2</sup>, a minimum of 87 parking bays would need to be provided. The plans provided indicate a total of 61 bays (36 on the lower floor and 25 on the upper floor) and as such the proposal has an overall shortfall of 26 bays. While there are undeveloped verge areas of George Street available nearby the development, they do not currently comprise any formalised parking and therefore do not provide for any reduction in the required parking for the development.

During the consultation period, concerns were raised regarding the overall shortfall of car parking bays. In that regard, the applicant provided the following justification to the shortfall in support of the proposal:

- *The different peak periods for the three tenancies (gym, swim school and children’s play centre) and the staggered lesson times for the swim school allows for reciprocal parking across the site and therefore alleviates demand on onsite car parking bays.*
- *The children’s play centre and swim school both occupy a substantial amount of the overall floor area relative to their occupancy and therefore it does not represent an accurate parking demand for such land uses, which are frequented by families utilising a single car.*
- *Upon reviewing the parking demand of the operation of other gym land uses, a study revealed that there is no statistically valid relationship between the peak parking demand and the gross floor area but rather a relationship between peak parking demand surrounding land uses and availability of public transport.*
- *The development is in close proximity to existing bus services within reasonable walking distance from the site, which operates along South Western Highway, and there are bus stops within a 300m distance of the subject site. It is also proximate to future passenger rail facilities which, consistent with adopted structure planning, are promoted for integration within the Byford Town Centre.*
- *The Traffic Impact Statement (TIS) **attachment 4** concluded that there is adequate public parking within close proximity of the subject site with 149 public parking bays within 500 metres of the subject site with minimal utilisation at peak times.*



The applicant also provided a traffic and parking demand study with the application, setting out a proposed parking and traffic demands study for the proposed development. This also included a detailed parking inventory and utilisation survey of the area within a 500m walking distance from the subject site. This aimed to justify that existing public parking supply and demand within the immediate locality could warrant consideration for a reduction in the required parking amount.

While noting that the applicant argues that there is available public parking opportunities within the surveyed parking area, the Shire's technical assessment does not arrive at this same conclusion.

The Shire's technical assessment, commensurate with the requirements of the Scheme and Policy, reflects the planning principle that parking demand generated by a development should be provided for on the site of the development. Officers have identified that particularly the Swim School and Children's Play Centre components, do not necessarily comprise consistent or well known peak operational times that assumptions of parking demand should be based on.

This reflects issues such as:

- target audiences varying across school and non-school age groups;
- the nature of school holidays and public holidays affecting demand;
- how weather may impact demand;
- how seasonal variations impact demand.

Officers consider that the magnitude of risk represented by the shortfall in parking, could have an unacceptable impact on local amenity by creating unsafe traffic and car-parking congestion in the town centre environment along George Street. This would be from parking occurring in an ad hoc manner along the unmade verge section of George Street near the development, and parking exceeding the available existing on street bays that are located south of the subject land.

Officers note that where a business operates from land adjacent to a street, it has been a general planning principle upheld by the SAT that parking bays provided for public use in that street may be counted as part of the planning requirement for the business if there is a relevant discretion in the planning scheme to vary on-site parking standards (Flipside Pty Ltd and City of South Perth [2014] WASAT 145 at [33]). While the Shire's Scheme does have such discretion to vary, there are no parking bays in that adjacent section of George Street that are considered accessible and available to this development, to justify a reduction.

In reviewing the parking inventory and utilisation survey of the area submitted as part of the application, officers noted that this analysed the 500m walking distance from the subject site to establish the existing public parking supply and demand within the immediate locality. The parking survey area was divided into two zones labelled A and B, as detailed in Figure 7 below.





**Figure 7 Parking Survey Area**

This undertook parking utilisation surveys on a weekday and a weekend, Monday between 4:00pm to 7:00pm and Saturday from 10:00am to 1:00pm. Officers do not consider this to be a representative time to establish peak demand of car parking in the town centre.

Setting aside this concern, a total of 149 public parking spaces were recorded in the survey area within a 500m walking distance, between the subject site and Abernethy Road. The overall peak parking demand was recorded between 11:00am to 12:00pm on a Saturday with 59 bays occupied and 90 bays available within comfortable walking distance. The report argued that the available free public parking opportunities within the surveyed parking area would compensate for the LSP car parking shortfall of 26 bays for the proposed development.



Officers do not recommend support of the applicant's suggestion that this parking provision justifies a reduction in shortfall of parking for this development. Officers raise concerns that:

- the bays are not in the street adjacent or reasonably nearby the development;
- the Shire's monitoring of the town centre environment reveals high amount of parking utilisation;
- it would be a risk to base the consideration of a parking shortfall on a development that may have uncertain or inconsistent peak demand periods;
- while some very limited use by private development of existing public car parking spaces might be acceptable, it is inconsistent with orderly and proper planning for a private development which is generating a new parking demand to monopolise otherwise available public car park spaces;
- there could be impacts on the commercial viability of nearby businesses as a result of utilising current on street bays.

Parking in the George Street precinct south of the subject land is congested at peak times, and it is important that a development's scale match adequately with the facilities needed to support patronage of that scale. This creates three options:

1. That the scale of the development be reduced;
2. That the amount of car parking on the site be increased;
3. That, consistent with Clause 7.9 of the Scheme and adopted Council Policy LPP1.8, a cash in lieu of parking arrangement be considered.

That the scale of the development be reduced

Officers believe that the scale and form of development is befitting of a prominent town centre location such as the site proposed. It would be a less optimal planning outcome to have the scale of the development reduced, as this would reduce its ability to command a visual presence of the space both as viewed from South Western Highway and George Street. This is not consistent with the planning framework for the town centre.

That the amount of car parking on the site be increased

While this could be considered, it strikes at a predominant design component of the development. Imposing a redesign to require 26 bays is not considered to be incidental to the proposal, and accordingly would warrant the proposal needing to be refused.



That, consistent with Clause 7.9 of the Scheme and adopted Council Policy LPP1.8, a cash in lieu of parking arrangement be considered.

Council has a clause in its Scheme that deals with opportunities to consider cash in lieu of parking arrangements. This states as follows:

**7.9 CASH PAYMENT IN LIEU OF PROVIDING A PARKING AREA**

The Council may accept a cash payment in lieu of the provision of a parking area provided:

- (a) the cash payment is not less than the estimated cost to the owner of providing and constructing the parking area required by the Scheme plus the value, as estimated by the Council, of that area of his land which would have been occupied by the parking area;
- (b) before the Council agrees to accept a cash payment, the Council must either have already provided a public car park nearby, or must have firm proposals for providing a public car park nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment; and,
- (c) any such payment shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in its district.

Local Planning Policy 1.8 (Cash-in-lieu for Parking), has been adopted by Council, to further help guide Council in the situations where cash in lieu may be agreed to. This provides the following policy purpose:

1. *Provide guidance for the application of the cash-in-lieu car parking provisions under Part 7.9 of Town Planning Scheme No. 2 (TPS2).*
2. *Provide for the equitable charging of cash-in-lieu contributions for on-site car parking spaces not provided for as part of developments.*
3. *Provide a formula where the cash-in-lieu provisions for car parking have been provided for in any planning application*

The policy then provides that:

*The Shire may require cash-in-lieu car parking for non-residential development where there is a shortfall in the car parking requirement or where it is satisfied that the provision of parking onsite, and/or associated vehicle access would be detrimental to the overall development and integrity of the area;*

This proposed development is considered to meet both thresholds. That is, there is a shortfall of 26 bays, and as mentioned above, requiring the car parking on site could detract from the development and overall integrity of the area.

Officers recommend a condition be imposed that addresses the parking shortfall by way of a cash in lieu payment, with such payment to fund construction of on-street parking bays within the adjacent nearby verge areas of George Street. In accordance with the Scheme, Council has previously established firm proposals for such on-street parking to be provided on George Street, consistent with Local Planning Policy 3.8 (George Street Design Guidelines). This states at clauses 2 and 3 of the policy:



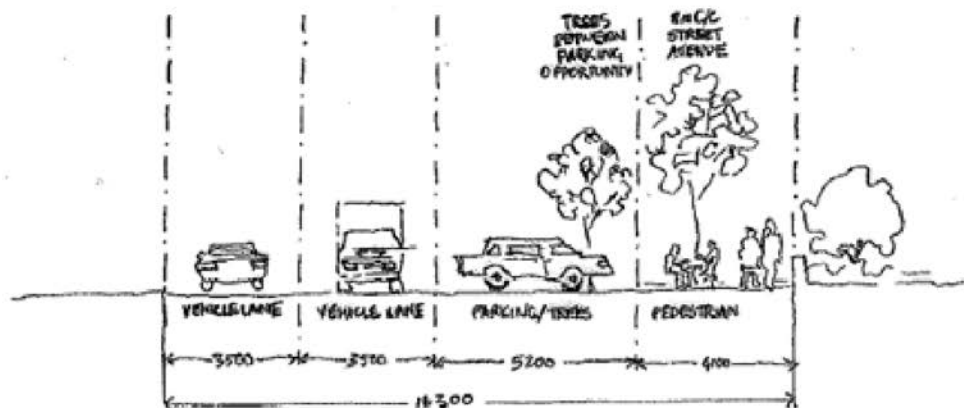


2. To maintain a consistent streetscape, the George Street road reserve between Pitman Way to Larsen Road should ensure continuity of the existing streetscape of the constructed portion of George Street.

3. Right angle parking and a 4.1m verge, paved to allow for pedestrian traffic, is to be provided on the eastern side of George Street.

The following image is contained in the policy:

Diagram 1: George Street – abutting Town Centre (retail core)



In accordance with the Scheme, the payment can then be used by the Shire to construct the 26 bays in the eastern verge of George Street, as per the adopted policy of Council. This will be required within 18 months of the development being agreed to. Full costs

Officers therefore recommend that, in accordance with Clause 7.9 and the Local Planning Policy, that a condition be imposed as follows:

*The applicant providing a cash in lieu payment to the Shire of Serpentine Jarrahdale, in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, equivalent to 26 car parking bays prior to issue of a Building Permit.*

This would enable the provision of additional adjacent public car parking bays, consistent with the Scheme and policy framework adopted by Council.

This will benefit in maintaining the integrity of the development, and meeting the broader planning objective for a well planned and serviced town centre. The parking would be designed and located within the George Street road reserve, and be constructed utilising the cash in lieu paid by the development. This would include footpath links to the development.



### Access, Traffic and Parking

Vehicle access to the subject site is proposed via two crossovers from George Street direct to the lower floor and upper floor carparks, as shown on Figure 3 above. The northern crossover will provide access for the first floor car park via a proposed ramp and the southern crossover will provide access to the ground floor car park.

Pedestrian and cycle paths are provided along both frontages, linking the subject site to the surrounding locality. The applicant provided information that there is an existing bus service within reasonable walking distance of the site. This operates along South Western Highway and there are bus stops within a 30m distance of the subject site. The nearest bus stop is accessible from the subject site via existing formal footpaths and pedestrian crossing facilities. The level of service of these facilities however do not reasonably justify reductions in car parking otherwise provided (see previous discussion).

The TIS assessed traffic generated by the proposed development and its potential impact on the overall performance of the surrounding local road network, which includes South Western Highway, George Street, Jessie Street and Clara Street. The volume of traffic likely to be generated by the proposal was estimated using trip generation rates from the ITE Trip Generation Manual (10th Edition) which provides peak hour trip rates and directional traffic split for different types of land uses. The TIS provided that, based on the category of the commercial development, the development is estimated to generate approximately 880 vehicular trips per regular weekday with about 32 trips during the typical weekday AM peak hour and 88 trips during the typical weekday PM peak hour.

The TIS states that traffic increase on George Street would be less than the critical threshold with the most pronounced traffic increases being 46 vehicles per hour (vph) on George Street (south of the development) and 13vph on George Street (north of the development) during the afternoon peak hour. This is within the capacity of an Access Road (up to 3000 vehicles per day) and therefore there would be no adverse traffic impact.

### Built Form

The Byford Town Centre Design Guidelines have been prepared as Local Planning Policy 3.8 – Byford Town Centre Built Form Guidelines (LPP3.8). The guidelines seek to facilitate and coordinate desired built form and development outcomes within the town centre. Under the guidelines, the subject site is located within the ‘Highway Commercial Precinct.’ The Table below provides an assessment of the policy requirements applicable to the proposal:

Provision	Policy Requirement	Proposal	Officer comment
Land use	The following land-uses are encouraged: Highway Commercial; Office (including home office); Consulting rooms/medical suites; Showrooms and Drive Through's.	The proposal for Health Studio and Private Recreational land uses can be considered within the 'Highway Commercial' zone. The policy encourages specific land uses however these are not requirements and	Compliant



## Ordinary Council Meeting Minutes Monday 20 July 2020

Provision	Policy Requirement	Proposal	Officer comment
		other land uses are not precluded from being able to be approved.	
Building Height	The preferred building height is 1-2 storeys.	The proposal comprises of a two storey building.	Compliant
Setbacks	A maximum setback of 5m to South Western Highway and not to be used as laydown or parking areas	Proposal is set back 5m from South Western Highway	Compliant.
Architectural character	Achieve a high standard of architectural design that responds innovatively to Byford's rural atmosphere whilst contributing to an attractive streetscape.	The northern and east elevations are considered too simplistic, commercial in nature and not reflecting the natural and built vernacular of Byford.	<p>The applicant has been given the opportunity to revise the built form with a specific design response to utilise recycled brick, contrast against tones of grey render for the concrete panel, and a grey stacked stone for the signage columns.</p> <p>The revised design of these elevations have improved, and subject to condition requiring some further minor adjustment, will be considered to achieve a high standard of architectural design for Byford and its rural character and atmosphere.</p>
Building articulation and materials.	<p>Provide built form of architectural quality and visual interest.</p> <p>Promote buildings of articulated design and massing with building façades that contribute to the character of the street and public domain.</p>	As discussed above, the built form is considered simplistic and not reflective of the character of Byford. Officers have recommended the inclusion of: vertical elements to provide for building depth and variation	The revised design of these elevations have improved, and subject to condition requiring some further minor adjustment, will be considered to achieve a high standard of architectural design for Byford and its rural



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Provision	Policy Requirement	Proposal	Officer comment
		<p>(i.e timber colonades and window frames);</p> <p>additional textures such as brick or stone reflective of the Shire's rural character;</p> <p>The use of face brick, coupled with colour tone adjustments of dark to light greys.</p>	character and atmosphere.
Building Orientation	<p>Ensure that buildings make a positive contribution to the streetscape and public areas.</p> <p>Design and plan street edges to enhance the public domain and promote pedestrian movement.</p>	The building is primarily oriented towards George Street.	Compliant
Landscaping	<p>Retain and protect existing remnant vegetation to achieve a strong sense of place.</p> <p>Provision of landscaped areas, which compliment the surrounding Developments.</p>	Officers are concerned that the proposed Landscape Plan does not address how the trees to be removed have been adequately replaced.	Officers have recommended an updated Landscape plan by way of a condition.
Crime prevention	Create an environment which is safe and secure for residents and visitors. Provide for surveillance (actual and perceived) between individual developments and the public domain and minimise opportunities for concealment and entrapment	Officers are satisfied that the proposal has been designed with active frontages and open spaces to facilitate the passive surveillance of the building on both George Street and South Western Highway frontages including the internal car park. The pathway from South Western Highway leads	Compliant



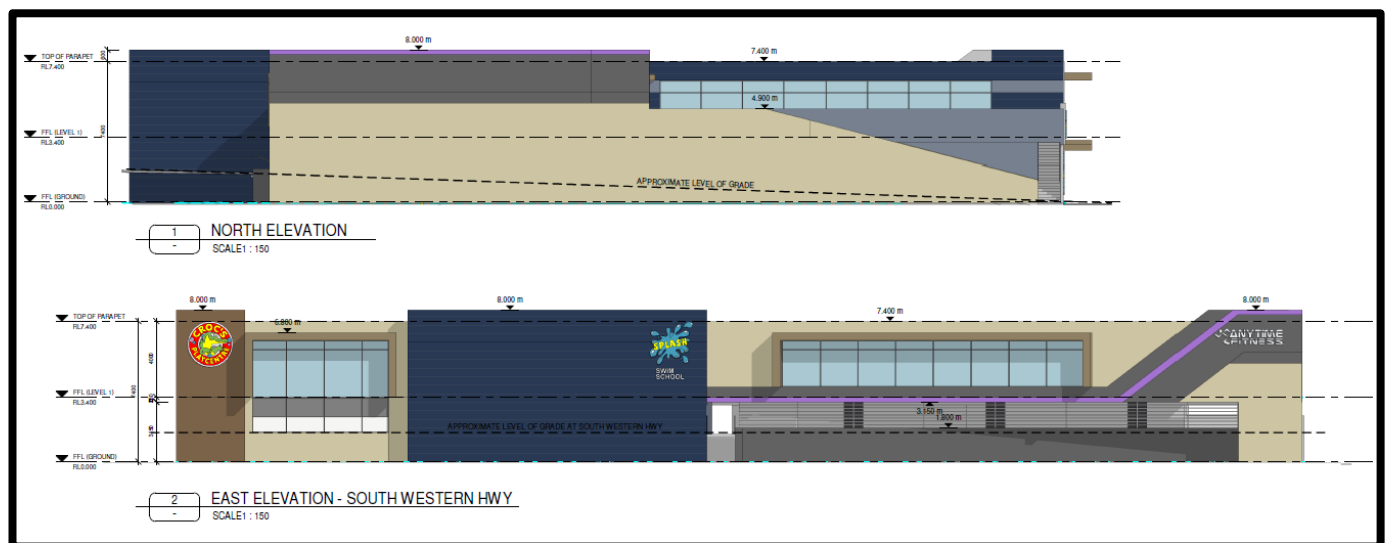
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Provision	Policy Requirement	Proposal	Officer comment
		upstairs to the second storey.	
Parking + Access	<p>All developments should have access from George Street to spread the traffic load.</p> <p>No vehicle access to or from South Western Highway will be permitted other than that shown on the existing South Western Highway Vehicle Access Strategy.</p> <p>On-site car parking spaces shall be provided for all new developments at the rates set out in the Byford Town Centre LSP</p>	<p>Vehicle access to the subject site is proposed via two crossovers from George Street direct to the lower floor and upper floor carparks.</p> <p>No vehicle access is proposed from South Western Highway</p> <p>A minimum of 87 parking bays would need to be provided. The proposal has an overall shortfall of 26 bays.</p>	<p>Compliant</p> <p>Compliant</p> <p>Not compliant. Officers recommend a condition to require the applicant to pay cash in lieu, and for the Shire to build onstreet bays consistent with its committed plans under Local Planning Policy 3.8.</p>
Signage	Provision of signage which is informative and contributes positively to the overall streetscape and is not excessive or obtrusive.	The development proposes a number of wall signs as shown on the elevations. The applicant has not provided any detailed drawings of the signage.	Officers have recommended a condition requiring a signage strategy to be submitted to the Shire to ensure compliance with the relevant policies.
Visual and acoustic privacy	Design and site buildings to minimise noise impact.	The applicant has not provided information to determine noise levels emitted by the development.	Officers have recommended a condition requiring a noise assessment to be provided and all recommendations of the assessment be implemented, to



Provision	Policy Requirement	Proposal	Officer comment
			ensure compliance with the policies.
Weather Protection	Provide weather shelter where buildings abut a street sidewalk to encourage pedestrian amenity.	The development proposes an awning over the George Street verge.	Compliant
Stormwater management	Ensure the implementation of best practice stormwater management principles.	The application did not include a stormwater management plan.	Officers have recommended a condition requiring an Urban Water Management Plan demonstrating how the stormwater would be managed.

As previously mentioned, Officers were concerned that the original design of the proposal, specifically the north and east elevations, were too simplistic and did not reflect the rural character of the Shire or the desired character of the town centre. Below are the first set of elevations, as viewed from the north and from the east (South Western Highway):



**Figure 8: Proposed North & East Elevations**





The applicant has provided updated elevations as follows:

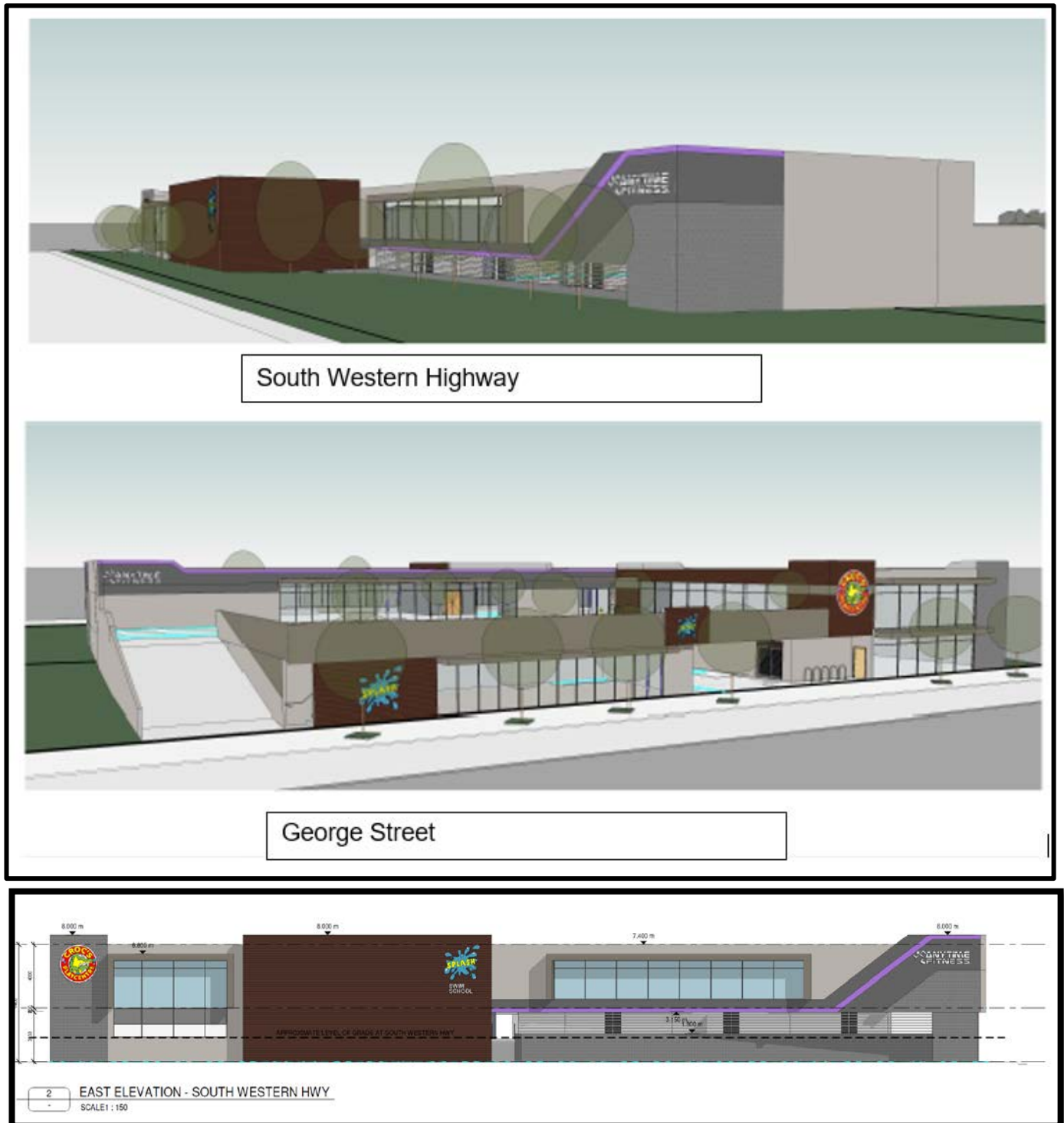


Figure 9: Updated Elevations



The use of colours and materials on these elevations are provided as follows:



In reviewing these, there is a general acceptance that they are commensurate with the rural and natural character of Byford. Officers do recommend however, that the addition of recycled facebrick trim or further natural timbers around the window features fronting South Western Highway would assist in further grounding the development to its context. This would include a further material selection, and is conditioned in the officer recommendation.

The scale and setbacks of the building are otherwise considered consistent with the surrounding buildings and requirements of the planning framework.



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**Local Planning Policy 1.6 - (LPP 1.6) – Public Art For Major Developments**

The objective of LPP1.6 is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

During the consultation period, concerns were raised regarding a public art feature not forming part of the proposed development. If the application were to be approved, a contribution towards public art is considered capable of being dealt with by way of a condition, consistent with the policy requirements. The Officer recommendation includes a condition of approval for the provision of or contribution towards public art.

**Local Planning Policy - 4.16 (LPP1.16) - Landscape and Vegetation**

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

The site contains mature vegetation. The proposal includes removal of vegetation on site to facilitate the development of the commercial building. The applicant provided a Landscape and Vegetation Management Plan with the application. The landscaping plan shows areas of revegetation to offset the vegetation that will be lost. Officers have concerns in relation to the current on site vegetation, and the future landscaping proposed, and how this is to tie together to retain as many established vegetation as possible. Officers recommend the inclusion of a condition requiring an amended Landscape plan to ensure that lost vegetation is adequately replaced. The landscape plan would be required to incorporate Water Sensitive Urban Design (WSUD) principles and take into account the George Street Design Guidelines. It is considered that an updated Landscape Plan would address the concerns within the submission.

**Local Planning Policy 2.4 (LPP2.4) - Water Sensitive Design**

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

The application did not include a stormwater management plan, as raised as a matter of concern during the consultation period. An Urban Water Management Plan will be required demonstrating how the stormwater incident to the site is managed shall be provided prior to commencement of works. This will be included as a condition of approval. The car park stormwater drainage system to be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2004).



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

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

A total of nine bicycle racks (18 bicycle spaces) have been provided for the patrons of the development. The bicycle storage areas are located adjacent to the fitness centre on level 1 and adjacent to child play centre on the ground floor. Based on the policy provisions, 43 bicycles spaces would need to be provided. During the consultation period, concerns were raised regarding the inadequate bicycle spaces. The applicant has provided information that the nature of the proposal is that the location and uses are largely car dominated due to the location with the Byford Town Centre, and the swim school and play centre being child dominated. Officers have considered that car driven children would form the main patrons of the swimming school children centre and were therefore satisfied the proposed spaces adequately cater for the proposal. This informs why officers have recommended conditions to address the critical car parking shortfall, rather than focus on the shortfall of bicycle parking provision.

#### Local Planning Policy 24 (LPP24) - Designing Out Crime

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

The application has been assessed against the micro levels of design consideration, of which focuses on built form and schedule of materials were considered to be relevant. During the consultation period concerns were raised regarding passive surveillance of the car park area, surveillance of the streets and visual interaction.

Officers are satisfied that the proposal has been designed with active frontages and open spaces to facilitate the passive surveillance of the building on both George Street and South Western Highway frontages including the internal car park. Pedestrians currently access the subject site via existing pedestrian footpaths along South Western Highway.

The applicant has provided information that lighting for the centre will be adequately provided, with the gym operating 24/7 ensuring a consent level of surveillance. It is therefore considered that the application complies with the provisions of the policy. Pedestrian and cycling paths are provided along both frontages, linking the subject site to the surrounding locality.

#### Local Planning Policy 4.11 (LPP4.11) - Advertising

Local Planning Policy LPP 4.11 – Advertising sets out development standards and requirements for advertisements. The plans as submitted have identified nominal wall signage for three tenancies integrated into the façade of the development. No detailed drawings of the signage were provided with the application.

If the application is approved, a signage strategy will be required to be prepared and approved prior to operation of the site detailing the signage for the tenancies to ensure compliance with the policy and recommendations made by MRWA. It is worth noting that wall signs do not require development approval under the policy if they are compliant with the requirements of that planning policy.



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### State Planning Policy 3.7 - Planning in Bushfire Prone Areas

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

Pursuant to the provisions of SPP3.7, the application included a Bushfire Management Plan (BMP) for the subject site prepared by Fire Protection Association Australia. The BMP indicated the development would have a Bushfire Attack Level (BAL) of BAL-29, which is consistent with the requirements of SPP3.7. During the consultation period, concerns were raised regarding the potential risk as the majority of the site is located within Bushfire prone area. Shire Officers are satisfied that the BMP adequately addresses the requirements of SPP3.7.

### Amenity

The proposed development comprises of three tenancies (gym, swim school and children's play centre) and is likely to generate noise potentially impacting the adjoining residential property and residential premises to the east of the development. In that regard, Officers have recommended that the applicant carry out an Environmental and Transport Noise assessment as a baseline to the following outcomes:

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

The recommendations of the Environmental and Transport Noise assessment would be required to be detailed within a Noise Management Plan. Officers have recommended a condition in this regard to ensure that the development would comply with the assigned noise levels under Regulation 7 of the *Environmental Protection (Noise) Regulations 1997*.

### Existing Child Play Centres

During the consultation period, concerns were raised regarding the increasing number of Child Play Centres in the locality. Within the planning framework, competition between individual trade competitors is not a town planning consideration, as determined in the *High Court in KFC vs Gantidis*. The *Trade Practices Act 1974* (Cth) is one of the appropriate vehicles for regulating economic competition. Matters of competition are to be resolved through market forces. The only exception to this may be where as a result of a proposal; the community is afforded a lesser level of access to commercial and community services and facilities, which is not the case in this instance. What is a relevant planning consideration is protecting amenity, having regard to the primary purpose for which the land is zoned, the orderly and proper planning of the zone, and the preservation of both current and the amenity of the neighbourhood. Furthermore, the Shire does not have the ability to consider this factor when assessing development applications under the *Planning and Development (Local Planning Schemes) Regulations 2015*.





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## Options and Implications

### Option 1

That Council APPROVES the application subject to appropriate conditions.

### Option 2

That Council REFUSES the application providing appropriate reasons.

Option 1 is recommended.

## Conclusion

The application seeks approval for a two storey commercial building comprising of a 'Health Studio', Swim School and Child Play Centre. It is considered that the proposal is acceptable provided appropriate conditions are imposed that:

- Minor improvement in appearance of the proposal to reflect a relevant rural Byford architectural character, through attention to the window trims facing South Western Highway;
- Parking shortfall is addressed by way of cash in lieu payment and subsequent construction;
- Revised landscaping plans.

Overall, the proposed development will increase the range of local services and provide employment opportunities for the local community that will assist to support the population growth within the Shire. Notwithstanding the objections received, the proposal is considered to meet the objectives and intent of the zone and Structure Plans. As such, for the reasons outlined in the report it is recommended that Council approve the application subject to conditions

## Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Development Plans - (IN20/13247)
- **10.1.5 - attachment 2** - Summary of Submissions (E20/7389)
- **10.1.5 - attachment 3** - Technical Assessment (E20/7392)
- **10.1.5 - attachment 4** - Traffic Impact Statement (IN20/13245)
- **10.1.5 - attachment 5** - Bushfire Management Plan (E20/6851)

## Alignment with our Strategic Community Plan

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

## Financial Implications

Nil



### Risk Implications

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 decision is appealed to the SAT.	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

### Risk Matrix

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

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



The Chief Executive Officer, Mr Martin advised the Presiding Member, Councillor Rich and Councillors that there was a typographical error in No. 2 of the Officer Recommendation and the word should be facebrick, not facebook, which has been corrected on the version shown.

**Voting Requirements:** Simple Majority

**OCM209/07/20**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Strange, seconded Cr Coales**

That Council **APPROVES** the development application for the construction of a commercial building comprising of a 'Health Studio', Child Play Centre and Swim School as contained within attachment 1 at Lots 18 & 22, (813 & 815) South Western Highway, Byford subject to the following conditions:

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

<b>Plans and Specifications</b>	<b>Plans P1 – P7 received at the Shire Offices on 27 March 2020</b> <b>Traffic Impact Statement prepared by Transcore and dated 7 February 2020</b> <b>Bushfire Management Plan prepared by Fire Protection Association Australia and dated 24 March 2020</b>
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2. Prior to the issue of a Building Permit, revised elevation and development plans being submitted to and approved by the Shire of Serpentine Jarrahdale. These revised plans are to demonstrate the addition of either recycled facebrick or natural timbers to the windows trim facing South Western Highway, reflective of the Shire's rural character.
3. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.
4. Prior to the commencement of works, the landowner/applicant must contribute towards development contribution infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2.
5. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the amendment (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
6. Prior to occupation of the development, all vehicle parking areas (both on and offsite), accessways and crossovers shall be designed, constructed, sealed, kerbed, drained, linemarked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale. A suitable legal agreement being prepared to be prepared at the Applicants cost, to the satisfaction of the Shire.
7. Prior to operation, an updated Landscape and Vegetation Management Plan, showing all areas of retained vegetation, additional planting including all car parking areas,



access roads and road verges shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Vegetation Management Plan shall be implemented in its entirety and maintained thereafter.

8. Prior to issuing of a Building Permit, an Urban Water Management Plan (UWMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the UWMP shall be implemented and maintained thereafter. The Plan shall be prepared in accordance with the Byford Town Centre Local Water Management Strategy and Local Planning Policy 2.4 – Water Sensitive Design.
9. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
10. Prior to occupation, a Waste Management Plan must be prepared and submitted to the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the following:
  - a. The location of bin storage areas and bin collection areas;
  - b. The number, volume and type of waste to be placed in the bins;
  - c. Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - d. Frequency of bin collections.

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

11. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved lighting plan shall be implemented and maintained thereafter.
12. Prior to operation, an Environmental and Transport Noise Assessment, incorporating field noise measurements, shall be submitted to and approved by the Shire. Recommendations resulting from the Environmental and Transport Noise Assessment shall be incorporated within a Noise Management Plan to the satisfaction of the Shire and implemented/adhered to in its entirety.
13. Prior to occupation, the redundant crossovers on South Western Highway shall be removed and the verge reinstated at the applicant's cost to the satisfaction of the Shire.
14. The applicant providing a cash in lieu payment to the Shire of Serpentine Jarrahdale, in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, equivalent to 26 car parking bays, prior to issue of a Building Permit.

#### **ADVICE NOTES**

1. Prior to commencement of works, a demolition licence for the removal of the existing dwellings and all structures is to be obtained from the Shire of Serpentine Jarrahdale.

**CARRIED UNANIMOUSLY 8/0**



<b>10.1.6 - Adoption of updated Byford Development Contribution Plan (DCP5) (SJ1842)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	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.
Legislative	Includes adopting local laws, local planning schemes and policies.

**Report Purpose**

The purpose of this report is for Council to approve the Byford Traditional Infrastructure Contribution Plan Report No. 5, in accordance with the updated Notice of Delegation.

**Relevant Previous Decisions of Council**

Final Approval of Byford Traditional Infrastructure Development Contribution Plan No. 1 (SJ612-03) adopted by Council 9 December 2013:

<b>OCM094/12/13</b>	<b>COUNCIL DECISION / Officer Recommendation:</b>
<i>That Council:</i>	
<ol style="list-style-type: none"><li><i>Note the Schedule of Submissions and endorse the officer comments contained in attachment OCM094.2/12/13.</i></li><li><i>Adopt the Byford Traditional Infrastructure Development Contribution Plan Report No 1 contained in OCM094.1/12/13.</i></li><li><i>Note that, following gazettal of Amendment 168 to Town Planning Scheme No 2, the adoption of the Development Contribution Plan Report No 1 formally brings into operation the Byford Traditional Infrastructure Development Contribution Plan.</i></li></ol>	

**Background**

The amendment to include the Byford Traditional Infrastructure Development Contribution Plan (DCP) within the Town Planning Scheme No. 2 (TPS2) was initiated in 2005. This initiation allowed the Western Australian

Planning Commission (WAPC) to place the obligation to pay a DCP contribution on subdivision approvals. This obligation was secured through Interim Development Deeds, that required the subdivider to provide security in the form of cash, bank guarantee or security over land.

On 21 January 2014, the Shire's first DCP coinciding with Development Contribution Area No. 1 (Byford Traditional Infrastructure) was gazetted. The gazettal of Amendment 168 inserted the





Byford DCP into TPS2 as Appendix 16A mandated the DCP. It also established the area known as DCA 1 over which the DCP operates.

Following the gazettal of the DCP, Council was required to adopt a DCP Report (and cost apportionment schedule) within 90 days (as per State Planning Policy No. 3.6 s.6.3.10). Council adopted the DCP Report No.1 on 9 December 2013 (OCM09/12/13).

The DCP Report and the associated cost apportionment schedule sets out in detail the calculation base of the cost contribution for each owner, in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost apportionment and contribution liability. This is due to such costs, like land and infrastructure construction costs, always being subject to change. The previous reviews took place as indicated below:

- DCP Report No.1 enabled the contribution liability for each development to be calculated as at 21 January 2014.
- DCP Report No.2 enabled the contribution liability for each development to be calculated as at 30 June 2014.
- DCP Report No.3 enabled the contribution liability for each development to be calculated as at 30 June 2015. DCP Report No.3 was endorsed by Council for final adoption and has been in operation since June 2016.
- DCP Report No. 4 enabled the contribution liability for each development to be calculated as at 6 July 2017.

Appendix 16A of TPS2 under the heading of “Review Process” also requires that “The development contribution plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing, but not exceeding a period of 5 years.” The next Byford Development Contribution Plan Report No. 6 (Amendment 208) will be this five-year full review.

Throughout 2019-2020 the Shire has undertaken a full reconciliation of the Byford DCP progress to ensure that all contributions, credits and other payments have been accurately recorded with supporting audit trail. This reconciliation ensures that the information on which adjustments in DCP5 are based, provides an accurate reflection of the outstanding costs of infrastructure and land. Items in DCP5 are accurate and up to date as at March 2020 (**attachment 1**).

Once this annual update is approved and adopted by Council, DCP5 will be in place until it is superseded by the gazettal of Amendment 208 to the Town Planning Scheme (and accompanying DCP6), or until the next annual (minor) review is due – whichever occurs first.

### **Community / Stakeholder Consultation**

There is no statutory obligation for the Shire to advertise or seek comment on the review of a DCP report.

The DCP “...where the costing and details of the DCP Report are:

- *revised based on accounting for completed works;*
- *revised based on construction cost increases/decreases;*
- *revised based on land value increases/decreases; and*
- *revised based on revisions to the anticipated undeveloped lot yield; and*



- *not subject to other material change.*

*The revised DCP Report may not be advertised for public comment, but will remain available for public inspection. All landowners with current subdivision approvals will be automatically advised of each revision of the DCP Report. The Byford Industry Reference Group (BIRG), comprising all major landowners, will be consulted as part of its regular agenda."*

This revision number 5 seeks only to update those items listed above and therefore is not required to be advertised prior to adoption. Officers recommend that the DCP5 be published on the Shire website in order to provide the required notification to subdividing landowners and will continue regular discussions with the Byford Industry Reference Group which comprises the major landowners and representatives from the Department of Planning, Lands and Heritage.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- *State Planning Policy 3.6 Development Contributions for Infrastructure (SPP 3.6)*

### Local Planning Framework

- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2*

## **Options and Implications**

### Option1

That Council APPROVES the Byford Traditional Infrastructure Development Contribution Plan Report 5 as contained in **attachment 1** and supports publication of the DCP5 on the Shire website.

### Option 2

That Council does not APPROVE the Byford Traditional Infrastructure Development Contribution Plan Report 5.

Option 1 is recommended.

## **Conclusion**

The Byford Traditional Infrastructure Contribution Plan Report No.5 has been updated to reflect the necessary changes to account for the submissions previously received, development progress and cost adjustments during the preceding financial periods. The report is presented to Council for consideration for adoption. If approved, DCP5 will immediately succeed DCP4 as the operative DCP for development contribution area 1 (DCA1)

### **Attachments (available under separate cover)**

- **10.1.6 - attachment 1** – DCP5 as revised June 2020 (E20/7225)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

The modifications to DCP5 will reduce the amount of contributions payable per lot, as based on the current Development Contribution Area and remaining infrastructure as identified in Amendment 168, which was gazetted in 2014. This is due to reduced land and construction cost amounts.

Amendment 208 is currently being advertised, and includes provisions for additional infrastructure and associated contribution amounts.

Pending gazettal of the new Amendment, contributions and credits are collected/issued as per the DCP version in operation at the time the DCP liability is triggered (subdivision clearance or request for building permit), with any additional amounts due under Amendment 208 to be paid by the developer upon gazettal of the amendment (secured via a deed of agreement).

**Risk Implications**

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
DCP5 as currently revised is not adopted	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 5 Catastrophic - More than \$2M	Accept Officer Recommendation



### Risk Matrix

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

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

**Voting Requirements:** Simple Majority

**OCM210/07/20**

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Dagostino

That Council **APPROVES** the Byford Traditional Infrastructure Development Contribution Plan Report 5 in accordance with attachment 1 for adoption and is published on the Shire website.

**CARRIED 7/1**

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

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

*Councillor Coales voted AGAINST the motion.*



<b>10.1.7 - Proposed Byford Area D Structure Plan - Lot 57, 58 &amp; 70 Briggs Road and Lots 53, 81, 100 &amp; 105 Larsen Road, Byford (PA19/1223)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

Rowe Group Design

Owner:

Multiple Land owners – Ian Noel Walton & Christine Barbara Walton, Daryl Lionel Smirk, Zia Jafar, Kaycee Tatum Forbes & Graeme Peter Wilton, James Abraham Achamma & Abraham James, George Tafti, William George Cullen & Henrietta Elizabeth Rose Cullen, Akbar Saberi & Mahfarid Mohebpour, Shauna Annette Robinson, Adrian Robert Rodway & Karlie Leigh Chr Snelgar, Elena Tobia & Bortolino Tobia, Trevor Tobia, Amandeep Singh, Kim William Hicks & Mandy Maria Hicks

Date of Receipt:

26 November 2019

Lot Area:

16.7ha

Town Planning Scheme No 2 Zoning:

Rural Living A &amp; Urban Development

Draft Local Planning Scheme No.3

Rural Residential RR-1 &amp; Urban Development

Metropolitan Region Scheme Zoning:

Urban &amp; Urban Deferred

**Report Purpose**

The purpose of this report is for Council to make a recommendation to the Western Australian Planning Commission (WAPC) on whether the proposed Local Structure Plan (LSP) for Lot 57, 58 & 70 Briggs Road and Lots 53, 81, 100 & 105 Larsen Road, Byford should be approved following public advertising. Council is also requested to make a recommendation on proposed modifications to the proposed LSP, recommended as part of the officer assessment.





## Relevant Previous Decisions of Council

*Ordinary Council Meeting – 17 December 2018 – extract*

*OCM147/12/18 COUNCIL RESOLUTION / Amended Officer Recommendation:*

*That Council:*

- 1. Pursuant to Schedule 2, Part 4, Clause 17 of the Planning and Development (Local Planning Schemes) Regulations 2015 deems the Byford District Structure Plan 2018 to be compliant with clause 16(1) and deems it satisfactory for advertising in terms of clause 18 of the Regulations.*
- 2. Pursuant to Part 5, Division 2, Clause 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 deems Scheme Amendment 208 to be a Complex scheme amendment in terms of clause 35(1) and deems it satisfactory for advertising.*
- 3. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended) and regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed to advertise Scheme Amendment 208 Byford Development Contribution Scheme to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.*
- 4. Requests that the Western Australian Planning Commission allow the Byford District Structure Plan 2018 to be advertised for a period exceeding the maximum prescribed, to allow it to be advertised alongside Scheme Amendment 208.*
- 5. Adopt the Draft Byford Development Contribution Plan No. 5 as per in attachment OCM147.4/12/18 for the purposes of advertising for a period of 30 days and presented back to Council for the Ordinary Council Meeting in February 2019.*

The Draft Byford District Structure Plan outlined the specific subject area as Byford Area D, under the concept plan.

## Background

The proposed LSP provides for the urban development of Area D, situated on the corner of Briggs Road and Larsen Road, Byford. The LSP provides the initial planning framework for the structure and guidance of the future urban residential development within Byford. Following a preliminary assessment in accordance with the planning framework, the LSP as contained in **attachment 1**, was publicly advertised.

The proposed LSP covers approximately 16.7 hectares of land and is estimated to have a 156-lot potential, with the major land uses being residential. The proposed LSP will facilitate future subdivision creating urban style lots ranging from Rural Living A (4,000sqm) interfacing Larsen Road to R60 (terrace housing) interfacing Indigo Parkway and a public open space. The proposed development of this site, bounded by Briggs Road to the west, Larsen Road to the south and Thomas Road to the north, represents a part of the greater Byford District Structure Plan area.

The framework facilitates the subdivision and development of land for residential and rural residential land uses in a manner that interacts appropriately with the developing Byford surrounds.

Officers have emphasised the importance of transition, diversity and appropriateness of lot size graduation and creating lots that will be developable into the future, as well as keeping in line with the Shire's strategic framework of the Byford District Structure Plan. This has resulted in an identified set of modifications, that relate to road structure and density allocation changes, in order to achieve acceptable transition and importantly protect the interface to Byford Trotting Complex.



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## **Community / Stakeholder Consultation**

### Public Advertising

The proposed LSP was publicly advertised for 28 days between 5 March 2020 and 2 April 2020. The Shire received 24 submissions on the proposed LSP, comprised of 13 from government agencies and 11 from nearby landowners. All submissions from Government Agencies had no objections to the proposed LSP. The submission from Department of Water and Environmental Regulation (DWER), provided advice on the Local water Management Strategy outlining that the modelling from the District Water Management Strategy should be demonstrated throughout the LSP. This is due to the District Water Management Strategy, a previously completed study, taking into consideration the LSP area. The Department of Fire and Emergency Services (DFES) outlined that it be the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary.

A number of nearby landowners were in objection to the LSP, the key themes from these submissions are outlined below. The Schedule of Submissions is contained within **attachment 2**. Part 4 Schedule 2 Clause 18 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) outlines the local government requirements to consider submissions and allows the local government to request further information from the proponent of the proposed LSP.

### Land Owners

A range of submissions were in objection to the LSP, in relation to the following issues:

- Internal road is proposed to be backing on to the Rural Living A blocks fronting Larsen Road creating privacy and security issues for already established lots.
- Increased traffic it will cause to the existing Rural Living A zoned area.
- The high density housing proposed within the LSP.
- Concerns that density may ruin the rural character of the area.
- Movements and restrictions proposed by Main Roads with adjacent structure plan areas/subdivisions.
- Design of future roundabout at San Simeon Boulevard and Indigo Parkway.

A number of modifications have been recommended to the LSP in response to the submissions and the full technical assessment completed by officers. These modifications seek to address the concerns raised by the objections. Importantly, the strategic extent of this land does represent a natural completion of the development that has occurred, and the need to manage connectivity and integration is important in this regard. The modifications arising from submissions are considered to further enhance the Proposed Structure Plan, and the relevant strategic considerations it is seeking to respond to.



## **Statutory Environment**

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

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

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

## Legislation

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

## State Government Policies

- Metropolitan Region Scheme
- Perth and Peel @ 3.5 Million
- South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy 2.5 – Rural Planning (SPP 2.5)
- State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0)
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)
- State Planning Policy 5.4 – Road and Rail Transport Noise (SPP 5.4)
- Government Sewerage Policy

## Local Planning Framework

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



## Planning Assessment

### Proposed Development

This Structure Plan applies to Lot 57, 58 & 70 Briggs Road and Lots 53, 81, 100 & 105 Larsen Road, Byford. The indicative subdivision and development layout, which has been prepared as a part of the LSP, identified a yield of approximately 163 dwellings comprising of a mix of residential densities. The mix comprises of Urban residential of R5 – R12 and R20 – R60 and Rural Living A zoning as the existing lots fronting Larsen Road. The LSP proposes the following:

- Residential lots with density codes ranging from R5 – R12.5
- Residential lots with density codes ranging from R20 – R60
- Continuation of the Oakland Main Drain Multiple Use Corridor
- Extension of San Simeon Boulevard
- Public Open Space
- Land use permissibility:

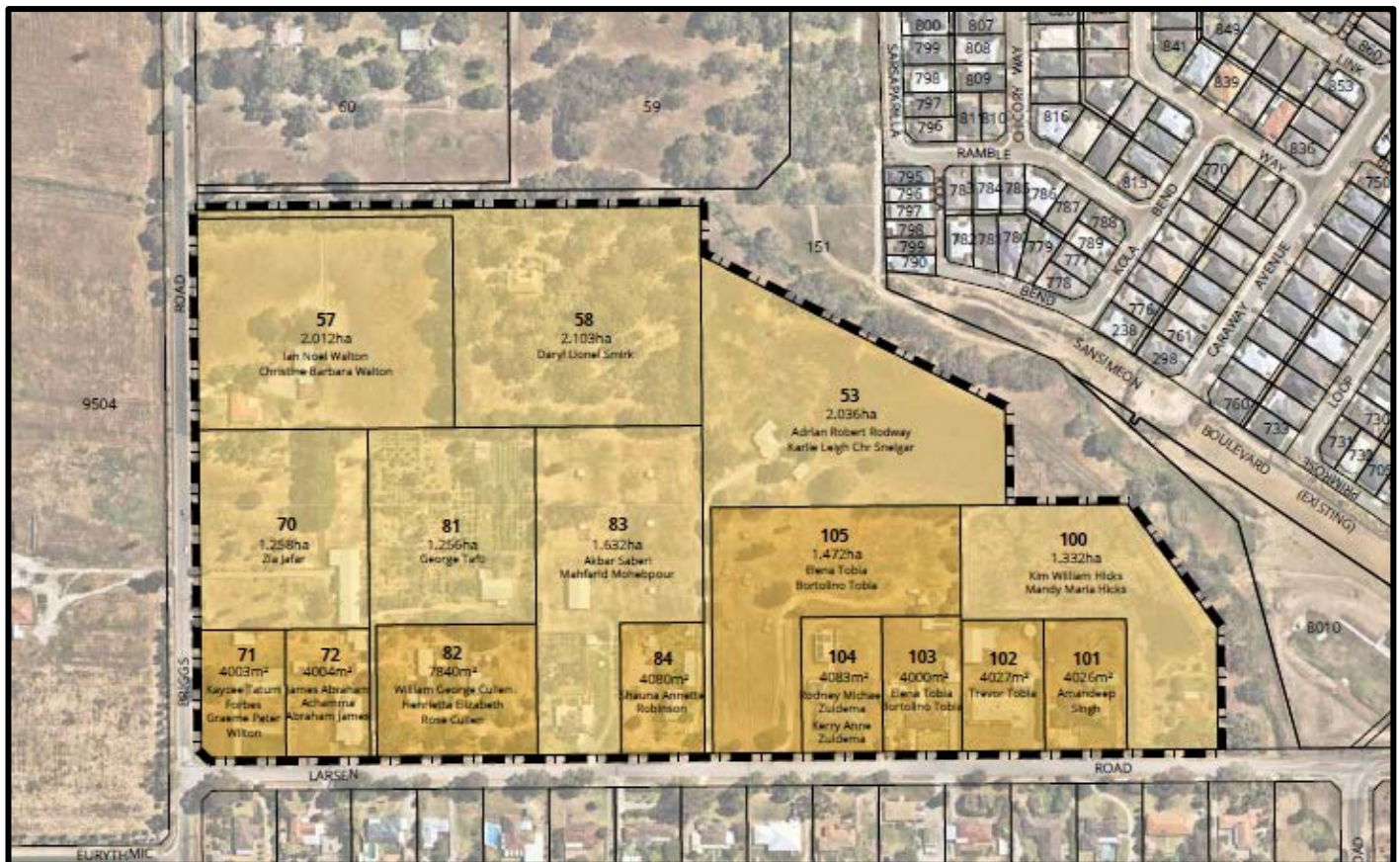
<b>Residential</b>	<b>Rural Living A (Rural Residential RR1)</b>
<b>P use</b> <ul style="list-style-type: none"><li>- Ancillary dwelling</li><li>- Grouped Dwelling</li><li>- Home business</li><li>- Home occupation</li><li>- Home office</li><li>- Single house</li></ul>	<b>P use</b> <ul style="list-style-type: none"><li>- Ancillary dwelling</li><li>- Home business</li><li>- Home occupation</li><li>- Home office</li><li>- Single house</li></ul>
<b>D use</b> <ul style="list-style-type: none"><li>- Display home/ land sales office</li><li>- Family day care</li><li>- Multiple dwelling</li><li>- Residential building</li></ul>	<b>D use</b> <ul style="list-style-type: none"><li>- Family day care</li><li>- Industry – cottage</li><li>- Rural pursuits/ hobby farm</li></ul>
<b>A use</b> <ul style="list-style-type: none"><li>- Bed and breakfast</li><li>- Child care premises</li><li>- Civic use</li><li>- Community purpose</li><li>- Holiday house</li><li>- Industry – cottage</li><li>- Residential aged care facility</li><li>- Serviced apartment</li><li>- Telecommunications infrastructure</li></ul>	<b>A use</b> <ul style="list-style-type: none"><li>- Agriculture – intensive</li><li>- Animal husbandry – non-intensive</li><li>- Bed and breakfast</li><li>- Civic use</li><li>- Commercial vehicle parking</li><li>- Community purpose</li><li>- Holiday house</li><li>- Rural home business</li><li>- Telecommunication infrastructure</li></ul>

- All other uses are prohibited.





The already developed Rural Living A zone creates a buffer for the Trotting Complex area located further south creating a graduation of increased densities from south to north. The Rural Living A area ranges from lot sizes of 7,800sqm to 4,000sqm in accordance with the guidelines of the Rural Strategy and Town Planning Scheme No.2. The proposed LSP area is zoned 'urban and 'urban deferred' under the Metropolitan Region Scheme. The proposed residential type development is in accordance with this zoning. The Byford Area D, LSP is made up of 16 lots with 13 of them taking access from Larsen Road and three of them taking access from Briggs Road, stretching over a total land area of 16.7ha.



**Figure 1: Subject Land – Local Structure Plan Area**

The subject land currently accommodates a dwelling on each lot. The subject properties have been mostly cleared and primarily used for rural residential purposes and are developed with a main residence and associated outbuildings. The majority of the subject lots have been cleared, though some vegetation remains, particularly on Lot 58 Briggs Road. It is understood the majority of this vegetation is non-native, having been planted by the landowner.





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**State Strategic Framework***Perth and Peel @ 3.5 Million – South Metropolitan Peel Sub-Regional Planning Framework*

The subject site is identified as Urban under the Framework. The proposed LSP is consistent with the strategic planning framework currently endorsed by the WAPC. Officers consider a sensitive transition of lot sizes throughout the subject site is key to being able to develop this area appropriately in a manner, which protects and enhance expected levels of amenity of the Byford Trotting Complex precinct.

*State Planning Policy 2.5 – Rural Planning (SPP 2.5)*

State Planning Policy 2.5 Rural Planning (SPP 2.5) establishes the objectives for the management and protection of rural and rural living land in Western Australia. Under Clause 4.3 of the Policy, the WAPC recognises that there is a market for rural living development, and that it provides for a range of housing and lifestyle opportunities. The policy notes, however, that this type of use can sterilise rural land and should be carefully planned. The policy notes the guidance of State Planning Policy 3.0 – Urban growth and settlement (SPP 3.0) with respect to the strategic identification of settlement patterns and guidance on rural living use. Rural Residential areas are identified to have a lot size range between 1ha – 4ha under SPP 2.5. It is noted above that the Shire's Draft Local Planning Strategy designates a lot size of 1ha in the Rural Residential RR-1 policy area to align with SPP 2.5.

As mentioned, it is noted that this proposal represents a natural completion of the lot sizes and character of development that has occurred. In essence, this shows the creation of 4,000sqm allotments which have already been planned and developed. Officers consider a high priority the need for sensitive transition of lot sizes throughout the subject site. A modification is recommended to guide the subdivisional stages of the LSP, that emphasises this as a response particularly to the planning assessment and concerns raised by submissions.

This includes an adjustment in the south east corner of the structure plan area, to remove what is considered an unnecessary road link that could inadvertently create traffic conflict once connected through to Larsen Road. This modification is talked about further on in the report.

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

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

Bushfire Safety Consulting have completed a Bushfire Management Plan (BMP) for the subject site, in accordance with SPP3.7 and having regard to the form of development contemplated. The detail within the BMP is discussed further in this report, and demonstrates compliance of the proposal with the objectives of SPP3.7.



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#### *State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4)*

SPP 5.4 requires that “Sensitive Land Uses” (as defined within SPP 5.4) within 300m of a ‘Strategic’ freight and major traffic routes pavement edge and/or; 200m of an ‘Other’ significant freight/traffic routes pavement edge; are to be assessed against the noise criteria provided in SPP 5.4. The policy requires that future dwellings will not be subject to noise levels above the assigned maximum noise levels produced by passing traffic. If noise levels do exceed the maximum level, notifications are required to be placed on future titles. Additionally, sensitive uses, such as residential dwellings, are to be constructed to prescribed standards that provide protection against higher noise levels.

It is noted that a small portion of POS in the north west of the LSP is identified within the SPP 5.4 “trigger distance” of Thomas Road. The affected area of POS is not considered to be a noise sensitive land use and therefore not subject to the guidelines of SPP 5.4.

#### *Government Sewerage Policy*

It should be noted that subject land, and this LSP seek to provide for subdivision and development of the land in accordance with this policy. The proposed residential uses within the LSP will be serviced appropriately by gravity sewers and a 150mm gravity sewer extended along Briggs Road which will be connected to the 400mm sewer in Thomas Road.

#### Town Planning Scheme No.2 (TPS2)

The subject site is predominately zoned ‘Urban Development’ under the TPS2. The southernmost lots fronting Larsen Road are zoned Rural Living A. The subject land bounded by a ‘Public Open Space’ reserve in relation to Oaklands main drain multiple use corridor.

Clause 5.18 of LPS2 outlines the purpose of the ‘Urban Development’ zone:

*The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances.*

Clause 5.18 indicates that the purpose and objectives of the zone are facilitated by means of “*establishment of Structure Plans to ensure that development takes place in conformity with those Plans*”.

The preparation of this structure plan is consistent with the zoning objectives of TPS2.

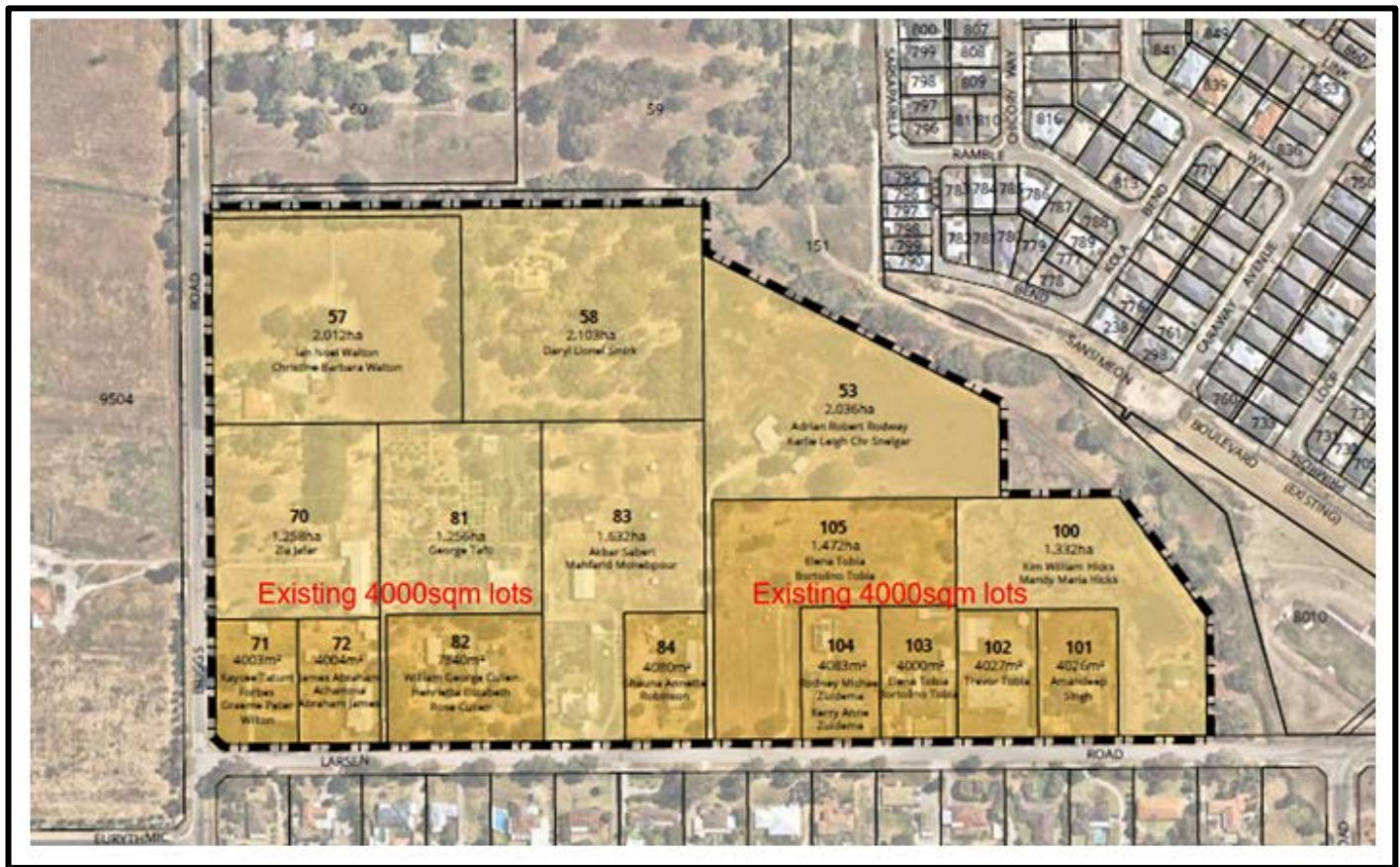
#### Draft Shire of Serpentine Jarrahdale Local Planning Strategy and Local Planning Scheme No.3

The Shire has recently taken both the Draft Local Planning Strategy and Draft Local Planning Scheme No.3 to the Special Council Meeting on the 22 June 2020 to provide a recommendation to the WAPC following advertising. The draft Strategy indicates that the subject site has been identified for Rural Residential RR-1 and urban settlements development. Rural Residential RR-1 provides for lot sizes ranging from 1ha – 4ha and provides opportunities for a range of limited rural and related ancillary pursuits. Urban settlement outlines any urban area or town site providing key infrastructure such as housing, shops, offices, health, financial and social services, educational establishments, and community and cultural facilities.

This creates one of the primary planning considerations for the LSP, the designation of lot sizes ranging from 1ha – 4ha under the draft Strategy in accordance with WAPC policy and the



proposed LSP identifying 4,000sqm lots. This has been justified on the basis of the rounding off and completion of development patterns that have occurred.



**Figure 2: Existing Rural Living A Lots – Local Structure Plan Area**

### Form of Development

#### *Land Use, Landform & Topography*

The LSP provides opportunity for the creation of urban residential lots that are consistent with the Shire's current strategic planning and development within the locality. The road network has been designed to facilitate the creation of regular shaped lots, capable of accommodating single dwellings and associated outbuildings, which can have direct access to a public street. The design also provides for a range of potential lot sizes at the subdivision stage.

The subject site is relatively flat with a high point of approximately RL38m AHD in the southeastern corner, grading gently to a level of RL33m AHD in the northwest corner allowing for the opportunity for the creation of urban residential lots consistent with the Shire strategic planning and development for the locality. The road network allows for a flexible staged development creating access via the newly developed Indigo Parkway to the north. San Simeon Boulevard is recognised as a Neighbourhood Connector, connecting Briggs Road to the Town Centre of Byford.

The road network, as advertised, did show a further connection through to Larsen Road. This is considered an unnecessary road link, and would not serve a functional or accessible planning need. This forms part of the recommended adjustments to the south east corner of the structure plan area.

#### *Access – Movement Networks*





The subject land is connected by road to the wider metropolitan area. Briggs Road has direct connection to Thomas Road, which subsequently connects to Tonkin Highway approximately 1.5km west of the site. Tonkin Highway is identified for further expansion south towards Mundijong and will provide for better connection to surrounding suburbs and localities for the subject site. San Simeon Boulevard as mentioned is a Neighbourhood Connector with a 27.5m road reserve width and all other roads within the proposed LSP range from 15 – 18m road reserves.

The Draft Byford District Structure Plan 2018 identifies a new east-west link, being the extension of Indigo Parkway through to Briggs Road and ultimately further west to Malarkey Road and a planned Neighbourhood Centre at that location. Similarly, Indigo Parkway will be extended to connect to San Simeon Boulevard as a part of this LSP south to Abernethy Road to more directly access the Byford Town Centre and schools. As Indigo Parkway/ San Simeon is an infrastructure item funded via the Development Contribution Scheme (DCS) for Byford, the timing of these extensions is likely tied to the timing of remaining residential development and the receipt of (DCS) funds by the Shire. This proposed LSP respects the planned alignment of Indigo Parkway on the northern edge of the subject site.

Remaining roads shown within the subject site, shown indicatively on the Concept Plan, are subject to detailed design at subdivision stage.

One modification has been identified however, to eliminate a local road connection in the southeast corner through to Larsen Road. This is intended to remain part of the Rural Residential 1 interface to Larsen Road (and the Byford Trotting Complex), and doesn't provide for a critical access leg in to the subdivision area.

The anticipated total daily traffic volume associated with the proposed urban development at the subject land is considered acceptable as has been demonstrated in the preparation of a Traffic Impact Statement. The report investigates the existing road network and intersections in the context of increased traffic, which will be brought about the development of the site. The proposed road network does have the capacity to accommodate the anticipated traffic and will not have an adverse impact on traffic operations. Subject to the removal of the road access in the southeast corner of the subject land, the road layout is considered functional and accessible.

Throughout the advertising process, the LSP was referred to the surrounding residents within the LSP area. A number of the residents along Larsen Road outlined within their submission to the Shire they did not support the proposed LSP road network for a number of concerns, these included; the location of proposed road at the back of properties fronting Larsen Road.

Concerns relate to the east-west road outlined in the advertised version of the LSP. To address these privacy, surveillance and streetscape issues, officers recommend that the proposed LSP be modified to move the road further north. A comparison of the advertised LSP and recommended modification is outlined in Figure 2 below. The modification would change the location of the road further north to accommodate a band of lots that would back onto the retained rural residential properties that front Larsen Road. This change would ensure that the east-west road would have dwelling frontages on both sides of the road addressing the surveillance and privacy concerns raised. As shown in the image below, this modification is recommended.

The modification also addresses the strategic objective for officers in keeping separation between urban traffic and activities, by not connecting a road link through to Larsen Rd. This necessitates adjustments in the southeast corner of the structure plan area, but importantly still enables a well design outcome for that portion of the land.

The advertised LSP concept plan is outlined below in **Figure 3** this shows the east-west road from Briggs Road directly behind the Rural Living A lots.

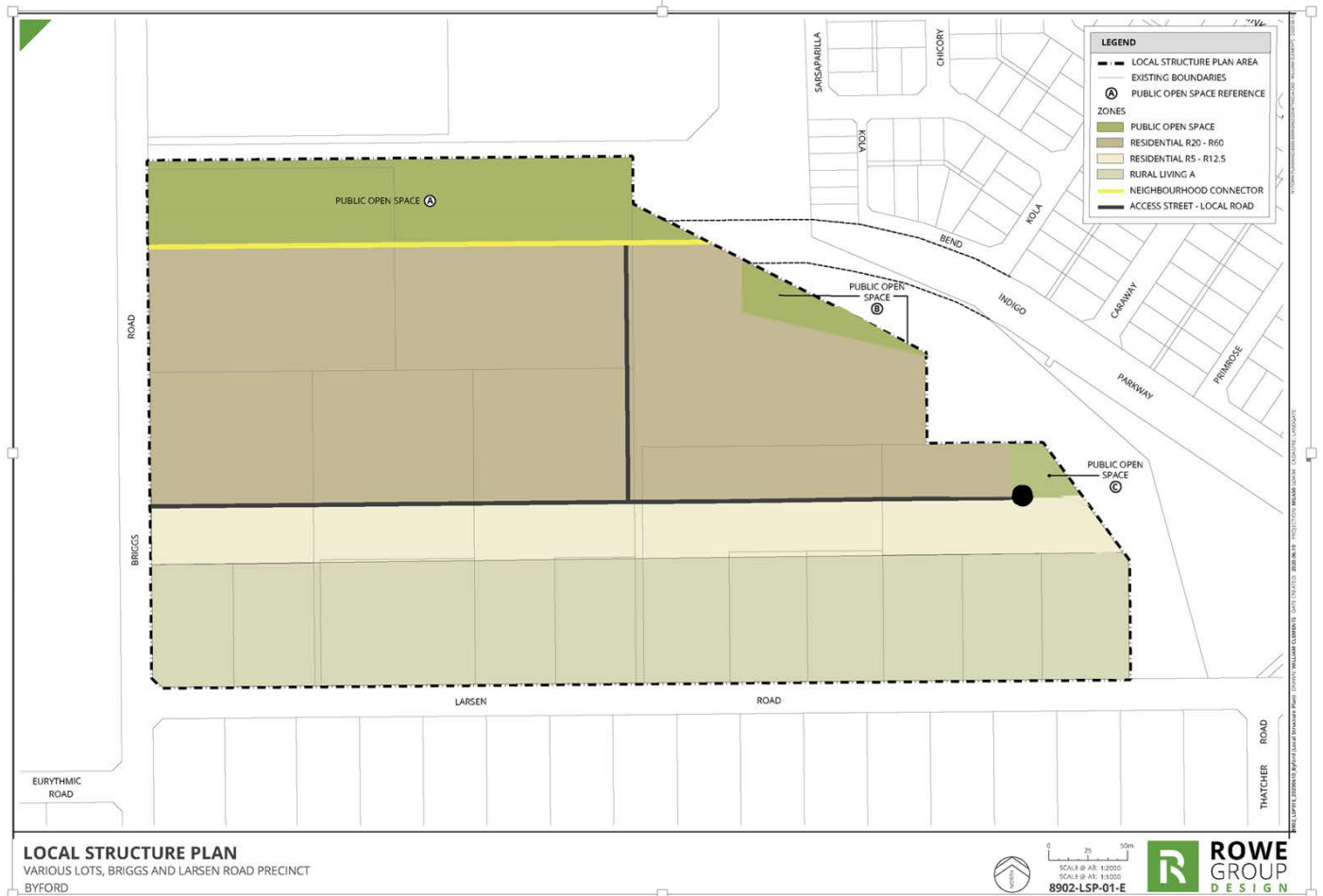


Figure 3: Advertised Local Structure Plan – Byford Area D





The proposed modification in response to submissions outlined in **Figure 4** below.



**Figure 4: Comparison of advertised LSP and recommended modification**

The LSP shows a northern directed connectivity objectivity, in order to help focus urban activities to the future (once constructed) main town centre boulevard of Indigo Parkway. The rural residential area to the south is made up of approximately 4,000 sqm lots and will be connected to the structure plan road network via Larsen Road. The Indigo Parkway connection runs east west to another residential subdivision and structure plan area. Lastly the area to the north and east are both residential areas with lots zoned approximately R20 and larger.

Shire Officers support the proposed modification to the road reserve network providing greater flexibility and safety for the lots currently developed at the southern portion of the LSP. The modified access plan outlined in figure 4 is accepted and is considered to create better access for the LSP.



*Drainage Infrastructure & Local Water Management Plan*

A Local Water Management Strategy (LWMS) has been prepared by 360 Environmental in support of this Structure Plan and incorporates the details from the District Water Management Strategy from the Draft Byford District Structure Plan. The general stormwater management is to ensure that urban development does not increase the peak flow discharging to the receiving environment, and that runoff water quality is maintained or approved.

In accordance with the processes defined under Better Urban Water Management, an Urban Water Management Plan ('UWMP') will be required to be prepared and implemented at the time of subdivision. The UWMP will refine and implement the proposed drainage network/system, as identified under the LWMS.

Landowner concerns raised about drainage are front of mind for Shire officers. It should be noted that the Local Water Management Strategy has been accepted by the Department of Water and Environmental Regulation and the Shire.

*Open Space*

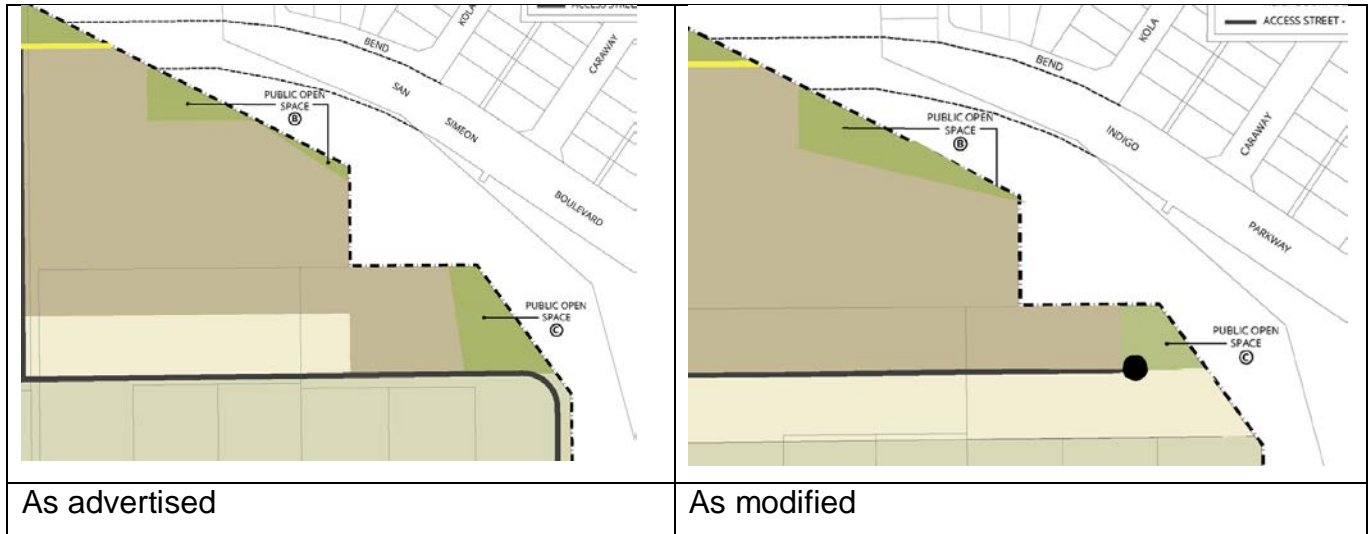
The LSP proposed a total of three areas of public open space (POS) total of 10.03% of POS for the entire site. The POS contributes to the three following POS features:

- Continuation of a district stormwater 'living stream' through the alignment of the existing Oaklands main drain as a multiple use corridor (MUC);
- Integration of urban water management principles with a supporting LWMS; and
- Recognition of the linear POS network established through the Byford DSP that encourages walking and cycling.

The site responsive parkland has been developed to address the district, neighbourhood and local needs of current and future residents. The changes in the southeast corner, however, result in some reconfiguration of open space so that there is a more equitable share across individual allotments. In specific respect of the southeast most allotment, the landowner has raised concerns that in excess of 10% open space was shown on their land. While the structure plan aims to create an acceptable urban structure for the future urbanisation of the area, it is noted that the southeast allotment could have open space reduced (to better match a 10 per cent allocation) and reallocated in order to also widen and strengthen the multiple use corridor slightly to the northwest.



This is shown following:



### *Noise Management*

The policy references noise sensitive land uses as being determined by a local planning scheme or structure plan that is occupied or designed for occupation or use for residential purposes, caravan park, camping ground, education, childcare, hospital, or place of worship.

It is noted that a small portion of POS in the north west of the LSP is identified within the SPP 5.4 “trigger distance” of Thomas Road. The affected area of POS is not considered to be a noise sensitive land use and therefore not subject to the guidelines of SPP 5.4.

### *Proposed Subdivision*

The Concept Plan is shown for explanatory purposes only and is subject to further review and detailed design at subdivision stage. The indicative subdivision layouts shown in the LSP and associated appendices are for the conceptual purposes only and are subject to further detailed design at subdivision stages.


The density code range facilitates a diversity of lot product across the site, providing for a range of dwelling types. The preparation of Local Development Plans will also assist in facilitating the delivery of lot product diversity.

Officers outlined that there needs to be further consideration of sensitive transition of lot sizes throughout the LSP area. There also needs to be changes to the concept plan, given the LSP is recommended for further modification as discussed above. This modification makes it clear that officers wish to work with the applicant at the future subdivision stage to ensure transition occurs appropriately, as a way of addressing the planning framework and concerns raised by submitters.



These modifications are listed also below:

### Schedule of Modifications

No.	Section	Modification Required
1	Byford Area D – Local Structure Plan - Part 1 – Implementation – “new section 4.6 Future Subdivision	Modify to include a sub-section for subdivision that states <i>‘All indicative subdivision layouts shown in this Local Structure Plan and associated appendices are for conceptual purposes only and are subject to further investigation and detailed design at subdivision stage.’</i>
2	Byford Area D – Local Structure Plan - Part 1 – Implementation – “new section 4.6 Future Subdivision	Sensitive transition of lots sizes in the future subdivision and development of the subject site. The diversity of lots within a space of approximately 250 m changes from Rural Living A to R60, a very intense transition. Include a sub-section for subdivision which states <i>‘Further explore a less intense transition of lot sizes from Rural Living A to Urban Residential’.</i>
3	Byford Area D – Local Structure Plan – Part 1 – Local Structure Plan Concept Map	Updated Plan with east – west internal road shifting further north to not back on to the Rural Living A lots; to delete the southeast road connection to Larsen Road; to adjust public open space in order to widen the MUC to a useable extent. This creates strategic protection to the trotting complex and helps to reinforce the MUC as a key green corridor for the area. 
4	Byford Area D Local Structure Plan & Appendices	Update the LSP and all appendices with the modified plan with the revised road reserve location.



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## Options and Implications

### Option1

That Council recommend the WAPC APPROVES the LSP subject to modifications.

Implications – This option supports the LSP, though allows for modifications to be made to address issues raised in the submission and from the assessment of the LSP by officers.

### Option 2

That Council recommend the WAPC DO NOT approve the LSP.

Implications – This option does not support the LSP to provide a framework for the development of the subject lot. Sufficient justification would need to be provided to not support the LSP for approval.

Option 1 is recommended.

## Conclusion

The proposed LSP is generally consistent with the zoning of the Shire's Town Planning Scheme No. 2 and Draft Local Planning Scheme No.3 to develop the subject land as an Urban and Rural Living A mix under the strategic planning framework. Officers have identified some issues relating graduation of lot sizes, road design, open space design and allocation, proposed residential lot sizes, traffic management and connection to surrounding major roads within the precinct, the movement network from the planning assessment of the LSP and the submissions received. To address these issues discussed in detail above, Officers recommend that the LSP be modified prior to approval in accordance with the schedule of modifications contained in **attachment 3**.

## Attachments (available under separate cover)

- **10.1.7 - attachment 1** – Proposed Byford Area D Local Structure Plan (IN20/3129)
- **10.1.7 - attachment 2** – Schedule of Submissions (E20/5475)
- **10.1.7 - attachment 3** – Schedule of Modifications (E20/7092)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities

## Financial Implications

There are no direct financial implications relating to this application.





### 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 support the LSP without requiring modifications to address issues	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

### Risk Matrix

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

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



**Voting Requirements:** Simply Majority

**OCM211/07/20**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Strange**

**That Council**

- 1. Pursuant to Schedule 2 Part 4 Clause 19 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2;**
- 2. Pursuant to Schedule 2 Part 4 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that the proposed Byford Area D be APPROVED subject to modifications as outlined in the Schedule of Modifications contained within attachment 3, and forward to the Western Australian Planning Commission the following:**
  - a. A list of the submissions considered by the local government, as outlined within the Schedule of Submissions contained in attachment 1;**
  - b. Any comments by the local government in respect of those submissions, as outlined within the Schedule of Submissions contained in attachment 1;**
  - c. A schedule of any proposed modifications, as outlined in the Schedule of Modifications contained within attachment 3;**
  - d. The local government's assessment of the proposal based on appropriate planning principles, as contained within this Council report; and**
  - e. A recommendation by the local government to approve the proposed structure plan, subject to modifications, as contained within this Council resolution.**

**CARRIED UNANIMOUSLY 8/0**



Councillor Atwell declared a Financial Interest in item 10.1.8 and left the Chambers at 8.15pm prior to this item being discussed.

<b>10.1.8 – Deed of Agreement for Staged Payments on Lot 11, Lot 12 and Lot 13 Kargotich Road, Mundijong (SJ2147)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	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.
Legislative	Includes adopting local laws, local planning schemes and policies.

### **Report Purpose**

To seek approval from Council to enter into legal deeds of agreement for staged payments of the development contributions payments (under the West Mundijong Industrial DCP) for Lot 11, Lot 12 and Lot 13 Kargotich Road, Mundijong.

### **Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

### **Background**

Lots 11, 12 and 13 Kargotich Road are adjacent lots, situated within the local government district of the Shire and falling within the West Mundijong Development Contribution Area. This area is allocated as Development Contribution Area 2 (DCA 2) which forms part of Appendix 10 of the Shire of Serpentine Jarrahdale Town Planning Scheme 2 (TPS2), thus being subject to the associated West Mundijong Industrial Development Contribution Plan (the DCP).

The DCP, which has effect by virtue of clause 9.3 of TPS 2, provides for the sharing of costs of certain infrastructure, land and other items required to support the development of the West Mundijong Industrial Development Area.

The two properties at Lot 11 and Lot 12 Kargotich Road currently owe Development Contributions of \$328,973 and \$320,124 respectively, triggered by their request for a Building Permit for their individual Development Applications. The DCP payments should have been made prior to building permits being issued for the (now built) developments; unfortunately, this was not actioned by the predecessors administering the DCP at the time. Lot 13 has not yet applied for their Building Permit and thus no contribution liability has yet been triggered, however the



landowner has indicated his readiness to request the building permit. The contribution liability for Lot 13 is estimated at circa \$354,127.

All three landowners have advised their inability to pay the full contribution amounts at this time, however all lots include significant amounts of land required to be ceded to the Shire under the DCP (land for road widening of Kargotich Road and adjacent land for drainage). This land, when ceded, is entitled to DCP credits, which may be used to offset Contributions due.

Given that the timescales associated with subdivision application and clearance may extend from months to years, the landowners have requested individual staged payment agreements with the Shire to address the current overdue status, whilst they progress a subdivision which will enable the ceding of land and attract credits. The landowners have worked with the Shire and an independent planning consultant to develop a single subdivision plan for the three lots and a subdivision application was submitted for approval in April 2020.

Legal deeds of agreement have been drafted (under the guidance of Shire officers) and executed by the landowners of Lots 11 and 12. These deeds provide for a staged payment arrangement, and the ability to use future DCP credits to offset any residual DCP debt which may remain at the time the land is ceded and credits earned.

When entering into payment arrangements, or when Contributions are outstanding, there is a financial risk to the DCP Reserve fund, which also poses a potential risk to the Shire Municipal fund (which underwrites the DCP Reserve fund). The deeds of agreement therefore also provide for lodgment of caveats on the property, to give greater certainty that the funds will be collected.

A caveat is a formal notice or warning lodged against the title of a property, which stops any person including the registered proprietor (owner) from dealing with (selling or refinancing) the property, without paying the debt or obtaining the creditor's consent. Such a caveat will remain on the property title until withdrawn by the Shire upon satisfaction of the debt.

## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

The ability for the Shire and the landowner to enter into a staged payment arrangement is provided for in clause 9.3.14.1 and 9.3.14.2 of TPS2, which provides that:

*9.3.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by:*

- a) cheque or cash;*
- b) transferring to the local government or a public authority land in satisfaction of the cost contribution;*
- c) the provision of physical infrastructure;*
- d) some other method acceptable to the local government; or*
- e) any combination of these methods.*



9.3.14.2 *The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.*

In Western Australia, caveats are governed by the *Transfer of Land Act 1893 (WA)*. In order to lodge a caveat for non-payment of a debt, the caveator (the Shire) must have a caveatable interest in the land. In this case, this would require that the person/people owing the debt must be the owner(s) of the land and the debt (DCP Contribution) must relate directly to the land on which the caveat is being lodged.

Under a "consent" caveat, the owner of the land must consent to a charge over the land as security for the payment of the debt. The consent is usually in the form of a charging clause in the debt or security agreement. Where the owner does not grant consent, the caveator has three months to issue court proceedings to establish the interest claimed in the caveat.

Landgate (the land titles authority in Western Australia) will generally accept and process a caveat if it is in the correct form and properly describes the interest being claimed. The acceptance of a caveat at lodgement does not mean the caveat is valid. In the event a caveator lodges a caveat and does not in fact have a caveatable interest, they can be ordered to pay compensation for damage to the registered proprietor.

## **Options and Implications**

### Option1

That Council AUTHORISES the Shire President and Chief Executive Officer to execute the legal deeds of agreement shown in **confidential attachments 1 and 2** by affixing the Shire's Common Seal for the staged payment of outstanding development contributions for Lots 11, 12 and 13 Kargotich Road, Mundijong.

### Option 2

That Council DOES NOT AUTHORISE the Shire President and Chief Executive Officer to execute the legal deeds of agreement shown in **confidential attachments 1 and 2** by affixing the Shire's Common Seal for the staged payment of outstanding development contributions for Lots 11, 12 and 13 Kargotich Road, Mundijong.

Option 1 is recommended.

## **Conclusion**

The deed of agreement will provide sufficient protection to the Shire and the DCP funds in relation to the outstanding DCP payments and is confident that a DCP debt constitutes a Caveatable Interest. The staged payment approach will enable the landowners to progress their respective subdivisions and will thus support growth within the West Mundijong Industrial area and enable land required for DCP infrastructure to be ceded in a timely manner.



**Attachments (available under separate cover)**

- **10.1.8 – CONFIDENTIAL - attachment 1** – Deed of Agreement Lot 11, executed by the landowner (IN20/11049)
- **10.1.8 – CONFIDENTIAL - attachment 2** – Deed of Agreement Lot 12, executed by the landowner (IN20/10896)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

If the proposal is adopted, the contribution income for these lots will be delayed or the debt defaulted in its entirety (it is important to note that income for the DCP is not budgeted, as any debts remain as liabilities until funds are received).

This may increase the requirement for the Municipal fund to pre-fund part of initial DCP infrastructure or land acquisition. Since the DCP is in year two of a ten-year lifespan, a payment agreement underpinned by a Caveat would pose minimal risk to the Municipal fund, due to the increased certainty of funds being collected and time left to pursue recourse under the Caveat.

If the proposal is not adopted, there may be little recourse for the Shire to undertake in the case of default, especially if the land has been sold and/or the owner has no assets to leverage. The risk of being unable to collect all (or any) of the outstanding Contributions thus increases.

The payment arrangement provided for in the deed includes an initial \$50,000 lump sum payment from each landowner, with the duration of the staged payments being four years and 3 months.

The schedule effectively collects \$100,000 per year from each landowner (including the initial lump sum payment), until the debt is paid.

**Risk Implications**

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Payment Default	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 4 Major - \$500,000 - \$2M	Accept Officer Recommendation



### Risk Matrix

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

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

### OCM212/07/20

#### COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Denholm

That the meeting be closed to members of the public to provide the opportunity for Councillors to ask questions regarding confidential attachments 1 and 2 to item 10.1.8, pursuant to section 5.23(e)(iii) of the *Local Government Act 1995*.

**CARRIED 6/1**

At 8.16pm, the meeting went behind closed doors.

### OCM213/07/20

#### COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Denholm

That the meeting be reopened to members of the public.

**CARRIED UNANIMOUSLY 7/0**

At 8.25pm, the doors were reopened and the public returned to the Gallery.



**Voting Requirements:** Simple Majority

Officer Recommendation

That Council AUTHORISES the Shire President and Chief Executive Officer to execute the legal deeds of agreement shown in confidential attachments 1 and 2 by affixing the Shire's Common Seal for the staged payment of outstanding development contributions for Lots 11, 12 and 13 Kargotich Road, Mundijong.

**OCM214/07/20**

**COUNCIL RESOLUTION**

**Moved Cr Dagostino, seconded Cr McConkey**

**That Council AUTHORISES the Shire President and Chief Executive Officer to execute the legal deeds of agreement shown in confidential attachments 1 and 2 by affixing the Shire's Common Seal for the staged payment of outstanding development contributions for Lots 11, 12 and 13 Kargotich Road, Mundijong, and it is acknowledged that the Council will be immediately advised of any default pursuant to these Deeds by the Developers.**

**CARRIED UNANIMOUSLY 7/0**

*Reason for difference to Officer Recommendation*

*To ensure Council is aware of the consequences in the event of a default.*

**Councillor Atwell returned to the Chambers at 8.30pm.**

**Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.8.**



<b>10.1.9 - Health and Wellbeing Strategy 2020 – 2024 (SJ429)</b>	
<b>Responsible Officer:</b>	Manager Health and Building Services
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is for Council to consider adopting the next iteration of the Shire's Public Health Plan, being the Shire of Serpentine-Jarrahdale *Health and Wellbeing Strategy 2020 – 2024* (**attachment 1**).

**Relevant Previous Decisions of Council**

OCM220/12/16	<b>COUNCIL DECISION / Officer Recommendation:</b> <i>That Council:</i>  1. Adopt the Shire of Serpentine Jarrahdale Health and Wellbeing Strategy 2016 – 2019 as attached in OCM220.1/12/16.  2. Request the Chief Executive Officer to incorporate the programs highlighted in the Shire of Serpentine Jarrahdale Health and Wellbeing Strategy 2016 – 2019 into the Integrated Planning and Reporting Framework review process.
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**Background**

The Shire of Serpentine Jarrahdale's *Health and Wellbeing Strategy 2016-2019* has been reviewed and updated, to provide the next iteration of the plan for the period 2020 to 2024. The Health and Wellbeing Strategy represents the Shire's Public Health Plan (PHP), and is a legislative requirement under the *Public Health Act 2016*. It is also an informing Strategy within the Shire's integrated planning framework. All local governments must prepare a Local Public Health Plan that aligns with the objectives of the *State Public Health Plan 2019-2024* and is adapted to consider the public health needs of the local district community.

The World Health Organisation defines Public Health as "the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society". There is good evidence that indicates public health planning is a preventative measure that offers cost effective ways to improve health outcomes in Australia and locally. With recent unheralded health events, building and support the capacity of our community to live healthy and engaging lives represents a centrepiece to the partnership based approach enshrined by this version of the Health and Wellbeing Strategy.



### Community / Stakeholder Consultation

Consultation for the Health and Wellbeing Strategy involved communication with external agencies for statistical data on the Shire's population health indicators, obtaining feedback from the community on their health risk concerns, as well as internal consultation for input into the objectives and actions.

The Strategy is informed by important local health and social data collected by the East Metropolitan Health Service (EMHS) and developed into the *Shire of Serpentine-Jarrahdale Community Health Profile for 2019* which includes data from a variety of databases including the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare (AIHW). The data indicates the highest health risk indicators of the Shire's populations against the WA average as depicted in the table below:

Community Health Profile		SJ Shire Persons (%)	WA Persons (%)
<b>Top 5 health risks factors</b>	Poor diet and nutrition <ul style="list-style-type: none"> <li>Eats less than two serves of fruit daily</li> <li>Eats less than five serves of vegetables daily</li> <li>Eats fast food at least weekly</li> </ul>	54.4 89.2 31.6	48.6 88.9 33.8
	Physical inactivity <ul style="list-style-type: none"> <li>Less than 150 minutes of physical activity per week</li> <li>Spends 21+ hours per week in sedentary leisure time</li> </ul>	42.1 27.3	36.5 32.4
	Overweight and obesity	76.4	66.8
	Harmful alcohol consumption - Drinks at high risk levels <ul style="list-style-type: none"> <li>long term harm</li> <li>short term harm</li> </ul>	30.4 13.7	31.5 12.9
	Smoking	13.7	13.1
	Arthritis	22.5	19.6
	Injuries (include falls, suicide and transport accidents)	18.9	23.3
<b>Top 3 chronic conditions</b>	Current asthma	6.7	8.4
	Mental health problems	25.8	14.5
	Stress-related problems	18.8	9.1
<b>Top 3 mental health indicators</b>	Depression	15.7	8.2

In our Shire, ischaemic heart disease (or coronary heart disease) is the most common cause of death for both males (12.3%) and females (8.5%). Lung cancer was the second most common cause of death for both males and females, and this condition has a strong association with tobacco smoking. Mental health indicators, tracking above the WA State benchmark, also reveal an important focus for the Strategy, especially in proactively engaging young people and their parents as a key demographic within the Shire.

As part of the community consultation process, 119 community groups, as well as ten different external agencies and industry bodies were contacted to provide their input. A *Community Health and Wellbeing Survey* was created and carried out to determine what residents perceived were





their biggest health risk concerns for themselves and their family. Shire officers attended ten community events in Byford, Mundijong and Serpentine to meet with community members in-person to complete the survey, distributed the survey by letter-drop to 100 residents in the Serpentine Falls Park Home and Tourist Village, and provided an online survey on the Shire's website. In total, 239 responses were received and the results showed that the top ten perceived health risk concerns of the community are:

Top ten factors	Number of 'high-risk' votes
Stress and mental health	65
Crime and safety	64
Overweight and obesity	62
Effects of extreme weather	59
Availability and ready accessibility to appropriate services	56
Food and drinking water safety and quality	55
Harmful alcohol consumption	54
Poor diet and nutrition	
Smoking	
Illicit drug use and misuse of pharmaceuticals	51

The theme in respect of stress and mental health, as a broader confirmation to the Community Health Profile results, shows this to be a similarly held resident concern.

### **Statutory Environment**

Within two years of implementation of stage 5 of the *Public Health Act 2016* all Local Governments are required to prepare a Local Public Health Plan that applies to its local government district. The *Public Health Act 2016 s.45* requires the Local Public Health Plan to be consistent with the State Public Health Plan and establish objectives and priority areas related to the public health of its district. The Local Public Health Plan must be reviewed annually, replaced every 5 years and a report provided to the Chief Health Officer on the performance of the local government in administering its functions under the *Public Health Act 2016*.

### **Comment**

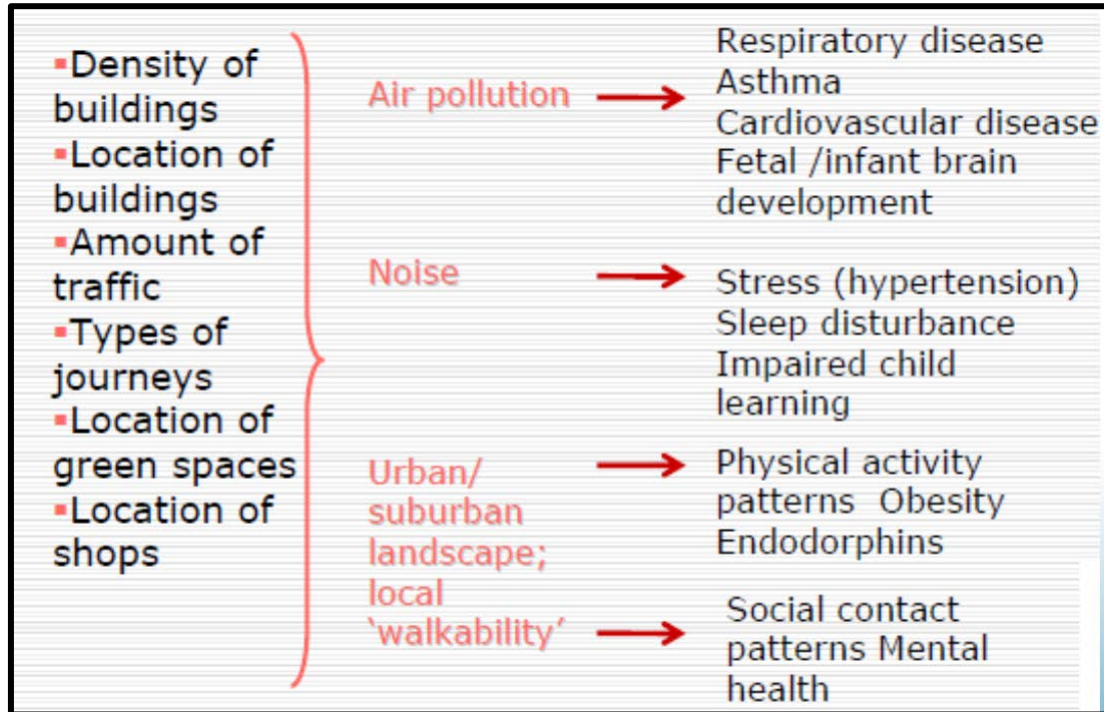
The Health and Wellbeing Strategy 2020 – 2024 aims “to protect, promote and enhance the health and wellbeing of our community in safe and sustainable environments”.

Good health and wellbeing is dependent on a wide range of factors, otherwise known as health determinants, these include not only our individual characteristics and lifestyles, but importantly the social, economic, built and natural environments in which we live, work and play.

Often, Environmental Health Officers are regarded as the officers occupying the health role in Local Government. However, a broader view of health and wellbeing indicates that many local government functions can be regarded as making significant contributions to the health and wellbeing of the community. These include planning and urban design, development assessment and regulation, sport and recreation planning and delivery, building approvals, waste management and community development. These are in addition to environmental health and health promotion. This Strategy outlines the services the Shire provides which benefit the health and wellbeing of the community to be reported on under the *Public Health Act 2016*.



In terms of the planning and design of our communities, there are a number of potential health issues that can be avoided, where there is focus provided on the role of ordering buildings and land uses from a public health perspective. This includes:



In developing the Health and Wellbeing Strategy, the Shire conducted a community perception survey on the level of risk residents felt certain behavioural, social, economic and environmental factors posed on their own health and that of their families. The 240 responses received gave us insight into the increasing concerns of the community. Stress and mental health, overweight and obesity, crime and safety as well as the increased effects of extreme weather events were among the top concerns. The statistical data gathered from the community health profile indicated a rise in diabetes and pulmonary heart disease amongst our local population, in addition to an actual increase of stress and mental health, overweight and obesity.



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Based on this information three themes with missions and objectives were developed:

<u>Themes</u>	<b>People</b>	<b>Community</b>	<b>Environment</b>
<u>Mission</u>	<b>Growing healthy and active lifestyles together</b>	<b>Growing connected and inclusive communities together</b>	<b>Growing safe and sustainable environments together</b>
<u>Objectives</u>	1. Provide easy access to information that empowers and enables residents to make informed healthy choices for themselves and their families. 2. Increase opportunities for active lifestyles through options of the public, private or natural sources. 3. Reduce smoking and alcohol-related harms and anti-social behaviours within the community	1. Promote positive mental health and wellbeing initiatives for the community to be involved in 2. Support community diversity, harmony and social wellbeing with particular emphasis on key vulnerable groups. 3. Ensure appropriate resourcing or emergency response and recovery. 4. Promote positive mental health and wellbeing initiatives for the community to be involved in	1. Ensure the community has food security and support local food businesses to build and maintain a positive food safety culture. 2. Ensure water quality, water safety, and effective wastewater management. 3. Ensure that built environments are safe and accessible. 4. Protect the community from unwanted exposure to hazards and emissions that have negative impact on the environment and amenity. 5. Work towards cleaner, greener and more sustainable neighbourhoods with a sense of integration with nature. 6. Facilitate and advocate for sustainable and accessible transport choices, and improved interaction between transport modes

In order to achieve public health objectives, the actions in this strategy have been developed to align with the national, state and local strategies, policies and health priorities. They collectively identify activities undertaken by the Shire, and reflect the voice of the community. Moreover, supportive partnerships that enable greater community participation in planning for, creating, and maintaining healthier environments for current and future populations are pursued.

The Shire will work towards growing healthy and active lifestyles, connected and inclusive communities, as well as safe and sustainable environments for Serpentine Jarrahdale to thrive.

Implementation of the Strategy will be measured through the following key indicators as well as the measure of other Strategies and plans that contribute to the health and wellbeing of the community:



	People	Community	Environment
<u>Key Indicators</u>	<ul style="list-style-type: none"> <li>- Report monthly on the number of:               <ul style="list-style-type: none"> <li>o food business and primary production development applications received and approved</li> <li>o promotion of public health campaigns and services</li> </ul> </li> <li>- Report quarterly on:               <ul style="list-style-type: none"> <li>o opportunities identified to support state and federal Healthy Lifestyles campaigns as well as a wide range of fitness and wellbeing programs</li> <li>o the 'Pathway to Healthy Food Environments' project as well as encourage agri-food processing and production,</li> <li>o opportunities identified to promote the <i>Healthy Menu Options</i> program and other healthy-eating initiatives</li> </ul> </li> <li>- Report on the actions taken to encourage safe consumption of alcohol and promote non-smoking within the Shire's district</li> </ul>	<ul style="list-style-type: none"> <li>- Report quarterly in the CBP on:               <ul style="list-style-type: none"> <li>o opportunities identified that support state and federal mental health campaigns, including funding</li> <li>o advocacy for the delivery of local and regional programs and facilities for the Shire's senior residents</li> </ul> </li> <li>- Report on actions taken to foster good mental health amongst the community, through community groups and volunteering opportunities</li> <li>- Report on opportunities identified to celebrate the Shire's heritage, cultural diversity and community harmony</li> <li>- Report on the coordination and ensuring of appropriate response to emergencies as well as facilitation of emergency management processes for community safety</li> </ul>	<ul style="list-style-type: none"> <li>- Report Report monthly on:               <ul style="list-style-type: none"> <li>o how local food businesses and food handlers are supported to maintain the required skills and knowledge</li> <li>o assessment of food businesses and primary productions</li> <li>o monitoring of drinking water quality from private supplies, public pools and recreational water bodies</li> <li>o assessment of public buildings</li> <li>o assessment of building applications and swimming pool barrier</li> <li>o performance of development compliance audits and enforcement actions</li> <li>o active and completed customer service requests</li> <li>o provision of ranger patrol services</li> </ul> </li> <li>- Report quarterly in the CBP on:               <ul style="list-style-type: none"> <li>o the request of major strategic proposals to be accompanied by health impact assessment against objectives of the Health and Wellbeing Strategy</li> </ul> </li> <li>- Report on the ensuring of wastewater treatment systems and liquid waste disposal being managed and monitored against environmental health legislation</li> </ul>

## Options and Implications

**Option1**

That Council APOPTS the Health and Wellbeing Strategy 2020 – 2024 as contained within **attachment 1** and implements the actions within Budget constraints.

**Option 2**

That Council DOES NOT APOPT the Health and Wellbeing Strategy 2020 – 2024.

Option 1 is recommended.

**Conclusion**

Public health planning is an important measure to ensure the community can live healthy lifestyles. Local government plays a significant role in creating environments that reduce exposure to risks and promote healthy living for communities to thrive.

The Health and Wellbeing Strategy is based on local health priorities and aligned with the health priorities of State and Federal Government. The Strategy aims to positively influence the community's health and wellbeing by providing a framework that supports an integrated and collaborative approach.

**Attachments (available under separate cover)**

- **10.1.9 - Attachment 1** – Shire of Serpentine-Jarrahdale Health and Wellbeing Strategy 2020 - 2024 (E20/5764)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Strategy 1.3.2</b>	Support local emergency services
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

The financial implications of the Health and Wellbeing Strategy are predominantly operational. A proposed amount of \$7500 has been budgeted for in the 2020/21 financial year (2300 12401 6386) to assist with educational materials, programs and promotion of healthy active lifestyles and the reduction of health risk behaviours in the community. This is in addition to a \$12,500 grant the Shire will be receiving from Healthway WA for being a part of a 'Healthy Food Environments' pilot project in conjunction with ECU.





### Risk Implications

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
If Council does not adopt the Plan there could be: a) a negative impact on the Shire's reputation with regards to supporting Community Health and Wellbeing initiatives b) an actual decrease in the health and well-being of residents and an increase in risky behaviour to health within the community	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
If Council does not adopt the Strategy it may affect partnerships and future programs and opportunities	Possible (3)	Moderate (3)	Moderate (3)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk whilst ensuring partnerships are well-developed and valued by all parties to help meet all outlined objectives
If Council does not adopt the Strategy it could affect the Strength of future grant applications related to health and wellbeing initiatives	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

**OCM215/07/20**

#### COUNCIL RESOLUTION / Officer Recommendation

**Moved Cr Coales, seconded Cr Denholm**

**That Council ADOPTS the Health and Wellbeing Strategy 2020 – 2024 as contained within attachment 1 and implements the actions within Budget constraints.**

**CARRIED UNANIMOUSLY 8/0**



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**10.2 Infrastructure Services reports**

<b>10.2.1 – Asset Management Strategy 2020 – 2024 (SJ490)</b>	
<b>Responsible Officer:</b>	Manager Infrastructure and Assets
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to request Council to adopt the Asset Management Strategy 2020 -2024, which outlines a four-year improvement strategy to progress Asset Management within the Serpentine Jarrahdale Shire.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 15 April 2019 - OCM054/04/19 - COUNCIL RESOLUTION / Officer Recommendation:*

*That Council:*

1. *ENDORSES the revised Asset Management Plans for:*
  - i. *Parks and Reserves Asset Management Plan V5 2019*
  - ii. *Roads Asset Management Plan V5 2019*
  - iii. *Stormwater Drainage Asset Management Plan V5 2019*
  - iv. *Paths Asset Management Plan V5 2019*
  - v. *Buildings Asset Management Plan V5 2019*
2. *CONSIDER budget allocations, for the maintenance and renewal of roads, paths, drainage, buildings, and parks and reserves built infrastructure, through the Long Term Financial Plan as part of the Integrated Planning and Reporting process.*



## **Background**

At the Ordinary Council Meeting of 15 April 2019, five Asset Management Plans were endorsed by Council which included:

- Parks and Reserves
- Roads
- Stormwater Drainage
- Paths
- Buildings

The endorsed asset management reports identify the current asset condition and predictions based on standard deterioration considerations when assets will need to be replaced or enhanced. Good asset management frameworks generally have improvement plans detailing tasks to monitor and review for future Asset Management Plan development.

## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

All local governments under *Section 5.56 (1) and (2) of the Local Government (LG) Act 1995* are required to plan for the future of the district.

The Asset Management Framework is an intrinsic part of the Shire's Integrated Planning and Reporting Framework and works in tandem with the development of the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Workforce Plans. The Asset Management Strategy is a key informing strategy in the suite of Integrated Planning and Reporting documents.

## **Comment**

The Asset Management Strategy is linked to the Shire's Asset Management Policy and Asset Management Plans (AMPs) and provides clear direction as to what tasks and timeframes are required to improve the development of the next round of Asset Management Plans.

The Shire has procured a new Enterprise Resource Planning system known internally as "OneComm" that will hold the Asset Register, Works Management and Capital Project Management systems combined, providing better financial reporting and optimisation of our assets.

The major improvement of this system will be the ability to capture costs for maintenance and renewal expenditure for works against the assets, allowing the Shire to measure and consult with the community about the current and desired levels of service.

This Strategy sets out the key tasks to be workshopped with an internal technical advisory group over the next four years, to produce a more refined and effective asset management platform. The reporting to the Executive Management Team quarterly and an annual review of the Strategy will form part of the Shire's Integrated Planning and Reporting Framework.



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## Options and Implications

### Option1

That Council ADOPTS the Asset Management Strategy 2020-2024 as contained within **attachment 1**.

This will guide the Shire to improve its implementation of best practice asset management.

### Option 2

That Council DOES NOT ADOPT the Asset Management Strategy 2020 -2024.

Officers believe this option will leave the Shire exposed to the risk of:

- not having an adequate strategy to optimise expenditure on assets
- reputational harm for poor stewardship of the Shire's assets.

Option 1 is recommended.

## Conclusion

To ensure effective asset decision-making and to achieve sustainable results in performance, it is necessary for the Shire to take a holistic approach that addresses not only infrastructure assets, but also the business processes, data and enabling technologies that are critical to success. It is recommended that Council adopt the Asset Management Strategy in order to give clear direction moving forward and to optimise the Shire's Asset Management framework.

## Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Shire of Serpentine Jarrahdale Asset Management Strategy 2020-2024 (E20/5859)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure.
<b>Outcome 2.2</b>	A sustainable natural environment.
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves and natural assets.
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans.
<b>Outcome 4.1</b>	A resilient, efficient and effective Shire
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.





### Financial Implications

The proposed strategy outlines tasks which will require resource allocations in future budgets.

### 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 endorse the Asset Management Strategy and assets are not managed cost effectively	Unlikely (2)	Major (4)	Moderate (5-9)	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 **8** has been determined for this item.

**Voting Requirements:** Simple Majority

OCM216/07/20

### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council **ADOPTS** the Shire of Serpentine Jarrahdale Asset Management Strategy 2020-2024, as contained within attachment 1.

**CARRIED UNANIMOUSLY 8/0**



<b>10.2.2 – Council Policy – Permissible Verge Treatments – Rural (SJ2952)</b>	
<b>Responsible Officer:</b>	Manager Subdivisions and Environment
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to request Council to adopt the final *Council Policy – Permissible Verge Treatments – Rural*. The Policy was released for public comment for a period of 28 days.

**Relevant Previous Decisions of Council**

<i>Ordinary Council Meeting 18 May 2020 - OCM113/05/20 – COUNCIL RESOLUTION / Officer Recommendation:</i>  <i>That Council APPROVES the advertising of the draft Council Policy – Permissible Verge Treatments – Rural, as per attachment 1, including the Guidelines – Permissible Verge Treatments – Rural, as per attachment 2 for public comment for a period of 28 days and any public submissions received be presented to Council.</i>
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**Background**

The Shire of Serpentine Jarrahdale has a unique beauty and character, based on a rural history and natural areas of regional and local environmental significance. Development in rural areas can alter the character of the area, and this policy aims to provide a high level of amenity, sense of place for the community and unique landscape typology. The unique character of the Shire is an essential component of the attraction for both visitors and local residents.

The *Council Policy – Permissible Verge Treatments – Rural* aims to establish guidelines, procedures and standards for rural road verge treatments and management. Landscaping forms an integral part of a liveable community by providing structure and identity. Attractive rural road verges contribute to liveability, sense of community, amenity and tourism.

This policy will state Council's preference for leafy green streetscapes, establish the basis for shared responsibility for road verge maintenance, and promote a unique landscape and high level of amenity.

**Community / Stakeholder Consultation**Policy Concept Forum

<b>Meeting Date</b>	30 March 2020
<b>Councillors Attendance</b>	in Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strautins, Cr Strange

The draft Council Policy was circulated to Councillors on 24 April 2020. No comments were received.

The draft Council Policy was circulated internally to the management group for consideration and distribution. Some minor comments were received and changes made to reflect these comments.

The draft Council Policy was also discussed with the Landcare SJ Inc. Board, with some minor comments being received and changes made to reflect these comments.

The draft Council Policy was released for public comment for a period of 28 days from 28 May 2020 to 26 June 2020. There have been three submissions from the community.

Number	Submitter	Date Received	Comment Summary	Response
1	Alan Elliott	17/6/2020	<ol style="list-style-type: none"><li>1. Policy Introduction could include the reduction of traffic noise and capture of engine emissions</li><li>2. Section on burning should include the need to spray love grass and veldt grass on emergence</li></ol>	<ol style="list-style-type: none"><li>1. Agreed and incorporated</li><li>2. Agreed and incorporated</li></ol>
2	Margaret Cala	18/6/2020	<ol style="list-style-type: none"><li>1. "It is accepted practice for property owners to provide a level of maintenance on the verge adjoining their property, with the exception of the verge trees, any remnant vegetation, and any drainage infrastructure, which is maintained by the Shire."</li><li>2. This presumes a level of obligation on owners of larger properties with long verges, often on busy roads.</li><li>3. When land owners have improved their verges, does the Shire keep a</li></ol>	<ol style="list-style-type: none"><li>1. Quoted from Policy</li><li>2. Property owners should share the responsibility for verge maintenance</li><li>3. The Shire keeps a register of Managed Verges, where</li></ol>



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Number	Submitter	Date Received	Comment Summary	Response
			<p>register of such verges that is available to contractors so that these verges are not sprayed?</p> <p>4. Grassed verges – Shire must provide a register of improved verges so contractors know which verges to mow.</p> <p>5. What steps does the Shire take to ensure that materials used by land owners are free from disease?</p> <p>6. Does the Shire have a policy regarding the fall of verge trees onto private property?</p> <p>7. Is the Shire responsible for the clean up of limbs dropped by verge trees onto verges and reserves or is this the responsibility of the adjoining land owner?</p> <p>8. Does the Shire have a policy for the use of non-toxic herbicides and weed treatments?</p> <p>9. Does the Shire allow property owners to erect visual barriers around landscaped verges to discourage vehicles driving / parking on them?</p>	<p>property owners have applied for such, which is provided to staff and contractors working on verges</p> <p>4. See 3 above</p> <p>5. The Shire advises land owners to only use certified clean materials</p> <p>6. This is a shared responsibility dependant on circumstances, in general property owner claims through their insurer and then forwarded to the Shire's insurer for processing</p> <p>7. Shared responsibility – Shire cleans up large limbs as required, land owner can tidy smaller debris if desired</p> <p>8. Shire uses chemicals according to manufacturer's instructions</p> <p>9. Hard obstructions are not permitted due to public safety, but temporary markers that do not create a safety hazard can be erected until plants grow up</p>



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Number	Submitter	Date Received	Comment Summary	Response
3	Jason Baldacchino	22/6/2020	<ol style="list-style-type: none"> <li>1. Keysbrook verges have not been maintained by the Shire in ten years. A request to remove a dead tree has not been actioned ten years later.</li> <li>2. Shire should put as much effort into maintaining rural verges as urban areas. Byford verges are well maintained by the Shire.</li> <li>3. Very little is done for rural residents in the Shire.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Shire will take action on a verge in front of private property if it is a hazard or obstructs infrastructure. If a dead tree is stable, it does not necessarily require removal.</li> <li>2. Urban verges are primarily the responsibility of adjoining landowners.</li> <li>3. The Shire (and local governments) does not have the resources to maintain verges in front of private properties, but seeks to support adjoining landowners in maintaining their verge areas.</li> </ol>

### Statutory Environment

- The *Local Government Act 1995* – S2.7 – Role of Council
  - S2.7 allows Council to determine policies
- The *Local Government Act 1995* – S9.1 – cl. 2, 3, 6 and 8
  - S9.1 allows Council to regulate:
    - cl. 2 – disturbing local government land or anything on it
    - cl. 3 – obstructing or encroaching on public thoroughfare
    - cl. 6 – dangerous excavation in or near public thoroughfare
    - cl. 8 – private works on, over or under public places
- *Local Government (Uniform Local Provisions) Regulations 1996* – R5 and R17
  - R5 allows Council to impose a penalty for interfering with, or taking from, local government land
  - R17 allows Council to regulate and impose penalties for private works on, over, or under public places





- *Town Planning Scheme No. 2* – provisions of TPS2 relating to applications regarding or affecting verges
- *Local Planning Scheme No. 3* – provisions of LPS3 relating to applications regarding or affecting verges
- *Public Places and Local Government Property Local Law 2019*
- *Council Policy 2.2.6 – Permissible Verge Treatments – Urban*
- *Council Policy 2.1.12 – Street Trees*
- *Urban and Rural Forest Strategy*

### **Comment**

Attractive and functional rural roads with vegetated verges (including appropriate trees) benefit residents, create an environment for local flora and fauna, encourage pedestrian use where appropriate, reduce glare and the heat-island effect, provide “air conditioning”, and enhance stormwater retention. All of these benefits contribute to the creation of a liveable community and a healthy “urban and rural forest”. This policy will give guidance to residents and Shire Officers as to how rural verges shall be managed.

Preserving the unique character of the Shire of Serpentine Jarrahdale is increasingly important and challenging. Development pressures require definition of the minimum standards that support a “Leafy Green” landscape character and promote the urban and rural forest concept. Landscaping and remnant vegetation forms part of the heritage value of the area and wherever possible should be maintained and enhanced.

Verge maintenance is a shared responsibility between the Shire and residents. This policy seeks to define the roles of each partner. While the Shire does not have the resources available to maintain verges in front of private properties (particularly considering the over 830km of roads that the Shire is responsible for), it supports adjoining landowners in maintaining their verges to acceptable levels through education, well designed infrastructure, and verge plant subsidies. The Shire will take action on a verge in front of private property if it constitutes a sight-line hazard, or slashing of drains and footpath edges if vegetation growth is causing obstruction to the infrastructure. Verge maintenance by landowners is a key action in the shared responsibility towards bushfire preparedness and prevention.

The policy presented here addresses one aspect of rural greening and amenity, and works with the previously adopted Council Policies 2.2.6 – *Permissible Verge Treatments – Urban* and 2.1.12 – *Street Trees* to assist in the development of the urban and rural forest as per Council’s *Urban and Rural Forest Strategy*. The rural verges policy establishes minimum standards and responsibilities for the landscaping and maintenance of Council’s road verges. The character and amenity of the Shire is enhanced by guidelines and procedures for ensuring a consistent standard for verge management. Landscapes, liveability and community will all benefit from the long-term, consistently applied development criteria.

The implementation of the *Urban and Rural Forest Strategy* relies on both verge treatments and trees to enhance greenness. The “forest” consists of vegetation at all levels, but tree canopy cover is particularly important in providing economic, environmental and community benefits. These benefits include lower temperatures, reduced energy costs, increased property values and business viability, managing stormwater and air pollution, physical and mental wellbeing, and



contact with nature. A forest strategy cannot succeed without a policy foundation for the protection and enhancement of the forest's components.

While road reserves and street verges are Council property and the infrastructure therein (including street trees) also belongs to Council, residents are encouraged to landscape and manage their adjacent verges as an extension of their property. Guidelines and standards for verge treatments and management may be seen as reducing resident choice, but Council has an obligation to manage its road reserves for the benefit of the community as a whole.

The *Local Government Act 1995* and related *Local Government (Uniform Local Provisions) Regulations 1996* provides Council with the power and ability to regulate activities on Council land. This includes the ability to apply a penalty to the removal of trees, and to reinstate a non-permissible verge treatment if the adjacent resident will not do so. The adoption of policies that state Council's position on street trees and verge treatments will allow the enforcement of this position.

## **Options and Implications**

### Option1

That Council ADOPTS the *Council Policy – Permissible Verge Treatments – Rural*, as contained within **attachment 1**, and NOTES the associated Guidelines, as contained within **attachment 2**.

### Option 2

That Council DOES NOT ADOPT the *Council Policy – Permissible Verge Treatments – Rural*, as contained within **attachment 1**, or NOTE the associated Guidelines, as contained within **attachment 2**.

Option 1 is recommended.

## **Conclusion**

The adoption of a Council policy on rural verges will state Council's preference for leafy green landscapes and promote a unique character and high level of amenity, along with the ability to enforce this position. The adoption of this policy will complement the previously adopted Council Policy on Urban Verges and assist with the implementation of Council's *Urban and Rural Forest Strategy*. This policy will give guidance to residents and Shire Officers as to how rural verges shall be managed.

## **Attachments (available under separate cover)**

- **10.2.2 - attachment 1** – Draft Council Policy – Permissible Verge Treatments – Rural (E20/4454)
- **10.2.2 - attachment 2** – Draft Guidelines – Permissible Verge Treatments – Rural (E20/4455)



### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

### Financial Implications

Adoption of the Council policy will have no direct financial implications. Assessment of verge treatment applications and action requests will be administered through existing Shire staff.

### Risk Implications

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Council does not adopt the Policy – costs of unmanaged verge treatments	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation
Council does not adopt the Policy – non-compliance with Council's preferences	Possible (3)	Moderate (3)	Moderate (5-9)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	Accept Officer Recommendation
Council does not adopt the Policy – lack of support for implementation of Urban and Rural Forest Strategy	Possible (3)	Moderate (3)	Moderate (5-9)	Environment - 2 Minor - Contained, reversible impact managed by internal response	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

OCM217/07/20

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Cr Byas

That Council

1. **ADOPTS** the *Council Policy – Permissible Verge Treatments – Rural*, as contained within attachment 1.
2. **NOTES** the associated Guidelines, as contained within attachment 2.

**CARRIED UNANIMOUSLY 8/0**

**10.2.3 – Appointment of Council delegates to Thomas Road Community Working Group and Darling Range Regional Park Community Advisory Committee (SJ1369)**

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

**Authority / Discretion**

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

This report is to request Council consider appointing a Councillor as the Shire of Serpentine Jarrahdale representative and a Councillor as the deputy Shire representative on the

- Thomas Road Community Working Group; and
- Darling Range Regional Park Community Advisory Committee.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 16 December 2019 OCM296/12/19*

*That Council REQUESTS that the Chief Executive Officer issue an expression of interest for community groups and associations to enable Council to consider nominating delegates in accordance with the 'Council delegates and representation on external organisations, including community groups' policy at the April 2020 Ordinary Council Meeting.*

*Ordinary Council Meeting – 19 August 2019 OCM191/08/19 – Council Resolution*

*That Council:*

- 1. APPOINTS Councillor Coales as the Shire of Serpentine Jarrahdale representative and Councillor Byas as the deputy representative on the Thomas Road Community Working group until the Local Government Elections to be held on 19 October 2019.*
- 2. REQUESTS the Chief Executive Officer to ensure Officers are available to attend meetings of the Working Group as required.*
- 3. REQUESTS that the Acting Chief Executive Officer bring a report back to the Ordinary Council Meeting on 16 September 2019 capturing information and / or outcomes of the Thomas Road Community Working Group Meeting and the meeting with the Hon Roger Cook MLA.*

*Ordinary Council Meeting – 27 November 2018 OCM156/11/17 – Council Resolution*



*That Council appoints Councillors to each of the following Community Committees, Working Groups and Organisations for the period ending on the next ordinary Local Government Election day in October 2019*

- Cr Byas
- Cr Piipponen - Deputy

## **Background**

In December 2019, Council adopted a new policy pertaining to the appointment of Council delegates to community organisations and associations. The policy encourages Councillors to participate in community organisations and associations, including as members, without needing to be formally appointed by Council.

As part of the implementation of the policy, community organisations and associations that had previously had a formal Council delegate appointed by Council were to be written to advising of the opportunity to request a formal Council delegate, if they wished. The preparation and distribution of correspondence was delayed by the response of the COVID-19 pandemic.

Following the easing of restrictions, in June 2020, correspondence was sent to seven community organisations and associations advising of the new policy and opportunity to request a formal Council delegate. To date, one group, the Darling Range Regional Park Advisory Group, has responded in the affirmative. At the same time it is considered timely for Council to consider formally appointing a delegate to the Thomas Road Community Working Group.

## **Community / Stakeholder Consultation**

In addition to the correspondence distributed in June 2020, earlier in January 2020 the Shire's website material regarding committees had been amended to reflect Council's adoption of the policy.

## **Statutory Environment**

Nil.

## **Comment**

The appointment of Councillors to represent the Shire on the respective groups would be consistent with Council Policy – Council Delegates and Representation on External Organisations, Including Community Groups.

A description of each of the groups is as follows:

### *Thomas Road Community Working Group*

The Thomas Road Community Working Group was formed by the Hon Rodger Cook MLA in August 2019. The group was established to be a small group 8-10 community representatives as well as a local government representative from the Shire of Serpentine Jarrahdale and City of Kwinana and a representative from Main Roads Western Australia.





Thomas Road has become a high traffic road which has exceeded the capacity of the current road geometry. For this reason there have been concerns in relation to safety and traffic flow which is the leading focus of the Thomas Road Working Group. To this point there have been commitments and works undertaken on the City of Kwinana sections which include shoulder works and proposed lighting. This working group gives Council the opportunity to lobby for much needed improvements to the sections of Thomas Road that are currently under Council responsibility. The group have met on 3 previous occasions with an intention to .

#### Darling Range Regional Park Advisory Group

This committee is overseen by the Department of Biodiversity, Conservation and Attractions and discusses matters encountered in the management of Regional and National Parks within the Perth Hills Region and Swan Coastal Plain.

Meetings are held quarterly from 5:00 PM on Tuesdays. The remaining meetings scheduled for 2020 are on Tuesday, 18 August 2020 and Thursday, 19 November 2020.

### **Options and Implications**

#### Option1

That Council APPOINTS Councillors as the Shire's representatives to the respective groups.

#### Option 2

That Council DOES NOT APPOINT Councillors as the Shire's representative on the respective groups.

Option 1 is recommended

### **Conclusion**

The appointment of Councillors as Shire representatives on the two respective groups will aid in the Shire's advocacy efforts.

### **Attachments (available under separate cover)**

- **10.2.3 – attachment 1** – Regional Park Community Advisory Committees Terms of Reference (E20/7266)

### **Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Outcome 1.3.3</b>	Enhance Community Safety
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	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.

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Nil					

**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. APPOINTS Councillor \_\_\_\_\_ as the Shire of Serpentine Jarrahdale representative and Councillor \_\_\_\_\_ as the deputy representative on the Thomas Road Community Working Group to the next Ordinary Local Government Election.
2. APPOINTS Councillor \_\_\_\_\_ as the Shire of Serpentine Jarrahdale representative and Councillor \_\_\_\_\_ as the deputy representative on the Darling Range Regional Park Community Advisory Committee to the next Ordinary Local Government Election.

**The Presiding Member, Councillor Rich called for nominations for the Thomas Road Community Working Group and the Darling Range Regional Park Community Advisory Committee.**

**Chief Executive Officer, Mr Martin advised that a written nomination had been received prior to the meeting from Councillor Strange, nominating as the Councillor Representative on the Thomas Road Community Working Group.**

**Chief Executive Officer, Mr Martin advised that a written nomination had been received prior to the meeting from Councillor Byas, nominating as the Deputy representative for the Thomas Road Community Working Group.**

**Councillor Byas nominated as the Councillor representative for the Darling Range Regional Park Community Advisory Committee.**

**Councillor Denholm nominated as Deputy representative for the Darling Range Regional Park Community Advisory Committee.**

**Presiding Member, Councillor Rich asked if there were any further nominations.**

**Councillor Coales nominated as the Councillor Representative on the Thomas Road Community Working Group.**

**The Chief Executive Officer, Mr Martin advised a ballot would be held for the position of Councillor Representative on the Thomas Road Community Working Group.**



A draw was conducted for the order of names on the ballot paper.

Position No. 1 on the ballot paper was Councillor Rob Coales.

Position No. 2 on the ballot paper was Councillor Lauren Strange.

A ballot paper was prepared listing the nominees in the order as above.

Councillor Coales and Councillor Strange each made a statement in support of their respective nominations.

A ballot paper was issued to each Councillor with the back of the ballot paper initialled by the Chief Executive Officer.

Councillors completed their ballot paper in secret, and lodged their ballot paper in a sealed ballot box.

Once all Councillors had voted, the Chief Executive Officer counted the votes, overseen by Dr Kenneth Parker, Manager Governance.

The result of the vote was:

Councillor Rob Coales 3 votes;

Councillor Lauren Strange 5 votes.

The Chief Executive Officer declared Councillor Strange as Council's nominee on the Thomas Road Community Working Group.

## **OCM218/07/20**

### **COUNCIL RESOLUTION**

**Moved Cr Denholm, seconded Cr Coales**

**That Council:**

- 1. APPOINTS Councillor Strange as the Shire of Serpentine Jarrahdale representative and Councillor Byas as the deputy representative on the Thomas Road Community Working Group to the next Ordinary Local Government Election.**
- 2. APPOINTS Councillor Byas as the Shire of Serpentine Jarrahdale representative and Councillor Denholm as the deputy representative on the Darling Range Regional Park Community Advisory Committee to the next Ordinary Local Government Election.**

**CARRIED UNANIMOUSLY 8/0**



<b>10.2.4 - Local Roads and Community Infrastructure Program (LRCI Program) Stimulus Package Options (SJ1369)</b>	
<b>Responsible Officer:</b>	Director Infrastructure Services
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

Council are being asked to approve one of six options recommended by Shire Officers as the chosen projects to initiate for the Department of Infrastructure, Transport, Regional Development and Communication's Local Roads and Community Infrastructure Program (LRCI Program) - a COVID-19 stimulus package, in which the Shire have been awarded \$673,030. The chosen package and its value will need to be included in the 2020/21 Capital Works budget.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

On 22 May 2020 the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program).

This program will support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

The LRCI Program is part of the Government's \$1.8 billion boost for road and community projects through local governments across Australia, including the bringing forward of \$1.3 billion of the 2020-21 Financial Assistance Grant payment, which will also help communities battling the effects of COVID-19. In 2019-20 the Government will provide a total of \$2.5 billion to local governments through the Financial Assistance Grant program.

The Shire of Serpentine Jarrahdale has been successful with a funding allocation of \$673,030 as per **attachment 1**.

The LRCI Program will run from 1 July 2020 to 31 December 2021, with projects required to be physically completed by 30 June 2021.



## Community / Stakeholder Consultation

### Policy Concept Forum

Not Applicable.

## Statutory Environment

Not applicable.

## Comment

The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia to assist communities to manage the economic impacts of COVID-19.

The intended outcomes of the LRCI Program are to:

- provide stimulus to protect and create local short-term employment opportunities through funded projects following the impacts of the COVID-19
- deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

Conditions to the funding:

- Councils will need to complete all works by 30 June 2021 to receive their full nominal share of funding.
- Councils will also need to demonstrate that [projects are additional to their pre-COVID-19 work program for 2020-21. If a project has been brought forward from a future work program it will be eligible for funding.
- Additional conditions, such as signage requirements apply as per the funding guidelines.

In the selection of which projects should be included in the Package options put to Council for consideration, there has been an attempt to select projects that will add significant value locally across the Shire. The selection of projects in the packages includes the carpark at the Recreation Centre, toilet block at Harvest Green Park, Beenyup, Traffic speed indicators at Masters Road, Darling Downs, various intersection lighting and various footpaths that will create better connectivity to existing footpaths.

Officers have provided six (6) packages as options for Council consideration that will allocate the total allowed funds. The options are by no means the only options available and any other combination or additional projects not currently included in the staff proposed options can be considered. The selection of the combination of projects should best represent what Councillors believe will provide the most significant positive outcome for the community. More detail is provided in **attachments 6 - 11** for the Officer proposed options. Council's chosen option and its value will need to be included in the 2020/21 capital works budget.

**LRCI PACKAGE OPTION 1**

<b>*</b>	<b>Road</b>	<b>Suburb</b>	<b>Length (m)</b>	<b>Amount</b>
<b>1</b>	Helen Cr (Between Shelley St to Park Rd) - 2.0 wide path	Byford	45	\$ 6,750.00
<b>2</b>	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
<b>3</b>	Richardson St (Between Paterson St and Butcher St) - 2.5m Wide path	Mundijong	295	\$ 59,825.00
<b>4</b>	Wanliss St (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
<b>5</b>	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	240	\$ 21,905.00
<b>6</b>	Toilet Block Harvest Green Park Cnr Lawrence St and Shepperton Blv, Byford	Byford		\$140,000.00
<b>7</b>	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00
<b>8</b>	Masters Rd - Traffic speed signs	Darling Downs		\$ 15,000.00
				<b>\$673,030.00</b>



**LRCI PACKAGE OPTION 2**

<b>*</b>	<b>Road</b>	<b>Suburb</b>	<b>Length (m)</b>	<b>Amount</b>
<b>1</b>	Helen Cr (Between Shelley St to Park Rd) - 2.0 wide path	Byford	45	\$ 6,780.00
<b>2</b>	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
<b>3</b>	Richardson St (Between Paterson St and Butcher St) - 2.5m Wide path	Mundijong	295	\$ 59,825.00
<b>4</b>	Butcher St (Between Cockram St to Livesey St) – 2.5m wide path	Mundijong	735	\$110,250.00
<b>5</b>	Tonkin St (Between Lefroy St to Richardson St)	Serpentine	300	\$ 40,500.00
<b>6</b>	Wanliss St (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
<b>7</b>	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	137	\$ 11,125.00
<b>8</b>	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00
<b>9</b>	Masters Rd - Traffic speed signs	Darling Downs		\$ 15,000.00
				<b>\$673,030.00</b>



### LRCI PACKAGE OPTION 3

*	Road	Suburb	Length (m)	Amount
1	Helen Cr (Between Shelley St to Park Rd) - 2.0 wide path	Byford	45	\$ 6,750.00
2	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
3	Richardson St (Between Paterson St and Butcher St) - 2.5m Wide path	Mundijong	268	\$ 54,495.00
4	Butcher St (Between Cockram St to Livesey St) – 2.5m wide path	Mundijong	368	\$ 55,125.00
5	Cockram St (Between Butcher St to Adonis St) - 2.5m wide path	Mundijong	295	\$ 44,250.00
6	Wanliss St (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
7	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	220	\$ 17,860.00
8	Bishop Rd & Taylor Rd Street Lights	Mundijong		\$ 15,000.00
9	Summerfield Rd & Castle Rd Street Lights	Serpentine		\$ 15,000.00
10	Kargotich Rd and Bishop Rd Street Lights	Mundijong		\$ 20,000.00
11	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00
12	Masters Rd - Traffic speed signs	Darling Downs		\$ 15,000.00
				<b>\$673,030.00</b>

**LRCI PACKAGE OPTION 4**

<b>*</b>	<b>Road</b>	<b>Suburb</b>	<b>Length (m)</b>	<b>Amount</b>
<b>1</b>	Helen Cr (Between Shelley St to Park Rd) - 2.0 wide path	Byford	45	\$ 6,750.00
<b>2</b>	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
<b>3</b>	Mary St (Between Beenyup Rd to Corbell Ln)	Byford	65	\$ 12,750.00
<b>4</b>	Richardson St (Between Paterson St and Butcher St) - 2.5m Wide path	Mundijong	295	\$ 59,825.00
<b>5</b>	Wanliss St (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
<b>6</b>	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	251	\$ 24,155.00
<b>7</b>	Toilet Block Harvest Green Park Cnr Lawrence St and Shepperton Blv, Byford	Byford		\$140,000.00
<b>8</b>	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00
				<b>\$673,030.00</b>

**LRCI PACKAGE OPTION 5**

<b>*</b>	<b>Road</b>	<b>Suburb</b>	<b>Length (m)</b>	<b>Amount</b>
<b>1</b>	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
<b>2</b>	Mary St (Between Beenyup Rd to Corbell Ln)	Byford	65	\$ 12,750.00
<b>3</b>	Clara St (Between South Western Hwy to Edward Cr) - 2.0 m wide path	Byford	180	\$ 30,000.00
<b>4</b>	Byford Dr (Between Edward Cres to Byford Tennis Club) - 2.0m wide path	Byford	195	\$ 30,000.00
<b>5</b>	Richardson St (Between Paterson St and Butcher St) - 2.5m Wide path	Mundijong	310	\$ 63,245.00
<b>6</b>	Butcher St (Between Cockram St to Livesey St) – 2.5m wide path	Mundijong	735	\$ 110,250.00
<b>7</b>	Cockram St (Between Butcher St to Adonis St) - 2.5m wide path	Mundijong	295	\$ 44,250.00
<b>8</b>	Tonkin St (Between Lefroy St to Richardson St)	Serpentine	300	\$ 40,500.00
<b>9</b>	Wanliss Street (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
<b>10</b>	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	220	\$ 17,860.00
<b>11</b>	Oak Way (Between Atkins St to Jarrahdale Rd)	Jarrahdale	140	\$ 22,500.00
<b>12</b>	Brady Rd (Between Jarrahdale Rd to George St) - 2.0 wide footpath	Jarrahdale	275	\$ 37,125.00
<b>13</b>	Bishop Rd & Taylor Rd Street Lights	Mundijong		\$ 15,000.00
<b>14</b>	Summerfield Rd & Castle Rd Street Lights	Serpentine		\$ 15,000.00
<b>15</b>	Kargotich Rd and Bishop Rd Street Lights	Mundijong		\$ 20,000.00

**LRCI PACKAGE OPTION 5**

*	Road	Suburb	Length (m)	Amount
16	Toilet Block Harvest Green Park Cnr Lawrence St and Shepperton Blv, Byford	Byford		\$ 140,000.00
17	Masters Rd - Traffic speed signs	Darling Downs		\$ 15,000.00
				<b>\$ 673,030.00</b>

**LRCI PACKAGE OPTION 6**

*	Road	Suburb	Length (m)	Amount
1	Richardson St (Between Paterson St and Butcher St) - 2.5m Wide path	Mundijong	295	\$ 59,920.00
2	Wanliss St (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
3	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	220	\$ 17,860.00
4	Bishop Rd & Taylor Rd Street Lights	Mundijong		\$ 15,000.00
5	Summerfield Rd & Castle Rd Street Lights	Serpentine		\$ 15,000.00
6	Kargotich Rd and Bishop Rd Street Lights	Mundijong		\$ 20,000.00
7	Toilet Block Harvest Green Park Cnr Lawrence St and Shepperton Blv, Byford	Byford		\$140,000.00
8	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00
				<b>\$ 673,030.00</b>



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## Options and Implications

### Option1

That Council SELECT one of the Package Options to include in the Capital Works Program for the 2020/21 financial year and ENDORSE an allocation in the budget for the works.

### Option 2

That Council CREATE their own Package Option of works to include in the Capital Works Program for the 2020/21 financial year and ENDORSE an allocation in the budget for the works.

Shire Officers do not have a preferred recommendation for the above options.

## Conclusion

The Shire has been allocated \$673,030 in the Federal Government's LRCI Program. The combination of capital works projects that Council choose to initiate for this funding, as long as they meet the criteria, is a decision of Council and once decided a budget allocation must be made to the 2020/21 Financial Year Capital Works budget.

## Attachments (available under separate cover)

- **10.2.4 - attachment 1** – LRCI Funding Allocations (IN20/13402)
- **10.2.4 - attachment 2** – LRCI Fact Sheet (IN20/13403)
- **10.2.4 - attachment 3** – LRCI Letter of Offer (IN20/13557)
- **10.2.4 - attachment 4** – LRCI Work Schedule (IN20/13559)
- **10.2.4 - attachment 5** – LRCI Grant Agreement (IN20/13560)
- **10.2.4 - attachment 6** - LRCI Package Option 1 (E20/7593)
- **10.2.4 - attachment 7** - LRCI Package Option 2 (E20/7594)
- **10.2.4 - attachment 8** - LRCI Package Option 3 (E20/7595)
- **10.2.4 - attachment 9** - LRCI Package Option 4 (E20/7596)
- **10.2.4 - attachment 10** - LRCI Package Option 5 (E20/7597)
- **10.2.4 - attachment 11** - LRCI Package Option 6 (E20/7598)

## Alignment with our Strategic Community Plan

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





### Financial Implications

There are no financial contributions required by Council as part of the \$673,030 that has been allocated under the LRCI program.

### 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 there are not projects that have a significant input on a Shire wide basis	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Manage by ensuring that the eligibility criteria are met and that projects are across Shire and are recognised as needed.
Projects are chosen that do not comply with the requirements of the program	Unlikely (2)	Major (4)	Moderate (5-9)	Financial Impact - 4 Major - \$500,000 - \$2M	Manage by ensuring that the eligibility criteria are met and that projects are across Shire and are recognised as needed



### 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

1. SELECTS and ENDORSES an allocation for Local Roads and Community Infrastructure Program (LRCI Program) Package Option \_\_\_\_\_ as per attachment \_\_\_\_\_ for inclusion in the Financial Year 2020/21 Capital Works budget.
2. AUTHORISES the Chief Executive Officer sign the Grant Agreement as contained within attachment 5 and any associated documentation in relation to the Local Roads and Community Infrastructure Program (LRCI Program) grant.



OCM219/07/20

**MOTION**

Moved Cr McConkey, seconded Cr Dagostino

That Council

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

*	Road	Suburb	Length (m)	Amount
1	Richardson St (Between Paterson St and Butcher St) - 2.5m Wide path	Mundijong	321	\$ 65,530.00
2	Oak Way (Between Atkins St to Jarrahdale Rd)	Jarrahdale	140	\$ 22,500.00
3	Helen Cr (between Shelley Street and Park Road) – 2.0 wide path	Byford	45	\$6,750.00
4	Bishop Rd & Taylor Rd Street Lights	Mundijong		\$ 15,000.00
5	Summerfield Rd & Castle Rd Street Lights	Serpentine		\$ 15,000.00
6	Kargotich Rd and Bishop Rd Street Lights	Mundijong		\$ 20,000.00
7	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00
8	Creation of Playground cnr Mead Street and Gordin Way at the Briggs Park Reserve	Byford		\$143,250.00
9	Masters Rd - Traffic speed signs	Darling Downs		\$ 15,000.00
				<b>\$673,030.00</b>

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

**MOTION LOST 4/4**

The Presiding Member used her casting vote and voted **AGAINST** the Motion

**MOTION**

Moved Cr Rich, seconded Cr Denholm

That Council

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

*	Road	Suburb	Length (m)	Amount
1	Helen Cr (between Shelley Street and Park Road) – 2.0 wide path	Byford	45	\$6,750.00
2	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
3	Mary St (Between Beenyup Rd to Corbell Ln)	Byford	65	\$ 12,750.00
4	Butcher St (Between Cockram St to Livesey St) – 2.5m wide path	Mundijong	376	\$ 56,370.00
5	Cockram St (Between Butcher St to Adonis St) - 2.5m wide path	Mundijong	295	\$ 44,250.00
6	Tonkin St (Between Lefroy St to Richardson St)	Serpentine	300	\$ 40,500.00
7	Wanliss Street (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
8	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	220	\$ 17,860.00
9	Bishop Rd & Taylor Rd Street Lights	Mundijong		\$ 15,000.00
10	Summerfield Rd & Castle Rd Street Lights	Serpentine		\$ 15,000.00
11	Kargotich Rd and Bishop Rd Street Lights	Mundijong		\$ 20,000.00
12	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00

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13	Masters Rd - Traffic speed signs	Darling Downs		\$ 15,000.00
				\$673,030.00

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

**OCM220/07/20****PROCEDURAL MOTION****Moved Cr Coales, seconded Cr McConkey****That in accordance with clause 15.6 of the Standing Orders Local Law 2002 (as amended), that the Presiding Members ruling upon any question of order is final, be disagreed with.****MOTION LOST 3/5**



OCM221/07/20

**COUNCIL RESOLUTION**

Moved Cr Rich, seconded Cr Denholm

That Council

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

*	Road	Suburb	Length (m)	Amount
1	Helen Cr (between Shelley Street and Park Road) – 2.0 wide path	Byford	45	\$6,750.00
2	South Cr (Between Park Rd to Amy St) - 2.0 wide path	Byford	162	\$ 24,300.00
3	Mary St (Between Beenyup Rd to Corbell Ln)	Byford	65	\$ 12,750.00
4	Butcher St (Between Cockram St to Livesey St) – 2.5m wide path	Mundijong	376	\$ 56,370.00
5	Cockram St (Between Butcher St to Adonis St) - 2.5m wide path	Mundijong	295	\$ 44,250.00
6	Tonkin St (Between Lefroy St to Richardson St)	Serpentine	300	\$ 40,500.00
7	Wanliss Street (Between Munro St to Brady Rd) – 2.5m wide path	Jarrahdale	235	\$ 35,250.00
8	Jarrahdale Rd (Between Lang St to Nettleton Rd) - 2.0m wide path	Jarrahdale	220	\$ 17,860.00
9	Bishop Rd & Taylor Rd Street Lights	Mundijong		\$ 15,000.00
10	Summerfield Rd & Castle Rd Street Lights	Serpentine		\$ 15,000.00
11	Kargotich Rd and Bishop Rd Street Lights	Mundijong		\$ 20,000.00
12	Briggs Park Recreation Precinct Car Park Stage 1	Byford		\$370,000.00





13	Masters Rd - Traffic speed signs	Darling Downs		\$ 15,000.00
				\$673,030.00

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

**CARRIED 5/3**

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

*Councillors Rich, Atwell, Byas, Dagostino and Denholm voted FOR the motion.*

*Councillors Coales, McConkey and Strange voted AGAINST the motion.*

*Reason for difference to Officer Recommendation*

*The carpark is part of the Briggs Park Master Plan. Streetlights are for safety reasons as is the Masters Road traffic speed signs (equine and car interaction).*



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**10.3 Corporate Services reports**

<b>10.3.1 - Confirmation of Payment of Creditors – June 2020 (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

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

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

Nil.

**Community / Stakeholder Consultation**

Not Applicable.

**Statutory Environment**

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

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

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



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**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 June 2020 to 30 June 2020 is provided in **attachment 1**.

**Options and Implications**Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 June 2020 to 30 June 2020, totalling \$3,967,631.56.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 June 2020 to 30 June 2020, totalling \$3,967,631.56.

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 June 2020 (E20/7407)
- **10.3.1 – attachment 2** – List of Accounts Paid and Submitted to Council (Bank Fees and Payroll) for the period ending 30 June 2020 (E20/7406)
- **10.3.1 - attachment 3** – Westpac Purchasing Card Report – 28 April 2020 to 28 May 2020 (E20/7405)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	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 June 2020 to 30 June 2020 totalled \$3,967,631.56.

### Risk Implications

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

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

### Risk Matrix

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

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



**Voting Requirements:** Simple Majority

**OCM222/07/20**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Denholm**

**That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 June 2020 to 30 June 2020, totalling \$3,967,631.56 as attached, covering:**

- 1. Payment of creditors totalling \$3,183,558.45;**
- 2. Payroll totalling \$780,854.20; and**
- 3. Bank Fees totalling \$3,218.91.**

**CARRIED UNANIMOUSLY 8/0**



<b>10.3.2 – Monthly Financial Report – May 2020 (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

**Authority / Discretion**

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

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

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

**Relevant Previous Decisions of Council**

*Special Council Meeting – 22 July 2019 - SCM163/07/19 – extract*

*PART 7 – Material Variances*

*That Council*

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

**Background**

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





### Community / Stakeholder Consultation

Nil.

### Statutory Environment

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

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

### Comment

#### Monthly Financial Report

The attached report shows the month end position as at the end of May 2020. The municipal surplus for the month ending 31 May 2020 is \$6,768,104, which is favourable, compared to a budgeted surplus for the same period of \$1,756. The reasons for the variances are discussed below.

Description	YTD Budget	31 May 2020 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2019	4,351,415	4,351,415	-
Proceeds from sale of assets	200,000	149,638	(50,362)
Changes to net transfers to and from Reserves	1,120,260	1,120,260	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	1,532,000	2,974,000	1,442,000
Loan principal repayments	(460,000)	(3,500,211)	(3,040,211)
Capital expenditure	(20,382,721)	(12,610,744)	7,771,977
Capital revenue (cash items)	8,750,000	3,513,287	(5,236,713)
Operating revenue (cash items)	33,771,624	35,638,178	1,866,554
Operating expenditure (cash items)	(28,880,822)	(24,867,719)	4,013,103
	<b>1,756</b>	<b>6,768,104</b>	<b>6,766,348</b>

### Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report May 2020 (E20/7497)



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**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	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 May 2020, the Shire's respective cash position was as follows:

Municipal Fund: \$7,664,058

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**

Favourable variance of \$1,575,360 due primarily to the early payment of Federal Assistance Grants - \$1,429,774.

**Fees and Charges**

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

**Interest Earnings**

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

**Other Revenue**

Favourable variance of \$91,216 primarily to due to LGIS surplus distribution of \$45,838 and Insurance Claim Reimbursements - \$31,411.

**Operating Expenses****Employee Costs**

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

**Materials and Contracts**

Favourable variance of \$2,376,842 due to timing differences in relation to provision of services across all programs and business units, the most material of which is Waste Services - \$454,341. Other significant variances include Bushfire Mitigation - \$381,827, Subdivision Feasibility - \$137,500, Kiernan Due Diligence - \$91,663 and consultancy and legal services across the organisation - \$681,966.



**Utility Charges**

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

**Depreciation on Non-Current Assets**

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

**Interest Expenses**

Favourable variance of \$61,897 due to timing differences relating to loan repayment dates.

**Insurance Expenses**

Unfavourable variance of \$106,287 due to timing differences relating to insurance premium payment dates, as well as election to receive LGIS surplus distribution as a cash payment, rather than as a credit against current year premiums.

**Other Expenditure**

Favourable variance of \$291,525 due to timing differences and the volume of expenditure primarily relating to community funding via grants and sponsorships - \$192,312.

**Other**

**Profit/(Loss) on Asset Disposals**

Unfavourable variance of \$12,962 due to lower than anticipated returns on asset disposals.

**Non-Operating Grants, Subsidies and Contributions**

Unfavourable variance of \$5,236,713 due to timing of grant funding not yet received, and attainment of performance milestones to enable income recognition, the most material of which is NSRF funding related to Abernethy Road - \$1,252,962, Nature Play & Splash Park - \$1,375,000, and Main Roads funding for various projects - \$2,960,267. Please note significant grant funds were acquitted in June with grant funding of \$3,063,728 received.

**Proceeds from Disposal of Assets**

Unfavourable variance of \$50,362 due to timing of asset disposals.

**Repayment of Debentures**

Unfavourable variance of \$3,040,211 due primarily to repayment of drawdown 1 for Briggs Park/Abernethy Road loan. Please note as per below these funds were redrawn in April 2020.

**Proceeds from New Debentures**

Favourable variance of \$1,442,000 related to the redraw of the Briggs Park/Abernethy Road loan funding mentioned above, offset by the fact that we were yet to drawdown the loan for the purchase of land at Webb Road. Please note that these funds were drawn down in June 2020.

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

No variance analysis required as no variance to budget.

**Transfers (to)/from restricted cash (Municipal)**

No variance analysis required as no variance to budget.

**Risk Implications**



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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

OCM223/07/20

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council RECEIVES the Monthly Financial Report for May 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.

**CARRIED UNANIMOUSLY 8/0**

#### 10.3.3 –Basis of Valuation Method Review – Project Plan and Communications Strategy (SJ274)

**Responsible Officer:** Director Corporate Services



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

**Authority / Discretion**

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

The purpose of this report is for Council to consider a draft project plan and communications strategy related to a review of the basis of valuation method used in Shire for the calculation of rates.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 20 May 2020 – OCM118/05/20 - COUNCIL DECISION/Officer Recommendation:*

*That Council requests that the Chief Executive Officer:*

- 1. MEETS with the Department of Local Government, Sport and Cultural Industries and Office of the Valuer General to obtain their input to the process of changing valuation methodology.*
- 2. PREPARES a project plan and communication strategy to address the matters identified in this report for consideration at a future meeting of Council.*

**Background**

At the May 2020 Ordinary Council Meeting, Council resolved that a project plan and communications strategy be prepared related to changing valuation methodologies. To inform the project plan and communication strategy, Council also resolved that Shire Officers meet with the Department of Local Government, Sport and Cultural Industries and Officer of the Valuer General.



## **Community / Stakeholder Consultation**

Following a meeting with the Department of Local Government, Sport and Cultural Industries and discussions with the Office of the Auditor General, a project plan and communications strategy has been prepared that describes the proposed approach for community consultation associated with the project.

## **Statutory Environment**

Rates are levied based on the valuation of a property multiplied by a rate set in the dollar. The valuation of a property is determined by the Valuer General based on either the Unimproved Value (UV) or the Gross Rental Value (GRV) of the property. Under Section 6.28(1) of the *Local Government Act 1995* (the Act), the Minister for Local Government determines which valuation method to use based on the criteria specified in the Act.

Section 6.28(2) of the Act states that in determining the basis of rates the Minister is to have regard to:

- where the land is used predominately for rural purposes, the unimproved value of the land; and
- where the land is used predominantly for non-rural purposes, the gross rental value of the land.

The basis of the rating method is not a grounds for objection under section 6.76 of the Act. Section 6.80 of the Act provides that objections regarding valuation can only be made based on the accuracy of the valuation conducted under the *Valuation of Land Act 1978* and not on the basis of rating set by the Minister.

## **Comment**

A prima facie case exists that the valuation methodology applied to many properties in the Shire is incorrect. The misapplication of valuation methodology impacts all ratepayers in the Shire and can result in individual ratepayers either paying too much or little in rates. Based on the best evidence available, Officers believe that the current application of valuation methods results in rating inequality and an unfair distribution of the rating burden across the Shire.

In accordance with section 6.28 of the Act, this can only be corrected by the Minister for Local Government.

This process is managed by the Department of Local Government on behalf of the Minister. Applications to change the valuation method must follow the process set by the Department to be considered as published in the Department of Local Government, Sport and Cultural Industries publishes an Operational Guideline – Changing Methods of Valuation of Land.

The document outlines a step-by-step process to follow in achieving a change of valuation methodology. The required steps are as follows:

1. Identifying land use changes that may affect predominant use;
2. Reviewing predominant use;
3. Consulting affected parties; and
4. Changing the method of valuation.





The guideline also provides principles to observe when considering changing the rating methodology. These principles are:

1. Objectivity
2. Fairness and equity
3. Consistency
4. Transparency
5. Administrative efficiency

The application of these principles supports a large-scale review and the case for reform.

The issues associated with the basis of rating identified in 2007 may mean that the equity of the Shire's rating methodology is compromised.

Rating equity is important regardless of economic conditions but is especially applicable in the challenging economic circumstances resulting from the response to the COVID-19 pandemic.

Officers contend that action to more appropriately distribute the rating burden and make rates fairer is a key dimension of long-term economic recovery and stimulus in the Shire.

If Council agrees for the review to proceed, engagement will occur in accordance with the attached communication strategy with the recommendations from the review presented at a subsequent meeting for Council's consideration. In accordance with the Department's guidance material, it would be a matter for Council to consider whether the recommendations of the review are submitted for the Minister's consideration and decision.

This project is a significant undertaking.

The lessons learned from other local governments that have undertaken reviews that involve a large proportion of the district's properties is that the issue needs to be resolved as a single exercise rather than an elongated or staged approach. Accordingly, the attached project plan and communications strategy recommends that the review be completed the target of a report to Council at the 14 December 2020 Ordinary Council Meeting.

Based on the experience of other local governments, projects to review the method of valuation generally result in community concern. A widespread change to the method of valuation will have winners and losers. This is because the widespread misapplication of methods of valuation impacts not only the property owner assigned an incorrect valuation method but every other property that owner that shares in the overall rating burden.

While Officers are confident that a prima facie case exists that there are widespread examples of incorrect valuation methods being employed in the Shire, only a systematic review will provide Council the opportunity to consider if reforms should be recommended to provide a fairer distribution of the rating burden to all Shire ratepayers.



## Options and Implications

### Option1

That Council APPROVES that the Chief Executive Officer commence work on the project as described in the project plan and communication plan (per **attachment 1**) to engage with the community to review the basis of the method of valuation used for all properties in the Shire and submit for Council's consideration recommendations from that review.

### Option 2

That Council DOES NOT APPROVE that the Chief Executive Officer commence work on the project as described in the project plan and communication strategy (per **attachment 1**) to engage with the community to review the basis of the method of valuation used for all properties in the Shire and submit for Council's consideration recommendations from that review.

Option 1 is recommended.

## Conclusion

The rating burden across the Shire should be fair, objective and conducted in accordance with the provisions of the Act. There is evidence to suggest that this is currently not the case due to long-standing issues associated with the valuation method used for many properties in the Shire. Only the Minister, under the direction of Council, can consider changing the basis for valuation method. The attached project plan and communication strategy is presented as a pathway to engaging with the community with a view to presenting information to the Minister to inform their decision.

## Attachments (available under separate cover)

- **10.3.3 - attachment 1** – Basis of Valuation Method Review Project Plan and Communications Strategy (E20/7254)

## Alignment with our Strategic Community Plan

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

## Financial Implications

The project is not without costs. An allocation of \$40,000 in the draft Shire 2020-21 budget has been allocated. This amount will be sufficient to complete the communications component of the project.

If not otherwise available, deposited plans may be required as part of the submission. These cost \$26 per property and may be required for properties proposed to change as part of the submission.

If the Minister ultimately agrees to change the valuation method, new valuations for each property will be required from the Valuer General. These are charged at \$80 per property.

The financial implications associated with implementing the findings of each round of valuation changes are unknown and will only be fully apparent when the review is completed. While the full financial implications cannot be known ensuring a fair distribution of the rating burden is



regarded as critical to enable Council to achieve long-term financial sustainability and better outcomes for ratepayers collectively in the Shire.

### Risk Implications

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
In the event that Council resolves to proceed, that the Shire's reputation is compromised during public debate on the topic.	Almost Certain (5)	Major (4)	Extreme (20-25)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Manage through implementation of communication strategy
In the event that Council resolves to proceed, that the project has insufficient resources	Likely (4)	Major (4)	High (10-16)	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources	Managed through temporary reprioritisation of work
In the event that Council does not resolve to proceed, that an incorrect the method of valuation continues to be employed resulting in a compromised distribution of the rating burden	Almost Certain (5)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation



amongst rate payers in the Shire.					
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### Risk Matrix

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

A risk rating of **20** has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

### OCM224/07/20

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council **APPROVES** that the Chief Executive Officer commence work on the project as described in the project plan and communication strategy (as contained within attachment 1) to engage with the community to review the basis of the method of valuation used for all properties in the Shire and submit for Council's consideration recommendations from that review.

**CARRIED UNANIMOUSLY 8/0**



<b>10.3.4 – Application for Rates Exemption – Access Housing (SJ281)</b>	
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

This report is presented to Council to consider application for rates exemption for three properties owned by the Housing Authority and leased by Access Housing, the assessment numbers being:

- A120500;
- A105800; and
- A105600.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 20 May 2019 - OCM085/05/19 - COUNCIL RESOLUTION*

*That Council*

1. *DENIES the application for rates exemption from Access Housing for Lot 30 #3 Cockram Street, Mundijong (A120500); Lot 31 #1 Anstey Street, Mundijong (A105800); and Lot 202 #17 Anstey Street, Mundijong (A105600) as contained in attachment 1.*
2. *WORKSHOP at the June Policy Concept Forum the impact of s6.26(2)(g) of the Local Government Act 1995 in relation to charitable rating exemption.*



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**Background**

Unless specified by the *Local Government Act 1995*, all land is rateable. Section 6.26(2)(g) of the Act provides that land is not rateable if it is 'used exclusively for charitable purposes'.

The definition of land used exclusively for charitable purposes is not defined in the Act and differing interpretations of the meanings of 'charity' and 'charitable purposes' have continued to prove challenging across all levels of government in Australia. The Department of Local Government, Sport and Cultural Industries' guidance material to the sector on rating does not provide guidance on this matter.

In Western Australia the meaning of what constitutes 'land used exclusively for charitable purposes' has been the subject of several key decisions by the State Administrative Tribunal. These decisions have typically, but not always, broadened the definition of charitable purposes in line with Lord McNaughton's 1891 decision that the common law definition of charity included:

- relief of poverty;
- advancement of education;
- advancement of religion; and
- other purposes beneficial to the community.

In addition to the definition of charity, Tribunals and Courts have variously been asked to consider the meaning of 'use', 'exclusive use', and 'purposes' with varying findings dependent on the specifics of each case.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

*Local Government Act 1995*

**6.76. Grounds of objection**

- (1) *A person may, in accordance with this section, object to the rate record of a local government on the ground —*
  - (a) *that there is an error in the rate record —*
    - (i) *with respect to the identity of the owner or occupier of any land; or*
    - (ii) *on the basis that the land or part of the land is not rateable land;*
- (3) *An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.*

**6.26. Rateable land**

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
  - (g) *land used exclusively for charitable purposes*





### **Comment**

In response to Access Housing's original request at OCM85/05/19 for rates exemption, the Officer's report observed that there was significant variation and ambiguity regarding the treatment of such applications regarding community housing providers within the local government industry. Council subsequently denied Access Housing's application.

Access Housing has requested that the Shire reconsider its decision to deny the rates exemption application submitted by Access Housing.

The particulars of the matters are as follows:

- The Housing Authority is the owner of the properties in question.
- The Housing Authority has always paid rates on the properties.
- The Housing Authority has let the properties to Access Housing on a week-to-week basis utilising a periodic residential Tenancy Agreement.
- An overarching Community Housing Agreement that describes how they will manage the properties exists between The Housing Authority and Access Housing.
- The properties are sublet by Access Housing to persons of low income.

Officers have conducted additional research in the intervening time period.

There are two questions to consider in determining the rates exemption question:

- Does the applicant have authority to make the application?
- Is the property used exclusively for a charitable purpose?

In regard to the first question, section 6.76 of the Act allows the property owner or their agent to object to the rate record on the basis that the land is not rateable land.

Officers sought legal advice on this matter and were initially advised that Access Housing had no standing to apply for exemption.

Following Access Housing's new request and their provision of additional information, Officers have sought further legal clarification from the original legal advisors.

The new clarification advice finds that the existence of a Community Housing Agreement between Access Housing and the Housing Authority is likely to constitute the giving of agency powers.

In regard to the second question, section 6.26 of the Act provides that land used exclusively for charitable purposes is not rateable.

The land is sublet by Access Housing to people of low income for less than the market rate.

On that basis, it considered more likely than not that the land is not rateable under section 6.26(2)(g) used for the relief of poverty which is recognised as a charitable purpose. This conclusion is consistent with the findings by the State Administrative Tribunal and the treatment of similar land uses in other local governments.



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**Options and Implications**Option1

That Council DECLARES the properties non-rateable.

Option 2

That Council DENIES the application for rates exemption.

Option 1 is recommended.

**Conclusion**

Following further clarification on the original legal advice, Officers consider that it is more likely than not while the properties are owned by the Housing Authority and would be eligible for payment of rates in their hands, that the leasing of the properties to Access Housing has made them non-rateable under section 6.26(2)(g).

**Attachments (available under separate cover)**

- **10.3.4 – CONFIDENTIAL attachment 1** – Access Housing request for rates exemption (E19/5143)

**Alignment with our Strategic Community Plan**

Nil.

**Financial Implications**

Loss of \$3,834 of rates income annually.

**Risk Implications**

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Needing to defend possible legal action if request is denied	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	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

**OCM225/07/20**

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Denholm

That Council **DECLARES** the following properties non-rateable for the period that the land is used exclusively for charitable purpose in accordance with section 6.26(2)(g) of the *Local Government Act 1995*:

- A120500;
- A105800; and
- A105600.

**CARRIED UNANIMOUSLY 8/0**



<b>10.3.5 - Review of Council Policies - Purchasing and Procurement (SJ526-02)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

A review of the following Council Policies has been undertaken and are recommended for Council adoption:

- Council Policy – Purchasing – Procurement of Goods or Services up to \$150,000
- Council Policy - Procurement of Goods or Services through Public Tendering
- Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal

In addition, consequential amendments to Authorisation 1.11 *Local Government Act 1995* – Execution of Documents within the Shire's Register of Delegations and Authorisations have been made and are recommended for Council approval.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 15 July 2019 – OCM148/07/19 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council*

1. *ADOPTS the amended Council Policy – Purchasing - Procurement of Goods or Services up to \$150,000 as contained in attachment 3.*
2. *ADOPTS the amended Council Policy - Procurement of Goods or Services through Public Tendering as contained in attachment 6.*



## Background

The Shire received an LG Alert email from the Department of Local Government, Sport and Cultural Industries dated 7 May 2020 advising all local governments of amendments to purchasing policies. The email stated:

*“Following amendments to increase the tender threshold to \$250,000, further regulations will be gazetted on Friday 8 May 2020 to update the provisions for local government purchasing policies in the Local Government (Functions and General) Regulations 1996.*

*In accordance with Regulation 11A(1), local governments must prepare, adopt and implement a purchasing policy in relation to contracts for other persons to supply goods or services under \$250,000.”*

In light of this advice, Council's Purchasing Policies have been amended to align with these required amendments.

The reviewed Council Policies as contained in **attachments 2 and 5** identify the changes including additional information with the requirements for the management of Council's procurement function. These policies reinforce Council's ongoing commitment to maintaining the Shire's strategic and operational objectives.

These policies underpin the organisation's ability to:

- attain best value for money;
- achieve sustainable benefits;
- provide consistent, efficient and accountable decision making and processes;
- promote fair and equitable competition;
- achieve probity and integrity;
- achieve compliance;
- promote risk mitigation;
- create appropriate records; and
- protect commercial-in-confidence information.

## Community / Stakeholder Consultation

Nil.

## Statutory Environment

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of Council to determine the Local Government policies.

The *Local Government (Functions and General) Regulations 1996*, Regulation 11A requires the Shire to have a written Purchasing Policy for the supply of goods and services worth \$250,000 or less.

Under Section 3.57 of the *Local Government Act 1995*, a local government is required to invite tenders before it enters into a contract of a prescribed kind according to Regulation that designates a tender threshold of over \$250,000.



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## Comment

The revised Council Policies as contained in **attachments 3 and 6** are key documents for underpinning the guidelines for the operation of the centre led Procurement Team.

The key changes to the revised Council Policies are:

### Council Policy – Purchasing – Procurement of Goods or Services up to \$250,000

- All amounts throughout the Policy which reference \$150,000 have been amended to read \$250,000, in light of the Department of Local Government, Sport and Cultural Industries instruction.
- *Monetary Threshold* - \$5,001 - \$30,000 has been amended to include the value of \$5,001 - \$75,000. Verbal quotations are no longer accepted and all written quotations are to be noted on a Quote Selection Form (up to \$75,000).
- *Monetary Threshold* - \$30,001 - \$75,000 has been removed.
- *Exemptions* section, point f), has been amended to read “Loan repayments” due to a spelling mistake.
- *Exemptions* section now includes “p) Utilities”.
- The reference to the *Evaluation Matrix for Submissions* document has been deleted from the *Relevant Policies/Council Documents* section as it is an old document and no longer utilised.

### Council Policy - Procurement of Goods or Services through Public Tendering

- The legislation mentioned in the *Tendering – Requirement for Tender* section has been updated to reflect the current wording contained in Regulation 11(1) of the *Local Government (Functions and General) Regulations 1996*.
- *Relevant Policies/Council Documents* section which references Council Policy – Purchasing - Procurement of Goods or Services up to \$250,000 has been amended to mirror the changes to the Policy title.

### Consequential amendments to Council Policy 1.1.4 - Execution of Documents and Use of the Common Seal and Authorisation 1.11 Local Government Act 1995 – Execution of Documents within the Shire’s Register of Delegations and Authorisations

With the tender threshold increased to \$250,000, the following consequential amendments to the Shire’s Register of Delegations and Authorisations is recommended:

- The removal of the guidance note in authorisation 1.11 to remove any doubt that the authorisation permits the execution of documents relating to tenders; and
- Updates to position titles in accordance with the recent organisation restructure.

A marked up version illustrating the abovementioned amendments to Authorisation 1.11 *Local Government Act 1995 – Execution of Documents* within the Shire’s Register of Delegations and Authorisations is provided at **attachment 7**.





The following consequential amendments to Council Policy 1.1.4 Execution of Documents and Use of the Common Seal are recommended, to ensure integration and consistency between the documents:

- The removal of the third sentence under 'scope' and the addition of tender documents as an example of a Category 2 document to remove any doubt that the policy permits the execution of documents relating to tenders.
- The addition of other legally binding contracts as an example of a Category 2 Document. This is recommended to provide greater clarity and assistance to Shire officers when determining a document's category.

A marked up version illustrating the abovementioned amendments to Council Policy 1.1.4 Execution of Documents and Use of the Common Seal is provided at **attachment 8**.

### Options and Implications

#### Option1

That Council:

1. ADOPTS the following revised Council Policies:
  - Council Policy – Purchasing – Procurement of Goods or Services up to \$250,000
  - Council Policy - Procurement of Goods or Services through Public Tendering
  - Council Policy 1.1.4 - Execution of Documents and Use of the Common Seal
2. APPROVES the amendments to Authorisation 1.11 *Local Government Act 1995* – Execution of Documents within the register of delegations and authorisations.

#### Option 2

That Council:

1. REFUSES the following revised Council Policies:
  - Council Policy – Purchasing – Procurement of Goods or Services up to \$250,000
  - Council Policy - Procurement of Goods or Services through Public Tendering
  - Council Policy 1.1.4 - Execution of Documents and Use of the Common Seal
2. REFUSES the amendments to Authorisation 1.11 *Local Government Act 1995* – Execution of Documents within the register of delegations and authorisations.

Option 1 is recommended.



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**Conclusion**

This report is presented to Council recommending the adoption of amended Council Policies:

- Council Policy – Purchasing – Procurement of Goods or Services up to \$250,000
- Council Policy - Procurement of Goods or Services through Public Tendering
- Council Policy 1.1.4 - Execution of Documents and Use of the Common Seal

In addition, consequential amendments to Authorisation 1.11 *Local Government Act 1995* – Execution of Documents within the Shire's Register of Delegations and Authorisations are also recommended for Council approval.

It is considered that the modifications provide more transparency in regards to procurement practices.

**Attachments (available under separate cover)**

- **10.3.5 - attachment 1** – Current Council Policy - Purchasing - Procurement of Goods or Services up to \$150,000 - Adopted (E19/5674)
- **10.3.5 - attachment 2** – Track Changes version Council Policy - Purchasing - Procurement of Goods or Services up to \$250,000 (E20/7095)
- **10.3.5 - attachment 3** – Proposed final version Council Policy - Purchasing - Procurement of Goods or Services up to \$250,000 (E20/7096)
- **10.3.5 - attachment 4** – Current Council Policy - Procurement of Goods or Services Through Public Tendering - Adopted (E19/5672)
- **10.3.5 - attachment 5** – Track Changes version Council Policy - Procurement of Goods or Services Through Public Tendering (E20/7097)
- **10.3.5 - attachment 6** – Proposed final version Council Policy - Procurement of Goods or Services Through Public Tendering (E20/7098)
- **10.3.5 - attachment 7** – Track Changes version of Council Policy 1.1.4 - Execution of Documents and Use of the Common Seal (E20/7150)
- **10.3.5 - attachment 8** - Track Changes version of Authorisation 1.11 *Local Government Act 1995* – Execution of Documents within the Shire's Register of Delegations and Authorisations (E20/7151)
- **10.3.5 - attachment 9** – Proposed final version of Council Policy 1.1.4 - Execution of Documents and Use of the Common Seal (E20/7152)
- **10.3.5 – attachment 10** - Proposed final version of Authorisation 1.11 *Local Government Act 1995* – Execution of Documents within the Shire's Register of Delegations and Authorisations (E20/7153)



### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation.
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within associated resources.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	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 adopt the revised Council Policies and register of delegations and authorisations	Possible (3)	Insignificant (1)	Low (1-4)	Compliance - 1 Insignificant - Occasional noticeable temporary non-compliances	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

**OCM226/07/20**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Strange**

**That Council**

- 1. ADOPTS the amended Council Policy – Purchasing - Procurement of Goods or Services up to \$250,000 as contained in attachment 3.**
- 2. ADOPTS the amended Council Policy - Procurement of Goods or Services Through Public Tendering as contained in attachment 6.**
- 3. ADOPTS the amended Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal as contained in attachment 9.**
- 4. APPROVES the amendments to Authorisation 1.11 *Local Government Act 1995* – Execution of Documents within the Shire’s Register of Delegations and Authorisations as contained in attachment 10.**

**CARRIED UNANIMOUSLY 8/0**



<b>10.3.6 – Long Term Financial Plan 2020-30 and Corporate Business Plan 2020-24 (SJ940-02)</b>	
<b>Responsible Officer:</b>	Director Corporate Services
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to enable Council to consider adopting the Long Term Financial Plan 2020-30 and the Corporate Business Plan 2020-24.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 17 February 2020 – OCM027/02/20 - COUNCIL RESOLUTION - extract*

*That Council*

1. *NOTES the timeline of events for the adoption of the Corporate Business Plan, Long Term Financial Plan and the Budget;*

*Ordinary Council Meeting – 18 November 2019 – OCM263/11/19 - COUNCIL RESOLUTION*

*That Council*

1. *UNDERTAKES a minor strategic review of the Corporate Business Plan to meet the annual review requirement in accordance with Regulation 19DA(4) of the Local Government (Administration) Regulations 1996.*
2. *APPROVES the plan to hold a Strategic Planning Session with Council and the Executive Team.*
3. *CONFIRMS the dates and times of the Strategic Planning Session to be Monday, 25 November and Monday, 2 December, 1pm to 9pm.*
4. *APPROVES the engagement of Tuna Blue (company) to assist with the Strategic Planning Session at a cost of \$5,450 ex GST.*
5. *REQUESTS the Chief Executive Officer provide Council with a report on the timeline for the 2020-21 budget at the December Ordinary Council Meeting.*



*Special Council Meeting – 22 July 2019 - SCM162/07/19 – COUNCIL RESOLUTION  
PART 6 – Long Term Financial Plan*

*That Council*

- 1. ADOPTS the Long Term Financial Plan as contained in attachment 1.*

*Ordinary Council Meeting – 17 June 2019 - OCM119/06/19 - COUNCIL RESOLUTION / Officer Recommendation:*

*That Council:*

- 1. ADOPTS the revised Strategic Community Plan at attachment 1 with the following amendment:*

*The vision in the last paragraph of the Shire President's foreword (page 5):*

*I look forward to our community, Council and Shire staff continuing our hard work and achieving our vision of City living offering a rural lifestyle with abundant opportunities for a diverse community.*

- 2. In accordance with Regulation 19D of the Local Government (Administration) Regulations 1996, AUTHORISES the Chief Executive Officer to give local public notice stating that:*
  - a. modifications to the Strategic Community Plan for the Shire of Serpentine Jarrahdale have been adopted by Council following a minor review;*
  - b. the period of the Strategic Community Plan remains 2017 to 2027;*
  - c. the revised Strategic Community Plan is available electronically on the Shire's website and hard copies are available at the Mundijong Public Library or the Shire's Administration building.*

## **Background**

In June 2019, Council adopted the revised Strategic Community Plan that was amended as part of the Shire's minor strategic review. The minor strategic review was undertaken in accordance with the Shire's Integrated Planning and Reporting process. The minor strategic review focused on incorporating the results from the Community Perceptions survey conducted in September 2018. The Community Perceptions Survey provides Council an overview of the Shire's service delivery performance and provides important feedback to consider in the delivery of the Strategic Community Plan. The results from this survey were provided to Council in February 2019 (OCM032/02/19).

In November 2019, Council agreed to undertake the second phase of the minor strategic review, which was to review the Shire's Corporate Business Plan by prioritising and selecting strategically aligned and affordable projects for delivery over the 2020-21 to 2023-24 period. To commence this process, Council resolved to hold the following two-day Strategic Planning Sessions with Council and the Executive Team on 25 November and 2 December 2019:





## Ordinary Council Meeting Minutes Monday 20 July 2020

### Day 1

- Highlight achievements since January 2018 (Directors to present)
- Long Term Financial Plan overview (Director Corporate Services to present)
- Growth predictions (Directory Development Services to present)
- Asset Management Overview (Director Infrastructure Services to present)
- Directorate presentations (Corporate, Community, Infrastructure & Development)
- Current projects underway
- Projects funding submissions have been submitted for
- Present the current draft of the Corporate Business Plan (CEO)
- Open the floor to Councillor requests (are there projects they want to see undertaken/funded)

### Day 2

- Prioritisation and selection of projects from the Corporate Business Plan

## Community / Stakeholder Consultation

### Strategic Planning Sessions

<b>Meeting Date</b>	25 November 2019
<b>Councillors Attendance</b>	<b>in</b> Cr Atwell, Cr Byas, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

<b>Meeting Date</b>	2 December 2019
<b>Councillors Attendance</b>	<b>in</b> Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

### Policy Concept Forum / Workshops

<b>Meeting Date</b>	29 June 2020
<b>Councillors Attendance</b>	<b>in</b> Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

<b>Meeting Date</b>	6 July 2020
<b>Councillors Attendance</b>	<b>in</b> Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins



## Statutory Environment

### Local Government Act 1995 and Local Government (Administration) Regulations 1996

Local governments have a statutory obligation under s 5.56(1) of the *Local Government Act 1995* ('the Act') to plan for the future of their district under the Integrated Planning and Reporting (IPR) Framework. Regulations have been made under s 5.56(2) of the Act that provide minimum requirements for IPR.

The *Local Government (Administration) Regulations 1996* ('the Regulations') require a local government to ensure that a Corporate Business Plan is made for its district (reg 19DA) and that the Corporate Business Plan is reviewed every year (reg 19DA(4)).

A full extract of Regulation 19DA is provided below:

#### *19DA Corporate business plans, requirements for (Act s. 5.56)*

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

The Shire must also include in its Annual Report information on any significant modifications made to its Corporate Business Plan in that financial year (reg 19CA(3)).



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**Comment****Corporate Business Plan 2020-24**

At the strategic planning sessions and in contemplation of the Shire's Strategic Community Plan, recent Community Perceptions Survey and other supporting strategic documentation developed in consultation with the community, Council considered 120 projects and prioritised them on a scale of Flagship, Very High, High, Medium and Low. This process set the direction for the Executive Team to commence preparing a new corporate business plan that was strategically aligned, affordable and in line with community expectations for delivery over the 2020-21 to 2023-24 period. As such, since the workshops in November and December, the following work has been undertaken by Officers to produce a 2020-24 Corporate Business Plan for Council's consideration:

- Workshops with relevant staff to determine the feasibility of priority projects including their timing, costs and milestones for the first year of delivery;
- Integration and alignment of projects to the Long Term Financial Plan;
- Development of the 2020-21 Annual Budget in consideration of Council's priority areas;
- Workshops with the Executive Team to set the parameters in which the plan can be delivered including its key risks and assumptions; and
- The establishment of high level Key Performance Indicators to measure achievement towards the plan on an annual basis.

The Corporate Business Plan 2020-24 presented for Council's consideration represents the Shire's first CBP that is fully costed and aligned to the Shire's Long Term Financial Plan and integrated with all components of the state government's integrated planning and reporting framework. It is a significant revision to the prior version and is more strategically integrated, structured and specific in its content. The Delivery Program of the Plan is divided into the following five areas:

1. Advocacy Projects - the projects that the Shire will focus its advocacy efforts towards over the next four years.
2. Major Capital Projects - capital projects to be delivered over the next four years that are considered 'Major'. A Capital Project is considered 'Major' if:
  - it is a new construction;
  - it is a significant expansion, renovation or replacement project (i.e. upgrade) of existing infrastructure;
  - it is a renewal project with a value over \$50,000; or
  - the project increases the level of service provided to the community, is important to the community or significantly reduces environmental and legal risk.
3. Capital Works Program - planned capital expenditure on our assets over the next four years, excluding Major Capital Projects.
4. Strategic Operational Projects - projects funded from the operating budget considered 'Strategic' in nature because they demonstrate a strong link to the objectives, outcomes and strategies of the Strategic Community Plan.
5. Service Plan Summary - A summary of the Shire's day-to-day service levels and activities over the next four years that sit outside of the other abovementioned projects.



### Key Point Summary

The Corporate Business Plan outlines several new initiatives for implementation over the four-year period. These include:

*PEOPLE: A connected, thriving, active and safe community*

Advocating for and shaping the design of state government infrastructure to benefit our local community of which some include:

- METRONET
- Tonkin Highway
- Freight Rail Realignment
- Business plans / feasibility studies for a new Cemetery, Byford Tafe and Byford Health Hub

Strengthening the connections, health and wellbeing of our growing community by:

- the development of a Reconciliation Action Plan
- supporting volunteering within the community
- Implementation of a new program of events and activities
- moving to a place making model for Byford and Jarrahdale town centres

*PROSPERITY: An innovative, commercially diverse and prosperous economy*

Responding to growth by:

- commencing the development of the Keirnan Park Recreation Precinct
- fit for purpose road upgrades and rehabilitations to suit changing needs
- enhancing the Developer Contribution Framework to create shared and equitable partnerships towards infrastructure delivery

Growing the economy by:

- tourism development in the Shire
- supporting the development of our equine community and industry
- promoting the delivery of the West Mundijong Industrial Area and Cardup Business Park
- trails development and implementation including Jarrahdale Trails Town, Byford Trail Centre, Bibbulmun track loop and the Serpentine Heritage Precinct

*PLACE – A protected and enhanced natural, rural and built environment*

Establish SJ as leaders in the waste management area by providing best value for money and sustainable waste manage in the shire:

- reopening of the Waste Transfer Station and Tip Shop in Mundijong
- implementation of FOGO

Continuation of major strategic planning projects including the local planning strategy and scheme and various structure, place and local area plans

*PROGRESSIVE – A resilient organisation demonstrating unified leadership and governance*

Planning for the future through continuing to modernise and develop the organisation to become more efficient, responsive and sustainable:

- continuation of the Shire's Enterprise Resource Planning system
- improving community engagement
- upgrade and long term planning for the Shire's Administration Building and Operations Centre



The full details of these initiatives, including their associated cost, timing and dependencies are detailed within the Delivery Program section of the plan. The Delivery Program also outlines all other projects and activities occurring within the 2020-2024 period.

**Long Term Financial Plan 2020-30**

A Long Term Financial Plan (LTFP) is a ten year rolling plan that incorporates the four-year financial requirements to deliver the Corporate Business Plan. It is a key tool for ensuring the financial sustainability of the Shire. The Long Term Financial Plan 2020-30 provided for Council's consideration, reflects the requirements of the Corporate Business Plan 2020-24 and ensures it is achievable within the Shire's financial resources.

The Long Term Financial Plan 2020-30 is set within the following parameters:

- 0% increase in rate burden for the first year (2020-21) and an increase in rates for each year thereafter, in line with increased costs, currently assumed to be approximately 2%.
- Operating costs funded from untied revenue in 2020-21 to remain at \$21.5M for the third year in row.
- The proportion of untied revenue (rates and federal assistance grants) funding operating costs is expected to decline from 87% to 82% over the life of the LTFP.
- The operating savings consequential to the above point will be expended on asset renewal and upgrades lifting the asset renewal spend to be in line with asset management requirements by 2024-25.

Officers believe this document responds to the 2018 community perceptions survey which identified the community's preference that the Shire focus on providing for roads, value for money, footpaths and trails development.

**Options and Implications**Option 1

That Council

1. ADOPTS the Corporate Business Plan 2020-24;
2. ADOPTS the Long Term Financial Plan 2020-30; and
3. AUTHORISES the Chief Executive Officer to apply the Shire's Corporate Branding in finalising the Corporate Business Plan for publication.

The implication associated with this option is the implementation of succinct, robust and integrated planning and delivery of projects and services aligned with strategic priorities.

Option 2

That Council DOES NOT ADOPT the Long Term Financial Plan 2020-30 and the Corporate Business Plan 2020-24.

The implication associated with this option is continuation of a current framework that is outdated and fragmented where priorities and methods to implement new strategies are not clear.

Option 1 is recommended.



## Conclusion

The completion of the new Corporate Business Plan will empower the Shire to implement and cascade its direction throughout the organisation by progressing the development of Service Team Plans and implementing the reporting and monitoring thereof through the Shire's Corporate Performance ERP module scheduled to go live in October 2020. The new plan and revised long term financial plan provides an even better framework for the Shire to be able to provide Council and the Community with assurance that the community's vision and strategic objectives are being achieved within a realistic financial capacity.

## Attachments (available under separate cover)

- **10.3.6 – attachment 1** –Corporate Business Plan 2020-24 (E19/15433)
- **10.3.6 – attachment 2** – Long Term Financial Plan 2020-30 (E20/7698)

## Alignment with our Strategic Community Plan

<b>Outcome</b>	4.1 A resilient, efficient and effective organisation
<b>Strategy</b>	4.1.1 Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome</b>	4.2 A strategically focused Council
<b>Strategy</b>	4.2.2 Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

## Financial Implications

The Corporate Business Plan is aligned with the draft 2020-21 Annual Budget and 2020-30 Long Term Financial Plan.

## Risk Implications

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Council do not adopt the new Corporate Business Plan and Long Term Financial Plan, leading to a fragmented	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





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environment for the Shire to operate in as priorities and methods to implement new strategies are not clear. This could ultimately result in reputational loss for the Shire if the Shire is unable to effectively show tangible outcomes to the community.					
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### Risk Matrix

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

A risk rating of **6** has been determined for both these items.



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**Voting Requirements:**    **Absolute Majority** (*Local Government (Administration) Regulations 1996 Reg 19DA(6)*)

**OCM227/07/20**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Rich, seconded Cr Byas**

**That Council**

- 1. ADOPTS the Corporate Business Plan 2020-24 as contained within attachment 1;**
- 2. ADOPTS the Long Term Financial Plan 2020-30 as contained within attachment 2; and**
- 3. AUTHORISES the Chief Executive Officer to apply the Shire's Corporate Branding in finalising the Corporate Business Plan for publication.**

**CARRIED BY ABSOLUTE MAJORITY 7/1**

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

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

*Councillor Coales voted AGAINST the motion.*



<b>10.3.7 – Australian Business Register – Registered Contacts (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

**Authority / Discretion**

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

The purpose of this report is to seek Council's approval to update the Shire's current details with the Australian Business Register.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The Australian Government at the end of March 2020 changed the way it manages its online services, moving from the Auskey system of identification to the myGovID system. This change was made with a view to centralising all government online services (ATO, Centrelink etc.) into the one place.

Existing Auskey users were not automatically transitioned to myGovID.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

If you are a business registered for GST you need to lodge a business activity statement.



### **Comment**

Existing Auskey users were not automatically transitioned to myGovID. In order to transition, the user had to be a “registered contact” for the organisation as listed on the Australian Business Register (“ABR”).

An officer can only be added as a registered contact for the business by an existing registered contact however, the ABR will not reveal who registered contacts are unless you are a current registered contact yourself.

As such it is difficult to identify who is included on the register however, after a significant amount of correspondence, it is apparent that the list of contacts for the Shire on the ABR is significantly out of date.

In order to update the register we were asked to complete a *Change of Registration Details* form with an accompanying letter from the Chief Executive Officer, which we did, requesting the below staff be added as registered contacts for the Shire:

- Paul Geoffrey Martin – Chief Executive Officer
- Nicholas James Grant – Financial Accountant

In addition to the above letter and form, we also provided further support, including provision of minutes demonstrating the appointment of the Chief Executive Officer and verbal confirmation via telephone of the respective individuals identification and employment.

However, after numerous follow up telephone calls following the submission of the letter and request to update the Shire’s details on the ABR, we have subsequently been advised that the information provided is insufficient to process the application.

### **Options and Implications**

Officers from the ATO have advised that the only way we can progress the application is to progress one of the following two options:

#### Option One

The Shire President write to the Australian Business Register, notifying them that the following individuals are to be added to the Australian Business Register as registered contacts for the Shire of Serpentine Jarrahdale ABN 98 924 720 841:

- Paul Geoffrey Martin – Chief Executive Officer
- Nicholas James Grant – Financial Accountant

#### Option Two

Locate a former staff member who is listed as a registered contact on the ABR for the Shire of Serpentine Jarrahdale and request them to login on behalf of the Shire and add one or both of the above individuals as registered contacts.

Option 1 is recommended.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

If we are unable to access the government's online services, we are unable to submit our monthly Business Activity Statement ("**BAS**"). The inability to lodge a BAS means we are unable to satisfy our requirement to lodge, as business registered for GST, and impacts our cash flow as typically we are entitled to a refund based on the nature of our transactions.

**Risk Implications**

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
That ATO does not accept Council resolution.	Unlikely (2)	Major (4)	Moderate (5-9)	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 **8** has been determined for this item.

**Voting Requirements:** Simple Majority

### OCM228/07/20

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Coales

That Council REQUESTS that the Shire President write to the Australian Business Register, notifying them that the following individuals are to be added to the Australian Business Register as registered contacts for the Shire of Serpentine Jarrahdale ABN 98 924 720 841:

- Paul Geoffrey Martin – Chief Executive Officer
- Nicholas James Grant – Financial Accountant

**CARRIED UNANIMOUSLY 8/0**



**10.4 Community and Organisational Development reports**

Councillor Coales declared an Impartiality Interest in item 10.4.1.

<b>10.4.1 – Summary of 2019/2020 and Proposed 2020/2021 Community Events (SJ483)</b>	
<b>Responsible Officer:</b>	Manager Community Activation
<b>Senior Officer/s:</b>	Deputy CEO / Director Community and Organisational Development
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is for Council to:

- Note the summary of events undertaken for the 2019/2020 financial year.
- Consider the proposed events schedule for 2020/2021 financial year, noting that review may be required in line with COVID-19 pandemic restrictions, community need and response to events, capacity of community groups to partner with the Shire and budgetary constraints or opportunities.
- Provide indicative support to elements of suggested events, to ensure planning proceeds in a timely and efficient manner.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 28 August 2017 - OCM108/08/17 - EXTRACT  
That Council:*

1. *Endorses the Memorandum of Understanding template as contained in attachment OCM108.1/08/17.*
2. *Authorises the Chief Executive Officer to execute MOU's with the Serpentine Jarrahdale RSL, Lions Club of Serpentine Jarrahdale and Food and Farm Alliance Inc., in accordance with funding amounts approved in the 2017/18 Budget.*

*Special Council Meeting – 22 July 2019 – SCM161/07/19  
PART 5 – Municipal Fund Budget for 2019/20*

*That Council*

1. *ADOPTS the Municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2020.*



*Ordinary Council Meeting – 18 November 2019 – OCM265/11/19*

*That Council*

- 1. NOTES the SJ Community Fair 2019 post-event report and;*
- 2. REQUESTS the Chief Executive Officer to write to the Serpentine Jarrahdale Community Resource Centre to request their position and ability to run the SJ Community Fair 2020 event, with a further report presented to Council in February 2020 once feedback is received.*

*Special Council Meeting – 23 March 2020 - SCM077/03/20 - EXTRACT*

*That Council*

- 9. APPROVES the cancellation of the Youth Fest 2020 event.*
- 11. ENDORSES the cancellation of the ANZAC Day Processional March and Commemorative Service 2020, and supports the alternative arrangements as outlined in this report.*
- 12. AUTHORISES the Chief Executive Officer, in consultation with the Shire President, to cancel any Shire delivered events, programs and activities deemed necessary, up until 30 June.*

## Background

Events contribute to a locations sense of community and identity. They provide opportunities for meaningful shared experiences, cultural enrichment and participation by both community and visitors to the Shire. The recent and ongoing challenges related to the COVID-19 pandemic have further enhanced the importance of such social interaction within the community, and the role events can play in creating a sense of belonging to place and connection with community.

The Shire both directly and indirectly deliver a range of community focused events annually. Directly, via allocated budgets and staff coordination, and indirectly via financial support to community delivered events. In order to consolidate an agreed annual event program, ensuring Council receives best value for money as well as an adequate variety of events for residents; prior to the COVID-19 pandemic, Officers had begun developing a three-year plan outlining the priorities and intent of events in the Shire of Serpentine Jarrahdale, deliverable within allocated resources.

This approach has largely varied month to month since the start of the year, in line with Covid related restrictions. At the time of writing this report, Western Australia's COVID-19 pandemic restrictions have been relaxed and WA is currently in Phase 4 of the roadmap. Dependent on infection rates locally, Phase 5 is planned to be introduced on Saturday, 18 July. Where it was originally expected that this stage would see the removal of mass gathering restrictions, this is now unknown subject to a review of Phase 5 in the coming week. Due to the uncertainty caused by the COVID-19 pandemic and subsequent Government Regulations, Officers are presenting a one-year forward plan aiming to provide adequate lead in for planning purposes, but with some flexibility to accommodate possible variation.

The impact of the COVID-19 pandemic on delivery of, and attendance at, events has been extensively discussed within the sector. While the full extent of the medium and long term impacts of the COVID-19 pandemic are unknown, this report aims to also outline some of the considerations relevant to delivery of activities.



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**Community / Stakeholder Consultation**Policy Concept Forum

<b>Meeting Date</b>	3 February 2020
<b>Councillors in Attendance</b>	Cr Rich, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

<b>Meeting Date</b>	6 July 2020
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Feedback has been sought by way of surveys and through conversations post events. Although the approach to events for the coming year will likely be significantly different to previous years. Consultation has however, provided insight to the various elements valued by the community and Council.

Anecdotal feedback from community groups who participate in Shire events, is that they want the relationship with the Shire to be more inclusive and this will be considered in our event planning for 2020/21. The capacity of community groups to deliver large scale events in the coming 12 months is also anecdotally constrained, largely due to the uncertainty of regulated requirements to deliver events, and availability of funding partners.

**Statutory Environment**

Nil.



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**Comment**Overview of events delivered in 2019/2020 financial year

The delivery of Shire led activities ranges from large-scale events (which require significant planning and lead in time), to smaller events (generally part of programs and activities). For the purpose of this report, only events delivered by the Event Officer as a specifically targeted and budgeted community event have been included.

Events delivered as part of a program (such as Youth Development, Sport and Recreation or Library Services) are not included. Events delivered by external community groups (such as Jarrahdale Log Chop and Byford Carols) are not included. **Attachment 1** provides a summary of key information pertinent to the events delivered by the Shire in the 2019/2020 financial year.

Overall, the events were delivered within budget allocations and received positive feedback from the community. Where improvements have been identified or suggested, these have been incorporated into the planning for the proposed 2020/2021 events, noting that there is often some inconsistency between feedback received (what may be valuable and beneficial to certain attendees, may not be so for others). Unfortunately, some of the challenges relevant to the COVID-19 pandemic may also make some of the suggestions unviable.

Unfortunately due to the COVID-19 pandemic and associated Government restrictions a number of events were unable to be delivered in the 2019/2020 financial year, the major events impacted were the Anzac Day Processional March and Commemorative Service and Youth Fest 2020.

*Major Shire Event - Opera at the Mill*

Opera at the Mill was delivered by the Shire in 2019 and 2020, as a large scale event targeted towards achieving economic and tourism based outcomes. In 2020, the event was held at the No. 1 Jarrahdale Heritage Mill on Saturday 7 March. International artists Naomi Johns, Sam Roberts-Smith, Fiona Campbell and John Longmuir together with the Perth Concert Orchestra performed parts of famous opera's to an audience of 517 people.

The event was presented in partnership with West Australia Opera and was supported by 15 sponsors. A summary of the 2020 Opera at the Mill is provided as **attachment 2**, for Council to note.

Proposed events to be delivered in 2020/2021

Whilst it is anticipated that Government restrictions for large public gatherings will be removed on Saturday 18 July 2020, this is not a certainty and the long-term effects of the pandemic on our community and their confidence and willingness to attend large-scale events or mass gatherings is currently unknown.

**Attachment 3** presents a proposed calendar of events and activities for the 2020/21 financial year. Please note, this summary does include reference to other Shire programs and community led events (such as Byford Carols) to demonstrate the level of activity occurring across the various months, however those activities do not form the primary focus of this report.



The calendar aims to allow the community to engage in positive local experiences. The proposed calendar of events will continue to provide opportunities for:

- Connecting communities.
- Bringing people together.
- Defining our local sense of place, belonging and wellbeing.
- Activating facilities, venues and outdoor spaces.
- Provide opportunities to support local businesses and develop the local economy.
- Showcasing local talent and skills.

Whilst a reduction in larger scale events has been proposed, smaller scale targeted activities are to occur, in partnership with local community groups and agencies as much as possible. These have a greater ability to be responsive to conditions within the community, with lesser impact on budget. This approach however, can be more time consuming and resource intensive as continual liaison with partners is required and volunteer capacity over the coming 12 months may be constrained due to competing personal priorities during and post the COVID-19 pandemic.

A series of online awareness campaigns associated with National and State days and weeks of awareness have also been identified that will highlight key themes. These will be acknowledged through relevant social media posts.

In the development of the calendar, Officers have prioritised events that will encourage local neighbourhood connections, provide opportunities to engage with agencies or service providers (particularly where this attendance could offer additional support and information to residents) and can be promoted or marketed to imbed confidence within the community. They are of a smaller scale until Australia Day in January 2021 (see specific detail below regarding proposed activities).

Local neighbourhood connections are also encouraged via the Friendly Neighbourhood Grant scheme, launched in July. The uptake of this scheme will be closely monitored to foster additional community connections.

The delivery of these events would see a reduction of nearly \$97,500 from the 2019/2020 budget, and a saving of \$87,000 on the final 2019/2020 cost of events. Despite the lifting of restrictions, Officers have identified factors relating to COVID-19 awareness and ongoing prevention (consistent with Department of Health Safety Guidance information for Events) which may have additional impacts on running costs of events during the recovery period. This means some individual events have been recommended to receive an increase on budget from the 2019/2020 year. These costs include, but are not limited to:

- Adherence to guiding attendees (to maintain social distancing) and undertaking contact tracing requirements / patron data collection if required.
- Applicable signage, fencing, barriers, gated entry points, security, crowd control measures, ticketing, registration and toilets.
- Additional cleaning requirements, specifically for toilets, bins, seating, etc.



It is also important for Council to note that it appears there will be limited external grant funding opportunities for Local Governments to access. Lotterywest have announced a change to its funding structure and schemes (announcement made first week of July). Officers are in contact with Lotterywest and will continue to explore avenues of financial support consistent with the calendar of activities endorsed by Council.

Officers aim to deliver the proposed schedule of events contained within this report in the manner outlined below. However, flexibility will need to remain in regards the proposed dates, venues or methods of delivery, to be responsive to any restrictions that may be put back in place, or to address community response to attendance at events.

The timing of delivery for Shire led events (as per proposed calendar) also gives consideration towards community driven events – although the ability or inability for these to proceed is unknown (subject to case by case considerations in the lead up to the event). The proposed calendar aims to minimise “competition” between events and ensure that the Events Officer has capacity to provide guidance and assistance to community groups in the delivery of their events, working closely with individuals/businesses/community groups on their event applications, and ensure these adhere to relevant guidelines and protocols. This will be a pivotal component of the Shire’s Event Officer role.

At the time of the report, the Lions Club of Serpentine Jarrahdale Inc, have yet to make a final decision on the Jarrahdale Log Chop and SJ Lions Country Fair which would traditionally be held in early October. The SJ Community Fair, an annual event in August, will also not proceed this year due to insufficient lead time and no group positioned with sufficient capacity to deliver such a large scale event (see comments under SJ Fair below).

### ***Economic Development / Place Activation event - Community and Business Arts Trail***

*Current Consultation to start August 2020.*

*Proposed Budget: to be confirmed.*

The purpose of this event is to encourage creativity in our residents and to encourage residents to “shop local,” and support businesses within our community.

The general principle is that residents create a printable piece of artwork, displayed in the shopfront window of a business within the Shire. An art trail register would be created which references the business name and location. Public are encouraged to visit the businesses to view the artwork and then vote for their favourite entry. Prize is given to the creator whose artwork receives the most votes in the specified period of time.

The idea has preliminary support from the Chamber of Commerce and Industry, however needs further scoping and refinement via the Economic Recovery Sub Committee and local business involvement. Depending on the level of engagement from businesses, an external contractor may need to be engaged to deliver the event. Incentives for residents (such as prizes) may also have a varying level of impact on the proposed budget.

The budget for this event will be considered through the quarterly budget review process, once the final scope for the event has been developed.





***Early Years event***

*Current proposed date in September.*

*Proposed Budget: \$4,000*

Event suggested to be held in Byford as predominant location for young family demographic in the Shire. Currently suggested for September to allow adequate planning following the (anticipated) introduction of Phase Five Roadmap. Officers have had initial discussions regarding the potential to partner with the YMCA and Bendigo Bank in the delivery of the event. The event aims to connect local families with children aged 0-5 years, to provide information on local support networks, and opportunities to connect with agencies/community and not-for-profit groups that provide relevant services to residents of the Shire. There will be a focus on providing a day of fun activities relevant to the age group along with relevant workshops and information sessions to support parents and caregivers.

***Families Event***

*Current proposed date in November*

*Proposed Budget: \$4,000*

Historically, Families Week occurs in May. This year, activities were postponed with no definite date proposed for it to be reinstated. Officers consider this an important week to acknowledge following the challenging conditions of the past few months. Opportunities for families to spend time together, at minimal to no cost will remain important over the coming 12 months. A schedule of activities or workshops over the week, with one small scale event during this time is proposed.

***Seniors event***

*Proposed alternative to Seniors Expo (anticipated to be facilitated by a local Seniors Group for 2021, subject to mass gathering restrictions).*

*Current proposed date in November as part of Seniors Week.*

*Proposed Budget: \$7,000*

Celebrations are to be determined following consultation with Seniors groups, but likely to be focused on intergenerational opportunities, in conjunction with local schools and include high tea prepared and served by students and a variety of entertainment.



***Thank a Volunteer event***

*Historically held December 5 on Thank a Volunteer Day.*

*Proposed Budget: \$8,000*

The event offers acknowledgement and thank you to our volunteers, particularly in light of the exceptional and additional volunteer support occurring as a response to the COVID-19 pandemic.

Historically, the Shire has submitted an application for funding from the Department of Communities to support its annual event. In 2020, Thank A Volunteer Day falls on Saturday 5 December, which is a direct clash with the Byford Carols event. It is a requirement of the grant that any event supported in the Perth Metro area be held on Saturday 5 December, which would mean some of our local volunteers may not be able to participate.

Coupled with the over subscription in 2019 (meaning a suitable venue within the Shire is becoming more challenging to source), a revised format for the event is presented to Council for consideration. The aim of the revised format is to provide equitable opportunities for a range of volunteers to be involved in the celebrations, provide a valuable opportunity to support out local businesses, recognize more volunteers than the traditional luncheon allows and allow a format that engages people in smaller network groups than a larger gathering.

Instead of a single lunch to thank and acknowledge the many volunteers within the Shire, groups would be asked to register their active volunteers and vouchers to local cafes and restaurants be awarded for groups or individuals to use at their convenience. In 2019, the Shire was able to acknowledge approximately 160 volunteers at a single lunch. With this proposed model, the Shire would be able to thank and recognise 400 volunteers with a \$20 voucher, and stimulate the local business economy more equitably.

***Christmas Activities***

*The '12 Days of Christmas' event was delivered for the first time in 2019, throughout December*

*Proposed Budget: \$5,000*

It is recommended the '12 Days of Christmas' style celebration continue in 2020 giving the ability to support and promote the many other community led events and activities taking place in the Shire during the Christmas period. The recent changes to the Shire's Community Funding scheme allows for financial support to these groups where appropriate. A family activity such as collaborating with the Play in the Park Christmas event is recommended to continue.



**Local level events**

*Historically the advertised series of events occurring during summer period.*

*Proposed late November 2020 through to late February 2021.*

*Proposed Budget: \$30,000*

Proposed to be a series of approximately four outdoor events to be held in key locations across the Shire. Definitive sites, scale and activities to be determined via consultation in the coming months. Possible locations could include Byford, Jarrahdale, Serpentine, Mundijong, Whitby and Oakford. The events are to encourage communities to come together again at a local level. Events may vary from location to location based on feedback from individual communities and may include local musicians, food trucks, outdoor or drive-in movies or similar. Officers will seek to work in partnership with the local residents associations or other active community groups to determine and deliver the most appropriate event for each location.

**Australia Day**

*Tuesday 26 January 2021 – includes citizenship ceremony, community awards and community event components.*

*Proposed Budget: \$38,000 - \$40,000*

Following the announcement by in June 2020 by the Department of Home Affairs that small, in person citizenship ceremonies could be recommenced, the Shire has begun work to restart with ceremonies to be held on 4 and 5 August 2020.

This report assumes that face-to-face citizenship ceremonies will have resumed by 26 January 2021.

When considering the venue and location for Australia Day in 2021, there are some key limitations that need to be addressed.

The Shire's Civic Centre (location for 2020 event) has a maximum capacity of 200. In practice, for an event like Australia Day the Civic Centre has a much smaller capacity. Conferees who are awarded citizenship tend to bring three or more guests, as do award recipients and nominees which makes venue size a key issue even notwithstanding social distancing requirements.

If numbers of conferees in 2021 are similar to 2020, there would be a requirement to have multiple ceremonies and with social distancing protocols expected to continue, the use of the Civic Centre may logistically make the location unsuitable. Multiple ceremonies are not considered to be a viable option.

Flexibility, available space, ambience, parking and access to location for activities all need to be considered. Awards, Ceremonies and activities need to be kept together as much as possible to ensure maximum participation and to ensure availability of staffing/resourcing for the day, however noise from community activities impacting on the formal proceedings can occur and should be factored into planning.

Officers suggest that two venue options realistically exist, being

1. Serpentine Jarrahdale Community Recreation Centre and Briggs Park Upper Oval, Byford; or
2. Eric Senior Pavilion and Serpentine Sports Reserve, Serpentine.



## Ordinary Council Meeting Minutes Monday 20 July 2020

A proposed format for each venue is outlined in the table below:

SJ Community Recreation Centre and Briggs Park Upper Oval, Byford	Eric Senior Pavilion and Serpentine Sports Reserve, Serpentine
<ul style="list-style-type: none"><li>Awards and Citizenship Ceremony and morning tea inside the Kingia Function Room (300 seat capacity with built in stage, audio system and air conditioning).</li></ul>	<ul style="list-style-type: none"><li>Awards and Citizenship Ceremony in marquee with stage and audio set up.</li></ul>
<ul style="list-style-type: none"><li>Community BBQ Breakfast and activities held concurrently in a marquee on Briggs Upper Oval near the Pavilion and Skate Park</li></ul>	<ul style="list-style-type: none"><li>Community BBQ Breakfast and morning tea in Eric Senior Pavilion and on veranda</li></ul>
<ul style="list-style-type: none"><li>Entertainment following Awards and Citizenship on the stage in the marquee featuring a variety of multicultural entertainers / dancers etc.</li></ul>	<ul style="list-style-type: none"><li>Activities and entertainment featuring variety of multicultural entertainers / dancers etc either outdoors or in a second marquee.</li></ul>
<i>COMMENT:</i> Additional benefit to this location would be activating a community facility with reduced requirement to “bump-in” temporary infrastructure. For this reason, cost savings may be identified. Formats for the day that highlight and celebrate recent upgrade of oval and lighting could be considered. It is centrally located to primary population base in the Shire and could accommodate adequate parking (subject to permissible numbers) at the event.	<i>COMMENT:</i> Venue requires more temporary infrastructure such as marquees, but does offer a more quintessential “Shire of SJ” experience that may be valued by new and longer standing residents alike. Layout is more limited due to connections to services, however adequate parking options also exist.

Officers have listened to feedback from both the community and Elected members and are proposing an enhancement of the community elements of the event to include a wider range of activities and entertainment with a focus on multicultural groups. This, in conjunction with additional infrastructure to ensure adequate shade and seating gives rise to a cost increase from \$19,000 to \$43,000. Officers will continue to prioritise value for money principles as required.

As the first “larger” scale event proposed for the financial year, attendance levels are unknown at this time. This would also be dependent on activities occurring in nearby local government areas, and the real or perceived rate of infection of Covid-19. Increased numbers would contribute to an increase in costs, however if there is minimal appetite within the community to attend crowds, the event could potentially be scaled back down.

It has been some time since a review of the award categories and nomination processes for Australia Day Awards has been undertaken. Given the growth and diversity of the Serpentine Jarrahdale community, Officers consider it would be beneficial to undertake a review.

A more detailed report outlining Australia Day event considerations and format will be presented to Council by October 2020, including a review of the awards and more indicative budgetary implications. It is anticipated that more information will be known at that time regarding restrictions, in particular the citizenship ceremony component.



**Youth event**

*Annual event delivered to celebrate Young People in the Shire. Proposed April 2021.*

*Proposed Budget: \$5,000*

It is proposed this event be delivered during National Youth Week, April 2021 as a celebration of young people in the Shire. Young people are expected to be involved in the planning and delivery of the event, with determination of the format of the event to be made in consultation with young people.

**SJ Rocks Outdoor Music Concert**

*Date TBA – Proposed March 2021.*

*Proposed Budget: \$20,000*

SJ Rocks outdoor concert and food trucks. Anticipated to be held on Mundijong Oval, subject to availability of a suitable date. This event would encourage communities to come together again in a relaxed, family friendly and celebratory manner following the COVID-19 pandemic.

**Anzac Day**

*Annual event held at a different location in the Shire each year- Sunday 25 April 2021.*

*Proposed Budget: \$4,000*

The event is run with support of community volunteers, and comprises of a processional march and commemorative service followed by community morning tea. The dawn service is delivered by the Returned and Services League (Serpentine Jarrahdale Sub Branch).

It is customary for the Anzac Day processional march and commemorative service to rotate between the four major localities of the Shire in the order of Serpentine, Byford, Jarrahdale, Mundijong.

In 2020, the event was due to be held in Serpentine but was cancelled due to the COVID-19 pandemic. The proposed calendar recommends Serpentine be the location for the 2021 event due to the cancellation of the 2020 event, and a draft budget has been proposed in line with this recommendation. Officers propose Byford will be the location for the 2022 event in line with above rotations, and at a time more likely to be less restricted for larger crowds.

Should Council prefer that the event be held in Byford in 2021, Council are asked to further consider whether the commemorative service is to be held at the Memorial at Byford Hall or at Anzac Crescent in The Glades. Additional funds would be required due to costs associated with traffic management at both locations in Byford.



Events proposed not to run

*Paws in the Park*

Whilst no budget is currently proposed for this event as hosted in 2019/2020, this is largely the result of current restrictions. The Bark Park would not allow for significant attendance numbers under the current 2m<sup>2</sup> parameters, and the management of patrons in and out of the venue would not be expected to afford a positive experience for attendees.

However, given the popularity of the event in previous years, Officers will investigate the feasibility of delivering a pet friendly event under one of those scheduled for the Summer Series (and within that budget allocation). Even without restrictions, the Bark Park location may not be appropriate for the number of attendees that could be expected, therefore scoping out alternative formats within the current proposed events calendar will be undertaken.

*SJ Community Fair*

In August 2019, the Shire delivered the SJ Community Fair after the Serpentine Jarrahdale Community Resource Centre was unable to deliver the event.

Council received a post-event report at its Ordinary Meeting held 18 November 2019 and requested that the Chief Executive Officer enquire with the Serpentine Jarrahdale Community Resource Centre as to their ability to continue to deliver the Fair.

Officers have discussed with both the Serpentine Jarrahdale Community Resource Centre and the Mundijong Residents Association their interest in, and capacity to deliver the SJ Community Fair.

The Serpentine Jarrahdale Community Resource Centre indicated that they do not have the capacity to continue to deliver the event, however they may be able to assist on the day with the event by providing volunteers. This communication is included in this report as **attachment 4**.

The Mundijong Residents Association also indicated that they do not have the capacity to run the event; this communication is included in this report as **attachment 5**.

As outlined in the post-event report, the delivery of the SJ Community Fair involves significant planning and staffing commitments. In 2019, 28 Officers from across the organisation were involved in the pre-planning for the event and on the day 158 event staffing hours were provided by 26 Officers.

Due to the short lead time resulting from COVID-19 pandemic related restrictions having been imposed, it is not now possible for the event to take place in August 2020, regardless of which organisation was to take on this event. As such, no budget has been proposed and no delivery of the event is recommended.

For future years, it is the recommendation of Officers that unless another community group identifies itself as being able to take on the event, due to its comparative similarity to the SJ Lions Country Fair component of the Jarrahdale Log Chop (specifically stallholders, activities and size), the event not be continued. Officers recognise the importance of a large event in Mundijong and therefore the recommendation for the music concert to be held on Mundijong Oval (once practicable) has been provided.



*Opera at the Mill (or other large scale ticketed event)*

The post event summary for Opera at the Mill is included as **attachment 2**. Whilst this event has been well delivered and has received consistently positive feedback over the last two years, it is not recommended to be delivered in the 2020/2021 financial year.

Over the next 12 months, the community may be reluctant and cautious about attending large scale events. It is also likely that they will not have the same spending capacity to purchase tickets for events such as Opera at the Mill. Smaller community led events are expected to have more impact and resonate more positively with a community in recovery.

In addition to this, it is anticipated that there will be reduced capacity to attract and retain sponsors who have been impacted by the economic impacts of the COVID-19 pandemic. To deliver the event to a comparable standard for reputational purposes, this could result in an increased financial contribution from Council.

For these reasons, it is recommended that the Opera at the Mill event be placed on hold for the 2020/2021 financial year. Further consideration to reinstating the event or similar will occur through the development of the 2021/2022 community events calendar.

**Options and Implications**Option1

That Council:

1. NOTES the summary of events for the 2019/2020 financial year, including the Opera at the Mill post event report as contained in attachment 1 and attachment 2;
2. ENDORSES the proposed calendar of events for the 2020/21 financial year as contained in attachment 3, and:
  - a) SUPPORTS the proposed change in format for the Thank a Volunteer Event;
  - b) NOTES a constant review of events may be required in line with COVID-19 pandemic restrictions;
  - c) AUTHORISES the Chief Executive Officer to make necessary amendments where required;
3. SUPPORTS that the Shire of Serpentine Jarrahdale does not deliver the SJ Community Fair event moving forward;
4. REQUESTS that the Chief Executive Officer prepare a report outlining the proposed format for Australia Day 2021, inclusive of the citizenship ceremony, awards and community event elements, to be presented to Council by October 2020; and
5. SUPPORTS the Serpentine War Memorial as the location for the 2021 Anzac Day service.

Officers support this recommendation as offering a considered range of community based events within current capacity and draft budget allocations. It provides as much flexibility as possible in an uncertain environment, where COVID-19 pandemic restrictions are expected to have ongoing implications for event delivery and attendance. Importantly, the draft budget amounts correlate to the scale of event proposed, and the anticipated infrastructure and/or COVID-19 requirements that may need to be adhered to at the time.



Option 2

That Council:

1. NOTES the summary of events for the 2019/2020 financial year, including the Opera at the Mill post event report as contained in attachment 1 and attachment 2;
2. ENDORSES the proposed calendar of events for the 2020/2021 financial year, as contained in attachment 3, excluding the SJ Rocks Concert:
  - a) RESOLVES that the Shire Serpentine Jarrahdale will deliver the SJ Community Fair event in March 2021, with a budget of \$20,000 originally proposed for the SJ Rocks Concert;
  - b) NOTES a constant review of events may be required in line with COVID-19 pandemic restrictions;
  - c) AUTHORISES the Chief Executive Officer to make necessary amendments where required;
3. DOES NOT SUPPORT the proposed change in format for the Thank a Volunteer Event.
4. REQUESTS that the Chief Executive Officer prepare a report outlining the proposed format for Australia Day 2021, inclusive of the citizenship ceremony, awards and community event elements, to be presented to Council by October 2020; and
5. SUPPORTS the Serpentine War Memorial as the location for the 2021 Anzac Day service.

Should Council choose to run the SJ Community Fair it will be necessary to relinquish the March Music event proposed to be held in Mundijong. The SJ Community Fair is a large event that requires significant resourcing and it would not be possible to run both events with current resources. It may also prove to conflict with community driven initiatives currently in the planning and development stages.

Council may also opt not to support the change in format for the Thank A Volunteer event, noting that this will limit the number of Volunteers that can be recognised.

Option 3

That Council:

1. NOTES the summary of events for the 2019/2020 financial year, including the Opera at the Mill post event report as contained in attachment 1 and attachment 2; and
2. RESOLVES not to run any community events in the 2020/2021 financial year in light of the COVID-19 pandemic.

Option 1 is recommended.



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## Conclusion

Council is requested to support the proposed calendar of community events for 2020/21 as contained in **attachment 3**. It provides as much flexibility as possible in an uncertain environment, where COVID-19 pandemic restrictions are expected to have ongoing implications for event delivery and attendance for some time.

In the development of the calendar, Officers have prioritised events that are important to encouraging and fostering local neighbourhood connections, as well as events where there is the opportunity to engage with agencies or service providers – particularly where this attendance could offer additional support and information to residents.

The draft budget amounts correlate to the scale of event proposed, and the anticipated infrastructure and/or COVID-19 pandemic requirements that may need to be adhered to at the time. Constant review of the calendar that monitors the Shire's ability to safely deliver each event as the date approaches will be required.

## Attachments (available under separate cover)

- **10.4.1 – attachment 1** – 2019/2020 Community Events Report (E20/5736)
- **10.4.1 – attachment 2** - Opera at the Mill 2020 Post Event Report (E20/4800)
- **10.4.1 – attachment 3** – 2020/2021 Proposed Community Events Calendar (E20/4802)
- **10.4.1 – attachment 4** – Communication from SJ Community Resource Centre (IN19/27396)
- **10.4.1 – attachment 5** – Communication from Mundijong Residents Association (IN20/3767)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide a healthy community environment
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas

## Financial Implications

The delivery of these events would see a reduction of nearly \$97,500 from the 2019/2020 budget, and a saving of \$87,000 on the final 2019/2020 cost of events.



### 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)
Inability for officers/shire to deliver a schedule of events within allocated resources to the expected standards of community and Council	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

### Risk Matrix

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

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



**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. NOTES the summary of events for the 2019/2020 financial year, including the Opera at the Mill post event report as contained in attachment 1 and attachment 2;
2. ENDORSES the proposed calendar of events for the 2020/21 financial year as contained in attachment 3, and:
  - a) SUPPORTS the proposed change in format for the Thank a Volunteer Event;
  - b) NOTES a constant review of events may be required in line with COVID-19 pandemic restrictions;
  - c) AUTHORISES the Chief Executive Officer to make necessary amendments where required;
3. SUPPORTS that the Shire of Serpentine Jarrahdale does not deliver the SJ Community Fair event moving forward;
4. REQUESTS that the Chief Executive Officer prepare a report outlining the proposed format for Australia Day 2021, inclusive of the citizenship ceremony, awards and community event elements, to be presented to Council by October 2020; and
5. SUPPORTS the Serpentine War Memorial as the location for the 2021 Anzac Day service.



OCM229/07/20

**COUNCIL RESOLUTION**

**Moved Cr Strange, seconded Cr Dagostino**

**That Council:**

- 1. NOTES the summary of events for the 2019/2020 financial year, including the Opera at the Mill post event report as contained in attachment 1 and attachment 2;**
- 2. ENDORSES the proposed calendar of events for the 2020/21 financial year as contained in attachment 3, excluding the SJ Rocks Concert; and**
  - a) NOTES a constant review of events may be required in line with COVID-19 pandemic restrictions;**
  - b) AUTHORISES the Chief Executive Officer to make necessary amendments where required;**
- 3. SUPPORTS that the Shire of Serpentine Jarrahdale does not deliver the SJ Community Fair event moving forward;**
- 4. REQUESTS that the Chief Executive Officer prepare a report outlining the proposed format for Australia Day 2021, inclusive of the citizenship ceremony, awards and community event elements, to be presented to Council by October 2020; and**
- 5. SUPPORTS the Serpentine War Memorial as the location for the 2021 Anzac Day service; and**
- 6. REQUESTS the Chief Executive Officer prepare a report to be presented to September Ordinary Council Meeting, outlining how the \$20,000 amount budgeted for the SJ Rocks Concert could be spent on mental health and wellbeing initiatives for the community in partnership with community groups and service providers.**

**CARRIED UNANIMOUSLY 8/0**

*Reason for difference to Officer Recommendation*

*To provide financial resources to support positive mental health outcomes for the community in light of the impact of the COVID-19 pandemic and local experiences outlined in the Health and Wellbeing Strategy 2020-2024.*



**10.4.2 – Equine Advisory Group – Appointment of Community Members (SJ3224)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider, select and appoint 10 external members to the Equine 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 defer appointing members to the groups at this time.*

*Ordinary Council Meeting – 17 February 2020 – OCM034/02/20*

*That Council*

- 1. ESTABLISHES the Equine Advisory Group as per the Terms of Reference detailed in attachment 1.*
- 2. APPOINTS the following members to the Equine Advisory Group for the period ending at the next ordinary local government election and amend the Terms of Reference accordingly:*  
*Member – Councillor Dagostino*  
*Deputy Member – Councillor Strautins*  
*Member – Councillor Rich*  
*Deputy Member – Councillor Byas*
- 3. REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the Equine Advisory Group, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting.*

*Ordinary Council Meeting – 16 December 2019 - OCM300/12/19*



*That Council REQUESTS the Chief Executive Officer to bring a report to the February 2020 Ordinary Council Meeting on establishing the following Advisory Groups: a) Equine Advisory Group. b) Sporting Clubs Facility Users Advisory Group.*

## **Background**

Council considered the formation of an Equine Advisory Group and established the group with a Terms of Reference at its Ordinary meeting on 17 February 2020.

The purpose of the Equine Advisory Group is to provide the Shire with advice in regards to the needs and priorities of the Serpentine Jarrahdale Equine Community and support Council in the delivery of projects to enhance the Serpentine Jarrahdale Equine Industry and Community.

The functions of the Equine Advisory Group is to:

- Advocate to the Shire on behalf of the Serpentine Jarrahdale equine industry and community, representing their needs.
- Contribute to the development, implementation and review of projects to enhance and support the Serpentine Jarrahdale equine industry and community.
- Form partnerships with and support the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale equine community.
- Provide recommendations to the Council, as required, in relation to support and development of the equine industry and community in the Shire of Serpentine Jarrahdale based on stakeholder input.

Council requested the Chief Executive Officer issue an expression of interest for external members to fill 10 positions on the Equine Advisory Group.

## **Community / Stakeholder Consultation**

Expressions of interest (EOI) for external members was advertised for the period 20 February to 13 March 2020.

A public notice was placed in the Examiner Newspaper on 20 and 27 February 2020.

Information outlining the purpose of the Equine Advisory Group and the expression of interest documents published on the Shire's website on 20 February 2020. Additional promotion of the expression of interest was undertaken by way of;

- Two Facebook posts on 23 February and 3 March 2020.
- Content in the March email edition of SJ Matters.
- Content in the March edition of the Scarp Voice in the Examiner Newspaper on 5 March 2020.

A direct email including the expression of interest form and Terms of Reference sent to 126 stakeholders identified during consultation on the Serpentine Jarrahdale Equine Strategy.

A total of 15 EOI's were received by the due date.

All applicants were advised of Council's decision of 23 March 2020 to defer appointments due to the COVID-19 pandemic.



Once restrictions commenced lifting, an update was provided to applicants by email on 22 June 2020 asking if they still wished to be considered for appointment to the Equine Advisory Group.

One applicant withdrew their EOI for personal reasons.

## **Statutory Environment**

Nil.

## **Comment**

The endorsed Terms of Reference outlines the external membership of the Equine Advisory Group consistent with the predominant interest areas of horse ownership within the Shire as identified in the Serpentine Jarrahdale Equine Strategy. These are:

- 2x Representatives from the Racing Industry
- 2x Representatives from the Equestrian disciplines
- 2x Representative's from the Leisure and trail riding group
- 2x Representatives from the Keeping of retired and companion horses group
- 2x Representatives from Equine businesses

A total of 15 EOI's were received from highly experienced members of the equine community for the ten available positions. One applicant has since withdrawn their EOI leaving 14 EOI's to choose from.

A large number of applicants indicated they represented one or more areas of interest. Based on the information applicants provided in their EOI, Officers have recommended the most relevant area of interest and sorted applicants based on this interest in the summary at **confidential attachment 1**. Where only one area of interest was indicated, this was retained.

<b>Area of Interest</b>	<b>Number of Applicants</b>
Racing Industry	1
Equestrian Disciplines	3
Leisure and Trail Riding	4
Keeping of Retired and Companion Horses	1
Equine Business	5
<b>Total Expressions of Interest</b>	<b>14</b>



3 applications were received where the Equestrian disciplines represented include;

- Polocrosse.
- Show Jumping.
- Breed Shows.

From the Equine Business area of interest, the 5 applicants are;

- Equine Veterinarians (2).
- Agistment business owner/Breeder (2).
- Equestrian coaching and show jumping equipment business.

With only 1 expression of interest from each of the disciplines of Racing Industry and Keeping of Retired and Companion Horses, it is recommended to appoint these applicants.

An amendment to the Terms of Reference is suggested to retain the membership of 10 external members and not specify a number based on an area of interest but use the areas of interest as guidance to selection. Proposed changes to the Terms of Reference are at **attachment 3**.

EOI's in their entirety are at **confidential attachment 2**.

### Options and Implications

As the number of EOI's outweighs the number of available positions, Council has the following options to consider:

#### Option 1

That Council

1. AMENDS the Terms of Reference not specifying a number of members representing an area of interest as per **attachment 3**.
2. SELECTS and APPOINTS 10 external members to the Equine Advisory Group from the list at Confidential attachment 1, being:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_
  6. \_\_\_\_\_
  7. \_\_\_\_\_
  8. \_\_\_\_\_
  9. \_\_\_\_\_
  10. \_\_\_\_\_



This will bring the formal membership of the Equine Advisory Group to 12 (2 Councillors, 10 external members) which will benefit effective meeting facilitation to achieve outcomes.

#### Option 2

That Council AMENDS the Terms of Reference to a total 14 external members not specifying representation of an area of interest and APPOINTS all who applied as per Confidential attachment 1 to the Equine Advisory Group.

Should Council appoint 14 external members, the total membership of the Equine Advisory Group will be 16 people (2 Councillors and 14 external members). This is a larger group of people and may affect the facilitation of meeting outcomes.

#### Option 3

That Council DOES NOT AMEND the Terms of Reference as adopted and SEEKS additional Expressions of Interest from the Racing Industry and Keeping of Retired and Companion Horses.

This option is not recommended as it will significantly extend timeframes for commencing engagement with the Group and further delaying a report to Council on outcomes.

Option 1 is recommended.

### **Conclusion**

All expressions of interest for external representation on the Equine Advisory Group were from highly experienced community members across an array of equine areas of interest. Council is requested to amend the terms of reference, select and appoint 10 external members.

### **Attachments (available under separate cover)**

- **10.4.2 – CONFIDENTIAL attachment 1** – Expressions of Interest Summary (E20/2491)
- **10.4.2 – CONFIDENTIAL attachment 2** – All Expressions of Interest (E20/7668)
- **10.4.2 – attachment 3** – Amended Terms of Reference (E20/1293)

### **Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Outcome 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 1.1.2</b>	Provide a healthy community environment
<b>Outcome 4.2</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest

### **Financial Implications**



There are no financial implications of holding Advisory Group meetings. Recommendations from the Equine Advisory Group will be presented to Council for consideration along with any financial implications of the recommendation.

### 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)
Difficulty achieving outcomes in a timely manner should Council choose to appoint all members to the working group	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. AMENDS the Terms of Reference not specifying a number of members representing an area of interest as per attachment 3.
2. SELECTS and APPOINTS 10 external members to the Equine Advisory Group from the list as contained within confidential attachment 1, being:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_
  6. \_\_\_\_\_
  7. \_\_\_\_\_
  8. \_\_\_\_\_
  9. \_\_\_\_\_
  10. \_\_\_\_\_

**OCM230/07/20**

**MOTION**

**Moved Cr Dagostino, seconded Cr Coales**

**That Council:**

1. **AMENDS** the Terms of Reference to a total 14 external members not specifying representation of an area of interest;
2. **AMENDS** the Terms of Reference to reflect the Term of Office for The Equine Advisory Group External Members to be until 30 June of each year and Elected Members to be until the next Ordinary Local Government Election; and
3. **APPOINTS** all who applied as per Confidential attachment 1 to the Equine Advisory Group.

**MOTION LOST 3/5**



**MOTION**

Moved Cr Byas, seconded Cr Denholm

That Council

1. DOES NOT appoint any members at this time and DOES NOT AMEND the Terms of Reference as adopted and SEEKS additional expressions of interest from the Racing Industry, and
2. REQUESTS the Chief Executive Officer brings a further report to Council to the September 2020 Ordinary Council Meeting.

**Councillor Coales left the meeting at 10.14pm, and did not return.**

**Councillor McConkey left the meeting at 10.14pm, and did not return.**

**OCM231/07/20**

**COUNCIL RESOLUTION**

Moved Cr Byas, seconded Cr Denholm

That Council

1. DOES NOT appoint any members at this time and DOES NOT AMEND the Terms of Reference as adopted and SEEKS additional expressions of interest from the Racing Industry, and
2. REQUESTS the Chief Executive Officer brings a further report to Council to the September 2020 Ordinary Council Meeting.

**CARRIED 5/1**

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

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

*Councillor Dagostino voted AGAINST the motion.*

*Reason for difference to Officer Recommendation*

*To ensure full representation across the spectrum of disciplines which make up our local equine industry.*



<b>10.4.3 – Amendment to Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities</b>	
<b>Responsible Officer:</b>	Manager Community Activation
<b>Senior Officer/s:</b>	Deputy CEO/Director Community and Organisational Development
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to request Council revoke *Council Policy 5.1.1 – Alcohol Management Policy* and adopt a revised *Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities*.

**Relevant Previous Decisions of Council**

<i>Ordinary Council Meeting – 18 December 2017 – OCM179/12/17</i>	
<i>That Council:</i>	
1.	<i>Adopts the revised Policies as contained in attachment OCM179.1/12/17 effective from 18 December 2017.</i>
2.	<i>Adopts the new Policies as contained in attachment OCM179.3/12/17 effective 18 December 2017.</i>
3.	<i>Revokes the Policies as contained in attachment OCM179.5/12/17 effective 18 December 2017.</i>
4	<i>Revokes Council Policies identified as Business Operating Policies as contained in attachment OCM179.7/12/17 and endorses them as Business Operating Policies effective 18 December 2017.</i>

**Background**

Council policies perform an important function in assisting Shire Officers in undertaking their day-to-day duties. They provide a framework to guide consistent decision making throughout the organisation.

The Consumption of Alcohol at Shire Reserves and Facilities Policy has been used as a guide for Officers when issuing hirers a Permit to Consume Alcohol. These permits are generally for private functions, or for the issue of a permit in conjunction with a License to Sell Liquor (issued by the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor). The permits apply to Shire Facilities and Shire managed parks and reserves.



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**Community / Stakeholder Consultation**

There has been a progressive approach by Officers to review Council policies. In undertaking a review of Council Policy 5.1.1 – *Alcohol Management Policy*, the importance of better defining the requirement for approvals to consume alcohol, both from other government departments and the Shire, became apparent.

The revised/proposed *Consumption of Alcohol at Shire Reserves and Facilities Policy* has been reviewed internally by all Departments. The proposed policy aims to ensure the wording accurately reflects consistency with other strategies and documents (such as the Health and Wellbeing Strategy), as well as processes of the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor.

**Statutory Environment**

*Local Government Act 1995;*

**2.7. Role of council****(1) The council —**

- (a) governs the local government's affairs; and**
- (b) is responsible for the performance of the local government's functions.**

**(2) Without limiting subsection (1), the council is to —**

- (a) oversee the allocation of the local government's finances and resources; and**
- (b) determine the local government's policies.**

*Liquor Control Act 1988 – A Guide for Local Governments*

***Liquor Licensing Act 1988***

Local governments have power under the *Liquor Control Act 1988* to properly control the consumption of liquor on local government property and develop a local liquor policy compliant with the Act.

To ensure *Shire Policy 5.1.1 – Alcohol Management Policy* complies with the *Liquor Control Act 1988* amendments are required.

**Comment**

There have been significant revisions to *5.1.1 Council Policy - Alcohol Management*. Part of the process of revision has involved a name change to provide more clarity to the purpose of the policy. The proposed name of the revised policy is *5.1.1 Council Policy - Consumption of Alcohol in/on Shire Reserves and Facilities*.



The objectives of this Policy are to:

- Align the document to the current Policy format, including headings and definitions.
- Encourage the responsible consumption of alcohol in/on Shire owned or managed facilities and reserves; particularly at events held in/on those facilities and reserves.
- Outline the conditions for the provision of a Permit to Consume Alcohol in/on a Shire owned or managed facility or reserve.
- Outline the requirements to gain approval to sell alcohol in/on a Shire owned or managed facility or reserve.

The currently adopted Council Policy *5.1.1 Alcohol Management Policy* is included with this report as **attachment 1**.

The amendments made to the policy are included as **attachment 2** with tracked changes.

For clarity, the revised and renamed Council Policy 5.1.1 *Consumption of Alcohol in/on Shire Reserves and Facilities* is included without track changes as **attachment 3**.

In summary, the changes include:

- An amendment to the policy to clarify the separate requirements relating to a Permit to Consume Alcohol (issued by the Shire of Serpentine Jarrahdale) and a License to sell Liquor (issued by the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor).
- The addition of time restrictions that guide when a Permit to Consume Alcohol requires consideration. This is to encourage responsible alcohol consumption within Shire facilities, taking into account the hours Shire facilities are available for hire. The following time restrictions are:
  - Sunday, Monday, Tuesday, Wednesday, Thursday; from 11am to 10pm.
  - Friday and Saturday from 10am to 11pm.
- A time frame has been added for the applicant to supply the Shire of Serpentine Jarrahdale a copy of a License to sell liquor obtained from the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor.



## Options and Implications

### Option 1

That Council:

1. REVOKES Council Policy 5.1.1 – Alcohol Management Policy as contained in **attachment 1**; and
2. ADOPTS Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities, as contained within **attachment 3**.

This will provide Officers with clearer guidance on the application of Council Policy, whilst ensuring that the Shire of Serpentine Jarrahdale is complying with the *Liquor Control Act 1988*.

### Option 2

That Council

1. REVOKES Council Policy 5.1.1 – Alcohol Management Policy as contained in **attachment 1**; and
2. ADOPTS an alternative amendment to Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities, with specified comment on the purpose of amendment.

The implications of any suggested amendments would need to be considered individually.

### Option 3

That Council DOES NOT ADOPT Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities and RETAINS Council Policy 5.1.1 – Alcohol Management Policy as contained in **attachment 1**.

This will continue to result in Officers experiencing difficulty in the application of the Council Policy in the immediate term, and potentially creating frustration amongst hirers and users of facilities and reserves.

Option 1 is recommended.

## Conclusion

Council Policies perform an important function in assisting Officers in undertaking their roles within the Shire. Officers consider that the proposed amendments now reflect best practice and provide greater clarity to ensure a more compliant process.

## Attachments (available under separate cover)

- **10.4.3 - Attachment 1** – Adopted Council Policy 5.1.1 – Alcohol Management Policy (E17/11165)
- **10.4.3 - Attachment 2** – Revised Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities with tracked changes (E20/5010)
- **10.4.3 - Attachment 3** – Revised Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities (E20/7465)



**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation.
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Provide clear strategic direction to the administration

**Financial Implications**

There are no financial implications as part of this report.

**Risk Implications**

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Policies not well reflective of Alcohol Consumption approval requirements , resulting in poor guidance for staff and confusion for hirers of facilities/ reserves	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

**OCM232/07/20**

### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council

1. **REVOKES** Council Policy 5.1.1 – Alcohol Management Policy as contained in attachment 1; and;
2. **ADOPTS** Council Policy 5.1.1 – Consumption of Alcohol in/on Shire Reserves and Facilities, as contained within attachment 3.

**CARRIED UNANIMOUSLY 6/0**



### 10.4.4 – COVID-19 Community Recovery Update (SJ3250)

<b>Responsible Officer:</b>	Deputy CEO / Director Community and Organisational Development / Local Recovery Coordinator
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	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.
Information	For the Council / Committee to note.

### Report Purpose

The purpose of this report is to provide Council with an update in regards to the COVID-19 Pandemic Recovery activities.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 15 June 2020 – OCM170/06/20*

*That Council:*

- NOTES the minutes of the Local Recovery Coordination Group, Community Wellbeing Sub-Committee and Economic Sub-Committee as contained within attachments 1, 2 and 3; and*
- 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>
<i>5200-17101-6230</i>	<i>Decrease</i>	<i>Members of Council - Expenditure Consultancy</i>	<i>10,000</i>	
<i>4000-15003-6230</i>	<i>Increase</i>	<i>Community Recovery - Expenditure Consultancy</i>		<i>10,000</i>

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

**Ordinary Council Meeting – 18 May 2020 – OCM122/05/20****That Council:**

1. *NOTES the minutes of the Local Recovery Coordination Group, Community Wellbeing Sub-Committee and Economic Sub-Committee; and*
2. *REQUESTS the Shire President write to the Byford Baptist Church to acknowledge their hard work and commitment in supporting the residents of the Shire of Serpentine Jarrahdale.*

**Special Council Meeting – 6 April 2020 - SCM082/04/20****That Council:**

1. *NOTES the minutes of the Local Emergency Management Committee, Local Recovery Coordination Group and Community Wellbeing Sub-Committee and Economic Sub-Committee.*
2. *APPROVES a budget variation as follows:*

Account Number	Type	Description	Debit	Credit
4000-15003-6910	Increase Expenditure	Donations	30,000	
4000-15003-6386	Increase Income	Advertising & Promotion	15,000	
4000-15003-6125	Increase Expenditure	Materials/Consumables	15,000	
4000-15003-5012	Reserve Transfer	Transfer from Emergency Management Reserve		60,000

*Reason: To enable Recovery Activities in response to the COVID-19 Emergency*

3. *AUTHORISES the Chief Executive Officer, in consultation with the Shire President, to provide donations up to \$5000 to community groups and/or not-for-profit organisations who demonstrate they are responding directly to community need in Serpentine Jarrahdale as a result of the COVID-19 emergency.*
4. *NOTES that future reports will be presented to Council regarding how Council may use its resources to support community recovery.*
5. *APPROVES the exclusion of COVID-19 related donations from the provisions of Council Policy - Community Grants and Council Policy- Community Contributions.*

**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.

In response, a meeting of the Local Emergency Management Committee was held on 19 March 2020 and the Shire of Serpentine Jarrahdale Local Recovery Plan was activated including the formation of a Local Recovery Coordination Group.



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## Community / Stakeholder Consultation

Nil.

## 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.*

### *Local Government Act 1995*

#### 6.8 . Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

#### (1a) *In subsection (1) —*

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

#### (2) *Where expenditure has been incurred by a local government —*

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

**Comment**Local Recovery Coordination Group

Since the preparation of the report for the Ordinary Meeting of Council held 15 June 2020, the Local Recovery Coordination Group met once on 18 June 2020. The minutes of these meetings are included in this report as **attachment 1**.

Advice was sought from the District Emergency Management Advisor Metropolitan Operations as to suitable consultants for the development of this strategy. A request for quote was sent to 4 consultants from which the choice was made.

At the meeting held 18 June 2020, the Local Recovery Coordination Group agreed to engage Lewis Winter of Fire and Emergency Management to assist the Shire to develop a Long Term Community Recovery Strategy.

The Community Wellbeing Sub Committee met on 12 and 26 June 2020 and the minutes of these meetings are included with this report as **attachment 2**. Community Recovery activities during this time have included:

- Approximately 17 Covid Safety Plans completed under Phase 3 conditions.
- Hygiene requirements installed at facilities.
- State Recovery survey completed.
- MARKYT Community Resilience Scorecard circulated.
- Programming recommenced for Youth Services.
- School holiday program developed with consideration to Phase Three/Four requirements.
- Alcoa/Anglicare partnership established. Information circulated.
- Between 150 and 180 food boxes recorded as “outgoing” from Byford Baptist Church weekly.

The Economic Sub Committee met on 8 June 2020 and the minutes of these meetings are included with this report as **attachment 3**. Economic Recovery activities during this time have included:

- The Shire, together with the Peel Chamber of Commerce and Industry (Peel CCI) and Business SJ hosted a Virtual Tourism Forum on 10 June 2020 with more than 50 local tourism operators hearing from Destination Perth and Tourism Western Australia, to learn more about information on what opportunities, packages and avenues are available to assist their businesses in reigniting post COVID-19. The Shire also worked with our strategic partners on four regional and local tourism marketing initiatives / strategies.
- Council at the Ordinary Council Meeting agreed to:
  - fund businesses cases for Byford Tafe and Byford Health Hub - meetings were also held with relevant partners to progress the business cases;
  - enter into an arrangement with the Peel Chamber of Commerce and Industry (PCCI) to support local business and enable the Shire to have intellectual property ownership of two road signs on Forrest Highway; and
  - a contribution to the Serpentine Jarrahdale Food & Farm alliance to establish a Local Farmers Market.





- Economic Recovery Group members worked with Community Recovery sub-committee to discuss place activation initiatives to encourage patronage of Serpentine Jarrahdale businesses.
- Arrangements were made with Peel Development Commission for a “Government Tender Forum” and for a “Business Boot Camp” and a “Small Business Training Forum” to be hosted by the Shire and Peel CCI in July.
- Continued with the #SmallBusinessShoutOut and Business Directory campaigns that support and celebrate small businesses in our Shire by giving local small businesses a shout out on our social media channels.
- Preparations were made to address the expected impact of the State Housing stimulus package already being experienced as an increase in the number of applications for subdivision applications, approving of engineering drawings, subdivision clearances, building permits etc.
- Continued discussions with the developers of seven private infrastructure development projects worth \$1.3 billion and initiated further discussions with fourteen prospective private initiatives of \$600M. Discussions were also held with Murdoch University regarding the future development of Whitby Farm.

#### State Recovery and District Level Recovery

On 5 June 2020, Phase 3 of the Road Map came into place, allowing for further lifting of restrictions and opening of businesses and community facilities.

On 27 June 2020 Phase 4 of the Road Map came into place, removing a range of restrictions relating to the operation of business, community facilities and sporting and community activities.

Meetings of the OASG were held on Friday 29 May and 12 June 2020, the meeting to be held 12 June meeting was postponed on the day due to technical difficulties at DFES.

The Deputy Chief Executive Officer/Director Community and Organisational Development/ Local Recovery Coordinator met with the District Emergency Management Advisor Metropolitan Operations on 23 June 2020 and provided an update of actions undertaken to date in recovery.

The State Recovery Advisory Group was formed and the media release is included with this report as **attachment 4**. The Western Australian State Government partnership plan for recovery was also released and is included in this report as **attachment 5**.

Councillor Michelle Rich attended a COVID-19 Recovery Roundtable on 9 June 2020 as the Peel WALGA representative.

The Western Australian State Government released the COVID-19 Impact Statement (Draft) which is included in this report as **attachment 6**.

At the request of State Recovery Controller, Ms Sharyn O'Neill, DFES State Recovery were asked to coordinate across local government to collect COVID-19 Recovery impacts, collate data, monitor progress and report quarterly to the State Recovery Steering Committee. The survey provided each local government an opportunity to have their impacts, initiatives, risks, opportunities and emerging issues captured. This includes impacts to both the community and local government itself. Information provided will be collated to form a District Impact Statement that will be provided to the State Recovery Steering Committee. Information provided by local governments will help inform the overarching State Impact Statement and State Recovery Plan



to be released in July 2020. The Shire's collated information is provided with this report as **attachment 7**.

### Recovery Communications

The Communications Team has continued the #SmallBusinessShoutOut Facebook campaign to support the promotion of local businesses in the Shire.

On Friday 3 July, the Shire launched a digital campaign promoting SJ Trails. The campaign is aimed at encouraging local residents to be active and explore local trails, which is supported by updated information and photos on the Shire's Trails webpage. The campaign will run for five weeks.

The Communications Team continues to support the Community Wellbeing Sub Committee and Economic Recovery Sub Committee with implementing projects and initiatives as part of COVID-19 recovery.

The Communications Register is provided with this report as **attachment 8**.

### **Options and Implications**

#### Option 1

That Council **NOTES** the minutes of the Local Recovery Coordination Group, Community Wellbeing Sub-Committee and Economic Sub-Committee as contained within attachments 1, 2 and 3.

#### Option 2

That Council **DOES NOT NOTE** the minutes of the Local Recovery Coordination Group, Community Wellbeing Sub-Committee and Economic Sub-Committee as contained in attachments 1, 2 and 3.

Option 1 is recommended.

### **Conclusion**

Recovery activities have been ongoing in response to the COVID-19 emergency, it is important to now consider the long term recovery effort for the community.



### Attachments (available under separate cover)

- **10.4.4 - attachment 1**– Local Recovery Coordination Group Minutes 18 June 2020 (E20/7012)
- **10.4.4 – attachment 2** - Community Wellbeing Sub Committee Minutes 12 June 2020 (E20/7090)
- **10.4.4 - attachment 3** - Economic Sub Committee Minutes 8 June 2020 (E20/6621)
- **10.4.4 - attachment 4** - Media Release – Formation of State Advisory Group (E20/7419)
- **10.4.4 – attachment 5** – Western Australian State Government Partnership Plan (E20/7420)
- **10.4.4 – attachment 6** – COVID-19 Impact Statement (Draft) (E20/7421)
- **10.4.4 – attachment 7** – Local Government Recovery Impacts Survey (E20/7422)
- **10.4.4 – attachment 8** – COVID-19 Communications Register (E20/7731)

### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 4.1</b>	A resilient, efficient, and effective organisation
<b>Strategy 1.3.3</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

### Financial Implications

Nil

### Risk Implications

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
That Council does not note the minutes of the recovery meetings.	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 **3** has been determined for this item.

**Voting Requirements:** Simple Majority

OCM233/07/20

### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Atwell

That Council NOTES the minutes of the Local Recovery Coordination Group, Community Wellbeing Sub-Committee and Economic Sub-Committee as contained within attachments 1, 2 and 3.

**CARRIED UNANIMOUSLY 6/0**

**10.5 Executive Services reports**

<b>10.5.1 – Confirmation of State Government Election Request Priorities (File Ref)</b>	
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

**Authority / Discretion**

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

This report seeks Council direction on priorities to request at the upcoming State Government Election for the Shire and the community.

**Relevant Previous Decisions of Council**

*Special Council Meeting 6 April 2020 – SCM083/04/20 - COUNCIL RESOLUTION Officer Recommendation*

*That Council ENDORSES the following as the basis for economic priorities and stimulus for the Shire of Serpentine Jarrahdale:*

- 1. Continues to provide information and advice for small businesses*
- 2. Proposes the following projects as Shire Stimulus Projects to attract Federal and/or State Government funding:*
  - a. Hyper-growth Road Upgrades*
  - b. Nature Play and Splash Park Byford*
- 3. Requests the Chief Executive Officer to play a facilitation role with potential developers, Peel Development Commission and RDA Peel to identify and access State or Federal funding and support programs which may become available in response to COVID19.*
- 4. Requests the Federal and State Governments:*
  - a. Reaffirm support for existing committed infrastructure projects including:*
    - i. Extension of Tonkin Highway from Thomas Road to South West Highway.*
    - ii. Extension of the train line to Byford as part of the MetroNet Project.*
  - b. Consider new additional government infrastructure projects including:*
    - i. Realignment of the Freight Rail as part of the Tonkin Highway extension.*
    - ii. Dual Carriage Way of Thomas Road from South West Highway to Kwinana Freeway.*



*c. Provide funding to commence planning for new medium to long term government facilities including undertaking development of Business Cases for:*

- i. Byford TAFE; and*
- ii. Byford Health Hub.*

## **Background**

The Shire has long advocated for election commitments and priorities.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	6 July 2020
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

## **Statutory Environment**

Nil.

## **Comment**

The upcoming State Government Election means the Shire needs to confirm its priorities and requests. This will enable these to be clearly articulated and advocated for to all candidates in the lead up to the election.

Although this doesn't guarantee funding or support it provides a clear and united list of Councils priorities for consideration by candidates and parties.

Council is requested to consider these issues and associated government requests as outlined in **attachment 1**. This draft list has been previously distributed to Councillors and discussed at a Policy Concept Forum.

The priorities are designed to create short and long-term jobs in the Shire and address community need whilst not affecting overly negatively on the Shire's financial sustainability.

The attachment includes the details of the issues to be addressed as well as proposed requests/priorities. Some of the feedback received on previous advocacy documents is that rational/"why" needs to be provided to justify the requests rather than just providing a list of projects to fund. Furthermore although some work is occurring on the development of business cases this remains a work in progress. Hence, some commitments are subject to business cases being prepared and approved.

If Council adopts a set of priorities, Officers will translate the issues and priorities into advocacy material.





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## Options and Implications

### Option 1

Council can adopt the priorities/requests in **attachment 1** without modification.

### Option 2

Council could amend some or all of the priorities for advocacy and provide associated rationale and justification.

### Option 3

Council could decide not to adopt a list of priorities to advocate for the next state government election.

Option 1 is recommended.

## Conclusion

This State election more than ever provides Council with an opportunity to clearly articulate its justified needs and priorities in a concise and justified manner for commitment.

## Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Shire of Serpentine Jarrahdale – draft 2021 WA State Election Commitments and Requests (E20/7688)

## Alignment with our Strategic Community Plan

Many of the proposed election commitments deliver upon projects and actions in the Councils Strategic Community Plan and Corporate Business Plan.

## Financial Implications

If Council agrees to prepare advocacy documentation, promotional material will be produced to communicate the election requests within existing budget allocations.

## 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 clearly articulate its election requests.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on	Accept Officer Recommendation



				key stakeholder trust, high media profile, third party actions	
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### Risk Matrix

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

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

**Voting Requirements:** Simple Majority

### OCM234/07/20

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council

1. APPROVES the election priorities and requests as contained within attachment 1.
2. REQUESTS the Chief Executive Officer to prepare relevant promotional material for the priorities.

**CARRIED UNANIMOUSLY 6/0**



Continued

## Ordinary Council Meeting Minutes Monday 20 July 2020

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**11. Urgent business:**

Nil.

**12. Councillor questions of which notice has been given:**

Nil.

**13. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 10.21pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on the 17 August 2020.

Presiding Member – Cr Rich

14/09/2020  
Date