



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting

Confirmed Minutes

7.00pm

Monday, 21 September 2020

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In Person

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



www.sjshire.wa.gov.au



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

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

A – Apology LOA – Leave of Absence NA – Non Attendance



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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 21 September 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 Mr John Kirkpatrick.

Agenda

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

In Attendance:

- Councillors: M Rich.....Presiding Member
D Atwell
M Byas
R Coales
M Dagostino
B Denholm
K McConkey
L Strange
D Strautins
- Officers: Mr P MartinChief Executive Officer
Ms H Sarcich.....Deputy CEO / Director Community and
Organisational Development
Mr F SullivanDirector Corporate Services
Mr A TrosicDirector Development Services
Mr S HardingDirector Infrastructure Services
Dr K ParkerManager Governance
Mr B OliverManager Communications and Customer Engagement
Ms A LierschAgendas and Minutes Officer (Minute Taker)
- Observers: Members of the Public – 16
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.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

Question 1

When development approval was given for Lot 807 South West Highway (Medical Centre) did the conditions include a contribution to the upgrade of George Street? If so, why was there no access to George Street included in the upgrade recently done?

Response (Director Development Services)

The Shire's Notice of Development Approval, dated 25 January 1996, issued for the Consulting Rooms (Medical Practitioner) at Lot 23 (No. 807) South West Highway, did not contain a condition for the upgrade of George Street. The subsequent approval for extensions to the development, granted on 17 June 2008, also did not include a condition for upgrading George Street and also limited access to the existing crossover from South West Highway.

Question 2

In the recent upgrade of George Street, there is no provision for pedestrian or disabled access resulting in pedestrians and disabled persons having to share the roadway with vehicular traffic. WHY? As the upgrade was at the developers cost.

Response (Director Infrastructure Services)

The developer in question, Metrowest, provided a connection between Pitman Way and their United Petrol station development for commercial and community benefit purposes. The road connection south of the United Fuel station was over and above their developer commitments to upgrade George Street in accordance with the Shires Byford town centre policy.

Council approved the proposed works by Metrowest at the Ordinary Council Meeting on 14 October 2019. The Council report indicated that the footpaths would be constructed at the time the individual development applications of the properties along George Street were approved.

In addition to the road connection, the developer also provided a dual use path in front of their premises on George St and running the length of Evans Way. Recognising the need for pedestrian connectivity the Shire has designed a footpath extension from the United Fuel Station through to the DOME Café. When funding and or development occurs the footpath will be constructed.



Question 3

The footpath along the western side of South West Highway has a number of crossovers between Pitman Way and the new United service Station which do not comply with the disabled legislation and as a result draws disabled scooters into the highway and the traffic using it. Will the Shire take this matter up with the Main Roads Department?

Response (Director Infrastructure Services)

The footpath along South West Hwy is under Mainroads WA management. Shire Officers have previously forwarded these issues to Main Roads last year but have not received any feedback as to whether these issues are getting addressed in the short-term. Shire Officers will follow up the earlier query to see if they are proposing any action in relation to them.

Mr Roger Harington, address withheld by request, regarding item 10.1.1 – Proposed Amendments to Conditions of approval – Poultry Farm – Lot 701 Henderson Road, Hopeland

These questions relate to item 10.1.1 – Proposed amendments to conditions of approval – Poultry farm Lot701. In particular to their compliance to their “Environmental Management Plan”.

Question 1

Have the Shire’s Officers conducted a site visit to inspect rehabilitation areas as indicated by the Management plan and the Notice of Approval to verify compliance and audit reports? If so, where is the report?

Response (Director Development Services)

A site visit has not occurred to inspect the rehabilitation.

The original planning approval includes 54 conditions. Condition 8 requires areas that were designated for revegetation to be adequately landscaped and maintained to the Shire’s satisfaction. This condition however does not include an annual auditing or reporting requirement for revegetation. Annual auditing and reporting is limited to the health related conditions of odour, dust and noise. If a complaint was received regarding non-compliance with a condition, Officers would investigate in accordance with the Council Policy on General Compliance and Enforcement.

Question 2

There is significant vegetation west of the poultry Farm on private land, independent of the poultry farm, to which the proponent makes reference to in their application documents (refer to section 3.3 of EME response to submitters) – implying, because of this they do not need to do plantings on the western boundary – Did the council approve this ? If so why?

Response (Director Development Services)

The original approval was granted on 14 September 2007, following consideration at the Special Council Meeting of 4 September 2007. This approval does not impose any condition to specifically protect existing vegetation on other land.



Mrs Lee Bond, Box 44 Armadale WA 6112

Question 1

What is the total cost of setting up the Watkins Road waste facility and what is the total projected cost operation of the facility for one year?

Response (Director Infrastructure Services)

The cost of setting up the Watkins Road transfer facility is estimated to be \$500,000 which includes the site set up costs and required plant and fleet. The operational and maintenance cost of the facility is anticipated to be \$327,000 per financial year (includes Labour and Disposal costs).

Question 2

What happened to the settlement with WBHO and how much has this settlement cost?

Response (Director Infrastructure Services)

The final payment in relation to the settlement of the contract with WBHO considered the amount already paid against the works completed, which resulted in Council receiving a payment from WHBO as final settlement.

Question 3

Why has the Shire sent out a letter indicating that they may have charged the wrong rates on properties and will be seeking intervention from the Minister after receiving ratepayers completed responses?

Response (Director Corporate Services)

To be clear, the Shire has not levied incorrect rates.

- Rates are calculated based on a “Rate in the Dollar” set by the Council multiplied by the valuation of the property.*
- The valuation of your property is independently set by the Valuer General and is either calculated based on the Gross Rental Value or the Unimproved Value methodology as determined by the Minister for Local Government.*
- In making a determination of the appropriate valuation methodology the minister is required to take into consideration the predominate use of the land.*
- The review aims to ensure that all Properties have the correct valuation method applied to reflect their predominate use of the property.*

This will ensure that the rating burden is fairly distributed across the community.

Please see our website for additional information

Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7.11pm. No further questions were asked.

Public question time concluded at 7.11pm.



3. Public statement time:

Public statement time commenced at 7.11pm.

Mr Joubert De Lange, representing ProTen regarding item 10.1.1 – Proposed Amendments to Conditions of Approval – Poultry Farm – Lot 701 Henderson Road, Hopeland

Thank you for the invitation to make a presentation to the Council Meeting on 21 September 2020 regarding our proposal to amend the existing approval relating to our Henderson poultry farm in Hopeland. While we would very much like to address the meeting and be available to answer any queries from the Councillors and/or the community, ProTen's management team and planning consultant are based in NSW and the current Covid-19 situation precludes our attendance at the meeting. We were advised by the Shire that to address the meeting we had to be physically present and that there were no on-line platforms, such as video conferencing, available to us. As such, we have prepared this short memo to summarise the key findings and recommendations of the specialist consultants who have independently assessed the poultry farm operation and whose findings support the proposed amendment.

Background

The Henderson poultry farm was granted approval by the Shire in September 2007 and has been operating since December 2008, which is close to 12 years.

ProTen is seeking to amend the following approval conditions:

- Condition 5 – reduce the frequency of the audits, including dust assessments, from annual to every three years;
- Condition 32 – remove the need for the 1.5 m high fencing and other engineered noise controls;
- Condition 34 - reduce the frequency of the noise assessments from annual to every three years;
- Condition 36 – remove the need for the 1.5 m high fencing for odour reduction; and
- Condition 37 - reduce the frequency of the odour assessments from annual to every three years.



The following information has been submitted to the Shire in relation to the proposed amendment:

- Initial application with detailed assessment report in June 2019;
- Detailed response to the Shire's request for additional information in April 2020, including:
 - expanded dust, noise and odour assessments by SLR;
 - Detailed response to the community submissions in August 2020; and
 - A summary of all annual audits completed between 2009 and 2019 in September 2020.

Audits

The annual audits, which have all been submitted to the Shire over the years, conclude a continual high level of compliance with the EMP. Recent audits have not identified any non-compliances that pose a material environmental impact, with the non-compliances relating to administrative issues and commitments no longer considered warranted. A total of 111 conditions were audited by SLR in the most recent 2019 audit, with a total of 106 found to be compliant and/or completed (95%), two potential non-compliance's (2%) and three non-compliances (3%). The non-compliances were a result of administrative processes or conditions recommended to be reviewed.

Henderson is operated and managed in accordance with industry best practice standards, including the relevant requirements/recommendations in the *RSPCA Approved Farming Scheme Standards – Meat Chickens* (RSPCA Australia 2013). Both the RSCPA and Baiada Poultry undertake their own inspections and audits at Henderson to ensure ProTen is continually meeting their operational and management requirements on-site. ProTen will not reduce their site maintenance and environmental management if the frequency of the EMP compliance audits is reduced from annual to every three years as proposed. There is an economic incentive for ProTen to ensure a continual high-level of farm operation, management and hygiene.

If the proposed amendment is approved ProTen has committed to preparing an updated EMP (current version is dated 2007) for approval by the Shire. This would include updating it in relation to current best practice management, including mitigation and management measures for odour, dust, noise, traffic, etc., complaints and incidents handling, and monitoring and reporting requirements.

Dust

SLR's annual dust assessment completed in April 2020 included continuous air quality monitoring between 13 February 2020 and 12 March 2020 during the continued growth, final harvest and clean-out stages of a production cycle. The monitoring showed compliance with all criteria.

SLR concluded:

- The annual dust assessments completed between 2015 and 2020 have consistently concluded that all assessed parameters were below the criteria, with the exception of one exceedance in 2015 that was identified as potentially the result of off-site sources; and



- The frequency of dust assessments could be reduced from annual to every three years or if there are any significant changes to site operations that could reasonably increase dust emissions.

There has never been a complaint in relation to dust.

Vegetation screens have been established along the northern, southern and eastern site boundaries, with significant vegetation also immediately to the west of the Site. ProTen has been undertaking additional tree and shrub plantings over recent years and, as requested by the Shire, will continue on-going vegetation maintenance and new plantings where needed.

Noise

Grassed earthen bunds measuring approximately 2.5 m high have been established along the eastern and western ends of the poultry sheds and noise generating plant has been located between the poultry sheds and the earthen bunds, with appropriate noise management practices and mitigation measures implemented on a routine basis.

SLR has assessed the installation of a 1.5 m high fence along the top of the existing earthen bunds and other engineered noise solutions as unwarranted and has repeatedly recommended that ProTen consult with the Shire to have these requirements removed from the approval and from the EMP.

SLR modelled a very conservative scenario in March 2020 with worst-case weather conditions and all key noise sources included. The results showed compliance at all surrounding residences for all periods (day, evening and night) for the conservative and unlikely scenario where the standby emergency generators are operating throughout the entire period during peak season and a feed loading event occurring.

Terrain and vegetation, which could provide noise attenuation and reduce noise levels further, were not included in the model (i.e. another conservatism).

SLR concluded:

... further mitigation controls such as 1.5m fencing are not considered warranted. Furthermore, it is recommended that assessment of the noise emissions from site is shifted from an annual basis to a three yearly basis and in response to any specific and sustained complaints received, or if there are any significant changes to site plant or capacity that could reasonably increase noise emissions in a given time period.

There has never been a complaint in relation to noise.

Odour

The annual odour assessments, which have been provided to the Shire over the years, demonstrate that the poultry farm is not resulting in any notable off-site odour impacts.

SLR conducted odour sampling in February 2020 during the final weeks of the growth cycle and made the following conclusions:

- The highest measured odour concentration was 390 odour units (ou), which is well below the criterion of 2,750 ou;
- The annual odour assessments undertaken between 2015 and 2020 show consistent odour emission rates and demonstrate that the poultry farm is consistently compliant;



- Given the very low odour concentrations measured and the improved industry knowledge of the impacts of solid barriers on odour plume dispersion, the 1.5 m fencing imposed by condition 36 is not warranted and could be removed from the approval; and
- The frequency of odour assessments imposed by condition 37 could be reduced from annual to every three years or if there are any significant changes to site operations that could reasonably increase odour emissions.

Additional proof that Henderson has maintained effective odour management practices is that no odour complaints have been received since October 2015.

Commitments

As indicated above, if the proposed amendments are approved, ProTen has committed to:

- Updating the 2007 EMP for approval by the Shire in accordance with current industry best practice; and
- On-going maintenance of the planted vegetation screens/buffers, with new plantings undertaken where needed (e.g. where existing vegetation fails, where there is a gap in the plantings, etc.).

Based on the significant information that has been submitted to Shire and the above summary information, we believe that the proposed amendments are justified and pose negligible risk to the local environment and surrounding populace.

Please do not hesitate to contact ProTen's CEO, Bill Williams, or ProTen's planning consultant, Eryn Bath, with any queries or to discuss the proposal.

We thank you in advance and look forward to hearing the outcome of Monday's meeting.

Mr Aaron Boots regarding item 10.1.1 – Proposed Amendments to Conditions of Approval – Poultry Farm – Lot 701 Henderson Road, Hopeland

In relation to PA 19/644, regarding amending the existing approval for the Proten poultry farm at Lot 701 Henderson Road, I believe that the council should reject the proposal outright, for several reasons.

1. The proponent has shown a non-compliance in EMP audits of more than 5% on average, which raises the question - what are their practices like when the site hasn't been cleaned and prepped beforehand? To extend the time between audits would seem to only encourage an increase in laxity and non-compliance.
2. The same is true for their attempts to extend the time between audits with regard to noise assessments and odour emission and mitigation inspections. The proponent has provided very little objective proof that they are currently compliant, and I can give personal witness to the fact that they do indeed produce significant noise and odour, particularly when combined with the prevalent South and Southeasterly winds in the area.
3. The crux of my argument though, is that I have issue with the level of disrespect shown to the Shire in the conduct of the proponent. While I have not always agreed with the Shire and its actions, I acknowledge its position as the regulatory body for the organisation and administration of the local area.



This is most clearly shown in their proposal to adjust the requirements on them for noise amelioration and mitigation. They clearly state that they have neither complied with the initial requirements placed on them for approval, or investigated any further noise management solutions, as they "are not considered warranted".

What they do not address is at what point they were given permission to self-regulate? At what point did they assume the role of advisor and guide to the Shire as to what is and is not required?

My major concern is that, should the Shire not deal strongly with the proponent over this issue, they will not only set a worrying precedent, but will send a strong and clear message that the rules are different for differing landholders, based on money and size.

For example - a couple of years ago, my firebreaks were judged non-compliant. I was notified by the Shire, given a timeframe to correct the issue, and told that if I did not, I faced a fine and that the shire would then do the work themselves, charging the cost to me.

Reading through the proponents documentation, they were given their initial approval, as well as the list of requirements on 14 September, 2007. That means that, with regards to noise management, and in particular, the 1.5m solid wall that they were required to build atop the bunding, they have been non-compliant for 13 years and a few days.

I was given a month for my firebreaks.

As such, I request that the Shire act decisively -

- That the Shire reject this new proposal, outright.
- That the Shire conduct a rigorous investigation into the proponent with regards to all points of their initial approval, and make note of any and all areas of non-compliance.
- That the Shire also fine the proponent, and that it be a fine in proportion to both the number of areas and the amount of time they have been non-compliant, and the seriousness of the issue as a whole.
- That the Shire then give the proponent a clearly defined amount of time (less than 6 months) in which to become compliant, particularly in relation to the wall required for noise management, and with the understanding that, should they fail to do so, the Shire will undertake the work themselves, at the proponent's expense.
- That the Shire then establish a clearly defined process for complaints particularly related, but not limited, to noise and odour to be received, logged and dealt with by the proponent, and for an annual record to be submitted to the Shire, as a matter of public record.

Thank you.



Mr Roger Harington, address withheld by request, regarding item 10.1.1 – Proposed Amendments to Conditions of approval – Poultry Farm – Lot 701 Henderson Road, Hopeland

This statement relates to item 10.1.1 – Proposed amendments to conditions of approval – Poultry farm Lot701 Henderson Rd Hopeland, but may also apply to other developments of a similar nature.

First I would like to thank the officers for recommending that the audit not be extended to 3 years. Although I would like to see random inspections by Shire officers to verify audit reports.

Buffer zones: Over the past years I have , at any opportunity, raised the issue of buffer zones around developments that extend into adjacent private land. This is a classic example of where a development is utilising the assets of an adjacent property for their own benefit.

It quite clear by the comments made by the proponents that they are utilising vegetation on private land west of the sheds to minimise their obligations. Refer to section 3.3 of EME response to submitters –

“There were no vegetation plantings considered warranted along the western site boundary at the time of the development approval due to the significant existing vegetation immediately to the west of the Site within Lots 700 and 504. As such, there are no requirements in the approved Landscape and Vegetation Management Plan (GHD 2007a) for any plantings to the west of the poultry sheds.”

These trees are an asset to me - not Proten – and maybe be harvested at anytime – they should never be considered when assessing nearby developments.

Revegetation: The proponent claims that a 1.5m fence has no effect on the control of odour , dust or noise, but do claim vegetation does. So where is the vegetation? EME and SLR (Proten’s consultants and auditors) claim that the revegetation is successful and is ongoing is dubious. Any tree lines and screening done by the method described in their Landscape and Vegetation Management plan would be well established after 13 years with high success rates. There is little evidence of this or even been attempted after 13 years. The pictures provided by EME in the responses to the submitters clearly show a sparsely populated planting on the bunds – of the 4 photos 3 are of a non-native trees (tagaste to be precise). It is clear that SLR and EME have limited knowledge of revegetation.

Noise: SLR conducted noise monitoring at various sites over 7 days in the middle of February this year. What useful information would this provide? – absolutely none! The period of monitoring is too short to capture seasonal and climatic changes throughout the year. The Council should reject any results obtained or interpreted from this data.



SLR admits that the Environmental Management Plan is old and requires updating, their responses to the submitters is dismissive and inaccurate - which throws doubt on the accuracy and quality of their audit reports. I ask the Council to reject the entire application until:

- An independent compliance audit Environmental Management Plan (EMP) been completed (Also taking note of the flooding in 2017 & 2018)
- Provide updated noise, odour and dust modelling taking into consideration the Shire officers comments in their response to “Better Practice Composting” submission (Item 10.1.7) – particularly in relation to the winds and temperature inversions.
- Provide long term noise, odour and dust monitoring data.
- Proten provides an updated Environmental Management Plan (EMP) – taking into consideration the above audit reports and local residences’ concerns.

In closing, the Shire should seriously consider developing a local planning policy on buffer zones based on SPP4.1 and related documents , particular those buffers that extend into private land -whether this land is vacant or not.

Thank you

Ms Margaret Cala, 70 Randell Road, Mardella regarding item 10.1.3 – s31 Reconsideration – Proposed Retrospective Dams, new Dams and new Establishment of Orchards for the Growing of Truffles – 206 Firns Road, Serpentine

My Statement is regarding OCM 10.1.3 - s31 – reconsideration of a proposal for the retrospective approval of Dams and construction of new Dams for the establishment of a Truffle Orchard.

For almost 30 years I had a property in the hills – off Nettleton Road, between Byford and Jarrahdale. It had high land and a pretty valley with a stream flowing through. For many years, the stream flow was abundant and continued throughout the year. There were similar streams nearby; and everyone had water for their needs.

About 12 years ago the stream flow stopped in December and was never to flow again during summer. This was probably due to a number of things – decreased rainfall, bauxite mining which damaged the flow patterns of water in the ground and then the reforestation that followed the mining – new trees taking vastly more water from the ground than established native forest.

Not insignificant was the construction of two large dams on the upstream neighbouring property which had the effect of cutting the flow early each year, even when the by then meagre flow of the stream continued, but could not match the evaporation from the surface of the dams. In winter the flow into my property was delayed while the two large dams filled and then the spongy but now dry creek bed soaked up the water before allowing a flow downstream.

The same thing happened on other nearby hills properties when dams were built on the creek lines. New owners came into the area and wanted to maximise water they regarded as their own.



Over time I saw the vegetation along the creeks die. Reeds, trees, shrubs; even the blackberry which until then had been such a problem. After a few very dry summers large numbers of both native trees in the forest, and planted ones on private land died as the soil moisture decreased and the root systems struggled to reach deep enough for any moisture in the soil. The loss of wildlife habitats was equally distressing.

The two dams next door to me were constructed with no approvals – by two successive owners. Despite me contacting all the relevant authorities, no-one was interested – it wasn't a gazetted stream. Just one that generations of people and a whole small environment had relied on. Finally, when the larger of the two dams was nearing completion – after the second owner having enlarged the earlier dam; and the wall and overflow had been raised by more than 1 metre above the natural creek bed; the owner applied for, and received retrospective approval – with no modifications required.

From that time on, the small ecosystem along the creek course changed for ever.

Similar stories can be told all through the hills in this and adjoining Shires. Large dams are built; often without any approval and with a stated purpose of supporting some barely sustainable activity, or even worse, just for the aesthetic appeal of a large body of water in our drying environment.

My understanding is that the proponent already has a significant capacity for water storage; some being in dams constructed without the necessary approvals. Dwer's submission makes the point that there are insufficient water resources available to support a proposed orchard of 16.9 ha. If that is the case, then the viability a proposal on that scale is already in doubt. . An undertaking that commences with a deficit of water is questionable from the very start.

Advice of both the WA Ag Dept and the WA Truffle Growers Assoc. for an enterprise such as the one before Council tonight requires a good summer rainfall, and consistent soil moisture; and given that most current growers are in the Pemberton/ Manjimup areas which are significantly further South than the proposed Truffle Orchard in Firns Road and with different soil structure; it appears to me that this is an ambitious and speculative proposal and potentially will require large and regular applications of lime to achieve the required soil ph. Establishing any agricultural or horticultural venture can be difficult, but even less viable when climate, water availability and soil types are not ideal. Further advice from the Truffle Growers web page suggests that there should be an expectation of a 10 year establishment period to production. How can anyone know what the annual rainfall may be in another 10 years

Rainfall has declined, temperatures have risen – whether or not you choose to call it climate change. Going on my own experience, the hills have dried and water has become a highly sought after commodity; not something to be taken for granted. Talk to a local pump and bore serviceman and he will tell how many of his clients are now faced with bores that no longer have water. Higher and higher demands on dwindling surface and ground water is not sustainable. Surface water is needed to recharge the ground water – it is not simply excess, or unused water.

The applicant already has 6 dams seeking retrospective approval; and then more to be constructed. Should this approval be at the cost to unfortunate downstream neighbours? Is retrospective approval ever a given right? And what of the wider environment? I know from personal experience that these small water courses do not withstand much interference. What happens upstream affects everything down stream.



According an earlier State Administrative Tribunal meeting, the sizing of a low flow bypass was to be specified as the assurance for flows being adequately maintained. Dwer advised on the day this was to be 0.13ML/day, but how will this be monitored? Any such condition relies to a greater or lesser extent on the goodwill of the proponent for compliance. With the best will in the world, an officer cannot be in attendance after each decent shower of rain; and in my view, any proponent who seeks retrospective approval for not 1, but 6 unauthorised dams doesn't seem to me like a sound bet in terms of goodwill or concern for neighbours or the environment.

Another concern I have with this proposal is the absence of barrier fencing. Wild pigs are a significant biosecurity risk to the hills around here; and I understand that Truffles are a favoured food for pigs. Without appropriate fencing, any Truffle growing effort will more than likely attract wild pigs into the area; with the attendant risk of disease, injury and infestation of nearby properties, as well as damage they cause to the land.

This Shire prides itself on its Rural Character; beauty, and agricultural roots. It talks at some length about sustainability. I urge all Councillors to treat this application very conservatively. Please look carefully at this, or any other proposal which is questionable in terms of long term water sustainability which will be paid for by the wider environment and all downstream neighbours.

Innovation, initiative and imagination are all commendable assets; and more so now within the increasingly competitive agricultural world. However, equally or even more commendable is the trend towards agricultural enterprise that is sustainable in the long term; and does the least possible damage to our already stressed environment.

Mr David Maiorana, representing Harley Dykstra Pty Ltd regarding item 10.1.2 – Extension of temporary approval for 'Light Industry' – Lot 813, 244 King Road, Oldbury

Good evening Councillors. My name is David Maiorana, from Harley Dykstra.

This Public Statement is made on behalf of the landowner, 888 Crushing and Screening Equipment (CSE), in support of a development application at Lot 813 King Road, Oldbury. This proposal is listed as item 10.1.2 on the Agenda.

888 Crushing and Screening Equipment is represented this evening by Mr Paul Hutchinson. 888 Crushing and Screening Equipment is a locally owned business and is a strong supporter of local employment, with 11 staff.

Despite a particularly challenging period given the COVID 19 pandemic, the business has been successful in retaining all staff.

This Statement seeks to reiterate to Councillors a further 12 month extension of time, as recommended by staff is insufficient for the business to relocate to a new premises (such as within West Mundijong), given the planning and delivery of lots is not yet sufficiently progressed.

As a consequence, 888 CSE simply do not have enough certainty as a business to commit to relocation by 31 December 2022, despite their best endeavours to date.

Status of Draft West Mundijong Structure Plan

In August 2019, Council resolved to progress the West Mundijong Industrial Area Structure Plan to facilitate subdivision and development of this area.



Consistent with this approach, an early subdivision application has been submitted by Harley Dykstra for approval to create a first stage of industrial lots.

Advertising of the West Mundijong Structure Plan is proposed to occur later in 2020, however there is no certainty as to specifically when this will occur. The timeframe for final approval of the Structure Plan is also uncertain. In the meantime, the WAPC has advised they are unwilling to approve the first stage subdivision application until the Structure Plan is further progressed.

Realistic Timeframe for Approvals

In view of this, we consider the following timeframe for relocation of the business to be realistic:

- West Mundijong Subdivision approval by December 2020 (although already this is looking less likely);
- Subdivision Construction by December 2021;
- Development Approval and settlement of land acquisition by June 2022;
- Site construction and business relocation/occupancy by June 2023; and
- Allowance for a realistic contingency of 6 months, which brings us to December 2023.

To demonstrate 888 Crushing and Screening Equipment's commitment to relocate from the current premises, a performance based condition has been put forward, as follows:

"If by 31 December 2022, 888 Crushing and Screening Equipment demonstrates sufficient progress toward relocating to West Mundijong Industrial Area (by entering into a contract of sale to purchase land) the Shire will automatically grant a further 12 month extension of time until 31 December 2023 with no further approval being required."

If Council is not prepared to support a time limited approval including this additional condition, we request the item be deferred to enable further discussion and resolution with staff.

I trust this Statement will assist the Council in supporting a more realistic and reasonable timeframe to enable this business to relocate within the Shire once a suitable premises becomes available.

We therefore urge Councillors to grant approval for an extension of time for a further 2 years, subject to inclusion of an additional condition.

Thank you.



Mr Francis Smit, Executive Officer, Landcare SJ Inc regarding item 10.1.3 - s31 Reconsideration – Proposed Retrospective Dams, New Dams and New Establishment of Orchards for the Growing of Truffles – 206 Firns Road, Serpentine

I make this statement relying on my credentials and experience:

- B. Business (Horticulture) - Curtin University;
- 14 years working as sessional academic in Agribusiness Management – Muresk Institute of Agriculture and Curtin University;
- 15 years at Landcare SJ Inc. as Executive Assistant/Executive Officer working to protect and enhance the environment in the Shire of Serpentine Jarrahdale, including nine years working with the WA Forest Black Cockatoo Recovery Project.

Dam, dam, dam, dam, dam, dam – 6 dams requiring retrospective approval – a planning matter – which does not take into account the removal of 1000's of litres of water from environmental flows and natural water table recharge. This is on a property immediately adjacent to a high value property rezoned Conservation under recommendations and provisions of the Shire of Serpentine Jarrahdale's Biodiversity strategy in 2013.

Retrospective approval being only one of numerous officer recommendations on this agenda item which I am speaking here to oppose.

Jarrahdale is not immune from the current global climate emergency as it has been identified in numerous countries. At Landcare SJ our most common enquiry used to be "I control my weeds, how can I make my neighbour control theirs?" Over the past 18 months or so it has been "Why are my trees dying?" The majority of these enquiries are from Jarrahdale residents. I spoke to the Kings Park and Botanical Gardens Curator of Arboriculture last week who indicated causes of tree decline include: seasonal factors and water availability, as well as altered environments – examples include water hoarding and diversion, bauxite mining and unnatural revegetation practices - among others – all happening in and around Jarrahdale.

DWER have responded to indicate that using average water flows is not a sound practice due to the drying climate. The model used to support this proposal is flawed.

The Bureau of Meteorology have indicated a 70% probability that we are moving to a La Nina phase this year – which results in lower rainfall and can produce prolonged drought in the south west of WA.

The proposed dams have a total capacity of 29 Million Litres, but are only permitted to collect 7.4 million litres. Why are they so large?

The total volume of dams if the proposal is approved is 77 million litres, although only a maximum of 55 million litres can be collected.

The proposed 16.9 Ha orchard will require a range between 66 million litres and 133.5 million litres for irrigation. The minimum irrigation requirement is 10 million litres over the maximum collection, and the maximum capacity is roughly half the maximum range required to irrigate. There is not enough water storage to irrigate the proposed orchard.

I question the Shires capacity to monitor and enforce compliance related to the recommendations related to the gully bypass.



I question whether the impact matrix has accurately assessed the environmental impact on the adjoining conservation zoned property in minimising cumulative impacts resulting from the indiscriminate construction of the dams.

Feral pigs are a huge issue on the Darling Scarp, with Landcare SJ receiving numerous reports of feral pig activity in the area. Pigs love truffles more than humans do. Good luck with that one.

The soils of Jarrahdale are not conducive to truffle production without considerable amendment. In addition, if truffles are successful – and there are very few if any successful truffle farms in Western Australia outside the Pemberton/Manjimup area – it is a prospect that may take a decade before fruition, without guarantee.

Re-establishing the Scrivener Road gravel pit was rejected by this Council in 2016 largely due to habitat trees and the fact that this is the only area in the whole state of WA where the three species of Forest Black Cockatoos are known to breed. While there is sufficient foraging habitat in the area, one recommendation is to clear 1.14 HA of degraded *Corymbia calopylla* (Marri) and *E. wandoo* habitat, with “information submitted by the applicant indicating there was no signs of breeding within the large hollows of the trees proposed to be cleared”. I could not identify the attachment of that information with the documentation related to this agenda item, but will say now, that natural hollows, suitable for Black Cockatoo breeding in Marri trees, take approximately 230 years to form. The hollow that just became available for Black Cockatoo breeding in a Marri tree on the Darling Scarp was just a seedling when Capt. James Cook landed at Botany Bay! The methodology of monitoring for breeding activity is not indicated. These are habitat trees and should be preserved for the two species of Black Cockatoo which are endangered and the third species which is listed as vulnerable under the EPBC Act.

With regard to the Officers recommendation as it aligns with the Strategic Community plan Outcome 3.1 a commercially diverse and prosperous economy – it does not align. There is insufficient water to irrigate an orchard of that size, either in the total capacity of the dams, and especially in the maximum collectable capacity under the recommendations. The climate is drying and the truffle farm will be constrained by insufficient water, unsuitable soils and feral pig activity.

Outcome 4.2 a strategically focussed council – this proposal does not promote strategic relationships in the Shires interest. The alignment with the Strategic community plan is not demonstrated.

The proposal and recommendations put forward in this Agenda item are unsustainable.

There are adverse cumulative environmental impacts on native tree health, water recharge, and environmental water flows for neighbouring landholders. Breeding habitat for endangered Black Cockatoos will be destroyed. There is no clear demonstrated alignment with the Shires Strategic Community Plan.

I urge Councillors to reject the officer’s recommendation.

Francis Smit, Executive Officer, Landcare SJ Inc.



Mr Bruce Deetman, PO Box 383, Serpentine WA 6125 regarding item 10.1.3 - s31 Reconsideration – Proposed Retrospective Dams, New Dams and New Establishment of Orchards for the Growing of Truffles – 206 Firns Road, Serpentine

Our property is located directly adjacent to the proponents' property with the streams in question flowing onto our property. The proponents' property is at the headwaters of the Serpentine River and we believe it would be an unconscionable decision for the Council to allow the proposed 3 dams, in series, to go ahead.

We do not believe it is right that any landholder can control approximately 90% of water flow, as is proposed, of a natural water course flowing through their property. We have forwarded a large, well-researched submission to Council outlining the potential detrimental effects these dams could have on not only our ground water supply, property & business but to the potential effects on the environment, flora, fauna, surrounding properties and potentially natural river water supply.

Mrs Lee Bond, Box 44 Armadale WA 6112

Last week bin collection for the Oldbury / Oakford area required the driver to do the round twice because he arrived too early. Bins cannot be expected to be placed out the night before because of the winds/ people dumping their rubbish in the bins at night and the odd idiot who runs over your bin. The bin collection needs to be stated at 7am not 6am. This driver was not happy having to do the run twice and demonstrated his anger by going through the streets like a tornado leaving the bins like hard waste after people have rifled through it.

No more money should be spent on the pound, it's time Council built a proper safe pound. Excuses have been made for years and money has been spent on wasteful items. There was a consideration for a pound to be constructed on the Pony Club grounds on King Road, now is the time to do it.

Public statement time concluded at 8.01pm.

4. Petitions and deputations:

Nil.



5. President's Report:

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

Firstly, I would like to announce that the Shire's Briggs Park floodlighting system was recognised with the Best Use of Technology Award at the Parks and Leisure 2020 WA Awards of Excellence.

The floodlighting technology, developed by Industrial Automations Group was implemented as part of the \$3.9 million upgrade of Briggs Park and allows user groups to set the level of lighting required for their activity, ranging from as low as 50 lux up to 300+ lux.

I was pleased to accept the award at the ceremony held on Thursday, 27 August, and I would like to congratulate all Shire staff who were involved in the project.

We look forward to seeing our project judged as part of the national awards, to be held later this year.

The Shire was pleased to host Premier Mark McGowan and his Cabinet Ministers at the Civic Centre on Monday, 24 August, for their Community Cabinet meeting. As part of the Cabinet Meeting agenda, the Chief Executive Officer and I presented the Shire's 2021 WA State Election Priorities and Requests.

The presentation was well received, and the Cabinet Meeting coincided with the announcement by the State Government of the preferred location for the future Byford Train Station, as well as pre-works to remove the level crossing at Thomas Road.

Following the Cabinet Meeting, Shire staff and I continued discussions on other issues, including road safety and youth development.

The Chief Executive Officer and I met with Road Safety Minister Michelle Roberts to discuss our Hypergrowth Network Implementation Plan, which outlines priority roads against Main Roads WA road crash data.

Deputy Shire President Dave Atwell, Cr Bill Denholm and Shire staff also met with Youth Minister Dave Kelly to discuss youth development opportunities to support the growing number of young people who live in our Shire.

Metronet has carried out community consultation for the project over the past few weeks and I would encourage residents who wish to stay informed on the project to visit the Metronet website.

The Chief Executive Officer and I had additional meetings in the days following with Minister for Transport Rita Saffioti as well as Opposition Leader Liza Harvey, Alyssa Hayden MLA, Peter Collier MLC and Dr David Honey MLA, where we continued to discuss our 2021 WA State Election Priorities and Requests.

Thanks to Senator Glenn Sterle, Shadow Assistant Minister for Road Safety, for spending the morning touring Serpentine Jarrahdale roads to gain a firsthand understanding of our Hyper Growth Road upgrade plan as endorsed by Council.

In my role as WALGA State Councillor, I attended the September State Council Meeting, Environmental Team Meeting and Strategic Forum, as well as WALGA's State Council Briefing on the Local Government Act Review Panel's final report.

I met with the Commissioner of the Department of Fire and Emergency Services, Darren Klemm, and Deputy Commissioner, Craig Waters on 7 September where we discussed



the upcoming bushfire season and the need and commitment for a career fire station in the Mundijong area. We also advise that we will be seeking a review of the decision for funding for the relocation of the Oakford Volunteer Bush Fire Brigade Station.

As part of our ongoing commitment to bushfire preparedness, residents will start receiving their Fire Control Notice 2020/21 in their mailbox from next week. The booklet provides information on bushfire preparedness and the legal requirements for firebreaks. It is important that we all do our part to remain fire safe heading into the warmer months.

It is great to have our Australian Citizenship Ceremonies return to in-person ceremonies, and we have held two in the past month, including one last Thursday evening as part of Australian Citizenship Day. Congratulations to all of our newest Australian citizens.

Myself and Deputy President Councillor Dave Atwell spent a fantastic morning at the Keysbrook Community Associations Cancer Council Biggest Morning Tea where they raised \$4000 in the memory of Marie Gallin.

Congratulation to Landcare SJ for delivering another successful RU Ok? Day Community Tree Planting event on Thursday, 10 September at Goorolong Brook in Jarrahdale and the Keybrooks Community Association on their continued support of mental health incentives in our rural areas. Given the events of the past six months, it is more important than ever for us to take the time to pause and check in on our friends and family.

We had a productive meeting with Andrew Hastie MP and Telstra with Telstra investigating the building of a new mobile tower in the north Mundijong area and the investigation of upgrading of the battery for the Jarrahdale tower to improve mobile telecommunications in the area.

Thank you to everyone who attended the Jarrahdale Trails Town Forum last week to share their thoughts, ideas and feedback to make Jarrahdale Perth's most popular Trails Town for visitors seeking equestrian, bush walking and heritage trail experiences. Feedback from the forum and survey will help determine the recommended actions in the upcoming Jarrahdale Trails Town Strategy.

It was great to see so many parents and children come along and enjoy the activities on offer at the SJ Early Years Fun Day at the SJ Community Recreation Centre last week. We had great feedback from those in attendance and we look forward to delivering more events like this in the future.

With School Holidays starting this weekend, I would like take this moment to wish everyone a safe and enjoyable break. The Shire has a range of events on offer during the break with more information available on our online events calendar.



Ordinary Council Meeting Minutes Monday, 21 September 2020

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

Date	Meeting	Location
17 August 2020	Agenda Briefing	Civic Chambers
	Ordinary Council Meeting	Civic Chambers
19 August 2020	Westport Meeting	Perth
	State Council Briefing - Local Government Act Review Panel Final Report	Perth
	Peel Alliance Business Case Meeting	Jarrahdale
20 August 2020	Meeting with Chris Gillies	Shire Offices
	Local Recovery Coordination Meeting	Video Conference
24 August 2020	Presentation at Cabinet Meeting	Civic Chambers
	Premiers Luncheon	Byford
	Meeting with Minister Michelle Roberts	Shire Offices
	Audit Risk and Governance Committee Meeting	Civic Chambers
	Policy Concept Forum	Civic Chambers
25 August 2020	Meeting with Minister Peter Collier	Warwick
	Meeting with Liza Harvey and Alyssa Hayden	Shire Offices
26 August 2020	PDC Board Meeting	Mandurah
	Local Emergency Management Committee Meeting	Shire Offices
27 August 2020	Peel Regional Leaders Forum Meeting	Mandurah
	WALGA Peel Zone Meeting	Mandurah
	Parks and Leisure Australia - 2020 WA Awards of Excellence	Wembley Downs
28 August 2020	Meeting with Minister Rita Saffioti	Perth
31 August 2020	Meeting with Dr David Honey	Shire Offices
	JDAP Discussion	Shire Offices
1 September 2020	Meeting with Russell Field	Shire Offices
	JDAP Meeting	Civic Chambers
2 September 2020	WALGA State Council Meeting	Perth
	WALGA Environmental Team Meeting	Perth
	WALGA Strategic Forum	Perth
3 September 2020	Meeting and Shire Tour with Senator Glenn Sterle	Shire Offices
	Regular Catch Up with Alyssa Hayden	Byford



Continued

Ordinary Council Meeting Minutes Monday, 21 September 2020

Date	Meeting	Location
	Meeting with Morag Cook	Byford
5 September 2020	107.3 HFM Radio Segment	Radio
7 September 2020	Meeting with Commissioner of DFES	Shire Offices
	Policy Concept Forum	Civic Chambers
8 September 2020	Citizenship Ceremony	Civic Chambers
9 September 2020	Alcoa Environmental Assessment - Community Information Session	Jarrahdale
10 September 2020	RU Ok Day Planting and Morning Tea	Jarrahdale
11 September 2020	Meeting with Cr Strautins	Shire Offices
11 September 2020	Meeting with Andrew Hastie MP and Telstra	Video Conference
14 September 2020	WALGA Environment Policy Team Meeting	Video Conference
	Agenda Briefing	Civic Chambers
16 September 2020	Meeting with Salvado's Catholic College	Byford
	Weekly Meeting with CEO	Shire Offices
	Jarrahdale Trails Town Forum	Jarrahdale
17 September 2020	SJ Early Years Fund Day	Mundijong
	Citizenship Ceremony	Civic Chambers
18 September 2020	Regional Road Group Chairs Meeting	Video Conference

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

Shire President, Councillor Rich has declared a Proximity Interest in item 10.1.3 - s31 Reconsideration – Proposed Retrospective Dams, New Dams and New Establishment of Orchards for the Growing of Truffles – 206 Firns Road, Serpentine as the proponent is a neighbour of Councillor Rich. Councillor Rich will leave the Chambers while this item is discussed.

Councillor Atwell has declared a Financial Interest in item 10.1.9 - Adoption of updated West Mundijong Industrial Development Contribution Plan (DCP2) as Councillor Atwell part owns land in the area. Councillor Atwell will leave the Chambers while this item is discussed.

Shire President, Councillor Rich has declared a Financial Interest in item 10.2.3 - Award Request for Tender– RFT 09/2020 – Mundijong and Kargotich Road – Roundabout Construction as some of the tendering companies are clients of the family business. Councillor Rich will leave the Chambers while this item is discussed.

Chief Executive Officer, Mr Paul Martin has declared an Impartiality Interest in item 10.3.4 - Observations from the Inquiry into the City of Perth as it relates to the assessment of the performance of the organisation and Chief Executive Officer employment matters.

Director Corporate Services, Mr Frazer Sullivan has declared an Impartiality Interest in item 10.3.4 - Observations from the Inquiry into the City of Perth as the analysis contained in part relates to an assessment of the performance of Mr Sullivan's respective areas of responsibility at the Shire.

Manager Governance, Dr Kenneth Parker has declared an Impartiality Interest in item 10.3.4 - Observations from the Inquiry into the City of Perth as the analysis contained in part relates to an assessment of the performance of Dr Parker's respective areas of responsibility at the Shire.

Shire President, Councillor Rich has declared an Impartiality Interest in item 10.4.1 - Equine Advisory Group – Appointment of Community Members as Councillor Rich knows people who have applied to be members of the Equine Advisory Group.

Councillor Dagostino has declared an Impartiality Interest in item 10.4.1 - Equine Advisory Group – Appointment of Community Members as Councillor Dagostino knows some of the applicants.

Councillor Coales has declared an Impartiality Interest in item 10.4.8 - General Grant Application Centrepont Church and revised Council Policy 5.1.7 Community Funding as Councillor Coales wrote a letter of support for Centrepont Church's Christmas Breakfast.

Chief Executive Officer, Mr Paul Martin has declared an Impartiality Interest in item 10.4.8 - General Grant Application Centrepont Church and revised Council Policy 5.1.7 Community Funding on the basis that the letter of support for the application from a Councillor could be interpreted as an implied direction from the Councillor.

Deputy CEO / Director Community and Organisational Development, Ms Helen Sarcich has declared an Impartiality interest in item 10.4.8 - General Grant Application Centrepont Church and revised Council Policy 5.1.7 Community Funding on the basis that the letter of support for the application from a Councillor could be interpreted as an implied direction from the Councillor.



Manager Community Activation, Ms Rebecca Steinki has declared an Impartiality Interest in item 10.6.1 – Confidential – Serpentine Jarrahdale Community Recreation Centre - 2020/2021 operational budget update as Ms Steinki is a member of the facility.

Councillor McConkey declared an Impartiality Interest in item 10.6.1 – Confidential – Serpentine Jarrahdale Community Recreation Centre – 2020/2021 operational budget update as Councillor McConkey is a member of the facility.

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

7.1 Ordinary Council Meeting – 17 August 2020

OCM280/09/20

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Coales

That the minutes of the Ordinary Council Meeting held on 17 August 2020 be CONFIRMED (E20/94360).

CARRIED UNANIMOUSLY 9/0



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

8.1 Audit, Risk and Governance Committee – 24 August 2020

Attachments (available under separate cover)

- **Attachment 1 – Audit, Risk and Governance Committee Minutes – 24 August 2020 (E20/9686)**

Voting Requirements Simple Majority

OCM281/09/20

COUNCIL RESOLUTION

Moved Cr McConkey, seconded Cr Rich

- 1. That Council RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 24 August 2020 (E20/9686).**
- 2. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG021/08/20 and NOTES progress towards the Shire’s “Risk Maturity Journey” and NOTES this is the completion of reporting against the Risk Maturity Roadmap; ENDORSES the Strategic Risk Register as contained within attachment 1; APPROVES the revised Council Policy Risk Management as contained within attachment 3; REQUESTS the Chief Executive Officer to convene a workshop with Councillors, the Audit, Risk and Governance Committee and Executive Management Group to review the Risk Register before the next scheduled Audit, Risk and Governance Committee Meeting; REQUESTS the Chief Executive Officer provide quarterly updates on the implementation of the Shires Risk Register and Action plan.**
- 3. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG022/08/20 and RECEIVES the Internal Audit Plan Update; and ENDORSES Firebreak Inspections / Management to be moved into the later stages of January – March 2021 to avoid peak operational period for the Business Unit.**
- 4. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG023/08/20 and RECEIVES the Internal Recommendations Update and Detailed Audit Recommendation Status as contained in confidential attachment 1.**
- 5. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG024/08/20 and ADOPTS the revised Internal Audit Charter and Responsibility Matrix as contained in attachments 1 and 2 to clarify purpose, authority, responsibility and revised positioning of Internal Audit within the Shire, due to a recent organisational restructure.**

CARRIED UNANIMOUSLY 9/0

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

Nil.

10. Chief Executive Officer reports:**10.1 Development Services reports****10.1.1 – Proposed Amendments to Conditions of Approval – Poultry Farm – Lot 701 Henderson Road, Hopeland (PA19/644)**

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: ProTen Investment Management Pty Ltd c/- EME Advisory
 Owner: ProTen Investment Management Pty Ltd
 Date of Receipt: 27 June 2019
 Lot Area: 39.98ha
 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 to amend five conditions imposed on an existing approval for a Poultry Farm at Lot 701 Henderson Road, Hopeland. The approval was granted by Council at its 4 September 2007 Ordinary Council Meeting and is contained within **attachment 1**.

The conditions to which modification is requested are in relation to conditions 5, 32, 34, 36 and 37. The applicant seeks the following adjustments:

- Amend the requirement to submit an annual audit against the Environmental Management Plan (EMP) to a three year basis (condition 5);
- Removing a requirement set out under two separate conditions to provide a 1.5m solid fence above an existing 2.5m earthen bund (condition 32 & 36);



- Amending the requirement to provide noise assessment reports to the Shire from annual to a three year basis (condition 34);
- Amending the requirement to provide odour emission reports to the Shire from an annual to a three year basis (condition 37).

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

In summary, Officers do not support the change proposed to annual reporting requirements as the development poses a significant risk to the rural amenity of nearby sensitive receptors, due to its size, scale and intensity. The annual reporting requirements for poultry farms are common conditions to assess and monitor emissions from the developments to monitor the efficacy of the management plans and impacts to the locality.

In terms of fencing requirements, Officers consider there is merit to amend the conditions proposed to remove surplus fencing requirements associated with noise and odour emissions. Existing noise and mitigation measures which have been implemented previously have been deemed satisfactory as demonstrated by submitted technical documents.

Relevant Previous Decisions of Council

Special Council Meeting – 4 September 2007 – SCM006/09/07 – Extract

Council grants approval to commence development of a Poultry Farm on Lot 701 Henderson Road, Hopeland in accordance with the application submitted on 17 April 2007 and accompanying plans and other documentation subject to the following conditions:

Environmental Management Plan

5. A report (audit) on compliance with the approved Environmental Management Plan shall be submitted to the Shire within 28 days of the completion of the first growing cycle and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:

- a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site*
- b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).*
- c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements*
- d) an evaluation of its response to any complaints*
- e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts.*

A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.

Noise



32. Prior to the commencement of use of any of the poultry sheds, the following noise attenuation measures must be implemented:

(i) continuous bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence) at least 4.0 metres in total height above the floor level of the sheds and vegetated in accordance with the approved Landscape Plan shall be constructed at the eastern edge of the internal roadway to the east of sheds 1-16 and at the western edge of the internal roadway to the west of sheds 1-16 and, in both cases, shall extend 20 metres to the north of the northern side of sheds 8 and 16 and 20 metres to the south of the southern side of sheds 1 and 9.

(ii) Any plant rooms, including any backup power generator, are to be located between the eastern ends of the sheds and the required earthen bund on that side;

(iii) The implementation of all noise attenuation measures proposed in the report entitled "Environmental Noise Assessment, Proposed Poultry Farm, Lot 701 Henderson Road, Hopelands" prepared by Lloyds Acoustics, April 2007, lodged with the Shire by the applicant; and

(iv) Due to the noise levels originating from the north eastern corner of Shed 8, the developer or the developer's noise consultant is required to submit detailed engineering solutions to further ameliorate noise impacts off site as detailed in Figure 5.1 and 5.3 to the satisfaction of the Shire before building approval is given. This may involve the movement of Sheds 1-8 further south or the deletion of Shed 8 to provide sufficient area for an effective engineering solution to be constructed to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.

34. Within 12 months of the commencement of use of one or more of the poultry sheds and thereafter annually during the lifetime of the development, the developer/operator shall commission an acoustics engineer agreed to by the Shire to undertake, at the developer/operator's full cost, a noise assessment of the operation of the farm in summer at a time which includes the final week of a growing cycle, harvest at the end of the cycle and shed cleanout, indicating whether the development complies with condition 33 and in the case of any non-compliance what measures or works must be undertaken to achieve compliance. The acoustics engineer shall provide a copy of the report to the Shire at the same time as providing the report to the developer/operator. The Shire shall make the report available for public inspection. The owner shall then undertake and complete any required works or measures within three (3) months of receipt of the acoustic engineers report.

Odour

36. Prior to the commencement of use of any of the poultry sheds, bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence), 4.0 metres in total height above the floor level of the sheds shall be constructed as close as possible to the tunnel fan ends of the sheds in order to assist in dispersing odours. If the Shire is satisfied on the basis of a report from an environmental engineer with experience in odour emission and mitigation that the bunds required by condition 32 would have substantially the same effect in dispersing odours as any of the bunds required by this condition, the relevant bund otherwise required by this condition need not be constructed.

37. Within 12 months of the commencement of use of one or more of the poultry sheds, and thereafter annually during the lifetime of this development, the developer/operator shall commission an environmental engineer with experience in odour emission and mitigation agreed to by the Shire to undertake, at the developer/operator's full cost, an odour assessment report involving odour monitoring of the operation of the development in the final week of a



growth cycle, in summer, indicating whether the odour emissions from the development comply with condition 35 of this approval and in the case of any non-compliance what measures or works must be undertaken to achieve compliance. The environmental engineer shall provide the report to the Shire at the same time as providing it to the developer/operator. The Shire shall make the report available for public inspection. The owner shall then undertake and complete any required works or measures within three (3) months of receipt of the environmental engineers report.

Background

Existing Development

The subject site is approximately 39.98 hectares in size and is zoned 'Rural' under Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2). The site is located within the Poultry Farm Special Control Area (SCA) overlay of TPS2. The SCA ultimately seeks to protect poultry farms and ensure offsite impacts associated with poultry farms do not adversely impact on nearby sensitive receptors. The SCA is depicted below:

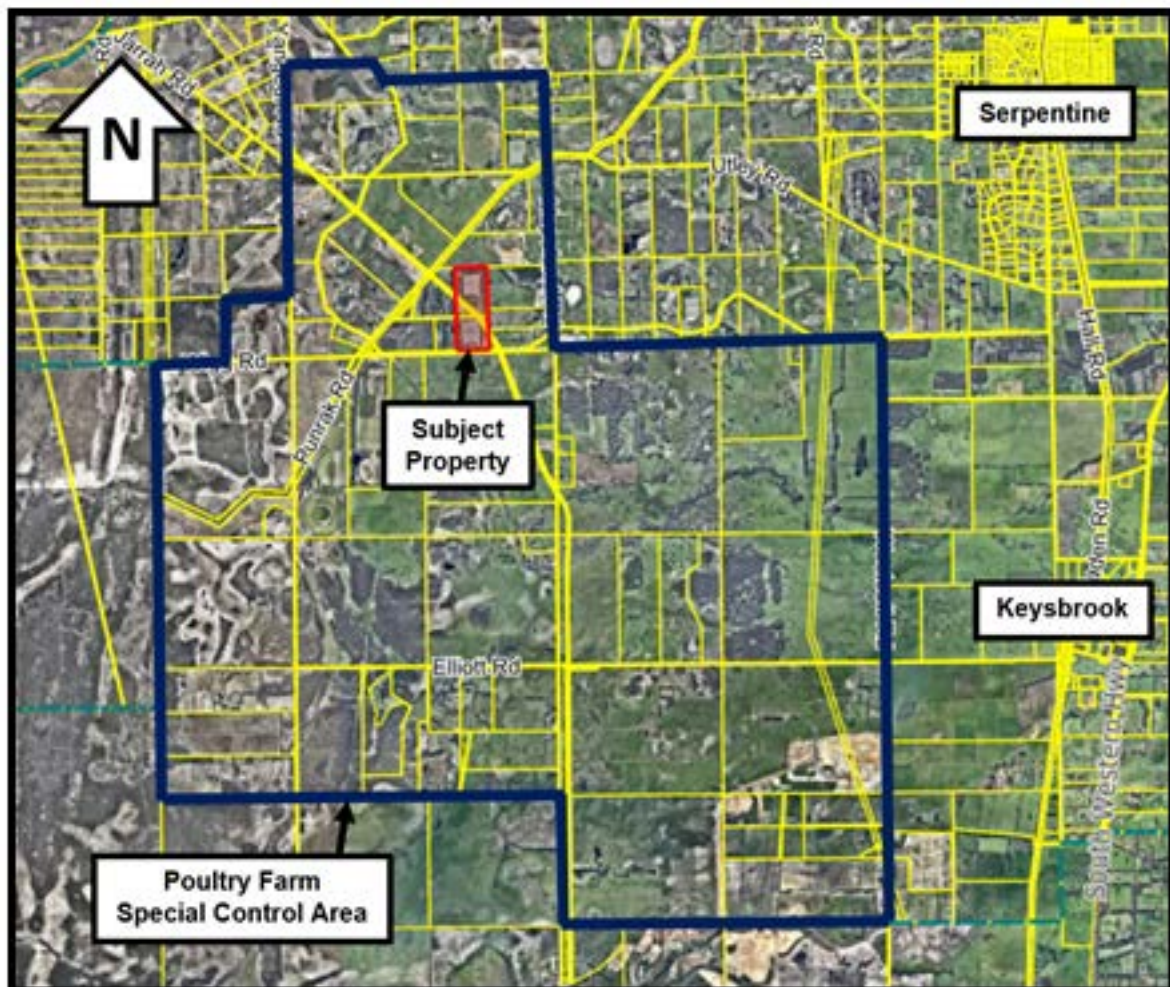


Figure 1: TPS2 Poultry Farm SCA extent



The following image depicts surrounding development (Figure 2). The closest sensitive receptor is located approximately 575m from the north-east corner of the subject property.



Figure 2: Locality Plan

A poultry farm exists on site which was conditionally approved by Council at its 14 September, 2007 Ordinary Council Meeting. The existing development onsite comprises of two caretaker residences (approved in 2008), poultry sheds which are grouped into two areas identified as Poultry Production Units (PPUs). Broiler birds within these areas are reared for human consumption. Each PPU comprises of eight tunnel-ventilated fully enclosed climate controlled poultry sheds, with associated support infrastructure and amenities. Every poultry shed has the capacity to house a maximum of 60,000 broilers at any one time, equating to a total maximum site population of 960,000 broilers.

The poultry production cycle at the Henderson Complex typically spans approximately nine weeks, with a maximum bird occupation of eight weeks and a downtime of around one week for cleaning and sanitization in preparation for the next batch of birds. The approved site plan of the poultry farm is displayed in Figure 3 below:

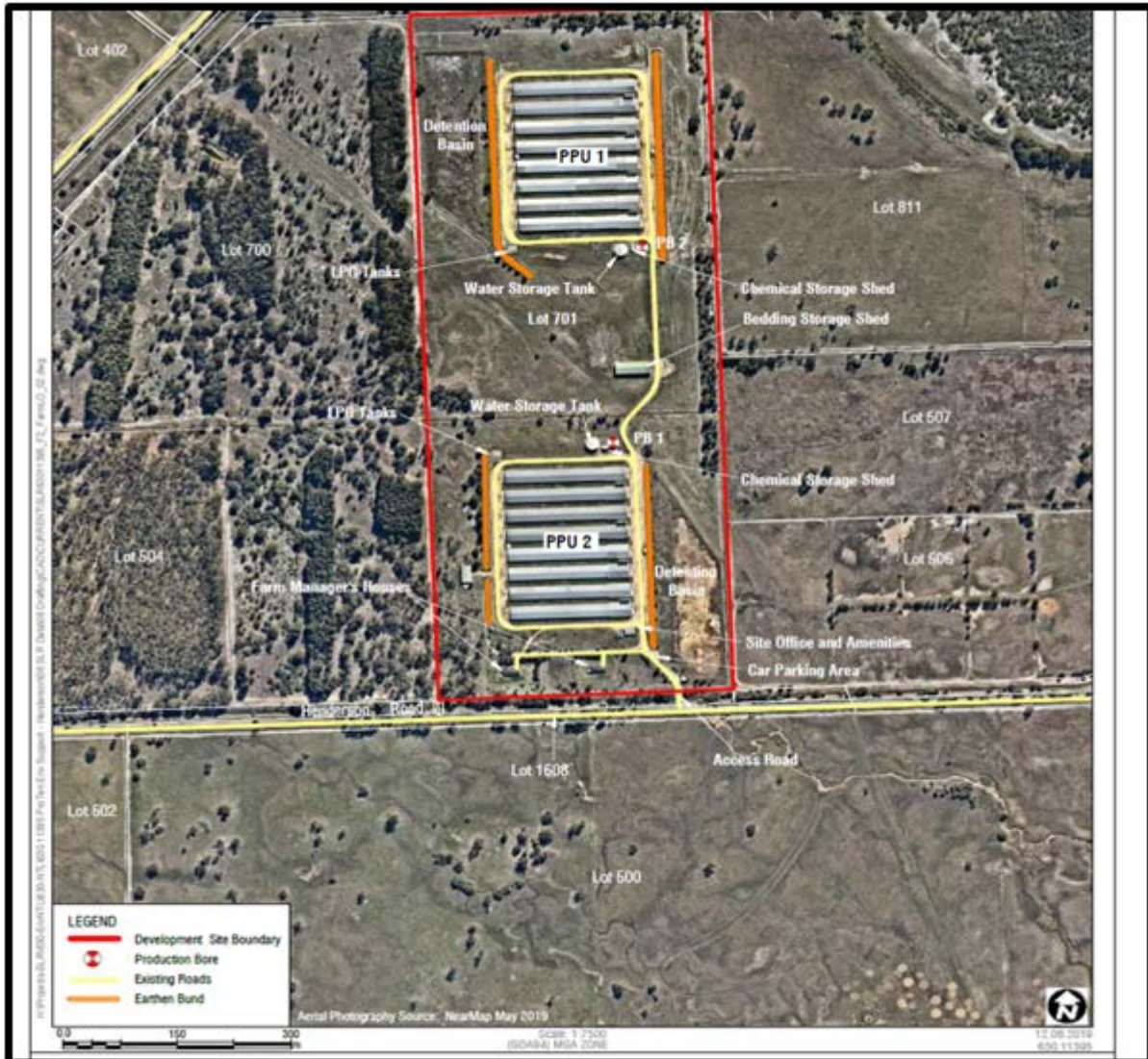


Figure 3: Original site plan approved under PO2435/02

Proposal

The application seeks approval for the amendment to five conditions imposed as part of the initial approval in September 2007 (PO2435/02). The application details are contained within **attachment 2**. No further amendments are proposed to the intensity of the existing use nor works. The conditions to which modifications are sought are conditions 5, 32, 34, 36 and 37, which in summary relate to:

- Amend the requirement to submit an annual audit against the Environmental Management Plan (EMP) to a three-yearly basis (condition 5);
- Removing a requirement set out under two separate conditions to provide a 1.5m solid fence atop the 2.5m earthen bund (condition 32 & 36);
- Amending the requirement to provide noise assessment reports to the Shire from an annual to three-yearly basis (condition 34);
- Amending the requirement to provide odour emission reports to the Shire from an annual to three-yearly basis (condition 37).



Community / Stakeholder Consultation

The application was advertising to surrounding landowners for a period of 21 days from 30 June 2020 to 21 July 2020. Letters were sent to landowners within a 1km radius of the subject property in accordance with LPP1.4 – Consultation for Planning Matters. During this period, five submissions were received objecting to the proposal. The objections and the applicant's responses are contained within **attachment 3**. The issues raised are summarised as follows and addressed within the relevant headings of the report:

- Noise impacts associated with the poultry farm;
- Odour impacts associated with the poultry farm;
- Non-compliance with original conditions of approval.

The application was also referred to the below listed State Government Departments for comment for a period of 42 days. Schedule 2, Part 9, Clause 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* sets out the procedure for consulting with other authorities on matters pertaining to an application for development approval. No objections from the relevant State Government Departments were received. Two departments did not provide a response within the 42-day timeframe and are taken to have no objection to the proposal, as set out under Clause 66 of the *Regulations*.

Department of Water and Environmental Regulation (DWER)

DWER provided the following response:

"The Department has no comments to offer at this stage.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed."

Department of Primary Industries and Regional Development (DPIRD)

DPIRD provided the following response:

"The Department of Primary Industries and Regional Development (DPRID) does not object to the proposed amendment to the existing poultry farm approval at the abovementioned lot as the changes to the monitoring frequency and the deletion of the 1.5m fence has been recommended by the consultants that did the annual odour and noise assessments."

Department of Health (DoH)

DoH did not provide a response to the referral.

Department of Planning Lands and Heritage (DPLH)

DPLH did not provide a response to the referral.



Statutory Environment

Legislation

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

State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 – Rural Planning
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

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

Planning Assessment

Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows for an applicant to whom development approval has been granted to do any of the following:

- “(a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
- (b) to amend or delete any condition to which the approval is subject;
- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
- (d) to cancel the approval.”

The application seeks approval in accordance with (b) above to amend five conditions.

A comprehensive assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed as part of the **attachment 4**.

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



TPS2

The site is zoned 'Rural' under TPS2. The site also falls within the Poultry Farm SCA of TPS2. The SCA framework seeks to support the establishment of poultry farms within the dedicated area to provide a level of protection for such developments from the risk of urban encroachment. Additionally, the framework seeks to avoid land use conflict, by ensuring that the amenity of nearby sensitive receptors and environmental values are considered as part of the planning process.

The objectives of the SCA (amongst other things) are as follows:

1. To ensure that new poultry farms are established in locations suitable to their operation requirements;
2. To minimise the impact of poultry farms on residential rural-residential and other potentially incompatible land uses; and
3. To protect the interests of existing poultry farms in the face of encroaching development.

There are also development provisions to be considered for new poultry farms, however as the proposal only seeks to amend conditions of approval, the above objectives are considered relevant in determining the application. Consideration must be given to impact of the development on the character and amenity of the locality.

The locality predominantly reflects a typical rural environment. It comprises of large lots with expanding areas of open space, paddocks and remnant vegetation. The buildings in the locality were relatively limited in scale and spread out on large lots in a manner that does not detract from the open and rural feel of the locality. Low levels of odour and noise emissions are expected within the SCA, however, not to a level which poses a risk to the amenity of the locality.

There are seven sensitive receptors located within the 1,000m buffer requirement for Poultry Farms under the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA Guidelines). The location of sensitive receptors are pictured below in Figure 4:



Figure 4: Sensitive receptors within 1,000m of the subject site.

To protect the amenity of the area, as part of the conditions of the existing approval, a number of management plans relating to dust, odour, noise and nutrients have been submitted to the Shire and approved. The plans demonstrate how emissions will be managed to avoid detrimental offsite impacts.

Annual audits of the effectiveness of the management plans are required to be undertaken and submitted to the Shire yearly. The audits provide an assessment of real time information/statistics to accurately monitor the developments impacts or likely impacts upon the rural amenity of the area. It is understood that that the operators have achieved a high level of compliance in the past; however, the condition is not merits based and the operators have an obligation for the lifetime of the development to operate as approved to ensure the amenity of the locality is not adversely impacted upon.

Council should note, the annual review has also been a position of the State Administrative Tribunal, where in in *Big Country and the Shire of Serpentine Jarrahdale (2006) WASAT 10*, SAT imposed an annual audit requirement and annual reporting requirements for noise and odour to be submitted to the Shire to demonstrate that development was operating in a manner which did not cause undue impacts to the locality.



Officers therefore, do not support the removal of annual reporting requirements to ensure the TPS2 objective of minimising the impact of poultry farms.

In terms of amending the conditions to remove the requirement of the 1.5m fence which has odour and noise implications. Officers consider that the applicant has demonstrated that these requirements were based on a modelled approach forming part of the original application. Comprehensive assessments have shown that the actual noise and odour limits are below the assigned levels without the fence and therefore considered surplus to the management of these emissions. Existing noise mitigation measures are achieving the intended outcome.

Condition 5

Condition 5 states as follows:

“5. A report (audit) on compliance with the approved Environmental Management Plan shall be submitted to the Shire within 28 days of the completion of the first growing cycle and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:

- a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site*
- b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate-matter less than 10 micron)*
- c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements*
- d) an evaluation of its response to any complaints*
- e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts.*

A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.”

The intent of condition 5 is to ensure that the poultry farm operations are compliant with the approved Environmental Management Plan (EMP), which is contained in **attachment 5**. An EMP is a comprehensive document, which captures management practices to address impacts (emissions) generated from the development including environmental impacts and impacts on sensitive receptors. The current EMP comprises of the following:

- A comprehensive list of mitigation measures to be implemented to minimise and manage potential environmental impacts;
- Contingency measures to deal with possible emergency situations, including, but not limited to, a poultry disease outbreak, power failures and chemical spills;
- Ongoing requirements for auditing, complaints management and environmental assessment; and
- Monitoring and reporting.



Appended to the EMP forms the approved Drainage and Nutrient Management Plan (DNMP) and Landscape and Vegetation Plan. These are significant documents that manage potential offsite impacts. The DNMP primarily addresses surface water drainage and management. It also provides a surface water and groundwater monitoring program to be implemented to ensure there is no adverse impact to local water resources. The Landscape and Vegetation Management Plan identifies the preferred flora species to be used for vegetation screening purposes and on-going landscape management.

Other significant components of the EMP relate to noise, dust and odour management. Especially how these impacts are managed throughout the operation (growth cycle, including the clean out phase of the operations). For example, the section relating to noise captures the noise emitting sources and mitigation measures to ensure noise levels are below the assigned levels of the *Environmental Protection (Noise) Regulations 1997*. The noise mitigation measures within the EMP reflect the following (amongst others):

- Regular maintenance of equipment;
- Low traffic speed whilst maneuvering within the property;
- Scheduled use of noisy equipment to certain hours of the day to ensure noise is kept within the prescribed levels;
- Earth bund construction; and
- Design of existing buildings.

The EMP ultimately is the lead document in capturing the required processes and practices to manage emissions that may lead to amenity and environmental impacts generated by the operations. By way of this specific condition, the applicants are required to submit an annual report (audit) to the Shire for consideration. The annual report assess the performance of the operation of the poultry farm against compliance with the requirements of the EMP and the conditions of planning approval.



Since the operations were established, the operators have provided audits to the Shire for assessment as required by condition 5. Table 1 below captures the results of the audits undertaken between 2009 and 2019:

Annual Audit	Compliant	Non-Compliant	Comments
2009	99%	1%	<i>It was determined by GSSE that there was a high degree of compliance with the EMP and development consent (GSSE 2009).</i> Non-compliances related to chemical storage and signage. The signage issue was rectified prior to the next audit.
2010	99%	1%	<i>It was determined by GSSE that there was a high degree of compliance with the EMP and development consent (GSSE 2010).</i> Non-compliance related to chemical storage, which was rectified prior to the next audit.
2011	95%	5%	<i>GSSE believes that the Henderson Poultry Broiler Production Complex has a high degree of compliance with the approved EMP (GHD 2007) and appended Drainage and Nutrient Management Plan (GHD 2007) and Landscape and Vegetation Management Plan (GHD 2007) (GSSE 2011).</i> Non-compliances related to waste management, hazardous chemical container recycling/handling and record keeping.
2012	95%	5%	<i>GSSE believes that the Henderson Poultry Broiler Production Complex has a high degree of compliance with the approved EMP (GHD 2007) and appended Drainage and Nutrient Management Plan (GHD 2007) and Landscape and Vegetation Management Plan (GHD 2007) (GSSE 2012).</i> Non-compliances related to waste management, hazardous chemical container recycling/handling, record keeping and soil sampling.
2013	98%	2%	<i>It has been determined by SLR that the Henderson Poultry Production Complex has a high degree of compliance with the approved EMP (GHD 2007) and appended Drainage and Nutrient Management Plan (GHD 2007) and Landscape and Vegetation Management Plan (GHD 2007) (SLR 2013).</i> Non-compliances related to chemical usage and soil sampling.
2014	93%	7%	<i>It has been determined by SLR that the Henderson Poultry Production Complex is generally in compliance with the approved EMP... (SLR 2014).</i> Two of the non-compliances related to the commitments for a 1.5 m high fence and noise attenuation measures,



Annual Audit	Compliant	Non-Compliant	Comments
			which are now considered unwarranted.
2015	95%	5%	<p><i>It has been determined by SLR that the Henderson Poultry Production Complex is generally in compliance with the approved EMP.... (SLR 2015).</i></p> <p>As per 2014, two of the non-compliances related to commitments for a 1.5 m high fence and noise attenuation measures, which are now considered unwarranted.</p>
2016	93%	7%	<p><i>It has been determined by SLR that the Henderson Poultry Production Complex is generally in compliance with the approved EMP... (SLR 2016).</i></p> <p>The non-compliances were essentially the same as in 2015, with the majority relating to administrative issues and commitments that are now considered unwarranted, including the 1.5 m high fence and noise attenuation measures.</p>
2017	96%	4%	<p><i>It has been determined by SLR that the Henderson Complex is generally in compliance with the approved EMP.... (SLR 2018).</i></p> <p>The non-compliances related to administrative issues and commitments recommended to be reviewed, including - <i>Consult with the Shire to have the 1.5m fence and engineered noise solution requirements removed (SLR 2018).</i></p>
2018	94%	6%	<p><i>SLR has determined that the Henderson Complex is generally in compliance with the approved EMP.... The potential non-compliances and non-compliances have not resulted in material environmental impact and are a result of administrative processes or conditions which are recommended to be reviewed to reflect current and best practices or operational requirements (SLR 2019).</i></p> <p>The audit report included the following recommended corrective action – <i>Consult with the Shire to have 1.5m fence and engineered noise solution requirements removed (SLR 2019).</i></p>
2019	95%	5%	<p><i>SLR has determined that the Henderson Complex is generally in compliance with the approved EMP (GHD 2007), including the appended Drainage and Nutrient Management Plan (SLR 2017) and Landscape and Vegetation Management Plan (GHD 2007).</i></p> <p>A total of 111 conditions were audited, with 106 found to be complaint and/or completed, two potential non-</p>



Annual Audit	Compliant	Non-Compliant	Comments
			compliances and three non-compliances. SLR (2019) advised - ... <i>the potential non-compliances (PNC) and non-compliances (NC) have not resulted in material environmental impact and are a result of administrative processes or conditions which are recommended to be reviewed to reflect current and best practices or operational requirements.</i>

Table 1: Annual EMP Audit Summaries 2009-2019

While Officers consider that the operations have been generally compliant with the EMP between this timeframe (and the applicant should be acknowledged for that), it is an expectation for compliance to be at 100%. While general compliance is noted, there is every expectation for total compliance and accordingly annual reporting provides the only mechanism for transparency and line of sight against requirements set in the planning approval. Officers do not consider there to be sufficient justification to warrant a reduction in annual audit reporting, and arguably this is a key criteria that assists the operator also in remaining focused on the importance of compliance with the planning conditions.

Officers note there is a level of non-compliance which relates to fencing required as part of noise attenuation measures. The applicant has advised that the fencing requirement was based on predicted noise as part of the earlier application approved by Council. The actual noise on site however is compliant without the fence, therefore has not been constructed. This is discussed following:

Condition 32

Condition 32 states:

- “32. *Prior to the commencement of use of any of the poultry sheds, the following noise attenuation measures must be implemented:*
- (i) *Continuous bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence) at least 4.0 metres in total height above the floor level of the sheds and vegetated in accordance with the approved Landscape Plan shall be constructed at the eastern edge of the internal roadway to the east of sheds 1-16 and at the western edge of the internal roadway to the west of sheds 1-16 and, in both cases, shall extend 20 metres to the north of the northern side of sheds 8 and 16 and 20 metres to the south of the southern side of sheds 1 and 9.*
 - (ii) *Any plant room, including any backup power generator, are to be located between the eastern ends of the sheds and the required earthen bunds on that side;*
 - (iii) *The implementation of all noise attenuation measures proposed in the report entitled "Environmental Noise Assessment, Proposed Poultry Farm, Lot 701 Henderson Road, Hopelands" prepared by Lloyds Acoustics, April 2007, lodged with the Shire by the applicant; and*
 - (iv) *Due to the noise levels originating from the north eastern corner of Shed 8, the developer or the developer's noise consultant is required to submit detailed engineering solutions to further ameliorate noise impacts off site as detailed in*



Figure 5.1 and 5.3 to the satisfaction of the Shire before building approval is given. This may involve the movement of Sheds 1-8 further south or the deletion of Shed 8 to provide sufficient area for an effective engineering solution to be constructed to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.”

The application seeks to amend (i) as above to remove the requirement for the 1.5m solid fence to be installed on top of the existing 2.5m high earthen bund (as shown on the site plan in Figure 3 and below pictured in Figure 5 below). It also seeks approval to delete part (iv) of the condition, which was intended to provide further engineering solutions to reduce noise impacts.



Figure 5: Existing 2.5m earthen bund

In relation to amending (i) above, the applicant considers that the constructed 2.5m high earthen bunds ensure that noise levels from the operations do not have an adverse impact on sensitive receptors. The noise generating plant is located between the poultry sheds and the bunds, and includes fans on the poultry sheds, the cool room condenser, feed trucks and the emergency generators. Current noise management practices and mitigation measures are implemented on a routine basis in accordance with the EMP.

The *Environmental Protection (Noise) Regulations 1997* (the Regulations) require that noise emitted from the poultry farm must comply with assigned noise levels that are received at any other premises. Information provided as part of the application includes the ProTen Annual Environmental Noise Monitoring 2020 (Noise Report) which is contained in **attachment 6**. The noise measurement methodology contained in the Noise Report includes unattended noise monitoring loggers directly at the poultry sheds and on surrounding properties, as well as attended noise monitoring conducted from four nearby sensitive receptors. The location of the measuring is seen in Figure 6 below.

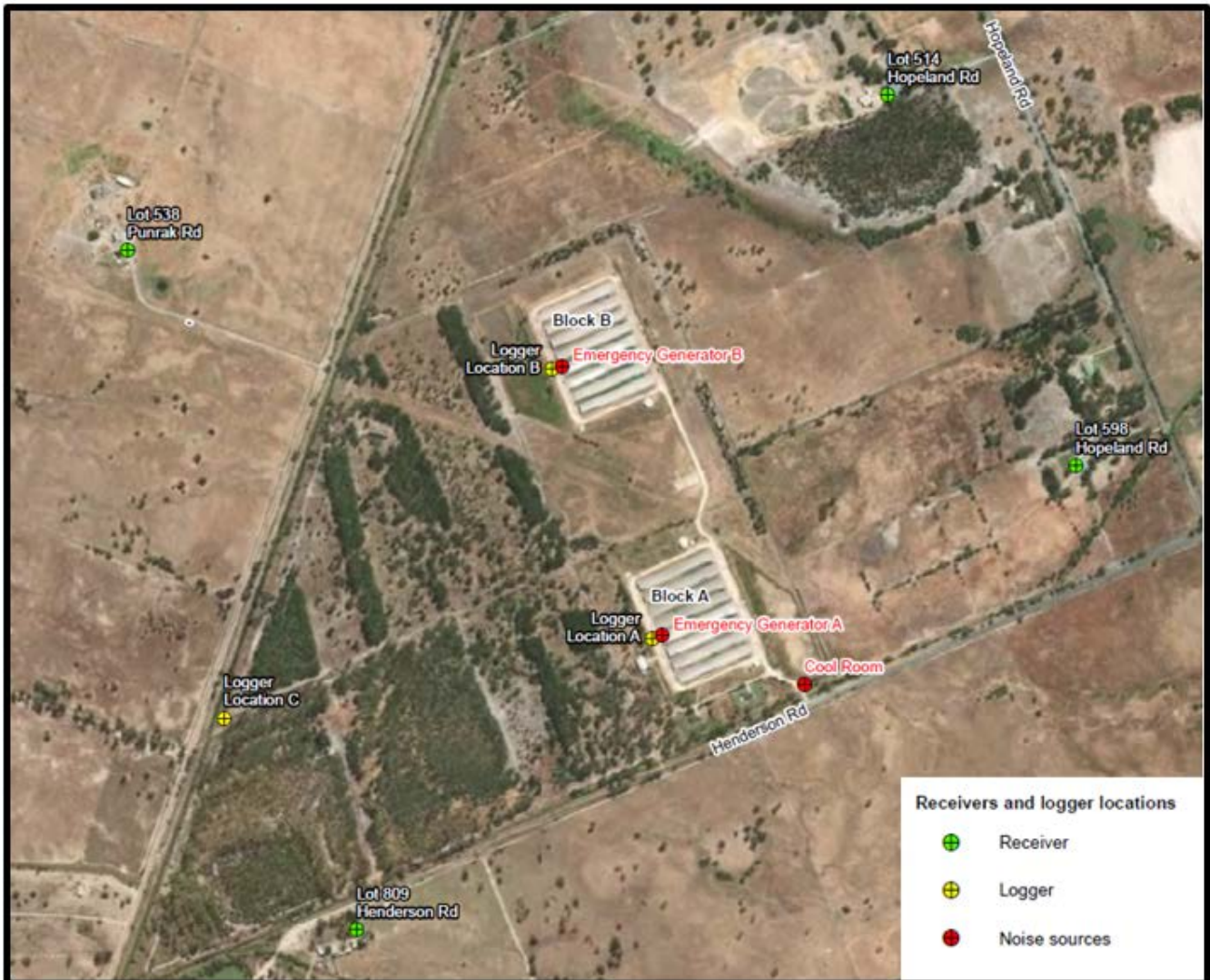


Figure 6: Location of unattended noise capture (yellow) and attended noise capture (green).

The submitted noise report demonstrates that noise emitted by the poultry farm at all times of the day (including daytime, evening and night periods) is compliant with limits set under the Regulations.

Adequate noise management has been demonstrated through the submission of the findings of the consultant's noise assessments provided to the Shire annually. The additional 1.5m solid fence is therefore considered a surplus noise management requirement and Officers support the removal of this requirement from condition 32. Officers further advise that the fencing requirement forms part of odour management and that is discussed further in the report.

Point (iv) of condition 32 is sought to be removed by the applicant. The intent of this part of the condition was to require additional engineering solutions be implemented to manage predicted noise levels at nearby residences. Originally, there was concern that noise emissions from shed eight, located at the north-east corner of the southern group of sheds, would result in properties to the east experiencing noise levels at night time above the assigned level during catching activities. This was based upon projected noise emissions.



As demonstrated in the noise report provided by the applicant, noise from the poultry farm complies with the noise limits set under the Regulations at all times of the day. For this reason, the applicant requests that no further engineering solutions, nor any modification to the location of shed 8 is required to reduce noise impacts from that location of the poultry farm.

Officers note that noise models shown within the appendix of the applicants noise report, demonstrates that noise levels do not exceed those set under the Regulations. Therefore, it is considered that the removal of part (iv) of condition 32 would not result in an adverse noise impact on sensitive receptors within the locality.

Condition 36

Condition 36 states:

“36. Prior to the commencement of use of any of the poultry sheds, bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence), 4.0 metres in total height above the floor level of the sheds shall be constructed as close as possible to the tunnel fan ends of the sheds in order to assist in dispersing odours. If the Shire is satisfied on the basis of a report from an environmental engineer with experience in odour emission and mitigation that the bunds required by condition 32 would have substantially the same effect in dispersing odours as any of the bunds required by this condition, the relevant bund otherwise required by this condition need not be constructed.”

The applicant seeks to delete the requirement from this condition for the construction of the 1.5m fence. The purpose of the fence was to reduce odour emissions as well as noise. The applicant considers that odour emissions has been satisfactorily managed without the fence and therefore the requirement should be removed from the condition.

The EMP outlines potential sources of odour and mitigation measures employed to combat the impacts of odour. The operation of the poultry farm is required to operate in accordance with the approved EMP at all times, through condition 4 of the original approval. Best odour management practices employed by the operator of the poultry farm include:

- A minimum depth of approximately 50mm of fresh bedding material is laid throughout the poultry sheds at the start of each batch.
- Bedding material moisture levels are regularly checked. Any excessively wet material and/or caked material beneath drinking lines is promptly removed and replaced.
- Bird drinkers are maintained to minimise/avoid leakage that will result in wet patches in the bedding material.
- The poultry shed ventilation systems are maintained to ensure air movement is at design levels.
- Where possible, activities that may increase odour emissions (for example, bedding material replacement or litter handling) are undertaken during daytime hours and not during adverse climatic conditions, such as times of cold air drainage during early morning or strong winds.
- Poultry litter is promptly removed from the poultry sheds and transported off site in covered trucks at the end of each production cycle. Poultry litter is not stockpiled or spread within the site for best management practice and biosecurity reasons.



- Where possible, litter handling is avoided during adverse climatic conditions, such as times of cold air drainage during early morning or strong winds.
- Poultry litter is not stockpiled or spread within the site for best management practice and biosecurity reasons.

Odour limits were set through the original Odour Emissions Report dated 2007, which was submitted as part of the original application. These set out a maximum odour concentration of 2,750 ou (Odour Units) which should not be exceeded. The applicant has provided the Annual Monitoring 2020: Odour Measurement Report (Odour Report) as contained in **attachment 7**. Odour monitoring this year indicated that the highest measured odour concentration was 390 ou. Furthermore, assessments undertaken between 2015 to 2020 showed consistent odour emission rates, with the highest reading being 2,100 ou, under the prescribed limit. This Odour Report demonstrates that emissions were compliant with limits imposed by condition 35 of the original approval. The applicant has justified the request to modify this condition due to the ongoing compliance with odour emission limits set and the best management practices that the operation is required to employ.

Officers consider that the information provided by the applicant demonstrates that the existing mitigation practices being employed by the operator are adequate. Notwithstanding this, the requirement under condition 5 of the original approval requiring annual EMP reports, enables the Shire to maintain a mechanism of monitoring any process changes that would impact odour emissions to sensitive receptors and thereby act upon it. Furthermore, considering the limited odour impacts observed at nearby sensitive receptors, Officers are satisfied that the additional 1.5m solid fence is not required to manage odour.

Dust Management

The EPA Guidelines identify that dust is a key impact of poultry farms on the surrounding sensitive receptors, along with noise and odour. However, the applicant does not seek to modify any conditions of approval that would change the way that dust emissions are managed at the poultry farm. Dust management conditions as part of the original approval did not identify the 2.5m bunding nor the 1.5m solid fence as dust mitigation measures.

Ongoing potential sources of dust that the EMP document identified were traffic entering and leaving the site, dust associated with the delivery of feed, dust from the birds in sheds and dust generated during shed clean out. The EMP requires the employment of dust mitigation measures such as revegetation, maintaining vegetation, cleaning of shed fans, minimising the handling of materials, covering materials to be transported and ensuring internal roads are constructed of limestone rather than fine materials. Officers consider that the proposed modification of conditions does not have any impact on how dust emissions are managed at the subject operation.



Options and Implications

Option 1

That Council:

1. AMENDS Conditions 32 and 36 to remove the fencing requirement which has been demonstrated as being a surplus requirement to manage noise and odour;
2. DOES NOT AMEND Conditions 5, 34 and 37 due to the risk of adverse amenity impacts on nearby sensitive receptors;
3. NOTES all other conditions remain as per the original approval PO2435/02.

Option 2

That Council REFUSES any proposed amendments to any of the conditions.

Option 1 is recommended.

Conclusion

The application seeks approval to amend five conditions imposed for an approved poultry farm. Officers do not support proposed modifications to the existing conditions to increase the time of when audit reports, due to the risk of amenity impacts on nearby sensitive receptors. Officers are however, supportive of amendments to conditions 32 & 36, which based on technical information has demonstrated that the 1.5m fence requirement is a surplus measure to manage odour and noise.

Attachments (available under separate cover)

- **10.1.1 – attachment 1** – Original Poultry Farm Approval – PO2435/02 (OC07/7912)
- **10.1.1 – attachment 2** – Application (E20/9778)
- **10.1.1 – attachment 3** – Summary of Submissions (E20/9780)
- **10.1.1 – attachment 4** – Technical Assessment (E20/6893)
- **10.1.1 – attachment 5** – Hopelands Broiler Chicken Farm Environmental Management Plan: December 2007 (IN09/4321)
- **10.1.1 – attachment 6** – ProTen Annual Environmental Noise Monitoring 2020 (E20/9783)
- **10.1.1 – attachment 7** – ProTen Annual Monitoring 2020: Odour Measurement Report (E20/9782)

Alignment with our Strategic Community Plan

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



Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council approve the proposed amendments and the operations adversely impacts upon the amenity of the area	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
That Council refuse the application and the matter is appealed at the State Administrative Tribunal	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Consequence				
		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

OCM282/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strange

That Council:

1. **AMENDS** Conditions 32 and 36 of the original approval PO2435/02, to now read as follows:

32. *Prior to the commencement of use of any of the poultry sheds, the following noise attenuation measures must be implemented:*

(i) *Continuous earthen bunds measuring 2.5 metres in height above the floor level of the sheds and vegetated in accordance with the approved Landscape Plan shall be constructed at the eastern edge of the internal roadway to the east of sheds 1-16 and at the western edge of the internal roadway to the west of sheds 1-16 and, in both cases, shall extend 20 metres to the north of the northern side of sheds 8 and 16 and 20 metres to the south of the southern side of sheds 1 and 9.*

(ii) *Any plant rooms, including any backup power generator, are to be located between the eastern ends of the sheds and the required earthen bund on that side; and*

(iii) *The implementation of all noise attenuation measures proposed in the report entitled "Environmental Noise Assessment, Proposed Poultry Farm, Lot 701 Henderson Road, Hopelands" prepared by Lloyds Acoustics, April 2007, lodged with the Shire by the applicant.*

A Building Licence for the construction of any of the sheds approved by this consent shall not be issued until the Shire has received from the developer and has approved:

(a) *specifications and elevation drawings of the earthen bunds required by part (i) above; and*

(b) *certification from an acoustics engineer that the development will at all times comply with the Environmental Protection (Noise) Regulations 1997 (WA).*

36. *Prior to the commencement of use of any of the poultry sheds, continuous earthen bunds measuring 2.5m in height above the floor level of the sheds shall be constructed as close as possible to the tunnel fan ends of the sheds in order to assist in dispersing odours.*

2. **DOES NOT AMEND** Conditions 5, 34 and 37 of the original approval PO2435/02, for the following reasons:

a. **There is the risk of adverse amenity impacts on nearby sensitive receptors, specific to dust, noise and odour. This level of risk requires annual audit reporting to be maintained so that if exceedances do occur, operational changes can be implemented;**



Continued

**Ordinary Council Meeting Minutes
Monday, 21 September 2020**

- b. Annual audit reporting has indicated that compliance has not been achieved at all times.**
- 3. NOTES all other conditions remain as per the original approval PO2435/02.**

CARRIED UNANIMOUSLY 9/0



10.1.2 - Extension of temporary approval for 'Light Industry' - Lot 813, 244 King Road Oldbury (PA20/607)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	888CSE Holdings Pty Ltd
Date of Receipt:	21 July 2020
Lot Area:	38,245m ²
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider an extension to a temporary approval for an 'Industry – Light' land use at Lot 813, 244 King Road, Oldbury. The proposal involves the assembling of extractive industry and mining machinery on-site site which is transported by vehicle to customers once completed.

Approval was granted by Council on 18 November 2019 for a temporary period until 31 December 2021. Upon or before this date the use is required to cease. The time limit was granted to enable and support a transition of the business to a more suitable industrial location, being either West Mundijong Industrial Area or Cardup Business Park. Importantly, retaining the business within the Shire.

A new application has been submitted, which seeks to extend the timeframe even further to 31 December 2023. The application details that the additional time would allow the business to be relocated "given the current economic climate brought about by COVID-19." The applicant has also stated that the additional time will allow for further site options to become available in West Mundijong Industrial Area.

This item is presented to Council for determination as the initial approvals were made by Council. It is recommended that a 12 month extension be granted, not the 24 months as requested by the applicant. A further 12 months would require relocation on or before 31 December 2022, and is considered to be a reasonable timeframe for the business to plan and undertake an orderly transition to a properly purposed industrial zone within the Shire.



Relevant Previous Decisions of Council

27 May 2013 - OCM196/05/13 - COUNCIL DECISION

That Council refuse the application for the proposed oversized outbuilding and retrospective application for machinery assembly plant at Lot 800 (228) King Road, Oldbury for the following reasons:

- 1. The proposed land use is inconsistent with the objectives of the Rural Zone of the Shire's Town Planning Scheme No 2.*
- 2. The proposed Light Industrial land use falls within the 'undesirable' uses in the Rural Policy Area within the Shire's Rural Strategy.*
- 3. The proposal falls within the 'unacceptable development' criteria of the Shire of Serpentine Jarrahdale's Local Planning Policy No. 36 Non-Urban Outbuildings as the total floor area at 800m² exceeds the 600m² maximum floor area for the 'Rural' zone.*
- 4. The proposal falls within the 'unacceptable development' criteria of the Shire of Serpentine Jarrahdale's Local Planning Policy No. 36 Non-Urban Outbuildings as the proposed wall height at 6m exceeds the maximum 5m requirement for the 'Rural' zone.*
- 5. The proposal falls within the 'unacceptable development' criteria of the Shire of Serpentine Jarrahdale's Local Planning Policy No. 36 Non-Urban Outbuildings as the proposed roof ridge height at 7.5m exceeds the maximum 6m requirement for the 'Rural' zone.*
- 6. The existing land use and proposed development has the potential to establish an undesirable precedent and would be inconsistent with the principles of orderly and proper planning.*

Advice Note:

- 1. The existing machinery assembly plant the subject of this refusal is to cease operations within five years of the date of this decision.*

Council Note: Council changed the Advice Note in the Officer Recommendation by stating that the operation is to cease within five years of the date of this decision rather than two years, in order to give the applicants sufficient time to relocate the business to an appropriately zoned site.

28 October 2013 - OCM063/10/13 - Officer Recommendation:

That Council refuse the application for the proposed single dwelling, outbuilding and retrospective application for Light Industry - Machinery Assembly and Distribution Plant at Lot 800 (228) King Road, Oldbury for the following reasons:

- 1. The proposed land use is inconsistent with the objectives of the Rural Zone of the Shire's Town Planning Scheme No 2.*
- 2. The proposed Light Industrial land use falls within the 'undesirable' uses in the Rural Policy Area within the Shire's Rural Strategy.*
- 3. The existing land use and proposed development has the potential to establish an undesirable precedent and would be inconsistent with the principles of orderly and proper planning.*

COUNCIL DECISION:



That Council grant planning consent for a temporary approval (five years maximum) for the proposed Light Industry/Machinery Assembly and Distribution Plant at Lot 800 (No 228) King Road, Oldbury, subject to:

- 1. Standard conditions of planning approval as determined appropriate by Council's Director Planning.*
- 2. All proposed outbuildings shall comply with the provisions of Council's Local Planning Policy 36 in relation to the maximum wall height, maximum ridge height and maximum area of the outbuilding.*

Council Note: Council changed the Officer Recommendation in Item OCM063/10/13 for the following reasons:

- a) Council has already formally agreed to allow the use of the land to remain for a period of five years.*
- b) Council has the discretion under the Town Planning Scheme within the current Rural zoning to grant a temporary approval for such land use.*
- c) The issue of a planning approval provides Council with greater opportunity to ensure appropriate management and controls are in place in relation to the land use.*
- d) the issue of a 5 year planning approval provides all parties with certainty for the future, and provides certainty for the eventual decommissioning and relocation of the land use to another site.*

Ordinary Council Meeting - 18 November 2019 - OCM248/11/19 - COUNCIL RESOLUTION

That Council retrospectively APPROVES an extension to the time limited planning approval issued by Council on 14 October 2013, to now expire on 31 December 2021, with no change to conditions or hours of operations as imposed by Council on 14 October 2013, OCM063/10/13.



Background

Existing Development:

The subject site is zoned 'Rural' under Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2). King Road runs along the eastern boundary and is included in Main Roads Restricted Access Vehicle (RAV) network. Surrounding lots are zoned 'Rural' with the 'Rural Groundwater Protection' zone abutting the site to the north. Existing development on site comprises of an outbuilding, site office and hardstand areas. There are also several commercial vehicles parked on site and parts and equipment stockpiled on the site.

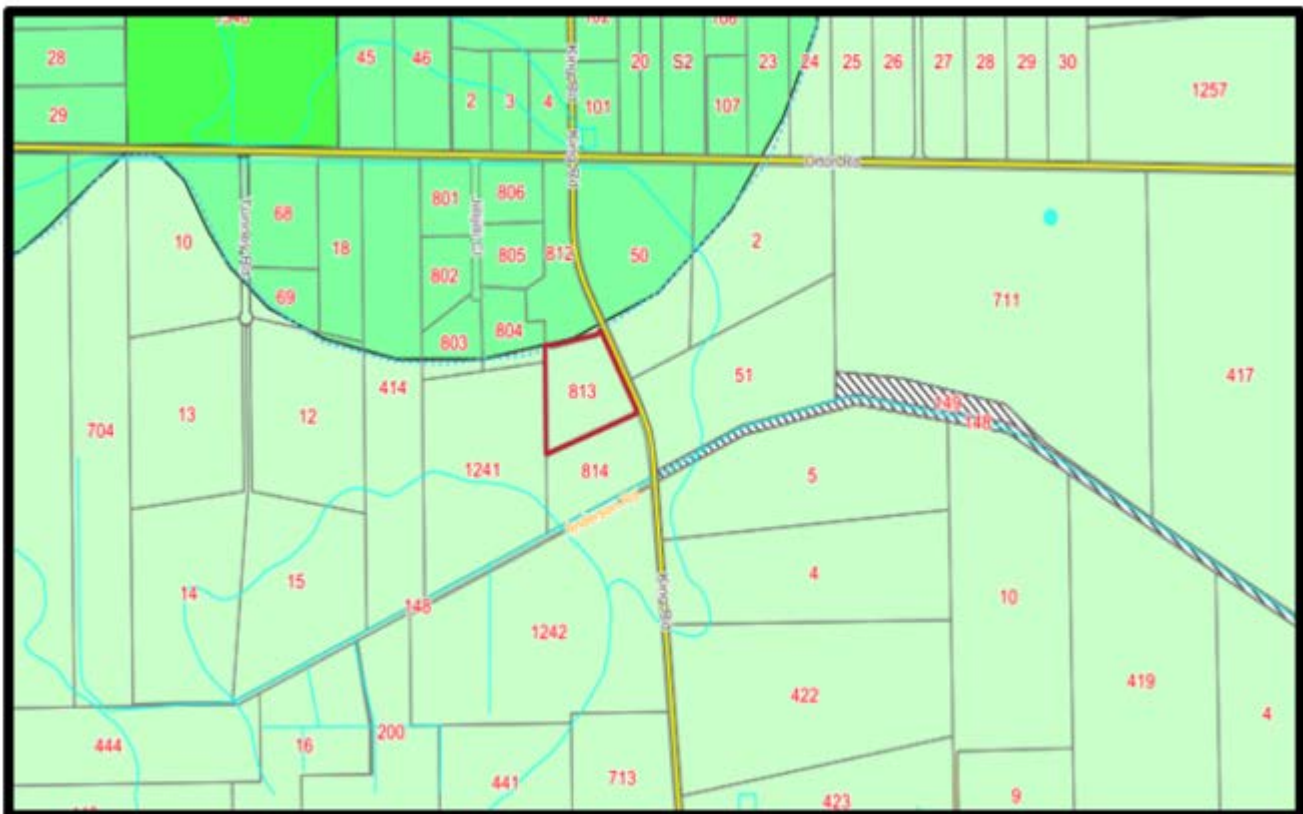


Figure 1: Location Plan



Figure 2: Aerial Image



Proposed Development

The subject application seeks a continuation of the previously approved land use until 31 December 2023. The previous approval is contained within **attachment 1** and the current application details within **attachment 2**.

The application details that the additional time would allow the business to be relocated given the current economic climate brought about by COVID-19. The applicant has also stated that the additional time is to allow for the required road upgrades to Kargotich Road and Mundijong Road and the fact that a suitable site will not be available at West Mundijong by the time the approval expires.

Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days from 4 August 2020 – 25 August 2020. Seven letters were sent out to surrounding landowners in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters, which requires consultation to occur for a period of a minimum of 14 days to the owners of properties determined as being potentially affected.

During this period two submissions were received. One supporting the proposal and the second supporting as long as the extension does not exceed three years and providing a vegetated bund is constructed for the purposes of screening. This bund is shown on the application details but appears to have never been constructed. Should Council resolve to approve a further extension of time, the bund could be imposed by way of a condition. A summary of the submissions are contained within **attachment 3**.

Statutory Environment

Legislation

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

Local Planning Framework

- Rural Strategy Review 2013
- State Planning Policy 2.5 – Rural Planning
- Draft Local Planning Strategy
- Draft Local Planning Scheme No. 3



Planning Assessment

An assessment has been undertaken in accordance with section 67 of the *Planning and Development Regulations 2015*, the assessment can be viewed as part of the **attachment 4**. For the purposes of this report, discussion is confined to the issues around the extension of time, objections received and where Council is required to exercise discretion.

Land Use

The land use has been determined and approved under the TPS2 land use definition of 'Industry -Light' defined as:

'...an industry:

- (i) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and*
- (ii) The establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services."*

In accordance with Table 1 – Zoning Table of TPS2, within the 'Rural' zone an 'Industry - Light' land use is an 'SA' use, meaning the use can be approved at the discretion of Council, subject to the application being advertised and any submissions considered in making a decision. The application has been advertised and submissions considered.

Under Proposed LPS3, the land remains zoned 'Rural', whereby the use of 'Industry - Light' is prohibited - meaning it cannot be approved. Should Council support a further time limited extension to the development, and should the new Local Planning Scheme come into effect during that time, the development would become a non-conforming use, inconsistent with the strategic intent for the area.

The activity of assembling machinery is not considered a characteristic of the Rural zone, but rather consistent with an industrial area. These types of industries are not typically found in a rural area, and could not be considered to predominantly support rural based uses. While it is acknowledged that 'Industry - Light' can be considered in the 'Rural' zone under TPS2, this is not the strategic intent and is further addressed as a prohibited use under the new LPS3, once introduced.

West Mundijong Precinct

Previously, there was discussion in relation to relocation an industrial area within the Shire, namely West Mundijong of Cardup Business Park. The applicant considers that this is not a short term option given the upgrades required to the surrounding road network.

As part of the TPS2 amendment for this area, a Structure Plan was drafted to inform the amendment which designates areas for 'Industry - General' and 'Industry - Light'. Council, at its Ordinary Council Meeting of 19 August 2019, resolved to continue with the West Mundijong Structure Plan concurrently with the Greater Mundijong District Structure Plan to expedite the planning framework and further subdivision and development of the area.

Since this time, the Shire has been preparing the Structure Plan which is due to be advertised later in 2020. There is also a subdivision application to create a first stage of industrial lots, and



is considered that the timeframe for delivery of this first stage is within the short term, and not medium or long term.

In terms of the Restricted Access Vehicles (RAV) network requirements, the applicants require a RAV 4 road network at minimum to cater for transportation requirements for their operations. The portion of Kargotich Road between Thomas Road and Mundijong Road, which adjoins the West Mundijong Industrial Precinct is currently a RAV 3 network. The RAV 3 network currently permits the movement of 27.5m vehicles though this portion of Kargotich Road, however, the movement is conditional upon the laden weight of the vehicle being no more than 84 tonnes. An upgrade would permit a weight laden vehicle of no more than 87.4 tonnes. The ultimate scenario for the road network surrounding the West Mundijong Industrial Precinct is to cater for RAV 5 vehicles; however, this is envisaged to occur in the future when the area is fully established.

Main Roads WA recently sought comments from the Shire regarding the upgrade of the section of Kargotich Road (amongst other roads) to a RAV 4 network. The Shire recently responded supporting the network upgrade.

Officers consider the uncertainty surrounding the upgrade of the network provides merit to the request of an extension of time by the applicant. This is considered to be 12 months however, taking the time limited approval to 31 December 2022. This is considered to provide sufficient time for the planned orderly transition of the business to an industrial location, and to work through any process to achieve this. It should be noted that permits can also be issued by Main Roads WA, on advice of the Shire, for RAV 4 vehicle to utilised RAV 3 networks. These are termed purpose permits.

LPS3

LPS3 defines 'industry' as *"premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:*

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

The development involves the assembly of machinery and is therefore considered an 'industry' in accordance with the above definition.

'Industry – Light' is defined under draft LPS3 as *"premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed."*

As with the definitions under TPS2, the proposal is considered to be an 'Industry – Light' land use which is a prohibited use in the 'Rural' zone. It would not be a proposal that could occur beyond the current time limited approval.



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

SPP2.5 states *“The purpose of this policy is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.”*

Section 3 (Background) of SPP2.5 indicates (among other things) that *“Rural land accommodates significant environmental asset and natural landscape values ...”* and that there will be increased *“pressure on rural land to be used for a wide variety of purposes ...”* It is considered that this development is an example of a non-rural use intruding into a rural area, contrary to the purpose and intent of the zone.

In the policy measures at section 5.1 of SPP2.5, rural land is to be protected as a resource by:

- requiring that land use change from rural to all other uses be planned and provided for in a planning scheme or strategy. A change from rural use to other uses in the area which includes the land is not planned for in TPS2, Draft LPS3 or the Rural Strategy;
- ensuring retention and protection of rural land for biodiversity protection, natural resource management and protection of valued landscapes and views.

The proposed development is considered contrary to these provisions.

Conclusion

Based on the assessment of the current local and state planning frameworks, and taking account of the justification and business impact that the applicant has identified, it is considered reasonable to enable a further time limited extension for orderly transition. At the time of the 2019 approval, 24 months was considered an adequate time. Considering the merits of this application, a further 12 months is considered acceptable (requiring transition on or before 31 December 2022), and this is also sequenced with the likely delivery of lot options within West Mundijong or Cardup Business Park.

Options and Implications

Option 1

That Council APPROVES a 12 months extension to the time limited planning approval dated 18 November 2019, to expire on 31 December 2022.

Option 2

That Council REFUSES any further extension to the time limited planning approval, meaning the use must cease by 31 December 2021.

Option 1 is recommended.



Conclusion

The application seeks a further 24 month extension to the time limited approval for the continuation of a previously approved business involving the assembling of machinery for extractive industries. Considering the merits of this application, a further 12 months is considered acceptable (requiring transition on or before 31 December 2022), and this is also sequenced with the likely delivery of lot options within West Mundijong or Cardup Business Park.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** – Previous Approval (OC19/24659)
- **10.1.2 - attachment 2** – Application Details (E20/9494)
- **10.1.2 - attachment 3** – Summary of Submissions (E20/9496)
- **10.1.2 - attachment 4** – Technical Assessment (E20/9242)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not approving the application and the applicant seeking review of this decision	Possible (3)	Minor (2)	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 **6** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES a further 12 month extension of time to the time limited approval for 'Industry - Light', as contained within attachment 2, at Lot 813, 244 King Road, Oldbury, to now expire on 31 December 2022, with no change to conditions or hours of operations as imposed by Council on 14 October 2013 except that the vegetation bund as required by the previous approval is suitably re-established and maintained.

OCM283/09/20

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr McConkey

That Council APPROVES a further 24 month extension of time to the time limited approval for 'Industry - Light', as contained within attachment 2, at Lot 813, 244 King Road, Oldbury, to now expire on 31 December 2023, with no change to conditions or hours of operations as imposed by Council on 14 October 2013 except that the vegetation bund as required by the previous approval is suitably re-established and maintained.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

The 24 month extension will provide certainty for the applicant to undertake a smooth transition to an appropriately zoned industrial location within the Shire, consistent with the information accompanying this application.



Shire President, Councillor Rich declared a Proximity Interest in item 10.1.3 and left the Chambers at 8.19pm prior to this item being discussed.

The Presiding Member, Councillor Rich vacated the chair, and Deputy Shire President Councillor Atwell assumed the Chair as Presiding Member at 8.19pm.

10.1.3 - s31 Reconsideration – Proposed Retrospective Dams, New Dams and New Establishment of Orchards for the Growing of Truffles – 206 Firms Road, Serpentine (SJ 2579)	
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Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to reconsider a decision for a development application in accordance with Section 31 of the *State Administrative Tribunal Act 2004*. The proposal seeks:

- Retrospective approval for 6 existing dams;
- Approval for 3 new (interconnected) dams to capture 7.4ML of water;
- Removal of 2 existing dams;
- Approval for the new establishment of 16.7 hectare of orchard for the purposes of producing truffles;
- Removal of 1.14 ha of vegetation.

This is for the property at Lot 822 (206) Firms Road, Serpentine.

The application is presented to Council in accordance with the request of the State Administrative Tribunal, which is inviting Council to reconsider the original decision. The original decision was a planning refusal issued under delegation, for reasons due to inconsistencies



with Local Planning Policy 4.4: Dams and Lakes (LPP 4.4) and inconsistencies with orderly and proper planning. Specifically, in relation to environmental impacts and failure to demonstrate the need for the volume of water when considering the retrospective dams (existing) and the further dams being requested, in the absence of demonstrable need.

The applicant, through the State Administrative Tribunal process, has since provided amended plans which Officers consider demonstrate general consistency with LPP4.4, noting however conditions being required to address incidental aspect. The amended application now provides details of the proposed new use to occur onsite, from which the combination of existing and new dams will be supporting. For the reasons outlined in the report, Officers recommended that Council approve the application, subject to appropriate conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 29 January 2013 – OCM114/01/13

- 1. Acknowledge the submission received during the advertising period for the construction of dams at Lot 822 Firns Road, Serpentine as per attachment OCM114.4/01/13.*
- 2. Grant development approval, pursuant to the provisions of Town Planning Scheme No.02, for the construction of a single dam in the southern portion of Lot 822 Firns Road, Serpentine, subject to the following:*
 - 1. All development shall be in accordance with the approved plans to the satisfaction of the Shire and for an off-stream (hillside) dam as per the Department of Water Guidelines in water quality protection note 53 appendix E*
 - 2. Engineering drawings shall be prepared and approved by Director Engineering prior to the commencement of works on site*
 - 3. A structural certification report shall be provided to the commencement of works onsite;*
 - 4. A geotechnical report shall be prepared and approved prior to the commencement of works onsite;*
 - 5. The site shall be graded and stabilised to prevent erosion and runoff impacts from the property;*
 - 6. Arrangements being made prior to the commencement of work for the identification and protection of vegetation onsite to the satisfaction of the Director Strategic Community planning; and*
 - 7. All development shall be completed within 12 months from the commencement of works*

Advice Notes

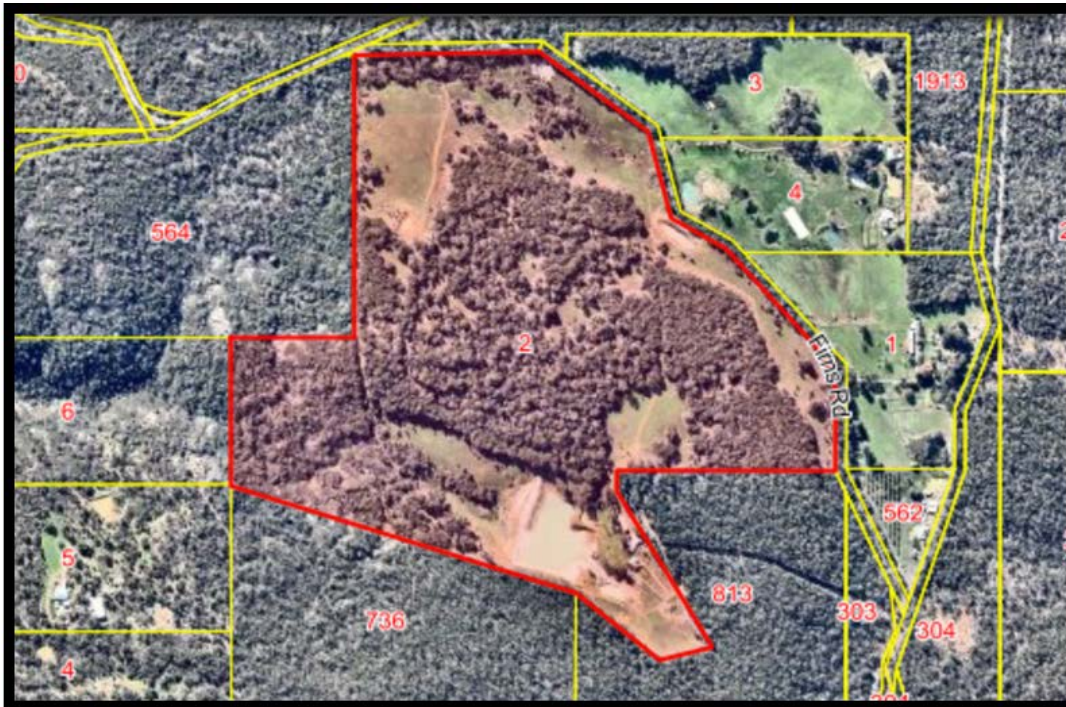
- 1. In respect of condition 2, the engineering drawings shall demonstrate compliance with the Shire's Adopted Engineering Standards and the Institute for Public Works Engineers Australia Subdivision Guidelines Edition 2.2 (as amended from time to time);*
- 2. In respect of condition 7, it is considered necessary for the development to be finalised in a timely manner to minimize potential impacts (erosion, dust generation etc) and protect the amenity*



Background

The property is zoned 'Rural' under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2) and is approximately 75.3 hectares in size. The topography of the site is undulating, with a high point of approximately 275 AHD in the south-east corner, 195m AHD on the north-west corner and 155m AHD in the south-west corner. The site consists of vegetated and cleared areas.

Aerial image of property follows:

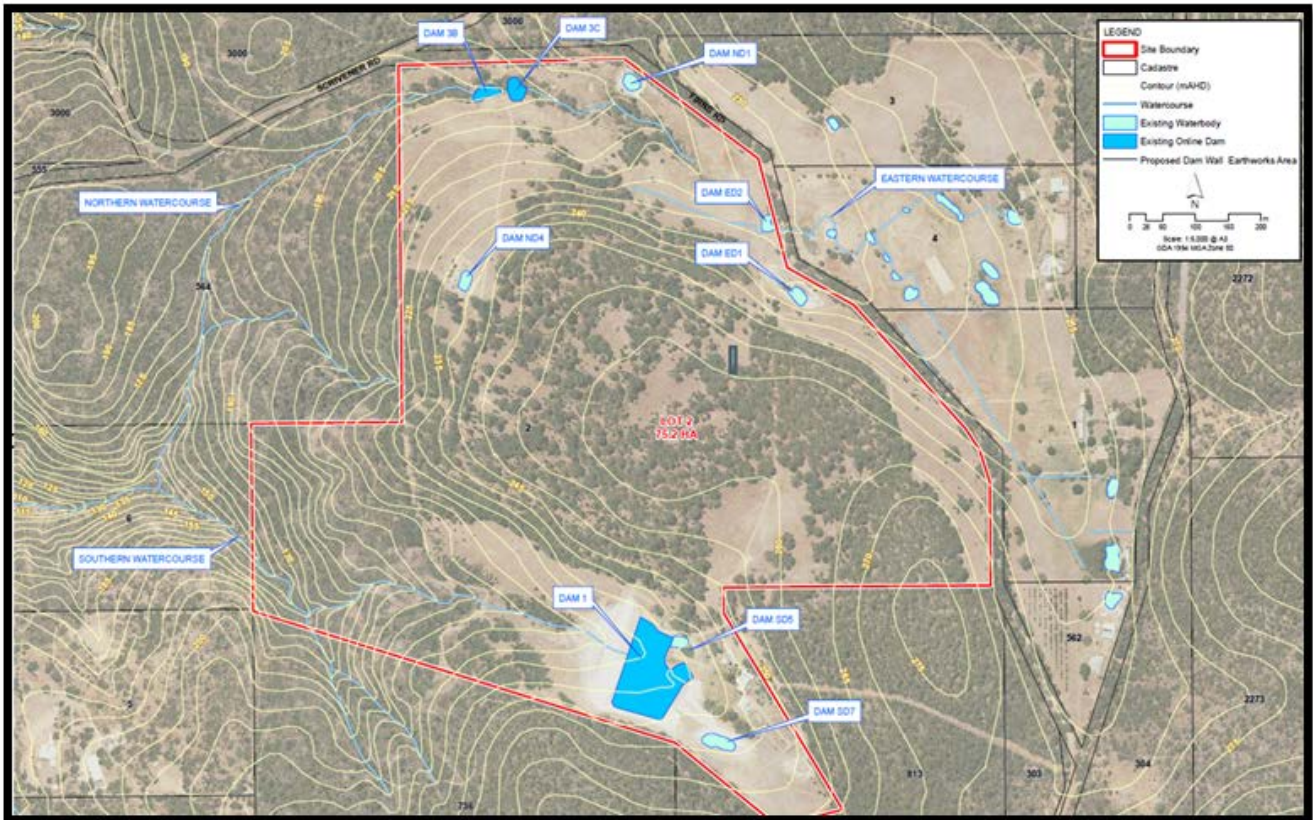


Subject Site – Lot 822 (206) Firms Road, Serpentine

The site comprises of a dwelling and incidental developments are located within the south-east corner of the subject site. There are nine existing dams located onsite with a combined storage capacity of 50ML of water. This application seeks retrospective approval for those dams not currently approved.

The site to the west of the property, Lot 564 Scrivener Road, Serpentine was rezoned 'Conservation' under TPS2 in 2013 due to its high value of native vegetation onsite. The rezoning (amongst other things) was intended to limit use classes which may require clearing and limit the permissible uses to facilitate single house developments and public utility, removing any discretionary uses.

Two watercourses also traverse the site. The northern watercourse traverses westwards across two existing dams and discharges on the west property boundary. The southern watercourse originates on the property and traverses an existing dam discharging on the west boundary. Refer to below image for location of existing dams, the volumes within each dam location and the two watercourses onsite.



Location of Existing Dams

Existing Dams	Approximate Capacity of Dams (KL)	Total Volume (KL)
ND1	270	50,156
Dam 3B	1,050	
Dam 3C	1,200	
ND4	820	
ED1	14.4	
ED2	14.4	
SD5	228	
SD7	1,000	
Dam 1	45,560	

Capacity of Existing Dams Onsite

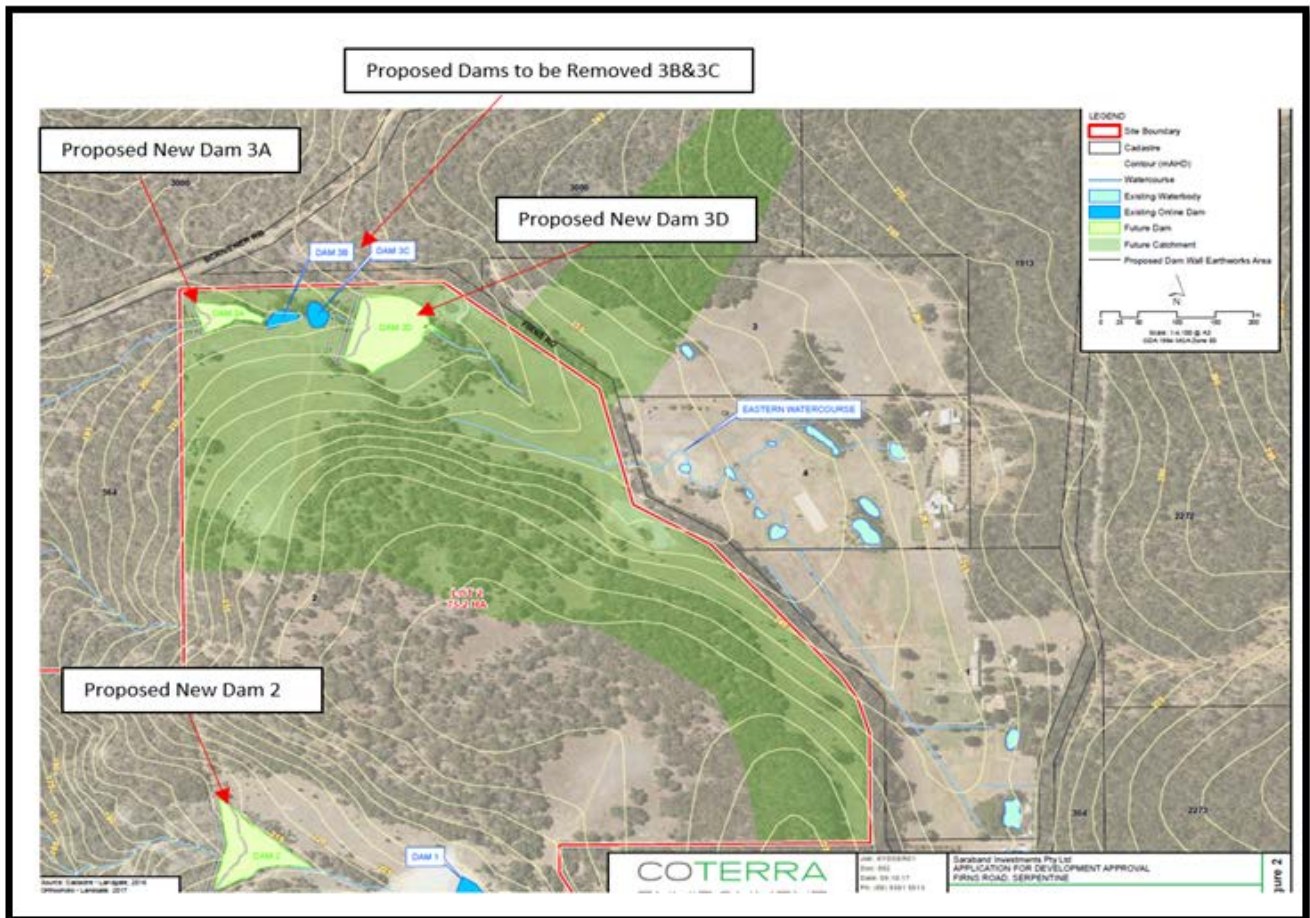
Dam 1 was approved by Council on 29 January, 2013. There are no records of approval for any of the remaining dams. These form the basis of the retrospective component of the application.



Report

Initial Proposal

The initial proposal was submitted on 7 October 2017 by Coterra. The development application sought the construction of three new dams (Dams 3A and 3D on the northern watercourse), removal of vegetation and the capture of up to 43% of the 68ML modelled water winter flows by the applicant. The dams located within the initial application can be viewed below and in further details within **attachment 1**.



Initial Application – Proposed 3 Dams

The proposal was assessed against then Local Planning Policy 33, which is retitled LPP 4.4. The objectives of the LPP provided for minimisation of environmental impacts of dams on local water resources and vegetation and minimisation of the cumulative impacts resulting from indiscriminate construction of dams.

The dam was identified to incorporate 'high risk' characteristics under 'Table 2 – Impact Significance Guidelines', while Schedule 3 and 4 identified general and additional information to supply in terms of 'high impact' proposals as part of an assessment. The general application criteria for 'high impact' proposals require the submission of a detailed description of the purpose of the dams. Water requirements should be justified by agronomist detail or similar to demonstrate the capability of the soil types and condition to cater for the crop type selected,



area, irrigation requirements and location of the crops clearly depicted and forming part of the overall development proposal.

A number of technical reports were submitted by the applicant, however, after assessment it was considered that the proposal did not contain justification for the proposed dams. There was no nexus to a legitimate agricultural use or use ancillary to rural activity which could be considered under Table 1 – Zoning Table of the TPS2, warranting the significant increase in water volume/yield/number of dams. The application essentially contained no justification to support additional dams, nor the justification for the dams that had been constructed without approval.

Further to the assessment, in determining potential downstream and environmental impacts in line with the LPP, the proposal was referred to the Department of Water and Environment Regulation (DWER) for comment, who advised amongst other things as follows:

- *“ The total capacity of proposed dams (29 ML) constitutes about 43% of the total average annual runoff (67 ML/year) into the dams*
- *Designing systems to suit the average annual runoff is not recommended as it does not give an indication of the reliability of getting that volume in each year, or any shortfall in water availability in years drier than the average*
- *The report does not contain a comparison of the existing (baseline) situation and the proposed future situation to assess impacts on downstream users so the downstream impacts are unknown. On-stream dams typically delay when the streams start to flow downstream as the dam is being filled.*

The DWER further advised that licensing requirements do not apply under the Right to Water Irrigation Act 1914 (RIWI Act), as the watercourse is located between headwaters of a tributary. As such, there is no licensing requirement under the Act. However, as the water resource is ultimately the DWER to manage, DWER considered an amount that can be sustainably allocated using the Sustainable Diversion Limits (SDL) approach in lieu of any licensing requirements under the RIWI Act with the applicant. DWER advised as follows:

“The Department recommends Sustainable Diversion Limits (SDL’s) as a guide to assess water availability and inform decision-making in surface water catchments. The SDL provides a regional hydrological estimate of the sustainable yield of surface water resources.

The report Approach for Determining Sustainable Diversion Limits for South West Western Australia (SKM, 2008) prepared on behalf of the Department, to develop a method for rapidly and conservatively estimating the winterfill diversion potential for unregulated (and generally ungauged) streams in the south-west of Western Australia. The diversion potential represents an upper limit beyond which there is an unacceptable risk that additional extractions may degrade the riverine environment. This document is available on the Department website at www.dwer.wa.gov.au.

The aforementioned report determines that a take of approximately 10% of mean annual stream flow is considered sustainable to abstract in winter from such surface water catchments”.

DWERs comments can be viewed within **attachment 2**. The proposal was not amended to reflect the requirements of DWER. As such, Officers had significant concerns of the possible environmental impacts (down-stream) and inconsistencies with the LPP. The application was refused for the following reasons:



1. *The proposal does not include sufficient information in accordance with Local Planning Policy 33 – Construction of Dams by way of justification of the purpose of the dams and the land use.*
2. *The proposal is inconsistent with the objectives of the ‘Rural’ zone in accordance with Clause 5.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 as it does not demonstrate a ‘rural pursuit’.*
3. *Insufficient information has been provided in relation to the proposal to be able to determine the land use in accordance with Clause 67 of the Planning and Development (Local Planning Schemes) 2015;*
4. *Insufficient information has been provided to demonstrate the impacts on down-stream users and the environment, inconsistent with the objectives of Local Planning Policy 33 - Construction of Dams and orderly and proper planning;*
5. *The proposal is inconsistent with the Rural Strategy Review and which designates the site as ‘Agricultural Protection’. No detail has been provided to demonstrate the nexus to the agricultural viability of the land.*

The refusal can be viewed within **attachment 3**.

SAT Proceedings

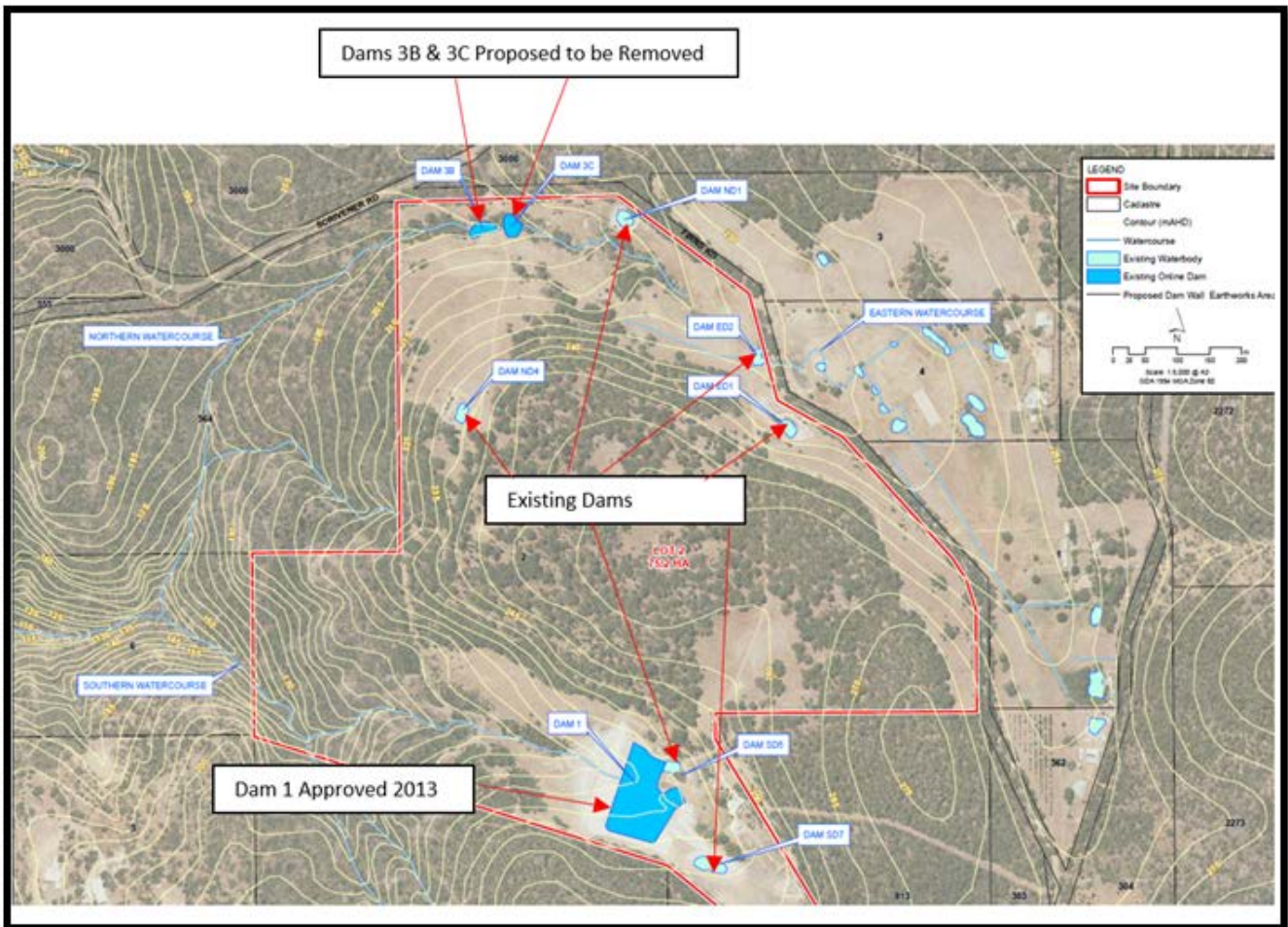
The refusal was subsequently appealed at the State Administrative Tribunal. The Shire and the applicant since this time have been attempting to resolve the matter through mediation, given the predominant issue impacting the Shire has been the lack of information to be able to determine the requirement for further dams. The applicant, after discussions with the DWER and Shire officers, have now provided additional/revised information to the Shire. The revised application can be viewed within **attachment 4**. The additional information sought to provide clarity to Officers in relation to environmental impacts from the new dams, consideration of the need for the new dams in light of existing dams, the capture of water, and the ultimate land use associated with the proposal overall. The additional information in summary provided the following details:

- Indicative location of 16.9 hectares of Orchard for the production of walnuts and truffles;
- Construction of three dams setback from the northern watercourse with a total capacity of 29,126KL; the embankments will be constructed with 1:3 batters on the downstream side of the embankment and 1:4 batters on the upstream side. The dam section embankments will include a spillway compromised of twin 600mm diameter pipes with invert levels approximately 1.2 metres below the top of the embankment;
- An inlet structure is proposed upstream of Dam 2, and a bypass is proposed along the northern side of the dam. The bypass will be constructed either as an open channel with sides at a 2:1 grade, or the bypass flow will be conducted via a 600mm pipe (the intent is the proponent will elect which bypass design option to progress prior to commencing construction.)
- Removal of two existing dams (3B and 3C) on the northern watercourse. Rehabilitation of this land;
- 1.02 hectares of vegetation clearing (as stated within Coterra report);

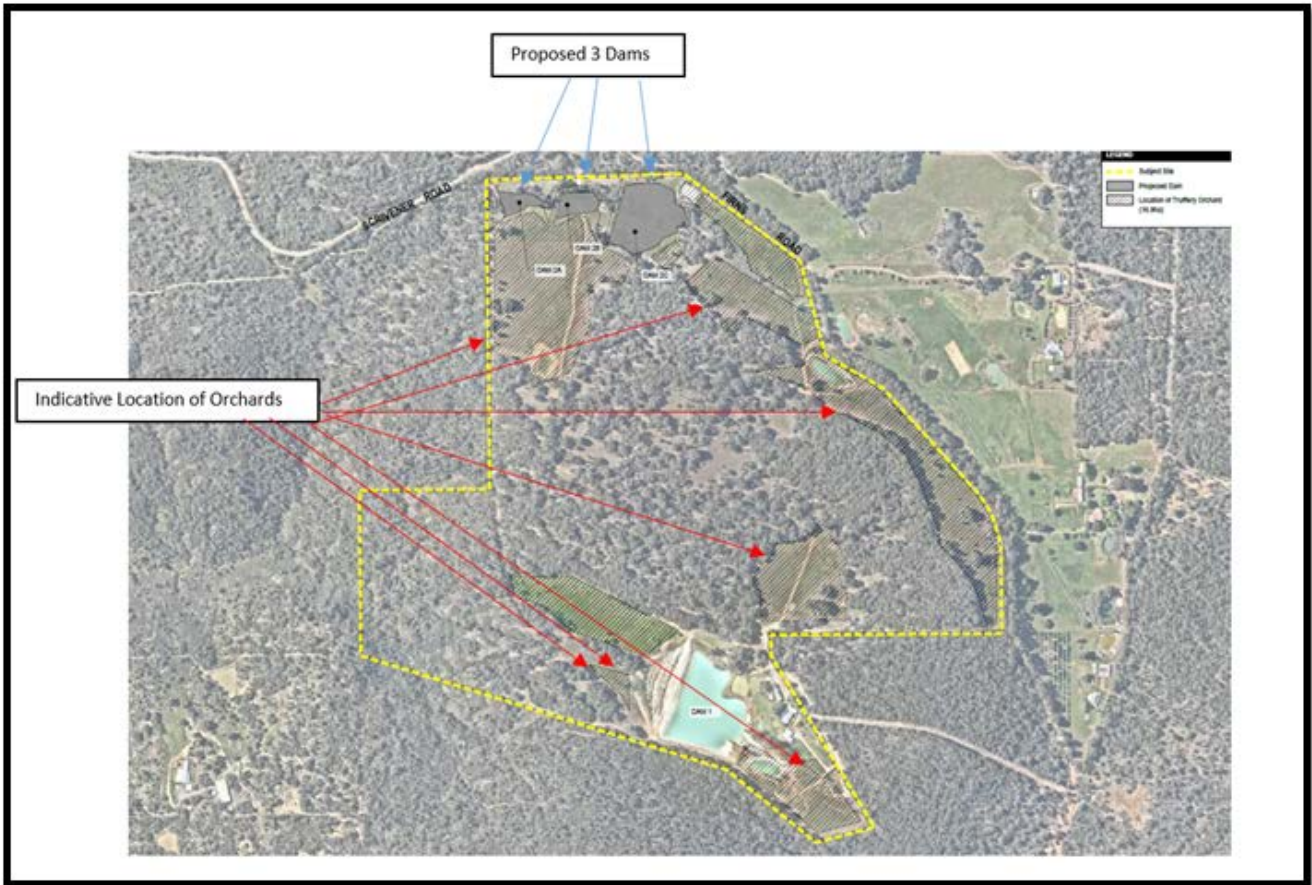


- Capture no more than 7.4ML (7,400,000 litres) from the northern watercourse resulting from a low flow bypass system; and
- Diversion of the northern water course (by way of a low flow bypass);

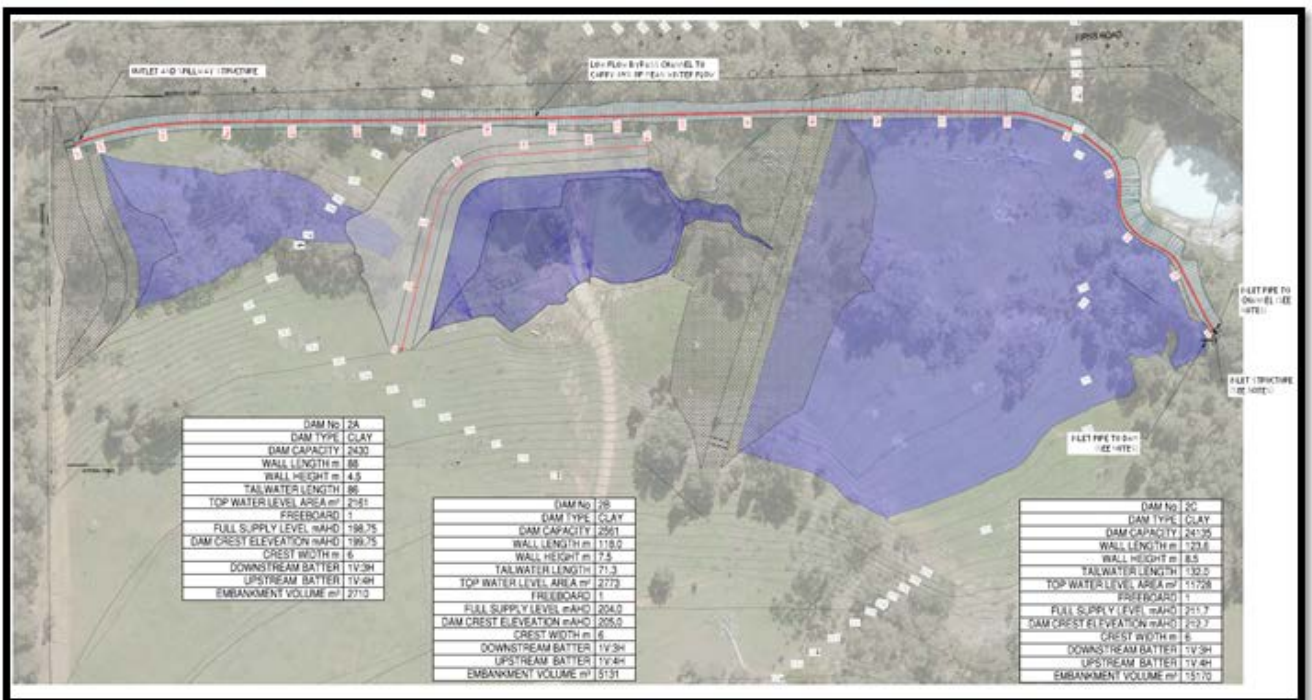
Refer to below revised site plans for existing dams being retained, proposed dams and location of proposed orchard:



Dams Proposed to Removed and Location Existing Dams



Indicative Location of Orchards and Location of Proposed Dams



Design of Proposed Dams



The proposal was referred to DWER, and DWER advised they were satisfied with the amended proposal with regard to the agreed principles for ensuring necessary flows to downstream users and the environment is retained subject to the following:

- *“The second dot point in the applicant’s covering letter states “A low-flow bypass, is now proposed along the northern gully to intercept water before it enters Dam 2. The low flow bypass will be used to divert 89% of winter flows, that is from 15 June to 15 October, downstream of Dam 2*
- *Consistent with what was specified during the State Administrative Tribunal meeting of the 11th September, the sizing of the low flow bypass was to be specified as the assurance to flows being adequately maintained. The Department advised on the day this was to be 0.13ML/day, which is consistent with previous advice provided to the proponent.*
- *As such, if the proponent was to amend the aforementioned bullet point, it should read “A low-flow bypass, sized to allow release or diversion of 0.13 ML per day, is now proposed along the northern gully to intercept water before it enters Dam 2. The low flow bypass will be used to divert 89% of winter flows, that is from 15 June to 15 October, downstream of Dam 2.”*
- *Of further note, and as discussed at the meeting, the proponent will need to submit a new application to DWER for Section 17 Permit under the Rights in Water Irrigation Act authorising works (bed and banks permit) as the one issued previously has expired. The permit application is to include supporting documentation of proposed dam layout, designs and the chosen low flow bypass methods designed to achieve a release 0.13 ML/day between 15 June to 15 October.”*

Officers considered the advice from DWER which can be viewed within **attachment 5**. Using the SDLs defined by DWER, this satisfied concerns over downstream impacts and more generally environmental impacts resulting from the take of water from the northern watercourse.

The application however, still needed to demonstrate the overall need for the dams and their captured water resource. Officers to make this assessment required details relating to the proposed associated rural use, nutrient application to ensure that there were no risks to the quality of water moving downstream, as a basis to understanding whether the additional dams were consistent with the planning framework.

Via the SAT process, the matter was scheduled for a formal hearing 11 June 2020, however, on the day of the hearing, the applicants requested a mediation, where the applicants agreed to provide the Shire with the required information to enable a proper assessment in accordance with LPP 4.4. A copy of the revised proposal supplied by the applicant can be viewed within **attachment 6**. As a result, the SAT has invited the Shire to reconsider its decision.

A reconsideration under section 31 (1) of the *State Administrative Tribunal Act 2004*, allows for Council to either:

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

Council should note that if the original decision by Officers is varied or substituted, the next step depends on the applicant. If the applicant is satisfied with the varied or substituted decisions, they can withdraw the proceedings and the new decision comes into effect. If the applicant is



not satisfied with the new decision, the proceedings are resolved before SAT by way of a full hearing.

Revised Proposal

The revised proposal now seeks approval for the following:

- Construction of three off-line dams with a total capacity of 29ML (29,000 KL). The dams will be constructed using a compacted earthfill (clay core) embankment:
 - o The embankments will be constructed with 1:3 batters downstream side of the embankments and 1:4 batters on the upstream side.
 - o The dam section embankments will include a spillway comprised of twin 600mm diameter pipes with invert levels approximately 1.2 m below the top of the embankment.
 - o Scour protection will be installed on the top of the embankment at the spillway locations to manage overtopping during blockage or high water levels.
 - o The dams are connected internally by way of a spillway.
- Removal of existing dams 3B and 3C;
- Retrospective approval of existing 6 dams;
- Diversion of the northern watercourse, by way of a low-flow bypass channel;
- Clearing of 1.14 hectares of vegetation;
- Establishment of 16.9 hectares of Orchards (hazelnuts/oaks) for the growing of truffles (density of 300 trees per hectare) within approximately four years of the construction of the dams;
- Nutrient application details;
- Capture of no more than 7.4ML (7,400,000 litres) between 15 June to 15 October (Winter flows) from the northern watercourse using a low-flow bypass system;
- Construction of a fence surrounding the orchards;

The proposal will require an arborist to visit the site intermittently throughout the year to monitor the growth of the orchard and to monitor the irrigation system. The truffles are proposed to be harvested once they have been established which generally takes up to 7 years to occur.

No retailing of any sort is proposed to occur from the property and the truffles will not require any larger vehicle other than that of a passenger vehicle (utility) to transport the truffles from site to its desired location. Additionally, the hazelnuts/oaks from the orchards are not proposed to be taken offsite or processed.

The layout of the proposal as depicted below has not been modified from the previous proposal as above, the information that was supplied however, provides details surrounding the orchard operations.

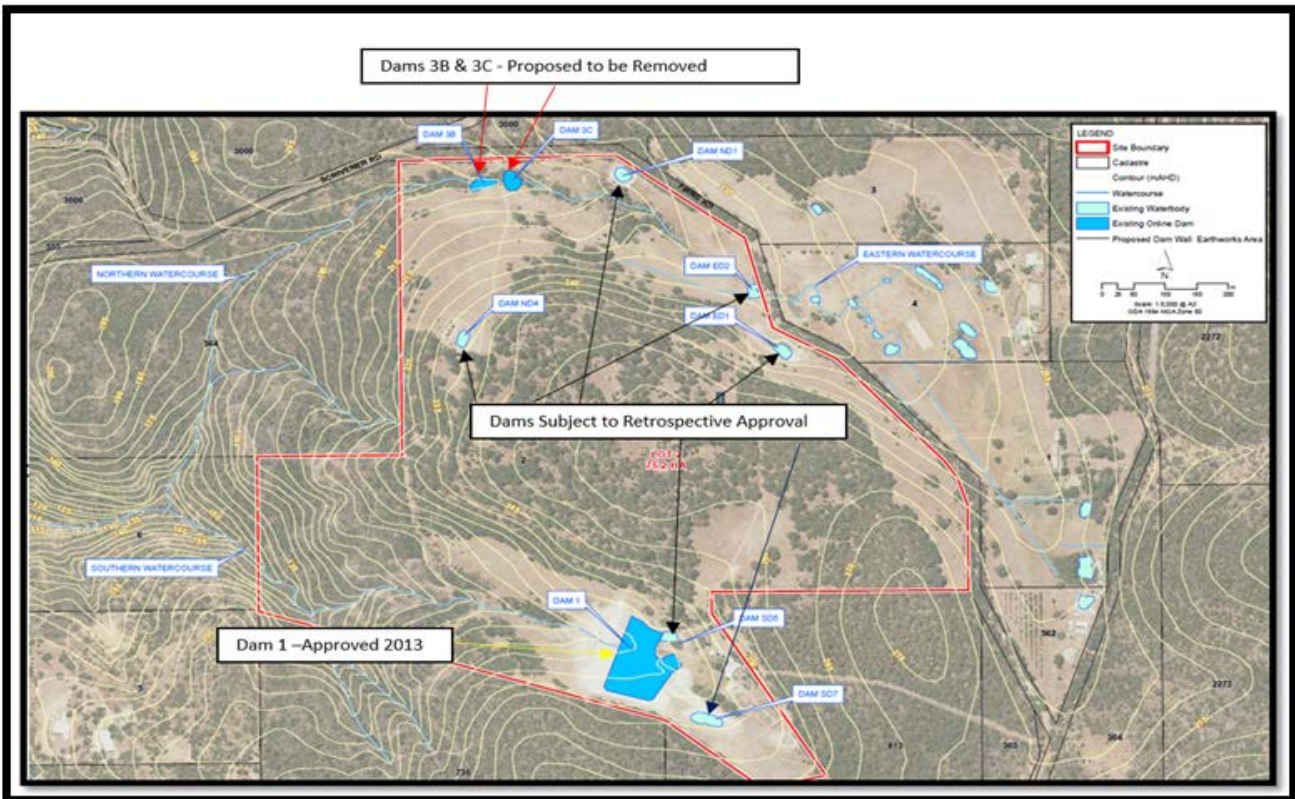


Proposed Three New Dams



Revised Proposal

Dams 3B & 3C - Proposed to be Removed



Dams Proposed to Removed and Subject to Retrospective Approval



Details of Proposed 3 Dams

Community/Stakeholder Consultation

The initial application and subsequent revision submitted to the Shire as part of the SAT process were both advertised to nearby landowners for comments. The application was also referred to DPIRD and DWER. A number of submissions were received through this process and can be viewed within **attachment 7**. For the purposes of this report, only the consultation process for the revised application submitted on 30 June, 2020 will be discussed.

The revised application was referred to nearby landowners for a period of three weeks, between 7 July 2020 – 21 July 2020. At the end of the consultation period a total of 3 submissions were received. Of these submissions 2 objected to the proposal. The application was also referred to DWER and DPIRD which will be discussed further in the report. The full submissions with the applicants response can be viewed as part of **attachment 8**. The issues forming the objections relate to the following:

- Environmental Impacts;
- Permissibility of land use;
- Location of dams (online or offline);
- Validity of surplus water used for firefighting purposes;
- Environmental concerns over vegetation clearing;
- Justification for water;
- Impacts to neighbouring Conservation zone;
- Validity of existing dams



State Government Departments

DPIRD

The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed dams and orchard for the production of truffles at the abovementioned lot. DPIRD assessed the available information and made the following comments (inter alia):

- *"More than 50 percent of the soils in the 16.9ha to be planted with either oak or hazelnut trees have a very high capability for perennial horticulture, while the remainder have a moderate to high capability;*
- *Inoculated trees will be planted to ensure the production of truffles. The truffle fungus have a symbiotic (mutually) beneficial) association with the host trees. The fungus supplies the tree with nutrients from the soil, while the tree provides the fungus with a place to live and supplies carbohydrates (sugars) for growth. For this reason, only moderate quantities of nutrients are required in the soil.*
- *The annual requirement for nitrogen and phosphorus is very low as an excess of nutrients in the soil can cause the truffles to die. The proposed multiple applications of small quantities of fertiliser will ensure that there is not an abundance of nutrients in the soil at any specific time. This will allow the truffles to develop and limits the possibility of nutrients leaching or being transported off-site due to high rainfall events".*

The full submission can be viewed within **attachment 9**.

Officer Comment

Low levels of nutrient have been proposed as part of the application to assist with the growth of the truffles. The application illustrates that the exact quantity of fertiliser will be determined following soil chemical testing. As such, a Nutrient Impact Management Plan has been recommended by Officers to be prepared in accordance with Water Quality Protection Note 33: Nutrient and Irrigation Management Plans (DWER 2010) which will provide details of the application amount, method of application and quantities required during different growth stages.

Department of Water Environment Regulation (DWER)

The DWER have assessed the application and in principle does not object to the proposal, however, provides the following advice:

"The design specifications of dams proposed on the northern gully of the site have been subject to considerable input from the Department. Due to proposed dams are located within the headwaters of a catchment, the capture of water by these dams is not licensable under the Right in Water Irrigation Act 1914.

However, in accordance with the aforementioned legislation and Water Quality Protection Note 53 - Dam construction and operation in rural areas (DWER, 2018), the dams are still required to ensure downstream flows are sufficiently maintained so as not to detriment the receiving environment or other users of the resource. This sustainable take is referenced as "sensibly diminished" within the Right in Water Irrigation Act 1914.

A hydrological report on behalf of the proponent (Coterra, 2017), estimated flows from the catchment of the northern gully to be 68 megalitres (ML) a year. This information was assessed by the Department, and a sustainable diversion limit was recommended to



maintain 89% of the predevelopment flow within the gully downstream, allowing the capture and use of 11% of flow within proposed dams, which is approximately 7.48 ML per year.

The above design specifications were recommended upon the following conditions:

89% of flow within the gully to be bypassed around dams;

A low flow bypass to be installed with a minimum threshold capacity of 0.13 ML/day; and

Harvest of water by dams only to occur during winter flows from 15 June to 15 October each year.

It is recommended the above are included as development conditions, should the Shire approve this proposal. Furthermore, the Shire may consider the installation of flow gauging equipment to assist in compliance reporting for the take of water.

It should also be noted a Bed and Banks permit under the Rights in Water Irrigation Act 1914 will be required to be approved by the Department prior to construction of dams, and this will include relevant detailed designs consistent with the aforementioned specifications”.

DWER also advised that “at present, and not withstanding Perth’s drying climate, it would appear there are insufficient water resources available to support a proposed orchard of 16.9 ha. No information has been provided with regard to how this issue would be managed by staging of the development or securing other water supply options alternative to surface flow. It is recommended this issue is navigated through one of the following options:

1. *The development application is amended to a reduced footprint of orchard area which corresponds with available irrigation resources, with conditions of approval to include the requirement for a nutrient irrigation management plan; or*
2. *The development application is approved in its current form with a condition applied for a nutrient irrigation management plan which will clearly identify the staging of development for the orchard relevant to demonstration of secure water resources to support each stage.*

The intent of the latter option is to ensure if development of the 16.9ha of orchard does occur, stages of development can only proceed if a sustainable source of water is demonstrated.

In relation vegetation clearing, DWER have only advised that a clearing permit is required under Section 51C of the *Environmental Protection Act 1986*”.

The full submission can be viewed within **attachment 10**.

Officer comment

The application has been prepared to align with DWER’s comments. The following conditions are proposed specific to the DWER position:

b Prior to commencement of works for the new dams, the applicant shall submit detailed design drawings (prepared by a suitably qualified Civil and Hydrological Engineer) to the Shire of Serpentine Jarrahdale and Department of Water, Environment and Regulation (“DWER”) for approval. The detailed design drawings must demonstrate the following design requirements being achieved to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER:

- *A minimum of 89% of flow within the gully to be bypassed around dams;*
- *The design limiting no more than 11% of the winter water flow being captured;*



- *A low flow bypass to be installed with a minimum threshold capacity of 0.13 ML/day;*
- *Flow gauging equipment being installed to regulate and report on an annual basis to both the Shire of Serpentine Jarrahdale and the DWER, that the harvest of water by dams only occurs during winter flows from 15 June to 15 October each year and that bypass flow rates are achieved at all times;*
- *Structural integrity of the dams.*

Once approved, development must be undertaken and maintained in accordance with the detailed design drawings, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER.

- c. *In respect of the existing dams granted retrospective approval under this determination, a suitably qualified Civil and Hydrological Engineer is to structurally certify these existing dams as being safe and structurally sound, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. Should the Civil and Hydrological Engineer identify any remediation works being required to achieve structural safety and soundness, these works must be undertaken to the specification required by the suitably qualified Civil and Hydrological Engineer to the satisfaction of the Shire of Serpentine Jarrahdale and DWER.*
- d. *Upon completing the construction of each dam (whether new or remediation works), a suitably qualified Civil and Hydrological Engineer must certify that the dam has been constructed and/or remediated in accordance with the approved plans and are structurally safe, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. The certification must be submitted to the Shire of Serpentine Jarrahdale and DWER within 28 days after completion of construction and/or remediation of each dam.*
- h. *Prior to the construction of the dams, a Nutrient and Irrigation Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale and DWER. The Nutrient and Irrigation Management Plan is to identify the staging of development for the orchard relevant to demonstration of secure water resources to support each stage, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER. Development shall be undertaken in accordance with the Nutrient and Irrigation Management Plan, once approved, and must be implemented at all times.*

An advice note is also recommended as follows relating to the advice of the DWER:

- *“The applicant is advised that a Bed and Banks permit under the Rights in Water Irrigation Act 1914 will be required to be approved by the DWER prior to construction of dams, and this will need to include relevant detailed designs consistent with the specifications contained in the conditions”.*



Statutory Environment

Legislation

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

State Government Policies

- Metropolitan Region Scheme

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
- Rural Strategy Review 2013 ;
- Draft Local Planning Scheme No. 3;
- Draft Local Planning Strategy

Planning Assessment

Schedule 2, Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed with the Technical Assessment (**attachment 11**).

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

Town Planning Scheme No. 2

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

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

Officers consider the proposed 16.9 hectares orchard for the production of truffles and associated dams meets the objective of the zone as they are considered to be rural pursuits, consistent with the objective of the zone.

Land Use Permissibility

In determining the land use for the proposed development, Officers have considered the following land use definitions under TPS2:

'Orcharding' - *"means the production and operation of fruit nurseries."*

'Rural Use' - *"the use of land for any of the purpose set out hereunder and shall include such buildings normally associated therewith:*



- a *The growing of vegetables, fruit cereals, or food crops except for domestic purposes;*
- b *the rearing or agistment of goats, sheep cattle or beasts of burden;*
- c *the stabling, agistment or training of horses, or other ungulates;*
- d *the growing of trees ,plants, shrubs, or flowers for replanting in domestic commercial or industrial gardens;*
- e *the sale of produce grown soley on the lot”.*

A truffle is more in line with a fungus which is not considered as part of the TPS2 definitions however it is considered most closely related to a ‘food crop’, which is captured within the ‘Rural Use’ land use classification of TPS2. The ‘Rural Use’ land use classification is a ‘P’ (Permitted) land use in the ‘Rural’ zone.

In considering Clause 3.2.4 of TPS2 which states “*where in the Zoning table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use*”, the ‘Rural Use’ classification is considered to be the best fit and the most appropriate.

Local Planning Scheme No. 3

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

The subject site is zoned ‘Rural’ under LPS3 and falls within a Special Control Area. The Special Control Area relates to the Darling Scarp Landscape Protection Area that has the objectives of; preserving the amenity of the scarp, protecting and enhancing the landscape, scenic and townscape values and to maintain the integrity of landscape along scenic routes.

The land use definitions considered relevant under LPS3 are as follows:

‘Agriculture-Extensive’ - “premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture-intensive or animal husbandry-intensive

The land use under LPS3 is a ‘P’ land use in the ‘Rural’ zone which means the development, where no works are proposed, is permitted and does not require development approval.

Officers, in considering the land use classification under draft LPS3, determine that the best fit land use is ‘Agriculture-Extensive’. The truffles are considered to fall within the term crop and the nature of the production is considered extensive.

Draft Local Planning Strategy (LPS)

The subject site is designated as ‘Rural Land’ under the draft LPS. “The Rural land use category provides for a full range of rural land uses, tourism opportunities, rural enterprise and the preservation of the natural landscape. Rural land facilitates agricultural production and the protection of the natural landscape”. The proposal, by way of land use, is considered consistent with the draft LPS.



State Planning Policy 2.9 – Water Resources

SPP 2.9 seeks to prevent impacts to water quality. The objectives of SPP 2.9 are:

“protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values; assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and promote and assist in the management and sustainable use of water resources.”

DPIRD have advised that the nutrient application associated with growing of truffles is often low. This aligns with the report submitted by the applicant. Officers have further addressed comments made by DWER in respect of staging of the truffle crop, as per recommended condition h.

In terms of water resources more broadly, DWER have supported the take of 11% of the winter water flows from the northern watercourse. The 11% take is based on the SDL methodology and considered to be a sustainable approach to water allocation. This is unlikely to cause downstream adverse effects.

Furthermore, to address supplementary comments of the DWER, conditions b, c and d are recommended to be imposed.

Officers consider that the objective of SPP2.9 has been met and that the recommended conditions will ensure that, there are unlikely impacts to water quality resulting from the land use.

Water Quality Protection Note 53: Dam Construction and Operation in Rural Areas (WQPN 53)

WQPN 53 seeks to provide guidance for the construction of dams in rural areas to avoid impacts from changes of ecosystem hydrology, release of sediment, land clearing, changes to aquatic species migration patterns, seepage, dam failure, translocation of aquatic organisms and changes in water quality parameters including nutrients, turbidity, salinity and pathogen levels.

Officers consider that the construction of the dam itself is unlikely to cause disturbance to the watercourse. As mentioned previously, the dam is to be located offline, as the existing watercourse is to be diverted by way of a low flow bypass drain/channel. In this regard, the possibility of changes to water quality may occur during the construction of the dam period only. Therefore, a condition requiring that flows are to be maintained during construction is recommended. In terms of nutrients, this can be adequately addressed by way of a Nutrient Management Plan as mentioned above.



LPP4.4: Dams and Lakes

The purpose of LPP4.4 Dams and Lakes is to recognise, protect and enhance the natural environment features including areas of high conservation values and watercourses. This is achieved through siting, design and construction of dams that provide safe, equitable water supply and sustainable catchment management. The objectives of the policy are as follows (inter alia):

- *Consider dams and lakes where they are demonstrated for use to support an approved land use;*
- *Minimise environmental impacts of dams and lakes on local water resources and vegetation;*
- *Avoid visual or aesthetic impacts on landscape values from the construction of dams and lakes;*
- *Minimise the cumulative impacts resulting from the indiscriminate construction of dams and lakes.*

Clause 1.1 of LPP4.4 requires “*the construction of dams will generally only be supported where there is a demonstrated need for water storage associated with an agricultural use or for domestic purposes*”. In addition Clause 1.2 requires that “*where an application is made for a new dam on a lot that contains an existing dam, consideration must be given to whether the additional dam is justified in order to support the existing or proposed land use, the proposed dam will not be supported as it does not reflect sustainable water management*”.

This was one of the main concerns raised by Officers during the initial application process. Limited information was provided in relation to the purpose of the water and why the additional water was required.

Subsequently, the applicant has sought specific irrigation requirements from a horticultural consultant. The proposed irrigation requirements for the proposed hazelnut and oak tree species (*Quercus ilex and Quercus Robur*) ranges between 3,900 KI/ha to 7,900 KL/ha. Based on 16.9 hectares of orchard, the yearly irrigation requirement would be between 65,910KI/ha -133,510 KL/ha per annum. The range is dependent on a number of factors including rainfall, heat, success of production etc.

The dams, following the removal of dams 3b and 3c, will have a water storage capacity of 47,906KL. The proposal seeks to store an additional 29,126KL onsite, increasing the overall amount to 77,032KL. The 77,032KL is to allow for any increase in irrigation requirements in excess of the lowest amount being 65,910 KI per year.

Should only 65,910KL be used the applicant had advised that the surplus will be left available for firefighting purposes. A summary of the water requirements are reflected in the following table:

Existing Volume of Dams Onsite	Proposed Volume of New dams	Total Volume of Water Proposed Onsite	Water Required to irrigate 16.9ha
47,906 KL	29,126KL	77,032 KI	65,910 -133,510KL



Officers consider that the proposal has demonstrated a need for additional water storage associated with an agricultural activity based on specialist information, consistent with the requirements of LPP4.4.

Addition to this, conditions are imposed to address the protection of down stream flows, and putting in place a requirement for detailed plans, detailed reporting and detailed construction methods to secure the intended flow outcomes identified by the DWER.

Impact Matrix

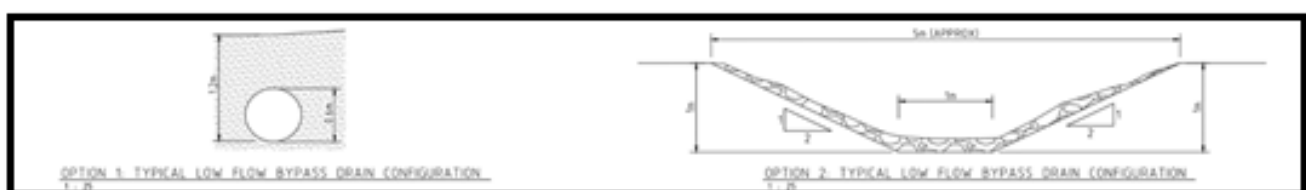
The policy also includes an 'Impact Matrix' which is a guide in determining the impacts associated with the construction of the dam. The development has been assessed against the characteristics of the policy as contained within **attachment 11**. The development is considered to fall within the 'moderate impact' category in relation to 'Dam Size, Dam Location and Vegetation Clearing'. This is a trigger for rigorous assessment and detailed information to be provided to the satisfaction of the Shire, before a proposal can be considered for approval.

Officers have assessed the development against the objectives of the policy to determine whether it is capable of approval. The applicable objectives of LPP4.4 in relation downstream and environment (vegetation clearing) impacts are as follows:

- *Minimise environmental impacts of dams and lakes on local water resources and vegetation;*
- *Minimise cumulative impacts resulting from the indiscriminate construction of dams and lakes;*

Downstream Impacts

The applicant submitted a Water Modelling Assessment which was submitted to DWER for assessment. The model identified that a total of 68ML (68,000,000 litres) of water flows through the northern watercourse during the winter period, being 15 June to 15 October. DWER confirmed after an assessment that the flows were an estimate and provided in-principle support to the methodology used to model the flows. DWER (as previously advised) assessed the application against the SDL methodology which is commonly used to assess sustainable amounts of water that can be allocated without causing downstream impacts outside 'Proclaimed Areas'. DWER supports an amount of up to 11% being captured from the watercourse (7.4ML (7,400,000 litres)), however, subject to 89% (60.6 ML (60,600,000 litres)) of the winter flows being diverted by way of a low-flow bypass channel/drain appropriately sized as depicted below. This low-flow bypass would ensure that 89% of the water would bypass the dam and continue downstream as per the status quo.



Low Flow Bypass Options



For clarification purposes, it should be noted that the capacity of the new proposed dams is 29ML (29,000,000 litres), however, only up to 7.4ML (7,400,000 litres) can be captured from the watercourse per year (between the winter months) as advised by DWER. As a result, to be in a position to irrigate the required area of orchards, the applicant have advised that it will take up to 4 years to capture the volume required. As such, are seeking to establish the orchards only once the water source has been captured.

In terms of maintaining 89% of the winter water flows, DWER have advised that a low-flow bypass system releasing 0.13ML a day will need to be designed and implemented to divert winter flows downstream. This is conditioned to respond to the achievement of this outcome.

These conditions, as stated above, are as follows:

b Prior to commencement of works for the new dams, the applicant shall submit detailed design drawings (prepared by a suitably qualified Civil and Hydrological Engineer) to the Shire of Serpentine Jarrahdale and Department of Water, Environment and Regulation ("DWER") for approval. The detailed design drawings must demonstrate the following design requirements being achieved to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER:

- *A minimum of 89% of flow within the gully to be bypassed around dams;*
- *The design limiting no more than 11% of the winter water flow being captured;*
- *A low flow bypass to be installed with a minimum threshold capacity of 0.13 ML/day;*
- *Flow gauging equipment being installed to regulate and report on an annual basis to both the Shire of Serpentine Jarrahdale and the DWER, that the harvest of water by dams only occurs during winter flows from 15 June to 15 October each year and that bypass flow rates are achieved at all times;*
- *Structural integrity of the dams.*

Once approved, development must be undertaken and maintained in accordance with the detailed design drawings, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER.

c. In respect of the existing dams granted retrospective approval under this determination, a suitably qualified Civil and Hydrological Engineer is to structurally certify these existing dams as being safe and structurally sound, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. Should the Civil and Hydrological Engineer identify any remediation works being required to achieve structural safety and soundness, these works must be undertaken to the specification required by the suitably qualified Civil and Hydrological Engineer to the satisfaction of the Shire of Serpentine Jarrahdale and DWER.

d. Upon completing the construction of each dam (whether new or remediation works), a suitably qualified Civil and Hydrological Engineer must certify that the dam has been constructed and/or remediated in accordance with the approved plans and are structurally safe, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. The certification must be submitted to the Shire of Serpentine Jarrahdale and DWER within 28 days after completion of construction and/or remediation of each dam.

h. Prior to the construction of the dams, a Nutrient and Irrigation Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale and DWER. The Nutrient and Irrigation Management Plan is to identify the staging of development for the



orchard relevant to demonstration of secure water resources to support each stage, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER. Development shall be undertaken in accordance with the Nutrient and Irrigation Management Plan, once approved, and must be implemented at all times.

In considering the above, Officers are now satisfied that the development has met the relevant objective of the LPP4.4 and reflects a sustainable approach to water allocation where there are unlikely impacts to downstream users and also the environment.

Environmental Impacts (Clearing)

The application proposes to clear approximately 1.14 hectares of vegetation along the northern watercourse as depicted below:



Proposed Area to be Cleared

The applicant has provided technical information relating to the native vegetation proposed to be cleared. The report identifies that the vegetation types proposed to be cleared along the watercourse fall within the Yarragil 1 Complex and Darling Scarp Complex. Mainly consisting of native marri-wandoo woodland, made up from the following species:

- *Corymbia calophylla* and *Eucalutpus wandoo* woodland;
- *Agonis linearolia*;
- *Acaia pulchella*;
- *Xanthorrhoea preissii*;
- *Melaleulka raphiophylla* (swamp paperbark);



The vegetation forms part of a greater complex that is situated in close proximity to the site as reflected below:



Extent of Vegetation Complex

DWER previously approved a clearing application for the earlier 2017 iteration of the proposal which sought to clear 1.02 hectares of vegetation in generally the same location. Their assessment of the previous clearing application can also be viewed within **attachment 1** which stated:

The vegetation ranges in conditions from 'Degraded' (structure severely disturbed; regeneration to good condition requires intensive management) to 'Good' (structure significantly altered by multiple disturbance; retains basic structure ability to regenerate), with the majority of the vegetation in 'Degraded' condition. The understorey lacks biodiversity due to the area being heavily grazed and the dominance of invasive species, resulting in vegetation that is largely in a degraded condition

As mentioned above, the vegetation to be cleared forms part of a greater vegetation complex in close proximity to the site. Officers consider the clearing of vegetation, which ranges in quality (good to degraded), to assist in an agricultural/rural activity is justified. Furthermore, it should be noted, the Department of Biodiversity, Conservation and Attractions indicated in 2017 that the remaining extent of each complex in the south west of Western Australia is as follows:

Vegetation Complex	Total Pre-European Extent (ha)	Current Extent (ha and %)
Yarragil 1 (Yg1)	80,202.95 ha	64,981.49 ha (80.02%)
Darling Scarp (DS2)	32,448.29 ha	13,536.76 ha (41.72%)

Remaining Extent of Vegetation Complex

Furthermore, DWER in accordance with 'EPA Guidance Statement No. 3 – Environmental Guidance for Planning and Development' consider ecological communities should be maintained above a 30% threshold above the pre-clearing to ensure ecological values are maintained. In this regard, Officers can advise that the proposed clearing will not fall below the 30% threshold.



The vegetation complex has also been identified as containing the foraging habitat for black Cockatoos (Carnaby's Forest red tailed and Baudin's black cockatoos) which are protected under State and Federal legislation. The information submitted by the applicant indicated that there was also no signs of breeding within the large hollows of the trees proposed to be cleared.

DWER in their previous assessment of the applicants clearing permit advised as (amongst other things as follows:

“ Although the application area contains suitable foraging habitat for black cockatoo species the application area is not likely to be critical for the survival of this species due to its size and the local area (10km radius) contains approximately 55% vegetation which includes a number of large remnants in conservation estate including Serpentine National Park, Karnup Nature Reserve and thirteen Bush Forever Sites

In considering that the ultimate use for the site is for the purpose of agricultural/rural activity, which is supported through the Shire's planning framework, and that the habitat forms part of a greater complex located in close proximity to the site, Officers consider that the removal of vegetation can be supported and that the relevant objectives of the LPP have been met.

In terms of revegetation, the applicant has proposed to vegetate the batters of the dams to address sediment movement and erosion in accordance with LPP4.4. Officers do not consider any further vegetation is required for screening purposes as the dams will not pose a visual impact when seen from Scrivener Road due to the contours of the land.

Safety

Clause 67 of the Deemed Provisions requires consideration of the following matter

“The suitability of the land for the development taking into account the possible risk to human health or safety”

Two conditions are imposed to address this:

- c. *In respect of the existing dams granted retrospective approval under this determination, a suitably qualified Civil and Hydrological Engineer is to structurally certify these existing dams as being safe and structurally sound, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. Should the Civil and Hydrological Engineer identify any remediation works being required to achieve structural safety and soundness, these works must be undertaken to the specification required by the suitably qualified Civil and Hydrological Engineer to the satisfaction of the Shire of Serpentine Jarrahdale and DWER.*
- d. *Upon completing the construction of each dam (whether new or remediation works), a suitably qualified Civil and Hydrological Engineer must certify that the dam has been constructed and/or remediated in accordance with the approved plans and are structurally safe, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. The certification must be submitted to the Shire of Serpentine Jarrahdale and DWER within 28 days after completion of construction and/or remediation of each dam.*



Local Planning policy 4.3: Landscape Protection Policy

The site falls within the Shire's Local Planning Policy 4.3: Landscape Protection Area (LPP4.3). LPP 4.3 seeks to ensure that the landscape values of the scarp are maintained. The objectives of the LPP are as follows:

- *To protect and enhance the landscape characteristics of the Darling Scarp; and*
- *To preserve the visual amenity of the Darling Scarp from the coastal plain*

The LPP requires the decision-maker to consider visual impacts from the coastal plain, major roads, tourist routes and recreation areas.

The site also falls within a Special Control Area (SCA) under draft LPS3. The SCA relates to the Darling Scarp Landscape Protection Area. The objectives of the SCA are as follows:

- preserve the amenity of the scarp;
- protect and enhance landscape scenic and townscape values and to maintain the integrity of landscape along scenic routes.

The site is located in an area which cannot be viewed from major roads, the coastal plain and tourist or recreational areas. The dams however, may be able to be viewed from Scrivener Road, due to the undulating nature of the site. In this regard, it is noted that in the location of the proposed dams the sight slopes away from the road before the elevation increases. The dams have been proposed in this low area (with dams depths ranging between 4.5-8 metres) which is not considered to impact the natural landscape when viewed from the local road. Additionally, the proposed vegetation to reduce erosion and sediment movement will improve any visual impacts (if any) in this regard.

Officers consider the development has utilised the natural contours of the site and as the dams are proposed to be below ground they will not have adverse impacts on the rural landform that is currently afforded within this area.

Options and Implications

Option 1

That Council approves the application subject to appropriate conditions.

Option 2

That Council refuses the application giving reasons for its decision.

Option 1 is recommended.

Conclusion

Officers now consider that the application has demonstrated alignment with LPP 4.4: Dams and Lakes and reflects sustainable water management/allocation based on advice received from the Department of Water and Environment. As such, it is unlikely that based on the amount water proposed to be captured within the proposed dam from the northern watercourse onsite, will impact upon the environment and downstream users.



Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Initial Development Application (IN17/22144)
- **10.1.3 - attachment 2** - DWERs Initial Response (IN17/27177)
- **10.1.3 - attachment 3** – Initial Notice of Determination (Refusal) (OC18/8338)
- **10.1.3 - attachment 4** - Revised Proposal (IN19/20337)
- **10.1.3 - attachment 5** - DWERs Comments (IN20/15824)
- **10.1.3 - attachment 6** - Recent Proposal (IN20/13322)
- **10.1.3 - attachment 7** – Previous Summary of Submissions (IN20/15820)
- **10.1.3 - attachment 8** – Current Summary of Submissions (E20/8925)
- **10.1.3 - attachment 9** – DWER Comments (IN20/16437)
- **10.1.3 - attachment 10** – DPIRD Comments (IN20/16438)
- **10.1.3 - attachment 11** – Technical Assessment (IN20/15819)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not supporting the recommendation and the revised proposal is refused, resulting in a SAT process	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation



Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
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

Moved Cr Coales,

That Council

1. **APPROVES** the development application dated 19 October 2017 as amended by the letter from Planning Solutions dated 1 July 2020 for:

- Retrospective approval for 6 dams;
- 3 new dams (2A, 2B, 2C) designed to capture 7.4ML of water between 15 June-15 October;
- Removal of 2 existing dams (3B, 3C);
- the new establishment of a 16.7 hectare orchard for the purpose of producing truffles; and
- Removal of 1.14 hectares of vegetation

at Lot 822 (206) Firms Road, Serpentine pursuant to the Shire of Serpentine-Jarrahdale Local Planning Scheme No.2 and the Metropolitan Region Scheme, subject to the following conditions:

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

Plans and Specification:

Planning Solutions Revised Application received on 1 July 2020

Galt Geotechnics – drawing J1701059 – 0001B titled ‘Overall plan of proposed northern dam 2 with diversion channel’ dated 09.09.2019

b. Prior to commencement of works for the new dams, the applicant shall submit detailed design drawings (prepared by a suitably qualified Civil and Hydrological Engineer) to the Shire of Serpentine Jarrahdale and Department of Water,



Environment and Regulation (“DWER”) for approval. The detailed design drawings must demonstrate the following design requirements being achieved to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER:

- A minimum of 89% of flow within the gully to be bypassed around dams;
- The design limiting no more than 11% of the winter water flow being captured;
- A low flow bypass to be installed with a minimum threshold capacity of 0.13 ML/day;
- Flow gauging equipment being installed to regulate and report on an annual basis to both the Shire of Serpentine Jarrahdale and the DWER, that the harvest of water by dams only occurs during winter flows from 15 June to 15 October each year and that bypass flow rates are achieved at all times;
- Structural integrity of the dams.

Once approved, development must be undertaken and maintained in accordance with the detailed design drawings, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER.

- c. In respect of the existing dams granted retrospective approval under this determination, a suitably qualified Civil and Hydrological Engineer is to structurally certify these existing dams as being safe and structurally sound, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. Should the Civil and Hydrological Engineer identify any remediation works being required to achieve structural safety and soundness, these works must be undertaken to the specification required by the suitably qualified Civil and Hydrological Engineer to the satisfaction of the Shire of Serpentine Jarrahdale and DWER.
- d. Upon completing the construction of each dam (whether new or remediation works), a suitably qualified Civil and Hydrological Engineer must certify that the dam has been constructed and/or remediated in accordance with the approved plans and are structurally safe, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. The certification must be submitted to the Shire of Serpentine Jarrahdale and DWER within 28 days after completion of construction and/or remediation of each dam.
- e. Prior to the construction of the dams, or remediation of existing dams, a Construction, Sediment and Erosion Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale and DWER. This must demonstrate erosion and sediment control measures that will be undertaken during the construction and remediation phase of the dams, to prevent downstream impacts. The approved Construction, Sediment and Erosion Management Plan must be implemented in its entirety to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER.
- f. The planting of the orchard in the areas adjacent to Dam 1 must be substantially commenced, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER, prior to the commencement of the construction of any dams hereby approved.
- g. The construction of dams 2A, 2B and 2C must be substantially commenced within 2 years of the date of this approval. The planting of that part of the orchard



to be irrigated by dams 2A, 2B and 2C must be substantially commenced within 4 years after the construction of dams 2A, 2B and 2C is completed.

- h. Prior to the construction of the dams, a Nutrient and Irrigation Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale and DWER. The Nutrient and Irrigation Management Plan is to identify the staging of development for the orchard relevant to demonstration of secure water resources to support each stage, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER. Development shall be undertaken in accordance with the Nutrient and Irrigation Management Plan, once approved, and must be implemented at all times.
- i. No sale of any product by retail is to occur from the premises, unless otherwise approved by the Shire of Serpentine Jarrahdale.

Advice note

The applicant is advised that a Bed and Banks permit under the *Rights in Water Irrigation Act 1914* will be required to be approved by the DWER prior to construction of dams, and this will need to include relevant detailed designs consistent with the specifications contained in the conditions.

There being no seconder, the MOTION LAPSED

OCM284/09/20

COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Strautins

That Council

1. APPROVES the development application dated 19 October 2017 as amended by the letter from Planning Solutions dated 1 July 2020 for:
 - Retrospective approval for 6 dams;
 - Removal of 2 existing dams (3B, 3C);
 - the new establishment of an orchard for the purpose of producing truffles, within existing (already cleared) areas of the property

at Lot 822 (206) Firms Road, Serpentine pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No.2 and the Metropolitan Region Scheme, subject to the following conditions:

- a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions and also not including the proposed dams 2A, 2B and 2C and the proposed 1.14 hectares of vegetation clearing which are to be deleted:

Plans and Specification:

Planning Solutions Revised Application received on 1 July 2020

Galt Geotechnics – drawing J1701059 – 0001B titled ‘Overall plan of proposed northern dam 2 with diversion channel’ dated 09.09.2019



- b. Proposed Dams 2A, 2B and 2C and the proposed 1.14 hectares of vegetation clearing being deleted from the plans and documentation, and such plans and documentation to be updated to the satisfaction of the Shire of Serpentine Jarrahdale based upon the revised water storage resulting from the removal of Dams 2A, 2B and 2C from this approval.
- c. In respect of the existing dams granted retrospective approval under this determination, a suitably qualified Civil and Hydrological Engineer is to structurally certify these existing dams as being safe and structurally sound, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. Should the Civil and Hydrological Engineer identify any remediation works being required to achieve structural safety and soundness, these works must be undertaken to the specification required by the suitably qualified Civil and Hydrological Engineer to the satisfaction of the Shire of Serpentine Jarrahdale and DWER.
- d. Upon completing any required remediation works of the existing dams, a suitably qualified Civil and Hydrological Engineer must certify that the existing dams have been remediated in accordance with the approved plans and are structurally safe, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER. The certification must be submitted to the Shire of Serpentine Jarrahdale and DWER within 28 days after completion of the remediation of each existing dam.
- e. Prior to any required remediation of existing dams, a Construction, Sediment and Erosion Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale and DWER. This must demonstrate erosion and sediment control measures that will be undertaken during the remediation phase of the existing dams, to prevent any downstream impacts. The approved Construction, Sediment and Erosion Management Plan must be implemented in its entirety to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER.
- f. The planting of the orchard must be substantially commenced, to the satisfaction of the Shire of Serpentine Jarrahdale and DWER, within 2 years of the date of this approval.
- g. Prior to the planting of the orchard, a Nutrient and Irrigation Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale and DWER. The Nutrient and Irrigation Management Plan is to identify the staging of development for the orchard relevant to the water supply of the existing approved dam and retrospectively approved 6 dams, to the satisfaction of the Shire of Serpentine Jarrahdale and the DWER. Development shall be undertaken in accordance with the Nutrient and Irrigation Management Plan, once approved, and must be implemented at all times.
- h. No sale of any product by retail is to occur from the premises, unless otherwise approved by the Shire of Serpentine Jarrahdale.

CARRIED 7/1

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

*Councillors Atwell, Byas, Denholm, Dagostino, McConkey, Strautins, Strange, voted for the motion
Councillor Coales voted against the motion*



Reason for difference to Officer Recommendation

The retrospective approval of 6 dams, combined with the existing approved dam, is considered to provide sufficient water resource to support the proposed development. Also, further vegetation clearance is considered unnecessary given the need to stage development reflective of water availability which is currently on the land. There is an inadequate level of demonstrable need for any further dams, given the total presence of 7 dams on the land.

Councillor Rich returned to the Chambers at 8.36pm and resumed the Chair as Presiding Member.

Councillor Atwell advised the Shire President, Councillor Rich of the Council Resolution for item 10.1.3.



10.1.4 - Proposed Minor Amendment to Local Planning Policy 1.5: Exempt Development (SJ2541)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of the report is for Council to consider a minor amendment to Local Planning Policy 1.5: Exempt Development (LPP1.5). This minor amendment follows a process of further review of development application processes, and avenues by which low risk applications can be dealt with in the most efficient way possible. The minor amendment seeks to provide additional exemptions for R Code compliant development in the Urban Development zones of the Shire. This is where such development reflects the deemed to comply provisions of the equivalent R Coding that the lot size of the land represents.

The proposed amendment therefore seeks a further mechanism to streamline the planning process and provide the community with additional support for low risk applications being continuing dealt with in an efficient and effective way.

Officers recommend that Council adopt the proposed minor amendment to Local Planning Policy 1.5: Exempt Development, as per **attachment 3**.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 June 2020 - OCM146/06/20

That Council:

- 1. Adopts new LPP4.19 – Outbuildings ,Sheds ,Garden and Sea Containers as contained within attachment 8, in accordance with Provision 4 of the Deemed Provisions;*
- 2. Adopts revised draft LPP4.7 –Placement of Fill as contained within attachment 9, in accordance with Provision of the Deemed Provisions*
- 3. Adopts amended Local Planning Policy 1.5 – Exempt Development as contained within attachment 10, in accordance with Provision 5(2) of the Deemed Provisions;*
- 4. Revokes LPP4.2 – Sea Containers as contained within attachment 5 , in accordance with Provision 6(a)(i) of the Deemed Provisions; and*
- 5. Pursuant to Clause 4(4) of Part 2 of Schedule of the Planning and Development (Local Planning Schemes) Regulations 2015, PUBLISHES a notice of the adoption of the new, revised and revoked Local Planning Policies.*



Background

The *Planning and Development (Local Planning Scheme) Regulations 2015* (Deemed Provisions) provide for a list of developments (land use and works) that do not require development approval. In relation to residential development, the list exempts a range of development types typically within 'Residential' zoned land, subject to compliance with the State Planning Policy 7.3 Volume 1 – Residential Design Codes (R-Codes).

The 'Deemed Provisions' also allow for a Local Government to prepare a local planning policy which provides for further exemptions relevant to the local area. LPP1.5 provides this policy for the Shire.

Currently, among other exemptions, development approval is not required for compliant residential development on land zoned 'Urban Development' designated 'Residential' with an applicable density code under an approved local structure plan.

More recently, in light of State and Federal Government stimulus packages, Officers have reviewed LPP1.5 in order to identify any further low risk efficiencies that could take place in order to streamline the planning process. In this regard, it has been identified that there are areas within the Shire, (Mundijong, old Byford and Cardup) that are predominantly residential in nature, but which currently do not enjoy the same kinds of exemption from development approval compared to areas where an adopted local structure plan exists. This is now proposed to be rectified by a minor amendment to LPP1.5, that will exempt R Code compliant minor development from requiring development approval in these areas.

Community/Stakeholder Consultation

Due to the minor nature of the proposed amendment, Clause 5(2) of the Deemed Provisions allow Council to adopt such without the need for further community consultation. As this proposal will respond to community requests for ongoing streamlining of planning processes, it is seen to be an amendment that is minor in nature and capable for adoption in accordance with clause 5(2) of the deemed provisions.

Statutory Environment

Legislation

- *Section 2.72 (2)(b) of the Local Government Act 1995*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

State Government Policies

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

Local Planning Framework

- *Local Planning Policy 1.5 – Exempted Development Policy;*



Assessment

It is proposed to amend the policy to modify the conditions of exemption for planning approval:

Development type	Conditions
<p>The erection or extension of a single house, external fixture, boundary wall, or fence, pergola, veranda, garage, carport or swimming pools or spas on the same lot as a single house or grouped dwelling within the Urban Development Zone.</p>	<p><i>Where a Structure Plan is in place and designates an R Codes and the proposed development complies with the R-Codes as amended by this policy; OR</i></p> <p><i>Where a District Structure Plan is in place and designates the land as Urban/Residential and the development satisfies the deemed-to-comply requirements of the R-Codes based on the equivalent minimum site area compared to the lot size</i></p>

The proposed amendment does not conflict with orderly and proper planning, and enables developments which are low risk in nature from requiring development approval. The areas which will benefit from the proposed exemption are specifically those parts of already developed a District Structure Plan areas, like Mundijong townsite and old Byford, where minor works may be proposed to existing single houses.

In such areas the built form, lot sizes and streetscape have already been defined. Prospective development in these areas would only likely be incidental in nature, consisting of patios, outbuildings and minor extensions. Even if the area was subject to further structure planning processes in the future, it is highly likely that it will be maintained for residential purposes. Therefore, the exemption of further minor residential development will not prejudice any future planning of the area.

Further, in areas of the Shire where there is no density code applicable, the proposed LPP1.5 amendment will provide the mechanism for Officers to apply a density code when considering an exemption for residential development. The density code will be determined by Officers assessing the minimum site area requirements of the R-Codes against the overall size of the property. This is consistent in the approach established within the R-Codes.



Table 1 Column 3 of the R-Codes as depicted below provides for the required information to compare to a lot size. For example, a 2000sqm lot in Mundijong would be an equivalent R5 coding, requiring setbacks as listed in Column 7.

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Table 1
- General site requirements for all single house(s) and grouped dwellings and multiple dwellings in areas coded less than R40

Tables 2a and 2b
- Boundary setbacks

Table 3
- Maximum building heights

Tables

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Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ◆	4 Minimum lot area/rear battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street ●	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*/6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*/6
R12.5	Multiple dwelling	1000	-	-	60	-	7.5	3	*/6
	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*/6
R15	Multiple dwelling	800	-	-	55	-	7.5	2	*/6
	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	*/6
R17.5	Multiple dwelling	666	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
R20	Multiple dwelling	571	-	-	-	-	6	1.5	*
	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
R25	Multiple dwelling	450	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
R30	Multiple dwelling	350	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
R35	Multiple dwelling	300	-	-	45	-	4	1.5	*
	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
R40	Multiple dwelling	260	-	-	45	-	4	1.5	*
	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Multiple dwelling	220	-	-	40	-	2	1	*
	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Multiple dwelling	180	-	-	40	-	2	1	*
	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Multiple dwelling	150	-	-	30	-	1	1	*
	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*

All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code

Legend

- ◆ subject to variations permitted under clause 5.1.1 C1.4
- ▼ only applies to single houses
- secondary street: includes communal street, private street, right-of-way as street
- indicated not applicable
- * see Tables 2a and 2b and clause 5.1.3
- Av. average site area

The proposed amended LPP1.5 is available to be reviewed within **attachment 2**.

It is considered that revised LPP1.5 will provide for efficiencies within the planning framework and demonstrate to the community the Shire's position in supporting new development within the Shire.

Options and Implications

Option 1

That Council APPROVES modification to Local Planning Policy 1.5: Exempt Development

Option 2

That Council REFUSES modification to Local Planning Policy 1.5: Exempt Development

Option 1 is recommended.



Conclusion

The proposed modification to LPP1.5 seeks to provide additional exemptions for low risk R Code compliant development in the 'Urban Development' zones of the Shire.

Attachments (available under separate cover)

- **10.1.4 – attachment 1** - Existing LPP 1.5: Exempt Development (IN20/17963)
- **10.1.4 – attachment 2** - Proposed Amended LPP 1.5: Exempt Development – Tracked Changes (IN20/17962)
- **10.1.4 - attachment 3** - Proposed Amended LPP 1.5: Exempt Development – For adoption (E20/10228)

Alignment with our Strategic Community Plan

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

Financial Implications

While there may be a small reduction in planning fees, these applications are currently not a high volume or value component of fees received.

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)
A planning framework that is not adaptive to the changing environment	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

OCM285/09/20**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Strange, seconded Cr Dagostino

That Council:

1. **ADOPTS** minor amendment to Local Planning Policy 1.5: Exempt Development as contained within attachment 3 in accordance with Clause (5)(2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. pursuant to Clause 4(4) of Part 2 of Schedule of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PUBLISHES** a notice of adoption of amended Local Planning Policy 1.5: Exempt Developments.

CARRIED UNANIMOUSLY 9/0



10.1.5 - Proposed Child Minding Centre – Lot 51, 116 Warrington Road, Byford (PA20/454)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Burgess Design Group
Owner:	Cameron and Daniel Bateman
Date of Receipt:	22 May 2020
Lot Area:	19,775m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a development application for a proposed Child Minding Centre at Lot 51, 116 Warrington Road, Byford. The application is presented to Council as objections were received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



Background

Existing Development

The subject site is 19,775m² in area and is bound by Warrington Road to the east, which provides the current access point to the site. The current extent of Shepparton Boulevard abuts the site as a temporary cul-de-sac at the south-western corner of the lot. The site has been developed for residential and features a single dwelling located to the north-eastern corner of the lot and incidental development including a shed and water tank. The remainder of the site is undeveloped.

The surrounding land is comprised of large lots intended for residential development.



Proposed Development

The application seeks approval for the construction of a Child Minding Centre, which would be located to the south-western corner of the subject lot adjacent to the recently constructed Byford South East Primary School. The proposed development would occupy 2,262m² of the lot and includes:

- A single storey building comprising five activity rooms, a kitchen, office/staff room, foyer with reception, one cot room, laundry/nappy change area, bathrooms and store rooms;
- A fenced outdoor play area;
- A car parking area with 20 bays;
- Construction of an access road from Shepparton Boulevard to the west; and
- Construction of an emergency access to Warrington Road to the east.



The proposed Child Minding Centre is designed to facilitate a maximum capacity of 100 children and is intended to operate between the hours of 6:30am – 6:00pm Monday to Friday. The proposed Child Minding Centre is expected to employ up to a maximum of 17 staff across the operations in varying shift times.

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

Community / Stakeholder Consultation

The application was advertised to landowners within a 500m radius of the site for a period of 21 days, in accordance with Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy (LPP1.4). During the advertising period a total of four submissions were received objecting to the proposed development. The four submissions were prepared by the same consultant on behalf of four surrounding landowners and the content of each submission is identical. The content of the submission and the Applicants responses can be viewed in **attachment 2** to this report.

The themes of the submissions relate to: land use, traffic and amenity, which have been assessed in detail within the planning assessment section of this report.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 7.3 – Planning in Bushfire Prone Areas

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Draft Local Planning Scheme No.3
- Draft Local Planning Strategy
- Local Planning Policy 1.4 – Public Consultation on Planning Matters Policy
- Local Planning Policy 1.6 – Public Art for Major Developments
- Local Planning Policy 4.11 – Advertising Policy
- Local Planning Policy 4.16 – Landscape and Vegetation Policy



Planning Assessment

Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment was carried out against the applicable matters relevant to this proposal and can be viewed within the Technical Assessment contained within **attachment 3**. For the purpose of this report, discussion is confined to the objections resulting in the item being presented to Council and where Council is required to exercise discretion.

Land Use:

The proposed development is considered to fall within the 'Child Minding Centre' land use category under Town Planning Scheme No.2 (TPS2), which is defined as:

'Child Minding Centre – means land and buildings used for the daily or occasional care of children in accordance with the *Child Welfare (Care Centres) Regulations, 1968 (as amended)* but does not include a family care centre as defined by those Regulations, or an institutional home.'

The proposed development is intended to provide for the daily and occasional care of children and is not undertaken within a dwelling, excluding the proposal from being a family care centre.

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 guides land use permissibility and development by designating the land in accordance with corresponding zonings under the TPS2.

The land falls within the 'Residential' designation of the Doley Road Precinct Local Structure Plan (LSP). Within the 'Residential' zone, a 'Child Minding Centre' would be an 'SA' use, meaning it would be capable of approval subject to advertising of the application and consideration of any submissions received.

During the advertising period, an objection received raised concern in relation to the appropriateness of the proposed land use on the grounds of inconsistency with Planning Bulletin 72/2009 – Child Care Centres. Notwithstanding this, Officers have undertaken assessment and as explained in the report consider the proposed development meets the intent of the bulletin, which aims to ensure child care centres are located appropriately in relation to their surrounding service area. By locating adjacent to an existing Primary School, the development provides a complimentary use that can capitalise on existing traffic generation.

The objection also raises concerns about oversupply of similar land uses and the potential land use conflict between the development and surrounding future residential lots if it were to be used for an alternative commercial land use. Officers note that competition is not a relevant planning consideration, having regard for those matters to be considered in assessing an application under clause 67 of the Deemed Provision. Furthermore, any future land use change would be subject to the land use permissibility for the 'Residential' designation under the LSP, commercial uses within the 'Residential' zone would generally require development approval and the associated impacts would be assessed at that stage.

Officers consider the proposed land use to be acceptable and capable of approval.



Under Draft Local Planning Scheme No.3 (LPS3) the proposed land use category is considered to be 'Child Care Premises', which is defined as:

'Child Care Premises – means a premises where –

- (a) An education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family care centre service as defined in that section, is provided; or
- (b) A child care service as defined in the Child Care Services Act 2007 section 4 is provided.'

This land use category is essentially the same as a 'Child Minding Centre' under TPS2, intended to be applied to development providing daily or occasional care for children.

The subject site is zoned 'Urban Development' under LPS3. A 'Child Care Premises' is an 'A' use within the 'Urban Development' zone under LPS3, meaning it is capable of approval subject to advertising of the application and consideration of any submissions received. As such, approval of the proposed development would not be inconsistent with LPS3.

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. 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.

Development Contributions (DCA1):

This development falls within the development contribution area DCA1 (Area A) and as such is required to contribution towards the cost of common infrastructure under the Byford Traditional Development Contribution Plan.

Under a Development Application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot "yield" for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will applied as a development condition on the Building Permit.

The current lot area is 19,775.76 square metres, which gives a total lot yield of 43.95 lots (the area squared divided by 450m² (the average R20 zoned dwelling size). Under the current DCP5 the contribution value will be circa \$516,375. (Should Amendment 208 (DCP6) be in force by the time the contribution becomes due, the contribution costs will be circa \$702,640).

It is noted that, were this development to be progressed as a subdivision, which sought to cede the land identified on part of the lot as Public Open Space (POS), the landowner would be entitled to DCP credits for the POS land and the contribution area would reduce by the same POS land area.

Under a subdivision under the current DCP5, the contribution value would reduce to circa \$387,370 and the value of DCP credits earned from ceding the land would be circa \$240,874;

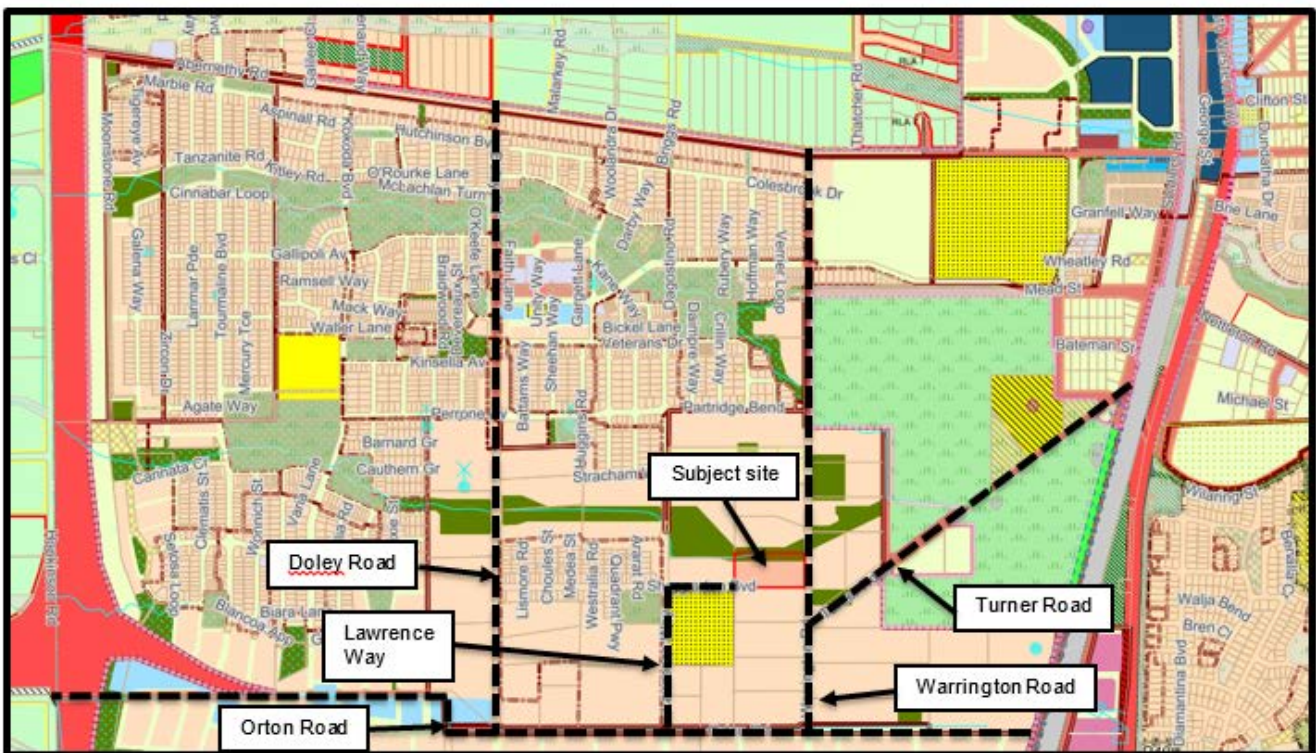


leaving a contribution balance payable of circa \$240,874. Under DCP6 the contribution value would be circa \$527,100 and the credits earned from ceding land would be unchanged at circa \$240,874, leaving a contribution balance payable of circa \$286,227.

Traffic:

The application was submitted with an accompanying Traffic Impact Statement (TIS), prepared by KCTT. The TIS indicates the development would generate approximately 430 trips per day, comprising 80 trips over the AM peak and 70 trips over the PM peak. The conclusions of the TIS indicate the proposed development would result in a medium impact under current conditions, dropping to a low impact upon completion of the road network linkages and upgrades anticipated under the LSP.

An objection received during the advertising period has raised concerns with traffic generation from the development and impact on surrounding roads, notably: Warrington Road, Lawrence Way, Orton Road and Turner Road, which are currently local distributor roads. These roads are only likely to be utilised by traffic coming from the east or south. The majority of residential development within the area is located to the north and west of the subject site, resulting in a low likelihood of these roads being used to access the subject site, primarily where access to the site is only available from Shepparton Boulevard at the western side of the lot.



Local Road Network Plan

As the surrounding area continues to develop the connectivity of the local road network and associated upgrades will occur concurrently. Officers are satisfied that the traffic impacts of the proposed development are not unreasonable and will not impact upon the functionality of the local road network in the short or long term.



Car parking provision

Under TPS2, the provision of onsite car parking is required at the rate of 1 space per 5 children accommodated. On a technical assessment basis, the application proposes 20 bays which meets this requirement. Concerns however are raised in respect of:

1. The lack of staff car parking;
2. The design of the car park layout and its inability to support an effective flow/filter through of traffic.

Based upon the National Quality Framework for regulating early learning and school age care, the following educator to child ratios are prescribed:

Age of children	Educator to child ratio	Applies
Birth to 24 months	1:4	All states and territories
Over 24 months and less than 36 months	1:5	All states and territories excluding VIC
	1:4	VIC
36 months up to and including preschool age	1:11	ACT, NT, QLD, SA, VIC
	1:10	NSW
	1:10 2:25 for children attending a preschool program	TAS
	1:10	WA
Over preschool age	1:15	NT, QLD, SA, TAS, VIC, NSW
	1:11	ACT
	1:13 (or 1:10 if kindergarten children are in attendance)	WA

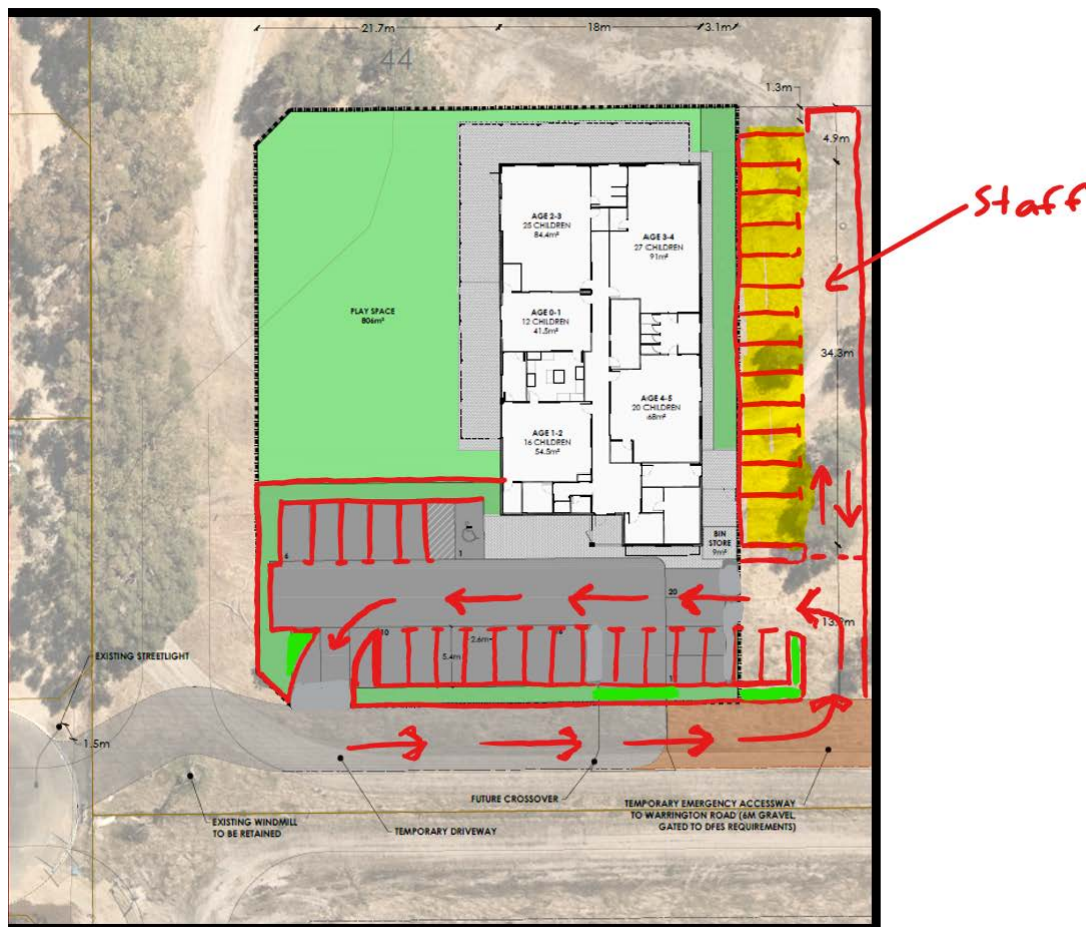


Depending on the enrolment numbers for 100 children, there could be a staffing requirement varying between 25 staff down (maximum) to 8 staff (minimum). This would also vary as age changes of clientele. In order to reasonably address this issue in a manner that does not cause car parking conflict which exceeds the available parking on site, officers consider that amended plans are required to provide a separate staff parking area that provides a reasonable level of staff parking. This will help to avoid peak drop off and pick up times and peak staff arrival / departure times conflicting with respect of car movement.

Considering the remote location of the land, and the absence of public transport nearby, it is likely that staff will be reliant on private motor vehicle to access working at the centre. Considering the potential range of educator ratios, a staff car park of 15 bays is necessary.

In terms of the car park for clients, the lack of a safe flow through design may impact the important flow of traffic safely in and out at peak times, especially noting the nearby primary school. In order to address this, amended plans are also recommended to address an improved car park design. The likelihood of working parents using their private vehicle to drop off and pick up, means a high priority for a well designed car park.

While a condition is imposed to require the applicant to prepare and submit amended plans, the following demonstrates one option that could be used to address the design issue:



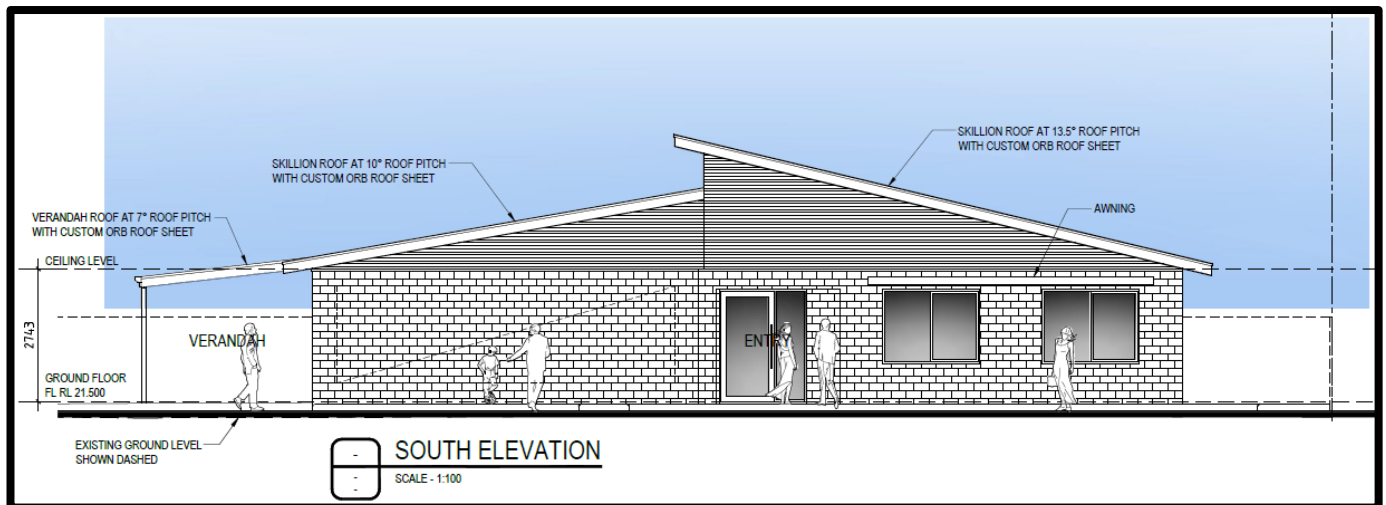


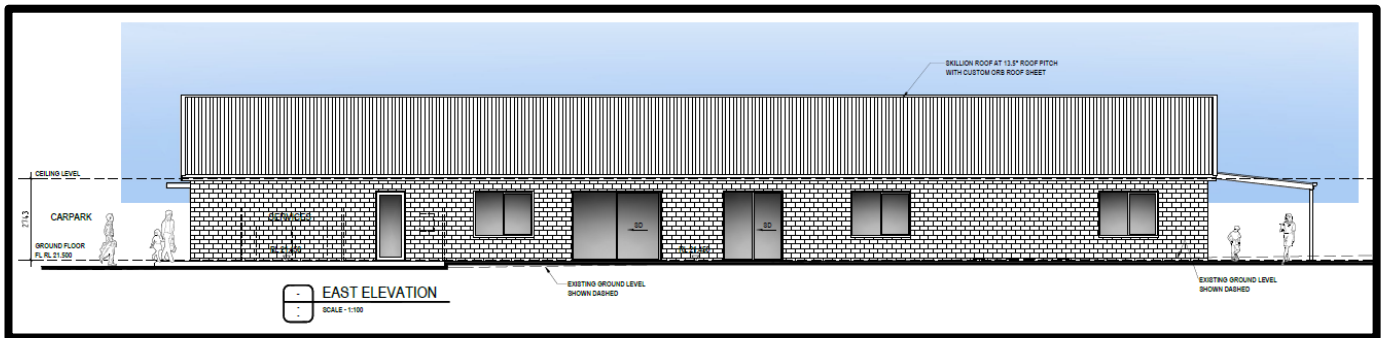
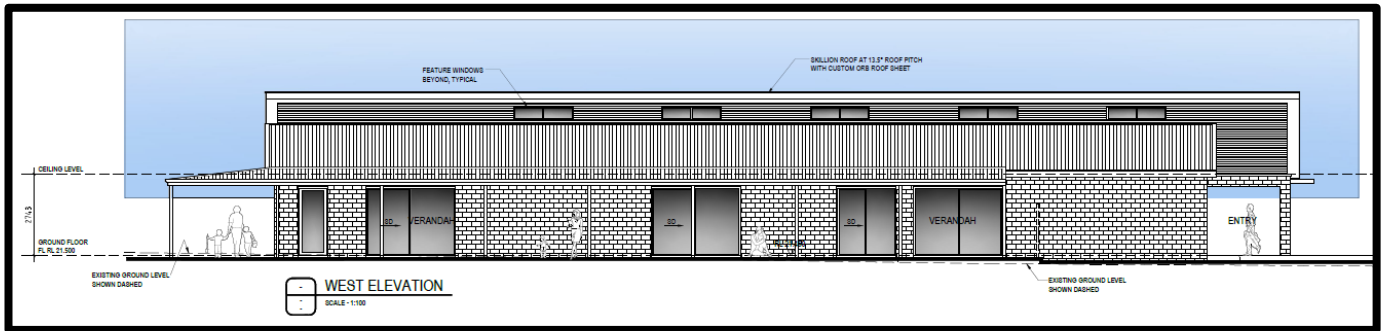
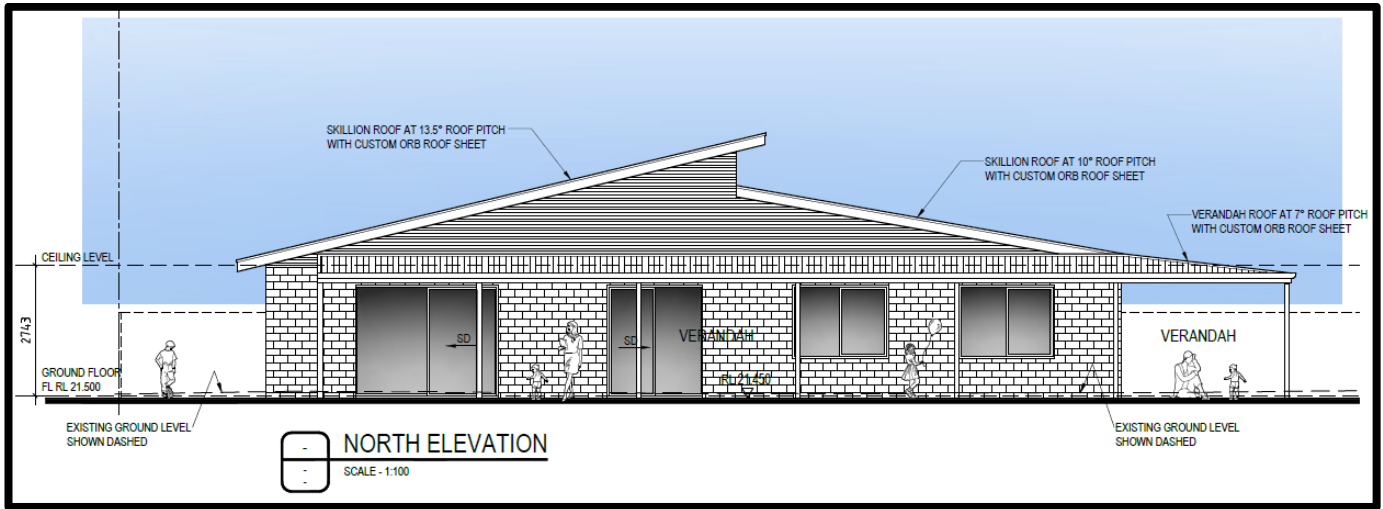
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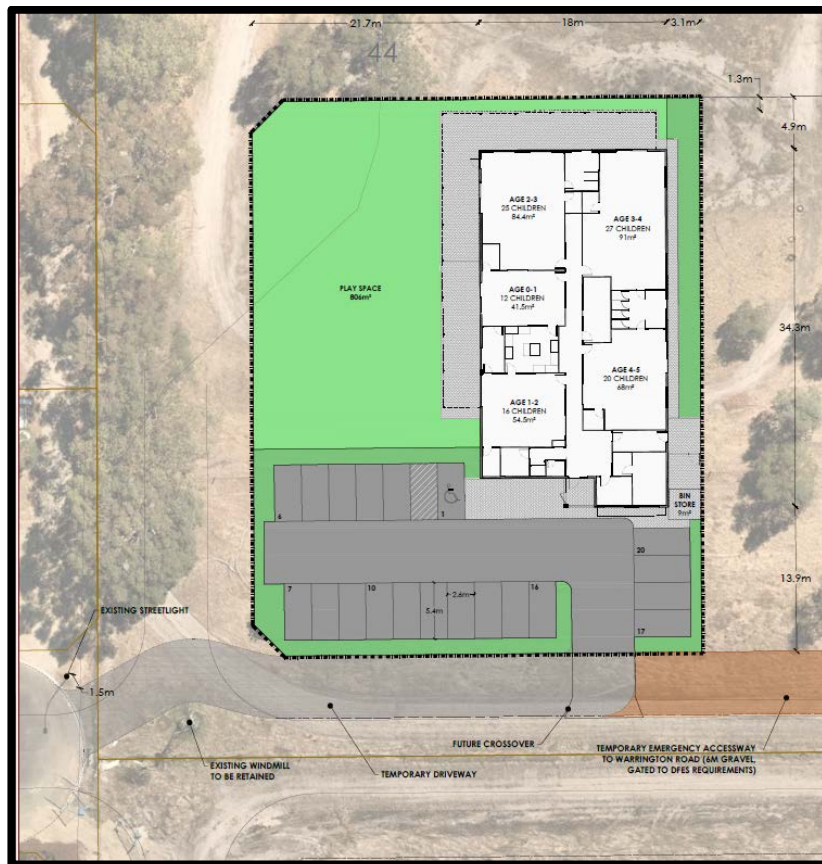
A Child Minding Centre is considered to be a noise generating development, primarily in relation to early operations and noise generated from plant and equipment and outdoor play areas. An objection received during the advertising period raised concerns in relation to the amenity impacts of the development in relation to noise, as well as traffic and visual impact.

In terms of the visual impacts of the development, the proposed building covers an area of 548m² and the design incorporates habitable elements intended to reflect residential development. The design elements incorporated include: a verandah and awning, pitched roof and windows addressing the street and future residential development to the east. The proposal has orientated the outdoor play area away from nearest future residential lots to the east and also includes 313m² of landscaping around the building and car parking area to mitigate the visual impacts of the development. A condition has been recommended requiring a Landscape Management Plan to ensure appropriate landscaping is provided.

Part VII of TPS2 provides general development standards. Clause 7.1 of TPS2, relating to the general appearance of buildings and preservation of amenity, requires consideration of architectural style, colour, use of materials and the general appearance of buildings to ensure the exterior design is not out of harmony with existing buildings or likely to impact the amenity of the locality. Officers consider the design, while thoughtful, is to a lower standard than future residential development in the locality, as shown in the elevations below:







In order to address the concerns of achieving a more visually interesting edge to the building, especially from the southern and western perspectives, Officers have recommended the following condition:

Plans submitted for a building permit are to demonstrate the elevations of the building being modified, to the satisfaction of the Shire of Serpentine Jarrahdale, to reflect the following changes:

- *The external colour and material scheme being modified to reduce the reliance on face brick through the addition of new stone and timber materials that help ground the development through mimicking the natural tones and subtleties of the surrounding landscape;*
- *The specific addition of vertical articulation treatments on the southern and western building faces which utilise natural timbers and stone work to blend with the character of the rural landscape and contrast against the face brick.*

Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the submission of a Building Permit application.

Apart from the external edges of the building recommended to be modified by the above condition, the scale and setbacks of the building are otherwise consistent with expected future residential development and Table ii - Site Requirements of TPS2, which requires a minimum front and rear setback of 7.5m and a 3m side setback. Officers have noted that the rear setback would not meet the requirements under TPS2 if the lot were to be subdivided in accordance with the indicative lot layout displayed on the application plans. However, the site requirements are anticipated to change under LPS3, which would require setbacks be in accordance with the



relevant R Coding. To this end, the setback requirement would be reduced to 1.5m, which the development would comply with.

Officers have also noted that no signage has been proposed. Signage is an expected feature of this type of development. To ensure any future signage does not result in a detrimental visual impact to the locality a condition has been recommended, requiring a signage strategy be provided prior to occupation.

The application was submitted with an accompanying Acoustic Assessment, prepared by Lloyd George Acoustics. The Acoustic Assessment notes that compliance will be achieved in the short term, prior to the surrounding area being subdivided for residential development, whereby recommendations have been made that would ensure the development remains compliant. These recommendations include construction of solid fencing around the outdoor play areas and AC plant and exhaust fans and restrictions to the use of certain parking bays before 7am. Officers have recommended a condition of approval to ensure the recommendation of the Acoustic Assessment are implemented.

In relation to the objections' concerns about the impact of traffic on the amenity of the area, traffic is generally considered as an isolated impact separate to considerations of amenity. As detailed earlier in this report, Officers consider the traffic generation of the proposed development to be acceptable.

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 proposed Child Minding Centre is considered to align with the current planning framework and would be capable of approval. Notwithstanding the objections, the proposed development is considered to be appropriate within the context in which its proposed. Officers support the proposed development and recommend Council approve the application.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** – Development Application (E20/7736)
- **10.1.5 - attachment 2** – Summary of Submissions (E20/9474)
- **10.1.5 - attachment 3** – Technical Assessment (E20/8308)



Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

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

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM286/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Denholm

1 That Council APPROVES the development application for the construction of a 'Child Minding Centre' as contained within attachment 1 at Lot 51, 116 Warrington Road, 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	<p>Development Plans received at the Shire Offices on 22 May 2020;</p> <p>Traffic Impact Statement prepared by KCTT, dated 4 May 2020;</p> <p>Acoustic Assessment prepared by Lloyd George Acoustics, dated 29 May 2020; and</p> <p>Bushfire Management Plan prepared by Integrated Consulting, dated 21 May 2020.</p>
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b. The maximum number of children on the premises at any one time shall not exceed 100.

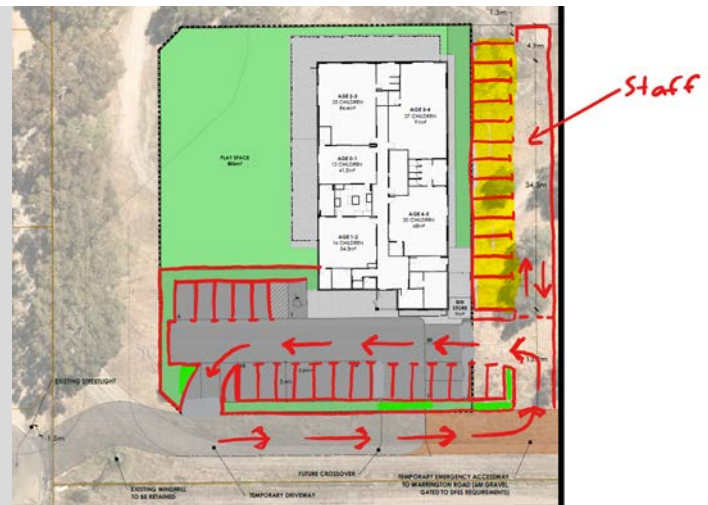
c. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pick up time of no later than 6:30pm Monday to Friday, unless otherwise approved by the Shire of Serpentine Jarrahdale.

d. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:

i. In terms of elevations, the external colour and material scheme being modified to reduce the reliance on face brick through the addition of new stone and timber materials that help ground the development through mimicking the natural tones of the surrounding landscape;

ii. In terms of elevations, the specific addition of vertical articulation treatments on the southern and western building faces which utilise natural timbers and stone work to blend with the character of the rural landscape and contrast against the face brick;

iii. In terms of site plan and layout, the customer drop off and pick up car parking area being modified to provide a one way traffic flow, and a separate staff car parking area comprising 15 bays, as depicted generally in red as follow:



Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the submission of a Building Permit application.

- e. The application for building permit shall demonstrate the development incorporating all design and operational recommendations as specified within the Acoustic Assessment prepared by Lloyd George Acoustics (dated 29 May 2020), to the satisfaction of the Shire of Serpentine Jarrahdale.
- f. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
- h. Prior to occupation of the development, a Landscaping Management Plan, showing all areas of retained vegetation and proposed additional planting, shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Management Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
- i. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- j. 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.
- k. 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.
- l. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 2 (Local Government)



Continued

**Ordinary Council Meeting Minutes
Monday, 21 September 2020**

m. 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.

CARRIED UNANIMOUSLY 9/0

**10.1.6 - Liquid Waste Advisory Group Outcomes and Consideration of Next Steps (SJ3157)**

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

Authority / Discretion

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

The purpose of this report is to update Council on the outcomes of the recent Liquid Waste Advisory Group workshops, undertaken by officers in accordance with Council's resolution on this matter. The report documents the process undertaken, and the recommendation for using the input and information gained through the workshops to shape feedback on the State Government Draft Guideline for Better Practice Composting, currently being advertised. This is a separate item on the agenda for this meeting.

The workshops have provided a collaborative forum to share knowledge from a diverse stakeholder audience, and has assisted particularly in the consideration of issues relevant to the Shire's context.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 May 2019 – OCM0100/05/19 - COUNCIL RESOLUTION / Officer Recommendation

That Council

- 1. SUPPORTS the Chief Executive Officer's report to establish a Chief Executive Officer Advisory Group – Liquid Waste.*
- 2. LISTS for consideration during 2019/20 budget deliberations an amount of \$20,000 to support the preparation of a report with recommendations around policy, legislative change and standards and specifications in relation to the use and management of liquid waste within the Shire of Serpentine Jarrahdale.*



Background

Proposed developments using 'liquid waste', which are commonly composting related, raise community interest and concern, particularly for the Shire of Serpentine Jarrahdale in respect of our context of groundwater and rainwater as an environmental, economic and community resource.

Whereas State Government health advice states that groundwater extracted via bores should not be used for drinking, bathing, swimming pools, food preparation or cooking etc, there is a large utilisation of bores across the rural areas of the Shire and broader Perth region. This utilisation is difficult to define in respect of health advice, and irrespective of this even the commonplace utilisation of bores for rural activities like irrigation and stock watering, creates the opportunity of human contact either directly or indirectly.

In areas which rely entirely on a combination of rainwater and groundwater for water resources, there is a heightened level of risk management that must be taken into respect of any land use that seeks to utilise liquid wastes in processes undertaken. That is, the reliance on groundwater resources is one which is not able to be negotiated for many of our residents, who are remote from the potable water system provided by the Water Corporation, and strategically undertake rural based activities which require bore water use. This places an emphasis on the regulation of land use and development proposals, which may seek to utilise, or which have the capacity to generate, liquid wastes.

Council resolved to establish an Advisory Group, with the aim to provide a forum in which to assist with the strategic approach taken to liquid waste considerations. This included in respect of building knowledge pertaining to control mechanisms, engineering solutions, legislation, Whole of Government approval processes and planning mechanisms. Protection of the environment is an important matter in this regard.

Community / Stakeholder Consultation

In accordance with the report to Council in May 2019, the Advisory Group was formed by way of inviting participation. This report discussed forming a multidisciplinary group, including the SJ Ratepayers Association, Industry Representatives, Peel Harvey Coastal Catchment, WALGA, Department of Health, DWER and such other participants deemed necessary.

Invitations resulted in voluntary participation from both community members and stakeholders, including Local Government, State Government, WALGA, PHCC and the SJRA.

The formation of the Advisory Group was followed by:

- Preparation of a briefing paper for participants and terms of reference;
- Workshops taking place;
- Capturing outputs related to key elements for consideration.



Report

The Advisory Group workshops aimed to provide interdisciplinary input to assist Officers and participants in building collective knowledge in respect of the regulation of land use and development proposals utilising or generating liquid wastes. In this regard, the workshops have explored a range of design and process criteria, which could usefully be considered as feedback to State Government Guidelines which pertain to industry processes commonly involved with liquid waste utilisation. That being composting related industries.

While the Shire is faced with statutory responsibilities of performing a merits based assessment on planning proposals, what has particularly proved useful in recent times has been a closer working relationship with both the applicant and State Government agency early in the development application process. Often the absence of Guidelines, which are the remit of State Government agency Department of Water Environment and Regulation to prepare, has created a lack of understanding and certainty as to what a proposal should consider in its design and layout.

Particularly in respect of more detailed or complex proposals, having an effective Guideline in place is seen to be a key step in providing early advice to applicants.

As part of the workshop process, a number of elements were discussed in order to build a foundation of sector awareness pertaining to liquid waste. This in turn provides the opportunity to respond to State Government Guidelines that are currently being advertised specific to composting operations. The key criteria that are particularly relevant for the Shire, are addressed following:

1. Should any proposal utilising liquid waste be enclosed with housing and containment?

Guidance

- While difficult to prescribe whether enclosing and containment is or is not appropriate, there is a general acceptance that any proposal that is unenclosed has only a single level of control (being distance and separation);
 - For that reason, multiple levels of defence are considered a more robust option which can be created through enclosing and containment;
 - Dependent on the circumstances, setback, volumes, risk, climatic conditions, separation distances also;
 - Applicants should consider circumstances as early as possible in the design process;
 - Enclosure and containment are considered to provide the most robust approach through control of dust (cover), control of drainage (hard stand), control of odour (filtration and scrubbing).
2. Should proposals considering the utilisation of liquid waste be based upon hardstand construction and associated redundancy measures to reduce groundwater risk;

Guidance

- Strong recommendation that an impermeable hardstand with multiple redundancies be pursued;
- There is no value in compacted limestone, given its incapacity to prevent permeability through;



- In recommending an approach to impermeable hardstand, primary questions that should be asked include what level of risk vs longevity is acceptable? What level of risk vs level of deterioration is acceptable? What level of risk vs redundancy is acceptable?
- Secondary considerations include level of robustness vs risk associated with vehicle movement and interaction with the hardstand;
- Also important to include a geotechnical analysis and material interaction analysis to underpin why a certain design specification should be prescribed based on the context of the site in question, and the likely waste constituents to be used (e.g. to consider where a chemical interaction could affect integrity of a hard stand structure).

3. What level of odour management should occur, and how should this be determined?

Guidance

- Odour modelling and the complexities drive need for expert consultant engagement by applicant early in the design process;
- Odour issue is also linked to the question of whether enclosing / containment is proposed;
- All measures to minimize odour in the first place should be demonstrated and taken;
- Also, current (and potential future) separation distances should escalate up the risk-based consideration of odour.

4. What level of monitoring regime should be considered?

Guidance

- General remit that results of monitoring are collected, reported and shared in an easy to understand, open and transparent way;
- Where there is a works approval in place and environment licence, this should include a community-based process by which monitoring is captured and explained, and also how community complaints about operational issues can be captured and formally investigated;
- All stakeholders should ensure clarity as to what happens if a monitoring regime demonstrates exceedances. This should provide confidence of a process by which an exceedance is responded to, based upon the risk rating of that exceedance.

5. What are avenues to consider in respect of protecting the surrounding environment (sizing of stormwater basins, evaporation ponds, etc)?

Guidance

- It is important to consider what will be received in these basins – is it direct runoff (unenclosed) or simply stormwater;
- What is the contextual proximity to drains and water ways, is there the opportunity to be sufficiently separated from such water features;
- The treatment train approach should be based upon diversion of water away from sensitive areas, and closed loop to maximise re-use in the system and process.



6. What level of design explanation should be demonstrated by a proposal to help provide the community the best opportunity to providing input to the planning process?

Guidance

Overriding issue is that if a system isn't fit for purpose, it will result in damage to the human or natural environment;

- Hydraulics of volumes being informed by nature of the site and ensuring this informs the way in which highly enriched nutrients are managed;
- Bring back people and stakeholders after decision on proposal to help explain the decision, and the role of community going forward.

This is considered to form a useful basis for current and any future State Government Guidelines that relate to proposals for liquid waste, such as composting etc.

Statutory Environment

Legislation

- *Planning and Development Act 2005;*
- *Environmental Protection Act 1986;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*

State Government Policies

- Metropolitan Region Scheme

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
- Rural Strategy Review 2013;
- Draft Local Planning Scheme No. 3;
- Draft Local Planning Strategy

Options and Implications

Option 1

That Council:

1. ENDORSES the outcome as reported in this item of the Liquid Waste Advisory Group;
2. USES these outcomes to engage with the State Government on Draft Guidelines related to proposals involving liquid waste;



3. COMMUNICATES these outcomes to the members of the Advisory Group and formally acknowledges their time and contribution to the process. NOTES the outcome of the Liquid Waste Advisory Group, and that these outcomes will assist the Shire in engaging with the State Government on Draft Guidelines related to proposals involving liquid waste.

Option 2

That Council DOES NOT ENDORSE the outcome as reported in this item.

Option 1 is recommended.

Conclusion

This report updates Council on the outcomes of the recent Liquid Waste Advisory Group workshops, undertaken by officers in accordance with Council's resolution on this matter. The report recommends that the outcomes be used to assist the Shire in engaging with the State Government on Draft Guidelines related to proposals involving liquid waste.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

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

Financial Implications

While Council's original resolution foreshadowed a potential budget to assist officers in the process of the Liquid Waste Advisory Group, there was no requirement to draw on this budget. Internal skills and expertise, coupled with the voluntary participation of community and stakeholder members, has enabled this process to occur without any cost to the Shire.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not noting the outcomes, and not using these outcomes to inform future response to State Government Guidelines relevant to liquid waste.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Consequence				
		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

OCM287/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Atwell

That Council:

- 1. ENDORSES the outcome as reported in this item of the Liquid Waste Advisory Group;**
- 2. USES these outcomes to engage with the State Government on Draft Guidelines related to proposals involving liquid waste;**
- 3. COMMUNICATES these outcomes to the members of the Advisory Group and formally acknowledges and thanks members for their time and contribution to the process.**

CARRIED UNANIMOUSLY 9/0



10.1.7 - Submission on the Department of Water and Environmental Regulation Draft Guideline: *Better practice composting* (SJ580)

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

Authority / Discretion

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 presents for Council's consideration a draft submission on the *Draft Guideline - Better practice composting* currently being advertised for public comment by the Department of Water and Environmental Regulation (DWER). The Draft Guideline applies to compost manufacturing and soil blending premises on which organic material or waste is stored pending processing, mixing, drying or composting to produce commercial quantities (1,000 tonnes or more per year) of compost or blended soils.

As a district that is proximate to a range of customer markets which seek composting materials as process inputs, the Shire will likely see proposals for new operations, or expansion to existing operations, being made. Our unique environmental context places particular importance on the effective assessment and regulation of proposals (if approved), and accordingly Council is presented with a submission to be made on the Draft Guideline.

The submission provides Council and the Shire an opportunity to shape and improve industry practice, based on the extensive experience the Shire has had with such operations, in relation to the environmental performance objectives and minimum standards for the construction and operation of composting facilities. Officers have provided a recommended feedback, taking in to account also the outcomes of the recent Liquid Waste Advisory Group.

Relevant Previous Decisions of Council

There are no relevant previous decisions of Council relating to this Draft Guideline.



Background

The Department of Water and Environmental Regulation has recently published for consultation a draft industry specific guideline for prescribed premises regulated under Part V of the *Environmental Protection Act 1986*. The Guideline will apply to all existing composting facilities and new applications for a works approval or licence under Part V of the EP Act. The development and publication of guidelines for the construction and operation of compost facilities is an outstanding government commitment following the Parliamentary Inquiry into Bio-Organics, former composting facility at Lot 36 Abernethy Road, Oakford.

The proposed response to the Draft Guideline is built upon consideration of environmental, social and public health experiences within the Shire, as a result of historic and current composting activities. Implementation of a new regulatory standard for composting has implications for existing and future composting premises operating within the Shire.

Community / Stakeholder Consultation

The Guideline was developed by the Department in collaboration with the Western Australian Organics Recycling Association (AORA WA). Members of AORA WA formed a working group with the department. As part of implementation of the Guideline, the department have advised to work with the new and existing compost facilities to meet the regulatory standards set out in the Guideline. It is noted that consideration will be given to the composting sector's recovery from the impacts of COVID-19. The implementation timeframe for existing premises will take into consideration the input provided in the consultation process for the Guideline.

The Shire currently supports one premises holding a Category 67A licence regulated by the Department. As part of the preparation of this draft submission, Officers have engaged the licensed composting premises to expand technical knowledge, seek an operator perspective all with the aim of providing the most effective submission for Council to consider making.

The DWER seeks public feedback and consultation with key stakeholders for the period to 25 November 2020 (6 months).

Statutory Environment

The Draft Guideline applies to all existing composting facilities and new applications for a works approval or licences issued by the Department, under Part V Division 3 of the *Environmental Protection Act 1986*. Licensed composting premises are regulated by the Department and the Shire provides an assistance role to investigate premises when required.

The Draft Guideline sets out the DWER's information requirements for the composting industry and how regulation under Part V of the EP Act will achieve the objectives of the *Waste Avoidance and Resource Recovery Strategy 2020* (Waste Strategy 2030).



Comment

There is opportunity for principles to shape how Draft Guidelines aimed at industry regulation improvement should be shaped. These have also been formed by Officers recent experience in the Liquid Waste Advisory Group, which is separately reported in this agenda.

The overriding principle for this submission is that built upon additional 'layers of defence' for those high risk activities associated with composting manufacturing and soil blending. Layering redundancies and safeguards in processes, has been a continuing feature for process improvement, and for the Shire there is arguably a significant level of risk that needs to be management. This risk includes a range of groundwater dependent environmental, social and economic landscapes across our district.

While it is considered unreasonable and unachievable to prescribe a solution that guarantees operational success, the principle of multiple layer of defence speaks to a pursuit for robust risk based operations that a built upon safeguarding of the landscape contexts which are critical for our community.

Officer comments have been arranged in alignment with the headings of the Draft Guideline, and are presented as proposed for Council's consideration following:

Dust (including bioaerosols) (section 9)

Officer comment - Dust (including bioaerosols) generating activities should be positioned in a part of the premises where their impact to sensitive receptors is minimised. Site specific topography and meteorological conditions should be considered during initial screening assessment, such as wind and temperature inversions. This is important within the Shire where premises are subject to prevailing easterly katabatic winds generated by the movement of air down the scarp. Standard 'worse case conditions' are not suffice in such circumstances.

Environmental siting (section 10)

Officer comment - The appropriate siting of composting premises is integral to minimising potential adverse impacts to environmental health. Specifically, the guidelines recommend that composting facilities are sited away from sensitive receptors and specified ecosystems, in accordance with the Department *Guideline for Odour Emissions*. However the guideline does not provide advice to proponents to consider the importance of preserving character and values associated with rural landscapes in urban hinterlands. The guideline does not consider community perceptions of composting facilities and implications for proposals. It is recommended that this section of the guideline gives reference to unique Local Government siting requirements and impacts to visual amenity.

In addition, clear advice is required within the Guideline to establish appropriate separation distances for premises receiving different types of waste. The guideline references the Department *Guideline: Odour emissions* as the standard for siting composting facilities in relation to sensitive receptors. While the Department's *Guideline: Odour emissions* includes screening distances for various types of composting manufacturing and soil blending premises, the odour guideline does not differentiate between feedstocks, such as higher risk composting inputs of animal manures, food/putrescible food waste, bio-solids and liquid waste. Composting inputs must be considered to determine separation distances. Importantly, it is noted that the odour guideline provides conflicting recommendations for separation distances to the *EPA*



Separation Distances between Industrial Land Uses, a document that is given primary consideration in the Shire's assessment of planning proposals.

In reference to the siting requirements listed in Table 4 of the Guideline, groundwater clearance requirements should be determined using seasonal perched groundwater, as preference to the regional groundwater level referenced in the Guideline. With the Shire's location on the Swan coastal palus plain, perched aquifers have a significant effect on the movement of water, which can result in rapid translocation of emissions to regional drainage infrastructure and sensitive ecosystems.

Land and water (section 12)

Officer comment - It is critical that hardstand surfaces are of adequate construction and will remain adequate for the duration of use, considering sustained damage over time. While the guideline does provide construction standards for different types of hardstand surfaces, it is necessary for additional minimum design standards to be listed for the use of concrete or asphalt and geosynthetic clay surfaces. In addition, it is recommended that the Guideline stipulates monitoring requirements for all hardstand surfaces.

It is recommended that the Guideline adopts a strong position that impermeable surfaces are required in all areas at risk of waste seepage and/or infiltration, additional to areas of the premise where compost manufacture and soil blending are undertaken. This will assist to ensure that entire development areas operates within a closed loop production cycle.

The Guideline requires uncontaminated stormwater to be separated from leachate. To this end, the Guideline should further state that uncontaminated stormwater should be captured as fit-for-purpose use on-site, to promote reuse and sustainability principles.

It is also recommended that the Guideline states that facilities should be located on gently sloping land with grades between 1 in 50 and 1 in 200. Rocky and steep slopes should be avoided. Guideline to give reference to Water Quality Protection Note No. 90, Organic material – storage and recycling, in this regard.

Noise (section 14)

Officer comment - Noise generating activities should be positioned in a part of the premises where their impact to sensitive receptors is minimised. Site specific topography and meteorological conditions should be considered during screening assessment, such as wind and temperature inversions. This is important within the Shire where premises are subject to prevailing easterly katabatic winds generated by the movement of air down the scarp. Standard 'worse case conditions' are not suffice in such circumstances.

Odour (section 15)

Officer comment - Odour generating activities such as turning windrows releases ammonia and methane which can be carried further than the EPA guidance distances with the Shire's strong prevailing easterly winds. Site specific topography and meteorological conditions should be considered during screening assessment, such as wind and temperature inversions. This is important within the Shire where premises are subject to prevailing easterly katabatic winds generated by the movement of air down the scarp. Standard 'worse case conditions' are not suffice in such circumstances.



Management measures for odour control to be strengthened to include on-going regular monitoring measures. It is recommended that monitoring results, consistent with air emissions monitoring in the Guideline, is reported to the Department at least annually. Reports are to include an interpretive summary and assessment of data including comparisons to emissions standards and limits and comparison to previous results and identification of any trends.

Vectors (section 16)

Officer comment - To minimise risk of fly breeding at premises in active composting pads, working surfaces such as wind rows must be regularly turned. This is especially relevant in the Shire where premises treat local and imported poultry manure, given the location of the Shire within the declared area of the *Biosecurity and Agricultural Management (Stable Fly) Management Plan 2019* and operational poultry meat premises.

Record keeping and reporting (section 19)

Officer comment - A stronger, more robust complaints management system is required for record keeping and reporting, to assist in resolving issues and complaints about a premises once operational. Effective complaints process management must include consideration of access of complaints, record keeping accountability, remedies and review measures. It is not considered unreasonable that Guideline makes explicit commitment from the Department to regulate unresolved complaints, including revocation of the licence as a last resort, to ensure that the Regulator is present during the continuity of the premise operations.

Glossary feedback

- The main definition for anaerobic digestion requires to revision to clearly capture processes such as pasteurisation that yields composting or soil amendments. Specific attention to be given to the last sentence of the definition “*Also, pasteurized, yielding composting or soil amendments*”, which appears unfinished.
- The definition for sensitive receptors/sensitive land uses should be expanded to include sensitive ecosystem receptors. The definition should also refer to the natural sensitive receptors, where health and biodiversity must be protected.
- The definition for watercourse should be obtained from current legislation, with the definition expanded to capture drains. Drains within the Shire are a major conduits towards sensitive receptors. The definition for watercourses should also include text to provide for appropriate buffers from premises to watercourses, with reference to these watercourses on the DWER mapping systems.
- The definition of wetlands revised to capture the buffer associated with wetlands and exclude reference to watercourses.



Final comments

The introduction of FOGO through Local Government Authority waste stream channels creates the need for facilities to accept and process this waste type. While the Guideline makes brief reference to FOGO as a waste stream that 'may be relevant' to composting, further detail within the Guideline is required to ensure composting premises accepting FOGO have guidance to address key issues, such as contamination and processing requirements. In order to prepare for the impacts from FOGO on the composting industry, Officers recommend that the Guideline contains additional measures to regulate effective transfer and management of high-risk FOGO waste, including on-going monitoring requirements and provision for self-regulation.

Options and Implications

Option 1

That Council ENDORSES this Officer report as the basis of the Shire's submission to the Department of Water and Environmental Regulation Draft Guideline on Better Practice Composting.

Option 2

That Council does NOT ENDORSE this Officer report as the basis of a submission.

Option 1 is recommended.

Conclusion

Activities associated with composting are sensitive to any community, given the high risk nature and emissions associated with composting manufacture and soil blending. Giving careful consideration to the Shire's experience with such operations, providing a submission on the draft DWER *Guideline: Better Practice Composting* is an important opportunity to shape and improve industry practice.

Attachments (available under separate cover)

- **10.1.7 – attachment 1** - Draft Guideline: *Better practice composting*. Department of Water and Environmental Regulation (E20/9878)

Alignment with our Strategic Community Plan

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



Financial Implications

There are no financial implications for the Council in respect to this report.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not make a submission and the Draft Guideline does not benefit from the Shire's technical advice on the document	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		Consequence				
		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



Continued

**Ordinary Council Meeting Minutes
Monday, 21 September 2020**

OCM288/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Dagostino

That Council ENDORSES this Officer report as the basis of the Shire's submission to the Department of Water and Environmental Regulation Draft Guideline on Better Practice Composting.

CARRIED UNANIMOUSLY 9/0



10.1.8 - Proposed Subdivision – Lot 2 Abernethy Road, Byford (PA20/631)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (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:	Element
Owner:	Coles Group Property Developments Ltd
Date of Receipt:	22 July 2020
Lot Area:	19.3ha
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 and make a recommendation to the Western Australian Planning Commission (WAPC) on the proposed subdivision of Lot 2 Abernethy Road, Byford.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 17 August 2020 – OCM252/08/20 – COUNCIL RESOLUTION/Alternate Officer Recommendation:</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. NOTES Coles' position that it is not prepared to enter into a draft Heads of Agreement at this time;</i> <i>2. AGREES IN-PRINCIPLE to accepting the public open space (community purpose site) in an unimproved form, to provide the maximum flexibility in undertaking the future master planning and community engagement process, to determine the final layout, configuration and delivery of the various uses for the community purpose site;</i> <i>3. NOTES that the current subdivision application (WAPC Reference No. 159458) will be presented to the September meeting of Council for consideration;</i> <i>4. NOTES Coles' conditional offer to submit a further follower subdivision to create the public open space (community purpose site) from the further subdivision of Proposed Lot 9001;</i>



5. *SUPPORTS IN-PRINCIPLE the conditions specified in Coles' offer as follows:*

- a. Meet all costs associated with the preparation, lodgement and progression to 'WAPC conditional approval of the further follower subdivision application;*
- b. Meet all costs associated with the creation and transfer of the community purpose site, including subdivision works (if any) and all necessary fees and costs.*

This report deals with item 3 of the Council resolution.

Background

At the Ordinary Council Meeting held on 17 August 2020, an item was presented to Council for the consideration of heads of agreement for cost contribution arrangements for Lot 2 Abernethy Road, Byford'. This was associated with an arrangement for the landowner to provide 7,000sqm public open space for a community purpose site. This matter is proceeding positively in accordance with Council's resolution.

As a part of the resolution, Council resolved that the currently proposed subdivision application for Lot 2 Abernethy Road, Byford be presented at the September 2020 Council meeting.

Element have submitted a proposed subdivision application to the WAPC for Lot 2 Abernethy Road, Byford (WAPC reference 159548), the subject site. The WAPC referred the proposed subdivision application to the Shire for comment on 22 July 2020.

Community / Stakeholder Consultation

Not applicable.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policies
- Liveable Neighbourhoods

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3
- Draft Byford District Structure Plan
- Byford Town Centre Local Structure Plan
- Community Infrastructure Development Contribution Plan

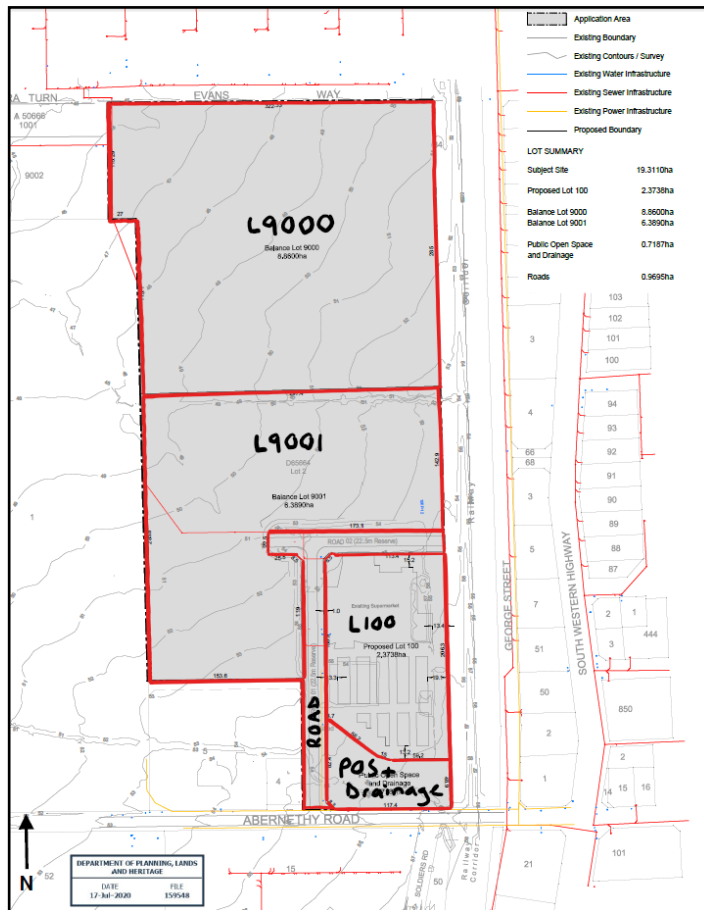


Planning Assessment

Proposed Subdivision

The proposed subdivision application seeks to subdivide the subject site to create the following lots:

Lot 100 (2.3738ha)	Existing supermarket lot
Road reserve (0.9695ha)	Existing roads
POS and drainage reserve (0.7187ha)	Existing multiple use corridor
Lot 9000 (8.86ha)	Balance title
Lot 9001 (6.389ha)	Balance title





Planning Framework

Lot 2 Abernethy Road, Byford is zoned as Urban Development under Town Planning Scheme No. 2 (TPS2) and the Draft Local Planning Scheme No.3 (LPS3). The subject site is located within the Byford District Structure Plan (DSP) and Byford Town Centre Local Structure Plan (LSP) areas. The Shire is currently advertising a new Draft Byford DSP that identifies the subject site as 'District Centre' and 'Multiple Use Corridor/Local Open Space'. The proposed subdivision is generally consistent with the Draft Byford DSP and the Byford Town Centre LSP as amended at the August Council meeting. The proposed subdivision reflects the development that has already occurred at the site, with the remainder of the site identified as balance titles.

The proposed subdivision does not include the creation of the public open space (community purposes) site at this stage, identified by the Community Infrastructure Development Contribution Plan (CIDCP). The subdivision of the 7,000sqm community purposes site will be subject to a separate subdivision application relating to balance lot 9001. This further subdivision application has been recently submitted.

Recommended Conditions

Officers recommend that the WAPC apply conditions to the proposed subdivision. Conditions relating to development contributions for traditional and community infrastructure are recommended to be applied to the subdivision in accordance with the provisions of TPS2 and Scheme Amendment 207 to TPS2 for the CIDCP. The proposed subdivision contains public open space and as such, conditions are recommended for the proposed reserve to be vested in the Crown under Section 152 of the *Planning and Development Act 2005* and for the proposed public open space to be developed and maintained. It is noted that the development of the public open space has already occurred, and the imposition of conditions will formalise a process of practical completion checking, vesting to the Crown, defects liability period and ultimate management by the Shire following this.

Conditions are also recommended for road construction, coordination and shared paths, noting these works have also already been completed. Similar to the public open space issue, conditions will deal with formalising a process of practical completion checking, vesting to the Crown, defects liability period and ultimate management by the Shire following this.

A Bushfire Management Plan is not required for this application as this will be provided at future subdivision stages.

Options and Implications

Option1

That Council RECOMMEND the WAPC approve the proposed subdivision application subject to conditions.

Option 2

That Council recommend the WAPC refuse the proposed subdivision application.

Option 1 is recommended.



Conclusion

The proposed subdivision application seeks to subdivide the subject site into the existing supermarket site, roads and multiple use corridor and two balance titles. The proposed subdivision is consistent with the existing planning framework for the area. Officers recommend that Council support the proposed subdivision application subject to conditions.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** – Proposed Subdivision Plan (IN20/18594)

Alignment with our Strategic Community Plan

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

Financial Implications

There 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 does not support the officer recommendation	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

OCM289/09/20**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Coales, seconded Cr Strautins

That Council

1. Recommend the Western Australian Planning Commission (WAPC) APPROVES the proposed subdivision of Lot 2 Abernethy Road, Byford (WAPC Reference Number 159548) subject to the following conditions:

Administration Conditions

Model Condition Number:	AD5
<i>Arrangements being made with the Shire of Serpentine Jarrahdale to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through amendment 207 (when gazetted) to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. (Local Government).</i>	
<i>Justification: Seriously entertained Amendment 207 (Community Infrastructure Development Contribution Plan). This condition will require a suitable notification under section 70A of the Transfer of Land Act 1893, to make the owners of Lots 9000 and 9001 aware of Amendment 207, and that further subdivision of these lots for residential purposes will trigger the requirement for cost contribution arrangements.</i>	
Model Condition Number:	AD6
<i>The landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale's Town Planning Scheme No. TPS2. (Local Government)</i>	
<i>Justification: Gazetted Byford Traditional Infrastructure Development Contribution Plan.</i>	



Drainage and Site Works Conditions

Model Condition Number: D8

Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government)

Justification: Drain – easements under s.167 PDA.

Reserve Conditions

Model Condition Number: R2

The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve for recreation and drainage and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

Justification: Reserves for named public purpose(s).

Non-Standard Condition:

Arrangements being made for the developed public open space and multiple use corridor to be maintained for two summers, at the standard of the approved landscape plan for the previous development approval of Lot 100, to the specifications of the local government. This two summer period will begin following vesting of the reserve in accordance with Condition R2. (Local Government).

Justification: The public open space was developed in accordance with the development, and maintenance of public open space to a minimum standard for two summers is now appropriate.

Transport, Roads and Access Conditions

Non-Standard Condition:

As constructed engineering drawings and specifications for all the completed civil works (including but not limited to roads, pathways, street lighting, drainage, on-street car parking, utilities) to be packaged together and provided to the Local Government for asset management purposes.

Justification: To ensure a completed package of as constructed drawings and specifications are provided for ongoing asset management purposes.

Non-Standard Condition:

Arrangements being made for the completed civil works (including but not limited to roads, pathways, street lighting, drainage, on-street car parking, utilities) to be maintained for the standard 12 month defects period, to the specifications of the local government. This period will begin following vesting of the road reserves.



Justification: The road reserves have been developed in accordance with the development approval, and maintenance for the standard 12 month defects period is now appropriate.

Non-Standard Condition:

The constructed roads being vested as public road reserve to the Crown.

Justification: The road reserves are built and need to be vested as public roads.

Non-Standard Condition:

Arrangements being made for the completed civil works (including but not limited to roads, pathways, street lighting, drainage, on-street car parking, utilities, POS) to be inspected against approved construction drawing to the satisfaction of the Local Government.

Justification: The civil works already completed require inspection against as approved plans.

2. PROVIDES the recommendation on the proposed subdivision of Lot 2 Abernethy Road, Byford to the Western Australian Planning Commission.

CARRIED UNANIMOUSLY 9/0



Councillor Atwell declared a Financial Interest in item 10.1.9 and left the Chambers at 8.39pm prior to this item being discussed.

10.1.9 - Adoption of updated West Mundijong Industrial Development Contribution Plan (DCP2) (SJ2147)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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 West Mundijong Industrial Development Contribution Plan Report No. 2, in accordance with the updated Notice of Delegation. This represents the annual update for the West Mundijong Industrial Development Contribution Plan, as per the requirements of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Relevant Previous Decisions of Council

Final Approval of Town Planning Scheme Amendment No. 187 (SJ1533) adopted by Council 19 December 2016, which introduced the Development Contribution Area for West Mundijong:

<p>OCM225/12/16 <i>COUNCIL DECISION / Officer Recommendation:</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Consider the submissions received and adopt the recommendations regarding each of these, as including in the schedule of submissions as contained in attachment OCM225.2/12/16.</i> 2. <i>Support Amendment No.187 to the Shire of Serpentine Jarrahdale Local Planning Scheme No.2 with the following modifications:</i> <ol style="list-style-type: none"> a. <i>Correct reference that Conservation Category Wetlands (CCW's) and their buffers will become zoned as Public Open space;</i> b. <i>Remove all reference to the Serpentine Main Trunk providing water supply to the subject land; and</i> c. <i>Depict the Wastewater Pump Station buffer within the District Structure Plan.</i> d. <i>Amend reference to appendix 7 to appendix 13 within provision three (3) of the Scheme</i>

*Amendment resolution.*

3. *Amend the proposed DA 6 TPS2 provisions as follows:*
- a. *Reworded to state that “land use, development, and if necessary, subdivision are to be guided by local structure plan(s) prepared and approved pursuant to Schedule 2 Part 4 of the LPS Regulations.”*
 - b. *Each local Structure Plan will require the preparation of a Local Water Management Strategy and appropriate level Bushfire Risk Management Planning;*
 - c. *Each Local Water Management Strategy will be required to address the following matters:*
 - i. *Hydrological assessment to demonstrate no adverse impact on Threatened Ecological Communities and Conservation Category Wetlands within and surrounding the subject land;*
 - ii. *Consideration of Commonwealth referrals for Threatened Ecological Communities within as well as adjoining the subject land; and*
 - iii. *The inclusion of Surveys for habitat of Black Cockatoo.*
 - d. *Wording to state that Wastewater Pump Station is planned in this locality and that as a result, odour buffers will apply to sensitive land uses.*

Background

The amendment to include the West Mundijong Industrial Development Contribution Plan (DCP) within Town Planning Scheme No. 2 (TPS2) was initiated in 2015. In August 2018, Amendment 187 was gazetted. The gazettal of Amendment 187, which inserted the West Mundijong Industrial DCP into TPS2 as part of Appendix 10, mandated the DCP. It also established the area known as DCA 2 over which the DCP operates.

Following the gazettal of the DCP, the associated DCP1 for West Mundijong Industrial came into effect on 15 January 2018. 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.

Appendix 10 of TPS2 under the heading of “Review Process” states 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.”

Throughout 2019-2020 the Shire has undertaken a full reconciliation of the West Mundijong 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 DCP2 are based, provides an accurate reflection of the outstanding costs of infrastructure and land. Items in DCP2 are accurate and up to date as at August 2020 **(attachment 1)**.

Once this annual update is approved and adopted by Council, DCP2 will be in place until it is superseded by the gazettal of Amendment 209 to the Town Planning Scheme (and accompanying DCP3), or until the next annual 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 states that “...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 Mundijong Industry Reference Group (BIRG), comprising all major landowners, will be consulted as part of its regular agenda.”

This revision number 2 seeks only to update those items listed above and therefore is not required to be advertised prior to adoption. Officers recommend that the DCP2 be published on the Shire website in order to provide the required notification to subdividing landowners and will continue regular discussions with all stakeholders.

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 West Mundijong Industrial Development Contribution Plan Report 2 as contained in attachment 1 and supports publication of the DCP2 on the Shire website.

Option 2

That Council does not APPROVE the West Mundijong Industrial Development Contribution Plan Report 2.

Option 1 is recommended.



Conclusion

The West Mundijong Industrial Development Contribution Plan Report No.2 has been updated to reflect the necessary changes to account for the cost infrastructure adjustments. If approved, DCP2 will succeed DCP1 as the operative DCP for Development Contribution Area 2 (DCA2)

Attachments (available under separate cover)

- **10.1.9 - attachment 1** – Draft DCP2 as revised August 2020 (OC20/15817)

Alignment with our Strategic Community Plan

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

Financial Implications

The modifications to DCP1 will marginally decrease the contributions payable per metre squared from DCP1 from \$12.17 to \$11.16. This value is based on the remaining infrastructure costs as identified in Amendment 187. The land cost per metre squared has reduced from \$30 per square metre to \$24 per square metre, as determined by an independent valuation for the current DCP year.

Amendment 209 is currently being advertised, and includes provisions for additional infrastructure and associated contribution amounts. The provisions in Amendment 209 are not included in this revision number 2.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
DCP2 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

OCM290/09/20**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Dagostino, seconded Cr Strange

That Council **APPROVES** the West Mundijong Industrial Development Contribution Plan Report 2 in accordance with attachment 1 for adoption and is published on the Shire website.

CARRIED UNANIMOUSLY 8/0

Councillor Atwell returned to the Chambers at 8.40pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.9.

**10.2 Infrastructure Services reports****10.2.1 – Minutes of the Rivers Regional Council meeting - 20 August 2020 (SJ581)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council meeting held on 20 August 2020.

Relevant Previous Decisions of Council

Nil.

Background

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale is a member of the Rivers Regional Council.

The RRC provides waste services on behalf of member local governments.

Community / Stakeholder Consultation

Nil.

Statutory Environment

From a legislative perspective, the RRC is a distinct local government entity. With the exception of the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government.



Comment

On 20 August 2020, an Ordinary Council Meeting of the RRC was held. The unconfirmed minutes of the meeting are available at **attachment 1**. The meeting dealt with the following matters:

- Payments for the period 1 June 2020 to 31 July 2020
- Financial Report for the period 30 June 2020
- Financial Report for the Period 1 July to 31 July 2020
- CEO Report

The CEO's Report (contained within **attachment 2**) dealt with three items:

- Kwinana Waste to Energy Project
- A list of meetings attended by the Rivers CEO
- An update of the transition to a regional subsidiary.

The matter of the transition to a regional subsidiary is addressed as a separate report in this Agenda.

While Council is under no obligation to consider the minutes of the meeting, the unconfirmed minutes are presented for Council's information. Council's decision on this matter does not confer endorsement or otherwise of the minutes. The confirmation of minutes will be a matter for the members of the RCC at their next meeting.

The next Ordinary Council Meeting of the RCC will be held on Thursday, 15 October 2020 either electronically or at the Shire of Serpentine Jarrahdale.

Options and Implications

Option1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council meeting held on 20 August 2020.

Option 2

That Council does NOT NOTE the unconfirmed minutes of the Rivers Regional Council meeting held on 20 August 2020.

Option 1 is recommended.

Conclusion

As a member of the RCC, the unconfirmed minutes of the RCC Ordinary Council Meeting held on 20 August 2020 are attached for Council's information.



Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Rivers Regional Council Ordinary Council Meeting unconfirmed Minutes 20 August 2020 (IN20/19006)
- **10.2.1 - attachment 2** – Rivers Regional Council Ordinary Council Meeting Agenda 20 August 2020 including CEO Report (IN20/19008)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Nil.

Voting Requirements: Simple Majority

OCM291/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council NOTES the minutes of the Rivers Regional Council Ordinary Council Meeting held on 20 August 2020.

CARRIED UNANIMOUSLY 9/0



10.2.2 – Rivers Regional Council proposed transition to Rivers Regional Subsidiary (SJ581)	
Responsible Officer:	Manager Governance
Senior Officer:	Director Infrastructure Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider the proposal by the Rivers Regional Council (RRC) to transfer to the Rivers Regional Subsidiary (RRS) following amendments to the proposed Charter of the Rivers Regional Subsidiary.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 March 2020 – OCM054/03/20 – COUNCIL RESOLUTION

That Council:

1. *NOTES the Rivers Regional Council resolution passed at the May 2019 Ordinary Council Meeting to seek approval from participating Councils to windup the Rivers Regional Council and transition to a Regional Subsidiary as soon as all approvals can be obtained.*
2. *NOTES the correspondence from the Department of Local Government, Sport and Cultural Industries as contained in attachment 6.*
3. *DOES NOT APPROVE the windup of the Rivers Regional Council and transition to a Regional Subsidiary at this time.*
4. *REQUESTS that the Chief Executive Officer write to the Rivers Regional Council Chief Executive Officer and Chief Executive Officers of member local governments:*
 - a) *explaining Council's rationale for deferring a decision regarding the future of Rivers Regional Council until at least one year after the commencement of operations at the Kwinana Waste to Energy facility to allow:*
 - i. *lessons associated with the commissioning and initial operations of the KWTE to be incorporated into considerations of the future of the Rivers Regional Council;*
 - ii. *consideration and approval of member local government Waste Management Strategies by the Department of Water and Environmental Regulation which should inform options; and*
 - iii. *implications associated with Food Organics and Garden Organics approach to be understood and incorporated into considerations of RRC's future.*



- b) advocating that the Rivers Regional Council be retained for a period of least one year after the commencement of operations at the Kwinana Waste to Energy facility and be reconsidered by Rivers Regional Council at this time.*
- c) advocating that Rivers Regional Council members consider means to achieve cost savings associated with the Rivers Regional Council including total Councillor remuneration, number of Councillors and number of meetings held per annum.*
- 5. REQUESTS that the Shire President write to the Minister for Local Government advising of the concerns and reasons behind the Shire of Serpentine Jarrahdale not agreeing to the transition to a Regional Subsidiary at this time**

Background

The RRC is a formal regional Council body corporate, established under section 3.61 of the *Local Government Act 1995* (the Act) by the member Councils for the purpose of developing a domestic waste disposal solution. As an outcome of the collective development of a waste disposal solution, the RRC and member Councils (including the Shire of Serpentine Jarrahdale) entered into the contracts, through a public tender process, with Kwinana Waste to Energy (KWtE), for the development of a waste to energy facility.

The future structure of the Rivers entity has been under consideration for some time. In May 2019, a Discussion Paper titled 'Future Structure Responsibilities and Operations Transition to Rivers Regional Subsidiary' was published by the RRC Chief Executive Officer as part of the Agenda for the May 2019 RRC Ordinary Council Meeting.

The discussion paper described the concept of transitioning the RRC to a Regional Subsidiary that, if established, would be known as the Rivers Regional Subsidiary (RRS). This transition would represent a significant shift in the governance framework of the 'Rivers' entity and be the first occasion where the powers to establish a Regional Subsidiary had been used in Western Australia.

In March 2020, Council resolved not to approve the windup of the RRC at this time and requested that the Chief Executive Officer write to the RRC and member local governments explaining Council's rationale.

Community / Stakeholder Consultation

Per Council's resolution, Officers wrote to the RRC and member local governments explaining Council's rationale and the Shire President wrote to the Minister for Local Government (see **attachment 1**). The Minister's reply is contained in **attachment 2**.

Since March 2020, Officers have also continued to engage with the RRC CEO to identify revisions to the Charter to address governance concerns highlighted in the March 2020 Officer's report.



Statutory Environment

Regional councils

RRC is a Regional Local Government established under section 3.61 of the Act. As a Regional Local Government, RRC is its own legal entity formed through an agreement of member local governments. Under section 3.63 of the Act, a regional local government is to be wound up at the direction of the Minister or in accordance with the establishment agreement.

Regional Subsidiaries

The powers to create regional subsidiaries were enacted in changes to the Act in 2016. Section 3.69 of the Act provides that the Minister can approve an application from two or more local governments to form a regional subsidiary.

Legislation prescribes the steps required to establish a regional subsidiary. These include:

- preparation of a Charter that addresses:
 - the establishment and powers and duties of the regional subsidiary
 - the process for selecting and appointing members of the regional subsidiary's governing body
 - the qualifications that members of the regional subsidiary's governing body must have
 - the administration of the regional subsidiary, including the membership and procedures of its governing body
 - the fees, allowances and expenses to be paid or reimbursed to the members of its governing body
 - the financial management, planning, auditing and reporting to be undertaken by the regional subsidiary; the process for amending the Charter
 - the winding up of the regional subsidiary
 - matters specified in Regulation 9 of the *Local Government (Regional Subsidiaries) Regulations 2017* related to matters including, but not limited to, employment, procedures to request information, procedures for the participants to receive information and give directions to the subsidiary, and financial management provisions.
- the preparation of a Business Plan that includes and overall assessment of the formation of the subsidiary and is to include details of
 - its expected effect on the provision of facilities and services by the participants
 - its expected effect on other persons providing facilities and services in the participants' districts; o its expected financial effect on the participants
 - its expected effect on matters referred to in each participant's Integrated Planning and Reporting documents
 - the service that is proposed to be provided, or the activity that is proposed to be carried on, by the regional subsidiary



- why the regional subsidiary is proposed to be formed to provide that service or carry on that activity.
- the public advertising of the Business Plan for a period not less than six weeks for public comment.
- the agreement of all participants to form the subsidiary.

While regional subsidiaries are required to comply with specified requirements of the Act and associated regulations, regional subsidiaries are **not** a local government. Regional subsidiaries are overseen by a governing body. Under section 3.69 (4) of the Act, the members of the governing body may include members who are not council members or employees. The method of selecting members are required to be specified in the Charter. Importantly, for the Minister to establish a Regional Subsidiary, each member local government must meet the requirements listed above.

Comment

The Officer's Report presented at the 16 March 2020 OCM identified concerns regarding the proposed governance arrangements of the RRS that were identified by the Department of Local Government, Sport and Cultural Industries and Shire Officers.

In the intervening period, Officers have engaged with the RRC CEO to advocate for revisions to the Charter to strengthen governance. These discussions have been positive and resulted in the preparation of a revised Charter that now provides greater clarity in important governance elements such as financial management, procurement, CEO performance measure, audit and conduct.

The revised Charter in 'mark-up' is shown as **attachment 3** and a clean copy is in **attachment 4**. The revised Charter features the changes as shown in the table below:

Section	Comment
<p>4.2 Non-Derogation and Direction by Participants</p> <p>Insert clause d) A project that is not a requirement of the RRC Waste Agreements or subscriptions to industry bodies shall not be commenced within 12 months of establishment of the Subsidiary unless unanimously agreed.</p>	<p>The addition of this clause provides an opportunity for the operations of the RRS to be bedded down before any activities outside of the RRC Waste Agreements or subscriptions to industry bodies are contemplated, other than those with the unanimous agreement of the parties.</p>
<p>4.3 Provision of information to participations</p> <p>Insertion of underlined text in the following clause</p> <p>The Subsidiary must, at the written request of a <u>person authorised by the CEO</u> of a participant, furnish to the participant information or records in the possession or control of the Subsidiary as the participant may require in such manner and form as the</p>	<p>The insertion of the text 'person authorised by the CEO' of the participant ensures that information requested by participants, including the CEO about the RRS's activities is available.</p>



Section	Comment
participant may require.	
<p>4.4 Role of Elected Members</p> <p>Addition of the following</p> <p>Elected Members via their Participating Councils</p> <p>(a) Adopt and approve amendments to this Charter</p> <p>(b) Endorse the initial Business Plan;</p> <p>(c) Approve the payment of fees and reimbursements to Board members;</p> <p>(d) Provide direction under clause 4.2; and</p> <p>(e) Nominate the Board representative.</p>	The newly added clause 4.4 leaves no doubt as to the role of elected members, including their role in nominating the board representative.
<p>5.2 Contributions by Participants</p> <p>Insertion of the underlined text</p> <p><u>A project agreement covering expectations and cost-sharing obligations shall be agreed where a project is not a requirement of the RRC Waste Agreements or subscriptions to industry associations, The agreement shall indemnify a participant that has chosen not to participate ensuring there is no obligation to contribute to costs, a Budget Deficiency, a Deficit or an Anticipated Exceptional Deficit caused by that project.</u></p>	The insertion of this text ensures that if the participant's board representative does not choose to participate in a project ancillary to the RRC Waste Agreements or subscriptions to industry associations that the participating local government does not have to financially contribute to that project.
<p>8.6 Meetings of the board</p> <p>Addition of clause q) Meeting agendas and minutes shall be made available on a website accessible to the public</p>	This clause ensures that agendas and minutes shall be available to the public online.
<p>8.12 Fees and Allowances</p> <p>The Board shall determine annually the Fees, annual allowances or reimbursements, if any, for expenses payable to Board Members shall be subject the approval of the majority of Participants.</p>	This will ensure that any fees and allowances for Board Members must be approved by the majority of Councils rather than by the board members themselves.
<p>9.7 Employees of the subsidiary</p> <p>Addition of clause 9.7</p> <p>The Board in association with the CEO shall agree key performance indicators and undertake a review of the performance of the CEO at least once in relation to each year of</p>	The addition of this clause ensures that assessment of the CEO's performance will be conducted in accordance with key performance indicators.



Section	Comment
the person's employment.	
<p>10.1 Financial management</p> <p>Addition of clause 10.1 (f)</p> <p>The Board must establish and maintain a purchasing policy in relation to contracts for other persons to supply goods and services.</p>	<p>The addition of this clause ensures that the entity must have procurement policies.</p>
<p>10.6 Audit</p> <p>Addition of text related to clause 10.6 in underline</p> <p><u>The Board shall determine that the audit functions required under section 3.70A of the Act may be undertaken by:-</u></p> <p>(a) a committee, which may include Finance Manager or Governance representatives from the participants or <u>independent parties</u>; and/or</p> <p><u>(b) an external audit arrangement where the size and scale of the operations warrants.</u></p>	<p>The insertion of the text provides greater clarity and strengthens the governance associated with audit of the entity.</p>
<p>10.7 Code of Conduct</p> <p>Addition of clause 10.7</p> <p>In establishing a code of conduct for the subsidiary as required by clause 3(p), the Board shall take into consideration the guidelines and legislation relevant to Local Government and the participants code of conduct policies.</p> <p>General principles to guide the behaviour include that a person in his or her capacity as a Board or Committee member, or employee:-</p> <p>(a) act with reasonable care and diligence; and</p> <p>(b) act with honesty and integrity; and</p> <p>(c) act lawfully; and</p> <p>(d) avoid damage to the reputation of the subsidiary; and</p> <p>(e) be open and accountable to the public and participants; and</p> <p>(f) base decisions on relevant and factually correct information; and</p> <p>(g) treat others with respect and fairness; and</p> <p>(h) not be impaired by mind affecting</p>	<p>The addition of the clause establishes the principles of a code of conduct to guide good decision-making of the entity.</p>



Section	Comment
substances	

Officers suggest that the revisions to the Charter driven by the Shire have resulted in a more robust and stronger entity from a governance perspective. It is the Officer's view that the changes made largely address the concerns raised in the related report to the March 2020 Ordinary Council Meeting.

Legislation provides the steps that a local government must follow before the Minister can agree to the establishment of a regional subsidiary. Regulation 4 of the *Local Government (Regional Subsidiaries) Regulation 2017* requires all the participants to consult with the community through the advertising of the Business Plan (as per **attachment 5**) via public notice. Per Council's March 2020 resolution, the Shire has not advertised the Business Plan because Council did not support the formation of a regional subsidiary at the time.

Should Council resolve to in principal support the transition from a Regional Council to a Regional Subsidiary?

Council is being asked in this paper to consider giving in principle support to the transition of management of the Rivers Waste arrangements from a Regional Council to a Regional Subsidiary.

If Council resolved to proceed, the formal decision whether the Shire resolves to windup the RRC and establish the RSS in its stead would occur following advertising of the Business Plan and Charter and approval by the Minister of the RSS's establishment. Unconditional approval of the 'winding up' of the RRC is considered premature because there is no guarantee that the RRS will be approved by the Minister.

Council's in principle support for the transition would be a significant step towards dissolving the RRC and establishing the RRS.

The pertinent question is thus 'Should Council resolve to in principal support the transition from a Regional Council to a Regional Subsidiary?' At the March 2020 Ordinary Council Meeting, the Officer's report recommended against the transition citing concerns pertaining to the details of governance arrangements contained in the Charter. As identified elsewhere in this report, the RCC has made significant changes to the proposed Charter to meet these concerns.

The possible benefits of the Regional Subsidiary model to the Shire are:

- greater administrative efficiency.
- potential savings of up to \$200,000 per annum across member local governments through reduction in member fees, employee costs and reduced compliance and governance associated with the RRS. If these savings are achieved, this translates into an approximate cost saving of \$12,000 for the Shire per annum.
- greater peer to peer dialogue and co-operation at an administrative level between member local governments.
- clearer roles and responsibilities for Councillors.
- better organisational model commensurate with administrative responsibilities of contract management.



- reduction in Councillor meeting fees.

The possible weaknesses of the Regional Subsidiary model to the Shire are:

- that with greater administrative efficiency, direct Council involvement and oversight is at arm's length.

Overall, with the improvements in Governance arrangements made, Officers now recommend that Council resolves to provide in-principle support for the transition.

If Council resolves to support the transition

If Council resolves to now support the transition to a regional subsidiary model following the amendments to the Charter listed above, the Shire would advertise the Business Plan and revised Charter for public comment.

As no changes have been made to the Business Plan, there would be no requirement on other participant local governments to re-advertise the Business Plan.

After the advertising period, each participating local government would be required to consider the comments received before resolving whether to establish the regional subsidiary and make an application to the Minister. This application would include the Business Plan and Charter. It would be the Minister's decision whether the application was approved and the Minister may request participating local governments to make revisions to the Business Plan and Charter, prior to reconsideration and approval.

If Council resolves to not support the transition

While the other member Councils have approved the windup of RRC, under section 3.63 of the Act, the entity can only be dissolved through either the support of all the participants or by the Minister.

By previously advertising the Business Plan and earlier version of the Charter, other RRC members have shown a public commitment to the Regional Subsidiary. While the Shire cannot be compelled to join the Subsidiary, a Council resolution to not support the transition following the significant amendments made, would result in strained relationships with RRC members.



Options and Implications

Option 1

That Council:

1. In principle, APPROVES the windup of the Rivers Regional Council and transition to a Regional Subsidiary and NOTES the revisions to the draft Charter of the Rivers Regional Subsidiary to strengthen governance of the proposed entity per attachment 3 (conditional upon the amendments being accepted)
2. Pending Rivers Regional Council's approval of the Charter, AUTHORISES the Chief Executive Officer to advertise the Charter (attachment 4) and Business Plan (attachment 5) in accordance with Regulation 4 of the *Local Government (Regional Subsidiaries) Regulations 2017*.
3. REQUESTS a report be presented to Council with any submissions received for Council's consideration.

Option 2

That Council does not support the transition at this time.

Option 1 is recommended.

Conclusion

Following Council's resolution in March 2020, significant revisions have occurred to the proposed RRS Charter that largely resolve the concerns associated with governance raised in the Officer's previous report. Council's decision to approve advertising of the Business Plan and Charter would be the next step in the transition from a Regional Council to Regional Subsidiary model and following advertising, Council would be asked to jointly approve a submission being presented to the Minister for approval.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Letter to Minister for Local Government - River Regional Council - Regional Subsidiary (OC20/5764)
- **10.2.2 - attachment 2** - Minister for Local Government, Heritage, Culture and the Arts - Rivers Regional Council - Transition to Regional Subsidiary – Response (IN20/10170)
- **10.2.2 - attachment 3** - RRC to RRS - Charter of the Rivers Regional Subsidiary – Draft Mark-up (IN20/18356)
- **10.2.2 - attachment 4** - RRC to RRS - Charter of the Rivers Regional Subsidiary – Draft Clean (IN20/18357)
- **10.2.2 - attachment 5** - Rivers Regional Council (RRC) Rivers Regional Subsidiary Business Plan 2020-2025 (IN20/4912)



Alignment with our Strategic Community Plan

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

Financial Implications

There are limited immediate financial implications resulting from this report. If Council was to resolve to advertise the Business Plan and Charter there would be advertising costs of approximately \$500.

As noted above, if Council and the other participants were ultimately to proceed and the Minister approved the Regional Subsidiary model, the cost savings could be approximately \$15,000 per annum.

The Shire will continue to be financially committed to waste agreements regardless of Council's decision to transition to an RRS or not.

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)
If Council resolved not to proceed, relationships with other member Council's would be impacted.	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

OCM292/09/20**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Byas, seconded Cr Strange

That Council

1. In principle, **APPROVES** the windup of the Rivers Regional Council and transition to a Regional Subsidiary and **NOTES** the revisions to the draft Charter of the Rivers Regional Subsidiary to strengthen governance of the proposed entity per attachment 3 (conditional upon the amendments being accepted)
2. Pending Rivers Regional Council's approval of the Charter, **AUTHORISES** the Chief Executive Officer to advertise the Charter (attachment 4) and Business Plan (attachment 5) in accordance with Regulation 4 of the *Local Government (Regional Subsidiaries) Regulations 2017*.
3. **REQUESTS** a report be presented to Council with any submissions received for Council's consideration.

CARRIED UNANIMOUSLY 9/0



Shire President, Councillor Rich declared a Financial Interest in item 10.2.3 and left the Chambers at 8.41pm prior to this item being discussed.

The Presiding Member, Councillor Rich vacated the chair, and Deputy Shire President Councillor Atwell assumed the Chair as Presiding Member at 8.41pm.

10.2.3 - Award Request for Tender– RFT 09/2020 – Mundijong and Kargotich Road – Roundabout Construction (SJ3283)	
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Responsible Officer:	Manager Infrastructure and Assets
Senior Officer:	Director Infrastructure Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 09/2020 - Mundijong and Kargotich Road – Roundabout Construction and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2019/20 and 2020 /21 Annual Budgets.

Background

The intersection of Mundijong Road and Kargotich Road was identified as a black spot based on the number of accidents over the past 5 years. There have been more than 15 intersection crashes in the last five years, which resulted in one fatal, two hospitalisations and four required medical treatment. The approach speed is 100km/hr for both roads. Given the roadside environment and approach sight distance at this intersection, the effective treatment measures considered is to install a single lane roundabout at this intersection to improve the road safety.

Even though this project qualified as black spot based on the number of accidents, to maximise the funding opportunity, the Shire applied for the Metropolitan Regional Road Group (MRRG) improvement project scheme rather than the Black Spot project, where the funding will be limited due to the Benefit Cost Ratio (BCR) threshold requirements. Through a successful application to the MRRG Improvement Program, the Shire received grant funding to improve the intersection of Mundijong Road and Kargotich Road.



The initial design budget allocated for the project was \$67,500. Upon completion of the design works, the MRRG Improvement program approved a total project budget of \$1,875,000 to cover the construction costs. The total project budget approved by MRRG is made up of:

- State Government (via the MRRG) contribution to a value of \$1,250,000;
- Shire contribution to a value of \$625,000.

During 2019/20 financial year, all works including land acquisition, utility services relocation (Telstra and Western Power), new street lighting, fence relocation and vegetation clearing works are completed to assist the civil construction works.

Figure 1: Proposed Mundijong Road/Kargotich Road Roundabout



Community / Stakeholder Consultation

Nil.

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



Submissions

The Request for Tender RFT 09/2020 - Mundijong and Kargotich Road – Roundabout Construction was advertised on Wednesday 15 July 2020 and closed at 2.00pm on Thursday 30 July 2020.

The Tender was advertised in the following papers:

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

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

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

Tender submissions were received from the following companies:

#	Company Name
1	Egan Civil Pty Ltd
2	Industrial Roadpavers WA Pty Ltd
3	Raubex Construction Pty Ltd
4	RCA Civil Group Pty Ltd
5	WCP Civil Pty Ltd

Evaluation Panel

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

- Project Coordinator Infrastructure and Assets;
- Technical Officer Infrastructure and Assets;
- Road and Drainage Engineer;
- Coordinator Design;
- Director Infrastructure Services.

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

**Evaluation Criteria**

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

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

Comment

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

Approval by probity auditor Butler Settineri has been received and is documented in **confidential attachment 2**.

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

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



Statutory Environment

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

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

Tendering

2. Tender Exemption

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

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

Options and Implications

The following options have been identified:

Option 1

That Council awards the contract as recommended in **confidential attachment 1** – RFT 09/2020 - Mundijong and Kargotich Road – Roundabout Construction to Raubex Construction Pty Ltd.

Option 2

That Council not award the contract and retender.

Option 3

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

Option 4

That Council reassess and appoint an alternative tenderer.

Option 1 is recommended.

Conclusion

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

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



Attachments (available under separate cover)

- **10.2.3 – CONFIDENTIAL attachment 1** – RFT 09/2020 - Mundijong and Kargotich Road - Roundabout Construction – Evaluation Report (E20/9605)
- **10.2.3 – CONFIDENTIAL attachment 2** – RFT 09/2020 - Mundijong and Kargotich Road - Roundabout Construction – Probity Report (E20/10441)

Alignment with our Strategic Community Plan

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

Financial Implications

The funding for this tender is included in the 2019/2020 and 2020/21 Annual Budgets to undertake the construction works.

The total allocated budget for the roundabout project is \$1,875,000. The total budget for the civil works and other miscellaneous items are \$1,616,863 and the recommended tender value of \$1,368,975.32 ex GST is within budget.

MRRG IMPROVEMENT PROGRAM			
Project	Shire	MRRG	Total
Roundabout- Mundijong Road/ Kargotich Road	\$625,000	\$1,250,000	\$1,875,000



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Poor selection of contractor to provide quality works	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

MOTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Denholm

That Council:

1. AWARDS Tender RFT 09/2020 – Mundijong and Kargotich Road – Roundabout Construction to Raubex Construction Pty Ltd to the value of \$1,368,975.32, excluding GST, as contained within confidential attachment 1.
2. AUTHORISES the Chief Executive Officer to execute a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 09/2020 – Mundijong and Kargotich Road – Roundabout Construction.

OCM293/09/20

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Denholm

That in accordance with clause 16.1 of the *Standing Orders Local Law 2002 (as amended)*, the meeting be adjourned at 8.46pm, for 5 minutes and reconvene at 8.51pm.

CARRIED UNANIMOUSLY 8/0



As Shire President, Councillor Rich had left the meeting due to a Financial Interest at 8.41pm, prior to the matter being discussed and the adjournment, Presiding Member Councillor Atwell reconvened the meeting at 8.53pm.

In Attendance at resumption of the meeting:

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

Officers: Mr P MartinChief Executive Officer
Ms H Sarcich.....Deputy CEO / Director Community and
Organisational Development
Mr F SullivanDirector Corporate Services
Mr A TrosicDirector Development Services
Mr S HardingDirector Infrastructure Services
Dr K ParkerManager Governance
Mr B OliverManager Communications and Customer Engagement
Ms A LierschAgendas and Minutes Officer (Minute Taker)

OCM294/06/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Denholm

That Council:

- 1. AWARDS Tender RFT 09/2020 – Mundijong and Kargotich Road – Roundabout Construction to Raubex Construction Pty Ltd to the value of \$1,368,975.32, excluding GST, as contained within confidential attachment 1.**
- 2. AUTHORISES the Chief Executive Officer to execute a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 09/2020 – Mundijong and Kargotich Road – Roundabout Construction.**

CARRIED UNANIMOUSLY 8/0

Councillor Rich returned to the Chambers at 8.54pm and resumed the Chair as Presiding Member.

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

**10.3 Corporate Services reports****10.3.1 - Confirmation of Payment of Creditors (SJ801)**

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

Authority / Discretion

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

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

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



Comment

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

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

A detailed list of invoices for the period 1 August 2020 to 31 August 2020 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 August 2020 to 31 August 2020, totalling \$2,766,878.32.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 August 2020 to 31 August 2020, totalling \$2,766,878.32.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 August 2020 (E20/9777).
- **10.3.1 – attachment 2** – List of Accounts Paid and Submitted to Council (Bank Fees and Payroll) for the period ending 31 August 2020 (E20/9736).
- **10.3.1 - attachment 3** – Westpac Purchasing Card Report – 29 June 2020 to 27 July 2020 (E20/9737).

Alignment with our Strategic Community Plan

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



Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for 1 August 2020 to 31 August 2020, totalled \$2,766,878.32.

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

OCM295/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr McConkey, seconded Cr Byas

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 August 2020 to 31 August 2020, totalling \$2,766,878.32 as attached, covering:

- 1. Payment of creditors totalling \$2,016,924.46;**
- 2. Payroll totalling \$747,557.10; and**
- 3. Bank Fees totalling \$2,396.76.**

CARRIED UNANIMOUSLY 9/0

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

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

Authority / Discretion

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

The purpose of this report is to 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 July 2020.

Relevant Previous Decisions of Council

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

PART 6 – Material Variances

That Council

- 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 July 2020. Please note opening position is an preliminary result for the year ended 30 June 2020 as the Financial Statements for 2020 are still being finalised and as a result will be subject to change.

The municipal surplus for the month ending 31 July 2020 is \$31,324,612, which is favourable, compared to a budgeted surplus for the same period of \$24,323,346.

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

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

Description	YTD Budget	31 July 2020 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2019	2,516,604	8,248,001	5,731,397
Proceeds from sale of assets	-	-	-
Changes to net transfers to and from Reserves	(5,926)	(5,926)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	-	-	-
Capital expenditure	(694,997)	(18,358)	676,639
Capital revenue (cash items)	493,561	75,000	(418,561)
Operating revenue (cash items)	24,882,459	24,938,253	55,794
Operating expenditure (cash items)	(2,868,355)	(1,912,358)	955,997
	24,323,346	31,324,612	7,001,266



Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report July 2020 (E20/9983)

Alignment with our Strategic Community Plan

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

Financial Implications

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

Municipal Fund:	\$7,058,742
Trust Fund:	\$304,222

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

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

Unfavourable variance of \$131,507 due to timing of grant payments, specifically Volunteer Bush Fire Brigades - \$92,315 and State Emergency Services - \$9,215 funding.

Fees and Charges

Favourable variance of \$201,016 due primarily to the imposition of swimming pool inspection fees as part of rates billing - \$109,670.

Interest Earnings

Unfavourable variance of \$31,991 due primarily to the timing of maturity of term deposits.

Other Revenue

Favourable variance of \$53,122 primarily due to LGIS surplus distribution credit of \$28,150.

Operating Expenses

Employee Costs

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

**Materials and Contracts**

Favourable variance of \$853,743 in relation to the timing and provision of services across all programs and business units, the most material of which is Waste Services - \$267,213. Other significant variances include operations contract services - \$74,330 and consultancy and legal services across the organisation - \$70,166.

Utility Charges

Favourable variance of \$79,488 due primarily to street lighting - \$62,177.

Depreciation on Non-Current Assets

Favourable variance of \$729,157 as depreciation not processed until the Financial Report for the year end 30 June 2020 are finalised.

Interest Expenses

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

Insurance Expenses

Unfavourable variance of \$25,566 due to treatment of LGIS surplus distribution as a separate revenue item, rather than as a credit against current year premium.

Other Expenditure

Favourable variance of \$50,292 due to a lower than budgeted expenditure primarily relating to community funding via grants and sponsorships - \$41,092.

Other**Capital Expenditure**

Favourable variance of \$676,639 due to timing of capital works program. Refer to Capital Works Expenditure within the Monthly Financial Report attachment for further details.

Profit/(Loss) on Asset Disposals

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

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$418,561 due to timing of grant funded capital works programs.

Proceeds from Disposal of Assets

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

Repayment of Debentures

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

Proceeds from New Debentures

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

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

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

Transfers (to)/from Restricted Cash (Municipal)

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



Risk Implications

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

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

Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM296/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council **RECEIVES** the Monthly Financial Report for July 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 9/0

**10.3.3 – Council Policy – Councillor and CEO Attendance at Events (SJ2388)**

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

Authority / Discretion

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

The purpose of this report is to enable Council to consider adopting a new policy related to Councillors and the Chief Executive Officer's (CEO's) attendance at events, in accordance with section 5.90A of the *Local Government Act 1995*.

Relevant Previous Decisions of Council

Nil.

Background

In October 2019, amendments to the Act were made to introduce a new gifts framework for Councillors. As part of the framework, local governments are required by section 5.90A of the Act to adopt an Attendance at Events Policy. The new framework reflects community's expectations that decision makers in local government are free from improper influence.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The Act provides provisions related to the acceptance and declaration of gifts for Councillors and CEOs.

Sections 5.87A and 5.87B respectively, require Councillors and the CEO to declare gifts received in their official capacity, that are valued at greater than \$300 or gifts cumulatively valued at over \$300 in a 12 month period from one person.

Section 5.62 of the Act provides that if a Councillor, CEO or an Officer providing advice or a report directly to Council, or exercising Delegated Authority receives a gift valued greater than \$300 or gifts cumulatively valued at over \$300 in a 12 month period from one person, they have a financial interest for the purposes of the Act in any matter related to that person.



Section 5.62(1B) provides for exemptions. These exemptions are:

- gifts received from certain organisations specified in Regulation 20B of the *Local Government (Administration) Regulations 1996*; and
- where the gift in question is a ticket or related to an event that the local government approves, in accordance with the local government's policy under section 5.90A of the Act.

Section 5.90A of the Act requires local governments to prepare and adopt an Attendance at Events Policy that describes matters relating to the attendance of Councillors and the CEO at events, including the provision of tickets to events, payments in respect of attendance, approval of attendance by the local government, and criteria for approval.

Comment

A draft policy that meets the requirements of section 5.90A of the Act has been prepared for Council's consideration. The policy incorporates elements from the City of Wanneroo's policy and the Department of Local Government, Sport and Cultural Industries' template.

The key aspects of the policy are:

- A gift is defined under section 5.57 of the Act as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel.
- "Consideration in money or money's worth" refers to the value of a gift compared to a person's contribution. Training approved under Council Policy – Councillor Training and Professional Development or as part of the CEO's professional development when paid for by the Shire, is not a gift.
- Councillors and the CEO are statutorily obligated to disclose the receipt of a gift received in their capacity as a Councillor, where the value of the gift is over \$300 or the cumulative value of gifts received in a 12-month period from one person is over \$300. This includes tickets to events covered by this policy.
- There are certain events whereby attendance by Councillors and/or the CEO provides a clear benefit to the Shire, the community and/or the professional development of the respective Councillor or the CEO, and due to this benefit, the respective Councillor and/or the CEO are encouraged to attend.
- In accordance with section 5.62(1B) of the Act, Councillors and the CEO are exempt from declaring a financial interest that ordinarily would have been required if a matter related to the event organiser was presented to Council. However, gift declaration provisions still apply for these events if the value is over \$300, received in an official capacity and otherwise not exempt. For the purposes of section 5.62(1B) of the Act, the following are defined as "Pre-Approved Events".
 - Awards functions specifically related to local government.
 - Shire hosted ceremonies and functions.
 - Shire organised/run tournaments or events.



- Community cultural events/festivals/art exhibitions.
- Events hosted by Clubs or Not for Profit Organisations within the Shire to which the Councillor or CEO are officially invited.
- Events run by schools within the Shire.
- The exemption from declaring interests only applies to the event ticket or otherwise relates to the person's attendance.
- Council approval is required prior to acceptance of all invitations for events to be attended in an official capacity, valued at \$300, except for those specified as 'pre-approved events' or is from an exempt entity under Regulation 20B of the *Local Government (Administration) Regulations 1996*.
- When considering approval, the following factors are to be considered:
 - The donor providing the invitation or ticket to the event (for example; the donor is a person who is undertaking or seeking to undertake an activity involving a Council discretion);
 - The location of the event in relation to the Shire (whether within the district);
 - The role that the Councillor or CEO will have when attending the event (participant, observer, presenter) and the value of their contribution;
 - Whether the event is sponsored by the Shire;
 - The benefit to the Shire of a Councillor or the CEO attending;
 - Alignment to the Shire's Strategic Objectives;
 - The number of Shire representatives already approved to attend; and
 - Any justification provided by the applicant when the event is submitted for approval.

Options and Implications

Option 1

That Council ADOPTS the new 'Councillor and CEO Attendance at Events Policy'.

Option 2

That Council DOES NOT ADOPT the new 'Councillor and CEO Attendance at Events Policy'.

Option 1 is recommended.

Conclusion

The Shire's Strategic Community Plan requires that the Shire operate in a way that is transparent, open, honest and accountable. This policy demonstrates Council's commitment to good governance and leadership through identifying those events Councillors and the CEO may attend in their official capacity, without restricting their participation in the Council decision process.

All Western Australian local governments are required to adopt a policy regarding the attendance of Councillors and the Chief Executive Officer at events. If adopted by Absolute Majority, this policy achieves compliance with section 5.90A of the Act.



Attachments (available under separate cover)

- **10.3.3 - attachment 1** – New Council Policy 3.3.5 – Councillor and CEO Attendance at Events (E20/9355)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not adopt the revised policy	Possible (3)	Minor (2)	Moderate (5-9)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	Accept Officer Recommendation

Risk Matrix

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

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



Continued

**Ordinary Council Meeting Minutes
Monday, 21 September 2020**

Voting Requirements: Absolute Majority (s5.90 of the *Local Government Act 1995*)

OCM297/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr McConkey

That Council ADOPTS New Council Policy 3.3.5 – Councillor and CEO Attendance at Events, as per attachment 1.

CARRIED BY ABSOLUTE MAJORITY 9/0



Chief Executive Officer, Mr Paul Martin declared an Impartiality Interest in item 10.3.4.

Director Corporate Services, Mr Frazer Sullivan declared an Impartiality Interest in item 10.3.4.

Manager Governance, Dr Kenneth Parker declared an Impartiality Interest in item 10.3.4.

10.3.4 – Observations from the Inquiry into the City of Perth (SJ514)	
Responsible Officer:	Manager Governance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	<p>In accordance with Regulation 34C of the <i>Local Government (Administration) Regulations 1996</i>, the Chief Executive Officer, Mr Paul Martin has declared an Impartiality Interest in item 10.3.4 - Observations from the Inquiry into the City of Perth as it relates to the assessment of the performance of the organisation and Chief Executive Officer employment matters.</p> <p>In accordance with Regulation 34C of the <i>Local Government (Administration) Regulations 1996</i>, the Director Corporate Services, Mr Frazer Sullivan and Manager Governance, Dr Kenneth Parker have declared an Impartiality Interest in this matter as the analysis contained in part relates to an assessment of the performance of their respective areas of responsibility at the Shire.</p>

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is for Council to note a self-assessment and comparison against the findings of the Inquiry into the City of Perth conducted by Officers and a proposed way forward.

The report is presented to Council as one of the major inputs to continuing Shire and wider public sector reform. While many of the recommendations are specific to the unique circumstances at the City of Perth, the Report's findings may have broader lessons for the sector. The Minister for Local Government has publically stated that local governments should consider the findings.

The Shire has invested significant energy and funds in good governance in recent years which has resulted in a commitment to continuous improvement and reflection. This commitment recognises that as part of maturing the organisation lessons from other experiences in the sector and wider public service is a useful input in informed planning, prioritisation and investment.



Relevant Previous Decisions of Council

Nil.

Background

The Report of the Inquiry into the City of Perth was released by the Minister for Local Government on Tuesday, 11 August 2020. The 1,972 page report is the culmination of a two year investigation into the City as an inquiry under Part 8, Division 2 of the *Local Government Act 1995*.

A copy of the Report is available on the Department of Local Government, Sport and Cultural Industries' website or available [here](#).

The Report is based on 30 investigations, over 4.3 million records, and 547 hours of witness testimony. The Report referred over 135 matters for further investigation by integrity agencies and has made more than 340 recommendations.

The cost of the Inquiry is estimated to be more than \$7 million.

While the focus of the Inquiry is on good governance at the City of Perth, the Report's findings may have lessons for the entire local government sector.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The Inquiry's report addresses governance at the City of Perth as it relates to eight areas:

- Local government elections;
- Decision making;
- Management of interests;
- Grants and sponsorships;
- Chief Executive Officer;
- People management;
- Financial management; and
- Procurement.

Shire Officers have conducted a desktop review and self-assessment of the report with a view to identifying areas where lessons can be learned for the Shire. This work forms part of the Shire's commitment to continuous improvement and strengthening good governance.



A summary of the findings related to each of the areas and a commentary from a Shire's perspective is provided below:

City of Perth Inquiry findings	Initial lessons and observations for the Shire of Serpentine Jarrahdale
<p>Local Government elections</p> <p>The owner occupiers roll was manipulated which compromised the proper running of the election and the City's oversight was not sufficient.</p>	<p>Local Government elections</p> <p>There is considerable difference in scale in respect to the application of the owner occupiers roll. The owner occupiers roll at the Shire confers voting rights to 34 electors. In comparison, the City's owner occupiers roll consists of 4,500 electors and represents a significant proportion of the total electors in the City.</p> <p>Nevertheless, the Shire takes its responsibility maintaining the validity of the roll very seriously.</p> <p>In preparation for the 2019 local government ordinary election the eligibility of electors on the roll by virtue of being an occupier of rateable property was assessed. All applications received to appear on the roll were also assessed and recorded in a register in accordance with section 4.30 of the Act.</p> <p>In preparation for the 2021 local government ordinary elections, a review will be conducted to verify all claims for eligibility on the owner occupiers roll.</p>
<p>Decision-making</p> <p>Decision-making reflected personal interests rather than the interests of the wider community. The Inquiry made specific findings regarding investigations into a planning matter, a decision regarding inclusion of a building in a heritage register and a sponsorship.</p>	<p>Decision-making</p> <p>The Inquiry's findings in this regard tend to relate to specific decisions made by the City of Perth Council.</p> <p>In respect to general lessons, the message of the Inquiry is that Councils are a quasi-judicial body and must make sound decisions that withstand scrutiny. At the same time, they are representative bodies drawn from diverse backgrounds and differing viewpoints.</p> <p>The body of the Inquiry's report reminds local governments of the importance of considering expert and professional opinions contained in Officer reports.</p>



City of Perth Inquiry findings	Initial lessons and observations for the Shire of Serpentine Jarrahdale
	Ultimately, Council as a decision-making body must ensure that decisions are made in the public interest and not in the private interest.
Disclosure, personal interest and entitlements The Inquiry found that Councillors did not report their interests accurately and misused entitlements.	Disclosure, personal interest and entitlements Council has resolved to hold a refresher session on the topic of managing interests on Monday, 5 October 2020. This session will reiterate to Councillors the importance of understanding legislative provisions related to interest that can impact the decision-making ability of Council (actual or perceived) as a quasi-judicial body. In respect to entitlements, the Shire does not provide the range or scale of entitlements seen at the City. Entitlements are largely limited to a tie/scarf/polo shirt, light meals (most commonly sandwiches) on official occasions and meetings and information management technology. The use of these entitlements is covered by the Shire's code of conduct and policies.
Grants and sponsorship The Inquiry found that gifts, especially tickets to events, were routinely provided to Councillors by organisations sponsored by the City and that Councillors attempted to allocate money to organisations with which they had a personal connection.	Grants and sponsorship The Shire has already introduced reforms to ensure that poor practices in respect to grants and sponsorships cannot occur at the Shire. In May 2020, Council resolved to approve a new Community Funding policy and dissolved the Major Grants Assessment Panel, which has strengthened the Shire's approach to the assessment and allocation of community funding, including grants. An internal audit into grants administration is underway and will consider the Inquiry's findings in the scope of this audit. While the provision of ticketed events is not considered to be a risk at the Shire at this



City of Perth Inquiry findings	Initial lessons and observations for the Shire of Serpentine Jarrahdale
	<p>time, at the September 2020 Council meeting, Council will be asked to consider adoption of a new policy covering the topic that is consistent with the State Government's new gift / event rules.</p>
<p>Chief Executive</p> <p>The Inquiry found that the termination of the City's Chief Executive Officer in 2016 and the appointment of a new Chief Executive Officer were not conducted in a proper manner.</p>	<p>Chief Executive</p> <p>The Inquiry's findings in this regard tend to relate to specific decisions made by the City of Perth Council.</p> <p>As a general lesson, the Inquiry's findings are a reminder of the importance of fair performance evaluation and recruitment processes.</p> <p>At the Shire, CEO Performance Committee's Terms of Reference explicitly requires the appointment of an independent person to be involved in the recruitment and performance assessment of the CEO.</p> <p>CEO recruitment is an area of focus for phase one of the <i>Local Government Act 1995</i> review and the State Government has committed to producing a model CEO recruitment policy that local governments will be required to adopt. Following the publication of this standard, the Shire will present this policy for Council's consideration.</p>
<p>People Management</p> <p>The Inquiry found issues generally with people management in the City including Council interference in recruitment, processes for termination and the use of deeds and termination packages that exceeded those provided for in legislation.</p>	<p>People Management</p> <p>Human Resources was the subject of an internal audit conducted in 2019 and the lessons from this performance audit has informed the implementation of improvements to practices.</p> <p>Overall, the Shire performed well in its comparative assessment of recommendations against the City of Perth in this regard.</p> <p>Notwithstanding, the Shire has undertaken reforms in this space including a restructure in July 2020 to reprioritise organisational</p>



City of Perth Inquiry findings	Initial lessons and observations for the Shire of Serpentine Jarrahdale
	<p>capacity building, improved practices and training, and progression of a draft workforce plan for Council's consideration at an upcoming Council meeting.</p>
<p>Financial management and planning</p> <p>The Inquiry found widespread issues associated with financial management, including in respect to organisational structure and responsibility, audit, and compliance with legislative requirements related to major trading undertakings.</p>	<p>Financial management and planning</p> <p>The Shire's approach to financial management and planning is distinct from that used in the City. Financial management in the Shire is centralised rather than de-centralised, which allows for greater financial control and accounting.</p> <p>While the Shire is not as large or complex as the City, the Shire maintains an internal audit function and a documented plan for audit approved by the Audit, Risk and Governance Committee.</p> <p>Investment in a full-featured Enterprise Resource Planning solution will continue to improve the quality, timeliness and reliability of financial reporting to enable the Shire to continue to be well managed financially as the Shire's population grows and the financial management of the Shire becomes more complex.</p> <p>Recently, the Shire adopted a new Corporate Business Plan and Long Term Financial Plan as part of the Integrated Planning and Reporting Framework which strengthened the Shire's financial sustainability.</p> <p>The Shire performed well in its comparative assessment of recommendations against the City of Perth in this regard.</p>
<p>Procurement and contracting</p> <p>The Inquiry found systemic failures in the five procurement cases that it investigated.</p>	<p>Procurement and contracting</p> <p>Procurement is recognised as a fraud and corruption risk. As part of the Shire's centralised financial management model, procurement is overseen by the Corporate Services Directorate.</p> <p>An internal audit into contract management is underway and will consider the Inquiry's</p>



City of Perth Inquiry findings	Initial lessons and observations for the Shire of Serpentine Jarrahdale
	findings. The Shire performed well in its comparative assessment of recommendations against the City of Perth in this regard.

The Inquiry has made a total of 341 recommendations that fall under twelve categories:

- Appointing, managing and terminating employment of a Chief Executive Officer;
- Complaints and misconduct prevention;
- Culture, conduct and leadership;
- Disclosure, personal interests and entitlements;
- External oversight and intervention;
- Financial management;
- Inquiries under the *Local Government Act 1995*;
- Local government elections;
- People management;
- Procurement and contracting;
- Reporting on the recommendations of the Inquiry; and
- Statutory roles and responsibilities.

The 341 recommendations are further divided into 43 sub-categories.

The most frequent recommendations relate to the following topics:

- General financial management;
- Risk, assurance and audit;
- Grants, sponsorships, and partnerships;
- Local Government elections;
- Termination of employment;
- Council and committee decision making; and
- Reviews of performance.



Officers from the Shire has systematically considered all 341 recommendations and self-assessed their applicability to the Shire. This review provides an initial 'sense-check' relative to the highest possible standard of aspirational good governance set out by the Inquiry. This self-assessment has also involved the Shire's Internal Auditor. Observations from the review are considered to be a useful input from an internal audit perspective and will inform current and future internal audit activities.

A direct comparison is complicated by the fact that the Inquiry most frequently made recommendations for changes at the City of Perth or legislation, rather than general initiatives, practices or reforms that can be readily implemented at other locations.

Overall, the analysis has found that while opportunities exist to continually improve, the Shire is performing well from a governance perspective against the benchmark of the Inquiry's recommendations. One hundred and twenty-five of the Inquiry's recommendations are considered to be already in place or partiality in place at the Shire.

In recent years investment in governance, including aspects related to financial management, people management, procurement, audit and decision-making has been a focus at the Shire. The Shire has rapidly matured in this regard and instigated reforms such as:

- appointment of the internal auditor;
- preparation and implementation of an internal audit plan;
- comprehensive review of delegations and authorisations and training to all staff with a delegation or authorisation;
- internal audit review of the annual Compliance Audit Return;
- risk maturity journey, including preparation of a strategic risk register;
- implementation of an anonymous whistleblower hotline;
- consideration of the outcomes of Auditor General performance audits;
- provision of advice and expertise to assist Officers manage potential conflict of interest through relevant procedures in accordance with public sector integrity guidelines;
- improved human resource management practices and policies;
- improved procurement practices and purchasing policies;
- preparation of implementation of new business operating procedures and improved documentation;
- implementation of phase one reforms from the Local Government Act 1995 review;
- continuation of public participation at Council meetings during COVID-19 restrictions, providing flexibility in public question time and deputation processes;
- investment in an Enterprise Resource Planning solution that has improved the quality, timeliness and reliability of financial reporting to enable the Shire;
- reform of the Committee and advisory group structure;
- new sponsorship legal agreements;
- improvements to practices related to administration of Development Contributions;



- reforms to practices concerning use of Corporate Credit Card and hospitality in line with community expectations;
- improvements to agenda reports;
- participation in the Public Sector Commission's Integrity Practitioners Group; and
- adoption of a Corporate Business Plan and Long-term financial plan as part of the Integrated Planning and Reporting framework.

From a governance perspective, the Shire has taken significant steps to adopt high standards of practice and policy that exceed legislative requirements and emulate best practice in local government and the wider public service.

As part of this commitment to good governance, the Shire seeks to learn from experiences in other locations. The comparison to the City of Perth conducted in preparation of this report, shows the stark differences that exist in respect to good governance, including financial management and people management.

The bulk of recommendations call for greater training, changes in policies and practices, mentoring, legislative reform that prescribe greater reporting requirements, audit and checks to ensure that policies and procedures are being adhered to.

Of the 341 recommendations, over 32 per cent sit with the State Government and nine per cent are considered applicable uniquely to the City of Perth.

Almost one-fourth (23 per cent) of recommended actions are already in place at the Shire and seemingly were not in place at the City of Perth.

The remaining 36 per cent of recommendations are considered to be either partially in place (14 per cent) or have been categorised as requiring further consideration by the Shire (22 per cent).

A breakdown of the status of recommendations across each of the categories is summarised in the table below. The breakdown shows in the first three columns (shown in grey) that 219 of the recommendations are not considered to be applicable to the Shire because:

- Action is for the State Government
- Action only related to the City of Perth and not for broader application; or
- Action already in place the Shire of Serpentine Jarrahdale.



The remaining columns (coloured aqua and orange), categorise 122 recommendations that are considered to be have been partiality implemented or are opportunities for future consideration.

	Not applicable Action is for the State Government	Not applicable Action only related to the City of Perth and not for broader application	Already in place at the Shire of Serpentine Jarrahdale	Partially in place at the Shire of Serpentine Jarrahdale Further action to be considered at the Shire of Serpentine Jarrahdale	Opportunities for consideration at the Shire of Serpentine Jarrahdale
Appointing, managing and terminating employment of a Chief Executive Officer					
Model contract and minimum professional competencies	9	1	2		
Recruitment	5				
Reviews of performance	6	2	4		
Termination of employment	5				2
Complaints and misconduct prevention					
Complaint handling training			1		
Complaints handling framework			2	5	
Corruption and misconduct risks		3		3	2
General	1			1	1
Investigations		1	7		
Reporting and audit				1	3
Culture, conduct and leadership					
Code of Conduct	8				
Continuing professional development	2		4	2	
Council and committee decision making	4	5			3



	Not applicable Action is for the State Government	Not applicable Action only related to the City of Perth and not for broader application	Already in place at the Shire of Serpentine Jarrahdale	Partially in place at the Shire of Serpentine Jarrahdale Further action to be considered at the Shire of Serpentine Jarrahdale	Opportunities for consideration at the Shire of Serpentine Jarrahdale
Council member essential training	2				
Culture				1	8
Leadership	4				5
Training	5				5
Disclosure, personal interests and entitlements					
Council dining room			2		1
Disclosures and conflicts	4		3		2
Entitlements	1		1	1	5
Gifts	5				
Primary and annual returns	4		5		
Use of Councillor title	1				
External oversight and intervention					
Compliance and enforcement	4				
Local government inspector	9				
Financial management					
Financial management	0	5		2	
General	10		4	8	2
Governance				1	
Grants, sponsorships, and partnerships		1	2	3	11
Integrated Planning and Reporting			1	2	



	Not applicable Action is for the State Government	Not applicable Action only related to the City of Perth and not for broader application	Already in place at the Shire of Serpentine Jarrahdale	Partially in place at the Shire of Serpentine Jarrahdale Further action to be considered at the Shire of Serpentine Jarrahdale	Opportunities for consideration at the Shire of Serpentine Jarrahdale
Framework					
Performance management			4		
Risk, assurance and audit	1	4	8	4	2
Inquiries under the <i>Local Government Act 1995</i>					
Inquiries under the <i>Local Government Act 1995</i>	3				
Local government elections					
Local government elections	9	1	1		5
People management					
General			1	2	3
Performance management		2	5		
Recruitment	2		6	3	2
Termination of employment		3	2	1	
Procurement and contracting					
Capital works contracts			1		
Confidentiality and conflicts of interests in procurement and contracting			2		
Evaluation of quotations and tenders			5		2



	Not applicable Action is for the State Government	Not applicable Action only related to the City of Perth and not for broader application	Already in place at the Shire of Serpentine Jarrahdale	Partially in place at the Shire of Serpentine Jarrahdale Further action to be considered at the Shire of Serpentine Jarrahdale	Opportunities for consideration at the Shire of Serpentine Jarrahdale
Procurement and contracting systems, processes and capability		2	5	1	
Reporting					1
Risk and audit					3
Training and development		1		6	
Reporting on the recommendations of this Inquiry					
Reporting on the recommendations of this inquiry	3				
Statutory roles and responsibilities					
CEO	3				2
Council					5
Total	110	31	78	47	75



The 122 recommendations categorised as partially in place (orange) or as opportunities for consideration (yellow) at the Shire of Serpentine Jarrahdale are shown in highlight in **attachment 1**. Overall, where differences exist between the Shire's current approaches and the 'Capital City' standard detailed in the recommendations of the Inquiry's report, these most commonly relate to:

- induction of Councillors;
- professional development of Councillors and the Executive;
- mentoring of Councilors;
- greater clarity and transparency in policies related to entitlements;
- grants administration (which is subject to an current internal audit); and
- management of interests (which is subject to a refresher session for Councillors).

This analysis should be interpreted within the context of the differences in the size, scale and capability of the City and Shire. The City of Perth as the capital local government is a 'Band 1' Council and has an annual operating revenue of \$206 million and over \$1.1 billion in assets. In comparison, the Shire is a 'Band 2' Council with an annual operating revenue of \$34 million and \$417 million in assets. In recent years, the Shire has grown substantially and rapidly matured in respect to governance, accountability and transparency.

Likewise, it is important to note that the City of Perth Inquiry's recommendation of an action for the City of Perth to take does not mean that the problem identified occurs at the Shire or that action is required of the Shire.

It also does not mean that the Inquiry's recommendations can or should be implemented at the Shire without first considering:

- resource constraints;
- competing priorities;
- existing commitments;
- the State Government's wider legislative reform program, including implementation of phase one of the *Local Government Act 1995* review;
- local factors; and
- risk.

Many of the recommendations are targeted at issues identified at the City as corrective measures to a dysfunctional local government rather than preventative measures to ensure good governance. It is the view of the Inquiry that the recommendations should be implemented at the City to restore the City to a 'shining example' for local governments across the State. In this way, many of the recommendations, while possibly appropriate for the City, may not be commensurate to the unique risk profile at the Shire.

Notwithstanding, as part of the commitment to strengthening good governance, in due course, Officers will report on recommendations considered to be of benefit to the Shire.



This consideration will need to take the Minister for Local Government and City of Perth's response to the Inquiry's findings into account. Waiting for the response of the Inquiry to be published is important as the response may amend, revise or reject recommendations that could inform or alter the Shire's response.

A timetable for a response to the Inquiry's findings from the Minister or City is not known.

In response to the Inquiry, the Shire's Executive Management Group will hold a lessons learned training session and a session for a future Policy Concept Forum. Current Internal Audits which cross over into areas touched on by the Inquiry, for example grants management and contract management.

As part of the implementation of the Shire's new Corporate Business Plan, work is underway to prepare services plans across the organisation, including those related to the Corporate Services Directorate. This plan prepared in conjunction with the internal audit program and the Strategic Risk Register informs the next steps to improve governance and maintain momentum achieved through investment. These reforms occur at a time of unprecedented examination and reform in local government that includes:

- *Local Government Act 1995* review, including phase one implementation;
- Office of the Auditor General performance reviews;
- Planning reform;
- Public Sector Reform and implementation of a Public Sector Integrity Strategy;
- COVID-19 Ministerial Directions;
- Select Committee into Local Government; and
- Authorised Inquiries

The observations from the City of Perth Inquiry is just one, albeit important, input to the Shire.



Options and Implications

Option1

That Council:

1. NOTES the self-assessment conducted by Shire Officers against the City of Perth Inquiry report relative to the Shire of Serpentine Jarrahdale.
2. REQUESTS that a subsequent report be presented to the Audit, Risk and Governance Committee at a future date once the Minister for Local Government and City of Perth have responded to the Inquiry's recommendations.
3. NOTES the Chief Executive Officer will conduct training sessions on observations and lessons learnt from the Inquiry Report with Shire Officers.

Option 2

That Council does not NOTE the analysis provided of the City of Perth Inquiry report relative to the Shire of Serpentine Jarrahdale contained in this report.

Option 1 is recommended.

Conclusion

The Minister for Local Government has described the City of Perth Inquiry report as a wake-up call to local government. As described in this report, as part of the Shire's commitment to continuous improvement, the report is less of a wake-up call and instead a reminder of the investment required to ensure good governance. An assessment of themes and recommendations from Inquiry has identified that the Shire is performing favourably compared to a local government that is six times bigger in respect to available resources. In due course, the Shire will consider appropriate recommendations from the Inquiry and make recommendations to Council.

Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Excerpt - Report of the Inquiry into the City of Perth (E20/10301)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no immediate financial implications associated with this report.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the reputation of the Shire is harmed by association with the City of Perth Inquiry Report and this report.	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM298/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Cr Coales

That Council:

- 1. NOTES the self-assessment conducted by Shire Officers against the City of Perth Inquiry report relative to the Shire of Serpentine Jarrahdale.**
- 2. REQUESTS that a subsequent report be presented to the Audit, Risk and Governance Committee at a future date once the Minister for Local Government and City of Perth have responded to the Inquiry's recommendations.**
- 3. NOTES the Chief Executive Officer will conduct training sessions on observations and lessons learnt from the Inquiry Report with Shire Officers.**

CARRIED UNANIMOUSLY 9/0

**10.3.5 - Proposed Sale of Land for Rates and Charges Debt Recovery and the Approval of the Deed of Release Required (SJ280-37)**

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

Authority / Discretion

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

To seek approval from Council to authorise the execution of the Deed of Release (“the Deed”) from the Owners of Strata Plan 14911 alternatively known as Rowley Brook Village Incorporated (“the Strata”) regarding the outstanding strata fees related to the property at (Lot 19) 1256 Rowley Road Darling Downs (“the property”).

This will then allow Officers to continue legal proceedings to have the land vested with the Shire under section 568F of the *Corporations Act 2001* for the purpose of then selling the land in order to recover outstanding rates and charges on the property.

If not signed, the Shire is liable to pay the outstanding Strata fees if the land is transferred as part of the legal proceedings.

Relevant Previous Decisions of Council

Nil.

Background

Under Section 6.64(1)(b) of the *Local Government Act 1995* (“the Act”), if any rates or service charges due to a local government have remained unpaid for at least three years, the local government has the option to take possession of the property and proceed to sell it.

However, in order to proceed under the Act you have to be able to identify and serve notice on the owner.

Rates on the property in question were last paid in full on the 22 August 2008, with no further payments having been received.

The Company who owned the property, Hornsby Holdings Pty Ltd (“the Company”), has been deregistered, and the Liquidator who wound up the Company has disclaimed the property as onerous.

This means they have considered the process to transfer or sell the property too difficult, and so as an alternative, they disclaimed their interest in the property, and in doing so, gave up their interest in, and right to the property. This effectively left the property without an owner.



We are now unable to seek recovery under the Act, due to their being no owner.

The Shire's debt collection contractor (CS Legal) now recommended that the Shire seek a court order to vest the property with the Shire under section 568F of the *Corporations Act 2001* in order to recover outstanding amounts via sale of the property.

Prior to the Shire proceeding with this court order, the Deed is required to be signed and lodged to mitigate the risk of any future claims for unrecovered amounts from the Strata in relation to the property prior to its sale.

Below is a timeline of actions and events in regard to the property in question:

- **9 October 1992:** Hornsby Holdings Pty Ltd registered as the owner of (Lot 19) 125 Rowley Road, Darling Downs, which is a vacant block of approximately 2.5897 hectares with an entitlement of 5 units in the Strata 14911.
- **1 March 1996:** Taylor Woodings Chartered Accountants ("the Liquidator") were appointed as liquidators for Hornsby Holdings Pty Ltd (**as per confidential attachment 1**).
- **30 April 2004:** The Liquidator disclaimed the property as onerous, ASIC also do not assert any interest over the property (**as per confidential attachment 1**).
- **23 March 2006:** Hornsby Holdings Pty Ltd were deregistered under s.509 of the *Corporations Act 2001*.
- **26 March 2015:** Letter of Demand sent.
- **7 July 2015:** Notice of intention to lodge a Property Sale and Seizure Order (PSSO) was sent to ASIC (**as per confidential attachment 2**).
- **24 January 2018:** CS Legal was contracted to pursue recovery of the outstanding rates and charges (**as per confidential attachment 3**).
- **22 May 2020:** Strata Management Arrears Notification Received regarding outstanding Strata fees owed on the property (**as per confidential attachment 4**).
- **8 July 2020:** Signed Affidavit of claim and Annexures sent to CS Legal (**as per confidential attachments 5 and 6**).
- **3 August 2020:** The Shire received a signed Deed of Release from the Strata Company. This needs to be signed off by the Chief Executive Officer or the Director Corporate Services under section 9.49 of the *Local Government Act 1995* to proceed (**as per confidential attachment 7**).

Community / Stakeholder Consultation

Consultation has been had with the debt recovery agency, namely Tim Bradley (Senior Associate) at CS Legal, and the Strata Company "The Owners of 14911" known as "Rowley Brook Village Incorporated" regarding the outstanding strata fees and process for recovery of outstanding rates and charges.



Statutory Environment

Under Section 6.64 and Section 6.68 of the *Local Government Act 1995*, Council may take possession and exercise the power to sell the land for the outstanding rates and charges.

6.64. Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land; or*
 - (b) *sell the land; or*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*

6.68. Exercise of power to sell land

- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —*
 - (a) *has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) *having made reasonable efforts to locate the owner of the property is unable to do so.*

Under Schedule 6.3 of the *Local Government Act 1995*, the distribution for the proceeds of the sale of land allows the outstanding strata fees to be paid from the proceeds. The Deed requiring execution outlines the Strata's willingness for a delay in the payment of outstanding fees.

5. Application of purchase money

- *Where a local government has exercised its power of sale it is required to apply the proceeds of sale in the following manner —*
 - (a) *firstly — in payment of the costs, charges and expenses properly incurred by the local government in or incidental to the sale or attempted sale or the exercise of any other power conferred upon the local government by Part 6, Division 6, Subdivision 6 or this Schedule; and*
 - (b) *secondly — in payment of —*
 - (i) *unpaid rates or service charges, for the time being due to or imposed by the local government in respect of the land; and*
 - (ii) *costs and other money, if any, due to or imposed in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State; and*
 - (iii) *other amounts due to the local government under this or another written law,*



in respect of the land at the time of the sale, but where the payments required by paragraph (a) to be made have been made, and the balance of the money then remaining is not sufficient for the payment in full of the items required by this paragraph to be made, the local government is to distribute the balance of the money so remaining, between the Crown, the department, the agency, the instrumentality, and the local government, pro rata with the amounts of their claims, respectively, unless the Governor, or the Minister controlling the department, agency, instrumentality as the case requires, consents to rank after the local government; and

- (c) thirdly — in payment of the vendor's costs and expenses of and incidental to conferring upon the purchaser a title to the land; and*
- (d) fourthly — in or towards the discharge of a charge, if any, on the land under a written law relating to the construction of drains and fittings to connect the land with a sewer; and*
- (e) fifthly — in or towards the discharge of other mortgages and encumbrances on the land, both registered and unregistered, according to their priorities at law so far as they can be ascertained by the local government; and*

Under Section 568F of the *Corporations Act 2001* court may dispose of disclaimed property as per below:

568F [Court order as to vesting of property]

The Court may order that disclaimed property vest in, or be delivered to:

- (a) a person entitled to the property; or*
- (b) a person in or to whom it seems to the Court appropriate that the property be vested or delivered; or*
- (c) a person as trustee for a person of a kind referred to in paragraph (a) or (b).*

568F(2) [Who may apply for vesting order]

The Court may make an order under subsection (1):

- (a) on the application of a person who claims an interest in the property, or is under a liability in respect of the property that this Act has not discharged; and*
- (b) after hearing such persons as it thinks appropriate.*

568F(3) [Effect of vesting order]

Subject to subsection (4), where an order is made under subsection (1) vesting property, the property vests immediately, for the purposes of the order, without any conveyance, transfer or assignment.

**568F(4) [Effect of other law]**

Where:

- (a) a law of the Commonwealth or of a State or Territory requires the transfer of property vested by an order under subsection (1) to be registered; and
- (b) that law enables the order to be registered;
- the property vests in equity because of the order but does not vest at law until that law has been complied with.

Comment

Council Policy 3.2.9 – Rates Collection and General Debtors governs the Shire's approach to collection of outstanding rates and charges.

The considerable size of the outstanding amounts and ongoing charges need to be collected in order to be fair and equitable to all ratepayers within the Shire and ensure debt collection can occur in accordance with policy.

If Council does not proceed with recovery action it will negatively impact the Shire's cash position, and outstanding rates and charges will continue to accumulate on the property.

The breakdown of the outstanding rates and charges outstanding on the property as at 31 May 2020 is as follows:

Rates	\$21,973.80
Interest	\$13,791.11
Legal Charges	\$27,671.31
ESL Penalty Interest	\$497.29
ESL	\$793.55
Firebreak Works	\$19,289.70
Firebreak Infringement	\$250.00
Strata Fees*	\$17,324.99
Total	\$101,591.75

* Please note the strata fees are not a charge imposed by the Shire, however if we proceed with legal action to vest the property with the Shire, the ownership will result in the Shire being liable.



Options and Implications

Option 1

That Council:

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

Option 2

THAT Council DECLINES to execute the Deed of Release, from the Strata Company regarding outstanding strata fees in relation to (Lot 19) 1256 Rowley Road, Darling Downs, and DECLINES to authorise the Shire to proceed with legal proceedings through the court, to have the property at (Lot 19) 1256 Rowley Road, Darling Downs vested with the Shire, and DECLINES sale of the property.

Option 1 is recommended.

Conclusion

If the Shire does not proceed with signing the Deed, and court proceedings to have the property vested with the Shire to then proceed with sale of the property, it will negatively impact the outstanding rates debtor balance as rates and charges will continue to accumulate on the property.

Additionally, failure to act can create public perception that the Shire is unwilling to follow through on legal recovery in such cases, which may then impact future debt recovery action.

Any surplus funds will be returned to the State.



Attachments (available under separate cover)

- **10.3.5 – CONFIDENTIAL - attachment 1** – Letter from Taylor Woodings dated 29 April 2004 (IN20/19626)
- **10.3.5 - CONFIDENTIAL - attachment 2** – Letter to Australian Securities and Investment Commission dated 7 July 2015 (OC15/12678)
- **10.3.5 - CONFIDENTIAL - attachment 3** – Letter from CS Legal dated 22 January 2018 (IN20/19630)
- **10.3.5 - CONFIDENTIAL - attachment 4** – Email from CS Legal dated 22 May 2020 (IN20/19636)
- **10.3.5 - CONFIDENTIAL - attachment 5** – Affidavit between Shire of Serpentine Jarrahdale and the Minister for Lands (IN20/16859)
- **10.3.5 - CONFIDENTIAL - attachment 6** – Annexures to the Affidavit (IN20/16860)
- **10.3.5 - CONFIDENTIAL - attachment 7** – CS Legal – Deed of Release (IN20/19638)

Alignment with our Strategic Community Plan

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

Financial Implications

Sale of the property will benefit the Shire by the collection of \$101,591.75 of outstanding rates and charges (amount as at 31 May 2020).

Any additional costs associated with the sale of the property and the strata fees will also be recoverable from the sale proceeds.

Failure to proceed may result in reduced capacity to fund operations due to reduction in cash inflows and also influence future debt collection activities.



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)
DECLINE sign off of the Deed of Release	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM299/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr McConkey

That Council:

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

CARRIED UNANIMOUSLY 9/0



10.4 Community and Organisational Development reports

Shire President, Councillor Rich declared an Impartiality Interest in item 10.4.1.

Councillor Dagostino has declared an Impartiality Interest in item 10.4.1.

Councillor Strautins declared an Impartiality interest in item 10.4.1 as Councillor Strautins is familiar with at least one applicant.

10.4.1 – Equine Advisory Group – Appointment of Community Members (SJ3224)	
Responsible Officer:	Deputy CEO / Director Community and Organisational Development
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider, select and appoint 10 external members to the Equine Advisory Group.

Relevant Previous Decisions of Council

Ordinary Meeting of Council – 20 July 2020 – OCM231/07/20
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.

Special Council Meeting – 23 March 2020 – SCM077/03/20 – EXTRACT
That Council:

21. *APPROVES* that the Chief Executive Officer write to nominees to the Access and Inclusion Advisory Group, Cemeteries Advisory Group and Equine Advisory Group advising them that Council will be defer appointing members to the groups at this time.

Ordinary Council Meeting – 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.

At the Ordinary Meeting of Council on 20 July 2020, Council resolved to seek additional expressions of interest specifically from the equine racing industry.



Community / Stakeholder Consultation

The initial Expressions of Interest (EOI) call 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.

As a result of Council's 20 July 2020 resolution to seek additional expressions of interest from the equine racing industry, the following consultation was undertaken;

- All current EOI's advised of Council's decision.
- An advert placed in the Examiner Newspaper on 30 July 2020.
- Website content updated and a Facebook post published on 1 August 2020.
- A direct email sent to 19 stakeholders involved in the equine racing industry.

One existing EOI requested that Racing Industry be added to their selected areas of interest This is reflected in the **confidential attachment 1** at number 4.

Four EOI's from members of the equine racing industry were received by the closing date of 14 August 2020. The new EOI's are numbers 1, 3, 5 and 6 in **confidential attachment 1**.

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 Representatives from the Leisure and trail riding group
- 2x Representatives from the Keeping of retired and companion horses group
- 2x Representatives from Equine business

Eighteen (18) EOI's from highly experienced members of the equine community were received for the ten available positions.

A large number of applicants indicated they represented one or more areas of interest.

Applicant Number	Area of Interest
1	Racing Industry
2	<ul style="list-style-type: none"> • Racing Industry • Equine Disciplines (owner) • Leisure and Trail Riding
3	Racing Industry
4	<ul style="list-style-type: none"> • Racing Industry • Leisure & Trail Riding
5	Racing Industry
6	Racing Industry
7	<ul style="list-style-type: none"> • Equestrian Disciplines (Polocrosse) • Equine Business
8	Equestrian Disciplines
9	Equestrian Disciplines
10	<ul style="list-style-type: none"> • Leisure & Trail Riding • Equine Disciplines (Pony Club)
11	<ul style="list-style-type: none"> • Leisure & Trail Riding • Equestrian Disciplines (Dressage Eventing & Showjumping)
12	<ul style="list-style-type: none"> • Leisure & Trail Riding • Equestrian Disciplines (Pony Club & Adult Riders) • Keeping of retired and companion horses
13	<ul style="list-style-type: none"> • Keeping of retired and companion horses • Equestrian Disciplines (Horse Agility) • Leisure and Trail Riding • Equine Business



Applicant Number	Area of Interest
14	<ul style="list-style-type: none">• Equine Business• Racing Industry• Equestrian Disciplines (Eventing)• Leisure and Trail Riding• Keeping of retired and companion horses
15	<ul style="list-style-type: none">• Equine Business• Equestrian Disciplines (Pony Club, all disciplines)• Keeping of retired and companion horses
16	<ul style="list-style-type: none">• Equine Business• Keeping of retired and companion horses• Equestrian Disciplines (Showjumping)
17	Equine Business
18	Equine Business

All areas of interest indicated have been included in a summary of the EOI's at **confidential attachment 1**.

EOI's in their entirety are at **confidential attachment 2**.

In the event Council resolves to appoint all applicants, an amended Terms of Reference is provided at **attachment 3**.

A Scoring Matrix has been provided at **attachment 4**. Council may wish to use this matrix to determine the suitability and composition of the Equine Advisory Group.

Council had previously resolved that Officers bring a report to the December 2020 Ordinary Council Meeting outlining the priorities of the Advisory Group, however the decision by Council to readvertise, seeking further membership of the Advisory Group has meant that this will not be possible. Officers recommend an extension of time, with a report due to the March 2021 Ordinary Council Meeting. This will allow for sufficient time for consultation to be undertaken and a report provided.



Options and Implications

As the number of EOI's exceeds the number of available positions, Council has the following options to consider:

Option 1

That Council

1. SELECTS and APPOINTS 10 external members to the Equine Advisory Group from the list at **confidential attachment 1**, being:
 - a) Two representatives from the Racing Industry;
 1. _____
 2. _____
 - b) Two representatives from the Equestrian disciplines;
 3. _____
 4. _____
 - c) Two representatives from the Leisure and Trail Riding group;
 5. _____
 6. _____
 - d) Two representatives from the Keeping of retired and companion horses group;
 7. _____
 8. _____
 - e) Two representatives from Equine business;
 9. _____
 10. _____
2. REQUESTS the Chief Executive Officer bring a report outlining the priorities of the Advisory Group to the March 2021 Ordinary Meeting of Council.

This will bring the formal membership of the Equine Advisory Group to 12 (two Councillors and 10 external members) which will benefit effective meeting facilitation to achieve outcomes and understand the needs of the equine industry. This will allow sufficient time for consultation to be undertaken and a report prepared for Councils consideration.

Option 2

That Council

1. AMENDS the Terms of Reference to a total of 18 external members not specifying a number of representatives from equine areas of interest as at **attachment 3**.
2. APPOINTS all who applied as per **confidential attachment 1** to the Equine Advisory Group.
3. REQUESTS the Chief Executive Officer bring a report outlining the priorities of the Advisory Group to the March 2021 Ordinary Meeting of Council.

This will result in an Advisory Group of 20 people which is a significantly large Advisory Group and exceeds the number of external representatives that Council considered would be sufficient when approving the Terms of Reference for the working group.

Option 3

That Council DOES NOT APPOINT any external members to the Equine Advisory Group at this time and provides reasons why.

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 select and appoint 10 external members as per the Terms of Reference.

Attachments (available under separate cover)

- **10.4.1 – CONFIDENTIAL attachment 1** – Expressions of Interest Summary (E20/2491)
- **10.4.1 – CONFIDENTIAL attachment 2** – All Expressions of Interest (E20/7668)
- **10.4.1 – attachment 3** – Amended Terms of Reference (E20/1293)
- **10.4.1 – attachment 4** – Expressions of Interest Scoring Matrix (E20/10340)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Outcome 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.1.2	Provide a healthy community environment
Outcome 4.2	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest



Financial Implications

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. SELECTS and APPOINTS 10 external members to the Equine Advisory Group from the list at confidential attachment 1, being:
 - a) Two representatives from the Racing Industry;
 1. _____
 2. _____
 - b) Two representatives from the Equestrian disciplines;
 3. _____
 4. _____
 - c) Two representatives from the Leisure and Trail Riding group;
 5. _____
 6. _____
 - d) Two representatives from the Keeping of retired and companion horses group;
 7. _____
 8. _____
 - e) Two representatives from Equine business;
 9. _____
 10. _____
2. REQUESTS the Chief Executive Officer bring a report outlining the priorities of the Advisory Group to the March 2021 Ordinary Meeting of Council.



OCM300/09/20

MOTION

Moved Cr Coales, seconded Cr Dagostino

That Council:

1. **AMENDS** the Terms of Reference to a total of 18 external members not specifying a number of representatives from equine areas of interest as at attachment 3.
2. **APPOINTS** all who applied as per confidential attachment 1 to the Equine Advisory Group.
3. **REQUESTS** the Chief Executive Officer bring a report outlining the priorities of the Advisory Group to the March 2021 Ordinary Meeting of Council.

MOTION LOST 4/5

OCM301/09/20

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Denholm

That the meeting be closed to members of the public whilst item 10.4.1 is discussed pursuant to section 5.23(2)(b) of the *Local Government Act 1995*.

CARRIED 8/1

At 9.08pm, the meeting went behind closed doors.

OCM302/09/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Denholm

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.09pm.

CARRIED UNANIMOUSLY 9/0

OCM303/09/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Atwell

That Standing Orders be reinstated at 9.46pm.

CARRIED UNANIMOUSLY 9/0



OCM304/09/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Strautins

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 9/0

At 9.49pm, the doors were reopened and 2 members of the public returned to the Gallery.

OCM305/09/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Atwell

That Council

- 1. SELECTS and APPOINTS 10 external members to the Equine Advisory Group from the list at confidential attachment 1, being:**
 - a) Two representatives from the Racing Industry;**
 - 1. Applicant 1**
 - 2. Applicant 5**
 - b) Two representatives from the Equestrian disciplines;**
 - 3. Applicant 7**
 - 4. Applicant 8**
 - c) Two representatives from the Leisure and Trail Riding group;**
 - 5. Applicant 11**
 - 6. Applicant 14**
 - d) Two representatives from the Keeping of retired and companion horses group;**
 - 7. Applicant 12**
 - 8. Applicant 16**
 - e) Two representatives from Equine business;**
 - 9. Applicant 15**
 - 10. Applicant 18**
- 2. REQUESTS the Chief Executive Officer bring a report outlining the priorities of the Advisory Group to the March 2021 Ordinary Meeting of Council.**

CARRIED 8/1

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

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

Councillors Coales voted AGAINST the motion.



10.4.2 – Australia Day 2021 (SJ3242)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider the location and format for Australia Day 2021 celebrations, inclusive of the citizenship ceremony, awards and community event elements.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 July 2020 – OCM229/07/20 - EXTRACT

That Council:

- 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;*

Background

Australia Day is the official national day of Australia, celebrated annually on the 26 January. Historically, the Shire of Serpentine Jarrahdale celebrations consist of a formal ceremony (including a citizenship ceremony, as well as a presentation of various awards), a community breakfast, morning tea and a range of community activities.

The event has been hosted at several venues over previous years with varying levels of community activities and participation. During a recent review of the 2020/2021 community events calendar, Council resolved that a report be brought back outlining the proposed format of Australia Day 2021, inclusive of the citizenship ceremony, awards and community event elements.

**Community / Stakeholder Consultation**Policy Concept Forum

Meeting Date		6 July 2020
Councillors Attendance	in	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Meeting Date		24 August 2020
Councillors Attendance	in	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr McConkey, Cr Strautins

Informal conversations have been initiated with some community groups regarding their potential involvement in the delivery of the event. Further consultation is subject to the outcome of this report.

Community groups anticipated to be involved in delivery of Australia Day as presented in this report are as follows:

- Byford Baptist Church.
- Lions Club of Serpentine Jarrahdale.
- Rotary Club of Byford and Districts.
- Heritage Country Choir.
- Byford Volunteer Bush Fire Brigade.
- SJ Blues Cricket Club.
- Byford Multicultural Club.

Previously, the Shire of Serpentine Jarrahdale has had an Australia Day Committee with representation from various community groups involved in the Australia Day celebrations. This Committee had a heavy focus on informing operational elements of the day, now coordinated by the Shire's Event Officer via consultation with each group as above.

There is currently no identified need to establish an operational Committee or Advisory Group for this Shire led event.

Statutory Environment

Nil.

Comment

Australia Day celebrations within the Shire of Serpentine Jarrahdale have historically involved a formal civic ceremony incorporating citizenship ceremony(s), presentation of awards as well as a community breakfast and associated activities. This report considers each of the various event delivery aspects.



Awards

It has been some time since a review of the awards given on Australia Day has been undertaken.

There are currently three Award initiatives delivered as part of the Australia Day ceremony;

- The Australia Day Council WA, Community Citizen of the Year awards; Auspire.
- Clem Kentish Community Service Award.
- Rotary Club of Byford and Districts award; Rotary Service Above Self.

Additionally the Shire has received a request from Bendigo Bank to allow the Bank to present the Byford Bendigo Bank Community Service Award (community group) as a part of the Award giving ceremony.

Each of these awards is discussed in detail below.

Auspire

The Shire's current awards program aligns with the Australia Day Council WA, Community Citizen of the Year awards; known as Auspire. The Auspire Awards reward and recognise individuals and organisations making a notable contribution during the current year, and/or to those who have given outstanding service over a number of years.

The Community Citizen of the Year awards program has a number of key objectives which include:

- To engender community contribution and participation.
- To encourage community harmony and engagement at a local level.
- To showcase grass-roots community involvement, achievement and capacity-building initiatives.

There are four awards categories:

1. Community Citizen of the Year.
2. Community Citizen of the Year – Youth (under 25 years of age).
3. Community Citizen of the Year – Senior (over 65 years of age).
4. Active Citizenship – group or event.

The recipients will have been judged to have met a number of criteria including demonstration of:

- A significant contribution to building harmony and inclusion with the local community;
- Leadership on a community issue resulting in the enhancement of community life;
- A significant initiative which has brought about positive change and added value to community life; and
- Inspiring qualities as a role model for the community.



Auspire call for nominations from community groups and individuals, which is dually promoted by the Shire to encourage submissions. Nominations open on 1 September and close on 31 October each year, and are submitted directly to Auspire online via their website or hard copy form.

All nominations received by Auspire within the designated nomination period are provided to the Shire for consideration and selection. Selected winners are subsequently provided back to Auspire by the Shire.

Traditionally, the Shire's approach to selecting recipients is via representation from the Shire President, Deputy Shire President and (where available and willing to attend) the previous year's winners.

Auspire outlines that participating local governments may choose to appoint a group, comprised of people from community organisations and citizens, to manage the selection process as well as encourage and promote nominations. Ultimately, it is up to the individual local governments to determine a panel/group that works best to the individual context.

Officers recommend that the selection panel for the Auspire Awards has the following composition:

- Shire President.
- Deputy Shire President.
- Previous year Auspire and Clem Kentish Community Service Award winners (as community representatives).
- Chief Executive Officer or nominated Executive Officer (to provide administrative support).

The selection panel proposed is based on:

- Representation and model achievable in the current timeframes.
- Model led by the Shire to minimise reputational risk in selection processes.
- Minimising potential conflict between nominees and selection panel representation.

Promotion of the awards will continue to be undertaken through the Shire's normal communication channels.

There have been varying approaches in previous years to the way in which the Awards are presented on the day. The recipient is presented with their award certificate by the Shire President, however for the recognition of nominees there has been a mix of verbal acknowledgment, nominees on stage, or the winners only on stage.

Officers suggest it would be appropriate at the time of selecting the award recipient to determine what approach the presentation of awards will take on the day. The approach is entirely subject to the number of nominations, and calibre of nominations received. It is essential to ensure no embarrassment or discomfort would be experienced by attendees on the day.

Clem Kentish Community Service Award

In addition to the Community Citizen of the Year awards, the Shire also presents the Clem Kentish Community Service Award at the Australia Day ceremony. The Shire directly advertises and coordinates this Service Award as a separate recognition initiative from the Auspire Awards.



The Clem Kentish Community Service Award has been presented to members of the Shire of Serpentine Jarrahdale community since 1989 adhering to the following guidelines:

- Minimum length of service to the community is to have been twenty (20) years.
- Nominee is to have served on several committees that have benefited the community.
- Nominee is to be a resident of the Shire of Serpentine Jarrahdale.
- Either organisations or individuals may make nominations for the award.
- Winner is to be presented with a lapel badge and plaque at the Shire of Serpentine Jarrahdale's Australia Day Awards' Ceremony.

The winner is traditionally selected via the same representative processes outlined under the Auspire Awards, however the recipient details are not provided back to the Australia Day Council WA as this is not part of their Awards.

Officers recommend that the selection panel for the Clem Kentish Community Service Award is the same as the Auspire Awards with the following composition:

- Shire President.
- Deputy Shire President.
- Previous year Auspire and Clem Kentish Community Service Award winners (as community representatives).
- Chief Executive Officer or nominated Executive Officer (to provide administrative support).

Officers also recommend the approach to the presentation of the Auspire Awards be also applied to the presentation of the Clem Kentish Community Service Award.

Service to the Community Award - Rotary Service Above Self

Historically, the Rotary Club of Byford and Districts have presented the Community Award - Rotary Service Above Self as part of the Shire of Serpentine Jarrahdale Australia Day celebrations.

The local Rotary Club of Byford and Districts has provided a summary of the local Service Above Self Award which is included as **attachment 1**, confirming that this award can be given to any Serpentine Jarrahdale community member (does not need to be a Rotarian) who has served their community for decades.

The selected recipient is added to the honour board, currently housed at the Mundijong Public Library.

Whilst Rotary do make contact with the Shire to cross-reference any potential conflicts that may exist with a proposed recipient, the Shire is ultimately not aware of the winner until the announcement on the day. Officers suggest there is a current risk in this approach, as the event, ceremony and award components all reflect on the reputation of the Shire which currently has no involvement in the nomination and selection process.

Officers recommend that Council support requesting that the Rotary Club of Byford and Districts provide the name of the winner of the award to the Shire of Serpentine Jarrahdale Chief Executive Officer two weeks before the Australia Day event. Should the Chief Executive Officer



have any concerns with the proposed winner, this will be discussed with the Rotary Club of Byford and Districts President.

Current Request – Byford Bendigo Bank Community Service Award

Officers have received a request from the Byford & Districts Community Bank Branch of Bendigo Bank, proposing the inclusion of the Byford Bendigo Bank Community Service Award as part of the ceremony. This is included as **attachment 2** of this report.

The request is for the inclusion of a new award to acknowledge a community group for their contributions to the community. The proposed award recipient would be determined by the Board of the Byford & Districts Community Bank and the prize would consist of \$1,000 to assist the group with their not for profit work, a certificate and a plaque.

Officers do not recommend incorporating the request as part of the Shire of Serpentine Jarrahdale Australia Day Award ceremony for 2021 or any future years. The Auspire award categories already include the ability to nominate a group or event for recognition. Officers would expect the nomination/submission process to be diluted where multiple avenues for similar recognition exists and it would not promote cohesion or strengthen the repute of the Auspire awards to have a competing award. Alternatively, it would be recommended that the Bendigo Bank nominate community groups worthy of recognition via the Auspire awards.

The offer of a cash reward is also inconsistent with other awards presented on the day. Officers contacted Auspire to determine whether sponsorship arrangements could be considered for the award categories to enable the provision of a monetary prize or similar, and were advised that it is not appropriate to have sponsors for those categories.

Officers recommend inviting Bendigo Bank to consider if they may like to be involved in the Australia Day event through sponsorship of the Australia Day community activities or through other means.

Comparative Local Governments

Officers recognise that each community and local government undertakes their own ceremonies and recognition programs as relevant to their individual context.

However, for the purpose of the review a general survey of five neighbouring Local Governments was undertaken to ascertain if there were any other Awards in place that may be worth considering in as part of the Shire's Australia Day celebrations.

Feedback at this time suggests that the only awards presented on Australia Day are those under the Auspire Community Citizen of the Year awards program. Any additional awards are presented on other occasions, or at other events throughout the year.

Venue

At the July Ordinary Council Meeting, Officers presented two potential venue options for the event:

- Serpentine Jarrahdale Community Recreation Centre (SJCRC) and Briggs Park Upper Oval, Byford; or
- Eric Senior Pavilion and Serpentine Sports Reserve, Serpentine.



Since the time of the July report, Officers have given further consideration to both venues and recommend the Serpentine Jarrahdale Community Recreation Centre and Briggs Park Upper Oval, Byford as the location for Australia Day activities for 2021.

Reasons include:

- Purpose built, air conditioned function room (including staging), which can accommodate sufficient numbers for stage 4 COVID restrictions.
- Anticipated numbers of conferees at this time are expected to be significantly less than the 2020 event. The function room at the Recreation Centre has sufficient capacity, with no requirement for a larger or outdoor venue.
- Activation of the SJ Community Recreation Centre.
- Proximity and connectivity to adjoining open space for staffing purposes (for set up of both ceremony and community elements), without noise impact on either activity.
- Reduction of costs relevant to infrastructure requirements, such as shade, staging and audio.

In regards to the community activity element, Officers have given considerable thought towards the ability to attract broad representation of community demographic in a family friendly manner, as well as engaging local community groups. Mass gatherings and ability to be flexible with the programming in the current Covid-19 pandemic environment is also of consideration.

For this reason, Officers have progressed with investigating feasibility of a Community Cricket Match. This is a popular sport across multiple demographics, and could be structured in such a way as to provide an activity for all members of a family or household, would not be impacted by venue restrictions (as an outdoor activity) and could help drive community interest in locally available sport and recreation activities.

The local SJ Blues Cricket Club have indicated their interest in participating on the day and being involved in the delivery of the event. Further discussions and finalisation of details are subject to the outcome of this report.

Officers will also undertake a process of identifying members of our community with multicultural backgrounds that may wish to provide activities or entertainment on the day to help celebrate the range of cultures present within Australia.

Structure of the day

It is proposed that Australia Day activities remain as a morning event, consistent with previous years. As a summer event, conducting activities before the peak heat of the day is preferred. The format for the day is proposed to be:

8.30am – 10.00am

Community BBQ Breakfast to be held on the Briggs Upper Oval adjacent to the Pavilion under a marquee with tables and chairs.

Breakfast and refreshments to be cooked and served by local community service groups. Local community groups will be engaged with early to understand their requirements and interest in being involved in the day.

Entertainment to feature an acoustic singer / guitarist who will perform during the breakfast and a native Australian animal wildlife experience.



10.00am – 12.00 noon

Single ceremony including Welcome to Country, Australia Day Awards, Citizenship Ceremony as prescribed by the Australian Citizenship Ceremonies Code and a performance by the Heritage Country Choir.

To be held inside the SJCRC Function Room which has capacity for up to 300 people, built in stage and audio system, kitchen for any food preparation.

Morning tea catering to be provided/served after the ceremony.

Comment

The conferring of citizenship on new citizens is a key part of Australia Day. In 2020, a record number of conferees (120) were assigned by the Department of Home Affairs to be conferred citizenship by the Shire on the day. This was greatly in excess of the previous year, where 19 conferees had been assigned. Such large numbers challenged the effective administration of the day.

Improved management of conferee numbers has been a focus in 2020 with additional ceremonies scheduled in 2020 to meet demand. In the meantime, the temporary availability of online ceremonies conducted directly by the Department of Home Affairs has significantly reduced demand for in-person ceremonies.

At the two ceremonies in August, a total of 25 people received citizenship. In September, another two ceremonies with a total of 20 conferees are scheduled. For the October ceremony, a total of 7 people have been assigned by the Department. The Shire is liaising with the Department to ensure a manageable number of conferees (approximately a dozen) is available and assigned for Australia Day. This may require cancelling the scheduled December ceremony.

10.00am – 12.00 noon

Community Cricket Match on Briggs Upper Oval coordinated and hosted by SJ Blues Cricket Club and the Shire.

Additionally multicultural entertainment may be arranged subject to ongoing discussions with Byford Multicultural Association.

Other entertainment options and activities provided by community groups and members may also present throughout the planning process, value adding to the above proposed activities.



Options and Implications

Option 1

That Council:

1. NOTES the Australia Day Auspire Award categories and Clem Kentish Community Service Award;
2. APPOINTS the formal Selection Panel for the Australia Day Awards and Clem Kentish Community Service Award with the following representation:
 - Shire President.
 - Deputy Shire President.
 - Previous year Award winners (excluding Rotary Above Self Award winner).
 - Chief Executive Officer or nominated Executive Officer;
3. REQUESTS that the Chief Executive Officer write to the Rotary Club of Byford and Districts requesting Rotary provide the name of the winner of the *Service to the Community Award - Rotary Service Above Self* to the Shire of Serpentine Jarrahdale Chief Executive Officer two weeks before the 2021 Australia Day event;
4. REQUESTS the Chief Executive Officer write to the Byford & Districts Community Bank Branch of Bendigo Bank encouraging them to nominate groups to the existing Auspire Award categories, and inviting them to consider involvement in the Australia Day event through sponsorship of the Australia Day community activities, or through other opportunities; and DECLINES the request from Byford & Districts Community Bank Branch of Bendigo Bank to incorporate their Community Service Award as a part of the Australia Day ceremony; and
5. APPROVES the proposed format, including venue, times and activities for the 2021 Australia Day event as outlined in this report.

Option 2

That Council:

1. NOTES the Australia Day Auspire Award categories and Clem Kentish Community Service Award;
2. APPOINTS the formal Selection Panel for the Australia Day awards with the following representation:
 - Shire President
 - Deputy Shire President
 - Previous year Award winners (excluding Rotary Above Self Award winner)
 - Chief Executive Officer or nominated Executive Officer.
3. REQUESTS that the Chief Executive Officer write to the Rotary Club of Byford and Districts requesting Rotary provide the name of the winner of the *Service to the Community Award - Rotary Service Above Self* to the Shire of Serpentine Jarrahdale Chief Executive Officer two weeks before the 2021 Australia Day event;



4. ACCEPTS the request from Byford & Districts Community Bank Branch of Bendigo Bank to present their *Community Service Award* as a part of the 2021 Australia Day ceremony, with the condition that the Byford & Districts Community Bank Branch of Bendigo Bank provide the name of the winner of the award to the Shire of Serpentine Jarrahdale Chief Executive Officer two weeks before the 2021 Australia Day event; and
5. APPROVES the proposed format, including venue, times and activities for the 2021 Australia Day event.

Option 1 is recommended

Conclusion

During a recent review of community events to be delivered throughout 2020/2021, influenced by the COVID-19 climate, Council resolved that a report be bought back outlining the proposed format of Australia Day 2021, inclusive of the citizenship ceremony, awards and community event elements.

Officers do not propose any changes to the award categories for the 2021 event and recommend formalising the selection panel consistent with the Auspire framework process in a manner that reduces or limits the reputational risk to the Shire. Officers have proposed the delivery of a community event targeted at a broad range of demographics and cultural backgrounds within the local community that would engage a range of locally based community groups.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Rotary Response – Service Above Self Award (E20/9574)
- **10.4.2 - attachment 2** – Bendigo Bank request (OC20/514)

Alignment with our Strategic Community Plan

Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Council have allocated \$38,000 to the delivery of the 2021 Australia Day event in the 2020/21 Budget under account 4300-15701-5002.



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 to host event due to COVID-19 impacts.	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Risk
Possible reputational risk with presentation of awards to recipients unknown to the Shire.	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM306/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Dagostino

That Council:

1. **NOTES** the Australia Day Auspire Award categories and Clem Kentish Community Service Award;
2. **APPOINTS** the formal Selection Panel for the Australia Day Awards and Clem Kentish Community Service Award with the following representation:
Shire President.
Deputy Shire President.
Previous year Award winners (excluding Rotary Above Self Award winner).
Chief Executive Officer or nominated Executive Officer.
3. **REQUESTS** that the Chief Executive Officer write to the Rotary Club of Byford and Districts requesting Rotary provide the name of the winner of the *Service to the Community Award - Rotary Service Above Self* to the Shire of Serpentine Jarrahdale Chief Executive Officer two weeks before the 2021 Australia Day event;
4. **REQUESTS** the Chief Executive Officer write to the Byford & Districts Community Bank Branch of Bendigo Bank encouraging them to nominate groups to the existing Auspire Award categories, and inviting them to consider involvement in the Australia Day event through sponsorship of the Australia Day community activities, or through other opportunities; and **DECLINES** the request from Byford & Districts Community Bank Branch of Bendigo Bank to incorporate their Community Service Award as a part of the Australia Day ceremony; and
5. **APPROVES** the proposed format, including venue, times and activities for the 2021 Australia Day event as outlined in this report.

CARRIED UNANIMOUSLY 9/0

**10.4.3 – Consideration of Mental Health and Wellbeing Initiatives (SJ259)**

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

Authority / Discretion

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

The purpose of this report is to provide Council with an update regarding potential mental health initiatives for the local community, as an alternative to the proposed SJ Rocks event.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 July 2020 – OCM229/07/20 - EXTRACT

That Council:

- 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.*

Background

At the July Ordinary Council Meeting, Officers proposed a series of community events for Council endorsement. One of the proposed events was a free community concert 'SJ Rocks', with a tentative delivery date of March 2021 (subject to COVID-19 pandemic related restrictions) that had an indicative budget allocation of \$20,000.

Council endorsed the proposed calendar, excluding the SJ Rocks event, requesting further information in regard to how the \$20,000 budget could be spent on mental health and wellbeing initiatives for the local community. The impact of the COVID-19 pandemic, as well as statistics within the Health and Wellbeing Strategy 2020 – 2024 suggest that initiatives targeted at improving mental health outcomes would be of significant benefit within the local community.



Community / Stakeholder Consultation

A range of consultation has occurred as outlined throughout sections this report and associated attachment, including but not limited to Byford Secondary College, not for profit service providers such as Armadale Community Family Centre, Communicare, Foodbank WA, HelpingMinds, and organisations such as Passionate Lives.

Statutory Environment

Nil.

Comment

Definitions and informing statistics

According to the World Health Organisation, mental health is “a state of well-being in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.”

Mental health is about the way we think, feel and develop relationships, not merely a reference to the existence/absence of a mental health condition.

Conversely, mental illness is defined as disturbances of mood or thought that can affect behavior and distress the person or those around them, so that the person often has trouble functioning normally.

While mental wellbeing and mental illness are considered to be distinct concepts, factors that promote mental wellbeing are frequently the same factors that protect against mental illness, including resilience and social connection.

The Shire’s Health and Wellbeing Strategy 2020-2024 contains statistical information indicating that residents within the Shire have a higher prevalence of mental health concerns compared to the WA average. Most specifically, statistics within the Strategy indicate that the male youth suicide rate is significantly higher than the Perth metropolitan rate. In addition to this, the impacts of the coronavirus (COVID-19) pandemic, such as isolation, restrictions and financial and economic impacts have been shown to impact on all individual’s mental health and wellbeing in varying degrees, over and above the statistical data sourced.

Officers recognised that the mental health and youth suicide data within the document is four to five years old, as this is what has been made available to the Shire through the State Government departments and also that the data is standardised across Western Australia, not specific to the Shire. Officers attempted to ascertain further relevant, up to date statistics (additional to those within the Strategy) that could inform program delivery. Recent and Shire specific data has not been available to be sourced.

Until such time as Shire specific and up to date data is available to be accessed and while the Shire of Serpentine Jarrahdale continues to have a population base for youth that is “higher than greater Perth area”, the standardised statistics will also show a higher than average comparison.

In the recent MARKYT Community Resilience Scorecard consultation undertaken by Catalyse, the Department of Local Government, Sport and Cultural Industries and Local Government Professionals, 77% of community respondents who were from across Western Australia, indicated that their mental health was good, very good or excellent. Community Health and Wellbeing (sport and recreation programs, library services, community development initiatives



etc) was listed as the second priority for Local Governments by community respondents. Unfortunately, there is not specific data for the Shire of Serpentine Jarrahdale.

In the recent community consultation undertaken by the Shire to assist in informing the development of the Community Recovery Plan, respondents were asked what their three main concerns are now, and in 6-12 months' time. 37% of respondents indicated wellbeing and mental health concerns was within their top 3 main concerns currently and 31% indicated wellbeing and mental health concerns was within their top 3 main concerns for 6-12 months' time. When asked what they thought the biggest issues and/or impacts for the community of Serpentine Jarrahdale as a whole were, 55.32% of respondents listed mental health as an issue or impact, placing it third overall after unemployment and household finances.

Service Provision; Roles and Responsibilities

The Mental Health Commission, (MHC), established by the State Government in 2010 to lead mental health reform throughout WA currently has a draft Western Australian Suicide Prevention Action Plan 2021-2025, which discusses the importance of identifying the roles of government, organisations and community efforts as extracted below:

Commonwealth Government

The Commonwealth Government is responsible for the development and implementation of national frameworks including the delivery of funds, programs and services. For example, the Primary Health Alliance develops regional suicide prevention plans in partnership with hospital and health services and other key sectors.

Western Australian Government

The WA Government is responsible for the development of state-wide strategies and plans and includes the delivery and funding of programs and services that improve wellbeing at the community, organisational and individual levels. These include housing, employment, health, disability and financial support, transport assistance, workplace supports, the justice system and education programs.

Non-government organisations, and the private sector

The non-government and private sector delivers a range of face-to-face and online services and plays a large role in supporting individuals and the community in advocating for change. This sector includes peak bodies such as the Aboriginal Health Council of WA, The WA Association for Mental Health and the Youth Advocacy Council of WA. Non-government and private sector organisations are also responsible for providing employment and workplaces that are safe and healthy.



Local Government

Local Governments are responsible for developing the local community in a socially just and environmentally responsible way. This can include local infrastructure, parks and recreation facilities, health services, building and planning licensing and the provision of cultural facilities and events.

Individuals and communities

Individuals, families and groups that make up our community share the responsibility of providing safe and secure environments and building supportive positive relationships between friends, families, neighbourhoods and community groups.

As outlined above, each level has a role to play in the support of mentally healthy communities and to support suicide prevention and it is important that there is a collaborative effort to achieve positive outcomes.

There are significant resources available from both Federal and State Governments, as well as non-government and private organisations to support positive mental health and wellbeing activities, as well as a range of complementary support services.

These include services such as HelpingMinds who provide counselling and support for carers, families and friends of people supporting a person living with mental health challenges. They also provide free mental health programs for schools and the community, assistance working through NDIS and early intervention programs where funded. Headspace is another not-for-profit organisation funded to provide free services for young people aged 12-25 who need support for their mental health and wellbeing, and physical or sexual health. Additional to this are the State Government mental health services and community mental health teams and a variety of crisis helplines.

In response to the specific mental health challenges brought about as a result of the COVID-19 pandemic, Think Mental Health, an initiative of the MHC which aims to build mental health and wellbeing and reduce mental health issues with a view to reducing Western Australia's suicide rate, has launched a specific campaign. The *Be positive. Be connected. Be active.* campaign, targets:

- the Western Australian community aged 18 years and over;
- people with elderly parents/grandparents;
- parents with younger children;
- people that live alone; and
- people in financial stress.

Officers have been identifying and connecting with Federal and State agencies and non-government organisations funded to deliver services within the Shire, with the goal of ensuring services that are available to residents are accessible locally as much as possible.

One of the barriers is the availability and cost of suitable space, where delivery of services locally in Byford and other townsites is considered "outreach". Service providers are expressing a desire to have a greater presence in the Shire however do not have funding to pay for lease or hire of facilities, additionally the requirement for suitable and safe consulting rooms is difficult



to meet with the current facilities in the Shire. Officers suggest that in order to increase the presence of such services in the Shire, it is necessary to continue to work in partnership with them to provide programs and support to residents, as well as to consider use of existing Shire facilities at no cost in order to enable the delivery of services. Additionally the provision of a library and community facility in Byford, including consulting rooms and community use space will ensure provision of appropriate and safe spaces for provision of services and programs and Council may wish to consider bringing the construction of this project forward.

Contributing factors mental health concerns and Shire's current response/available programs

The Mental Health Commission promotes the following as activities for keeping mentally healthy:

- Keeping active and busy – with sport, music, art, crafts, volunteering etc.
- Eating well.
- Sleeping well.
- Connecting with your community, family and friends.
- Talking about your feelings.

Additionally as outlined above, the Commission recognises the responsibility for Local Government to develop the local community in a socially just and environmentally responsible way. This can include local infrastructure, parks and recreation facilities, health services, building and planning licensing and the provision of cultural facilities and events.

The Shire already provides a number of initiatives in line with the MHC recommendations, including:

- Newly launched Friendly Neighbourhoods Grant (providing up to \$250 to groups and individuals encouraging connection at a grass-roots, local level).
- General and Major Grant opportunities for community groups to enhance service offerings and/or membership base (sport, art, volunteering etc).
- A range of ongoing social connection opportunities offered through the Library and community programs.
- The Helping Households SJ initiative (established as a result of the COVID-19 pandemic).
- Sport and Recreation programs and support.
- Community infrastructure to support connection and physical activity.
- Youth Development activities.

In particular, the community funding programs are offered to promote a sense of community and inclusion across the Shire, to celebrate cultural diversity and heritage, as well as encourage residents to be healthy, active and engaged in community life and build social capital. They assist the community and non-government organisations to fulfil their role as outlined in the draft Western Australian Suicide Prevention Action Plan 2021-2025.



In the July/August 2020 General Grant round, the Shire has received \$50,364.65 worth of applications for a \$32,000 annual allocation (3 rounds per year). This level of subscription to the Scheme has not previously occurred and demonstrates an unanticipated level of interest with two rounds remaining for the year. The applications are currently being assessed and whilst it is recognised some applications may not be successful for a range of reasons, it is always beneficial to support community lead initiatives.

Officers recommend that should Council wish to consider the reallocation of the \$20,000 budget for the SJ Rocks event, they may wish to increase the 2020/2021 general grants allocation by \$15,000 in order to support a broader range of community driven initiatives.

In addition to the community funding program, the Shire has also developed the Helping Households SJ initiative. Programs currently being delivered (or proposed to be delivered) are articulated in **attachment 1**. The program is aligned to four main themes:

- Family Matters.
- Health and Wellbeing Matters.
- Employment Matters.
- Finance Matters.

These themes (and delivery of programs within) were determined via the WALGA COVID-19 Health and Economic Vulnerability Analysis, as well as feedback obtained at the Local Recovery Community Wellbeing Sub Committee meetings. They are also consistent with the *Be positive. Be connected. Be active.* campaign of the MHC and support the outcomes of the WA Recovery Plan.

Generally, this program is being delivered in partnership with service providers identified as existing within our community, either at minimal or no cost within Community Development functions. The Health and Wellbeing Matters category in particular highlights partnership initiatives in motion as a direct response to Mental Health endeavours such as Mental Health Week and Mental Health awareness training.

Discussions have also commenced with Byford Secondary College as relevant to community partnership opportunities, with a focus on building a resilient community, building capacity and engaging parents as partners in the process. These discussions remain ongoing.

Additional Initiative/Program Comments

In order to develop and present a program that may add-value to initiatives already occurring, Officers have considered the key factors that can pose a risk to, or protect, mental health and wellbeing as determined by Think Mental Health WA.

Comments are provided below under each of the key factors, contextualised to current service and program provision within the Shire of Serpentine Jarrahdale and consistent with the role of Local Government (as defined within the draft Western Australian Suicide Prevention Action Plan 2021-2025).



Loneliness and isolation

Many opportunities already exist within Shire programming and via local community group initiatives (including those funded via the Shire's General and Major Grant Scheme) that promote social connection and inclusivity. The Shire will continue to promote these to our community through a wide range of medium, particularly to more vulnerable residents.

The provision of free, accessible community events provide excellent opportunities for residents to connect, particularly where these are conducted in a format respectful of the current COVID-19 climate. Should Council wish to consider the reallocation of the \$20,000 budget for the SJ Rocks event, they may wish to increase the 2002/2021 budget allocation for school holiday programming by \$5,000 to allow for an additional "whole of family" no-cost event, to be delivered in addition to current activities during October school holidays

Grief and loss

Grief and loss is not just associated with death, it can also be the loss of employment or a significant change to a way of life or separation from family and friends.

Programs offered through the Helping Households SJ provide residents with information relating to finances, employment challenges and being "mindful". The Neighbourhood Grants are also structured to encourage connections with friends at no cost, or to establish new networks.

Domestic and family violence

An outcome of the Community Safety and Crime Prevention plan is to develop strategies to work towards decreasing the incidence and impact of family violence within the Shire. This will be in partnership with WA Police and other relevant agencies.

Community safety BBQs are being hosted in October and November this year, being an opportunity to promote awareness.

Bullying

Promoting healthy relationships is inherent to the work undertaken by our Youth Development Officers and there is a no bullying policy at the youth space. The Shire was successful in a grant to deliver a series of workshops to young people, with one of these focused on cyber safety and bullying. Dates for delivery are currently in negotiation.

Unemployment or loss of business

Through the Helping Households SJ program, the Shire is aiming to upskill residents who may find themselves out of work (such as resume writing) or struggling with their small business.

The Shire has been working with Business SJ and the Peel CCI to provide support to local businesses, and advocacy work is being undertaken across all levels of government to improve local job opportunities.

Officers are also aware of the challenges related to financial stress in the current environment, not necessarily related to unemployment but rather as a result of reduced income. The provision of free, accessible community events allows individuals to enjoy time with family/friends without a monetary commitment.



Sexuality

There are currently no programs targeted at this mental health risk factor, as identified in current program offerings. Officers will investigate potential partnership opportunities and implement within program allocations. No additional budget allocation would be required.

Sleeping problems

Problems associated with sleep can be the result of a number of factors. Whilst not directly the role of Local Government, the Health and Wellbeing Strategy 2020 – 2024 has actions that promote eating well and engaging in positive physical health programs and campaigns, that would assist in sleeping well. This is additionally addressed via the current Helping Households SJ initiative.

Stages of life and associated life events that may affect your mental health

There are times in life when you are more vulnerable to experiencing mental health issues. Some examples include pregnancy, childhood years – starting and changing schools, teenage years, moving into adulthood and becoming older and retirement.

The Shire runs, or partners with agencies/not for profits, to deliver a number of workshops that assist residents as they deal with these stages of their lives.

The Shire also promotes the work of the many local community groups and businesses that address these challenges, on occasion providing financial support via the community grant scheme.

Alcohol and other drug use

Not specifically the role of local government however some targeted programs are being hosted via the Youth Development team, including a presentation to be delivered for all year 11 and 12 students at both high schools on the dangers of taking synthetic drugs. Other opportunities to partner with the local high schools are being explored.

Community events and activities run by the Shire are alcohol and drug free.

Officers do not consider that there is an identified need for the Shire to deliver a program broader or larger than what is already on offer through existing programs and initiatives. Officers suggest that supporting the other key stakeholders Commonwealth and State Governments, non-government and private organisations and the community to play their role in supporting a mentally healthy community, is a more appropriate role for the Shire to play.



Options and Implications

Option 1

That Council:

1. NOTES the information provided in relation to the activities and programs being undertaken by the Shire to support a mentally healthy community;
2. ENDORSES the delivery of a small scale, free event in the October 2020 school holidays;
3. APPROVES a budget adjustment for 2020/21 to enhance delivery of programs and community led initiatives;

Account Number	Type	Description	Debit	Credit
4310-15901-6131	Increase Expenditure	School Holiday Programming	5,000	
4300-15420-6276	Increase Expenditure	General Grants	15,000	
4300-15707-5002	Decrease Expenditure	Music Events		20,000
Reason: Reallocate funds to established Shire of Serpentine Jarrahdale programs that target risk factors relevant to mental health and wellbeing.				

4. APPROVES the Chief Executive Officer to approve fee waivers to a total of \$2,000 (Fee Waiver account: 4300-15434-6276) to not-for-profit service providers requesting to deliver initiatives that focus on improved mental health outcomes, locally.

Option 2

That Council:

1. NOTES the information provided in relation to the activities and programs being undertaken by the Shire to support a mentally healthy community;
2. RESOLVES to progress with the SJ Rocks concert in March 2021; and
3. APPROVES the Chief Executive Officer to approve fee waivers to a total of \$2,000 (Fee Waiver account: 4300-15434-6276) to not-for-profit service providers requesting to deliver initiatives that focus on improved mental health outcomes, locally.

Option 1 is recommended.



Conclusion

Within the Shire there are a number of sporting and community groups as well as businesses and individuals that provide many and varied opportunities to keep active and busy and to connect with community.

The current Shire of Serpentine Jarrahdale programming also provides a varied range of offerings to help address the key factors posing a risk to, or protecting, mental health and wellbeing. Officers have not identified any significant gaps in service provision, noting:

- Ongoing challenges exist in hosting “outreach” services locally.
- Low cost (or no cost) opportunities/activities to connect and socialise, that would reduce the likelihood of mental health concerns relevant to loneliness, isolation and financial stress will be continually required throughout the Covid-19 pandemic climate.

Officers do not consider that there is an identified need for the Shire to deliver a program broader or larger than what is already on offer through existing programs and initiatives. Officers suggest that supporting the other key stakeholders Commonwealth and State Governments, non-government and private organisations and the community to play their role in supporting a mentally healthy community, is a more appropriate role for the Shire to play.

The Officers recommendation is to provide additional funds to current programming allocations in order to broaden the scope of those initiatives:

- Additional \$5,000 contribution to school holiday programming.
Additional “whole of family” no-cost event, to be delivered in addition to current youth specific activities during October school holidays.
- Additional \$15,000 contribution to General Grant allocation. Provide an opportunity to support greater number of community driven projects. The February/March round would drive events and projects to occur for remainder of financial year, as relevant to the community need at that time.

Partnership opportunities and changes to priority programs under the Helping Households SJ initiative will continue to occur throughout the year within the ordinary Community Development program allocations.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Helping Households SJ (E20/9639)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community.
Strategy 1.1.2	Provide a healthy community environment.



Financial Implications

All options presented are within current budget allocations.

The Officers recommendation would result in a:

- Increase expenditure to 4310-15901-6131 (School Holiday Programming) by \$5,000.
- Increase expenditure to 4300-15420-6276 (General Grants) by \$15,000.
- Decrease expenditure in 4300-15707-5002 (Music Events) by \$20,000.

Account 4300-15434-6276 (Fee Waiver) would see a proposed expenditure of \$2,000 towards identified to the delivery of mental health opportunities from a \$13,000 budget.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Challenging social issues as a result of ongoing mental health concerns.	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Manage by continuing to work in partnership with Commonwealth, State, non-government organisations and community

Risk Matrix

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

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

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



Officer Recommendation

That Council:

1. NOTES the information provided in relation to the activities and programs being undertaken by the Shire to support a mentally healthy community;
2. ENDORSES the delivery of a small scale, free event in the October 2020 school holidays;
3. APPROVES a budget adjustment for 2020/21 to enhance delivery of programs and community led initiatives;

Account Number	Type	Description	Debit	Credit
4310-15901-6131	Increase Expenditure	School Holiday Programming	5,000	
4300-15420-6276	Increase Expenditure	General Grants	15,000	
4300-15707-5002	Decrease Expenditure	Music Events		20,000
Reason: Reallocate funds to established Shire of Serpentine Jarrahdale programs that target risk factors relevant to mental health and wellbeing.				

4. APPROVES the Chief Executive Officer to approve fee waivers to a total of \$2,000 (Fee Waiver account: 4300-15434-6276) to not-for-profit service providers requesting to deliver initiatives that focus on improved mental health outcomes, locally.



OCM307/09/20

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Dagostino

That Council:

- 1. NOTES** the information provided in relation to the activities and programs being undertaken by the Shire to support a mentally healthy community;
- 2. REQUESTS** the Chief Executive Officer works with the Access and Inclusion Advisory Group to develop a suitable social networking program to assist in combating social isolation and loneliness, including identifying potential external funding sources to contribute to delivery of the program; and
- 3. APPROVES** a budget adjustment for 2020/21 to provide for a contribution from the Shire towards a grant application;

Account Number	Type	Description	Debit	Credit
4300-15720-6392	Increase Expenditure	Social Network Program-Grant Co-contribution	20,000	
4300-15707-6125	Decrease Expenditure	Music Events-Materials/Consumables		2,000
4300-15707-6131	Decrease Expenditure	Music Events-Program Activities		1,000
4300-15707-6392	Decrease Expenditure	Music Events-External Contractor		17,000

Reason: Reallocate funds as a contribution towards a grant application for a social networking Program

- 4. APPROVES** the Chief Executive Officer to approve fee waivers to a total of \$2,000 (Fee Waiver account: 4300-15434-6276) to not-for-profit service providers requesting to deliver initiatives that focus on improved mental health outcomes, locally.

CARRIED BY ABSOLUTE MAJORITY 9/0

Reason for difference to Officer Recommendation

To provide funds towards a program to assist in combating social isolation and loneliness, and to ensure funds are available for a financial co-contribution from the Shire.

**10.4.4 – Community Engagement Strategy and Community Engagement Policy (SJ3103)**

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

Authority / Discretion

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

The purpose of this report is to seek Council's adoption of the Shire of Serpentine Jarrahdale Community Engagement Strategy and Council Policy 5.3.4 - Community Engagement.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

BackgroundLocal Government Act Review

The State Government is carrying out a review of the *Local Government Act 1995*. Three themes identified as part of the review are Agile, Smart and Inclusive.

One of the topics addressed under the Inclusive theme is community engagement. Further information is provided from the Department of Local Government, Sport and Cultural Industries' Community Engagement fact sheet at **attachment 1**.

It is anticipated that the new *Local Government Act* will require local governments to have a Community Engagement Charter or Policy.



Community Perceptions Survey results 2018

In the Shire's 2018 Community Perception Survey results, the Shire's Performance Index Score for "How the community is consulted about local issues?" was 35/100. This is down from 43 in 2013, and below the industry standard of 46.

Community Engagement Strategy and Policy

To ensure we provide our community with genuine opportunities to inform projects, strategies, services and decisions that affect them, the Shire commenced a project in October 2019 to develop a Community Engagement Strategy and a Community Engagement Policy.

Element, a consultancy agency specialising in community engagement, was engaged to assist the Shire in developing the Strategy and Policy.

Community / Stakeholder Consultation


Given the nature of the scope of works for the project, the International Association for Public Participation (IAP2) methods of consultation were applied in engagement with internal stakeholders and project champions.

As specified as one of the project outcomes for the final Strategy, IAP2 methodology will feature heavily in the project's final deliverable, which includes the Spectrum of Public Participation, which is outlined below:

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

		INCREASING IMPACT ON THE DECISION 				
		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL		To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
	PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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The table below shows how the stakeholders identified for the project were measured along the IAP2 Spectrum:

Stakeholder group	IAP2 Spectrum level
Shire Councillors	<p>COLLABORATE</p> <p>Partner with stakeholders with each aspect of decision making including the developing of alternatives and the identification of the preferred solution.</p>
Shire staff	<p>INVOLVE</p> <p>Working directly with stakeholders throughout the process to ensure concerns and aspirations are understood and considered.</p>
Shire Community	<p>CONSULT (SURVEY)</p> <p>Obtain stakeholder feedback on alternatives and/or decisions.</p> <p>INFORM (MEDIA AND PROMOTIONS)</p> <p>Provide stakeholders with balanced and objective information to assist them in understanding the alternatives and/or decisions.</p>

Feedback from the above stakeholder groups is provided in the Community and Stakeholder Outcomes Report at **attachment 2**. A summary of the engagement carried out for each stakeholder groups is provided below.

Policy Concept Forum

As part of the engagement phase of the project, feedback was sought from Councillors at the following Concept Forum.

Meeting Date	24 February 2020
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins.

Section 2.2.4 of the Community and Stakeholder Outcomes Report at **attachment 2**, provides a summary of Councillor feedback from the 24 February 2020 Policy Concept Forum.

Staff engagement

All Shire staff were invited to complete a survey, and the project team held focus groups with representatives from each of the four directorates within the Shire, to identify challenges and opportunities of how they currently engage with their communities and stakeholders.

Appendix C of the Community and Stakeholder Outcomes Report at **attachment 2** provides a summary of Staff feedback.



Community survey and community promotion

An online community survey was released by the Shire between Monday 10 February and Monday 2 March 2020.

Participation was by open invitation and promoted via a number of channels, including the Shire's social media channels, SJ Matters eNewsletter, digital promotion, the Shire's webpage and advertisements in The Examiner newspaper (Thursday 13 and Thursday 20 February 2020).

In total 176 responses were received with a 64% completion rate, with 113 participants completing the survey in full.

Section 5.2 of the Community and Stakeholder Outcomes Report at **attachment 2** provides a summary of community survey feedback.

Statutory Environment

While there is no statutory requirements to have a Community Engagement Strategy or Policy, there is an expectation that the new Local Government Act will require local governments to have a Community Engagement Charter or Policy.

Comment

Engagement is a generic, inclusive term to describe the broad range of interactions between people. It can include a variety of approaches, such as one-way communication or information delivery, consultation, involvement and collaboration in decision-making, and empowered action in informal groups or formal partnerships.

Good community engagement is values based and scaled to best reflect the community it is serving. It could be something as simple as going door to door to engage with community members in relation to plans for a local park.

Engagement works best when it is part of an ongoing, principled process, which enables relationships of trust to strengthen as we grow together over time. Good community engagement not only improves our representative democracies but also builds community capacity and resilience.

The Council Policy 5.3.4 - Community Engagement at **attachment 3** sets out the methodology the Shire will adopt in its approach to community engagement, being the International Association for Public Participation (IAP2) core values and practices, which reflect international standards for best-practice engagement.

The Community Engagement Strategy at **attachment 4** outlines what the Shire will do in our approach to community engagement and sets out our actions in building a collaborative partnership with the community.

The adoption of Council Policy 5.3.4 - Community Engagement Policy at **attachment 3** and the Community Engagement Strategy at **attachment 4**, will support the Shire to implement contemporary community engagement practices which keep people informed, provides meaningful opportunity for input and shows when and how participation has contributed to decisions and outcomes.



The development of the Strategy and Policy has been done with extensive feedback and input from Councillors, staff and the community.

The proposed Council Policy 5.3.4 - Community Engagement contains the following principles:

- Right to be involved.
- Accessible and inclusive.
- Time sensitive.
- Tailored.
- Transparent.
- Learning from practice.

These principles will be implemented with further guidance outlined within the proposed Community Engagement Strategy at **attachment 4**.

The accompanying Toolkit for Community Engagement at **attachment 5** and Engagement Plan Template at **attachment 6** will also assist Shire Officers with 'how to' prepare for, and deliver good, and more often great, community engagement. These operational documents will be regularly reviewed and may be updated or amended to meet organisation and community needs, as well as in line with changes or developments in best-practice community engagement.

The Shire is progressing with the development of an online engagement platform.

Options and Implications

Option 1

That Council:

1. ADOPTS the Council Policy 5.3.4 - Community Engagement as contained in attachment 3 and Shire of Serpentine Jarrahdale Community Engagement Strategy as contained in attachment 4; and
2. NOTES the Community and Stakeholder Outcomes Report as contained in attachment 2, Toolkit for Community Engagement as contained in attachment 5, and Engagement Plan Template as contained in attachment 6.

Option 2

That Council DOES NOT ADOPT the Council Policy 5.3.4 - Community Engagement and the Shire of Serpentine Jarrahdale Community Engagement Strategy.

Option 1 is recommended.

**Conclusion**

The Community Engagement Policy and Strategy will guide the Shire's delivery of community engagement processes, to ensure we provide our community with genuine opportunities to inform projects, strategies, services and decisions that affect them.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – Department of Local Government, Sport and Cultural Industries' Community Engagement fact sheet (E20/9656)
- **10.4.4 - attachment 2** - Community and Stakeholder Outcomes Report (E20/9661)
- **10.4.4 - attachment 3** – Council Policy 5.3.4 - Community Engagement (E20/9655)
- **10.4.4 - attachment 4** – Community Engagement Strategy (E20/9657)
- **10.4.4 - attachment 5** - Toolkit for Community Engagement (E20/9658)
- **10.4.4 - attachment 6** - Engagement Plan Template (E20/9662)

Alignment with our Strategic Community Plan

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

Financial Implications

Community engagement will be carried out within project or team budgets.

An amount of \$60,000 is included in the 2020/21 Budget, account number 4100-16002-5002, for the development of a dedicated online community engagement platform. If the Community Engagement Policy and Community Engagement Strategy are endorsed, staff will commence the online community engagement platform project.

IAP2 training for Officers will be delivered through existing 2020/2021 financial year training 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)
Community perception about the Council if it does not improve community engagement	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		Consequence				
		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

OCM308/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Byas

That Council:

- 1. ADOPTS Council Policy 5.3.4 - Community Engagement as contained in attachment 3, and the Shire of Serpentine Jarrahdale Community Engagement Strategy as contained in attachment 4; and**
- 2. NOTES the Community and Stakeholder Outcomes Report as contained in attachment 2, Toolkit for Community Engagement as contained in attachment 5, and Engagement Plan Template as contained in attachment 6.**

CARRIED UNANIMOUSLY 9/0



10.4.5 – COVID-19 Pandemic - Organisational Recovery Plan (SJ989)

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

Authority / Discretion

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

The purpose of this report is to provide Council with an overview of the organisational response to the COVID-19 pandemic and request Council endorse an Organisational Recovery Plan.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 23 March 2020 - SCM077/03/20 - EXTRACT</i></p> <p><i>That Council</i></p> <ol style="list-style-type: none"> 1. <i>ADOPTS the revised Business Continuity Plan – COVID-19 Response as contained within attachment 1.</i> 2. <i>ADOPTS the updated communications plan attached at attachment 4.</i> 3. <i>REQUESTS the Chief Executive Officer to commence preparing an organisational recovery plan for Councils consideration.</i>
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Background

At the Special Council Meeting held 23 March 2020, Council considered a range of impacts and actions related to the COVID-19 pandemic. This included the preparation of an Organisational Recovery Plan.

Officers have completed a review of the actions undertaken to date in response to the pandemic and Federal and State Government restrictions, and developed an Organisational Recovery Plan. As the pandemic is ongoing and the State of Emergency remains in place, the Organisational Recovery Plan is considered a working document subject to regular review as required.

The Organisational Recovery Plan focusses on the operations of Shire business and is separate to the Community Recovery Plan, however the outcomes of the Community Recovery Plan will drive the delivery of Shire business in some areas. The Community Recovery Plan is presented to Council as a separate item at this meeting.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

Overview of Organisational Recovery Plan

The Organisational Recovery Plan is included with this report as **attachment 1**.

The Organisational Recovery Plan has been developed in light of the Phase 4 Recovery environment and is set out in three phases being:

- Response Phase - 16 March to 30 June 2020.
- Recovery Phase 1 – 1 July to 31 December 2020.
- Recovery Phase 2 - 1 January 2021 to 30 June 2021.

Each phase considers for key areas:

- Employee Wellbeing and Working Arrangements.
- Service Provision.
- Economic Recovery.
- Community Recovery.

Should there be any change to the environment in Western Australia and any introduced Government Restrictions the Plan will be altered accordingly.

Summary of phases

Response Phase - 16 March to 30 June 2020

Under this phase the actions undertaken by the organisation were dominated by Federal and State Government restrictions, actions to ensure the health and safety of staff and community, and actions to support community groups and community members during periods of isolation.

A summary of actions undertaken during this phase is as follows.

Employee Wellbeing and Working Arrangements:

- Moved administration staff to home based work environments where possible.
- Roster changes for Operational Staff to reduce contact and risk of infection.
- Introduced changes to the workplace for those who remained in the office environment to reduce contact and risk of infection.
- Provided enhanced support for the mental health and wellbeing of staff.
- Introduced necessary Human Resources policies.



- Sourced and provide necessary PPE and hand sanitiser.
- Introduced no-contact greetings for safety of staff and customers.
- Closed the Administration customer service from 16 March to 18 May 2020, provided customer service via email and phone during this time.
- Continued to attend site meetings only where necessary with PPE.
- Significantly increased ICT Operations provision, capability and training to support home based work environment.
- Provided Emergency Response and Recovery Training for 11 Officers and training for Officers and community groups for supporting community members facing uncertainty and distress.

Service Provision:

- Established an internal COVID-19 pandemic Working Group and updated the Business Continuity Plan.
- Developed plans for return to the office environment once restrictions lifted.
- Supported suppliers and contractors to ensure continued service provision.
- Reviewed the 2020/2021 Draft budget in light COVID-19 pandemic requirements and Council Resolution SCM081/04/20 of 6 April 2020.
- Review, revise, document and implement modified service delivery, work processes, procedures and information reporting.
- Ensure effective communication strategy implementation through website, social media platforms and newspaper.
- Support Shire lessees to work through restrictions.
- Communication and advice to user groups regarding closure of facilities.
- Close and install signage at Shire managed parks, reserves, community facilities, the Serpentine Jarrahdale Community Recreation Centre and the Library subject to closures as per Federal and State Government direction.
- Reopen Community Facilities including development and review of COVID-19 Safety Plans as required.
- Support community and sporting groups to recommence use of Shire owned and privately owned/leased facilities.
- Cancellation of events, Citizenship Ceremonies and face to face delivery of programs and move to online service.
- Move to delivery and click and collect, home delivery services and e-resources for Library resources.
- Closed Council meetings to the public and move to electronic meetings via TEAMS.
- Rearranged Council Chambers meeting rooms to incorporate social distancing requirements.



- Provision of cleaning services at in-person Council meetings once resumed.
- Limited numbers of attendees at Volunteer Bush Fire brigade training and meetings.

Economic Response and Recovery Initiatives:

- Engaged the professional services of Business Foundations and Business Advisory South West and Peel to provide professional help and advice to local small businesses.
- Outreach to a wide range of local business owners by phone to determine the impact of COVID-19 on their businesses.
- Supported the fast tracking of Change of Use applications for businesses wishing to quickly adapt to the changing business environment.
- Engaged with the Peel Chamber of Commerce and Industry, their Local Sub Group and Business SJ to fully understand the measure of the challenge facing small businesses and how best to respond in a coordinated and outcomes driven manner
- Explore opportunities to bring forward major private sector investment projects that will help transform the economic landscape of the Shire.
- Hosted a Virtual Tourism Recovery Forum on 10 June 2020 in collaboration with the Peel CCI and Business SJ.
- Environmental Health Officers increased presence in the community to provide informal advice to industry, businesses and user groups in the early stages of restrictions.
- Developed information notes for home food businesses in response to the COVID-19 pandemic.

Community and Response and Recovery Initiatives:

- Special Meeting of Local Emergency Management Committee held 19 March 2020.
- Activation of the Local Recovery Plan and the Formation of the Local Recovery Coordination Group and Economic Recovery and Community Wellbeing sub-committees.
- Attend fortnightly Operational Area Support Group meetings (DFES) and elevate issues of concern to the State Government for clarification.
- Attend a range of recovery webinars and Ministerial and Departmental briefings.
- Establishment of Helping Hands SJ project.
- COVID-19 specific donations scheme approved by Council 23 March 2020.
- Community Development staff providing weekly support to Baptist Church Free Food Market.
- Review of funding/grant schemes for 2020/21 to support recovery.
- Develop and implement COVID-19 Recovery Communications Plan.
- Dedicated COVID-19 support and information web page.
- #SmallBusinessShoutOut social media campaign to promote local businesses to the wider community via the Shire website's online business directory.



Recovery Phase 1- 1 July to 31 December 2020

In Recovery Phase 1, the State moved into Phase 4 of the State Roadmap which allowed facilities and services to reopen and community and sporting groups and businesses resume operations with limited restrictions. This phase will focus on return to work arrangements, and re-establishment of services, consolidation of changes made, preparation to respond to further impacts of the pandemic, and response to needs of community through recovery and additional activities generated through State and Federal Government recovery initiatives.

Employee Wellbeing and Working Arrangements:

During this phase the focus will be on the review and formalisation of changes to working arrangements for staff, including working in the home environment, appropriate distancing and hygiene in the workplace, and employee mental health and wellbeing.

This phase will also require the refocusing of staff workloads to respond to community need and infrastructure development and the settling of staff after a small organisational restructure.

There will also be further development of the ICT infrastructure and services to support new ways of working.

Service Provision:

Face to face service delivery has been re-established with social distancing standards in place and in line with Federal and State Government restrictions. Community needs for service provision and the way in which community wishes to interact with the Shire will continue to be monitored with modifications to service delivery made in response.

Economic Response and Recovery Initiatives:

Economic activities will focus on continued partnerships with Peel Chamber of Commerce and Industry, Business SJ and local businesses to ensure provision of business assistance and training opportunities, supporting businesses to establish in the Shire and provide timely services that allow local businesses to pivot in response to the changing business environment quickly.

Community and Response and Recovery Initiatives:

Strengthening existing partnerships and establishing new relationships with community and not-for-profit service providers will be the focus of this phase to ensure support services are offered to the community locally. Continued provision of grants funding and the tailoring of community programs to support community need during the COVID-19 pandemic recovery will also be a primary focus.

Recovery Phase 2- 1 January 2021 to 30 June 2021

Recovery Phase 2 will further build on activities in Recovery Phase 1. This section of the Plan will be updated in due course to reflect the response and recovery to the pandemic as it unfolds.



Options and Implications

Option1

That Council:

1. NOTES the organisational response to the COVID-19 pandemic; and
2. ENDORSES the Shire of Serpentine Jarrahdale COVID-19 Pandemic Organisational Recovery Plan as contained in attachment 1, noting that should there be any change to the COVID-19 pandemic environment in Western Australia and any introduced Government Restrictions, the Plan will be altered accordingly.

Option 2

That Council DOES NOT endorse the Shire of Serpentine Jarrahdale COVID-19 Pandemic Organisational Recovery Plan as contained in attachment 1.

Option 1 is recommended.

Conclusion

The COVID-19 Pandemic Organisational Recovery Plan has been developed to capture the recovery focus for the operations of the Shire of Serpentine Jarrahdale as an organisation. It will be updated throughout the recovery phase.

Attachments (available under separate cover)

- **10.4.5 - attachment 1** – COVID-19 Pandemic Organisational Recovery Plan (E20/6223)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live.
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

All financial implications as currently captured within the document can be met from the 2020/2021 financial year budget. Should significant changes occur in the COVID-19 response/recovery environment resulting in additional budget requirements, these will be considered on an as needs basis.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not endorse the Organisational Recovery Plan and the Organisational Recovery does not have a planned approach	Unlikely (2)	Moderate (3)	Moderate (5-9)	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM309/09/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council:

- 1. NOTES the organisational response to the COVID-19 pandemic; and**
- 2. ENDORSES the Shire of Serpentine Jarrahdale COVID-19 Pandemic Organisational Recovery Plan as contained in attachment 1, noting that should there be any change to the COVID-19 pandemic environment in Western Australia and any introduced Government Restrictions, the Plan will be altered accordingly.**

CARRIED UNANIMOUSLY 9/0



10.4.6 – COVID-19 Community Recovery Update (SJ3250)

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

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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 – 17 August 2020 – OCM270/08/20

That Council:

1. *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;*
2. *NOTES the COVID-19 Communications Register as contained within attachment 4; and*
3. *NOTES the update provided in regard to the development of the Community Long Term Recovery Plan.*

Ordinary Council Meeting – 20 July 2020 - OCM233/07/20

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.

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

That Council:

1. *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*
2. *APPROVES a budget adjustment for 2019/20 for the engagement of a specialist consultant to develop a community led, Community Long Term Recovery Strategy as follows:*

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

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:*

<i>Account Number</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
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.

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 17 August 2020, the Local Recovery Coordination Group has met once on 20 August 2020. The minutes of this meeting are included in this report as **attachment 1**.

The Community Wellbeing Sub Committee met on 24 July and 21 August 2020 and the minutes of these meetings are included with this report as **attachment 2**. Community Recovery activities during this time have included:

- Helping Households SJ was launched and the following programs in partnership with Armadale Community Family Centre delivered in August:
 - Circle of Security.
 - Resume Writing.
 - Assistance with Filling in forms.
 - Where is my money going?

In addition, booked in to be delivered in September are:

- Becoming a Mumpreneur.
- Mature Aged Job Seeking.
- Youth tips and tricks for employment.
- How to write a successful cover letter.
- Foodbank WA Food Sensations 4 week course.
- Mindfulness at Home, 4 week online workshop.
- Peel Community Legal Service – free outreach appointments 1 day per month commencing 24 September.



- Conversations current with NDIS support service (APM Communities) and Emergency Assistance Coordinator (Communicare) regarding similar “drop in” format for outreach services.
- Red Cross psychosocial support at Byford Food Market ongoing and current. Feedback from Red Cross indicates support is warranted and has been valuable for all involved.
- Community Wellbeing Sub Committee Recovery Workshop occurred on 7 August with 15 attendees.
- Community Long Term Recovery Plan consultation occurred 15 August.
- Final Sub Committee recovery meeting on Friday 21 August. Agreed to move to monthly interagency meeting.

The Economic Sub Committee did not meet during this month. Officers have continued to work closely with Peel Chamber of Commerce and Industry, Business SJ and other stakeholders during this time.

Economic Recovery activities during this time have included:

- Participated in the Long-term Community Recovery Plan Workshop on 6 August 2020 and community drop-in session on 15 August 2020.
- Provided feedback at the Local Recovery Coordination Group meeting.
- Planned for a local SJ Tourism Recovery Workshop.
- Worked with our partners including Regional Development Australia, Economic Development Australia, National Trust, Peel Development Commission, Peel CCI and Peel CCI SJ Action Sub Group on a variety of future initiatives.
- Progressed the Harvest Highway, Perth Hills Strategy, West Mundijong industrial area, Westport response and Byford TAFE strategies and business cases.
- Continued discussions with private sector development partners to progress their development projects.

State Recovery and District Level Recovery

- The State Emergency Management Committee has advised local governments that:
“The inclusion of appendix AA in State Emergency Management Policy and Plan permits the State Recovery Controller to continue leading the whole of government approach to Western Australia’s recovery from COVID-19, whilst removing the responsibility of the HMA/Controlling Agency and Local Governments recovery functions as prescribed in the State Emergency Management Framework. The implemented changes are a consequence from a Ministerial direction issued to the SEMC, which fundamentally is a result from a Cabinet decision. Local Governments will continue to collate data and monitor progress for COVID-19 recovery activities at the request of the State Recovery Controller”.
- Therefore, the Shire no longer has responsibility for leading the recovery effort for the COVID-19 pandemic in the Shire for a period of 12 months.



- As a result the following actions will or have been undertaken:

The Local Recovery Coordination Group held a meeting on 20 August 2020, the changes were explained to members and the group and associated sub-committees have been stood down. A process of reviewing the response effort has begun. A letter of thanks will be prepared to be sent to each member of the Local Recovery Coordination Group and the sub-committees:

 - The Community Wellbeing subcommittee has agreed to continue as an interagency action group as to continue to work in partnership to support the community.
 - Officers will continue to work closely with Peel CCI and Business SJ and local businesses.
- A report providing an update on the changes to recovery arrangements was provided to the Local Emergency Management Committee at the meeting held 26 August 2020. The minutes of the LEMC are included as a separate item in the agenda at this evenings meeting. A comprehensive debrief from the recovery effort will be provided to the Local Emergency Management Committee at the next meeting to be held in November 2020. This will allow time for collation of lessons learnt and a report of actions undertaken to be prepared. Officers envisage that this report will be available to Council through the minutes of the Local Emergency Management Committee meeting in November 2020.
- Community consultation for the development of the Long Term Community Recovery Plan was undertaken and this information will be used to create an understanding of the local circumstances to assist with the delivery of programs, activities and partnerships during the recovery period. A document capturing this information will be developed however, it will be called a Local Recovery Plan. This information will also be provided to the State Government should they request local data.
- Monthly recovery updates will not continue to be provided to Council and quarterly updates on achievements against the Local Recovery Plan will be provided instead.

Despite this advice from the Western Australian State Government and State Emergency Management Committee, Officers suggest that it remains important that the community and local businesses continue to be supported by the Shire through the recovery period.

Sharyn O'Neill, State Recovery Controller has written to the CEO to clarify the role of Local Government in the COVID-19 pandemic recovery, this letter is included with this report as **attachment 3**.

As outlined in the letter the role of Local Government in recovery is as follows:

1. Collect and provide local impacts to the State Recovery Coordinator to inform recovery planning and implementation.
2. Align local recovery plans to the State Recovery Plan where required to ensure Consistency.
3. Build on the strong work already undertaken by local governments in:
 - a) reviewing or adopting financial hardship policies to support ratepayers to provide rate, fee and tenancy relief to businesses and individuals in distress;
 - b) reviving community services, sports and recreation to promote wellbeing and enable the community to resume active, connected lives in a COVID safe manner;



- c) supporting arts, culture, events and tourism activities and content in local areas and helping these industries to innovate to operate in the future;
 - d) accelerating small capital works projects to provide vital employment channels and use local materials, contractors and labour services to support vulnerable parts of the workforce;
 - e) streamlining or fast tracking approvals processes and relieving compliance burdens on businesses and households where possible to stimulate local economic activity.
4. Monitor recovery progress and report any emerging issues and key actions taken at the local level to the State Recovery Coordinator to inform quarterly reporting to the State Recovery Steering Committee.

Results of the MARKYT Community Resilience Scorecard were released and are contained as **attachment 4**. The Scorecard was developed in partnership with the Western Australian State Government, Catalyse, Department of Local Government, Sport and Cultural Industries and Local Government Professionals WA. The Community Resilience Scorecard sought to hear from the Western Australian community in regards to their experience and concerns in relation to COVID-19 pandemic and how Local Government has and can continue to support community.

Local Recovery Plan

A community engagement program was undertaken to inform the development of the Local Recovery Plan.

- A session with the consultant and the Economic Sub-Committee was held on 6 August 2020 and a session with the Community Wellbeing Committee was held on 7 August 2020. Members of the Local Recovery Coordination Group were invited to attend both sessions.
- An open Community Forum was held at the Serpentine Jarrahdale Community Recreation Centre on Saturday 15 August 2020 from 10am to 12 noon. This forum was attended by 5 members of the public.
- A community survey and a business survey ran from 29 July to 18 August 2020. The community survey received 48 responses and the business survey received 18 responses. The results from both surveys is contained as **attachment 5**.

The Local Recovery Plan will be provided to Council at the October ordinary Council meeting.

Recovery Communications

The Communications Team continued 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 6**. The Communications Plan will be updated to ensure communications continue to support community recovery from the COVID-19 pandemic.



Non- Government Agency Support

Australian Red Cross have engaged for a period of eight weeks to provide psychosocial support to members of the Serpentine Jarrahdale Community. Two trained workers are located at the Byford Free Food Market at the Byford Baptist Church on Thursdays. APM Communities have also been attending the sessions when available. Officers continue to work with Non-Government Agencies to support their presence and delivery of services in the Shire.

Recovery Funds

At the Special Council Meeting held 6 April 2020 Council resolved to fund a total of \$60,000 of expenditure from the Emergency Management Reserve (account number 4000-15003-5012) to assist with immediate unbudgeted needs resulting from the COVID-19 pandemic.

As at 1 September 2020 (including commitments) the total amount to be drawn from the Reserve will be \$17,140.38.

Future expenditure will be managed where possible through the 2020/21 operational budget.

Options and Implications

Option 1

That Council:

1. NOTES the minutes of the Local Recovery Coordination Group and Community Wellbeing Sub-Committee as contained within attachments 1 and 2;
2. NOTES the COVID-19 Communications Register as contained within attachment 6; and
3. NOTES the update provided in regard to changes in recovery responsibilities.

Option 2

That Council:

1. DOES NOT note the minutes of the Local Recovery Coordination Group and Community Wellbeing Sub-Committee as contained within attachments 1 and 2;
2. DOES NOT note the COVID-19 Communications Register as contained within attachment 6; and
3. DOES NOT note the update provided in regard to changes in recovery responsibilities.

Option 1 is recommended.

Conclusion

Recovery activities have been ongoing in response to the COVID-19 emergency. With the change of responsibility for recovery shifting to the Western Australian State Government for a period of 12 months, changes have been made to Local Recovery Coordination Group and sub-committees.



Attachments (available under separate cover)

- **10.4.6 - attachment 1**– Local Recovery Coordination Group Minutes 20 August 2020 (E20/9396)
- **10.4.6 – attachment 2** - Community Wellbeing Sub Committee Minutes 24 July and 21 August 2020 (E20/9842)
- **10.4.6 – attachment 3** – Letter from State Recovery Controller – Role of Local Government (IN20/13643)
- **10.4.6 – attachment 4** – MARKYT Community Resilience Scorecard (IN20/15849)
- **10.4.6 – attachment 5** - Community and Business Survey Results (E20/9755)
- **10.4.6 – attachment 6** – COVID-19 Communications Register (E20/10061)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 4.1	A resilient, efficient, and effective organisation
Strategy 1.3.3	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

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 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 **2** has been determined for this item.

Voting Requirements: Simple Majority

OCM310/09/20**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Byas, seconded Cr Dagostino

That Council:

- 1. NOTES the minutes of the Local Recovery Coordination Group and Community Wellbeing Sub-Committee as contained within attachments 1 and 2;**
- 2. NOTES the COVID-19 Communications Register as contained within attachment 6; and**
- 3. NOTES the update provided in regard to changes in recovery responsibilities.**

CARRIED UNANIMOUSLY 9/0

**10.4.7 – Local Emergency Management Committee Information Report (SJ716-02)**

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

Authority / Discretion

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 for Council to receive the minutes and consider recommendations from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 26 August 2020.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 March 2020 – OCM043/03/20

That Council:

1.RECEIVES the Unconfirmed Minutes of the Local Emergency Management Committee held on 11 February 2020 (E20/2642)

Ordinary Council Meeting - 16 December 2019 – OCM296/12/19 - EXTRACT

That Council

REQUESTS that the Chief Executive Officer present the draft terms of reference detailed in the Committees and Related Groups Handbook 2019 – 2021 to the next available meetings of the Local Emergency Management Committee and Bush Fire Advisory Committee's for the consideration of the respective Committees.

Background

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.



Community / Stakeholder Consultation

No formal community consultation is required.

Statutory Environment

Emergency Management Act 2005

Section 38 Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) A local emergency management committee consists of —*
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

Section 39 Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Comment

The LEMC considered four items at its meeting on 26 August 2020. A summary is provided below and the full reports can be reviewed in the LEMC minutes at **attachment 1**. Of the four items, two resulted in recommendations for Council's consideration.

Terms of Reference

At the Ordinary Meeting of Council held on 16 December 2019, Council resolved that the proposed Terms of Reference for the LEMC be presented to the Local Emergency Management Committee for consideration.

The Terms of Reference was presented to the LEMC meeting of 11 February 2020 however, due to a technical error with the agenda attachments, the item was deferred for consideration at



the next meeting of the LEMC. Due to the COVID-19 pandemic the LEMC has not been in a position to consider this item until the most recent meeting held on 26 August 2020.

Officers reviewed and proposed minor amendments to the proposed Terms of Reference which were presented to LEMC at the 26 August 2020 meeting.

The changes include, inclusion of the Chief Bush Fire Control Officer as a Voting Delegate, a correction to recognise the appropriate title for the role of Executive Officer, addition to the responsibilities of the Executive Officer in line with the LEMA Guidelines, update to reflect the Shire President's role as Chairperson of the Committee and formatting and terminology correction throughout the document.

Members of the LEMC considered further changes to the Terms of Reference via email on 8 September 2020 to confirm satisfaction with the final document.

The Terms of Reference with tracked changes are included in this report as **attachment 2** with the final Terms of Reference at **attachment 3**.

Emergency Management Memorandum of Understanding (MOU)

Shire of Serpentine Jarrahdale was invited by the City of Mandurah during the 2019/20 fire season to become a party to the Emergency Management MOU with the City of Mandurah, City of Rockingham, Shire of Murray and Shire of Waroona.

Becoming a signatory to the MOU will provide the Shire of Serpentine Jarrahdale with the opportunity to share resources with the parties to the MOU, during emergencies and during post-incident recovery.

The Shire shares a boundary or is in close proximity to each of the signatories. As a smaller local government organisation, should the Shire find itself in a position of requiring additional support, the resources of the signatories would be of great assistance to the Shire. Additionally, the Shire has many skilled staff and resources available that may be of assistance should the signatories find themselves in need.

The Shire is already actively working in partnership with the local governments who are signatories to the MOU during emergencies and this would formally recognise these arrangements.

The MOU would be in effect until 10 December 2021. A report will be brought to the Local Emergency Management Committee after this date assessing the Shire's involvement in the MOU and providing advice to the Committee in regards to a recommendation to Council.

The Emergency Management MOU included for consideration at **attachment 4**.

Changes to COVID-19 Pandemic Recovery Responsibilities

An update was provided to LEMC on correspondence received from the Western Australian State Government advising that they have the responsibility for the COVID-19 pandemic recovery for a period of 12 months.

A detailed debrief including feedback from the Local Recovery Coordination Group and sub-committee members and an assessment of lessons learnt, is proposed to be delivered at the next meeting of the LEMC to be held in November 2020.

There are no recommendations on this matter for Council to consider at this time.



Document Review – Local Emergency Management Arrangements and Local Recovery Plan

In early 2020, consultant Lewis Winter of Fire and Emergency Management undertook a comprehensive review of the Shire's Local Emergency Management Arrangements and Local Recovery Plan.

The LEMC were provided with the documents for review and to provide comment by 11 September 2020 after which time they will be forwarded to the District Emergency Management Advisor for a compliance review and consideration by the District Emergency Management Committee. The LEMC will then consider the documents for endorsement and recommendation to Council for adoption at their meeting in November 2020.

There are no recommendations on this matter for Council to consider at this time.

Options and Implications

Option 1

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 26 August 2020 contained in attachment 1;
2. APPROVES the Terms of Reference of the Local Emergency Management Committee as contained in attachment 3;
3. APPROVES the Shire of Serpentine Jarrahdale become a party to the Local Government Emergency Management Memorandum of Understanding, as per attachment 4; and
4. AUTHORISES the Chief Executive Officer to sign the Local Government Emergency Management Memorandum of Understanding.

Option 2

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 26 August 2020 contained in attachment 1;
2. APPROVES the Terms of Reference of the Local Emergency Management Committee as contained in attachment 3.
3. DOES NOT approve the Shire of Serpentine Jarrahdale become a party to the Local Government Emergency Management Memorandum of Understanding, as per attachment 4.

Option 1 is recommended.



Conclusion

The minutes of the Local Emergency Management Committee meeting held 26 August 2020 are provided to Council along with recommendations to approve the LEMC Terms of Reference and enter into the Local Government Emergency Management Memorandum of Understanding with neighbouring local governments.

Attachments (available under separate cover)

- **10.4.7 - attachment 1** – Minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting 26 August 2020 (E20/9740)
- **10.4.7 - attachment 2** - Terms of Reference Local Emergency Management Committee with Tracked Changes (E20/9760)
- **10.4.7 - attachment 3** – Terms of Reference Local Emergency Management Committee Final (E20/9645)
- **10.4.7 - attachment 4** - Local Government Emergency Management Memorandum of Understanding (E20/2648)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety

Financial Implications

There may be financial implications to Council if the MOU is enacted. These will be managed through existing budget provisions.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Shire is not seen to be acting in good faith in confirming the commitment to partnership and support of the other local governments signatories.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept LEMC Recommendation
The Terms of Reference are not adopted by Council.	Rare (1)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM311/09/20

COUNCIL RESOLUTION / Local Emergency Management Committee Recommendation

Moved Cr Rich, seconded Cr Dagostino

That Council:

- 1. RECEIVES** the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 26 August 2020 contained in attachment 1;
- 2. APPROVES** the Terms of Reference of the Local Emergency Management Committee as contained in attachment 3;
- 3. APPROVES** the Shire of Serpentine Jarrahdale become a party to the Local Government Emergency Management Memorandum of Understanding, as per attachment 4; and
- 4. AUTHORISES** the Chief Executive Officer to sign the Local Government Emergency Management Memorandum of Understanding.

CARRIED UNANIMOUSLY 9/0



Councillor Coales declared an Impartiality Interest in item 10.4.8.

Chief Executive Officer, Mr Paul Martin declared an Impartiality Interest in item 10.4.8.

Deputy CEO / Director Community and Organisational Development, Ms Helen Sarcich declared an Impartiality interest in item 10.4.8.

10.4.8 – General Grant Application Centrepont Church and revised Council Policy 5.1.7 Community Funding (SJ2897)	
Responsible Officer:	Deputy CEO / Director Community and Organisational Development
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	<p>Chief Executive Officer, Mr Paul Martin declared an Impartiality Interest in item 10.4.8 on the basis that the letter of support for the application from a Councillor could be interpreted as an implied direction from the Councillor.</p> <p>Deputy CEO / Director Community and Organisational Development, Ms Helen Sarcich declared an Impartiality Interest in item 10.4.8 on the basis that the letter of support for the application from a Councillor could be interpreted as an implied direction from the Councillor.</p>

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 that Council consider an application from the Centrepont Church, received through the July 2020 General Grants round.

Council are also being asked to consider an amendment to the Council Policy 5.1.7 Community Funding.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 May 2020 - OCM126/05/20

That Council:

- 1. REPEALS Council Policy – Community Grants as contained in attachment 1;*
- 2. ADOPTS Council Policy 5.1.7 – Community Funding as contained in attachment 2;*
- 3. REQUESTS the Chief Executive Officer to advise the Serpentine Jarrahdale Food and Farm Alliance Inc and Serpentine Jarrahdale RSL to apply for funding for future events*



through the Major Events Grant, on expiration of the funding MOU's between the organisation and the Shire;

- 4. LISTS for consideration a \$10,000 contribution in the 2020/2021 financial year to the Lions Club of Serpentine Jarrahdale Inc for the delivery of the 2020 Jarrahdale Log Chop and SJ Lions Country Fair, to be met from the Community Grants Reserve as part of the Major Grants Funding allocation for the 2020/2021 financial year and REQUESTS the Chief Executive Officer to advise the Lions Club of Serpentine Jarrahdale Inc to apply for funding for future events through the Major Events Grant;*
- 5. ENDORSES the funding commitment of \$10,000 per year as outlined in the existing MOU for the Serpentine Jarrahdale RSL ANZAC Day Dawn Service, be met from the Community Grants Reserve as part of the Major Events Grants allocation for the 2020/2021 and 2021/2022 financial year;*
- 6. DISSOLVES the Major Grants Assessment Panel;*
- 7. LISTS for consideration an allocation of \$90,000 per year in the Long Term Financial Plan commencing in the 2021/2022 financial year to ensure the replenishment of the Community Grants Reserve; and*
- 8. LISTS for consideration, a budget allocation of \$32,000 for General Grants and a budget allocation of \$8,000 for Friendly Neighbourhood Grant in the 2020/2021 financial year.*

Background

At the Ordinary Council Meeting held 18 May 2020, Council considered changes to Council Policy 5.1.7 Community Funding, establishing the community funding options including the General Grants. The Policy is included in this report as **attachment 1**.

The report outlined the General Grants are assessed by Officers with a recommendation made to the CEO in regards to which grants applications to support and award in accordance with the adopted budget. The report also outlined that a summary of the grants approved through this process will be provided to Councillors through Friday Facts.

The July General Grant round closed on 24 August 2020. The Shire received applications totalling \$52,209.93 with a total of \$32,000 General Grants budget available for the year. There are two rounds of general grant applications remaining in the 2020/2021 financial year.

Applications for the July General Grant round have been assessed by Officers, excluding one application received from Centrepont Church.

The application from the Centrepont Church is for a grant to deliver a Christmas Breakfast 2020 event. The application, letters of support and the fee waiver request are included in this report as **attachment 2**. Included with the application is a letter of support from a Councillor. Supplementary insurance and detailed event documentation have not been included in the attachment.

Applicants are encouraged by the application form to include letters of support for their applications, as it assists to demonstrate support from the community for the proposed activity and/or the operations of the applicant. However, a letter of support for an application from a Councillor could result in consideration of a perceived or actual bias, should Officers assess the application.



In accordance with legislation, Officers involved in the assessment panel for the July 2020 General Grants round have identified and declared an Impartiality Interest in consideration of this application, on the basis that the letter of support from a Councillor, could be interpreted as an implied direction from the Councillor. The management plan for the declarations of interest is to refer this General Grants application to Council for assessment.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local Government (Administration) Regulations 1996

Section 34C. Codes of conduct about disclosing interests affecting impartiality, content of (Act s. 5.103(3))

- (1) *In this regulation —
interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*
- (2) *A code of conduct is to contain a requirement that a person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person disclose the nature of the interest —
 - (a) *in a written notice given to the CEO before the meeting; or*
 - (b) *at the meeting immediately before the matter is discussed.**
- (3) *A code of conduct is to contain a requirement that a person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person disclose the nature of any interest the person has in the matter —
 - (a) *in a written notice given to the CEO before the meeting; or*
 - (b) *at the time the advice is given.**
- (4) *A code of conduct is to exclude from a requirement made under subregulation (2) or (3) an interest referred to in section 5.60.*
- (5) *A code of conduct is to excuse a person from a requirement made under subregulation (2) or (3) to disclose the nature of an interest if —
 - (a) *the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or*
 - (b) *the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.**
- (6) *A code of conduct is to require that if, to comply with a requirement made under subregulation (2) or (3), a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting then —*



- (a) *before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
- (b) *immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.*

(7)If —

- (a) *to comply with a requirement made under subregulation (2), the nature of a person's interest in a matter is disclosed at a meeting; or*
- (b) *a disclosure is made as described in subregulation (5)(b) at a meeting; or*
- (c) *to comply with a requirement made under subregulation (6)(b), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting,*

the nature of the interest is to be recorded in the minutes of the meeting.

Comment

General Grant Application

Centrepont Church have applied for funding to deliver the Christmas Breakfast 2020 project, to be held at Bill Hicks reserve on 25 December 2020.

The breakfast is a free community event providing participants with a breakfast, along with a bouncy castle and entertainment. The event is open to the community and run by volunteers.

Centrepont Church has requested a grant of \$4894.44, the maximum amount of funding that can be provided under the General Grants scheme is \$5000.

Centrepont Church has also requested a fee waiver for Bill Hicks Hall and Reserve which is valued at \$244.35.

The application outlines that support for the event is also being provided by Aldi and Lotteries WA, however it is not itemised in the application as to what this support will be.

There are no factors in the application or project that would disqualify the application from consideration, in line with Council Policy 5.1.7- Community Funding.

The Shire has previously supported the delivery of this event in 2019.

Council are requested to consider the General Grant application and also the fee waiver for hire of the Bill Hicks Hall and Reserve.

Council Policy 5.1.7 Community Funding

Officers recommend Council adopt a reviewed Council Policy 5.1.7 Community Funding, to reflect that letters of support from Councillors for community funding applications will cause them to be ineligible for consideration. A reviewed version of the Policy with track changes is included with this report as **attachment 3** and a final version with changes is included as **attachment 4**.



Options and Implications

Option 1

That Council:

1. SUPPORTS the application to the General Grants program from Centrepoint Church for the Christmas Breakfast 2020 event, and APPROVES an amount of \$4894.44 from account number 4300-15420-5010 (General Grant);
2. APPROVES a fee waiver for \$244.35 from account number 4300-15434-5010 (Fee Waiver) for use of the Bill Hicks Hall and Reserve for the Christmas Breakfast 2020 event; and
3. ADOPTS revised Council Policy 5.1.7 Community Funding as contained in attachment 4.

Option 2

That Council:

1. SUPPORTS a component of the application to the General Grants program from Centrepoint Church for the Christmas Breakfast 2020 event, and APPROVES an amount of \$_____ from account number 4300-15420-5010 (General Grant);
2. APPROVES a fee waiver for \$244.35 from account number 4300-15434-5010 (Fee Waiver) for use of the Bill Hicks Hall and Reserve for the Christmas Breakfast 2020 event; and
3. ADOPTS revised Council Policy 5.1.7 Community Funding as contained in attachment 4.

Option 3

That Council:

1. DOES NOT support the application to the General Grants program from Centrepoint Church for the Christmas Breakfast 2020 event;
2. APPROVES a fee waiver for \$244.35 from account number 4300-15434.5010 (Fee Waiver) for use of the Bill Hicks Hall and Reserve for the Christmas Breakfast 2020 event; and
3. ADOPTS revised Council Policy 5.1.7 Community Funding as contained in attachment 4.

Conclusion

Due to declaration of Impartiality Interests by Officers, Council are asked to consider the General Grant application from Centrepoint Church and also to consider a revised Council Policy 5.1.7 Community Funding.



Attachments (available under separate cover)

- **10.4.8 - attachment 1** – Council Policy 5.1.7 Community Funding (E20/10157)
- **10.4.8 - attachment 2** – Grant Application, Letters of Support and Fee Waiver Request (E20/10160)
- **10.4.8 - attachment 3** - Council Policy 5.1.7 Community Funding with Track Changes (E20/10073)
- **10.4.8 - attachment 4** – Revised Council Policy 5.1.7 Community Funding (E20/10201)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connect and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

An amount of \$32,000 is included in the 2020/2021 financial year budget, account number 4300-15420-5010 (General Grant).

An amount of \$10,000 is included in the 2020/2021 financial year budget, account number 4300-15434-5010 (Fee Waiver).

Risk Implications

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

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

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

OCM312/09/20**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr McConkey, seconded Cr Denholm

That Council:

1. **SUPPORTS** the application to the General Grants program from Centrepoint Church for the Christmas Breakfast 2020 event, and **APPROVES** an amount of \$4894.44 from account number 4300-15420-5010 (General Grant);
2. **APPROVES** a fee waiver for \$244.35 from account number 4300-15434-5010 (Fee Waiver) for use of the Bill Hicks Hall and Reserve for the Christmas Breakfast 2020 event; and
3. **ADOPTS** revised Council Policy 5.1.7 Community Funding as contained in attachment 4.

CARRIED UNANIMOUSLY 9/0

**10.5 Executive Services reports****10.5.1 – Minutes of the Peel Regional Leaders Forum – 27 August 2020 (SJ1350)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Peel Regional Leaders Forum General Meeting held on Thursday, 27 August 2020.

Relevant Previous Decisions of Council

Nil.

Background

The Peel Regional Leadership Forum (PRLF) was established in 2010 to provide a vehicle for the coordination and prioritisation of project funding across the Peel Region. Its membership comprises the local governments of the Region (the City of Mandurah and the Shires of Boddington, Murray, Serpentine Jarrahdale and Waroona) together with Regional Development Australia (RDA) Peel, the Peel Community Development Group and the Peel Harvey Catchment Council. The Peel Development Commission (PDC) attends meetings of the PRLF as a non-voting member.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.



Comment

On 27 August 2020, the PRLF held its General Meeting met at the City of Mandurah. The following matters were discussed:

- Peel Regional Leaders Forum Business Plan
- Peel Regional Transport Plan Funding Reallocation
- Proposed Operating Budget 2020/2021 and three year forecast
- Noting of minutes of CEO Group Meeting
- Finance Report for the period ending 31 July 2020
- Peel Trails Committee Meeting update
- Outstanding Actions Report
- General business:
 - Peel Away the Mask project
 - Unemployment in the City of Mandurah
 - Peel-Harvey Catchment Council regarding green jobs and Aboriginal and Torres Strait Islander employment
 - Shire of Murray regarding Tourism Strategy
 - Cancellation of Waroona Agricultural Show; and
 - Shire of Boddington foreshore project.

The next meeting of the PLRF will be held on Thursday, 26 November 2020.

Options and Implications

Option1

That Council NOTES the minutes of the Peel Regional Leaders Forum General Meeting held on 27 August 2020.

Option 2

That Council DOES NOT NOTE the minutes of the Peel Regional Leaders Forum General Meeting held on 27 August 2020.

Option 1 is recommended.

**Conclusion**

As a member of the PLRF, the minutes of the Peel Regional Leaders Forum for the General Meeting held on 27 August 2020 are attached for Council's noting.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Peel Regional Leaders Forum General Meeting Minutes 27 August 2020 (IN20/19659)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

Risk Implications

Nil.

Voting Requirements: Simple Majority

OCM313/09/20**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Strange, seconded Atwell

That Council NOTES the minutes of the Peel Regional Leaders Forum General Meeting held on 27 August 2020 as contained within attachment 1.

CARRIED UNANIMOUSLY 9/0



10.6 Confidential reports

Councillor McConkey declared an Impartiality Interest in item 10.6.1.

Manager Community Activation, Ms Rebecca Steinki declared an Impartiality Interest in item 10.6.1.

OCM314/09/20

COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Dagostino

That the meeting be closed to members of the public whilst item 10.6.1 is discussed pursuant to section 5.23(2)(c), (d) and (e) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

At 10.04pm, the meeting went behind closed doors.

10.6.1 - CONFIDENTIAL Serpentine Jarrahdale Community Recreation Centre – 2020/2021 operational budget update (SJ994)	
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Responsible Officer:	Manager Community Activation
Senior Officer:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	Manager Community Activation, Ms Rebecca Steinki declared an Impartiality Interest in item 10.6.1 – Confidential – Serpentine Jarrahdale Community Recreation Centre - 2020/2021 operational budget update as Ms Steinki is a member of the facility.

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(c), (d) and (e) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*



A full report is provided to Councillors under separate cover. The report is not for publication.

Voting Requirements: **Absolute Majority** - 33A(3) *Local Government Financial Management Regulations 1996*

Officer Recommendation

That Council:

1. APPROVES the Serpentine Jarrahdale Community Recreation Centre 2020/2021 Operational Budget submitted by YMCA (as per attachment 1) with a total operational deficit of \$51,500, as the Operational Budget for the 2020/2021 financial year and DECLINES the request to work on an actuals basis;
2. RESOLVES to reinstate ordinary contractual arrangements;
 - a. REQUESTS the current negotiated payment date for any operational deficit remains at the time of receiving the final audited statement for the 2020/2021 financial year.
 - b. NOTES that in the return to ordinary contract conditions, a return to 50/50 share of any surplus applies as per the contract.
3. AUTHORISES the Chief Executive Officer to revert to an actuals based budget for the 2020/2021 financial year should restrictions associated with COVID-19 pandemic be reinstated; and
4. NOTES the actions to be undertaken in relation to signage.

OCM315/09/20

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Strautins

That Council

1. **DOES NOT APPROVE** the Serpentine Jarrahdale Community Recreation Centre 2020/2021 Operational Budget submitted by YMCA (as per attachment 1) with a total operational deficit of \$51,500, and **REQUESTS** the YMCA provide an 2020/2021 Operational Budget that reflects the financial position of the Centre to date and for the remainder of the financial year.
2. **DECLINES** the request to work on an actuals basis and **RESOLVES** to reinstate ordinary contractual arrangement, **NOTING** that in the return to ordinary contract conditions, a return to 50/50 share of any surplus applies as per the contract; and
3. **NOTES** the actions to be undertaken in relation to signage.

CARRIED BY ABSOLUTE MAJORITY 9/0

Reason for difference to Officer Recommendation

To ensure that the 2020/2021 Operating Budget for the Serpentine Jarrahdale Community Recreation Centre is reflective of the financial position of the Centre to date and for the remainder of the financial year



OCM316/09/20

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Denholm

That the meeting be reopened to the public.

CARRIED UNANIMOUSLY 9/0

At 10.09pm, the doors were reopened and 2 members of the public returned to the Gallery.

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 10.11pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on the 19 October 2020.

Presiding Member – Councillor Rich

2/12/2020
Date