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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 22 August 2016. The Shire President declared the meeting open at 7.01pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J ErrenPresiding Member
S Piipponen
D Atwell
K Ellis
D Gossage
S Hawkins
J See
M Rich
B Urban

Officers: Mr G ClarkActing Chief Executive Officer
Mr A HartDirector Corporate and Community
Mr A Schonfeldt Director Planning
Mr D Elkins Director Engineering
Ms K PeddieExecutive Assistant to the CEO (Minute Taker)
Ms K Cornish Governance Advisor

Leave of Absence: Nil

Apologies: Nil

Observers: Nil

Members of the Public – 21

Members of the Press – 1

2. Response to previous public questions taken on notice:

Two questions were taken on notice at the Ordinary Council Meeting held on 25 July 2016, the responses to these questions are below:

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Question 2

The President of the Darling Downs Residents Association had a busy bee and working group to clear vegetation from the POS and Beriga Drain Reserve in the Darling Downs area. It was widely advertised on social media and a video clearly shows the Association President clearly controlling the operation.

When was the application approved and the permit issued for the work and what was the scope of the work applied for?

Response:

An agreement is in place with the Darling Downs Residents' Association to allow this group to manage the reserve, with the guidance and assistance of the Shire. No permit is required for this group to undertake work, however, it is expected that an agreement will be reached between the Shire and the Group, as to the scope of works, for anything more than minor maintenance. On this particular occasion, an agreement was not

achieved, and works to a greater extent than the Shire would prefer, occurred. The Shire is looking at its internal systems to identify how it can continue to facilitate the positive work with community groups, while, at the same time, ensuring that all maintenance activities strike a reasonable balance between environmental virtues, community desire for recreational access to public lands, and fire risk mitigation.

Question 3

The original structure plan for the Glades development showed a POS in Orton Road, this was appealed and the WAPC removed it to allow urban development. The reason given was that there was to be shared use at the Secondary School of the sporting facilities. In item OCM189 CEOs Information Report attachment marked Priority Projects (E15/4465) in item 10 Briggs Park it talks of a SUA with the secondary school as being a priority project.

What action has the Council taken to progress either a MOU/CUA at the Secondary School since the last election in October 2015 to facilitate the use of the sporting facilities at the secondary school by the ratepayers and residents of the Shire not just the pupils of the school. As these were matters clearly identified by WAPC and in item OCM189?

Response:

Since the October 2015 election the Shire successfully finalised its first Shared Use Agreement with Department of Education (DoE) for Kalimna with a view to then applying this to negotiations for subsequent facilities including Byford Community College. DoE have since requested negotiations for Byford South West Primary School and the Catholic Education Authority for Salvado College. Discussions with the Byford Secondary College principal previously and since October 2015 indicate that from a Principal's perspective he prefers community agreements directly between the school and clubs which has been his current practice when the school ovals have been in appropriate condition.

3. Public question time:

Public question and statement time commenced at 7.02pm

Mrs L Bond, PO Box 44, Armadale, WA, 6112

Question 1

What difference is there for Council approval between the application for a church on Masters Road Darling Downs, which was refused and the application by Councillor Piipponen for a venture on Nicholson Road Oakford, which will be approved?

Response:

Each application is to be considered on its merits within the planning framework. Council has given its reasons for refusing the place of public worship and have not yet considered a proposal on Nicholson road.

Question 2

Why has fuel usage for the fuel usage corporate credit cards increased and the credit cards operated by the Council Officers suddenly shows no fuel for July 2016 and why is there such a spike again in the telephone charges for July 2016 of \$18,769.14 and why is there a charge of \$71.59 for telephone number 9525 5255 for June 2016 which is disconnected and what does this number relate to?

Response:

There are 3 questions within this question so they will be answered separately;

- 1. All fuel purchases for all Shire vehicles, other than heavy machinery (Graders, Trucks etc), are purchased on using Caltex Fuel Cards. This is the line item described as "Corporate Cards". The other line items are fuel purchases for the bulk fuel tank at the depot.*

2. *The average expenditure for all of the Shires communications systems, including phone and internet services is approximately \$18,000 per month.*
3. *The number referred to in the question 9525 5255 is the Shire's Telstra account reference. The account was for Telstra phone usage that was not included in the regular bulk Telstra account.*

Question 3

Where is an amount of \$800,000 missing from Council finances and what was it used for?

Response:

There is no missing amount of \$800,000. If you can please provide further information on this amount, we will be happy to provide a response.

Mrs M Cala, 49 Phillips Road, Karrakup, WA, 6122

Questions relating to OCM151/08/16

Question 1

Why is Council considering this renewed application for the production of Lebanese Cucumbers for human consumption before the Parliamentary Hearing and Department of Environment Regulation monitoring which are addressing concerns about possible groundwater contamination in the area have been concluded?

Response:

Council have been requested to reconsider the application as per a Section 31 order from the State Administrative Tribunal.

Question 2

Given the Department of Water's concerns about the Jandakot Water Mound which I believe were made clear to Council, and that Lot 14 is within the Groundwater Protection Zone of this water mound; why didn't Council's lawyers who defended the recent case in the State Administrative Tribunal raise the issues of the Department of Water's concerns, including the illegality of discharging any growing medium, concentrated waste product from reverse osmosis, or nutrient rich waste water from the hydroponic process back into ground water. And that all of these must be disposed of at a Class 2 landfill site.

Response:

The proposal is for a closed loop water system. In short this means that all the water used in the irrigation of the cucumbers will be kept within an impermeable system away from the groundwater which does not allow for osmosis or reverse osmosis to occur between the water in the system and the Jandakot Groundwater Mound. The proposal achieves this by capturing any runoff from irrigation in Styrofoam channels underneath the plants, but above the ground and then directs this to a concrete holding tank that is lined with an appropriate rubber product. Any additional water will be pumped to lined ponds and used by watercress plants and/or evaporated. Officers have confirmed with the Department of Water and the Department is satisfied that the proposal will not cause any discharge of nutrient rich water as alleged by the question, particularly as there will be no porous membrane that would allow osmosis or reverse osmosis to occur between the groundwater and the water used in the system.

Question 3

Why is it that Council's conditions only address the so-called Nutrient Management Plan and does not address the equally important issue of matter of storage & disposal of the highly concentrated product of the Reverse Osmosis process which is used to achieve suitable water quality for hydroponic growing?

Response:

The concentrated water will be stored within appropriate tanks and used in the irrigation of the cucumbers whilst runoff will be kept in a rubber lined concrete tank and additional water will be evaporated or used by watercress in separately lined ponds. As explained above as the tanks and ponds are to be lined with impervious materials the water will

not be able to enter into the Jandakot Water Mound. The growing medium (soil) will be replaced typically every 3 years. As and when replacement is undertaken, the soil will be placed in steel skips. The skips will be taken to Aussie Organics in Serpentine for incorporation into landscaping mixes. Aussie Organics are a Department of Environment Regulation licensed composter and soil blender.

Mrs S Jack-Lanceley, 8 Harris Place, Jarrahdale, WA, 6124

Question 1

The budget shows an amount of about \$320,000 for the upgrade of the section of Abernethy Road between the rail crossing and South West Highway. My question is will this include the intersection of George Street with Abernethy Road and will the section be dual carriageway as per Byford Parking Strategy as approved by Council.

Response:

The design and final costings have not been finalised. However, the plan does include the intersection of George Street and is based on a dual carriageway design. Funds, in addition to the amount shown on the budget, will be provided through a grant.

Question 2

The Presiding Member stated that the \$6,000,000.00 allocated to the upgrade of Abernethy Road west of the rail crossing was to come from Developer Contribution. My question is what has happened to the grant funding from the Federal Government of about \$6,000,000.00. For this project as we are told the total cost of the project is \$19,500,000 and is going to be staged.

Response:

The Shire has been successful in attaining approximately \$6m in grant funding from the Federal Government. The Shire is in the process of finalising an agreement with the Federal Government for these funds. These funds will meet part of the cost of the Abernethy Road upgrade project. Once funding has been finalised, the budget will be amended accordingly.

Question 3

The attachments for OCM189/09/15 show a sporting complex that caters for a number of sports as a Shire Priority. My question is at what stage is this project and when can the community expect to have some Shire owned and controlled Sporting Facilities?

Response:

No timeframe has been given for the construction of a new sporting complex as this attachment refers to the feasibility of a new complex.

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Question 1

In item OCM189/09/15 plus attachments' it stated that a Council Priority was and it names KFC, McDonalds, Dome Café, Aldi and Farmer Jacks as these are commercial decisions by others and not by Council. My question is what steps has the Council taken to advance these project and when can we expect them to commence trading?

Response:

You are quite right that these are commercial decisions to be made by others. Whilst officer may discuss opportunities with potential future applicants, these discussions remain in confidence due to the commerciality associated therewith. For these reasons unfortunately we are not able to provide you with any further information or suggest a commencement date for any of these projects.

Question 2

This question is in breach of clause 15.2 of the Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 and has not been accepted.

Question3

Now that the Byford and Districts Country Club have vacated the premises on South West Highway it is becoming a derelict site subject to vandalism. It has approved planning permission for a supermarket so becomes a construction site. My question is when will the Council make the current owners of the total site fence it entirely including the car park to ensure the safety of the public as there may be no insurance cover for the site while it is unfenced.

Response:

The Byford and Districts Country Club has not vacated the premises.

Mr WJ Kirkpatrick, on behalf of Byford Glades Residents Association Inc, PO Box 51, Byford, WA, 6122

At OCM of the 25th July 2016 the Presiding Member stated that he had amended two questions asked by the Byford Glades Residents Association Inc. This does not appear in the minutes of the meeting. I understand that the Presiding member may refuse a questions and give a reason.

Our question is under which Regulation, Policy or Standing Order is the Presiding Member permitted to amend a question asked by the public?

Response:

The Presiding Member asked the questions as they were written, what was omitted was the additional information which was not required for the question. The Council's obligation in regards to what is recorded in the minutes pertaining to public question time is defined in the Local Government (Administration) Regulations 1996 under Regulation 11(e) and requires that a summary of each question raised by members of the public at the meeting and a summary of the response to the question be provided.

Also under regulation 7 of the Local Government (Administration) Regulations 1996 the procedures for the asking of and responding to questions raised by members of the public at a meeting is determined by the person presiding at the meeting.

In this case the questions were accompanied by statements, it was not necessary or appropriate to read the statements.

4. Public statement time:

Mrs L Bond, PO Box 44, Armadale, WA, 6112

The plight of the Black Cockatoo's in Scrivener Road has been well publicised for some time now. One hundred submissions were received by the Environmental Protection Authority concerned for these birds and the Environmental Protection Authority has rightfully assessed this as a priority for the bird's welfare. It does not take a genius to know that you do not disturb the breeding or feeding grounds of these endangered birds. Did Council state that the consultant for this matter told Council that there are no homes within the thousand metre separation from homes, this is a lie. There are nine homes within that distance and other properties also. Ratepayers paid this consultant \$9,395.10 for noise modelling and dust management and according to Council, a lie.

Councillors are paid to represent the ratepayer and residents of this Shire they are not here to be rude to ratepayers and residents when questioned on matters of concern. The Black Cockatoo welfare is of paramount concern. Councillor Ellis would do well to remember that his rudeness to a concerned very senior member of our community is deplorable as is his denial of any knowledge of this matter. It is of importance for the ratepayer to know it may cost them another \$50,000 or more because of Council greed and total ignorance just for the sake of a gravel pit. There is only one choice to make and that has to be in favour of the endangered Black Cockatoo, to hell with your need of

a gravel pit that is not the choice of the ratepayer for whom you are supposed to be working. This Council has a history of not being consistent with decisions however when it comes to our environment they have a habit of being consistently wrong and destructive and there is nothing proud about that behaviour.

Mr H Dykstra, Harley Dykstra Planning and Survey Solutions, PO Box 316, Kelmscott, WA, 6991

Good Evening Shire President and Councillors, my name is Henry Dykstra and I would like to thank you for the opportunity to briefly address you this evening to speak in favour of the officer's recommendation regarding proposed Scheme Amendment 195 for our client's land holdings on Gordon Rd in Serpentine.

The Scheme Amendment has been prepared collaboratively with the Shire's planning officers and the relevant bushfire, environmental and planning considerations have been suitably addressed. We wish to commend the Shire's officers for their thorough and proactive assessment of the proposed Scheme Amendment documentation.

The rezoning and development of the subject land will see the provision of a new foreshore reserve abutting the Serpentine River and revegetation works will also occur on the proposed lots. Furthermore, the consolidation of the settlement pattern in this area will facilitate improved land management outcomes. In this regard, we see the rezoning and development of the subject land as leading to improved environmental outcomes.

We also note that the proposal is generally consistent with Council's Rural Strategy Review, which is the Shire's broad scale strategic guiding document. The rezoning of the subject land as proposed will ensure that suitable development and land use controls are put in place so that all future development and land management occurs in an appropriate manner.

Thank you once again for the opportunity to briefly address you this evening and I would be more than happy to answer any questions that you may have regarding the proposed Scheme Amendment.

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Over the past few months I have asked questions on Policy's and Procedures of the Council.

I am very grateful for the Presiding Member in the honest and diligent manner that he has answered a number of my questions.

He has clarified that the Council does not have to comply with the Duty of Care Legislation in safety matters involving the general public with respect to the potential of trips and falls. Although I have a good working knowledge of the Duty of Care regulations having worked with them in the construction industry for the last 15 years I was unaware of this exemption. I thought Duty of Care overruled just about all other Legislation.

It must be some concern to ratepayers that they cannot remove a dangerous tree or vegetation without a permit. But mature trees and other vegetation can be removed from any Public Open Space without a permit as long as it is done by a Community Group. This is stated in reply to one of my questions, I have not noticed this in the Policy.

The Council is to be applauded for cutting down the regrowth on a tree stump outside 75 Mead Street, Byford. This street tree was cut down because the root system was lifting

the kerb making it dangerous, about a year later the stump is still there, the kerb is still dangerous but we have paid to have the tree cut twice.

Vandalism is still occurring in Percy's Park after the lights go off at 10.00pm, the latest victim was the Community Garden to the value of \$3000. The BBQ's have again been made unusable with road cones and plastic piping being burnt on the hot plates, the rubbish bin having to be replaced and the traffic bollard on the bridge being thrown into the creek. Trees have been damaged and removed.

It is interesting to note that once again the Council is going to put a band aid on the BMX track when it has never taken up the offer or even investigated the offer by the BMX club to construct the new facility to the plans as supplied by the Shire at a cost of \$450,000 as opposed to the Shire estimate of about \$900,000, a saving of about \$500,000 with no funding needed as the Shire has its share of the finance already in place and if approved could be built in about 12 weeks from approval being given.

Mrs N Scade, 141 King Road, Oakford, WA, 6121

Statement in relation to OCM151/08/16

The Shire Officers stated that by approving this application it will "not result in a negative impact on the amenity and character of the area or adjacent land". Sadly we have entered an era where it is easy for Shire Planners to look on Landgate and make decisions without even leaving their offices. You should ask the Planners if they have physically been to Oakford, other than just driving down King Road. How many of the residents have they met or even talked to. I suggest none.

This era in which we now live encourages people to purchase land and then pay professionals to lobby Shire Officers and Councillors on their behalf in order to bend the rules so that they can use the land as they desire. In this instance it appears that the Shire Planners and you Councillors have limited scientific or local knowledge to truly understand the implications of your decision if you allow this development. The result of professional lobbying is that the Shire neither has the finances or the time to get good professional independent advice. In this instance you Councillors are being blackmailed by the threat to take the matter back to the State Administration Tribunal and the subsequent costs. Reading the minutes of these Shire meetings, there is not one Ordinary Council meeting when the threat of State Administrative Tribunal has not been mentioned by Shire Officers. It is time that our Shire, on behalf of the majority of residents who do observe the rules, to stand up against the State Administrative Tribunal and the professional lobbyists who claim that they have all the knowledge that they know our Shire is lacking. The knowledge of lobbyists is totally biased towards making money, with no thought about the consequences for the environment and other residents.

The Rural Policy area in the 1994 Rural Strategy was written before the term "Global Warming" had been invented. This area of Oakford on the Jandakot Water Mound is definitely suffering from the effects of loss of rainfall as anyone could tell you who has lived there for 20 or more years. The Jandakot Water Mound needs to be constantly re-filled by rain. By permitting such large structures which cover several acres, and by pumping water from within the mound and not returning it to the mound, unknown environmental damage will occur. By you agreeing to this proposal, you will be setting a precedence for other similar developments and further damage to our environment will become uncontrollable. In this case where the business is expecting to operate for up to 30 years, no one would be able to anticipate the environmental damage of not returning natural rainwater to a large area of the mound and just extracting water from the mound.

Mr K Whibley, on behalf of Byford Glades Residents Association Inc, PO Box 51, Byford, WA, 6122

The committee of the Byford Glades Residents Association Inc strong support the location of the toilet in Percy's park at the location close to Mead Street.

This is the site that was agreed to between our group and the officers about a year ago.

This site will cater for the playground area, BBQ's and the Community Garden. The Community Garden Project has left a site for disabled parking close to which could be used in conjunction with this facility. It would need some financial support from the Shire to surface it, as it already has a hard base suitable for light vehicles.

This was the envisioned when this was originally put to the budget for the year 2015/2016.

This section of the park has approval from the Shire to be revegetated to enhance the area. It is planned to do this on Saturday 27th August with a working busy bee group by this Association. The Shire is paying for a temporary toilet for this event.

So if this is approved tonight could we have a Shire person indicate where it will go and what pathways may be needed so the work does not have to be done twice and the screening can be growing this year?

The Busy Bee is from 10.00am to 2.00pm if you want to be involved.

Public question and statement time concluded at 7.27pm

5. Petitions and deputations:

Nil

6. President's report:

We would like to pass on our condolences on to the family of the victim in the fatal accident last week. We take these accidents very seriously and want to let you know that we are installing additional measures to warn motorists of the intersection.

As part of our partnership with Neighbourhood Watch and the Mundijong Police you're invited to come along to the free community barbeques in your area. Get to know your neighbours in a relaxed environment during September and October.

The new competition grade lights have now been switched on at the Mundijong Oval. Thanks to our local community partners in this project as these new lights will allow the local football teams to host home games as well as train in the evening.

The Association Incorporation Act has been amended and will effect incorporated clubs. The Shire is hosting a free workshop to explain how these changes will affect your club and what you will need to do to change on 21 September.

7. Declaration of Councillors and officers interest:

Councillor Piipponen declared an indirect Financial Interest in item OCM149/08/16 as he is engaging the services of the Planning consultancy that is the proponent of this item. Cr Piipponen will leave the meeting while this item is discussed.

8. Receipt of minutes or reports and consideration for recommendations:

8.1 Minutes from previous Meetings:

8.1.1 Ordinary Council Meeting – 25 July 2016

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 25 July 2016 be confirmed (E16/6294).

CARRIED UNANIMOUSLY

8.1.2 Special Council Meeting – 25 July 2016

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Special Council Meeting held on 25 July 2016 be confirmed (E16/6275).

CARRIED UNANIMOUSLY

8.1.3 Special Council Meeting – 1 August 2016

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Special Council Meeting held on 1 August 2016 be confirmed (E16/6504).

CARRIED UNANIMOUSLY

8.1.4 Special Council Meeting – 8 August 2016

COUNCIL DECISION

Moved Cr Rich, seconded Cr Hawkins

That the minutes of the Special Council Meeting held on 8 August 2016 be confirmed (E16/6665).

CARRIED UNANIMOUSLY

8.2 Planning Reports:

OCM146/08/16 Road Name Proposal for Lots 876 and 878 Doley Road, Byford (SJ500-03)	
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	20 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Surveying Solutions WA
 Owner: LWP Byford Syndicate Pty Ltd
 Date of Receipt: 6 July 2016
 Lot Area: 37,928m² (3.79ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

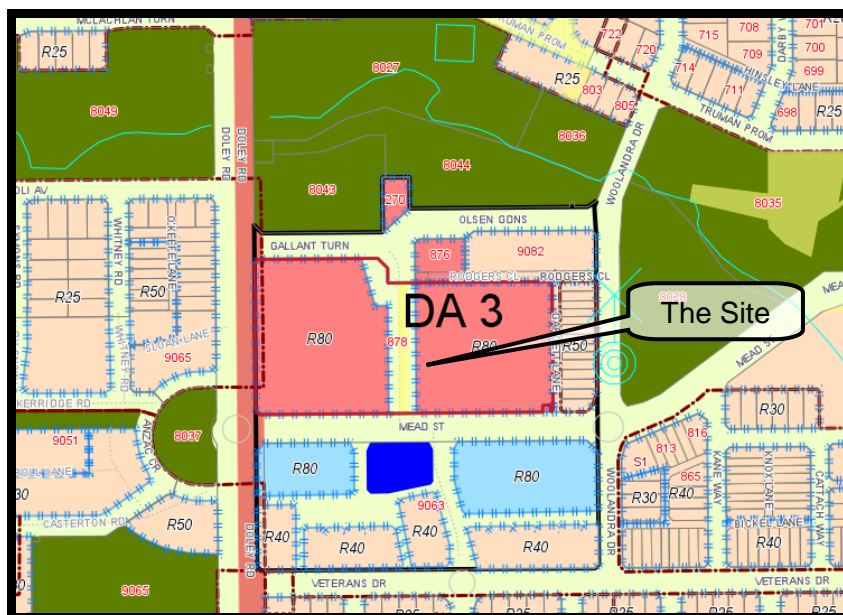
Introduction:

The purpose of this report is for Council to consider the proposed new road names for Lots 876 and 878 Doley Road, Byford.

Road naming themes are required by the Shire's Local Planning Policy 38 – Road Naming (LPP38) for proposals with (5) five or more road names. As there are only four (4) names proposed a theme is not required. Even so the proponent has selected names from a 'virtues' theme to match the road name Gallant turn, which is the entry road into the development site.

Under the *Land Administration Act 1997* the Minister for Lands has delegated the responsibility for road name approval to Landgate. The Geographic Names Committee (GNC) is the branch of Landgate that determines naming applications for geographic features. GNC policy requires the support of the relevant Local Government. The proposal is presented to Council as Shire officers do not have delegation to determine road names.

Officers have assessed the application in accordance with LPP38 and the GNC Policies and Standards for Geographical Naming in Western Australia and considers the application to be compliant. Officers therefore recommend that Council approves the application and forwards the approval to the GNC.



Locality Plan

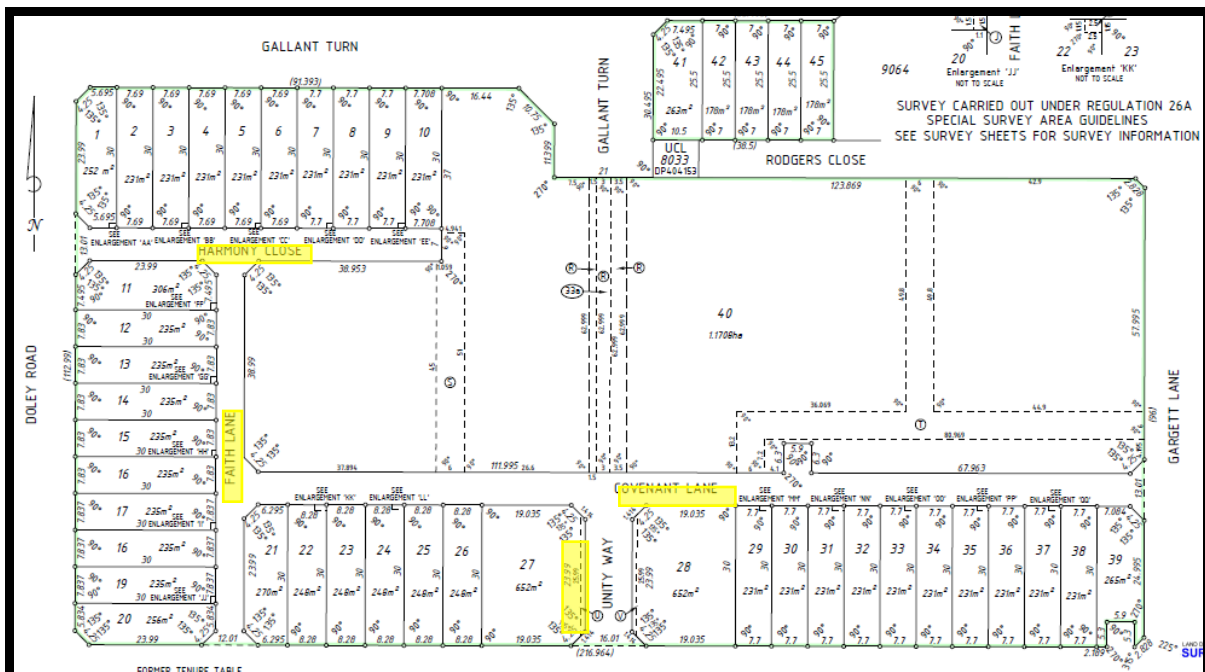
Background:

Proposal:

The proposal relates to the subdivision for Lots 876 and 878 Doley Road, Byford. The site has an approval for subdivision and is currently undergoing works to comply with the conditions of subdivision. In order for the applicant to receive titles for the created lots in accordance with a subdivision approval any constructed road are required to have a name allocated.

The names proposed include:

- a) Harmony
- b) Faith
- c) Covenant
- d) Unity



Site Plan

Relevant Previous Decisions of Council:

OCM123/02/14 - Byford Town Centre Local Structure Plan – Final Adoption

Community / Stakeholder Consultation:

The application was not advertised to adjoining landowners. Road naming applications for new names within a subdivision are not required to be advertised under GNC policy or LPP38.

Statutory Environment:

Land Administration Act 1997 -

“26A. New subdivisions, names of roads and areas in

- (1) *If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.*
- (2) *The local government may require the person so subdividing the land —*
 - (a) *to propose a name for the proposed road or, if a name has already been proposed, to alter that name; and*

(b) to propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.

(3) If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.

(4) The Minister may —

(a) approve the proposed name; or

(b) direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or

(c) refuse to approve the proposed name.

(5) A person must not —

(a) assign a name to the area or road unless the name is first approved by the Minister;

(b) alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.

Penalty: \$1 000 and a daily penalty of \$100.

Section 26A inserted by No. 38 of 2005 s. 9.]”

Financial Implications:

Should Council choose to approve the proposed road names there is no financial cost associated with the erection of road name signs as this is done by the developer.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area’s distinct rural character, create village environments and provide facilities that serve the community’s needs and encourage social interaction

As per LPP38 it is recognised that road naming is an essential feature for new subdivision developments that feature roads. Approving road names that fit within a consistent theme over an area can create a sense of place and identity. Sense of place and identity means community members feel associated with the area they live in which can create a positive social environment. While the proposal is not required to provide a naming theme the names have been selected to match surrounding road names and will have the same effect as if a theme were in place.

Planning Assessment:

The proposed new names are detailed below:

Proposed names	Name Background / Meaning
Harmony (close)	the quality of forming a pleasing and consistent whole
Faith (lane)	complete trust or confidence in someone or something
Covenant (lane)	an agreement
Unity (way)	the state of being joined as a whole.

Compliance with Relevant Legislation:

The proposal has been assessed against the GNC policy and the Shire’s LPP 38. Section 6.6 of LPP 38 provides guidance on preparation of road names consistent with the requirements of the GNC. The guidelines are listed below as:

- Consideration of current and future street names.

Officer Comment: *The names are not currently being used elsewhere in the Shire area and there are no approvals for similar names.*

- Consideration shall be given to current and Future Street numbering to ensure numbering is sequential, easy to follow and considers future density increases.

Officer Comment: *The proposed subdivision layout is sufficient to provide adequate street numbers to account for any future density changes.*

- The origin of each name shall be clearly stated and subsequently recorded.

Officer Comment: *The table above provides the definition of each name.*

- Names shall not be offensive or likely to give offence, incongruous or commercial in nature.

Officer Comment: *The proposed names are not considered to be offensive or likely to give offence or be incongruous or commercial in nature.*

- Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.

Officer Comment: *The proposed names are considered to be easy to read, spell and pronounce.*

- Unduly long names and names comprised of two or more words should generally be avoided.

Officer Comment: *All names are single word and are not considered to be unduly long.*

- Proposals for road names shall include an appropriate road type suffix.

Officer Comment: *Proposed suffixes are considered to be appropriate as they are consistent with suffix definitions under the GNC policy.*

Close – a short, enclosed roadway

Lane – a narrow way between walls, buildings or a narrow country or city roadway

Way – a roadway affording passage from one place to another. Usually not as straight as an avenue or street.

- Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads.

Officer Comment: *Allocation of names as per the road layout plan are considered to be appropriate in terms of the length of each name.*

The proposed names are considered to be consistent with the guidelines listed above. Therefore officers recommend that Council approves the proposed names and forwards the approval to the GNC.

Options and Implications:

With regard to the determination of the application, Council has the following options:

- Option 1: Council may resolve to approve the 4 proposed road names as detailed in the planning assessment for Lots 878 and 876 Doley Road, Byford.

The approval of the application will not result in a negative impact on the amenity of character of the area.

- Option 2: Council may resolve to refuse the 4 proposed road names as detailed in the planning assessment for Lots 878 and 876 Doley Road, Byford.

Should Council resolve to refuse of the application, Council will be required to provide justification and require the applicant to alter the proposed names.

Option 1 is recommended.

Conclusion:

The proposed names are similar in theme to surrounding road names although a formal theme is not required. The proposed names are also considered to be consistent with the Shire's Local Planning Policy 38 and the GNC policy. It is therefore recommended that the theme is approved and the proposed names supported and forwarded to the GNC for final approval.

Attachments:

- [OCM146.1/08/16](#) – Application for Road Name Approval (IN16/13376)

Voting Requirements: Simple Majority

OCM146/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council approves and forwards the following road names to the Geographic Names Committee for final approval:

1. Harmony
2. Faith
3. Covenant
4. Unity

CARRIED UNANIMOUSLY

OCM147/08/16	Road Name Proposal for Lot 1 Abernethy Road, Byford (SJ500-03)
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	3 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Whelans WA Pty Ltd
 Owner: Peet Byford Syndicate Ltd
 Date of Receipt: 6 July 2016
 Lot Area: 197, 204m² (19.72ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

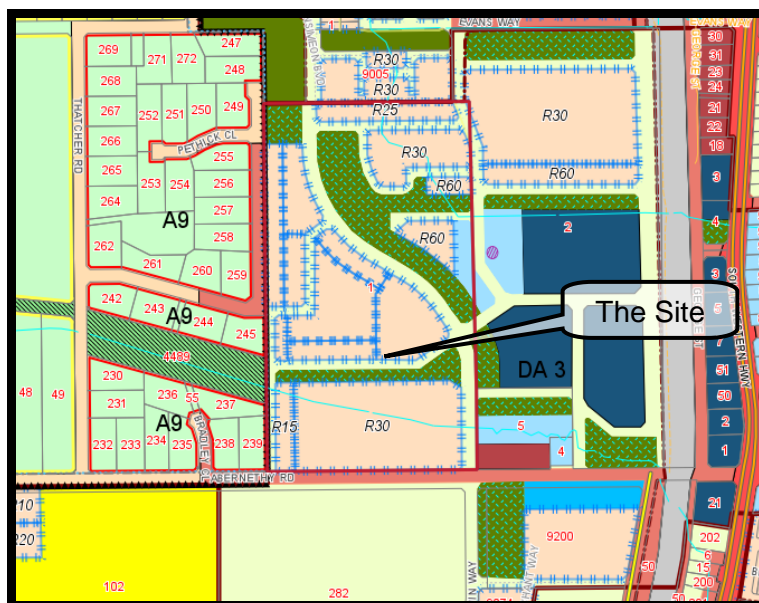
Introduction:

The purpose of this report is for Council to consider the proposed new road names for Lot 1 Abernethy Road, Byford.

Road naming themes are required by the Shire’s Local Planning Policy 38 – Road Naming (LPP38) for proposals with (5) five or more road names. A total of (24) twenty four new names have been submitted with the theme of ‘Brooks in WA’. Of the (24) twenty four new names (4) four are part of the immediate next stage of subdivision and (20) twenty are reserve names for future stages. The application also includes (1) one road name extension.

Under the *Land Administration Act 1997* the Minister for Lands has delegated the responsibility for road name approval to Landgate. The Geographic Names Committee (GNC) is the branch of Landgate that determines naming applications for geographic features. GNC policy requires the support of the relevant Local Government. The proposal is presented to Council as Shire officers do not have delegation to determine road names.

Officers have assessed the application in accordance with LPP38 and the GNC Policies and Standards for Geographical Naming in Western Australia and considers the application to be compliant. Officers therefore recommend that Council approves the proposed theme, road name extension and new road names and forwards the approval to the GNC.



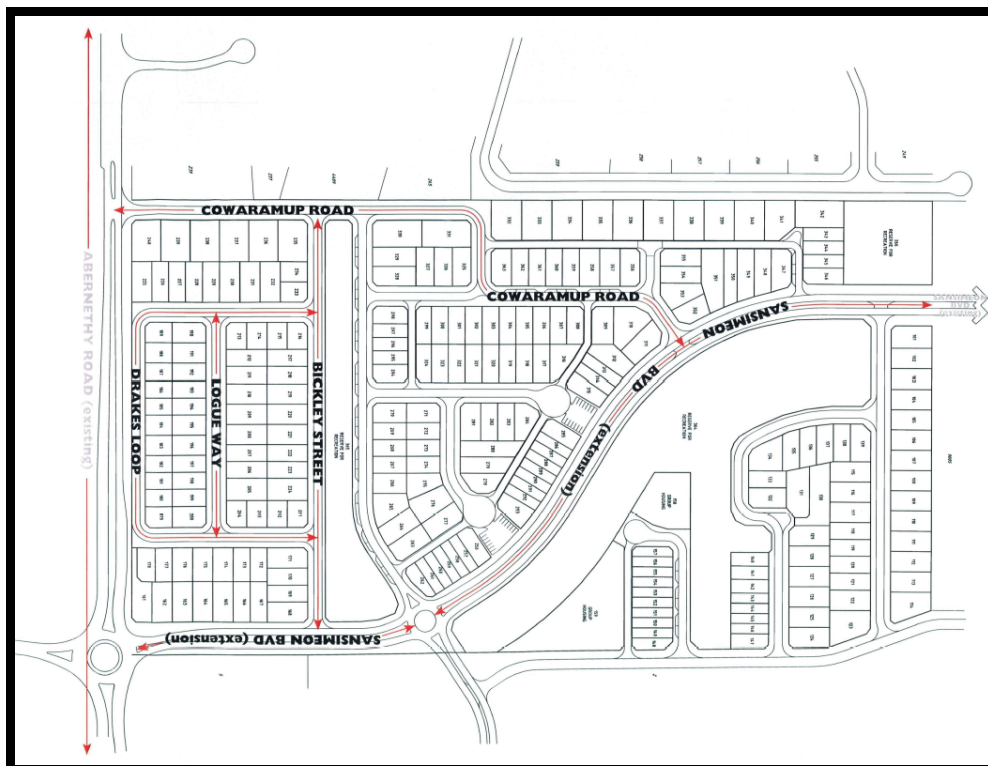
Locality Plan

Background:**Proposal:**

The proposal relates to the subdivision for Lot 1 Abernethy Road, Byford. The site has an approval for subdivision and is currently undergoing works to comply with the conditions of subdivision. In order for the applicant to receive titles for lots created in accordance with a subdivision approval any constructed road are required to have a name allocated.

The names proposed include:

- | | |
|--------------|--------------|
| a) Scotts | n) Wilyabrup |
| b) Annie | o) Cowaramup |
| c) Boyup | p) Gynudup |
| d) Crooked | q) Treen |
| e) Henley | r) Beedelup |
| f) Donny | s) Manjimup |
| g) Manjedal | t) Record |
| h) Marrinup | u) Barlee |
| i) Drakes | v) Henty |
| j) Quininup | w) Logue |
| k) Dombakup | x) Stones |
| l) Marbellup | y) Sansimeon |
| m) Bickley | |



Site Plan

Relevant Previous Decisions of Council:

OCM123/02/14 - Byford Town Centre Local Structure Plan – Final Adoption

Community / Stakeholder Consultation:

The application was not advertised to adjoining landowners. Road naming applications for new names within a subdivision are not required to be advertised under GNC policy or LPP38.

Statutory Environment:Land Administration Act 1997 -*"26A. New subdivisions, names of roads and areas in*

- (1) *If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.*
- (2) *The local government may require the person so subdividing the land —*
- (a) *to propose a name for the proposed road or, if a name has already been proposed, to alter that name; and*
 - (b) *to propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.*
- (3) *If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.*
- (4) *The Minister may —*
- (a) *approve the proposed name; or*
 - (b) *direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or*
 - (c) *refuse to approve the proposed name.*
- (5) *A person must not —*
- (a) *assign a name to the area or road unless the name is first approved by the Minister;*
 - (b) *alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.*

Penalty: \$1 000 and a daily penalty of \$100.

[Section 26A inserted by No. 38 of 2005 s. 9.]"

Financial Implications:

Should Council choose to approve the proposed road names there is no financial cost associated with the erection of road name signs as this is done by the developer.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

As per LPP38 it is recognised that road naming is an essential feature for new subdivision developments that feature roads. Approving road names that fit within a consistent theme over an area can create a sense of place and identity. Sense of place and identity means community members feel associated with the area they live in which can create a positive social environment.

Planning Assessment:

Section 6.3 of LPP38 requires a road naming theme be approved by Council where (5) five or more roads are being created as part of a new estate. As the proposal consists of (24) twenty four new road names a theme is required in accordance with LPP38.

The proposed 'Brooks of WA' theme is considered to be consistent with the expectation for road naming themes under LPP38. The term 'theme' is defined in LPP38 as:
'Theme refers to a consistent or unifying subject that may be and not limited to physical, historical, cultural or other character or characteristics'.

The 'Brooks of WA' theme relates to historical physical characteristics of the site which features a portion of Beenyup Brook. While 'Beenyup' has already been used as a road name within the Shire, the theme allows related names to be approved as road names. In assessing the proposal officers addressed the possibility of using local brooks for road names, however many of the brook names within the Shire already have a corresponding road name. The following names are brook names within the Shire that do not already have a corresponding road name and could be included in the proposal:

- a) Gingagup
- b) Gooralong
- c) Myara

Officers note that the proposed name extension of Sansimeon Boulevard does not conform to the proposed theme, this is due to the road being a major road under the Byford District Structure Plan which spans several development areas. Officers therefore consider the theme to be consistent with the requirements of LPP38 and recommend approval.

The proposed new names are detailed below:

Proposed Name Extension	Name Background / Meaning
Sansimeon (Boulevard)	A famous Western Australian racehorse, best known for its record 29 race winning streak.
Proposed Names	Name Background / Meaning
Crooked (Road)	A brook within the Shire of Dardanup
Drakes (Loop)	A brook within the Shire of Waroona
Bickley (Street)	A brook within the City of Gosnells
Cowaramup (Road)	A brook within the Shire of Augusta-Margaret River
Logue (Way)	A brook within the Shire of Collie
Future Names	Name Background / Meaning
Scotts	A brook within the Shire of Boyup Brook
Annie	A brook within the City of Busselton
Boyup	A brook within the Shire of Boyup Brook
Henley	A brook within the City of Swan
Donny	A brook within the Donnybrook-Balingup
Manjedal	A brook within the Shire of Serpentine Jarrahdale
Marrinup	A brook within the Murray
Quinninup	A brook within the Shire of Manjimup
Dombakup	A brook within the Shire of Manjimup
Marbellup	A brook within the City of Albany
Wilyabrup	A brook within the Shire of Augusta-Margaret River
Gynudup	A brook within the Shire of Augusta-Margaret River
Treen	A brook within the Shire of Manjimup
Beedelup	A brook within the Shire of Manjimup
Manjimup	A brook within the Shire of Manjimup
Record	A brook within the Shire of Manjimup
Barlee	A brook within the Shire of Manjimup
Henty	A brook within the Shire of Collie
Stones	A brook within the Shire of Collie

Compliance with Relevant Legislation:

The proposal has been assessed against the GNC policy and the Shire's LPP 38. Section 6.6 of LPP 38 provides guidance on preparation of road names consistent with the requirements of the GNC. The guidelines are listed below as:

- Consideration of current and future street names.
Officer Comment: GNC policy prohibits the duplication of road names within a locality boundary or within 10km unless named after a surrounding topographic feature. The proposed Scotts and Manjedal road names are not consistent with GNC policy as these names already exist in the Shire area. The proposed Stones road name is also not consistent as there is a Stone Street in the City of Armadale that is 5km to the North.
- Consideration shall be given to current and Future Street numbering to ensure numbering is sequential, easy to follow and considers future density increases.
Officer Comment: The proposed subdivision layout is considered sufficient to provide adequate street numbers to account for any future density changes.
- The origin of each name shall be clearly stated and subsequently recorded.
Officer Comment: The table above provides the origin of each name.
- Names shall not be offensive or likely to give offence, incongruous or commercial in nature.
Officer Comment: The proposed names are not considered to be offensive or likely to give offence or be incongruous or commercial in nature.
- Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.
Officer Comment: The proposed names have been sourced from existing named topographical features in Western Australia and are therefore considered to be consistent with GNC spelling, reading a pronunciation requirements.
- Unduly long names and names comprised of two or more words should generally be avoided.
Officer Comment: All names are single word and are not considered to be unduly long.
- Proposals for road names shall include an appropriate road type suffix.
Officer Comment: Proposed suffixes are considered to be appropriate as they are consistent with suffix definitions under the GNC policy:
 - Boulevard – a wide roadway, well paved, usually ornamented with trees and grass plots*
 - Road – an open way or public passage primarily for vehicles*
 - Street – a public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one of both sides*
 - Way – a roadway affording passage from one place to another. Usually not as straight as an avenue or street.*
 - Loop – a roadway that diverges from and re-joins the main thoroughfare.*
- Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads.
Officer Comment: Allocation of names as per the road layout plan are considered to be appropriate in terms of the length of each name.

The proposed names are considered to be consistent with the guidelines listed above, with the exception of Manjedal, Scotts and Stones Roads. Therefore officers recommend that Council approves the proposed names, including Gingagup, Gooralong and Myara but excluding Scott, Stones and Manjedal and forwards the approval to the GNC.

Options and Implications:

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to approve the 24 proposed road names and 1 road name extension as detailed in the planning assessment for Lot 1 Abernethy Road, Byford.

The approval of the application will not result in a negative impact on the amenity of character of the area.

Option 2: Council may resolve to refuse the 24 proposed road names and 1 road name extension as detailed in the planning assessment for Lot 1 Abernethy Road, Byford.

Should Council resolve to refuse of the application, Council will be required to provide justification and require the applicant to alter the proposed names.

Option 1 is recommended.

Conclusion:

The proposed names are in line with a 'Brooks of WA' theme, a 'local brooks' theme would be preferable however many of the brooks within the Shire area already have corresponding roads with the same name. The exceptions being the Gingagup, Gooralong and Myara brooks, which could be included into the proposal in recognition of local features. The proposed names are considered to be consistent with the Shire's Local Planning Policy 38 and the GNC policy with the exception of Manjedal, Scott and Stones names. It is therefore recommended that the theme is approved and the proposed names, except for Manjedal, Scotts and Stones and including Gingagup, Goorlaong and Myara, are also approved and forwarded to the GNC for final approval.

Attachments:

- [OCM147.1/08/16](#) – Application for Road Name Approval (IN16/10833)

Voting Requirements: Simple Majority

OCM147/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council:

- 1. Approves the road naming theme 'Brooks of Western Australia' for Lot 1 Abernethy Road, Byford.**
- 2. Approves and forwards the following road names to the Geographic Names Committee for final approval:**
 - a) Annie**
 - b) Boyup**
 - c) Crooked**
 - d) Henley**
 - e) Donny**
 - f) Marrinup**
 - g) Drakes**
 - h) Quinninup**
 - i) Dombakup**
 - j) Marbellup**
 - k) Bickley**
 - l) Wilyabrup**
 - m) Cowaramup**
 - n) Gynudup**

- o) Treen**
- p) Beedelup**
- q) Manjimup**
- r) Record**
- s) Barlee**
- t) Henty**
- u) Logue**
- v) Gingagup**
- w) Gooralong**
- x) Myara**

3. Approves and forwards the following road name extension to the Geographic Names Committee for final approval:

- a) Sansimeon**

CARRIED UNANIMOUSLY

OCM148/08/16	Proposed Telecommunications Infrastructure – Lot 47 (No.217) Shanley Road, Mardella (P08551/01)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	21 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Joel Gajic, Aurecon Australasia
 Owner: Paul Gangemi
 Date of Receipt: 1 March 2016
 Lot Area: 40.0046 ha
 Town Planning Scheme No 2 Zoning: Rural
 Metropolitan Region Scheme Zoning: Rural

Introduction

The purpose of this report is for Council to consider Telecommunications Infrastructure at Lot 47 (No.217) Shanley Road, Mardella. The planning application is dated 24 February 2016 and was received on 1 March 2016. Due to advice provided directly applicant from Western Power regarding the location of the underground power connection the original plans required modification.

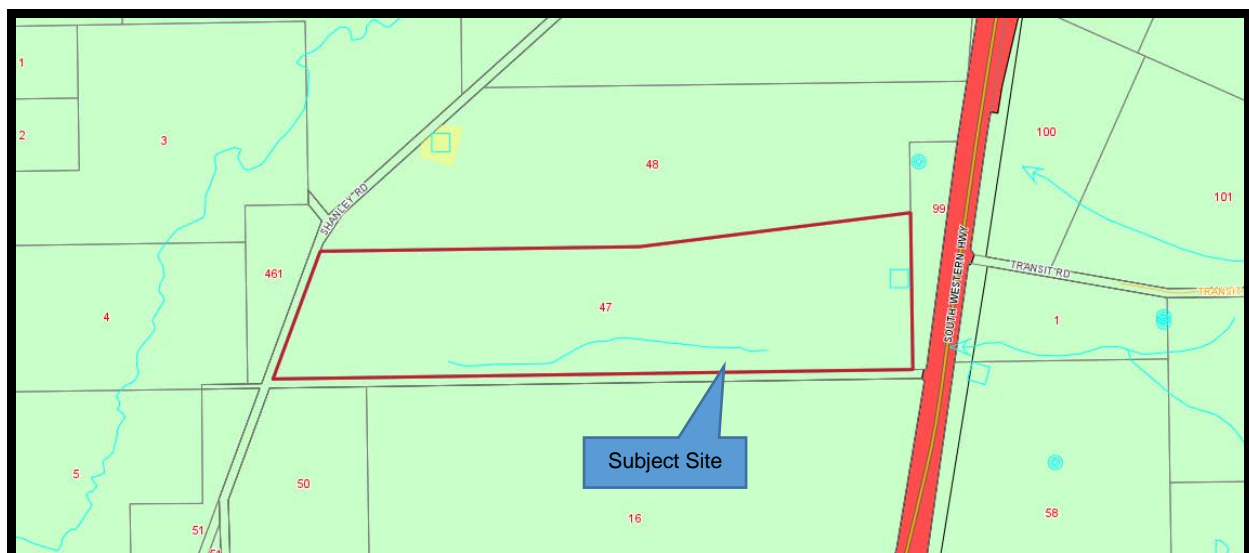
The subject land is zoned ‘Rural’ in accordance with the Shire’s Town Planning Scheme No.2 (TPS 2). A telecommunication tower is considered a ‘Radio, TV and Communication Installation’ use which is a discretionary ‘AA’ use within a Rural zone in accordance with the Shire’s TPS 2.

The proposal is reported to Council for determination as submissions received during the consultation period may not be able to be fully addressed by conditions of planning approval in accordance with delegation P035S .

This report recommends that the telecommunication tower as proposed be approved subject to appropriate conditions.

Background:

The subject site is developed with farm buildings and incidental structures relating to the historical agricultural use of the property. The lot is approximately 1.5 kilometres south of the South Western Highway and Jarrahdale Road intersection and 2.3 kilometres from the Mundijong townsite, with a total site area of 40.0046 hectares.



Site Plan

To support the Fixed Wireless component of the National Broadband Network (NBN) a site is required to serve as a wireless fibre hub with connectivity to NBN sites in Baldvis, Baldvis South and Cardup. The transmission network requires line of sight from facility to facility and the proposed site will be the critical connection point between the fibre network and the multiple adjoining Fixed Wireless facilities via the transmission network.

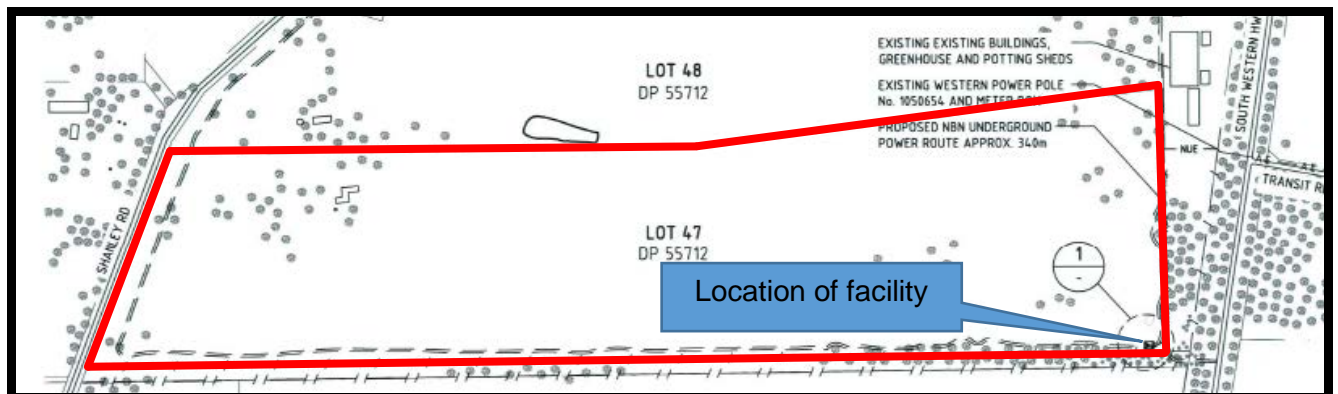
The proposal is designed to provide the current and future Shire residents, visitors and travellers with access to fast and reliable internet services.

The facility comprises the following:-

- One 50 metre high lattice tower;
- Two outdoor equipment cabinets and a distribution board within a secure 120m² compound; and
- The tower and equipment cabinets will be connected by a 300mm wide cable tray.

The tower and compound are proposed to be located in the south east portion of the site which is cleared and level. The compound is setback 3 metres from the southern boundary to an unmade road reserve, 18 metres from the southern boundary of Lot 99 South Western Highway and 1388 metres set back from Shanley Road. It should be noted that part of Lot 99 South Western Highway forms Bush Forever Site No.71.

The proposed development is not within a Bush Forever Site and does not involve the removal of vegetation. Some vegetation will need to be pruned and trimmed to allow for vehicle access to the site.



Location Plan

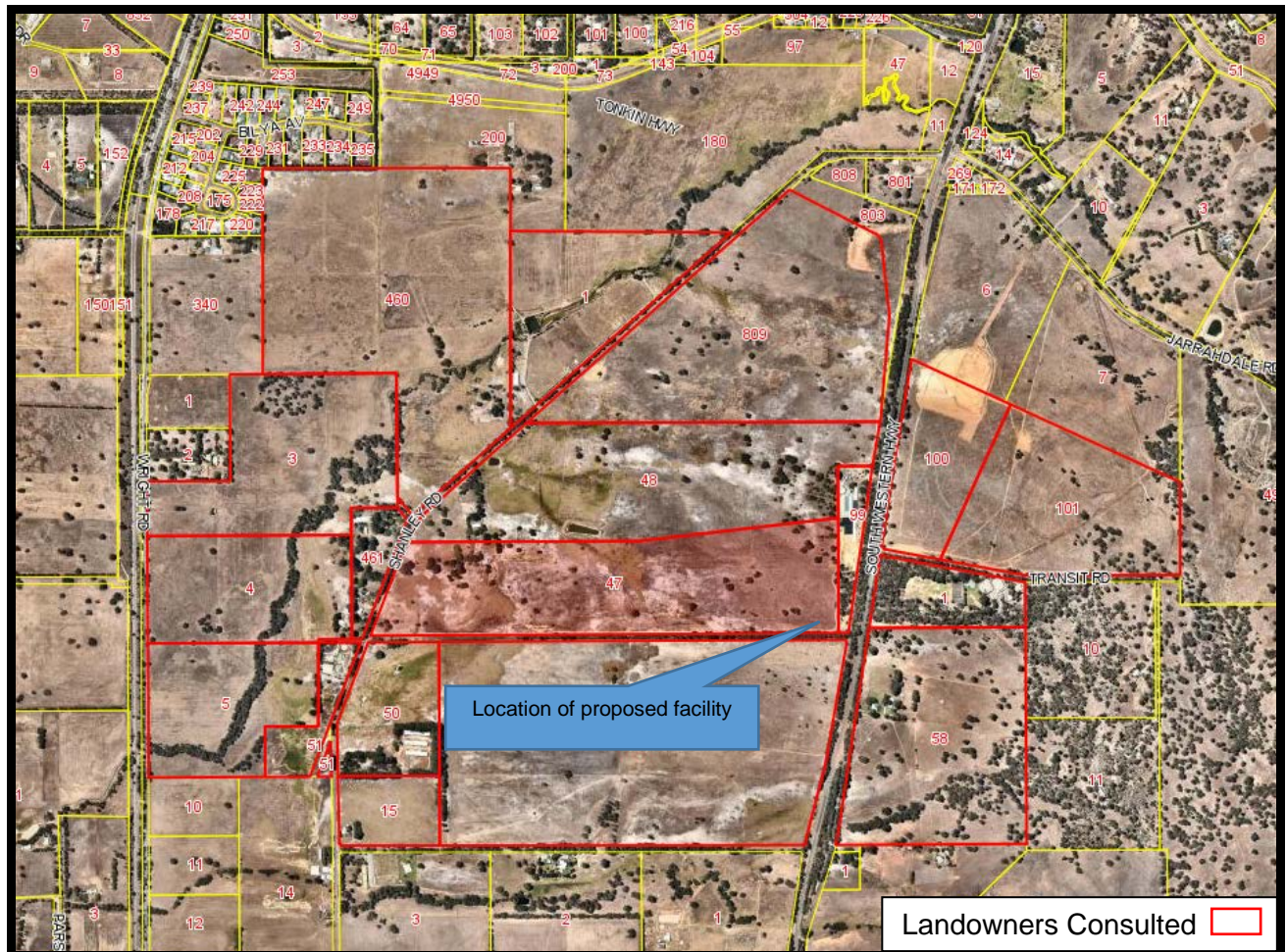
Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

Consultation was undertaken to 17 adjoining land owners in accordance with the Neighbour Referral Map below.

A summary of concerns with applicant responses and the full schedule of submissions with officer comments is attached to this report as OCM148.3/08/16.



Neighbour Referral Map

Three submissions were received during the notice period from adjoining and nearby landowners. The main concerns raised were:-

- Visual impact of the proposed development;
- Insufficient access to the site;
- Health risks;
- Noise impact during construction phase;
- Development across lot boundaries; and
- Impact on development potential of nearby lots.

Comment:

The Shire’s officers have assessed the proposal in accordance with clause 67 of the *Planning and Development Regulations 2015* ‘Matters to be considered by local government’. The assessment can be viewed as part of attachment OCM148.1/08/16.

Land Use:

The subject site is zoned ‘Rural’ under the Shire’s TPS 2. The purpose and intent of the Rural zone is to ‘allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area’. In determining whether this application is capable of approval under TPS 2 it is first necessary to consider the appropriate land use classification for the proposal with reference to the definitions provided for in Appendix 1 of TPS 2.

The Shire’s officers classify the erection of a telecommunications tower and associated development as ‘Radio, T.V. and Communication Installation’ use, which is defined by TPS 2 as follows:

‘– means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antennae domestic’.

The proposed telecommunications tower will be transmitting signals for the service of wireless internet connection associated with the NBN, which falls within this definition. The use of ‘Radio, T.V. and Communication Installation’ is an ‘AA’ use within the Rural zone, which means that Council may at its discretion permit the use.

In considering whether or not Council should exercise its discretion to permit the land use, the strategic Planning Framework should be considered. In this regard the following have relevance:-

- Shire of Serpentine Jarrahdale Rural Strategy (2013 Review and 1994 Rural Strategy)
- Local Planning Policy No.3 – Telecommunications Infrastructure
- State Planning Policy No.5.2 – Telecommunications Infrastructure

Rural Strategy 2013 Review:

The Shire’s Rural Strategy 2013 Review (Strategy) outlines key themes that future development within rural areas should be considered against. Generally, the Strategy requires rural areas to maintain a rural character, retain natural assets and facilitate productive rural areas by ensuring the areas are economically productive.

The proposed development maintains the rural character of the site as the ground level infrastructure is screened by existing vegetation. The proposed development does not result in the loss of any natural assets due to its location in a cleared part of the lot. The proposed development does not impact the productivity of the rural area as there are no restrictions on agricultural land uses around the 120m² compound and there is no buffer around the compound.

The site is identified in the Rural Strategy Review 2013 as ‘Residential and Stable’ with a minimum lot size of four hectares for the Mundijong precinct. The objectives of the area are to recognise the equine industry and recognise the adverse impacts of some rural activities on the equine industry.

The proposed development is not likely to have adverse impacts on the equine industry which would cause disturbance to horses as there will not be noise or dust generated once the infrastructure installation has been completed.

Rural Strategy 1994

The site is identified within the ‘Agricultural Protection’ policy area of the 1994 Rural Strategy. The primary objective of the Agricultural Protection policy area is to retain and maintain the productive capacity of land for agricultural enterprises in proximity to Perth and its markets. The only land which will be unavailable for agricultural purposes will be the 120m² equipment compound. The intent of the Rural Strategy in this regard is to avoid land fragmentation, which is not being proposed. Officers consider the proposal is appropriate with the context of the 1994 Rural Strategy.

Local Planning Policy No. 3 – Telecommunications Infrastructure Policy (LPP3):

Local Planning Policy No. 3 was developed by the Shire and adopted by Council on 25 June 2001 in response to a lack of local and state government guidance with respect to the placement and management of mobile phone towers/monopoles. The Shire’s LPP 3 is considered superfluous given the State Government has provided State Planning Policy No. 5.2 (SPP 5.2) in September 2015 which guides the placement and design of the proposed telecommunication towers.

Notwithstanding the above the proposal has been assessed against LPP 3.

Local Planning Policy No.3 requires that towers should not be located within 200 metres of land zoned 'Urban' or 'Urban Deferred' in the Metropolitan Region Scheme and towers should not be located closer than 500 metres of each other.

The proposed development is located within a 'Rural' zone in accordance with the Shire's TPS 2 and approximately 1500 metres from the nearest 'Urban Development' area in Mundijong. The nearest existing telecommunication facility is located approximately 1.2 kilometres away at Lot 1 Shanley Road, Mardella. The land use in this location is consistent with Local Planning Policy provisions.

Development Form

The proposed lattice tower is setback 18 metres from its nearest lot boundary which abuts Lot 99 South Western Highway and is setback 47.6 metres from South Western Highway. The proposed tower has an overall height of 50 metres. Ground level equipment will be painted a pale eucalypt colour to blend with existing vegetation. The tower will be kept as a 'natural' finish galvanised steel. The natural finish is beneficial as lighter materials blend well with lighter background (such as the sky) and darker finishes such as the equipment shelter blend well with darker backgrounds like dense vegetation. It is noted that the initial galvanise finish fades quickly, losing reflectivity and assumes a 'milky' grey appearance when viewed from ground level. The applicant argues that the 'milky' galvanised finish is likely to have the least visual impact of any treatment.



outdoor unit

Example Images supplied by Applicant

Technical aspects of telecommunication infrastructure generally requires the infrastructure to have significant height to facilitate broad coverage of signal. It is considered that the design of a lattice tower (consistent with the proposal) is not an overly obtrusive design on the visual amenity of the locality given its visual permeability and lack of solid areas restricting visual permeability. The proposal is the lowest height achievable to minimise the visual impact of the tower whilst still achieving the line of sight objective.

The Shire's officers have undertaken a site inspection of the subject site to consider the visual impact of the proposal on the surrounding locality. The site inspection revealed that given the height of the proposed lattice tower it will be visible from the surrounding locality, however the lattice tower has been positioned to take advantage of the existing mature vegetation and which will screen a majority of the base of the lattice tower from vantage points around the subject lot.

The subject site was selected to minimise the visual impact of the proposal due to a low number of residences in the surrounding locality.

The following State Administrative Tribunal (SAT) matters are relevant. *Optus Mobile v City of Stirling* [2008] WASAT 238 [59] and *Aurecon Australia Pty Ltd v Shire of Waroona* [2012] WASAT 179 whereby the following was noted by the SAT:

"While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 ('mounted clear of surrounding obstructions')."

"The planning framework does not require the tower to be invisible." In *Aurecon Australia Pty Ltd v Shire of Waroona* [2012] WASAT 179 the SAT also recognises that visual impact needs to be considered on balance the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.

The SAT therefore noted that a balanced approach should be undertaken for the assessment of telecommunication towers given the towers will always be visible to nearby residents however, are also required to provide better telecommunication infrastructure to the community. Therefore if the overall proposal is consistent with the relevant Town Planning Scheme and associated policies and State policies they should be supported accordingly.

In light of the above, the proposed design of the lattice tower being the lowest height possible and located within a 'Rural' zone amongst existing vegetation is considered to comply with Design Provisions of the Shire's LPP 3 and not unduly impact on the visual amenity of locality and is therefore supported.

State Planning Policy No.5.2 – Telecommunications Infrastructure

State Planning Policy No. 5.2 (SPP 5.2) was developed by the Western Australian Planning Commission to provide guiding principles for the location, siting and design of telecommunications infrastructure. The objectives of the policy are as follows:

- Providing an effective and efficient mobile telephone network that meets the communication needs of the community;
- Designing telecommunication towers to minimise the visual impact on the character and amenity of the local environment;
- Locating telecommunication towers in rural areas and outside any identified conservation areas; and
- Enabling the co-location of telecommunication facilities.

The proposal is for the transmission of wireless internet as part of the NBN works programme, which is considered to meet the needs of the community. The applicant has advised that the proposed lattice tower and associated development is the most appropriate design to minimise the visual impact of the development whilst adequately serving the needs of the community. The proposed location of the telecommunications tower is within a 'Rural' zone and is not within an identified conservation area.

SPP 5.2 states "*the benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area*" and sets out provisions for the location and design of telecommunication infrastructure proposals. The proposed development is proposed in a location which minimises its visual impact due to being set back from South Western Highway and while still visible, it is not being located in a position which would detract from a significant view of heritage item or place, landmark, streetscape, vista or a panorama whether viewed from private or public land.

SPP 5.2 does not have any specific locational requirements to assess, thus officers have applied the development standards of Local Planning Policy No.3. SPP 5.2 focuses on the design

Town Planning Scheme No.2

Town Planning Scheme No.2 does not have specific standards for the development of telecommunications infrastructure in terms of location and built form. Local Planning Policy No.3 provides guidance on assessment which has been included earlier in this report.

Other Considerations:

Aviation Safety:

The proposal is located 25km from the Jandakot Airport. The applicant is required by the Royal Australian Air Force to report the lattice tower in accordance with Civil Aviation Advisory Publications 92-1. The tower would be registered as a 'Tall Structure' with the Royal Australian Air Force to ensure the proposed development does not pose an aviation safety risk. Reporting is required at the Building Permit stage of development and falls outside the scope of this planning application.

Conclusion

As discussed within the report, the subject site is considered an appropriate location for the proposal, taking into account the current zoning, visual impact, design, and the predominant use of land within the locality. The proposal satisfies the overall objectives and requirements of the Regulations, TPS 2, SPP 5.2 and LPP 3.

Accordingly, the proposed telecommunications infrastructure is recommended to be supported subject to appropriate conditions.

Attachments:

- [OCM148.1/08/16](#) – Development Application (IN16/15121)
- [OCM148.2/08/16](#) – Clause 67 Table (E16/6138)
- [OCM148.3/08/16](#) – Schedule of Submissions (E16/6149)

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS): the site is zoned 'Rural' under the MRS
- State Planning Policy No. 5.2 – Telecommunications Infrastructure
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2: the site is zoned 'Rural' under the Shire's TPS 2.
- Rural Strategy 2013 Review
- Local Planning Policy No. 3 – Telecommunications Infrastructure Policy (LPP3)

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council approve the application submitted by Joel Gajic (Aurecon Australasia) on behalf of the landowner Paul Gangemi on Lot 47 (No.217) Shanley Road, Mardella, subject to the following conditions:

1. Upon decommissioning the telecommunications tower, the tower shall be removed and the site reinstated to its original condition at the cost of the proponent.
2. All existing trees and vegetation on the subject lot shall be retained and protected from damage prior to and during construction, with the exception of trimming required for site access.

OCM148/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Rich

That Council approve the application submitted by Joel Gajic (Aurecon Australasia) on behalf of the landowner Paul Gangemi on Lot 47 (No.217) Shanley Road, Mardella, subject to the following conditions:

1. Upon decommissioning the telecommunications tower, the tower shall be removed and the site reinstated to its original condition at the cost of the proponent.
2. All existing trees and vegetation on the subject lot shall be retained and protected from damage prior to and during construction, with the exception of trimming required for site access.
3. That the access track be upgraded to the satisfaction of the Shire of Serpentine Jarrahdale as an all weather access track during construction of the tower.

CARRIED 6/3

Reason for change to officers recommendation: The officers recommendation was changed to include condition 3 to ensure the track is upgraded to an all weather condition.

Cr Piiipponen declared a financial interest in item OCM149/07/16 and left the Chambers at 7.42pm while this item was discussed.

OCM149/07/16	Lots 50, 100 and AA Lot 85 Gordon Road, Serpentine– Proposed Rezoning from ‘Rural’ to ‘Rural Living B’ (SJ1929)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	23 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Harley Dykstra
 Owner: F Spagnolo
 Date of Receipt: 14 December 2015
 Lot Area: 12.4ha
 Town Planning Scheme No.2 Zoning: ‘Rural’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction:

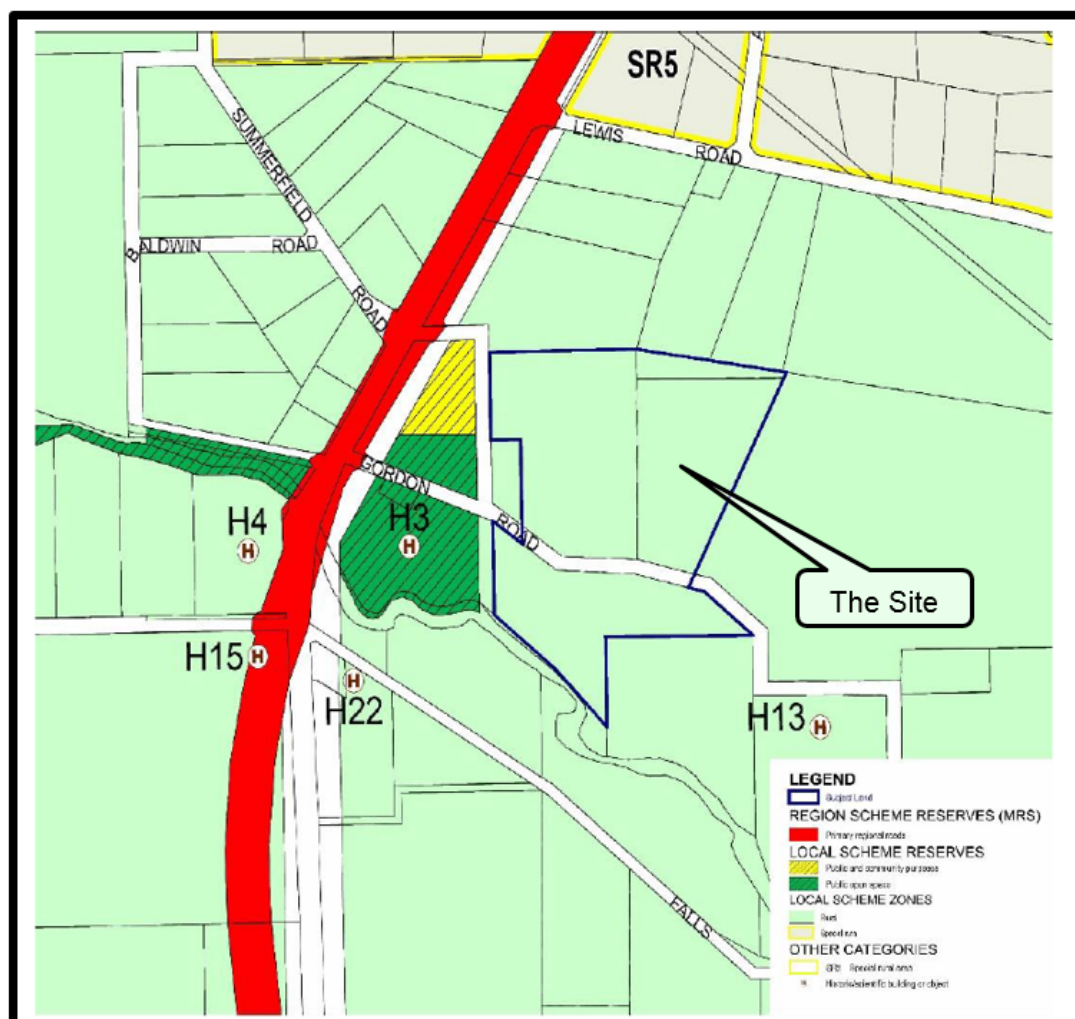
The purpose of the report is to consider an amendment to the Shire’s Town Planning Scheme No. 2 (TPS2) to rezone lots 50, 100 and a portion of lot 85 Gordon Road, Serpentine from ‘Rural’ to ‘Rural Living B’ and determine if the proposal is satisfactory for advertising. The proposal would facilitate subdivision and provide five ‘rural living B’ lots of between two and four hectares.

Officers do not have delegation to advertise proposed scheme amendments and the proposal is therefore referred to Council to initiate the amendment prior to advertising.

The amendment has been considered against the *Planning and Development (Local Planning Schemes) Regulations 2015*, relevant State planning strategies and policies, TPS 2, the Rural Strategy (updated 2002) and the Rural Strategy Review 2013.

It is considered that the proposed rezoning of the subject site from ‘Rural’ to ‘Rural Living B’ is consistent with the objectives of the planning framework and orderly and proper planning. The proposal will provide for rural lifestyle lots with land use permissibility consistent with the lot sizes.

Furthermore, the proposal is mostly consistent with the Shire’s Rural Strategy Review, with the exception of one lot to the south which is to be considered as ‘rural’ under the Rural Strategy Review. Notwithstanding, the Shire’s officers have considered the proposed Scheme Amendment in accordance with the State and Shire’s strategic planning policies and recommend the proposal be initiated and advertised accordingly.



Locality Plan

Background:

Existing Development:

The site is located within Serpentine. South Western Highway is located to the west of the site with Gordon Road running through the southern portion of the site. The land typically slopes from north to south with an increased gradient towards the south adjacent to the Serpentine River.

There is post and wire fencing along the perimeter of the lots and established vegetation throughout the site. Gordon road itself is an unmade road and access is taken from South Western Highway.

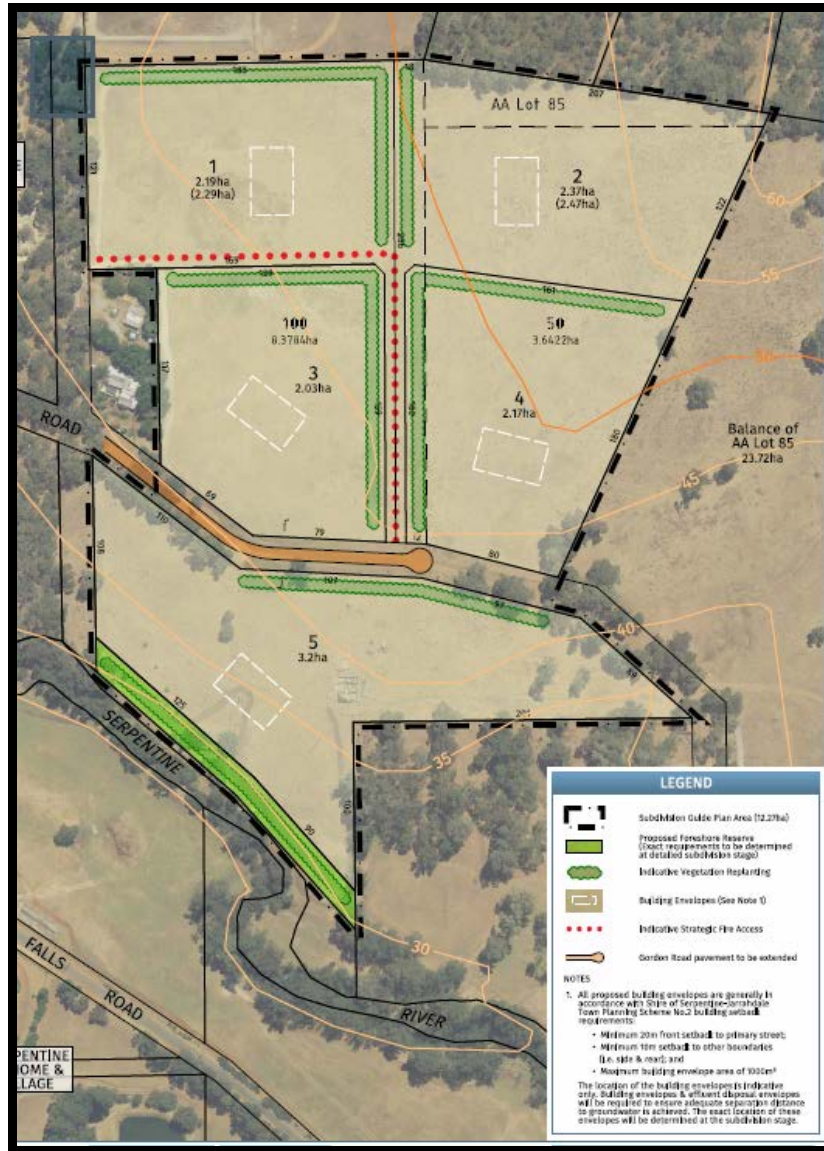
The lot is currently developed with a heritage building to the southern portion of Lot 100 in close proximity to the river bank. The dwelling, Summerfield Cottage, is listed on the Shire’s Municipal Inventory as category 3. Built in 1922, Summerfield Cottage was renovated as part of a Duke of Edinburgh Aware scheme project in 1987 -1988. The building was originally a two-roomed cottage with a high-pitched roof, spreading return verandah and a prominent chimney. The building is now in a severely dilapidated state.

Proposed Development:

The proposed amendment to the Shire’s TPS 2 seeks to rezone the subject land from ‘Rural’ to ‘Rural Living B’ to facilitate subdivision. ‘Ancillary accommodation’, ‘Home occupation’, ‘Rural use’ and ‘Stable’ are proposed to be discretionary uses within this ‘Rural Living B’ area.

A subdivision guide plan has been submitted to illustrate a proposed subdivision layout. This is indicative only, and shows the potential layout of development on the rural living B lots.

The site comprises of Lot 100 which is divided into two parcels of land by Gordon Road. The northern portion of this lot measures 4.84ha and the southern portion 3.53ha. Lot 50 lies to the north east of Lot 100 and is 3.64ha in area and AA Lot 85 lies to the north of Lot 50 and measures approximately 0.4ha.



Site Plan

Type of Amendment

The proposed amendment is considered a complex amendment under Part 5, clause 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which states that a complex amendment includes “an amendment that is not consistent with a local planning strategy (LPS) for the scheme that has been endorsed by the Commission”. The Shire does not currently have an approved local planning strategy and therefore the proposal cannot be consistent with the document. Following discussions with the Department of Planning, the Shire considers the amendment complex due to the partial inconsistency with the Rural Strategy and the absence of an LPS.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application / issue.

Community / Stakeholder Consultation:

The purpose of this report is for Council to initiate the subject amendment to the Shire's Town Planning Scheme No.2, and subsequently advertise the amendment for a period of not less than 60 days in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS): The lot is zoned 'Rural' under the MRS
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2): The lot is zoned 'Rural' under the TPS 2
- Shire of Serpentine Jarrahdale Rural Strategy
- Shire of Serpentine Jarrahdale Rural Strategy Review 2013
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)
- State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP 2.5)
- Local Planning Policy LPP8 – Landscape Protection
- Local Planning Policy LPP57 – Housing Diversity Policy

Financial Implications:

There are no direct financial implications for this item.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

The scheme amendment would result in maintaining the areas distinct rural character through the provision of rural lifestyle lots.

Planning Assessment:

Compliance with Relevant Legislation/Policy:

The proposed Scheme Amendment has been considered against the following State and Shire policies:

1. Perth and Peel @ 3.5 million;
2. Perth and Peel Green Growth Plan @ 3.5 million;
3. State Planning Policy 2.5 – Land Use Planning in Rural Areas; and
4. Rural Strategy and the Rural Strategy Review 2013.

Perth and Peel @ 3.5 Million

By 2050, it is estimated that more than 3.5 million people will live in the Perth and Peel regions. The Perth and Peel @ 3.5 million is a planning framework providing guidance on where sustainable development should occur over the next 35 to 40 years to *“ensure the impact of urban growth on areas of environmental significance is minimised; to protect our heritage; and importantly, to maximise the benefits of available land and existing infrastructure.”*

The Shire is located within the south-eastern section of the South Metropolitan Peel sub-region. The framework states that *“there is a need to ensure that rural living opportunities remain, however there needs to be balance against broader consolidation, environmental and servicing considerations”*.

The purpose of the strategic plan is to provide a level of certainty of the land availability and most suitable areas identified for urban expansion, residential, commercial and industrial

development. Although the document is typically aimed at more urban areas it does acknowledge the importance of protecting land for rural use and rural living lifestyle.

The northern portion of the application site is designated as 'Rural Residential' under the Perth and Peel @3.5 million with the southern portion south of Gordon Road being designated as 'Rural'. As such, the proposed Scheme amendment is not strictly consistent with Perth @ 3.5 million, given the southern portion of Lot 100 is proposed as rural living B. Notwithstanding, the proposed Scheme amendment has proposed the southern portion to be rural living B in an attempt to keep the area consistent. It also ensures that a stand-alone 'rural' lot surrounded by lots zoned 'rural residential' and 'agricultural protection' does not occur. The only other 'rural' lot in the immediate location is the caravan park directly south of the subject site.

It is considered that the slight deviation of Perth @ 3.5 million is appropriate given the remainder of Lot 100 will be more appropriate zoned as rural living B whereby uses are restricted as opposed to the zoning of 'rural' which will allow for large scale rural uses to operate on a small rural lot.

Perth and Peel Green Growth Plan for 3.5 million

The State Government has released the Perth and Peel Green Growth Plan for 3.5 million to support the growth of the population and to deliver *"an efficient and liveable city while protecting our unique natural environment"*.

The document sets out a 'Rural Residential Class of Action' which provides for the development of new areas of 'rural residential land'. The objectives of this zone is to create opportunities for rural related pursuits where consistent with the amenity of the locality.

The northern portion of the subject site is identified as 'Rural Residential' under the 'Rural Residential Class of Action, however the southern portion, south of Gordon Road, is not. As with the Perth and Peel @ 3.5 Million, these documents provide a strategic framework to provide guidance on planning, land use and development decision making. Although providing a strategic basis for decision making they are not themselves regulatory instruments.

As the majority of the site falls within a larger area designated for 'Rural Residential' it is considered that the proposed rezoning is consistent with the amenity of the locality. The proposal will contribute to the intention of the policy framework by providing opportunities for rural related pursuits that are consistent with the wider area.

State Planning Policies

State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP2.5)

The policy provides guidance in relation to establishing rural living precincts and states that rural living proposals on rural land may be supported where they comply with the objectives of the policy as detailed below:

- *"is adjacent to existing urban areas and has appropriate access to services, community facilities and amenities and will not conflict with rural land use activity or reduce the primary production potential of adjoining or nearby land;*

The subject site is located in close proximity to Serpentine Townsite with appropriate access to services and amenities. The site is located adjacent to an area identified as 'agricultural protection' and would not result in a reduction of the primary production potential or conflict with rural land use activity.

- *avoids areas required for priority agricultural land and urban expansion*

The site is not identified for priority agricultural land or urban expansion in the planning framework and therefore the proposal is consistent with this objective.

- *it has been demonstrated the precinct can be supplied with reticulated electricity and a suitable water supply*

Existing reticulated services are located immediately adjacent to the subject land.

- *the precinct is predominantly cleared of remnant vegetation or the loss of remnant vegetation through clearing for building envelopes, bushfire protection, access and fencing is minimised and environmental assets are not compromised;*

The site is predominately cleared with vegetation typically along the boundaries. The proposal would not result in the compromising of significant environmental assets.

- *will promote good environmental and landscape outcomes and the soil and total water management cycle are addressed, and may include rehabilitation as appropriate;*

A landscaping plan would be a requirement of subdivision, however at this stage indicative landscaping has been identified that is considered to promote good environmental outcomes.

- *is capable of supporting the development of a dwelling(s) and is not located in a flood prone area;*

The site is not located within a flood prone area.

- *can be serviced by constructed road/s capable of providing access during all weather conditions, including access and egress for emergency purposes;*

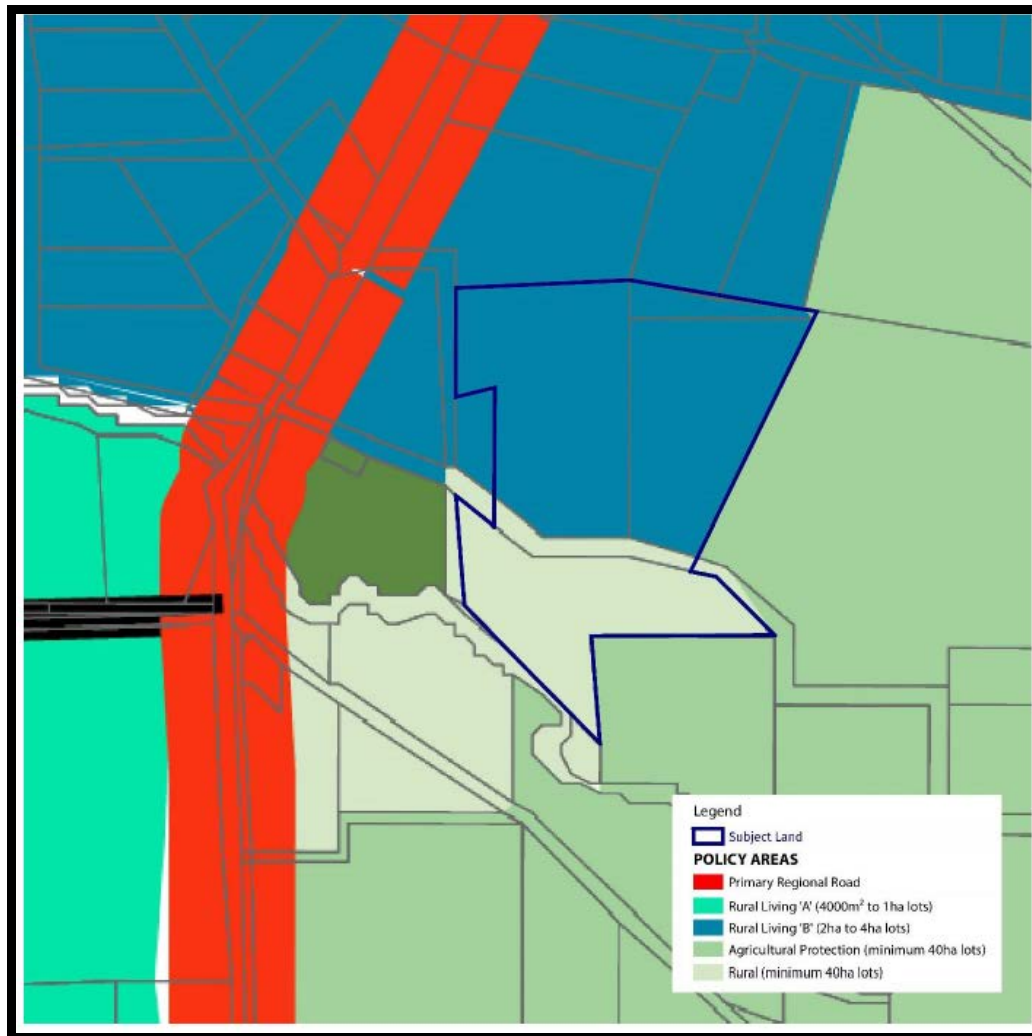
There is an existing constructed road leading to the site however a portion of this road is an unsealed gravel road. It will be a requirement that this section of road is sealed through the subdivision process to ensure this objective is met.

- *can be demonstrated that the precinct is not in an extreme bushfire risk area and any lesser bushfire risk can be minimised and managed without adversely affecting the natural environment; and*
- *areas of moderate bushfire risk, dwellings will be required to be constructed to Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas (AS 3959) and separation distances are to comply with relevant guidelines for bushfire protection."*

The site lies within a designated Bushfire Prone Area and the applicant has provided a Fire Management Plan. The Shire's Emergency Services Department have provided in principle support of the initial information submitted. Further information will be required to be submitted at subdivision stage. The site is not in an extreme bushfire risk area and it is noted that the risk can be managed without adversely affecting the natural environment.

Rural Strategy and Rural Strategy Review

The Shire's Rural Strategy and the Rural Strategy Review 2013 identifies the land on the northern side of Gordon Road subject to the rezoning proposal as 'Rural Living B', as shown in blue on the map below, and therefore this part of the proposal is consistent with the planning framework. However, the portion of Lot 100 that is to the south of Gordon Road is identified as 'Rural' under the Rural Strategy and the Rural Strategy Review 2013.



Rural Strategy Policy Areas

The remaining portion of rural land to the south of the river, as shown in light green on the above map, has received approval from the Western Australian Planning Commission to be subdivided into three lots of approximately 2ha each. The other portion of land identified as rural in this area is the Serpentine Falls Park Home and Tourist Village.

Given that the only other adjoining properties identified as 'rural' under the Rural Strategy Review is the Serpentine Falls Park Home and Tourist Village, the applicant considers that the portion of Lot 100 that is identified as rural is an anomaly in the context of existing planning approval and use of land.

The objectives of the Rural Living policy area as set out in the Rural Strategy and the Rural Strategy Review 2013 are as follows:-

“RL 1. To provide opportunities for a 'rural-living' lifestyle, with a greater sense of space and privacy; RL 2. To optimise the use of available land for Rural Living through higher density development and staged release - mixed lot sizes will be supported subject to detailed study of site conditions and constraints; RL 3. To accommodate population growth sympathetic to rural lifestyle and in a healthy community;” The Rural Strategy Review’s objectives also includes to *“provide for additional choice in style and location of residential land not available within the Shire’s Urban nodes”* and to *“provide for a diversity of lot sizes ranging from 0.4 and 4 hectares”*.

The proposal would provide for the opportunity to subdivide the subject land into 5 'Rural Living B' lots of approximately 2ha with one lot of 3.2ha. This would be in line with the

objectives of providing for rural living lifestyle lots of an appropriate area, accommodating population growth.

“RL 4. To restrict Rural Living areas, as far as possible, to areas adjacent to the existing towns and villages of Byford, Cardup, Mundijong, Jarrahdale and Serpentine and existing rural living areas, or in association with new village development; RL 5. Where possible, to service high density Rural Living development with reticulated water supply or a rainwater supply of 90,000 litres is guaranteed, and ensure that appropriate approved alternative domestic effluent disposal systems or conventional systems are used; RL 6. To optimise the use of public transport and in particular existing rail links to Perth and Rockingham.” The Rural Strategy Review also requires to *“maximise the provision, use and efficiency of infrastructure available in and around the Shires urban nodes”*.

The site is located within Serpentine on the edge of a large area that is also identified for the ‘Rural Living B’ zone. The site is in close proximity to South Western Highway for adequate transport links for the higher density development.

The proposed scheme amendment includes special provisions relating to the requirement for connection to an alternative domestic waste water treatment system prior to any development approval for a dwelling.

“RL 7. To provide for the enhancement of landscape and natural values, and to establish managed areas within developments that may perform such roles as:

- *buffers between rural and urban areas;*
- *nutrient removal from urban runoff;*
- *vegetation establishment and management;*
- *integrating vegetation networks (i.e. fauna movement corridors);*
- *reduction of surface stormwater flows from urban areas.”*

The objectives of the Rural Strategy Review 2013 goes on to state to *“protect Local and Natural Areas and encourage revegetation”*.

The applicant has provided a Subdivision Guide Plan (SGP) which includes indicative areas for revegetation. Concerns have been raised regarding the location of the vegetation and the requirement for firebreaks from the Shire’s Environmental Services Department. The proposal will be referred to the Environmental Protection Authority as part of the advertising process, as per the officers recommendation. However, the SGP is indicative only and the proposed areas of revegetation will be addressed in a future subdivision application should the amendment be progressed. The SGP does not form part of the amendment application.

“RL 8. To provide opportunities for, and control over, rural enterprises conducted in association with rural living, for example:

- *craft, cottage and tourist industries;*
- *truck parking, landscape supplies, and nurseries;*
- *horse management and riding school activities;*
- *home based light industry;”*

Consistent with this objective, the Rural Strategy Review aims to *“restrict rural land uses that are generally not compatible with maintaining residential amenity”* and *“provide opportunities for development that maintains rural character and promotes appropriate land management”*. In light of this, discussions have been held with the applicant whereby the special scheme provisions have been amended to include ‘home occupation’, ‘rural use’ and ‘stables’ as discretionary uses within the scheme amendment area. Having these uses as discretionary uses results in the opportunity to meet objective RL 8 whilst controlling the uses through the development application process. The discretionary uses allow for rural enterprises in

association with rural living whilst ensuring that rural living land uses do not adversely impact on residential amenity due to the higher density of the lots and promotes appropriate land management.

“RL 9. To provide expanded recreational opportunities for lot owners and the wider community, such as riding trails, sports facilities, and upgraded and accessible public open space.”

The proposal by virtue of the resultant rural living lifestyle lots will allow for opportunities for private recreation for lot owners. Public recreation has been removed from the TPS2 definitions since the Rural Strategy objective.

The Subdivision Guide Plan includes a foreshore reserve with an access track. The track will be ceded to the Shire to manage and maintain the foreshore. The future foreshore reserve as part of a future subdivision application has the potential to provide a walking trail along the river to the Serpentine Falls National Park resulting in public benefit.

The proposed rezoning of the lots to the north of Gordon Road is consistent with the Rural Strategy and the Rural Strategy Review 2013, which identify these lots as ‘Rural Living B’. However, the lot to the south of Gordon Road is not consistent with the policy framework in that under the Rural Strategy and the Rural Strategy Review it remains as being ‘Rural’ by way of the zoning. Nevertheless, these documents are guiding strategies that are aspirational in nature and provide broad guidelines for future zoning of land within the Shire.

During the preparation of the Rural Strategy and the Review in 2013 it is considered that Gordon Road was potentially taken as a landmark to separate the different zones and individual lots were not investigated as part of the preparation of the strategies. An investigation of the preparation of the strategies identified that the ‘rural’ zoning was not considered as part of a submission through community consultation. This has the potential of resulting in an anomaly. It is considered that the amendment to the local planning scheme, although not strictly in accordance with the planning framework, is consistent with orderly and proper planning.

The applicant has had the opportunity to remove the southern portion of lot 100 from the proposal which would result in the proposed amendment fully compliant with the provisions of the Rural Strategy and Rural Strategy Review. However, this would result in this lot having a split zoning. Upon subdivision in accordance with Development Control Policy 3.4 the outcome would be a ‘Rural’ lot of 3.2ha that is not consistent with the size of a typical ‘Rural’ lot. If the lot is zoned ‘rural’ a full range of rural pursuits in accordance with land use permissible for 40ha lots could be carried out on a lot that would not ordinarily be suitable given its size of 3.2ha. The objective of the ‘Rural Living B’ zone is to allow for rural style uses whilst maintaining residential amenity, the objective of which would not be met with a rural lot that is 3.2ha in area.

The surrounding lots once rezoned would all be rural lifestyle lots of a similar size with the same land use and development standards. Having a stand-alone rural lot could result in an adverse impact on the streetscape in terms of the different permissible land uses and development requirements.

Other Considerations:

Heritage:

The portion of lot 100, to the south of Gordon Road, includes Summerfield Cottage, a heritage listed building. This cottage has historical, social and aesthetic significance in its association with the Summerfield family and being an early residence of Serpentine and in close proximity to the old Serpentine townsite area. Its location being near the Serpentine River gives the cottage aesthetic significance. As part of the advertising process the proposal would be referred to the Heritage Council for comment. Following a site visit, the

Shire's Officer noted that the building is dilapidated and potentially in a state of disrepair. In any case, the proposal seeks approval for the rezoning of the land only with no material changes to the dwelling. Any works to the heritage building would require a separate development application.

Bushfire

The subject site is designated as a bushfire prone area. The scheme amendment proposal includes a Fire Management Plan in line with SPP 3.7. This has been referred to the Shire's Emergency Services Department for comments. The Fire Management Plan is considered acceptable in principle subject to the revegetation plan. A Landscape and Vegetation Management Plan would be a consideration at subdivision stage and therefore the Shire is satisfied with the issue of fire management at this stage of rezoning.

Environment

The subject site lies within the Landscape Protection Area. The objective of LPP08 – Landscape Protection (LPP08) aims to preserve the amenity of the Darling Scarp and to protect and enhance the landscape. The policy provides design standards for developments and emphasises the importance of vegetation in this area. There is no new development proposed as part of the rezoning and a Landscape and Vegetation Management Plan would be a requirement at the subdivision stage.

Local Planning Policy LPP57 – Housing Diversity Policy promotes increased housing diversity and choice to meet the changing needs of the community. The proposed rezoning will facilitate the provision of additional housing types contributing to housing diversity within the Shire.

Options and Implications:

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to proceed to advertise the amendment to the local planning scheme without modifications.

The advertising of the amendment without modifications will result in the advertising of an amendment although not strictly in accordance with the Rural Strategy and Rural Strategy Review, however it would meet the objectives of the zone and result in a sound planning outcome.

Option 2: Council may resolve to proceed to advertise the amendment to the local planning scheme with modifications.

The advertising of the amendment with modifications will result in the advertising of an amendment not strictly in accordance with the Rural Strategy and Rural Strategy Review.

Option 3: Council may resolve to not proceed to advertise the amendment to the local planning scheme.

Resolving to not advertise the amendment would result in the subject site remaining 'Rural' in line with TPS2.

Option 1 is recommended.

Conclusion:

The proposed scheme amendment seeks to rezone the subject site from 'Rural' to 'Rural Living B' to facilitate subdivision to five lots ranging from two to four hectares. The discretionary uses include 'ancillary accommodation', 'home occupation', 'rural use' and

'stable'. Although the portion of lot 100 to the south of Gordon Road is not identified as 'Rural Living B' under the Rural Strategy and the Rural Strategy Review, it is considered that the applicant has demonstrated that this is a potential anomaly in the policy framework. Rezoning the subject site would result in land use permissibility being consistent with the lots sizes and in line with the objectives of the 'Rural Living B' zone and orderly and proper planning.

Attachments:

- [OCM149.1/08/16](#) – Amendment Details (E16/5114)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. **Initiates Scheme Amendment No. 195 to Town Planning Scheme No. 2 to rezoned Lots 50, 100 and AA Lot 85 Gordon Road, Serpentine from 'Rural' to 'Rural Living B' without modification.**
2. **Instructs the Director of Planning Services to submit two (2) copies of the Scheme Amendment No. 195 to the Western Australian Planning Commission within 21 days and prior to advertising.**
3. **Instructs the Director of Planning Services to advertise Scheme Amendment No. 195 after approval from the Western Australian Planning Commission to advertise the proposal in accordance with the clause 38 of the *Planning and Development Regulations (Local Planning Schemes) 2015*.**
4. **Instructs the Director of Planning Services to refer Scheme Amendment No. 195 to the Environmental Protection Authority in accordance with section 81 of the *Planning and Development Act 2005*.**

OCM149/08/16 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr Ellis, seconded Cr Hawkins

That Council initiates Scheme Amendment No. 195 to Town Planning Scheme No. 2 to rezone Lots 50, 100 and AA Lot 85 Gordon Road, Serpentine from 'Rural' to 'Rural Living B' subject to

- a. **a Special Provision 9 be included in the Appendix 4B Rural Living Zone as follows:
*9. The portion of AA Lot 85 zoned Rural Living B as part of this amendment is to be subdivided and amalgamated to form part of proposed Lot 2 included in the Subdivision Guide Plan;***

CARRIED 5/4

The Presiding Member used his casting vote.

Councillor Urban requested his vote against the motion be recorded

Reason for change to officers recommendation:

The Officers Recommendation was amended as the officers believe this should be part of the scheme text to make it clear that this portion is to be subdivided from the larger lot and included into the Rural Living B section to clear up the boundary alignment in this area.

Councillor Piipponen returned to the chambers at 7.59pm

OCM150/08/16	Response from Minister for Environment; Heritage Regarding Bio Organics Pty Ltd Water Sampling and Compliance (P05577/03)
Author:	Tony Turner – Manager Health
Senior Officer/s:	Andre Schonfeldt - Director Planning
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

This report provides Council with the response from the Minister and DER as requested in Council Resolution OCM081/05/16. Officers recommended that Council note the responses and actions from the Minister and the DER regarding Bio Organics non compliance with DER Closure Notice.

Background:

Between 2012 and 2016 there has been substantial commitment of resources by the Shire to investigate transport and odour impacts, to determine controlled waste volumes and types and to undertake ground water sampling and analysis. The Shire has also rigorously defended two State Administrative Tribunal (SAT) mediations and hearings extending over nearly 4 years, resulting in the withdrawal of Bio Organics development application for a composting facility.

While this collective commitment with the community and local residents has influenced the DER's decision to apply a Closure Notice and an Investigation Notice, there was considerable evidence indicating ongoing activity and non compliance. However the Shire's authority to investigate activities administered by the DER under the Environmental remained limited.

Council resolved in May 2016 to request the Acting CEO refer these matters in correspondence to the Minister and the DER. The correspondence sent 19 May, presented the issues associated with ongoing non compliances, referred to specific requirements and key dates in the DER Closure Notice. Consultant reports were also attached providing relevant data to support the questions raised regarding the ground water monitoring and importantly responses from the Minister and the Department.

On 27 June the Acting CEO received the Minister's response outlining the process that was required by the Investigation Notice and referred to requirements to appoint a consultant, to undertake quarterly ground water monitoring and to report on the results to the DER. The Minister also advised that key issues raised in the Stass Report had been considered and amendments to the monitoring program made. Importantly the DER is expecting to receive a detailed Site Investigation Report in November 2016.

Relevant Previous Decisions of Council:

- At the Ordinary Council Meeting on 9 May 2016, Council Resolution OCM081/05/16

Community / Stakeholder Consultation:

There has been extensive community interaction and engagement throughout the 4 years of investigations and assessments.

Comment:

After an exhaustive investigation and assessment process the correspondence to the Minister and the DER in May 2016 was a final effort to attain a resolution of the matters surrounding Bio-Organics. The Minister's response provided an outline of the process required by the Investigation Notice and acknowledged the importance of the Shires ground water monitoring and the analysis in the Stass Reports. The Minister's correspondence made no reference to the issues raised regarding non compliance with the Closure Notice,

however an article in the Sunday Times (10 July 2016) reported that the DER had filed 13 prosecutions against Bio Organics for continued non-compliance with the Closure Notice. This article was less than two weeks after the Ministers letter and may account for the fact that the Minister was not in a position to comment on key compliance matters.

These compliance actions and the indication that the review of composting standards will add greater public health protections for compost sold direct to the public, demonstrate a significant shift in the industry standards. It will reassure local residents that the combined Shire and community actions over the past 2 years have provided cause for the DER to review and improve the licensing and regulating of composting facilities though out the State.

Conclusion:

The DER's recent compliance actions and prosecutions are very important step to a resolution of the issues surrounding the Bio-Organics site. The Shire is still also undertaking its own prosecution under Planning law and officers note that recent Nearmaps photos show that the site has been cleared of all composting material. Therefore it is recommend that apart from continuing with current legal proceedings and monitoring outcomes, no further action are required in relation to this matter.

Attachments:

- [OCM150.1/08/16](#) – Correspondence from the Minister for Environment; Heritage (IN16/12407)
- [OCM150.2/08/16](#) – Correspondence relating to Initial Ground Water Investigation (IN16/12720)

Alignment with our Strategic Community Plan:

Composting as a process supports the objectives outlined in the Strategic Community Plan. However, many of Bio Organics activities were in conflict with the specific objectives listed, ie: Progressive Organisation.

Objective 1.2	Progressive Organisation.
Key Action 1.2.6	Comply with all legislative and statutory requirements

Statutory Environment:

The Shire has a range of responsibilities under the Health Act 1911 and provision of the Shire's Health Local laws that refer to the protection of amenity, the pollution of water supplies and licensing of offensive trades. However, there is a potential duplication for key environmental matters administered by the DER under provisions of the Environmental protection Act 1986. In this case the statutory responsibility is clearly with the DER who have finally administered compliance action under the Environmental Protection Act, associated regulations and licensing provisions.

Financial Implications:

There are no direct financial implications for this item. However it is acknowledged that there has been significant internal resources utilised during the 4 years.

Voting Requirements: Simple Majority

OCM150/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council notes the Minister for Environment; Heritage and the Department of Environment Regulation's response to issues raised in correspondence regarding non compliance issues at Bio Organics.

CARRIED UNANIMOUSLY

OCM151/08/16	Proposed 'Floriculture (Extensive)' Lot 14 (No.121) King Road, Oakford (SJ1976)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	20 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Proponent: Bioscience
 Owner: The Kieu LP Family Pty Ltd
 Date of Receipt: 8 September 2015
 Lot Area: 40493m² (4ha)
 Town Planning Scheme No 2 Zoning: 'Rural Groundwater Protection'
 Metropolitan Region Scheme Zoning: 'Rural – Water Protection'

Introduction

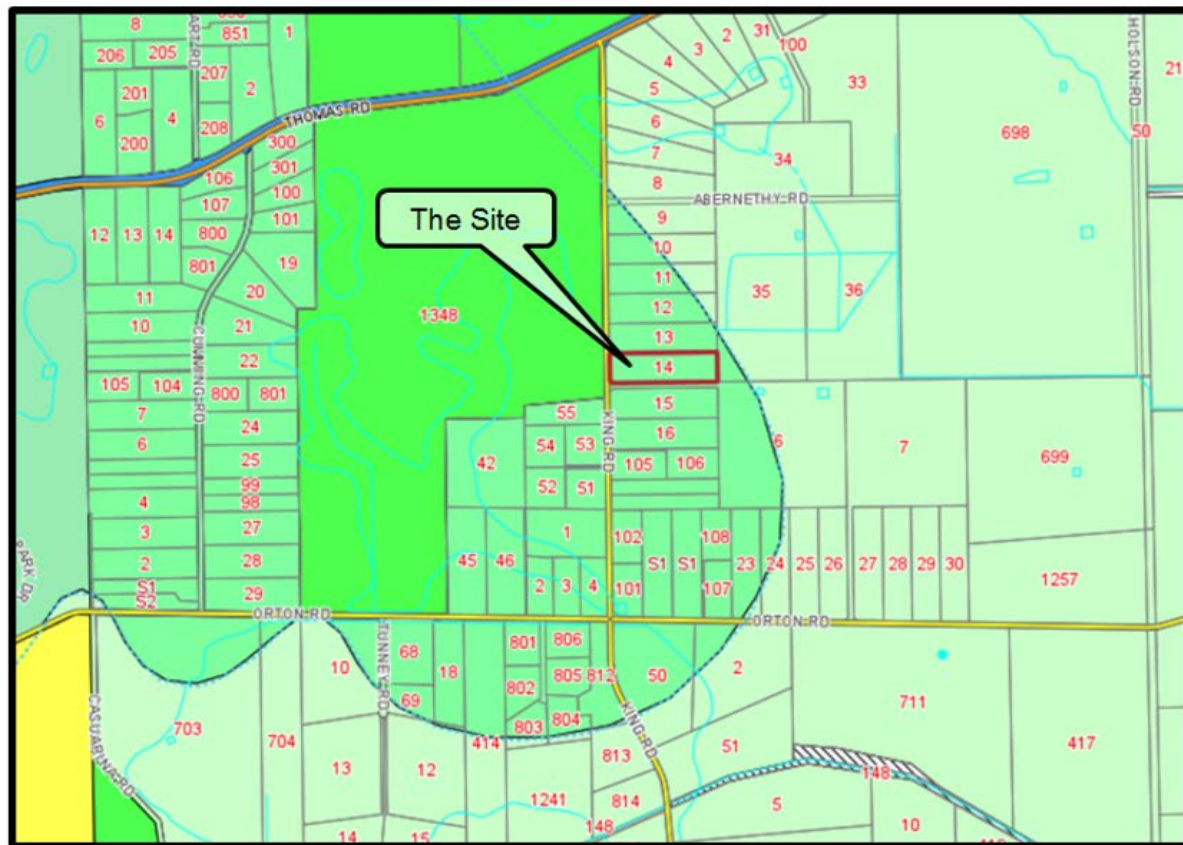
The purpose of this report is for Council to reconsider a development application for 'Floriculture (Extensive)' at Lot 14 (#121) King Road, Oakford. The Shire refused the application under delegation on 31 March 2016 for the following reasons:

1. *"The proposed use of 'hydroponics' is a prohibited use within the 'rural groundwater protection' zone in accordance with clause 5.19.2 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.*
2. *Insufficient information has been provided as required by Schedule 2, Part 8, clause 63 (ii) (vii) and (C) of the Planning and Development (Local Planning Schemes) Regulations 2015 in relation to the watercress ponds, drainage sumps and potential noise impacts."*

Following the refusal, the applicant appealed the decision to the State Administrative Tribunal (SAT). The SAT agreed that the land use of 'hydroponics' was the appropriate land use and is prohibited within the 'Rural Groundwater Protection' zone (refer to attachment IN16/14567). SAT did however outline that if soil was used instead of sawdust to grow the cucumbers in, then the proposal would fall within the 'Floriculture (Extensive)' land use. The applicant amended the application to reflect this and the SAT invited Council to reconsider the application in accordance with section 31 (1) of the *State Administrative Tribunal Act 2004*. The applicant has also provided an amended Nutrient and Irrigation Management Plan for consideration.

The report is being presented to Council as a number of objections were received during the initial community consultation period of the proposal. The Officers do not have delegation to consider an application whereby objections can't be adequately addressed through conditions in accordance with delegated authority P035S.

The officers have considered the additional information provided by the applicant and recommend Council approve the application subject to appropriate conditions.



Locality Plan

Background:

The initial application was received on 8 September 2015, for proposed 'Floriculture (Extensive)' described by the applicant as a closed loop fertigation system. The proposal involved the growing of cucumbers within 25 tunnel greenhouses located to the east (rear) of the site. Each of the 25 greenhouses would measure 40m x 9m with a wall height of 2.6m and a total height of 4m.

Pre-application discussions took place with the applicant who was advised that a closed loop fertigation system would best fit within the land use of 'hydroponics' which is a land use that cannot be considered in the subject zone. For this reason, although described as a closed loop fertigation system, the system proposed openings in the drainage channels to connect them to the soil. It was considered that this resulted in the proposal best fitting within the land use of 'Floriculture (Extensive)' and thus not 'hydroponics'. The intention of the applicant was to in the meantime submit a proposal to amend TPS 2 to add 'hydroponics' as a discretionary use within the subject zone. Once this had been approved the system was to be amended to remove these openings and essentially result in 'hydroponics'.

At this stage the proposal could not be supported as it was incompatible with the zoning and the Jandakot water mound as a drinking supply resource. Objections were received from the Department of Agriculture and the Department of Water on the basis of excessive nutrient export and the impact on the Jandakot Water Mound as a water resource.

Following these objections, the applicant amended the proposal to remove the drainage channels from the proposal therefore removing any connection with the soil and the water supply. An amended Nutrient and Irrigation Management Plan was received on 20 November 2015. The amended application was referred back to the Department of Water and the Department of Agriculture who advised that although the drainage channels had been removed, their opinion remained unchanged as the proposal still involved the discharge of the spent fertigation solution to the land for irrigation purposes.

Again, these concerns were raised with the applicant and the proposal was further amended so that the spent fertigation solution was proposed to be discharged into static ponds which would be used for the production of watercress. These ponds would be installed within the greenhouses. An amended Nutrient and Irrigation Management Plan was received on 7 January 2016. The amended details were referred again to both the Department of Water and the Department of Agriculture who raised no objections. However, as amended the Shire considered the proposal to best fit within the land use of 'hydroponics' and not 'floriculture (extensive)' because of the proposed growing method. 'Hydroponics' is a prohibited land use under TPS2 and therefore the application was refused under delegation on 31 March 2016.

Following the SAT process, the member determined that the proposal did best fit within the land use of 'hydroponics' and therefore a prohibited land use that could not be considered by the Shire. The member however determined that if the proposal were amended to the growing of cucumbers in soil contained in pots yet still using the same method of irrigation instead of using sawdust, then it would best fit within the land use of definition of 'Floriculture (extensive)'. The land use of floriculture (extensive) is an 'AA' use within the 'Rural Groundwater Protection' zone which means that Council, at its discretion, may permit the use. At the SAT it was agreed that because the amendment was considered a minor modification to the proposal and that the form of the development would not be changed the applicant could submit an amended Nutrient and Irrigation Management Plan for consideration without the requirement to resubmit a full revised planning application.

The applicant provided the amended information to include the introduction of soil in the growing method, and the SAT Member ordered a Section 31 reconsideration in accordance with the *State Administrative Tribunal Act 2004*.

Relevant Previous Decisions of Council:

P04672/08 – Proposed Floriculture (Extensive) was refused under delegated authority on 31 March 2016.

SD027/08/05 – Scheme Amendment No.92 Council endorsed WAPC modifications and the introduction of the 'Rural Groundwater Protection' zone.

Community / Stakeholder Consultation:

The application was originally advertised in accordance with clause 6.3 of TPS2 and was initially advertised from 23 September 2015 to 21 October 2015 whereby five submissions were received from nearby landowners and six from government agencies.

Following the submission of the first amended Nutrient Management Plan the application was re-advertised from 2 December 2015 to 8 January 2016 seeking comment from nearby landowners. Responses were received during the consultation period from nearby landowners and government agencies. Re-advertising was only sent to those landowners who initially made submissions due to the amended development being substantially similar to that initially advertised and specific to the Nutrient Management Plan; therefore not justifying broad spectrum re-advertising. This resulted in a further four submissions from adjacent landowners and two from government agencies.

Following the second round of advertising, the applicant submitted a further amended Nutrient Management Plan whereby the application was again re-advertised those who initially made submissions. This resulted in a further three submissions from nearby landowners and two from Government Agencies.

The application received a total of 12 submissions from neighbouring landowners, which included one letter of support for the proposal subject to groundwater monitoring bores,

water quality testing and landscaping to screen the greenhouses. The main issues of the submissions objecting to the proposal are as follows:

- Land use;
- Nutrient export and Impact on the Peel-Harvey Estuary System/Groundwater
- Visual amenity;
- Traffic; and
- Quality/Lack of Information.

A full schedule of submissions, applicant response and officer comments are attached (E16/6261).

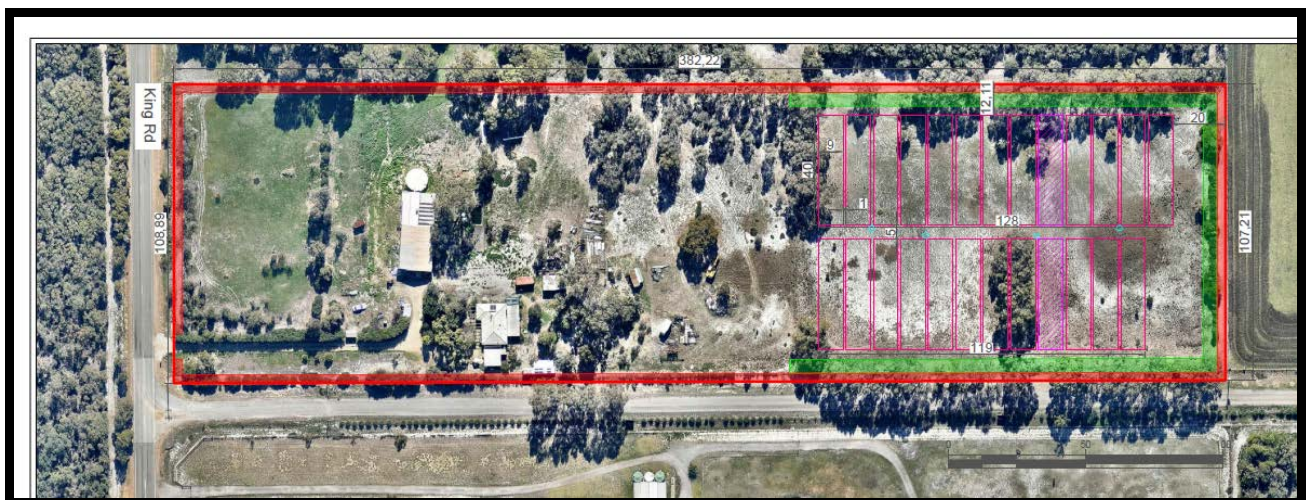
The amended application has not been referred to adjoining landowners for comment as at SAT it was agreed that the substitution of sawdust with soil would not materially change the proposal and as the built form and land use remains unchanged, it would not result in any new objections or satisfy the previous objections.

The amended application has been referred to the Department of Water and the Department of Agriculture who have no objections to the proposal, subject to a condition ensuring that no process water or material is to be discharged to the land at any time.

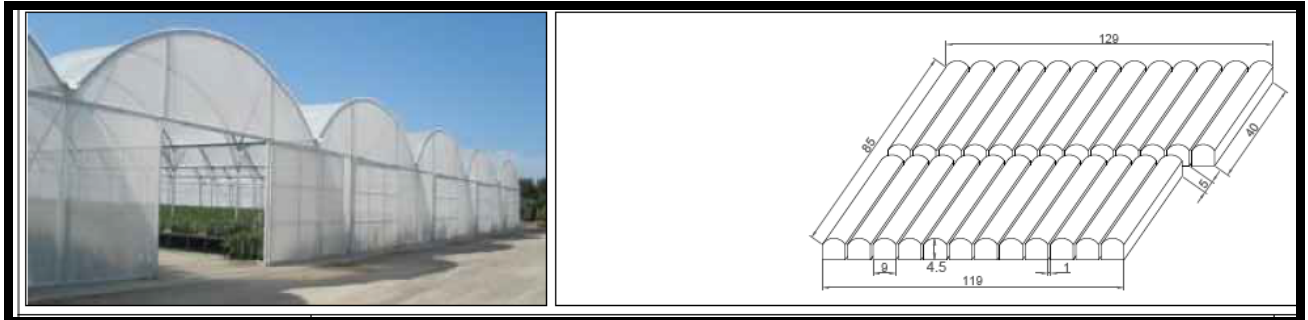
Comment:

Proposal

Reconsideration requires Council to consider the whole application which is described in the application details as the production of Lebanese cucumbers in greenhouses using a closed loop fertigation system. The system delivers a nutrient solution to plants growing in soil contained within a polyethylene plastic membrane over a Styrofoam box section gully which ends in a PVC drainage channel. The drainage water flows from the end of the gully via a drainage channel to a drainage sump. Water is pumped from the drainage sump to recirculation tanks then blended with fresh water and fertiliser salts. This resultant nutrient solution is pumped into the greenhouses and the plants are irrigated using t-tape laid across the soil in the gully. The discharge water from the growing process would be used to grow watercress in sumps located within the greenhouses.



The greenhouses would be located to the rear of the site and measure 40m x 9m with a wall height of 2.6m and a total height of 4m as illustrated in the images above and below. They would be set back 20m from the rear boundary, 12m from the northern boundary and 10m from the southern boundary.



The proposal would involve the removal of a line of non-endemic trees near the central and northern part of the production area. All other trees would be retained. The site currently has vegetation to the boundaries surrounding the proposal however it is also proposed to provide planting where any gaps exist within this screening.

Land Use:

In determining the application, due regard must be given to all matters listed in Regulation 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and in particular the land use and the development form of the proposed works. The application site lies within the 'Rural Groundwater Protection' zone. This zone was introduced as part of Town Planning Scheme Amendment No. 92 that was approved on 2 March 2006 to rezone land from 'Rural' and 'Special Rural' in response to the Jandakot Groundwater Protection Policy. The objective of this zone is to ensure that land use and development over the Jandakot water mound is compatible with the use of the mound as a drinking supply resource.

Clauses 5.19.1 of TPS 2 states that *"the use and development of land within the Rural Groundwater Protection Zone shall be in accordance with the provisions of the Scheme and Statement of Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy)"*

Clause 5.19.2 of TPS 2 states that *"Land use permissibility within the Rural Groundwater Protection Zone shall be in accordance with the following use permissibilities. All other uses are prohibited within the Zone"*.

Aquaculture AA
 Caretaker's Dwelling AA
 Dwelling AA
 Equestrian Activity SA
 Floriculture (Extensive) AA
 Fodder and Pasture AA
 Hobby Farm AA
 Home Business AA
 Home Occupation AA
 Industry Extractive SA
 Orchardring AA
 Poultry Farm (Housed) SA
 Private Tree Plantation AA
 Radio, TV and Communication Installation AA
 Public Utility AA
 Recreation Public AA
 Stable AA
 Stall-wayside AA
 Viticulture AA

Clause 3.2.4 of TPS 2 states that *"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 a particular use"*.

As per the SAT determination the current proposal is to be considered as 'Floriculture (Extensive)' which is as 'AA' land use.

Clause 5.19.3 of TPS 2 states that *"In exercising its discretion in respect of the uses specified under clause 5.20.2, and having regard to the provisions of Statement of Planning Policy No. 2.3, the Council shall only permit such uses where it is satisfied that the use does not involve excessive nutrient application or clearing of land, or risk of damage to any on site vegetation or risk of contamination to the Jandakot Groundwater Protection area"*. These topics are therefore discussed below.

Following the amendment to the growing process by the addition of soil, the SAT member has determined that the proposal best fits within the land use of 'floriculture (extensive)' as defined within TPS2 as *'the production of vegetables, flowers, exotic and native plants'*. This land use is an 'AA' use within the 'rural groundwater protection' zone and therefore Council, at its discretion, may permit the use.

Jandakot Groundwater Protection Area:

The objective of State Planning Policy 2.7 Public Drinking Water Source Policy is to ensure land use and development within public drinking water source areas is compatible with the protection and long-term management of water resources for public water supply. It allows two hectare lots with compatible land uses. It also states that land use and development in all priority source protection areas that have the potential to impact detrimentally on the quality and quantity of public drinking water supplies should not be permitted unless it can be demonstrated that such impacts can be satisfactorily managed.

State Planning Policy 2.3 – Jandakot Groundwater Protection Policy lists floriculture as an 'AA' use therefore the Local Government may, at its discretion, but after having due regard for the advice from the Department of Water, permit the use.

The Department of Water is satisfied with the amendments subject to a condition restricting water or material being discharged to the land.

As currently amended, the growing process would use a closed fertigation system that would not involve drainage channels with connections to the soil and thus reducing the impact on the public water source area. The system is closed from the external environment with the nutrient solutions separated by disposable polyethylene film, polystyrene gullies and polyethylene double layered plastic liners. The fertigation solutions uses polyethylene pipes.

Once the recirculated drainage water has reached a salinity greater than 1000 parts per million sodium chloride it will be used to grow watercress. A bed of watercress will be maintained in the same closed system as used to grow the cucumbers although it will be completely closed and not drain and therefore there will be no discharge of nutrient solution to the environment. Should the watercress production prove to be a poor commercial solution, the discharge water would be recovered and disposed of in class 2 landfill.

Officers therefore believe that the proposed development satisfies the objectives of SPP2.7 and TPS 2.

Nutrient Application:

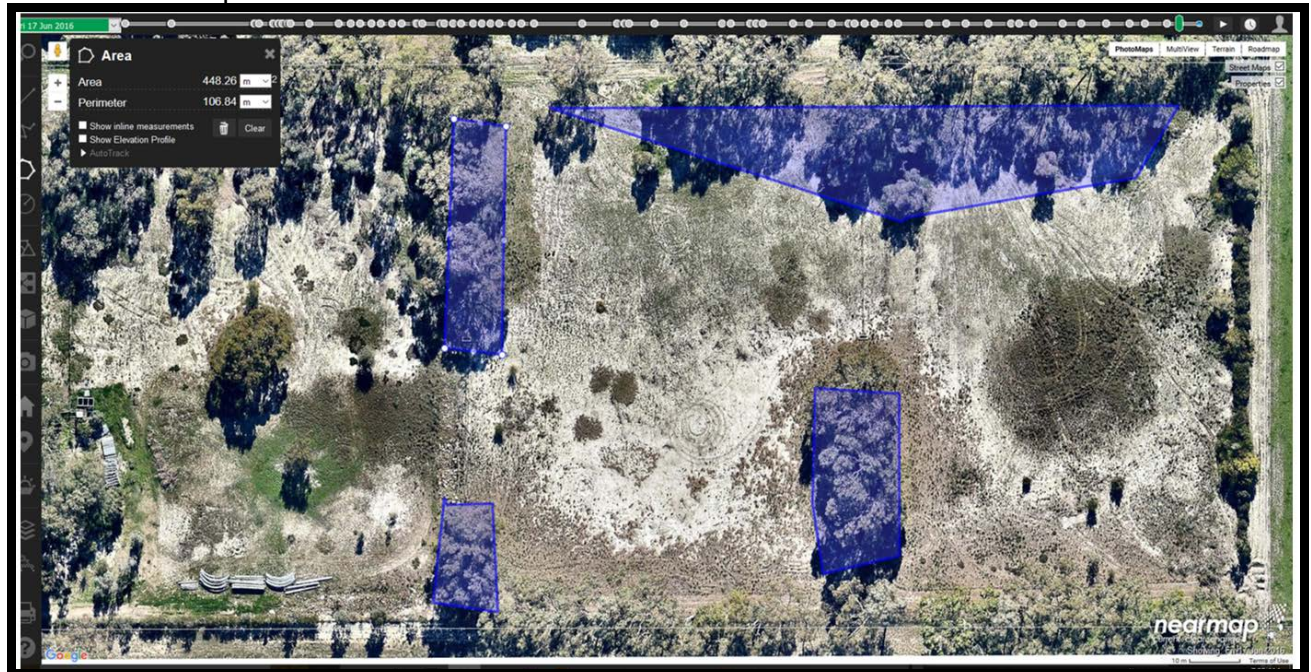
Nutrient application has been explained in this report, in particular noting that the system used will not allow nutrients to escape into the ground water.

The information that was provided by the proponent was insufficient to provide a full assessment of the proposals potential impact to water resources. In any case, the geology of the site is Bassendean Sand which is poorly nutrient retentive, therefore not considered suitable for in-ground floriculture operations in the catchment of the Peel-Harvey Estuary System.

The amended application's growing method is supported by Department of Agriculture and the closed fertigation system would not result in a harmful level of nutrient export. Considering the above Officers believe this type of system is much more appropriate in the proposed location as it will allow the uses entertained under SPP 2.7 and TPS 2 to occur without allowing excessive nutrient application.

Vegetation

The application site comprises of established non-endemic vegetation however this is sparse throughout the rear of the lot. The proposal would involve the removal of some trees as indicated on the plan below.



The trees to be removed are *Eucalyptus camoldulenis* which are not endemic to the area. They are located to the rear of the site, are not visually prominent within the streetscape and do not significantly contribute the visual amenity of the area. Once removed, there would still be vegetation along the boundaries screening the development. A condition is recommended for a vegetation and landscape management plan to be submitted and maintained thereafter to ensure there is no further loss of vegetation and that the screening is maintained.

It is considered that subject to the landscaping and vegetation management plan, the proposal would not result in excessive clearing of land, or excessive risk of damage to any on site vegetation in line with clause 5.19.3 of TPS 2.

Rural Strategy and Surrounding Land Uses

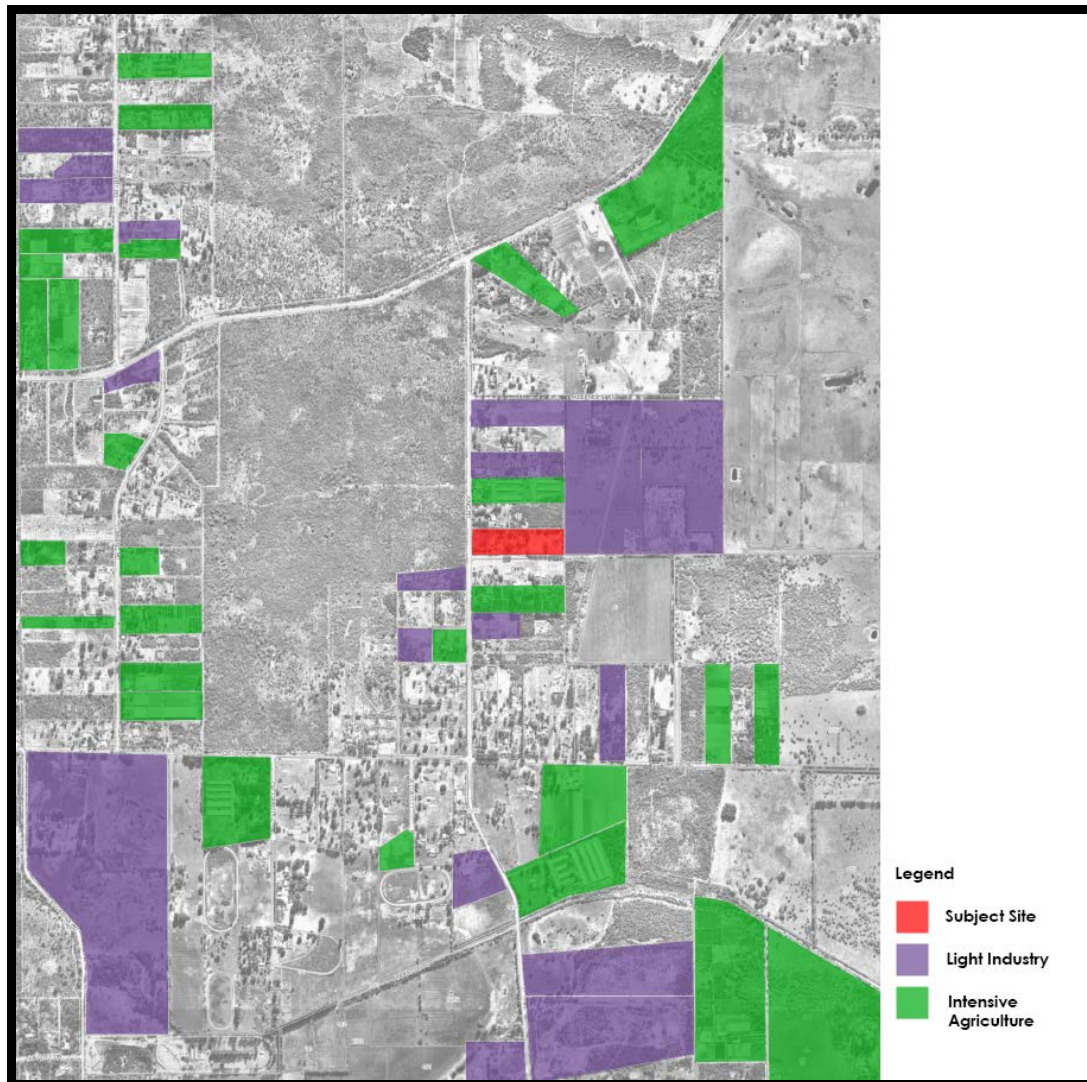
The map below indicates the different land uses within the surrounding area of the application site. It includes poultry farms, extractive industry and a plant nursery. These land uses are considered more intensive than the proposal. As such, the proposed use is consistent with those in the general locality and therefore is considered acceptable in this location. These surrounding land uses comprise of development that is synonymous with the greenhouses proposed and therefore would not detract from the amenity currently afforded to this area.

The subject site is included within the 'Rural Policy Area' in the 1994 Rural Strategy. The 1994 Rural Strategy was prepared prior to the incorporation of the 'Rural Groundwater Protection' zone which occurred over 10 years later. Traditional agriculture and alternative forms of agriculture are listed as 'desirable' land uses in the 1994 Rural Strategy for Rural Policy areas.

The subject site maintained within the 'Rural Policy Area' of the 2013 Rural Strategy Review which notes two key objectives:

- to retain and maintain traditional agricultural uses; and
- to promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.

As such, the proposed Floriculture (Extensive) land use is consistent with the intent of the agricultural uses outlined within the Rural Strategy 1994 and Rural Strategy Review 2013.



As the application demonstrates that it can address all issues required for Council to exercise its discretion there are no reasons why it shouldn't be exercised to approve the use.

Form of the Development

Impact on Character and Amenity:

The streetscape of King Road comprises of lots varying between 2 and 4 hectares and has a rural character. The immediate surrounding properties are predominantly residential.

The proposal includes the construction of 25 'tunnel' greenhouses that would be located towards the rear (east) of the site. The objectives for development in rural areas includes maintaining and promoting the 'rural character' of the Shire and its distinct rural-living lifestyle. The Rural Strategy states that the protection of rural lifestyle and character are significant objectives in the development of land.

It is considered that the scale and appearance of the greenhouses by virtue of their use would not appear out of context with the rural character of the area. The greenhouse

structures by way of their appearance are consistent with the design of development in the locality as per the above image which illustrates the surrounding land uses which feature large structures such as poultry sheds, shade houses and green houses.

The greenhouses would be set back 20m from the rear boundary at their closest point and at least 10m from the side boundaries. They would have a wall height of 2.6m with a total height of 4m. The applicant has not proposed vegetative screening to the rear and side boundaries. Adjoining sites are likely to benefit from the installation of a vegetative screen which effectively reduces the visual impact of the proposed structures thus it has been recommended as a condition of approval.

TPS 2 does not specifically set out setbacks for development in the 'Rural Groundwater Protection' zone, however, in comparison the Residential Design Codes for rural lots coded R2 require development to have a front setback of 20m and lot boundary setbacks of 10m.

As the structures would be located to the rear of the site they would not be prominent within the streetscape of King Road. Officers are of the opinion the proposed setbacks assist in ameliorating any undue impact the proposal may have on the visual amenity of the area. Furthermore, a landscaping plan has been conditioned to be submitted and approved by the Shire with the intent of screening.

It is considered that, subject to a landscaping plan, the siting, scale and appearance of the proposed greenhouses would not have a detrimental impact on the character and amenity of the site or surrounding area.

Residential Amenity:

While the proposed development does not fit within a residential streetscape, it is important to acknowledge that large structures related to agricultural style activities are common on rural properties within the Shire, particularly along King Road. It is considered that the impact on the visual amenity of the area could be mitigated through a landscaping plan and ongoing maintenance of a landscaping screen which is required as per condition 2 of the officer's recommendation.

With regard to the impact of the land use on the amenity of neighbouring properties, prior to commencement of the use or any development information will be required to be provided in relation to noise and activity to include traffic movements. As a condition of approval the applicant / landowner will be required to submit, to the satisfaction of the Shire, a noise management plan identifying all potential noise sources together with details of mitigation measures. Once approved, the noise management plan will ensure the proposal does not result in an unacceptable level of harm to the amenity of neighbouring residents.

Other Considerations

Concerns have been raised regarding the amount of water required to be used for the growing of the cucumbers. The water from the Jandakot water mound through a bore is not potable water however, the Department of Agriculture supports the proposal in its entirety. With respect to the amount of water consumption required to water the cucumbers the Department of Water has not raised any concerns. Furthermore, the applicant will be required to obtain a water licence from the Department of Water prior to installing a bore for the watering of the cucumbers.

Options and Implications

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion

The application seeks approval for the production of Lebanese cucumbers which has been determined by the SAT that the amended application falls within the land use of 'floriculture (extensive)'. This land use is a discretionary use within the 'rural groundwater protection' zone and therefore can be considered.

The proposal is consistent with the objectives of the 'rural groundwater protection' zone and would not adversely impact the Jandakot water mound as a drinking water supply and would not result in excessive nutrient export.

The land use together with the greenhouses would not adversely impact on the character or amenity of the area. The impact of the proposal on the amenity of neighbouring residents would be mitigated through a noise impact assessment and management plan that would be required to be approved prior to commencement of the use or development.

In light of the above, the Shire's officers recommend the proposed amended application for 'floriculture (extensive)' be approved subject to appropriate conditions.

Attachments:

- [OCM151.1/08/16](#) – SAT Decision (IN16/14567)
- [OCM151.2/08/16](#) – Site Plan (E16/6085)
- [OCM151.3/08/16](#) – Nutrient Management Plan (E16/6087)
- [OCM151.4/08/16](#) – Schedule of Submissions (E16/6261)

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Administrative Tribunal Act 2004*
- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- Shire of Serpentine Jarrahdale Rural Strategy
- Shire of Serpentine Jarrahdale Rural Strategy 2013 Review
- State Planning Policy 2.3 – Jandakot Groundwater Protection Policy
- State Planning Policy 2.7 – Public Drinking Water Source Policy
- State Planning Policy 3.1 – Residential Design Codes (R- Codes).

Financial Implications:

Should Council resolve not to approve the revised application, the current appeal may be progressed to a full SAT hearing. As such, the Shire may be required to appoint a planning consultant or legal counsel to represent the Shire and Council throughout the SAT proceedings.

Voting Requirements: Simple Majority

Councillor Rich foreshadowed she would move a motion to defer the item if the motion under debate is lost.

OCM151/08/16 COUNCIL DECISION / Officer Recommendation:**Moved Cr See, seconded Cr Ellis**

That Council approves the application submitted by Bioscience on behalf of Mr Kieu for 'Floriculture (Extensive)' dated on 1 September 2015 and received on 8 September 2015 on Lot 14 (#121) King Road, Oakford, plan numbered P1 and Nutrient Management Plan dated July 2016 subject to the following conditions:-

1. The landowner/applicant shall within 60 days from the date of this approval submit a revegetation/landscaping plan with a view of providing a visual buffer between the neighbouring properties to the proposed use and development to the satisfaction of the Shire of Serpentine Jarrahdale.

The landscaping plan shall incorporate screening vegetation species list that has 50% local native trees (one row native, one row non-local), and the use of *Atriplex* as a natural pest control measure.

2. Prior to commencement of the use or development, the landowner/applicant shall implement the approved landscaping plan and thereafter maintain the landscaping to the satisfaction of the Shire of Serpentine Jarrahdale.
3. All existing native trees and/or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless illustrated on the approved plans.
4. Prior to commencement of the use or development, a Noise Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale. The approved plan shall be implemented and maintained thereafter.
5. Prior to commencement of the use or development, details shall be submitted and approved showing the location of chemical storage, sumps, effluent containment systems and all other associated development as referred to in the Nutrient Management Plan.
6. No process water or material shall be discharged to the land at any time.
7. No manure may be used in the system to prevent odours emanating from the development.

LOST 4/5

Councillors See, Hawkins and Erren requested their vote for the motion be recorded.

Director Corporate and Community Services left the chambers at 8.19pm

Director Corporate and Community Services returned to chambers at 8.20pm

OCM151/08/16 COUNCIL DECISION / Foreshadowed Motion**Moved Cr Rich, seconded Cr Urban**

That Council defer item OCM151/08/16 so that Councillors have an opportunity to further review the documentation associated with this application.

CARRIED 5/4

Councillor See requested her vote against the motion be recorded.

Council Note: The Director Planning advised the Shire would need to seek an extension to the Section 31 Notice from the State Administrative Tribunal.

OCM152/08/16	Update report on the identification of potential areas suitable for the establishment a dog exercise area(s) within the Byford area (SJ1418)
Author:	Markus Gaschk – Coordinator Rangers and Compliance
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	28 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

The purpose of this report is to provide an update to Council with regards to the community engagement process for establishing a dog exercise area. The report proposes a way forward consistent with Councils recent resolution when adopting the budget.

Background:

On 9 May 2016 OCM079/05/16 Council resolved to:

1. *Request that the Chief Executive Officer to identify potential areas suitable for the establishment of a Dog Exercise Area/s within Byford.*
2. *To undertake community consultation in this regard, and*
3. *To report back to Council regarding the matter at the 22 August 2016 Ordinary Council Meeting following the conclusion of the community consultation period.*

Officers have embarked on undertaking the public consultation process. On 25 July 2016 Council adopted the 2016/2017 budget and approved \$35 000 for item BDP900 Byford Dog Park. Council in the meantime has resolved that all new community projects require a business plan to be submitted and approved, and this includes the dog exercise park facility.

Relevant Previous Decisions of Council:

- OCM079/05/16 dated 9 May 2016 – Council requested potential areas to be identified as suitable Dog Exercise Area/s, to undertake community consultation and to report back to Council on 22 August 2016.
- 2016/2017 Adopted Budget item BDP900 Byford Dog Park

Community / Stakeholder Consultation:

The Dog Act 1976 (Amended 2013) states that community consultation is not required prior to Council's approval of a dog exercise area. The only requirement is in accordance with section (3C) of the Act whereby the Shire is to provide 28 days' notice to residents in accordance with section 1.7 of the *Local Government Act 1995*.

In accordance with the Council resolution 9 May 2016 Officers have carried out public consultation in relation to five proposed Dog Exercise Areas by sending letters to residents and occupiers within a 500m radius of each location advising of the proposal and the method to submit a submission to the Shire for consideration by Council. Maps depicting the location of the park and the proposed Dog Exercise Area were included with the letters sent out, and attachment 2 is an example of such a letter. The Submission period closes on 19 August 2016, which will conclude the 28 day period.

At the time of writing this report the submission period has not yet closed, however it is recommended that at the conclusion of the advertising period the submissions and an officer

recommendation will be reported to Council for determination of the dog exercise areas. In the event Council approve the dog exercise area notice will be given to the public in accordance with the Act and the *Local Government Act 1995*.

Comment:

This project is intended to consider where appropriate “off lead area(s)” are to be established.

Section 3A of Dog Act 1976 (Amended 2013) a Local Government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Under the Dog Act, dogs are allowed to be on a leash if under effective control anywhere in Western Australia. The recent changes to the Dog Act in 2013 repealed all local law provisions in relation to restrictions in certain areas.

The proposed dog exercise area has the ability to be fenced or unfenced. The fence outlines the area for dogs and their owners and the general public. It is understood that the Council’s intention is for an area to be fenced off to provide an element of safety to other reserve users and local traffic alike, by the retention of the dogs within the site. Council can also consider a dog exercise area to be unfenced, which will provide a more open and natural environment and will require reduced funding as the fencing is the majority of the project expenditure.

Shire Officers have investigated potential locations in the Byford area and propose the five following areas:

1. Reserve R50333 corner of Larsen Road and Sansimeon Boulevard Byford.
2. Reserve R50809 and R51732 Barraberry Way Byford.
3. Reserve R50679 Woolandra Drive Byford.
4. Reserve R50216 Percy’s Park along Mead Street Byford.
5. Reserve R50321 Bill Hicks Reserve along Plaistowe Boulevard Byford.

Considering Councils resolution regarding detailed project plans an opportunity exists to bring outcomes of community submissions into a project plan which will be presented to Council in October. The plan will detail how it will be appropriate to have dog exercise area(s) and what infrastructure is required and detailed costs involved, and the detailed project plan will reflect on work undertaken to date.

The *Dog Act 1976* provides the Council (absolute majority) with the authority to declare land owned, managed or controlled by the Council, a dog exercise area. The Act does not require the Shire to advertise the proposal, however it will be of great benefit for the Council to advertise the proposed dog exercise area and perimeter fencing to allow for the Council to consider the communities views upon determining the area for a dog exercise area

It is recommended that Council vote and support the project plan.

Options and Implications:

With regards to the determination of a dog exercise area, the council has the following options;

- Option 1:** Note the progress to date in regards to the community consultation undertaken, and supports the preparation of a detailed project plan for the establishment of dog exercise area(s) that considers the outcomes of the consultation process.

Option 2: Council may by absolute majority resolve to determine and approve a single reserve, multiple reserves or all the reserves areas identified in the report without the results of the community consultation.

Option 3: Council may wish to abandon the establishment of a dog exercise area. It should be noted that this would not satisfy the need of such a facility in the Shire, and Officers are recommending against this option.

Option 1 is recommended.

Alignment with our Strategic Community Plan:

Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

Section 1.7 of the Local Government Act 1995 a local public matter is required to be given notice.

- (a) published in a newspaper circulating generally throughout the district; and
- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and
- (d) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

Section 31 of the Dog Act 1976 specifies that a local government may determine (by absolute majority) both dog exercise and dog prohibited areas.

31. Control of dogs in certain public places

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Legislation sets out provisions which permits a local government to allow a dog exercise area. The Act requires Council, “by absolute majority as defined by the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area”. However, the Act does not explicitly require community consultation to be undertaken for the proposed dog exercise area.

Financial Implications:

Council has allocated the amount of \$35,000 within the 2016/17 financial year budget for the construction of a perimeter fence at a proposed dog exercise area. This will be detailed in a project plan to be presented to Council.

Conclusion:

Officers are in the process of engaging the community regarding the establishment of dog exercise area(s). It is recommended that Council continue with the comprehensive

community consultation, and a result of that consultation Officers can forward their recommendations at the 24 October 2016 Ordinary Council Meeting.

Attachments:

- [OCM152.1/08/16](#) - Map containing proposed Dog Exercise Areas and locations (E16/6358).
- [OCM152.2/08/16](#) - Generic letter sent out to tenants and property owners explaining the proposal and inviting them to make comment (OC16/12793).

Voting Requirements: Absolute Majority

OCM152/08/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr See

That Council:

1. **Note the progress to date in regards to the community consultation undertaken, and**
2. **Supports the preparation of a detailed project plan for the establishment of dog exercise area(s) that considers the outcomes of the consultation process.**

CARRIED BY ABSOLUTE MAJORITY 9/0

OCM153/08/16 Local Emergency Management Committee Information Report	
Author:	Gillian French – Emergency Services Technical Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	1 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on 28 June 2016. The report also presents a reviewed draft Terms of Reference to Council for adoption. Officers recommend Council note the minutes and adopt the recommendations contained therein.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue as the Terms of Reference of the Committee have never been endorsed.

Statutory Environment:

Emergency Management Act 2005, Section 38

- (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.*

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Objective 6.2	Active and Connected People
Key Action 6.2.4	Continue encouraging volunteering by providing support, training, funding, promotion and recognition.

Comment:

At the meeting of 28 June 2016, two recommendations were put before the Committee and are noted below for Council's information and adoption.

"That the Shire on behalf of Serpentine Jarrahdale Local Emergency Management Committee forward a certificate and letter of appreciation to Steve Pethick of Western Power." Steve Pethick is a long standing member of the Committee and has recently been progressed to a different role within his organisation and will no longer be in attendance at these meetings. The Committee supported this recommendation.

"That the Terms of Reference (as amended) be forwarded to Council for endorsement." The Terms of Reference were last updated in 2013 but were not forwarded to Council for adoption. The Terms of Reference have been circulated to all members and updated accordingly.

Officers recommend that Council note and adopt the above recommendations.

Attachments:

- [OCM153.1/08/16](#) – Local Emergency Management Committee Minutes (E16/6213)

- [OCM153.2/08/16](#) – Local Emergency Management Committee Terms of Reference (E16/6313)

Voting Requirements: Simple Majority

OCM153/08/16 COUNCIL DECISION / Committee Recommendation:

Moved Cr Gossage, seconded Cr See

That Council

- 1. Receives the Local Emergency Management Committee Minutes of 28 June 2016 as per attachment OCM153.1/08/16.**
- 2. Request the Chief Executive Officer to write a letter of appreciation to Mr Steve Pethick of Western Power on behalf of the Serpentine Jarrahdale Local Emergency Management Committee.**
- 3. Adopts the Local Emergency Management Committee Terms of Reference as per attachment OCM153.2/08/16.**

CARRIED UNANIMOUSLY

8.3 Engineering Reports:

OCM154/08/16	Request for Tender RFT 02/2016 Provision of Traffic Management Services (SJ2020)
Author:	Peter De Groot – Manager Operations and Parks
Senior Officer/s:	Doug Forster – Acting Director Engineering
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage the services of a suitably qualified contractor to undertake provision of traffic management services for the efficient and safe movement of road users when maintenance works within the road reserve are being undertaken.

Background:

As part of the Shire's ongoing requirement for traffic management services, a tender was prepared and advertised seeking suitable contractors to undertake provision of road works planning and associated safety activities.

Eleven submissions were received at the time of closure. These tenders were reviewed through a pre-determined tender submission and assessment process. This process has now been completed with a recommendation to enable engagement of the preferred contractor in line with the summarised assessment and recommendation made below. The tender evaluation score sheets are included as a confidential attachment.

Tender:

Tender RFT 02/2016 for Traffic Management Services was advertised in the West Australian on Saturday 11 May 2016. The tender closed at 2.00pm on Friday 27 May 2016. Delays have occurred due to staff changes however, prices remain firm.

The tender has been scoped for a two year period for planned commencement immediately following approval. The documentation includes a one year extension option subject to satisfactory operation of the two year contract.

Relevant Previous Decisions of Council:

Due to delays in assessing the tenders previously submitted for Traffic Management Services (RFT07/2015) the tender was unable to be considered within the time frame as governed by the *Local Government (Functions and General) Regulations 1996* and accordingly new tenders were invited.

Community/Stakeholder Consultation:

There is no community or stakeholder consultation required in this instance.

Proposal:

The tender is a schedule of rates contract for various traffic management functions including the supply of suitable vehicles, signs and cones, traffic warning devices, controllers and preparing traffic management plans. All contractors provided conforming tenders. Shortlisting criteria were utilised to assess the submissions.

Submissions:

Eleven confirming tenders were received by the closure date.

Evaluation Panel:

The panel consisted of:

1. Manager Operations and Parks (Chairman)
2. Supervisor Road Construction and Maintenance
3. Technical Officer

Compliance Criteria:

The criteria against which the tenders were evaluated are:

- Demonstrated Experience
- Key Personnel Skills and Experience
- Tenderer's Resources
- Demonstrated Understanding

Following the evaluation using non-priced criteria, pricing was considered and is presented with the attachments as OCM154.1/08/16.

Qualitative Evaluation Criteria:

Assessment based on the non-priced criteria was conducted in accordance with the tender document and the results are contained within confidential attachment OCM154.1/08/16.

Pricing:

Pricing for all schedule items was assessed using a weighting system that proportionally weighted each schedule item based on anticipated usage and the results are contained within confidential attachment OCM154.1/08/16.

Summation:

In terms of "value for money" that is, taking performance (non-priced criteria) and price together, Quality Traffic Management Pty Ltd was scored as the preferred tenderer.

Attachments:

- **Confidential – OCM154.1/08/16** - Tender Evaluation Score Sheets (IN16/14776)
- **Confidential – OCM154.2/08/16** Tender submitted by Quality Traffic Management Pty Ltd (IN16/10922)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management

Statutory Environment:

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

Financial Implications:

The proposed contract is a Schedule of Rates with costs to be incurred as needed to ensure safe works within the road reservation for users and Council employees and contractors

within the financial constraints of the Purchasing policy G002 – Procurement of Goods and Services through public tendering. Costs for the implementation of this contract are within operational budgets.

Voting Requirements: Simple Majority

OCM154/08/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Urban, seconded Cr Gossage

That Council

- 1. Award tender RFT 02/2016 for Traffic Management Services to Quality Traffic Management Pty Ltd for a two (2) year period from 1 September 2016 to 31 August 2018 in accordance with the submitted tender as per confidential attachment OCM154.2/08/16.**
- 2. Authorise the Chief Executive Officer to approve a one (1) year extension of the contract with Quality Traffic Management Pty Ltd to 31 August 2019, if the Chief Executive Officer is satisfied with the level of service and operation of the contract.**

CARRIED UNANIMOUSLY

OCM155/08/16	Request for Tender RFT 03/2016 Trucks for Bulk Cartage and General Cartage (SJ2021)
Author:	Peter De Groot – Manager Operations and Parks
Senior Officer/s:	Doug Forster – Acting Director Engineering
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage the services of a suitably qualified contractor to undertake trucks for bulk cartage.

Background:

As part of the Shire's ongoing requirement for bulk cartage, a tender was prepared and advertised seeking suitable contractors to supply trucks for bulk cartage.

The previous truck for bulk cartage contract RFT006/12 has expired and a replacement supplier arrangement is required for the Shire to cart materials using various plants.

Six submissions were received at the time of closure. These tenders were reviewed through a pre-determined tender submission and assessment process. This process has now been completed with a recommendation to enable engagement of the preferred contractor in line with the summarised assessment and recommendation made below.

Tender:

Tender RFT 03/2016 for Trucks for Bulk Cartage and General Cartage was advertised in the West Australian on Saturday 11 May 2016. The tender closed at 2.00pm on Friday 27 May 2016.

The tender has been scoped for a two year period for planned commencement immediately following approval. The documentation includes a one year extension option.

Relevant Previous Decisions of Council:

N/A

Community/Stakeholder Consultation:

N/A

Proposal:

The tender is a schedule of rates contract for 6 wheeler tippers, 8 wheeler tippers, truck and dog, semi tippers (bogie axle and tri-axle), flat vibratory roller and water truck. All contractors provided conforming tenders. Shortlisting criteria were utilised to assess the submissions.

Submissions:

Six (6) tenders were received and all were conforming tenders.

Evaluation Panel:

The panel consisted of:

4. Manager Operations and Parks (Chairman)
5. Construction and Maintenance Supervisor
6. Technical Officer

Compliance Criteria:

The criteria against which the tenders were evaluated are:

- Relevant Experience
- Tenderer's Resources
- Demonstrated Understanding

Following the evaluation using non-priced criteria, pricing was considered.

Qualitative Evaluation Criteria:

Assessment based on the non-priced criteria was conducted in accordance with the tender document.

All six tenders were compliant and of an average standard with the exception of one tender, being of poor standard.

There was approximately 5% deviation between the six tenders.

Pricing:

Pricing for all schedule items was assessed using a weighting system that proportionally weighted each schedule item based on anticipated usage, utilising expenditure patterns from previous years.

Summation:

In terms of "value for money" that is, taking performance (non-priced criteria) and price together, Mayday Earthmoving Pty Ltd was scored as the preferred tenderer.

Attachments:

- **Confidential – OCM155.1/08/16** - Tender Evaluation Score Sheets (IN16/13758)
- **Confidential – OCM155.2/08/16** Tender submitted by Mayday Earthmoving Pty Ltd (IN16/11066)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management

Statutory Environment:

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

Financial Implications:

The proposed contract is a Schedule of Rates with costs to be incurred as needed to ensure control of issuing of works, in order to stay within the financial constraints of the Purchasing policy G002 – Procurement of Goods and Services through public tendering and the adopted budget.

Voting Requirements: Simple Majority

OCM155/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Gossage

That Council

- 1. Award tender RFT 03/2016 for the provision of Trucks for Bulk Cartage and General Cartage to Mayday Earthmoving Pty Ltd for a two (2) year period from 1 September 2016 to 31 August 2018 in accordance with the submitted tender as per confidential attachment OCM155.2/08/16.**
- 2. Authorise the Chief Executive Officer to approve a one (1) year extension of the contract with Mayday Earthmoving Pty Ltd to 31 August 2019, if the Chief Executive Officer is satisfied with the level of service and operation of the contract.**

CARRIED UNANIMOUSLY

OCM156/08/16	Percy's Park Toilet (SJ1997)
Author:	Martin Lugod – Manager Infrastructure and Design
Senior Officer/s:	Doug Forster – Acting Director Engineering
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to seek direction on the provision, and if supported, the position and type of toilet facilities for Percy's Park.

Background:

This project was requested by a former Councillor for consideration in the 2015/16 Draft Budget. It was included in the 2015/16 Statutory Budget, adopted and approved by Council as item OCM098.1/06/15 at the meeting of 29 June 2015 (E15/3054). It is not known how the estimate of \$120,000 was arrived at, however, as it transpires the allocation is insufficient for the recommended solution.

The Glades Local Structure Plan classed Percy's Park as a Local Park. Under Local Planning Policy 60 (LPP 60: Public Open Space), toilet facilities are not required.

Should the project proceed the recommendation is to locate the facility adjacent to Mead Street where a BBQ and picnic shelter are located. The development of the community garden is an added attraction for people to the area.

Community engagement has been limited to the local representative group, however, it is proposed to undertake a broader information distribution for the proposal in the local area, particularly those homes that view the park.

Comment:

Types of toilets

There are two basic choices of types of toilet facilities. Firstly, a conventional wall/roof type structure, or a modular self-contained automatic unit. The two cubicle unisex conventional toilet unit (one closet for disabled use and one for unisex) as built by Modus Australia or a single multi user Exeloo style.

Possible Locations

Three possible locations were identified for feasibility and cost investigation and evaluation (refer to attachment OCM156.2/08/16 – locality plan Percy's Park) including advantages and disadvantages.

a. Location 1 Adjacent to Mead Street

Advantages:

- No damage to Mead Street road condition;
- Passive surveillance from residents;
- Close proximity to other utility services; and
- Within budget using a modular prefabricated building.

Disadvantages:

- Subject to Water Corp approval;
- Pressure pipe line connection (pump system) – higher maintenance;
- Health consequences if pump system fails;
- Unknown utility relocation possibility; and
- Disrupted view over park from residents across Mead Street.

b. Location 2 Adjacent to climbing equipment in park

This can only be connected to the recently completed Glades Stage 9. It will incur more costs than Option 1.

Advantages:

- Close to climbing equipment; and
- Not as obtrusive to resident's view from Mead Street.

Disadvantages:

- Not close to existing connection points;
- Subject to Water Corp approval;
- Pressure pipe line connection (pump system) – high maintenance;
- Health consequences if pump system fails;
- More costly than option 1;
- Risk of damaging other existing services; and
- Unknown utility relocation possibility.

c. Location 3 Connection to existing Water Corp connection points at Veterans Drive

Advantages:

- Gravity connection onto existing Water Corp sewer and water connection points; and
- Possible savings due to ease of connection.

Disadvantages:

- Far from park leisure equipment and other amenities;
- Active surveillance of children difficult; and
- Subject to Water Corp approval.

Although more expensive due to sewer connection costs location 1 is the preferred choice.

Prior to a hold being placed on the project to review type and location, quotation had been invited accepted and fabrication commenced for the Modus building. Should the decision be to adopt the Exeloo option the prefabricated Modus building can be used at an alternative location within the Shire.

Relevant Previous Decisions of Council:

Council Resolution - Ordinary Council Meeting - 29 June 2015 - OCM098.06.15 - Adoption of the 2015/16 Statutory Budget.

Community/Stakeholder Consultation:

Community consultation has been limited, generally being confined to the local community group.

Risk Management:

Community Engagement Officers support LPP 60 as a policy position of the Shire. However, Percy's Park has additional facilities such as a shelter, BBQ and community garden. Installing toilet facilities in the park may set a precedent for other local parks. Given there are 10 parks of similar category the decision may generate requests for similar toilet facilities. To mitigate this risk it could be argued that Percy's Park will cater for high demand public use visits consisting of active and passive users.

Attachments:

- [OCM156.01/08/16](#) – Councillor Request for Toilet at Percy's Park (IN15/4815)
- [OCM156.02/08/16](#) – Locality Plan Percy's Park – Alternative Locations (E16/6342)
- [OCM156.03/08/16](#) – Photographs/Drawings of Toilet Types (E16/6416)
- [OCM156.04/08/16](#) – View to Percy's Park – Proposed Toilet Location (E16/6418)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs, and encourage social interaction
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors

Statutory Requirements:

- *The Glades Local Structure Plan*
- *Local Planning Policy 60 (LPP 60: Public Open Space)*

Financial Implications:

Details of the elements of the project are contained in the table below. A combination of those elements is possible. However the recommended location 1 adjacent to Mead Street has been carried forward into the two options described following the table thereby simplifying the choices.

Toilet Facility Type:	Estimated Cost	Arrangement
Self-cleaning, single automatic unit (Exeloo)	\$96,000	Supply and install
Twin modular building (Modus)	\$60,000	Supply and install
Modus Building	\$31,175	Stored for future use
Sewer Connection:		
Location 1: Adjacent to Mead Street	\$70,000	Connect to The Glades Stage 9 existing sewer on southern side of Mead street
Location 2: Adjacent to climbing equipment in park	\$80,000	Connect to The Glades Stage 9
Location 3: Close to Veterans Drive	\$40,000	Connection to existing Water Corp connection points at Veterans Drive

2015/16 budget allocation for Percy's Park toilet was \$120,000. Connection to the underground sewer varies from location to location however location 1 is recommended at an estimated cost of \$70,000. Should the Council support the Modus solution the cost will be \$130,000. Should the Exeloo solution be adopted the estimated total cost is \$166,000.

The pre-fabricated Modus building cost of \$31,175 has been incurred and paid in 2015/16. The pre-fabricated building can be packed and stored for use at an alternative location within the Shire.

Summary of options for consideration:

Option 1 - Modus Solution

Risk: conventional, out of hours use, community acceptance

Estimated Cost: \$130,000

Option 2 - Exeloo Solution

Modus building flat packed and stored

Risk: minimal servicing costs, self-contained, more acceptable

Estimated Cost: \$166,000

While the more expensive option Exeloo facilities require considerably less maintenance and cleaning resulting in significant operational savings over the life of the facility.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Approves the purchase and installation of a single closet, self-cleaning Exeloo style toilet in a location 1 close to Mead Street in Percy's Park at an estimated cost of \$166,000.
2. Approves the expenditure in 1 above in advance of the September budget adjustment report.
3. Notes that an information on the proposal will be disseminated to residents in the vicinity of Percy's Park.

OCM156/08/16 COUNCIL DECISION / Amended Motion

Moved Cr Hawkins, seconded Cr See

That Council:

1. Consult with residents along Mead Street, Kane Way, Alfred Turn, and Veterans Drive, where they are directly opposite Percy's Park, or within three houses of overlooking Percy's Park, and two houses back on each side street within the consultation area; and
2. Seek the views of residents, identified in point 1, regarding the three possible toilet locations, being adjacent to Mead Street, adjacent to the play equipment and close to Veterans Drive, and the two toilet designs, being the Exeloo and the Modus toilets.

CARRIED UNANIMOUSLY

8.4 Corporate and Community Services Report:

OCM157/08/16	Large Scale Community Events – 2016 Christmas Festival (SJ2068)
Author:	Gemma Norwell – Community Liaison Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to request Council to endorse a partnership with Serpentine Jarrahdale Community Resource Centre and Barefoot Entertainment and Events to deliver a free Community Christmas Festival on Saturday, 10 December 2016.

Background:

In May 2016 the Shire identified the need to review the event application process.

Community consultation successfully identified a number of gaps and improvements which will be launched through the Shire's new website and a workshop. The process also highlighted the creativity of our event organisers and their enthusiasm to deliver community events unique to the region. During discussions with Barefoot Entertainment and Events a proposed framework for a free event occurred. The concept was presented to the Serpentine Jarrahdale Community Resource Centre and a Christmas Festival Steering Committee has been established.

The Steering Committee have developed a Project Plan to determine the objectives, scope and costings of the event. In the absence of the proposed Events Plan and Community Event Sponsorship Funding Program which Council will be asked to endorse, clarity and transparency around the level of Shire support is unclear.

Relevant Previous Decisions of Council:

Nil

Community / Stakeholder Consultation:

Discussions have advanced with Barefoot Entertainment and Events on the concept of a Community Christmas Festival.

The Serpentine Jarrahdale Community Resource Centre were consulted with regards to forming a Steering Group and partnering the event. Regular meetings of the Steering Committee have been held to develop a project plan, scope, and costing for the event.

Internal consultation has occurred between Community Engagement and Communications Teams.

Comment:

Events contribute to our sense of community and identity. They provide the community and visitors alike with meaningful shared experiences, cultural enrichment and participation. There are many benefits to delivering events:

- Bring people together
- Create excitement and anticipation
- Define a sense of place
- Connect a community
- Enhance a municipality's civic pride

- Build tourism and visitation
- Create local jobs
- Showcase local talent and skills
- Place activation and effective use of infrastructure

Community Christmas Festival

A Christmas Festival is an opportunity to bring the whole community together and help celebrate our unique community spirit. Often Christmas is a tough time of year for facilities and in this economic climate, the struggles of families are often hidden.

The Christmas Festival offers an opportunity for the community to come together, to feel supported and for kids to enjoy free rides and amusements which would come as a welcome relief for many facilities.

The scope and parameters of the event are provided in the table below:

Date: Saturday 10 December 2016, 12pm to 9pm.
Features of the festival: <ol style="list-style-type: none"> 1. Market Stalls – 12pm to 9pm 2. Food Vendors – 12pm to 9pm 3. Amusements and Rides for Kids (FREE) – 12pm to 9pm 4. Rocking Christmas Concert – 12pm to 5pm (Local performers) 5. Rocking Christmas Concert – 6pm to 9pm (A composite of 25 of Perth's best musicians) 6. Christmas Pageant – 5pm to 6pm 7. Santa Claus – 5pm to 7pm
Project Management – (Steering Committee) <ol style="list-style-type: none"> 1. Shire of Serpentine Jarrahdale Officers 2. Serpentine Jarrahdale Community Resource Centre Representatives 3. Barefoot Entertainment and Events Staff
Venues – being determined

Relevant Outcomes of Events Application Process Review

Classification of six (6) key types of events:

1. Large Scale Community Events - Strong community and tourism base.
2. Significant Ongoing Community Events - Not for Profit fundraising events or national campaigns.
3. Local Level Community Events - Local audience relevant to local sporting or community population.
4. Place Based Community Events - Civic, public and commercial precinct events.
5. Council or Other Government Events - Openings, Civic Receptions, Conferences.
6. Other Events - Reunions, weddings, parties, exhibitions.

In the Shire of Serpentine Jarrahdale there are currently four (4) events in the Large Scale Community Events in this category:

1. Australia Day –
Event Organiser: Australia Day Steering Committee.
2. Food and Farm Fest –
Event Organiser: Serpentine Jarrahdale Food and Farm Alliance Committee.
3. Serpentine Jarrahdale Community Fair –
Event Organiser: Serpentine Jarrahdale Community Resource Centre.
4. Jarrahdale Log Chop and Serpentine Jarrahdale Lions Fair –
Event Organiser: Serpentine Jarrahdale Lions Club.

The need was also identified to introduce a more certain funding stream which allows organisers to better plan for the future, ultimately building social cohesion, community pride and participation.

Future Endorsement of an Events Plan and Community Events Sponsorship Funding Program

In line with the Event Application Review, this process is underway. In order to link the good governance of an efficient and effective Events Application Pack and Guidelines, the opportunity to establish and grow partnerships with community groups and agencies is vital.

One of the many benefits of an Events Plan and Community Events Funding Program is opportunities to establish and grow partnerships with community groups and agencies.

The Shire's Corporate Business Plan 2013 – 2017 supports this process:

6.2.3 Offer a diverse program of community events that align with the Shire's values

6.2.3.1 Develop a Community Events Plan

6.2.3.2 Organise events endorsed and resourced through the Community Events Plan

6.2.4 Continue encouraging volunteering by providing support, training, funding, promotion and recognition

6.2.4.1 Develop Community Event Sponsorship Funding Program

Conclusion

The Christmas Festival would encapsulate the essence of the Shire's community spirit, appeal to a broad range of ages and cultural backgrounds, showcase local produce, skills and talents, and involve local industry, business and community agencies as partners.

In the interim of an endorsed Events Plan and Community Events Sponsorship Funding Program, the leverage derived from the sponsorship of a large scale community event like the Christmas Festival is in the building of our brand and cultivating community good will.

Attachments

Nil

Alignment with our Strategic Community Plan:

Objective 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures
Key Action sub 6.2.1	Offer a diverse program of community events that align with the Shire's values
Objective 6.2	Active and Connected People
Key Action 6.2.4	Continue encouraging volunteering by providing support, training, funding, promotion and recognition
Key Action sub 6.2.3	Offer a diverse program of community events that align with the Shire's values

Statutory Environment:

Nil

Financial Implications:

The total cost of the event, including Infrastructure, entertainment and amusements is \$40,000.

To partner the 2016 Christmas Festival, a sponsorship amount of \$12,000 (ex GST) is required. This amount is to be managed through current operational budgets.

As a partner, Council would receive the following recognition:

1. Naming Rights
2. Logo recognition on flyer, program and all print advertising
3. Extensive social media exposure
4. MC announcements throughout the day
5. Banners on the main stage
6. Affiliation with positive / good news event

Voting Requirements Simple Majority

OCM157/08/16 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Ellis

That Council agrees to partner with the Serpentine Jarrahdale Community Resource Centre and Barefoot Entertainment and Events to deliver a free Community Christmas Festival.

CARRIED 5/4

OCM158/08/16	Byford BMX Track – Priority Interim Works – Shelters (SJ1967)
Author:	Marlene Renton – Senior Recreation Development Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to request that Council approve the expenditure of \$9,410 (ex GST) from the Financial Reserve Fund, allocated for the BMX Track Relocation, for an extension to the start gate shelter at the Byford BMX Track at Briggs Park Recreation Precinct.

Background:

In December 2015 the Shire confirmed in writing to the Byford BMX Club that \$300,000 had been set aside in a Financial Reserve Account for the relocation of the track when the proposed multi-purpose sporting facility was due to be constructed in the same location, as recommended in the Briggs Park Recreation Precinct Master Plan 2014. The letter acknowledged that this was some time away and that interim works were required to ensure the facility met BMX Australia standards for community level tracks. Additionally, the works would assist the club to retain and grow its membership base as well as provide a free facility for the broader community to enjoy.

In January 2016 the Club proposed that the following priority items be investigated:

- Upgrade of track lighting
- Additional shelters
- Track modifications

This report, while providing background on each item, specifically addresses the shelters as this part of the investigation is complete and links to an upcoming event.

Relevant Previous Decisions of Council:

OCM128/07/15 - Council agreed to investigate the reallocation of \$400,000 to construct a new BMX track at Briggs Park.

OCM055/09/14 - Council endorsed CSRFF grant application to Department of Sport and Recreation requesting \$287,783 towards the \$863,349 BMX Track project.

Community / Stakeholder Consultation:

Regular meetings have been held with the Byford BMX Club over the past six months to develop responsibilities, scopes, and costings for each of the interim priority items. It was agreed that the Club would completely fund the track modifications from design to construction and that the Shire would investigate the costings for the shelters and an upgrade to the track lighting.

BMX WA have been consulted with regards to minimum standards for tracks.

Comment:

Financial Reserve Fund – BMX Track Relocation

In September 2014 Council submitted a funding application to the Department of Sport and Recreation under the Community Sport and Recreation Facilities Fund 2015/16 round for Relocation of the BMX Track at Briggs Park. The Shires financial commitment was \$300,000. This application was unsuccessful.

Council then considered the reallocation of \$400,000 into the 2016/17 budget through the revision of the forward financial plan. Following this a letter to the Club dated 4 December /2016 confirmed the allocation of \$300,000 in a Financial Reserve Fund with the offer of funding assistance from this Fund for interim improvements.

BMX Club Priority Interim Items

The priority items proposed by the club for investigation were:

1. Upgrade of existing track lighting
The Club races on Friday nights which is its major point of difference compared with most other clubs and contributes to its strong off-season numbers over winter. The current lighting does not meet BMX Australia minimum standards of 100 lux. Lux levels taken by a registered electrician on 26 July 2016 revealed readings of 20 – 50 lux in many areas with some as low as 5 lux. BMX WA have advised that if the Club continues night events it will need to upgrade the lighting as a matter of urgency.
2. Shelters
Three shelters were originally identified – two spectator shelters (one to replace the shelter that was removed due to storm damage in December 2015, and one additional near the canteen) and an extension to the start gate for riders. Costs were obtained with the Club prioritising the start gate extension.
3. Track modifications
The current track is outdated with regards to track elements and the Club identified the need to bring it up to modern design in order to retain existing members and to attract youth riders by providing a challenging course.

Funding of Priority Interim Items

Priority Item	Cost ex GST	Funding Club	Funding Shire
Upgrade of track lighting - preliminary investigations**	\$4,300	\$900	\$3,400 Operating Budget (committed)
Start Gate Shelter Extension	\$9,410		\$9,410 Financial Reserve Fund (requested)
Track Modifications	\$25,000	\$25,000 Cash, donations, volunteers	
TOTAL Value of Works	\$38, 710	\$25,900	\$12,810

The Byford BMX Club's agreed contributions to the priority items is \$25, 900. Additionally in 2015 they installed a new electronic start gate system to the value of \$12,500 and in 2016 purchased a modern Transponder System for \$13,000.

** A report specifically addressing the lighting options will be presented to Council for consideration when all information is received from service providers/suppliers and discussed with the Club. The urgency for the start gate shelter is to enable its construction in time for the State BMX Super Series on 6 November 2016. However this does not diminish the importance of Council then considering upgrading the lighting which currently does not meet BMX Australia nor BMX WA standards. In the interim, the Club are hiring lighting towers on a generator for night training and events.

Track Management

The Club currently maintains the track and immediate surrounds including the supply of cracker dust, volunteering over 150 hours per year over and above club operations. The Shire assists with some track maintenance items and repairs due to vandalism or drainage issues.

The track is open to the public when the Club is not training or racing.

Start Gate Shelter Extension – Quotes

Quotes were sought in line with the Shire's procurement process from registered builders to supply and install a 9 m extension to the start gate shelter. The best value for money quote was selected. A 10% contingency was allowed for leading to a total cost of \$9,410 ex GST

The Byford BMX Club membership has grown from 158 in 2014 to 188 in 2016. They are one of the few clubs to race at night and to therefore experience a relatively low drop off during winter. The current shelter at the start gate entry does not provide full cover for all riders as they line up in preparation for their race. This means they are open to the elements such as light rain and sun, especially at the larger events where riders are queuing for over 30 minutes.

State BMX Super Series 2016

In 2015 the Club hosted a successful Super Series which is a state sanctioned BMX event. It attracted 480 riders and 1000 spectators and was second biggest Super Series of the year. The 2016 Super Series in Byford on the 6 November will be the last official race of the year and is expected to at least equal these numbers. For the first time, the Club is organising a community market on the upper oval to provide activities for all residents and visitors.

As part of the Super Series host guidelines there is a minimum size shelter requirement for the start hill and staging area. Last year the Club achieved this with gazebos however they are awkward to set up and can be dangerous to riders in windy conditions if they get picked up by a wind gust.

Conclusion

In December 2015 the Shire confirmed in writing to the Byford BMX Club that \$300,000 would be set aside in a Financial Reserve Account for the relocation of the track and that this could be used for interim works to ensure the facility meets BMX Australia standards for community racing. Three priority items were identified by the club including an extension to the start gate shelter. The installation of the shelter will provide year round cover for riders as well as meet Super Series host requirements.

Attachments

- [OCM158.1/08/16](#) – Letter to Byford BMX Club – re BMX Club Track Upgrade (OC15/23967)

Alignment with our Strategic Community Plan:

Objective 6	Community Wellbeing
Key Action 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures
Objective 1	Governance and Leadership
Key Action 1.1	Strong Leadership
Key Action 1.1.2	Facilitate cooperation between the Shire and its stakeholders while also considering community values

Objective 2	Financial Sustainability
Key Action 2.4	Business Efficiency
Key Action2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made

Statutory Environment:

Section 6.8 of the *Local Government Act* requires Council approval for funds to be allocated in the 206/2017 Annual Budget.

Financial Implications:

The amount of \$9,410 will be transferred from the Financial Reserve Fund for the BMX Track Relocation leaving a balance of \$290, 590.

Voting Requirements Absolute Majority

OCM158/08/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Urban, seconded Cr Hawkins

That Council approve the following adjustment to the 2016/2017 Annual Budget as follows:

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
BPR731	Byford BMX – Briggs Park	0	9,410	9,410
014004	Reserves – Byford BMX Locality Funding Reserve	330,787	321,377	(9,410)

CARRIED BY ABSOLUTE MAJORITY 9/0

OCM159/08/16		2016/17 Budget Adjustment (SJ514-07)	
Author:	Megan Hodgson - Accountant		
Senior Officer/s:	Alan Hart – Director of Corporate and Community Services		
Date of Report:	5 August 2016		
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>		

Introduction:

The purpose of this reports is to request Council to adjust the 2016/17 Budget for a change in road projects being funded by the Roads to Recovery program.

Background:

With changing circumstances throughout the financial year it is necessary for Council to make adjustments to the adopted budget.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

No community/stakeholder consultation is required.

Comment:

The following budget adjustment is outside of the delegated authority of the Acting Chief Executive Officer and requires Council approval.

Operating Budget

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
LFP528	Locality Funding Program	42,683	0	8,200
014004	Reserves - Serpentine Jarrahdale Locality Funding Reserve	26,091	17,891	(8,200)

The Former St John's Ambulance Hall has undergone stage 1 of renovations including upgrading of toilet facilities and access to meet current Building Code and Disability Access requirements.

Painting of the Hall was outside of the scope of the renovations.

The Serpentine Community Association applied, and were approved, in the 2014/2015 round of Locality Funding for \$17,000. They have since written to request \$8,200 of those funds be redirected to the painting of the hall.

Capital Budget

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
R2R072	Lowlands Road	109,000	0	(109,000)
R2R016	Elliot Road	0	109,000	109,000
R2R018	Summerfield Road	150,000	0	(150,000)
RRB009	Kargotich Road – North of Lowlands	365,079	515,079	150,000

Roads to Recovery funding can be used on road construction, renewal or maintenance projects at the shire's discretion. The projects put forward have been identified through the asset management system which has deliberately targeted roads that have no other means of funding because of their low prominence and rural locations. It has also targeted a share of contractor-heavy projects so as to not stretch the limited capacity of the shire road construction resources.

Upon site inspection by the engineering team of the initial roads put forward in the 2016/17 budget, it was assessed that both Lowlands Road and Summerfield Road are in relatively good condition, with intervention not required for another few years. It was agreed that the money assigned to these projects would be better utilised on Elliot Road and Kargotich Road.

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.

Statutory Environment:

Section 6.8 of the *Local Government Act 1995* requires a local government not to incur expenditure from municipal funds where an estimate has not been provided for in the Annual Budget without prior authorisation by Absolute Majority.

Financial Implications:

The financial implications are detailed in this report.

Voting Requirements: Absolute Majority

OCM159/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Gossage

That Council:

1. Approve the adjustments to the 2016/17 Capital Budget as listed below:

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
LFP528	Locality Funding Program	42,683	0	8,200
014004	Reserves - Serpentine Jarrahdale Locality Funding Reserve	26,091	17,891	(8,200)
R2R072	Lowlands Road	109,000	0	(109,000)
R2R016	Elliot Road	0	109,000	109,000
R2R018	Summerfield Road	150,000	0	(150,000)
RRB009	Kargotich Road – North of Lowlands	365,079	515,079	150,000
	Total			0

CARRIED BY ABSOLUTE MAJORITY 9/0

OCM160/08/16	2015/16 Carried Forward Projects to be authorised in advance (SJ514-07)
Author:	Megan Hodgson - Accountant
Senior Officer/s:	Alan Hart – Director of Corporate and Community Services
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to request Council to authorise expenditure in advance of a budget adjustment being completed, in accordance with Section 6.8 (1) (b) of the *Local Government Act 1995*, for carry forward projects from the 2015/16 year. The budget adjustment will be completed once the actual surplus is known when the 2015/16 accounts are finalised. This is expected to be in September 2016.

Background:

Carry forward projects are projects for which expenditure was approved in the 2015/16 budget but were not complete at 30 June 2016, and requests have been made to carry the funds forward to be spent in the 2016/17 budget year. Funds exist in the carry forward surplus to pay for these projects, however the budget cannot be adjusted until such times as the 2015/16 Financial Statements and audit are complete, and the actual carried forward surplus is finalised.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

No community/stakeholder consultation is required.

Comment:

The projects for which council is requested to authorise expenditure in advance to occur are listed below. At the time of budget preparation these were forecast to be complete at 30 June 2016, therefore were not included in the 2016/17 capital projects budget.

All projects have been previously approved by council and are to be funded from the carried forward surplus. No additional municipal funds are sought.

A report will be prepared to amend the 2016/17 budget for these items and will be presented to council once the 2015/16 financial statements are complete.

GL Account	Description	Funds available for Carry Forward Surplus	To be funded from Carry Forward Surplus
Buildings			
BCC900	Byford Country Club	63,048	63,000
KAL901	Kalimna Oval Storage Shed	60,710	40,000
SSJ900	Serpentine St John Ambulance Building	1,328	1,300
BFS900	Byford Fire Station Roof	20,000	20,000
Other Infrastructure			
BCB900	Byford Central Half Basketball Court & BBQ	36,787	36,700
BYP900	Briggs Park Youth Precinct Facilities – Skate Park	80,783	80,700
Parks & Gardens			
BPP900	Minor Upgrade of Briggs Park Lower Oval	100,776	100,700

GL Account	Description	Funds available for Carry Forward Surplus	To be funded from Carry Forward Surplus
Infrastructure			
RC323	Harris Place Drainage	4,000	4,000
RC038	Lightbody Road	105,613	10,000
RC006	Nettleton Drive	0	25,000
R2R177	Kingsbury Drive	0	50,000
R2R126	Paterson Street	0	10,000
RRG009	Kargotich Road – Randell Road to 1000m South	77,911	36,000
RRA009	Kargotich Road – Mundijong Road to 900m North	14,896	26,000
RRG017	Hopeland Road – South of Punrack Road	44,954	36,000
SBS013	Hopkinson/Thomas	38,697	38,600
SBS009	Kargotich Road – Thomas to Mundijong Road	67,965	67,900
TOTAL		717,468	645,900

Buildings

Byford Country Club

2015/16 approved budget was \$4,333,094. The project was forecast to be complete by 30 June 2016, therefore not included in the 2016/17 budget. The project is complete however there is \$63,048 of unspent funds which are requested to be carried forward to enable payment of the final invoices for the project.

Kalimna Oval Storage Shed

The 2015/16 budget included \$460,000 for the Kalimna Oval Club Facility. The project was forecast to be complete by 30 June 2016, therefore not included in the 2016/17 budget. There is \$60,700 of unspent budget funds available to be carried forward. A storage shed was inadvertently not included in the design of the building and needs to be built to enable the oval to be activated by community groups. \$40,000 is therefore requested to be carried forward for this purpose.

Serpentine St John Ambulance Hall

The 2015/16 budget included \$150,000 for the Ambulance Hall. The project was forecast to be complete by 30 June 2016, therefore not included in the 2016/17 budget. The project is complete, however a small amount of \$1,328 is available to be carried forward for outstanding invoices.

Byford Fire Station Roof

The 2015/16 budget included \$20,000 for the Byford Fire Station Roof. The project was forecast to be complete by 30 June 2016, therefore not included in the 2016/17 budget. Work has not commenced and the request is to carry the full amount forward.

Other Infrastructure

Byford Central Half Basketball Court & BBQ

The 2015/16 budget included \$40,000 for the Byford Central Half Basketball Court and BBQ. The project was forecast to be complete by 30 June 2016, therefore not included in the 2016/17 budget. The project is not complete and there is \$36,787 available to carry forward to finish the project.

Parks & Gardens

Minor Upgrade of Briggs Park Lower Oval

The 2015/16 budget included \$150,000 for the minor upgrade of the Briggs Park Lower Oval. The project was forecast to be complete by 30 June 2016, therefore not included in

the 2016/17 budget. There is \$100,776 available to be carried forward. This will be used for the design of the services corridor for the whole precinct, and for the lower oval detailed design of the subsoil drainage and lighting conduits.

Infrastructure

Harris Place Drainage

The 2015/16 budget included \$4,000 for drainage works required at Harris Place. The project was forecast to be complete by 30 June 2016, therefore not included in the 2016/17 budget. Work has not commenced and the request is to carry the full amount forward.

Lightbody Road

2015/16 approved budget was \$472,294. This was a council funded road with no grant funding attached. There is \$105,612 of unspent funds available for carry forward. Works required in 2016/17 relate to white line marking which is still required. \$10,000 is requested to be carried forward for this purpose. The remaining unspent funds are requested to be carried forward and put towards white line marking required on Nettleton Drive, Kingsbury Drive, and Paterson Street for which there are no carry forward funds available.

Nettleton Drive

2015/16 approved budget was \$216,711. This was a council funded project with no grant funding attached. This budget has been fully spent and there are no funds available to carry forward. White line marking is still required on this road, and council is requested to allow \$25,000 from the excess carry forward available on Lightbody road to be put to this purpose.

Kingsbury Drive

2015/16 approved budget was \$434,775, with funding of \$315,000 being contributed by the Roads to Recovery program. The balance of \$119,775 was council funded. This budget has been fully spent and there are no funds available to carry forward. White line marking is still required on this road, and council is requested to allow \$50,000 from the excess carry forward available on Lightbody road to be put to this purpose.

Paterson Street

A budget adjustment was approved in 2015/16 for \$9,405 for car park line making. A further amount of \$10,000 is required for more line marking in 2016/17. Council is requested to allow \$10,000 from the excess carry forward available on Lightbody road to be put to this purpose.

Kargotich Road – Randell Road to 1000m South

2015/16 approved budget was \$393,827, with funding of \$322,622 being contributed by the Regional Road Group program. The balance of \$71,205 was council funded. There is \$77,911 available to be carried forward. The request is for \$36,000 for white line marking. The line markings are not only a safety requirement, but also required in order to acquit the grant.

Kargotich Road – Mundijong Road to 900m North

2015/16 approved budget was \$281,122, with funding of \$125,430 being contributed by the Regional Road Group program. There is \$14,896 available to be carried forward. It is requested to put this towards the total cost of white line marking which is estimated to be \$26,000. The shortfall is requested to come from the excess carry forward on Kargotich Road – Randell to 1000m south.

Hopeland Road – South of Punrack Road

2015/16 approved budget was \$349,556, with funding of \$239,704 being contributed by the Regional Road Group program. There is \$44,954 available to be carried forward. The request is for \$36,000 for white line marking. The line markings are not only a safety requirement, but also required in order to acquit the grant.

Hopkinson/Thomas

2015/16 approved budget was \$460,000. This project is funded by the State Black Spot program. There is \$38,697 available to be carried forward to complete the project.

Kargotich Road – Thomas to Mundijong Road

2015/16 approved budget was \$70,000. This project is funded by the State Black Spot Program. There is \$67,965 available to be carried forward to complete the project.

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management	
Key Action 2.1.1	Undertake best practice financial and asset management.	
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability	
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.	

Statutory Environment:

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure that is not included in the budget except where 1 (b) it has been authorised in advance by resolution. Absolute majority is required.

Financial Implications:

The financial implications are detailed in this report.

Voting Requirements: Absolute Majority**OCM160/08/16 COUNCIL DECISION / Officer Recommendation:****Moved Cr See, seconded Cr Urban**

That Council authorise expenditure in accordance with Section 6.8 of the *Local Government Act 1995* to be incurred in advance of a budget adjustment being processed, for the following carry forward projects from the 2015/16 year, up to the amounts listed.

GL Account	Description	To be funded from Carry Forward Surplus
Buildings		
BCC900	Byford Country Club	63,000
KAL901	Kalimna Oval Storage Shed	40,000
SSJ900	Serpentine St John Ambulance Building	1,300
BFS900	Byford Fire Station Roof	20,000
Other Infrastructure		
BCB900	Byford Central Half Basketball Court & BBQ	36,700
BYP900	Briggs Park Youth Precinct Facilities – Skate Park	80,700
Parks & Gardens		
BPP900	Minor Upgrade of Briggs Park Lower Oval	100,700
Infrastructure		
RC323	Harris Place Drainage	4,000
RC038	Lightbody Road	10,000

GL Account	Description	To be funded from Carry Forward Surplus
RC006	Nettleton Drive	25,000
R2R177	Kingsbury Drive	50,000
R2R126	Paterson Street	10,000
RRG009	Kargotich Road – Randell Road to 1000m South	36,000
RRA009	Kargotich Road – Mundijong Road to 900m North	26,000
RRG017	Hopeland Road – South of Punrack Road	36,000
SBS013	Hopkinson/Thomas	38,600
SBS009	Kargotich Road – Thomas to Mundijong Road	67,900
	Total	645,900

CARRIED BY ABSOLUTE MAJORITY 9/0

OCM161/08/16 Monthly Financial Report - July 2016 (SJ514-07)	
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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*.

Background:

The Local Government Act and Financial Management Regulations require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit, by comparing the year-to-date budget and actual results. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application/issue.

Community / Stakeholder Consultation:

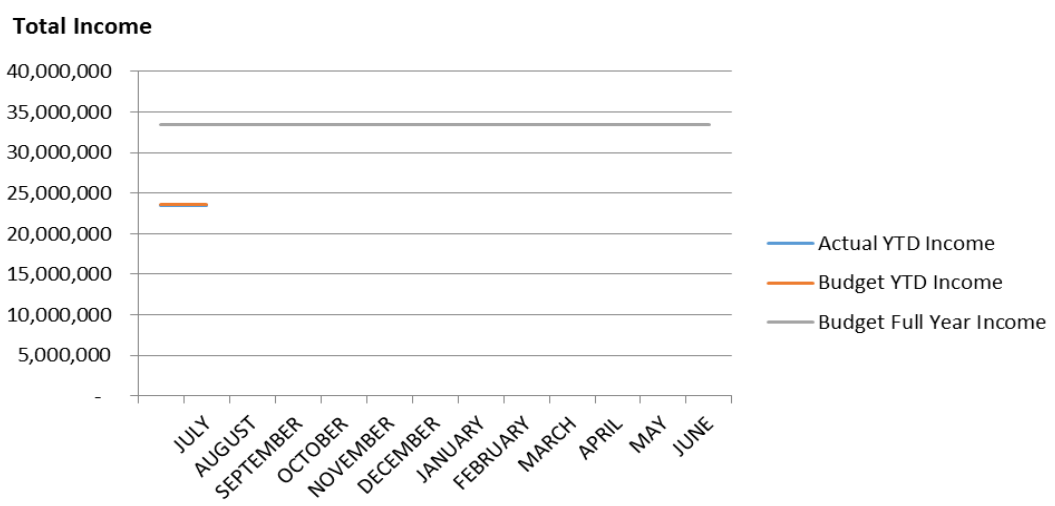
No community consultation was undertaken / required.

Comment:

The period of review is July 2016. The municipal surplus for this period is \$23,836,103 compared to a budget position of \$22,121,537. This is considered a satisfactory result for the Shire.

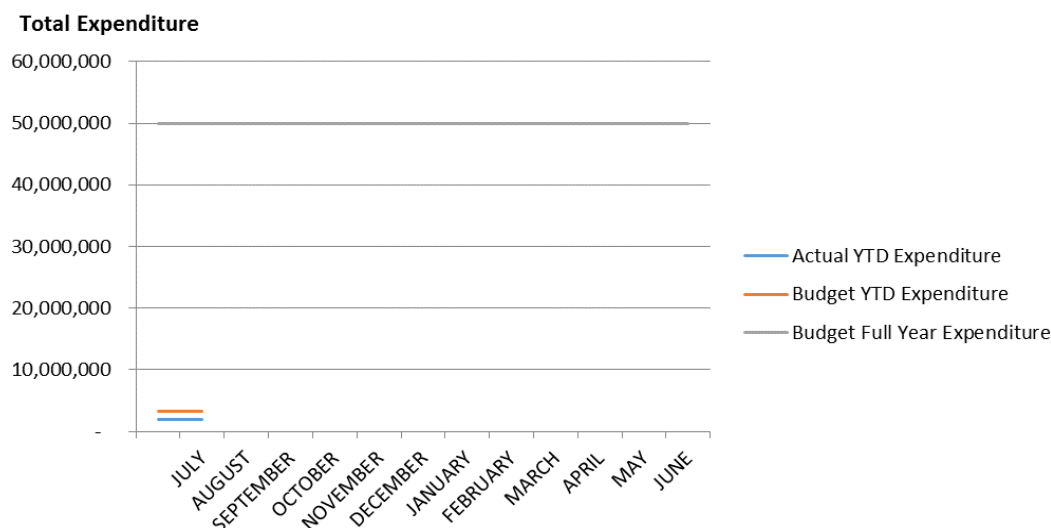
Income for the July 2016 period, year-to-date is \$23,457,580. The budget estimated \$23,577,180, would be received for the same period. The variance to budget is (\$119,600). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual income to-date compared to the year-to-date budget.



Expenditure for the July 2016 period, year-to-date is \$1,970,719. The budget estimated \$3,328,665 would be spent for the same period. The variance to budget is \$1,357,946. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.



Attachment:

- [OCM161.1/08/16](#) – Monthly Financial Report July 2016 (E16/6487)

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff

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.

Financial Implications:

There are no financial implications relating to the preparation of the report. Any material variances that have an impact on the outcome of the annual budget are detailed in this report.

Voting Requirements: Simple Majority

OCM161/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council accepts the Monthly Financial Report for July 2016, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM162/08/16	Confirmation Of Payment Of Creditors (SJ514-07)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	1 August 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to prepare a list of accounts paid by the Chief Executive Officer 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 issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

In accordance with the *Local Government (Financial Management) Regulations 1996* 13(1), 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.

Invoices supporting all payments are available for the inspection of Council. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 July 2016 to 31 July 2016, as per attachment

OCMxxx.1/08/16 and the Purchasing Card Report 6 June 2016 to 5 July 2016 as per attachment OCMxxx.2/08/16.

Attachments:

- [OCM162.1/08/16](#) - Creditors Schedule of Accounts 1 July 2016 to 31 July 2016. (E16/6353)
- [OCM162.2/08/16](#) – Purchasing Card Report 6 June 2016 to 5 July 2016. (E16/6351)

Alignment with our Strategic Community Plan:

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.

Statutory Environment

Section 5.42 and 5.45(2) 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 CG07 - Payments from Municipal and Trust Fund.

Financial Implications

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

Voting Requirements Simple Majority

OCM162/08/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Ellis

That Council accepts:

1. The payments authorised under delegated authority and detailed in the list of invoices for period of 1 July 2016 to 31 July 2016, as per attachment OCM162.1/08/16 - Creditor List of Accounts 1 July 2016 to 31 July 2016 including Creditors that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.
2. The payments authorised under delegated authority and detailed in the Purchasing Card Report 6 June 2016 to 5 July 2016, as per attachment OCM162.2/08/16 that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

8.5 Chief Executive Officer Reports:

OCM163/08/16	Adopt amended Council Policy PC001 – Emergency Management Reserve Fund (SJ526-02)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark - Acting Chief Executive Officer
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is for Council to adopt an amended Council policy PC001 – Emergency Management Reserve Fund.

Background:

At the Ordinary Council Meeting held 23 May 2016, Council resolved to defer the review of Council Policy PC001 – Natural Disaster Recovery Management Account Expenditure to the 22 August Ordinary Council Meeting. The policy has been discussed with Councillors at Policy Forum on 3 May 2016.

Relevant Previous Decisions of Council:

OCM094/05/16 – Council granted additional time for the review of Council policy PC001 – Natural Disaster Recovery Management Account Expenditure.

Community / Stakeholder Consultation:

There is no requirement for community consultation. The policy has been developed in consultation with Shire technical officers.

Comment:

Proposal

It is proposed that Council adopt the reviewed policy. Following extensive storm damage in Serpentine in January 2016 the Shire found that there were some issues that restricted the implementation of this policy and accessing the Natural Disaster Recovery Management Reserve funds to assist with repairs and storm clean-up. The most significant change to this policy is that the Reserve fund is able to be utilized in the event of an emergency (as defined by the policy) and that the Shire President (in accordance with section 6.8 (1)(c) of the Local Government Act) and the Chief Executive Officer are authorised to expend funds from the Emergency Management Reserve Fund in order to provide assistance to the community dealing with the effects of an emergency.

The name of the Reserve fund is also proposed to be amended from 'Natural Disaster Recovery Management Reserve' to 'Emergency Management Reserve', which more suitably reflects the purpose of the reserve fund.

Conclusion

It is recommended that Council adopt the reviewed policy PC001 - Emergency Management Reserve Fund. This will allow the Shire access to utilise the Reserve funds for their intended purpose in the event of an emergency, as defined by the policy.

Attachments:

- [OCM163.1/08/16](#) – Proposed Reviewed Council Policy PC001 - Emergency Management Reserve Fund (E16/6631)

- [OCM163.2/08/16](#) – Current Council Policy PC001 - Natural Disaster Recovery Management Reserve Fund (E15/5096)

Alignment with our Strategic Community Plan:

Objective 6.2	Active and Connected People
Key Action 6.2.5	Create a reassuring and safe place to live

Statutory Environment:

Local Government Act – Section 2.7 (2)(b) and 6.8.

Financial Implications:

There are no direct financial implications of undertaking a review on this policy.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council

1. **Amends the name of the Reserve ‘Natural Disaster Recovery Management Account to Emergency Management Reserve Fund**
2. **Adopts the amended Council Policy PC001 – Emergency Management Reserve Fund as contained in attachment OCM163.1/08/16 in accordance with *section 2.7(2)(b) of the Local Government Act.***

OCM163/08/16 COUNCIL DECISION / Amended Recommendation:

Moved Cr Gossage, seconded Cr Ellis

That Council, in accordance with clause 3.10(6)(b) of the Shire’s Standing Orders Local Law 2002 defer the consideration of item OCM 163/08/16 – Council Policy PC001 – Emergency Management Reserve Fund to a future date so that further consultation with Councillors can occur on the details of this policy.

CARRIED UNANIMOUSLY

OCM164/08/16	Reporting on Corporate Business Plan Quarter 3 and 4 of 2015/16 (SJ940)
Author:	Karen Cornish – Governance Advisor
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	1 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to inform Council on the status and progress made on the objectives and actions of the Shire's Corporate Business Plan during the second half of 2015/16. (January – June 2016).

Background:

The *Local Government Act* requires all local governments to plan for the future of their district. The *Local Government (Administration) Regulations 1996* also stipulate that a local government is to ensure a Corporate Business Plan is made for its district each financial year and covers at least four financial years. Local governments are also required to review their Corporate Business Plan every year. Regulation 19DA of the *Local Government (Administration) Regulations 1996* refers:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Community / Stakeholder Consultation:

No community consultation is required in this instance.

Attachment:

- [OCM164.1/08/16](#) – Report on Corporate Business Plan 2nd half of 2015/16 (E16/5932)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff

Statutory Environment:

- *Local Government Act 1995* (as amended)
- *Local Government (Administration) Regulations 1996*

Financial Implications:

There are no direct financial implications as a result of this report.

The Corporate Business Plan will guide the allocation of resources in the annual budget and ensure Council's Strategic Community Plan can be implemented and budgeted for over future years.

Voting Requirements: Simple Majority

OCM164/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Hawkins

That Council accept the report on the status of actions on the Corporate Business Plan for the period January to June 2016 as per attachment OCM164.1/08/16.

Advice Note:

The Shire's Strategic Community Plan and Corporate Business Plan will be reviewed in the 2016/17 financial year as required in regulation 19C and 19DA of the Local Government (Administration) Regulations 1996.

CARRIED UNANIMOUSLY

OCM165/08/16	Christmas Function and Christmas Closure 2016 (SJ513)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	2 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to request endorsement for early closing of the Administration Centre and Operations Depot so that staff may attend the Shire's Christmas function and endorse the proposed office closure over the Christmas and New Year period. It is also requested that Council endorse the schedule of Ordinary Council Meetings for 2017 as per attachment OCM165.1/08/16.

Background:

Staff Christmas Function

It is proposed Council endorse an early closure of noon on Friday, 16 December 2016 for staff to attend the annual Christmas function.

Office Hours over the Christmas/New Year Period

This year the Christmas and New Year Public holidays will be Monday 26 December 2016, Tuesday 27 December 2016 and Monday 2 January 2017. It is recommended that the office is closed from 5pm Friday 23 December 2016 and reopens Tuesday 3 January 2017. This is consistent with previous practice.

Ordinary Council Meeting Schedule 2017

There were no Ordinary Council meetings held during the month of January 2016. From June 2016 Ordinary Council Meetings were amended to one per month. It is proposed the 2017 year will follow the same principle, with Ordinary Council Meetings to be held on the fourth Monday of each month, the exception being where public holidays fall on those dates, whereby the meeting would occur on the following Tuesday.

No Ordinary Council Meeting in January
27 February
27 March
24 April
22 May
26 June
24 July
28 August
26 September (Tuesday)
23 October
27 November
18 December

Relevant Previous Decisions of Council:

- OCM143/08/16 – Council agreed to Council meetings and services over the 2015/2016 Christmas and New Year period.
- OCM144/08/14 - Schedule of Ordinary Council Meetings 2016

Community / Stakeholder Consultation:

Dates are to be advertised at the Shire Administration Centre, Mundijong Public Library and in a local newspaper, in accordance with the *Local Government Act*. The office closure dates will also be advertised on the Shire's website.

Comment:

It is proposed that this year the office close at noon on Friday 16 December 2016 to allow staff to attend the annual Christmas function, and from Monday 26 December 2016 to Monday 2 January 2017 inclusive, with staff taking accrued leave entitlements for the three days (28 December - 30 December).

The Shire of Serpentine Jarrahdale normally closes over the Christmas / New Year period with staff accessing accrued rostered days off, annual leave or leave without pay for those days other than the specified public holidays. It is not anticipated that customer service will be unduly impacted by the proposed closure as this period has been very quiet historically. The Shire of Serpentine Jarrahdale closure calendar would be as follows:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Dec 12 Open	Dec 13 Open	Dec 14 Open	Dec 15 Open	Dec 16 Closed noon	Dec 17	Dec 18
Dec 19 Open	Dec 20 Open	Dec 21 Open	Dec 22 Open	Dec 23 Open	Dec 24	Dec 25
Dec 26 Closed Christmas Day Public Holiday	Dec 27 Closed Boxing Day Public Holiday	Dec 28 Closed	Dec 29 Closed	Dec 30 Closed	Dec 31	Jan 1
Jan 2 New Year's Day Public Holiday	Jan 3 Office Re-opens					

Over the Christmas period, as per previous years, it will be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

Attachments:

- [OCM165.1/08/16](#) - Schedule of meetings for 2017 (E16/6606)

Alignment with our Strategic Community Plan:

Objective 1.1	Strong Leadership
Key Action 1.1.2	Facilitate cooperation between the Shire and its stakeholders while also considering community values.
Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with legislative and statutory requirements.

Statutory Environment:

Local Government Act 1995

Financial Implications:

There are no financial implications related to this. The event and time involved is part of Council's adopted budget provisions.

Voting Requirements: Simple Majority

OCM165/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Rich

That Council:

- 1. Approve the office closure dates from:
 - a. 12pm to 5pm on Friday 16 December for staff to attend the Shire's Christmas function; and**
 - b. Monday 26 December 2016 to Monday 2 January 2017 inclusive for the Christmas and New Year period.****
- 2. Approve the Ordinary Council Meeting agenda schedule 2017, as per attachment OCM165.1/08/16**
- 3. Provide local public notice of the closure dates as specified in recommendation 1 and display the closure times at the Shire's Administration Centre, Operations Centre and Mundijong Public Library.**
- 4. Provide local public notice of the Ordinary Council Meeting agenda schedule 2017 as specified in recommendation 2 and as per attachment OCM165.1/08/16 and display the meeting dates on the Shire's website.**

CARRIED UNANIMOUSLY

OCM166/08/16	Appointment of Delegates to the South East Sub Group of the Metropolitan Regional Road Group (SJ1348-02)
Author:	Shanon Clark – Executive Support Officer
Senior Officer/s:	Gary Clark – Chief Executive Officer
Date of Report:	13 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

All Local Governments in the Perth area are members of the Metropolitan Regional Road Group, which has an important role in prioritisation and oversight of road improvement projects co-funded by the State Government. Currently there are some 200 projects with a total investment of nearly \$50 million being delivered through this program each year.

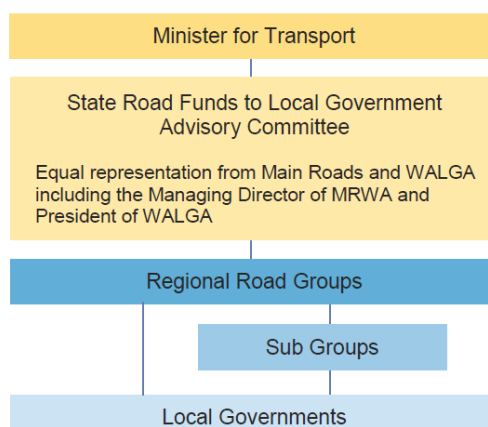
Background:

Perth Local Governments contribute to decision-making through six Sub-Groups that make up the Metropolitan Regional Road Group. About half of Perth's Metropolitan Local Governments have chosen a member of Council to work with a Senior Officer in contributing to the Regional Road Group, providing an important link between the Council and the Regional Road Group. It also ensures that the Sub-Groups and the Regional Road Group have input from both a political and operational perspective. It is very important that each Council has an Elected Member attending Regional Road Group meetings to ensure money is spent appropriately.

Councillor representation is required to see that the money spent by each Council is spent in a timely manner. Currently the Shire of Serpentine Jarrahdale does not have an Elected Member nominated to participate in the Regional Road Group process.

It is imperative to note that in 2015/16 the South East Sub-group is budgeted to deliver road improvement projects valued at over \$8m (\$5.5m grant funded) plus 31 State Black Spot program funded road projects (Value \$2.6m). Including \$565,000 of budgeted Road Improvement Grants to be invested in the Shire of Serpentine Jarrahdale. The State Road Funds to Local Government Agreement is currently funded to June 2018 and is under review.

State Road Funds to Local Government Management Structure



Relevant Previous Decisions of Council:

There is no previous Council decision to appoint delegates to South East Sub Group of the Metropolitan Regional Road Group.

Community / Stakeholder Consultation:

Not applicable

Comment:

Council is required to consider the appointment of Elected Members, by resolution, to fill the positions on the South East Sub-Group of Metropolitan Regional Road Group.

Attachments:

- [OCM166.1/08/16](#) – Roles and Responsibilities of Regional Road Group Members (E16/5398)
- [OCM166.2/08/16](#) – State Road Fund to Local Government Procedures (E16/5397)
- [OCM166.3/08/16](#) – Metropolitan Regional Road Group – Request for Councillor Representation (IN16/9710)
- [OCM166.4/08/16](#) – Western Australian Local Government Association (WALGA) – Metropolitan Regional Road Group – Invitation to Appoint Elected Member (IN16/6890)

Alignment with our Strategic Community Plan:

Objective 1.1	Strong Leadership
Key Action 1.1.3	Foster partnerships to deliver key projects and initiatives in conjunction with key stakeholders
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management
Objective 4.1	Sustainable Industries
Key Action 4.1.3	Develop transport, communication technology and utilities infrastructure.
Objective 4.3	Regional Collaboration
Key Action 4.3.2	Continue engaging with neighbouring councils to explore service and resource sharing options

Statutory Environment:

- Local Government Act 1995
- Council's Standing Orders Local Law 2002

Financial Implications:

There are no sitting fees associated with representation on the South East Sub-Group of the Metropolitan Regional Road Group.

Voting Requirements: Absolute Majority

COUNCIL DECISION:

Moved Cr Urban, seconded Cr Hawkins

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.57pm in order to further discuss item OCM166/08/16.

CARRIED UNANIMOUSLY

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Gossage

That Standing Orders be reinstated at 8.17pm

CARRIED UNANIMOUSLY

OCM166/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Ellis

That Council:

- 1. Nominate Cr Rich as the Elected Member to participate in the Metropolitan Regional Road Sub Group.**
- 2. Nominate Cr Hawkins as the Deputy Member to participate in the Metropolitan Regional Road Sub Group in the event that Cr Rich is unable to attend.**
- 3. Establish the Metropolitan Regional Road Sub Group as ongoing position to be filled at each election.**
- 4. Notify WALGA accordingly.**

CARRIED ABSOLUTE MAJORITY 9/0

COUNCIL DECISION**Moved Cr Piipponen, seconded Cr Gossage**

That the meeting be closed to members of the public at 9.00pm to allow Council to Discuss Confidential Item OCM167/08/16 Extension of Appointment for Acting Chief Executive Officer, in accordance with section 5.23(2) of the Local Government Act 1995.

CARRIED UNANIMOUSLY

Members of the public were asked to leave the meeting while Confidential Item OCM167/08/16 was discussed. The doors were closed at 9.00pm.

Councillor Gossage left Chambers at 9.00pm

Councillor Gossage returned to Chambers at 9.02pm

8.6 Confidential Reports:

OCM167/08/16	Confidential Item - Extension of Appointment for Acting Chief Executive Officer
Author:	Karen Cornish – Governance Advisor
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	12 August 2016
Disclosure of Officers Interest:	No elected member involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Voting Requirements: Absolute Majority

COUNCIL DECISION:**Moved Cr Urban, seconded Cr Gossage**

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.04pm in order to further discuss confidential item OCM167/08/16.

CARRIED UNANIMOUSLY

Director Corporate and Community, Director Planning, Director Engineering, Governance Advisor and Executive Assistant to the CEO left Chambers at 9.05pm.

Councillor Piipponen left Chambers at 9.09pm

Councillor Piipponen returned to Chambers at 9.10pm

COUNCIL DECISION**Moved Cr Piipponen, seconded Cr Hawkins**

That Standing Orders be reinstated at 9.15pm

CARRIED UNANIMOUSLY**Officer Recommendation:**

That Council

1. Extends the appointment of Mr Gary Clark as Acting Chief Executive Officer from Thursday 29 September 2016 to 30 December 2016, pursuant to section 5.36 and 5.39 of the *Local Government Act*
2. Extends the Acting Chief Executive Officer's appointment (as described in 1. above) in accordance with the terms and conditions of his original appointment.

3. **May negotiate this extension to an earlier date that 30 December 2016, should the appointment of a Chief Executive Officer result in a commencement date earlier than 30 December 2016**

OCM167/08/16 COUNCIL DECISION / Alternative Recommendation:

Moved Cr See, seconded Cr Piipponen

1. **Extends the appointment of Mr Gary Clark as Acting Chief Executive Officer from Thursday 29 September 2016 to expire 3 days after the newly appointed Chief Executive Officer commences employment, pursuant to section 5.36 and 5.39 of the *Local Government Act*.**
2. **Extends the Acting Chief Executive Officer's appointment (as described in 1. above) in accordance with the terms and conditions of his original appointment.**

CARRIED ABSOLUTE MAJORITY 9/0

Reason for change to Officer Recommendation: This will allow continuity of an Acting Chief Executive Officer without the requirement to seek further approval and also provides the Acting Chief Executive Officer 3 clear days of handover with the newly appointed Chief Executive Officer.

Director Corporate and Community, Director Planning, Director Engineering, Governance Advisor and Executive Assistant to the CEO returned to Chambers at 9.16pm.

COUNCIL DECISION:

Moved Cr Piipponen, seconded Cr See

That the meeting be reopened to the public at 9.18pm.

CARRIED UNANIMOUSLY

Members of the public returned to the Chambers and the Presiding Members advised that an alternative recommendation was carried for confidential item OCM167/08/16 with a unanimous vote.

9. Motions of which notice has been given:

Nil

10. Information Reports:

COUNCIL DECISION

Moved Cr Urban, seconded Cr Ellis

That items OCM168/08/16 to item OCM171/08/16 inclusive be dealt with En bloc.

CARRIED 9/0

OCM168/08/16	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only:

Attachments:

- [OCM168.1/08/16](#) - Common Seal Register Report – July 2016 (E02/5614)
- [OCM168.2/08/16](#) – Growth Alliance Perth and Peel Minutes – July 2016

Voting Requirements: Simple Majority

OCM168/08/16 COUNCIL DECISION / Officer Recommendation:

That Council accept the Chief Executive Officer Information for July 2016.

CARRIED En bloc 9/0

OCM169/08/16	Planning Information Report (SJ514-07)
Author:	Belinda Ohle - Personal Assistant to the Director Planning
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	29 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

Attachments:

- [OCM169/08/16](#) Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E16/6325)
- [OCM169/08/16](#) Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM169/08/16 COUNCIL DECISION / Officer Recommendation:

That Council accept the Planning Information Report for July 2016.

CARRIED En bloc 9/0

OCM170/08/16 Corporate and Community Information Report (SJ514-07)	
Author:	Elba Strijdom – PA to Director Corporate and Community
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	3 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information.

Attachments

- [OCM170.1/08/16](#) – Delegated Authority – Financial Services 1-31 July 2016 (E16/6352)
- [OCM170.2/08/16](#) – Minutes of the MCA Management Group Meeting – 21 July 2016 (IN16/15554)

Voting Requirements Simple Majority

OCM170/08/16 COUNCIL DECISION / Officer Recommendation

That Council accept the Corporate and Community Information Report.

CARRIED En bloc 9/0

OCM171/08/16	Engineering Services Information Report (SJ514)
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Doug Forster – Acting Director Engineering
Date of Report:	5 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

Attachments:

- [OCM171.1/08/16](#) – Engineering Delegation of Authority Report, July 2016 (E16/6427)
- [OCM171.2/08/16](#) – Rivers Regional Council - Ordinary Council Meeting – Minutes, 16 June 2016 (IN16/13677)
- [OCM171.3/08/16](#) – Rivers Regional Council - Special Council Meeting – Minutes, 21 July 2016 (IN16/15258)
- [OCM171.4/08/16](#) – Reserves Advisory Group – Minutes, 22 June 2016 (OC16/15247)
- [OCM171.5/08/16](#) – Peel Trails Group – Minutes, 5 July 2016 (IN16/15625)
- [OCM171.6/08/16](#) – SJ Trails Group – Annual General Meeting Minutes, 5 May 2016 (OC16/15252)
- [OCM171.7/08/16](#) – SJ Trails Group – Minutes, 7 July 2016 (OC16/15255)

Voting Requirements: Simple Majority

OCM171/08/16 COUNCIL DECISION / Officer Recommendation:

That Council accept the Engineering Services Information Report.

CARRIED En bloc 9/0

11. Urgent Business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 9.20pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 27 September 2016

.....
Presiding Member

.....
Date