



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Minutes

7pm

Monday, 20 May 2024

Contact Us

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In Person

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



www.sjshire.wa.gov.au



Councillor Attendance Register

In accordance with the 11 April 2022 Ordinary Council Meeting, Council Resolution OCM067/04/22, clause 1 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings, Q & A briefings for Ordinary Council Meetings, Q & A briefings for Special Council Meetings, Councillor Workshops held for Project Briefings, Councillor Workshops held for Budget Preparations and Policy Concept Forums.”

In accordance with the 12 December 2022 Ordinary Council Meeting, Council Resolution OCM313/12/22, clause 6 – “That Council requests that the Councillor Attendance Register published in the Agenda and Minutes displays attendances for the calendar year and notes that the full Councillor Attendance Register, including previous calendar years, will continue to be published on the Shire’s website.”

Council 1 January 2024 –

| Date | Type | President Coales | Cr Bishop | Cr Byas | Cr Duggin | Cr Jerrett | Cr Mack | Cr Mazzini |
|----------|--------------|------------------|-----------|---------|-----------|------------|---------|------------|
| 20/05/24 | OCM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 15/05/24 | WORKSHOP | ✓ | A | ✓ | ✓ | ✓ | ✓ | A |
| 13/05/24 | Q&A (OCM) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 06/05/24 | PCF | ✓ | ✓ | A | ✓ | ✓ | ✓ | ✓ |
| 01/05/24 | WORKSHOP | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 29/04/24 | WOKRSHOP | ✓ | ✓ | A | ✓ | ✓ | ✓ | ✓ |
| 22/04/24 | PCF | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 17/04/24 | WORKSHOP | ✓ | ✓ | ✓ | A | A | A | ✓ |
| 15/04/24 | OCM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 15/04/24 | Q&A (OCM) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 08/04/24 | Q&A (OCM) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 25/03/24 | PCF | ✓ | A | A | ✓ | A | ✓ | ✓ |
| 18/03/24 | OCM | ✓ | ✓ | A | ✓ | ✓ | ✓ | |
| 11/03/24 | WORKSHOP | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| 11/03/24 | Q&A (OCM) | ✓ | ✓ | A | ✓ | ✓ | ✓ | |
| 06/03/24 | WORKSHOP | ✓ | EPNG | ✓ | ✓ | ✓ | ✓ | |



Continued

Ordinary Council Meeting Minutes Monday, 20 May 2024

| Date | Type | President Coales | Cr Bishop | Cr Byas | Cr Duggin | Cr Jerrett | Cr Mack | Cr Mazzini |
|----------|---------------|------------------|-----------|---------|-----------|------------|---------|------------|
| 06/03/24 | PCF (Special) | ✓ | EPNG | ✓ | ✓ | ✓ | ✓ | |
| 28/02/24 | WORKSHOP | ✓ | A | ✓ | ✓ | A | A | |
| 26/02/24 | PCF | ✓ | A | A | ✓ | ✓ | ✓ | |
| 19/02/24 | OCM | ✓ | A | ✓ | ✓ | ✓ | ✓ | |
| 12/02/24 | Q&A (OCM) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| 05/02/24 | PCF | ✓ | ✓ | A | ✓ | ✓ | ✓ | |
| 29/01/24 | PCF | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |

Key:

✓ - Attended

A - Apology

LoA - Leave of Absence

NA - Non Attendance

EPNG - Electronic Participation Not Granted

EP - Electronic Participation



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

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

At the 20 June 2022 Ordinary Council Meeting, Council resolved that Council and Committee Meetings will be audio recorded in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 20 May 2024 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

President Coales declared the meeting open at 7pm and welcomed Councillors, Staff, and members of the gallery.

President Coales acknowledged the Noongar people of the Boodja – the land – that we gather on today. For thousands of years their connection to Country has provided knowledge, guidance, spirituality, and life. We pay our respects to this ongoing connection, as well as to their Elders past, present and emerging.

President Coales advised members of the gallery that the meeting is being audio recorded, in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.

Minutes

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

- President:** R Coales.....Presiding Member
- Councillors:** N Bishop
T Duggin
R Jerrett
S Mack
M Byas
C Mazzini
- Officers:** Mr P Martin.....Chief Executive Officer
Mr R Najafzadeh.....Director Infrastructure Services
Mr A TrosicDirector Development Services
Mr B Oliver.....Director Community Engagement
Ms C Mortimer.....Manager Corporate Performance
Ms E Liley.....Governance Officer (Minute taker)

Leave of Absence: Nil.

Apologies: Mr F Sullivan.....Director Corporate Services

Observers: 28

**1.1 - Leave of Absence Request (SJ4376)****Councillor**

Councillor Jerrett

Disclosure of Officers Interest:

No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

An application for a Leave of Absence, in accordance with section 2.25 of the *Local Government Act 1995*, was received via email from Councillor Jerrett on 7 May 2024. Councillor Jerrett is seeking leave for the period 12 June to 3 July 2024, inclusive, due to time outside of Australia attending a conference.

In accordance with section 2.25(1) of the *Local Government Act 1995* (the Act), Council may, by resolution, grant leave of absence to a member. The decision to grant leave, or refusal to grant the leave and the reasons for that refusal, is to be recorded in the minutes of the meeting.

Should a leave of absence be granted, Councillor Jerrett will be recorded as an apology for the meetings, workshops and forums missed, including the Ordinary Council Meeting on 17 June 2024.

Options

The provisions of the *Local Government Act 1995* provide two practical options to Council.

Option 1

That Council GRANT the leave of absence application made by Councillor Jerrett for the period 12 June 2024 to 3 July 2024, inclusive.

Option 2

That Council REFUSES the leave of absence application made by Councillor Jerrett for the period 12 June 2024 to 3 July 2024, inclusive for the following reason:

Voting Requirements: Simple Majority

OCM099/05/24**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Byas

That Council GRANT the leave of absence application made by Councillor Jerrett for the period 12 June 2024 to 3 July 2024, inclusive.

CARRIED UNANIMOUSLY 7/0



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting: 15 April 2024

Questions asked by **Mr Dave Atwell** at the Ordinary Council Meeting, Monday, 15 April 2024. Correspondence was sent to Mr Atwell on Friday, 19 April 2024 (OC24/7410).

Question 1

In the past 6 years have any firebreak infringements been issued by the Shire of Serpentine Jarrahdale for Lot 1 Evelyn Street Mundijong?

Response (Director Community Engagement)

Lot 1 Evelyn Street, Mundijong, is owned by the Shire and the property is managed in accordance with the Bush Fire Act 1954 and the Shire's Section 33 Bushfire Hazard Reduction Notice.

Question 2

If yes was the firebreak infringement issued to the past or current leasee?

Response (Director Community Engagement)

As per the response to your question 1 above, in accordance with the Shire's Privacy Statement, the Shire does not disclose customer information to third parties.

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday 15 April 2024. Correspondence was sent to Mrs Bond on Friday 26 April 2024 (OC24/7436 & OC24/7897).

Question 1

Is consideration of the request to relinquish Reserve 19895 agenda Item 10.1.10 in favour of a private resident, who already has the use of this land, in the best interest of the ratepayer, or designed to favour the resident?

Response (Director Developmental Services)

The Officer report does not recommend relinquishing of the reserve UNLESS:

- 1. An alternative piece of Crown land, of the same size as Reserve 19895, is provided with the same vesting purpose to the Shire of 'Municipal Purposes'; and*
- 2. That the location of this Crown land is deemed suitable by Council, considering the current location of Reserve 19895 on a highly accessible road network and convenient to current and future developmental areas of the Shire.*

This recommendation aims to consider the future needs of the Shire.

Question 2

Monopoles have 40km coverage and can have coverage up to 72km, why are there one of these in Richardson Street, Serpentine about 10 metres from homes? Who gave permission for this to be installed? Were the ratepayers/residents given all the information about these towers and the option to object? Where has the Shire



followed the requirements for this installation? When will this tower be removed so as to comply with all the rules?

Response (Director Developmental Services)

The land on Richardson Street comprises the Serpentine Telstra exchange and includes a 24m lattice tower and ground level compound building. The lattice tower has existed since 1996, whereas the exchange was developed in the mid to late 1960s.

The Shire was most recently written to on 19 February 2024 by Telstra, who advised that they were upgrading the existing mobile phone infrastructure to allow for improved mobile coverage and to introduce 5G to Telstra's network. This included:

- *Six (6) new panel antennas for new technologies.*
- *Six (6) tower mounted amplifiers (TMA's).*
- *Three (3) remote radio units (RRU's).*
- *The removal of redundant equipment including six (6) antenna.*
- *The installation of ancillary equipment may be necessary for the safety and function of the existing.*

The advice contained in that letter was that "this installation is exempt from Local & State Government approval in accordance with Telecommunications (Low-impact Facilities) Determination 2018." Accordingly, the Shire had no legal ability to require that the proposal be subject to planning approval.

The proposal does include confirmation that "the facility will comply with Australian Government Regulations in relation to emission of electromagnetic energy (EME), this specifically being Australian Standard Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields -3 kHz to 300 GHz, published by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) in 2021."

Question 3

Why won't Serpentine Jarrahdale Shire Council agree to a Forensic Audit of this Shire? E.g., Why is it considered ok for the ratepayers of the Shire to have been paying the electricity account for a private business until I was seen taking photos of a nasty little connection. Not the only use of ratepayers money not for their benefit, there is more for the ratepayer to gain financially than it would cost to have all this cleared up with a Forensic Audit, which Councillors support the ratepayer?

Response (Director Corporate Services)

The Shire has undertaken numerous audit activities on an ongoing basis. Some recent audits include:

- *Compliance Audit Return that assesses compliance with elements of the Local Government Act 1995 and presented to the Audit, Risk and Governance Committee and subsequently Council.*
- *Every year, an Interim and Annual Financial Audit performed by the OAG.*



If you have a specific matter that you think requires a forensic audit, I would encourage you to make contact with myself, the Chief Executive Officer, the Chair of Audit, Risk and Governance Committee, the Shire President, or alternatively raise the matter with integrity agencies that oversee the performance of local governments.

2.2 Public questions:

Public question time commenced at 7:02pm.

Michele Rich, Serpentine, 6125

The Karnup Road culvert collapse caused months of severe disruption to the Serpentine and wider community. It is a documented fact that culvert pipes the same or similar to the ones under Karnup Road before the collapse are deteriorating much earlier than the assumed 100 year service of life that was expected when they were installed.

Question 1

How many more zinc coated corrugated metal culvert pipes or similar are still in operational use in roads across the Shire of Serpentine Jarrahdale?

Response (Director Infrastructure Services)

The Shire's current asset data indicates that there are 7 corrugated metal culverts in the Shire's drainage network. These are located in Country Drive, Ballak Place, Pure Steel Lane and Old Brickworks Road. However, the asset data will be validated through condition rating and asset inspections next financial year if approved in the budget. This may update the asset data more accurately.

Question 2

Has the Shire of Serpentine Jarrahdale started any detailed design works for the replacement of any of these zinc coated corrugated metal culvert or similar pipes?

Response (Director Infrastructure Services)

The Shire has not commenced any detailed design work for culvert replacement. Asset data validation will be occurring next year which is required prior to start of any detailed design works. The design for each of the culverts will be a case specific individual design based on the particular site geology, road classification, traffic loading, road geometry and width, water flow volume in the drain/creek etc. Accordingly, an individual design can be prepared for each case linked to the estimated culvert renewal timeframes for construction to be informed by asset condition and funding availability.

Question 3

What plan does the Council of Serpentine Jarrahdale have in place, including strategic planning, financial funding, workforce resourcing and community disruption minimisation to replace all of these zinc coated corrugated metal culvert or similar pipes?



Response (Director Infrastructure Services)

Following the asset data validation and accurate condition rating of the culverts, a culvert renewal forward works plan can be prepared which would inform the culvert renewal timings with estimated costs in the order of priority. This plan will then be used for identifying/advocating funding sources and budgeting as part of the long-term financial plan.

The Presiding Member, President Coales asked if there were any public questions from the floor.

Ms Coralie Parkin, Serpentine, 6125

Question 1

Why, as I believe, that the debrief relating to the Keysbrook fire was to be held in April / May. The fire was in late December 2023, why is the debrief now not being held?

Response (President Coales)

The President advised that there is a Notice of Motion on the Agenda tonight that considers this matter however to ensure a formal response to the question, it will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

The Presiding Member, President Coales asked if there were any public questions from the floor.

Mrs Lee Bond, 6112

Question 1

Instead of Wasting \$70,000 for someone's opinion of the entry statements to the Shire and then further costs for production and erection, is there any reason why the local children of the Shire shouldn't be asked to participate in this venture?

Response (President Coales)

Council did have a budget workshop last week and that line item was discussed by Council and certainly the members of Council that were present did not show support for that line item. The budget has not been adopted yet but at this point it appears it won't be included.

Question 2

Why were perfectly good items put into a skip bin out the back of the Council office during renovations?

Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 3

Why does Council always want me to do their work for them when I ask legitimate questions at OCM's it isn't that hard?



Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

The Presiding Member, President Coales asked if there were any further public questions from the floor.

Mrs Michele Rich, Serpentine 6125

Question 1

Can the Shire of Serpentine Jarrahdale please provide details of the SAT application DR193/2023 DAP/23/02545 which is the proposed educational establishment at 575 (Lot 218) Abernethy Road Oakford?

Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 2

Remembering that to gain the 18 million hypergrowth road project funding from the 2021 State election commitment, the Shire had to jump through a number of hoops and prove that no other funding stream or mechanism existed for those roads. Please explain to me why the Shire of Serpentine Jarrahdale would think it is wise to apply for State or Federal government funding of 4.7 million for a road project when a funding stream is already in place for the road project through an approved development application?

Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 3

Please explain to me in detail the information provided to Councillors at the election advocacy policy concept forums and budget workshops surrounding the workforce resourcing that will be needed to deliver any election commitment funding if gained for the “Road Advocacy Upgrade Plan”

Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 4

During the questions from Councillors at the Q&A held on 13 May 2024 for this meetings agenda briefing it was stated by the Director of Corporate that Councillors were given all outstanding CRM's to satisfy Cr Byas alternate motion for resolution OCM022/02/24 from the 19 February 2024 OCM.



How are community members to know if their CRM has been dealt with fairly when this Council will be making decisions behind closed doors as to what is in and what is out of the 2024/25 budget?

Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 5

Please explain to me what action has been taken, what discussions and the date of said discussions have been held with Councillors and what planning is currently being undertaken to solve and resolve the traffic issues been experienced within the Jarrahdale township since October 23, 2023.

Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

Question 6

Does the Shire of Serpentine Jarrahdale routinely build or upgrade roads that hinder or stop access of emergency service vehicles?

Response (President Coales)

The President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.

The Presiding Member, President Coales asked if there were any further public questions from the floor. No further public questions were asked.

Public question time concluded at 7:12pm.

3. Public statement time:

Public statement time commenced at 7:12pm.

Mr Bill Denholm, Byford, 6122

Here in our Shire, we have our local land care selling cockatubes to help and encourage the endangered Black Cockatoos breed. And on the other hand, Shire Councillors taking away a method of scaring them off with gas guns, the alternative for farmers is shooting them.

It doesn't make sense.

We are trying to have less guns in the community. I work in the Swan Valley behind Sandalford winery, a real tourist attraction, and gas guns are constantly going off in the grape season. You get used to them going off as it's a different sound.

I suppose the local residents and surrounding businesses would rather the noise, than farmers walking around with shotguns.



Gas guns are environmentally the friendliest method of managing fruit and nut crop damage by birds, especially Black Cockatoos.

The alternative is the real deal shotguns, and this will not be a favorable outcome for the birds especially as they are endangered.

Scaring with a gas gun VS eliminating with a shotgun results in very different outcomes and I know which method should be supported.

The Presiding Member, President Coales asked if there were any public statements from the floor.

Mr Bill Denholm, Byford 6122.

Mr Bill Denholm made a statement thanking Officers for assisting the netball association with their strategic plan.

The Presiding Member, President Coales asked if there were any further public statements from the floor.

Mrs Lee Bond, 6122

Mrs Lee Bond made a statement regarding the budget breakfast, questions at Ordinary Council Meetings and postal voting for local government elections.

The Presiding Member, President Coales asked if there were any further public statements from the floor.

As there was no further public statements, Public Statement time concluded at 7:18pm.



4. Petitions and deputations:

Petitions

| | |
|--|--|
| 4.1 - Petition objecting Proposed Amendment to Approved Abattoir to allow increased Production (SJ4376) | |
| Presenting Member | Elected Councillor Byas |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

On 17 April 2024, Ms Janette Townsend submitted a petition in accordance with clause 3.6(1) of the *Shire of Serpentine Jarrahdale Standing Orders Local Law*, objecting the proposed amendment to Approved Abattoir (PA22/936).

The petition comprises 44 signatures, all identifiable as residents of the Shire.

This matter is to be considered by Council at item 10.1.3.

Options

The provisions of the Standing Orders provide two practical options to Council:

Option 1

That Council ACCEPTS the petition and notes this matter is to be considered at this meeting at item 10.1.3.

Option 2

That Council DOES NOT ACCEPT the petition.

Option 1 is recommended.

Attachments (available under separate cover)

- **4.1 – attachment 1** – Petition – Objection to Proposed Amendment to Approved Abattoir to allow the increase

Voting Requirements: Simple Majority

OCM100/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Bishop

That Council ACCEPTS the petition and notes this matter is to be considered at this meeting at item 10.1.3.

CARRIED UNANIMOUSLY 7/0



4.2 - Petition - Improving access to Serpentine townsite for residents of Serpentine Lifestyle Village (SJ4376)

| | | |
|---|--|-------------------|
| Presenting Member | Elected | Councillor Duggin |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . | |

On 23 April 2024, the Serpentine Lifestyle Village Resident's Committee submitted a petition in accordance with clause 3.6(1) of the *Shire of Serpentine Jarrahdale Standing Orders Local Law*, requesting improvements to footpaths to allow better access for elderly residents of the Village to the Serpentine town centre. The petition is made on behalf of residents within the Serpentine Lifestyle Village.

The petition comprises 102 signatures, all identifiable as residents of the Shire.

Options

The provisions of the Standing Orders provide three practical options to Council:

Option 1

That Council ACCEPTS the petition and REQUESTS that the Chief Executive Officer present a report on the matter at a future meeting of Council.

Option 2

That Council ACCEPTS the petition.

Option 3

That Council DOES NOT ACCEPT the petition.

Option 1 is recommended.

Attachments (available under separate cover)

- **4.2 - attachment 1** - Petition - Serpentine Lifestyle Village Residents Committee – Improving Access to Serpentine Lifestyle Village

Voting Requirements: Simple Majority

OCM101/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council ACCEPTS the petition and REQUESTS that the Chief Executive Officer present a report on the matter at a future meeting of Council.

CARRIED UNANIMOUSLY 7/0



| | |
|---|--|
| 4.3 - Petition by King Road Brewing Co. requesting lower speed limit on King Road (SJ4376) | |
| Presenting Member | Elected President Coales |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

On 2 April 2024, King Road Brewing Co. submitted a petition requesting the speed limit on King Road be reduced from 100 km/hour to 80 km/hour between Mundijong Road and Leipold Road. The petition is made to ensure the safety of customers entering and exiting King Road Brewery.

Clause 3.6(1) of the Shire of Serpentine Jarrahdale Standing Orders Local Law requires that:

A petition, in order to be effective, is to —

- (a) be addressed to the President*
- (b) be made by electors or residents of the district*
- (c) state the request on each page of the petition*
- (d) contain the names, addresses and signatures of the electors or residents making the request, and the date each signed*
- (e) contain a summary of the reasons for the request*
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given*

This petition is non-conforming as it does not meet clause 3.6(1)(a), (b), (d) or (f).

The petition comprises 1249 signatures, with approximately 189 signatures identifiable as residents of the Shire.

Options

The provisions of the Standing Orders provide three practical options to Council:

Option 1

That Council **ACCEPTS** the non-confirming petition and **REQUESTS** that the Chief Executive Officer present a report on the matter at a future meeting of Council.

Option 2

That Council **ACCEPTS** the non-confirming petition.

Option 3

That Council **DOES NOT ACCEPT** the non-confirming petition.

Option 1 is recommended.

Attachments (available under separate cover)

- **4.3 - attachment 1 - Petition - Lowering Speed on King Road - King Road Brewery**



Continued

**Ordinary Council Meeting Minutes
Monday, 20 May 2024**

Voting Requirements: Simple Majority

OCM102/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved President Coales, seconded Cr Mazzini

That Council ACCEPTS the non-confirming petition and REQUESTS that the Chief Executive Officer present a report on the matter at a future meeting of Council.

CARRIED UNANIMOUSLY 7/0



Deputations

Ms Sandra Hawkins (SJ Lions Club), regarding item 10.4.4 – 2023/2024 – Major Event Grant Scheme – Round 2 (SJ3296-2)

This year is no exception in the fact that life goes on with doing all the things that one has done over the years and will do in the future. The cost of living keeps rising and so does the cost to run any event.

I speak now on behalf of the Serpentine Jarrahdale Lions Club members who have run the Jarrahdale Log Chop and the SJ Lions Country Fair every year for 30 years. The exception being when the Covid epidemic was at its worst.

As in the past the growth and popularity of the annual event not only keeps increasing but maintains the interest for not only the local residents but those who come many miles to enjoy the event. There will be no change in our attention to detail for the business plan that has been submitted to council for this years approval. It is a three year plan showing our inclusion of many of the Local Volunteer groups in our shire. It allows them to refurbish their coffers so that they in turn may also continue to assist the community.

The groups that will be involved this year are The Serpentine Volunteer Fire Brigade, the Byford Boy & Girl Scouts, the Armadale Police Rangers, the Food and Farm Fest Alliance and the Jarrahdale Community Collective.

The event certainly promotes inclusion across the shire and beyond, it most definitely encourages a healthy active community engagement together with giving priority to local providers whom make up the stall holders and volunteer content.

We are again pleased to say that the event will still be a " Free entry " for all as this is one way that our Lions club can help families to minimise the cost of their day out.

This year some of the content is different however we are sure that no one will be disappointed in what they see. We believe that the Log Chop and Country Fair is one of the largest and most popular events in our shire, our aim is for it to continues for many years to come.

For this to happen we rely on several sponsorships to fund the event with the shire being the primary contributor. The other sponsors are Lottery West, The Bendigo Bank, Alcoa, Doral and Permacast. Plus, many other smaller contributors who provide items for our raffle on the day.

The S.J. Lions Club cannot organize such an event without all the fore mentioned organizations sponsorship and assistance.

The Lions Club has proven that they are able to organize and run an event of this size that it has been delivered successfully attracting between 5 -10,000 people every year.

The Jarrahdale Log Chop & SJ Country Fair is unique in its entirety, the logistics to manage it takes our Lions volunteers hundreds of man hours to prepare ensuring that September 29th, 2024, will be another memorable day for all.

It is not just a day of preparation but three days of intense activity and another day of cleaning up after the event. Just when you take a breath all the acquittals must be completed, and the planning starts for the 2025 year.

You will have read the letters of support that our club receives that the Log Chop is the one event that everyone loves to attend. Patrons come back year after year with their children then those children bring their children year after year.



So, Councillors I respectively ask that you grant the full sponsorship of \$ 20,000 per year for the 3 years applicable to the application to ensure that this spectacular event goes ahead.

In anticipation, I thank you for helping the Serpentine Jarrahdale Lions club to help others.

Mr Ross Waddell (Southdale Meats), regarding item 10.1.3 – Proposed Amendment to Condition of an Approved Abattoir to Allow Increase in Meat Production – Lot 5, 566 South Western Highway, Darling Downs (PA22/936).

Mr Waddell made a deputation in support of Item 10.1.3.

Mr Paul Speering, regarding item 10.5.1 – Update on Advocacy for 2025 State and Federal Government Elections (SJ4117)

Good evening Mr President, Councillors, Shire Staff and members of the public.

I would like to talk on item 10.5.1 – Update on Advocacy for 2025 State and Federal Government Elections, with particular reference to Priority Roads.

I question how the Kargotich and Abernethy Road intersection is rated so highly, and why it is even on this list.

At the MODAP on April 3, the Free Reformed Schools Association was granted conditional approval to build their school at this intersection. An agreed condition was that the:

“...roundabout must be fully constructed by the applicant, at its cost, in accordance with the approved plans prior to the commencement of the development’s operations.”

The applicant attempted to get the Shire to actively assist in seeking funding for this roundabout, but nothing binding was included in the final set of conditions published by MODAP.

Therefore, the Shire is under no obligation to actively seek funding for this particular intersection. Any funding provided to the Shire for road infrastructure should be directed to other intersections that don’t have external funding tied to them, and not used to benefit a private entity with very little community benefit. If the Free Reformed School Association want the school, then they should provide for the roundabout, without any assistance from the Shire.

The crash data from Main Roads Crash Summary for Intersections (Last 5 years) doesn’t warrant this intersection being placed so high on this list, with only two crashes occurring there in the last five years, and only one of those requiring hospitalisation. This is less than other intersections along Kargotich Rd, such as the intersection with Orton Rd, which had three crashes in that time, with two of those requiring medical attention. The Kargotich Abernethy intersection doesn’t even rate in the top thirty local road intersections in the Shire by crash frequency or cost, so how is it ranked as Priority 1? Even when you take out the State roads, it is still only ranked 22nd.

Then there is Hopkinson Rd, which continues to be one of the most troublesome roads within the Shire. There were 61 crashes along Hopkinson in that same time, which included two fatalities and four hospitalisations. I understand that the Tonkin Highway extension will alleviate the pressure on some of the intersections along Hopkinson, but not all and between now and whenever it gets finished, how many more people will die or be seriously injured along that road? I can’t see any reasonable argument that would place the Kargotich Abernethy Road intersection as a higher priority than those along Hopkinson, or any of those twenty-two other intersections, particularly when there is already a source of funding in place.



So, for those two reasons, I would like to put forward that the intersection at Abernethy and Kargotich Roads is removed from the list of Priority Roads, and any potential road funding be redirected to other identified Priority Roads.

Chief Executive Officer, Mr Paul Martin, declared a Financial Interest in item 10.1.7 and left the meeting at 7:39pm prior to this deputation.

The Director of Development Services, Mr Andrew Trosic, assumed the chair of Chief Executive Officer at 7:39pm

Mr Michael Dagostino, regarding item 10.1.7 - Reserve 19895 - Request to Relinquish Vesting Over Reserve 19895 - Lots 279 and 1343 Kargotich Road, Oakford (SJ2201)

I have reviewed the Officers' paper and recommendation and would like to make some comments

Background

As identified I bought the property in 1999 and have had many discussions with the Shire over the years about trying to resolve the reserve 19895 (hereinafter referred to as the Reserve)

Points to note

1. No utilisation by the Shire - the reserve was vested in 1983 and the Reserve has not been utilised by the Shire in over 40 years.
2. Proximity of our house - as can be seen in the aerial picture our house is located very close to the Reserve approx. 8m distance and this will make the practical utilisation of the Reserve virtually impossible – the Shire approved the location of the House in approx. 1990 after the Reserve was granted in 1983

There is no mention of the close proximity of our house in the Officers report

3. cost of moving infrastructure? - our infrastructure runs through the Reserve, For example our drive way and power (and I think telephone line) run through the reserve up to our house from the Kargotich Rd frontage - and presumably the location of the power cable and driveway going through the Reserve from the front verge to the House was approved by the Shire when the House plans were approved in approx. 1990.

Again, this will make the practical utilisation of the Reserve financially challenging as I will strongly argue the Shire needs to pay for the relocation costs of any infrastructure that needs to be moved such as the existing driveway and power

4. can the trees be removed to allow utilisation ? – as can be seen the Reserve is very well treed, and it is likely that obtaining clearing permission for these trees would be difficult

Again there is no mention of this major issue in the Report

5. Practical Utilisation –

long and thin shape - the shape of the Reserve makes its useability and functionality very limited it is very long and narrow and on an odd angle,

There is no mention of the dimensions of the Reserve in the Officers report – but because it is so narrow it does mean it will be difficult to utilise.



As was noted in the August 2020 Shire report on the Oakford Fire Brigade the shape of the Reserve is a major challenge to utilisation

not an even rectangle – as can be seen it is not an odd rectangular shape – it is on an angle which again inhibits efficient utilisation of the land – compared to a normal rectangular shape

actual size – approx. 11400 square metres – this is a very small piece of land ie it is just over 1 hectare – it is not a large piece of land

I cannot find a mention in the Officers report about the area of the reserve and how small it is

6. Oakford Primary School which was located 2 blocks across closed in 1998 and the land has since been sold – there may have been a case that the school could have also been utilised for access to the Reserve and maybe the granting of the reserve was in some way linked to the School and fire brigade – however that is now mitigated and not relevant.

Reasons why this should be resolved now

1. Uncertainty – there is significant uncertainty for ratepayers and myself as land owner. This is very stressful and disconcerting, and I think we should all work to get it resolved in a practical way taking into account the history

2. the intended use of the Reserve as a fire brigade location has been considered and expressly dismissed – as noted in the report the original purpose of the reserve was for a fire brigade and that purpose was expressly considered as a site of the Oakford Fire Brigade and dismissed by the Working Group and the Council in its resolution of August 2020

3. my understanding is the Shire has received land from the State at Pony Place for the Oakford Fire Brigade – which is effectively the objective of Officer recommendation 1

4. Challenges to future development – if the Shire was to take over the reserve then I would be left with no choice but to legally and strongly dispute each and any potential utilisation and development of the reserve i.e., the proximity to my house and my business

5. Costs – if the shire was to utilise the Reserve it would need to move my infrastructure e.g., driveway and entrance onto Kargotich Rd and fence the area – this would be a significant cost with both the fencing and relocating the driveway being significant capital outlays

State Government

As you are aware if the Shire was to agree to relinquish the reserve, then it goes to the State Government for consideration.

There are a range of possible outcomes – however if the Reserve is offered to me to amalgamate into my title - which I expect to be the likely outcome from my discussions with the State - then I will need to pay market value for the land and all associated transactional costs to the State.

I have to pay market value for the land, and I don't receive a concession or reduced price

Review of the Officers recommendations

Option 1 - The Officers have recommended the State Govt finds a similar piece of land in the area as a condition

The reality and likelihood of this happening in a timely fashion would be expected to be low as there are very few such reserves in the proximity

Marcel from the Shire has accepted that the chances of finding any such land are very low if not impossible.



I am concerned that Option 1 is completely unrealistic and set up for failure.

Option 2 – is a realistic option and would mean the matter is immediately resolved and any potential liability for the Shire and potential for significant additional costs from other alternatives e.g., fencing the land or trying to utilise the land and having potential ongoing disputes and legal challenges with myself as the adjoining land owner

As identified, this has been going for nearly 25 years for me and could take many more years if not resolved and this is not in my interest or the interest of ratepayers

Other Options

For completeness I have canvassed some other potential options

Alternative Option 1 – a land swap - Why is a straight land swap not equitable

The Reserve is a long, very narrow odd shape and heavily treed with deep holes and large rocks and it is likely that the land value will be significantly less than my pristine cleared well fertilised well seeded and productive farming land

In reality a value for such an odd, shaped lot with so many issues and challenges is going to be materially less than the pristine cleared farm land that is the majority of my property and there is no way a like for like swap would be equitable.

As the officers say, the shape makes its viable use, challenging and common sense would say the value would also be challenging

Alternative Option 2 – lease the land

Leasing is a possibility that might be raised. I would strongly suggest leasing is not a viable option for a number of reasons;

Leasing simply is an easy way out - that just kicks this 40 year plus problem down the road for a period of years – it doesn't address this significant and ongoing uncertainty for the Shire and myself

Resolution of leasing terms will not be easy – what if we don't agree rent/term/conditions etc – what happens then ?

What ongoing costs would the Shire be responsible for?

Alternative Options 3 – fence the land

Obviously this would be a significant and draconian step which would be strongly disputed by me legally. My legal position would be that the Shire has known of the position with respect to the reserve land for over 20 years and has taken no action. I would mount a court action based on the notion of equity and the impact fencing the land would have in many respects

The implications of this would be;

The Shire would have to pay the costs of securing the reserve by way of fencing and this would be many tens of thousands of dollars

The Shire would be responsible for the ongoing upkeep of the reserve

I will request the Shire put in a new driveway entrance, move the driveway and move all relevant infrastructure all at the cost of the Shire as clearly the Shire allowed the driveway and other infrastructure to be put there in 1990 and has never raised an objection to it. This would again be a significant cost to the Shire of many tens of thousands of dollars.



I would challenge this legally as I believe the Shire by its conduct has accepted my use of the area and are not entitled to take this dramatic step and so I would foresee a significant legal dispute

What's in it for rate payers to resolve this

1. to resolve a piece of land that has never been utilised in over 40 years by the Shire and that has significant challenges to actually utilise and may not be possible to utilise
2. ratepayers get resolution of a matter that is disputed and could drag on for years and result in significant officer time and legal costs and all the potential legal issues go away in a timely fashion
3. this reserve was originally given to the Shire for a fire brigade site and it was expressly considered as part of the Oakford fire brigade new site and dismissed as an option and so arguably the purpose intended is not required
4. ratepayers avoid potential expensive legal complexities associated with the Reserve
5. this is a relatively small piece of land being 3 acres approx. and as the Officers note in the report "the current configuration of the Reserve makes its viable use challenging but not impossible" and for the amount of officer time and the like that could be involved for a small piece of land that is challenging means a resolution and way forward would be in everyone's interest
6. ratepayers avoid the cost of developing the reserve – it is rocky and heavily treed with large holes and would require fencing which would also have a significant cost
7. ratepayers avoid the cost of maintaining the reserve
8. ratepayers avoid the potential cost of relocating the driveway entrance onto Kargotich Rd and all infrastructure services that run through the reserve of which the Shire gave approval for when the house plans would have been submitted
9. our business, Oakford Equestrian Centre operates riding lessons and horse agistment from rescued racehorses to expensive high level competition horses and everything in between. This business was established in 1999. In redeveloping the reserve, there would be significant impact on our business.

Conclusion

I would ask that strong consideration be given to resolving this not by fencing it off or by leasing it but by relinquishing it as determined,

This piece of land is clearly an aberration and possibly a mistake and has sat there for 40 years unutilised by the Shire and no one can explain why it is so oddly shaped long and narrow and on an angle with little practical useability

Remembering

1. Fire Brigade - In any event the original intention for the Reserve is it was proposed for - was as the fire brigade and this has been considered and dismissed.

I understand from the August 2020 OCM that the Shire has now secured additional land from the State Govt at Pony Place for the Oakford Fire Brigade site- so the Shire has received land for the fire brigade

2. Useability - The shape and location of it next to my house and the Shire having to incur significant costs to move the infrastructure like driveway etc makes its likely use highly improbable and hugely costly and would be the subject of ongoing dispute .



Continued

Ordinary Council Meeting Minutes Monday, 20 May 2024

3. Whilst I acknowledge it is a difficult decision to make tonight where the Shire can be deemed to potentially losing an asset – this is an asset that the Shire has never maintained nor utilised in over 40 years.

4. This is an asset that it can rationally be argued will have significant costs to develop and significant complexities given ever – the proximity to my house the trees etc and it must be queried if it could be developed

I would ask you to note that nowhere in the report is the small size of this reserve ie approx. 3 acres and the proximity to my house approx. 8m mentioned

I would request Councillors to consider in their decisions the potential costs involved to firstly return the Reserve to public open space,

The reality of being able to do that – given its long narrow shape

The ability to utilise the land given the proximity of the existing house and equine business, the ongoing maintenance, access to the reserve and associated issues.

I understand this is an asset but I ask you to consider when does an asset become unviable and you take a better option

Thank you

Chief Executive Officer, Mr Paul Martin, returned to the meeting at 7:52pm.



5. President's Report:

Good evening Elected Members, residents and ratepayers and welcome to the May 2024 Ordinary Council Meeting.

Anzac Day is one of the most significant dates in our calendar, and it was commemorated last month at Mundijong War Memorial.

I would like to thank everyone who contributed to this poignant event, which enabled our community to commemorate the service and sacrifice of all Australians in wars, conflicts and peace operations.

Thanks particularly to Serpentine Jarrahdale RSL Sub Branch, Byford Baptist Church, Armadale City Concert Band, the Heritage Country Choir and the local schools which took part.

Thank you also to Hon Matthew Swinbourne MLC, Mr Hugh Jones MLA, and Councillors Mack, Byas and Mazzini, who attended on the morning.

National Road Safety Week was earlier this month, and as one of the fastest growing local government areas in the country, our roads infrastructure is already experiencing tremendous pressure.

Last month we joined forces with the City of Rockingham to meet with Deputy Premier Rita Saffioti MLA, to discuss responsibility for Mundijong Road being transferred to Main Roads prior to Tonkin Highway works taking place.

Federal and State Government support and funding for our deteriorating local road network in the face of hypergrowth is just one of the projects the Shire will continue to advocate for.

We will also continue to seek Government funding for the expansion of facilities at Keirnan Park and the SJ Community Recreation Centre and the development of the Jarrahdale Trails Centre.

These projects are vital if our infrastructure is to keep pace with growing community needs.

Staying on the topic of roads, the Shire relaunched its Equine Road Safety campaign to coincide with National Road Safety Week.

The campaign is a simple reminder of how to share the road safely - regardless of whether you're driving, walking, riding a bike or on horseback.

This month I attended the Post Budget Breakfast, hosted by the Deputy Premier.

This was a great opportunity to hear firsthand what the State Government has planned - particularly with the election taking place next March.

Looking forward, the SJ Citizenship Ceremony this Wednesday 22 May will see 19 new conferees from six different countries become Australian Citizens.

This month the citizenship ceremony falls on Wear Orange Wednesday (WOW Day), which is all about celebrating the great work our SES crews do in our community.

Our new conferees will join local residents at the SES open night following their ceremony, giving them insight into the important work that is done by our SES.

From responding to callouts during a storm all the way through to assisting in community events, our SES volunteers go above and beyond to keep our community safe and we thank them for their work.



Finally, since I came to office last year, we have strived to ensure that Council business is as open and transparent to the public as possible.

That's why this month we are opening Q and A sessions, usually closed to the public, for three months, as part of a trial.

This will enable our residents and ratepayers to get a better understanding of these sessions, where Elected Members can ask questions of each other, or Shire staff as a preamble to the OCM.

We will continue to do all we can to empower our local community in the democratic process.

Thank you.

6. Declaration of Elected Members and Officer's interest:

Chief Executive Officer, Paul Martin declared a Financial Interest in item 10.1.7 – Reserve 19895 - Request to Relinquish Vesting Over Reserve 19895 – Lots 279 and 1343 Kargotich Road, Oakford (SJ2201). The nature of the interest is that the matter involves an ex-councillor at the Shire. The extent of the interest is that an ex-councillor voted on matters relating to my employment.

President Robert Coales declared an Impartiality interest in item 10.1.7 – Reserve 19895 – Request to Relinquish Vesting Over Reserve 19895 – Lots 279 and 1343 Kargotich Road, Oakford (SJ2201). The nature of the interest is that I was a Councillor with the landowner. The extent of the interest is impartiality interest.

Councillor Tricia Duggin declared an Impartiality interest in item 10.1.7 – Reserve 19895 – Request to Relinquish Vesting Over Reserve 19895 – Lots 279 and 1343 Kargotich Road, Oakford (SJ2201). The nature of the interest is friendship & fellow Councillor. The extent of the interest is the owner of the surrounding land is a friend and fellow Councillor.

Councillor Shaye Mack declared an Impartiality interest in item 10.1.7 – Reserve 19895 – Request to Relinquish Vesting Over Reserve 19895 – Lots 279 and 1343 Kargotich Road, Oakford (SJ2201). The nature of the interest is Impartiality interest. The extent of the interest is I served on Council with the landowner who is making the request.

Councillor Morgan Byas declared an Impartiality interest in item 10.1.7 – Reserve 19895 – Request to Relinquish Vesting Over Reserve 19895 – Lots 279 and 1343 Kargotich Road, Oakford (SJ2201). The nature of the interest is Impartiality interest. The extent of the interest is prior working relationship with landowner during their time on Council.

Councillor Reece Jerrett declared an Impartiality interest in item 10.1.8 – Response to Final Connectivity and Access Study – Tonkin Highway Extension Project (SJ3580). The nature of the interest is Impartiality interest. The extent of the interest is the Eastern end of Shanley road is part of the Main roads study. I live at the Western most end of Shanley Road.

President Robert Coales declared an Impartiality interest in item 10.2.2 – Award Request for Tender – RFT (03/2024) – Civil Design – Indigo Parkway (SJ4421). The nature of the interest is my friend is an owner and director of JDSI. The extent of the interest is Impartiality interest.

Councillor Nathan Bishop declared an Impartiality interest in item 10.3.8 – Corporate Business Plan Performance Report – January to March 2024 (SJ940-3). The nature of the



interest is Impartiality interest. The extent of the interest is I am a member of the Oakford Bush Fire Brigade, whose future fire station is referred to.

Councillor Nathan Bishop declared an Impartiality interest in item 10.4.2 – Bushfire Advisory Committee (BFAC) Minutes and Discussion Paper – The Impact of Cardup Career Fire Station and then Extension of the Metropolitan Gazetted Fire District (SJ648). The nature of the interest is Impartiality interest. The extent of the interest is the item concerns a report on the impact of Cardup Fire Station on Bush Fire Brigades, including Oakford – of which I am a member.

Councillor Reece Jerrett declared an Impartiality interest in item 10.4.4 – 2023/2024 Major Event Grant Scheme – Round 2 (SJ3296-2). The nature of the interest is Impartiality interest. The extent of the interest is that I am the past President of SJ Food and Farm Alliance – The event organisers of the SJ Food and Farm fest.

Councillor Morgan Byas declared an Impartiality interest in item 10.5.1 – Update of Advocacy for 2025 State and Federal Government Elections (SJ4117). The nature of the interest is Impartiality interest. The extent of the interest is I will be a candidate in the March 2025 State Election.

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

7.1 Ordinary Council Meeting - 15 April 2024

OCM103/05/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Jerrett

That the minutes of the Ordinary Council Meeting held on 15 April 2024 be CONFIRMED (E24/5298).

CARRIED UNANIMOUSLY 7/0

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

Nil.



9. Motions of which notice has been given

| | |
|---|--|
| 9.1 - Notice of Motion - Revocation OCM034/03/24 - Gas gun usage within the areas of Jarrahdale (SJ4376) | |
| Elected Member | Councillor Byas (mover) Councillor Jerrett Councillor Mazzini |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Notice of Motion

In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996* and part 14 of the *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002*, a Notice of Motion was received from Councillor Byas on 17 April 2024 to revoke Council's Resolution OCM034/03/24, made at the Ordinary Council Meeting of 18 March 2024, related to Notice of Motion 9.2 - Gas gun usage within the areas of Jarrahdale. At the time of receiving the Notice of Motion to rescind, Officers had not yet started active work on the relevant Council decision.

Support for the preparation of the Notice of Motion was provided in writing by Councillor Jerrett on 15 April 2024 and Councillor Mazzini on 17 April 2024.

Being a Motion to revoke a decision under Regulation 10 of the *Local Government (Administration) Regulations 1996*, the Notice of Motion is presented in two parts, with Part 2 to be considered by Council in the event that Part 1 is resolved in the affirmative.

The Notice of Motion is

"That Council:

Part 1

1. *REVOKES Council Resolution OC034/03/24 made at the Ordinary Council Meeting on 18 March 2024.*

Part 2

1. *RESOLVES that no further action be taken on the matter; and*
2. *REQUESTS that the Chief Executive Officer discontinues any work commenced on the matter."*



Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 March 2024 - OCM034/03/24 - COUNCIL RESOLUTION / Elected Member Recommendation

That Council REQUESTS the Chief Executive Officer to provide a report within three months of the date of resolution, setting out options and implications for enhanced management of gas gun usage within the areas of Jarrahdale used for commercial orcharding. This should include information on current and historical complaints; how complaints are currently dealt with; approaches utilised by other local governments and; input and recommendations from relevant State Government agencies of DBCA, DPIRD and DWER.

Officer Comment

The Notice of Motion proposes that Officers not undertake any investigation of the options and/or implications of gas gun usage by commercial orchardists. Officers note that the State Government has published two key documents, both updated in 2023, as follows:

1. Best practice guidelines for bird scaring in orchards - noise consideration (**attachment 1**).
2. Best practice guidelines for bird scaring in orchards (**attachment 2**).

Both documents include the statement that *“these guidelines are intended to help fruit and nut growers; residents and local government authorities manage fruit and nut damage by black cockatoos.”*

Officers are of the view that the Shire should be using the best practice guidelines, as a consistent approach to the management of bird scaring approaches in orchards. Officers consider that the guidelines are effective in providing a transparent and consistent framework, to ensure the management of fruit and nut damage from, inter alia, black cockatoos.

As a result, an alternative Officer recommendation is provided, should Council support the revocation motion.

Attachments (available under separate cover)

- **9.1 - attachment 1** - Best practice guidelines for bird scaring in orchards - noise consideration (E24/5410)
- **9.1 - attachment 2** - Best practice guidelines for bird scaring in orchards (E24/5409)

Voting Requirements

Part 1: Absolute Majority (Regulation 10 of the *Local Government (Administration) Regulations 1996*)

Part 2: Simple Majority



Elected Member Recommendation

That Council:

Part 1

1. REVOKES Council Resolution OC034/03/24 made at the Ordinary Council Meeting on 18 March 2024.

Part 2

1. RESOLVES that no further action be taken on the matter; and
2. REQUESTS that the Chief Executive Officer discontinues any work commenced on the matter."

Alternative Officer Recommendation for Part 2:

1. RESOLVES that no further action be taken on the matter; and
2. REQUESTS that the Chief Executive Officer continue to utilise the Department of Biodiversity, Conservation and Assets *Best Practice Guidelines for bird scaring in orchards - noise consideration* and *Best Practice Guidelines for bird scaring in orchards*, as the basis to work collaboratively with the community to ensure best practice use of gas guns.

MOTION / Elected Member Recommendation

Moved Cr Byas, seconded Cr Mazzini

That Council:

Part 1

1. REVOKES Council Resolution OC034/03/24 made at the Ordinary Council Meeting on 18 March 2024.

OCM104/05/24

COUNCIL RESOLUTION

Moved Cr Byas , seconded Cr Duggin

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8:12pm in order to further discuss item 9.1.

CARRIED UNANIMOUSLY 7/0

OCM105/05/24

COUNCIL RESOLUTION

Moved Cr Duggin , seconded Cr Mack

That Standing Orders be reinstated at 8:17pm.

CARRIED UNANIMOUSLY 7/0



OCM106/05/24

MOTION / Elected Member Recommendation

Moved Cr Byas, seconded Cr Mazzini

That Council:

Part 1

- 1. REVOKES Council Resolution OC034/03/24 made at the Ordinary Council Meeting on 18 March 2024.**

MOTION LOST 1/6

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:

Councilor Byas voted FOR the motion.

President Coales, Councillors Bishop, Duggin, Jerrett, Mack and Mazzini voted AGAINST the motion.



9.2 - Notice of Motion – Invitation to the Offroad Vehicle Advisory Committee and Recreational Trailbike Riders Association to present to Council (SJ4376)

| | |
|---|--|
| Elected Member | Councillor Mack |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from Councillor Mack via email on Tuesday, 7 May 2024.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer write to the State Government’s Offroad Vehicle Advisory Committee and to the Recreational Trailbike Riders Association inviting them to present to Council at a future Policy Concept Forum on their current planning and priorities for Offroad Vehicle Trails, including any planning or advocacy opportunities related to the Shire of Serpentine Jarrahdale”.

Relevant Previous Decisions of Council

| |
|---|
| <p><i>Ordinary Council Meeting – 19 December 2016 - OCM219/12/16 - COUNCIL DECISION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Notes, but does not endorse, the recommendations from the Off Road Vehicle Site Working Group meeting held on 17 November 2015.</i> <i>2. Refers the establishment of an Off Road Vehicle area to the Integrated Planning and Reporting Framework process to be prioritised against other community facility projects.</i> <i>3. Dissolves the current Off Road Vehicle Site Working Group and thanks the stakeholders involved for their participation.</i> |
|---|

Officer Comment

The Shire has no plans to progress the development of any trail for off-road riders. In the report to Council at the October 2021 Ordinary Council Meeting regarding the adoption of the Jarrahdale Trails Town Business Case, the following information was provided relating to Trail Bikes and Off-Road Vehicles:

Given the level of response from the off road community, in particular the trail bike community this has been addressed in the business case. Due to a lack of available land and a lack of support from DBCA as the land owner/manager, the business case does not recommend the development of trail bike trails or sanctioned riding areas or trails and recommends a review in ten years and a period of community consultation with residents prior to any decisions being made.

The Shire is currently focusing its time, investment and advocacy on trails through the implementation of the Jarrahdale Trails Town Business Case, specifically the Gooralong Trail Precinct – New Car Park Upgrade - \$750,000 (excl GST) and Jarrahdale Horse Trails - \$1,153,620 (excl GST), which are the subject of a report in the May Ordinary Council Meeting, at item 10.4.3.



Shire Officers are able to undertake the request to write to the State Government's Off-road Vehicle Advisory Committee and to the Recreational Trailbike Riders Association and invite them to present to Council at a future Policy Concept Forum.

As per the notice of motion, this would allow Council to understand both organisations current planning and priorities for Off-road Vehicle Trails, including any planning or advocacy opportunities related to the Shire.

Attachments (available under separate cover)

Nil.

Voting Requirements: Simple Majority

OCM107/05/24

COUNCIL RESOLUTION / Elected Member Recommendation

Moved Cr Mack, seconded Cr Mazzini

That Council REQUESTS the Chief Executive Officer write to the State Government's Offroad Vehicle Advisory Committee and to the Recreational Trailbike Riders Association inviting them to present to Council at a future Policy Concept Forum on their current planning and priorities for Offroad Vehicle Trails, including any planning or advocacy opportunities related to the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 7/0



9.3 - Notice of Motion – Invitation to the Western Australian Local Government Association to present to Council (SJ4376)

| | |
|---|--|
| Elected Member | Councillor Mack |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from Councillor Mack on Monday 6 May 2024.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer write to the Chief Executive Officer of the Western Australian Local Government Association (WALGA), inviting them to present to Council at a future Policy Concept Forum on the costs, functions and services offered by WALGA.”

Relevant Previous Decisions of Council

Nil.

Officer Comment

Officers are supportive of the proposed Notice of Motion as it provides an opportunity for the organisation that represents and supports local governments in Western Australia to provide an overview of what it can offer to the Shire.

In 2023-24, the annual subscription fee the Shire paid to WALGA was \$62,475.28 (incl. GST). This included the Association Subscription and other subscription services including, CouncilConnect, Employee Relations, Procurement, Tax Services, Local Laws, and LG Complete Guide.

Attachments (available under separate cover)

Nil.

Voting Requirements: Simple Majority

OCM108/05/24

COUNCIL RESOLUTION / Elected Member Recommendation

Moved Cr Mack, seconded Cr Duggin

That Council REQUESTS the Chief Executive Officer write to the Chief Executive Officer of the Western Australian Local Government Association (WALGA), inviting them to present to Council at a future Policy Concept Forum on the costs, functions and services offered by WALGA.

CARRIED UNANIMOUSLY 7/0

**9.4 - Notice of Motion - Establishment of a Shire of Serpentine Jarrahdale Youth Advisory Council (SJ4376)****Elected Member**

President Coales

Disclosure of Officers Interest:No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.**Notice of Motion**

A Notice of Motion was received from President Coales on Tuesday, 30 April 2024.

The Notice of Motion is "That Council REQUESTS the Chief Executive Officer investigate options for the establishment of a Shire of Serpentine Jarrahdale Youth Advisory Council and present the options and resourcing requirements to Council at a future Policy Concept Forum."

Relevant Previous Decisions of Council

Nil.

Officer Comment

A Youth Advisory Council (YAC) is a group of young people that actively advise their local government authority on matters pertinent to youth. Topics may include youth events and activities, providing input on facility upgrades/builds, or providing guidance on consultation methods and information dissemination to youth and their families.

These forums provide young people with a means of coming together to generate ideas and make decisions about matters that affect them in their local community. It also provides a learning opportunity for young people and encourages greater participation from youth in a variety of local government initiatives.

The format of a YAC (such as frequency of meetings, membership ages, objectives and tenure) vary from Council to Council, subject to a range of factors within the local area.

The supervision of participants/minors, guardian permission requirements and meeting other child safe practices as outlined in *Council Policy 5.1.16: Child Safety and Wellbeing*, also need to be taken into account when forming this valuable network, with consideration to appropriate Shire resourcing for mentoring, administration and implementation support, essential in assisting the YAC to drive initiatives from identification through to completion.

To implement a YAC will require additional resources to facilitate and administer and Officers expect that priority initiatives will emanate from the group which will also require additional organisational resources to implement.

Officers are able to progress with investigating options for a YAC, with key considerations and resourcing requirements to be presented back to Council at a future Policy Concept Forum.

Attachments (available under separate cover)

Nil.



Continued

**Ordinary Council Meeting Minutes
Monday, 20 May 2024**

Voting Requirements: Simple Majority

OCM109/05/24

COUNCIL RESOLUTION / Elected Member Recommendation

Moved President Coales, seconded Cr Mack

That Council REQUESTS the Chief Executive Officer investigate options for the establishment of a Shire of Serpentine Jarrahdale Youth Advisory Council and present the options and resourcing requirements to Council at a future Policy Concept Forum.

CARRIED UNANIMOUSLY 7/0



9.5 - Notice of Motion – The Glades at Byford Lake - Pedestrian Overpass

| | |
|---|--|
| Elected Member | Councillor Mazzini |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from Councillor Mazzini on 7 May 2024.

The Notice of Motion is:

“That Council REQUESTS the Chief Executive Officer, as part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council for the installation of partial covering over the grated section of the walkway located within The Glades at Byford Lake pedestrian overpass with a material that is more suitable to safe pedestrian and animal traffic.”

Relevant Previous Decisions of Council

Nil.

Officer Comment

The Glades at Byford Lake is located at the corner of Doley Road and Gallant Turn in Byford. Construction of the lake was undertaken by the developer of The Glades Estate, with construction commencing in the later part of 2013 and completed in early 2014. The lake forms part of a Public Open Space Reserve, all of which is under the care and management of the Shire.

The lake is constructed in two parts, separated by a concrete and limestone block weir. The weir exists to control water levels between the two sections of the lake. A pedestrian overpass has also been constructed over the centre of the lake which enables pedestrians to cross the lake from the south side to the north side and visa versa.

The walkway is constructed over the weir, and its surface over the weir consists of a 2.6m wide x 9m long section of steel grate which pedestrians are required to walk on. The steel grate exists for the inspection of the weir structure and for ease of access to undertake maintenance and cleaning of the weir. The remainder of the walkway each side of the grate is constructed of concrete.

This Notice of Motion proposes that a Business case be prepared for consideration of funding for the installation of partially covering over the grated section of the walkway with a material more suitable to safe pedestrian and animal traffic.

If resolved Officers will investigate the following treatment options for inclusion in the Business Case:

- The first option is the installation of steel chequered plate, 600mm in width for the 9m length of the grate.
- The second option is the installation of timber planks, total 600mm in width also, over the 9m length.



Continued

**Ordinary Council Meeting Minutes
Monday, 20 May 2024**

Attachments (available under separate cover)

Nil.

Voting Requirements: Simple Majority

OCM110/05/24

COUNCIL RESOLUTION / Elected Member Recommendation

Moved Cr Mazzini, seconded Cr Duggin

That Council REQUESTS the Chief Executive Officer, as part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council for the installation of partial covering over the grated section of the walkway located within The Glades at Byford Lake pedestrian overpass with a material that is more suitable to safe pedestrian and animal traffic.

CARRIED UNANIMOUSLY 7/0



9.6 - Notice of Motion – Community Debrief for the Keysbrook Fire Incident (SJ4376)

| | |
|---|--|
| Elected Member | Councillor Byas |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from Councillor Byas on Sunday, 12 May 2024.

The Notice of Motion is *“That Council:*

1. *REQUESTS that the Chief Executive Officer organise and conduct a community debrief session on the December 2023 Keysbrook fire (Hopeland Road fire - 22 December 2023), with the involvement of all relevant stakeholders, including the local emergency services, the Shire’s Bushfire Awareness Team, and affected community members.*
2. *REQUESTS that this debrief session addresses specific concerns raised by the community regarding access control during the incident and gathers comprehensive feedback on the emergency response efforts.*
3. *ENSURES that the debriefing session is completed by the end of July 2024 and that findings and lessons learned are documented and presented in a report to Council at the August 2024 Ordinary Council Meeting.”*

Relevant Previous Decisions of Council

Nil.

Officer Comment

A fire was reported in Keysbrook at 11:36 on 22 December 2023, declared Level 2 at 13:15 and subsequently downgraded to Level 1 at 18:00 23 December 2023. This was Incident Number 652329 – Keysbrook Bushfire.

The fire ran through open paddocks used for agriculture, and scrub, with high rates of spread and was stationary by the evening of 22 December 2023. The total area burnt was 832 hectares, within the area bounded by Elliott Rd to the North, Hopeland Rd to the West, Atkins Rd to the East and Readheads Rd to the South. The fire burnt predominantly through the Shire of Murray, as contained in the map at **attachment 1**.

Key impacts were as follows:

- Fencing damage requiring replacement, coordinated through landowner insurances.
- Loss of 2x structures and other production assets within a mining lease area, requiring replacement through landowner insurances.
- Western Power reported six HV poles and eight LV poles were destroyed by fire. Work commenced 23 December 2023, and continued 24 December 2023 to replace impacted poles and restore power to affected customers. The Western Power website indicates power was restored to all affected customers effective 20:31, 23 December 2023.



The emergency affected both Shire of Serpentine Jarrahdale residents and Shire of Murray residents. Debrief activities were recommended to occur collaboratively between the two local government areas, noting the following:

- Due to the operational tempo of the preceding week, volunteer resources were limited based on fatigue.
- The incident required a continued presence through Christmas Day and Boxing Day to maintain containment. Due to the holiday period, volunteer and other resources had limited availability immediately following the incident.
- The damage and impacts did not identify a need to activate significant formal recovery activities.

Based on the above, internal debrief activities for the Shire of Serpentine Jarrahdale were held by Officers on 11 January 2024 and 12 February 2024. These meetings identified the following community debrief opportunities for Shire of Serpentine Jarrahdale residents:

- Attendance by relevant Shire Officers at the monthly Keysbrook Community catch up (2 February 2024). Being a pre-established community meeting, it afforded the timeliest option to meet with affected residents within the Shire and hear feedback.
- Community Recovery Event proposed for April 2024, to be led by the Shire of Murray with support and input from the Shire.

This approach was recommended given the number of SJ residents impacted was significantly lower than the number of Murray residents impacted, with affected Serpentine Jarrahdale residents pastoralists and farmers, and Murray's residential land owners.

Shire Officers were subsequently contacted by the Shire of Murray on 3 April 2024 indicating that their priority was to conduct community engagement with the southern portion of their Shire as a result of the recent Bushfires in the Waroona area, with no further proposal for an event relevant to the Keysbrook Bushfire.

Shire of Serpentine Jarrahdale - Community Debrief Feedback

At the Keysbrook community meeting on 2 February, feedback on the following matters were provided to Shire Officers:

| Feedback | Officers Response / Actions Implemented |
|--|---|
| Incident road closures limited the ability for farm response vehicles and land owners to actively combat the fire. | <p>Road closures are implemented as a critical safety measure for fire services and residents.</p> <p>It was recognised that police manning roadblocks on the day of the incident are not always aware of the Response Vehicle Identifier scheme.</p> <p>Shire Officers have developed a Western Australian Traffic Management Aide Memoire to support incident management and police at future emergency incidents, as at attachment 2.</p> |
| Farm units that responded to the fire were not supported by the fire services managing the fire. | Shire Emergency Services have engaged with farm responders through local Fire Control Officers since the |



| Feedback | Officers Response / Actions Implemented |
|---|--|
| | <p>Keysbrook incident, resulting in the issue of approximately 12 additional Fire Response Vehicle Identifiers.</p> <p>Farm responders have also been issued with reference material and instructions, including how to engage with Incident Management at incidents such as the Keysbrook incident.</p> |
| Why was there damage to pasture and other assets during the mop up? | <p>To ensure bushfires remain contained and controlled, effective mop up must be completed. The minimum standards for mop up include (from DFES Standard Operating Procedure 3.5.1):</p> <ul style="list-style-type: none">• Fire perimeter blacked out.• All burning trees extinguished or removed within 100m of perimeter.• Mineral earth break constructed around the perimeter. <p>Mineral earth breaks were constructed along the fires edge in pasture at the Keysbrook fire to contain the fire and restrict the possibility of the fire breaking out, which would lead to further loss of pasture and other assets.</p> |
| The evacuation centre was difficult to access due to road closures. | <p>Noted. The evacuation centre was opened in response to DFES emergency warning advice that an Evacuation Centre located at the SJ Community Recreation Centre in Byford would be available.</p> <p>In subsequent debrief activities it has been noted an Evacuation Centre to the South of the incident may have been more effective or better utilised.</p> <p>Evacuees were able to get to the Evacuation Centre, however the travel distance was further than southern locations.</p> <p>Consultation between Shire Evacuation Centre Officers, Department of Communities and the Incident Control Group occurs for every incident to identify the most appropriate Evacuation Centre location.</p> |

All actions identified in response to feedback provided by Keysbrook residents have been actioned by Officers. However, a Community Debrief would provide the opportunity for the Shire to report back to the community on the feedback received and actions taken.

Additional actions identified by Officers through the debrief activities were noted at the Local Emergency Management Committee (LEMC) meeting held on 12 March 2024, and the minutes of the meeting are contained at **attachment 3**. The LEMC minutes are scheduled for presentation to Council at the June OCM.



The additional actions identified by Officers are as follows:

- Develop a communication process with the Rangers team for future emergencies.
- Explore the feasibility of restricted access permits for emergency situations, both in hard copy and electronic formats.
- Consider conducting a training exercise.
- Investigate options for emergency resource storage and potential grants.
- Establish a streamlined process for the distribution of the master key for the Recreation Centre during the activation of the Emergency Evacuation Centre.

No further comment or suggestions were received from LEMC members. Each of the above actions are either complete or in progress.

Attachments (available under separate cover)

- **9.6 - attachment 1** - Keysbrook Bushfire Map (E24/6577)
- **9.6 - attachment 2** - Western Australian Traffic Management Aide Memoire (E24/6578)
- **9.6 - attachment 3** - Local Emergency Management Committee Meeting Minutes - 12 March 2024 (E24/3998)

Voting Requirements: Simple Majority

Elected Member Recommendation

That Council:

1. REQUESTS that the Chief Executive Officer organise and conduct a community debrief session on the December 2023 Keysbrook fire (Hopeland Road fire - 22 December 2023), with the involvement of all relevant stakeholders, including the local emergency services, the Shire's Bushfire Awareness Team, and affected community members.
2. REQUESTS that this debrief session addresses specific concerns raised by the community regarding access control during the incident and gathers comprehensive feedback on the emergency response efforts.
3. ENSURES that the debriefing session is completed by the end of July 2024 and that findings and lessons learned are documented and presented in a report to Council at the August 2024 Ordinary Council Meeting.



OCM111/05/24

COUNCIL RESOLUTION / Alternate Officer Recommendation

Moved Cr Byas, seconded Cr Jerrett

That Council:

- 1. NOTES the community engagement activities and internal debrief meetings and actions that have occurred following the December 2023 Keysbrook fire (Incident Number 652329 – Keysbrook Bushfire) as contained in the comment section of this report.**
- 2. REQUESTS that the Chief Executive Officer organise and conduct a community debrief session on the December 2023 Keysbrook fire (Hopeland Road fire - 22 December 2023), with the involvement of all relevant stakeholders, including the local emergency services, the Shire's Bushfire Awareness Team, and affected community members.**
- 3. REQUESTS that this debrief session:**
 - i. addresses specific concerns raised by the community regarding access control during the incident and gathers comprehensive feedback on the emergency response efforts.**
 - ii. Provides an opportunity for the Shire to report back actions completed and lessons learnt.**
- 4. ENSURES that the debriefing session is completed by the end of July 2024 and that findings and lessons learned are documented and presented in a report to Council at the August 2024 Ordinary Council Meeting.**

CARRIED UNANIMOUSLY 7/0



9.7 - Notice of Motion - Reducing Local Government Red Tape - Simplified Trading Partnership

| | |
|---|--|
| Elected Member | Councillor Byas |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from Councillor Byas on 12 May 2024.

The Notice of Motion is:

“That Council:

1. REQUESTS the Chief Executive Officer conducts a structured consultation with registered food trucks and street vendors within the Shire of Serpentine Jarrahdale to identify:
 - a. opportunities for improving and streamlining the Shire’s licencing and permits process;
 - b. opportunities for improving and streamlining Council Policy 4.4.2. - Mobile Food Vendors; and
 - c. other topics and areas of improvement as determined by the Chief Executive Officer.
2. REQUESTS that the Chief Executive Officer consult with neighbouring Local Governments to explore opportunities to create a Simplified Trading Partnership Permit arrangement, with the goal of reducing red tape and promoting greater ease of movement between our Local Government Areas.
3. REQUESTS the Chief Executive Officer bring the findings of the above to a Policy Concept Forum, before formalising recommendations in a report to Council, to be presented no later than the August 2024 Ordinary Council Meeting.”

Relevant Previous Decisions of Council

There are no previous decision of Council relation to this matter.

Officer Comment

The Notice of Motion proposes tasks as part of undertaking a review of how the Shire manages its registered food trucks and street vendors. These tasks include:

1. structured consultations with registered food trucks and street vendors specific to:
 - identifying opportunities for improving/streamlining licencing and permitting processes;
 - identifying opportunities for improving/streamlining existing Council Policy 4.4.2; and
 - identifying any other topics and areas for improvement.
2. consultation with neighbouring local governments as to the opportunities for a Simplified Trading Partnership Permit arrangement being introduced, which is currently a program in operation in Canning, Gosnells and Victoria Park. This program facilitates mobile food vendors attending approved events in these local governments only, by way of a one-off Permit and an annual fee.



3. a presentation to a Policy Concept Forum as to findings, and recommendations arising; and
4. subsequent reporting back to Council.

Officers note the increasing popularity of mobile food vendors not only within the Shire, but across many community environments where concentrations of customers exist, or could be pursued. While research continues as to the reasons for such popularity, there are some noted observations including:

- people liking convenience, especially in newly growing areas whereby the market may not have responded in the form of traditional bricks and mortar food service provision;
- people liking variety, insofar as the ability for different vendors to bring in their own experience into communities;
- people liking a degree of affordability;
- people liking place activation, with popular vendors often attracting visitors to areas that otherwise would not take place; and
- people liking flexibility and adaptability, for example in being able to have offerings which are up to date with consumer trends.

The above could be seen as beneficial in certain circumstances. However, there could also be some noted concerns with the ongoing rise of such offerings, and how this could impact other aspects of the local economy. For example:

- impacts on bricks and mortar business provision, due to the real or perceived 'uneven' competitive environment that exists. For example, the higher upfront set up costs of land and buildings, likely driving an increased marginal cost of producing, vs lower upfront costs that mobile food vendors may experience;
- broader impacts on the viability of town centres in the community, which rely on food and beverage offerings to sustain a vibrant area, which helps anchor other retail and commercial uses;
- potential loss of supply chains with local farm / food producers, who otherwise could supply more permanent businesses like those offered through bricks and mortar set ups.

In order to ensure a balanced analysis, Officers recommend a slightly modified recommendation.

Attachments (available under separate cover)

Nil.



Voting Requirements: Simple Majority

Elected Member Recommendation

That Council:

1. REQUESTS the Chief Executive Officer conducts a structured consultation with registered food trucks and street vendors within the Shire of Serpentine Jarrahdale to identify:
 - a. opportunities for improving and streamlining the Shire's licencing and permits process;
 - b. opportunities for improving and streamlining Council Policy 4.4.2. - Mobile Food Vendors; and
 - c. other topics and areas of improvement as determined by the Chief Executive Officer.
2. REQUESTS that the Chief Executive Officer consult with neighbouring Local Governments to explore opportunities to create a Simplified Trading Partnership Permit arrangement, with the goal of reducing red tape and promoting greater ease of movement between our Local Government Areas.
3. REQUESTS the Chief Executive Officer bring the findings of the above to a Policy Concept Forum, before formalising recommendations in a report to Council, to be presented no later than the August 2024 Ordinary Council Meeting.

Alternate Officer Recommendation

That Council:

1. REQUESTS the Chief Executive Officer conducts a structured consultation with local retail food businesses, registered food trucks and street vendors within the Shire of Serpentine Jarrahdale to identify:
 - a. the most suitable locations and operational options for food trucks and street vendors, including length of stay, hours of operation and distance from competitors;
 - b. opportunities for improving, updating and/or streamlining the Shire's licencing and permits process;
 - c. opportunities for improving, updating and/or streamlining Council Policy 4.4.2. – Mobile Food Vendors; and
 - d. other topics and areas of improvement as determined by the Chief Executive Officer.
2. REQUESTS that the Chief Executive Officer consult with the Cities of Gosnells, Canning and Town of Victoria Park to explore opportunities to potentially participate in their Simplified Trading Partnership Permit arrangement, which would involve Shire based mobile food vendors being able to attend approved events put on by those local governments, and the same being able to occur for Shire events.
3. REQUESTS the Chief Executive Officer bring the findings of the above to a Policy Concept Forum, before formalising recommendations in a report to Council, to be presented no later than the October 2024 Ordinary Council Meeting



OCM112/05/24

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Bishop

That Council:

- 1. REQUESTS the Chief Executive Officer conducts a structured consultation with local retail food businesses, registered food trucks and street vendors within the Shire of Serpentine Jarrahdale to identify:**
 - a. the most suitable locations and operational options for food trucks and street vendors, including length of stay, hours of operation and distance from competitors;**
 - b. opportunities for improving, updating and/or streamlining the Shire's licencing and permits process;**
 - c. opportunities for improving, updating and/or streamlining Council Policy 4.4.2. – Mobile Food Vendors; and**
 - d. other topics and areas of improvement as determined by the Chief Executive Officer.**
- 2. REQUESTS that the Chief Executive Officer consult with neighbouring Local Governments to explore opportunities to create a Simplified Trading Partnership Permit arrangement, with the goal of reducing red tape and promoting greater ease of movement between our Local Government Areas.**
- 3. REQUESTS the Chief Executive Officer bring the findings of the above to a Policy Concept Forum, before formalising recommendations in a report to Council, to be presented no later than the October 2024 Ordinary Council Meeting.**

CARRIED UNANIMOUSLY 7/0



10. Chief Executive Officer reports:

Presiding Member, President Coales proposed a change to the order of the business to bring forward consideration of item 10.4.4 to be the next matter considered.

OCM113/05/24

COUNCIL RESOLUTION

Moved Cr Jerrett , seconded Cr Mack

That Council, in accordance with clause 3.4(2) of the *Standing Orders Local Law 2002 (as Amended)*, a change to the order of business, item 10.4.4 be brought forward to be considered.

CARRIED UNANIMOUSLY 7/0

Councillor Reece Jerrett declared an Impartiality Interest in item 10.4.4.

| | |
|---|--|
| 10.4.4 - 2023/2024 Major Event Grant Scheme - Round 2 (SJ3296-2) | |
| Responsible Officer: | Manager Community Activation |
| Senior Officer: | Director Community Engagement |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the Major Event Grant 2023/24 Round Two grant applications and approve or decline community funding allocations.

Relevant Previous Decisions of Council

| |
|---|
| <p><i>Ordinary Council Meeting – 12 December 2022 - OCM323/12/22 – COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>NOTES the 2022 Major Grant acquittal from the Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest held in November 2022.</i> 2. <i>APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2023, to the value of \$20,000 ex GST; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4;</i> |
|---|



3. *APPROVES in-kind support of a skin (fabrication and install) of Freeway Billboards (approximate value \$8,000 ex GST); and fee waiver up to the value of \$4,000 ex GST in accordance with 6.12 of the Local Government Act 1995; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4;*
4. *APPROVES the request from Serpentine Jarrahdale Food and Farm Alliance Inc for three year funding to the Food and Farm Fest event, subject to Council acceptance and endorsement of the annual acquittal reports, required to continue with funding commitments.*
5. *REQUESTS the Chief Executive Officer advise Serpentine Jarrahdale Food and Farm Alliance Inc of outcomes relevant to their Major Event application.*

*Ordinary Council Meeting – 11 April 2022 - OCM080/04/22 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council:

1. *ACCEPTS the 2021 event acquittals from Lion's Club of Serpentine Jarrahdale and Serpentine Jarrahdale Food and Farm Alliance Inc.*
2. *DOES NOT ENDORSE release of 2022 event funding to the Lion's Club of Serpentine Jarrahdale, due to notification from the Club that the 2022 event has been cancelled and make the allocation available for Round Two of the 2021/22 Major Event Grant Scheme.*
3. *ACKNOWLEDGES that the event funding for the 2023 Jarrahdale Log Chop and SJ Lion's Country Fair remains committed in accordance with currently endorsed Major Event Grant Scheme allocations for the Lion's Club of Serpentine Jarrahdale.*
4. *REQUESTS Chief Executive Officer work with the Lion's Club of Serpentine Jarrahdale in the lead up to the 2023 Jarrahdale Log Chop and SJ Lion's Country Fair, providing support that is consistent with their submitted Strategic Plan for the event, including budget considerations and pre and post evaluation processes.*
5. *ENDORSES release of funds to the Serpentine Jarrahdale Food and Farm Alliance Inc for the 2022 SJ Food and Farm Fest scheduled for November.*

*Ordinary Council Meeting – 15 November 2021 – OCM327/11/21 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council:

1. *APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2022, to the value of \$19,987ex GST subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 3;*

Background

Council Policy 5.1.7- Community Funding Policy includes the Major Event Grant Scheme. This scheme provides an opportunity for community organisations to apply for grants of between \$5,000 and \$20,000 (ex GST), to deliver a community, sporting, or cultural event in the Shire, where the event is of significance to the Shire of Serpentine Jarrahdale community and/or draws residents from the Shire, the Peel Region, and surrounds.

The Major Event Grant Scheme allows community groups to apply for annual funding for up to a three-year period, subject to Council acceptance and endorsement of the applicant's acquittal reports each year.



These are required to continue with the pre-endorsed funding commitments, ensuring delivery each year aligns with the original application and Council and community expectations as outlined in the original application.

2023/24 Major Event Grant Scheme - Round 2

Four applications were received for Round 2 of the 2023/2024 Major Event Grant Scheme. A summary of the Assessment Process for all applications is provided as **attachment 1**, with the application values requested provided in Table 1 below.

| Applicant (Attachment) | Event | Value Requested (ex GST) | 3-year Funding Requested |
|---|---|-----------------------------|--------------------------|
| Lion's Club of Serpentine Jarrahdale (CONFIDENTIAL attachment 2). | Jarrahdale Log Chop & Lion's Country Fair | \$20,000.00 | Yes |
| Byford Carols Inc. (CONFIDENTIAL attachment 3). | 2024 Byford Carols | \$16,259.90 | No |
| Centrepont Church (CONFIDENTIAL attachment 4). | 2024 Celebration of Christmas | \$19,999.70 | Yes |
| Jarrahdale Community Collective - Perth Trail Series (CONFIDENTIAL attachment 5). | 3 x Perth Trail Series Events: <ul style="list-style-type: none"> • Truth or Consequences • Sly Fox • Snakes and Ladders | \$20,000.00 | Yes |
| Total Value Requested | | \$76,259.60 | |

Table 1: Summary of Applications Values received for Round 2, 2023/24 Major Event Grant Scheme.

Current 3-Year Agreements and Acquittals

In Round 1 of the 2022/2023 Major Event Grant Scheme, Council endorsed a 3-year agreement with the Food and Farm Alliance for the Food and Farm Fest. The status of this Agreement is as follows:

| Major Event Grant Round | Value | Comment |
|-------------------------|----------|---|
| 2022/2023 – Round 1 | \$20,000 | 3-year funding request endorsed by Council (OCM323/12/22). Year 1: 6 May 2023 - COMPLETE (Acquittal included as CONFIDENTIAL attachment 5). Year 2: 2024 (Event not proceeding). Year 3: 2025 (Subject to outcomes of this report). |



The 2023 Jarrahdale Log Chop and Country Fair hosted by Lion's Club of Serpentine Jarrahdale was the final event delivered under their 3-year funding agreement. The 2023 acquittal for this event is included as **CONFIDENTIAL attachment 6**, and the Lion's Club of Serpentine Jarrahdale have submitted an application this round that includes a further 3-year funding request.

When Council received the last acquittal from the Lion's Club of Serpentine Jarrahdale, there were gaps in data collection and that some expectations indicated in the original application were unmet, particularly how community benefit and community collaboration was achieved and measured. Assistance throughout the 2023 event has been provided by Shire Officers and whilst improvements have been noted in the detail provided for the 2023 acquittal, the acquittal and 3-year business plan has still taken some time to finalise to the required standard.

Budget Allocation – 2023/2024 Major Event Grant Scheme Round 2

Council has set a budget of \$75,000 for Major Event Grants in 2023/2024. \$75,000 remains to be allocated, as no Major Event grant funding was allocated in Round 1 and Round 2 is the final Round for this financial year.

Community / Stakeholder Consultation

All applications received were discussed with Officers prior to submission, with advice and guidance provided on eligibility and information to be submitted.

Statutory Environment

Recommendations within this report are consistent with:

- Council Policy 5.1.7 - Community Funding Policy.
- Council Policy 5.1.14 – Community Contributions.

Comment

Applications received for the Major Event Grant Scheme are assessed by an internal panel of Officers prior to presentation to Council.

The applications are subject to the following assessment process in order to derive a recommendation for Council that considers holistically all requirements of the Shire in supporting an application:

- Eligibility
- Funding criteria
- Priority

The final Officer recommendation following the above Major Event Grant Panel Assessment process is summarised as follows, with more descriptive detail included in **attachment 1**:



| Applicant 1 <i>Event</i> | Value Requested (ex GST) | Value Recommended (ex GST) | Officer Comment |
|--|-------------------------------|--|---|
| Lion's Club of Serpentine Jarrahdale <i>Jarrahdale Log Chop & Lion's Country Fair</i> | \$20,000.00 | \$20,000.00 | <p>The Jarrahdale Log Chop and Country Fair is recognised as a significant event on the annual Serpentine Jarrahdale calendar and is recommended by Officers for funding in 2024.</p> <p>3 years of funding is recommended to be conditionally approved in-line with Policy requirements.</p> <p>Discussions by the panel also highlighted the importance of ensuring all duties and responsibilities of the Shire continue to be achievable in order for the event to be delivered successfully, safely and with great public participation:</p> <p><u>Regulatory role:</u> Public Health requirements for Events of this scale, are increasingly challenging. Resourcing by Lion's will need to continue to increase in future years, in line with the scale of event. Ensuring appropriate staffing and risk safety measures are implemented annually remain essential and appropriate recording of information for new volunteers assisting event delivery continues to be important.</p> <p><u>Property owner:</u> The venue (Jarrahdale Oval) has</p> |
| | 3 Year Funding Request | 3 Year Funding Recommendation | |
| | Yes | Approve Officers recommend that specific detail be included in the funding Agreement with the Lion's Club of Serpentine Jarrahdale, prompting improved reporting and pre-planning processes to ensure ongoing necessities for safe event delivery are achieved in a timely and efficient manner. These conditions would be mandatory for release of subsequent year funding as outlined in attachment 1 . | |



| | | | |
|--|--|--|--|
| | | | <p>aging amenities and is challenging for Event organisers to adequately cater for the crowds and traffic movements of the event. Ongoing budget (renewal) considerations are required to ensure the site is at a Fit-for-Purpose standard when accepting the booking for the event, as also relevant to Public Liability requirements.</p> <p>The panel noted these 2 factors in particular, being ongoing essential considerations that may influence ability for Lion's to deliver on the application detail submitted.</p> |
|--|--|--|--|

| Applicant 2 Event | Value Requested (ex GST) | Value Recommended (ex GST) | Officer Comment |
|------------------------------|-------------------------------------|---------------------------------------|---|
| Byford Carols Inc. | \$16,259.90 | \$16,259.90 | <p>This is a long-standing event delivered collaboratively within the Shire, the group have demonstrated ongoing ability to successfully deliver the event.</p> <p>Committee representatives consist of 6 different local organisations, with Heritage FM, local schools and volunteer bush fire brigades also listed to be involved.</p> <p>The value requested was considered consistent with the scale of activities proposed for the event.</p> |
| | 3 Year Funding Request | 3 Year Funding Recommendation | |
| 2024 Byford Carols | No | N/A | |



| Applicant 3 Event | Value Requested (ex GST) | Value Recommended (ex GST) | Officer Comment |
|-------------------------------|-------------------------------------|---------------------------------------|--|
| Centrepoint Church | \$19,999.70 | \$11,619 | <p>Centrepoint Church have demonstrated an ability to deliver a community Christmas event over the past few years, having received smaller contributions from the Shire via the General Grant Scheme.</p> <p>This Major Event Grant request is the first received in this Scheme, with the Panel noting that this represents an increase in the Shire's overall investment to community Christmas events - occurring predominantly in a 2-to-3-week period throughout December. The activities proposed by Centrepoint Church were also considered to be largely a duplication of events/activities that have historically been delivered by other organizations in this same December period, including the Byford Christmas Carols (application also received this round).</p> <p>Specifically, the Centrepoint Church application has indicated an extension of their ordinary Christmas Festival activities to include a Carols component in 2024.</p> <p>Officers discussed with the 2 x Major Event applicants the possibility of working collaboratively to deliver 1</p> |
| | 3 Year Funding Request | 3 Year Funding Recommendation | |
| 2024 Celebration of Christmas | Yes | Decline | |



| | | | |
|--|--|--|--|
| | | | <p>x Major Event. The intent was to achieve cost efficiencies across both applications, for improved value for Shire/ratepayer investment in Christmas activities. The response from applicants was a preference to retain 2 x events.</p> <p>On this basis, Officers recommend funding the Centrepoint Church event to the value of \$11,619 ex GST, which excludes the AV and staging component associated with the Carols activities. This was considered to be a duplication of events/investment by the Shire.</p> <p>The Centrepoint Church application outlines an ability to deliver the event without the requested contribution from Council and scored lower than other applications in the Assessment Process.</p> |
|--|--|--|--|

| Applicant 4 Event | Value Requested (ex GST) | Value Recommended (ex GST) | Officer Comment |
|--|-------------------------------------|---|---|
| Jarrahdale Community Collective - Perth Trail Series | \$20,000 | Recommend sponsorship to the value of \$6,700 ex GST (equivalent value of 1 x event) under <i>Council Policy 5.1.14 – Community Contributions</i> | The panel deemed this application to be inconsistent with the intent of the Major Event Grant Scheme, as although Jarrahdale Community Collective have agreed to auspice the funds (making it an eligible application under the policy), ultimately these funds are transferred |
| <i>3 x Perth Trail Series Events:</i> | 3 Year Funding Request | 3 Year Funding Recommendation | |



Ordinary Council Meeting Minutes Monday, 20 May 2024

| | | | |
|---|-----|--|--|
| <ul style="list-style-type: none">• <i>Truth or Consequences</i>• <i>Sly Fox</i>• <i>Snakes and Ladders</i> | Yes | Decline Outcomes of the event following first year of funding is recommended to occur prior to endorsement of a 3-year funding agreement. | <p>to Perth Trails Series, who would otherwise be ineligible as a Private Company.</p> <p>The application is missing information (such as quotes to support the values stated within their funding request) that all applicants are requested to submit, despite multiple attempts by Officers for further information to be received.</p> <p>This has resulted in a low score for their application despite the overall objective of their event and alignment to Council Plan being sound, being strongly acknowledged by the Panel that there is significant benefit to the Shire in attracting and hosting activities such as those delivered by the Perth Trail Series.</p> <p>As a result of the panel discussions, it was recommended that the application be considered under <i>Council Policy 5.1.14 – Community Contributions</i> as a Sponsorship opportunity. Corporate/commercial entities are eligible to apply under this scheme, which the Panel considered to be a more transparent and equitable process for all current and future Major Event Scheme applicants.</p> <p>Officers have undertaken an assessment of the application against <i>Council Policy 5.1.14 – Community Contributions</i>, included as</p> |
|---|-----|--|--|



| | | | part of attachment 1 . The final recommendation for this application is to provide an Outgoing Sponsorship to the value of \$6,700 ex GST, being equivalent to 1 event only (\$20,000 request ÷ 3 events). |
|--------------------------------|---|---------------------------------------|--|
| Applicant 5 Event | Value Requested (ex GST) | Value Recommended (ex GST) | Officer Comment |
| Food and Farm Alliance | \$20,000 | \$20,000 | <p>The May 2023 event coordinated by the Food and Farm Alliance provided significant exposure to the Shire of Serpentine Jarrahdale with the acquittal detail demonstrating the impressive growth and reach of the event.</p> <p>Whilst the event was cancelled on the day due to extreme inclement weather conditions, which was incredibly disappointing for the organisation and their volunteers, Officers recognise that for the safety of all involved this was the most appropriate action.</p> <p>Officers note the Committee's decision not to host a 2024 event, rather focusing on preparations for the 2025 event that will provide improved lead-in times for coordination requirements.</p> <p>Officers support Council endorsing release of funds for the 2025 event, being</p> |
| | 3 Year Funding Request | 3 Year Funding Recommendation | |
| <i>2025 Food and Farm Fest</i> | 2025 Event would be final event under current 3-year funding agreement. | N/A | |



| | | | |
|---|--|--------------------|--|
| | | | the last year of the current 3-year Agreement. |
| Total Major Event Grant Value Recommended (4300-15422-6276-0000) | | \$67,878.90 | |
| Total Sponsorship Value Recommended (4300-15507-6276-0000) | | \$6,700.00 | |

Additional In-Kind Contribution Request - Jarrahdale Log Chop & Lion's Country Fair

In February 2024, Shire Officers met with the Lion's Club of Serpentine Jarrahdale Committee members to discuss the planning of their 2024 event. As part of the discussions, it was discussed the Shire could provide in-kind contribution through the installation of a Freeway Billboard, similar to how the Shire supported the SJ Food and Farm Alliance with promotion of their 2023 event. The Lion's Club of Serpentine Jarrahdale Committee indicated they would welcome any additional support to help promote their event.

A recent quote for reskinning the freeway billboards managed by the Shire was \$11,583.00 which includes traffic management, anti-graffiti, removal, supply, and installation. Given the signage would be for event, the Shire would then also have to re-skin the freeway billboard immediately after the event, incurring another \$11,583.00. This would require Council allocating \$23,000 in the 2024/25 Budget for this to occur.

As an alternative, the Shire could provide in-kind contribution through providing a Variable Message Board, subject to availability, which could be used by the Lion's Club of Serpentine Jarrahdale to promote their event for a set period in the lead up to the 2024 event. This option is recommended by Shire Officers in accordance with *Council Policy 5.1.14 - Community Contributions*:

In-kind Contribution

In-kind Contributions refer to the provision of Shire equipment, services, or products free of charge. These contributions represent a cost to the Shire, however there is no set charge articulated within the Schedule of Fees and Charges. Examples of in-kind contributions include but are not limited to:

- *Use of equipment.*
- *Officer time.*
- *Engineered drawings.*
- *Project management.*

In-kind contributions may be made by the Shire where there is a significant community benefit associated with the request, and a financial contribution does not represent best value for money or obtain the most desirable outcome.



Options

Option 1

That Council:

1. NOTES the Major Event Grant acquittals received from:
 - The Serpentine Jarrahdale Food and Farm Alliance Inc for the 2023 Food and Farm Fest held May 2023; and
 - The Lion's Club of Serpentine Jarrahdale for the 2023 Jarrahdale Log Chop and Country Fair held October 2023.
2. APPROVES Major Event Grant funding in Round 2 of the 2023/2024 Major Event Grant Scheme consistent with provisions within *Council Policy 5.1.7 - Community Funding Policy* as follows:

| Applicant | Event | Value (ex GST) | 3-year Request | Funding |
|--|---|--------------------|--|---------|
| Lion's Club of Serpentine Jarrahdale | Jarrahdale Log Chop & Lion's Country Fair | \$20,000 | Approve | |
| Byford Carols Inc | 2024 Byford Carols Event | \$16,259.90 | N/A | |
| Centrepont Church | 2024 Celebration of Christmas | \$11,619 | Decline | |
| Food and Farm Alliance | 2025 Food and Farm Fest | \$20,000 | Agree to proceed with Final Event (2025) of Endorsed Agreement | |
| Total Value of Major Grant Funding (4300-15422-6276-0000) | | \$67,878.90 | | |

3. APPROVES in-kind contribution of a Variable Message Board, subject to the availability, to the Lion's Club of Serpentine Jarrahdale in accordance with *Council Policy 5.1.14 – Community Contributions*.
4. APPROVES an Outgoing Sponsorship to Perth Trail Series consistent with provisions within *Council Policy 5.1.14 – Community Contributions* as follows:

| Applicant | Event | Value (ex GST) | 3-year Request | Funding |
|--|-------------------------------|----------------|----------------|---------|
| Jarrahdale Community Collective - Perth Trail Series | 1 x Perth Trail Series Event. | \$6,700 | Decline | |
| Total Value of Sponsorship (4300-15507-6276-0000) | | \$6,700 | | |

5. REQUESTS the Chief Executive Officer:
 - i) advise all applicants of the outcome of their funding requests;



- ii) finalise funding agreements between the Shire and applicants supported, reflective of conditions within the relevant Council Policies.

Option 2

That Council:

1. NOTES the Major Event Grant acquittals received from:
 - The Serpentine Jarrahdale Food and Farm Alliance Inc for the 2023 Food and Farm Fest held May 2023; and
 - The Lion's Club of Serpentine Jarrahdale for the 2023 Jarrahdale Log Chop and Country Fair held October 2023.
2. APPROVES/DECLINES Major Event Grant funding as follows:

| Applicant | Event | Value (ex GST) | 3-year Request | Funding |
|--------------------------------------|---|--|--|---------|
| Lion's Club of Serpentine Jarrahdale | Jarrahdale Log Chop & Lion's Country Fair | <i>Elected Member moving motion to specify</i> | <i>Elected Member moving motion to specify</i> | |
| Byford Carols Inc | 2024 Byford Carols Event | <i>Elected Member moving motion to specify</i> | <i>Elected Member moving motion to specify</i> | |
| Centrepoint Church | 2024 Celebration of Christmas | <i>Elected Member moving motion to specify</i> | <i>Elected Member moving motion to specify</i> | |
| Food and Farm Alliance | 2025 Food and Farm Fest | <i>Elected Member moving motion to specify</i> | <i>Elected Member moving motion to specify</i> | |

3. DECLINES Community Funding or Sponsorship to the Perth Trail Series at this time, encouraging a future sponsorship application with additional information when available.
4. REQUESTS the Chief Executive Officer:
 - i) advises all applicants of the outcome of their funding requests;
 - ii) finalise funding agreements between the Shire and applicants supported, reflective of conditions within *Council Policy 5.1.7*.

Option 1 is recommended.

Conclusion

Council Policy 5.1.7- Community Funding Policy includes the Major Event Grant Scheme. This scheme provides an opportunity for community organisations to apply for grants of between \$5,000 and \$20,000 (ex GST), to deliver a community, sporting, or cultural event in the Shire, where the event is of significance to the Shire of Serpentine Jarrahdale community and/or draws residents from the Shire, the Peel Region, and surrounds.



Four applications were received for Round 2 of the 2023/2024 Major Event Grant Scheme. A summary of the Assessment Process undertaken by Officers for all applications is provided as **attachment 1**, with a total funding allocation of \$67,878.90 recommended from the \$75,000 budget allocation.

One 3-year funding agreement request is recommended to be conditionally approved (Jarrahdale Log Chop & Lion's Country Fair), and one application was deferred for consideration to *Council Policy 5.1.14 – Community Contributions* as an Outgoing Sponsorship (Perth Trail Series). The assessment process determined the Perth Trail Series application would be eligible for a sponsorship and beneficial to support. Given availability of information in the application and policy conditions (available budgets), a sponsorship of one Perth Trail Series Event only to the value of \$6,700 ex GST is recommended.

Attachments (available under separate cover)

- **10.4.4 - attachment 1** – 2023/2024 Round 2 Applications - Summary of Assessment Outcomes (E24/5930)
- **10.4.4 - CONFIDENTIAL - attachment 2** – Lion's Club of Serpentine Jarrahdale - Jarrahdale Log Chop and Country Fair Major Event Grant Application (IN24/6861)
- **10.4.4 - CONFIDENTIAL - attachment 3** – Byford Carols Inc – 2024 Byford Carols Major Event Grant Application (IN24/6725)
- **10.4.4 - CONFIDENTIAL - attachment 4** – Centrepont Church - 2024 Celebration of Christmas Major Event Grant Application (IN24/6881)
- **10.4.4 - CONFIDENTIAL - attachment 5** – Jarrahdale Community Collective and Perth Trail Series – 3 x Perth Trail Series Events Major Event Grant Application (IN24/6721)
- **10.4.4 - CONFIDENTIAL - attachment 6** – Food and Farm Alliance Acquittal – 2023 Food and Farm Fest (E24/5619)
- **10.4.4 - CONFIDENTIAL - attachment 7** – Lion's Club of Serpentine Jarrahdale Acquittal - 2023 Jarrahdale Log Chop and Country Fair (IN24/5885)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |
| Connected |
| 1. Invest in community recreation and support local clubs and groups to increase opportunities for participation |
| 2. Contribute to a well-connected, accessible and health community |

Financial Implications

The Officer's Recommendation remains consistent with the 2023/2024 Major Event Grant budget allocation of \$75,000 (4300-15422-6276-0000).



The Sponsorship value of \$6,700 ex GST is recommended to be funded from Trails Promotion and Activation (4300-15507-6276-0000). As sponsorships are not specified for the Reserve purpose (Major Event Grant allocations), this is a more appropriate account to be utilised.

Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|--|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | Inability for community groups to deliver the scope and scale of event described in the application, leading to dissatisfaction from the community on the level of investment made to these activities. | Major Event Application process consistent with requirements for Public Event approvals. | Reputation | Possible | Minor | MODERATE | |
| 2 | To be determined subject to detail of motion. | Officers Recommendation | To be determined. | | | | |



Voting Requirements: Simple Majority

OCM114/05/24

COUNCIL RESOLUTION / Officer Recommendation

That Council:

Moved Cr Duggin, seconded Cr Jerrett

1. NOTES the Major Event Grant acquittals received from:

- The Serpentine Jarrahdale Food and Farm Alliance Inc for the 2023 Food and Farm Fest held May 2023; and
- The Lion's Club of Serpentine Jarrahdale for the 2023 Jarrahdale Log Chop and Country Fair held October 2023.

2. APPROVES Major Event Grant funding in Round 2 of the 2023/2024 Major Event Grant Scheme consistent with provisions within *Council Policy 5.1.7 - Community Funding Policy* as follows:

| Applicant | Event | Value (ex GST) | 3-year Funding Request |
|--|---|--------------------|--|
| Lion's Club of Serpentine Jarrahdale | Jarrahdale Log Chop & Lion's Country Fair | \$20,000 | Approve |
| Byford Carols Inc | 2024 Byford Carols Event | \$16,259.90 | N/A |
| Centrepont Church | 2024 Celebration of Christmas | \$11,619 | Decline |
| Food and Farm Alliance | 2025 Food and Farm Fest | \$20,000 | Agree to proceed with Final Event (2025) of Endorsed Agreement |
| Total Value of Major Grant Funding (4300-15422-6276-0000) | | \$67,878.90 | |

3. APPROVES in-kind contribution of a Variable Message Board, subject to the availability, to the Lion's Club of Serpentine Jarrahdale in accordance with *Council Policy 5.1.14 – Community Contributions*.

4. APPROVES an Outgoing Sponsorship to Perth Trail Series consistent with provisions within *Council Policy 5.1.14 – Community Contributions* as follows:

| Applicant | Event | Value (ex GST) | 3-year Funding Request |
|--|-------------------------------|----------------|------------------------|
| Jarrahdale Community Collective - Perth Trail Series | 1 x Perth Trail Series Event. | \$6,700 | Decline |
| Total Value of Sponsorship (4300-15507-6276-0000) | | \$6,700 | |

5. REQUESTS the Chief Executive Officer:

- i) advise all applicants of the outcome of their funding requests;
- ii) finalise funding agreements between the Shire and applicants supported, reflective of conditions within the relevant Council Policies.

CARRIED UNANIMOUSLY 7/0

**En Bloc**

As part of the Shire's efforts to ensure the efficiency and effectiveness of meetings, tonight's meeting included the opportunity for matters to be considered by Council en bloc.

Matters not to be included in en bloc decisions are those which require:

- Absolute Majority;
- Matters to be determined behind closed doors;
- Declared Interests made in relation to the item; and
- Deputations or Statements made in relation to the item.

Before commencing the process, the Presiding Member provided a brief explanation of the 'en bloc' method of decision making, for the benefit of any members of the public in the gallery.

The Presiding Member introduced the recommendations by reading the heading for each item. This allowed members and the public to follow the business of the meeting.

The Presiding Member invited Elected Members to identify any matters they wished to be removed from en bloc consideration.

The following reports were identified to be considered by voting en bloc:

| Report number | Report Title |
|----------------------|---|
| 10.1.1 | Proposed 'Service Station', two 'Fast Food Outlets', 'Motor Vehicle Repair' and "Motor Vehicle Wash' at Lot 104, 3 Larsen Road, Byford (PA23/960) |
| 10.1.2 | Proposed Amendments to Council Policy – General Compliance and Enforcement (SJ4444) |
| 10.1.4 | Revised Draft Local Planning Policy 4.5 – Short Stay and Temporary Accommodation (SJ4444) |
| 10.1.6 | Approvals of Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development within the Shire of Serpentine Jarrahdale (SJ4206) |
| 10.1.11 | Jersey Road, Oakford 158 (L115) 407511 – (Heritage List in Town Planning Scheme) – Temporary Accommodation Application (SJ4402) |
| 10.2.1 | Minutes of the Rivers Regional Council – Ordinary Council Meeting – 17 April 2024 (SJ2812) |
| 10.3.1 | Confirmation of Payment of Creditors – April 2024 (SJ801) |
| 10.3.2 | Monthly Financial Report – March 2024 (SJ4229) |
| 10.3.6 | Correspondence from the Joint Standing Committee on Delegated Legislation (SJ1066) |



| Report number | Report Title |
|----------------------|--|
| 10.4.1 | Head Lease of State Forest No.22 Between Conservation and Land Management Executive Body and the Shire of Serpentine Jarrahdale Lease No.2102/97 (SJ514) |
| 10.4.3 | Peel Regional Trails Funding Agreement and Memorandum of Understanding with Peel Development Commission (SJ3261) |
| 10.4.5 | Council Policy Review – 1.1.10 -Civic Events and Civic Awards |
| 10.5.2 | Peel Regional Leaders Forum Minutes (SJ1350) |

OCM115/05/24**COUNCIL RESOLUTION****Moved Cr Duggin, seconded Cr Mazzini**

That the Officer Recommendations contained in Officer Reports 10.1.1; 10.1.2; 10.1.4; 10.1.6; 10.1.11; 10.2.1; 10.3.1; 10.3.2; 10.3.6; 10.4.1; 10.4.3; 10.4.5; and 10.5.2 be ADOPTED en bloc at 8:31pm.

CARRIED UNANIMOUSLY 7/0



10.1 Development Services reports:

| | |
|---|--|
| 10.1.1 - Proposed 'Service Station', two 'Fast Food Outlets', 'Motor Vehicle Repair' and 'Motor Vehicle Wash' at Lot 104, 3 Larsen Road, Byford (PA23/960) | |
| Responsible Officer: | Manager Statutory Planning and Compliance |
| Senior Officer: | Director Development Services |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

| | |
|-------------------------------------|----------------------------------|
| Proponent: | Hidding Urban Planning |
| Owner: | Byford Development No. 3 Pty Ltd |
| Date of Receipt: | 8 January 2024 |
| Lot Area: | 1.16ha |
| Local Planning Scheme No. 3 Zoning: | 'Service Commercial' |
| Metropolitan Region Scheme Zoning: | 'Urban' |

Report Purpose

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for a 'Service Station', two 'Fast Food Outlets', 'Motor Vehicle Repair' and 'Motor Vehicle Wash' tenancies at Lot 104, 3 Larsen Road, Byford.

The development has an estimated value exceeding \$2 million and the applicant has opted for the Metro Outer Development Assessment Panel (MODAP) to determine the application. The MODAP will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The report is presented to Council to consider the RAR that will be presented to the MODAP, consistent with established delegations.

It is considered that the proposed development generally aligns with elements of the planning framework and provides land uses that would service and benefit the community by providing an increased mix of commercial services.



Officers, however, have received a submission from Main Roads WA (MRWA), who are unable to support the development due to proposed access from South Western Highway, and safety concerns associated with such. While Officers recommend support for the development, the MRWA submission will require a separate RAR be provided by the Department of Planning, Lands and Heritage, for its assessment under the Metropolitan Region Scheme.

It is therefore recommended that Council endorse the RAR which recommends the MODAP approve the application, subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 16 October 2023 - OCM249/10/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council resolves the following Responsible Authority Recommendation:

That the MODAP Resolves to:

1. *ACCEPT that the DAP Application reference DAP/18/01419 as detailed on DAP Form 2 dated 28 June 2023, is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations).*
2. *APPROVE, in accordance with regulation 17(4)(a) of the DAP Regulations, the application dated 28 June 2023 to amend DAP Application reference DAP/18/01419 in order to extend the period by which development must be substantially commenced till 11 December 2024, subject to all conditions, footnotes and advice notes remaining as per the DAP's decision of 11 December 2018 and amended decision dated 1 October 2019.*

Ordinary Council Meeting - 16 September 2019 - OCM196/09/19 - COUNCIL RESOLUTION / Amended Officer Recommendation

1. *That Council ENDORSES the Responsible Authority Report contained within amended attachment 1 which recommends that the Metropolitan East Joint Development Assessment Panel approve the amendments to the approval for 'Service Station', 'Automated Car Wash', and 'Showroom' land uses at Lot 104, 3 Larsen Road, Byford as contained within attachment 3 subject to the following conditions:*

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

| | |
|--------------------------|--|
| Plans and Specifications | 1 - 1809-F01 2 - TP02 - Revision A 3 - TP03 - Revision N 4 - A1.10 Revision P6 5 - TP05 - Revision B 6 - A1.20 Revision P5 7 - A2.10 Revision P3 8 - TP08 Revision B 9 - A2.20 Revision P4 10 - Traffic Impact Assessment November 2018 |
|--------------------------|--|



- b. *Prior to occupation, a monetary contribution of 1% being paid the Shire, for the establishment of public art or, alternatively, the provision of public art being provided in accordance with the Shire of Serpentine Jarrahdale Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.*
- c. *Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road, Byford with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation at the applicant's cost.*
- d. *Prior to occupation of the development, the applicant shall widen / upgrade the George Street/Larsen Road intersection to the satisfaction of the Shire of Serpentine Jarrahdale.*
- e. *Prior to construction works, an updated Stormwater Management Plan, on advice from DWER shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan shall be implemented and maintained thereafter. The Plan shall be prepared in accordance with the Byford Town Centre Local Water Management Strategy and Local Planning Policy 2.4 - Water Sensitive Design.*
- f. *Prior to commencement of works, an updated Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads and road verges shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Vegetation Management Plan shall be implemented prior to occupation and maintained thereafter.*
- g. *Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation to noise.*
- h. *The pylon sign shall not exceed 6.5m in height and shall be in accordance with LPP4.11 Advertising.*
- i. *Prior to commencement of works, an updated site plan showing the revised location of the loading bay, adjacent to George Street entrance shall be submitted and approved by the Shire of Serpentine Jarrahdale. The loading bay shall then be constructed in accordance with the approved site plan thereafter.*
- j. *All loading and unloading associated with the development must be undertaken within the subject property boundaries.*
- k. *Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter.*
- l. *Prior to occupation, shared paths, bicycle parking facilities shall be installed in accordance with Local Planning Policy 4.15 Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.*
- m. *Prior to commencement of works, an amended drawing of the eastern elevation of the fuel shop, shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The elevation shall include further design features addressing South Western Highway in accordance with the Byford Townsite Detailed Area Plan. The building shall be constructed in accordance with this approved drawing.*



- n. Service deliveries shall occur outside the hours of 7.30am to 9.00am, and 2.30pm to 5.00pm Monday to Friday. Service vehicles shall enter from the George Street entrance and exit from the Larsen Road exit.
- o. Prior to occupation, the redundant crossover on South Western Highway shall be removed and the verge reinstated at the applicant's cost to the satisfaction of Main Roads.
- p. Prior to occupation, modifications to South Western Highway must be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the applicant's cost and on advice from Main Roads Western Australia as follows:
 - i. The construction of left and right turn auxiliary lanes from South Western Highway onto Larsen Road, Byford as depicted on Drawing No. TP03 Revision dated October 2018 at the expense of the applicant.
 - ii. The construction of a median on Larsen Road, Byford as depicted on Drawing No. TP03 Revision dated October 2018 (attached) at the expense of the applicant.
- q. Signage illumination shall not exceed the cd/m^2 as per Main Roads Advertising Policy.
- r. Vegetation within the road reserve must not be removed or trimmed to the visibility of the proposed advertising devices.
- s. Prior to issue of a Building Permit, a Schedule of Colours and materials shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the development shall be constructed and maintained in accordance with the approved schedule.
- t. Prior to commencement of works, an amended site plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating how traffic shall flow through the site safely. Once approved, the development shall be carried out in accordance with the approved site plan.
- u. Prior to occupation of the development, the unconstructed portion of George Street from Lot 11, 783 South Western Highway to the intersection of George Street and Evans Way shall be constructed at the applicant's cost, in accordance with LPP3.7 - George Street Design Guidelines, to the satisfaction of the Shire of Serpentine Jarrahdale.

Advice Notes

- a. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Any application for a building permit must satisfy the conditions specified in this decision notice.
- b. Any food premises must comply with the Food Act 2008, Food Regulations 2009, Australian and New Zealand Food Safety Standards Code.
- c. Any works within the South Western Highway Road Reserve may require the approval of Main Roads WA.
- d. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.



Ordinary Council Meeting - 26 November 2018 - OCM138/11/18 - COUNCIL RESOLUTION

1. That Council endorses the Responsible Authority Report contained within attachment OCM138.1/11/18 which recommends that the Metropolitan East Joint Development Assessment Panel approve the 'Service Station', 'Automated Car Wash', and 'Showroom' land uses at Lot 104, 3 Larsen Road, Byford as contained within attachment OCM138.10/11/18 subject to the following conditions:

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

| | |
|--------------------------|--|
| Plans and Specifications | P1 - P18 received at the Shire Offices on 9 November 2018 and Traffic Impact Assessment dated November 2018. |
|--------------------------|--|

b. Prior to occupation, a monetary contribution of 1% being paid to Council, for the establishment of public art or, alternatively, the provision of public art being provided in accordance with Council's Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.

c. Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation.

d. Prior to occupation, the applicant shall construct George Street in accordance with LPP3.7 - George Street Design Guidelines to the satisfaction of the Shire of Serpentine Jarrahdale.

e. Should the value of the works required for the construction of George Street be less than the contribution required under the Shire of Serpentine Jarrahdale Local Planning Policy 3.8 - George Street Design Guidelines, the applicant must provide a contribution of funds or works to the Shire of Serpentine Jarrahdale for the remaining value of the contribution required.

f. Prior to construction works, an updated Stormwater Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan shall be implemented and maintained thereafter. The Plan shall be prepared in accordance with the Byford Town Centre Local Water Management Strategy and Local Planning Policy 2.4 - Water Sensitive Design.

g. Prior to commencement of works, an updated Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads and road verges shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Vegetation Management Plan shall be implemented prior to occupation and maintained thereafter.

h. Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly from the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation noise.

i. The pylon sign shall not exceed 6.5m in height and shall be in accordance with LPP4.11 - Advertising.



- j. Prior to commencement of works, an updated site plan showing the revised location of the loading bay shall be submitted and approved by the Shire of Serpentine Jarrahdale. The loading bay shall then be constructed in accordance with the approved site plan thereafter.*
- k. All loading and unloading associated with the development must be undertaken within the subject property boundaries.*
- l. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter.*
- m. Prior to occupation, shared paths, bicycle parking facilities shall be installed in accordance with Local Planning Policy 4.15 Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.*
- n. Prior to commencement of works, an amended drawing of the eastern elevation of the fuel shop, shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The elevation shall include further design features addressing South Western Highway in accordance with the Byford Townsite Detailed Area Plan. The building shall be constructed in accordance with this approved drawing.*
- o. Service deliveries shall occur outside the hours of 4:00pm to 5:00pm Monday to Friday. Service vehicles shall enter from the George Street entrance and exit from the Larsen Road exit.*

Main Roads Conditions

- p. Prior to occupation, the redundant crossover on South Western Highway shall be removed and the verge reinstated at the applicant's cost.*
- q. Prior to occupation, modifications to South Western Highway must be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale and Main Roads Western Australia as follows:
 - i) the construction of left and right turn auxiliary lanes from South Western Highway onto Larsen Road, as depicted on Drawing No. TP03.1 Revision dated 14 September 2018 OCM138.11/11/18.*
 - ii) The construction of a median on Larsen Road, as depicted on Drawing No. TP03.1 Revision dated 14 September 2018 OCM138.11/11/18.**
- r. Signage illumination shall not exceed 300cd/m², not flash, pulsate or chase. The signage shall not contain fluorescent, reflective or retro reflective colours or materials.*
- s. Vegetation within the road reserve must not be removed or trimmed to improve the visibility of the proposed advertising devices.*

Background

Existing Development

The subject site is bound by South Western Highway to the east, Larsen Road to the north, and George Street to the west. The areas to the east and north are predominantly residential. The subject site is in close proximity to the Byford Rail Extension project with the train station and associated works currently being undertaken to the south west.

Of particular relevance to this application is the closure of Larsen Road at the rail crossing as part of the project, as well as the construction of a pedestrian overpass.



In addition, George Street will also be constructed from Evans Way to Larsen Road. The subject site in context of the locality is depicted following:



The subject site is 1.16ha in area and is currently vacant with scattered mature trees and remnant native vegetation. A zoomed in aerial image of the site is shown following:





Initial Development

Initially, the development proposed a full movement access from South Western Highway as well as a full movement access from George Street and Larsen Road. As part of the initial assessment concerns were raised from MRWA in relation to the access from South Western Highway due to the increased number of crossovers, the proximity of the access from the intersection with Larsen Road and the impact on the future upgrades of South Western Highway. The applicant considers that access to the development from South Western Highway is imperative to make the proposal viable and as such does not wish to remove the access entirely. The applicant did however amend the South Western Highway access to a left in only.

Also at this stage, concerns were raised by the Public Transport Authority (PTA) in relation to the location of the George Street access and the works proposed by the PTA as part of the rail project. As such, the applicant removed the George Street access from the proposal. Officers however consider that access is capable from George Street and can be designed in a manner that satisfies PTA. The initial proposed site plan is shown following:

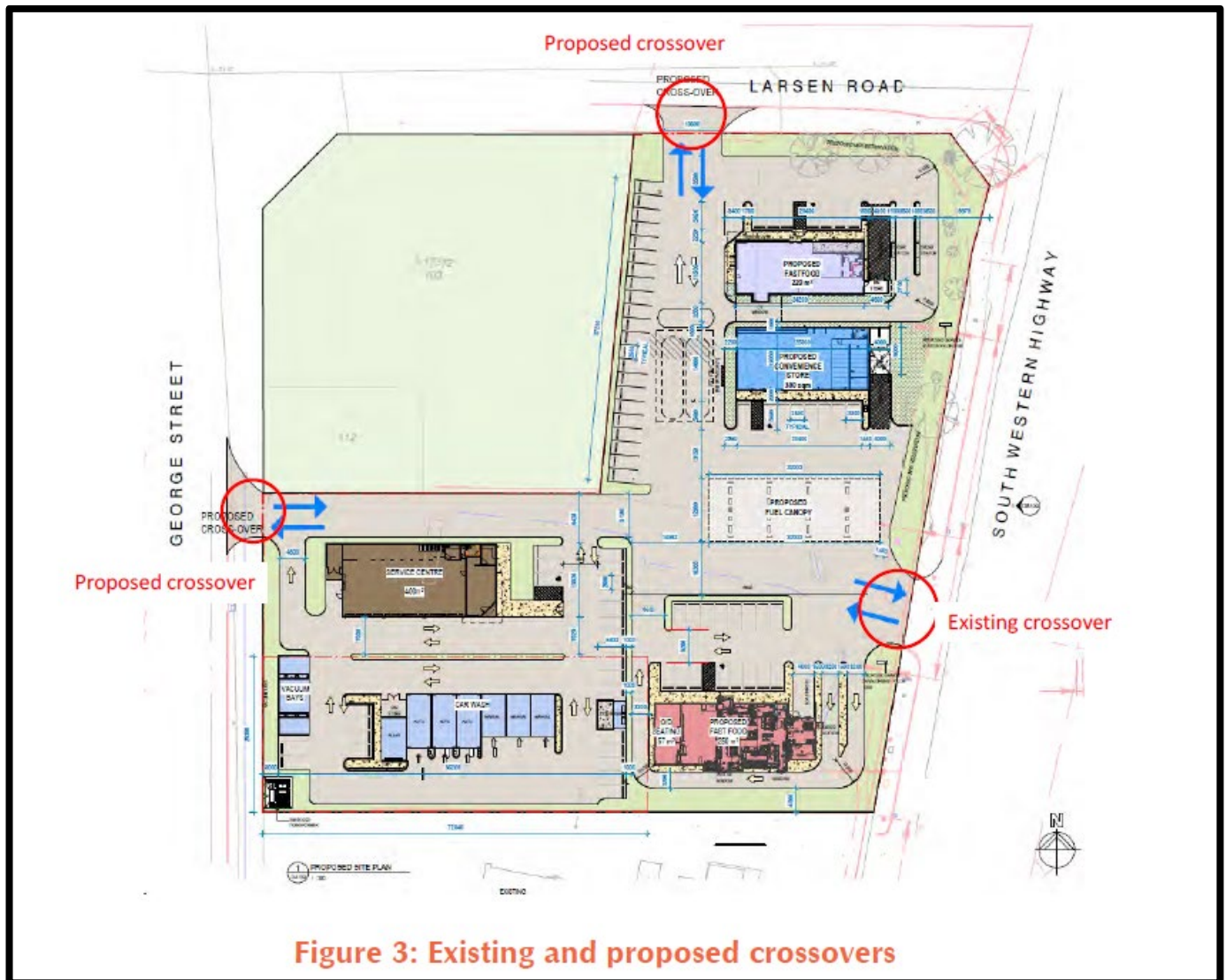


Figure 3: Existing and proposed crossovers



Proposed Development

The development application seeks approval to construct a commercial development comprising of five buildings and associated parking as follows:

Service Station

- A Liberty branded service station with an eight-bowser fuel canopy (16 fuel points for light vehicles) which would be open 24 hours a day, seven days a week;
- The fuel canopy would be set back 7.7m from the South Western Highway boundary at its closest point; and would feature the Liberty branding and colour scheme that includes red, blue and white;
- A 300m² convenience store with a building height of up to 5.3m and set back 14.2m from the South Western Highway boundary;
- Eight car parking bays available immediately in front of the convenience store;
- Employment of up to three staff.

Fast Food Outlet (South)

- A Fast-Food outlet with a floor area of 220m² featuring an outdoor alfresco dining area, covered awning and a drive through;
- The proposed building would be set back 18.63m from the South Western Highway boundary and 20.55m from the Larsen Road boundary;
- The building is proposed with a height of 6m extending up to 7.5m height for the north-east corner featuring a blade wall;
- Seven car parking bays in front of the building.

Fast Food Outlet (North)

- Fast Food Outlet with a floor area of 250m² with an outdoor alfresco dining area of 57m²;
- A dual lane drive through provided with 16 marked bays in front of the building;
- The building is proposed with a height ranging between 4.8m and 6m. The building is proposed to be set back 7.2m from the southern property boundary and 12.37m from the South Western Highway boundary;
- 24 hours a day operation, seven days a week with 10 staff members during peak operating times;
- A separate bin store and loading bay is proposed on the eastern sides of the fast-food buildings.

Service Centre

- A branded Service Centre facility for Bridgestone with a floor area of 400m² consisting of workshop space with three roller doors for vehicles to access for servicing and tyre repairs;
- A small retail showroom and waiting area is proposed at the main entry of the service centre building, along with reception and small office. A 144.5m mezzanine is also proposed for storage;



- The proposed building will be constructed using concrete panels, 7.7m in height and set back 11.9m from George Street;
- A fenced bin store and scrap tyre enclosure along with loading bay is also proposed, located at the western side of the building;
- The facility will operate between the hours of 8:00am and 5:00pm, Monday to Friday; 8:00am to midday on Saturday and will be closed on Sunday;
- There will be up to eight staff working in the facility during peak times.

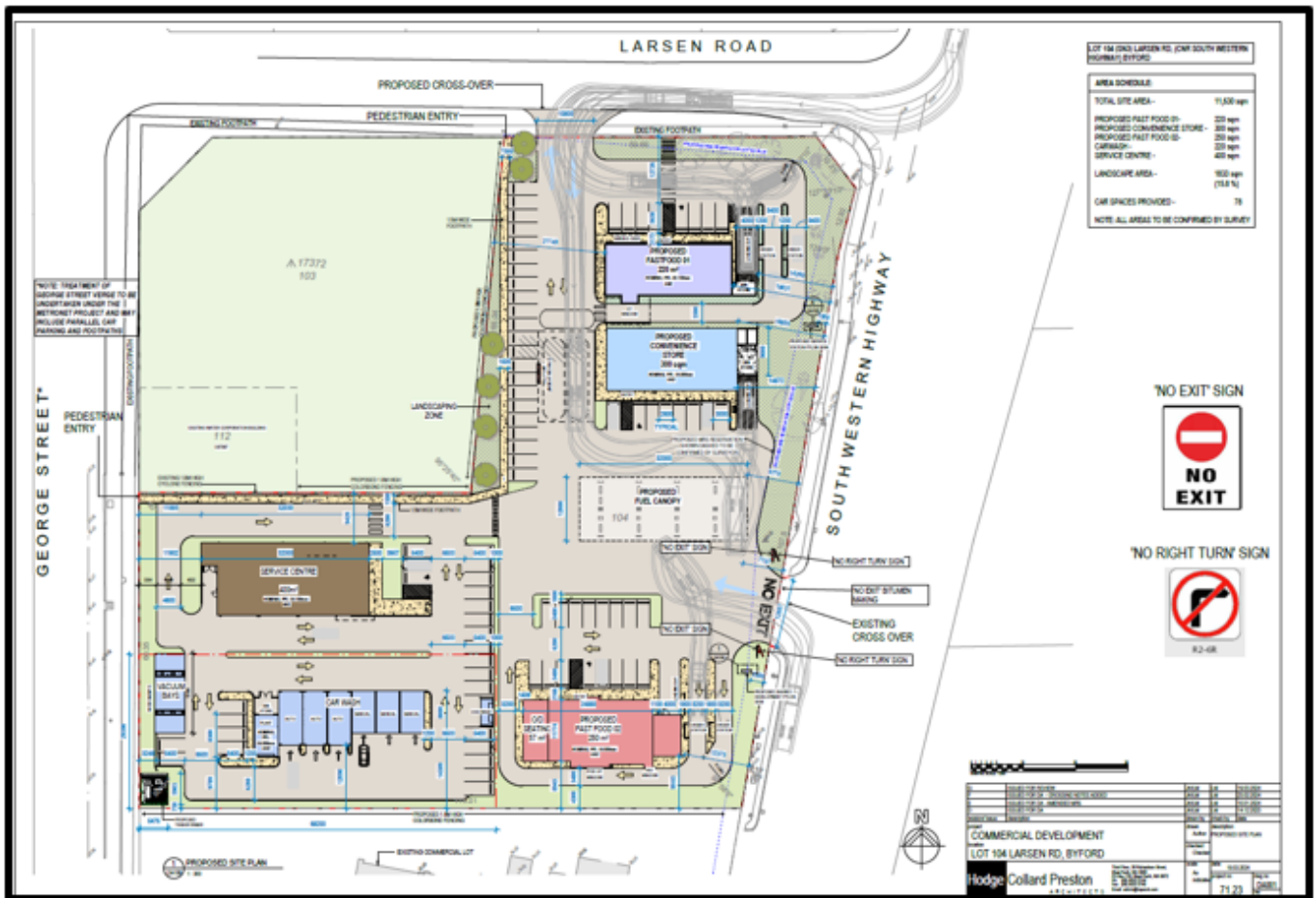
Motor Vehicle Wash facility

- A 6.5m high building constructed of concrete panels with three auto wash bays and three manual wash bays (open 24 hours a day, seven days a week);
- The proposed Motor Vehicle Wash building will be set back 9.78m from the southern property boundary;
- Four vacuum bays set back 3m from the George Street boundary. The vacuum bays are also located under a permanent roof structure;
- Dog Wash facility;
- No staff would be on-site other than occasional maintenance personnel from time to time.

Signage

- One 7.2m x 2m pylon sign for the Liberty Service station; and
- One 6m x 2m pylon sign to be shared by the other developments.

Full details of the proposal are contained within **attachment 2**. The site revised plan is depicted following:



Proposed Site Plan

Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 10 January 2024 to 7 February 2024 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire’s website for the same period. At the conclusion of the consultation two objections were received. One stated as follows:

“Do not spend any money on the roads. Get the business / users to pay for access. Not the ratepayers.”

Officer Comment:

Should the proposal be approved and the development result in the requirement for road upgrades, the cost of these would be required to be covered by the applicant. In particular, should the MODAP approve the application, a condition is recommended requiring the upgrade of the intersection at South Western Highway and Larsen Road at the cost of the applicant.

The second objection was from the Cancer Council who objected to the Fast Food Outlets due to the potential impacts on health. Officers acknowledge these comments; however, it is considered that they do not form grounds for recommending refusal of the application.

A summary of the submissions with the Applicant’s comments and Officer response is contained within **attachment 3**.

**Consultation with Government Agencies****Main Roads Western Australia (MRWA) Initial Response****Government Agency Response:**

The initial application was referred to MRWA who objected to the proposed development for the following reasons:

1. Vehicular Access on SWH

- *Under WAPC Development Control Policy 5.1 Regional Roads (Vehicular Access) (WAPC DC 5.1), Main Roads seeks to minimise the driveways on Primary Regional Roads. Alternative accesses are available via George Street and Larsen Road which were previously approved by the JDAP application.*
- *South Western Highway is a strategic freight route. Crossover access to the Regional Road will negatively impact the road safety and efficiency.*
- *Any access at this location would compromise the safety and efficiency of the future left turn slip lane.*
- *Proximity to Larsen Road intersection and the adjoining property driveway to the proposal.*

2. Future Road Planning

- *Please be advised Land Protection Plan 201232-006 (enclosed) shows additional land requirement for the Primary Regional Road reservation under the Metropolitan Region Scheme (MRS).*
- *The proposal conflicts with enclosed Carriageway Pattern Profile Plan 201232-002 and Vehicle Access Strategy (see attached). Larsen Road will require a median at the SWH intersection.*
- *The upgrade of SWH is not in Main Roads' 4 year forward estimated construction program and all projects not listed are considered long term. Please note project timing is subject to change and Main Roads assumes no liability for any change to the timing information provided.*

Officer Comment:

In order to address the issues raised by MRWA, the applicant amended the proposal to have a left in only access from South Western Highway and deleted the out bound vehicle. The updated site plan and addendum to the Traffic Impact Assessment reflecting the modified changes was sent to MRWA for further assessment.

Main Roads Western Australia (MRWA) Second Response**Government Agency Response:**

Subsequently, on 12 April 2024 MRWA provided a further submission objecting to the proposal as follows:

1. Vehicular Access to / from South Western Highway

- *Main Roads seeks to minimise driveways on Primary Regional Roads in accordance with WAPC Development Control Policy 5.1 - Regional Roads (Vehicular Access) (DC Policy*



5.1). Main Roads object to the access point onto South Western Highway. Alternative access points are available via George Street and Larsen Road.

Section 3.3.2 of DC Policy 5.1 states:

'On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads. Where alternative access is or could be made available from side or rear streets or from rights-of-way or laneways, no access shall be permitted to the regional road unless special circumstances apply.'

The previous DAP application determined on the subject site aligned with DC Policy 5.1 with reference to the subject access point (PA18/372 / DAP/18/01419 refers).

- The above position is reiterated by draft Operational Policy 1.12 - Planning Proposals adjoining Regional Roads WA Section 5.1:

'On Regional Roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads, particularly where alternative access is available from a side or rear street, right of way or laneway.'

- South Western Highway is a strategic freight route. Crossover access to the regional Road will negatively impact the road safety and efficiency.

- Any access at this location would compromise the safety and efficiency of the future left turn slip lane (refer Point 2 below).

- Proximity of the access point to the adjoining property's crossover

2. Future Road Planning requirements

- Land Protection Plan 201232-006 (enclosed) illustrates the additional land requirement for the Primary Regional Road reservation under the Metropolitan Region Scheme (MRS).
- The development proposal conflicts with enclosed Carriageway Pattern Profile Plan 201232-002 and Vehicle Access Strategy (enclosed). Future upgrades include a left turn slip lane on South Western Highway approaching Larsen Road and a median adjacent the subject access point.

3. Matters to be Considered - Planning and Development (Local Planning Schemes) Regulations 2015

Further to the above, the Shire is to have due regard to the provisions of Clause 67 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015. The matters relevant to the consideration of this application for development approval include:

(c) any approved State planning policy;

(e) any policy of the Commission;

(f) any policy of the State; and

(za) the comments or submissions received from any authority consulted under Clause 66.

**Officer Comments**

As discussed in the Traffic section of the report, Officers believe there is scope for a limited access from South Western Highway, as revised by the amended 'entry only' concept. An entry only solution is considered viable, considering the available access via George Street and Larsen Road, with George Street to be fully connected through from Abernethy Road north to beyond Larsen Road in the near future.

Public Transport Authority (PTA) - Initial Submission**Government Agency Response:**

The PTA provided a submission stating they were unable to support the proposed development for the following reasons:

- *The proposed driveway on George Street (refer to figure 3) will clash with 4 of BRE proposed parking spaces along the east side of George Street (i.e., 2 with the driveway itself and 2 to the north of the driveway due to sight distance.*
- *Traffic assessment for development doesn't appear to consider park and ride facility for Marri Grove school, to be confirmed by developer/LGA.*
- *Development plans also do not consider proposed speed humps and parking bays, to be considered in proposal.*
- *The assessment nominates George St operating under the default speed limit (50km/h) whereas under our design will be posted 40km/h.*
- *Interfacing of construction works will be required so that the developer works around the BRE project and agreed construction staging.*
- *Any associated works outside of the development site (such as utilities works) footprint will need to be coordinated and interfaced.*
- *Impacts will be on the parking bays and the drainage proposed for George Street.*
- *With regard to the pedestrian bridge, the landing points are also pretty close to the driveway entrance, so there will be a tendency for patrons coming off the train, to cross George Street, not at the ped crossing to the north, but directly into the development through the driveway access, creating conflict with vehicles.*

Officer Comment:

In order to address concerns raised by the PTA the applicant removed the access from George Street. The updated site plan reflecting the modified changes was sent to PTA for further assessment. Whilst an updated submission has not been received to date; Officers consider that removal of the George Street access satisfied all of the above concerns. While the applicant have chosen to remove a direct George Street access, it is considered that such may still be possible as part of future design and layout configurations, which could be dealt with through a subsequent development application. George Street access is an important frontage to the Service Commercial zoned precinct south of Larsen Road.

**Water Corporation****Government Agency Response:**

The application was referred to Water Corporation who raised no objections and the following advice was provided :

- *There is reticulated water and sewerage currently available to the subject land in the surrounding network. This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.*
- *The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being provided for works.*

Officer Comment:

Noted. This advice has been provided to the applicant.

Department of Energy, Mines, Industry Regulation and Safety (DMIRS)**Government Agency Response:**

DMIRS raised no objections, and the following advice was provided:

- *“Based on the provided information there is no issue identified at this stage with the proposal. Before the site is used to store Dangerous Goods above manifest quantity, it will require a Dangerous Goods Site licence.*
- *The storage of bulk fuel is governed by AS1940; and Dangerous Goods Site Licence applications will be assessed against this and any other relevant Australian Standards during the application process.”*

Officer Comment

Noted. These recommendations are discussed within the relevant sections of the report.

Department of Water and Environmental Regulation (DWER)**Government Agency Response:**

DWER raised no objections but provided advice on the following key issues and recommendations which can be viewed within the summary of submissions.

- Native Vegetation;
- Industry Buffers;
- Spill Containment;
- Contingency Plan;



- Underground Tanks; and
- Water Quality Protection.

Officer Comment:

These recommendations are discussed within the relevant sections of the report.

Department of Health (DoH)

Government Agency Response:

The DoH provided the following comment:

1. Chemical Hazards

The DoH endorses the EPA (2005) guidelines “Separation Distances between Industrial and Sensitive Land Uses” and therefore recommends a default separation/buffer distance of 200m be established around non-freeway service stations that will operate 24 hours per day, as they may create significant noise, dust and odour impacts from traffic and refuelling activities.

The commitment for compliance with Dangerous Goods Regulations is noted. However, there is no strategy provided to address mitigation of emissions with potential to cause public health risks related to a nearby childcare facility.

Therefore, it is recommended that potential off-site impacts (dust/fumes, noise, light) from the service station are considered, prior to determining the suitability of the site for the current development.

Furthermore, the use of land as a commercial laydown area has the potential to give rise to land contamination, including from fuel oils and asbestos, and these should be safely removed prior to development to avoid the creation of new contaminated sites. Please consult and ensure Department of Water and Environmental Regulation (DWER) have cleared the site for any future sensitive land-uses prior to final approvals

2. Drinking water supply

The DoH recommends all drinking water is connected to the Water Corporation’s mains water supply. All drinking water provided onsite must meet criteria set out in the <https://nhmrc.gov.au/about-us/publications/australian-drinking-water-guidelines>

Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and depending on system configuration and suitable backflow prevention arrangements.

3. Wastewater management

The subject site must be connected to reticulated sewerage in accordance with the Government Sewerage Policy 2019.

4. Food Act requirement

All food related areas (fast food outlet, preparation areas, etc.) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Details available for download from: https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA

**Officer Comment:**

The Shire has referred the application to DWER, and any spill and contamination requirements will be addressed by way of conditions if an approval is considered by the DAP. The proposal will be subject to a Dangerous Goods Licence which will address any of the separation requirements for odour and gas emissions from the site. The proposal is also noted to have supplied an adequate ENA for any noise considerations. Drinking and Wastewater has been considered by the Water Corporation and adequate reticulated services are accessed to the site.

Department of Planning Land and Heritage (DPLH)**Government Agency Response:**

The Precincts and Projects team has reviewed this application and does not have any objections at this time. The following advice has been provided:

- *We recommend that you consider the application in conjunction with the proposed development of a pedestrian crossing and associated parking/drop-off areas in the adjacent site (Lot 103) to serve Marri Grove Primary School from the eastern catchment.*
- *The Traffic Impact Study notes that "the proposed relocation of the railway level crossing from Larsen Road further south to Clara Street would remove most of the existing traffic along Larsen Road towards SWH". The application notes the level crossing removal but does not mention the pedestrian crossing or the associated parking/drop-off areas proposed on the adjacent site. Given the above context, please approach the Office of Major Transport Infrastructure Delivery (OMTID) for their advice on this application.*
- *Please be aware that the application has only undergone an assessment for matters of METRONET precinct interest, and the Precincts and Projects team has not conducted a technical evaluation of the proposal.*

Officer Comment:

The site plan has been amended by removing George Street crossover to address the traffic concerns regarding the close proximity of the crossover to the park and ride facility for Marri Grove school. The submissions from MRWA and PTA have been fully addressed within the body of the report. A summary of the submissions and applicant comments can be viewed in **attachment 3**.

Statutory EnvironmentLegislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Metropolitan Region Scheme*



State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 million
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Byford District Structure Plan
- Byford Townsite Detailed Area Plan

Local Planning Policies

- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16)

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. An assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

Land Use

The proposal falls within the four land use definitions of 'Fast Food Outlet', 'Motor Vehicle Repair', 'Motor Vehicle Wash' and 'Service Station' defined under LSP3 as follows:

"Fast Food Outlet: means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -

- (a) without further preparation; and*
- (b) primarily off the premises".*

"Motor Vehicle Repair: means premises used for or in connection with -

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or*
- (b) repairs to tyres other than recapping or retreading of tyres".*

"Motor Vehicle Wash: means premises primarily used to wash motor vehicles".

"Service Station: means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or*



(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles”.

The site is zoned ‘Service Commercial’ under LPS3 where the proposed land uses are discretionary with the ‘Motor Vehicle Repair’ and ‘Service Station’ uses requiring advertising.

Local Planning Scheme No. 3 (LPS3)

The objectives of the ‘Service Commercial’ zone under LPS3 are as follows:

- *“To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.*
- *To provide for a range of wholesale sales, showrooms, trade, and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.”*

The objectives of the ‘Service Commercial’ zone under LPS3 promote a variety of trades and services to which the proposal generally provides. The ‘Service Station’ and ‘Motor Vehicle Wash’ land uses typically require larger sites to accommodate the development given their scale and access via a range of different sized vehicles. Good vehicle access is also required to allow for the safe continuous flow of traffic movements through the site and allow for manoeuvring of larger service vehicles. The access from South Western Highway has been objected to by MRWA, however Officers consider that with the changes in function and saturation of traffic to the Larsen Road / South Western Highway intersection, there is scope to support a limited entry only driveway off the highway.

The driveway access in question dates back until (at least) 1981, with aerial photography confirming its use in conjunction with the Larsen Road intersection to the north. Given the application also includes a Traffic Impact Assessment that documents sufficient operation of the intersection in conjunction with the driveway, it is recommended for support by Officers.



Aerial image depicting long standing entry in off South Western Highway

Car Parking:

Section 4.3 of LPS3 sets out parking requirements for different land uses. Parking provision is assessed in the table following:

| Land Use | Parking Requirement | Required Bays | Parking Required |
|--------------------|---|--|---|
| Service Station | 2 bays per service bay 1 bay per employee | 8 service bays = 16 bays Max 3 employees = 3 bays | 16 bays 3 bays |
| Fast Food Outlet 1 | 1 bay per 4m ² of counter and/or dining areas, 1 bay per 4m ² of public assembly areas 1 bay per employee* 4 stacking bays for drive through | 50m ² counter and dining areas = 13 bays 10 staff = 10 bays 4 stacking bays provided = 4 bays | 13 bays 10 bays Provided but not shown on the site plan |



| Land Use | Parking Requirement | Required Bays | Parking Required |
|----------------------------|--|---|---|
| | 1 waiting bay provided. | Waiting bay available = 1 bay | Provided |
| Fast Food Outlet 2 | 1 bay per 4m ² of counter and/or dining areas, 1 bay per 4m ² of public assembly areas 1 bay per employee*. 4 stacking bays for drive through 1 waiting bay provided | 100m ² counter and dining areas = 25 bays 10 staff members = 10 bays 4 stacking bays = 4 bays 1 bay | 25 bays 10 bays Provided but not shown on the site plan Provided |
| Motor Vehicle Repair | 1 bay per 50m ² NLA and 1 bay per employee | 400m ² NLA = 8 bays 8 employees = 8 bays | 8 bays 8 bays |
| Motor Vehicle Wash | 1 bay per 50m ² NLA and 1 bay per employee* | 220m ² NLA = 5 bays = 0 employees = 0 bays | 5 bays 0 bays |
| Total bays required | | 88 bays required | 79 Bays provided |
| Total Shortfall | | | 9 bays short fall |

The development has an overall parking shortfall of nine bays. In instances where a mixed development has a car parking shortfall, LPS3 states that the Shire may permit two or more land uses on the same lot to share parking bays or may reduce the combined parking bay requirement for all land uses, if reciprocal parking arrangements can be demonstrated. In determining reciprocal parking arrangements, the Shire is required to consider the following in accordance with clause 4.3 of LPS3:

- “(a) the peak periods of demand for parking bays generated by each land use;*
- (b) the operating times of each land use;*
- (c) the combined maximum number of parking bays likely to be required at any given time; and*
- (d) potential conflicts which may result from the reciprocal parking arrangement.”*

The applicant provided a Parking Assessment based on the anticipated peak operating times for each land use and the anticipated parking demand (**attachment 5**). The assessment estimates the demand for parking during a typical Friday and Saturday between 6.00am and 9.00pm when the peak parking demand for the proposed development is expected to occur within.



The findings show that at least nine bays would remain available on a Friday and 18 bays would remain available on a Saturday, worst case scenario.

The results of the combined parking supply /demand for all the land uses are presented in the figures below.

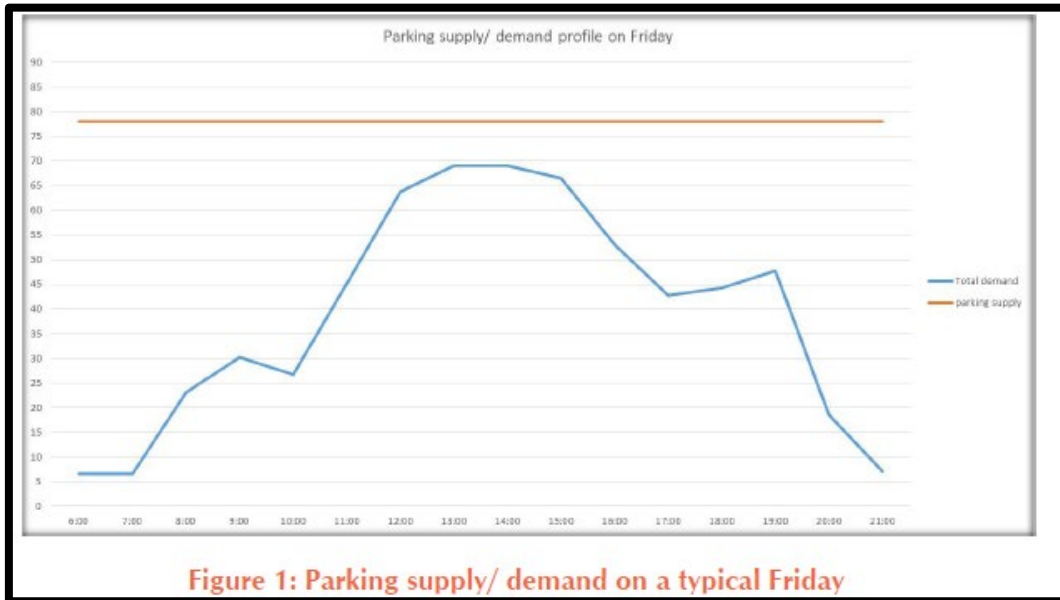


Figure 1: Parking supply/ demand on a typical Friday



Figure 2: Parking supply/ demand on a typical Saturday

The Parking Assessment concludes that the proposed parking provision is sufficient to meet the demand of the development.

In addition, Officers consider that there is sufficient merit to support the variation given the reciprocal parking nature of land uses. It is likely that visitors to the development would visit more than one tenancy and that parking across the whole development could be utilised. The different uses would have differing operating times and peak periods which would further ameliorate strain on parking supply across the site.



Additionally, the creation of on-street parking along George Street, which apart from school drop off and pick up times, will be available for use, is capable of inclusion within overall car parking consideration for the development.

Byford District Structure Plan (BDSP)

The BDSP provides high-level strategic guidance on future planning and development in the Byford locality. Under the BDSP the site is designated 'Service Commercial', in line with LPS3. For the reasons discussed earlier, the proposed development is considered to be consistent with the BDSP.

Byford Townsite Detailed Area Plan (DAP)

The subject site lies within Character Area H - Highway Commercial of the DAP with the intention of accommodating "*showrooms, bulky goods, offices, medical centres, consulting rooms and the like*". The DAP also sets out the aspirations of the future built form of the character area to which the proposal is generally consistent with, these are assessed in full within the Clause 67.

Traffic and Access

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of a development to manage access and egress arrangements, and whether traffic generated by a proposal would be suitable considering the local road network. A Transport Impact Assessment (TIA) was provided with the application, which can be viewed in **attachment 6** to this report.

Access - South Western Highway:

As previously stated, the application proposes a left-in access from South Western Highway which is designated as a 'Primary Regional Road' under the Metropolitan Region Scheme (MRS) and operates under the sign-posted speed limit of 60km/h in the vicinity of the site. South Western Highway has the capacity to cater for approximately 25,000 to 30,000 vehicles per day (vpd), however will certainly be impacted by the provision of the new Tonkin Highway extension that will likely reduce the amount of traffic along the highway.

While it is imperative that users of development can access and egress sites along South Western Highway safely, it is also important to recognize the functionality of the highway in respect of its character at the points between Abernethy Road (to the south) and Thomas Road (to the north). In this section, the function of the highway is changed to one which is more about accessibility, than section beyond this which are more focused on mobility. Given that long standing access has been enjoyed for the property from South Western Highway, there is a character of accessibility which traffic is used to, and which development general presents.

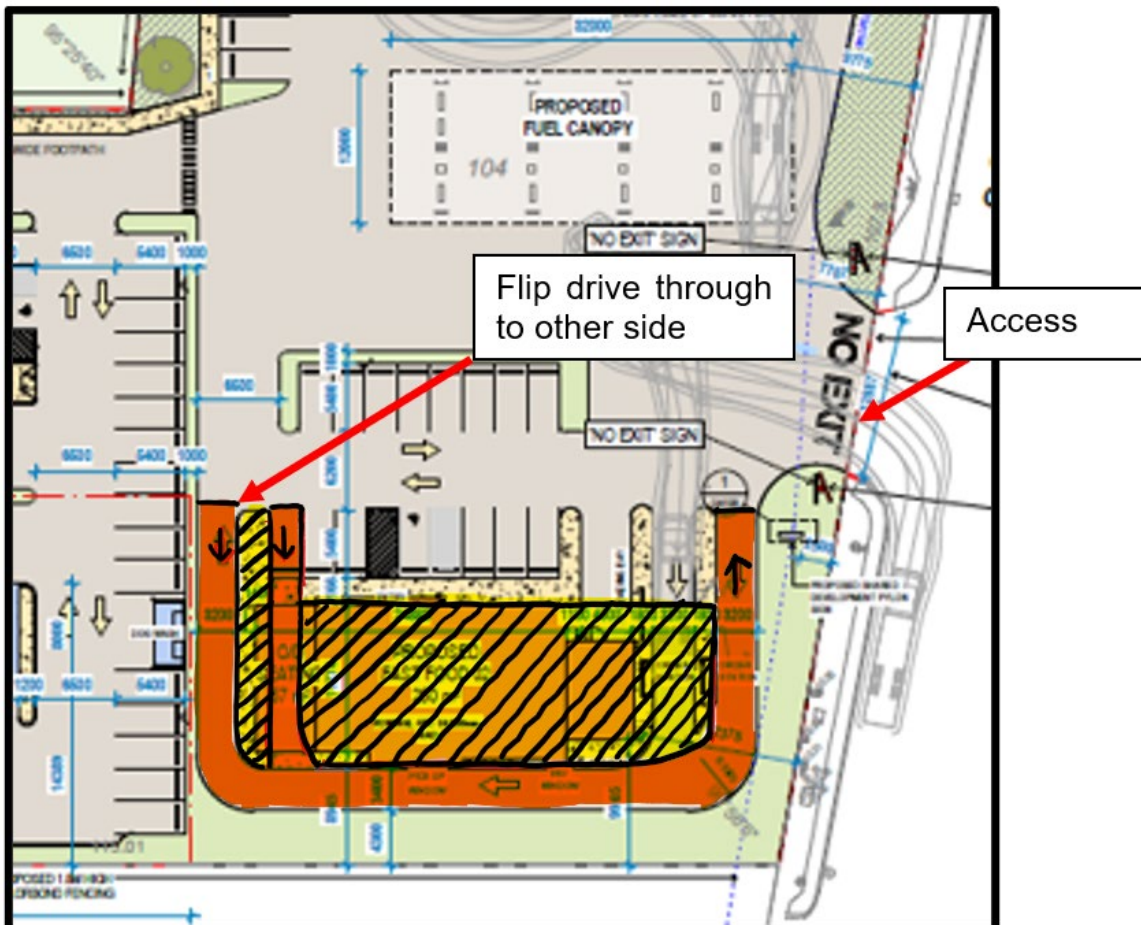
The proximity of the proposed access from South Western Highway to the intersection of South Western Highway and Larsen Road is important, however the risk of conflict has been greatly reduced by virtue of the removal of Larsen Road west of George Street. This residual link of Larsen Road between George Street and South Western Highway, now carries a minor traffic amount, especially as school traffic from the nearby Marri Grove Primary School, and nearby childcare centres west of the railway, have been removed from the link.

The main risk which Officers consider needs addressing, is how vehicles turning left into the subject development can be safely managed given the proximity of Larsen Road. To this end, a condition is recommended that requires the design of a deceleration lane, and upgrade to the Larsen Road and South Western Highway intersection to a traffic signal, that demonstrates to the Shire (on advice from MRWA) that intersection and driveway performance can operate safely.



This is considered an issue capable of being addressed, noting the longstanding access that the subject land has enjoyed from the highway.

In addition to this condition, a further condition is recommended to require the proposed fast food takeaway outlet be flipped on its vertical plain, so that the drive through is accessed on the western side of the building, rather than the eastern side. This will reduce any queuing impact back onto the highway.



The resulting increase in the distance between the crossover and the drive through, will ensure a reduced or completely eliminated risk of queuing on South Western Highway.

MRWA has also objected to the application based on the proposed access from South Western Highway detailing that it is inconsistent with Development Control Policy 5.1 which states:

“On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads. Where alternative access is or could be made available from side or rear streets or from rights-of-way or laneways, no access shall be permitted to the regional road unless special circumstances apply” [emphasis added].

In response to these concerns, the applicant has stated that given the speed limit of 60km/h, the function of South Western Highway as a freight route should be balanced with the need for accessibility within the Byford Town Centre. This is also a position held by Officers, as expressed above.



The functionality of the section of South Western Highway between Abernethy Road and Thomas Road is expected to be entirely different to the extents outside of this area. Furthermore, the extension of Tonkin Highway will eliminate a majority of freight and other traffic which currently utilises the highway for regional mobility.

In order to reflect the broader strategic objective for a safe and accessible town centre, Officers consider that the long-standing driveway for the subject land can be supported to be retained and integrated into the proposed development, subject to the conditions already specified above.

Intersection of Larsen and South Western Highway

A SIDRA analysis was undertaken to analyse the performance of the intersections surrounding the development including:

- the crossover onto South Western Highway;
- the crossover onto Larsen Road; and
- the intersection of Larsen Road and South Western Highway

SIDRA is an intersection modelling tool commonly used by traffic engineers for all types of intersections. SIDRA outputs are presented in the form of Degree of Saturation, Level of Service, Average Delay and Queuing. The analysis indicates that all intersections would operate satisfactorily in 2025 during peak hours with acceptable levels of service, minimal delays and queuing. The year 2025 being when all road upgrades surrounding the site are proposed to be completed. As already mentioned, beyond 2028 the new Tonkin Highway extension will operate, which will directly reduce traffic volumes along South Western Highway, further creating capacity for safe intersection performance.

The SIDRA analysis was undertaken based on both the traffic volumes in 2021 (prior to the closure of Larsen Road) and in 2025 (following the closure of Larsen Road). Based on the 2021 volumes, the intersection of South Western Highway and Larsen Road operates at capacity with a level of service of F for the critical right turn movement out of Larsen Road onto South Western Highway.

In general, there are six levels of service designated from A to F, with Level of Service A representing the best operating condition (i.e., free flow) and Level of Service F the worst (i.e., forced or breakdown flow). The below table shows the vehicle numbers observed and modelled for queuing on Larsen Road as well as the average time delay waiting to turn right on South Western Highway in 2021.

Table 1: SIDRA results for the critical right turn movements at the SWH / Larsen Rd intersection in 2021

| | Movement: Right turn out from Larsen Rd | | | |
|--------------------------------|--|-----------|------------------------|-----------|
| | Observed (2021) | | Modelled (2021) | |
| | AM | PM | AM | PM |
| 95% back of queue (Veh) | 5.3 | 4.6 | 5.8 | 4.1 |
| Average delay time (S) | 68 | 52 | 72.1 | 70.3 |
| LoS | F | F | F | F |



Based on the 2025 volumes, the SIDRA analysis indicates less traffic at the intersection compared to in 2021 due to the closure of Larsen Road at the railway. The closure of Larsen Road essentially removes traffic from the west of the railway, including the school. But, based on current intersection design, there is still shown to be an unacceptable level of service.

Table 2: SIDRA results for the critical right movements at the SWH / Larsen Rd intersection in 2025

| | Movement: Right turn out from Larsen Rd | |
|-------------------------|--|------|
| | 2025 After road closure and with development | |
| | AM | PM |
| 95% back of queue (Veh) | 2.7 | 2.8 |
| Average delay time (S) | 57.9 | 56.7 |
| LoS | F | F |

In order to address this, a condition is recommended that requires the design of a deceleration lane, and upgrade to the Larsen Road and South Western Highway intersection to a traffic signal, that demonstrates to the Shire (on advice from MRWA) that intersection and driveway performance can operate safely with an acceptable level of service. This will also help to book end the town centre extent of Byford, with a single upon entry at Abernethy Road and departure at Larsen Road. This is considered an infrastructure requirement directly associated with the proposed development.

It may be questioned in respect of whether a requirement for an intersection upgrade should be placed upon a proposed development. It is the professional assessment by Officers that the development causes the level of service of the intersection to remain at LOS F, despite the removal of significant traffic to the west of the development. For a condition to be deemed reasonable, it would have to be held that such condition arises from the changes precipitated by the development in question. If it does reasonably relate, then the position of Officers and the planning framework is that it is not unreasonable to see a broader benefit arrive for the public to a greater or lesser extent. Whilst the intersection upgrade will cause benefit to not just the development, it is the development that directly identifies the need for the intersection improvement, by virtue of its SIDRA analysis. A traffic signal will create an acceptable LOS, and also aid greater efficiency in general road performance through the area.

Traffic Volumes

The assessment year that is adopted for the analysis of traffic volumes is 2025, once the surrounding road network upgrades have been completed. The TIA states that the greatest demand on the capacity of the local road network will be experienced during the combined peak hour of business activity of the development and the commuter traffic activity during the weekday morning and afternoon periods.

The TIA provided that, based on the commercial development comprising a mix of land uses, it is estimated that the development would generate a total of 3,261 daily trips (both inbound and outbound) with approximately 207 (AM) and 248 (PM) vehicles per hour (vph) during the weekday. This estimation was based upon the assumption that incidences of multi-purpose trips (i.e., cross-trade) are anticipated meaning that more than one shop/outlet is visited within the development.



Accordingly, the applied cross-trade adjustment resulted in an overall reduction in trip generation of approximately 20%.

The peak periods for traffic volumes on South Western Highway are from 8:00am to 9:00am (AM peak) and 4:00pm to 5:00pm (PM peak). During these times it is modelled that 105 vehicles in the AM peak and 123 vehicles in the PM peak would be generated by the development.

Larsen Road is a link to the Service Commercial area, and South Western Highway has the capacity to cater for approximately 25,000 to 30,000 vehicles per day. Generally, there are no concerns with the capability of the road network being able to accommodate the volume of traffic generated, subject to the Larsen Road intersection upgrade taking place.

Amenity

The Environmental Protection Authority Guidance Statement Note 3 - Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement) provides guidance on generic separation distances between industries and sensitive land uses (dwellings). The purpose of these separation distances is to avoid or minimise the potential for land use conflicts. The recommended separation distance between 'Service Stations' and sensitive land uses is 200m. There are no recommended separation distances under the Guidance Statement for the other proposed land uses. The sensitive receptors within a 200m radius are depicted in the diagram following:



200m EPA recommended separation distances

There are number of sensitive receptors within the generic 200m separation distance. Where sensitive receptors are located within the separation distance, technical reports are required to be provided to demonstrate how specific impacts would be managed.



The Guidance Statement identifies impacts from Service Stations with 24-hour operations as gaseous, noise and odour. Specific amenity impacts are discussed following:

Noise

An Environmental Noise Assessment (ENA) was submitted as part of the application (**attachment 7**).

The ENA identifies noise sources from the development as

- mechanical plant;
- car movements in a drive through;
- car movements around the site;
- door slams;
- car engine starts' and
- service centre.

The ENA assesses the following sensitive receptors:



Noise Receptors



The following tables are extracted from the ENA, displaying the modelled noise level received by sensitive receptors compared with the acceptable assigned levels. Each table below addresses a single noise source:

| TABLE 6 – ASSESSMENT OF SCENARIO 1 – MECHANICAL PLANT | | | | |
|--|--------------------------------------|--------------------------------|---|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{A10} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 38 | Night Time | 38 | Complies |
| R2 | 42 | Night Time | 42 | Complies |
| R3 | 40 | Night Time | 46 | Complies |
| C4 | 46 | Night Time | 60 | Complies |
| R5 | 28 | Night Time | 37 | Complies |

| TABLE 8 – ASSESSMENT OF SCENARIO 3 - CAR MOVEMENTS AROUND SITE | | | | |
|---|--------------------------------------|--------------------------------|--|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{A1} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 34 | Night Time | 48 | Complies |
| R2 | 45 | Night Time | 52 | Complies |
| R3 | 35 | Night Time | 56 | Complies |
| C4 | 46 | Night Time | 75 | Complies |
| R5 | 23 | Night Time | 47 | Complies |

| TABLE 9 – ASSESSMENT OF SCENARIO 4 - CAR DOOR SLAMS | | | | |
|--|--------------------------------------|--------------------------------|--|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{AMax} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 50 | Night Time | 58 | Complies |
| R2 | 56 | Night Time | 62 | Complies |
| R3 | 49 | Night Time | 66 | Complies |
| C4 | 66 | Night Time | 80 | Complies |
| R5 | 38 | Night Time | 57 | Complies |

| TABLE 10 – ASSESSMENT OF SCENARIO 5 - CAR ENGINE STARTS | | | | |
|--|--------------------------------------|--------------------------------|--|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{AMax} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 38 | Night Time | 58 | Complies |
| R2 | 44 | Night Time | 62 | Complies |
| R3 | 37 | Night Time | 66 | Complies |
| C4 | 52 | Night Time | 80 | Complies |
| R5 | 26 | Night Time | 57 | Complies |



| TABLE 7 – ASSESSMENT OF SCENARIO 2 – CAR MOVEMENTS IN DRIVE THROUGH | | | | |
|--|--------------------------------------|--------------------------------|--|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{A1} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 33 | Night Time | 48 | Complies |
| R2 | 37 | Night Time | 52 | Complies |
| R3 | 35 | Night Time | 56 | Complies |
| C4 | 41 | Night Time | 75 | Complies |
| R5 | 23 | Night Time | 47 | Complies |

| TABLE 11 – ASSESSMENT OF SCENARIO 6 - SERVICE CENTRE | | | | |
|---|--------------------------------------|--------------------------------|---|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{A10} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 17 | Night Time | 38 | Complies |
| R2 | 17 | Night Time | 42 | Complies |
| R3 | 37 | Night Time | 46 | Complies |
| C4 | 49 | Night Time | 60 | Complies |
| R5 | 24 | Night Time | 37 | Complies |

| TABLE 12 – ASSESSMENT OF SCENARIO 7 – CAR WASH | | | | |
|---|--------------------------------------|--------------------------------|---|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{A10} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 36 | Night Time | 38 | Complies |
| R2 | 40 | Night Time | 42 | Complies |
| R3 | 40 | Night Time | 46 | Complies |
| C4 | 56 | Night Time | 60 | Complies |
| R5 | 33 | Night Time | 37 | Complies |

| TABLE 13 – ASSESSMENT OF SCENARIO 8 – DELIVERY TRUCKS | | | | |
|--|--------------------------------------|--------------------------------|--|--|
| Location | Assessable Noise Level, dB(A) | Applicable Times of Day | Applicable L_{A1} Assigned Level (dB) | Exceedance to Assigned Noise Level (dB) |
| R1 | 30 | Night Time | 48 | Complies |
| R2 | 40 | Night Time | 52 | Complies |
| R3 | 32 | Night Time | 56 | Complies |
| C4 | 38 | Night Time | 75 | Complies |
| R5 | 19 | Night Time | 47 | Complies |

The ENA concludes that all noise received at sensitive receptors will comply with the assigned levels under the Regulations. Notwithstanding compliance with the Regulations, it is noted that noise from the mechanical plant received at sensitive receptors R1 and R2 are modelled as being the same noise level as the assigned level. Officers consider this results in a risk of exceedances occurring.



Generally, noise from the mechanical plant can be reduced through its design and location. Officers are satisfied that measures can be put in place to ensure that exceedances do not occur such as the use of shielding or buffering material.

In addition, the assessment for the carwash was undertaken with hooded vacuum units, it is assumed from interpreting the ENA that these are not proposed as part of the development as the ENA acknowledges this and follows with a recommendation that the doors are closed on the service centre and the car wash where possible to minimise noise. It is noted that there are no doors on the car wash.

Whilst Officers consider that noise is capable of being managed, further information should be provided to clarify the abovementioned points.

Officers consider that a Noise Management Plan and post development reporting is warranted to ensure noise is appropriately managed in perpetuity and to ensure that neighbouring residents to the north are not adversely impacted upon by noise should the application be approved. The Noise Management Plan should:

- Detail of the final design of mechanical plant including suitable noise shielding or buffering material; and.
- Detail further measures as recommended by the ENA in relation to closing of doors.

Overall, the noise from the development is considered capable of being managed to ensure it does not have an adverse impact upon neighbouring residents, subject to a suitable Noise Management Plan.

Odour and Gaseous Management

Management of potential pollutants is a statutory requirement for all service stations and service centres under the *Dangerous Goods Safety Regulations 2004*. The applicant has provided information that the underground fuel storage tanks will be equipped with a vapour recovery system which ensures that all petrol vapours from the underground tanks are drawn back into the fuel tanker at the time of fuel delivery. This enables the returned vapours to be recondensed.

The development proposal would be required to obtain a Dangerous Goods Site License prior to operation and as such it is considered that gaseous emissions can be appropriately managed.

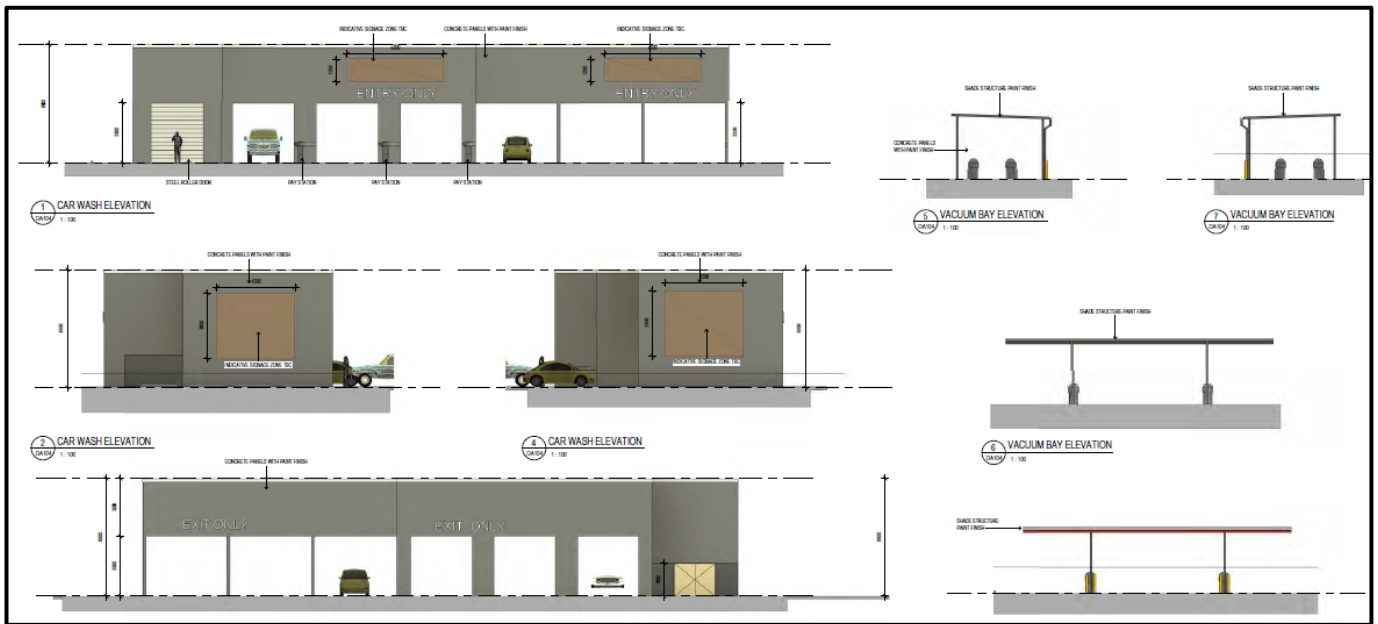
Form of Development

The DAP sets out the aspirations of the future built form of the character area to which the proposal is generally compliant with. Officers have assessed the design of the proposed development in line with the relevant provisions of the DAP as contained within the Clause 67 Checklist

The proposed buildings are of a scale consistent with the expectations of the 'Service Commercial' zone and the functionality of the uses. They are of simple form, reflective of surrounding development.

The buildings are of concrete construction finished with a mixture of timber looking columns, coloured blockwork, composite and cladding. The colour palette ranges from dark/light greys, browns and red which are considered consistent with the rural character of the Shire. The use of timber columns and battens contributes towards the visual interest of the buildings. The elevations are shown following:





Officers consider that the design of the development is compatible with surrounding commercial development, particularly to the south as it seeks to incorporate consistent design elements

Local Planning Policy 4.9: Fast Food Premises

LPP4.24 seeks to provide guidance for Fast Food premises in relation to matters such as scale design, built form, car parking traffic, and amenity. The objectives of the policy are as follows:

- *Promote the design and integration of Fast-Food Premises into vibrant urban environments;*
- *Protect and enhance the existing rural character of the Shire through appropriate built form outcomes.*
- *Protect and enhance the amenity of land surrounding Fast Food Premises*

An assessment against the policy is detailed in the table following:

| Policy Provision | Proposed Development |
|---|--|
| The proposed built form of Fast-Food Premises must be of scale, bulk and mass to provide a positive contribution to streetscape amenity | The fast food buildings are primarily oriented towards South Western Highway. |
| Car parking must be located at the rear of a property and sleeved by development where possible. | Car parking is conveniently located to provide access to the buildings and the outdoor eating areas provided. |
| Car parking areas are to be laid out, finished and landscaped in a manner that minimises its visual impact on the locality and sympathetic to adjoining properties. | The application proposes hardstand and access areas which are to be constructed using recycled asphalt or similar product. |



| Policy Provision | Proposed Development |
|---|--|
| Safe pedestrian routes are to be defined in car parking areas. | Footpaths are proposed within the internal parking areas to ensure that the site is easily accessible. |
| The application for planning approval must identify the location, size and number of seats proposed within an alfresco dining area where proposed. | The development plans show eating areas for alfresco dining area only. |
| Where a drive-through facility is to be provided, the proposal must demonstrate that the drive through facility will not impact upon the built form outcome, the effective movement of vehicles on public roads, or effective access and parking on site. | A condition has been recommended to address the design of the drive through facility, in order to reduce the risk of impact on the South Western Highway infrastructure. |

Local Planning Policy 1.6 - (LPP 1.6) - Public Art for Major Developments

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

If the application were to be approved by the MODAP, a contribution towards public art is considered capable of being dealt with by way of a condition, consistent with the policy requirements. The Officer recommendation includes a condition of approval for the provision of or contribution towards public art.

Local Planning Policy - 4.16 (LPP4.16) - Tree Retention and Planting

The key objectives of LPP4.16, relevant to this application, are as follows:

- *To preserve and enhance the Shire's landscape character;*
- *To protect and retain significant trees contributing to the biodiversity and amenity of the Shire;*
- *To provide guidance as to when the Shire will support tree removal and require replacement planting and additional planting in degraded areas*

The site contains mature vegetation of which the proposal includes the removal of. The applicant has provided a Landscaping Plan (**attachment 8**) to aim to offset the vegetation to be removed. Officers are generally satisfied with the level of replacement vegetation given the site is expected to be developed for the purposes proposed.

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

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

A Stormwater Management Plan (SMP) (**attachment 9**) was submitted as part of the application. The SMP proposes a number of drainage swales across the site for the treatment and storage of stormwater.



Officers consider that further details should be provided, should the application be approved, showing discharge rates of stormwater as well as demonstration that the storage requirement for rainfall events can cater for a 10% AEP (annual exceedance probability) to ensure that the car parking area does not flood.

Local Planning Policy 4.11 (LPP4.11) - Advertising

Local Planning Policy LPP 4.11 - Advertising sets out development standards and requirements for advertisements. The plans as submitted have identified nominal wall signage for the service station, convenience store and motor vehicle repair integrated into the façade of the development. No detailed drawings of the signage for the fast food outlets and car wash were provided with the application.

If the application is approved, a signage strategy should be required detailing the signage for the tenancies to ensure compliance with the LPP4.11.

In addition, the application proposes two illuminated pylon signs. One for the service station and the second to be shared amongst the other tenancies. The service station pylon sign which is 7.2m high does not comply with the maximum height of 6.5m permitted under the policy. Should the application be approved, the pylon sign should be reduced in height, consistent with the LPP.

Options

Option 1

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel APPROVES the development application for the proposed 'Service Station', 'Fast Food Outlets', 'Motor Vehicle Repair' and 'Motor Vehicle Wash' at Lot 104, 3 Larsen, Byford as contained within **attachment 10** subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

| | |
|-------------------------|---|
| Plans and Specification | Development Plans dated 13 December 2023 Updated Site Plan dated 19 March 2024 Environmental Acoustic Assessment dated November 2023 Traffic Impact Assessment dated November 2023 Addendum to Transport Impact Statement dated 20 March 2024 Waste Management Plan dated 10 January 2023 Stormwater Management Plan dated 23 November 2023 Landscaping Plan dated 8 December 2023 |
|-------------------------|---|

- b. Prior to the lodgement of a Building Permit, an updated Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.
 - c. Prior to the lodgement of a Building Permit, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale, in consultation with Main



Roads Western Australia, detailing the provision of the following infrastructure improvements:

- i. The driveway entrance from South Western Highway being suitable design with a deceleration lane;
- ii. The intersection of Larsen Road and South Western Highway being upgraded to a traffic signal, with fully integrated and renewed pedestrian footpath infrastructure which suitably links with the signal.

Once approved, the infrastructure improvements are required to be implemented by the application prior to operation of the development.

- d. The vehicle parking areas, accessways, internal roads and crossovers must:
 - i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- f. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- g. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
 - i. Management of car parking, delivery vehicles and traffic associated with the construction of the development.
 - ii. Management of dust and noise.

Once approved, the Construction Management Plan shall be adhered to at all times.

- h. Prior to the lodgement of a building permit, an updated Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail the landscaping within the site and on all the adjoining verges (including pedestrian pathways), to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.
- i. Prior to occupation of the development, a Noise Management Plan must be submitted and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail all measures to mitigate noise emissions to the satisfaction of the Shire of Serpentine



Jarrahdale. Once approved, the development shall be carried out in accordance with the Noise Management Plan.

- j. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy should demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. The pylon signs shall not exceed 6.5m in height. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- k. Prior to occupation of the development, shared paths, bicycle parking facilities shall be installed in accordance with Local Planning Policy 4.15 Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to occupation of the development, an updated Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the management of wastewater from the Car Wash. Once approved, development must be in accordance with the approval Waste Management Plan.
- m. All loading and unloading associated with the development must be undertaken within the subject property boundaries.
- n. Plans submitted for a building permit are to demonstrate the southeastern fast food takeaway development being flipped in its design along its vertical access, in order to place the driveway through entry component on the western side of the building, to the satisfaction of the Shire.

Option 2

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel REFUSES the development application for the proposed 'Service Station', 'Fast Food Outlets', 'Motor Vehicle Repair' and 'Motor Vehicle Wash' at Lot 104, 3 Larsen, Byford, as contained within **attachment 10**, for the following reasons:
 - a. The development poses risks to traffic safety on South Western Highway due to the location and use of the access proposed.

Option 1 is recommended.

Conclusion

The application seeks approval for a 'Service Station', two 'Fast Food Outlets', 'Motor Vehicle Repair' and 'Motor Vehicle Wash'. Officers consider that the development is generally consistent with the planning framework, and subject to conditions, is recommended for support notwithstanding the objection from MRWA. The MRWA objection will cause the DPLH to submit its own RAR, given they will need to issue a recommendation under the MRS given the Shire does not support the submission from MRWA.



Attachments

- **10.1.1 - attachment 1** - Responsibility Authority Report (E24/5297)
- **10.1.1 - attachment 2** - Development Plans (E24/5130)
- **10.1.1 - attachment 3** - Summary of Submissions (E24/981)
- **10.1.1 - attachment 4** - Clause 67 Assessment (E24/5213)
- **10.1.1 - attachment 5** - Parking Assessment (E24/5091)
- **10.1.1 - attachment 6** - Traffic Impact Assessment and Addendum (E24/5125)
- **10.1.1 - attachment 7** - Environmental Acoustic Assessment (E24/5124)
- **10.1.1 - attachment 8** - Landscaping Plan (E24/5128)
- **10.1.1 - attachment 9** - Stormwater Management Plan (E24/5129)
- **10.1.1 - attachment 10** - Combined Documents for Determination (E24/5507)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment |
| Liveable |
| 1. Advocate for public transport and focus on connectivity within communities |
| 2. Improve maintenance and investment in roads and paths |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to approve the application, and MODAP approve. | This is considered the lowest risk option possible. | | | | | |
| 2 | That Council RESOLVES the Responsible Authority Recommendation for the MOJDAP to refuse the application, and MODAP refuse it causing an appeal to the SAT which requires staff to attend. | Planning Framework | Reputation | Possible | Moderate | MODERATE | Clear reasons for refusal. |

Voting Requirements: Simple Majority

OCM116/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council RESOLVES the following Responsible Authority Report Recommendation:

1. That the Metro Outer Joint Development Assessment Panel APPROVES the development application for the proposed ‘Service Station’, ‘Fast Food Outlets’, ‘Motor Vehicle Repair’ and ‘Motor Vehicle Wash’ at Lot 104, 3 Larsen, Byford as contained within attachment 10 subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

| | |
|-------------------------|---|
| Plans and Specification | Development Plans dated 13 December 2023 Updated Site Plan dated 19 March 2024 |
|-------------------------|---|



Environmental Acoustic Assessment dated November 2023
Traffic Impact Assessment dated November 2023
Addendum to Transport Impact Statement dated 20 March 2024
Waste Management Plan dated 10 January 2023
Stormwater Management Plan dated 23 November 2023
Landscaping Plan dated 8 December 2023

b. Prior to the lodgement of a Building Permit, an updated Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.

c. Prior to the lodgement of a Building Permit, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale, in consultation with Main Roads Western Australia, detailing the provision of the following infrastructure improvements:

- i. The driveway entrance from South Western Highway being suitable design with a deceleration lane;
- ii. The intersection of Larsen Road and South Western Highway being upgraded to a traffic signal, with fully integrated and renewed pedestrian footpath infrastructure which suitably links with the signal.

Once approved, the infrastructure improvements are required to be implemented by the application prior to operation of the development.

d. The vehicle parking areas, accessways, internal roads and crossovers must:

- i. Be designed in accordance with the relevant Australian/New Zealand Standard;
- ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
- iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.

f. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.



g. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:

- i. Management of car parking, delivery vehicles and traffic associated with the construction of the development.**
- ii. Management of dust and noise.**

Once approved, the Construction Management Plan shall be adhered to at all times.

h. Prior to the lodgement of a building permit, an updated Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail the landscaping within the site and on all the adjoining verges (including pedestrian pathways), to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

i. Prior to occupation of the development, a Noise Management Plan must be submitted and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail all measures to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the development shall be carried out in accordance with the Noise Management Plan.

j. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy should demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. The pylon signs shall not exceed 6.5m in height. Once approved, signage shall be displayed and maintained in accordance with the Strategy.

k. Prior to occupation of the development, shared paths, bicycle parking facilities shall be installed in accordance with Local Planning Policy 4.15 Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.

l. Prior to occupation of the development, an updated Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the management of wastewater from the Car Wash. Once approved, development must be in accordance with the approval Waste Management Plan.

m. All loading and unloading associated with the development must be undertaken within the subject property boundaries.

n. Plans submitted for a building permit are to demonstrate the southeastern fast food takeaway development being flipped in its design along its vertical access, in order to place the driveway through entry component on the western side of the building, to the satisfaction of the Shire.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.1.2 - Proposed Amendments to Council Policy - General Compliance and Enforcement (SJ4444)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the adoption of minor amendments to Council Policy - General Compliance and Enforcement. The revised Policy includes amendments to provide clearer guidance for decision-making in compliance and enforcement matters. The Policy, as amended, will further enhance clarity as to process and remedies as they relate to compliance and enforcement matters.

The proposed amendments to the Policy are considered minor and focussed internally to the organisation by way of providing further clarity as to process and procedure for compliance and enforcement matters. Accordingly, community consultation is not proposed to be undertaken. A copy of the Council Policy, with the amendments shown in track changes, is contained within **attachment 3** and the amended policy with the track changes accepted is contained within **attachment 2**.

It is recommended that Council accepts that the amendments are minor and adopts the revised Council Policy as contained within **attachment 2**, enabling the updated Policy to become operational.

Relevant Previous Decisions of Council

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|--|
| <p><i>Ordinary Council Meeting - 16 September 2019 - OCM195/09/19 - COUNCIL RESOLUTION</i></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. ADOPTS revised Council Policy - General Compliance and Enforcement as contained within attachment 2. 2. ADOPTS revised Council Policy - Waiving and Refunding of Fees as contained within attachment 4. 3. ADOPTS revised Council Policy - Proceedings before the State Administrative Tribunal as contained within attachment 6. 4. REPEALS Council Policy 4.1.3 - Extractive Industry Licenses as contained within attachment 7. |
|--|



Background

The General Compliance and Enforcement Council Policy sets out the Shire’s general process and procedure to compliance and enforcement matters, relevant to Building, Planning, Health, Environment, Engineering and Ranger Services. The purpose of the Council Policy is to ensure a consistent approach for dealing with the range of compliance matters that occur from time to time, and also set out the circumstances where enforcement should be taken. The Policy aims to set effective policy and procedure, to enable consistent and transparent decision making to occur. Importantly, the Council Policy supports a cooperative and collaborative process towards achieving compliance throughout the Shire, through a voluntary compliance ethos which aims to resolve most matters through this process. The Policy will set out where voluntary compliance is not recommended or possible, and in such matters where enforcement is needed to occur.

The Council policy has been reviewed as part of the Shire’s general review of processes and it is considered that amendments should be made to ensure it is in line with best practice. This will support ongoing efficient and effective decision making to occur, across the organisation where regulatory services are provided and where compliance issues may be encountered.

Community / Stakeholder Consultation

The proposed amendments do not alter the intent of the Council Policy, or the procedures currently undertaken. The intent of the amendments rather are to make improvements to the provisions and set clearer guidance for the exercise of discretion in decision-making. For this reason, the Policy is not recommended for advertising.

The proposed amendments were briefed to the Policy Concept Forum meeting on 6 May 2024.

Statutory Environment

- *Local Government Act 1995*
- *Planning and Development Act 2005*

Proposed Modifications

In its current form (**attachment 1**), the Council Policy defines offences as minor, moderate and major offences and includes a matrix which sets out certain land uses which may be considered to fall within each category. This approach has created a number of issues over the past 12 months, as such matrix does not provide an insight into how significant an issue may be by virtue of its scale, risk and/or impact. For example, unauthorised tree clearing is listed as a moderate offence as shown following:

Compliance Matrix – Planning Compliance Services

| Offence Description | Statutory Authority | Offence Category | | |
|-----------------------------------|---------------------|------------------|----------|-------|
| | | Minor | Moderate | Major |
| Development Compliance | | | | |
| Unauthorised Tree Clearing | TPS | | X | |

Whilst tree clearing could be a moderate offence, the category would depend on the scale of the tree clearing, the nature of the trees cleared (health and species) as well as the location of the trees to determine the amenity impacts of the clearing. Depending on these factors, tree clearing could be either a minor, moderate or major offence, and requires the exercise of discretion to determine the offence category.



The same issue pertains to common issues that arise through the likes of unapproved transport depots.

For example:

- this could be considered minor, if it was limited to only a few trucks and was occurring in manner that was not causing significant amenity impacts, for example not operating during night time hours and not within residential or rural residential areas;
- alternatively, this could be considered moderate or major, if the scale was large and there were significant amenity issues causing a raft of complaints and impacts on the enjoyment of surrounding land.

This necessitates judgement on behalf of Officers to occur, which should not otherwise attempt to be prescribed by a matrix which does not consider all relevant matter. It is important to enhance the Policy to focus on considering the relevance of scale, risk and/or impact, in order to deliver upon the Policy purposes which state:

- Ensure a consistent approach in enforcement and compliance related matters.
- Provide transparency, apply procedural fairness and natural justice for all enforcement and compliance related matters.
- Provide an educational, cooperative, and collaborative process towards compliance and enforcement; and
- To guide decision making and actions by the Shire in the consistent use of enforcement options commensurate with the risk.

In order to do this, it is proposed to remove the matrixes from the Policy to allow for a merits-based assessment of each case to be undertaken before determining the actual offence category. This is to enable the relevant aspects of scale, risk and/or impact to first be assessed, rather than the current policy approach that sets a predetermined classification. This will assist both Officers and the community, by providing an enhanced policy framework that is applied on a risk based approach considering the unique circumstances of each case.

The existing Council Policy also sets out what enforcement action may be taken by Officers during an investigation but does not clearly reference this back to the category of the offence. The proposed amendments seek to list all the enforcement action that may be taken, if any, and provide clearer guidance as to when this may occur.

This is detailed following:

6.1 No enforcement action taken

The Shire may exercise discretion and take no enforcement action after an investigation where:

- (a) The allegation is considered inconsequential or insignificant. For example, where the extent of the non-compliance is minor to the point where the distinction between complying and not complying with the relevant legislation would not be noticeable.
- (b) The complaint has been made primarily as a result of a neighbour dispute.
- (c) The Shire is not the appropriate authority to investigate the matter.
- (d) A complaint is made anonymously.



- (e) Having considered the nature of the non-compliance, an educative approach to preventing the matter from continuing or reoccurring is considered most appropriate.
- (f) There is insufficient evidence to prove non-compliance.
- (g) The matter is a minor offence.

6.2 Referral to an external agency or relevant authority

- (a) Where the Shire is not the responsible authority to administer the legislation which has been breached, the Shire will refer the complaint to the relevant agency/authority.

6.3 Requests for retrospective development approvals (if applicable)

- (a) Where a breach relates to use or works undertaken without development approval, the Shire may require and assist the offender to submit a retrospective development application where such a development application is capable of approval, subject to a merits-based assessment.
- (b) The Shire may allow the use of a minor offence to continue until the development application is determined, dependent on the scale and impact. This would generally be for minor offences.

6.4 Formal Cautions or Warnings

Formal action includes either verbal or written warnings or requests for action by the person committing the offence. This may include the provision of advice, information or assistance to ensure future compliance. This would generally be for a minor to moderate offence.

6.5 Infringement Notices Issued under Relevant Legislation

- (a) For offences that have modified penalties, an infringement notice may be issued. This would generally be for a minor to moderate offence.
- (b) A person who receives an infringement notice may choose to pay the penalty or elect to have the matter heard in court.
- (c) Records of all infringements notices are kept on the electronic record system for future reference, in the event that a further offence be committed.
- (d) The *Fines, Penalties and Infringement Notices Enforcement Act 1994* provides that the effect of payment of an infringement notice is that:
 - (i) No further prosecution of that matter can take place for the same time period; and
 - (ii) That payment is not to be taken as admission of any kind for that alleged offence.
- (e) Multiple infringement notices can be issued for any given offence(s).
- (f) Where a fine is not paid within the specified timeframe, the matter will be referred to the Fines Enforcement Registry for collection or action.

6.6 Direction Notices

The Shire may:

- (a) Issue a written direction that development stops immediately and not recommence.
- (b) Issue a written direction that development must be removed.



- (c) Issue a written direction that remedial action be undertaken to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority, within a specified time period of no less than 60 days.
- (d) Undertake works as specified in the notice or order to restore the land as nearly as practicable to its condition immediately before the development started or execute that work as it directed that person. The Shire is entitled to recover its expenses in a court of competent jurisdiction.
- (e) In the event that an infringement, notice, or order is appealed in accordance with the relevant legislation, substantiate its actions to a court or tribunal. This may result in the infringement, notice or order being overturned, amended or subject to mediation.

This would generally be for moderate to major offences.

7. Prosecution Action

- 7.1 Prosecution will be undertaken for serious breaches in legislation such as major offences or in matters where other enforcement actions have not resulted in compliance for minor or moderate offences.
- 7.2 The initiation of a prosecution is subject to a Council decision.
- 7.3 The Shire will consider the following as part of a prosecution initiation:
 - (a) The seriousness and nature of the offence;
 - (b) Legal advice received by the Shire;
 - (c) Any evidence of contempt or disregard for the law;
 - (d) Any public health or safety impacts resulting from the offence; and
 - (e) Whether the prosecution is in the public interest.

It is considered that the revised layout of the Council Policy provides much clearer guidance for both landowners and Officers in relation to the course of action that will be taken for compliance matters. The Council Policy also provides Officers with the ability to exercise discretion in determining the best course of action depending on the scale of the offence. It is recommended that the Policy amendments be adopted.

Options

Option 1

That Council ADOPTS revised Council Policy - General Compliance and Enforcement as contained within **attachment 2**.

Option 2

That Council does NOT ADOPT revised Council Policy - General Compliance and Enforcement as contained within **attachment 2**.

Option 1 is recommended.



Conclusion

Council Policy - General Compliance and Enforcement has been reviewed to ensure it provides clear and transparent guidance for compliance matters as well as being in line with best practice. It is considered that minor amendments should be made to improve the Council Policy, in particular to ensure considerations of scale, risk and/or impact and taken into regard rather than attempt to be prescribed through a matrix of offence approach. This will result in more effective exercise of discretion when determining the category of an offence and the most appropriate course of action. It is recommended therefore that Council adopt the revised Council Policy for it to become operational subsequently.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Council Policy - Existing General Compliance and Enforcement (IN19/19262)
- **10.1.2 - attachment 2** - Council Policy - General Compliance and Enforcement for Council's adoption (E24/4027)
- **10.1.2 - attachment 3** - Council Policy - General Compliance and Enforcement with track changes (E24/4026)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|-----------------------------------|--|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | No significant risk associated with Option 1 | | | | | | |
| 2 | If Council resolves not to update minor amendments to the existing Council Policy, the Shire's processes may not reflect the best industry practice and may result in the allocation of offence categories that do not reflect the scale, risk and/or impact of the matter. | Planning and Development Act 2005 | Reputation Organisational Performance | Possible | Moderate | MODERATE | Nil. |

Voting Requirements: Simple Majority

OCM117/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council ADOPTS revised Council Policy - General Compliance and Enforcement as contained within attachment 2.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.1.3 - Proposed Amendment to Condition of an Approved Abattoir to Allow Increase in Meat Production - Lot 5, 566 South Western Highway, Darling Downs (PA22/936)

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

Authority / Discretion

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

| | |
|-------------------------------------|--------------------------|
| Proponent: | R. Waddell |
| Owner: | Whitmore Gardens Pty Ltd |
| Date of Receipt: | 5 April 2023 |
| Lot Area: | 6.33ha |
| Local Planning Scheme No. 3 Zoning: | 'Rural' |
| Metropolitan Region Scheme Zoning: | 'Rural' |

Report Purpose

The purpose of this report is for Council to consider a development application to amend a condition of approval for an existing abattoir at Lot 5, 566 South Western Highway, Darling Downs. The existing abattoir is subject to a condition which states, "*Production is limited to no more than 1,000 tonnes of total meat per year (including both meat for pets and meat for humans)*". The subject application seeks to amend this condition to allow for up to 10,000 tonnes of live animal weight per year, which equates to approximately 3,375 tonnes of processed product (increase from the current 1,000 tonne processed meat limit).

The application is presented to Council as 100 objections were received during the community consultation period. Officers do not have delegated authority to determine development applications where three or more objections are received, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

It is considered that the application fails to demonstrate that the increase in production can be undertaken in a manner which does not result in adverse offsite impacts. Specifically impacts pertaining to odour, noise and traffic.



There are also concerns in relation to potential environmental impacts from the management of wastewater. It is therefore recommended that Council refuse the development application.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 20 June 2022 - OCM129/06/22 COUNCIL RESOLUTION
That Council APPROVES the development application for alterations and additions to the existing Noxious Industry at Lot 5, 49 Butcher Road, Darling Downs as contained within attachment 1, subject to the following conditions:*

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

| | |
|---------------------------------|--|
| <i>Plans and Specifications</i> | <i>P1 - P11 received at the Shire’s offices on 12 April 2022</i> |
|---------------------------------|--|

- b. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.*
- c. Production is limited to no more than 1,000 tonnes of total meat per year (including both meat for pets and meat for humans).*
- d. Prior to issue of a Building Permit, the applicant making suitable arrangements to secure an access easement over Reserve 10385, being Lot 61 on Deposited Plan 223231.*

Background

Existing Development

The subject site is located on the western side of South Western Highway in the northern region of the Shire. The site contains an established abattoir and features a cluster of outbuildings on the eastern edge of the site used for this purpose. The site also features an existing dwelling in the south-east corner of the lot and the remaining land is vacant paddocks.



Figure 1: Aerial Image

The abattoir has been operational for over 25 years, with the original development approval issued in 1980. At this time, the approval did not allow for the slaughtering of animals on site, although this was occurring. On 24 August 2015, Council approved a development application for an abattoir to include the slaughtering of animals for the purpose of pet meat production only. A condition on this approval restricted the amount of meat processed to no more than 1,000 tonnes of pet meat per year. Development approval was later granted on 1 August 2019, amending this approval to allow the processing of meat for human consumption as well as pet meat. This approval also restricted the total meat processed to no more than 1,000 tonnes per year.

In June 2022, Council approved alterations and additions upgrading the operations, through replacing existing infrastructure with new, purpose-built infrastructure that modernised the development. This enabled throughput to be available for both pet meat consumption and meat for human consumption, as previously approved. These upgrades have not yet been completed. The upgrades included new cool rooms and loading/unloading docks, as well as a new waste management and disposal system (wastewater treatment plant).

In the last 18 months, new rural residential development has occurred on the western side of the facility, which was based upon the approved buffer for a 1,000 tonne meat production limit from the existing operations.

Proposed Development

As previously stated, the abattoir is subject to the following condition:

“Production is limited to no more than 1,000 tonnes of total meat per year (including both meat for pets and meat for humans)”.



The subject application seeks to amend this Condition to allow for up to 10,000 tonnes of live animal weight per year, which equates to approximately 3,375 tonnes of processed product (increase from 1,000 tonnes). No works are proposed as part of this application. Full details of the proposal are contained within **attachment 1**.

The purpose of changing the production limit in terms of 'live animal weight' and 'processed meat' would ensure the terminology is consistent with the licencing requirements of the Department of Water and Environmental Regulation (DWER). An abattoir is classed as a prescribed premises under the *Environmental Protection Act 1986* where it has the production or design capacity to be able to slaughter 1,000 tonnes or more of animals per year. This proposal has therefore resulted in the requirement for such a Licence from DWER which was issued on 25 March 2024 (**attachment 2**).

The design capacity of an abattoir is based upon the live animal weight and not the meat processed or produced. For consistency, the proposal will be discussed as seeking to increase production to allow for up to 10,000 tonnes of live animal weight. As previously stated, this equates to approximately 3,375 tonnes of processed meat, an increase in over three times what has approval to be produced currently.

Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 1km radius of the site for a period of 21 days, from 3 April 2024 until 24 April 2024. The application was also advertised on the Shire's website for the same period. During this period 100 objections were received, and one submission provided support.

The full list of submissions together with Officer comments is contained within **attachment 3**. The matters raised are addressed under the relevant headings of the report and relate to odour emissions, traffic and the impact on the environment including groundwater.

In addition, a petition containing 44 signatures objecting to the proposal was received. The petition raises concerns in relation to odour, groundwater contamination and traffic. These concerns are also addressed within the relevant headings of the report. The petition itself shall be presented to Council as a separate item.

Government Agencies

Department of Water and Environment Regulation (DWER):

DWER provided a submission on 5 May 2023 prior to the issuing of the Nutrient and Irrigation Management Plan and the updated Environmental Assessment. DWER identified that the proposed expansion to the abattoir has the potential for impact on environment and water resource values and/or management and provided comments in relation to: -

- The site would be a prescribed premises and require a Licence;
- The site lies within the Peel-Harvey Catchment area; and
- A water licence would be required if the additional water is proposed to be sourced from groundwater.

DWER provided a further submission on 9 April 2024 after further information was submitted by the applicant stating there were no objections to the proposal and provided advice in relation to the following matters:

- DWER has granted a Licence under the Environmental Protection Act 1986;



- The site lies within the Peel-Harvey Catchment area;
- The site lies within a sewage sensitive area; and
- A water licence would be required if the additional water is proposed to be sourced from groundwater.

Water Corporation:

The Water Corporation did not object to the proposal and provided comments in relation to reticulated water, wastewater and the requirement for approval should any works be undertaken in proximity to their assets.

Department of Health:

The DoH provided a submission on 8 May 2023 prior to the issuing of the Nutrient and Irrigation Management Plan and the updated Environmental Assessment. The DoH stated they were unable to support the proposal due to:

- *“The submitted document highlighting test hole profiles were undertaken on the lot on 21 June 2022. To note, June 2022 was one of the driest June months on record with only 61mm recorded or approximately 1/3 of what is normally expected, and this would have a significant influence on the report’s findings and therefore the ability of a wastewater treatment system’s performance. The DoH request a specific site and soil evaluation (SSE) report undertaken by a qualified consultant and conducted during the wettest seasonal time of the year (mid-July – August/early Sept), that needs to demonstrate permeability rates as per AS/NZS 1547:2012 requirements”;*
- *“Please ensure minimum setbacks are met from natural water bodies such as creeks and streams or areas of high-water tables or perched water;*
- *It was noted in the documentation, staff wastewater will be going to new septic tanks. However, the human wastewater stream for staff will require secondary treatment systems (STS) as per GSP requirements;*
- *The wastewater treatment system and disposal area for the treatment of industrial wastes from the abattoir may require specified water quality criteria. Both wastewater treatment plants should be engineer Certified detailing the requirements as specified on the DoH website below: https://ww2.health.wa.gov.au/Articles/A_E/Certification-for-installation-of-wastewater-treatment-systems ;*
- *As the proposal is captured within a sewage sensitive area, it is recommended the proponent seeks advice from the Department of Water and Environmental Regulation (DWER) to determine if they are required to meet minimum water quality nutrient criteria or other requirements;*
- *Storm water is to be managed and diverted away from the wastewater treatment and disposal area/land application area and should not be blended or treated with wastewater;*
- *To ensure nuisances such as odour and pooling of effluent will not be a nuisance. Large sprinklers for disposal of effluent may need to be demonstrated for suitability to ensure disposal is not public health risk;*
- *The volumes of wastewater production from the abattoir will be required to be demonstrated according to good industry practices;*



- *The disposal rate of effluent to be disposed and area of disposal needs to be demonstrated by the permeability findings of the site and soil evaluation;*
- *Wastewater should not be carted off site but needs to be managed as above;*
- *To ensure wastewater that is produced on a lot is also disposed on the same lot;*
- *Plans detailing the proposed building envelopes, location of wastewater treatment system/s and land application area/s, all parking bays and exclusion zones for each proposal are required. Disposal drains cannot be longer than the specified 20m for this proposal.”*

Public Health Impacts

“The proposal represents a significant increase of more than 330% of the existing rates of production, which is likely to create equivalent increases in levels of wastes (liquid wastewater, solid wastes and airborne wastes and odours).

Therefore, DoH is not able to support any further reduction in separation distances to sensitive land uses adjacent to this abattoir without commitment to investigating the following issues and provision of effective management strategies, regarding:

- *satisfactory control of the increased pollution and emissions;*
- *a communication and consultation plan outlining the proposal to increase production and decrease separation distances of the operations with all local land users, including prospective land users associated with the new land release for sale, to ensure adequate feedback is provided to the shire to manage future planning objections, if they arise; and*
- *conduct a contaminated sites investigation and risk assessment in accordance with NEP(ASC)M guidelines and supervised by an accredited Contaminated Sites Auditor, to determine the suitability of the site prior to development.*
- *The site is not registered on the DWER Contaminated Sites database. To complete their enquiries, the proponent is advised to obtain a Basic Summary of Records (BSR) <https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form-2.pdf>*
- *The proposed development will include the demolition and clearance of existing buildings and structures. Existing buildings and structures may contain hazardous materials (asbestos, fuel oils, agrochemicals, fly-tipping etc) which are required to be safely removed prior to any demolition works to avoid the creation of new contaminated sites.”*

DoH also provided comments in relation to:

- *The Food Act 2008;*
- *Animal Welfare;*
- *Potable Water;*
- *Stormwater;*
- *Temperature requirements of Australian Standards.*



Officer Comment:

The updated information provided was referred to DoH however to date a further submission has not been received. The advice from DoH has been considered as part of the Officer assessment.

Department of Primary Industry Regulation (DPIRD):

DPIRD provided a submission on 8 May 2023 advising they could not support the application in its current form and required further information in relation to:

- Separation to groundwater;
- Storage of solid waste.

Department of Primary Industry Regulation (DPIRD):

DPIRD provided a further submission following the referral of the additional information. DPIRD stated that they have no additional comments to provide.

Officer Comment:

The advice from DPIRD has been considered as part of the Officer assessment.

Main Roads Western Australia (MRWA):

MRWA advised they are not in a position to be able to support the application until additional information is provided as follows:

- Details on how the development would function;
- Transport Impact Assessment.

Officer Comment:

The requested information was not provided by the applicant and as such the proposal has not been re-referred to MRWA. Their current position is that they do not support the application.

Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 2.1 - The Peel Harvey Coastal Plain Catchment (SPP2.1)
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3



- Local Planning Strategy
- Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals (LPP1.3)

Planning Assessment

Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows for an owner of land to which development approval has been granted to make an application to do any or all of the following:

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

The subject application seeks approval under Clause 77(b) to amend a Condition to which the development is subject by increasing the production limit of the abattoir.

Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals sets out that the following must be considered as part of an assessment of such an application:

“whether the nature and extent of the proposed amendment is such that the use or development subject to the development approval:

- Remains, in substance, the same; or*
- Is changed so a new and/or different use or development is proposed; or*
- Whether the extent/scale of the amendments proposed fundamentally alter the approved development.”*

It is considered that the proposal is consistent with these provisions and can be considered as an amendment. Whilst the increase in production is considered significant, it does not fundamentally alter the approved development of an abattoir.

Land Use:

The application does not seek any changes to the use of the land which has been previously approved. The land use of ‘abattoir’ is an ‘A’ use in the ‘Rural’ zone, a discretionary use requiring advertising.

Local Planning Scheme No.3:

As previously stated, the site is zoned ‘Rural’ under LPS3, the objectives of the zone are as follows:

- *“To provide for the maintenance or enhancement of specific local rural character.*
- *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils, and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*



- *To provide for the operation and development of existing, future, and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a limited range of non-rural land uses, only where they have demonstrated a direct benefit to the local community and are compatible with surrounding rural uses.”*

The site is also within Special Control Area 5 - Separation Distances.

The purpose of this area is to control development within close proximity of a site which may be considered offensive by way of noise, dust, gas, odour, fumes, etc.

This requirement for separation is based upon the location of the subject abattoir and the poultry farm on the adjacent lot to the south.

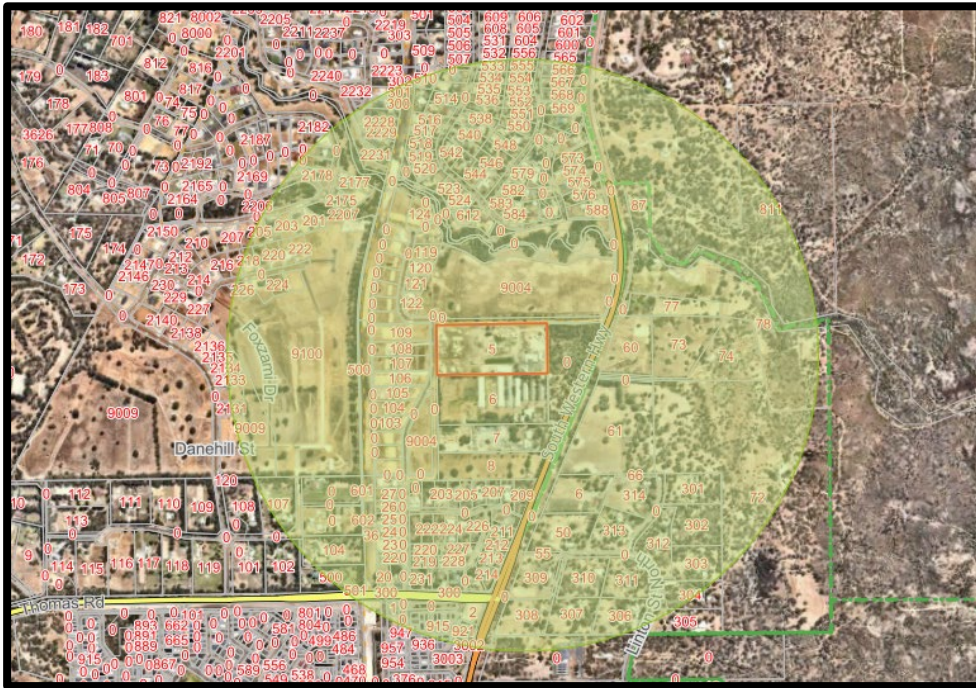
The slaughtering of animals for the production of food is considered relatively consistent with the objectives of the zone and the use is well established in this case. The Special Control Area also acknowledges that land uses in this area have the potential to result in amenity impacts. It is however considered that the application fails to demonstrate that such impacts are capable of being appropriately managed. This is discussed later in the report.

Amenity

The EPA's *Guidance Statement for the Assessment of Environmental Factors in relation to Separation Distances between Industrial Uses and Sensitive Land Uses* (Guidance Statement) sets out generic separation distances between uses such as abattoirs and sensitive receptors (dwellings). Any proposal that does not meet the generic separation distance requires a technical report to demonstrate how amenity impacts will be managed. The Guidance Statement has a recommended separation distance from abattoirs to sensitive receptors of between 500m and 1km depending on size. It lists the potential impacts as noise, dust and odour.

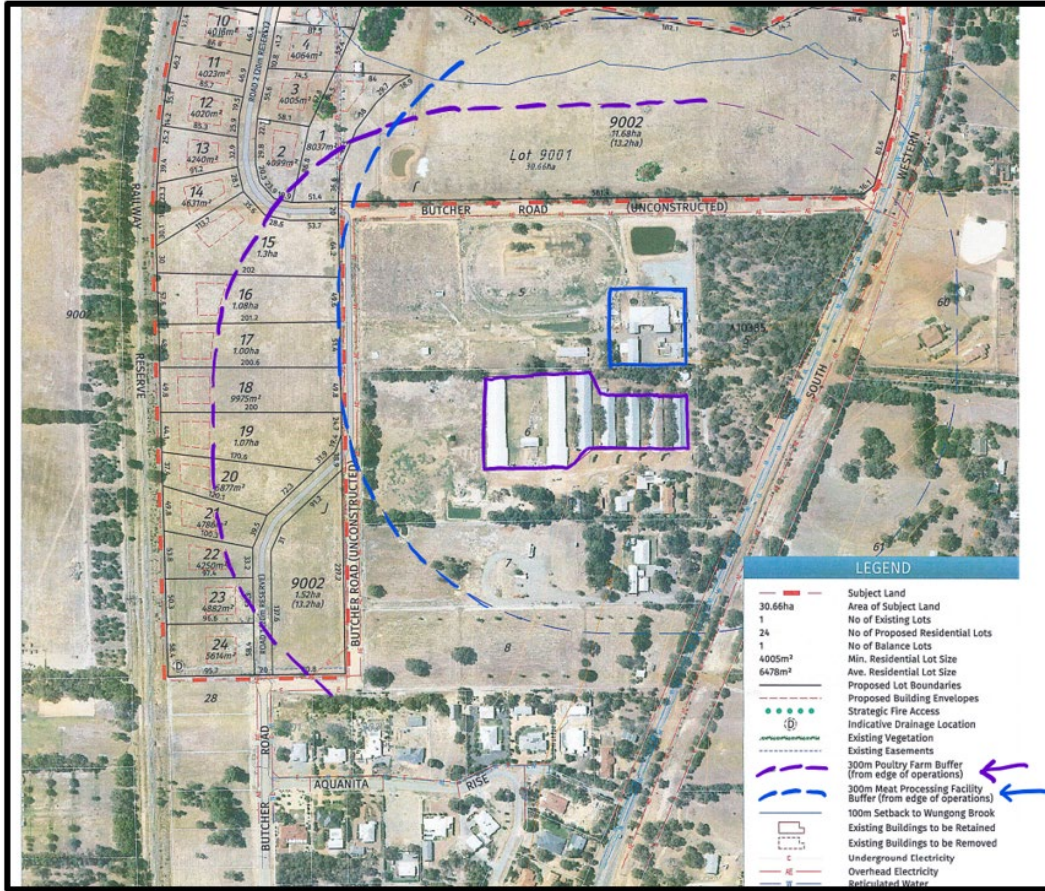
The images following show the sensitive receptors within both a 500m and 1km radius of the site taken from the rear of the abattoir shed.





It is clear that the development cannot achieve the generic separation distance as detailed in the Guidance Statement and as such further consideration of amenity impacts is required. The majority of sensitive receptors within the recommended separation distance of 500m are located within the newly established subdivision to the west and the residential development to the south, as noted within the objections.

As part of the consideration for the subdivision to the west, a 300m buffer was denoted from the edge of the operational areas of both the subject site and the adjacent poultry farm. Building envelopes were subsequently created to ensure that residential development did not occur within the 300m buffer. The approved subdivision is shown following:



By way of background, these rural residential lots initially formed part of Scheme Amendment 94 to Town Planning Scheme No.2 (TPS2) where approval was granted to rezone the land from 'Rural' to 'Special Rural'. The Scheme Amendment application report detailed that, at that time, the abattoir was 'modest in scale' and only occupied an area of approximately 300m². Furthermore, the operations included the following:

- Receiving of animal carcasses from locality (ie not an abattoir, no on-site slaughter);
- Hanging, cutting, processing and packaging meat for pet food;
- 5-6 days per week day time operation;
- Incidental over-the-counter sales; and
- Bulk distribution.

Based on this, the subject site was not considered to adversely impact on future subdivision of the land to the west. The Subdivision Guide Plan was prepared as part of the Scheme Amendment with a 300m 'meat processing facility buffer' as well as a 300m poultry farm buffer. This 300m buffer was imposed into LPS3 as the Special Control Area, as discussed previously.

Importantly, the 300m buffer was based on the fact that the operations of the abattoir did not produce more than 1,000 tonnes of meat per annum.



To allow for any increase in production, detailed assessments should be provided to demonstrate how the 300m buffer would remain acceptable given the increase in production. Specific amenity impacts are discussed further following:

Odour:

The objections received raise significant concerns in relation to existing odour impacts from the site, prior to the increase in production. The objectors raise concerns that the increase in production would intensify the odour impacts and have an adverse impact on residential amenity. Council should note that the Shire has received two odour complaints within the last 12 months.

As part of the application, an Odour Impact Assessment (OIA) was provided. The OIA details that the largest risk for odour emissions is the waste generated from the lairage areas and abattoir activities. It states that the slaughter of fresh animals for meat production poses a limited risk for odour emissions. As such the OIA specifically focuses on the receiving of livestock and subsequent lairage, waste management of the lairage yards and the management of waste.

The OIA provides an analysis of the processes, odour emission sources, controls and methods for ameliorating potential impacts and the pathways for emissions based on risk.

The OIA identifies the closest sensitive receptors as follows:

The nearest houses are approximately 300 metres (m) to the east (single dwelling), 500 m to the south-east, 420 m to the south, 600 m to the south-west, 500 m north-west, 450 m north, and 400 m north-east of the central Abattoir Site.

Future *Rural Living* sites are earmarked to be located at a minimum separation distance of 600 m to the west and north-west. These are located within Lot 9003 Butcher Road, Darling Downs (WAPC reference 152625) and were approved by the WAPC on 14 September 2016 and comprising of 23 Rural Living A lots ranging in size from 4,000 m² to 1.49 Hectares.

It is acknowledged that the building envelopes to the west do not meet a separation distance of 600m as stated in the report. The OIA states that the location of the abattoir will satisfy the recommended separation distance for the prescribed premises of 500m however there are some sensitive receptors within the distance.

The OIA details the odour management measure as follows:

- *“Controlled ingress of livestock during weekdays and prompt catalogue and handling during transfer to the Lairage yards;*
- *Solid wastes from kill floor activities are retained and placed in covered receptacles ready for daily removal by Harvey Beef;*
- *Blood wastes’ runoff is diverted to dedicated drainage and pumped directly into a covered tank/receptacle ready for removal by contractor where the removal of blood is done so by closed pipe transfer between tank and contractor truck;*
- *Kill floors and supporting production areas’ washdown leachates are captured in dedicated drains, screened and further transferred to the WWTP via Tank 1, Tank 2 and Tank 3 etc.;*



- *Solids captured in the drainage screens are collected and transferred to the solid wastes receptacle for Harvey Beef to remove;*
- *Discharge of wastewaters to the adjoining lands takes place when the treated wastewaters are confirmed to comply with wastewater quality standards; and*
- *All outgoing waste transport trucks are covered and secured (i.e., no leaks) to contain wastes and control emissions.”*

The analysis of odour is contained within a table in the OIA that lists the sources of odour emissions, controls, triggers and corrective actions and an overall risk rating. The potential impact on sensitive receptors is concluded to be ‘low risk’ for all odour sources except for the lairage yards, wastewater treatment plant and irrigation areas. These odour sources are also noted as continuous sources of odour during the operational hours. The OIA also considers the intensity and duration of any one odour event and states as follows:

- ii) The intensity and duration of any one odour event will likely be;
 - “Subtle-Obvious albeit not particularly Persistent” in the event that there are large volumes of Livestock at the Site at any one time, although separation distances are likely to be adequate; and
 - “Obvious and Persistent” where there are failures at the WWTP and any subsequent irrigation discharges during these failures.

Given the meteorological conditions of the site and the high frequency of strong easterly winds, receivers of odour are most likely to be those located to the west and north-west of the site. The OIA concludes that *“It is expected [emphasis added] that the upgraded infrastructure and process controls and mitigation responses will be sufficient to control odour losses that may impact at the nearest sensitive receptor.”*

The OIA does not include odour dispersion modelling which identifies the extent of the footprint of odour emissions. Whilst the OIA acknowledges that this can be undertaken, it considers that the increased production is unlikely to have a material effect on the odour footprint. Officers consider that dispersion modelling should be provided, whilst the OIA considers the potential impacts to be acceptable, this should be demonstrated using the modelling.

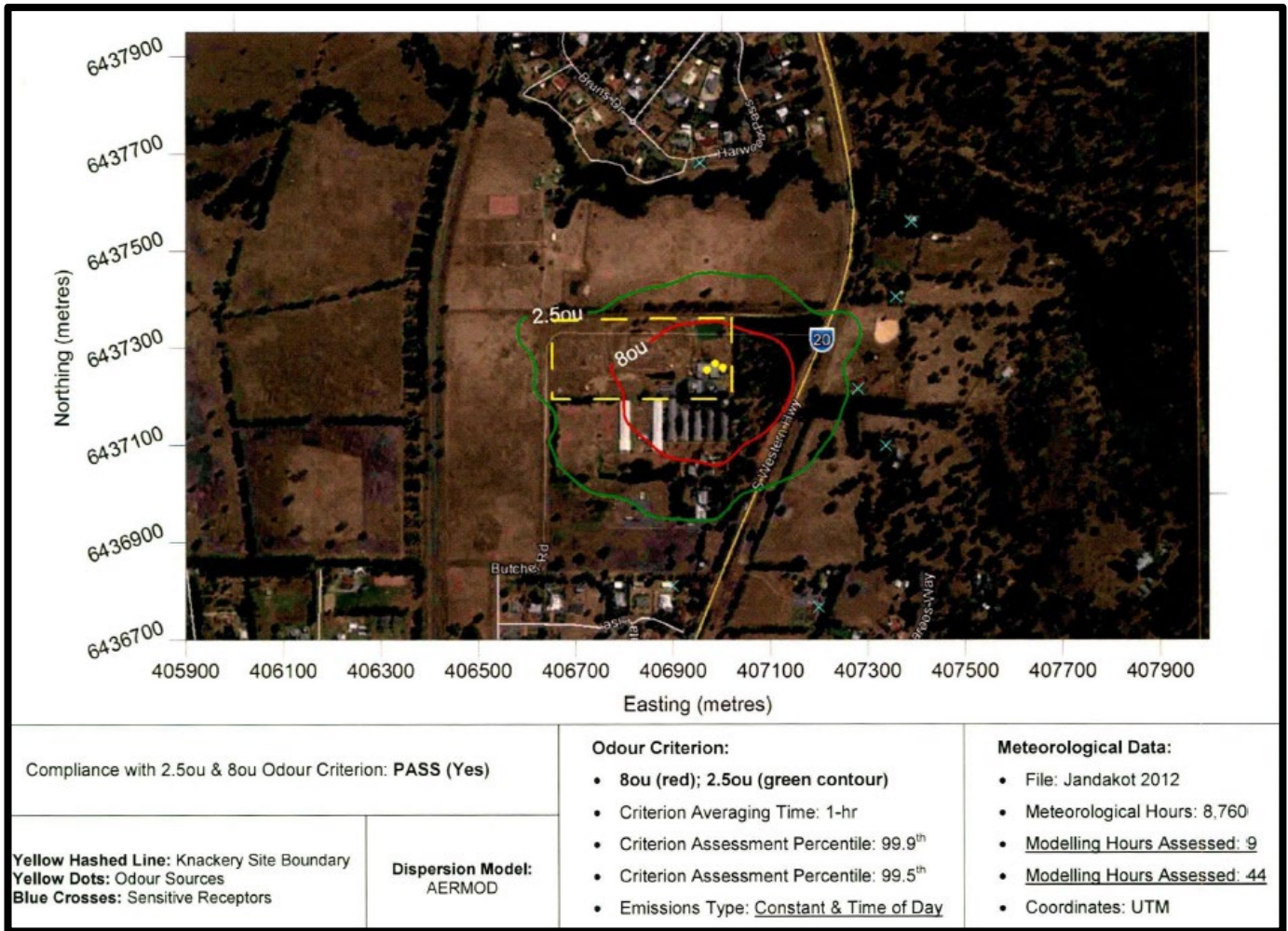
It is worth noting that dispersion modelling was undertaken and reported to Council as part of the development application in 2015, the same report was a key consideration in establishing the 300m buffer through the subdivision process. The dispersion model shows the footprint of the odour emissions and the odour intensity. Odour intensity is generally measured as a scale from 1 to 6 as follows:

- not detectable;
- very weak;
- weak;
- distinct;
- strong;



- very strong;
- extremely strong.

The odour dispersion modelling from 2015 demonstrates that although odour emissions would extend modestly beyond the boundary of the site, the odour intensity was between weak and distinct as shown following:



Odour was modelled at that time based on the operations having the limit on the production quantity. The odour was also modelled from the building and not the wastewater irrigation area identified as being a main source of odour from this proposal. This does not provide a level certainty that the proposal would not have undue amenity impacts by way of odour.

The OIA references that DWER's assessment, as part of the Licence process, considers the current and cumulative impacts of odour. The OIA however does not provide an assessment of cumulative odour generated from the subject development and the adjacent poultry farm. It is considered that further information should be provided to demonstrate that cumulative odour would not unduly impact the level of amenity currently afforded to the neighbouring residents prior to any increase in production.



As previously stated, DWER, as the regulatory body for prescribed premises, have issued a Licence under the Environmental Protection Act to the abattoir for the production of up to 10,000 tonnes per year (liveweight) subject to a number of conditions. DWER are satisfied that the risk to sensitive receptors in relation to odour is low given the management measures in place. DWER have also provided a submission to the Shire and not raised any concerns in relation to odour.

Officers are generally guided by DWER in relation to impacts such as odour when relating to prescribed premises. However, in this case, given the already reduced separation distance to dwellings and the number of concerns received by the community, it is considered that further evidence should be provided to demonstrate what is stated within the OIA before Officers are satisfied that the proposal would not result in adverse amenity impacts, particularly in relation to dispersion modelling and cumulative impacts.

Noise:

The application details the noise generating activities from the development as vehicle movements, use of machinery, unloading of animals and slaughter. The application also details that the development is mainly located within a purpose-built building and therefore unlikely to result in exceedances to the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The following management measures are proposed to ensure noise does not adversely impact upon the amenity of the locality:

- *“Operating hours of the Site are 6.00 am to 4.00 pm Monday-Friday and 6.00 am to 11 am Saturday with limited staff vehicle movement per day limiting the potential noise associated with vehicles;*
- *Vehicle noise is limited to trucks delivering or removing animals, distributing product, disposing of waste and staff movements. All vehicles are limited to a maximum speed of 10 km/hour;*
- *All live animals brought to site are held within the Holding Shed until slaughter or removal from site;*
- *All equipment including refrigerator fans and motors is regularly maintained to the manufacturer’s specifications; and*
- *Gunshot noise during the slaughter of larger animals will be minimal as it will only be conducted within an enclosed building and only in the event that an animal is unwell and cannot walk into restraint. Human consumption animals will be walked into restraint within closed building and put down using an appropriate electronic stunning method.”*

Whilst it is considered that it is likely that noise from the operations can be appropriately managed, this has not been demonstrated through an Acoustic Assessment. The lack of technical information provided in relation to noise does not provide a level of certainty that noise would not adversely impact on surrounding residents and therefore this should be provided prior to the increase in production.

Dust:

The application details that dust generating activities include vehicle movements and animal storage. The following dust management measures are proposed to ensure dust does not have an adverse amenity impact;

- *“Vehicle movements are limited to approximately 30-50 per week and vehicle speeds are limited to 10 km/hr onsite;*
- *Animals brought onto site are directly unloaded from the trucks/vehicles into the holding shed;*



- *The abattoir facility is constructed on concrete surfaces with all animal processing occurring in this area;*
- *The majority of the floor of the holding shed is constructed from concrete, overlain by a hay area. This area is regularly cleaned out; and*
- *The operational areas are regularly maintained so as to minimise the generation of dust.”*

Officers are generally satisfied that dust generated by the development can be appropriately managed through the listed measures. Should Council resolve to approve the application it is recommended that such measures are contained within a comprehensive Dust Management Plan prior to the increase in production.

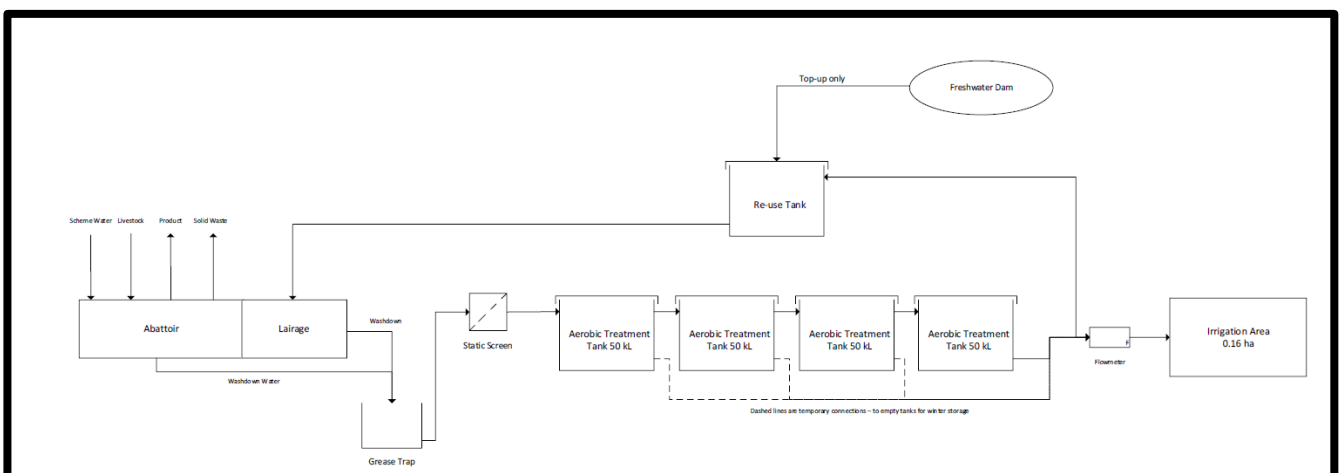
Environmental Considerations:

The site lies within the Peel-Harvey Catchment and as such SPP2.1 applies. The relevant objectives of the SPP are as follows:

- *“To prevent land uses likely to result in excessive nutrient export into the drainage system.*
- *To improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment.*
- *To ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage.”*

The application proposes to manage the increased waste through a wastewater treatment process that uses ‘treated’ wastewater for irrigation. This irrigation water has the potential to adversely impact upon the environment through the export of nutrient rich waters into the environment and drainage system.

As part of the application, a Nutrient and Irrigation Management Plan (NIMP) was submitted to demonstrate how wastewater would be managed through irrigation. The NIMP details that wastewater from the abattoir will be treated and irrigated over a 0.16ha area. A diagram of the treatment process is depicted following:



Washdown of the abattoir occurs using a hot high-pressure washer with a total output of 9kl of water per week. Of the 9kl, 2.7kl is proposed to be re-used for lairage washdown and as such 6.3kl of fresh water is introduced into the process each week.

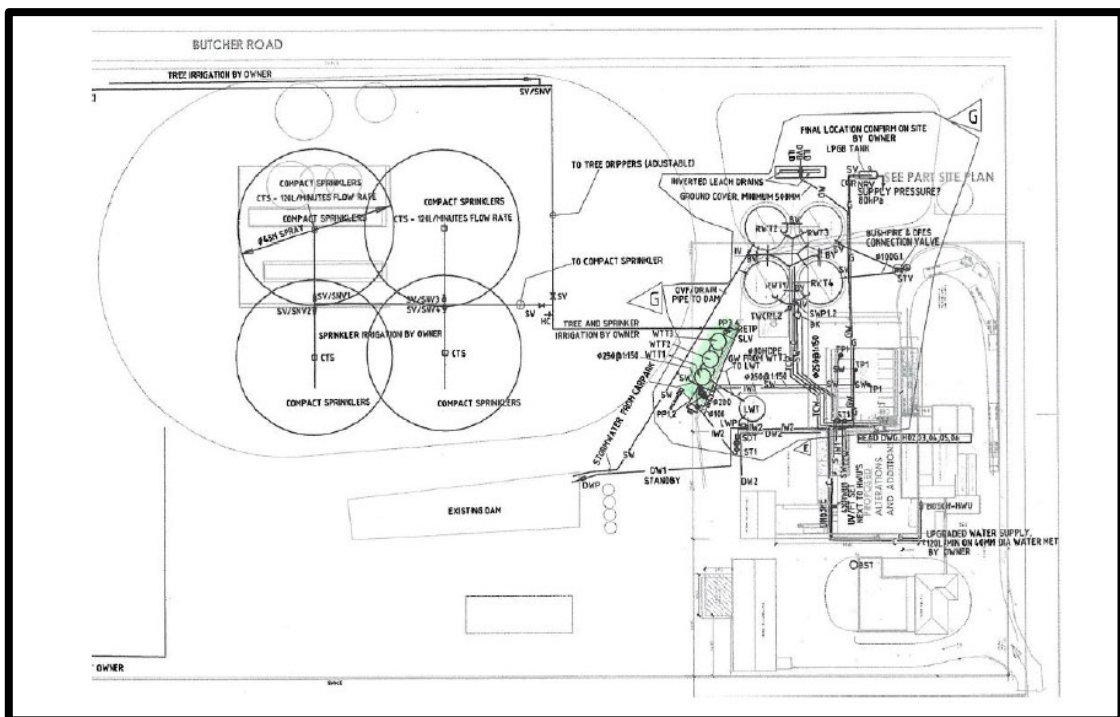


Washdown water from the facility is directed via spoon drains into a grease trap, solids are separated (primary treatment) and disposed of in bins which are collected daily and disposed of offsite. Screened wastewater will then flow into the first tank fitted with an aerator and subsequently overflow into the next. Once in the last tank, water will settle and be stored prior to discharge via controlled irrigation.

The NIMP details that there would be 329kL of wastewater per year used for irrigation. Table 3 of the NIMP contains the calculations for water use as shown following:

| | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Total |
|---------------------------------|-----|-----|-----|------|------|------|------|------|------|------|------|------|-------|
| Days per month | 30 | 31 | 31 | 30 | 31 | 30 | 31 | 31 | 28 | 31 | 30 | 31 | 365 |
| Wastewater produced (kL) | 27 | 28 | 28 | 27 | 28 | 27 | 28 | 28 | 25 | 28 | 27 | 28 | 329 |
| Irrigation demand (ML/ha) | 0 | 0 | 0 | 0.05 | 0.98 | 1.41 | 1.95 | 2.13 | 1.78 | 1.51 | 0.81 | 0.22 | 10.8 |
| Irrigation demand (kL/month) | 0 | 0 | 0 | 8 | 156 | 224 | 310 | 339 | 283 | 240 | 129 | 35 | 1724 |
| Wastewater Irrigated (kL) | 0 | 0 | 0 | 8 | 28 | 27 | 28 | 28 | 55 | 60 | 60 | 35 | 329 |
| Wastewater Irrigated (mm) | 0 | 0 | 0 | 5 | 18 | 17 | 18 | 18 | 35 | 38 | 38 | 22 | 207 |
| Irrigation Supplementation (kL) | 0 | 0 | 0 | 0 | 128 | 197 | 282 | 311 | 228 | 180 | 69 | 0 | 1395 |
| Winter storage (kL) | 27 | 55 | 83 | 102 | 102 | 102 | 102 | 102 | 72 | 40 | 7 | 0 | |

In addition to the ‘treated’ wastewater, an additional 1395kl of water would be required for irrigation in drier months. The NIMP details that this additional need for water would be managed on a yearly basis and dependant on climate and pasture offtake. The NIMP does not detail the source of this water. The area used for irrigation is detailed following:





The NIMP details that the proposal has minimal risk to the Peel-Harvey catchment due to the following:

1. Ample separation distance to the Peel-Harvey estuary, nearby watercourses, and groundwater.
2. Insignificant as point-source of nutrients both in scale (0.16ha) and phosphorus application rate (0.83 kg/ha/year), totalling 0.13 kg-P/year of phosphorus applied to land.
3. With nitrogen being the nutrient most in excess, phosphorus will always be limited relative to plant requirements. Therefore, readily taken up by pasture.
4. An offtake plan will ensure any phosphorus applied via waste irrigation is removed in plant biomass within the same reporting period.
5. Phosphorus (P) export hazard mapping (Figure 8) indicates that less than three per cent of the map unit has a high to extreme hazard; the irrigation area has been mapped to have a low P export hazard.

With regard to these points, it is acknowledged that groundwater measurements were taken in June 2022 within the irrigation area and two holes were excavated to 2m. No groundwater was encountered. The NIMP determines that this testing demonstrates that the irrigation waters would not impact upon groundwater quality. Officers consider that as this test is not reflective of the highest possible groundwater level and therefore it is imperative that no irrigation occurs during winter months.

Given the potential risk to groundwater, should Council resolve to approve the application, it is recommended that each year, prior to any irrigation (September), groundwater level testing occurs. This testing would ensure that prior to the commencement of irrigation, no groundwater is at or near the surface.

The NIMP relies on the biomass offtake from the crop within the irrigation area. It is considered that further information should be provided in relation to this crop and the offtake process. It is noted that the DWER Licence states that no livestock are permitted to be held outside of the lairage. The keeping of livestock would increase the nutrient loading to the environment. It is therefore important for suitable management of the crop to be undertaken to ensure take off is consistent with the NIMP.

The NIMP details that quarterly sampling of irrigation water will be undertaken. Should Council resolve to approve the application, it is recommended that a condition is imposed requiring such monitoring to be undertaken monthly, prior to irrigation each year, and reported to the Shire annually as part of an overall compliance reporting mechanism.

Traffic

As previously stated, vehicle movements are proposed to be between 30 and 50 movements per week. Vehicular access to the subject land and the adjoining poultry farm is currently and historically been via the adjoining reserve from South Western Highway as shown following:



South Western Highway is a Primary Regional Road under the jurisdiction of Main Roads Western Australia (MRWA). As previously detailed, MRWA commented that they are not in a position to support the subject proposal until the requested information has been received and reviewed. The applicant declined to provide the requested information and as such Officers do not consider the application can be approved at this time.

Options

Option 1

1. That Council REFUSES the development application for the amendment to the approved abattoir at Lot 5, 566 South Western, Darling Downs, as contained within **attachment 1** for the following reasons:
 - a. Insufficient information has been provided to demonstrate that the development will not result in adverse amenity impacts on nearby residences by way of odour.
 - b. Insufficient information has been provided to demonstrate that the development will not result in adverse amenity impacts on nearby residences by way of noise.
 - c. Insufficient information has been provided to demonstrate that the development will not result in unacceptable or unsafe traffic impacts.

Option 2

1. That Council APPROVES the amendment to the approved abattoir at Lot 5, 566 South Western, Darling Downs, as contained within **attachment 1** subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below, except where amended by other conditions of this consent.



| | |
|--------------------------|--|
| Plans and Specifications | P1 - Environmental Assessment and Management Plan dated 21 February 2024 P2 - Odour Impact Assessment dated January 2023 P3 - Nutrient and Irrigation Management Plan dated January 2024 |
|--------------------------|--|

- b. Production shall not exceed 10,000 tonnes of live animal weight for a period of one (1) year, following which
- the production is to return to no more than 1,000 tonnes per year due to unsatisfactory outcomes associated with odour; or
 - the production is to remain to not exceed 10,000 tonnes due to satisfactory outcomes associated with odour impacts.
- c. Production shall not exceed 10,000 tonnes of live animal weight for a period of one (1) year, following which
- the production is to return to no more than 1,000 tonnes per year due to unsatisfactory outcomes associated with noise; or
 - the production is to remain to not exceed 10,000 tonnes due to satisfactory outcomes associated with noise impacts.
- d. The hours of operation of the business shall be restricted to 6.00am to 4.00pm Monday to Friday and 6.00am to 11.00am on Saturdays. Operation of business on Sunday and public holidays is not permitted.
- e. Within 60 days of the date of this approval, an updated Nutrient and Irrigation Management Plan (NIMP) must be submitted to and approved by the Shire of Serpentine Jarrahdale, and fully implemented. The NIMP must include details of the cropping and offtake process including management of paddocks. No stock shall be kept outside of the designated lairage area. Once approved, development and operations shall be carried out in accordance with the approved NIMP.
- f. Within 60 days of the date of this approval, an updated Odour Impact Assessment shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Odour Impact Assessment shall demonstrate the following:
- Odour dispersion modelling;
 - Cumulative odour impacts from the subject development and the adjacent poultry farm;
 - Manure management;
 - Recommendations on odour management.
- All recommendations as set out in the Odour Impact Assessment shall be implemented thereafter to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. Within 60 days of the date of this approval, a Traffic Impact Assessment shall be submitted to the Shire for endorsement and referred to Main Roads Western Australia. Any recommendations of the Traffic Impact Assessment or Main Roads Western Australia shall be undertaken thereafter.
- h. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.



- i. The applicant shall submit an annual compliance report to the Shire of Serpentine Jarrahdale by 31 March each year. The compliance report shall provide sufficient evidence to demonstrate the development is operating in accordance with all conditions of this approval, to the satisfaction of the Shire of Serpentine Jarrahdale.
- j. Prior to the increase in production taking place, the applicant making suitable arrangements to secure an access easement over Reserve 10385, being Lot 61 on Deposited Plan 223231.
- k. Within 60 days of the date of the approval, the applicant shall establish and maintain a Community Reference Group (CRG), based upon terms of reference to be submitted to and approved by the Shire. The CRG’s purpose is to act as an open and transparent forum for nearby landowners to discuss any issues or exchange any suggested solutions, to issues that may be impacting the amenity of the area.

Option 1 is recommended.

Conclusion

The application seeks approval to amend a condition to allow the increase of meat production from no more than 1,000 tonnes of total meat per year to up to 10,000 tonnes of live animal weight per year (3,375 tonnes of processed product). It is considered that whilst the application has some merit in some aspects, insufficient information has been provided in relation to odour, noise and traffic impacts to be able to render the application as consistent with the planning framework. These issues create the risk of significant amenity impacts, if not carefully managed. Based on current information, it is uncertain as to whether management is possible and/or practical to occur. It is therefore recommended that Council refuse the application for the reasons detailed in the report.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Application details (E24/5140)
- **10.1.3 - attachment 2** - DWER Licence (E24/5439)
- **10.1.3 - attachment 3** - Summary of Submissions (E24/4649)
- **10.1.3 - attachment 4** - Clause 67 Checklist (E24/5440)

Alignment with our Council Plan 2023-2033

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|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |



Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|--------------------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | This is considered the lowest risk option possible. | | | | | | |
| 2 | Council approving the application without sufficient information being provided to ensure residents are not adversely impacted upon by odour, noise, and traffic. | Planning framework | Reputation | Possible | Moderate | MODERATE | Ensuring robust conditions are in place to ensure an appropriate level of information is provided prior to commencement of the development. |



Voting Requirements: Simple Majority

OCM118/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

- 1. That Council REFUSES the development application for the amendment to the approved abattoir at Lot 5, 566 South Western, Darling Downs, as contained within attachment 1 for the following reasons:**
 - a. Insufficient information has been provided to demonstrate that the development will not result in adverse amenity impacts on nearby residences by way of odour.**
 - b. Insufficient information has been provided to demonstrate that the development will not result in adverse amenity impacts on nearby residences by way of noise.**
 - c. Insufficient information has been provided to demonstrate that the development will not result in unacceptable or unsafe traffic impacts.**

CARRIED UNANIMOUSLY 7/0



10.1.4 - Revised Draft Local Planning Policy 4.5 - Short Stay and Temporary Accommodation (SJ4444)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to approve the advertising of a revised Local Planning Policy 4.5 - Temporary Accommodation (LPP4.5) It is also proposed to rename the LPP to Local Planning Policy 4.5 - Short Stay and Temporary Accommodation. Draft LPP4.5 has been prepared in accordance with Clause 4 of the Deemed Provisions.

The Policy has been revised in response to the *Short-Term Rental Accommodation Bill 2024* which was introduced into State Parliament on 21 February 2024. The amendments will include a new set of Short Stay Accommodation management provisions, in order to assist any landowners who propose to operate Short Term Rental Accommodation (STRA) development. The Policy will also retain the existing temporary accommodation provisions. The draft Policy will ultimately replace the current LPP4.5 (**attachment 1**) should it be supported by Council.

Officers recommend Council adopt draft LPP4.5 as contained within **attachment 2** for the purposes of advertising, in accordance with Clause 4(2) of the Deemed Provisions. If Council adopts the draft LPP for public advertising, the community and stakeholders will be invited to provide feedback. As such, this is an interim decision to commence the process and, following public advertising, the matter will be reported back to Council to consider the draft LPP for final adoption.

Relevant Previous Decisions of Council

| |
|--|
| <i>Ordinary Council Meeting - 16 May 2022 - OCM097/05/22 - COUNCIL RESOLUTION / Officer Recommendation That Council ADOPTS Local Planning Policy 4.5 - Temporary Accommodation as contained within attachment 1 in accordance with Provision 4 of the Deemed Provisions.</i> |
|--|

Background

The Shire initially adopted LPP4.5 at its Ordinary Council Meeting held 16 May 2022. The LPP provides guidance for landowners that are constructing a residence in relation to temporary accommodation on-site through an on-site caravan located within an outbuilding. These provisions have not been amended.



The amendments now proposed relate to the inclusion of provisions in relation to short-term rental accommodation. By way of background, in February 2024 the Short-Term Rental Accommodation Bill was introduced to Parliament. The Bill seeks to provide a set of requirements for the State to monitor and standardise the use of property for STRA purposes. Under the new regulations, owners must register their STRA properties before they can advertise and take bookings, including on online booking platforms.

The STRA Register is proposed to be operated by Department of Mining, Industry Regulation and Safety (DMIRS) and is expected to come into effect in mid-2024. All properties, whether hosted or un-hosted, will be required to be registered by 1 January 2025. Hosted properties are those where the host lives on-site, while un-hosted properties are where guests have exclusive use of an entire house, unit or apartment. In addition, property owners will have until 1 January 2026 to provide evidence of compliance with local planning requirements to remain registered.

The STRA Register will also collect information on the short-term rental accommodation sector to assist the State Government to make more informed policy and regulatory decisions. The register will also provide information to the community about what STRA exists in an area.

Associated with these reforms are changes to planning requirements. In the Perth metropolitan area, un-hosted STRA property owners will need to obtain development approval if the property is rented out for more than 90 nights within any 12-month period.

To effectively guide considerations as to the appropriate locations for un-hosted accommodation, it is important to have a LPP in place, which considers relevant planning matters and amenity issues which are relevant to this form of development.

Draft LPP4.5 has been amended to do this, and proposes to include provisions to enable the Shire to provide guidance to landowners wishing to propose short-term rental accommodation.

Community / Stakeholder Consultation

If Council resolves that the Draft LPP is satisfactory for advertising, it will be advertised in accordance with Clause 87 of the Deemed Provisions in the following manner:

- Published within a local newspaper circulating the Shire; and
- Published on the Shire's website.

The period for making submissions must not be less than 21 days in accordance with Clause 4(2).

Statutory Environment

Legislation

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

State Government Policies:

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Planning Bulletin 111/2016 - Planning for Bushfire Prone Areas
- Position Statement: Planning for Tourism and Short-term Rental Accommodation



Local Planning Framework:

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

Planning Assessment

The changes to the *Planning and Development Regulations 2015* (Regulations), through the introduction of the new STRA Bill, will aim to achieve the following measures:

Hosted STRA

- Hosted STRA will be exempt from the requirement to obtain development approval as the primary owner or occupier of the residence remains on-site for the duration of a guest's stay. This means they can manage any issues that may arise, such as noise or parking, and is therefore considered to have very minimal impact on residential amenity and housing. It is worth noting that Local Planning Policy 1.5 already contains a provision for exempting such development.

Un-hosted STRA

- The changes to the planning framework will include a consistent set of development approval requirements for un-hosted STRA across the Perth metropolitan area and provide a mechanism for Local Governments to determine the most appropriate requirements for STRA properties in their locality.
- An exemption from the requirement to obtain development approval will be in place where an un-hosted STRA owner does not intend to rent their property out for more than 90-nights within a 12-month period. Proposals that do intend to rent out the property for more than 90-nights will require development approval from the Local Government prior to registration and operation.
- This single set of rules for Perth will ensure greater consistency across the metropolitan area and will allow the Local Government to assess higher-impact proposals on a case-by-case basis, allowing for consultation to occur where necessary.
- The 90-night exemption caters for property owners who wish to let out their primary residence for un-hosted STRA on a temporary basis (e.g., when on holidays) without needing development approval.

The State Government, upon the introduction of the bill, expect Local Governments to commence amendments to include STRA into Local Planning Schemes, thus a future report will be prepared to Council to include changes to the LPS3 zoning table to alter existing STRA land uses to be consistent with the updated definitions of STRA land uses. To assist with this transition, the Western Australian Planning Commission (WAPC) has formed a position that all Scheme amendments which propose to replace superseded land uses with new STRA land uses, without changes to permissibility, can be processed as 'basic' amendments.

Land Use

Land uses which are commonly within the Policy scope are targeted at un-hosted STRA. The provisions also identify other land uses where management plans would need to be considered given the potential size and ability to host an extended number of persons on-site.

Management

Draft LPP4.5 introduces a requirement for all Un-hosted STRA to provide a management plan accompanying a development application. These provisions are as follows:



- Details of the local property manager who will be contactable 24 hours a day. The manager (or a nominated representative) should reside no greater than a 30 minute drive from the site;
- A code of conduct for guests, which should list what is considered acceptable and unacceptable behaviour and identify repercussions for breaches;
- Details of the minimum number of stays which are required by any guests;
- Details of a bond if taken for any damages or for any other requirements;
- A mitigation plan to identify how anti-social behaviour, noise and any potential conflict will be controlled and details as to how the amenity of adjoining landowners will be maintained;
- Complaints management procedure - it is expected that the manager is available to be contacted 24 hours a day in relation to a complaint, and the manager (or their nominated representative) visits the property within two hours of receipt of the complaint;
- Details of how the premises will be managed on a day-to-day basis; including check in and check out procedures etc;
- Statement on the management and provision of car parking. On-site parking provision should align with the parking requirements detailed in this policy. The management plan should also detail whether the site has boat/trailer parking;
- Fire management/emergency response plans for visitors and managing risks for visitors;
- Waste management plan specifying the requirements of general waste and recycling, bin collection days and location of bins for collection.

Number of Guests

The amount of guests residing within an un-hosted STRA where such comprises a single, grouped or multiple dwelling is to comply with the following standards:

- A maximum of 12 persons at any time, subject to the following:
- 4m² per person in each bedroom utilising beds; and
- 2.5m² per person in each bedroom utilising bunks.

The maximum number of guests will be given consideration as a factor in assessing, determining, and mitigating any amenity, waste disposal, septic capacity, or parking matters.

If approval for more than 12 persons are sought, the proposal will be considered a “Residential Building” under the Local Planning Scheme.

Car Parking

Car parking for any un-hosted STRA where such comprises a single, grouped or multiple dwelling should be provided in the following manner:

- In accordance with Clause 4.3 (2) of Local Planning Scheme No. 3:

Where parking standards are not specified or the relevant land use is not contained within the Table below, the local government shall determine the number of required bays with regard to the following:

- a. Nature of the proposed development;
- b. Number of employees, other persons and/or visitors likely to be associated with the proposed development; and



c. The parking requirements of similar land uses contained within the Table below (See Table 4 of LPS3)

- All car parking should be contained entirely on-site, and no verge area will generally be permitted to be used for car parking.

Vulnerable Land Use

Un-hosted STRA (where such comprises a single, grouped or multiple dwelling) proposed in a Bushfire Prone Area will require a Bushfire Attack Level Assessment, Bushfire Management Plan or Statement and a Bushfire Emergency Evacuation Plan, as outlined under *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7) and associated Guidelines. At a minimum a this should include:

- A Simple Form Bushfire Management Plan (BMP) and;
- Bushfire Emergency Evacuation Plan (BEEP).

These documents should be prepared by a suitably qualified bushfire practitioner.

Where the Bushfire Attack Level Assessment returns a rating of BAL-40 or FZ, approval is unlikely to be granted unless the BAL-rating can be reduced through vegetation thinning/clearance within lot boundaries. This needs to also be balanced against the landscape impact of such clearing.

A short-term rental accommodation within a single, grouped or multiple dwelling within a Residential area, may be exempt from the requirement to provide a BMP and BEEP given the proposal is considered through Planning Bulletin 111/2016 Planning in Bushfire Prone Areas as not resulting in an intensification of the existing development. Exemptions also apply to any lot under 1,100m².

Registration

All STRA land uses shall seek registration from DMIRS. While registration has not yet been established, the policy provides contact details to DMIRS to ensure compliance with the new legislation once operational. Where a development application is proposed, an advice note will be provided to the applicant to seek registration, as required.

Temporary Accommodation

The Policy retains the existing provisions within LPP4.5 which provide the Shire discretion to consider granting a temporary approval for any persons wishing to reside on their property whilst a single dwelling is being constructed. This is only applicable for lots 1ha in size or greater. The provisions require the construction of an outbuilding and associated septic systems and for the caravan to be wholly located inside the outbuilding. These provisions are not proposed to be changed.



Options

Option 1

That Council ADOPTS, for the purposes of advertising, the revised Draft Local Planning Policy 4.5: Short Term and Temporary Accommodation in accordance with Clause 4(1) of the Deemed Provisions.

Option 2

That Council REFUSES to ADOPT, for the purposes of advertising, revised Draft Local Planning Policy 4.5: Short Term and Temporary Accommodation.

Option 1 is recommended.

Conclusion

The report is presented to Council recommending that draft LPP4.5 is advertised in accordance with Clause 87 of the Deemed Provisions.

It is considered that Draft LPP 4.5 will assist applicants and Officers to guide STRA development within the Shire by providing adequate management, parking, and risk measures. The draft Policy aligns with the new STRA Bill introduced by Parliament in February 2024.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** Existing Local Planning Policy 4.5 - Temporary Accommodation. (E21/12072)
- **10.1.4 - attachment 2** Draft Local Planning Policy 4.5 - Short Term and Temporary Accommodation. (E24/5917)

Alignment with our Council Plan 2023-2033

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|--|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|--------------------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | Option 1 is considered the lowest strategic risk. | | | | | | |
| 2 | <i>If Council resolves not to adopt the Draft Policy, any STRA development may have no guidance on management and development requirements which could lead to amenity impacts or development in high-risk areas without such risk being managed</i> | Planning Framework | Social Community Outcomes / | Possible | Moderate | MODERATE | Accept Option 1. |

Voting Requirements: Simple Majority

OCM119/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council ADOPTS, for the purposes of advertising, the revised Draft Local Planning Policy 4.5 (Short Term and Temporary Accommodation) in accordance with Clause 4(1) of the Deemed Provisions.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.1.5 - Request for Payout of Developer Contribution Credits to G & G Corp Pty (SJ1842)

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

Authority / Discretion

| | |
|-------------|--|
| Executive | The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, and setting and amending budgets. |
| Legislative | Includes adopting local laws, local planning schemes and policies. |

Report Purpose

This report presents to Council a request for repayment of Development Contribution Credits, from the Development Contribution Fund for Development Contribution Area 1 (DCA1 - Byford Traditional Infrastructure DCP), owed to G & G Corp Pty. It is recommended that the credit payout be supported, noting the basis of the credit to help deliver new infrastructure to benefit the Byford Area. It is also recommended that a Memorandum of Understanding be developed between the Shire and the applicant, which documents the basis of which the credit request has been made, and agreed to, by the Shire.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 July 2022 - OCM250/09/21 - COUNCIL RESOLUTION / Officer Recommendation (Extract)

That Council AUTHORISES the Chief Executive Officer to process the repayment of the \$1,388,693.07 credit owed to Appley Holdings Ltd.

Background

The amendment to include the Byford Traditional Infrastructure Development Contribution Area within the Shire was initiated in 2005. This initiation allowed the Western Australian Planning Commission (WAPC) to place the obligation to pay a DCP contribution on subdivision approvals.

Following the gazettal of Development Contribution Area No. 1, Council was required to adopt a DCP Report (and accompanying cost apportionment schedule), which is updated annually.

The DCP Report and the associated cost apportionment schedule sets out in detail the calculation base of the cost contribution, and the land ceded or works undertaken, which are entitled to a DCP credit, and how that credit value is determined.

All DCP contributions and credits earned by each participant/developer, are recorded throughout the life of the DCP so that a participant's "account balance" can be tracked within each DCP fund.



Where the participant's account is in credit, and development is ongoing within the development contribution area, those credits can be used to offset future contributions that become due under the same DCA. This is generally a holding credit pathway.

Also, where a credit balance is in excess of the estimated amount required to offset future contributions within a realistic timeframe and/or the fund balance is deemed to be excessive in relation to planned spend in the near future, it is appropriate to reduce the debt to fund ratio through paying out of owed monies. This is generally termed a credit management pathway.

Such credits remain an amount owed under the DCP fund, until either pathway addresses them.

The purpose of this report is for Council to consider approving requested payouts, as part of the credit management pathway. This is recommended for support, on the basis that such clears part of owed credits and still maintains a sufficient balance of funds to enable delivery of priority infrastructure into the future.

The latest independent audit was completed in December 2023, which confirms the account balances available.

Community / Stakeholder Consultation

No specific community consultation has occurred or is required, regarding the requested payout of credits.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.6 – Development Contributions for Infrastructure.

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No.3.

Planning Assessment

In respect of repayment of DCP credits owed, the revised State Planning Policy 3.6 (SPP 3.6 2021), clause 6.10.14, details a number of considerations. The specific points within this clause which are pertinent to this report are detailed below:

“Where a developer or landowner has pre-funded infrastructure within a DCA, land has been ceded to allow early infrastructure delivery, the landowner and the local government must negotiate a fair and reasonable outcome in relation to the credit.

- f) *Where a developer, or land owner, has no further holdings in the DCA, the amount is held by the local government as a credit to the developer, or land owner, until payments into the DCP fund are received from subsequent developers to cover the credited amount.*

The credit is then reimbursed to the developer, or landowner, as soon as circumstances permit.

- g) *Where the DCP fund is in credit from developer, or landowner, contributions already received, the credit should be reimbursed as soon as circumstances permit on completion of the works/ceding of land and having regard to the priority and timing of DCP works.*



- l) The reimbursement of pre-funded works and early ceding of land for acquisition through the DCP, should be given priority according to timing that the infrastructure was delivered, as soon as adequate funds have been collected in the DCP having regard to the priority and timing of DCP works.*

G & G Corp Pty. have undertaken the build of Indigo parkway (between Malarkey Road and Briggs Road), as well as ceding of land for public open space/drainage, for which they earned DCP Credits that have exceeded the amount required for DCP Contributions to date. The current excess value of credits held by G & G Corp Pty. in the DCA1 fund is \$2,273,142. The applicant has requested a refund of \$900,000 of the \$2,273,142 currently sitting in the credit balance owed to them. Thus, request is made pursuant to Clause 6.10.14 of the SPP.

The DCP Fund for DCA1, as of 17 April 2024, is \$5,948,763.

Planned spend for the forthcoming year from the DCA fund includes:

- \$87,651 for Administration Costs, which are reimbursed to the Shire annually as part of the Year End accounting procedures, and;
- design costs associated with the Indigo Parkway link (between Larsen Road and Briggs Road), for which \$500,000 is budgeted.

Aside from the above, and annual administration costs, the next planned spend from DCA1 is the construction of the Indigo Parkway link, which is anticipated to commence in 2027, pending resolution of land matters and also timed in conjunction with the Thomas Road upgrade project.

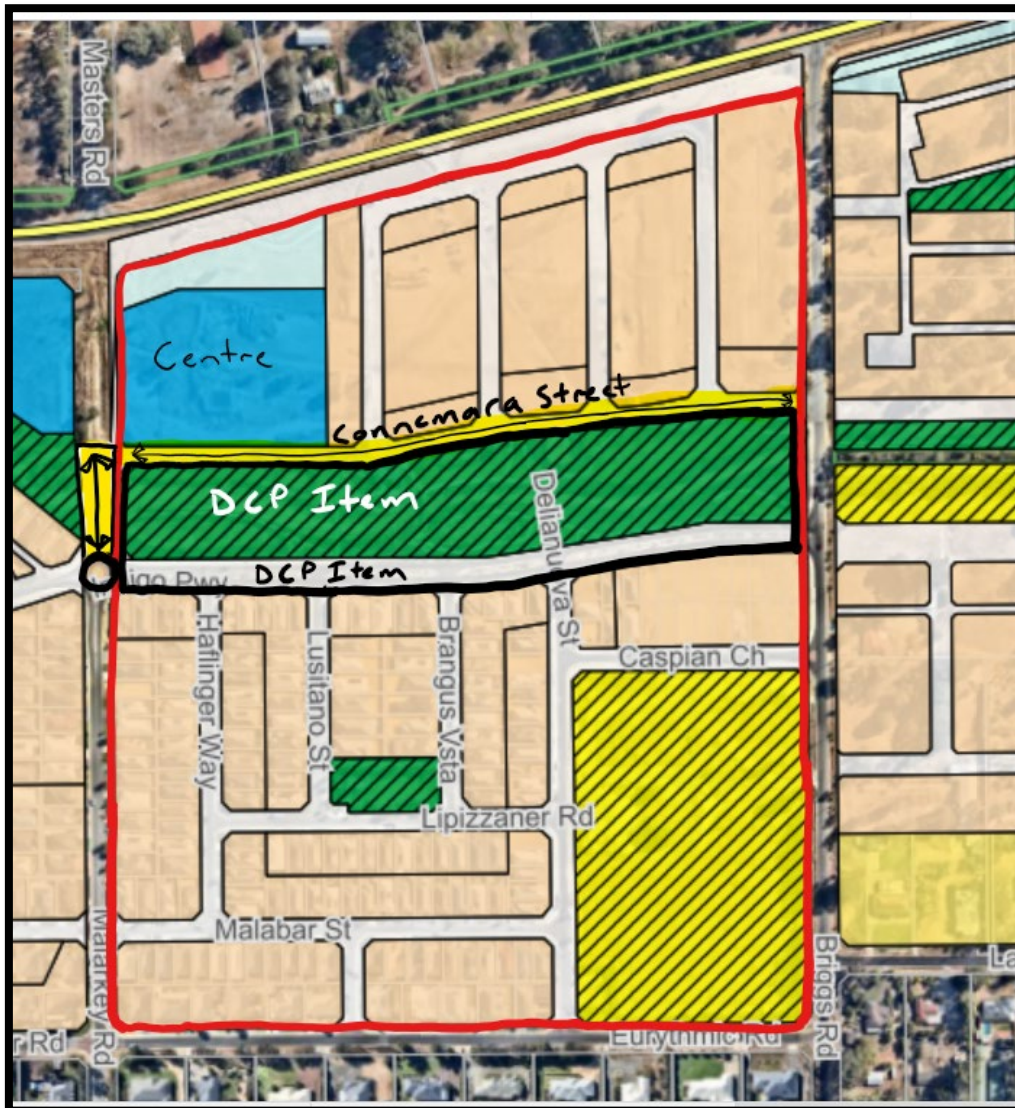
The current DCP cash balance is sufficient to cover the requested credit repayment, whilst maintaining a sufficient balance for forecast future expenditure. In this regard, the current forecast for Indigo Parkway link, between Briggs and Larsen Road, is a cost of \$7.9m. Payment of this requested credit of \$0.9m, would leave a balance of \$5m in the DCP fund, which is \$2.9m short of the amount required to deliver Indigo Parkway.

However, given this is not planned to be delivered before 2027, there is three years of further growth that will build back up the DCP fund to meet the 2027 obligation. Specifically, given the current rate of lot creation of 600 lots / annum within DCA1, and a per lot contribution of \$14,834.96, there will be contributions of nearly \$9m / year owed. Some of this will be consumed by infrastructure delivery by developers, however the forecast short term infrastructure does not consume this figure meaning the DCP fund balance will build back up. Thus the \$27m of owed monies generated by new development over the next three years, will result in the contribution fund being increased where stages of subdivision exceed the credits owed to developers of that stage, from their delivery of infrastructure.

G & G Corp Pty, as part of requesting the partial refund under the requirements of the SPP, have indicated they plan to utilise the funds to deliver Connemara Street, which is a condition of their next subdivision and a precursor for them to be able to progress the build of their adjacent Neighbourhood Centre.



This is shown following in highlighted yellow:



This is seen as an important piece of new infrastructure, which while not an item that attracts development contribution credits, is still an important link to the new neighbourhood centre and future primary school, and the surrounding community. In order to facilitate this, Officers recommend a Memorandum of Understanding be formulated and signed between the Shire and G & G Corp Pty, which demonstrates the understanding by which credits in this case have been supported to be provided.

**Options**Option 1

That Council:

1. AUTHORISES the Chief Executive Officer to enter into a Memorandum of Understanding between the Shire and G & G Corp Pty, which explains the basis of agreeing to the credit payout based on the content set out in this report.
2. Subject to completion of Part (1), AUTHORISES the Chief Executive Officer to process the repayment of \$900,000 from the credit owed to G & G Corp Pty and APPROVES the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|---------------------------|--|----------|-----------|
| 2200-12506-6912-0000 | Increase Expense | Byford Developer Contributions – Refund | 900,000 | |
| 2200-12506-5044-0000 | Increase Trf From Reserve | Byford Developer Contributions – Transfer from Reserve – Byford Developer Contribution funds | | 900,000 |

Reason:
Approves the credit refund of \$900,000 to G&G Corp from the Byford Developer Contribution Funds

Option 2

That Council DOES NOT AUTHORISE the Chief Executive Officer to process the repayment of \$900,000 from the credit owed to G & G Corp Pty.

Option 1 is recommended.

Conclusion

Repayment of this credit liability is appropriate and in line with SPP 3.6 provisions. To ensure the Shire is managing its DCP obligations in accordance with SPP3.6, credit payout should take place. An assessment of forecast income and spend has been undertaken, and sufficient balance and contingency will be available in the DCP fund for future planned expenditure. The credit should also be supported by a Memorandum of Understanding, which explains the basis by which it has been agreed in this case.

Officers recommend that this credit balance be repaid.

Attachments (available under separate cover)

- **10.1.5 - attachment 1 - G & G Corp DCA1 Statement (E24/5227)**



Alignment with our Council Plan 2023-2033

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|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |

Financial Implications

As the administrators of the DCP, any financial shortfall at the closure of the DCP is underwritten by the Shire. It is important to ensure that infrastructure investment is well balanced against the liabilities held within the DCP fund, to minimise the risk of the DCP closing at the end of its life at a loss.

The annual independent audit provides regular confirmation that all payments, liabilities, and the fund balance, are accurate.

The current Byford Traditional DCP ends in 2034, and as such the financial challenge is to balance payout of liabilities, with the need to fund infrastructure in order to deliver development.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|----------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no significant risks associated with Council authorising Chief Executive Officer to process the repayment of \$900,000 from the credit owed to G & G Corp Pty. | | | | | | |
| 2 | If Council does not authorise the repayment of \$900,000 to G & G Corp Pty. the fund balance may be considered excessive, and development of the Connemara Street link road and associated Neighbourhood Centre may be delayed. | Nil. | Reputation | Possible | Major | SIGNIFICANT | If Council decides not to authorise the credit payout there needs to be a valid reason given. |



Voting Requirements: Absolute Majority (s6.8(1) of the *Local Government Act 1995*)

OCM120/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mack

That Council:

1. **AUTHORISES** the Chief Executive Officer to enter into a Memorandum of Understanding between the Shire and G & G Corp Pty, which explains the basis of agreeing to the credit payout based on the content set out in this report.
2. Subject to completion of Part (1), **AUTHORISES** the Chief Executive Officer to process the repayment of \$900,000 from the credit owed to G & G Corp Pty and **APPROVES** the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|---------------------------|--|-------------|--------------|
| 2200-12506-6912-0000 | Increase Expense | Byford Developer Contributions – Refund | 900,000 | |
| 2200-12506-5044-0000 | Increase Trf From Reserve | Byford Developer Contributions – Transfer from Reserve – Byford Developer Contribution funds | | 900,000 |

Reason:

Approves the credit refund of \$900,000 to G&G Corp from the Byford Developer Contribution Funds

CARRIED UNANIMOUSLY 7/0



10.1.6 - Approval of Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development within the Shire of Serpentine Jarrahdale (SJ4206)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the submissions received on Draft Local Planning Policy 2.9: Environmentally Sustainable Design Considerations for Retail and Commercial Development (**attachment 1**), following public advertising. Officers recommend minor modifications, as a result of one submission received. These modifications are minor in nature, mainly relating to the document structure. Therefore, Officers recommend that Council endorse LPP2.9, with minor modifications as per **attachment 3**.

Relevant Previous Decisions of Council

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|---|
| <p><i>Ordinary Council Meeting - 11 December 2023 - OCM294/12/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>Pursuant to Schedule 2 Part 2 Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, ADOPTS Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development for the purposes of advertising.</i> <i>Pursuant to Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, ADVERTISES the Draft Local Planning Policy 2.9, and its associated attachments, for a period of not less than 21 days.</i> |
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| <p><i>Ordinary Council Meeting - 21 August 2023 - OCM200/08/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>SUPPORTS to the preparation of a local planning policy and associated checklists, assessments, and information sheets to expand environmentally sustainable design controls within the Shire of Serpentine Jarrahdale.</i> <i>REQUESTS the Chief Executive Officer develop a draft local planning policy, and reported back to Council for consideration according to the Deemed Provisions.</i> |
|---|



Ordinary Council Meeting - 15 May 2023 - OCM093/05/23 - COUNCIL RESOLUTION / Councillor Recommendation

That Council REQUESTS the Chief Executive Officer prepare a report to Council within three months, to explain potential options for expanding environmentally sustainable design controls and/or incentives for new development within the Shire, together with recommended approaches that could be taken in this regard.

Background

Environmentally sustainable design is an increasingly significant aspect of development, particularly given the Shire's population growth and urban expansion rates. Environmentally sustainable design is recognised within the Shire's planning framework; however, the Shire does not currently have a Local Planning Policy outlining the Shire's position and expectations on this issue. The creation of an LPP addressing this will allow for sustainability to be considered at the earlier design phase of development, resulting in long-term environmental, built form, and financial benefits.

At the 21 August 2023 Ordinary Council Meeting, Council supported the preparation of a draft LPP to expand environmentally sustainable design considerations within the Shire of Serpentine Jarrahdale. In response, Draft LPP2.9 was presented at the 11 December 2023 Ordinary Council Meeting and was adopted for the purposes of advertising. This draft policy has now concluded its public advertising and requires consideration by Council to proceed and be published.

Community / Stakeholder Consultation

Draft LPP2.9 was publicly advertised for a period of 21 days, from 29 February to 21 March 2024, in accordance with Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The policy was also referred to key government agencies including UDIA and the Property Council of WA. One submission was received (refer **attachment 2**), from the City of Vincent. Shire Officers have engaged with the City of Vincent throughout the preparation of this policy, given the City's experiences with built form policies which incorporate elements of environmentally sustainable design.

The City of Vincent are supportive of the draft policy and the Shire's initiative to encourage sustainable built form outcomes, recommending minor modifications as below:

- Relocate the Life Cycle Assessment (LCA) provisions from the Building Materials heading to its own separate heading.
- Refer to the specific rating scheme within the Energy Efficiency section.
- Expand the Measures a-g within the Energy Efficiency section, with additional specifications provided where possible.

Officers have considered the above submission and recommend minor modifications to the policy which are provided within **attachment 3**. This is discussed further within the Planning Assessment section of this report.

Statutory Environment

Legislation

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



State Government Policies

- State Planning Policies

Local Planning Framework

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

Planning Assessment

Draft LPP2.9 applies to retail and commercial development which exceeds 1,000sqm of net lettable area. The policy aims to provide a reasonable balance between specific provisions, and flexible design pathways. This allows environmental sustainability to be considered in a manner appropriate to the nature of specific developments. This policy will place reasonable expectations on developers and stakeholders, whilst providing flexibility on how these outcomes can be achieved.

Draft LPP2.9 prescribes provisions addressing the below environmental sustainability topics:

- Lot orientation and building design to consider solar passive and ventilation design principles.
- Building materials with minimal environmental impact and to assist thermal performance.
- Life Cycle Assessments to examine the carbon impacts of developments.
- Energy efficiency to reduce energy usage and reduce carbon emissions.
- Water efficiency.

This draft LPP aims to provide the following benefits to the Shire and to development outcomes:

1. Increase community awareness and education and encourage and facilitate stakeholders at all stages of the development process to consider sustainable design choices in new retail and commercial developments.
2. Provide provisions for environmentally sustainable design to be considered and addressed within new retail and commercial developments.
3. Allow for the effective evaluation and assessment of the environmental sustainability of new retail and commercial developments.
4. To improve the climate resilience of new retail and commercial developments within the Shire.

Submission

The City of Vincent support the 5-star energy efficiency rating within Section 4.0, although suggested that a specific rating scheme be specified within the policy. Officers are of the view that the draft policy provides a sufficient level of specification to allow Officers to assess the sustainability of developments and ensure that optimal built form outcomes are achieved. The draft policy provides a quantifiable measure to be achieved, being the 5-star rating, however, also allows for flexibility in how this rating can be achieved.

The City of Vincent suggested that further specifications be detailed within Section 4.0 Energy Efficiency provisions a-g, for example expanding provision e, 'Electric vehicle charging points', to specify the level of charging point which is required. This is not viewed as appropriate, given the range of development of which this policy may apply.



Given the often mixed-use and varying nature of commercial development, the design aspects within Section 4.0 a-g are intended to remain as broad-scale, to allow for development-specific outcomes which are appropriately tailored to the proposed development.

A strength of this policy is its aim in providing overarching guidance to inform environmentally sustainable design to be considered, whilst still allowing for flexibility in the way in which this is delivered.

The City of Vincent recommended the relocation of the Life Cycle Assessments to an individual, separate section. Officers view this as appropriate, given that Life Cycle Assessments are an assessment of environmental performance throughout the development's life cycle, and are not exclusively an assessment of building materials at the time of construction.

Subject to these minor modifications, it is recommended that the Policy be proceeded with by Council.

Options

Option 1

That Council:

1. Pursuant to Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, **RESOLVES TO PROCEED** with Local Planning Policy 2.9: Environmentally Sustainable Design Considerations for Retail and Commercial Development, subject to modifications as contained within **attachment 3**.
2. Pursuant to Clause 4(4) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, **PUBLISH** notice of Local Planning Policy 2.9: Environmentally Sustainable Design Considerations for Retail and Commercial Development in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Option 2

That Council resolves **NOT TO PROCEED** with draft LPP2.9: Environmentally Sustainable Design Considerations for Retail and Commercial Development.

Option 1 is recommended.

Conclusion

Draft LPP2.9 aims to provide a suite of provisions to encourage an improved built form outcome which incorporates environmental sustainability. This policy will assist Officers in assessing retail and commercial developments, as well as providing guidance to stakeholders in regard to sustainable decision making. Minor modifications are recommended as a result of public advertising. Therefore, Officers recommend that Council proceed with Draft LPP2.9.



Attachments (available under separate cover)

- **10.1.6 - attachment 1** - Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development (E23/14355)
- **10.1.6 - attachment 2** - Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development - Summary of Submissions (E24/5036)
- **10.1.6 - attachment 3** - Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development - Modifications (E24/5453)

Alignment with our Council Plan 2023-2033

Indicate how this proposal aligns or is in conflict with the specific objectives outlined in the Council Plan 2023-2033, i.e.:

| |
|---|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment |
| 4. Ensure sustainable and optimal use of Shire resources and finances |
| Liveable |
| 1. Advocate for public transport and focus on connectivity within communities |
| 3. Preserve and enhance our natural places, parks, trails and reserves |
| 4. Invest in facilities and amenities to meet current and future needs |
| 5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |
| 3. Empower the community to engage with the Shire and collaborate on matters that are important to them |

Financial Implications

There are no direct financial implications relating to this matter.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|---|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | Option 1 is considered to address strategic risks for the Shire. | | | | | | |
| 2 | That Council does not proceed with the draft LPP, which leads to suboptimal forms of commercial development that do not fully integrated ESD considerations. | Current State and Shire planning and development framework. | Environment / Heritage | Possible | Moderate | MODERATE | Adopt Officer Recommendation |

Voting Requirements: Simple Majority

OCM121/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- Pursuant to Clause 4(3) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, RESOLVES TO PROCEED with Local Planning Policy 2.9: Environmentally Sustainable Design Considerations for Retail and Commercial Development, subject to modifications as contained within attachment 3.**
- Pursuant to Clause 4(4) of the Deemed Provisions of Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, PUBLISH notice of Local Planning Policy 2.9: Environmentally Sustainable Design Considerations for Retail and Commercial Development in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



Chief Executive Officer, Mr Paul Martin, declared a Financial Interest in item 10.1.7 and left the meeting at 8:37pm prior to this item being discussed.

President Coales, Councillors Tricia Duggin, Morgan Byas and Shaye Mack declared an Impartiality Interest in item 10.1.7.

The Director of Development Services, Mr Andrew Trosic, assumed the chair of Chief Executive Officer at 8:37pm

| | |
|---|--|
| 10.1.7 - Reserve 19895 - Request to Relinquish Vesting Over Reserve 19895 - Lots 279 and 1343 Kargotich Road, Oakford (SJ2201) | |
| Responsible Officer: | Manager Economic Development |
| Senior Officer/s: | Director Development Services |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider options associated with Reserve 19895. The report is presented back to Council, following adjournment at the 15 April 2024 Ordinary Council Meeting.

The Shire has been approached by the adjoining landowner of Lot 208 Kargotich Road, whose landholding surrounds the two lots which comprise Reserve 19895. That landowner is requesting the Shire consider relinquishing its vesting over the Reserve, so that he can request to purchase the land from the State Government (who have the legislative authority to deal on Crown land in defined circumstances).

The Reserve consists of two Crown allotments, being Lot 279 and Lot 1343 Kargotich Road, Oakford. The Crown land is vested to the Shire of Serpentine Jarrahdale, with a purpose of Municipal Purposes. There are no other limiting conditions on the vesting, other than for its stated purpose.

Officers do acknowledge that the current configuration of the Reserve makes its viable use challenging, but not impossible. While not currently being substantially used, Officers consider there will be the need to retain its vested Crown land holding, to be able to support future municipal uses that may be required as growth of the Shire continues.

Accordingly, Officers recommend that support for the relinquishing of the vesting is contingent on the landowner and the State Government providing, through whatever means agreed, a replacement reserve of equivalent size, vesting and utility, within the Shire.



This replacement land needs to be to the satisfaction of Council, and at no cost to the Shire, and only once this is demonstrated should Council agree to relinquish its vesting over Reserve 19895.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 April 2024 – OCM082/04/24 – OCUNCIL RESOLUTION In Accordance with Standing Orders Local Law 2002 clause 11.1(b), that the question be adjourned to the 20 May 2024 Ordinary Council Meeting.

Ordinary Council Meeting - 25 March 2002 - CRP108 - COUNCIL RESOLUTION / Committee Recommended Resolution

Council advises Mr Michael Dagostino of Lot 208 Kargotich Road, Oakford it is prepared to relinquish Reserve 19895 subject to:

- 1. Provision of an alternate reserve for "Municipal Purposes" on the south eastern corner of Lot 208 Kargotich Road, Oakford of equivalent size to that being relinquished.*
- 2. The applicant bearing all direct and indirect costs of the transfer, including the costs of Council's solicitors reviewing all documentation.*
- 3. Any screen planting around the new reserve to be planted by the applicant on Lot 208.*
- 4. No restrictions to be put on the use of any static water supply constructed on the land.*

Background

Reserve 19895 is Crown land located on Kargotich Road, Oakford. The Reserve was created in 1928 (Government Gazette 7 September 1928), for a listed purpose of school teachers quarters. The reserve consists of two lots, being Lot 279 and Lot 1343.

In 1983, the Reserve was vested to the Shire of Serpentine Jarrahdale for the purpose of 'Bush Fire Brigade Depot'. In 1989, the vesting order was amended to 'Municipal Purposes'. The following image shows the location of the Reserve, in conjunction with the surrounding privately owned land parcel of Lot 208:



In the intervening period, Reserve 19895 was identified as one of four potential sites for the Oakford Fire Station. In August 2020, following an extensive selection process involving community engagement, Council resolved that Lot 106 Wills Place (off Pony Place) be the preferred location for the new Oakford Bushfire Brigade building. No decision was made regarding Reserve 19895 as one of the non-preferred sites.

The landowner, who is no longer a Councillor, has again approached the Shire with a request that the Shire relinquish its vesting over the Reserve, so they can approach the State Government to acquire the land.

Community / Stakeholder Consultation

Policy Concept Forum

| | |
|--------------------------------------|--|
| Meeting Date | 22 April 2024 |
| Elected Members in Attendance | President Rob Coales, Cr. Nathan Bishop, Cr. Morgan Byas, Cr. Tricia Duggin, Cr. Reece Jerrett, Cr. Shaye Mack, Cr. Courtney Mazzini |

Presentation to the 22 April 2024 PCF enabled further questions to be answered.

Consultation has also been undertaken with Department of Planning, Lands and Heritage as to the potential options available, however this is dependent on the position resolved by Council.

Statutory Environment

Legislation

- *Land Administration Act 1997*
- *Planning & Development Act 2005*

Comment

Request

The landowner of Lot 208 Kargotich Road has expressed renewed interest in acquiring Reserve 19895. There is a long history to this request, and Council's only documented decision in this regard was that resolved in 2002. This 2002 decision set a number of conditions that had to be fulfilled, before the Shire would consider relinquishing its vesting order. The most relevant being that "*an alternate reserve for Municipal Purposes on the south eastern corner of the landowner's land, being of equivalent size to Reserve 19895*" be provided. This would have essentially involved the following reconfiguration:



Figure 2 - Lot 208 Kargotich Road

The landowner has advised they are not willing to consider this option and would rather deal directly with the State to purchase the land, should the State ultimately receive the Shire's decision to relinquish its vesting over the Reserve.

In essence, until and unless the Shire agrees to relinquish its vesting, the matter cannot proceed. Furthermore, there would be no financial return to the Shire in this regard, as the proceeds of Crown land sale return to the State Government, who have the authority to deal on Crown land. This is unlike fee simple (freehold) land, which a local government may own and may choose to deal on.

Finally, the State Government have a process of disposal which includes whether Crown land can be used by any other cross government agency, so there is no guarantee that relinquishing a vesting order would produce the result desired by the landowner of Lot 208.

Issues to consider

The current vesting order carries a Municipal Purposes designation, with no other limiting conditions. It is a very useful purpose to have designated, given it provides for a range of municipal related purposes that could occur on the reserve.



While it is acknowledged that there is no current use of the Reserve taking place, and that an earlier purpose had been for a bush fire brigade depot (which is being located elsewhere), there will be a variety of future possibilities that could be accommodated. Given the range of municipal purposes undertaken by a local government authority, including the full range of administration, depot, sport, recreation, civic, cultural and conservation functions, a future need may emerge, and which could be met from a reserve such as Reserve 19895.

Consistent with the 2002 decision of Council, while it is acknowledged that the current configuration of the Reserve is not ideal for either the Shire or the private landowner of Lot 208, Officers consider that there should be no decision made to relinquish the vesting unless, and only if, a replacement reserve of equivalent size and utility, within the Shire, is provided. This replacement Crown reserve needs to be to the satisfaction of Council, and of no cost to ratepayers, and only once this is demonstrated should Council relinquish its vesting over Reserve 19895.

Options

Option 1

That Council advises the landowner of Lot 208 Kargotich Road, Oakford and the Department of Planning, Lands and Heritage, that it will only agree to relinquish the Shire's vesting over Reserve 19895, if the following preconditions are met to the satisfaction of Council:

1. An alternative piece of Crown land, of the same size as Reserve 19895, is provided with the same vesting purpose to the Shire of 'Municipal Purposes'.
2. That the location of this Crown land is deemed suitable by Council, considering the current location of Reserve 19895 on a highly accessible road network and convenient to current and future development areas of the Shire.

Option 2

That Council advises the landowner of Lot 208 Kargotich Road, Oakford and the Department of Planning, Lands and Heritage, that it agrees to relinquish the Shire's vesting over Reserve 19895.

Option 1 is recommended.

Conclusion

This report outlines the background and request from the landowner of Lot 208 Kargotich Road, who is seeking to acquire Reserve 19895. Officers do not support this taking place unless, and only if, suitable replacement Crown land is provided to the Shire, for the same vesting purposes, so that future Shire needs for can be assured.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** - correspondence from landowner (IN24/3995)
- **10.1.7 - attachment 2** - correspondence from the Department of Planning, Lands and Heritage (IN24/4021)

Alignment with our Council Plan 2023-2033

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|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |



4. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

The Shire will receive no financial benefit from the sale. The State Government would receive any financial consideration from the transaction.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|----------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | This is considered the lowest risk option, taking account of the future needs of the organisation as they may appear. | | | | | | |
| 2 | The land being relinquished without a replacement Crown reserve, causing a shortage of available land for Shire purposes into the future. | Nil | Financial | Likely | Major | SIGNIFICANT | Accept Option 1. |

Voting Requirements: Absolute Majority

Officer Recommendation:

That Council advises the landowner of Lot 208 Kargotich Road, Oakford and the Department of Planning, Lands and Heritage, that it will only agree to relinquish the Shire's vesting over Reserve 19895, if the following preconditions are met to the satisfaction of Council:

1. An alternative piece of Crown land, of the same size as Reserve 19895, is provided with the same vesting purpose to the Shire of 'Municipal Purposes'.
2. That the location of this Crown land is deemed suitable by Council, considering the current location of Reserve 19895 on a highly accessible road network and convenient to current and future development areas of the Shire.



MOTION

Moved Cr Bishop, seconded Cr Duggin

That Council:

1. NOTES:

- The vestment of Reserve 19895 to the Shire of Serpentine-Jarrahdale for the purpose of 'Bush Fire Brigade Depot' in 1983;
 - in 1989, the Council of the day successfully requested re-vesting of the reserve land for 'Municipal Purposes', to ensure the land remained available for the Oakford Bush Fire Brigade, whom were and have remained situated on privately owned land;
 - In 2020, Reserve 19895 was considered as part of an extensive selection process and was subsequently excluded from being the future location of the Oakford Fire Station;
 - The Shire of Serpentine-Jarrahdale received 2ha of land located at Lot 106 Wills Place, Oakford, from the Western Australian Planning Commission for the future Oakford Fire Station; and
 - A suitable use for Reserve 19895 by the Shire of Serpentine-Jarrahdale has not been identified since its designation as being for 'Municipal Purposes' in 1989.
2. REQUESTS the Chief Executive Officer advise the landowner of Lot 208 Kargotich Road, Oakford ('the landowner') and the Department of Planning, Lands, and Heritage that it will agree to relinquish the Shire's vesting over Reserve 19895 if the landowner agrees to make an *ex gratia* payment in the sum of \$30,000.00 to the Shire.
3. REQUESTS the Chief Executive Officer obtain written agreement from the landowner that payment of \$30,000.00 is to be made by the landowner if and when the land at Reserve 19895 is purchased by, or on behalf of, the landowner, or is otherwise made available to the landowner by lease agreement with any persons or State authority.

OCM122/05/24

AMENDMENT

Moved Cr Mack, Seconded President Coales

2. REQUESTS the Chief Executive Officer advise the landowner of Lot 208 Kargotich Road, Oakford ('the landowner') and the Department of Planning, Lands, and Heritage that it will agree to relinquish the Shire's vesting over Reserve 19895 if:
- a) the landowner agrees to make an *ex gratia* payment in the sum of \$30,000.00 to the Shire and;
 - b) the responsible minister agrees to make all proceeds from the sale of the land available to the Shire of Serpentine Jarrahdale in a suitable trust form, to be expended on the direct improvement of public open spaces in the vicinity of the locality.

AMENDMENT LOST 2/5

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
Councillors Mack and Mazzini voted FOR the motion.
President Coales, Councillors Bishop, Byas, Duggin and Jerrett voted AGAINST the motion.*



OCM123/05/24

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Duggin

That Council:

1. NOTES:

- The vestment of Reserve 19895 to the Shire of Serpentine-Jarrahdale for the purpose of 'Bush Fire Brigade Depot' in 1983;
 - in 1989, the Council of the day successfully requested re-vesting of the reserve land for 'Municipal Purposes', to ensure the land remained available for the Oakford Bush Fire Brigade, whom were and have remained situated on privately owned land;
 - In 2020, Reserve 19895 was considered as part of an extensive selection process and was subsequently excluded from being the future location of the Oakford Fire Station;
 - The Shire of Serpentine-Jarrahdale received 2ha of land located at Lot 106 Wills Place, Oakford, from the Western Australian Planning Commission for the future Oakford Fire Station; and
 - A suitable use for Reserve 19895 by the Shire of Serpentine-Jarrahdale has not been identified since its designation as being for 'Municipal Purposes' in 1989.
- 2. REQUESTS the Chief Executive Officer advise the landowner of Lot 208 Kargotich Road, Oakford ('the landowner') and the Department of Planning, Lands, and Heritage that it will agree to relinquish the Shire's vesting over Reserve 19895 if the landowner agrees to make an ex gratia payment in the sum of \$30,000.00 to the Shire.**
- 3. REQUESTS the Chief Executive Officer obtain written agreement from the landowner that payment of \$30,000.00 is to be made by the landowner if and when the land at Reserve 19895 is purchased by, or on behalf of, the landowner, or is otherwise made available to the landowner by lease agreement with any persons or State authority.**

CARRIED 4/3

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:

*President Coales, Councillors Bishop, Duggin and Mazzini voted FOR the motion.
Councillors Byas, Jerrett and Mack voted AGAINST the motion.*

Reason for difference to Officer Recommendation:

To note the history of Reserve 19895 and bring this longstanding matter to a fair conclusion, consistent with the Shires historic position that the land was to be for Oakford Bush Fire Brigade.

Chief Executive Officer, Mr Paul Martin, returned to the meeting at 8:55pm.

Presiding Member, President Coales, advised the Chief Executive Officer of the Council Resolution for item 10.1.7



Councillor Reece Jerrett declared an Impartiality Interest in item 10.1.8.

| | |
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| 10.1.8 - Response to Final Connectivity and Access Study - Tonkin Highway Extension Project (SJ3580) | |
| Responsible Officer: | Director Development Services |
| Senior Officer: | Director Development Services |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the final report which has been prepared by Main Roads WA (MRWA), documenting the connectivity and access implications and recommendations associated with the Tonkin Highway Extension project. The final report sets out the elements of what the project case of the Tonkin Highway Extension are including, commensurate with the current scope defined for that project.

The draft Connectivity and Access Study was presented to Council at the August 2021 meeting, whereby Officers identified a range of potential opportunities that the project could consider including, in order to deliver the most optimal connected and accessible outcomes for communities interfacing either side of the new highway.

This report provides a review of what has now been captured as the final works to be delivered by the project. While Officers note the number of agreed inclusions as part of the project, there remain areas of concern that are particularly heightened in respect of reduced connectivity and access. Officers also consider that affected residents in these areas should be made aware in writing about the changes that will take place, and it is recommended that Council request MRWA write directly to each landowner, to inform them on the approach being taken by the project.

Relevant Previous Decisions of Council

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| <p><i>Ordinary Council Meeting - 16 August 2021 - OCM217/08/21 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. ENDORSE the independent traffic engineering consultant technical review and recommendations of the draft connectivity and access study as the Shire's response;</i> <i>2. REQUESTS that Main Roads WA make provision for further design analysis of the project case to address these recommendations, and include these recommendations as part of the project scope / case to be delivered;</i> <i>3. REQUESTS Main Roads WA advise should they be not in a position to accept any of these recommendations;</i> |
|---|



4. *RECOMMEND Main Roads WA undertake community consultation on their draft connectivity and access study prior to finalisation;*
5. *REQUESTS Main Roads WA brief the Council on their position of the recommendations;*
6. *REQUESTS the Shire President to write to the Minister for Transport to make the Minister aware of Council's position in this regard.*

Background

The State Government is currently in the procurement phase of the Tonkin Highway Extension Project. This is a 12km extension of new controlled access highway standard infrastructure, from Thomas Road southwards past Mundijong Road and connecting eastwards to South Western Highway. As control of access occurs through the highway infrastructure, a central issue to consider is how interfacing communities may be impacted, and the connectivity and access options to minimise / manage such impacts.

In response to this, MRWA prepared a Connectivity and Access Study, which was presented in draft form in 2021. This has recently now been finalised and depicts those commitments to infrastructure aimed at addressing connectivity and access, which will form part of the project.

Council has previously raised both issues and requests in terms of connectivity and access, and this report now provides Council the outcomes of the study, as recently finalised by MRWA.

Community / Stakeholder Consultation

Main Roads WA have hosted community information sessions on the project. This has provided opportunities for members of the community to attend and ask questions on the project.

Statutory Environment

Legislation

- *Main Roads Act 1930*
- *Land Administration Act 1997*
- *Local Government Act 1995*

Comment

The original draft study presented to Council in August 2021 identified the following issues of concern:

1. That Abernethy Road not having an interchange with Tonkin Highway will cause rat running along Kardan Boulevard and Briggs Road, impacting schools (along Kardan Boulevard) and the trotting complex (along Briggs Road).
2. That Thomas Road and Tonkin Highway can only safely operate through a grade separated interchange, and that any attempt to retain a staggered right hand turn traffic signal at grade is both unsafe, short term, and inoperable.
3. That the Orton Road interchange design needs to recognise that Orton Road currently comprises a three metre wide bitumen seal east and west of its interchange with Tonkin Highway. This needs to be upgraded to a proper Integrator B (30m) road connecting at-grade across the rail through to South Western Highway.



4. That to offset an additional crossing of Orton Road across the rail to South Western Highway, the existing Cardup Siding Road crossing could be closed.
5. That Cardup Siding Road turning into an effective two kilometre long cul-de-sac is very unsafe and should be considered for an underpass to connect to the residual leg of Hopkinson Road.
6. That the proposal to cul-de-sac Jersey Road and lose its connection to Hopkinson Road creates a similar cul-de-sac and bushfire emergency risk.
7. That on the north side of Thomas Road, the deviation of Hopkinson Road to create a new roundabout intersection with Kardan Boulevard is unclear in respect of whether it will function, given the strong east west traffic flow bias.
8. That there is a connectivity need mid-block between Bishop Road and Orton Road, to provide equine/pedestrian/community connectivity.
9. That it is important to provide protection of the Lampiter Road connection to Mundijong Road as part of the project case for Tonkin Highway.
10. That the Bishop Road interchange design needs to recognise that Bishop Road currently comprises a five metre wide bitumen seal east and west of its interchange with Tonkin Highway. This needs to be upgraded to a proper Integrator B (30m) road connecting at-grade across the rail through to South Western Highway.

These were based on the then design, which at the time, depicted retention of accessibility for the portion of Hopkinson Road, on the north side of Thomas Road, connecting to the new roundabout at Thomas Road and Kardan Boulevard. However, subsequent to this, MRWA have removed access for the portion of Hopkinson Road, north of Thomas Road.

Final Connectivity and Access Study

The final Study was sent to the Shire on 3 April 2024. This summarises in the following table, those elements that will be delivered as part of the project (shown in green), specific to connectivity and access. The item shown in orange is being delivered by others outside of the project. Finally, the items in yellow are not proposed to be delivered in the manner depicted.

The right hand side column details an explanation of each scope inclusion.

| Access and Connectivity Strategy Requirement | Scope Inclusion |
|--|---|
| 1.4** Ballak Place residential catchment: Provide footpath on southern side of Thomas Road heading east, tying into Thomas Road interchange and Thomas Road/Kargotich Road roundabout (to be constructed 2022/23) | Shared path underpass provided under the north facing ramp, linking Ballack Place to the Shared path on the southern side of Thomas Road. Additional bridge width provided to achieve this. Shared path provided on the southern side of Thomas Road between Kargotich Road and Tonkin Highway. |
| 2.2 Ballak Place/Thomas Road intersection: Left-in left-out treatment on Thomas Road (<i>with semi-mountable kerb median</i>) | Provided, refer to lane configurations. |



| Access and Connectivity Strategy Requirement | Scope Inclusion |
|--|--|
| 3.8 Hopkinson Road north connectivity: Tie PSP into local network on Kellet Drive and end of Hopkinson | Provided, refer to Concept Plans. |
| 3.9 Hopkinson Road north connectivity: Tie multi-purpose routes onto the trails running alongside the northern side of Thomas Road | Equine trail along Thomas Road is retained and reconstructed. Connection to Hopkinson Road on the north of Thomas Road is maintained for Equine movements. Refer to Concept Plans. |
| 4.7* Thomas Road interchange: Provide grade separated active transport crossings for east-west connectivity | The Shared path running east west along Thomas Road is grade separate through the Tonkin / Thomas interchange. Refer to Concept Plans. |
| 5.1** Jersey Road residential catchment: Comply with LSP Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford to enable construction of the access on to Kargotich Road, enabling secondary access through the new subdivision roads for the Jersey Road catchment | Jersey Road connection through to Kargotich Road is in the Access Strategy. This requires the LGA to work with the developer to ensure delivery of this. Not a Main Roads responsibility. |
| 5.9** Jersey Road residential catchment: Provide gated access points to Tonkin Highway and Thomas Road to allow for emergency evacuation for vehicles | These are provided - refer to concept plans. |
| 6.2 Abernethy Road underpass: Provide footpath on southern side of Abernethy Road (continued through underpass) to tie local network into PSP | A Shared path has been provided on the southern side of Abernethy Road, refer to Concept Plans. This extends from Kardan Boulevard to Hopkinson Road. |
| 6.3 Abernethy Road underpass: Separated equestrian underpass to the north (near Prop11), tying into existing informal trails on northern side of Abernethy Road | A separated bridle path is provided on the northern side of Abernethy Road, utilising the proposed bridge over Abernethy Road. At this location, a dedicated shared path is provided on the southern side of Abernethy Road. |
| 7.3 Orton Road intersection (project case): Provide access to Tonkin Highway PSP on the northern side of the intersection | Provided - refer to Concept Plans. |
| 7.5* Orton Road intersection (project case): Crossing on northern side of roundabout, pram ramps (active transport only). <i>Note: 7.5 and 8.7 options are mutual.</i> | Provided - refer to Concept Plans. Pram ramps are compulsory once the path is provided. |



| Access and Connectivity Strategy Requirement | Scope Inclusion |
|---|---|
| 8.2 Orton Road intersection (ultimate case): Provide shared, multi-purpose underpass south of the intersection (near Property 6) | This project is not providing grade separation at Orton Road. This underpass connection will be considered in the ultimate configuration of Tonkin Highway. |
| 8.7* Orton Road intersection (ultimate case): Crossing on northern side of grade separated roundabout, pram ramps (active transport only) | Provided - refer to Concept Plans. |
| 9.2** Culham Vista residential catchment: Extension of Doley Road to Cardup Siding Road from Orton Road (following Byford DSP alignment) | Provided - refer to Concept Plans. |
| 9.4* Culham Vista residential catchment: Provide emergency access to Tonkin Highway from Cardup Siding Road to allow for emergency evacuation for vehicles | Provided - refer to Concept Plans. |
| 10.2 Gossage Road underpass: Equestrian underpass continuing multi-purpose trails adjacent to Property 20 | Provided - refer to Concept Plans. |
| 10.3** Gossage Road underpass: Provide gated access from Lot 33 Hopkinson Road to Hopkinson Road | Provided - refer to Concept Plans. |
| 11.2 Bishop Road interchange: Provide footpath on southern side of freight rail passing under the Tonkin Highway | Provided - refer to Concept Plans. |
| 11.3 Bishop Road interchange: Provide access to Tonkin Highway PSP from local footpath network on Bishop Road | Provided - refer to Concept Plans. |
| 13.2 Scott Road residential catchment: Provide missing road section between Scott Road east and west to complete tie in to Kargotich Road (in line with the West Mundijong Industrial Area DSP). The road will be built to the existing standard of Scott Road | Provided - refer to Concept Plans. |
| 14.4 Mundijong Road intersection: Provide pram ramps for east-west connectivity | Provided - refer to draft concept plans for Package 2 |
| 14.5 Mundijong Road intersection: Provide ramp to connect local footpath network to the above-grade Tonkin Highway PSP | This project is not providing grade separation at Mundijong Road. Ramp connection will be considered in the |

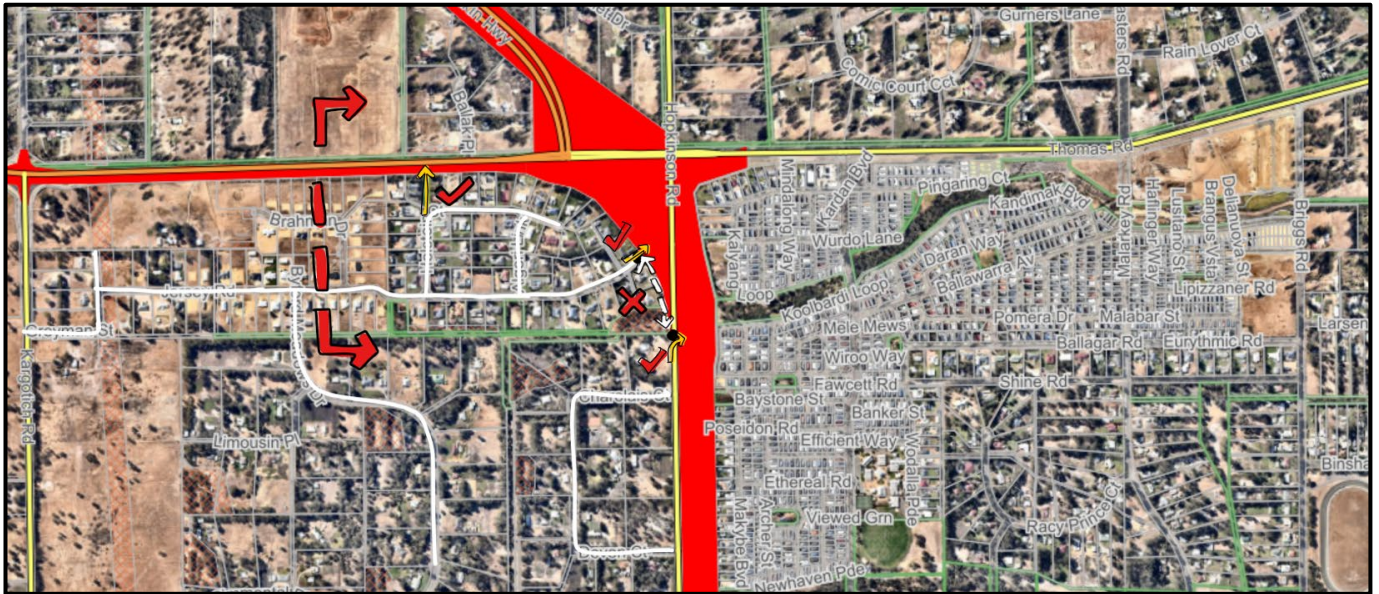


| Access and Connectivity Strategy Requirement | Scope Inclusion |
|---|--|
| | ultimate configuration of Tonkin Highway. |
| 15.4** Lampiter Road residential catchment: Provide gated access roads between Lampiter Road and Tonkin Highway Extension/Mundijong Road for emergency evacuation | Provided - refer to draft concept plans for Package 2 |
| 17.5 Wright Road: Link Tonkin Highway PSP with existing multi-purpose trail running parallel to northern side of highway | Negotiations for land tenure with Arc Infrastructure and PTA for Rail Corridor Land is not possible. To provide connection a link to the PSP from Wright Road is being include in the Package 2 scope. |
| 18.2 Adamson Street South: Provide new access to Lot 200 Adamson Street from Bilya Avenue | Provided - refer to draft concept plans for Package 2 |
| 19.1** Shanley Road: Provide underpass to retain access from Shanley Road to South Western Highway | Provided - refer to draft concept plans for Package 2 |
| 20.1 Shanley Road intersection: Provide pram ramps only | Provided - refer to draft concept plans for Package 2 |
| 21.1**** Hopkinson Road intersection: Provide gated access from Hopkinson Road cul-de-sac to existing Tonkin Highway PSP or to Thomas Road via the equine trail | Provided - refer to Concept Plans. |

While the previous table reveals a number of included items, it does not depict the concerns Officers have raised throughout the project, subsequent to Council's initial consideration of the Connectivity and Access Study.

Key Issue 1 - Jersey Road catchment

As part of concerns pertaining to matters including emergency access and particularly retaining two points of access in opposite directions, Officers have requested retention of connectivity between the northern extent of Hopkinson Road, and the eastern extent of Jersey Road. This would have necessitated linking the severed ends of these roads, so that connectivity was maintained as shown following:



The Connectivity and Access Study does not depict this being included within the scope of the project (refer dashed white line with red cross).

Officers have continued to raise concerns about the group of properties east of Byford Meadows Drive, and north along Hopkinson Road, essentially being serviced by only a single public road access to the west and south respectively. While noting these concerns, MRWA did undertake an independent bushfire risk assessment which determined, as a minimum, the need to provide gated access points to Tonkin Highway and Thomas Road to allow for emergency access for vehicles. These are shown in yellow above, next to the red ticks.

Key Issue 2 - Hopkinson Road catchment north side of Thomas Road

Similar to Key Issue 1, Officers have also raised concerns pertaining to the removal of connectivity of the section of Hopkinson Road north of Thomas Road, creating a catchment of properties with only one public road access in and out. As depicted in the following image, the current connectivity of Hopkinson Road to Thomas Road is indicated to be removed, and in place a gated emergency access way which (1) connects to Tonkin Highway PSP or (2) connects to Thomas Road via the equine trail, which runs parallel along Thomas Road.



The properties impacted by Key Issue 1 and Key Issue 2 will face increased inconvenience, and reduced accessibility as a result of the project. While some degree of impact may be considered reasonable, Officers remain concerned by the reliance on gated emergency accessways in lieu of two points of public road access, for emergency access. Gated accesses represent an ongoing maintenance liability, as designated emergency accessways will not be permitted to be locked. This could create opportunities for illegitimate use to occur, which could cause broader safety issues for pedestrians, horse riders and other road users in the area.

As also set out in the original report to Council on the draft Connectivity and Access Study, Officers remain concerned about the unfunded flow on impact to a range of Shire roads that interface with the new Tonkin highway infrastructure. Whereas the highway will be delivered to an exceptionally high road asset standard, interchanges which connect onto Bishop Road and Mundijong Road, and roundabouts onto Jarrahdale Road and Shanley Road, will likely deliver significantly more traffic which will deteriorate these road assets further from their current asset level standard.

The abutting sections of these roads, and their condition rating, are shown following (red depicting very poor condition):



Bishop Road



Mundijong Road



Shanley Road and Jarrahdale Road

It is key that this concern continues to be raised, given the need to ensure sufficient support is provided to the Shire to concurrently improve the supporting road network interfacing the highway.

Options

Option 1

That Council NOTES the final Connectivity and Access Study and REQUESTS:

1. That Main Roads WA write to all affected landowners within the Jersey Road and Hopkinson Road (north and south of Thomas Road) areas, which will have current road accessibility levels significantly altered by the project.
2. That as part of (1), Main Roads WA explain the revised approach to emergency management and how this will function during times of an emergency.
3. That Main Roads WA undertake their own independent assessment of the interfacing roads to the Tonkin Highway project (at least 1km interfacing either side), in order to assess their capacity to cope with additional traffic forecast to occur from the highway project.
4. That upon completion of (3), Main Roads WA assist the Shire in ensuring these roads are suitably upgraded in conjunction with the Tonkin Highway project.
5. That the Shire President and Chief Executive Officer raise the specific matter of Jersey Road and Hopkinson Road catchments with MLA Hugh Jones, Member for Darling Range.

Option 2

That Council NOTES the final Connectivity and Access Study and takes no further action.

Option 1 is recommended.



Conclusion

The State Government is currently in the procurement phase of the Tonkin Highway Extension Project. This is a 12km extension of new controlled access highway standard infrastructure, from Thomas Road southwards past Mundijong Road and connecting eastwards to South Western Highway. There are a range of connectivity and access issues, that are being addressed by the project to ensure it creates acceptable levels of interface for communities within the Shire. However, as documented in this report, there remain a number of key issues which Officers consider need to be addressed to enable an optimal project outcome. This forms the basis of the recommendation.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Final Connectivity and Access Study (E24/6105)

Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| Liveable |
| 1. Advocate for public transport and focus on connectivity within communities |
| 2. Improve maintenance and investment in roads and paths |

Financial Implications

Officers remain concerned about the unfunded flow on impact to a range of Shire roads that interface with the new Tonkin Highway infrastructure. Whereas the highway will be delivered to an exceptionally high road asset standard, interchanges which connect onto Bishop Road and Mundijong Road, and roundabouts onto Jarrahdale Road and Shanley Road, will likely deliver significantly more traffic which will deteriorate these road assets further from their current asset level standard.

Officers consider there to be a shared responsibility for Main Roads WA to assist the Shire in improving these assets in advance of the project.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | This is considered the lowest strategic risk option. | | | | | | |
| 2 | By noting the Connectivity and Access Study but taking no further action, there is a risk that the design issue impacting Jersey Road and Hopkinson Road will not be made suitably aware to MRWA, which could cause there to be no rethinking of the issue by MRWA. | Officers continue to carefully be involved in assessing the project | Social / Community Outcomes | Possible | Moderate | MODERATE | Nil |



Voting Requirements: Simple Majority

OCM124/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded President Coales

That Council NOTES the final Connectivity and Access Study and REQUESTS:

- 1. That Main Roads WA write to all affected landowners within the Jersey Road and Hopkinson Road (north and south of Thomas Road) areas, which will have current road accessibility levels significantly altered by the project.**
- 2. That as part of (1), Main Roads WA explain the revised approach to emergency management and how this will function during times of an emergency.**
- 3. That Main Roads WA undertake their own independent assessment of the interfacing roads to the Tonkin Highway project (at least 1km interfacing either side), in order to assess their capacity to cope with additional traffic forecast to occur from the highway project.**
- 4. That upon completion of (3), Main Roads WA assist the Shire in ensuring these roads are suitably upgraded in conjunction with the Tonkin Highway project.**
- 5. That the Shire President and Chief Executive Officer raise the specific matter of Jersey Road and Hopkinson Road catchments with MLA Hugh Jones, Member for Darling Range.**

CARRIED UNANIMOUSLY 7/0



10.1.9 - Consideration of Draft Terms of Reference - Community Reference Group for Permacast Operations (SJ4226)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the draft Terms of Reference (ToR) received for the Community Reference Group (CRG), which is required to be established as a result of the recent retrospective development approval issued for the Permacast operations.

At the 6 March 2024 Metro Outer Development Assessment Panel (MODAP) meeting, retrospective development approval was granted for a Retrospective Concrete Manufacturing Facility, at Lot 60 (No. 394) Robertson Road, Cardup.

The following Condition was imposed as part of this decision:

Within 60 days of the date of the approval, the applicant shall establish and maintain a Community Reference Group, based upon terms of reference to be submitted to and approved by the Shire. The CRG's purpose is to act as an open and transparent forum for nearby landowners to discuss any issues or exchange any suggested solutions, to issues that may be impacting the amenity of the area.

In order to establish the CRG, Terms of Reference need to be submitted to and approved by the Shire. The draft ToR were received on 23 April 2024, and are presented to Council for its consideration.

Subject to a number of amendments, it is recommended that the ToR be approved.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 February 2024 - OCM006/02/24 - COUNCIL RESOLUTION That Council RESOLVES the following Responsible Authority Recommendation:

- 1. That the Metro Outer Joint Development Assessment Panel REFUSE DAP Application reference DAP/23/02462 and accompanying plans (attachment 12) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, for the following reason:*



1. *Insufficient information has been provided to demonstrate that development will not result in unacceptable and adverse amenity impacts on residences within the separation distance between industrial and sensitive land uses, specifically in terms of noise;*
2. *The development is not consistent with the Cardup Business Park Local Structure Plan, which is required to be given due regard under the Local Planning Scheme No. 3. Specifically, the Structure Plan states under Part 1 (Table A row 2) that any impacts of development with respect to emissions (i.e., dust, gas, odour, light, fumes and noise) shall be managed in accordance with the Environmental Protection Authority Guidance for the Assessment of Environmental Factors No. 3 Separation Distances between Industrial and Sensitive Land Uses (EPA 2005). The application does not contain sufficient information to demonstrate that noise emissions are able to be managed*
3. *The development is not consistent with State Planning Policy 4.1 - Industrial Interface for the following reasons:*
 1. *Insufficient information is provided to show that emissions and impacts from the development will not extend beyond the boundaries of the site;*
 2. *In the event that impacts do extend beyond the site, the impact area of the development is not considered as a compatible zone, as it is zoned Rural Residential and Development;*
 3. *The development does not contain sufficient information to show that it can properly mitigate or manage impacts on health and amenity of people within the locality, pertaining to noise.*

Background

The subject site is 47.39ha in size and zoned 'Industrial Development' and 'Rural' under Local Planning Scheme No. 3 and designated 'Industry General' under the Local Structure Plan (LSP).

The site is located within a part of Cardup that features a mix of rural, industrial and land conservation uses. Adjoining land uses are as follows:

- North (426 Robertson Road): Colli Timber and Hardware factory.
- South (opposite side of Norman Road): 'Bush Forever Area' and Mundijong District Structure Plan area (Whitby Precinct A Local Structure Plan area).
- West (opposite side of Robertson Road / railway line): Rural residential area located within the Rural Residential zone.
- East: Laydown area at Lot 21 South Western Highway.

The site was initially developed in the 1980s for the purpose of a timber mill business. Various ancillary site works associated with current business operations have taken place over the years since the site was originally developed, with the yards being utilised for the storage of products and materials. The southern portion of the lot contains bush forever as depicted following:



It is important to explain the basis of the recent retrospective development approval issued by MODAP. In this regard, at the beginning of 2023, and in response to complaints being received, Officers commenced a compliance investigation on activities taking place on the subject land.

This investigation revealed that there was no record of any prior development approval for the concrete product making industry, and its associated works, that were occurring on the subject land.

While a limited set of planning approvals had been issued, none dealt with the operations that were underway.

In accounting for the above situation, Officers raised concerns with the operator and their representative on a number of occasions, subsequently resulting in an application for retrospective development approval being submitted.

Due to the estimated cost of the development, this retrospective development application was required to be determined by the MODAP, which ultimately occurred on 6 March 2024. Whereas the Responsible Authority Report submitted by the Shire recommended refusal, MODAP resolved to approve the application subject to Conditions. One such Condition being the establishment of a CRG.

Community / Stakeholder Consultation

The planning basis for a CRG is one of stakeholder engagement. As determined on review by the State Administrative Tribunal (SAT), a condition of planning approval requiring the creation of a community reference group is appropriate in respect of activities that are seen as potentially controversial or unpopular with nearby residents. The SAT have held that a planning basis for such a CRG recognises that by providing for stakeholder engagement, there is a constructive process to focus on ensuring operations help in the preservation of amenity of the locality and, as a result, for orderly and proper planning.



Thus, a key test for the appropriateness of the draft ToR is the extent to which they will help fulfill this planning purpose.

Statutory Environment

Legislation

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

State Government Policies

- Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses No. 3 (Guidance Statement)
- State Planning Policy 4.1: Industrial Interface (SPP4.1)

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS)
- Cardup Business Park Local Structure Plan (LSP)

Comment

As mentioned above, there is a planning basis for CRGs as it pertains to the ongoing operations of approved developments. While the majority of developments issued an approval do not include conditions requiring the establishment and maintenance of a CRG, the planning framework does recognise the planning purpose for a CRG on the following basis:

- Where activities are seen to be potentially controversial or unpopular with nearby residents;
- Where such controversy generally has a basis of concern relevant to managing offsite impacts, recognising concerns about experiencing disbenefits from development such as noise, dust, traffic and the like;
- Where the nature of operations, which are governed by conditions of development approval which set maximum limits, can benefit from discussion with nearby residents to see if reasonable and practical adjustments (within limits) can be made to help maintain amenity.

The draft ToR were submitted on 23 April 2024, and are provided at **attachment 1**. The following sections of this report detail the Officer position in respect of key aspects of the draft ToR, and recommendations in this regard to Council:

1.0 Introduction

PERMAcast is a prominent pre-cast concrete manufacturing company playing a vital role in supporting major infrastructure projects across both the Perth Metropolitan Areas and the Western Australian state. Our operations contribute significantly to the local economy and provide essential employment opportunities within the region.

PERMAcast is committed to engaging with the local community through the establishment and maintenance of a Community Reference Group (CRG). This CRG serves as an open and transparent forum for nearby landowners and the greater community of the Shire of Serpentine Jarrahdale, to address any issues related to our manufacturing operations and to exchange ideas for enhancing the local area's amenity.



The CRG is chaired by PERMAcast's Chief Executive Officer and comprises community, local government, and PERMAcast representatives.

Officer comment: Officers do not support the proposed Chair being Permacast's Chief Executive Officer. Officers recommend that a Chair be independent of all stakeholders and the Permacast company, in order to instil a sense of transparency, fairness and thus effectiveness to the CRG's operations. An independent Chair would, for example, enable:

- Impartiality: By having no vested interest in the outcomes of the CRG's discussions.
- Facilitation: By facilitating discussions, ensuring that everyone has a chance to speak, and that discussions stay on track, and that conflicts are resolved constructively.
- Accountability: By being an impartial figure, the independent Chair holds the group accountable to its objectives.
- Representation: By representing the CRG externally, they can serve as a trusted point of contact for stakeholders, community members, and other relevant parties.
- Mediation: By helping find common ground and resolve disputes in a fair and inclusive manner.
- Trust-building: By commitments to fairness, openness, and inclusivity, aided by independence.

Also as discussed below, representation by the Shire is not recommended due to the quasi-judicial decision making responsibilities associated with regulatory responsibilities.

2.0 Role and Purpose

The role and purpose of the PERMAcast CRG are to:

- *Provide a platform for community consultation, enabling residents affected by our manufacturing operations, local authorities, and other stakeholders to exchange information and discuss issues pertaining to our activities.*
- *Address concerns raised by the community and strive to find mutually beneficial solutions.*
- *Complement existing regulatory requirements and standards governing our operations.*

Officer comment: This is supported.

3.0 Scope

The CRG functions as a consultative forum and does not possess arbitration or decision-making powers. Topics for discussion may include:

- *Impacts of manufacturing operations on the surrounding community and environment, including noise levels, traffic, and emissions;*
- *Effectiveness of the system for handling noise complaints and other reported issues;*
- *Community engagement opportunities;*
- *Employment opportunities provided by PERMAcast and ways to enhance local employment;*
- *Proposals for operational changes or expansions, in accordance with Shire approval, and their potential effects on the local community.*



Officer comment: This is generally supported, however is recommended that a further dot point be included as follows:

To discuss proposals or suggestions by residents for any reasonable and practical adjustments (within limits) which could be made to operations, in order to help maintain amenity.

4.0 Membership

4.1 Role of Members

Members will regularly attend meetings and:

- *Participate in the discussion of agenda items at meetings;*
- *Pro-actively identify and raise issues that are relevant to the CRG; and*
- *Where appropriate, discuss PERMAcast issues in forums and groups outside the CRG.*

Officer comment: Officers suggest that the third dot point not be included, given that it could imply that members are invited to speak on behalf of the CRG, whereas this should be only a power allocated to the chair.

4.2 Representation

The CRG comprises the following representatives:

- *Chairperson - 1 member*
- *Local Government Representatives - 1 member*
- *PERMAcast Representative - 1 member*
- *Community Representatives - up to 6 members*

Officer comment: This should reference the Chairperson as being independent. It is also recommended that a local government representative (whether Officer or Elected Member) not be included, given the importance of planning processes requiring quasi-judicial decision making and the risk of this being impacted by participation in a CRG. In terms of the last dot point, the community representatives should be replaced by the term 'nearby residents'. This would enable the intended role and purpose that references residents.

4.3 Term

Members serve a two-year term and may be reappointed for additional terms.

Officer comment: Supported.

4.4 Appointment of Community Representatives

Vacancies for community representatives are to be advertised in local newspapers as required, and applicants considered by the CRG.

Preference will be given to persons who represent a community organisation and who can contribute to the Role and Purpose of the CRG.

If a vote is necessary to select a community representative member, the decision will be determined by a majority of members who are present.

Members seeking reappointment will not vote in respect of their own re-appointment.



Officer comment: As per the comment above, this should reference 'appointment of nearby resident representatives'. As a result, it may be unnecessary to advertise in a local newspaper, and rather could be done via a mail drop to all residents within 1,000m of the boundary of the property, which would extend to cover the majority of nearby surrounding residents.

It is also not relevant to require representation of a community organisation, given the localised nature and focus of the CRG. Preference should be given to nearby residents, in the opinion of Officers.

4.5 Forfeiture of Membership

Membership of the CRG may be forfeited if a member fails to attend or be represented at two consecutive meetings without good reason, or, in the opinion of the majority of members, brings the CRG into disrepute.

Officer comment: This is supported. It is noted that the majority of members are community representatives.

5.0 Shire of Serpentine Jarrahdale Representative

Council representatives from the Shire of Serpentine Jarrahdale may attend meetings to provide relevant information and assist in discussions as appropriate, but will not be formal members.

Officer comment: This is generally supported, however should reference the words "may be invited to attend the meeting by the Chairperson only..." As per the previous comment made, given the nature of quasi-judicial decision making in planning matters, Officers will not be able to attend in all circumstances and will not be able to discuss matters like any proposed or future development application.

6.0 Chairperson

6.1 Role of Chairperson

The Chairperson will:

- *Chair all meetings at which and ensure:*
 - *meetings are conducted in a timely manner*
 - *facilitation of open discussion and a frank exchange of views while at all times ensuring such discussion and views are expressed politely and respectfully to all members present*
 - *adequate discussion time is devoted to issues of significance*
 - *relevant unanticipated items of business are considered for discussion*
- *Manage the deliberations of the Group in an impartial manner;*
- *Facilitate effective engagement of members in group discussions;*
- *Approve meeting agendas and the draft minutes of meetings prior to distribution and ensure agenda materials and papers are appropriate;*
- *Monitor effective follow-up of action items; and*
- *Liaise with PERMAcast management regarding the CRG and ensure annual reporting requirements are met.*

If the Chairperson is unable to attend a meeting, members in attendance may elect a member to fulfil the role of Chairperson for that meeting.



6.2 Appointment of Chairperson

PERMAcast's Chief Executive Officer will resume the role of the Chairperson.

Officer comment: As per previous comments made, this section needs to reference the criticality of an independent Chair. The role cannot be performed adequately, in the opinion of Officers, if the Chair is not independent. Accordingly, these sections need to change. It is also recommended that if, for whatever reason, the independent Chair is unable to attend, the meeting should be postponed.

7.0 Administration

7.1 Secretariat

PERMAcast will provide reasonable secretariat and administration support for the CRG and the CRG Chairperson.

The role of the secretariat is to:

- *Ensure that CRG participants are notified of meetings and given an opportunity to prepare for the meetings;*
- *Prepare and distribute meeting agendas;*
- *Prepare, distribute and publish records of CRG meetings;*
- *Communicate arrangements made for the Group;*
- *Support the activities of the Chairperson as required;*
- *Coordinate input to assist the CRG on policy, technical and other support issues;*
- *Prepare a summary report of each CRG meeting for the Shire of Serpentine Jarrahdale; and*
- *Prepare an annual report on the CRG's activities and effectiveness.*

7.2 Documentation

Meeting notices, agendas and minutes will be distributed electronically. Printed copies of relevant documents will be made available at the meetings.

Data received from the PERMAcast feedback portal will have all sensitive information removed before distribution to the Group.

Agenda

A draft Agenda will be circulated at least three weeks prior to each scheduled meeting and members may propose additional agenda items up to one week prior to the meeting.

The final agenda and any agenda papers will be sent to members by the Monday immediately prior to the meeting.

Minutes of Meetings

Meeting minutes will be prepared by the secretariat and will generally include:

- *A list of members in attendance or who have tendered their apologies;*
- *A summary of the meeting discussions;*
- *A record of any decisions made during the meeting;*
- *The key points of any presentations made;*



- *Action items tasked to attendees.*

Meeting proceedings will not be electronically recorded as verbatim minutes are not required or necessary.

The draft minutes of a meeting will be distributed within two (2) weeks following the meeting. Members will have seven (7) days to review the draft minutes and provide feedback to the secretariat. If there are no contentious issues regarding the record of the meeting, the draft minutes will be published on the CRG webpage. If there is a significant objection to the record of minutes, the Chairperson may determine that the draft minutes will not be published on the CRG webpage until ratified at the subsequent CRG meeting.

Draft minutes of a meeting will be formally accepted at the subsequent meeting. Once minutes are ratified the final version will replace the draft version on the CRG webpage.

7.3 CRG Webpage

A webpage will be maintained on the PERMAcast website to provide the following information:

- *CRG Guidelines;*
- *Terms of Reference;*
- *Minutes of Meetings;*
- *The portal link for record issues or concerns to PERMAcast;*
- *When required, invitations for community representative nominations; and*
- *Any other information as determined by the Group.*

7.4 Annual Report

The Chairperson will initiate an assessment of the effectiveness of the CRG, including the members' views on the effectiveness of the Terms of Reference, on a calendar year basis and report the findings to the CRG.

In undertaking the assessment, feedback on performance will be sought from organisations that nominate a representative to the CRG, the Shire of Serpentine Jarrahdale and PERMAcast management.

Officer comment: Similar to previous comments made, it is important to identify the Chairperson as independent. Subject to an independent Chair, it is considered reasonable that Permacast provide secretariat functions. While it is noted and supported that verbatim minutes should not be produced, there are at times issues which arise from recollection of discussions / actions. It may be therefore useful to record meetings, for the purpose of clarification of details. In terms of draft minutes, the term 'significant objection' should be replaced by the term 'objection'. In terms of the CRG webpage, it is considered unnecessary to have guidelines in addition to the draft ToR, so this should be deleted.

8.0 Meetings

8.1 Frequency

The CRG will meet four (4) times per year.

Meetings are held between 4:00pm to 6:00pm, or as otherwise determined by the CRG.



8.2 Location

Meetings will be held at one of the Shire of Serpentine Jarrahdale's function rooms, or as otherwise determined by the CRG.

PERMAcast will be responsible for securing the function room and associated expenses.

8.3 Invitations

Individuals or representatives of organisations with specific technical experience may be invited by the Chair to speak at a CRG meeting to assist in the understanding and articulation of relevant topics.

8.4 Observers

Meetings are not open to the general public.

Officer comment: It is considered appropriate that a venue be selected which is neutral, and thus it is not considered appropriate to host this at the Shire administration building, nor at Permacast. A locally available community facility, such as Baker Hall, could be considered instead. The meetings are proposed to be closed. This should be reconsidered, as open meetings enable interested observers, whoever they may be, to attend.

9.0 Code of Conduct

9.1 Meeting Etiquette

All persons attending a CRG meeting should:

- Make every effort to arrive prior to the commencement of the meeting;*
- Put mobile phones on silent and leave the meeting room to take any urgent phone calls;*
- Respect the opinions of all present;*
- Discuss and exchange information and views in an informative, objective and open manner. Where differences of opinion arise, these will be debated in a respectful and constructive manner and may be noted in the minutes where requested by a member;*
- Refrain from personal attacks on other members, observers or any member of the public;*
- Refrain from re-introducing previously discussed issues unless there has been a significant change in relation to that issue, or unless the issue is ongoing;*
- Follow meeting etiquette determined by the Chairperson; and*
- Not discuss confidential information outside of the meeting.*

9.2 Email Etiquette

All CRG communication is distributed electronically. For all electronic correspondence:

- Email content must be courteous and suitable for any reader;*
- Anyone who is mentioned in an email has a right to receive a copy of that email;*
- All emails sent by the CRG secretariat will be blind-copied (bcc'd) to the distribution list to ensure members email details are not inappropriately distributed or used; and*
- Written responses are to be made to the Chairperson through the secretariat.*



9.3 Voting

The CRG is primarily a forum for sharing of information and has no decision-making responsibilities, other than on matters relating to membership.

Where matters are resolved by a vote, a show of hands will be recorded.

9.4 Media

The Chairperson is the only person authorised to speak to the media on behalf of the CRG. Members may make media comment on issues but only on behalf of their individual organisations.

Officer comment: This is supported.

In response to these Officer comments, **attachment 2** contains a tracked changes copy of the draft ToR, which are recommended for Council approval.

Options

Option 1

That Council ENDORSES the revised draft Terms of Reference to read as follows (incorporating all the changes as contained within **attachment 2**):

1.0 INTRODUCTION

PERMAcast is a prominent pre-cast concrete manufacturing company playing a vital role in supporting major infrastructure projects across both the Perth Metropolitan Areas and the Western Australian state. Our operations contribute significantly to the local economy and provide essential employment opportunities within the region.

PERMAcast is committed to engaging with the local community through the establishment and maintenance of a Community Reference Group (CRG). This CRG serves as an open and transparent forum for nearby landowners and the greater community of the Shire of Serpentine Jarrahdale, to address any issues related to our manufacturing operations and to exchange ideas for enhancing the local area's amenity.

The CRG is chaired independently and comprises community and PERMAcast representatives.

2.0 ROLE AND PURPOSE

The role and purpose of the PERMAcast CRG are to:

- Provide a platform for community consultation, enabling residents affected by our manufacturing operations, local authorities, and other stakeholders to exchange information and discuss issues pertaining to our activities.*
- Address concerns raised by the community and strive to find mutually beneficial solutions.*
- Complement existing regulatory requirements and standards governing our operations.*

3.0 SCOPE

The CRG functions as a consultative forum and does not possess arbitration or decision-making powers. Topics for discussion may include:

- Impacts of manufacturing operations on the surrounding community and environment, including noise levels, traffic, and emissions;*
- Effectiveness of the system for handling noise complaints and other reported issues;*



- *Community engagement opportunities;*
- *Employment opportunities provided by PERMAcast and ways to enhance local employment;*
- *Proposals for operational changes or expansions, in accordance with Shire approval, and their potential effects on the local community; and*
- *To discuss proposals or suggestions by residents for any reasonable and practical adjustments (within limits) which could be made to operations, in order to help maintain amenity.*

4.0 MEMBERSHIP

4.1 Role of Members

Members will regularly attend meetings and:

- *Participate in the discussion of agenda items at meetings;*
- *Pro-actively identify and raise issues that are relevant to the CRG; and*

4.2 Representation

The CRG comprises the following representatives:

- *Independent Chairperson - one (1) member*
- *PERMAcast Representative - one (1) member*
- *Nearby Landowner Representatives - up to six (6) members*

4.3 Term

Members serve a two-year term and may be reappointed for additional terms.

4.4 Appointment of Nearby Landowner Representatives

Vacancies for nearby landowner representatives are to be invited by maildrop to all properties within 1000m of the boundaries of the PERMAcast operations.

Preference will be given to nearby landowners, who are proximate to the PERMAcast operations.

If the initial call for nominations exceeds the six positions available, the six closest residents will be selected. This will be the process used to selected membership, including for any vacancies that may arise during the course of the CRG.

4.5 Forfeiture of Membership

Membership of the CRG may be forfeited if a member fails to attend or be represented at two consecutive meetings without good reason, or, in the opinion of the majority of members, brings the CRG into disrepute.

5.0 SHIRE OF SERPENTINE JARRAHDAL REPRESENTATIVE

Council representatives from the Shire of Serpentine Jarrahdale may be invited to attend the meeting by the Independent Chairperson only to provide relevant information and assist in discussions as appropriate, but will not be formal members. Officers of the Shire will not be able to discuss any private matters such as those relating to current or proposed development applications, or regulatory issues as they may relate to the operations in question.



6.0 INDEPENDENT CHAIRPERSON

6.1 Role of Independent Chairperson

The Independent Chairperson will:

- *Chair all meetings at which and ensure:*
 - *meetings are conducted in a timely manner*
 - *facilitation of open discussion and a frank exchange of views while at all times ensuring such discussion and views are expressed politely and respectfully to all members present*
 - *adequate discussion time is devoted to issues of significance*
 - *relevant unanticipated items of business are considered for discussion*
- *Manage the deliberations of the Group in an impartial manner;*
- *Facilitate effective engagement of members in group discussions;*
- *Approve meeting agendas and the draft minutes of meetings prior to distribution and ensure agenda materials and papers are appropriate;*
- *Monitor effective follow-up of action items; and*
- *Liaise with PERMAcast management regarding the CRG and ensure annual reporting requirements are met.*

If the Independent Chairperson is unable to attend a meeting, the meeting will be postponed and rescheduled to a time suitable to the CRG.

6.2 Appointment of Independent Chairperson

The Independent Chairperson must be independent of any and all stakeholders involved in the CRG. To this end, PERMAcast will advertise for an Independent Chairperson for the CRG, inviting applicants to apply for the role. Applicants will be asked to demonstrate their suitability and experience in acting as an Independent Chair, and write a statement against the following selection criteria:

- *Impartiality: The ability to chair with no vested interest;*
- *Facilitation: The ability to facilitate discussions, ensuring that everyone has a chance to speak, and that discussions stay on track, and that conflicts are resolved constructively;*
- *Accountability: The ability to be an impartial figure;*
- *Representation: The ability to represent the CRG externally in a trusted manner;*
- *Mediation: The ability to find common ground and resolve disputes in a fair and inclusive manner;*
- *Trust-building: The ability to ensure fairness, openness and inclusivity.*

7.0 ADMINISTRATION

7.1 Secretariat

PERMAcast will provide reasonable secretariat and administration support for the CRG and the CRG Independent Chairperson.



The role of the secretariat is to:

- *Ensure that CRG participants are notified of meetings and given an opportunity to prepare for the meetings;*
- *Prepare and distribute meeting agendas;*
- *Prepare, distribute and publish records of CRG meetings;*
- *Communicate arrangements made for the Group;*
- *Support the activities of the Independent Chairperson as required;*
- *Coordinate input to assist the CRG on policy, technical and other support issues;*
- *Prepare a summary report of each CRG meeting for the Shire of Serpentine Jarrahdale; and*
- *Prepare an annual report on the CRG's activities and effectiveness.*

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The final agenda and any agenda papers will be sent to members by the Monday immediately prior to the meeting.

Minutes of Meetings

Meeting minutes will be prepared by the secretariat and will generally include:

- *A list of members in attendance or who have tendered their apologies;*
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- *A record of any decisions made during the meeting;*
- *The key points of any presentations made;*
- *Action items tasked to attendees.*

While verbatim minutes will not be produced, meeting proceedings will be electronically recorded in order to check or clarify discussions and any actions agreed.

The draft minutes of a meeting will be distributed within two (2) weeks following the meeting. Members will have seven (7) days to review the draft minutes and provide feedback to the secretariat. If there are no contentious issues regarding the record of the meeting, the draft minutes will be published on the CRG webpage. If there is an objection to the record of minutes, the Independent Chairperson may determine that the draft minutes will not be published on the CRG webpage until ratified at the subsequent CRG meeting.

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7.3 CRG Webpage

A webpage will be maintained on the PERMAcast website to provide the following information:

- *Terms of Reference;*
- *Minutes of Meetings;*
- *The portal link for record issues or concerns to PERMAcast;*
- *When required, invitations for community representative nominations; and*
- *Any other information as determined by the Group.*

7.4 Annual Report

The Independent Chairperson will initiate an assessment of the effectiveness of the CRG, including the members' views on the effectiveness of the Terms of Reference, on a calendar year basis and report the findings to the CRG.

In undertaking the assessment, feedback on performance will be sought from organisations that nominate a representative to the CRG, the Shire of Serpentine Jarrahdale and PERMAcast management.

8.0 MEETINGS

8.1 Frequency

The CRG will meet four (4) times per year.

Meetings are held between 4:00pm to 6:00pm, or as otherwise determined by the CRG.

8.2 Location

Meetings will be held at a neutral community venue, such as Baker Hall, or as otherwise determined by the CRG.

PERMAcast will be responsible for securing the function room and associated expenses.

8.3 Invitations

Individuals or representatives of organisations with specific technical experience may be invited by the Independent Chairperson to speak at a CRG meeting to assist in the understanding and articulation of relevant topics.

8.4 Observers

Meetings are open to the general public, who may attend as Observers only.

9.0 CODE OF CONDUCT

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- *Refrain from personal attacks on other members, observers or any member of the public;*
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- *Written responses are to be made to the Independent Chairperson through the secretariat.*

9.3 Voting

The CRG is primarily a forum for sharing of information and has no decision-making responsibilities, other than on matters relating to membership.

Where matters are resolved by a vote, a show of hands will be recorded.

9.4 Media

The Independent Chairperson is the only person authorised to speak to the media on behalf of the CRG. Members may make media comment on issues but only on behalf of their individual organisations.

Option 2

That Council ENDORSES the Terms of Reference as submitted by Permacast and contained within **attachment 1**, without any changes.

Option 1 is recommended.

Conclusion

The purpose of this report is for Council to consider the draft Terms of Reference (ToR) received for the Community Reference Group (CRG), which is required to be established as a result of the recent retrospective development approval issued for the Permacast operations.

In order to establish the CRG, Terms of Reference need to be submitted to and approved by the Shire. The draft ToR were received on 23 April 2024. Subject to a number of amendments, it is recommended that the ToR be approved based on the revised copy provided in **attachment 2**.

Given the time constraints to have the CRG operational, there has not been any specific engagement with Permacast on the scope of changes being recommended by this report. Should Permacast be unsupportive of the changes, they will have a right for review of the decision with the State Administrative Tribunal, pursuant to s252 of the Planning and Development Act 2005.



Attachments (available under separate cover)

- **10.1.9 - attachment 1** - Draft Terms of Reference as originally submitted (E24/6122)
- **10.1.9 - attachment 2** - Revised Terms of Reference recommended for approval (E24/6123)

Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |
| 3. Empower the community to engage with the Shire and collaborate on matters that are important to them |

Financial Implications

There are no financial implications associated with the CRG for the Shire.

Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|--------------------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | This is considered the lowest strategic risk option. | | | | | | |
| 2 | By accepting the draft ToR as submitted, there is risk in terms of chairperson not being independent and nearby residents not being all able to sit on the CRG, which could cause ongoing challenges, | Planning framework | Social Community Outcomes / | Possible | Moderate | MODERATE | Nil |



Voting Requirements: Simple Majority

OCM125/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council ENDORSES the revised draft Terms of Reference to read as follows (incorporating all the changes as contained within attachment 2):

1.0 INTRODUCTION

PERMAcast is a prominent pre-cast concrete manufacturing company playing a vital role in supporting major infrastructure projects across both the Perth Metropolitan Areas and the Western Australian state. Our operations contribute significantly to the local economy and provide essential employment opportunities within the region.

PERMAcast is committed to engaging with the local community through the establishment and maintenance of a Community Reference Group (CRG). This CRG serves as an open and transparent forum for nearby landowners and the greater community of the Shire of Serpentine Jarrahdale, to address any issues related to our manufacturing operations and to exchange ideas for enhancing the local area's amenity.

The CRG is chaired independently and comprises community and PERMAcast representatives.

2.0 ROLE AND PURPOSE

The role and purpose of the PERMAcast CRG are to:

Provide a platform for community consultation, enabling residents affected by our manufacturing operations, local authorities, and other stakeholders to exchange information and discuss issues pertaining to our activities.

Address concerns raised by the community and strive to find mutually beneficial solutions.

Complement existing regulatory requirements and standards governing our operations.

3.0 SCOPE

The CRG functions as a consultative forum and does not possess arbitration or decision-making powers. Topics for discussion may include:

Impacts of manufacturing operations on the surrounding community and environment, including noise levels, traffic, and emissions;

Effectiveness of the system for handling noise complaints and other reported issues;

Community engagement opportunities;

Employment opportunities provided by PERMAcast and ways to enhance local employment;

Proposals for operational changes or expansions, in accordance with Shire approval, and their potential effects on the local community; and

To discuss proposals or suggestions by residents for any reasonable and practical adjustments (within limits) which could be made to operations, in order to help maintain amenity.



4.0 MEMBERSHIP

4.1 Role of Members

Members will regularly attend meetings and:

Participate in the discussion of agenda items at meetings;

Pro-actively identify and raise issues that are relevant to the CRG; and

4.2 Representation

The CRG comprises the following representatives:

Independent Chairperson - one (1) member

PERMAcast Representative - one (1) member

Nearby Landowner Representatives - up to six (6) members

4.3 Term

Members serve a two-year term and may be reappointed for additional terms.

4.4 Appointment of Nearby Landowner Representatives

Vacancies for nearby landowner representatives are to be invited by maildrop to all properties within 1000m of the boundaries of the PERMAcast operations.

Preference will be given to nearby landowners, who are proximate to the PERMAcast operations.

If the initial call for nominations exceeds the six positions available, the six closest residents will be selected. This will be the process used to selected membership, including for any vacancies that may arise during the course of the CRG.

4.5 Forfeiture of Membership

Membership of the CRG may be forfeited if a member fails to attend or be represented at two consecutive meetings without good reason, or, in the opinion of the majority of members, brings the CRG into disrepute.

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6.0 INDEPENDENT CHAIRPERSON

6.1 Role of Independent Chairperson

The Independent Chairperson will:

Chair all meetings at which and ensure:

meetings are conducted in a timely manner

facilitation of open discussion and a frank exchange of views while at all times ensuring such discussion and views are expressed politely and respectfully to all members present



adequate discussion time is devoted to issues of significance

relevant unanticipated items of business are considered for discussion

Manage the deliberations of the Group in an impartial manner;

Facilitate effective engagement of members in group discussions;

Approve meeting agendas and the draft minutes of meetings prior to distribution and ensure agenda materials and papers are appropriate;

Monitor effective follow-up of action items; and

Liase with PERMAcast management regarding the CRG and ensure annual reporting requirements are met.

If the Independent Chairperson is unable to attend a meeting, the meeting will be postponed and rescheduled to a time suitable to the CRG.

6.2 Appointment of Independent Chairperson

The Independent Chairperson must be independent of any and all stakeholders involved in the CRG. To this end, PERMAcast will advertise for an Independent Chairperson for the CRG, inviting applicants to apply for the role. Applicants will be asked to demonstrate their suitability and experience in acting as an Independent Chair, and write a statement against the following selection criteria:

Impartiality: The ability to chair with no vested interest;

Facilitation: The ability to facilitate discussions, ensuring that everyone has a chance to speak, and that discussions stay on track, and that conflicts are resolved constructively;

Accountability: The ability to be an impartial figure;

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Mediation: The ability to find common ground and resolve disputes in a fair and inclusive manner;

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Communicate arrangements made for the Group;

Support the activities of the Independent Chairperson as required;

Coordinate input to assist the CRG on policy, technical and other support issues;



Prepare a summary report of each CRG meeting for the Shire of Serpentine Jarrahdale; and

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Draft minutes of a meeting will be formally accepted at the subsequent meeting. Once minutes are ratified the final version will replace the draft version on the CRG webpage.

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Terms of Reference;

Minutes of Meetings;

The portal link for record issues or concerns to PERMAcast;

When required, invitations for community representative nominations; and

Any other information as determined by the Group.



7.4 Annual Report

The Independent Chairperson will initiate an assessment of the effectiveness of the CRG, including the members' views on the effectiveness of the Terms of Reference, on a calendar year basis and report the findings to the CRG.

In undertaking the assessment, feedback on performance will be sought from organisations that nominate a representative to the CRG, the Shire of Serpentine Jarrahdale and PERMAcast management.

8.0 MEETINGS

8.1 Frequency

The CRG will meet four (4) times per year.

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8.2 Location

Meetings will be held at a neutral community venue, such as Baker Hall, or as otherwise determined by the CRG.

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8.3 Invitations

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8.4 Observers

Meetings are open to the general public, who may attend as Observers only.

9.0 CODE OF CONDUCT

9.1 Meeting Etiquette

All persons attending a CRG meeting should:

Make every effort to arrive prior to the commencement of the meeting;

Put mobile phones on silent and leave the meeting room to take any urgent phone calls;

Respect the opinions of all present;

Discuss and exchange information and views in an informative, objective and open manner. Where differences of opinion arise, these will be debated in a respectful and constructive manner and may be noted in the minutes where requested by a member;

Refrain from personal attacks on other members, observers or any member of the public;

Refrain from re-introducing previously discussed issues unless there has been a significant change in relation to that issue, or unless the issue is ongoing;

Follow meeting etiquette determined by the Independent Chairperson; and

Not discuss confidential information outside of the meeting.

9.2 Email Etiquette

All CRG communication is distributed electronically. For all electronic correspondence:



Email content must be courteous and suitable for any reader;

Anyone who is mentioned in an email has a right to receive a copy of that email;

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Written responses are to be made to the Independent Chairperson through the secretariat.

9.3 Voting

The CRG is primarily a forum for sharing of information and has no decision-making responsibilities, other than on matters relating to membership.

Where matters are resolved by a vote, a show of hands will be recorded.

9.4 Media

The Independent Chairperson is the only person authorised to speak to the media on behalf of the CRG. Members may make media comment on issues but only on behalf of their individual organisations.

CARRIED UNANIMOUSLY 7/0



10.1.10 - Update Regarding Draft Master Plan for Lot 500 Lampiter Road and Request for Western Australian Planning Commission to Initiate Metropolitan Region Scheme Amendment - Lot 500 (#10) Lampiter Drive, Mardella - (SJ2201)

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

Authority / Discretion

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

| | |
|---|--|
| Proponent: | Shire of Serpentine Jarrahdale |
| Owner: | Shire of Serpentine Jarrahdale |
| Date of Receipt: | N/A |
| Lot Area: | 50.01ha |
| Local Planning Scheme No 3 Zoning: | NA (must reflect regional reservation status under the Metropolitan Region Scheme) |
| Metropolitan Region Scheme Reservation: | 'Parks & Recreation' |

Report Purpose

This report is presented back to Council, following deferral at the 19 February 2024 Ordinary Council Meeting. Deferral was to provide opportunity to present further information on the matter to a Policy Concept Forum. This occurred on 22 April 2024.

The purpose of this report, as it relates to the Shire owned land at Lot 500 Lampiter Road (subject land) is to:

1. Update Council on the feedback received from the State Government on the Draft Master Plan for the subject land. This Draft Master Plan had been formulated to show the potential of the subject land, as a location for the future Department of Fire and Emergency Services training academy and Shire operations functions; and
2. As a result of the State Government feedback indicating they would not be further considering the site, recommend that Council now request the Western Australian Planning Commission undertake a Metropolitan Region Scheme (MRS) amendment to rezone the subject land from 'Parks & Recreation' reserve to 'Rural' under the MRS. This aims to reflect a purpose for the



land to pursue a rural residential type subdivision and development outcome now that a public purpose is no longer viable.

The Shire acquired the land from the State Government in 2019. The intent of the acquisition was to generate a strategic land asset holding, that could be optimised based upon maximising highest and best use to benefit ratepayers, including through alternative revenue streams for the Shire.

This recommendation now seeks Council endorsement to request the Western Australian Planning Commission to initiate an MRS amendment for the subject land, in order to rezone the land to 'Rural' to enable a future rural residential type of subdivision and development to occur.

Relevant Previous Decisions of Council

*Ordinary Council Meeting - 19 February 2024 - OCM010/02/24 - COUNCIL RESOLUTION
That the Council DEFER the matter for discussion at a future Policy Concept Forum.*

*Ordinary Council Meeting - 21 August 2023 - OCM203/08/23 - COUNCIL RESOLUTION /
Officer Recommendation*

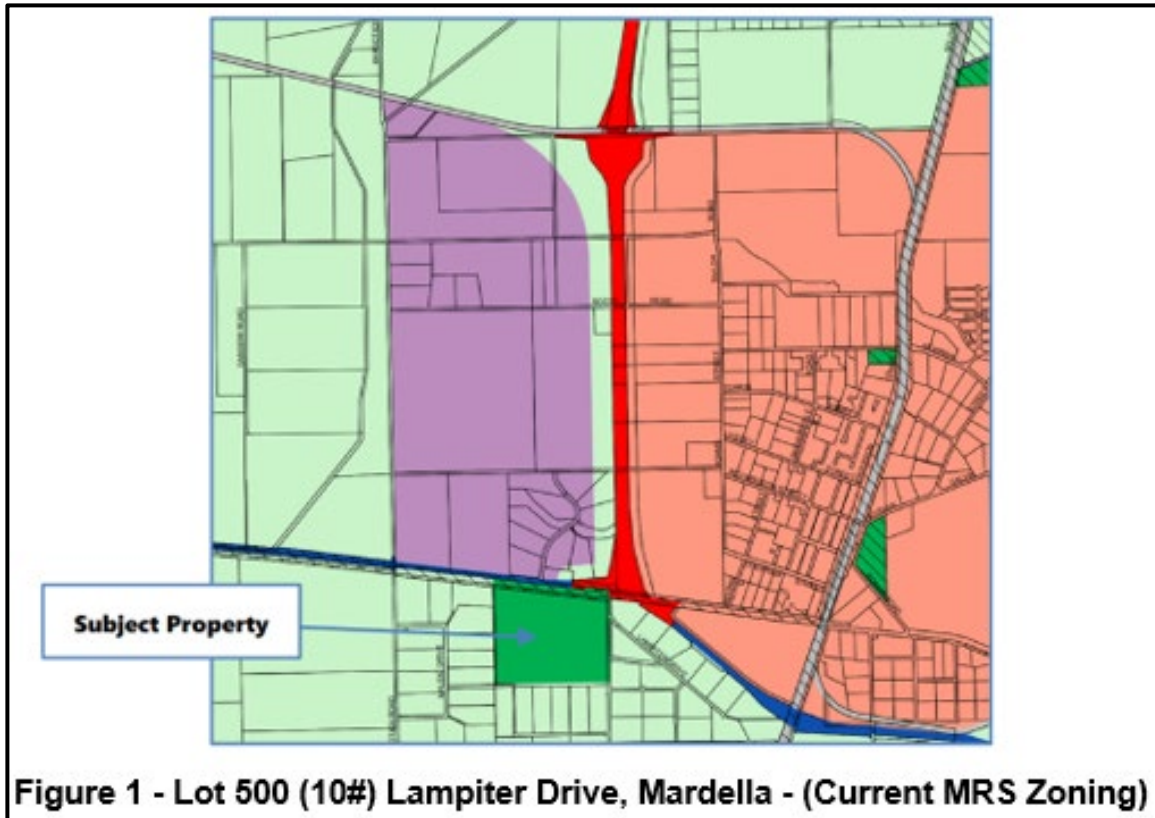
That Council:

- 1. RECEIVES the Draft Master Plan (attachment 2) and Environmental Assessment Report (attachment 1) for 10 (Lot 500) Lampiter Road, Mardella.*
- 2. REQUESTS the Chief Executive Officer and Shire President to meet with the Minister for Emergency Services and Commissioner of the Department of Fire and Emergency Services, in order to present the Draft Master Plan (attachment 2) for awareness and specific feedback on the proposal, and whether the site is the preferred site for the new potential DFES training academy.*
- 3. Upon completion of (2), REQUESTS the Draft Master Plan be presented back to Council.*

Background

The subject land is situated within the locality of Mardella and is approximately 40km south-east of the Perth CBD. It enjoys excellent accessibility, with current accessibility provided via Kwinana Freeway, Mundijong Road and South West Highway, as well as being highly accessible from the future Tonkin Highway.

The subject land is surrounded by Rural Small Holdings zoned land of Mardella, with 4ha allotments which have been developed for a range of compatible rural, equestrian, agricultural and lifestyle uses. The location is shown following:



The property was previously Crown land, vested with the Shire under a Management Order for the purpose of recreation, racecourse, and equestrian facilities, and was known as Webb Reserve. This purpose has formally ceased, with community use having stopped following the community lease being surrendered. Upon acquisition in freehold, opportunities to investigate and advance potential optimisation outcomes became available, in order to benefit ratepayers through diversifying income generating assets of the Shire.

Outcome of Future DFES WA Emergency Training Academy

One such opportunity was an initiative to attract the State's new Emergency Services Training Academy to the land. In pursuit of this, a Draft Masterplan and Environmental Assessment Report was undertaken and presented to the Ordinary Council Meeting on 21 August 2023 for consideration. This set out the following project potential for the land:



Figure 2 - Lot 500 (10#) Lampiter Drive, Mardella - Draft Concept Plan

Notwithstanding the work done to prepare the Master Plan and promote this to the State Government, the Shire received formal correspondence on behalf of the Minister for Emergency Services on 6 December 2023, stating that the Shire's site is not the preferred location and will no longer form part of future consideration for the WA Emergency Training Academy. This is a disappointing outcome, given the potential and importance of a major State Government project to help anchor the future Metronet community of Mundijong.

The advice from DFES also noted the importance of planning for a future co-located local volunteer emergency services facility. This planning is already foreshadowed in Council's Adopted 20 Year Facilities Plan for the Shire's Six Bush Fire Brigades, Emergency Support Brigade and SES Unit. This is shown on the separate Shire owned land adjoining the police station.

**Community / Stakeholder Consultation**Policy Concept Forum

| | |
|--------------------------------------|--|
| Meeting Date | 22 April 2024 |
| Elected Members in Attendance | President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini |

Presentation at the PCF provided the opportunity to answer further questions on the proposal.

Should Council endorse the request for the proposed MRS amendment, referral of the proposal to relevant government agencies will be undertaken as part of the WAPC amendment process. If the WAPC accept the MRS amendment request, landowners affected by the proposed MRS amendment will be consulted by the WAPC through the advertising process.

Statutory EnvironmentLegislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme*
- *Local Government Act 1995*
- While subject to a future decision making process, and only after completion of MRS and LPS rezoning processes, there may be consideration to undertake subdivision of the subject land, and sale of the lots created. If this is supported by Council, such would be subject to compliance with s3.59 of the *Local Government Act 1995*.
- Section 3.59 of the *Local Government Act 1995* details the process governing 'commercial enterprises' by local governments, including 'Major Land Transactions'. A 'Major Land Transaction' means the acquisition, disposal (sell, lease or otherwise dispose of, whether absolutely or not) or development of land that is not exempt under the Act, and where the total value of -
 - (a) the consideration under the transaction; and
 - (b) anything done by the local government for achieving the purpose of the transaction;
- is more or is worth more than either \$10m or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.
- In accordance with s3.59, before a local government enters into a major land transaction, the local government is required to prepare a Business Plan. The Business Plan is to include an overall assessment of the major land transaction and is to include details of:
 - (a) its expected effect on the provision of facilities and services by the local government;
 - (b) its expected effect on other persons providing facilities and services in the district;
 - (c) its expected financial effect on the local government;
 - (d) its expected effect on matters referred to in the local government's current plan prepared under Section 5.56;



(e) the ability of the local government to manage the undertaking or the performance of the transaction; and

(f) any other matter prescribed for the purposes of this subsection.

- If s3.59 results in the process to undertake the major land transaction, subsequent actions to dispose of land (for example future subdivided lots) would need to comply with s3.58. This deals with, inter alia, ensuring disposal is done according to a market valuation and the public advertisement of such.

State Government Policies

- Perth and Peel @ 3.5 Million - South Metropolitan Peel Sub-Regional Planning Framework

Local Planning Framework

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

Comment

Despite not being the selected site for the DFES training academy, the subject property offers a range of site advantages for development options. These advantages enable Council to pursue the goal of a highest and best use of the land, that can benefit the ratepayers of the Shire through delivering new revenue streams.

To illustrate this potential, the subject land is 1km west of the Mundijong town centre, on the intersection of major strategic road accesses of Mundijong Road and (future) Tonkin Hwy. This links to all areas of the Perth and Peel region and helps explain how planning and development of the surrounding Mardella locality has resulted in successful rural residential type projects being delivered.

Mundijong will grow to between 50,000 and 60,000 residents over the coming 40 year period, making it one of the most important new town developments in WA. It will comprise around 20,000 dwellings, a range of primary and high schools, major centres and employment nodes and connected via passenger rail and road networks. The subject land, on the edge of this area, is capable of supporting a rural residential type outcome that can deliver highest and best use options, generally building upon the patterns of surrounding development.

A market valuation contained in **CONFIDENTIAL attachment 1** was obtained in March 2022 to undertake an 'as if complete' analysis to determine the current market value of the property. The 'as if complete' assumed the property being zoned 'Rural Small Holdings' under the Shire's Scheme, after being zoned 'Rural' in the MRS. This shows the value adding that rezoning alone will achieve for the subject land.

Perth & Peel @3.5 million South Metro Sub-Regional Planning Framework

A rural residential type outcome, with a range of suitable lot sizes, is considered reflective of orderly planning principles and practice for the subject land. In this regard, the WAPC's Perth and Peel @ 3.5 Million Sub-Regional Planning Frameworks provide a land use planning and infrastructure framework to accommodate 3.5 million people by 2050, defining the urban form of the Perth and Peel regions. Under the South Metropolitan Peel Sub-Regional Planning Framework, the subject land was identified according to its then tenure as a Crown reserve, being designated Open Space.



This is shown following:

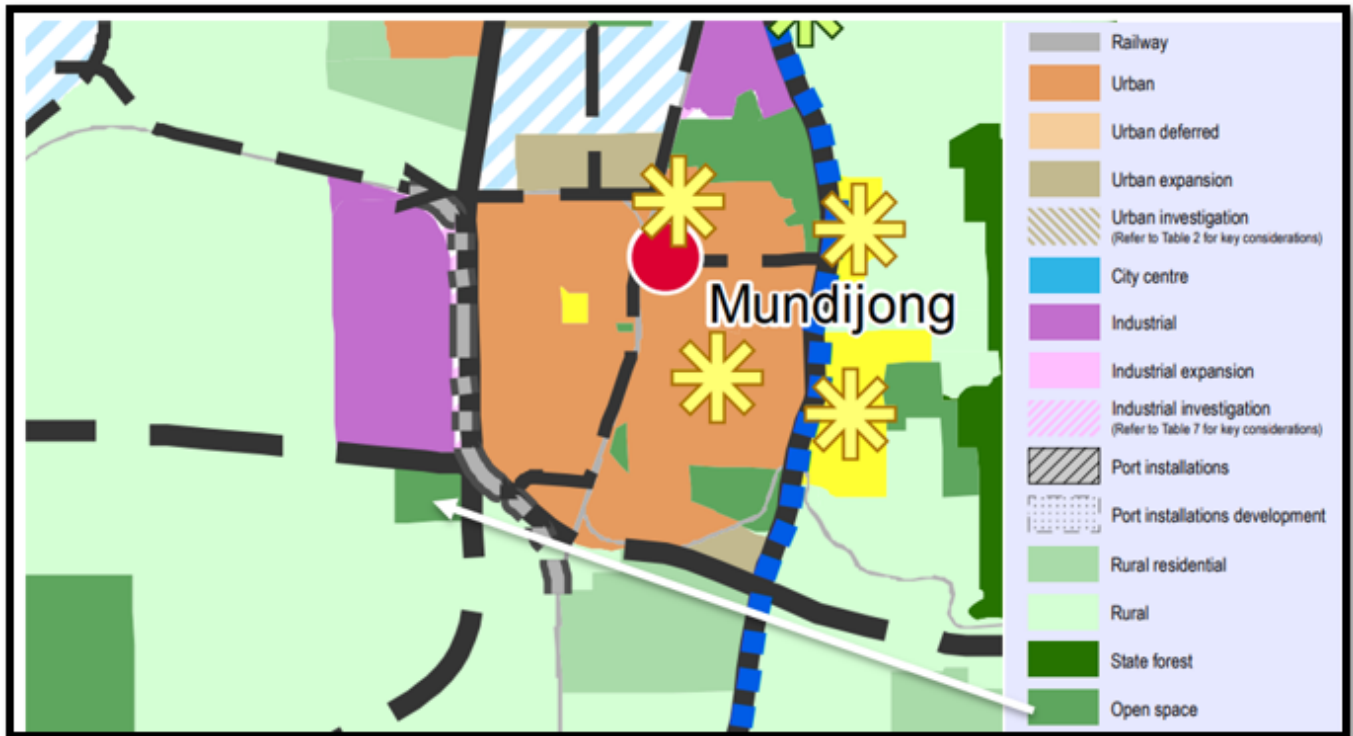


Figure 3: Designation under Perth and Peel documents

The State Government agreed to dispose of the Crown land to the Shire, which has taken the land out of Crown land ownership into freehold ownership. With the cessation of community use, and the addition of new open space to be associated with Keirnan Park, opportunities for private development are recommended to be explored. The first step for this is rezoning of the land.

Local Planning Strategy

The Shire's approved Local Planning Strategy, which sets out a 10-year framework for the Shire's future planning and development, is required to reflect the regional planning of the WAPC. The subject site is identified as 'Parks and Recreation' Reservation under the Shire's Local Planning Strategy which aligns with the 'Open Space' zoning of the subject site under the MRS.

With the public purpose no longer intended to be pursued for the subject land, it appears more appropriate for a rural residential type designation under the Shire's Local Planning Strategy. This would form part of future consideration for the land, should the MRS amendment ultimately be successful to take it out of a reserved status (with no private development potential), and place it in the Rural zone under the MRS (with a range of private development options subject to further planning under the Shire's Local Planning Framework).

Local Planning Scheme No 3

The site is surrounded by current 'Rural Smallholding' zoned properties, which are 4ha in size. This zone provides for a range of rural land uses where those activities will be consistent with the amenity of the locality. Officers note, however, that the size of the site and last remaining example of intact land in this locality, could warrant full consideration of the range of rural residential lot sizes that can maximise flexible use, especially equestrian based use. This would need to occur as part of future planning steps, should the MRS amendment be successful.



Importantly, the subject land suits itself to integration with the surrounding rural lifestyle allotments, on the key basis that access is not possible from Mundijong Road.

Along the full frontage of Mundijong Road exists protected threatened ecological community vegetation, which could not be cleared to permit an access across Mundijong Road. For this reason, the site is suited to development which is harmonised with the surrounding rural residential type area.

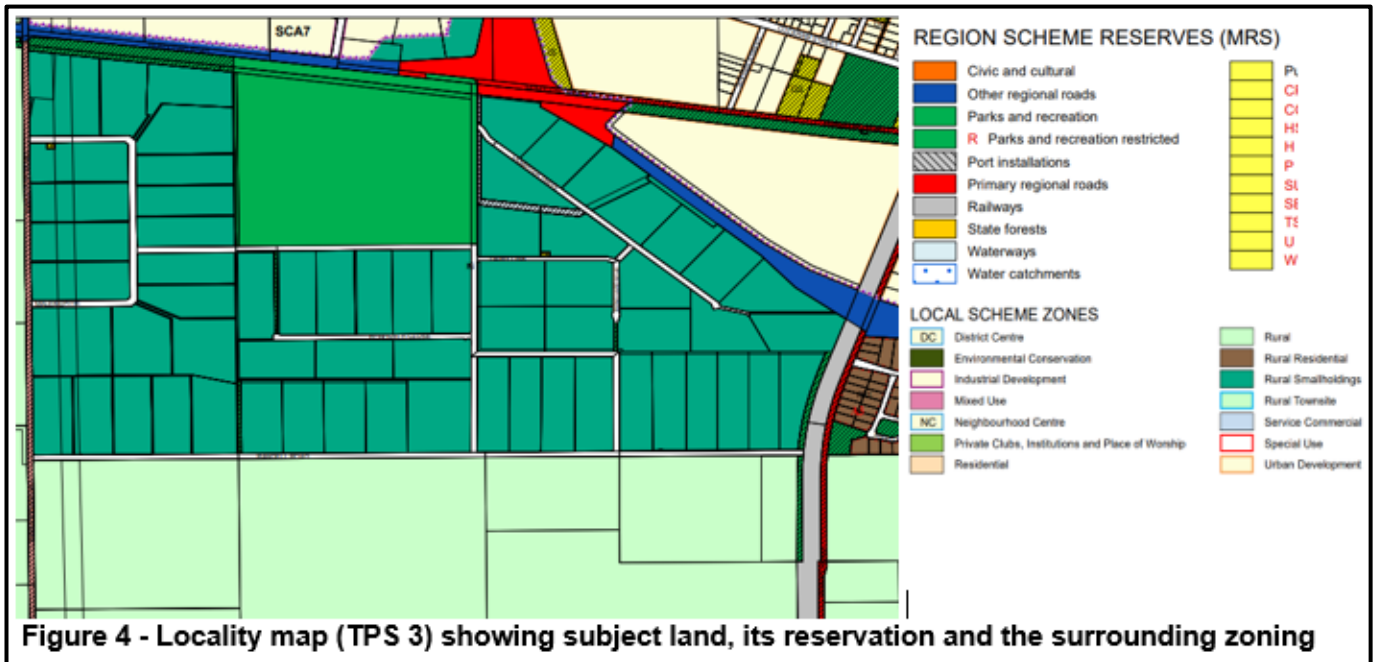




Figure 4a - Map showing TEC

Industrial Interface

The West Mundijong Industrial Area is currently located to the north of the subject site and allows for general and light industry uses, provided such land uses have no adverse offsite impacts. Industrial development within the West Mundijong Industrial area will be managed via conditions for future approvals to ensure such future industrial operations do not create unacceptable amenity outcomes.

Environmental Considerations

The impacts of the MRS Amendment on the natural environment are also an important consideration. An Environmental Assessment Report undertaken as part of the previous Master Plan process identified the environmental values and considerations that are relevant for any potential future development within the site.

The following key environmental considerations have been identified:

- Occurrence of Threatened Ecological Communities are relatively certain in the northern portion of the site, this would need to be further determined by undertaking a detailed vegetation survey.
- Avoidance of impacts on Threatened Ecological Communities should be an important consideration when developing any development proposal; This will trigger a range of environmental approval considerations.



- Fifty conservation significant flora species are considered possible or likely to occur within the site. Of the 50, 10 threatened and 24 priority flora were classified as 'high' or 'moderate' likelihood of occurrence within the site.
- A detailed flora survey targeting the conservation significant flora species identified will be required to be undertaken to determine the likely presence or absence of those species within the site. In the case of any occurrences of conservation significant flora within the proposed development, the opportunity to avoid impacts on any confirmed occurrences would be a key consideration.
- Eleven conservation significant species are considered possible or likely to occur within the site being: *Calyptorhynchus banksii naso* (Forest red-tailed black cockatoo), *Falco peregrinus* (Peregrine falcon), *Zanda baudinii* (Baudin's black cockatoo), *Zanda latirostris* (Carnaby's black cockatoo), *Dasyurus geoffroii* (Chuditch), *Isoodon fusciventer* (Quenda), *Notamacropus eugenii derbianus* (Tamar wallaby), *Notamacropus Irma* (Western brush wallaby), *Phascogale tapoatafa wambenger* (South-western brush-tailed phascogale), *Euoplos inornatus* (Inornate trapdoor spider) and *Idiosoma sigillatum* (Swan Coastal Plain shieldbacked trapdoor spider).
- Further targeted surveys would be required to confirm if and to what extent the following species utilise the site.
- The extent of Bush Forever site includes the northern portion of the site and adjacent Mundijong Road reserve. This is a key consideration and represents a range of significant environmental values including Threatened Ecological Communities, significant flora and fauna species and CCW.
- The ecological linkages a key value of Bush Forever site and any proposed access from Mundijong Road would likely impact upon this and would need to be considered in terms of mitigation opportunities.
- A CCW is identified in the northern portion of the site, Consideration around impact avoidance to this CCW would need to be considered, and any proposed development within the site would need to accommodate a 50m buffer, where more intensive development is avoided.

These considerations are all manageable as part of future development. It is noted that the broader Mardella locality, which transitioned previously from former farming areas into rural residential type development, comprised similar environmental qualities which have been protected through effective planning. This shows potential options available to manage and enhance these aspects.

Assessment of infrastructure planning associated with the freight rail deviation project

A planning study has been underway since 2019 to realign the existing freight rail line which currently traverses through the centre of Mundijong, and on the eastern edge of Mardella. It has included assessment of multiple corridor alignments, environmental and heritage studies and stakeholder consultation including with affected landowners and the community. In conjunction with the rail corridor selection, a short section of the future Tonkin Highway extension south of Mundijong Road was also incorporated in the planning study.



The public engagement process culminated in two online surveys and multiple community information sessions which focused on identifying a preferred route by the community for the rail realignment. Feedback from community and stakeholders, along with a Multi Criteria Analysis and a detailed assessment based on land and community impacts, has resulted in the preferred freight rail realignment corridor being identified. This is shown in the following image, together with the Tonkin Highway Extension Project case (that currently funded to be built), and future extension south of Tonkin Highway.

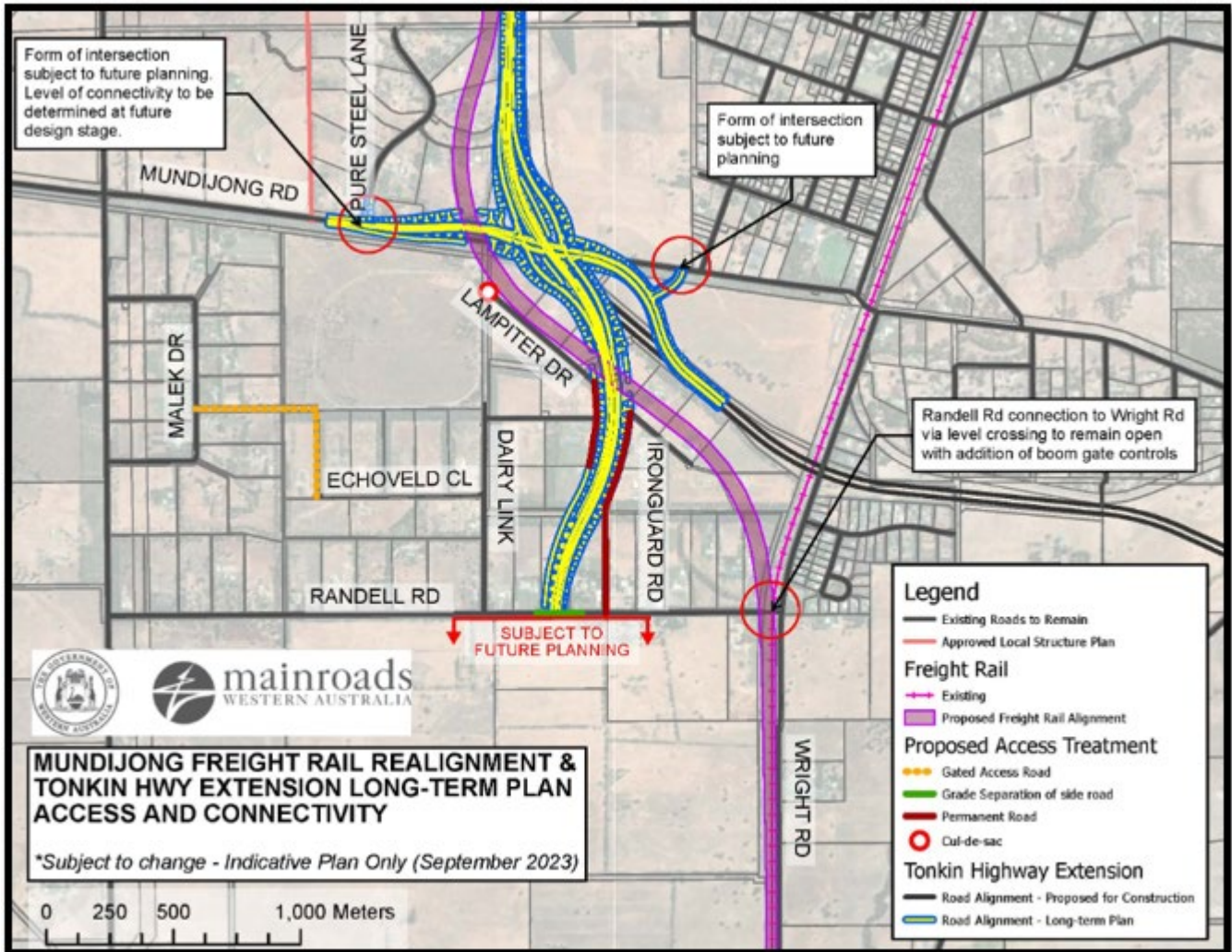


Figure 5: Freight rail deviation route

This shows the eastern area adjoining Lot 500, being proximate to the route for the rail deviation, and the southern extension of Tonkin Highway. This is all considered manageable, especially noting that larger rural residential type allotments enable large setbacks and separation zones to be enacted, which enables flexibility with design and interface.

It is noted that now the site is no longer capable of accommodating civic uses (such as a future operations centre), a separate report on this agenda deals with the animal management facility and options for its staged improvement.



Options

Option 1

That Council:

1. REQUESTS the Western Australian Planning Commission (WAPC) to initiate a Metropolitan Region Scheme Amendment to rezone Lot 500 (#10) Lampiter Drive, Mardella from 'Parks & Recreation' reservation to 'Rural' zone.
2. NOTES that the Corporate Business Plan will be amended to account for the change in project direction, in a future reporting period.

Option 2

That Council DOES NOT initiate the Metropolitan Region Scheme Amendment.

Option 1 is recommended.

Conclusion

The subject site is strategically positioned, with exceptional accessibility to the Perth and Peel regions, and on the edge of the future Mundijong (58,000 people at full development) and West Mundijong Industrial Area (7,500 jobs potential). With careful planning and management of elements such as accessibility and interface to surrounding properties, the subject land is considered to have potential to meet future community and organisational needs.

It is necessary to request the WAPC to initiate an MRS amendment to take it out of a reserved land status and place it in a zoned land status - that being Rural. This will ensure the financial sustainability of the property and maximise the efficient use of Council's freehold land assets. This will provide more flexibility in determining the future use of the land, including possible subdivision and further development.

To ensure that the property is appropriate zoned, and amendment to the MRS is required.

Attachments (available under separate cover)

- **10.1.10 - CONFIDENTIAL - attachment 1** - Market Valuation - 10 (#500) Lampiter Drive Mardella (E24/723)
- **10.1.10 - attachment 2** - Proposed MRS Amendment Map (E24/1485).

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

The MRS amendment process does not incur any financial cost to the Shire. It is noted that the Shire currently is responsible for the ongoing maintenance and management of the site.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|-------------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | The request is declined by the WAPC | Advocacy Local and State planning frameworks | Strategic Stakeholder Relationships | Possible | Moderate | MODERATE | Shire Officers continue dialogue with the WAPC to ensure the MRS amendment if formalised. |
| 2 | Council does not rezone the land, meaning the land asset sits idle and incapable of generating income streams | Nil | Financial | Possible | Moderate | MODERATE | Accept Option 1. |



Voting Requirements: Absolute Majority

Officer Recommendation:

That Council:

1. REQUESTS the Western Australian Planning Commission (WAPC) to initiate a Metropolitan Region Scheme Amendment to rezone Lot 500 (#10) Lampiter Drive, Mardella from 'Parks & Recreation' reservation to 'Rural' zone.
2. NOTES that, as part of subsequent reporting, the Corporate Business Plan will be identified as needing to be amended to account for the change in project direction.

OCM126/05/24

COUNCIL RESOLUTION

That Council:

Moved Cr Duggin, seconded Cr Jerrett

DEFERS consideration of seeking to amend the zoning of Lot 500 Lampiter Drive, Mardella under the Metropolitan Region Scheme, until it can be discussed at a Policy Concept Forum in the first instance.

CARRIED UNANIMOUSLY 7/0

Reason for difference to Officer Recommendation:

To allow further consideration of the requirements of the Equine Trails Master Plan before this land is considered for rezoning.



10.1.11 - Jersey Road, Oakford 158 (L115) 407511 - (Heritage List in Town Planning Scheme) - Temporary Accommodation Application (SJ4402)

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

Authority / Discretion

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

| | |
|-------------------------------------|--|
| Proponent address: | 158 (L115) Jersey Road, Oakford |
| Owner: | Mr Harm Koens and Ms Melanie Den Hollander |
| Date of Receipt: | 04 April 2024 |
| Lot Area: | 4,556m ² |
| Local Planning Scheme No. 3 Zoning: | Rural residential |
| Metropolitan Region Scheme Zoning: | Rural |

Report Purpose

The purpose of this report is for Council to determine an application for temporary accommodation. The landowners seek to stay in a caravan on their land whilst the main dwelling is being built. The application varies Council Policy 4.1.7 in respect of the land area being 4,556m² in lieu of the minimum required 10,000m².

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

The landowners seek approval to stay in a caravan on their property at Lot 115, 158 Jersey Road, Oakford whilst the permanent dwelling is being constructed. The dwelling has a development approval (PA23/889) dated 23 January 2024 and a building permit (BA24/257) dated 12 April 2024.



Community / Stakeholder Consultation

Policy Concept Forum

Nil.

There is no statutory consultation required for this application type.

Statutory Environment

Regulation 11(2)(c) of the *Caravan and Camping Regulations 1997* provides the ability for a local government to approve a person camping in a caravan on their land for no more than 12 months, whilst a Building Permit is in place for the construction of a dwelling. Council Policy 4.1.7 'Temporary accommodation outlines nine conditions Officers are to consider when assessing an application for temporary accommodation, being:

1. *The only form of temporary accommodation to be approved will be within a caravan.*
2. *On land one hectare and over.*
3. *Accompanied by an application for a permanent dwelling.*
4. *With a statutory declaration acknowledging that approval will not exceed 12 months with the temporary accommodation to be vacated at the time or sooner, on completion of the dwelling, or if the Shire's permission to occupy the temporary accommodation is withdrawn.*
5. *With a schedule of work for the erection of the permanent dwelling.*
6. *With a letter from the lending institution confirming that finance is available for the construction of the dwelling.*
7. *Toilet, shower and laundry must be provided and connected to an approved effluent disposal system and use of the temporary accommodation will not be commenced until facilities are inspected by an Environmental Health Officer.*
8. *Temporary accommodation will be approved for a period of six months and an extension of up to six months may be granted subject to reasonable progress in building the permanent residence.*
9. *Payment of the application fee as set by Council each year.*

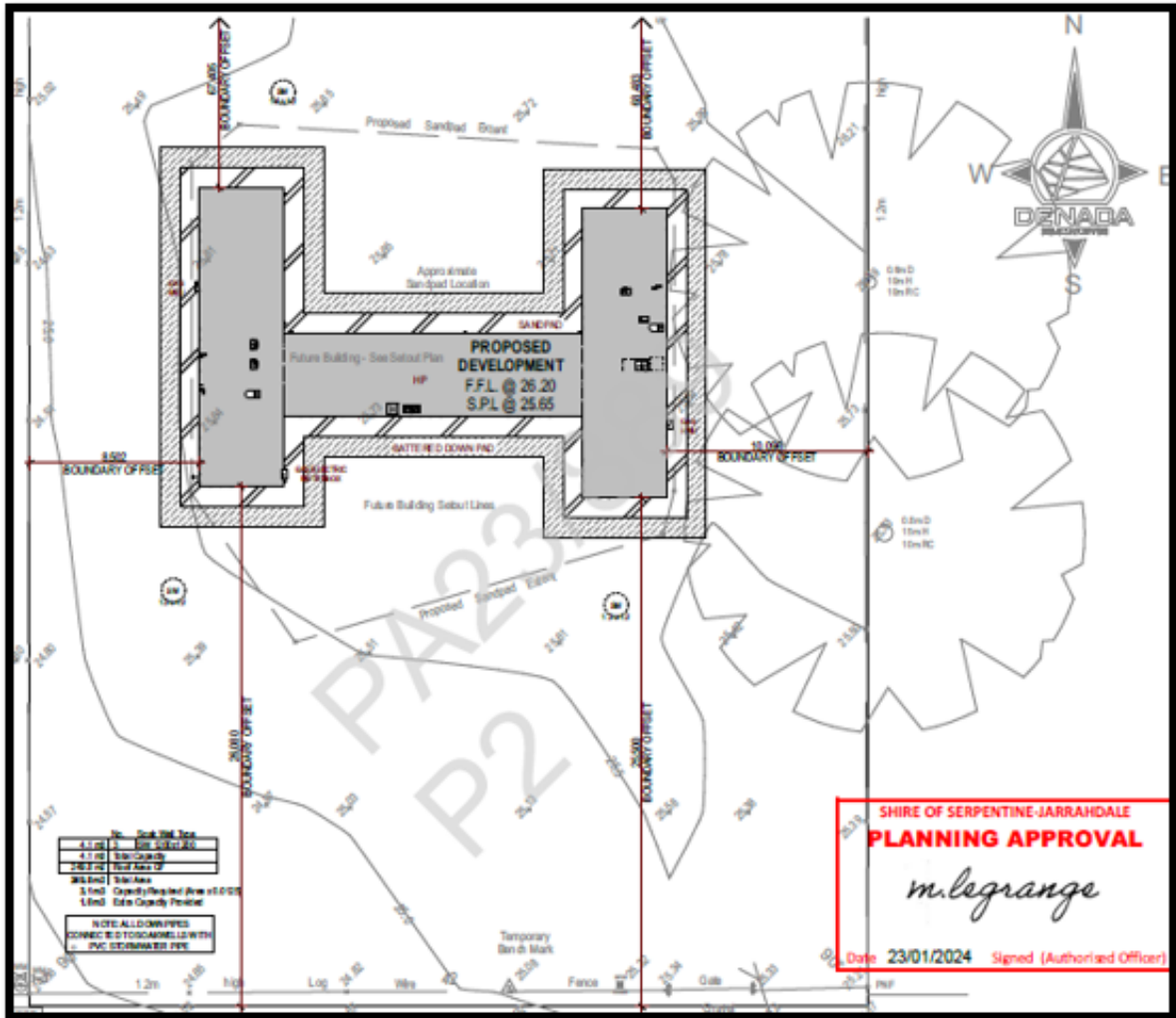
This application is brought to Council as Condition Number two has not been met. The land on which the caravan is placed is 4,556m² in lieu of the required minimum lot size of 10,000m² (1ha). All other Conditions have been satisfied in the application.

Legislation

- *Caravan and Camping Regulations 1997*
- *Council Policy 4.1.7 - Temporary Accommodation*
- *Building Act 2011*

Assessment

The property is zoned Rural residential under the Shires Local Planning Scheme 3. Mains power, water and sewage connection are available to the lot. A development approval (PA23/889) dated 23 January 2024 and a building permit (BA24/257) dated 12 April 2024 have been issued for a proposed dwelling as depicted in the site plan image below:



Dwelling development approval site plan

The caravan is a 16 foot caravan with a toilet, shower, kitchen, living space and bedroom for two people. It has been placed on site approximately 11.5m from the eastern side boundary and 30m from the northern rear boundary. The only structure that exists on site is a sea container that will form part of a separate building application and house a washing machine. The caravan has been connected to mains water, power supply and will have a connection for disposal of wastewater to the mains sewer. The owners have supplied the required statutory declarations stating they will not stay in the caravan for more than 12 months. The funds for dwelling build are available and the builder will complete the dwelling in approximately six to seven months. Considering all service connections are available and the minimum setback of the caravan to the boundary is more than 10m, health and amenity has been addressed by the applicant.





Options

Option 1

That Council APPROVES the application for temporary accommodation for an initial period of six months.

Option 2

That Council DOES NOT APPROVE the application for temporary accommodation and subsequently requires the removal of the caravan from the property.

Option 1 is recommended.

Conclusion

The applicant has demonstrated intent to only stay in the caravan on a short term basis until the dwelling is constructed. The applicant will be connecting to all mains service available to this site which is favourable when considering the possible health impacts of temporary accommodation.

Attachments (available under separate cover)

- **10.1.11 - attachment 1** - Site Plan (E24/5918)

Alignment with our Council Plan 2023-2033

Liveable

A protected, enhanced and safe natural and built rural environment, with access to services and facilities

Financial Implications

There are no financial implications to the Shire of this decision.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | The dwelling build does not proceed, and the caravan is lived in for a period longer than 12 months | A bond is kept by the Shire and returned to applicants once the temporary accommodation ceases within the approved period. Statutory enforcement measures can be taken to require the removal of the caravan | Social / Community Outcomes | Unlikely | Minor | LOW | |
| 2 | Refusing the application for temporary accommodation during the current housing shortage has a reputational risk to the Shire | Maintain consistency with the Council policy | Social / Community Outcomes | Possible | Moderate | MODERATE | |



Continued

**Ordinary Council Meeting Minutes
Monday, 20 May 2024**

Voting Requirements: Simple Majority

OCM127/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council APPROVES the application for temporary accommodation for an initial period of six months.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0

**10.2 Infrastructure Services reports:**

| | |
|--|--|
| 10.2.1 - Minutes of the Rivers Regional Council - Ordinary Council Meeting - 17 April 2024 (SJ2812) | |
| Responsible Officer: | Manager Waste and Fleet |
| Senior Officer: | Director Infrastructure Services |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

| | |
|-------------|--------------------------------------|
| Information | For the Council / Committee to note. |
|-------------|--------------------------------------|

Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council Ordinary Meeting held on 17 April 2024.

Relevant Previous Decisions of Council

Nil.

Background

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale (the Shire) is a member of the RRC.

The RRC provides waste services on behalf of member local governments.

Community / Stakeholder Consultation

Nil.

Statutory Environment

From a legislative perspective, the RRC is a distinct local government entity. Except for the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government.

Comment

The RRC Council Meeting was held on 17 April 2024. The Shire was represented by Cr Mack and Cr Jerrett.

The following items were discussed and carried unanimously:

- Payments for the Period 1 February 2024 to 31 March 2024;
- Financial Report for the Period 1 February 2024 to 31 March 2024;



- CEO Report.

During the CEO Report, the CEO provided the following information in relation to the Kwinana Waste to Energy Project:

A number of meetings and discussions have been held with the Avertas WtE team. The Project is tracking significantly behind the planned timeline.

ACCIONA now owns 100% of the project including the debt finding. Key Avertas staff have been replaced with Acciona personnel and work on the plant is continuing. The impact of the change of ownership will be felt mainly in the way staff manage the relationship with Participants, so far this remains positive.

Commissioning and substantial work is continuing and based on the current timetable, first fire waste is now expected to occur in June/July 2024. The revised project completion date is 31 December 2024.

As per the current commissioning plan, the Shire will commence taking kerbside general waste to the facility starting on 10 June 2024 during the testing phase.

The next Rivers Regional Council meeting will be held on Thursday, 20 June 2024 via video conferencing.

Options

Option 1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 17 April 2024 as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 17 April 2024.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 17 April 2024 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Rivers Regional Council Ordinary Council Meeting Minutes – 17 April 2024 (IN24/9320)

Alignment with our Council Plan 2023-2033

| |
|--|
| Liveable |
| 5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment |

Financial Implications

Nil.



Continued

Ordinary Council Meeting Minutes Monday, 20 May 2024

Risk Implications

Nil.

Voting Requirements: Simple Majority

OCM128/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 17 April 2024 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



President Coales declared an Impartiality Interest in item 10.2.2.

| | |
|---|--|
| 10.2.2 - Award Request for Tender - RFT 03/2024 - Civil Design - Indigo Parkway - (SJ4421) | |
| Responsible Officer: | Manager Engineering Services |
| Senior Officer: | Director Infrastructure Services |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is to seek Council approval for the award of RFT 03/2024 - Civil Design - Indigo Parkway.

Relevant Previous Decisions of Council

| |
|--|
| <p><i>Ordinary Council Meeting – 21 August 2023 – OCM187/08/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>REQUESTS that the Shire's Equine Trails Master Plan be updated specific to the Byford Town Centre Precinct, to now reflect the approved Byford Town Centre Structure Plan and the Byford Rail Extension project design, and the associated equine trails within these project areas;</i> 2. <i>REQUESTS the Chief Executive Officer, as part of the detailed design of the Indigo Parkway connection between Briggs Rd and Larsen Rd (being undertaken by the Shire in 2023/24), include specific design for the following key infrastructure elements:</i> <ol style="list-style-type: none"> a. <i>The multiple use corridor that adjoins this section of road;</i> b. <i>Within the multiple use corridor, suitable trails and paths for equine, cycling and walking trails; and</i> c. <i>Specific connectivity for equestrian trails between Binshaw Avenue and Bradley Close, once the privately owned land within which the trail link is situated, is developed.</i> |
|--|

Background

The detailed design and construction of the final section of Indigo Parkway between Briggs Road and Larsen Road is identified in the Byford Traditional Infrastructure Development Contribution Plan (DCP). This section is identified in Figure 1 below.



The Indigo Parkway extension linking the existing Indigo Parkway at Briggs Road to Larsen Road at San Simeon Boulevard, is a key district level connector providing the ultimate road connection between Thomas Road and Abernethy Road, through the Byford Town Centre and new Byford Train Station Precinct. This connection will also assist in reducing vehicle movements through the Byford Trotting Complex, by including intersection treatments at the Indigo Parkway and Briggs Road intersection.

The Project footprint is shown in the below Figure:



Figure 1: Indigo parkway extension

The Shire advertised the tender to engage a suitably qualified and experienced Civil Engineering Consultant to prepare the construction ready civil design, specification and documentation of the Indigo Parkway extension from and including the intersections with Briggs Road and Larsen Road, design of the Multiple Use Corridor (MUC) – within the Public Open Space Reserve that adjoins this section of road, including the equine trail, cycling and walking infrastructure to provide the ultimate connectivity for the equestrian trails between Binshaw Avenue and Bradley Close.

Following the tender advertising period, seven (7) tender submissions were received by the Shire.

This project is funded through the Byford Traditional Infrastructure DCP, and a budget of \$500,000 has been allocated for the design.

Community / Stakeholder Consultation

Nil.

Submissions

The Request for Tender RFT 03/2024 - Civil Design - Indigo Parkway was advertised on Wednesday 13 March 2024 and closed at 2.00pm on Thursday 11 April 2024.

The Tender was advertised in the following papers:

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



- Sound Telegraph (Rockingham & Kwinana).

Seven (7) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

Tender submissions were received from the following companies:

| # | Company Name |
|---|--|
| 1 | BPA Consultants Pty Ltd |
| 2 | GHD Pty Ltd |
| 3 | JDSI Consulting Engineers Pty Ltd |
| 4 | Kercheval Engineering Australia Pty Ltd |
| 5 | Pritchard Francis Consulting Pty Ltd |
| 6 | Stantec Australia Pty Ltd |
| 7 | The Trustee for Talis Unit Trust T/A Talis Consultants |

Evaluation Panel

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

- Engineering Developments Lead;
- Manager Engineering Services;
- Engineering Design Lead.

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

Evaluation Criteria

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

| EVALUATION CRITERIA | WEIGHTING |
|--|-----------|
| Price with quantities | 40% |
| Relevant experience with: <ul style="list-style-type: none"> • Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years | 25% |
| Tenderers' Resources, Key Personnel, Skills, and Experience with: | 25% |



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

Comment

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

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by Talis Consultants was assessed as being the best value for money that meets the Shire’s requirements.

The tender evaluation panel therefore recommends the tender submission made by Talis Consultants be accepted.

Statutory Environment

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

Council Policy 3.2.5 - *Procurement of Goods or Services through Public Tendering* (E19/5672):

Tendering

2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;

Options

The following options have been identified:

Option 1

That Council:

1. AWARDS Tender RFT 03/2024 – Civil Design – Indigo Parkway to Talis Consultants to the value of \$146,593.00, excluding GST as contained within **CONFIDENTIAL attachment 1**.



2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 03/2024 – Civil Design – Indigo Parkway.

Option 2

That Council NOT AWARD the contract and retender / requote.

Option 3

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

Option 4

That Council REASSESS and appoint an alternative tenderer / quoter.

Option 1 is recommended.

Conclusion

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

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

Attachments (available under separate cover)

- **10.2.2 - CONFIDENTIAL attachment 1** RFT 03/2024 – Civil Design – Indigo Parkway - Evaluation Report (E24/5279)

Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 3. Strengthen and grow the local tourism industry |
| Liveable |
| 1. Advocate for public transport and focus on connectivity within communities |
| 2. Improve maintenance and investment in roads and paths |
| 3. Preserve and enhance our natural places, parks, trails and reserves |

Financial Implications

This project currently has a budget in the 2023/2024 Financial Year of \$500,000 which is fully funded by the Byford Traditional Infrastructure Development Contribution Plan.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|--|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | Council proceeds with recommendation to award and projects run over budget. | Budget process, internal costing, and reviews. | Financial | Unlikely | Moderate | MODERATE | Accept Officer Recommendation |
| 2&3 | Not awarding the contract to the successful Tenderer and road works do not occur. | Nil | Organisational Performance | Unlikely | Moderate | MODERATE | Accept Officer Recommendation |
| 4 | Poor selection of contractor to provide quality works. | Procurement policy and process | Organisational Performance | Rare | Moderate | LOW | Accept Officer Recommendation |

Voting Requirements: Simple Majority

OCM129/04/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council:

- 1. AWARDS Tender RFT 03/2024 – Civil Design – Indigo Parkway to Talis Consultants to the value of \$146,593.00, excluding GST as contained within CONFIDENTIAL attachment 1.**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 03/2024 – Civil Design – Indigo Parkway.**

CARRIED UNANIMOUSLY 7/0



10.3 Corporate Services reports:

| | |
|---|--|
| 10.3.1 - Confirmation of Payment of Creditors - April 2024 (SJ801) | |
| Responsible Officer: | Manager Finance |
| Senior Officer: | Director Corporate Services |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Nil.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

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

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

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* requires where a local government has delegated authority to make payments from the municipal or trust fund, that a list of accounts paid be prepared each month showing each account paid since last such a list was prepared.

Comment

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



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

A detailed list of invoices for the period 01 April 2024 to 30 April 2024 is provided in **attachment 1**.

Options

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 April 2024 to 30 April 2024, totalling \$3,819,252.11

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 April 2024 to 30 April 2024, totalling \$3,819,252.11

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 30 April 2024 (E24/5764)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 February 2024 to 27 March 2024 – Redacted (E24/5761)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 March 2024 to 31 March 2024 – Redacted (E24/5760)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority 01 April 2024 to 30 April 2024 totalled \$3,819,252.11



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|--------------------------------|-----------------|---------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no risks associated with this option. | | | | | | |
| 2 | That Council does not accept the payments | Provision of sufficient information and records to support the recommendation | Financial | Unlikely | Insignificant | LOW | |

Voting Requirements: Simple Majority

OCM130/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin , seconded Cr Mazzini

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 April 2024 to 30 April 2024 totalling \$3,819,252.11 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.3.2 - Monthly Financial Report - March 2024 (SJ4229)

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

Authority / Discretion

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

Report Purpose

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

This report is about the financial position of the Shire as at 31 March 2024.

Relevant Previous Decisions of Council

Special Council Meeting – 31 July 2023 – SCM016/07/23 - COUNCIL RESOLUTION – extract

7. *That Council, ADOPTS, in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022/23 for reporting material variances shall be:*

a) ≥ 10% of the amended budget and ≥ \$10,000 of the amended budget; or

b) ≥ \$150,000 of the amended budget

In addition, the material variance limit will be applied to each Nature and Type Classification for Operating and Financing Activities and each Project for Investing Activities (Capital).

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month by Nature and Type.

The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. Furthermore, Council has resolved that each Capital project outside of the materiality thresholds be reported on separately. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 31 March 2024.

The municipal surplus as at 31 March 2024 is \$12,400,557 which is favourable, compared to a budgeted amount of \$10,628,144. Further information on material variances are listed in the analysis below.

Operating Activities

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

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

Fees and Charges

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

Interest Earnings

Favourable variance of \$356,721 primarily due to:

- Higher than anticipated interest received on Municipal Term Deposits - \$66,090
- Higher than anticipated interest received on Reserve Term Deposits - \$176,513
- Interest on rate instalment due to higher than anticipated rate payers choosing instalment payment option - \$50,070

Other Revenue

Favourable permanent variance of \$144,985 primarily due to:

- Refund received from Telstra due to overcharge in prior months - \$82,618.
- Permanent variance of \$55,355 from YMCA profit sharing

Profit on Asset Disposal

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



Operating Expenses**Employee Costs**

Favourable variance of \$1,071,974 primarily due to vacancies across organisation. Employee savings are offset by increases in labour hire costs in materials and contractors to cover these vacant budgeted roles.

Materials and Contracts

Favourable variance of \$424,980. This is resulting from a net balance of overspends offsetting underspends over multiple categories as detailed below:

- Permanent unfavourable variance in Agency Labour hire of \$429,240 to cover vacancies in budgeted positions.
- Permanent unfavourable variance in Software Subscription due to increase in cost of Onecomm Subscription and Microsoft 365 - \$105,431.
- Favourable timing variance of \$267,325 (\$218,828 funded by grant and \$48,497 funded by Municipal) for Bush Fire Mitigation, works scheduled over the coming months.
- Favourable variance in Materials in Parks and Garden, Community Activation, Engineering and Plant & Fleet - \$354,513
- Favourable variance in Legal expense - \$112,981

Utility Charges

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

Depreciation

Unfavourable variance of \$2,916,807 primarily due to an higher than anticipated asset value following the 2022/23 revaluation, resulting in higher than anticipated depreciation.

Finance Costs

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

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

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

Investing Activities**Contributions/Grants for the Construction of Assets**

Favourable variance of \$392,850 primarily due to unbudgeted Developer Contributions received:

- Byford DCP - \$166,162
- West Mundijong DCP - \$113,431
- Community Infrastructure DCP - \$27,075



Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable variance of \$169,717 primarily due to:

- 80432 - Serpentine Fire Station Changerooms: The overspend was mainly due to the change in Engineering structural reports since the building was constructed in steel and required weight loading. This changed the design and fit out from timber to steel which resulted the costs being more than anticipated. Unfavourable permanent variance - \$18,393
- 80280 - Briggs Park Dugouts: The overspend was due to design certification costs being more than anticipated. - \$15,598. Unfavourable permanent variance.
- 80289 - Karnup Rd & Yangedi Rd intersection: Refund of the final 50% retention to the contractors after the 12-month defects period has ended - \$14,963.
- 80366/ 80367 - Kubota Mower: 1 large Machine purchase instead of 2 smaller mowers - \$30,310. Unfavourable net variance of both projects.

The following project was completed under budget:

- 80441 - Dual Cab- CEO : Purchase less than anticipated - \$11,168. Favourable permanent variance.

The following project is currently tracking under budget due to timing of project delivery:

- 80202 - Drainage Renewal- \$40,387.

Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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

Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

No variance analysis required, variance to budget is less than \$10,000.

Transfer to Reserve

Variance of \$480,262 due primarily to

- Byford DCP - \$166,162
- West Mundijong DCP - \$113,431
- Community Infrastructure DCP - \$27,075
- Higher than anticipated interest received on Municipal Term Deposits - \$66,090
- Higher than anticipated interest received on Reserve Term Deposits - \$176,513



Options

Option 1

That Council RECEIVES the Monthly Financial Report for March 2024 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for March 2024, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – Monthly Financial Report – March 2024 (E24/5638)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment |
| 3. Ensure sustainable and optimal use of Shire resources and finances |
| Liveable |
| 1. Improve maintenance and investment in roads and paths |
| 2. Invest in facilities and amenities to meet current and future needs |
| Connected |
| 1. Invest in community recreation and support local clubs and groups to increase opportunities for participation |

Financial Implications

As at 31 March 2024, the Shire’s respective cash position was as follows:

Municipal Fund: \$781,852.05
Trust Fund: \$304,221



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|--------------------------------|-----------------|---------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | Nil. | | | | | | |
| 2 | That Council does not receive the Monthly Financial Report for March 2024 leading to the Shire not meeting legislative requirements on financial reporting. | Provision of sufficient information and records to support the recommendation | Financial | Unlikely | Insignificant | LOW | Accept Officer Recommendation |

Voting Requirements: Simple Majority

OCM131/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council RECEIVES the Monthly Financial Report for March 2024 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.3.3 - March 2024 Quarterly Budget Review (SJ801)

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

Authority / Discretion

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

Report Purpose

This report represents the 3rd quarterly review of the 2023/2024 Budget. A number of budget variations are proposed as part of this review.

Relevant Previous Decisions of Council

*Special Council Meeting – 31 July 2023 - SCM016/07/23 – COUNCIL RESOLUTION - **Extract***
6. The Council: ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1, Amended Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2024 incorporating amendments as per the following table:

| <i>Description</i> | <i>Expenditure Type</i> | <i>Amount</i> |
|--|----------------------------|-----------------|
| <i>Increase Transfer to Reserve – Investment Reserve</i> | <i>Transfer to Reserve</i> | <i>\$55,789</i> |

Background

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

Local Government Act 1995

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*



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

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

* *Absolute majority required*

Comment

The 2023/2024 Budget has been reviewed and approval is sought for the following budget adjustments for the reasons specified:

Capital Works

The following Capital projects have been identified as requiring adjustments to the current budget and will result in an additional total budget required of \$89,623.

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---|-------------------------------|--|----------|-----------|
| 6000-89000-4908-0000 | Increase Income | Byford Developer Contributions - Capital Contributions - Byford DCP | | 166,162 |
| 6000-89000-5204-0000 | Increase Transfer to Reserves | Byford Developer Contributions - Transfer to Reserve - Byford DCP | 166,162 | |
| Reason: Recognition of Developer Contribution funds received year to date as well as the corresponding transfer to reserve. | | | | |
| 6000-89002-4911-0000 | Increase Income | Mundijong Urban DCP Contributions - Capital Contributions - Mundijong Urban DCP | | 113,431 |
| 6000-89002-5242-0000 | Increase Transfer to Reserves | Mundijong Urban DCP Contributions - Transfer to Reserves - Mundijong Urban DCP | 113,431 | |
| Reason: Recognition of Developer Contribution funds received year to date as well as the corresponding transfer to reserve. | | | | |
| 6000-89001-4909-0000 | Increase Income | Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP | | 27,075 |
| 6000-89001-5210-0000 | Increase Transfer to Reserves | Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve | 27,075 | |
| Reason: Recognition of Developer Contribution funds received year to date as well as the corresponding transfer to reserve. | | | | |



| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|-------------------------|--|-------------|--------------|
| 6600-80504-6600-0000 | Increase Expenditure | Byford Pump track – Capital Expenditure | 46,800 | |
| Reason: Budget required to fund the municipal portion for internal project management costs for early works on the Byford pump track. This budget covers for an estimate of 260 hours of Officer costs between March and 30 June for project preparatory works in the project scoping, design of tender documents and reporting, grant updates and monthly reporting. | | | | |
| 6600-80270-6600-0000 | Increase Expenditure | Old Railway Bridge Interpretation Art/Sign – Capital Expenditure | 20,000 | |
| Reason: Council approved project OCM068/03/21 for the interpretative art at the old Railway bridge had initial budget of \$10,000. Budget variation of \$20,000 for site works and structure supports to be funded from existing Arts budget in operations to cater for the rise in costs for project completion since a significant time has lapsed from the date Council approved the project. | | | | |
| 6200-80432-6600-0000 | Increase Expenditure | Serpentine Fire Station Changerooms | 18,393 | |
| Reason: The structure for changerooms was changed from timber to steel due to the weight of the racks and equipment used, plus the cost for producing the required engineering reports to ensure the change was necessary. | | | | |
| 6200-80280-6600-0000 | Increase Expenditure | Briggs Park - Dugouts | 15,598 | |
| Reason: Design certification costs for the project were higher than anticipated. | | | | |
| 6300-80441-6600-0000 | Decrease Expenditure | Duel Cab- CEO - Replace 51153 | | 11,168 |
| Reason: Savings on budget for the CEO's vehicle as the total cost was less than anticipated. | | | | |

Operating Projects

The 2023/2024 Operating Budget has been reviewed and approval is sought for the following budget adjustments for the reasons specified.

The result of these adjustments is a saving of \$89,623 which will be allocated to facilitate the shortfall in funding required for the capital projects outlined above.



| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|------------------------------|--|----------|-----------|
| 5100-17200-6365-0000 | Increase Expenditure | ICT - Software Subscriptions & Licences | 127,675 | |
| Reason: | | | | |
| <ul style="list-style-type: none"> OneComm contract annual subscription fee uplift was under budgeted - \$77,062 Microsoft 365 subscriptions price had an unexpected 11% increase and following an audit it was found that the number of licences were underbudgeted (budgeted for 185, have 210) - \$50,613 | | | | |
| 5300-17302-various-0000 | Increase Income | Reserve Transfer - Trf to Reserve (Interest) | 146,513 | |
| 5300-17300-4511-0000 | Increase Trf to Reserve | General Purpose Funding - Interest on Investments - Reserves | | 146,513 |
| Reason: | | | | |
| Recognising additional interest on Reserves received. Funds transferred to respective reserves. | | | | |
| 5300-17302-5233-0000 | Increase Transfer to Reserve | Reserve Transfer - Trf to Reserve – Road and Bridge Management Reserve | 50,000 | |
| 5300-17302-5213-0000 | Increase Transfer to Reserve | Reserve Transfer - Trf to Reserve – Footpath Asset Management Reserve | 50,000 | |
| 3210-13300-6230-0000 | Decrease Expenditure | Subdivision – Consultancy | | 40,000 |
| 3110-13200-6000-0000 | Decrease Expenditure | Road Project Delivery – Salaries and Wages | | 60,000 |
| Reason: | | | | |
| Funds transferred to reserve to fund the Casual Projects Engineer role for a period of 12 months to complete the Shire Roads and Footpaths forward works programs. | | | | |
| 3200-13610-6230-0000 | Increase Expenditure | Engineering Administration – Consultancy | 10,000 | |



| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---|----------------------|--|----------|-----------|
| 3210-13300-6230-0000 | Decrease Expenditure | Subdivision - Consultancy | | 10,000 |
| Reason: Additional funds required for the Byford Skate Park stage 2 Clearing Permit – consultancy work, which were higher than what was forecasted. | | | | |
| 4300-15501-6125-0000 | Decrease Expenditure | Arts & Culture Materials/ Consumables | | 20,000 |
| Reason: Funds transferred to cater for additional cost to deliver on capital project for interpretative art at the old railway bridge. | | | | |
| 2000-12006-6383-0000 | Decrease Expenditure | West Mundijong Industrial Area - Utility Research Project | | 30,000 |
| Reason: Council decision OCM083/04/24 - Funds to be repurposed in Budget review because the research project to understand the opportunity for serving solutions for the West Mundijong Industrial Area is no longer considered necessary, given the progress of Stage 1 subdivision and commitments reached on delivering improved power capacity at the Byford substation and the reticulated sewer solution for Mundijong. | | | | |
| 4300-30068-4570-0000 | Increase Income | Serpentine Jarrahdale Community Recreation Centre - Profit share | | 55,355 |
| Reason: Recognising annual profit share received from SJ Community Recreation Centre. | | | | |
| 5300-17501-4004-0000 | Increase Income | Rates Revenue – Interim Rates | | 75,166 |
| Reason: Recognising additional interim rates received. | | | | |
| 3230-13400-4420-0000 | Increase Income | Waste Services - Refuse Charge | | 36,777 |



| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---|------|---------------------|-------------|--------------|
| Reason: Recognising additional refuse charges received. | | | | |

Options

Option1

That Council ADOPT the March 2024 Quarterly Budget Review report and pursuant to section 6.8 of the Local Government Act 1995, APPROVES the schedule of variations to the 2023/24 Budget as contained within this report.

Option 2

That Council DOES NOT ADOPT the March 2024 Quarterly Budget Review report and pursuant to section 6.8 of the Local Government Act 1995, DOES NOT APPROVE the schedule of variations to the 2023/24 as contained within this report.

Option 1 is recommended.

Conclusion

A Quarter 3 review of the Annual Budget has been done. A list of budget variations requiring approval has been identified.

Attachments

Nil.

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|--|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no significant risk associated with Council adopting the budget amendments. | | | | | | |
| 2 | <i>Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending as wellbeing non-compliance with Financial regulations.</i> | <i>The organisation undertakes a quarterly finance and costing review prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.</i> | Financial | Unlikely | Moderate | MODERATE | Accept Officer Recommendation (Option 1) |



Voting Requirements: Absolute Majority

OCM132/05/24

COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Duggin , seconded Cr Jerrett

That Council ADOPTS the March 2024 Quarterly Budget Review report and pursuant to section 6.8 of the Local Government Act 1995, APPROVES the schedule of variations to the 2023/24 Budget as contained within this report and detailed below:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|-------------------------------|--|----------|-----------|
| 6000-89000-4908-0000 | Increase Income | Byford Developer Contributions - Capital Contributions - Byford DCP | | 166,162 |
| 6000-89000-5204-0000 | Increase Transfer to Reserves | Byford Developer Contributions - Transfer to Reserve - Byford DCP | 166,162 | |
| 6000-89002-4911-0000 | Increase Income | Mundijong Urban DCP Contributions - Capital Contributions - Mundijong Urban DCP | | 113,431 |
| 6000-89002-5242-0000 | Increase Transfer to Reserves | Mundijong Urban DCP Contributions - Transfer to Reserves - Mundijong Urban DCP | 113,431 | |
| 6000-89001-4909-0000 | Increase Income | Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP | | 27,075 |
| 6000-89001-5210-0000 | Increase Transfer to Reserves | Community Infrastructure DCP Contributions- Transfer to Reserve - Community Infrastructure Reserve | 27,075 | |
| 6600-80504-6600-0000 | Increase Expenditure | Byford Pump track - Capital Expenditure | 46,800 | |
| 6600-80270-6600-0000 | Increase Expenditure | Old Railway Bridge Interpretation Art/Sign | 20,000 | |



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| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|-----------------------------|------------------------------------|--|---------------------|----------------------|
| 6200-80432-6600-0000 | Increase Expenditure | Serpentine Fire Station Changerooms | 18,393 | |
| 6200-80280-6600-0000 | Increase Expenditure | Briggs Park - Dugouts | 15,598 | |
| 6300-80441-6600-0000 | Decrease Expenditure | Duel Cab- CEO - Replace 51153 | | 11,168 |
| 5100-17200-6365-0000 | Increase Expenditure | ICT - Software Subscriptions & Licences | 127,675 | |
| 5300-17302-various- 0000 | Increase Income | Reserve Transfer - Trf to Reserve (Interest) | 146,513 | |
| 5300-17300-4511-0000 | Increase Trf to Reserve | General Purpose Funding - Interest on Investments - Reserves | | 146,513 |
| 5300-17302-5233-0000 | Increase Transfer to Reserve | Reserve Transfer - Trf to Reserve – Road and Bridge Management Reserve | 50,000 | |
| 5300-17302-5213-0000 | Increase Transfer to Reserve | Reserve Transfer - Trf to Reserve – Footpath Asset Management Reserve | 50,000 | |
| 3210-13300-6230-0000 | Decrease Expenditure | Subdivision - Consultancy | - | 40,000 |
| 3110-13200-6000-0000 | Decrease Expenditure | Road Project Delivery - Salaries and Wages | | 60,000 |
| 3200-13610-6230-0000 | Increase Expenditure | Engineering Administration Consultancy | 10,000 - | |
| 3210-13300-6230-0000 | Decrease Expenditure | Subdivision - Consultancy | | 10,000 |
| 4300-15501-6125-0000 | Decrease Expenditure | Arts & Culture - Materials/ Consumables | | 20,000 |



Continued

**Ordinary Council Meeting Minutes
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| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|-----------------------------|---------------------------------|---|---------------------|----------------------|
| 2000-12006-6383-0000 | Decrease Expenditure | West Mundijong Industrial Area - Utility Research Project | | 30,000 |
| 4300-30068-4570-0000 | Increase Income | Serpentine Jarrahdale Community Recreation Centre - Profit share | | 55,355 |
| 5300-17501-4004-0000 | Increase Income | Rates Revenue – Interim Rates | | 75,166 |
| 3230-13400-4420-0000 | Increase Income | Waste Services Refuse Charge | | 36,777 |

CARRIED UNANIMOUSLY 7/0



10.3.4 - Differential General Rates and Minimum Payments (SJ3909)

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

Authority / Discretion

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

Report Purpose

The purpose of the report is for Council to consider a proposal for the setting of the rate in the dollar for the differential rating categories, to be applied to the proposed Budget for the 2024/2025 financial year and advertised in accordance with Section 6.36 of the *Local Government Act 1995* for 21 days.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Shire's Council Plan 2023-2033 articulates the vision for the Shire with the Corporate Business Plan describing how that vision will be achieved over the next four years.

The Annual Budget describes how services and infrastructure will be funded for the next year, with the Long-Term Financial Plan setting out the financial plan for the next ten years.

The adoption of the Annual Budget is expected to be considered at a Special Council Meeting in July 2024.

Rate revenue is a substantial source of revenue for the Shire of Serpentine Jarrahdale, accounting for approximately two thirds of operating revenue in the 2023/2024 Budget.

The Local Government Act 1995 (the Act) empowers local governments to impose general rates and minimum payments on rateable land. Local governments can impose either uniform general rates or differential general rates.

Uniform general rates set a single general rate in the dollar for each valuation category of either Gross Rental Value (GRV) and Unimproved Value (UV) being a uniform general rate in the valuation dollar and applied to all properties within a valuation category.

As an alternative to adopting a uniform general rate, a local government may apply different rates in the dollar within each valuation category known as a differential general rate which may be applied using the following characteristics, or combination thereof:

- The purpose for which the land is zoned;



- The predominant use (as determined by the Local Government);
- If the land is vacant or not; and
- Any characteristics prescribed (currently only relevant to amalgamations).

The Shire of Serpentine Jarrahdale has traditionally adopted differential general rates.

The overall objective of a rating model is to provide for the net funding requirements of the Shire's services, activities, financing costs and the current and future capital requirements of the Shire as outlined in the Council Plan 2023-2033, Corporate Business Plan, Long Term Financial Plan (LTFP) and the Annual Budget, ensuring to fund these requirements in an equitable way, in accordance with the Shire's rating strategy.

Community / Stakeholder Consultation

The Shire, in accordance with Section 6.36 of the *Local Government Act 1995*, is required to give notice of certain rates and invite submissions for a period of 21 days or such longer period as specified in the notice.

The Shire is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the Shire's official website, the Shire's Library, and the local Examiner– refer **attachment 1**.

The Shire is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

Statutory Environment

Part 6, Division 6 of the Act and Part 5 of the *Local Government (Financial Management) Regulations 1996* provides the head of power for the levying of local government rates. The legislation is quite prescriptive in its application, with the following aspects of particular note:

- Except as provided for in Section 6.26, all land within a district is rateable land (s6.26).
- In order to make up the "budget deficiency" a local government is to impose a general rate which may be imposed uniformly or differentially. A local government may also impose a specified area rate, a minimum rate and a service charge (s6.32).
- A local government may impose a differential general rate according to land zoning, land use, whether the land is vacant or not, or a combination of each characteristic (s6.33).
- No differential general rate in each category (UV or GRV) is to be more than twice the lowest differential general rate, unless approved by the Minister (s6.33(3)).
- The local government can impose differential minimum rates however, it is not to be applied to more than 50% of the properties within a district or within each category (s6.35).

Comment

Economic Environment

The Australian Bureau of Statistics (ABS) has reported that the Consumer Price Index (CPI) in Perth has risen by 3.4% over the twelve months to the March 2024 quarter, with the Shire not immune to the impact of rising costs.



Rating Strategy

In 2020 Council identified significant inequity in the application of rates within the district, an initial attempt to correct this inequity via a large scale “Change of Valuation Methodology” project was met with the then Minister for Local Government who requested it be discontinued due to the Covid-19 pandemic.

In 2021 Council adopted its first ever Rating Strategy which called for the reinstatement of a Residential and Commercial Unimproved Valuation Differential Rating Category which was subsequently implemented for the 2021/22 Budget. This resulted in the rates for over 8,000 residents declining for that financial year.

In 2022, after a review of the method of valuation used for rating purposes requested the Chief Executive Officer submit an application to the Minister for determination pursuant to Section 6.28 (1) of the *Local Government Act 1995*, to change the method of valuation of land to be used by a local government as the basis for a rate for 640 properties from Unimproved Value (UV) to Gross Rental Value (GRV) as the predominant use of the land for these properties had been determined to be non-rural and would experience a rate reduction if they were rated GRV.

This financial year Officers reviewed another 407 properties and application to the Minister for determination pursuant to Section 6.28 (1) of the *Local Government Act 1995* to change the method of valuation of land to be used by a local government as the basis for a rate from Unimproved Value (UV) to Gross Rental Value (GRV). Due to the predominant use of the land for these properties being determined to be non-rural and would likely experience a rate reduction if they were rated GRV.

Budget Breakfast

The past two years the Shire has run a Budget Breakfast. Both the 2022 and 2023 events were well attended, and Officers believe that it was a useful event to communicate priorities in the Budget, provide rationale for capital and operating projects and answer questions from the community. Officers recommend holding a 24/25 Budget Breakfast following budget adoption.

This will aim to achieve the same objectives as prior year’s event and continue to improve the Shire’s communication and transparency within the community. The budget for the event would be approximately \$3,000 and would cater for an estimated attendance of up to 80 people. Officers envisage a similar format and arrangement to last year should Council wish to undertake the event.

Differential Rates

To address the budget deficit and to maintain financial sustainability Officers recommend a **3.4%** increase in the minimum rates and the general rate in the dollar for all differential rating categories.

The proposed rates will yield \$31,788,176 in net rate revenue, representing a **3.4%** increase on current year to date base rate calculations. These rates are designed to ensure that the Shire can maintain its regular operations and deliver agreed expected outcomes in the next financial year.



2024/2025 Budget Proposal

The following are the proposed Differential General Rates and Minimum Payments for the Shire of Serpentine Jarrahdale for the 2024/2025 financial year, to be effective from 1 July 2024, which represents a 3.4% increase.

| Rate Category | Rate in Dollar (Expressed as cents in \$) | Minimum Payment |
|---------------------------|--|-----------------|
| GRV Residential | 0.094713 | \$1,451.00 |
| GRV Commercial/Industrial | 0.151483 | \$1,648.00 |
| UV General | 0.004029 | \$1,589.00 |
| UV Rural Residential | 0.004722 | \$2,094.00 |
| UV Commercial/Industrial | 0.006687 | \$2,205.00 |
| UV Intensive Farmland | 0.007616 | \$3,178.00 |

The objects and reasons for each of the rating categories is articulated in **attachment 1**.

Options

Option 1

That Council:

1. ENDORSES a total rate yield for 2024/2025 budget purposes, which will derive a proposed \$31,788,176 in net rate revenue.
2. ENDORSES for the purpose of advertising the following proposed Differential Categories, Rates and Minimum Payments for the Shire of Serpentine Jarrahdale for the 2024/25 rating year:

| Rate Category | Rate in Dollar (Expressed as cents in \$) | Minimum Payment |
|---------------------------|--|-----------------|
| GRV Residential | 0.094713 | \$1,451.00 |
| GRV Commercial/Industrial | 0.151483 | \$1,648.00 |
| UV General | 0.004029 | \$1,589.00 |
| UV Rural Residential | 0.004722 | \$2,094.00 |
| UV Commercial/Industrial | 0.006687 | \$2,205.00 |
| UV Intensive Farmland | 0.007616 | \$3,178.00 |



3. AUTHORISES the Chief Executive Officer to advertise for public comment, the Differential General Rates and the Minimum Payments Statement of Objects and Reasons in **attachment 1**, as per the requirements of section 6.36 of the *Local Government Act 1995*.
4. REQUESTS that the Chief Executive Officer, in liaison with the Shire President arrange a 24/25 Budget Breakfast to occur on a weekday morning after the adoption of the 2024/25 Budget at an approximate cost of \$3,000.

Option 2

For Council consideration

Option 1 is recommended.

Conclusion

The proposed rate in the dollar for the differential general rates have been developed to provide the Shire sufficient funding to maintain levels of service, to mitigate against current financial risk and to meet the Shire’s strategic objectives.

This will allow the Shire to mitigate against the current CPI increase as highlighted above.

Attachments (available under separate cover)

- **10.3.4 - attachment 1** – Differential General Rates and the Minimum Payments Statement of Objects and Reasons (E24/5895)
- **10.3.4 – attachment 2** – Rating Strategy (E24/5867)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

The proposed rate model is expected to yield \$31,788,176 in rate revenue for 2024/2025 which will contribute to the net funding requirements of the Shire’s services, activities, financing costs and asset renewal programme.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|--|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | If Council resolve Option 1 there could be dissatisfaction from community members resulting in reputation damage to the Shire. | Advertising of rates and community comment. Rate Strategy adopted in 24/25. Community Perception Survey. | Reputation | Possible | Minor | MODERATE | Nil |



Voting Requirements: Simple Majority

OCM133/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin , seconded Cr Bishop

1. **ENDORSES** a total rate yield for 2024/2025 budget purposes, which will derive a proposed \$31,788,176 in net rate revenue.
2. **ENDORSES** for the purpose of advertising the following proposed Differential Categories, Rates and Minimum Payments for the Shire of Serpentine Jarrahdale for the 2024/25 rating year:

| Rate Category | Rate in Dollar (Expressed as cents in \$) | Minimum Payment |
|---------------------------|--|-----------------|
| GRV Residential | 0.094713 | \$1,451.00 |
| GRV Commercial/Industrial | 0.151483 | \$1,648.00 |
| UV General | 0.004029 | \$1,589.00 |
| UV Rural Residential | 0.004722 | \$2,094.00 |
| UV Commercial/Industrial | 0.006687 | \$2,205.00 |
| UV Intensive Farmland | 0.007616 | \$3,178.00 |

3. **AUTHORISES** the Chief Executive Officer to advertise for public comment, the Differential General Rates and the Minimum Payments Statement of Objects and Reasons in attachment 1, as per the requirements of section 6.36 of the Local Government Act 1995.
4. **REQUESTS** that the Chief Executive Officer, in liaison with the Shire President arrange a 24/25 Budget Breakfast to occur on a weekday morning after the adoption of the 2024/25 Budget at an approximate cost of \$3,000.

CARRIED 5/2

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:

*President Coales, Councillors Bishop, Duggin, Jerrett and Mazzini voted FOR the motion.
 Councillors Byas and Mack voted AGAINST the motion.*



10.3.5 - Councillor Fees and Allowances 2024-25 (SJ519)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider Councillor fees and allowances within the bands set by the Salaries and Allowances Tribunal for the 2024-25 financial year.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 May 2023 – OCM112/05/23 – COUNCIL RESOLUTION

That Council:

- RESOLVES the following Councillor fee and allowance entitlements for the 2023-24 financial year:*

| | |
|---|-----------------|
| <i>Annual attendance fee (Councillor)</i> | <i>\$17,250</i> |
| <i>Annual attendance fee (President)</i> | <i>\$23,131</i> |
| <i>Annual allowance (President)</i> | <i>\$47,045</i> |
| <i>Annual allowance (Deputy President)</i> | <i>\$11,761</i> |
| <i>ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses)</i> | <i>\$2,500</i> |
| <i>Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term</i> | |

- REQUESTS that revisions to Council Policy – Councillor Fees and Entitlements are presented to a Policy Concept Forum prior to consideration by Council.*

**Ordinary Council Meeting - 16 May 2022 – OCM113/05/22 - COUNCIL RESOLUTION**

That Council RESOLVES that no changes are made to Councillor fee and allowance entitlements for the 2022-23 financial year so that fees and allowances remain at the level set in 2018-19 being:

| | |
|---------------------------------------|----------|
| • Annual attendance fee (Councillor) | \$17,250 |
| • Annual attendance fee (President) | \$23,131 |
| • Annual allowance (President) | \$47,045 |
| • Annual allowance (Deputy President) | \$11,761 |
| • ICT allowance | \$3,500 |

Ordinary Council Meeting - 17 May 2021 - OCM126/05/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council RESOLVES that no changes are made to Councillor fee and allowance entitlements for the 2021-22 financial year, with entitlements being:

- Annual attendance fee (Councillor) \$17,250
- Annual attendance fee (President) \$23,131
- Annual allowance (President) \$47,045
- Annual allowance (Deputy President) \$11,761
- ICT allowance \$3,500

Ordinary Council Meeting – 15 June 2020 – OCM162/06/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council RESOLVES that no changes are made to Councillor fee and allowance entitlements for the 2020-21 financial year

Ordinary Council Meeting – 19 August 2019 - OCM171/08/19 - COUNCIL RESOLUTION

That Council DOES NOT ACCEPT the 1 per cent increase to applicable fees and allowances provided by the Salaries and Allowances Tribunal determination for 2019-20.

Background

Every year the Salaries and Allowances Tribunal (the Tribunal) sets the minimum and maximum fees, allowances and entitlements payable to council members.

The Tribunal is an independent body appointed by the Governor. As the Salaries and Allowances Tribunal's determination sets a range rather than an annual fee, a Council must, by Absolute Majority, set an amount within the relevant range.

Council Policy 3.3.2 – Councillor Fees and Entitlements (the Policy) provides the approval framework for fees, allowances and reimbursements to Council Members. The Policy states that all fees and allowances are to be set by Council resolution annually following the Salaries and Allowances Tribunal determination.

On 5 April 2024, the Tribunal determined that Councillor attendance fees and annual allowance ranges be increased by 4 per cent. The determination is provided at **attachment 1**.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Part 5 of the *Local Government Act 1995* (the Act) sets rules for payments to council members. Section 5.98 of the Act states that a council member who attends a council or committee meeting is entitled to be paid the fee determined for attending a council or committee meeting.

Section 5.99 of the Act empowers a Council to decide via absolute majority to instead pay all council members who attend council or committee meetings either -

- a) the annual fee determined by the Salaries and Allowances Tribunal; or
- b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that, that fee.

As the Salaries and Allowances Tribunal's determination sets a range rather than an annual fee, a council must, by absolute majority, set an amount within the relevant range. Under section 5.63(1)(c) of the Act, a Council Member is not required to disclose a financial interest when setting their fees, allowances or reimbursements.

Comment

Council Policy 3.3.2 states that without a resolution of Council, meeting fees and allowances are set at 75 per cent of the maximum provided for by the Tribunal's determination. The Information Communication Technology (ICT) allowance is set at the Tribunal's maximum. Unless Council resolves otherwise, the meeting fees and allowances will automatically rise in accordance with Council's policy, to 75 per cent of the Tribunal's 2024-2025 determination.

If Council takes no action, the resulting fees and allowances would be:

- Annual attendance fee (Councillor) \$18,853
- Annual attendance fee (President) \$25,280
- Annual allowance (President) \$51,414
- Annual allowance (Deputy President) \$12,854
- ICT allowance \$3,500

If Council wish, a resolution stating no changes are made to Councillor fee and allowance entitlements for the 2024-2025 financial year would mean that fees and allowances would remain at the level set in 2023-2024, being:

- Annual attendance fee (Councillor) \$17,250
- Annual attendance fee (President) \$23,131
- Annual allowance (President) \$47,045
- Annual allowance (Deputy President) \$11,761
- ICT allowance \$2,500

Alternatively, Council has flexibility to set fees and allowances within the bands set by Salaries and Allowances Tribunal.



While an individual Council Member can choose to forgo their entitlements, there is no power provided in the Act for Council to reduce entitlements below the minimum set by the Tribunal, collectively forgo entitlements, or set an individual office holder's entitlement at a higher or lower level other than provided for in the Tribunal's determination.

The minimum and maximum thresholds set by the Tribunal in 2024 that Council must work within are set out in the table below.

2024 Salaries and Allowances Tribunal Determination – Band 2 Thresholds

| | Minimum | Maximum |
|-------------------------------------|----------|----------|
| Annual attendance fee (Councillor) | \$16,089 | \$25,137 |
| Annual attendance fee (President) | \$16,089 | \$33,706 |
| Annual allowance (President) | \$16,640 | \$68,552 |
| Annual allowance (Deputy President) | \$4,160 | \$17,138 |
| ICT allowance | \$500 | \$3,500 |

An analysis of the salaries and allowances showing the **total** amount based on the current rate, and 75 per cent, 80 per cent and 100 per cent of the 2024 salary determination is shown in the table below. The ICT allowance has been retained at \$2,500 to align with the 2023-24 adopted allowance, which recognises the ICT equipment already provided. For comparison purposes, the total cost of salaries and allowances with the previous nine elected members has also been included.

| | Current rate | 75% of 2024 rate | 80% of 2024 rate | 100% of 2024 rate | Current rate based on 9 elected members) |
|-----------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--|
| Councillor attendance | \$103,500 <i>(\$17,250 x 6)</i> | \$113,117 <i>(\$18,853 x 6)</i> | \$120,658 <i>(\$20,110 x 6)</i> | \$150,822 <i>(\$25,137 x 6)</i> | \$138,000 <i>(\$17,250 x 8)</i> |
| President attendance | \$23,131 | \$25,280 | \$26,965 | \$33,706 | \$23,131 |
| President Allowance | \$47,045 | \$51,414 | \$54,842 | \$ 68,552 | \$47,045 |
| Deputy Allowance | \$11,761 | \$12,854 | \$13,710 | \$17,138 | \$11,761 |
| ICT Allowance | \$17,500 <i>(\$2,500 x 7)</i> | \$17,500 <i>(\$2,500 x 7)</i> | \$17,500 <i>(\$2,500 x 7)</i> | \$17,500 <i>(\$2,500 x 7)</i> | \$22,500 <i>(\$2,500 x 9)</i> |
| TOTAL | \$202,937 | \$220,164 | \$233,674 | \$287,718 | \$242,437 |



If Councillors wish to propose a different alternative to those provided in the options, it is recommended that Councillors work with Officers prior to the Council meeting to ensure that the proposed motion is in accordance with the legislation.

Options

Option 1

That Council:

1. RESOLVES the following Councillor fee and allowance entitlements for the 2024-25 financial year (being the current 2023-24 allowances):

| | |
|---|----------|
| Annual attendance fee (Councillor) | \$17,250 |
| Annual attendance fee (President) | \$23,131 |
| Annual allowance (President) | \$47,045 |
| Annual allowance (Deputy President) | \$11,761 |
| ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses) Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term | \$2,500 |

Option 2

That Council

1. RESOLVES the following Councillor fee and allowance entitlements for the 2024-25 financial year (being **75 per cent** of the Band 2 allowance, and \$2,500 for the ICT allowance):

| | |
|---|----------|
| Annual attendance fee (Councillor) | \$18,853 |
| Annual attendance fee (President) | \$25,280 |
| Annual allowance (President) | \$51,414 |
| Annual allowance (Deputy President) | \$12,854 |
| ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses) Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term | \$2,500 |

Option 3

That Council

1. RESOLVES the following Councillor fee and allowance entitlements for the 2024-25 financial year (being **80 per cent** of the Band 2 allowance, and \$2,500 for the ICT allowance):

| | |
|---|----------|
| Annual attendance fee (Councillor) | \$20,110 |
| Annual attendance fee (President) | \$26,965 |
| Annual allowance (President) | \$54,842 |
| Annual allowance (Deputy President) | \$13,710 |
| ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses) Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term | \$2,500 |

Option 4

That Council

1. RESOLVES the following Councillor fee and allowance entitlements for the 2024-25 financial year (being **100 per cent** of the Band 2 allowance, and \$2,500 for the ICT allowance):

| | |
|---|----------|
| Annual attendance fee (Councillor) | \$25,137 |
| Annual attendance fee (President) | \$33,706 |
| Annual allowance (President) | \$68,552 |
| Annual allowance (Deputy President) | \$17,138 |
| ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses) Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term | \$2,500 |

Conclusion

Legislation provides that Council may set its entitlements within the parameters set by the Tribunal. Council's adopted policy states that Council is to make a determination following the Tribunal's determination. A resolution by Council on entitlements for the 2024-25 financial year will inform the preparation of a draft budget for Council's consideration.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Salaries and Allowances Tribunal Determination 2024-25 (E24/4806)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |



Financial Implications

Council's agreed approach will need to be factored into the setting of the 2024-25 budget.

Risk Implications

Nil.

Voting Requirements: Absolute Majority (5.98A, 5.99, 5.99A of the *Local Government Act 1995*)

Officer Recommendation

Options are presented in the Officer Report for Council's consideration

OCM134/05/24

MOTION

Moved Cr Duggin, seconded President Coales

That Council

1. **RESOLVES the following Councillor fee and allowance entitlements for the 2024-25 financial year (being 75 per cent of the Band 2 allowance, and \$2,500 for the ICT allowance):**

| | |
|---|-----------------|
| Annual attendance fee (Councillor) | \$18,853 |
| Annual attendance fee (President) | \$25,280 |
| Annual allowance (President) | \$51,414 |
| Annual allowance (Deputy President) | \$12,854 |
| ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses) | \$2,500 |
| Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term | |

MOTION LOST 2/5

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
Councillors Bishop and Duggin voted FOR the motion.
President Coales, Councillors Byas, Jerrett, Mack and Mazzini voted AGAINST the motion.

**OCM135/05/24****COUNCIL RESOLUTION****Moved Cr Mack, seconded Cr Jerrett****That Council:**

- 1. RESOLVES the following Councillor fee and allowance entitlements for the 2024-25 financial year (being the current 2023-24 allowances):**

| | |
|---|-----------------|
| Annual attendance fee (Councillor) | \$17,250 |
| Annual attendance fee (President) | \$23,131 |
| Annual allowance (President) | \$47,045 |
| Annual allowance (Deputy President) | \$11,761 |
| ICT Allowance (Subsidy towards ICT expenses such as Internet access and telephony expenses) Provision of ICT Allowance at the value of \$2,500 recognises the loan of one laptop, headset and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum) is provided to an elected member at the commencement of their term for the duration of their term | \$2,500 |

CARRIED UNANIMOUSLY 7/0



10.3.6 - Correspondence from the Joint Standing Committee on Delegated Legislation (SJ1066)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider next steps following receipt of undertakings from the Joint Standing Committee on Delegated Legislation (JSCDL) regarding the *Shire of Serpentine Jarrahdale Cat Local Law 2023*.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 October 2023 – OCM252/10/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. CONSIDERS the submissions.*
- 2. In accordance with section 3.12(4) of the Local Government Act 1995, MAKES the Shire of Serpentine-Jarrahdale Cat Local Law 2023.*
- 3. In accordance with s3.12(5) of the Local Government Act 1995, REQUESTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
- 4. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, REQUESTS the Chief Executive Officer to give local public notice:*
 - a. Stating the title of the local law;*
 - b. Detailing the purpose and effect of the local law as follows:*
 - i. The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
 - ii. The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*



- c. *Specifying the day on which it comes into operation, which is 14 days after the date of its publication in the Government Gazette; and*
- d. *Advising that copies of the local law may be inspected or obtained from the Shire office.*
5. *Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions, REQUESTS that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*
6. *REQUESTS that the Chief Executive Officer, in accordance with section 6.19 of the Local Government Act 1995, gives local public notice of its intention to impose the following new fees starting 14 days after the date of publication of the Local Law in the Government Gazette:*

| <i>Ranger Services Dog and cat registration/license fees</i> | <i>Fee</i> |
|---|--------------|
| <i>(CURRENT) Application to keep more than two dogs</i> | <i>\$90</i> |
| <i>(NEW) Application to keep more than two dogs or 2 to 6 cats</i> | <i>\$90</i> |
| | |
| <i>Ranger Services Dog and cat registration/license fees</i> | <i>Fee</i> |
| <i>(CURRENT) Dogs kept in approved kennel establishment licensed under section 27 of the Act, where not otherwise registered – annual fee</i> | <i>\$200</i> |
| <i>(NEW) Annual license fee – Kennel or Cattery</i> | <i>\$200</i> |

Background

On 23 February 2024, the *Shire of Serpentine Jarrahdale Cat Local Law 2023 (attachment 1)* was published in the *Government Gazette* and took effect on 8 March 2024.

Once a local law is gazetted, it is referred to the JSCDL for consideration. The JSCDL scrutinises the local law and can seek a written undertaking from the local government to amend or repeal the instrument.

Community / Stakeholder Consultation

Nil.

Statutory Environment

A local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. A local government may make local laws relating to cats as detailed in Section 79 of the *Cat Act 2011*.

Section 3.12 of the Act establishes the procedure for making local laws. The procedure requires the local government to give local public notice inviting submissions from the public for a minimum period of six weeks. Following the notice period, any submissions received are presented to Council who may then, by Absolute Majority, consider formally making the local law. The local law comes into operation 14 days after it is published in the *Government Gazette*.



Following gazettal, all local laws are submitted to the JSCDL for review. The JSCDL can make recommendations to the Legislative Council to disallow legislation not made by Parliament.

Correspondence from the JSCDL is confidential and subject to Parliamentary Privilege under the *Parliamentary Privileges Act 1891*. If Council wishes to discuss the contents of **CONFIDENTIAL attachment 2**, it should close the meeting to members of the public so as not to breach Parliamentary Privilege.

Comment

The JSCDL wrote to the Shire on 17 April 2024 regarding the *Shire of Serpentine Jarrahdale Cat Local Law 2023 (CONFIDENTIAL attachment 2)*.

The JSCDL have requested the following undertakings from the Shire:

1. *Within 6 months:*
 - *Correct the outdated reference in clause 1.5 to the Veterinary Surgeons Act 1960.*
 - *Correct the two typographical errors in clause 3.3(2).*
 - *Delete clause 3.7(1)(b).*
 - *In item 3 of Schedule 2 amend the reference to clause 2.2(2) to clause 2.2(1).*
2. *Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.*
3. *Ensure all consequential amendments arising from the undertakings will be made.*
4. *Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.*

Clause 3.7(1)(b) provides that:

“3.7 Conditions

- (1) *Every permit is issued subject to the following conditions:*
 - (b) *each cat shall be contained on the premises unless under the effective control of a person;”*

The removal of clause 3.7(1)(b) will not have a significant impact on the operation of the remaining provisions as the local law still provides that a person is required to have a permit to keep more than two, but not more than six cats, on any premises. The effect of the removal of clause 3.7(1)(b) is that the permit conditions cannot require cats to be contained on the premises unless under the effective control of a person, as the JSCDL deem this beyond the scope of the *Cat Act 2011*.

While the Shire of Narrogin has a similar clause in their *Cats Local Law 2016*, other local governments have been required by the JSCDL to remove provisions relating to “effective control”, including the City of Kwinana in 2022. During consultation on the Shire’s proposed local law, neither the Department of Local Government, Sport and Cultural Industries or McLeods, Barristers and Solicitors identified this clause as problematic.

To make the undertakings requested by the JSCDL, the Shire will need to prepare an Amendment Local Law in accordance with section 3.12 of the *Local Government Act 1995*.



A report containing the proposed Amendment Cat Local Law 2023 will be presented for Council consideration.

At this time, Council may wish to consider advocating to the State Government to amend the *Cat Act 2011* to enable local governments to introduce local laws requiring cat confinement.

In the event that the local law is not amended, the local law may be disallowed by the Legislative Council. The disallowance of the local law would mean the loss of other key compliance and enforcement provisions that were introduced in the Cat Local Law 2023, including:

- Provisions pertaining to the numbers of cats permitted to be kept on a premise(s) or property;
- Provisions pertaining to the application to keep more than two (2) cats on a property or premise(s) or within a cat management facility or cattery, and the conditions in which cats are to be kept;
- Enhanced provisions pertaining to the control of nuisance and trespassing cats;
- Provisions pertaining to damaging land and property or the predation of native wildlife species, including but not limited to the attacking, injuring, or killing of any native species of animal or bird;
- Enhanced provisions pertaining to the prohibition of cats on public land in certain environmentally sensitive areas;
- Provisions pertaining to the rights of appeal regarding notices, directions or enforcement proceedings undertaken under the provisions of the Local Law.

Options

Option 1

That Council:

1. NOTES the letter from the Joint Standing Committee on Delegated Legislation.
2. RESOLVES to undertake to the Joint Standing Committee on Delegated Legislation that it will amend the *Shire of Serpentine Jarrahdale Cat Local Law 2023* within 6 months to:
 - Correct the outdated reference in clause 1.5 to the *Veterinary Surgeons Act 1960*.
 - Correct the two typographical errors in clause 3.3(2).
 - Delete clause 3.7(1)(b).
 - In item 3 of Schedule 2, amend the reference to clause 2.2(2), to clause 2.2(1).
3. RESOLVES not to enforce the Cat Local Law 2023 to the contrary before it is amended in accordance with the undertakings.
4. RESOLVES to make all consequential amendments arising from the undertakings.
5. PUBLISH, where the Cat Local Law 2023 is made publicly available by the Shire, whether in hard copy or electronic form, a copy of the undertaking.
6. REQUESTS the Chief Executive Officer prepare a letter to the Joint Standing Committee on Delegated Legislation advising of the Council resolution, for the Shire President's signature.
7. REQUESTS the Chief Executive Officer prepare an Amendment Cat Local Law in accordance with section 3.12 of the *Local Government Act 1995*, to give effect to JSCDL undertakings.



Option 2

That Council:

1. NOTES the letter from the Joint Standing Committee on Delegated Legislation.
2. REFUSE to undertake to the Joint Standing Committee on Delegated Legislation that it will amend the *Shire of Serpentine Jarrahdale Cat Local Law 2023*.
3. REQUESTS the Chief Executive Officer prepare a letter to the Joint Standing Committee on Delegated Legislation advising of the Council resolution for the Shire President’s signature.

Option 1 is recommended.

Conclusion

The Cat Local Law 2023 implements varied provisions that meet the expectations and needs of the Serpentine Jarrahdale Shire community, wildlife and the environment. While the undertakings requested by the JSCDL will remove the requirement for each cat to be contained on the premises unless under the effective control of a person, it retains a range of other important compliance and enforcement provisions that will enable increased cat management abilities.

Attachments (available under separate cover)

- **10.3.6 - attachment 1** – *Shire of Serpentine Jarrahdale Cat Local Law 2023* (E24/2680)
- **10.3.6 - CONFIDENTIAL - attachment 2** – Letter from Joint Standing Committee on Delegated Legislation – Cat Local Law 2023 undertakings (IN24/9452)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |
| Liveable |
| 3. Preserve and enhance our natural places, parks, trails and reserves |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |

Financial Implications

The cost will involve advertising the Local Law in accordance with legislation. This can be accommodated within existing budget provisions.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|----------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | This is considered the lowest risk option. | | | | | | |
| 2 | The local law will be disallowed by the Legislative Council. | | Organisational Performance | Almost | Moderate | HIGH | Nil. |



Voting Requirements: Simple Majority

OCM136/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. NOTES** the letter from the Joint Standing Committee on Delegated Legislation.
- 2. RESOLVES** to undertake to the Joint Standing Committee on Delegated Legislation that it will amend the *Shire of Serpentine Jarrahdale Cat Local Law 2023* within 6 months to:
 - Correct the outdated reference in clause 1.5 to the *Veterinary Surgeons Act 1960*.
 - Correct the two typographical errors in clause 3.3(2).
 - Delete clause 3.7(1)(b).
 - In item 3 of Schedule 2, amend the reference to clause 2.2(2), to clause 2.2(1).
- 3. RESOLVES** not to enforce the Cat Local Law 2023 to the contrary before it is amended in accordance with the undertakings.
- 4. RESOLVES** to make all consequential amendments arising from the undertakings.
- 5. PUBLISH**, where the Cat Local Law 2023 is made publicly available by the Shire, whether in hard copy or electronic form, a copy of the undertaking.
- 6. REQUESTS** the Chief Executive Officer prepare a letter to the Joint Standing Committee on Delegated Legislation advising of the Council resolution, for the Shire President's signature.
- 7. REQUESTS** the Chief Executive Officer prepare an Amendment Cat Local Law in accordance with section 3.12 of the *Local Government Act 1995*, to give effect to JSCDL undertakings.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.3.7 - Culture and Values Workshops - Next Steps (SJ4376)

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to determine the next steps for the program of culture and values workshops.

Relevant Previous Decisions of Council

Special Council Meeting – 27 February 2023 – SCM012/02/23 - COUNCIL RESOLUTION

That Council:

- 1. ACKNOWLEDGES and THANKS the community for participating in the Community Perceptions Survey.*
- 2. RECEIVES the results of the Shire of the Serpentine Jarrahdale Community Perceptions Survey 2022, as provided at attachment 1.*
- 3. ENDORSES the Shire's response to the Community Perception Survey, as provided at attachment 2 and REQUESTS the Chief Executive Officer to incorporate the findings into the upcoming IPR processes.*
- 4. ENDORSES the new Strategic Communications Plan 2023 as provided at attachment 3 to improve the way the Shire communicates with the community.*
- 5. POSTPONES consideration of the Values and Culture Workshop for Elected Members until after the 2023 local government election.*

Background

Council Policy 1.3.4 Community Perception Survey requires that a community survey be undertaken at least every two years to gauge the level of success the Shire is achieving in its delivery of local government services.

On the basis of the last survey, which was undertaken between 8 September and 30 September 2022, Officers recommended that Council participate in a values and culture workshop. This was due to some comments received that referred to the behaviour and conduct of Councillors.

Council resolved at the February 2023 Ordinary Council Meeting to postpone the values and culture workshop until after the October 2023 ordinary elections to enable the newly elected members to participate.



Community / Stakeholder Consultation

Policy Concept Forum

| | |
|--------------------------------------|--|
| Meeting Date | 25 March 2024 |
| Elected Members in Attendance | President Coales, Cr Duggin, Cr Mack, Cr Mazzini |

Statutory Environment

Nil.

Comment

Mint Collaborative were engaged to run a program with Council to establish positive ways for all elected members to work together, develop a shared view of the kind of Council they want to be and build a culture of reflection and improvement.

To date, two workshops have been held with a focus on co-designing a shared view of Council.

Mint Collaborative have designed a proposed approach for a 'Council co-design and development program' (**CONFIDENTIAL attachment 1**). The program will deliver the following:

- Establish rapport and connection within the newly formed Council, and with the Executive Team members,
- A shared view of what kind of Council they want to be, and acceptable behaviours and practices,
- A culture of continual reflection and improvement, and
- Insights and empathy regarding different styles and motivations, and how to help each other be at their best.

Officers are of the view that the program will benefit Council, and provide a cohesive decision-making body that is operating in the best interests of the community.

Options

Option 1

That Council APPROVES Mint Collaborative to be engaged to run a Council co-design and development program at a cost of \$22,165 (ex GST) in accordance with **CONFIDENTIAL attachment 1**.

Option 2

That Council does NOT support any further culture and values workshops.

Option 1 is recommended.

Conclusion

A program of workshops which delves into individual work styles and provides coaching sessions will benefit Council and provide a cohesive decision-making body that is operating in the best interests of the district.



Attachments (available under separate cover)

- **10.3.7 - CONFIDENTIAL - attachment 1** – Proposed approach for Council development program (E24/6220)

Alignment with our Council Plan 2023-2033

| |
|---|
| Connected |
| 2. Contribute to a well-connected, accessible and health community |
| 3. Empower the community to engage with the Shire and collaborate on matters that are important to them |

Financial Implications

The annual elected member training and mentoring budget for 2023-2024 is \$47,000 (ex GST). At the time of writing this report, it is estimated \$28,683 (ex GST) of the budget will be expended by 30 June 2024, which leaves \$18,317 (ex GST) available for this program, providing Elected Members forgo additional professional development, training and/or mentoring services for the remainder of the financial year.

As the cost to continue with the Mint Collaborative development program is \$22,165 (ex GST), if Council do resolve to continue, the budget will be exceeded by an immaterial amount \$3,848.

Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|--|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | Community concern about the allocation of funds to this program. | The workshops are a result of feedback received in the community perception survey | Organisational Performance | Possible | Moderate | MODERATE | |
| 2 | There are no risks associated with this option. | | | | | | |



Voting Requirements: Simple Majority

OCM137/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council APPROVES Mint Collaborative to be engaged to run a Council co-design and development program at a cost of \$22,165 (ex GST) in accordance with CONFIDENTIAL attachment 1.

CARRIED 4/3

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
President Coales, Councillors Bishop, Duggin and Jerrett voted FOR the motion.
Councillors Byas, Mack and Mazzini voted AGAINST the motion.*



Councillor Nathan Bishop declared an Impartiality Interest in item 10.3.8

| | |
|--|--|
| 10.3.8 - Corporate Business Plan Performance Report - January to March 2024 (SJ940-3) | |
| Responsible Officer: | Manager Corporate Performance |
| Senior Officer: | Director Corporate Services |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide Council with a quarterly performance report against the 2023-27 Corporate Business Plan (CBP) for the period 1 January to 31 March 2024 and an amended CBP for consideration.

Relevant Previous Decisions of Council

| |
|--|
| <p><i>Ordinary Council Meeting – 18 March 2024 – OCM049/03/24 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. NOTES the performance report against the 2023-27 Corporate Business Plan for the period 1 October to 31 December 2023 as contained in this report and attachment 1.</i> <i>2. ADOPTS the amendments to the Corporate Business Plan 2023-27 as outlined in this report and attachment 2.</i> |
|--|

Background

On 31 July 2023, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2023-2027 (SCM017/07/23), and subsequently amended it in November 2023 (OCM286/11/23) and in March 2024 (OCM049/03/24) following the quarterly reports.

The Corporate Business Plan 2023-27 is the Shire of Serpentine Jarrahdale's four-year delivery program, aligned to the Shire's Integrated Planning and Reporting Framework (i.e., Strategic Community Plan, Annual Budget, Long Term Financial Plan, and other supporting strategies). The purpose of the plan is to operationalise the Community's vision and the Shire's strategic objectives through the establishment of actions that address each strategy contained within the Strategic Community Plan.



The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2023-27 Corporate Business Plan to provide Council and the Community with an update towards the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to provide minimum requirements for IPR.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district. Any amendments to a Corporate Business Plan must be adopted by absolute majority (Regulation 19DA(6)).

Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government, Sport and Cultural Industries. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".

Reform of the *Local Government Act 1995*

The State Government is reforming the *Local Government Act 1995*. Theme 6 – 'Improved Financial Management and Reporting' proposes to amend the *Local Government (Administration) Regulations 1996* to replace the Strategic Community Plan with a Council Plan. Advice from the Department of Local Government, Sport and Cultural Industries obtained during the Shire's major review of the Strategic Community Plan advised that the Department are currently progressing the policy work behind the Integrated Planning and Reporting Framework reforms. From a compliance perspective, Regulation 19C of the *Local Government (Administration) Regulations 1996* remains in place until new regulations are in effect and provisions commence and as such, any plan made by the Shire should be in line with existing regulations.

On 11 December 2023, Council adopted the Council Plan 2023-2033 (OCM313/12/23). This change has a flow on impact on the Corporate Business Plan, including alignment with the Council Plan's three strategic pillars (Thriving, Liveable, Connected). This work is in underway and will be included within the major review of the Shire's Corporate Business Plan 2024-2028, for adoption as part of the annual Integrated Planning and Reporting (IPR) process.

Comment






The Shire of Serpentine Jarrahdale has completed a quarterly performance report against the 2023-2027 Corporate Business Plan for the period 1 January to 31 March 2024 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

As the Report relates to the period up to 31 March 2024, changes to projects that have occurred in the period from 1 April 2024 will be reflected in subsequent reports.



Report Structure

Grouped under each key objective area of the Strategic Community Plan (People, Place, Prosperity, Progressive), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

| Status | Selection Criteria |
|--|---|
|  On Track or Complete | Action is complete or on target. |
|  At Risk or Behind Target | Minor issues have put achievement of the project due date or level of service at risk. or Minor issues have put the project/service behind target. The causes for this are being managed by routine procedures and the issues are likely to be resolved by the next reporting period. |
|  Critical | Major issues have prevented the service/project from commencing or continuing. The causes for this do/will require significant action to rectify and the issues are likely to be ongoing into future reporting periods |
|  On hold | Work is unable to commence due to a dependency (e.g., awaiting grant funding or completion of another project). |
|  Deferred or Not Proceeding | Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan. Or Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g., loss of grant funding / change of government) or a change of direction by Council. |

Report Summary

The Report provides an update against 113 actions in the Corporate Business Plan. Statistics this period show:

- **79%** are on track or complete (90/113);
- **16%** are at risk or behind target (18/113);
- **0%** are critical;
- **1%** are on hold (1/113); and



- **4%** are deferred or not proceeding (4/113).

Key achievements and highlights this reporting period are as follows:

- Community launch of the Council Plan 2023-2033.
- Approval of the revised Register of Delegations and Authorisations.
- Approval of Local Planning Policy 2.8 - Public Open Space Standards.
- Award of Tenders for purchase of the following Plant and Fleet:
 - Backhoe Loader
 - Patch Truck
- Award of Tender for Green Waste Verge Collection services for a period of two years with an option to extend for a further 12 months.
- Delivery of extraordinary election in the North Ward.
- Presentation of Australia Day Awards including Clem Kentish Community Award, Community Citizen of the Year, Senior Community Citizen of the Year, Youth Community Citizen of the Year and Active Citizenship Award.
- Delivery of the Shire's first Youth Skill Up Course.
- Delivery of the Darling Downs Community BBQ.
- Delivery of Harmony Night.
- Opening of Jarrahdale Outdoor Hub.
- Completion of the following Road Projects:
 - Larsen Road Upgrade
 - Baskerville Road Upgrade
 - Gossage Road Upgrade
 - Mundijong Road Upgrade
 - Falls Road Bollards Installation
- Completion of Adonis Street, Mundijong Footpath (Cockram Street to Richardson Street).
- Completion of Richardson Street, Mundijong Footpath (Adonis Street to Paterson Street).
- Completion of Fire Danger Sign Upgrade at Karnup Road, Oldbury.
- Completion of Jarrahdale Heritage Park Business Plan.
- Completion of the Operations Depot Compliance and Security Upgrade.






The 18 actions identified as **at risk or behind target** are:




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| Action 1: | <u>Oakford Bush Fire Brigade Station</u> Deliver the new Oakford Volunteer Bush Fire Brigade station building. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>An update on this project for the reporting period is as follows:</p> <ul style="list-style-type: none"> - Concept finalisation post stakeholder engagement closed out - Design and Construction scope tender package advertised to market - Tender assessment process closed out. <p>Due to the finalisation of budget negotiations with Department of Fire and Emergency Services (DFES), the project is behind target.</p> | | | | |
| Remedial Action: | A report on this project will be presented to Council at a future Ordinary Council Meeting. | | | | |

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| Action 2: | <u>Enterprise Resource Planning (ERP)</u> Implement an Enterprise Resource Planning system. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>During the reporting period, Business Systems Analysts were trained in the compliance and enterprise cash receipting modules. Business process / workflow workshops also commenced with the Building, Planning and Health teams, and this work is ongoing in Q4.</p> <p>Following a comprehensive review of Phase 3, the most complex component of the ERP implementation, Officers have identified that the original target completion date of June 2025 is no longer feasible. A revised timeline is currently under review, to allow time for well implemented Property and Rating and Enterprise Content Management systems, ensuring a smoother transition for stakeholders. A report to Council on this matter will be presented at a future Policy Concept Forum and Ordinary Council Meeting.</p> | | | | |



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| Remedial Action: | A report to Council will be presented at a future meeting, for consideration. |
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| Action 3: | <p><u>Reconciliation Action Plan</u></p> <p>Aboriginal Engagement to support the commencement of a Reflect Reconciliation Action Plan.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | |  |  |  | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>State Project engagement has continued, specifically the Bididi Public Art project for the Byford Train Station.</p> <p>Cultural Awareness training is behind target. A provider has been identified and training for all staff and Elected Members is scheduled to occur throughout Q4, consistent with availability of trainers.</p> | | | | |
| Remedial Action: | Training originally scheduled for Q3 is expected to be delivered in Q4. The remainder of the project is on track. | | | | |

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| Action 4: | <p><u>Building Services</u></p> <p>Provide efficient and effective building compliance services.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | |  |  |  | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>During this quarter 84% of the certified Building Applications were determined within the 10 day statutory time frame. 82% of the uncertified Building Applications were determined within the 25 day statutory time frame.</p> <p>Additional staff, in particular a qualified Building Surveyor is required in order to achieve 100% determinations within the statutory time frames and to reduce the overall time a customer must wait for an approval.</p> <p>During this quarter, Officers were also involved in development of the initial stages of the OneComm property and rating module. Once implemented, this will significantly improve processes, including the customers' ability to lodge and track applications online, and Officers to assess applications more efficiently.</p> | | | | |



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| Remedial Action: | Recruitment of an experienced and qualified Building Surveyor is progressing through the final stages, which will assist the Building Services Team to meet customer expectations and determine building applications within the statutory time frames. |
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| Action 5: | <p><u>Information and Communication Technology</u></p> <p>Provide fit for purpose, secure, reliable and integrated technology systems and networks.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>During the reporting period services were impacted, and ICT were unable to provide full support services for:</p> <ul style="list-style-type: none"> - Business Systems Analysis & Support - Business Analysis Services - Information Security & IT Risk - Support Services <p>This is due to redirection of resources to focus on Phase 3 of the Enterprise Resource Planning (ERP) implementation, and the volume of support services tickets received.</p> <p>During the reporting period, business cases for resourcing have been submitted, and are subject to 2024-25 budget consideration.</p> | | | | |
| Remedial Action: | Business cases have been submitted for consideration in the 2024-25 budget process. | | | | |

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| Action 6: | <p><u>Keirnan Park Recreation Precinct (Construction of Stage 1A)</u></p> <p>Construct Stage 1A of the Keirnan Park Sports Recreation Precinct – AFL/cricket oval, pavilion and supporting infrastructure (FAA with Department of Local Government).</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> |
| | DLGSC grant | | | | |



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| Comment: | <p>As previously reported, project is at risk until a water source is established and the clearing permit is complete. During the reporting period, Officers continued to work on these matters and an update is provided below:</p> <p>Water Investigation – Dept. of Water and Environment Regulation (DWER) responded favourably supporting 50,000kl to be taken from the Cattamarra Coal measure aquifer with conditions which are yet to be resolved. As part of the conditions a Groundwater license operating strategy is to be provided to the Department and approved before confirming acceptance of 50,000 lt/year allowance. Second condition is for the implementation of two monitoring bores which are to be constructed further away from the production bore. The monitoring bores must be constructed prior (minimum three months) to any abstraction from the production bore.</p> <p>Clearing Permit - The completed Dieback Management Plan and a Black Cockatoo Impact Mitigation Plan were submitted to Dept. of Climate Change, Energy, the Environment and Water (DCCEEW) and they responded favourably, indicating that the application would be seen as a Non-Controlled Action, subject to the Shire showing commitment on the mitigation measures. Officers are updating the reports with the Department's comments.</p> <p>A clearing permit application is now being prepared for submission to DWER in April 2024. Officers await the conditions around offsets due to tree removal requirements.</p> |
| Remedial Action: | <p>Continue to progress outstanding matters. Consequential amendments to the project schedule will be managed in accordance with the Project Management Framework, in due course.</p> |

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| Action 7: | <p><u>Universal Access and Inclusion Program (2022-23 Carry-Forward)</u></p> <p>Deliver access and inclusion improvements on Shire facilities.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>Progress for access and inclusion works this quarter has been moving forward, and following feedback from stakeholder engagement, a decision made to focus on Briggs Park Pavilion.</p> <p>A design agency has been engaged to produce designs for a ramp from the carpark to the oval between the main pavilion and skate park, and a ramp from the carpark to the oval between the main pavilion and the change rooms. Both ramps will be fully compliant and design agency have engaged an access and inclusion consultant on behalf of the Shire to ensure they will meet current legislation.</p> | | | | |



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| | <p>To date, the below aspects are completed:</p> <ul style="list-style-type: none"> - Access and design consultant engaged. - Initial site surveys performed. - Utility locations have been mapped. - Stormwater drain audit. - Concept design produced. <p>One more set of survey results is yet to be received and a final assessment from the access consultant. Once these have been completed a more detailed design will be produced allowing Officer to commence procurement.</p> |
| <p>Remedial Action:</p> | <p>Officers will continue to liaise with the design agency and contractors to ensure timely delivery of the detailed design.</p> <p>Once detailed designs have been received, Officers can progress procurement.</p> |

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| <p>Action 8:</p> | <p><u>SJ Community Recreation Centre – Asset Management Works</u></p> <p>Works to the Serpentine Jarrahdale Community Recreation Centre as identified within the Building Condition Audit & Life Cycle Costing report.</p> | <p>Status</p> | | | |
| | | <p>Q1</p> | <p>Q2</p> | <p>Q3</p> | <p>Q4</p> |
| | | | | | |
| | | <p>Grant funded:</p> | | | |
| <p>Y</p> | <input type="checkbox"/> | <p>N</p> | <input checked="" type="checkbox"/> | | |
| <p>Comment:</p> | <p>Project progress during this reporting period, is as follows:</p> <p>Air conditioner renewal - Existing air-conditioner units have been decommissioned, removed internally, and replaced with split systems. Air-conditioner units on the roof remain, they are due to be removed next financial year due to a lack of funds.</p> <p>Sports Court Cladding - Further consultation with design consultant and Engineer has determined the original product selected will not comply with energy ratings required. A new design has been created utilising Bondor Flame Guard; these detailed designs have been passed onto tendered builder for quotation. Officers and Shire tendered builder have discussed the surface of the extreme sports courts being sand and enclosed in netting. There are also concerns regarding the cost of the product. Officers are awaiting a final quote from the builder (expected mid-May).</p> <p>Skylight removal - The removal of the defective skylight has been completed and replaced with a recessed bulkhead including architectural lighting feature. Once removed the desired outcomes have been achieved including a reduction in temperature and all leaks resolved.</p> <p>Internal Paintwork - No progress has been made this quarter. Going forward Officers plan to capture all internal measurements and desired colour scheme in</p> | | | | |



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| | <p>Q4 and seek quotes. Delivery of the project is expected in the new financial year and is also dependent on the completion of cladding works.</p> <p>Defect List - No progress has been made this quarter. A list has been produced for the minor defects, for further investigation. Some have been completed as reactive maintenance, whilst other issues have become apparent, and a new inspection/audit is required. Also awaiting the completion of cladding works.</p> |
| Remedial Action: | Continue to progress projects and work through schedule issues in accordance with the Project Management Framework. |

| | Minor Facility Renewals (2022-23 Carry-Forwards) | Status | | | |
|------------------|---|----------------------|--------------------------|-----------|-------------------------------------|
| | | Q1 | Q2 | Q3 | Q4 |
| Action 9: | • Briggs Pavilion Main Hall Refurbishment | | | | |
| | • Men's Shed Upgrade | | | | |
| | • Operations Depot Compliance and Security Upgrade | | | | |
| | • Bush Fire Brigade Management Program and Projects: - Byford Changerooms | | | | |
| | - Serpentine Changeroom | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>Project updates during this reporting period are as follows:</p> <p>Briggs Pavilion Main Hall Refurbishment - External doors were replaced for emergency exit compliance. Old ceiling tiles were replaced, installing new ceiling tiles and a grid system. Vertical blinds were replaced with roller blind. Carpet and vinyl replacement are scheduled for mid-May.</p> <p>SJ Men's Shed Upgrade - Approvals are in place for the ablution block upgrade and designs have been submitted to Shire contracted builders. Work scheduling is pending. Internal door replacement is on track for completion by early May. The electrical upgrade for the power system is in the design phase.</p> <p>Byford VBFB Station Changerooms - Multiple meetings with DFES and the Brigade were conducted for the project. Initial designs and quotes exceeded budget, resulting in scope reduction and a new design. Budget challenges stem from site access and building layout constraints. A business case for extra funding in the 2024-25 budget was submitted to cover change room and storage needs. Surveys and utility mapping are complete.</p> | | | | |



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| | <p>Serpentine VBFB Station Changeroom - Building of the main structure and internal fittings have been completed, remaining works are to be completed by Facilities team in Q4 including installing door stops, aluminium skirting, racking and aluminium benches.</p> <p>Operations Depot Compliance and Security Upgrade - Key card swipe access is now operational, and two additional security cameras have been installed at the operations depot. With these installations finished, the upgrade is now complete.</p> |
| Remedial Action: | <p>Finalisation of increased scope for Byford VBFB Station to accommodate statutory building code requirements has occurred with extra funding requested for consideration as part of the 2024-25 Budget process.</p> |

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| Action 10: | <p><u>Minor Facility Renewals (2021-22 Carry-Forward)</u></p> <ul style="list-style-type: none"> - Mundijong Landcare Building (electrical wiring and switchboard) - SJ Recreation Centre doors, septic and stage | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | | | | |
| | | Grant funded: | | | |
| Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> | | |
| Comment: | <p>Progress on these projects during the reporting period is outlined below:</p> <p>Mundijong Landcare Building (electrical wiring and switchboard): Currently awaiting quote from Shire tendered electrician. Internal works are unable to be upgraded as they are reliant on the switchboard upgrade.</p> <p>SJ Recreation Centre doors, septic and stage: The Shire tendered builder has been onsite to quote the removal of septic's, backfill the area and empty as required. Procurement has been undertaken, with works anticipated to commence in April 2024. All stakeholders involved have been informed of the upcoming works.</p> <p>SJ Recreation Centre doors and stage have been removed from scope as remedial works have fixed the issues flagged, through repair rather than replacement.</p> | | | | |
| Remedial Action: | <p>Continue to progress projects and work through schedule issues in accordance with the Project Management Framework.</p> | | | | |



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| Action 11: | <u>Minor Facility New (2022-23 Carry-Forward)</u> SJ Community Recreation Centre - Solar PV System | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>The below progress has been made regarding this project during the reporting period:</p> <p>Procurement process was undertaken, and tenders have been evaluated by panel and preferred supplier awarded. Meeting with Contractor and Engineers have inspected all relevant areas and generated the design report for submission to Western Power. Submission has been completed and approval may take up to 6 weeks. The next step after design approval is for Western Power to organise the complex to be set up to the grid, prior to installation. Officers have been advised this can take up to 6 months, and during this time Officers will continue to monitor and communicate with supplier.</p> | | | | |
| Remedial Action: | Continue to progress projects and work through issues in accordance with the Project Management Framework. | | | | |




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| Action 12: | <u>Scrivener Road – Gravel Pit</u> Investigation of gravel pit at Scrivener Road for Shire use. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | During the reporting period, a report has been drafted to present to Council at a future Ordinary Council Meeting, which details the findings of site feasibility investigation, for consideration. | | | | |
| Remedial Action: | A report is progressing to an Ordinary Council Meeting for Council consideration. | | | | |






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| Action 13: | <u>Bike Pump Track Feasibility</u> Undertake a feasibility study for a pump track in Byford. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | Feasibility Study has been completed. A letter has been sent to the Minister of Sport and Recreation Hon David Templeman MLA, requesting to reallocate the election funding commitment from the construction of a nature splash park to a pump track. Consequential amendments will be managed in accordance with the Project Management Framework, in due course. | | | | |
| Remedial Action: | Feasibility Study outcome and the response from Minister of Sport and Recreation Hon David Templeman MLA (once received), will be presented to Council at a future Ordinary Council Meeting. | | | | |

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| Action 14: | <u>Byford Water Monitoring</u> Byford water monitoring including water quantity and quality reporting. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> |
| Comment: | The procurement process commenced during this reporting period. A report will be presented to Council at a future Ordinary Council Meeting, to award the tender, for monitoring to commence. | | | | |
| Remedial Action: | A report will progress to a future Ordinary Council Meeting, for Council to consider award of the tender. | | | | |



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| Action 15: | <p><u>Indigo Parkway</u></p> <p>Create road reservation, prepare detailed design and documentation for future construction.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | |  |  |  | |
| | | Grant funded: | | | |
| | | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> |
| DCP funding | | | | | |
| Comment: | Procurement process is now complete. A report to award the tender is progressing to a future Ordinary Council Meeting and will include an update on project delivery timeframes. | | | | |
| Remedial Action: | A report is progressing to a future Ordinary Council Meeting, to award the tender and update Council on anticipated project delivery schedule. | | | | |

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| Action 16: | <p><u>Hopeland Road Upgrade</u></p> <p>Rehabilitate the existing pavement on Hopeland Road (MRRG) - from south of Karnup Rd to 100m south of Punrak Rd (Section A) and 100m south to 1km south of Punrak Rd (Section B).</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | |  |  |  | |
| | | Grant funded: | | | |
| | | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> |
| MRRG funding | | | | | |
| Comment: | Officers are finalising tender documentation to then proceed with procurement. | | | | |
| Remedial Action: | Variation request and extension of time has been reviewed and approved by Main Roads in December 2023 - 6 months extension ending 31/12/2024 - and amendments are being managed in accordance with the Project Management Framework and are progressing to the Project Board for review and to realign delivery dates in the Corporate Business Plan. | | | | |











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| Action 17: | <p><u>Minor Facility Renewals and Upgrades (Facilities)</u></p> <ul style="list-style-type: none"> - Youth Centre - Landcare Building Refurbishment | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>A progress update on these projects during the reporting period, is as follows:</p> <p>Byford Youth Centre - All surveys and initial designs have been completed. Stakeholders have been engaged for feedback and multiple meetings have been held with the design agency adjusting plans to suit, with a specific focus on disability access and storage. Plans will be finalised for procurement in late May.</p> <p>Mundijong Landcare Building Refurbishment - Work continues with the design and building consultants and Shire tendered builder to align with the like for like building materials recommended by the Heritage Council, to comply with heritage requirements. A full inspection report including the cataloguing of materials is expected in Q4. This will then be utilised by the design consultant to begin initial refurbishment plans.</p> | | | | |
| Remedial Action: | <p>Subsequent amendments to scope or schedules of these projects will be managed in accordance with the Project Management Framework.</p> | | | | |

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| Action 18: | <p><u>Minor Facility Renewals and Upgrades</u></p> <p>Council Chamber Minor Refurbishment.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | - | - | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>This reporting period the procurement for the live streaming technology and associated equipment was completed. The provider has advised that the lead time for the delivery of the equipment is prolonged due to supply shortages from the number of local governments currently implementing the same technology. This means the due date of 30 June for completion of the project is unlikely. The legislative due date for live streaming is 1 January 2025.</p> | | | | |
| Remedial Action: | <p>A project kick of meeting with the provider is scheduled to occur in April. Following this, a new project timeline will be developed, and a revised schedule will be managed in accordance with the Project Management Framework.</p> | | | | |



 The 4 actions identified as **deferred or not proceeding** are:

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| Action 1: | <u>Drainage Waste Material Disposal</u> Removal and disposal of stockpiled waste material and investigation of ongoing solution. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | |  |  |  |  |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | This project is one of 12 recommendations resulting from the Glen Flood Waste Transfer Station Review. During this reporting period, Council agreed to close the recommendations from the Waste Transfer Station Review, given the safety issue and closure of the site. A follow up report to determine the future of the site will be presented at a future Ordinary Council Meeting. | | | | |
| Council Resolution: | OCM068/03/24 | | | | |

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| Action 2: | <u>Waste Transfer Station Planning</u> Undertake detailed site planning to enhance control measures for accepting and processing waste. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | |  |  |  |  |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | This project is one of 12 recommendations resulting from the Glen Flood Waste Transfer Station Review. During this reporting period, Council agreed to close the recommendations from the Waste Transfer Station Review, given the safety issue and closure of the site. A follow up report to determine the future of the site will be presented at a future Ordinary Council Meeting. | | | | |
| Council Resolution: | OCM068/03/24 | | | | |



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| Action 3: | <p><u>West Mundijong Industrial Area - Utility Research Project</u></p> <p>Research to understand the opportunity for servicing solutions for the West Mundijong Industrial Area and 10 (Lot 500) Lampiter Drive, Mardella.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | - | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>During this reporting period, Officers prepared a report which progressed to the April 2024 Ordinary Council Meeting for Council's consideration, recommending the removal of the West Mundijong Industrial Area Utility Research Project from the Corporate Business Plan. This recommendation was influenced by the substantial progress in key infrastructure items and the likelihood of a more traditional servicing solution. The recommendation was endorsed by Council, along with a request to correspond with the Chief Executive Officers of infrastructure WA, Western Power and the Water Corporation to seek their commitment to utility infrastructure identified in Planning Framework.</p> | | | | |
| Council Resolution: | OCM083/04/24 | | | | |

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| Action 4: | <p><u>Byford Memorial Feasibility and Site Selection</u></p> <p>Development of a project proposal to inform the undertaking of a feasibility and site selection study for the relocation of the Doley Road Cenotaph.</p> | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
| Comment: | <p>During the reporting period, the Officer recommendation for the relocation of the cenotaph was presented to Council on 19 February 2024. Based on stakeholder feedback resulting from the community engagement process, Council agreed to retain the Doley Road cenotaph at its current location.</p> | | | | |
| Council Resolution: | OCM025/02/24 | | | | |



The **1** action identified as **on hold** is:

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| Action 1: | <u>Byford Skatepark (Construction of Stage 2)</u> Construct stage 2 of the Byford Skatepark - extension and parkour elements, shade and landscaping. | Status | | | |
| | | Q1 | Q2 | Q3 | Q4 |
| | | | | | |
| | | Grant funded: | | | |
| | | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> |
| DLGSC grant | | | | | |
| Comment: | <p>This project has been put on hold due to the requirements of the Department of Water and Environmental Regulation (DWER) clearing permit process, as previously reported to Council (OCM032/03/24). The Shire has submitted a detailed revegetation plan to offset the clearing and removal of trees within the skate park area for DWER assessment and approval.</p> <p>Until the clearing permit is resolved, construction cannot proceed.</p> | | | | |

Details of the remaining 79 actions **on track** and 11 actions **completed** this reporting period are outlined in **attachment 1**.

Further commentary on these results is provided later in this report under the conclusion.

Corporate Business Plan Amendments

To uphold the principle of an Integrated Planning and Reporting Framework and to ensure the Corporate Business Plan (CBP) remains aligned to the Shire's Annual Budget and other supporting strategies, Officers recommend Council amend the CBP following each quarterly budget review and corporate business plan performance reporting process. Conscious of the requirement to uphold the integrity of reporting against the CBP Key Performance Indicators, the following principles are applied when considering whether to amend the CBP:

1. If there is a Council resolution, projects may be amended to match. This can include amendments to project descriptions, start and finish dates, and milestones. It can also include the removal of a project and the addition of a project.
2. If the project has not commenced for a planned reason (such as awaiting grant funds, recruitment of a resource or the completion of another project), once this dependency is no longer the project can be updated to reflect its new timeline.
3. Any amendments made as a result of quarterly budget reviews and formal change requests approved in accordance with the Project Management Framework are to be reflected.

In line with the above-mentioned principles, the following amendments to the Corporate Business Plan are proposed:



Under Principle One:

- Amendment to Maintenance Schedules Strategic Operating Project milestones, as adopted by Council (OCM068/03/24).
- Amendment to Asset Management Maturity Strategic Operating Project finish date, as endorsed by Council, in accordance with the meeting minutes from the Audit, Risk and Governance Committee Meeting held on 26 February 2024 (OCM032/03/24).
- Removal of the Drainage Waste Material Disposal Strategic Operating Project, as agreed by Council at the March 2024 Ordinary Council Meeting to close the recommendations from the Waste Transfer Station Review, given the safety issue and closure of the site (OCM068/03/24).
- Removal of the Waste Transfer Station Planning Strategic Operating Project, as agreed by Council at the March 2024 Ordinary Council Meeting to close the recommendations from the Waste Transfer Station Review, given the safety issue and closure of the site (OCM068/03/24).
- Removal of West Mundijong Industrial Area – Utility Research Project Strategic Operating Project, as noted by Council at the April 2024 Ordinary Council Meeting (OCM083/04/24).
- Removal of the Byford Memorial Feasibility and Site Selection Strategic Operating Project, as agreed by Council to retain the Doley Road cenotaph at its current location at the February 2024 Ordinary Council Meeting (OCM025/02/24).

Under Principle Two:

- Amendment to Briggs Precinct Masterplan Strategic Operating Project finish date, and Q4 milestone. Commencement of this project was subject to recruitment of a Community Project Specialist, which occurred late in Q2. As this recruitment dependency is no longer, the project has been updated to reflect its new timeline, which aligns with the related 'Expansion of SJ Recreation Centre – Briggs Park' project finish date.
- Amendment to Expansion of SJ Recreation Centre – Briggs Park. Commencement of this project was subject to recruitment of a Community Project Specialist, which occurred late in Q2. As this recruitment dependency is no longer, the project description has been updated to reflect this.

Under Principle Three:

- Nil.

These amendments are detailed in tracked changes at **attachment 2**.

Corporate Business Plan Key Performance Indicators

The Corporate Business Plan 2023-27 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 80% of road projects planned to be constructed are delivered
3. Improvement is seen in all key result areas of the community perceptions survey
4. Improvement is seen in the Performance Index Score of the Employee Scorecard Survey
5. Financial Sustainability – maintain a financial health indicator above 70.



A progress update on each KPI, including a projected end of year result, is provided below for the Council to note.

KPI 1: 80% of strategic operating projects are completed by their due date

Projected Result: 67% (12/18)

Comment:

The Corporate Business Plan 2023-27 contains 22 Strategic Operating Projects due between 1 July 2023 to 30 June 2024. Of these, as at 31 March:

- ten (10) are on track;
- three (3) are flagged as 'at risk / behind schedule;
- two (2) have been completed on time;
- three (3) have not been completed by their due date; and
- four (4) are 'deferred or not proceeding'.

The projected result for this KPI is 67% (12/18), which assumes:

- The four (4) projects reported 'deferred or not proceeding' in accordance with resolutions of Council are removed and are excluded from the calculation.
- The ten (10) projects reported on track in this report, remain on track and are completed by their due dates.
- The following one (1) project 'at risk or behind target' will get back on track in a future reporting period for the following reasons:
 - Bike Pump Track Feasibility project - will be realigned in accordance with the Project Management Framework, pending the outcome of a request for funding reallocation with the State Government.
- The following two (2) projects identified as 'at risk or behind target' in this report (Scrivener Road Gravel Pit and Byford Water Monitoring) do not get back on track.
- The following two (2) Strategic Operating Projects have been completed by their due date:
 - Disability Access and Inclusion Plan 2022-27 (due 30 September 2023, completed 18 September 2023).
 - Major Review – Strategic Community Plan (due 31 March 2024, completed 23 March 2024)
- The following three (3) Strategic Operating Projects have not been completed by their due date:
 - Hypergrowth Road Priorities (due for completion on 30 September 2023, completed 31 October 2023)
 - Heritage Park Business Case (due for completion on 30 September 2023, completed 18 March 2024)
 - Future development at Lampiter Drive, Mardella (due for completion 31 December 2023)



KPI 2: 80% of road projects planned to be constructed are delivered

Projected Result: 93% (14/15)

Comment:

There are ten (10) major capital road projects and five (5) minor capital road projects due to be constructed by 30 June 2024. Of these, four (4) are 'on track', one (1) is 'at risk or behind schedule' and the following ten (10) projects are complete:

Major Capital Road Projects complete:

- Whitby Street, Mundijong
- Larsen Road Upgrade
- Baskerville Road Upgrade
- Gossage Road Upgrade
- Mundijong Road Upgrade

Minor Capital Road Projects complete:

- Nicholson Road and Foxtan Drive
- Briggs Road Rehabilitation (SLK 0.7 to 1.11)
- Nettleton Road Rehabilitation
- Tuart Road, Oakford
- Falls Road Bollards Installation

The projected result for this KPI is 93% (14/15) which assumes:

- One (1) project identified as 'at risk or behind target' in this report (Hopeland Road Upgrade) does not get back on track.
- The four (4) projects reported on track in this report, remain on track and are completed by their due dates.

KPI 3: Improvement is seen in all key result areas of the community perceptions survey

Comment: Not applicable – the survey is carried out biannually and is not due again until 2024-25.

KPI 4: Improvement is seen in the Performance Index Score of the Employee Scorecard Survey

Comment: Not applicable – the employee survey is conducted biannually and is not due again until 2024-25.

KPI 5: Financial Sustainability – maintain a financial health indicator above 70

Comment: 75 for the 2022-23 financial year.

A result for 2023-24 will be reported on completion of the financial year, subject to completion of the audited financials.



Options and Implications

Option 1

That Council:

1. NOTES the performance report against the 2023-27 Corporate Business Plan for the period 1 January to 31 March 2024 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2023-27 as outlined in this report and **attachment 2**.

There are no implications associated with this option.

Option 2

That Council:

1. NOTES the performance report against the 2023-27 Corporate Business Plan for the period 1 January to 31 March 2024 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2023-27 as outlined in this report and **attachment 2**.

Refer to Risk Implications for the implications associated with this option.

Option 1 is recommended.

Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 16% of actions are currently 'at risk or behind target', 79% are 'on track or complete', 4% are 'deferred or not proceeding' and 1% of actions 'on hold'. The projected result for KPI 1 is currently behind target, however this is expected to recover and the projected result to rise in Q4 due to several agenda papers scheduled to progress to Council for consideration. It is anticipated that presentation of these reports will realign project delivery timeframes where required, or see projects removed as they are no longer recommended to proceed. Pleasingly, 10 road projects have already been completed to date, from a total of 15 road projects due for delivery. Therefore, KPI 2 is on track to achieve the target by the end of the financial year. The organisational pivot to appoint an Executive Manager Operations role within the organisation structure for a two-year period, provides confidence that moving forward the right structure is in place to improve performance in these key areas. This role will be a member of the Executive Management Group and has the Manager of Operations, Manager Waste and Fleet and Manager Facilities reporting to them.

Attachments (available under separate cover)

- **10.3.8 - attachment 1** – Corporate Business Plan 2023-27 Performance Report 1 January to 31 March 2024 (E24/6196)
- **10.3.8 - attachment 2** – Corporate Business Plan 2023-27 Quarter Three Review – Tracked Changes (E24/5935)



Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

There are no financial implications associated with the Officer Options.

Risk Implications

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|---|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no significant risks associated with Option 1. | | | | | | |
| 2 | If Council do not adopt the CBP, this will result in documents that are not aligned with the annual budget. This will create a fragmented environment for the Shire to operate in. | Existing Corporate Business Plan 2023-27 2023-24 Annual Budget | Organisational Performance | Unlikely | Minor | LOW | Nil. |



Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

OCM138/05/24

COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Duggin, seconded Cr Jerrett

That Council

- 1. NOTES the performance report against the 2023-27 Corporate Business Plan for the period 1 January to 31 March 2024 as contained in this report and attachment 1.**
- 2. ADOPTS the amendments to the Corporate Business Plan 2023-27 as outlined in this report and attachment 2.**

CARRIED 6/1

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
President Coales, Councillors Bishop, Duggin, Jerrett, Mack and Mazzini voted FOR the motion.
Councillor Byas AGAINST the motion.*



10.4 Community Engagement reports:

| | |
|--|--|
| 10.4.1 - Head Lease of State Forest No.22 Between Conservation and Land Management Executive Body and the Shire of Serpentine Jarrahdale Lease No.2102/97 (SJ514) | |
| Responsible Officer: | Community Projects Specialist |
| Senior Officer: | Director Community Engagement |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider a lease agreement with the Conservation and Land Management Executive Body to lease a portion of reserve located in Jarrahdale for communications purposes.

Relevant Previous Decisions of Council

| |
|--|
| <p><i>Ordinary Council Meeting – 27 November 2000 – CRSM12 – Council Decision/Officer Recommended</i></p> <p>a) <i>To enable the progression of the Jarrahdale Mast, associated infrastructure and use by eligible service providers, Council delegates authority to the Shire President and Chief Executive Officer to execute associated documentation.</i></p> <p>b) <i>As the matter relates to associated infrastructure and use by eligible service providers it is further recommended that where the Chief Executive Officer feels it is necessary, then legal and professional advice should be obtained prior to any documentation associated with Jarrahdale Mast being executed.</i></p> <p>c) <i>Any community service providers who wish to access the mast for communication facilities under any other arrangement than that demonstrated in the Master Plan should be referred to Council for approval prior to any arrangement being entered into.</i></p> <p>d) <i>Future users of the mast must demonstrate to the satisfaction of the Chief Executive Officer that what they are proposing is in line with the overall Mast Master Plan and that it will not interfere with existing users of the mast.</i></p> |
|--|

Background

The Shire has a lease agreement under holding over with the Conservation and Land Management Executive Body for a portion of the forest near Jarrahdale, which benefits from elevation for the purpose of telecommunications.



The monopole which encompasses a 120m telecommunications tower, was erected on the premises by the Shire of Serpentine Jarrahdale.

The subject lease area is contained within a fenced off enclosure and forms a part of a larger parent holding.

The agreement term was for a period of 10 years, commencing on 1 November 2000 and expiring on 31 October 2010, with two further terms of five years each. Expiry after these options were 31 October 2020. As the rent figure is subject to annual CPI, the rent figure paid for 1 November 2023 to 31 October 2024 was \$24,983.53.

An assessment was prepared by Landgate on 10 November 2022 based on market rent and was in the order of \$35,000 per annum plus outgoings and GST.

The Shire has a sub lease agreement under holding over with Telstra for an area of 10.2m², \$27,500 per annum.

The Shire has a sub lease agreement under holding over with Optus Mobile Pty Ltd for an area of 18.0m², \$15,656.50 per annum.

The Shire has a sub lease agreement under holding over with WA Police for \$4,028.83 per annum.

The Shire has been approached to renew these agreements, which should not proceed until the head lease is executed.

Community / Stakeholder Consultation

The Department of Biodiversity, Conservation and Attractions (DBCA) in the development of the new lease agreement.

Shire Officers have received correspondence from existing sub-lessees. Shire Officers advised that the Shire would await finalisation of the head lease prior to consideration of sub-leases with third parties.

Statutory Environment

- *Conservation and Land Management Act 1984*
- *Telecommunications Act 1997*
- *Local Government Act 1995*
- *Land Administration Act 1997*

Associated Council Policies

- Council Policy 5.1.3 – Lease and Licence Management
- Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal

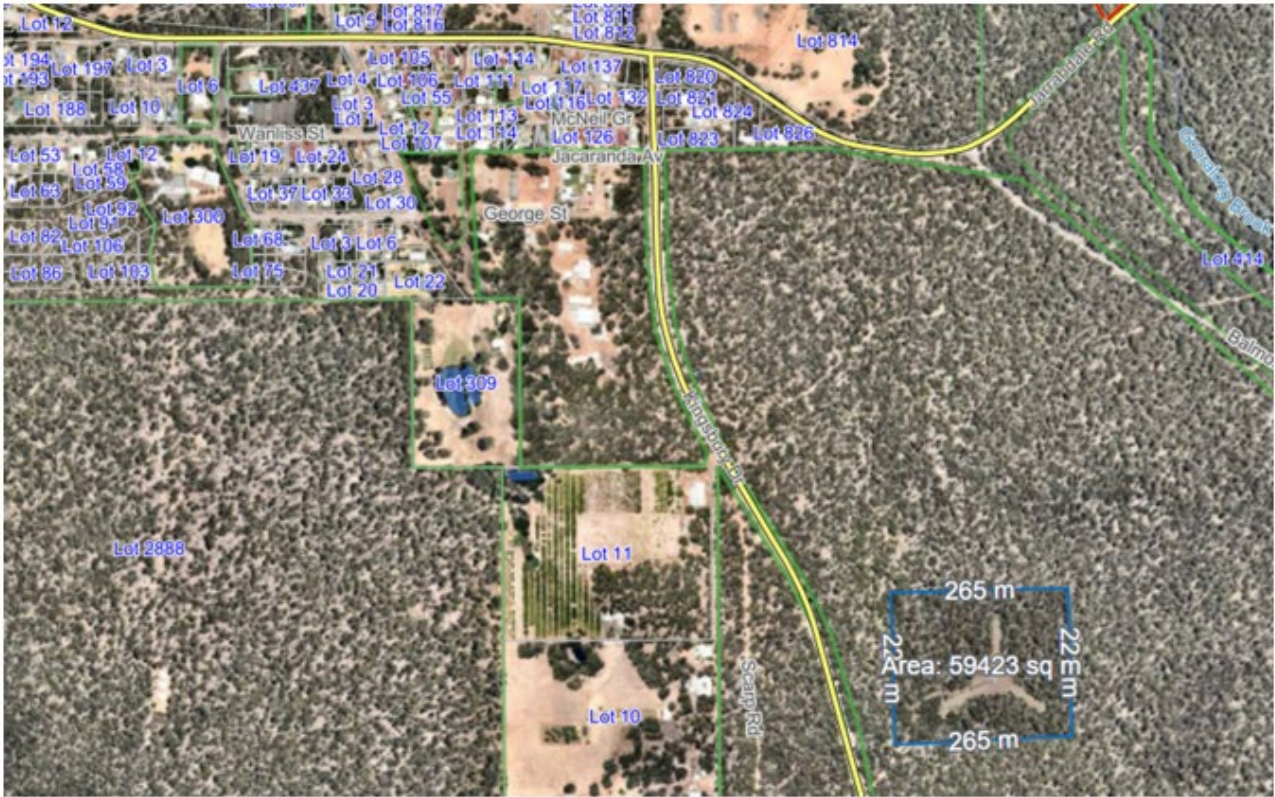
Comment

The term of the proposed head lease is for 25 years, with commencement dates to be provided by the DBCA.

The developed infrastructure on the leased area is a telecommunications mast. The Shire is responsible to undertake maintenance and upkeep of the site. This includes maintaining fencing and firebreaks.



The proposed lease agreement is enclosed at **attachment 1**.



Licensed Area – Aerial



Licensed Area – Ground View

Options

Option 1

That Council AUTHORISES the Chief Executive Officer to engross the Lease between the Shire of Serpentine Jarrahdale and Conservation and Land Management Executive Body on the following terms.

| | |
|----------------|---|
| Term: | 25 years |
| Area: | Part of reserve area totalling 22514.59 sqm |
| Rent: | \$35,000.00 for first year |
| Reviews: | Annual fixed increase of 3%, also subject to crown land reviews |
| Permitted Use: | Telecommunications |

Option 2

That Council DOES NOT AUTHORISE the Chief Executive Officer to engross the Lease between the Shire of Serpentine Jarrahdale and Conservation and Land Management Executive Body.

Option 1 is recommended.



Conclusion

The Shire has previously had a lease agreement with the Conservation and Land Management Executive Body for a portion of the Forest in the Jarrahdale townsite for the purposes of Telecommunications.

It is standard practice that the Conservation and Land Management Executive Body lease Local Governments to use land like this as telecommunications and that local governments are authorised to undertake sub lease arrangements with third parties for the use of the telecommunications tower.

Finalising the head lease arrangements with the Conservation and Land Management Executive Body will allow the Shire to finalise sub-lease arrangements with third parties.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Proposed lease agreement between Conservation and Land Management Executive Body and the Shire of Serpentine Jarrahdale (E24/5052)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 4. Ensure sustainable and optimal use of Shire resources and finances |
| Liveable |
| 4. Invest in facilities and amenities to meet current and future needs |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |

Financial Implications

Rent

Rent for each year of the Lease on and from the Commencement Date is \$35,000.00 to be increased on each Fixed Rent Review Date, by 3% and subject to Crown Land Rent Reviews.

| Year | Lease Fee |
|------|-------------|
| 1 | \$35,000.00 |
| 2 | \$36,050.00 |
| 3 | \$37,132.00 |
| 4 | \$38,245.00 |
| 5 | \$39,393.00 |
| 6 | \$40,575.00 |
| 7 | \$41,792.00 |
| 8 | \$43,046.00 |
| 9 | \$44,337.00 |
| 10 | \$45,667.00 |



| Year | Lease Fee |
|-------------|------------------|
| 11 | \$47,037.00 |
| 12 | \$48,448.00 |
| 13 | \$49,902.00 |
| 14 | \$51,399.00 |
| 15 | \$52,941.00 |
| 16 | \$54,529.00 |
| 17 | \$56,165.00 |
| 18 | \$57,850.00 |
| 19 | \$59,585.00 |
| 20 | \$61,373.00 |
| 21 | \$63,214.00 |
| 22 | \$65,110.00 |
| 23 | \$67,064.00 |
| 24 | \$69,076.00 |
| 25 | \$71,148.00 |

Income

Council Policy 5.1.3 Lease and Licence Management states rent for subleases must be equal to the headlease. Following execution of the head lease, Shire Officers will undertake review of outstanding sub leases for the site.

Outgoings

The Shire of Serpentine Jarrahdale manages the building insurance policy and the premium is approximately \$2,000 per annum.

The Shire of Serpentine Jarrahdale manages the electricity account and invoices the sub leasees for proportionate usage.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|-------------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no significant risks associated with this option. | | | | | | |
| 2 | Council does not approve the head lease which means sub lease arrangements cannot be finalised. | Council Policy 5.1.3 Lease and Licence Management | Strategic Stakeholder Relationships | Rare | Minor | LOW | Option 1 |

Voting Requirements: Simple Majority

OCM139/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council **AUTHORISES** the Chief Executive Officer to engross the Lease between the Shire of Serpentine Jarrahdale and Conservation and Land Management Executive Body on the following terms.

Term: 25 years

Area: Part of reserve area totalling 22514.59 sqm

Rent: \$35,000.00 for first year

Reviews: Annual fixed increase of 3%, also subject to crown land reviews

Permitted Use: Telecommunications

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



Councillor Nathan Bishop declared an Impartiality Interest in item 10.4.2.

Councillor Morgan Byas declared an Impartiality interest in item 10.4.2 – Bushfire Advisory Committee (BFAC) Minutes and Discussion Paper – The Impact of Cardup Career Fire Station and then Extension of the Metropolitan Gazetted Fire District (SJ648). The nature of the interest is the alternate recommendation has introduced an advocacy point. The extent of the interest is Councillor Morgan Byas will be a candidate in the 2025 state election.

| | |
|--|--|
| 10.4.2 - Bushfire Advisory Committee (BFAC) Minutes and Discussion Paper - The Impact of Cardup Career Fire Station and the Extension of the Metropolitan Gazetted Fire District (SJ648). | |
| Responsible Officer: | Coordinator Emergency Services |
| Senior Officer: | Director Community Engagement |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the minutes of the Bush Fire Advisory Committee (BFAC) Meeting held on 18 April 2024 and consider the specific item and recommendation of the BFAC, pertaining to the Discussion Paper - The Impact of Cardup Career Fire Station and the Extension of the Metropolitan Gazetted Fire District.

Relevant Previous Decisions of Council

| |
|---|
| <p><i>Ordinary Council Meeting – 21 August 2023 – OCM215/08/23 – COUNCIL RESOLUTION / Bush Fire Advisory Committee Recommendation / Officer Recommendation - extract</i></p> <p><i>That Council:</i></p> <p>3. REQUESTS the Chief Executive Officer to:</p> <p>a. INVESTIGATE where other local governments have implemented changes to their Volunteer Bushfire Brigades as a result of a new Career Fire Station and work with the brigades to understand the impacts and options available, and</p> <p>b. PRESENT a discussion paper to Bush Fire Advisory Committee following the investigations.</p> |
|---|



Background

DFES has commenced construction of a 24/7/365 career fire and rescue station, named Cardup Fire Station, to be operational in late 2024. Due to this planned establishment and the subsequent adjustments to the Metropolitan Gazetted Fire District boundaries, Emergency Services response in the Shire is set to undergo significant changes.

At the August 2023 meeting, Council requested the Chief Executive Officer to investigate where other local governments have implemented changes to their Volunteer Bushfire Brigades as a result of a new Career Fire Station and work with the brigades to understand the impacts and options available and present a Discussion Paper back to the Bush Fire Advisory Committee.

Community / Stakeholder Consultation

Shire Officers have undertaken the following engagement and consultation in the development of the Discussion Paper:

- Department of Fire and Emergency Services.
- Chief Bushfire Control Officer/Community Emergency Service Managers from other local governments.
- Review of Shire's Volunteer Brigade activities and turnout statistics, as well as other local government area brigade turnout statistics.
- Presented to the Bush Fire Advisory Committee at its meeting held on Thursday, 18 April 2024.

Statutory Environment

- *Bushfires Act 1954*
- *Work Health and Safety Act 2020*
- *Fire Brigades Act*
- *Emergency Management Act 2005*
- *Fire and Emergency Services Act 1998*

Comment

The establishment of the Cardup Career Fire and Rescue Service (CFRS) in Byford and the extension of the Metropolitan Gazetted Fire District (MGFD) into the northern part of the Shire will bring about significant changes to emergency responses in the Shire of Serpentine Jarrahdale (the Shire). There are plans for a 24/7/365 CFRS to be operational by late 2024, resulting in adjustments to MGFD boundaries.

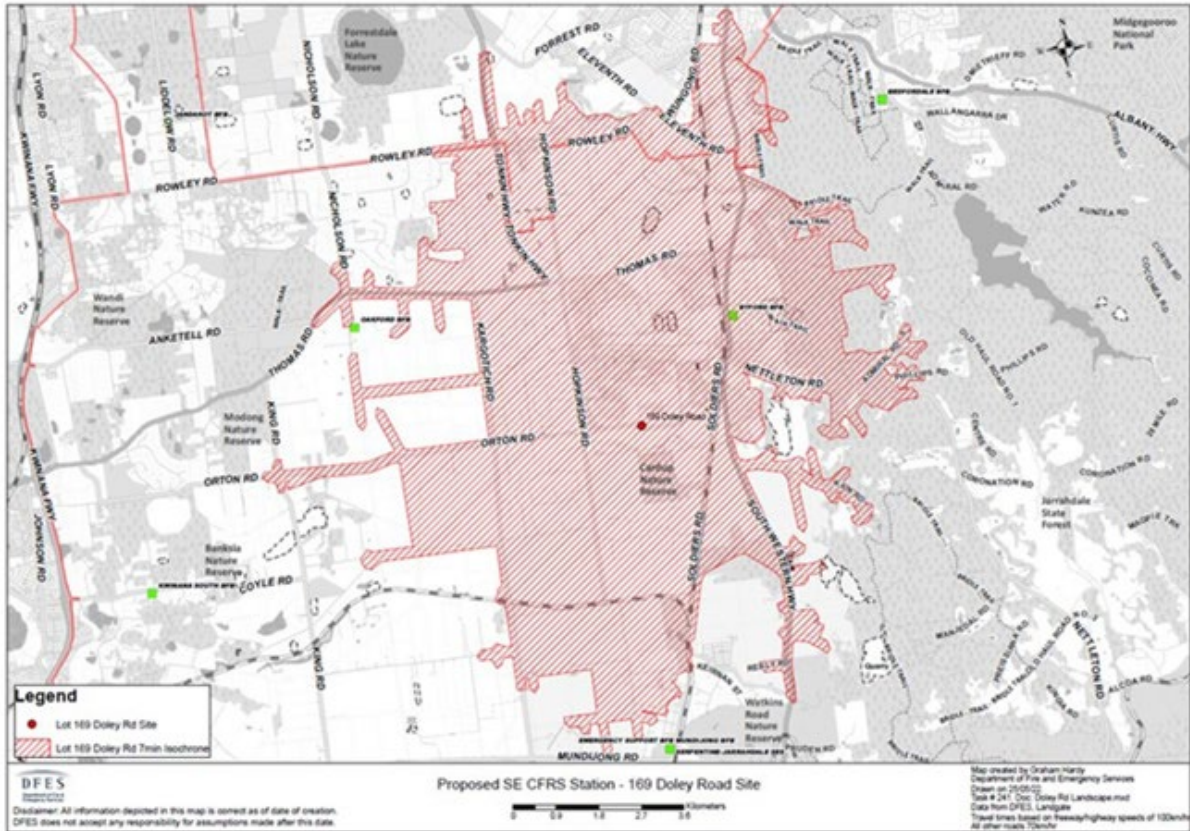


Figure 1 - Cardup Career Fire Station 7 Minute Isochrone

This may result in a comprehensive remapping of brigade response areas, a review of volunteer bushfire brigade distribution, and a reassessment of roles and responsibilities. This strategic task and the associated engagement and collaboration with affected brigades, is intended to produce a clear understanding of Brigade response areas and seamless integration of response activities. There is also opportunity to build supporting relationships in respect of skill development between the CFRS and volunteer brigades, creating enhanced skill development and joint response arrangements to occur for local incidents.

The impacts on prominent Shire brigades, such as Byford, Oakford, and Mundijong Bush Fire Brigades (BFB), does necessitate a strategic approach to volunteer attraction and retention. The CFRS, for example, does not cover the full remit of prevention, preparedness, response and recovery arrangements as they pertain to, inter alia, bushfire events. Considering the bushfire prone landscape of the Shire and increasing rural urban interface that presents a high risk of bushfire impact, there is an important focus that includes prevention and preparedness - this is a particular focus for the Shire's volunteer brigades, as well as incident response currently. What this looks like into the future once the CFRS arrives is an important consideration to define. These matters are explored further in the Discussion Paper titled Impact of Cardup Career Fire Station and the Extension of the Metropolitan Gazetted Fire District, provided at **attachment 2**.



The Discussion Paper considers the following matters:

- Background and Issues
- Current situation
- Impacts to Shire Brigades of the new Cardup Career Fire Station
- Previous examples of where career fire stations have been established in local government areas resulting in changes to the MGFD
- Recommendations

Based on the matters presented in the Discussion Paper, the following recommendations have been identified:

Recommendation 1

The Shire undertakes a governance review of the Shire's Emergency Services Team to ensure the governance structure delineate roles and responsibilities, ensuring accountability and effective decision-making within the team, management of volunteers as well as the management of emergency response.

Recommendation 2

The Shire undertakes a review of its volunteer bush fire brigade distribution and a review of the 20 Year Facilities Plan for the Shire's six Bush Fire Brigades, Emergency Support Brigade and SES Unit to identify opportunities to optimise resource allocation, facility investment and/or rationalisation, streamline operational procedures, and enhance overall emergency response capabilities.

Recommendation 3

The Shire undertakes a comprehensive remapping of volunteer bush fire brigade response areas to ensure a clear understanding of brigade response areas and seamless integration of services with the CCFS coming online.

Recommendation 4

The Shire undertakes a review of bush fire brigade roles and responsibilities, in consultation with the volunteer bush fire brigades, and explore opportunities for reassignment or additional training to accommodate any changes resulting from the remapping and rationalisation process, as well as opportunities for enhanced prevention and preparedness functions, to support volunteer attraction and retention.

Recommendation 5

The Shire undertakes a Volunteer Survey of the Shire's six Bush Fire Brigades and Emergency Support Brigade volunteers.

Following presentation of the Discussion Paper to the Bush Fire Advisory Committee, the following amendments/motions were passed relating to the Discussion Paper:



Resolution

REQUESTS the Chief Executive Officer write to the DFES Commissioner requesting DFES establish Memorandums of Understanding between DFES and the affected volunteer brigades to support a successful integration of the Cardup Career Fire Station and the Shires Volunteer Brigades prior to the Career Station opening.

Officer Comment

Shire Officers are supportive of the resolution.

Resolution

Request that the Shire of Serpentine Jarrahdale Chief Executive Officer creates a working group comprising of all key stakeholders to discuss and provide potential arrangements for how SJ bushfire brigades will be utilized once Cardup CFRS station is operational and the changes to the new MGF D is established.

This will include but not limited to:

- 1. Bushfire brigade response during the high threat period (HTP)*
- 2. Bushfire brigade response outside of HTP & structure fire*
- 3. Arrangements during the construction of Tonkin Hwy extension*
- 4. Mitigation activity within the new MGF D*
- 5. Effective and efficient use of bushfire brigades to ensure interest, morale and subsequently membership is kept viable once Cardup CFRS is operational.*

The working group will be made up of the following representatives:

- 1. Shire of Serpentine Jarrahdale*
- 2. Department of Fire and Emergency Services*
- 3. Byford BFB*
- 4. Oakford BFB*
- 5. Mundijong BFB*
- 6. CESM Serpentine Jarrahdale*
- 7. Any other representative the CEO feels necessary.*

Purpose of the working group is to ensure that prior to Cardup CFRS station becoming operational in late 2024 there is clear understanding by all relevant stakeholders what their responsibilities are and how the Shires bushfire brigades will continue to remain relevant.

Officer Comment

Shire Officers have liaised with DFES regarding the establishment of a working group. DFES have indicated their support for a working group which would help foster the relationship between the Cardup Career Fire Station and the Shire's volunteer Bush Fire Brigades and establish the responsibilities of volunteer Bush Fire Brigades. DFES have advised the working group should be established by the local government. An alternate recommendation is proposed by Officers:



REQUESTS the Chief Executive Officer establish a working group in liaison with DFES to help foster the relationship between the new Cardup Career Fire Station and the Shire's volunteer Bush Fire Brigades and establish the responsibilities of volunteer Bush Fire Brigades and present a Terms of Reference for the working group back to Council for endorsement.

Options

Option 1

That Council:

1. RECEIVES the Bush Fire Advisory Committee Meeting Minutes as at **attachment 1**.
2. RECEIVES the discussion paper "The Impact of Cardup Career Fire and Rescue Service Station and the Extension of the Metropolitan Gazetted Fire District" provided at **attachment 2**.
3. REQUESTS the Chief Executive Officer implement the following recommendations, subject to funding allocations in the 2024/25 Budget:
 - Undertakes a governance review of the Shire's Emergency Services Team to ensure the governance structure delineate roles and responsibilities, ensuring accountability and effective decision-making within the team, management of volunteers as well as the management of emergency response.
 - Undertakes a review of its volunteer bush fire brigade distribution and a review of the 20 Year Facilities Plan for the Shire's six Bush Fire Brigades, Emergency Support Brigade and SES Unit to identify opportunities to optimise resource allocation, facility investment and/or rationalisation, streamline operational procedures, and enhance overall emergency response capabilities.
 - Undertakes a comprehensive remapping of volunteer bush fire brigade response areas to ensure a clear understanding of brigade response areas and seamless integration of services with the CCFS coming online.
 - Undertakes a review of bush fire brigade roles and responsibilities, in consultation with the volunteer bush fire brigades, and explore opportunities for reassignment or additional training to accommodate any changes resulting from the remapping and rationalisation process, as well as opportunities for enhanced prevention and preparedness functions, to support volunteer attraction and retention.
 - Undertakes a Volunteer Survey of the Shire's six Bush Fire Brigades and Emergency Support Brigade volunteers.
 - Writes to the DFES Commissioner requesting DFES establish Memorandums of Understanding between DFES and the affected volunteer brigades to support a successful integration of the Cardup Career Fire Station and the Shires Volunteer Brigades prior to the Career Station opening.
 - Establish a working group in liaison with DFES to establish responsibilities and help foster the relationship between the new Cardup Career Fire Station and the Shire's volunteer Bush Fire Brigades. Terms of Reference for the working group to be prepared and presented to Council for consideration.



Option 2

That Council:

1. RECEIVES the 18 April 2024 Bush Fire Advisory Committee Meeting Minutes as at **attachment 1**.
2. RECEIVES the discussion paper “The Impact of Cardup Career Fire and Rescue Service Station and the Extension of the Metropolitan Gazetted Fire District” provided at **attachment 2** and takes NO FURTHER ACTION at this time.

Option 1 is recommended.

Conclusion

The establishment of the Cardup Career Fire and Rescue Service (CFRS) in Byford and the extension of the Metropolitan Gazetted Fire District (MGFD) into the northern part of the Shire will bring about significant changes to emergency responses in the Shire of Serpentine Jarrahdale (the Shire). There are plans for a 24/7/365 CFRS to be operational by late 2024, resulting in adjustments to MGFD boundaries. This may result in a comprehensive remapping of brigade response areas, a review of volunteer bushfire brigade distribution, and a reassessment of roles and responsibilities.

The Discussion Paper and identified recommendations provide a strategic approach to facilities planning, resource allocation and volunteer engagement. These recommendations are aimed at ensuring there is a shared agreement and understanding of how the volunteer brigades will operate within the proposed Metropolitan Gazetted Fire District boundary to support them to continue their pivotal role as part of the Shire’s ongoing preparedness, response, management, and mitigation of emergencies in the district.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** –Bush Fire Advisory Committee Meeting Minutes - 18 April 2024 (E24/5300)
- **10.4.2 - attachment 2** - Discussion Paper - The Impact of Cardup Career Fire Station and the Extension of the Metropolitan Gazetted Fire District (E24/1239)

Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |
| Liveable |
| 4. Invest in facilities and amenities to meet current and future needs |
| Connected |
| 3. Empower the community to engage with the Shire and collaborate on matters that are important to them |



Financial Implications

Implementation of some of the recommendations will require Officer time, while some recommendations will require additional funding to implement, which will be submitted for consideration as part of the 2024/25 Budget process.

Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|---|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | The Shire does not have financial resources to implement the recommendations from the Discussion Paper, or the implementation of the recommendation/s is delayed. | Relevant Business Cases to be submitted as part of the 2024/25 Budget Process to assist in delivery | Organisational Performance | Possible | Minor | MODERATE | |
| 2 | The Shire does not adequately plan for the new Cardup Career Fire Station, and this negatively impacts on the role of its local brigades, causing frustrations or dissatisfaction from brigades towards the Shire. | Current engagement with brigades by DFES and the Shire | Reputation | Likely | Moderate | SIGNIFICANT | Option 1 |



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. RECEIVES the Bush Fire Advisory Committee Meeting Minutes as at attachment 1.
2. RECEIVES the discussion paper “The Impact of Cardup Career Fire and Rescue Service Station and the Extension of the Metropolitan Gazetted Fire District” provided at attachment 2.
3. REQUESTS the Chief Executive Officer implement the following recommendations, subject to funding allocations in the 2024/25 Budget:
 - Undertakes a governance review of the Shire’s Emergency Services Team to ensure the governance structure delineate roles and responsibilities, ensuring accountability and effective decision-making within the team, management of volunteers as well as the management of emergency response.
 - Undertakes a review of its volunteer bush fire brigade distribution and a review of the 20 Year Facilities Plan for the Shire’s six Bush Fire Brigades, Emergency Support Brigade and SES Unit to identify opportunities to optimise resource allocation, facility investment and/or rationalisation, streamline operational procedures, and enhance overall emergency response capabilities.
 - Undertakes a comprehensive remapping of volunteer bush fire brigade response areas to ensure a clear understanding of brigade response areas and seamless integration of services with the CCFS coming online.
 - Undertakes a review of bush fire brigade roles and responsibilities, in consultation with the volunteer bush fire brigades, and explore opportunities for reassignment or additional training to accommodate any changes resulting from the remapping and rationalisation process, as well as opportunities for enhanced prevention and preparedness functions, to support volunteer attraction and retention.
 - Undertakes a Volunteer Survey of the Shire’s six Bush Fire Brigades and Emergency Support Brigade volunteers.
 - Writes to the DFES Commissioner requesting DFES establish Memorandums of Understanding between DFES and the affected volunteer brigades to support a successful integration of the Cardup Career Fire Station and the Shires Volunteer Brigades prior to the Career Station opening.
 - Establish a working group in liaison with DFES to establish responsibilities and help foster the relationship between the new Cardup Career Fire Station and the Shire’s volunteer Bush Fire Brigades. Terms of Reference for the working group to be prepared and presented to Council for consideration.



OCM140/05/24

COUNCIL RESOLUTION

That Council:

Moved Cr Bishop, seconded Cr Duggin

That Council:

- 1. RECEIVES the Bush Fire Advisory Committee Meeting Minutes as at attachment 1.**
- 2. RECEIVES the discussion paper “The Impact of Cardup Career Fire and Rescue Service Station and the Extension of the Metropolitan Gazetted Fire District” provided at attachment 2.**
- 3. REQUESTS the Chief Executive Officer implement the following recommendations, subject to funding allocations in the 2024/25 Budget:**
 - Undertakes a governance review of the Shire’s Emergency Services Team to ensure the governance structure delineate roles and responsibilities, ensuring accountability and effective decision-making within the team, management of volunteers as well as the management of emergency response.**
 - Undertakes a review of its volunteer bush fire brigade distribution and a review of the 20 Year Facilities Plan for the Shire’s six Bush Fire Brigades, Emergency Support Brigade and SES Unit to identify opportunities to optimise resource allocation, facility investment and/or rationalisation, streamline operational procedures, and enhance overall emergency response capabilities.**
 - Undertakes a comprehensive remapping of volunteer bush fire brigade response areas to ensure a clear understanding of brigade response areas and seamless integration of services with the CCFS coming online.**
 - Undertakes a review of bush fire brigade roles and responsibilities, in consultation with the volunteer bush fire brigades, and explore opportunities for reassignment or additional training to accommodate any changes resulting from the remapping and rationalisation process, as well as opportunities for enhanced prevention and preparedness functions, to support volunteer attraction and retention.**
 - Undertakes a Volunteer Survey of the Shire’s six Bush Fire Brigades and Emergency Support Brigade volunteers.**
 - Writes to the DFES Commissioner requesting DFES establish Memorandums of Understanding between DFES and the affected volunteer brigades to support a successful integration of the Cardup Career Fire Station and the Shires Volunteer Brigades prior to the Career Station opening.**
 - Establish a working group in liaison with DFES to establish responsibilities and help foster the relationship between the new Cardup Career Fire Station and the Shire’s volunteer Bush Fire Brigades. Terms of Reference for the working group to be prepared and presented to Council for consideration.**
- 4. REQUESTS the Chief Executive Officer include the funding of outstanding facilities upgrades to the Byford and Jarrahdale Fire Stations, and any other later identified facilities upgrades to any other of the Shire’s Fire Stations, as priorities for the 2025 State and Federal Government elections.**



Continued

**Ordinary Council Meeting Minutes
Monday, 20 May 2024**

CARRIED UNANIMOUSLY 7/0

Reason for difference to Officer Recommendation:

To ensure the Local Government utilises all avenues available to provide funding for much needed brigade facilities upgrades.



10.4.3 - Peel Regional Trails Funding Agreement and Memorandum of Understanding with Peel Development Commission (SJ3261)

| | |
|--|--|
| Responsible Officer: | Jarrahdale Trail Coordinator |
| Senior Officer: | Director Community Engagement |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider the Memorandum of Understanding (the MOU) between the Shire and the Peel Development Commission (the Grantee) for the managing of a Commonwealth Grant for the Peel Regional Trails Program for the purpose of assisting the Shire to undertake the Gooralong Trail Precinct – New Car Park Upgrade (the Project).

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 21 June 2021 – OCM154/06/21 - COUNCIL RESOLUTION / Officer Recommendation – **extract***

That Council:

- 1. RECEIVES the draft Jarrahdale Trail Town Business Case*

Background

In May 2023, the \$8M Peel Regional Trails Program (the Funding) was confirmed by the Federal Government, inviting the Shire to present a funding application for the Project.

The two projects in the Shire to receive funding commitments through the \$8M Peel Regional Trails Program are:

- Gooralong Trail Precinct – New Car Park Upgrade - \$750,000 (excl GST)
- Jarrahdale Horse Trails - \$1,153,620 (excl GST)

The Project will be delivered by the Shire, while the Jarrahdale Horse Trails, which includes construction of two horse trails (including 1 x easy classification trail of at least 3km and 1 x moderate classification trail of at least 15 km) will be delivered and acquitted by the Department of Biodiversity Conservation and Attractions (DBCA).

The Funding was part of the Priority Community Infrastructure Program (PCIP) designed to deliver the Federal Government’s 2022 election commitments for community infrastructure and eligible community development grants programme.



The Project submitted by the Shire was part of numerous projects which were also submitted by DBCA, Shire of Boddington, City of Mandurah, and Shire of Waroona. It was agreed that the Peel Development Commission (PDC) would act as the Grantee on behalf of the five project owners.

The Grantee signed a standard grant agreement with the Commonwealth for the Funding, executed on Wednesday, 24 April 2024 (the Agreement – **attachment 1**).

The Grantee has developed the MOU with the Shire for the Project (**attachment 2**).

The Project consists of an upgrade to the car park at the Gooralong Trail Precinct, near the Jarrahdale Cemetery and Kitty's Gorge trailhead (**attachment 3**).

Community / Stakeholder Consultation

Shire Officers have met with the PDC on numerous occasions to assist in finalising arrangements for the \$8 million funding agreement between the Federal Government and the PDC.

Statutory Environment

Nil.

Comment

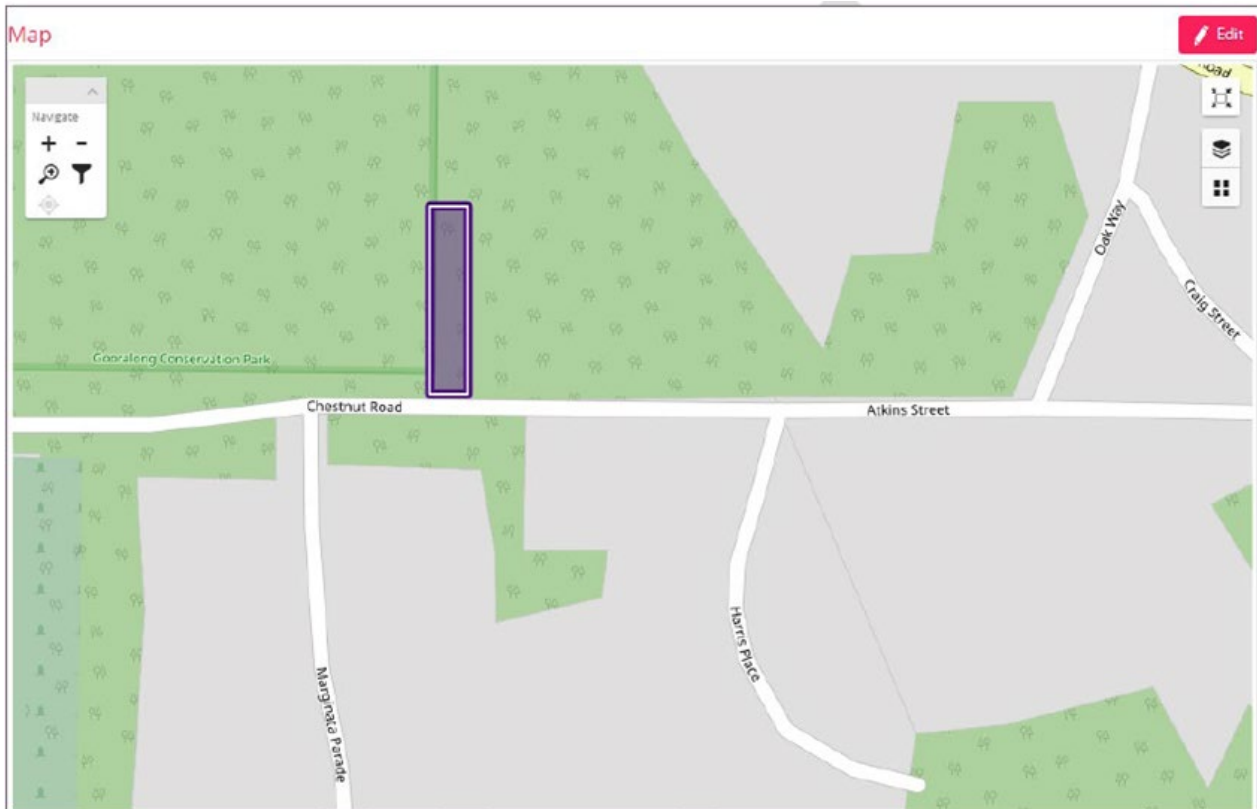
Project mandate

The project mandate is provided in the following Council strategic documents:

- Jarrahdale Trail Town Business Case endorsed by Council in October 2021 (OCM286/10/21) – recommendation 10.1 identifies the need to upgrade the amenities and car parking at Kitty's Gorge Trail head in Jarrahdale.
- Tourism Strategy endorsed by Council in October 2018 (OCM8.1.1/10/18) – identifies that trails planning, and development will be informed by other key publications and strategies, including the Peel Tourism Economic Development Infrastructure Strategy which identifies this project as a component of the 'Serpentine NP Trails Upgrade' project.

Location

The Project is located on a Shire Reserve off Atkinson Street, Jarrahdale.



The Project will help address the current issue of parking overflow, pedestrian movement and traffic management associated with the increase of visitors to Kitty's Gorge trail and Stacey's Loop trail in Jarrahdale by expanding the parking area on the Shire's Reserve, off Atkins Street, Jarrahdale, by 32 additional new parking bays. This will increase the parking capacity of the area by 54%.

The Project will also contribute to the Shire of Serpentine Jarrahdale's investment in Trails Tourism and long-term strategy for Jarrahdale to achieve Trail Town accreditation, capitalising on existing marketable assets to bring visitors to town and build the capacity of the local community, including through new economic development opportunities.

Funding Agreement with Peel Development Commission

The Grantee signed a standard grant agreement with the Commonwealth for the Funding, executed on Wednesday, 24 April 2024 (the Agreement – **attachment 1**).

The Grantee has developed an MOU to be executed between the Grantee and the Shire for the Project (**attachment 2**).

Once the Shire has signed the MOU, the PDC will pay the startup payment to the Shire, which will allow the project to commence and continue to be managed and delivered in accordance with the Shire's Project Management Framework.



Options

Option 1

That Council:

1. NOTES the Funding Agreement between Peel Development Commission and the Commonwealth Government for the \$8M Peel Regional Trails Program, as contained at **attachment 1**.
2. AUTHORISES the Chief Executive Officer to execute the Memorandum of Understanding for the Gooralong Trail Precinct Carpark Upgrade between Peel Development Commission and the Shire, as contained at **attachment 2**.
3. APPROVES the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|----------------------|---|----------|-----------|
| 6400-NEW-4828-0000 | Increase Revenue | Gooralong Trails Precinct – New Car Park Upgrade – Grant-Capital- Peel Development Commission | | 750,000 |
| 6400-NEW-6600-0000 | Increase Expenditure | Gooralong Trails Precinct – New Car Park Upgrade | 750,000 | |
| Reason: Budget Variation to recognise the Funding for the Project | | | | |

4. NOTES that Department of Biodiversity Conservation and Attractions will deliver and acquit the Jarrahdale Horse Trails Project.

Option 2

That Council:

1. NOTES the Funding Agreement between Peel Development Commission and the Commonwealth Government.
2. DOES NOT AUTHORISE the Chief Executive Officer to execute the Memorandum of Understanding about the Gooralong Trail Precinct Carpark Upgrade between Peel Development Commission and the Shire.
3. REQUESTS the Chief Executive Officer to inform Peel Development Commission that the Shire declines the funding opportunity from the Commonwealth Government to deliver the Gooralong Trail Precinct Carpark Upgrade.

Option 1 is recommended.

Conclusion

The Gooralong Trail Precinct – New Car Park Upgrade will help address the current issue of parking overflow, pedestrian movement and traffic management associated with the increase of visitors to Kitty's Gorge trail and Stacey's Loop trail in Jarrahdale.

By signing the MOU with the PDC, it will allow initiate the funding agreement payments to the Shire to progress the Project.



Delivery of the project will consolidate the reputation of the Shire among other Local Government leading investments to establish the region as a tourism destination.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Executed Standard Grant Agreement (E24/5428[v2])
- **10.4.3 - attachment 2** – Peel Regional Trails Project - Memorandum of Understanding (E24/5615[v2])
- **10.4.3 - attachment 3** – Gooralong Trail Precinct Car Park Design (E23/12902)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 3. Strengthen and grow the local tourism industry |
| Liveable |
| 2. Improve maintenance and investment in roads and paths |
| 3. Preserve and enhance our natural places, parks, trails and reserves |
| Connected |
| 2. Contribute to a well-connected, accessible and health community |

Financial Implications

Funding agreement

The MOU states the amount of \$750,000 (ex. GST) to deliver the Project. The Funding is to be paid in multiple tranches based on agreed milestones (table below).

| Deliverable | Payment details and timing | Amount \$ |
|-------------------------------------|-------------------------------------|------------------|
| Start-up payment | Upon execution | \$120,000 |
| Public request for tender commenced | Upon acceptance of milestone report | \$50,000 |
| Construction commenced | Upon acceptance of milestone report | \$121,850 |
| 50% of project scope complete | Upon acceptance of milestone report | \$280,100 |
| 90% of project scope complete | Upon acceptance of milestone report | \$103,050 |
| Acquittal Payment | Upon acceptance of acquittal report | \$75,000 |
| Total payment | | \$750,000 |



Ongoing maintenance costs

Ongoing maintenance costs are estimated at \$29,332 over 4 years.

| Financial Year | Cost |
|-----------------------|-------------|
| 24/25 | \$7,100.96 |
| 25/26 | \$7,253.28 |
| 26/27 | \$7,409.68 |
| 27/28 | \$7,570.16 |



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|---|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | The Shire is unable to meet project milestones, as per the funding agreement with PDC. | Project has been developed in accordance with the Shire's Project Management Framework | Organisational Performance | Likely | Minor | MODERATE | Monitoring and reporting of Project to continue in accordance with the Shire's Project Management Framework |
| 2 | If the Shire does not sign the MOU, it would not be able to access the \$750,000 and would have to explore other funding avenues to deliver the Project | Development of Jarrahdale Trails Business Plan and Tourism Strategy, which identify the need for this project | Financial | Unlikely | Moderate | MODERATE | Option 1 |



Voting Requirements: Simple Majority

OCM141/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. **NOTES** the Funding Agreement between Peel Development Commission and the Commonwealth Government for the \$8M Peel Regional Trails Program, as contained at attachment 1.
2. **AUTHORISES** the Chief Executive Officer to execute the Memorandum of Understanding for the Gooralong Trail Precinct Carpark Upgrade between Peel Development Commission and the Shire, as contained at attachment 2.
3. **APPROVES** the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--------------------|----------------------|--|----------|-----------|
| 6400-NEW-4828-0000 | Increase Revenue | Gooralong Trails Precinct – New Car Park Upgrade – Grant- Capital- Peel Development Commission | | 750,000 |
| 6400-NEW-6600-0000 | Increase Expenditure | Gooralong Trails Precinct – New Car Park Upgrade | 750,000 | |

Reason: Budget Variation to recognise the Funding for the Project

4. **NOTES** that Department of Biodiversity Conservation and Attractions will deliver and acquit the Jarrahdale Horse Trails Project.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.4.5 - Council Policy Review - 1.1.10 - Civic Events and Civic Awards

| | |
|--|--|
| Responsible Officer: | Manager Community Activation |
| Senior Officer: | Director Community Engagement |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is to enable Council to consider adopting the revised *Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre*, which also includes a retitling of this policy to *Council Policy 1.1.10 - Civic Events and Civic Awards*.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 March 2024 - OCM051/03/24 - COUNCIL RESOLUTION / GME002/01/24

That this meeting of ratepayers recommends that the Shire makes no change from 26 January for Australia Day unless the Australian Government makes a change, and the conduct of Naturalisation Ceremonies on Australia Day will continue.

Ordinary Council Meeting – 19 February 2024 - OCM025/02/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the stakeholder engagement and consultation that has occurred since the 2023 Anzac Day services.*
- 2. RESOLVES to host the 2024 Anzac Day ceremony, being a Processional March and Commemorative Service, in Mundijong.*
- 3. NOTES that the review of Council Policy 1.1.10 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre will be presented to Council at a future meeting as a separate report, incorporating recommendations for Anzac Day service delivery outlined in this report.*
- 4. AGREES to retain the Doley Road cenotaph at its current location.*
- 5. REQUESTS Chief Executive Officer advise relevant stakeholders, including the RSL Serpentine Jarrahdale Sub-Branch, of the endorsed location for the Shire's 2024 Anzac Day ceremony and work with these stakeholders to deliver Anzac Day commemorations for 2024.*

Ordinary Council Meeting – 20 February 2023 – OCM033/02/23 - COUNCIL RESOLUTION - extract



That Council:

3. *NOTES the rotation as outlined in Council Policy 1.1.10-Civic Functions, Ceremonies and Receptions and Use of the Civic Centre has not been achieved and REQUESTS the Chief Executive Officer undertake a policy review in consultation with stakeholders, post the Anzac Day 2023 commemorations.*

Background

Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre. contains details pertaining to:

- Approval of civic functions, ceremonies, and receptions;
- Establishment of the purpose for hosting functions and events relevant to civic or ceremonial occasions;
- Use of the Shire’s Civic Centre.

The current policy is included as **attachment 1**.

In February 2023, Council resolved to undertake a review of *Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre*, in consultation with Anzac Day stakeholders as the policy outlines delivery detail for the annual Anzac Day ceremony.

Council further noted at the February 2024 Ordinary Council Meeting, the outcomes of community consultation processes for Anzac Day undertaken since this time. The revised policy is included as **attachment 2** to this report, incorporating feedback received through the consultation processes.

Community / Stakeholder Consultation

Policy Concept Forum

| | |
|--------------------------------------|---|
| Meeting Date | 6 May 2024 |
| Elected Members in Attendance | President Coales, Cr Bishop, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini |

| | |
|--------------------------------------|--|
| Meeting Date | 29 January 2024 |
| Elected Members in Attendance | President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack |

| | |
|--------------------------------------|--|
| Meeting Date | 27 November 2023 |
| Elected Members in Attendance | President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack |



Statutory Environment

Section 2.7 of the *Local Government Act 1995* provides that the role of Council is to ‘determine the local government’s policies’. The amendment, adoption or rescindment of any Council Policy must therefore be resolved by Council.

Comment

The Shire is committed to celebrating and promoting civic pride within our community. To fulfill this objective, the Shire delivers a variety of Civic Events and offers Civic Awards to cultivate positive relationships between the community and Council, connect the community in celebration, and recognise and celebrate individual and community achievements. Collectively, these are referred to as Civic Activities.

Amendments have been made to the policy to provide clear guidance to Shire Officers in the implementation and expected standard of Civic Activities.

Key amendments to the Council Policy are summarised below. Overall, no change to the Policy intent or key detail is proposed, rather alignment of the Policy to current practice and Civic Activities now delivered:

| Key Amendment | Purpose of Amendment |
|---|--|
| Title change from: ‘Civic Functions, Ceremonies and Receptions and Use of the Civic Centre’ To: ‘Civic Events and Civic Awards.’ | Improved description that better outlines intent of the Policy. |
| Inclusion of five overarching categories of Civic Event or Civic Awards. | Greater clarification on what would adequately constitute a Civic Event or Award. As individual/annual circumstances may arise where consideration to a Civic activity may be occur, the proposed policy amendments allow for a more defined framework to ensure any proposal aligns with the intent of Civic Activities defined in the Policy. |
| Improved outline of processes and roles of Council and Executive when planning and delivering Civic Events or Civic Awards. | To ensure lines of responsibility and required processes between Council and Administration are set under the terms of the Policy. |
| Specific details for each Civic Event or Civic Award delivered by the Shire (per category). | Ensuring all Civic Events and Awards currently delivered are included and well defined within the Policy. These are listed per category, to ensure alignment with the proposed categories, with an additional 4 incorporated: <ul style="list-style-type: none"> • National Medal and Awards Ceremony • Emergency Services Awards Dinner |



| | |
|---------------------|---|
| | <ul style="list-style-type: none"> • Community Citizens of the Year/Auspire Awards • Clem Kentish Award <p>Specific Civic Event details that have changed are:</p> <ul style="list-style-type: none"> • Staff Christmas Event - removed, as not a Civic Event. • Australia Day detail incorporated under relevant category sections, e.g.: National Award Medals and Citizenship Ceremony delivered on 26 January. <p>Specific detail for each civic event is outlined to ensure annual budget and resourcing considerations are aligned to Policy parameters. Policy detail also includes processes for approving other Civic Events/Awards not defined in Policy (ad-hoc or one off events)</p> |
| Definitions updated | To align with proposed amendments. |

The current policy is included as **attachment 1** for comparative purposes. The revised policy, which includes a new policy name, is included as **attachment 2**.

Options

Option 1

That Council ADOPTS the revised Council Policy 1.1.10 - Civic Event and Civic Awards, as contained in **attachment 2**.

Option 2

That Council REQUESTS the following revisions to the revised Council Policy 1.1.10 - Civic Event and Civic Awards, as contained in **attachment 2**:

[Amendments to be specified by the Elected Member moving the motion]

Option 1 is recommended.

Conclusion

A review of Council Policy 1.1.10 has been undertaken in consultation with key stakeholders, with proposed amendments being presented for Council’s consideration.

Officers recommend adopting the revised policy, which includes the change in title from *Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre*, to *Council Policy 1.1.10 - Civic Events and Civic Awards*.

Attachments (available under separate cover)

- **10.4.5 - attachment 1** – Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre – Current Policy (E17/11747)
- **10.4.5 - attachment 2** – Council Policy 1.1.10 – Civic Events and Civic Awards - Revised Policy (E23/9395)



Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| Connected |
| 2. Contribute to a well-connected, accessible and healthy community |
| 3. Empower the community to engage with the Shire and collaborate on matters that are important to them |
| 4. Facilitate an inclusive community that celebrates our history and diversity |

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|----------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no significant risks associated with option 1 | | | | | | |
| 2 | If Council does not adopt or rescind the revised Policies, the Shire will continue to have out of date Policies and will not achieve the policy review schedule. This may be looked unfavourably on at future regulation 17 reviews. Additionally, outdated policies increase risks associated with compliance and efficiencies as they may not address the current operational environment. | Nil | Organisational Performance | Possible | Minor | MODERATE | Option 1 |

Voting Requirements: Simple Majority

OCM142/05/24

COUNCIL RESOLUTIONS / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council ADOPTS the revised Council Policy 1.1.10 - Civic Event and Civic Awards, as contained in attachment 2.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.5 Executive Services reports:

Councillor Morgan Byas declared an Impartiality Interest in item 10.5.1.

| | |
|---|--|
| 10.5.1 - Update on Advocacy for 2025 State and Federal Government Elections (SJ4117) | |
| Responsible Officer: | Chief Executive Officer |
| Senior Officer: | Chief Executive Officer |
| Disclosure of Officer's Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

Report Purpose

The purpose of this report is to update Council on the progress and actions made in advocacy for the next State and Federal Government elections and seek Council's endorsement of the priorities for Hypergrowth Road Advocacy.

Relevant Previous Decisions of Council

| |
|--|
| <p><i>Ordinary Council Meeting – 19 June 2023 – OCM121/06/23 - COUNCIL RESOLUTION / SUBSTANTIVE MOTION</i></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. RECEIVES the report Election Commitment Priorities prepared by GRA Partners at attachment 1. 2. ENDORSES the recommendations for priorities for the upcoming State and Federal Government Elections in 2025 as follows: <ol style="list-style-type: none"> a. Hypergrowth Road upgrades; b. Expansion of the SJ Recreation Centre with two additional Basketball Courts; c. Caravan Park and Visitors Centre at Jarrahdale on Lot 814 Millers Road. 3. REQUESTS the Netball Courts at Keirnan Park Recreation Precinct be reconsidered as a potential election priority once the water issues for Stage 1 A are resolved. 4. REQUESTS the Chief Executive Officer include funding to progress the following election priorities in the draft 2023/24 FY budget for Councils consideration: <ol style="list-style-type: none"> a. Hypergrowth Road Upgrades Peer Review of Road Priorities; b. Planning for the Expansion of the SJ Recreation Centre to include two additional Basketball Courts; c. Caravan Park and Trails Centre in Jarrahdale. d. Netball Courts at Keirnan Park. |
|--|



5. REQUESTS the Chief Executive Officer present the feasibility and potential development of a Regional Destination Playground and Public Open Space area as a major initiative for Councils consideration in the Strategic Community Plan and the review of the Corporate Business Plan occurring later in 2023.

Ordinary Council Meeting – 11 December 2023 – OCM315/12/23 – COUNCIL RESOLUTION / Officer Recommendation

That Council NOTES:

1. This report on the Shire President and Chief Executive Officer delegation to Canberra and participation in National Growth Areas Alliance events.
2. The approach to be used to advocate for funding of Council's election priorities with the Federal Government moving forward.

Background

Since Council adopted these priorities, the following meetings have occurred, in addition to regular meetings with the Member for Darling Range Hugh Jones MLA:

- Simon McGurk – Minister for Training and Workforce Development; Water; Industrial Relations.
- David Templeman – Minister Culture and the Arts; Sport and Recreation; International Education; Heritage.
- Andrew Hastie – Federal Member for Canning.
- Rita Saffioti - Deputy Premier; Treasurer; Minister for Transport; Tourism regarding Mundijong Road and Election Priorities.
- Presentation to the Board of the Peel Development Commission on election priorities.
- Premier Roger Cook in the Shire (arranged by Hugh Jones MLA) to inspect the Serpentine Jarrahdale Recreation Centre upgrade project.
- Senator Linda Reynolds regarding election priorities and opportunity for trails in Jarrahdale to work in with Veterans Transition Centre and the opportunity to relocate 10th Light Horse Organisation into the Shire.
- Matthew Swinbourn MLC Member for South East Metro Region regarding election priorities.

Community / Stakeholder Consultation

There has been no consultation with the community on the election priorities as a list.

Consultation with community and stakeholders is occurring as required as part of the feasibility and project planning for individual election priorities and will be reported to Council when those projects are considered.

Statutory Environment

The Shire does not currently have a Travel Policy. Shire officers are proposing to draft a Travel Policy prior to November for Council's consideration.



Comment

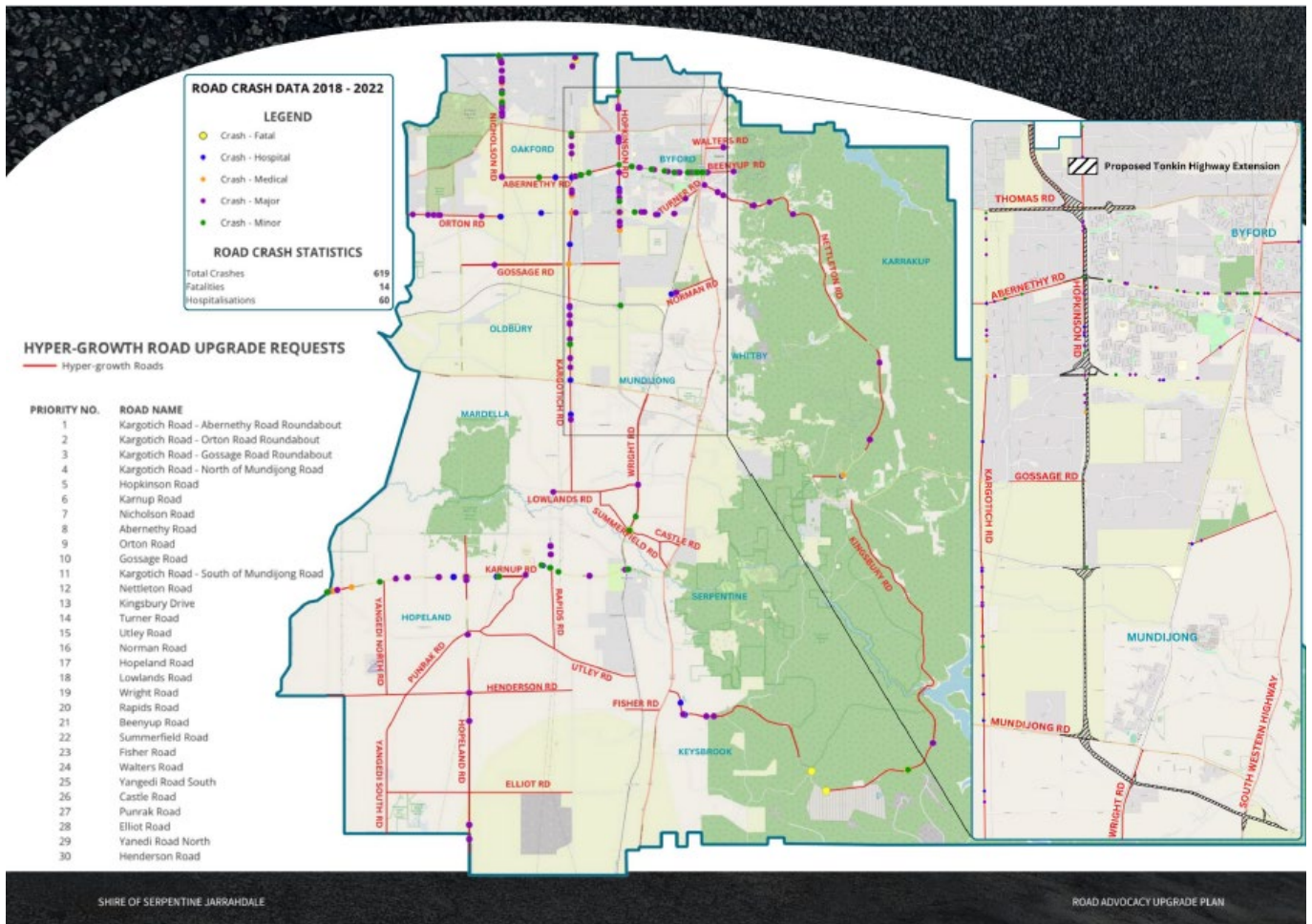
Below is a status update on each of the four election priority projects.

Hypergrowth Road Upgrades

In September 2023, the Shire engaged a consultant to prepare a Road Upgrade Advocacy Plan. The plan prioritised road project upgrades based on a number of select criteria. The criteria consisted of:

- Annual average daily traffic volumes;
- Crash statistics; and
- Road surface condition data.

The plan was finalised in October 2023 and identified 30 upgrade projects (as shown below) and presented to Council at the December 2023 OCM as per **Attachment 1**.



Based upon feedback received in Canberra, Officers reviewed and reprioritised the roads to identify projects which were closely aligned with the Tonkin Highway extension project. This aligns with the feedback received that the Federal Government will fund “corridors of projects” not individual one off projects.

These projects will be directly impacted by traffic from the Tonkin Highway extension. Of the original 30 projects, a revised list of 9 projects was identified at a total cost of \$41.1Mil. These projects are shown below:



| PRIORITY | ROAD NAME | DETAILS | COST |
|-----------------|---|--|-------------------|
| 1 | Kargotich Road- Abernethy Road intersection | Transformation of the intersection of Kargotich Road and Abernethy Road to a roundabout | \$4.7 Mil |
| 2 | Kargotich Road-Orton Road intersection | Transformation of the intersection of Kargotich Road and Orton Road to a roundabout | \$5.8 Mil |
| 3 | Kargotich Road- Gossage Road intersection | Transformation of the intersection of Kargotich Road and Gossage Road to a roundabout | \$3.5 Mil |
| 4 | Kargotich Road North of Mundijong Road | From Orton Road to Mundijong Road - SLK 6.44 to 7.96 and 8.46 to 13.01, excluding Gossage Rd intersection proposed roundabout works (Priority 3) | \$7.0 Mil |
| 5 | Hopkinson Road | From 400m North of Orton Road to Shire boundary (200m North of Gloaming Way), excluding sections involved in the Tonkin Hwy extension - SLK 4.05 to 5.45, 5.75 to 6.32 and 6.92 to 8.42. | \$2.6 Mil |
| 6 | Nicholson Road | From Thomas Road to Abernethy Road – SLK 2.78 to 4.87 | \$1.9 Mil |
| 7 | Abernethy Road | From Hopkinson Road to Nicholson Road – SLK 3.43 to 8.09 | \$5.8 Mil |
| 8 | Orton Road | From Casuarina Road to 1.80km East of King Road – SLK 0.00 to 3.70 | \$4.7 Mil |
| 9 | Gossage Road | From Hopkinson Road to 270m West of Bournbrook Avenue and 350m West of Kargotich Road to King Road – SLK 0.00 to 1.51 and 2.39 to 6.28. | \$5.1 Mil |
| | | TOTAL COST | \$41.1 Mil |

It is recommended to make these the priorities for the Hypergrowth Road upgrade election commitments. Attempts will be made to seek a contribution from both the Federal and State Governments towards these priorities.

Alternatively, Council could not endorse this shortened list and resolve that advocacy occur with the entire list of projects of some other priority list of road upgrades.



SJ Community Recreation Centre expansion

Otium Consultants have been engaged to undertake the concept for the Serpentine Jarrahdale Recreation Centre expansion and the Briggs Park overall master plan.

The Concept Plan will include 2 additional indoor courts, associated amenities and external parking expansion options.

The initial project meetings have taken place and a Stakeholder Engagement Plan has been developed. Stakeholder Engagement for all clubs and user groups commenced in March.

Environmental and site, and feature survey work is also being undertaken to inform the outcome of the expansion concept.

A briefing on the project is scheduled for elected members in May 2024 and the project is on track to have concept designs and costing estimates completed by September 2024.

Caravan Park and Visitors Centre at Lot 814 Jarrahdale

The feasibility previously undertaken recommended focusing stage 1 of this project on the development of the Trails Centre in Jarrahdale. The feasibility indicated that if a Trails Centre could be delivered, the private sector could be attracted to develop the caravan park on the remainder of the site.

The conceptual design for the Trails Centre has advanced with the engagement of S2 Architects, who visited the Shire of Serpentine Jarrahdale in February to survey the site. This also provided the opportunity to reaffirm project objectives, key drivers of success, historical context, trail town priorities, operational model priorities, space considerations etc. Time was also spent on the ground, which is central to helping shape a unique place based response.

Furthermore, a stakeholder workshop involving the Peel Development Commission and Tourism WA was conducted to enhance insights into the motivations behind tourism-related structures like Visitor Centres, and the current tourism landscape in Western Australia, particularly concerning interstate and international visitors seeking trail-related activities.

Following the above, a draft concept design and operational plan has been prepared which will be briefed to Council at a forthcoming PCF. The concept is being approached on a staged basis, given the ultimate outcome is likely to not be feasible if attempted to be delivered in one single stage. The idea of staging also provides flexibility around when each stage ought to be delivered, based on the operational intent to be able to have a facility that is capable of generating income to address its ongoing operations and depreciation.

Netball -Keirnan Park Stage 1C

Otium Planning Group Consultants have been engaged to undertake needs assessment and concept design for the netball facilities at Keirnan Park, known as Stage 1C. Scope includes stakeholder engagement, completion of a needs analysis, preparation of cost estimates and development of a concept plan for delivery of the project in 2 stages.

Stage 1 will include delivery of 6 netball courts, services, access road, pavilion, change rooms, toilet facilities and part of the carparking. Stage 2 of the project will deliver 9 netball courts and an extension to the carparking. All courts will be covered, have lighting and line marked for multipurpose use.

Project kick off has been completed and consultant is currently finalising stakeholder engagement to commence needs assessment and concept development phases. Delivery of the consultant scope and timeline is as noted below:



| | Start | Completion |
|---|---|-----------------------------|
| Phase 1: Project inception | March 5 th 2024 | March 5 th 2024 |
| Phase 2: Situation Analysis | March 5 th 2024 onwards | End March 2024 |
| Phase 3: Facility Audits | March 12 th 2024 | End March 2024 |
| Phase 4: Community and stakeholder engagement | March 19 th 2024 | End June 2024 |
| Phase 5: Needs Assessment (Hold Point) | 19 th March 2024 | 8 th April 2024 |
| Phase 6: Scenario Planning and Recommendations | 8 th April 2024 | 22 nd April 2024 |
| Phase 7: Concept Plan Development (Hold Point) | 8 th April 2024 | 6 th May 2024 |
| Phase 8: Draft and Final Netball Needs Assessment and Concept Plan Report | 27 th May 2024 (draft Delivered) 24 th June (Final Agreed) | 24 th June 2024 |

It is anticipated that the concept plan and costings will be available by end of June 2024 for Council to consider.

Advocating for Community and Other Priorities

Whilst this list of election priorities remains the focus for funding requests to the State and Federal Government for the 2025 elections, this does not, and has not, precluded the Shire from advocating for other outcomes. For example, the Shire is working with the City of Rockingham to advocate for Mundijong Road to be handed over and made a State Government road.

Furthermore, the Shire can offer support for other community led election priorities including, for example, the advocacy the Byford and Districts Country Club is undertaking for an expansion of their facility. These will be considered on a case-by-case basis.

Regional Advocacy

Advocacy of these priorities is also occurring as part of the activities of the Peel Regional Leaders Forum and Regional Development Australia Peel.

National Growth Areas Alliance Canberra event

The Shire President and CEO attended a National Growth Areas Alliance forum in Canberra in November 2023. A report on the outcomes of this delegation was presented to Council in December 2023.

The National Growth Areas Alliance are holding a National Congress in Penrith NSW in May. Officers do not see a lot of value in attending this congress to advocate for election priorities. (**attachment 2**).



NGAA will be holding another event in Canberra this year (planned for 21 November) to launch their election priorities. This presents an ideal time for the Shire President and Chief Executive Officer to undertake a second delegation to Canberra to attend this event and meet with Federal politicians to advocate for the Shire's election priorities.

Officers have advised the NGAA the Shire only have resources to attend one delegation to Canberra annually. The NGAA have advised this being the case, this particular event would be their suggested priority to attend.

Therefore, it is proposed the same format would occur as previous delegation being:

- Shire pay for airfares, accommodation and transport for the Shire President and CEO.
- Shire President and CEO pay for other costs in accordance with Council Policy (to be developed).
- A report be presented to Council following the delegation outlining the costs and outcomes of the delegation.

This report seeks Council approval for this delegation to occur as it is in Canberra and allows other meetings to be arranged.

Options

Option 1

That Council:

1. NOTES the actions on advocacy to date.
2. ENDORSES the list of 9 roads as prioritised in this report for Hyper-Growth Road upgrades associated with Tonkin Highway works as the priorities for the 2025 State and Federal Government election.
3. NOTES the progress being made on the development and planning for other election priorities endorsed by the Council as outlined in the report.
4. APPROVES the Shire President and Chief Executive Officer attend the upcoming National Growth Areas Alliance event in Canberra in November to launch the election priorities in accordance with Council's Travel Policy (to be developed prior to November).

Option 2

That Council:

1. NOTES the actions on advocacy to date.
2. ENDORSES the list of 9 roads as prioritised in this report for Hyper-Growth Road upgrades associated with Tonkin Highway works as the priorities for the 2025 State and Federal Government election.
3. NOTES the progress being made on the development and planning for other election priorities endorsed by the Council as outlined in the report.

Option 3

That Council:

1. NOTES the actions on advocacy to date.



2. RESOLVES to advocate for the complete list of Hyper-Growth Road upgrades identified in **attachment 1**.
3. NOTES the progress being made on the development and planning for other election priorities endorsed by the Council as outlined in the report.

Option 1 is recommended.

Conclusion

Over recent months good progress has been made advocating for Council's election priorities. From now until the State and Federal Government elections more will be done.

As planning and feasibility work for individual election priorities are finalised, project details will be presented to Council for consideration.

Officers believe that prioritising the list of roads to be advocated for assists. Endorsement from Council of the list of priority roads is required.

Attendance on a yearly basis to an event in Canberra is considered a reasonable and effective use of Shire resources particularly leading up to a Federal Government election. Officers believe this is most effective and has most access to meetings with Federal members of parliament as part of a National Growth Areas Alliance meeting rather than other events such as Australian Local Government Association. On this basis this is also presented to Council for consideration.

Further updates on advocacy activities will occur over the coming months.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Long list of Road Projects (E24/6166)
- **10.5.1 - attachment 2** – Letter to Shire President from NGAA (IN24/9922)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment |
| Liveable |
| 1. Advocate for public transport and focus on connectivity within communities |
| 4. Invest in facilities and amenities to meet current and future needs |
| Connected |
| 1. Invest in community recreation and support local clubs and groups to increase opportunities for participation |
| 2. Contribute to a well-connected, accessible and health community |



Financial Implications

The costs of feasibility and project planning is incorporated into the existing 2023/24 FY budget. Costs of advocacy to date are being sourced from GL 1000-10110-6383-0000 as part of the 2023/24 FY budget.

The costs associated with advocacy including proposed Canberra delegation if agreed upon by Council will be included in the 2024/25 FY budget.

The additional resources allocated to the Communications team by Council at the midyear budget review is providing the additional resources needed to plan, coordinate and support Advocacy activities. Officers will be requesting this additional resource be allocated as part of the 2024/25 Financial Year Budget in part to assist with advocacy.

Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|---|----------|-------------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no risks associated with this option. | | | | | | |
| 2 | By not attending the National Growth Areas Alliance National Congress, the Shire may not be as successful in advocating for its election priorities. | Advocacy | Strategic Stakeholder Relationships | Possible | Moderate | MODERATE | Option 1 |
| 3 | By not attending the National Growth Areas Alliance National Congress, the Shire may not be as successful in advocating for its election priorities. Advocating for all the roads rather than the shortened list of priority may not be an | Advocacy | Strategic Stakeholder Relationships | Possible | Moderate | MODERATE | Option 1 |



| | | | | | | | |
|--|-------------------------------|--|--|--|--|--|--|
| | appropriate advocacy strategy | | | | | | |
|--|-------------------------------|--|--|--|--|--|--|

Voting Requirements: Simple Majority

OCM143/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council:

1. **NOTES** the actions on advocacy to date.
2. **ENDORSES** the list of 9 roads as prioritised in this report for Hyper-Growth Road upgrades associated with Tonkin Highway works as the priorities for the 2025 State and Federal Government election.
3. **NOTES** the progress being made on the development and planning for other election priorities endorsed by the Council as outlined in the report.
4. **APPROVES** the Shire President and Chief Executive Officer attend the upcoming National Growth Areas Alliance event in Canberra in November to launch the election priorities in accordance with Council’s Travel Policy (to be developed prior to November).

CARRIED 5/2

In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:
President Coales, Councillors Bishop, Duggin, Jerrett and Mazzini voted FOR the motion.
Councillors Byas and Mack voted AGAINST the motion.



10.5.2 - Peel Regional Leaders Forum Minutes (SJ1350)

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

Authority / Discretion

| | |
|-------------|--------------------------|
| Information | For the Council to note. |
|-------------|--------------------------|

Report Purpose

The purpose of this report is to enable Council to note the minutes of the Peel Regional Leaders Forum (PRLF) meeting held on 19 April 2024.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The PRLF was established in 2010 to provide a vehicle for the coordination and prioritisation of project funding across the Peel Region. Its membership comprises the local governments of the Region (the City of Mandurah and the Shires of Boddington, Murray, Serpentine Jarrahdale and Waroona) together with Regional Development Australia (RDA) Peel, the Peel Community Development Group and the Peel Harvey Catchment Council. The Peel Development Commission (PDC) attends meetings of the PRLF as a non-voting member.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

A summary of the matters discussed at each meeting is provided in the table below:

| Meeting date | Matters discussed |
|---------------|---|
| 19 April 2024 | <ul style="list-style-type: none"> • Support for upgrades to Pinjarra Williams Road • State and Federal Election Advocacy Update • Work Health and Safety Management System • Policy Position Statement: Mining and Extractive Industries • Finance Report |



| Meeting date | Matters discussed |
|--------------|---|
| | <ul style="list-style-type: none"> Harvey Water Update |

The full minutes from the meeting are attached for Council to note (**attachment 1**). The presentation provided by Harvey Water is also attached for Council’s information (**attachment 2**).

Options

Option1

That Council NOTES the Peel Regional Leaders Forum meeting minutes held on 19 April 2024.

Option 1 is recommended.

Conclusion

As a member of the PRLF the minutes of the last meeting are presented for Council to note.

Attachments (available under separate cover)

- 10.5.2 - attachment 1 – PRLF Minutes 19 April 2024 (IN24/9932)
- 10.5.2 – attachment 2 – Harvey Water Update (IN24/9933)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options:

| Officer Option | Risk Description | Controls | Principal Consequence Category | Risk Assessment | | | Risk Mitigation Strategies (to further lower the risk rating if required) |
|----------------|--|----------|--------------------------------|-----------------|-------------|-------------|---|
| | | | | Likelihood | Consequence | Risk Rating | |
| 1 | There are no material risks associated with this option. | | | | | | |



Continued

**Ordinary Council Meeting Minutes
Monday, 20 May 2024**

Voting Requirements: Simple majority

OCM144/05/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council NOTES the Peel Regional Leaders Forum meeting minutes held on 19 April 2024.

CARRIED UNANIMOUSLY (en bloc at 8:31pm) 7/0



10.6 Confidential reports:

Nil.

11. Urgent business:

Nil.

12. Elected Member questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 9:52pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on
17 June 2024

.....Presiding Member – President Coales

17 JUNE 24Date