



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 19 February 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 | Vacant |
|----------|------|------------------|-----------|---------|-----------|------------|---------|--------|
| 12/02/24 | Q&A | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| 05/02/24 | PCF | ✓ | ✓ | A | ✓ | ✓ | ✓ | |
| 29/01/24 | PCF | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |

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.



Continued

Ordinary Council Meeting Minutes Monday, 19 February 2024

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, 19 February 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.

Agenda

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

President: R Coales.....Presiding Member

Councillors: M Byas
T Duggin
R Jerrett
S Mack

Officers: Mr P Martin.....Chief Executive Officer
Mr R Najafzadeh.....Director Infrastructure Services
Ms Hayley RossActing Director Corporate Services
Mr A TrosicDirector Development Services
Mr B Oliver..... Director Community Engagement
Ms C Mortimer.....Manager Corporate Performance
Mrs S Benetti.....PA to Director Corporate Services(Minute taker)

Leave of Absence: Nil.

Apologies: Cr. N Bishop

Observers: 50



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – Monday,

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 11 December 2023. Correspondence was sent to Mrs Bond on Wednesday, 20 December 2023 (OC23/23901).

Question 1

When there is what appears to be an impending fire risk, what number do you call?

Response (Director Community Engagement)

General Fire Risk:

If the fire risk pertains to environmental concerns or results from inaction by landowners, without an immediate threat of fire (e.g., overgrown property, inadequate firebreaks), we advise you to contact the Shire. Our Rangers or Emergency Services Team will assess the risk and take any necessary action to address the potential fire hazard.

Urgent Fire Risk (Immediate Threat):

When faced with a fire risk of urgent nature, including activities likely to start a fire (e.g., hot works in vegetated areas during a total fire ban), swift action is crucial. In such cases, dial 000 and request assistance for Fire. The DFES communications centre will assess the risk and coordinate with either the local government or dispatch a fire brigade, taking necessary actions to address the potential fire hazard.

The Shire encourages residents to prioritise safety and use the appropriate channels based on the level of urgency and the type of fire risk involved.

Question 2

Do you call 000 only when you see the flames?

Response (Director Community Engagement)

Please refer to the response provided in Q1 for comprehensive guidance on when to contact emergency services, considering the nature and urgency of the fire risk.

Question 3

Explain why a few Councillors can vote to put the ballots at risk of the by-election in March 2024?

Response (Director Corporate Services)

Section 5.20 of the Local Government Act 1995 establishes that the Council is to make decisions via majority decision. At the 11 December 2023 Ordinary Council Meeting in accordance with sections 4.20 and 4.61 of the Local Government Act 1995, the Council via an Absolute Majority resolved that the



Extraordinary Election to fill the vacancy in the North Ward would be conducted by the Western Australian Electoral Commission via the postal method. As the Western Australian Electoral Commission has been appointed as the Returning Officer for the election any concerns you have regarding the conduct of the election should be directed to the Western Australian Electoral Commissioner and their appointed Returning Officer.

2.2 Public questions:

Public question time commenced at 7.01pm.

John McEwan, Cardup WA, 6122

Question 1

In relation to dust and dust management, the responsible authority references:

- Precast grinding/finishing of bridge beams;
- Precast form cleaning using pneumatic chipping equipment or compressed air blow guns;
- Dry sweeping & compressed air use in concrete manufacturing area;
- Cutting, drilling, surfacing, finishing of concrete products with chisels/hammers/chippers etc

Where is this work being done, why is this work not discussed by the applicant in the Retrospective Approval Application and how is this going to be controlled and monitored?

Response (Director Development Services)

The mentioned points above are not specifically addressed in the draft dust management plan, as they are not identified as likely contributors to dust. However, to ensure completeness, the Officer report does identify the need for minor modifications to the draft plan to depict the management practices in place for these activities.

Question 2

394 Robertson Road is occupied by PERMApole, PERMAcast and WA Premix (Concrete Batching Plant). PERMApole and WA Premix are prescribed operations. For an as yet to be determined reason PERMAcast is no longer a prescribed operation. The company's share the premises, entrances / exits, driveways. Concrete produced at the Batching Plant is delivered to PERMAcast stressing beds. Neither PERMAcast nor WA Premix have bore licences. They use the PERMApole bore water.

PERMAcast excess stormwater can now be dumped, eventually flowing onto residential land. Can you explain how stormwater from the prescribed areas are being prevented from mixing with the non-prescribed areas?

Response (Director Development Services)

According to the Draft Stormwater Management Plan, the Permacast site is separated into 5 drainage catchments. The northern most catchment (No. 5)



is limited to the existing driveway only, which has recently been fully sealed. This northern catchment drains to the northern basin located on the Permapole site, and is the limit of any water flowing north. This catchment therefore has no stormwater entering it from any other locations on the Permacast site. The stormwater emanating from all other parts on the Permacast site, are captured and directed to the southwestern drainage basin. According to the Draft Stormwater Management Plan, this depicts that the sites do not mix their stormwater.

Question 3

The laydown area was approved by the Shire on 9th June 2023. One of the conditions was that no stormwater must leave the property and the area had to be sealed. The laydown area covers an area of 21.3ha of which, to our knowledge, most has been sealed.

Has the agreed containment basin been built to hold all the stormwater from Lot 21 or is the stormwater to flow through the prescribed WA Premix and non-prescribed PERMAcast or is it to be diverted through the prescribed PERMAPole to be eventually dumped on private land?

Response (Director Development Services)

As per the condition, the applicant has submitted a stormwater management plan for Lot 21, which has been approved. Drainage works according to this plan are in the process of being completed, which includes a northwestern basin and series of swales which link the three catchment areas of the hardstand on Lot 21 to that basin. Stormwater must be managed as per the condition and the approved plan.

Karen McEwan, Cardup WA, 6122

Question 1

In the Responsible Authority Report in relation to Stormwater it states:

- *Catchment 4 and 5: (area 2.026ha and 0.51ha respectively) consists of roads, hardstand areas and buildings. The surface runoff from Catchment 4 is conveyed to a proposed basin by swales and culverts. The surface runoff from Catchment 5 is collected in a swale and culvert network that conveys flows to the existing Permapole dam in the northwest corner of the site.*

Permapole is prescribed premise. The Permapole dam contains dissolved copper, chromium and arsenic. These contaminants are meant to be monitored before any water from the dam is emptied.

Due to the lay of the land, the catchment from Catchment 5 would have to be pumped up to the Permapole basin. Has a pumping facility been installed for this to take place?

Has a study been conducted to determine the effect of the Catchment 5 water on the solubility of the copper, chromium and arsenic contained in the Permapole dam?

*Response (Director Development Services)*

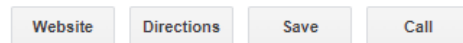
Should approval be granted by the Development Assessment Panel, stormwater would be required to be managed in accordance with the approved Stormwater Management Plan, including any infrastructure needed.

The DWER licence and regulate the Permapole site, as a prescribed premise (Category 29 - Timber preserving). They would be the appropriate agency to determine if a study of this nature was required as part of their ongoing licencing and regulation of the Permapole site.

Question 2

The Application does not specifically state PERMAcast operating hours.

The internet states operating hours of 8:30 am to 5 pm Monday to Friday:

PERMAcast

4.1 ★★★★★ 12 Google reviews

Concrete factory in Cardup, Western Australia

Address: 394 Robertson Rd, Cardup WA 6123

| Hours: | Sunday | Closed |
|-----------|--------------|--------|
| Monday | 8:30 am–5 pm | |
| Tuesday | 8:30 am–5 pm | |
| Wednesday | 8:30 am–5 pm | |
| Thursday | 8:30 am–5 pm | |
| Friday | 8:30 am–5 pm | |
| Saturday | Closed | |

[Suggest new hours](#)

Phone: (08) 9525 1380

What are their permitted operating hours?

Response (Director Development Services)

There are no specified operating hours for the development currently, as this application is seeking retrospective development approval. The application does propose hours of operation of 7am to 6pm, Monday to Friday only.

Lisa Brazier, Mundijong, WA 6123**Question 1**

I am on record for being very vocal on the absolutely debacle of delivery of this service and Councillors involvement and I do too want to see this tower active however does Council think that writing to the Federal Minister is the most appropriate way to move forward giving that the mover for this motion was the in actual fact the same Councillor that voted against the officers original recommendation and then brought a revocation motion to council to have it placed back in the original position thus – disrupting the telecommunications company work schedule. Are we not better to deal



directly with the telecommunications company rather than potentially portraying ourselves as a Shire who cannot function professionally and risk our future relationships with businesses.

The Shire Councillors disrupted the works schedule and now you want the Federal Minister to come over the top of the telecommunications company – have we exhausted all efforts to work collaboratively with the telecommunications company involved before we take such action?

Response (Director Development Services)

Officers have previously contacted the telecommunications company, who have advised (as per the officer comment), that the infrastructure is expected to be completed in the second half of 2024. Officers were advised of construction delays, including some issues with the power supply.

Council in its consideration of the matter could also ask that Officers advocate with the telecommunications company as well.

Question 2

Telecommunications is the responsibility of the Federal government and I have lobbied our local federal member since 2015 for increased communication towers within the Shire, and particularly in Mundijong. Given that we are heading to a Federal Election in 2025 and the political field is hotting up – has the Shire considered all possibilities and implications by involving politicians in this issue rather than working directly with the telecommunications company given that a Liberal member of parliament secured the Whitby pole and that you are writing to a Labor member to intervene in the completion of this service – for which the Liberal member will be able to take credit in delivering the service once completed?

Response (Shire President)

Council can consider this issue tonight when the notice of motion is considered.



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

Mrs Lee Bond, Box 44, Armadale WA 6122

Question 1

Why is it predicted to take possibly 2 years to establish how much contamination is on the Watkins Rd Transfer station site and whether it can be cleaned up, what has been the total cost of this contamination surfaced, what is the total cost for the contract, does it include the clean up? , if not is another amount required another amount for the clean up? , if yes, what is the total cost, who is doing the assessment of the contamination and who authorised the opening of this site to be used as a waste station, the date and the reason it was originally closed as a tip in the first place and a date.

Response (President)

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

Please provide dates, times, temperatures, what animals were incarcerated at the time and what Officer of the Shire attended the animal incarceration site on Watkins Rd, Mundijong from the date you claim to have performed the above at the site and does the Shire still have the agreement with Armadale Council to move incarcerated animals within an hour of them being impounded, has any Councillor made any serious attempt, evidence based, to bring this matter to Council since 2015 to have this site either closed down or built to a standard which is nothing less of what is required by law for the safety of all animals.

Response (President)

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 are some Councillors permitted to constantly drone on with debating an item on the Agenda when much of it is a repeat over and over again. How can we limit this to no more that 3 minutes per Councillor per item.

Shire President – response – This is in accordance with our Standing orders. If any person believes that we talk for too long we can bring the standing orders back to a Policy Concept Forum and we could look at amending it, but certainly the debates since I have been the Presiding member have been in accordance with the standing orders.



The Shire President asked if there were any further public questions.

Mrs Michelle Rich

Question 1

Can I please ask that the CEO publish in the minutes of this meeting, the number of farmland concession property owners that have seen this item come to Council whether they put their applications to have this heard by Council in writing and the localities in the Shire of where those property owners come from. Thank you.

Response (President)

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

Public question time concluded at 7.19pm.

**3. Public statement time:**

Public statement time commenced at 7.19pm.

John McEwan, Cardup WA 6123

My statement is regarding the proposed retrospective and prospective approvals for Lot 60, 394 Robertson Road Cardup.

I oppose this Retrospective Approval and request that the Council recommend that the Metro Outer Joint Development Panel REFUSE DAP application reference DAP/23/02462.

We have been studying the history of this site and the more I find out, the more shocked I am. How is this company still operating at this site despite all the evidence and complaints from residents, despite illegally building an entire plant, despite tearing down a large part of the bush forever that they vowed to protect?

PERMAcast claim that we are spreading hysteria because we are concerned that the contaminants in concrete and cement will affect the health of the residents and children at the school nearby. Concrete and cement premises are prescribed for this very reason. Throughout history polluting companies have made similar claims, and demonised the victims, and like this company have been supported for years by governments. For instance, although the first recorded diagnosis of asbestosis in Australia was made in 1933, it only started being regulated in the late 1970s, and its use was finally banned as recently as 2003. There are plenty of other examples such as the tobacco and vaping industries and re-constituted stone and granite industries. So, here in Cardup, do we have to wait 10, 20 or 30 years for an unusually high level of incidence of cancer, infertility or birth defects in the local residents and children that attend Court Grammar School for the government to begin to take action?

Inaction is complicity.

In the PN notice that was issued on 9th August 2023, DWER attempted to protect us from just these issues. For instance, the drainage basin was required to be lined and to hold leachate and stormwater as a result of a 1:100-year storm event. The basin needed to be certified by a qualified engineer. However, once DWER decided that this was no longer a Prescribed Premise, all these protections were down-graded and we are no longer afforded these protections.

The EPN that was issued on the 17th October 2023, no longer required the basin to be lined or certified. All PERMAcast was required to do was put in place silt and sediment traps and furthermore, they are able to release water from the premises. The traps do not prevent dissolved contaminants from passing or entering the ground water.

In their original Retrospective Approval Application PERMAcast claimed that their water basin is 16,500 m³. We queried that, and they now claim it is 10,800 m³. We doubt that it can even hold as much as this, because it would have to hold at least 3.5 m of water, it is more likely that it holds around 1.5 m of water. However, they no longer have to have the dam certified.



The dam sizing is just one inaccuracy provided by PERMAcast. The entire application as well as the Applicants Comments is full of inaccuracies and inconsistencies. For instance, they claim that the Concrete Batching Plant has approval to produce 280,000 tonnes per annum of concrete. It does NOT. It has approval to produce 146,640 tonnes per annum. Furthermore, they swear they do not manufacture concrete, whilst continuously referring themselves as "*the proposed concrete manufacturing facility*". They continuously understate their emissions and obligations, such as in their Noise Report, Dust Management Report, Bush Fire Report etc.

From 2006, they have tried to get control of the Bush Forever areas while vowing to revegetate and protect it. They have done neither, they have been eroding and denigrating the area while absorbing it into their plant. In their own words, the Bush Forever "is under their control". No doubt they will continue to deplete it.

PERMAcast has continued to expand with disregard for the planning framework, rules and regulations.

We are unable to understand the reason for PERMAcast being down-graded from Prescribed to Non-prescribed. DWER officers advised us verbally that it was due to a wording error in the legislation that would be fixed at a later date. The legislation is actually very clear, Prescribed is applied where concrete batching or cement products manufacturing is over 100 tonnes per year; and where "*cement product manufacturing means the manufacturing of products in which cement or concrete is the principal ingredient*". The documentation relating to this decision has been denied us, despite paying the requested freedom of information fee. We are currently waiting for the outcome of an external investigation regarding access to this documentation.

The Officer comments in relation to endorsements for PERMAcast by employees and contractors is:

"It is acknowledged that the proposed concrete manufacturing facility creates employment and contributes to the economy of the local community."

This is NOT a reason to condone this facility. Instead of illegally building their plant in an inappropriate area, they could have legally established themselves at a site that was large enough and suitable for this type of operation, such as at the West Mundijong Site that is already approved for heavy industry – ONLY 4 KILOMETRES FROM THIS SITE. Creating an environment that is toxic and inharmonious, does not in any way contribute to the community. Drug dealers create employment, that does not mean we want them in our community.

On Saturday 15th July 2023, my wife and I were woken up at around 5:30 am by a huge amount of noise from the facility including a metal grating noise. We tried to sleep but could not. We eventually decided to go for a walk with our dog. On our way home, we decided to complain to PERMAcast about the noise. We started walking up their drive and were met by Antonio Ferraro in his ute. He responded with 'this is industrial land' to our complaints. When we complained that the operation was not approved, he told us that it had been and he had seen all the approvals. We found out recently that at some point in time he photographed us and presented the photograph to DWER as evidence of us trespassing. PERMAcast is supposed to



keep our complaints and act on them. I do not trust them and will not have any further dealings with them.

In August 2023, MOJDAP granted PERMAcast 30 days to mitigate the numerous issues raised. The additional information provided by PERMAcast is full of inaccuracies and inconsistencies. The information they have provided DOES NOT demonstrate that their emissions and impacts can be managed within the boundaries of the site. PERMAcast have been condoned and enabled despite building and operating illegally, and accepting no responsibility for their negligent behaviour towards the community and the environment.

Inaction is complicity.

Please vote to request MODJAP to REFUSE this application.

Lisa Brazier, Mundijong WA 6123

Good Evening Councillors

My statement tonight refers to the debate that occurred at the OCM on the 11th of December 2023 – Item 9.2 - Notice of Motion – Improving Council Transparency and Accountability.

During the debate of this item, it was argued that the Shire is like a Company and referenced the similarities to the Board Directors with Councillors, Shareholders and Residents.

The similarities to Shareholders and Residents was referred to on two occasions during the debate. It concerns me greatly that Councillors around the table did not call a point of order as there was a clear breach of code of conduct under clause 10 Council or committee meetings – Section B which is when attending a council or committee meeting, a council member, committee member or candidate must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading.

Given that no Councillor acted on this debate – I am assuming none of you understand the falsity of the statement that was made during debate.

A company is a legal entity that can be formed by one or more individuals to operate a business. In Australia, there are two types of companies: Public and Private. Whereas LGA's are formed by the State Government.

Companies are managed by Directors and within LGA – Councillors form a similar role where both oversee the governance of the entities but not the operations.

During the debate and I quote “we have shareholders as our residents”. It is this statement that is false and misleading.

A shareholder is a person who has ownership in the company by owning the company stock and have certain rights and responsibilities. Some companies pay dividends to their shareholders.

Where an LGA resident is someone who lives within the LGA boundaries. They maybe a land owner who pay taxes to the LGA in the form of rates as defined by the Department of Local Government, Sport and Cultural Industries. They may not own



land and pay rent to the landowner or as in my case reside within the LGA, own no property nor pay rent thus effectively benefit from everything provided within the LGA for no contribution.

So you can imagine when sitting in gallery at the December OCM how excited I was to learn that I was actually the same as a shareholder of a company. To the Director of Finance, as we have been profitable in the past few years, so I am looking forward to next year's budget to include a dividend payment to all residents. Now I acknowledge that having an accurate register prior to the ex-dividend date will be quite a task – however look the positives – we will finally have a record of everyone that resides in the Shire. This will no doubt assists the communications team immensely. As to receiving a dividend – my preference would be for those dividends to be fully franked – however if this is not possible then 30% franking would be suitable. To the case of ownership – as we do not have issued shares – I would like to get in early and maybe have some ownership in any of the Shires profitable assets.

So, Councillors I trust you can see the absurdity of the debate in relation to the comparison of shareholders and residents and that it was false and misleading as a shareholder has ownership of a company and may receive an income whereas a resident simply resides in the Shire and enjoys the amenities provided by the landowner who pays taxes.

The role of the Council, as prescribed by the Act, is that it:

- Governs the local government affairs;
- Is responsible for the performance of the local government functions
- Oversees the allocations of the local government's finances and resources; and
- Determines the local government policies

As Councillors you are bound by the Shire of Serpentine Jarrahdale Code of Conduct which applies to your debate. If you are unfamiliar with this Code of Conduct, please review it because false and misleading debate need to cease at this council table – it is sloppy and lazy – if you do not know your subject matter then either do not use it or do the research to understand what you are stating in debate.

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

Ms K Berry, Byford

Made a statement regarding the training of Elected Members.

Mrs Lee Bond, Box 44, Armadale WA 6122

Made a statement regarding the conduct of public question time.

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 7.38pm.



4. Petitions and deputations:

Julius Skinner, Partner, Thomson Geer Lawyers on behalf of Permacast, regarding item - 10.1.1 - L60, 394 Robertson Road, Cardup - Retrospective and Prospective Industry (Concrete Product Manufacturing Facility) (PA23/198) - Harley Dykstra Pty Ltd

- 1 I request that the Council support "Option 2" of the officer's report, which is to recommend approval of the application subject to suitable conditions.
- 2 There is significant mis-information regarding Permacast's operations which has been spread by certain local residents.
- 3 Permacast has offered on multiple occasions a full on-site briefing and walk around. The offer has been taken up by some within the administration, and remains in respect of Councillors.
- 4 I confirm that all of the matters raised in the officer's report are capable of being dealt with through suitable conditions of approval.
- 5 It is not appropriate to seek the matter to again be deferred on noise grounds.
- 6 I refer you to Attachment 10, signed by the Executive Director of compliance at DWER, which confirms that DWER "*are satisfied that suitable noise mitigation and emissions controls have been implemented by Polevine to ensure noise levels are within the assigned levels and in compliance with the Noise Regulations.*"
- 7 Specifically addressing some of the matters raised in the officer's report:
 - (a) The works that have occurred on site in the previous 2 years (SB-4) and its supporting infrastructure meet the definition of public works under the Public Works Act. Stressing Bed 4 is actually owned by PTA, and the concrete bridge sections that are produced within it are to support the METRONET Byford rail extension and the METRONET raised rail project.
 - (b) Permacast does NOT operate a concrete manufacturing facility. The repeated references throughout the officer's report to concrete manufacturing or concrete production per annum is incorrect. Permacast does not manufacture concrete. It pours wet concrete made by others into moulds called stressing beds, and once the concrete has set, the bridge sections are removed from the mould, cleaned, and then stored on the adjacent Lot 21 until such time as they are called up to be installed
- 8 Under the "Planning Assessment" heading, there are a number of statements made which are disputed, however these do not detract from the overall recommendation for approval.

EPA - Separation Guideline

- 9 As to the multiple references to concrete production, the "EPA - Separation Guideline" and the application of a 750m buffer under that guideline:



- (a) The 750m buffer referred to in the guideline is in respect of "Cement Product Manufacturing".
- (b) Cement Product Manufacturing is a specific type of Prescribed Premises under the EP Act.
- (c) It includes concrete batching plants and premises upon which cement products, such as cement fibre fencing, are produced.
- (d) The guideline and the 750m buffer referred to in it does not apply to Permacast's operation, as no concrete or cement product manufacturing occurs and the facility is not a Prescribed Premises. This has been confirmed by the DWER.

Noise Regulations

- 10 Regarding Noise Regulations, The fact is that DWER are satisfied with compliance with the Noise Regulations. This was based on their own, independent assessment, using their own equipment, during the testing that lead to the lifting of the prohibition on production.
- 11 Since the lifting of the prohibition on production in late November 2023, the site has been fully operational, producing beams within SB4 every 3-4 days since, with all production occurring under CCTV footage and with full-time noise monitoring occurring. All data has been provided to DWER, who remain satisfied with compliance.
- 12 The Shire officers appear to have misconstrued the commentary from the ENB branch of the DWER who reviewed the DA submission.
- 13 The ENB branch of DWER confirm that subject to implementing the mitigation measures proposed, compliance with the noise regulations may be achieved.
- 14 Yes this is caveated with the word "may", but that is entirely appropriate. What the ENB of DWER say, correctly, is:
 - (a) "Assigned levels apply to the noise emission from the whole premises, not just SB4"
Correct, and the testing occurred under full operation. The testing did not occur when SB4 was operating and the rest of the site was shut down.
 - (b) "The noise emissions from SB4 must not be tonal at the receivers".
Correct, "tonality" is a defined term under r.9 of the Noise Regulations. The noise emissions during testing did not exceed the test for tonality upon which a 5dB penalty must be applied. This was confirmed by DWER.
 - (c) "The noise emissions from SB4 must not cause or significantly contribute to a level of exceedance at nearby receivers".
Correct - this statement turns on itself. Effectively saying, if we cause an exceedance, we will be in breach of the regulations. What is



important is that the testing and ongoing monitoring that has been put in place has repeatedly and consistently demonstrated compliance.

- 15 In response to the commentary from the Shire's noise consultant, the following must be said:
- (a) The Shire's consultant's assertion that there is non-compliance by up to 7db is entirely disputed and is entirely inconsistent with DWER advice. This comment has been made on the basis of a +12dB penalty being applied, which does not align with the Noise Regs.
 - (b) DWER are responsible for the regulations and DWER are satisfied with compliance.
 - (c) The Shire's consultant's assertion that the noise from SB4 was measured in isolation is incorrect. The site was fully operational during testing and has been fully operational since the lifting of the restricted area in the EPN, with all data provided to DWER who remain satisfied with compliance.
 - (d) The diagrams produced by the Shires consultant at page 44 and 45, and the consequential views expressed as to the "influencing factor" result in a + 2db penalty being applied and are calculated in a manner which is inconsistent with the Noise Regulations. In particular:
 - (i) The zoning of a site is not relevant to the influencing factor calculation as required under Schedule 3 of the Regs. What is relevant is the use of the premises.
 - (ii) The applicant's influencing factor map correctly identifies that the use of the Baker Community Hall at the corner of Soldiers Road and Karboro Drive is for "Premises used principally for meetings of community, professional, business, social or cultural groups" and therefore meets the definition of a "Commercial Premises" in Schedule 1, part B of the Noise Regs.
 - (iii) The applicant's influencing factor map also correctly identifies the whole of Lot 60 as meeting the definition of an "Industrial Premises" in Schedule 1, Part A, item 7 of the Noise Regs, because this area forms part of the Permacast premises.
 - (e) The Shire's consultant has flagged that "if" tonality is detected, then a further +5dB penalty is to apply. That statement is correct, but there is no tonality penalty to apply because the type of noise generated by Permacast's operation do not meet the test for tonality set out in reg.9 of the Noise Regs.
 - (f) The Shire's consultant has also flagged that "if" Permacast operations "significantly contribute" to the level of noise measured at the closest receptor (which is 300m away from the closest stressing bed, over an 8m tall sea container wall, over a regional railway line, over Soldiers Road) then a further +5dB penalty is to apply. That statement is also



correct, but Permacast's operations do not significantly contribute to the level of noise as calculated under the Noise Regs, so no penalty applies.

To expand on this:

- (i) The ambient noise level (ie. all noises, including traffic, wind in trees, etc) before operations commenced (ie. before 7am) measured by the Shire's own consultant at the closest house was 76dB over 10 minutes, 49dB over 90 minutes, and an absolute minimum recording of 46dB at any time during his recording.
- (ii) This contrasts with the 44dB of noise generated by Permacast's operation that has been measured and confirmed by DWER as reaching the closest house.
- (iii) Monitoring has consistently shown that the predominant noise impacting those properties is traffic noise, wind noise, and rail noise - not Permacast's operation.

Noise as a planning amenity consideration

- 16 Regarding the planning consideration of noise as an amenity consideration, the 5 dot points set out at the top of page 41 of the officers' report are correct and relevant, with point 5 being the most relevant where it says

"[T]he merits based planning assessment needs to focus on not just the mere audible detection of noise, but rather whether such audible noise is unreasonable, unwarranted and thus offensive to the acceptable amenity of the locality."

- 17 But in order to consider whether the noise generated by the facility Monday - Saturday, 7am - 7pm (ie. during the day) is unreasonable, unwarranted or offensive, you need to understand or put into comparison what the maximum noise levels at the closest sensitive receptors are and where they sit.

- 18 In this case, the closest sensitive receptors sit opposite a zoned industrial area, on a district road that accommodates hundreds of vehicles every hour, opposite a regional railway line, within close proximity to a regional freight railway line. Within this context, the maximum LA10 level of noise (noise over 10 minutes) generated by Permacast's operation which is permitted to reach the outside of those premises is 48 dB, and the recorded level, as confirmed by DWER is 44dB.

- 19 To put that into perspective, 45db is about the same as the noise of light rain, or a quiet office and and quieter than a domestic refrigerator which generally sits around 55dB.

- 20 The question you need to ask whether the noise generated by a domestic refrigerator, on the external areas of those closest receptors, and only during daylight hours Monday to Saturday, in an area opposite a district road, a regional railway line and a zoned industrial area is unreasonable, unwarranted or offensive. On any reasonable assessment, the answer must be that it is not.

**10.1.1 – Karen McEwan and John McEwan regarding Lot 60 Robertson Road, Cardup – Retrospective and Prospective Industry (Concrete Product Manufacturing Facility) (PA23/198)****INTRODUCTION**

We are here in opposition to the proposed retrospective and prospective approvals at 60 Robertson Road.

This item came before the Shire on 21st August 2023, at that meeting the Responsible Authority recommended that the Council REFUSE DAP Application DAP/23/02462.

At the MOJDAP meeting, the decision was to DEFER the approval, giving PERMAcast 30 days to update its plans and provide information regarding its emission control and other items.

Since its previous application, PERMAcast has installed even more structures and more parking bays. However, PERMAcast has not been able to provide ANY information to show that they are able to control their emissions. They are still on a site that is too small and too close to sensitive residents. The only change is that the bar has been lowered and the premise is no longer deemed 'Prescribed'. We are trying to get access to the related documentation, to date we have been unsuccessful. The case is currently with an independent assessor. We have requested DWER to provide a map of the premises, showing which areas are Prescribed and which are not. We are still waiting for this information. This is bound to be complicated, given that areas such as roads and water basins are shared.

How this Facility is not a prescribed premise is beyond our understanding. The legislation is very clear. Schedule 1 of EPA Regulations 1987, Category 77 assigns '*Concrete batching or cement products manufacturing: premises on which cement products or concrete are manufactured for use at places or premises other than those premises.*' Where more than 100 tonnes per year are produced. PERMAcast is capable of producing 300 tonnes per DAY and is to produce 72,800 tonnes per year.

Furthermore, the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 contains the following definition:

"cement product manufacturing means the manufacturing of products in which cement or concrete is the principal ingredient; concrete means a mixture of cement, sand, aggregate and water".

The reason that 'Prescribed Premise' is assigned to cement and concrete product manufacturing facilities is because they contain carcinogens and low-level radioactive materials. Our concerns that these poisons are being allowed to enter the ground water has been ignored. Sediment traps will not stop dissolved poisons and hydrocarbon run-off from entering the ground water. Please refer to the MSDS documents for Portland Cement (the main component of concrete) and the references regarding the dangers of concrete and cement in our submission.

What is happening in relation to this site is a travesty of justice. Any of you that actually has a conscience and has some small respect for legal responsibilities should again vote to recommend that MODAP REFUSE this application.



NOISE

PERMAcast built a high-tech noise wall consisting of a bunch of sea containers stacked and partially painted. As attractive as it is, it makes no difference to the noise. Just using the raw data submitted by PERMAcast, from Stressing Bed 4, they reported LA₁₀ of 48 to 50 dB in their results reported at the 21st August 2023 Shire meeting – this was before the containers. In their current report they measured an LA₁₀ of 46 to 52 dB, during their initial testing – this was after the containers.

Although the Stressing Bed 4 machinery was adjusted to optimise the noise levels, the noise is still too loud as calculated by the peer reviewers, and more importantly as heard in my bedroom.

Stressing Bed 1 was the noisiest as reported in PERMAcast's original report, however only Stressing Bed 4 was assessed in their current report. None of the other banging, crashing, hammering, alarms and screeching noises were considered.

DWER removed the EPN on 28th November 2023, citing that the results of the second test conducted on 15th November 2023 achieved compliance with assigned noise levels in Noise Regulations. However, in DWER's submission comments this is NOT the case. What is going on?

SUBMISSIONS

There are so many issues with this application, but I only have 5 minutes. Please read the submissions as they voice our concerns, and raise many issues, with many concerns reported over and over again.

Please be wary of the Applicant's comments as many are outright lies or simply incorrect.

Many people cited their concerns regarding the decrease in property prices in Cardup, the Officer Comment to this is "*impact on property prices is not a planning consideration*". Well, it should be, if the purpose of planning is to ensure a secure, prosperous suburb. On 14th February, REIWA reported a drop in the median sale price of houses in Cardup from \$1,000,000 to \$860,000, a 14% decrease. This is despite an increase in prices in most other suburbs in Western Australia – including Byford.

The Agenda cites 38 submissions in favour of PERMAcast's application. These submissions are from PERMAcast employees, Jetstar Enterprises Pty Ltd, Kandalee Pty Ltd and Mecca Holdings, the landowners that no doubt have significant financial gain from this development. Some of the employees are so enamoured by PERMAcast that they drive 40 minutes to work. One of the reasons this land was zoned Industrial was to stimulate employment in the area. I am curious as to the percentage of employees that actually live in the area.

MRS AMENDMENT 1215/41

The zoning of the land from rural to industrial was based on the *Economic and Employment Lands Strategy: non-heavy industrial and draft Outer Metropolitan Perth and Peel Sub-Regional Strategy*.



The re-zoning was to support non-heavy industry and employment in the LOCAL area. This site was never intended for heavy industry.

At the time the EPA noted that: *“the proposed rezoning will result in existing residences having nonconforming use rights. The proposed amendment will allow a number of land uses which are incompatible with residential dwellings. Proposed industrial land uses will need to be separated from existing dwellings with an adequate buffer as described in the EPA's Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land uses.”*

PERMAcast illegally built a huge, heavy industry plant, without any consideration for the EPA's guidance documents.

PROJECTS

Although it is to date an illegal operation, PERMAcast has been awarded several government contracts, including the Byford Rail Extension and Armadale Line Level Crossing Removal. In 2020, Infrastructure Australia assessed both projects and concluded that their costs are greater than quantified social, economic and environmental benefits. The projects were given ratings of 0.45 and 0.36 respectively – given a break-even of 1, these are 55% and 64% below break even, meaning the cost of the projects are far higher than the benefits.

Despite Infrastructure Australia's assessment, Rita Saffioti introduced the Railway (METRONET) Amendment Bill 2022 to Parliament to enable work on both of these projects.

What does this mean to us? We pay for projects like this with higher inflation, higher costs of living, higher interest rates, higher rents – we are paying for these projects now. ‘No pain, no gain’ is a famous Rita Saffioti quote in relation to the METRONET projects. What she means is, all pain to the ordinary West Australians, all gain to the few already wealthy, that have access to the government coffers.

CONCLUSION

So, how is it that land zoned ‘Rural’, managed to get re-zoned ‘Industrial’? How has a huge, heavy industry plant been illegally built over several years, and operating on land that is inappropriate for this use? How has an illegally operating company been granted government contracts? How is it that a premise that is clearly by all accounts ‘Prescribed’ suddenly not prescribed? How is it that Bush Forever land is suddenly absorbed into industrial land? How can stacked sea containers, partially painted green be referred to as a ‘noise wall’? How is it that complaints from residents about noise, water, dust, traffic etc over years be brushed aside? How was the EPN notice rescinded, despite no evidence that the noise is within legal limits? Why are the effects of the contaminants in cement and concrete on our ground water not being assessed or considered?

I ask myself ‘what is going on?’, ‘is this happening here – in Australia?’.

The Responsible Authority asked you to recommend that MOJDAP REFUSE the retrospective approval application in August 2023, one of the reasons being:



“The development is inconsistent with State Planning Policy 4.1 - Industrial Interface as follows:

- i. Emissions and impacts from the development extends beyond the boundaries of the site.*
- ii. The impact area of the development is not considered as a compatible zone.*
- iii. The development does not properly mitigate or manage impacts on health and amenity of people within the locality as it exposes them to noise, dust and vibration emissions.”*

Nothing has changed. This heavy industrial plant is inappropriately situated and cannot control its emissions. It is just ramping up, and the emissions and traffic are only going to increase.

MODJAP gave them an additional 30 days to rectify their issues. This is an impossible task because of the nature of this huge industry, built illegally too close to residents. Giving them an additional 90 days will not enable them to meet legislation, unless the legislative bodies lower the bar further.

Please vote to recommend MODJAP to REFUSE this application.



5. President's Report:

Good evening everyone, and welcome to the first Ordinary Council Meeting for 2024. As we begin the business of 2024, let's reflect on the achievements of the first 100 days of this new Council.

During these 100 days, we enabled the community to speak up, engage with us as a Council, and we demonstrated our genuine care. We spent more time directly talking to community members, such as hosting highly successful Council in the Community events at the SJ Farmers Markets.

These once-a-month events foster collaboration and open dialogue between Councillors, residents and ratepayers.

I had the great pleasure of meeting members of key Shire community groups in December, at the inaugural Community Group Sundowner. This event promises to become a regular occurrence, where community groups - the backbone of our community - gathered to share ideas and feedback with myself and attending Councillors.

The Sundowner received a tremendous positive response, and it was a great way for Council to express gratitude for the hard work our community groups do throughout the year.

Earlier this month, I had the pleasure of meeting a great bunch of young SJ community members at the first of the Shire's 2024 Skill Up courses – resume writing at the library.

The Skill Up program aims at young people in the Shire, from 12 to 24, and each individual course equips them with skills to navigate adult life. Upcoming courses will cover topics including first aid, job searching tips, and white card training for the construction industry.

If you know a young person who would benefit from training like this, all the information is available on the Shire's website.

During the first 100 days, we made small but significant changes to the way Ordinary Council Meetings operate. Again, we gave a stronger voice to our residents and ratepayers by offering the option of making statements or asking questions without prior notice.

We also streamlined Council decisions to be more responsive to community needs by introducing en bloc voting.

In summary, the first 100 days of this Council were days of significant achievement, with our Shire becoming more transparent and accessible to the people we serve – our community.

Although we are one of the fastest-growing local governments in the country, we remain a close-knit and caring community, as demonstrated in our Australia Day Awards.

It's a day to celebrate our wonderful people and I was honoured to meet the award winners and present to them. I would like to acknowledge:



- Sandra Hawkins, who received the Clem Kentish Community Award for more than 20 years of service. Sandra is an amazing individual, having assisted with almost every Shire event over 25 years.
- Lorraine Bowtell, who was named Community Citizen of the Year for her outstanding work assisting people in need whenever she can.
- Karin Natalotto, who is our esteemed Senior Community Citizen of the Year. Karin works tirelessly to make our community a better place. Her craft shop has enabled countless women to get together, share ideas, and provide mutual support.
- Our Youth Community Citizen of the Year was named Leisl Baily. Leisl has made herself accessible to others at all hours and has assisted with the growth of projects in the Jarrahdale Community Collective.
- The Active Citizenship Award went to Mundijong Arts and Crafts, an outstanding group that started in 1989. Since then, it has become a cornerstone of our community, providing a space for people to socialize and connect.

I am sure you will all join me in congratulating all this year's Australia Day Awards winners.

As you know, we are fortunate to live among some of the most beautiful scenery in Western Australia. However, this comes with its disadvantages, and the South West bushfire season got off to a busy start at the end of last year.

As ever, our local firefighters stood up to the challenge and met it. The Shire's dedicated seven brigades have responded to 231 incidents since the 1st of July 2023 – including 14 large bushfires.

Their response to the major emergencies in Keysbrook and Jarrahdale was nothing short of exceptional. These are people who work non-stop to protect our communities, homes, and livestock. Thank you.

I am proud of what is in store for SJ in 2024.

Our major events season is continuing, and I encourage as many of you as possible to attend at least one event if you can. The Darling Downs Community BBQ is up this Wednesday, so come along for a snag and a yarn.

These BBQs are important in connecting our communities.

We can also look forward to community BBQs in Whitby, Jarrahdale, and Serpentine in the coming weeks, along with the Harmony Night Festival in March, and of course, Anzac Day commemorations in April.

I am excited about the major projects we will see develop in 2024, including the Keirnan Park Recreation and Sporting Precinct, the delivery of the new Oakford Bush Fire Brigade Station, and the Byford Skate Park construction – a project which has been shaped by feedback and ideas from our young people.



Continued

Ordinary Council Meeting Minutes Monday, 19 February 2024

We will continue to advocate for future projects at the State and Federal Government level to get the best outcomes for SJ.

Finally, I am very much looking forward to the launch of our Council Plan on Saturday 23rd March, here in Mundijong.

This plan truly represents the community's voice. It is a significant piece of collaborative work, involving engagement with hundreds of residents and ratepayers over several weeks.

I hope to see as many of you as possible at the launch of this plan, which will help shape the future of SJ over the next 10 years.

Thank you.



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

Chief Executive Officer Paul Martin declared an Impartiality Interest in item 8.1- CEO Employment Committee Meeting Minutes. The nature of the interest is that the item is the CEO Employment Committee and that it deals with matters that affect his employment. The extent of the interest is that Mr Paul Martin is the Chief Executive Officer (CEO).

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

7.1 Ordinary Council Meeting – 11 December 2023

OCM001/02/24

COUNCIL RESOLUTION

Moved Cr Duggin, Seconded Cr Jerrett

That the minutes of the Ordinary Council Meeting held on 11 December 2023 be CONFIRMED (E23/17216).

CARRIED UNANIMOUSLY 5/0

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

8.1 CEO Employment Committee Meeting – 5 February 2024.

Attachments (available under separate cover)

- **8.1 - attachment 1 – CEO Employment Committee Meeting Minutes – 5 February 2024 (E24/1552)**

Voting Requirements: Simple Majority

OCM002/02/24

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Jerrett

That Council RECEIVES the Unconfirmed Minutes of the CEO Employment Committee Meeting held on 5 February 2024 (E24/1552).

CARRIED UNANIMOUSLY 5/0



9. Motions of which notice has been given:

| | |
|---|--|
| 9.1 - Notice of Motion – Review of Farmland Concessions (SJ4373) | |
| 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 <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from President Coales via email on Monday, 15 January 2024.

The Notice of Motion is “That Council AMENDS Council Policy 3.2.7 – Farmland Concessions to require a review every four years instead of two, by replacing paragraph k) of section 2. with:

- k) *A review will be conducted every four years, and applicants will be required to reapply at every review.”*

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 November 2023 – OCM275/11/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. ADOPTS Council Policy 3.2.7 – Farmland Concessions as contained in attachment 1, Council Policy 5.4.1 – Flags as contained in attachment 3, and Council Policy 5.1.12 – Christmas Closure as contained in attachment 5.*
- 2. RECINDS Council Policy 3.2.11 - Council Policy 1.1.9 – Alcohol Consumption as contained in attachment 7, and Council Policy 1.1.1 – Civic Dinner as contained in attachment 8.*

Officer Comment

Council provides a rate concession to properties maintaining genuine farming interests. It ensures that Council is protecting and developing appropriate agricultural and horticultural industries and pursuits within the Shire of Serpentine Jarrahdale. This Policy outlines the eligibility criteria for a farmland concession.

In order to establish if the property is still eligible for the concession, the property owners must obtain a letter from their Auditors to verify that the use of the property is for primary production, which comes at a cost to the property owner.

Furthermore, the process involved for Shire Officers in obtaining and processing this information is time consuming, with very few properties changing as a result of the review, with only 8 out of 146 eligible properties being deemed no longer eligible for concession in the last four years.



By increasing the time period between reviews from every two years to every four years, this will reduce the cost to property owners in obtaining the adequate documentation required to undertake the review and also create a time efficiency for the Shire.

Attachments (available under separate cover)

- **9.1 - attachment 1** - Council Policy 3.2.7 – Farmland Concessions (E23/9214)

Voting Requirements: Simple Majority

OCM003/02/24

COUNCIL RESOLUTION / Elector Member Recommendation

Moved President Coales, seconded Cr Duggin

That Council:

- 1. AMENDS Council Policy 3.2.7 – Farmland Concessions to require a review every four years instead of two, by replacing paragraph k) of section 2. with:**

k) A review will be conducted every four years, and applicants will be required to reapply at every review.

CARRIED UNANIMOUSLY 5/0



9.2 - Notice of Motion – Whitby Telecommunications Tower (SJ4373)

| | |
|---|--|
| Elected Member | 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> . |

Notice of Motion

A Notice of Motion was received from Councillor Duggin via email on Thursday, 8 February 2024.

The Notice of Motion is “That Council REQUESTS the President write to the responsible Federal Minister for Communications, Hon Michelle Rowland MP, requesting that the Federal Government urgently assist in completing the new telecommunications infrastructure project (comprising new mobile phone tower) and taking place at L116 (#245) Keirnan Street, Whitby. This request should set out the following:

- a. That the development application for the new mobile phone tower was approved by the Shire in early 2023;
- b. That the application documented its key purpose in order to address a critical blackspot in mobile phone coverage, which is affecting communities in Mundijong, Whitby and Cardup, all of which are bushfire prone areas;
- c. That there are a number of vulnerable communities who are placed at greater risk due to the lack of acceptable mobile phone signal coverage, especially not the hazard of bushfire that would directly impact these communities;
- d. That the tower was built and complete in September 2023, however the functional panel antennas have not yet been installed, and the Shire / community have been advised that the installation date will be no earlier than the second half of this year.”

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 February 2023 - OCM010/02/23 - COUNCIL RESOLUTION / Councillor Recommendation

Part 1

That Council REVOKES decision OC269/11/22 made at the November 2022 Ordinary Council Meeting.

Ordinary Council Meeting - 20 February 2023 - OCM11/02/23 - COUNCIL RESOLUTION

Part 2

That Council DEFER consideration of the development application to the March Ordinary Council Meeting pending investigation into issues raised by neighbouring residents.



Ordinary Council Meeting - 21 November 2022 – OCM269/11/22 – COUNCIL RESOLUTION

That Council APPROVES the development application for proposed telecommunications tower and associated infrastructure at Lot 116, 245 Kiernan Street, Whitby, as contained within attachment 4, 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-P5 received at the Shire’s Offices on the 11 July 2022 |
|--------------------------|---|

- b. The development is to be setback a distance of 170m from Keirnan Street, within the cleared southwest corner on the subject land. In being relocated, the development is to maintain a minimum 5m setback from the western property boundary and 10m setback from the southern property boundary.

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

Councillors Rich, Byas, Dagostino, Duggin, Strange and Strautins voted FOR the motion. Councillors Coales and Mack, voted AGAINST the motion.

Reason for difference to Officer Recommendation

SPP5.2 states that telecommunication infrastructure should be sited and designed to “minimise visual impact” and where possible be located where such will not detract from a streetscape where viewed from public or private land, under provision 5.1.1(11)(b).

Officer Comment

The proposal received development approval from the Shire on 20 March 2023. This approval has begun to be implemented, with the 35m high monopole having now been erected together with ground level chain-link fencing for the compound. However, the functional elements of the development (being the headframe, panel antennas and equipment shelter) are yet to be erected.

Correspondence received from Telstra on 31 January 2024 indicates that some delays have occurred in the construction process, including some issues with power supply. The indicative completion is in the second half of 2024 calendar year.

Advocating to the responsible Federal Minister may assist in raising awareness of the delay, and the importance of the infrastructure for reasons including resident data needs, business data needs and mitigation of hazards through improved mobile coverage.

Attachments (available under separate cover)

Nil.

Voting Requirements: Simple Majority



Elected Member Recommendation

That Council REQUESTS the President write to the responsible Federal Minister for Communications, Hon Michelle Rowland MP, requesting that the Federal Government urgently assist in completing the new telecommunications infrastructure project (comprising new mobile phone tower) and taking place at L116 (#245) Keirnan Street, Whitby. This request should set out the following:

- a. That the development application for the new mobile phone tower was approved by the Shire in early 2023;
- b. That the application documented its key purpose in order to address a critical blackspot in mobile phone coverage, which is affecting communities in Mundijong, Whitby and Cardup, all of which are bushfire prone areas;
- c. That there are a number of vulnerable communities who are placed at greater risk due to the lack of acceptable mobile phone signal coverage, especially not the hazard of bushfire that would directly impact these communities;
- d. That the tower was built and complete in September 2023, however the functional panel antennas have not yet been installed, and the Shire / community have been advised that the installation date will be no earlier than the second half of this year.



OCM004/02/24

COUNCIL RESOLUTION

Moved Cr Duggin, Seconded Cr Jerrett

That Council REQUESTS the President write to the responsible Federal Minister for Communications, Hon Michelle Rowland MP and the relevant telecommunications provider for this infrastructure, requesting assistance in completing the new telecommunications infrastructure project (comprising new mobile phone tower) and taking place at L116 (#245) Keirnan Street, Whitby. This request should set out the following:

- a. That the development application for the new mobile phone tower was approved by the Shire in early 2023;
- b. That the application documented its key purpose in order to address a critical blackspot in mobile phone coverage, which is affecting communities in Mundijong, Whitby and Cardup, all of which are bushfire prone areas;
- c. That there are a number of vulnerable communities who are placed at greater risk due to the lack of acceptable mobile phone signal coverage, especially not the hazard of bushfire that would directly impact these communities;
- d. That the tower was built and complete in September 2023, however the functional panel antennas have not yet been installed, and the Shire / community have been advised that the installation date will be no earlier than the second half of this year.

CARRIED 4/1

*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, Cr Duggin, Cr Jerrett, Cr Mack voted FOR the motion.
Cr Byas voted AGAINST the motion.*



9.3 - Notice of Motion – Lot 123 and 124 Gordon Road Access, Serpentine (SJ1271)

| | |
|---|--|
| 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 <i>Local Government Act 1995</i> . |

Notice of Motion

A Notice of Motion was received from President Coales via email on Thursday, 8 February 2024.

The Notice of Motion is

“That Council:

1. SUPPORTS funding of the design and construction of 80m of Gordon Road, to a 4m wide sealed road to Lots 123 and 124 within the existing road reserve, at an estimated cost of \$150,000 and APPROVES the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|---------------------------|--|-----------------|------------------|
| 6400-NEW-6600-0000 | Increase Expense | Gordon Road -Capital Expenditure | 150,000 | |
| 6400-NEW-5033-0000 | Increase Trf From Reserve | Gordon Road – Transfer From Reserve – Road and Bridge Asset Management Reserve | | 150,000 |
| Reason: Construction of 80m long section Gordon Road to be funded from Road and Bridge Asset Management Reserve | | | | |

2. NOTES that the newly built 80m long section of Gordon Road will become an asset for the Shire to manage and maintain.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 21 August 2023 – OCM209/08/23 - COUNCIL RESOLUTION

That Council:

1. *ACKNOWLEDGES this is a challenging situation to resolve;*
2. *ACKNOWLEDGES the responses received from the two property owners affected, Lot 123 and Lot 124 Gordon Road in regards to the 4 options presented;*
3. *NOTES the legal advice received, that the Shire is under no responsibility to construct a road right up to the boundaries of Lot 123 and 124 as contained within CONFIDENTIAL attachment 1;*
4. *REQUESTS that the CEO write to the affected properties advising that Council's adopted position is that it will only AGREE to design and construct the*



unconstructed 80m section of Gordon Road to a 4m wide sealed road, subject to the written agreement of the owners of Lot 123 and 124 Gordon Road that the:

- i. Two owners pay the cost upfront to the Shire, split evenly between the two owners, or*
 - ii. Two owners consent to signing a Deed of Agreement which will be supported by a "subject to" Caveat on their property title for payment of 50% of the total costs of the road construction to the Shire upon the sale or transfer of ownership of each lot;*
 - iii. Whichever alternative is consented by the two owners, costs to be met by the owners upfront.*
5. *AUTHORISES the Chief Executive Officer to execute a formal deed of agreement, in agreement with the owner of Lot 123 and 124 Gordon Road, acknowledging the landowners' obligation to reimburse to the Shire for the total costs, by including a charging clause under which the landowners charge their land with the debt owed, and lodge caveat's on each title in accordance with the Deed of Agreement;*
6. *In the event that construction is not funded upfront by the owners, and option 4.ii (being the subject to caveat option) is agreed to by the owners of Lots 123 and 124 APPROVES the following budget variation:*

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|------------------|---|----------|-----------|
| 6400-NEW-6600-0000 | Increase Expense | Gordon Road -Capital Expenditure | 150,000 | |
| 6400-NEW-4907-0000 | Increase Revenue | Gordon Road – Capital Contributions – Other | | 150,000 |
| Reason: Construction of something at Gordon Road to be funded from Contributions by the respective Landowners | | | | |

Officer Comment

The report on this matter was presented to Council at the Ordinary Council Meeting of 21 August 2023.

Since this time officers wrote (by email) to the landowners involved to communicate Council's decision as contained within **Attachment 1**.

A response to this correspondence was received from one of the landowners and is attached for Elected Members reference at **Attachment 2**.

The response received raises no additional information that warrants a change in the position of Officers.

Therefore an alternative Officer recommendation is provided for Council consideration.

Attachments (available under separate cover)



- **9.3 - attachment 1** - L123 and L124 Gordon Road Access Serpentine (E24/2388)
- **9.3 - attachment 2** - L123 and L124 Gordon Road Access Serpentine (E24/2389)

Voting Requirements: Absolute Majority (s6.8(1) of the *Local Government Act 1995*)

Elected Member Recommendation

That Council:

1. SUPPORTS funding of the design and construction of 80m of Gordon Road, to a 4m wide sealed road to Lots 123 and 124 within the existing road reserve, at an estimated cost of \$150,000 and APPROVES the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|---------------------------|--|----------|-----------|
| 6400-NEW-6600-0000 | Increase Expense | Gordon Road -Capital Expenditure | 150,000 | |
| 6400-NEW-5033-0000 | Increase Trf From Reserve | Gordon Road – Transfer From Reserve – Road and Bridge Asset Management Reserve | | 150,000 |
| Reason: Construction of 80m long section Gordon Road to be funded from Road and Bridge Asset Management Reserve | | | | |

2. NOTES that the newly built 80m long section of Gordon Road will become an asset for the Shire to manage and maintain.

Alternative Officer Recommendation

That Council NOTES the correspondence received at Attachment 2 and RESOLVES to take no further action.

The item LAPSED for want of mover.



10. Chief Executive Officer reports:

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.

No further items were identified to be removed from en bloc consideration.

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

| Report number | Report Title |
|----------------------|--|
| 10.1.3 | Revised Draft Local Planning Policy 1.4 - Advertising Development Applications (SJ2648) |
| 10.1.4 | Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct - Request for Comment (SJ1369-16) |
| 10.2.1 | Minutes of the Rivers Regional Council Meeting – 14 December 2023 (SJ2812) |
| 10.2.3 | Award Request for Tender – RFT 12/2023 – Backhoe Loader (SJ4330) |
| 10.3.1 | Confirmation of Payment of Creditors – December 2023 (SJ801) |
| 10.3.2 | Confirmation of Payment of Creditors – January 2024 (SJ801) |
| 10.3.3 | Monthly Financial Report – November 2023 (SJ4229) |
| 10.3.4 | Monthly Financial Report – December 2023 (SJ4229) |
| 10.3.6 | 2023 – 2024 Rural Valuation Review (SJ274) |
| 10.4.1 | Anzac Day Consultation Outcomes - Service Location and Doley Road Cenotaph Relocation (SJ483-2) |
| 10.4.2 | Local Emergency Management Committee Information Report (SJ716) |
| 10.4.3 | Bush Fire Advisory Committee (BFAC) – receipt of minutes and consideration of recommendation (SJ648) |



OCM005/02/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Mack

That the Officer Recommendations contained in Officer Reports 10.1.3, 10.1.4, 10.2.1, 10.2.3, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.6, 10.4.1, 10.4.2, 10.4.3 be ADOPTED en bloc at 8.24pm.

CARRIED UNANIMOUSLY 5/0



10.1 Development Services reports:

| | |
|--|--|
| 10.1.1 - Lot 60, 394 Robertson Road, Cardup - Retrospective and Prospective Industry (Concrete Product Manufacturing Facility) (PA23/198) | |
| Responsible Officer: | Manager Statutory Planning and Compliance |
| Senior Officer: | Director Development Services |
| Disclosure of Officers Interest: | No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . |

Authority / Discretion

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

| | |
|------------------------------------|---|
| Proponent: | Harley Dykstra Pty Ltd |
| Owner: | Kandalee Pty Ltd and Mecca Holdings Pty Ltd |
| Date of Receipt: | 10 March 2023 |
| Lot Area: | 47.39ha |
| Local Planning Scheme No 3 Zoning: | 'Industrial Development' and 'Rural' |
| Metropolitan Region Scheme Zoning: | 'Industrial' and 'Rural' |

Report Purpose

The purpose of this report is for Council to consider endorsing the Responsible Authority Report (RAR) prepared for a retrospective and prospective development application for an industry comprising concrete product manufacturing located at Lot 60, 394 Robertson Road, Cardup. The RAR can be viewed within **attachment 1**.

The MODAP replaces 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 to the MODAP, consistent with established delegations.

A RAR was previously considered by Council at its meeting of 21 August 2023 (**attachment 2**) where Council resolved to recommend that the MODAP refuse the application primarily on the grounds that there was insufficient information to demonstrate that the development would not result in adverse amenity impacts. Subsequently, at its meeting of 8 September 2023, the MODAP deferred its decision *"to allow the applicant to provide, within a period of 30 days, sufficient information on dust, bushfire management, water and drainage management, noise, vibration, odour, light, fumes, and any associated revised plans, for assessment by the Shire of Serpentine and Jarrahdale and advice from relevant referral authorities."*



The latest suite of information was provided to the Shire on 14 December 2023. This was readvertised for public comment, and also peer reviewed by an independent expert consultant with relation to the noise and vibration information. This report presents the outcomes of the Officer merits based assessment, having regard for all relevant planning matters.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 August 2023 - OCM193/08/23 - COUNCIL RESOLUTION / Officer Recommendation

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 2) 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 Town Planning Scheme No. 2, for the following reasons:*
 - a. 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 in terms of noise, vibration, and dust.*
 - b. Insufficient information has been provided to demonstrate that an adequate standard of bushfire protection for the development has been achieved to preserve life and reduce damage to property and infrastructure.*
 - c. Cardup Business Park Local 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 information submitted with the application demonstrates that emissions are unable to be managed in accordance with the guidance statement, specifically noise. Having due regard to the Structure Plan under Clause 27 of the deemed provisions, the application should be refused.*
 - d. Cardup Business Park Local Structure Plan states under Part 1 Table A row 9 that; Appropriate interfaces/treatment that protect and maintain environmental values shall be provided along the boundaries of any Bush Forever sites. Subdivision and development applications shall provide details and illustrations of these treatments. The information submitted with the application does not confirm that an appropriate interface / treatment has been provided to the adjoining Bush Forever site. Having regard to the structure plan under Clause 27 of the deemed provisions the application should be refused.*
 - e. The development is inconsistent with State Planning Policy 4.1 - Industrial Interface as follows:*
 - i. Emissions and impacts from the development extends beyond the boundaries of the site.*
 - ii. The impact area of the development is not considered as a compatible zone.*



iii. The development does not properly mitigate or manage impacts on health and amenity of people within the locality as it exposes them to noise, dust and vibration emissions.

Background

As previously stated, the development was initially presented to the MODAP for determination at its meeting held on 8 September 2023. At this meeting the MODAP resolved to defer consideration of the application as follows:

That the consideration of DAP Application DAP/23/02462 be deferred for a period of up to 180 days being on or before the 6 March 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To allow the applicant to provide, within a period of 30 days, sufficient information on dust, bushfire management, water and drainage management, noise, vibration, odour, light, fumes, and any associated revised plans, for assessment by the Shire of Serpentine and Jarrahdale and advice from relevant referral authorities.

The Procedural Motion was put and CARRIED WITH THE CASTING VOTE (2/2).

Subsequent to the MODAP's decision, the applicant provided additional information on 10 October 2023 (**attachment 3**) as follows:

- Covering Letter;
- An updated Site Plan;
- An updated Noise and Vibration Monitoring Report dated 9 October 2023;
- An updated Stormwater Management Plan.

Following, on 30 October 2023 the applicant repackaged the suite of information and provided the following (**attachment 4**):

- Covering Letter;
- An updated Site Plan;
- An updated Dust Management Plan;
- An updated Noise and Vibration Monitoring Report dated 9 October 2023;
- An updated Stormwater Management Plan;
- A Bushfire Management Plan;
- A statement in relation to fumes and odour.

With the permission of the Department of Water and Environmental Regulation (DWER), testing was undertaken on site during November 2023. Based on the testing, further changes were made to the manufacturing process as well as the works on site, namely the installation of a noise wall constructed using sea containers. The changes made resulted in the requirement for the technical reports and the site plan to be updated again. The updated



information was received by the Shire on 14 December 2023, which is the information presented to Council that the recommendation is based upon.

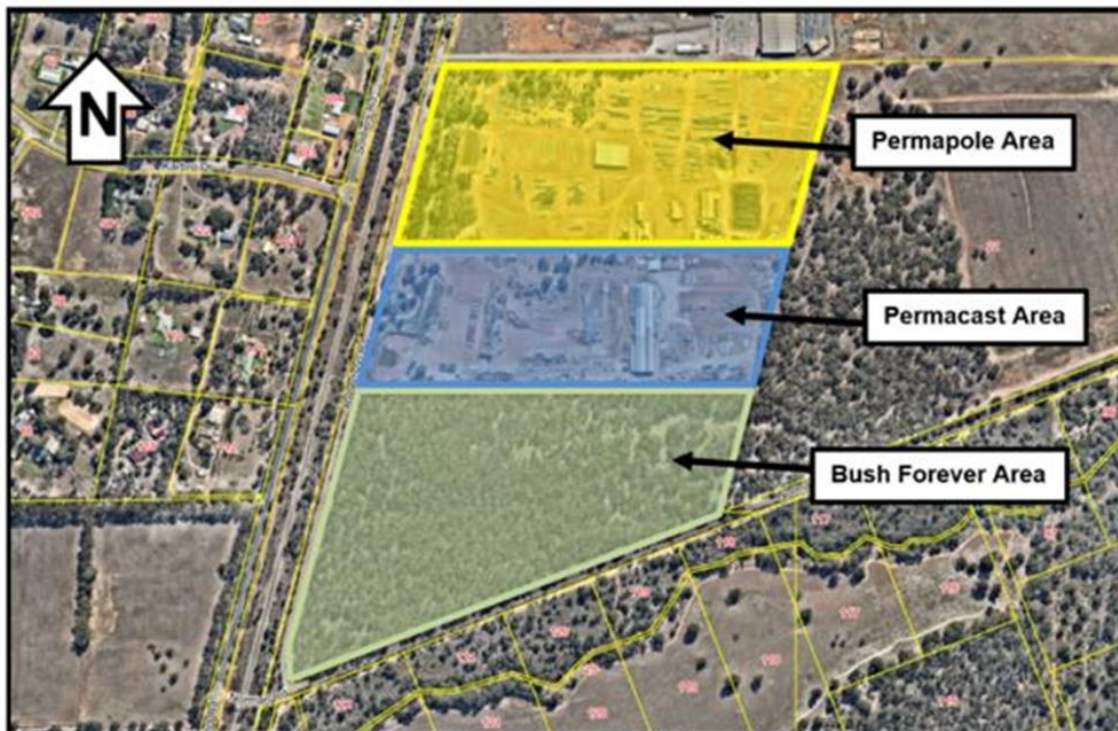
Existing Development

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 Rd): '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. The original shed on site was developed between 1983 and 1985, with an extension to the shed being developed in 2009. 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.



There is no record of any prior development approval for the concrete product making industry on the subject land.



A limited set of planning approvals had been issued, none of which deal with the operations that are underway. That is, there is no record of any prior development approval for the concrete product making industry on the subject land.

The planning approvals found to be on foot for the subject land are as follows:

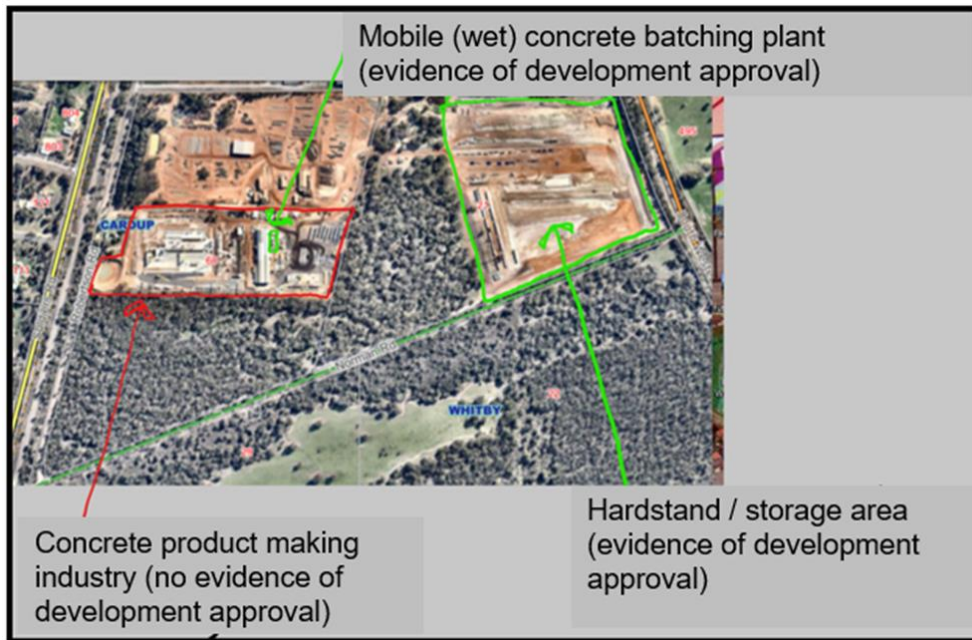
1. Impregnation plant and debarker for pine logs; small mill; kilns, planing machine and store (approved 1977).
2. Construction and installation of softwood sawmill and hammermill with waste storage bin (approved 1980).
3. New building for a sawmill and storage shed (approved in 1983).
4. Construction shed for a treatment plant (approved in 1985).

It was found that in 2015, an application had been made that attempted to legitimise the then extent of Permacast operations on the subject land (such extent being smaller than recent expansions that have taken place). This application was discontinued, for reasons of concerns pertaining to expected changes in the planning framework and the issue of protecting extents of bush forever on the subject land. This application seeks to legitimize the operations on the subject land. As mentioned, there have been recent further works which both expanded and intensified the industry on the land, which also seek to be legitimized by this application.

In recent times, two approvals have been issued, both of which are unrelated to the industry (concrete product making) operations underway:

1. Wet concrete batching plant (approved 2021).
2. Retrospective approval for Laydown Area and Associated Vegetation Removal (approved 9 June 2023).

In accounting for the above situation, Officers raised concerns with the operator and their representative on a number of occasions, subsequently resulting in this subject application. In terms of planning background context, the following image shows the approvals status for the land:



Complaints and planning issues

Since March 2023, a number of complaints have been received from nearby landowners to the subject land, alleging noise and/or vibration impacts from activities that are adversely affecting the amenity of the area. These complaints continued throughout 2023, and have also continued during the beginning of 2024. These complaints include:

- 1 March 2023: Noise and/or vibration complaint
- 26 May 2023: Noise and/or vibration complaint
- 7 June 2023: Noise and/or vibration complaint
- 14 June 2023: Noise and/or vibration complaint
- 20 June 2023: Noise and/or vibration complaint
- 28 June 2023: Noise and/or vibration complaint
- 28 June 2023: Noise and/or vibration complaint
- 26 July 2023: Noise and/or vibration complaint
- 28 July 2023: Noise and/or vibration complaint
- 1 August 2023: Noise Complaint
- 3 August 2023: Noise Complaint
- 4 August 2023: Dust Complaint
- 10 August 2023: Noise Complaint
- 30 August 2023: Noise Complaint
- 18 September 2023: Noise Complaint
- 21 October 2023: Noise Complaint



- 28 October 2023: Noise Complaint
- 30 October 2023: Sea Container Wall
- 1 November 2023: Noise Complaint
- 4 November 2023: Noise Complaint
- 6 November 2023: Noise Complaint
- 7 November 2023: Noise Complaint
- 8 November 2023: Noise/Vibration Complaint
- 10 November 2023: Noise Complaint
- 11 November 2023: Sea Container Wall
- 14 November 2023: Noise Complaint
- 14 November 2023: Noise Complaint
- 15 November 2023: Noise/Vibration Complaint
- 16 November 2023: Noise Complaint
- 20 December 2023: Noise Complaint
- 16 January 2024: Noise Complaint

It is noteworthy, upon review of aerial photography, to see the unapproved development that has occurred, and which coincided with the documented complaints. This is shown following:



4 January 2021



30 August 2022. Note new stressing bed being built with no Shire or DWER approval. Located close to the western boundary, and orientated in such a way that noise is directed in an east west direction



29 April 2023. Continued expansion evident



DWER Action - Prevention Notice

The Shire was advised on 9 August 2023 that DWER had issued a Prevention Notice under its Environmental Legislative Framework, against the Permacast operations located at the subject site.

The Notice required immediate action by Permacast to deal with waste (the stormwater aspect) and prevent pollution (pertaining to noise, vibration and dust). The Prevention Notice imposed four requirements, in order to achieve this. This included the prevention of all works occurring within an area denoted as the Restricted Area, until such time that suitable emission control measures had been implemented and the restriction pursuant to the Prevention Notice had been removed, or a licence to operate a prescribed premise had been granted under s57 of the *Environmental Protection Act*.

Following this, the applicant undertook consultation with DWER to address the Notice. These measures included the following:

- Sealing the main driveway and all car parking and manoeuvring areas, in order to address dust issues;
- Redesign of drainage to manage stormwater through a safer system, employing silt traps along new 'V' drain flow paths; oil and water separators for the new sealed driveway and car parking area; groundwater intercept bores to monitor groundwater leaving the site;
- A three-container high noise shield, which will be wrapped with acoustic fabric, in order to seal gaps and block off noise leaving the site;
- Acoustic curtains being hung around all metal work areas;
- Re-synchronizing of the agitator machines, based on expert machinist advice, to change the frequency of the beds;
- Change to the concrete mix before it is cast, making it wetter, so that the agitator machines do not need to agitate as hard.

DWER issued a replacement Environmental Protection Notice (EPN) signed on 17 October 2023, to replace the previously issued Prevention Notice, so as to enable a regime of testing to occur to determine if operations could comply with the Environmental Legislative Framework. The EPN made reference to a single test being possible to determine whether the new noise and vibration prevention measures, as detailed above, would be effective in managing emissions. The test pour took place on 1 November 2023.

On 25 October 2023, the Shire received correspondence from DWER advising that their position had changed, and they no longer considered that the activities constituted a prescribed premise under Category 77 of the *Environmental Protection Regulations 1987* (Regulations). Notwithstanding this, the EPN remained valid and required to be complied with, as this is a general enforcement mechanism that can be imposed on all development to prevent pollution taking place. This revised position, however, ultimately results in the development only requiring development approval from the Shire and no approval or licence from DWER.

As such, should the MODAP approve the development application currently under way, the Shire will be solely responsible to ensure the development operates in compliance with the approval. The operations are still required to comply with relevant legislation namely the EP



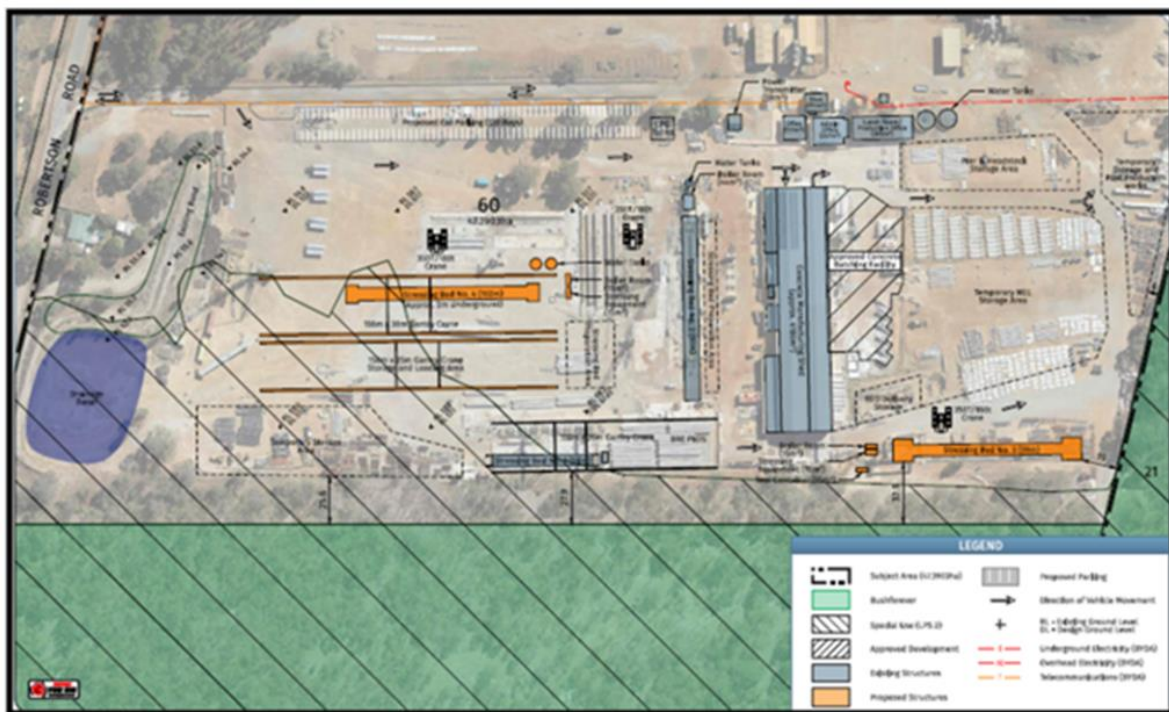
Act and subsidiary regulations i.e as the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.

On 14 November 2023, DWER advised that the EPN had been revoked and replaced with another EPN to allow for additional testing within Stressing Bed 4, implementation of an updated drainage design and additional time to complete the sealing of the parking areas and driveway. This test was undertaken on 15 November 2023 and informed the information provided to the Shire in December.

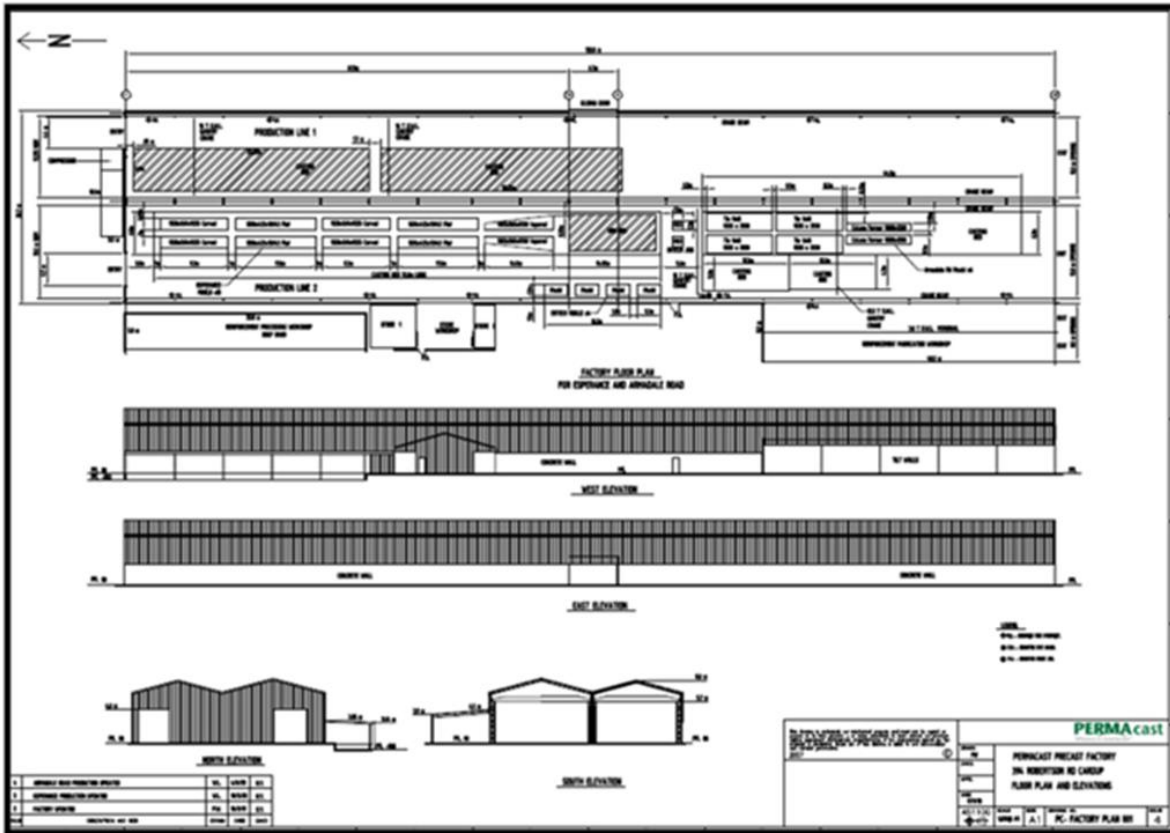
On 28 November 2023, DWER advised (**attachment 5**) that they were satisfied that “suitable noise mitigation and emission controls have been implemented by Polevine to ensure noise levels are within the assigned levels and in compliance with the *Environmental Protection (Noise) Regulations 1997*”. This was based on the analysis of noise data from the test on 15 November 2023. This test involved the use of stressing bed 4. DWER confirmed that based on this the requirements of the EPN were satisfied and the requirements relating to the restricted area no longer apply. It is worth noting that notwithstanding this advice, at all times assigned noise levels set out within the *Environmental Protection (Noise) Regulations 1997* are required to be complied with.

Initial Development

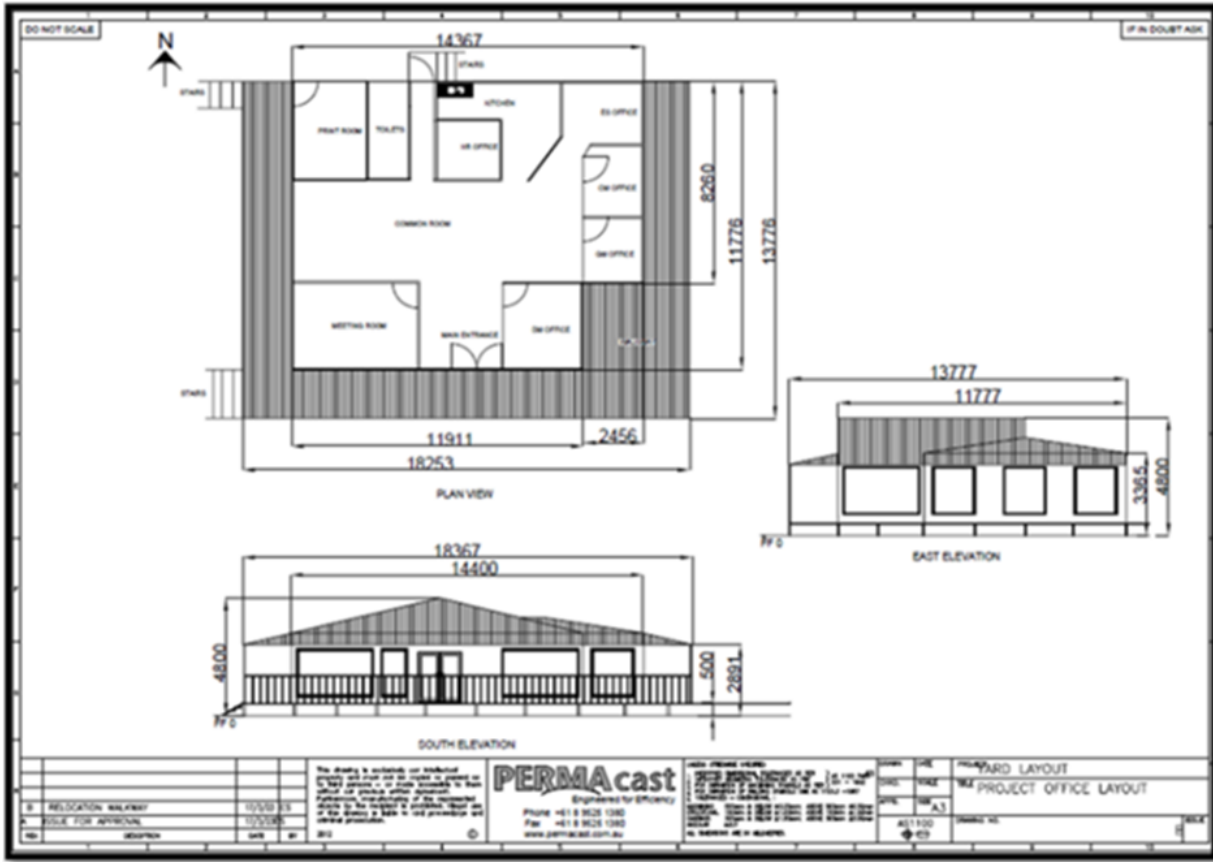
As initially proposed, the development application sought approval for a retrospective concrete product manufacturing facility (as detailed in **attachment 6**), proposed to be located adjacent to the separately approved wet concrete batching facility, following:



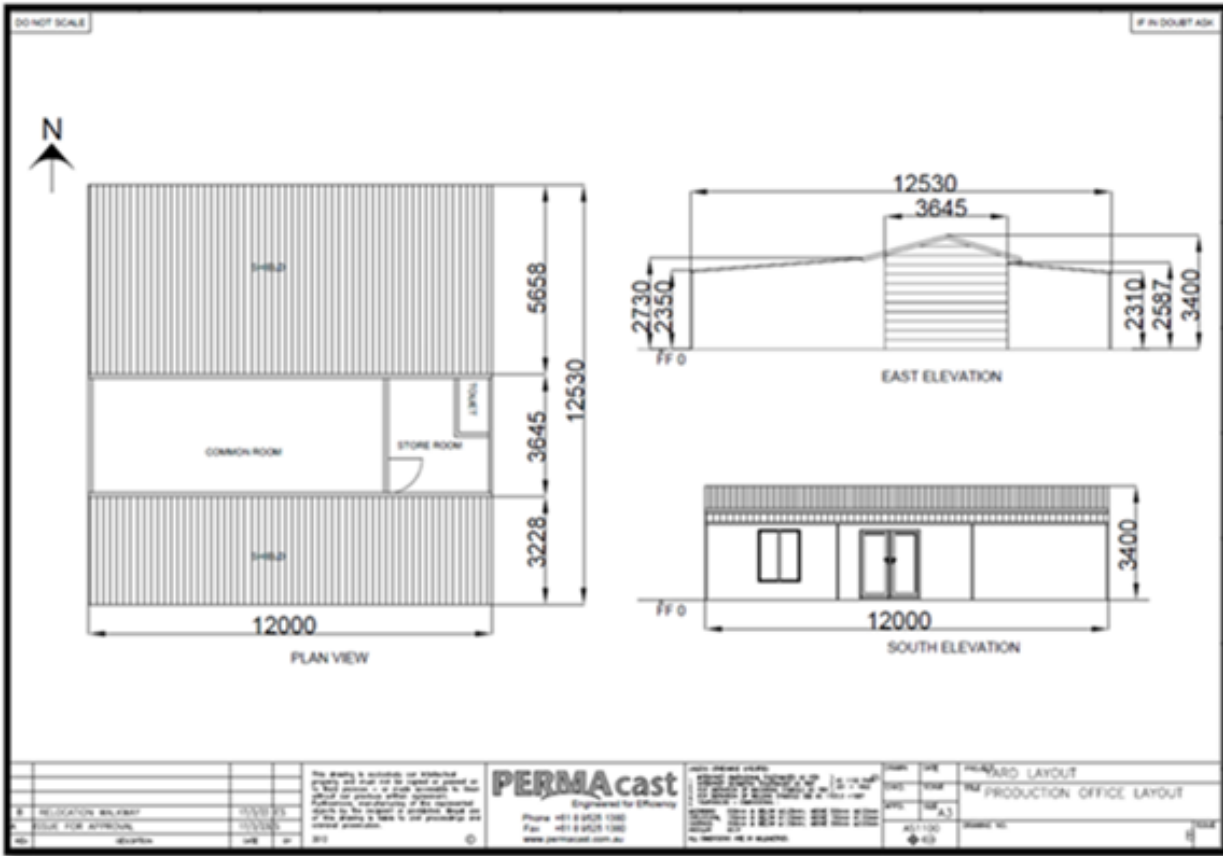
Site Plan



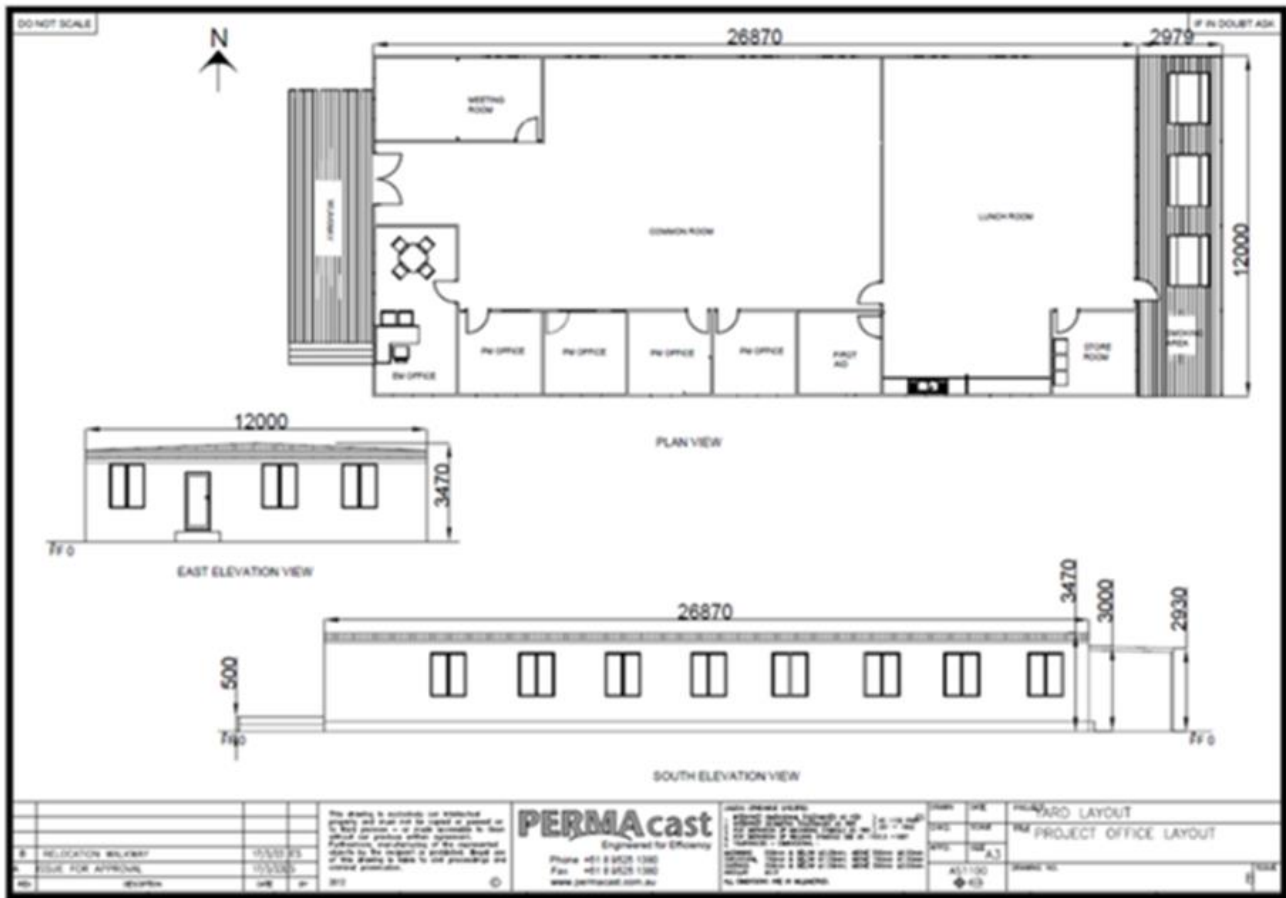
Concrete Casting Workshop



Administration Office



Production Office



Lunch Room

The initial development comprised of:

- Retrospective approval for an enclosed concrete casting workshop (also referred to as concrete manufacturing shed) with a floor area of 4180m² adjacent to the west side of the approved wet concrete batching facility.
- Retrospective approval for four stressing beds and associated gantry cranes.
- Retrospective approval for administration office, production office and lunchroom located to the north of the concrete casting workshop. Also, a boiler room, stressing equipment building and tool container are to be constructed to the south east of the concrete manufacturing shed.
- Retrospective approval for stormwater retarding basin located to the west near the Robertson Road frontage. An open V drain along the south of the development area is proposed to divert stormwater to the retarding basin.
- 120 car parking spaces.

The concrete casting process involves precast concrete being poured into reusable moulds or forms, cured in a controlled environment, then lifted in place to then be transported to sites for construction. The main stages in the manufacturing process are described as follows:



- Production of reinforced cages (i.e. steel frames) and main connections undertaken onsite.
- Cages are then lowered using a spreader beam and crawler crane into moulds (which are mostly fabricated offsite) that are positioned on a casting bed.
- Concrete produced from the onsite batching plant is delivered via agitator trucks which connect to a pump which pours the concrete into the moulds containing cages.
- Concrete in the moulds is then compacted on the stressing beds using vibrators.
- Curing of the concrete is then accelerated using steam generated from a boiler. Each stressing bed has its own water boiler system.
- Concrete components are then lifted out of the moulds for finishing works and then taken to storage for delivery.

Note that on average, Permacast can produce 200 tonnes of concrete per day.

Updated proposal

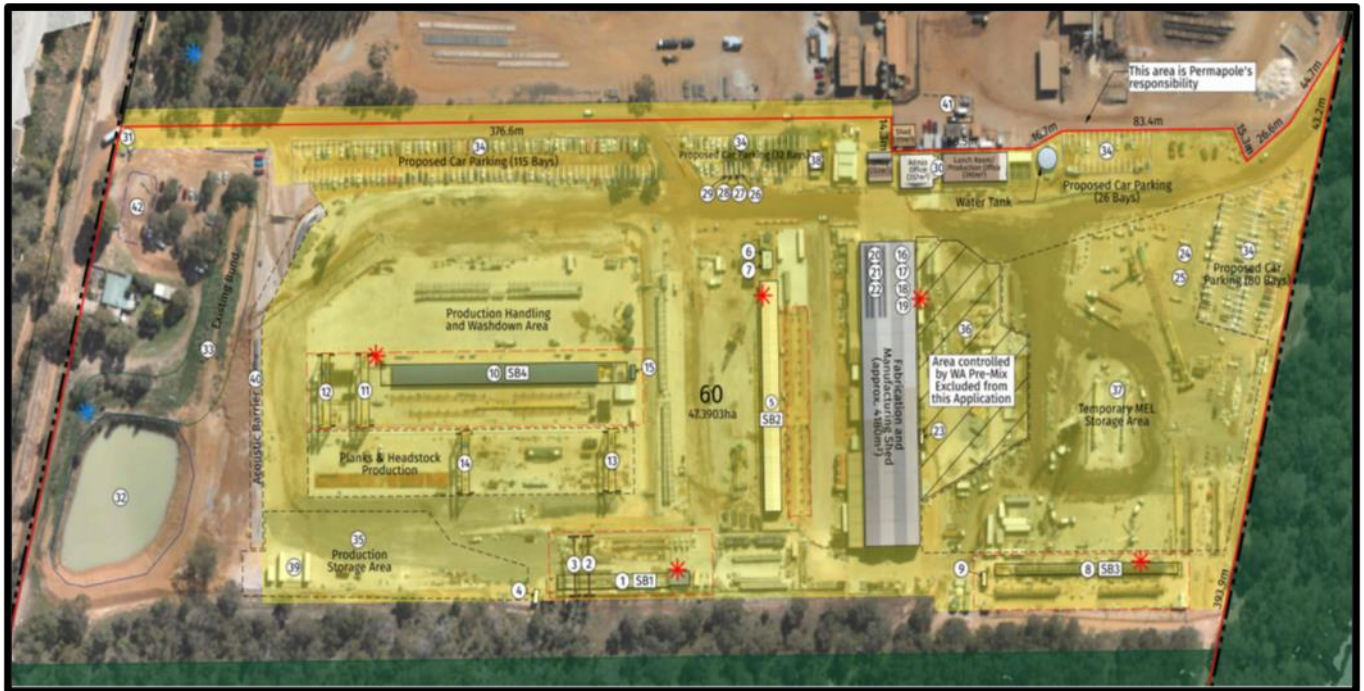
The additional information provided (**attachment 7**) includes the following:

- Covering Letter;
- Site Plan;
- Bushfire Management Plan;
- Dust Management Plan;
- A statement in relation to Odour and Fumes;
- Noise and Vibration Monitoring Report; and
- Stormwater Management Plan.

The amendments to the original proposal, as detailed in the additional information, were as follows:

Site Plan:

The updated site plan is depicted below with the amendments described following:



| INFRASTRUCTURE AND EQUIPMENT | | | | |
|------------------------------|---|------------------|--|--|
| Reference Number | Description | Reference Number | Description | |
| 1 | Stressing Bed 1 | 22 | Gantry C4M5 12.50T | |
| 2 | Gantry Crane C4M4 25T (East) | 23 | Boiler - Diesel | |
| 3 | Gantry Crane C4M4 25T (West) | 24 | Mobile Gantry 110T | |
| 4 | Boiler - Diesel | 25 | Mobile Gantry 110T | |
| 5 | Stressing Bed 2 | 26 | Gas Tank 7.5KL | |
| 6 | Boiler - Gas (45m ² Shed) | 27 | Gas Tank 7.5KL | |
| 7 | Boiler - Gas (45m ² Shed) | 28 | Gas Tank 7.5KL | |
| 8 | Stressing Bed 3 | 29 | Gas Tank 7.5KL | |
| 9 | Boiler - Diesel (15m ² Shed) | 30 | Office and Administration | |
| 10 | Stressing Bed 4 | 31 | Crossover | |
| 11 | Gantry Crane C4M4 50T (30m Span - East) | 32 | Drainage Basin | |
| 12 | Gantry Crane C4M4 50T (30m Span - West) | 33 | Existing Bund | |
| 13 | Gantry Crane C4M4 50T (25m Span - East) | 34 | Proposed Car Parking (253 Bays) | |
| 14 | Gantry Crane C4M4 50T (25m Span - West) | 35 | Production Storage Area | |
| 15 | Steam Generator - Gas (15m ² Shed) | 36 | Area controlled by WA Pre-Mix | |
| 16 | Gantry C4M5 12.50T | 37 | Temporary MEL Storage Area | |
| 17 | Gantry C4M5 16T | 38 | Power Transmitter (59m ²) | |
| 18 | Gantry C4M5 16T | 39 | Portable Lunchrooms and Ablutions (80m ² Total) | |
| 19 | Gantry C4M5 12.50T | 40 | Acoustic Barrier - preferred location | |
| 20 | Gantry C4M5 12.50T | 41 | Portable Container Office | |
| 21 | Gantry C4M5 12.50T | 42 | Proposed Drainage Basin | |

SB = Stressing Bed

- Car parking areas have been increased and provided in four different locations with a total of 253 car bays. While no increase in staff numbers is proposed, additional overflow parking has been depicted on the site plan. DWER requested the applicant to identify and seal all parking areas (including overflow parking that was not previously depicted). The covering letter details that overflow parking is only required “during special projects to accommodate extra visitors and contractors when there are special project milestones or meetings held at the facility”. Overflow parking may also be used when staff have



worked beyond their normal hours and are “required to leave their vehicles on site and the company arranges for other transport to get the workers home”.

- Each stressing bed has been ‘enveloped’ with a nominated stressing bed preparation area.
- A production, handling and washdown area has been provided along the north side of stressing bed 4;
- The temporary laydown storage area located east of the approved concrete batching facility has been redesigned to accommodate additional parking and updated drainage design;
- Additional details are included to show the location of cranes, boilers, and gas tanks;
- The addition of an acoustic barrier wall (i.e., three storey sea containers) located to the west of stressing bed 4;
- Additional sealing and hardstand areas provided;
- Additional landscaping to the western edge of the site;
- Depicting of the bush forever site; and
- Additional drainage basin provided to the south of the driveway entry to Robertson Road together with a refined drainage layout.

It is worth noting that there is a second wall of sea containers located adjacent to stressing bed 4, as depicted below, this is not depicted on the site plan and is discussed later in the report.



Location of Inner Container Wall Stressing Bed 4

Updated Dust Management Plan:

The information details that the applicant, in consultation with DWER, have reviewed potential dust generating activities and concluded that the main source of dust generation was from the use of the unsealed driveway and laydown areas. The following dust management measures are proposed to be implemented to manage dust impacts as detailed in the Dust Management Plan:



- All hardstand and driveway areas are to be sealed, paved or overlaid with concrete, asphalt or recycled asphalt material;
- Trafficable or laydown areas not sealed will be regularly treated for dust suppression with permanent onsite water carts or sprinklers;
- Until the main driveway is sealed, all articulated trucks are to exit the site onto Norman Road via Lot 21; and
- Open areas adjacent to Robertson Road to be landscaped.

Updated Stormwater Management Plan:

Key updates to the Stormwater Management Plan are as follows:

- Hardstand and driveway areas are to be sealed, paved or overlaid with concrete, asphalt or recycled asphalt material. Vee-drains to main driveway to be increased in capacity with regular 'check dams' to slow water speed and provide sedimentation mitigation;
- All stormwater from production and laydown area to pass through sediment traps prior to disposal into main drainage basin;
- Main driveway stormwater to be directed to a new small basin on the southern side of the main entry;
- Re-routing of stormwater east of main shed from current overland disposal to the south, to be instead re-directed to the main drainage basin in the west via a new vee-drain with 'check dams' at regular intervals along southern boundary of production area;
- New overflow to main drainage basin;
- Clarifying of the process, specifically;
 - No cement or concrete production will occur;
 - Moulds are loaded with a prior manufactured concrete and excess concrete is deposited into a second mould to dry out which is either used or recycled off site so there is no slurry run-off;
 - The washdown area is sealed with a capacity to accommodate a 1:100 year storm event;
 - Mobile tools/equipment washdown occurs in a sealed mobile tank, slurry from which is disposed of offsite;
 - All stormwater from areas of hardstand will be accommodated on site (1:20 year event) with overflow to Robertson Road drainage system in 1:100 year event; and
 - All drainage basins receive 'clean' stormwater.

Noise and Vibration Report

The Noise and Vibration Report has been provided based on testing that was undertaken on site. This is discussed in detail later in the report however the noise mitigation measures described by the updated information are summarised following:

- Concrete pouring trucks are placed as far east as possible;



- No use of Robertson Road entry by general Permacast staff prior to 7.00am;
- No staff or visitor parking to the western end of the site in proximity of Robertson Road;
- Replace reversing beepers on current equipment with buzzers and mounted closer to the ground;
- Installation of sea container wall along the west side of stressing bed 4;
- Modification of the manufacturing process to reduce the range and frequency of noise and vibrations being emitted from the stressing bed process. This includes reduction in vibration sections, time and frequency, the use of alternative concrete mix and the installation of noise curtains as close as possible to moulds during a pour;
- Operations of the vibrating component of a stressing bed no more than one stressing bed at a time;
- Better spacing of concrete delivery truck movements so that the concrete truck staging area occurs behind the noise wall rather than in exposed area;
- Hours of stressing bed vibration operations limited to 7:00am to 6:00pm, with no activity on Sundays; and
- Concrete boom pump and concrete trucks to be positioned as far east from stressing bed 4 as practical.

Bushfire Management Plan (BMP)

An updated BMP has been provided in response to the items raised by DFES.

Fumes and Odour

The applicant has provided a statement advising that there are no unexpected odour or fumes emitted from the activities.

Community Consultation

Community consultation was first carried out for a period of 28 days, from 28 March 2023 to 25 April 2023. During the consultation period, nine submissions were received, these submissions were included in the RAR previously presented to the MODAP. For information, the previous summary of submissions is contained within **attachment 8**.

Following the MODAP's decision to defer the application, the applicant provided additional information on 13 October 2023 as follows:

- Covering Letter;
- An updated Site Plan;
- An updated Dust Management Plan;
- An updated Noise and Vibration Monitoring Report;
- An updated Stormwater Management Plan;
- A Bushfire Management Plan; and
- A Statement in relation to fumes and odour.



This information was advertised for a period of 28 days from 2 November 2023 - 30 November 2023. During this period 37 submissions were received objecting to the proposal for the following reasons:

- Noise and Vibration
- Odour
- Dust
- Environmental pollution
- Proximity to residential area
- Visual Impact
- Traffic and increase of Trucks on the road
- Impact on Groundwater
- Stormwater Management
- Land use classification/Heavy Industry
- Operations undertaken illegally
- Impact on surrounding property prices

A copy of the submissions together with the Applicant's comments and Officer response is contained within **attachment 9**.

As previously stated, with the permission of DWER, testing was undertaken on site during November 2023. Based on the testing, further changes were made to the manufacturing process as well as the works on site, namely the installation of a noise wall constructed using sea containers. This is discussed later in the report. The changes made resulted in the requirement for the technical reports to be updated.

These updated reports were received by the Shire on 14 December 2023 and subsequently re-advertised for a period of 28 days (excluding the Christmas period) from 15 December 2023 - 19 January 2024. During this period 56 submissions were received, 38 providing support for the proposal and 18 objecting to the proposal for the same reasons.

A full copy of these submissions together with the Officers comment is contained within **attachment 10**.

Government Agencies Consultation

The application was referred to the relevant Government Agencies as follows:

| Department of Biodiversity, Conservation and Attractions (DBCA) |
|---|
| Summary of response: Initial Application <i>'DBCA supports the following recommendations that were provided by the Department of Planning Lands and Heritage's Policy Planning Manager, that,</i> |



- *No development, whether existing or proposed, is approved on that site where there is a risk of adverse impacts to bushland within Bush Forever area 361 and 350.*
- *Drainage infrastructure to serve the existing, proposed, and future development of Lot 60 is to be located outside Bush Forever area 361 and 350 with no overflow or discharge to be directed into any Bush Forever area.*
- *The existing drains and all drainage infrastructure that extends into the Bush Forever areas be decommissioned and remediated.*
- *All rubbish, structures, building materials and any other deleterious matter be removed from Bush Forever area 361.*
- *Remove and decommission the alternative/private access to Norman Road on the boundary of Lots 60 and 21 within the Bush Forever area and remediate the site.*
- *Update the Dust Management Plan to ensure that the Bush Forever sites are protected from dust.*
- *Provide fencing along the boundary of the development to restrict access into the Bush Forever area.'*

Updated Information

Officer Comment: Officer Comment: DBCA comments are acknowledged. Following the submission of the updated Stormwater Management Plan, the application no longer proposes to discharge stormwater into the bush forever site. The remainder of the issues are considered to be capable of being addressed through conditions should the application be approved.

Department of Planning Lands and Heritage (DPLH)- Bush Forever Team**Summary of Response:****Initial Application**

DPLH initially did not support the application as the drainage associated with the development was proposed to be diverted to the Bush Forever. DPLH also raised concerns in relation to rubbish and structures in the Bush forever, the clearing of trees and potential dust impacts. The following recommendations were made:-

- *No development, whether existing or proposed, is approved on that site where there is a risk of adverse impacts to bushland within Bush Forever area 361 and 350.*
- *Drainage infrastructure to serve the existing, proposed, and future development of Lot 60 is to be located outside Bush Forever area 361 and 350 with no overflow or discharge is to be directed into any Bush Forever area.*
- *Decommission the existing drains and all drainage infrastructure that extends into the Bush Forever areas and do all things necessary to facilitate the return of that land to natural bushland.*
- *Remove all rubbish, structures, building materials and any other deleterious matter from Bush Forever area 361.*
- *Remove and decommission the alternative/private access to Norman Road on the boundary of Lots 60 and 21 within the Bush Forever area and return the land to natural bushland.*

**Department of Planning Lands and Heritage (DPLH)- Bush Forever Team**

- *Update the Dust Management Plan to consider the surrounding Bush Forever areas as a sensitive receptor that must be protected from dust impacts, with no visible dust allowed to settle on vegetation within any Bush Forever area.*
- *Provide fencing along the boundary of the development and Bush Forever area to restrict access and delineate between the approved industrial activities and Bush Forever areas.*
- *Please note the Bush Forever boundary modification as part of MRS amendment 1380/57 was subject to negotiations with the landowners of Lot 60 and 21. These negotiations included an agreement for the removal of all drainage flows and infrastructure, rubbish, buildings and access out of Bush Forever, remediating the site to natural bushland and ceding the Bush Forever within Lots 60 and 21 to the Crown free of cost. Land Use Planning Policy considers this Development application to be inconsistent with that agreement.*

Updated submission

- *No development, whether existing or proposed, is approved on that site where there is a risk of adverse impacts to bushland within Bush Forever area 361 and 350.*
- *Drainage infrastructure to serve the existing, proposed, and future development of Lot 60 is to be located outside Bush Forever area 361 and 350 with no overflow or discharge is to be directed into any Bush Forever area.*
- *Decommission the existing drains and all drainage infrastructure that extends into the Bush Forever areas and do all things necessary to facilitate the return of that land to natural bushland.*
- *Remove all rubbish, structures, building materials and any other deleterious matter from Bush Forever area 361.*
- *Remove and decommission the alternative/private access to Norman Road on the boundary of Lots 60 and 21 within the Bush Forever area and return the land to natural bushland. Update the Dust Management Plan to consider the surrounding Bush Forever areas as a sensitive receptor that must be protected from dust impacts, with no visible dust allowed to settle on vegetation within any Bush Forever area.*
- *Provide fencing along the boundary of the development and Bush Forever area to restrict access and delineate between the approved industrial activities and Bush Forever areas.*

Officer Comment: The DPLH comments are noted however no buildings and works are proposed within the Bush Forever area. Regardless, should the application be supported then it is recommended that conditions of approval stating that no vegetation removal is permitted. It is considered that the updated Stormwater Management Plan will ensure that no stormwater runoff or drainage into the Bush Forever Site 361 and remediation of any informal drains in the Bush Forever Site 361.

**Department of Fire and Emergency Services (DFES)****Summary of response:****Initial Application**

DFES raised the following in their submission (amongst other things):

“An updated assessment against the current Guidelines has not been provided and there will continue to be lack of clarity over compliance if submissions are made against the former policy framework documents.

It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.

1. *The development design has not demonstrated compliance to -*
 - *Element 1: Location,*
 - *Element 3: Vehicular Access and*
 - *Element 4: Water.”*

Updated Response

Officer Comment: Refer to SPP3.7 section of report.

Department of Health (DoH)**Summary of response:****Initial Application**

“In relation to the management of wastewater on site, DoH is unable support the proposal as there appears to be no information on the wastewater treatment system, disposal area, or number of staff that use site amenities. Therefore, to support the proposal, the following needs to be provided:

1. *The number of staff on site.*
2. *Details of the existing onsite wastewater treatment and disposal method.*
3. *Evidence the above have been approved by the DoH”.*

Officer Comment: The DoH comments are noted and should the application be supported then it is recommended that a condition of approval require the submission and approval of an application for the treatment of sewage and the disposal of effluent and liquid wastes.

Department of Water and Environmental Regulation (DWER)**Summary of response:****Initial Application**

DWER initially did not object to the proposal in principle but provided a list of key issues/recommendations in relation to stormwater management, groundwater licensing. The Noise Branch provided the following:

The Department of Water and Environmental Regulation’s Environmental Noise Branch (ENB) has reviewed the development application document, as well as the noise

**Department of Water and Environmental Regulation (DWER)**

assessment report prepared by Lloyd George Acoustics (LGA). Based on LGA's report the concrete products manufacturing facility consists of two cranes, two trucks and two telehandlers, as well as four stressing beds (two existing and two proposed). LGA's noise modelling indicated that noise emissions from the concrete products manufacturing facility would be able to comply with the daytime assigned noise levels at the neighbouring residences when each individual stressing bed is running independently, or during certain scenarios where there will be more than one stressing bed running together.

ENB has identified the following issues:

- 1. Based on Section 4.6 of the Development Application, the concrete products manufacturing facility will commence production from 6:00am and will continue until 6:00pm. However, the operational hours quoted in LGA's report are stated as between 7:00am and 7:00pm. It should be noted that the time before 7:00am is classified as night-time by the Environmental Protection (Noise) Regulations 1997 (Noise Regulations). If the morning operational hour specified in the application document is correct, LGA's assessment of the noise compliance with the daytime assigned noise levels would be incorrect. Noise from the facility would need to also comply with the night-time assigned noise levels.*
- 2. Both the application document and LGA's report did not indicate if the concrete products manufacturing operation will occur on Monday-Saturday only (excluding Sunday and Public Holidays). Again, daytime noise assigned levels are different for Sunday and Public holidays, and LGA's assessment results do not apply to these days;*
- 3. It is noted that there are existing operations within the PERMAcast site, such as the batching plant(s). Noise from the concrete products manufacturing facility is likely cumulative with the noise generated by the existing operations. PERMAcast needs to demonstrate compliance of the cumulative noise emission levels from its site with the Noise Regulations, not only the noise from the concrete products manufacturing facility alone;*
- 4. Similarly, while the operations of the stressing beds and the vehicle operations were modelled separately, it is likely that they will be operating at the same time and hence the noise levels from those operations would also be cumulative. While the noise levels produced by the vehicle operations are much lower than those for the stressing bed operations, it is likely that more combinations of stressing beds operating would exceed the assigned levels when the cumulative noise is considered;*
- 5. It is noted in section 3.2.4 of the LGA report that, for modelling purposes, the ground absorption for the entire area was considered to be at 100% (e.g. consistent with a grass covered surface). As the ground, particularly near the noise sources, appears to be at the very least, made of hard-compacted material, this would result in an underestimation of the predicted noise levels at the receivers; and*
- 6. Noise from the concrete products manufacturing facility, particularly the stressing beds can be tonal, of which the adjustment for tonality may be required for the noise compliance assessment. It does not seem that LGA has conducted a tonality assessment in its report.*

Limitations

**Department of Water and Environmental Regulation (DWER)**

Technical expert advice in any field is subject to various limitations. Important limitations to the advice include:

- *No attempt was made to verify the noise data collected by LGA between September and November 2022 to determine the sound power levels of the plant; and*
- *No computer modelling was undertaken to verify LGA's modelled noise contours.*

Updated submission

From the ENB's estimation of the influencing factor and understanding of the Permacast operations, the applicable criterion for noise emissions from SB4 is the daytime (Monday to Saturday, 7am-7pm) LA10 assigned noise level of 47 dB and 46 dB at 7 Karbro Drive and 440 Soldiers Road, respectively. However, it must be noted the assigned noise levels apply to the noise emissions from the whole premises, not just SB4. While the Noise and Vibration Monitoring Report may be considered supplementary information to the original submission, some discussions around the noise contribution from the other sources on the premises would be beneficial e.g. other stressing beds, mobile plant operating on site, etc.

Based on the NV Report results for test 2, compliance with the daytime LA10 assigned noise level may be achieved at both receivers, but only if the noise emissions from SB4:

- are not tonal at the receivers, or
- do not cause or significantly contribute to a level of exceedance at the nearby receivers.

Noise modelling was used to complement the measured levels however, this process is not detailed in the NV Report. Furthermore, the test 2 measurement data were reportedly affected by high winds and no measurement data were presented for test 3. Therefore, the noise emissions from SB4 may not be accurately represented in the NV Report.

Officer Comment:

The advice of the ENB of the DWER does not provide Officers confidence that noise is conclusively capable of being managed. The advice notes that other sources of noise should have been included in the discussion, to determine if "noise emissions from the whole premises..." would comply. The ENB submission also notes concern that "the noise emissions from SB4 may not be accurately represented in the NV Report." The planning consideration pertaining to noise is further detailed in this report.

Main Roads Western Australia (MRWA)**Summary of response:**

In response to your correspondence received on 29 March 2023, Main Roads has reviewed the application and is unable to provide a recommendation at this point in time.

Please provide the following items:

- *Revised development application and/or documentation that includes all land used for retrospective activities as well as proposed development being consistent.*

Reason for information

**Main Roads Western Australia (MRWA)**

Submitted documents do not include a consistent application area. The Transport Impact Assessment (TIA) includes both Lots 60 & 21 whereas other documents include only Lot 60. Either the application is to be amended to include Lot 21 or alternatively, the TIA is to be amended to reference only Lot 60 and demonstrate how the site will operate independently of Lot 21.

- *Revised TIA that addresses the following comments.*
 - *The swept path analysis drawings must show road edge lines, road names and north arrow for better review of the drawings. From the submitted drawings it is not possible to understand the road edge lines / marking as the aerial image is either pixelated or the road surface is covered by trees / bushes.*
 - *Additional swept path analysis drawings to be provided to show the trucks carrying concrete beams making a right turn from Norman Road to South Western Highway.*
 - *Swept paths sheets 4 & 5 - Shows that the vehicle is required to encroach to the opposite lane or on the road edge line. Swept paths to be updated to avoid such situations.*
 - *Swept Paths Sheets 6 & 7 - Both tracking shows that the vehicle is required to drive outside the asphalt line both on the Norman Road and the South Western Highway. Please clarify how this additional paved area is going to be achieved, on the South Western Highway?*
 - *Swept Paths - Sheets 6 & 7 - These swept path analysis drawings shows a significant encroachment of the left turn vehicle to the southbound traffic lane of the South Western Highway and the vehicle continues to drive about 45m on the opposite lane before it drives on the allocated lane.*
- *Firstly, a full encroachment to the opposite lane is not acceptable.*
- *Secondly, it cannot be expected that the southbound vehicles on South Western Highway to give way approximately 45m in advance of the junction when these trucks are making a left turn.*

Please update the junction design to avoid such situations.

- *Total HV% or volumes also to be shown in Figure 6-3 to Figure 6-7. It is difficult to verify the volumes used. The full movement summary tables should be included.*
- *Section 6.1.1 shows the South Western Highway / Norman Road junction with a 15m long left turn pocket lane / auxiliary lane on the Norman Road approach, however there is no pocket lane that currently exist. Please clarify.*

Reason for information

To address technical matters and ensure the safe and efficient operation of the State Road Network.

- *An intersection treatment warrant analysis for the South Western Highway / Norman Road intersection. A warrants spreadsheet is available on Main Roads Western Australia's website:*

https://www.mainroads.wa.gov.au/technical-commercial/technical-library/road-traffic-engineering/guide-to-road-design/mrwa-supplement-to-austroads-guide-to-road-design-part-4/#mctoc_1ebke3nn5ukd

**Main Roads Western Australia (MRWA)***Reason for information*

The development seeking approval is serviced by heavy vehicle which may warrant changes to the intersection of South Western Highway/ Norman Road to ensure safe and efficient operation of the State Road network.

Officer Comment: It is agreed that there is an inconsistency with submitted documentation, and that swept path analysis drawings show significant encroachment into the opposite lane at the junction of South Western Highway and Norman Road. This is a significant safety concern, in a road environment of 100km/hr designated speed limit. Should the application be supported then it is recommended that a condition of approval require the upgrade of the intersection of South Western Highway and Norman Road to the satisfaction of Main Roads, at full cost of the applicant, and within a reasonable short term timeframe.

Statutory EnvironmentLegislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*

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 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)
- State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7).
- 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)
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 4.11 - Advertising Policy (LPP4.11)
- Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16)

Consistent with Council's General Compliance and Enforcement Policy, the applicant is



working towards a voluntary retrospective development approval pathway. Consistent with Part 7 of the Policy (Enforcement Options) option C includes a pathway towards retrospective development approval. While other pathways are noted (such as direction notices to stop work) Officers are of the view that the recommended deferral timeframe of 90 days does not, at this stage, require written directions to stop.

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which is contained within the RAR. For the purpose of this report, discussion is confined to the additional information submitted on 14 December 2023 provided to address the deferral reasons of the MODAP.

Land Use

Following the initial application being presented to Council, LPS3 was gazetted. The majority of the site where the development is proposed is zoned 'Industrial Development' under LPS3. The proposed concrete manufacturing facility falls within the 'Industry' land use category under LPS3, which is defined as follows:

Industry - means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes -

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

The 'Industry' land use is an 'A' land use within the 'Industrial Development' zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after the application has been advertised. This requires a merits based assessment to be performed against both the use component and the physical works component of the proposal.

Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)

The objectives of the 'Industrial Development' zone under LPS3 is "to designate land for future industrial development" and "to provide a basis for future detailed planning in accordance with the structure planning provisions of the Scheme".

These objectives require for land use and development within the 'Industrial Development' zone to be guided by Structure Plans. With regard to land use, the proposal falls within the Cardup Business Park Local Structure Plan (LSP) which is further considered later in the report.

The development site is designated as 'Industry General' under the LSP. Under the Zoning Table of LPS3, the land use of 'Industry' is a 'D' use in the 'General Industry' zone meaning



had the LSP designation been the zone, the use would not be permitted unless the local government has exercised its discretion by granting development approval.

LPS3 also requires the works component of development to be consistent with the corresponding zone specified on the relevant Structure Plan.

Proposed Metropolitan Region Scheme Amendment

The Western Australian Planning Commission (WAPC) have requested that the Shire provide preliminary comment of proposed MRS amendment (MR23/198) to rezone a 194ha portion of land in Cardup (including the subject site) from 'Industry' and 'Rural' to 'Urban'. At the 18 September 2023 Ordinary Council Meeting, Council resolved to provide conditional support (subject to some changes) for the proposed rezoning. The amendment has yet to progress any further, and has not yet reached the status of a seriously entertained planning proposal.

Cardup Business Park Local Structure Plan (LSP)

The LSP states (amongst other things):

“General industrial land uses encompass a wide range of activities that may or may not result in emissions that could affect the amenity levels considered acceptable in residential areas or other nearby sensitive land uses. The extent of emissions from a particular activity will depend on site and process specific factors such as the scale of the operation, plant processes and emission controls, storage of raw material and waste, local wind patterns and topography.

The design of the facility and the process controls and management measures are a significant consideration when determining potential impacts and/or appropriate separation distances.

Under the EPA Guidance Statement, it is recognised that the design of a facility and the process controls and management measures implemented within the facility can mitigate potential impacts”.

The proposal includes activities which generate noise, dust and vibration activities, as per the EPA Guidance Statement that identifies noise and dust as associated impacts. The applicant has provided a Noise and Vibration Monitoring Report for the development in addition to a Dust Management Plan (DMP). There are 29 sensitive receptors located in the 750m separation distance from the activities.

To assist the Shire in its merits based assessment of the proposal, the initial acoustic assessment and vibration report were peer reviewed by independent consultants. The updated information has also been peer reviewed (**attachment 11**). The independent expert, in their peer review, maintain the position that the technical reports submitted do not adequately demonstrate that the development can be undertaken in a manner which will not result in adverse amenity impacts to nearby sensitive receptors and the broader locality. The submission from the Environment Noise Branch of DWER notes that to determine if “noise emissions from the whole premises...” would comply.

State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)

The aim of SPP2.8 is to provide a framework to ensure bushland protection and management issues within the Perth Metropolitan Region are appropriately addressed and



integrated with broader land use planning. Bush Forever area 361 is located in the southern portion of the property. No part of the development is located within the vegetated extents of the bush forever site, resulting in the protection of the significant bushland, consistent with SPP2.8.

It is considered that the revised Stormwater Management Plan provides adequate information to ensure protection of the Bush forever areas and that any of the site's existing or future operations will encroach or impact on the areas.

State Planning Policy 4.1: Industrial Interfaces (SPP4.1)

The purpose of this policy is to seek to prevent conflict and encroachment between industrial and sensitive land uses. The policy recognises that industrial activities generate dust, noise and odour in addition to other off-site impacts. The policy specifically states that:

“To address adverse off-site impacts and/or safety risks, consideration must also be given to planning the interface between land uses in order to provide a compatible transition. Industries with greater impacts should have more extensive protection and stronger interface measures to minimize the impact area.

An impact area identifies land surrounding industrial land uses that is currently or is expected in the future to be affected by off-site impacts and/or safety risks. The extent and delineation of an impact area is determined through the technical assessment of impacts”.

Clause 6.2.1 - Defining an impact area specifically states:

“Where proposals have potentially detrimental impacts, including off-site impacts which extend beyond zone and reserve boundaries, mitigation and management through the introduction of compatible zones, reserves and land uses should be considered.

Where it is anticipated that there will be adverse impacts on nearby sensitive land uses, it will need to be demonstrated that adequate mitigation or management of offsite impacts and/or safety risks can be achieved by way of management plans or similar”

Furthermore, 6.1.3 of the policy 'Compatible Zones, Reserves and Land Uses' states:

“To ensure industrial impacts are avoided, mitigated or managed, where necessary, compatible zones, reserves and land uses should be provided to allow for a gradual land use transition between and sensitive land uses.

Compatible zones, reserves and land uses are typically those considered to be more accommodating or tolerant of, industrial offsite impacts and/or safety risks and help maintain operations certainty for industry. The inclusion of sensitive land uses in compatible zones and reserves should be considered on a case by case basis, and supported only if it can be demonstrated that the use is compatible, and the industrial impacts can be avoided, mitigated or managed. Compatible zones and reserves may include Light Industry, Service Commercial, Commercial, Rural Enterprise, Rural, Mixed use and Public Open Space among others.

The development borders rural residential areas to the west and residential-designated land to the south and southwest under the Mundijong District Structure Plan. According to policy, these zones are deemed incompatible, presenting a significant concern due to anticipated offsite impacts leading to adverse effects on local amenity. The proposed development's



impact area, situated within a 750m radius per the Separation Guidelines, encompasses around 29 sensitive receptors. The peer review (discussed in the noise section of the report) highlights a lack of evidence demonstrating that the noise and vibrating activities associated with the development can be conducted without adversely affecting the impact area. The submission from the ENB of DWER also concludes that other sources of noise should have been included in the investigations, to determine if “noise emissions from the whole premises...” will comply. The ENB submission also notes concern that the noise emissions from Stressing Bed 4 (closest to sensitive premises) may not be accurately represented in the NV Report.

“Industrial Development Zones

Planning for industrial Development zones should have consideration for the provisions of a compatible transition between industrial and sensitive zones, reserves and land uses. The Industrial Development zone should seek to contain the impact area because land uses are often unknown. Where offsite impacts are unable to be managed within the extent of the zone, the impact area should be accommodated with compatible zones and reserves to provide an appropriate interface”.

As mentioned above, the impact area of the development goes beyond the boundary of the site. The rural residential properties to the west and residential designated properties to the south are not considered as compatible zones. The impacts from emissions generated by the development are considered to cause adverse amenity impacts. As detailed before the peer review of the technical documents provide no evidence that the development can be managed in a manner to adequately address offsite impacts. Further, the submission from the ENB of DWER also concludes that other sources of noise should have been included in the investigations, to determine if “noise emissions from the whole premises...” will comply.

In the absence of conclusive evidence in this regard, there are planning concerns about whether the development will impact the amenity of the Rural Residential zone to the extent that it cannot be supported.

Environmental Protection Agency Guidance Statement No. 3 - Guideline for Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement)

The primary purpose of the Environmental Protection Authority (EPA) ‘*Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses*’ (the Guidelines) seeks to protect sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions, and infrastructure.

The key impacts for this type of industry according to the Guidance Statement are noise and dust. Appendix 1: Separation Distances between Industrial and Sensitive Land Uses of the ‘Guidelines’ sets out the buffer distances for various industrial land uses and the table following shows the buffer distance required for ‘Cement product manufacturing works’, which is considered the best fit for the proposal.

The proposed concrete manufacturing facility is estimated to produce 72,800 tonnes of concrete per year and therefore according to the table, a separation distance of between 500m-1000m is required. Given that the estimated production of concrete is about half of the maximum limit of 150,000 tonnes per year, then it is considered that 750m is a more



appropriate separation distance. The image following shows the extent of the 750m and 1000m separation distances measured from the western edge of the subject site.



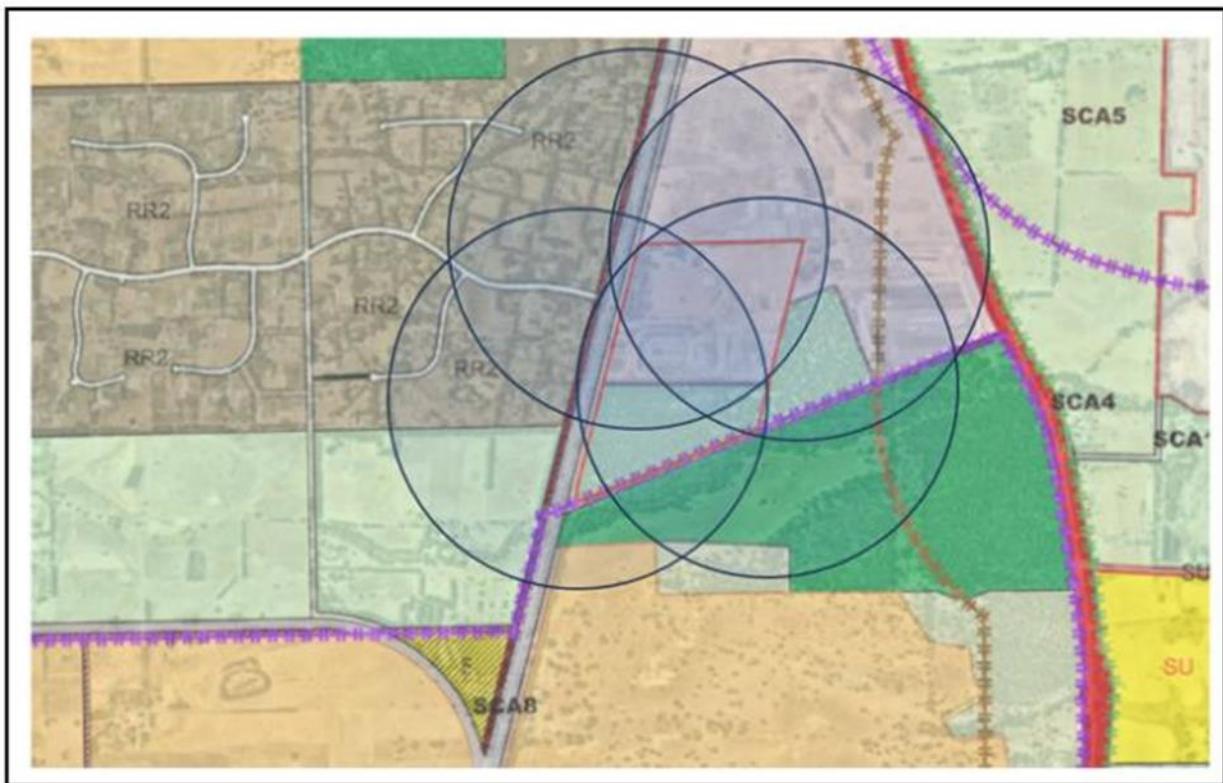
1000m to 750m separation distances from subject site

| Industry | Description of industry | DoE Licence or Registration category (*) | Key Government agencies for advice or approvals | Code of Practice (CoP) / environmental requirements | Impacts | | | | | Buffer distance in metres and qualifying notes |
|------------------------------------|---|--|---|---|---------|-------|------|-------|------|--|
| | | | | | Gaseous | Noise | Dust | Odour | Risk | |
| Cement product manufacturing works | concrete or cement is mixed, prepared or treated – up to 5000 tonnes per year | √ (77) | DoIR, WRC, local gov't | √ | | √ | √ | | | 300-500, depending on size |
| | concrete or cement is mixed, prepared or treated – from 5000 to 150 000 tonnes per year | √ (77) | DoIR, WRC, local gov't | √ | | √ | √ | | | 500-1000, depending on size |
| | concrete or cement is mixed, prepared or treated – greater than 150 000 tonnes per year | √ (77) | DoIR, WRC | √ | | √ | √ | | | 1000-1500, depending on size |

Cement Product Manufacturing Works Separation Distances under the Guidance Statement



The above images show that rural residential properties to the west, on the opposite side of Soldiers Road, and a section of the Mundijong District Structure Plan (Whitby Precinct A) area to the south-west are located within the 750m separation distance area. Therefore, planning consideration must be given to the potential impact that dust and noise emissions will have on nearby sensitive land uses. This is especially noteworthy, emphasising that the development hasn't received approval yet. Typically, the approval process is designed to unveil critical issues and structure a development in a way that minimizes proximity to sensitive development interfaces. Where development occurs without approval, the opportunity for planning responses such as purposeful location of the most impacting elements, cannot take place.



750m Separation Distances

Noise

An Environmental Noise Assessment (ENA) was submitted as part of the initial application presented to Council and subsequently the MODAP. As detailed in the reports presented to Council and the MODAP previously, the independent expert peer review of this raised concerns with the ENA in relation to:

- *The Assigned level for the surrounding neighbours appears to be 2 dB too high.*
- *The resulting noise emission criteria appear to be 7 dB too high.*
- *The ground absorption coefficients appear to be unrealistically high, resulting in an underestimate of forecast noise levels.*
- *No management measures have been discussed to limit the operation to only one stressing bed out of the proposed four stressing beds.*



- An 'area source' has been used to model mobile equipment operations in the western yard area of the site. This implies that the equipment will always be equispaced around the yard. The applicant has not demonstrated how this is to be achieved.
- There has been no discussion about reversing beepers or other potential noise sources used on mobile equipment at the site.
- The LGA modelling algorithm used to forecast environmental noise from the site was ISO 9613.
- LGA has not justified the departure from the commonly used CONCAWE algorithm.
- Use of shipping containers as a noise control method.

Officers considered that the then ENA failed to demonstrate that the facility would not generate noise levels that would not have a negative impact on the amenity of nearby residences. It was primarily on this basis that the application was recommended for refusal. As part of considering the matter, the MODAP deferred making a decision in order to seek additional information on the noise issue.

Following the deferral of the application by the MODAP, the applicant provided a Noise and Vibration Monitoring Report dated 9 October 2023. This report was prepared prior to any of the testing carried out on site and has since been supplemented by a further Noise and Vibration Monitoring Report dated 29 November 2023. Both of these reports were advertised to the community, assessed by Officers and peer reviewed by the same independent expert consultant. The following discusses the noise and vibration issues, forming part of the merits based planning assessment.

Noise as a planning consideration

The applicant, DWER Environmental Noise Branch, and the Shire's independent expert all discuss noise and the degree to which it may be considered acceptable or not. Before detailing the positions which exist, it is important to establish the application of noise as a planning consideration. In this respect the following points are made:

- Noise is a relevant consideration that arises in planning assessment at two levels. The first is noise as an aspect of assessing amenity in a planning sense. The second is the question of noise in the context of the *Environmental Protection (Noise) Regulations 1997*.
- Noise impact assessments are always context dependent as the acceptability of the noise impacts depends on the locality in which the proposed land use will be located.
- Further, noise impact assessments are an inexact science, and do not (in and of themselves) take the place of a proper, methodical planning assessment related to noise.
- The description of being an 'inexact science' considers that results will depend upon how long a representative test period is, whether an influencing factor is assigned, whether noise is tonal or not, whether noise is cumulative, and the quality of the data set used to underpin the modelling. It is influenced by whether all noise sources have been captured, whether noise sources are captured independently or cumulatively, and whether future noise generating development could significantly contribute to further noise exceedances at sensitive receivers.



- It will depend upon whether a value is added to take into account tonality, modulation or impulsiveness of noise, and where, within the noise receiving property, the measurement of noise is taken.

The Environmental Protection (Noise) Regulations 1997

- The Noise Regulations set out the maximum permissible noise levels for land uses based on levels, frequency and matters such as impulsiveness and tonality.
- The Noise Regulations are an environmental instrument, not a planning instrument, and thus do not determine whether noise is acceptable from a planning perspective.
- While not being prepared under the *Planning and Development Act 2005*, it is generally accepted that land uses that will cause noise impacts on adjoining properties that exceed the maximum noise permitted by the Noise Regulations are not acceptable in the context of development assessment
- Thus, compliance with the Noise Regulations can be regarded as a necessary, but in some cases not sufficient criterion, to ensure that the noise emissions from a proposed development would not have an unacceptable acoustic impact on the locality. In the case of a retrospective development application, as in this matter, there can be greater certainty in respect of compliance (or otherwise) with the Noise Regulations, as there is the added benefit of actual noise monitoring of actual operations, as experienced from the most at risk noise sensitive receptors. This actual measurement needs to be accurate given its representation of actual impacts.
- That said, even if a land use complies with the Noise Regulations, it does not mean that the noise does not constitute an adverse impact on the amenity of the locality in a planning sense. Rather, the merits based planning assessment needs to focus on not just the mere audible detection of noise, but rather whether such audible noise is unreasonable, unwarranted and thus offensive to the acceptable amenity of the locality.

Assigned noise levels, tonality and significant exceedance issues

- In determining whether noise is unreasonable or unwarranted, a starting point is the question of what baseline noise level should be applied.
- This is termed the assigned noise level, which is specified in regulation 8(3), and shown in the following table. The table includes the different levels depending on the different nature of noises, being:
 - a. LA10 (generally applicable to “steady-state” noise sources present for 10% of the representative assessment period of 4 hours);
 - b. LA1 (for short-term noise sources present for less than 10% and more than 1% of the time) and;
 - c. LAMax (incidental noise sources present for less than 1% of the time).



Table 2-2 Baseline Assigned Levels

| Premises Receiving Noise | Time Of Day | Assigned Level (dB) | | |
|---|--|-------------------------|-------------------------|-------------------------|
| | | L _{A10} | L _{A1} | L _{Amax} |
| Noise sensitive premises: highly sensitive area ¹ | 0700 to 1900 hours Monday to Saturday (Day) | 45 + influencing factor | 55 + influencing factor | 65 + influencing factor |
| | 0900 to 1900 hours Sunday and public holidays (Sunday) | 40 + influencing factor | 50 + influencing factor | 65 + influencing factor |
| | 1900 to 2200 hours all days (Evening) | 40 + influencing factor | 50 + influencing factor | 55 + influencing factor |
| | 2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night) | 35 + influencing factor | 45 + influencing factor | 55 + influencing factor |
| Noise sensitive premises: any area other than highly sensitive area | All hours | 60 | 75 | 80 |
| Commercial Premises | All hours | 60 | 75 | 80 |
| Industrial and Utility Premises | All hours | 65 | 80 | 90 |

1. *highly sensitive area* means that area (if any) of noise sensitive premises comprising —
 (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
 (b) any other part of the premises within 15 metres of that building or that part of the building.

- The table describes an ‘influencing factor’. This relates to the increase to the assigned level on the basis of the existence of significant roads, commercial or industrial zoned land within an inner circle (100 metre radius) and an outer circle (450 metre radius) of noise sensitive premises.
- With regard to this application, there are differing views on what the assigned level and influencing factor should be.
- The applicant has determined the following land uses within proximity of the two noise sensitive locations:

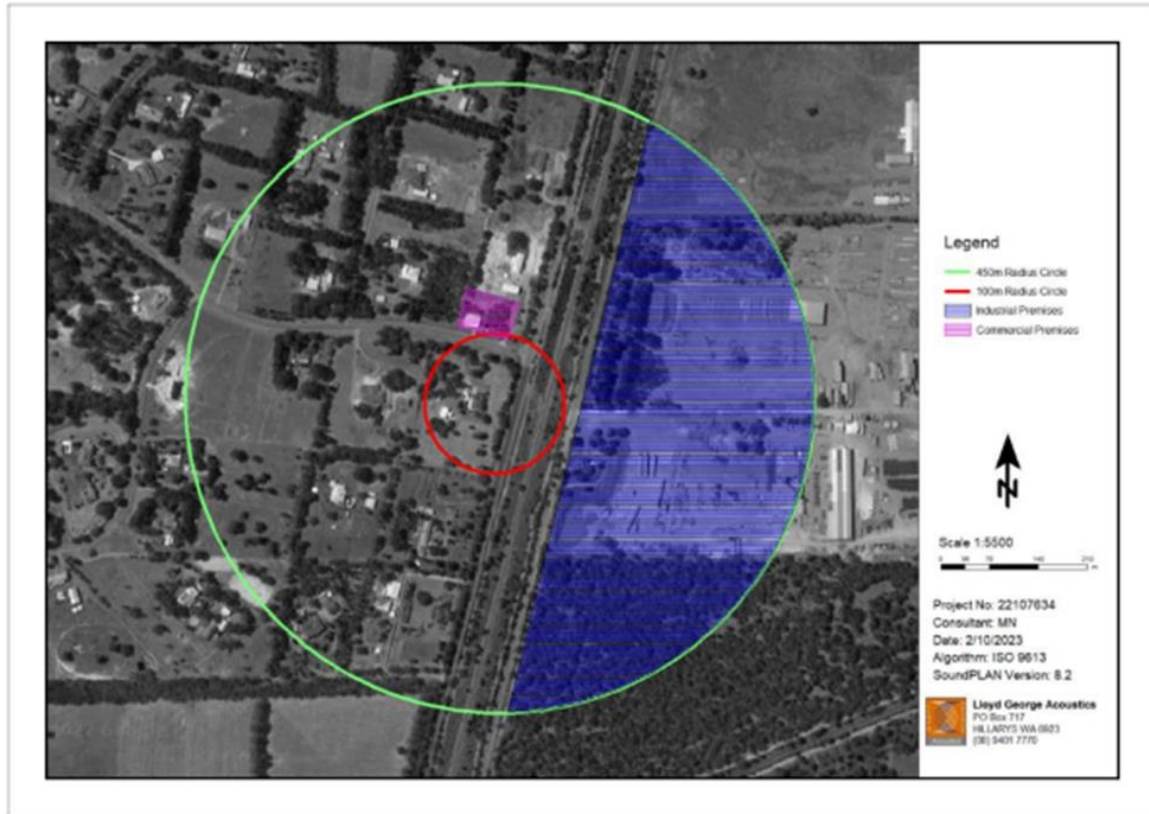


Figure B-1: Land Types within 100m and 450m Radii of 7 Karbro

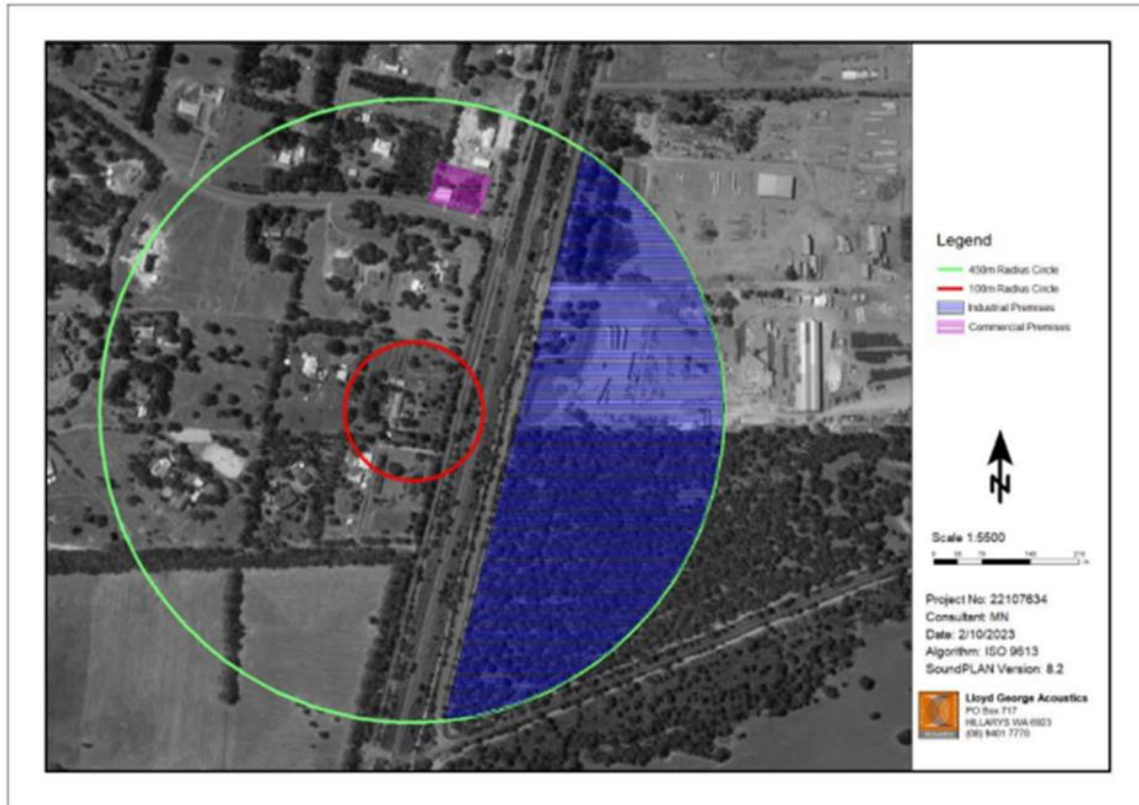


Figure B-2: Land Types within 100m and 450m Radii of 440 Soldiers Rd

- This results in the following tables that arrange land use percentages, and then apply an influencing factor to both noise sensitive dwellings:

Table B-1: Percentage of Land Types within 100m and 450m Radii

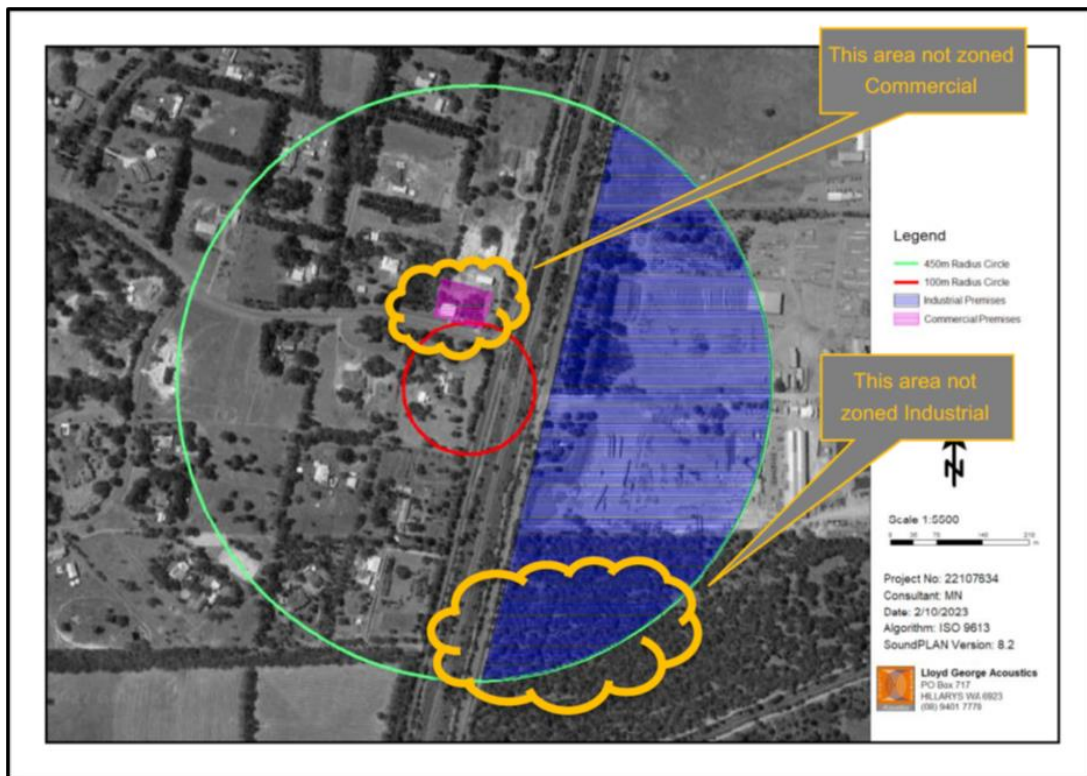
| Receiver | Land Type | Within 100m | Within 450m |
|-----------------|---------------------------------|-------------|-------------|
| 7 Karbro Dr | Type A - Industrial and Utility | 0 | 34 |
| | Type B – Commercial | ~0 | 1 |
| 440 Soldiers Rd | Type A - Industrial and Utility | 0 | 29 |
| | Type B – Commercial | 0 | 1 |

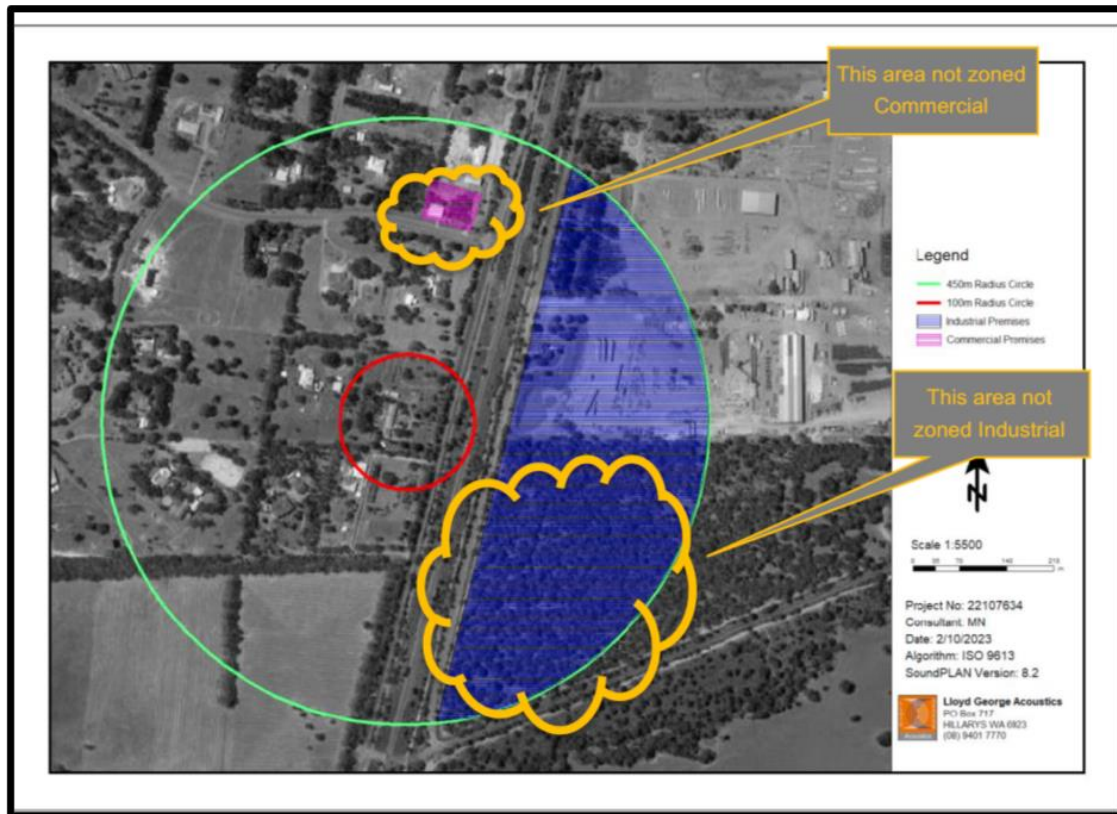


Table B-2: Influencing Factor Calculation, dB

| Receiver | Industrial Land | Commercial Land | Transport Factor | Total |
|-----------------|-----------------|-----------------|------------------|-------|
| 7 Karbro Dr | 3.38 | .06 | 0 | 3 |
| 440 Soldiers Rd | 2.88 | 0.03 | 0 | 3 |

- The Shire's independent expert peer reviewer, takes a differing position that part of the land that has been treated as industrial, is zoned rural under LPS3 and what has been identified as commercial is zoned rural residential. This is detailed in the images following:





- Based on this, the following table shows the differing positions in respect of the assigned noise level plus influencing factor, for the day period LA10 and LA1 measures:

| | Applicant | DWER ENB | Shire peer reviewer |
|------------------------|-----------|----------|---------------------|
| LA10 day period | | | |
| 7 Karbo | +3 (48) | +2 (47) | +2 (47) |
| 440 Soldiers | +3 (48) | +1 (46) | +1 (46) |
| LA1 day period | | | |
| 7 Karbo | +3 (58) | +2 (57) | +2 (57) |
| 440 Soldiers | +3 (58) | +1 (56) | +1 (56) |

- Based on the ENB and Shire peer review agreeing on what the assigned level should be, Officers take the position that the applicant's assigned level is incorrect by +1 dB at 7 Karbro and +2 dB at 440 Soldiers.
- The other considerations that influence the measure of noise against assigned levels is whether noise is tonal in nature or if noise is likely to significantly contribute to cumulative noise in the measured area.
- With respect to tonality, there is a +5 dB adjustment made to *measured* noise levels, on the basis of this noise being more offensive. In respect of whether noise significantly contributes to cumulative noise (either current or future) there is a -5 dB limit at which noise should not exceed.

*The results*

Based on the additional information submitted, the following table summarises results pertaining to Stress Bed 4 for the LA10 day time period. SB4 is the closest stressing bed to noise sensitive locations at 7 Karbo and 440 Soldiers, and took account of all mitigation measures being in place including the acoustic sea container wall:

| Stress Bed 4 noise results | | | | | |
|-----------------------------------|--|--|--|--|---|
| 1. Location | 2. Assigned level as adopted by Shire and ENB | 3. If noise is considered to significantly contribute to either current or future cumulative noise, this is the level that noise should not exceed from SB4 (-5 dB) | 4. Noise measured WITHOUT accounting for tonality | 5. Noise levels accounting for tonality (+5 dB) | Comment |
| 7 Karbro | 47 dB | 42 dB | 44 dB | 49 dB | The result for 7 Karbro shows that the assigned noise levels (column 2) are not exceeded by the noise measured (column 4). However, the Shire's independent expert noted that the noise criterion relevant to the significant noise exceedance as part cumulative noise, adjusts downwards by -5 dB the sound levels acceptable at 7 Karbro (refer column 3). This means that the measured noise does not comply with Column 3 by 2 dB. Furthermore, if tonality is detected as part of that noise, Column 5 reveals the adjusted measured noise level of +5 dB, which shows an |



| Stress Bed 4 noise results | | | | | |
|----------------------------|-------|-------|-------|-------|---|
| | | | | | exceedance of +7 dB above column 3. |
| 440 Soldiers | 46 dB | 41 dB | 43 dB | 48 dB | The result for 440 Soldiers shows that the assigned noise levels (column 2) are not exceeded by the noise measured (column 4). However, the Shire's independent expert noted that the noise criterion relevant to the significant noise exceedance as part cumulative noise, adjusts downwards by -5 dB the sound levels acceptable at 440 Soldiers (refer column 3). This means that the measured noise does not comply with Column 3 by 2 dB. Furthermore, if tonality is detected as part of that noise, Column 5 reveals the adjusted measured noise level of +5 dB, which shows an exceedance of +7 dB above column 3. |

In respect of the above, the Shire's independent expert also noted the following concerns:



- Attended noise levels measured by Reverberate showed the noise from Permacast was L_{A10} 50 dB at the boundary of 7 Karbro Dr. The corresponding L_{A10} noise level at the dwelling is taken to be 49 dB.
- This 49 dB is excessive, being 7 dB greater than the L_{A10} 42 dB noise criterion applicable at the dwelling.
- The Assigned level determined by LGA, for the surrounding neighbours appears to be 1 dB too high at 7 Karbro Dr and 2 dB too high at 440 Soldiers Rd. This had been previously raised¹
- The resulting noise emission criteria also appear to be too high, by 6 and 7 dB respectively.
- The noise measurements presented in LGA show L_{A10} noise from stressing bed 4 of 43 & 44 dB at the two nearest neighbours. These alone exceed the 42 dB noise criterion developed in this report.
- There has been no discussion about specific noise emission from mobile equipment/vehicle activities at the site, nor from other sources such as cranes or the 250 car carpark.
- Use of shipping containers as a noise control method is of concern. It is reported that part of the shipping container barrier had collapsed in the days prior to site attendance in November.

In respect of this, the DWER ENB also included the following discussion pertaining to tonality and significant noise exceedance:

Based on the NV Report results for test 2, compliance with the daytime L_{A10} assigned noise level may be achieved at both receivers, but only if the noise emissions from SB4:

- are not tonal at the receivers, or
- do not cause or significantly contribute to a level of exceedance at the nearby receivers.

In considering the above, Officers are concerned by the following issues:

1. There is a discrepancy in noise levels measured between the applicant and the Shire's independent peer review expert.
2. While SB4 is the closest to noise sensitive premises, it was measured in isolation of other contributing noise to the overall operations - i.e. concrete pump truck noise plus any others.
3. Accounting for tonality causes an excessive noise impact.
4. Not accounting for significant contribution to exceedance creates the risk of other current or future industries being unable to comply.
5. The Shire's independent expert identifies noise being a 7 dB exceedance, which is considered excessive.
6. The DWER ENB advice is not conclusive to support the acceptability of the noise impact, by specifically referencing tonality and significant contribution issues, as outlined in Point 4.



Officers acknowledge that the applicant has undertaken additional mitigation actions, namely:

- No opening of the Robertson Road gate before 7:00am
- No parking at the western end of the site in proximity to Robertson Road
- Change all gantry crane and mobile plant and equipment beepers to buzzer type and mount them as close to the ground as possible
- Construction of an acoustic barrier of sea containers
- Reduce operation to no more than one stressing bed at any given time
- Creation of the new product process, as mentioned previously
- Other noises from grinding, welding and etc being conducted internal to the main production shed on site, whenever possible.

In order to ensure that the application is not going to compromise the amenity to an unreasonable degree, Officers recommend DEFERRAL in order to have the applicant fully address the specific anomalies which have been explained in this noise section.

Officers recommend the deferral specify the need for an environmental noise assessment and noise management plan, which do the following tasks:

1. The ENA must measure all noise sources.
2. The ENA must deal with tonality, with evidence produced to demonstrate if the noise is (or is not) tonal in nature and therefore if (or if not) a tonal penalty is needed.
3. The ENA must align agreement on the proper calculation of the assigned levels.
4. The ENA must deal conclusively with the significant contribution to exceedance criterion consistent with the Noise Regulations.
5. Once the ENA is complete, the NMP must set out all the noise mitigation measures to ensure operations comply in perpetuity.

Dust

The applicant has provided an updated Dust Management Plan (DMP) as part of the additional information to fulfill the Shire of Serpentine Jarrahdale's *Dust and Building Waste Local Law 2017*.

The DMP identifies that the nearest sensitive receptors to the wider operations is the rural residential development along Soldiers Road to the west of the site. The DMP identifies the following dust sources:

- Vehicle movements within the site.
- Wind erosion from exposed surfaces.
- Earthworks during construction activities.
- Vegetation clearing and topsoil stripping.
- Vehicle movement within the site; and
- Wind erosion of exposed surfaces.



In summary, the following methods of mitigating dust impacts are proposed within the DMP:

- Existing driveway and car park will be improved and overlaid with recycled asphalt with swale drains and silt traps.
- Hardstand production areas sealed with concrete slab and rest of the areas to be sealed with recycled asphalt.
- All other areas beyond that are to be regularly treated with permanent onsite water carts and road truck sweepers.
- All articulated trucks are to exit Norman Road only and manage flow of traffic around the facility.
- Concrete waste bags, mobile concrete bins and portable vacuum will be utilised during formwork cleaning.
- Notice to be erected onsite providing details of the site manager to be contacted to address any complaints;
- Induction for all employees including information on potential dust sources, dust management plan, speed limits onsite and staying on designated roads, and reporting procedures for dust issues;
- All surfaces are to be constructed to a hardstand standard;
- A water cart located onsite to water down the area to minimise dust during summer;
- Reticulation for the gravel road area to be used when dust is observed;
- Vehicle speeds will to be restricted to no more than 10 km/hr on the site to minimise dust lift off;
- Maintain a complaints register;
- Visual monitoring of dust throughout the day during operations and a logging sheet for reference and proof of compliance;
- Observation of excessive dust lift onsite to be reported and investigated and halt work within the proximity of the dust until cause of dust is addressed and increase dust mitigation measures (e.g. additional watering of exposed areas);
- If complaint received, then investigate incident to determine validity of complaint (including a check of wind direction and speed) and if required halt work until cause of dust is addressed.

It is considered that these measures are generally sufficient to manage dust. However, an approval be considered, it is recommended that minor amendments should be made to the DMP to include all potential dust sources including but not limited to:

- Precast grinding/finishing of bridge beams;
- Precast form cleaning using pneumatic chipping equipment or compressed air blow guns;
- Dry sweeping & compressed air use in concrete manufacturing area;



- Cutting, drilling, surfacing, finishing of concrete products with chisels/hammers/chippers etc
- Movement of concrete manufacturing equipment; and
- Movement of concrete product.

Visual Amenity

The development will not be highly visible when viewed from surrounding roads and properties. However, the western most sea containers used to mitigate noise impacts have been stacked 3 high, and forms a continuous wall with a length of approximately 55 metres and are sited on a raised embankment as shown by the photo following:

While this sizable structure will be visible from the Robertson Road frontage, the sea containers have been painted a 'pale eucalypt' in an attempt to blend in with the surrounding bushland while existing vegetation will partially screen the structure.



Notwithstanding the above, the Cardup Business Park LSP stipulate that the local government may require landscaping to be provided for any new development to enhance the appearance of the streetscape and public realm. The front of the site (including the drainage basin) adjacent to Robertson Road to the west and Bush Forever land to the south has largely been cleared of vegetation. Therefore, should the application be supported then it is recommended that a condition of approval require a landscape plan to show planting within the frontage and around the drainage basin.

Stormwater

An updated Stormwater Management Plan (SMP) has been prepared and submitted as part of additional information for this application. The SMP expands upon another SMP that was developed for the site in 2014 (2014 SMP). The SMP was developed in accordance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.



The existing drainage basin located to the west near Robertson Road has a capacity of 10,840m³ to a Top Water Level (TWL) of 54.4 and is used for dust suppression and wheel washing. Historically the drainage basin did not overflow, however an outlet arrangement is proposed as a contingency measure. The smaller proposed retarding basin further to the north has a capacity of 360m³ to the TWL of 52.8.

'DRAINS' engineering software was used for design and analysis of stormwater management and concludes that the existing basin can hold 1% Annual Exceedance Probability (AEP), however water will be overflowing from the outlet pipes. In a 5% AEP (which is equivalent to a 20 year event), it can hold the runoff within the site and therefore exceeds WALGA requirements. The proposed basin is based on holding at least the 5% AEP 15 minute storm duration.

As the site is proposed to be used for manufacturing precast concrete products, the following stormwater quality improvements are proposed:

- Stressing bed 1 to 4 production areas are to be self contained as the mould oil in the moulds when the precast concrete element is removed from the moulds.
- When concrete elements are wash down / blasted, the runoff is directed to gully grates that have varying depth silt traps below invert level of outlet pipe that are pumped out on a periodic basis and disposed of to an approved facility.
- Stressing bed 1 to 4 crane areas have designated mobile refuelling areas. The mobile tank has a bund beneath it to capture fuel of the tank splits. During refuelling, a drip tray will be placed to capture any spills and rags will be onsite and used as required.
- Soakwells wrapped in geofabric to capture suspended solids and to be cleaned out on a periodic basis and disposed to an approved facility.
- Trapezoidal swales to incorporate low level rock mortared walls at regular intervals to capture sediment.
- Swales adjacent to car parking areas will incorporate low level rock mortared walls and vegetation to assist with capturing sediment and reduce phosphorous and nitrogen by vegetation uptake.

The main concerns with stormwater as part of the initial assessment related to water being contaminated by cement materials and entering into the environment, in particular the bush forever site. It is considered that the amendments proposed will ensure that stormwater is capable of being appropriately managed and will remove discharge into the bush forever site.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7)

The intent of SPP3.7 is, *“to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure”*. This is facilitated through objectives, which in summary are as follows:

- *“Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.*
- *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*

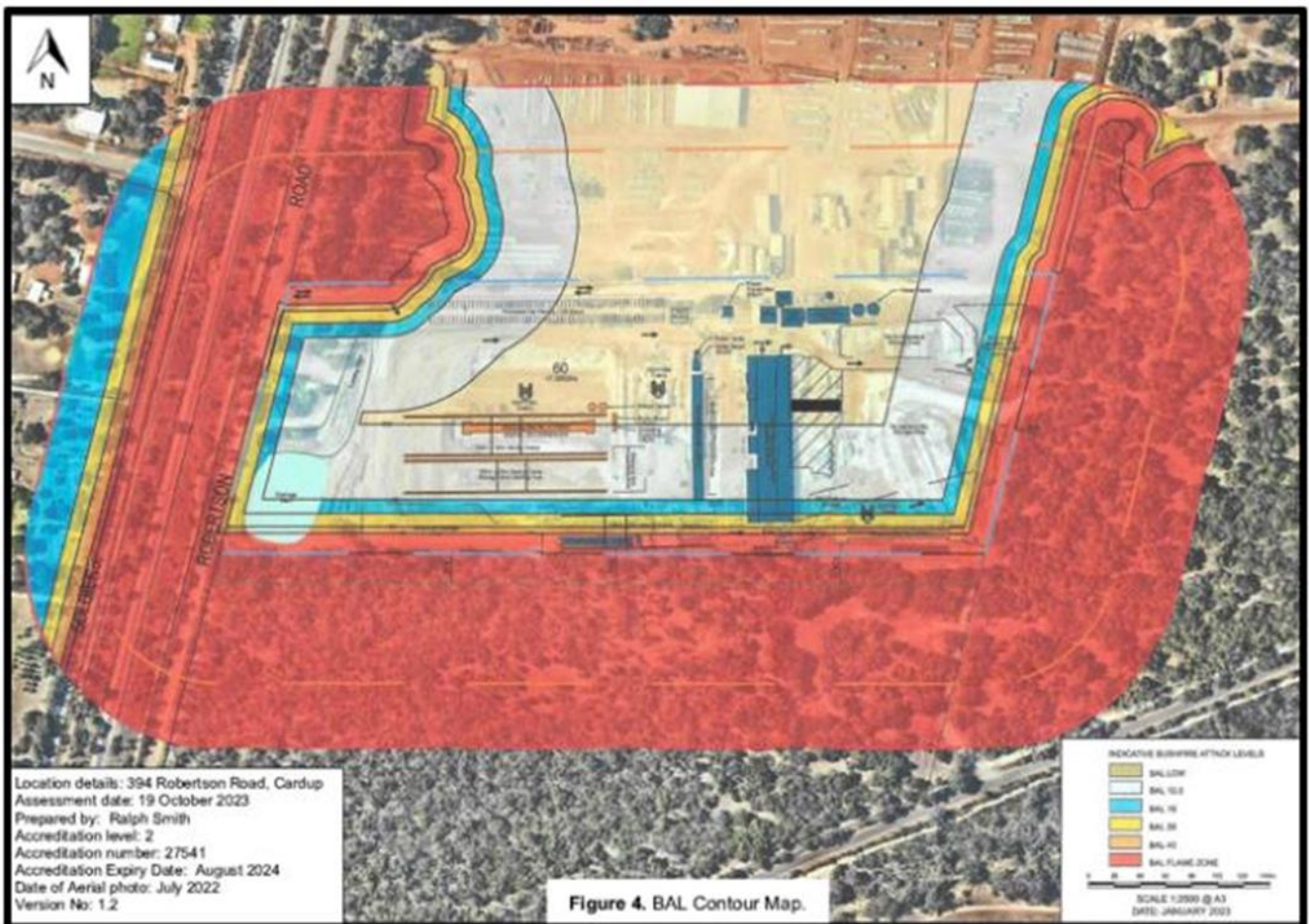


- ... Ensure that ... development applications take into account bushfire protection requirements and include specified bushfire protection measures.”

Initially, comments were received from DFES stating that the BMP had not been prepared in accordance with the latest version of the *Guidelines for Planning in Bushfire Prone Areas* (version 1.4). Following the deferral, an updated BMP has been provided in accordance with the latest Guidelines.

DFES also commented that the BMP had not achieved compliance with particular elements of the Guidelines in relation to location, vehicular access and water. Specifically, parts of the site are located within an area with a bushfire attack level (BAL) rating of BAL-40 or greater.

The updated Bushfire Management Plan (BMP) submitted as part of the additional information acknowledges that a portion of the development site is located in an area with a rating of BAL-FZ. However, within this area contains concrete pads with some steel supports, a tool container, a boiler room and other production areas. No buildings or habitable structures would be located in this area. All other development is located outside the BAL 40 and BAL FZ as shown by the BAL Contour Map following:



Whilst the BAL rating is not strictly consistent with the Guidelines, a risk-based approach should be taken when determining whether or not the development should be approved



from a bushfire perspective. In this instance, due to the nature of the development within the BAL-FZ area and the fact that the lot is relatively cleared of vegetation, it is considered that this modest portion of the lot being located in an area of BAL-FZ would not result in an *“increase in the threat of bushfire to people, property and infrastructure”*.

With regard to access, the site has at least two access options that facilitate movement in alternative directions. Primary access is taken from Robertson Road and alternative access via Norman Road. As the site is large and cleared then there may not be a need to evacuate during a bushfire management emergency on neighboring properties. Further, the site is already serviced with bores and water tanks that comply with State Government requirements.

It is worth noting that the central section of the site which contains the temporary administration office, production office and lunchroom (located to the north of the concrete casting workshop and stressing beds) are not located within a Bushfire Prone Area.

Traffic

Following the deferral of the application by the MODAP, no changes have been made in relation to traffic/access. Access to Lot 60 is proposed to be taken via the existing crossover on Robertson Road, which is currently utilised by the two existing industries of Permacast and Permapole. The existing driveway is approximately 14m in width and is constructed of a hardened gravel sub-base material which allows for heavy vehicle movements. Access and egress to Lot 21 (i.e. associated laydown area) will be predominantly from Norman Road with internal site access from Lot 60 into Lot 21 occasionally required for large bridge products.

The submitted Traffic Impact Assessment (TIA) estimates a maximum of 128 (i.e. 64 in and 64 out) trucks movements per day. This number includes anticipated trips generated for future increase in staff and delivery vehicles for Lot 60 (i.e. existing concrete batching plant and proposed concrete manufacturing facility) and Lot 21 (laydown / storage area). These trip numbers include approximately 29 vehicles in the AM peak hour and 29 vehicles in the PM peak hour period. A summary of the total number of the total estimated trips to be generated is shown in the table following:



| | AM Peak Hour | | PM Peak Hour | | Daily | |
|--------------|--------------|-----|--------------|-----|-----------|-----|
| | In | Out | In | Out | In | Out |
| Trucks | 10 | 9 | 10 | 9 | 38 | 38 |
| Total | 19 | | 19 | | 76 | |

Table 6-2 Estimated Trip Generation - Lot 21

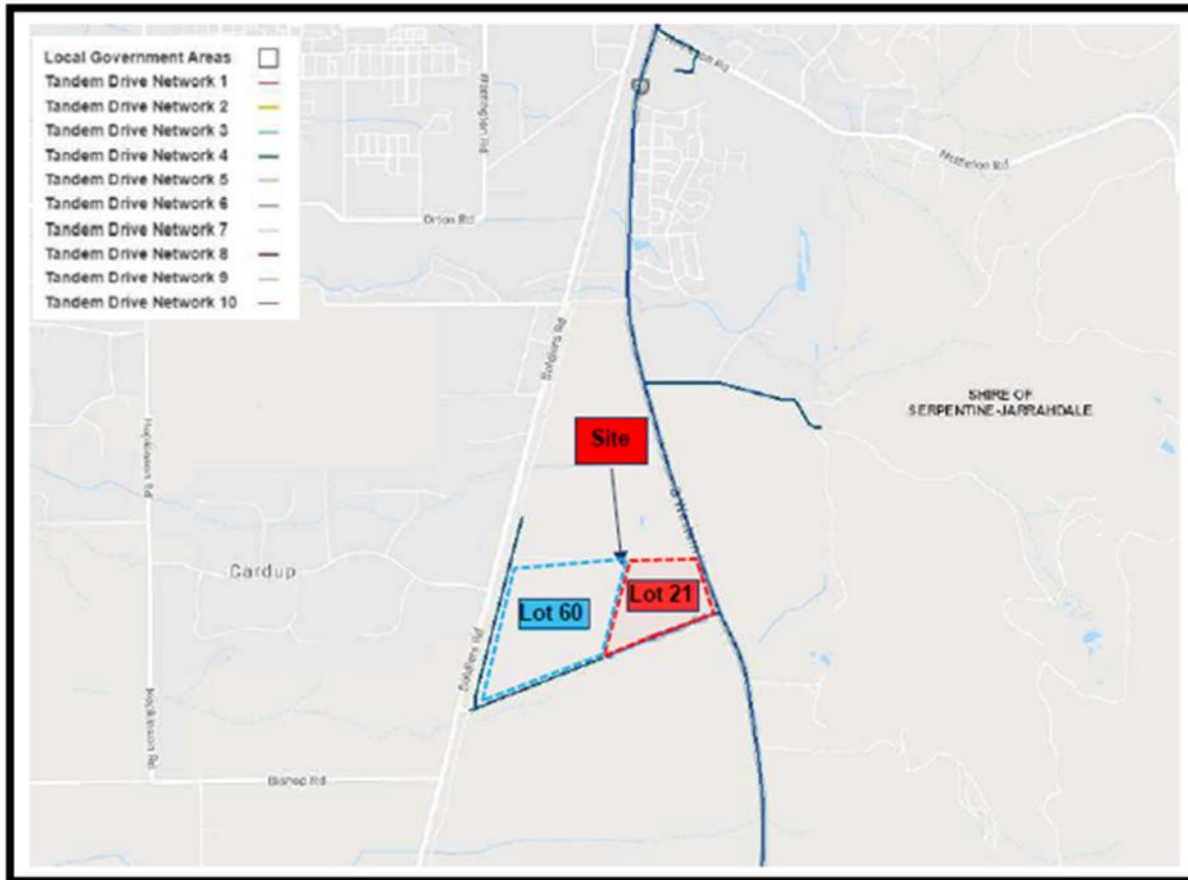
| | AM Peak Hour | | PM Peak Hour | | Daily | |
|--------------|--------------|-----|--------------|-----|-----------|-----|
| | In | Out | In | Out | In | Out |
| Trucks | 5 | 5 | 5 | 5 | 26 | 26 |
| Total | 10 | | 10 | | 52 | |

Table 6-3 Total Trip Generation (Lot 60 + Lot 21)

| | AM Peak Hour | | PM Peak Hour | | Daily | |
|--------------|--------------|-----|--------------|-----|------------|-----|
| | In | Out | In | Out | In | Out |
| Trucks | 15 | 14 | 15 | 14 | 64 | 64 |
| Total | 29 | | 29 | | 128 | |

Estimated Trip Generation

The route of transport of the trucks from the site would be from Robertson Road to Norman Road, to South Western Highway and then to various sites as detailed following:



RAV network and proposed route of vehicles associated with the proposal

South Western Highway, Robertson and Norman Road are all on the RAV4 network and therefore are suitable for facilitating trucks associated with the development. Robertson Road and Norman Road are Access and Local Distributor roads respectively and have an indicative traffic volume capacity of up to 4,000 vehicles per day (vpd). The TIA states that Norman Road on average facilitates 451 vpd and it is expected this is similar for Robertson Road. Therefore, the current traffic volumes are significantly lower than the traffic volume capacity for these roads. Consequently, the local road network is capable of accommodating the additional 128 trucks movements per day that will be generated by the development without having adverse traffic flow impacts, as identified in the TIA.

It is noted that Court Grammar School is located 1km to the south of the site along Soldiers Road and it is considered that vehicles associated with the proposal would not adversely impact on the operation of the school and its traffic movements as trucks associated with the proposal will be confined to the RAV network along Norman Road and thereby not travelling past the school.

Although the increased trips generated by the development will not result in the unsafe movement of traffic on the road network, it is noted that the length of road used by the applicant along Robertson and Norman Road by the RAV vehicles has the potential to rapidly deteriorate the road surface resulting in road safety concerns for users. In this regard, to ensure this is addressed IF the development was to be recommended for approval, a condition has been recommended requiring an annual maintenance contribution based on



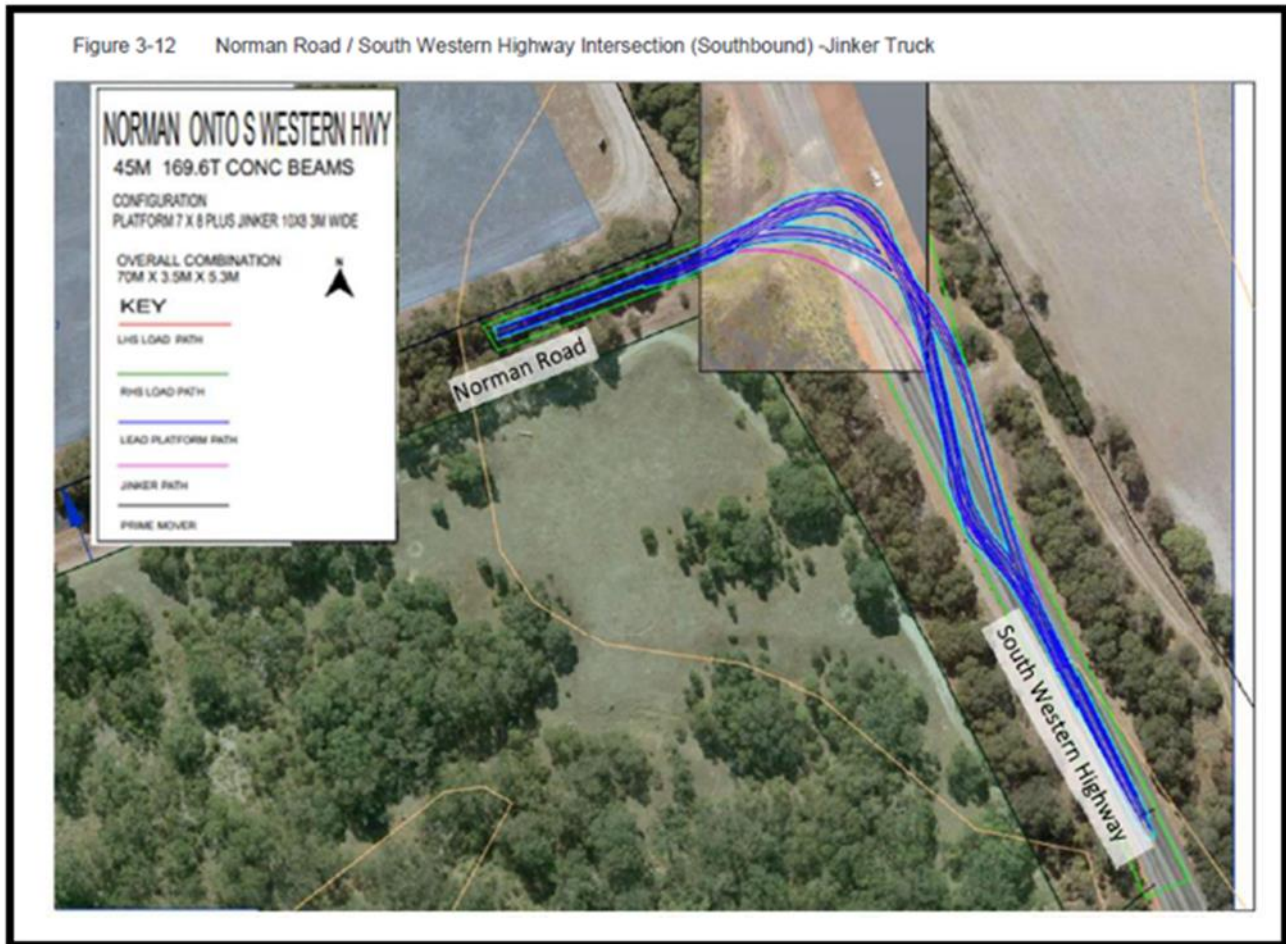
an Accelerated Pavement Depreciation Audit being submitted each year. This is based upon the standard WALGA model.

Regarding vehicle safety at intersections, the applicant has provided initial swept paths at the intersections of the main site access point and Robertson Road, Robertson Road/Norman Road and Norman Road/South Western Highway. The swept path analysis diagram shows that the 45m Jinker truck (when turning left or right and entering South Western Highway from Norman Road) significantly encroaches into the opposite lane and beyond for a considerable distance. The TIA states that the 45m long Jinker trucks operate occasionally during periods of delivering larger products off-site and exit Norman Road onto South Western Highway under escort and the road will be temporarily closed during egress operations.

However, full encroachment into the opposite lane is not acceptable and that it cannot be expected for vehicles on South Western Highway to give way. Should the application be supported then it is recommended that a condition of approval require the upgrade of the intersection of South Western Highway and Norman Road to the satisfaction of the Shire on advice of Main Roads.



**45m Jinker truck swept path diagram - left turn
from Norman Road onto South Western Highway**



45m Jinker truck swept path diagram- right turn from Norman Road onto South Western Highway

Car Parking

'Clause 4.3 - Car Parking Requirements' of LPS3 does not specify a car parking rate for the use of 'Industry', however states '*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'.*

The submitted planning report states that currently there are between 60-70 staff associated with overall operations including office and administration, forklift operators and crane operators however staffing is expected to increase gradually over the coming years. The TIA states that there will be 100 employees while amended plans submitted as part of the additional information show 253 car spaces in four separate locations.

This is considered sufficient for the staff numbers indicated including additional parking where more staff attend depending on work load demands.



Options

Option 1

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Development Assessment Panel DEFER for 90 days 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:
 - a. To request the applicant to prepare a new Environmental Noise Assessment (ENA) and Noise Management Plan (NMP), which address the following:
 - i. measurement of all noise sources;
 - ii. tonality and whether a tonal penalty is applicable;
 - iii. revised calculation of the assigned levels;
 - iv. the significant contribution to exceedance criterion consistent with the Noise Regulations.
 - b. A NMP setting out all the necessary noise mitigation measures to ensure operations comply.

Option 2

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the application for the Retrospective Concrete Manufacturing Facility, 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 | Development Plans (P1-P5) received at the Shire Offices on 10 March 2023 and 13 December 2023; P6 - Dust Management Plan dated 27 October 2023; P7 - Environmental Noise Assessment dated 14 July 2023; P8 - Noise and Vibration Report dated 30 June 2023; P9 - Noise and Vibration Report dated 9 October 2023; P10 - Noise and Vibration Monitoring Report dated 29 November 2023; P11 - Stormwater Management Plan dated 10 October 2023; P12 - Bushfire management Plan dated 19 October 2023; P13 - Traffic Impact Assessment dated 24 July 2023; and P14 - Statement from Permacast dated 23 October 2023. |
|--------------------------|--|

- b. Production shall not exceed 73,000 tonnes of concrete per annum.
- c. The hours of operation shall be limited to the periods between 7.00am to 6.00pm Monday to Friday only, and shall exclude weekends and Public Holidays.



- d. Within 60 days of this approval, all works associated with the Stormwater Management Plan (SMP) submitted, shall be implemented to the satisfaction of the Shire. Development and operations shall be carried out in accordance with the approved SMP for the life of the development.
- e. Within 60 days of the date of this approval, a minimum of 253 car parking bays and applicable accessible bays are to be designed to the satisfaction of the Shire, and once approved installed on-site, in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities - Off-street Car Parking, Australian Standard 2890.6 and the Building Code of Australia.
- f. All car parking areas and all access ways, including access ways within the site, are to be concrete or asphalt sealed, kerbed and drained, and maintained for their stated purpose at all times, and shall not be used for display or general storage purposes. The use of recycled asphalt is an acceptable material in this regard.
- g. Within 60 days of the date of this approval, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted to and approved by the Shire of Serpentine Jarrahdale (Health Services), in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- h. Within 60 days of the approval, a Landscaping Plan shall be submitted to and approved by the Shire. The Landscaping Plan shall include the following details:
 - (i) Planting of all drainage basins, batters, swales and first flush raingardens associated with hardstand areas.
 - (ii) Proposed shade trees to carpark areas, minimum of 1 tree per 6 bays.
 - (iii) A 5 metre wide landscape buffer to the area north of the existing service buildings.
 - (iv) Planting of the Roberson Road Reserve.
 - (v) Landscape works consisting of locally native species which have low water usage.
 - (vi) Landscaping works being suitably reticulated.
 - (vii) Suitable maintenance arrangements.The landscaping must be completed within 60 days of the approval of the Landscaping Plan and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale.
- i. All existing trees and approved revegetation areas on the lot are to be retained and protected from any approved works in accordance with AS4970 (2009) Protection of Trees on Development Sites.
- j. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of commercial vehicles using Norman Road and Robertson Road.
- k. The operator shall undertake continuous noise monitoring, which is to be public accessible via a suitable 24/7/365 online source. The online source must include a



mobile contact number for residents to call should adverse amenity impacts be experienced by any resident surrounding the development.

- I. 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.

Main Roads Conditions

- m. Within 30 days of the approval, the applicant is to submit a preliminary intersection design (15% design concept) for the upgrading of the intersection of South Western Highway and Norman Road, to the satisfaction of the Shire on advice of Main Roads Western Australia.
- n. Within 90 days of the approval, the intersection of Norman Road and South Western Highway is to be upgraded to the satisfaction of the Shire of Serpentine Jarrahdale, on advice from MRWA.
- o. No works are permitted within the South Western Highway Road Reservation unless Main Roads has issued a Working on Roads permit.
- p. Stormwater discharge shall not be discharged to the South Western Highway Road Reserve or the widened road reservation.

Option 1 is recommended.

Conclusion

The application seeks approval for a retrospective concrete manufacturing facility expanding the existing industries operating on site. Production of 73,000 tonnes of concrete per year requires a buffer distance of 750m from sensitive receptors while the nearest residences are located 150m to the west on the opposite side of Soldiers Road. Further, Urban Development zoned land (part of the Whitby Precinct A Local Structure Plan area) located to the south west is also with the buffer distance area. The key proposal has not demonstrated, in the opinion of Officers and considering the advice of the independent expert and ENB of DWER, that noise will not have adverse impact on the amenity of nearby sensitive land uses located.

This accounts for a recommendation to defer, in order to address the current anomalies that persist with the submitted noise assessments.

Should the DAP agree to defer, Officers recommend this be for a period of 90 days.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Responsible Authority Report (E24/605)
- **10.1.1 - attachment 2** - Old Responsible Authority Report (E23/9953)
- **10.1.1 - attachment 3** - Information received 10 October 2023 (E24/1160)
- **10.1.1 - attachment 4** - Information received 30 October 2023 (IN23/24030)



- 10.1.1 - attachment 5 - DWER Letter Dated 28 November 2023 (E24/721)
- 10.1.1 - attachment 6 - Initial Proposal (E23/9595)
- 10.1.1 - attachment 7 - New Information (IN24/3140)
- 10.1.1 - attachment 8 - First Summary of Submissions (E23/4975)
- 10.1.1 - attachment 9 - Second Summary of Submissions (E23/13976)
- 10.1.1 - attachment 10 - Third Summary of Submissions (E24/17)
- 10.1.1 - attachment 11 - Peer Review of Noise Reports (E24/725)
- 10.1.1 - attachment 12 - Plans and Reports for Determination (E24/1164)

Alignment with 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 |

Financial Implications

Should approval be contemplated, a condition is necessary to deal with the accelerated decline in pavement life along Norman Road, for the heavy truck loads that carry finished products from the site.

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 option is considered the lowest risk option. | | | | | | |
| 2 | That despite the Council recommendation, the MODAP approves the application and this causes external impacts. | Planning Framework | Social Community Outcomes / | Possible | Moderate | MODERATE | Ensure that conditions are recommended consistent with the report should a request for conditions from MODAP be received. |



Voting Requirements: Simple Majority

Officer Recommendation

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Joint Development Assessment Panel DEFER for 90 days 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:
 - a. To request the applicant to prepare a new Environmental Noise Assessment (ENA) and Noise Management Plan (NMP), which address the following:
 - i. measurement of all noise sources;
 - ii. tonality and whether a tonal penalty is applicable;
 - iii. revised calculation of the assigned levels;
 - iv. the significant contribution to exceedance criterion consistent with the Noise Regulations.
 - b. A NMP setting out all the necessary noise mitigation measures to ensure operations comply.

OCM006/02/24

COUNCIL RESOLUTION

Moved President Coales, seconded Cr Duggin

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.**

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation

To ensure the amenity of local residents and ratepayers, particularly in relation to noise.



| | |
|--|--|
| 10.1.2 - Proposed Road Naming Application - Lot 9550 Warrington Road, Byford (PA23/861) | |
| 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: | McMullen Nolan Group Pty Ltd |
| Owner: | Crown Land and LWP Byford Syndicate Pty Ltd |
| Date of Receipt: | 13 November 2023 |
| Lot Area: | 3.79ha |
| Local Planning Scheme No. 3 Zoning: | 'Urban Development' |
| Metropolitan Region Scheme Zoning: | 'Urban' |

Report Purpose

The purpose of this report is for Council to consider a proposal to name two roads associated with a subdivision at Lot 9550 Warrington Road, Byford. Four alternative names are also presented to Council for endorsement in the instance Landgate do not support the preferred names.

This road naming proposal is presented to Council for endorsement, as this function is not able to be delegated in accordance with the legislative framework of the *Land Administration Act 1997*. Officers consider that the proposed road names are consistent with the existing theme of local native flora within the Shire.

Officers recommend that Council endorse the proposed road names based on compliance with the Policies and Standards for Geographical Naming in Western Australia (Landgate Policy) and Local Planning Policy 1.7 - Road Naming (LPP 1.7).

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

The subject site is bound by Warrington Road to the east, and residential development and public open space to the other boundaries. The site is within an area zoned 'Urban Development' within Byford, forming part of 'The Glades at Byford' estate. The site is depicted following:

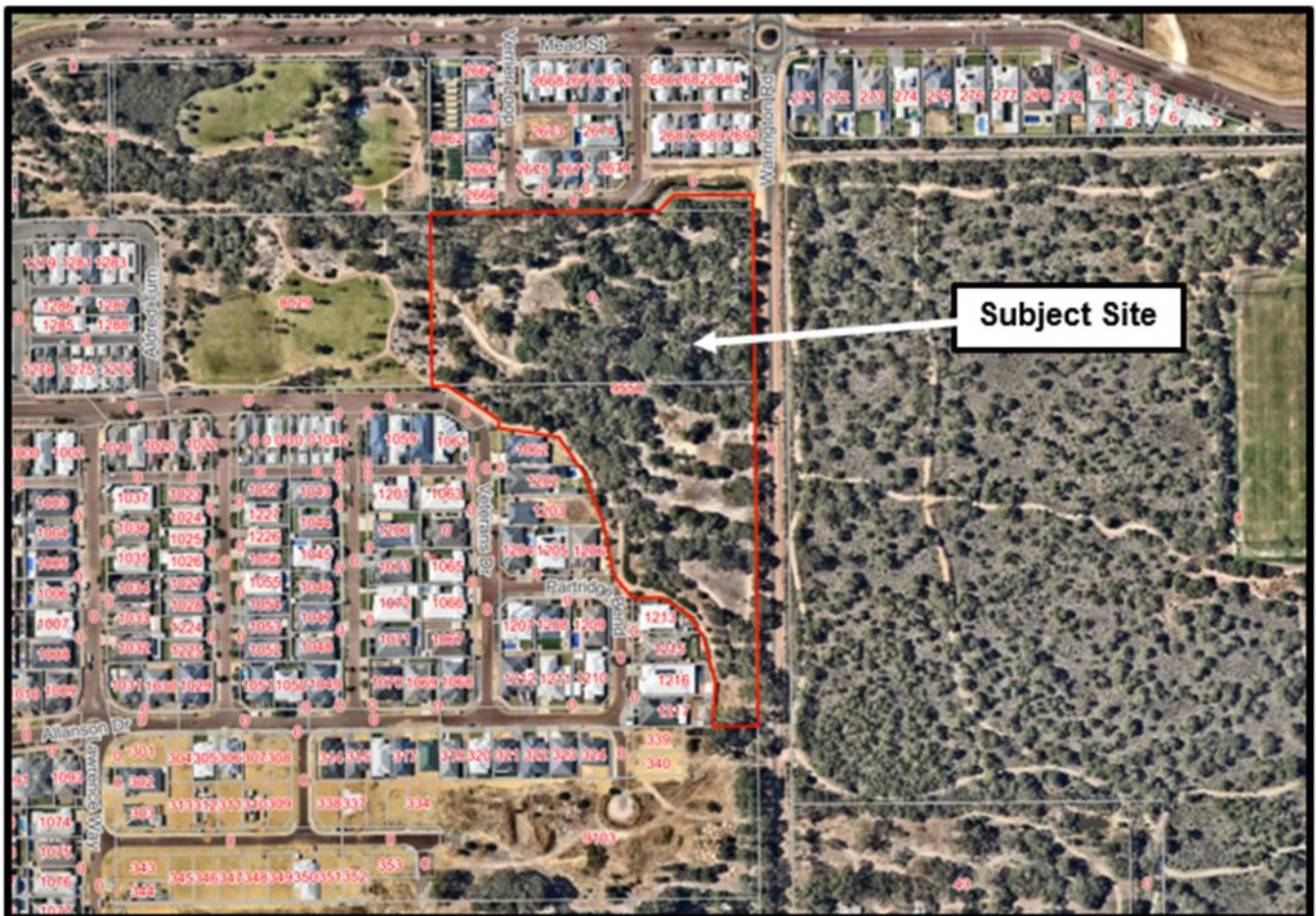


Figure 1: Aerial Image

Subdivision approval was granted by the Western Australian Planning Commission (WAPC) on 2 February 2023, with works to create the subdivision forecast over the coming 12 months. The approved subdivision layout is shown following:



Figure 2: Approved Subdivision Plan

Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*. The naming process requires the relevant Local Government to endorse names for roads created as part of subdivision. Those names endorsed by the Local Government must then be forwarded to Landgate for final approval.



Landgate has delegated authority from the responsible Minister to grant final approval for road names.

Proposal

The subject application (**attachment 1**) proposes new names for the two new roads that will be created by the subdivision. These new names seek to replace previously proposed names, that the subdivider no longer wishes to proceed with.

These previous names, which were supported by Council and approved by Landgate in 2018, were Povah Crescent and Dalecullen Drive. The significance of these names were as follows:

- William Augustus Povah - listed on the Armadale War Memorial.
- Arthur Cecil Dale-Cullen - listed on the Armadale War Memorial.

The applicant proposes to change these names, to reflect the setting of this subdivision opposite Brickwood Reserve. This setting reflects the proposal for names based upon local flora, being 'Beaufortia' and 'Extensa'. These are shown following:



Figure 3: Proposed road name layout



Local Planning Policy 1.7 - Road Naming Policy (LPP1.7) indicates where more than four road names are proposed, a theme should be submitted to Council for approval. As such, no road name theme is required in this instance. However, it is worth noting that the proposed names are in keeping with the theme of local native vegetation commonly employed in various areas of the Shire. Additionally, this is considered appropriate given the roads will border one of the most important nature reserves within the Shire, being Brickwood Reserve. Having key orientation to face the edges of Brickwood Reserve, appears to further justify the proposed names.

Proposal to rename existing roads are generally not supported, on the basis that road names should be enduring and each has their own importance. However, in this instance,





neither road has been created nor has subdivision works commenced, meaning that a road renaming (as proposed) is considered supportable in this case.

The proposed and backup names along with their description, as provided by the applicant and checked by Officers, are detailed in the following table:

| Road Name Table | |
|----------------------------|--|
| Proposed Preferred Names | Background |
| Road 1: Beaufortia Retreat | <p>Beaufortia purpurea (Purple Beaufortia) - Beaufortias are endemic to Western Australia. They are located in dry hill areas, such as the Darling Scarp. The red/purple flowers occur late summer and spring.</p>  |
| Road 2: Extensa Crescent | <p>Acacia extensa (Wiry Wattle) - An erect slender shrub that can grow to 3m, and a local native species to Western Australia. It prefers sandy or lateritic soils that remain damp. The yellow flowers appear from August to October.</p>  |

| Reserve Names | Background |
|---------------|---|
| Purpurea | Beaufortia purpurea (Purple Beaufortia) - Beaufortias are endemic to Western Australia. They are located in dry hill |



| Reserve Names | Background |
|---------------|---|
| | areas, such as the Darling Scarp. The red/purple flowers occur late summer and spring. |
| Damperia | <p>Dampiera trigona (Angled-stem Dampiera) - A slender growing perennial herb that grows up to 0.5m high. It is native to Western Australia. It produces a blue/white flower, which appears between August and January. It is commonly found in floodplains and along roadsides with sandy or clayey soils.</p>  |
| Trigona | |
| Pulchella | <p>Acacia pulchella (Prickly Moses) – These are a small shrub which grows to 3m, endemic to Western Australia. The plant produces a dense yellow flower commonly appearing between June and October. These acacias are found within Jarrah or coastal woodland areas.</p>  |

Community / Stakeholder Consultation

No consultation is required in accordance with Shire and Landgate policy.

Statutory Environment

Legislation

- *Land Administration Act 1997*

State Government Policies



- Policies and Standards for Geographical naming in Western Australia (Landgate Policy)

Local Planning Framework

- Local Planning Policy 1.7 - Road Naming (LPP1.7)

Planning Assessment

An assessment of the proposed road names against the provisions of LPP 1.7 is detailed in the table below:

| Policy Assessment | |
|--|--|
| Policy Requirement | Officer Comment |
| Consideration of current and future street names | The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas within 10km have been identified. |
| Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases | Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area. |
| The origin of each name shall be clearly stated and subsequently recorded | <p>The origin and background of the proposed and reserve road names have been documented in the road name table, earlier in this report. As discussed, previous names which were supported by Council and approved by Landgate in 2018, being Povah Crescent and Dalecullen Drive. The significance of these were as follows:</p> <p>William Augustus Povah - listed on the Armadale War Memorial.</p> <p>Arthur Cecil Dale-Cullen - listed on the Armadale War Memorial.</p> <p>The applicant proposes to change these names, to reflect the setting of this subdivision opposite Brickwood Reserve. This setting reflects the proposal for names based upon local flora, being 'Beaufortia' and 'Extensa'.</p> |
| Names shall not be offensive or likely to given offence, incongruous or commercial in nature | The proposed and reserve names are not considered to be offensive, incongruous, or commercial in nature. |
| Names shall be easy to read, spell and pronounce in order to | In terms of easiness to read, spell and pronounce, the names relate to scientific descriptions of local native |



| Policy Assessment | |
|--|--|
| Policy Requirement | Officer Comment |
| assist emergency services, service providers and the travelling public | vegetation. The preferred names are simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public. |
| Unduly long names and names that comprise of two or more words should generally be avoided | The preferred names comprise of no more than ten letters in length and are no more than one word. |
| Proposals for road names shall include an appropriate road type suffix | The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the Landgate policy. Retreat (Rtt) - Roadway forming a place of seclusion. Crescent (Cr) - Crescent-shaped thoroughfare, especially where both ends join the same thoroughfare. The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway. |
| Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads | As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are practical. |

Based on the above, and noting the very unique situation of a yet to be commenced subdivision, the recommended new names are considered appropriate to support. Officers have recommended that the applicant consider re-use of the names Povah and Dalecullen as part of their future subdivision activities, which include extensive further lands south of Orton Road.

Options

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road name as contained within **attachment 1** to Landgate for final approval:
 - a. Beaufortia
 - b. Extensa
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference names are not deemed acceptable by Landgate:
 - a. Purpurea



- b. Damperia
 - c. Trigona
 - d. Pulchella,
3. RECOMMENDS that the applicant re-use the names Povah and Dalecullen as part of their future subdivision activities in Byford.

Option 2

That Council REFUSES TO ENDORSE the proposed road names and REQUESTS the applicant keep with the already approved names of Povah and Dalecullen.

Option 1 is recommended.

Conclusion

Council endorsement is sought for the two new roads as part of an approved subdivision at the subject site, with this being a renaming to previously approved names. The proposed names are considered consistent with the requirements of LPP1.7 and Landgate’s road naming policy. It is recommended that Council endorse the proposed names, but also recommend re-use of the previously approved names by the applicant in their future subdivision activities.

Attachments (available under separate cover)

- 10.1.2 - attachment 1 - Road Layout Plan (E24/356)

Alignment with our Council Plan 2023-2033

| Liveable |
|---|
| 2. Improve maintenance and investment in roads and paths |

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 | Council supporting the re-naming which causes some community concern in terms of changing away from the originally approval names. | Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 - Road Naming | Social / Community Outcomes | Possible | Moderate | MODERATE | Recommend that applicant re-use the previously approved names in future stages of subdivision in the Byford area |
| 2 | Council not supporting the names causing a delay in the application, which could delay lot creation and residential land supply within the Shire. | Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 - Road Naming | Social / Community Outcomes | Possible | Moderate | MODERATE | Give reasons for decision |



Voting Requirements: Simple Majority

OCM007/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council:

1. **ENDORSES** the following road names in accordance with section 26A(3) of the Land Administration Act 1997; and forwards the proposed road name as contained within attachment 1 to Landgate for final approval:
 - a. **Beaufortia**
 - b. **Extensa**
2. **ENDORSES** the following second preference road names in accordance with section 26A(3) of the Land Administration Act 1997; to be used in the event that the first preference names are not deemed acceptable by Landgate:
 - a. **Purpurea**
 - b. **Damperia**
 - c. **Trigona**
 - d. **Pulchella**
3. **RECOMMENDS** that the applicant re-use the names Povah and Dalecullen as part of their future subdivision activities in Byford.

CARRIED UNANIMOUSLY 5/0



| | |
|---|--|
| 10.1.3 - Revised Draft Local Planning Policy 1.4 - Advertising Development Applications (SJ2648) | |
| 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 approve the advertising of revised Local Planning Policy 1.4 - Consultation for Planning Matters (Draft LPP1.4). It is also proposed to rename the LPP to Local Planning Policy 1.4 - Advertising Development Applications. Draft LPP1.4 has been prepared in accordance with Part 2 Clause 4 of *Planning and Development Regulations 2015* (the Deemed Provisions).

The LPP has been revised to better reflect the Deemed Provisions and to provide more effective and transparent guidance as to when a development application will be advertised. This is to provide greater certainty for how the community can engage on development proposals, through the making of submissions. The draft policy will ultimately supersede the current LPP1.4 - Public Consultation for Planning Matters Policy (**attachment 1**) should it be supported by Council.

Draft LPP1.4 provides clear direction regarding the recently gazetted Local Planning Scheme No. 3 (LPS3) land uses, and details how discretion provided for in the Deemed Provisions should be exercised in determining approaches to advertising.

Officers recommend Council adopt the draft LPP1.4 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, will be reported back to Council to consider the draft LPP for final adoption.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 15 March 2021 - OCM051/03/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council ADOPTS amended Local Planning Policy 1.4 - Consultation for Planning Matters, as contained within attachment 2, in accordance with Provision 5(2) of the Deemed Provisions.



Background

The Shire initially adopted LPP1.4 at its Ordinary Council Meeting of 23 July 2018 to provide updated direction towards advertising for planning matters. Amendments to LPP1.4 were later adopted by Council at its Ordinary Council Meeting of 15 March 2021. These amendments were required following amendments to the Deemed Provisions which, amongst other things, set out standards for when development applications should be advertised and in what form the advertising should take place. Further amendments to the Deemed Provisions have also taken place, together with the introduction of the Shire's new Local Planning Scheme No. 3. This has enabled a review of the LPP, to ensure it remains effective in guiding the process of community engagement in planning matters.

The new draft LPP1.4 seeks to improve and modernise the current policy. The Deemed Provisions under Clause 64 sets out advertising requirements.

Clause 64(1) states:

"The local government -

- (a) must advertise a complex application for development approval in accordance with subclause (3); and*
- (b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —*
 - (i) relates to development that is a class A use in relation to the zone in which the development is located; or*
 - (ii) relates to the extension of a non-conforming use; or*
 - (iii) relates to development that does not comply with the requirements of this Scheme; or*
 - (iv) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or*
 - (v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised; and*
- (c) may advertise any other application for development approval in accordance with subclause (4)."*

Clause 64 provides the Local Government two pathways for advertising development applications; these are guided through subclauses (3) and (4). Subclause (3) sets out the process for advertising "Complex Applications" and subclause (4) sets out the process for all other applications. Draft LPP1.4 has been proposed to provide Officers and applicants with guidance in relation to the definition of complex applications and non-complex applications and how each should be advertised, to ensure consistent levels of engagement on those applications which qualify under these clauses.

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). The Draft LPP will also be formally advertised to the West Australian Planning Commission (WAPC).

Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Local Planning Policy 1.4 - Public Consultation for Planning Matters Policy

Planning Assessment

In its current form, LPP1.4 sets out levels of consultation. This is typically based on the potential impacts resulting from a development on adjoining/nearby landowners or the broader area as follows:

- Level A - No Consultation (no predictable detrimental impact);
- Level B - Consultation with Owners of Adjoining Land (likely to impact upon the streetscape or amenity of properties in immediate proximity to the site);
- Level C - Consultation with owners of the land in the locality (impact upon the use and enjoyment of land within an area); and
- Level D - Community Engagement Plan (state, regional or Shire wide impacts).

As previously stated, the Deemed Provisions sets out two new pathways for advertising based on the complexity of the development application. Accordingly, LPP1.4 has been revised to be consistent with this approach, as well as specify newly defined land uses and their permissibility under LPS3.

The LPP is also now focussed on development applications only, and no longer includes the requirements listed within Level D as they relate to strategic matters such as structure plans, local development plans, precinct structure plans etc. These are separately dealt with in the Deemed Provisions, and should not be replication within the LPP.

Draft LPP1.4 sets out the following:

LPS3 employs a comprehensive system for categorising development applications based on land zoning. Through specific permissibility like:

'P' means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme.

'I' means that the use is permitted if it is consequent on, or naturally attaching, appertaining, or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.



‘D’ means that the use is not permitted unless the Shire has exercised its discretion by granting development approval.

‘A’ means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.

‘X’ means that the use is not permitted by this Scheme.

It delineates the permissibility of land use, ensuring adherence to development standards and zoning objectives. For land uses not explicitly covered, the Shire has defined processes to determine consistency with zone objectives, assessment of the planning framework, advertising and subsequent approval or refusal. This serves to provide clarity and a structured approach, fostering compliance and thoughtful consideration in the assessment of development applications.

In respect to the specific categories highlighted above, advertising of development applications may be required. Advertising may not be necessary for all development applications as clause 64(2) of the Deemed Provisions provides the Shire with discretion where a proposed variation is of a minor nature:

“(2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.”

LPP1.4 sets out the approach to be undertaken for each type of development application based on land use permissibility and any variations proposed as set out in the table below:

| Land Use | Advertising |
|------------|--|
| ‘P’ | Where the proposed works are compliant with the provisions of LPS3, Local Planning Policies (LPPs) and State Planning Policies (SPPs) the application will generally not be advertised. The Shire holds discretion whether to advertise the development application if there is a proposed variation in relation to the works, which is not minor in nature. This will be assessed on a case-by-case basis depending on the scale of the variation. Importantly, if a variation to a site or development requirement is likely to adversely affect adjoining landowners, the application would be required to be advertised. |
| ‘D’ | Where the use and works propose a variation to LPS3, LPPs and SPPs the Shire may advertise the development application depending on the variation and the level of impact on others. As with the above, if a variation to a site or development requirement is likely to adversely affect adjoining landowners, the application would be required to be advertised. |
| ‘A’ | All Development Applications require advertising under the Clause 64(4) of the Deemed Provisions. |
| ‘X’ | Are not permitted and are refused without advertising the application. |

Clause 64(1)(b) sets out a mandatory requirement to advertise the following development applications in accordance with subclause (4) where it:

- a. relates to development that is a class **‘A’** use in relation to the zone in which the development is located; or



- b. relates to the extension of a non-conforming use; or
- c. relates to development that does not comply with the requirements of this Scheme; or
- d. relates to development for which the Shire requires a heritage assessment to be carried out, this is an application where a Heritage area/building is affected; or
- e. is of a kind identified in LPS3's schedules as an application that is required to be advertised.

Non-Complex Applications:

Draft LPP1.4 provides the Shire discretion in that it may advertise any application that is non-complex (including **P**, **I** and **D** land uses) where the Shire is of the opinion that the works or use proposes variations to the planning framework and that the development has the potential to adversely affect any adjoining owners or occupiers or residents in the general locality.

This is currently captured in the existing LPP, however this draft policy seeks to update the guidance for Officers so they can consistently interpret the kinds of issues that may adversely affect an adjoining landowner. This is through the following additional guidance:

In considering the kinds of issues involving Scheme or policy variations that may adversely affect adjoining owners or occupiers, and thus require advertising, Officers will undertake the following assessment:

- a. make an initial assessment of the existing amenity of the area, as it pertains to matter such as private amenity, public amenity, streetscape, built form, traffic, safety, noise, vegetation etc.
- b. consider the manner in which a proposed development may affect that existing amenity. For example:
 - does it compromise private amenity due to setback and/or height variations to common boundaries;
 - does it compromise public amenity due to street setback variations and/or height variations;
 - does it lead to a significant increase in traffic, for example more than 20% of existing levels;
 - does it pose noise impacts which exceed assigned levels for sensitive receptors;
 - does it create the potential for odour impacts on the locality, particularly sensitive receptors;
 - does it create a built form which is not in keeping with the traditional forms in the area, or is proposed in an area which is highly visible to the public realm (such as town centre and along major roads);
 - does it potential impact the safety and security of the area;
 - does it severely impact vegetation in the area.



- c. if the answer under b) is yes to one or more of the subpoints, the application needs to be advertised to at least all adjoining landowners, and any further area based on the potential impact.

For example, the Shire may receive an application for a patio which does not comply with the lot boundary setback requirements of the R-Codes. On assessment of the application, Officers may exercise discretion and determine that the impact of the patio on the adjoining land is minimal and thus would not advertise the application in that instance. This could be, for example, due to the setback variation being towards the portion of the adjoining single dwelling which comprises the garage or carport, or non-habitable rooms. Conversely, if a setback variation was impacting the outdoor living area or habitable rooms with windows facing the common boundary, referral would be required. As shown by this example, determining the impact of a development is always site specific, and should be undertaken on a case-by-case basis.

The current LPP includes already the requirement for Officers to make a judgement about whether a variation may have a potential impact. As part of the new LPP, Officers consider there to be advantage to making this judgement clearer, as explained above.

Complex Applications:

Draft LPP1.4 provides guidance on the definition of a “Complex Application”.

A ‘Complex Application’ is defined under Clause 1 of the Deemed Provisions as:

- “(i) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or*
- (ii) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for Development Approval.”*

The Deemed Provisions allow for the Shire to further define types of applications that are considered complex. Draft LPP1.4 expands on the definition based on land use. The land uses that have been selected are generally of a nature where they have the potential to have broader amenity impacts on the community whereas a non-complex application may only have an impact on adjoining landowners/occupiers. Draft LPP1.4 proposes the following applications to be included in the definition of Complex:

- a. Telecommunication Infrastructure (High Impact Facility only);
- b. Service Stations;
- c. Child Care Centres;
- d. Caravan Parks;
- e. Non-conforming land use or extensions;
- f. Any Use not listed;
- g. Industry – Extractive
- h. A development application, as determined by the Shire, which has the potential to have a detrimental external impact in relation to:
 - (i) Noise and Vibration;



- (ii) Odour;
 - (iii) Dust;
 - (iv) Traffic; or
 - (v) The environment; and
- i. Any other development application, as determined by the Shire, to be of a nature and scale which will impact the broader community.

Advertising Methodology for Complex Applications:

Clause 64(3) of the Deemed Provisions sets out the advertising requirements for Complex Applications as follows:

*“For the purposes of subclause (1)(a), a complex application is advertised by doing **all of the following** -*

(a) publishing in accordance with clause 87 -

- (i) a notice of the proposed development in the form set out in clause 86(3); and*
- (ii) the application for development approval; and*
- (iii) any accompanying material in relation to the application that the local government considers should be published;*

(b) giving notice of the proposed development -

- (i) to the owners and occupiers of every property that is within 200 m of the proposed development; and*
- (ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;*

(c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).”

Clause 64(4) state the following and sets out advertising requirements for all other **“Non-Complex Applications”**

*For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing **any or all** the following, as determined by the local government -*

(a) publishing in accordance with clause 87 -

- (i) a notice of the proposed development in the form set out in clause 86(3); and*
- (ii) the application for development approval; and (iii) any accompanying material in relation to the application that the local government considers should be published;*

(b) giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;



(c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

Draft LPP1.4 provides an advertising methodology. This methodology reflects the requirements prescribed within Clause 64(3) and (4) of the Deemed Provisions and is presented in a simple form within the table below:

| Method | Complex Applications | All other applications |
|--|--|---|
| Time Period*** | 28 Days* | 14 Days* |
| Notice to Owners and Occupiers in vicinity of proposed development | All within 200m; or the minimum Separation Distance if the application is of a type dealt within by the EPA Guidance Statement 3 (Separation between Industrial and Sensitive Land Uses). Whichever is the greater distance. | <p>In considering the kinds of issues involving Scheme or policy variations that may adversely affect adjoining owners or occupiers, and thus require advertising, Officers will undertake the following assessment:</p> <ol style="list-style-type: none"> a. make an initial assessment of the existing amenity of the area, as it pertains to matter such as private amenity, public amenity, streetscape, built form, traffic, safety, noise, vegetation etc b. consider the manner in which a proposed development may affect that existing amenity. For example: <ul style="list-style-type: none"> - does it compromise private amenity due to setback and/or height variations to common boundaries; - does it compromise public amenity due to street setback variations and/or height variations; - does it lead to a significant increase in traffic, for example more than 20% of existing levels; - does it pose noise impacts which exceed assigned levels for sensitive receptors; - does it create the potential for odour impacts on the locality, particularly sensitive receptors; - does it create a built form which is not in keeping with the traditional forms in the area, or is proposed in an area which is highly visible to the public realm (such as town centre and along major roads); |



| Method | Complex Applications | All other applications |
|--|----------------------|--|
| Time Period*** | 28 Days* | 14 Days* |
| | | <ul style="list-style-type: none"> - does it potential impact the safety and security of the area; - does it severely impact vegetation in the area. <p>c. if the answer under b) is yes to one or more of the subpoints, the application needs to be advertised to at least all adjoining landowners, and any further area based on the potential impact.</p> |
| Sign on site provided by the applicant or at the applicant's expense**** | Yes ** | No |
| Website Advertising | Yes | No |

* Subject to longer period agreed upon between applicant and the Shire.

** Signage may not be required where the Shire is of the view the signage will not have any benefit to advertising to the locality.

*** Time periods shall include the Holiday Exclusion Period as prescribed.

**** To be provided in a Manner and Form approved by the Commission (WAPC)

Under Clause 64(3) (Complex Applications) of the Deemed Provisions the following note has been provided:

“Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).”

Upon Council's approval, the Shire will proceed to formally advertise Draft LPP1.4 to the WAPC to vary the requirement for applicants to require a sign on site. Given the location, size, and impact of certain development applications where a sign on site may generate little to no reasonable traffic (i.e. Rural or less frequently trafficked areas outside of the urban areas).

Re-advertising:

On occasion, an applicant may wish to amend a proposal during the application process, this generally occurs following advice from Officers or in response to a submission received. In these cases, amended plans may be readvertised in accordance with the requirements under Table 1 where amended plans:

- a. Significantly alter the proposal which was previously advertised;
- b. Propose new elements of considered which were not previously advertised;
- c. Demonstrate compliance of a significant variation previously proposed.



Where amended plans reduce the impact/scope of the application or variation, amended plans are not to be readvertised.

Options

Option1

That Council ADOPTS, for the purposes of advertising, the revised Draft Local Planning Policy 1.4: Advertising Development Applications 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 1.4: Advertising Development Applications.

Option 1 is recommended.

Conclusion

The report is presented to Council recommending that draft LPP1.4 is advertised in accordance with Clause 87 of the Deemed Provisions.

It is considered that Draft LPP 1.4 will assist applicants and Officers through the development application process when considering advertising of development applications, in particular the delineation between Complex and Non-Complex development applications.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** Existing Local Planning Policy 1.4 - Consultation for Planning Matters (E21/2265)
- **10.1.3 - attachment 2** Draft Local Planning Policy 1.4 - Advertising Development Applications (IN23/28942)

Alignment with our Council Plan 2023-2033

| |
|--|
| 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:

| 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 | If Council resolves not to adopt the Draft Policy, the planning framework may be incapable of properly advertising applications in accordance with Schedule 2; Clause 64 of the Planning and Development Regulations 2015. | Planning Framework | Reputation | Possible | Moderate | MODERATE | Accept Option 1. |

Voting Requirements: Simple Majority

OCM008/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council ADOPTS, for the purposes of advertising, the revised Draft Local Planning Policy 1.4: Advertising Development Applications in accordance with Clause 4(1) of the Deemed Provisions.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0



10.1.4 - Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct - Request for Comment (SJ1369-16)

| | |
|--|--|
| 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

| | |
|----------------|--|
| 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: Western Australian Planning Commission
 Owner: Various
 Date of Receipt: 11 December 2023
 Lot Area: 5.27ha
 Local Planning Scheme No. 3 Zoning: Residential R12.5
 Metropolitan Region Scheme Zoning: Urban

Report Purpose

The purpose of this report is for Council to consider the request received from the Western Australian Planning Commission (WAPC) to provide comment on the proposed Metropolitan Region Scheme (MRS) Amendment to reserve as Parks and Recreation, a precinct of undeveloped land on the southside of Jarrahdale townsite. It is recommended Council provide comment of support for the Proposed MRS Amendment.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 August 2023 - OCM202/08/23 - COUNCIL RESOLUTION / Officer Recommendation

1. That Council PROVIDES preliminary comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct.



Background

At the Ordinary Council Meeting held on 21 August 2023, Council resolved to provide preliminary comments of support to the WAPC on a proposed MRS Amendment to transfer a 5.27ha area of land in Jarrahdale from the 'Urban' zone to a 'Parks and Recreation' reservation. The WAPC has since progressed the Proposed MRS Amendment to formal advertising and are seeking public comment on the proposal.

The Proposed MRS Amendment relates to land that is undeveloped, yet was surveyed many decades ago as part of contemplating expansion of the then townsite. Such land is predominantly unallocated crown land, however three allotments are privately held. The intent of reservation under the MRS is to secure land for a stated regional purpose, which in this case is Parks and Recreation. If the amendment proceeds, there would be a process to acquire the privately held lots by the State Government, in order to affect the reservation intent.

The subject site is located to the south of the Jarrahdale townsite and is surrounded by the 'Parks and Recreation' reserve for the Serpentine National Park to the south and west. The subject site is also located around the Jarrahdale Primary School site and some residential properties exist to the north of the subject site. The subject site is heavily vegetated with mature trees and does not contain any buildings. The subject lots were created in the late 1960s to early 1970s. The land has remained undeveloped since this time and no services or constructed roads have ever existed for these lots. The subject site is comprised of a number of unallocated crown land lots, as well as some lots in private ownership.

The unallocated crown land lots were also considered as a possible option to include as part of the South West Native Title Settlement for inclusion in the Noongar Land Estate. This proposal has however since been abandoned, instead the State Government now seek to secure reservation of the land to form part of the broader Serpentine National Park.

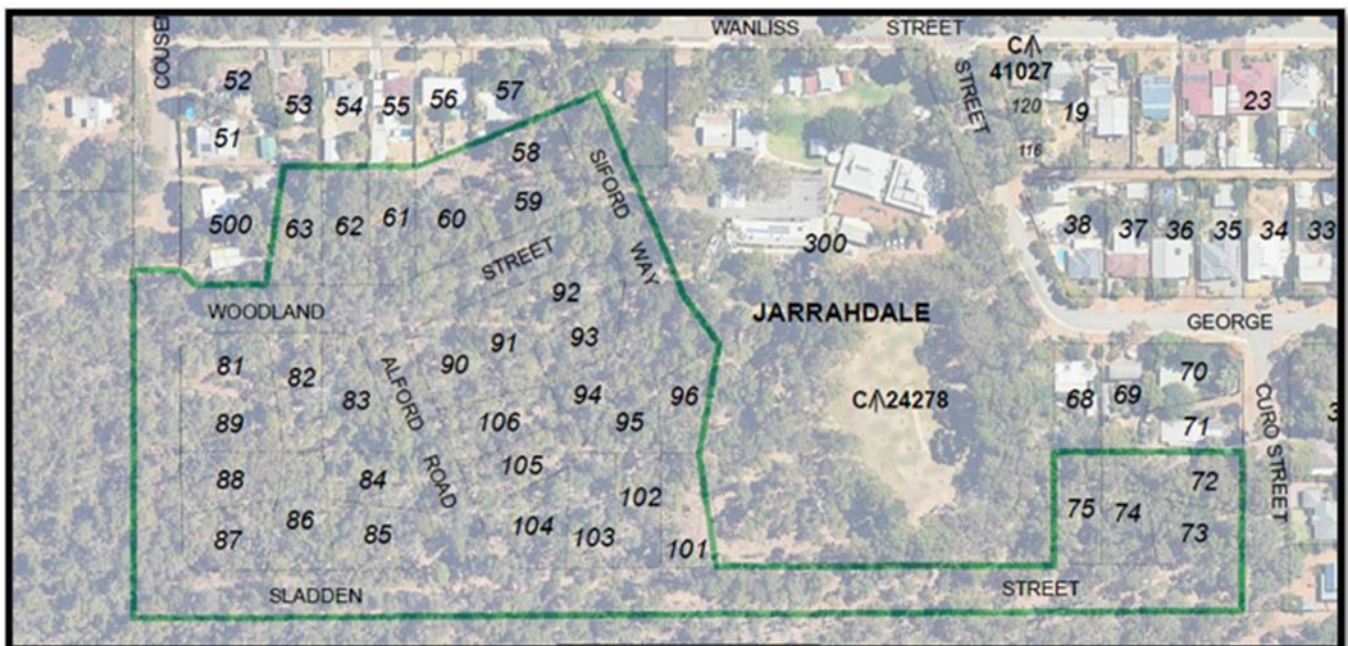


Figure 1: Subject Site

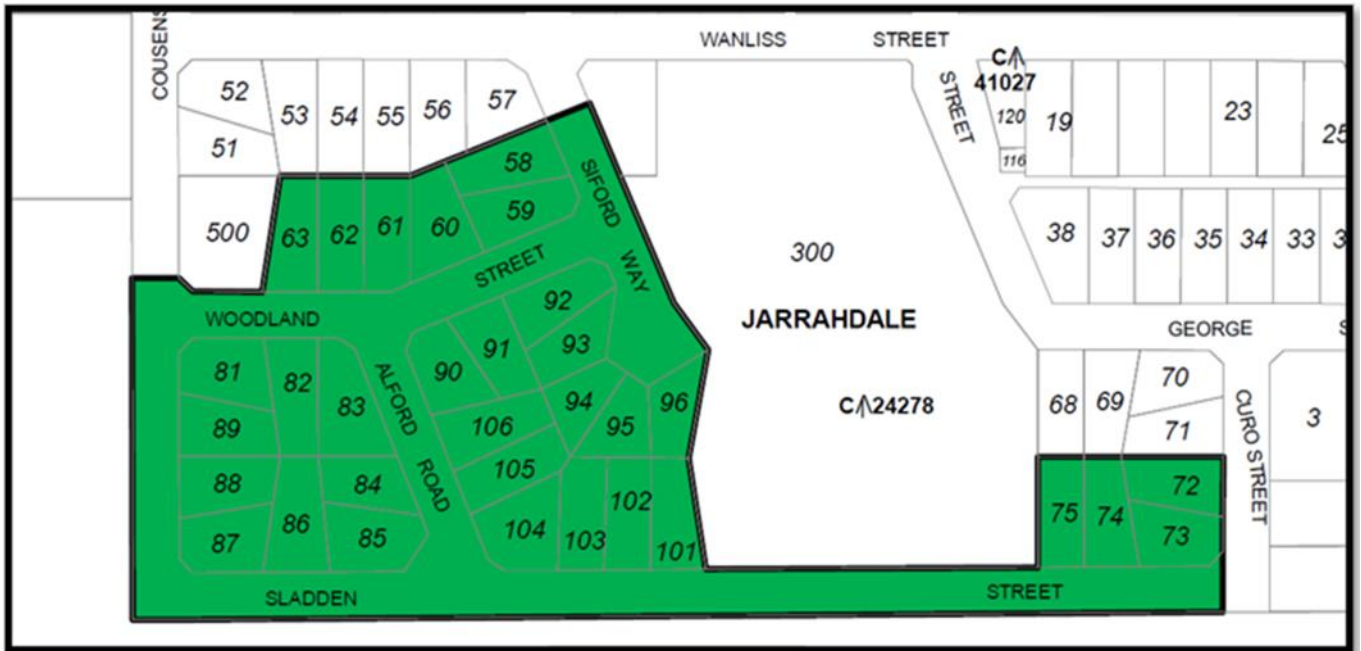


Figure 2: Proposed MRS Amendment

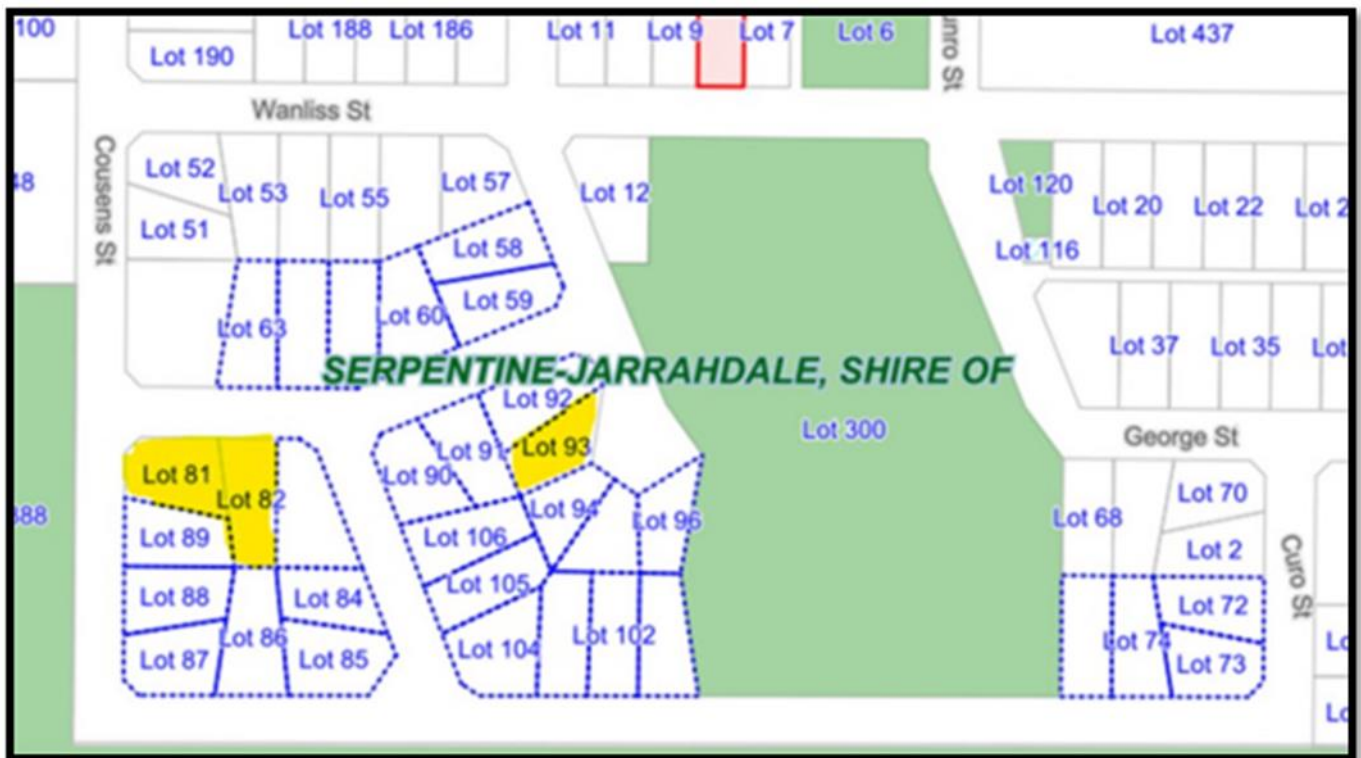


Figure 3: Image showing three allotments alienated from the Crown land (privately held)



Community / Stakeholder Consultation

The Proposed MRS Amendment is being advertised by the WAPC for public comment from 11 December 2023 until 25 January 2024. The Shire has been given extended time in which to make a submission, to enable consideration at the February Council meeting. The formal advertising period provides an opportunity for the Shire, Government agencies, stakeholders and the community to make formal comment on the Proposed MRS Amendment. At the conclusion of the formal advertising period, the WAPC will consider all submissions received prior to making a recommendation to the Minister under Section 59 of the *Planning and Development Act 2005*.

Statutory Environment

Legislation

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

State Government Policies

- Perth and Peel @ 3.5 Million - South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy suite

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Local Planning Policy suite

Planning Assessment

Planning Framework

The subject site is currently zoned 'Urban' under the MRS and 'Residential R12.5' under the Shire's Local Planning Scheme No.3. The Serpentine National Park, which is reserved as 'Parks and Recreation' under the MRS and is managed by the Department of Biodiversity, Conservation and Attractions (DBCA), is located to the south and west of the subject site. The Proposed MRS Amendment seeks to include the subject site within the 'Parks and Recreation' reserve.

Environmental Protection

The subject site is heavily vegetated with native vegetation covering the majority of the area subject to the Proposed MRS Amendment, as shown in Figure 4. The Shire's Biodiversity Strategy classifies areas of native vegetation outside of public conservation as local natural areas. The Biodiversity Strategy contains goals and targets to prevent the further loss of and protect local natural areas within the Shire. The Proposed MRS Amendment would allow the native vegetation at the subject site to be retained within a 'Parks and Recreation' reserve. It is noted that any ability to develop the precinct would generally result in the



complete removal of all vegetation. There would also be impacts on a portion of the surrounding National Park, insofar as managing the risk of bushfire on these allotments. There would also be substantial erosion challenges, in that the forest canopy which helps moderate the impacts of heavy rainfall and sediment runoff, would be removed through development and result in increased risk of landscape scouring and hillside gulying.

As a natural area containing native vegetation, the subject site contains conservation and biodiversity values, which are important to protect. Section 5.4.2 of the Shire's Local Planning Strategy contains an objective to '*promote the conservation and sustainable management of natural areas*' and a strategy to '*protect natural areas for conservation purposes and limit development within such areas*'. The Proposed MRS Amendment is aligned with the Local Planning Strategy as it seeks to retain the native vegetation at the subject site for conservation purposes. The vegetation complex at the subject site is the Dwellingup D2 vegetation complex of the South West Forest Region of WA, as shown in Figure 5. This is the same vegetation complex as the land to the south of the subject site, which is part of the 'Parks and Recreation' reserve for the Serpentine National Park. The Proposed MRS Amendment seeks to include the subject site within this 'Parks and Recreation' reserve.

The development of the subject site for urban purposes, as it is currently zoned under the MRS, would result in the removal of a natural area of native vegetation with important biodiversity and conservation values. The extent to which approval for vegetation clearing may be given, and the requirements for clearing approvals, would need to be considered if the land were to be developed as 'Urban'. The protection of the native vegetation at the subject site for conservation purposes is supported by the Shire's Local Planning Strategy and Biodiversity Strategy. Officers consider the Proposed MRS Amendment is appropriate to reserve the subject site as 'Parks and Recreation' to retain the native vegetation for conservation purposes.



Figure 4: Native Vegetation



**Figure 5: Vegetation Complex -
Dwellingup D2 of the South West Forest Region of WA**

Bushfire Risk

The subject site is located within a high risk, designated Bushfire Prone Area, surrounded by extensive vegetation and the Serpentine National Park. The subject site is located within an area of significant bushfire hazard and would be classified as Bushfire Attack Level (BAL) Flame Zone. For the subject site to be developed for urban purposes, extensive vegetation clearing would be required. In addition to this, the high level of bushfire mitigation and fuel load management required to reduce the BAL rating and the impacts of the BAL Flame Zone area would be difficult to maintain without substantial alteration to the adjoining National Park. This would damage that natural environment, and still place potential future residents of the currently zoned 'Urban' area at a high risk in the case of a bushfire.

There is also limited vehicular access to the subject site. Road reserves have been identified but have not been cleared or constructed. The Acceptable Solution of Element 3 of the State Planning Policy 3.7 Planning in Bushfire Prone Areas Guidelines requires vehicular access to be provided in two different directions to at least two different suitable destinations in the event of a bushfire. The current access to and from the subject site does not provide for two directional access routes to provide safe access in the case of a bushfire emergency.

State Planning Policy 3.7 Planning in Bushfire Prone Areas contains a policy objective 5.1, which states '*Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount*'. With regard to the current 'Urban' zoning, Officers consider there is a significant bushfire risk and lack of certainty that the potential for significant adverse impacts can be adequately reduced or managed. In applying the precautionary principle to the assessment



of the Proposed MRS Amendment in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Guidelines, Officers consider that the Proposed MRS Amendment to reserve the subject site as 'Parks and Recreation' and acquire back privately held allotments, is appropriate given the significant bushfire risk associated with the current 'Urban' zoning and attempts to develop according to this.

Infrastructure

The subject site does not have any supporting infrastructure including roads, electricity, water or drainage. This would need to be provided by the entity or entities having the controlling interest in the land, or alternatively the State Government, who originally undertook the subdivision. Road construction in terms of responsibility for the construction, the required standards and servicing extensions would need to be resolved if the land were to be developed for urban purposes. Other servicing issues such as onsite effluent disposal and provision of a water supply would also need to be addressed. The lack of infrastructure and services to the subject site presents a significant constraint to the feasibility of the land being developed as 'Urban'.

Recommendation

In balancing the consideration of the native vegetation with conservation and biodiversity values located at the subject site, the significant bushfire risk, and lack of supporting infrastructure and services, Officers support the Proposed MRS Amendment to reserve the subject site as 'Parks and Recreation'. Developing the subject site for urban purposes, as per the current zoning, would result in a significant loss of native vegetation and biodiversity. Urban development at the subject site would also place additional residents in an area of high bushfire risk, with a lack of certainty regarding the required bushfire mitigation measures being able to be maintained. The lack of infrastructure to the subject site also provides a significant constraint to the development of the land as 'Urban'. Given the constraints on the land for development as 'Urban', the Proposed MRS Amendment to reserve the subject site as 'Parks and Recreation' is supported by Officers.

Options

Option 1

That Council PROVIDES comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct.

Option 2

That Council PROVIDES comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct to the Western Australian Planning Commission.

Option 1 is recommended.

Conclusion

The Proposed MRS Amendment seeks to transfer an approximately 5.27ha portion of land within Jarrahdale from 'Urban' to 'Parks and Recreation' reserve under the MRS. There are



key strategic considerations including environmental protection, bushfire risk and infrastructure provision, which relate to the Proposed MRS Amendment. Officers recommend the Proposed MRS Amendment be supported. If the MRS amendment is ultimately finalised, the land will be formally reserved (private allotments acquired), and the precinct vested as part of the broader Serpentine National Park.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Proposed MRS Amendment - Jarrahdale Parks and Recreation Precinct - Report (IN24/1290)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| Liveable |
| 3. Preserve and enhance our natural places, parks, trails and reserves |

Financial Implications

There are no direct financial implications relating to this matter. The intent of reservation under the MRS is to secure land for a stated regional purpose, which in this case is Parks and Recreation. If the amendment proceeds, there would be a process to acquire the privately held lots by the State Government, in order to affect the reservation intent.

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 option is considered the lowest strategic risk option. | | | | | | |
| 2 | That Council PROVIDES comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct to the Western Australian Planning Commission, which results in the amendment not being | Planning legislation and framework. | Social / Community Outcomes | Possible | Moderate | MODERATE | Provide reason for decision. |



| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | successful and pressure to development allotments that are not suitable for development. | | | | | | |
|--|--|--|--|--|--|--|--|

Voting Requirements: Simple Majority

OCM009/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council PROVIDES comments of SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan

Region Scheme Amendment - Jarrahdale Parks and Recreation Precinct.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0



10.1.5 - 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

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 subdivision and development to occur.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 August 2023 - OCM203/08/23 - COUNCIL RESOLUTION / Officer Recommendation

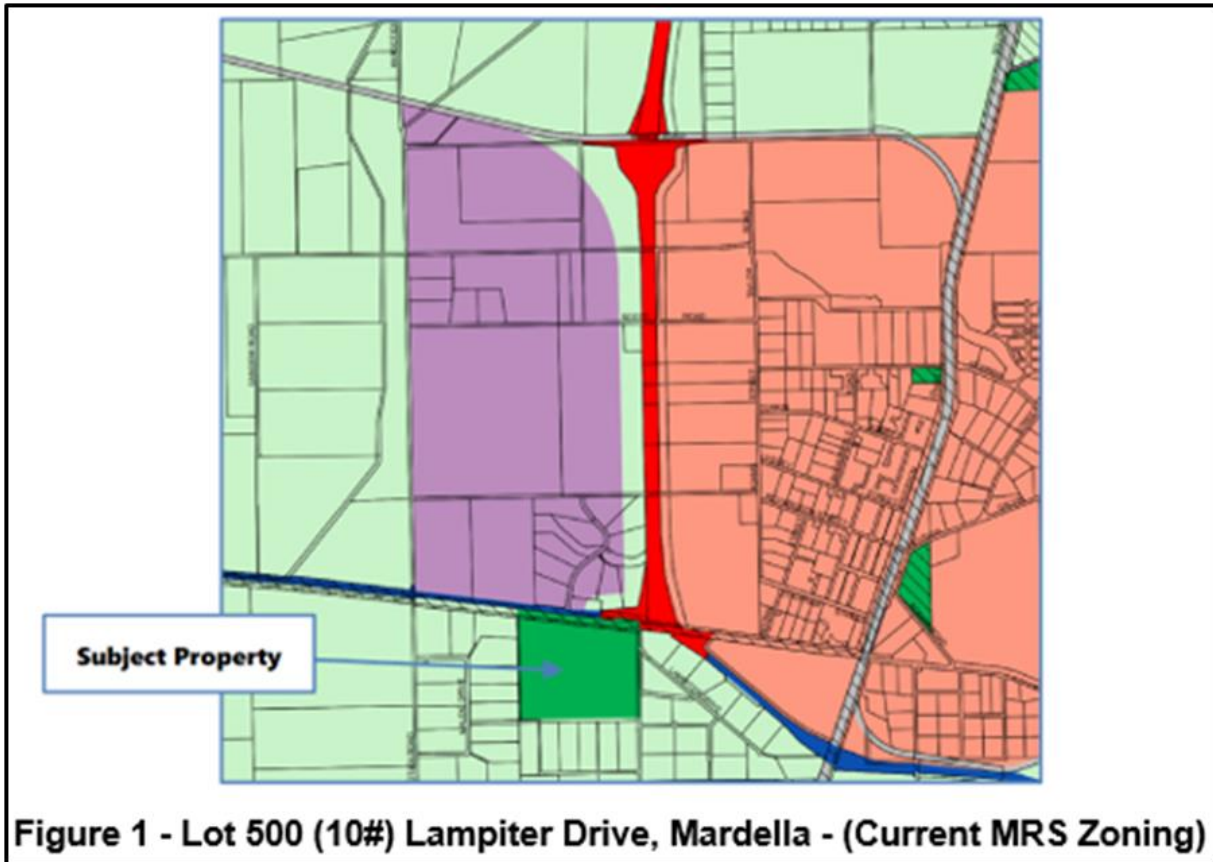
That Council:

- 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

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 Environment

Legislation

- *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.

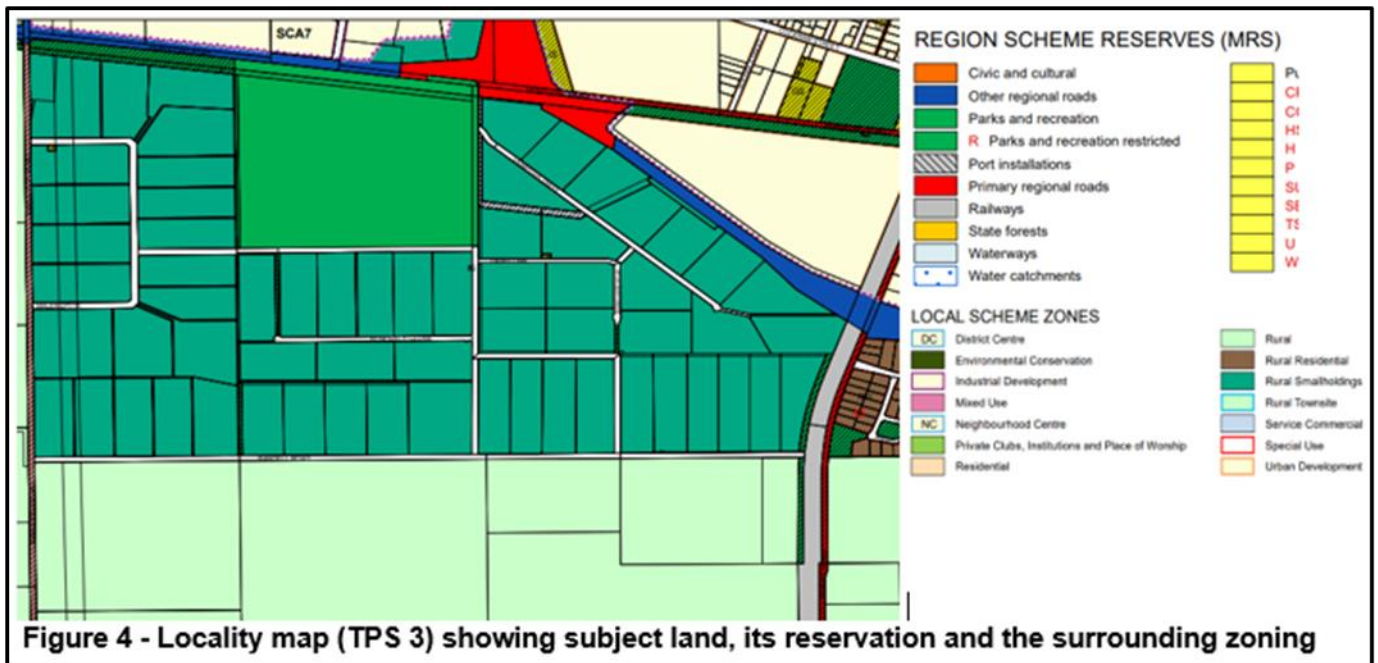




Figure 4a - Map showing TEC

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 as it represents a range of significant environmental values including Threatened Ecological Communities, significant flora and fauna species and CCW.
- The ecological linkages are 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.

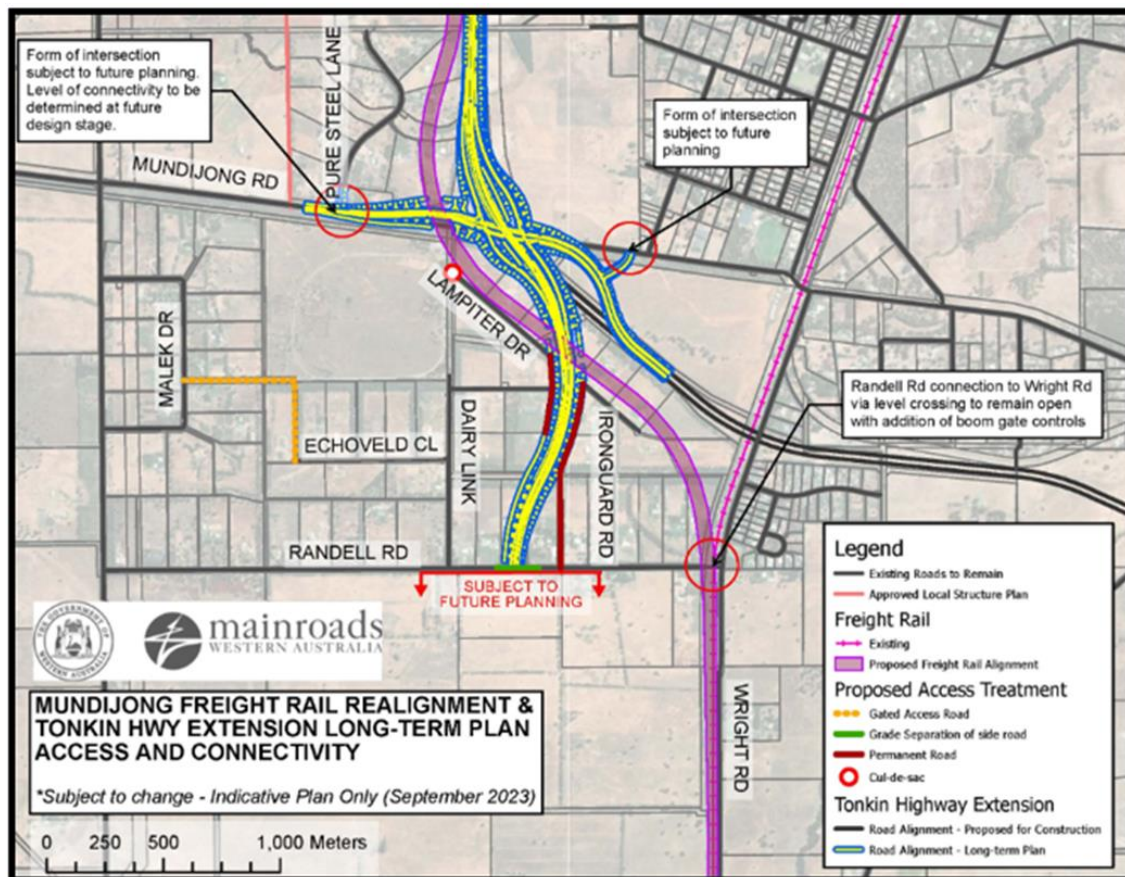


Figure 5: Freight rail deviation route

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 REQUEST initiation of 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)

- **10.1.5 - CONFIDENTIAL - attachment 1** - Market Valuation - 10 (#500) Lampiter Drive Mardella (E24/723)
- **10.1.5 - 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:

| 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.

OCM010/02/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Mack

That the Council DEFER the matter for discussion at a future Policy Concept Forum.

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation

To allow for further consultation with Elected Members and discussion for the best use of this land.



| | |
|---|--|
| 10.1.6 - Shire Pound and Future Options - 32 Watkins Road, Mundijong (SJ988) | |
| 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

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

Report Purpose

The purpose of this report is to provide information to Council and options for consideration, pertaining to the current animal management facility on Watkins Road, Mundijong.

As part of the previous report on this agenda, planning for the future of Lot 500 Lampiter Drive has resulted in a change in direction, due to the Department of Fire and Emergency Services (DFES) choosing to not further consider that land for its emergency services training academy. As a result, co-location of the operations centre and animal management facility on Lot 500, is no longer possible.

The report therefore considers what can be done in the interim situation, to ensure the current animal management facility on Pound Reserve is able to be expanded and improved.

This report recommends that Council request a formal business case as part of the upcoming budget, to undertake a feasibility study into an interim redevelopment of the existing facility in its current location. This feasibility study will examine the potential for redevelopment to renew and extend the functional life of the facility, and cater for future demand.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Animal Management Facility, otherwise known as the Pound, is located at 32 Watkins Road, Mundijong. It is a freestanding structure made from a steel frame, approximately 12 meters from the Watkins Road carriageway. The site has no connection to mains power or sewer, however benefits to connection to mains water.



The structure was originally constructed prior to 1981 and consisted of two dog holding cages under a single tin roof. The size of the cages were approximately 7 square meters per cage.

In approximately September 2017, two further dog cages were added of similar size, and a second tin roof to aid with the heat radiating through a single roof.

In 2022, shade cloth was installed around the external fence perimeter for security and amenity purposes. The metal frame of the Pound was also re-painted, and the concrete floor was coated in a sealer.

In 2023, animal crates were utilised for the holding of cats at the Pound, due to significant increases in the occurrence of cats being impounded for reasons including wandering and abandonment. The Pound Reserve also gained a transportable structure, currently being used for storage.

The current Pound is outdated, and not in line with expectations for safe and ideal conditions for handling and holding of animals. Management practices and procedures are undertaken to ensure animal welfare is maintained at all times, however the current facility makes this resource intensive given its age and basic nature.



The Shire Pound enclosure shaded by second roof structure

Community / Stakeholder Consultation

No community consultation has occurred as part of this report. In terms of gathering information, neighbouring local governments of City of Armadale and City of Gosnells have been contacted to understand their facilities, and gather information to assist in considering the future needs of the Shire.

Statutory Environment

Both the *Dog Act 1976* and *Cat Act 2011* have provisions for a local government to establish a 'dog management facility' and 'cat management facility' (respectively). Cats and dogs are



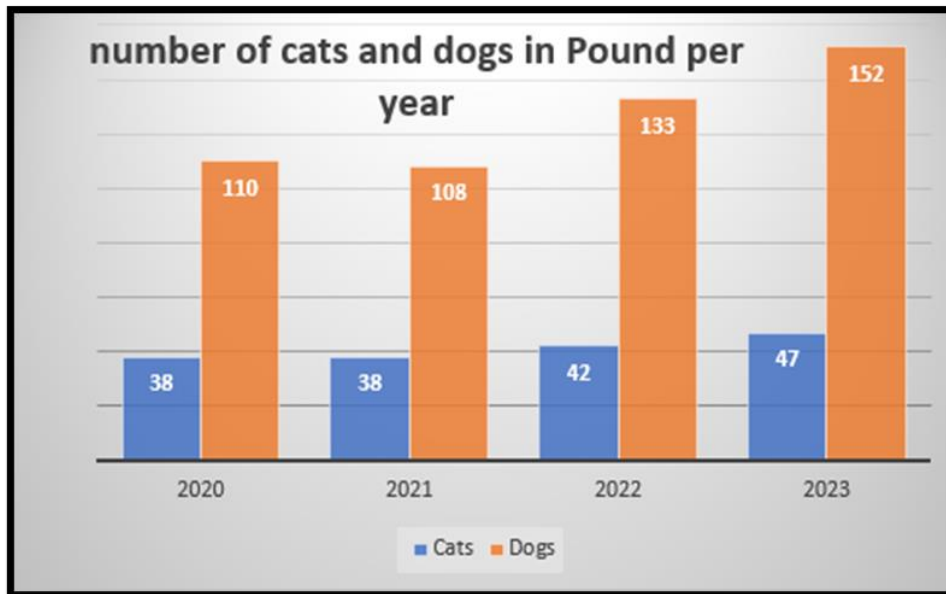
impounded under the respective legislation due to an offence taking place, such as wandering or an attack. Sometimes animals are abandoned, which is an unfortunate reality that also requires Shire impounding and attempts to facilitate rehoming. Whilst impounded, the Shire must look after the welfare of the animals and do all reasonably practicable measures to identify, contact and reunite animals with their owners.

Legislation

- *Dog Act 1976*
- *Cat Act 2011*
- *Animal Welfare Act 2002*
- *New Shire Dog and Cat Local Laws 2023*

Comment

While animals are currently kept in a humane manner with access to adequate water, food and shelter at all times, the Pound is substandard for the sympathetic wellbeing of resident pets whilst awaiting collection. Where there is no owner, a cat or dog may be held in the pound for two to three weeks awaiting re-homing. Animals must be held for three days if owners are not known and for seven days (business days for cats) when owners are known, even where the microchip details are believed to be out of date. As can be seen from the graph following, the number of cats impounded over the last four years has only marginally increased in comparison to the 38% increase in dogs impounded in the same period.



At present, the Pound is not fit for purpose for any number of cats to be held in a manner sympathetic to the cats wellbeing and welfare.

Impounding of cats is currently a concerning issue. In the past, local vets were being used to impound cats for the required holding time and then re-homed from the vet or picked up by the Officer and taken to Cat Haven, Animal Protection Society or similar for rehoming. Due to the increased number of cats, local vets have run out of capacity to assist regularly with impounding of cats.



Officers are currently using large animal crates within a dog enclosure to impound cats at the pound. These crates were originally procured for animal welfare in emergency for the event of evacuations. Similarly with dogs, the cats are being kept humanely, but there are greater concerns for the safe handling of these animals, many of which are often feral.



Animal crates used as cat enclosures at Shire Pound

The current usage of the animal crates does not allow for contactless transfer and feeding of the cats and provides a high risk for injury or illness from being exposed to the animals. The crates also do not allow safe transfer from a cat trap to the crate as the crates have a large opening, allowing scared or aggressive cats the chance to escape to the larger dog enclosure, requiring capture again.

In addition, the Pound has inappropriate separation of holding bays for cats and dogs to be held at the same time. The unenclosed nature of the steel frame structure does not protect the cats from the sound of dog barking which may induce fear and stress on cats being held.

At present, when a dangerous or aggressive dog is impounded by the Shire or a dog is likely to be held long term, Officers will impound the animal at the City of Armadale Pound. With the current Shire dog pound, Officers have to enter the enclosure to capture the dog, whereas at the City of Armadale, the dog can be secured first and then removed from the cage. Armadale's specific built facility has smaller cages that allow for safe handling of dangerous dogs.

The Shire's dog enclosures are aging and not suitable for repair as the existing floor does not have appropriate drainage to enable the washdown of enclosures after use by each dog. Due to a lack of power available to the site, permanent security cameras or an alarm system



are not in place at the Pound. Between the years 2014 and 2023, nine dogs and one goat have been stolen from the Pound.

Noting the above issues, there are also ongoing concerns for staff health and safety using the Pound facility. As previously outlined, any dogs deemed aggressive or dangerous are taken directly to the City of Armadale pound due to the risk this dog would impose to Officers in the Shire's Pound. This however is a costly solution, and could raise the risk associated with animal transportation if a dog needing to leave the Shire, in order to be impounded where deemed too dangerous to handle and impound locally. There is also risk associated with the cat management aspects, with a recent cat attack on an Officer taking place.

All animals should be able to be impounded, fed and watered with minimal physical contact from Officers or the need for Officers to enter into the enclosure with the animal. There is a need to consider an interim redevelopment of the pound, in the opinion of Officers, given that it is too long to await a solution that may be associated with the future operations centre. If feasible, an interim improvement of the Pound could both modernize the current facility, and release pressure currently being experienced in the management of impounded animals.

In order to determine the feasibility of this to occur, Officers intend to prepare a business case as part of the 2023/2024 budget, to engage a suitably qualified building consultant who can examine the design options, practical issues and costs that will enable consideration of the feasibility to undertake the project.

This study will be a pre-project step, to determine if it is feasible to undertake an interim improvement to the Pound facility. This will particularly help understand the business justification of this taking place. This will be reported back to Council consistent with the Shire's Project Management Framework, to consider the project mandate in light of the feasibility study.

As there are currently no definitive plans for the relocation and construction of a new Operations Centre/Depot and Pound facility, it is necessary to consider options to make the current Pound facility fit for purpose. Any upgrade work should satisfy the Shire's needs for the short to medium term future whilst being cognisant of the long-term financial sustainability of any decision made now. A fit for purpose transportable building with appropriate cat cages, climate controls and the like could be a solution that meets the current and future needs of the Shire. The building could also be relocated to the Shire's long-term site for a Depot and Pound. Alternatively, a new build option could be considered, or a hybrid of the two. With the amount of options available, a feasibility study will allow for an analysis of the problem, and recommendations as to how best to proceed.

The feasibility study, would need consultant input into best understanding certain elements like:

- Design, layout and operational options;
- Cost and feasibility of power servicing;
- Geotechnical considerations related to ground conditions and capacity to support built forms;
- Drainage management;



- Feasibility of modular solutions that could be re-used;
- Safety and security in design considerations.

Options

Option1

That Council REQUESTS the Chief Executive Officer to present a business case as part of this year’s 2024/2025 financial budget, for the purposes of engaging a consultant to prepare a feasibility study for an interim upgrade of the animal management facility located at Pound Reserve.

Option 2

That Council DOES NOT SUPPORT any interim upgrades to the existing animal management facility, and instead REQUESTS that a new facility form part of the planning for the Shire’s future operations centre.

Option 1 is recommended.

Conclusion

Considering the current condition of the Shire’s Pound, the inability to appropriately hold cats and the work health and safety risks posed to Officers using the facility, it is necessary to investigate and implement upgrades to the current Pound until a long-term Operations Centre/Depot and Pound facility relocation is proposed. Officers recommend a detailed business case be requested for Council’s consideration, to engage a suitably qualified consultant to prepare a feasibility study including likely costs and benefits of an interim upgrade to the facility.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

This proposal is in alignment with the Shire’s Council plan to invest in facilities to meet the communities growing need. As more residents move to the Shire with their pets, the number of animals impounded increases correspondingly.

| |
|--|
| 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 |

Financial Implications

Engaging a suitably qualified consultant to undertake the feasibility is expected to cost in the vicinity of \$50,000. This however will provide a detailed analysis of the feasibility of an interim upgrade, and what the potential costs and benefits of this will be. Reporting this back



to Council will enable consideration of whether to issue the project mandate to proceed, or whether alternative solutions should be considered.

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 feasibility study misses key issues that underpin feasibility, and leads to the risk of not having all information to make an effective decision | Officers having oversight of the contract, and having check points at critical phases to ensure all information is address. | Financial | Possible | Moderate | MODERATE | Ensured RFQ details explicitly the expected deliverables of the feasibility project. |
| 2 | Residents and ratepayers complain about the animal facility condition, and nothing being done until a new operations centre is built. People seeing the animals and their perception of the facility being unacceptable in its current condition. | Animals are always held in a humane manner. Shade cloth installed to both mitigate this and provide screening for animal calming. | Reputation | Likely | Major | SIGNIFICANT | Keep the community informed as to what is being done in respect of planning for a new operations centre |



| | | | | | | | |
|---|---------------------------------|--|---------------------------|----------|----------|-------------|------|
| 2 | Injury or illness of an Officer | Utilising animal handling tools and multiple Officers on site. | Physical or Psychological | Possible | Moderate | SIGNIFICANT | Nil. |
|---|---------------------------------|--|---------------------------|----------|----------|-------------|------|

Voting Requirements: Simple Majority (s.5.20 Local Government Act 1995)

Officer Recommendation

That Council REQUESTS the Chief Executive Officer to present a business case as part of this year's 2024/2025 financial budget, for the purposes of engaging a consultant to prepare a feasibility study for an interim upgrade of the animal management facility located at Pound Reserve.

OCM011/02/24

COUNCIL RESOLUTION

Moved Cr Duggin, Seconded Cr Jerrett

That Council REQUESTS the Chief Executive Officer to present a business case as part of this year's 2024/2025 financial budget, for the purposes of engaging a consultant to prepare a feasibility study for the Shire's Pound Facility. This is to investigate:

- 1. The cost benefit analysis of an interim upgrade of a dog and cat animal management facility at Pound Reserve;**
- 2. Options of utilising any locally available private kennels, and the cost benefit of this;**
- 3. Options of utilising an adjoining local government animal management facility, and the cost benefit of this.**

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation

Allow immediate improvement in the pound conditions until a more permanent solution can be put in place.

**10.2 Infrastructure Services reports:**

| | |
|--|--|
| 10.2.1 – Minutes of the Rivers Regional Council Meeting – 14 December 2023 (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 14 December 2023.

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 14 December 2023 at the City of South Perth. The Shire was represented by Cr Mack and Cr Jerrett.

As this was the first meeting following council elections:

- Cr David Bolt of Shire of Murray was elected Chairman; and
- Mayor Greg Milner of City of South Perth.



The following Shire representatives were appointed to committees as below:

Audit Committee

Cr Mack and Cr Jerrett as Deputy

CEO – Annual Performance Review Committee

Cr Mack and Cr Jerrett as Deputy

The following items, detailed in **attachment 1** were presented at the meeting:

- Payments for the Period 1 October 2023 to 30 November 2023;
- Financial Report for the Period 1 October 2023 to 30 November 2023;
- Audited Financial Statement for the 2022 – 2023 Financial Year;
- Annual Report and Audited Financial Statements for the 2022 - 2023 Financial Year;
- Ordinary Council Meetings 2024;
- CEO Report.

All items were carried unanimously 12/0.

The next meeting will be held on Thursday, 15 February 2024 by video conferencing.

The following Meeting Dates were adopted for the 2024 calendar year:

| COUNCIL MEETING DATES 2024 | LOCATION (Council Chambers) | TIME |
|-----------------------------------|--|---------------|
| 15 February | Video Conferencing | 6.45pm |
| 17 April (Wed) | City of Armadale – in-person | 6.45pm |
| 20 June | Video Conferencing | 6.45pm |
| 15 August | City of Mandurah – in-person | 6.45pm |
| 17 October | Video Conferencing | 6.45pm |
| 12 December | City of South Perth – in-person | 6.45pm |

Options

Option1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 14 December 2023 as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 14 December 2023.

Option 1 is recommended.



Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 14 December 2023 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Rivers Regional Council Ordinary Council Meeting Minutes – 14 December 2023 (IN23/29079)

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.

Risk Implications

Nil.

Voting Requirements: Simple Majority

OCM012/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 14 December 2023 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0

**10.2.2 - Award Request for Tender – RFT 14/2023 – Patch Truck (SJ4370)**

| | |
|--|--|
| 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 14 December 2023.

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 14 December 2023 at the City of South Perth. The Shire was represented by Cr Mack and Cr Jerrett.

As this was the first meeting following council elections:

- Cr David Bolt of Shire of Murray was elected Chairman; and
- Mayor Greg Milner of City of South Perth.

The following Shire representatives were appointed to committees as below:

Audit Committee

Cr Mack and Cr Jerrett as Deputy

CEO – Annual Performance Review Committee

Cr Mack and Cr Jerrett as Deputy

The following items, detailed in **attachment 1** were presented at the meeting:

- Payments for the Period 1 October 2023 to 30 November 2023;
- Financial Report for the Period 1 October 2023 to 30 November 2023;
- Audited Financial Statement for the 2022 – 2023 Financial Year;
- Annual Report and Audited Financial Statements for the 2022 - 2023 Financial Year;
- Ordinary Council Meetings 2024;
- CEO Report.

All items were carried unanimously 12/0.

The next meeting will be held on Thursday, 15 February 2024 by video conferencing.

The following Meeting Dates were adopted for the 2024 calendar year:

| COUNCIL MEETING DATES 2024 | LOCATION (Council Chambers) | TIME |
|-------------------------------|---------------------------------|--------|
| 15 February | Video Conferencing | 6.45pm |
| 17 April (Wed) | City of Armadale – in-person | 6.45pm |
| 20 June | Video Conferencing | 6.45pm |
| 15 August | City of Mandurah – in-person | 6.45pm |
| 17 October | Video Conferencing | 6.45pm |
| 12 December | City of South Perth – in-person | 6.45pm |

OptionsOption1That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 14 December 2023 as contained in **attachment 1**.Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 14 December 2023.

Option 1 is recommended.



Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 14 December 2023 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** – Rivers Regional Council Ordinary Council Meeting Minutes – 14 December 2023 (IN23/29079)

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.

Risk Implications

Nil.

Voting Requirements: Absolute Majority

OCM013/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council:

1. **AWARDS Tender RFT 14/2023 – Patch Truck to Ausroad Manufacturing Pty Ltd to the value of \$589,114.00, 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 14/2023 – Patch Truck.**
3. **APPROVES the following budget variation from the Light Plant and Fleet Acquisition Reserve:**

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|---------------------------|---|----------|-----------|
| 6300-80440-6600-0000 | Increase Expenditure | Patch Truck - Expenditure | 26,310 | |
| 6300-80440-4600-0000 | Decrease Revenue | Patch Truck – Proceeds of Sale Of Asset | 25,000 | |
| 6300-80440-5021-0000 | Increase Transfer Reserve | Patch Truck – Plant and Fleet Reserve – Increase Trf From Reserve | | 51,310 |

CARRIED UNANIMOUSLY 5/0

**10.2.3 - Award Request for Tender – RFT 12/2023 – Backhoe Loader (SJ4330)**

| | |
|--|--|
| 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

| | |
|-----------|---|
| 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 award of RFT 12/2023 for purchase of a new Backhoe Loader as per the approved budgets and fleet replacement program.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2023/24 Annual Budget.

Background

The Shire is currently using a 2017 JCB Backhoe Loader, which is due for replacement as per the fleet replacement schedule.

Community / Stakeholder Consultation

Not applicable

Submissions

The Request for Tender RFT 12/2023 – Backhoe Loader was advertised on Monday 18 December 2023 and closed at 2.00pm on Thursday 18 January 2024.

The Tender was advertised WALGA's eQuotes.

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

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



Tender submissions were received from the following companies:

| # | Company Name |
|---|--------------------------------------|
| 1 | JCB Construction Equipment Australia |
| 2 | Komatsu Australia Pty Ltd |
| 3 | McIntosh & Son WA |
| 4 | WesTrac Pty Ltd |

Evaluation Panel

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

Manager Waste and Fleet

Coordinator Fleet Services

Coordinator Civil Maintenance

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

Evaluation Criteria

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

| EVALUATION CRITERIA | WEIGHTING |
|---|-----------|
| Price with quantities | 60% |
| The ability to supply parts in a timely manner Supply details of the experience in an attachment and label it “The ability to supply parts in a timely manner” Ability to supply within WA Lead times for alternative sources 24Hr Service Response Callout provisions | 20% |
| Technical Specification Supply details of the experience in an attachment and label it “Technical Specification” | 10% |



| | |
|--|-----|
| Provide details of how the truck meets or exceeds the specification (Make and Model) Provide additional details on Safety features present as standard Provide additional details on included Technology Features available (i.e. GPS, Tracking, Cameras, unit display). Provide details on any additional/bonus accessories offered above the required specifications National/International Lead Times | |
| Dealership Reputation Supply details of the experience in an attachment and label it “ Dealership Reputation ” Previous Local Government Supplier Experience Private Industry Supply (Examples) Referees | 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 JCB Construction Equipment Australia 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 JCB Construction Equipment Australia be accepted.

Statutory Environment

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

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

Tendering

2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;



Options

The following options have been identified:

Option 1

That Council:

1. That Council AWARDS Tender RFT 12/2023 – Backhoe Loader to JCB Construction Equipment Australia to the value of \$ 206,706.00, excluding GST as contained within CONFIDENTIAL attachment 1; and
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 12/2023 – Backhoe Loader.

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

JCB Construction Equipment Australia 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 JCB Construction Equipment Australia.

Attachments (available under separate cover)

10.2.3 – CONFIDENTIAL attachment 1 – RFT 12-2023 - Backhoe Loader - Evaluation Report (E24/642)

Alignment with our Council Plan 2023-2033

| Liveable |
|--|
| 2. Improve maintenance and investment in roads and paths |
| 3. Preserve and enhance our natural places, parks, trails and reserves |
| 4. Invest in facilities and amenities to meet current and future needs |

Financial Implications

The tendered purchase price of the new backhoe loader, including trade in of the existing JCB Backhoe Loader is \$ 206,706.00. This amount is within approved budget parameters.



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 | Delays in procurement of fleet resulting in increased cost of repairs, loss of productivity due to down time and reduced trade-in value. | Regular, planned replacement of fleet vehicles. | Organisational Performance | Possible | Minor | LOW | NA |
| 3 | Increased cost of repairs, loss of productivity due to down time and reduced trade-in value. | Regular, planned replacement of fleet vehicles. | Organisational Performance | Likely | Minor | MODERATE | NA |
| 4 | Failure to comply with legislative requirements. | Procurement procedures in place to ensure compliance. | Reputation | Likely | Moderate | SIGNIFICANT | Award the preferred supplier with highest score. |



Voting Requirements: Simple Majority

OCM014/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council:

- 1. That Council AWARDS Tender RFT 12/2023 – Backhoe Loader to JCB Construction Equipment Australia to the value of \$ 206,706.00, excluding GST as contained within CONFIDENTIAL attachment 1; and**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 12/2023 – Backhoe Loader.**

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0



10.2.4 – Soldiers Road Principal Shared Path (PSP) project update (SJ2176)

| | |
|--|--|
| Responsible Officer: | Strategic Projects Lead |
| 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 provide an update on the Soldiers Road Principal Shared Path (PSP) project and seek approval for the execution of the amended funding agreement with the State Government and proposed budget variation for the design and construction components of the project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 14 December 2020 - OCM394/12/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the update of the Soldiers Road PSP project as per this report;*
- 2. AUTHORISES the Chief Executive Officer to sign the Western Australian Bicycle Network (WABN) associated grant agreement once received; and*
- 3. APPROVES the Shire's funding contribution of \$250,000 towards the project for 2020/21.*

| <i>Account</i> | <i>Type</i> | <i>Description</i> | <i>Debit</i> | <i>Credit</i> |
|------------------------|-----------------------------|---|--------------------|--------------------|
| <i>6400-80133-6600</i> | <i>Increase Expenditure</i> | <i>Soldiers Rd Principal Shared Path – Capital Purchases</i> | <i>\$3,250,000</i> | |
| <i>6400-80133-4810</i> | <i>Increase Revenue</i> | <i>Soldiers Rd Principal Shared Path – Grants Department of Transport</i> | | <i>\$3,000,000</i> |
| <i>6500-80236-6600</i> | <i>Decrease Expenditure</i> | <i>Trails Development – Capital</i> | | <i>\$250,000</i> |

- 4. NOTES that a further \$250,000 will need to be included in the 2021/22 financial year budget to meet the Council's requirements in the funding agreement.*



Ordinary Council Meeting – 20 April 2020 – OCM094/04/20 - Officer Recommendation That Council Endorses the Department of Transport’s aspirational Long Term Cycle Network as per attachment 1.

Ordinary Council Meeting - 17 February 2020 – OCM019/02/20 - COUNCIL RESOLUTION / Officer Recommendation

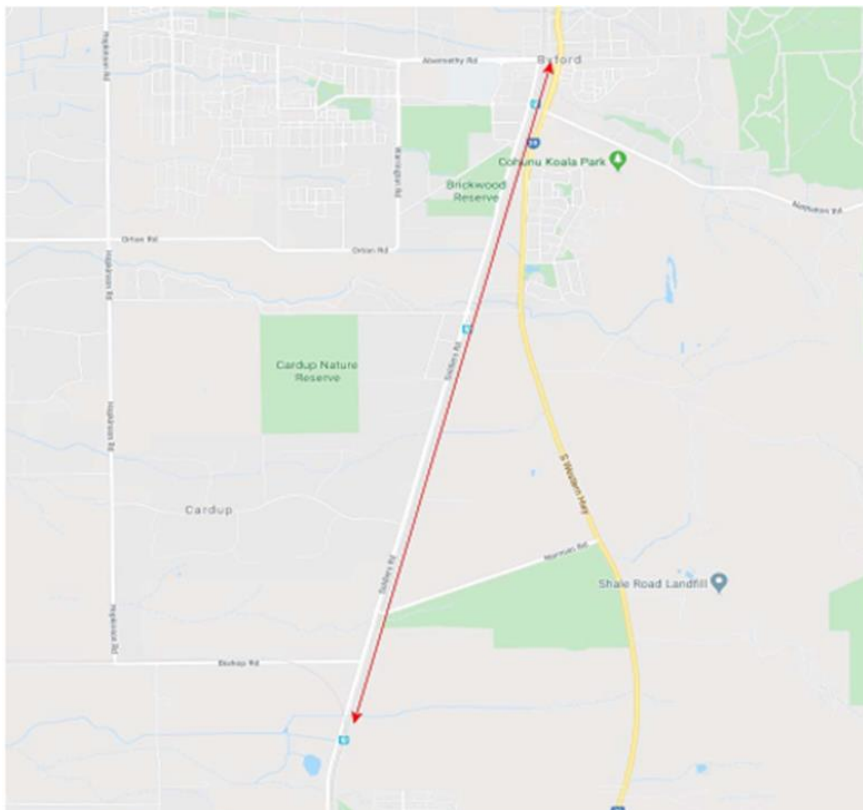
That Council:

- 1. ADOPTS the draft Shire of Serpentine Jarrahdale Cycling and Walking Plan without amendments as contained within attachment 1.*
- 2. NOTES that the implementation of the Plan will follow the Walking and Cycling Implementation Program as per Appendix A of attachment 1.*

Background

The Soldiers Road Principal Shared Path (PSP) project is approximately 6km long connecting Mundijong to the rapidly developing Byford Town Centre. The project aligned with the Department of Transport (DoT) Long Term Cycling Network (LTCN) for the Shire of Serpentine Jarrahdale (the Shire).

This project aims to satisfy anticipated future demand for cycling and pedestrian access. The PSP will connect Abernethy Road to the existing PSP located approximately 500m south of Bishop Road, near the freight rail crossing. There is an existing PSP which originates at Mundijong town centre and terminates at the southern side of the freight rail crossing. The proposed PSP alignment is shown in figure 1.



**Figure 1 - Soldiers Road PSP, between Abernethy Road and rail crossing south of Bishop Road**

In August 2020, The Shire was successful in securing a funding commitment of \$3 million from the State Government towards the design and construction of Soldiers Road PSP (refer **attachment 1**) which was to be completed over 2020/21 and 2021/22. The context of the funding is part of the McGowan Government's WA Recovery Plan, with the funds managed through the Western Australian Bicycle Network (WABN) Grants program (refer **attachment 2**)

The original scope of works for the project included site clearing, earthworks, drainage works, installation of Public Transport Authority (PTA) fence along the entire length of the rail corridor separating the path and the rail (as the path is located within the rail corridor), construction of a 3.0m wide red asphalt path, concrete kerbing and lines marking. The scope of works did not include design or construction for the pedestrian crossing across the freight rail south of Court Grammar High School or the bridge required across the creek located to the north of Cardup Siding Road.

Project Timeline

The Shire completed the detailed design of the PSP which was conditionally approved by PTA in June 2020 (refer **attachment 3**). The PTA requested the Shire to enter into an agreement to facilitate the construction of the PSP within the railway reserve.

Correspondence was received from the DoT through WABN, dated 28 August 2020, confirming that the Shire had been successful in receiving a funding commitment of \$3 million towards the design and construction of Soldiers Road PSP

In December 2020, Council noted the funding announcement from the DoT for \$3 million towards the project and approved a \$250,000 Shire contribution within the 2020/21 budget (OCM394/12/20). This Council resolution also authorised the Chief Executive Officer to execute the grant agreement (refer **attachment 4**).

After the WABN grant agreement was signed, Shire Officers made contact with PTA as part of engagement for construction planning for the PSP.

In February 2021, PTA advised the Shire that the PSP project should be placed on hold until the location of stabling yards and associated services alignment forming part of the Byford Rail Extension (BRE) project was finalised. The BRE project was imminently starting at that time.

As such the PSP project has been placed on hold since that time with no progress. At the time of preparing this report the completion time for the BRE stabling yards design remains unknown. The approximate area that is being considered by PTA for future stabling yards is shown below.

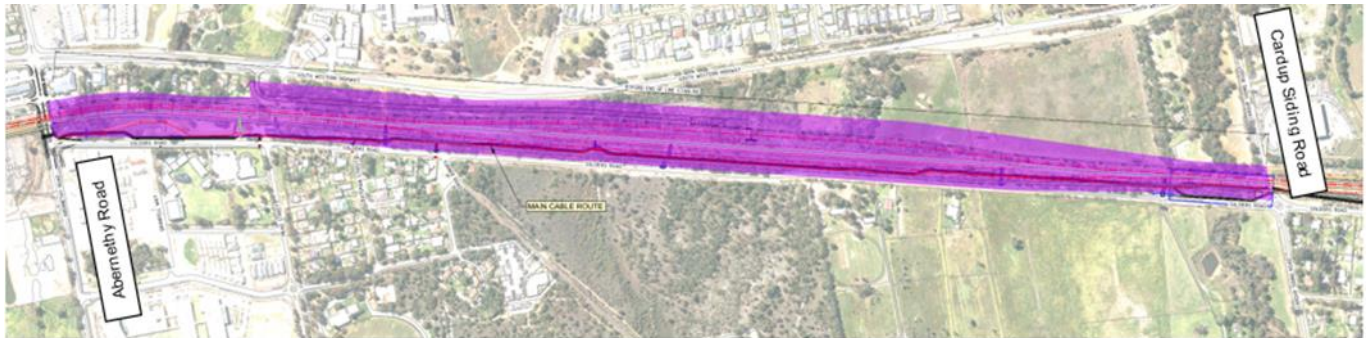


Figure 2 - proposed stabling yard between Abernethy Road and Cardup Siding Road

Clearing permit status

The current Clearing permit application process is the second attempt for submission for the Soldiers Road PSP and it has been ongoing since the year 2020. Since September 2020, Department of Water and Environmental Regulation (DWER) has requested a substantial amount of information from the Shire to assist them in the assessment of this application of which some has been provided. Due to uncertainties arising from the BRE project, Shire Officers have formally requested and obtained an extension from DWER. As a result, the clearing permit process is currently on hold until November 2024.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Community Consultation

The Shire has conducted the following community consultation events for the Shire's endorsed Walking and Cycling Plan, whereby the proposed Soldiers Road PSP is part the endorsed plan:

- A survey of the Serpentine Jarrahdale community between November 2018 and January 2019.
- A public information session hosted on 10 May 2019.
- A public comment period of 28 days from 31 October 2019 to 28 November 2019.

Additional community consultation is required to be carried out to align with the grant funding requirements.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires that a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- is incurred in a financial year before the adoption of the annual budget by the local government;
- is authorised in advance by Council resolution.



- is authorised in advance by the Mayor or President in an emergency.

Comment

The initial agreement between the DoT and the Shire is based on the project being delivered in two (2) stages as explained below.

Stage 1 scope of works includes:

- Completion of concept design of the pedestrian footbridge located North of Cardup Siding Road and pedestrian rail crossing South of Bishop Road
- Acquiring relevant approval including PTA approval and clearing permit
- Construction of the path from Abernethy Road to Cardup Siding Road

Stage 2 scope of works includes:

- Construction of the path from Cardup Siding Road to the freight rail line crossing south of Bishop Road;
- Construction of pedestrian footbridge crossing (subject to additional funding availability) or temporary path detour at Cardup Siding Road;
- Completion of detail design of rail crossing South of Bishop Road (subject to additional funding availability).

The original Grant Agreement Contract (GAC) covered detail design of the maze crossing however, no provision was made for the construction of the maze or the design/construction of a culvert for the existing drain adjacent to the maze crossing located south of Bishop Road.

Since executing the agreement in December 2020, the project was unable to commence due to uncertainty of the main cable alignment and the proposed stabling yard location. This impacted the project because the proposed shared path utilises an existing maintenance track located within the rail corridor. As part of the Byford Rail Extension project, MetCONN Alliance is still finalising the design of the MCR alignment and stabling yard.

In June 2023, the Department of Transport (DoT) confirmed the likely location of the main cable alignment and requested the Shire review the existing design to determine the design impact and next steps of the project. This provided the opportunity for the project to restart.

The DoT have confirmed allocation of \$3 million to this project, fully funded by DoT and they are supportive of the design and construction of priority components of the project to progress, particularly for the rail crossing and pedestrian bridge components. DoT have also proposed a modification to the original GAC, introducing new milestones and variation to original contract.

Under the revised DoT proposal, the project will be delivered in two stages and the available funding will be allocated as following (refer **attachment 5**):

Stage 1

- Completion of detailed design, costings and construction of the rail maze crossing for the freight rail and the adjacent culvert located south of the Court Grammar school.



Stage 2

- Completion of detailed design and quantity surveyor cost estimates for the footbridge at Cardup Siding.
- Updating and finalisation of the detailed design drawings for the entire corridor and quantity surveyor cost estimates.
- Securing relevant approvals (PTA, MRWA, Arc Infrastructure, DBCA and SoSJ).
- Based on the quantity surveyor estimates, a decision will be made on the extent of path to be constructed.
- Construction of the agreed section.

The detailed scope of works in regard to upgrading of sections of the PSP (construction of the agreed section as noted above) will be determined by negotiation between the WABN and the Shire Officers following the completion of Stage 1 and 2 works once the amount of remaining funds is known.

It is important to note that the above scope of works and proposed funding will not result in completion of the entire project as initially planned in 2020. In order to complete the construction of the future stages of the project as outlined in the original agreement, additional funding will need to be sourced.

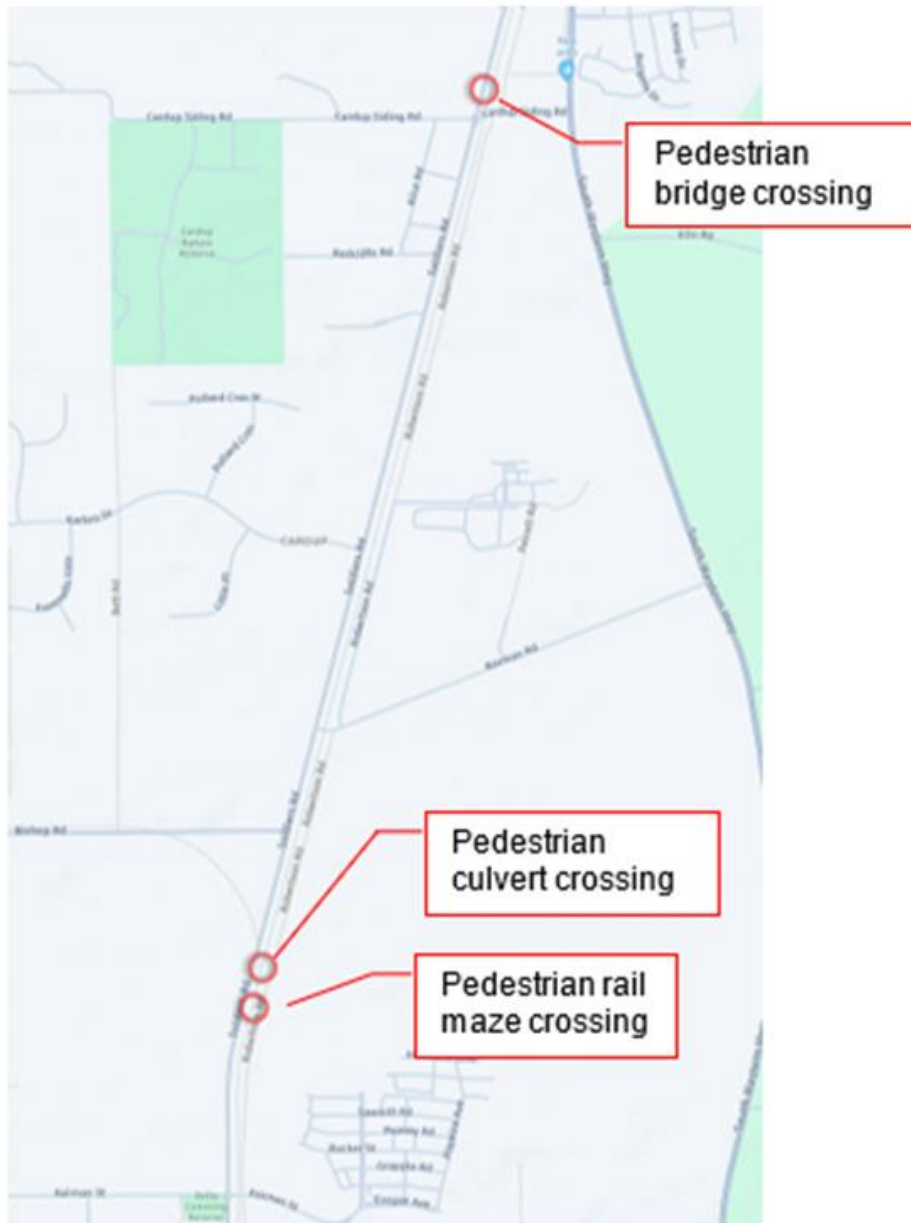


Figure 3 – modified scope of works based on the proposed variation

The PSP project is not included in the current adopted 2023-2024 budget as a capital project. It was removed from the budget during the 2022-2023 budget setting process when it became evident the project could not proceed due to uncertainties introduced by the PTA stabling yards location and new PTA services alignment.

To initiate the design process for components not directly affected by the Main Cable (MCR) alignment and stabling yard location, such as the pedestrian maze crossing south of Bishop Road, the design of the culvert on the existing drain north of the proposed pedestrian maze crossing, and the continuation of the clearing permit, the project requires Council approval for the new project scope, budget allocation and variation to original funding agreement to be executed.



Options

Option 1

That Council:

1. NOTES the status update for the Soldiers Road PSP project as per this report;
2. APPROVES the revised scope of works summarised as follows:
 - Completion of design and construction of the rail maze crossing and the adjacent culvert
 - Completion of design of the footbridge at Cardup Siding
 - Updating the IFC detailed design drawings for the whole corridor
 - Securing relevant approvals (PTA, MRWA, Arc Infrastructure, DBCA and SoSJ)
 - Construction of the agreed section
3. APPROVES the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|------------------|--|----------|-----------|
| 6400-80133-6600-0000 | Increase Expense | Soldiers Road -Capital Expenditure | 200,000 | |
| 6400-80133-4810-0000 | Increase Revenue | Soldiers Road – Grants – Capital - PTA | | 200,000 |

Reason: Budget required to continue the design elements of the Soldiers Road Principal Shared Path Projects that are not affected by MCR Byford Rail Extension project, to be funded from a Public Transport Authority Grant.

4. NOTES that the \$243,603 held in the Footpath Reserve for the Soldier Road PSP project will be repurposed for future Footpath capital projects;
5. AUTHORISES the Chief Executive Officer to sign a variation to the Western Australian Bicycle Network (WABN) grant agreement.

Option 2

That Council does not APPROVE the budget variation and REQUESTS the Chief Executive Officer to formally advise the Department of Transport of the cancellation of the project and return the funding received by the Shire to the Department of Transport.

Option 1 is recommended.



Conclusion

The Soldiers Road PSP project is part of the DoT Long-term Cycle Network for the Shire and provides an important long-term bicycle network connectivity for the Shire that supports and addresses local and regional cycling and pedestrian needs.

However, the project has so far experienced significant delays due to conflicts with infrastructure planning within the rail reserve, particularly with the Byford Rail Extension.

In order to continue specific design aspects of the project that are not affected by rail extension issues, a budget variation is proposed.

Attachments (available under separate cover)

- **10.2.4 - attachment 1** - Soldiers Road PSP funding announcement email (IN20/30375)
- **10.2.4 - attachment 2** - Soldiers Road PSP funding summary email (IN20/30376)
- **10.2.4 - attachment 3** - PTA acceptance of Soldiers Road PSP design (IN23/22525)
- **10.2.4- attachment 4** - Soldiers Road PSP Grant Agreement Contract - Signed (IN23/22496)
- **10.2.4 – attachment 5** - Letter of variation to original agreement and updated milestones table (IN24/2071)

Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale |
| 2. Strengthen and grow the local tourism industry |
| 3. Ensure sustainable and optimal use of Shire resources and finances |
| 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 |
| Connected |
| 1. Contribute to a well-connected, accessible and health community |

Financial Implications

This project is not in the current adopted 2023-2024 budget. It was removed during the 2022-2023 budget setting process when it became evident the project could not progress.

In March 2021, \$250,000 of grant funding for the first milestone under the current agreement was received. The Shire had also budgeted \$250,000 municipal funds towards this project.

During the 2021/22 financial year \$56,397 was spent on the project, with \$50,000 being funded from grants and the remaining \$6,397 funded from municipal.

Therefore, the Shire currently has \$200,000 unspent grant funds held in grant liabilities and the remaining municipal portion of \$243,603 is currently being held in the Footpath Reserve pending the outcome of this project.



As the Shire contribution to the project is no longer required, this item recommends the funds held in the Footpath Reserve be continue to be held in the reserve and to be used for other future footpath capital projects.

DoT have advised that the next payment milestone within the current grant agreement (\$250,000) could also be activated if further funds are needed to progress.

It should be noted that the \$250,000 proposed to be allocated for this project in the 2021/22 budget, as outlined in item 4 of OCM394/12/20, was not utilised following PTA's advice to the Shire to suspend the PSP 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 | There are no significant risks associated with this option | | | | | | |
| 2 | That Council does not APPROVE the budget allocation for the Soldiers Road PSP | Nil | Financial | Likely | Major | HIGH | Nil |

Voting Requirements: Absolute Majority

**OCM015/02/24****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Jerrett, Seconded Cr Duggin****That Council:**

1. **NOTES** the status update for the Soldiers Road PSP project as per this report;
2. **APPROVES** the revised scope of works summarised as follows:
 - **Completion of design and construction of the rail maze crossing and the adjacent culvert**
 - **Completion of design of the footbridge at Cardup Siding**
 - **Updating the IFC detailed design drawings for the whole corridor**
 - **Securing relevant approvals (PTA, MRWA, Arc Infrastructure, DBCA and SoSJ)**
 - **Construction of the agreed section**
3. **APPROVES** the following budget variation:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|-----------------------|------------------|--|-----------------|------------------|
| 6400-80133-6600-0000 | Increase Expense | Soldiers Road -Capital Expenditure | 200,000 | |
| 6400-80133-4810-0000 | Increase Revenue | Soldiers Road – Grants – Capital - PTA | | 200,000 |

Reason: Budget required to continue the design elements of the Soldiers Road Principal Shared Path Projects that are not affected by MCR Byford Rail Extension project, to be funded from a Public Transport Authority Grant.

4. **NOTES** that the \$243,603 held in the Footpath Reserve for the Soldier Road PSP project will be repurposed for future Footpath capital projects;
5. **AUTHORISES** the Chief Executive Officer to sign a variation to the Western Australian Bicycle Network (WABN) grant agreement.

CARRIED UNANIMOUSLY 5/0

**10.3 Corporate Services reports:**

| 10.3.1 - Confirmation of Payment of Creditors – December 2023 (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 December 2023 to 31 December 2023 is provided in **attachment 1**.

Options

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 December 2023 to 31 December 2023, totalling \$5,596,787.09.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 December 2023 to 31 December 2023, totalling \$5,596,787.09.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 December 2023 (E24/606)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 30 October 2023 to 27 November 2023 – Redacted (E24/607)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 November 2023 to 30 November 2023 – Redacted (E24/608)

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 for 01 December 2023 to 31 December 2023 totalled \$5,596,787.09.

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

OCM016/02/24

COUNCIL RESOLUTION / Officer recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 December 2023 to 31 December 2023 totalling \$5,596,787.09 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0

**10.3.2 - Confirmation of Payment of Creditors – January 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 January 2024 to 31 January 2024 is provided in **attachment 1**.

OptionsOption 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 January 2024 to 31 January 2024, totalling \$3,292,272.84.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 January 2024 to 31 January 2024, totalling \$3,292,272.84.

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.2 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 January 2024 (E24/1301)
- **10.3.2 - attachment 2** – Westpac Purchasing Card Report – 28 November 2023 to 27 December 2023 – Redacted (E24/1302)
- **10.3.2 - attachment 3** – Fuel Purchasing Cards Report – 01 December 2023 to 31 December 2023 – Redacted (E24/1303)

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 for 01 January 2024 to 31 January 2024 totalled \$3,292,272.84.

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

OCM017/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 January 2024 to 31 January 2024 totalling \$3,292,272.84 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0



10.3.3 - Monthly Financial Report – November 2023 (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 30 November 2023.

Relevant Previous Decisions of Council

Special Council Meeting – 31 July 2023 – SCM016/07/23 - COUNCIL RESOLUTION – extract

7. That Council, 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) $\geq 10\%$ of the amended budget and $\geq \$10,000$ of the amended budget; or
 - b) $\geq \$150,000$ 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 30 November 2023.

The municipal surplus as at 30 November 2023 is \$27,964,036 which is favourable, compared to a budgeted amount of \$21,583,617. This primary due to a higher than anticipated opening position.

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

Operating Activities**Operating Revenue****Rates**

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

Operating Grants, Subsidies and Contributions

Favourable variance of \$146,612 primarily due to

- Timing of recognition of Direct Road Grants for the period- \$142,681

Fees and Charges

Favourable variance of \$217,117 primarily due to

- Increase in Building and Development Application fees higher than anticipated for the period \$105,876
- Permanent variance – Refuse Charges higher than anticipated due to interim rate service charges for new properties - \$48,178

Interest Earnings

Favourable variance of \$213,301 primarily due to:

- Higher than anticipated interest received on Terms deposits - \$183,931
- Interest on rate installment due to higher than anticipated rate payers choosing installment payment option - \$62,758



Other Revenue

Favourable permanent variance of \$95,352 primarily due to:

- Refund received from Telstra due to overcharge in prior months - \$82,672

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable variance of \$441,879 primarily due to vacancies across organisation.

Materials and Contracts

Favourable variance of \$348,875 primarily due to:

- Timing variance within Waste for the period due to less refuse collection for the period.
– \$128,717
- Timing variance of \$100,392 for Tree Maintenance - awaiting invoices from suppliers for works.
- Due to limited resources and other priorities there has been a delay in engaging consultant for water monitoring project. A consultant is expected to be engaged early next year - \$78,750

Utility Charges

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

Depreciation

Unfavourable Variance of \$1,607,125 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 \$10,000

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 permanent variance of \$106,771 primarily due to:

- Byford DCP - \$15,599



- Community Infrastructure DCP - \$7,311
- Keirnan Street State Black Spot funding final payment - \$80,515

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable variance of \$218,783 primarily due to:

- Final Carryforward budget adjustments pending December OCM adoption for:
 - Depot Accommodation – Refurbishment - \$133,570
 - Footpath Renewal - \$40,605
 - Mundijong Pavement Dip - \$20,028
 - Briggs Park Dugouts - \$23,128
- Keirnan Street (SLK0.5-SLK 3.5) Black Spot project – unfavourable permanent variance - \$32,760 Cost of final works which is offset by additional grant funds.
- Clondyke Park Footpath Replacement- \$12,522 favourable permanent variance as the project is now complete under budget.

As resolved by Council, Officers are required to comment on any project that has a material year to date variance, please refer to Capital Works Expenditure within **attachment 1** for commentary on individual projects.

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 \$267,128 due primarily to

- Higher than anticipated interest earned on reserved backed term deposits - \$246,000
- Byford DCP - \$16,599
- Community Infrastructure DCP - \$7,311



Options

Option 1

That Council RECEIVES the Monthly Financial Report for November 2023 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 November 2023, 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)

- **10.3.3 - attachment 1** – Monthly Financial Report – November 2023 (E24/83)

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 30 November 2023, the Shire’s respective cash position was as follows:

Municipal Fund: \$16,001,084
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 May 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

OCM018/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council RECEIVES the Monthly Financial Report for November 2023 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 8.24pm) 5/0

**10.3.4 - Monthly Financial Report – December 2023 (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 December 2023.

Relevant Previous Decisions of Council***Special Council Meeting – 31 July 2023 – SCM016/07/23 - COUNCIL RESOLUTION – extract***

7. That Council, 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:
- $\geq 10\%$ of the amended budget and $\geq \$10,000$ of the amended budget; or
 - $\geq \$150,000$ 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 December 2023.

The municipal surplus as at 31 December 2023 is \$25,323,129 which is favourable, compared to a budgeted amount of \$21,410,618. This primary due to a higher than anticipated opening position.

Further information on material variances that may have an impact on the outcome of the budgeted closing surplus position are listed 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

Favourable variance of \$205,008 primarily due to

- Increase in Building and Development Application fees higher than anticipated for the period \$107,673
- Permanent variance – Refuse Charges higher than anticipated due to interim rate service charges for new properties - \$48,178

Interest Earnings

Favourable variance of \$201,607 primarily due to:

- Higher than anticipated interest received on Terms deposits - \$173,931
- Interest on rate installment due to higher than anticipated rate payers choosing installment payment option - \$59,466



Other Revenue

Favourable permanent variance of \$74,890 primarily due to:

- Refund received from Telstra due to overcharge in prior months - \$82,672

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable variance of \$632,284 primarily due to vacancies across organisation.

Materials and Contracts

Favourable variance of \$648,658 primarily due to:

- Permanent variance of bulk waste disposal due to unanticipated closure of Waste Transfer Station – \$182,933.
- Timing variance within Waste for the period due to less refuse collection for the period. – \$175,873
- Timing variance of \$113,069 for Tree Maintenance - awaiting invoices from suppliers for works.
- Due to limited resources and other priorities there has been a delay in engaging consultant for water monitoring project. A consultant is expected to be engaged early next year - \$94,500

Utility Charges

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

Depreciation

Unfavourable variance of \$1,925,381 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 \$10,000

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 permanent variance of \$137,531 primarily due to:

- Byford DCP - \$16,599
- Community Infrastructure DCP - \$7,311
- Keirnan Street State Black Spot funding final payment - \$80,515

Proceeds from Disposal of Assets

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

Capital Expenditure

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

As resolved by Council, Officers are required to comment on any project that has a material year to date variance, please refer to Capital Works Expenditure within **attachment 1** for commentary on individual projects.

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 \$267,128 due primarily to

- Higher than anticipated interest earned on reserved backed term deposits - \$236,135
- Byford DCP - \$16,599
- Community Infrastructure DCP - \$7,311

Options

Option 1

That Council RECEIVES the Monthly Financial Report for December 2023 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 December 2023, 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)

- **10.3.4 – attachment 1** – Monthly Financial Report – December 2023 (E24/582)

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 December 2023, the Shire's respective cash position was as follows:

Municipal Fund: \$14,023,066

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 May 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

OCM019/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved C Duggin, Seconded Cr Mack

That Council RECEIVES the Monthly Financial Report for December 2023 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 8.24pm) 5/0



10.3.5 – Budget Adjustment for Unallocated Surplus (SJ4229)

| | |
|---|--|
| 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

The purpose of this report is to seek approval from Council to adjust the 2023-2024 Budget to redistribute the unallocated surplus from the 2022-2023 financial year.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 11 December 2023 - OCM310/12/23 – COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council APPROVES the schedule of variations to the 2023/24 Budget as presented below, in accordance with section 6.8 of the Local Government Act 1995, resulting in a decrease to the opening municipal surplus (net current assets) of \$3,013,839 as at 1 July 2023:

*Special Council Meeting – 31 July 2023 - SCM016/07/23 – COUNCIL RESOLUTION - **extract***

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

At the time the 2023-2024 Budget was adopted by Council on 31 July 2023, the Annual Financial Statements for the 2022-2023 year end had not been complete, therefore any surplus or deficit resulting from the 2022-2023 financial year was not known.



Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- is incurred in a financial year before the adoption of the annual budget by the local government;
- is authorised in advance by Council resolution; and
- is authorised in advance by the President in an emergency.

Comment

The 2022-2023 Annual Financial Statements have now been audited and the actual income and expenditure to be carried forward has been finalised.

Summary of Overall Financial Performance 2022-2023

The year ended 30 June 2023 has seen the Shire continue to deal with the impacts of being a fast-growing local government. This is reflected in the Financial Health indicator (FHI) and ratio information presented below.

| Description | OAG Benchmark | 2023 | 2022 | 2021 | 2020 | 2019 |
|---|---------------|-----------|-----------|-----------|-----------|-----------|
| Current Ratio | 1.00 | 1.55 | 1.80 | 2.72 | 1.45 | 1.46 |
| Asset Consumption Ratio | 0.45 | 0.82 | 0.75 | 0.75 | 0.73 | 0.74 |
| Asset Renewal Funding Ratio | 0.6 | 1.04 | 0.71 | 1.02 | 0.93 | 0.70 |
| Asset Sustainability Ratio | 0.8 | 0.90 | 0.95 | 0.55 | 0.85 | 0.94 |
| Debt Service Cover Ratio | 1.9 | 6.04 | 6.21 | 5.92 | 10.61 | 9.94 |
| Operating Surplus Ratio | 0.00 | (0.09) | (0.12) | (0.11) | (0.05) | (0.05) |
| Own Source Revenue Coverage Ratio | 0.35 | 0.82 | 0.80 | 0.82 | 0.85 | 0.86 |
| Financial Health Indicator Score | 40 | 75 | 73 | 69 | 72 | 73 |

These ratios indicate a slight improvement to the Shire's financial sustainability in the 2022-23 financial year despite facing continued inflationary pressures. The 2022/23 year saw Perth experience an CPI increase of 4.9% year on year. Although this is considerably less than the prior 12 month with Perth CPI of 7.3% in June 2022, the combined impact of a 12.2% increase in a short period of 24 months has had a significant impact to the cost of delivering services to the community.



Despite continued economic pressures, through sound financial management the Shire has not only been successful in maintaining its financial health it has also been able to demonstrate a slight improvement.

The Shire has been able to do so by continuing to focus heavily on assets renewal programs whilst simultaneously keeping operational cost creep to a minimum.

The Shire needs to continue to focus on improving the Operating Surplus ratio, which reflects the amount of municipal funds used to fund Operational activities. With uncertainty around the continued inflationary pressures, costs associated with the undertaking of operational activities will potentially continue to increase. Any improvement to the Operating Surplus ratio will continue to be challenging.

2022/23 Surplus Position

After all adjustments are processed, an additional \$2,200,501 has become available to be allocated in the 2022-2023 Budget.

| | Surplus/(Deficit) |
|--|--------------------------|
| 2021/22 Total Surplus | 8,013,900 |
| Less Carryforwards | -5,813,399 |
| | |
| Remaining Unallocated Surplus/(Deficit) | 2,200,501 |

The surplus of \$2,200,501 is comprised of the following:

| Category | Surplus/(Deficit) |
|--|--------------------------|
| Operating Activities (including Rates) | 2,474,358 |
| Investing Activities | 59,815 |
| Financing Activities | (333,672) |
| Total Surplus/(Deficit) | 2,200,501 |

The 2022/23 Surplus is made up of the following key variances:

Operating Activities including rates (*Under budget, \$2,373,132, favourable*)

This is made up of the following:

Rates

Over budget \$101,226, favourable

The Shire income relating to rates is higher than anticipated due to higher than anticipated interim rates.

Operating Grants and Subsidies

Over budget \$111,047, favourable

The Shire income relating to fees and charges was higher than anticipated primarily due to receiving the following unbudgeted grants/contributions:



- Higher than anticipated Financial Assistance grants - \$38,252
- All Clubs sports grant - \$30,000
- Road Maintenance Contribution for King Road - \$19,187
- Street Lighting Subsidy - \$17,212
- Main Road Maintenance Agreement Contribution - \$13,317

Fees and Charges

Over budget \$325,321, favourable

The Shire income relating to fees and charges was higher than anticipated primarily due to:

- Higher than anticipated Development applications, building permits and subdivision fees - \$166,662
- Higher than anticipated fines and penalties - \$93,456
- Higher than anticipated traffic Management fees - \$12,554
- Higher than anticipation Cemetery fees - \$10,692

Interest Earnings

Over budget \$934,818, favourable

The Shire income relating to interest earnings was higher than anticipated primarily due to higher than anticipated term deposit interest rates. Officers are expecting to see this trend continue in the 2023/24 financial year.

Other Revenue

Over budget \$199,833, favourable

The Shire income relating to other revenue was higher than anticipated primarily due to:

- Higher than anticipated reimbursement of legal costs from Rates collections - \$102,528
- Insurance claim reimbursements including worker compensation - \$78,133
- Severe Weather Road Flooding funds received from DFES - \$28,371

Employee Cost

Under budget \$1,451,888, favourable

Throughout the 2022/23 financial year that Shire experiences a significant number of vacant positions which has resulted in lower than anticipated Employee costs to the amount of \$1,451,888.

Materials and Consumable

Over budget \$663,672, unfavourable

The Shires expenditure relating the materials and consumables was higher than anticipated by \$663,672.

This overspend was primarily due to the following:



- Agency and Labour hire across the organisation due to vacancies - \$520,230 over budget
- Rates revaluation higher than anticipated due to triannual GRV revaluation - \$113,375 over budget
- Landlines phone charges higher than budget – a credit has been issued in 2023/24 - \$105,671 over budget
- Community Infrastructure grants not awarded in 2022/23 and not required to be carried forward- offset with a reduction in transfers from reserve - \$75,000 under budget

Investing Activities (*Under Budget, \$59,815, favourable*)

This is made up of the following:

Non-Operating Grants

Over Budget, \$25,930, favourable

The majority of this favourable variance is a result of the Shire being successful in attaining additional grant funds including:

- Karnup and Yangedi \$52,309
- Anketell Road \$6,657

Furthermore, the Shire was required to return unspent grants of \$32,946 due to projects being completed under budget.

Capital Expenditure

Under budget, \$42,937, favourable

After adjusting for any unfinished projects which required the budgets to be carried forward into the 2022/23 Financial year, the Shires capital expenditure on completed projects was lower than anticipated by \$42,937.

The overspend is made up of the following:

| Capital Works Program | Under/(Over) |
|--|---------------------|
| The following capital projects/programs were overspent | |
| Keirnan Park BMX Relocation Detailed Design | (275,623) |
| Parks | (7,291) |
| Total Overspends | (282,914) |
| The following capital projects/programs were underspent | |
| Engineering Capital (roads, bridges, drainage etc) | 186,459 |



| | |
|----------------------------------|------------------|
| Facilities | 80,155 |
| Plant | 56,313 |
| ICT | 2,924 |
| Total Underspends | (325,851) |
| | |
| Total Under/(over) spends | 53,868 |

This result is reflective of the better controls put in place due to the implementation of the Project Management Framework. This requires regular project updates from project managers, as well as the introduction of change management mechanisms for tracking changes in scope and price which may have an impact on project budgets.

Financing Activities (*Over budget, \$333,672, unfavourable*)

This is made up of the following:

Loan and Lease Repayments

Overbudget, \$29,449, unfavourable

The Shire lease repayments were higher than anticipated due to the Shire entering into new leases for photocopiers upon the expiry of the previous leases.

Transfers To Reserve

Overbudget, \$150,633, unfavourable

The Shire transferred more to reserve than anticipated by \$150,633 primarily due to:

- Reserve Interest income being more than anticipated, resulting in a more than anticipated interest being transferred to the reserves - \$185,318 more transferred to reserve.
- Jarrahdale Communication Tower Reserve – The transfer to the reserve in relation to income received in 2022/23 was not processed prior to end of financial year- this will be processed in the 2023/24 financial and is reflected in the surplus allocation below - \$36,646 less transferred to reserve.

Transfers From Reserve

Under budget, \$153,589, unfavourable

The Shire transferred less from reserves than anticipated by \$153,589 primarily due to:

- Community Grants Reserve - Major Events and Community Infrastructure grant applications were less than anticipated in 2022/23 which resulted in lower than anticipated transfer from reserve - \$97,979 less transferred from reserve.
- Plant and Fleet Reserve – Some vehicles were purchased for less than anticipated budget. This resulted in lower than anticipated transfer from reserve - \$60,296 less transferred from reserve.



- Waste Reserve – Reuse shop fit out costs slightly higher than anticipated resulting in a higher reserve draw down - \$10,931 additional transferred from reserve.

Additional Information

Surplus Allocation

Officers recommend that the 2022/23 surplus funds be allocated in the 2023/24 budget as follows:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---|------------------------------|---|-----------|-----------|
| 5300-17302-5200-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Administration Building Reserve | 1,000,000 | |
| Reason: Funds to provide for future works on the Administration Building. | | | | |
| 5300-17302-NEW-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Operations Optimisation Reserve | 750,000 | |
| Reason: Funds to provide for future operational and capital requirements of the Shire's Operations function to optimise service delivery to the community. | | | | |
| 5300-17302-5243-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Oakford Fire Brigade Reserve | 350,000 | |
| Reason: Additional funds transferred to Oakford Fire Brigade reserve to ensure sufficient funds for the internal project management costs associated with the project. | | | | |
| 5300-17302-5239-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Waste Reserve | 63,855 | |
| Reason: Funds for future waste initiatives | | | | |
| 3510-30028-5216-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Jarrahdale Communications Tower Reserve | 36,646 | |
| Reason: Revenue received for the Jarrahdale Communications Tower was not processed in the 2022/23 financial year and will need to be transferred in 2023/24. | | | | |



Options

Option1

That Council:

1. APPROVES the schedule of variations to the 2023-2024 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*;

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|------------------------------|---|-----------|-----------|
| 5300-17302-5200-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Administration Building Reserve | 1,000,000 | |
| 5300-17302-NEW-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Operations Optimisation Reserve | 750,000 | |
| 5300-17302-5243-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Oakford Fire Brigade Reserve | 350,000 | |
| 5300-17302-5239-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Waste Reserve | 63,855 | |
| 3510-30028-5216-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Jarrahdale Communications Tower Reserve | 36,646 | |
| 10-9000-9000-3900-0 | Increase Equity | Accumulated Surplus - Municipal | | 2,200,501 |

2. APPROVES the establishment of the following reserve and purpose:

Name: Operations Optimisation Reserve

Purpose: To provide funds for future operational and capital requirements of the Shire's Operations function to optimise service delivery to the community.

Option 2

That Council:

1. DOES NOT APPROVE the schedule of variations to the 2023-2024 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|------------------------------|---|-----------|-----------|
| 5300-17302-5200-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Administration Building Reserve | 1,000,000 | |



| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|------------------------------|---|----------|-----------|
| 5300-17302-NEW-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Operations Optimisation Reserve | 750,000 | |
| 5300-17302-5243-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Oakford Fire Brigade Reserve | 350,000 | |
| 5300-17302-5239-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Waste Reserve | 63,855 | |
| 3510-30028-5216-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Jarrahdale Communications Tower Reserve | 36,646 | |
| 10-9000-9000-3900-0 | Increase Equity | Accumulated Surplus - Municipal | | 2,200,501 |

2. DOES NOT APPROVE the establishment of the following reserve and purpose:

Name: Operations Optimisation Reserve

Purpose: To provide funds for future operational and capital requirements of the Shire's Operations function to optimise service delivery to the community.

Option 1 is recommended.

Conclusion

At the time the 2023-2024 Budget was adopted by Council on 31 July 2023, the Annual Financial Statements for the 2022-2023 year end had not been completed. Any surplus or deficit resulting from the 2022-2023 financial year was not known.

Following finalisation of the 2022-2023 Annual Financial Statements and subsequent adoption by council, the surplus position has now been finalised and surplus funds are recommended to be allocated as per above.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2023

| 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 financial implications 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 is no significant risk associated with Council adopting option 1. | | | | | | |
| 2 | If Council DOES NOT allocate the surplus the proposed funding usage cannot proceed affecting service delivery and organisational capability. | Adopted 2023/2024 budget. | Organisational Performance | Possible | Moderate | MODERATE | Nil |

Voting Requirements: Absolute Majority

Officer Recommendation

That Council:

1. APPROVES the schedule of variations to the 2023-2024 Budget as presented below, in accordance with section 6.8 of the *Local Government Act 1995*;

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|------------------------------|---|-----------|-----------|
| 5300-17302-5200-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Administration Building Reserve | 1,000,000 | |
| 5300-17302-NEW-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Operations Optimisation Reserve | 750,000 | |
| 5300-17302-5243-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Oakford Fire Brigade Reserve | 350,000 | |



| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|------------------------------|---|----------|-----------|
| 5300-17302-5239-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Waste Reserve | 63,855 | |
| 3510-30028-5216-0000 | Increase Transfer to Reserve | Reserve Transfer – Trf To Jarrahdale Communications Tower Reserve | 36,646 | |
| 10-9000-9000-3900-0 | Increase Equity | Accumulated Surplus - Municipal | | 2,200,501 |

2. APPROVES the establishment of the following reserve and purpose:

Name: Operations Optimisation Reserve

Purpose: To provide funds for future operational and capital requirements of the Shire's Operations function to optimise service delivery to the community.

OCM020/02/24

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Duggin

That the Council DEFER the matter to the next Policy Concept Forum to discuss the Keirnan Park BMX project overspend.

CARRIED UNANIMOUSLY 5/0

Reason for difference

For officers to provide further details to Elected Members regarding the overspend on capital works projects.



| | |
|--|--|
| 10.3.6 – 2023 – 2024 Rural Valuation Review (SJ274) | |
| 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 this report is to request that Council approve an application to the Minister for a 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 of rates for 407 properties detailed under **attachment 1** from Unimproved Value (UV) to Gross Rental Value (GRV) as the predominant use of the land for these properties has been determined by Officers to be non-rural.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 14 December 2023 – OCM294/12/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. APPROVES commencement of Rural Valuation Review as per rating strategy (attachment 1) and flow chart (attachment 2).*
- 2. APPROVES the proposed consultation letter as per attachment 3.*
- 3. ADOPTS the communication plan as per attachment 4.*
- 4. NOTES attachment 5*

*Special Council Meeting – 15 June 2022 – SCM010/06/22 – COUNCIL RESOLUTION / Officer Recommendation – **extract***

- 4. ADOPTS the Rating strategy as per attachment 1*

**Background**

In June 2022, Council approved a revised rating strategy contained in **attachment 1**. In 2022/23 the Shire submitted an application for a change valuation method which included 640 properties. Out of these properties, 549 have had the change in valuation method approved by the Minister for Local Government and a new valuation has been received for these properties. The Shire has issued revised rates notices to these properties to reflect the new valuation. The remaining 91 properties are still awaiting a decision from the Minister as further information was requested in order to be able to make an assessment of the application.

In December 2023, Council approved a Rural Valuation Review as per that strategy, which further identified 407 properties for review.

The Department of Local Government, Sport and Cultural Industries has provided an Operational Guideline Flowchart for “Changing Methods of Valuation of Land”. This document outlines a step-by-step process to follow in achieving a change of valuation methodology and is contained in **attachment 2**. Officers are utilising the One Stage Review.

The required steps with Officer responses are listed below:

| | Steps | Action |
|----|---|---|
| 1. | Obtain Council resolution to commence review. | <i>Resolution was obtained 11 December 2023 – OCM294/12/23</i> |
| 2. | Land Use Declaration Form Issue Covering letter which clearly indicates: (a) That the local government is reviewing the current land use of the property; (b) That the local government intends to apply to the Minister to change the property’s valuation method to GRV if the review concludes that the land is no longer used for rural purposes; (c) The likely financial impact on their rates bill (either using existing valuations or via estimates using comparable properties); (d) Specifying a date (no less than 4 weeks) by which the ratepayer can submit the land-use form and any other submissions they wish to make regarding land use. | <i>Council’s approved letters were mailed out on 12 December 2023 and the Consultation period was from 15 December 2023 to 25 January 2024 with a covering consultation letters containing applicable information distributed to each identified property owner who may benefit from a change in valuation methodology.</i> |
| 3. | Results of review and copies of all submissions are presented to Council | <i>This agenda item will reflect this step.</i> |



| | |
|--|--|
| for a final decision to apply to the Minister for change of valuation. | <i>Application is contained in attachment 3 and will be submitted following Council Resolution.</i> |
|--|--|

Community / Stakeholder Consultation

The Rural Valuation Review Consultation period commenced on 15 December 2023 and concluded on 25 January 2024.

A covering consultation letter containing expected rate reduction and a Land Use Declaration form were sent to all identified landowners. Within the consultation period landowners had the opportunity to return the Land Use Declaration form to the Shire and make comment through either the 'Your Say SJ' page or by writing to the Chief Executive Officer.

Responses from Land Use Declaration forms, the Your Say SJ page and comments received by email from landowners have been collated and are contained in **attachments 4, attachment 5** and **attachment 6**.

Statutory Environment

Section 6.28 of the *Local Government Act 1995*

6.28 Basis of Rates

(1) The Minister is to –

- (a) Determine the method of valuation of land to be used by a local government as the basis for a rate; and
- (b) Publish a notice of the determination in the Government Gazette.

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be –

- (a) Where the land is used predominantly for rural purposes, the unimproved value of the land; and
- (b) Where the land is used predominantly for non-rural purposes, the gross rental value of the land.

(3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.



Comment

Land Use Declaration Submissions

Land Use Declaration forms were sent out to 407 identified landowners with a covering letter explaining the process. Property owners were given from 15 December 2023 to 25 January 2024 to return the form and respond with comment.

Of the 407 letters the Shire received 125 responses as per the below:

| Response | Number |
|---|--------|
| Answered “No” to the property being used for predominantly Rural Purposes. (attachment 7) | 86 |
| Answered “Yes” to the property being used for predominantly Rural Purposes but “No” to earning a livelihood from the property. (attachment 8) | 31 |
| Answered “Yes” to the property being used for predominantly Rural Purposes and “Yes” to earning a livelihood from the property. (attachment 9) | 8 |

The Shire received no response from 282 property owners - **attachment 10**.

Determination Requirements

It is now Council’s role to review each submission and make a recommendation to the Minister to change the method of valuation.

The Minister, in making his determination, will adhere to the following Policy guidance as detailed in Rating Policy - Department of Local Government and Communities – **attachment 11**.

The Minister’s determination under section 6.28(1) will be made in line with the key values of objectivity, fairness and equity, consistency, and transparency and administrative efficiency. To that end, the Minister will not determine a change in the method of valuation based on an application under this Policy (the application) unless the Minister is satisfied of the following matters:

Objectivity

| Matter | Officers Response |
|---|---|
| The request for change of method of valuation of the land is based on its predominant use. | <i>Demonstrated by reviewing size of land and requesting owners to complete and return a “Land Use Declaration form”. Officers also reviewed scale of use and made comparisons to other similar properties within the Shire by review of aerial maps.</i> |
| The local government has provided evidence of the current predominant land use. This may be via an aerial image, site visit information, building information or land use declaration form from the occupier (or a | <i>Officers have provided aerial maps, Land Use Declaration forms and subdivision plans as attachments to this report. (Whilst maps show entire subdivision areas, individual properties will need to be identified by seeking lot numbers).</i> |



| Matter | Officers Response |
|--|--|
| combination of these). In the case of a new subdivision, a deposited plan must have been issued and approved by the Western Australian Planning Commission. | |
| Lot numbers are defined. | <i>Lot numbers are defined in attachment 7, attachment 8, attachment 9 and attachment 10</i> |
| Where the land is being used for non-rural purposes, the application is to convert the method of valuation from UV to GRV. | <i>Application provided at attachment 3.</i> |
| Where the land is being used for rural purposes, the application is to convert the method of valuation from GRV to UV (where applicable). | <i>Not Applicable</i> |
| The local government has provided a clear description of the land by the following method: <ul style="list-style-type: none"> • Landgate approved plan, such as a deposited plan • aerial image which clearly identifies the lot numbers and plan number, or • a combination of both. | <i>Officers have provided a combination of both contained in attachment 7, attachment 8, attachment 9 and attachment 10</i> |
| The Valuer General's Office has provided an indication of the new notional values (or the basis for otherwise estimating the value is sound). | <i>Officers used the valuations provided by the Valuer General to calculate the probable effect of rating changes.</i> |

Fairness and equity

| Matter | Officers Response |
|--|--|
| Unless the application is initiated by the landowner, the owner was informed in writing by the local government of: <ul style="list-style-type: none"> • the reason for seeking the change in method of valuation • the likely impact on the annual rates payable for that property and was given at least 28 days after receiving that information to make a submission to the local government on whether the assessment of predominant use is correct | <i>The Rural Valuation Review Consultation period commenced on 15 December 2023 and concluded on 25 January 2024. Consultation letters providing a reason for seeking the change which contained expected rate reduction and a Land Use Declaration form were sent to all identified landowners. Within the consultation period landowners had the opportunity to return the Land Use Declaration form to the Shire and make comment through either the Your Say SJ page or by writing to the CEO. Responses from Land Use</i> |



| | |
|--|--|
| | <i>Declaration forms, the Your Say SJ page and comments received by email from landowners have been collated and are contained in attachments 4, attachment 5 and attachment 6.</i> |
|--|--|

Consistency

| Matter | Officers Response |
|--|--|
| Similar properties that are used for same purpose are treated in the same way. If not, a reason is provided. | <p><i>Officers made comparisons to other similar properties within the Shire by reviewing aerial maps. Further, it is considered that a large number of properties, approximately 2,400, will need to change but as per Council's adopted Rating Strategy contained in attachment 1, Officers are conducting this review in a staged approach.</i></p> <p><i>The local government has considered whether a split valuation is appropriate if a significant proportion of the land will continue as rural use. All applicable properties are less than 5 hectares in area therefore a split valuation is not considered appropriate.</i></p> |

Transparency and Administrative Efficiency

| Matter | Officers Response |
|--|--|
| The council of the local government has resolved to change the method of valuation and the resolution is recorded in council minutes (not required for subdivisions, see below). | <i>This report addresses this requirement.</i> |
| <p>The council of the local government has:</p> <ul style="list-style-type: none"> • considered each ratepayer submission (if any) • given consideration to phasing in changes for properties where the change in method of valuation will have a significant impact on the rates payable. | <p><i>All submissions have been provided at attachments 4, attachment 5 and attachment 6</i></p> <p><i>It is expected that all affected ratepayers will experience a rate reduction therefore phasing is not recommended.</i></p> |



Recommendation for Ministers Consideration

As the above determination requirements have been met and following close of the consultation period, the Officers recommend that an application to be Minister requesting the following:

- 407 properties will be recommended for change from UV to GRV valuation methodology including:
 - 86 properties self-assessed as being used for predominantly residential purpose via their Land Use Declaration form. (**attachment 7**)
 - 31 properties self-assessed as being used for predominantly Rural Purposes but not earning a livelihood from the property. These properties have been further reviewed and are not eligible for Farmland Concession, therefore as per the Local Government Act 1995 6.28 (2). (**attachment 8**)
 - 8 properties self-assessed as being used for predominantly Rural Purposes and are earning a livelihood from the property. These properties have been further reviewed and are not eligible for Farmland Concession, therefore as per the Local Government Act 1995 6.28 (2). (**attachment 9**)
 - 282 non-responding properties. As detailed in the engagement letter, if no communication was received throughout the consultation period it is assumed the landowner does not object to an application to change from UV to GRV valuation methodology.
(**attachment 10**)

The proposed changes from UV to GRV valuation methodology is likely to result in a reduced rate debt, therefore no phasing will be applied and the application to the Minister will seek to apply new valuations from 1 July 2024.

If Council approved the above, draft letters to the landowners have been prepared for Council's consideration in **attachment 12** and **attachment 13**.

Options

Option 1

That Council:

1. Having reviewed the attachments to this report and noted the content therein REQUESTS the Chief Executive Officer submits the application contained in **attachment 3** to the Minister for a 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 properties detailed under **attachment 7**, **attachment 8**, **attachment 9** and **attachment 10** from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2024 as the predominant use of the land for these properties have been determined to be non-rural.
2. APPROVES the proposed letter in response to the rating strategy consultation as contained in **attachment 12** to be sent to identified landowners.



Option 2

That Council:

1. Having reviewed the attachments to this report and noted the content therein REQUESTS the Chief Executive Officer submits the application contained in **attachment 3** to the Minister for a 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 properties detailed under **attachment 7**, **attachment 8** and **attachment 10** from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2024 as the predominant use of the land for these properties have been determined to be non-rural and excludes the properties detailed under **attachment 9**.
2. APPROVES the proposed letter in response to the rating strategy consultation as contained in **attachment 12** to be sent to identified landowners detailed under **attachment 7**, **attachment 8** and **attachment 10**.
3. APPROVES the proposed letter in response to the rating strategy consultation as contained in **attachment 13** to be sent to identified landowners detailed under **attachment 9**.

Option 3

That Council:

1. DOES NOT make an application to the Minister to change the valuation methodology for the properties contained in **attachment 7**, **attachment 8**, **attachment 9** and **attachment 10**.
2. APPROVES the proposed letter in response to the rating strategy consultation as contained in **attachment 13** to be sent to identified landowners.

Option 1 is recommended.

Conclusion

Land Use Declaration forms were sent out to 407 identified landowners with a covering letter explaining the process. Property owners were given from 15 December 2023 to 25 January 2024 to return the form and respond with comment.

Officers has received, reviewed and compiled responses, with 125 responses received and the 282 providing no response.

The Ministers determination requirements for a review have been met and Officers recommend an application containing 407 properties be sent to the Minster for consideration to change from UV to GRV valuation methodology.

If approved, draft letters to the landowners have been prepared for Council's consideration in **attachment 12** and **attachment 13**.

Attachments (available under separate cover)

- **10.3.6 – attachment 1** – Rating Strategy (E24/1314)



- **10.3.6 – attachment 2** – Flow chart (E24/1315)
- **10.3.6 – attachment 3** – Valuation of Land Application Form (E24/1316)
- **10.3.6 – attachment 4** – Consolidation of Responses from Landowners - Answered No to the property being used for predominantly Rural Purposes (E24/1317)
- **10.3.6 – attachment 5** – Consolidation of Responses from Landowners - Answered Yes to the property being used for predominantly Rural Purposes but No to earning a livelihood from the property (E24/1319)
- **10.3.6 – attachment 6** – Consolidation of Responses from Landowners - Answered Yes to the property being used for predominantly Rural Purposes and Yes to earning a livelihood from the property. (E23/1320)
- **10.3.6 – attachment 7** – Individual property details and recommendations – Answered No to the property being used for predominantly Rural Purposes (E24/1321)
- **10.3.6 – attachment 8** – Individual property details and recommendations – Answered Yes to the property being used for predominantly Rural Purposes but No to earning a livelihood from the property. (E24/1322)
- **10.3.6 – attachment 9** – Individual property details and recommendations – Answered Yes to the property being used for predominantly Rural Purposes and Yes to earning a livelihood from the property. (E24/1323)
- **10.3.6 – attachment 10** – Individual property details and recommendations – No response received (E24/1325)
- **10.3.6 – attachment 11** – Rating Policy (E24/1382)
- **10.3.6 – attachment 12** – Proposed response letter recommendation for application (E24/1383)
- **10.3.6 – attachment 13** – Proposed response letter – no change (E24/1385)

Alignment with our Council Plan 2023-2033

| |
|--|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |

Financial Implications

No immediate financial implications are associated with this paper. However, if Council opted not to proceed there would be significant implications associated with the Long Term Financial 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 | Residents whose properties will be changing rating category maybe concerned about the financial implications of the change in rating category | Nil | Reputation | Unlikely | Minor | LOW | Writing to individual landowners to advise them of the next steps |
| 2 | Inequitable rate burden not in keeping with the "ability to pay" basis of rates | Nil | Financial | Likely | Moderate | SIGNIFICANT | Accept Officer Recommendation |

Voting Requirements: Simple Majority

OCM021/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved C Duggin, Seconded Cr Mack

That Council:

1. Having reviewed the attachments to this report and noted the content therein **REQUESTS** the Chief Executive Officer submits the application contained in attachment 3 to the Minister for a 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 properties detailed under attachment 7, attachment 8, attachment 9 and attachment 10 from Unimproved Value (UV) to Gross Rental Value (GRV) from 1 July 2024 as the predominant use of the land for these properties have been determined to be non-rural.
2. **APPROVES** the proposed letter in response to the rating strategy consultation as contained in attachment 12 to be sent to identified landowners.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0



10.3.7 – Shire of Serpentine Jarrahdale Integrated Planning, Reporting and Budget Timetable 2024-25 (SJ940)

| | |
|--|--|
| 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

| | |
|-------------|--------------------------------------|
| Information | For the Council / Committee to note. |
|-------------|--------------------------------------|

Report Purpose

The purpose of this report is to provide Council with the 2024-25 Integrated Planning, Reporting and Budget Timetable. The Shire’s annual Integrated Planning and Reporting process includes review of the Corporate Business Plan, review of the Long Term Financial Plan and development of the Annual Budget.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

Integrated Planning and Reporting (IPR) is a process designed to articulate the community’s vision, outcomes and priorities, balanced with the application and projection of finances and resources, and supported by consistent monitoring and reporting of progress.

The major components of the IPR process are outlined below.

Council Plan (previously known as a Strategic Community Plan)

The Council Plan is the Shire’s principle 10-year strategy and planning document, and the guiding document for the remainder of the IPR suite. The Council Plan is the result of extensive consultation to ascertain the community’s aspirations and is fully reviewed every four years. The Shire’s Council Plan 2023-2033 was adopted by Council in December 2023 (OCM313/12/23).

Corporate Business Plan

The Corporate Business Plan is a four-year delivery program aligned to the Council Plan and relevant key informing strategies, outlining the Shire’s key projects for delivery in consideration of available and projected financials and resources. The Corporate Business Plan is reviewed annually, with progress reported to Council on a quarterly basis and significant revisions recorded in the Annual Report.

A major review of the Shire’s Corporate Business Plan is currently underway, and the workshops associated with this review are outlined within this report.



Long Term Financial Plan (LTFP)

The Long Term Financial Plan is a ten year rolling plan, outlining the Shire's long term financial position and is reviewed annually in relation to revenue and expenditure implications arising from changes to the operating environment since adoption of the LTFP in the previous year (SCM017/07/23).

Annual Budget

The Annual Budget details financial statements and policies for a one year period, based on the relevant year's work program and financial year in the Corporate Business Plan. It is planned that the 2024-25 budget be presented to Council for adoption in late July 2024. In order to achieve this outcome, a number of preparatory steps need to be undertaken and these have been incorporated into the IPR Timetable.

Community / Stakeholder Consultation

Consultation with Managers, the Shire's Executive Group and Elected Members will occur throughout the IPR process.

Statutory Environment

Section 5.56 of the *Local Government Act 1995* requires a local government to plan for the future of the district, and ensure plans are made in accordance with any regulations made about planning for the future of the district.

The *Local Government (Administration) Regulations 1996* ('the Regulations') require a local government to ensure that a Strategic Community Plan is made for the district to cover at least 10 financial years (reg 19C), and that the Strategic Community Plan is reviewed at least once every 4 years (reg 19C(4)). Additionally, the Regulations require a local government to ensure that a Corporate Business Plan is made for its district to cover at least 4 financial years (reg 19DA) and that the Corporate Business Plan is reviewed every year (reg 19DA(4)). Combined, they constitute a plan for the future of a district in accordance with section 5.56 of the Act.

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. This change is likely to have a flow on impact on the Corporate Business Plan, however the detail is not currently known. 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 19DA of the *Local Government (Administration) Regulations 1996* remains in place until new regulations are in effect and provisions commence.

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt by absolute majority, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.



Comment

The 2024-25 Integrated Planning, Reporting (IPR) and Budget Timetable below outlines the core processes to be completed and the associated anticipated timeframes for each aspect to occur, including any planned workshops with Council, Executive and other key Shire staff.

The purpose of these workshops is to facilitate the review of the Corporate Business Plan and Long Term Financial Plan, and the development of the Annual Budget.

The 2024-25 Integrated Planning, Reporting and Budget Timetable is as follows:

| Date: | Milestone / Event | Purpose: |
|---|---|--|
| Wednesday, 28 February 2024 | Corporate Business Plan workshop with Elected Members | Present Elected Members with a draft 2024-2028 Corporate Business Plan. |
| Wednesday, 27 March 2024 | Strategic Forum workshop with Elected Members | To discuss future possible initiatives for inclusion in the Corporate Business Plan. |
| Wednesday, 24 April 2024 | Budget Workshop with Elected Members | Rates Modelling, Long Term Financial Plan and Fees and Charges |
| Wednesday, 1 May 2024 | Budget Workshop with Elected Members | Capital Budgets and final draft Corporate Business Plan |
| Wednesday, 8 May 2024 Wednesday, 15 May 2024 | Budget Workshop with Elected Members | Operating Budgets |
| Monday, 20 May 2024 | Ordinary Council Meeting | Council Consideration to advertise Rates |
| Wednesday, 2 July 2024 | Question and Answer Session with Elected Members | Pre Special Council Meeting Budget Adoption Question and Answer Session |
| Monday, 8 July 2024 | Special Council Meeting | Council consideration of the Annual Budget, Corporate Business Plan and Long Term Financial Plan |

It should be noted that the above dates are subject to the progress of several dependent internal processes (e.g. workshops, budget packs, business cases etc.) with the Executive and other key internal stakeholders and that the dates and times may change. Elected Members will be updated accordingly. Invites for the above dates will be sent to Elected Members closer to time of the milestone / event.



Options

Option 1

That Council NOTES the Shire of Serpentine Jarrahdale’s Integrated Planning, Reporting and Budget Timetable for the 2024-2028 Corporate Business Plan, 2024-2025 Budget and 2024-2034 Long Term Financial Plan as contained within this report.

Option 2

That Council DOES NOT NOTE the Shire of Serpentine Jarrahdale’s Integrated Planning, Reporting and Budget Timetable as contained within this report.

Option 1 is recommended.

Conclusion

The Integrated Planning, Reporting and Budget Timetable is tabled in this report for Council to note.

Attachments (available under separate cover)

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

There are no financial implications for the Officer Options.



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 Option 1. | | | | | | |
| 2 | If Council does not note the Integrated Planning, Reporting and Budget Timetable, Council may not be prepared for their involvement in the process, which may cause delays in the adoption of the Corporate Business Plan, Long Term Financial Plan and Annual Budget. | Nil | Organisational Performance | Unlikely | Moderate | MODERATE | Calendar placeholders for planned IPR Councillor workshops. |

Voting Requirements: Simple Majority

Officer Recommendation

That Council NOTES the Shire of Serpentine Jarrahdale’s Integrated Planning, Reporting and Budget Timetable for the 2024-2028 Corporate Business Plan, 2024-2025 Budget and 2024-2034 Long Term Financial Plan as contained within this report.



OCM022/02/24

COUNCIL RESOLUTION

Moved Cr Byas, Seconded Cr Duggin

- 1. NOTES the Shire of Serpentine Jarrahdale's Integrated Planning, Reporting and Budget Timetable for the 2024-2028 Corporate Business Plan, 2024-2025 Budget and 2024-2034 Long Term Financial Plan as contained within this report**
- 2. REQUESTS the Chief Executive Officer prepare and report to Council in March 2024, on options for community participation in the annual budget process that can be undertaken with existing resources, supported by a proposed framework that outlines the:**
 - Eligibility criteria and types of submissions permitted**
 - Minimum timeframe for public advertising**
 - Format of submissions**
 - Criteria and process for assessing and prioritising submissions**

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation

To provide our community with a structured and transparent process for putting forward requests for consideration during the Budget process.

**10.3.8 - Review of Delegations and Authorisations 2023 / 2024 (SJ538-2)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider and approve the findings of the review of delegations and authorisations pursuant to section 5.46 of the *Local Government Act 1995* (the Act).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 May 2023 – OCM114/05/23 - COUNCIL RESOLUTION That Council:

- 1. NOTES the findings of the review pursuant to section 5.46 of the Local Government Act 1995.*
- 2. APPROVES the Register of Delegations and Authorisations as contained within attachment 2 with the following amendments:*
 - The references to the number of submissions within Council conditions on Delegations 11.1.1, 12.1.1 and 15.1.1 is amended from three to two.*
- 3. RESOLVES that Delegations 15.1.1 – Administration of Local Planning Scheme No 3. and 15.1..2 – Administer Development Contribution Plans as contained in attachment 2, as amended, will commence on gazettal of Local Planning Scheme No. 3.*
- 4. RESOLVES that Delegations 11.1.1 – Administration of Town Planning Scheme No.2 and 11.1.2 – Administer Development Contribution Plans will expire on gazettal of Local Planning Scheme No. 3 and REQUESTS that the CEO remove these delegations from the register at this time.*

Background

This report deals with two separate but related concepts:

- delegations; and
- authorisations.



Delegation is a formal means of empowering one entity to perform functions and duties that are otherwise reserved in legislation for another entity. Delegation is a tool used in government at all levels to enable the efficient and effective delivery of services while ensuring clarity regarding who is permitted to perform specific discretionary functions.

The appointment of authorised persons is a similar but distinct concept. Legislation occasionally enables a decision-making body or source of authority to appoint persons to perform specific tasks on their behalf. In this case, the authorising entity does not have the power themselves to perform the task and can only authorise others to do so. Legislative provisions related to enforcement often employ the appointment of authorised persons.

Local government exercises many of its functions through a combination of delegated powers and authorisations. This includes functions under the Act but also legislation related to planning, dogs, cats, health, building, bush fire prevention and management and food safety.

Both delegations and authorisations must be in writing. In line with the principles of good governance, delegations and authorisations should be regularly reviewed. As noted below, delegations made under the Act must be reviewed annually.

The Shire's delegations and authorisations are recorded in a register available on the Shire's website. The Shire's register contains over 120 delegations and authorisations across a dozen pieces of legislation.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The power to delegate or appoint authorised persons is drawn from legislation. Legislation that permits delegation or the appointment of authorised persons has a specific section, regulation, or clause known as the 'head of power'. In the case of the Act, the head of power for Council to delegate certain functions is section 5.42. The power to appoint authorised persons is provided directly to the CEO by section 9.10.

Importantly, each separate Act requires its own head of power. The head of power provided by section 5.42 of the Act that permits Council to delegate certain functions cannot be used to delegate functions in other pieces of legislation. The ability to use the Act's head of power more widely is a common misconception in local government.

Another source of confusion is section 5.45 of the Act, which introduces the concept of 'acting through'. Section 5.45 of the Act states that provisions concerning delegations do not prevent a local government from performing any of its functions by acting through a person or a CEO from performing any of his or her functions through the actions of another person. While what constitutes an 'acting through' arrangement is not defined in legislation, the Department's published guidance on the matter states that acting through arrangements can occur where an Officer performs tasks at the direction of the authority holder. While some examples of this approach are straightforward, the varying approaches employed across local government demonstrate that this can be a grey area, and wherever there is doubt and it is practicable, formal delegations or appointments as authorised officers should be used.



Regulation 19 of the Local Government (Administration) Regulations 2005 (the Admin Regulations) requires the exercised use of a delegated power under the Act to be recorded. The requirement to record exercised use of delegations from other legislation varies. Legislation does not require exercised use to be published or available for inspection.

Regulation 29 of the Admin Regulations requires a local government to make its delegations register available to the public for inspection. The Shire exceeds this legislative requirement by publishing the register on the Shire’s website and includes information in the published register pertaining to delegations by the CEO and the instruments used to appoint authorised officers.

While legislation requires the authorisation of people as authorised officers or people to be in writing, there is no general requirement to keep this information in a single register. In this way, the Shire’s current approach exceeds legislative requirements.

Comment

As part of the Shire’s commitment to continuous improvement and governance maturity, a review of each of these delegations and authorisations has been conducted. The scope of the review systematically considered each of the delegations and authorisations and asked:

- is the head of power used to delegate or authorise the activity correct?
- are the specific sections, regulations or clauses of each instrument correct?
- are the appropriate Officers delegated or appointed?
- are the conditions placed on delegation or authorisation correct?
- are the reporting requirements commensurate to good governance, risk and efficient practice?

The results of the review, including every proposed change to the Register, is outlined in tracked changes at **attachment 1**. In addition to the above scope, the review also identified additional areas of focus that Officers have addressed. These areas and a description of their proposed amendments are outlined in the table below.

| Additional Area of Focus | Related Delegations, Authorisations, or Council Policy | Summary of proposed amendments and their justification |
|--------------------------|--|---|
| Cat and Dog Local Laws | 1.1.32 – Delegation of certain functions associated with administering local laws. All of section 4 (<i>Cat Act 2011</i>) | With adoption of the Cat Local Law 2023 and Dog Local Law 2023 by Council at the October Ordinary Council Meeting (OCM252/10/23 and OCM253/10/23 respectively), and in preparation for the gazettal of these new local laws, delegation 1.1.32 has been updated to remove delegation under the old local laws, and provide delegation under the new local laws. |



| Additional Area of Focus | Related Delegations, Authorisations, or Council Policy | Summary of proposed amendments and their justification |
|--------------------------|--|---|
| | and section 5 (<i>Dog Act 1976</i>) | Additionally, the Instruments of Delegations under sections 4 and 5 have been updated to reference the new local laws where applicable. |

It is worth noting that the comprehensiveness of previous years reviews has again significantly reduced the investment required for this year's review in terms of ensuring an accurate register. Instead, effort was largely spent on the Register's supporting processes and policies and implementing revisions consequential to ad hoc events that occurred throughout the year such as amendments to legislation and addressing any ambiguity highlighted by Officer queries.

This review not only ensures that the Shire meets its regulatory obligations and continues to improve its governance maturity, it also provides an important opportunity for Officers to request technical advice regarding their delegations, authorisations and functions more generally that do not necessary require any amendments to the Register.

Options

Option 1

That Council NOTES the findings of the review pursuant to section 5.46 of the Act and APPROVES the Register of Delegations and Authorisations as contained within **attachment 2**.

Option 2

That Council DOES NOT NOTE the findings of the review pursuant to section 5.46 of the Act and DOES NOT APPROVE the Register of Delegations and Authorisations as contained within **attachment 2**.

Option 1 is recommended.

Conclusion

Delegations and the appointment of authorised officers is an important mechanism used by all tiers of government to conduct business effectively and efficiently. The systematic review of the Shire's register has identified opportunities to strengthen the instruments used and improve understanding of the powers and responsibilities associated with delegations and authorisations.

Attachments (available under separate cover)

- **10.3.8 - attachment 1** – Register of Delegations and Authorisations – tracked changes (E24/206)
- **10.3.8 - attachment 2** – Register of Delegations and Authorisations (E24/209)



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 implementation of 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 material risks associated with option 1. | | | | | | |
| 2 | If Council do not note the review, it may not be completed on time (i.e. legislative non-compliance) resulting in a possible elevation of the Shire on the Departments risk assessment. | Nil. | Organisational Performance | Unlikely | Minor | LOW | Nil. |

Voting Requirements: Absolute Majority (s5.42 of the *Local Government Act 1995*)

OCM023/02/24

COUNCIL RESOLUTION / Office Recommendation

Moved Cr Byas, Seconded Cr Duggin

That Council NOTES the findings of the review pursuant to section 5.46 of the Act and APPROVES the Register of Delegations and Authorisations as contained within attachment 2.

CARRIED UNANIMOUSLY 5/0

**10.3.9 – Appointment of member to the Karnet Prison Farm Community Liaison Group (SJ518)****Responsible Officer:** Manager Governance and Strategy**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 *Local Government Act 1995*.**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 appointing a member to the Karnet Prison Community Liaison Group.

Relevant Previous Decisions of Council

Nil.

Background

The Karnet Prison Farms Community Liaison Group administered by the Department of Justice has requested that the Shire appoint an elected member to their group.

The Group's request follows an enquiry by Shire Officers prior to the 2023 ordinary local government election whether the Group wished to continue having a Council appointee. In response the Department of Justice advised on 30 November 2023 that it wished to continue having a Council appointee.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The Group has been established by the Department of Justice to aid in engagement associated with prison. This includes the identification of employment and training opportunities for prisoners under section 95 of the *Prisons Act 1981* which involves programmes for the wellbeing and rehabilitation of prisoners.

Meetings of the Group are held every six months during business hours.



Options

Option 1

That Council APPOINTS the following Elected Member to the Karnet Prison Farms Community Liaison Group:

Option 2

That Council DECLINES the request of the Department of Justice to appoint a member to the Karnet Prison Farms Community Liaison Group

Option 1 is recommended.

Conclusion

The Council has previously appointed a member to the Karnet Prison Farm Community Liaison Group and the Department of Justice has again requested Council appoint a member.

Attachments (available under separate cover)

- **10.3.9 - attachment 1** – Karnet Prison Farm Community Liaison Group Terms of Reference (E23/17271)

Alignment with our Council Plan 2023-2033

| |
|--|
| 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:

| 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&2 | There are no significant issues with this option | | | | | | |



Officer Recommendation

That Council APPOINTS the following Elected Member to the Karnet Prison Farms Community Liaison Group:

The Chief Executive Officer advised one nomination for the member to the Karnet Prison Farms Community Liaison Group was received in writing prior to the meeting from Councillor Tricia Duggin.

The Presiding Member, President Coales, asked if there were any further nominations.

No further nominations were received.

Voting Requirements: Simple Majority

OCM024/02/24

COUNCIL RESOLUTION

Moved President Coales, Seconded Cr Byas

That Council APPOINTS the following Elected Member to the Karnet Prison Farms Community Liaison Group:

Cr Duggin

CARRIED UNANIMOUSLY 5/0



10.4 Community Engagement reports:

| | |
|---|--|
| 10.4.1 - Anzac Day Consultation Outcomes - Service Location and Doley Road Cenotaph Relocation (SJ483-2) | |
| 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:

- Preferred location for 2024 Anzac Day ceremony; and
- Consultation outcomes for the proposed relocation of the Doley Road cenotaph and preferred direction for the proposed project.

Relevant Previous Decisions of Council

| |
|--|
| <p><i>Ordinary Council Meeting – 20 February 2023 – OCM033/02/23 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>AGREES to host the 2023 Anzac Day ceremony (being a Processional March and Commemorative Service) in Mundijong for 2023.</i> 2. <i>NOTES an amount of \$6,000 is currently allocated in account 4300-15702 (Anzac Day) and that the delivery of the Shire's 2023 Anzac Day ceremony at Mundijong will require an additional \$6,000 and a budget adjustment will be addressed as part of the Quarter 2 budget review process to cater for larger crowds and increases in costs.</i> 3. <i>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.</i> 4. <i>REQUESTS Chief Executive Officer advise relevant stakeholders - including the RSL (Serpentine Jarrahdale Sub-Branch) - of the endorsed location for the Shire's 2023 Anzac Day ceremony and work with these stakeholders to deliver Anzac Day commemorations for 2023.</i> |
|--|



5. *REQUESTS Chief Executive Officer to request relevant stakeholders - including the RSL (Serpentine Jarrahdale Sub-Branch) - to identify a new location for the Doley Road cenotaph in a location to accommodate all whom will attend future Anzac and related ceremonies in Byford.*
6. *Present the outcomes of the stakeholder investigation of point 5 above to a future Budget Workshop for its consideration as part of the 2023/24 Budget setting process, inclusive of project costs and community satisfaction impact.*

Background

Incorporated within *Council Policy 1.1.10 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre*, the following applies to Anzac Day services:

Anzac Day Ceremony

The Shire hosts an annual Anzac Day ceremony, the location of which is rotated through the different localities of the Shire. Following the conclusion of the Anzac Day Ceremony, all attendees are invited to share in light refreshments. This event is an open invitation to the whole community.

The Anzac Day ceremony as described in Council Policy 1.1.10 above, consists of a Processional March and Commemorative Service, which rotates between the four major localities of the Shire (Serpentine, Byford, Jarrahdale, Mundijong).

In consultation with key stakeholders, Officers presented a report to Council in February 2023 that resulted in a collaborative approach to the delivery of the Serpentine Jarrahdale Returned Services League subbranch (SJ RSL Subbranch) Anzac Day Dawn Service and the Shire's Processional March and Commemorative Service in 2023. These services were held in Mundijong, which was the first time the Dawn Service had been hosted outside of Byford, and also outside the Shire's ordinary rotation schedule for the Processional March and Commemorative Service. When supporting Mundijong as the location for the Shire's 2023 Anzac Day service, Council also resolved the following:

- Note that the rotation as outlined in *Council Policy 1.1.10-Civic Functions, Ceremonies and Receptions and Use of the Civic Centre* had not been achieved and requested a policy review in consultation with stakeholders, post the Anzac Day 2023 commemorations, and
- Request relevant stakeholders - including the RSL (Serpentine Jarrahdale Sub-Branch) - to identify a new location for the Doley Road cenotaph in a location to accommodate all whom will attend future Anzac and related ceremonies in Byford.

Community / Stakeholder Consultation

Shire of Serpentine Jarrahdale Anzac Day service location

Following the delivery of the 2023 Anzac Day events, Officers commenced consultation with volunteers and key community stakeholders who have longstanding experience in the delivery of Anzac Day services within the Shire, including planning and delivery of the 2023 Anzac Day services.



Feedback was sought regarding planning and delivery outcomes of the 2023 Anzac Day services, future Anzac Day service location/s and proposed relocation of the Doley Road cenotaph.

In addition to verbal feedback and individual discussions, a survey was sent to the following stakeholders:

- Serpentine Jarrahdale RSL sub-branch
- Byford Carols
- Byford Baptist Church
- Byford Volunteer Bush Fire Brigade
- 2 x community members

Responses to the survey are included with this report as **attachment 1**. Feedback, comments and survey responses received through the consultation to date are outlined in the following sections of this report.

On 19 January 2024, stakeholders convened with Officers and an overview of 2023 feedback was outlined. At that meeting, it was further confirmed that sentiment towards 2024 services (and ongoing) remains consistent with feedback provided post 2023 services.

As part of the consultation process, Officers have also spoken with various Jarrahdale community representatives that have delivered local commemorative activities at that location in recent years. A meeting was held 9 January 2024, whereby Jarrahdale representatives and Officers shared intentions and visions for Anzac Day services, giving consideration to all feedback and comments received by stakeholders to date.

Officers confirm that recommendations within this report propose activities that remain complementary to the community delivered activities held in Jarrahdale.

Doley Road Cenotaph Consultation

Officers sought comment from Monument Australia, who have indicated that no memorials in the Shire are 'of National Significance', which means that there is no requirement to seek approval from the State Government in relation to the potential relocations and that the Local Government has authority to undertake a relocation.

Their recommendation is that any Local Government undertake appropriate consultation with the community before considering or progressing a relocation.

The Serpentine Jarrahdale RSL sub branch have provided a formal letter of response included as **attachment 2**.

Statutory Environment

Council Policy 1.1.10 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre.

In accordance with the Department of Veterans' Affairs publication '*Use of the word 'Anzac' Guidelines*' this report uses the term 'Anzac' to describe the Anzac Day event.

**Comment**Overall Consultation Outcomes

Five survey responses were received from representatives who have a long standing involvement and knowledge of Anzac Day services in the Shire, and were involved in the planning and delivery of 2023 Anzac Day services, which included the Serpentine Jarrahdale RSL subbranch.

In summary, responses outlined the following:

1. Strong agreement that the Mundijong location met all required parameters for event delivery – being requirements for both organisers and attendees at the Dawn Service and Anzac Day ceremony (Processional March and Commemorative Service).
2. All respondents supported the continuation of raising flags at Cenotaphs where formal services are not being held, via the support of the SJ RSL subbranch and/or local Volunteer Bush Fire Brigade representatives.
3. Majority of respondents in favour of the RSL Dawn Service and Shire Anzac Day ceremony being co-located in future.
4. Opinions on the service continuing rotations throughout the Shire were divided (further context below)

Overall, it was acknowledged that the planning approach and delivery model not only realised benefits for the community in terms of collaborative promotions of activities, but also realised financial and resourcing benefits for the stakeholders involved.

Anzac Day Ceremony – Consultation Outcomes

Overall, all stakeholders considered the delivery of 2023 services to be a successful collaboration between local organisations, community members and the Shire. It was strongly acknowledged that the model of combining all Anzac Day services at the one location provided a seamless transition of activities across the day for community members wishing to pay respects and/or participate, whilst the model also maximised resources and minimised the duplication of costs for all parties, incurred when delivering services at multiple locations.

When considering whether to continue rotations of commemorative services across multiple Shire sites, opinions were divided dependant on whether the Dawn Service (SJ RSL subbranch) and the Processional March and Commemorative Service (Shire) remained co-located. As the co-located approach was preferred, consensus was to keep services at Mundijong. If there was a desire by Council to keep service delivery separate, then hosting the Processional March and Commemorative Service could continue to be rotated. However, stakeholders and Officers advise this would not be an efficient approach to event delivery practices, with images 1 and 2 below (2023 Commemorative Service) broadly demonstrating the breadth of infrastructure, space and amenity required to host the Shire services with the anticipated attendance numbers.



Image 1: 2023 Processional March



Image 2: 2023 Commemorative Service

At the January 2024 planning meeting, stakeholders in attendance were overwhelmingly supportive of Mundijong remaining as the preferred location for all Anzac Day services for 2024 and future years. In particular, the SJ RSL sub branch outlined that they consider Mundijong to be the most appropriate location for the delivery of the Dawn Service for the foreseeable future, and would preferentially like to work with the Shire and other stakeholders to deliver all services from the same location, as occurred in 2023.

The raising of flags at each memorial location across the Shire is also strongly supported by stakeholders. It respectfully provides an acknowledgment to all those that have served, dually encouraging those that do not wish to attend the larger, shire-wide service to attend their local memorial and show appreciation in their own way.



Delivery of the RSL's Dawn Service and the Shire's Processional March and Commemorative Service at the one location (being Mundijong) remains complementary to community activities that occur in other locations such as Jarrahdale. Attendance numbers, which influences the scope and scale of Public Event delivery requirements, are challenging and costly to accommodate at other locations, including the Jarrahdale War Memorial. Jarrahdale representatives have confirmed that they intend on continuing their local commemorative activities, with attendance expected to be local residents and/or visitors of descendants listed on the Jarrahdale Memorial. It is not a Shire-wide scale service.

Doley Road Cenotaph – Consultation Outcomes

Development of Site

The Anzac Memorial Park located on Doley Road was established as a collaborative effort between LWP Property Group, and the Serpentine Jarrahdale RSL sub branch to commemorate those who died in service or were killed in action in the various conflicts in which Australia has been involved.

The park commemorates 321 local war dead, whose names are inscribed on curved walls. A sculpture of a Light Horse soldier and his "Waler" horse is also located on the site.

The total cost of installation was publicised at approximately \$500,000. The Serpentine Jarrahdale RSL sub branch received a \$5,000 grant to help build Anzac Memorial Park at the 'The Glades' development in Byford. They also received funding through the "Saluting Their Service" program, with the remaining costs absorbed as part of the development.

The Memorial was unveiled on the 18 April 2015 by the WA State President of the RSL of Australia, the Hon Graham Edwards AM. Since its dedication the Anzac Memorial Park has become a gathering place for local veterans and the local community. In particular, it has become a place of reflection for the Serpentine Jarrahdale RSL sub branch on Remembrance Day each November.

Feedback

In regards to the relocation of the Cenotaph at Doley Road, respondents were split in their support citing the contentious nature of moving any memorial. The formal letter of response provided by the SJ RSL sub-branch is that it is opposed to the relocation. All stakeholders are respectful of this position and understand that if services remain in Mundijong for the foreseeable future, there is no specific requirement to further consider relocation of Doley Road infrastructure.

Overall Recommendation

Officers recommend continuing the collaborative delivery of Anzac Day services in 2024 and future years.

As such, Officers recommend delivering the Processional March and Commemorative Service at the Mundijong War Memorial (adjacent to the Civic Centre) for the foreseeable future. The Mundijong War Memorial location, civic centre and surrounding amenity allows for:

- Sufficient space for attendees to participate in the service/s.
- Sufficient parking for attendees.



- Safe routes of access and viewing for service attendees, contractors and staff.
- Access to amenities required for a Public Event without incurring additional costs for significant bump-in of infrastructure.

The Mundijong War Memorial locations provides synergies and efficiencies for all stakeholders involved and a positive experience for those in attendance.

Officers have completed the review of *Council Policy 1.1.10 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre* and recommend changes to discontinue with rotating the Shire Anzac Day ceremony, in favour of a collaborative approach to services across the morning with key stakeholders. This policy will be presented to Council at a future meeting as a separate report.

Based on stakeholder feedback, Officers further recommend discontinuing with any proposed relocation of infrastructure from the Doley Rd location, at this time.

Should circumstances change whereby stakeholders wish to reconsider hosting Anzac Day services from other locations including Byford, Officers would recommend considering local developments at that time, preferentially identifying a site where larger scale events (such as co-located Anzac Day services) could be accommodated and purpose built for these type of activities.

Options

Option 1

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.

Option 2

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, at _____ in 2024.



[Councillor moving motion to specify location]

3. AGREES to retain the Doley Road cenotaph at its current location.
4. 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.

Option 3

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 for 2024.
3. NOTES that the review of *Council Policy 1.1.10 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre* is complete, and will be presented to Council as a separate report outlining the cessation of Anzac Day ceremony rotations.
4. NOTES the stakeholder feedback about the proposed relocation of the Doley Road cenotaph and REQUESTS the Chief Executive Officer prepare and report to Council in May 2024 with a "Project Initiation Document" in accordance with the Shire's project management framework for the Doley Road cenotaph relocation project. The report to Council in May should address the following matters for the project:
 - a) Resources required
 - b) Proposed locations for the relocation
 - c) Recommended community engagement approach
 - d) A high-level project budget
 - e) Indicative project timeframe.
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.

Option 1 is recommended.

Conclusion

Officers have engaged with relevant stakeholders including the Serpentine Jarrahdale RSL sub branch post the delivery of 2023 Anzac Day services. This consultation has resulted in a recommendation to continue with the collaborative approach undertaken in 2023, seeing all Anzac Day services delivered from the one location at Mundijong for 2024 and the foreseeable future.

It is recommended that the existing infrastructure located at Doley Rd remain in-situ, being a gathering place for local veterans and the local community – including Anzac Day.

**Attachments (available under separate cover)**

- **10.4.1 - attachment 1** – Anzac Day 2023 - Summary of feedback from Anzac Day stakeholders (E23/15741)
- **10.4.1 - attachment 2** – Serpentine Jarrahdale RSL subbranch letter (IN23/18391)

Alignment with our Council Plan 2023-2033

| Connected |
|---|
| 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 | Some stakeholders may be disaffected that the Shire's Anzac Day services will be held at Mundijong and not rotated throughout the Shire as per Council Policy 1.1.10 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre. | Stakeholder engagement occurred following the 2023 events which indicated support for the Mundijong location when considering parking and traffic management, event set up and accessibility. | Reputation | Possible | Minor | MODERATE | Review of Council Policy 1.1.10 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre currently underway. |
| 2 | Key stakeholders could be disaffected if an alternative location is proposed for the 2024 Anzac Day services. | Stakeholder engagement occurred following the 2023 events which indicated support for the | Reputation | Possible | Minor | MODERATE | Review of Council Policy 1.1.10 - Civic Functions, Ceremonies and |



| | | | | | | | |
|---|--|---|------------|--------|----------|-------------|--|
| | | Mundijong location when considering parking and traffic management, event set up and accessibility. | | | | | Receptions and Use of the Civic Centre currently underway. |
| 3 | Key stakeholders could be disaffected by continuing to investigate the relocation of the Doley Road cenotaph when initial engagement has identified they are not supportive of the proposal. | Preliminary stakeholder engagement carried out. | Reputation | Likely | Moderate | SIGNIFICANT | Option 1. |

Voting Requirements: Simple Majority

OCM025/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved C Duggin, Seconded Cr Mack

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.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0

**10.4.2 - Local Emergency Management Committee Information Report (SJ716)**

| | |
|--|--|
| 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

| | |
|-------------|--------------------------------------|
| Information | For the Council / Committee to note. |
|-------------|--------------------------------------|

Report Purpose

The purpose of this report is for Council to receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 12 December 2023.

Relevant Previous Decisions of Council

Nil.

Background

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Emergency Management Act 2005

Section 38 local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*



(b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.

(4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Section 39 Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

(a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and

(b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and

(c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

Comment

The LEMC met on 12 December 2023 and the minutes can be reviewed at **attachment 1**. There are no recommendations for Council's consideration from this meeting.

Options

Option 1

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 12 December 2023 contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 12 December 2023 contained in **attachment 1** and provides reasons as to why.

Option 1 is recommended.

Conclusion

The minutes of the Local Emergency Management Committee meeting held 12 December 2023 are provided to Council.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Minutes – Local Emergency Management Committee – 12 December 2023 (E23/17573)



Alignment with our Council Plan 2023-2033

| |
|---|
| Thriving |
| 4. Ensure sustainable and optimal use of Shire resources and finances |
| Connected |
| 3. Empower the community to engage with the Shire and collaborate on matters that are important to them |

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 risks associated with this option. | | | | | | |
| 2 | That the LEMC members feel their contribution is not respected. | Nil | Reputation | Rare | Moderate | LOW | Nil |

Voting Requirements: Simple Majority

OCM026/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mack

That Council **RECEIVES** the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 12 December 2023 contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0



10.4.3 – Bush Fire Advisory Committee (BFAC) – receipt of minutes and consideration of recommendation (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 to:

- Receive the Bush Fire Advisory Committee (BFAC) Meeting Minutes for 20 April 2023, 24 August 2023 and 6 December 2023; and
- Consider a recommendation from the BFAC regarding the Work Health and Safety (WHS) Status Report.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 July 2022 - OCM160/07/22 - COUNCIL RESOLUTION - extract

That Council:

3. *REQUESTS the Chief Executive Officer convene a special working group of Shire Officers, the CBFCO and brigade Captain's to develop an enhancement strategy plan for the next 5 years to be presented via BFAC in November and to the OCM December 2022.*

Background

The Shire proactively undertook audits of the management, facilities and operations of the Volunteer Bushfire Brigades as a gap analysis and to determine what corrective actions for minimum compliance with the WHS Act and Regulations to be completed by 31 March 2023. The Worksafe Commissioner has provided a further update that the transitional period for minimum compliance with the new WHS Act and Regulations is 12 months from 31 March 2023.

Following the formation of the Volunteer Bushfire Brigade Enhancement Working Group, and as a result of further internal consideration of the audit outcomes by the Working Group,



it was determined there was a need to establish an overall program for tasks, within three key program areas:

1. Facilities: 109 corrective actions identified, as outlined in **attachment 4**.
2. Training: 4 corrective actions identified, as outlined in **attachment 5**.
3. IT and Procedures: 21 corrective actions identified, as outlined in **attachment 5**.

Consistent with the Shire's Project Management Framework, these were structured with clear scopes, project sponsorship, project management and project resources allocated to achieve the intended program outcomes.

Community / Stakeholder Consultation

A status report was presented to the 20 April 2023 BFAC meeting on the progress of works achieved up to 31 March 2023 regarding the Audit Findings Corrective Actions. BFAC members requested Officers to undertake further consultation with the Brigade Captains about the status of the compliance works to ensure agreement on the accuracy of the report.

Consultation has been undertaken with Brigade Captains to ensure that there was agreement relating to the status of the facility WHS remedial works. The results of this consultation are captured in the Corrective Action Tables at **attachments 4 and 5** and summarised in the Comment section of this report.

The status report on the Audit Findings Corrective Actions was subsequently presented to a Special BFAC meeting on 24 August 2023 and a BFAC meeting on 6 December 2023. The BFAC made a recommendation regarding the Audit Findings Corrective Actions at its December meeting and is provided in the minutes at **attachment 3**.

Statutory Environment

- *Bushfires Act 1954*
- *Work Health and Safety Act 2020*

Comment

The Shire has worked with the Brigades to progressively close out actions relating to facilities maintenance and repair identified in the original audits and the status of each item has been agreed by both the Shire and the individual Brigades as outlined in **attachments 4 and 5**.

Following feedback from Brigade Captains at the August Special BFAC meeting, the corrective actions registers have been updated to state whether the corrective action is "complete" or "Controlled with additional actions required" to ensure the register accurately represents the current situation at the time of writing this report.

The status of each item been classified as follows:

1. Completed - Controls in Place

All items that have been addressed, with the hazard either eliminated or with a control in place have been marked as completed. Generally, ongoing monitoring is expected to be



undertaken by Brigade Captains and/or Shire WHS Officers to mutually ensure ongoing compliance.

2. In Progress

This describes that an action is controlled, with additional actions or controls recommended to further reduce or eliminate the risk.

3. Not Started

It is noted that no items in the audits have been classified as not started. All items are either completed, or in progress.

The table below provides a summary of the current status of all corrective actions identified by the third-party audits of the Volunteer Bushfire Brigades, as per the program areas identified by the Working Group:

| Audit | VBFB Facility Review LGIS | WHS Audit Report - Workplace Safety Consultants | | Totals |
|-------------------------------|---------------------------|---|----------|--------|
| | | Facilities | Training | |
| Corrective Actions Identified | 109 | 4 | 21 | 134 |
| Complete | 91 | 0 | 8 | 99 |
| In Progress | 18 | 4 | 13 | 35 |

Completed Items

From the commencement of this project there has been a significant increase in the level of facility compliance across all brigades. This is evidenced by a reduction in the number of hazards and corrective actions identified at the monthly WHS inspections, being undertaken by the Shire's WHS Officer.

Of all the 134 corrective actions identified, there are controls in place to mitigate the risk. Each of these items are specifically referenced in attachments 4 and 5, with 91 completed actions relevant to facilities and 8 items relevant to IT and Procedures.

Officers and brigade volunteers have worked together to meet the minimum training requirements identified in the audit, to ensure that the brigades are staffed by appropriately qualified and competent crews for the management and suppression of Bushfires in the area. This has included brigade officers obtaining minimum qualifications, and all active members completing their pre-season competencies.

A Brigade Volunteer portal has been developed, creating an online platform for the completion of the brigade monthly reporting, as well as vehicle and facility fault reporting. This is currently in the testing phase with the Mundijong Brigade.



Items In Progress

Of the 134 corrective actions initially identified in the audits, there are 35 items that are currently in progress. The status of these items is detailed in **attachments 4 and 5**.

Ongoing Actions and Next steps

Facilities - Project Development

In undertaking corrective actions to date and in consultation with the Brigades, additional actions to further mitigate or eliminate hazards within the facilities have been agreed via the following projects:

- a) Construction of the Oakford Fire Station.
- b) Byford Fire Station Enhancement Project.
- c) Serpentine Fire Station Enhancement Project.

A summary of the status of the three facility projects is provided below:

| Project/Facility | Status |
|---|---|
| Oakford Fire Station New Build | Concept Design complete following engagement with Oakford Volunteer Bush Fire Brigade, SJ Emergency Support Brigade and Department of Fire and Emergency Services. Tender has closed and submissions being reviewed. |
| Serpentine Fire Station Enhancement Project | Concept design has been agreed and works are in progress. |
| Byford Fire Station Enhancement Project | Concept design in progress to enable the project to progress to design and construction. Engagement is ongoing with the Brigade. |

A summary of the 18 facility correction actions that are in progress is provided below:

| Item | Task | Hazard | Comment | Funded – yes/no? |
|------|---|---|---|---|
| 1.01 | Facility - Change Room - Byford | No changeroom facilities in building/emergency response | Due to poor amenities/ lack of space and condition of the building, changerooms proposed to be part of Byford Enhancement Project (Engineered control). Concept design in development. | Yes. \$200,000 allocated in 2023/24 Budget for Byford Enhancement Project |
| 1.02 | Facility - Storage Vehicle Parking - Byford | The light tanker parking arrangement, which encroached into the training room | Due to poor amenities/ lack of space and condition of the building, upgrade required to eliminate risk (Engineered control). This is being considered through the Byford Enhancement Project. | No. |



| Item | Task | Hazard | Comment | Funded – yes/no? |
|------|--|---|--|---|
| | | | Concept design in development. | |
| 1.03 | Facility Storage Vehicle Parking Byford | - The proximity of fire response vehicles to roller doors, - restricting movement around the vehicles | Due to poor amenities/ lack of space and condition of the building, upgrade required to eliminate risk (Engineered control). This is being considered through the Byford Enhancement Project. Concept design in development. | No. |
| 1.04 | PPE - Lockers – Byford | The lack of lockers, resulting in PPEC being stored in limited space adjacent to the fire response vehicles | Due to lack of space, installation of compliant storage containers to eliminate risk not currently achievable (Engineered control). To be considered for implementation through the Byford Enhancement Project. Concept design in development. | Yes. \$200,000 allocated in 2023/24 Budget for Byford Enhancement Project |
| 1.05 | Station General Tidiness Byford | - Poor housekeeping practise | This hazard partially caused by lack of available storage spaces to eliminate risk (Engineered control). Improved storage options to be considered for implementation through the Byford Enhancement Project. Concept design in development. | Yes. \$200,000 allocated in 2023/24 Budget for Byford Enhancement Project |
| 1.12 | Hazardous - No material safety data sheets (MSDS) were observed to be present - Byford | Poor Hazardous/ Dangerous Material Storage | Hazardous Materials Awareness Training in development and to be made available to the Brigade Members. | Yes. Currently being created to roll out with One Comm Training package. |
| 1.13 | Hazardous - Flammable goods, | Poor Hazardous/ Dangerous Material Storage | Aerosols to be stored in Flammable Dangerous Goods Storage Cabinet | Yes. Training currently being created to roll out |



| Item | Task | Hazard | Comment | Funded – yes/no? |
|------|--|---|---|--|
| | flammable liquids not stored appropriately - - Byford | | | with One Comm Training package. |
| 2.07 | Hazardous - No material safety data sheets (MSDS) were observed to be present - Oakford | Poor Hazardous/ Dangerous Material Storage | Hazardous Materials Awareness Training in development and to be made available to the Brigade Members. | Yes. Currently being created to roll out with One Comm Training package. |
| 3.08 | Hazardous - No material safety data sheets (MSDS) were observed to be present - Mundijong | Poor Hazardous/ Dangerous Material Storage | Hazardous Materials Awareness Training in development and to be made available to the Brigade Members. | Yes. Currently being created to roll out with One Comm Training package. |
| 3.15 | Emergency Response Vehicle Readiness - Mundijong | Lack of vehicle storage / emergency response | The vehicles are stored, by necessity, in close proximity to each other and roller doors. This lack of vehicle storage space reduces free access to the vehicles and increases the risk of personal injury, vehicular or facility damage. | DFES capital grant to be accepted as part of New Oakford Fire Station and relocation of ESB will eliminate the risk. |
| 4.03 | Hazardous - No material safety data sheets (SDS) were observed to be present - Serpentine | Poor Hazardous/ Dangerous Material Storage | Hazardous Materials Awareness Training in development and to be made available to the Brigade Members. | Yes. Currently being created to roll out with One Comm Training package. |
| 4.12 | PPE - Change Rooms - Serpentine | No changeroom facilities in building/ emergency response | Due to poor amenities/ lack of space and condition of the building, changerooms proposed to be part of Serpentine Enhancement | Yes. \$90,000 allocated in 2023/24 Budget for Byford |



| Item | Task | Hazard | Comment | Funded – yes/no? |
|------|--|--|--|--|
| | | | Project (Engineered control). Concept design in development. | Enhancement Project |
| 4.17 | Facility / Shelving - Serpentine no Working Load Limit (WLL) | Poor housekeeping practise | WLL Plates being fabricated, and once supplied will be installed. | Yes. |
| 5.05 | Hazardous - No material safety data sheets (MSDS) were observed to be present – Keysbrook | Poor Hazardous/ Dangerous Material Storage | Hazardous Materials Awareness Training in development and to be made available to the Brigade Members. | Yes. Currently being created to roll out with One Comm Training package. |
| 6.08 | Hazardous - No material safety data sheets (MSDS) were observed to be present - Jarrahdale | Poor Hazardous/ Dangerous Material Storage | Hazardous Materials Awareness Training in development and to be made available to the Brigade Members. | Yes. Currently being created to roll out with One Comm Training package. |
| 6.09 | Facility / Shelving - Jarrahdale | Poor housekeeping practise | WLL Plates being fabricated, and once supplied will be installed. | Yes. |

Training and IT and Procedures

With the 4 in progress actions for Training and 13 in progress actions for IT and procedures, these relate to the finalisation of the OneComm Volunteer Brigade Portal and rollout and training to the Shire's volunteer brigades.

Summary

Of the 18 facility corrective actions that are in progress, only two corrective actions remain unfunded. It is recommended that a Business Case be developed for the 2024/25 Budget for Council to consider the Corrective action items 1.02 and 1.03 for the Byford Brigade Station that are currently unfunded. The Business Case would also be used to make an application through the State Government's Local Government Grant Scheme.



Shire Officers will continue with the finalisation of the OneComm Volunteer Brigade Portal and rollout and training to the Shire's volunteer brigades to complete the Training and IT and Procedures actions.

Options

Option 1

That Council:

1. RECEIVES the Bush Fire Advisory Committee (BFAC) Meeting Minutes for 20 April 2023 at **attachment 1**, 24 August 2023 at **attachment 2** and 6 December 2023 at **attachment 3**.
2. RECEIVES the update on the progress made against the 134 corrective actions identified in the audits on the management, facilities, and operations of the Volunteer Bushfire Brigades, which identified:
 - a) All 134 corrective actions have been controlled to reduce their risk;
 - b) 99 corrective actions have been completed; and
 - c) 35 corrective actions with controls in place have additional works identified to further reduce risks.
3. REQUESTS that the Chief Executive Officer prepares a Business Case for Byford Brigade Station Corrective Action items 1.02 and 1.03 for Council's consideration as part of the 2024/25 Budget and for submission through to the State Government's Local Government Grant Scheme.

Option 2

That Council:

1. DOES NOT RECEIVE the Bush Fire Advisory Committee (BFAC) Meeting Minutes for 20 April 2023 at **attachment 1**, 24 August 2023 at **attachment 2** and 6 December 2023 at **attachment 3**.
2. DOES NOT RECEIVE the update on the progress made against the 134 corrective actions identified in the audits on the management, facilities, and operations of the Volunteer Bushfire Brigades, which identified:
 - a) All 134 corrective actions have been controlled to reduce their risk;
 - b) 99 corrective actions have been completed; and
 - c) 35 corrective actions with controls in place have additional works identified to further reduce risks.

Option 1 is recommended.

Conclusion

The Shire and Volunteer Bush Fire Brigades have worked collaboratively over the past 15 months, to address corrective actions identified for compliance with the WHS Act and Regulations.



Of the 134 corrective actions originally identified, 99 have been completed and 35 have controls in place to reduce the risk and have additional actions identified to further reduce risks.

Shire Officers will continue to work with the Brigades to complete items identified in the audits and on the delivery of three key projects, being the Oakford Fire Station (new build), Serpentine Fire Station (Enhancement Project) and Byford Fire Station (Enhancement Project).

Of the 18 facility corrective actions that are in progress, only two corrective actions remain unfunded. It is recommended that a Business Case be developed for the 2024/25 Budget for Council to consider the Corrective action items 1.02 and 1.03 for the Byford Brigade Station that are currently unfunded.

Shire Officers will continue with the finalisation of the OneComm Volunteer Brigade Portal and rollout and training to the Shire’s volunteer brigades, which will result in the 4 Training and 13 IT and Procedures actions being complete.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Confirmed Minutes of the Bush Fire Advisory Committee Meeting held on 20 April 2023 (E23/4958)
- **10.4.3 - attachment 2** – Confirmed Minutes of the Special Bush Fire Advisory Committee Meeting held on 24 August 2023 (E23/9951)
- **10.4.3 - attachment 3** – Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held on 6 December 2023 (E23/17024)
- **10.4.3 - attachment 4** - Bush Fire Advisory Committee (BFAC) - WHS Corrective Action Plan Facilities - Master Spreadsheet (E24/718)
- **10.4.3 - attachment 5** - Bush Fire Advisory Committee (BFAC) - WHS Corrective Action Plan Procedures and Training - Master (E24/719)

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

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 | During the 2024/25 Budget setting process, Council is unable to fund the Business Case for Byford Brigade Station Corrective Action items 1.02 and 1.03 | Administrative controls in place for Byford Brigade Station to reduce the risk. | Physical or Psychological | Possible | Minor | MODERATE | Apply for funding through Local Government Grant Scheme. |
| 2 | Not considering the BFAC recommendation could indicate that the views and feedback from BFAC is not valued. | Option 1 | Reputation | Unlikely | Minor | LOW | |

Voting Requirements: Simple Majority



OCM027/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin , Seconded Mack

That Council:

- 1. RECEIVES the Bush Fire Advisory Committee (BFAC) Meeting Minutes for 20 April 2023 at attachment 1, 24 August 2023 at attachment 2 and 6 December 2023 at attachment 3.**
- 2. RECEIVES the update on the progress made against the 134 corrective actions identified in the audits on the management, facilities, and operations of the Volunteer Bushfire Brigades, which identified:**
 - a) All 134 corrective actions have been controlled to reduce their risk;**
 - b) 99 corrective actions have been completed; and**
 - c) 35 corrective actions with controls in place have additional works identified to further reduce risks.**
- 3. REQUESTS that the Chief Executive Officer prepares a Business Case for Byford Brigade Station Corrective Action items 1.02 and 1.03 for Council's consideration as part of the 2024/25 Budget and for submission through to the State Government's Local Government Grant Scheme.**

CARRIED UNANIMOUSLY (en bloc at 8.24pm) 5/0

**10.4.4 – Byford Rail Extension - Public Art Selection Panel (SJ4361)**

| | |
|--|--|
| 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 select representatives to be part of the Byford Rail Extension (BRE) public art selection panel.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The Byford Rail Extension (BRE) Project being delivered by the State Government (Metronet) will provide connection for residents of the Shire to the Perth CBD. The train line is currently being extended approximately 8km from the existing Armadale station to a new ground-level station in Byford.

A program-wide approach to public art delivery is being undertaken as part of the project, drawing inspiration from Aboriginal and local culture, history, landscapes and place.

For the BRE project, three public art projects are currently in progress, as described in image 1. Two of the projects pertain to the Shire of Serpentine Jarrahdale and City of Armadale, with Under the Viaduct being relevant to the City of Armadale only.

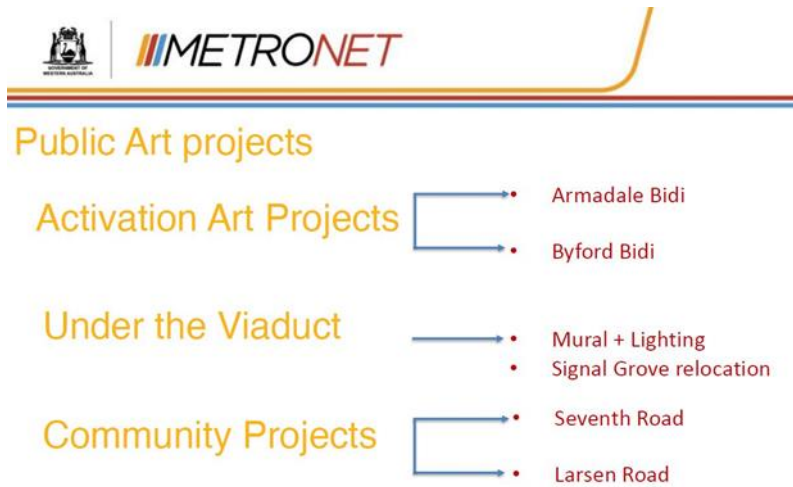


Image 1: Byford Rail Extension Public Art Projects

A Public Art selection panel will convene for each of the projects, with two local representatives on each panel:

1. Shire of Serpentine Jarrahdale (Elected Member)
2. Local community representative.

This report seeks confirmation for an Elected Member representation on these panels.

Community / Stakeholder Consultation

Both public art selection panels are to have local community representation. The following representatives are currently confirmed:

Activation Art Project (Byford Biddi)

Representative: Current member of the BRE Community Reference Group (CRG)

Community Project (Larsen Rd)

Representative: Marri Grove Primary School

Statutory Environment

Legislation

- *Railway (METRONET) Act 2018*

Local Planning Framework

- Local Planning Policy 1.6 - Public Art Policy for Major Developments.



Comment

Public art plays an important role in providing social, economic and environmental benefits. Metronet’s Public Art Strategy aims to ensure the program’s legacy of transformative transport infrastructure and contribute to the unique identity of each station and precinct.

The procurement process for public art involves multiple stakeholders, and a selection panel is to convene to assist the selection process. Officers consider representation from the local community essential, as these representatives will be best placed to ensure the local character and identity is appropriately reflected throughout the process.

Further engagement and discussion is also required over the life of the BRE project, to determine PTA’s proposal for management of Public Art and what role the Shire may have with maintenance of Public Art. Involvement in the public art selection panel would provide valuable insight into the potential requirements for any managing body in the future.

Officers have been advised that the following representatives are to be part of the public art selection panels. The make-up of the panels differs between the public art projects:

- Public Transport Authority - Public Art Coordinator.
- METRONET (x3).
- METCONNEX (x5).
- City of Armadale (1x Community Representative, 1x Elected Member).
- Shire of Serpentine Jarrahdale (1x Community Representative, 1x Elected Member).
- Apparatus (x3) - ex officio, appointed Public Art Consultant.

Participation requires the following time commitment:

- Time to review submissions (no formal meeting – all submissions confidentially forwarded to participant).
- Full day shortlisting meeting in Perth CBD location - per Public Art Project (2 days total).
- Attendance at Artist Concept Proposal (ACP) presentations for the Community Project. Time and date TBA, however proposed for early May 2024.

Officers recommend accepting the opportunity to nominate an Elected Member on the public art panels relevant to the Shire of Serpentine Jarrahdale.

Options

Option 1

That Council:

1. AGREES to the following Elected Member appointments on the Byford Rail Extension Public Art Selection Panels:

| Panel | Member | Deputy Member |
|------------------------|--------|---------------|
| Activation Art Project | | |



| | | |
|--|---------|---------|
| (Byford Bidli) Community Project (Larsen Rd) | Cr_____ | Cr_____ |
|--|---------|---------|

2. REQUESTS the Chief Executive Officer advise Metronet of Council’s decision.

Option 2

That Council:

1. DECLINES to nominate any Elected Member representation on the Byford Rail Extension Public Art selection panels; and
2. REQUESTS the Chief Executive Officer advise Metronet of Council’s decision.

Option 1 is recommended.

Conclusion

The Byford Rail Extension (BRE) Project, being delivered by the State Government (Metronet), includes three public art projects currently in progress, with two of these public artworks being located within the Shire of Serpentine Jarrahdale.

The procurement process for public art involves multiple stakeholders, and a selection panel is to convene to assist the selection process. Officers recommend accepting the opportunity to have an Elected Member represented on the public art panels, for projects relevant to the Shire of Serpentine Jarrahdale.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

| |
|---|
| Connected |
| 2. Contribute to a well-connected, accessible and healthy community |
| 4. Facilitate an inclusive community that celebrates our history and diversity |

Financial Implications

There are no financial implications relevant 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 | There are no material risks identified in Option 1. | | | | | | |
| 2 | Council would not have any representation on the public art selection panel for the Metronet projects within its jurisdiction, which could result in community feedback or sentiments not being considered in the selection process. | Officers recommendation | Strategic Stakeholder Relationships | Possible | Minor | MODERATE | Local community representation on selection panels have been appointed. |

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. AGREES to the following Elected Member appointments on the Byford Rail Extension Public Art Selection Panels:

| Panel | Member | Deputy Member |
|---------------------------------------|---------|---------------|
| Activation Art Project (Byford Bidli) | Cr_____ | Cr_____ |
| Community Project (Larsen Rd) | | |

2. REQUESTS the Chief Executive Officer advise Metronet of Council's decision.



The Chief Executive Officer advised no nominations were provided in writing prior to the meeting.

The Presiding Member, President Coales, nominated himself as a member to the Byford Rail Extension Public Art Selection Panel.

The Presiding Member, President Coales, called for further nominations. No further nominations were received.

OCM028/02/24**COUNCIL RESOLUTION****Moved Cr Duggin, Seconded Cr Jerrett****That Council:**

- 1. AGREES to the following Elected Member appointments on the Byford Rail Extension Public Art Selection Panels:**

| Panel | Member |
|--|-------------------------|
| Activation Art Project (Byford Bidli) Community Project (Larsen Rd) | President Coales |

- 2. REQUESTS the Chief Executive Officer advise Metronet of Council's decision.**

CARRIED UNANIMOUSLY 5/0*Reason for difference*

To allow consideration of a Deputy member following the extraordinary election in March 2024.

**10.5 Executive Services reports:**

| | |
|--|--|
| 10.5.1 - Nominations for position on Peel Development Commission Board (SJ1514) | |
| 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

| | |
|-----------|---|
| 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 determine if Council wishes to nominate an Elected Member for consideration to the appointment on the Board of the Peel Development Commission.

Relevant Previous Decisions of Council

Nil.

Background

The Chief Executive Officer received correspondence from the Peel Development Commission inviting Council to nominate for members of the Peel Development Commission Board (**attachment 1**).

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

The Chief Executive Officer emailed a copy of the correspondence received to all Elected Members on 13 December for information and advising this matter will be presented to the Council for consideration at the February OCM.

Nominations are now sought from Council if there is an Elected Member who wishes to nominate to be considered on this board.



Options

Option 1

That Council NOMINATES _____ for one of the Local Government representatives on the Peel Development Commission Board.

Option 2

That Council RESOLVES NOT TO NOMINATE an Elected Member as one of the Local Government representatives on the Peel Development Commission Board.

Conclusion

This is for Elected members to consider if they wish to be nominated and Council to determine whom (if anyone) it wishes to nominate.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Correspondence and attachment from the Peel Development Commission (E24/1593)

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. Strengthen and grow the local tourism industry |
| 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

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 identified in Option 1. | | | | | | |
| 2 | Council would not have any representation on the Peel Development Commission Board. | Officers recommendation | Strategic Stakeholder Relationships | Possible | Minor | MODERATE | Other regional advocacy options explored. |

Voting Requirements: Simple Majority

Officer Recommendation

That Council NOMINATES _____ for one of the Local Government representatives on the Peel Development Commission Board.

The Chief Executive Officer advised there are now two positions available on the Peel Development Commission Board.

The Chief Executive Officer advised nominations were received in writing prior to the meeting from President Coales and Councillor Duggin.

The Presiding Member, President Coales, called for further nominations. No further nominations were received.



OCM029/02/24

COUNCIL RESOLUTION

Moved Cr Jerrett, seconded President Coales

That Council NOMINATES

- **President Coales; and**
- **Cr Duggin**

as the Local Government representatives on the Peel Development Commission Board.

CARRIED UNANIMOUSLY 5/0



| 10.5.2 - Infrastructure Directorate Review (SJ514) | |
|---|--|
| 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

| | |
|-----------|---|
| 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 seeks Council approval to a variation to the organisational structure, including the creation of an Executive Manager role for a two-year period in response to significant increase in workload in the Infrastructure Directorate.

Relevant Previous Decisions of Council

Nil.

Background

Adjustments have been made to the organisational structure over the past 4 or 5 years as the need has arisen.

When the Infrastructure Directorate Structure was reviewed in 2021 Officers identified at the time the potential need for a 5th Directorate to manage the workload in the infrastructure and operations areas. However, at the time this was not recommended and did not progress due to costs and to allow time to assess the volume of work.

Officers believe this workload has now reached a magnitude that warrants consideration of this but are proposing a trial and interim step for a two-year period funded using savings from last financial year.

Community / Stakeholder Consultation

Staff have been advised of this proposal and consultation on this new role (Executive Manager Operations) is being undertaken, pending Council approval.

If the new structure and positions are approved by Council, staff will be consulted on the details and any changes to reporting relationships below this position.



Statutory Environment

Section 5.2 of the Local Government Act 1995 states:

5.2. Administration of local governments

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

This role is not proposed to be a Senior Officer in accordance with the Local Government Act 1995 although it will report to the Chief Executive Officer.

Comment

Over recent years at various points in time and during previous organisational restructure Officers have considered recommending Council introduce a 5th Directorate to effectively manage the workload and growth across the organisation.

However, either the timing has not been right, or Officers have been concerned about the ability of the organisation to afford a 5th Directorate.

There are five main drivers for considering a review and potential change to the Infrastructure Directorate Structure at this time, namely:

1. The volume and complexity of capital projects to be delivered over the coming 5 years.
2. Major State Government Projects occurring in the Shire.
3. Major Operational requirements and changes
4. The need for more detailed Strategic Asset Management and forward capital works programming.
5. How the natural environment is managed across the Shire.

These issues will be further explained below.

Capital Projects.

Currently funded plus future projects in the next 5 years (2024 – 2029) are as follows:

- Hypergrowth Roads - \$14M (remaining to be delivered from initial \$18M)
- MRRG rehabilitation road projects (annually) \$1.5M = \$7.5M over next 5 years
- Road reseals (Annually - RtR funded) \$0.75 (estimated) = \$3.75M
- Keirnan Park Stage 1A - \$22M
- Admin Office and Chambers \$9M
- Oakford Fire Station – estimated \$3.5M
- Keirnan Park Stage 1B (BMX – DCP) - \$8.7M
- Black Spot projects - \$10M
- Skate Park - \$1M
- Indigo Parkway (DCP) - \$6M
- Briggs Park pavilion (DCP) - \$3.73M
- Glades District Community Facility (DCP) \$4.24M
- Upgrade to the Pound (\$ TBD)
- Principal shared path – Soldiers Road - \$3M
- New Depot (\$ TBD)
- Byford train station toilets and change room – estimated \$800k



- Various other capital projects which are in the planning phase, including lighting at 2 x ovals, depot upgrades, footpaths, drainage upgrades etc over the next 5 years estimated at \$10M

These projects have a combined value in excess of \$100 million. Many of these projects were either just advocacy positions or not confirmed projects at the last review of the Infrastructure Directorate. This list does not include any of the current State and Federal Government Election Advocacy priorities endorsed by Council for the 2025 elections.

As can be seen from the above the Shire is increasingly being successful at attracting funding for projects such as road upgrades.

Beyond the above list (which are due for completion on or before 2030) the table following identifies the additional community infrastructure which is scheduled for delivery between 2030 to 2035.

| Project | Timeline (Completion) | 2023/24 current capital cost est. (millions) |
|---|--------------------------------------|---|
| Byford Library | Medium Term: 2030 to 2035 | 6.56 |
| Briggs Park Youth Centre | | 3.42 |
| Orton Road DSS | | 4.06 |
| Lindt St Playground | | 0.43 |
| Whitby (Reilly Road) DSS | | 3.07 |
| Mundijong Dog Park | | 0.67 |
| Keirnan Park Youth Centre | | 3.33 |
| Whitby Playground | | 0.43 |
| Briggs Park Recreation Centre Extension | | 4.99 |
| Cardup Brook Playground | | 0.43 |
| Mundijong Whitby Skate Park | | 3.87 |
| Hopkinson Road DSS | Long Term: 2036 | 4.06 |



More than ever it is important for the Shire that these capital projects are delivered well, on time and budget as this will impact upon the ability of the Shire to attract further funding into the future.

External State Government Major Projects

The State Government projects including MetroNet and Tonkin Highway Extension are now ramping up into construction phases. During this time Officers are predicting an increased involvement/liaison with the Shire on the detail of these projects and impact upon the local community and roads.

Operational and Waste major initiatives

At the June 2023 Ordinary Council Meeting, Council adopted the recommendations from the Glen Flood Review for operations centre and waste transfer station. Significant progress has been made implementing these recommendations particularly for the Operations Centre as can be seen from the progress report at **attachment 1**. However more work is needed and the greater risk to the organisation is that the Infrastructure Directorate is focused upon delivering the above-mentioned capital projects that the operations area does not get the focus of someone senior in the organisation to drive and solidify the improvements made.

In addition to this the closure late last year of the Waste Transfer Station has created a significant volume of work which was not planned for in this Directorate. The successful implementation of the short/medium term issues together with implementation of whatever the final decision Council makes in terms of the future of the WTS will only see this work continue. The WTS and green and hard waste collections is of great importance to the community and Officers want to be able to ensure the resources are available at a senior level in the organisation to implement Councils decisions in a timely manner. Failure to do this could impact upon the brand of the organisation in the community.

Strategic Asset Management and forward Capital Works Plans

The Shire is on a journey to improve it's Strategic Asset Management. This has focused for the past two years on collecting asset data and recording it in One Comm. The focus is now moving to creating meaningful Strategic Asset Management Plans for all asset classes and 10-year capital works programs.

These are particularly needed for Roads and Footpaths which are currently not in existence or very poor quality. Such programs based upon sound strategic asset management planning will increase the Shire's success in attracting funding for roads and footpaths across the Shire and ensure ratepayer funds are spent appropriately on demonstrated priorities and needs.

Management of the Natural Environment

Officers are concerned that as an organisation the management of the natural environment does not currently align with the community's expectations and priorities.

Increasingly clearing approvals associated with capital projects are being accompanied by the requirement to provide environment offsets to the clearing occurring. The Shire has not been required to do this in the past nor does the organisation currently have a strategic plan



for how this will be managed across all capital projects over the coming years. This work needs to be done at a strategic level to ensure the Shire is able to deliver its capital program.

What is proposed?

As can be seen from the above there is an increasing level of strategic work required in the current Infrastructure Directorate. However, Officers are unsure if this current workload will continue past two years and if a 5th Directorate can be afforded by the organisation without placing undue pressure on ratepayers.

Therefore, it is proposed to create a position of the Executive Manager Operations role for a period of two years. This is proposed to split the Infrastructure Directorate into two areas as outlined as follows:

- Infrastructure
 - Capital Projects
 - Engineering
 - Strategic Projects
 - Strategic Asset Management
- Operations
 - Parks and Gardens
 - Waste (TBD from 1 July)
 - Fleet
 - Civils Maintenance
 - Facility Maintenance
 - Natural Environment (TBD)

The final makeup of the teams would be subject to further consultation with the organisation over the coming months. It is anticipated that the final structure will be presented to Council as part of the 2024/25 financial year budget.

The two new roles requested (Executive Manager – Operations and Personal Assistant) are proposed to be funded from savings in last year's surplus. Allocating \$750,000 of this surplus to the Operations Optimisation Reserve will mean that funds can be drawn over the coming two years from this reserve and not from rate rises.

Any new roles in addition to these roles will be considered like any other positions as part of the 2024/25 FY budget process.

At the end of the two-year trial a report will be presented to Council to evaluate the effectiveness of this change and options moving forward.

Officers now believe this change is needed to effectively manage the workload in the Infrastructure Directorate and it can be afforded without an impact upon rates by using an allocation from the previous year's surplus to fund the two-year trial.

If approved by Council an internal EOI process will be concluded first to fill the role of Executive Manager Operations. If this doesn't result in any suitable candidates an external advertising process will be undertaken. This is a process which has been undertaken with other internal roles across the organisation in an effort to improve career and succession pathways providing for greater retention of high performing employees and retention of valuable corporate knowledge.



Options

Option 1

That Council:

1. APPROVES the creation of a two-year Executive Manager Operations and Personal Assistant roles as outlined in this report reporting to the Chief Executive Officer.
2. NOTES that funding for these positions will be drawn down from the Operations Optimisation Reserve.
3. RESOLVES that any additional positions resulting from this change are considered by Council as part of the 2023/24 FY budget process.

Option 2

That Council DOES NOT APPROVE these new positions or change to the organisational structure at this time.

Conclusion

The Shire is at a critical time of growth. There is a requirement to successfully deliver the committed capital projects on time and budget to address community priorities and assist in attracting future funding.

This report proposes a two year trial of a new structure to meet the current and future demands of the organisation as outlined in this report.

The use of savings from the previous financial years will mean that ratepayers will not need to accommodate this increase in salary levels as part of the next two financial years.

Attachments (available under separate cover)

10.5.2 - attachment 1 – Progress Reporting - Glen Flood Review Operations and Facilities

Alignment with our Council Plan 2023-2023

| |
|---|
| 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 |
| 2. Improve maintenance and investment in roads and paths |
| 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 |

Financial Implications

It is recommended the following new positions are funded from the proposed Operations Optimisation Reserve (see report 10.3.5 on this agenda):



- Executive Manager Operations
- Personal Assistant

Any other new positions in addition to the above will be considered by Council as part of the normal 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 | Disruption from change which may impact on staff morale and performance. | Consultation and engagement with staff | Organisational Performance | Unlikely | Minor | LOW | Nil |
| 2 | <p>Several impacts as described in this report including.</p> <ul style="list-style-type: none"> • Business continuity • Staff turnover • Customer complaints • Funding bodies dissatisfaction and loss of future opportunities • Lack of strategic asset management plans <p>Ultimately this would have a significant effect on the organisation's performance, reputation</p> | Existing structure | Organisational Performance | Likely | Major | HIGH | Nil |



| | | | | | | | | |
|--|------------------|-----------|--|--|--|--|--|--|
| | and outcomes. | community | | | | | | |
|--|------------------|-----------|--|--|--|--|--|--|

Voting Requirements: Simple Majority

OCM030/02/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Jerrett

That Council:

1. **APPROVES** the creation of a two-year Executive Manager Operations and Personal Assistant roles as outlined in this report reporting to the Chief Executive Officer.
2. **NOTES** that funding for these positions will be drawn down from the Operations Optimisation Reserve.
3. **RESOLVES** that any additional positions resulting from this change are considered by Council as part of the 2023/24 FY budget process.

CARRIED UNANIMOUSLY 5/0



Continued

Ordinary Council Meeting Minutes Monday, 19 February 2024

10.6 Confidential reports:

Nil.

11. Urgent business:

Nil

**12. Elected Member questions of which notice has been given:**

| | |
|---|--|
| 12.1 – Elected Member Questions of which Notice has been Given - Roads that Traverse Private Land (SJ4373) | |
| Elected Member | 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> . |

The following question was received from Councillor Duggin via email on Thursday, 8 February 2024.

Question 1

Please provide details of roads that traverse private land to provide access to the property of a third party. Can the response please include a map and approximate distances?

Officer Response

Roads which traverse private land are described as private roads.

The term is applied to those roads set out on a plan of subdivision of privately owned land, under s167A(1) of the *Transfer of Land Act 1893*.

This was an adopted practice at the turn of last century, whereby private roads / private rights of ways were used to facilitate sanitary collections from the rear of subdivided lots, which predated the *Town Planning and Development Act 1928*.

Such private roads were appurtenant only to those lots on the plan which abutted the private road.

Within the Shire, the examples of private roads that did exist, but no longer exist, were concentrated around the early subdivision of Old Byford. These were:

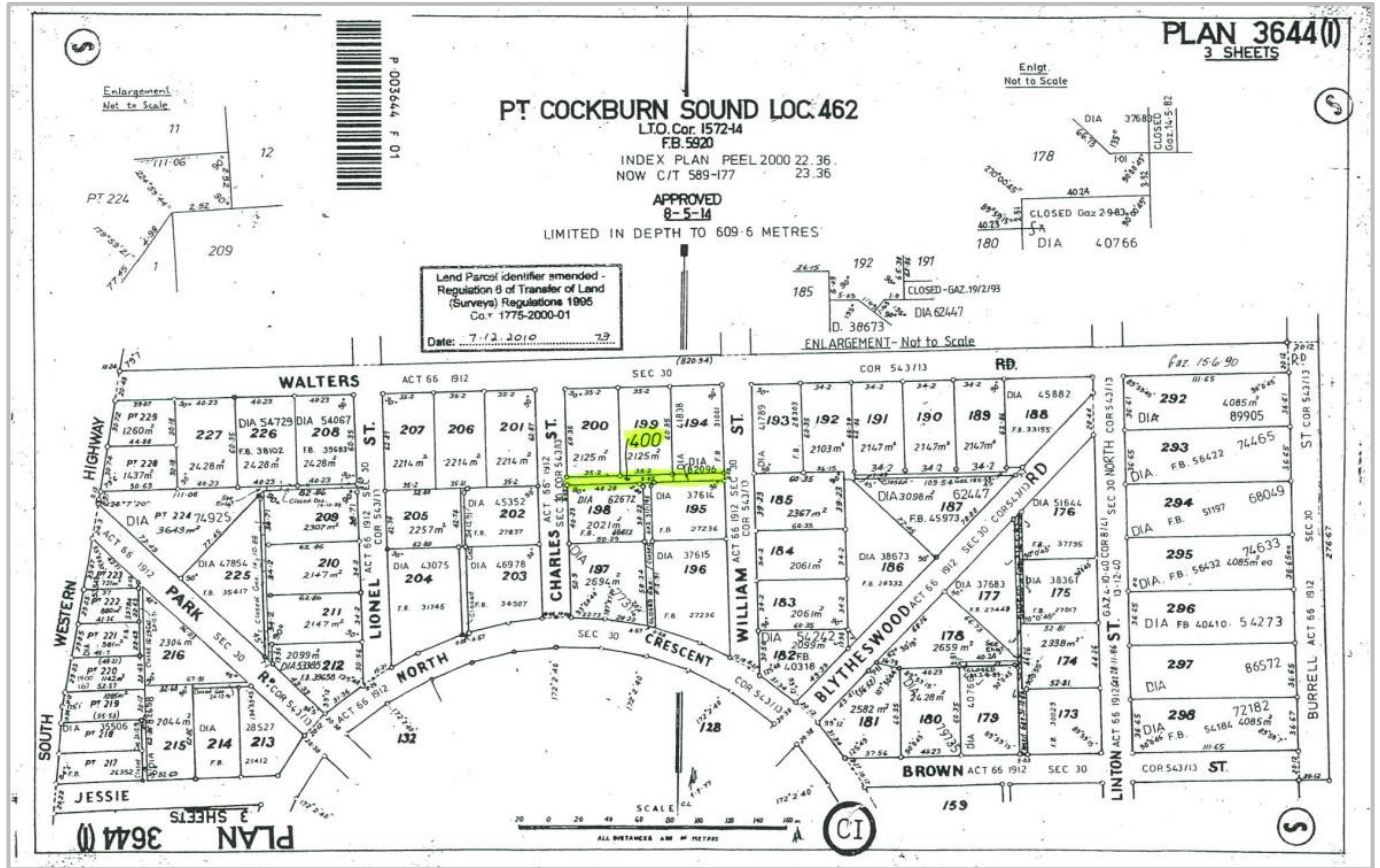
1. Lot 400 – located between Charles Street and William Street.
2. Lot 401 – located between Blytheswood Road and Park Road.
3. Lot 402 – located between Brown Street and Shelley Street.
4. Lot 403 – located between Clara Street and Blytheswood Road.
5. Lot 404 – located between Blytheswood Road and Mary Street.
6. Lot 405 – located between Amy Street and Catherine Street.
7. Lot 406 – located between Shelley Street and Park Road.
8. Lot 407 – located between South Western Highway and Mary Street.
9. Lot 408 – located between Mary Street and Amy Street.
10. Lot 409 – located between May Street and Catherine Street.

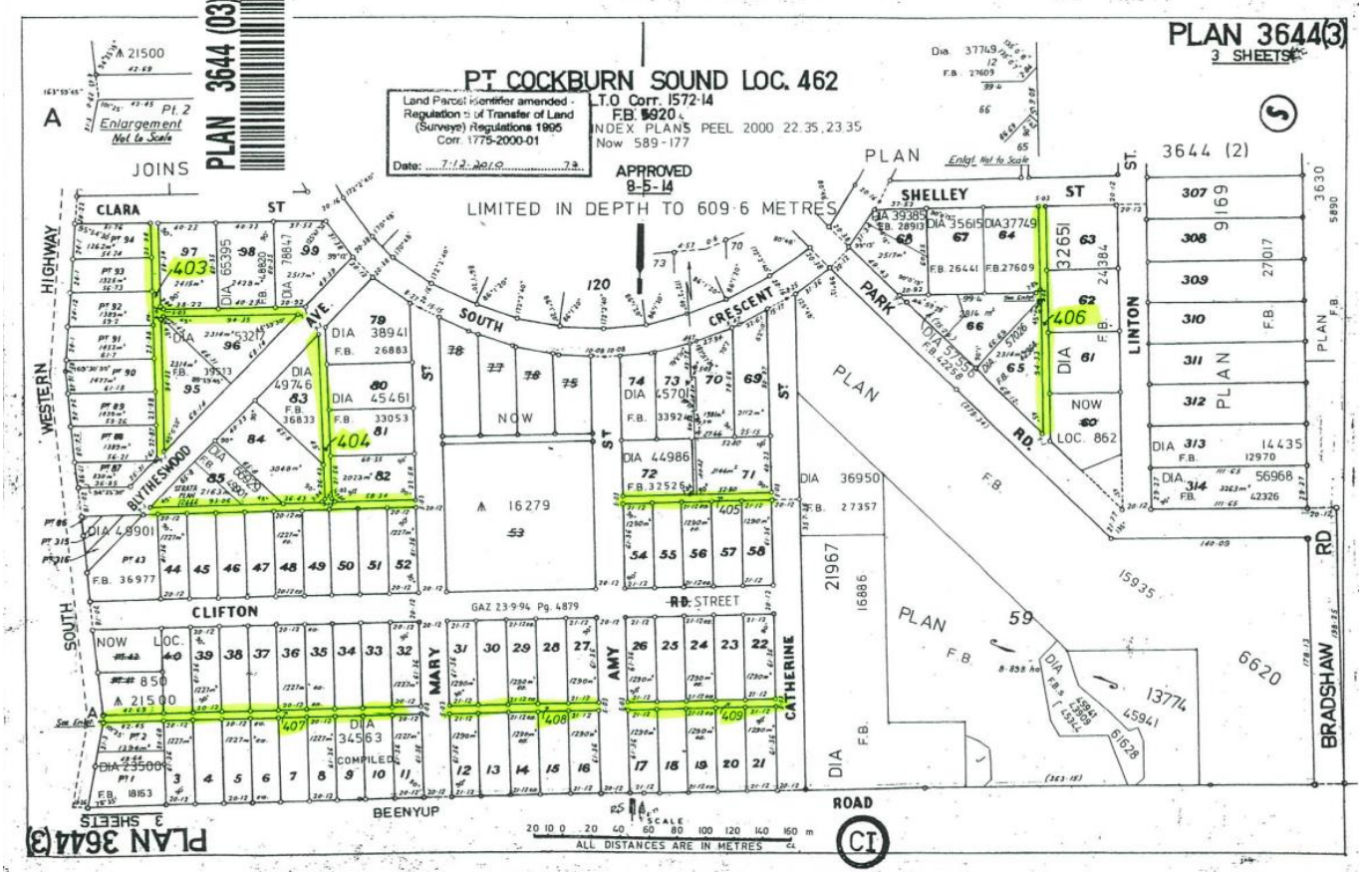
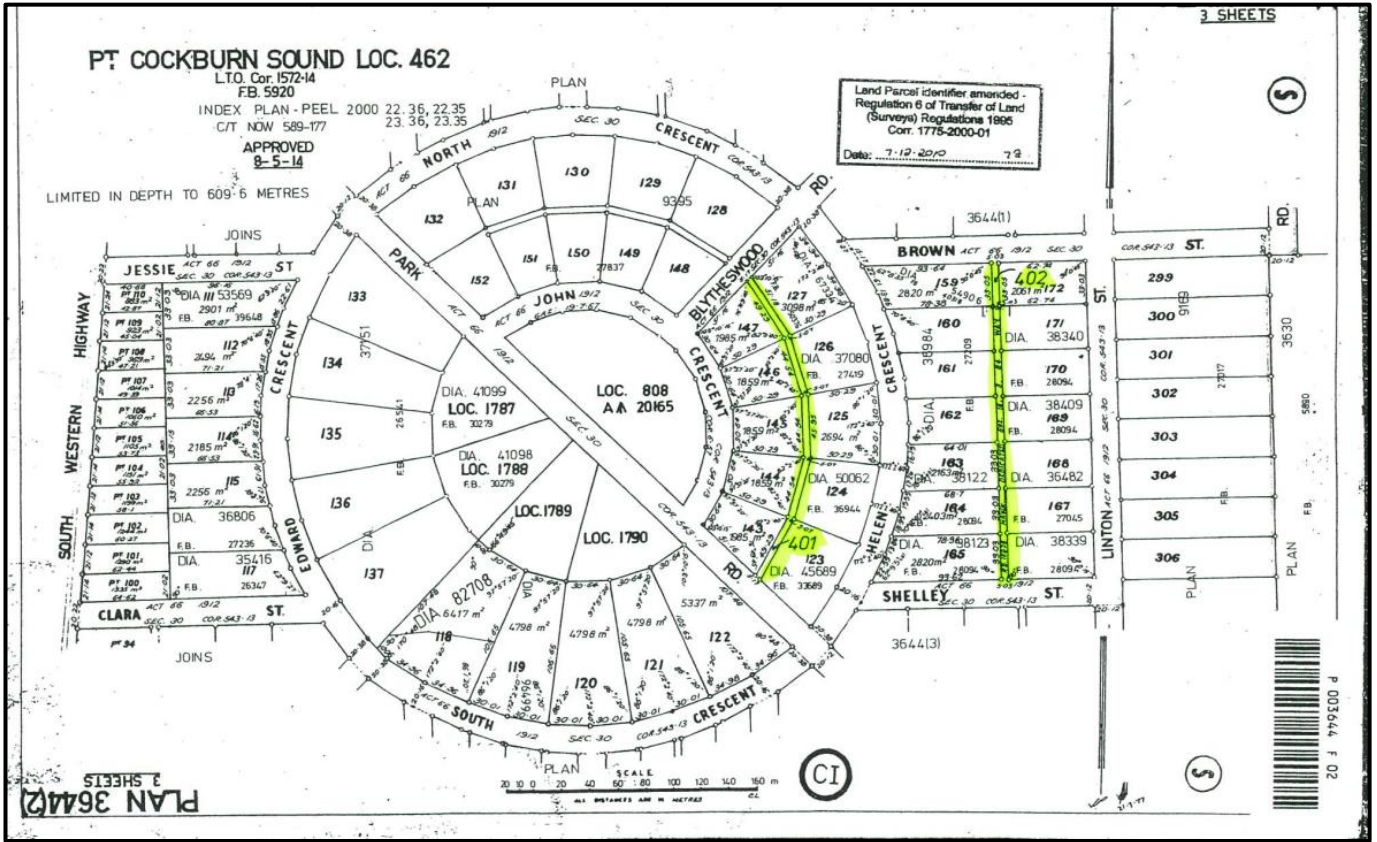
Council, at the 28 April 2014 meeting, resolved under Section 56 of the *Land Administration*



Act 1997 for these private rights of ways to be dedicated as public roads. The Minister agreed to this, placing responsibility for these new public roads with the Shire.

Being private roads shown on a plan of subdivision, no compensation is payable when such are vested as public roads.







The laneways of Serpentine and Mundijong were not created privately, but rather publicly. Officers are not aware of any examples of any current private roads as defined under the *Transfer of Land Act 1893*.

Throughout the Shire's larger land holding areas, for example in rural residential subdivision, it is common that some properties will share access legs to gain legal road frontage (to a Shire public road). This sharing is formalised through a reciprocal rights of access easement over such access legs. These easements remain as private arrangements, with benefiting and burdening allotments as set out in the reciprocal rights of access agreement.



12.2 – Elected member Questions of which Notice has been Given – Shire Expenditure – Catering | Photography Videography | Corporate Communications (SJ4373)

| | |
|---|--|
| 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> . |

The following questions were received from Councillor Byas via email on Monday 12 February 2024.

Question 1

For the months of December 2023 and January 2024, what was the total amount spent on catering for councillors?

Officer Response

The total amount (ex GST) spent on catering for councillors for the months of December 2023 and January 2024 was \$973.29. This comprises of \$433.50 for December 2023 and \$539.79 for January 2024. This catering is also provided for senior staff.

Question 2

For the months of December 2023 and January 2024, what was the total amount spent on photography and videography services?

Officer Response

The total amount (ex GST) spent on photography and videography services for the months of December 2023 and January 2024 was \$4,522.50 for the following activities:

- Community Night Festival Photography (\$750)
- Councillor Headshots Photography (\$150)
- 2023 Christmas Lights Competition Photography (\$1,125)
- Australia Day Photography (\$600)
- Shire President’s Disability Access and Inclusion Plan Videography (\$577.50)
- Christmas Sundowner Photography and Videography (\$1,320)

Question 3

During the Q2 period of FY23-24 what was the total amount spent against Budget project number "4100 - Corporate Communications"?

**Officer Response**

The total spend for budget project number '4100 – Corporate Communication' in Q2 of 2023-24 was:

| Natural Account (C5) | Quarter 2 Only - Actual |
|-----------------------------|--------------------------------|
| 6000 - Salaries | 77,177.79 |
| 6010 - Sick Leave | 2,249.61 |
| 6020 - Annual Leave | 7,771.78 |
| 6024 - Purchased Leave | - 704.14 |
| 6030 - Superannuation | 12,771.50 |
| 6035 - Allowances | 4,716.96 |
| 6050 - Training | - |
| 6057 - Travelling | 133.95 |
| 6058 - Uniforms | 15.82 |
| 6059 - WC Insurance | 4,687.45 |
| 6125 - Materials | - |
| 6130 - Stationery | 260.00 |
| 6131 - ProgActivities | 1,818.18 |
| 6230 - Consultancy | - |
| 6267 - Website Mtce | 2,050.00 |
| 6349 - Corporate Design | 540.00 |
| 6364 - Subs & Licences | 27,420.36 |
| 6386 - Marketing & Pro | 22,129.93 |
| 6388 - AgencyLabourHire | 15,581.89 |
| 6411 - Mobile | - |
| Total | 178,621.08 |

Additional information provided at the meeting by the President Member, President Coales:

Since December 2023, there has been other videos produced such as the Seniors Week Launch, Christmas Lights Competition Launch, Christmas Lights Winners, SMS alert video and 2 Ordinary Council Meeting video wrap ups. Those videos were all completed in house using the existing resources within the Shire where previously they would have been produced by a professional outsourced company, thereby we have saved residents and ratepayers money.

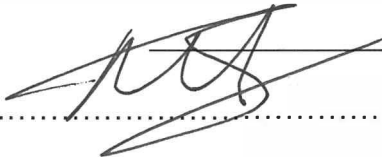


13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 8.56pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on
18 March 2024


..... Presiding Member – President Coales
..... 18 MAR 24 Date