



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 11 December 2023

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## Contact Us

### Enquiries

Call: (08) 9526 1111  
Fax: (08) 9525 5441  
Email: [info@sjshire.wa.gov.au](mailto:info@sjshire.wa.gov.au)

### 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](http://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 30 October 2023 -

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Vacant
11/12/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	
04/12/23	Q & A (OCM)	✓	✓	✓	✓	✓	✓	
27/11/23	PCF	✓	✓	✓	✓	✓	✓	
20/11/23	OCM	✓	✓	A	✓	✓	✓	
13/11/23	Q & A (OCM)	✓	✓	A	✓	✓	✓	
06/11/23	SCM	✓	✓	A	✓	✓	✓	
30/10/23	SCM	✓	✓	✓	✓	✓	✓	

### Council 1 January 2023 – 21 October 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
16/10/23	OCM	✓	✓	✓	✓	✓	✓	A	✓	✓
09/10/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	✓	✓	A
02/10/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
18/09/23	OCM	✓	✓	A	✓	EP	✓	✓	✓	A
11/09/23	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/09/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/09/23	PCF	✓	✓	✓	A	A	✓	✓	✓	A



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## Ordinary Council Meeting Minutes Monday, 11 December 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
28/08/23	PCF	✓	A	A	✓	A	✓	✓	✓	✓
23/08/23	OCM reconvened	✓	✓	✓	✓	✓	✓	✓	✓	A
21/08/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
14/08/23	PCF cont. (from 07/08/23)	✓	✓	✓	A	✓	✓	✓	A	✓
14/08/23	Q & A (OCM)	✓	✓	✓	A	✓	✓	✓	✓	✓
07/08/23	PCF	✓	✓	A	A	✓	✓	✓	✓	✓
02/08/23	WORKSHOP (CEO Employment - Presentation of self- assessment report against criteria)	✓	✓	✓	✓	A	✓	✓	A	✓
31/07/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/07/23	PCF	✓	✓	A	✓	A	✓	A	✓	✓
19/07/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	A	✓	✓
17/07/23	OCM	✓	✓	A	✓	A	✓	A	✓	✓
10/07/23	Q & A (OCM)	✓	✓	A	A	A	A	A	✓	✓
03/07/23	PCF	✓	✓	✓	A	A	A	✓	A	✓
26/06/23	PCF	✓	✓	A	✓	A	✓	✓	A	✓
21/06/23	OCM reconvened	✓	✓	A	✓	✓	✓	✓	✓	A
19/06/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/06/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	✓	✓	A
12/06/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	A	A	A
07/06/23	WORKSHOP (Budget)	✓	A	A	✓	✓	✓	✓	✓	A
01/06/23	WORKSHOP (Budget)	✓	A	✓	A	✓	✓	✓	✓	A
29/05/23	PCF	✓	A	A	A	A	✓	✓	✓	A
25/05/23	WORKSHOP (Budget)	✓	✓	✓	✓	✓	✓	✓	A	✓



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## Ordinary Council Meeting Minutes Monday, 11 December 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
22/05/23	PCF	✓	✓	✓	✓	A	✓	✓	✓	A
15/05/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
08/05/23	Q & A (OCM)	✓	✓	A	✓	A	✓	✓	✓	A
08/05/23	WORKSHOP (Strategic Community Plan Major Review)	✓	✓	✓	✓	A	✓	✓	✓	A
01/05/23	PCF	✓	A	✓	✓	✓	✓	✓	✓	A
26/04/23	PCF	✓	A	✓	✓	A	✓	✓	A	A
17/04/23	OCM	✓	✓	A	✓	✓	✓	✓	A	✓
17/04/23	Q & A cont. (OCM)	✓	✓	A	✓	✓	✓	✓	A	✓
11/04/23	Q & A (OCM)	✓	✓	✓	A	A	✓	✓	A	A
03/04/23	PCF	✓	✓	A	✓	A	✓	✓	✓	✓
27/03/23	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
13/03/23	Q & A (OCM)	✓	A	✓	✓	✓	✓	✓	✓	A
08/03/23	WORKSHOP (Status update / report on 2022-23 CEO KPIs)	✓	A	A	A	A	A	✓	✓	A
02/03/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/02/23	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
27/02/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/02/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/02/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/02/23	WORKSHOP (Community Perception Survey)	✓	✓	✓	✓	✓	✓	✓	✓	A
13/02/23	Q & A (OCM)	✓	✓	A	✓	A	✓	A	✓	✓



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## Ordinary Council Meeting Minutes Monday, 11 December 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
06/02/23	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
06/02/23	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
30/01/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation - Community Perception Scorecard)	✓	✓	✓	✓	✓	✓	A	✓	✓

**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.



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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, 11 December 2023 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.

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## Minutes

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

**President:** R Coales.....Presiding Member

**Councillors:** N Bishop  
M Byas  
T Duggin  
R Jerrett  
S Mack

**Officers:** Mr P Martin.....Chief Executive Officer  
Mr R Najafzadeh.....Director Infrastructure Services  
Mr F Sullivan .....Director Corporate Services  
Mr A Trosic .....Director Development Services  
Dr K Parker .....Manager Governance and Strategy  
Ms M Gibson.....Governance Officer – Council and Committees  
(Minute Taker)

**Leave of Absence:** Nil.

**Apologies:** Mr B Oliver, Director Community Engagement

**Observers:** 20

### 2. Public question time:

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

##### Ordinary Council Meeting – Monday, 20 November 2023

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 20 November 2023. Correspondence was sent to Mrs Bond on Friday, 1 December 2023 (OC23/21933).

##### Question 1

What qualifications, knowledge or requirements does a Firebreak Inspector require before being appointed to the position for the Shire?



### Response (Director Community Engagement)

Please refer to the Position Description for the Bushfire Mitigation Officer role (Attached) which outlines the responsibilities of the role and the selection criteria.

### Position Description

Position Title	Bushfire Mitigation Officer		
Level	6	Position Number	5176 / 5294
Department Service Area	Emergency Services		
Directorate	Community Engagement		
Position Accountable To	Coordinator Emergency Services		

#### Position Accountable For:

Position Title	Level	Number of staff
Nil		

#### Liaises with

Internal: All Staff and Councillors

External (Includes but not limited to): Volunteer Bush Fire Brigades, Contractors, suppliers, government bodies, consultants, developers, elected members, community members and other [stakeholders](#)

#### Shire of Serpentine Jarrahdale Values:

##### We focus on the customer

###### We Do

- Our customers are at the core of everything we [do](#)
- We deliver consistently high service internally and [externally](#)
- We respect each other and our customers

###### We Don't

- Ignore or unnecessarily delay customer [enquiries](#)
- Treat people with disrespect
- Speak negatively about the Shire, [Officers](#) or Councillors

##### We do the right thing

###### We Do

- Act with integrity, [honesty](#) and respect
- Create a sustainable environment for our people and the [community](#)
- We do what we say and we say what we do

###### We Don't

- Engage in aggressive or passive aggressive behaviour or treat each other with contempt.
- Break the [rules](#)
- Waste

##### We act Safely

###### We Do

- We always put safety [first](#)
- We take active responsibility for the safety of ourselves and our [colleagues](#)
- We care about each other and the environment.

###### We Don't

- Take safety short [cuts](#)
- Shun our safety [responsibilities](#)
- Harm ourselves or the environment



### We work as a team

#### We Do

- Work together and help each other
- Consider our impact on others
- Take time to celebrate milestones and success

#### We Don't

- Buy into gossip
- Share information inappropriately
- Expect to see blame, negativity or judging

### Position Summary:

This position is responsible for supporting the Emergency Services team to plan and implement reserve management and mitigation works on Shire-managed lands in accordance with recognised standards and best practice.

### Responsibilities of Position:

Listed below are the primary Key Result areas of the position. The list is not exhaustive, and the occupant of the position may be required to undertake other duties that could reasonably be expected of a person occupying a position at this level

Key Result Area	Position Responsibilities
<b>Mitigation</b>	<ul style="list-style-type: none"> <li>• Undertake a review of the Shires Bushfire Risk Management Plan</li> <li>• Facilitates the mitigation of impact of bushfires on the community, assets, and infrastructure by developing Reserve Management and Mitigation Plans for the Shire of Serpentine Jarrahdale.</li> <li>• Assess, <del>analyse</del>, and map bushfire fuel loads and risk through field assessments, desktop research and aerial imagery.</li> <li>• Develop treatment/works programs to manage bushfire risk on Shire-managed lands.</li> <li>• Prepare Burn Prescriptions and supervise Prescribed Burning activities.</li> <li>• Coordinate implementation of treatment activities resulting from risk assessment and works program.</li> <li>• Liaises with stakeholders, government departments, Shire staff and contractors regarding mitigation work within Serpentine Jarrahdale.</li> <li>• Operates and maintains support systems of data and records using GIS, Excel, and records management systems.</li> <li>• Assists with the coordination of controlled/prescribed burning program of Shire reserves, road verges and drains.</li> <li>• Provide guidance to the parks and environmental management team regarding fire mitigation strategies including firebreak maintenance.</li> </ul>
<b>Emergency Management</b>	<ul style="list-style-type: none"> <li>• Assist and undertakes community education, projects, events, <u>workshops</u> and assists with grant applications as required to support bushfire mitigation.</li> <li>• Undertakes functions and activities that support compliance with emergency services legislative requirements.</li> <li>• Respond to emergency incidents as and when required.</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>• Recording and assisting with the enforcement of "Permits to Set Fire to the Bush".</li> <li>• Undertake Emergency Services projects and programs as determined by the Coordinator Emergency Services.</li> <li>• Coordinate and Conduct Annual Firebreak Inspections</li> <li>• Assist with any other tasks as required by the Coordinator Emergency Services.</li> </ul>



<b>Customer Service</b>	<ul style="list-style-type: none"> <li>• Provide excellent customer service and ensure that enquiries are answered promptly and dealt with efficiently.</li> <li>• Promote a positive public image of the Shire by displaying a courteous and professional attitude during contact with residents, the development industry, State Government Agencies and landowners.</li> <li>• Demonstrate commitment to the Shire's Customer Service Standards.</li> </ul>
<b>WHS Responsibility</b>	<ul style="list-style-type: none"> <li>• Apply current WHS principles and practices within the work area.</li> <li>• Comply with the Work Health and Safety Act 2020, the Shire's risk minimisation strategies and ensure completion of monthly Positive Performance Indicator's Report.</li> </ul>

### Selection Criteria

Applicants are not required to address each element of the selection criteria but should provide sufficient information to enable the selection panel to make an informed assessment of their suitability for this position.

#### **Essential Criteria**

1. Strong communication, time management and organisation skills.
2. Demonstrated knowledge and understanding of bushfire risk assessment, mitigation, and treatment methodologies.
3. Firefighting/emergency management qualifications.
4. Demonstrated ability to motivate and work effectively as a team member.
5. Demonstrated ability to self-motivate and work effectively unsupervised.
6. "C" class driver's licence.

#### **Desirable Criteria**

1. Experience in the use of Technology One system.
2. Experience in use of GIS programs (particularly Quantum GIS and DFES Bushfire Risk Management System).
3. Previous local government emergency management knowledge and experience.
4. Ability to prepare and acquit grant applications as required to support bushfire mitigation.
5. Regulatory Officer Compliance Skills (ROCS) 1 & 2

<b>Reviewed by:</b>	David Richer
<b>Position:</b>	Coordinator Emergency Services
<b>Date:</b>	August 2023

### Question 2

What requirements are there for cooperation of the fire management with regard to the Shire, Police, local fire brigades and DFES since a recent BBQ suggested Police and Rangers were part of an awareness information was provided and yet all these failed on the 4/11/23?

*Response (Director Community Engagement)*

*The Serpentine Complex Fires that occurred on the weekend of the 4 November 2023 were managed by the State Government through the Department of Biodiversity, Conservation and Attractions and Department Fire and Emergency Services.*

*The Shire's Volunteer Brigades provided assistance in the emergency response to the Serpentine Complex Fires and the Shire provided welfare support through the*



*activation of our Emergency Evacuation Centre and Large Animal Welfare Facility for impacted residents.*

*All agencies implemented their pre-existing response plans and worked collaboratively to ensure the safety of the community and to protect property.*

*In addition to the above, the effective management of fires requires collaboration among various entities, including local government bodies, Rangers, law enforcement, fire brigades, and emergency services. Key requirements for successful cooperation typically encompass several fundamental elements, some of these include:*

- 1. Command and Control: In Western Australia, during a bushfire incident, the command-and-control structure adheres to a hierarchical system designed for efficient coordination and management of emergency response efforts.*
- 2. Coordination and Collaboration: Establishing formal protocols and communication channels among involved entities is crucial. This involves regular meetings such as the Shire's Local Emergency Management Committee, and can include joint exercises, and coordinated planning to address fire prevention, preparedness, and emergency response strategies.*
- 3. Information Sharing: Sharing pertinent information and resources among these entities is essential. This includes data on fire risks, emergency plans, updated maps, and real-time information during fire incidents for a unified and effective response.*
- 4. Resource Allocation and Support: Ensuring availability and accessibility of firefighting equipment, personnel, and specialised units to all involved entities is crucial for an effective response.*
- 5. Community Engagement and Education: Collaborating on community engagement initiatives and educational programs aimed at raising public awareness about fire safety, prevention measures, evacuation procedures, and emergency preparedness significantly contributes to public safety.*
- 6. Review and Improvement: Regularly evaluating cooperation mechanisms and response strategies allows for continuous improvement in fire management and emergency response, ensuring adaptability to changing circumstances and enhancement of overall effectiveness.*

### Question 3

What is the demountable parked at the animal incarceration point in the Shire being used for and what did it cost?

*Response (Director Development Services)*

*The demountable is an existing Shire building asset, that was being used for archival storage at the Shire's administration centre. Following archiving being removed from the asset, the building became available for use elsewhere and was relocated to the Shire's Pound Reserve in order to provide for storage. The building is currently being used to store equipment, that can be accessed quickly in an emergency (for example when the Shire is required to establish an emergency animal evacuation centre within the Shire). There may be other*



*potential options for the building, however these are subject to further investigations and Council consideration.*

Questions asked by **Ms Fiona Lowe** at the Ordinary Council Meeting, Monday, 20 November 2023. Correspondence was sent to Ms Lowe on Tuesday, 28 November 2023 (OC23/21889).

Question 1

Have the damaged walls in the Rec Centre basketball courts been repaired or replaced?

*Response (Director Infrastructure Services)*

*This project is being progressed this financial year. Shire Officers are currently in discussion with building consultants to finalise the most viable/cost-effective solution for the internal wall cladding for both the extreme sports and sport court walls. The proposed solution must meet the current building code and Australian Standards and a range of other environmental codes. This consultation is critical to inform the final scope/specification for procurement of materials and a contractor in the coming months.*

Question 2

What is the current status of the maintenance of the verges and drains in the North West Ward?

*Response (Director Infrastructure Services)*

*There are no planned maintenance activities for specific drains in this area this financial year. Data is being analysed currently to inform the program for July 2024-June 2025.*

*The Shire policy for Urban verge maintenance states the maintenance of verge treatments is the responsibility of the resident of the property adjoining the verges. This is accepted practice throughout Australia. The maintenance of the North West Ward of the Shire is a current priority, and the Operations Team are implementing as much as possible with the resources available this financial year. A Local Service Agreement between the Shire and a professional contractor has now been awarded for the maintenance of Shire managed verges in this area and works are scheduled from next week at Rowley Road. Planned internally resourced maintenance will be progressed based on programs of work.*

## **2.2 Public questions:**

**Public question time commenced at 7:02pm.**

**The Presiding Member, President Coales called forward Mr John Kirkpatrick to ask his submitted Public Questions. Mr Kirkpatrick was not in attendance at the meeting. The Presiding Member, President Coales advised that written responses will be provided to Mr Kirkpatrick.**

**Mr Rhett Hislop, Oakford WA 6121**

Question 1

The Shire currently employs multiple Bushfire Mitigation Officers. Are Bushfire Mitigation Officers permitted to respond to emergency incidents under emergency



driving conditions, including bushfire, structure fires, or road crashes, during the business hours that they are expected to be executing their normal duties as Bushfire Mitigation Officers?

*Response (Chief Executive Officer)*

*Yes. Their position description includes the following as one of the positions key responsibilities:*

*“To respond to emergency incidents as and when required.”*

*However, the Shire values and appreciates the great work done by our 8 volunteer Bush Fire Brigades and Units and I would like to meet with you to talk about the roles and responsibilities of Bushfire Mitigation Officers of the Shire to better understand and address any concerns you have.*

**Ms Lisa Brazier, Mundijong WA 6123**

**Question 1**

In regards to item 10.1.7 Proposed Metropolitan Region Scheme Amendment – West Mundijong Urban Precinct - Request for Preliminary Comment on tonight’s agenda the proponent only acknowledges 1 export feed lot in their report, that being Peel Feedlot – is the Shire aware of the cattle export yards located next door to Peel Feedlot that is operated by Livestock Shipping Services?

*Response (Director Development Services)*

*Yes, Officers are aware of these uses. The report includes requesting the WAPC undertake a further level of subregional planning for the broader precinct, so as to provide a clearer regional plan that can adequately protect existing uses like those mentioned in the long term.*

**Question 2**

Does the Shire feel that there is a possibility of both these exporting businesses being forced to close in the future if adjacent land is zoned urban and through the rezoning of this land to urban, is this an easy way of the government to banning live export?

*Response (Director Development Services)*

*The report includes requesting the WAPC undertake a further level of subregional planning for the broader precinct, so as to provide a clearer regional plan that can adequately protect existing approved uses being able to continue. This includes those noted rural uses south of Mundijong Road, being the operating feed lots.*

**Mr Bill Denholm, Karrakup WA 6122**

**Question 1**

It is widely alleged in the community the Shire operations were performing drainage works at the Watkins Road Transfer Station. These works excavated through the landfill capping to expose the asbestos! Was the necessary approvals received from DWER and were the risk assessments done prior to these works commencing? As it is a well-known contaminated site as acknowledged by the Shire sign on entry road. Has this operations error cost the Shire \$1.2million as per the report?



*Response (Director Infrastructure Services)*

*No. The Shire intended to undertake drainage improvement works at the Waste Transfer Station in September 2023. Undertaking drainage improvement works did not require DWER approval. As part of the risk assessment in preparation for this work, investigation was undertaken to identify presence of any asbestos at the site. This included excavating test pits to determine the thickness of the capping and any contaminants including asbestos. It was these test pits that confirmed the presence of asbestos and resulted in the Shire taking appropriate action by closing the site to protect the community and staff.*

Question 2

Re Kiernan Street – water. Earlier in the year I was told by Shire Officers that DWER would almost certainly grant approval to draw water from the deep aquifer. Has this approval been granted, could the community please have an update on the precinct progress?

*Response (Director Infrastructure Services)*

*The drilling for the second deep aquifer bore was delayed due to the site being too wet to access until late October. The H2 Water investigation as requested by DWER is coming to a close next week. The water investigation report, which will include the results of the water testing will be sent to DWER on 18 December 2023, for their consideration and approval.*

*Response (Chief Executive Officer)*

*We will be updating information on the Shire's website with the current, more up to date project status for that project.*

Question 3

As we know, a school is being built on the corner of Briggs and Thomas Roads. I thought the original Briggs family home was to be incorporated into the site as it has historical significance. Is the Shire aware that this house has been flattened and removed? How does the Shire maintain other places of historical significance if this is allowed to occur? Relatives of the family still reside in SJ. I know it devastated them that they can no longer see the house and its history!

*Response (Director Development Services)*

*The Shire values and works to protect its local heritage assets. The Shire has recently completed its 2022 Local Heritage Survey, which forms the basis to identify places of cultural heritage significance. This informs considerations by Council on places to consider elevating to the Heritage List under the Scheme, which affords a degree of protection for listed places.*

*Officers are aware that the homestead was recently demolished. The homestead was located on the corner of Briggs Road and Eurythmic Road, and coincided with land designated for a future primary school. The homestead was not formally listed on the Shire's Local Heritage Survey, or on the Shire's Heritage List.*

*The Shire's Heritage Survey is available on the Shire's website, and Officers are happy to receive nominations of potentially important places from the community at any point in time for consideration on the register.*



**The Presiding Member, President Coales asked if there were any public questions from the floor at 7:11pm.**

**Mrs Lee Bond, Box 44 Armadale WA 6122**

Question 1

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

*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

Do you call 000 only when you see the flames?

*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

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

*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.*

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

**Public question time concluded at 7:13pm.**

**3. Public statement time:**

**Public statement time commenced at 7:13pm.**

**Mr Rhett Hislop, Oakford WA 6121**

Good evening Councillors. The Shire of Serpentine Jarrahdale is fortunate enough to be home to 8 different emergency services brigades or units ready to assist residents and the broader community of Western Australia when disaster strikes. Since October, the majority of the Shire's fire brigades have been extremely busy at a time of year when most community members are reminded of the vital role emergency services volunteers play in providing a critical service to the public. During recent bushfires in various parts of the state, emergency services volunteers from Serpentine Jarrahdale witnessed first-hand the public's gratitude. At the Wanneroo bushfire, for example, residents lined the streets to clap incoming fire crews to thank them for saving their lives and properties, and every evening on the news, residents were interviewed thanking volunteer firefighters for their quick and selfless actions.



Unfortunately, when volunteers return home from such incidents, the same gratitude is not often forthcoming from this Shire.

An underwhelming culture amongst our local emergency services has permitted the bullying and intimidation of volunteers from some in the Shire's employ. There is a lack of transparency, collaboration, and consultation with those who freely give up their time to help others in need, all of which are fundamental for recruiting and retaining volunteers. But perhaps worst of all is the lack of value placed on the time volunteers give up and the ease at which volunteers are treated as free labour.

I implore this Council to genuinely evaluate the current state of emergency services in this Shire. Every year, the value of a volunteer firefighter increases over the summer, only to disappear once the bushfires do, and then volunteers are lost, often for the reasons I've mentioned. There are surrounding Local Governments doing it better and brighter, ensuring volunteers receive the respect and attention they deserve. But what those areas don't have are the volunteers we do. Better and brighter. Thank you.

**Ms Lisa Brazier, Mundijong WA 6123**

I would like to make some brief comments on item 10.1.7 - Proposed Metropolitan Region Scheme Amendment - West Mundijong Urban Precinct - Request for Preliminary Comment and note that Main Roads, Water Corporation and Westport are not in support of the scheme amendment due to the site not being identified in the South Metropolitan Peel Sub-Regional Planning Framework.

Whilst the proponent has tried to justify for the site to be included in the South Metropolitan Peel Sub-Regional Planning Framework within their attached Planning Report, I feel there are some flaws and emissions, and it is not truly reflective of the present development within the Shire.

The proponent has identified that there are only four nearby land uses that have the potential to be affected by the proposed urbanisation of the WMUP, due to their separation distances and buffer requirements. These being Peel Feedlot, West Mundijong Industrial Area, King Road Brewery and a former Waste Materials Stockpile, Sorting, and Recycling Lot.

I would propose that all landowners bounded by the site are affected and should have been identified given the proposed change from rural to urban land. I believe they have should have identified the licenced cattle exporting yards operated by Livestock Shipping Services located on corner of Lightbody and Mundijong Roads. This facility is licenced to hold 5,000 head of cattle at any one time. LSS is a Perth based Australian company that supplies livestock from Australia to markets around the world and has a market presence worth \$180 million annually to the Australian economy. They have a fleet of 11 vessels operating worldwide of which 4 operate out of Australia on a regular basis. To not identify such a significant business to the Agricultural industry is flawed and misleading. Both LSS and Peel Feedlot are ideally positioned for the future Westport facility and B Double Road trains traditionally do not mix well in urban areas.

I also noted that farming land located west of Kargotich Road is not identified as being potentially affected by the proposed urbanisation, from our experience within our own farming business – the current urbanisation within Whitby has had an impact on our operations and whilst the Shire's vision is City living offering a rural lifestyle with abundant opportunities for a diverse community – this is not always practical. Along Leipold Road we have existing Dog Kennels – again not always conducive to urban living.



The proponent in their rationale for urbanisation has stated that “Much of the new urban areas proposed by the Draft Mundijong District Structure Plan are characterised by multiple, small landholdings in fragmented ownership; without any Local Structure Planning proposed or in place” It should be noted that this comment predominantly represents Precinct F and is not reflective of other precincts that do have LSP’s approved. Furthermore, maps that have been used throughout the documentation in reference to the Mundijong District Structure Plan are not current and there is also a fundamental failure to identify any urban development within the Byford and Cardup precincts. By not accurately identifying the full development with all existing urban precincts of the Shire – gives very skewed and inaccurate data.

**Ms Courtney Mazzini, Byford WA 6122**

I would like to commend the Council on their efforts to listen to the community during these past few months after the closure of the Waste Transfer Station. There have been a number of conflicting opinions from residents on how this complicated issue can proceed and be resolved, and it is clear there is no easy answer that will suit everyone's needs and desires. This is simply a 'pat on the back' for taking the time to consult the residents both informally and formally, even when some of the views were not expressed respectfully. Appreciations also to the Shire staff for preparing the updated report and recommendation.

**Mr Bill Denholm, Karrakup WA 6122**

In regard to Councillor Byas’ notice of motion. This motion comes at a time when cost of living pressures are hitting our local families hard. It’s been recently reported that Byford has the highest rate of mortgage defaults in WA, and unfortunately, from memory, was ranked in the top 5 suburbs in Australia. Councillors, you have the ability and authority to make a decision outside of the Shire policy of a max of \$500 for donations. Previously, \$1,800 was donated to top up a community grant for a Christmas party for Centrepont Church for the needy, a great idea! But I am sure it totalled over \$3,000. This money is for food, etc., basic sustenance. Each week this group gives over 200 hampers to the people in need, all voluntary. I ask all you Councillors, please consider increasing the amount to at least \$2,000. The community needs it.

Finally, I would like to thank the SJ Shire for the \$200 sporting grant to one of my boys. He represented Australia in Singapore and they went undefeated in the world series netball tournament. The financial assistance was appreciated. Thank you.

**The Presiding Member, President Coales asked if there were any public statements from the floor at 7:21pm.**

**Mrs Lee Bond, Box 44 Armadale WA 6122**

Made a statement regarding verge treatments and spraying.

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

**Public statement time concluded at 7:23pm.**

**4. Petitions and deputations:****Mr Benedict McCarthy from Planning Horizons regarding item 10.1.1 - Proposed Amendment to 'Animal Establishment' (Dog Kennels) - Lot 2, 302 Leipold Road, Oldbury (PA23/537)**

Good Evening Mayor, Elected Members and Shire Staff. Since 'Doggy Daycare Farm Stays' was initially approved by the Shire back in February 2021, what started out as a small idea from Allana and her partner has become a very successful and staple community service in the Serpentine Jarrahdale Shire.

At the time it was approved, this very Council applauded Allana for her small business idea and encouraged other similar minded businesses to grow in the Shire with the Council's support. Now that Allana's small idea has grown into a thriving local business, we now seek your further support to assist Allana in providing the doggy daycare service the local community very much demands.

Their business model is based around 3 key principles:

1. Intent - The intent of the dog day care and boarding facility is to create a dog day care with a difference, offering an active outdoor experience for dogs unlike the usual day care. It is intended to create a dog playground designed to focus on providing city and small back yard dogs with an active farm experience.
2. Activity - The dogs day will be structured with access to open play, enclosed rest periods, free roam in enclosed yards and playground access throughout each day. The dogs are supervised at all times.
3. Sociability - New dogs are required to undergo a full assessment of their sociability and behaviour to ensure a pleasant and safe environment for all dogs at the farm. Dogs that are considered to be a risk by either of aggressive actions or unmanageable anxiety will generally not be accepted.

Allana and her partner have made significant investment in their home business to cater for the 30 dogs per day our application proposes. This includes fencing upgrades, access road upgrades, dog facility upgrades and increased staff sourced from the local community.

We acknowledge there has been some objection to this application, as there was to the initial application, however we believe all actions taken by Allana and her partner mitigate all of the raised concerns.

Firstly, we have provided a detailed acoustic report with modelling confirming that the increase in dog numbers will maintain compliance with noise impact regulations for all adjacent neighbours. Further acoustic mitigation actions will be taken in accordance with agreement between the Shire Planning Department and Allana upon the approval of this application.

Secondly, to abate concerns regarding the number of dogs staying overnight, we have withdrawn our request to increase overnight numbers.

Thirdly, dust management has already been dealt with by the recently completed upgrade of the driveway to recycled road base. The driveway has also been increased in width and overtaking bays provided to accommodate increased traffic. We understand this now mitigates any dust issues that might have been created in the past.



We believe we have addressed all the concerns raised by the concerned neighbours, and have certainly addressed all the concerns of the Shire's planning staff which is why this application is recommended for approval tonight.

To finish tonight, I'd like to leave you with one final thought. Not only does 'Doggy Daycare Farm Stays' provide an excellent and in demand service for the local community and employ locals, but most importantly it gives our best friends some of the happiest and healthiest days of their lives.

And for those 30 dogs living their best life every days at Doggy Daycare Farm Stays, they are not confined to their backyards digging up reticulation, chewing on the washing, or barking at the neighbour's cat. This is certainly paws for thought. Pun intended. Thank you.

**Ms Allana Tyler regarding item 10.1.1 - Proposed Amendment to 'Animal Establishment' (Dog Kennels) - Lot 2, 302 Leipold Road, Oldbury (PA23/537)**

Good evening. My name is Allana and I stand before you today as a proud resident of our wonderful community. I have lived in the Shire most of my life, I volunteer in the community and am currently the treasurer of SJ CRC, but today I come to you not just as a business owner but as someone deeply passionate about a cause that is close to my heart - the well-being of our furry companions.

For the past year and a half, Doggy Days & Farm Stays has been an active part of our community. In this time, I am proud to say that we have operated seamlessly, never encountering any complaints or issues. This track record is a testament to the dedication of our team and our commitment to providing the highest standard of care and respect for our neighbours.

For us, caring for dogs is more than just a business venture; it's a genuine passion that has fuelled the creation of Doggy Days and Farm Stays. Today, I am here to share my enthusiasm and to respectfully request your consideration for an increase in the number of dogs permitted in our dog facility.

I've witnessed the positive impact that Days has had on the lives of both our canine friends and their owners. The joy and contentment we bring to our community are sources of immense satisfaction and drive my commitment to continually improve our services.

Doggy Days has become an integral part of the community fabric, and the growing demand for our services reflects the trust our community members have placed in us. It's this trust and shared love for our four-legged companions that motivate my request for an increase in our dog capacity.

Expanding our capacity isn't just about numbers; it's about fulfilling a passion to create a space where dogs can thrive socially, physically, and emotionally. This isn't just about business growth; it's about enhancing the positive environment we've worked so hard to foster at Doggy Days and Farm Stays.

I want to assure you that with this proposed expansion, we are prepared to uphold and exceed all safety and regulatory requirements. I am committed to investing in additional resources, staff training to ensure the continued well-being of every dog under our care and the surrounding neighbours and environment.

I kindly request your support for the proposal at the meeting this evening. I am enthusiastic about the chance to share my passion for dog care with all of you and to address any questions or concerns you may have. Thank you for your time.



**Ms Jayde Sleight from Harley Dykstra regarding item 10.1.5 - Scheme Amendment No.1 - Lot 12 (No.101) King Road, Oakford - Proposed Additional Use (PA23/786)**

Good evening Councillors. Firstly, thank you for the opportunity to present at this meeting in respect of item 10.1.5 – Scheme Amendment at Lot 12 King Road, Oakford to accommodate an additional use to allow blending and processing of non-hazardous agricultural and mining products.

Our Client, Colleen Broad, is happy with the recommendation to adopt the proposed scheme amendment (subject to modifications) and would like to thank all of those involved to date.

The purpose of this deputation is to address an additional condition (condition 4) which has been recommended by the Shire’s planning team. This pertains to the requirement to only allow blending of materials that have been included within the Strategen report prepared in January 2022.

We understand that the Shire wants to safeguard the risk of potential impacts due to the materials blended and processed onsite. The Strategen report offers just one example of a set of non-hazardous chemicals. The intention of this report was to demonstrate that the change of use would result in a reduced risk to the environment and to the Jandakot Groundwater Mound, when compared with the existing poultry farm. The addition of condition 4 limits our Clients ability to accommodate the needs of their customers, as well as meet changing market demand.

The Town Planning Scheme is not the most appropriate planning instrument to control whether a light industry can use one type of blending product or another. The Planning Scheme sets out the objectives and standards and leaves it for the Development Application and approval process to control the details of how to meet these objectives and standards.

The Client is aware of the information included within the Strategen report and will commit to ensuring that suitable mitigation measures are undertaken to reduce odour and dust emissions as well as respecting the Jandakot Groundwater Mound. Furthermore, as outlined in conditions 1, 2 and 5, any Development Application will be subject to suitable technical studies as well as advice from DWER. This is a safe and sure mechanism to confirm that any proposed non-hazardous materials pose no risk to the amenity of the area or to the Jandakot Groundwater Mound.

Councillors, we respectfully request your consideration to remove condition 4 as it places a significant and unnecessary limitation on what our Client can supply/produce. Thank you for your time.

**5. President’s Report:**

Good evening everyone and welcome to our SJ Ordinary Council Meeting for December 2023.

It’s a very busy time of the year as we continue to edge closer to Christmas, and it’s fantastic to see the celebrations well and truly underway in our Shire.

We had a huge crowd attend last Friday’s Christmas Street Festival here on Paterson Street, and I want to thank our community for helping spread the festive cheer. The Street Festival is our Shire’s signature Christmas event, and seeing everyone enjoying the night



together with good food and great company is a fitting example of what makes SJ such a wonderful place to live.

I also want to thank the committee at Byford Carols for putting on another great instalment of their iconic event earlier this month. The Carols committee work hard to bring joy to our residents and ratepayers every year, so congratulations to you all on another fantastic event.

Next on the SJ Christmas Calendar is our special Play in the Park event. I encourage all the young families that call SJ home to head down to Percy's Park at 9:30am this Thursday and join in the fun.

December is also a special time for our leaders of tomorrow as another school year comes to a close. It's been a pleasure to attend some of our local end-of-year ceremonies in recent weeks, with so many bright young minds paving the way for an even brighter future in SJ. Congratulations to all local school students on a successful year and I wish those going into high school, the workforce or further studies all the best.

Moving on, I was thrilled to welcome several new citizens at our Citizenship Ceremony last month. It was a joy to see the diversity and richness of our nation, and to celebrate the values that unite us. I congratulate all the new citizens for choosing to make this country their home, and I am excited to see them to contribute to our society with their skills, talents and passions.

Another highlight was visiting the first ever Artisan Twilight Christmas Markets in Byford. The Activate Byford team have worked incredibly hard to make these markets a reality, and I thank them for their dedication in supporting our community.

I also had the pleasure of launching the Council in the Community Program at the SJ Farmers Market. This is a new initiative that aims to bring our Council closer to the people, and to listen to their needs, concerns and suggestions. We received some great feedback on the day, and I assure you that Council will work hard to address your priorities.

On another note, I'd like to acknowledge and thank all the volunteer firefighters who have gone above and beyond in protecting our Shire over the past month. The early onset of hot weather brought forward challenging conditions for our local volunteers across November, and on behalf of all SJ residents I say thanks for your ongoing commitment to keeping us safe.

It's crucial all SJ residents are prepared for the event of an emergency this bushfire season, so please visit the Emergency WA website and get started on your bushfire plan if you haven't done so already. The Shire has also launched a new SJ SMS Alert service providing information on Total Fire Bans and Harvest and Vehicle Movement Bans direct to residents' mobiles, so I urge all SJ locals to subscribe to this great initiative.

Finally, I'd like to close tonight by wishing everyone a merry Christmas and a happy new year. I hope you all get to enjoy plenty of time with your loved ones over the coming break, and drive safe when using the roads. Thank you.

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

Nil.



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

**7.1 Ordinary Council Meeting – 20 November 2023**

**OCM291/12/23**

**COUNCIL RESOLUTION**

**Moved Cr Duggin, seconded Cr Jerrett**

**That the minutes of the Ordinary Council Meeting held on 20 November 2023 be CONFIRMED (E23/16058).**

**CARRIED UNANIMOUSLY 6/0**

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

**8.1 Audit, Risk and Governance Committee Meeting – 27 November 2023  
[rescheduled from 6 November 2023]**

**Attachments (available under separate cover)**

- **attachment 1 – Audit, Risk and Governance Committee Meeting Minutes – 27 November 2023 (E23/16264)**

**Voting Requirements: Simple Majority**

**OCM292/12/23**

**COUNCIL RESOLUTION**

**Moved Cr Mack, seconded Cr Duggin**

**That Council:**

- 1. RECEIVES the Unconfirmed Minutes of the Audit, Risk and Governance Committee Meeting held on 27 November 2023 (E23/16264).**
- 2. ADOPTS Audit, Risk and Governance Committee Resolution ARG020/11/23 and:**
  - 1. NOTES the Strategic Risk Register Review as contained within this paper;**
  - 2. ENDORSES the updated Strategic Risk Register as contained within attachment 1;**
  - 3. REQUESTS the Chief Executive Officer review the communication actions and controls associated with Risk 6 to the next Audit, Risk and Governance Committee Meeting.**
- 3. ADOPTS Audit, Risk and Governance Committee Resolution ARG021/11/23 and NOTES the update regarding the implementation of agreed actions to audits previously conducted and update on the 2023-24 Audit Program as described in this report.**

**CARRIED UNANIMOUSLY 6/0**



**8.2 Special Audit, Risk and Governance Committee Meeting –  
4 December 2023**

Attachments (available under separate cover)

- attachment 1 – Special Audit, Risk and Governance Committee Meeting Minutes – 4 December 2023 (E23/16623)
- attachment 2 - Annual Financial Report - 30 June 2023 – Amended (E23/16837)
- attachment 3 - Confirmation Email from Auditor - No reissued Opinion – Redacted (E23/16838)

Voting Requirements: Simple Majority

**OCM293/12/23**

**COUNCIL RESOLUTION**

Moved Cr Duggin, seconded Cr Bishop

That Council:

1. **RECEIVES** the Unconfirmed Minutes of the Special Audit, Risk and Governance Committee Meeting held on 4 December 2023 (E23/16623).
2. **ADOPTS** Audit, Risk and Governance Committee Resolution ARG023/12/23 and:
  1. **RECEIVES** the 2022/23 Annual Financial Report as per attachment 1 from the Office of the Auditor General, in accordance with section 7.2 of the *Local Government Act 1995* as amended with a change to note 22b on page 36.
  2. **RECEIVES** the Office of the Auditor General Independent Audit Report as per attachment 2.
  3. **RECEIVES** the Office of the Auditor General Audit Management Report as per attachment 3.

**CARRIED UNANIMOUSLY 6/0**



## **En Bloc**

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

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

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

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

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

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

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
10.1.2	Proposed Road Naming Application - Lot 9001, 154 Utley Road, Serpentine (PA23/802)
10.1.3	Proposed Adoption of Local Planning Policy 4.26 - Development in the Rural Zone (SJ4181)
10.1.4	Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development within the Shire of Serpentine Jarrahdale (SJ4206)
10.1.8	Initiation of Project - Determining Location for a Regional Level Playground in Serpentine Jarrahdale (SJ4111)
10.1.10	Proposed Adoption of Revised Local Planning Policy 4.6 - Telecommunications Infrastructure (SJ2201)
10.2.1	Award Request for Tender– RFT 11/2023 – Mundijong - King Road - Intersection Upgrade (SJ4309)
10.3.1	Confirmation of Payment of Creditors – November 2023 (SJ801)
10.3.2	Monthly Financial Report – October 2023 (SJ4229)
10.3.4	2023 – 2024 Rural Valuation Review (SJ514)

### **OCM294/12/23**

#### **COUNCIL RESOLUTION**

#### **Moved Cr Duggin, seconded Cr Bishop**

**That the Officer Recommendations contained in Officer Reports 10.1.2; 10.1.3; 10.1.4; 10.1.8; 10.1.10; 10.2.1; 10.3.1; 10.3.2 and 10.3.4 be ADOPTED en bloc at 7:41pm.**

**CARRIED UNANIMOUSLY 6/0**



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

<b>9.1 - Notice of Motion – Ethics Committee (SJ4090)</b>	
<b>Councillor</b>	Councillor Byas
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Notice of Motion

A Notice of Motion was received from Councillor Byas via email on 26 October 2023. Councillor Byas subsequently requested that the motion be put forward at the December 2023 Ordinary Council Meeting.

The Notice of Motion is “That Council:

1. PROVIDES in-principle endorsement of the attached position paper's Ethics Committee construct, recognising its potential to elevate the standards of governance, bolster public trust, and align more closely with community expectations on accountability and transparency.
2. REQUESTS the Chief Executive Officer bring a report to Council by 31 March 2024 detailing the necessary policy amendments, procedural changes, and actionable steps required to enact the establishment of the Ethics Committee, ensuring a smooth transition and clear guidance for future operations.”

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 19 April 2021 – OCM092/04/21 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *ADOPTS the Code of Conduct for Councillors, Committee Members and candidates as shown in attachment 1;*
2. *NOTES that under s5.104 of the Local Government Act 1995, the Elected Member Code of Conduct which commenced on 1 November 2018 is no longer in effect as it has been replaced by the model code and REPEALS the former Code;*
3. *ADOPTS the Code of Conduct Complaint Form as amended in attachment 2;*
4. *ADOPTS the Code of Conduct Response Form as shown in attachment 3;*
5. *RESOLVES that any allegations of breaches of the former Elected Member Code of Conduct received between 3 February 2021 and 19 April 2021 will be presented to Council in accordance with the procedure specified in the Code of Conduct shown in attachment 1;*
6. *REQUESTS that the Chief Executive Officer prepare a report reviewing the Code of Conduct within 12 months for Council's consideration.*



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**Officer Comment**

At the April 2021 Ordinary Council Meeting, Council adopted the Code of Conduct for Councillors, Committee Members and candidates. The Code which replicates the model code of behaviour set out in the *Local Government (Model Code of Conduct Regulations) 2021* sets out a procedure for how to deal with complaints against the code.

Since adoption of the code, eight allegations of breaches of the code of conduct have been heard through this process.

Officers believe that the current process is appropriate and should not be amended.

First, the approach ensures that elected members are accountable and answerable to their peers for their behaviour. This is consistent with the notion that Council is a collective decision making body that must adjudicate on its own affairs. Section 2.10 of the Act provides that the Role of Councillors is to provide leadership and guidance to the community. Officers believe that having a role regulating the behaviour of their peers is consistent with this role.

Second, in respect to concerns that elected members are not impartial when making determinations of code of conduct matters, Officers note that elected members are bound by the legislative framework when making such determinations. This means that it is a breach of the Rules of Conduct to use their position to cause advantage or disadvantage. If any elected member believed that they were unfairly treated during a code of conduct process or if a member of the public did not believe that their complaint was impartially heard they could make a complaint to the Local Government Standards Panel. This avenue would not exist under the proposed approach as independent methods of committees are not bound by the Standards Panel. In that sense, the committee approach would be less not more accountable for their decisions than Council. Most broadly, Officers believe that the premise of the proposal sets a dangerous precedent in that it assumes on a general sense that Council as a collective is unable to perform its decision making functions impartially and must abrogate responsibility to another party.

Third, under the approach proposed, members of the Ethics Committee would be appointed by elected members. If it is accepted that elected members are unable to make determinations regarding the behaviour of their peers because of conflicts of interest, it would also follow that the selection of 'independent' persons to make these decisions on their behalf could be equally flawed.

Officers note that the Minister's second tranche of local government reforms involves the establishment of a local government inspectorate with broad ranging intervention powers. As the full scope of the inspectorate's powers may result in reforms to the way that elected member conduct investigations occur, Officers recommend that the President write to the Minister requesting an update on the reforms.

**Attachments (available under separate cover)**

- **9.1 - attachment 1** - Position Paper - Towards Transparent Governance prepared by Cr Byas (IN23/26957)



**Voting Requirements:** Simple Majority

Councillor Recommendation

That Council:

1. PROVIDES in-principle endorsement of the attached position paper's Ethics Committee construct, recognising its potential to elevate the standards of governance, bolster public trust, and align more closely with community expectations on accountability and transparency.
2. REQUESTS the Chief Executive Officer bring a report to Council by 31 March 2024 detailing the necessary policy amendments, procedural changes, and actionable steps required to enact the establishment of the Ethics Committee, ensuring a smooth transition and clear guidance for future operations.

Alternative Officer Recommendation

That Council:

1. NOTES the Position Paper - Towards Transparent Governance prepared by Cr Byas contained in attachment 1.
2. REQUESTS that the Shire President write to the Minister for Local Government requesting an update on the tranche 2 local government reforms as they relate to elected member conduct and the proposed powers of the local government inspectorate.

**OCM295/12/23**

**MOTION / Councillor Recommendation**

**Moved Cr Byas, seconded Cr Duggin**

**That Council:**

1. **PROVIDES in-principle endorsement of the attached position paper's Ethics Committee construct, recognising its potential to elevate the standards of governance, bolster public trust, and align more closely with community expectations on accountability and transparency.**
2. **REQUESTS the Chief Executive Officer bring a report to Council by 31 March 2024 detailing the necessary policy amendments, procedural changes, and actionable steps required to enact the establishment of the Ethics Committee, ensuring a smooth transition and clear guidance for future operations.**

**MOTION LOST 1/5**

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:  
Councillor Byas voted FOR the motion.  
President Coales, Councillors Bishop, Duggin, Jerrett and Mack voted AGAINST the motion.*



**OCM296/12/23**

**COUNCIL RESOLUTION / Alternative Officer Recommendation**

**Moved Cr Mack, seconded Cr Bishop**

**That Council:**

- 1. NOTES the Position Paper - Towards Transparent Governance prepared by Cr Byas contained in attachment 1.**
- 2. REQUESTS that the Shire President write to the Minister for Local Government requesting an update on the tranche 2 local government reforms as they relate to elected member conduct and the proposed powers of the local government inspectorate.**

**CARRIED UNANIMOUSLY 6/0**



**9.2 - Notice of Motion – Improving Council Transparency and Accountability (SJ4090)**

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

**Notice of Motion**

A Notice of Motion was received from Councillor Byas via email on Monday, 27 November 2023.

The Notice of Motion is “That Council:

1. REQUESTS that the Chief Executive Officer AMENDS Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question and Answer Agenda Forums and Workshops:

a) to open Question and Answer sessions to the public by:

i) DELETING paragraph:

*“QAAF’s shall not be open to the public and therefore no debate on the items shall be entered into during the QAAF’s there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council meetings so as to ensure the public in attendance at a Council meeting can see and hear the decisions and debate around Council decisions.”*

and INSERTING:

*“QAAFs shall be open to public but no debate of items shall be entered into to ensure the integrity of the Council Meeting as the decision-making forum of Council prescribed in legislation.”*

b) to open Policy Concept Forums to the public by:

i) DELETING paragraph:

*“Behind Closed Doors*

*Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.”*

and INSERTING below “Managing Policy Concept Forums”:

*“Policy Concept Forums shall be open to the public with external presentations organised by prior arrangement with the approval of the President. The Presiding Member at the meeting, in consultation with the CEO, shall have the sole discretion of deciding whether the meeting, wholly or in part, is to be closed to the public and no recording made. The Presiding Member will provide written confirmation to all Council on their reason for the decision prior to the meeting (for example, item/s relate to matters that are commercial-in-confidence, etc.).”*

c) to open all workshops and forums of Council, including but not limited to Budget workshops, by:



i) INSERTING below Managing Workshops:

*“All workshops shall be open to the public with any external presentations organised by prior arrangement with the approval of the President. The only exception being those workshops associated with the CEO Employment Committee.”*

d) to enable presentations by external parties related to Agenda items to occur at Q&A sessions by:

i) INSERTING new paragraph:

*“Presentations*

*The President may approve a presentation by external parties regarding an Agenda item. The presentation is not to exceed a period greater than 15 minutes. A request to present must be made to the Chief Executive Officer. Presentations at Q&A do not restrict the capacity to request a Deputation under the Shire Standing Orders. No debate or discussion of the presentation is permitted but members may ask questions of the presenters and Officers.”*

2. REQUESTS that the Chief Executive Officer AMENDS Council Policy 3.3.11 - Recording of in-person Council and Committee Meetings:

a) to record, and publish the recordings of:

- i) all Question and Answer sessions;
- ii) Policy Concept Forums; and
- iii) all other forums and workshops open to the public.

b) by AMENDING Policy 3.3.11 from:

*“The audio of the proceedings of all Council and Committee meetings within the scope of this policy are to be recorded.”*

to read:

*“The audio of the proceedings of all Council and Committee meetings, Question and Answer sessions, Policy Concept Forums, and all other forums open to the public within the scope of this policy are to be recorded and published. If the Presiding Member has decided that part or all of Question and Answer sessions, Policy Concept Forums, and other forums are to be closed to the public, then no recording will be made or published.”*

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

*Ordinary Council Meeting – 20 June 2022 – OCM121/06/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. ADOPTS Council Policy 3.3.11 – Recording of in-person Council and Committee meetings contained in attachment 1.*
- 2. RESOLVES that the proceedings of Council and Committee Meetings will be recorded in accordance with the policy contained in attachment 1 with the recordings published on the Shire’s website with the unconfirmed minutes of each meeting.*
- 3. NOTES the constraints and limitations associated with the recording as set out in the policy and report.*



4. NOTES that in accordance with Council Resolution OCM165/06/20 made at the 21 June 2020 Ordinary Council Meeting that the capacity to record and stream video from Council and Committee meetings has been included within the scope of investigations into future Shire building requirements.

### Officer Comment

The notice of motion proposes three separate but interconnected proposals which are:

- opening Question and Answer sessions, Policy Concept Forums and other workshops to the public;
- enabling the public to make presentations at Q&A;
- recording the proceedings of Question and Answer sessions, Policy Concept Forums and other workshops and publishing these on the Shire's website.

Officer comment on these proposals is provided below:

*Opening Question and Answer sessions, Policy Concept Forums and other workshops to the public*

Currently, Question and Answer sessions, Policy Concept Forums and other workshops are not open to the public.

Overall, Officers do not object to opening Question and Answer sessions to the public but have reservations regarding opening Policy Concept Forums and other workshops to the public.

One of the rationales for not holding Policy Concept Forums in the public is set out in Council Policy 1.1.14 - Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops where it states:

*“Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.”*

Another rationale is that Policy Concept Forums often involve presentations from external entities, including representatives from Government agencies who are not authorised to speak publicly about government projects. State public servants, for example, would be prohibited from making public comment regarding projects which could limit the information provided to Council.

In contrast, publicly open Q&A sessions are not uncommon in larger local governments. In these cases it is important that portions of the Q&A required to discussion confidential items under section 5.23 of the *Local Government Act 1995* are closed.

While noting the importance of transparency in decision making, Officers contend that good government processes inherently involves the free exchange of ideas occasionally behind closed doors. This is a key feature of Westminster Government in the form of Cabinet which operates in both Commonwealth and State Government executive levels of Government. The Commonwealth Government states that confidentiality: *“Ensures that members Cabinet may exchange differing views and achieve outcomes together”*.

Officers also have concerns that opening Policy Concept Forums and workshops to the public may have an unintended consequence of politicising Council discussions necessary for the orderly conduct of the local government.



Where matters are discussed at a public Policy Concept Forum or workshop the public may be of the misunderstanding that a decision has been made.

*Enabling the public to make presentations at Q&A*

Officers understand that the rationale for this proposal is to provide an opportunity in addition to public statements and deputations to occur well in advance of the meeting.

While appreciating the motivation behind this proposal, Officers have reservations given the limited time between the publication of the notice paper for the meeting (Friday) and the Q&A session (Monday).

This timetable provides almost no practical timeframe for potential presenters to be advised of the opportunity to present, to apply for approval to present and to prepare their presentation.

It could also lead to the scenario of proponents and opponents of a proposal providing claim and counter-claim at the Q&A and reprosecuting their arguments at the Council Meeting. It could also blur the lines between the decision-making function of Council meetings and would also add considerable duration to Q&A meetings.

*Recording the proceedings of Question and Answer sessions, Policy Concept Forums and other workshops and publishing these on the Shire's website.*

Having initially commenced with Council and Committee meetings held electronically, all Council and Committee meetings in the Shire have been audio recorded commencing at the 20 June 2022 Ordinary Council Meeting in accordance with Council Policy 3.3.11 – Recording of in-person Council and Committee Meetings.

The Shire's current approach exceeds current requirements although from January 2025 all band 1 and 2 local governments (which includes the Shire) will be required to live stream both video and audio of Council and Committee Meetings.

Officers do not support expanding the recording to matters beyond Council and Committee Meetings. The purpose of recording meetings is record the decision making of Council and Committees. PCF, Q&A and workshops are not decision making bodies and the recording of these meetings would be a significant restriction to the free exchange of ideas and questions and may inhibit the capacity of Officers to provide frank and fearless advice to Council.

The requirement to record Q&A, PCF and workshops would also reduce the capacity of the Shire to hold these fora in locations other than Council Chambers as other venues will not necessarily have the capacity to audio record.

**Attachments (available under separate cover)**

Nil.



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**Voting Requirements:** Simple Majority

Councillor Recommendation

That Council:

1. REQUESTS that the Chief Executive Officer AMENDS Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question and Answer Agenda Forums and Workshops:

- a) to open Question and Answer sessions to the public by:

- i) DELETING paragraph:

*“QAAF’s shall not be open to the public and therefore no debate on the items shall be entered into during the QAAF’s there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council meetings so as to ensure the public in attendance at a Council meeting can see and hear the decisions and debate around Council decisions.”*

and INSERTING:

*“QAAFs shall be open to public but no debate of items shall be entered into to ensure the integrity of the Council Meeting as the decision-making forum of Council prescribed in legislation.”*

- b) to open Policy Concept Forums to the public by:

- i) DELETING paragraph:

*“Behind Closed Doors*

*Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.”*

and INSERTING below “Managing Policy Concept Forums”:

*“Policy Concept Forums shall be open to the public with external presentations organised by prior arrangement with the approval of the President. The Presiding Member at the meeting, in consultation with the CEO, shall have the sole discretion of deciding whether the meeting, wholly or in part, is to be closed to the public and no recording made. The Presiding Member will provide written confirmation to all Council on their reason for the decision prior to the meeting (for example, item/s relate to matters that are commercial-in-confidence, etc.).”*

- c) to open all workshops and forums of Council, including but not limited to Budget workshops, by:

- i) INSERTING below Managing Workshops:

*“All workshops shall be open to the public with any external presentations organised by prior arrangement with the approval of the President. The only exception being those workshops associated with the CEO Employment Committee.”*

- d) to enable presentations by external parties related to Agenda items to occur at Q&A sessions by:



i) INSERTING new paragraph:

*“Presentations*

*The President may approve a presentation by external parties regarding an Agenda item. The presentation is not to exceed a period greater than 15 minutes. A request to present must be made to the Chief Executive Officer. Presentations at Q&A do not restrict the capacity to request a Deputation under the Shire Standing Orders. No debate or discussion of the presentation is permitted but members may ask questions of the presenters and Officers.”*

2. REQUESTS that the Chief Executive Officer AMENDS Council Policy 3.3.11 - Recording of in-person Council and Committee Meetings:

a) to record, and publish the recordings of:

- i) all Question and Answer sessions;
- ii) Policy Concept Forums; and
- iii) all other forums and workshops open to the public.

b) by AMENDING Policy 3.3.11 from:

*“The audio of the proceedings of all Council and Committee meetings within the scope of this policy are to be recorded.”*

to read:

*“The audio of the proceedings of all Council and Committee meetings, Question and Answer sessions, Policy Concept Forums, and all other forums open to the public within the scope of this policy are to be recorded and published. If the Presiding Member has decided that part or all of Question and Answer sessions, Policy Concept Forums, and other forums are to be closed to the public, then no recording will be made or published.”*

#### Alternative Officer Recommendation

That Council AMENDS Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question and Answer Agenda Forums and Workshops:

a) to open Question and Answer sessions to the public by:

i) DELETING paragraph:

*“QAAF’s shall not be open to the public and therefore no debate on the items shall be entered into during the QAAF’s there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council meetings so as to ensure the public in attendance at a Council meeting can see and hear the decisions and debate around Council decisions.”*

and INSERTING:

*“QAAFs shall be open to public but no debate of items shall be entered into to ensure the integrity of the Council Meeting as the decision-making forum of Council prescribed in legislation. Meetings shall be closed to the public by the Presiding Member when discussing matters under the provisions of section 5.23 of the Local Government Act 1995”*



OCM297/12/23

**MOTION / Councillor Recommendation**

Moved Cr Byas, seconded Cr Duggin

That Council:

1. REQUESTS that the Chief Executive Officer AMENDS Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question and Answer Agenda Forums and Workshops:

a) to open Question and Answer sessions to the public by:

i) DELETING paragraph:

*“QAAF’s shall not be open to the public and therefore no debate on the items shall be entered into during the QAAF’s there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council meetings so as to ensure the public in attendance at a Council meeting can see and hear the decisions and debate around Council decisions.”*

and INSERTING:

*“QAAFs shall be open to public but no debate of items shall be entered into to ensure the integrity of the Council Meeting as the decision-making forum of Council prescribed in legislation.”*

b) to open Policy Concept Forums to the public by:

i) DELETING paragraph:

*“Behind Closed Doors*

*Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.”*

and INSERTING below “Managing Policy Concept Forums”:

*“Policy Concept Forums shall be open to the public with external presentations organised by prior arrangement with the approval of the President. The Presiding Member at the meeting, in consultation with the CEO, shall have the sole discretion of deciding whether the meeting, wholly or in part, is to be closed to the public and no recording made. The Presiding Member will provide written confirmation to all Council on their reason for the decision prior to the meeting (for example, item/s relate to matters that are commercial-in-confidence, etc.).”*

c) to open all workshops and forums of Council, including but not limited to Budget workshops, by:

i) INSERTING below Managing Workshops:

*“All workshops shall be open to the public with any external presentations organised by prior arrangement with the approval of the President. The only*



*exception being those workshops associated with the CEO Employment Committee.”*

d) to enable presentations by external parties related to Agenda items to occur at Q&A sessions by:

i) **INSERTING** new paragraph:

**“Presentations**

*The President may approve a presentation by external parties regarding an Agenda item. The presentation is not to exceed a period greater than 15 minutes. A request to present must be made to the Chief Executive Officer. Presentations at Q&A do not restrict the capacity to request a Deputation under the Shire Standing Orders. No debate or discussion of the presentation is permitted but members may ask questions of the presenters and Officers.”*

2. **REQUESTS** that the Chief Executive Officer **AMENDS** Council Policy 3.3.11 - Recording of in-person Council and Committee Meetings:

a) to record, and publish the recordings of:

- i) all Question and Answer sessions;
- ii) Policy Concept Forums; and
- iii) all other forums and workshops open to the public.

b) by **AMENDING** Policy 3.3.11 from:

*“The audio of the proceedings of all Council and Committee meetings within the scope of this policy are to be recorded.”*

to read:

*“The audio of the proceedings of all Council and Committee meetings, Question and Answer sessions, Policy Concept Forums, and all other forums open to the public within the scope of this policy are to be recorded and published. If the Presiding Member has decided that part or all of Question and Answer sessions, Policy Concept Forums, and other forums are to be closed to the public, then no recording will be made or published.”*

**MOTION LOST 2/4**

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

*Councillors Byas and Jerrett voted FOR the motion.*

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

**OCM298/12/23**

**COUNCIL RESOLUTION**

**Moved** President Coales, seconded Cr Bishop

**That improving accountability and transparency of Council Meetings and associated matters be brought to a Policy Concept Forum in 2024.**

**CARRIED 5/1**



Continued

## Ordinary Council Meeting Minutes Monday, 11 December 2023

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*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:  
President Coales, Councillors Bishop, Duggin, Jerrett and Mack voted FOR the motion.  
Councillor Byas voted AGAINST the motion.*

**OCM299/12/23**

### **COUNCIL RESOLUTION**

**Moved Cr Byas, seconded Cr Duggin**

**That in accordance with clause 3.4 of the *Standing Orders Local Law 2002 (as Amended)*, item 10.1.1 be the next item of business.**

**CARRIED UNANIMOUSLY 6/0**



**10.1.1 - Proposed Amendment to 'Animal Establishment' (Dog Kennels) - Lot 2, 302 Leipold Road, Oldbury (PA23/537)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Planning Horizons
Owner:	Allana Tyler
Date of Receipt:	27 August 2023
Lot Area:	20.18 hectares
Local Planning Scheme No 3 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

The purpose of this report is for Council to consider a development application to amend an existing development approval for an 'Animal Establishment' (Dog Kennels) at Lot 2, 302 Leipold Road, Oldbury.

The report is presented to Council as five submissions were received either objecting to or raising concerns with the proposal during the public consultation period. Officers do not have delegated authority to determine development applications where objections cannot be satisfied by way of amendments or through the imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

For the reasons discussed in the report, it is considered that the proposal is consistent with the planning framework and that the matters raised in the objections can be appropriately managed through the imposition of conditions. It is therefore recommended that the application is approved subject to conditions.



### Relevant Previous Decisions of Council

*Ordinary Council Meeting - 15 February 2021 - OCM005/02/21 - COUNCIL RESOLUTION  
 That Council APPROVES the development application for a 'Dog Kennel' as contained within attachment 1 at Lot 2, 320 Leipold Road, Oldbury subject to the following conditions:*

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

<i>Plans and Specifications</i>	<i>Development Plans received at the Shire Offices on 30 October 2020; and        Bushfire Management Plan prepared by Bushfire Perth Pty Ltd, dated 21 October 2020.</i>
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- b. A maximum of 15 dogs are permitted to attend the premises during the day and a maximum of 6 dogs are permitted to be boarded at the premises overnight.*
- c. The operation hours shall be limited to between 7am and 6pm Monday to Friday, with the exception of overnight boarding.*
- d. Prior to commencement, suitable fencing shall be installed around the dog exercise yards to ensure the dogs are effectively confined at all times, to the satisfaction of the Shire of Serpentine Jarrahdale. The fencing shall be maintained in proper functional condition at all times, to the satisfaction of the Shire of Serpentine Jarrahdale.*
- e. Prior to commencement, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plan shall be implemented in its entirety for the lifetime of the development.*
- f. Prior to commencement, a Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plan shall be implemented in its entirety for the lifetime of the development.*
- g. Dog waste (faeces) shall be collected throughout the day and stored in a designated airtight bin prior to disposal off-site.*
- h. This approval is specific to the applicant of the development only. The approval is not transferrable with land.*
- i. The applicant shall submit annual noise report audits to the Shire of Serpentine Jarrahdale. This annual audit must document noise associated with the development, including any exceedances or complaints, and how such have been remedied by changes in the management of the development.*

### Background

#### Existing Development

The subject site has been developed for residential and equestrian uses as well as dog kennels. It comprises of two dwellings, several outbuildings, paddocks, horse shelters and a trotting track. The aerial image following shows the context of the site, which is a battle-axe lot surrounded by rural land. Notably the freight rail runs along the northern boundary of the land and is 350m west of the West Mundijong Industrial Area.

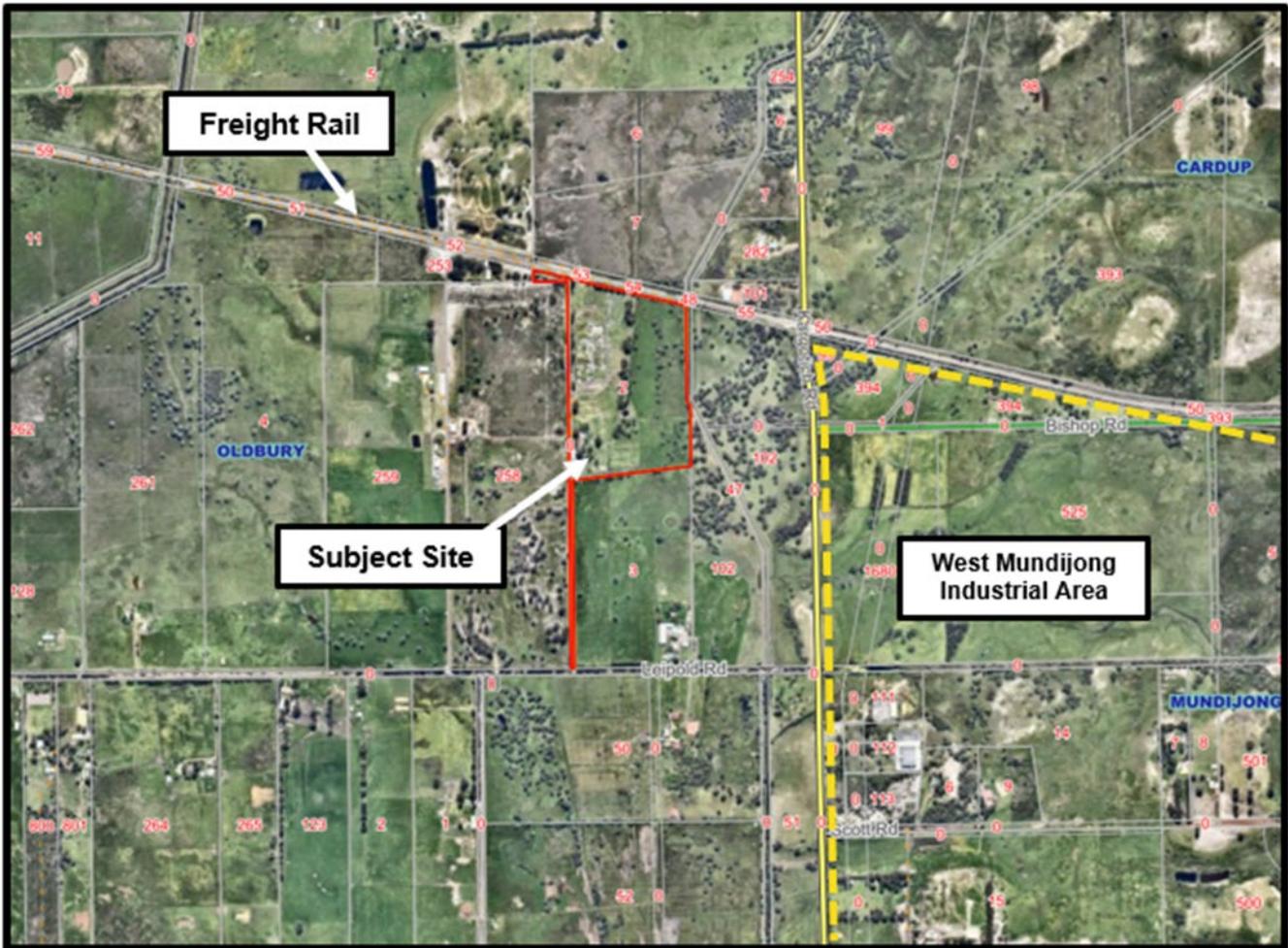


Figure 1: Aerial Context Image

On 15 February 2021 at its Ordinary Council Meeting, Council approved a development application for a Dog Kennel at the subject site. The approval permitted 15 dogs to be kept during the day and six dogs for overnight stays within the existing dwelling. This approval has been enacted and the dog kennel has been in operation for approximately two years and 10 months.

There have been no recent complaints received in respect of the operating kennel, giving some indication that current operational management approaches are proving effective.

#### Proposed Development

The subject development application seeks to amend that approval by increasing the capacity. Specifically, to allow 30 dogs to be kept during the day, while keeping the same overnight boarding numbers of six.

The site plan is displayed within Figure 2, the full application details are contained within **attachment 1**.



Figure 2: Site Plan

### Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 21 August 2023 to 11 September 2023 in the following manner:

- In writing to surrounding landowners within a 1km radius of the site.
- Notice given on the Shire's website, in accordance with LPP1.4 - Consultation for Planning Matters.

At the conclusion of the consultation period, five submissions were received, all either objecting or raising concerns with aspects of the proposal.

The objections and concerns relate to the following issues which are discussed under the relevant headings of the report:

- Inappropriate zoning for the proposal.
- Increased intensity of the development.
- Amenity and noise.
- Traffic.
- Dust.
- Insufficient road infrastructure.
- Waste management.

A summary of the submissions received, including the applicant's response and Officer comments, is contained within **attachment 2**.



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## Statutory Environment

### Legislation

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

### State Government Policies

- South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Environmental Protection Authority Guideline for Separation Distances Between Industrial and Sensitive Land Uses

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Local Law relating to the Keeping of Dogs
- Health Local Laws 1999

## Planning Assessment

Clause 77 of the *Planning and Development Regulations 2015* (Deemed Provisions) allows for an owner to whom development approval has been granted to:

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

The development application seeks to amend the development approved in accordance with (b) and (c) above. This is, by virtue of, modifying the limits currently set in the previous approval.

For the purposes of this report, discussion is confined to the amendment. A full assessment against Clause 67 of the Deemed Provisions is contained within **attachment 3**.

### Land Use

The development was classified as a Dog Kennel land use under the previous Town Planning Scheme No.2 (TPS2). Since the original approval, the Shire’s Local Planning Scheme No.3 (LPS3) was gazetted on 22 September 2023. Under LPS3 the proposal falls within the ‘Animal Establishment’ land use, which is defined as follows:

***Animal Establishment*** - means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.



The site is zoned Rural under LPS3, in which the land use is discretionary (D). The proposed 'Animal Establishment' is considered to meet the objectives of the 'Rural' zone. Animal establishments (and specifically those pertaining to dog kennels), are generally found in rural areas, and as a starting point, are generally seen to be suitable uses in such area. This is however still based on a detailed merits based assessment, to ensure potential amenity impacts can be managed. But from a planning perspective, rural zoned land in the Shire is the most spacious, with further subdivision below 40ha not being permitted. This is a noteworthy starting consideration.

### Amenity

Several objections raised during the community consultation period identify noise and odour as being key concerns. Dog Kennels are listed under the Environmental Protection Authority's *Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses* (Guidance Statement) as a development that *may* result in noise and odour impacts. The Guidance Statement recommends a minimum separation distance of 500m between dog kennels and noise sensitive receptors. There is one dwelling within the recommended separation distance, located approximately 360m to the west, as shown following:

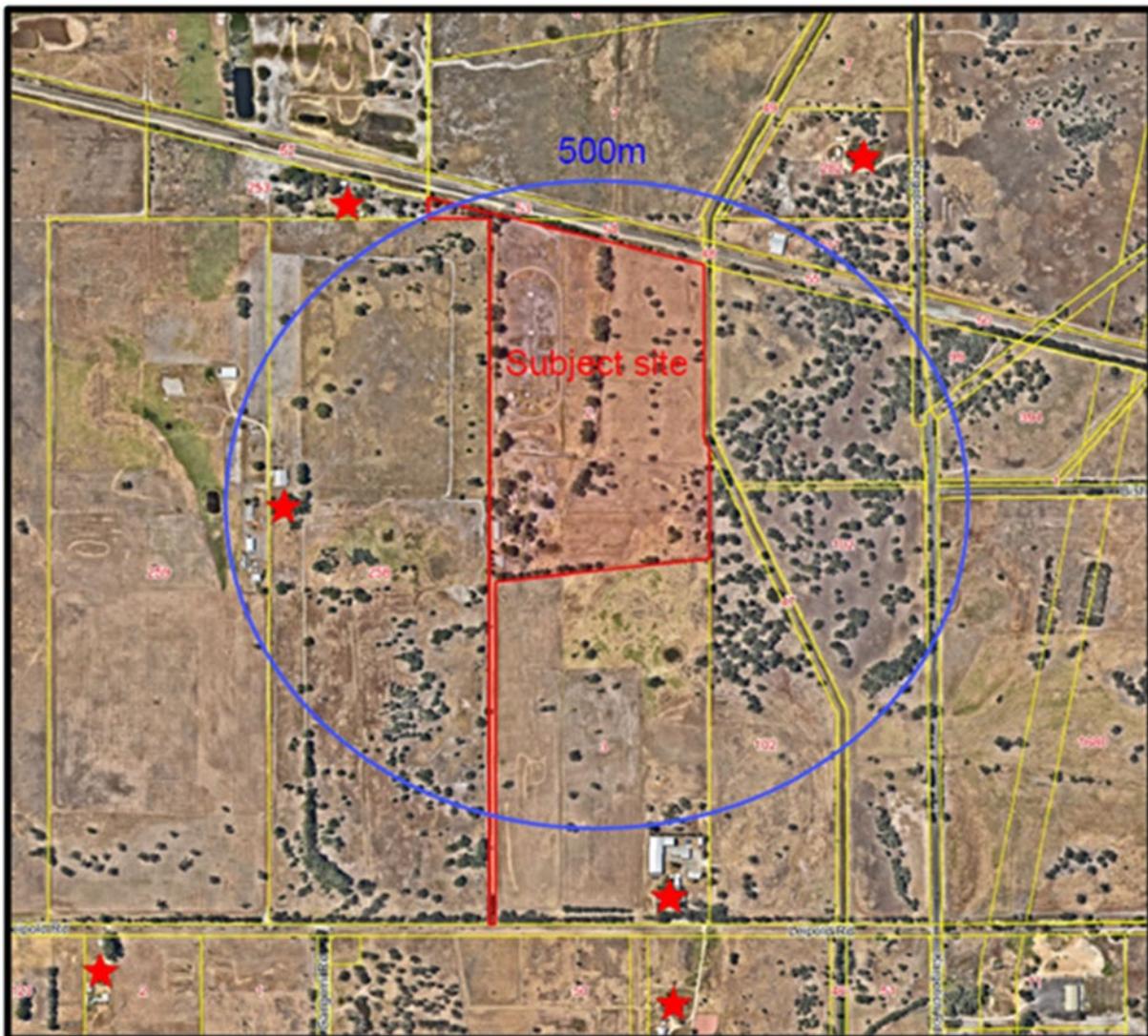


Figure 3: Guidance Statement Separation to nearby dwellings



Where generic separation distances are not able to be met, the Guidance Statement recommends site-specific technical investigations, to determine if noted risks (in this case noise) can be managed or not. These technical studies should demonstrate that the identified impacts can be managed appropriately.

Noise:

The applicant provided an amended acoustic report to assess the proposed increase activity of the development, in accordance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The acoustic report uses modelling to determine whether noise generating activities comply with the *Noise Regulations* for three scenarios (1,2 and 4) as follows.

- Scenario 1: All of the 30 dogs play the game of red ball chasing on Dam.
- Scenario 2: All of the 30 dogs play the game of motorbike chasing in the primary dog yard.
- Scenario 4: A car-door is closed in the customers car-parking area.

Scenario 3 relates to noise generated by additional dogs boarding in the dwelling overnight. This has since been abandoned and overnight numbers are proposed to remain as previously approved, being six.

The acoustic report identifies that the development would comply with acceptable levels prescribed by the *Noise Regulations*, as depicted in the table below. A comprehensive assessment of the Acoustic Report findings can be viewed in **attachment 3**.

Table 6-2: Compliance assessment.

Receivers	Day-time Limits LA1 in dB(A)	Adjusted in dB(A)		Night-time Limits LA1 in dB(A)	Adjusted in dB(A)	Limits LAmax in dB(A)	LAmax dB(A)
		S1	S2				
R1	55	46.2	54.6	45	0.0	65	23.8
R2	55	54.5	52.5	45	0.0	65	8.6
R3	55	51.3	50.0	45	4.0	65	15.5
R4	55	52.3	51.6	45	5.6	65	17.2

The acoustic report identifies that the noisiest activities are during periods of outdoor play. This aligns with the concerns raised during the community consultation period and it is acknowledged that these levels are close to the noise levels required by the Noise Regulations. To manage this, Officers recommend a Noise Management Plan (NMP) be provided requiring that no more than 15 dogs undertake outdoor play activities at any one time. This would ensure noise from outdoor activities can be managed and reduce the number of dogs barking.



In respect of the planning framework, rural zones are generally the repositories for dog kennels and similar associated operations. Such operations are not considered far removed from ordinary rural operations and activities that are expected to constitute the intent of the zone and which shape the expected amenity outcomes.

As previously stated, the EPA's Guidance Statement recommends that dog kennels in rural areas should be located a minimum of 500m from sensitive land uses, due to potential noise impacts. While the Guidance Statement's recommended separation distance is always considered to be guidance only, it still requires appropriate consideration in respect of this application. In considering the proposal, Officers note that:

- The acoustic report demonstrates compliance with the *Noise Regulations*;
- The subject land exists within 1000m of the West Mundijong Industrial Area, which itself will impact upon future land use and development considerations. In this regard, future subdivision and development introducing further sensitive land uses in proximity to the West Mundijong Industrial Area is not likely to be contemplated or promoted. Previous proposals submitted to the Shire have included potential expansion of the industrial area to the west, and potentially beyond that urban development. However, this remains subject to further subregional planning investigations by the Western Australian Planning Commission;
- The subject land is influenced by proximity to the freight rail line;
- The existing buildings on the subject application site provides shielding to help moderate potential noise impacts travelling to the west;
- The dogs are identified and marked by appropriate fence-like barriers so as to not make use of whole property;
- Night-time boarding numbers are not being proposed to be increases.

Balancing these considerations, Officers consider noise generated by the development is unlikely to impact the amenity of the locality, contingent upon conditions to require a NMP to address noise mitigation in detail as well as noise reporting. As already mentioned, there have been no complaints received in respect of the operating kennel, giving some indication that current operational management approaches are proving effective.

#### *Odour:*

In relation to odour impacts from the development, the application includes the following waste management measures:

- Daily collection of waste in the yards;
- Waste is to be placed in recyclable dog waste bags, which are then removed from site; and
- The yards are watered daily to dilute any odour from dog waste.

Officers consider that these measures are adequate in addressing odour impacts associated with the development. A condition is recommended to ensure the waste management measures proposed are implemented. It is noted that surrounding land uses include grazing of cattle, and that this activity often includes detectable odours that are characteristic of a rural productive farming area.



### Dust

Submissions received during the community consultation period state that significant dust has been generated by customer vehicle movements on the battle-axe driveway. Officers note that the nearest premises that may be affected by dust is a dwelling located approximately 270m to the east of the start of the battle-axe leg. The applicant in response to submissions has proposed to make use of an existing water cart on the site to suppress dust on the driveway prior to the morning and afternoon peak periods. Officers consider this approach adequate to address the potential dust impacts. A condition has been recommended in this regard.

### Bushfire

The subject site is within a bushfire prone area and as such, the provisions of State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) apply. SPP3.7 seeks to “*avoid any increase in the threat of bushfire to people, property and infrastructure*” through a balanced risk-based approach. An amended Bushfire Management Plan (BMP) was not submitted with the application, however a BMP was previously approved as part of the initial application. Officers have assessed the proposal against the criteria within the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines) following:

#### *Location, Siting and Design:*

The BMP provided in the original application demonstrated that an Asset Protection Zone (APZ) can be established within the lot boundaries of the site. The implementation of the APZ ensures that a BAL rating of BAL-29 or less can be achieved, consistent with the Guidelines.

#### *Vehicular Access:*

The Guidelines set out that acceptable vehicular access should provide access to a suitably constructed public road, multiple emergency egress options and acceptable dimensions of private driveways. The site has access to Leipold Road which is a ‘rural access road’ required to have a minimum trafficable width of 6m, as per Austroads standards. The eastern portion of Leipold Road opposite this site complies with this requirement. The road design includes a bitumised centre of approximately 3.5m and additional trafficable unsealed road shoulders approximately 2m wide on either side. Vehicles travelling either direction are able to move onto the shoulders of the road to enable vehicles to pass one another.

The east end of Leipold Road narrows at a bridge to 5m, for an extent of 35m. The western portion of Leipold Road features a fully bitumised carriageway width of 5m. Officers note that the intent of this element of the Guidelines is,

*“To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event”*

Despite the eastern portion of Leipold Road having a narrow bitumised surface, the total carriageway width is considered suitable to enable vehicles to leave the site safely. Additionally, should customer or staff vehicles be leaving via Leipold Road and emergency services attending, there is sufficient width for passenger vehicles to pull over and enable emergency services to pass by. Officers consider that the requirements of the Guidelines are therefore met in this regard.

The Guidelines require provision of suitable egress in at least two different directions. The subject application satisfies this requirement. Vehicles can exit the premises on Leipold Road and travel west towards the Kwinana Freeway, or east towards Mundijong or Byford.

The Guidelines also require that in the instance a ‘private driveway’ is longer than 50m from a public road, then passing bays are required to be implemented. The acceptable solutions of



SPP3.7 require that passing bays with a length of 20m and a minimum trafficable width of two metres be provided every 200m. The applicant has detailed that three overtaking bays have recently been constructed by the landowners.

*Water:*

The subject site is serviced by a water tank with a reserve 10,000L water supply for firefighting purposes, in accordance with the Guidelines.

Traffic

An objection was received in relation to the amendment putting further strain on the road infrastructure in the locality. Leipold Road is currently a single lane bitumised rural road, with unsealed shoulders. Based on the proposed increase, there would be a worst-case scenario of 30 light vehicles attending the premises in the morning and then again in the afternoon for drop-off and pick-up. Two staff vehicles would attend the premises in the morning and depart in the afternoon. Also, a small bus attends the site daily as part of the pick-up/drop-off service provided by the operator for dogs in the locality. The provision of the bus would likely result in a reduction of vehicle movements.

The proposed estimated increase in vehicle movements is considered modest. A 'rural access road' should generally not have a greater volume than 800-1,000 vehicles per day. The existing traffic count data from 2021 shows that approximately 129 vehicles use the road per day. Officers therefore consider the proposed expansion would not result in a material increase to the volume of traffic on Leipold Road.

## Options and Implications

### Option 1

That Council APPROVES the development application for an amendment to the existing 'Animal Establishment' (Dog Kennels) at Lot 2, 302 Leipold Road, Oldbury, subject to the following conditions:

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

Plans and Specifications	Development Plans (P1) received at the Shire Offices on 27 July 2023; Acoustic Assessment (P2) dated 29 May 2023;
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2. A maximum of 30 dogs are permitted to attend the premises during the day and a maximum of six dogs are permitted to be boarded at the premises overnight.
3. The operating hours for daytime boarding dogs shall be between 7:00am and 6:00pm Monday to Friday.
4. Prior to the increase in dog numbers permitted by this development approval, an updated Bushfire Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, and fully implemented and maintained by the operator. The Bushfire Management Plan shall demonstrate compliance with the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas, to the satisfaction of the Shire of Serpentine Jarrahdale.



5. Prior to the increase in dog numbers permitted by this development approval, an updated Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing:
  - (a) Frequency and timing of managing animal waste from the development;
  - (b) Storage and disposal of animal waste from the property in a manner to avoid any odour risks;
  - (c) All associated odour management practices required by the Shire's Health Local Law.Once approved, the updated Waste Management Plan shall be fully implemented and maintained by the operator.
6. This approval is specific to the operator of the development only. The approval is not transferrable to another operator, whether as a result of land sale or leasing, under any basis.
7. The operator shall submit annual noise report audits to the Shire of Serpentine Jarrahdale from the date of this determination. This annual audit must document noise associated with the development, including any exceedances or complaints, how such have been remedied and all changes in the management of the development that have taken place to reduce noise impacts.
8. Prior to the increase in dog numbers permitted by this development approval, an updated Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, and thereafter implemented and maintained by the operator. The Noise Management Plan shall address the following:
  - (a) Restricting dog numbers undertaking outdoor activities at any one time to no more than 15 at a time;
  - (b) Procedures and measures to ensure dog barking noise will not adversely impact the amenity of the locality;
  - (c) The complaints handling process to be maintained by the operator.
9. Prior to the increase in dog numbers permitted by this development approval, two passing bays shall be created on the private driveway to the following standards, in accordance with the Guidelines for Planning in Bushfire Prone Areas:
  - (a) Passing bays every 200m;
  - (b) A minimum length of 20m and a minimum additional trafficable width of two metres; and
  - (c) The combined trafficable width of the passing bay and constructed private driveway to be a minimum six metres.
10. Prior to the increase in dog numbers permitted by this development approval, an amended Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, and thereafter implemented and maintained by the operator.

### Option 2

That Council REFUSES the development application to amend the existing 'Animal Establishment' at Lot 2, 302 Leipold Road, Oldbury, for the following reasons:

1. The increase in dog numbers is considered to create the risk of noise impacts that exceed the reasonable amenity levels expected of a rural zone within the Shire;

Option 1 is recommended.



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**Conclusion**

The application seeks an approval to amend an 'Animal Establishment', by increasing day time dog boarding numbers from 15 to 30. Several objections were received during the consultation. Officers consider the proposed development aligns with the planning framework and, via appropriate conditions, can be managed to limit impacts on amenity. Officers support the proposed development and recommend the application be approved, subject to conditions.

**Attachments (available under separate cover)**

- **10.1.1 - attachment 1** - Development Plans (E23/15407)
- **10.1.1 - attachment 2** - Summary of Submissions (E23/11564)
- **10.1.1 - attachment 3** - Clause 67 Assessment (E23/15410)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.

**Financial Implications**

Nil.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council approves the development application and the conditions of approval are not complied with by the applicant leading to potential amenity impacts to the locality.	Annual audit program undertaken by Ranger Services  Compliance and Enforcement under the Planning and Development Act 2005	Social / Community Outcomes	Possible	Moderate	MODERATE	Appropriate conditions imposed to regulate the development
2	That Council Refuses the development application and the applicant appeals the decision to the SAT, which requires engagement of an advocate and independent expert to represent Council.	Nil	Financial	Possible	Moderate	MODERATE	Ensure valid planning reasons for refusal.



**Voting Requirements:** Simple Majority

**OCM300/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Bishop

That Council **APPROVES** the development application for an amendment to the existing 'Animal Establishment' (Dog Kennels) at Lot 2, 302 Leipold Road, Oldbury, subject to the following conditions:

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

<b>Plans and Specifications</b>	<b>Development Plans (P1) received at the Shire Offices on 27 July 2023;</b> <b>Acoustic Assessment (P2) dated 29 May 2023;</b>
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2. A maximum of 30 dogs are permitted to attend the premises during the day and a maximum of six dogs are permitted to be boarded at the premises overnight.
3. The operating hours for daytime boarding dogs shall be between 7:00am and 6:00pm Monday to Friday.
4. Prior to the increase in dog numbers permitted by this development approval, an updated Bushfire Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, and fully implemented and maintained by the operator. The Bushfire Management Plan shall demonstrate compliance with the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas, to the satisfaction of the Shire of Serpentine Jarrahdale.
5. Prior to the increase in dog numbers permitted by this development approval, an updated Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing:
  - (a) Frequency and timing of managing animal waste from the development;
  - (b) Storage and disposal of animal waste from the property in a manner to avoid any odour risks;
  - (c) All associated odour management practices required by the Shire's Health Local Law.
 Once approved, the updated Waste Management Plan shall be fully implemented and maintained by the operator.
6. This approval is specific to the operator of the development only. The approval is not transferrable to another operator, whether as a result of land sale or leasing, under any basis.
7. The operator shall submit annual noise report audits to the Shire of Serpentine Jarrahdale from the date of this determination. This annual audit must document noise associated with the development, including any exceedances or complaints, how such have been remedied and all changes in the management of the development that have taken place to reduce noise impacts.



- 8. Prior to the increase in dog numbers permitted by this development approval, an updated Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, and thereafter implemented and maintained by the operator. The Noise Management Plan shall address the following:**
- (a) Restricting dog numbers undertaking outdoor activities at any one time to no more than 15 at a time;**
  - (b) Procedures and measures to ensure dog barking noise will not adversely impact the amenity of the locality;**
  - (c) The complaints handling process to be maintained by the operator.**
- 9. Prior to the increase in dog numbers permitted by this development approval, two passing bays shall be created on the private driveway to the following standards, in accordance with the Guidelines for Planning in Bushfire Prone Areas:**
- (a) Passing bays every 200m;**
  - (b) A minimum length of 20m and a minimum additional trafficable width of two metres; and**
  - (c) The combined trafficable width of the passing bay and constructed private driveway to be a minimum six metres.**
- 10. Prior to the increase in dog numbers permitted by this development approval, an amended Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, and thereafter implemented and maintained by the operator.**

**CARRIED UNANIMOUSLY 6/0**



### 9.3 - Notice of Motion – Entry Statement (SJ4090)

<b>Councillor</b>	President Coales
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Notice of Motion

A Notice of Motion was received from President Coales via email on Friday, 1 December 2023.

The Notice of Motion is “That Council REQUESTS the Chief Executive Officer prepare and report to Council in March 2024 a “Project Initiation Document” in accordance with the Shire’s project management framework an Entry Statement Strategy for the Shire. The report to Council in March should address the following matters for the development and implementation of an Entry Statement Strategy:

1. resources required
2. proposed locations of entry statements
3. recommended community engagement approach
4. A high-level project budget
5. A proposed implementation strategy, including indicative timeframe.”

#### Relevant Previous Decisions of Council

Nil.

#### Officer Comment

Entry statement signage can play a crucial role in shaping the identity and character of a locality. These distinctive signs, strategically placed at the entry points of towns, cities, or neighborhoods, serve more than just “entry statements”, they can help communicate a sense of community, welcome, and pride. Well planned and implemented entry statements throughout a local government area can support the following outcomes:

##### Positive First Impressions:

Entry statement signage is often the first visual encounter that residents, visitors, and commuters have with a locality. It serves as an introduction to the unique features, culture, and personality of the community. An aesthetically pleasing and well-designed entry sign can leave a positive and lasting impression, setting the tone for the overall perception of the area.

##### Fostering Civic Pride:

Entry statement signage can act as symbolic representations of local identity and heritage. By incorporating elements that reflect the history, values, and achievements of the community, entry statement signage fosters a sense of pride among residents. This pride can contribute to a stronger community spirit and a shared commitment to maintaining and improving the local area.

##### Promoting Tourism and Economic Development:

An eye-catching entry statement can serve as a tourist attraction in itself. Tourists are often drawn



to areas that convey a strong sense of place and community. Additionally, well-designed signage can be a catalyst for economic development by creating a positive image that attracts businesses, investors, and new residents.

Enhancing Wayfinding and Safety:

Entry statement signage is not only decorative but can also be functional. It helps in wayfinding by clearly marking the boundaries of a locality, aiding residents and visitors in navigation.

Community Engagement and Cohesion:

Involving the community in the design of an entry statement strategy or style guide can help foster collaboration and a sense of belonging.

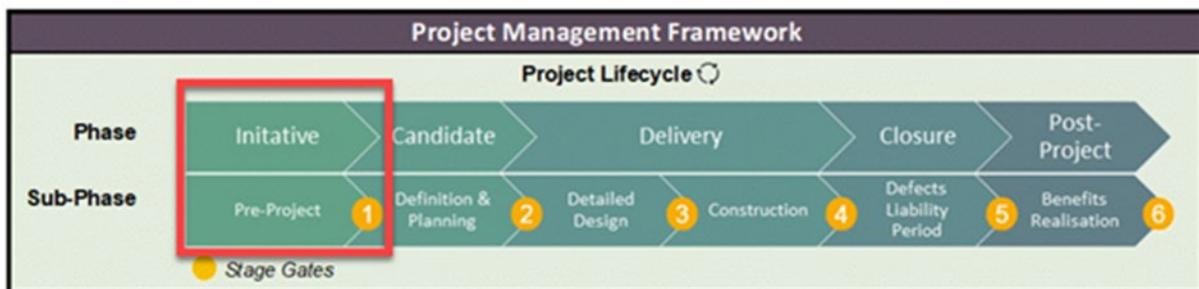
Consistent Branding and Image Building:

Entry statement signage can contribute to the establishment of a consistent brand for a locality. A well-branded community creates a distinct and memorable image that can be used in marketing efforts, attracting positive attention and potentially increasing the area's desirability.

Officers support the idea of developing an Entry Statement Strategy for the Shire, and propose to initiate the project in accordance with Shire's Project Management Framework.

The first step in the process is a Project Initiation Document (PID). If the Notice of Motion is supported by Council, Officers would develop the PID, which would include:

1. Project objectives and expected benefits
2. Proposed locations of entry statements
3. Community engagement approach
4. A high-level project budget
5. A proposed implementation strategy including indicative timeframe
6. Resources required through the establishment of a project team and steering group



The PID and implementation options would then be presented to Council in March 2024 for its consideration. There is no funding or resources allocated for this project currently available, and should the PID be supported by Council, funding and resources will be required from Council for Officers to progress the project through the Project Management Framework. This will require funding allocated in the Shire's 2024/25 Budget as well as resource allocations in the Corporate Business Plan. This process may impact the re-prioritisation of existing projects.

**Attachments (available under separate cover)**

Nil.



**Voting Requirements:** Simple Majority

**OCM301/12/23**

**COUNCIL RESOLUTION / Councillor Recommendation**

**Moved President Coales, seconded Cr Duggin**

**That Council REQUESTS the Chief Executive Officer prepare and report to Council in March 2024 a “Project Initiation Document” in accordance with the Shire’s project management framework an Entry Statement Strategy for the Shire. The report to Council in March should address the following matters for the development and implementation of an Entry Statement Strategy:**

- 1. resources required**
- 2. proposed locations of entry statements**
- 3. recommended community engagement approach**
- 4. A high-level project budget**
- 5. A proposed implementation strategy, including indicative timeframe.**

**CARRIED UNANIMOUSLY 6/0**



**9.4 - Notice of Motion – Byford Baptist Church Community Food Market (SJ4090)**

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

**Notice of Motion**

A Notice of Motion was received from Councillor Byas via email on Monday, 4 December 2023.

The Notice of Motion is “That Council, in accordance with Council Policy 5.1.14 - Community Contributions, APPROVES a donation of \$500 to the Byford Baptist Church Community Food Market to support their work over the Christmas period.”

**Relevant Previous Decisions of Council**

Nil.

**Officer Comment**

Byford Baptist Church

Byford Baptist Church provides a Free Food Market each Thursday morning from their church. Byford Baptist Church provides the following information on their website about the service:

*Always runs on Thursdays at the church, except over Christmas and the New Year. Anyone in need can take home a box of grocery essentials 9am - 12:30pm. No proof needed, just come! One box per household.*

Shire Officers attend the Free Food Market regularly to provide support to volunteers. As the Free Food Market is externally delivered, the Shire does not have specific details pertaining to demand for support provided by the Byford Baptist Church. However, based on detail contained in a previous grant application (November 2022), the organisation has approximately 25 regular volunteers, encourages attendance by other service providers at their weekly Food Markets (such as NDIS representatives, financial counsellors and free legal services), and supports approximately 250 households per week. As far as Officers are aware, no identifying information such as suburb or address is requested to be supplied by those who attend.

An online ABC news story published on 30 November 2023 reported a surge in the number of people contacting welfare groups for help and support across WA: *WA's welfare organisations are stretched to the limit trying to meet demand for help from hungry people - ABC News*

Council Policy 5.1.14 - Community Contributions

Council Policy 5.1.14 - Community Contributions provides the following information regarding donations:

*Acceptable donations to third parties*

*It is preferable for organisations to request funding via a community grant process. However, it is acknowledged that in some instances a donation is a more appropriate contribution. These might include charity, community organisations, events or extraordinary crisis support. Donations are a direct, one-off contribution to the organisation or party and do not require an acquittal.*

*The donation may be used for general purposes or allocated to a specific activity to a maximum*



value of \$500 (ex GST). Examples of acceptable donation from the Shire may include, but not be limited to:

- Registered community or charitable organisations seeking ad hoc or crisis funding.
- Event or activity that displays a strong and relevant benefit to the local community, but is unable to meet requirements for a community grant.

Whilst recognition is not expected, it may be requested if appropriate to the circumstances.

A donation of \$500 to Byford Baptist Church for the Free Food Market aligns with acceptable donations to third parties in accordance with Council Policy 5.1.14 - Community Contributions.

#### Previous contributions/donations to Byford Baptist Church

Over the past four years (December 2019 to date), the Byford Baptist Church has received the following community funding contributions from the Shire:

- December 2022 – General Grant to the value of \$4,222 ex GST towards the purchase of a trailer for the Byford Free Food Market.
- October 2021 - General Grant to the value of \$2,364 ex GST for First Aid and Mental Health First Aid training to volunteers
- October 2020 – General Grant to the value of \$2,207.70 ex GST for equipment (tables, scales and vacuum)
- April 2020 – donation of \$5,000 ex GST approved under Covid-19 Emergency arrangements – for general food and household item provisions.

#### Financial implications

Account 4300-15430 (Donations) currently has \$203 available for the purposes of Community Contributions (donations). If Council supports this Notice of Motion, a budget adjustment to this account can be considered at the next Quarterly budget review.

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

Nil.

**Voting Requirements:** Simple Majority

#### Councillor Recommendation

That Council, in accordance with Council Policy 5.1.14 - Community Contributions, APPROVES a donation of \$500 to the Byford Baptist Church Community Food Market to support their work over the Christmas period.

#### **OCM302/12/23**

#### **COUNCIL RESOLUTION**

**Moved Cr Byas, seconded Cr Mack**

**That Council APPROVES a donation of \$2,000 to the Byford Baptist Church Community Food Market to support their work over the Christmas period.**

**CARRIED UNANIMOUSLY 6/0**

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

<b>10.1.1 - Proposed Amendment to 'Animal Establishment' (Dog Kennels) - Lot 2, 302 Leipold Road, Oldbury (PA23/537)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**This report was dealt with earlier in the Meeting.**



**10.1.2 - Proposed Road Naming Application - Lot 9001, 154 Utley Road, Serpentine (PA23/802)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Brown McAllister Surveyors
Owner:	Stron Pty Ltd
Date of Receipt:	30 October 2023
Lot Area:	68ha
Town Planning Scheme No 2 Zoning:	'Rural Residential'
Metropolitan Region Scheme Zoning:	'Rural'

**Report Purpose**

The purpose of this report is for Council to consider a proposal for two road names associated with a subdivision at Lot 9001, 154 Utley Road, Serpentine. One new road name and one extension of an existing name are proposed as part of this application. Three 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 themes of equine related names and names associated with the history of the locality.

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

*Ordinary Council Meeting - 17 April 2023 – OCM070/04/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. ENDORSES the list of road names as per attachment 1 based on the Shire's Local Heritage Survey.*
- 2. NOTES these will be made available for applicants to consider as part of proposing road names for future subdivisions, in accordance with clause 26A(3) of the Land Administration Act 1997.*

### Background

The subject site is bound by Wattle Road to the north and Uteley Road to the south. The site is within a 'Rural Residential' area of Serpentine, forming part of the 'Springfields Serpentine' estate. The Serpentine Town Centre is located to the north-east of the site and is depicted following:

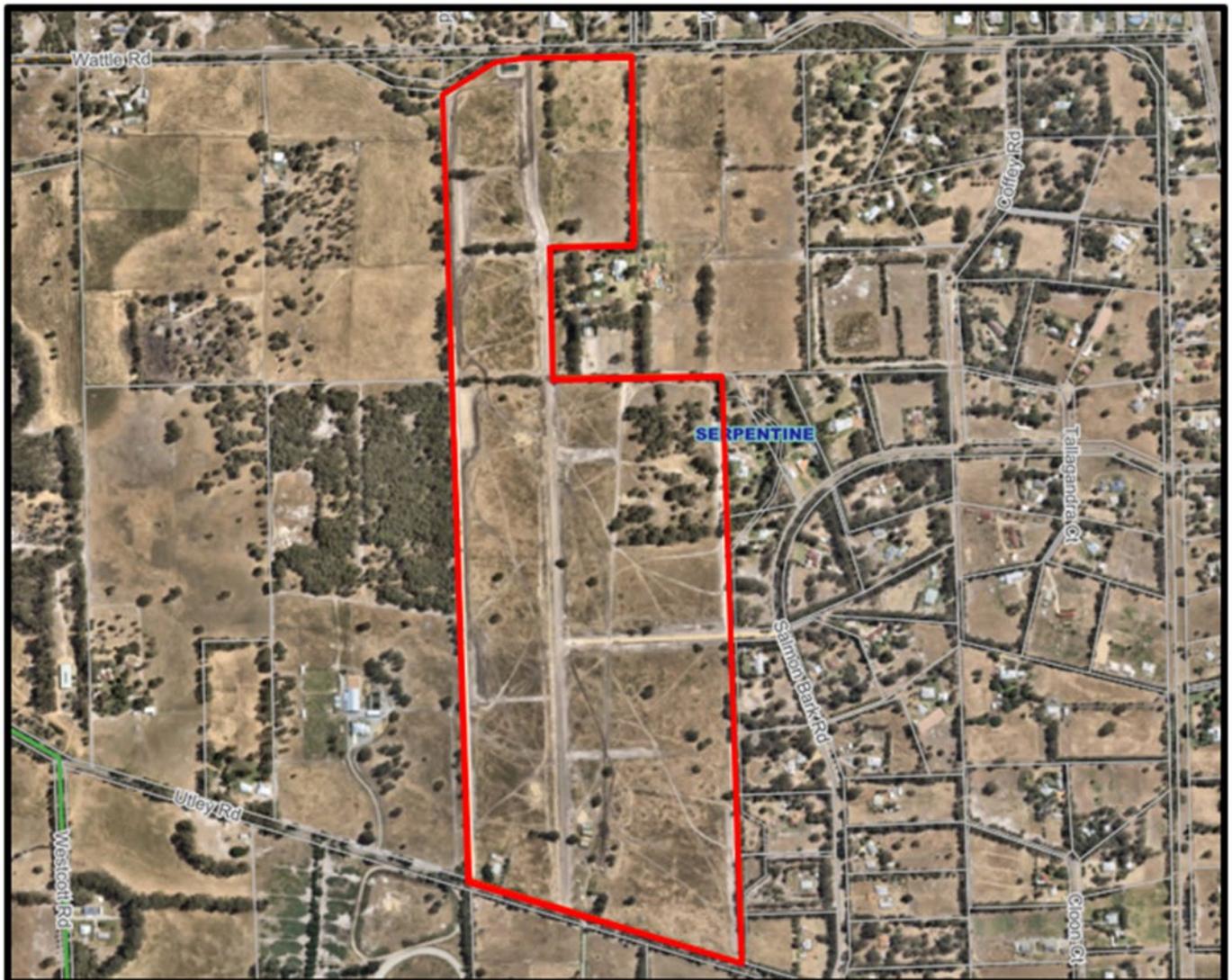


Figure 1: Aerial image of the subject site





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 the naming of two roads, 'Polo' and 'Burto'. The applicant has also submitted three names to be endorsed as second preference names in the instance that Landgate does not accept the preferred names. The roads and proposed names are shown in the following plan:

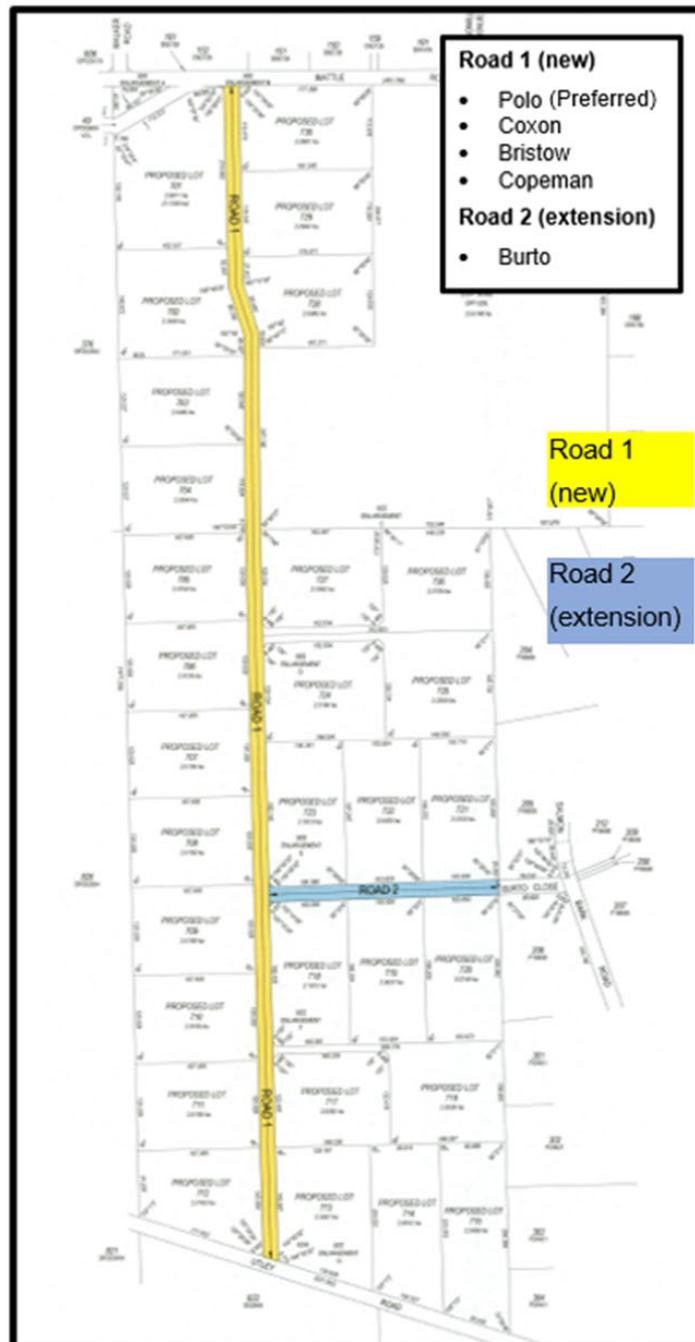


Figure 3: Proposed road name layout



Local Planning Policy 1.7 - Road Naming Policy (LPP1.7) indicates where more than four road names are proposed then a theme should be submitted to Council for approval. As such, no road name theme is required for this proposal. However, the proposed name 'Polo' is in keeping with the theme of equine activities. Officers consider this is appropriate given the strong relationship the Shire has with the equine industry. The proposed name 'Burto' is an extension of an existing approved road name in the subdivision to the east of this site.

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

<b>Road Name Table</b>	
<b>Proposed Preferred Names</b>	<b>Background</b>
Road 1: Polo Road (new)	Polo is a leisure activity played on horseback with a long-handed mallet.
Road 2: Burto Way (extension)	This is an extension to an existing approved road name.

<b>Reserve Names</b>	<b>Background</b>
Coxon	These names were previously approved by Council as preferred road names at the Ordinary Council Meeting on 17 April 2023. Mr James 'Coxon' and Mr Jimmy 'Bristow' were bricklayer workers who were responsible for construction of much of Lowlands farm. Lowlands farm is also known as 'Serpentine Farm'. Mr James Coxon himself was laid to rest on the Serpentine Farm.
Bristow	
Copeman	This name was previously approved by Council as a preferred road name, at the Ordinary Council Meeting on 17 April 2023. Mr Copeman constructed the first brick bakehouse in Mundijong in the 1920's, as referenced on page 231 of the Shire's Local Heritage Survey.

### **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 as follows:

<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
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	The origin and background of the proposed and reserve road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to give 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 assist emergency services, service providers and the travelling public	In terms of easiness to read, spell and pronounce, the 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 proposed preferred names comprise of no more than six 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. Road (Rd) - Open way or public passage primarily for vehicles. Way (Way) - Roadway affording passage from one place to another. Usually not as straight as an avenue or street. 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 considered to be practical.

Based on the above, the recommended names are considered appropriate.



**Options and Implications**

Option 1

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. Polo Road
  - b. Burto Way
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. Coxon
  - b. Bristow
  - c. Copeman

Option 2

That Council REFUSES TO ENDORSE the proposed road names and REQUESTS the applicant to consider different naming options.

Option 1 is recommended.

**Conclusion**

Council endorsement is sought for two proposed road names to be used within the approved subdivision at the subject site. The proposed names are considered consistent with the requirements of LPP1.7 and Landgate’s road naming policy. It is therefore recommended that Council endorse the proposed names.

**Attachments (available under separate cover)**

- **10.1.2 - attachment 1** - Road Layout Plan (E23/15632)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

**Financial Implications**

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
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

### OCM294/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

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. Polo Road
  - b. Burto Way
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. Coxon
  - b. Bristow
  - c. Copeman

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



**10.1.3 - Proposed Adoption of Local Planning Policy 4.26 - Development in the Rural Zone (SJ4181)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider the adoption of Draft Local Planning Policy 4.26 - Development in the Rural Zone (LPP4.26). LPP4.26 has completed the process of public engagement. One submission was received during the public consultation period providing support for the policy.

The LPP seeks to assist applicants and Shire Officers through the assessment of development applications in the rural zone, in particular pertaining to non-rural uses that are discretionary in nature. The LPP provides detailed guidance in relation to the objective of Local Planning Scheme No. 3 (LPS3) which allows for a limited range of non-rural uses in the rural zone only where they have a direct benefit to the local community and are compatible with surrounding rural uses. It is recommended that Council adopt LPP4.26 as contained within **attachment 1** without modifications.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 18 September 2023 - OCM232/09/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council APPROVES, for the purposes of advertising, the revised Draft Local Planning Policy: Development in the Rural Zone in accordance with Clause 4(1)(a) of the Deemed Provisions, for a minimum of 28 days.*

*Ordinary Council Meeting - 15 March 2021 - OCM050/03/21 - COUNCIL RESOLUTION*

*That Council:*

- 1. ENDORSES further revisions to draft Local Planning Policy 4.19: Development within the Rural Zone.*
- 2. REQUESTS that the Chief Executive Officer advertise the revised Local Planning Policy per attachment 2 for community consultation for a period of three months, in order to enable broader community consideration in light of the proposed Local Planning Scheme No. 3 as a seriously entertained planning proposal.*
- 3. DEFERS further consideration of draft Local Planning Policy 4.19: Development within the Rural Zone, pending the Minister's decision on Proposed Local Planning Scheme No. 3 and*



*specifically whether further revisions to the Draft Policy would be necessary as a result of the Minister's decision.*

*Ordinary Council Meeting - 17 February 2020 - OCM011/02/20 - COUNCIL RESOLUTION  
That Council ADOPTS, for the purposes of advertising, the draft Local Planning Policy 4.19: Development in Rural Zone in accordance with Clause 4(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 as contained within attachment 1, and requires this to be advertised for a minimum of 28 days including one (1) community forum midway through the advertising process.*

## **Background**

The Shire's rural area is unique. It is characterised by generally large land holdings, agricultural/rural activities, natural environmental features (natural vegetation, watercourses, protected fauna, Serpentine River) and open landscapes. The Shire is also located within sensitive environmental areas such as the Peel Harvey Catchment and the Jandakot Water Mound Protection area.

As the Shire continues to grow, the 'Rural' zone is coming under growing interest and pressure from development. This development needs to align with the objectives and the Rural zone, and what the community has helped shape in terms of the strategic planning direction for the Rural zone, being captured through the Local Planning Strategy.

With the establishment of industrial zones namely located at West Mundijong, it has become a particularly relevant planning objective to ensure industrial developments are located in the appropriately zoned industrial areas. This further ensures that the Rural zone can be protected to facilitate compatible rural and non-rural development, occurring. This particularly seeks to avoid development in the Rural zone which:

- May cause significant, adverse off-site impacts;
- May create land use conflicts due to their incompatibility with existing rural and sensitive land uses;
- May result in the semi-industrialisation of rural; and/or
- May reduce the amount of land available for productive agricultural purposes.

With the adoption of LPS3, it is an opportune time to create this LPP, to set clear policy direction in order to assist applicants, Officers and the community in respect of development within the rural zone.

## **Community / Stakeholder Consultation**

Community consultation was undertaken for a period of 28 days from 5 October 2023 to 2 November 2023. The LPP was also advertised in the local Examiner newspaper. During this period one submission was received providing support for the proposal. The submission states as follows:

*"I know that this is only a 'Policy, and that more detailed assessment criteria will follow to sit behind this document, so the points I raise below may already be factored in: \* with rural land being surrounded by non-rural land more and more (such as rural residential and the like), I believe that the statement"... adversely impact existing rural uses on the site or surrounding locality;" could be interpreted narrowly as only being relevant for 'rural uses' in the surrounding*



*locality, rather than other adjoining/ adjacent non-rural properties. \* should this policy be referenced against/ or with the Local Planning Strategy, and particularly section 5.4, which has quite a lot to say about development of rural land and the pressures it faces? \* should "any external impacts and their proposed management" be further defined?"*

#### *Officer Comment*

The LPP relates to rural and non-rural uses on rural land and specifically the impact of non-rural uses on other rural uses. While the amenity impacts of uses on rural zoned land is a material consideration during the development assessment process, it is considered that this is established within the existing planning framework and is not required to be included in LPP4.26 specifically. As previously stated, the purpose of LPP4.26 is to expand and provide assessment criteria in relation to the objective of the rural zone pertaining to non-rural land uses.

### **Statutory Environment**

#### Legislation

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

#### State Government Policies

- State Planning Policy 2.5 - Rural Planning

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

### **Planning Assessment**

LPP4.26 aims to assist Officers and the community in setting out the circumstances where proposed non-rural development may or may not be supported in the Rural zone. The Policy examines the related objective of the Rural zone under LPS3, pertaining to non-rural uses, and proposes a set of policy provisions that aim to:

1. Require suitable detail to be submitted by an applicant to enable assessment;
2. Establish the circumstances where certain forms of non-rural development may be supported.

The Policy highlights the following considerations:

- The new objective of the Rural zone pertaining to non-rural uses states *"To provide for a limited range of non-rural land uses, only where they have demonstrated a direct benefit to the local community and are compatible with surrounding rural uses."*
- This objective is performance in nature, insofar that it doesn't:
  - Quantify or set measures for demonstrating direct benefit;
  - Quantify the area considered to be the local community; or
  - Define what compatibility may consider with surrounding rural uses.
- The Policy aims to assist in setting out measures, that Officers and applicants are to have regard to, in respect of non-rural uses proposed in the Rural zone.
- For such development applications:



- Certain non-rural uses (deemed potentially beneficial) are expected to undertake a preliminary benefits analysis of the use to the local community;
- Certain non-rural land uses (deemed potential unbeneficial) are expected to undertake a detailed benefits analysis of the use to the local community.
- All non-rural land uses are expected to undertake a compatibility analysis with surrounding rural uses.
- The following non-rural uses are considered potentially beneficial:
  - Art gallery;
  - Bed and breakfast;
  - Brewery;
  - Caravan park (in the form of chalets, camping, and/or tiny homes);
  - Cinema / theatre;
  - Civic use;
  - Club premises;
  - Commercial vehicle parking;
  - Community purpose;
  - Educational establishment;
  - Exhibition centre;
  - Family day care;
  - Garden centre;
  - Holiday accommodation;
  - Holiday house;
  - Hospital;
  - Industry - cottage;
  - Industry - primary production;
  - Industry - rural;
  - Market;
  - Motel;
  - Place of Worship;
  - Reception Centre;
  - Renewable Energy Facility;
  - Restaurant / Café;
  - Road House;
  - Telecommunications infrastructure;
  - Tourist development;



- Trade supplies;
- Tree farm;
- Veterinary Centre;
- Winery;
- Workforce accommodation.
- The following non-rural uses are considered potentially unbeneficial:
  - Betting agency;
  - Corrective institution;
  - Resource Recovery Centre;
  - Recreation - private;
  - Tavern;
  - Transport depot.
- An application proposing a potentially unbeneficial land use, would have a higher reporting requirement to assess whether such was (or was not) aligned with the objective of the zone.
- All non-rural land uses would be required to include a detailed assessment of compatibility, taking account of:
  - The proportion of the lot proposed to be used for non-rural uses and whether the majority of the land would be available to be used for rural uses alongside;
  - Whether there is a rural use occurring on the site;
  - Whether the proposal would adversely impact existing rural uses on the site or surrounding locality;
  - Whether the proposal would impact the ability of the land to be used for rural uses in the future;
  - The capability of the land to undertake productive rural uses;
  - The scale of development/activities;
  - Built form character;
  - Any external impacts and their proposed management;
  - Traffic generation and suitability of infrastructure to accommodate.

It is considered that the LPP provides further clarity in the types of development that are considered potentially beneficial and potentially unbeneficial in accordance with the objective of the zone under LPS3 and as such should be adopted by Council.



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## Options and Implications

### Option 1

That Council ADOPTS Draft Local Planning Policy: 4.26 - Development in the Rural Zone in accordance with Clause 4(3)(b)(i) of the Deemed Provisions as contained in **attachment 1**.

### Option 2

That Council REFUSES TO ADOPT Draft Local Planning Policy 4.26 - Development in the Rural Zone.

Option 1 is recommended.

## Conclusion

The report is presented to Council recommending that draft LPP4.26 is adopted in accordance with the *Planning and Development (Local Planning Schemes) 2015*.

It is considered that the LPP will assist applicants and Shire Officers through the development process when dealing with development in the rural zone, in particular non-rural uses and protect rural land in line with LPS3.

## Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Draft Local Planning Policy - Development within the Rural Zone (E23/10691)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

## Financial Implications

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest strategic risk.						
2	If Council resolves not to adopt the Draft Policy, the planning framework may be incapable of properly shaping development in the rural zone which could lead to adverse impacts on the local community which cannot be managed.	Planning Framework	Reputation	Possible	Major	SIGNIFICANT	Accept Option 1.

**Voting Requirements:** Simple Majority

### OCM294/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council **ADOPTS** Draft Local Planning Policy: 4.26 - Development in the Rural Zone in accordance with Clause 4(3)(b)(i) of the Deemed Provisions as contained in attachment 1.

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



**10.1.4 - Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development within the Shire of Serpentine Jarrahdale (SJ4206)**

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

**Authority / Discretion**

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

The purpose of this report is for Council to consider a new draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for qualifying forms of Retail and Commercial Development (draft LPP). It is requested that Council consent to advertise the draft LPP for comment.

The draft LPP contains guidance and provisions for elements of environmentally sustainable design considerations in new forms of qualifying retail and commercial development within the Shire. This is specifically new development, exceeding 1,000sqm of net lettable area.

This takes a particular focus on lot and building orientation, building materials, life cycle assessments, energy efficiency and water efficiency. The draft LPP has been formulated with consideration to the range of approaches that could be considered for ESD, and proposes an approach to suit the context of the Shire.

Given the importance of stakeholder and community engagement, it is recommended that Council resolve to advertise the draft LPP for comment.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 21 August 2023 - OCM200/08/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *SUPPORTS to the preparation of a local planning policy and associated checklists, assessments, and information sheets to expand environmentally sustainable design controls within the Shire of Serpentine Jarrahdale.*
2. *REQUESTS the Chief Executive Officer develop a draft local planning policy, and reported back to Council for consideration according to the Deemed Provisions.*



*Ordinary Council Meeting - 15 May 2023 - OCM093/05/23 - COUNCIL RESOLUTION / Councillor Recommendation*

*That Council REQUESTS the Chief Executive Officer prepare a report to Council within three months, to explain potential options for expanding environmentally sustainable design controls and/or incentives for new development within the Shire, together with recommended approaches that could be taken in this regard.*

## **Background**

Addressing environmental sustainability through design continues to receive a large focus from the perspective of development control. Through engagement with applicants and the right supporting planning framework, there can be enhancements made in the design phase, which creates development that performs better in its setting, leading to a more liveable experience for occupiers. Sustainable design can also lead to cost savings in subsequent building operations, for example through reducing demands for lighting and heating/cooling of large internal spaces. Sustainable choices in respect of building materials can also help reduce embodied carbon, leading to reduced overall carbon emissions and key mitigation of climate change.

Environmental sustainability is recognised within the Shire's current planning framework and is addressed through some stages of the development process. Having a new LPP, as proposed, could add a further supporting element to ESD, by providing policy guidance to facilitate regard for such in the retail and commercial development assessment process.

At the 21 August 2023 Ordinary Council Meeting, Council supported the preparation of a draft LPP to expand environmentally sustainable design considerations within the Shire of Serpentine Jarrahdale, requesting that a draft LPP be reported back to Council for consideration. As such, the draft LPP has been prepared for Council's consideration to determine whether such is suitable for advertising. This is the purpose of this report.

## **Community / Stakeholder Consultation**

Clause 4(2) of the Deemed Provisions requires a period for making submissions on a draft LPP to not be less than 21 days. It is therefore recommended that the draft LPP be advertised for community consultation for 21 days, through the Shire's website and Your Say SJ page, and publishing in the local newspaper. It is also recommended that engagement with key development stakeholders occur, such as the UDIA and Property Council of WA.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- State Planning Policies

### Local Planning Framework

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



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**Comment**

The Shire does not currently have an LPP encompassing environmentally sustainable design consideration in retail and commercial development. This draft LPP proposes to become this, and if supported, would interact with and be supported by, the Shire's suite of existing local planning policies that contribute to environmentally responsive design. These include LPP2.4 Water Sensitive Urban Design Guidelines, LPP2.8 Public Open Space Policy, and LPP4.16 Tree Retention and Planning.

This draft LPP is specifically aimed at providing a unified Shire position on the issue of environmentally sustainable design in new retail and commercial development. Provisions have been prepared to provide better means for Officers to encourage and to assess environmental sustainability, with a focus on practical design approaches that are supported by evidence in their cost benefit analysis as to overall improvement in building efficiency and performance.

This draft LPP aims to address the environmental sustainability topics below.

- Lot orientation and building design to consider solar passive and ventilation design principles.
- Building materials with minimal environmental impact and to assist thermal performance.
- Life Cycle Assessments to examine the carbon impacts of developments.
- Energy efficiency to reduce energy usage and reduce carbon emissions.
- Water efficiency.

This draft LPP aims to provide the following benefits to the Shire and to development outcomes:

1. Increase community awareness and education, and encourage and facilitate stakeholders at all stages of the development process to consider sustainable design choices in new retail and commercial developments.
2. Provide provisions for environmentally sustainable design to be considered and addressed within new retail and commercial developments.
3. Allow for the effective evaluation and assessment of the environmental sustainability of new retail and commercial developments.
4. To improve the climate resilience of new retail and commercial developments within the Shire.

The draft LPP is proposed to apply to the following forms of development:

1. Retail and commercial development within the Shire, which is proposed to exceed (in a single building) 1,000sqm of net lettable area.

The draft LPP however does not apply to:

- any residential, industrial, civic or rural forms of development;
- development undertaken by the Shire or Government agencies;
- alterations and additions to existing retail and commercial development, irrespective of the size of such.

This draft LPP has been prepared to achieve a reasonable balance between provisions and viable design considerations, to manage Shire and community expectations whilst ensuring that reasonable expectations are placed on development stakeholders.

The draft LPP also reflects the Shire's commitment and support of the Switch Your Thinking (SYT) program, being a member of the South East Regional Energy Group (SEREG). SYT has assisted



in developing skills and capacity that have been utilised in the development of the draft LPP, and also in testing various scenarios in which to best apply a policy approach.

The draft LPP includes a flexible energy efficiency design pathway, which provides applicants a choice between either green building certified development, or practical design aspects that continue to ongoing efficient operations and performance.

This draft LPP proposes provisions for environmentally sustainable design elements relating to several topics. Examples of these design elements include the utilisation of light colours which have a good solar performance level and the installation of Solar PV systems with supporting battery storage.

This draft LPP also includes a provision requiring a Life Cycle Assessment (LCA) Report to be submitted alongside development applications, demonstrating the environmental impacts of a proposed development throughout its life cycle. This provision is important in fulfilling the need for an assessment of the embodiment of carbon within the lifecycle of a development and will create a monitoring system to help address carbon emissions and sustainability.

It is recommended the draft LPP be adopted for community and stakeholder engagement, to enable feedback to be obtained and considered in whether to formally adopt the LPP.

## **Options and Implications**

### Option 1

That Council:

1. Pursuant to Schedule 2 Part 2 Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ADOPTS Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development for the purposes of advertising.
2. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ADVERTISES the Draft Local Planning Policy 2.9, and its associated attachments, for a period of not less than 21 days.

### Option 2

That Council resolves NOT TO PROCEED with Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development and its associated attachments.

Option 1 is recommended.

## **Conclusion**

The draft LPP proposes a balanced suite of provisions to help in the assessment and consideration of environmentally sustainable design in new retail and commercial development. Paired with supporting education elements that enable capacity building, this draft LPP is intended to lead to improved development outcomes within the Shire.

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

- **10.1.4 - attachment 1** - Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development (E23/14355)



**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Strategy 2.2.2</b>	Seek to minimise resource usage and continue to maximise reuse opportunities
<b>Strategy 2.2.3</b>	Continue to minimise the volume and impact of waste generated with the district
<b>Strategy 2.2.4</b>	Support community groups (both new and existing), who are preserving and enhancing the natural environment.

**Financial Implications**

There are no direct financial implications relating to this matter.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council adopts the draft LPP for advertising, and feedback from advertising is that the policy will not be effective in pursuing its stated objectives for various reasons.	Current State and Shire planning and development framework.	Reputation	Possible	Moderate	MODERATE	Ensure submissions are considered before reporting back to Council after advertising.
2	That Council does not proceed with the draft LPP, which leads to suboptimal forms of commercial development that do not fully integrated ESD considerations.	Current State and Shire planning and development framework.	Environment / Heritage	Possible	Moderate	MODERATE	Adopt Officer recommendation



**Voting Requirements:** Simple Majority

**OCM294/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Duggin, seconded Cr Bishop**

**That Council:**

- 1. Pursuant to Schedule 2 Part 2 Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **ADOPTS** Draft Local Planning Policy 2.9 Environmentally Sustainable Design Considerations for Retail and Commercial Development for the purposes of advertising.**
- 2. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **ADVERTISES** the Draft Local Planning Policy 2.9, and its associated attachments, for a period of not less than 21 days.**

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



**10.1.5 - Scheme Amendment No.1 - Lot 12 (No.101) King Road, Oakford - Proposed Additional Use (PA23/786)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra Planning & Survey Solutions
Owner:	Big Country Pty Ltd
Date of Receipt:	13 October 2023
Lot Area:	4.053 hectares
Local Planning Scheme No.3 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

**Report Purpose**

The purpose of this report is to consider a proposed Scheme Amendment for Lot 12 (No.101) King Road, Oakford pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*). Council is also requested to make a determination as to whether the amendment is a 'basic', 'standard' or 'complex' Amendment pursuant to Regulation 34 of the *Regulations*.

Officers recommend that Council adopt the Proposed Scheme Amendment with modifications as a 'complex' Amendment, and proceed to:

- Refer the amendment to the EPA to determine if environmental review is required;
- Refer the amendment to the WAPC to determine if it is suitable to advertise;
- Advertise the amendment once these processes have been completed.

**Background**

A Scheme Amendment has been submitted by Harley Dykstra on behalf of Big Country Pty Ltd for Lot 12 (No. 101) King Road, Oakford, requesting an additional use to be considered for the lot. Lot 12 (No. 101) King Road, Oakford is identified as Rural under the Shire's Local Planning Strategy and zoned Rural under Local Planning Scheme No. 3 and the Metropolitan Region Scheme. The requested additional use is proposed to be 'Industry - Light', which is not permitted in the Rural zone under Local Planning Scheme No. 3.

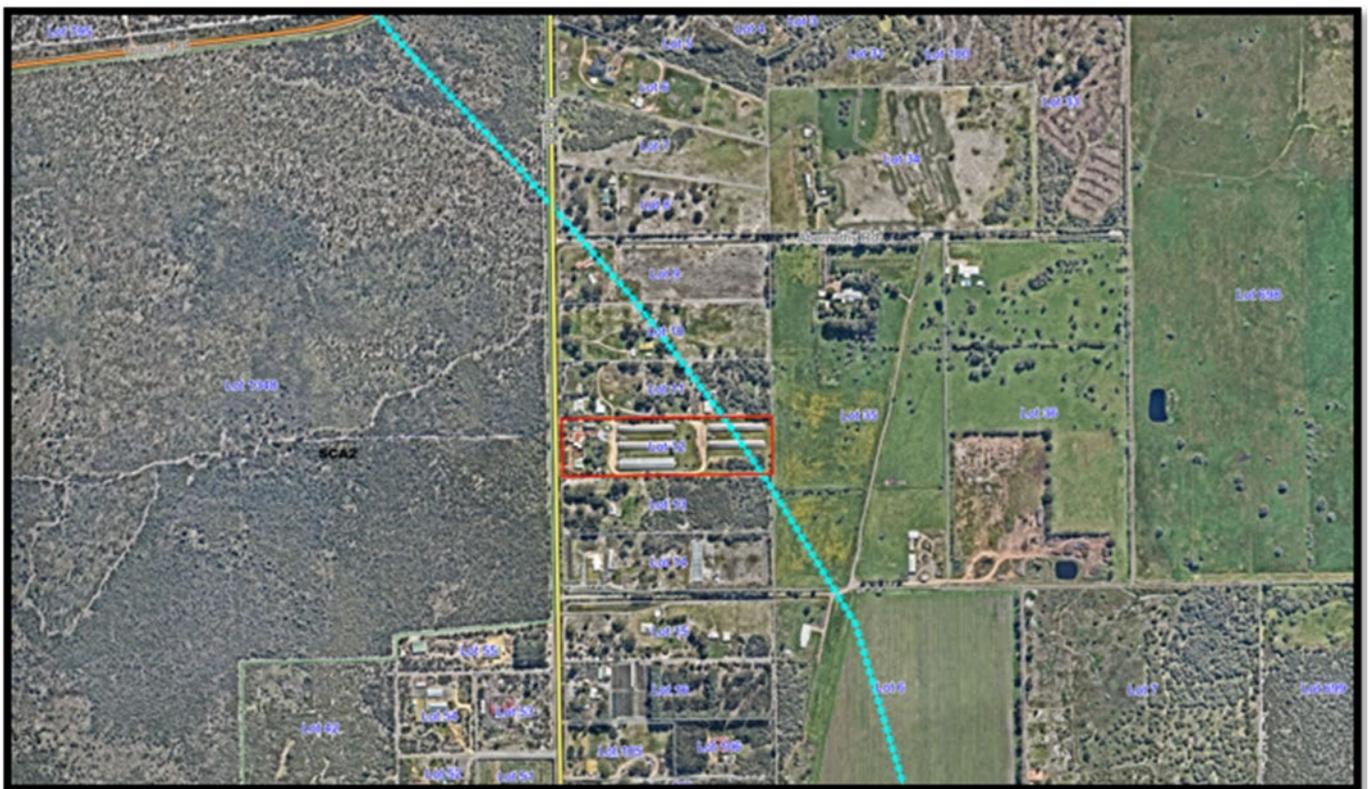


The subject land is approximately 4.053 hectares and comprises of five concreted bunded sheds and accessways for the purpose of facilitating the existing use of poultry farming. The lot is located in a rural area predominantly used for primary production.

The additional use is proposed to facilitate the discontinuation of the current use of the land, which is a poultry farm. It is understood that the applicant seeks to facilitate, from their perspective, a less impacting Industry - Light development, in exchange for the discontinuation of the more impacting poultry farm.

In order for the amendment to be considered for advertisement, the amendment is required to be adopted by the local government and resolved as either a complex, standard or basic amendment. The Proposed Scheme Amendment requesting the additional use of 'Industry - Light' proposes to use the site for the blending, packaging, and storage of agricultural and mining non-hazardous chemical products. The poultry sheds are proposed to be retained for the purpose of housing of stainless-steel blending tanks and the storage of materials, chemicals as well as packaging various products. The Scheme Amendment for the additional use has been accompanied by an Environmental Risk Assessment (ERA), prepared by Strategen. The ERA compares the environmental impact of the existing poultry farm use and the proposed Industry - Light use of non-hazardous chemical blending operations.

The context of the land is shown following:



**Figure 1: Subject Site**



Figure 2: Site Plan

## Statutory Environment

### Legislation

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

### 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 Scheme No. 3
- Local Planning Strategy



## **Planning Assessment**

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

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) outlines the framework for scheme amendments. The Regulations require the Shire, upon receipt of a scheme amendment application, to consider whether to adopt the scheme amendment and to decide on the nature of the scheme amendment, providing justification whether the amendment is one of three types; either a complex, standard or a basic amendment. The Regulations sets out three processes to deal with scheme amendments based on the different types. The proposed Scheme Amendment is considered to be a 'complex' amendment as it is:

- (a) *an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and*
- (b) *an amendment that is not addressed by any local planning strategy.*

### South Metropolitan Peel Sub-Regional Planning Framework

The South Metropolitan Peel Sub-Regional Planning Framework (the framework) is a strategic plan for the future growth of the metropolitan Perth and Peel Region. The framework provides guidance for land use and infrastructure provision and sets out proposals to retain land for rural and agricultural purposes. The framework identifies rural landholdings as being an important area to be protected and maintained as there is an important need to preserve land for food production close to urban areas. The framework does this by identifying and protecting priority agricultural land within the South Metropolitan Peel Sub-Region, including large areas of the Shire of Serpentine Jarrahdale. The framework also outlines the importance for rural land to be set apart for the protection of key water sources that serve a critical function for supplying private self-supply, public scheme water supply and water for the environment.

The lot that the proposed Scheme Amendment has been proposed on is located within the Jandakot Groundwater Mound, which is a significant source of quality fresh water in the Perth Region. The lot and surrounding areas have been zoned Rural in order to protect the Jandakot Groundwater Mound and to effectively manage the water source and to allow appropriate land uses that have minimum impact on the quantity and quality of the water that enters the underground aquifer. The framework outlines the importance for carefully considering permitted land uses that may have an impact on the water quality of the aquifer.

### Local Planning Strategy

The Shire's Local Planning Strategy (LPS) has been prepared to guide the Shire's development towards its vision to provide a rural lifestyle with a unique and attractive environment to work, live and visit. It also sets out the strategic direction to deliver a consolidated urban form and maintain and protect the Shire's rural areas. Additionally, the LPS outlines the strategic intent for the rural zone for the protection of agricultural land and the protection of the rural landscape. The rural zone is designated to set aside rural land to facilitate agricultural production and the protection of natural landscape.

The lot for which the proposed Scheme Amendment has been prepared, is identified as Rural under the Shire's LPS and zoned as Rural under the Shire's Local Planning Scheme No. 3 (LPS3). An objective for Section 3.2.2 - Protecting the Rural Landscape is to protect large rural lots and land for a range of agricultural enterprises that are reflective and sensitive to the rural landscape. The proposed amendment is not consistent with the Shire's Local Planning Strategy as Section 3.3.2 outlines strategies for protecting the rural landscape, which includes, "*preventing light industrial land uses from proliferation in general rural areas*", with an action to designate



Industry - Light land uses as not being permitted within the Rural zone under LPS3. It is therefore considered to be a 'complex' amendment, as it is not consistent with the Shire's Local Planning Strategy.

### Local Planning Scheme No. 3 (LPS3)

Lot 12 (No.101) King Road, Oakford is zoned as Rural under LPS3, which includes the zone objectives to maintain or enhance specific local rural character within the Shire, to provide for a limited range of non-rural land uses, where they have demonstrated compatibility with the surrounding rural area, and to protect broad acre agricultural activities. Importantly, the Rural zone objectives outline that the Rural zone should maintain and enhance the environmental qualities of the landscape, vegetation, soils, and water bodies including groundwater. The Scheme Amendment proposes an additional use of Industry - Light for the Rural zoning of the subject lot as Industry - Light is not a permitted use under the Rural zone. The use of Industry - Light is defined under LPS3 as meaning "*premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed*".

The subject lot is located within the Special Control Area - Public Drinking Water Source Area (SCA2). SCA2 sets out a number of objectives for the areas that include protecting groundwater quality and quantity, prevention of contamination of groundwater from land uses and ensuring land uses within the SCA are compatible with the protection and maintenance of groundwater. Furthermore, SCA2 provides some additional provisions that require development within SCA2 to be consistent with State Planning Policy 2.3: Jandakot Groundwater Protection Policy (SPP 2.3) and the Department of Water and Environmental Regulation's Water Quality Protection Note No. 25 - Land Use Compatibility Tables for Public Drinking Water Source Areas (WQPN25). The implications of both SPP 2.3 and WQPN25 are discussed below in further detail.

Officers consider it appropriate for the proposed non-hazardous chemical blending operations to be classified under the Industry - Light land use, considering that the Scheme Amendment application has been accompanied by an Environmental Risk Assessment and outlines mitigation measures for a number of amenity impacts including chemical pollution risks to the Jandakot Groundwater Mound.

The Scheme Amendment proposal is generally considered appropriate to be considered, as the proposed mining and agricultural non-hazardous chemical blending operations may have a positive impact on the existing local rural character due to the nature of the proposal in repurposing the existing poultry farm operation. Additionally, LPS3 allows for the provision of limited non-rural uses within the rural zone.

Considering that the proposed scope of additional development is not proposed to be intensified on the lot, it may result in reduced amenity impacts on the surrounding rural character and may not negatively impact or be detrimental to the protection of the rural landscape.

The amendment as submitted does propose a set of associated additional use provisions, which aim to safe guard the assumptions regarding the compatibility of this type of non-hazardous chemical blending. These provisions however are considered as needing to go further, given a specific risk assessment has been submitted with the proposal, that references a specific set of non-hazardous materials, which form the basis of the concluding risk. In order to safeguard this and ensure that no other chemicals are introduced beyond the limited non-hazardous set as defined in the risk assessment, the amendment needs suitable modification to introduce the necessary limits as defined in the Strategen JBS&G Risk Assessment for the subject land, dated 17 January 2022.



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**State Planning Policy 2.3 - Jandakot Ground Water Protection (SPP 2.3)**

SPP 2.3 has been developed in order to guide land use change and development on the Jandakot Groundwater Mound to ensure it is compatible with the long-term use of the groundwater for public consumption. The Jandakot Groundwater Protection area provides a significant volume of high-quality drinking water, with SPP 2.3 aiming to protect the Jandakot Groundwater Protection area from development and land uses that may have detrimental impact on the water source. The objectives of the policy are to ensure that all development and changes to land use within the policy area are compatible with maximising the long-term protection and management of groundwater. The policy also outlines the need to protect groundwater quality and quantity in the policy area to maintain the ecological integrity of the Jandakot Groundwater Protection Area. The policy sets out an overall precautionary principle through a presumption against land uses that pose a threat to groundwater.

The policy identifies the subject lot as being located within a Priority 2 Jandakot Underground Water Pollution Control Area (P2 area). The policy requires that any land use is to maximise protection against water quality contamination risks. Additionally, a P2 area is to abide by the objective of risk minimisation through low risk and low intensity development consistent with the Rural zoning. The Scheme Amendment proposing an additional use of Industry - Light for the purpose of chemical blending and storage would need to extensively demonstrate that it aligns with the objective of risk minimisation. Any risk in light of this context would challenge the appropriateness of the Scheme Amendment to proceed.

As discussed already, the amendment does include a risk assessment and written position of support from the DWER. The risk assessment is based on a very specific set of non-hazardous chemicals, and it is this specific set that (in the opinion of Officers) needs to be tightly controlled so as to prevent further additional chemicals being introduced in the future. This forms a recommended modification, which Officers consider to be a requirement for the amendment to be adopted.

**Department of Water and Environmental Regulation's Water Quality Protection Note 25 - Land Use Compatibility Tables for Public Drinking Water Source Areas**

The Department of Water and Environmental Regulation (DWER) protects public drinking water source areas (PDWSAs) in Western Australia to ensure the ongoing availability of safe, reliable and affordable drinking water supplies. DWER's policy on development in PDWSAs is a presumption against the intensification of land uses on the premise that intensified land use increases the risk that drinking water will become contaminated. DWER's WQPN25 assigns priority to PDWSAs to guide land use decisions and provides guidance for land use compatibility for different land uses within different priority areas. The Jandakot Groundwater Mound has been assigned a Priority 2 (P2) area, as it is located over land zoned Rural and Rural Residential lots. The objective for P2 areas is to minimise water quality contamination risks with low levels of development, consistent with the Rural zoning.

Table 2 of the WQPN25 outlines the compatibility of land uses of activities for the protection of water quality. The Industry - Light land use has been identified as an incompatible land use within P2 areas, for which the Jandakot Groundwater Mound has been listed as. The WQPN25 outlines that a proponent is able to apply for a land use that is considered incompatible in the table with the expectation that the applicant provides detailed site-specific information about the extent of the land uses, the risks to water quality and public health and how they will be effectively managed to the satisfaction of the Department. Additionally, a risk assessment in accordance with the Australian drinking water guidelines should be provided that shows that the proposed land use will result in a lower risk of contamination than the present land use.



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### Environmental Risk Assessment

The applicant has provided an Environmental Risk Assessment (ERA) that was prepared by Strategen, which compares the risk of contamination of the existing poultry farm use compared to the proposed chemical blending operations. The risk assessment of the existing operations and the proposed additional use demonstrates that the change of use to non-hazardous chemical blending facility will reduce the risk to the environment and the Jandakot Groundwater Mound. The reduced risk is stated within the ERA to be because of the following reasons:

- Ceasing poultry shed washout activities and decommissioning of infiltration sumps that result in residual waste, chemical residue and potentially contaminated wash water infiltrating directly into the ground;
- All chemical blending will take place within the upgraded bunded sheds and within contained tanks;
- No long-term parking, refuelling or maintenance of vehicles on site;
- Reduced groundwater abstraction of approximately 80% per year over current operations;
- Sealing of roads and shed aprons, less frequent vehicle movements, and removal of dusty poultry operations;
- All material storage, handling and blending will be within enclosed sheds;
- Significant noise sources will be removed and operations will avoid sensitive night-time hours with standard 8:30am - 5:00pm operational hours;
- Replacement of odorous poultry operations with relatively odourless chemical blending activity, which will be contained within enclosed tanks and sheds; and
- Removal of potential sources of vermin, and litter risks.

These matters are considered reasonable to underpin a general conclusion about the potential appropriateness of the Scheme amendment. Indeed, Officers hold a similar view to that of Strategen, in that decommissioning of the poultry farm would pose a number of potentially beneficial outcomes for both the environment and nearby sensitive dwellings. It is noteworthy, for example, that a poultry farm ordinarily requires a buffer of 300m to 1,000m (depending on size), which is shown following in terms of proximity to nearby properties. Even the minimum separation distance of 300m (as drawn below) is not achieved:



The Scheme Amendment proposal was provided to DWER on 13 June 2022 for their pre-lodgement comment and consideration. DWER provided comments outlining that chemical blending is incompatible with a Priority 2 area according to DWER’s WQPN25, however DWER considers the proposed change in land use from poultry farming to blending non-hazardous chemicals will result in an overall reduction in water quality contamination risks at this site. The Department also provided a number of conditions to be applied to a future planning approval, should the Scheme Amendment be approved.

As already discussed, these conditions, in the opinion of Officers, should go further to specifically ensure the risk assessment as provided for key justification, is the basis of strict non-hazardous chemicals that are permitted to be utilised. The risk assessment lists under Appendix D these chemicals as follows:

Chemical Name	Use	Hazard Description
Able PNS Solution	Plasticiser, binder, builder, suppressant and other	Based on available information, this material is not classified as hazardous according to criteria of Safe Work Australia.
Aqua-Soil Wetter	Aqua-Soil Wetter was originally developed in conjunction with the Western Australian Department of Agriculture to obtain effective saturation wetting and penetration of water repellent earth and soil particles to wet	Non-toxic or non-hazardous compound. pH neutral Liquid Concentrate. Readily high TDS water miscible. Assists in soil compaction. Environmentally responsible.



Chemical Name	Use	Hazard Description
	and assist stabilisation of hydrophobic soils. Aqua-Soil Wetter is non-bio accumulative and affords medium-to-long term wetting of hydrophobic and super hydrophobic surface soils in many outback/mining locations throughout Australia. Aqua-Soil Wetter is also suitable for use as wetter for the production wetting granules and fibres.	Suitable for production of Wetter Granules. Based on available information, this material is not classified as hazardous according to criteria of Safe Work Australia.
Eco Break - Eco Degreaser	Eco Break - Quick Break Degreaser Cleaner Sanitiser is a water based environmentally responsible option for both degreasing, and general cleaning applications in the maritime, mining and resource industries. Eco Break is particularly useful when working in environmentally sensitive locations or with interceptors used at wash down pads. Eco Break is safe on most surfaces not harmed by water alone; use Eco Break with confidence on rigs and platforms, food contact surfaces, engines, plastics, steel, aluminium, painted surfaces, concrete and glass.	Based on available information, this material is not classified as hazardous according to criteria of Safe Work Australia.
Furrow - PK	Potassium and phosphate liquid fertiliser	This product is classified as: Not classified as hazardous according to the criteria of SWA. Not a Dangerous Good according to Australian Dangerous Goods (ADG) Code, IATA or IMDG/IMSBC criteria

### Proposed Scheme Amendment Provisions

The Scheme Amendment seeks to amend Schedule 1 of the Shire's Local Planning Scheme No. 3 by including the additional use that relates to the subject land with five conditions relating to the additional use. These conditions of additional use have been included to attempt to demonstrate how the additional use can be appropriately controlled and managed. These would also form the basis of provisions which would be assessed as part of a development application if the Scheme amendment was successful.

The first proposed condition of the additional use outlines the requirement for the local government to not grant planning approval, until such time as the existing poultry farm approval has been cancelled. This condition is considered necessary and appropriate in order to ensure that the proposed additional use will not occur in addition to the existing poultry farm use.

The second proposed condition requires the local government to not grant planning approval for the additional use other than for the specific Industry - Light use of blending, packaging and



storage of agricultural and mining products. The Shire is broadly supportive of this condition to ensure that a range of incompatible Industry - Light land uses are not proposed in the future. However, the condition describes the use as *'blending, packaging, and storage of agricultural and mining products'* whereas the Amendment proposal outlines the blending of non-hazardous chemicals. Furthermore, the amendment justifies itself through alignment with the Strategen JBS&G Risk Assessment for the subject land, dated 17 January 2022, yet there is no reference to it or the specific non-hazardous chemicals listed which form the basis of the low risk conclusion.

Officers therefore recommend that this additional use condition be modified to instead state that the use is limited to the *'blending, packaging, and storage of agricultural and mining non-hazardous chemicals which are specifically listed in the Strategen JBS&G Risk Assessment for the subject land, dated 17 January 2022. The only chemicals permitted to be considered as part of a development application are those as listed in Appendix D of the Risk Assessment.'*

If this is included, Officers are satisfied that the Scheme amendment is suitable for adoption.

The Amendment also proposes a condition that requires advice being received from DWER prior to the determination of a development application. Given the nature of the proposal and the location within a Priority 2 area of the Jandakot Underground Water Pollution Control Area, the advice from DWER will be important in determining whether a development proposal can be supported. The preliminary comments received from DWER on the proposed Scheme Amendment included recommended conditions. It may be appropriate to consider whether some of these conditions should be incorporated into the Scheme Amendment as conditions of the additional use. Further consultation with DWER relating to this will be required during the advertising of the Scheme Amendment.

An additional condition has been proposed that seeks to ensure that development under the additional use demonstrates a measurable improvement to the air quality and amenity in comparison to the existing use of the poultry farm. While the Shire supports the intent of this condition, the wording is subjective and difficult to interpret and assess. Defining what constitutes a 'measurable improvement' to air quality and amenity needs further clarification. The condition is also worded that the improvement is to be in comparison to the existing poultry farm use. This would likely require baseline data/modelling of the existing air-quality and other indicators of amenity, and a projection for the proposed use. Further consideration is required for this condition and further clarification provided as to how the improvement is to be measured.

The final condition included is to restrict the additional use to the existing sheds 1-5 and accessways as indicated on an approved site plan. The restriction of the development to the existing sheds is supported to control the intensity and extent of the development. The reference in the condition to the total land area is also supported, however Officers consider the reference in the condition to an approved site plan to be ambiguous and requiring of clarification. Officers recommend that the condition be modified to state that *'the additional use is restricted to the previously approved accessways and existing sheds 1 - 5 for the Poultry Farm use, which shall not exceed a total area of 7,370m<sup>2</sup>*. This modified condition wording is to provide clarity and ensure that the development of the additional use shall be contained within the extent of the previously approved structures and not exceed the area of the existing development footprint.

Officers recommend a number of further conditions are needed to render the scheme amendment suitable for advancement. These conditions seek to reference the justification submitted by the applicant for the amendment, and therefore directly align the amendment with its informing proposal. It is recommended that the Scheme amendment be adopted, subject to modifications, to include this range of additional conditions to be able to tightly regulate subsequent development consistent with the additional use.



## Options and Implications

### Option 1

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ADOPT subject to modification the proposed Scheme Amendment No.1 to Local Planning Scheme No.3 for Lot 12 (No.101) King Road, Oakford as contained in **attachment 1** and DETERMINE the proposed Scheme Amendment to be a 'Complex' amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
  - a. "an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission."
2. Pursuant to Part 5 Division 2 Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED to advertise (subject to EPA and WAPC consents being received) the proposed Scheme Amendment No.1 to Local Planning Scheme No.3 for Lot 12 (No.101) King Road, Oakford as contained in **attachment 1**, with modifications as follows:
  - a. Amend Schedule 1 of the Scheme Text to insert the following:

No.	Particulars of Land	Additional Use	Conditions of Additional Use
A20	Lot 12 (No. 101) King Road, Oakford	Industry - Light	<ol style="list-style-type: none"> <li>1. All development relating to additional uses shall be at the local government's discretion, and shall only be considered for approval if such development demonstrates there will be no offsite impacts whatsoever pertaining to odour, air emissions and/or dust.</li> <li>2. All applications for development approval must include suitable technical studies developed by qualified experts, to demonstrate how provision (1) will be achieved. Such studies are to be subject to independent peer review by a suitably qualified consultant, in order to assess the robustness of such studies and their recommendations.</li> <li>3. The Local Authority shall not grant planning approval for the additional use until such time as the existing poultry farm approval has been cancelled pursuant to clause 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>4. The Local Authority shall not grant planning approval for the additional use other than the specific Industry - Light use of blending, packaging, and storage of agricultural and mining non-hazardous chemicals, which are specifically listed in the Strategen JBS&amp;G Risk Assessment for the subject land, dated 17 January 2022. The only</li> </ol>



No.	Particulars of Land	Additional Use	Conditions of Additional Use
			<p>chemicals permitted to be considered as part of a development application are those as listed in Appendix D of the Risk Assessment.</p> <p>5. The Local Authority shall not determine a development application until it has received advice from the Department of Water and Environmental Regulation. Any development should not pose a greater risk to water quality than the current Poultry Farm use.</p> <p>6. Any development application for the additional use must demonstrate a clear and measurable improvement to air-quality, odour emission reduction and rural amenity, through direct comparison to the existing Poultry Farm use.</p> <p>7. The additional use is restricted to the previously approved accessways and existing sheds 1 - 5 for the Poultry Farm use, which shall not exceed a total area of 7,370m<sup>2</sup>.</p>

- b. Amend the Scheme Map to delineate Lot 12 (No. 101) King Road, Oakford as Additional Use 20.
3. Provides two (2) copies of the proposed Scheme Amendment No.1 to Local Planning Scheme No. 3 for Lot 12 (No.101) King Road, Oakford to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
4. Refer the proposed Scheme Amendment No.1 to Local Planning Scheme No. 3 for Lot 12 (No.101) King Road, Oakford to the Environmental Protection Authority, in accordance with Section 81 and 82 of the *Planning and Development Act 2005*.

### Option 2

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to NOT ADOPT the proposed Scheme Amendment No.1, due to such being inconsistent with the Shire's Local Planning Strategy and prevailing regional planning frameworks documents.

Option 1 is recommended.

### **Conclusion**

The proposed Scheme Amendment seeks to add an additional use of Industry - Light for the Rural zoning of the lot to allow for the storage, blending and packaging of agricultural and mining non-hazardous chemicals. There are a number of strategic considerations that impact the proposed Scheme Amendment including the current planning framework, State Planning Policies, land use compatibility, amenity impacts and the environment. Officers recommend the proposed Scheme Amendment be adopted as a complex amendment for advertising, considering that it is not consistent with the Local Planning Strategy.



**Attachments (available under separate cover)**

- **10.1.5 - attachment 1** - Scheme Amendment Request (Additional Use) - Lot 12 (No.101) King Road, Oakford (IN23/22538)

**Alignment with our Strategic Community Plan**

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

**Financial Implications**

There are no financial implications relating to this matter.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered the lowest strategic risk option.						
2	That Council does not adopt the amendment, and this results in ongoing operations of a poultry farm which is not sufficiently separated from nearby sensitive dwellings, causing amenity complaints. attachment 1.	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Accept Officer recommendation.



**Voting Requirements:** Simple Majority

**OCM303/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Bishop

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **ADOPT** subject to modification the proposed Scheme Amendment No.1 to Local Planning Scheme No.3 for Lot 12 (No.101) King Road, Oakford as contained in attachment 1 and **DETERMINE** the proposed Scheme Amendment to be a ‘Complex’ amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
  - a. “an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission.”
2. Pursuant to Part 5 Division 2 Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **PROCEED** to advertise (subject to EPA and WAPC consents being received) the proposed Scheme Amendment No.1 to Local Planning Scheme No.3 for Lot 12 (No.101) King Road, Oakford as contained in attachment 1, with modifications as follows:
  - a. Amend Schedule 1 of the Scheme Text to insert the following:

No.	Particulars of Land	Additional Use	Conditions of Additional Use
A20	Lot 12 (No. 101) King Road, Oakford	Industry - Light	<ol style="list-style-type: none"> <li>1. All development relating to additional uses shall be at the local government’s discretion, and shall only be considered for approval if such development demonstrates there will be no offsite impacts whatsoever pertaining to odour, air emissions and/or dust.</li> <li>2. All applications for development approval must include suitable technical studies developed by qualified experts, to demonstrate how provision (1) will be achieved. Such studies are to be subject to independent peer review by a suitably qualified consultant, in order to assess the robustness of such studies and their recommendations.</li> <li>3. The Local Authority shall not grant planning approval for the additional use until such time as the existing poultry farm approval has been cancelled pursuant to clause 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>4. The Local Authority shall not grant planning approval for the additional use other than the specific Industry - Light use of blending,</li> </ol>



No.	Particulars of Land	Additional Use	Conditions of Additional Use
			<p>packaging, and storage of agricultural and mining non-hazardous chemicals, which are specifically listed in the Strategen JBS&amp;G Risk Assessment for the subject land, dated 17 January 2022. The only chemicals permitted to be considered as part of a development application are those as listed in Appendix D of the Risk Assessment.</p> <p>5. The Local Authority shall not determine a development application until it has received advice from the Department of Water and Environmental Regulation. Any development should not pose a greater risk to water quality than the current Poultry Farm use.</p> <p>6. Any development application for the additional use must demonstrate a clear and measurable improvement to air-quality, odour emission reduction and rural amenity, through direct comparison to the existing Poultry Farm use.</p> <p>7. The additional use is restricted to the previously approved accessways and existing sheds 1 - 5 for the Poultry Farm use, which shall not exceed a total area of 7,370m<sup>2</sup>.</p>

**b. Amend the Scheme Map to delineate Lot 12 (No. 101) King Road, Oakford as Additional Use 20.**

- 3. Provides two (2) copies of the proposed Scheme Amendment No.1 to Local Planning Scheme No. 3 for Lot 12 (No.101) King Road, Oakford to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**
- 4. Refer the proposed Scheme Amendment No.1 to Local Planning Scheme No. 3 for Lot 12 (No.101) King Road, Oakford to the Environmental Protection Authority, in accordance with Section 81 and 82 of the *Planning and Development Act 2005*.**

**CARRIED UNANIMOUSLY 6/0**



**10.1.6 - Request for Preliminary Comment - Metropolitan Region Scheme Amendment - Oakford Urban Precinct (SJ206)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g., under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra and Humich Group
Owner:	Various
Date of Receipt:	16 October 2023
Lot Area:	609.3ha
Local Planning Scheme No 3 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

**Report Purpose**

The purpose of this report is for Council to consider the request received from the Western Australian Planning Commission (WAPC), to provide pre-lodgement comment on the potential Metropolitan Region Scheme (MRS) Amendment for the Proposed Oakford Urban Precinct. The proposal demonstrates alignment to previous undertaken regional and local level planning studies, and is considered to have merit in this regard.

Officers do raise, however, the need for this proposal to be considered holistically and strategically, given the recent advancement of a number of key infrastructure and planning decisions made by the State Government. The size of the proposal, in addition to the extensive growth areas already occurring within the Shire, can be best managed through a holistic examination of the context and how connectivity and relationship between this area and the urban nodes of Byford and Mundijong, can occur.

It is recommended therefore that Council provide comment to the WAPC recommending that the proposal be advanced in conjunction with a sub-regional structure planning exercise for the broader precinct, undertaken by the WAPC and involving the Shire, community and stakeholders.

**Relevant Previous Decisions of Council**

There are no previous Council decisions relating to this application.



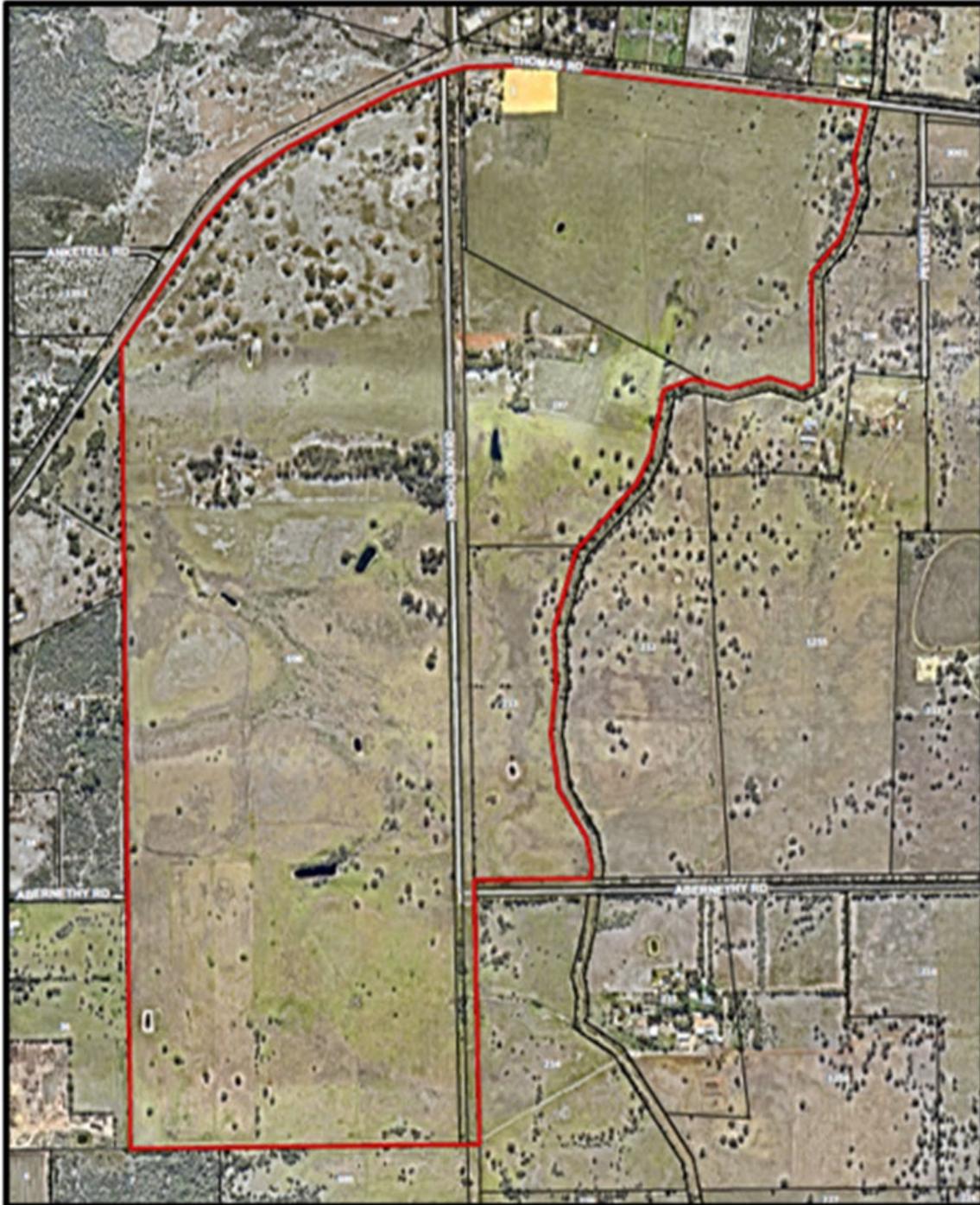
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**Background**

The WAPC have requested that the Shire provide pre-lodgement comment on a Potential MRS Amendment relating to land contained within and adjacent to the East of Kwinana Urban Investigation Area (UIA) in the Oakford area, to be rezoned from 'Rural' to 'Urban' and 'Urban Deferred'. The East of Kwinana UIA comprises a total land area of 3636.1341ha and intersects with three local government areas being the Shire of Serpentine Jarrahdale, City of Kwinana and the City of Rockingham as shown in Figure 1. The Shire of Serpentine Jarrahdale contains the largest portion of the UIA, with a total land area of 1987.77 ha. For comparison purposes, this is generally equivalent to the size of the Byford or Mundijong Urban zoned land precincts.

The Oakford site has operated as farmlands, rural lifestyle uses and has serviced agricultural operations and provided for environmental protection. The site has been identified as a potential area for Urban development within the strategic planning framework for over three decades. The site was initially identified for the potential future development of a 'Rural Village' townsite within the Shire's Rural Strategy 1994. The Oakford Village was identified as one of three urban villages included in the 1994 Rural Strategy which were each proposed to accommodate approximately 5,000 people. Based on the Shire's Rural Strategy, the Jandakot Structure Plan, which was approved by the WAPC in 2007, proposed a small rural village in Oakford at the intersection of Thomas Road and Nicholson Road. A Rural Economic Living Area was identified over the Oakford site within the 2007 Jandakot Structure Plan. In 2011, the Shire adopted Local Planning Policy 51 Oakford Rural Economic Living Area Planning Framework, to provide a framework for the future development of the Oakford area. The Oakford Village concept, based on a rural economic living theme, provides still an innovative framework for how an urban setting could be created with links to supporting a valuable agricultural landscape surrounding such area.

The key State strategic document Perth and Peel @ 3.5 million sub regional planning framework seeks to accommodate an estimated population of 3.5 million by 2050. The South Metropolitan Peel Sub-Regional Planning Framework identifies the Oakford area as Urban Investigation. The potential MRS amendment to rezone the subject land from 'Rural' to 'Urban' seeks to service the expected population growth.



**Figure 1: Subject Site**

### **Community / Stakeholder Consultation**

Once the Department of Planning, Lands and Heritage (DPLH) have received pre-lodgement comments on the Proposed MRS Amendment, DPLH will inform the WAPC of all pre-lodgement comments relating to the site and the proponent will also have the opportunity to present their proposal to the WAPC. This will then enable the DPLH to provide advice to the proponent on the preliminary region scheme amendment request. Should an amendment request be submitted to the WAPC, preliminary comment on the Proposed MRS Amendment will be sought from the Shire.



## **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
- Jandakot Structure Plan 2007
- State Planning Policy suite

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Local Planning Policy 51 - Oakford Rural Economic Living Area Planning Framework

## **Planning Assessment**

### Potential MRS Amendment Proposal

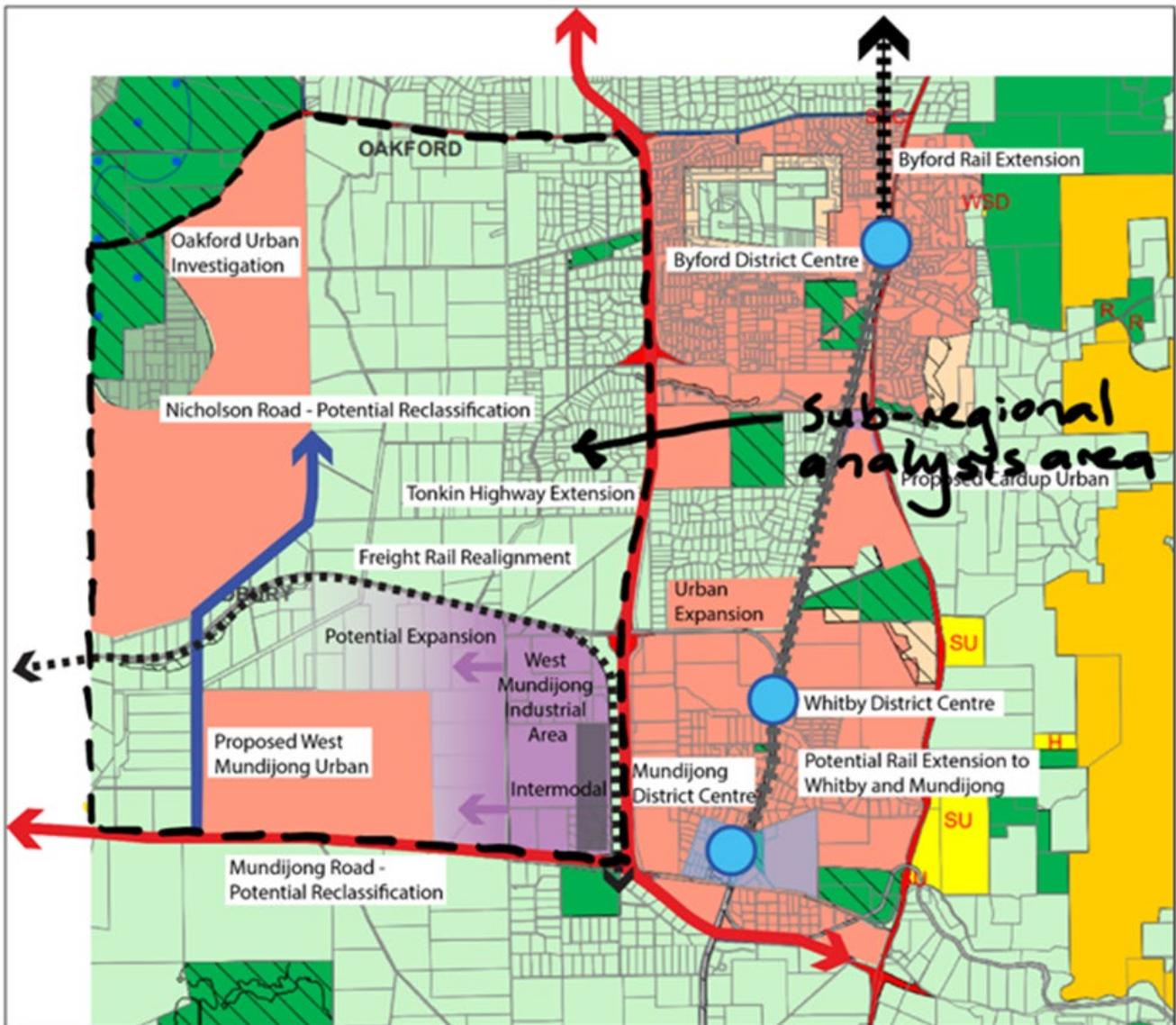
The potential MRS Amendment proposal includes the following three aspects:

- Potential MRS Amendment to rezone land from 'Rural' to 'Urban' and 'Urban Deferred'.
- Proposed modification to the existing East of Kwinana UIA boundary.
- Proposed separation of the East of Kwinana UIA into three distinct District Structure Plan (DSP) areas.

### The need for sub-regional coordination

In terms of assessment against the prevailing strategic planning framework, Officers note that this proposal is impacted by a number of recent State Government infrastructure and project decisions, as well as a number of other live MRS proposals. For example, the commitment to fund the extension of Tonkin Highway from Thomas Road to South Western Highway provides an important north-south transport connection, providing vastly improved accessibility for Oakford and the Shire to the wider region. The commitment to also deliver an east west freight freeway, connecting the future Westport to Tonkin Highway, will create additional infrastructure connectivity which runs directly past this land precinct. The construction of the Byford Rail Extension, and expanding district centre at Byford, creates significant importance regarding east west connectivity, and ensuring that the planned connected city growth model of Perth and Peel is achieved which focusses on activity centres connected along activity corridors.

The addition of urban zoned land, as proposed here, is best considered in a broader context of intended patterns of activity and development within the Shire. Rather than advancing a proposal like this in isolation, it would on preliminary analysis, appear more optimal to ensure the proposal forms part of a sub-regional structure plan analysis, that coincides with the following area:



**Figure 2: Subregional Structure Plan area**

This would seek to specifically address:

- a. Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:
  - Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway and;
  - Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.
- b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).
- c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.



- d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; West Mundijong Industrial Area expansion proposal; West Mundijong urban precinct proposal; East Kwinana Urban Investigation Area precinct and; this Oakford urban proposal.
- e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
- f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong).
- g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.

#### Proposed Boundary Realignment (Birrega Main Drain)

As part of the pre-lodgement MRS Amendment, the existing East Kwinana UIA boundary is proposed to be modified to include Lot 508 Thomas Road and Lots 197 and 213 Nicholson Road, Oakford. The proposed modified boundary aligns with the boundary of the Rural Economic Living Area identified within the Jandakot Structure Plan and the Shire's Local Planning Policy 51 Oakford Rural Economic Living Area Planning Framework.

While this appears to have merit, consistent with the main comments of this report, it is important that this decision (and those associated with the MRS amendment) be done in conjunction with a sub-regional structure plan analysis for the precinct identified. This will be the main strategic analysis to ensuring a coordinated and planned outcome, with collaboration and input by the community and all stakeholders.

#### Proposed North Oakford District Structure Plan

The proposed District Structure Plan 1 - North Oakford (DSP) is one of three structure plan areas considered for the proposed MRS Amendment of the East of Kwinana UIA. The proposal to separate the UIA into three district areas is intended to allow for proper and orderly planning by ensuring staged development and delivery of the potential future Oakford urban area. The proposed North Oakford DSP is bounded by the Anketell/Thomas Freight link to the North and Orton Road to the south as seen in Figure 3 following.

In just one of the DSP areas (the North Oakford area), there is a land area of 609.3ha with an indicative dwelling yield of some 9,500 lots - this is significant. The concept DSP provided just for this area shows:

- Urban;
- Urban Deferred;
- Service Commercial (located adjacent to freight reserve);
- Parks and Recreation;
- District Open Space/Local Open Space (including areas of Conservation Category Wetland/Resource Enhancement Wetland);
- One x District Centre;
- Three x Neighbourhood Centres;
- One x Local Centre;



- One x Community/Public Purpose;
- Multiple Use Corridors/Drainage Reserves;
- One x Combined High School/Primary School;
- Two x Primary Schools;
- Integrator A and Neighbourhood Connector Road Reserves.

This further justifies just how important it is to be taking a broader subregional structure planning perspective, that considers all of the relevant planning matters in a holistic sense. This is a practical approach to limit the risk of ad hoc design decisions, and limit the risk of ill coordinated infrastructure and planning projects. It is considered that such process can be done in conjunction with the range of MRS amendments currently being considered in the precinct, and not unnecessarily delay any of these. This will enable ultimate decisions on the amendments to be informed by a robust, collaborative and inclusive process of consideration.

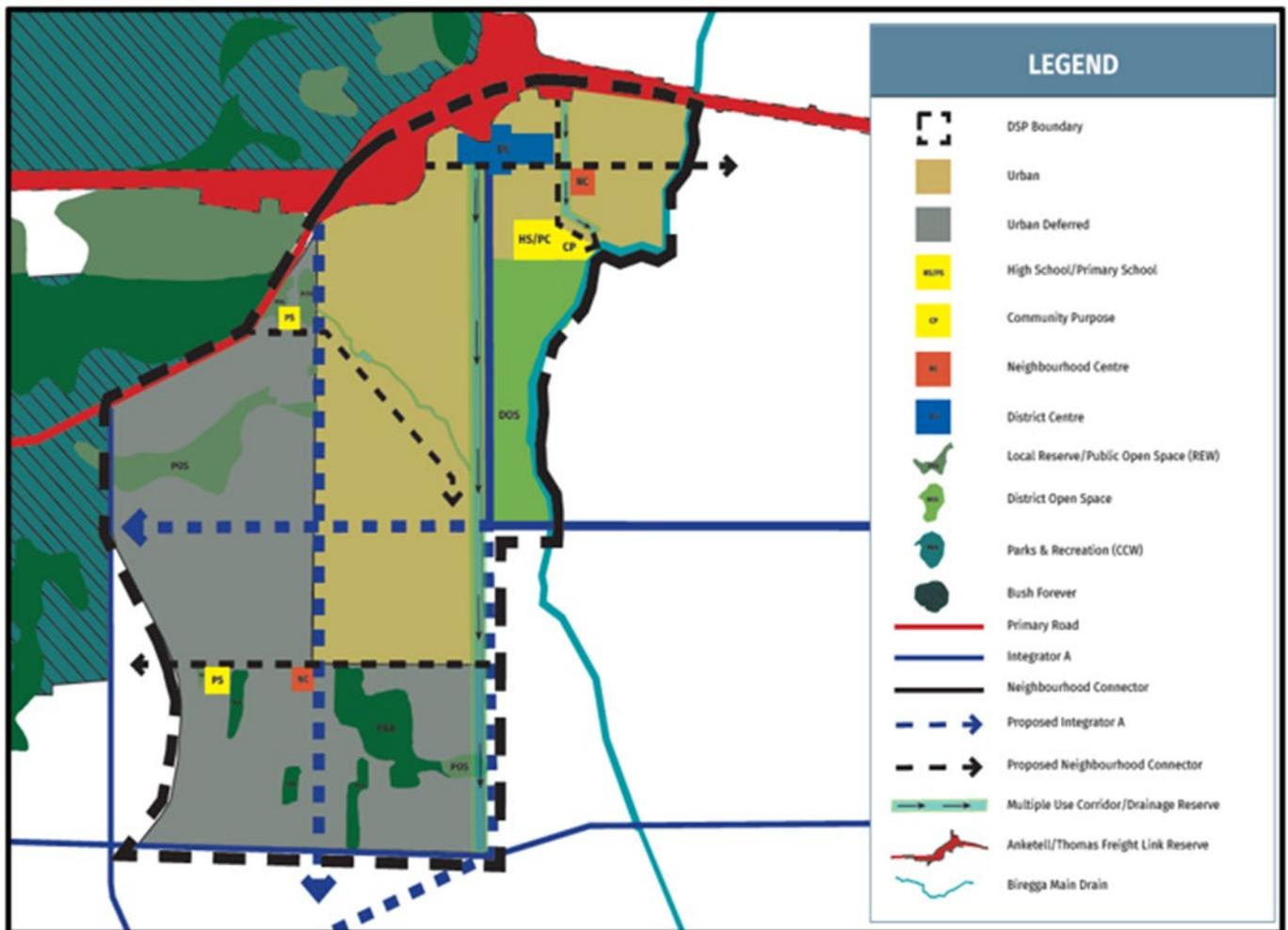


Figure 3: DSP - North

## Planning Framework

### *Perth and Peel @ 3.5 million Sub-Regional Planning Framework*

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 site is identified as 'Urban Investigation'. Urban Investigation is defined as *'land that may be suitable for urban development, but requires further investigation to determine its suitability and/or refine the area available for urban use'*.

#### *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 'Rural' land under the Shire's Local Planning Strategy to align with the 'Rural' zoning of the subject site under the MRS.

Under section 5.1 of the Local Planning Strategy, Oakford has been included as a Rural Townsite to reflect the planning for the Oakford Village concept. The Local Planning Strategy states that *'the vision for the Oakford Village is to provide a sustainable rural village and business area that provides local services and protects rural character by containing development within a consolidated node'*. *The potential MRS Amendment proposal seeks to further this vision and concept.*

#### *Jandakot District Structure Plan*

The Jandakot Structure Plan, August 2007, aims to provide a coordinated plan that guides future growth and development expectations whilst balancing environmental constraints and conservation through planning provisions and objectives. These provisions aid in contributing towards improving development outcomes and creating a sustainable community and lifestyle for the Structure Plan area. The Structure Plan includes areas within the southwest corridor in the City of Kwinana and Shire of Serpentine Jarrahdale and includes the locality of Oakford.

The Jandakot Structure Plan identifies the establishment of a Rural Village in Oakford, which anticipates the area to service 'Rural Towns' with main streets, improved social infrastructure and a change in the traditional lot size to service the potential population increase. The site is identified as a 'Rural Economic Living Area' (RELA) which aims to concentrate future expansion and development within nodes to ensure the protection of rural industry and character. The Jandakot Structure Plan (2007) recommends a preliminary investigation timeframe for the Oakford village for 15+ years (2022), which is aligned to this proposal.

These prevailing documents provide a useful basis to explain the current arrangements of zones under the MRS, but do not in themselves set out the clear basis to what changes need to be considered to adjust zoning for urban (and other) necessary outcomes. As discussed previously, this can be facilitated by undertaking the MRS amendment proposals in conjunction with a subregional structure planning exercise, so that proper coordinated planning outcomes can be secured.

#### Local Planning Policy 51 - Oakford Rural Economic Living Area Planning Framework

The Local Planning Policy 51 (LPP 51) provides objectives and policy provisions which seek to guide planning and development outcomes for the implementation of an 'Oakford Village precinct' and RELA. The policy outlines five planning precincts that each identify key objectives to satisfy the vision and expectation as outlined in the Jandakot Structure Plan. The five precinct areas include:

##### *(a) Precinct 1 - Business Area.*

Planning for precinct one was intended to be consistent with the vision of providing local services for the Oakford Rural Village.

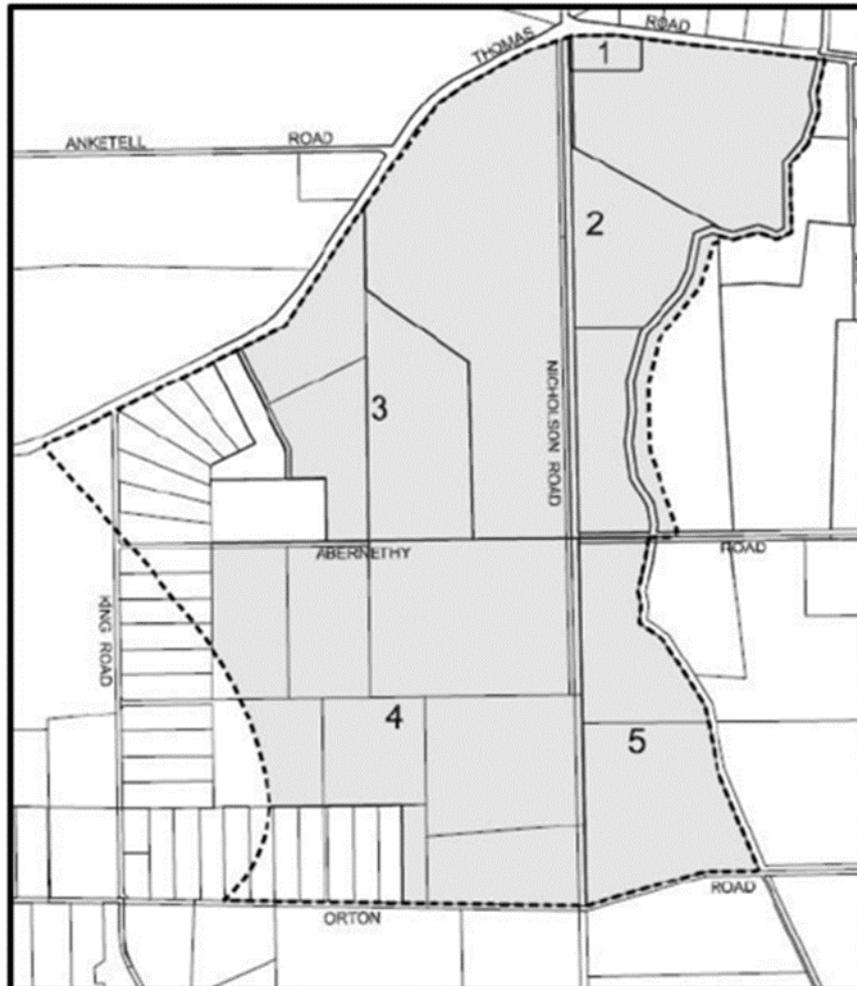
##### *(b) Precinct 2 - Rural Village.*



Planning for precinct two was intended to be consistent with the vision of providing a sustainable rural village that protects rural character, function, and amenity by concentrating urban development within a village node characterised by a small area and higher density.

*(c) Precincts 3, 4 and 5 - RELA.*

Planning for precincts three, four and five was intended to be consistent with the vision of providing the environment for locally based rural living partly or fully sustained by rural production.



**Figure 4: Local Planning Policy 51 - Precinct Areas**

The potential MRS Amendment encourages the vision of a conceptual urban village precinct area for the Oakford site and should reflect the fundamental principles addressed within LPP 51. The policy ensures the protection and conservation of the environment, integrating rural elements within development design as will be evident through green town ideas and tree preservation within the village centres and along the major and minor road networks and activity corridors. The policy seeks to provide activity centres in the form of consolidated nodes to support the population growth and improving local employment opportunities. The objectives for these development nodes include promoting community facilities, mixed use opportunities and higher density residential lots. Focus is also given to enabling an improved entry and access to the area with connectivity to key transport routes as will be evident via Thomas Road, Nicholson Road, and Anketell Road extension.



LPP 51 states that any amendment to the Metropolitan Region Scheme for any precinct within the Oakford RELA, must provide the necessary information and undertake the relevant tasks identified under Column A of Schedule 1 of the policy. The policy also states that where a group seek to develop a Local Structure Plan/District Structure Plan for any precinct within the Oakford RELA, then they must provide the necessary information and undertake the relevant tasks identified under Column B of Schedule 1 of the policy.

This certainly advances a strategic justification for the amendment. Officers do note, however, that greater levels of coordination and land use planning could occur if the context was widened to consider how all current infrastructure and planning proposals could align and create a well planned sub-regional area, that gives certainty and clarity to the future.

Additional land zoned 'Urban' will need to consider the established and planned activity centre hierarchy in the surrounding urban areas and how these areas might also grow in a symbiotic manner. Additional urban land would generate additional activity, and would require an integrated approach to the assessment of size, extent, staging, timing, connectivity and the like.

Additional populations in this area will require access to employment and educational opportunities. Providing for a level of economic self-sufficiency within the proposed urban area will be important to ensure the area is sustainable, activated and contributes to the local economy, and specifically supporting the surrounding agricultural and rural enterprise activities.

#### Water Management

The Birrega Main Drain borders the eastern boundary of the proposed DSP - North Oakford. This area has been proposed to be developed as future Public Open Spaces (POS) and Multiple Use Corridors (MUC) as part of the potential future MRS Amendment. The management of stormwater is a critical consideration for the future urban area of Oakford to ensure the appropriate drainage requirements can be achieved, as the majority of this area is located on clay soils with limited infiltration. Future planning of the proposal, in conjunction with the subregional structure planning process recommended by the Shire, is considered the most effective way in which to deliver a holistic and well planned approach to water management.

#### Environmental Considerations

The subject site also accommodates threatened ecological community (TEC), 'Corymbia calophylla - Eucalyptus marginata woodlands on sandy clay soils of the southern Swan Coastal Plain', and black cockatoo foraging and potential breeding and roosting habitat. The potential MRS Amendment will need to consider the impacts to these, but also there is arguably greater potential to consider strategically how best to shape development through environmentally responsive design. This is yet another reason why a subregional structure planning exercise, facilitated by the WAPC, would deliver the most viable approach to strategic land use change in the precinct recommended by Officers in this report.

### **Options and Implications**

#### Option 1

That Council:

1. in response to the request for preliminary comment on the Proposed Oakford Urban Precinct, REQUESTS the Western Australian Planning Commission (as the regional planning authority) to undertake a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, with the intent that this



subregional structure plan inform the suite of Metropolitan Region Scheme amendments required to achieve the most effective planning outcome for this precinct.

2. REQUESTS the subregional structure plan specifically address:
  - a. Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:
    - Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway; and
    - Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.
  - b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).
  - c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.
  - d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; West Mundijong Industrial Area expansion proposal; West Mundijong urban precinct proposal; East Kwinana Urban Investigation Area precinct and; this Oakford urban proposal.
  - e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
  - f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong.)
  - g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.
3. SUPPORTS this Proposed Metropolitan Region Scheme Amendment once the WAPC have committed to advance Parts (1) and (2) above.
4. REQUESTS the President and Chief Executive Officer meet with the responsible Minister for Planning, to discuss why the subregional structure planning exercise identified under Part (1) and (2) is critical to addressing housing affordability and land supply, and needs a broader whole of State Government approach to ensure such development is supported by committed infrastructure from State agencies.

#### Option 2

That Council PROVIDES pre-lodgement comments NOT SUPPORTING the Potential Metropolitan Region Scheme Amendment - Oakford Urban Precinct to the Western Australian Planning Commission, until such time that a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, is complete.

Option 1 is recommended.

**Conclusion**

The potential MRS Amendment seeks to rezone 609.3ha of land located to the East of Kwinana and North-west of the Oakford precinct from 'Rural' to 'Urban' and 'Urban Deferred'. Officers consider that there is a broader planning need to be looking more holistically at the context of this proposal, and how it relates to other State Government advanced infrastructure and planning proposals. This forms the basis of the recommendation for a subregional structure planning exercise, being completed to help inform the future patterns of land use change.

**Attachments (available under separate cover)**

- **10.1.6 - attachment 1** - Potential MRS Amendment - Oakford Urban Precinct (IN23/22785)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected, and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

**Financial Implications**

There are no direct financial implications relating to this matter.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This Option is considered the lowest strategic risk option.						
2	That Council PROVIDES pre-lodgement comments NOT SUPPORTING the Potential Metropolitan Region Scheme Amendment - Oakford Urban Precinct to the Western Australian Planning Commission, which creates a potential conflict between the adopted rural and local planning framework levels.	Planning legislation and framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Nil.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That Council:

1. in response to the request for preliminary comment on the Proposed Oakford Urban Precinct, REQUESTS the Western Australian Planning Commission (as the regional planning authority) to undertake a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, with the intent that this subregional structure plan inform the suite of Metropolitan Region Scheme amendments required to achieve the most effective planning outcome for this precinct.
2. REQUESTS the subregional structure plan specifically address:
  - a. Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:
    - Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway; and
    - Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.



- b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).
  - c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.
  - d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; West Mundijong Industrial Area expansion proposal; West Mundijong urban precinct proposal; East Kwinana Urban Investigation Area precinct and; this Oakford urban proposal.
  - e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
  - f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong.)
  - g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.
3. **SUPPORTS** this Proposed Metropolitan Region Scheme Amendment once the WAPC have committed to advance Parts (1) and (2) above.
4. **REQUESTS** the President and Chief Executive Officer meet with the responsible Minister for Planning, to discuss why the subregional structure planning exercise identified under Part (1) and (2) is critical to addressing housing affordability and land supply, and needs a broader whole of State Government approach to ensure such development is supported by committed infrastructure from State agencies.

### **OCM304/12/23**

#### **COUNCIL RESOLUTION**

##### **Moved Cr Mack, seconded Cr Bishop**

##### **That Council:**

1. in response to the request for preliminary comment on the Proposed Oakford Urban Precinct, **REQUESTS** the Western Australian Planning Commission (as the regional planning authority) to undertake a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, with the intent that this subregional structure plan inform the suite of Metropolitan Region Scheme amendments required to achieve the most effective planning outcome for this precinct.
2. **REQUESTS** the subregional structure plan specifically address:
  - a. Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:
    - **Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway; and**



- Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.
  - b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).
  - c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.
  - d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; West Mundijong Industrial Area expansion proposal; West Mundijong urban precinct proposal; East Kwinana Urban Investigation Area precinct and; this Oakford urban proposal.
  - e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
  - f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong.)
  - g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.
  - h. State Government support for the Shire to continue advancing hypergrowth urbanisation, in the form of a seed capital investment in community and social service infrastructure similar to the \$20m seed capital investment in the hypergrowth road improvement project.
3. **DOES NOT RECOMMEND SUPPORT** for this Proposed Metropolitan Region Scheme Amendment until the WAPC have committed to and advanced Parts (1) and (2) of the resolution.
4. **REQUESTS** the President and Chief Executive Officer meet with the responsible Minister for Planning, to discuss why the subregional structure planning exercise identified under Part (1) and (2) is critical to addressing housing affordability and land supply, and needs a broader whole of State Government approach to ensure such development is supported by committed infrastructure from State agencies.

**CARRIED 4/2**

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

*President Coales, Councillors Bishop, Jerrett and Mack voted FOR the motion.  
Councillors Byas and Duggin voted AGAINST the motion.*

*Reason for difference to Officer Recommendation*

*To ensure that the capital spend and the social impacts are taken into consideration for the funding the Shire will need to keep up with infrastructure and services.*



**10.1.7 - Proposed Metropolitan Region Scheme Amendment - West Mundijong Urban Precinct - Request for Preliminary Comment (SJ206)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Dynamic Planning and Developments
Owner:	Various
Date of Receipt:	8 November 2023
Lot Area:	647ha
Local Planning Scheme No. 3 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

**Report Purpose**

The purpose of this report is for Council to consider the request received from the Western Australian Planning Commission (WAPC) to provide preliminary comment on the proposed Metropolitan Region Scheme (MRS) Amendment for a Proposed West Mundijong Urban Precinct.

There is a need for this proposal to be considered holistically and strategically, given the recent advancement of a number of key infrastructure and planning decisions made by the State Government. The size of the proposal, in addition to the extensive growth areas already occurring within the Shire, can be best managed through a holistic examination of the context and how connectivity and relationship between this area and the urban nodes of Byford and Mundijong, can occur.

It is recommended therefore that Council provide comment to the WAPC recommending that the proposal be advanced in conjunction with a sub-regional structure planning exercise for the broader precinct, undertaken by the WAPC and involving the Shire, community and stakeholders. This reflects earlier Council decision making on the matter.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 18 July 2022 - OCM169/07/22 - COUNCIL RESOLUTION*

*That Council:*

- 1. REQUESTS the WAPC (as regional planning authority) to undertake a subregional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line, with the intent that this subregional structure plan inform the suite of MRS amendments required to achieve the most effective planning outcome for this precinct. This subregional structure plan should include stakeholder and community engagement, and address the following matters:*
  - a. Road infrastructure coordination (specifically to request that Mundijong Road be recognised as a State Government Main Roads road, and be reserved as a Primary Regional Road under the MRS given its linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway).*
  - b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place within Mundijong).*
  - c. Intermodal infrastructure coordination (specifically to request Westport actively consider how an expanded West Mundijong Industrial Area which interfaces with the current and ultimate freight rail servicing a new port and freight links, is a strategic opportunity).*
  - d. Regional planning clarification (specifically to request that the WAPC consider removing the current Cardup Planning Investigation Area which impacts on the Cardup Equestrian Area, which erodes an important rural residential precinct between the urban localities of Byford and Mundijong).*
  - e. Industrial area expansion (specifically to request that the WAPC consider the southeast subregional opportunities associated with a connected and expanded West Mundijong Industrial Area).*
  - f. Activity centre classification (specifically to request the Mundijong District Centre be considered for reclassification as a strategic regional centre).*
- 2. CONSIDERS its position on the Proposed Metropolitan Region Scheme Amendment - West Mundijong Urban Precinct once Part (1) is completed by the WAPC.*

**Background**

The WAPC have requested that the Shire provide preliminary comment on a Proposed MRS Amendment to rezone a 647ha portion of land located to the west of Mundijong, from 'Rural' to 'Urban'. The subject site is bound by King Road to the west, Leipold Road to the north, Gangemi Road to the east and Mundijong Road to the south as shown in Figure 1. The subject site currently accommodates a range of agricultural pursuits, including horse agistment, livestock grazing, and hay production.

The WAPC have previously requested the Shire to provide pre-lodgement comments on a Proposed MRS Amendment to rezone the subject land from 'Rural' to 'Urban'. At the Ordinary Council Meeting held on 18 July 2022, Council resolved to request the WAPC, as the regional planning authority, to undertake a sub-regional structure planning exercise for the area bound by Kargotich Road, Mundijong Road, King Road and the freight rail line and to consider its position on the Proposed MRS Amendment once this has been completed by the WAPC. This sub-regional planning exercise has not yet been undertaken by the WAPC. Officers consider there to



be a significant potential with this land precinct, noting the range of important infrastructure decisions and planning proposals being directly facilitated within, or close to, the precinct in question.

Prior to the 18 July 2022 meeting, the proponent had provided a submission on the Shire's then Draft Local Planning Strategy and Draft Local Planning Scheme No. 3, proposing that the area west of Mundijong be identified for urban purposes. The proponent also provided a similar submission on the Shire's Draft Mundijong District Structure Plan.

At the Ordinary Council Meeting held on 16 November 2020, Council resolved to request the Chief Executive Officer to write to the Hon Minister for Planning, and Chair of the WAPC, seeking an updated government position on whether the current 'Rural' precinct bound by Leipold Road, Kargotich Road, Mundijong Road and King Road would be proposed for changing under the State planning framework. The Shire received a response, which stated:

*"the subject land is rural under the Metropolitan Region Scheme and the South Metropolitan Peel Sub-regional Planning Framework (the Framework). Any significant departure from this status would best be considered as part of a review of the Framework, expected to commence in 2021.*

*The review of the Framework will consider the need to identify additional urban land and where such land, if required, would be best located. The review will also benefit from investigations being conducted into the suitability for land use change within the Planning Investigation Areas identified in the Framework.*

*The Frameworks are intended to be contemporary documents that respond to changes, challenges and community expectations. I encourage the Shire and its community, including the landowners within the subject land, to engage with the consultation process which will form a key part of the review."*

In September 2022, the WAPC determined the outcome of the Planning Investigation Areas within South Metropolitan Peel Sub-regional Planning Framework. No further review of the Framework has been undertaken by the WAPC as of yet.

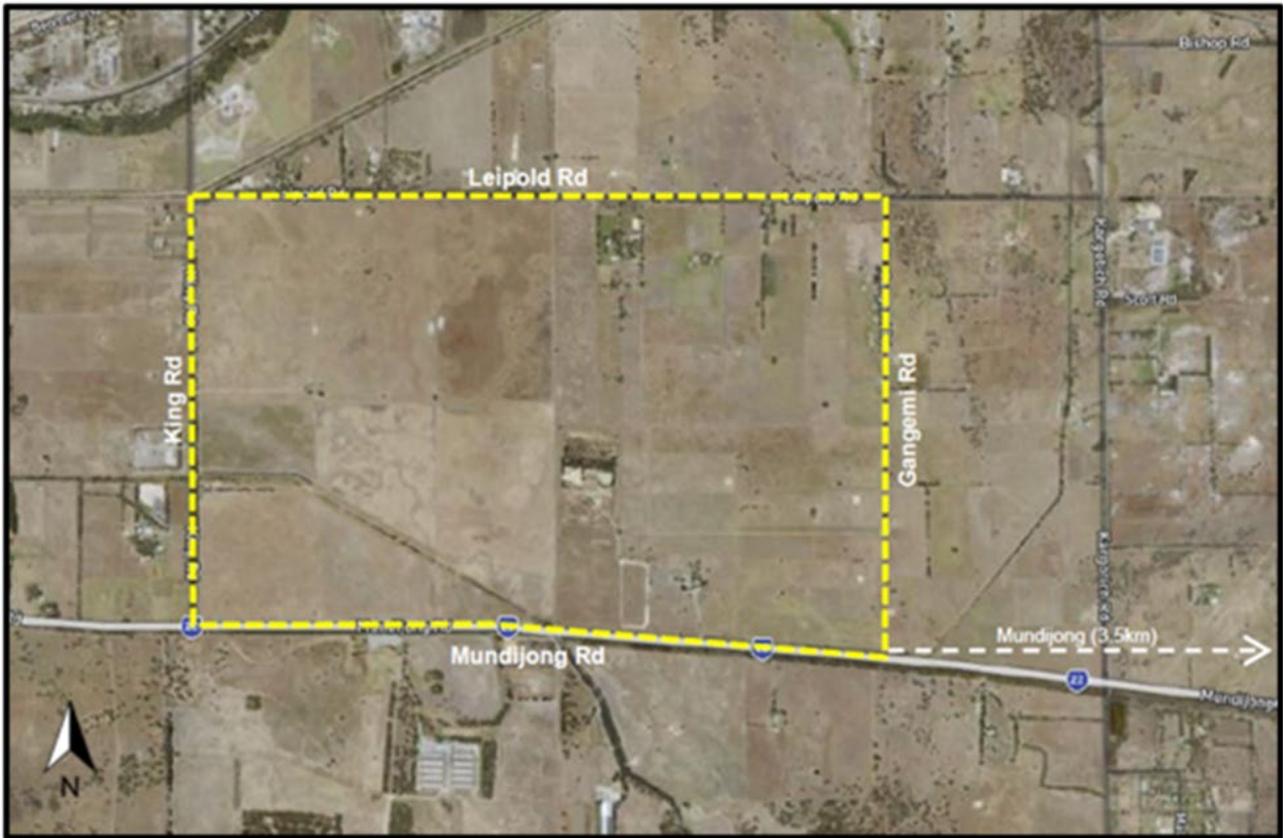


Figure 1: Subject Site

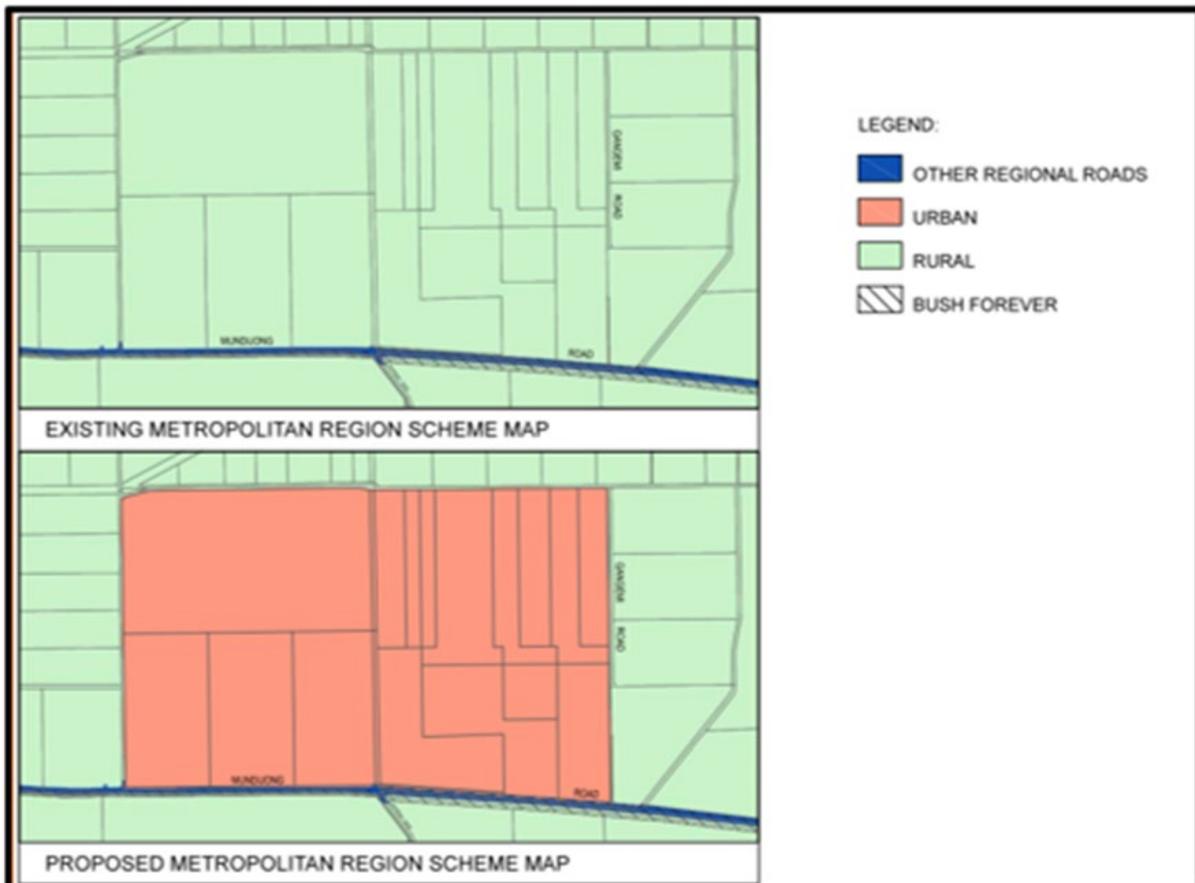


Figure 2: Proposed MRS Amendment



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**Community / Stakeholder Consultation**

Once the Department of Planning, Lands and Heritage (DPLH) have received preliminary comments on the Proposed MRS Amendment, DPLH may present a report to the WAPC to consider whether to formally initiate an amendment to the MRS or not. Should an amendment be initiated, the WAPC will seek formal comment on the MRS amendment proposal from the Shire, State agencies, stakeholders and the community.

**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

- SJ2050
- Local Planning Strategy
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Local Planning Policy suite

**Planning Assessment**The need for sub-regional coordination

In terms of assessment against the prevailing strategic planning framework, Officers note (consistent with earlier reporting) that this proposal is impacted by a number of recent State Government infrastructure and project decisions, as well as a number of other live MRS proposals. For example, the commitment to fund the extension of Tonkin Highway from Thomas Road to South Western Highway provides an important north-south transport connection, providing improved accessibility for West Mundijong and the Shire to the wider region. The commitment to also deliver an east west freight freeway, connecting the future Westport to Tonkin Highway, will create additional infrastructure connectivity and potential for a range of development forms. The construction of the Byford Rail Extension and expanding/planned district centres at Byford and Mundijong, create significant importance regarding east west connectivity, and ensuring that the planned connected city growth model of Perth and Peel is achieved which focusses on activity centres connected along activity corridors.

The addition of urban zoned land, as proposed here, is best considered in a broader context of intended patterns of activity and development within the Shire. Rather than advancing a proposal like this in isolation, it would on preliminary analysis appear more optimal to ensure the proposal forms part of a sub-regional structure plan analysis, that coincides with the following area:

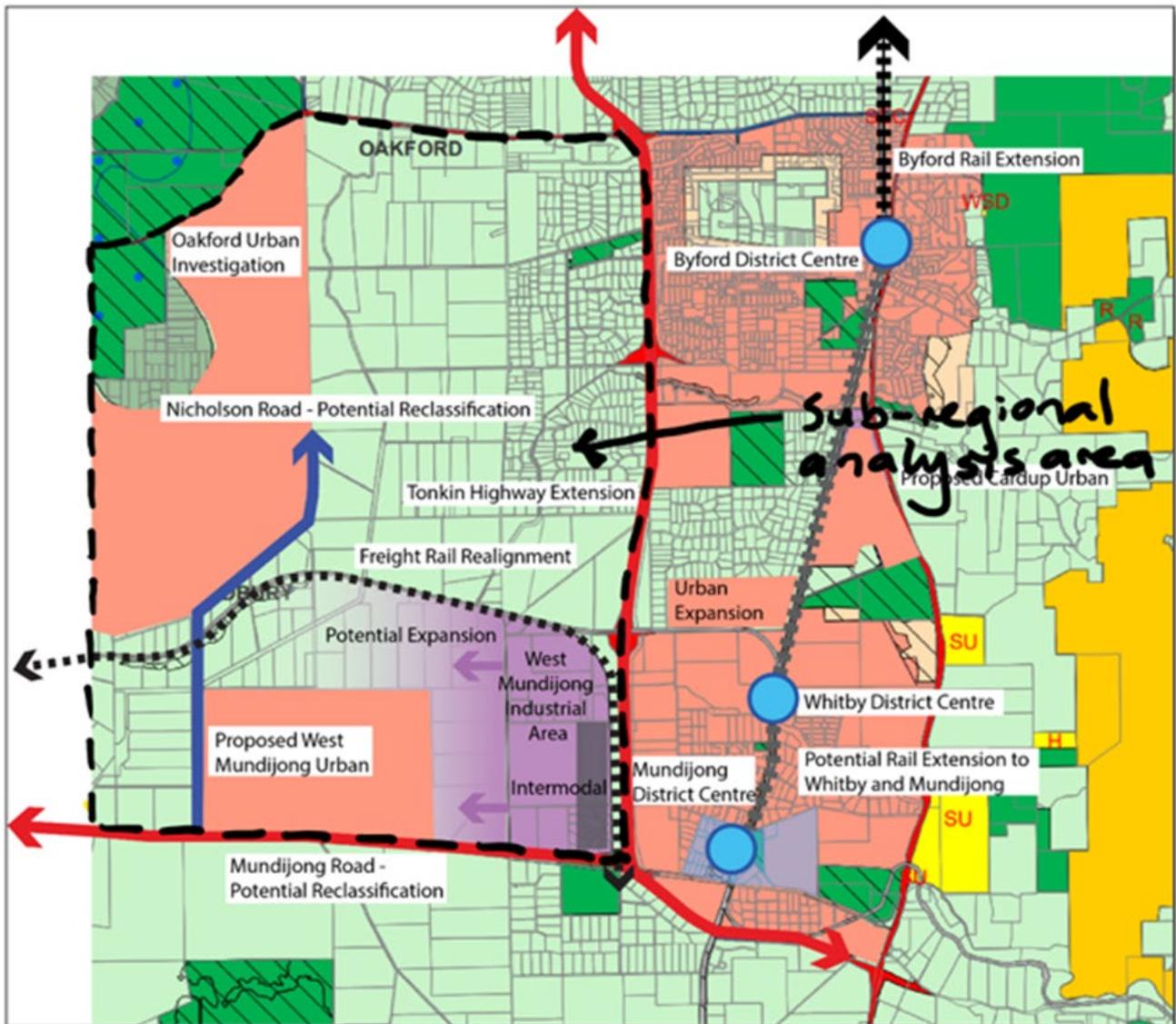


Figure 3: Subregional Structure Plan area

This would seek to specifically address:

- a. Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:
  - Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway and;
  - Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.
- b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).
- c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.



- d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; Oakford urban proposal; West Mundijong Industrial Area expansion proposal; East Kwinana Urban Investigation Area precinct and; this West Mundijong urban precinct proposal.
- e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
- f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong).
- g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.

#### Perth and Peel @ 3.5 Million Sub-Regional Planning Framework

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 site is identified for 'Rural'. This strategic document, like all strategic documents, are not statutory in nature, and therefore represent one of the various relevant planning considerations that a formal proposal needs to be considered against.

#### Planning Investigations Areas

The WAPC's South Metropolitan Peel Sub-Regional Planning Framework identified Planning Investigation Areas (PIAs) for further investigations, regarding a range of key planning considerations, to determine whether any possible change from current zoning could be supported. PIAs were identified within the Shire in the Oakford/Oldbury area and in Cardup.

In September 2022, the WAPC determined the outcome of the PIAs within the South Metropolitan Peel Sub-regional Planning Framework. The WAPC supported a change of land use for the Oakford/Oldbury PIA, with the endorsed framework land use classification for the Oakford area being Urban Investigation. The WAPC determined no change in land use for the Cardup PIA, with the area to remain an established rural living area comprised of predominantly 2ha rural lifestyle and equestrian lots.

The impact of the outcome of the PIAs on urban land supply should be considered by the regional planning authority as part of a regional planning exercise in the form of a subregional structure plan, including this land area.

In this regard, Officers are cognisant of ensuring the Shire retains an available stock of readily developable and serviceable urban land. Such land needs to be strategically advantageous in respect of location; alignment to intended growth patterns; infrastructure availability; environmental responsiveness; employment self-sufficient and; economically viable.

Having available land is a key response to facilitating and supporting responsible growth, helping address broader housing affordability issues as well as the primacy of a development pattern that is orientated along the southeast corridor (rather than the Kwinana Freeway corridor).

In this regard, the MRS proposal under this report could be argued to be more well suited to urban development, in comparison to the 1900ha urban investigation area in the Shire's western area, which has a number of location, infrastructure, serviceability and environmental constraints that would need to be overcome to realise development.



## 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 strategy. In this regard, the Local Planning Strategy depicts a Rural designation for the precinct, aligned with the regional planning strategy that prevails. This proposal however seeks to change the regional planning strategy, which if done, would require the Local Planning Strategy to also be realigned. Therefore, consideration at this stage may best occur against the higher order objectives set by the Shire's Local Planning Strategy, to consider the degree of alignment or otherwise.

The higher order strategic objectives of the Local Planning Strategy include the following:

 <p>Place</p>	<ul style="list-style-type: none"><li>» <b>Unique Character</b> Ensure the diversity of natural and cultural landscapes in the Shire continue to offer an array of unique experiences to visitors and communities, enhancing social cohesion and a shared sense of place.</li><li>» <b>Consolidated Urban Form</b> Promote urban consolidation by making better use of existing zoned land and infrastructure through better-quality infill redevelopment and rural living development.</li></ul>
 <p>People</p>	<ul style="list-style-type: none"><li>» <b>Inclusive and Liveable Communities</b> Attract people to the Shire's many places and spaces supported by iconic landscapes, unique histories, range of activities and integrated settlement structures.  Create well-planned liveable communities that offer a high level of amenity and promote health and wellbeing.</li><li>» <b>Infrastructure and Technology</b> Explore incentives for the continued investment in research and development to ensure ongoing innovation and training help the Shire remain competitive, resilience and sustainability.</li></ul>
 <p>Prosperity</p>	<ul style="list-style-type: none"><li>» <b>Economic Diversity and Regional Development</b> Enhance our local competitiveness by seizing opportunities to diversity through innovation, research and development to create value-added goods, services and increased efficiencies.  Ensure, as our Shire grows, new homes, employment areas and places to shop are located in areas that are well planned, connected and affordable.  Ensure as the Shire grows, strong governance will guide well designed growth that makes the most efficient use of existing and planned infrastructure and investment.</li><li>» <b>Environment and Water</b> Maintain access to the natural environment and preservation of our high value natural assets for future generations to come.</li></ul>

With respect of the 'place' objective, the subject land is noted to be proximate to the industrial zoned node of West Mundijong, and the urban zoned node of Mundijong and Whitby. With respect to the objective for landscape diversity, Officers note a strategic regional opportunity to consider how this proposal could shape a broader regional planning solution that is expressed for the south-east subregion, specific to greater employment and enterprise growth. This broader context could be something given consideration by the regional planning authority (the WAPC) in considering this proposal, given the regional projects that are underway within the Shire. This is associated with the following aspects:



- New road access potential;
- New freight, port, passenger and regional rail potential;
- New industrial, intermodal, enterprise and employment potential; and
- New tourism and economic potential.

Officers consider this proposal, if expanded to a broader context, could contribute to the 'place' objective, though further regional scale planning should be undertaken. By undertaking a broader regional planning step, in the form of a subregional structure plan, Officers consider that the WAPC would be best positioned to advance the most coordinated planning framework.

With respect to the 'people' objective, Officers consider that the proposal, where considered and expanded in a regional context, could drive a greater range of activities and diversity in the landscape. This is particularly seen to assist regional challenges being faced by the south-east subregion, pertaining to low levels of employment capacity, self-sufficiency and self-containment. With a regional context that helps solve greater industrial and enterprise potential, the 'people' objective could be met.

Finally, with respect to the 'prosperity' objective, the proposal could be considered by the regional planning authority through the manner by which it rounds off an ultimate industrial solution that meets regional and State needs. The Shire has helped plan and deliver the West Mundijong Industrial Area, however land is limited in respect of longer term development. Officers consider that this issue needs consideration, especially with respect of the interfaces that continue with the freight rail link to the future port. This proposal could thus be framed with respect of the 'prosperity' objective, if the regional planning authority was of the view to consider a regional context for the proposal. Market feedback also reveals strong levels of interest in not only the current extent of the West Mundijong Industrial Area, but potential expansion of this also.

### SJ 2050

The Shire's SJ 2050 provided a vision for the Shire, which set out a framework to accommodate future growth. The vision was shaped through community engagement and reflected the values and aspirations of the Shire's local community. The visioning process coordinated input and feedback from key stakeholders, community reference groups and the wider public. As a part of the visioning process, three future growth and development scenarios were investigated. Scenario Two was based on the centralised containment of growth, reinforcing an east-west corridor with high to medium density development concentrated around Mundijong, extending west. This Scenario Two was proposed to be serviced by dedicated greenways with bus and cycle access, which would connect the Shire with existing rail infrastructure along the Mandurah Train Line providing access to employment and education opportunities.

Scenario Two and Scenario Three, which proposed a dispersed nodal development pattern, were both popular among the community reference group for SJ 2050. The final spatial framework of SJ 2050 was informed by the scenarios. The Proposed MRS Amendment identifies a similar development pattern to Scenario Two of SJ 2020, identifying urban land to extend in an east-west direction, west of Mundijong.

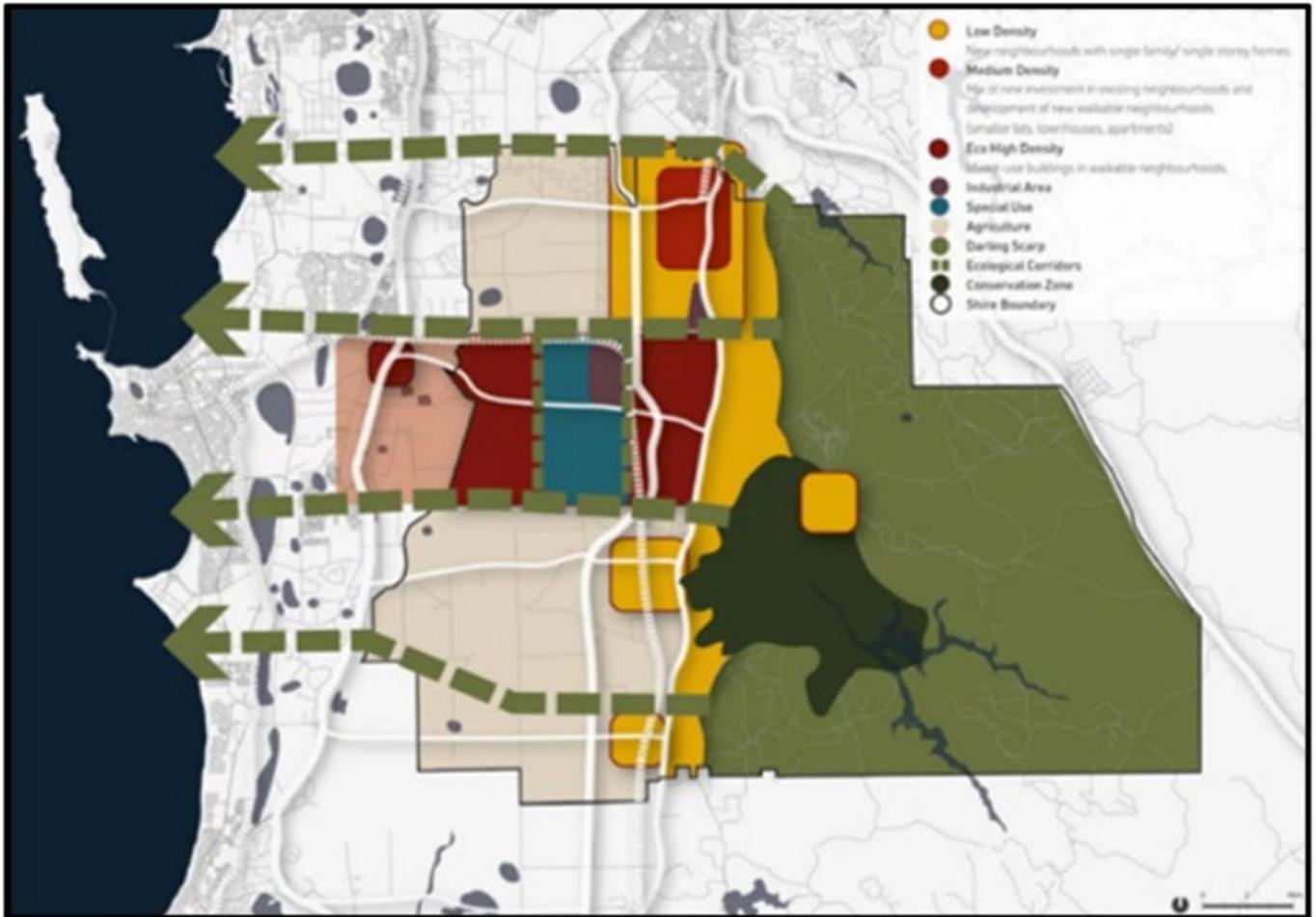


Figure 4: SJ 2050 Scenario Two

#### Existing Urban Land and Activity Centres

The Mundijong District Structure Plan provides the framework for the urban zoned land in Mundijong to strategically develop over an extended time period. Development is based upon two designated district centres (Whitby and Mundijong), and there is every expectation that future development will include a variety and mix of dwelling types, in order to deliver planned density targets.

The established activity centre hierarchy and planning for the Mundijong urban area is a key factor in the consideration of subregional land use designation. The potential of the currently zoned urban land to meet dwelling demand based on the established planning framework outlined within the Mundijong District Structure Plan should be considered. Ensuring the development viability of the currently zoned urban area, and two district centres in Whitby and Mundijong, is also an important strategic consideration. While additional urban land as proposed by the West Mundijong Urban Proposal could generate additional activity centre need, it will also require consideration of the network of centres for the Shire ultimately.

This forms one of key regional planning issues that the regional planning authority (the WAPC) could be encouraged to consider as part of this MRS amendment. As mentioned, by the WAPC undertaking a broader regional planning step, in the form of a subregional structure plan, Officers consider that the WAPC would be best positioned to advance the most coordinated planning framework.



### Urban Land Supply

In addition to consideration of the existing urban zoned land within Mundijong and Whitby, the regional planning authority should also consider this Proposed MRS Amendment in the context of other urban land proposals in the surrounding area. At the Ordinary Council Meeting held on 18 September 2023, Council resolved to provide preliminary comments of conditional support for a MRS Amendment proposal to rezone a 194ha portion of land within the Cardup Business Park, from 'Industry' and 'Rural' to 'Urban'. The constrained location of the Cardup Business Park limits the scale of land that is available to accommodate industrial development and provide for a range of industries and future growth.

Through the finalisation of the PIAs under the South Metropolitan Peel Sub-Regional Planning Framework, land has been identified as Urban Investigation in the Oakford/Oldbury area to the north-west of the subject site. The previously identified Cardup PIA, however, which covered an existing rural living equestrian area, has been removed. These urban land proposals should be considered in a coordinated manner by the regional planning authority in the form of a subregional structure plan.

### Infrastructure Provision

This proposal is impacted by a number of State Government infrastructure and project decisions. The commitment to fund the extension of Tonkin Highway from Thomas Road to South Western Highway will provide an important north-south transport connection, providing improved accessibility for the Mundijong area to the wider region. The commitment to plan and deliver the Mundijong Freight Rail Realignment will remove freight train operations through the Mundijong urban area and improve community safety and amenity. It will also provide better transport infrastructure connectivity and improved efficiencies of rail operations.

The Freight Rail Realignment will also support the planned development of the West Mundijong Industrial Area. The urban area proposed by the Proposed MRS Amendment would be located within proximity to these important employment, enterprise, transport and freight linkages. Access to regional roads and the freight rail network provides opportunities for industries and businesses to be well-connected to markets and suppliers.

The Shire's Local Planning Strategy states that improved east-west road links are essential to support industry and provide residents with access to major employment opportunities located in Fremantle, Kwinana, Rockingham and Mandurah. The future status of Mundijong Road as a Primary Regional Road would provide an important east-west transport connection and freight linkage. The future extension of Nicholson Road to Mundijong will also provide an important north-south transport corridor to complement the Tonkin Highway and the Kwinana Freeway.

Consideration also needs to be given to public transport infrastructure within the region. The commitment to deliver the Byford Metronet Project will provide key public transport access from Perth to Byford, with the rail extending north-south from Armadale. The Shire's Local Planning Strategy identifies the potential for the passenger rail line to extend further south to Mundijong in the longer term. Rapid transit investigation corridors are also identified within the Shire's Local Planning Strategy along Soldiers Road, Mundijong Road and the Mundijong Freight Rail line. This identifies the potential to investigate dedicated lanes or corridors along existing road and rail reserves to allow for a rapid bus route service or future light rail. The potential for future east-west public transport connections is a key consideration in regard to the Proposed MRS Amendment.



### Industrial Land

There are two key industrial areas identified within the Shire including the West Mundijong Industrial Area and the Cardup Business Park. Both of these industrial areas are connected to regional roads and the freight rail network. Industrial land is important to generate investment, attract business and create local employment opportunities. As the Shire continues to grow, there may be a need for additional industrial land to support the urban growth. The future Mundijong Freight Rail Realignment and Tonkin Highway extension adjacent to the West Mundijong Industrial Area provides strategic opportunities for this area, and key opportunities to shape a regional context for that portion of land which includes this urban potential and the fringing rural land east and north. The West Mundijong Industrial Area is strategically located with the potential to accommodate the expansion of light and general industries further west, especially noting the expected demand at this precinct area.

The Cardup Business Park is more constrained, located between the urban areas of Byford and Mundijong and rural living development in Cardup. This constrained location limits the scale of land that is available to accommodate industrial development and provide for a range of industries and future growth. The long-term potential of the Cardup Business Park to accommodate significant further industrial development is limited and considered to be largely unavailable now. As such, the Cardup Business Park is currently subject to an MRS Amendment proposal to rezone the land for urban purposes.

As demand for industrial land within the Shire increases, the expansion of the West Mundijong Industrial Area further west provides a significant strategic opportunity in this regard. The location of the industrial areas and the future industrial land requirements within the Shire impacts the Proposed MRS Amendment and underpins why Officers consider that there is a need for a regional planning exercise to be undertaken by the regional planning authority (the WAPC).

### Environmental Considerations

The impacts of the Proposed MRS Amendment on the natural environment are also an important consideration. The subject site abuts Mundijong Road, which is designated as a Bush Forever site under the MRS, and is identified as a regional ecological linkage under the Shire's Local Planning Strategy. There are mapped Threatened and Priority Ecological Communities, including buffers, that encroach within the subject site. The Oaklands Main Drain is located to the east and south of the subject site and traverses the south-west portion of the site. The Birrega Main Drain is located to the north and west of the subject site. Some portions of the subject site are located within the 1-in-100 (1%) Annual Exceedance Probability (AEP) floodplain.

## **Options and Implications**

### Option 1

That Council:

1. in response to the request for preliminary comment on the Proposed West Mundijong Urban Precinct, REQUESTS the Western Australian Planning Commission (as the regional planning authority) to undertake a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, with the intent that this subregional structure plan inform the suite of Metropolitan Region Scheme amendments required to achieve the most effective planning outcome for this precinct.
2. REQUESTS the subregional structure plan specifically address:



- 
- a. Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:
    - Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway; and
    - Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.
  - b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).
  - c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.
  - d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; West Mundijong Industrial Area expansion proposal; Oakford urban precinct proposal; East Kwinana Urban Investigation Area precinct and; this West Mundijong urban precinct proposal.
  - e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
  - f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong).
  - g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.
3. SUPPORTS this Proposed Metropolitan Region Scheme Amendment once the WAPC have committed to advance Parts (1) and (2) above.
  4. REQUESTS the President and Chief Executive Officer meet with the responsible Minister for Planning, to discuss why the subregional structure planning exercise identified under Part (1) and (2) is critical to addressing housing affordability and land supply, and needs a broader whole of State Government approach to ensure such development is supported by committed infrastructure from State agencies.

### Option 2

That Council PROVIDES pre-lodgement comments NOT SUPPORTING the Metropolitan Region Scheme Amendment to the Western Australian Planning Commission, until such time that a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, is complete.

Option 1 is recommended.



## Conclusion

The Proposed MRS Amendment seeks to rezone a 647ha portion of land located to the west of Mundijong from 'Rural' to 'Urban' under the MRS. There are a number of strategic considerations that impact the Proposed MRS Amendment including the current planning framework, urban land supply, industrial land, infrastructure and the environment. Officers recommend that the regional planning authority consider the proposal within the regional context by undertaking a subregional structure plan.

## Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Proposed MRS Amendment - West Mundijong Urban Precinct - Amendment Report (IN23/24961)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

## Financial Implications

There are no direct financial implications relating to this matter.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered the lowest strategic risk option.						
2	That Council provide preliminary comments not supporting the proposal.	Planning legislation and framework.	Social / Community Outcomes	Possible	Moderate	MODERATE	Provide reason for decision.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That Council:

1. in response to the request for preliminary comment on the Proposed West Mundijong Urban Precinct, REQUESTS the Western Australian Planning Commission (as the regional planning authority) to undertake a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, with the intent that this subregional structure plan inform the suite of Metropolitan Region Scheme amendments required to achieve the most effective planning outcome for this precinct.
2. REQUESTS the subregional structure plan specifically address:
  - a. Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:
    - Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway; and
    - Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.
  - b. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).
  - c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.



- d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; West Mundijong Industrial Area expansion proposal; Oakford urban precinct proposal; East Kwinana Urban Investigation Area precinct and; this West Mundijong urban precinct proposal.
  - e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
  - f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong).
  - g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.
3. **SUPPORTS** this Proposed Metropolitan Region Scheme Amendment once the WAPC have committed to advance Parts (1) and (2) above.
  4. **REQUESTS** the President and Chief Executive Officer meet with the responsible Minister for Planning, to discuss why the subregional structure planning exercise identified under Part (1) and (2) is critical to addressing housing affordability and land supply, and needs a broader whole of State Government approach to ensure such development is supported by committed infrastructure from State agencies.

### **OCM305/12/23**

#### **COUNCIL RESOLUTION**

##### **Moved Cr Mack, seconded President Coales**

##### **That Council:**

1. **in response to the request for preliminary comment on the Proposed West Mundijong Urban Precinct, REQUESTS the Western Australian Planning Commission (as the regional planning authority) to undertake a subregional structure planning exercise for the area bound by Thomas Road, Kargotich Road, Mundijong Road and the Shire's western boundary, with the intent that this subregional structure plan inform the suite of Metropolitan Region Scheme amendments required to achieve the most effective planning outcome for this precinct.**
2. **REQUESTS the subregional structure plan specifically address:**
  - a. **Road infrastructure coordination (specifically to request that Mundijong Road and Nicholson Road be recognised as State Government Main Roads roads, and be reserved as Primary Regional Roads and Other Regional Roads under the MRS given:**
    - **Mundijong Road being a linkage between north south highways of Kwinana Freeway, future Tonkin Highway, South West Highway and Albany Highway; and**
    - **Nicholson Road being a linkage between Canningvale Market and Industrial Areas, and the future Westport Freight Highway.**
  - b. **Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure given the pressure for development taking place already within the Shire, let alone adding further land in).**



- c. Electricity network enhancement, especially noting the need to identify and deliver a new substation to support future growth.
  - d. Planning consideration for all current sub-regional planning issues within the precinct, being the Cardup Business Park urban proposal; West Mundijong Industrial Area expansion proposal; Oakford urban precinct proposal; East Kwinana Urban Investigation Area precinct and; this West Mundijong urban precinct proposal.
  - e. Specific consideration of enterprise and employment implications, to ensure staging of job creation with any additional urban land.
  - f. Activity centre classification (specifically to request the Byford and Mundijong District Centres be considered for reclassification as a result of additional urban zoned land being added which is to be serviced by these urban nodes of Byford and Mundijong).
  - g. Staging and timing of the Mundijong freight rail deviation and passenger rail extension from Byford to Mundijong, together with high quality east west transit infrastructure.
  - h. State Government support for the Shire to continue advancing hypergrowth urbanisation, in the form of a seed capital investment in community and social service infrastructure similar to the \$20m seed capital investment in the hypergrowth road improvement project.
3. **DOES NOT RECOMMEND SUPPORT** for this Proposed Metropolitan Region Scheme Amendment until the WAPC have committed to and advanced Parts (1) and (2) of the resolution.
  4. **REQUESTS** the President and Chief Executive Officer meet with the responsible Minister for Planning, to discuss why the subregional structure planning exercise identified under Part (1) and (2) is critical to addressing housing affordability and land supply, and needs a broader whole of State Government approach to ensure such development is supported by committed infrastructure from State agencies.

**CARRIED 4/2**

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

*President Coales, Councillors Bishop, Jerrett and Mack voted FOR the motion.*

*Councillors Byas and Duggin voted AGAINST the motion.*

*Reason for difference to Officer Recommendation*

*To ensure that the capital spend and the social impacts are taken into consideration for the funding the Shire will need to keep up with infrastructure and services.*

**10.1.8 - Initiation of Project - Determining Location for a Regional Level Playground in Serpentine Jarrahdale (SJ4111)**

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

**Authority / Discretion**

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

The purpose of this report is to seek Council support in initiating a project to identify a preferred location for a regional level playground facility within the Shire. The Shire is the fastest growing local government in Western Australia, attracting a diverse range of new community members every year. This builds upon the rapid rates of growth that have seen many new young families attracted to the Shire, creating their family home and setting up their community life.

The recent community perceptions survey illustrated a strong community desire for a drawcard regional playground to be developed, that would function as the premier play facility for the Shire. Such regional playgrounds have been an emerging practice across the local government sector over the past two decades, with similar outer growth areas having established play facilities of this nature.

Such playgrounds range in cost between \$5m to \$10m, and rely on external funding to become a reality. Thus advocacy is central in being able to deliver such a project. In order to be able to effectively advocate, it is important to select a preferred location that meets current and future community need, and which aligns all stakeholders. The purpose of this project is to undertake the process to identify a preferred location for a Shire regional playground facility. If adopted by Council, the project will occur in the first half of 2024.

**Relevant Previous Decisions of Council**

There are no previous Council decisions specifically relating to this matter of identifying a preferred location for a regional playground facility.



### Background

The Shire is a hyper-growth local government that is a location of choice for first homebuyers, who generally are young families with babies/children or young couples looking to have children. The Shire's current demographic structure illustrates how profound the babies and pre-schoolers service age group is, benchmarked against Western Australia, as shown following:

Shire of Serpentine Jarrahdale - Total persons (Usual residence)	2021		
Service age group (years)	Number ↕	% ↕	Western Australia % ↕
<b>a</b> Babies and pre-schoolers (0 to 4)	2,777	8.6	6.1
<b>a</b> Primary schoolers (5 to 11)	3,773	11.7	9.1
<b>a</b> Secondary schoolers (12 to 17)	2,681	8.3	7.4
<b>a</b> Tertiary education and independence (18 to 24)	2,493	7.7	8.2
<b>a</b> Young workforce (25 to 34)	4,896	15.2	14.0
<b>a</b> Parents and homebuilders (35 to 49)	6,747	21.0	20.8
<b>a</b> Older workers and pre-retirees (50 to 59)	3,963	12.3	12.6
<b>a</b> Empty nesters and retirees (60 to 69)	2,673	8.3	10.6
<b>a</b> Seniors (70 to 84)	1,917	6.0	9.3
<b>a</b> Elderly aged (85 and over)	249	0.8	1.9
<b>Total</b>	<b>32,169</b>	<b>100.0</b>	<b>100.0</b>

This unique demographic structure continues to grow substantially, with the recent ABS Regional Population results for 2023 revealing that Byford alone recorded 394 new born babies in 2022 - the fourth highest in Western Australia.

In looking to the future, the forecast growth rates reveal a profound level of growth among the younger demographic (0-15), showing just how strong the Shire will be as the young family heartland for Perth and Peel. This creates a strong narrative to be able to seek external funding to deliver a range of initiatives, that target this important demographic cohort.



Forecast age structure - 5 year age groups								export	reset
Shire of Serpentine Jarrahdale - Total persons	2023		2029		2036		Change between 2023 and 2036		
Age group (years)	Number	%	Number	%	Number	%	Number		
0 to 4	3,141	8.4	4,210	8.4	5,563	8.5	+2,422		
5 to 9	3,149	8.5	3,857	7.7	4,880	7.5	+1,732		
10 to 14	2,854	7.7	3,691	7.4	4,381	6.7	+1,526		

It is also interesting to consider the location of where this growth is forecast to occur:

Population and age structure - persons aged 0 to 15 years								export	reset
Shire of Serpentine Jarrahdale	2023		2036		Change between 2023 and 2036				
Area	Number	%	Number	%	Number	%			
Shire of Serpentine Jarrahdale	9,666	26.0	15,658	24.0	+5,992	+62.0			
Byford area	6,702	29.7	8,394	24.8	+1,692	+25.3			
Cardup area	466	22.9	411	20.6	-55	-11.8			
Darling Downs area	647	18.8	685	18.4	+38	+5.9			
Hopeland - Keysbrook area	59	11.6	66	12.1	+7	+12.2			
Jarrahdale area	388	18.0	356	16.4	-32	-8.3			
Mundijong area	870	25.3	5,173	26.2	+4,304	+494.7			
Oakford - Oldbury area	101	13.9	95	12.4	-6	-6.2			
Serpentine area	434	18.5	477	19.0	+44	+10.1			

This provides data driven evidence to the need for a regional play facility, and correlates with the qualitative feedback from the recent community perceptions survey that identified a desire for such a facility to be built.

### Community / Stakeholder Consultation

The study will conduct a full engagement program, including (for example) schools, young families, community groups and other relevant stakeholders. Given it is expected only one kind of regional facility will be built within the Shire, choosing a location that is future proofed while accessible and functional for the current community, is critical to being able to succeed in both funding and delivery of the eventual project.

### Statutory Environment

Not applicable.



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**Comment**

The aim of this project is to look to the future and determine where best to preserve a location for the Shire's regional level playground facility. This future focus is important, especially as the urban front begins moving through Mundijong and Whitby, delivering a rapid rise in growth in this area in addition to the rapid growth also taking place in Byford.

With regard to regional play facilities, these tend to be regarded as major play destinations, which comprise a range of learning, exploring and play functions, supporting a range of experiences for various age groups. They are generally built as a facility which can support a whole day visit, with elements like BBQs and shade pavilions attracting a diverse range of visits and events. They are also associated with other elements of attraction, whether nature based (coast, wetland, river) or amenity based (sporting, civic, cultural activities)

Given the size of the facility, they tend to cost anywhere between \$5m to \$10m, and have full time ongoing operational requirements to present the playground daily and ensure maintenance to a very high level. Examples surrounding the Shire include:

- Bibra Lake Regional Playground (City of Cockburn)
- The Harbour Playground (City of Rockingham)
- Hotham Park (Shire of Boddington)
- Kwinana Adventure Playground (City of Kwinana)

The following is a snapshot of the Kwinana Adventure Playground Facility, which was built in 2016/2017 at a then cost of \$5.5 million. The adventure playground provides for features and uses such as:

- Climbing structures
- Water play area
- Music Play
- Sand play areas
- Scooter trail
- All abilities
- Picnic areas and Shade
- Extended play opportunities via Skate Park and Oval



Current images include the following:





### Project approach

It is considered that the Shire has an opportunity to deliver a prime item of infrastructure and community facility into the future, reflecting the rate of growth that the Shire is accommodating which meets a number of State Government policy objectives. If a preferred location is identified and endorsed, Officers consider that the Shire could develop a strong narrative in order to successfully advocate for funding, given it will need to rely heavily on external grants to meet the expected capital cost of between \$5m to \$10m. Ongoing operational costs will also be large, as will depreciation costs, given the expected levels of demand and attraction that such facility will produce.

The size, scale and intent will need to meet the regional requirements as identified by Liveable Neighbourhoods which identifies 'Regional' spaces as multi hectare, to comprise a range of integrated play experiences and functions that support day long repeat visits. This differs from all other levels of playground facility, which are almost exclusively expected to be delivered by developers as part of their responsibilities in new subdivision and development activities.

Thus, this project will be looking at a possible location that can accommodate a major drawcard facility, and which combines with other features to produce the single regional experience expected of it.

The project includes the following methodology:

- Initial development of a multi criteria assessment framework to be able to test possible options;
- Formation of an internal cross functional team, to identify a long list of possible options to run through the MCA;
- Reporting to Council on the results of the long list, with the intent to adopt a short list for detailed community engagement;
- Community engagement processes to seek feedback on the short list, and recommend following this a preferred location for Council endorsement.

Officers would also see the opportunity to engage with the community to determine the kinds of functions and facilities they would like to see delivered with such a proposal, given the diversity of examples that can already be found across the broader Perth and Peel regions. It would be important, for example, to establish the unique point of difference that reinforced the place values held for the Shire by the community.

### **Options and Implications**

#### Option 1

That Council SUPPORTS the initiation of the project, being a multi-criteria study and community engagement to determine a preferred location for a Future Regional Playground within the Shire of Serpentine Jarrahdale, to be undertaken during the 2024 calendar year utilising internal resources.

#### Option 2

That Council DOES NOT SUPPORT the initiation of the project.

Option 1 is recommended.



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**Conclusion**

The Shire is a hyper-growth local government that is attractive to first homebuyers, who generally are young families with children. This also means that affordability is a significant driver for home buyers which generally results in smaller lots and houses with less private open space than is required. The aim of the project is to look toward the future, to identify where a regional play facility can be preserved for funding and delivery.

The study will seek to determine a preferred location for a Regional Playground, that can then form the basis of future advocacy to fund and deliver the project.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

This proposal aligns with these specific objectives outlined in the Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community

**Financial Implications**

None. The study will be conducted by Officers internally.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The study to determine a preferred location for a Regional Playground within Serpentine Jarrahdale through a multi-criteria analysis and community engagement in the first half of 2024 may create unrealistic expectations.		Reputation	Possible	Minor	LOW	Full community engagement process with relevant information will be conducted.
2	If Council does not support the study, it will miss the opportunity to apply for regional playground grants.	The current planning frameworks provide for standard Public Open Space outcomes	Social / Community Outcomes	Likely	Moderate	MODERATE	Nil

**Voting Requirements:** Simple Majority

### OCM294/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council **SUPPORTS** the initiation of the project, being a multi-criteria study and community engagement to determine a preferred location for a Future Regional Playground within the Shire of Serpentine Jarrahdale, to be undertaken during the 2024 calendar year utilising internal resources.

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



**10.1.9 - Serpentine Jarrahdale Career and Enterprise Expo - Outcomes Report and Future Sponsorship (SJ2201)**

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

**Authority / Discretion**

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

The purpose of this report is to advise Council on the outcomes of the inaugural 2023 Serpentine Jarrahdale Careers and Enterprise Expo. This Event was completed as a partnership between the Shire, Byford Secondary College and local community, attracting almost 2,000 attendees looking to their future career and employment options.

As part of advising Council of the Expo success, it is recommended that Council also continue its sponsorship arrangements for a further two-year period.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 12 December 2022 – OC326/12/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *REQUESTS the Chief Executive Officer to advise the Byford Secondary College that the Shire will provide sponsorship of \$5500 for the Serpentine Jarrahdale Careers and Enterprise Expo 2023.*
2. *APPROVES the following budget variation to facilitate the engagement of the event management company:*

<i>Account Number</i>	<i>Type</i>	<i>Account Description</i>	<i>Debit \$</i>	<i>Credit \$</i>
<i>1400-10404-6392-0000</i>	<i>Increase Expenditure</i>	<i>Career Expo – External Contractors</i>	<i>22,500</i>	
<i>1400-10404-6276-0000</i>	<i>Increase Expenditure</i>	<i>Career Expo – External Contractors</i>	<i>500</i>	
<i>1400-10404-4700-0000</i>	<i>Increase Income</i>	<i>Career Expo – Reimbursements</i>		<i>22,500</i>
<i>1400-10400-6386-0000</i>	<i>Decrease Expenditure</i>	<i>Strategic Facilities and Projects – Marketing and Promotions</i>		<i>500</i>



*Reason: Increase budget required to engage an event management provider for the Career Expo on behalf of Byford Secondary College who will reimburse the Shire for the cost of this service.*

*The Shire is also increasing the contribution to the school from \$5,000 to \$5,500 with the shortfall being funded from the Strategic facilities and Projects marketing and promotions budget.*

3. *NOTES the Chief Executive Officer will negotiate and execute an Agreement between the Shire and Byford Secondary College which would reflect in-kind support to be provided by the Shire and responsibilities of both parties.*
4. *SUBJECT to a report on the outcomes of the 2023 event being presented to Council for consideration, provides in principle support to financially supporting the event for a three year period.*

### **Background**

Council at its Ordinary Meeting held on 12 December 2022, considered and supported a partnership between the Shire of Serpentine Jarrahdale and the Byford Secondary College to deliver an inaugural careers and enterprise expose. With the support of industry partners, this was intended to support the emerging late teen / young adult demographic of the Shire, through showcasing the major job opportunities that were on offer and how these could be pursued.

The Expo was held at the Byford Secondary College over two-days, on Friday, 23 June and Saturday, 24 June 2023. The Friday session hosted schools from across the region, while the Saturday session was a community day with members of the public able to attend, free of charge.

### **Community / Stakeholder Consultation**

Not applicable.

### **Statutory Environment**

Council Policy 5.1.14 - Community Contributions

### **Comment**

The Serpentine Jarrahdale Career and Enterprise Expo was created and designed as an opportunity for people across the local and wider community to connect with local employees, to consider local career opportunities and how best to pursue these. This resulted in people being able to explore opportunities available to them in the workforce, and to develop the required skills to pursue a career in their chosen field.

The Shire's current Economic Development Strategy recognises the importance of employment and its contribution to the local economy. The Careers Expo resulted in an opportunity to host an innovative event providing insights into a range of industries with interactive exhibitions to involve and engage all participants.

The continuation of the Careers Expo will play an important role in the community, allowing for opportunities for residents to engage with local businesses, and for visitors outside the district to attend and experience the Shire.



Figure 1: the Shire showcasing at the event

Key Outcomes of the Serpentine Jarrahdale Careers and Enterprise Expo

- More than 2,000 attendees during the two-days;
- 1,432 school students, 730 community members;
- 32 educators;
- 55 exhibitors attended and showcased at the Expo. The Expo was split into twelve industry clusters, to assist attendees in finding more information about areas of interest and to explore other opportunities that may not have been considered. The clusters included:

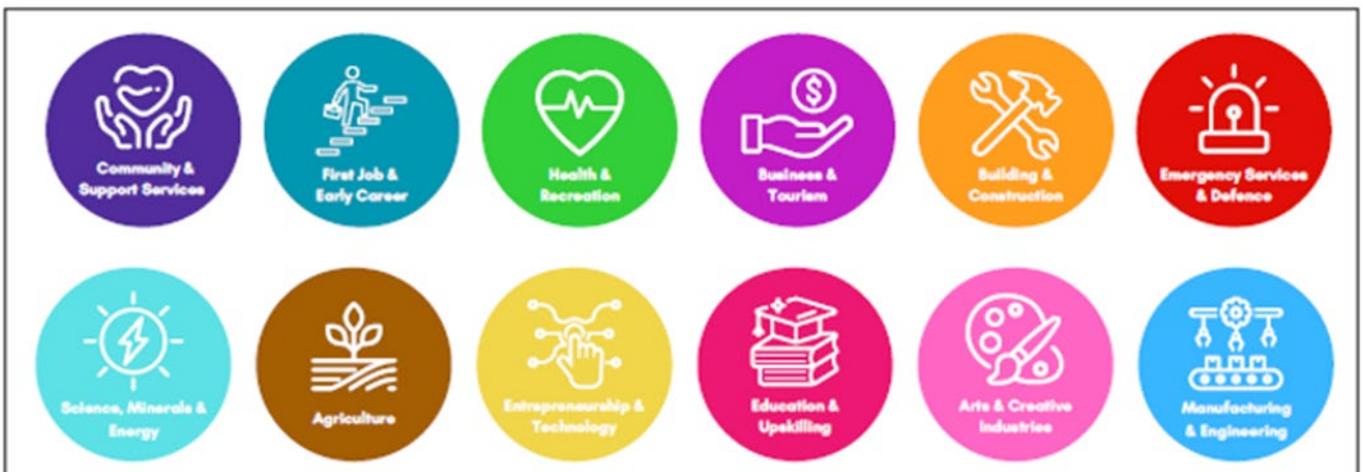
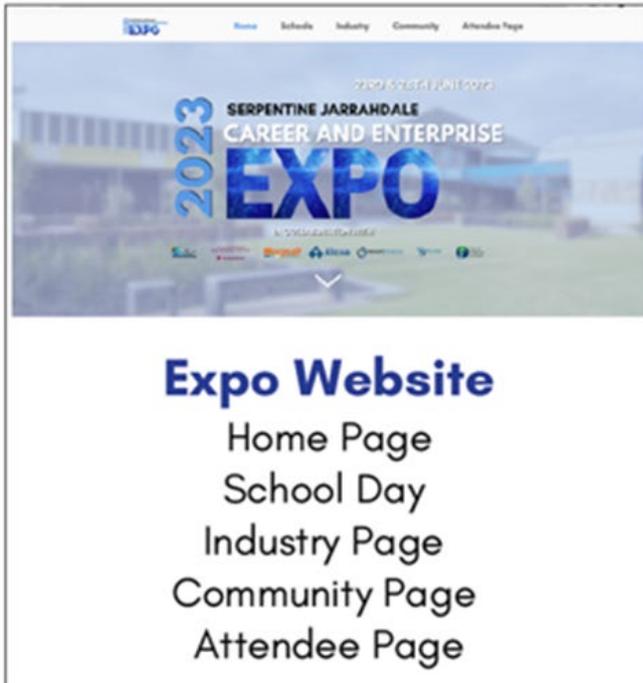


Figure 2: Twelve Industry Clusters

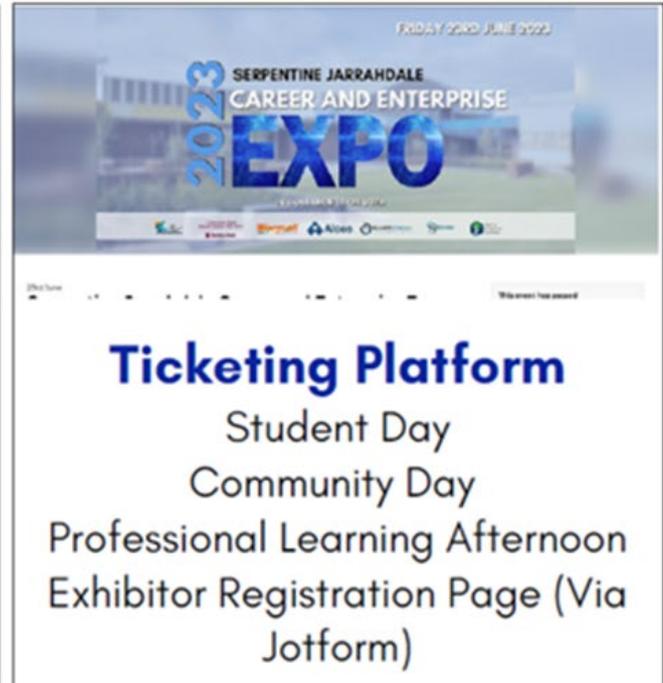
- BOP Industries were appointed as the Event Management consultant, and reached out to exhibitors to deliver a presence at the Expo;
- 15 speakers and presenters delivered various key note information over the two days;
- Between January and June 2023, a website was created to promote the expo. This resulted in 3,456 visits, and 984 ticketing platform views.



BOP Industries were also able to create several assets to promote the Expo for its inaugural year. This included an Expo Website, Ticketing Platform, Information Packs, Digital Promotional Materials, print out materials and on the day signage.



**Figure 3: Expo Website**



**Figure 4: Ticketing Platform**

### Event Management

In this year's event, the Shire acted on behalf of the Byford Secondary College in the procurement and engagement of an external events management provider. It is noted that the school has reimbursed the Shire for the cost of these services, and seeks to retain the same arrangement for this year.

### Event Sponsorship

Funding for the Event in 2024 has been committed from several existing key industry partners from the 2023 event. The following industry partners have committed to the event for 2024 and 2025:

- Wormall Civil.
- Smart Stream Technology.
- Alcoa (\$10,000 committed annually for 2024 and 2025).

In accordance with the Shire's Community Contributions Policy, Officers consider it is appropriate that the Shire to continue to contribute, as sponsorship funding, an amount of \$5,500 (excluding GST) to support the continued delivery of the event.

It is noted that an additional \$500 has been considered to support costs for the opening night of the event to be held for exhibitors, dignitaries, sponsors and industry partners with media presence.



### Next Steps

Below is a summary of the relevant actions Officers intend to take, should Council support its continuing partnership to deliver the Expo for 2024.

- Advise the Byford Secondary College that it will provide sponsorship of \$5,500 for the Careers and Enterprise Expo in 2024 and 2025.
- Engage an event management provider for the Career Expo on behalf of Byford Secondary College, who will reimburse the Shire for the cost of this service.

### **Options**

#### Option 1

That Council:

1. REQUESTS the Chief Executive Officer to advise the Byford Secondary College that the Shire will provide sponsorship of \$5,500 for the Serpentine Jarrahdale Careers and Enterprise Expo 2024 and 2025.
2. Council APPROVES the following budget variation to facilitate the engagement of the Event management company:

Account Number	Type	Account Description	Debit \$	Credit \$
2500-10404-6392-0000	Increase Expenditure	Career Expo – External Contractors	\$22,500	
2500-10404-6276-0000	Increase Expenditure	Career Expo – Sponsorship	\$5,500	
2500-10404-4700-0000	Increase Income	Career Expo – Reimbursements		\$22,500
2500-10101-6386-0000	Decrease Expenditure	Economic Development – Marketing and Promotions		\$5,500

Reason: Increase budget required to engage an event management provider for the Career Expo on behalf of Byford Secondary College who will reimburse the Shire for the cost of this service.

The Shire is offering sponsorship of \$5,500 which will be funded from the Economic Development marketing and promotions budget.

#### Option 2

That Council:

1. REQUESTS the Chief Executive Officer to write to the Byford Secondary College to advise that the Shire will not provide sponsorship for the event but is still willing to procure the event management company if that assists in supporting the event.
2. APPROVES the following budget variation to facilitate the engagement of the event management company:



Account Number	Type	Account Description	Debit \$	Credit \$
2500-10404-6392-0000	Increase Expenditure	Career Expo – External Contractors	\$22,500	
2500-10404-4700-0000	Increase Income	Career Expo – Reimbursements		\$22,500

Option 1 is recommended.

### Conclusion

The 2023 Careers and Enterprise Expo was a successful event which offered residents, visitors and businesses with a one stop shop for secondary students and school leavers, to learn from exhibitors on careers available.

The continued sponsorship and support from the Shire will assist in the Byford Secondary College achieving the budget to progress in delivering the event which includes the opening reception and the showcase of exhibitors over two days. The support of the reception is important because of the benefit it will provide in brand exposure and acknowledgement of the sponsorship relationship at the event.

### Attachments (available under separate cover)

- **10.1.9 - attachment 1** - Serpentine Jarrahdale Career and Enterprise Expo - Outcomes Report 2023 (E23/13054)

### Alignment with our Strategic Community Plan

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

### Financial Implications

The sponsorship funds would be sourced from the budget for Economic Development - Marketing and Promotions budget.

The Shire is also recommending that we act on behalf of the school in the procurement and engagement of an external events management provider, with the school to reimburse the Shire to these costs of these services.

To deliver both the sponsorship and the engagement of the external events management provider the below variation is required:



Account Number	Type	Account Description	Debit \$	Credit \$
2500-10404-6392-0000	Increase Expenditure	Career Expo – External Contractors	\$22,500	
2500-10404-6276-0000	Increase Expenditure	Career Expo – Sponsorship	\$5,500	
2500-10404-4700-0000	Increase Income	Career Expo – Reimbursements		\$22,500
2500-10101-6386-0000	Decrease Expenditure	Economic Development – Marketing and Promotions		\$5,500

Reason: Increase budget required to engage an event management provider for the Career Expo on behalf of Byford Secondary College who will reimburse the Shire for the cost of this service.

The Shire is offering sponsorship of \$5500 which will be funded from the Economic Development marketing and promotions budget.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no significant risk with Option 1						
2	Declining the sponsorship could impact the Shire's partnership with the Byford Secondary College.	Nil	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Nil



**Voting Requirements:** Absolute Majority

**OCM306/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Duggin, seconded Cr Mack**

**That Council:**

- 1. REQUESTS the Chief Executive Officer to advise the Byford Secondary College that the Shire will provide sponsorship of \$5,500 for the Serpentine Jarrahdale Careers and Enterprise Expo 2024 and 2025.**
- 2. Council APPROVES the following budget variation to facilitate the engagement of the Event management company:**

<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
2500-10404-6392-0000	Increase Expenditure	Career Expo – External Contractors	\$22,500	
2500-10404-6276-0000	Increase Expenditure	Career Expo – Sponsorship	\$5,500	
2500-10404-4700-0000	Increase Income	Career Expo – Reimbursements		\$22,500
2500-10101-6386-0000	Decrease Expenditure	Economic Development – Marketing and Promotions		\$5,500

**Reason: Increase budget required to engage an event management provider for the Career Expo on behalf of Byford Secondary College who will reimburse the Shire for the cost of this service.**

**The Shire is offering sponsorship of \$5,500 which will be funded from the Economic Development marketing and promotions budget.**

**CARRIED UNANIMOUSLY 6/0**



**10.1.10 - Proposed Adoption of Revised Local Planning Policy 4.6 - Telecommunications Infrastructure (SJ2201)**

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

**Authority / Discretion**

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

The purpose of this Report is for Council to consider the adoption of amended Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6) that has completed the process of public advertising. The amended policy is contained within **attachment 2**.

The amendment to LPP4.6 seeks to address the provision for telecommunications infrastructure within the Shire. This is to ensure the planning and delivery of infrastructure, and challenges and opportunities for improvement, allow for additional infrastructure to be built for the development of 5G networks to meet customer and community need. The proposed amendment to LPP4.6 would result in the removal of the distance-based requirement and replacement with a performance based approach.

A total of three submissions were received during the public consultation period.

It is recommended that Council adopt this amendment to LPP4.6 without modification.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 18 September 2023 - OCM236/09/23 - COUNCIL RESOLUTION That Council:*

1. Pursuant to Clause 5(1) of the Deemed Provisions, **RESOLVES** to modify Local Planning Policy 4.6: Telecommunication Infrastructure to update clause 2.2 as per attachment 1 **EXCEPT** with the addition of a clause 2.2(c) as follows:
  - 2.2(c) All applications for development approval which include a technical study purporting to conclude that collocation options are not possible, is to have such technical study subject to independent peer review by a suitably qualified consultant, at full cost of the applicant. This is to consider specifically whether collocation has been correctly deemed unviable.
2. Upon attachment 1 being updated as per Part 1, **REQUESTS** the Chief Executive Officer to advertise for 28 days this amendment to Local Planning Policy 4.6 Telecommunication Infrastructure in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.



*Ordinary Council Meeting - 23 July 2018 - OCM063/07/18 - COUNCIL DECISION / Officer Recommendation*

*That Council:*

- 1. Pursuant to Clause 4(3)(b)(i & ii) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to adopt the new and revised Local Planning Policies as listed within OCM063.2/07/18.*
- 2. Revokes the following Local Planning Policy contained within OCM063.8/07/18 in accordance with Clause 6(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015;*
  - (a) LPP 80 - Development within Structure Plan Areas which Development Approval is not Required*
- 3. Pursuant to Clause 4(4) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, publish a notice of the adoption of new and revised Local Planning Policies within OCM063.2/07/18.*

## **Background**

The aim of Local Planning Policies (LPPs) is to create effective and efficient means of assessing and determining development applications, particularly through assisting in the exercise of discretion. It is important that LPPs are reviewed on a regular basis to ensure they are up to date, consistent with best practice and in line with legislation and the strategic planning framework.

A NBN and Telecommunications Information Session was held virtually by the Shire on 3 August 2023 which included representatives from the NBN, Infrastructure providers, land developers in the Shire and companies involved in telecommunications. Industry representatives raised concerns regarding the distance-based requirement (200m) that made provisioning of the infrastructure challenging. Further to this, such has become more of a concern due to the increased density required by the 5G Network.

The Forum recognised the importance and increased demand for digital infrastructure, particularly in the outer hypergrowth areas of the city. The Shire is one such key area, comprising rapid residential development and population growth. This continues to drive significant demand for expanded telecommunication infrastructure coverage, in order to meet customer and community needs.

## **Community / Stakeholder Consultation**

At the Ordinary Council Meeting held 18 September 2023, Council resolved to modify Local Planning Policy 4.6: Telecommunications Infrastructure to update clause 2.2 and to proceed to advertise in accordance with Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In accordance with Clause 5(1) of the Deemed Provisions and the resolution of Council, the amended LPP4.6 was advertised on the Shire's website from 12 October 2023 to 9 November 2023. A notification was also placed in The Examiner newspaper on 12 October 2023. During the consultation, a total of three submissions were received, two objections and one in support. Details of the submissions received are as follows:



Issue	Nature of concern	Officer Comment
Visual Amenity	Objection - as I have previously stated in a written letter opposing this development, my concerns still remain. Telecommunications towers should be located in industrial areas or rural locations away from residential areas. This tower will have a direct impact on my property and my surrounding neighbourhood.	This submission refers to a recent development application. Notwithstanding, the modified Policy still enables an assessment to ensure such development is appropriately located and mitigates the visual and physical impact of Telecommunications Infrastructure.
Health Impact	Support - Include exclusion for any telecommunications facilities to be near to where children live or congregate such as child care centres or sporting complexes	Telecommunication carriers must comply with the Australian Communications and Media Authority (ACMA) Radio Communications Licence Conditions. This includes an assessment of electromagnetic energy emission, in order to demonstrate compliance with safe electromagnetic energy levels as prescribed by Federal Government rules.  The policy deals with amenity considerations, by setting in place a performance framework to best judge the compatibility of proposed development with the local landscape. This approach is considered most effective given the unique local contexts which exist surrounding where a proposal may be seeking to take place.
Appropriate Location	Objection - The Shire needs to work within the Federal Telecommunications Act set out by the Minister for Telco's to abide by. AMTA mobile network deployment regulations. Communications Alliance Ltd Industry Code C564:2020 Mobile Phone Base Station Development In the guidelines associated with Western Australia State Planning Policy 5.2 Telecommunications Infrastructure, it states that unless it is impractical to do so telecommunication towers should be	The modified Policy still enables an assessment to ensure infrastructure proposals are appropriately located, with particular regard to the amenity of the local area and visual and physical impact. The modified Policy aims to further align with the mentioned State and Federal frameworks, by putting in place a more transparent performance based



Issue	Nature of concern	Officer Comment
	<p>located within commercial, business, industrial and rural areas, and areas outside conservation areas. I have raised this issue on numerous occasions.</p> <p>If you care to read the Ordinary Council minutes from 21 November 2022, Ordinary Council Minutes from 20 February 2023 and Ordinary Council minutes from 20 March 2023. I have also raised my concerns with other Government Departments, Councillors and SJ Staff about the development of Telecommunication infrastructure location within the SJ Shire. The Planning Department in the Shire needs to be more up front when making long term decisions which affect property owners and peoples lives instead of hiding behind closed doors. You have all my previous correspondence over the last two years or more to refer to. Please contact me if you need further information.</p>	<p>assessment framework, and also a requirement to demonstrate technical assessment of co-location opportunities.</p>

## Statutory Environment

### Legislation

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

### State Government Policies

- State Planning Policy 5.2 - Telecommunications Infrastructure

### Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

## Comment

In its current form, LPP 4.6 currently restricts the location of Telecommunications Infrastructure in which the specific provision states:

*2.2 Towers/monopoles should not be located within 200 metres of land zoned Urban or Urban Deferred in the Metropolitan Region Scheme (other than in special circumstances accepted by Council i.e. presence of a physical buffer between Telecommunications Infrastructure and residential area). Council may, however, consider the use of existing structures for the attachment of antennas and other equipment which does not require the construction of Telecommunications Infrastructure and does not adversely impact on the visual amenity of an area.*



LPP4.6 has been amended to remove the distance based requirement and replacement with a more performance based approach to provide better policy guidance for both applicants and Officers, and inclusion of 2.2(c) to ensure technical study subject to a peer review by a qualified consultant by the applicant. These new proposed provisions are provided following:

- 2.2 Towers/monopoles situated within urban areas (land zoned Urban or Urban Deferred in the Metropolitan Region Scheme) should be located close to areas which already have a reduced level of amenity. This includes areas close to, or within, railway reserves, primary regional road reserves, utility corridors and/or utility stations, and where residential development is intended to be generally separated from.
- 2.2(a) The Shire may consider towers/monopoles within areas of district open space ("DOS") reserve, provided:
- (i) such does not impact upon any current or future useability of the DOS;
  - (ii) the DOS is not co-located with any existing or future primary and/or high school;
  - (iii) the DOS is configured in such a way that a tower/monopole can be placed in a manner that achieves adequate separation from any existing or proposed residential dwelling; and
  - (iv) the portion of the reserve for the tower/monopole and associated ground level equipment, is agreed by the State Government to be excised out of the overall DOS reserve, and created as a new reserve for telecommunications vested within the Shire with power to lease.
- 2.2(b) Towers/monopoles will generally be supported within areas zoned light or general industry, industrial development and service commercial, in order to further separate this infrastructure from residential areas and support data needs of business and enterprise locations.
- 2.2(c) All applications for development approval which include a technical study purporting to conclude that co-location options are not possible, is to have such technical study subject to independent peer review by a suitably qualified consultant, at full cost of the applicant. This is to consider specifically whether co-location has been correctly deemed unviable.

It is considered that, as revised, LPP4.6 allows for the movement towards a performance based approach to the assessment of Telecommunications Infrastructure within the Shire. With growing demand for increased local infrastructure provision, the additional changes to the LPP are considered to assist Officers, applicants and Council in the future consideration of proposals, compared to the current LPP provisions.

Overall, it is considered that the new provisions will ensure Telecommunications Infrastructure is placed effectively, taking account of local amenity and compatibility considerations balanced against the critical need for this infrastructure.

## **Options and Implications**

### Option 1

That Council ADOPTS amended Local Planning Policy 4.6 - Telecommunications Infrastructure without modifications as contained within **attachment 2**, in accordance with Provision 5(1) of the Deemed Provisions.

### Option 2

That Council REFUSES to adopt the amended Local Planning Policy 4.6 - Telecommunications Infrastructure

Option 1 is recommended.



**Conclusion**

Officers recommend that Council adopt amendments to LPP4.6 to remove the distance based requirement and replacement with a more performance based approach to provide better policy guidance for applicants, Officers and Council. The movement towards a performance based approach to the assessment of Telecommunications Infrastructure within the Shire, is considered to facilitate a more rigorous assessment process based upon locally responsive design and development. It is recommended that Council adopt the modified LPP.

**Attachments (available under separate cover)**

- **10.1.10 - attachment 1** - Current Version Local Planning Policy 4.6 - Telecommunications Infrastructure (E18/8823)
- **10.1.10 - attachment 2** - Amended Local Planning Policy 4.6 - Telecommunications Infrastructure (E23/10068)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no significant risk with Option 1						
2	If Council resolves not to proceed with the amendment to LPP 4.6, the Policy will be suboptimal in terms of the assessment framework to consider proposals that best address the relevant considerations of local context, amenity and essential infrastructure provision, leading to poor mobile coverage and the potential for ad hoc decision making.	Local Planning Scheme 3	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Officer recommendation

**Voting Requirements:** Simple Majority

### OCM294/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

**Moved Cr Duggin, seconded Cr Bishop**

**That Council ADOPTS amended Local Planning Policy 4.6 - Telecommunications Infrastructure without modifications as contained within attachment 2, in accordance with Provision 5(1) of the Deemed Provisions.**

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



**10.2 Infrastructure Services reports:**

**10.2.1 - Award Request for Tender– RFT 11/2023 – Mundijong - King Road - Intersection Upgrade (SJ4309)**

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

**Authority / Discretion**

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

To advise Council of submissions received in relation to Tender RFT 11/2023 – Mundijong - King Road Intersection upgrade for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

**Relevant Previous Decisions of Council**

The staged delivery of this project was approved by Council as part of the 2022/2023 and 2023/2024 Annual Budget.

**Background**



**Figure 1**

The project is 2/3 funded as part of the Metropolitan Regional Road Group (MRRG) Improvement Program and 1/3 funded by Council.

Delivery of the project is staged over two years, with Stage 1 being the 2022/23 financial year for completion of the detailed design and land acquisition. The 2/3 MRRG grant funding in Year 1 was \$66,667 and Council’s 1/3 contribution was \$33,333.



Delivery of Stage 2 is planned for the current 2023/24 financial year which includes the construction phase. The 2/3 MRRG grant funding in year 2 is \$599,724 and Councils 1/3 contribution is \$299,862. The total project budget over the two years is \$999,586. Based on the current MRRG funding timelines, completion of the project is due by end of June 2024. If construction and all associated invoicing payments are likely to not be finalised by the end of June 2024, an application for an extension of time is to be applied for prior to the end of December 2023.

The current road intersection is a basic T-intersection with widened sealed shoulder on both approaches to King Road along Mundijong Road.

The intersection configuration consists of a narrow informal left turn lane into King Road from Mundijong Road and a widened unmarked right turn/straight through west bound from Mundijong Road into King Road. The current speed limit for both roads will remain at 100km/hr. It is expected there will be significant traffic increase along Mundijong Road following completion of the Tonkin Highway extension.

The proposed works include construction of a 185m long auxiliary left lane along Mundijong Road into King Road and a 213m channelised right turn pocket into King Road from Mundijong Road as per Austroads Guideline Part 4A. This will accommodate 27.5m long RAV 4 vehicles and improve the safety at this intersection. Other works to the intersection upgrade include road widening, removing roadside hazards within the clear zone, installation of a new traffic island, edge line marking and delineation including chevron pavement marking and guideposts.

The location of works for the intersection upgrade is shown above in the aerial image (Figure 1).

The design drawing of the intersection upgrade is included as **attachment 3**.

### **Community / Stakeholder Consultation**

#### Policy Concept Forum

Nil.

#### **Submissions**

The Request for Tender RFT 11/2023 - Mundijong-King Road - Intersection Upgrade was advertised on Saturday 7 October 2023 and closed at 2.00pm on Friday 27 October 2023.

The Tender was advertised through the Tenderlink.

Three (3) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

Tender submissions were received from the following companies:

#	Company Name
1	Meck Civil Pty Ltd
2	RCA Civil Group Pty Ltd
3	WCP Civil Pty Ltd



### Evaluation Panel

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

- Senior Projects Engineer;
- Infrastructure Projects Coordinator;
- Engineering Design Lead.

All members of the evaluation panel have made a conflict-of-interest declaration in writing confirming that they have no relationships with any of the 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:

<b>EVALUATION CRITERIA</b>	<b>WEIGHTING</b>
Price with quantities	55%
<b>Relevant Experience</b> Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years.	15%
<b>Key Personnel, Skills, and Resources</b> Provide information that explains the capacity of the Company to deliver the services including: <ul style="list-style-type: none"><li>• Key personnel and their Professional Qualifications, Certifications, Accreditations and Relevant Experience.</li></ul>	15%
<b>Demonstrated Understanding</b> Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Use dot points to explain the process. The process should include a timetable for delivering the services	15%

### Comment

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by WCP Civil Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by WCP Civil Pty Ltd be accepted.



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## Statutory Environment

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

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

Tendering

### 2. Tender Exemption

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

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

## Options and Implications

The following options have been identified:

### Option 1

That Council:

1. AWARDS Tender RFT 11/2023 Mundijong - King Road - Intersection Upgrade to WCP Civil Group Pty Ltd to the value of \$596,054.21, 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 11/2023 Mundijong - King Road - Intersection Upgrade.

### Option 2

That Council NOT AWARD the contract and retender.

### 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

WCP Civil Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to WCP Civil Pty Ltd .



**Attachments (available under separate cover)**

- **10.2.1 – CONFIDENTIAL attachment 1** – RFT 11/2023 Mundijong - King Road - Intersection Upgrade - Evaluation Report (E23/15138)
- **10.2.1 – CONFIDENTIAL attachment 2** – RFT 11/2023 Mundijong - King Road - Intersection Upgrade - Schedule of Rates (E23/15139)
- **10.2.1 – attachment 3** – Mundijong - King Road Intersection Upgrade Design Drawing (E23/16214)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

**Financial Implications**

As of November 2023, the financial position of the project is as below:

<b>Original Budget</b>	<b>Project Spend to Date</b>	<b>Commitments</b>	<b>Remaining Budget</b>
\$899,584	\$78,512	\$12,153	\$808,622

There is currently sufficient remaining budget to award the recommended tender.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Not awarding the contract to the successful Tenderer and road works do not occur. losing MRRG funding	Tendering process, Procurement Policy, Due diligence by the Evaluation Panel	Financial	Almost Certain	Moderate	HIGH	Accept the Officer Recommendation
2 and 3	Not awarding the contract to the successful Tenderer and road works do not occur.	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	Accept Officer Recommendation
4	Poor selection of contractor to provide quality works.	Procurement policy and process	Organisational Performance	Rare	Moderate	LOW	Accept Officer Recommendation

**Voting Requirements:** Simple Majority

### OCM294/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council:

1. **AWARDS** Tender RFT 11/2023 Mundijong - King Road - Intersection Upgrade to WCP Civil Group Pty Ltd to the value of \$596,054.21, 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 11/2023 Mundijong - King Road - Intersection Upgrade.

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



**10.2.2 - Council to Consent to proposed land acquisition - intersection of Kargotich Road and Abernethy Road, Oakford (SJ3786)**

<b>Responsible Officer:</b>	Strategic Projects Lead
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

**Authority / Discretion**

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

The purpose of this report is to seek a council resolution for partial acquisition of Lot 207 Kargotich Road, Lot 208 Kargotich Road and Lot 218 Abernethy Road, under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, for the purpose of the Kargotich Road upgrade project and authorising the Chief Executive Officer to sign a purchase contracts.

**Relevant Previous Decisions of Council**

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

*That Council:*

1. *REQUESTS that the Minister for Lands dedicate the unallocated crown land situated on Lots 146 and 146 on DP 202681 as road reserve for the proposed Kargotich and Abernethy Roundabout construction, pursuant to section 56 (1)(a) of the Land Administration Act 1997 (WA); and*
2. *APPROVES delivery of the request to the Minister in the form of the Crown Land Enquiry Form – Road Dedication that was submitted to the Department of Planning, Lands and Heritage by Civic Legal on behalf of the Shire on 13 September 2023 including all annexures and supporting documents contained therein in compliance with section 56(2) of the Land Administration Act 1997 (WA) and regulation 8 of the Land Administration Regulations 1998 (WA).*



**Background**

The Shire had secured funding through the State Government election commitment to upgrade three major roads (hypergrowth road upgrades) within the Shire, including Orton Road, Kargotich Road and Soldiers Road. The election commitments for which the Shire will have responsibility to deliver are outlined in **attachment 1**. These projects are fully funded by the State Government with no funding contribution by the Shire.

Design and construction of Kargotich Road from Rowley Road (SLK 0.00) to Bishop Road (SLK 10.0) was divided into seven stages. Extensive service relocation, land acquisition and vegetation clearing are the main contributing factors to complexity of some of the stages.

Stage	Location
1	Rowley Road to Thomas Road
2	Thomas Road to Abernethy Road and upgrade of Abernethy and Kargotich Road intersection to roundabout
3	Abernethy Road to Orton Road
4	Upgrade of Orton and Kargotich Road intersection to roundabout
5	Orton Road to Gossage Road
6	Upgrade of Gossage and Kargotich Road intersection to roundabout
7	Gossage Road to Bishop Road

Kargotich Road Stage 1, section between Rowley Road to Thomas Road was awarded in March 2023 and has already reached completion.

Originally, Stage 2 of the Kargotich Road project covered the section of Kargotich Road between Thomas Road and Abernethy Road, including upgrade of the Abernethy and Kargotich Road intersection into a roundabout. However, due to extensive service relocation and land acquisition requirements and lengthy time needed to complete these tasks, the project completion could not be achieved within the timeframe required by the funding agreement conditions which require the project to be completed before the next State Government elections. Accordingly, the project scope was redefined to remove the construction of the roundabout from the project scope.

To address this change in scope of work, in accordance with the Shire’s project management framework, project change board approved the change in scope of the project and remove the construction component of the roundabout. However, the project change board agreed to proceed with the land acquisition component in order to complete one of the more time-consuming components of the project to enable the project to reach construction tender ready stage when future funding becomes available to construct the roundabout. In addition to this, advance completion of land acquisition component of the project will significantly increase the likelihood of the project being successful in attracting future grant funding. The change in project scope was presented to the Council on 16 October 2023 (OCM255/10/23) as part of Hypergrowth roads project update.

The revised scope of Stage 2 of the project includes construction of the straight section of Kargotich Road from Thomas Road to Abernethy Road plus land acquisition required for the construction of roundabout at Kargotich Road and Abernethy Road.

At early design stages when the roundabout was identified as the preferred treatment for the intersection of Kargotich and Abernethy Road, it became evident that additional land would need



to be acquired to accommodate road widening and construction of the proposed roundabout. (See **attachment 2**).

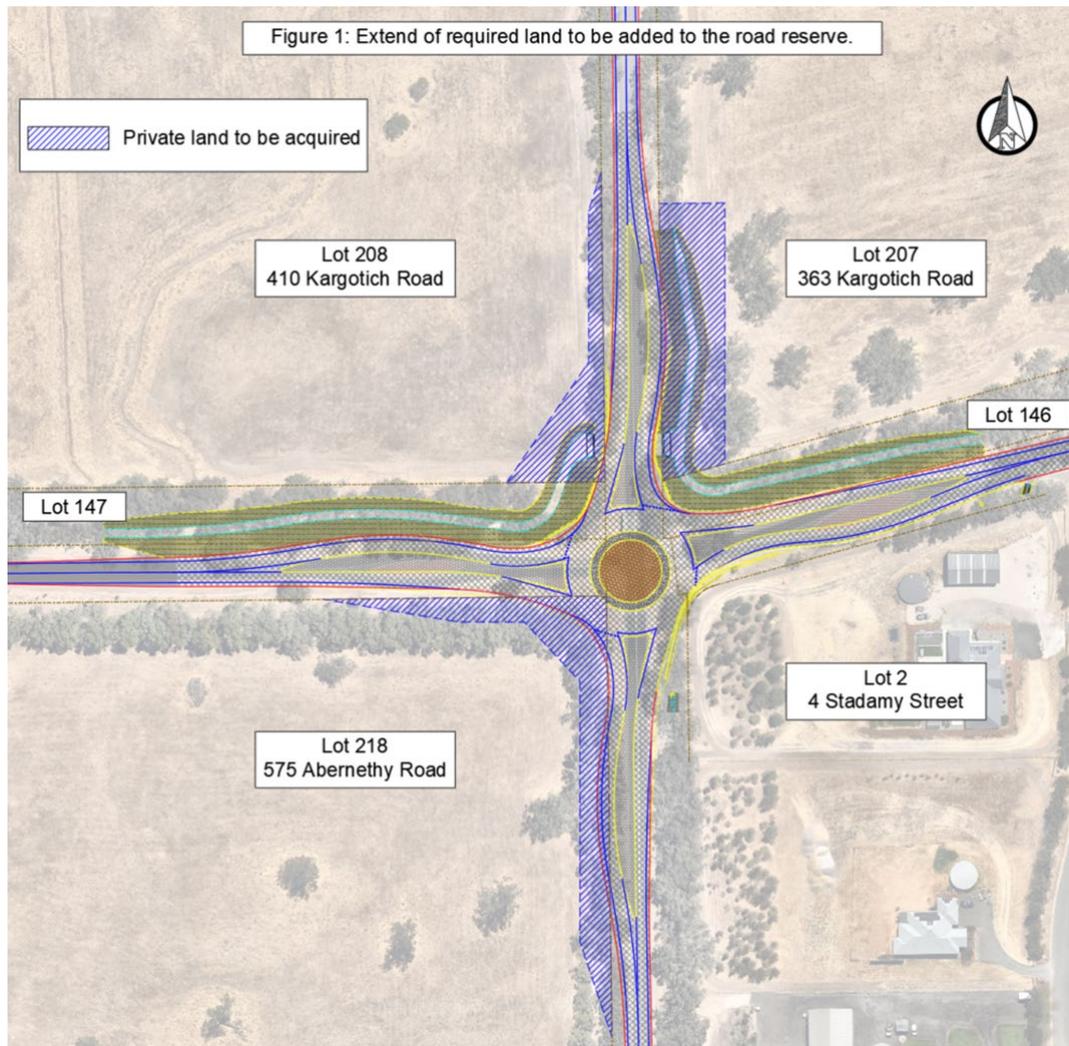
In order to construct the roundabout as per the detailed design, a total of 1.12 hectares of land needs to be acquired. The land to be acquired consists of 0.54 hectares of private land including portion from Lots 207, 208, and 218 and 0.58 hectares of as unallocated crown land (UCL) as shown in table 1 below and the Figure 1 in the following page.

There is an existing open drain located with the UCL which is managed by Water Corporation. As part of the roundabout construction, this drain will be reconstructed in a new alignment within the road reservation.

The specific area to be acquired from each lot is outlined in Table 1 below:

<b>Address</b>	<b>Location</b>	<b>Land to be acquired (m2)</b>	<b>Description</b>
Lot 207 363 Kargotich Road	Northwest side	2111.5	Private property/Farmland
Lot 208 410 Kargotich Road	Northeast side	1120.63	Private property/Farmland
Lot 218 575 Abernethy Road	Southwest side	2167.58	Private property/Farmland
Lot 146 Unallocated crown land	Northwest side	2299	Unallocated crown land
Lot 147 Unallocated crown land	Northeast side	3527	Unallocated crown land

**Table 1: List of affected lots**



### Land acquisition

Under the *Land Administration Act 1997*, governments are empowered to acquire land for public works. This involves a two-stage process whereby the government first makes an offer to purchase the land through private treaty based on an independent valuation of the property. If this offer is declined, the matter is resolved through the courts through the local government's ability to compulsorily acquire the land.

The first of the options is evidently preferred.

To that end, in May 2023, the Shire engaged a qualified land surveyor and a legal firm (Civic Legal) to initiate the land acquisition process. As part of that process to acquire land from private properties, a subdivision application was submitted to the Western Australian Planning Commission (WAPC). Independent land valuation advice was obtained (refer **CONFIDENTIAL attachment 3**), and based on the valuation, an offer of purchase has been provided and required to be signed by the Chief Executive Officer before presenting to the residents. (Refer **CONFIDENTIAL attachments 4**).

In the event that the offer is accepted, the documents require the Common Seal to be affixed. Land acquisition is a Class 1A type document under Council Policy 1.1.4 – Execution of Documents and Use of the Common Seal and requires a specific resolution of Council to enter into the agreement. As such, in the event that the property owners accept the Shire's offer, approval from Council to affix the seal is sought.

**Community / Stakeholder Consultation**Policy Concept Forum – Hypergrowth Road presentation

Meeting Date	6 Feb 2023
Councillors in Attendance	Cr Rich, Cr Byas, Cr Coales, Cr Dagostino, Cr Mack, Cr Strange, Cr Strautins

Residents with direct access from all three Hypergrowth road projects Kargotich Road have been consulted by way of letter drop which included the information on concept design. Residents were requested to send their comments in writing or by accessing the Shire's website where the project concept was uploaded. In addition, separate workshops were also arranged (Kargotich Road: 25 August 2022) where residents and community members in general had the opportunity to attend, ask questions and provide feedback. Comments and feedback received through the Shire's website, submissions in writing and at the workshop were all collated and taken into consideration when developing the detailed design of the projects.

In August 2023, the affected landowners have been contacted and provided all the necessary information in relation to the Kargotich Road Project and how the proposed road works will affect their property. (Refer **attachment 5**)

**Statutory Environment**

To enable the land to be dedicated as a road reserve, it is a requirement of the *Land Administration Act 1997* that local government resolve to dedicate the road in accordance with the *Land Administration Regulations 1998*.

The power to compulsory acquire land is provided for in section 161 of the *Land Administration Act 1997* which provides that:

*161. Interests in land may be taken etc.*

*(1) Whenever the Crown, the Governor, the Government, any Minister of the Crown, any State instrumentality or any local government is authorised, by this Act, the Public Works Act 1902 or any other Act, to undertake, construct or provide any public work, and the use of any land or any interest in land is required for the purposes of the work, then, unless otherwise specially provided —*

- (a) any interest in the land held by a person other than the Crown may be taken; and*
- (b) subject to Part 4, any designation of the land or of any interest in the land may be removed; and*
- (c) any management order affecting the land may be revoked or modified, whatever the purpose for which the order had been made, whether local or general; and*
- (d) any interest in the land held by the Crown or taken from some other person under paragraph (a) may be disposed of or granted to any other person; and*
- (e) any interest in the land held by the Crown or taken from some other person under paragraph (a) (including an interest disposed of or granted under paragraph (d)) may be designated for the purpose of the public work, in accordance with this Part*

Section 168 of the *Land Administration Act 1997* provides that agreement to acquire land can occur through purchase.



**168. Agreement to purchase or consent to take required interest, acquiring authority's powers as to**

- (1) *If any interest in land is required for a public work, the acquiring authority may, whether or not a notice of intention has been registered —*
- (a) *enter into an agreement to purchase the interest; or*
  - (b) *obtain the written consent of the person to the taking of the interest, with compensation to be provided under Part 10.*
- (2) *On commencing negotiations with any person for such an agreement, the acquiring authority must advise the person, by means of a statement in an approved form, of procedures under this Part and Part 10 for the taking of land, payment of purchase money or compensation for land taken, rights of appeal or review and rights as to the future disposition of interests in land taken by agreement or compulsorily taken.*

Section 170 of the *Land Administration Act 1997* sets out how the Minister may compulsorily acquire land.

**Comment**

The acquisition of private land as determined by the detailed design is essential to facilitate the construction of a roundabout at the Kargotich and Abernethy Road intersection. To officially submit the acquisition proposal to the residents, a Council resolution is needed to authorise the CEO to sign the purchase offer. Additionally, the resolution would delegate the power to the CEO to make minor adjustments to the purchase price based on the Section 241(8)-(9) of the *Land Administration Act*, if required.

If negotiations are unsuccessful and the land acquisition cannot proceed by mutual agreement, then compulsory taking will be initiated which requires Ministerial approval. This would be dealt with in a separate report to Council in this eventuality.

**Options and Implications**

Option 1

That Council:

1. AGREES that an area of 2,111.5m<sup>2</sup> being part Lot 207 - 363 Kargotich Road, 1,120.63m<sup>2</sup> being part Lot 208 - 410 Kargotich Road and 2,167.58m<sup>2</sup> being part Lot 218 – 575 Abernethy Road for the requirement of construction of the Kargotich and Abernethy Roundabout is to be acquired initially through an offer of private sale;
2. In the event that the landholders agree to the sale, AUTHORISES the Shire President and Chief Executive Officer to AFFIX the Common Seal to execute documents related to the acquisition of this land;
3. Following the acquisition of the land, AUTHORISES by notice in the Government Gazette, the dedication of Part Lot 207, 208 and 218 in the proposed acquisition plan as road reserve in accordance with the *Roads Act 1993*.

Option 2

That Council DOES NOT PROCEED with land acquisition at this time.

Option 1 is recommended.



### Conclusion

To facilitate the construction of a roundabout at the Kargotich and Abernethy Road intersection and accommodate the proposed road widening, additional land acquisition is necessary. A total of 1.12 hectares of land, consisting of both private properties and unallocated crown land, must be procured. As part of this land acquisition process, the Shire's lawyers have provided a purchase offer to be presented to the residents. The purchase offer is required to be signed by the CEO.

This proposed land acquisition is necessary for the successful implementation of the roundabout, and to support this, the aforementioned Council resolution is essential.

### Attachments (available under separate cover)

- **10.2.2 - attachment 1** – Letter from Main Roads - Election Commitments 2021 - Orton, Soldiers and Kargotich Roads (IN21/16442)
- **10.2.2 - attachment 2** - Hypergrowth projects - Kargotich and Abernethy Intersection - land acquisition drawing (E23/14502)
- **10.2.2 - CONFIDENTIAL attachment 3** - Kargotich & Abernethy Intersection - Land valuation advice - Lot 207-208-218 (IN23/23696)
- **10.2.2 - CONFIDENTIAL attachment 4** - Kargotich & Abernethy Intersection – Land purchase offer - Lot 207-208-218 (E23/16409)
- **10.2.2 - CONFIDENTIAL attachment 5** - Hypergrowth projects- Kargotich Road - Land acquisition - Information letter to the residents (E23/16168)

### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Strategy 1.3.2</b>	Support local emergency services
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

### Financial Implications

In the event that negotiations do not yield a successful agreement and there is a failure to proceed with the land acquisition through mutual consent, compulsory taking procedures will be set in motion.

Below table shows the budget arrangement for Kargotich Road upgrade project. This report has no financial implications on the current year budget.

Kargotich Road	21-22	22-23	23-24	24-25	Total
Design	650,000.00	225,000.00			<b>875,000.00</b>
Construction		4,074,500.0	1,000,000.00	3,655,250.00	<b>8,729,750.00</b>
Internal Costs		92,000.00	136,000.00	320,000.00	<b>548,000.00</b>
<b>Total</b>	<b>650,000.00</b>	<b>4,391,500.0</b>	<b>1,136,000.00</b>	<b>3,975,250.00</b>	<b>10,152,750.0</b>



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with option 1						
2	Potential delays to the project.	Nil	Financial	Likely	Major	HIGH	Nil

**Voting Requirements:** Simple Majority

### OCM307/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council:

1. **AGREES** that an area of 2,111.5m<sup>2</sup> being part Lot 207 - 363 Kargotich Road, 1,120.63m<sup>2</sup> being part Lot 208 - 410 Kargotich Road and 2,167.58m<sup>2</sup> being part Lot 218 – 575 Abernethy Road for the requirement of construction of the Kargotich and Abernethy Roundabout is to be acquired initially through an offer of private sale;
2. In the event that the landholders agree to the sale, **AUTHORISES** the Shire President and Chief Executive Officer to **AFFIX** the Common Seal to execute documents related to the acquisition of this land;
3. Following the acquisition of the land, **AUTHORISES** by notice in the Government Gazette, the dedication of Part Lot 207, 208 and 218 in the proposed acquisition plan as road reserve in accordance with the *Roads Act 1993*.

**CARRIED UNANIMOUSLY 6/0**



**10.2.3 – Watkins Road Waste Transfer Station Update and Management of Bulk Waste in 2024 (SJ2812)**

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

**Authority / Discretion**

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

The purpose of this report is to provide Council with an update on the Watkins Road Waste and Recycling Transfer Station (Waste Transfer Station - WTS) including the implications on management of the Shire's own waste generated from civil and parks operations, related Glen Flood Group (GFG) report recommendations and to propose medium-term actions for management of green waste and household bulk waste.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 16 October 2023 – OCM268/10/23 – COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. Notes that Officers have activated the Shire's Business Continuity Plan and is managing the incident through the Crisis Management Team.*
- 2. Notes the interim findings of the asbestos investigation at the Watkins Road Waste and Recycling Transfer Station as per attachment 1.*
- 3. Authorises the Chief Executive Officer to engage suitable contractors to provide a scheduled greenwaste verge collection service starting in November 2023, with an advertising period to obtain quotes limited to one week.*
- 4. Authorises the Chief Executive Officer to purchase sufficient tip passes from the City of Armadale to provide for two bulk waste tip passes per residential property to be distributed as best determined by the Officers for the period ending January 2024.*
- 5. RESOLVES that costs associated to be incurred in relation to the above points to be incurred against the Waste Transfer Station Cost Centre.*
- 6. Requests the Chief Executive Officer present a follow-up report before the end 2023 to Council detailing:*
  - a. The asbestos investigation findings;*
  - b. Options for management of remediation and management of the Watkins Road Waste and Recycling Transfer Station;*



- c. *Options for management of green waste and household bulk waste for the 2024 calendar year; and*
- d. *A detailed budget variation.*

*Ordinary Council Meeting – 21 August 2023 – OCM185/08/23 – COUNCIL RESOLUTION / Officer Recommendation – **extract***

*That Council:*

*2. ADOPTS CEO Employment Committee Resolution CEO009/08/23 and:*

3. *RESOLVES that the Key Performance Indicators agreed by Council and the CEO in CONFIDENTIAL attachment 1, including conditions set out in CONFIDENTIAL attachment 2 become publicly available in accordance with Regulation 21 of the Local Government (Model Code of Conduct) Regulations 2021.*

## **Background**

This report is a follow-up from the report to Council in October 2023. The background information in relation to the WTS closure was covered in detail in that report.

This report also provides a status update on the recommendations from the GFG report as required by the CEO KPI number 4. The GFG report provided 12 recommendations for improvements to the WTS (refer **attachment 1**). The report considers the action plan (refer **attachment 2**) and the impacts on completing the GFG Report recommendations on CEO KPI number 4 due to the indefinite closure of the WTS.

This report does not consider the options for remediation of the WTS as that will be the subject of a future report to be presented to Council. Prior to being able to provide Council with a relatively accurate estimate of the costs and the scope of works involved in remediating the site, there are several preliminary steps required to be completed which will include air monitoring, a Preliminary Site Investigation (PSI) for groundwater monitoring and soil testing, a Detailed Site Investigation (DSI) and development of a concept plan for site remediation. More details have been provided regarding these matters in the commentary part of the report.

These works are anticipated to take approximately 10 months to complete. Therefore, a separate report will be presented to Council once more accurate information and details including costs and scope are available. It is anticipated that the report and presentation on this matter will be provided to Council in May 2024, at which time Council can consider the future use of the site.

It is important to note that while the WTS was being used, the Shire's own operations waste including green waste, drainage waste, illegal dumping, street sweepings and other miscellaneous waste were managed through the WTS. It is estimated that approximately 25% (by weight) of all waste including drainage waste received at the WTS originated from Shire's own operations. The implications to the Shire's operations due to closure of WTS are also discussed in this report.

## **Community / Stakeholder Consultation**

An update was provided to Council during a briefing session on 8 November 2023.



## Statutory Environment

- *Environmental Protection Act 1986*

This is the peak legislative body that sets direction on environmental protection matters including licensing of prescribed premises and management of waste.

- *Environmental Protection Regulations 1987*

Premises with potential to cause pollution or environmental harm to the environment, water resources, public health and/ or amenity are known as 'prescribed premises'. Prescribed premises categories are outlined in Schedule 1 of the regulations.

- *Contaminated Sites Act 2003*

Provides a framework for the identification, recording, management and remediation of land to be classed as contaminated sites.

- *Contaminated Sites Regulations 2006*

These regulations stipulate the process to be followed to register and manage contaminated sites.

- *Waste Avoidance and Resource Recovery Act 2007*

The Act provides waste avoidance and resource recovery, management of local government waste including charging of fees and application of levies on waste.

## Comment

### 1. Asbestos Findings

The Talis Asbestos Visual Inspection and Sample Collection Findings Report (refer **attachment 3**) on the material and soil sampling provided the following results:

- All 31 fragments samples taken from various parts of the site including the waste drop off area were confirmed positive for containing asbestos.
- 3 of the 14 surface soil samples contained asbestos fines:
  - 1 of these samples was taken from the sump area; and
  - 2 of the samples were from of the area adjacent to the Re-use Shop.



The image below shows the locations that the samples were collected. The location of the asbestos-positive soil samples have been circled in yellow.



One of the important considerations for the Shire was whether a recall of the mulch and green waste would be required. Officers sought legal advice on the matter. The advice provided (refer **CONFIDENTIAL attachment 4**) required the Shire to conduct a qualitative risk assessment of the asbestos contamination based on a number of factors. It is felt that this assessment would be best conducted by industry experts and has been added to the scope of works for the contaminated sites consultant. This assessment will be completed as part of the site investigation works once a consultant has been engaged.

Given the extent of the preliminary assessment findings and to be able to better inform the community on related matters, the Shire is in the process of engaging a consultant for the next stage of works which will include the following:

- Air monitoring;
- Risk assessment on mulch contamination;
- Ongoing Site Management Plan and Asbestos Awareness Register;
- Preliminary Site Investigation for groundwater monitoring and soil testing;
- Detailed Site Investigation;
- Remediation Action Plan;
- Presentation to Council – including information on re-establishing the WTS as an option; and
- Concept designs for Landfill Cell Closure (as required).



It is anticipated that these works would require approximately 10 months to be completed. An update will be provided to Council after May 2024 once the detailed investigation is completed. At this time Council would be able to consider the future use of the site based on anticipated costs, risks and timelines. Due to the uncertainty around the results of the investigations which will inform the development of scope of remediation works, it is not possible to provide exact costs. However, based on the quotes received, it is estimated that the works will cost between \$120,000 to \$150,000 plus GST.

## 2. Bulk and Green Waste Services

### 2.1 Current bulk waste service provision

As per Council resolution in October 2023, 14,200 sets of City of Armadale tip passes were printed, with 13,200 posted to ratepayers on 8 November. Remaining 1,000 tip passes were to be used as a contingency on an individual needs basis. Each property owner within the Shire received two tip passes which were to be used for disposal of general waste. In the period between 8 November and 19 November, 338 tip passes had been used. Of these, only 19 were the second of the two passes issued to a household. It is anticipated that the usage will increase around Christmas period.

Residents who previously brought unrestricted volumes of general waste to the Transfer Station, have expressed dissatisfaction with the low volume restrictions (1.3m<sup>3</sup> per tip pass).

If the Shire was to continue issuing City of Armadale tip passes in the future, this would have contractual implications due to potential breach of the Waste to Energy (WtE) contract with Avertas Energy. This contract requires all waste generated within the Shire to be taken to the WtE facility once the facility becomes operational, expected to be sometime between July and December 2024. In this instance, providing the Shire's bulk waste to the City of Armadale or any other destination other than WtE facility could potentially be considered a breach of the WtE contract. Therefore, the tip pass option should not be considered moving forward.

In addition to this, the City of Armadale has recently advised that due to the increased volumes of customer service calls, traffic and waste volume received at their site, tip passes cannot be made available for the Shire after 31 January 2024.

### 2.2 Current green waste service provision

The Shire engaged Steann Pty Ltd in November 2023 as the contractor for a single round of green waste collection across the Shire. The green waste verge collection commenced as planned on 20 November and will be completed before 22 December 2023.

Although the green waste verge collection needed to be rolled out within a short period of time, the collection has been progressing successfully with minimal issues raised so far. It offers residents the benefit of not having to transport the materials themselves.

### 2.3 Benchmarking bulk and green waste service provision

Officers conducted a benchmarking study to understand what services neighbouring local governments provide to residents to manage bulk and green waste with their municipalities. The information has been summarised in the table below:



Local Government	Transfer Station	Bulk Passes	Green Passes	Bulk Verge Collection	Green Verge Collection
<b>Armadale</b>	√	2 (Option to buy more)	Interchange-able with bulk	1	2
<b>Gosnells</b>	X	X	X	1	2
<b>Kwinana</b>	X	X	X	2	3
<b>Mandurah</b>	√	2	2	1	2
<b>Murray</b>	√	2 (Option for more)	2 (Option for more)	1	2
<b>Rockingham</b>	√	2	2	1	2

From the table it is evident that:

- Local governments that do not operate their own transfer stations (or landfill facilities) do not provide tip passes for bulk and green waste.
- Local governments that provide tip passes for their own facilities, have restrictions on the number of passes made available to residents.
- Most local governments offer 1 bulk and 2 green verge collections per annum.
- The City of Kwinana is the only local government that provides 2 bulk and 3 green verge collections.

#### 2.4 Recommendations for green waste service provision

For green waste due to the large volumes expected in the Shire and the long distances to be covered, the green waste verge collections serve as the most suitable option.

From the local government comparison table above, it is evident that 2 green waste verge collections would suffice for the 2024 calendar year. It is anticipated based on the current costs and anticipated volumes that the cost of providing the 2 green waste verge collections would cost the Shire a total of \$230,000 per annum.

Due to the amount of work required to remediate the WTS, in particular capping the greenwaste area, it is not expected that the Shire would be in a position to process greenwaste at the WTS at least for another two years or possibly longer. Accordingly, it is proposed that the contract term be a minimum of 2 years with the option to extend for another 1 year.

#### 2.5 Options for bulk waste collection services

Shire Officers have investigated two options for future bulk waste collection including verge collection and pre booked (on demand)



### 2.5.1 Scheduled bulk waste verge collection

Below are issues associated with scheduled bulk verge collection services -

- In the past, during scheduled bulk verge collection services provided by the Shire, junk materials were placed around the Shire, which was unsightly and disruptive to residents' day to day activities.
- During windy conditions, materials on the verge were blown off on the adjacent properties and the roads creating a traffic hazard and spread of litter.
- Due to the large volumes placed out, the collections could take up to 8 weeks to complete.
- If the Shire decides to have 2 scheduled bulk verge collection services in a year in addition to the 2 scheduled green waste verge collection services, there may be difficulties procuring a contractor to undertake the work.
- It would also mean that for potentially up to 8 months of the year there would be either green waste or bulk waste being left on Shire verges in one area or another.
- There is also limited opportunity for material recovery and waste minimisation.
- It will be challenging to enforce volume restrictions during a scheduled bulk verge collection system.
- For residents, there is no flexibility in relation to when the bulk collections take place. This could lead to additional illegal dumping.

It is anticipated that 1 bulk waste verge collection, with approximately 1,600 tonnes of waste being collected and cost approximately \$542,000.

### 2.5.2 Pre-booked (on demand) bulk waste collection service

In recent years, to alleviate some of the above issues associated with the scheduled bulk verge collection services, an increasing number of local governments have been switching to pre-booked verge collection services such as the Verge Valet service initiated by the Western Metropolitan Regional Council (WMRC) in WA.

The Shire is currently providing on-demand (pre-booked) collection services for elderly residents in the Shire. In addition, available to all residents is a fee-based service for collection and disposal of certain bulkier items including fridges and mattresses. This service is booked online through the Shire's website and once a month the Shire's contractor collects items from the booked addresses.

While the terms on-demand and pre-booked have been used interchangeably, pre-booked is preferred as it reduces the expectations that collections will be completed right away.

For the pre-booked bulk collection system to work effectively, the Shire would need to divide the Shire's households into geographical areas (suburbs) similar to those currently set-up for the green waste verge collection service. To ensure efficiency and cost effectiveness, collections in each area would be limited to once a week each month. Therefore, in practice, contractors would visit each suburb on a pre-determined week once every month.

To reduce volume of waste and increase material recovery, it would also be important for the Shire to restrict volumes per collection and also the number of free collections.



This could be aided by detailed instructions on the Shire's website informing residents of suitable alternatives before booking the collection. This would include cases such as donating or selling items that are still in working order. The contractor can also be required to separate and recyclable material types such as metals and whitegoods, e-waste, cardboard and mattresses.

To provide this service to residents, the Shire would need to increase staffing levels to better manage increased number of customer requests in relation to bookings and technical and site-specific matters. It is anticipated that this service will require a 0.5 to 1 Full Time Employee.

From initial enquiries with WMRC and contractors, it is anticipated that the cost per booking would be between \$80-\$100. With an anticipated take-up rate of 25-35% of all households each year, it is estimated that the costs of the collections would be approximately \$350,000 per annum. It is anticipated that there will be a decrease in waste volumes with pre-booked collections in comparison to bulk waste verge collection. Therefore, the cost of disposal (for waste) and processing (for recyclable materials) is expected to cost the Shire \$190,000 per annum.

#### 2.6 Recommendation for bulk waste service provision for illegal dumping

During the time WTS was operational, illegally dumped waste was managed through the WTS. However, following the closure of WTS, management of illegally dumped waste has presented some challenges for the Shire including temporary storage, sorting and disposal. It is preferable in the short-term for the Shire to outsource the collection and disposal of illegally dumped materials.

The contract for collection and transport of illegally dumped materials could be combined with pre-booked verge collection services. This would make the contract more attractive, which could lead to reduced costs and improved services for the Shire and its residents.

Therefore, Officers are recommending trialling pre-booked bulk collection services by seeking tenders for a 2-year period that also includes the provision for collection of illegally dumped materials. It is anticipated that the contract could commence in June/ July 2024 following a report to Council.

### 3. Management of Shire Operations Waste

When the Transfer Station was operational, approximately 25% of all waste processed at this facility originated from the Shire's Operations. Shire's operational waste received at the Waste Transfer Station included:

- Green waste from tree pruning and verge maintenance;
- Bulk rubbish from illegal dumping;
- Miscellaneous illegally dumped items such as tyres, white goods and mattresses;
- Street-sweeper waste;
- Drainage waste – Until licenced capacity reached ;
- Construction and Demolition (C&D) waste (illegally dumped).

The Shire had commenced using the Webb Reserve facility for temporary storage of drainage waste material following the WTS reaching 5,000 tonne capacity for stockpiling this material. The temporary storage allows the drainage waste to dry up when the material is removed



during wet months of the year. This allows for cost savings and more efficient transport and disposal as dried material is less heavy and the collated volumes allow for resourcing efficiencies.

Due to the closure of WTS, all the waste originating from Shire's own operations including green waste and drainage waste is being taken to the Webb Reserve facility for temporary storage. The facility is unlicensed by the Department of Water and Environmental Regulation (DWER) and therefore only 500 tonnes of materials can be stored on site at any given time. To comply with DWER conditions and stay within these limits, drainage and other waste types mostly need to be transported directly to the disposal/processing locations, which result in additional operational and disposal costs to the Shire.

This is not sustainable going forward and the Shire will need to increase the capacity and volumes of materials that can be stored on site for efficiency and cost reduction. To do so, the Shire needs to apply to DWER for a works approval first, which may be followed by a licence. The application needs to be accompanied by a range of specialised plans and documentation including drainage, environmental management, site layout, management of fire wash water to inform DWER how the site can be managed effectively without detriment to the environment.

To expedite the licence, the Shire must explore options to reduce waste materials and environmental hazards where possible. In-house collection and disposal of illegal dumping is an impost on the Shire's resources and is expected to cost the Shire \$205,000 this financial year. It is therefore recommended that the Shire outsource collection and disposal of illegally dumped materials to a contractor, together with the pre-booked bulk collections. This would limit the requirement of temporary storage at Webb Reserve to only Shire operations-produced green waste and drainage waste.

As part of this report, approval is being sought to engage a consultant to assist with expediting the DWER approval process. It is anticipated that this work will take up to 9 months to complete and cost approximately \$100,000. This expenditure could be accommodated using the Waste Transfer Station Cost Centre

Shire Officers considered a number of freehold sites owned by the Shire which could be used for the purpose of short-term waste transfer station for the Shire's own operations. These included the site next to the Mundijong Police Station located at 1451 Mundijong Road, and the saleyards at Lot 1 Evelyn Street, Mundijong.

1451 Mundijong Road is visible from the main road and the land area is inadequate for the Shire's needs to effectively manage the waste materials. It is also anticipated that DWER will not approve this site due to proximity with other sensitive uses.

In regards to Lot 1 Evelyn Street, only a portion of this lot along the eastern edge could be allocated for the purpose of waste management as the remaining part of the land is used for saleyard markets. This site was found to be unsuitable due to size of available land and lack of access tracks within the lot. As the site is quite sandy and boggy, substantial improvement works will need to be undertaken to build access tracks and hard stand areas for operations.

The Webb Reserve is found to be the most suitable site as there are existing infrastructure including access tracks and hardstand areas being available on site. In addition, this site is adequate size for the purpose as only a small portion of the entire site will be used and also there is adequate buffer between this site and adjacent residents which will satisfy some of DWER requirements.



#### 4. CEO KPI number 4 – GFG Report Recommendations for Transfer Station

The GFG report provided 12 recommendations for improvements to the WTS (refer **attachment 1**). The 4th CEO KPI for 2023/24 is:

*Consult with Council on the prioritisation of the recommendations from the Glen Flood Waste Transfer Station Review. Present a detailed action plan to Council to address the agreed funded high-priority recommendations, inclusive of defined milestones and timelines for achievement.*

An action plan (refer **attachment 2**) was prepared in accordance with the requirements of the KPI to resolve and plan for completion. The following commentary provides a brief description of the tasks and action status.

The first two actions in relation to the safety audit and not loading trailers with mulch were completed.

Substantial progress had also been made towards Recommendation WT7 in relation to alignment of the Re-Use Shop Hours with the Transfer Station and Recommendation WT9 for improved signage to manage traffic movements. There was also an Emergency Management Plan in place which addressed the immediate response Recommendation WT12 however this will need to be amended following changes to the site layout and operations, as and when required.

Recommendations WT3, WT4, WT5, WT6, WT10 and WT11 are all related to longer term improvements to the site to address traffic circulation, safe and efficient operation of the facility, drainage improvements, access control measures, etc., which require substantial work by a consultant. To address these recommendations, a surveyor was engaged to provide a detailed site feature survey. This work was completed in September as the first step towards preparing a site improvement plan. The next step in the process was to develop a concept plan and order of magnitude costings for the improvements works which would inform a detailed design. Quotations were received through an RFQ process to engage a consultant to prepare the concept plan. However, after asbestos was found on site, any further work on concept development work including engaging the consultant has been put on hold pending a decision on the level of remediation required for the site.

Recommendation WT8 related to removing legacy dumped drainage waste and C&D Waste from the site to ensure compliance with the conditions of DWER licence for operating the site in regard to allowable volume of waste material to be stored on site and also to make space available for future improvements of the facility. It was intended to obtain quotations and engage a contractor to screen and remove the material off site during the drier months (December to February). However, as the site has now been abandoned until the contaminated sites works can be completed, completion of this task has been delayed indefinitely. Depending on the remediation works required, the consultants may recommend using the drainage waste as a suitable site cover.

Given that there is uncertainty about the time required to complete the contaminated site works and the expenditure that would be required to remediate the site, if it were to operate as a Waste Transfer Station in the future this KPI will need to be reviewed at a later date as part of the mid-year CEO KPI review process.



## **Options and Implications**

### Option 1

That Council:

1. NOTES the summary of the asbestos findings and planned actions and requests that the Chief Executive Officer present a follow-up report in 2024 to determine to future of the site.
2. CALLS TENDERS for procurement of:
  - a) 2 green waste verge collections per annum for a term of 2 years with the option to extend for a further 1 year; and
  - b) pre-booked bulk waste collection services for the Shire of Serpentine Jarrahdale residents combined with illegal dumping collection services for a term of 2 years with the option for a further 1 year.
3. NOTES Chief Executive Officer will be authorising the contaminated sites consultancy work at the Watkins Road Waste and Recycling Transfer Station.
4. REQUESTS the Chief Executive Officer obtain a licence from the Department of Water and Environmental Regulation to use a portion of Webb Reserve located at 10 Lampiter Drive, Mundijong for temporary storage of the Shire's operational green waste and drainage waste.
5. REFERS CEO KPI 4 for review with the CEO as part of the mid year CEO KPI review process.

### Option 2

That Council:

1. NOTES the summary of the asbestos findings and planned actions and requests that the Chief Executive Officer present a follow-up report in 2024 to determine to future of the site.
2. CALLS TENDERS for procurement of:
  - a) 2 green waste verge collections per annum for a term of 2 years with the option to extend for a further 1 year; and
  - b) 1 bulk waste verge collection per annum for a term of 2 years with the option to extend for a further 1 year.
3. NOTES Chief Executive Officer will be authorising the contaminated sites consultancy work at the Watkins Road Waste and Recycling Transfer Station.
4. REQUESTS the Chief Executive Officer obtain licence from the Department of Water and Environmental Regulation to use a restricted portion to the North-west of Webb Reserve Road for temporary storage of the Shire's operational green waste and drainage waste and collected illegally dumped materials.
5. REFERS CEO KPI 4 for review with the CEO as part of the mid year CEO KPI review process.

Option 1 is recommended.





Consultancy costs for contaminated sites activities - \$150,000

Consultancy costs for Webb Reserve licensing - \$100,000

**Total for Option 2- \$1,227,000**

It is important to note that the estimated costs above will vary based on waste volumes, service take-up rates, contract rates, the findings of the preliminary and detailed site investigations and DWER's requirements for Webb Reserve.

The estimated costs stated for the verge collections and pre-booked services are costs expected each year.

The costs estimated for the consultancy works are for the relevant parts of the project .

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Unavailability of contractors to implement the on-demand service, illegal dumping collections and green verge collection service	Split the green verge collection from the on-demand service.  Ensure sufficient lead up to start of services.  Seek interest from contractors for the on-demand service.  Consult the industry on best practice.  Prepare specifications offering flexibility.	Organisational Performance	Possible	Moderate	MODERATE	Further improve method and specifications if responses not received initially.
1 & 2	Cost increases due to unexpected findings from investigations at the Transfer Station.	NA	Financial	Possible	Minor	LOW	



1 & 2	Cost increases due to delays and additional works required by DWER for the Webb Reserve.	Be upfront with information and ensure compliance with requirements	Financial	Possible	Minor	LOW	
2	Unavailability of contractors to implement the bulk and green verge collection service	Preliminary discussions held with contractors.	Organisational Performance	Unlikely	Moderate	MODERATE	

**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. NOTES the summary of the asbestos findings and planned actions and requests that the Chief Executive Officer present a follow-up report in 2024 to determine to future of the site.
2. CALLS TENDERS for procurement of:
  - a) 2 green waste verge collections per annum for a term of 2 years with the option to extend for a further 1 year; and
  - b) pre booked bulk waste collection services for the Shire of Serpentine Jarrahdale residents combined with illegal dumping collection services for a term of 2 years with the option for a further 1 year.
3. NOTES Chief Executive Officer will be authorising the contaminated sites consultancy work at the Watkins Road Waste and Recycling Transfer Station.
4. REQUESTS the Chief Executive Officer obtain a licence from the Department of Water and Environmental Regulation to use a restricted portion to the north-west of Webb Reserve Road for temporary storage of the Shire's operational green waste and drainage waste.
5. REFERS CEO KPI 4 for review with the CEO as part of the mid year CEO KPI review process.



OCM308/12/23

**COUNCIL RESOLUTION**

Moved President Coales, seconded Cr Jerrett

That Council:

1. **NOTES** the summary of the asbestos findings and planned actions and requests that the Chief Executive Officer present a follow-up report in 2024 to determine to future of the site.
2. **CALLS TENDERS** for procurement of:
  - a) 2 green waste verge collections per annum for a term of 2 years with the option to extend for a further 1 year; and
  - b) pre booked bulk waste collection services for the Shire of Serpentine Jarrahdale residents combined with illegal dumping collection services for a term of 2 years with the option for a further 1 year.
3. **NOTES** Chief Executive Officer will be authorising the contaminated sites consultancy work at the Watkins Road Waste and Recycling Transfer Station.
4. **REQUESTS** the Chief Executive Officer obtain a licence from the Department of Water and Environmental Regulation to use a restricted portion to the north-west of Webb Reserve Road for temporary storage of the Shire's operational green waste and drainage waste.
5. **REFERS** CEO KPI 4 for review with the CEO as part of the mid year CEO KPI review process.
6. **REQUESTS** the Chief Executive Officer presents a report to Council to consider disposal options prior to the disposal of any fleet from the Waste Transfer Station.

**CARRIED UNANIMOUSLY 6/0**

*Reason for difference to Officer Recommendation*

*To bring back to Council for a decision to be made in regards to the fleet.*

**10.3 Corporate Services reports:**

<b>10.3.1 - Confirmation of Payment of Creditors – November 2023 (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

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

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

Nil.

**Community / Stakeholder Consultation**

Not Applicable.

**Statutory Environment**

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.17 - Payments from Municipal and Trust Fund.

Section 6.10 of the *Local Government Act 1995* states the Financial management regulations may provide for the general management of, and the authorisation of payments out of the municipal fund and the trust fund of a local government.

Regulation 13(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 November 2023 to 30 November 2023 is provided in **attachment 1**.

**Options and Implications**

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 November 2023 to 30 November 2023, totalling \$4,423,051.94

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 November 2023 to 30 November 2023, totalling \$4,423,051.94

Option 1 is recommended.

**Conclusion**

Nil.

**Attachments (available under separate cover)**

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 30 November 2023 (E23/16349)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 September 2023 – 29 October 2023 – Redacted (E23/16288)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 October 2023 to 31 October 2023 – Redacted (E23/16289)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources



### Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for 01 November 2023 to 30 November 2023 totalled \$4,423,051.94.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	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

### OCM294/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 November 2023 to 30 November 2023 totalling \$4,423,051.94 as contained in attachment 1.

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



### 10.3.2 - Monthly Financial Report – October 2023 (SJ4229)

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

#### Authority / Discretion

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

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as of 30 September 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.



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**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 October 2023.

The municipal surplus as at 31 October 2023 is \$30,155,944 which is favourable, compared to a budgeted amount of \$22,917,389. This primary due to a higher than anticipated opening position. It is worth noting that the opening position for 2022/23 may change, pending the finalisation of the 2022/23 Financial reports.

Further information on material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

**Operating Activities****Favourable variance in Operating Activities****Operating Revenue**Rates

Favourable variance of \$725,617 primarily due to:

- Permanent variance in Interim Rates – \$693,967

Operating Grants, Subsidies and Contributions

No variance analysis required, variance to budget is less than 10%.

Fees and Charges

No variance analysis required, variance to budget is less than 10%.

Interest Earnings

Favourable variance of \$183,308 primarily due to:

- Interest on rate installment due to higher than anticipated rate payers choosing installment payment option - \$120,486

Other Revenue

Favourable permanent variance of \$178,530 primarily due to:

- Refund received from Telstra due to overcharge in prior months - \$82,672
- Credit received from LGIS for workers compensation insurance for wages adjustment for 2022-2023 – \$69,940.92

Profit on Asset Disposal

No variance analysis required, variance to budget is less than 10%.



## **Operating Expenses**

### Employee Costs

Favourable variance of \$413,820 primarily due to vacancies across organisation.

### Materials and Contracts

Favourable variance of \$369,141 primarily due to:

- Timing variance within Waste for the period due to less refuse collection for the period. – \$181,100
- Delay in receiving invoice from the supplier for Tree Maintenance Project - \$83,333
- 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 - \$63,000
- Permanent variance of bulk waste disposal due to unanticipated closure of Waste Transfer Station– \$79,674

### Utility Charges

No variance analysis required, variance to budget is less than 10%.

### Depreciation

No variance analysis required, variance to budget is less than 10%.

### 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 temporary variance of \$2,124,984 primarily due to:

- Byford DCP - \$1,447,355
- Community Infrastructure DCP - \$237,597
- West Mundijong DCP - \$7,573

### Proceeds from Disposal of Assets

Favourable permanent variance of \$46,768 sale of an vehicle.

### Capital Expenditure

Unfavourable variance of \$355,603 primarily due to:

- Final Carryforward budget adjustments pending for:



- Depot Accommodation – Refurbishment - \$103,126
- 80310 Keirnan Street (SLK 0.5- SLK 3.5) - \$32,760
- Briggs Park – Dugouts - \$23,128
- ICT Equipment- \$36,847 favourable temporary variance due to timing of project delivery.

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 \$1,948,660 due primarily to

- Byford DCP - \$1,447,355
- Community Infrastructure DCP - \$237,597
- West Mundijong DCP - \$7,573

### **Options and Implications**

#### Option 1

That Council RECEIVES the Monthly Financial Report for October 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 October 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)**

- **10.3.2 - attachment 1** – Monthly Financial Report – October 2023 (E23/15732)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

**Financial Implications**

As at 31 October 2023, the Shire's respective cash position was as follows:

Municipal Fund:           \$19,167,580

Trust Fund:                 \$304,221

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	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



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 December 2023**

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**Voting Requirements:** Simple Majority

**OCM294/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Duggin, seconded Cr Bishop**

**That Council RECEIVES the Monthly Financial Report for October 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 7:41pm) 6/0**



### 10.3.3 - Council and Committee Meeting Dates for 2024 (SJ513)

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

#### Authority / Discretion

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

The purpose of this report is for Council to consider the Council and Committee Meeting dates, times and schedule for the 2024 calendar year.

#### Relevant Previous Decisions of Council

Ordinary Council Meeting – 12 December 2022 - OCM313/12/22 adopted that Ordinary Council Meetings would be held at 7pm on the third Monday of each month, with the exception of the month of December, when, due to Christmas, the meeting would be held on the second Monday of the Month; and, that no Ordinary Council Meeting be held in January.

Committee Meetings would be held at 5:30pm, Q & A and PCF meetings would be held at 6pm, unless a Committee Meeting is held prior, then PCF would commence at 7pm.

#### Background

The *Local Government (Administration) Regulation's 1996* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary meetings of Council are to be held within the next 12 months.

Currently all Council and Committee meetings are held in the Council Chambers at the Shire of Serpentine Jarrahdale Administration Building at 6 Paterson Street, Mundijong. Committee Meetings in 2023 commence at 5:30pm, and Council Meetings commence at 7pm. Council and Committee meetings are open to the public.

#### Community / Stakeholder Consultation

Nil.

Subject to Council's approval, in accordance with Regulation 12 of the *Local Government (Administration) Regulation's 1996*, an advertisement regarding Council and Committee meetings will be placed on the Shire's website, as well as the Shire's Facebook page, notice boards and an advertisement in the Examiner newspaper.

#### Statutory Environment

Section 5.25(1)(g) of the *Local Government Act 1995* (the Act) provides for the giving of public notices of the date and agenda for Council or Committee meetings.



Regulation 12(2) of the *Local Government (Administration) Regulation's 1996* provides:-

*“(2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*

*(a) ordinary council meetings;*

*(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.”*

Section 5.3(2) of the Act requires that a local government hold Ordinary Council Meetings no more than three months apart.

## **Comment**

### Ordinary Council Meetings

Beyond the requirement to hold Ordinary Council Meetings at least quarterly, the Act is silent on when Council and Committee meetings are to be held. Accordingly, Council has significant autonomy in determining the frequency, sequencing and commencement time of Ordinary Council Meetings and supporting meetings.

In setting the frequency, sequencing and commencement time of Ordinary Council Meetings, Council should consider:

- maximising the opportunity for public participation;
- the greater efficiencies achievable through a regular meeting schedule; and
- the impact on Elected Members and administration in relation to work/life balance, cost and other obligations.

Councils across Western Australia manage these three factors in different ways. In metropolitan Perth, most Councils hold their meetings on a weekday evening. While no date or time will suit all community members and Elected Members, the practice of holding meetings on a Monday evening has generally been accepted as the most appropriate approach in the Shire.

It is proposed to continue to hold meetings on the third Monday of the month, as in 2023, except for:

- the month of January when no meeting is proposed; and
- the month of December, when due to Christmas, the meeting would be held on the second Monday of the month.

The practice of holding a meeting monthly, excluding January, is recommended to continue based on the volume of matters anticipated to be brought to Council.

### Q & A Agenda Briefings

A Q & A Agenda Briefing is currently held on the week prior to each Ordinary Council Meeting. These sessions provide an important opportunity for Elected Members to pose questions regarding agenda reports and contributes to the effective and efficient conduct of Council meetings. Q & A Agenda Briefings are not a decision-making body, are consistent with the provisions in the Act and are used by local governments across Western Australia.

It is recommended that Q & A Agenda Briefings continue to commence 6pm.



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### Policy Concept Forums (PCF)

PCFs provide the opportunity for Elected Members and Officers to present items that are relevant to the current and future directions of the Council.

It is recommended that PCFs continue to be held on the first and fourth Mondays of the month, commencing at 6pm. If a Committee Meeting is scheduled for the same night, then PCF commences at 7pm. PCFs are not scheduled to be held when the date coincides with a Public Holiday.

### Committees of Council Meetings

It is recommended that Committees of Council continue to be held at 5:30pm on the first, and if required, fourth Monday nights. Committee Meetings are scheduled at times to comply with the individual frequency required in accordance with the Committee Terms of Reference. Committee Meetings are held prior to the PCF scheduled for that night. The PCF scheduled for that night would commence at 7pm.

In past years the CEO Employment Committee has had two ordinary meetings with one in February and one in August. With the adoption of the Council Policy 3.3.12 – CEO Performance Review Cycle, the CEO Employment Committee will meet to appoint a Presiding Member in February 2024 and then subsequently through a Special Committee Meeting or meetings, to review KPIs and set KPIs for the following year, a date to be scheduled later that year. Appointing a Presiding Member at a February ordinary meeting of the Committee provides flexibility to call required Specials in accordance with the Standing Orders.

## **Options and Implications**

### Option 1

That Council:

1. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's 2024 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
  - a) 19 February 2024
  - b) 18 March 2024
  - c) 15 April 2024
  - d) 20 May 2024
  - e) 17 June 2024
  - f) 15 July 2024
  - g) 19 August 2024
  - h) 16 September 2024
  - i) 21 October 2024
  - j) 18 November 2024
  - k) 9 December 2024
2. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's Committees of



Council meetings in 2024 to commence at 5:30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:

- a) Audit, Risk and Governance Committee - 26 February 2024
  - b) Audit, Risk and Governance Committee – 27 May 2024
  - c) Audit, Risk and Governance Committee – 26 August 2024
  - d) Audit, Risk and Governance Committee – 25 November 2024
  - e) CEO Employment Committee – 5 February 2024
3. NOTES that a Special CEO Committee will be called by the Presiding Member at a later date to review and set CEO KPIs in line with the budget process
4. REQUESTS that the Chief Executive Officer makes arrangements to hold Q & A Agenda Briefing sessions, closed to the public and commencing at 6pm on the dates below, or at dates and times otherwise set in consultation with the President:
- a) 12 February 2024
  - b) 11 March 2024
  - c) 8 April 2024
  - d) 13 May 2024
  - e) 10 June 2024
  - f) 8 July 2024
  - g) 12 August 2024
  - h) 9 September 2024
  - i) 14 October 2024
  - j) 11 November 2024
  - k) 2 December 2024
5. REQUESTS that the Chief Executive Officer makes arrangements for Policy Concept Forums (PCF) on the dates shown below commencing at 6pm on the dates below unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 7pm, or at dates and times otherwise set in consultation with the President:
- a) 5 February 2024
  - b) 26 February 2024
  - c) 25 March 2024
  - d) 22 April 2024
  - e) 6 May 2024
  - f) 27 May 2024
  - g) 24 June 2024
  - h) 1 July 2024
  - i) 22 July 2024
  - j) 5 August 2024



- k) 26 August 2024
- l) 2 September 2024
- m) 7 October 2024
- n) 28 October 2024
- o) 4 November 2024
- p) 25 November 2024

**Option 2**

Beyond the requirement to hold an Ordinary Council Meeting no more than every three months apart, Council has full discretion in setting the frequency and starting time of Council and Committee meetings.

Option 1 is recommended.

**Conclusion**

Regulation 12 of the *Local Government (Administration) Regulations 1996*, requires that at least once a year, every Local Government gives local public notice on the dates on which and the time and place at which Ordinary Council Meetings are to be held.

Beyond the requirement to hold an Ordinary Council Meeting no more than every three months apart, Council has full discretion in setting the frequency and starting time of Council and Committee meetings.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

**Financial Implications**

Council's decision regarding the frequency, starting time and date of Council and Committee Meetings have varying financial implications.



## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council and Committee Meetings are held at times that do not suit Elected Members and public attendance	Meetings are publicly advertised; Ordinary Council Meetings and Committee Meetings have been held on Monday evenings previously	Reputation	Possible	Minor	MODERATE	Promote Council and Committee Meeting times to enable public participation.
2	That Council and Committee Meetings are held at times that do not suit Elected Members and public attendance	Meetings are publicly advertised	Reputation	Possible	Minor	MODERATE	Promote Council and Committee Meeting times to enable public participation.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That Council:

1. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's 2024 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
  - a) 19 February 2024
  - b) 18 March 2024
  - c) 15 April 2024
  - d) 20 May 2024
  - e) 17 June 2024
  - f) 15 July 2024
  - g) 19 August 2024
  - h) 16 September 2024



- i) 21 October 2024
  - j) 18 November 2024
  - k) 9 December 2024
2. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's Committees of Council meetings in 2024 to commence at 5:30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
- a) Audit, Risk and Governance Committee - 26 February 2024
  - b) Audit, Risk and Governance Committee – 27 May 2024
  - c) Audit, Risk and Governance Committee – 26 August 2024
  - d) Audit, Risk and Governance Committee – 25 November 2024
  - e) CEO Employment Committee – 5 February 2024
3. NOTES that a Special CEO Committee will be called by the Presiding Member at a later date to review and set CEO KPIs in line with the budget process.
4. REQUESTS that the Chief Executive Officer makes arrangements to hold Q & A Agenda Briefing sessions, closed to the public and commencing at 6pm on the dates below, or at dates and times otherwise set in consultation with the President:
- a) 12 February 2024
  - b) 11 March 2024
  - c) 8 April 2024
  - d) 13 May 2024
  - e) 10 June 2024
  - f) 8 July 2024
  - g) 12 August 2024
  - h) 9 September 2024
  - i) 14 October 2024
  - j) 11 November 2024
  - k) 2 December 2024
5. REQUESTS that the Chief Executive Officer makes arrangements for Policy Concept Forums (PCF) on the dates shown below commencing at 6pm on the dates below unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 7pm, or at dates and times otherwise set in consultation with the President:
- a) 5 February 2024
  - b) 26 February 2024
  - c) 25 March 2024
  - d) 22 April 2024
  - e) 6 May 2024



- f) 27 May 2024
- g) 24 June 2024
- h) 1 July 2024
- i) 22 July 2024
- j) 5 August 2024
- k) 26 August 2024
- l) 2 September 2024
- m) 7 October 2024
- n) 28 October 2024
- o) 4 November 2024
- p) 25 November 2024

**OCM309/12/23**

**COUNCIL RESOLUTION**

**Moved President Coales, seconded Cr Mack**

**That Council:**

- 1. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's 2024 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:**
  - a) 19 February 2024**
  - b) 18 March 2024**
  - c) 15 April 2024**
  - d) 20 May 2024**
  - e) 17 June 2024**
  - f) 15 July 2024**
  - g) 19 August 2024**
  - h) 16 September 2024**
  - i) 21 October 2024**
  - j) 18 November 2024**
  - k) 9 December 2024**
- 2. REQUESTS the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's Committees of Council meetings in 2024 to commence at 5:30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:**
  - a) Audit, Risk and Governance Committee - 26 February 2024**
  - b) Audit, Risk and Governance Committee – 27 May 2024**



- c) Audit, Risk and Governance Committee – 26 August 2024
  - d) Audit, Risk and Governance Committee – 25 November 2024
  - e) CEO Employment Committee – 5 February 2024
3. NOTES that a Special CEO Committee will be called by the Presiding Member at a later date to review and set CEO KPIs in line with the budget process.
4. REQUESTS that the Chief Executive Officer makes arrangements to hold Q & A Agenda Briefing sessions commencing at 6pm on the dates below, or at dates and times otherwise set in consultation with the President:
- a) 12 February 2024
  - b) 11 March 2024
  - c) 8 April 2024
  - d) 13 May 2024
  - e) 10 June 2024
  - f) 8 July 2024
  - g) 12 August 2024
  - h) 9 September 2024
  - i) 14 October 2024
  - j) 11 November 2024
  - k) 2 December 2024
5. REQUESTS that the Chief Executive Officer makes arrangements for Policy Concept Forums (PCF) on the dates shown below commencing at 6pm on the dates below unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 7pm, or at dates and times otherwise set in consultation with the President:
- a) 29 January 2024
  - b) 5 February 2024
  - c) 26 February 2024
  - d) 25 March 2024
  - e) 22 April 2024
  - f) 6 May 2024
  - g) 27 May 2024
  - h) 24 June 2024
  - i) 1 July 2024
  - j) 22 July 2024
  - k) 5 August 2024
  - l) 26 August 2024
  - m) 2 September 2024



- n) 7 October 2024
  - o) 28 October 2024
  - p) 4 November 2024
  - q) 25 November 2024
6. **RESOLVES** that at one PCF a quarter will be held at a location other than the Civic Centre to be determined by the Shire President in consultation with the Chief Executive Officer.

**CARRIED UNANIMOUSLY 6/0**

*Reason for difference to Officer Recommendation*

*To include a PCF in January and to make the Council more accessible by having meetings in different venues within the Shire.*



### 10.3.4 – 2023 – 2024 Rural Valuation Review (SJ514)

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

#### Authority / Discretion

Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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#### Report Purpose

The purpose of this report is to request Council approve the "Rural Valuation Review" process commencing to change the valuation methodology from Unimproved valuation (UV) to the Gross Rental Valuation (GRV) for properties that rates are expected to decrease under the new valuation methodology. In accordance with Council's adopted Rating Strategy contained in **attachment 1**.

Please see list of affected properties contained in **attachment 5**.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 19 June 2023 – OCM156/06/23 – COUNCIL DECISION / Officer Recommendation - **extract***

*4. **ADOPTS** the proposed amendment to the Rating Strategy by eliminating the GRV Vacant rate category as per attachment 2.*

*Special Council Meeting - 15 June 2022 - SCM010/06/22 - COUNCIL DECISION / Officer Recommendation - **extract***

*4. **ADOPTS** the Rating strategy as per attachment 1.*

#### Background

As contained in **attachment 1** and with liaison with the Department of Local Government, Sport and Cultural Industries, Officers intend to conduct a phased review of the predominant use of UV rated properties within the Shire, starting with properties identified as not having a predominant rural use and which would be financially better off changing from UV to GRV.

In accordance with Section 6.28 of the Local Government Act 1995, unimproved valuations are only applicable where the land is used predominantly for rural purposes.

This strategy was developed through a lesson learnt analysis of prior valuation methodology changes and attempts to ameliorate the following points:

- Don't conduct a rating methodology change during an election cycle



- Don't conduct a rating methodology change during a state of emergency
- Don't attempt to impose large increases when changing rating methodology

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.

The Shire has now identified a further 409 properties that may benefit from a change of valuation methodology and this report proposes that an application is made to have the valuation methodology reviewed by the Minister.

### **Community / Stakeholder Consultation**

Nil.

### **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**

The Department of Local Government, Sport and Cultural Industries has provided an Operational Guideline 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 propose the 'one stage review' approach.

The required steps are listed below:

1. Obtain Council resolution to commence review (the subject of this report)
2. Commence consultation period 15 December 2023 to 25 January 2024 with consultation letters containing expected rate reduction and land use declaration forms distributed to each affected property owner (contained in **attachment 3**).
3. Results of review and copies of all submissions are presented to Council for a final decision to apply to minister for change of valuation.



4. Staff prepare and submit application to Minister for commencement 1 July 2024.

The current strategy reflects that the Shire will take a staged approach to review every UV property which would be financially better off moving to GRV on an ongoing annual basis.

The Shire's proposed communication plan is outlined in **attachment 4**

**Options and Implications**

Option 1

That Council:

1. APPROVES commencement of the 2023/2024 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**.

Option 2

That Council DOES NOT APPROVE the conduct of the Rural Valuation Review.

Option 1 is recommended.

**Conclusion**

A desktop review of the properties rated using a UV methodology has been conducted. Properties not using the properties for a rural purpose and whose rates will go down if moved to the GRV rating methodology have been identified, a Land Use Declaration form will be provided for these property owners.

**Attachments (available under separate cover)**

- **10.3.4 - attachment 1** - Rating Strategy – (E23/15848)
- **10.3.4- attachment 2** - Flow chart - Process prior to UV-GRV application – (E23/15849)
- **10.3.4 - attachment 3** - Proposed letter and Land Use Declaration Form – (E23/15850)
- **10.3.4 - attachment 4** - Communication Plan – (E23/15851)
- **10.3.4 - attachment 5** - Review of properties proposed to be changed – (E23/15847)

**Alignment with our Strategic Community**

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
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**Financial Implications**

It is anticipated that the review of the rating system will create a fair and equitable rating system for all ratepayers. The first stage of the review will impact individual assessments that are likely to experience a decrease the rates on their properties.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are not material risks associated with Council Approving the commencement of the Rural Valuation Review as per the Rating Strategy.						
2	Inequitable rate burden not in keeping with the "ability to pay" basis of rates	Nil	Financial	Likely	Insignificant	LOW	Accept Officer recommendation

**Voting Requirements:** Simple Majority

### OCM294/12/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

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.

**CARRIED UNANIMOUSLY (en bloc at 7:41pm) 6/0**



### 10.3.5 - 2022/23 Final Carry Forward Items (SJ801)

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

### Authority / Discretion

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

The purpose of this report is to seek approval from Council to adjust the 2023/24 Budget for items required to be carried forward from the 2022/23 Budget following the completion of the 2022/23 audit.

### Relevant Previous Decisions of Council

*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 2023/24 Budget was adopted by Council on 31 July 2023, the Annual Financial Statements for the 2022/23-year end had not been completed. Amounts required for carry forward on incomplete projects incorporated into the 2023/24 Budget were based on estimates only.

These estimates now need to be brought into line with the actual closing position as at 30 June 2023.

### 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 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

As part of the 2023/24 Annual Budget process an estimate is made for the value of any works commenced in the 2022/23 financial year that are anticipated to continue into the 2023/24 financial year or that have not commenced but will commence in the 2023/24 financial year.

The 2022/23 transactions have now been audited and a true final position of the value of ongoing works is known. As a result, the estimated carryforward budgets as adopted in the Annual budget need to be adjusted for any variance between the estimated and the actual final position.

A detailed review of the necessity for these finds to be carried forward was conducted by the Manager Finance meeting with each of the business unit Managers.

A list of these adjustments can be found in **attachment 1 - 2023/24 Capital and Operating Expenditure - Carry Forward**.

### Options and Implications

#### Option1

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 \$3,018,839 as at 1 July 2023:

Account	Type	Description	Debit	Credit
1000-10109-6610-0000	Increase Expenditure	Webb Road Business Case- Carryforward Expenditure	6,000	
1100-10303-6610-0000	Increase Expenditure	Organisational Development Roadmap- Carryforward Expenditure	14,671	
1100-10305-6610-0000	Increase Expenditure	Leadership Training Program- Carryforward Expenditure	5,472	
1100-10306-6610-0000	Increase Expenditure	Furniture Replacement and Renewal - Carryforward Expenditure	7,011	
2000-12005-6610-0000	Increase Expenditure	Clem Kentish Reserve Master Plan- Carryforward Expenditure	39,543	
2300-12401-6610-0000	Increase Expenditure	Public Health Plan Implementation - Carryforward Expenditure	19	
2500-10108-6610-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment- Carryforward Expenditure	473	
2500-10404-6610-0000	Increase Expenditure	Career Expo- Carryforward Expenditure	5,500	



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
2500-10404-4700-0000	Increase Revenue	Career Expo- Operating Grants - Reimbursement		22,500
3000-13005-6610-0000	Increase Expenditure	Operations Centre Structure Review- Carryforward Expenditure	48,237	
3200-13507-6610-0000	Increase Expenditure	Abernethy Road Landscaping Project- Carryforward Expenditure	6,124	
3220-13100-6610-0000	Increase Expenditure	Project Design - Speed Limit/Zoning Review Audit and AutoCAD software- Carryforward Expenditure	48,637	
3230-13407-6610-0000	Increase Expenditure	Waste Education Program- Carryforward Expenditure	8,807	
3230-13407-4139-0000	Increase Revenue	Waste Education Program- Operating Grants - Dept of Water and Environmental Regulation		8,807
3300-13504-6610-0000	Increase Expenditure	Gravel Pit Investigations- Carryforward Expenditure	170,050	
4000-15007-6610-0000	Increase Expenditure	Strategic Community Plan- Carryforward Expenditure	24,546	
4000-15012-6610-0000	Increase Expenditure	Heritage Park Business Case Development- Carryforward Expenditure	1,954	
4300-15008-6610-0000	Increase Expenditure	Reconciliation Action Plan- Carryforward Expenditure	131	
4300-15304-6610-0000	Increase Expenditure	Access and Inclusion Plan 2022 - 2027- Carryforward Expenditure	11,584	
4300-15303-6610-0000	Increase Expenditure	Disability Access - Inclusion- Carryforward Expenditure	13,884	
4300-15420-6610-0000	Increase Expenditure	General Grants - Final Payments of 2022/23 Round- Carryforward Expenditure	5,021	
4300-15422-6610-0000	Increase Expenditure	Major Event Grants Grants - Final Payments of 2022/23 Round- Carryforward Expenditure	19,117	
4300-15422-5009-0000	Increase Transfer from Reserve	Major Event Grants Grants - Final Payments of 2022/23 Round- Transfer		19,117



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Account	Type	Description	Debit	Credit
		From Reserve- Community Grants Reserve		
6100-80019-6610-0000	Increase Expenditure	ERP System Implementation- Carryforward Expenditure	37,569	
6200-80280-6610-0000	Increase Expenditure	Briggs Park - Dugouts- Carryforward Expenditure	7,530	
6200-80280-4802-0000	Increase Revenue	Briggs Park - Dugouts- Capital Grants - State		7,530
6200-80302-5008-0000	Increase Transfer from Reserve	Accessible Toilet Facilities at Jarrahdale Cemetery- Transfer from Reserve- Community Facilities Reserve/ DLGSC		21,000
6200-80302-6610-0000	Increase Expenditure	Accessible Toilet Facilities at Jarrahdale Cemetery- Carryforward Expenditure	67	
6200-80353-5002-0000	Increase Transfer from Reserve	SJ Recreation Centre - Building Condition Defects- Transfer from Reserve- Building AM Reserve		60,000
6200-80353-6610-0000	Increase Expenditure	SJ Recreation Centre - Building Condition Defects- Carryforward Expenditure	60,000	
6200-80393-6610-0000	Increase Expenditure	Briggs Pavilion Main Hall Refurbishment- Carryforward Expenditure	565	
6200-80396-6610-0000	Increase Expenditure	Mens Shed Upgrade- Carryforward Expenditure	2,407	
6200-80397-6610-0000	Increase Expenditure	Depot Compliance & Security Upgrade- Carryforward Expenditure	39,732	
6200-80398-6610-0000	Increase Expenditure	Youth Services - Facility & Safety Upgrades- Carryforward Expenditure	20,253	
6200-80432-6610-0000	Increase Expenditure	Serpentine Fire Station Changerooms- Carryforward Expenditure	1,710	
6200-80433-6610-0000	Increase Expenditure	Improvements at Fire Stations- Carryforward Expenditure	7,295	
6300-80273-6610-0000	Increase Expenditure	Mobile Library Van- Carryforward Expenditure	17,000	
6300-80371-4600-0000	Increase Revenue	People Mover - Replace 51143 - Proceeds of Sale		30,000



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
6300-80371-5021-0000	Increase Transfer from Reserve	People Mover - Replace 51143- Transfer from Reserve-Fleet & Plant Reserve		20,000
6300-80371-6610-0000	Increase Expenditure	People Mover - Replace 51143- Carryforward Expenditure	50,000	
6300-80381-4600-0000	Increase Revenue	Toyota Corolla Hybrid - Replace 50023 - Proceeds of Sale		10,000
6300-80381-5021-0000	Increase Transfer from Reserve	Toyota Corolla Hybrid - Replace 50023- Transfer from Reserve-Fleet & Plant Reserve		20,000
6300-80381-6610-0000	Increase Expenditure	Toyota Corolla Hybrid - Replace 50023- Carryforward Expenditure	30,000	
6400-80237-6610-0000	Increase Expenditure	Briggs Park Recreation Precinct Car Park - Lighting- Carryforward Expenditure	12,000	
6400-80296-6610-0000	Increase Expenditure	Upgrades of Roads - Orton- Carryforward Expenditure	5,905	
6400-80296-4802-0000	Increase Revenue	Upgrades of Roads - Orton- Capital Grants - State		5,905
6400-80310-6610-0000	Increase Expenditure	Keirnan Street (SLK 0.5-SLK 3.5)- Carryforward Expenditure	45,652	
6400-80310-4817-0000	Increase Revenue	Keirnan Street (SLK 0.5-SLK 3.5)- Capital Grants - Black Spot State		80,515
6400-80391-6610-0000	Increase Expenditure	Fire Danger Signs- Carryforward Expenditure	31,433	
6400-80435-5033-0000	Increase Transfer from Reserve	Mundijong/Kargotich Road Roundabout Upgrade- Transfer from Reserve-Road & Bridge Reserve		15,439
6400-80435-6610-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade- Carryforward Expenditure	15,439	
6400-80436-5033-0000	Increase Transfer from Reserve	Mundijong Road Pavement Dip Rehabilitation- Transfer from Reserve-Road & Bridge Reserve		11,891



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
6400-80436-6610-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation-Carryforward Expenditure	11,891	
6410-80201-6610-0000	Increase Expenditure	Gravel Resheet-Carryforward Expenditure	74,588	
6410-80203-6610-0000	Increase Expenditure	Footpath Renewal-Carryforward Expenditure	86,764	
6410-80245-6610-0000	Increase Expenditure	Civils Renewal-Carryforward Expenditure	17,177	
6410-80423-6610-0000	Increase Expenditure	Parks and Playground Renewal- Carryforward Expenditure	3,090	
6410-80424-6610-0000	Increase Expenditure	Irrigation Renewal-Carryforward Expenditure	19,924	
6500-80359-6610-0000	Increase Expenditure	Kittys Gorge Carpark Works - Carryforward Expenditure	110	
6500-80360-6610-0000	Increase Expenditure	Macora Trail and Parking-Carryforward Expenditure	20,000	
6500-80361-6610-0000	Increase Expenditure	Whitby Falls Trail Path Works- Carryforward Expenditure	1,358	
6600-80235-6610-0000	Increase Expenditure	Keirnan Park Planning-Carryforward Expenditure	224,611	
6600-80235-4825-0000	Increase Revenue	Keirnan Park Planning-Capital Grant - DLGSC		60,185
6600-80250-6610-0000	Increase Expenditure	Depot Accommodation - Refurbishment-Carryforward Expenditure	198,071	
6600-80416-6610-0000	Increase Expenditure	Byford Skate Park Stage 2- Carryforward Expenditure	41,455	
6600-80416-4825-0000	Increase Revenue	Byford Skate Park Stage 2- Capital Grants - DLGSC		4,455
2500-10406-6610-0000	Decrease Expenditure	Pump Track Feasibility-Carryforward Expenditure		2,645
3130-13001-6610-0000	Decrease Expenditure	Administration Building Feasibility- Carryforward Expenditure		104,077
4000-15009-6610-0000	Decrease Expenditure	Jarrahdale Trails Town Project- Carryforward Expenditure		39,005



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
4300-15507-6610-0000	Decrease Expenditure	Trails Promotion and Activation - Carryforward Expenditure		24,000
6200-80302-4825-0000	Decrease Revenue	Accessible Toilet Facilities at Jarrahdale Cemetery-Capital Grants - DLGSC	20,933	
6200-80400-5002-0000	Decrease Transfer from Reserve	SJ Community Rec Centre - Defect Repairs-Transfer from Reserve-Building AM Reserve	5,000	
6200-80400-6610-0000	Decrease Expenditure	SJ Community Rec Centre - Defect Repairs-Carryforward Expenditure		5,000
6200-80427-6610-0000	Decrease Expenditure	Health & Safety Corrective Actions- Carryforward Expenditure		5,652
6200-80431-5002-0000	Decrease Transfer from Reserve	Byford Fire Station Changerooms- Transfer from Reserve-Building AM Reserve	47	
6200-80431-6610-0000	Decrease Expenditure	Byford Fire Station Changerooms-Carryforward Expenditure		47
6400-80217-6610-0000	Decrease Expenditure	Road Safety Initiatives-Carryforward Expenditure		258
6400-80218-6610-0000	Decrease Expenditure	Bus Shelter Program-Carryforward Expenditure		9,533
6400-80293-6610-0000	Decrease Expenditure	Culvert Renewal - Elliot Road (SK 5.806)-Carryforward Expenditure		450
6400-80294-6610-0000	Decrease Expenditure	Culvert Renewal - Elliot Road (SK 8.352)-Carryforward Expenditure		450
6400-80297-4802-0000	Decrease Revenue	Upgrades of Roads - Kargotich - Stage 1-Capital Grants - State	2,080,946	
6400-80297-6610-0000	Decrease Expenditure	Upgrades of Roads - Kargotich - Stage 1-Carryforward Expenditure		2,080,946
6400-80314-4816-0000	Increase Revenue	Nettleton Road (SLK 13.87- SLK 16.65)- Capital Grants - Black Spot Federal		3,900
6400-80314-6610-0000	Decrease Expenditure	Nettleton Road (SLK 13.87- SLK 16.65)-Carryforward Expenditure		79,612



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
6400-80345-4802-0000	Decrease Revenue	Upgrades of Roads - Soldiers Road- Capital Grants - State	63,613	
6400-80345-6610-0000	Decrease Expenditure	Upgrades of Roads - Soldiers Road- Carryforward Expenditure		63,613
6400-80406-6610-0000	Decrease Expenditure	Nicholson Rd/Foxton Dr Lft Turn Aux Lane- Carryforward Expenditure		32,281
6400-80411-4816-0000	Decrease Revenue	Mundijong Road (SLK 5.62- SLK 7.32)- Capital Grants - Black Spot Federal	42,400	
6400-80411-6610-0000	Decrease Expenditure	Mundijong Road (SLK 5.62- SLK 7.32)- Carryforward Expenditure		124,151
6400-80412-4816-0000	Decrease Revenue	Kingsbury Drive (SLK 7- SLK 10)- Capital Grants - Black Spot Federal	6,407	
6400-80412-6610-0000	Decrease Expenditure	Kingsbury Drive (SLK 7- SLK 10)- Carryforward Expenditure		6,407
6400-80429-6610-0000	Decrease Expenditure	Road Reseal - Whitby Street, Mundijong- Carryforward Expenditure		6,257
6600-80283-5000-0000	Decrease Transfer from Reserve	Admin Building Redevelopment - Stage 2- Transfer from Reserve- Administration Building Reserve	25,590	
6600-80283-6610-0000	Decrease Expenditure	Admin Building Redevelopment - Stage 2- Carryforward Expenditure		25,590
6600-80415-4825-0000	Decrease Revenue	Keirnan Park Development - Stage 1A- Capital Grants - DLGSC	325,574	
6600-80415-6610-0000	Decrease Expenditure	Keirnan Park Development - Stage 1A- Carryforward Expenditure		490,000
5300-17300-4100-0000	Decrease Revenue	2022/23 Financial Assistance Grants Received in Advance - General- Capital Grants -	1,702,547	
5300-17300-4101-0000	Decrease Revenue	2022/23 Financial Assistance Grants Received in Advance - Roads- Capital Grants -	1,258,453	



Account	Type	Description	Debit	Credit
6300-80368-4600-0000	Increase Revenue	Mitsubishi Rosa - Replace 50000 - proceeds of sale		22,678
6300-80373-4600-0000	Increase Revenue	Toyota Corolla Hybrid - Replace 50012 - proceeds of sale		15,000
6300-80378-4600-0000	Increase Revenue	Toyota Corolla Hybrid - Replace 50029 / 51113 - Proceeds of Sale		15,000
6600-80354-5003-0000	Increase Transfer from Reserve	Keirnan Park BMX Relocation - Final Reserve Transfer- Transfer from Reserve-BMX Reserve		91,686
4800-12101-4126-0000	Increase Revenue	Fire Prevention – Grant-Operating- DFES Bushfire Mitigation (Final Payment)		56,643
6600-80271-4822-0000	Increase Revenue	Administration Building Redevelopment - Library Relocation - Capital Grants - LRCI (Final Payment)		330,823
10-9000-9000-3900-0	Decrease Equity	Accumulated Surplus - Municipal		3,018,839

### Option 2

That Council DOES NOT ADOPT the carry forward budget adjustments as contained within this report.

Option 1 is recommended.

### **Conclusion**

A review of the carry forwards in the Annual Budget has been completed. A list of budget variations requiring approval has been identified.

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

- **10.3.5 - attachment 1** – 2023/24 Capital and Operating Expenditure - Carry Forward (E23/15767)

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

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.2.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Financial Implications**

The financial implications are detailed in this report.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council DOES adopt budget adjustments prior to the final audit sign off, the auditors may request adjustments which will affect the closing expenditure/income in 2021/22 resulting in further budget adjustments being made after audit sign off.	The organisation undertakes a review of the adopted carry forwards prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Additional adjustments can be made on completion of final audit adoption to ensure all carry forwards are correct.
2	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending.	The organisation undertakes a review of the adopted carry forwards prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)



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

**OCM310/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Bishop

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 \$3,018,839 as at 1 July 2023:

Account	Type	Description	Debit	Credit
1000-10109-6610-0000	Increase Expenditure	Webb Road Business Case- Carryforward Expenditure	6,000	
1100-10303-6610-0000	Increase Expenditure	Organisational Development Roadmap- Carryforward Expenditure	14,671	
1100-10305-6610-0000	Increase Expenditure	Leadership Training Program- Carryforward Expenditure	5,472	
1100-10306-6610-0000	Increase Expenditure	Furniture Replacement and Renewal - Carryforward Expenditure	7,011	
2000-12005-6610-0000	Increase Expenditure	Clem Kentish Reserve Master Plan- Carryforward Expenditure	39,543	
2300-12401-6610-0000	Increase Expenditure	Public Health Plan Implementation - Carryforward Expenditure	19	
2500-10108-6610-0000	Increase Expenditure	Jarrahdale Heritage Site Redevelopment- Carryforward Expenditure	473	
2500-10404-6610-0000	Increase Expenditure	Career Expo- Carryforward Expenditure	5,500	
2500-10404-4700-0000	Increase Revenue	Career Expo- Operating Grants - Reimbursement		22,500
3000-13005-6610-0000	Increase Expenditure	Operations Centre Structure Review- Carryforward Expenditure	48,237	
3200-13507-6610-0000	Increase Expenditure	Abernethy Road Landscaping Project-	6,124	



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
		<b>Carryforward Expenditure</b>		
<b>3220-13100- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Project Design - Speed Limit/Zoning Review Audit and AutoCAD software- Carryforward Expenditure</b>	<b>48,637</b>	
<b>3230-13407- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Waste Education Program- Carryforward Expenditure</b>	<b>8,807</b>	
<b>3230-13407- 4139-0000</b>	<b>Increase Revenue</b>	<b>Waste Education Program- Operating Grants - Dept of Water and Environmental Regulation</b>		<b>8,807</b>
<b>3300-13504- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Gravel Pit Investigations- Carryforward Expenditure</b>	<b>170,050</b>	
<b>4000-15007- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Strategic Community Plan- Carryforward Expenditure</b>	<b>24,546</b>	
<b>4000-15012- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Heritage Park Business Case Development- Carryforward Expenditure</b>	<b>1,954</b>	
<b>4300-15008- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Reconciliation Action Plan- Carryforward Expenditure</b>	<b>131</b>	
<b>4300-15304- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Access and Inclusion Plan 2022 - 2027- Carryforward Expenditure</b>	<b>11,584</b>	
<b>4300-15303- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Disability Access - Inclusion- Carryforward Expenditure</b>	<b>13,884</b>	
<b>4300-15420- 6610-0000</b>	<b>Increase Expenditure</b>	<b>General Grants - Final Payments of 2022/23 Round- Carryforward Expenditure</b>	<b>5,021</b>	
<b>4300-15422- 6610-0000</b>	<b>Increase Expenditure</b>	<b>Major Event Grants Grants - Final Payments of 2022/23 Round- Carryforward Expenditure</b>	<b>19,117</b>	



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Account	Type	Description	Debit	Credit
4300-15422-5009-0000	Increase Transfer from Reserve	Major Event Grants Grants - Final Payments of 2022/23 Round-Transfer From Reserve-Community Grants Reserve		19,117
6100-80019-6610-0000	Increase Expenditure	ERP System Implementation-Carryforward Expenditure	37,569	
6200-80280-6610-0000	Increase Expenditure	Briggs Park - Dugouts-Carryforward Expenditure	7,530	
6200-80280-4802-0000	Increase Revenue	Briggs Park - Dugouts-Capital Grants - State		7,530
6200-80302-5008-0000	Increase Transfer from Reserve	Accessible Toilet Facilities at Jarrahdale Cemetery- Transfer from Reserve-Community Facilities Reserve/ DLGSC		21,000
6200-80302-6610-0000	Increase Expenditure	Accessible Toilet Facilities at Jarrahdale Cemetery- Carryforward Expenditure	67	
6200-80353-5002-0000	Increase Transfer from Reserve	SJ Recreation Centre - Building Condition Defects- Transfer from Reserve-Building AM Reserve		60,000
6200-80353-6610-0000	Increase Expenditure	SJ Recreation Centre - Building Condition Defects- Carryforward Expenditure	60,000	
6200-80393-6610-0000	Increase Expenditure	Briggs Pavilion Main Hall Refurbishment-Carryforward Expenditure	565	
6200-80396-6610-0000	Increase Expenditure	Mens Shed Upgrade-Carryforward Expenditure	2,407	
6200-80397-6610-0000	Increase Expenditure	Depot Compliance & Security Upgrade-Carryforward Expenditure	39,732	
6200-80398-6610-0000	Increase Expenditure	Youth Services - Facility & Safety Upgrades-	20,253	



<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
		<b>Carryforward Expenditure</b>		
<b>6200-80432-6610-0000</b>	<b>Increase Expenditure</b>	<b>Serpentine Fire Station Changerooms- Carryforward Expenditure</b>	<b>1,710</b>	
<b>6200-80433-6610-0000</b>	<b>Increase Expenditure</b>	<b>Improvements at Fire Stations- Carryforward Expenditure</b>	<b>7,295</b>	
<b>6300-80273-6610-0000</b>	<b>Increase Expenditure</b>	<b>Mobile Library Van- Carryforward Expenditure</b>	<b>17,000</b>	
<b>6300-80371-4600-0000</b>	<b>Increase Revenue</b>	<b>People Mover - Replace 51143 - Proceeds of Sale</b>		<b>30,000</b>
<b>6300-80371-5021-0000</b>	<b>Increase Transfer from Reserve</b>	<b>People Mover - Replace 51143- Transfer from Reserve-Fleet &amp; Plant Reserve</b>		<b>20,000</b>
<b>6300-80371-6610-0000</b>	<b>Increase Expenditure</b>	<b>People Mover - Replace 51143- Carryforward Expenditure</b>	<b>50,000</b>	
<b>6300-80381-4600-0000</b>	<b>Increase Revenue</b>	<b>Toyota Corolla Hybrid - Replace 50023 - Proceeds of Sale</b>		<b>10,000</b>
<b>6300-80381-5021-0000</b>	<b>Increase Transfer from Reserve</b>	<b>Toyota Corolla Hybrid - Replace 50023- Transfer from Reserve-Fleet &amp; Plant Reserve</b>		<b>20,000</b>
<b>6300-80381-6610-0000</b>	<b>Increase Expenditure</b>	<b>Toyota Corolla Hybrid - Replace 50023- Carryforward Expenditure</b>	<b>30,000</b>	
<b>6400-80237-6610-0000</b>	<b>Increase Expenditure</b>	<b>Briggs Park Recreation Precinct Car Park - Lighting- Carryforward Expenditure</b>	<b>12,000</b>	
<b>6400-80296-6610-0000</b>	<b>Increase Expenditure</b>	<b>Upgrades of Roads - Orton- Carryforward Expenditure</b>	<b>5,905</b>	
<b>6400-80296-4802-0000</b>	<b>Increase Revenue</b>	<b>Upgrades of Roads - Orton- Capital Grants - State</b>		<b>5,905</b>
<b>6400-80310-6610-0000</b>	<b>Increase Expenditure</b>	<b>Keirnan Street (SLK 0.5- SLK 3.5)- Carryforward Expenditure</b>	<b>45,652</b>	



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Account	Type	Description	Debit	Credit
6400-80310-4817-0000	Increase Revenue	Keirnan Street (SLK 0.5-SLK 3.5)- Capital Grants - Black Spot State		80,515
6400-80391-6610-0000	Increase Expenditure	Fire Danger Signs-Carryforward Expenditure	31,433	
6400-80435-5033-0000	Increase Transfer from Reserve	Mundijong/Kargotich Road Roundabout Upgrade- Transfer from Reserve-Road & Bridge Reserve		15,439
6400-80435-6610-0000	Increase Expenditure	Mundijong/Kargotich Road Roundabout Upgrade- Carryforward Expenditure	15,439	
6400-80436-5033-0000	Increase Transfer from Reserve	Mundijong Road Pavement Dip Rehabilitation- Transfer from Reserve-Road & Bridge Reserve		11,891
6400-80436-6610-0000	Increase Expenditure	Mundijong Road Pavement Dip Rehabilitation-Carryforward Expenditure	11,891	
6410-80201-6610-0000	Increase Expenditure	Gravel Resheet-Carryforward Expenditure	74,588	
6410-80203-6610-0000	Increase Expenditure	Footpath Renewal-Carryforward Expenditure	86,764	
6410-80245-6610-0000	Increase Expenditure	Civils Renewal-Carryforward Expenditure	17,177	
6410-80423-6610-0000	Increase Expenditure	Parks and Playground Renewal- Carryforward Expenditure	3,090	
6410-80424-6610-0000	Increase Expenditure	Irrigation Renewal-Carryforward Expenditure	19,924	
6500-80359-6610-0000	Increase Expenditure	Kittys Gorge Carpark Works - Carryforward Expenditure	110	
6500-80360-6610-0000	Increase Expenditure	Macora Trail and Parking- Carryforward Expenditure	20,000	



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Account	Type	Description	Debit	Credit
6500-80361-6610-0000	Increase Expenditure	Whitby Falls Trail Path Works- Carryforward Expenditure	1,358	
6600-80235-6610-0000	Increase Expenditure	Keirnan Park Planning- Carryforward Expenditure	224,611	
6600-80235-4825-0000	Increase Revenue	Keirnan Park Planning- Capital Grant - DLGSC		60,185
6600-80250-6610-0000	Increase Expenditure	Depot Accommodation - Refurbishment- Carryforward Expenditure	198,071	
6600-80416-6610-0000	Increase Expenditure	Byford Skate Park Stage 2- Carryforward Expenditure	41,455	
6600-80416-4825-0000	Increase Revenue	Byford Skate Park Stage 2- Capital Grants - DLGSC		4,455
2500-10406-6610-0000	Decrease Expenditure	Pump Track Feasibility- Carryforward Expenditure		2,645
3130-13001-6610-0000	Decrease Expenditure	Administration Building Feasibility- Carryforward Expenditure		104,077
4000-15009-6610-0000	Decrease Expenditure	Jarrahdale Trails Town Project- Carryforward Expenditure		39,005
4300-15507-6610-0000	Decrease Expenditure	Trails Promotion and Activation - Carryforward Expenditure		24,000
6200-80302-4825-0000	Decrease Revenue	Accessible Toilet Facilities at Jarrahdale Cemetery- Capital Grants - DLGSC	20,933	
6200-80400-5002-0000	Decrease Transfer from Reserve	SJ Community Rec Centre - Defect Repairs- Transfer from Reserve- Building AM Reserve	5,000	
6200-80400-6610-0000	Decrease Expenditure	SJ Community Rec Centre - Defect Repairs- Carryforward Expenditure		5,000
6200-80427-6610-0000	Decrease Expenditure	Health & Safety Corrective Actions- Carryforward Expenditure		5,652



Account	Type	Description	Debit	Credit
6200-80431-5002-0000	Decrease Transfer from Reserve	Byford Fire Station Changerooms- Transfer from Reserve-Building AM Reserve	47	
6200-80431-6610-0000	Decrease Expenditure	Byford Fire Station Changerooms- Carryforward Expenditure		47
6400-80217-6610-0000	Decrease Expenditure	Road Safety Initiatives- Carryforward Expenditure		258
6400-80218-6610-0000	Decrease Expenditure	Bus Shelter Program- Carryforward Expenditure		9,533
6400-80293-6610-0000	Decrease Expenditure	Culvert Renewal - Elliot Road (SK 5.806)- Carryforward Expenditure		450
6400-80294-6610-0000	Decrease Expenditure	Culvert Renewal - Elliot Road (SK 8.352)- Carryforward Expenditure		450
6400-80297-4802-0000	Decrease Revenue	Upgrades of Roads - Kargotich - Stage 1- Capital Grants - State	2,080,946	
6400-80297-6610-0000	Decrease Expenditure	Upgrades of Roads - Kargotich - Stage 1- Carryforward Expenditure		2,080,946
6400-80314-4816-0000	Increase Revenue	Nettleton Road (SLK 13.87- SLK 16.65)- Capital Grants - Black Spot Federal		3,900
6400-80314-6610-0000	Decrease Expenditure	Nettleton Road (SLK 13.87- SLK 16.65)- Carryforward Expenditure		79,612
6400-80345-4802-0000	Decrease Revenue	Upgrades of Roads - Soldiers Road- Capital Grants - State	63,613	
6400-80345-6610-0000	Decrease Expenditure	Upgrades of Roads - Soldiers Road- Carryforward Expenditure		63,613
6400-80406-6610-0000	Decrease Expenditure	Nicholson Rd/Foxton Dr Lft Turn Aux Lane- Carryforward Expenditure		32,281



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
6400-80411-4816-0000	Decrease Revenue	Mundijong Road (SLK 5.62- SLK 7.32)- Capital Grants - Black Spot Federal	42,400	
6400-80411-6610-0000	Decrease Expenditure	Mundijong Road (SLK 5.62- SLK 7.32)- Carryforward Expenditure		124,151
6400-80412-4816-0000	Decrease Revenue	Kingsbury Drive (SLK 7- SLK 10)- Capital Grants - Black Spot Federal	6,407	
6400-80412-6610-0000	Decrease Expenditure	Kingsbury Drive (SLK 7- SLK 10)- Carryforward Expenditure		6,407
6400-80429-6610-0000	Decrease Expenditure	Road Reseal - Whitby Street, Mundijong- Carryforward Expenditure		6,257
6600-80283-5000-0000	Decrease Transfer from Reserve	Admin Building Redevelopment - Stage 2- Transfer from Reserve-Administration Building Reserve	25,590	
6600-80283-6610-0000	Decrease Expenditure	Admin Building Redevelopment - Stage 2- Carryforward Expenditure		25,590
6600-80415-4825-0000	Decrease Revenue	Keirnan Park Development - Stage 1A- Capital Grants - DLGSC	325,574	
6600-80415-6610-0000	Decrease Expenditure	Keirnan Park Development - Stage 1A- Carryforward Expenditure		490,000
5300-17300-4100-0000	Decrease Revenue	2022/23 Financial Assistance Grants Received in Advance - General- Capital Grants -	1,702,547	
5300-17300-4101-0000	Decrease Revenue	2022/23 Financial Assistance Grants Received in Advance - Roads- Capital Grants -	1,258,453	
6300-80368-4600-0000	Increase Revenue	Mitsubishi Rosa - Replace 50000 - proceeds of sale		22,678
6300-80373-4600-0000	Increase Revenue	Toyota Corolla Hybrid - Replace 50012 - proceeds of sale		15,000



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<b>Account</b>	<b>Type</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
<b>6300-80378-4600-0000</b>	<b>Increase Revenue</b>	<b>Toyota Corolla Hybrid - Replace 50029 / 51113 - Proceeds of Sale</b>		<b>15,000</b>
<b>6600-80354-5003-0000</b>	<b>Increase Transfer from Reserve</b>	<b>Keirnan Park BMX Relocation - Final Reserve Transfer- Transfer from Reserve- BMX Reserve</b>		<b>91,686</b>
<b>4800-12101-4126-0000</b>	<b>Increase Revenue</b>	<b>Fire Prevention – Grant- Operating- DFES Bushfire Mitigation (Final Payment)</b>		<b>56,643</b>
<b>6600-80271-4822-0000</b>	<b>Increase Revenue</b>	<b>Administration Building Redevelopment - Library Relocation - Capital Grants - LRCl (Final Payment)</b>		<b>330,823</b>
<b>10-9000-9000-3900-0</b>	<b>Decrease Equity</b>	<b>Accumulated Surplus - Municipal</b>		<b>3,018,839</b>

**CARRIED UNANIMOUSLY 6/0**



**10.3.6 – Confirmation of arrangements for the 2024 extraordinary election in the North Ward (SJ4353)**

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

**Authority / Discretion**

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

The purpose of this report is to enable Council to consider appointing the Electoral Commissioner as the Returning Officer at the 2024 extraordinary election in the North Ward having first obtained the written agreement of the Electoral Commissioner as set out in **attachment 1** in accordance with the legislation.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 20 November 2023 – OCM287/11/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *FIXES the date of the extraordinary election to fill the vacancy for the office of Councillor in the North Ward to be Saturday, 23 March 2024.*
2. *REQUESTS that the Chief Executive Officer seek the written agreement of the Western Australian Electoral Commissioner to conduct via the postal voting method for the:*
  - *extraordinary election to fill the vacancy for the office of Councillor in the North Ward on Saturday, 23 March 2024;*
  - *2025 ordinary local government election;*
  - *2027 ordinary local government election; and*
  - *any polls or any extraordinary or fresh elections to be held in the intervening period.*
3. *NOTES that a response from the Western Australian Electoral Commission will be presented to Council for consideration where Council will formally be requested to declare the Western Australian Electoral Commission to be responsible for the conduct of the above elections via the postal method.*



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## Background

At the 20 November 2023 Ordinary Council Meeting, Council set the date of the North Ward extraordinary election as 23 March 2024 and requested that the Chief Executive Officer seek the written agreement from the Western Australian Electoral Commissioner to conduct via the postal method the following elections:

- extraordinary election to fill the vacancy for the office of Councillor in the North Ward on Saturday, 23 March 2024;
- 2025 ordinary local government election;
- 2027 ordinary local government election; and
- any polls or any extraordinary or fresh elections to be held in the intervening period.

## Community / Stakeholder Consultation

Nil.

## Statutory Environment

Having received the Western Australian Electoral Commission's written agreement, Council may under section 4.20 and 4.61 of the *Local Government Act 1995* declare that the Electoral Commissioner conduct the election agreed to by the Electoral Commissioner.

## Comment

Following Council's resolution in November, Officers have obtained the written agreement of the Electoral Commissioner to conduct the North Ward Extraordinary election as shown in (**attachment 1**). Under legislation, the local government is required under 4.20 and 4.61 of the *Local Government Act 1995* to formally declare the Electoral Commissioner conduct the nominated elections by the method chosen by Council.

At the time of publication of this agenda item the WAEC had been unable to provide written agreement for the additional elections in 2025 and 2027 specified. This will be dealt with in a separate report to Council at a later date.

The election will be promoted through a Communication Strategy. This Communication Strategy will be published prior to the Ordinary Council Meeting for Council's consideration.

Under section 4.62 of the Act, the Returning Officer is to ensure that a polling place in the district is open between 8am and 6pm on election day. It is proposed that Council recommend to the Returning Officer that one polling place in the North Ward is available. In order of preference, it is recommended that polling places be:

- Community Recreation Centre, 38 Mead St, Byford **or**
- 858 Co-Lab at Serpentine Jarrahdale Library, 858 South Western Highway.

Two venues are being presented in the event of conflicting appointments which could not be confirmed at the time of publication.



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## Options and Implications

### Option 1

That Council:

- 1) in accordance with sections 4.20 and 4.61 of the *Local Government Act 1995*, having first obtained the written agreement of the Electoral Commissioner in **attachment 1**, DECLARES the Electoral Commissioner to be responsible for the conduct via the postal voting method the extraordinary election to fill the vacancy for the office of Councillor in the North Ward on Saturday, 23 March 2024
- 2) APPROVES the Communication Strategy at **Attachment 2**.
- 3) RESOLVES that is recommended locations for a polling place on election day Saturday, 23 March 2024 is in order of preference are:
  - Community Recreation Centre, 38 Mead St, Byford **or**
  - 858 Co-Lab at Serpentine Jarrahdale Library, 858 South Western Highway.

Option 1 is recommended.

## Conclusion

A formal determination to conduct the extraordinary election to fill the vacancy for the office of Councillor in the North Ward on Saturday, 23 March 2024 through the WAEC via the postal method is required at this time.

## Attachments (available under separate cover)

- **10.3.6 - attachment 1** – Written agreement from the Electoral Commissioner to conduct the North Ward Extraordinary election (E23/16416)
- **10.3.6 – attachment 2** – Communication Strategy North Ward Extraordinary Election (E23/16634)

## Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

## Financial Implications

The WAEC have advised that their costs will be approximately \$38,000.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant issues associated with this option						

**Voting Requirements:** Absolute Majority (s4.20 and s4.61)

#### Officer Recommendation

That Council:

- 1) in accordance with sections 4.20 and 4.61 of the *Local Government Act 1995*, having first obtained the written agreement of the Electoral Commissioner in attachment 1, DECLARES the Electoral Commissioner to be responsible for the conduct via the postal voting method the extraordinary election to fill the vacancy for the office of Councillor in the North Ward on Saturday, 23 March 2024
- 2) APPROVES the Communication Strategy at Attachment 2.
- 3) RESOLVES that is recommended locations for a polling place on election day Saturday, 23 March 2024 is in order of preference are:
  - Community Recreation Centre, 38 Mead St, Byford; *or*
  - 858 Co-Lab at Serpentine Jarrahdale Library, 858 South Western Highway.



OCM311/12/23

**COUNCIL RESOLUTION**

**Moved President Coales, seconded Cr Duggin**

**That Council:**

- 1. In accordance with sections 4.20 and 4.61 of the *Local Government Act 1995*, having first obtained the written agreement of the Electoral Commissioner in attachment 1, **DECLARES** the Electoral Commissioner to be responsible for the conduct via the postal voting method the extraordinary election to fill the vacancy for the office of Councillor in the North Ward on Saturday, 23 March 2024.**
- 2. APPROVES** the Communication Strategy at attachment 2 as modified to reflect the below.
- 3. REQUESTS** that the Returning Officer prepare the election notice issued under Regulation 31 of the *Local Government (Elections) Regulations 1996* in accordance with legislation including the following provisions:
  - Replacement packages can be obtained from the Shire of Serpentine Jarrahdale, 6 Paterson Street, Mundijong during business hours prior to election day and from 8:00am to 6:00pm on election day at the specified polling place if the package is not received or should any papers be missing.
  - That electors may hand deliver packages to an electoral officer at the Shire of Serpentine-Jarrahdale, 6 Paterson Street, Mundijong during business hours before election day or at the polling place in the district between 8:00am and 6:00pm on election day.
  - That the polling place on election day Saturday, 23 March 2024 will be the Community Recreation Centre, 38 Mead St, Byford.
  - The count of votes will commence at 6:00pm at the Community Recreation Centre, 38 Mead St, Byford.

**CARRIED 4/2**

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

*President Coales, Councillors Bishop, Duggin and Jerrett voted FOR the motion.  
Councillors Byas and Mack voted AGAINST the motion.*

**Reason for difference to Officer Recommendation**

*That the location for a polling place on election day, Saturday, 23 March 2024, is the same location as the counting location.*



## 10.4 Community Engagement reports:

<b>10.4.1 – Council Plan 2023-2033 for adoption (SJ3617)</b>	
<b>Responsible Officer:</b>	Manager Communications and Customer Engagement
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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

The purpose of this report is for Council to receive and adopt the Council Plan 2023-2033.

### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 19 June 2023 - OCM151/06/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>RECIEVES the Community Engagement Outcomes Report at attachment 1 for the major review of the Strategic Community Plan.</i></li> <li>2. <i>APPROVES the advertising of the draft Council Plan 2023-2033, as at attachment 2, for public comment for 60 days.</i></li> <li>3. <i>REQUESTS the Chief Executive Officer sends a copy of the draft Council Plan 2023-2033, as at attachment 2 to the Department of Local Government, Sport and Cultural Industries for feedback.</i></li> <li>4. <i>REQUESTS the Chief Executive Officer present the outcomes of feedback received from points 2 and 3 above to Council at a workshop after the 2023 Local Government elections.</i></li> </ol>
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### Background

A Council Plan outlines community long term (10+years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities.

A full review is required every four years with a desktop review recommended to be completed every two years.

The Council Plan:

- Establishes the community's vision for the local government's future, including aspirations and service expectations.



- Drives the development of local government area/place/regional plans, resourcing and other informing strategies, for example workforce, asset management and services, and
- Is ultimately the driver behind all other planning.

A full review of the Shire's Council Plan occurred in the first half of 2023, and at its June meeting Council endorsed the Draft Council Plan 2023-2033 for public comment.

### Community / Stakeholder Consultation

#### Elected Member workshop

<b>Meeting Date</b>	8 November 2023
<b>Elected Members in Attendance at Workshop</b>	President Coales, Cr Duggin, Cr Bishop, Cr Jerrett, Cr Mack

#### Community Engagement:

A Community Engagement Plan was developed for the second stage of the project, with community engagement delivered from 1 July - 31 August 2023. The project was further supported by a comprehensive community engagement plan, with the following activities undertaken:

- Your Say SJ Project page
- Regular social media content
- Digital Advertising
- E-Newsletters
- Graphics & Web banners across Shire owned digital channels
- Pop-up booths at Administration Centre and Byford Library
- Pop-ups at SJ Farmer's markets

Outcomes of community engagement are addressed in the comments section of this report.

#### Department of Local Government, Sport and Cultural Industries

The Shire sent a copy of the draft Council Plan to the Department of Local Government, Sport and Cultural Industries and received the following feedback:

*We are currently progressing the policy work behind the Integrated Planning and Reporting Framework reforms. During development, we are engaging the Local Government Professionals' Council Planning Network and other stakeholders on an ongoing basis. We are not currently in a position to provide feedback on any council plan as the regulations and guidance material are still being drafted.*

*From a compliance perspective, Regulation 19C of the Local Government (Administration) Regulations 1996 requires a local government to make and review a strategic community plan. This requirement will remain in place until new regulations are in effect and provisions commence. As such, any plan made by the Shire should be in line with existing regulations.*



## Statutory Environment

- *Local Government Act 1995*, section 5.56 - A Strategic Community Plan must:
  - (i) Cover a period of at least 10 financial years
  - (ii) Set out the community vision, aspirations, and objectives.
  - (iii) Be developed or modified through engagement with the community and describe how this was undertaken.
  - (iv) Have regard to current and future resource capacity, demographic trends, and strategic performance measurement.
  - (v) Be adopted or modified by an absolute majority of Council.
  - (vi) Be reviewed at least once every 4 years.
- *Local Government (Administration) Regulations 1996; Regulation 19D*  
The CEO must give local public notice post adoption and/or modification of a Strategic Community Plan.

## Comment

During the second engagement stage, the community was asked to comment on our proposed *vision, mission* and three pillars: *Thriving, Liveable, and Connected*. They were further asked to provide any general feedback about the Draft Council Plan 2023-2033. The full community engagement outcomes report is provided at **attachment 1**.

Shire Officers, with the support of the consultants Aha Consulting have summarised the community engagement outcomes and findings which is provided at **attachment 2**.

### Vision

The key themes that shaped the vision were *community, rural, feel, people*, informing the words for the vision, 'A welcoming community where everyone feels at home'.

With more than 2,142 clicks directed to the Your Say SJ engagement page, the data collected indicates our community's interest in exploring our vision, mission, and three pillars.

Although only 160 individuals completed the survey, 392 downloaded the draft Council Plan and left the page without completing a survey. This shows a prevailing acceptance of the draft Council Plan 2023-2033 and the proposed vision.

The largest group of respondents (72) agreed that the proposed vision reflects what was heard from the community and the future the community wants for the next 10 years. Only a quarter of the group disagreed with the statement (42), and a quarter responded maybe (25), which shows they are not opposed to the vision.

Given the vision was created based on key themes heard from the community and the overall positive inclination of the community towards the presented vision, it is recommended to endorse the current vision without any changes.

### Mission

There was an overall positive sentiment towards the mission. Over half of the respondents (81 individuals) agreed that the mission reflects what was heard from the community and the future the community wants for the next 10 years. Only 22 individuals were opposed to the mission, and



41 individuals somewhat agreed. It is recommended to endorse the current mission without any changes.

### Pillars

The pillar '*Liveable*' had the highest level of agreement, with 83% of the community agreeing to some extent, followed by '*Thriving*' pillar at 77% and '*Connected*' at 73%. It is recommended to endorse the current pillars without any changes.

### Major initiatives

Following community engagement and engagement with Elected Members, the following changes are proposed under major initiatives:

- Add "Deliver Equine Trails Master Plan" (Liveable)
- Change timeline for "Briggs Park Pavilion" from long term to medium term (Liveable)
- Add "Consider Shire involvement in Aged and Social Housing provision" (Thriving)

### **Options and Implications**

#### Option 1

That Council:

1. RECEIVES the Community Engagement Outcomes Report at **attachment 1**.
2. ADOPTS the Council Plan 2023-2033 at **attachment 3**.
3. REQUESTS the Chief Executive Officer to deliver a community launch of the new Council Plan 2023-2033, with the date, time and format to be determined in liaison with the Shire President.

#### Option 2

That Council:

1. RECEIVES the Community Engagement Outcomes Report at **attachment 1**.
2. ADOPTS the Council Plan 2023-2033 at **attachment 3** with amendments.  
*[Elected Member moving option to list amendments]*
3. REQUESTS the Chief Executive Officer to deliver a community launch of the new Council Plan 2023-2023, with the date, time and format to be determined in consultation with the Shire President.

#### Option 3

That Council:

1. RECEIVES the Community Engagement Outcomes Report at **attachment 1** for the major review of the Strategic Community Plan.
2. DOES NOT ADOPT the Council Plan 2023-2033 at **attachment 3**.

Option1 is recommended.



**Conclusion**

The draft Council Plan 2023 – 2033 was developed following extensive community engagement. The draft plan was re-advertised for public comment and overall received support, with only minor additions/changes proposed to the plan.

Should Council endorse the Council Plan 2023 – 2033, Shire Officers propose delivering a community event to launch the new Council Plan and to thank those who provided input in to the development of the document and to launch the Shire’s new strategic document.

The new Council Plan will also be used to inform the major review of the Shire’s Corporate Business Plan, which is occurring over the next six months.

**Attachments (available under separate cover)**

- **10.4.1 - attachment 1** – Community Engagement Stage 2 report (E23/14847)
- **10.4.1 – attachment 2** – Community Engagement Outcomes summary (E23/15979)
- **10.4.1 - attachment 3** – Council Plan 2023-2033 (E23/15978)

**Alignment with our Strategic Community Plan:**

<b>Strategy 4.1.2</b>	Maximise the Shire’s brand and reputation in the community
<b>Outcome 4.2.</b>	A strategically focused Council
<b>Strategy 4.2.1.</b>	Build and promote strategic relationships in the Shire’s interest
<b>Strategy 4.2.2.</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3.</b>	Provide clear strategic direction to the administration

**Financial Implications**

\$100,000 was allocated for the project in the 2022/23 Budget. To date, \$93, 722.19 has been spent on the project.

A remaining \$6,000 remains in GL 4000-15007 to implement the community launch event as per options 1 and 2.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Some community members may feel like they did not have an opportunity to provide feedback	Community Engagement Plan was developed and implemented	Reputation	Possible	Insignificant	LOW	
2	Amendments to the Council Plan may not reflect community priorities	Community Engagement Plan was developed and implemented	Reputation	Possible	Insignificant	LOW	Option 1
3	By not adopting the Council Plan, the Shire will not be compliant with its requirements to undertake a major review of its Strategic Community Plan.	Engagement carried out with Elected members and community as part of the Major review	Organisational Performance	Possible	Minor	MODERATE	Option 1

### Voting Requirements: Absolute Majority

#### Officer Recommendation

That Council:

1. RECEIVES the Community Engagement Outcomes Report at attachment 1.
2. ADOPTS the Council Plan 2023-2033 at attachment 3.
3. REQUESTS the Chief Executive Officer to deliver a community launch of the new Council Plan 2023-2033, with the date, time and format to be determined in liaison with the Shire President.



**MOTION**

Moved Cr Byas, seconded Cr Duggin

That Council:

1. RECEIVES the Community Engagement Outcomes Report at attachment 1.
2. ADOPTS the Council Plan 2023-2033 at attachment 3.

**OCM312/12/23**

**AMENDMENT**

Moved President Coales, seconded Cr Mack

Add a point 3.:

3. REQUESTS the Chief Executive Officer to deliver a community launch of the new Council Plan 2023-2033, with the date, time and format to be determined in liaison with the Shire President to a budget of no more than \$1,000 on contract costs.

**CARRIED UNANIMOUSLY 6/0**

**OCM313/12/23**

**COUNCIL RESOLUTION / SUBSTANTIVE MOTION**

Moved Cr Byas, seconded Cr Duggin

That Council:

1. RECEIVES the Community Engagement Outcomes Report at attachment 1.
2. ADOPTS the Council Plan 2023-2033 at attachment 3.
3. REQUESTS the Chief Executive Officer to deliver a community launch of the new Council Plan 2023-2033, with the date, time and format to be determined in liaison with the Shire President to a budget of no more than \$1,000 on contract costs.

**CARRIED UNANIMOUSLY 6/0**

Reason for difference to Officer Recommendation

*To ensure prudent expenditure on the launch event.*



### 10.4.2 – 2022 / 2023 Annual Report (SJ4263)

<b>Responsible Officer:</b>	Manager Communications and Customer Engagement
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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

The purpose of this report is for Council to consider:

- Accepting the 2022/2023 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* (the Act); and
- Setting a date for the General Meeting of Electors.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 15 May 2023 – OCM118/05/23 - COUNCIL RESOLUTION / Officer Recommendation*

1. *ADOPTS the Shire of Serpentine Jarrahdale 2021/2022 Annual Report provided at attachment 1, in accordance with section 5.54 of the Local Government Act 1995;*
2. *RESOLVES that the General Meeting of Electors be held on Wednesday, 14 June 2023, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2021/2022 Annual Report; and*
3. *REQUESTS the Chief Executive Officer give local public notice of the General Meeting of Electors.*

### Background

In accordance with section 5.54 of the *Local Government Act 1995*, the Annual Report is to be accepted by Council no later than 31 December after that financial year, or no later than two months after the auditor's report becomes available.

### Community / Stakeholder Consultation

At the conclusion of the 2022 / 2023 Financial Year, Officers commenced compiling information for the Annual Report. The Audited Financial Report was finalised by the Office of the Auditor General and received by the Shire on 22 November 2023.



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## **Statutory Environment**

The minimum contents of an annual report and the process to be followed following acceptance of the annual report are defined in the *Local Government Act 1995*.

### **5.53. Annual reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
  - (a) *a report from the mayor or president; and*
  - (b) *a report from the CEO; and*
  - [(c), (d) deleted]
  - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
  - (f) *the financial report for the financial year; and*
  - (g) *such information as may be prescribed in relation to the payments made to employees; and*
  - (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year;*  
*and*
  - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
    - (i) *the number of complaints recorded in the register of complaints; and*
    - (ii) *how the recorded complaints were dealt with; and*
    - (iii) *any other details that the regulations may require; and*
    - (iv) *such other information as may be prescribed.*

### **5.54. Acceptance of annual reports**

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

### **5.55. Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

#### **5.55A. Publication of annual reports**

*The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.*



### 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

### Comment

#### Annual Report

The 2022/2023 annual report presented for Council's consideration at **attachment 1** meets the requirements of the Act through the inclusion of:

1. Shire President's Report;
2. Chief Executive Officer's Report;
3. Overview of Planning for the Future of the District in accordance with Section 5.56 of the *Local Government Act 1995* and achievements made against the Strategic Community Plan 2017-2027;
4. A report on entries made under section 5.121 of the Act that relate to complaints of minor breaches of the Act Report in relation to the Complaints Register subject to Section 5.121 of the Act;
5. Report required under Section 29(2) of the *Disability Services Act 1993*;
6. Auditor's Report and Audited Financial Statements;
7. Information about certain employees required under regulation 19B of the *Local Government (Administration) Regulations 1996*; and
8. A report on compliance with the organisation's recordkeeping plan.

The Annual Report will be available for public access via the Shire's website, Administration Centre and Serpentine Jarrahdale Library Services.

A copy of the 2022/2023 Annual Report will also be provided to the Director General of the Department of Local Government, Sport and Cultural Industries.

#### General Meeting of Electors

In accordance with section 5.27 of the *Local Government Act 1995*, a General Meeting of Electors of a district is to be held once every financial year. The meeting is to be held not more than 56 days after the local government accepts the annual report for the previous financial year.

Advertising of the General Meeting of Electors is required to the community through the local newspaper as well as through community notice boards.

The recommended date for the General Meeting of Electors is Wednesday, 31 January 2024 commencing at 6:30pm.

Section 5.33 of the Act states that all decisions made at an Electors' meeting are to be considered at the next Ordinary Council Meeting or, if that is not practicable, at the first Ordinary Council Meeting after that meeting; or at a Special Council Meeting called for that purpose, whichever happens first.



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Annual Financial Statements and Audit Report 2022/2023

The Annual Financial Statements and Audit Report 2022/2023 is scheduled to be considered by the Audit, Risk and Governance Committee on 4 December 2023.

**Options and Implications**

Option 1

That Council:

1. ADOPTS the Shire of Serpentine Jarrahdale 2022/2023 Annual Report provided at **attachment 1**, in accordance with section 5.54 of the *Local Government Act 1995*;
2. RESOLVES that the General Meeting of Electors be held on Wednesday, 31 January 2024 in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6:30pm, to present the Shire of Serpentine Jarrahdale 2022/2023 Annual Report; and
3. REQUESTS the Chief Executive Officer give local public notice of the General Meeting of Electors.

Option 2

That Council:

1. ADOPTS the Shire of Serpentine Jarrahdale 2022/2023 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* with amendments;
2. RESOLVES that the General Meeting of Electors be held on Wednesday, 31 January 2024, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6:30pm, to present the Shire of Serpentine Jarrahdale 2022/2023 Annual Report; and
3. REQUESTS the Chief Executive Officer give local public notice of the General Meeting of Electors.

Option 3 – Not adopt the 2021/2022 Annual Report

That Council DOES NOT ADOPT the 2022/2023 Annual Report.

Council would need to reconsider the 2022/2023 Annual Report at a Special Council Meeting to ensure compliance with the Act.

Option 1 is recommended.

**Conclusion**

Council is requested to adopt the 2022/2023 Annual Report as required by section 5.54 of the Act and resolve to hold the General Meeting of Electors on Wednesday, 31 January 2024 to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6:30pm.

**Attachments (available under separate cover)**

- **10.4.2 - attachment 1 – 2022/2023 Annual Report (E23/16084)**



**Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

**Financial Implications**

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	Major changes to the Annual Report would delay the availability of the Annual Report and may compromise compliance with the legislation requirements to hold a General Meeting of Electors following the acceptance of the Annual Report.	Engagement with all service teams to ensure all information and achievements are captured in the Annual Report.	Organisational Performance	Possible	Minor	MODERATE	Option 1
3	That Council does not accept the Officer recommendation and does not meet its obligations under Section 5.53 of the Local Government Act 1995.	2021/2022 Annual Report prepared and presented to Council for their consideration.	Organisational Performance	Possible	Minor	MODERATE	



**Voting Requirements:** Absolute Majority (section 5.54, *Local Government Act 1995*)

**OCM314/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Duggin**

**That Council:**

- 1. ADOPTS** the Shire of Serpentine Jarrahdale 2022/2023 Annual Report provided at attachment 1, in accordance with section 5.54 of the *Local Government Act 1995*;
- 2. RESOLVES** that the General Meeting of Electors be held on Wednesday, 31 January 2024 in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6:30pm, to present the Shire of Serpentine Jarrahdale 2022/2023 Annual Report; and
- 3. REQUESTS** the Chief Executive Officer give local public notice of the General Meeting of Electors.

**CARRIED UNANIMOUSLY 6/0**

**10.5 Executive Services reports:**

<b>10.5.1 – Report on Canberra Delegation and National Growth Areas Alliance forums (SJ514)</b>	
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to provide Council with a report on the recent delegation to Canberra undertaken by the Shire President and Chief Executive Officer including attendance at National Growth Areas Alliance forums.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 18 September 2023 – OCM242/09/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"><li><i>1. RESOLVES to become a member of National Growth Areas Alliance for a period of three years.</i></li><li><i>2. REQUESTS the Chief Executive Officer present a report to Council at the end of the three year period for Council to consider ongoing membership and involvement.</i></li><li><i>3. AUTHORISES the Shire President and Chief Executive Officer to attend the National Growth Areas Alliance events in Canberra on Thursday 16 and Friday 17 November 2023 (using the two free tickets per local government) as outlined in this report on the following conditions:</i><ol style="list-style-type: none"><li><i>a. Both the Shire President and CEO present reports to Council following the event on the benefits of attending</i></li><li><i>b. The Shire only pay for the following costs:</i><ol style="list-style-type: none"><li><i>i. Airfares</i></li><li><i>ii. Accommodation only (not including any meals or alcohol)</i></li><li><i>iii. Travel (including taxis and public transport)</i></li></ol></li><li><i>c. The Shire President and CEO to pay for all other costs associated with participation including meals and any alcohol.</i></li></ol></li></ol>
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## **Background**

At the September OCM, Council resolved for the Shire President and Chief Executive Officer to present a report to Council on the benefits of attending the event.

## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

Nil.

## **Comment**

In accordance with the Council resolution, the Shire President and Chief Executive Officer attended the National Growth Areas Alliance events in Canberra on Thursday, 16 and Friday, 17 November 2023.

In advance of the Canberra visit, a Federal Election: priorities and requests advocacy brochure was developed to be used with meetings with Ministers and MPs. The advocacy brochure is provided at **attachment 1**.

The Shire President and Chief Executive Officer travelled to Canberra on Tuesday, 14 November 2023. On Wednesday, 15 November 2023, the Shire President and Chief Executive Officer had a number of meetings at Parliament House. The details of these meetings are attached in **attachment 2** for reference.

Overall, the meetings were very useful and not only raised the profile of the Council election commitments, but also provided a way forward to shape advocacy for these priorities, in particular:

- Overall, the Shire received positive feedback that the priorities identified seemed reasonable, understandable and were not a wish list which was encouraging.
- Three of the election priorities (Netball Courts at Keirnan Park, Additional two Basketball Courts at SJ Recreation Centre and Jarrahdale Trails Centre) will be best progressed by applying to the funding programs the Federal Government will be releasing soon, including Urban Precincts and Partnerships program. Officers will continue to develop the planning for these projects in accordance with the Shire's project management framework and Council resolutions/budgets to a point to be ready to make application to these programs when the funding guidelines are announced.
- The other main priority is the upgrade of Shire Roads. Officers have done a lot of work to update the previous hyper growth road plan with current data on road conditions, crashes and conditions. This has resulted in the attached list of roads and projects to be advocated for in **attachment 3**. Other than existing road programs (i.e. Blackspot) there are limited abilities for the Federal Government to provide large scale road funding to an individual local government. Furthermore, the announcement by Minister Catherine King about Infrastructure funding moving forward only seems to make this more unlikely. The only way to move forward advocating for road upgrades is to create a package of works which the State Government agrees upon and also agrees to fund 50%. If this can be achieved, then the Shire would work with the State Government to secure a 50% contribution from the Federal Government. This approach will be explored and implemented by Officers.



On Thursday, 16 November 2023 the Shire President and Chief Executive Officer attended a National Growth Areas Alliance luncheon event at Parliament House where Minister Catherine King spoke. The main points from this event were:

- The Federal Government are focusing on funding major national projects and projects that link to support freight etc. rather than a collection of smaller projects.
- More focus upon the States stepping up to fund infrastructure (particularly the smaller projects). Hence the announcement of the 50/50 funding split as opposed to 80/20 which most major projects such as Tonkin Highway are generally based (although not entirely).
- Packaging projects together to create major corridors or significant projects. For example all the Tonkin Highway projects in the State have been put into a single project/budget line item.
- Only those projects which are well thought through, planned and costed remained on the list. All the projects which were just an allocation of money with no detail were cancelled.
- Funding details on the smaller infrastructure programs which we can apply for projects such as Kiernan Park and the Recreation Centre expansion will be available prior to December.

In terms of implications for the Shire, the Tonkin Highway and Metronet Byford Extension are funded which is good. However, with all the projects for aspects of the Tonkin Highway now in one line item/project budget the challenge for us as much of our aspects of Tonkin Highway and Metronet will be delivered last is ensuring that their scope does not reduce (or at worst case be cancelled) due to overruns of other elements. This information will shape the Shire's advocacy around these projects moving forward.

On Friday, 17 November 2023 the Shire President and Chief Executive Officer attended a Strategic Planning event for the National Growth Areas Alliance. The outcome of this day will be a new/updated Strategic Plan which will guide the operations and priorities of the NGAA over the coming four years. This was a useful event to be part of to better understand the operations and focus areas for the NGAA, ensure that the priorities for the coming 4 years contribute to meeting the Shire's needs and provided an opportunity to build relationships with local governments in similar situations to the Shire with similar growth pressures.

In supporting the trip, Council requested that the Shire President provide a report to Council. Below is the report received from the Shire President:

### **Report from the Shire President**

*The recent visit to Canberra played a pivotal role in enhancing the visibility of the Shire's election commitments and laying the groundwork for strategic advocacy on key priorities. Notably, the Shire received favourable feedback affirming the viability and clarity of the identified priorities, including the development of Netball Courts at Keirnan Park, the addition of two Basketball Courts at SJ Recreation Centre, and the establishment of the Jarrahdale Trails Centre. Ministers and Members of Parliament underscored that the optimal progress of these initiatives hinges on upcoming Federal Government funding programs, such as the Urban Precincts and Partnerships program. Consequently, our Shire is poised to adjust its focus, shaping project plans in alignment with the Shire's project management framework and Council resolutions, ready to expeditiously apply for funding upon the release of guidelines.*

*Additionally, the importance of advocating for road funding to upgrade our rapidly growing Shire's road network was clearly communicated to the politicians. The inclusion of data on road conditions and accidents provided a comprehensive understanding of the requirements and priorities for necessary works. While it is challenging to immediately gauge the impact of such*



*meetings, all politicians acknowledged the value of the opportunity to meet and comprehend the challenges facing the Shire of Serpentine Jarrahdale. The theme of early engagement was widespread, and since our return, some politicians have initiated correspondence related to our advocacy efforts, expressing interest in further discussions and meetings.*

### **Options and Implications**

#### Option 1

That Council NOTES:

1. This report on the Shire President and Chief Executive Officer delegation to Canberra and participation in National Growth Areas Alliance events.
2. The approach to be used to advocate for funding of Council's election priorities with the Federal Government moving forward.

#### Option 2

That Council DOES NOT ACCEPT the report from the Shire President and Chief Executive Officer on the delegation to Canberra and the participation in the National Growth Areas Alliance events.

Option 1 is recommended.

### **Conclusion**

Overall, Officers believe that the delegation was successful and a good use of resources. The outcomes and feedback of the delegation will shape the Shire's advocacy for election priorities with the Federal Government moving forward.

The delegation identified that many of the issues the Shire is facing (i.e. Funding for Infrastructure associated with growth and Developer Contributions) are issues being faced by many local governments across the country. By working together, Officers believe the Shire has a better opportunity to influence Federal Government funding and priorities to benefit the Shire in the long term.

Officers are confident that joining the National Growth Areas Alliance will bring positive results to the advocacy of the Shire at a Federal Government level.

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

- **10.5.1 – attachment 1** – Advocacy Brochure (E23/16462)
- **10.5.1 - attachment 2** – Summary of meetings (E23/16321)
- **10.5.2 - attachment 3** – Road Funding Priorities (E23/16322)



### Alignment with our Strategic Community Plan

<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

### Financial Implications

Council resolved to pay for Airfares, Accommodation and Transportation associated with the delegation. The following is a breakdown of the costs incurred:

Flights	\$1,962.95
Accommodation (2 hotel rooms for 3 nights)	\$1,970.52
Taxi Fares / Share Ride	\$159.71
<b>Total</b>	<b>\$4,093.18</b>

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1 and 2	There are no material risks associated with either option						



Continued

**Ordinary Council Meeting Minutes  
Monday, 11 December 2023**

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**Voting Requirements:** Simple Majority

**OCM315/12/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Duggin, seconded Cr Jerrett**

**That Council NOTES:**

- 1. This report on the Shire President and Chief Executive Officer delegation to Canberra and participation in National Growth Areas Alliance events.**
- 2. The approach to be used to advocate for funding of Council's election priorities with the Federal Government moving forward.**

**CARRIED UNANIMOUSLY 6/0**

**10.6 Confidential reports:**

<b>10.6.1 – CONFIDENTIAL - <i>Criminal Procedure Act 2004</i> - Lot 60 (394) Robertson Road, Cardup (PA23/458)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**OCM316/12/23****COUNCIL RESOLUTION****Moved Cr Byas, seconded Cr Duggin**

That the meeting be closed to members of the public while items 10.6.1 and 10.6.2 are discussed pursuant to section 5.23(2)(c)(d) and (f) of the *Local Government Act 1995*.

**CARRIED UNANIMOUSLY 6/0**

At 9:27pm, the meeting went behind closed doors.

Officers assisting the meeting stopped the recording of the meeting.

**Voting Requirements:** Simple Majority

**OCM317/12/23****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Duggin, seconded Cr Jerrett**

That Council resolves to **AUTHORISE** the prosecution proceedings under section 20(1)(b)(ii) of the *Criminal Procedure Act 2004* against the joint landowners and any companies occupying Lot 60 (No. 394) Robertson Road, Cardup for unauthorised development and any further charges as advised by the Shire's appointed Lawyers.

**CARRIED UNANIMOUSLY 6/0**

**10.6.2 – CONFIDENTIAL - RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades - Consideration of options following tender award (SJ4218)**

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

**Voting Requirements:** Simple Majority

**OCM318/12/23****COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Bishop

That Council:

1. In accordance with Regulation 20 of the *Local Government (Functions and General Regulations) 1996* AGREES to a minor variation in RFT03/2023 requested by RCA Civil of an amount of \$19,976.33 excluding GST over the additional award amount of set \$642,192.77, excluding GST in OCM256/10/23 to reflect the supplier's correct pricing for Traffic Management.
2. NOTES that the minor variation would not have altered the quantitative evaluation of tenders.
3. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades.
4. NOTES the amendments to tender processes implemented by Officers described in this report to ensure adequate contingencies in verifying tender submissions.

**CARRIED UNANIMOUSLY 6/0**

**OCM319/12/23****COUNCIL RESOLUTION**

Moved Cr Byas, seconded Cr Mack

That the meeting be reopened to members of the public.

**CARRIED UNANIMOUSLY 6/0**

At 9:31pm, the doors were reopened and the public returned to the Gallery.

Officers assisting the meeting resumed the recording of the meeting.

Presiding Member, President Coales advised the public gallery of the Council Resolutions for items 10.6.1 and 10.6.2.



**11. Urgent business:**

Nil.

**12. Elected Member questions of which notice has been given:**

Nil.

**13. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 9:34pm.

Officers assisting the meeting stopped the recording of the meeting.

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

19 February 2024

.....Presiding Member – President Coales

18 MAR 24

.....Date