



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 12 December 2022

Contact Us

Enquiries

Call: (08) 9526 1111

Fax: (08) 9525 5441

Email: 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



Ordinary Council Meeting Minutes Monday, 12 December 2022

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.”

Council 24 October 2022 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
12/12/22	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
05/12/22	Q & A (OCM)	✓	✓	A	✓	✓	✓	✓	✓	✓
28/11/22	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
21/11/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/11/22	Q & A cont. (OCM)	✓	A	✓	✓	✓	✓	✓	✓	✓
14/11/22	Q & A (OCM)	✓	✓	✓	✓	A	✓	✓	✓	✓
07/11/22	SCM	✓	✓	A	✓	✓	✓	✓	✓	✓
24/10/22	SCM	✓	✓	A	✓	✓	✓	✓	✓	✓
24/10/22	Q & A (SCM)	✓	✓	A	✓	✓	✓	✓	✓	✓

Council 1 July 2022 – 22 October 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
17/10/22	OCM	✓	✓	✓		✓	✓		A	✓
10/10/22	Q & A (OCM)	✓	✓	✓		A	✓		✓	✓
03/10/22	PCF	A	✓	✓		✓	✓		✓	✓
19/09/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	✓
12/09/22	Q & A (OCM)	✓	✓	✓		✓	✓		✓	A
05/09/22	PCF	A	✓	✓		✓	✓		✓	A
22/08/22	PCF	✓	✓	A		A	✓		A	✓



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Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
15/08/22	OCM	✓	✓	✓		✓	✓		✓	✓
15/08/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	A
08/08/22	Q & A (OCM)	✓	✓	A		A	✓		✓	✓
01/08/22	PCF	✓	✓	✓		A	✓		✓	✓
25/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
25/07/22	Q & A (SCM)	✓	✓	✓		✓	✓		✓	LoA
18/07/22	OCM	✓	✓	✓		✓	✓		✓	LoA
18/07/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	LoA
13/07/22	WORKSHOP (CEO KPI Presentation)	✓	✓	✓		A	✓		✓	LoA
11/07/22	Q & A (OCM)	✓	✓	✓		✓	A		✓	LoA
11/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
04/07/22	PCF	✓	✓	✓		A	✓		✓	A

Council October 2021 – 30 June 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
27/06/22	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/06/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
15/06/22	SCM	✓	✓	✓	✓	✓	✓	EPNG	✓	✓
13/06/22	Q & A (OCM)	A	✓	✓	✓	✓	✓	A	✓	✓
08/06/22	WORKSHOP (CBP)	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/05/22	WORKSHOP (Budget)	✓	✓	✓	A	✓	✓	✓	✓	✓
23/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/05/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓



Ordinary Council Meeting Minutes

Monday, 12 December 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
11/05/22	Q & A cont. (OCM)	✓	✓	✓	A	A	✓	A	✓	A
09/05/22	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/04/22	WORKSHOP (Rates / LTFF / Fees and Charges)	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/04/22	WORKSHOP (PMO / Draft Facilities Plan)	✓	A	✓	✓	A	✓	✓	✓	A
20/04/22	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
19/04/22	Q & A (SCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/04/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/03/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/03/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/02/22	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
21/02/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
07/02/22	PCF	✓	✓	✓	A	A	✓	✓	A	✓
13/12/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/12/21	SCM	✓	✓	A	✓	✓	✓	✓	✓	A
29/11/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
22/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
15/11/21	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
10/11/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
01/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
01/11/21	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
25/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
25/10/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓



Continued

Ordinary Council Meeting Minutes Monday, 12 December 2022

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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

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

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



Ordinary Council Meeting Minutes Monday, 12 December 2022

Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 12 December 2022 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7pm and welcomed Councillors, Staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Elders Past, Present and Emerging.

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

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member

D Atwell

M Byas

R Coales

M Dagostino

T Duggin

S Mack

L Strange

D Strautins

Officers: Mr P Martin.....Chief Executive Officer

Ms R Steinki.....Acting Director Community Services

Mr A Trosic Director Development Services

Mr F Sullivan Director Corporate Services

Mr R Najafzadeh.....Director Infrastructure Services

Dr K Parker Manager Governance and Strategy

Ms M Gibson.....Governance Officer – Council and Committees

(Minute Taker)

Leave of Absence: Nil.

Apologies: Nil.

Observers: 24



2. Public question time:

2.1 Response to previous public questions taken on notice:

Mr Tom Dyer, Cardup WA 6122

The bus stop on the corner of Soldiers and Daisy Road has been there for 48 years. The walls have been replaced, but the roof leaks like a sieve. Is there a chance of getting the roof replaced in the next budget?

Response (Director Infrastructure Services)

A Customer Request has been raised for the Facilities Team to repair the roof. The Customer Request number is CS055386 for your tracking purposes. It is anticipated that the repairs will be undertaken during the 2022/2023 financial year.

Mr Garry Tomlinson, Jarrahdale WA 6124

Question 1

The verge on Hopkinson Road and Abernathy Road, the weeds are very high, driving in a low car, you can't see around the corner. If someone gets hurt, is the Shire going to be responsible for it?

Response (Director Infrastructure Services)

The verge in this location is scheduled to have the verges slashed in the upcoming weeks to improve visibility when approaching the intersection. The work will be undertaken by a team using line trimmers and traffic control will be in place for the works. The works are scheduled to be completed by 10 December 2022.

2.2 Public questions:

Public question time commenced at 7:02pm.

Mr Bill Denholm on behalf of Mr Michael van den Dool, Mundijong WA 6123

Question 1

I refer you all to the recently approved proposal to construct a footpath along Adonis Street and Richardson Street. On 7 November I received a letter from the SJ Shire informing me that funding from the federal government had been applied for. Thank you for your work and communication, I will make sure the petitioners all get a copy of the same letter. I have one question:

Going forward and presuming the SJ Shire receives some sort of funding when could we reasonably expect some work to commence? We would love the momentum we currently have to continue. These two streets in particular continue to experience high loads of through traffic and most do not do 50km/hour or give any consideration for pedestrians. The sooner the paths can be built the better!

Response (Director Infrastructure Services)

Following the confirmation of the Shire's application for grant funding, Officers will submit a business case for any part funding of the project by the Shire as part of the 2023/2024 budget process. If Council agrees to fund the project, the design and procurement process would likely occur in the second half of 2023. Construction works then commence in the first part of 2024.



If the application for grant funding is unsuccessful, Officers will submit a business case to Council for full funding of the project by the Shire as part of the 2023/2024 budget process for consideration.

Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:04pm.

Mrs Lee Bond, Box 44 Armadale WA 6122

Question 1

For the sake of transparency why can't Council make it a requirement that any group receiving ratepayers monies for projects provide detailed minutes if the expenditure and this is available to the public?

Response (Chief Executive Officer)

The Chief Executive Officer 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

What happened to the Shire pound being brought up to an acceptable state to hold animals, is it acceptable by the Shire to continue using this hot house hell again this summer, if not, when will it be replaced?

Response (Chief Executive Officer)

Officers would like to see the pound improved and potentially a new pound constructed. It is one of the items we hope to explore with the community to determine their priority for this facility as part of our review of the strategic community plan in the coming six months. Council has no plans in this current long term planning for a new pound, but as part of the strategic community plan review we are keen to understand how the community feels about the pound. We certainly recognise it needs to be upgraded and potentially new pound constructed.

Question 3

How much effort is put into assessing those who put in for Shire tenders before the tender is awarded and is it acceptable to accept a tender when clearly there is a need to make the tender process more available to smaller but more competent business?

Response (Shire President)

The Shire 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.

Presiding Member, Councillor Rich asked if there were any further public questions from the floor.

Mr Bill Denholm

Question 1

With the increasing population in the Shire of SJ, comes more demand from clubs, groups, etc., generally run by volunteers, for Shire grant funding, major and minor.



Is it possible to increase the total pool amount available to these clubs, groups, etc., to assist them to operate successfully?

Response (Shire President)

Allocations for grant funding will be considered by Council through the budget setting process.

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

Public question time concluded at 7:08pm.

3. Public statement time:

Public statement commenced at 7:08pm.

Mr Tony Harrison on behalf of the SJ Ratepayers' Association Inc., and Austral Bricks' Stakeholders' Group

Concerning proposed amendment to approved Extractive industry at Kiln Road Cardup. We are submitter 9 of the total submissions to the Council. Firstly, we have NOT confused the manufacturing plant with the extractive industry area.

Main Roads WA has previously voiced their concerns very strongly about both the Austral Brick's plant and quarry in Kiln Road. It is therefore surprising that currently, they have no objection. In any case Kiln Road is a local council road matter and not a MRWA one.

There is a significant amount of dust on Kiln Road originating from the extractive site during transport in and out of the quarry which we have documented. Complaints about the dust have not been promptly addressed by Austral bricks. Sweeping the road three times a week is insufficient bearing in mind that the surface contamination has already taken place and often immediately after the sweeping, more trucks deposit additional large amounts of deposit on the road. A cattle grid obviously does not work as the deposit of dust is continuing after the installation of this grid.

This dust is a certain health (inhalation) problem and is also a safety issue with clouds of dust obscuring drivers' vision and after watering, the dust turns into a mud slick and safety problem e.g. skidding of traffic. How a health and safety issue cannot be considered to be a fatal planning flaw is not only arguable but also it is ridiculous. The claim by the company that dust/mud issues have been acted upon and resolved is incorrect. There seems to have been no additional management implementation to resolve the issue.

Groundwater management is an essential feature of any proposed amendment to the extractive industry licence. Groundwater is considered by both the State Government and the SJ Shire, to be one of the more important environmental issues. We cannot be certain that there is no discharge or "leeching" to watercourses, streams and creeks, unless an investigation is launched by an independent expert body. We have already asked for a peer review of both surface and groundwater reports from the company to be instigated before the licence is issued.

The Austral Bricks' Stakeholders' Meetings seemed to have ceased (last meeting was in May 2022). They may, on the surface, seem to be conducted in accordance with the consultative framework as approved by the Shire. However, the company pays for and has absolute control over the chair, agenda and even the minutes of these meetings. The



company appointed chair, Lenda Oshalem, has been uncontactable recently with no new meeting planned.

Mr Reece Jerrett, President of the SJ Food and Farm Alliance

The Serpentine Jarrahdale Food and Farm Alliance Inc. (SJFFA) appreciates the opportunity to address Council regarding Item 10.4.3 – Major Events Grants: Round One for 2022/2023.

The third Serpentine Jarrahdale AG Show, the Food and Farm Fest, will be held on May 6, 2023 at the Serpentine Horse and Pony Club and Polocrosse grounds. The Ag Show status permits local competitors to accrue points towards being able to compete at the Perth Royal Show each year.

It enables multiple other community groups to interact with a large and engaged audience, fundraise for their group, and to spread the word about their activities. SJFFA also engages community groups to work at the event and donates funds to them to help support their activities. Agricultural producers, local artisan makers, businesses that value add to local produce, and the entire SJ Farmers Market attend to showcase the range of local wares. This year's event saw over 900 exhibitors, performers, workers, and volunteers participate in a diverse schedule across the day.

Events like this are expensive to run and the November 2022 event had costs of over \$60,000. These expenses are for all the necessary facilities and services that such an event demands and range from traffic management, security, first aid, portable toilets, generators to power food vans, ticketing, promotional costs, marquees, shade domes, tables and chairs, stage and gazebo, shuttle buses for park and ride facilities, waste services, entertainment, fencing, and advertising services. We also supply prizes for winning competitors whether they be pumpkin-rolling champions or budding young farmer challengers.

To cover expenses, we also seek sponsorship from local businesses, government agencies, and other institutions that find value in participating in our events. Our small profits cover the fixed expenses that the SJFFA must meet on an annual basis such as insurance, licenses for trailer and cool room, the cost associated with updating and maintaining our website, and funding educational activities throughout the year. We also acknowledge that we could not possibly create and manage these events without all the volunteers from across the community. We look after our volunteers by celebrating our successes with them at an annual "Thank You" event.

The grant from the Shire is currently a necessary component of our funding mix to ensure that we can afford to cover all the essential services and facilities that are demanded of us when we request to create an event such as the Food and Farm Fest.

The SJFFA is delighted that the officer's recommendation also includes the waiver of fees for the costs of the grounds and the offer to fund the expense of providing billboard advertising on Forest Highway to increase the awareness of the Food and Farm Fest within the SJ Shire to the traveling public on such a major thoroughfare.

The SJFFA sincerely appreciates your consideration of our funding request over the next 3 years as the Major Supporter of the Food and Farm Fest. This permits longer-term planning and the capacity to develop programs, exhibits, and organizational skills that will help ensure the ongoing growth and importance of the Food and Farm Fest for the



Serpentine Jarrahdale community. We trust that you will support Option 1 of the Officer's Recommendations.

Mr and Mrs Dyer, Cardup WA 6122

We do not object to Wormall building a storage shed if it means cleaning up the untidy mess in their yard as long as it stays and used only as a storage shed.

Our concern is they have a habit of getting retrospective permit for a purpose and use it also for other purposes.

This site was only going to be a transport depot, now look at it, where will it end, concrete, plastics and machine shop.

Public statement time concluded at 7:18pm.

4. Petitions and deputations:

4.1 Petitions: - Petition requesting a playground and BBQ area to the grassed area near Nokota Street and Appaloosa Avenue Darling Downs. (SJ3770)	
Presenting Councillor	Councillor Rich
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Background

A petition was provided to Officers on 5 December 2022 from Ms Jessica Rebisz requesting a playground and BBQ area to the grassed area near Nokota Street and Appaloosa Avenue Darling Downs.

Prior to receipt of the petition, Ms Rebisz had liaised with Councillor Rich for Councillor Rich to present the petition to Council in accordance with the Shire's Standing Orders clause 3.6(2). On 8 December 2022, Councillor Rich confirmed in writing her intention to present the petition at the December 2022 Ordinary Council Meeting.

Clause 3.6(2) of the Shire's Standing Orders provides that a Councillor presenting a petition shall be limited to a statement of the parties from whom it comes, the number of the signatures attached to it, the material issues contained in it and the request made in the petition.

In this case, the petition comprises 91 signatures identifiable as residents of the Shire, requesting the installation of a playground and BBQ area to the grassed area near Nokota Street and Appaloosa Avenue Darling Downs.

Comment

Clause 3.6(1) of the Shire's Standing Orders states that:

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

(a) be addressed to the President

(b) be made by electors or residents of the district

(c) state the request on each page of the petition



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

This petition does not meet the requirement of 3.6(1)(c), in that it does not state the request on each page of the petition, but it may be considered by Council if it wished, as a non-conforming petition.

Clause 3.6(4) of the Standing Orders states that:

The only question which be considered by the Council on the presentation of any petition shall be:

- that the petition shall be accepted; or*
- that the petition not be accepted; or*
- that the petition be accepted and referred to a committee for consideration and report; or*
- that the petition be accepted and be dealt with by the Council at a subsequent meeting.*

Options and Implications

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

Option 1

That Council ACCEPTS the non-conforming petition.

Option 2

That Council DOES NOT ACCEPT the non-conforming petition.

Option 3

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

Attachments (available under separate cover)

- 4.1 - attachment 1** – Petition - Ms Jessica Rebisz - requesting a playground and BBQ area to the grassed area near Nokota Street and Appaloosa Avenue Darling Downs (IN22/25066)

Voting Requirements: Simple Majority

Officer Recommendation

For Council's consideration.



OCM291/12/22

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Atwell

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

CARRIED UNANIMOUSLY 9/0

4.2 Deputations:

Belinda Moharich from Moharich and More Planning and Environment Lawyers on behalf of Austral Bricks regarding item 10.1.4 - Proposed Amendment to Condition 1 of Approved 'Industry - Extractive' to Extend the Timeframe for Extraction for a Further Five Years - Lot 31 Kiln Road, Cardup (PA22/752)

Thank you President, Deputy President and Councillors. My name is Belinda Moharich from Moharich and More Planning and Environment Lawyers. I act for Austral Bricks, the applicant in relation to the development application that is before the Council tonight for an extension of time for an existing clay pit, in your Agenda at Item 10.1.4.

The pit has been worked for some time, and the last set of approvals (obtained through a review to the State Administrative Tribunal and subsequent reconsideration by the Shire) granted approval to continue with Stage 1 of extraction, and then to move the extraction north over the next 30 or so years.

The approval imposed a time limit on the operation to 31 December 2022 as condition 1 of the approval. It should be noted that while Austral operates a number of pits in and around the metropolitan region and beyond, this is one of only two pits that provides clay to make red bricks for the residential construction market – it is therefore integral to Austral's ongoing operations.

Before I speak to the report, I wanted to provide some context to the approvals required for an extractive industry like a clay pit to operate.

Not surprisingly there are a number of approvals that are required, including, from the Shire, both a:

- development approval, pursuant to the Local Planning Scheme; and
- an extractive industry licence, pursuant to the *Local Government Act 1995* and your Extractive Industry Local Law.

It is that first type of approval – a development approval - that is sought this evening.

I wanted to draw attention to a number of errors in your planning staff's report to you this evening.

First, on page 42 of your Agenda, under the heading 'Background – Existing Development', the report identifies the current Condition 1. This is incorrect. This condition is the condition that was attached to the Extractive Industry Licence after the SAT review.

It has no relevance at all to the development application, which is the subject of the application before you this evening. The condition which Austral has sought to have



amended is the condition on the development approval, which stated – ‘This approval expires on 31 December 2022’.

Second, the report before you suggests that there is no power for you to approve the application, based on the fact that what is sought through this application to extend time is substantially a different application. This is just not correct.

The application that was lodged back in January 2011, and eventually approved in June 2012, and then amended through the SAT in October 2012, sought approval for Stage 1 to 3. Each of the supporting reports and documentation focused solely on Stages 1 to 3. And this makes sense – Stages 4 to 8 are decades away from being completed, and therefore it would be an artificiality to lodge documents relating to, for example traffic movements and potential for noise impacts in circumstances where no one could foresee what the traffic volumes, or noise sensitive premises would be, decades in advance.

The plan shown on page 43 of your Agenda was simply a master plan, to show to the Council how Austral intended to stage the project through its lifespan – it did not seek approval for each of those stages. And of course, this is confirmed by the very short time frame that was imposed on the development approval – 10 years. Even if my client had asked for all 8 stages, the effect of such a short time frame was that only Stages 1-3 were actually approved.

Austral has not been provided with a copy of the legal advice that has been provided to the Shire. What I would note is that legal advice is only as good as the instructions that were given. And in this case, I would suggest that the instructions given were not correct, given the inaccuracies in the report before you this evening.

To be clear, it is our submission that there is no impediment to you, as a Council approving this application. My client has asked for a very modest extension of time of only 5 years, to allow Stages 1 to 3 of this existing land use to continue.

If approval is not granted, the flow on effects will be loss of employment in your local government area, and a reduction of supply of bricks to the Western Australian market. Austral will of course be forced to commence proceedings in the State Administrative Tribunal should this occur.

We therefore respectfully request that the Council approve the application to amend condition 1, and extend the approval for 5 years.

Director Corporate Services, Mr Sullivan left the meeting at 7:21pm.

Director Corporate Services, Mr Sullivan returned to the meeting at 7:24pm.

Paul and Amelia Sexton regarding item 10.1.5 - Proposed Change of Use of 'Single House' to 'Ancillary Dwelling' and Construction of new 'Single House' - Lot 110, 137 Jersey Road, Oakford (PA22/846)

Our deputation is relating to Agenda Item 10.1.5 - Lot 110, 137 Jersey Road, Oakford (PA22/846). We are objecting to the Officer's recommendation for the approval of the proposed dwelling.

The Officer's report did not accurately capture the boundary of our land at Lot 117. In some areas of the report, the drainage easement and the cone of vision was inaccurately portrayed and misleading. Also, the planting of plants for screening purposes was vague, and did not adequately address our concerns of privacy. The



information in the report needs to be revised, so true and factual information is presented in the meeting.

Firstly, on page 53 of the report, it mentioned that the subject site Lot 110 is located within the newly created Oakford Fields Estate, this is incorrect. The subject site is located within the Bateman Estate, but our land Lot 117 is located within the Oakford Fields Estate. A couple of the drawings in the report were ambiguous. On page 53, yellow dotted lines around the drainage easement is portraying it as an independent land separating Lot 117 and Lot 110. On page 55, a bold black border was drawn around the drainage easement and Lot 110, indicating that the drainage easement is on their land. The drawings are portraying false pretences, as the drainage easement is on our land Lot 117, and it forms part of our property.

On page 63, the report classified the drainage easement as a “reserve”, which indicates that it is an independent land separating Lot 117 and Lot 110. This is incorrect. We would like to clarify that the drainage easement is not a reserve, it does not separate our land Lot 117 and Lot 110. The drainage easement is located within our property Lot 117, and it forms part of our land, therefore, whether there is a drainage easement or not, is not applicable in this case. The proponent is wanting to extend part of their building outside of the approved envelope and come closer to our boundary by 4 meters. This will not be in accordance with Town Planning Scheme No. 2, Clause 5.12.9(c), which states “no building envelope shall be closer than 10 metres to any other lot boundary”. In this regard, the proponent’s proposed dwelling will encroach on our boundary as previously described. By moving the main building outside of the building envelope (nearer to our boundary), will spoil the original design concept. Our decision to purchase Lot 117 was based on the original design concept at Oakford Fields Estate.

Secondly, in Item 10.1.5 Attachment 2, the proponent admitted that they were aware that the building envelope is not adequate for their development, but still went ahead to purchase the land.

It is the buyers’ responsibility to carry out due diligence on Town Planning Scheme and Zoning Laws, to ensure that the building envelope is adequate for their development before committing to acquiring a property. If the buyers find the building envelope is not adequate to accommodate their house design after purchasing the property, they should not try to fix their problem by extending their building outside the approved envelope, and assumed that it is acceptable for their extension to encroach on their neighbours’ lot boundary.

The proponent also mentioned that the Shire has set a precedence in the area by approving changes to building envelopes. We disagree with this statement; this is just an assumption they made. The Shire has not set any precedence for construction outside of the building envelope. Where this has occurred, the adjoining neighbours have provided their consent. This is then approved by the Shire on a case-by-case basis. The Shire should make their stand very clear on this. Therefore, the proponent should not assume that it is acceptable for their extension to encroach on our lot boundary.

Encroaching on our lot boundary is not acceptable to us. In a countryside living environment, privacy is something you would expect to be included. If it is deemed acceptable for the proponent to build outside of the approved envelope, creating a suburban look and a lack of privacy, then they should erect a 1.8m high solid fencing



along their property boundary, as found on suburban lots and so our privacy is maintained. Most suburban backyards have a greater setback than 6 meters and have 1.8m high fences. Therefore, the Shire should not presume that the proponent's new single dwelling can be placed at only 6 meters from the common boundary separated by only a short wire fence. This short 6-meter setback offers absolutely no privacy. The Shire should give this factor careful consideration, as it is totally unacceptable. Why does the Shire allow 1.8m solid fencing on suburban blocks with backyard setbacks greater than 10 meters, but this proposed 6-meter setback can only have a short wire large mesh fence? The general width of the lots on both the Oakford Fields and Bateman estates are narrow, and therefore, do not cater for building outside of the approved envelope without adequate fencing. The post and rail style of fencing is only suitable for Hectare lots but not suited for 4000 – 6000 m² lots where the building envelope is deviated.

The post and rail fencing requirement for Oakford Fields Estate and Bateman Estate is not appropriate where there are such small setbacks. Inadequate fencing is unacceptable when building outside of the approved building envelope as our privacy will not be maintained.

Thirdly, the shed house under construction combined with the new proposed dwelling, will give a packed-in look to the entire width of Lot 110 land facing Jersey Road. This is an issue that the Shire has not adequately addressed in the report. And for proposal to reduce the setback by 4m coming closer to our boundary just increases the packed-in look and take away the countryside feel that the area was originally designed for. This area is Rural Living zone, so we disagree with the Officer's recommendation for approval.

Lastly, the report did not adequately address our concerns on privacy. The report on page 63 Option 1(c), refers to additional planting along the eastern side boundary of Lot 110, was vague. Please note that there is currently no plants along the eastern side boundary of Lot 110. So, our question is, what does "additional planting" mean, what type of plants are to be planted, are they mature plants, how many will there be and how will they be spaced out?

The report also failed to consider the raised house pad of Lot 110 overlooking our living space. As Lot 110 house pad is raised approximately 1m above the base of the post and rail fence, both fast growing plants and trees are required to create adequate screening. As the view from the proposed eastern windows is an elevated view (that is, around 2 meters over the base of the post and rail fence), mature dense trees must be used for privacy effectiveness. Inadequate plants are not acceptable to us because the level of required privacy will not be maintained.

All windows facing the eastern side of the proposed property will be overlooking our living space as there is no solid dividing fencing that will protect our privacy. On page 62 of the report, it details a 4.5m cone of vision. In this case, the area of sight cannot be described as only 4.5m. The vision across the properties is very clear beyond 4.5m, therefore, the cone of vision portrayed in the report's diagram is misleading and inaccurate. With a boundary this close, it needs adequate solid fencing. Post and rail fencing will not protect our privacy from all windows facing the eastern side. We disagree that the area of sight is contained within the boundaries of Lot 110. How can the vision be contained where windows are so close to the



boundary and there is no solid fencing? This will have an adverse impact on our privacy.

In conclusion, the proposed dwelling did not fall within the permitted development envelope and importantly, reducing the setback requirement of 10 metres will not be compliant, and greatly imposing on our privacy. We suggest that the proponent look into relocating their proposed dwelling within the building envelope, so that they are not encroaching on our boundary, and in doing so respecting our privacy in a countryside living environment.

5. President's Report:

Good evening, and welcome to the Ordinary Council Meeting for December 2022.

As this is our last meeting of the year, I would like to take some time to acknowledge our achievements as a Shire, Council and community over the past 12 months.

The relocation of the SJ Library Service to Byford has been a great success, along with the establishment of our new Mobile Library Service.

It has been fantastic to see our community embrace the new services so enthusiastically over the past five months.

The opening of the SJ Reuse Shop has been a fantastic addition to our community, and continues to help our local environment by diverting waste from landfill.

Other key achievements we've seen across the Shire in 2022 include:

- Continued development of the planning for Stage 1A of the Keirnan Park Recreation and Sporting Precinct project
- Adoption of the Council Chambers Relocation Concept Plan and;
- Adoption of the Byford Town Centre Civic Site Master Plan

Overall, 2022 has been a year of growth in Serpentine Jarrahdale. I thank my fellow Councillors, Shire staff and most of all, our community for their contributions over the past 12 months.

It has been great to see SJ getting into the festive spirit. It was great to join with our community at the Byford Carols at the start of the month, which was the 30 anniversary of the annual event. Congratulations to the organising committee on a fantastic community event.

We also had a great turnout for the Shire's annual Christmas Street Party and Food Truck Fiesta event on Friday night.

I would like to acknowledge the efforts of all Shire staff who were involved in the planning and delivery of the event.

Festive celebrations continue in the Shire this week with the Play in the Park Christmas edition this Thursday.

Another wonderful thing about this time of the year is seeing our local school students graduate.

I've recently attended several graduation ceremonies, including those of Woodland Grove Primary School and Court Grammar.



Ordinary Council Meeting Minutes Monday, 12 December 2022

One day these students will be leaders of our community, and it's encouraging to hear about their schooling achievements and to know SJ will be in good hands well into the future. Congratulations to all graduates of 2022.

I want to close tonight by wishing everyone a merry Christmas and a happy new year. I hope you all enjoy plenty of time with friends and family over the break, and return refreshed for what shapes as an exciting 2023 for Serpentine Jarrahdale. If you are travelling on our roads, please be safe.

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

23 November 2022	Peel Harvey Biosecurity Group Committee Meeting	Waroona
24 November 2022	Peel Regional Leaders Forum	Pinjarra
	WALGA Peel Zone	Pinjarra
	20th Anniversary of the Switch Your Thinking program	Gosnells
28 November 2022	Work, Health and Safety Volunteer Bushfire Fighters Forum	Gosnells
	Policy Concept Forum	Civic Chambers
29 November 2022	Joint Development Assessment Panel Meeting	Online
	Discussion regarding Cardup CFRS announcement	Shire Offices
30 November 2022	Lakeside IGA Meeting	Byford
	Weekly Meeting with CEO	Shire Offices
1 December 2022	Byford Secondary College Visual Art Exhibition Opening	Byford
2 December 2022	WALGA Best Governance Review Interview	Online
	Byford Secondary College 2022 Dance Concert - Eden	Byford
3 December 2022	Byford Carols	Byford
5 December 2022	Metronet - Byford Rail Extension Briefing	Civic Chambers
	Q&A Agenda Briefing	Civic Chambers
6 December 2022	Engage Program Ceremony	Byford
	Woodland Grove Primary School Graduation Assembly	Byford
	WALGA End of Year Celebration	Perth
7 December 2022	WALGA Environment & Waste Policy Team meeting	Perth
	State Council Meeting and Strategic Forum	Perth
8 December 2022	West Byford Junior Book Award Assembly	Byford



	Peel Trails Committee Meeting	Online
	Pre State Road Funds to Local Government Agreement Meeting	Perth
	Equine Advisory Group Meeting	Shire Offices
	Court Grammar School 2022 Presentations	Mundijong
9 December 2022	State Road Funds to Local Government Advisory Committee Meeting	Perth
	Mundijong Christmas Food Trucks	Mundijong

6. Declaration of Councillors and Officer's interest:

Shire President, Councillor Michelle Rich declared an Impartiality Interest in item 10.2.4 - Keirnan Park Planning Update (SJ1364). The nature of the interest is long term supporter of project. The extent of the interest is long term supporter of project.

Councillor David Atwell declared an Impartiality Interest in item 10.2.4 - Keirnan Park Planning Update (SJ1364). The nature of the interest is impartiality. The extent of the interest is long term supporter of project.

Acting Director Community Services, Ms Rebecca Steinki declared an Impartiality Interest in item 10.4.2 – Equine Advisory Group – Leisure and Trail Riding Representative Vacancy Appointment (SJ3224). The nature of the interest is children attend the same school as one of the applicants. The extent of the interest is children attend the same school as one of the applicants.

Chief Executive Officer, Mr Paul Martin declared an Impartiality Interest in item 10.5.4 – Appointment of Director Community Engagement (SJ2970-3). The nature of the interest is as per attached outlined in Agenda item 10.5.4, that some of the applicants either have or still do work with him previously and one applicant is considered a friend. The extent of the interest is as per attached as outlined in Agenda item 10.5.4, that some of the applicants either have or still do work with him previously and one applicant is considered a friend.

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

7.1 Ordinary Council Meeting – 21 November 2022

OCM292/12/22

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Atwell

That the minutes of the Ordinary Council Meeting held on 21 November 2022 be CONFIRMED (E22/15289).

CARRIED UNANIMOUSLY 9/0

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

Nil.

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

9.1 - Notice of Motion – Bridle Path (SJ3770)	
Councillor	Councillor Strautins
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Strautins via email on 28 November 2022.

The notice of motion is “That Council:

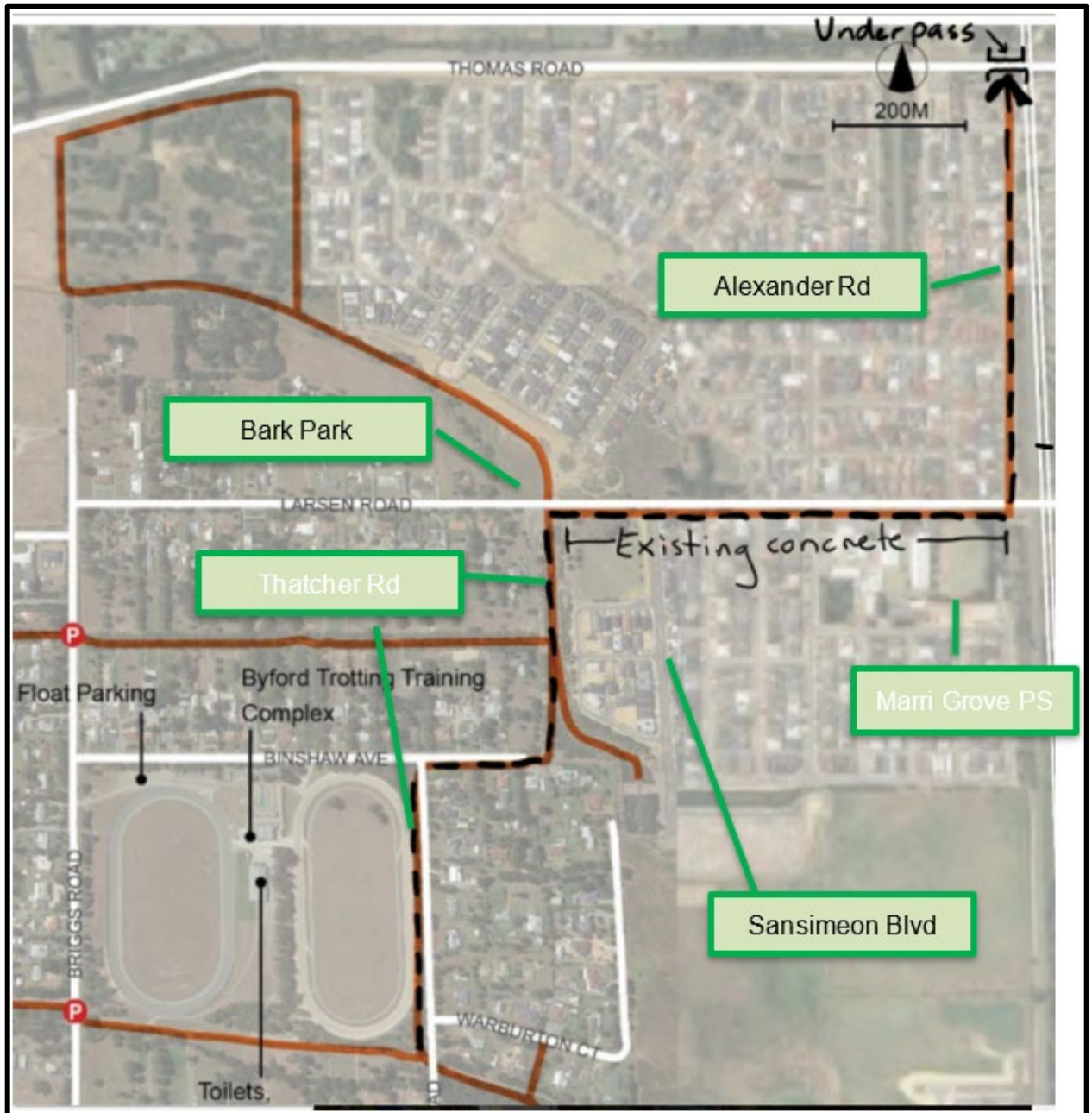
1. REQUESTS the Chief Executive Officer to plan with Metronet a south of Thomas Road bridle path connection between the new under Thomas Road horse tunnel and existing bridle path beside Thatcher Road between Larsen Road and Binshaw Avenue, paying particular attention to improved safety via:
 - a. the use of fines road base instead of concrete;
 - b. the use of fencing to separate from pedestrians and or vehicles;
 - c. Pegasus Road crossing; and
 - d. train triggered warning lights for bridle paths parallel to train line and before tunnel entry.
2. ENSURE that all bridle trails in the Trotting Complex/Byford area are included on all Shire controlled equine maps showing bridle paths.
3. DEVELOP Improved awareness and enforcement of the Trotting Complex zoning policy.”

Officer Comment

Officer comment is provided against each matter following:

1. Planning a south of Thomas Road bridle path connection between the new under Thomas Road horse tunnel and existing bridle path beside Thatcher Road between Larsen Road and Binshaw Avenue

In July 2022 Council adopted its Equine Trails Master Plan which designated equestrian links between the new Thomas Road underpass and the existing bridle trails network of the Byford Trotting Complex. Specific to this notice of motion, is the link between the Byford Trotting Complex (beside Thatcher Road) and the trail running parallel to Alexander Road, and linking through to the Thomas Road bridge equestrian underpass. This is shown in the extract following:



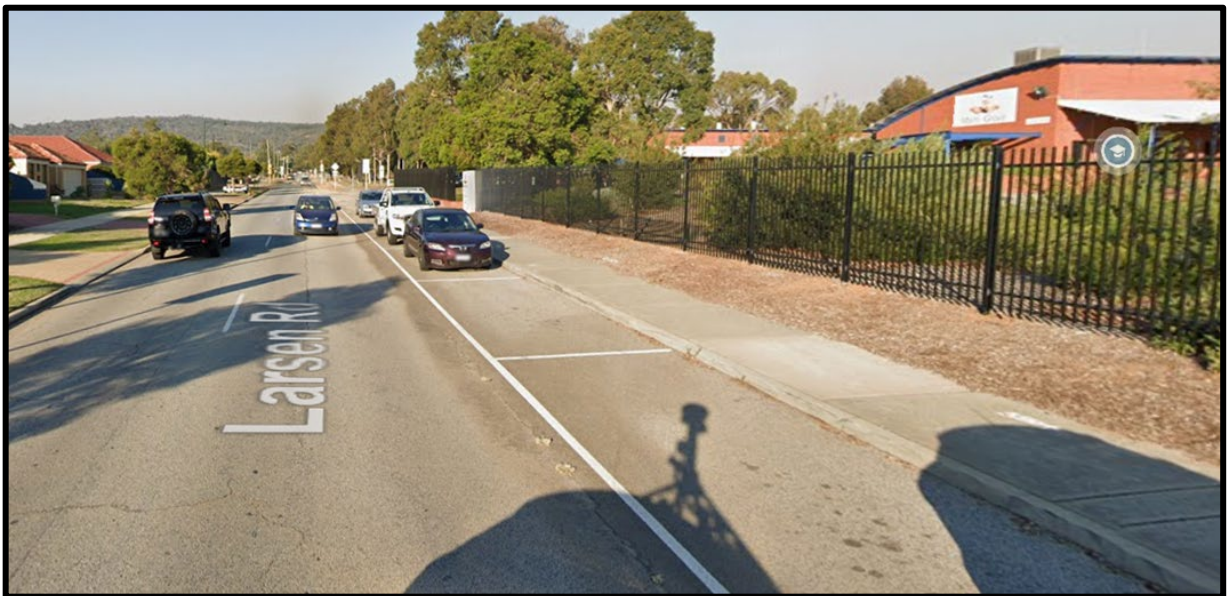
As indicated above, the section of path on the southern side of Larsen Road is a concrete footpath, that directly services seven residential properties (two of which have driveway access from Larsen Road) and also the Marri Grove Primary School. This concrete footpath is also part of the broader footpath network of the Shire, and provides pedestrian linkages for the full length of Larsen Road. There is a section of footpath on the north side of Larsen Road east of the Evans Way, but not west. Also, on the north side are residential properties which directly front onto Larsen Road.

In respect of the current southern verge, there is not sufficient space in which to fit an additional equestrian trail, due to combination of street tree planting and on street parking adjoining the school. This would require horses to utilise the concrete footpath, in this area.

In respect of the northern verge, while there is some additional space, the verge comprises directly fronting lots on to Larsen Road, meaning a trail could not effectively traverse this verge.



A visual depiction of the constraints is shown following:



Officers therefore hold the view that Larsen Road would need to have horses utilise the concrete footpath, for that section of the link between the Byford Trotting Complex and the trail running parallel to Alexander Road.

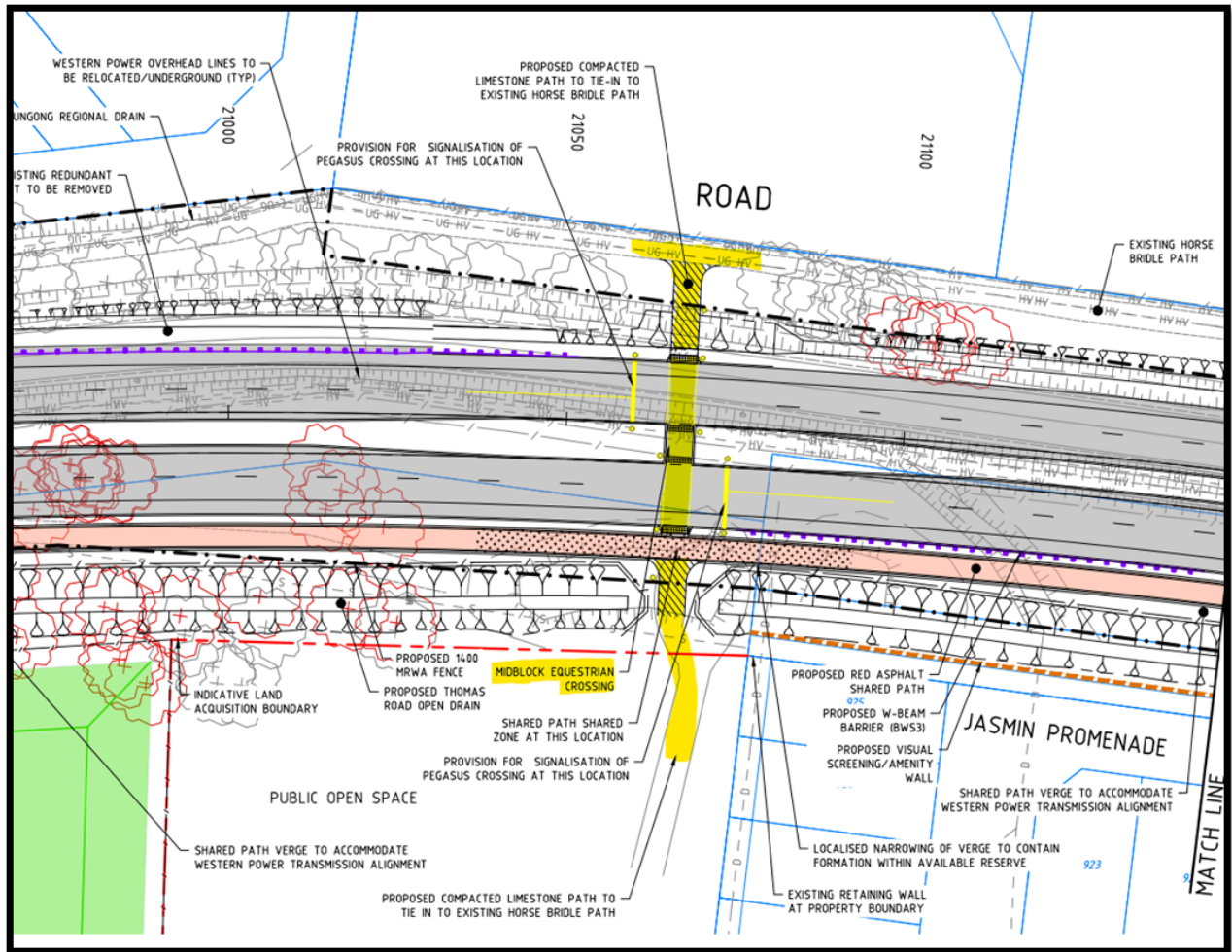
In regard to train triggered warning lights for bridle paths parallel to the train line and before the tunnel/underpass entry, these do not currently exist. Both road and rail noise would be a factor that affects the trails as they depart the Byford Trotting Complex. The adopted Equine Trails Masterplan has not specifically identified train triggered warning lights as a recommendation for provision. This would need to warrant further investigation as to the feasibility for delivery by Metronet.

To assist with this Notice of Motion, Officers note that the Thomas Road duplication project is considering an at grade Pegasus equine crossing, which will create a new link for equine



between the Byford Trotting Complex and Darling Downs estate across Thomas Road, as shown in blue following. This will utilise the multiple use corridor and existing reserve for recreation and conservation, that could continue the trail surface treatments of the Byford Trotting Complex, noting this trail development will require further design development work in accordance with project management frameworks:





This trail (upon completion) would be able to be a granular type pavement, and also provide equine riders an environment for riding which is further removed from the (future) extension of Sansimeon Boulevard, and the rail corridor.

Despite being a different route to that contemplated by the notice of motion, it would appear a suitable alternative, in the opinion of Officers.

2. ENSURE that all bridle trails in the Trotting Complex/Byford area are included on all Shire controlled equine maps showing bridle paths.

The Council adopted Equine Trails Master Plan shows the current Byford Trotting Complex 'Estate Trails' as follows:



This depicts the most current mapping of equine trails endorsed by Council at the July 2022 Ordinary Council Meeting.

Officers recommend these be added to the bridle trails section of the website, so as to make them more readily available to public awareness and use.

3. DEVELOP Improved awareness and enforcement of the Trotting Complex zoning policy.

In respect of the Shire's Town Planning Scheme, the Byford Trotting Complex is designated as 'Special Rural'. The intent of the 'Special Rural' zone as set out in TPS 2 is as follows:

5.9.1 The purpose and intent of the Special Rural Zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas.

The training and agistment of horses are consistent with the stated purpose and intent of the zone and the strategic planning framework of the area. The Byford Trotting Complex tracks are an integral part of the equine industry of Byford and the history of the area, and comprise 200 equine properties to form the complex.

The Shire is able to enforce compliance with the requirements of the Town Planning Scheme, and does so in accordance with Council's Compliance and Enforcement Policy.



This is based upon reacting to any complaints received, and therefore provides a clear pathway in which to investigate and (as required) remedy unlawful development.

The current levels of awareness associated with the trotting complex include:

- Signage;
- Recognition within Shire planning documents;
- Recognition within Shire corporate documents;
- Street name themes;
- General presentation of development to public areas within the complex, including roads and trails.

Officers consider there could be additional measures taken to improve awareness and understanding of the unique Byford Trotting Complex. While the planning framework is one aspect of awareness, Officers also consider there to be opportunities associated with public art and social media public awareness campaigns, as a way of helping create awareness when travelling through equine areas such as the Byford Trotting Complex. Officers note the following:

- The filming for the Shire's equine road safety campaign finished at the end of November 2022, currently on track to launch on social media in March 2023. Opportunities to utilise these video resources (in addition to social media avenues) will be explored with the Equine Advisory Group at their next meeting in February 2023, including discussion on how best to reach current residents and road users surrounding the Byford Trotting Complex.
- The Shire's Public Art Strategy identifies under opportunity 11, the prospect of implementing a series of medium size artworks in trail corridors to provide a moment of interest and delight for drivers and riders around equestrian centres and areas.

Voting Requirements: Simple Majority

Councillor Recommendation

That Council:

1. REQUESTS the Chief Executive Officer to plan with Metronet a south of Thomas Road bridle path connection between the new under Thomas Road horse tunnel and existing bridle path beside Thatcher Road between Larsen Road and Binshaw Avenue, paying particular attention to improved safety via:
 - a. the use of fines road base instead of concrete;
 - b. the use of fencing to separate from pedestrians and or vehicles;
 - c. Pegasus Road crossing; and
 - d. train triggered warning lights for bridle paths parallel to train line and before tunnel entry.
2. ENSURE that all bridle trails in the Trotting Complex/Byford area are included on all Shire controlled equine maps showing bridle paths.
3. DEVELOP Improved awareness and enforcement of the Trotting Complex zoning policy.



Alternate Officer Recommendation

That Council:

1. NOTES that Larsen Road link does not provide sufficient space to include an equine trail.
2. NOTES the potential for a future equine link that utilises the proposed Pegasus crossing at a mid point between Plaistowe Boulevard and Briggs Road, however this is subject to further confirmation as to the Pegasus crossing and also based upon timing to extend the unbuilt section of Sansimeon Boulevard north of Larsen Road.
3. REQUESTS the Chief Executive Officer to update the bridle trails section of the Shire's website to include information relevant to the Byford Trotting Complex trails.
4. RESOLVES to consider implementation of Opportunity 11 in the Shire's Public Art Strategy for areas surrounding the Byford Trotting Complex as part of the 2022/2023 budget setting process.

OCM293/12/22

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Strautins, seconded Cr Dagostino

That Council:

1. **REQUESTS the Chief Executive Officer to plan with Metronet a south of Thomas Road bridle path connection between the new under Thomas Road horse tunnel and existing bridle path beside Thatcher Road between Larsen Road and Binshaw Avenue, paying particular attention to improved safety via:**
 - a. **the use of fines road base instead of concrete;**
 - b. **the use of fencing to separate from pedestrians and or vehicles;**
 - c. **Pegasus Road crossing; and**
 - d. **train triggered warning lights for bridle paths parallel to train line and before tunnel entry.**
2. **ENSURE that all bridle trails in the Trotting Complex/Byford area are included on all Shire controlled equine maps showing bridle paths.**
3. **DEVELOP Improved awareness and enforcement of the Trotting Complex zoning policy.**

CARRIED UNANIMOUSLY 9/0



9.2 - Notice of Motion - Text Message System for the Shire of Serpentine Jarrahdale for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans (SJ3770)	
Councillor	Councillor Rich
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Rich via email on 5 December 2022.

The notice of motion is "That Council:

1. REQUESTS the Chief Executive Officer bring a report to Council no later than 30 April 2023, that covers the following:
 - a. Implementation of an opt in text message system for the Shire of Serpentine Jarrahdale for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans;
 - b. The process of how this could be achieved;
 - c. The cost of implementation; and
 - d. The standardisation of information to be contained in the messaging."

Officer Comment

The communication of information relating to total fire bans and/or vehicle and harvest movement bans is an important mechanism in which to ensure community awareness. Current methods used in this respect include:

- Emergency Western Australia
- The Shire's website and associated social media platforms
- Bureau of Meteorology websites and apps
- Television/radio
- Bushfire Ready Group networks

Total Fire Bans (TFBs) are declared centrally by the Department of Fire and Emergency Services (DFES), on days when fires are most likely to threaten lives and property.

Harvest and Vehicle Movement Bans (HVMBs) are issued by the Shire and are put in place when the Chief Bushfire Control Officer identifies the use of engines, vehicles, plant or machinery as high bushfire risk activities, during particular times of the day.

The communication of TFBs is centrally coordinated by the declaration from DFES. However, HVMBs need to be coordinated and communicated by the Shire.

Officers see merit in investigating an option to consider opt in text messaging system. This investigation can look at:

- what other local governments may also be doing;
- preferred positions of both WALGA and DFES;



- options and their associated costs;
- the key risks in setting up and resourcing such a system;
- legal risks that could be associated with such a service.

Reporting by April 2023 is considered viable.

Voting Requirements: Simple Majority

OCM294/12/22

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr Rich, seconded Cr Duggin

That Council:

- 1. REQUESTS the Chief Executive Officer bring a report to Council no later than 30 April 2023, that covers the following:**
 - a. Implementation of an opt in text message system for the Shire of Serpentine Jarrahdale for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans;**
 - b. The process of how this could be achieved;**
 - c. The cost of implementation; and**
 - d. The standardisation of information to be contained in the messaging.**

CARRIED UNANIMOUSLY 9/0

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

10.1.1 - Proposed Road Naming - Lot 250 Sansimeon Boulevard, Byford (SJ500-04)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Land Surveys
Owner:	Appley Holdings Pty Ltd
Date of Receipt:	1 July 2022
Lot Area:	1.48ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a proposal for three new road names for a subdivision at Lot 250 Sansimeon Boulevard, Byford. Four alternative names are also presented to Council for endorsement in the instance Landgate do not support any of the preferred names.

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

Relevant Previous Decisions of Council

There are no previous decisions of Council relating to this application.

Background

The proposal relates to the subdivision of the subject site, which will result in the creation of three new roads. An aerial view of the subject site is provided below.

**Figure 1: Aerial imagery of the 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 application proposes the naming of three new roads to be created as part of an approved subdivision within Byford. The applicant has also submitted four names to be endorsed as second preference names in the instance there are issues with any of the preferred names. The roads and their proposed names are shown in the following plan.

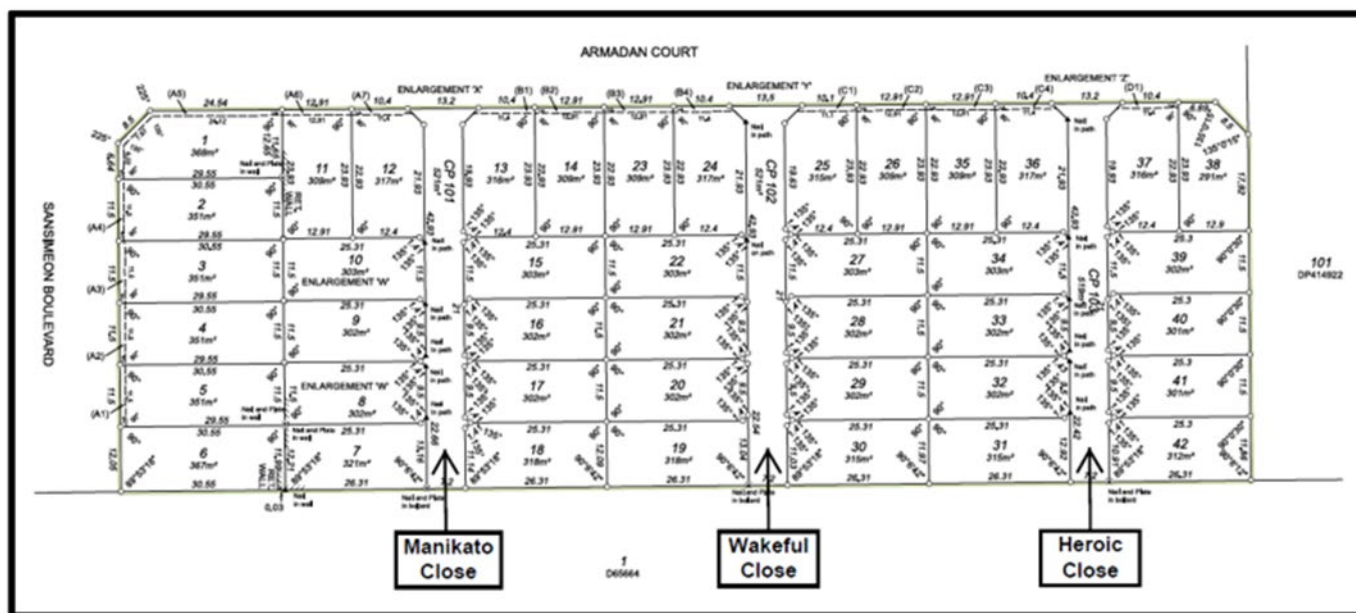


Figure 2: Proposed name layout

The names and their background in summary have been provided following.

Road Name Table	
Proposed Preferred Names	Background
Manikato	Manikato was an Australian Chestnut Gelding and one of the greatest sprinters in Australian horse racing history. The horse raced from the late 1970s to the early 1980s and was inducted into the Australian Racing Hall of Fame in 2002.
Wakeful	Wakeful was an Australian Bay Mare, that won 25 races out of her 44 starts. The horse debut in 1900 and was retired in 1903. Wakeful was inducted into the Australian Racing Hall of Fame in 2002.
Heroic	Heroic was an Australian Chestnut thoroughbred racehorse. Racing in the 1920s, Heroic won 21 out of its 51 starts. Heroic was inducted into the Australian Racing Hall of Fame in 2003.
Reserve Names	Background
Gunsynd	Gunsynd was an Australian Grey Thoroughbred racehorse. Gunsynd was known for being charismatic as he loved crowds. He raced between the later 1960s and early 1970s. Gunsynd won 29 out of its 54 starts and was inducted into the Australian Racing Hall of Fame in 2005.
Redcraze	Redcraze was a New Zealander Thoroughbred racehorse that raced in Australia. It won 32 of its 82 starts and raced during the 1950s. Redcraze was inducted into the Australian Racing Hall of Fame in 2012.
Dulcify	Dulcify was a New Zealander Bay Gelding that raced in Australia. It won 10 of his 21 starts. The horse raced between 1978 to 1979. The horse was inducted into the Australian Racing Hall of Fame in 2014. Dulcify won races including the Australian Cup and Victoria Derby.



Road Name Table	
Proposed Preferred Names	Background
Sunline	Sunline was a New Zealander Bay Mare Thoroughbred racehorse, which raced in both New Zealand and Australia. Sunline retired in 2002, and won 32 of its 48 starts during its racing career. Sunline was inducted into the Australian Racing Hall of Fame in 2002.

A road layout plan providing the location of the road name can be found in **attachment 1** and a background of the names provided by the applicant is found within **attachment 2**.

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

LPP1.7 states that where more than four road names are proposed, then an overall theme should be proposed by the applicant. As the proposal only entails three names, no theme is technically required. However, the applicant has given regard to the proximity of the site to the Byford Trotting Complex, current naming within the area and the broader prominence of the equine industry within the Shire. This is considered an appropriate consideration from the perspective of Officers.

The proposed names reflect racehorses that have been inducted into the Australian Racing Hall of Fame, and this continues the same theme used in other nearby estates of Byford. Names such as 'Carbine' Bend; 'Saintly' Turn, 'Poseidon' Road and 'Makybe' Boulevard all reflect inducted hall of famers and are located within Byford.

An assessment of the proposed road names against the provisions of LPP 1.7 is as follows:

Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names.	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas have been identified either.



Ordinary Council Meeting Minutes Monday, 12 December 2022

Policy Assessment	
Policy Requirement	Officer Comment
	The name 'Heroic' is in use within Wattle Grove, though is more than 23km away from this site, which satisfies the 10km separation requirement for duplicates within the metropolitan areas under the Landgate Policy.
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 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 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.	The proposed name has been selected to align with roads with a theme relating to racehorses, and specifically those inducted into the hall of fame. This is considered suitable due to the prominence of equine related businesses in the Shire and that this site is in close proximity to the Byford Trotting Complex. In terms of easiness to read, spell and pronounce, the names are short, 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 eight letters and are no more than one word in length.
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. Close (CI) - Short, enclosed roadway. The 'Close' suffix is considered suitable as the subject roads are short internal roads.
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 names as contained within **attachment 2** to Landgate for final approval:
 - a. Manikato
 - b. Wakeful
 - c. Heroic
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 name is not deemed acceptable by Landgate:
 - a. Gunsynd
 - b. Redcraze
 - c. Dulcify
 - d. Sunline

Option 2

That Council:

1. REFUSES TO ENDORSE the proposed road names.
2. ADVISES the applicant to consider different naming options.

Option 1 is recommended.

Conclusion

Council endorsement is sought for three proposed road names to be used as part of the subdivision at the subject site. The proposed road names have been based upon the prominent equine industry within the Shire and the nearby Byford Trotting Complex. The proposed names are considered to be consistent with the requirements of LPP1.7 and Landgate's road naming policy. The names continue similar themes used in Byford, and is considered an appropriate choice to apply in this circumstance.

Officers support the proposal and recommend that Council endorse the proposed names.

Attachments

- **10.1.1 - attachment 1** - Road Layout Plan (E22/10814)
- **10.1.1 - attachment 2** - Road Name List (E22/10815)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.2	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	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

OCM295/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Byas

That Council:

- ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road names as contained within attachment 2 to Landgate for final approval:
 - Manikato
 - Wakeful
 - Heroic
- 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 name is not deemed acceptable by Landgate:
 - Gunsynd
 - Redcraze
 - Dulcify
 - Sunline

CARRIED UNANIMOUSLY 9/0



10.1.2 – Proposed Residential Development (Swimming Pool Decking and Privacy Screen) – Lot 38, 17 Maxwell Street, Serpentine (PA22/786)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Lindsay McGlinn
Owner:	Lindsay McGlinn
Date of Receipt:	4 August 2022
Lot Area:	2,028.923m ²
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider a development application for proposed residential development, comprising a swimming pool deck and a privacy screen at Lot 38, 17 Maxwell Street, Serpentine.

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

For the reasons outlined in the report, it is recommended that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

Existing Development

The subject site is 2,028m² in area and is located within a residential area of Serpentine. The site is developed with a single house, outbuildings, patio and an existing above ground swimming pool. There is existing mature vegetation that borders the lot boundaries to the south and east, as depicted following.



Figure 1: Aerial imagery

Proposed Development

The application seeks approval for the construction of a swimming pool deck and privacy screen. The development would be set back 4m from the side lot boundary to the south. The deck would be raised to a height of 1.31m surrounding the existing above ground swimming pool, and then bordered by a 1.6m high screen along its southern extent. Full details of the proposal are contained within **attachment 1**.

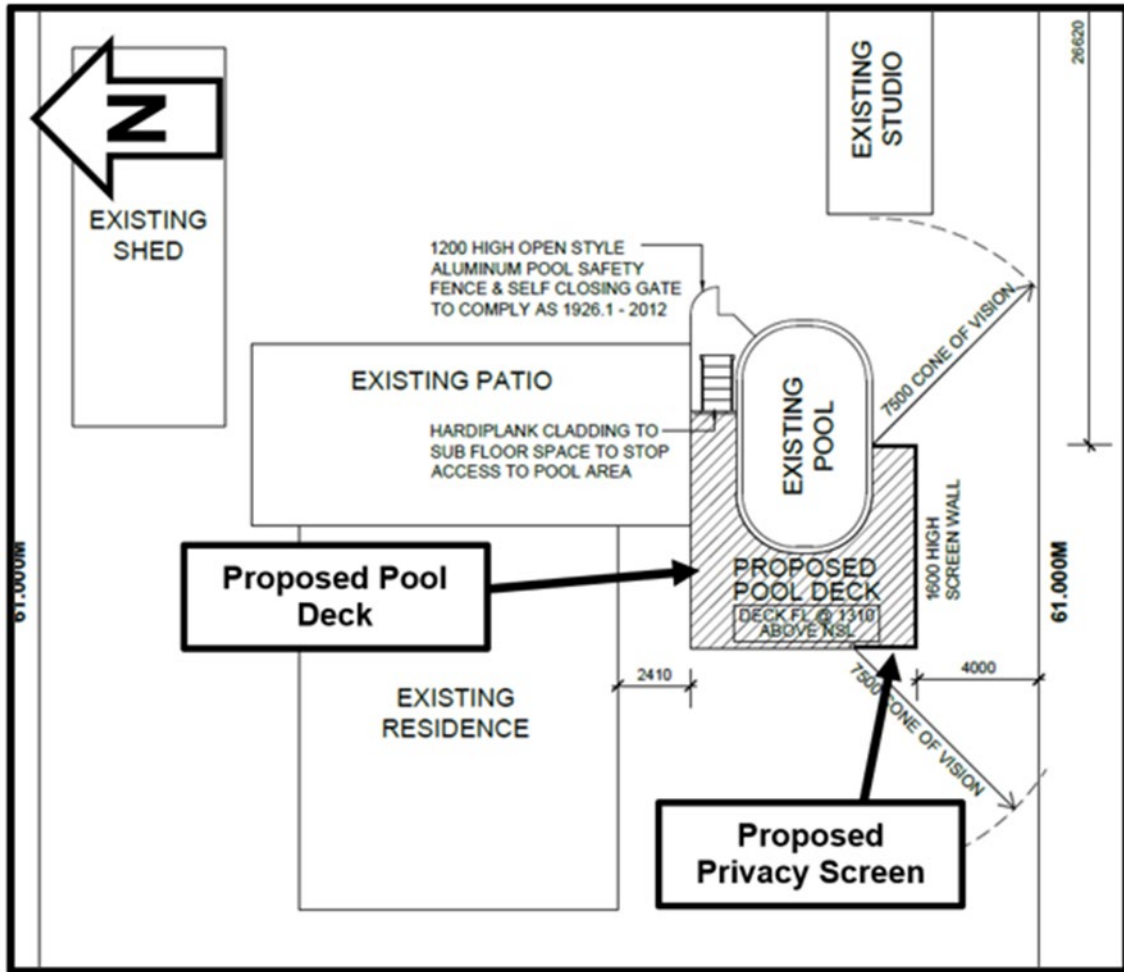


Figure 2: Site Plan

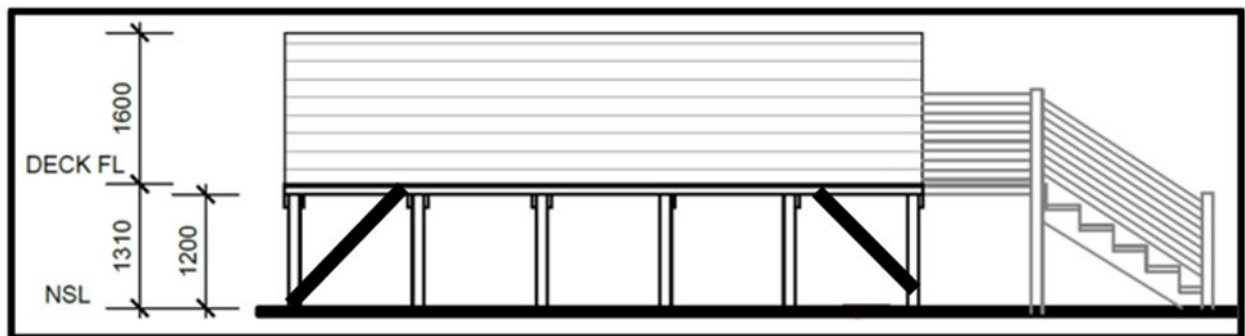


Figure 3: Elevation Plan



Community / Stakeholder Consultation

The application was advertised to adjacent landowners for a period of 14 days from 9 September 2022 to 26 September 2022, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During the consultation period, one submission was received objecting to the proposal.

The objection is summarised below:

- The development would be visible over the dividing fence and would create an adverse visual impact; and
- The development would compromise visual privacy due to the height.

The concerns raised in the objection are addressed under the relevant headings of the report. The submission with the applicant's response and Officer comments is contained within **attachment 2**.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
- Serpentine Townsite Local Structure Plan (LSP)
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)

Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the objection resulting in the item being presented to Council and where Council is being asked to exercise discretion.

Town Planning Scheme No. 2 (TPS2)

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objective of the 'Urban Development' zone, as "*to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances*". This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The Serpentine Townsite Structure Plan has been recently approved by the WAPC, subject to modifications. These modifications are currently being progressed to enable finalisation of the



Townsite Structure Plan. The Structure Plan designates the property as 'Residential' with a density code of 'R5'.

Amenity

Clause 67 of the Deemed Provisions, specifically (m) requires Officers to consider the form of the development and visual amenity impacts. The submission received in objection to the proposal raises concerns that the proposal would result in an adverse visual impact, due to its height and proximity to the shared side boundary. Officers have assessed the development in accordance with the R5 requirements of the R-Codes, in line with the Structure Plan designation.

Clause 5.1.3 of the R-Codes provides deemed-to-comply standards for lot boundary setbacks for development. Specifically, Clause 5.1.3(iii) provides the setback standards for outdoor living areas that are elevated more than 0.5m above the natural ground level, which is applicable in this instance. Based on a wall length of 6.72m and a height of 2.91m the development would be set back compliantly, as it is setback 4m in lieu of the 1.5m requirement.

Officers also note the presence of existing vegetation, which helps ameliorate the visual presence of the development to the nearest neighbour to the south. The existing vegetation would act to provide filtered views of the development to the neighbour's key outdoor areas (seen in the figure following).



Figure 4: The proposed development would not be visible beyond the existing screening vegetation



Only a portion of the proposed privacy screen would be visible above the existing dividing fence from an outdoor area of the neighbouring property where there is a gap in the vegetative screening. This is seen in the following figure.



Figure 5: The development would be visible from an outdoor area of the neighbour





The privacy screen would end at a height of 2.9m above natural ground level and would be constructed with timber planks. It is considered that the timber material would complement the prevalent natural tones within the locality, which is due to the vegetation surrounding the site.

Furthermore, in considering the character of development in the locality, it is commonplace for there to be scattered residential development across the larger townsite lots in Serpentine. Often, larger structures such as dwellings and outbuildings, are set closer to lot boundaries than the subject development (depicted in the figure below). Notwithstanding this, the 4m setback to the southern lot boundary would be compliant with the R-Codes. Officers consider it would not result in an adverse visual amenity impact on the neighbour.



Figure 6: Development (in red) in the locality is set close to lot boundaries

Visual Privacy

A concern raised was that the development would compromise the visual privacy of the neighbour. The R-Codes provide deemed-to-comply standards for visual privacy in Clause 5.4.1.

For the purpose of classifying the raised deck area, it would be classified as an 'outdoor active habitable space' according to the R-Codes. In summary, Clause 5.4.1 of the R-Codes requires that where these spaces are raised 0.5m above natural ground level then they would need to do either of the following:

1. Be set back 7.5m from a lot boundary; or
2. Be provided with permanent screening to restrict views.

The proposed raised deck of 1.31m is only set back 4m from the neighbouring boundary to the south, which would ordinarily present visual privacy concerns. However, a permanent privacy screen of a solid timber construction with a height of 1.6m is proposed. Officers note that this would comply with the deemed-to-comply requirements in Clause 5.4.1 of the R-Codes.

Considering that the design responds adequately to both visual amenity and privacy/overlooking concerns, it is recommended for approval.



Options and Implications

Option 1

That Council APPROVES the development application for swimming pool decking and a privacy screen at Lot 38, 17 Maxwell Street, Serpentine subject to the following conditions:

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

Plans and Specifications	Development Plans (P1-P3) received at the Shire Offices on 12 September 2022.
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Option 2

That Council REFUSES the development application for swimming pool decking and a privacy screen at Lot 38, 17 Maxwell Street, Serpentine for the following reasons:

- a. The development is considered to represent an impact on the private amenity of the southern adjoining property, caused by the proposed setback and elevated nature of the structure.

Option 1 is recommended.

Conclusion

The application seeks approval for a residential development comprising raised swimming pool decking and a privacy screen. Officers consider the development would be compliant with the deemed-to-comply provisions of the R-Codes. The development is not considered to adversely impact the amenity or visual privacy of any neighbouring properties. The proposal is therefore recommended for approval.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Development Plans (E22/14559)
- **10.1.2 - attachment 2** - Summary of Submissions (E22/14599)
- **10.1.2 - attachment 3** - Technical Assessment (E22/14600)

Alignment with our Strategic Community Plan

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

Financial Implications

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 Option 1.						
2	That Council refuses the application and an appeal is lodged with the State Administrative Tribunal.	Reasons for refusal reflecting valid planning concerns or variations.	Reputation	Possible	Minor	MODERATE	Nil.

Voting Requirements: Simple Majority

OCM296/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council APPROVES the development application for swimming pool decking and a privacy screen at Lot 38, 17 Maxwell Street, Serpentine subject to the following conditions:

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

Plans and Specifications	Development Plans (P1-P3) received at the Shire Offices on 12 September 2022.
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CARRIED UNANIMOUSLY 9/0

**10.1.3 - Proposed Amendment to Approved Warehouse Development - Lot 41, No. 17 Cardup Siding (PA22/860)**

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

Authority

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:	Harvey Construction WA
Owner:	Wormall Cardup Pty Ltd
Date of Receipt:	11 October 2022
Lot Area:	4.72ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Industrial'

Report Purpose

The purpose of this report is for Council to consider a development application seeking to amend the design of an approved 'Warehouse' development at Lot 41, No. 17 Cardup Siding Road, Cardup.

Pursuant to Clause 77(c) of the Deemed Provisions, the proposal seeks to amend the existing approval in the following manner:

- Increasing the floor area from 590m² to 790m²;
- Addition of a roller door to the western elevation;
- Relocating the warehouse a further 10m from the boundary to Cardup Siding Road;
- Relocating the warehouse 8m closer to the South Western Highway boundary.

The application relates to amendments to physical works only. The warehouse will be used for the storage of electrical goods such as electrical drums, cables and associated equipment which are currently stored externally.

This application is presented to Council as objections were received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be 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 outlined in the report, Officers recommend Council approve the development application seeking to amend the existing approval.

**Relevant Previous Decisions of Council**

Ordinary Council Meeting – 15 November 2021 - OCM298/11/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. APPROVES the application subject to the following conditions:

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

<i>Plans and Specifications</i>	<i>P1 - P2 received at the Shire Offices 19 April 2021 P3 - Bushfire Management Plan prepared by Emerge. P3 - Updated Stormwater Management Plan received at the Shire Offices on 13 October 2021 prepared by JDSi Consulting Engineers.</i>
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- b. The 'Warehouse' hereby approved shall be used for storage purposes for the existing materials and vehicles onsite only.*
- c. The use of the warehouse is restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays, unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- d. No earth works shall encroach onto the South Western Highway road reserve and the ground levels on the South Western Highway road reserve are to be maintained as existing.*
- e. The updated Stormwater Management Plan to be implemented within 60 days of the date of this approval, to ensure that pre-development surface flows are not exceeded at any time by post-development surface flows.*
- f. The landowner/applicant preparing a new Landscape Plan that demonstrates the appropriate feature landscaping along the entirety of the southern Cardup Siding Road verge where it abuts the subject land. This Plan is to demonstrate a landscaping response comprising of intermixed native ground covers, medium shrubs and tall trees that will establish a green edge along this verge area. The Plan is to demonstrate the use of advanced plantings. The Plan is to be submitted to and approved by the Shire prior to the issue of a Building Permit.*

BackgroundExisting Development

The subject site is 4.72ha in area and has its frontage to Cardup Siding Road. The site is located within the Cardup Business Park which is located south of the Byford Urban Area. The site is relatively cleared of vegetation with remaining vegetation located along the northern, eastern and western boundaries of the site. The site is within close proximity to rural residential development to the west and residential settlement to the north east.

The subject site has been developed since 2014 and comprises a workshop and office, light industry, transport depot, storage shed, canopy, apprentice training centre, concrete moulding and a plastic production warehouse. These are shown following:



Figure 1: Location Plan

This subject application relates to the 'proposed warehouse' as depicted above.

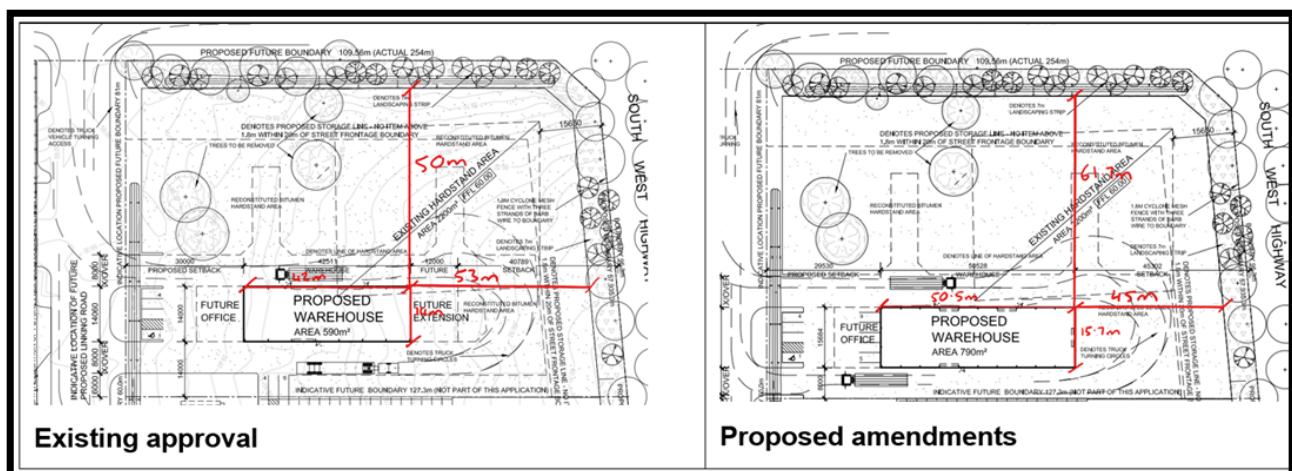
Proposed Development

Council, at its Ordinary Council Meeting of 15 November 2021, approved a development application for a 'Warehouse' at the site. This report deals with a new application, which seeks approval under Clause 77(c) of the Deemed Provisions to amend the floor area of the warehouse; add a roller door to the western elevation and; increase the front setback from Cardup Siding Road.

The applicant provided information that the change in the size of the warehouse is due to the current shortage of building materials within the construction industry. The applicant has been able to purchase a larger shed to comprise the warehouse, but can only use that structure if an amended development approval is issued.

No amendments are proposed to the wall and ridge height of the warehouse and as such the overall height component of the development has not been changed. It is rather the size of the warehouse that is proposed to increase.

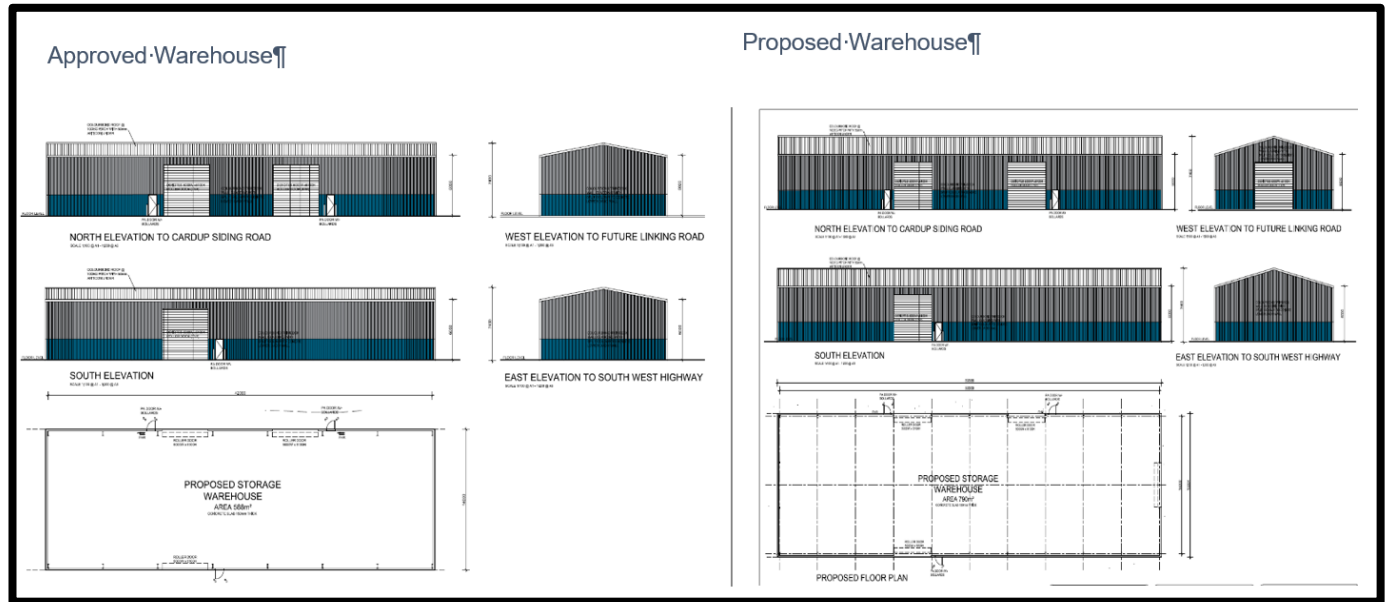
Full details of the proposal are contained within **attachment 1**. The proposed site plan is shown following, next to the previously approved site plan:





The previously approved and proposed elevations are shown following. It is noted that wall and ridge height remain the same (6m and 7.4m respectively), with the differences being:

- Increased length of 8.5m;
- Increased width of 1.7m;
- The addition of a door to the western elevation.



Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 18 August 2022 to 1 September 2022 to surrounding landowners within a 200m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters.

At the conclusion of the consultation, three submissions were received raising a number of issues associated with overall site operations. The concerns relate to the hours of operation, odour, dust and stormwater. The content of the submissions have been considered within the Planning Assessment section of this report.

Consultation with other Agencies or Consultants

Main Roads Western Australia (MRWA)

The application was referred to MRWA as the site abuts Southern Western Highway, which is a Primary Regional Road under the Metropolitan Region Scheme (MRS). MRWA raised no objections to the proposal and recommended conditions relating to treatment of the South Western Highway road reserve and stormwater. The conditions and advice notes proposed by MRWA have been included in the Officer Recommendation.

The Department of Biodiversity Conservation and Attractions (DBCA)

DBCA has no comments on the application.

Department of Water and Environment Regulation (DWER)

DWER has no objections or comments to the proposed warehouse.

A full copy of the summary of submissions is contained within **attachment 2**.



Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Cardup Business Park Local Structure Plan
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)

Planning Assessment

Deemed Provisions

Clause 77(1)(c) of the Deemed Provisions provide that an owner of land in respect of which development approval has been granted by the local government may apply:

- (c) *“To amend an aspect of the development approved which, if amended, would not substantially change the development approved”*

This proposal is not considered to substantially change the development approved, and is therefore able to be considered for amendment. In arriving at this position, the use component remains unchanged, and the setback has been increased by 10m from Cardup Siding Road, and reduced by 8m to South Western Highway. The reduction in setback to South Western Highway means the development does not shift closer to existing residents on the western side of Soldiers Road, in Cardup.

In respect of the application, the deemed provisions provide as follows:

- (4) *The local government may determine an application made under subclause (1) by -*
- (a) *approving the application without conditions; or*
 - (b) *approving the application with conditions; or*
 - (c) *refusing the application.*

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which can be viewed in **attachment 3**. For the purposes of this report, discussion is confined to the objections and where Council is required to exercise discretion.



Objections

Odour:

Concerns were raised in relation to odour associated with the plastics production warehouse on the subject land. These concerns are not associated with this application which is for storage of electrical equipment only and does not involve and odour producing processes. The plastics production was granted approval under a separate development application. These concerns are currently being investigated separately, consistent with Council's Compliance and Enforcement Policy.

Drainage:

Concerns were raised during the public consultation process in relation to stormwater management resulting from the development. As part of the initial application, the applicant provided an Updated Stormwater Management Plan prepared by JDSi Consulting Engineers which has already been approved by the Shire. The SMP can be viewed within **attachment 4**.

The updated Stormwater Management Plan provides the stormwater solution for the whole site, detailing management of stormwater from all buildings and hard surfaces. This details for the western side of the property (where the warehouse is located), a system of stormwater management which channels drainage to appropriately sized bio-retention swales, directed towards onsite drainage retention areas. In terms of the eastern section of the property, stormwater from buildings and hard surfaces is channelled through subsurface infrastructure pipes, towards an underground storage unit appropriately sized to cater for larger rain events.

Should Council support the application, and condition is recommended to require modification to the SMP to update management volumes associated with the larger warehouse. The technical information forming part of the application confirms that there is sufficient stormwater system capacity to deal with the larger warehouse.

Dust:

Concerns were raised by submitters with regard to the generation of dust. Officers recommend a condition be imposed to require a dust management plan to deal with both the construction and ongoing operation of the warehouse, and for this to demonstrate how dust will be managed to not leave the site.

Hours of Operation:

Concerns were raised during the public consultation process relating to operations occurring outside of the approved hours of operation for the site. The hours of operation as approved are restricted to 7:00am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays. This is not recommended to change as part of this application.

Built Form

The development application seeks approval to increase the floor area of the approved warehouse from 590m² to 790m². This represents an increase of 200m² in floor area. The applicant provided information that due to the current demand/shortage of building materials within the construction industry, the larger shed was readily available and has already been purchased. It however cannot be used for the warehouse unless Council agrees to amend the current approval development.

The overall height of the warehouse has not changed. Setbacks have increased to Cardup Siding Road but decreased to South Western Highway, in order to contain the enlarged warehouse no closer to the western side boundary.



The proposed built form, albeit larger than that previously approved, is still considered to be consistent with the Industrial node which currently consists of similar sheds associated with the existing uses. The mix of colours through the elevations, a dark grey/blue colour, makes the development also more visually interesting. The addition of a roller door to the west elevation also creates a further shallow reveal that will reduce the otherwise large structure that the warehouse represents.

The proposal would not appear at odds within surrounding development. Bulky developments are expected within the Cardup industrial area, and therefore it is considered that it would not adversely impact upon the amenity of the locality. The setbacks of the building are considered consistent with the surrounding buildings and requirements of the planning framework.

The amended warehouse is also not considered to visually impact on the adjoining rural residential development to the west, due to not shifting closer to the west and noting the existing mature vegetation that provides screening between the areas. Officers consider that as the warehouse maintains a separation of 280m from Soldiers Road, it is not likely to adversely impact on the amenity of the streetscape along Solders Road or amenity of residents.

In respect of amenity considerations, the proposed warehouse (as discussed in the report in 2021) is considered to improve the amenity of the area, by storing materials internally and equipment that is otherwise stored externally, and presents as somewhat blighted.

Car Parking

Under TPS2 a 'Warehouse' land use requires one parking space per 100m² gross leasable area (GLA). The GLA for the warehouse is 790m² and would trigger the requirement for eight car parking bays. In addition to the existing car parking bays south of the warehouse, the applicant has provided information that an additional of eight car parking bays would be constructed to service the proposed development therefore complying with the requirement of TPS2.

Options and Implications

Option 1

That Council APPROVES the development application to amend the size of the approved 'Warehouse' at Lot 41, No. 17 Cardup Siding, Cardup 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 received at the Shire Offices on 11 October 2022 Updated Stormwater Management Plan received at the Shire Offices on 13 October 2021 prepared by JDSi Consulting Engineers.
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2. Prior to the issue of a Building Permit, the Stormwater Management Plan is to be updated to reflect the larger warehouse building, and the management of stormwater volumes with that building replacing the hardstand area it extends over, to the satisfaction of the Shire of Serpentine Jarrahdale. Once amended and approved, all stormwater is to be managed in accordance with the updated Stormwater Management Plan at all times, to the satisfaction of the Shire.



3. Prior to the issue of a Building Permit, a Dust Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the suitable management of dust associated with the construction of the warehouse, and the ongoing use of the warehouse (including ingress and egress), to the satisfaction of the Shire of Serpentine Jarrahdale.
4. Plans submitted for a Building Permit are to demonstrate the provision of eight additional car bays which are sealed, drained and line marked to the specifications and satisfaction of the Shire. Once approved, carparking is to be installed and maintained at all times to the satisfaction of the Shire.

Option 2

That Council REFUSES the amendment to the existing approval for the 'Workshop' at Lot 41, 17 Cardup Siding Road, Cardup, for the following reason:

- a. The development is considered to adversely impact upon the amenity of the locality.

Option 1 is recommended.

Conclusion

The application seeks approval to amend the approved warehouse by increasing the floor area, adding a roller door, increasing the setback from Cardup Siding Road, reducing the setback to South Western Highway and maintaining the setback to Soldiers Road. Officers consider that the proposed amendments can be supported. Notwithstanding the submissions received, the proposal is considered to meet the objectives and intent of the zone. It is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Development Plans (E22/14696)
- **10.1.3 - attachment 2** - Summary of Submissions (E22/13514)
- **10.1.3 - attachment 3** - Clause 67 Deemed Provisions (E22/14693)
- **10.1.3 - attachment 4** - Updated Stormwater Management Plan (E22/14692)

Alignment with our Strategic Community Plan

Strategy 3.1.1	Actively support new and existing local businesses within the district.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

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	This is considered a low risk option.						
2	That Council refuses the application to amend the floor area of the warehouse, resulting in a SAT review	Planning Framework	Organisational Performance	Possible	Moderate	MODERATE	Ensure reasons for refusal reflect valid planning reasons.

**Voting Requirements:** Simple Majority**OCM297/12/22****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Duggin, seconded Cr Atwell**

That Council APPROVES the development application to amend the size of the approved 'Warehouse' at Lot 41, No. 17 Cardup Siding, Cardup 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 received at the Shire Offices on 11 October 2022 Updated Stormwater Management Plan received at the Shire Offices on 13 October 2021 prepared by JDSi Consulting Engineers.
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- 2. Prior to the issue of a Building Permit, the Stormwater Management Plan is to be updated to reflect the larger warehouse building, and the management of stormwater volumes with that building replacing the hardstand area it extends over, to the satisfaction of the Shire of Serpentine Jarrahdale. Once amended and approved, all stormwater is to be managed in accordance with the updated Stormwater Management Plan at all times, to the satisfaction of the Shire.**
- 3. Prior to the issue of a Building Permit, a Dust Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the suitable management of dust associated with the construction of the warehouse, and the ongoing use of the warehouse (including ingress and egress), to the satisfaction of the Shire of Serpentine Jarrahdale.**
- 4. Plans submitted for a Building Permit are to demonstrate the provision of eight additional car bays which are sealed, drained and line marked to the specifications and satisfaction of the Shire. Once approved, carparking is to be installed and maintained at all times to the satisfaction of the Shire.**

CARRIED UNANIMOUSLY 9/0



10.1.4 - Proposed Amendment to Condition 1 of Approved 'Industry - Extractive' to Extend the Timeframe for Extraction for a Further Five Years - Lot 31 Kiln Road, Cardup (PA22/752)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Austral Bricks (WA) Pty Ltd
Owner:	Bristle Holding Pty Ltd
Date of Receipt:	20 September 2022
Lot Area:	56.4ha
Town Planning Scheme No 2 Zoning:	'Rural' and 'Special Use'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application described as an amendment to Condition 1 of an approved 'Industry - Extractive' to allow extraction to occur for a further five years, at Lot 31 Kiln Road, Cardup. An application was approved by Council on 11 June 2012 for an extractive industry which covered eight stages. Under this approval, extraction is required to cease on 1 January 2023 (as amended by the State Administrative Tribunal SAT). The subject application seeks to amend this approval and allow for extraction within Stages 1 - 3, as per the initial approval, for a period of five years.

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

As detailed within the report, it is considered that the proposal cannot be dealt with as an amendment and there is no power under Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to approve the application. Based on this, the proper decision to recommend to Council is to refuse the application.



Relevant Previous Decisions of Council

Ordinary Council Meeting - 11 June 2012 - OCM165/06/12 - COUNCIL DECISION / New Motion

That Council:

- A. Note that the appeal against the decision of the Environmental Protection Authority not to assess the proposal has been dismissed by the Minister for Environment.*
- B. Grants development approval for shale and clay extraction at Lot 6 Shale Road and Lots 3 & 50 Kiln Road, Cardup subject to the following conditions:*

GENERAL

- 1. This approval expires 31 December 2017.*
- 2. Operating hours are restricted to 6am to 5pm Monday to Saturday and are not permitted to occur on Sundays and Public Holidays.*

COMPLIANCE

- 3. The landowner shall submit an annual report to the Shire's Director Development Services by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The annual report shall also provide details relating to complaints and complaint responses.*
- 4. The proponent shall within 90 days of this approval prepare a Compliance Assessment Plan and Audit Table utilising the frameworks detailed in the Environmental Protection Authority document Guidelines for Proponents: Preparing a Compliance Assessment Plan. This plan is to be submitted for approval by the Director Development Services*

DUST

- 5. The proponent shall within 90 days of the date of this approval prepare and submit to the Shire for assessment a Dust Management Plan (DMP), in accordance with the Department of Environment and Conservation's A Guideline for Managing the Impacts of Dust and Associated Contaminates from Land Development Sites, Contaminated Sites Remediation and Other Related Activities document dated March 2011 (DEC Guide). Once approved, the Dust Management Plan is to be implemented in its entirety. Council may agree, following submission of an application in writing, to vary the approved Dust Management Plan.*

NOISE

- 6. The proponent shall prepare and submit to the Shire for assessment a Noise Impact Assessment and Noise Report prepared by a suitably qualified acoustic consultant by 30 June 2013, following the first full excavation campaign. Once approved by the Director Development Services, the Noise Report shall be implemented in its entirety.*

STAKEHOLDER ENGAGEMENT

- 7. The landowner is to submit to the Shire within 12 months of this approval a plan for a Community Consultation Framework. The plan shall include, but not be limited to, the relevant land owner, community and government agency representatives, terms of reference for the Community Consultation Group and the frequency of the meetings. Once approved by the Director Development Services the plan is to be implemented in its entirety.*
- 8. A Compliance Assessment Report for the approved Community Consultation Framework must be lodged with the local government by 31 March each year, or by such*



other time as may be agreed by the local government, following the approval of the Community Consultation Framework. The Compliance Assessment Report shall report in summary on:

- (i) The community engagement activities carried out during the preceding year;
- (ii) The stakeholder interaction carried out during the year, including the number and nature of any complaints made and the response to those complaints; and
- (iii) The meetings of the Community Consultation Group.

Any records kept by the operator pursuant to the Community Consultation Framework, including the minutes of the Community Consultation Group meetings, must be provided to the local government if requested in writing. The annual Compliance Assessment Report and records kept pursuant to the Community Consultation Framework are to be made publicly available.

WATER RESOURCES

- 9. The landowner shall submit to the Shire an updated Water Management Plan by 31 December 2012. Once approved by the Director Engineering, the Water Management Plan is to be implemented in its entirety.

TRAFFIC

- 10. Signs are to be erected at the intersections of the internal haulage roads and Kiln Road warning "Caution - Trucks Using Road" during times of cartage.
- 11. The landowner shall implement the approved Traffic Management Plan prepared by McDowall Affleck and received by the Shire on 20 January 2011 to the satisfaction of the Director Engineering.
- 12. Kiln Road being widened as per the plans attached to and forming part of this approval to the satisfaction of the Shire. Prior to the completion of the widening of Kiln Road, traffic safety controls are to be implemented to the satisfaction of the Director Engineering.
- 13. Kiln Road to be upgraded to the satisfaction of the Director Engineering. Construction works on Kiln Road (including earthworks) are not to commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction.

EMERGENCY MANAGEMENT

- 14. An 'All Hazards Risks Assessment' in accordance with AS/NZS ISO 31000, 31010 and State Planning Policy 3.4 Natural Hazards and Disasters and associated mitigation plans, being prepared, approved and thereafter implemented to the satisfaction of the Director Engineering.

HAZARDOUS CHEMICALS

- 15. To prevent any spilled fuel entering the ground the applicant will use bunded hardstand refuelling areas or alternatively an industry best practice method to the requirements of the Director Development Services.
- 16. No on-site fuel storage and major servicing of equipment shall take place on site.
- 17. The operator shall ensure that:
 - (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, Page 58 Minutes - Ordinary Council Meeting 11 June 2012 E12/3650 granules and pads and heavy duty waste



bag, sufficient to clean up the accidental spill of the volume of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;

- (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;
- (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
- (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.

18. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine Jarrahdale.

19. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

BIODIVERSITY, LANDSCAPE AND VISUAL IMPACT MANAGEMENT

20. An updated Visual and Rehabilitation Management Plan being submitted for approval to the satisfaction of Director Strategic Community Planning within 90 days of the date of this approval. In carrying out the development the approved Visual and Rehabilitation Management Plan must be complied with at all times.

21. The landowner shall control declared and environmental weeds throughout the site to the satisfaction of the Director Strategic Community Planning.

22. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas, the applicant shall utilise post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Director Strategic Community Planning, to prevent encroachment by machinery.

23. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table.

MINE CLOSURE

24. A Mine Closure Plan to be submitted to the Shire for approval within 12 months of the date of this approval. The Mine Closure Plan shall be prepared in accordance with the Department of Mines and Petroleum and Environmental Protection Authority draft 'Guidelines for Preparing Mine Closure Plans' (June 2011) document (as amended). Once approved by the Director Strategic Community Planning, the closure plan shall be implemented in its entirety. Council may agree, following submission of an application in writing, to vary the approved closure plan.

Advice Notes:

1. The Dust Management Plan may contain the following key components not excluding provision of the Department of Environment and Conservation's Guide:
 - (i) Recognised criteria for 'maximum dust emission levels';
 - (ii) Trigger levels with relevant mitigation responses as contingencies for when dust criteria are exceeded on individual, multiple and ongoing occasions; and
 - (iii) An ongoing monitoring program that verifies the effectiveness of operational mitigations and contingencies.



- (iv) A complaints registration, response and reporting process;*
- (v) A summary communication strategy that outlines community consultation for significant events and changes in the operation and staging of the quarry*
- 2. The Mine Closure Plan shall:*
 - (i) Be site specific representing the characteristics of the area impacted;*
 - (ii) Will document stakeholder consultation and how stakeholder concerns have been addressed;*
 - (iii) Show that material and site characterisation has been undertaken to identify potential closure issues;*
 - (iv) Define closure outcomes including final land use(s) and objectives, closure criteria and where applicable, performance indicators and milestones;*
 - (v) Identify closure issues - with workable management measures proposed or in place to address those issues;*
 - (vi) Show application of experience from other mine sites (where applicable);*
 - (vii) Show that appropriate plans are in place for further research and trials to increase confidence in closure outcomes (where applicable);*
 - (viii) Show that there are appropriate plans in place for progressive rehabilitation;*
 - (ix) Show that there are appropriate plans proposed or in place for closure monitoring and maintenance; and*
 - (x) Show that there are appropriate plans proposed or in place for unplanned closure or temporary closure (on care and maintenance).*
- 3. A Building Licence is to be obtained for the construction or placement of any permanent or temporary structures on site such as a site office.*
- 4. Separate approval may need to be obtained from the Department of Water for a bore licence.*
- 5. The landowner shall ensure that truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.*
- 6. The landowner is advised to seek the necessary approvals from the Department of Environment for any clearing of native vegetation on site.*
- 7. The updated Visual and Rehabilitation Management Plan should incorporate the requirements of the Visual Landscape Planning in WA (WAPC November 2007) document and include additional screening along the northern and eastern property boundaries.*
- 8. Outside lighting shall be angled to avoid light impacts on neighbouring properties.*
- C. The extractive industry licence be granted for shale and clay extraction at Lot 6 Shale Road and Lots 3 & 50 Kiln Road, Cardup subject to the following conditions:*
 - 1. The extractive industry licence expires 31 December 2013.*
 - 2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law.*
 - 3. The Licensee shall pay an annual Extractive Industries License fee as set by the Shire of Serpentine Jarrahdale.*



D. Recommend to the Western Australian Planning Commission that Development Approval be granted under the Metropolitan Region Scheme for shale and clay extraction at Lot 6 Shale Road and Lots 3 & 50 Kiln Road, Cardup subject to the following conditions:

- 1. The approval is for a limited period only, expiring 31 December 2017.*

COUNCIL NOTE:

The period of the planning approval and the period for the extractive industry licence was amended as Council has much more responsibility in regard to keeping its options open as development occurs in the Mundijong/Whitby area. It is also expected that road and traffic conditions will change quite dramatically in the next few years as the population grows and we may need to alter traffic flows. It is understood that it is common practice in other Local Governments to work with one year extractive industry licence as a tool to ensure better compliance.

This approval was subject to an appeal to the State Administrative Tribunal (SAT) whereby condition one was deleted and replaced with a different Condition 1, as discussed following.

Background

Existing Development

On 11 June 2012, Council approved an application for 'Industry - Extractive' (Shale and Clay) on Lot 6 Shale Road and Lots 3 and 50 Kiln Road, Cardup. Condition 1 of the approval states *"This approval expires 31 December 2017."* Following an appeal to the SAT, on 9 January 2013, the Shire received an Order allowing the appeal, deleting Condition 1 and substituting it as follows:

- "1.*
- (a) The extractive industry licence is for a total period of ten years, consisting of two consecutive five year periods commencing on 1 January 2013. Between three and six months prior to expiry of the first five year period the licensee shall submit an independent audit ('Audit') of its compliance with:*
 - (i) the conditions of this licence;*
 - (ii) the conditions of the planning approval dated 11 June 2012 issued by the Shire in respect of the extractive industry ("Planning Approval"); and*
 - (iii) the management plans required by the conditions of the Planning Approval ("Management Plans"), including details relating to complaints and complaint responses and the results of environmental monitoring undertaken during the first five year term, such Audit to be prepared at the cost of the licensee by a suitably qualified consultant appointed by the licensee, subject to approval by the Shire.*
 - (b) If the Audit demonstrates to the satisfaction of the Shire that:*
 - (i) the licensee has complied with all licence conditions, Planning Approval conditions and Management Plan requirements; and*
 - (ii) the results of environmental monitoring undertaken by the licensee confirm, having regard to water quality standards set out in the licensee's approved Water Management Plan, that the extractive industry operations have not adversely affected ground and surface water quality; and*
 - (iii) the available evidence indicates that the operational impacts from the extractive industry are satisfactorily addressed by the Management Plans, then the second five year term of*



the licence shall proceed without amendment to the Management Plans and the Shire shall notify the licensee in writing of its approval of the Audit.

- (c) If the Audit does not demonstrate to the satisfaction of the Shire that the requirements set out in clause 1(b)(i)-(iii) have been met, then the Licensee shall within 60 days of receipt of written notice from the Shire amend the relevant Management Plans in accordance with any recommendation of the Audit and to the satisfaction of the Shire.*
- (d) The Licensee shall comply with the Management Plans as amended in accordance with condition 1(c).*
- (e) If the second five year period of the licence has commenced prior to the Shire approving the Audit pursuant to clause 1 (b) or requiring the Applicant to amend the Management Plans pursuant to clause 1(c), then the existing Management Plans shall continue to apply until such time as the licensee amends the Management Plans in accordance with clause 1(c)."*

The independent audit was provided to the Shire on 16 October 2017 allowing the second period of extraction to occur which is required to cease by 1 January 2023. The approval included extraction over 8 Stages as depicted on the plan below:



Operating hours were restricted to 6:00am to 5:00pm Monday to Saturday with no extraction allowed on Sundays or public holidays. Excavation within Stage 1 commenced in approximately 2008 and since then has continued into Stage 2 and partially Stage 3. The applicant has advised that there remains substantial resources within Stages 1 - 3.



The hours of operation are proposed from 7:00am - 5:00pm Monday to Friday and 7:00am to 1:00pm on Saturdays. No extraction is proposed to occur on Sundays or public holidays.

The proposal would entail the extraction of approximately 100,000 tonnes of clay annually, with a depth of approximately 10m, over an area of approximately 11.2ha which includes Stages 1 to 3 pit area, water detention basins, stockpile areas and overburden bunds. It is worth noting that the initial approval included the excavation of up to 175,000 tonnes annually.

Clay is excavated from the pit and stockpiled both within the pit and to the north of the pit area, alongside the internal road. Access to the site is located to the north of the lot onto Kiln Road with an internal driveway sealed for a length of approximately 90m. It is estimated that the proposal would incur approximately 2,100 truck loads per annum which equates to approximately 30 per day.

The application details that the operations occur on an 'inside out' operation so that excavation of the first part of the active pit becomes the water detention pond so that drainage is managed. Currently, the excavated Stage 1 area is being used for water management. Different clay types are found across the site and therefore a larger area or more than one active pit area is required at any one time. The extent of excavation at any one time is dependent on the demand for different types of clay and different colours.

Loading and carting of material would generally occur during September to May although can be outside of these months dependant on the weather. The application states that the cartage would involve approximately 30 truck loads per day during the carting times. Trucks used are generally 27.5m in length prime movers with a trailer and eight wheel truck and dog combinations with a gross weight of 64 tonnes and payload of 42 tonnes.

The site is proposed to be rehabilitated in accordance with a rehabilitation plan involving recontouring of the slopes to a safe and stable condition and returning the site to pasture land and dams. Rehabilitation is undertaken gradually in stages once an area is no longer required to be used for excavation or water management.

Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 2km radius of the site for a period of 28 days between 3 October 2022 and 31 October 2022, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. The application was also made available on the Shire's website for the same period.

During the consultation period 16 submissions were received from the community, 15 objecting to the application and one making comments. The objections are summarised into the following issues:-

- Traffic Safety and Volume;
- Dust;
- Air Emissions;
- Noise;
- Impact on the Environment; and
- Impact on Groundwater and Surface Water.

Submissions were also received from the following Government Agencies:



Department of Water and Environment Regulation (DWER)

DWER does not object to the proposal and has provided recommendations/comments. DWER has advised they consider it unlikely that the proposal would cause the premises to be considered a prescribed premises under the *Environmental Protection Regulations 1987*. DWER also commented that the applicant will be required to demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.

Main Roads Western Australia (MRWA)

MRWA has no objections to the proposal subject to a condition as follows *“This approval is limited to an annual extraction of 100,000 tonnes of clay, to continue up to 31 December 2027.”*

A full copy of the summary of submissions is contained within **attachment 2**.

Statutory Environment

Legislation

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

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 - Rural Planning
- State planning Policy 2.1 - Peel Harvey Coastal Plan Catchment (as amended 2003)
- State Planning Policy 2 - Environment and Natural Resources (SPP2)
- State Planning Policy 2.4 - Basic Raw Materials (SPP 2.4)
- EPA's Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No. 3

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Rural Strategy Review 2013
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4).
- Local Planning Policy 4.10 - Extractive Industries (Including Extraction of Mineral Sand and Other Minerals)



Planning Assessment

Clause 77 of the *Planning and Development (Local Planning Schemes) 2015* (Deemed Provisions) states:

- “(1) an owner of land in which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following:*
- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
 - (b) to amend or delete any condition to which the approval is subject;*
 - (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved*
 - (d) to cancel the approval.”*

In the covering letter provided by the applicant, it expresses that the application is to amend Condition 1 of the development approval which relates to the duration of the approval. Officers were concerned with this approach, given the very specific circumstances in which the Deemed Provisions allow for amendments to be considered. Officers sort legal advice in this regard, which is provided as part of **CONFIDENTIAL attachment 3**.

In this regard, Officers consider that the application cannot purely be an application to amend a condition to which the approval is subject. The existing approval is for eight stages of extraction which occupy the majority of the subject lot.

The proposed extraction plan provided with the application is only for three of the eight approved stages, and as such the application has to also include an amendment to the scope of the development approval that is currently in place.

While Clause 77(c) of the Deemed Provisions allows for an amendment to be applied for, this can only be where such an amendment *“would not substantially change the development approved”*. It is considered that amending the application from the eight stages to three stages would substantially change the development approved. Based on this, the application is unable to be determined under Clause 77 of the Deemed Provisions.

Officers provided this advice to the applicant and specifically advised that the proposal would be required to be treated as a new application, with the full suite of relevant information in order to assess the merits of such application.

The applicant has stated that they do not consider the amendment to substantially change the proposal as *“the approved plan remains the same and management plans relate to the initial stages (1-3) which are still in progress.”* The applicant has advised they wish to proceed with their request to amend Condition 1 pursuant to Clause 77 (1) (b) of the Deemed Provisions.

Based on this direction from the applicant, and considering the legal advice obtained, it is considered that there is no head of power under Clause 77 of the Deemed Provisions to approve an amendment to an application which substantially changes what was approved. Such application is not, in the opinion of Officers, within the specific criteria expressed under Clause 77, which provide a bounded framework to where amendment may be applied for.

Therefore, it is the opinion of Officers that the application cannot be approved and as such it is recommended that Council refuse the application.



If the application was solely for an extension to the duration of the approval, then the application would need to be regarded as seeking an extension of the right to extract from proposed Stages 1 - 8. That in turn would require the Shire to re-examine the merits of the extraction in Stages 1 - 8.

Extractive industry development approvals are not usually granted on a permanent basis - they usually have a finite period, as was the case for the 2012 development approval. This allows the operation to be reviewed if an application is made to extend the duration of approval, and it also allows review of the extractive industry within the context of: any changes to the planning framework that might have occurred; and any improvements in technology and best practice environmental management. To consider the merits of allowing the proponent to continue extracting in Stages 1 - 3 for the next five years, is not the same in substance as allowing the proponent to continue to extract from all or any of Stages 1 - 8 for the next five years. These two different propositions require different assessment, and different documentary justification from the applicant. There is no documentary justification from the applicant that relates to the merits of extracting in Stages 4 - 8, beyond the fact that an approval was granted in 2012 that covered all of Stages 1 - 8. No updated materials reflecting on the current planning framework or contemporary best practice, relates to Stages 4 - 8. The stated justification for the five-year extension is to enable resources in Stages 1 - 3 to be exploited. Even if the legal position was incorrect, that the application technically relates to all of Stages 1 - 8, Officers would not recommend an extension solely of the duration of the approval as if it related to Stages 1 - 8, in circumstances where there is a mismatch between on one hand, the extraction area to which development approval formally relates (Stages 1 - 8), and the extraction area actually intended to be undertaken within the life of the approval (Stages 1 - 3).

Options and Implications

Option1

1. That Council REFUSE the development application for the amendment to approved 'Industry Extractive' as contained within **attachment 2** at Lot 31 Kiln Road, Cardup for the following reasons:
 - (a) The proposed amendment would substantially change the development approved and cannot be determined pursuant to Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - (b) Even if (a) was legally incorrect, the application materials have only presented a justification for continued extraction in Stages 1 - 3, not in Stages 4 - 8, so the approval cannot be supported based on the 2012 decision that dealt with a different development extent;
 - (c) Further to (b), extending the duration of the approval for Stages 1 - 8 would be inconsistent with the applicant's stated intent to only extract from Stages 1 - 3 within the five-year extension period sought by the applicant.
 - (d) The application has not provided sufficient up-to-date information in order to assess relevant planning considerations pertaining to the following:
 - i. Whether the Community Consultation Framework and Community Consultation Group is proposed to operate as part of the proposed extent of development;
 - ii. How dust, noise and other amenity impacts may be managed to account for the proposed changes in the extent of development;



- iii. How visual and rehabilitation management approaches may require adjustment to reflect the proposed changes to the extent of development;
- iv. How mine closure planning may be required to adjust to account for the proposed changes to the extent of development;
- v. How traffic will account for the accelerated decline in road pavement life on Shire managed road assets.

Option 2

As per Option 1, however deleting refusal reason (d) on the basis that the decision is to be based upon whether the decision is within power of Clause 77 of the Deemed Provisions, rather than the specific information provided.

Option 1 is recommended.

Conclusion

The application seeks approval for an amendment to an approved 'Industry - Extractive' to allow extraction to continue for a further period of five years until 1 January 2027. It is considered that the proposal cannot be considered as an amended as the reduction in extraction area substantially amends the development approved and there is no power under Clause 77 to approve the development. The proposal is therefore recommended for refusal.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Application Details (E22/14907)
- **10.1.4 - attachment 2** - Summary of Submissions (E22/12732)
- **10.1.4 - CONFIDENTIAL - attachment 3** - Legal Advice (E22/15036)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.

**Risk Implications**

Risk has been assessed on the 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 refuses the development application for amendment to the 'Industry Extractive' and the decision is appealed to the SAT.	Planning Framework	Financial	Possible	Minor	MODERATE	Council provide detailed valid planning reasons for its decision.
2	That Council approves the development application which has no clear head of power to occur.	Nil.	Reputation	Possible	Major	SIGNIFICANT	Nil.



Voting Requirements: Simple Majority

OCM298/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strautins

1. That Council **REFUSE** the development application for the amendment to approved 'Industry Extractive' as contained within attachment 2 at Lot 31 Kiln Road, Cardup for the following reasons:
 - (a) The proposed amendment would substantially change the development approved and cannot be determined pursuant to Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - (b) Even if (a) was legally incorrect, the application materials have only presented a justification for continued extraction in Stages 1 - 3, not in Stages 4 - 8, so the approval cannot be supported based on the 2012 decision that dealt with a different development extent;
 - (c) Further to (b), extending the duration of the approval for Stages 1 - 8 would be inconsistent with the applicant's stated intent to only extract from Stages 1 - 3 within the five-year extension period sought by the applicant.
 - (d) The application has not provided sufficient up-to-date information in order to assess relevant planning considerations pertaining to the following:
 - i. Whether the Community Consultation Framework and Community Consultation Group is proposed to operate as part of the proposed extent of development;
 - ii. How dust, noise and other amenity impacts may be managed to account for the proposed changes in the extent of development;
 - iii. How visual and rehabilitation management approaches may require adjustment to reflect the proposed changes to the extent of development;
 - iv. How mine closure planning may be required to adjust to account for the proposed changes to the extent of development;
 - v. How traffic will account for the accelerated decline in road pavement life on Shire managed road assets.

CARRIED UNANIMOUSLY 9/0

**10.1.5 - Proposed Change of Use of 'Single House' to 'Ancillary Dwelling' and Construction of new 'Single House' - Lot 110, 137 Jersey Road, Oakford (PA22/846)**

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Lauren Ashleigh & Louis Neil Celenza
Owner:	As Above
Date of Receipt:	7 October 2022
Lot Area:	4775m ²
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a change of use to an existing single dwelling to become 'Ancillary Dwelling', and the construction of a new single dwelling at Lot 110, 137 Jersey Road, Oakford. The new dwelling is also proposed to be located partially outside the building envelope, and also seeks to vary setback provisions of State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes).

The application is presented to Council as an objection from an adjoining neighbour was received during the advertising process. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Notwithstanding the objection received, the proposal is considered consistent with the planning framework and for the reasons outlined in the report, Officers recommend that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

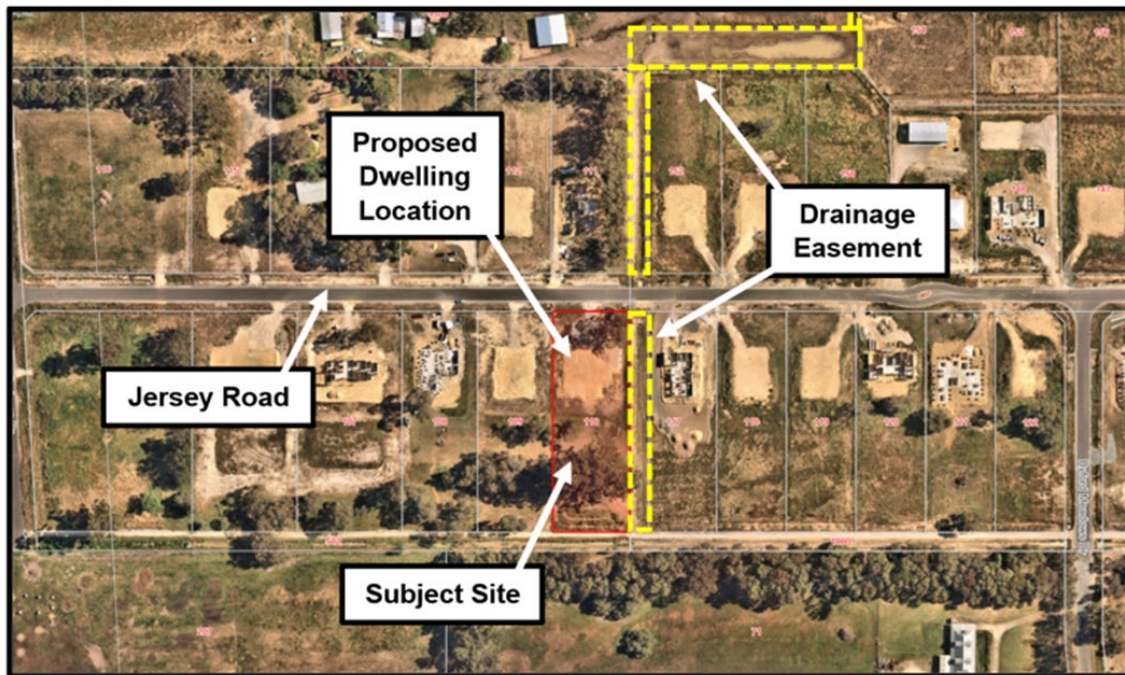
Nil.



Background

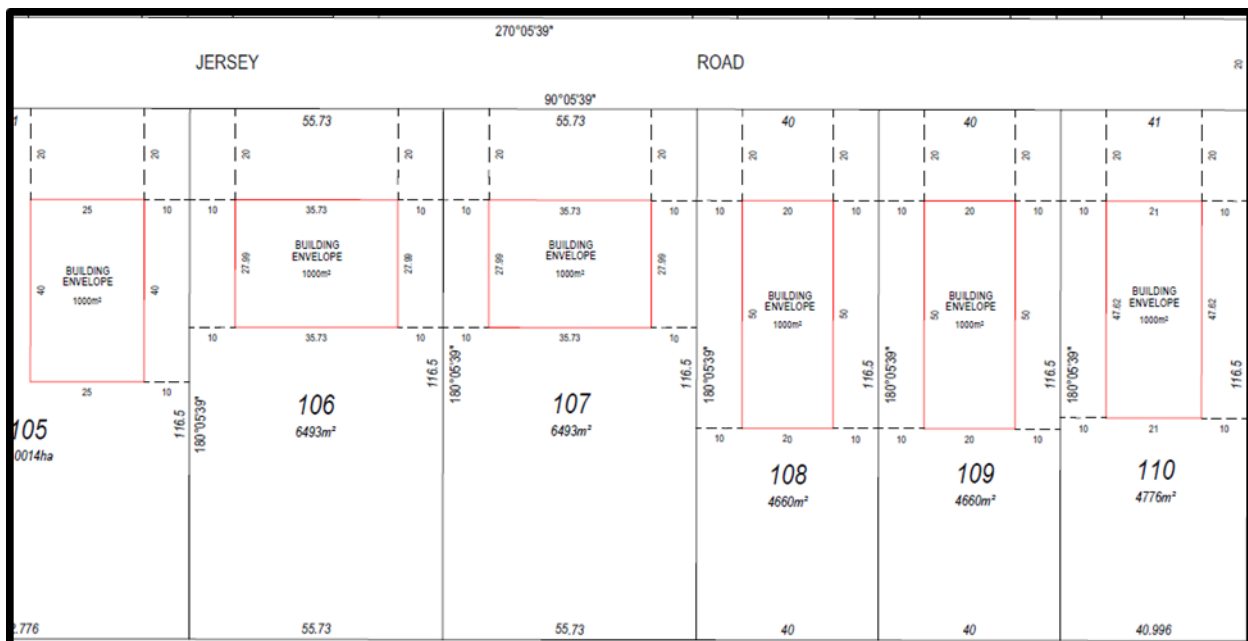
Existing Development

The property is 4,775m² in area and is located within the newly created Oakford Fields rural residential living estate, east of the Byford Town Centre. The subject site is currently vacant, and site works for the construction of the previously approved dwelling has commenced. The general locality comprises of residential developments under construction. The site also abuts a drainage easement to the west.



Aerial Photography

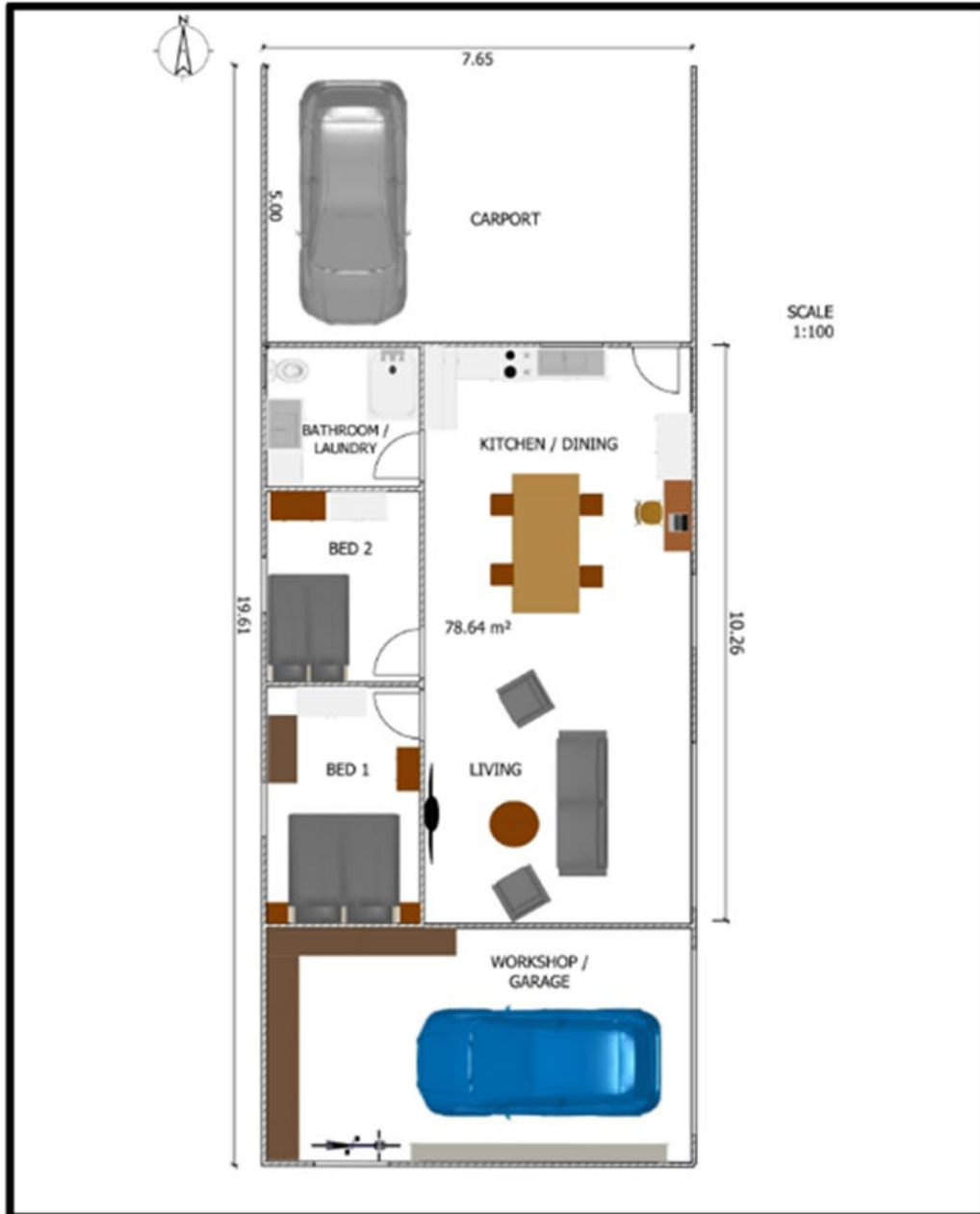
The subject site has an existing 1000m² building envelope that has been created and approved as part of a plan of subdivision when the lots were created. The building envelopes for the Oakford Fields Estate are set back at 20m from Jersey Road which is the primary street and 10m from the east and west lot boundaries as seen in the diagram below.





Approved Single Dwelling

The Shire, on 29 March 2022, approved a single dwelling with a total floor area of 142.5m² comprising of two bedrooms, living room, garage and carport as seen in the figure following.



Floor Plan for the approved Single House

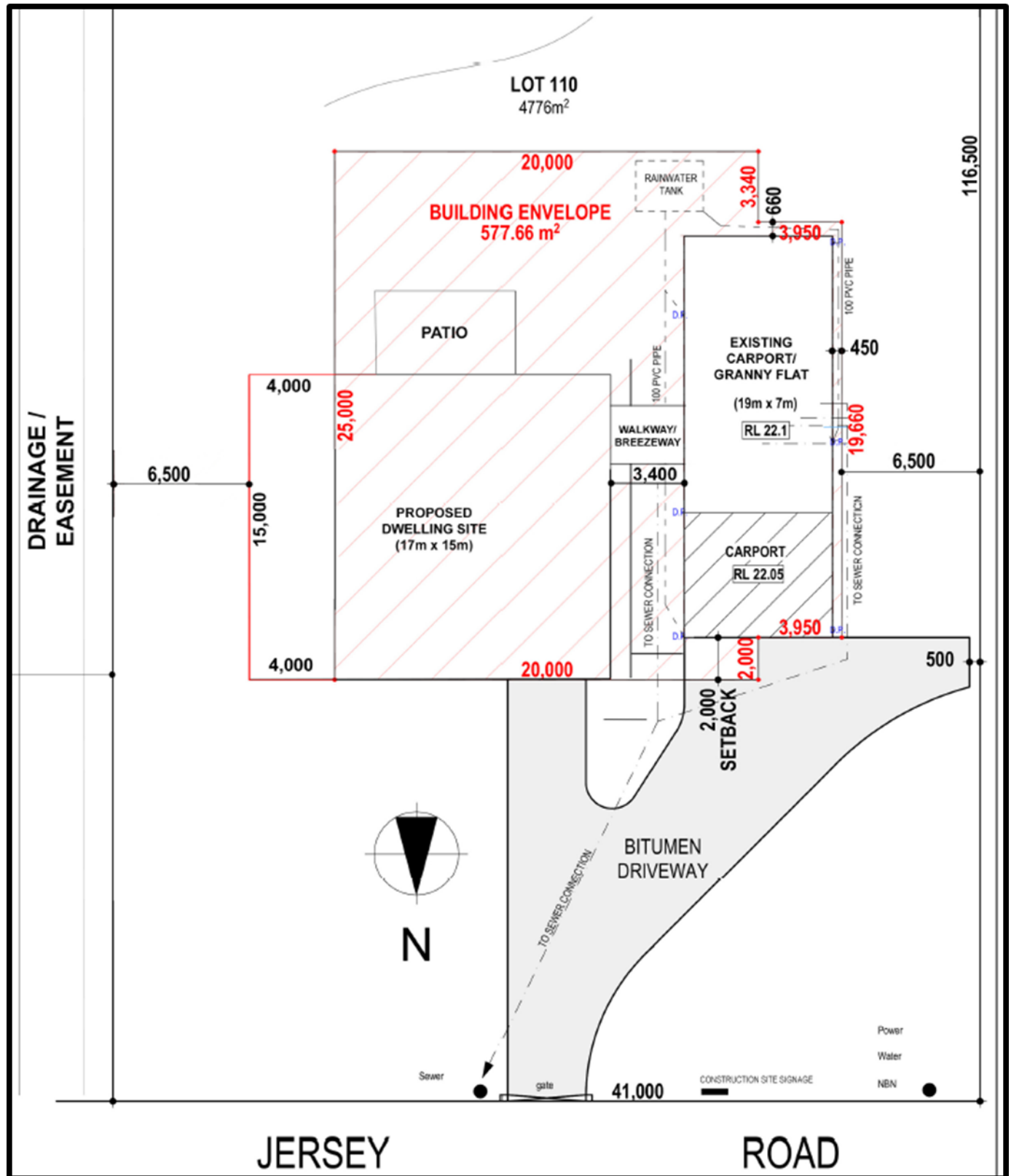
Proposed Development

The application seeks approval for the construction of a new single dwelling and the change of use of the first 'Single House' to become the 'Ancillary Dwelling', upon completion of the new single house. This was the original intention of the landowner, being to build a smaller house initially; reside in that smaller house while being the permanent house and; convert the original smaller house to an ancillary dwelling.

The proposed new single dwelling is partially outside of the building envelope, and setback 6.5m from the western boundary in lieu of 10m.



The proposed single dwelling and ancillary dwelling will be integrated connected by a 3.4m covered walkway. The single dwelling is proposed to be constructed entirely out of dark grey colorbond materials, in order to match the ancillary dwelling. The site plan and elevations of the proposed dwelling are shown following.





Full details of the proposal are contained within **attachment 1**.



Community / Stakeholder Consultation

The application was advertised to adjoining landowners for a period of 14 days from 7 October 2022 to 21 October 2022, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters. One submission was received objecting to the proposal for the following summarised reasons:

- *Having two dwellings on the subject site is not consistent with Rural Living A Zone;*
- *Development outside the building envelope and encroaching the lot boundary is not consistent with Clauses 5.12.9 (c) and 5.12.9 (m) of Shire of Serpentine Town Planning Scheme No 2 (TPS2);*
- *The land size is only 4775.97m² and having two dwellings impact on the style of spacious living in a countryside environment, and this is not consistent with Rural Living A Zone;*
- *The bedroom windows facing the eastern side of the proposed property are not acceptable as they will be overlooking our living space;*
- *The building envelope was approved by the Western Australian Planning Commission (WAPC) and the local shire in order to maintain a rural countryside feel. Location the of moving the main building outside of the approved building envelope takes away the countryside feel that has been originally designed.*

A full copy of the submission with the applicant's response and Officer comments is contained within **attachment 2**.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 7.3 - Residential Design Codes (Volume 1)
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3
- Local Planning Policy 4.1 - Ancillary Dwelling

Planning Assessment

A full technical assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the objection resulting in the item being presented to Council and where Council is requested to exercise discretion.



Land Use

The subject site is currently zoned 'Rural Living A' under TPS2. The proposal for a single house would fall within the 'Residential - Single House' land use, which is a permitted use in the 'Rural Living A' zone. Therefore, the proposal is consistent with the intended use of the land for the locality and can be considered for approval. A single house can also exist in association with an ancillary dwelling, and is not uncommon to be found across a variety of residential, rural residential and rural zones of the Shire.

The subject site is proposed to be rezoned 'Rural Residential' under the draft LPS3. The proposed dwelling would fall within the 'Single House' land use under LPS3, which would be a 'P' (permitted use) in the 'Rural Residential' zone.

The proposed Ancillary Dwelling falls within the TPS2 land use of 'Residential: Ancillary Accommodation'. TPS2 defers to the definition provided under the R Codes, which means a *"self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house."*

The proposed development meets this definition, being a self-contained dwelling, which is proposed to be attached to the new 'Single House'. The land use 'Residential: Ancillary Accommodation' is an 'AA' use in the 'Rural Living A' zone under TPS2 and therefore there is discretion to permit the use.

Local Planning Policy 4.1 - Ancillary Dwellings (LPP4.1)

LPP4.1 varies the maximum plot ratio allowed for Ancillary Dwellings under the R-Codes from 70m² to a maximum of 100m² where the R2 density code applies. Clause 5.4.2(a) of TPS2 applies an R2 density code for residential development on lots within the 'Rural Living A' zone. As such, the development falls within the scope of LPP4.1. The proposed Ancillary Dwelling would be 78.49m² in internal floor area, excluding the garage and carport, complying with the floor area requirements. The proposal has been assessed against the provisions of LPP4.1 as below:

Element	Provision	Proposed	Comment
Policy Provisions			
Siting	An Ancillary Dwelling is to be located behind the building line of the primary dwelling.	Compliant - the Ancillary Dwelling is located two metres behind the single dwelling. The dwelling is connected to the main dwelling by a covered undercover.	Complies
Scale	An Ancillary Dwelling shall have no more than two (2) bedrooms. An Ancillary Dwelling shall appear subservient in scale to the primary dwelling.	Compliant- The proposal contains two bedrooms. Compliant - the proposed ancillary dwelling is considered subservient in scale to the primary dwelling. The ancillary dwelling is connected on the same roof line with the dwelling.	Complies



Element	Provision	Proposed	Comment
Access/ Parking	A maximum of one (1) covered car parking space shall be provided in addition to those required for the primary dwelling. No additional crossovers will be permitted. Vehicle access shall be shared with that of the primary dwelling.	Compliant - one carport has been provided for parking purposes, which is compliant with the policy. Compliant - no additional crossovers are proposed. The application has been amended so that only one crossover will be servicing both dwellings.	Complies
External Appearance	Incorporates habitable design elements such as awnings, verandahs, patios. An Ancillary Dwelling is to be finished with a material of similar colour to the primary dwelling.	Compliant - the proposed materials and colour of the Ancillary dwelling matches the proposed dwelling. The proposed Ancillary Dwelling incorporates architectural designs matching the proposed dwelling.	Complies

The proposal is compliant with all requirements of LPP4.1 and the broader objectives of the policy.

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

In accordance with the deemed-to-comply requirements of the R-Codes, the lot boundary setbacks for residential development on lots with a density code of R2 is 10m. The proposed single house is set back 6.5m from the eastern boundary and therefore does not comply with the deemed-to-comply lot boundary requirement. During the consultation period, concerns were raised in relation to the development encroaching on the common boundary and resulting in potential overlooking issues.

In assessing the proposed single house, Officers have considered the design principles of the R-Codes. The design principle P3.1 (lot boundary setback) below highlights the variations to which Council must determine whether the following relevant 'Design Principle' has been met in accordance with Clause 2.1.4 of the R-Codes.

P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Impact on building bulk

With regard to the above provision, Officers consider that the proposed dwelling is consistent with the size and scale of residential development expected in a rural residential zone. The proposed single dwelling is a single storey building and its height is consistent with the provisions of the R-



Codes. It is considered that its built form is sympathetic to the scale of the street and surrounding buildings and the appearance does not detract from the existing and future residential dwellings within the estate. Also, the proposed single house being located 6.65m from the common boundary to the east, is further separated from development to the east by virtue of the drainage easement which is 10m in width. This means the development is 16.5m from the eastern edge of the drainage easement, and the dwelling under construction being a further 8m to the closest point of the drainage easement (garage). This is shown following.



As such, the proposal will still enjoy a separation of 24m, which is beyond what would otherwise exist given the 10m side boundary building envelope setbacks. The presence of the drainage easement and positioning of development on both 133 and 137 means building bulk is appropriately moderated in the opinion of Officers.

Impact of solar access to the adjoining neighbour

Officers are satisfied that the development would not impact on any solar aspect of surrounding properties, given the setbacks that are proposed.

Impact on overlooking and loss of privacy

During the consultation period concerns were raised regarding the bedroom windows facing the eastern side of the proposed property and potential overlooking issues on the adjoining neighbours living space and subsequent intrusion of their privacy. As mentioned above, there is a significant separation in development of more than 24m. This is considered acceptable, and is

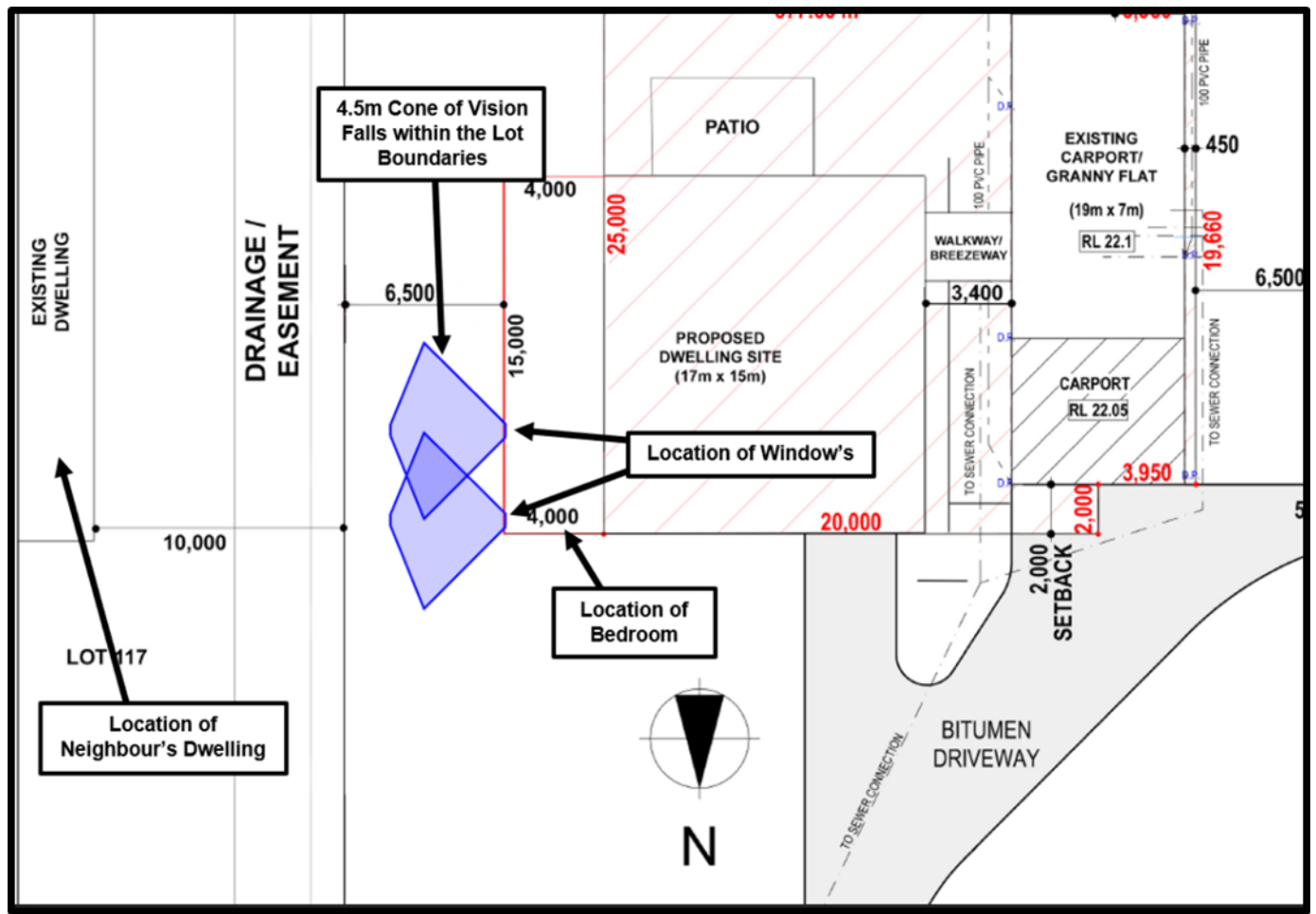


greater than what could otherwise exist as a minimum separation of 20m that is provided by building envelopes in the estate.

The R-Codes provide the deemed-to-comply standards for visual privacy in Clause 5.4.1. which sets out the required minimum separation distance between habitable rooms to lot boundaries. Under Clause 5.4.1 the major openings with a floor level of more than 0.5m should be setback 4.5m to comply with the deemed to comply provisions for visual privacy provisions. In this case the windows shown in the eastern elevation are setback 6.5m and therefore complies with the deemed-to-comply provisions of visual privacy.



To further satisfy the third provision regarding the extend of overlooking, an assessment has been undertaken to determine the impact of overlooking on the proposed neighbouring property. The diagram below has been drawn in accordance with the R-Codes (clause 5.4.1) provisions relating to overlooking. The R-Codes includes a tool for measuring the impact of the location of windows on adjoining landowners. The R-Codes deemed-to-comply provisions states that major openings should be set back *“in direct line of sight within the cone of vision”* from the lot boundary a minimum of 4.5m (within the cone), in this case. The cone of vision is depicted below:



The figure above demonstrates the cone of vision is contained within the boundaries of the subject site and therefore the proposal would not cause any adverse impact on adjoining neighbours by way of overlooking. Given the distance between the proposed dwelling and the adjoining neighbours dwelling, Officers are satisfied that the visibility from the windows would not adversely impact on amenity of the neighbouring property. In addition, the applicant has provided information that additional trees will be planted along the common boundary to address the concerns raised. A condition can be imposed to require suitable planting to provide further layers of vegetation to help moderate any potential amenity impact.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas:

The application was lodged with a BAL assessment that demonstrates the proposed 'Single House' and Ancillary Dwelling would be subject to a BAL rating of BAL-19. This can be viewed within **attachment 4**. This complies with the requirements of SPP3.7.

Building Envelope

Concerns were raised with regard to the location of the single house outside the approved building envelope. The objection considers that the proposal being setback 6.5m from the common boundary would be contrary to clause 5.12.9 (c) which states that '*a building envelope with an area not exceeding 1,000 square metres in area shall be defined in a position to be agreed by the Council and no building envelope shall be closer than 20 metres to the primary street boundary or closer than 10 metres to any other lot boundary*'.



In that regard, Officers consider that building envelope for the subject site has been created in accordance with Clause 5.12.9(c) as it is setback 20m from Jersey Road and 10m from the lot boundaries. Clause 5.12.9(m) of TPS2 *states that 'no building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council'*. This gives the discretion to approve development outside the building envelope, following lodgement of an application for development approval.

Officers have considered the development partially outside the building envelope can be approved based on the merits of the application. As discussed above, the separation distance between the proposed single house and the dwelling on the adjoining lot is in excess of 24m due to the existing 10m drainage reserve. Officers consider that there is reasonable separation distance between the two properties, for the proposal not to result in any unreasonable amenity impact within the setting of a rural residential area.

Options and Implications

Option 1

That Council APPROVES the development application for Change of Use of 'Single House' to 'Ancillary Dwelling' and Construction of new 'Single House' at Lot 110, 137 Jersey Road, Oakford as contained within **attachment 1** subject to the following conditions:

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

Plans and Specifications	P1-P5 Development Plans received at the Shire's Offices on 7 October 2022 P6 -Bushfire Attack Level Assessment prepared by WA Fire & Safety
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. A Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit for the new Single House. This is to demonstrate additional planting along the eastern side boundary of the subject land, to help further screen the development when viewed from the east. Once approved, the Landscape Plan is to be implemented and maintained.

Option 2

That Council REFUSES the development application for the dwelling to be built outside the building envelope creating an adverse visual amenity impact on the surrounding residential land.

Option 1 is recommended.



Conclusion

The application seeks approval for the construction of a 'Single House' and the change of use to the approved, partially constructed, 'Single House' to 'Ancillary Dwelling'. Both land uses can be approved in the 'Rural Living A' zone.

The application seeks approval for the Single House to be located partially outside the building envelope with a lot boundary setback varying the deemed-to-comply requirements of the R-Codes. The application has received an objection from an adjoining neighbour and the item is therefore presented to Council for determination.

Notwithstanding the objection received, the proposal is considered to meet the 'Design Principles' of the R-Codes. Officers are satisfied that the proposal would not adversely impact on the amenity of the area or that of neighbouring residents. As such, for the reasons outlined in the report, it is recommended that Council approve the application subject to conditions.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Development Plans (E22/14869)
- **10.1.5 - attachment 2** - Summary of Submissions (E22/14765)
- **10.1.5 - attachment 3** - Clause 67 of the Deemed Provisions (E22/14870)
- **10.1.5 - attachment 4** - Bushfire Attack Level Assessment (E22/14866)

Alignment with our Strategic Community Plan

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

Financial Implications

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 Option 1						
2	That Council refuses the application and an appeal is lodged with the State Administrative Tribunal.	Reasons for refusal reflecting valid planning concerns or variations.	Reputation	Possible	Minor	MODERATE	Nil.

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the development application for Change of Use of 'Single House' to 'Ancillary Dwelling' and Construction of new 'Single House' at Lot 110, 137 Jersey Road, Oakford as contained within attachment 1 subject to the following conditions:

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

Plans and Specifications	P1-P5 Development Plans received at the Shire's Offices on 7 October 2022 P6 -Bushfire Attack Level Assessment prepared by WA Fire & Safety
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- c. A Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit for the new Single House. This is to demonstrate additional planting along the eastern side boundary of the subject land, to help further screen the development when viewed from the east. Once approved, the Landscape Plan is to be implemented and maintained.

**OCM299/12/22****COUNCIL RESOLUTION****Moved Cr Duggin, seconded Cr Strange**

That Council APPROVES the development application for Change of Use of 'Single House' to 'Ancillary Dwelling' and Construction of new 'Single House' at Lot 110, 137 Jersey Road, Oakford as contained within attachment 1 subject to the following conditions:

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

Plans and Specifications	P1-P5 Development Plans received at the Shire's Offices on 7 October 2022 P6 - Bushfire Attack Level Assessment prepared by WA Fire & Safety
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- c. A Landscape Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit for the new Single House. This is to demonstrate:**
- The provision of one row of landscaping, along the full extent of the eastern side of the single dwelling;**
 - The provision of two rows of landscaping, along the full extent of the eastern side of rear patio;**
 - The row(s) of landscaping is to comprise a mix of ground, middle and upper storey planting, to enable the creation of an effective screen effective by 31 August 2023;**
 - Plants used are to be sufficiently advanced (non-tube stock) to enable the opportunity for advanced maturing.**

Once approved, the Landscape Plan is to be implemented and maintained.

CARRIED 6/3**Reason for difference to Officer Recommendation**

To remove ambiguity as to what is required for visual and acoustic screening as required in compensation for the building extending beyond the building envelope.



10.1.6 - Significant Tree Register - State Agency and Private Property Trees (SJ781)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is for Council to consider annual updates to the Significant Tree Register of the Shire.

Since first adoption of the Register in December 2021, further nominations have been received for additions to the Register. These relate to trees on land controlled by the National Trust of Australia (WA), Main Roads WA, Department of Biodiversity, Conservation and Attractions and private property. Three trees on Shire managed land are requested for removal from the Register, due to their death and removal.

The Significant Tree Register provides an important step in a process to record, recognise and protect trees that are special or have significant value to the community, and to promote the special trees that characterise the Shire.

Relevant Previous Decisions of Council

*Ordinary Council Meeting - 13 December 2021 - OCM343/12/21 - COUNCIL RESOLUTION / Officer Recommendation
That Council ADOPTS the Significant Tree Register as per attachment 1.*

Background

The Significant Tree Register records trees in the Shire that are special or significant, which may be a single tree or a group, avenue or area.

A Significant Tree may be:

- Particularly old or large;
- Of a beautiful shape or form;
- Of heritage significance;
- An unusual type or species;



- Special to a person or the community for a specific reason.

The Significant Tree Register will draw attention to those listed trees' special qualities and values.

The initial establishment of the Significant Tree Register in December 2021 only considered trees on Shire controlled land. Nominated trees on private property (which have been nominated by the tree owner) or on land controlled by government agencies are now being considered for inclusion on the Register.

As trees do not live forever, three trees on Shire land previously included on the Register have died and been removed, and should be deleted from the Register.

Community / Stakeholder Consultation

All State agencies and property owners with nominated trees on their property were contacted with regard to the nominations. The following responses were received from land managers whose trees are being considered for inclusion on the Register:

- National Trust of Australia (WA) (one tree proposed for inclusion):

"Thank you for referring the significant tree register nomination of the Eucalyptus rudis (ST 108) to the National Trust for comment. The tree is located in the Jarrahdale Heritage Park, which is owned by the National Trust.

The National Trust recognises the tree is unusual in form, due to the spine of the tree arching over the footpath, and hence supports its inclusion in the Shire of Serpentine Jarrahdale's Significant Tree Register."

- Main Roads (four trees proposed for inclusion):

"Thank you for your letter dated 22 February 2021 regarding significant tree nominations.

I note that you have identified a number of trees within the Main Roads Regional Road Reserve that have been nominated as significant trees for inclusion on the Shire's Significant Tree Register.

Main Roads Western Australia (Main Roads) notes that public works within the Regional Road Reserve do not require planning approval under a Town Planning Scheme.

Main Roads minimises impacts on the environment when carrying out works to maintain the road network and to improve safety for road users. Should works be required in the areas where the nominated trees are located, Main Roads will make every effort to avoid impacting all significant trees, including those listed on the Significant Tree Register, however Main Roads will undertake lateral and vertical pruning as required in accordance with its processes.

It would be appreciated if the Shire of Serpentine Jarrahdale continue to provide the location of trees nominated for inclusion on the Shire's Significant Tree Register. Main Roads will include the nominated trees in our spatial systems, which are referenced as part of our processes."

- Department of Biodiversity and Conservation (four trees proposed for inclusion):

"Thanks for your email regarding the proposal to register several significant trees which are located on State Forest on the Shire's Significant Tree Register. I have consulted the Department's Swan Region Sustainable Forest Management Coordinator and Swan Region Manager, and it is suggested that the trees be nominated and assessed for inclusion on DBCA's Significant Tree Register (Nomination form attached) rather than on the Shire's Register given they are located on State Forest."



- Two landowners have supported the listing of a total of two trees, across two properties.

As mentioned, the proposed trees for listing in this report have all been supported by the land managers / landowners for listing.

Officers have not recommended advancing the listing of trees where a land manager / landowner does not support such listing. Rather, these remain protected by virtue of the planning framework.

In this regard, despite the Significant Tree Register, the Shire's planning framework still contains controls which require a development application for certain forms of tree removal. This is defined under clause 7.12 of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Statutory Environment

- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*

Comment

The Significant Tree Register provides a process in which to record, recognise and protect trees that are special or have significant value to the Shire. Significant Trees can be particularly old or large, have a beautiful shape or form, have heritage significance, be an unusual type, or be special to a person or community for a specific reason. There are ten categories of significance, based on the categories used by the National Trust.

The Significant Tree Register is an action arising from the Urban and Rural Forest Strategy, which was adopted by Council in September 2018. The Urban and Rural Forest Strategy formalises the Shire's commitment to managing, protecting and retaining trees and native flora. The Strategy will guide the Shire in its vision to create and maintain cool, healthy and liveable communities which integrate the natural environment and reflect the Shire's unique sense of place and identity.

Action 2.2 (a) of the Urban and Rural Forest Strategy is to prepare a Significant Tree Register. In consideration of new nominations received since first adoption of the Register in December 2021, 11 new trees are recommended for inclusion on the Register. These are listed in **attachment 1** and their assessment reports are in **attachment 2**. These 11 trees include one on National Trust land, four on Main Roads road reserves, four on DBCA land (which are not eligible for DBCA's register), and two on private property (over two properties). The exact locations, ownership and addresses of the trees on private property are withheld for privacy reasons.



Some notable trees include:

1. ST 33 - jarrah tree on South Western Highway, south of Feast Road (Main Roads)



2. ST 35 - wandoo tree on South Western Highway, north of Kingsbury Drive (Main Roads)





3. ST 64 - kingia grasstree on Yoorda Close, Cardup (private property)



4. ST 67 - marri tree on Keirnan Street, Whitby (private property)

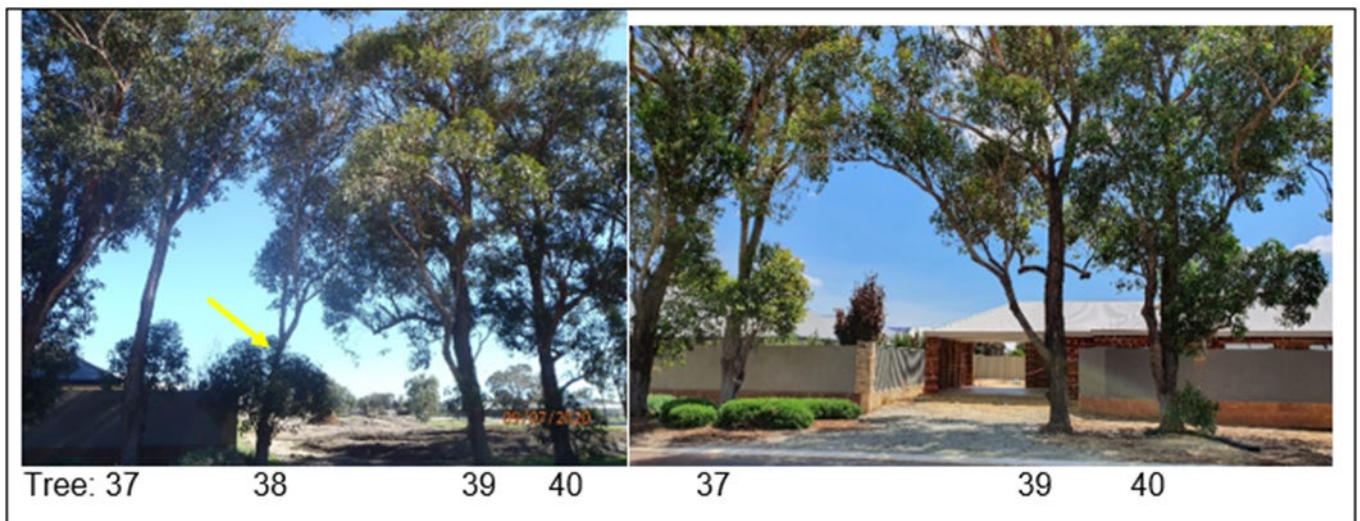




5. ST 70 - turpentine tree on Blue Rock Road, old Day's lease (DBCA)



As trees do not live forever, three trees on Shire land previously included on the Register have died and been removed, and should be deleted from the Register. These are trees number 38, 42 and 43 of ST 32, on Kokoda Boulevard in Byford, near Abernethy Road. In the photos below, the picture on the left shows the trees when first assessed, with the removed trees marked, while the picture on the right shows the trees after removal. Each tree is numbered below the photos. The first set of photos show where tree 38 was removed, and the second where trees 42 and 43 were removed. The assessment report is **attachment 3**.





Options and Implications

Option 1

That Council:

1. ENDORSES the inclusion of 11 additional trees in the Significant Tree Register as per **attachment 1**.
2. ENDORSES the removal of three dead trees from the Significant Tree Register as per **attachment 3**.

Option 2

That Council does not endorse the inclusion of additional trees or removal of trees from the Significant Tree Register.

Option 1 is recommended.

Conclusion

Keeping the Shire's Significant Tree Register up to date enables the continued process to record, recognise and protect trees that are special or significant, and to promote the special trees that characterise the Shire. Inclusion of trees on State agency land and private property in the Register, as proposed by this annual update, helps progress implementation of the Shire's Urban and Rural Forest Strategy and demonstrate the value of places of natural and historic significance.



Attachments (available under separate cover)

- **10.1.6 - attachment 1** - Significant Tree Register - State Agency and Private Property Trees (E22/13848)
- **10.1.6 - attachment 2** - Significant Tree Assessment Reports - State Agency and Private Property Trees (E22/13863)
- **10.1.6 - attachment 3** - Significant Tree Assessment Report - Removal of Dead Trees (E22/14060)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

Financial Implications

There are no financial implications of endorsement of additions to and deletions from the Significant Tree Register.



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 risk						
2	Council does not endorse the addition of trees to and removal of dead trees from the Significant Tree Register.	Reliance on the planning framework which requires a development application to assess the removal of trees	Organisational Performance	Possible	Minor	LOW	Nil

Voting Requirements: Simple Majority

OCM300/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council:

1. **ENDORSES** the inclusion of 11 additional trees in the Significant Tree Register as per attachment 1.
2. **ENDORSES** the removal of three dead trees from the Significant Tree Register as per attachment 3.

CARRIED UNANIMOUSLY 9/0

**10.1.7 - Request for Comment - Land Within Serpentine Jarrahdale Forming Part of South West Native Title Settlement - Land List 195 (SJ2808)**

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

Authority / Discretion

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 for Council to consider making comment back to the Department of Planning, Lands and Heritage (DPLH) regarding land within the Shire being considered as part of the South West Native Title Settlement.

According to DPLH advice, over the next five years the Department will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- Unallocated Crown Land;
- Unmanaged Reserves;
- Land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- Land owner or held by State agencies or Local Government Authorities, at the discretion of the

Any land within a local government area is referred to that local government for comment to obtain specific information on a range of questions. In respect of the Shire, a number of land parcels have been identified within the Jarrahdale townsite, and the purpose of this report is to respond to the DPLH request for comment and the questions posed.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 23 October 2006 - SD040/10/06 - COUNCIL RESOLUTION / Committee Recommendation

- The Department for Planning and Infrastructure be advised that in relation to Lots 58-63, 83-89 90-92 and 94-106 Woodland Street, Siford Way, Cousens Street, Sladden Street and Alford Road, Jarrahdale, Council considers that before the land is available for development it will need comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land.*
- Council is willing to consider innovative development proposals for the land to achieve sustainability objectives incorporating the use of water recovery and recycling within the development area subject to the following:*



1. *The Department of Housing and Works entering into a legally binding agreement with the Serpentine Jarrahdale Shire to:*
 - a) *pay all costs associated with the provision of constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure;*
 - b) *identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire;*
 - c) *Place restrictive covenants on the Certificates of Title for all the lots requiring the retention of a minimum of 25% of the existing vegetation on any lot with a minimum of 10% of the retained vegetation being in the front setback area of the lot, all vegetation in the rear five metres of all lots backing onto Wanliss Street properties being retained and preventing the removal of any further native vegetation in perpetuity except:*
 - i. *where the vegetation constitutes an immediate threat to life or property, or is dead or diseased, the proof of which threat lies upon the person who removes, destroys, or damages the tree;*
 - ii. *where vegetation is required to be removed for firebreak purposes required by a Regulation or Local Law;*
 - iii. *a boundary fence is to be erected;*
 - iv. *in an area required for the construction of an effluent disposal system approved by Council;*
 - v. *a vehicle accessway to a property;*
 - vi. *for the installation of any public utilities to service a dwelling.*
 - vii. *any tree having branches directly overhanging the roof of any building, but in that case the exemption applies only to the lopping of an overhanging branch; and*
 - viii. *any tree within 2 metres of a sewer, water-main, effluent disposal system, stormwater or power network, where the tree has caused damage or blockage to the installation or equipment in question, proof of which damage lies upon the person removing, destroying or damaging the tree.*
 - d) *Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).*
 - e) *All development subject to this subdivision shall be connected to an integrated waste water treatment system to treat, recover and reuse water on site. Council's policy is that alternative treatment units are required for all lots in this area unless there is an appropriate alternative.*
 - f) *Provision of a minimum capacity 3,000 litre water tank per dwelling.*
2. *The cost of preparing the legal agreements and construction plans/drawings for the project is to be the responsibility of the Department for Planning and Infrastructure.*



Background

South West Native Title Settlement

The South West Native Title Settlement (Settlement) is a native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.

A negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). Land alienated from the Crown (privately owned) is not subject to the native title agreement.

The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

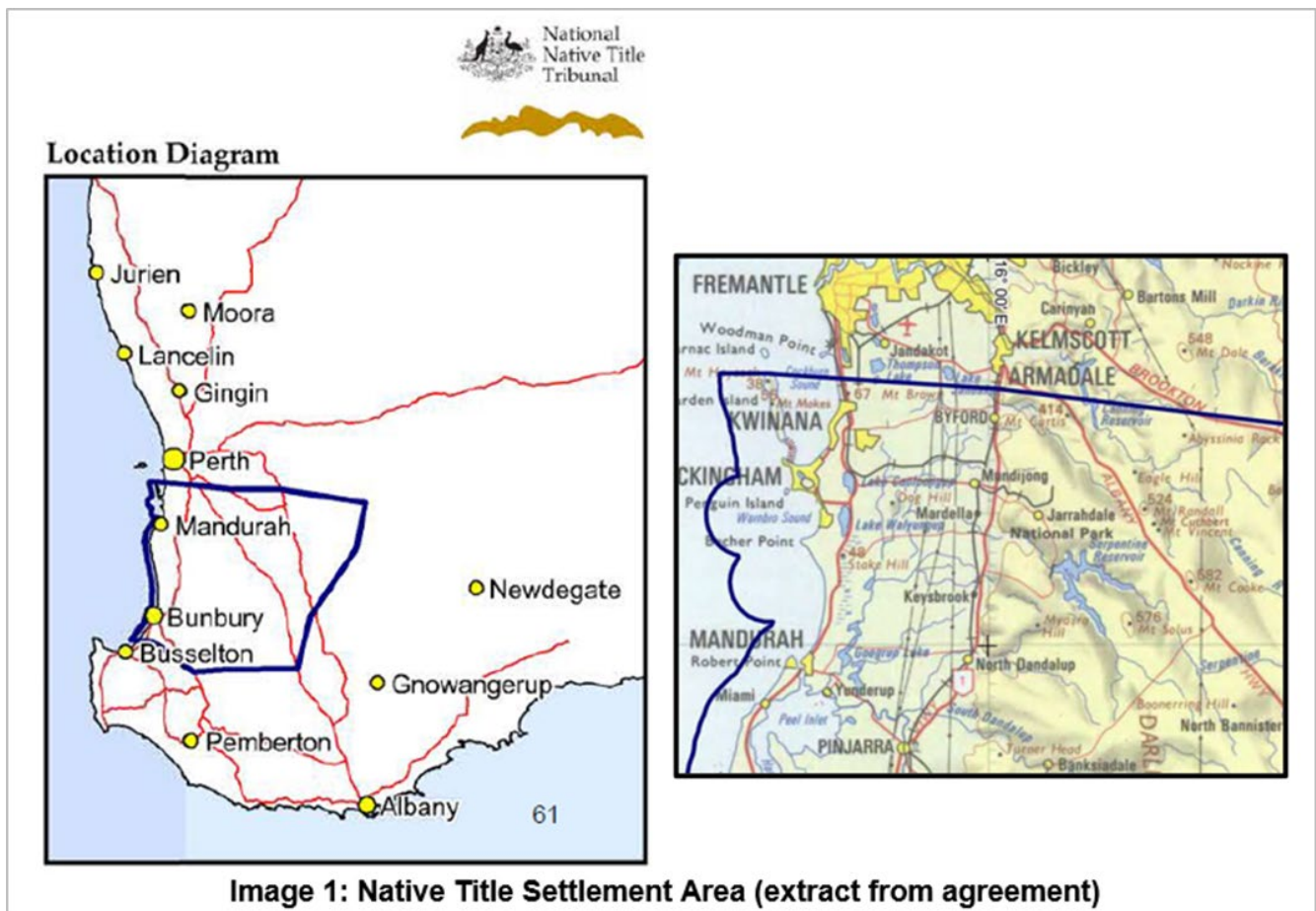


Image 1: Native Title Settlement Area (extract from agreement)



Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- Unallocated Crown Land;
- Unmanaged reserves;
- Land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- Land owner or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

A collection of land parcels are identified for consideration within the townsite of Jarrahdale. These comprise a number of unallocated crown land (UCL) lots. These lots were created in early 1972, but never developed in a physical sense. No services or constructed roads exist for these lots. The State Government, as the owner at the time, did not release them for development, and reverted them back to unallocated crown land making them a consideration for the Native Title Settlement. It should be noted that Lots 81, 82 and 93 are not included, as these have been alienated from the Crown and are held in private ownership.

The UCL lots are dotted in blue as shown following, with the excluded lots also shown highlighted in yellow:

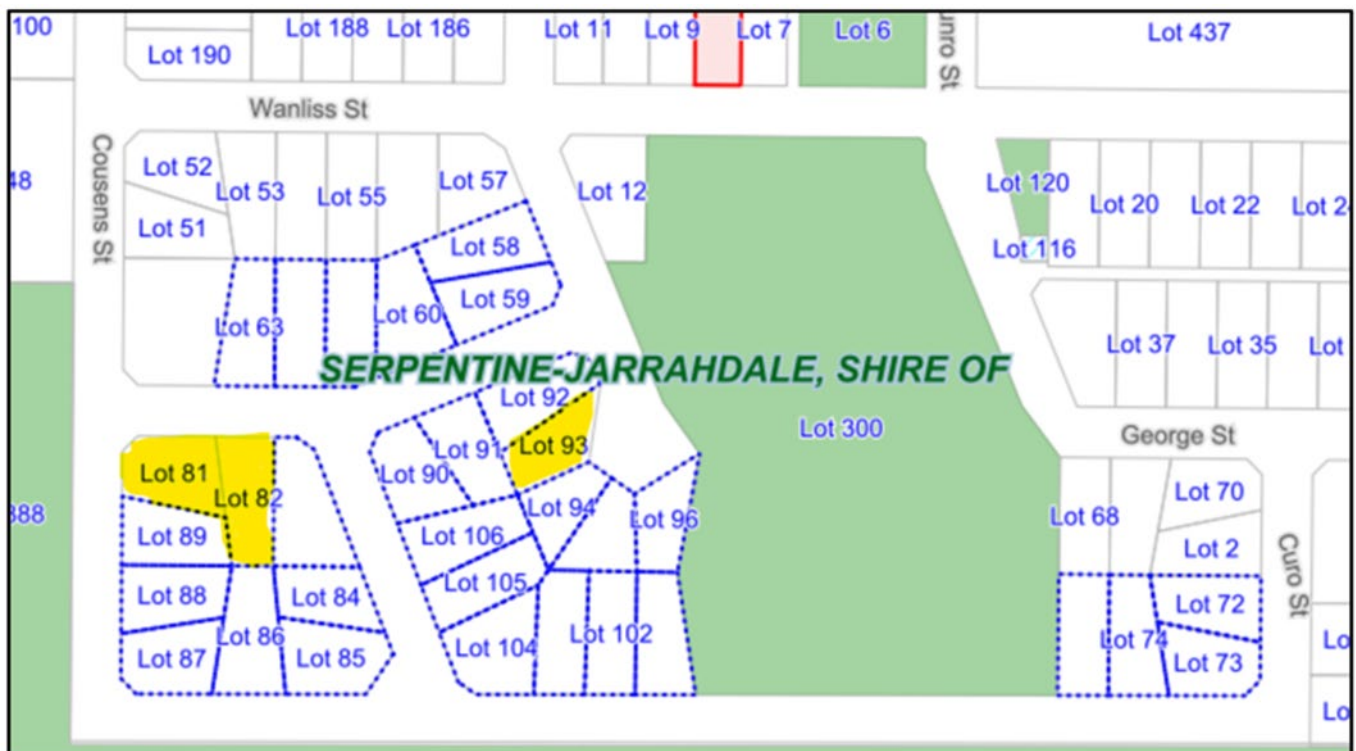


Image 2: UCL Lots – excluded lots highlighted

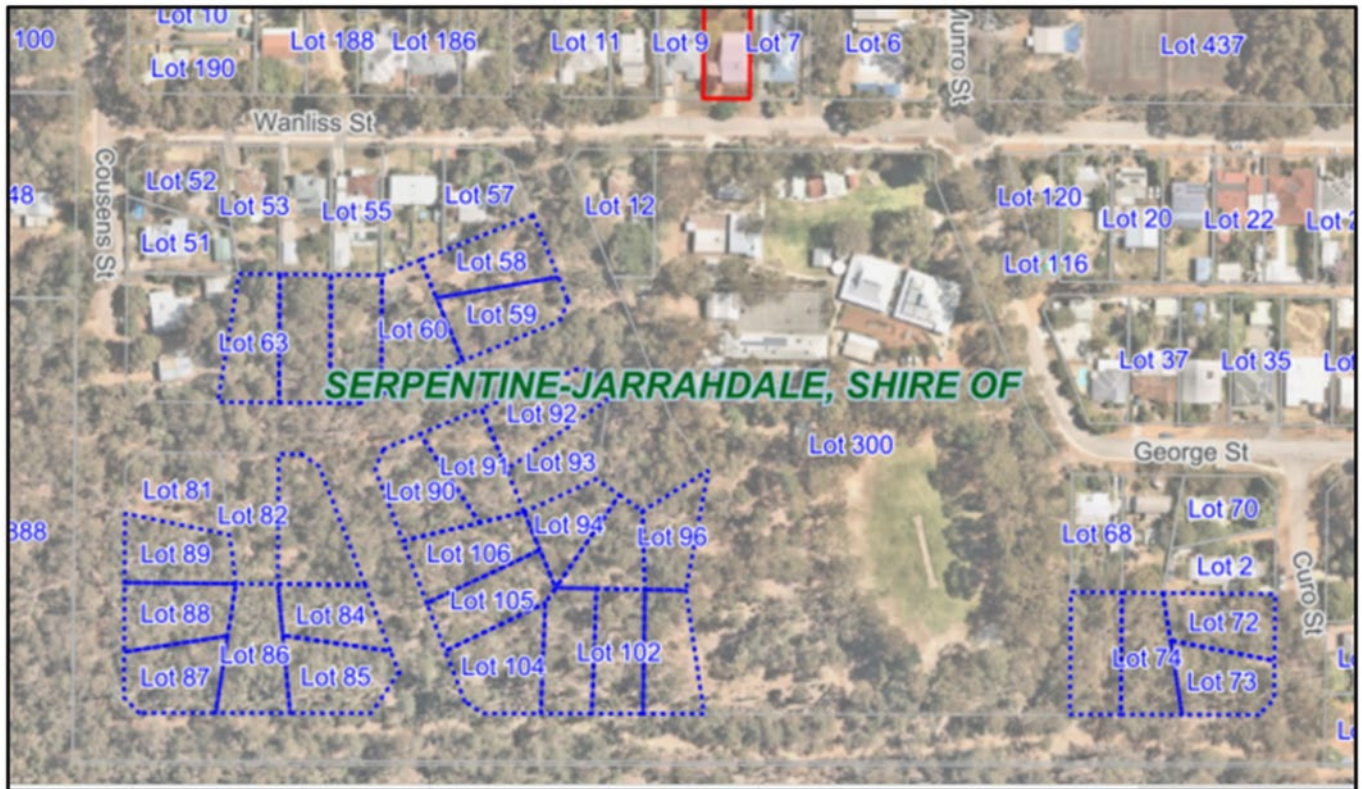


Image 3: UCL Lots

Community / Stakeholder Consultation

According to the advice received from DPLH, "A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government."

The referral received by the Shire requests feedback on the following questions:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).



9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

There is no further public or community consultation indicated by DPLH.

These questions are discussed following.

Comment

A key component of the South West Native Title Settlement process being followed by the Department of Planning, Lands and Heritage involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities.

The Shire has been requested to look at 29 previously subdivided lots, which have been kept as UCL and not released for development. These are:

Lot	Street Address	Lot	Street Address
58	Unconstructed road	88	29 Cousens Street
59	Unconstructed road	89	27 Cousens Street
60	Unconstructed road	90	Unconstructed road
61	Unconstructed road	91	Unconstructed road
62	Unconstructed road	92	Unconstructed road
63	Unconstructed road	94	Unconstructed road
72	6 Curo Street	95	Unconstructed road
73	33 Sladden Street	96	Unconstructed road
74	31 Sladden Street	101	17 Sladden Street
75	29 Sladden Street	102	15 Sladden Street
83	Unconstructed road	103	13 Sladden Street
84	Unconstructed road	104	11 Sladden Street
85	Unconstructed road	105	Unconstructed road
86	5 Sladden Street	106	Unconstructed road
87	31 Cousens Street		

The sites are zoned for 'Residential' with an R-code of 12.5 and fall within the Jarrahdale heritage precinct. As these lots have been subdivided previously but not yet developed, the Local Planning Strategy earmarks the land for Residential. However, it needs to be noted that the lots do not have any supporting infrastructure including roads, electricity, water or drainage. This would be needed to be provided by the entity or entities having the controlling interest in the land, or alternatively the State Government, who originally undertook the subdivision.

The current land use is native vegetation with vehicle tracks running through the area. The area to the south and west is State Forest and part of Serpentine National Park.



Image 4: View of the lots from Cousens Street facing east

The nine key that Council have been requested to consider by the Department of Planning, Lands and Heritage are listed below. Officers have provided comments in response on the questions.

1. *Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?*

Council (SD040/10/06) has previously resolved (in 2006) that before the land is available for development, but acknowledges that it requires comprehensive planning on a number of complex matters, and that this needs to be undertaken in a manner that maximises the protection and retention of the jarrah forest on the subject land. This issue was seen as requiring a deed of legal agreement at the time, given the importance of the issue identified. This importance has only increased.

Council also indicated a position to consider innovative development proposals for the land to achieve sustainability objectives.

Development of the lots will not only be difficult in terms of the provision of infrastructure, but also from a bushfire risk management perspective. Due to their location and current character these lots appear more as a further extension of the State Forest which frames the southern edges of Jarrahdale, rather than land for development.

Officers recommend that the land transfer should be made subject to the conditions set out in Council's 2006 decision, including a deed of legal agreement to secure the stated outcomes. In the absence of this being a committed part of the land transfer and future development, Officers would recommend that Council not support the proposal.

2. *Does the Shire have any interest in the land?*

The Shire does not have any direct interest in the land.

The Shire notes that the properties are adjacent to the State Forest/Serpentine National Park and give the impression as continuing that land unit. The Department of Biodiversity, Conservation and Assets should be contacted to discuss their relevant interests as the adjoining management agency. Likewise, the Department of Education should be contacted given the adjacency to Jarrahdale Primary School.

3. *Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.*

The Shire does not have any existing or planned infrastructure within the land parcel that requires protection. The Shire states further that the lots do not have any supporting infrastructure including roads, electricity, water or drainage. The Shire's position is that this would need to be provided by the entity or entities having the controlling interest in the land or alternatively the State Government who originally undertook the subdivision. There needs to be a legally binding deed



of agreement to secure this requirement, among other aspects captured in the 2006 decision of Council.

4. Is the land parcel subject to any mandatory connection to services?

The land has been subdivided into 29 lots but has no access to any servicing infrastructure. As can be seen from the previous aerial images, the road reserves have been identified but have not been cleared or constructed. Image 5 shows the infrastructure in the vicinity of the lots essentially in Wanliss Street.

As stated above, the previous Council decision has been to identify a number of requirements in order to consider the potential for development of these allotments. This was resolved as part of Council's 2006 decision (refer above). The importance of comprehensive planning, environmental contextual response, sustainable design, bushfire risk and service connection require full resolution before any transfer should be contemplated.

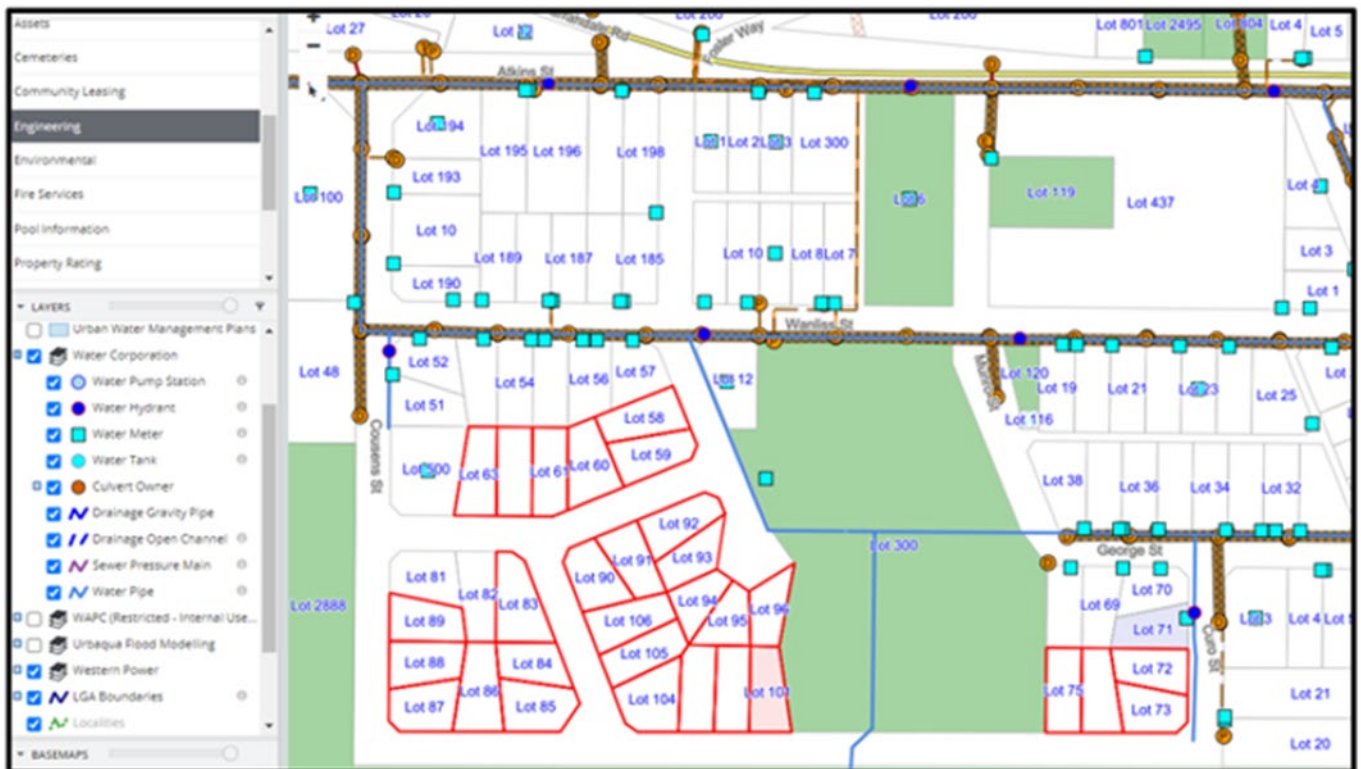


Image 5: Current Infrastructure

5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?

The Shire does not have any future proposals for the land other than what is identified in the Local Planning Strategy and Local Planning Scheme being Residential. These land uses and zonings have been carried over from previous versions of the Scheme as the lots have been created and as such the lots do exist from a statutory perspective.

As noted previously, the lots are heavily vegetated and the land will have to be heavily modified by clearing for any development to take place. The extent of the vegetation is indicated in the image below.



Image 6: Native and potentially significant vegetation

The green denotes the areas of Native vegetation on the site which essentially covers the whole site. This is supported by the greyish and green hatched areas which are potentially significant vegetation. Officers are of the opinion that this native vegetation is significant and should not be removed.

6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?

The lots to the north of those under consideration are currently constructed residential lots. The area to the south is currently the Serpentine National Park. The land between includes the southern oval of Jarrahdale Primary School. These land uses will not change in the future.

7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?

No Scheme amendments currently under consideration will change the zoning of the land. The current Town Planning Scheme No. 2, and Local Planning Scheme No. 3 (currently under consideration by the Western Australian Planning Commission) both have the properties zoned for residential lots.

8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).

As indicated earlier in this report the most significant management issue is how development can occur in an acceptable and sustainable manner, which also ensure full provision of minimum infrastructure required residential development.

9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

Any development of the lots would have to at the very least consider:

1. Road construction in terms of responsibility for the construction, the required standards and servicing extensions;
2. Vegetation clearing in terms of the extent to which approval may be given to clear vegetation, and the requirements for other clearing approvals.



3. Bushfire management regarding required building construction standards and emergency access requirements.
4. Other servicing issues such as onsite effluent disposal and provision of water supply.
5. Planning requirements.

Looking to the future

A further important issue for the Shire (and also the local community) is how land use and development of the land will be regulated. The State Government has advised that the Noongar Boodja Trust will be required to obtain and comply with the standard planning, development and regulatory approvals in order to develop or do other activities with land that forms part of the settlement transfer. Any lessee of the land would similarly be subject to compliance with the land use planning framework at all times. In this regard, the Shire's land use planning framework designates the subject land as being zoned Residential, and provides development opportunities commensurate with the zoning and land use permissibility for the Residential zone.

Options and Implications

Option 1

That Council REQUESTS the Chief Executive Officer RESPOND to the Department of Planning, Lands and Heritage indicating that, BEFORE SUPPORTING ANY LAND TRANSFER, Council requires a suitable legally binding agreement to be created by the State Government that will:

- a. bind subsequent landowners to undertake comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land;
- b. bind subsequent landowners to be responsible for full infrastructure provision for the lots in question.

Option 2

That Council DOES NOT SUPPORT the proposed transfer of land, on the basis that comprehensive planning is yet to be undertaken to demonstrate how sustainable development outcomes will be secured for the land.

Option 1 is recommended.

Conclusion

A key component of the South West Native Title Settlement process being followed by the Department of Planning, Lands and Heritage involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities.

The Shire has been requested to look at 29 previously subdivided lots in Jarrahdale. Officers recommend that Council require a number of matters to be addressed upfront as part of a suitable legal agreement, that will bind important planning and infrastructure responsibilities on subsequent landowners.



Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Gnaala Karla Booja Indigenous Land Use Agreement (IN22/23534)
- **10.1.7 - attachment 2** - Settlement Registration and Commencement Flow Chart (IN22/23535)

Alignment with our Strategic Community Plan

The proposal aligns with the following specific objectives outlined in the Strategic Community Plan:

Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage

Financial Implications

There are a number of potential financial risks given unconstructed road reserves, managed by the Shire, are relied upon as access. In order to ensure that subsequent landowners understand their obligations in respect of infrastructure provision and comprehensive planning, Officers recommend a legally binding agreement be developed and implemented by the State Government in order to ensure such occurs.

In respect of future ongoing rates obligations, the State Government advise that the Noongar Boodja Trust will be required to meet all standard costs, including rates and service charges, associated with owning freehold land. Freehold land may be exempt from rates under s6.26(2)(g) of the *Local Government Act 1995*, where that land is used exclusively for charitable purposes. However, if the freehold land is used for a commercial purpose or leased for a commercial enterprise, it will not be exempt from rates.



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 not support the land transfer until a suitable binding legal agreement is created by the State Government to secure future requirements on landowners to undertake.	The is considered the lowest risk option, and makes it clear that the legal agreement is needed before Council support the proposal.					
2	That Council does not support the land transfer	The planning system has controls built in to protect the environment.	Environment / Heritage	Possible	Moderate	MODERATE	Nil.

Voting Requirements: Simple Majority

Officer Recommendation

That Council REQUESTS the Chief Executive Officer RESPOND to the Department of Planning, Lands and Heritage indicating that, BEFORE SUPPORTING ANY LAND TRANSFER, Council requires a suitable legally binding agreement to be created by the State Government that will:

- a. bind subsequent landowners to undertake comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land;
- b. bind subsequent landowners to be responsible for full infrastructure provision for the lots in question.



OCM301/12/22

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Coales

That Council REQUESTS the Chief Executive Officer RESPOND to the Department of Planning, Lands and Heritage indicating that, BEFORE SUPPORTING ANY LAND TRANSFER, Council requires a suitable legally binding agreement to be created by the State Government that will:

- a. bind subsequent landowners to undertake comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land;**
- b. bind subsequent landowners to be responsible for full infrastructure provision for the lots in question;**
- c. bind subsequent landowners to undertake appropriate geological investigations upfront to determine specific site conditions of the land, and whether such conditions affect the ability for development to occur across parts or the whole of the land in question.**

CARRIED 6/3

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

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

Councillors Rich, Atwell and Byas voted AGAINST the motion.

Reason for difference to Officer Recommendation

To inform DPLH of recent suggestions as to suspected geological limitations of the land.

**10.1.8 - Bush Fire Advisory Committee Minutes Including Three Year Term Review of Community Emergency Services Manager Arrangements (SJ648)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to:

1. Consider adoption of the recent Bush Fire Advisory Committee (BFAC) Meeting Minutes held on 17 November 2022; and
2. In doing so, consider the specific item and recommendation of BFAC pertaining to the three year review of the Community Emergency Services Manager (CESM) Arrangements.

It is recommended that Council receive the Minutes, and specifically resolve in accordance with the recommendation of BFAC, to enter a new three year Memorandum of Understanding (MoU) and Business Plan with the Department of Fire and Emergency Services, to continue the Community Emergency Services Manager (CESM) partnership.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 June 2022 - OCM138/06/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RECEIVES* the Bush Fire Advisory Committee Minutes of 26 May 2022 as per attachment 1.
2. *NOTES* the recommendations contained therein.

Ordinary Council Meeting - 17 February 2020 - OCM014/02/20 - COUNCIL RESOLUTION / Officer Recommendation:

That Council:

1. *RESOLVES* to endorse Memorandum of Understanding between the Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services ("DFES") in respect of the joint Community Emergency Services Manager ("CESM") role, as contained in attachment 1 and;
2. *RESOLVES* to endorse the Business Plan which sets out key outcomes and deliverables for the CESM position, as contained in attachment 2.
3. *REQUESTS* the CEO to sign both the Memorandum of Understanding and Business Plan.



Ordinary Council Meeting - 16 December 2019 - OCM283/12/19 - COUNCIL RESOLUTION / Alternative Officer Recommendation

That Council:

- 1. RESOLVES to accept the offer of a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services Community Emergency Services (DFES) Manager;*
- 2. REQUESTS DFES to begin the recruitment phase as soon as possible, and requires the recruitment panel to include:*
 - Shire staff as nominated by the Chief Executive Officer;*
 - A representative of the Brigades who is a Brigade Captain as decided by all Brigade Captains;*
 - DFES.*
- 3. REQUESTS DFES to place an acting CESM (who is also acting Chief Bush Fire Control Officer) within the Shire in the short term, to assist the Shire and community during the recruitment phase for the permanent CESM;*
- 4. REQUESTS the Chief Executive Officer and DFES to jointly engage the current acting chief, deputies and captains to provide input to a draft business plan to set key performance measures for the CESM, with this to be presented back to Council in February 2020 for consideration; and*
- 5. Prior to the end of the first three year term of the CESM, REQUESTS the Chief Executive Officer to review the CESM arrangements and report to Council on:*
 - the strategic performance outcomes of the role;*
 - the specific level of training, skill development and succession planning that has occurred for the Shire's brigade volunteers;*
 - the potential for a volunteer Chief Bushfire Control Officer to be sourced locally (being a separate role to the CESM) as a result of such training and development which has occurred.*

Ordinary Council Meeting - 18 November 2019 - OCM253/11/19 - COUNCIL RESOLUTION

That Council:

- 1. NOTES the opportunities, and issues, which a Community Emergency Services Manager may provide the Shire, and undertakes engagement to gather feedback from the following stakeholders:*
 - a. The Shire's Acting Chief Bushfire Control Officer;*
 - b. Deputy Chief Bushfire Control Officers;*
 - c. Bushfire brigade captains;*
 - d. Bushfire brigade volunteers; and*
 - e. The community.*
- 2. SEEKS a report back to the February 2020 Ordinary Council Meeting with a recommendation to Council (having regard for this feedback obtained under 1. on whether to proceed forward with a CESM for the Shire.*



Background

A formally constituted meeting was held on 17 November 2022 and the Minutes (**attachment 1**) are presented to Council.

Within these minutes, is a report also dealing with Council's previous resolution of 16 December 2019 which resolved, inter alia:

5. *Prior to the end of the first three year term of the CESM, REQUESTS the Chief Executive Officer to review the CESM arrangements and report to Council on:*
- *the strategic performance outcomes of the role;*
 - *the specific level of training, skill development and succession planning that has occurred for the Shire's brigade volunteers;*
 - *the potential for a volunteer Chief Bushfire Control Officer to be sourced locally (being a separate role to the CESM) as a result of such training and development which has occurred.*

This report deals with both matters.

Community / Stakeholder Consultation

BFAC includes stakeholder membership as follows:

Voting Delegates

Cr Michelle Rich	Council Delegate
Cr Dave Atwell	Council Delegate
Leigh Mulholland	Chief Bush Fire Control Officer
Chris Burgess	Keysbrook Captain (Chairperson)
Mike Ross	Oakford Captain (Deputy Chairperson)
Jess Gibson	Byford Captain
Nathan Carrall	Emergency Support Brigade Captain
Sarah Davis	Jarrahdale Captain
Scott Jones	Serpentine Captain
Nathan Houweling	Mundijong Captain

Non-Voting Delegates

Andrew Trosic	Director Development Services
Dave Richer	Coordinator Emergency Services
Paul Southam	District Officer South East Department Fire and Emergency Services
Brodie Selby	Department of Biodiversity, Conservation and Attractions
Ken Elliott	Deputy Chief Bush Fire Control Officer 2
Jason White	Deputy Chief Bush Fire Control Officer 2
Chris Wells	Deputy Chief Bush Fire Control Officer 3
David Gibson	Deputy Chief Bush Fire Control Officer 4



Statutory Environment

s67(1) of the *Bush Fires Act 1954* as it relates to Advisory Committees:

A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

The role of the CESM as Chief Bush Fire Control Officer, in respect of a request made by the Local Government pursuant to section 38A(1) and (2) of the *Bush Fires Act 1954*:

- (1) At the request of a local government the FES Commissioner may designate a person employed in the Department as the Chief Bush Fire Control Officer for the district of that local government.*
- (2) Where a Chief Bush Fire Control Officer has been designated under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).*

Responsibilities of the Chief pursuant to the s3.5 and 3.6 of the *Bush Fire Brigades Local Law 2021*:

3.5 Managerial Role of Chief Bush Fire Control Officer

Subject to any directions by the Local Government, the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.6 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include:

- (i) provide leadership to volunteer bush fire brigades;*
- (ii) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the Local Government or as directed by the Chief Executive Officer;*
- (iii) liaise with the Local Government concerning fire prevention/suppression matters generally and directions to be issued by the Local Government to Bush Fire Control Officers (including those who issue permits to burn) bush fire brigades or brigade officers; and*
- (iv) ensure that bush fire brigades are registered and that lists of brigade members are maintained.*

Comment

A Bush Fire Advisory Committee (BFAC) meeting was held on 17 November 2022. These are contained within **attachment 1**.

Within the minutes is an item dealing with the first three year term review of the Shire's CESM arrangements, which reflects Council's decision at the 16 December 2019 meeting.

Review of the CESM arrangements for the Shire of Serpentine Jarrahdale

The report presented to BFAC explained that following an extensive process of engagement and collaboration, the Shire of Serpentine Jarrahdale commenced the Community Emergency Services Manager ("CESM") program, in partnership with DFES, in quarter one, 2021.



In making the decision to commence the program (which took place at the 16 December 2019 Council meeting), Council resolved (inter alia) that:

Prior to the end of the first three year term of the CESM, REQUESTS the Chief Executive Officer to review the CESM arrangements and report to Council on:

- *the strategic performance outcomes of the role;*
- *the specific level of training, skill development and succession planning that has occurred for the Shire's brigade volunteers;*
- *the potential for a volunteer Chief Bushfire Control Officer to be sourced locally (being a separate role to the CESM) as a result of such training and development which has occurred.*

This was outlined as follows:

1. The strategic performance outcomes of the role

During this first three years of the CESM partnership, there have been a number of measurable outcomes which have resulted in positive impacts on brigades, volunteers and the community. There is evidence to show this having occurred across the full range of prevention, preparedness, response and recovery activities, which was part of the initial expectations for performance of the role and Shire/DFES partnership. Notable examples include:

- a. Rural urban interface exercises performed with Jarrahdale and Serpentine communities;
- b. State level pre-season fire exercises hosted within the Shire in 2022;
- c. Expansion of the Shire's Bushfire Awareness Teams, with community event attendance that has delivered the be bushfire ready and shared responsibility message to residents across the Shire;
- d. Successful planning and delivery of the Shire's first Be Bushfire Ready community event in 2021 at Clem Kentish Reserve, that included a range of demonstration, knowledge and information sharing activities;
- e. Success in obtaining mitigation activity funding from the DFES program, that has led to more than \$750,000 of works during the three year CESM program, to address high and extreme bushfire risks. Funding was also notably allocated towards critical infrastructure hardening to benefit the Shire's capacity to respond and recover;
- f. Ongoing process improvement, especially in respect of introducing the Broadcast/Alert/Respond/Turnout (BART) system for volunteers and brigades, that was a significant priority in supporting brigade volunteer resource management;
- g. A significant expansion of the training and development program for volunteers, evidenced through training outcomes including:
 - (i) SJ Training team growing to 16 volunteer trainer assessors;
 - (ii) Formal courses delivered during 2022 including Machine Supervision, Ground Controller, Bushfire Safety Awareness x two, Structural Firefighting, On Road Driver, Off Road Driver, provide first aid x three, Pump Operations x two, Advanced Bushfire Fighting, Crew leader, Sector Commander, Assist with Planned Burning, Fire Fighting Skills x two;
 - (iii) Leadership team members being assigned mentors and training plans;



- (iv) From 2019 to 2022, Level 1 Incident Controllers rising from 3 to 20, which represented one of the key risk areas that had emerged due to lack of training and development before the CESM program had begun;
- (v) Pre-season skills assessment created and rolled out across all Brigades, which has been a first for the Shire. This ensures all members are current with their Brigades' appliances and refreshers many aspects covered in recruit training;
- (vi) Officer in Charge pre-season refresher training delivered to all Officers in Charge/Crew Leaders;
- (vii) Mental Health Workshops to help address psycho-social WHS obligations that may arise from traumatic events;
- h. Successful navigation of the Shire's emergency service function through the COVID-19 global pandemic, that resulted in a risk based approach to resource management so that capability to respond was able to be maintained;
- i. Achievement of key result outcomes of the first three year Business Plan as endorsed by Council at the February 2020 Council meeting, including:
 - (i) Bushfire management and mitigation programs developed and implemented for Unallocated Crown Land & Unmanaged Reserves within the Shire;
 - (ii) Practices for bushfire management on local government lands in the Shire developed;
 - (iii) LGGs Operation and Capital grants management;
 - (iv) Risk to resource review and recommendations implemented (notably high season appliance allocation for the Shire);
 - (v) Response coordination for incidents;
 - (vi) Emergency incidents exercised annually as per local emergency management arrangements.
- 2. The specific level of training, skill development and succession planning that has occurred for the Shire's brigade volunteers
- 3. Potential for a volunteer Chief Bushfire Control Officer to be sourced locally (being a separate role to the CESM) as a result of such training and development which has occurred.

In embarking on the CESM program, it was discussed in reports to Council (refer December 2019 Item 10.1.7) that:

"the Shire at this time sees a priority to build the advanced skill sets of volunteers, particularly in respect of level 1 incident controller and level 2 incident controller attainment. This represents a realistic goal for the first 3 years of the CESM role, which would be then revisited via a new MOU at that time."

This was also linked to the option to consider, in light of enhanced capabilities, whether a Volunteer Chief Bush Fire Control Officer could be reconsidered in the future.

In respect of training, Officers consider there to be measurable outcomes that show achievement of the expressed objective for building advanced skillsets of volunteers. This is measured through outcomes notably being Level 1 Incident Controllers rising from three to 20, and the Shire's trainer assessor team growing to 16. Level 2 Incident Controller attainment has not however been achieved during this time.



In respect of succession planning, during this time, the Shire also grew the Deputy Chief Bushfire Control Officers from three to four, which helped to protect resource management of the volunteer deputy roles.

In respect of a Volunteer Chief Bushfire Control Officer, the report presented to BFAC explained (in the opinion of Officers) that it was not a sustainable option for the Shire to consider a Volunteer Chief. Officers explained that the role of the Chief has been heightened by finalisation of the new 2021 Local Law, which occurred after the Shire and DFES began the joint CESM program. This Local Law prescribed a number of roles that the Chief must perform, in addition to their other legislative roles defined under the *Bush Fires Act 1954*. The report considered by BFAC identified the position of Officers that this was considered to be a full-time commitment, in order to perform it effectively and assist the Shire in ensuring it is undertaking statutory responsibilities ranging from incident response right the way through to duty of care.

Officers also reported to BFAC that Chief is required to be working a full-time equivalent set of hours, and often exceeds this due to weekend and evening tasks associated with brigade training, volunteer management and incident response.

In the opinion of Officers, as reported to BFAC, the CESM program has achieved the objective set for building advanced skill sets, which was a significant risk that had emerged due to the lack of training and development before the CESM program was embarked upon. Growing the number of Level 1 Incident Controllers from three to the current 20, has seen incident management capability grow to a more dependable level than what had previously existed.

Looking forward

The BFAC resolution generally reflects the Officer recommendation to renew the CESM MOU with DFES, and have the CESM continue as Chief.

BFAC did resolve an alternative motion, specific to ensuring that as part of formulating the new CESM Business Plan, that:

- a. *a review of the Business Plan to determine the role and responsibilities and subsequent accountabilities of the CESM to provide greater transparency to the Brigades moving forward by including their input into the review of business plan;*
- b. *Incorporation into the Officer's report, to be presented to Council, the consolidated feedback from the Shire's Volunteer Bush Fire Brigades to ensure completeness of the Report with the Brigade Captains to consolidate their feedback to include Minutes from Brigade General Meetings to provide information to be included in the report to the Director Development Services in time for the February 2023 Ordinary Council Meeting.*

Officers consider this alternative motion that was resolved by BFAC to reflect the collaborative process that will be taken in respect of the new CESM Business Plan.



Options and Implications**Option1**

That Council:

1. RECEIVES the Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held on 17 November 2022 as per **attachment 1**.
2. ADOPTS Bush Fire Advisory Committee Resolution No. 5.1.1/11/22 to:
 - a. REQUEST a new three year Memorandum of Understanding (MoU) and Business Plan with the Department of Fire and Emergency Services, to continue the Community Emergency Services Manager (CESM) partnership subject to:
 - i. a review of the Business Plan to determine the role and responsibilities and subsequent accountabilities of the CESM to provide greater transparency to the Brigades moving forward by including their input into the review of business plan;
 - ii. incorporation into the Officer's report, to be presented to Council, the consolidated feedback from the Shire's Volunteer Bush Fire Brigades to ensure completeness of the Report with the Brigade Captains to consolidate their feedback to include Minutes from Brigade General Meetings to provide information to be included in the report to the Director Development Services in time for the February 2023 Ordinary Council Meeting;
 - b. SUPPORT the CESM also continuing as Chief Bushfire Control Officer pursuant to s38A(1) of the *Bush Fires Act 1954*, noting the full-time responsibilities associated with this position.

Option 2

That Council:

1. DOES NOT RECEIVE the Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held on 17 November 2022 as per **attachment 1**.
2. DOES NOT ADOPT Bush Fire Advisory Committee Resolution No. 5.1.1/11/22.

Option 1 is recommended.

Conclusion

Officers recommend Council receive the Minutes, and note the recommendations.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Bush Fire Advisory Committee (BFAC) Minutes - 17 November 2022 (E22/15148)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety



Financial Implications

There are no direct financial implications regarding 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	There is no risk associated with this recommendation						
2	That Council does not receive the unconfirmed minutes and does not adopt the resolution pertaining to the review of CESM arrangements and continuing the CESM partnership and developing a new Business Plan	Deputy Chief Bush Fire Control Officers Existing Emergency Services service team	Reputational	Possible	Major	SIGNIFICANT	If the CESM arrangements were not continued, new resources would need to be allocated by Council to fund a full time Chief and Community Emergency Services Officer to replace the jointly funded CESM



Voting Requirements: Simple Majority

OCM302/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Atwell

That Council:

- 1. RECEIVES the Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held on 17 November 2022 as per attachment 1.**
- 2. ADOPTS Bush Fire Advisory Committee Resolution No. 5.1.1/11/22 to:**
 - a. REQUEST a new three year Memorandum of Understanding (MoU) and Business Plan with the Department of Fire and Emergency Services, to continue the Community Emergency Services Manager (CESM) partnership subject to:**
 - i. a review of the Business Plan to determine the role and responsibilities and subsequent accountabilities of the CESM to provide greater transparency to the Brigades moving forward by including their input into the review of business plan;**
 - ii. incorporation into the Officer's report, to be presented to Council, the consolidated feedback from the Shire's Volunteer Bush Fire Brigades to ensure completeness of the Report with the Brigade Captains to consolidate their feedback to include Minutes from Brigade General Meetings to provide information to be included in the report to the Director Development Services in time for the February 2023 Ordinary Council Meeting;**
 - b. SUPPORT the CESM also continuing as Chief Bushfire Control Officer pursuant to s38A(1) of the *Bush Fires Act 1954*, noting the full-time responsibilities associated with this position.**

CARRIED UNANIMOUSLY 9/0

**10.2 Infrastructure Services reports:**

10.2.1 - Award Request for Tender – RFT 08/2022 – Byford Skate Park - Stage 2 - (Design and Construct) (SJ3975)	
Responsible Officer:	Manager Engineering Services
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 08/2022 for the Byford Skate Park – Stage 2 Design and Construct and for Council to award the contract to the best value for money tenderer, as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

In regard to funding the Byford Skatepark Stage 2 the following resolutions were made:

<i>Ordinary Council Meeting – 21 February 2022 - OCM033/02/22 - COUNCIL RESOLUTION / Officer Recommendation</i>	
<i>1. AUTHORISES the Chief Executive Officer to execute the Financial Assistance Agreement between the Department of Local Government, Sport and Cultural Industries and the Shire of Serpentine Jarrahdale for the upgrading of Byford Skate Park as contained in attachment 1.</i>	
<i>2. NOTES the Byford Skatepark (Construction of Stage 2) Major Capital Project in the 2021- 25 Corporate Business Plan will be updated to align with Schedule 4 of the Financial Assistance Agreement through the 2021-22 Quarter 2 Corporate Business Plan Performance Report.</i>	

Background

The Byford Skate Park project was initiated as part of the Briggs Park Recreation Precinct Master Plan and consequently Stage 1 of the Skate Park Project was completed in 2017.

In 2021, a State Election commitment of \$800,000 was made towards the stage two Byford Skate Park. Following this commitment, Council approved a Financial Assistance Agreement (FAA) provided by the Department of Local Government, Sport and Cultural Industries (DLGSCI) to enable the Shire to undertake the Stage 2 upgrades of the existing Byford Skate Park.



The delivery of skate parks is generally undertaken by a specialist contractor/consultancy who have the skills and ability to undertake the design, consultation, and the construction of the facility. As a result, the Stage 2 Skate Park project has been tendered in this way, these contracts are generally called a 'design and construct' contract.

Officers called a tender for the Byford Skate Park - Stage 2 - (Design and Construct) on Saturday, 24 September 2022.

Community / Stakeholder Consultation

Nil.

Submissions

The Request for Tender RFT 08/2022 - Byford Skate Park - Stage 2 - (Design and Construct) was advertised on Saturday, 24 September 2022 and closed at 2.00pm on Wednesday, 19 October 2022.

The Tender was advertised on Tenderlink and in the following papers:

- West Australian Newspaper;
- Examiner (Serpentine Jarrahdale & Armadale);
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times);
- Sound Telegraph (Rockingham & Kwinana).

Two (2) 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	Convic Pty Ltd
2	Skate Sculpture

Evaluation Panel

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

- Manager Engineering Services;
- Manager Community Activation;
- Senior Landscape Architect.

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



Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: - Capacity to deliver the services including: - Key personnel / Professional skills; - Describe the key personnel who will be involved in the work, including past work of a similar nature.	15%
Demonstrated Understanding/Experience with: - Project schedule; - Process for delivery of goods/services; - Project Management Plan; - Critical assumptions; and - Any additional information.	15%

Comment

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by Skate Sculpture 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 Skate Sculpture be accepted.

Statutory Environment

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

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

Tendering

2. Tender Exemption

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



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

Options and Implications

Option 1

That Council:

1. AWARDS Tender RFT 08/2022 - Byford Skate Park - Stage 2 - (Design and Construct) to Skate Sculpture to the value of \$666,250.00, excluding GST, as contained within **CONFIDENTIAL attachment 1**; and
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 08/2022 - Byford Skate Park - Stage 2 - (Design and Construct).

Option 2

That Council NOT AWARD the contract and retender.

Option 3

That Council NOT AWARD the contract and NOT retender

Option 4

That Council REASSESS and appoint an alternative tenderer.

Option 1 is recommended.

Conclusion

Skate Sculpture 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 Skate Sculpture.

Attachments (available under separate cover)

- **10.2.1 – CONFIDENTIAL attachment 1** – RFT 08/2022 - Byford Skate Park - Stage 2 - (Design and Construct) - Evaluation Report (E22/14951)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure



Financial Implications

The funding for this tender is included within the Department of Local Government, Sport and Cultural Industries Financial Assistance Agreement (FFA) of \$800,000.00. The recommended tender value of \$666,250.00 excluding GST can be fully funded by the above FAA.

In addition, the ongoing maintenance of the Byford Stage Two project is expected to cost \$20,000.00 annually, including staffing and resources. This should be considered in the long-term financial planning.

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	Recommended Contractor unable to provide works to an acceptable standard.	Procurement and tender evaluation completed as per the Shire procurement policy. Contract Performance Management undertaken in accordance with Shires Contract Management Policy	Reputation	Unlikely	Moderate	MODERATE	Nil
2	Retender process will cause up to 3 months delay in the project delivery. If particular project is not delivered within the agreed funding milestones, the Shire's reputation and relationship with the State Department (DLGSCI) will be impacted.	Nil	Financial	Unlikely	Moderate	MODERATE	Nil



3	If particular project is not delivered, Grant funding will need to be returned to (DLGSCI) resulting in loss of funding opportunity. In addition, there will be potential damage to the Shires reputation with the (DLGSCI)	Nil	Financial	Unlikely	Major	MODERATE	Nil
4	Reassess tender process will cause up to 1-month delay in the project delivery. If particular project is not delivered within the agreed funding milestones, the Shire's reputation and relationship with the State Department (DLGSCI) will be impacted.	Nil	Financial	Unlikely	Moderate	MODERATE	Nil

Voting Requirements: Simple Majority

OCM303/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council:

- 1. AWARDS Tender RFT 08/2022 - Byford Skate Park - Stage 2 - (Design and Construct) to Skate Sculpture to the value of \$666,250.00, excluding GST, as contained within CONFIDENTIAL attachment 1; and**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 08/2022 - Byford Skate Park - Stage 2 - (Design and Construct).**

CARRIED UNANIMOUSLY 9/0



10.2.2 - Boundary Road Management Agreement (SJ685)	
Responsible Officer:	Strategic Projects Lead
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to present the findings of the review of the Boundary Road Management Agreement, called 'Agreement' in this report, between the Shire and the City of Armadale and proposed transfer of road asset ownership from the Shire of Serpentine Jarrahdale to the City of Armadale.

Relevant Previous Decisions of Council

<i>Special Council Meeting - 6 December 2021 – SCM085/12/21 - COUNCIL RESOLUTION Officer Recommendation</i> <i>That Council:</i> <i>AUTHORISES the Chief Executive Officer to review and renegotiate a new Boundary Road Management Agreement with the City of Armadale or hand over Rowley Road to the City of Armadale.</i> <i>REQUESTS the Chief Executive Officer to proceed with the Rowley Road rehabilitation project in accordance with the Shire's adopted 2021-22 capital projects budget.</i>

<i>Special Council Meeting - 28 July 2021 – SCM051/07/21 - COUNCIL RESOLUTION – extract</i> <i>14. REQUESTS the Chief Executive Officer present a report to Council pertaining to the Rowley Road Rehabilitation capital project, including review of MoU between the Shire and the City of Armadale regarding responsibility for, and obligations with regard to Rowley Road, prior to any funds being expended.</i>

<i>Ordinary Council Meeting - 22 March 1999 - COUNCIL RESOLUTION</i> <i>The 1998 MoU Agreement was considered, and the following points were endorsed:</i> <i>The term 'management' in the agreement includes both maintenance and construction works of the particular section except as outlined in the agreement.</i> <i>The agreement is to maintain and construct to like condition. Any duplication works would be subject to further discussion re-constructions to be made by either Council.</i>
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3. *The deviation of Hopkinson Road and Hilbert Road would also be subject to further discussion, should these works be required following Tonkin Highway works.*
4. *Tonkin Highway works would be funded by Main Roads WA.*

Ordinary Council Meeting - 23 March 1998 - COUNCIL RESOLUTION

1. *That Council advise the City of Armadale that it endorses the amendment to the Boundary Road Management Agreement with the inclusion of Hilbert Road of 0.20km between Rowley Road and Rowley Road and the amended boundary road totals of 6.76kms with City of Armadale at 6.38kms with Shire of Serpentine-Jarrahdale respectively.*
2. *Boundary adjustment in the vicinity of Wungong Brook and Wungong Dam to be on the agenda of the respective Council's officer's meeting.*

Background

At the Special Council Meeting on 28 July 2021, Council requested the review of the Boundary Road Management Agreement between the Shire of Serpentine Jarrahdale and the City of Armadale regarding responsibility for, and maintenance obligations about Rowley Road, prior to any funds being expended.

The Shire has been maintaining several roads, including a section of Rowley Road, located within the municipal boundaries of the City of Armadale as detailed in the Agreement. This agreement was first initiated in 1976, and subsequently reviewed in 1990, 1998, 1999 and 2001 (Refer **attachment 1**). (Neither the Shire nor the City have a copy of the 1976 agreement.)

The road maintenance responsibility based on the latest version of the Agreement (2001) is presented in the below table 1 and image 1:

Road	Location	Length (km)	Authority	Verge Responsibility	
Rowley Rd	Wolfe Rd to Nicholson Rd	2.25	City of Armadale	South side SJ	North side CoA
Rowley Rd	Nicholson Rd to Hopkinson Rd	4.71	Shire of SJ	South side SJ	North side CoA
Rowley Rd	Hilbert Rd to Phar Lap Dr	1.36	City of Armadale	South side SJ	North side CoA
Hopkinson Rd	Rowley Rd to Rowley Rd	0.23	Shire of SJ	East side SJ	West side CoA
Hopkinson Rd	Rowley Rd to Tip entrance	1.43	City of Armadale	East side SJ	West side CoA
Hilbert Rd	Rowley Rd to Rowley Rd	0.23	City of Armadale	South/West side SJ	North/East side CoA
Keenan St	Turn circle to Eleventh Rd	0.62	City of Armadale	City of Armadale	
Eleventh Rd	Keenan St to SW Hwy	0.68	City of Armadale	City of Armadale	
North Rd	All	1.3	Shire of SJ	Shire of SJ	

Table 1- Road responsibility based on 2001 Maintenance Agreement



Image1- Layout of the roads covered in 2001 Maintenance Agreement

Following the adoption of Council resolution 14 at the Special Council Meeting on 28 July 2021, Shire Officers met with technical Officers from the City of Armadale. The meeting sought to seek clarification and discuss the application of the Agreement including the process and requirements for a review of the Agreement. During that meeting, the City of Armadale Officers advised that this matter should be referred to their Executive team for consideration. On 8 September 2021, the Shire President, the Shire's Chief Executive Officer and Director Infrastructure Services attended a meeting with the Mayor, Chief Executive Officer, Director Infrastructure and Executive Manager Infrastructure Services of the City of Armadale to discuss the process for handing over Rowley Road to the City of Armadale, and to also explore options for jointly funding the Rowley Road rehabilitation project.

Whilst that meeting came to a close without reaching a conclusion, it became clear that further investigation and possibly legal advice was required to consolidate the Shire's position regarding negotiating a new boundary road maintenance agreement or handing over Rowley Road to the City of Armadale, as a majority of Rowley Road reserve is located entirely within the municipal boundary of the City of Armadale.

Since then, the Shire has engaged lawyers to investigate this matter and provide legal advice regarding legality of the Agreement and Shire's obligations to maintain the roads covered in the Agreement, particularly Rowley Road (Refer **CONFIDENTIAL attachments 2 and 3**). Following the receipt of legal advice, a second meeting was held on Tuesday 15 November 2022 between the Shire President, Shire's Chief Executive Officer and Director Infrastructure Services and the Mayor and Chief Executive Officer of the City of Armadale at the offices of the City of Armadale. At this meeting, the outcome of the legal advice and the Shire's proposed approach to abolish the Agreement and instead use a model where each Local Government would maintain roads within their respective boundaries only was discussed. It was also proposed that as part of this process, roads located within the City of Armadale but currently maintained by the Shire would be handed over to the City of Armadale for maintenance. It was agreed that following the endorsement of the Shire's position by Council, the City of Armadale would be formally notified of the Shire's proposal by the Shire. The City of Armadale would then formally respond to the Shire's proposal.

**Community / Stakeholder Consultation**Policy Concept Forum

Meeting Date	5 September 2022
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Dagostino, Cr Duggin, Cr Strange

Statutory Environment

As per provided legal advice (Refer **CONFIDENTIAL attachments 2 and 3**)

Local Government Act 1995:

3.53. Control of certain unvested facilities

(1) In this section —

former section 300 means section 300 of the Local Government Act 1960 4 as in force before the commencement of this Act; otherwise unvested facility means a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.

(2) A local government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that this section does not apply.

(3) If the facility is partially within each of 2 or more districts, it is to be controlled and managed as the local governments for the districts concerned agree or, if they do not agree, as the Minister directs.

(4) An agreement or direction under subsection (3) has effect according to its terms.

(5) This section does not apply if any person was, immediately before the commencement of this Act, responsible for controlling or managing the facility unless —

(a) the responsibility arose under the former section 300; or

(b) the Governor, by order, declares that the facility is to be controlled and managed under this section.

9.63. Minister may give directions to resolve disputes between local governments

(1) If a dispute arises between 2 or more local governments and this Act does not provide any other means of resolving the dispute, the local governments may refer the dispute to the Minister for resolution.

(2) The Minister is to hear and determine the dispute as the Minister thinks fit, and may give such directions to the local governments as the Minister considers appropriate for disposing of the matter in dispute.

(3) The decision of the Minister is final and effect is to be given to any direction given by the Minister under this section.

Land Administration Act 1997 (WA):

Property in and management etc. of roads

(1) Subject to this section and to section 57, the absolute property in land comprising a road is by this subsection —

(a) revested in the Crown; and



- (b) in the case of land under the operation of the TLA or the Registration of Deeds Act 1856, removed from that operation and so revested.*
- (2) Subject to the Main Roads Act 1930 and the Public Works Act 1902, the local government within the district of which a road is situated has the care, control and management of the road.*
- (3) The operation of subsection (1) —*
- (a) suspends, until the relevant road is closed under section 58, any rights to mine for minerals within the meaning of the Mining Act 1978 excepted from the acquisition of the land reserved, declared or dedicated as that road; but*
- (b) does not affect the functions of a local government in respect of a road of which it has the care, control and management.*
- (4) If land comprising a private road is revested in the Crown under this section, a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that revesting.*

Comment

The Shire has maintenance responsibilities for all the roads located within the Shire which are owned and managed by the Shire. Additionally, the Shire has been maintaining a number of roads located within the City of Armadale boundaries as detailed in the Agreement. This Agreement was first initiated in 1976 and it has subsequently been reviewed in 1990, 1998, 1999 and 2001. Refer **attachments 1 and 4** for the list of the roads covered in the agreement.

Based on the Agreement, the Shire has been maintaining several roads located outside of the Shire's boundaries. These roads have been an additional asset liability and financial burden for the Shire. For example, the annual expenditure for the maintenance of the section of Rowley Road that is located within the City of Armadale boundary but maintained by the Shire as per the Agreement, is approximately \$150,000 per year. Since 2019, the Shire has spent approximately \$1,000,000 to undertake pavement rehabilitation and general maintenance in this section of Rowley Road.

Civic Legal was engaged by the Shire to provide legal advice on the Road management agreement (Refer **CONFIDENTIAL attachments 2 and 3**).

Based on the legal advice and if the Agreement is terminated, the road asset liability between the two local governments is explained in Table 2:

The Shire transfers to the City	Rowley Road	Nicholson Road to Hopkinson Road (4.71km)
	North Road	Full Length (1.3.km)
The City transfers to the Shire	Hopkinson Road	Rowley Road to Tip entrance (1.46km)

Table 2- Liability transfer by terminating the Agreement

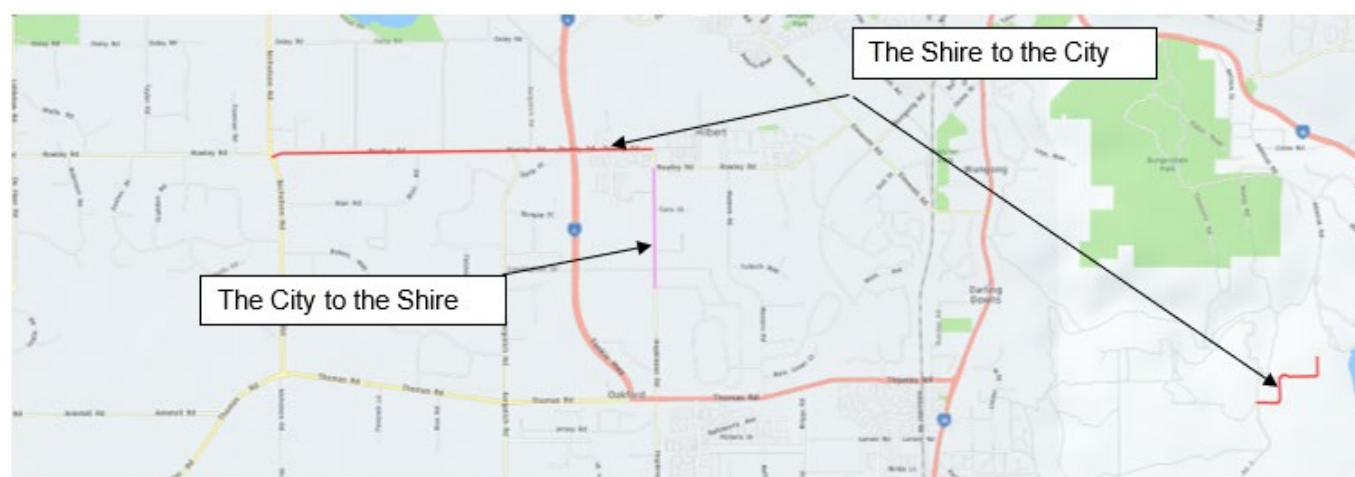


Image 2- Liability transfer by terminating the Agreement

Options and Implications

Asset management implications

If the Agreement was to be terminated and each Local Government was to be responsible for the roads within their own boundaries, this would result in the Shire transferring ownership of two road assets to the City of Armadale valued at \$4.55M and taking over one road asset from the City of Armadale valued at \$1.3M. The net result of this would be the transfer of \$3.25M worth of road assets from the Shire to the City of Armadale. This will also result in a net saving of \$126,000 in asset maintenance cost per year.

The above asset valuation and maintenance cost information is shown at the below tables 3 and 4.

Transfer of the liability from the Shire to the City by terminating the MoU			
Road Name	Length (Km)	Approximate Replacement Cost (2017/18 Infrastructure Valuation)	Approximate annual Shire's Expenditure (Maintenance cost)
Rowley Road	4.71	\$4,200,000	\$150,000
North Road	1.3	\$350,000	\$6,000

Table 3- Asset valuation and maintenance cost – The Shire to the City

Transfer of the liability from the City to the Shire by terminating the MoU			
Road Name	Length (Km)	Approximate Replacement Cost (2017/18 Infrastructure Valuation)	Approximate annual Shire's Expenditure (Maintenance cost)
Hopkinson Road	1.46	\$1,300,000	\$30,000

Table 4- Asset valuation and maintenance cost – The City to the Shire

**Option1**

That Council REQUESTS that the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale is terminating the Boundary Road Management Agreement (1976 as amended) with an effective date of 30 June 2023.

Option 2

That Council DOES NOT REQUEST the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale is terminating the Boundary Road Management Agreement (1976 as amended) with an effective date of 30 June 2023.

Option 1 is recommended.

Conclusion

The Shire has sought legal advice on the existing Boundary Road Management Agreement between the Shire and the City of Armadale dated back to 2001. Based on the legal advice, it is recommended that the Chief Executive Officer write to their counterpart at the City of Armadale to advise that the Shire of Serpentine Jarrahdale is terminating the Boundary Road Management Agreement.

Considering the asset liability and resulting financial burden on the Shire, Option 1 is recommended.

Attachments (available under separate cover)

- **10.2.2 – attachment 1** – Boundary Road Management Agreement (IN21/12746)
- **10.2.2 – CONFIDENTIAL attachment 2** – Legal advice on Agreement from Civic Legal (IN22/24575)
- **10.2.2 – CONFIDENTIAL attachment 3** – Supplementary Legal advice on Agreement from Civic Legal (IN22/15269)
- **10.2.2 – attachment 4** – Policy Concept Forum – PCF – 5 September 2022 – presentation on Agreement (E22/10346)

Alignment with our Strategic Community Plan

Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

The approximate net financial impact of the recommendations of this report would be the reduction of \$3.25M in the Shire's road asset liabilities and saving of up to \$126,000 per year in road maintenance cost for the Shire.



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	If the agreement is terminated, the City of Armadale may not accept the responsibility of the road which may create: - a fractured relationship between LG's. - possible reputation damage from community members unhappy that the road is not being maintained.	Legal advice	Strategic Stakeholder Relationships	Unlikely	Minor	LOW	Nil
			Reputation	Unlikely	Moderate	MODERATE	Nil
2	If Council continue with the current agreement funds continue to be allocated in the annual budget affecting the priority of other roads to be maintained resulting in: - Financial costs to the Shire - Impacts on the community from other roads not being maintained	Nil	Financial	Almost Certain	Moderate	HIGH	Nil
			Social / Community Outcomes	Unlikely	Minor	LOW	Nil

**Voting Requirements:** Simple Majority

Officer Recommendation

That Council REQUESTS that the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale is terminating the Boundary Road Management Agreement (1976 as amended) with an effective date of 30 June 2023.

MOTION

Moved Cr Strautins, seconded Cr Coales

That Council REQUESTS the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale wishes to amend the Boundary Road Management Agreement (1976 as amended) as following:

- a. Transfer the maintenance responsibility for the section of Rowley Road between Hopkinson Road and Nicholson Road and full length of North Road to the City of Armadale with an effective date of 30 June 2023.
- b. Take over the maintenance responsibility for the section of Hopkinson Road between Rowley Road and the Armadale Tip from the City of Armadale with an effective date of 30 June 2026.

OCM304/12/22**COUNCIL RESOLUTION**

Moved Cr Coales, seconded Cr Strautins

In accordance with clause 11.1(c) of the *Standing Orders Local Law 2002 (as Amended)* that the Council now adjourn for a period of 10 minutes at 8:48pm.

CARRIED 8/1

Presiding Member, Councillor Rich reconvened the meeting at 8:59pm, with the following in attendance:

Councillors: M Rich.....Presiding Member

D Atwell

M Byas

R Coales

M Dagostino

T Duggin

S Mack

L Strange

D Strautins

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



OCM305/12/22

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Coales

That Council REQUESTS the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale wishes to amend the Boundary Road Management Agreement (1976 as amended) as following:

- a. Transfer the maintenance responsibility for the section of Rowley Road between Hopkinson Road and Nicholson Road and full length of North Road to the City of Armadale with an effective date of 30 June 2023.**
- b. Take over the maintenance responsibility for the section of Hopkinson Road between Rowley Road and the Armadale Tip from the City of Armadale with an effective date of 30 June 2026.**

CARRIED 8/1

Reason for difference to Officer Recommendation

To better manage industrial use roads.



10.2.3 - Proposed amendments to Capital Roads Program (SJ1299)	
Responsible Officer:	Infrastructure Projects Lead
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to enable Council to consider the amendments to the Shire's road program budget to enable delivery of key infrastructure projects within available resources.

Relevant Previous Decisions of Council

Nil.

Background

This report includes details of the proposed amendments to the budget by reallocation of funding within the capital road projects, including redistribution of surplus funds from other capital road projects that have been completed. This is based on the latest revised construction cost estimates, allowance for Shire's internal costs as well as approved additional grant funding. This reallocation also took into consideration the withdrawal of one grant funded project, withdrawal of one project with no grant funding approved, and withdrawal of two Shire funded road reseal projects from the road construction program. To allow consideration of the financial implications holistically, all budget impacts have been presented within this report.

The implications detailed in this report are on the basis that Council moves forward with the budget amendments as per Officer recommendation.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* states as follows:

6.8 Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or



(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

Comment

The Shire adopted an ambitious capital program as part of the 2022-2023 annual budget. Following the completion of detailed design, the road project costings have been reviewed at which point it has been identified that without adjustment of budgets and reallocation of funding, the planned road program cannot be delivered due to funding shortfall. This has been mainly due to the following factors:

- Cost escalation due to heated construction market; and
- Insufficient allowance for Shire internal costs; and

To ensure delivery of key capital infrastructure without additional cost, Officers propose amending the capital program to prioritise works that are affordable.

The proposed changes to the roads program involve three parts:

- cancelling four projects;
- reduce the scope of one project to bring the project within budget; and
- allocating additional grant funding obtained from the State and Federal Governments to three projects.

The changes will mean that the Shire will deliver important road upgrades within the overall budget set by Council despite cost escalation experienced in the delivery of capital projects.

Works to be deferred

Officers propose that four of the Shire's road projects which have not commenced at this time to be removed from the Annual Budget and Corporate Business Plan to ensure the entire roads program does not run over budget. Further details regarding these projects is explained below:

- **Bishop Road upgrade - State Black Spot Project - 6400-80410-6600-0000** – Following the completion of detailed design of this project it became evident that the existing ATCO gas high pressure gas pipe is located within the road widening area over the full length of the proposed project. This section of Bishop Rd is located between Hopkinson Rd and Soldiers Rd. The gas pipe is incorrectly located at 5m alignment from the road reserve boundary instead of the 1.5m standard alignment. This means that the gas pipe is located 3.5m closer to the road than it should normally be. It is unusual for the gas pipe to be located in such an alignment (3.5m outside the allocated corridor) and therefore the scope of works developed for the project at the time of project initiation would not have included any treatment to the gas pipe. In order to proceed with the road widening, this gas pipe is required to either be relocated to the standard gas services corridor, away from the road, or be protected by constructing a concrete slab above the pipe. Officers have contacted ATCO Gas as the asset owner, to determine if the gas pipe needs to be relocated or protected by a concrete slab, and also to establish the implications and cost responsibility. However, it has not been possible to obtain a definitive response from ATCO Gas to date. The cost of either option would be quite significant which cannot be absorbed by the project. Officers believe that ATCO Gas, as the asset owner, is responsible to relocate the gas pipe or protect it at their cost as the gas pipe is located outside the standard corridor allocated for gas services. This issue is being pursued by Officers and it will take a considerable amount of time to be resolved. Even if ATCO Gas agreed to relocate



the gas pipe at their cost, this issue will need at least 1-2 years to be resolved. Resolving the gas pipe issue is a prerequisite for the road works to commence. The length of time required to do this work is well outside the timeframe to complete the road project and satisfy the grant funding conditions.

If the scope of this project was increased to include the gas pipe relocation at a cost to the project, the resulting increase in cost would reduce the cost benefit ratio of the project to a point rendering the project non-viable and ineligible to receive Black Spot grant funding.

These issues have been discussed with Main Roads WA (MRWA) and Officers have been advised to consider abandoning the project, and return the grant funding to the funding body so that the funds can be reallocated to other projects, as it is now clearly evident that the project cannot be completed within an acceptable timeframe. MRWA have requested that the Shire is required to formally notify them of its intention to abandon the project before the end of December 2022, if that is the decision adopted by the Shire.

The main objective of this Black Spot project was to improve road safety by reducing crashes resulting from vehicles leaving the carriageway. The scope of the project included widening and sealing the road shoulder and removing non frangible items including trees from the clear zone. There have been 4 reported crashes along this 1.86km section of Bishop Road during the 5-year period (2016-2020) preceding the application for funding of this project. All 4 crashes resulted in property damage only, 2 major property damage and 2 minor property damage. The details of these crashes are as follows:

- 1 Major property damage crash involved a vehicle colliding with a kangaroo;
- 1 Major property damage crash involved a vehicle leaving the carriageway and colliding with a fence;
- 1 Minor property damage crash involved a vehicle leaving the carriageway and colliding with a tree; and
- 1 Minor property damage crash, details of crash are unknown.

The severity and total number of crashes appear to be quite moderate. Although it is important to deliver this project to improve the road safety, however deferring the project by 2-3 years, until the gas pipe issue is resolved and funding is secured, does not pose a significant risk. If the project is deferred, performance of the road, in regard to safety and operating speed, will be monitored during the interim period and suitable measures pursued to address any safety issues. This may include requesting MRWA to consider reducing the posted speed along this section of Bishop Road.

As a way forward, Officers recommend abandoning the project, engage with ATCO Gas to resolve the gas pipe issue before re-applying for grant funding to deliver this project. As part of this approach, the grant funding of \$302,000 (2/3) will be returned to the funding body. Additionally, the Shire's funding contribution of \$151,000 (1/3) will be allocated to other road projects within the Shire's current road construction program. Officers will re-apply for Bishop Rd grant funding in future when the full scope of the project has been redefined and costed.

- **Nettleton Road Pavement Rehabilitation Project – 6400-80404-6600-0000** - This project is currently included in the Shire's 2022/23 budget as a MRRG grant funded project, however it has not been approved by MRWA as a grant funded project. This section of Nettleton Road is located between Phillips Rd and south of Phillips Rd for 1km. There is no other funding allocated to this project other than the Shire's own contribution of \$163,632 which is 1/3 of



the total funds needed to deliver the project. It is proposed to remove this project from the budget and allocate the \$163,632 Shire contribution to other road projects to balance the shortfall in the overall road program budget. Officers propose to re-apply for grant funding to deliver this project in 2024/25 financial year.

- **Tuart Road & King Road – Road Reseal Projects** – These two projects are part of the 2022/23 reseal program with a combined budget of \$175,000. It is proposed to defer the delivery of these two projects to 2023/24 financial year and allocate the \$175,000 budget for these projects to balance the shortfall in the overall road program budget. Road condition and asset renewal priorities have been considered in selecting these two projects from the road reseal program for deferral. Deferring the delivery of these projects to 2023/24 will not have a significant impact on the asset condition of these roads.

Works to continue with reduced scope

In addition to the above changes, Officers also propose amending the scope of one project, namely Nettleton Rd Blackspot Project, to reduce cost enabling delivery of the project within budget. This section of Nettleton Rd is located between 240m west of Millars Rd and 200m north of the decommissioned railway line. The objective of this project is to improve road safety and the scope of works include road widening, drainage improvements, tree clearing and installation of line marking. Following a revised cost estimate of this project, taking into consideration recent cost escalation across the construction industry and the Shire's annual supply contract rates, and Shire internal costs, it was found that the project budget was insufficient to complete the construction works. In order to bring the project within budget, the original 2.78 km section of road to be treated has been shortened by 960m to 1.82km. The section of the road removed from the scope of works is located outside the crash zone and therefore does not prevent achieving the main objective of the project, improving road safety. The viability and cost benefit ratio of the project has been assessed taking into consideration the reduction in scope and found to be in compliance with the Federal Black Spot grant funding requirements. In addition to the reduction in scope, to ensure delivery of the project within a revised budget whilst maintaining a cost benefit ratio above the minimum threshold, Officers have also requested \$232,934 additional funding from the grant funding body. The request for both the reduction in project scope as well as additional funding has been presented to MRWA and Federal Black Spot funding body for consideration and the Shire's request for both variations have been approved.

Works to proceed through additional grant funding (cost neutral to the Shire)

As well as a reduction in the scope of the program to meet budget constraints, Officers have successfully negotiated for more than \$350,000 in additional grant funding from Main Roads for three road projects. Without this grant funding secured on behalf of the Shire, further changes to the roads program to meet previously available resources would have been required.

The injection of additional grant funding from the State Government means that important road works can be delivered without additional funding from the Shire for the following projects, namely:

- Hopkinson Rd Rehabilitation - \$61,989;
- Karnup & Yangedi Rd Intersection Upgrade - \$64,933;
- Nettleton Rd Blackspot Project - \$232,934.

If agreed by Council, the changes to cancel the four road projects and increase funding for the above three projects will enable funding to be reallocated to the remainder of the roads program.



The changes associated with the program are described in the table below:

Project Title	Description of Works	Adopted Budget	Proposed Budget	Proposed Change in Budget	Impact on Grant Funding	Impact on Municipal Funds
Hopkinson Rd A Rehabilitation	1.3km road upgrade between Bishop Rd and Karbro Dr including road widening, drainage work, tree clearing, profiling, new asphalt layer and line-marking.	498,933	644,000	145,067	61,989	83,078
Nettleton Road (SLK 13.87- SLK 16.65)	Road upgrade including road widening, drainage work, tree clearing and line marking. Scope have been changed from 2.78 km to 1.82 km to reduce cost and have been approved by Main Roads WA. The proposed section of road is located between 240m west of Millars Rd and 200m north of the disused railway line.	708,239	899,770	191,531	232,934	(41,403)
Karnup Rd & Yangedi Rd intersection	Intersection upgrade including road widening and line-marking.	166,724	308,000	141,276	58,751	82,525
Keirnan Street (SLK 0.5- SLK 3.5)	3km road upgrade east of railway line including road widening, tree clearing and line-marking.	588,883	802,410	213,527	-	213,527
Briggs Park Recreation Precinct Car Park - Final grant Payment	Car Park upgrade work from last financial year.	-	12,000	12,000	-	12,000



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Project Title	Description of Works	Adopted Budget	Proposed Budget	Proposed Change in Budget	Impact on Grant Funding	Impact on Municipal Funds
Rowley Rd Rehabilitation - final grant payment	Road upgrade work from last financial year.	-	6,611	6,611	-	6,611
Thomas Rd & Anketell Rd Intersection - Final Grant Payment	Road upgrade work from last financial year.	-	9,859	9,859	-	9,859
Abernethy Road - Separable portion 4	Road upgrade work from last financial year.	-	4,080	4,080	-	4,080
Roundabout - Mundijong Rd/Kargotich Rd	Road upgrade work from last financial year.	-	609	609	-	609
Upgrade - Gossage Rd, Oldbury	Road upgrade work from last financial year.	-	1,219	1,219	-	1,219
Mead Street (SLK 0.93- SLK 1.92)	Road upgrade work from last financial year.	-	10,372	10,372	-	10,372
Mundijong Road (SLK7.32- SLK9.50)	Road upgrade work from last financial year.	-	22,000	22,000	-	22,000
Culvert Replacement - Karnup Road	Culvert replacement work from last financial year.	-	24,596	24,596	-	24,596
Kingsbury Drive Australian Government Black Spot Project (SLK 7- SLK 10)	3 km of road upgrade work including road widening, drainage work, tree clearing & planting and line marking.	896,689	1,070,000	173,311	-	173,311
Briggs Road Rehabilitation (SLK 0.27-0.7)	0.43 km of road upgrade work including profiling and new wearing course.	152,335	180,000	27,665	-	27,665
Street Lighting - Street Lighting - King/Coyle	Street Lighting upgrade work	19,847	23,953	4,106	-	4,106
Reseal - Tonkin Street, Mundijong	0.6 km of road upgrade work	63,656	93,000	29,344	-	29,344



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Project Title	Description of Works	Adopted Budget	Proposed Budget	Proposed Change in Budget	Impact on Grant Funding	Impact on Municipal Funds
	including pavement profiling and new wearing course.					
Road Reseal - Richardson Street, Serpentine	0.5 km of road upgrade work including profiling and new wearing course.	155,000	175,000	20,000	-	20,000
Road Reseal - Hardey Street, Serpentine	140m of road upgrade including profiling and new wearing course.	24,000	42,000	18,000	-	18,000
Anketell Road	Project completed last financial year with acquittal of final claim in current financial year	111,426	6,800	(104,626)	-	(104,626)
Road Reseal Tuart Road, Oakford	700m of road upgrade work including profiling and new wearing course. This section of road is located between Thomas Rd and 700m north of Thomas Rd.	95,000	-	(95,000)	-	(95,000)
Road Reseal King Road, Oakford	400m of road upgrade work the intersection including profiling and new wearing course. This section of road is located between Boomerang Rd and 400m south of Boomerang Rd.	80,000	-	(80,000)	-	(80,000)
Kingsbury Drive Rehabilitation	Road upgrade work from last financial year.	5,398	-	(5,398)	-	(5,398)
Nettleton Rd Rehabilitation	1.6km road upgrade including profiling, new	490,635	469,000	(21,635)	-	(21,635)



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Project Title	Description of Works	Adopted Budget	Proposed Budget	Proposed Change in Budget	Impact on Grant Funding	Impact on Municipal Funds
	wearing course and line marking.					
Road Reseal Chestnut Road, Jarrahdale	0.24 km of road upgrade work including profiling and new wearing course.	65,000	50,000	(15,000)	-	(15,000)
Road Reseal - Lefroy Road, Serpentine	0.23 km of road upgrade work including profiling and new wearing course.	75,000	52,800	(22,200)	-	(22,200)
Gordin Way Bus Bay Extension	Extension of bus bay including replacement of drainage pit.	30,000	25,860	(4,140)	-	(4,140)
Reseal - Keirnan Street, Mundijong	1.9km of road upgrade including road widening, drainage work, tree clearing, profiling, new asphalt layer and line marking.	101,489	62,621	(38,868)	-	(38,868)
Bishop Road-State Black Spot Project (SLK 2.0- SLK 3.86)	1.9km of road upgrade including road widening, drainage work, tree clearing, profiling, new asphalt layer and line marking. This section of Bishop Rd is located between Hopkinson Rd and Soldiers Rd.	453,000	-	(453,000)	(302,000)	(151,000)
Nettleton Road (SLK 3.82- SLK 4.9)	1.1km of road upgrade including road widening, drainage work, tree clearing, profiling, new asphalt layer and line marking. This section of Nettleton Rd is	497,697	2,267	(495,430)	(331,798)	(163,632)



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Project Title	Description of Works	Adopted Budget	Proposed Budget	Proposed Change in Budget	Impact on Grant Funding	Impact on Municipal Funds
	located from Phillips Rd and 1.1km south of Phillips Rd.					
Road Reseal - Whitby Street, Mundijong	140m of road upgrade including road widening, drainage work, new kerb, profiling, new asphalt layer and line marking.	256,000	256,000	-	-	-
Culvert Renewal - Elliot Road (SK 5.806)	Culvert renewal work.	18,201	18,201	-	-	-
Culvert Renewal - Elliot Road (SK 8.352)	Culvert renewal work.	25,864	25,864	-	-	-
Hopkinson Road Drainage Renewal	Drainage renewal work.	38,582	38,582	-	-	-
New bus shelter program	New bus shelters.	40,000	40,000	-	-	-
Street Lighting - Mundijong/Lampiter	Street Lighting upgrade work	22,494	22,494	-	-	-
Street Lighting - Richardson/Summer field	Street Lighting upgrade work	1,047	1,047	-	-	-
Road Safety Initiative	Road safety works	74,000	74,000	-	-	-
Abernethy and Hopkinson Road intersection	Street Lighting upgrade work	49,700	49,700	-	-	-
Mundijong Road and King Road Intersection (Staged over 2 years)	Design for intersection upgrade this financial year with construction planned for next financial year	243,100	243,100	-	-	-
Mundijong Road Australian Government Black Spot Project (SLK 5.62- SLK 7.32)	1.7km of road upgrade including road widening, tree clearing and line marking.	528,000	528,000	-	-	-



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Project Title	Description of Works	Adopted Budget	Proposed Budget	Proposed Change in Budget	Impact on Grant Funding	Impact on Municipal Funds
George Street Footpath (SLK 0.5-0.61)	110m of new footpath.	72,000	72,000	-	-	-
Hopkinson Road B Rehabilitation (SLK0.9-SLK 1.67)	0.8 km of road upgrade work including profiling and new wearing course.	278,415	278,415	-	-	-
Larsen Road (SLK 0.2- SLK1.64)	1.1km of road upgrade including partial road widening, drainage work, kerb replacement, profiling, new asphalt layer and line marking.	405,953	405,953	-	-	-
Hella Kipper Drive	Road reserve land acquisition.	40,000	40,000	-	-	-
Nicholson Rd-Foxton Dr- Left Turn Auxiliary Lane-Minor Widening	Intersection upgrade including road widening, kerbing and line-marking.	77,000	77,000	-	-	-
Holmes Road Oakford	0.49 km of road upgrade work including profiling and new wearing course. Road to Recovery Funded.	124,000	124,000	-	-	-
Baldwin Road, Serpentine	0.24 km of road upgrade work including profiling and new wearing course. Road to Recovery Funding	52,000	52,000	-	-	-
Senior Court (SLK 0.0 to SLK0.15)	0.1 km of road upgrade work including profiling and new wearing course. Road to Recovery Funding	72,000	72,000	-	-	-



Project Title	Description of Works	Adopted Budget	Proposed Budget	Proposed Change in Budget	Impact on Grant Funding	Impact on Municipal Funds
College Court (SLK 0.0 to SLK 0.26)	0.3 km of road upgrade work including profiling and new wearing course. Road to Recovery Funding	89,000	89,000	-	-	-
Millars Road (SLK 0 to SLK 0.07)	80 m of road upgrade work including profiling and new wearing course. Road to Recovery Funding	34,000	34,000	-	-	-
Rowley Rd Temporary Resurfacing	Resurfacing work.	30,000	30,000	-	-	-
		7,850,307	7,570,183	280,124	280,124	0

Options and Implications

Option1

That Council:

1. NOTES that a combination of factors has resulted in the need to revise the Shire's roads program to ensure delivery within available resources but that these revisions have been partially offset by securing additional grant funding from the State Government;
2. NOTES the 2022-2026 Corporate Business Plan will be updated to reflect the revised road program and budget amendments in a future Performance Report;
3. Pursuant to section 6.8 of the *Local Government Act 1995*, ADOPTS the schedule of variations to the 2022-2023 Budget listed below:

Account	Type	Description	Debit	Credit
6400-80285-6600-0000	Increase Expenditure	Hopkinson Rd A Rehabilitation- Capital Expenditure	145,067	
6400-80285-6600-0000	Increase Income	Hopkinson Rd A Rehabilitation- Grant - Capital - MRRG		61,989
6400-80289-6600-0000	Increase Expenditure	Karnup Rd & Yangedi Rd intersection- Capital Expenditure	141,276	
6400-80289-4907-0000	Decrease Income	Karnup Rd & Yangedi Rd intersection - Capital Contributions - Other	6,182	
6400-80289-4818-0000	Increase Income	Karnup Rd & Yangedi Rd intersection - Grant - Capital - CRSFP		64,933



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Account	Type	Description	Debit	Credit
6400-80310-6600-0000	Increase Expenditure	Keirnan Street (SLK 0.5- SLK 3.5)- Capital Expenditure	213,527	
6400-80412-6600-0000	Increase Expenditure	Kingsbury Drive Australian Government Black Spot Project (SLK 7- SLK 10)- Capital Expenditure	173,311	
6400-80316-6600-0000	Increase Expenditure	Reseal - Tonkin Street, Mundijong- Capital Expenditure	29,344	
6400-80402-6600-0000	Increase Expenditure	Briggs Road Rehabilitation (SLK 0.27- 0.7)- Capital Expenditure	27,665	
6400-80352-6600-0000	Increase Expenditure	Culvert Replacement - Karnup Road- Capital Expenditure	24,596	
6400-80313-6600-0000	Increase Expenditure	Mundijong Road (SLK7.32- SLK9.50)- Capital Expenditure	22,000	
6400-80338-6600-0000	Increase Expenditure	Road Reseal - Richardson Street, Serpentine - Capital Expenditure	20,000	
6400-80428-6600-0000	Increase Expenditure	Road Reseal - Hardey Street, Serpentine - Capital Expenditure	18,000	
6400-80237-6600-0000	Increase Expenditure	Briggs Park Recreation Precinct Car Park - Final grant Payment- Capital Expenditure	12,000	
6400-80312-6600-0000	Increase Expenditure	Mead Street (SLK 0.93- SLK 1.92)- Capital Expenditure	10,372	
6400-80311-6600-0000	Increase Expenditure	Thomas Rd & Anketell Rd Intersection - Final Grant Payment- Capital Expenditure	9,859	
6400-80286-6600-0000	Increase Expenditure	Rowley Rd Rehabilitation - final grant payment- Capital Expenditure	6,611	
6400-80308-6600-0000	Increase Expenditure	Street Lighting - Street Lighting - King/Coyle- Capital Expenditure	4,106	
6400-80048-6600-0000	Increase Expenditure	Abernethy Road - Separable portion 4- Capital Expenditure	4,080	
6400-80212-6600-0000	Increase Expenditure	Upgrade - Gossage Rd, Oldbury- Capital Expenditure	1,219	
6400-80138-6600-0000	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd- Capital Expenditure	609	
6400-80309-6610-0000	Decrease Expenditure	Anketell Road- Carryforward Expenditure		104,626
6400-80336-6610-0000	Decrease Expenditure	Reseal - Keirnan Street, Mundijong- Carryforward Expenditure		38,868



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Account	Type	Description	Debit	Credit
6400-80430-6600-0000	Decrease Expenditure	Road Reseal - Lefroy Road, Serpentine - Capital Expenditure		22,200
6400-80287-6610-0000	Decrease Expenditure	Nettleton Rd Rehabilitation- Carryforward Expenditure		21,635
6400-80326-6600-0000	Decrease Expenditure	Road Reseal - Chestnut Road, Jarrahdale - Capital Expenditure		15,000
6400-80288-6600-0000	Decrease Expenditure	Kingsbury Drive Rehabilitation- Capital Expenditure		5,398
6400-80356-6610-0000	Decrease Expenditure	Gordin Way Bus Bay Extension- Carry forward Expenditure		4,140
6400-80410-6600-0000	Decrease Income	Bishop Road-State Black Spot Project (SLK 2.0- SLK 3.86)- Grant - Capital - State Black Spot	302,000	
6400-80410-6600-0000	Decrease Expenditure	Bishop Road-State Black Spot Project (SLK 2.0- SLK 3.86)- Capital Expenditure		453,000
6400-80404-4808-0000	Decrease Income	Nettleton Road (SLK 3.82- SLK 4.9)- Grant - Capital - Main Roads	331,798	
6400-80404-6600-0000	Decrease Expenditure	Nettleton Road (SLK 3.82- SLK 4.9)- Capital Expenditure		495,430
6400-80314-6600-0000	Increase Expenditure	Nettleton Road (SLK 13.87- SLK 16.65)- Capital Expenditure	191,531	
6400-80314-4816-0000	Increase Income	Nettleton Road (SLK 13.87- SLK 16.65)- Grant - Capital - Federal Black Spot		232,934
6400-80323-6600-0000	Decrease Expenditure	Road Reseal - King Road, Oakford - Capital Expenditure		80,000
6400-80324-6600-0000	Decrease Expenditure	Road Reseal - Tuart Road, Oakford - Capital Expenditure		95,000

Option 2

That Council resolves NOT TO PROCEED with the proposed budget amendments.

Option 1 is recommended.

**Conclusion**

Completion of the Shire's road renewal program is critical from a road safety and asset management and renewal perspective. Delivery of the capital road projects is also important to ensure Shire's financial health indicators are maintained at an acceptable level and improved. In addition, delivery of this program addresses the primary concerns raised by the community through the community perception survey. Considering the above, it is recommended that the requested funding allocations to be approved to ensure road projects are completed within the agreed timeframes.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

The Shire has conducted a comprehensive cost review of the roads program which have resulted in the following financial implications:

The following projects require additional funds to a total value of **\$742,902** to ensure project delivery:

Account	Type	Description	Debit	Credit
6400-80285-6600-0000	Increase Expenditure	Hopkinson Rd A Rehabilitation-Capital Expenditure	145,067	
6400-80285-6600-0000	Increase Income	Hopkinson Rd A Rehabilitation-Grant - Capital - MRRG		61,989
Reason: Additional Grant Funds received from MRRG, which required a 1/3rd contribution made by the Shire, however additional funds in excess of this contribution is required to complete projects.				
Total Additional Muni Funds Required = \$83,078				

Account	Type	Description	Debit	Credit
6400-80289-6600-0000	Increase Expenditure	Karnup Rd & Yangedi Rd intersection- Capital Expenditure	141,276	
6400-80289-4907-0000	Decrease Income	Karnup Rd & Yangedi Rd intersection - Capital Contributions - Other	6,182	
6400-80289-4818-0000	Increase Income	Karnup Rd & Yangedi Rd intersection - Grant - Capital - CRSFP		64,933



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Reason: Commodity Routes Fund Program additional grant approved. Urban Resources (Industrial) has declined to contribute their 1/3 share for the additional fund request, which has to be met by the Shire and additional funds required to complete.

Total Additional Muni Funds Required = \$82,525

Account	Type	Description	Debit	Credit
6400-80310-6600-0000	Increase Expenditure	Keirnan Street (SLK 0.5- SLK 3.5)- Capital Expenditure	213,527	
6400-80412-6600-0000	Increase Expenditure	Kingsbury Drive Australian Government Black Spot Project (SLK 7- SLK 10)- Capital Expenditure	173,311	
6400-80316-6600-0000	Increase Expenditure	Reseal - Tonkin Street, Mundijong- Capital Expenditure	29,344	
6400-80402-6600-0000	Increase Expenditure	Briggs Road Rehabilitation (SLK 0.27-0.7)- Capital Expenditure	27,665	
6400-80352-6600-0000	Increase Expenditure	Culvert Replacement - Karnup Road- Capital Expenditure	24,596	
6400-80313-6600-0000	Increase Expenditure	Mundijong Road (SLK7.32- SLK9.50)- Capital Expenditure	22,000	
6400-80338-6600-0000	Increase Expenditure	Road Reseal - Richardson Street, Serpentine - Capital Expenditure	20,000	
6400-80428-6600-0000	Increase Expenditure	Road Reseal - Hardey Street, Serpentine - Capital Expenditure	18,000	
6400-80237-6600-0000	Increase Expenditure	Briggs Park Recreation Precinct Car Park - Final grant Payment- Capital Expenditure	12,000	
6400-80312-6600-0000	Increase Expenditure	Mead Street (SLK 0.93- SLK 1.92)- Capital Expenditure	10,372	
6400-80311-6600-0000	Increase Expenditure	Thomas Rd & Anketell Rd Intersection - Final Grant Payment- Capital Expenditure	9,859	
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6400-80308-6600-0000	Increase Expenditure	Street Lighting - Street Lighting - King/Coyle- Capital Expenditure	4,106	
6400-80048-6600-0000	Increase Expenditure	Abernethy Road - Separable portion 4- Capital Expenditure	4,080	
6400-80212-6600-0000	Increase Expenditure	Upgrade - Gossage Rd, Oldbury- Capital Expenditure	1,219	



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6400-80138-6600-0000	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd- Capital Expenditure	609	
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Reason: The above projects are either currently exceeding budget or are forecast to require additional funds to complete the projects, please see table in Comments section of report for more details.

Total Additional Muni Funds Required = \$577,299

The Shire has identified that savings are available to cover the shortfall of **\$742,902** in the following projects:

Account	Type	Description	Debit	Credit
6400-80309-6610-0000	Decrease Expenditure	Anketell Road- Carry forward Expenditure		104,626
6400-80336-6610-0000	Decrease Expenditure	Reseal - Keirnan Street, Mundijong- Carryforward Expenditure		38,868
6400-80430-6600-0000	Decrease Expenditure	Road Reseal - Lefroy Road, Serpentine - Capital Expenditure		22,200
6400-80287-6610-0000	Decrease Expenditure	Nettleton Rd Rehabilitation- Carryforward Expenditure		21,635
6400-80326-6600-0000	Decrease Expenditure	Road Reseal - Chestnut Road, Jarrahdale - Capital Expenditure		15,000
6400-80288-6600-0000	Decrease Expenditure	Kingsbury Drive Rehabilitation- Capital Expenditure		5,398
6400-80356-6610-0000	Decrease Expenditure	Gordin Way Bus Bay Extension- Carryforward Expenditure		4,140

Reason: The above projects have been completed under budget or are forecast to be able to be delivered under budget, please see table in Comments section of report for more details.

Total Muni Savings = \$211,867

Account	Type	Description	Debit	Credit
6400-80410-6600-0000	Decrease Income	Bishop Road-State Black Spot Project (SLK 2.0- SLK 3.86)- Grant - Capital - State Black Spot	302,000	
6400-80410-6600-0000	Decrease Expenditure	Bishop Road-State Black Spot Project (SLK 2.0- SLK 3.86)- Capital Expenditure		453,000

Reason: Proposed not to proceed with this project due to multiple issues i.e. ATCO gasline relocation, railway infrastructure relocation and tree clearing issues.

Total Muni Savings = \$151,000



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Account	Type	Description	Debit	Credit
6400-80404-4808-0000	Decrease Income	Nettleton Road (SLK 3.82- SLK 4.9)- Grant - Capital - Main Roads	331,798	
6400-80404-6600-0000	Decrease Expenditure	Nettleton Road (SLK 3.82- SLK 4.9)- Capital Expenditure		495,430
Reason: This project was NOT APPROVED by MRRG due to 6% penalty applied as a result of not completing a previous grant funded project in the allocated timeframe. Total Muni Savings = \$163,632				

Account	Type	Description	Debit	Credit
6400-80314-6600-0000	Increase Expenditure	Nettleton Road (SLK 13.87- SLK 16.65)- Capital Expenditure	191,531	
6400-80314-4816-0000	Increase Income	Nettleton Road (SLK 13.87- SLK 16.65)- Grant - Capital - Federal Black Spot		232,934
Reason: Original budget for the life of the project was \$771,496, with \$540,000 funded by Federal Blackspot with the remaining \$231,496 funded from muni funds. The Shire has secured an additional \$232,934 in Federal Blackspot grant funding as a cost variation. The total project cost has increased to \$963,027. Total Muni Savings = \$41,403				

Account	Type	Description	Debit	Credit
6400-80323-6600-0000	Decrease Expenditure	Road Reseal - King Road, Oakford - Capital Expenditure		80,000
6400-80324-6600-0000	Decrease Expenditure	Road Reseal - Tuart Road, Oakford - Capital Expenditure		95,000
Reason: In order to accommodate overspend on other road projects, the following projects are recommended to be removed from the 2022/23 road program and to be considered as part of future budgets Total Muni Savings = \$175,000				

**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	Council proceeds with budget amendments and projects run over revised budget.	Budget process, internal costing, and reviews.	Financial	Unlikely	Minor	LOW	Nil
2	Council does not proceed with budget amendments and capital projects are not delivered.	Nil	Organisational Performance	Almost Certain	Major	SIGNIFICANT	Adopt Officer recommendation



Voting Requirements: Absolute Majority

OCM306/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council:

1. NOTES that a combination of factors has resulted in the need to revise the Shire's roads program to ensure delivery within available resources but that these revisions have been partially offset by securing additional grant funding from the State Government;
2. NOTES the 2022-2026 Corporate Business Plan will be updated to reflect the revised road program and budget amendments in a future Performance Report;
3. Pursuant to section 6.8 of the *Local Government Act 1995*, ADOPTS the schedule of variations to the 2022-2023 Budget listed below:

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6400-80352-6600-0000	Increase Expenditure	Culvert Replacement - Karnup Road - Capital Expenditure	24,596	
6400-80313-6600-0000	Increase Expenditure	Mundijong Road (SLK7.32- SLK9.50) - Capital Expenditure	22,000	



Account	Type	Description	Debit	Credit
6400-80338-6600-0000	Increase Expenditure	Road Reseal - Richardson Street, Serpentine - Capital Expenditure	20,000	
6400-80428-6600-0000	Increase Expenditure	Road Reseal - Hardey Street, Serpentine - Capital Expenditure	18,000	
6400-80237-6600-0000	Increase Expenditure	Briggs Park Recreation Precinct Car Park - Final grant Payment- Capital Expenditure	12,000	
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6400-80212-6600-0000	Increase Expenditure	Upgrade - Gossage Rd, Oldbury - Capital Expenditure	1,219	
6400-80138-6600-0000	Increase Expenditure	Roundabout - Mundijong Rd/Kargotich Rd - Capital Expenditure	609	
6400-80309-6610-0000	Decrease Expenditure	Anketell Road - Carryforward Expenditure		104,626
6400-80336-6610-0000	Decrease Expenditure	Reseal - Keirnan Street, Mundijong - Carryforward Expenditure		38,868
6400-80430-6600-0000	Decrease Expenditure	Road Reseal - Lefroy Road, Serpentine - Capital Expenditure		22,200
6400-80287-6610-0000	Decrease Expenditure	Nettleton Rd Rehabilitation - Carryforward Expenditure		21,635
6400-80326-6600-0000	Decrease Expenditure	Road Reseal - Chestnut Road, Jarrahdale - Capital Expenditure		15,000
6400-80288-6600-0000	Decrease Expenditure	Kingsbury Drive Rehabilitation- Capital Expenditure		5,398
6400-80356-6610-0000	Decrease Expenditure	Gordin Way Bus Bay Extension- Carry forward Expenditure		4,140



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Account	Type	Description	Debit	Credit
6400-80410-6600-0000	Decrease Income	Bishop Road-State Black Spot Project (SLK 2.0- SLK 3.86) - Grant - Capital - State Black Spot	302,000	
6400-80410-6600-0000	Decrease Expenditure	Bishop Road-State Black Spot Project (SLK 2.0- SLK 3.86) - Capital Expenditure		453,000
6400-80404-4808-0000	Decrease Income	Nettleton Road (SLK 3.82- SLK 4.9) - Grant - Capital - Main Roads	331,798	
6400-80404-6600-0000	Decrease Expenditure	Nettleton Road (SLK 3.82- SLK 4.9) - Capital Expenditure		495,430
6400-80314-6600-0000	Increase Expenditure	Nettleton Road (SLK 13.87- SLK 16.65) - Capital Expenditure	191,531	
6400-80314-4816-0000	Increase Income	Nettleton Road (SLK 13.87- SLK 16.65)- Grant - Capital - Federal Black Spot		232,934
6400-80323-6600-0000	Decrease Expenditure	Road Reseal - King Road, Oakford - Capital Expenditure		80,000
6400-80324-6600-0000	Decrease Expenditure	Road Reseal - Tuart Road, Oakford - Capital Expenditure		95,000

CARRIED 6/3

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

Councillors Rich, Atwell, Coales, Duggin, Mack and Strange voted FOR the motion.

Councillors Byas, Dagostino and Strautins voted AGAINST the motion.



Shire President, Councillor Rich declared an Impartiality Interest in item 10.2.4.

Councillor Atwell declared an Impartiality Interest in item 10.2.4.

10.2.4 – Keirnan Park Planning Update (SJ1364)	
Responsible Officer:	Manager Major Projects
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to provide Council a project update for Keirnan Park Recreation Precinct regarding planning and detail design phase.

In addition, this report aims to inform Council of the current project risks and the associated mitigation measures. The current risks are noted as:

- Irrigation water source – adequate water source for irrigation of the ovals has not yet been found on site.
- Funding agreement status and progression – whilst planning and detail design phase is near completion per the current State Funding Agreement (FAA1 - \$2M), there is an unknown time delay with approval of the second Grant funding (FAA2 - \$18M) for the construction phase from Department of Local Government, Sport and Cultural Industries (DLGSC). The Shire has also applied for an additional \$4M of funding to complete construction of Stage 1A as per the scope prior to the value management process. The outcome of this \$4M application impacts on the detail to be included in the second Grant funding Agreement.
- Clearing permit process – due to a recent change in Black Cockatoo Referral Guideline, effective as of July 2022, new legislation requires the Shire to seek a clearing permit for the site not just from Department of Water and Environmental Regulation (DWER) but also from the Federal body, Department of Climate Change, Energy, the Environment and Water (DCCEEW) under the *Environmental Project and Biodiversity Conservation (EPBC) Act 1999*. This is due to the reclassification of thresholds for night roosting sites within the site. The entire project area is now classified as a known roosting site.



Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 October 2022 - OCM283/10/22 – COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *AWARDS Tender RFT 02/2021 – Keirnan Park – Design Services – Consultant to Bollig Design Group Pty Ltd to the value of \$2,099,241.25, excluding GST, for Stage 1A and 1B 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 02/2021 – Keirnan Park – Design Services – Consultant;*
3. *APPROVES funding of Keirnan Park Recreation Precinct planning by reallocation of municipal funding for Briggs Park Drainage, and the BMX Track Capital Expenditure from the Byford BMX Track Reserve*

Account	Description	Type	Debit	Credit
6600-80235-6600-0000	Keirnan Park Planning Capital Expenditure	Increase Expenditure	164,426	
6500-80298-6600-0000	Briggs Park Drainage Capital Expenditure	Decrease Expenditure		164,426

Reason: Additional funding required for Keirnan Park Planning Capital Expenditure to be funded by reallocation of municipal funding for Briggs Park Drainage

6600-80354-6600-0000	BMX Track Capital Expenditure	Increase Expenditure	478,296	
6600-80354-5003-0000	Transfer from Byford BMX Track Reserve	Decrease Reserve		159,432
6600-80354-5010-0000	Transfer from Community Infrastructure Reserve	Decrease Reserve		318,864

Reason: Shire's contribution as part of the CIDCP towards the design costs for the BMX track and pump track.

4. *AUTHORISES the Chief Executive Officer to advise and negotiate the revised timeline of Milestone 3 to 30 June 2022 under the Financial Assistance Agreement.*
5. *AUTHORISES the Chief Executive Officer to negotiate an early works agreement for \$3 million of the remaining \$18 million with the DLGSC (in accordance with the FAA) for the construction for early works portion of the project. The draft early works agreement is to be brought back to Council for endorsement.*
6. *REQUESTS the Chief Executive Officer develop a Stakeholder Engagement Plan and Terms of Reference for the stakeholder reference group and submit to Council for endorsement.*



Background

Project Update

The Shire awarded the detailed design consultancy works for Stages 1A and 1B of Keirnan Park project to Bollig in October 2021 as RFT-02, valued at \$2,099,241.25. This contract included delivery of Stage 1A and Stage 1B detailed design and documentation for construction tender purpose. Stage 1A scope includes civil and building works associated with a multipurpose sporting pavilion, two AFL ovals, car park and access road into the site. Stage 1B includes delivery of BMX pavilion and a national standard BMX track facility.

In addition to the scope outlined above and within Bollig's contract, other items include the development of a water strategy, concepts on electrical and communication with Western Power and management of stakeholder engagement. Shire has been managing the project in accordance with the Shire's Project Management Framework.

Current Project Risks

Irrigation water source – To service the Keirnan Park recreation precinct, ground water supply availability within the site area is critical. To irrigate the two AFL ovals, which will be constructed as part of stage 1A, it is anticipated 52,000 kl of water will be needed annually. To service the entire precinct once fully developed, approximately 250,000 kl will be required annually.

The existing bore in deep aquifer (Cattamarra Coal Measure - CCM) has already been developed on site as part of the initial explorative works. This bore is 136m deep with a screen installed between 100-136m. This bore does have the capacity to service Stage 1A, however, DWER have confirmed due to the Shire reaching the maximum water allocation within this sub-area it is not possible for the Shire to extract any further water from this aquifer for use in the Keirnan Park development. Therefore, the Shire must seek alternative sources of water for servicing the site for Stage 1A, 1B and future developments. In this case, superficial aquifer is being investigated as potential source of water as recommended by DWER.

In October 2022, the Shire concluded the first round of borewell investigations within the superficial aquifer. This has returned unsuccessful to service the first stage of Keirnan Park as an adequate water source.

As a final attempt, DWER have requested the Shire to carry out additional exploratory bore investigations to the western end of the site within the superficial aquifer. These works are currently scheduled to commence in December 2022. DWER have also asked for the Shire to seek potential water trading partners with current developers in the area as the water allocations have already been set. The Shire has carried out this process without any success to date.

Funding agreement status and progression - The Keirnan Park Planning project is currently funded as follows:

- \$2,000,000 State Government Grant Funding, referred to as FAA1;
- \$164,426 Municipal Funding.

The Shire is expecting to receive a further \$18M State Government grant (referred to as FAA2) funding over the course of the project for the construction phase. This funding is expected to become available incrementally early 2023. The original funding agreement FAA2 of \$18M was withdrawn in March 2022 due to reduction in scope from two AFL ovals to one oval via a value management process. Following this, a request for \$4M additional funds for the second oval was submitted to DLGSC for consideration. It should be noted that, the initial agreement for the \$18M was already signed off by Minister for Sport and Recreation on 26/3/2022, refer to **attachment 1**.



As a result of the additional \$4M funding request, the process to release the FAA2 amount of \$18M ceased. This was to afford due consideration to the \$4M request which would deliver a project consistent with the needs of the community, addressed by the original scope of two ovals. As per **attachment 2**, email from DLGCS on 19th July confirmed the \$18M is secured for the project and the department encourages Shire to progress with the planning and design phases.

DLGSC have now completed their internal report for the processing of a FAA2 funding agreement inclusive of the \$4M request and this is currently being considered by government. The overall project budget is on track and the scope of planning and design phase is at near completion with some of the enabling works also progressed. Enabling works form part of FAA2 deliverables. These enabling works are necessary to progress the project from design into construction phase. In addition to this, Shire has spent additional time and consultancy cost on the value management and stakeholder engagement process, which has added to the FAA1 budget limits. The Shire is now experiencing cash flow constraints given the delay in FAA2 funding timing.

Clearing permit process status – under standard requirements, a clearing permit request would only be via DWER. However because of the new Black Cockatoo Guidelines (released in July 2022), there have been changes to the referral thresholds for roosting habitats. Keirnan Park site is highly sensitive to Black Cockatoo habitats. The entire site is classified as a known roosting site, thus requires a referral under the EPBC Act 1999 to DWER and federal body Department of Climate, Energy, the Environment and Water (DCCEEW). The State application (DWER) will require feedback from the Federal body (DCCEEW), with the outcome of the referral process classifying the site as controlled or not controlled. If the action is determined to be a controlled action, then the project will be assessed by the DCCEEW and DWER simultaneously under the one accredited State Assessment Process. If it is not a controlled action, then the Shire can submit their clearing permit application with the DWER only. This is determined by a Pre-Referral Meeting, which the Shire is currently organising. Consultant Natural Area has been engaged to assist with this process. There is a potential for 12 months period before a decision can be made and clearing permit issued.

Community / Stakeholder Consultation

Community and stakeholder consultation has been carried out throughout the planning and detailed design development stages. Community consultation sessions were carried out via Food Truck and information night opportunities. Stakeholder Reference Group was formed with Council approval and included the relevant sporting club representatives. Dates of the events noted below:

Meeting Date	3 December 2021 – Pop Up at Food Truck
Councillors in Attendance	Nil

Meeting Date	16 December 2021 – Community Information Night
Councillors in Attendance	Nil

Meeting Date	30 March December 2022 – Value Management Workshop 1
Councillors in Attendance	Cr Atwell, Cr Singh

Meeting Date	31 March 2022 - Stakeholder Reference Group
Councillors in Attendance	Cr Atwell



Ordinary Council Meeting Minutes Monday, 12 December 2022

Meeting Date	3 May 2022 - Keirnan Park Briefing
Councillors in Attendance	Cr Atwell, Cr Rich, Cr Strange

Meeting Date	4 May 2022 - Stakeholder Reference Group
Councillors in Attendance	Cr Atwell

Meeting Date	29 August 2022 - Stakeholder Reference Group pre-meeting brief
Councillors in Attendance	Cr Atwell, Cr Duggin

Meeting Date	31 August 2022 - Stakeholder Reference Group
Councillors in Attendance	Cr Atwell, Cr Duggin

Meeting Date	7 September 2022 - Workshop
Councillors in Attendance	Cr Atwell, Cr Duggin

Meeting Date	19 September 2022 - Keirnan Park Briefing
Councillors in Attendance	Cr Atwell, Cr Strange

Meeting Date	21 September 2022 - Stakeholder Reference Group
Councillors in Attendance	Cr Atwell, Cr Strange

Shire will communicate the current project status and risks, as noted in this report, to the Stakeholder Reference Group prior to end of December 2022.

Statutory Environment

Nil.

Comment

Detailed design delivery for Stage 1A and 1B was expected to be completed around May 2022. However, a combined impact of stakeholder engagement and the associated design changes resulting from value management have resulted in the split delivery for 1A and 1B packages. As a result, the revised delivery date for Stage 1A is December 2022 and Stage 1B March 2023.

The Shire has already started to receive the Stage 1A detailed design drawings for review. It is expected the review process will take the detailed design drawings close out to February 2023 with tender documentation ready by March 2023 for Council endorsement. Stage 1B detailed design will be reviewed in March 2023 with tender documentation ready for Council endorsement from April 2023.

Given the location of ground water bore is yet to be confirmed, for now, the design has assumed DWER will allow access into the Cattamarra deep aquifer, thus the irrigation and reticulation design is based on this bore location. Should there be a change to this assumption, there is potential for design to also require an update prior to construction phase.

Stage 1B BMX pavilion design has been agreed by Stakeholders and is currently under finalisation. The BMX track design is currently in concept stage and pending stakeholder review. Following this step, detailed design will be closed out for delivery to Shire by March 2023.



Should there be no resolution regarding finding adequate water source, the project will not go into construction phase.

The following current project risks and their associated mitigation measures are to be noted:

Irrigation water source – whilst the second set of exploratory bore wells on the western side of the site are to commence, Shire has also carried out negotiations with potential water trading partners, as requested by DWER. These water trading partners are developers within the Shire catchments. Initial discussions with them for trading of water has been unsuccessful. Shire plans to revert to DWER with this update along with findings from the upcoming borewell investigations. It is expected the second set of borewell investigations will be concluded by January 2023. Should the second set of borewell investigations be also unsuccessful, the Shire will be asking DWER to allow access to the Cattamarra deeper aquifer, which is already on site. This step would require escalation for an exemption at Minister level.

Funding agreement status and progression – Whilst the planning and detail design phase is coming to completion by March 2023, the Shire has been progressing with enabling works which are linked between design and construction budgets. Given FAA2 – construction budget timings are not yet clear, the Shire is currently ahead of the budgetary timing and thus in a cash flow constraint.

The table below (**attachment 3**) captures the budget status against current spend and forecast to complete. The overall budget for the life of the project is currently tracking within the Council agreed budget as per May 2022. However, as noted in column five in below table, projected spend to end of March 2023, Shire will be in cash flow constraints by \$1.46M due to delay in FAA2 funds.

Cost Breakdown - Keirnan Park Stage 1A

Item	Description	Projected Project Spend (as per May 2022 OCM)	Project Actual Spend (as at 31 October 2022)	Projected Spend (To end of March 2023)	Budget Remaining
1	Building Act - AFL Pavillion	4,907,000	-	-	4,907,000
2	External Works - (Incl. preliminaries)	4,659,000	-	-	4,659,000
3	External Works - (Incl. preliminaries)	1,513,000	-	-	1,513,000
TOTAL CONSTRUCTION COSTS (TCC)		11,079,000	-	-	11,079,000
4	Contingency (Design and Construction)	1,659,000	-	-	1,659,000
5	Headwork and Statutory Charges	included	-	-	included
6	Building Act compliance	included	-	-	included
7	Public Art	50,000	-	-	50,000
8	FFE	250,000	-	-	250,000
9	Professional Design	2,364,426	1,462,834	2,184,358	180,068
10	Enabling Works	1,000,000	209,655	481,410	518,590
GROSS PROJECT COSTS		16,402,426	1,672,489	2,665,768	13,736,658
11	Escalation	762,000	-	-	762,000
ESCALATION NET PROJECT COSTS		17,164,426	1,672,489	2,665,768	14,498,658
12	Shire SJ Costs	1,900,000	691,841	961,500	938,500
13	Preliminary works to second oval/ Project Contingency	1,100,000	-	-	1,100,000
ESTIMATED TOTAL PROJECT COSTS		20,164,426	2,364,330	3,627,268	16,537,158

Grant Funding Received to Date	2,000,000.00	2,000,000.00
Shire Funds Spent to Date	164,426.00	164,426.00
Total Funding Sources	2,164,426.00	2,164,426.00
Cash Required in excess of funding agreement	199,904.00	1,462,842.00



To manage the cash flow constraints as the project transitions from design to construction, Shire has requested DLGSC to fast track release of \$1.5M as a variation to the existing agreement, due to the delay of FAA2 funds. DLGSC has confirmed this request is currently in the process of Minister's approval. Refer to **attachment 4**, email from DLGSC confirming \$1.5M variation request submission. Shire anticipates the approval is likely in the coming months.

Clearing permit process status – given that entire site is classified as a known roosting site and it is to be referred to state (DWER) and Federal (DCCEEW) to determine whether it is classified as controlled or not controlled site, Shire has commenced the pre-referral meeting process via subconsultant Natural Area. The Shire understands that this process is necessary and thus prompt action is under way. Given the advice provided to the Shire to date, it is understood that the timeframe for the process is tight as it can take up to 12 months, however this would be a worst-case situation.

Options and Implications

Option 1

That Council NOTES the current project update and critical risks.

Option 1 is recommended.

Conclusion

Detailed design delivery for Stage 1A and 1B was expected around May 2022. However, a combined impact of stakeholder engagement and the associated design changes during this process have resulted in the split delivery for 1A and 1B packages. As a result, the revised delivery date for Stage 1A is December 2022 and Stage 1B March 2023.

Investigations into irrigation water source from site have thus far been unsuccessful. Second set of borewell investigations are to commence in December 2022 on the western side of the site as per DWER's direction. This will conclude Shire's investigations for water source at the shallow aquifer depths. Shire has also exhausted options of bore allocation transfers within adjacent landowners. It is expected the project's current viable option is to seek an exemption from DWER to access the deep aquifer on site, which does have sufficient flow capacity for supply Stage 1A.

Given the delay in finalising the FAA2 Grant agreement as a result of the additional \$4M funding request, Shire has requested DLGSC for a \$1.5M variation to the existing agreement to assist whilst there is delay on FAA2 grant agreement. The variation approval is expected in the coming months. This will allow Shire to close out the current planning and design phase, which also includes associated enabled works to support the construction phase. As per **attachment 3**, the project overall financial health is currently on track as per Council agreed budget in May 2022.

As there is a new Black Cockatoo Referral Guideline for roosting habitat, this has classified the entire project site as known roosting site and thus requires State (DWER) and Federal (DCCEEW) referral process. This will determine if the site is classified as controlled or not controlled, thus provide clarity to clearing permit timeframes. The clearing permit process can now take up to 12 months. The Shire has commenced the due diligence process via engaging subconsultant Natural Area.



Attachments (available under separate cover)

- **10.2.4 – attachment 1** – Email from Department Local Government Sport and Cultural Industries – advice of withdrawn FAA 2– WA Recovery Plan (IN22/22024)
- **10.2.4 – attachment 2** - Email from Department confirming \$18M is secured (IN22/14900)
- **10.2.4 – attachment 3** – Keirnan Park Budget Tracking Table - Cost Breakdown - Keirnan Park Stage 1A (E22/15603)
- **10.2.4 – attachment 4** – Email from Department Local Government Sport and Cultural Industries – advice on the Deed of Variation (IN22/25318)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

Financial Implications

Project financial status is on track as per original approved 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	No irrigation water source available	Nil	Reputation	Possible	Major	HIGH	Seek exemption from DWER
1	Further Delay in FAA2 Funding	Request for additional \$1.4M agreement	Organisational Performance	Almost Certain	Major	HIGH	Seek approval for additional agreement



Voting Requirements: Simple Majority

OCM307/12/22

MOTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Byas

That Council:

- 1. NOTES the correspondence from the Department of Local Government, Sport and Cultural Industries dated 8 December 2022 in Attachment 4**
- 2. NOTES the current project update and critical risks as described in this report.**

MOTION LOST 4/5

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

Councillors Rich, Atwell, Byas and Strange voted FOR the motion.

Councillors Coales, Dagostino, Duggin, Mack and Strautins voted AGAINST the motion.

Chief Executive Officer, Mr Martin left the meeting at 9:47pm and immediately returned.

OCM308/12/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strautins

That Council:

- 1. NOTES the correspondence from the Department of Local Government, Sport and Cultural Industries dated 8 December 2022 in attachment 4;**
- 2. NOTES the current project update and critical risks as described in this report; and**
- 3. REQUESTS that no new purchase orders are raised for the project until the Chief Executive Officer receives the signed agreement for \$1.5million from the Department of Local Government, Sport and Cultural Industries.**

CARRIED 5/4

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

Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.

Councillors Rich, Atwell, Byas and Strange voted AGAINST the motion.

Reason for difference to Officer Recommendation

To manage expenditure on the project until additional funds have been received.

**10.3 Corporate Services reports:**

10.3.1 - Confirmation of Payment of Creditors – November 2022 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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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 1 November 2022 to 30 November 2022 is provided in **attachment 1**.

Options and Implications

Option1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 November 2022 to 30 November 2022, totalling \$4,474,575.34.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 November 2022 to 30 November 2022, totalling \$4,474,575.34.

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 2022 (E22/15588)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 September 2022 to 27 October 2022 – Redacted (E22/15590)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for 1 November 2022 to 30 November 2022 totalled \$4,474,575.34.



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

OCM309/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mack

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 November 2022 to 30 November 2022, totalling \$4,474,575.34 as contained in attachment 1.

CARRIED UNANIMOUSLY 9/0



10.3.2 - Monthly Financial Report – October 2022 (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 31 October 2022.

Relevant Previous Decisions of Council

<i>Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract</i> <i>8. 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:</i> <i>a) 10% of the amended budget; or</i> <i>b) \$10,000 of the amended budget.</i> <i>Whichever is greater.</i> <i>In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.</i>

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of 31 October 2022.

The municipal surplus as at 31 October 2022 is \$27,241,958 which is favourable, compared to a budgeted surplus for the same period of \$25,398,020. The primary cause of this is a higher than anticipated 2022/23 opening surplus position.

Further information on material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

Operating Revenue

Rates

No variance analysis required, variance to budget is less than 10%.

Operating Grants, Subsidies and Contributions

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

No variance analysis required, variance to budget is less than 10%.

Other Revenue

Favourable variance of \$102,752 due primarily to:

- A credit received from Local Government Insurance Scheme (LGIS) for workers compensation for 21/22 of \$60,618 due to lower wages than originally anticipated; and
- Reimbursement from Department of Fire and Emergency Services for road flooding - \$28,370.

Profit on Asset Disposal

No variance analysis required, variance to budget is less than \$10,000.

Operating Expenses

Employee Costs

Favourable variance of \$423,631 due to vacant positions primarily in:

- Engineering: \$133,301
- Parks and Garden: \$118,079
- People and Culture: \$63,000



- Operations: \$54,000
- ICT: \$40,841

Materials and Contracts

No variance analysis required, variance to budget is less than 10%.

Utility Charges

No variance analysis required, variance to budget is less than 10%.

Depreciation on Non-Current Assets

No variance analysis required, variance to budget is less than 10%.

Insurance Expenses

No variance analysis required, variance to budget is less than 10%.

Interest Expenses

No variance analysis required, variance to budget is less than 10%.

Other Expenditure

Unfavourable variance of \$1,417,976 due primarily to:

- Refund of excess DCP credits for Byford Traditional DCP - \$1,388,693.

Loss on Disposal of Assets

No variance analysis required, variance to budget is less than \$10,000.

Other

Capital Expenditure

No variance analysis required, variance to budget is less than 10%.

Refer to Capital Works Expenditure within **attachment 1** for further details.

Non-Operating Grants, Subsidies and Contributions

Favourable variance of \$1,230,693 due primarily to unbudgeted Developer Contributions received:

- Byford DCP - \$359,248;
- Community Infrastructure DCP - \$136,020;
- West Mundijong DCP - \$840,974.

Proceeds from Disposal of Assets

No variance analysis required, variance to budget is less than 10%.

Repayment of Loans

No variance analysis required, variance to budget is less than 10%.

Repayment of Leases

No variance analysis required, variance to budget is less than \$10,000.



Transfers to/from Cash Backed Reserves (Restricted Assets)

Variance to Transfer to Reserve of \$1,749,913 due primarily to unbudgeted Developer Contributions received:

- Byford DCP - \$359,248;
- Community Infrastructure DCP - \$136,020;
- West Mundijong DCP- \$840,974.

Variance to Transfer from Reserve of \$1,296,461 due primarily to:

- Refund of excess DCP credits for Byford Traditional DCP - \$1,388,639.

Options and Implications**Option 1**

That Council RECEIVES the Monthly Financial Report for October 2022 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 2022, 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 2022 (E22/15184)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

As at 31 October 2022, the Shire's respective cash position was as follows:

Municipal Fund: \$16,419,762

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

Voting Requirements: Simple Majority

OCM310/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Dagostino

That Council **RECEIVES** the Monthly Financial Report for October 2022 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY 9/0

**10.3.3 - Changes to Method of Valuation used for Rating Purposes (SJ514-11)**

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

Authority / Discretion

Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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Report Purpose

In accordance with Council's adopted Rating Strategy contained in **attachment 1**.

"The effect of the Rural Valuation Review is to identify any property found to be liable for a lesser rate amount if they were rated on a GRV rating methodology, that would benefit from a change of valuation methodology that are determined by Officers to be likely not to have another near to medium term review event forecast. "

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 benefit under the new valuation methodology.

Please see list of affected properties contained in **attachment 5**.

Relevant Previous Decisions of Council

*Special Council Meeting – 15 June 2022 – SCM010/06/22 – COUNCIL DECISION / Officer Recommendation – **extract***

4. ADOPTS the Rating strategy as per attachment 1.

*Special Council Meeting – 14 December 2020 – SCM378/12/20 – COUNCIL DECISION
That Council:*

- 1. Noting the correspondence dated 8 December 2020 received from the Minister for Local Government, DOES NOT proceed with the Rating Equity Projects as outlined in the project plan and communication strategy adopted by Council at the 20 July Ordinary Council Meeting.*
- 2. REQUESTS that the Shire President and Chief Executive Officer engage with the State Government to identify options and a way forward to address rating inequity in the Shire in the longer term.*
- 3. REQUESTS that the Chief Executive Officer write to all property owners in the Shire to advise them of Council's resolution on this matter.*



Ordinary Council Meeting – 20 July 2020 – OCM224/07/20 – COUNCIL DECISION / Officer Recommendation:

That Council APPROVES that the Chief Executive Officer commence work on the project as described in the project plan and communication strategy (as contained within attachment 1) to engage with the community to review the basis of the method of valuation used for all properties in the Shire and submit for Council's considerations from that review.

Ordinary Council Meeting – 18 May 2020 – OCM118/05/20 – COUNCIL DECISION / Officer Recommendation:

That Council requests that the Chief Executive Officer:

- 1. MEETS with the Department of Local Government, Sport and Cultural Industries and Office of the Valuer General to obtain their input into the process of changing valuation methodology.*
- 2. PREPARES a project plan and communication strategy to address the matter identified in this report for consideration at a future meeting of Council.*

Background

In March 2020, Council began the process of review of valuation methodology from Unimproved Valuation (UV) to Gross Rental Valuation (GRV) to ensure rating equity across the Shire. The process was requested to be deferred by the Minister on 8 December 2020.

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 lessons learnt analysis 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

Landgate conclude a revaluation of UV properties annually and GRV properties every 3 years. Landgate will complete a revaluation for GRV properties for the 2023/24 financial year and initial indications have shown there is likely to be a 10-30% increase on property values. This means that there is some risk that following this action that they may not be financially better off to the extent expected, however this is always a risk as valuations are always changing.

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**.

The required steps are listed below:

1. Obtain Council resolution to commence review.
2. Commence consultation period 19 December 2022 to 27 January 2023 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 2023.

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. Based on the assumption that Council always increases UV differential rates more than GRV rates.

The Shire's proposed communication plan is outlined in **attachment 4**



Options and Implications**Option 1**

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**.

Option 2

That Council:

1. ABANDONS current adopted rating strategy
2. REQUESTS review of Long Term Financial Plan and financial sustainability in the 2023/24 budget process

Option 1 is recommended.

Conclusion

A desktop review of the properties rated using a UV methodology will be conducted. Properties not using the properties for a rural purpose will be identified and a Land Use Declaration form will be provided for property owners' who will be advantaged by a change in valuation methodology.

Attachments (available under separate cover)

- **10.3.3 – attachment 1** – Rating Strategy (E22/7299)
- **10.3.3 – attachment 2** – Flow chart - Process prior to UV-GRV application (IN22/23118)
- **10.3.3 – attachment 3** – Proposed letter and Land Use Declaration Form (E22/15623)
- **10.3.3 – attachment 4** – Communication Plan (E22/14567)
- **10.3.3 – attachment 5** – Review of properties proposed to be changed (E22/15620)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.

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 no 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

OCM311/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Atwell

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 9/0



10.3.4 – Debt Write Off (SJ280-40)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Presiding Member, Councillor Rich advised that this item has been withdrawn from this Meeting.

**10.3.5 – Shire of Serpentine Jarrahdale Integrated Planning and Reporting Timetable 2023/24 (SJ514-11)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to provide Council with the 2023/24 Integrated Planning and Reporting Timetable. This process is scheduled to commence in December 2022. The Shire's annual Integrated Planning and Reporting process includes the Annual Budget development, Corporate Business Plan review and Long Term Financial Plan update.

Relevant Previous Decisions of Council

Nil.

Background

The Annual Integrated Planning and Reporting (IPR) timetable outlines the anticipated timeframes to undertake IPR process. This includes a series of workshops with Council, Executive and other key Shire staff. The purpose of these workshops is to facilitate the annual review of the Long Term Financial Plan and Corporate Business Plan, and the development of the annual budget. Workshops with Council are scheduled as follows:

- 10 May 2023 – Rates Modelling, Long Term Financial Plan and Fees and Charges;
- 24 May 2023 – Operating Budgets.
- 7 June 2023 – Capital and the Corporate Business Plan;
- 19 July 2023 – Pre-Adoption Q&A

Dates and times are subject to change based on progress throughout the stages of the IPR process, invites will be sent to Councillors closer to the proposed workshop dates

Adoption of the Long Term Financial Plan, Corporate Business Plan and Annual Budget is planned for mid July 2023.

Details regarding the major components of the IPR process are outlined below.

Long Term Financial Plan

The Long Term Financial Plan will be reviewed in relation to revenue and expenditure implications arising from changes to the operating environment since adoption and will inform the Corporate Business Plan review and the Annual Budget development.



Corporate Business Plan

The Corporate Business Plan (CBP) details Council's priorities and actions within the resources available and is fully integrated and aligned with the Shire's Annual Budget. Notwithstanding, there are several other factors that will also be considered on review of the CBP. These include:

- Identification and consideration of actions to mitigate strategic risk;
- An analysis of performance data (i.e. CBP quarterly performance reporting) to assess where improvement is required and/or what projects require amendment;
- Consideration of resource capability in line with the Organisational Development RoadMap and the Operation Centre Structure Review; and
- Consideration of the outcome of the Community Perception Survey and the major review of the Strategic Community Plan.

It is possible that a more appropriate adoption date for the CBP this year will be at the same time as the adoption of the Strategic Community Plan. This won't be known however until the major review is further progressed.

Annual Budget

It is planned that the 2023/24 budget be presented to Council for adoption in late July 2023. In order to achieve this outcome, a number of preparatory steps need to be undertaken in a particular order to ensure the budget is prepared. These have been incorporated into the IPR Timetable.

Community / Stakeholder Consultation

Consultation with Managers, the Shire's Executive Group and Councilors will occur throughout the IPR process as outlined in the timetable.

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt by absolute majority, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

The *Local Government (Administration) Regulations 1996* ('the Regulations') require a local government to ensure that a Corporate Business Plan is made for its district (reg 19DA) and that the Corporate Business Plan is reviewed every year (reg 19DA(4)).

Comment

The 2023/24 Integrated Planning and Reporting (IPR) Timetable sets out the core IPR processes to be completed and the due date for completion of each activity. The IPR Timetable also includes planned workshops with Council, Executive and other key Shire staff.



Options and Implications

Option 1

That Council NOTES the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable for the Corporate Business Plan Review, 2023/24 Budget and Long Term Financial Plan as contained within **attachment 1**.

Option 2

That Council DOES NOT NOTE the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable as contained within **attachment 1**.

Option 1 is recommended.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** – 2023/24 Integrated Planning and Reporting Timetable (E22/15577)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

There are no financial implications for the Officer Options.

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	If Council does not note the IPR timetable, there is a risk Council are not aware of their upcoming involvement in the process which could result in delays to the process.	Nil	Organisational Performance	Rare	Minor	LOW	Subsequent Calendar invites for Councillor workshops



Voting Requirements: Simple Majority

OCM312/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Dagostino

That Council NOTES the Shire of Serpentine Jarrahdale's Integrated Planning and Reporting Timetable for the Corporate Business Plan Review, 2023/24 Budget and Long Term Financial Plan as contained within attachment 1.

CARRIED UNANIMOUSLY 9/0

**10.3.6 - Council and Committee Meeting Dates for 2023 and Publication of the Councillor Attendance Register (SJ513)**

Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Authority / Discretion

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

The purpose of this report is for Council to consider the Council and Committee Meeting dates, times and schedule for the 2023 calendar year.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 11 April 2022 - OCM067/04/22 adopted to 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, and to publish the Councillor Attendance Register on the Shire's website via the Agenda and Minutes.

Ordinary Council Meeting – 16 November 2020 - OCM373/11/20 adopted that Ordinary Council Meetings would be held at 7pm on the third Monday of each month, with the exception of the month of October, when, due to Elections 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 6:30pm.

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 2022 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 Councillors 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 Councillors, 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 2022, 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 Councillors 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.

Due to Easter Monday falling the week prior to the April Ordinary Council Meeting, it is proposed to hold the Q & A Agenda Briefing for that meeting on Tuesday, 11 April 2023.

Policy Concept Forums (PCF)

PCFs provide the opportunity for Councillors 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.

To facilitate the consideration of the 2021-22 financial report, it is proposed to bring forward the February Audit, Risk and Governance Committee Meeting to 13 February 2022.

January 2023 Special Council Meeting

As identified in papers taken to Special Council Meetings held in October and November 2022, to meet the Minister's voluntary electoral reform timetable, a Special Council Meeting is required to be held in January 2023 for the purpose of 'considering submissions received on the Shire of Serpentine Jarrahdale Ward and Representation Review'.

Under section 5.4 of the Act, a Special Council Meeting can be called if so, decided by Council.

It is proposed to hold this meeting on Monday, 30 January 2022 at 7pm. It is further proposed that a Q & A Agenda Briefing for this meeting be held at 6pm on Monday, 23 January 2023.

Alternative arrangements to enable greater consideration of input received at Council meetings

At each Council Meeting the public has the opportunity to express viewpoints through public statements and deputations. These often relate to planning matters on the agenda and are either in support or opposition to the proposed development, licence or permit being considered. This provides an important opportunity for members of the community to be heard and may raise questions from Council Members exercising their quasi-judicial function.

Deputations are a product of the Shire's Standing Orders. Clause 3.13 of the Standing Orders states:



- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.*
- (2) The President if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.*
- (3) A deputation invited to attend a Council or committee meeting—*
 - (a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and*
 - (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.*
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.*

The requirements are given practical effect with advice on the Shire's website, which states that a request to make a deputation to Council must be made in writing to the Chief Executive Officer at least 3 working days prior to the relevant Council Meeting.

On occasion, Councillors have spoken about the potential benefit in being able to take time to contemplate and consider further the information provided in public statements and deputations prior to considering the matter. Occasionally, the content of statements and deputations prompts further questions, which Officers have limited time to respond and provide accurate information to inform Council's decision-making.

Officers have considered various options for providing an opportunity to create distance between the time where public statements and deputations are provided and the time where Council's decision is made.

Most of these options involve holding a separate session for public statements and deputations, for example at an open Q & A or separating the public statements and deputations by referring these matters to a Committee with delegated powers. No option is perfect.

For example, Council could opt to establish a Planning Committee with membership of all Councillors and hold meetings of the Committee on a day after the Ordinary Council Meeting, for example, Wednesdays. Under this approach, public statements and deputations could be heard at the Ordinary Council Meeting on the Monday and be able to be considered in the days following, when the item is discussed at the Wednesday Committee Meeting. In all likelihood however, this approach would result in requests for statements and deputations at both meetings which would defeat the purpose of enabling Councillors to have time to consider the content of statements and deputations. This same flaw exists for other options contemplated, such as holding an open Q & A.

Alternatively, another approach would be for Officers to provide to all Councillors the text of any Deputations approved, prior to 72 hours before the meeting. The 72 hour period is nominated because this is same number as the minimum provided in the Standing Orders for the issuing of the notice paper.



If Council wished to proceed, this approach is recommended to be endorsed through a resolution of Council. Officers would then augment the content of the Shire's website to encourage Deputation submitters to provide the content of their deputation prior, which would enable on-forwarding to Councillors following approval.

This approach has limitations. Not all persons wishing to make a Deputation provide their text prior and on occasion the text submitted varies considerably from the content presented at the meeting. Even if Council was to resolve to request that the proposed content of Deputations was provided to Councillors prior to the meeting, the content of public participation at the meeting is subject to change.

Councillor Attendance Register

At the Ordinary Council Meeting held on 11 April 2022, Council Resolution OCM067/04/22, Council resolved to 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, and to publish the Councillor Attendance Register on the Shire's website via the Agenda and Minutes.

This resolution did not set an end period for publication of the register.

As such, with the passage of time, the length of the published register in each new Agenda and Minutes document has grown.

In the interests of practicality, Officers propose limiting the recording of the Councillor Attendance Register in the Agenda and Minutes document to the calendar year only, with the complete Register being published on the dedicated Councillor Attendance Register page of the Shire's website. Such an approach would ensure that Councillor attendance continues to be recorded, but that only the attendances for the current calendar year would be published in the Agenda and Minutes. Persons seeking to verify earlier attendances would be able to refer to earlier Agenda and Minutes documents or the register on the Shire's website.

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 2023 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
 - a) 20 February 2023
 - b) 20 March 2023
 - c) 17 April 2023
 - d) 15 May 2023
 - e) 19 June 2023
 - f) 17 July 2023
 - g) 21 August 2023
 - h) 18 September 2023



- i) 16 October 2023
 - j) 20 November 2023
 - k) 11 December 2023
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 2023 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 - 13 February 2023
 - b) Audit, Risk and Governance Committee – 22 May 2023
 - c) Audit, Risk and Governance Committee – 28 August 2023
 - d) Audit, Risk and Governance Committee – 6 November 2023
 - e) CEO Employment Committee – 6 February 2023
 - f) CEO Employment Committee – 7 August 2023
3. RESOLVES to hold a Special Council Meeting on Monday, 30 January 2022, commencing at 7pm for the purpose of 'Considering submissions received on the Shire of Serpentine Jarrahdale Ward and Representation Review'.
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 Shire President:
- a) 23 January 2023
 - b) 13 February 2023
 - c) 13 March 2023
 - d) 11 April 2023
 - e) 8 May 2023
 - f) 12 June 2023
 - g) 10 July 2023
 - h) 14 August 2023
 - i) 11 September 2023
 - j) 9 October 2023
 - k) 13 November 2023
 - l) 4 December 2023
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 Shire President:
- a) 6 February 2023
 - b) 27 February 2023



- c) 27 March 2023
 - d) 3 April 2023
 - e) 24 April 2023
 - f) 1 May 2023
 - g) 22 May 2023
 - h) 26 June 2023
 - i) 3 July 2023
 - j) 24 July 2023
 - k) 7 August 2023
 - l) 28 August 2023
 - m) 4 September 2023
 - n) 2 October 2023
 - o) 23 October 2023
 - p) 6 November 2023
 - q) 27 November 2023
6. 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.
7. RESOLVES that requests for Deputations be submitted to the Chief Executive Officer at least 3 working days prior to the meeting, and the wording of approved Deputations is to be provided to all Councillors, if available, at least 72 hours prior to the meeting at which the Deputation is to be made.

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

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

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 Councillors 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 Councillors 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 2023 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
 - a) 20 February 2023
 - b) 20 March 2023
 - c) 17 April 2023
 - d) 15 May 2023
 - e) 19 June 2023
 - f) 17 July 2023
 - g) 21 August 2023
 - h) 18 September 2023
 - i) 16 October 2023
 - j) 20 November 2023
 - k) 11 December 2023
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 2023 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 - 13 February 2023
 - b) Audit, Risk and Governance Committee – 22 May 2023
 - c) Audit, Risk and Governance Committee – 28 August 2023
 - d) Audit, Risk and Governance Committee – 6 November 2023
 - e) CEO Employment Committee – 6 February 2023
 - f) CEO Employment Committee – 7 August 2023
3. RESOLVES to hold a Special Council Meeting on Monday, 30 January 2022, commencing at 7pm for the purpose of 'Considering submissions received on the Shire of Serpentine Jarrahdale Ward and Representation Review'.
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 Shire President:
 - a) 23 January 2023
 - b) 13 February 2023



- c) 13 March 2023
 - d) 11 April 2023
 - e) 8 May 2023
 - f) 12 June 2023
 - g) 10 July 2023
 - h) 14 August 2023
 - i) 11 September 2023
 - j) 9 October 2023
 - k) 13 November 2023
 - l) 4 December 2023
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 Shire President:
- a) 6 February 2023
 - b) 27 February 2023
 - c) 27 March 2023
 - d) 3 April 2023
 - e) 24 April 2023
 - f) 1 May 2023
 - g) 22 May 2023
 - h) 26 June 2023
 - i) 3 July 2023
 - j) 24 July 2023
 - k) 7 August 2023
 - l) 28 August 2023
 - m) 4 September 2023
 - n) 2 October 2023
 - o) 23 October 2023
 - p) 6 November 2023
 - q) 27 November 2023
6. 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.
7. RESOLVES that requests for Deputations be submitted to the Chief Executive Officer at least 3 working days prior to the meeting, and the wording of approved Deputations is to be



provided to all Councillors, if available, at least 72 hours prior to the meeting at which the Deputation is to be made.

Chief Executive Officer, Mr Martin advised that there was a typographical error in the Officer's Recommendation for point 3, in that the Special Council Meeting date incorrectly states 2022 as the year, instead of 2023. Mr Martin advised that this error could be corrected in the motion to be considered.

OCM313/12/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Duggin

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 2023 Ordinary Council Meetings to be held at 7pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong:
 - a) 20 February 2023
 - b) 20 March 2023
 - c) 17 April 2023
 - d) 15 May 2023
 - e) 19 June 2023
 - f) 17 July 2023
 - g) 21 August 2023
 - h) 18 September 2023
 - i) 16 October 2023
 - j) 20 November 2023
 - k) 11 December 2023
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 2023 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 - 13 February 2023
 - b) Audit, Risk and Governance Committee – 22 May 2023
 - c) Audit, Risk and Governance Committee – 28 August 2023
 - d) Audit, Risk and Governance Committee – 6 November 2023
 - e) CEO Employment Committee – 6 February 2023
 - f) CEO Employment Committee – 7 August 2023
3. RESOLVES to hold a Special Council Meeting on Monday, 30 January 2023, commencing at 7pm for the purpose of 'Considering submissions received on the Shire of Serpentine Jarrahdale Ward and Representation Review'.



- 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 Shire President:**
- a) 23 January 2023**
 - b) 13 February 2023**
 - c) 13 March 2023**
 - d) 11 April 2023**
 - e) 8 May 2023**
 - f) 12 June 2023**
 - g) 10 July 2023**
 - h) 14 August 2023**
 - i) 11 September 2023**
 - j) 9 October 2023**
 - k) 13 November 2023**
 - l) 4 December 2023**
- 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 Shire President:**
- a) 6 February 2023**
 - b) 27 February 2023**
 - c) 27 March 2023**
 - d) 3 April 2023**
 - e) 24 April 2023**
 - f) 1 May 2023**
 - g) 22 May 2023**
 - h) 26 June 2023**
 - i) 3 July 2023**
 - j) 24 July 2023**
 - k) 7 August 2023**
 - l) 28 August 2023**
 - m) 4 September 2023**
 - n) 2 October 2023**
 - o) 23 October 2023**
 - p) 6 November 2023**



q) 27 November 2023

- 6. 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.
- 7. RESOLVES** that requests for Deputations be submitted to the Chief Executive Officer at least 3 working days prior to the meeting, and the wording of approved Deputations is to be provided to all Councillors, if available, at least 72 hours prior to the meeting at which the Deputation is to be made.

CARRIED UNANIMOUSLY 9/0



10.3.7 – OneComm: Scope of Consolidation Phase (SJ4034)	
Responsible Officer:	Manager Information Communication Technology
Senior Officer:	Director Corporate Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to seek Council to NOTE the:

1. Quarterly report relating to the review of the OneComm modules and improvements to the system; and
2. Scope of the OneComm Consolidation Phase.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 15 November 2022 – OCM234/09/22– COUNCIL DECISION / Officer Recommendation – **extract***

This report seeks Council to:

1. *APPROVES the deferral of OneComm Phase 3 and the Investment Prioritisation and Optimisation module;*
2. *NOTES the revised Long-Term Financial Plan OneComm implementation financial projections for the 2024-2025 Financial Years as listed under the financial implications section of this report; and*
3. *REFER the One Comm management software contract renegotiation to the Audit Risk and Governance Committee for the Audit Risk and Governance Committee to draft a policy direction to bring back to Council before end 2022, that places an expenditure limit on the One Comm project spending per financial year as a percentage of Rates income.*

*Ordinary Council Meeting – 15 November 2021 – OCM322/11/21– COUNCIL DECISION / Officer Recommendation – **extract***

This report seeks Council to:

1. *APPROVE the revised scope and extending the duration of Phase 3 through to June 2024;*
2. *APPROVE the introduction of OneComm Phase 2.8 to implement Project Lifecycle Management and Investment Prioritisation and Optimisation;*
3. *APPROVE the creation of the ICT Reserve for (\$250,000) the purpose to provide for the Shire's ICT requirements; and*



4. *NOTE the revised Long-Term Financial Plan OneComm implementation financial projections for the 2021-2022, 2022-2023 and 2023-2024 Financial Years as listed under the financial implications section of this report.*

*Ordinary Council Meeting – 17 May 2021 – OCM127/05/21 – COUNCIL DECISION / Officer Recommendation – **extract***

That Council REQUESTS that the Chief Executive Officer:

- 1. List for consideration in the 2021/2022 budget the employment of a Project Management Officer and associated consultation funds to facilitate the implementation of a project management office.*
- 2. Provide a report detailing a revised OneComm implementation timetable and associated costs to Council for consideration.*

*Ordinary Council Meeting – 14 December 2020 – OCM402/12-20 – COUNCIL DECISION / Officer Recommendation – **extract***

- 1. NOTES the progress of the OneComm Project – Phase 2;*
- 2. NOTES the progress of the OneComm Project – Phase 2.5; and*
- 3. NOTES the OneComm systems efficiency baseline on the efficiencies and improvements, tangible and intangible, to Council gained over the 2020/2021 Financial Year.*

*Ordinary Council Meeting – 15 June 2020 – OCM164/06/20 – COUNCIL DECISION / Officer Recommendation – **extract***

- 1. NOTES the completion of the OneComm Project – Phase 1;*
- 2. NOTES the progress of the OneComm Project – Phase 2;*
- 3. APPROVES the implementation of the Online Customer Request Management as Phase 2.5 to commence in September 2020 and implement in April 2021;*
- 4. APPROVES deferring the implementation of OneComm Phase 3 by 12 months to commence in September 2021 to allow the City of South Perth to proceed ahead of the Shire;*
- 5. APPROVES deferring the implementation of OneComm Phase 4 by 12 months to commence in September 2022 to allow the City of South Perth to proceed ahead of the Shire;*
- 6. APPROVES deferring the Strategic Asset Management implementation to Phase 4, the 2022-2023 financial year; and*
- 7. APPROVE deferring funding allocation for 'new scope items' and issues until the 2022-2023 financial year at a cost of \$460,000.*



*Ordinary Council Meeting – 25 September 2018 – OCM107/09/18 – COUNCIL DECISION / Officer Recommendation - **extract***

That Council:

- 1. Approves the adoption of the Integrated Enterprise Resource Planning Strategy;*
- 2. Approves the supplier, TechnologyOne, as the sole supplier of Australian Local Government Authority Integrated Enterprise Resource Planning System under Local Government (Functions & General) Regulations 1996 11(2);*
- 3. Agrees to enter into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil, with final contract subject to Chief Executive Officer and Shire President approval;*
- 4. Approves the adoption of the pre-configured business processes inherent in the TechnologyOne OneCouncil solution for implementation at the Shire of Serpentine Jarrahdale;*
- 5. Approves the implementation of the TechnologyOne OneCouncil solution using Cloud technology (Option 1); and*
- 6. Approves, pursuant to section 6.8 of the Local Government Act 1995, the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:*

Background

At the Ordinary Council Meeting dated 15 November 2022 (OCM234/09/22), Council approved the deferral of OneComm Phase 3 and the Investment Prioritisation and Optimisation module. The rationale was to allow a period of consolidation of the OneComm modules that have been implemented to date to drive out greater efficiencies, particularly with new versions of OneComm being released bi-annually.

This report is the first quarterly report relating to the review of the OneComm modules and improvements to the system and outlines the scope of the OneComm Consolidation Phase which is planned to commence in January 2023.

Community / Stakeholder Consultation

The Executive Management Team, Business Unit Managers and staff were consulted throughout October 2022 as per the following process:

- Briefings at Business Unit Manager Meetings;
- All staff briefings;
- Presentations to OneComm Module owners;
- Business Unit Manager's consulting with the teams; and
- Notifications to all staff via the Shire's Intranet – Grapevine.



Following the consulting period, the proposed enhancements were prioritised by the relevant OneComm Module owner (i.e. Business Unit Manager) for each of the following OneComm modules:

OneComm Module
• Assets
• Customer Request Management (CRM)
• Finance
• Fleet
• Human Resources
• Operations - Works
• Payroll
• Performance Planning (PPLGS)
• Project LifeCycle Management
• Purchasing
• Safety – Incidents and Hazards

Statutory Environment

The *State Records Act 2000* which governs the recordkeeping for all State and Local Government organisations in Western Australia.

The State Records Commission of Western Australia - Standard 8 – Managing Digital Information.

Comment

Priority of Enhancements

The priority of each OneComm enhancement request has been set by the relevant OneComm module owner (i.e. The Finance system enhancements is prioritised by the Finance Manager). Refer to **CONFIDENTIAL attachment 1** for the complete list of OneComm enhancements as prioritised by Business Unit Manager's for the OneComm module that they responsible for.

However, these priorities require moderation across all the OneComm modules based on a set of guiding principles.

To this end the Executive Management Team approved the following guiding principles to assist in determining priorities across all the different OneComm modules:

- The emphasis and priority is the customer. That is, customer facing requests for enhancements will take priority over internal operational efficiencies; and
- The priority of operational efficiencies will be focussed on Bush Fire Brigade Volunteer Management, improving the quality asset of data, operational works mobility, staff attendance timesheets (comply with Industrial Relation Laws) and the project management of capital projects.

The moderation of all enhancement priorities across the OneComm Modules is work in progress and will be reported to the Executive Management Team in January 2023.



Capacity

Due to the volume of OneComm enhancements request received, the OneComm team will not have the capacity to complete all the enhancement requests by September 2023. The number of enhancements that the OneComm team can completed is also dependant on the availability of staff in various business units to participate in business process reviews, user acceptance testing and training. The aim is to work through the high priority requests (Priority 10 and Priority 9) by the end of September 2023, as shown in **CONFIDENTIAL attachment 1**. The remaining lower priority requests outstanding at the end of September 2023 will be progressed as business as usual.

Scope

A summary the scope of the OneComm System enhancements is summarise by module as per the following:

Asset Management

- Automate the loading and validation of As Constructed Plans from Developers/Consultants;
- Improving the robustness of the geospatial data synchronised from the Shire's Geospatial Information System (GIS) to OneComm; and
- Improving the collection and capture of Road Condition Survey Data.

Customer Request Management

- Improving the data collected on the customer request survey;
- Reviewing the number of customer request categories and streamlining;
- Review the messages sent to customers; and
- Various system configuration changes.

Finance

- Develop a business intelligence dashboard for Accounts Payable;
- Automation of Month End/Year End reports;
- Automate the Debtors Request form / Credit Note request form; and
- Various system configuration changes.

Fleet

- Re-launch the Fleet Asset Management module.

Human Resources & Payroll

- Setup a Volunteer Fire Brigades Portal;
- Attendance Timesheets (due to changes to in Industrial Relation Laws);
- Various minor enhancements for the Safety Module and e-Recruitment Modules;
- Automation of manual forms for Training requests and linking to the OneComm Training Module;
- Develop additional Human Resource reports and business intelligence dashboards;
- Implement the Staff Performance and Appraisal system;



- Various enhancement to the Timesheet, including the implementation of an attendance timesheet module for all staff;
- HRP Dashboard for Managers & Directors;
- Excess leave balance report for Managers; and
- Various system configuration changes.

Operating Work Orders

- Re-launch the Operating Works Orders module;
- Development of business intelligence dashboards;
- Review the Operational works business processes and align the OneComm automation;
- Deploy mobile devices for crews to use in the field; and
- Various system configuration changes.

Project Lifecycle Management

- Align the Shire's Project Lifecycle Management Module to the Shire's Business Operating Procedure following approval by the Executive Management Team.

Performance Planning for Local Government (PPLGS)

- Automate the Delegation Profiles for when staff are on leave.

Purchasing

- Update the OneComm Purchasing module to reflect the new Procurement Policy (subject to Council Approval); and
- Develop a business intelligence dashboard for Purchasing.

Safety

- Various configuration changes to the Incident and Hazard modules.

Training

In order to gain adoption of new features an effective communication and training plan will be developed. This plan will address the following:

- An assessment as to the impact on staff of new features and functionality;
- Existing training documentation and training lesson plans to be updated to reflect the new content;
- A review of the staff training needs for both induction and re-fresher training;
- The significant effort required to prepare, develop and create bespoke training material for the rollout of the Work Orders module particularly to outside work crews; and
- Rollout of the Volunteer Fire Brigades Portal - Training and communication requirements that will be developed and delivered as a coordinated program for a train the trainer approach with support from the OneComm team.



Options and Implications

Option 1

That Council:

1. NOTES the quarterly report relating to the review of the OneComm modules and improvements to the system; and
2. AGREES to the scope of the OneComm Consolidation Phase, as per **CONFIDENTIAL attachment 1**, prioritising customer facing enhancements, followed by internal efficiency enhancements.

Option 2

That Council:

1. NOTES the quarterly report relating to the review of the OneComm modules and improvements to the system; and
2. AGREES to the scope of the OneComm Consolidation Phase, as per **CONFIDENTIAL attachment 1**, prioritising:
 - [Councillor moving the Motion to specify].

Option 1 is recommended.

Conclusion

The emphasis and priority of the OneComm Consolidation Phase is the customer. That is, customer facing requests for enhancements will take priority over internal operational efficiencies. The priority of operational efficiencies will be focussed on Volunteer Management, improving the quality asset of data, operational works mobility, attendance timesheets and the project management of capital projects.

There are numerous enhancement requests across all of the OneComm modules that have been implemented to-date. The benefits to be realised across the breadth of these enhancement requests are summarised as, inter alia:

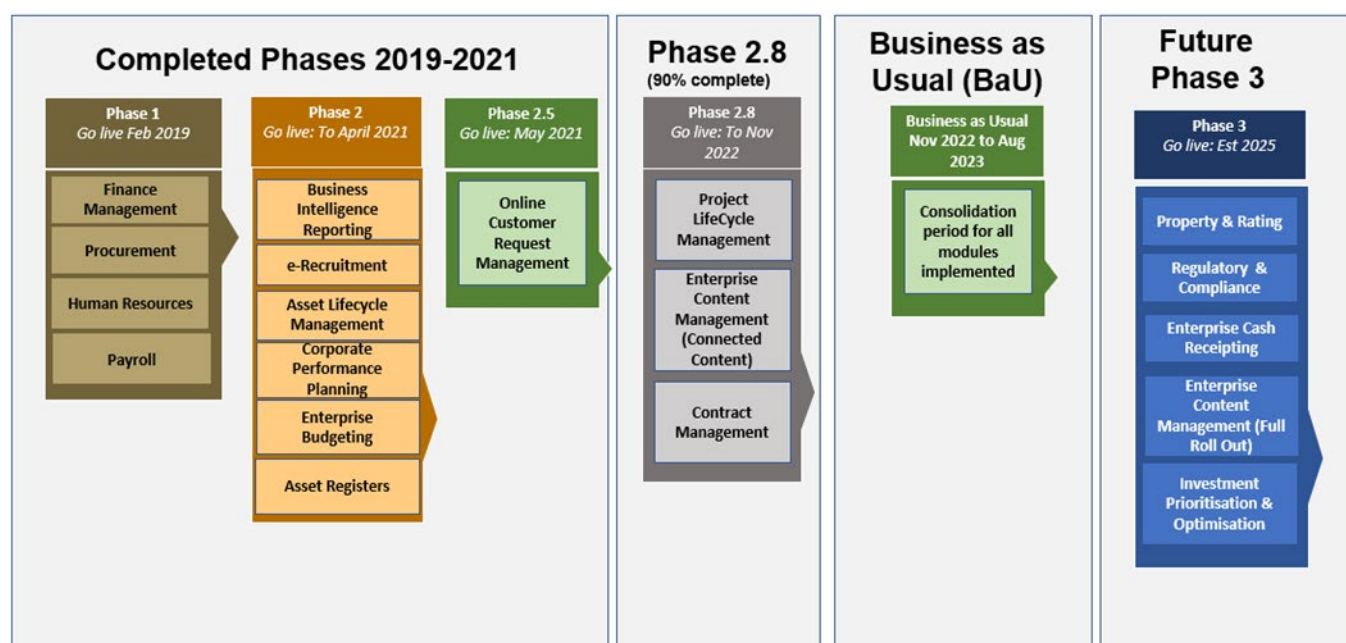
- Mitigate operational risk by addressing compliance with Volunteer Management, staff time and attendance due to Industrial Relation changes, Safety (Incident and Hazard Management) and the Purchasing Policy (under review);
- Introduce operational efficiencies for replacement of various paper-based forms with e-Forms;
- Elimination of the manual processing of work orders with work crews using iPads in the field;
- Improve the accountability and reporting of the Shire's Capital projects;
- Improve the quality of the Shire's asset data with automated loading and validation of As Constructed Plans and Road Survey data;
- Replacing the paper-based staff performance appraisal will introduce an effective tool to manage this annual review process; and
- The development of numerous business intelligence dashboards will allow decision makers to gain insights into trends and make data-driven business decisions.



In addition, the implementation of the OneComm Consolidation Phase will:

- Provide time and opportunity for new staff to be fully trained and proficient in using the OneComm system;
- Create an opportunity for the Shire to review the usage of the existing OneComm modules and further enhance these modules to drive out more efficiencies as new features have been added over time;
- Create distance between the City of South Perth's Property & Rating implementation and the Shires implementation of the same. This will reduce risk and allow the Shire to move forward knowing that that the Property & Rating system is fully compliant with the Western Australian *Local Government Act 1995*; and
- Allow the Shire to address staff capacity in readiness for the implementation of Phase 3.

The OneComm Phased implementation approach:



Attachments (available under separate cover)

- **10.3.7 – CONFIDENTIAL attachment 1** – OneComm Enhancement Requests by Business Unit Manager Priority (E22/15510)

Alignment with our Strategic Community Plan

The proposed Integrated Enterprise Resource Planning Systems Strategy is critical to the Shire's efficient and effective operations as it aligned to the Strategic Community Plan 2017-2027 with particular reference to:

Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community



Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.2	Ensure appropriate Long-Term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Innovation was also recognised in the Strategic Community Plan 2017-2027 for Serpentine Jarrahdale 2050 core community aspirations whereby *"The Shire's community are open to new technologies and embracing innovation. Respondents indicate that the Shire has an opportunity to be progressive and embrace change and creative thinking"*.

Financial Implications

There are no Long Term Financial Plan 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	There are no significant risks associated with Option 1.						
2	Identified priorities may not be aligned to business need.	OneComm Project Management Plan. OneComm Benefits Management Strategy Framework.	Organisational Performance	Rare	Moderate	MODERATE	Regular Progress Status Reports to the Executive Team



Voting Requirements: Simple Majority

OCM314/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

- 1. NOTES** the quarterly report relating to the review of the OneComm modules and improvements to the system; and
- 2. AGREES** to the scope of the OneComm Consolidation Phase, as per **CONFIDENTIAL** attachment 1, prioritising customer facing enhancements, followed by internal efficiency enhancements.

CARRIED UNANIMOUSLY 9/0



10.4 Community Engagement reports:

10.4.1 – Equine Facilities Master Plan – Final Adoption (SJ3652)	
Responsible Officer:	Acting Director Community Services
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to adopt the Equine Facilities Master Plan.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 18 July 2022 - OCM178/07/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the Draft Shire of Serpentine Jarrahdale Equine Facilities Master Plan as contained in attachment 1;*
- 2. REQUESTS the Chief Executive Officer advertise the Draft Shire of Serpentine Jarrahdale Equine Facilities Master Plan for public comment for a period of 60 days; and*
- 3. REQUESTS that the Draft Shire of Serpentine Jarrahdale Equine Facilities Master Plan and any public submissions be presented for consideration by Council at the October 2022 Ordinary Meeting of Council.*

Ordinary Council Meeting – 13 December 2021 – OCM361/12/21 – COUNCIL RESOLUTION
That Council:

- 1. AGREES to REMOVE the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project from the 2021-25 Corporate Business Plan;*
- 2. AGREES to ADD the 'Equine Facility Masterplan - Undertake the development of a masterplan for existing Shire owned/managed equine facilities' Strategic Operating Project to the 2021-25 Corporate Business Plan, with a due date of 31 July 2022 and APPROVES the budget variation below:*

<i>Account Number</i>	<i>Type</i>	<i>Account Description</i>	<i>Debit \$</i>	<i>Credit \$</i>
<i>4000-10403-6383-0000</i>	<i>Decrease Expenditure</i>	<i>Equine Feasibility Study – Non-Recurrent Expenditure</i>		<i>50,000</i>



4000-NEW-6383-0000	Increase Expenditure	Equine Facility Masterplan	50,000	
Reason: Undertake the development of a masterplan for existing Shire owned/managed equine facilities				
3. <i>NOTES the 2021-25 Corporate Business Plan will be updated to reflect these amendments through the 2021-22 Quarter 2 Corporate Business Plan Performance Report;</i> 4. <i>ENDORSES the 'Equine Facility Feasibility Study - Undertake an Equine Facility Feasibility Study' Strategic Operating Project for funding consideration through the 2022-23 Annual Budget and Corporate Business Plan setting process; and</i> 5. <i>NOTES that change to the CEO KPI timeframes will be considered by the CEO Employment Committee at the meeting to be held in February 2022.</i>				

Background

The purpose of the Shire of Serpentine Jarrahdale Equine Facilities Master Plan is to ensure the Shire understands and captures current facility provision, as well as future needs for facility provision, to adequately support equine disciplines in the Shire and maximise functionality of current assets now and into the future.

At the December 2021 Ordinary Council Meeting, Council resolved to undertake the development of a master plan for the Shire's five equine facilities/ reserves being:

- Serpentine Sports Reserve, 1432 (Lot 778) Karnup Road, Serpentine
- 467 (Lot 427) King Road, Oldbury
- 88 (Lot 281) Gossage Road, Cardup
- 70 Acres Darling Downs Equestrian Park and Bridle Trail Network
- Tallagandra Reserve L1357 Coffey Road, Serpentine

At the July 2022 Ordinary Council Meeting, Council resolved to advertise the draft Equine Facilities Master Plan for public comment for a period of 60 days. This report requests Council to consider adopting the draft master plan now this public comment period has been completed.

Community / Stakeholder Consultation

A significant number of engagement activities were undertaken to develop the Draft Equine Facilities Master Plan through March to June 2022.

The draft Equine Facilities Master Plan was made available for public comment through Your Say SJ from 25 July to 23 September 2022. The following engagement activities were undertaken to advise stakeholders of the public comment period.

Engagement Activity	Purpose	Stakeholders
Email	Advise of public comment period and engagement opportunity for the draft Equine Facilities Master Plan.	Facility Users Development Workshop attendees Development Survey Respondents



Engagement Activity	Purpose	Stakeholders
Letter	Advise of public comment period and engagement opportunity for the draft Equine Facilities Master Plan.	Residents surrounding Tallagandra Reserve (proximity)
Public Notice – Examiner Newspaper	Advise of public comment period and engagement opportunity for the draft Equine Facilities Master Plan.	Community
Facebook post #1	Promotion of project and opportunity to comment of the draft.	Community
Your Say SJ eNewsletter	Article in newsletter	Your Say SJ eNewsletter subscribers
Facebook post #2	Promotion of project and opportunity to comment of the draft.	Community

Feedback from the community on the draft master plan, received through the 60 day comment period is included at **attachment 1** and outlines how the feedback was considered and whether this resulted in amendments to the master plan.

Statutory Environment

Nil.

Comment

The Equine Facility Master Plan is provided with this report as **attachment 2**.

The Master Plan has been developed taking into consideration current usage of each of the five locations, such as methods of operation, lease and license arrangements where applicable, current and future needs of user groups and input from wider community feedback.

The Master Plan document provides an indicative layout of proposed infrastructure for each of the five sites, indicative design and implementation costs, and considers limitations on each of the reserves.

Site Development Needs

The key development needs at each location are summarised below:

Tallagandra Reserve

The aim is to maintain the use of the reserve as relatively informal and low key with the following facility provision. Consistent with community feedback, the master plan proposes use of the site that does not remove or foreseeably impact the revegetated area at the reserve:

- Improving formal connections to the existing Bridle Trail networks.
- Provision of a safe and easy to manoeuvre vehicle and float parking area accessible from Coffey Road (for up to 20 vehicles and floats)
- Appropriate way finding and information signage on how the reserve is proposed to be used.
- Inner circuit to operate as a low grade cross country style jumping course.



- The provision of two sand arenas to be developed in the short and medium term.
- It is intended this remain as unrestricted public access.

Serpentine Sports Reserve - Including Paul Robinson Park

The aim is to preserve and enhance the status of the reserve as the principal multi-discipline venue for organised clubs in the Shire, with the following facility provision:

- Improved quality and resilience of grassed areas to handle increased traffic and longer periods of use (including drainage, reticulation and improved maintenance routines).
- Field lighting for equine activities for the David Buttfield Arena.
- All weather arena on the site of the existing primary grass arena (not fully enclosed) with an alternative location option.
- Refurbishment of the existing day yards along Karnup Road.
- Upgraded storage facilities.
- Improvements to access to and parking on site.
- Improved signage on site.

467 (Lot 427) King Road, Oldbury

This site is leased to the Peel Metropolitan Horse and Pony Club with exclusive use for members or those that the lease holder wishes to permit to use the space. The aim is to retain this arrangement. Development at this site is at the responsibility of the lessee, with the following facilities proposed by the Club and supported by the master plan:

- Enhancements to the clubhouse to provide a training room.
- Extension of the northern sand arena.
- Covering the existing day yards.

88 (Lot 281) Gossage Road, Cardup

This site is leased to the Riding for the Disabled Association of Australia with exclusive use for the organisation. The lessee is responsible for development at the site with the site fully developed. Improvements proposed by the lessee and supported by the master plan are:

- Creation of a perimeter track by adjusting the paddock and perimeter fencing.
- Fencing upgrades.
- Paddock top dressing to improve ground cover.

Darling Downs Equestrian Park and Bridle Trail Network - 70 Acres Reserve

This site is managed jointly via collaborative agreement between the Darling Downs Residents Association and is available for community use. The DDRA have developed a work plan for the site including improvements which are documented in the draft Master Plan. Development of the site is a joint responsibility between the Shire and DDRA through the agreement.

The master plan identifies an opportunity for development of a covered all weather arena within the Equestrian Park.

**Order of probable cost**

The works outlined in the masterplans has been costed, with the forecast of probable costs including the estimated capital cost of the works, a project delivery component and allowance for escalation in line with the proposed implementation plan. This is demonstrated in Table 1 below:

Reserve	Proposed Timeframe for Implementation	Estimated Total Commitment (includes escalation as applicable)
Tallagandra Reserve	2025-2035	\$2,199,243
Serpentine Sports Reserve	2024-2033	\$6,434,145
King Road Reserve	2023-2028	\$1,575,706
Gossage Road	2023-2026	\$768,412
Darling Downs Equestrian Park	2022-2032	\$5,967,087

Table 1: Forecast of probable costs for master plan items at current Shire of Serpentine Jarrahdale equine reserve/facilities.

Funding of Works

The Master Plan document recognises the need for a shared commitment to funding on behalf of the Shire, user groups, lessees and external grant funding sources.

The implementation and funding schedule in the Equine Facility Master Plan (outlined on pages 73-74) provides an indication of the prospective cost share for each of the elements, taking into consideration lessee obligations, grant funding opportunities and Shire aspirations. These cost apportionments are of course suggestions only and will need to be negotiated with the affected parties on a case by case basis. It is also subject to conditions in future available grant schemes, such as co-contribution requirements or completion of specified design work.

There are currently no provisions in the Long Term Financial Plan that would enable implementation of the Equine Facility Master Plan. With the number of community infrastructure projects in future years under the CIDCP, there is also no foreseeable resourcing that would allow for ongoing design development (such as detailed design), which is generally required prior to sourcing grant or funding commitments.

As such, Officers recommend that this plan is utilised as a reference document only, to guide any request by external parties that may request to develop any of the identified sites for their specified requirements. Where master plan items are identified for development and can be 100% funded by external parties (e.g.: lease or license holders), these opportunities may be considered through ordinary budget or corporate business plan processes.

Additional Facility Needs

The Master Plan recognises that in the longer term (10 plus years) it is forecast that additional facilities will be required to meet community growth and need. Equestrian activity in the Shire is estimated to be 5.6 times higher than the national average and is expected to grow. The current participation rates indicates there are around 2,500 recreational riders in the Shire of which an estimated 46% are associated with established clubs. By 2037, the number of recreational riders is forecast to rise to an estimated 3,900.

With the recommended improvements outlined in the master plans, there is capacity for the existing clubs to grow and for the reserves to cater for more activity and improve functionality of



current venues. However, there is limited to no capacity for new clubs to be accommodated even with the identified improvements.

As a result of ongoing and increased equine activity, anticipated alongside projected growth in associated disciplines, the Master Plan identifies locations within the shire that could be used to resolve potential gaps in equine facility provision. A generic design brief has been included in the master plan (page 39 – 41); suggesting all or part of the brief could be delivered subject to the land area available. It is noted that the full complement of facilities in the generic design brief would require land in the vicinity of 25 hectares, and locations central to the shire would be recommended in order to complement other existing locations. But with an array of privately owned facilities with similar characteristics as that listed in the generic brief, and the 10+ year time period expected before growth ultimately sees this as a requirement in addition to current sites, this item would need to be considered via future strategic community plan processes and ongoing consultation.

Master Plan Recommendations

The Master Plan contains a number of recommendations in relation to each of the locations and future facility provision on page 80 to 82 of the document.

Options and Implications

Option 1

That Council:

1. **ADOPTS** the Shire of Serpentine Jarrahdale Equine Facilities Master Plan as contained in **attachment 2**;
2. **NOTES** there is no provision within the Long Term Financial Plan for implementation of the Shire of Serpentine Jarrahdale Equine Facilities Master Plan; and
3. **ENDORSES** the Equine Facilities Master Plan as a reference document only, guiding development of identified sites where development is demonstrated to be entirely funded by external parties.

Option 2

That Council **DOES NOT ADOPT** the Shire of Serpentine Jarrahdale Equine Facilities Master Plan as contained in **attachment 2**.

Option 1 is recommended.

Conclusion

The Shire of Serpentine Jarrahdale Equine Facilities Master Plan will assist in the planning for delivery of enhancements at each of the five Shire of Serpentine Jarrahdale equine reserves, and identifies future facility needs based on growth and interest in relevant disciplines.

Officers recommend adopting the document that will be used to guide the development of stated reserves in a reasoned and systematic manner, where such development can be entirely funded by external parties (e.g.: lease holders). There are no provisions within the Long Term Financial Plan or within foreseeable Officer resourcing that would otherwise allow for the implementation of the master plan.



Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Public Comment Feedback Register (E22/9061)
- **10.4.1 – attachment 2** – Shire of Serpentine Jarrahdale Equine Facilities Master Plan (IN22/21912)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

The Master Plan contains an order of probable costs outlining the financial commitment required over the proposed time frames for works to be undertaken. This is outlined in Table 1 above.

There is currently no provision for equine facilities in the Shire's Long Term Financial Plan and no foreseeable resourcing that would allow for ongoing design development of the identified components (such as detailed design), which is generally required prior to sourcing grant or funding commitments.

Hence, there is currently no ability for the Shire to fund or progress design requirements for the above master plan items. Officers recommend utilising this document as a reference or guiding document only, for informed development of identified sites where these are identified to be entirely externally funded (e.g.: lease holders).



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	Inability to construct identified infrastructure leads to community or stakeholder dissatisfaction.	Communicate outcomes of the master plan development and adoption outcomes to key stakeholders.	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	
2	Absence of overarching master plan leads to ad hoc community infrastructure requests and inability for stakeholders to meet participant demand.	Accept Officers Recommendation	Reputation	Possible	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- ADOPTS the Shire of Serpentine Jarrahdale Equine Facilities Master Plan as contained in **attachment 2**;
- NOTES there is no provision within the Long Term Financial Plan for implementation of the Shire of Serpentine Jarrahdale Equine Facilities Master Plan; and
- ENDORSES the Equine Facilities Master Plan as a reference document only, guiding development of identified sites where development is demonstrated to be entirely funded by external parties.



OCM315/12/22

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Strautins

That Council:

- 1. ADOPTS the Shire of Serpentine Jarrahdale Equine Facilities Master Plan as contained in attachment 2;**
- 2. NOTES there is no provision within the Long Term Financial Plan for implementation of the Shire of Serpentine Jarrahdale Equine Facilities Master Plan and AGREES to consider the recommendations from the Equine Facility Master Plan as part of upcoming Integrated Planning and Reporting processes.**
- 3. AGREES to review recommendations within the Master Plan when Council determines the Shire's 2025 State and/or Federal Government election priorities.**
- 4. NOTES that consideration to a part-time Equine Officer will occur as part of the 2023/24 budget setting process, as listed in the current 2022-2026 Corporate Business Plan, which will assist in the promotion, coordination and prioritisation of equine matters in the Shire.**

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

To continue to reinforce the importance of equine matters within the Shire.

**10.4.2 – Equine Advisory Group – Leisure and Trail Riding Representative Vacancy Appointment (SJ3224)**

Responsible Officer:	Acting Director Community Services
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	Acting Director Community Services declared an Impartiality Interest in item 10.4.2, as the Officer's children attend the same school as one of the applicants.

Authority / Discretion

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

The purpose of this report is for Council to consider, select and appoint one (1) external member as a representative to the Equine Advisory Group, pertaining to Leisure and Trail Riding.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 15 November 2021 - OCM325/11/21- COUNCIL RESOLUTION
That Council:*

- 1. APPOINTS the following Councillors as members of the Equine Advisory Group:*
 - Cr Dagostino*
 - Cr Rich*
- 2. APPOINTS the following Councillors as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:*
 - Cr Strautins*
 - Cr Atwell*
- 3. APPOINTS external members to the Equine Advisory Group from the list at CONFIDENTIAL attachment 2, being:*
 - a) Applicant 1 a representative from the Racing Industry;*
 - b) Applicant 3 and Applicant 4 as representatives from the Equestrian disciplines;*
 - c) Applicant 5 and Applicant 6 as representatives from the Leisure and Trail Riding group;*
 - d) Applicant 7 and Applicant 8 as representatives from the Keeping of retired and companion horses group;*
 - e) Applicant 9 and Applicant 10 as representatives from Equine business.*
- 4. REQUESTS the Chief Executive Officer consults with the Equine Advisory Group and advertises on the Shire's social media platforms in 2022 to identify potential applicants from the Racing Industry and invite them to nominate; and*



5. *REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.*

Background

A vacancy currently exists for a leisure and trail riding representative on the Shire's Equine Advisory Group.

Council appointed representatives to the Equine Advisory Group at the November 2021 Ordinary Council Meeting, however a resignation has been received from a member due to their relocation out of the Shire.

Community / Stakeholder Consultation

The Equine Advisory Group noted the resignation at their meeting on 13 October 2022. The following activities have since been undertaken to promote the vacancy.

Engagement Activity	Stakeholders
Email	Equine Advisory Group Equine Clubs and Groups
Public Notice – Examiner Newspaper – 3 November 2022	Community
Social Media Posts: • 4 November 2022 • 14 November 2022	Community
Website News Item – 3 November 2022	Community

Statutory Environment

Nil. The Equine Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.

Comment

The endorsed Terms of Reference for the Equine Advisory Group is included at **attachment 1** of this report. The Terms of Reference outlines the external membership of the Equine Advisory Group, with representation being consistent with the predominant interest areas of horse ownership within the Shire as identified in the Serpentine Jarrahdale Equine Strategy. These are:

- 2x Representatives from the Racing Industry
- 2x Representatives from the Equestrian disciplines
- 2x Representatives from the Leisure and trail riding group
- 2x Representatives from the Keeping of retired and companion horses group
- 2x Representatives from Equine business

Three nominations from the equine community have been received by the due date, for the one vacant position.

Nominations received are provided at **CONFIDENTIAL attachment 2** for Council's consideration. These are listed in no particular order.



Officers recommend that Council consider endorsing the remaining two nominees in case of future resignations throughout the term of the current Equine Advisory Group (current term being up to October 2023). In this manner, offers of appointment may be made to those applicants for any future vacancies of Leisure and Trail Riding representation.

Options and Implications

Option 1

That Council:

1. APPOINTS one external member to fill the Leisure and Trail Riding representative vacancy on the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, being:
 - Applicant _____
2. ENDORSES the remaining nominations received and APPROVES these applicants be appointed to any further relevant representation vacancies over the remaining term of the Equine Advisory Group (being October 2023) in preferential order:
 - Applicant _____
 - Applicant _____
3. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.

Option 2

That Council:

1. APPOINTS one external member to fill the Leisure and Trail Riding representative vacancy on the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, being:
 - Applicant _____
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.

Option 3

That Council:

1. DOES NOT APPOINT any external members to fill the Leisure and Trail Riding representative vacancy on the Equine Advisory Group at this time; and
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nominations and advising them of Council's decision.

Option 1 is recommended.

Conclusion

Three nominations were received for the Leisure and Trail Riding representative vacancy on the Equine Advisory Group. Council is requested to select and appoint one external member to complete the positions available on the Equine Advisory Group as per the Terms of Reference. Officers further recommend that the remaining nominations be endorsed for any future relevant representative vacancy that may arise throughout the remaining term of the group (being up to October 2023).



Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Terms of Reference – Equine Advisory Group (E20/2138)
- **10.4.2 - CONFIDENTIAL attachment 2** – Summary and Nominations Received (E22/14682)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

There are no budget implications relevant to this report.

A Budget for the 2022 / 2023 financial year has been provided to support advertising for nominations and meeting expenses at 4000-15504-6863-0000.

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 & 3	Disappointment expressed by community representatives nominating to the position, who are not appointed.	Nomination process and presentation of information about each candidate provided to Council for consideration by Council.	Reputation	Unlikely	Minor	LOW	
3	Delay in appointing community member to the Equine Advisory Group, resulting in a reduction in community representation on the group.	Appoint as per Officers recommendation	Organisational Performance	Rare	Minor	LOW	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. APPOINTS one external member to fill the Leisure and Trail Riding representative vacancy on the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, being:
 - Applicant _____
2. ENDORSES the remaining nominations received and APPROVES these applicants be appointed to any further relevant representation vacancies over the remaining term of the Equine Advisory Group (being October 2023) in preferential order:
 - Applicant _____
 - Applicant _____
3. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.

OCM316/12/22

MOTION

Moved Cr Strautins, seconded Cr Duggin

That Council CHANGES the Terms of Reference and APPOINTS all three applicants at CONFIDENTIAL attachment 2 to the Equine Advisory Group until the next Ordinary Election.

MOTION LOST 3/6

Director Corporate Services, Mr Sullivan left the meeting at 10:17pm and immediately returned.

MOTION

Moved Cr Rich, seconded Cr Atwell

That Council:

1. APPOINTS one external member to fill the Leisure and Trail Riding representative vacancy on the Equine Advisory Group from the list at CONFIDENTIAL attachment 2, being:
 - Applicant 2
2. ENDORSES the remaining nominations received and APPROVES these applicants be appointed to any further Leisure and Trail Riding representation vacancies over the remaining term of the Equine Advisory Group (being October 2023) in preferential order:
 - Applicant 1
 - Applicant 3
3. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.



OCM317/12/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Dagostino

That the meeting be closed to members of the public to provide the opportunity for Councillors to further discuss item 10.4.2, pursuant to section 5.23(2)(b) of the *Local Government Act 1995*.

CARRIED 8/1

At 10:30pm, the meeting went behind closed doors.

Officers assisting the Meeting stopped the recording of the Meeting.

Councillor Strautins left the meeting at 10:30pm.

OCM318/12/22

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Coales

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 10:32pm in order to further discuss item 10.4.2.

CARRIED 5/3

Councillor Strautins returned to the meeting at 10:32pm and left immediately.

OCM319/12/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Dagostino

That Standing Orders be reinstated at 10:34pm.

CARRIED UNANIMOUSLY 8/0

Councillor Strautins returned to the meeting at 10:34pm.

OCM320/12/22

MOTION

Moved Cr Rich, seconded Cr Atwell

That Council:

- 1. APPOINTS one external member to fill the Leisure and Trail Riding representative vacancy on the Equine Advisory Group from the list at CONFIDENTIAL attachment 2, being:**
 - Applicant 2**
- 2. ENDORSES the remaining nominations received and APPROVES these applicants be appointed to any further Leisure and Trail Riding representation vacancies over the remaining term of the Equine Advisory Group (being October 2023) in preferential order:**
 - Applicant 1**
 - Applicant 3**



3. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.

MOTION LOST 4/5

OCM321/12/22

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Mack

That Council:

1. APPOINTS one external member to fill the Leisure and Trail Riding representative vacancy on the Equine Advisory Group from the list at CONFIDENTIAL attachment 2, being:
 - Applicant 1
2. ENDORSES the remaining nominations received and APPROVES these applicants be appointed to any further Leisure and Trail Riding representation vacancies over the remaining term of the Equine Advisory Group (being October 2023) in preferential order:
 - Applicant 3
 - Applicant 2
3. REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.

CARRIED 6/3

OCM322/12/22

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Coales

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 9/0

At 10:42pm, the doors were reopened and the public returned to the Gallery.

Officers assisting the Meeting resumed the recording of the Meeting.

Presiding Member, Councillor Rich advised the public gallery of the Council Resolution for item 10.4.2.

**10.4.3 – Major Events Grants: Round One 2022 / 2023 (SJ3296)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider the Major Event Grant 2022/23 Round One grant application; and approve or decline community funding allocations.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 June 2022 – OCM150/06/22 – COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the outcome of consultation with the Serpentine Jarrahdale Food and Farm Alliance and the Equine Advisory Group;*
- 2. Resolves NOT TO PROCEED further with the development of a Horse and Pony Expo - Equine Festival at this time; and*
- 3. NOTES the completion of the Horse and Pony Expo - Strategic Operating Project in the Corporate Business Plan 2021 - 2025.*

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

That Council:

- 1. ACCEPTS the 2021 event acquittals from Lion's Club of Serpentine Jarrahdale and Serpentine Jarrahdale Food and Farm Alliance Inc.*
- 5. ENDORSES release of funds to the Serpentine Jarrahdale Food and Farm Alliance Inc for the 2022 SJ Food and Farm Fest scheduled for November.*

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

That Council:

- 1. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2022, to the value of \$19,987ex GST*



subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 3;

*Ordinary Council Meeting – 17 May 2021 - OCM129/05/21 - COUNCIL RESOLUTION / Officer Recommendation - **extract***

That Council:

- 2. APPROVES Major Event Grant funding to Serpentine Jarrahdale Lions Club Inc for the Jarrahdale Log Chop and SJ Lions Country Fair to be held in October 2021 to the value of \$19,907.55 ex GST, and agrees to the provision of in-kind support estimated at a values of \$17,200; subject to their agreement of conditions outlined in confidential attachment 5.*
- 3. APPROVES the request from Serpentine Jarrahdale Lions Club Inc for funding over a three year period for the Jarrahdale Log Chop and SJ Lions Country Fair, subject to Council acceptance and endorsement of the annual acquittal report, required to continue with funding commitments.*

Background

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

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

Current Commitments

Council has set a budget of \$75,000 for Major Event Grants in 2022/2023.

Of this budget, \$18,000 is committed to the Lion's Club of Serpentine Jarrahdale for the 2023 Jarrahdale Log Chop and SJ Lion's Country Fair. This allocation was determined by Council at the May 2021 Ordinary Council Meeting, where a 3 year commitment to the event was endorsed. The 2023 event will be the last event of the current agreement, being payable in the 2022/23 financial year.

This leaves a remaining budget of \$57,000 for the Major Events Scheme in the current financial year.

Current Round - 2022/23 Major Event Grant Scheme - Round One

One application has been received for Round One of the 2022/23 Major Event Grant Scheme:

- Serpentine Jarrahdale Food and Farm Alliance Inc (SJFFA) for the Food and Farm Fest, 6 May 2023 (**CONFIDENTIAL attachment 1**).
- The Food and Farm Fest application was submitted with a request for 3 years of funding. To be eligible for this request, a Business Plan for the Event is to be included which SJFFA have provided. This is included as **CONFIDENTIAL attachment 2** to this report.



Community / Stakeholder Consultation

The first Major Event Grant round for the financial year was advertised in July and August, closing 15 August 2022. One application was received, and this is presented to Council for consideration.

Advertising for round one occurred through the following channels:

- Facebook posts:
 - 4 July 2022
 - 14 July 2022
 - 24 July 2022
 - 5 August 2022
 - 16 March 2022
- SJ Matters eNewsletter July edition
- Off the Shelf eNewsletter July edition.
- Individual communication to event organisers and Clubs, known to deliver events in the Shire of Serpentine Jarrahdale during the applicable time frame for Round One.
- Advert in the Examiner Newspaper on 7 July 2022.

Statutory Environment

Recommendations within this report are consistent with:

- *Local Government Act 1995* - Section 6.12 - Power to defer, grant discounts, waive or write off debts
- Council Policy 5.1.7- Community Funding Policy.
The application received in Round One has been deemed eligible under the Policy for Major Event funding, noting the maximum claimable amount under the scheme is \$20,000.
- Council Policy 5.1.14 – Community Contributions.
The event has been considered under in-kind and sponsorship provisions, as relevant to detail outlines in this report.

Comment

Overview

One grant application from a local community group was received in the first Major Event Grant round for 2022/23. The total permissible value of the application is \$20,000 for the \$57,000 available.

An assessment of the application was undertaken by a team of Officers across the organisation, with representation from Community Activation, Communications, Economic Development and Health and Building. This was to enable feedback and comment over a variety of different business areas that are likely to be involved with the delivery of events in the Shire.



The application was subject to the following assessment process to arrive at a recommendation for Council:

1. Eligibility.

Confirms that the application is eligible as per the current policy. Examples of eligibility criteria include: organisation is an incorporated not-for-profit community group; event is to be hosted in the Shire; applicant has no outstanding acquittals.

2. Funding criteria.

Information contained within the application is assessed by internal departments to determine a total score out of 16. This portion of the assessment process aims to determine alignment of application/s to Council priorities (contained within the Strategic Community Plan) and alignment to the intent of the funding scheme. Considerations include community benefit, capacity/ability of the applicant to deliver the project described in the application and demonstrated financial capability to deliver.

3. Priority.

Following the above 2 process, this part of the assessment considers whether the timeline for delivery is achievable, whether the application could/should be considered in a future round (particularly where available funds are less than total amount requested from organisations) or whether duplication of similar or other like-minded activities exist.

Application

A brief description of the application received, and assessment panel comments is provided in the detail below (full detail provided in **CONFIDENTIAL attachment 1**). Please note that the application attachments do not include supplementary detailed documentation, such as incorporation certificates and bank statements, however these were provided as required.

Food and Farm Fest – Proposed date: 6 May 2023

Applicant: Serpentine Jarrahdale Food and Farm Alliance Inc (SJFFA)

Summary:

Expected attendance	7000 patrons
Date and Location of Event	6 May 2023 Serpentine Sports Grounds
Total Event Cost	<i>Total event cost \$99,384.23</i> Includes: \$ 55,844.23 cash and in-kind (other sources) \$43,540 volunteer hours
Total Amount Requested from Shire	\$21,276.87 (maximum \$20,000 permissible under Policy)
Three year funding commitment requested	Yes (eligible – Business Plan attached)



Description

The Food and Farm Fest is a Royal Agricultural Society of WA affiliated show. It has multiple competitions relating to agricultural activities including equestrian events and a range of small animal competitions and exhibitions. The event is the only local opportunity for people to gain competition points to enable them to compete at the Royal Show.

Community groups involved are to be availed of the opportunity to raise funds and meet other members of the community by promoting their activities. It also introduces attendees to the wide variety of food producers and makers in the local area as well as a tourism opportunity with associated spend within the local economy.

This will be the seventh Food and Farm Fest run by the SJFFA, and the third to be hosted at the Serpentine Sports Grounds.

A full outline of the applicant's budget and requested items for funding is included in **CONFIDENTIAL attachment 1**, however generally the items requested are as follows:

- Traffic Management
- Security/Crowd Control
- Toilets and waste collection
- Event Infrastructure including audio visual (AV)
- First Aid
- Bus shuttle services

Assessment Comment

1. Eligible: Yes. Council Policy 5.1.7 – Community Funding states that any grant funding must have been acquitted. The 2022 event acquittal report for funds received under the Major Event Grant Scheme previously is attached to this report as **CONFIDENTIAL attachment 3** for Council to note.
2. Funding Criteria: 15/16. Further information pertaining to the funding criteria matrix is included in **CONFIDENTIAL attachment 2**.
3. Priority: Yes. The application was supported by the panel, being a comprehensive and strongly beneficial event in the local community aligned to the identity of the Shire, within budget allocations.

3 year funding request: The business plan submitted with their request for 3-years of funding highlights the focus, vision and delivery plan for the event, requesting the maximum amount of \$20,000 each year for three years. The budget for each year is consistent with the 2023 event application detail submitted (being same requested items each year).

Additional Comment: The assessment panel noted that venue hire costs were requested to be waived *in addition* to the full \$20,000 grant application request.

The event involves multiple Shire community groups including equine stakeholders and is aligned to the objectives and actions contained within the Shire's Equine Strategy, specifically as noted by Council at the June Ordinary Council Meeting following a period of consultation relevant to an Equine Festival within the Shire in the 2021/2022 financial year. The panel recommended that the request to waive venue hire costs should be progressed for consideration, in recognition of this additional strategic alignment to Shire priorities.



This request is not directly within the provisions of Council Policy 5.1.7- Community Funding Policy so has been considered under Council Policy 5.1.14 – Community Contributions. Further detail on this is outlined below.

Previous Funding and 2022 Acquittal

Council have endorsed funding to this event over the last 2 years as follows:

Funds Awarded by Council	Original Proposed Date of Event	Final Delivery Date of event
\$10,720	May 2021	November 2021
\$19,987	May 2022	November 2022

Over the last two years, COVID-19 related challenges have caused the Food and Farm Fest to be postponed from their originally scheduled date in May; to November.

Officers note that the 11 to 12 month period between funding award and final delivery each year as a result of these delays, has caused administrative challenges. However, with the Covid State of Emergency now complete, it seems unlikely the event will be impacted in this manner again. The SJFFA remain committed to the May date for delivery in 2023, as this is the Royal Agricultural Society of WA allocated date (first Saturday in May each year).

The 2022 Event Acquittal is provided as **CONFIDENTIAL attachment 3** to this report for Council to note. In summary:

Final attendance	5,689 patrons
Shire Recognition	Yes Examples provided in CONFIDENTIAL attachment 3 .
Expenditure acquitted	Yes
Patron Feedback/Evaluation	Yes Exceptionally positive feedback received. Responses provided in CONFIDENTIAL attachment 3 .

Based on detail within the 2022 grant acquittal and post event debrief process, it is evident that the group has successfully raised the community prominence, stakeholder engagement and methods of delivery (such as ticket sale processes) through learnings from previous Food and Farm Fest events and a dedicated continual improvement focus/approach. The SJFFA have consistently submitted acquittal documentation on time and with the relevant level of detail to finalise grant agreement requirements. They have also effectively engaged with Officers in the development of promotional materials and site layouts in order to ensure adequate recognition in the lead up to (and on) event day.

As a result, Officers commend the group for efforts taken to fulfill grant condition and acquittal requirements and congratulate them for a well-received and successful event within the community; strongly aligned to the local identity and the strategic objectives of the Shire.



Round One 2022/2023 Major Event Grant Funding Recommendation**2023 Application and 3-year funding request**

Officers recommend funding to the maximum value of \$20,000 for the 2023 Food and Farm event. The event has demonstrated itself to be well coordinated; economically beneficial to community groups, local producers and stallholders; and entertaining to the broad range of attendees it attracts (local and visitors).

Officers further recommend that support to the 3-year funding commitment be provided. Release of funding remains subject to the submission and endorsement of event acquittals annually.

Additional Fee Waiver and In-Kind Support Request

Consultation pertaining to a local Equine Festival/Event was noted by Council at the June 2022 Ordinary Council Meeting. Exploration to the scope, scale and interest of an event was undertaken as an action under the 2021/2022 Corporate Business Plan, consistent with the Shire's adopted Equine Strategy.

Feedback obtained by stakeholders including the Equine Advisory Group through the consultation phase for this event outlined the following (as noted in the June OCM report):

- *There are a number of equine events hosted by local clubs or organisations already. Most specifically, the Advisory Group discussed that the SJ Food and Farm Fest, hosted by the Serpentine Jarrahdale Food and Farm Alliance at the Serpentine Sports Grounds, included agricultural elements (and equine activities) that were well received by the community.*
- *"Local equine showcasing" (being a strategic objective for any local event) was confirmed to remain part of the current and future deliverables of the Food and Farm Fest.*
- *If the intent of the Shire is to run an equine showcasing event with broad community appeal – this could be considered as already covered. However, if the Shire/Equine Advisory Group wanted to recommend running a different type of showcasing event, based on more Economic Development and commercial objectives then it would need to be much clearer on what was trying to be achieved and what involvement they would like from the equine clubs and associations locally.*
- *How can the Shire support these [event] activities?*
 - *Shire already financially supports the SJ Food and Farm Fest.*
 - *Use of facilities/infrastructure will continue to be main avenue of involvement. Ensuring facilities/infrastructure are fit for purpose. Any capital works or site development must support functionality - this remains essential.*
 - *Support towards event coordination including promotions.*

In recognition of the ways in which Shire can support the delivery of an Equine Showcasing event - outlined above and in alignment with positive commentary received from Shire's Equine Advisory Group towards a sustainable local Equine Event - Officers recommend additional in-kind support be provided to the SJFFA for the Food and Farm Fest for 3-years, under provisions of Council Policy 5.1.14 – Community Contributions (in-kind and sponsorship considerations):

- Fee waiver up to the value of \$4,000 for the event. This amount would allow the SJFFA to directly book the venue directly and would include waiver of the "per horse" attending fee. The contribution is not to be used towards any fees applicable to the sale or administration of alcohol.



- One skin (fabrication and installation) of the two Freeway Billboards per year. Design materials to be provided by the applicant. Approximate value \$8,000. This would place promotional material of the event on the two billboards on Forrest Highway either side of Karnup Road prior to the event. The Shire would organize the installation of these banners as per normal arrangements. Officers believe this would provide the event with significantly more exposure.

As this support is recommended as a Sponsorship, provisions in the policy outline (extract):

- Sponsorship is not philanthropic. [The Shire] can expect to receive a reciprocal benefit beyond a modest acknowledgement.
- Ability to leverage support through community attendance or staging of display/complementary event where appropriate.
- Ability to reach traditional and non-traditional audiences.

For these reasons, Officers recommend that conditions for the funding recommendations be applied that sees progression of Equine Strategy objectives associated with Economic Development relevant to equine in the community. A draft of these conditions is included as **CONFIDENTIAL attachment 4** which will be included as a Schedule to the Major Supporter Agreement with the Food and Farm Alliance.

Options and Implications

Option 1

That Council:

1. NOTES the 2022 Major Grant acquittal from the Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest held in November 2022.
2. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2023, to the value of \$20,000 ex GST; subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 4**;
3. APPROVES in-kind support of a Billboard skin (approximate value \$8,000 ex GST); and fee waiver up to the value of \$4,000 ex GST in accordance with 6.12 of the *Local Government Act 1995*; subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 4**;
4. APPROVES the request from Serpentine Jarrahdale Food and Farm Alliance Inc for three year funding to the Food and Farm Fest event, subject to Council acceptance and endorsement of the annual acquittal reports, required to continue with funding commitments.
5. REQUESTS the Chief Executive Officer advise Serpentine Jarrahdale Food and Farm Alliance Inc of outcomes relevant to their Major Event application.

Option 2

That Council:

1. NOTES the 2022 Major Grant acquittal from the Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest held in November 2022.
2. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2023, to the value of \$20,000 ex GST; subject to the applicant's agreement of conditions outlined in **CONFIDENTIAL attachment 4**;



3. APPROVES the request from Serpentine Jarrahdale Food and Farm Alliance Inc for three year funding to the Food and Farm Fest event, subject to Council acceptance and endorsement of the annual acquittal reports, required to continue with funding commitments.
4. DOES NOT APPROVE any further in-kind support to the Food and Farm Fest event.
5. REQUESTS the Chief Executive Officer advise Serpentine Jarrahdale Food and Farm Alliance Inc of outcomes relevant to their Major Event application.

Option 3

That Council:

1. NOTES the 2022 Major Grant acquittal from the Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest held in November 2022.
2. DOES NOT APPROVE Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest 2023 and requests additional information be provided prior to considering further financial support.
3. DOES NOT APPROVE the request from Serpentine Jarrahdale Food and Farm Alliance Inc for three year funding to the Food and Farm Fest.
4. REQUESTS the Chief Executive Officer advise Serpentine Jarrahdale Food and Farm Alliance Inc of outcomes relevant to their Major Event application.

Option 1 is recommended.

Conclusion

The first Major Event Grand Round for the financial year was advertised in July and August 2022, closing 15 August 2022. One application was received from the SJ Food and Farm Alliance Inc for the 2023 Food and Farm Fest, as well a request for three years funding supported by a Business Plan. A total of \$20,000 ex GST is recommended to be awarded to the one event application received; and support to the three year funding request is also recommended.

In recognition of the significant contribution this event makes towards objectives and priorities outlined within the Shire's Equine Strategy, Officers further recommend in-kind support be provided to the event in addition to provisions within the Major Event Grant Scheme:

- Up to \$4,000 of fee waivers, to be administered by the Chief Executive Officer (cannot be used towards any fees applicable to the sale or administration of alcohol).
- One skin (fabrication and install) of the Freeway billboards per year. Design materials to be provided by the applicant.

If recommendations are approved, this would leave \$37,000 ex GST for Round Two of the 2022/23 Major Grant Scheme.

Attachments (available under separate cover)

- **10.4.3 – CONFIDENTIAL - attachment 1** - Food and Farm Fest 2023 – Application and Assessment Detail (E22/14554)
- **10.4.3 – CONFIDENTIAL - attachment 2** - Food and Farm Fest Business Plan (IN22/23273)
- **10.4.3 – CONFIDENTIAL - attachment 3** - Food and Farm Fest 2022 Acquittal (IN22/24311)



- **10.4.3 - CONFIDENTIAL - attachment 4** – Schedule to Major Supporter Agreement: Food and Farm Fest 2023 (E22/15533)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment

Financial Implications

There are no budget implications as a result of this report.

An amount of \$75,000 has been included in the 2022/23 budget (account number 4300-15422-6276) for the Major Events Grants. Should Council support the Officers Recommendation, funds remaining for Round Two of the 2022/23 Major Event Scheme would be as follows:

2022/23 Budget allocation (4300-15422-6276)	\$75,000
Committed Funds (2023 Jarrahdale Log Chop and SJ Lion's Country Fair)	\$18,000
Major Event Grant Scheme - Round One Recommendation (Subject of this report)	\$20,000
Budget Remaining for Major Event Grant Scheme - Round Two	\$37,000

The provision of in kind support would occur via funds already budgeted for Freeway signage in account 1200-10101-6386-0000 (Invest SJ Marketing Campaign).

The fee waiver would be administered in accordance with Section 6.12 of the *Local Government Act 1995*.

**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 & 2	Community groups inability to deliver on the events as submitted, or not to Shire standard.	Nil	Reputation	Unlikely	Minor	LOW	Nil
3	2023 Food and Farm Event does not proceed.	Accept Officer Recommendation	Reputation	Likely	Moderate	MODERATE	



Voting Requirements: Simple Majority

OCM323/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council:

- 1. NOTES the 2022 Major Grant acquittal from the Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest held in November 2022.**
- 2. APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2023, to the value of \$20,000 ex GST; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4;**
- 3. APPROVES in-kind support of a skin (fabrication and install) of Freeway Billboards (approximate value \$8,000 ex GST); and fee waiver up to the value of \$4,000 ex GST in accordance with 6.12 of the *Local Government Act 1995*; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4;**
- 4. APPROVES the request from Serpentine Jarrahdale Food and Farm Alliance Inc for three year funding to the Food and Farm Fest event, subject to Council acceptance and endorsement of the annual acquittal reports, required to continue with funding commitments.**
- 5. REQUESTS the Chief Executive Officer advise Serpentine Jarrahdale Food and Farm Alliance Inc of outcomes relevant to their Major Event application.**

CARRIED UNANIMOUSLY 9/0

**10.5 Executive Services reports:**

10.5.1 – Byford Health Hub – Response to Request from East Metro Health Service (SJ3305)	
Responsible Officer:	Acting Manager Economic Development and Promotions
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is and for Council to consider the crown subdivision of the existing lot into two new lots and next steps relating to the Land Transaction for the Byford Health Hub.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 August 2022 - OCM202/08/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the progress update of the Byford Health Hub;*
- 2. AGREES to the terms outlined in the Draft Heads of Agreement (attachment 1);*
- 3. NOTES that East Metropolitan Health Service will consider the Draft Heads of Agreement which may result in further amendments;*
- 4. REQUESTS the Chief Executive Officer write to the Minister for Lands seeking a 42 year lease of the land to East Metro Health Service; and*
- 5. REQUESTS the Chief Executive Officer prepare a Business Plan in accordance with section 3.59 of the Local Government Act 1995; and present a report to Council with a draft Business Plan for advertising once feedback on the draft Heads of Agreement has been received and incorporated from East Metropolitan Health Service.*

Ordinary Council Meeting – 16 May 2022 – OCM099/05/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council ADOPTS the Master Plan for the Civic Purpose site in Byford Town Centre.



Ordinary Council Meeting – 21 February 2022 – OCM015/02/22 – COUNCIL RESOLUTION / Officer Recommendation

That Council NOTES the Management Order being secured for the community purpose site within the Byford Activity Centre, as contained in attachment 1.

Ordinary Council Meeting – 13 December 2021 – OCM364/12/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. Receives the update on the progress of the Byford Health Hub.*
- 2. Requests that the Chief Executive Officer to provide further reports to Council as planning for the site and the facility progress*

Ordinary Council Meeting – 16 August 2021 - OCM231/08/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the update on the progress of the Byford Health Hub.*
- 2. NOTES that the Chief Executive Officer has been appointed a member of the East Metropolitan Health Service (EMHS) Byford Health Hub Steering Committee.*
- 3. REQUESTS that the Chief Executive Officer provide further reports to Council as planning for the site and the facility progress.*

Ordinary Council Meeting – 19 April 2021 - OCM085/04/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. ENDORSES the initiative of the Byford Activity Centre forum;*
- 2. REQUEST the CEO to engage a suitably qualified consultant, using up to \$15,000 consultancy funds, to organise and facilitate this forum;*
- 3. APPROVES the budget variation as per below:*

<i>Account</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>1000-10100-6230-0000</i>	<i>Increase Expenditure</i>	<i>Consultancy</i>	<i>15,000</i>	
<i>5200-17100-6230-0000</i>	<i>Increase Expenditure</i>	<i>Consultancy</i>		<i>15,000</i>

Reason: Reallocation of consultancy budget to fund undertaking of forum.

- 4. SEEKS participation of local, state and federal government representatives, state agency representatives, community leaders, school representatives, business stakeholders and city centre landowners;*
- 5. FOLLOWING the forum, seeks a report back with a recommendation on options.*



*Ordinary Council Meeting – 15 February 2021 - OCM038/02/21 - COUNCIL RESOLUTION
That Council:*

- 1. ENDORSES in principle, the Byford Health Hub Business Case, as per attachment 1;*
- 2. SUPPORTS in principle, the Health Hub Facility to be located on the Shire's 7000m2 Civic Reserve in Byford, subject to endorsement of a future Business Plan;*
- 3. REQUESTS the Shire President and Chief Executive Officer ADVOCATE for the State Government to fund the construction of the Byford Health Hub and;*
- 4. REQUESTS the Chief Executive Officer present a report back to Council after the WA State Government election to determine how to progress the project.*

Background

In February 2021, the State Government announced an election commitment of \$30.6 million for a Health Hub in Byford. Council at its Ordinary Meeting held on 15 February 2021 endorsed in principle the Health Hub facility to be located on the Shire's Civic Reserve site.

The Shire received the land from a previous development. The land 7,000m2 in area was provided as public open space (community purposes) which was ceded to the Crown to deliver the future Byford Library and Multi-Agency Service Centre building. This was then vested with the Shire, by way of a Management Order **attachment 1**.

Council noted at its Ordinary Meeting held on 21 February 2022 that the site had been secured with a Management Order for 'community purpose' within the Byford Activity Centre. The land was ceded as part of the adopted Community Infrastructure Development Contribution Plan (CIDCP), which identified an item of community infrastructure to be delivered.

Council at its Ordinary Meeting held on 16 May 2022 adopted a Master Plan for the site to guide future uses and development. The Master Plan identifies a range of mixed primary and secondary uses to be delivered on the site.

Council in considering options for the site which include a crown subdivision or a lease indicated its preference for a lease arrangement. This preference was communicated to East Metropolitan Health Service (EMHS). A draft Heads of Agreement was prepared by the Shire to work collaboratively with EMHS towards a mutually beneficial outcome for the disposal and management of the facility. Council previously resolved (15 August 2022) to support the draft Heads of Agreement and for the Shire to continue negotiations with EMHS to then present a report back to Council once formal feedback had been received.

The Shire received correspondence (18 November 2022) **attachment 2** from EMHS advising the Shire its preferred position for a crown subdivision of Reserve 53923.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	28 November 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange, Cr Strautins



Your Say SJ

Officers have been working in collaboration with the EMHS with continued information being uploaded on the Shire's 'Your Say SJ' website to support access to current program information and updates. The Shire and the EMHS are continuing to work collaboratively on the communication with stakeholders and the community.

External Consultation

Department of Planning, Lands and Heritage to discuss the Crown Land subdivision options and requirements to progress this alternate disposal method.

Statutory Environment

Local Government Act 1995

Should Council proceed with a crown subdivision, the Shire will not need to comply with section 3.59 of the *Local Government Act 1995* as the revocation of the management order and the other actions required for the subdivision option, are not a 'land transaction' or 'trading undertaking' for the purposes of section 3.59(1) of the *Local Government Act 1995*.

Similarly, the Shire will not need to comply with section 3.58 of the *Local Government Act 1995* as the revocation of the management order do not comprise a disposal of an interest in property for the purposes of section 3.58 of the *Local Government Act 1995*.

All that would be required is a resolution by Council to support the actions of the subdivision option and advise the Minister for Lands and for Officers to advise EMHS of that resolution.

Land Administration Act 1997

The revocation of the Management Order under section 50 of the *Land Administration Act 1997* (WA) can be undertaken in three ways:

1. Where the management body agrees that it should be revoked;
2. Where the land subject of the management order has not been appropriately managed; or
3. Where it is in the public interest revoke the management order.

Council Policy 5.1.3 – Lease and License Management

This policy applies to all community groups and commercial organisations that seek to lease Shire facilities (including land). Where the user of Shire land has exclusive use of either part or all of the facility then that arrangement shall be the subject of an appropriately negotiated lease, subject to Council approval.

Civic Purpose Site Masterplan

The civic purpose masterplan is now adopted strategic document that provides detailed guidance for the planning and development of the site. The proposal for the Byford Health Hub is consistent with the land use identified within the masterplan. Council adopted the plan at its 16 May 2022 meeting.

**Comment**Correspondence from EMHS

EMHS advised that they had undertaken due diligence in which they consulted with the State Solicitors Office, Department of Planning Lands and Heritage (DPLH) and the Department of Finance. The referral agencies informed EMHS to consider the crown land subdivision as they considered it represents a fair outcome for the following reasons:

- The existing Management Order vested in the Shire creates a significant administrative and operational burden for both parties in regard to subleasing arrangements given the intention to provide a number of health and social services for the Byford Health Hub;
- The Shire would not be required to negotiate / draft pay for legal documentation which would be required if the project proceeded on the basis of the existing land tenure. This would include a Development Agreement, Ground Lease, approved template for Sublease, Shared Facilities Agreement and a governance model for leasing of the facilities;
- The area required for the Byford Health Hub would be identified as a separate lot and excised from the Reserve, with the car park and access way remaining within the Shire's community purpose Reserve. This approach is consistent for other existing Department of Health hospital health sites where there are no restrictions on leasing terms and no requirement for the Minister's consent to leasing arrangements.
- To successfully commission and operate the Byford Health Hub, EMHS would request that the Management Order is granted to EMHS for this new Reserve.

The responses provided to EMHS continued to put emphasis that discussions should be held with the Shire to consider the subdivision of the existing reserve on crown land to enable the creation of two new reserves.

Correspondence from DPLH – Crown Subdivision Options

Discussions were held with DPLH and EMHS on the 20 October 2022 to discuss the crown land subdivision option. Officers have identified the following options for Council to consider to progress the crown subdivision options:

Crown Subdivision Option	Details
1. Crown subdivision to depict the two areas in which a new reserve is created for the Byford Health Hub and the Management Order is granted to East Metropolitan Health Service.	a. The Byford Health Hub building area could be identified as a separate lot and excised from the Reserve. A new Reserve can be created over this site and Management Order be granted to EMHS. This is consistent with the approach for existing Department of Health sites where there are no restrictions on leasing terms and no requirement for Minister's consent. b. If this was to occur, the remaining land including the carpark and access can remain as the Shires Community purposes Reserve. It is suggested the Shire could enter into a licence with Health over the shared access/car park area if there are management/maintenance responsibilities that are to be shared by EMHS.



Crown Subdivision Option	Details
2. Crown Subdivision to depict two areas/lots with retention of the Management order of both reserves.	a. Similar to Option 1 a Crown Subdivision can occur to identify the two areas/lots with the community infrastructure areas remaining within the existing Reserve. A new Reserve can be created over the Health Hub site however in this instance the Shire retains Management of both Reserves. The Shire can then sublease the Health Hub Reserve to East Metropolitan Health Service. As previously mentioned should longer than 21 years power to lease be required, a business case would be required to justify. In this scenario any lease or sublease of the site would need to come into the Department for section 18 Minister for Lands consent to ensure the lease is in line with the Reserve purpose and conditions of the Management Order.

Crown Subdivision Process

DPLH advised that the proposed subdivision of Reserve 53923 the following would be required to be submitted to DPLH:

- Proposed sketch showing the area for excision of Reserve 53923 to be created as a new reserve;
- Include proposed new Reserve purpose and if the Shire or Department of Health is to be the new Management Body;
- Lease term;
- The Shire will also need to agree to nominate a preferred surveyor and agree to pay survey and associated costs for the preparation of Deposited Plan depicting the Crown subdivision
- A letter from the Department of Health agreeing to the approach

Following the submission of the above, the Department will undertake referrals to relevant agencies, if no concerns are received DPLH will progress with issuing survey instructions to the Shire's nominated surveyor. Once the Deposited Plan is placed in order for dealings at Landgate DPLH can progress with lodging documents at Landgate to affect the Reserve amendment and creation.

Development Approval

DPLH further advised that any development approval for the Byford Health Hub should be granted prior to any excision of the reserve. This is to ensure that the reserve configuration is fit for purpose and is able to achieve the other intended community outcomes of the future library, splash park, car parking area and for suitable interface with the future Byford Metronet station.

Common Property

As part of the adopted the Masterplan for civic purpose site in the Byford Town Centre a leasing plan was developed to identify the common property between the Shire and EMHS for access to the site. Given the significant costs to deliver the forward works on the site and the undeveloped nature of the Shire civic reserve, the Shire has made EMHS aware of the funding constraints to deliver the common property on the site.



The Byford Health Hub Steering Committee identified a variation in the forward works to prepare the site for building construction. EMHS have included in the Business Case, to be submitted for funding for the entire development, to fund the construction of the common property (accessway) which would give EMHS access off Blackburn Road to the site. This has resulted in an increase the total site area from 3,300m² to 4672m². **Figure 1** illustrates the proposed area that EMHS have committed to undertake as part of the construction of the Byford Health Hub.

DPLH recommended to the Shire that it could enter into an agreement with EMHS over the shared access to the site, in respect to the ongoing management/maintenance responsibilities. Should Council proceed with the recommended option, a report will be presented back to Council detailing the arrangements of the agreement with EMHS.

The Byford Health Hub site topography is low-lying and requires forward works that will involve significant earthworks and drainage prior to any construction or building. The undeveloped nature of the reserve and significant labour required to enable a building structure to be constructed has continually being considered by the Steering Committee.

EMHS engaged a quantity surveyor to assist with validating the scope and costs associated with the forward works. The current estimate for the forward works that is estimated in the Business Case is \$5.78 million.

Should Council support the Officers recommendation, this will result in EMHS covering the cost of the 'common property' access way in which this has been estimated to account for \$1.5 million of the forward works. This is a significant cost that the Shire would otherwise have to fund and supporting this may impede of the delivery of the Byford Health Hub and result in result in future works being undertaken at the cost to the Shire.

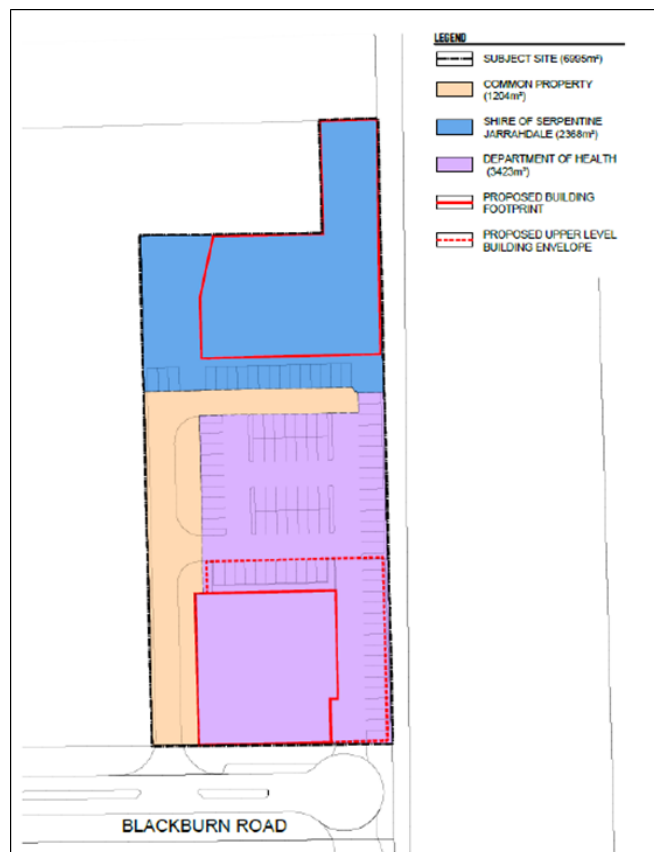


Figure 1 – Common Property Accessway and Department of Health area to be delivered as part of forward works funding



Subdivision Option

Whilst it is acknowledged that the land is owned by the State Government, the revocation of the existing Management Order is taking away the Shire's right in this portion of the civic reserve without compensation. Nevertheless, the Shire considers that the subdivision option represents a fair and reasonable outcome for the Shire as the value of the Byford Health Hub will be the delivery of the health and social needs to the community. Further to this Officers consider the subdivision provides for the following additional outcomes:

- The existing Management Order in the Shire creates a significant administrative and operational burden for the Shire in regard to subleasing arrangements with the Byford Health Hub;
- The Shire considers that the private sector would not be able to deliver a greater health facility / development of this nature at this time. The Shire has secured this facility through an election commitment. Therefore, if subdivision provides a framework for the State to develop the \$30m plus community facility in the Byford town centre this is a beneficial outcome for the community in which it will increase employment opportunities in the town centre;
- In consideration of alternative options for the site, it is acknowledged that the current condition of the land requires significant site works to accommodate any built-form development. This would likely impact the Shire attracting interest to develop the site at a point in time where the Shire is attempting to accelerate the level of activation in the Byford Town Centre. Therefore the development of the site by the State represents a good outcome for the Shire.
- The Shire will maintain input in the Byford Health Hub as an authority in which will continue to have active representation on the Steering Committee, Project Reference Group and Working Groups;
- The Shire will continue its relationship with EMHS once the Byford Health Hub is operational as a major stakeholder and partner to allow for the representation and advocacy for the current and future needs of the community.

Conditional Revocation Agreement

In receipt of the correspondence from EMHS the Shire obtained advice on the subdivision option and whether it would be possible for the Shire's management order to be reinstated if the Health Hub was significantly delayed or not delivered. The advice stated that once the Shire revoked the management order, it would have no ability to compel EMHS to deliver the Health Hub or require the reinstatement of the management order in the event that the Byford Health Hub project was not fulfilled. In light of this fact, the advice recommended that the Shire, if it was minded to proceed with the subdivision option, require EMHS to enter into a 'conditional revocation agreement' wherein the revocation of the management order would be conditional upon an agreed development milestone being reached, thereby giving the Shire some level of comfort that the project would be delivered.

The advice also stated that the 'conditional revocation agreement' could set out the parties' arrangements in relation to other matters set out in the Heads of Agreement, including requiring EMHS to obtain planning approval for the proposed development, arrangements in relation to the delivery of shared services or common infrastructure, and similar such matters.

The Officers recommendation includes that the relinquishing of the Management Order is to occur subject to a 'conditional revocation Agreement' being executed by the Shire and EMHS. Legal advice pertaining to the crown subdivision is contained within **CONFIDENTIAL attachment 3**.

**Implementation – Next Steps**

This report recommends Council progress with option 1 to allow for the Crown Subdivision to occur to in which a new reserve is created for the Byford Health Hub.

Option	Actions
1. Crown subdivision to depict the two areas in which a new reserve is created for the Byford Health Hub and the Management Order is granted to East Metropolitan Health Service.	The Shire agrees to the request made by East Metropolitan Health Service to subdivide a portion of Reserve 53923 at Lot 103 (No.3) Bushman Glade, Byford for the development of the future Byford Health Hub and Officers will prepare a Crown Land Enquiry Form to Department of Planning, Lands and Heritage to progress with Subdividing of Reserve 53923 subject to and conditional upon: • a 'conditional revocation agreement' being executed by the Shire and East Metropolitan Health Service. • All costs associated with the subdivision are to be borne by East Metropolitan Health Service. • The Shire retaining the management order over the remaining portion of the Reserve 53923. • satisfactory arrangements being reached to ensure the Common Property forms part of the construction of the Byford Health Hub and to ensure the ongoing shared management/maintenance is determined.
2. Crown Subdivision to depict two areas/lots and Shire retains Management of both Reserves.	• Similar to Option 1, Council have the option to undertake a Crown Subdivision to identify the two areas/lots with the community infrastructure areas remaining within the existing Reserve. A new Reserve can be created over the Byford Health Hub site however in this instance the Shire retains Management of both Reserves. It is noted that this is not the preferred approach for EMHS as their requirement for Minister's consent for longer lease terms than 21 years.
3. Decline the Crown Subdivision Option	• Advise East Metropolitan Health Service that the Shire does not agree to a Crown Subdivision and prefers to continue to explore a lease disposal arrangement



Options and Implications

Option 1

That Council:

1. NOTES the position of East Metropolitan Health Service is a subdivision is preferred rather than a lease of the land to construct the Byford Health Hub.
2. REQUESTS the Chief Executive Officer to write to East Metropolitan Health Service advising that the Shire agrees to undertake a Crown Subdivision as outlined in option one (1) for the purposes of creating a new lot for the Byford Health Hub subject to and conditional upon:
 - a. the Shire and East Metropolitan Health Service entering into a 'conditional revocation agreement' on terms acceptable to the Shire.
 - b. the East Metropolitan Health Service bearing all costs associated with the subdivision.
 - c. The Shire retaining a management order over the remaining portion of Reserve 53923.
 - d. satisfactory arrangements being reached in relation to the delivery, maintenance and use of common property and shared services, including the requirement for EMHS to construct the common property on the site as depicted in Figure 1.
3. REQUESTS the Chief Executive Officer to develop a 'conditional revocation agreement' with East Metropolitan Health Service for the relinquishment of the Shire's management, and the construction, maintenance and use of the common property and present it to Council for consideration.
4. REQUESTS for the Chief Executive Officer write to the Minister for Lands acknowledging that the site is to be used for the benefit of the Byford Health Hub and requesting that future consideration of the Management Order to revert back to be in favour of the Shire if in the future the State no longer has need for the site and any improvements on the land.

Option 2

That Council:

REQUESTS the Chief Executive Officer write to East Metropolitan Health Service advising that it seeks to undertake a Crown Subdivision in option two (2) for purpose of creating a new lot for the Byford Health Hub with retention of the Management Order.

Option 3

That Council:

1. NOTES the position of East Metropolitan Health Service is a subdivision is preferred rather than a lease of the land to construct the Byford Health Hub.
2. RESOLVES its preferred disposal preference is for a lease of the site.
3. REQUESTS the Chief Executive Officer write to East Metropolitan Health Service advising them of the Councils resolution and consider a Lease Agreement.

Option 1 is recommended.



Conclusion

This report has described the background and negotiations to date with EMHS with now the aim of facilitating a crown subdivision to create a new reserve and relinquish the Management Order to facilitate the development of the Byford Health Hub.

The Byford Health Hub will provide opportunity to facilitate partnerships and pathways between health and social care providers to deliver integrated care in the community. The facility will enhance the patient experience and improve long term health outcomes in the community.

Progressing with the crown subdivision process will secure an agreed position between the Shire and EMHS on the land transaction. This will be articulated within the Business Case which will enhance the prospect of funding by Government for the Byford Health Hub.

The Health Hub will bring significant social and economic benefits to Byford and the wider Shire. Officers believe the relinquishment of some of the State Governments land back to the State Government to construct this community facility is in the best interests of the community and therefore recommend this option with some conditions.

Attachments (available under separate cover)

- **10.5.1 – attachment 1** – Management Order (E22/1552)
- **10.5.1 – attachment 2** – Byford Health Hub – Land Transaction – East Metropolitan Health Service Preferred Position (IN22/24127)
- **10.5.1 – CONFIDENTIAL attachment 3** – Byford Health Hub – Land Transaction – Subdivision Options - Legal Advice (E22/15172)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions



Financial Implications

The Shire will incur additional legal costs for the preparation of the 'conditional revocation agreement' which this is currently budgeted for \$10,000 this financial year.

To date the Shire has incurred costs of \$4,212.18 for legal advice relating to the Byford Health Hub 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	Byford Health Hub is delayed or not fulfilled	'Conditional Revocation Agreement'	Financial	Rare	Major	MODERATE	Nil.
1	Byford Health Hub is not managed appropriately which could impact on amenity of Byford Town Centre and future library site.	Planning Conditions and other regulatory controls	Social Community Outcomes /	Possible	Insignificant	LOW	Nil.
2 & 3	If Council do not agree to crown subdivision option one (1) this may impact on East Metropolitan Health Service ability to receive funding for the Byford Health Hub	Current Relationship with East Metropolitan Health Service	Reputation	Likely	Major	MODERATE	Nil.



Voting Requirements: Simple Majority

OCM324/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Dagostino

That Council:

- 1. NOTES the position of East Metropolitan Health Service is a subdivision is preferred rather than a lease of the land to construct the Byford Health Hub.**
- 2. REQUESTS the Chief Executive Officer to write to East Metropolitan Health Service advising that the Shire agrees to undertake a Crown Subdivision as outlined in option one (1) for the purposes of creating a new lot for the Byford Health Hub subject to and conditional upon:**
 - a. the Shire and East Metropolitan Health Service entering into a 'conditional revocation agreement' on terms acceptable to the Shire.**
 - b. the East Metropolitan Health Service bearing all costs associated with the subdivision.**
 - c. The Shire retaining a management order over the remaining portion of Reserve 53923.**
 - d. satisfactory arrangements being reached in relation to the delivery, maintenance and use of common property and shared services, including the requirement for EMHS to construct the common property on the site as depicted in Figure 1.**
- 3. REQUESTS the Chief Executive Officer to develop a 'conditional revocation agreement' with East Metropolitan Health Service for the relinquishment of the Shire's management, and the construction, maintenance and use of the common property and present it to Council for consideration.**
- 4. REQUESTS for the Chief Executive Officer write to the Minister for Lands acknowledging that the site is to be used for the benefit of the Byford Health Hub and requesting that future consideration of the Management Order to revert back to be in favour of the Shire if in the future the State no longer has need for the site and any improvements on the land.**

CARRIED UNANIMOUSLY 9/0

**10.5.2 – Lot 814/815 Millars Road, Jarrahdale - Business Case (SJ2201)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider the business case which identifies the commercial feasibility, funding models, needs analysis, opportunity study for Lot 814/815 Millars Road, Jarrahdale. If Council adopts the business case, it can be used in advocacy for this important economic development initiative and funding programs to enable a development outcome on the site.

Relevant Previous Decisions of Council

Special Council Meeting – 20 April 2022 – SCM007/04/22 - COUNCIL RESOLUTION

That Council:

- 1. RESOLVES NOT TO PROCEED and conclude the Expression of Interest undertaken by Axito Pty Ltd, Estilo Group Pty Ltd and Metropolis Projects Group Pty Ltd ('the Consortium').*
- 2. REQUESTS the Chief Executive Officer to submit an application to Development WA for the development of Lot 814 Jarrahdale in line with the objectives for the site outlined in the Trails Town Business Case.*
- 3. REQUESTS the Chief Executive Officer present a report to Council following the completion of the two-stage planning process outlined in the 2021-25 Corporate Business Plan as the 'Commercial Feasibility of development Lot 814' Strategic Operating Project comprising:*
 - a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Towns Initiative; and*
 - b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.*

**Ordinary Council Meeting – 21 March 2022 - OCM063/03/22 - COUNCIL RESOLUTION**

That Council:

1. *APPROVES the below budget adjustment to reflect the additional funding from Peel Development Commission:*

<i>Account Number</i>	<i>Type</i>	<i>Account Description</i>	<i>Debit</i>	<i>Credit</i>
1200-10108-6230-0000	<i>Increase Expenditure</i>	<i>Jarrahdale Heritage Site Redevelopment - Consultancy</i>	40,000	
1200-10108-4131-0000	<i>Increase Income</i>	<i>Jarrahdale Heritage Site Redevelopment – Grant – Operating – Peel Development Commission</i>		40,000

2. *REQUESTS the Chief Executive Officer to undertake the 'Commercial Feasibility of developing Lot 814' Strategic Operating Project from the 2021-25 Corporate Business Plan comprising:*
- a. Investigate the commercial feasibility and funding models for the development of the land to support the Jarrahdale Trail Town Initiative; and*
 - b. Prepare a needs analysis, opportunity study, feasibility and business case for development options for the land.*
3. *REQUESTS the Chief Executive Officer present a report to the April Ordinary Council Meeting in relation to other matters associated with this project.*

Background

The subject site (27ha) at Lot 814 and 815 Millars Road are two adjacent, undeveloped freehold lots owned by the Shire located adjacent to the Jarrahdale townsite. Historically, the site was used as a timber mill from the 1880's.

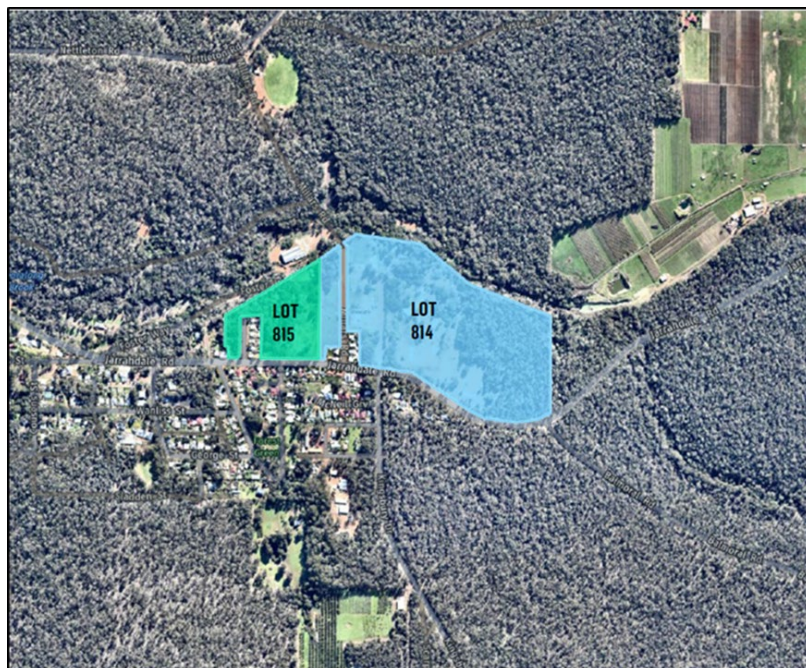


Figure 1 – Subject site location



Since the Shire's purchase of the site in 2000, the site has been considered for a range of opportunities, in which recently in 2018 identified a preferred proponent, however the draft Heads of Agreement was not executed. As such, the sites remain undeveloped and used for an RV stopover area with a chemical toilet drop and freshwater standpipe facilities.

Jarrahdale Trail Town Business Case

Council endorsed Jarrahdale Trails Town Business Case at its Ordinary Meeting held on 11 October 2021. This business case established the need for a trails centre at the subject site in which the site was considered at the optimal location to house the trails centre, proximity to trails and a trails centre is a requirement for a Trail Town accreditation. The following recommendations from the Trail Town Business Case are of key relevance to this business case:

- Recommendation 3.2: Develop a Master plan including costings for the establishment of the Jarrahdale Trail Centre at Lot 814, Jarrahdale. This trail centre should comprise of accommodation in the form of caravanning and camping, café that also provides a visitor information focused on trails. This trail centre should also integrate a trails head for the trails that start/finish in Jarrahdale;
- Recommendation 12.3: Incorporate a BMX/pump track and mountain biking skills park within the design for the proposed trail centre in Jarrahdale (lot 814) to educate and develop the skills of mountain bike riders and provide for recreational activities;
- Recommendation 16.4: Encourage pop-up locations for mobile vendors e.g. food trucks at key sites such as Jarrahdale Oval and the proposed trail centre at Lot 814 and potentially the upgraded parking area at the Kitty's Gorge Trail Head;
- Recommendation 19.1: Include the provision of a RV Park that provides horse float parking, stables and water troughs as a component of the planning for the trail centre proposal at Lot 814.
- Recommendation 19.4: Include budget accommodation options (bunk house, camp sites) as a component of the planning for the trail centre proposed at Lot 814.

Funding from Peel Development Commission

In June 2022, the Shire received the executed agreement for funding of \$40,000 from Peel Development Commission to develop the needs analysis, opportunity study, feasibility study and Business Case. Council contributed \$40,000 for a total \$80,000 budget.

Council resolved to prepare a business case at the 20 April 2022 Special Council Meeting, Officers obtained three proposals to develop a business case following the Shire's procurement guidelines. After a submission selection process conducted by Officers, Urbis was selected as the preferred consultant.

Purpose of Business Case

The purpose of the business case was to undertake an analysis of the opportunities, the feasibility of alternative development scenarios, ability to attract private sector investment, optimal development models, servicing and budget implications and implementation strategies.

The principle purpose of the business case sought to:

- Understand the opportunity and need for greater tourism amenities;
- Demonstrate the ability to attract private investment;
- Highlight budget implications and strategic and stakeholder considerations;



- Provide scale, timing and delivery model for the project; and
- Support the short, long term activation and development of Lots 814 and 815 Millars Road, Jarrahdale.

Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	28 November 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange Cr Strautins

The commencement of the project was advertised via the Shire's 'Your Say SJ' website which allowed for the community to provide comments. Comments were received regarding the addition of horse trails and the RV stop remaining.

In addition, targeted engagement was undertaken in which the Shire and Urbis engaged with a range of stakeholders as part of preparing this Business Case. These include Jarrahdale Heritage society, Jarrahdale Community Collective, Department of Planning, Lands and Heritage and Pendulum Capital. This was undertaken to understand the needs of the community, the market interest and site approvals consideration.

Statutory Environment

There are no immediate statutory implications associated with this report. In the course of undertaking the Business Case, the following relevant Shire policy and strategic documents were considered:

- SJ 2050 (2016);
- Corporate Business Plan (2022-2026);
- Strategic Community Plan (2017-2027);
- Equine Trails Master Plan (2022);
- Local Planning Strategy (2022);
- Trails Head Master Plan (2022);
- Tourism Strategy (2018-2023) and
- Economic Development Strategy (2018-2023);

Comment**Feasibility Assessment**

The business case undertook a high level feasibility analysis on the residential lot feasibility and short stay to understand what development outcomes are currently viable, marginal and unviable for different scenarios.

Residential

A hypothetical residual land value approach was undertaken for a residential subdivision on the site. Capital values indicate market prices for small strata lots would likely be approximately \$150,000 for 450sq.m in this location (freehold lots would attract a higher sale price). This is



based a review of recent land sales for land 1,000sqm and above which ranged from \$190,000 and above.

The residual land value feasibility was undertaken for the following three scenarios:

Hypothetical Residential Lot Feasibility

SCENARIO	AVERAGE LOT SIZE	NO. OF LOTS	AVERAGE PRICE	RESIDUAL LAND VALUE (PRIVATE SECTOR)	RESIDUAL LAND VALUE (DWA THRESHOLD)
One	300 sq.m	24	\$120,000	-\$2,250,000	-\$1,835,000
Two	450 sq.m	16	\$150,000	-\$800,000	-\$450,000
Three	700 sq.m	10	\$180,000	-\$550,000	-\$370,000

n.b. This feasibility assessment excludes some key costs such as commercial septic system, upgrading Millars Road and undergrounding of powerlines (more than \$1m).

It is noted that the feasibility assessment excludes key costs such as a commercial septic system, upgrading Millars Road and undergrounding of powerlines (more than \$1m). This assessment additionally placed no value on the site (not including purchase price). The assessment was run for private sector returns and the Development WA threshold which is the weighted average cost of capital. The assessment demonstrates that there is insufficient sales and revenue from the lots and – with other costs included a significant subsidy of more than \$150,000 per lot could be required.

Development WA

On the 11 April 2022 Council resolved request for Officers to submit a Development WA RDAP application for Lot 814 Jarrahdale.

In the inception of the business case it was recognised that Lot 815, adjacent to Lot 814 is an undeveloped lot size of 4.5ha in ownership by the Shire and therefore to be included within the Business Case analysis.

Given the above, Officers have not yet submitted an application to Development WA as it was considered beneficial to await for the findings of this business case.

Officers recommend that an application is not submitted at this point in time to Development WA given the community's views and the assessment of the residential lot feasibility. The feasibility findings demonstrated that there is no value in the site for the purposes for residential. It is noted that the Shire has the ability to undertake a RDAP application in the future, should demand for residential result in a greater return for the Shire.

Short Stay Cost

The feasibility for the short stay capital cost involved estimating development costs (construction costs), estimating operating revenue (occupancy rate, expenses), estimating annual net operating income; and estimating internal rate of return (INN) and net present value (NPV).

**Development Option Summaries**

DEVELOPMENT FEASIBILITY	BASE OPTION
Revenue	\$2,140,164
Expenses	\$1,187,941
EBITDA	\$952,226
Margin	44%
Capital Costs	\$10,809,993
Debt / Equity	50:50
Interest Rate	7%
Revenue Growth	2% p.a.
Ground Lease (\$ p.a.)	-
IRR	2%
Equity IRR	9%
NPV (at 7%)	\$861,169

Business Case

A summary of the key findings of this business case are as follows:

Site and Market Considerations

There is strong opportunity for the subject site to help accommodate the current and growing need for different land uses. In particular the site has demonstrated advantages in relation to exposure / access, dual frontage which supports configuration flexibility, existing heritage, proximity to trails and land use flexibility under the draft Local Planning Scheme. The following site considerations and opportunities have been identified:

Co-Location

- Opportunities to leverage off heritage housing aesthetic on Millars Road and to utilise existing structures on-site. Further understanding of these structures would be required;
- The site can leverage off proposed development adjacent to the site at the old mill;
- The Jarrahdale Trails Town Business Case established the need for a trail centre at the subject site given the proximity to trails;

Land use Flexibility

- The draft Local Planning Scheme No.3 (LPS 3) expands the land use permissibility for the site in which it seeks to rezone the entirety of the site 'Special Use – Jarrahdale Heritage Precinct';
- The draft LPS 3 also includes development/built form provisions.

Environment

- Development footprint constrained by established vegetation with the east of the site. Low quality vegetation can be cleared if not cockatoo habitat;



- The site has been identified as being within a Bushfire Prone Area and will require the preparation of a Bushfire Attack Level assessment to determine the locations for new development and setbacks;
- The water catchments reservations protect high quality public water supply and have strict controls on land use to avoid pollution of the water;

Servicing and Site Works

- Subdivision of the site into smaller than 10ha requires re-location of powerlines into road reserve or undergrounding of infrastructure;
- Lack of deep sewer would limit the small residential lots (less than 1-4ha);
- Basins and treatment areas will need at downslope areas before discharge to the creek line;

Access

- Major access to be via Millars Road and exits via Jarrahdale Road (fire and emergency exits)
- Millars Road is required to be upgraded;

Market Conditions

- Property values are relatively affordable in Jarrahdale, with the land values averaging \$182,500 for a median lot size of 1065sqm.
- Limited development sites with Jarrahdale, with the subject sites representing the only undeveloped sites within the townsite. As such, Jarrahdale, has limited opportunities to increase permanent and short stay accommodation options;
- Local residential population of 4,850 residents which limits the commercial viability of additional retail within the subject site;
- Serpentine-Jarrahdale is a growing tourism destination increasing to record highs in 2021 with 863,000 nights and day trips relatively stable at 631,000 trips. Figure 2 highlights the visitor nights by accommodation, type below:

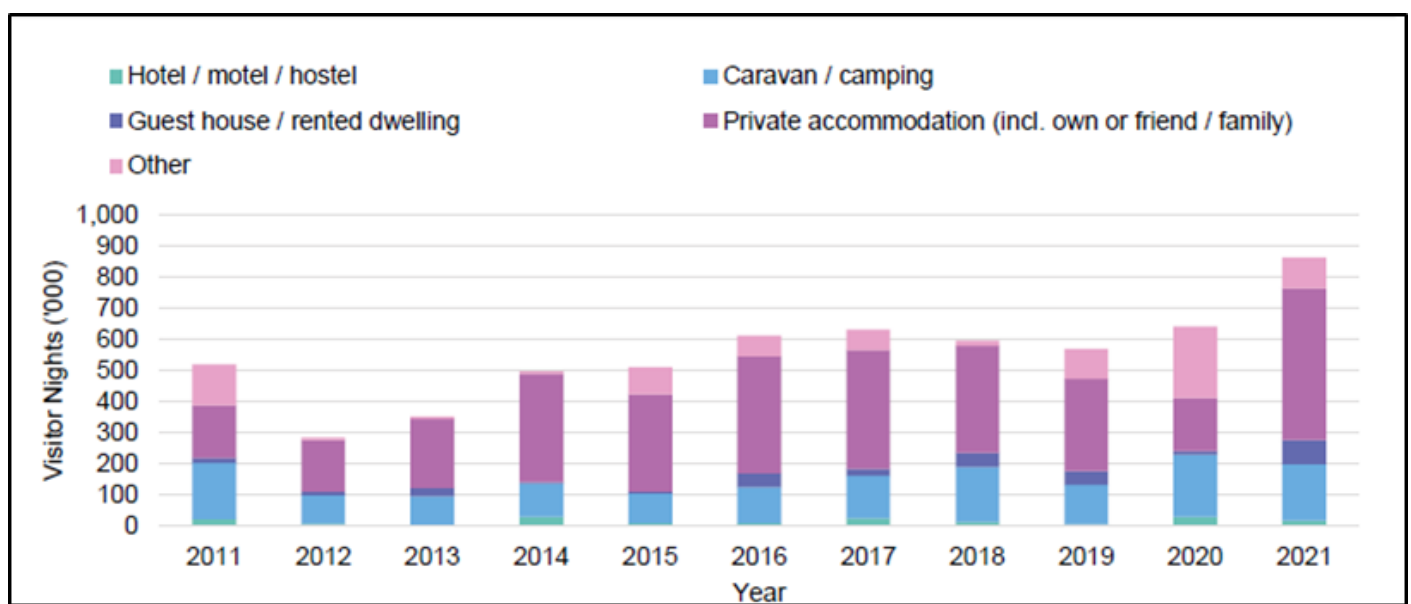


Figure 2 – Visitor Nights by Accommodation Type



Key Attractions

- Jarrahdale Heritage Parkrun, Mundimup Timber Trail, Langford Park and Kitty's Gorge Walk Trail within 5 kilometres of the subject site;
- Key attractions also include Serpentine National Park, Millbrook Winery and Jarrahdale Heritage Mill.

Options Analysis

The business case considered four key land use types for the subject site based on consideration of the subject site suitability, market competition and market viability. Alternative uses such as commercial (retail) were not shortlisted given the lack of evident and sufficient viability of these uses. The following highlights the land use market and site consideration options below:

<u>Residential</u>	<u>Food and Beverage</u>	<u>Short Stay Accommodation</u>	<u>Trails Centre / Tourism Services</u>
There is circa 10ha of residential developable area within Lot 814 after allowing for vegetation, heritage area and the trails centre. Allowing for roads, POS and other considerations, approximately 70% could be developed as residential lots.	There is sufficient area for a food and beverage offering to be developed at the subject site. Additionally, different options could be co-located with other uses such as the short stay accommodation or tourism services given the site area.	Multiple accommodation types could be developed on the site such as chalets, powered caravan bays and camp sites. There is also sufficient space to provide communal amenities to service the accommodation.	No trail centres within Jarrahdale
Challenging to argue the need for lots in Jarrahdale given there is significant urban zoned land supply in Mundijong	No sufficient market gap nor catchment size for new convenience retail (supermarket and GP).	Limited short stay accommodation in Jarrahdale. Only private (Airbnb's) and the closest caravan park is off South Western Highway in Serpentine.	A trail centre can be accommodated on the site however a key challenge is the distance of the site from the start of the trails.
Residential subdivision could be challenged given regulatory constraints which include septic, high servicing cost / requirements and lack of evident demand of smaller lots.	There is evident lack of F&B offerings for the site to accommodate restaurants integrated or co-located with short stay accommodation.	Lack of short stay accommodation in the area, there is an opportunity to bring short stay accommodation to the subject site.	Need for the trail centre to be located with other tourism amenities such as food and beverage offering or short stay Accommodation.

There has been significant investment to make Jarrahdale a trails centre given its proximity and accessibility from a number of trails. There is an opportunity to co-locate the trails centre and Food and Beverage and short stay site opportunities to provide flexibility for respondents.



Development Approach Considerations

There are six key development model approaches for this site. These are summarised below:

<u>Option</u>	<u>Description</u>
Joint Venture (SPV)	The Shire and a developer establish a special purpose vehicle (SPV) which is responsible for delivering the project. The Shire provides a capital contribution (such as land or funds). These returns could be comprised of sale of property upon completion or lease revenue.
Ground Lease	A ground lease (land lease) is an agreement whereby the head lessee is permitted to develop a property during the lease period and at the end of the lease period, the land and all improvements are turned over to the Shire.
Master Land Development (MLD)	The Shire deliver site works to create lots that are sold to developers
Development Management Agreement (DMA)	A contractual arrangement between the Shire and developer
Outright Sale	The disposal of the site
Shire-Developed and Owned	The Shire would (with assistance of external development / project management to develop the project. It would need to fund the construction through internal and / or external sources.



Key Findings

The Business case considered the status quo versus the six development options. The subsequent assessment of each option was based on above site and market considerations, options analysis and development approach. The following options were considered:

Options Summary		
OPTION	LAND USE/S	DESCRIPTION
Status Quo	▪ Vacant	Leave subject sites undeveloped.
Option 1	▪ Food and Beverage ▪ Short Stay ▪ Trails Centre / Tourism Services	Shire develop short stay, F&B and trails centre (with external operator/s sought through EOI / RFP process)
Option 2	▪ Food and Beverage ▪ Short Stay ▪ Trails Centre / Tourism Services	Ground lease short stay and F&B sites (either to one or two proponents through EOI / RFP process) and Shire develop separate trails centre
Option 3	▪ Food and Beverage ▪ Short Stay ▪ Trails Centre / Tourism Services	Ground lease short stay site (to one proponent through EOI / RFP process) and Shire develop combined trails centre / F&B (with external operator sought for F&B through EOI / RFP process)
Option 4	▪ Food and Beverage ▪ Short Stay ▪ Trails Centre / Tourism Services	Shire develop combined trails centre / F&B (with external operator sought for F&B through EOI / RFP process) and, once precinct establishing / established (e.g. within 4-5 years), ground lease short stay site (to one proponent through EOI / RFP process)
Option 5	▪ Residential	Develop residential (survey strata) lots (potentially Shire developed, JV or other entity such as DevelopmentWA)
Option 6	▪ Food and Beverage ▪ Trails Centre / Tourism Services ▪ TBC	Shire develop combined trails centre / F&B (with external operator sought for F&B through EOI / RFP process) Outright sale of remainder of site

Figure 3 – Options Summary

In assessment of the project objectives, option four is considered the preferred option for the Shire to undertake. This would result in the Shire to develop the combined Trails Centre and Food and Beverage (with an external operator sought for Food and Beverage through an expression of interest process. Once the precinct is established and operating then within 4-5 years, a ground lease for short stay accommodation is sought through an expression of interest process. This option is considered more suitable due to:

- The viability of supporting a land use outcome that maximises the site opportunity due to appropriate staging of development (through maximising the short stay opportunity once trails centre is established);
- The economic and social outcomes due to the delivery of tourism amenities and services and creation of a tourism asset for region;
- The strong linkages between the strategic aspirations for Jarrahdale and protection and enhancement of the natural and built heritage of the area;
- The relatively low risk and funding requirements for this option.



Land Use Concept

A land use concept was developed to illustrate a potential development outcome for the recommended development option. This concept was developed to help understand potential yield, mix and layout. It is noted that this is not the fixed development outcome for the site. Figure 1 notes the potential development of the trail visitor centre, food and beverage and short stay accommodation with an approximate potential of 123 caravan bays and 18 chalets.

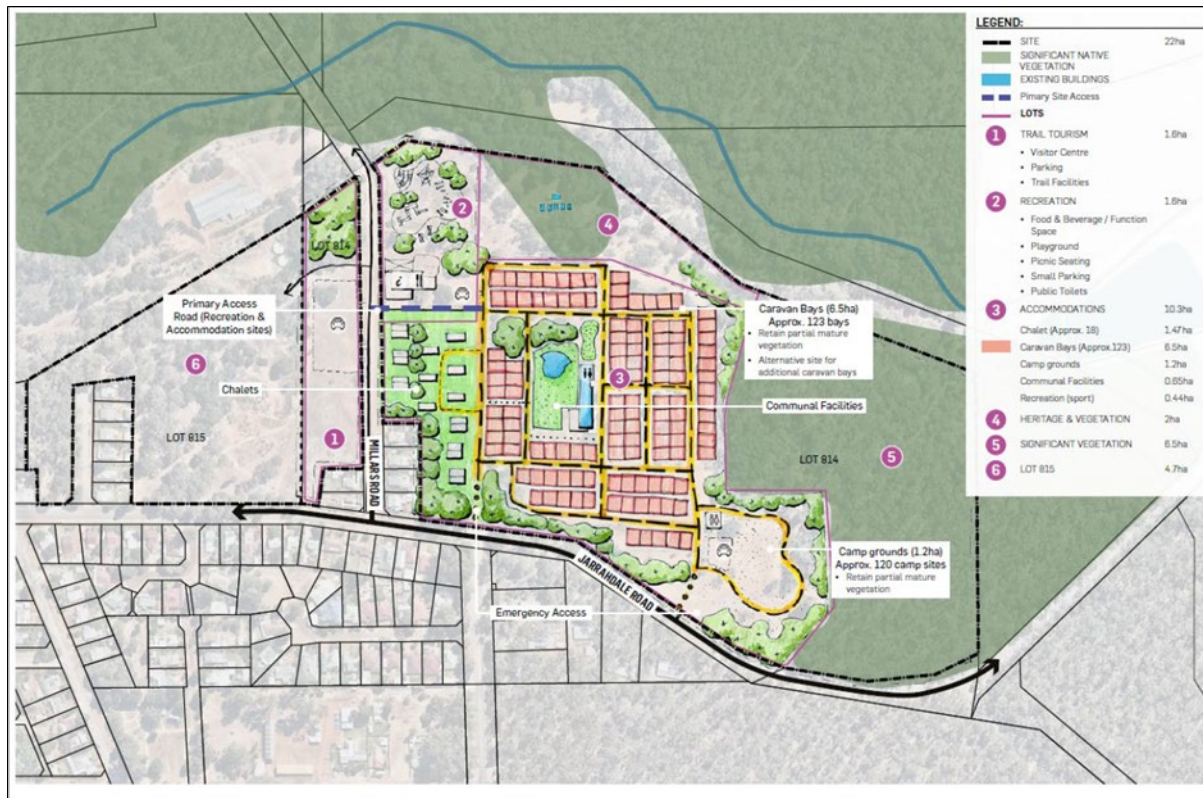


Figure 4 – Concept Plan

Interim Activation Considerations

Short term activation of the site has been considered given the preferred option recommends to delay active marketing of the short stay accommodation until the site has developed a profile as a visitor hub. Consideration should be given to the short stay accommodation site (in addition to the existing RV) for retention of vegetation. This could include events and creation of low cost amenities such as BMX pump track.



Budget and Funding Strategy

Capital Works Funding

In order to support a multi-use tourism development outcome on the subject site, the following enabling work costs for development have been considered. The business case notes that the enabling works and trails centre have strong economic merit and are expected to align with a range of state and federal strategies and grant programmes. The following stages / tasks have been identified for Council to consider progressing the preferred option (4):

<u>Stage / Task</u>	<u>Description</u>	<u>Potential Funding Source</u>	<u>Total Costs (Excl GST)</u>	<u>Potential Operating Costs (10 year timeframe)</u>
Enabling Works	Commencement of enabling works will benefit the community as well as the commencement of the preferred option	Shire & Government Grant	\$772,370	No expectation of ongoing revenue opportunities;
Trails Centre	The trails centre will deliver a range of demonstratable social and economic benefits to the community which supports state and / or federal government funding support.	Shire & Government Grant	\$4.5m (this is based off Dwellingup National Trails Centre.	Trails centre could be managed by Shire or externally managed; implication for staffing and on-costs. Building Maintenance costs (267,500).
Short Stay	Through stakeholder engagement is has been established that there is market opportunity to have the private sector develop and operate the short stay accommodation given the lack of competition in the area.	Private Sector	\$10.8m	To be determined based on future use. Fire breaks will need to continue to be managed.



Next Steps

The Business Case highlights the following milestones and timing to progress and support the project delivery of the site. Officers have identified the following options for Council to consider:

OPTION	ACTIONS
1. Endorsement of the Business Case	• Endorsement of the Business Case and to not progress with project delivery options; • Investigate and explore short term activation at the site; • Resolve not to proceed with Development WA Application for residential at Lot 814/815; • Soft Marketing of short stay accommodation site through prospectus and Tourism WA Engagement. Tourism WA have made a pre commitment of \$30,000 to develop an investor prospectus; • Consideration of \$45,000 for the purpose of undertaking a detailed design phase for the trails centre in next year's budget.
2. Council does not endorse the Business Case This option allows council to hold the project.	• Notes the Business Case • Request the Chief Executive Officer take no further action at this time.

Options and Implications

Option 1

That Council:

1. ENDORSES the Lot 814/815 Millars Road, Jarrahdale Business Case as contained within **attachment 1** and not progress with the recommended project delivery options until it is determined that the development of trails / centre is an election priority;
2. REQUESTS the Chief Executive Officer investigate and explore potential interim activation at the site in line with the objectives for the site outlined in the Business Case and present a report back to Council on these findings;
3. RESOLVES NOT TO SUBMIT an application to Development WA for the development of Lot 814/815 as residential based on the following:
 - a. feedback from the community on the development of the site; and
 - b. there are no financial benefits to the Shire associated with developing either these sites for residential purposes.

Option 2

That Council DOES NOT ENDORSE the Lot 814/815 Millars Road, Jarrahdale Business Case and requests an alternative course of action to be followed.

Option 1 is recommended.



Conclusion

There is strong opportunity for the subject to accommodate the current and growing need for different land uses. As the Shire is a growing trails destination, there is need to expand tourism services within the Shire to support future visitation and growth.

A development mix consisting of short stay accommodation and integrated and food and beverage is considered the most viable and optimal outcome for this land holding. This will also leverage the growing trails tourism opportunity and natural / built environment of the site.

Council has been presented options to move forward with this project. Officers are recommending these next steps occur and a report be presented back to Council for further consideration.

Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Lot 814/815 Millars Road, Jarrahdale - Business Case (E22/15151)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

Preparation of the Business Case cost \$69,500 (excl GST). The current budget for this project was \$84,973 in which leaves a \$15,473 remaining.

Option 1

Approximately \$45,000 is required to carry out a design documentation for a trails centre and surrounding public realm works. This would be identified in next year's budget if the Council wants to progress with this as an election priority.



Risk Implications

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

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Council adopting the Business Case. As and when the projects are funded, specific risk management plans are developed for the respective projects.						
2	If Council do not adopt the Business Case, this will impede the Shire’s ability to progress with the activation and potential development of Lot 814/815 Millars Road, Jarrahdale and loss of economic and social benefits.	Nil	Social Community Outcomes /	Likely	Moderate	MODERATE	Nil.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ENDORSES the Lot 814/815 Millars Road, Jarrahdale Business Case as contained within attachment 1 and not progress with the recommended project delivery options until it is determined that the development of trails / centre is an election priority;
2. REQUESTS the Chief Executive Officer investigate and explore potential interim activation at the site in line with the objectives for the site outlined in the Business Case and present a report back to Council on these findings;
3. RESOLVES NOT TO SUBMIT an application to Development WA for the development of Lot 814/815 as residential based on the following:
 - a. feedback from the community on the development of the site; and
 - b. there are no financial benefits to the Shire associated with developing either these sites for residential purposes.



OCM325/12/22

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Coales

That Council:

- 1. RECEIVES** the Lot 814/815 Millars Road, Jarrahdale Business Case as contained within attachment 1 and not progress with the recommended project delivery options until it is determined by Council that the development of trails / centre is a Shire election priority in the 2025 State and/or Federal Government elections;
- 2. REQUESTS** the Chief Executive Officer investigate and explore potential interim activation at the site in line with the objectives for the site outlined in the Business Case and present a report back to Council on these findings;
- 3. RESOLVES NOT TO SUBMIT** an application to Development WA for the development of Lot 814/815 as residential based on the following:
 - a. feedback** from the community on the development of the site; and
 - b. there are no financial benefits** to the Shire associated with developing either these sites for residential purposes.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

To strengthen the importance of receiving funding for this matter as part of the election process.



10.5.3 – Serpentine Jarrahdale Career and Enterprise Expo 2023 - Sponsorship (SJ2201)	
Responsible Officer:	Acting Manager Economic Development and Promotions
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider a joint venture and sponsorship arrangements between the Shire of Serpentine Jarrahdale and the Byford Secondary College to establish the Serpentine Jarrahdale Careers and Enterprise Expo and for it to be undertaken in June 2023.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

In 2020 Officers and the Principal of the Byford Secondary College discussed the potential for an innovative careers expo within the Shire to contribute to new and long term job and career opportunities.

In 2021 Officers commenced planning with Byford Secondary College to deliver an expo in June 2022, however this was postponed due to concerns of COVID-19. Planning has since commenced for delivery of the event to take place in June 2023.

The careers expo will play an important role in raising awareness of local job opportunities and help bring together businesses from across Perth and current jobseekers with the aim of building a stable workforce locally and for the region.

Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	28 November 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange, Cr Strautins



Statutory Environment

Nil

Comment

Purpose of the Event

The Serpentine Jarrahdale Careers and Enterprise Expo is to be a joint venture between the Shire of Serpentine Jarrahdale, Byford Secondary College and a small number of industry partners who are supporting the event.

The outcomes to be achieved by the event

The below key features are project outcomes of the careers expo:

- The venue will be the Byford Secondary College at 57 Abernethy Road, Byford in which an extensive section of this college will be dedicated to the Careers Expo.
- The event is to be run over two days which is anticipated to held between the Friday the 23rd and Saturday 24th June 2023. It is noted that an opening reception will be held on Thursday 22 June 2023 for Exhibitors, dignitaries, sponsors and Industry Partners with media presence to support the opportunity for networking and collaboration;
- This includes an 80 seat tiered lecture theatre for exhibitor and student presentations, plus internal and external spaces for exhibitors to set up and professionally present and engage with student;
- Friday 23 June is available to all schools in the region to visit and engage with career exhibitors and employers.
- Saturday 24 of June is available to the wider community to that adults in our community can come to engage with career exhibitors and employers.
- The expected student attendance (Years 9,10 11 and 12) will be approximately 2,000, plus parents and community participation;
- It is anticipated that the event will have up to 80 exhibitors, with the focus on active and interactive exhibitions to fully involve and engage all participants;
- Exhibitors will be asked to come with a recruitment emphasis and to provide high quality information about careers in their industry, career entry, training and recruitment processes.
- Some exhibitors will also be career advisors, training providers and recruitment specialist, including training and support for disability employment.
- It is envisaged that a range of mini-lectures and panel discussions will be offered in the College's lecture theatre which is part of the exhibition space.
- The key outcomes must be new job/career opportunities on the day for students created by active participation on the day. Targeting 100 new jobs over the two days;
- There will be a focus on encouraging students to pitch and present their entrepreneurial ideas and thinking to other students and exhibitors to help develop innovative ideas and solutions with a commercial aspect/outcome;
- The Careers Expo will be promoted on social media, local and regional press and radio/TV and word of mouth for maximum public awareness and involvement;



Event Management

Following discussions with expo committee, Officers sought three proposals for the event management in accordance with Shire's procurement guidelines. BOP, Refine Events and Targeted Enterprises Pty Ltd each provided proposals. After a submission selection process conducted by Officers and two members of expo committee, BOP were selected as the preferred event management consultant.

Officers note that the Shire will engage BOP on behalf of Byford Secondary College who will reimburse the Shire for the cost of this service.

Event Sponsorship

Funding for the event is anticipated to come from the following sources:

- Wormal Civil - \$5000
- Smartstream - \$5000
- Alcoa \$10 000 (committed for 2023). \$10,000 committed annually for 2024 and 2025
- Bendigo Bank - \$5000
- Noongar Chamber of Commerce (CBRE) - \$5000

The Shire's current Economic Development Strategy recognises the importance of employment and its contribution to the local economy. This careers expo has the opportunity to be an innovative event providing insights into a range of industries with active and interactive exhibitions to involve and engage all participants.

Careers expo events such as these play an important role in the community, allowing for opportunities for residents to engage with local businesses and for non-residents to visit and experience the Shire in which the following sponsorship benefits to be received by the Shire are as follows:

- The career expo is anticipated to bring thousands of students and visitors to the Shire which will result in an increase in people to the Shire during the event;
- Signage at the expo event (2 days);
- Inclusion of advertising / promotional material;
- Acknowledgement of sponsorship at reception event.

Officers therefore consider appropriate that the Shire contributes an event sponsorship funding of \$5500 (excluding GST) to support the delivery of the event. It is noted that an additional \$500 has been considered to support costs for opening night of the event to be held on Thursday 22 June 2023 for exhibitors, dignitaries, sponsors and industry partners with media presence to support the opportunity for networking and collaboration;



Next Steps

Below is a summary of the relevant actions Officers would undertake for the three options to progress the Shire commitment and associated funding:

Option	Actions
1. Council supports the sponsorship of the Careers and Enterprise Expo as detailed in this report, and subsequently the holding of the event in the Shire.	- Advise the Byford Secondary College that it will provide sponsorship of \$5500 for the Careers and Enterprise Expo. - Engage an event management provider (BOP) for the Career Expo on behalf of Byford Secondary College who will reimburse the Shire for the cost of this service.
2. Council do not support the sponsorship of the Careers and Enterprise Expo however are willing to procure the event.	Advise Byford Secondary College that the Shire declines the sponsorship, however, will undertake the procurement to engage BOP Industries.
3. Council support the sponsorship of the Careers and Enterprise Expo however are not willing to procure the event.	Advise Byford Secondary College that the Shire provide sponsorship of \$5500 however not procure the event.

Options and Implications

Option 1

That Council:

- 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.
- APPROVES the following budget variation to facilitate the engagement of the event management company:

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

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 \$
1400-10404-6392-0000	Increase Expenditure	Career Expo – External Contractors	22,500	
1400-10404-4700-0000	Increase Income	Career Expo – Reimbursements		22,500

Reason: Increase expenditure 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.

Option 3

That Council:

1. REQUESTS the Chief Executive Officer to write to the Byford Secondary College to advise that the Shire will provide sponsorship for the event but is not willing to procure the event management company.
2. APPROVES the following budget variation to increase the contribution to the school from \$5,000 to \$5500.

Account Number	Type	Account Description	Debit \$	Credit \$
1400-10404-6276-0000	Increase Expenditure	Career Expo – External Contractors	500	



Account Number	Type	Account Description	Debit \$	Credit \$
1400-10400-6386-0000	Decrease Expenditure	Strategic Facilities and Projects – Marketing and Promotions		500
Reason: 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.				

Option 1 is recommended.

Conclusion

The Careers and Enterprise Expo has the potential to provide an event to offer both residents, visitors and businesses with a one stop shop for secondary students and school leavers, to learn from exhibitors on careers available.

The 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.

If this event is successful, Officers would like to propose the Council provide its support for the event for a three year period to provide a foundation for the event to grow and develop over time.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions



Financial Implications

The Shire currently has a budget of \$5000 associated with the delivery of the Career Expo. It is recommended these funds are used to provide Byford Secondary College with a sponsorship with the amount to be increased to \$5,500 with the additional \$500 being funded from the budget for Strategic Facilities and Projects – 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 for the costs of these services. The estimated amount for this service is approximately \$22,500.

Therefore, 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 \$
1400-10404-6392-0000	Increase Expenditure	Career Expo – External Contractors	22,500	
1400-10404-6276-0000	Increase Expenditure	Career Expo – External Contractors	500	
1400-10404-4700-0000	Increase Income	Career Expo – Reimbursements		22,500
1400-10400-6386-0000	Decrease Expenditure	Strategic Facilities and Projects – Marketing and Promotions		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 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.

If Council recommends that the Shire does not provide sponsorship, but only deliver the engagement of the external events management provider then the following variation is required, with the \$5000 currently budgeted for sponsorship to be considered as savings at the Mid-Year Budget review:

Account Number	Type	Account Description	Debit \$	Credit \$
1400-10404-6392-0000	Increase Expenditure	Career Expo – External Contractors	22,500	
1400-10404-4700-0000	Increase Income	Career Expo – Reimbursements		22,500

Reason: Increase expenditure 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.

If Council determines to only provide sponsorship of the agreed original \$5,000 and not deliver the engagement of the external events management provider there is no 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	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
3	Declining to undertake the procurement process could impact the Shire's partnership with the Byford Secondary College	Nil	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Nil

**Voting Requirements:** Absolute majority**OCM326/12/22****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Duggin, seconded Cr Byas****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:**

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

CARRIED UNANIMOUSLY 9/0



Acting Director Community Services, Ms Steinki left the meeting at 10:48pm and did not return.

10.5.4 – Appointment of Director Community Engagement (SJ2970-3)	
Responsible Officer:	Chief Executive Officer
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	The Chief Executive Officer has declared an Impartiality Interest for this item. The Extent of the Interest is that some of the applicants either have or still do work with him previously and one applicant is considered a friend. To manage this Interest the CEO declared a Conflict of Interest when the applications closed. In accordance with the Shire's Conflict of Interest procedure and in consultation with the Manager Governance and Strategy and the Manager People and Culture a management strategy was implemented including the following actions: • The panel comprised the CEO, Manager People and Culture and the recruitment consultant as an independent member. • The list of potential candidates selected by Beilby Downing Teal was provided to the Directors with the names and any specific identifying information removed and Director provided an opportunity to identify their suggestions for the short list. • The panel met to discuss the shortlist with all information available. • A comparison of the shortlist provided by each Director and the shortlist selection developed by the panellists was done by the Manager People and Culture and presented to the CEO and the Recruitment Consultant for discussion. • The shortlisted candidates were interviewed by the Panel. • A Second Interview of the final 2 candidates with the Directors, Manager People and Culture and the CEO was arranged for final selection.

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 inform Council of the Chief Executive Officer's intention to employ a person to fill the position of Director Community Engagement which is designated Senior Employee in accordance with Section 5.37 of the *Local Government Act 1995*.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 September 2022 - OCM240/09/22 – Council Resolution / Officer Recommendation

That Council:

- 1. NOTES the organisational structure review which has been undertaken by the Chief Executive Officer and the summary of organisational changes and rationale as described in CONFIDENTIAL attachment 2.*
- 2. ADOPTS the new organisational Structure attached at Appendix 2 resulting from the review.*
- 3. DESIGNATES the position of Director Community Engagement as a Senior Employee in accordance with Section 5.37 of the Local Government Act 1995.*
- 4. NOTES the Chief Executive Officer will commence recruitment for the position of Director Community Engagement (a Senior Employee in accordance with Section 5.37 of the Local Government Act 1995 and Regulation 18A of the Local Government (Administration) Regulations 1996) to replace the Deputy CEO/Director Community and Organisational Development.*
- 5. NOTES the Chief Executive Officer will present a report on the outcomes of the recruitment process to Council in accordance with Section 5.37 of the Local Government Act 1995.*

Background

Following the Organisation Review the Chief Executive Officer undertook a recruitment process for the position of Director Community Engagement.

Community / Stakeholder ConsultationPolicy Concept Forum

Nil.

Statutory Environment

Section 5.37 of the *Local Government Act 1995* deals with matters relating to the appointment of Senior Employees of the Shire. This section is below for reference.

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*



(4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Comment

Following Council's decision at the 19 September 2022 Ordinary Council Meeting, quotes were obtained from recruitment companies to coordinate the selection process for the Director Community Engagement in accordance with the Shire's procurement policy.

Beilby Downing Teal were appointed to undertake this role.

The role was advertised in accordance with the requirements of the *Local Government Act 1995*.

A copy of the recruitment report prepared by Beilby Downing Teal for this position is attached at **CONFIDENTIAL attachment 1** for Councillors' reference.

The Chief Executive Officer is therefore informing Council of his intention to appoint the preferred candidate to the position of Director Community Engagement in accordance with the *Local Government Act 1995*.

The preferred candidate will be offered a 5 year contract. All conditions of the contract will be in accordance with the current budget allocations.

Options and Implications

Option 1

That Council:

1. ACCEPTS the recommendation of the Chief Executive Officer for the appointment of the preferred candidate as described in the confidential recruitment report at **CONFIDENTIAL attachment 1** for the position of Director Community Engagement for a period of 5 years.
2. NOTES the Chief Executive Officer will negotiate and execute a written employment contract for a period of 5 years with the preferred applicant in accordance with s5.39 of the *Local Government Act*.

Option 2

That Council REJECTS the appointment of preferred candidate as outlined in the confidential recruitment report at **CONFIDENTIAL attachment 1** for the following reasons:

-

Option 1 is recommended.



Conclusion

The Director Community Engagement role is a key Senior Employee at the Shire. This position will be critical in driving the change required in how the organisation communicates and engages with the community, stakeholders and customers over the coming years.

Following a robust and comprehensive recruitment process the panel and the Chief Executive Officer is satisfied the preferred candidate is best suited to the role.

In accordance with the *Local Government Act 1995* the Chief Executive Officer is to inform Council prior to making an appointment of a Senior Officer.

Attachments (available under separate cover)

- **10.5.4 – CONFIDENTIAL - attachment 1** – Summary Report – Director Community Engagement (IN22/25371)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

The recruitment of this role has cost the organisation \$17,500.

The package proposed to be offered to the preferred candidate is within current budget allocations.

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 material risks associated with this option.						
2	A reassessment of applicants could result in additional cost and lost productivity.		Organisational Performance	Unlikely	Insignificant	LOW	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ACCEPTS the recommendation of the Chief Executive Officer for the appointment of the preferred candidate as described in the confidential recruitment report at **CONFIDENTIAL attachment 1** for the position of Director Community Engagement for a period of 5 years.
2. NOTES the Chief Executive Officer will negotiate and execute a written employment contract for a period of 5 years with the preferred applicant in accordance with s5.39 of the *Local Government Act*.

MOTION

Moved Cr Dagostino, seconded Cr Duggin

That Council:

1. NOTES the Chief Executive Officer is informing Council of his intention to appoint the preferred candidate to the position of Director Community Engagement in accordance with the *Local Government Act 1995* as described in the confidential recruitment report in **CONFIDENTIAL attachment 1**.
2. NOTES the Chief Executive Officer will negotiate and execute a written employment contract for a period of 5 years with the preferred applicant in accordance with s5.39 of the *Local Government Act 1995* within current budget allocation.

OCM327/12/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Atwell

That the meeting be closed to members of the public to provide the opportunity for Councillors to further discuss item 10.5.4, pursuant to section 5.23(2)(b) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

At 10:54pm, the meeting went behind closed doors.

Officers assisting the Meeting stopped the recording of the Meeting.

OCM328/12/22

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Coales

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 10:57pm in order to further discuss item 10.5.4.

CARRIED 7/2

The Chief Executive Officer tabled and provided a copy of documentation to all Councillors to ensure Council had information related to the final two candidates.



Prior to the reopening of the meeting to the public, Councillors returned the copies of the documentation to the Chief Executive Officer.

Councillor Coales left the meeting at 11:27pm.

OCM329/12/22

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Dagostino

That Standing Orders be reinstated at 11:29pm.

CARRIED UNANIMOUSLY 8/0

OCM330/12/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Duggin

That Council:

1. **ACCEPTS** the recommendation of the Chief Executive Officer for the appointment of the preferred candidate as described in the confidential recruitment report at **CONFIDENTIAL** attachment 1 for the position of Director Community Engagement for a period of 5 years.
2. **NOTES** the Chief Executive Officer will negotiate and execute a written employment contract for a period of 5 years with the preferred applicant in accordance with s5.39 of the *Local Government Act*.

CARRIED UNANIMOUSLY 8/0

OCM331/12/22

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Strange

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 8/0

At 11:32pm, the doors were reopened and the public returned to the Gallery.

Officers assisting the Meeting resumed the recording of the Meeting.

Councillor Coales returned to the meeting at 11:32pm.

Presiding Member, Councillor Rich advised the public gallery of the Council Resolution for item 10.5.4.



Continued

Ordinary Council Meeting Minutes Monday, 12 December 2022

10.6 Confidential reports: **Nil reports.**



Continued

**Ordinary Council Meeting Minutes
Monday, 12 December 2022**

11. Urgent business:

Nil.

12. Councillor questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 11:33pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 20 February 2023.

..... Presiding Member – Councillor Rich

..... 27/02/2023 Date