



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Confirmed Minutes

## 7pm

## Monday, 16 October 2023

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### Contact Us

#### Enquiries

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

#### In Person

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



[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



### Councillor Attendance Register

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

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

### Council 1 January 2023 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
09/10/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	✓	✓	A
02/10/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
18/09/23	OCM	✓	✓	A	✓	EP	✓	✓	✓	A
11/09/23	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/09/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/09/23	PCF	✓	✓	✓	A	A	✓	✓	✓	A
28/08/23	PCF	✓	A	A	✓	A	✓	✓	✓	✓
23/08/23	OCM reconvened	✓	✓	✓	✓	✓	✓	✓	✓	A
21/08/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
14/08/23	PCF cont. (from 07/08/23)	✓	✓	✓	A	✓	✓	✓	A	✓
14/08/23	Q & A (OCM)	✓	✓	✓	A	✓	✓	✓	✓	✓
07/08/23	PCF	✓	✓	A	A	✓	✓	✓	✓	✓
02/08/23	WORKSHOP (CEO Employment - Presentation of self-assessment report against criteria)	✓	✓	✓	✓	A	✓	✓	A	✓
31/07/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/07/23	PCF	✓	✓	A	✓	A	✓	A	✓	✓



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Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
19/07/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	A	✓	✓
17/07/23	OCM	✓	✓	A	✓	A	✓	A	✓	✓
10/07/23	Q & A (OCM)	✓	✓	A	A	A	A	A	✓	✓
03/07/23	PCF	✓	✓	✓	A	A	A	✓	A	✓
26/06/23	PCF	✓	✓	A	✓	A	✓	✓	A	✓
21/06/23	OCM reconvened	✓	✓	A	✓	✓	✓	✓	✓	A
19/06/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/06/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	✓	✓	A
12/06/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	A	A	A
07/06/23	WORKSHOP (Budget)	✓	A	A	✓	✓	✓	✓	✓	A
01/06/23	WORKSHOP (Budget)	✓	A	✓	A	✓	✓	✓	✓	A
29/05/23	PCF	✓	A	A	A	A	✓	✓	✓	A
25/05/23	WORKSHOP (Budget)	✓	✓	✓	✓	✓	✓	✓	A	✓
22/05/23	PCF	✓	✓	✓	✓	A	✓	✓	✓	A
15/05/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
08/05/23	Q & A (OCM)	✓	✓	A	✓	A	✓	✓	✓	A
08/05/23	WORKSHOP (Strategic Community Plan Major Review)	✓	✓	✓	✓	A	✓	✓	✓	A
01/05/23	PCF	✓	A	✓	✓	✓	✓	✓	✓	A
26/04/23	PCF	✓	A	✓	✓	A	✓	✓	A	A
17/04/23	OCM	✓	✓	A	✓	✓	✓	✓	A	✓
17/04/23	Q & A cont. (OCM)	✓	✓	A	✓	✓	✓	✓	A	✓
11/04/23	Q & A (OCM)	✓	✓	✓	A	A	✓	✓	A	A
03/04/23	PCF	✓	✓	A	✓	A	✓	✓	✓	✓



Continued

## Ordinary Council Meeting Minutes Monday, 16 October 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
27/03/23	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
13/03/23	Q & A (OCM)	✓	A	✓	✓	✓	✓	✓	✓	A
08/03/23	WORKSHOP (Status update / report on 2022-23 CEO KPIs)	✓	A	A	A	A	A	✓	✓	A
02/03/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/02/23	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
27/02/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/02/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/02/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/02/23	WORKSHOP (Community Perception Survey)	✓	✓	✓	✓	✓	✓	✓	✓	A
13/02/23	Q & A (OCM)	✓	✓	A	✓	A	✓	A	✓	✓
06/02/23	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
06/02/23	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
30/01/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation - Community Perception Scorecard)	✓	✓	✓	✓	✓	✓	A	✓	✓

A – Apology  
LoA – Leave of Absence  
NA – Non Attendance

EPNG – Electronic Participation Not Granted  
EP - Electronic Participation



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

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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 16 October 2023 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.

The Shire President, Councillor Rich acknowledged and welcomed past Councillors Sandra Hawkins and Keira McConkey.

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## 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

L Strange

D Strautins

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

Mr R Najafzadeh.....Director Infrastructure Services

Mr B Oliver.....Director Community Engagement

Mr F Sullivan .....Director Corporate Services

Mr A Trosic .....Director Development Services

Dr K Parker .....Manager Governance and Strategy

Ms M Gibson.....Governance Officer – Council and Committees  
(Minute Taker)

**Leave of Absence:** Nil.

**Apologies:** Councillor S Mack

**Observers:** 26

**Media:** 1



## **2. Public question time:**

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

#### **Ordinary Council Meeting – Monday, 18 September 2023**

Question asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 18 September 2023. Correspondence was sent to Mrs Bond on Thursday, 28 September 2023 (OC23/17481).

##### Question 1

Is it the normal behaviour to make wild promises to voters and fail to materialise those promises after the election, e.g. splash park?

*Response (Director Corporate Services)*

*The Western Australian Electoral Commission has been appointed as the Returning Officer for the 2023 ordinary local government election at the Shire. Queries regarding the behaviour of candidates should be directed to the Western Australian Electoral Commission.*

*In addition, the Shire's Code of Conduct sets out behavioural requirements for candidates, including that candidates must only publish factual material. If you have concerns regarding any candidate's published material, you can consider making a code of conduct complaint, which, in accordance with the Local Government (Model Code of Conduct) Regulations 2021 will only be heard if the candidate is elected.*

### **2.2 Public questions:**

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

#### **Ms Lisa Brazier, Mundijong WA 6123**

##### Question 1

I pay rates in several other Shires and Towns and whilst looking for some information on one of their pages last week I came across an Election Caretaker Policy.

Do we have an Election Caretaker Policy for the Shire of Serpentine Jarrahdale and if not, why not?

*Response (Director Corporate Services)*

*Council has not adopted a caretaker policy at this time.*

*A caretaker policy is something that has been considered by Officers but was not progressed because a mandatory caretaker period was highlighted as part of the Minister's legislative reform program and this legislation would override a Council adopted policy in circumstances where there was a conflict between the two.*

*Earlier this year, the Department announced that reforms to the Local Government Act 1995 will introduce a mandatory caretaker period from 1 July 2024. This reform will standardise a caretaker period across all local governments.*

*The caretaker period will apply to all ordinary local government elections from 2025 onwards.*

*The caretaker period runs from the close of nominations to declaration of the poll.*





*It will not apply to extraordinary local government elections.*

*The Act and Functions and General Regulations set out several matters which constitute a significant act.*

Question 2

If we do not have an Election Caretaker Policy - is this a policy that Council could consider developing and implementing soon? What date did you say that was coming in?

*Response (Director Corporate Services)*

*1 July 2024.*

**Mr Brett Soltoggio, Mundijong WA 6123**

Question 1

We received a letter from the Shire on 12<sup>th</sup> June 2023 for proposed new secondary school due on 3<sup>rd</sup> July 2023, our submission was sent on the 22<sup>nd</sup> June 2023.

Why is my submission not on the list of submissions recorded?

*Response (Director Development Services)*

*By way of background, Officers were made aware of a missed submission on 10 October 2023. This was immediately investigated, and it was found that seven online submissions had been inadvertently missed from the report (item 10.1.3) and attachment 2 (schedule of submissions). The Shire receives submissions in three channels, being email, hard copy, and online via Your Say SJ. On this occasion the online channel was inadvertently missed.*

*In order to address this, an addendum to the agenda was published to Councillors and uploaded to the Shire's website on 11 October 2023. This contained a new report and new attachment 2, including all submissions received and their analysis. We apologise for this error. I can advise that all submissions are included in the addendum report and attachment 2.*

**Mr Soltoggio advised that his second question submitted prior to the meeting had been answered, and so moved directly to his third question.**

Question 3

How many other agenda items have come to Council without all submissions being presented?

*Response (Chief Executive Officer)*

*Seven had been originally missed, four of these submissions were in favour and three raised concerns. All are now included per the addendum report and attachment 2.*

*All submitters have been contacted and apologised to, and have also been advised on how to participate in this meeting.*

*In response to your third question, Officers are not aware of any other submissions that have been missed during the consideration of development applications.*



*As a result of this experience, we have conducted a lessons learnt process, and have reviewed and improved our processes to reduce the risk of this occurring in the future.*

*Again, I apologise that your submission was originally missed.*

**The Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:07pm.**

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

**Question 1**

How much is it costing for legal fees with regard to the matter involving a restraining order the President is defending against a ratepayer and confirm whether the ratepayers are paying for this?

*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.*

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

**Mr Nathan Bishop, Darling Downs WA 6122**

**Question 1**

What restrictions does the local government impose upon volunteer firefighters in respect of their right to vote in local government elections, and are these, if any, consistent with those placed upon other service persons (e.g. SES personnel, St John Ambulance Officers, Career Fire & Rescue Service firefighters, WA Police Force Officers) by the local government?

*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.*

**Question 2**

How many complaints has the local government received in relation to volunteer firefighters voting in local government elections, and if so, have these complaints been responded to?

*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.*

**Question 3**

What role, if any, has elected members of Council had in considering, directing or re-directing to representatives for the local government, or responding to any complaints made?



*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.*

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

**Mr Garry Tomlinson, Jarrahdale WA 6124**

Question 1

How much is it costing for legal fees regards to the matter involving the President and a ratepayer and confirm whether the ratepayers are paying for this or not?

*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.*

Question 2

How many lawyers are employed for this court case?

*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.*

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

**Mr Steve Rosanthen**

Question 1

A lot of people in Byford and surrounding areas are trying to sell their houses, the R Zones are a grey area here, it varies too much. Other Councils its black and white, you know what you can do. Investors won't touch your house most of the time because it's a grey area. I just want to find out what's going on with the planning?

*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.*

**The 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 7:13pm.**

**3. Public statement time:**

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

**Ms Sandra Hawkins, Whitby WA 6123**

Good evening President Rich and Councillors. I have two matters that I wish to bring to your attention. The first being an acknowledgment.

I would like to thank the CEO Paul Martin, staff and Councillors for obtaining the funding from State Government and contributing the balance required to construct the pedestrian crossing over the rail line on Keirnan Street Mundijong / Whitby.

I know that I have been a pain in the proverbial, but I truly believe that the crossing is urgently needed and was a priority when it came to safety. This will enable the residents of the Whitby estate to go about their business of going to school, enjoy walking or cycling without fear of being knocked down by vehicular traffic.

The second matter is, it has come to my attention that the little bar on the Jarrahdale Oval in Jarrahdale will be demolished and NOT replaced. I understand that this will be carried when the upgrade of the Oval takes place.

The bar area not only is used by the Log Chop and Lions Country Fair event, but at other times. This year it was the Muddy Buddies event where the Lions Club prepared and served the Sausage Sizzle. I have been informed that the intention is to utilise the oval far more to hold small events and they all can use the bar area but unfortunately not as it is. It needs to be refurbished in a modest way, so I am asking that the Shire give it a lot of consideration before you decide not to replace or refurbish it. I am not asking for a fully decked out kitchen, but a simple bar for serving and a bit bigger area so that a BBQ can be used under cover. Thank you.

**Ms Lisa Brazier, Mundijong WA 6123**

Councillors - as per my questions I came across the Caretaker Policy on the Shire of Broome's website and then discovered that WALGA also had a starting template. I would like to request you consider developing such a policy for our Shire.

The Policy Objective is to ensure the Shire's activities and those of Elected Members who are candidates in local government elections, are undertaken in a manner that supports a high standard of integrity during local government election periods.

The primary objectives of this Policy are to:

- avoid the Council of the Shire making major decisions, before an election that would bind an incoming Council;
- prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting Elected Members who are seeking re-election, or new candidates; and
- ensuring the Shire Administration acts impartially in relation to candidates.

The Policy Scope is that the policy applies during a 'Caretaker Period', which is generally from the opening of nominations being 44 days prior to the election day and ceasing at 6pm on Election Day, to cover:

- Decisions that are made by the Council;
- Materials published by the Shire;



- Attendance and participation in functions and events;
- Use of the Shire's resources; and
- Access to Shire information.

If Council was to consider such a policy - I would highly recommend that you review all other Councils that have such a policy during the implementation of ours.

For example - the City of Stirling has in theirs, that:

*Elected Members may not raise Notices of Motion during the Caretaker Period or propose Notices of Motion to be considered by Council during the Caretaker Period. The CEO will ensure that consideration of any such Notice of Motion does not occur during the Caretaker Period. A Notice of Motion may be raised during the Caretaker Period if, in the opinion of the CEO, Exceptional Circumstances exist.*

So in regard to our agenda tonight, Item 9.1 would need to be considered by the CEO to be an exceptional circumstance in order for it to make the agenda.

Most other councils have taken the basic WALGA template and added to it. They are all very detailed and cover a multitude of scenarios. Councillors I feel that an addition of this type of policy would only enhance the Shire and lift our professionalism.

**Mr Brett Soltoggio, Mundijong WA 6123**

We are not in favour for the proposed secondary school on Watkins Road.

We have a major concern regarding the ground water consumption and the impact on the existing water table levels. Currently we have very limited access to ground water and supply is almost non-existent 400m east of our property and at this point in time there is no access to scheme water to any properties east of Wright Road. Based on the fact that no Water Management Plans have been provided in the submission – we would appeal to Councillors to consider either deferring this development or at least ensuring some restrictions as to deal with the potential growth in student numbers are put in place to protect the existing residents and their current water supply. I cite court grammar school exponential growth as a case in point. This school started in 2006 with approx. 60 students and now has a population of 1200 students and staff and relies on ground water for drinking supplies.

We find it intriguing and baffling that 2 neighbours who each have just recently finished constructing granny flats were not permitted to connect to existing ground water supplies and had to install independent rainwater tanks to service them. With this precedence being set – we would be hoping that it is continued with the school and thus not affecting our ground water supply.

Whilst the plan indicates water tanks on site – there is no detail given as to how these will be filled. We would strongly recommend that Council address this issue and once the detail is provided cap the total number of students and staff on site to a sustainable level of water supplied. If these tanks are to be filled from ground water – we would request Council to impose the relevant hydrological survey for ground water level analysis.

Another concern we have is the traffic on Watkins Road which is a main connector road from South Western Highway to Rockingham with extensive heavy vehicle use. The plan does not show any slip roads nor does the school parking seem to adequately cater for all staff and students. We are concerned that if cars begin queuing on Watkins Road this is led to traffic congestions and hazards.



Finally – it concerns us deeply that not all ratepayers’ submissions have been presented to Councillors on this agenda item and as such we feel that you cannot make an informed decision tonight on this matter, due to the officers not being able to address our concerns.

**Public statement time concluded at 7:20pm.**

**4. Petitions and deputations:**

**Mr Clayton Plug from Harley Dykstra regarding item 10.1.3 - Proposed ‘Educational Establishment’ - Lot 9 Watkins Road, Mundijong (PA23/388)**

Presented a deputation in support of the Officer’s recommendation for item 10.1.3.

**Ms Gillian Porter from Sowilo Community High School regarding item 10.1.3 - Proposed ‘Educational Establishment’ - Lot 9 Watkins Road, Mundijong (PA23/388)**

Presented a deputation in support of the Officer’s recommendation for item 10.1.3.

**5. President’s Report:**

Good evening, and welcome to the Ordinary Council Meeting for October 2023.

I’d like to begin tonight on a positive note and say how wonderful it has been to see our community out and about as the SJ events season kicked off over recent weeks.

Firstly, congratulations to the SJ Lions Club and everyone involved in delivering another successful Jarrahdale Log Chop and Country Fair event. This event is a staple of the Jarrahdale community and attracts visitors from across the region.

It was great to be in attendance alongside the Shire’s Community Engagement team chatting to locals about the future of SJ, and to see such a strong turnout.

Another congratulations goes to all involved with last week’s Community Night Festival here at Mundijong Oval. It was wonderful to see the community gathering to launch the Shire’s Major Events season, and embracing the theme of “Community Safety” on the night.

Next on the major event calendar is the Serpy Sunset Cinema at Clem Kentish Oval on 11 November 2023. Please visit the Shire website for further details.

Moving on, it’s been a big month of news for our Shire, headlined by the gazettal of our new Local Planning Scheme 3.

This new scheme replaces the almost 35-year-old Town Planning Scheme 2, and will guide the Shire’s future development and ensure Serpentine Jarrahdale is equipped to facilitate the rapid levels of growth expected in the coming years.

Local planning schemes serve as vital tools for managing and improving land use within our jurisdiction, and we are proud that this new scheme will be one of the most modern and contemporary documents in Western Australia.

In other news, final concept plans have been released for the next stage of the Byford Skate Park. It’s great to see these final plans incorporating the vision of the young people who use the facility most, and I look forward to seeing new life breathed into this youth hub.

Construction for the skate park upgrades is expected to begin in November. Stay tuned to the Shire website for more information.



The weather is warming up and with the Southwest Bushfire Season fast approaching, now is the time for us all to ensure our properties are prepared in the event of an emergency.

Bushfire Mitigation Officers will begin conducting firebreak compliance assessments as of 1 December 2023, and over the coming weeks the Shire's communications channels will be promoting bushfire safety across SJ.

Being bushfire ready is a shared responsibility that falls to us all, and it's up to each of us to do our part to keep our community safe this summer.

More information on fire and emergency management can be found on the Shire website.

Lastly, I would like to close tonight by acknowledging the closure of the Shire's Waste Transfer Station and Recycling Centre as of last week following the discovery of asbestos at the facility.

I understand and apologise for the inconvenience this has caused across our community, however the health and safety of Shire staff and residents remains our utmost priority during this time.

The Shire is committed to addressing this issue as safely and quickly as possible. Please stay tuned to the Shire's communications channels for the latest updates on the situation.

I would also like to acknowledge the passing of Mr Mack Lightbody, who was three months shy of his 100<sup>th</sup> birthday. He was a long-term resident of the Shire, who was born and bred here.

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

19 September 2023	WALGA Local Government Convention	Crown Perth
20 September 2023	Regional Road Group Chairs Breakfast	Crown Perth
	Weekly Catch up with CEO	Shire Offices
	Photo opportunity - Major Events calendar	Mundijong Oval
	Photo opportunity - Log Chop event	Jarrahdale Oval
21 September 2023	Lunch meeting with Athol Wigg	Dome Byford
	OCM wrap up video	Shire Offices
23 September 2023	Resident Meeting	Mundijong
26 September 2023	Business SJ Sundowner Event	Byford
27 September 2023	Weekly Catch up with CEO	Shire Offices
	DDRA AGM Meeting	Online
28 September 2023	Meeting with Minister for Planning; Lands; Housing; Homelessness	Perth
29 September 2023	Serpentine Volunteer Bush Fire Brigade Meet & Greet Evening	Serpentine
	Keysbrook Volunteer Bushfire Brigade	Keysbrook
1 October 2023	Lions Jarrahdale Log Chop & Country Fair	Jarrahdale
2 October 2023	Photo opportunity - Local Planning Scheme 3	Mundijong Oval
	Policy Concept Forum (PCF)	Shire Offices
3 October 2023	Environment and Waste Policy Team meeting	WALGA
	Resident Meeting	Serpentine



4 October 2023	Radio Segment 107.3 HFM	Gosnells
6 October 2023	Community Night Festival	Mundijong Oval
8 October 2023	Picnic for the Forests	Serpentine
9 October 2023	Q&A Agenda Briefing	Shire Offices
10 October 2023	Shire of Serpentine Jarrahdale meeting with Hugh Jones MLA, Assistant DFES Commissioner, Rick Curtis, Principal Policy Advisor to Minister Emergency Services, Mat Dixon - DFES training academy	Shire Offices
11 October 2023	South East Metropolitan Regional Road Sub-Group Meeting	Gosnells
	Weekly Catch up with CEO	Shire Offices
12 October 2023	Peel Trails Committee Meeting	Teams
	JFP General Meeting	Bruno Gianatti Hall

Given tonight will be Council's final meeting before the Local Government Elections this Saturday, we have three Councillors that are retiring and we have a small presentation and gift. I will call each of you up individually to receive your gifts and recognition.

**Shire President, Councillor Rich presented Councillor Atwell, Councillor Dagostino and Councillor Strautins with a Certificate of Service as a retiring Councillor and a small gift.**

**Councillor Atwell, Councillor Dagostino and Councillor Strautins accepted their Certificates and gifts and each made a short statement.**

## 6. Declaration of Councillors and Officer's interest:

Councillor Robert Coales declared an Impartiality Interest in item 10.1.3 - Proposed 'Educational Establishment' - Lot 9 Watkins Road, Mundijong (PA23/388). The nature of the interest is I have an election sign on a road reserve opposite the proposed development. The extent of the interest is impartiality.

Shire President, Councillor Michelle Rich declared a Financial Interest in item 10.2.2 - Award Request for Tender – RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades (SJ4218). The nature of the interest is tenderer is client of family business. The extent of the interest is fee for service. Councillor Rich will leave the meeting while this item is discussed.

Shire President, Councillor Michelle Rich declared a Financial Interest in item 10.2.3 - Award Request for Tender – RFT 05/2023 – Kingsbury Drive - Road Widening and Improvement (SJ4225). The nature of the interest is tenderer is client of family business. The extent of the interest is fee for service. Councillor Rich will leave the meeting while this item is discussed.

Councillor Lauren Strange declared an Impartiality Interest in item 10.4.2 - 2023/2024 Activate Byford Proposal (SJ3373). The nature of the interest is I have been a member of the Activate Byford group since its inception. The extent of the interest is I am a member of the group applying for funding.





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

**7.1 Ordinary Council Meeting – 21 August 2023**

**OCM243/10/23**

**COUNCIL RESOLUTION**

**Moved Cr Byas, seconded Cr Atwell**

**That the minutes of the Ordinary Council Meeting held on 21 August 2023 be CONFIRMED (E23/11159).**

**CARRIED UNANIMOUSLY 8/0**

**7.2 Special Council Meeting – 11 September 2023**

**OCM244/10/23**

**COUNCIL RESOLUTION**

**Moved Cr Byas, seconded Cr Atwell**

**That the minutes of the Special Council Meeting held on 11 September 2023 be CONFIRMED (E23/12116).**

**CARRIED UNANIMOUSLY 8/0**

**7.3 Ordinary Council Meeting – 18 September 2023**

**OCM245/10/23**

**COUNCIL RESOLUTION**

**Moved Cr Coales, seconded Cr Byas**

**That the minutes of the Ordinary Council Meeting held on 18 September 2023 be CONFIRMED (E23/12585).**

**CARRIED UNANIMOUSLY 8/0**

**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:**

<b>9.1 - Notice of Motion – Consideration of Negated Motion – Jarrahdale Pedestrian Improvements (SJ4088)</b>	
<b>Councillors</b>	Councillor Rich
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Notice of Motion**

A Notice of Motion was received from Councillor Rich on Tuesday, 19 September 2023.

Clause 10.23 of the Shire's Standing Orders provides that: "A motion to the same effect as any motion that has been negated by the Council or committee, except those motions provided for in clause 14.1 of the Standing Orders, shall not again be entertained within a period of three months except with the consent of an absolute majority of the Council or committee members." As Councillor Rich's Notice of Motion contemplates a motion that has been negated by the Council, the notice of motion is presented to Council in two parts with second part only to be considered if the first part is supported by Absolute Majority.

**Voting Requirements: Part 1 - Absolute Majority**

**Part 2 - Simple Majority**

**Part 1**

That Council, in accordance with clause 10.23 of the Standing Orders, CONSENTS within three months to ENTERTAINING the following motion (OCM225/09/23) negated at the 18 September 2023 Ordinary Council Meeting:

"That Council REQUESTS the Chief Executive Officer:

1. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in **attachment 1**, to provide safe pedestrian access to visitors and residents of Jarrahdale;
2. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costings for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension."

**Part 2**

That Council REQUESTS the Chief Executive Officer:

1. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in **attachment 1**, to provide safe pedestrian access to visitors and residents of Jarrahdale;
2. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costings for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 18 September 2023 – OCM226/09/23 - COUNCIL RESOLUTION  
That Council REQUESTS that the asset management plan for footpaths be brought to a PCF for discussion in the first instance, with a report to be presented back to Council.*

**Officer Comment**

This matter was considered by Council at the September 2023 Ordinary Council Meeting. At the meeting Council resolved to request that an asset management plan for footpaths be brought to a PCF for discussion in the first instance, with a report to be presented back to Council. If Council agreed to the negated motion, the work on the asset management plan would not be impacted.

**1. Proposed footpath along Jarrahdale Road**

The Shire does not currently have a forward works plan for new footpaths where future new footpaths could be identified and prioritised for funding and construction. Accordingly, the proposed footpath along Jarrahdale Road has been assessed on its own merits without comparison to any other potential future footpath or prioritisation.

The proposed footpath will provide pedestrian access to residents of 3 properties located along the south side of Jarrahdale Road and also to visitors and residents who are reported to park their vehicles at the tourist information bay located on the north side of Jarrahdale Road and want to walk to the nearby townsite or to the bus stop located outside house number 546 Jarrahdale Road. The proposed footpath will be a 2m wide x approximately 53.5m long concrete footpath linking the existing 2m wide footpath to house number 528 Jarrahdale Road.

The estimated construction cost of the footpath will be \$60,000 which will include the construction of the footpath, relocation of a western Power stay wire, constructing retaining structure in vicinity of the bus shelter, modifications and tie ins to 3 x existing crossovers and driveways, Shire overheads and 30% contingency. In order to progress this further, Officers will prepare a business case and submit for funding consideration by Council as part of the 2024/25 budget process.

**2. Traffic calming treatments along Jarrahdale Road through Jarrahdale townsite**

There are currently no traffic management treatments or traffic calming devices including median islands or traffic channelisation along Jarrahdale Road through the town site other than regulatory signage and line markings. The latest traffic survey undertaken in 2020 along the section of



Jarrahdale Road through the Jarrahdale townsite indicates that the average daily traffic in this section of Jarrahdale Road is 1,565 which includes 10.7% heavy vehicles. The traffic volume on Jarrahdale Road is anticipated to increase following the construction of Tonkin Highway extension which is planned to be constructed during the next 3 to 5 years. As a result of this increase, it is anticipated that the volume of heavy traffic will also rise. In addition to this, through the implementation of the Trail Town strategies and resulting developments, it is anticipated that cycling and pedestrian traffic will also increase in parts of Jarrahdale town site.

In order to be prepared for the growth in vehicular, cyclist and pedestrian traffic in Jarrahdale town site, it is important to develop plans to better manage the traffic in a changing road environment to ensure road user and pedestrian safety and more efficient flow of traffic. This can be achieved by installation of traffic calming devices, traffic channelization and provision of appropriate cyclist/pedestrian facilities.

The Shire does not currently have a strategic long term traffic management or road and streetscape improvement plan for Jarrahdale Road which could inform the future road infrastructure upgrades and improvements. To ensure appropriate advance planning is undertaken, it is a necessary first step to develop a concept plan for all future improvements to road and transport infrastructure in consultation with the stakeholders. As part of the concept design development, order of magnitude costings will also be developed to inform future decision making. This will then be followed by detailed design development and costings which could be used for preparation of business cases for seeking funding allocation for construction. It is proposed that the concept plan for the entire section of Jarrahdale Road through the town site is developed first with the detailed design for various intersections and localised areas to be developed in stages over several years as funding becomes available.

Development of such a concept plan and detailed design is specialised work which will require services of qualified traffic engineering and planning consultants. The estimated cost for concept design development including community engagement will be approximately \$250,000. In order to progress this further, Officers will prepare a more accurate consultancy cost estimate and prepare a business case for funding consideration as part of the 2024/25 budget process.

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

- **9.1 - attachment 1** – Location of the proposed footpath along Jarrahdale Road - photo (E23/12264)



**Voting Requirements: Part 1 - Absolute Majority**

**Part 2 - Simple Majority**

Part 1

That Council, in accordance with clause 10.23 of the Standing Orders, CONSENTS within three months to ENTERTAINING the following motion (OCM225/09/23) negated at the 18 September 2023 Ordinary Council Meeting:

That Council REQUESTS the Chief Executive Officer:

1. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in attachment 1, to provide safe pedestrian access to visitors and residents of Jarrahdale;
2. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costings for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension.

Part 2

That Council REQUESTS the Chief Executive Officer:

1. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in attachment 1, to provide safe pedestrian access to visitors and residents of Jarrahdale;
2. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costings for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension.

**In accordance with clause 10.23 of the *Standing Orders Local Law 2002 (as Amended)*, the Notice of Motion is presented in two parts, with Part 2 to be considered by Council in the event that Part 1 is resolved in the affirmative by an absolute majority of the Council.**



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**Part 1**

**OCM246/10/23**

**MOTION**

**Moved Cr Rich, seconded Cr Byas**

**That Council, in accordance with clause 10.23 of the Standing Orders, CONSENTS within three months to ENTERTAINING the following motion (OCM225/09/23) negated at the 18 September 2023 Ordinary Council Meeting:**

**That Council REQUESTS the Chief Executive Officer:**

- 1. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to design and construct an approximately 53 metre extension to the footpath on the south side of Jarrahdale Road, opposite the Nettleton Road intersection as shown in attachment 1, to provide safe pedestrian access to visitors and residents of Jarrahdale;**
- 2. As part of the 2024/25 budget process, prepare and submit a business case for funding consideration by Council to engage external consultants to undertake community consultation, investigation, concept design and costings for implementation of appropriate traffic calming treatments along Jarrahdale Road through the Jarrahdale townsite to better manage the anticipated increase in traffic and pedestrian movement in preparation for Trails Town Status and Tonkin Highway Extension.**

**MOTION LOST (Absolute Majority Not Obtained) 4/4**

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

*Councillors Rich, Atwell, Byas and Strange voted FOR the motion.*

*Councillors Coales, Dagostino, Duggin and Strautins voted AGAINST the motion.*

**9.2 - Notice of Motion – Changing Places Infrastructure across the Transperth and Metronet Program (SJ4088)**

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

**Notice of Motion**

A Notice of Motion was received from Councillor Strautins via email on Friday, 22 September 2023.

The Notice of Motion is “Serpentine Jarrahdale Shire requests the State Government ensure consistency across state access standards to include a commitment to consistency across state building regulations and legislate for the inclusion of Changing Places design to be adopted in the Disability (Access to Premises - Buildings), Disability Standards for Accessible Public Transport (DSAPT) and the Disability Standards for Education. In addition, we recommend that the Government supports the expansion of the types of buildings included in the state construction regulations and other related standards to include:

- Universities
- Schools
- Hospitals and health services
- Public transport locations, including premium or major train stations and public transport interchanges/hubs
- Major tourist destinations/visitor attractions
- Parks and gardens, including National Parks
- Accessible playgrounds (e.g., Livvi's Place)
- National Public Buildings and offices”

**Relevant Previous Decisions of Council**

Nil.

**Officer Comment**

According to the *Changing Places, Transforming Lives* website:

*“A Changing Places toilet facility allows people with high support needs to participate in all elements of community life, without having to limit their time out due to concerns about being able to access a suitable toilet”.*

Changing Places enable many people with high support needs to enjoy day-to-day activities that many of us take for granted, such as going to work, school or university, playing in the park, or attending cultural, sporting, or social and family events.

Without Changing Places toilets, many people are unable to fully immerse themselves in the community, not out of choice, but because of a lack of suitable public toilets.



Changing Places facilities include:

- a height adjustable adult-sized change table
- a constant charging ceiling track hoist system
- a centrally located peninsula toilet
- additional circulation space more than standard accessible toilets
- an automatic door with a clear opening of 950 mm at a minimum; and
- a privacy screen.”

The Notice of Motion would represent a position of advocacy being taken by Council, on behalf of the community. This would specifically advocate for a level of infrastructure that is above the standard accessibility requirements for ablutions facilities.

According to the census data for the Shire of Serpentine Jarrahdale, 1,151 people (or 3.6% of the population) in the Shire of Serpentine Jarrahdale reported needing help in their day-to-day lives due to disability. This was a percentage increase from 2016.

As life expectancy continues to increase, it is considered that infrastructure which increases the capacity for all people to participate fully in community life, would be of benefit to the Shire.

At its September 2023 meeting, Council endorsed the Shire’s Access and Inclusion Plan, which includes the following action:

*Advocate for improved accessibility on public infrastructure administered or coordinated by State and Federal departments.*

Advocacy to the State Government for a Changing Places facility aligns with this action of the Shire’s Access and Inclusion Plan.

**Attachments (available under separate cover)**

- **9.2 - attachment 1** - Promoting Inclusion Referral Paper Submission – (Councillor provided) (IN23/21783)

**Voting Requirements:** Simple Majority

**Councillor Recommendation**

Serpentine Jarrahdale Shire requests the State Government ensure consistency across state access standards to include a commitment to consistency across state building regulations and legislate for the inclusion of Changing Places design to be adopted in the Disability (Access to Premises - Buildings), Disability Standards for Accessible Public Transport (DSAPT) and the Disability Standards for Education. In addition, we recommend that the Government supports the expansion of the types of buildings included in the state construction regulations and other related standards to include:

- Universities
- Schools
- Hospitals and health services
- Public transport locations, including premium or major train stations and public transport interchanges/hubs





- Major tourist destinations/visitor attractions
- Parks and gardens, including National Parks
- Accessible playgrounds (e.g., Livvi's Place)
- National Public Buildings and offices

#### Alternative Officer Recommendation

That Council REQUESTS that the Shire President write to the Minister for Planning to advocate for consistency across state building regulations and legislate for the inclusion of Changing Places design to be adopted in the Disability (Access to Premises - Buildings), Disability Standards for Accessible Public Transport (DSAPT) and the Disability Standards for Education including for the construction of:

- Universities
- Schools
- Hospitals and health services
- Public transport locations, including premium or major train stations and public transport interchanges/hubs
- Major tourist destinations/visitor attractions
- Parks and gardens, including National Parks
- Accessible playgrounds (e.g., Livvi's Place)
- National Public Buildings and offices



**OCM247/10/23**

**COUNCIL RESOLUTION / Alternative Officer Recommendation**

**Moved Cr Strautins, seconded Cr Duggin**

**That Council REQUESTS that the Shire President write to the Minister for Planning to advocate for consistency across state building regulations and legislate for the inclusion of Changing Places design to be adopted in the Disability (Access to Premises - Buildings), Disability Standards for Accessible Public Transport (DSAPT) and the Disability Standards for Education including for the construction of:**

- **Universities**
- **Schools**
- **Hospitals and health services**
- **Public transport locations, including premium or major train stations and public transport interchanges/hubs**
- **Major tourist destinations/visitor attractions**
- **Parks and gardens, including National Parks**
- **Accessible playgrounds (e.g., Livvi's Place)**
- **National Public Buildings and offices**

**CARRIED 6/2**

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:  
Councillors Byas, Coales, Dagostino, Duggin, Strange and Strautins voted FOR the motion.  
Councillors Rich and Atwell voted AGAINST the motion.*



## 10. Chief Executive Officer reports:

### 10.1 Development Services reports:

<b>10.1.1 - Proposed Road Naming Application - Lot 9013 Haywire Avenue, Whitby (PA23/549)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### 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:	MNG Survey
Owner:	Gold Fusion Pty Ltd
Date of Receipt:	18 July 2023
Lot Area:	36.95ha
Local Planning Scheme No 3 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

### Report Purpose

The purpose of this report is for Council to consider a proposal for road naming associated with a subdivision at Lot 9013 Haywire Avenue, Whitby. Landgate has previously approved these names. However, as part of the subdivision process the road layout for the area has been modified and so the names are required to be updated to the amended road layout accordingly. The proposed road naming plan is contained within **attachment 1**.

At its Council Meeting of 10 November 2014, Council endorsed the theme of 'Timber Milling' for the Whitby Estate. Subsequent stages of development have since occurred with road names approved consistent with this theme.

In accordance Clause 26A of the *Land Administration Act 1997*, Council is required to support the amendments prior to forwarding the application to Landgate for final approval. There is no delegated authority available for Officers to endorse the proposal.

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



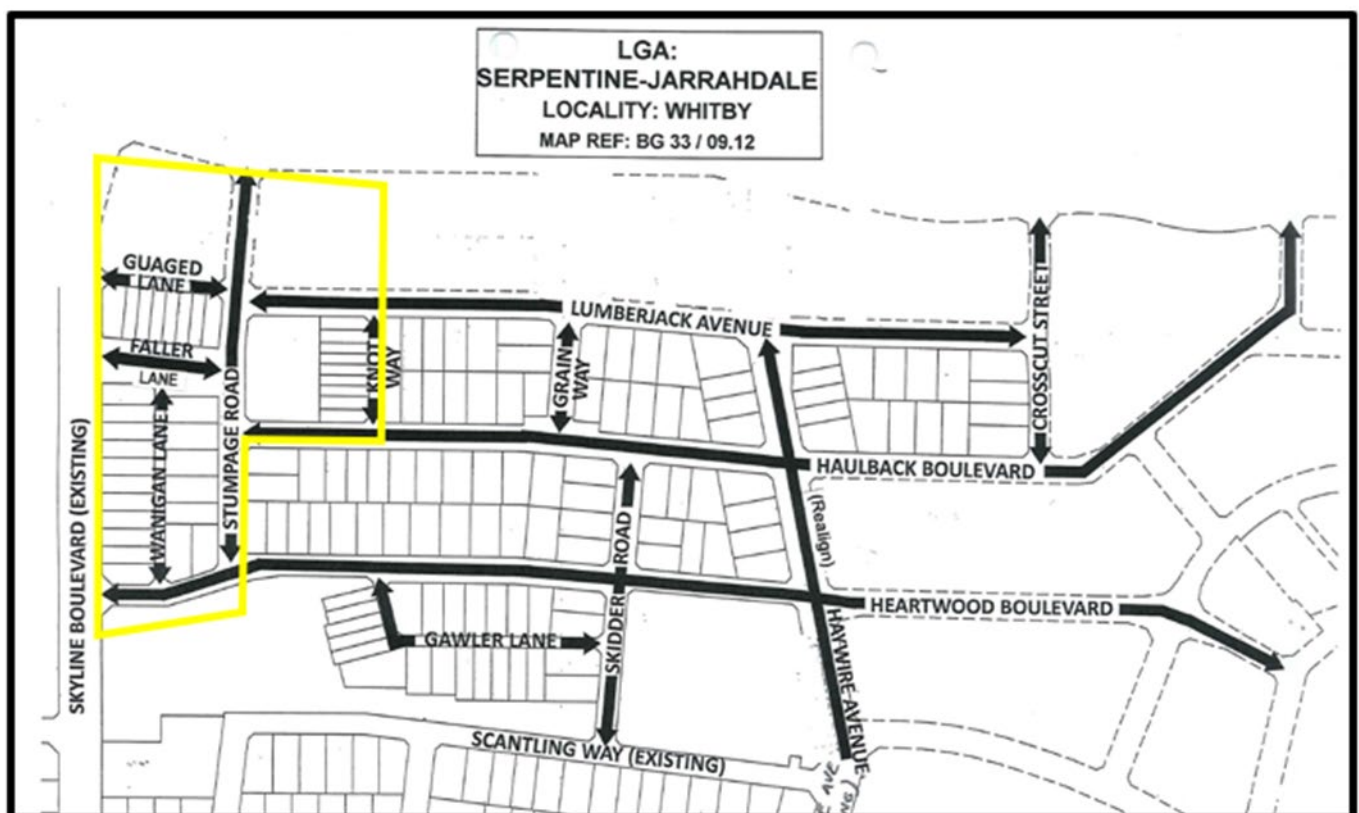
## Relevant Previous Decisions of Council

Ordinary Council Meeting - 10 November 2014 - OCM080/11/14 - COUNCIL RESOLUTION / Officer Recommendation

That Council approve the theme "Timber Milling" for the Whitby Town estate, Keirnan Street, Whitby.

## Background

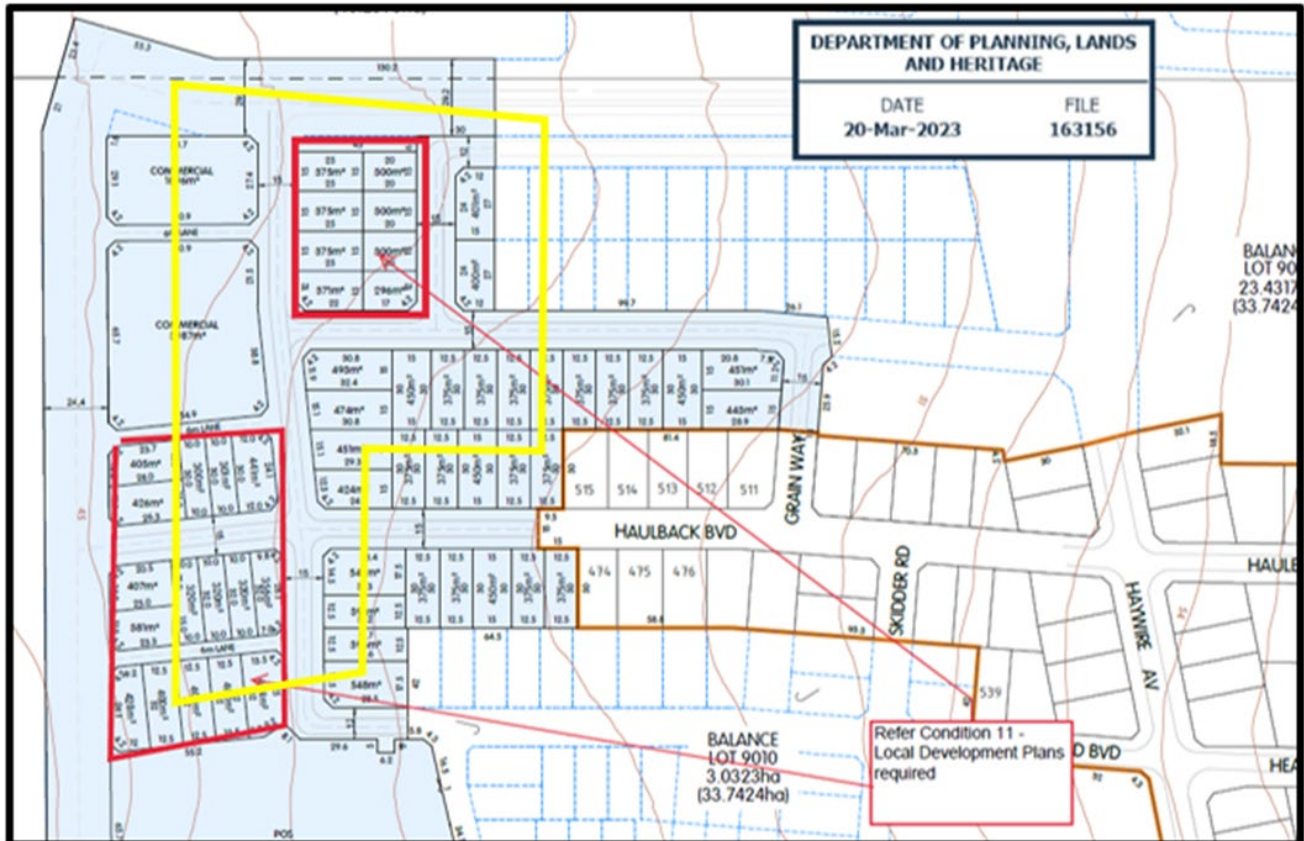
The proposed amendments relate to the subdivision of the subject site within the Whitby Estate. Road names of the subdivision were endorsed by Landgate, based on the previously approved subdivision layout as depicted below:



The proposed road naming amendments are within the yellow area



Since this approval, the subdivision layout has been amended and approved by the Western Australian Planning Commission (WAPC) as detailed below:



**Approved subdivision plan dated 20 March 2023  
with area affected by the road naming proposal in yellow**

The amended subdivision approval results in a different layout for both proposed lots and roads. As such, an amended road naming application is required to which this report is subject.

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.

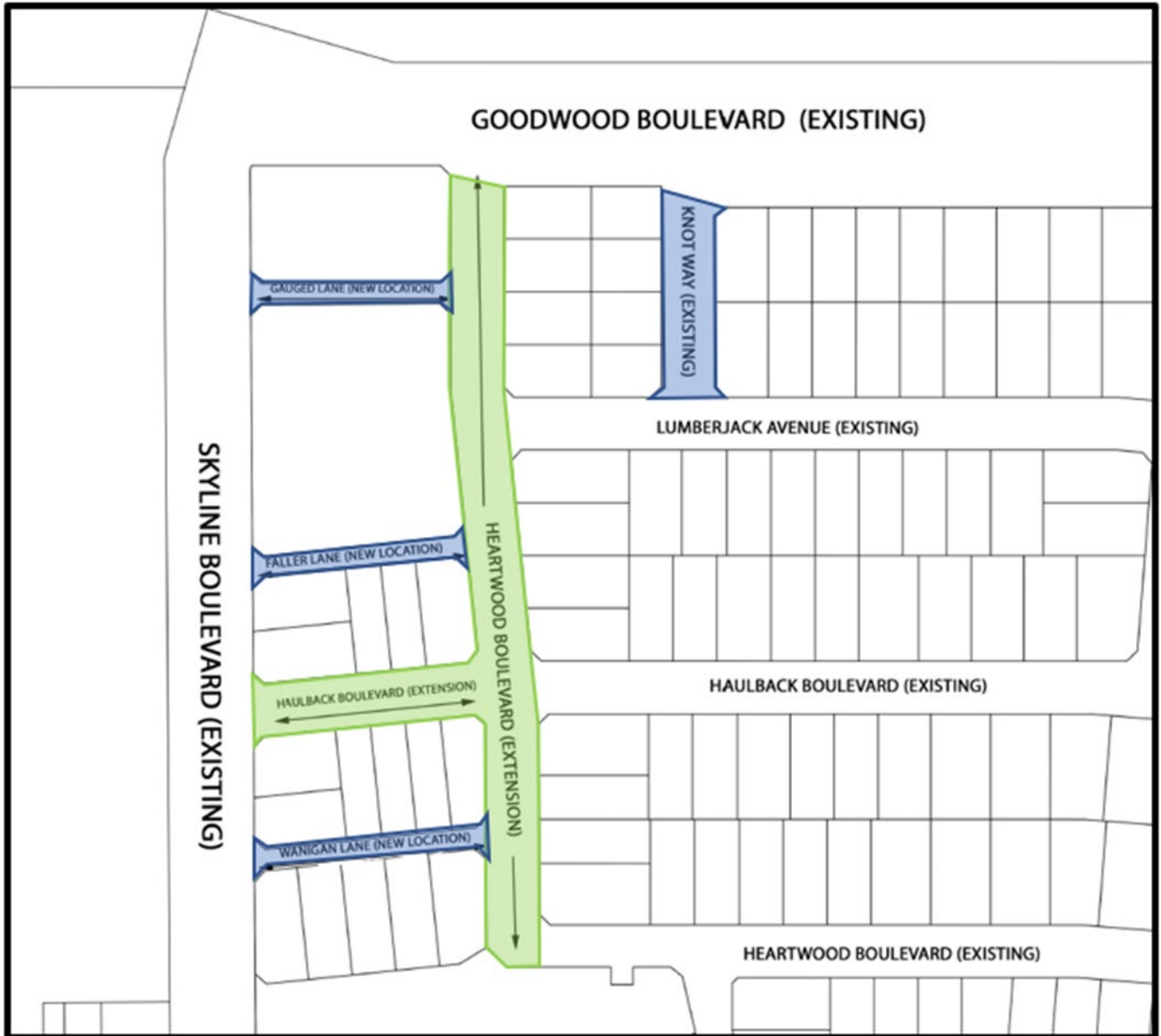
### **Proposal**

The application proposes the following amendments as part of the proposal:

- Gauged Lane - new location
- Faller Lane - new location
- Knot Way - new location
- Wanigan Lane - new location
- Haulback Boulevard - extension to existing location
- Heartwood Boulevard - extension to existing location
- Stumpage Road - to be removed and replaced by the Heartwood Boulevard extension



The proposed naming amendments are shown in the following plan.



**Proposed road name amendments,  
relocated road names are in blue and extended names in green**

A road layout plan providing the location of the road names and the background list of the names is contained within **attachment 1**.

### **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 five road names are proposed, then an overall theme should be proposed by the applicant. These terms being 'Gauged', 'Faller', 'Knot', 'Wanigan', 'Haulback' and 'Heartwood' all relate to the historic timber mill industry. This theme was previously approved by Council for the Whitby Estate in 2014.

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 elsewhere in the Shire area and were already intended to be used within the Whitby Estate. No duplicates in surrounding Local Government areas have been identified.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed and reserve road names have been previously approved as being consistent with the 'Timber Milling' theme. <ul style="list-style-type: none"><li>• Gauged – A process of measurement.</li><li>• Faller – A specialist who cuts and processes trees.</li><li>• Knot – A circular imperfection in wood grains.</li><li>• Wanigan – A box of wooden construction historically used for transporting goods when travelling.</li><li>• Haulback – A small line for pulling a cable back to its original position after it has been used to haul a log away.</li><li>• Heartwood – A dense inner part of a tree trunk, yielding the hardest timber.</li></ul>



<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
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	In terms of easiness to read, spell and pronounce, the names are simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.
Unduly long names and names that comprise of two or more words should generally be avoided	The names comprise of no more than nine letters in length and are no more than one word in length.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the Landgate policy.</p> <p>Boulevard (Bvd) - Wide roadway, well paved, usually ornamented with trees and grass plots.</p> <p>Lane (Lane) - Narrow way between walls, buildings or a narrow country or city roadway.</p> <p>The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway.</p>
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 ENDORSES the relocation of the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*:

- a. Gauged Lane;
- b. Faller Lane;
- c. Knot Way; and
- d. Wanigan Lane.

ENDORSES the extension of the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*:

- e. Haulback Boulevard; and
- f. Heartwood Boulevard.





ENDORSES the removal of the following road name in accordance with section 26A(3) of the *Land Administration Act 1997*:

g. Stumpage Road.

Council forwards these road names as contained within **attachment 1** to Landgate for final approval.

#### 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 the relocation of four existing road names, the extension of another two and removal of one, as part of the subdivision application of the subject site. The road names do not propose any names which have not previously been approved by Landgate and are consistent with the established 'Timber Milling' theme approved by Council. The proposed names are consistent with the requirements of LPP1.7 and Landgate's road naming policy. Officers therefore support the proposal and recommend that Council endorse the application.

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

- **10.1.1 - attachment 1** - Road Layout Plan (E23/12350)

#### **Alignment with our Strategic Community Plan**

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

#### **Financial Implications**

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	Council not support the names causing a delay in the application process	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

### OCM248/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Dagostino

That Council **ENDORSES** the relocation of the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*:

- a. Gauged Lane;
- b. Faller Lane;
- c. Knot Way; and
- d. Wanigan Lane.

**ENDORSES** the extension of the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*:

- e. Haulback Boulevard; and
- f. Heartwood Boulevard.

**ENDORSES** the removal of the following road name in accordance with section 26A(3) of the *Land Administration Act 1997*:

- g. Stumpage Road.

Council forwards these road names as contained within attachment 1 to Landgate for final approval.

**CARRIED UNANIMOUSLY 8/0**



**10.1.2 - Proposed Amendment to Development Approval which has Lapsed - Amendment to Extend Substantial Commencement Timeframe of 'Service Station, Car Wash, Vehicle Service/Tyre Centre, Showroom/Restricted Retail and Car Park' - Lot 3, 104 Larsen Road, Byford (PA23/493)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: Altus Planning  
 Owner: Byford Development No.3 Pty Ltd  
 Date of Receipt: 14 July 2023  
 Lot Area: 1.16ha  
 Local Planning Scheme No 3 Zoning: 'Service Commercial'  
 Metropolitan Region Scheme Zoning: 'Urban'

**Report Purpose**

The purpose of this report is for Council to consider a Responsible Authority Report (RAR) as contained within **attachment 1**, prepared for an application to amend a lapsed development approval.

This lapsed development approval relates to a 'Service Station, Car Wash, Vehicle Service/Tyre Centre, Showroom/restricted retail and car park' at Lot 3, 104 Larsen Road, Byford. This was an approval issued by the Development Assessment Panel, however, has lapsed on the basis that substantial commencement was not achieved by 11 December 2022.

It is noted that:

- Regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011* provides that application may be made to amend an approval so as to extend the period within which any development approved must be substantially; and
- Regulation 17(2)(a) provides such application may be made *during or after* the period within which the development approved must be substantially commenced.

The application seeks to amend the lapsed development approval by extending the timeframe for substantial commencement for a further two years, being to 11 December 2024.



The Metro Outer Joint Development Assessment Panel (MODAP) will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The proposal is presented to Council to consider the Responsible Authority Report prior to providing a recommendation to the MODAP.

It is considered that the proposal remains generally consistent with the changed planning framework (being the Shire’s new Local Planning Scheme No. 3), except with respect of the following new provisions that have been introduced:

**Relevant Previous Decisions of Council**

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

1. That Council **ENDORSES** the Responsible Authority Report contained within amended attachment 1 which recommends that the Metropolitan East Joint Development Assessment Panel approve the amendments to the approval for ‘Service Station’, ‘Automated Car Wash’, and ‘Showroom’ land uses at Lot 104, 3 Larsen Road, Byford as contained within attachment 3 subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except were amended by other conditions of this consent.

Plans and Specifications	1 - 1809-F01 2 - TP02 - Revision A 3 - TP03 - Revision N 4 - A1.10 Revision P6 5 - TP05 - Revision B 6 - A1.20 Revision P5 7 - A2.10 Revision P3 8 - TP08 Revision B 9 - A2.20 Revision P4 10 - Traffic Impact Assessment November 2018
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- b. Prior to occupation, a monetary contribution of 1% being paid the Shire, for the establishment of public art or, alternatively, the provision of public art being provided in accordance with the Shire of Serpentine Jarrahdale Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
- c. Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road, Byford with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation at the applicant’s cost.
- d. Prior to occupation of the development, the applicant shall widen / upgrade the George Street/Larsen Road intersection to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Prior to construction works, an updated Stormwater Management Plan, on advice from DWER shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan shall be implemented and maintained



- thereafter. The Plan shall be prepared in accordance with the Byford Town Centre Local Water Management Strategy and Local Planning Policy 2.4 - Water Sensitive Design.
- f. *Prior to commencement of works, an updated Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads and road verges shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Vegetation Management Plan shall be implemented prior to occupation and maintained thereafter.*
  - g. *Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation to noise.*
  - h. *The pylon sign shall not exceed 6.5m in height and shall be in accordance with LPP4.11 Advertising.*
  - i. *Prior to commencement of works, an updated site plan showing the revised location of the loading bay, adjacent to George Street entrance shall be submitted and approved by the Shire of Serpentine Jarrahdale. The loading bay shall then be constructed in accordance with the approved site plan thereafter.*
  - j. *All loading and unloading associated with the development must be undertaken within the subject property boundaries.*
  - k. *Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter.*
  - l. *Prior to occupation, shared paths, bicycle parking facilities shall be installed in accordance with Local Planning Policy 4.15 Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.*
  - m. *Prior to commencement of works, an amended drawing of the eastern elevation of the fuel shop, shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The elevation shall include further design features addressing South Western Highway in accordance with the Byford Townsite Detailed Area Plan. The building shall be constructed in accordance with this approved drawing.*
  - n. *Service deliveries shall occur outside the hours of 7.30am to 9.00am, and 2.30pm to 5.00pm Monday to Friday. Service vehicles shall enter from the George Street entrance and exit from the Larsen Road exit.*
  - o. *Prior to occupation, the redundant crossover on South Western Highway shall be removed and the verge reinstated at the applicant's cost to the satisfaction of Main Roads.*
  - p. *Prior to occupation, modifications to South Western Highway must be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale at the applicant's cost and on advice from Main Roads Western Australia as follows:*
    - i. *The construction of left and right turn auxiliary lanes from South Western Highway onto Larsen Road, Byford as depicted on Drawing No. TP03 Revision dated October 2018 at the expense of the applicant.*
    - ii. *The construction of a median on Larsen Road, Byford as depicted on Drawing No. TP03 Revision dated October 2018 (attached) at the expense of the applicant.*
  - q. *Signage illumination shall not exceed the cd/m<sup>2</sup> as per Main Roads Advertising Policy.*



- r. *Vegetation within the road reserve must not be removed or trimmed to the visibility of the proposed advertising devices.*
- s. *Prior to issue of a Building Permit, a Schedule of Colours and materials shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the development shall be constructed and maintained in accordance with the approved schedule.*
- t. *Prior to commencement of works, an amended site plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating how traffic shall flow through the site safely. Once approved, the development shall be carried out in accordance with the approved site plan.*
- u. *Prior to occupation of the development, the unconstructed portion of George Street from Lot 11, 783 South Western Highway to the intersection of George Street and Evans Way shall be constructed at the applicant's cost, in accordance with LPP3.7 - George Street Design Guidelines, to the satisfaction of the Shire of Serpentine Jarrahdale.*

**Advice Notes**

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

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

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

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

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

<i>Plans and Specifications</i>	<i>P1 - P18 received at the Shire Offices on 9 November 2018 and Traffic Impact Assessment dated November 2018.</i>
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b. *Prior to occupation, a monetary contribution of 1% being paid to Council, for the establishment of public art or, alternatively, the provision of public art being provided in*



*accordance with Council's Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.*

- c. Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation.*
- d. Prior to occupation, the applicant shall construct George Street in accordance with LPP3.7 - George Street Design Guidelines to the satisfaction of the Shire of Serpentine Jarrahdale.*
- e. Should the value of the works required for the construction of George Street be less than the contribution required under the Shire of Serpentine Jarrahdale Local Planning Policy 3.8 - George Street Design Guidelines, the applicant must provide a contribution of funds or works to the Shire of Serpentine Jarrahdale for the remaining value of the contribution required.*
- f. Prior to construction works, an updated Stormwater Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan shall be implemented and maintained thereafter. The Plan shall be prepared in accordance with the Byford Town Centre Local Water Management Strategy and Local Planning Policy 2.4 - Water Sensitive Design.*
- g. Prior to commencement of works, an updated Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads and road verges shall be submitted and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscape and Vegetation Management Plan shall be implemented prior to occupation and maintained thereafter.*
- h. Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly from the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation noise.*
- i. The pylon sign shall not exceed 6.5m in height and shall be in accordance with LPP4.11 - Advertising.*
- j. Prior to commencement of works, an updated site plan showing the revised location of the loading bay shall be submitted and approved by the Shire of Serpentine Jarrahdale. The loading bay shall then be constructed in accordance with the approved site plan thereafter.*
- k. All loading and unloading associated with the development must be undertaken within the subject property boundaries.*
- l. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter.*
- m. Prior to occupation, shared paths, bicycle parking facilities shall be installed in accordance with Local Planning Policy 4.15 Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.*
- n. Prior to commencement of works, an amended drawing of the eastern elevation of the fuel shop, shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The elevation shall include further design features addressing South Western Highway*



*in accordance with the Byford Townsite Detailed Area Plan. The building shall be constructed in accordance with this approved drawing.*

- o. Service deliveries shall occur outside the hours of 4:00pm to 5:00pm Monday to Friday. Service vehicles shall enter from the George Street entrance and exit from the Larsen Road exit.*

**Main Roads Conditions**

- p. Prior to occupation, the redundant crossover on South Western Highway shall be removed and the verge reinstated at the applicant's cost.*
- q. Prior to occupation, modifications to South Western Highway must be undertaken to the satisfaction of the Shire of Serpentine Jarrahdale and Main Roads Western Australia as follows:
  - i) the construction of left and right turn auxiliary lanes from South Western Highway onto Larsen Road, as depicted on Drawing No. TP03.1 Revision dated 14 September 2018 OCM138.11/11/18.*
  - ii) The construction of a median on Larsen Road, as depicted on Drawing No. TP03.1 Revision dated 14 September 2018 OCM138.11/11/18.**
- r. Signage illumination shall not exceed 300cd/m<sup>2</sup>, not flash, pulsate or chase. The signage shall not contain fluorescent, reflective or retro reflective colours or materials.*
- s. Vegetation within the road reserve must not be removed or trimmed to improve the visibility of the proposed advertising devices.*

## **Background**

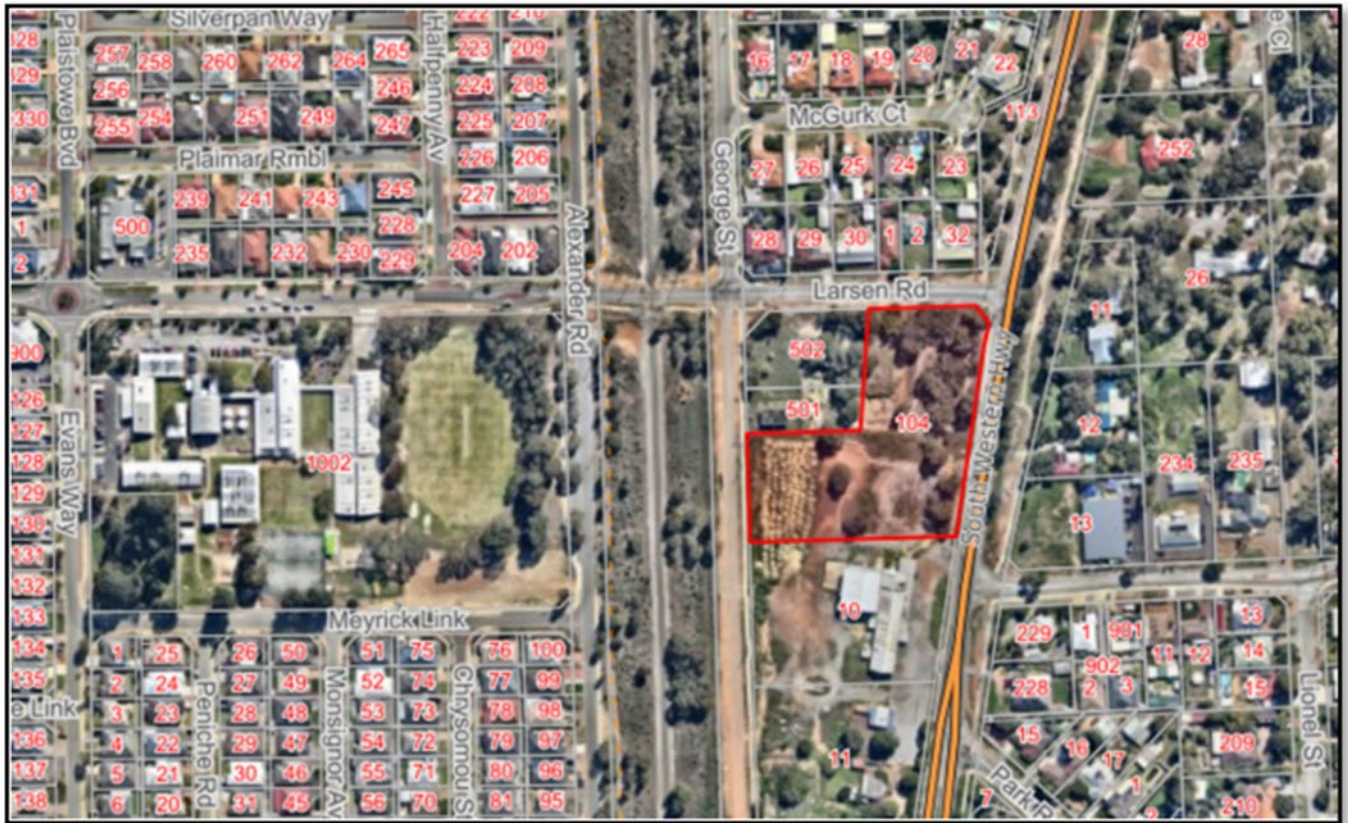
On 11 December 2018, the Metro Outer Joint Development Assessment Panel (MODAP) approved a development application for a 'Service Station, Car Wash, Vehicle Service/Tyre Centre, Showroom/restricted retail and carpark' at the subject site. The approval is contained within **attachment 2**. This development was required to be substantially commenced by 11 December 2020.

On 1 October 2019, the MODAP approved an application for design changes to the development including the addition of pitched roofs to the fuel shop, internal car park and access modifications, and deletion of Condition 13 which required the design changes to the fuel shop. The approval is contained within **attachment 3**. This approval did not alter the substantial commencement timeframe, however, under Clause 33 (3) (a) of the *COVID-19 Response and Economic Recovery Omnibus Act 2020*, the approval remains valid for a further two years resulting in a substantial commencement timeframe of 11 December 2022. As this has now passed, the development approval has lapsed.

This application seeks to amend the substantial commencement timeframe by adding a further two years, to a date of 11 December 2024.

The subject site is bound by South Western Highway to the east, Larsen Road to the north and George Street to the west. The subject site is 1.16ha in area and is currently vacant with vegetation located alongside South Western Highway.





**Subject Land**

### Approved Development

To recap, the approved development plans are contained within **attachment 4** and comprise the following elements:

- A 432m<sup>2</sup> convenience store incorporating a café, outdoor seating area, cool room, store room, sales area, preparation area and drive-thru;
- A service station with eight fuel points for cars and two for trucks (24 hour operation);
- A 100m<sup>2</sup> car wash with four manual wash bays, one automatic wash bay and four vacuum bays (24 hour operation);
- A 400m<sup>2</sup> tyre and automotive centre;
- A 630m<sup>2</sup> showroom tenancy;
- A drive-thru coffee shop;
- A car park comprising of 79 bays;
- Landscaping area of 3,116.5m<sup>2</sup>

The works were required to have been substantially commenced by 11 December 2022, meaning the development approval has lapsed.



### Community / Stakeholder Consultation

The application was advertised for a period of 28 days to surrounding landowners within a 200m radius of the subject site, from 24 July 2023 to 21 August 2023. The application details were displayed on the Shire's website for the same period. During the consultation period 12 submissions were received including two of support and 10 raising concerns or objecting. A full copy of the submissions together with the applicant's response is contained within **attachment 5**. The concerns raised and Officer comments are detailed in the table below, and further discussed under the relevant headings of the report:

Issue Raised	Officer Comments
Traffic safety at the intersection of South Western Highway and Larsen Road	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic is proposed to be accommodated at the intersection. Specifically, the application resulted in the imposition of conditions to upgrade the intersection, based on the position of MRWA. This Condition is as follows:</p> <p><i>“Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation at the applicant’s cost.”</i></p> <p>No amendments to this condition are proposed or recommended as part of this application. This remains an acceptable upgrade to the intersection, based on the development activities remaining unchanged.</p> <p>The impact on the future road network is also discussed within the main body of the report.</p>
Traffic increase	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic can be adequately accommodated on the local road network and also includes a 10-year forward projection. Traffic generated from the proposal has been assessed as not adversely impacting upon the road network.</p>
Noise	<p>An Acoustic Assessment was provided as part of the initial application that demonstrates compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>. The development was approved on the basis that noise generated would not adversely impact upon the amenity of the locality. It is worth noting that a condition was also imposed on the approval as follows:</p> <p><i>“Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation to noise.”</i></p> <p>No changes to this condition are proposed or recommended as part of this application.</p>



Issue Raised	Officer Comments
Lighting	The subject application does not propose any changes to the built form or lighting plan. There was a condition imposed on the approval requiring a lighting plan to be submitted and approved by the Shire in consultation with Main Roads. It is considered that this condition would ensure that lighting does not adversely impact upon amenity.
Privacy	No changes are proposed to the built form layout that would impact on privacy.
Need for a further Service Station	Officers are required to undertake a merits based assessment of the application, taking account of relevant planning matters. Whether there is a need for a further type of development, is not a relevant planning matter able to be considered.
Inappropriate development within/adjacent to 'Urban Development' zone	<p>The use of land and associated works are capable of approval in the zone subject to a merits-based assessment including any impacts on the locality. New Scheme 3 demarcates this land as zoned 'Service Commercial', with the objectives of that zone specifically stating:</p> <ul style="list-style-type: none"> <li>- <i>To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites;</i></li> <li>- <i>To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.</i></li> </ul> <p>The development is aligned with the zone based objectives.</p>

#### Referrals/consultation with Government/Service Agencies

##### *Main Roads Western Australia:*

Main Roads has no objection to the extension of time, subject to the same conditions being applied as previously approved by the MODAP.

##### *Department of Education:*

The Department of Education has no in principle objections to the proposal subject to compliance with the buffer distance requirements as set out in The Environmental Protection Authority's Guidance for the Assessment of Environmental Factors - Separation Distances Between Industrial and Sensitive Land Uses No. 3.

#### **Statutory Environment**

##### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Serpentine-Jarrahdale Local Planning Scheme No. 3*



Local Policies

- Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals

**Planning Assessment**

The subject application is made in accordance with r17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. This allows for an application to be made “to amend the approval so as to extend the period within which any development approved must be substantially commenced under regulation 16A(2)”.

Supporting this is r17(2)(a), which provides that such application may be made *during or after* the period within which the development approved must be substantially commenced.

In assessing such an application, there are a number of relevant planning matters used to assess whether it is consistent with orderly and proper planning, to grant a further extension of time. These have also been captured in Shire Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals Policy.

These relevant matters include:

- Whether the planning framework has changed substantially since the development approval was granted;
- Whether the development would likely receive approval now; and
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

For the purposes of this report, discussion is confined to these matters.

Whether the planning framework has changed substantially since the development approval was granted

Since the development approval was granted, the Shire has now gazetted a new Local Planning Scheme No. 3. Further, the Byford District Structure Plan has been amended and updated. The approved development is considered to be consistent with these updated documents that underpin the planning framework, as discussed following:

*Local Planning Scheme No. 3 (LPS3):*

The subject site is zoned ‘Service Commercial’ under LPS3. All approved uses remains either permissible or discretionary (with community advertising) within the zone, as shown following:

<p>‘Service Station’ defined as “<i>premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -</i></p> <p><i>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or</i></p> <p><i>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.”</i></p>	<p>‘A’ use in the ‘Service Commercial’ zone meaning there is discretion to permit the use subject to advertising the application and consideration of any submissions as part of a merits based assessment.</p>
<p>‘Motor Vehicle Wash’ defined as “<i>premises primarily used to wash motor vehicles”.</i></p>	<p>‘D’ use in the zone therefore there is discretion to permit the use without advertising the application.</p>



<p>'Bulky Goods Showroom' defined as "premises -</p> <p>(a) <i>used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes-</i></p> <p>(i) <i>automotive parts and accessories;</i></p> <p>(ii) <i>camping, outdoor and recreation goods;</i></p> <p>(iii) <i>electric light fittings;</i></p> <p>(iv) <i>animal supplies including equestrian and pet goods;</i></p> <p>(v) <i>floor and window coverings;</i></p> <p>(vi) <i>furniture, bedding, furnishings, fabrics, manchester and homewares;</i></p> <p>(vii) <i>household appliances, electrical goods and home entertainment goods;</i></p> <p>(viii) <i>party supplies;</i></p> <p>(ix) <i>office equipment and supplies;</i></p> <p>(x) <i>babies' and children's goods, including play equipment and accessories;</i></p> <p>(xi) <i>sporting, cycling, leisure, fitness goods and accessories;</i></p> <p>(xii) <i>swimming pools.</i></p> <p>or</p> <p>(b) <i>used to sell goods and accessories by retail if -</i></p> <p>(i) <i>a large area is required for the handling, display or storage of the goods; or</i></p> <p>(ii) <i>vehicular access is required to the premises for the purpose of collection of purchased goods."</i></p>	<p>'P' use meaning it is "permitted if it complies with any relevant development standards and requirements of this Scheme'.</p>
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The objectives of the 'Service Commercial' zone under LPS3 are as follows:

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

The development includes showroom land uses to which the zone is identified for. The 'Service Station' and 'Motor Vehicle Wash' land uses typically also require larger sites to accommodate the development given their scale and access via a range of different sized vehicles. Good vehicle access is also required to allow for the safe continuous flow of traffic movements through the site and allow for manoeuvring of larger service vehicles. The proposal is therefore considered consistent with LPS3.

*Byford District Structure Plan (BDSP):*

The BDSP provides high-level strategic guidance on future planning and development in the Byford locality. Under the BDSP the site is designated 'Service Commercial', in line with LPS3.



For the reasons discussed earlier, the proposed development is considered to remain consistent with the BDSP.

Whether the development would likely receive approval now

An assessment against Clause 67 of the Deemed Provisions has been undertaken and forms **attachment 6**. The application is considered consistent with the new LPS3 and BDSP, the proposal in its form has not changed since the approval and the remainder of the planning framework remains unchanged.

In assessing whether the development would likely receive approval now, it is required to undertake an assessment of how the locality has changed in terms of new development and infrastructure. In this regard, the development of the Byford Rail Extension project has significantly progressed. The Western Australian Planning Commission (WAPC) are currently considering a development application including the following elements:

- Train station building;
- Station platforms;
- Canopies;
- Bus interchange;
- New plaza;
- Station forecourt;
- Principle shared path;
- Park and ride;
- Kiss and ride;
- Bicycle parking; and
- New roads and infrastructure (including road treatments).

This development will ultimately have a significant impact on the Byford Town Centre and surrounding area. The proximity of this development from the subject site is depicted below:



Of particular relevance to this application is the closure of Larsen Road at the rail crossing as part of the project, as depicted following:



This creates a significant change for accessibility throughout Byford and the town centre as well as the development of the subject site. A pedestrian overpass will also facilitate pedestrian movement between the residential area to the west, in particular the school, and the town centre.



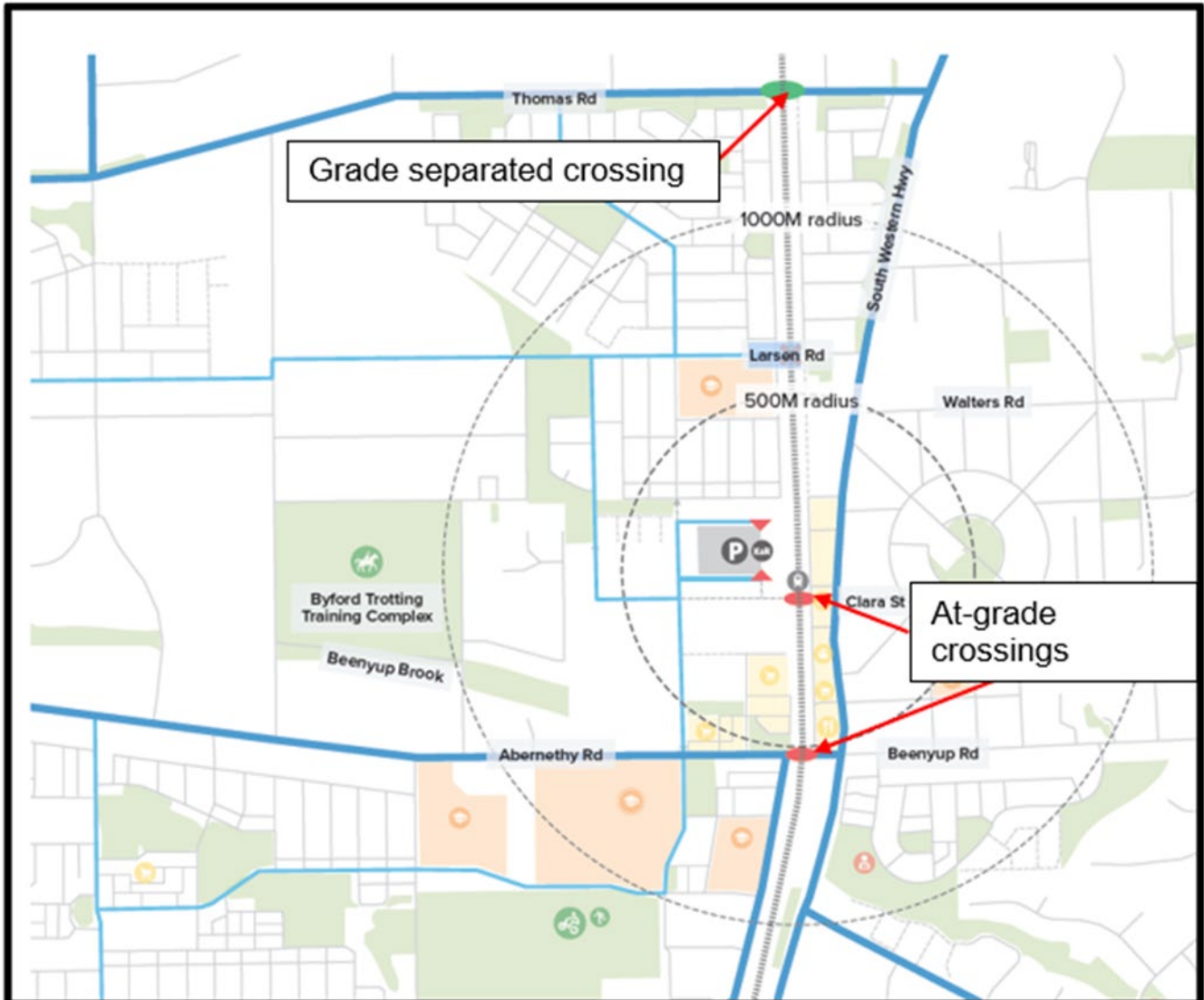
As part of the initial approval, access to the development was approved from Larsen Road and George Street, as depicted following:



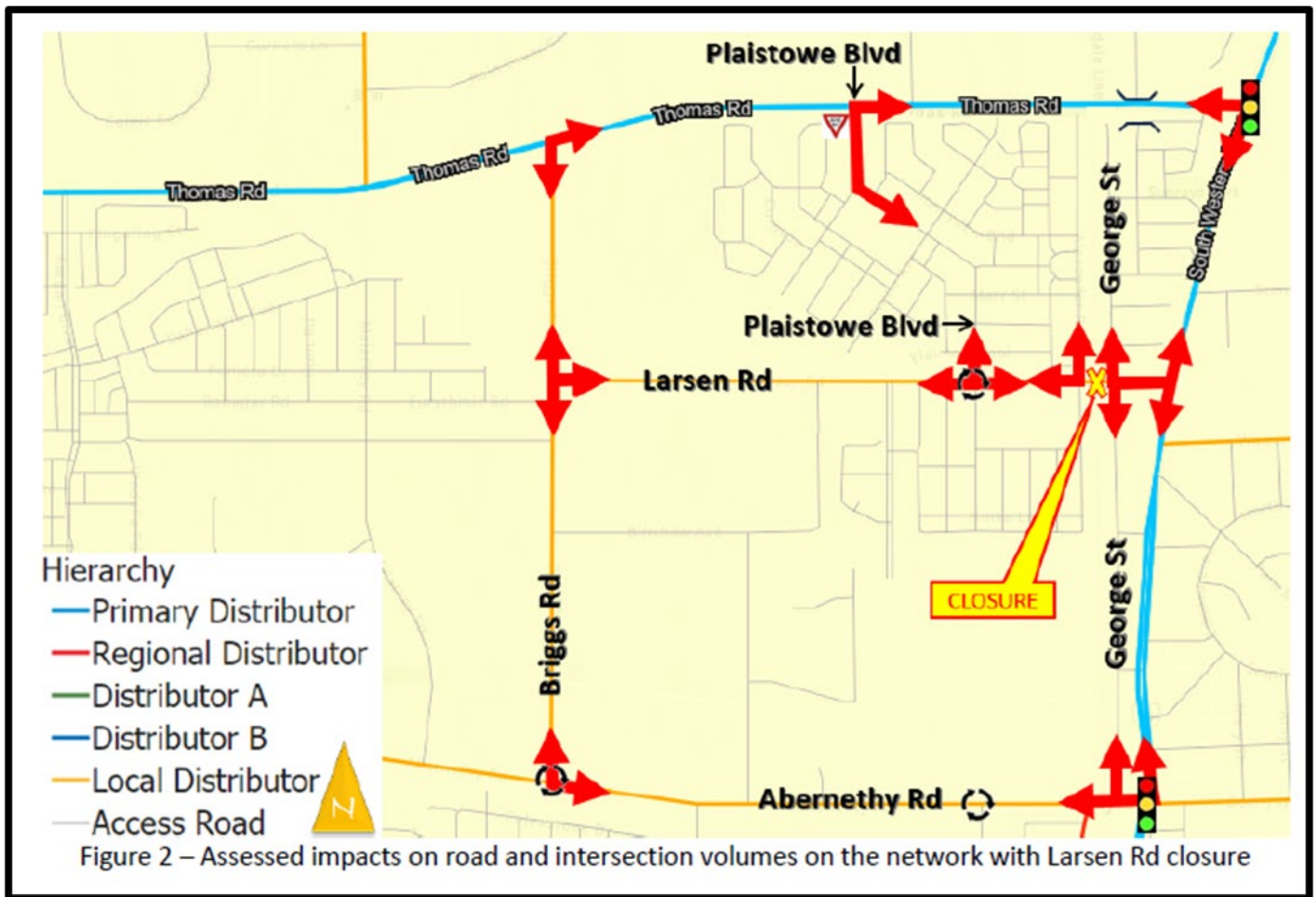


The approval facilitated fuel tankers to access the site from George Street and exit on to Larsen Road to ensure safe movement of these large vehicles. The approval also resulted in the requirement to provide dual turning lanes at the Larsen Road/South Western Highway intersection to increase the capacity of Larsen Road and to eliminate concerns of traffic stacking.

Given the upcoming closure of Larsen Road at the railway, traffic will no longer be able to access the subject site on Larsen Road directly from the west. East-west road connectivity over the railway will be via the Thomas Road bridge to the north, and Clara Street West and Abernethy Road to the south, as depicted following:

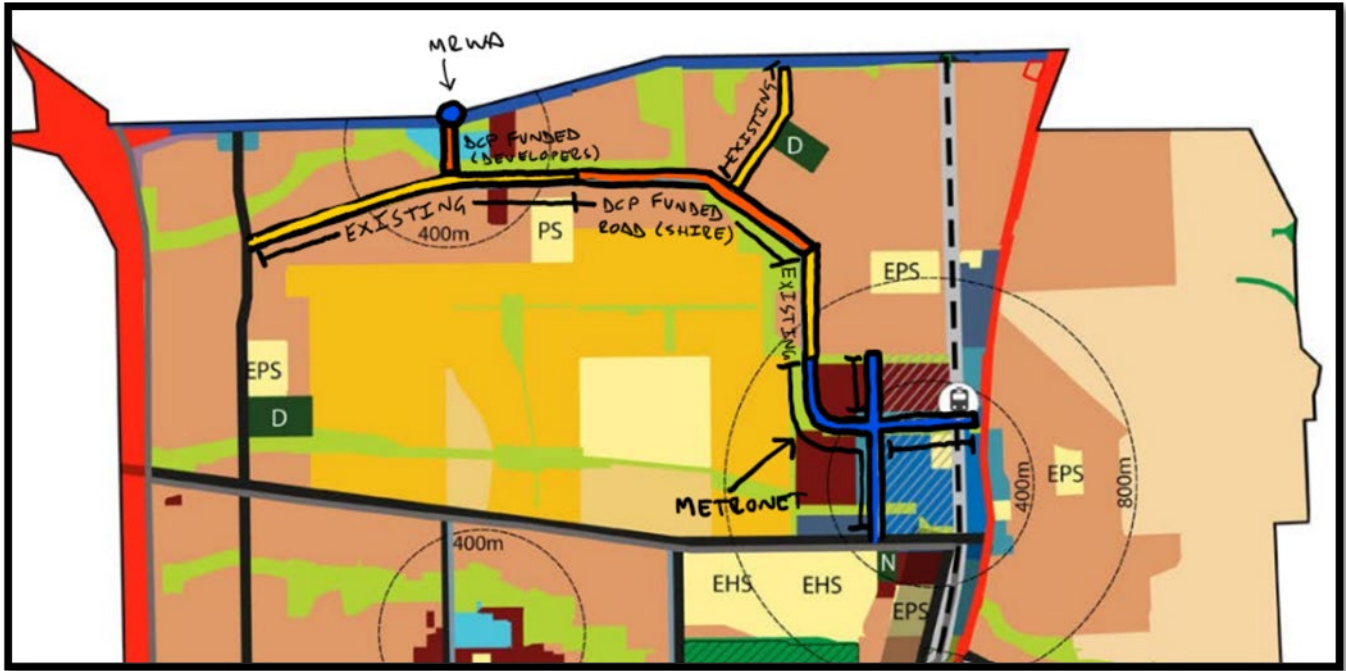


The applicant has provided additional information in the form of an addendum to the TIA (**attachment 7**). This states that there is currently no traffic model of the forecast impacts of the road closure on the road network. “A preliminary assessment of the changed routes suggests significant increases to volumes along Plaistow Blvd and the right turns into and out of Plaistow Blvd at the Thomas Rd Give-Way controlled T intersection, as well as changes in volumes at up to 10 other intersections”. This is depicted on the figure below:



The addendum considers that these changes will result in a significant reduction in volumes on Larsen Road between the Railway and South Western Highway and minor changes to the overall volumes through the intersections.

Officers note that the addendum is only a specific and narrow snapshot of the subject land, and does not take account of how the planned road network of Indigo Parkway and Sansimeon Boulevard will transform accessibility for the communities which are developed north of Abernethy Road, and south of Thomas Road. Once the road network is fully delivered, the planned movement patterns will take place as intended under the BDSP. There will, however, be stages of delivery of the road network, which will need to deal with interim access arrangements.



As part of the initial application in 2018, the TIA considered the traffic at the time as well as a further 10-year forecast. The TIA also acknowledged the closure of the rail crossing at Larsen Road.

The WAPC Transport Impact Assessment Guidelines (2016) provides guidance on the assessment of traffic impacts. As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any section of road but increases over 10 percent may.

Larsen Road is a 'Local Distributor' road and as such has a maximum desirable volume of 6,000 vehicles per day (vpd) or 600 vehicles during its peak hour. The TIA of 2018 includes the total peak hour volumes in the table below:

Midblock	→			←		
	Existing 2018	Forecast	Total	Existing 2018	Forecast	Total
Midweek 1-2 PM	73	72	145	115	45	160
Midweek 4-5 PM	95	76	171	193	39	232
Saturday 12-1 PM	97	97	194	150	50	200

Table 3 – Assessed total mid-block volumes on Larsen Rd

The maximum traffic volumes in 2018 and the forecasted volumes would not exceed the 600 vehicles per hour, with a maximum of 200 forecasted. The addendum states that the closure of the railway crossing is likely to have an impact on the forecast 200 trips as up to 50 of these were expected to be associated with traffic coming from, or going to, areas on the west side of the railway crossing. This is considered to demonstrate that Larsen Road has sufficient capacity to accommodate the additional traffic generated from the development now and in the immediate future.



Furthermore, the closure of Larsen Road at the railway will remove school traffic from the portion of Larsen Road that is relevant to the proposal, and in turn remove the school traffic from the Larsen Road / South Western Highway intersection. As such, the changes to the road network will not have any negative impact on the approved condition requiring the upgrade to the intersection of Larsen Road and South Western Highway.

South Western Highway and George Street provide access to the site for northbound and southbound vehicles. George Street is an 'Access Road' which have the capacity to carry up to 3,000 vpd. The traffic generated from the development is therefore less than 10% of its capacity and is therefore unlikely to have a material impact in accordance with the WAPC's Guidelines. George Street will also be connected through to Abernethy Road, as part of the Byford Rail Extension and this work will be undertaken by Metronet.

The traffic generated from this development is considered capable of being accommodated and as previously stated MRWA has raised no objections to the proposal.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

The applicant has advised that since the determination of the application in 2018 the following has occurred to pursue the implementation of the approval:

- *"Subdivision application for Lot 104 Larsen Road submitted on 7 August 2019 (WAPC 158316) seeking to create individual lots for the Service Station, Tyre Centre, Car Wash and Retail components.*
- *Subdivision application 158316 approved on 8 November 2019 (attachment 8).*
- *Commercial agreements were in place in 2019 and early 2020 (pre-Covid).*
- *The property developer and financial partner was based in Victoria and therefore, the process required to be undertaken to realise a development outcome and finalise the agreements was hampered by Covid lockdowns and the associated restriction on interstate travel for the best part of two years.*
- *The property was then placed on the market with an offer to purchase being executed on 1 October 2021 and rescinded on 27 April 2022.*

*Following the failed sale, the developers now wish to reinvigorate the opportunity and need extended approval to allow them the chance to produce a new facility and see a return for their investment in the land."*

Based on the information provided, it is considered that the applicant has actively and relatively conscientiously pursued the implementation of the development approval, in accordance with LPP1.3.



## **Options and Implications**

### Option 1

That Council resolves the following Responsible Authority Recommendation:

That the MODAP Resolves to:

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

### Option 2

That Council resolves the following Responsible Authority Recommendation:

That the MODAP Resolves to:

1. ACCEPT that the DAP Application reference DAP/18/01419 as detailed on DAP Form 2 dated 28 June 2023, is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)*;
2. REFUSE, in accordance with regulation 17(4)(b) of the DAP Regulations, the application dated 28 June 2023 to amend DAP Application reference DAP/18/01419 in order to extend the period by which development must be substantially commenced, for the following reasons:
  - a. The planning framework has changed since original approval of the development, such that the proposal should now be reviewed and redesigned in light of the updated planning framework;
  - b. The road infrastructure network will change significantly since original approval of the development, which should be subject to detailed review as to acceptability of the proposal in light of these changes.

Option 1 is recommended.

## **Conclusion**

The application seeks to amend the approval by extending the timeframe for when the development is required to be substantially commenced. The development approved was required to be substantially commenced by 11 December 2022. The application seeks to allow a further two years for substantial commencement (11 December 2024).

It is considered that the proposal remains consistent with the planning framework. Furthermore, the development approval has actively and relatively conscientiously pursued the implementation of the development approval. The application is therefore recommended for approval.



**Attachments (available under separate cover)**

- **10.1.2 - attachment 1** - Responsible Authority Report (E23/10289)
- **10.1.2 - attachment 2** - MODAP Approval 2018 (E19/8645)
- **10.1.2 - attachment 3** - MODAP Approval 2019 (E23/12339)
- **10.1.2 - attachment 4** - Current Application Details (E23/12345)
- **10.1.2 - attachment 5** - Summary of Submissions (E23/9784)
- **10.1.2 - attachment 6** - Clause 67 Checklist (E23/12343)
- **10.1.2 - attachment 7** - Addendum to Traffic Impact Assessment (E23/12776)
- **10.1.2 - attachment 8** - Subdivision Approval (E23/12344)

**Alignment with our Strategic Community**

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.

**Financial Implications**

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered the lowest risk option						
2	That the MODAP refuses the application which results in a SAT review process, and causes resource impacts on the Shire in attending the SAT processes.	Planning Framework	Reputation	Possible	Moderate	MODERATE	Nil.



**Voting Requirements:** Simple Majority

**OCM249/10/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Dagostino**

**That Council resolves the following Responsible Authority Recommendation:**

**That the MODAP Resolves to:**

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

**CARRIED UNANIMOUSLY 8/0**





**Councillor Coales declared an Impartiality Interest in item 10.1.3.**

**An amended report for item 10.1.3 was issued on Thursday, 12 October 2023 to incorporate some submissions which were missed in error in the original report.**

<b>10.1.3 - Proposed 'Educational Establishment' - Lot 9 Watkins Road, Mundijong (PA23/388) - AMENDED</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	David and Kristy White
Date of Receipt:	2 June 2023
Lot Area:	2.18ha
Local Planning Scheme No. 3 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

### Report Purpose

The purpose of this report is for Council to consider a development application for an 'Educational Establishment' (Secondary School) at Lot 9 Watkins Road, Mundijong. The development includes the construction of three classrooms accommodating 50 students and other associated buildings, and tree removal which coincides with where development is proposed. The proposal also includes the use of the existing dwelling as an administration office and caretaker's residence, car parking and outdoor recreation / play areas.

Seven submissions, including six objections and one letter of support, were received during the advertising process with concerns raised relating to traffic congestion, amenity / environmental impacts and anti-social behaviour. The application is presented to Council as Officers do not have delegated authority to determine development applications where more than two submissions raising either planning objections or planning concerns on an application have been received, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

For the reasons discussed in the report, it is considered that the proposal is consistent with the planning framework and the concerns raised in the objections can be mitigated. As such, it is recommended that Council approve the 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 a rural residential lot that has an area of 2.18ha. There is an existing dwelling and associated outbuilding sited near the midpoint of the Watkins Road frontage. Vegetation is scattered across the site, however the north-east section is mostly cleared. Canopy trees extend along most of the Watkins Road frontage and along the north-west side boundary. There are two crossovers which are connected by a loop driveway.

The site is located approximately 500m to the south-east of the Mundijong Town Centre and 180m east of the railway line. It has access to local services and facilities, being on the edge of the town centre with direct footpath connectivity and pedestrian rail crossing infrastructure in place. The adjoining property to the west is a garden and landscaping supplies centre, while remaining properties are used predominantly for rural lifestyle purposes.



Figure 1- Subject site and surrounds



### Proposed Development

The application seeks approval for the development of an 'Educational Establishment' (Secondary School). Details are as follows:

#### *Buildings and works*

- New buildings include three classrooms, kitchen / home goods, three sheds, ablutions, chicken coop, Falai / Samoan hut and five water tanks;
- The existing dwelling is proposed to be used as an administration office and caretaker's dwelling;
- Five sheds with the largest shed to be used as a workshop;
- One water tank is to be retained;
- Parking area including 14 car bays and a 60 seat bus bay;
- Bicycle facilities in front of the administration building;
- Footpath network connecting the various buildings;
- Three gardens, livestock area and compost area;
- Vegetation removal to facilitate the planned development, in the form of 11 trees and shrubs.

#### *Operation and Use*

- Maximum of 50 students between the ages of 12 and 20; five staff members and two caretakers that live on-site;
- The school's philosophy is to place a focus on specialized outdoor education and activities, which are not offered in mainstream schools;
- The school aims to engage students with an alternative approach by offering classes in horticulture, cooking, agriculture and sustainability, with linkages and partnerships with the surrounding rural based economy of the Shire;
- The school would operate between 8.30am to 5.00pm from Monday to Friday, with most students arriving by bus or being dropped off by parents and guardians;
- The new secondary school will represent an additional campus, separate from the one operating in Kelmscott. Students would not be travelling between the two campuses during school hours;
- The existing house will be retained and redesigned to accommodate administration and appropriate facilities for two permanent caretakers, who will be responsible for looking after livestock and ensuring vegetation is managed to enable the education pathways associated with rural based uses (horticulture, sustainability, etc.).



Full details of the proposal are contained within **attachment 1** and the proposed site plan and elevations are depicted following:

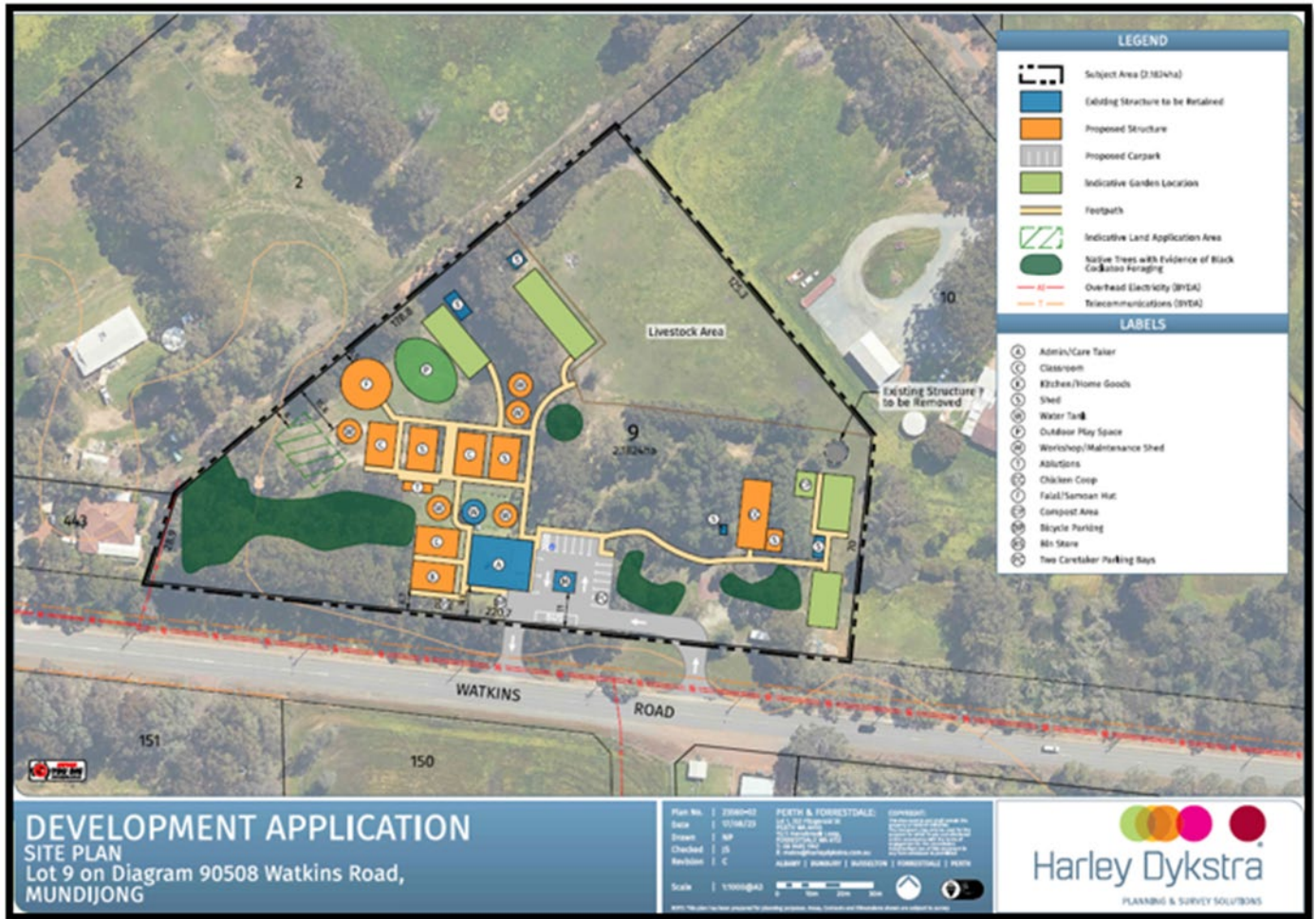


Figure 2- Site plan

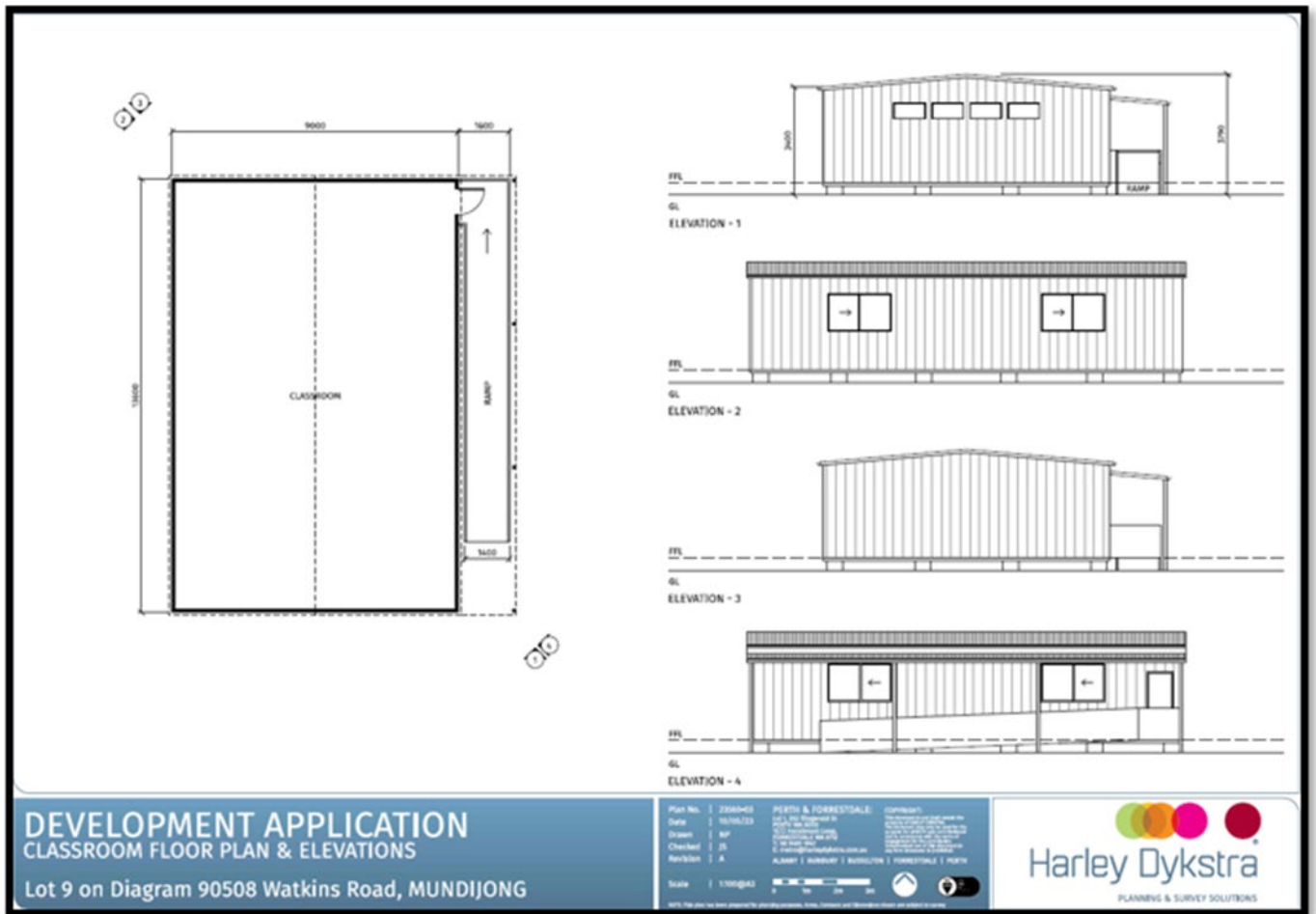


Figure 3- Classroom floor and elevation plans

### Community / Stakeholder Consultation

The application was advertised to landowners within a 500m radius of the site for a period of 21 days, in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4). During the advertising period, a total of 14 submissions were received, three supporting the proposed development and ten objecting.

One submission received supported the proposed development, however provided feedback regarding black cockatoo habitats to be protected.

The concerns raised are summarised below. The full submissions along with the applicant's response is contained within **amended attachment 2**.

- Insufficient information in relation to the operation of the school (including student numbers) and location of the site in relation the local road network.

#### Officer Comment

The submitted planning report states that the maximum number of students will be 50. The report also discusses how the school will operate. This information formed part of the information that was advertised. The broader road network is shown in the submitted Traffic Impact Statement, which assessed the proposed development.

- Increased traffic volumes along Watkins and Mundijong Road and poor vehicle access to the site.

*Officer Comment*

The Traffic Impact Statement sets out that the road network is capable of accommodating the additional traffic generated by the development and safe access to the site can be achieved.

- Insufficient car parking for students, staff, visitors and maintenance personnel.

*Officer Comment*

The car parking allocation for the site is consistent with the requirements under Local Planning Scheme No. 3, and is therefore sufficient for a school of the size proposed. The majority of students are not of legal driving age, and therefore will not be driving and parking on the site during the school day.

- The area should be used for housing and not a school.
- The site is not a residential area and a school will impact quiet rural living.

*Officer Comment*

Schools are located within residential areas, given they provide a service to local student catchments and the broader community. Schools need to therefore be proximate and accessible, with road connectivity to ensure efficient safe management of traffic and pedestrians, in a manner that does not impact amenity. The subject land is designated for Residential under the Mundijong District Structure Plan, therefore making an educational establishment a use that can be considered. Assessment of such takes account of the objectives of the zone, and the degree to which any amenity impacts can be mitigated.

- Lack of infrastructure / essential services including reticulated water and sewage.

*Officer Comment*

The whole of Mundijong is not serviced by reticulated sewer, so all forms of development must rely on onsite effluent disposal. Officers are satisfied that wastewater can be managed onsite, in accordance with the requirements of the Department of Health. Also, the use of water tanks as a source of drinking water is considered to achieve sustainability objectives.

Given the limits of no more than 50 students plus five staff members and two caretakers, it is noteworthy to compare that to the likes of the Shire Administration Building (110 plus staff) and Court Grammar (in excess of 1,200 students and staff). Both these more intensive uses are able to operate safely using available onsite effluent disposal technologies, which demonstrates the capability of this development to also do the same given its lesser scale.

- Absence of Emergency Management Plan.

*Officer Comment*

A Bushfire Emergency Evacuation Plan has been submitted with the application and is recommended to be endorsed to form part of any approval.

- Insufficient ablution facilities.

*Officer Comment*

A condition of approval is included to provide the full details of ablution facilities, which are required to be provided in accordance with the National Construction Code.

- Juvenile offenders attending the school and anti-social behaviour.

*Officer Comment*

The school facilitates alternative teaching pathways which re-engage young people into learning. The student program is intensively staffed and managed, to ensure success for students and positive partnerships with the surrounding community. While noting the concerns about antisocial behaviour, the approach presented in the application (with a focus on small and intensive student teaching), is considered to mitigate risk of this occurring.

- Black cockatoo feeding / breeding areas should be protected at all times.

*Officer Comment*

The site plan shows areas of native trees with evidence of Black Cockatoo foraging to be protected.

- Reduction in property values.

*Officer Comment*

This is not a relevant planning matter.

Department of Education

*This proposal is noted, and it is not anticipated that it will impact the school site planning currently underway in the area. The Department has no in principle objections to the proposal.*

Department of Fire and Emergency Services (DFES)

DFES has provided a submission seeking clarification or modifications to aspects of the Bushfire Management Plan in relation to:

- Vegetation classification;
- The extent of tree removal required for the asset protection zone; and
- The fact that sheds are located in BAL-FZ

DFES Built Environment Branch

- *“BEB has advised that as a number of the buildings appear to be Class 9b, plans will need to be provided to DFES Built Environment Branch for assessment as required by Regulation 18B of the Building Regulations 2012 (as amended).*
- *Recommendation - compliance with Acceptable Solutions not demonstrated - modification required.*
- *It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.*
- *1. The development design has not demonstrated compliance to -*
  - *Element 1: Location; and*
  - *Element 2: Siting and Design.*

Officer comment:

The applicant submitted an amended Bushfire Management Plan to address concerns raised by DFES. The proposed shed located near the east side boundary determined to have a BAL FZ has been relocated to the eastern side of the chicken coop. These submissions are discussed further under the relevant heading of the report.



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## Statutory Environment

### Legislation

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

### State Government Policies

- State Planning Policy 7.0 - Design of the Built Environment
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Operational Policy 2.4 - Planning for School Sites

### Local Planning Framework

- Local Planning Scheme No. 3
- Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy
- Local Planning Policy 1.6 - Public Art for Major Developments
- Local Planning Policy 4.16 - Landscape and Vegetation Policy

## Planning Assessment

A comprehensive assessment has been undertaken in accordance with Clause 67 of the *Planning and Development Regulations 2015*. The assessment can be viewed as part of **attachment 3**. For the purpose of this report, discussion is confined to key issues or where Council is required to exercise discretion.

### Land Use

The proposed development falls within the 'Educational Establishment' land use under Local Planning Scheme No.3 and is defined as:

**'Educational Establishment-** means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.'

The site is located within the 'Urban Development' Zone and an 'Educational Establishment' is a 'D' use which means that the use is only permitted if the local government has exercised its discretion by granting development approval.

### Local Planning Scheme No. 3

As stated above, the subject site is located within the 'Urban Development' Zone and the objectives of this zone are as follows:

- *To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.*
- *To provide for a range of residential densities to encourage a variety of residential accommodation.*
- *To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.*



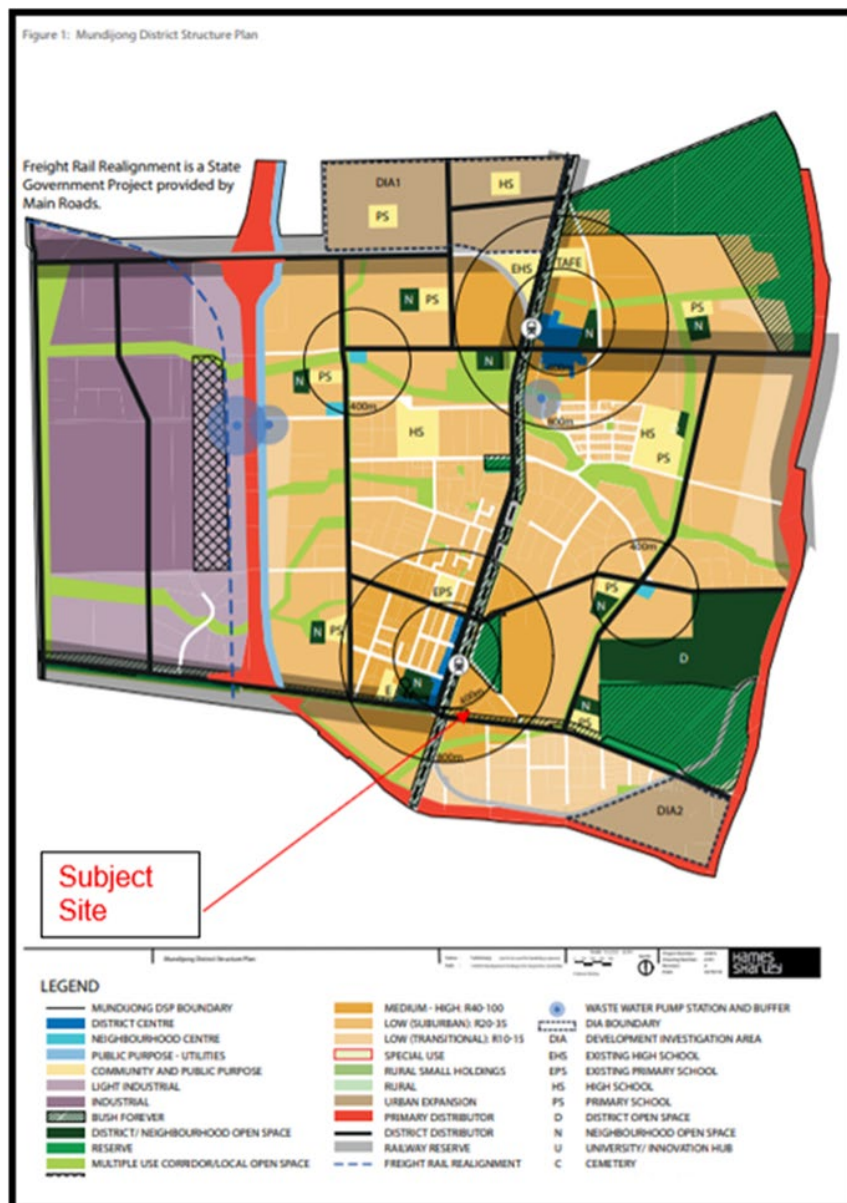


- To provide an intermediate transitional zone following the lifting of an urban deferred zoning within the Metropolitan Region Scheme.

An Educational Establishment is generally consistent with the above objectives and specifically is considered to be a use that is normally associated with residential development. Schools provide a service to local student catchments and the broader community. Schools therefore need to be proximate and accessible, and are designed to be integrated compatibly with residential neighbourhoods. The proposed location, with good road connectivity, ensures efficient safe management of traffic and pedestrians, in a manner that does not impact amenity. It is considered to be aligned to the objectives of the zone.

### Mundijong District Structure Plan (DSP)

The subject site is identified as Residential 'Medium-High R40-100' under the DSP and falls within Local Structure Plan Precinct C. Precinct C has been separated into three sub precincts, of which the subject site falls within Precinct C3 which consists of five lots held in separate ownership. This has resulted in more manageable land areas to enable the preparation of future LSPs.





It is important that to acknowledge that the DSP allows discretion to be exercised when considering development applications prior to the preparation and approval of a LSP. In this case, it is considered that the proposed school with only 50 students is not a major educational facility that would likely prejudice the future preparation of an LSP for the precinct. The LSP would also be prepared on the basis of the DSP designation, which (as previously stated) allows for the subject land use to occur subject to approval being granted. Further, the subject site is located on a main road (Watkins Road) within easy walking distance of the town centre and public transport along Paterson Street, and is considered a suitable location for a small secondary school.

#### Operational Policy 2.4 – Planning for School Sites

The objectives of this operational policy seek to:

- *To make provision for school sites and other education facilities and services related to community needs;*
- *To establish the preferred location and design elements for school sites and other education facilities;*
- *To ensure that school sites are developable, serviceable and have suitable and safe access;*
- *To ensure that the design and layout of the movement network around school sites provides for the safety of pedestrians, cyclists and road users, and encourages active transport;*
- *To achieve efficient use of land, facilitate supplementary and complementary land uses on site, encourage appropriate adjacent and surrounding land uses and encourage the co-location of community infrastructure where feasible;*
- *To promote adaptable re-use of government school sites as a key response to fluctuating population and demographic demands, and facilitate the retention of school sites (assets) for re-use in the longer term in lieu of short-term disposal.*

In respect of the policy, it is noted that:

- While the site has an area below that usually associated with a public high school, the intended development is for a small private high school, with a focus on alternative rural and outdoor based curriculum. Whereas Byford Secondary College, for example, requires 10ha in order to accommodate its 1,500 student and staff community, this proposal is for a maximum of 50 students plus staff (five staff members and two caretakers), with a bespoke curriculum that aligns with the natural setting which the 2.18ha land size provides. Further, the development will retain pockets of native vegetation, while small scale rural pursuits (livestock) will provide for practical agricultural lessons in an outdoor setting.
- The site is level and therefore minimal earthworks are required to construct the development. A network of pathways have been incorporated into the design of the development that links the various classrooms with other buildings and facilities. The school layout also includes a playground, horticultural gardens and bushland.
- The site has a wide frontage along Watkins Road which provides direct access in opposite directions to Paterson Street to the west and South Western Highway to the east. An onsite car parking area has been provided in close proximity to the Watkins Road frontage. The car parking area also includes a bus bay located near the administration building. While the submitted plans do not show a designated drop off area for students, a condition of approval is recommended to require amended plans showing such facility.



- The site abuts three properties including large rural living properties to the north-east and north-west and a landscaping garden supplies business to the west. While the site does not currently abut a residential area, the adjoining land is designated 'Residential' under the DSP and will overtime transition to this opportunity. The classrooms, administration building and workshop are also well set back from lot boundaries, and protective of amenity in this regard.

### Car Parking and Vehicle Access

Under LPS3 an 'Educational Establishment' is required to provide 14 parking bays per 100 students. The proposal seeks approval for a maximum of 50 students which requires seven bays, including the provision for staff parking. The proposed development would provide a total of 14 car parking bays resulting in a large surplus of parking.

From a Scheme perspective, the parking is more than sufficient to serve both staff parking (five) and student drop offs in the morning and pick-ups in the afternoon. A bus bay has also been provided that will assist with the transportation of students to and from the school and for school excursions. The two caretakers will be able to park their vehicles in the double carport that forms part of the existing dwelling / proposed administration office.

Notwithstanding the above, there may be times which the school could host an event, and therefore provision for overflow parking may need to be made. This is a common informalised feature of schools, and in this case the following area would be available for overflow:



**Overflow parking area available**



Additionally, the siting of a workshop (or any structure for that matter) in the middle of a car parking area is not an effective or safe design approach, due to the potential for compromising safety. Further, the siting of the bus bay and the anti-clockwise vehicle circulation does not provide a safe and convenient area for students to onboard and disembark the bus. It is considered safer and more efficient for vehicles to enter the site using a left hand turn when approaching from the west along Watkins Road, and likewise for vehicles to exit the site from the eastern crossover.

Given the surplus of car parking and flexible space in which to address a minor car park redesign, it is recommended that a condition of approval be imposed to require the following plan changes:

1. Relocation of the workshop from the car parking area;
2. One way traffic flow in a clockwise direction;
3. Provision of a designated student drop off / pick point;
4. Relocating of the bus bay to ensure students can enter / exit the bus directly from a pedestrian pathway without having to cross the car park / vehicle accessway;
5. Appropriate entry and exit signage;
6. Car park / vehicle accessway designed in accordance with AS/NZS 2890.1 Parking facilities - Off street car parking;
7. Designation of an overflow parking area.

### Traffic

The application was submitted with an accompanying Traffic Impact Statement (TIS), prepared by Stantec Australia Pty Ltd. The TIS indicates the development would generate approximately 110 trips per day, comprising 55 trips during the peak hour periods. Watkins Road is designated as a 'Regional Distributor' road under the MRWA hierarchy and has a capacity of 18,000 to 20,000 vehicles per day. The traffic generated from the development is therefore less than 10% of its capacity and unlikely to have a material impact in accordance with the WAPC's Guidelines.

Overall, the TIS concludes that the proposed development of the educational establishment is unlikely to result in any substantial impact on the surrounding road network; where the background traffic is relatively low when compared with the overall road and intersection capacity. School zone signalling, will also assist in safe movement through the bend of Watkins Road that occurs in proximity of the railway crossing, which is considered to improve general safety at the peak time of drop off and pick up.

Officers are satisfied that the traffic impacts of the proposed development are not unreasonable and will not impact upon the functionality of the local road network in the short or long term.

### State Planning Policy 3.7 - Planning in Bushfire Prone Areas

The subject site is located within a Bushfire Prone Area and subject to assessment under SPP3.7, which classifies Educational Establishments as 'vulnerable' land uses requiring the submission of a Bushfire Management Plan (BMP) to be jointly endorsed by the local government and the Department of Fire and Emergency Services (DFES). The BMP is required to achieve consistency with the Guidelines for Planning in Bushfire Prone Areas (Guidelines). As previously stated, DFES has provided a submission requiring modifications to be made to the submitted BMP. An assessment against the elements of the Guidelines for Planning in Bushfire Prone Areas (Guidelines) in relation to DFES submission follows.

*Location, Siting and Design:*

The BMP identifies that the development would be in an area with a BAL rating of BAL-12.5 subject to the maintenance of an asset protection zone (APZ), with the exception of the Folai / Samoan Hut (BAL 29). DFES has queried the classification of vegetation within Plot 3 of the BMP, stating that the photographic evidence provided requires substantiating. DFES has commented that the entire lot (including areas of significant vegetation protected for Black Cockatoo foraging) has been included in the APZ however the applicant has confirmed that management of foraging areas will be completed in accordance with the BMP and Clause 2.2.3.2 of AS3959. Officers have undertaken further assessment of the vegetation including the canopy cover and foliage and are satisfied that the correct classification has been used within the BMP. No further modifications are therefore recommended in this regard.

Further, DFES has commented that the vegetation within the verge along the southern boundary of the site has been classified as Class A Forest however this area has been excluded as per AS3959. The applicant has responded by stating that this vegetation is a single line of trees and once internal management / maintenance has been complete then the trees will be considered to be low threat vegetation under Clause 2.2.3.2 of AS3959 and therefore excluded. A condition is recommended to ensure the development is consistent with the BMP to ensure this is this case.

*Vehicular Access:*

The Guidelines require for development to have two-way access from a site in case of a bushfire. The subject site has direct access to Watkins Road which is constructed of bitumen, not less than 6m wide and provides vehicle access to Wright Road and Paterson Street to the west and South Western Highway to the east. Therefore, the location of the site and existing road network permit suitable access and egress for the community and emergency services personnel in the event of a bushfire.

*Provision of Water:*

An existing water tank is present on the site and five additional tanks are proposed. The water tank adjacent to the administration building will be dedicated for firefighting purposes and constructed and maintained to meet the requirements outlined in the Guidelines.

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

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

Local Planning Policy 4.16 - Tree Retention and Planting

The proposed development is subject to landscaping requirements under the provisions of LPP4.16. A Tree Removal Plan has been submitted which shows the removal of 11 trees and shrubs however no Landscaping Plan has been submitted. A condition requiring a Landscaping Plan has been recommended, which will allow the detailed design of landscape areas to be refined prior to operation and to replace the trees lost through the development.

Development Contributions (DCA1)

This development falls within the development contribution area DCA3 (the Mundijong-Whitby). Private education establishments are liable for development contributions as a non-residential development.



Under a development application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot “yield” for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a condition needing to be met prior to the issue of a Building Permit.

### Amenity

#### *Visual*

State Planning Policy 7.0 - Design of the Built Environment provides design principles for development context and character; landscape quality; built form and scale; functionality and build quality; sustainability; amenity; legibility; safety; community; and aesthetics.

In terms of the visual impacts of the development, the majority of the buildings are concentrated in the south west corner of the site. These buildings are mostly separated by open space, patches of canopy tree vegetation and pedestrian pathways. The administration / caretaker building will occupy the existing dwelling while the proposed classrooms / ablution block are relocatable structures that are modest in height and scale. Likewise, the proposed sheds and hut are also relatively modest structures. Further, views of the development from Watkins Road and adjoining properties will be mostly screened by vegetation both within and external to the site. It is considered that the design of the buildings would not adversely impact upon the existing rural character of the area or the future expected character.

A condition of approval is also recommended to require a schedule of colours and materials for external wall cladding and roof that enhance the rural and natural character of the Shire.

#### *Noise:*

The application was submitted with an accompanying Environmental Acoustic Assessment which states that the Educational Facilities Schedule 2 - Community Noise section of *Environmental Protection (Noise) Regulations 1997* allows for the emission of noise from the premises other than mechanical equipment (excluding musical instruments). However, if the community noise is increased and has a detrimental effect on the environment that exceeds the benefit to the community of the activity that gives rise to that noise, then the DWER may serve a noise control notice on the owner or occupier in respect of the community noise.

Notwithstanding the above, mechanical services associated with the educational facility would need to comply with the regulations or the assigned levels. The closest neighbouring residences are located at Lot 443 to the west, Lot 2 to the north-west and Lot 10 to the north east as shown in the aerial image following:



Figure 5- Plan Showing Nearest Sensitive Noise Receptors



The tables following demonstrates that emissions associated with the proposed education facility are compliant during operational hours.

**TABLE 4.3 – ASSESMENT OF WORKSHOP NOISE LEVELS**

Location	Assessable Noise Level, dB(A)	Assigned Noise Level, L <sub>A10</sub> dB		Exceedance to Assigned Noise Level
		Time of Day	L <sub>A10</sub> dB	
A – Lot 443	13	Day Period	45	Complies
B – Lot 2	12	Day Period	45	Complies
C – Lot 10	17	Day Period	45	Complies

**TABLE 4.4 – ASSESMENT OF AQUAPONICS NOISE LEVELS**

Location	Assessable Noise Level, dB(A)	Assigned Noise Level, L <sub>A10</sub> dB		Exceedance to Assigned Noise Level
		Time of Day	L <sub>A10</sub> dB	
A – Lot 443	5	Day Period	45	Complies
B – Lot 2	6	Day Period	45	Complies
C – Lot 10	17	Day Period	45	Complies

**TABLE 4.5 – ASSESMENT OF MECHANICAL PLANT NOISE LEVELS**

Location	Assessable Noise Level, dB(A)	Assigned Noise Level, L <sub>A10</sub> dB		Exceedance to Assigned Noise Level
		Time of Day	L <sub>A10</sub> dB	
A – Lot 443	19	Day Period	45	Complies
B – Lot 2	19	Day Period	45	Complies
C – Lot 10	25	Day Period	45	Complies

Further to the above, a Noise Management Plan (NMP) was submitted with the application to demonstrate compliance with 'State Planning Policy 5.4 - Road and Rail Noise' given that the subject site is located within 200m of the freight rail line. The results of the acoustic assessment concludes that noise received at the development from future traffic would not exceed noise level criteria and therefore there are no upgraded construction requirements.

### Tree Removal

'Clause '4.7 Vegetation Removal' of LPS3 states that '*All vegetation removal requires the prior development approval of the local government ...*'. The proposal requires the removal of 11 trees and shrubs and therefore development approval is required for tree removal. The school layout seeks to retain the majority of onsite vegetation including native trees with evidence of Black Cockatoo foraging, however some buildings / vehicle access will require the removal of some trees and shrubs. The trees with evidence of Black Cockatoo foraging is depicted below:





The proposed tree removal is considered to be acceptable given the site is designated 'Residential' under the MDSP which anticipates a higher intensity of residential development that will inevitably require more extensive tree removal. Nonetheless, it is recommended that a condition of approval require the submission of a landscaping plan to maintain visual amenity and replace the lost trees.

### Options and Implications

#### Option 1

That Council APPROVES the development application for an 'Educational Establishment' (including associated tree removal) at Lot 9 Watkins Road, Mundijong as contained in **attachment 1**, 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	<p>Plans P1 to P8 received at the Shire's offices on 22 May 2023 and 8 September 2023</p> <p>Traffic Impact Statement prepared by Stantec Australia Pty Ltd, dated 15 May 2023</p> <p>Environmental Acoustic Assessment prepared by Herring Storer Acoustics, dated May 2023</p> <p>SPP5.4 Noise Management Plan prepared by Herring Storer Acoustics, dated May 2023</p>
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	Bushfire Management Plan prepared by Eco Logical Australia, dated 8 September 2023 Bushfire Emergency Evacuation Plan prepared by Eco Logical Australia, dated 22 May 2023
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2. The maximum number of students on the premises at any one time shall not exceed 50.
3. Operating hours are restricted to 8.30am to 5:30pm, Monday to Friday.
4. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
  - (a) Removal or relocation of the workshop from the car parking area;
  - (b) One way traffic flow in a clockwise direction;
  - (c) Provision of a designated student drop off / pick up point;
  - (d) Relocate of bus bay to ensure students can enter / exit the bus directly from a pedestrian pathway without having to cross the car park / vehicle accessway;
  - (e) Appropriate entry and exit signage;
  - (f) Car park / vehicle accessway designed in accordance with AS/NZS 2890.1 Parking facilities - Off street car parking;
  - (g) Car parking to incorporate landscaping consisting of low shrubs and groundcovers;
  - (h) Change room and shower facilities including a floor and elevation plans;
  - (i) Bin store appropriately screened from public areas;
  - (j) Schedule of colours and materials for each building that enhances the rural and natural character of the Shire;
  - (k) Designation of an overflow parking area.
5. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
6. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
7. Prior to occupation of the development, a Landscaping Plan, showing all areas of retained vegetation and additional planting shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
8. Existing trees identified on the approved site plan to be retained, shall be otherwise protected in accordance with AS 4970-2009 unless otherwise approved by the Shire of Serpentine Jarrahdale.
9. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved development shall be in accordance with the approved Stormwater Management Plan.



10. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted and approved by the Shire of Serpentine Jarrahdale, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
11. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
12. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
13. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (Local Government).
14. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/ applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
15. Prior to the commencement of the development, a Waste Management Plan must be submitted and approved by the Shire. Once approved, development must be in accordance with the approval Waste Management Plan.
16. Prior to the commencement of the development, a Construction Management Plan must be submitted and approved by the Shire. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to in its entirety.
17. The keeping of animals shall not exceed the stocking rate guidelines recommended by the Department of Primary Industries and Regional Development for the applicable pasture types.

#### Option 2

That Council REFUSES the development application for an 'Educational Establishment' at Lot 9 Watkins Road, Mundijong as contained in **attachment 1** for the following reasons:

1. The proposed development may prejudice future structure planning of the associated sub-precinct, which may prevent certain planning outcomes being properly planned for.

Option 1 is recommended.

#### **Conclusion**

The proposed Educational Establishment and associated tree removal is considered to align with the current planning framework and would be capable of approval. Notwithstanding the objections, the proposed development is considered to be appropriate within the context in which it is proposed. Officers support the proposed development and recommend Council approve the application.



**Attachments (available under separate cover)**

- 10.1.3 - attachment 1 - Development Plans (E23/12532)
- 10.1.3 - attachment 2 - Summary of Submissions (E23/7409)
- 10.1.3 – AMENDED attachment 2 – Amended Summary of Submissions (E23/13513)
- 10.1.3 - attachment 3 - Technical Assessment (E23/12487)

**Alignment with our Strategic Community Plan**

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

**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 significant risks associated with Option 1, and conditions are imposed to suitably manage the development and its ongoing operations.						
2	That Council refuses the application, and an appeal is lodged with the State Administrative Tribunal which requires independent planning representation in order to defend the decision.	Reasons for refusal reflecting valid planning concerns or variations.	Financial	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.

**Voting Requirements:** Simple Majority

## Officer Recommendation

That Council APPROVES the development application for an 'Educational Establishment' (including associated tree removal) at Lot 9 Watkins Road, Mundijong as contained in attachment 1, 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:

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2. The maximum number of students on the premises at any one time shall not exceed 50.
3. Operating hours are restricted to 8.30am to 5:30pm, Monday to Friday.
4. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
  - (a) Removal or relocation of the workshop from the car parking area;
  - (b) One way traffic flow in a clockwise direction;
  - (c) Provision of a designated student drop off / pick up point;
  - (d) Relocate of bus bay to ensure students can enter / exit the bus directly from a pedestrian pathway without having to cross the car park / vehicle accessway;
  - (e) Appropriate entry and exit signage;
  - (f) Car park / vehicle accessway designed in accordance with AS/NZS 2890.1 Parking facilities - Off street car parking;
  - (g) Car parking to incorporate landscaping consisting of low shrubs and groundcovers;
  - (h) Change room and shower facilities including a floor and elevation plans;
  - (i) Bin store appropriately screened from public areas;
  - (j) Schedule of colours and materials for each building that enhances the rural and natural character of the Shire;
  - (k) Designation of an overflow parking area.



5. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
6. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
7. Prior to occupation of the development, a Landscaping Plan, showing all areas of retained vegetation and additional planting shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
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12. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
13. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (Local Government).
14. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
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16. Prior to the commencement of the development, a Construction Management Plan must be submitted and approved by the Shire. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to in its entirety.
17. The keeping of animals shall not exceed the stocking rate guidelines recommended by the Department of Primary Industries and Regional Development for the applicable pasture types.



**OCM250/10/23**

**COUNCIL RESOLUTION**

**Moved Cr Coales, seconded Cr Dagostino**

**That Council APPROVES the development application for an ‘Educational Establishment’ (including associated tree removal) at Lot 9 Watkins Road, Mundijong as contained in attachment 1, subject to the following conditions:**

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

<b>Plans and Specifications</b>	<b>Plans P1 to P8 received at the Shire’s offices on 22 May 2023 and 8 September 2023</b>  <b>Traffic Impact Statement prepared by Stantec Australia Pty Ltd, dated 15 May 2023</b>  <b>Environmental Acoustic Assessment prepared by Herring Storer Acoustics, dated May 2023</b>  <b>SPP5.4 Noise Management Plan prepared by Herring Storer Acoustics, dated May 2023</b>  <b>Bushfire Management Plan prepared by Eco Logical Australia, dated 8 September 2023</b>  <b>Bushfire Emergency Evacuation Plan prepared by Eco Logical Australia, dated 22 May 2023</b>
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**2. The maximum number of students on the premises at any one time shall not exceed 50.**

**3. Operating hours are restricted to 8.30am to 5:30pm, Monday to Friday.**

**4. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:**

- (a) Removal or relocation of the workshop from the car parking area;**
- (b) One way traffic flow in a clockwise direction;**
- (c) Provision of a designated student drop off / pick up point;**
- (d) Relocate of bus bay to ensure students can enter / exit the bus directly from a pedestrian pathway without having to cross the car park / vehicle accessway;**
- (e) Appropriate entry and exit signage;**
- (f) Car park / vehicle accessway designed in accordance with AS/NZS 2890.1 Parking facilities - Off street car parking;**
- (g) Car parking to incorporate landscaping consisting of low shrubs and groundcovers;**
- (h) Change room and shower facilities including a floor and elevation plans;**
- (i) Bin store appropriately screened from public areas;**
- (j) Schedule of colours and materials for each building that enhances the rural and natural character of the Shire;**
- (k) Designation of an overflow parking area.**



5. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
6. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
7. Prior to occupation of the development, a Landscaping Plan, showing all areas of retained vegetation and additional planting shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
8. Existing trees identified on the approved site plan to be retained, shall be otherwise protected in accordance with AS 4970-2009 unless otherwise approved by the Shire of Serpentine Jarrahdale.
9. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved development shall be in accordance with the approved Stormwater Management Plan.
10. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted and approved by the Shire of Serpentine Jarrahdale, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
11. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
12. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
13. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (Local Government).
14. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
15. Prior to the commencement of the development, a Waste Management Plan must be submitted and approved by the Shire. Once approved, development must be in accordance with the approval Waste Management Plan.
16. Prior to the commencement of the development, a Construction Management Plan must be submitted and approved by the Shire. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during





the peak periods. Once approved, the Construction Management Plan shall be adhered to in its entirety.

17. The keeping of animals shall not exceed the stocking rate guidelines recommended by the Department of Primary Industries and Regional Development for the applicable pasture types.
18. All access and carparking associated with the development, including drop off and pick up activities, shall take place within the subject land. No on-street or street verge drop off or pick up, or carparking, is permitted to occur at any time.
19. Prior to the issue of a building permit, suitable investigations are to be undertaken to the satisfaction of the Shire (on advice of the Water Corporation), to determine if it is feasible to connect the development to the nearby reticulated water supply. If such is shown to be feasible, the development shall connect to the water supply prior to commencement of operations. If the investigations do not prove feasible, the development shall demonstrate suitable arrangements for onsite potable water provision, in the form of water tanks connected to suitable roof catchments with suitable filtration and treatment processes. Such water tanks shall also include suitable couplings to function as onsite water supply for use in the event of a fire.

**CARRIED UNANIMOUSLY 8/0**

*Reason for difference to Officer Recommendation*

*To assist in compliance element of the carparking. In relation to the water, due to limitations of the water supply.*



**10.1.4 - Section 31 Reconsideration - Proposed Amendment to Delete Conditions of Development Approval for an Approved Horse Arena - Lot 87, 26 Karbro Drive, Cardup (SJ4210)**

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

**Authority / Discretion**

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: JJ and Yolanda Stevens  
 Owner: JJ and Yolanda Stevens  
 Date of Receipt: 29 June 2023  
 Lot Area: 2.6 hectares  
 Local Planning Scheme No. 3 Zoning: 'Rural Residential'  
 Metropolitan Region Scheme Zoning: 'Rural'

**Report Purpose**

The purpose of this report is for Council to reconsider its decision under s31(1) of the *State Administrative Tribunal Act 2004* for a development application which sought to delete Conditions relating to lights for a horse arena at Lot 87, 26 Karbro Drive, Cardup. The horse arena, together with the lighting, was granted retrospective development approval by Council at its Ordinary Council Meeting of 22 September 2022. This approval was subject to conditions, including condition (e) which required:

*"e. Within 60 days of the date of this approval, the existing lighting shall be modified to only light in a northern direction. This is to involve the relocation of the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only."*

Subsequently, the applicant made a new application to amend that approval of 22 September 2022, in order to delete Condition (e). This was presented to Council at its Ordinary Council Meeting of 15 May 2023. At this meeting, Council resolved to approve the deletion of the Condition however imposed two further Conditions as follows:

*"b. Within 30 days of the date of this approval, the lights are to be further angled downwards or alternatively have shields placed on them, in order to limit light spill to no greater than 3m into the southern adjoining property."*



*c. Use of the lights must only occur between 6:00pm - 8:00pm.”*

Following this, the applicant appealed Council’s decision to the State Administrative Tribunal (SAT). As part of the SAT process, Council was invited to reconsider its decision at its Ordinary Council Meeting of 21 August, 2023. At this meeting, Council resolved to defer determining the application to allow the Shire to engage a suitably qualified expert to peer review the lighting report provided in support of the proposal.

The peer review has now been undertaken. Officers consider that the peer review demonstrates sufficiently that the arena lights would not have adverse amenity impacts on surrounding properties or the locality, and as such it is recommended that Council reconsider its original decision by removing Condition (b) and modifying Condition (c).

**Relevant Previous Decisions of Council**

***Ordinary Council Meeting - 21 August 2023 - OCM199/08/23 - COUNCIL RESOLUTION***

*That Council:*

- 1. DEFERS consideration of the matter;*
- 2. REQUESTS from the State Administrative Tribunal an extension of time for Council to consider the s31 request for reconsideration, until after the October 2023 Ordinary Council Meeting;*
- 3. REQUESTS the Chief Executive Officer to engage a suitably qualified lighting expert, in order to independently assess and advise Council on the level of light spill that occurs with the lights, and whether this light spill is considered appropriate or not given the expected amenity levels of the rural residential locality;*
- 4. NOTES, in the intervening period, the applicant may utilise the lights at any time up until 8pm, on any day;*
- 5. REQUESTS the Chief Executive Officer present the outcomes of the lighting expert’s report to Council at the October 2023 Ordinary Council Meeting.*

***Ordinary Council Meeting - 15 May 2023 - OCM095/05/23 - COUNCIL RESOLUTION***

*That Council APPROVES the development application to remove Condition (e) of approval PA22/535 as contained within attachment 1, for Lot 87 (26) Karbro Drive, Cardup, subject to the following Conditions:*

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

<i>Plans and Specifications</i>	<i>Development Plans (P1) received at the Shire’s Offices on 13 February 2023; and Lighting Report (P2) dated 27 March 2023.</i>
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- b. Within 30 days of the date of this approval, the lights are to be further angled downwards or alternatively have shields placed on them, in order to limit light spill to no greater than 3m into the southern adjoining property.*
- c. Use of the lights must only occur between 6:00pm - 8:00pm.*



**Ordinary Council Meeting - 19 September 2022 - OCM208/09/22- COUNCIL RESOLUTION**

1. That Council APPROVES the development application for the retrospective keeping of five horses, horse arena and retrospective removal of trees, but not including any prospective tree removal or paddocks 7 and 8, at Lot 87, 26 Karbro Drive, Cardup, 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	Plans P1 received at the Shire's Offices on 15 June 2022; and Equine Management Plan (P2) dated 25 May 2022.
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b. Within 60 days of this approval, a Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall demonstrate suitable replacement of native vegetation within the existing eastern vegetation zone on the subject land, to offset the 2,400sqm of tree canopy removed from the southwest corner of the subject land. The Revegetation Plan shall include;

- i. The number of trees/saplings to be planted including the use of advanced plantings of minimum height of 1m at establishment;
- ii. The species of the trees/saplings, with selection of species local and native to the area;
- iii. The location of the revegetation;
- iv. The planting period of the trees/saplings;
- v. How the ground will be prepared prior to planting; and
- vi. A commitment to ongoing maintenance and replacement of failed trees.

Once approved, the Revegetation Plan shall be implemented by the winter of 2023 and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

c. All existing trees and vegetation on site shall be retained and protected from livestock. This approval does not include approval for any of the 26 trees that were proposed to be removed, and these are to be instead retained.

d. Within 60 days of the date of this approval an updated Equine Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale detailing an irrigation regime for the horse arena. Once approved the updated Equine Management Plan shall be adhered to in its entirety at all times.

e. Within 60 days of the date of this approval, the existing lighting shall be modified to only light in a northern direction. This is to involve the relocation of the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only.

f. Within 60 days of the date of this approval a Drainage Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale ensuring that stormwater from the horse arena is managed to prevent sand and sediment runoff impacting adjacent properties. Once approved stormwater shall be managed in accordance with the Drainage Management Plan at all times.



## Background

### Existing Development

The subject site is located within a rural residential area of Cardup. Land uses in the locality primarily comprise of rural residential development and rural uses of a moderate scale, such as the keeping of horses. There are several properties with horse arenas, some of which include arena lights. The subject site is developed with a single house, outbuildings and paddocks for the keeping of horses as well as an arena.

The horse arena includes a series of lights along its northern edge, which provide light in a south facing direction. There are three double-sided 200-Watt floodlights that provide light to the arena, enabling the use of the arena during the evening and night periods.



Figure 1: Aerial imagery of the site

### Initial Proposal

As previously stated, the initial application sought approval to remove Condition (e) from the arena approval which stated as follows:

*“e. Within 60 days of the date of this approval, the existing lighting shall be modified to only light in a northern direction. This is to involve the relocation of the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only.”*

The applicant provided a Lighting Report prepared by a lighting consultant to demonstrate, in their opinion, that the lights in their current location meet acceptable levels and would not represent an unacceptable amenity impact to adjoining residences. Furthermore, the applicant advised that it



would not be possible to reposition the lights to the south side of the arena as this is shared with the lot boundary. Council approved the application at its Ordinary Council Meeting of 15 May 2023 subject to new Conditions (b) and (c). The Conditions detailed below were imposed to address potential amenity impacts, through managing light spill and the time period in which the lights were able to be used.

*“b. Within 30 days of the date of this approval, the lights are to be further angled downwards or alternatively have shields placed on them, in order to limit light spill to no greater than 3m into the southern adjoining property.*

*c. Use of the lights must only occur between 6:00pm - 8:00pm.”*

The initial approval is as per Council resolution dated 21 August 2023. The site plan and Lighting Report can be viewed in **attachment 1**.

### SAT Proceedings

Following Council’s decision, the applicant lodged an appeal with the SAT, received by the Shire on 29 June 2023. Following a directions hearing, the applicant provided additional justification (**attachment 2**) for the proposal and the SAT then invited the Shire to reconsider its decision. A reconsideration under Section 31(1) allows for Council to either:

- Affirm the decision;
- Vary the decision; or
- Set aside the decision and substitute a new decision.

Council’s reconsideration took place at its Ordinary Council Meeting of 21 August 2023 where the decision was taken to defer the reconsideration to allow for a peer review of the lighting report.

The purpose of the peer review process was to independently assess and advise Council of the level of light spill occurring at the subject site and whether this is appropriate given rural residential amenity expectations.

### **Community / Stakeholder Consultation**

In accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters, the additional information provided as part of the SAT process was advertised to the landowner who objected the proposal. Following, a further objection was received which is contained within **attachment 3**. In summary, the objection supports the removal of Condition (c) subject to a two-hour period being maintained across any day. Though the objection does not support the removal of Condition (b). This has been discussed further under the relevant headings of the report.

Following Council’s deferral, no further advertising has been undertaken as the deferral was specific to engaging an independent peer review of the Lighting Report, to give advice to Council on the key matter pertaining to potential amenity impacts associated with the lighting.



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## Statutory Environment

### Legislation

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

### Local Planning Framework

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

## Planning Assessment

For the purposes of this report, discussion is confined to the peer review of the lighting report.

The consultant undertook a site visit at night-time and conducted an obtrusive lighting audit. This was carried out against the relevant Australian Standard (AS4282:2019) 'Control of the Obtrusive Effects of Outdoor Lighting'. The peer review report and its findings can be viewed in full within **attachment 4**.

As with the original lighting report, the light meter recordings were taken onsite and compared with the standards for 'A2' zones. A2 zones are areas that are characterised by low district brightness and are sparsely inhabited rural and semi-rural areas. The Cardup locality is consistent with this description. The A2 standard permits 5Lux to be received by the sensitive receptors during non-curfew periods (before 11pm and after 6am) and no more than 1Lux during curfew periods (11pm to 6am). 'Lux' is the unit of measurement used to measure the amount of illumination from a light source received at a particular point. The lights are to be used during the non-curfew period only, which has a limit of 5Lux.

The light spill was measured from the property boundaries and was found to be compliant with the requirements of the Australian Standard. The results from the boundary of 28 Karbro Drive (directly south) varied between 0.3Lux and 0.6Lux, being well below the 5Lux allowance. Furthermore, the results were also below the curfew limit of 1Lux, even though this more stringent limit is not relevant due to operation only permitted before the curfew period.

From the boundary of 42 Karbro Drive (to the south-west), the results varied between 0.1Lux to 0.2Lux, which was also well within compliant levels.

The peer review affirms the findings of the initial report supplied by the applicant. The light emitted by the arena lights is consistent with the relevant Australian Standards. This is important considering the A2 standards consider the context of the Cardup area, which features a low level of background light. Further to this, the period in which the lights are used has been limited to no later than 8:00pm, which is well before the curfew limit. The lights meet both non-curfew and the much more stringent curfew limits, which further shows a level of acceptability. Officers consider that the amount of spill generated by the lights is an acceptable balance to the amenity of the area, given the limited period of their use.

Objections have been maintained on the basis of light spill going beyond 3m. A measure of 3m is not captured in any planning standard or local planning policy, and is not considered specifically applicable where more detailed expert assessment (and peer review) confirms lighting levels to be acceptable. In this regard, while the original Condition discussed a measure of 3m, the benefit of two expert lighting reports confirms, in the professional opinion of the lighting experts, that the level of light spill is acceptable.



Recommendation to Council

The Conditions subject of the SAT review and which Council is required to reconsider are Conditions (b) and (c) of the May Ordinary Council Meeting decision. These are as follows:

- “b. Within 30 days of the date of this approval, the lights are to be further angled downwards or alternatively have shields placed on them, in order to limit light spill to no greater than 3m into the southern adjoining property.*
- c. Use of the lights must only occur between 6:00pm - 8:00pm.”*

Regarding Condition (b), the peer review process has reaffirmed the light spill generated by the arena lights is compliant with the Australian Standard. As supported by the independent peer review, compliance has been shown against illumination levels, which is the recognised assessment measure under the Australian Standard. Accordingly, the 3m distance is not relevant.

The Australian Standards specifically consider rural residential contexts, and the lights as proposed are not considered out of character with the character and amenity of the locality. Officers consider that the lights therefore do not need to be tilted down or shielded further to reduce light spill.

Regarding Condition (c), the applicant stated that in retrospect, the restricted use of the lights from 6:00pm to 8:00pm does not account for the sun setting earlier during winter. Not being able to use the lights prior to 6:00pm during winter months, results in later use than would otherwise occur. Officers support the amendment of the Condition to enable the lights to be used freely up until, and no later than, 8:00pm.

**Options and Implications**

Option 1

That Council:

1. in response to the Section 31 Request for Reconsideration issued by the State Administrative Tribunal, VARIES its decision of 15 May 2023 in respect of the development application for Lot 87, 26 Karbro Drive, Cardup, by:
  - a. Deleting Condition (b)
  - b. Modifying existing Condition (c) to read as follows:
 

*“Use of the lights shall occur no later than 8:00pm on any day.”*
  - c. Re-lettering the decision accordingly.
2. RE-ISSUES its decision to APPROVE the development application PA22/535 for Lot 87 (26) Karbro Drive, Cardup, 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) received at the Shire’s Offices on 13 February 2023. Lighting Report (P2) dated 27 March 2023.
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- b. Use of the lights shall occur no later than 8:00pm on any day.





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**Option 2**

That Council resolves not to VARY its original decision.

Option 1 is recommended.

**Conclusion**

This matter is presented to Council to reconsider its decision in relation to Conditions imposed for horse riding arena lights. Following the deferral, the Shire has undertaken a peer review process of the applicant's lighting report. The peer review is considered to satisfy all concerns regarding the amount of light spill generated. On review, Officers recommend deletion of Condition (b) on the basis that lighting direction is now considered acceptable, and modifying Condition (c) to account for the seasonal use aspects of the arena.

**Attachments (available under separate cover)**

- **10.1.4 - attachment 1** - Development Plans and Lighting Report (E23/5229)
- **10.1.4 - attachment 2** - Applicant's Additional Information (E23/12656)
- **10.1.4 - attachment 3** - Summary of Submissions (E23/9999)
- **10.1.4 - attachment 4** - Peer Review of Lighting Report (E23/12655)

**Alignment with our Strategic Community Plan**

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities

**Financial Implications**

If the original decision is not reconsidered, in light of the evidence of acceptable impacts, the applicant may choose to progress to a full hearing of the SAT on the matter. Council could incur legal costs (up to \$15,000) in having to participate in a full hearing of the SAT.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest strategic risk Option.						
2	That Council resolves to not vary their decision and the applicant seeks a review at a full hearing with the State Administrative Tribunal, leading to direct costs to defend the matter.	Shire of Serpentine Jarrahdale's Local Planning Scheme No. 3	Reputation	Possible	Moderate	MODERATE	Nil.



**Voting Requirements:** Simple Majority

**OCM251/10/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Dagostino

That Council:

1. in response to the Section 31 Request for Reconsideration issued by the State Administrative Tribunal, **VARIES** its decision of 15 May 2023 in respect of the development application for Lot 87, 26 Karbro Drive, Cardup, by:
  - a. Deleting Condition (b)
  - b. Modifying existing Condition (c) to read as follows:  
*“Use of the lights shall occur no later than 8:00pm on any day.”*
  - c. Re-lettering the decision accordingly.
2. **RE-ISSUES** its decision to **APROVE** the development application PA22/535 for Lot 87 (26) Karbro Drive, Cardup, 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.

<b>Plans and Specifications</b>	Development Plans (P1) received at the Shire’s Offices on 13 February 2023. Lighting Report (P2) dated 27 March 2023.
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- b. Use of the lights shall occur no later than 8:00pm on any day.

**CARRIED UNANIMOUSLY 8/0**



**10.1.5 - Shire of Serpentine Jarrahdale Cat Local Law 2023 (SJ1066)**

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

**Authority / Discretion**

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

The purpose of this report is to enable Council to consider the making of the Shire of Serpentine Jarrahdale Cat Local Law 2023 following the consideration of submissions received. If supported, the Cat Local Law 2023 will be progressed according to the compliance requirements and Local Law Process and Procedures.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 20 March 2023 - OCM052/03/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *In accordance with section 3.12 of the Local Government Act 1995, AUTHORISE the Chief Executive Officer to give public notice stating that:*
  - a. *It is proposed to make a Cat Local Law 2023 as per attachment 1, and a summary of its purpose and effect; being:*
    - i. *The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
    - ii. *The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*
  - b. *The proposed Local Law may be inspected at the Shire offices during normal opening times.*
  - c. *Submissions regarding the proposed Local Law may be made to the Shire within a period of not less than six weeks after the notice is given.*
2. *In accordance with section 3.12(3)(b) of the Act, as soon as the notice is given, REQUESTS the Chief Executive Officer to give a copy of the Local Law to the Minister for Local Government.*



3. *In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed Local Law be supplied to any person requesting it.*
4. *NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.*

### **Background**

The Shire has undertaken community consultation of the proposed Cat Local Law (**attachment 1**) and the feedback has been compiled in the Summary of Submissions (**attachment 2**) and where applicable, submitters have been supplied feedback on their submission as detailed within **attachment 2**.

### **Community / Stakeholder Consultation**

The proposed local law was advertised on 4 May 2023 in The Examiner Newspaper, at the Shire Office, Library, Your Say SJ and Social Media platforms. Submissions of feedback were closed at 5:00pm on 16 June 2023.

There are 76 submissions for consideration. While each submission has been addressed in detail in **attachment 2**, it is important to present the key themes, the number of submissions pertaining to that theme and the Officer response to such themes. This is provided following, with themes arranged from highest to lowest response numbers:

Key theme	Number of submissions raising theme	Officer response
Cats should not be permitted to wander or roam. They should be contained and also microchipped and desexed.	25	<p>The laws being proposed in the Cat Local Law are enforceable with the owner being liable for a \$200 fine if any offences are made against the Local Law. In saying this, the Community Safety team, as standard, attempt to gain voluntary compliance through education prior to issuing infringements.</p> <p>This proposed local law does not prohibit cats wandering outright, this <u>cannot</u> be implemented due to the Cat Act provisions that this local law is made under.</p> <p>The local law will however require owners with more than two cats to gain a permit and will require all cats subject to the permit to be contained.</p> <p>Additionally, the proposed law will require owners to not allow their cats to create a nuisance. This would require evidence similar to when the Shire receives a nuisance dog complaint, showing when and what is occurring and how this is a nuisance to a person. This may include, for example, repeated circumstances of cats defecating on property without consent, cats urinating on property within consent, cats creating noise and similar situations.</p>



Key theme	Number of submissions raising theme	Officer response
<p>Object to limits being placed on ownership. This is not considered fair, and as long as people contain their cats, there should not be a limit. Applying the law retrospectively is a concern. Consider an option for higher numbers of cats with an approved cat run. Owners who have more than two cats are often very good and do not allow their cats to impact the environment. Also a permit should not be needed.</p>	14	<p>Most metropolitan local government, and many regional local governments, have implemented restrictions on both cats and dogs. This is on consideration of the health and well-being of the animals and the neighbouring residents.</p> <p>There are options to gain a permit for more than the two cat proposed limit and provisions to have a cattery application.</p> <p>The local law proposes that any property that has more than two cats will be required to have a permit and have all cats contained to the property. This new section will not affect the cats already <b>registered</b> within the Shire. However, any further cat brought onto the property taking the total number to more than two cats after the law is implemented, will require a permit, and all cats being contained.</p> <p>Therefore, no further cost will be incurred by this law being implemented for current cat owners who have all cats registered, microchipped and de-sexed as already required under state law.</p>
<p>Support the local law. It is a reasonable balance which supports people to responsibly own cats.</p>	11	Noted.
<p>Support the local law (no reason specified).</p>	7	Noted.
<p>Breeders should have the ability to own more cats, up to 12 for an effective breeding operation is needed. This takes account of the unique approach to breeding, being to allow new breeding animals to grown and then retire existing. This is important for safe, healthy breeding practices, as there are no similarities to breeding dogs. Cat breeders must own their breeding cats to</p>	6	<p>Restrictions on both cats and dogs are commonly made by local government local laws. This is on consideration of the health and well-being of the animals and the neighbouring residents. The proposed law has been put forward to assist with ongoing complaints regarding cats within the Shire.</p> <p>There is already a limit on cat numbers in place for the Shire, although the proposed local law clarifies this matter and the application process for more than two cats or a cattery.</p> <p>The number of breeding cats permitted within a property not zoned “rural” or “rural small holdings” is currently three, any further breeding cats would class the property as a “cattery” and a cattery is only permitted on rural and rural small holdings zoned land.</p>



Key theme	Number of submissions raising theme	Officer response
be effective and create the best offspring.		<p>Officers also noted that the new Local Planning Scheme 3 provided a specific term for breeding for commercial purposes, and this was also limited to zoned rural or rural small holdings land.</p> <p>This new implementation was recognised as problematic, insofar that breeding operations can vary in scale and intensity. In this regard, the local law under Schedule 1 provides a proportionate response to recognise the differing scales of commercial breeding that may occur. In this regard it states:</p> <p><i>(3) Approved breeders are subject to limitation on the considered number of unsterilised cats on a property. Where an approved single dwelling exists, Land zoned -</i></p> <p><i>(a) Residential, Urban Development, Neighbourhood Centre, District Centre, Mixed Use and Rural Townsite will allow a maximum of three unsterilised cats to be considered.</i></p> <p><i>(b) Rural Residential, Rural and Rural Smallholdings where the lot size is less than two hectares will allow a maximum of four unsterilised cats to be considered.</i></p> <p><i>(c) Rural Residential, Rural and Rural Smallholdings where the lot size is at least two hectares will allow a maximum of six unsterilised cats to be considered.</i></p> <p><i>(d) The keeping of cats within this section will be considered as a home business.</i></p> <p>More than six (for example 12 breeding cats) would only be permitted in a cattery, whereby a cattery would only be permitted on land zoned Rural and Rural Smallholdings.</p> <p>The new Scheme and this local law would not be enforced retrospectively, provided existing operations have all required approvals in place.</p> <p>These numbers have been implemented under consideration of zoning, property size and the number of kittens that could be bred.</p>
Request for financial assistance from the Shire to construct a cat run as	5	<p>The proposed local law does not prohibit the wandering of cats, although the Shire promotes responsible cat ownership, whereby the animals should be contained to the property for the safety</p>



Key theme	Number of submissions raising theme	Officer response
an effective method to contain cats.		<p>and well-being of the animal and the protection of wildlife and flora.</p> <p>The local law proposes that any property that has more than two cats will be required to have a permit and have all cats contained to the property. This new section will not affect the cats already <b>registered</b> within the Shire. However, any further cat brought onto the property taking the total number to more than two cats after the law is implemented will require a permit, and all cats being contained.</p> <p>Therefore, no further cost will be incurred by this law being implemented for current cat owners who have all cats registered, microchipped and de-sexed as already required under state law.</p>
The local law should deal with responsible breeders who need higher numbers of cats, vs the general public. Breeders should be permitted to have higher cat numbers. Also need to understand difference between cat and kitten.	5	<p>Most metropolitan local governments, and many regional local governments, have implemented restrictions on both cats and dogs. This is on consideration of the health and well-being of the animals and the neighbouring residents.</p> <p>There are options to gain a permit for more than the two cat proposed limit and provisions to have a cattery application.</p> <p>There is already a limit on cat numbers in place for the Shire, although the proposed local law clarifies this matter and the application process for more than two cats or a cattery.</p>
Support local law as a way of helping protect local wildlife.	5	Noted.
Object to the local law (no reason specified).	5	Noted.
Cat ownership limits should not be imposed for larger sized properties.	4	<p>Most metropolitan local governments, and many regional local governments, have implemented restrictions on both cats and dogs. This is on consideration of the health and well-being of the animals and the neighbouring residents.</p> <p>There are options to gain a permit for more than the two cat proposed limit and provisions to have a cattery application.</p> <p>There is already a limit on cat numbers in place for the Shire, although the proposed local law clarifies</p>





Key theme	Number of submissions raising theme	Officer response
		this matter and the application process for more than two cats or a cattery.
There should be a cat curfew in place in the Shire of Serpentine Jarrahdale.	4	This proposed local law does not prohibit cats wandering outright or seek to impose a curfew - this <u>cannot</u> be implemented due to the Cat Act provisions that this local law is made under.
There needs to be further support to cat foster carers and rehoming volunteers in the local law. For example by allowing greater cat numbers to be cared for while processes of rehoming are taking place.	4	<p>Under the Cat Regulations 2012 cats being <b>fostered</b> through Cat Haven, RSPCA or SAFE are <b>not</b> required to be registered. These are the only recognised entities which do not require registration. In order to recognise the important work that cat foster carers perform outside these entities, a new definition is proposed for the local law as follows:</p> <p><b><i>“foster carer means a person who has a cat or cats placed in their care by Cat Haven, RSPCA, SAFE or other bona fide cat rescue group as a non-permanent arrangement;”</i></b></p> <p>This provides for support to those other rescue groups, undertaking rescue and rehoming. While registration is still required, the local law proposes to support these other rescue groups by way of clause 3.3(2) of the local law:</p> <p><b><i>(2) Shire may exempt payment of a permit detailed in 3.3(1)(f) where applicant is a –</i></b></p> <p><b><i>(a) registered cat breeder; or</i></b></p> <p><b><i>(b) bona fide cat foster carer; or</i></b></p> <p><b><i>(c) cattery applicant.</i></b></p> <p>It is noted that registration would still have a limit of six cats, unless approved as a cattery or cat management facility which is limited per the Local Planning Scheme to certain zones. The permit assessment process also considers a range of factors to determine whether to grant the permit or not.</p>
Concerned that the local law does not go far enough. It should mandate cat runs and prohibition on cats being outside except in an approved cat run.	3	<p>This proposed local law does not prohibit cats wandering outright, this <u>cannot</u> be implemented due to the Cat Act provisions that this local law is made under.</p> <p>The local law will however require owners with more than two cats to gain a permit and will require all cats subject to the permit to be contained.</p>



Key theme	Number of submissions raising theme	Officer response
There is no need to punish responsible cat owners due to irresponsible owners who are in the minority, and make others look bad.	2	Responsible cat ownership is applauded and shows care for both cats and the environment. In terms of offences, the laws being proposed in the Cat Local Law are enforceable with the owner being liable for a \$200 fine. In saying this, the Community Safety team, as standard, attempt to gain voluntary compliance through education prior to issuing infringements.
The Shire should offer free desexing programs, as this will help reduce cat numbers and help protect the environment.	2	The Shire promotes incentives regarding cat sterilisation and microchipping, however the cost should remain with a person who chooses to own a cat.
Comment that irresponsible cat owners need to better manage their cats. Concerned that cat owners may choose to dispose of cats if the new local law is adopted, overwhelming foster carers.	2	Responsible cat ownership is applauded and shows care for both cats and the environment. In terms of offences, the laws being proposed in the Cat Local Law are enforceable with the owner being liable for a \$200 fine. In saying this, the Community Safety team, as standard, attempt to gain voluntary compliance through education prior to issuing infringements.  All cats impounded under the Cat Act are rehomed where possible. Local vets and rescue groups assist the Shire with being able to rehome and find forever homes for cats with no owners.
Object to the need for a local law, rather irresponsible cat owners should be pursued.	2	Responsible cat ownership is applauded and shows care for both cats and the environment. In terms of offences, the laws being proposed in the Cat Local Law are enforceable with the owner being liable for a \$200 fine. In saying this, the Community Safety team, as standard, attempt to gain voluntary compliance through education prior to issuing infringements.
General comment that dog ownership limits should be reviewed.	1	Noted. This is unrelated to this local law.
General comment that dog roaming is a concern in the Shire.	1	Noted. This is unrelated to this local law.
Designated prohibited land areas should be expanded to Lambkin	1	A curfew on cats would not legally be able to be implemented in a cat local law, the Cat Act that this law is made under, does not permit the prohibition



Key theme	Number of submissions raising theme	Officer response
Nature Reserve (Serpentine) and natural reserves in Mundijong. In fact all reserves should be designated as such.		of cats wandering in public. The Shire can however implement prohibited areas. If the areas prohibited start to border on prohibiting cats from wandering, for example if the Shire lists “every reserve” the law may be made to be repealed by the Joint Standing Committee.  Lambkin Nature Reserve (Lot 122 Tonkin Street) is under the control of the Department of Biodiversity, Conservation and Attractions (DBCA) and already <u>prohibits</u> animals being on the land. Cat prohibition on this land is therefore already covered under the Conservation and Land Management Regulations 2002, and should not be duplicated due to risk of inconsistent.

The above detailed analysis of themes is further supplemented by the more detailed analysis of each point raised in each submission, contained in **attachment 2**.

#### Policy Concept Forum

<b>Meeting Date</b>	5 September 2022
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Dagostino, Cr Duggin, Cr Strange, Cr Strautins

#### **Statutory Environment**

A local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. A local government may make local laws relating to cats as detailed in Section 79 of the *Cat Act 2011*.

Section 3.12 of the Act establishes the procedure for making local laws. This procedure requires the local government to give local public notice stating:

- *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
- *a copy of the proposed local law may be inspected or obtained at any place specified in the notice;*
- *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given. As soon as the notice is given, the local government must give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

Following the notice period, any submissions received are presented to Council who may then, by Absolute Majority, consider formally making the local law.



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**Comment**

The preceding section identified a range of feedback received, and the changes proposed in the local law. These changes reflect the collaborative nature by which community submissions have been received, and subsequent consideration of concerns or suggested areas of improvement.

The updated local law is provided in **attachment 1**, and includes the updates referenced in the table above responding to submissions received.

1. Addition of definitions:
  - (a) *Animal Establishment* - as defined in the Local Planning Scheme No. 3 (LPS3).
  - (b) *Cat Haven* - as defined in the Act.
  - (c) *Cattery* - this has been changed to not capture Foster Carers or breeders, so as to provide support for these important groups within the local law.
  - (d) *Foster Carer* - defined to clarify section 3.3(2), and how the Shire will support these groups.
  - (e) *SAFE* - as defined in the Act.
2. Section 2.1(5) - edited as was not correct wording (Minister's feedback).
3. Section 2.2 - edited due to conditionally prohibiting cats, now outright prohibits cats.
4. Section 3.3(2) - added to not require permit fee be paid by a breeder (breeders already pay an annual breeding license) or a foster carer. The foster carer addition shows the support intended under the local law for foster carers, and noting that while registration will still be required, the Shire may waive the permit fee.
5. Schedule 1 A (3) added to have limits of breeding cats on specified zones/land size, and to provide for demarcation between small scale, medium scale and large scale commercial breeding.
6. Schedule 1 A (3)(d) added to ensure breeders can breed the numbers defined within this schedule, as to not conflict with LPS3.
7. Schedule 1 B (8) added to specify where catteries can be considered.
8. Schedule 1 B (9) added to limit the maximum amount of breeding cats that can be considered in a cattery.

As discussed in the table above, there were a number of submissions received seeking prohibitions on wandering. This proposed local law does not prohibit cats wandering outright, this cannot be implemented due to the Cat Act provisions that this local law is made under. Instead, the local law will require owners with more than two cats to gain a permit and will require all cats subject to a permit to be contained.

Additionally, the proposed law will require all owners to not allow their cats to create a nuisance. This would require evidence similar to when the Shire receives a nuisance dog complaint, showing when and what is occurring and how this is a nuisance to a person. This may include, for example, repeated circumstances of cats defecating on property without consent, cats urinating on property within consent, cats creating noise and similar situations.

With respect of foster groups, the local law has been updated to seek support for the important service these groups provide. While such groups would still need to seek a permit to have between two and up to six cats, there is a provision included to waive such application fee.



The Shire fees and charges will need to be updated to reflect the permit fee and the Cattery annual license fee. This will require the following addition to the fees and charges:

Ranger Services Dog and cat registration/license fees	Fee
(CURRENT) <i>Application to keep more than two dogs</i>	\$90
(NEW) <i>Application to keep more than two dogs or two to six cats</i>	\$90

Ranger Services Dog and cat registration/license fees	Fee
(CURRENT) <i>Dogs kept in approved kennel establishment licensed under section 27 of the Act, where not otherwise registered – annual fee</i>	\$200
(NEW) <i>Annual license fee - Kennel or Cattery</i>	\$200

Subject to Council approval, both this Cat Local Law and the Dog Local Law are required to be advertised in the Government Gazette simultaneously as both replace the relevant aspects of the Shire Kennel and Cattery Local Law.

As previously discussed, it is also relevant to consider how this final version of the local law will relate to what other local governments have done in respect of their own respective local laws:

Local Government name	Key Features
City of Rockingham 2019	<ul style="list-style-type: none"> <li>– Limit on number of cats (two)</li> <li>– Provisions for applying for more than three cats</li> <li>– Provisions for containing cats</li> <li>– Provisions regarding appeals, direction and enforcement</li> </ul>
City of Cockburn 2000	<ul style="list-style-type: none"> <li>– Cleanliness of properties</li> <li>– Cattery provisions</li> </ul>
City of Gosnells 2011	<ul style="list-style-type: none"> <li>– Provisions on operations of cattery</li> <li>– Provisions for prohibition of cats in certain areas</li> </ul>
City of Swan 2010	<ul style="list-style-type: none"> <li>– Provisions for identifying of cats</li> <li>– Limit on number of cats (two - but no more than six)</li> <li>– Provisions for applying for more than two cats</li> <li>– Provisions for containing cats</li> <li>– Enhanced provisions for nuisance cats</li> <li>– Provisions for containing cats and restriction or prohibition of cats in certain areas</li> <li>– Provisions regarding appeals, direction and enforcement</li> </ul>



<b>Local Government name</b>	<b>Key Features</b>
Shire of Mundaring 2005	<ul style="list-style-type: none"><li>– Provisions for identifying of cats</li><li>– Limit on number of cats (one within fauna protection zone / two outside zone)</li><li>– Provisions for applying for more than one or two cats</li><li>– Provisions requiring owner to identify cat</li><li>– Requirement for permit prior to release of impounded cat</li><li>– Provisions for containing cats and restriction or prohibition of cats in certain areas</li><li>– Penalties for unauthorised release of impounded cat</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
City of Canning 2021	<ul style="list-style-type: none"><li>– Provisions for cattery</li><li>– Limit number of cats (two)</li><li>– Provisions for applying for more than two cats</li><li>– Provisions on operations of cattery</li><li>– Provisions for containing cats and restriction or prohibition of cats in certain areas</li><li>– Enhanced provisions for nuisance cats</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
City of Belmont 2020	<ul style="list-style-type: none"><li>– Prohibition on leaving animals on government property</li><li>– Limit number of cats (two)</li><li>– Provisions for applying for more than two cats</li><li>– Enhanced provisions for nuisance cats</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
Town of Bassendean 2021	<ul style="list-style-type: none"><li>– Limit number of cats (2)</li><li>– Provisions for applying for more than two cats</li><li>– Enhanced provisions for nuisance cats</li><li>– Provisions for containing cats and restriction or prohibition of cats in certain areas</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
City of Stirling 1999	<ul style="list-style-type: none"><li>– Limit number of cats (three or one within fauna buffer zone)</li><li>– Provisions for applying for more than three cats</li></ul>



<b>Local Government name</b>	<b>Key Features</b>
	<ul style="list-style-type: none"><li>– Provisions for identifying of cats</li><li>– Provisions for containing cats and restriction or prohibition of cats in certain areas</li><li>– Penalties for unauthorised release of impounded cat</li><li>– Provisions for penalties for a person abandoning cats</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
City of Bayswater 2016	<ul style="list-style-type: none"><li>– Limit number of cats (three)</li><li>– Provisions for applying for more than three cats</li><li>– Enhanced provisions for nuisance cats</li><li>– Provisions for containing cats</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
City of South Perth 2016	<ul style="list-style-type: none"><li>– Limit number of cats (three)</li><li>– Provisions for applying for more than three cats</li><li>– Provisions for containing cats</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
Town of Cambridge 2016	<ul style="list-style-type: none"><li>– Limit on number of cats (three)</li><li>– Provisions for applying for more than three cats</li><li>– Provisions for identifying owner</li><li>– Requirements on cleanliness</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
Shire of Peppermint Grove 2021	<ul style="list-style-type: none"><li>– Limit on number of cats (three)</li><li>– Provisions for applying for more than three cats</li><li>– Enhanced provisions for nuisance cats</li><li>– Provisions for cattery</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
City of Fremantle 2020	<ul style="list-style-type: none"><li>– Limit on number of cats (three)</li><li>– Provisions for applying for more than three cats</li><li>– Provisions for containing cats and restriction or prohibition of cats in certain areas</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>



<b>Local Government name</b>	<b>Key Features</b>
City of Mandurah 2019	<ul style="list-style-type: none"><li>– Limit on number of cats (two)</li><li>– Provisions for applying for more than two cats</li><li>– Enhanced provisions for nuisance cats</li><li>– Provisions for containing cats and restriction or prohibition of cats in certain areas</li><li>– Provisions for cattery</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>
City of Wanneroo 2016	<ul style="list-style-type: none"><li>– Limit on number of cats (three)</li><li>– Provisions for applying for more than three cats</li><li>– Provisions for containing cats</li><li>– Provisions regarding appeals, direction and enforcement</li></ul>

## Options and Implications

### Option1

That Council:

1. CONSIDERS the submissions.
2. In accordance with section 3.12(4) of the *Local Government Act 1995*, MAKES the *Shire of Serpentine-Jarrahdale Cat Local Law 2023*.
3. In accordance with s3.12(5) of the *Local Government Act 1995*, REQUESTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
4. After Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, REQUESTS the Chief Executive Officer to give local public notice:
  - a. Stating the title of the local law;
  - b. Detailing the purpose and effect of the local law as follows:
    - i. *The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
    - ii. *The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*
  - c. Specifying the day on which it comes into operation, which is 14 days after the date of its publication in the Government Gazette; and





- d. Advising that copies of the local law may be inspected or obtained from the Shire office.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions, REQUESTS that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.
6. REQUESTS that the Chief Executive Officer, in accordance with section 6.19 of the Local Government Act 1995, gives local public notice of its intention to impose the following new fees starting 14 days after the date of publication of the Local Law in the Government Gazette:

Ranger Services Dog and cat registration/license fees	Fee
(CURRENT) Application to keep more than two dogs	\$90
(NEW) Application to keep more than two dogs or 2 to 6 cats	\$90

Ranger Services Dog and cat registration/license fees	Fee
(CURRENT) Dogs kept in approved kennel establishment licensed under section 27 of the Act, where not otherwise registered – annual fee	\$200
(NEW) Annual license fee – Kennel or Cattery	\$200

### Option 2

That Council resolves NOT TO ADOPT the *Shire of Serpentine Jarrahdale Cat Local Law 2023*, as per **attachment 1**.

Option 1 is recommended.

### **Conclusion**

The Cat Local Law 2023 will implement varied provisions that meet the expectations and needs of the Serpentine Jarrahdale Shire community, wildlife, Shire staff and the environment that the *Cat Act 2011* does not currently meet. The Local Law will provide clarity in aspects of the *Cat Act 2011* while consolidating the “Cattery” aspect of the Kennel and Cattery Establishment Local Law.

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

- **10.1.5 - attachment 1** - Proposed Cat Local Law (E23/12760)
- **10.1.5 - attachment 2** - Summary of Submissions (E23/12761)
- **10.1.5 - Attachment 3** - Department of Local Government Feedback (IN23/21000)



### Alignment with our Strategic Community Plan

<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	A strategically focused Council

### Financial Implications

The cost will involve advertising the Local Law in accordance with legislation. This can be accommodated within existing budget provisions.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The local law may be required to be amended following review by the Joint Standing Committee on Delegated Legislation		Organisational Performance	Possible	Minor	MINOR	Nil
2	The current Shire local law does not contain the improvements provided for in the new law	Current local law and Cat Act	Organisational Performance	Possible	Moderate	MODERATE	Nil



**Voting Requirements:** Absolute Majority

**OCM252/10/23**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Byas

That Council:

1. **CONSIDERS** the submissions.
2. In accordance with section 3.12(4) of the *Local Government Act 1995*, **MAKES** the *Shire of Serpentine-Jarrahdale Cat Local Law 2023*.
3. In accordance with s3.12(5) of the *Local Government Act 1995*, **REQUESTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
4. After Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, **REQUESTS** the Chief Executive Officer to give local public notice:
  - a. Stating the title of the local law;
  - b. Detailing the purpose and effect of the local law as follows:
    - i. *The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
    - ii. *The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*
  - c. Specifying the day on which it comes into operation, which is 14 days after the date of its publication in the Government Gazette; and
  - d. Advising that copies of the local law may be inspected or obtained from the Shire office.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions, **REQUESTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.
6. **REQUESTS** that the Chief Executive Officer, in accordance with section 6.19 of the *Local Government Act 1995*, gives local public notice of its intention to impose the following new fees starting 14 days after the date of publication of the Local Law in the Government Gazette:

Ranger Services Dog and cat registration/license fees	Fee
<i>(CURRENT) Application to keep more than two dogs</i>	<b>\$90</b>



Continued

**Ordinary Council Meeting Minutes  
Monday, 16 October 2023**

<b>(NEW) Application to keep more than two dogs or 2 to 6 cats</b>	<b>\$90</b>
<b>Ranger Services Dog and cat registration/license fees</b>	<b>Fee</b>
<b>(CURRENT) <i>Dogs kept in approved kennel establishment licensed under section 27 of the Act, where not otherwise registered – annual fee</i></b>	<b>\$200</b>
<b>(NEW) Annual license fee – Kennel or Cattery</b>	<b>\$200</b>
<b>CARRIED 5/3</b>	

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:  
Councillors Byas, Coales, Dagostino, Duggin and Strange voted FOR the motion.  
Councillors Rich, Atwell and Strautins voted AGAINST the motion.*



**10.1.6 - Shire of Serpentine Jarrahdale Dog Local Law 2023 (SJ1066)**

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

**Authority / Discretion**

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

The purpose of this report is to enable Council to consider the making of the Shire of Serpentine Jarrahdale Dog Local Law 2023 following the consideration of submissions received. If supported, the Dog Local Law 2023 will be progressed according to the compliance requirements and Local Law Process and Procedures.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 15 August 2022 – OCM195/08/22 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

1. *In accordance with section 3.12 of the Local Government Act 1995, AUTHORIZES the Chief Executive Officer to give public notice stating that:*
  - a. *It is proposed to make a Dog Local Law 2023 as per attachment 1, and a summary of its purpose and effect; being:*
    - i. *The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of dog and dog facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
    - ii. *The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*
  - b. *The proposed Local Law may be inspected at the Shire offices during normal opening times.*
  - c. *Submissions regarding the proposed Local Law may be made to the Shire within a period of not less than six weeks after the notice is given.*
2. *In accordance with section 3.12(3)(b) of the Act, as soon as the notice is given, REQUESTS the Chief Executive Officer provide a copy of the Local Law to the Minister for Local Government.*



3. In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed Local Law be supplied to any person requesting it.
4. NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.

### Background

The Shire has undertaken community consultation of the proposed Dog Local Law (**attachment 1**) and the feedback has been compiled in the Summary of Submissions (**attachment 2**) and where applicable, submitters have been supplied feedback on their submission as detailed within **attachment 2**.

### Community / Stakeholder Consultation

The proposed local law was advertised on 10 November 2022 in The Examiner Newspaper, at the Shire Office, Library, Your Say SJ and Social Media platforms. Submissions of feedback were closed at 5:00pm on 16 December 2022.

There are 24 submissions for consideration. While each submission has been addressed in detail in **attachment 2**, it is important to present the key themes, the number of submissions pertaining to that theme and the Officer response to such themes. This is provided following, with themes arranged from highest to lowest response numbers:

Key theme	Number of submissions raising theme	Officer response
Should clearly state what a nuisance is considered to constitute, so as to avoid unreasonable complaints being made. Needs to also advise how to make a proper nuisance complaint, and the process that occurs.	11	<p>The <i>Dog Act 1976</i> has provisions for what constitutes nuisance dogs. Residents are required to complete a nuisance dog diary and return it to the Shire. If the dog is shown to be a nuisance the owner is contacted and advised of the complaint and given advice to limit the issue - if the issue continues, the owner may be issued a nuisance abatement order, requiring the nuisance to stop, and continuing from here may result in infringement(s) and court action.</p> <p>While dogs do bark, the nuisance provisions in the Act prevail and deal with how alleged barking nuisance must be handled.</p> <p>The nuisance reference within the new Local Law relates to dogs that are repeat wanderers. Dogs designated as such, under the local law, would enable the Shire to implement enhanced fencing requirements to prevent further wandering.</p>
Should require and enforce dogs on leads when in public places, outside of	6	The provisions for dogs being required to be held on lead in public are already in place under the <i>Dog Act 1976</i> .



Key theme	Number of submissions raising theme	Officer response
designated off-leash dog exercise areas.		The provisions in the proposed Local Law enable the Shire to require certain fencing to adequately contain the animal when the dog has been shown to repeatedly wander at large.
The local law will only be effective if it is enforced by the Shire. Also the Shire should explore training programs that can help create ways in which to assist dog owners in better controlling their dogs.	3	<p>Ranger Services patrol the Shire regularly. If residents sight issues, they should telephone 9526 1111 for attendance.</p> <p>Rangers regularly advise people of the laws when an issue is sighted or reported. Infringements are issued where necessary.</p> <p>Rangers have implemented signs that we relocate to reported issue areas, combined with regular patrols.</p> <p>The Ranger Team also promotes good training of animals and regularly makes suggestions to residents that they seek out a professional to assist them if their dog has documented issues. Rangers do not engage directly in animal training, this is why residents are directed to seek out private professionals to assist.</p>
Should require dog owners to adequately confine their dogs, and control their dogs in off-leash dog exercise areas.	2	<p>The <i>Dog Act 1976</i> requires dogs to remain on their property unless held or tethered by lead.</p> <p>The proposed local law enables the Shire to specify certain fencing where a dog has shown to wander at large regularly.</p> <p>Dogs are required to remain under control while in a dog exercise area. Ranger Services patrol the off-leash exercise areas regularly, and if residents sight issues they should telephone 9526 1111 for attendance.</p>
Dog owners should be liable for attacks on other pets.	1	<p>Dog owners or a person liable for the control of a dog is required to ensure the dog does not attack a person or animal. Infringements, court action, declaring a dog dangerous or in serious cases, destruction of the animal may result if an attack occurs.</p> <p>Civil action may also be taken by any party to recover costs or damages.</p>
There is a need to increase requirements pertaining to adequate fencing and ensuring dog owners pick	1	The proposed local law enables the Shire to specify certain fencing where a dog has shown to wander at large regularly.



Key theme	Number of submissions raising theme	Officer response
up their dog's faeces whilst walking in a public place.		The specific offence of not picking up after ones dog is not specified within the <i>Dog Act 1976</i> , but has provisions for implementation under this Local Law.
The Shire also needs more effective local laws pertaining to cats.	1	Noted.
Concern expressed about horse riders failing to clean up horse manure on public paths.	1	This is considered Litter under the Litter Act and can be reported to the Shire if details are known – contact 9526 1111.
Support the local law to make dog owners more responsible to contain their animals.	1	Noted.
Byford Bark Park needs its perimeter fencing fixed.	1	This will be followed up by the Shire. Additionally, damage to Shire assets should be reported to the Shire, either online through the Shire website, email to the Shire - info@sjshire.wa.gov.au or by telephone - 9526 1111.
Shire events which are designated as “no dogs permitted” need to ensure attending dog owners are not allowed in.	1	This issue will be investigated to determine the ability to limit and enforce restrictions at Shire events.
Concerned that confinement of dogs may not be possible for very large dogs.	1	As per the <i>Dog Act 1976</i> , dogs are required to be held on lead in public. The only exception is at a specified Dog Exercise area. Ranger Services patrol the Shire regularly. If residents sight issues they should telephone 9526 1111 for attendance.

The above detailed analysis of themes is further supplemented by the more detailed analysis of each point raised in each submission, contained in **attachment 2**.





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## Statutory Environment

A local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. A local government may make local laws relating to dogs as detailed in Section 49 of the *Dog Act 1976*.

Section 3.12 of the Act establishes the procedure for making local laws. This procedure requires the local government to give local public notice stating:

- *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
- *a copy of the proposed local law may be inspected or obtained at any place specified in the notice;*
- *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given. As soon as the notice is given, the local government must give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

Following the notice period, any submissions received are presented to Council who may then, by Absolute Majority, consider formally making the local law.

## Comment

The preceding section identified a range of feedback received, and the changes proposed in the local law. These changes reflect the collaborative nature by which community submissions have been received, and subsequent consideration of concerns or suggested areas of improvement.

The updated local law is provided in **attachment 1**. As a result of feedback from the community consultation and the Minister's feedback, the following minor changes have been implemented:

1. Section 3.3 wording made simple and clear as per advice from the Minister.
2. Section 3.4(7) added to not require permit fee be paid by a bona fide foster carer (though a foster carer would still require a permit to be gained).
3. Section 4.8 penalty changed to \$200 to not contradict the Act (as per advice from the Minister).
4. Further minor edits as per Department of Local Government Feedback (refer **attachment 3**).

As discussed in the table above, there were multiple submissions received regarding the question of nuisance under the local law. It was explained that the Dog Act deals with nuisance pertaining to barking, whereas the Dog Act does not have express provisions dealing with repeated wandering and the nuisance this causes. The local law will deal with this, in allowing the Shire to direct a landowner whose dog continues to wander, to improve their fencing in order to stop this nuisance occurring. This would be used as a more sustainable solution to preventing wandering (versus the infringement process).

There was also a number of submissions pertaining to the importance of enforcing dogs being on lead in public, which Officers agree with.

Both this Dog Local Law and the Cat Local Law (refer Cat Local Law agenda item E23/12762) are required to be advertised in the Government Gazette simultaneously as both replace the relevant aspects of the Shire Kennel and Cattery Local Law.



As previously discussed, it is also relevant to consider how this final version of the local law will relate to what other local governments have done in respect of their own respective local laws:

City of Armadale 2002	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li></ul>
City of Rockingham 2000	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li></ul>
City of Kwinana 2010 (2016 amended)	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li><li>- Prohibited areas</li></ul>
City of Cockburn 2000 (General Animal law)	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li><li>- Prohibited areas</li><li>- Seizure under warrant</li></ul>
City of Gosnells 2020	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
City of Swan 2005	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Prohibited areas</li></ul>
Shire of Mundaring 2017	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li></ul>



	<ul style="list-style-type: none"><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
City of Canning 2021	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li></ul>
City of Belmont 2020	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
Town of Bassendean 2019	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
City of Stirling 2008	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
City of Bayswater 2016	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
City of South Perth 2016	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
Town of Cambridge 2016	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li></ul>



	<ul style="list-style-type: none"><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
Shire of Peppermint Grove	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Impounding of dogs</li><li>- Prohibited areas</li></ul>
City of Fremantle 2014	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li><li>- Prohibited areas</li></ul>
City of Mandurah 2010	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li><li>- Prohibited areas</li></ul>
City of Kalamunda 2022	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
City of Wanneroo 2016	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>
Shire of Murray 2007	<ul style="list-style-type: none"><li>- Dogs to be contained</li><li>- Fencing requirement</li><li>- Requirement to pick up dogs' excrement</li><li>- Limits on number of dogs</li><li>- Kennel requirements</li><li>- Impounding of dogs</li></ul>



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## Options and Implications

### Option 1

That Council:

1. CONSIDERS the submissions.
2. In accordance with section 3.12(4) of the *Local Government Act 1995*, MAKES the *Shire of Serpentine Jarrahdale Dog Local Law 2023*.
3. In accordance with s3.12(5) of the *Local Government Act 1995*, REQUESTS the Chief Executive Officer to give local cause the local law to be published in the Government Gazette and a copy sent to the Minister for Local Government.
4. After Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, REQUESTS the Chief Executive Officer to give local public notice:
  - a. Stating the title of the local law;
  - b. Detailing the purpose and effect of the local law as follows:
    - i. *The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of dog and dog facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
    - ii. *The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*
  - c. Specifying the day on which it comes into operation, which is 14 days after the date of its publication in the Government Gazette; and
  - d. Advising that copies of the local law may be inspected or obtained from the Shire office.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions, REQUESTS that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

### Option 2

That Council resolves NOT TO ADOPT the *Shire of Serpentine Jarrahdale Dog Local Law 2022*, as per **attachment 1**.

Option 1 is recommended.

## Conclusion

The Dog Local Law 2022 will implement varied provisions that meet the expectations and needs of the Serpentine Jarrahdale Shire community and Shire staff that the *Dog Act* and current local laws do not currently meet. The Local Law will provide clarity in aspects of the *Dog Act 1976* while consolidating the “Kennel” aspect of the Shire Kennel and Cattery Establishment Local Law.



**Attachments (available under separate cover)**

- **10.1.6 - attachment 1** - Proposed Dog Local Law (E23/583)
- **10.1.6 - attachment 2** - Summary of Submissions (E23/584)
- **10.1.6 - Attachment 3** - Department of Local Government Feedback (E23/585)

**Alignment with our Strategic Community Plan**

<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	A strategically focused Council

**Financial Implications**

The cost will involve advertising the Local Law in accordance with legislation. This can be accommodated within existing budget provisions.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	The local law may be required to be amended following review by the Joint Standing Committee on Delegated Legislation		Organisational Performance	Possible	Minor	MINOR	
2	The current Shire local law does not contain the improvements provided for in the new law	Current local law and Dog Act	Organisational Performance	Possible	Moderate	MODERATE	Nil



Voting Requirements: Absolute Majority

OCM253/10/23

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Duggin, seconded Cr Coales

1. **CONSIDERS** the submissions.
2. In accordance with section 3.12(4) of the *Local Government Act 1995*, **MAKES** the *Shire of Serpentine Jarrahdale Dog Local Law 2023*.
3. In accordance with s3.12(5) of the *Local Government Act 1995*, **REQUESTS** the Chief Executive Officer to give local cause the local law to be published in the Government Gazette and a copy sent to the Minister for Local Government.
4. After Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, **REQUESTS** the Chief Executive Officer to give local public notice:
  - a. Stating the title of the local law;
  - b. Detailing the purpose and effect of the local law as follows:
    - i. *The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of dog and dog facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
    - ii. *The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*
  - c. Specifying the day on which it comes into operation, which is 14 days after the date of its publication in the Government Gazette; and
  - d. Advising that copies of the local law may be inspected or obtained from the Shire office.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions, **REQUESTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

**CARRIED 6/2**

*In accordance with section 5.21(4) of the Local Government Act 1995, the individual vote of each member of the Council was as follows:  
Councillors Rich, Byas, Coales, Dagostino, Duggin and Strange voted FOR the motion.  
Councillors Atwell and Strautins voted AGAINST the motion.*



**10.1.7 - Nomination of Interim Alternate Members for the Minister of Planning's Consideration to the Metro Outer Joint Development Assessment Panel (SJ1288)**

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

**Authority / Discretion**

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

The purpose of this report is to enable Council to consider nominating interim Alternate Members for the Minister of Planning's consideration to the Metro Outer Joint Development Assessment Panel.

**Relevant Previous Decisions of Council**

*Special Council Meeting – 25 October 2021 – SCM067/10/21 - COUNCIL RESOLUTION That Council NOMINATES the following Councillors for the Minister of Planning's consideration to be appointed to Metro Outer Joint Development Assessment Panel, for a term commencing 27 January 2022 and expiring 26 January 2024:*

- *Cr Strange*
- *Cr Rich*
- *Cr Dagostino (Alternate Member)*
- *Cr Strautins (Alternate Member)*

**Background**

Development Assessment Panels (DAP) commenced operation in Western Australia in July 2011. The Shire of Serpentine Jarrahdale forms part of the Metro Outer Joint DAP which comprises of Armadale, Cockburn, Gosnells, Joondalup, Kalamunda, Kwinana, Mandurah, Mundaring, Murray, Rockingham, Swan and Wanneroo.

The DAP comprises a mix of technical experts and Local Government representatives with the power to determine applications for development under certain circumstances.

Under DAP Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, a Local Government is responsible for nominating four Councillors, two as DAP Members and two as Alternate Members. A Councillor's tenure of appointment ceases if they are no longer a Councillor. Current terms last until 26 January 2024.





Following the 2021 Ordinary Local Government Elections, in accordance with Council's recommendation, the Minister for Planning appointed:

- Cr Strange
- Cr Rich
- Cr Dagostino (Alternate Member)
- Cr Strautins (Alternate Member)

for a term expiring 26 January 2024.

Both Alternate Members are not seeking re-election, and therefore it is imperative to nominate new Alternate Members, to cover the period until 26 January 2024.

### **Community / Stakeholder Consultation**

This matter has been discussed with the Department of Planning who have noted that while the decision would be the Minister's, it would support the recommended approach of nominating Alternates for the intervening period up until 26 January 2024. There will be a future call for nominations by the Minister, for Council to consider nominating its permanent and Alternate Members for the period commencing 27 January 2024 through to 26 January 2026.

### **Statutory Environment**

The *Planning and Development (Development Assessment Panels) Regulations 2011* provides the legislative framework associated with DAPs.

For new Members, it is mandatory requirement to attend training before they can sit on a DAP and determine applications. Training is provided at the cost of the DAP. Optional re-training is also available for Local Government representatives who have previously been appointed to a DAP position. This again is at the cost of the DAP.

Each Local Government Member receives a sitting fee of \$425 when attending DAP meetings for new development applications. For applications which propose minor amendments or seek to cancel an application, the sitting fee is reduced to \$100 in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. Meeting fees are paid for by the State Government.

It is important to note that Council can only request the Minister to endorse interim Deputy Members. The Minister must still determine this, and training must be scheduled and completed, before an Alternate Member could sit on the DAP.

### **Comment**

The term of office of the Councillors appointed in 2021 expire at the 2023 Ordinary Local Government Elections. Cr Dagostino and Cr Strautins have not nominated for an additional term on Council meaning that regardless of the outcome of the 2023 Ordinary Local Government Elections, the Shire's appointed Alternate Member positions will be both vacant.

This means that in the period between the 2023 ordinary local government election and new appointments following the 2023 ordinary local government, the Shire may not be represented at MOJDAP if either or both the appointed Councillors are unavailable. This would result in the Shire not being represented at MOJDAP during this period. This is a risk given at least three DAP matters will be presented leading up to the 26 January 2024 expiry period. There is also a risk that matters can be called within a short 10-day window, further to this, item 10.1.2 on this Agenda



is potentially subject to that, as is a previous application that Council referred to the MOJDAP which has not yet been considered.

With the retirements of Cr Dagostino and Cr Strautins, it is recommended that Council nominate replacement Alternate Members for the Minister's consideration for the period between the 2023 ordinary local government elections and 26 January 2024, when the term would normally cease.

If Council agrees to this approach and the Minister agrees to make the appointments, Council would be represented at MOJDAP meetings regardless of the outcome of the 2023 Ordinary Local Government Election. This would also allow for Council to nominate both full and alternate members to serve following the 2023 Ordinary Local Government Elections. This would enable all Councillors elected at the 2023 Ordinary Local Government Elections to nominate, including any that were appointed as Alternate Members in the interim. This is proposed to occur at the Special Council Meeting set for Monday, 6 November 2023.

### **Options and Implications**

#### Option 1

That Council:

1. NOMINATES the following Councillors for the Minister of Planning's consideration to be appointed as interim Alternate Members to the *Metro Outer Joint Development Assessment Panel*, for a term commencing no earlier than 22 October 2023 and expiring 26 January 2024 or until new members are appointed by the Minister following the 2023 local government election, whichever occurs first:
  - Cr \_\_\_\_\_ (Alternate Member)
  - Cr \_\_\_\_\_ (Alternate Member)
2. REQUESTS that the Minister for Planning urgently consider the appointments to enable the Shire's continued representation at MOJDAP.
3. REQUESTS the new Alternate Members, if agreed by the Minister, undertake their required training as soon as possible to ensure continued representation on the MOJDAP.

#### Option 2

That Council DOES NOT NOMINATE interim Alternate Members, and NOTES that depending on the outcomes of the 2023 Ordinary Local Government Election, could result in Shire's matters on the MOJDAP being determined by the three independent specialist members, and no Councillor representation.

Option 1 is recommended.

### **Conclusion**

Given the circumstances concerning the term of appointments, it is recommended that the Shire nominates Alternate Members for the Minister's urgent consideration to enable continued representation at the MOJDAP. It is also recommended that if agreed, the Alternate Members seek to complete their prerequisite DAP training as soon as possible, given the DAP items which will be presented in the coming months pertaining to proposals within the Shire.



**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**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	The Shire may not be represented at MOJDAP if the Minister does not agree to make appointments. Even if the Minister makes the appointments, Members cannot sit until training is completed.	The Officer recommendation includes making the request to the Minister as an 'urgent' matter, and includes a request that once appointed, Alternate Members make training a high priority to complete.	Reputation	Possible	Moderate	MODERATE	Nil.
2	The Shire may not be represented at MOJDAP	Nil	Reputation	Possible	Moderate	MODERATE	Nil.



**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. **NOMINATES** the following Councillors for the Minister of Planning's consideration to be appointed as interim Alternate Members to the *Metro Outer Joint Development Assessment Panel*, for a term commencing no earlier than 22 October 2023 and expiring 26 January 2024 or until new members are appointed by the Minister following the 2023 local government election, whichever occurs first:
  - Cr \_\_\_\_\_ (Alternate Member)
  - Cr \_\_\_\_\_ (Alternate Member)
2. **REQUESTS** that the Minister for Planning urgently consider the appointments to enable the Shire's continued representation at MOJDAP.
3. **REQUESTS** the new Alternate Members, if agreed by the Minister, undertake their required training as soon as possible to ensure continued representation on the MOJDAP.

**The Chief Executive Officer, Mr Martin advised that he had received confirmation prior to the meeting from Councillor Mack that should he be nominated to be an interim Alternate Member to the *Metro Outer Joint Development Assessment Panel*, he would accept the nomination.**

**OCM254/10/23**

#### **COUNCIL RESOLUTION**

**Moved Cr Dagostino, seconded Cr Strange**

**That Council:**

1. **NOMINATES** the following Councillors for the Minister of Planning's consideration to be appointed as interim Alternate Members to the *Metro Outer Joint Development Assessment Panel*, for a term commencing no earlier than 22 October 2023 and expiring 26 January 2024 or until new members are appointed by the Minister following the 2023 local government election, whichever occurs first:
  - **Cr Mack (Alternate Member)**
  - **Cr Duggin (Alternate Member)**
2. **REQUESTS** that the Minister for Planning urgently consider the appointments to enable the Shire's continued representation at MOJDAP.
3. **REQUESTS** the new Alternate Members, if agreed by the Minister, undertake their required training as soon as possible to ensure continued representation on the MOJDAP.

**CARRIED UNANIMOUSLY 8/0**



## 10.2 Infrastructure Services reports:

<b>10.2.1 – Hypergrowth roads project update (SJ3786)</b>	
<b>Responsible Officer:</b>	Strategic Projects Lead
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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

The purpose of this report is to present to Council a project status update and proposed scope of works for each of the State Government funded Hypergrowth Road projects including Orton Road, Kargotich Road and Soldiers Road.

### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 21 August 2023 – OCM205/08/23 - COUNCIL RESOLUTION / Officer Recommendation - <b>extract</b></i></p> <p><i>That Council:</i></p> <p>1. <i>APPROVES the Shire entering into a sole supplier contract with Telstra to the value of \$765,684.51 ex GST, as contained within CONFIDENTIAL attachment 1;</i></p>
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<p><i>Ordinary Council Meeting – 20 February 2023 – OCM024/02/23 - COUNCIL RESOLUTION / Officer Recommendation - <b>extract</b></i></p> <p><i>That Council:</i></p> <p>1. <i>AWARDS Tender RFT 12/2022 - Kargotich Road Reconstruction - Stage 1 to WCP Civil Pty Ltd to the value of \$2,591,165.64, excluding GST, as contained within CONFIDENTIAL attachment 1</i></p>
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<p><i>Ordinary Council Meeting – 19 July 2021 – OCM196/07/21 - COUNCIL RESOLUTION / Officer Recommendation - <b>extract</b></i></p> <p><i>That Council:</i></p> <p>3. <i>NOTES the correspondence from Main Roads regarding the election commitment of \$18 million for upgrade of local roads and that this is reflected in the draft 2021/22 Financial Year budget and Corporate Business Plan for Council consideration; and</i></p>
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## Background

The Shire had secured funding through the State Government election commitment to upgrade three major roads (hypergrowth road upgrades) within the Shire, including Orton Road, Kargotich Road and Soldiers Road. The election commitments for which the Shire will have responsibility to deliver are outlined in **attachment 1**. These projects are fully funded by the State Government with no funding contribution by the Shire.

The total funding allocation for the three hypergrowth road projects is \$18M, which originally consisted of \$9.3M allocated to Kargotich Road upgrade, \$4.1M to Orton Road upgrade and \$4.6M to Soldiers Road upgrade. As requested by the Shire in March 2023, the State Government in June 2023 approved reallocation of \$500,000 from the Soldiers Road project to the Orton Road project and \$3.2M from the Soldiers Road project to the Kargotich Road project due to scope reduction in Soldiers Road project and also to ensure all three projects could be delivered within the timeframe required by the funding agreement. The main reason for the scope reduction and resulting funding reallocation was due to the fact that an existing high pressure gas main along Soldiers Road would need to be relocated at a significant cost, reducing the cost benefit ratio of the project by a large margin rendering the project non-viable. Relocating the gas main would also put the project at risk of not being delivered within the timeframe required by the funding agreement.

In accordance with the funding agreement conditions, the allocated funding for these projects is required to be spent before the next State Government election, anticipated to be in March 2025.

Details of the scope of works and original funding distribution for each of the projects is shown below:

Road name	Allocated funding
Kargotich Road 9.65km (Rowley Road to Bishop Road)	\$9.3M
Orton Road – 6.3km (Kings Road to Hopkinson Road)	\$4.1M
Soldiers Road – 5.00km (Section A: Abernethy Road to Turner Road Section B: 140m North of Cardup Siding Road to Daisy Road Section C: Bushlark Close to Keirnan Street)	\$4.6M

Following the completion of detailed investigations and design, it became evident that the total allocated funding is insufficient to cover the cost of the three projects due to extensive service relocation, land acquisition, vegetation clearing and road upgrade works. The scope of works and corresponding cost developed following the detailed design is significantly higher than what was initially envisaged. In addition, there has been significant cost escalation across the construction industry since the funding was approved.

As a result, Officers have reviewed the priority of the three hypergrowth projects and staged the works based on the road safety improvement, traffic data, pavement condition, delivery of the projects by the next State election and available funding.



To address this change in scope and funding requirements, a proposal for reallocating funds between the three project budgets was submitted to the State Government in March 2023, refer **attachment 2**. The Shire's request was approved by the State Government in June 2023, refer **attachment 3**.

The revised budget for each of the three projects is shown below:

Road name	Allocated funding
Kargotich Road (Rowley Road to Orton Road)	\$10.1M
Orton Road (100m east of Bullock Drive to 1.8km east of King Road)	\$6.1M
Soldiers Road - Keirnan Street Roundabout and Cardup Siding Road Roundabout	\$1.75M

## Community / Stakeholder Consultation

### Policy Concept Forum – Hypergrowth Road presentation

<b>Meeting Date</b>	6 Feb 2023
<b>Councillors in Attendance</b>	Cr Rich, Cr Byas, Cr Coales, Cr Dagostino, Cr Mack, Cr Strange, Cr Strautins

Residents with direct access from all three Hypergrowth road projects Kargotich Road have been consulted by way of letter drop which included the information on concept design. Residents were requested to send their comments in writing or by accessing the Shire's website where the project concept was uploaded. In addition, separate workshops were also arranged (Kargotich Road: 25 August 2022, Orton Road: 15 September 2022 and Soldiers Road: 29 September 2022) where residents and community members in general had the opportunity to attend, ask questions and provide feedback. Comments and feedback received through the Shire's website, submissions in writing and at the workshop were all collated and taken into consideration when developing the detailed design of the projects.

## Statutory Environment

Nil.

## Comment

The updated scope of works for each project is as follow:

### **Soldiers Road:**

The original approved scope of works in Soldiers Road included improvement of various sections of the road over a 6.9km long section between Abernethy Road and Keirnan Street with a funding allocation of \$4.6M. Following the completion of detailed design, it became evident that the existing high pressure gas main needed to be relocated to widen the road. Due to the significant cost of relocating the gas main, the scope of upgrade works was reduced to upgrade of the two roundabouts at Soldiers Road - Cardup Siding Road and Soldiers Road - Keirnan Street.



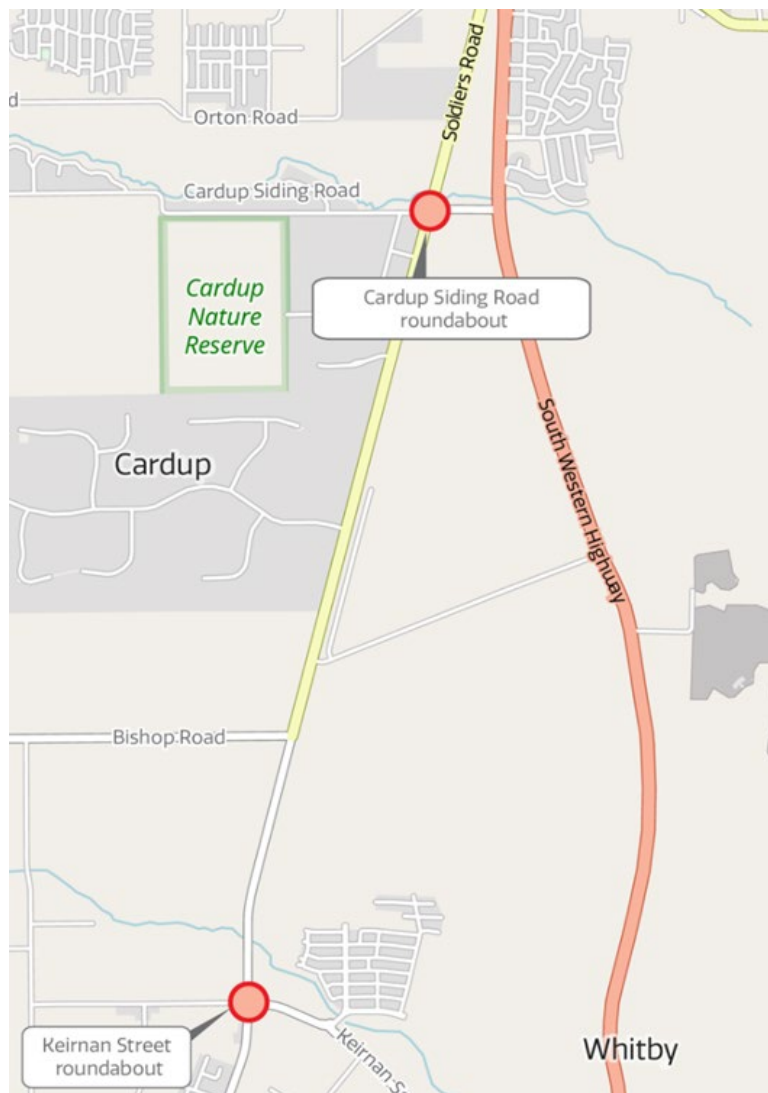
The scope of works for roundabouts includes resurfacing, upgrading the geometry of existing median and central islands, providing designated crosswalks and refuge islands (Keirnan Street roundabout), installation of new kerbs and new line markings and signage.

The landscaping elements for both roundabouts will be undertaken through a separate contract later towards the end of financial year when weather conditions are more favourable for establishment of plants. The estimated cost of landscaping will be approximately \$40,000 for both roundabouts.

As the work under this contract will be conducted within close proximity to the railway reserve, contractor will need to prepare a works management plan and obtain approval from ARC Infrastructure (ARC). ARC as the asset manager, is responsible for rail safety in respect of railway infrastructure and operations, therefore their approval will be required under the Rail Safety National Law (WA) Act 2015.

It is anticipated that works under this contract will be completed in approximately five months from the date of contract award. This includes the time required for ARC approval, anticipated to take approximately 2 months.

Refer to below image for location of works for this project.



**Keirnan Street and Cardup Siding Road roundabouts**



**Orton Road:**

The original approved scope of works for Orton Road project included upgrade of a 6.3km section of Orton Road between Hopkinson Road and King Road with a funding contribution of \$4.1M.

Following the completion of detailed design and costings, the scope of works for the Orton Road project has been developed based on the available budget of \$6.1M, including the \$500,000 additional funding allocated from the Soldiers Road project, and the impact of the Tonkin Highway Extension project on the footprint of Orton Road project. The revised scope of works for this project will include upgrading the section of Orton Road between 100m east of Bullock Drive (western edge of Tonkin Highway Extension works) and 1.8km east of King Road, as shown on the image below.

The scope of works includes pavement rehabilitation and resurfacing, road widening (to form a pavement with two 3.5m traffic lanes and a 0.8 sealed shoulder on either side of the road), upgrade of safety barriers, upgrade of the existing culverts, upgrade and cleaning of the existing table drains, vegetation clearing and pruning of the trees within the clear zone and street light installation as required.

Vegetation clearance is one of the main components of this project. A qualified consultant has been engaged by the Shire to prepare an application and obtain a clearing permit from State/Federal Government authorities. This work commenced in April 2023 and is in progress.

For the majority of the Orton Road section stretching from Kings Road to Hopkinson Road, there is a posted speed limit of 90km/hr. In accordance with MRWA guidelines, this speed limit necessitates a clearing zone width of 7.5 meters from the edge of the travel lane. Given the road reserve is only 20 meters wide, leaving 5.7m wide verges on either side of the road. Accordingly, if MRWA guidelines were to be implemented, this would require clearing of all the vegetation within the entire road reserve plus 1m wide strip of land inside the adjoining private properties. Otherwise, a traffic barrier such as guardrails will need to be installed on both sides of the road for the entire length of the road which would not be financially viable and also this treatment is not common practice.

Throughout the entire length of the project footprint, approximately 770 trees and vegetation with stems larger than 100mm in diameter have been identified within the road reserve. According to MRWA guidelines, all of these would need to be cleared. However, the crash history along this stretch of Orton Road does not indicate any tree-related accidents, therefore clearing the trees from the entire road reserve will not necessarily have an impact on the road safety. In addition, removing all the vegetation within the road reserve will have a significant negative impact on the environment and public perception.

Accordingly, the area of vegetation clearing has been limited to a narrow strip of 3 meters wide from the edge of the travel lane to minimize clearing without compromising road safety. This approach will result in removal of approximately 250 trees with stems larger than 100mm in diameter along Orton Road, refer plan and profile drawings in **attachment 4**.

This level of vegetation clearing, considering the type of species to be cleared and resulting environmental impact, is considered to be significant and requires approval from the Commonwealth Government in accordance with Federal Environment Protection and Biodiversity Conservation Act 1999 - EPBC Act Referral. It is anticipated that the clearing permit process will be completed by June 2024.



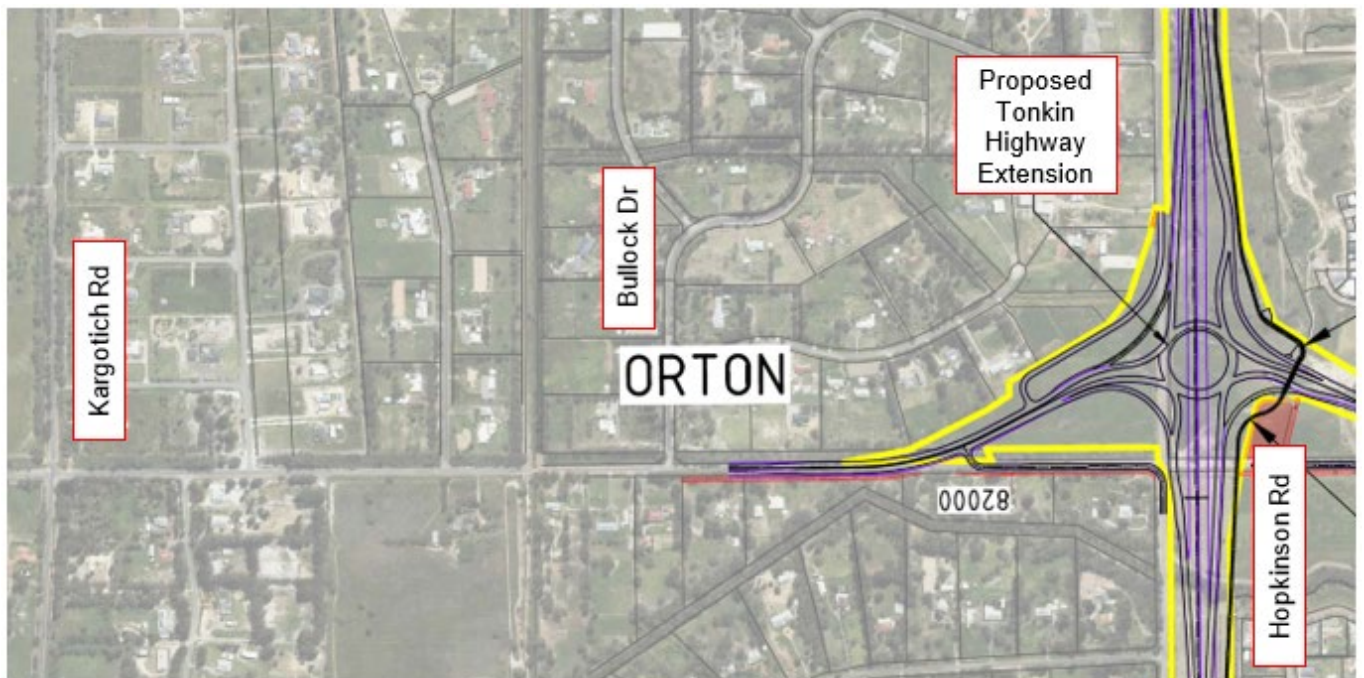
Initially, Stage 1 of Orton Road project included the portion of Orton Road extending from Hopkinson Road to Kargotich Road, while Stage 2 included the portion of Orton Road between Kargotich Road and King Road, as presented at the 6 February 2023 PCF, refer image below.



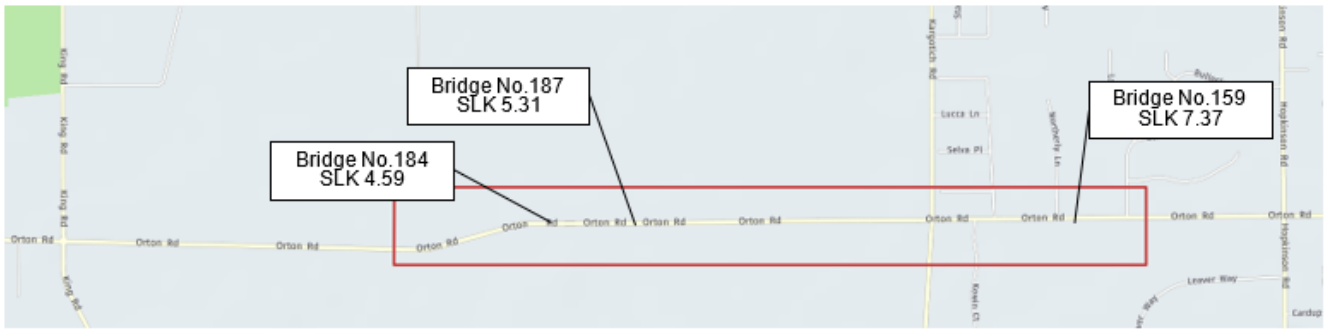
Initial Staging of Orton Road project

Stage	Location
1	Hopkinson Road to Kargotich Road (1.9km)
2	Kargotich Road to King Road (4.6km)

Following the PCF presentation in February, Officers received 15% design information on Tonkin Highway Extension (THE) project from MRWA which confirmed the extended length of THE project to the west where it will tie in with Orton Road at 100 m east of Bullock Drive. In addition, following redistribution of funding between the three Hypergrowth Road projects, an additional \$500,000 was transferred from Soldiers Road project to Orton Road project. Considering the above, the scope of works for Orton Rd was revised to include the section of Orton Road between 100m east of Bullock Drive to 1.8km east of King Road, as shown in below images.



Proposed Tonkin Highway extension tie into Orton Road



### New reduced length Orton Road upgrade project

The remaining 1.8km section of Orton Road between King Road and where this project ends will need to be funded from future Metropolitan Regional Road Grant (MRRG) or other funding sources over the coming years.

There are three bridges owned by the Water Corporation located along the section of Orton Road to be upgraded. These bridges are Bridge 184 at SLK 4.59, Bridge 187 at SLK 5.31, and Bridge 7.37 at SLK 7.37. These works will be undertaken by Water Corporation and funded by Water Corporation and Federal Government Bridge Renewal Program.

### Orton Road upgrade timeline

Detailed design of this project is completed and it is anticipated that the construction will commence in October 2024, subject to the clearing permit being granted and the completion of Telstra service relocation. Telstra service relocation contract was awarded in August 2023 and Telstar service relocation work is scheduled to be completed by March 2024. The clearing permit is expected to be completed by June 2024.

### Kargotich Road:

Initially, design and construction of Kargotich Road from Rowley Road (SLK 0.00) to Bishop Road (SLK 10.0) was divided into seven stages. Extensive service relocation, land acquisition and vegetation clearing are the main contributing factors to complexity of some of the stages.

Stage	Location
1	Rowley Road to Thomas Road
2	Thomas Road to Abernethy Road and upgrade of Abernethy and Kargotich Road intersection to roundabout
3	Abernethy Road to Orton Road
4	Upgrade of Orton and Kargotich Road intersection to roundabout
5	Orton Road to Gossage Road
6	Upgrade of Gossage and Kargotich Road intersection to roundabout
7	Gossage Road to Bishop Road



Stage 1 was awarded in March 2023 and has already reached completion, with only the installation of line marking and signage remaining.

Originally, Stage 2 of the project covered the section of Kargotich Road between Thomas Road and Abernethy Road, including upgrade of the Abernethy and Kargotich Road intersection into a roundabout. However, due to extensive service relocation and land acquisition requirements and lengthy time needed to complete these tasks, the project completion could not be achieved within the timeframe required by the funding agreement conditions which require the project to be completed before the next State Government elections. Accordingly, the project scope was redefined to remove the construction of the roundabout from the project scope.

To address this change in scope of work, in accordance with the Shire's project management framework, project change board approved the change in scope of the project and remove the construction component of the roundabout. However, the project change board agreed to proceed with the land acquisition component in order to complete one of the more time-consuming components of the project to enable the project to reach construction tender ready stage when future funding becomes available to construct the roundabout. Advance completion of land acquisition component of the project will significantly increase the likelihood of the project being successful in attracting future grant funding. Officers will consider submitting Black Spot project grant funding application for the construction of the roundabout at the intersection of Kargotich Road – Abernethy in the next round of applications. This project will also be considered for other future State or Federal election advocacy plans.

The revised scope of Stage 2 of the project includes construction of the straight section of Kargotich Road from Thomas Road to Abernethy Road plus land acquisition required for the construction of roundabout at Kargotich Road and Abernethy Road. The land acquisition process for the proposed Abernethy and Kargotich Roundabout is still in progress.

The construction of Stage 3, which covers the straight section of Kargotich Road between Abernethy Road and Orton Road has been incorporated into the project as part of the current budget. It is planned to undertake the procurement and construction of both Stages 2 and 3 as part of one contract. The scope of works for Stages 2 and 3 of the project include pavement rehabilitation and resurfacing, road widening (to form a pavement with two 3.5m traffic lanes and a 1.0m sealed shoulder on either side of the road), upgrade and cleaning of the existing table drains, vegetation clearing and pruning of the trees within the clear zone.

Clearance of vegetation is an important component of this project. The application process for clearance began in April 2023 and is currently in progress. To facilitate the completion of clearing permit, which is a time-consuming project component, and to ensure the project is ready for construction tendering when future funding becomes accessible, Officers have instructed the consultant to submit a clearing permit application covering the entire length of Kargotich Road from Thomas Road to Bishop Road. It should be noted that this clearing permit will have a relatively short expiration period of only two years. Therefore, it is proposed to incorporate the vegetation clearing for the entire project length (Thomas Road to Bishop Road) into the stage 2 and 3 scope of works. This proactive approach, completing the vegetation clearing component in advance, will eliminate the need to re-applying for a clearing permit in future substantially reducing the length of time required to bring the future stages of Kargotich Road to construction ready stage as funding becomes available.

For the majority of Kargotich Road section from Thomas Road to Bishop Road, there is a posted speed limit of 90km/hr. Adhering to MRWA guidelines, this speed limit mandates a clear zone width of 7.5 meters from the edge of the travel lane. The road reserve itself measures only 20



meters in width, with 10 meters on either side of the centreline. Consequently, this requirement leaves only 5.7m wide verges on either side of the road.

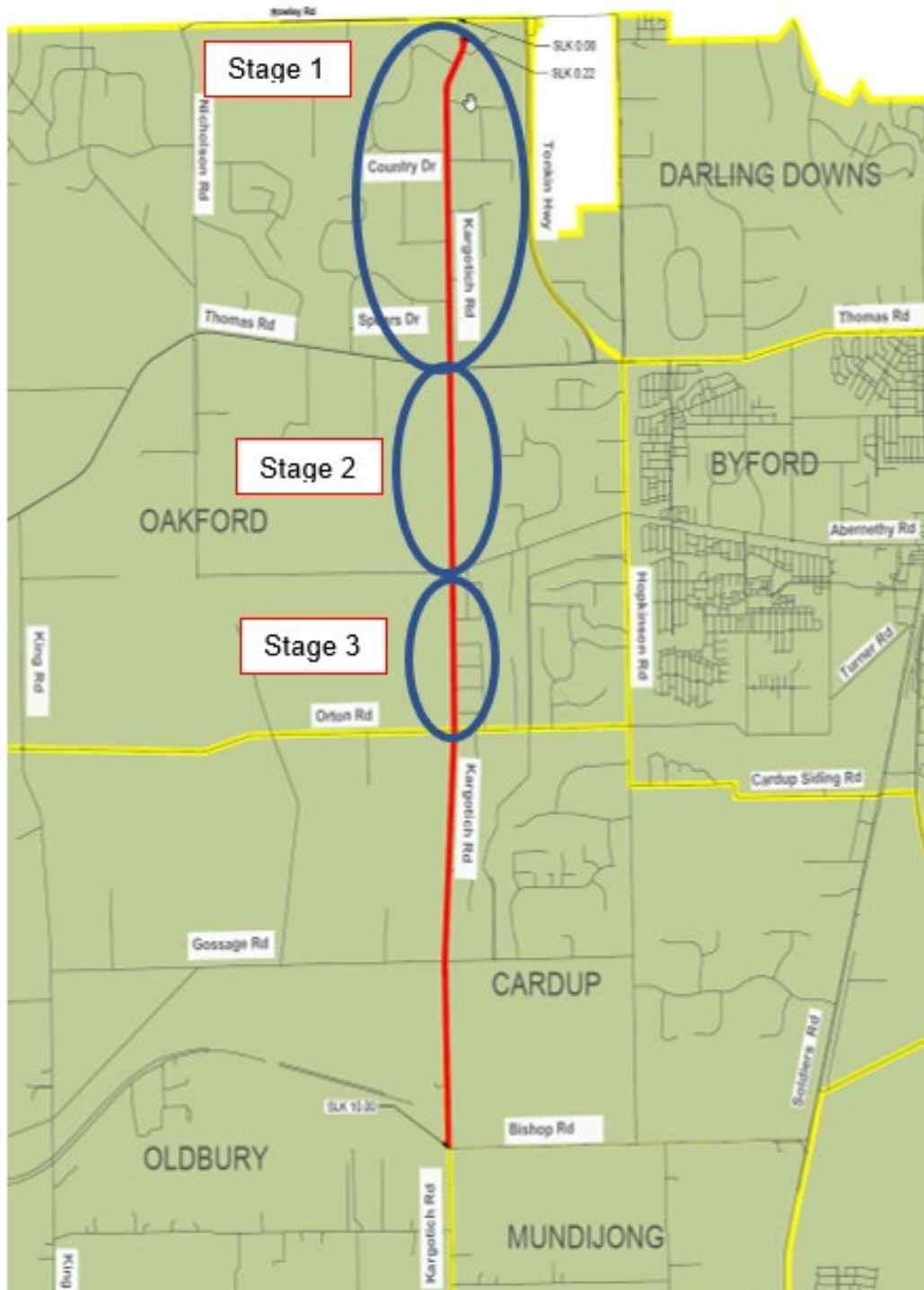
Hence, the adoption of MRWA guidelines would necessitate the removal of all vegetation within the entire road reserve plus 1m wide strip of land inside the adjoining private properties. Alternatively, installation of traffic barriers similar to guardrails along the entire road length would be required, however this approach is neither cost-effective nor common practice within the industry.

Throughout the entire length of the project, from Thomas Road to Bishop Road, approximately 2,874 trees and vegetation with stems larger than 100mm in diameter have been identified within the road reserve. In accordance with MRWA guidelines, all of these would need to be cleared to ensure there are no traffic hazards within the clear zone. However, the majority of crash incidents have occurred at or near intersections rather than straight sections of the road where trees are present. Accordingly, completely removing all vegetation from the clear zone would not necessarily improve road safety to a point that it would warrant removal of all the vegetation in clear zone. Therefore, the extent of clearing has been restricted to a narrow strip of 3 meters wide from the edge of the travel lane to minimize clearance without compromising road safety. This approach will result in removal of approximately 914 trees and vegetation with stems larger than 100mm in diameter along Kargotich Road. Refer plan and profile drawings in **attachment 5**.

The Shire engaged an external consultant to undertake the clearing permit works including vegetation survey, assessment, and preparation of a clearing permit application at a cost of approximately \$85,000. At present, Officers are still awaiting the completion of the necessary vegetation survey to determine whether the clearing for this project is considered significant or not. It is anticipated that the clearing permit process will be finalized by June 2024. It is proposed that all vegetation clearing required for the full length of Kargotich Road between Thomas Road and Bishop Road be undertaken as part of the current budget. However, the scope of vegetation clearing works will be developed and finalised following the completion of vegetation survey.

It should be noted that the consultant engaged to work on the clearing permit has advised the Shire that land offsets will be required for vegetation clearing for both Orton Road and Kargotich Road projects. The size or location of the land to be used for offsets is not known. It is also not known if the Shire would be required to purchase land or use any of the reserves under management of the Shire for offsets.

It should be noted that construction of the roundabouts at Abernethy Road, Orton Road and Gossage Road plus the upgrade of the straight sections of Kargotich Road between Orton Road and Bishop Road are not included in the current budget and will not be delivered until further funding becomes available in future. Additional funding from the State Government or any other funding source, such as the Black Spot program, should be considered for the construction of the remaining stages. It is particularly important to prioritise the construction of roundabouts at the intersection of Abernethy and Orton Road when seeking future funding in the coming years as both these intersections are known Black Spots. The suggested enhancements, including upgrading the intersections to roundabouts will have a substantial positive impact on road safety and must be given top priority.



### Kargotich Road – Stage 1 to 3

#### Kargotich Road upgrade timeline

Detailed design of this project is completed and it is anticipated that the construction will commence in October 2024, pending the clearing permit being granted. The clearing permit is expected to be completed by June 2024. This schedule coincides with the commencement of construction on Orton Road and the upgrading of the three bridges by the Water Corporation (pending approval of the BRP application).



## Options and Implications

### Option 1

That Council:

1. APPROVES the revised scope of work for the Hypergrowth Projects as below:

Road name	Allocated funding
Kargotich Road (Rowley Road to Orton Road)	\$10.1M
Orton Road (100m east of Bullock Drive to 1.8km east of King Road)	\$6.1M
Soldiers Road - Keirnan Street Roundabout and Cardup Siding Road Roundabout	\$1.75M

2. NOTES the vegetation clearing that will be required as contained within the body of the report and **attachments 4** and **5**.
3. REQUESTS the Chief Executive Officer to inform the funding body about the proposed changes to the scope.
4. REQUESTS the Chief Executive Officer explore funding opportunities for the remaining stages of the Hypergrowth Road projects.

### Option 2

That Council DOES NOT APPROVE the revised scope of work for the Hypergrowth Projects.

Option 1 is recommended.

## Conclusion

In conclusion, this report highlights the critical modifications in the scope of the Hypergrowth roads project, necessitated by funding constraints and extensive project complexities. The revised allocations and reallocation of funds have been outlined to accommodate road safety improvements and project viability.

The Shire commencing delivery of these hypergrowth road election commitments will increase credibility of the Shire and position the organisation well to attract further funding for road upgrades at future elections.



### Attachments (available under separate cover)

- **10.2.1 - attachment 1** - Letter from Main Roads - Election Commitments 2021 - Orton, Soldiers and Kargotich Roads (IN21/16442)
- **10.2.1 - attachment 2** - Hypergrowth Road Projects - PowerPoint presentation - update to PCF - 6 February 2023 - includes Funding reallocation proposal (E23/1415)
- **10.2.1 - attachment 3** - Hypergrowth Road Projects – Funding reallocation approval (IN23/19106)
- **10.2.1 - attachment 4** - Hypergrowth Road Projects – Orton Road upgrade project – Plan and profile drawings. (E23/13106)
- **10.2.1 - attachment 5** - Hypergrowth Road Projects – Kargotich Road upgrade project – Plan and profile drawings (E23/13107)

### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Strategy 3.4.1</b>	Identify and promote innovation and education opportunities
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community

### Financial Implications

Below table shows the budget arrangement for each project totalling \$18 million as per funding arrangement. This report has no financial implication on current year budget.

<b>Soldiers Road</b>	<b>21-22</b>	<b>22-23</b>	<b>23-24</b>	<b>24-25</b>	<b>Total</b>
Design	350,000.00	180,000.00			<b>530,000.00</b>
Construction			1,000,000.00		<b>1,000,000.00</b>
Internal Costs		136,000.00	92,000.00		<b>228,000.00</b>
<b>Total</b>	<b>350,000.00</b>	<b>316,000.00</b>	<b>1,092,000.00</b>		<b>1,758,000.00</b>

<b>Orton Road</b>	<b>21-22</b>	<b>22-23</b>	<b>23-24</b>	<b>24-25</b>	<b>Total</b>
Design	370,000.00	60,000.00			<b>430,000.00</b>
Construction			1,500,000.00	3,655,250.00	<b>5,155,250.00</b>
Internal Costs		92,000.00	92,000.00	320,000.00	<b>504,000.00</b>
<b>Total</b>	<b>370,000.00</b>	<b>152,000.00</b>	<b>1,592,000.00</b>	<b>3,975,250.00</b>	<b>6,089,250.00</b>





Kargotich Road	21-22	22-23	23-24	24-25	Total
Design	650,000.00	225,000.00			<b>875,000.00</b>
Construction		4,074,500.0	1,000,000.00	3,655,250.00	<b>8,729,750.00</b>
Internal Costs		92,000.00	136,000.00	320,000.00	<b>548,000.00</b>
<b>Total</b>	<b>650,000.00</b>	<b>4,391,500.0</b>	<b>1,136,000.00</b>	<b>3,975,250.00</b>	<b>10,152,750.0</b>

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That the project involves significant loss of vegetation as detailed in the report which may result in community concern.	Nil	Reputation	Possible	Moderate	MODERATE	Nil
2	That the Shire will be required to return the funding.	Nil	Financial	Likely	Major	HIGH	Nil



**Voting Requirements:** Simple Majority

**OCM255/10/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Duggin**

**That Council:**

**1. APPROVES the revised scope of work for the Hypergrowth Projects as below:**

<b>Road name</b>	<b>Allocated funding</b>
<b>Kargotich Road (Rowley Road to Orton Road)</b>	<b>\$10.1M</b>
<b>Orton Road (100m east of Bullock Drive to 1.8km east of King Road)</b>	<b>\$6.1M</b>
<b>Soldiers Road - Keirnan Street Roundabout and Cardup Siding Road Roundabout</b>	<b>\$1.75M</b>

**2. NOTES the vegetation clearing that will be required as contained within the body of the report and attachments 4 and 5.**

**3. REQUESTS the Chief Executive Officer to inform the funding body about the proposed changes to the scope.**

**4. REQUESTS the Chief Executive Officer explore funding opportunities for the remaining stages of the Hypergrowth Road projects.**

**CARRIED UNANIMOUSLY 8/0**



Shire President, Councillor Rich declared a Financial Interest in item 10.2.2 and left the meeting at 8:31pm prior to this item being discussed.

The Deputy Shire President, Councillor Atwell assumed the Chair as Presiding Member at 8:31pm.

<b>10.2.2 - Award Request for Tender – RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades (SJ4218)</b>	
<b>Responsible Officer:</b>	Strategic Projects Lead
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

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

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 03/2023 - Cardup Siding Road and Keirnan Street - Roundabout Upgrades 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

<p><i>Ordinary Council Meeting – 19 July 2021 – OCM196/07/21 - COUNCIL RESOLUTION / Officer Recommendation - <b>extract</b></i></p> <p><i>That Council:</i></p> <p><b>3. NOTES the correspondence from Main Roads regarding the election commitment of \$18 million for upgrade of local roads and that this is reflected in the draft 2021/22 Financial Year budget and Corporate Business Plan for Council consideration; and</b></p>
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#### Background

The Shire had secured funding through the State election commitment to rehabilitate three major roads (hypergrowth road upgrades) within the Shire, one of which is Soldiers Road. The election commitments for which the Shire will have responsibility to deliver are outlined in **attachment 4**. These projects are fully funded by the State Government and there is no funding contribution by the Shire towards any of these projects.

The total funding allocation by the State Government for the three hypergrowth road projects is \$18M from which originally \$4.6 million was allocated to Soldiers Road upgrades project. In order to satisfy the funding agreement conditions, the allocated funding is required to be spent before



the next State Government election. The below table shows the original funding allocation for each project:

Road name	Allocated funding
Kargotich Road 9.65km (Rowley Road to Bishop Road)	\$9.3M
Orton Road – 6.35km (King Road to Hopkinson Road)	\$4.1M
Soldiers Road – 5.00km (Section A: Abernethy Road to Turner Road Section B: 140m North of Cardup Siding Road to Daisy Road Section C: Bushlark Close to Keirnan Street)	\$4.6M

Following completion of investigations and detailed design, it became evident that the allocated funding is insufficient to cover the cost of the three projects due to extensive service relocation, land acquisition, construction of new infrastructure and upgrade of existing. The scope developed following the detailed design is significantly more than what was initially envisaged. In addition, there has been significant cost escalation across the construction industry during the past few years.

After conducting a thorough investigation and adjusting the cost estimates, Officers have reassessed the priority of the three hypergrowth projects to be delivered in multiple stages. The proposed staging and scope of works are based on criteria such as road safety enhancement, traffic data, pavement condition, delivery of construction within the grant funding agreement conditions and the approved funds.

Due to the substantial cost associated with relocating identified services to allow for road widening, particularly the high-pressure gas pipeline located alongside Soldiers Road, the scope of work for the Soldiers Road project has been significantly scaled back. Instead of a complete road upgrade and widening, the scope of works is limited to upgrading the existing two roundabouts located at Soldiers Road - Cardup Siding Road and Soldiers Road - Keirnan Street intersections.

This has resulted in substantial reduction in the budget allocated to Soldiers Road. The surplus funding resulting from this change to scope of works is reallocated to the two other Hypergrowth projects, Orton Rd (\$500,000) and Kargotich Road (\$3.2M). To address this change in scope and re-distribution of budgets between the three projects, a proposal was submitted to the State Government in March 2023, refer **attachment 5**. The Shire's request was approved by the State Government in June 2023, refer **attachment 6**.



The revised budget for each of the three projects is shown below.

<b>Road name</b>	<b>Allocated funding</b>
Kargotich Road (Rowley Road to Orton Road)	\$10.1M
Orton Road (100m east of Bullock Drive to 1.8km east of King Road)	\$6.1M
Soldiers Road - Keirnan Street Roundabout and Cardup Siding Road Roundabout	\$1.758M

Following the completion of this project, Officers will seek approval from the funding body to reallocate any surplus funding in the budget to one or both of the other two Hypergrowth road projects where additional funding could be most efficiently utilised.

The existing road infrastructure including kerbing and road surface at both roundabouts are in poor condition requiring renewal. Upgrading the two roundabouts will result in several benefits, including improving road safety, traffic flow, drainage, upgrade of pedestrian facilities and renewal of road infrastructure assets.

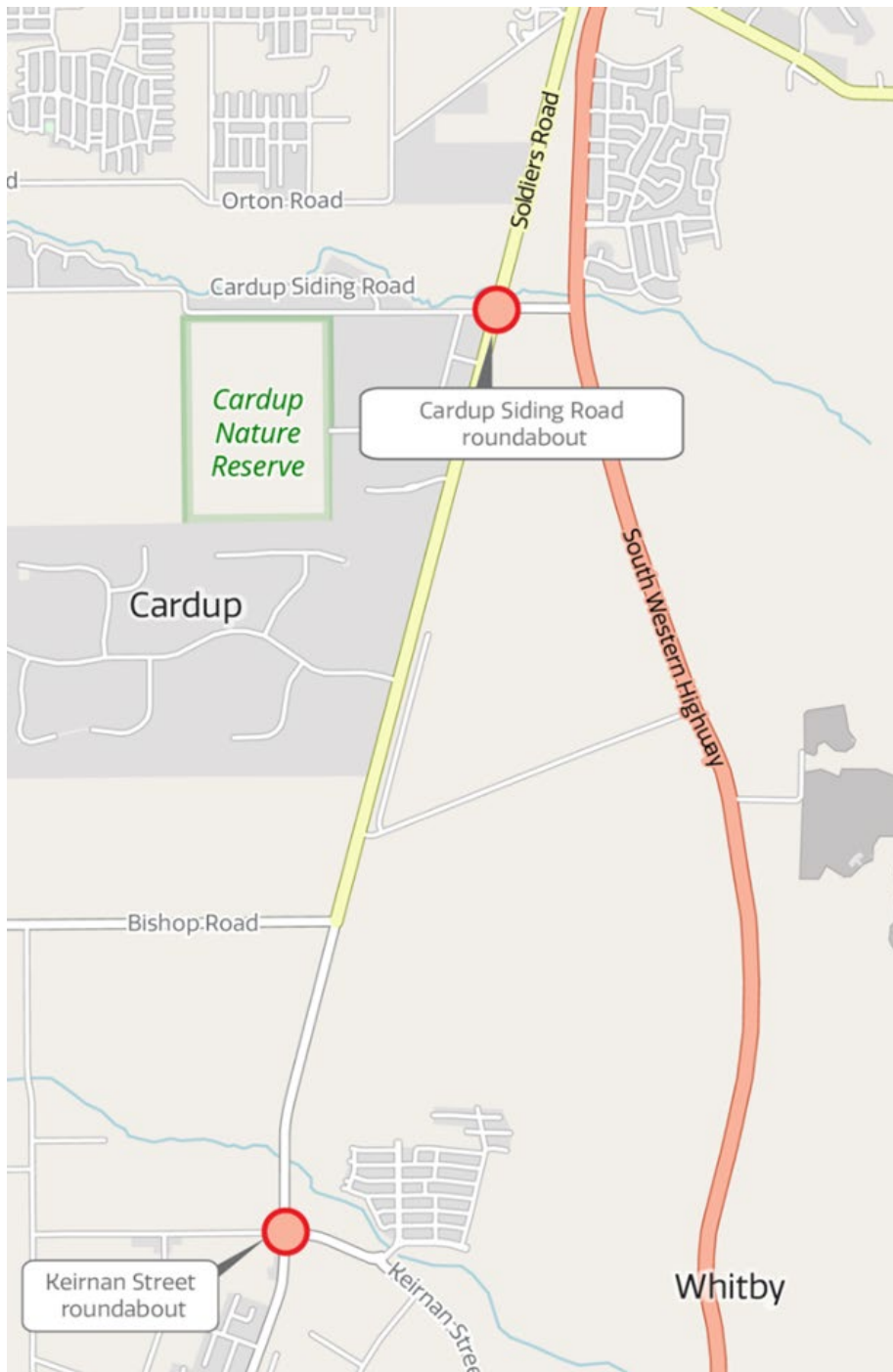
The scope of works for roundabouts includes resurfacing, upgrading the geometry of existing median and central islands, providing designated crosswalks and refuge islands (Keirnan Street roundabout), installation of new kerbs and new line markings and signage.

The landscaping elements for both roundabouts will be undertaken through a separate contract later towards the end of financial year when weather conditions are more favourable for establishment of plants. The estimated cost of landscaping will be approximately \$40,000 for both roundabouts.

As the work under this contract will be conducted within close proximity to the railway reserve, contractor will need to prepare a works management plan and obtain approval from ARC Infrastructure (ARC). ARC as the asset manager, is responsible for rail safety in respect of railway infrastructure and operations, therefore their approval will be required under the Rail Safety National Law (WA) Act 2015.

It is anticipated that works under this contract will be completed in approximately five months from the date of contract award. This includes the time required for ARC approval, anticipated to take approximately 2 months.

It should be noted that successful and timely delivery of these hypergrowth road projects will improve the Shire's chances of obtaining further funding for road upgrades when similar grant funding opportunities become available in future.



**Keirnan Street and Cardup Siding Road roundabouts**

**Community / Stakeholder Consultation**Policy Concept Forum – Hypergrowth Road presentation

<b>Meeting Date</b>	06 February 2023
<b>Councillors in Attendance</b>	Cr Rich, Cr Byas, Cr Coales, Cr Duggin, Cr Mack, Cr Strange, Cr Strautins

Residents with direct access from Soldiers Road have been consulted by way of letter drop which included the information on concept design. Residents were requested to send their comments in writing or by accessing the Shire's website where the project concept was uploaded. In addition, consultation workshop was also arranged on 29 September 2022 where residents and community members in general had the opportunity to attend, ask questions and provide feedback. Comments and feedback received through the Shire's website, submissions in writing and at the workshop were all collated and taken into consideration when developing the detailed design.

**Submissions**

The Request for Tender RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades was advertised on Thursday 13 July 2023 and closed at 2.00pm on Thursday 10 August 2023.

The Tender was advertised through the WALGA VendorPanel Portal

Three (3) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

Tender submissions were received from the following companies:

#	Company Name
1	Downer EDI Works Pty Ltd
2	RCA Civil Group Pty Ltd
3	WCP Civil Pty Ltd

**Evaluation Panel**

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

- Strategic Projects Lead;
- Engineering Developments Lead;
- Engineering Design Lead.

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



## Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
<p><b>Relevant Experience</b></p> <p>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.</p>	15%
<p><b>Key Personnel, Skills, and Resources</b></p> <p>Provide information that explains the capacity of the Company to deliver the services including:</p> <p>Key personnel and their Professional Qualifications, Certifications, Accreditations and Relevant Experience.</p>	10%
<p><b>Demonstrated Understanding</b></p> <p>Tenderers should detail the process they intend to use to achieve the Requirements of the Specification.</p> <p>Use dot points to explain the process.</p> <p>The process should include a timetable for delivering the services</p>	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 RCA Civil Group Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by RCA Civil Group Pty Ltd 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**

The following options have been identified:

#### Option 1

That Council:

1. AWARDS Tender RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades to RCA Civil Group Pty Ltd to the value of \$642,192.77, excluding GST as contained within **CONFIDENTIAL attachment 1**;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades.

#### Option 2

That Council NOT AWARD the contract and retender.

#### Option 3

That Council NOT AWARD the contract and NOT retender / requote i.e. – nil action.

#### Option 4

That Council REASSESS and appoint an alternative tenderer / quoter.

Option 1 is recommended.

### **Conclusion**

RCA Civil Group Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to RCA Civil Group Pty Ltd.

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

- **10.2.2 – CONFIDENTIAL attachment 1** – RFT 03/2023 – Cardup Siding Road and Keirnan Street - Roundabout Upgrades - Evaluation Report (E23/9282)
- **10.2.2 – CONFIDENTIAL attachment 2** – RFT 03/2023 – Cardup Siding Road and Keirnan Street - Roundabout Upgrades – Pricing Schedule (E23/9283)
- **10.2.2 – CONFIDENTIAL attachment 3** – RFT 03/2023 – Cardup Siding Road and Keirnan Street - Roundabout Upgrades – Probity Certificate (E23/11628)
- **10.2.2 – attachment 4** - Letter from Main Roads - Election Commitments 2021 - Orton, Soldiers and Kargotich Roads (IN21/16442)
- **10.2.2 – attachment 5** – Hypergrowth Road Projects - PowerPoint presentation - update to PCF - 6 February 2023 - includes Funding reallocation proposal (E23/1415)
- **10.2.2 – attachment 6** – Hypergrowth Road Projects – Funding reallocation approval (IN23/19106)



### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Strategy 3.4.1</b>	Identify and promote innovation and education opportunities
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community

### Financial Implications

In the 2023/2024 Annual Budget there is currently a budget of \$1,348,964 (23/24: \$1,092,000+ unspent budget from 22-23: \$256,964). Below table shows the existing budget arrangement:

<b>Soldiers Road</b>	<b>21-22</b>	<b>22-23</b>	<b>23-24</b>	<b>24-25</b>	<b>Total</b>
Design	350,000.00	180,000.00			<b>530,000.00</b>
Construction			1,000,000.00		<b>1,000,000.00</b>
Internal Costs		136,000.00	92,000.00		<b>228,000.00</b>
<b>Total</b>	<b>350,000.00</b>	<b>316,000.00</b>	<b>1,092,000.00</b>		<b>1,758,000.00</b>
<b>Unspent from 22-23</b>			<b>256,964.00</b>		
<b>Total</b>			<b>1,348,964.00</b>		



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council proceeds with recommendation to award and projects run over budget.	Budget process, internal costing and reviews.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation
2 & 3	Not awarding the contract to the successful Tenderer and road works do not occur.	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	Accept Officer Recommendation
4	Poor selection of contractor to provide quality works.	Procurement policy and process	Organisational Performance	Rare	Moderate	LOW	Accept Officer Recommendation

**Voting Requirements:** Simple Majority

### OCM256/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Strautins

That Council:

1. **AWARDS** Tender RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades to RCA Civil Group Pty Ltd to the value of \$642,192.77, excluding GST as contained within CONFIDENTIAL attachment 1;
2. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 03/2023 – Cardup Siding Road and Keirnan Street Roundabout Upgrades.

**CARRIED UNANIMOUSLY 7/0**



**Shire President, Councillor Rich declared a Financial Interest in item 10.2.3 and remained absent from the meeting while this item was discussed.**

<b>10.2.3 - Award Request for Tender – RFT 05/2023 – Kingsbury Drive - Road Widening and Improvement (SJ4225)</b>	
<b>Responsible Officer:</b>	Infrastructure Projects Coordinator
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### **Authority / Discretion**

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

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 05/2023 – Kingsbury Drive Widening and Improvement for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

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

The project was approved by Council as part of the 2022/2023 Annual Budget.

### **Background**

The Shire was successful in obtaining Federal Black Spot grant funding to upgrade a 2.1km long section of Kingsbury Drive from SLK 7.0 to SLK 9.10, as shown on Figure 1 below.

The existing road surface is chipseal which requires renewal with the wearing course reaching end of asset life due to wear and tear. It is proposed to resurface the road with a new double layer 14/7 seal.

The Shire has been successful in obtaining Federal Government Black Spot funding program as part of the 2022-23 round of funding. The initial approved funding as part of that grant funding program was \$896,689. Following the review of the design and construction cost estimate, taking into consideration the recent cost escalation across the construction industry, Officers realised that additional grant funding, and scope change would be required to deliver the project as a Black Spot grant funded project. Accordingly, a request for a scope reduction, additional funds of \$173,311 and a request for a 12-month extension of time to 30 June 2024 was submitted to the funding body for approval. The funding body approved all of the Shire's requests.

This project was therefore carried forward to the 2023-24 year due to the additional time required for cost variation, scope reduction and extension of time approval by funding body. Given the time required for this approval to be granted, it would not be possible to deliver the project within the initial approved timeframe, by 30 June 2023.



Crashes along this section of road included two accidents which resulted in fatalities within the section between SLK 7.87 in 2020 and SLK 8.97 in 2019.

The upgrade works include widening the road pavement to allow for a 3.5m wide traffic lane in each direction with 1.0m wide sealed shoulder. The scope of works will also include vegetation clearing to remove roadside hazards within the clear zone and installation of edge line markings.

The project footprint is shown in the below image:



**Figure 1: Aerial view – Kingsbury Drive SLK 7.0 to SLK 9.1**

The total project budget is \$1,070,000 and this project is fully funded by the Federal Government Black Spot Program with no funding contribution from the Shire.

### **Community / Stakeholder Consultation**

Nil.

### **Submissions**

The Request for Tender RFT 05/2023 - Kingsbury Drive - Road Widening and Improvement - was advertised on Wednesday 26 July 2023 and closed at 2.00pm on Thursday 17 August 2023.

The Tender was advertised through the Tenderlink.

Six (6) 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	DCL Formwork Pty Ltd (DCL Contracting)
2	Downer EDI Works Pty Ltd
3	Fulton Hogan Industries Pty Ltd
4	GMF Contractors Pty Ltd
5	Raubex Construction Pty Ltd
6	WCP Civil Pty Ltd

### Evaluation Panel

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

- Senior Projects Engineer;
- Infrastructure Projects Coordinator;
- Engineering Design Lead.
- Procurement Officer

A probity auditor has been approached to secure the best and most value-for-money approach for the Shire.

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%
<b>Relevant Experience</b> Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years.	15%
<b>Key Personnel, Skills, and Resources</b> Provide information that explains the capacity of the Company to deliver the services including: Key personnel and their Professional Qualifications, Certifications, Accreditations and Relevant Experience.	15%
<b>Demonstrated Understanding</b> Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Use dot points to explain the process. The process should include a timetable for delivering the services	15%



## Comment

All tender submissions were assessed against the evaluation criteria. 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 GMF Contractors Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by GMF Contractors Pty Ltd be accepted.

The contractor's schedule indicates a timeframe of 12 weeks from the Contract Award to complete the construction works.

A clearing permit has already been obtained for the project.

## Statutory Environment

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

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

Tendering

2. Tender Exemption

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

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

## Options and Implications

The following options have been identified:

### Option 1

That Council:

1. AWARDS Tender RFT 05-2023 - Kingsbury Drive - Road Widening and Improvement to GMF Contractors Pty Ltd to the value of \$959,765.52, excluding GST as contained within **CONFIDENTIAL attachment 1**.
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 05/2023 - Kingsbury Drive - Road Widening and Improvement.

### Option 2

That Council NOT AWARD the contract and retender.

### Option 3

That Council NOT AWARD the contract and NOT retender / requote i.e. – nil action.

Option 4

That Council REASSESS and appoint an alternative tenderer / quoter.

Option 1 is recommended.

**Conclusion**

GMF Contractors Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the tender criteria 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 GMF Contractors Pty Ltd.

**Attachments (available under separate cover)**

- **10.2.3 – CONFIDENTIAL attachment 1** – RFT 05/2023 - Kingsbury Drive - Road Widening and Improvement - Evaluation Report (E23/10287)
- **10.2.3 – CONFIDENTIAL attachment 2** – RFT 05/2023 - Kingsbury Drive - Road Widening and Improvement - Schedule of Rates (E23/10288)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

**Financial Implications**

The approved budget for this project is \$1,070,000.





### 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 recommendation to award and projects run over budget.	Budget process, internal costing and reviews.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation
2 & 3	Not awarding the contract to the successful Tenderer and road works do not occur.	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	Accept Officer Recommendation
4	Poor selection of contractor to provide quality works.	Procurement policy and process	Organisational Performance	Rare	Moderate	LOW	Accept Officer Recommendation

**Voting Requirements:** Simple Majority

### OCM257/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strautins

That Council:

1. **AWARDS** Tender RFT 05-2023 - Kingsbury Drive - Road Widening and Improvement to GMF Contractors Pty Ltd to the value of \$959,765.52, excluding GST as contained within CONFIDENTIAL attachment 1.
2. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 05/2023 - Kingsbury Drive - Road Widening and Improvement.

**CARRIED UNANIMOUSLY 7/0**

Shire President, Councillor Rich returned to the meeting at 8:32pm.

Councillor Atwell advised Councillor Rich of the Council Resolutions for items 10.2.2 and 10.2.3.

Councillor Rich resumed the Chair as Presiding Member.

**10.3 Corporate Services reports:**

<b>10.3.1 - Confirmation of Payment of Creditors – September 2023 (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to prepare a list of accounts paid each month, as required by the *Local Government (Financial Management) Regulations 1996*.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Background**

Nil.

**Community / Stakeholder Consultation**

Not Applicable.

**Statutory Environment**

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.17 - Payments from Municipal and Trust Fund.

Section 6.10 of the *Local Government Act 1995* states the Financial management regulations may provide for the general management of, and the authorisation of payments out of the municipal fund and the trust fund of a local government.

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* requires where a local government has delegated authority to make payments from the municipal or trust fund, that a list of accounts paid be prepared each month showing each account paid since last such a list was prepared.



### Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 1 September 2023 to 31 September 2023 is provided in **attachment 1**.

### Options and Implications

#### Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 September 2023 to 30 September 2023, totalling \$5,719,685.87.

#### Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 September 2023 to 30 September 2023, totalling \$5,719,685.87.

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 September 2023 (E23/13189)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 July 2023 – 28 August 2023 – Redacted (E23/13190)
- **10.3.1 - attachment 3** – Fuel Purchasing Cards Report – 01 August 2023 – 31 August 2023 – Redacted (E23/13191)

### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources



### Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for 1 September 2023 to 30 September 2023 totalled \$5,719,685.87.

### 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

### OCM258/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Byas

That Council **RECEIVES** the Schedule of Accounts as paid under delegated authority from 1 September 2023 to 30 September 2023 totalling \$5,719,685.87 as contained in attachment 1.

**CARRIED UNANIMOUSLY 8/0**

**10.3.2 - Monthly Financial Report – August 2023 (SJ801)**

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

**Authority / Discretion**

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

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 31 August 2023.

**Relevant Previous Decisions of Council**

*Special Council Meeting – 31 July 2023 – SCM016/07/23 - COUNCIL RESOLUTION – extract*

7. That Council, in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 *Materiality*, the level to be used in statements of financial activity in 2022/23 for reporting material variances shall be:

- a)  $\geq 10\%$  of the amended budget and  $\geq \$10,000$  of the amended budget; or
- b)  $\geq \$150,000$  of the amended budget

*In addition, the material variance limit will be applied to each Nature and Type Classification for Operating and Financing Activities and each Project for Investing Activities (Capital).*

**Background**

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month by Nature and Type.

The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. Furthermore, Council has resolved that each Capital project outside of the materiality thresholds be reported on separately. This gives an indication that the Shire is performing against expectations at a point in time.

**Community / Stakeholder Consultation**

Nil.



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**Statutory Environment**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

**Comment**Monthly Financial Report

The attached report shows the month end position as at the end of 31 July 2023.

The municipal surplus as at 31 August 2023 is \$36,766,841 which is favourable, compared to a budgeted amount of \$31,079,530. This primary due to a higher than anticipated opening position. It is worth noting that the opening position for 2022/23 may change, pending the finalisation of the 2022/23 Financial reports.

Further information on material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

**Operating Activities****Favourable variance in Operating Activities****Operating Revenue**Rates

Favourable variance of \$888,965 due primarily to:

- Interim Rates – Permanent variance of \$397,155 and Temporary variance of \$491,810 due to timing.

Operating Grants, Subsidies and Contributions

No variance analysis required, variance to budget is less than \$10,000

Fees and Charges

Favourable temporary variance of \$236,550 due primarily to:

- Increase in swimming pool inspection fees for the period - \$100,780
- Increase in new bin establishment fee for the period - \$104,275

Interest Earnings

Favourable permanent variance of \$39,879 due primarily to:

- Higher interest rates than anticipated on term deposits.

Other Revenue

Favourable permanent variance of \$80,597 due primarily to:

- Credit received from LGIS for workers compensation insurance for wages adjustment for 2022-2023 – \$70,471

Profit on Asset Disposal

No variance analysis required, variance to budget is less than 10%.



## **Operating Expenses**

### Employee Costs

Favourable variance of \$955,682 due primarily to vacancy in multiple departments.

### Materials and Contracts

Favourable variance of \$444,395 due to conservative spending across the organisation pending budget adoption on 31 July 2023.

### Utility Charges

No variance analysis required, variance to budget is less than 10%.

### Depreciation

No variance analysis required, variance to budget is less than 10%.

### Finance Costs

No variance analysis required, variance to budget is less than \$10,000

### Insurance Expenses

No variance analysis required, variance to budget is less than 10%.

### Other Expenditure

No variance analysis required, variance to budget is less than 10%.

### Loss on Disposal of Assets

No variance analysis required, variance to budget is less than 10%.

## **Investing Activities**

### Contributions/Grants for the Construction of Assets

Favourable temporary variance of \$1,337,143 due primarily to

- Byford DCP - \$948,323
- Community Infrastructure DCP - \$160,044
- West Mundijong DCP - \$7,573

### Proceeds from Disposal of Assets

No variance analysis required, variance to budget is less than 10%.

### Capital Expenditure

Unfavourable temporary variance of \$1,559,062 due primarily to:

- Final Carryforward budget adjustments pending for
  - Depot Administration Refurbishment - \$83,718
  - Admin Building Revelopment - Stage 2 - \$127,699
  - Keirnan Development - Stage 1A - \$138,935
  - Upgrades of Roads - Kargotich - Stage 1 - \$965,742
  - Nettleton Road (SLK 13.87- SLK 16.65) - \$23,685



- ERP System Implementation - \$42,079 favourable temporary variance due to timing of project delivery.

As resolved by Council, Officers are required to comment on any project that has a material year to date variance, please refer to Capital Works Expenditure within **attachment 1** for commentary on individual projects.

### **Financing Activities**

#### Proceeds from new Borrowings

No variance analysis required, variance to budget is less than 10%.

#### Transfer from Reserve

No variance analysis required, variance to budget is less than 10%.

#### Repayment of new Borrowings

No variance analysis required, variance to budget is less than 10%.

#### Payment for principal portion of lease liabilities

No variance analysis required, variance to budget is less than \$10,000

#### Transfer to Reserve

Variance of \$1,183,267 due primarily to

- Byford DCP - \$948,323
- Community Infrastructure DCP - \$160,044
- West Mundijong DCP - \$7,573

### **Options and Implications**

#### Option 1

That Council RECEIVES the Monthly Financial Report for August 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

#### Option 2

That Council DOES NOT RECEIVE the Monthly Financial Report for August 2023, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in **attachment 1**.

Option 1 is recommended.

### **Conclusion**

Nil.

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

- **10.3.2 - attachment 1** – Monthly Financial Report – August 2023 (E23/12971)





### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

### Financial Implications

As at 31 August 2023, the Shire's respective cash position was as follows:

Municipal Fund:           \$5,196,860

Trust Fund:                 \$304,221

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for May leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation



Continued

**Ordinary Council Meeting Minutes  
Monday, 16 October 2023**

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**Voting Requirements:** Simple Majority

**OCM259/10/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Dagostino**

**That Council RECEIVES the Monthly Financial Report for August 2023 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.**

**CARRIED UNANIMOUSLY 8/0**



### 10.3.3 – OneComm: Consolidation Phase Progress Update (SJ4034)

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

#### Authority / Discretion

Information	For the Council to note.
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#### Report Purpose

The purpose of this report is to seek Council to NOTE the final progress report relating to the OneComm Consolidation Phase implementation.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 19 June 2023 – OCM150/06/23 – COUNCIL RESOLUTION / Officer Recommendation*

1. That Council NOTES the quarterly progress report and issues relating to the implementation of the OneComm Consolidation Phase.

*Ordinary Council Meeting – 17 April 2023 – OCM081/04/23 – COUNCIL RESOLUTION / Officer Recommendation*

1. That Council NOTES the quarterly progress report and issues relating to the implementation of the OneComm Consolidation Phase.

*Ordinary Council Meeting – 12 December 2022 – OCM314/12/22 – COUNCIL RESOLUTION / Officer Recommendation*

*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.

#### Background

This report is the fourth and final quarterly report relating to the implementation of the OneComm Consolidation Phase enhancements which commenced in January 2023 for a duration of nine (9) months. This quarterly report covers the last reporting quarter from July 2023 to September 2023.



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**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.

**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**Consolidation Phase Strategy

The overall list of OneComm Consolidation Enhancements has been divided into 3 x three-month blocks for implementation and reporting. The first 3-month implementation block was January 2023 to March 2023 (i.e. Q1) and progress for this quarter was reported to Council in April 2023. Twenty-one (21) OneComm consolidation enhancement requests were completed in Q1.

The second 3-month implementation block was April 2023 to June 2023 (i.e. Q2) and progress for this quarter was reported to Council in June 2023. Twenty-four (24) OneComm consolidation enhancement requests were completed in Q2.

The third 3-month implementation block is from July 2023 to September 2023 (i.e. Q3) and an update on this quarter is included in this report.

Priority of Enhancements

The priority by each enhancement request has been set by the relevant module owner (Business Unit Manager) and these priorities have been moderated across all the OneComm modules based on Executive Management direction in November 2022 as per the following:

- The priority of the OneComm Consolidation Phase 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 focused on:
  - Compliance (Volunteer Bush Fire Brigade Management and Staff attendance timesheets to comply with Industrial Relation Laws);
  - Improving the quality asset of data;
  - Operational works (including Fleet) and mobility; and
  - Project management of capital projects.



### Progress Update

During the third quarter, 1 July 2023 to 30 September 2023, the following OneComm consolidation enhancement requests were completed:

Item	Description	Category
1	Automate the Customer Request Inspection Process for Operations	Effectiveness
2	Enhanced the automated creation of Work Orders relating to Customer Requests	Effectiveness
3	Develop e-Form – New Starter Request for Permanent/Casual Employee with automation	Efficiency
4	Develop e-Form – New Starter Request for Agency/Temp Staff with automated process	Efficiency
5	Develop e-Form – Employee Resignation with automated process	Efficiency
6	Develop e-Form –Position Change Details with automated process	Efficiency
7	Develop e-Form –Working from Home Arrangements with automated process	Efficiency
8	Develop e-Form –Employee Change in Work Patterns with automated process	Efficiency
9	Develop e-Form – Employee Movements with automated process	Efficiency
10	Develop e-Form – Employee Higher Duties Application with automated process	Efficiency
11	Activation of the HR Module - Staff Probation Automation	Effectiveness
12	Activation of the HR Module - Employee Appraisals Automation	Effectiveness
13	Setup of Bush Fire Brigades Security system with multi-factor authentication	Effectiveness
14	Setup asset configuration and loaded Road Condition Data	Effectiveness
15	Configuration of the Asset Management Module and loading of asset revaluation data and asset components	Effectiveness
16	Upgraded the Public Geospatial System (external) to the latest version	Effectiveness
17	Upgraded the Staff Geospatial System (internal) to the latest version	Effectiveness
18	Development of a consolidated 'My Tasks' Dashboard	Efficiency
19	Improved reporting of Project Change Requests and use of quick links for accessing Change Requests	Efficiency

In summary, progress made in Q3 was:

- Developing numerous e-Forms to replace the manual paper-based business process with automated business processes with a focus on Human Resources;
- Configuration of the Human Resource Module to automate the staff Probation and Performance Appraisals processes;
- Loading asset revaluation data into the Asset Management Module; and
- Improvements in Customer Request Management with a new automated Inspection process with streamline creation of Work Orders and notifications to customers.

### Capacity

As previously reported to Council, staff turnover in the organisation has reduced the capacity to address all of the OneComm enhancement requests received. This constraint was expected and was the driving reason for the consolidation phase.

The enhancement requests related to improving Operational works and mobility were initially deferred until the Manager Operations and Manager Fleet and Waste positions were recruited. As both positions are now filled the priority work in Operations has progressed. The key



operational improvement being the automation of the Customer Request inspection process, creation of Work Orders and communicating to the Customer.

Notwithstanding the above, Officers and key stakeholders have made good progress with improving the customer experience, operational efficiency (e-Forms and Inspections) and improving the quality of the Shire's asset data.

### **Options and Implications**

#### Option 1

That Council NOTES the final report relating to the implementation of the OneComm Consolidation Phase.

#### Option 2

That Council DOES NOT NOTE the final quarterly progress relating to the implementation of the OneComm Consolidation Phase.

Option 1 is recommended.

### **Conclusion**

The OneComm Consolidation Phase concluded at the end of September 2023. Over the past 9 months Officers have implemented as many high priority enhancement requests as possible (approximately 70%) within resourcing constraints. Whilst all of the consolidation requests were not completed, any unfilled lower priority enhancement requests will be progressed as business-as-usual through the ICT Business Development and Support team.

Potential resourcing issues to expedite these requests will be the subject of an upcoming ICT resourcing report as requested by the Audit Risk and Governance committee.

In summary, over the past 9 months the OneComm Consolidation Phase delivered significant improvements re the following:

- Configuration of the Asset management system to improve the quality of asset data, allow componentisation of Assets and to capture and load the revaluation of over 60,000 assets, including Roads (Pavement, Surface, Subgrade), Open Spaces (Amenities, Bins, Broad Walk, Bores, Gates, Irrigation, Landscaping, Minor Structures, Playground, Playing Fields, Play equipment, Public Art, Retaining Walls, Fences and Walls), Drainage (Pipes, Headwall, Pit, Property Connection), Transport (Lighting, Pathway, Pavement, Signs);
- Setting up the Asset system for the collection and loading of Road condition data;
- Setting up the OneComm mobile application for Playground Inspections and for recording of defects;
- Development of the Bush Fire Brigades Volunteer Portal and associated e-Forms;
- Developing numerous Human Resource e-Forms to replace the manual paper-based business process with automated business processes;
- Automation of the Human Resource probation and performance appraisal processes;
- Configuration of the Customer Request Management system to streamline and automate the Inspection process and to automate the creation of Work Orders. This will flow through to an



improved customer experience and staff efficiencies Operations when managing customer requests;

- Compliance with policy and legislation with
  - The updating staff e-training material;
  - Implementing a new e-learning system to streamline staff inductions; and
  - Staff attendance recording.
- Improvements in Project Management of Capital Projects. The priority has been to mature and enhance the project lifecycle management framework with a particular focus on developing tools and templates to ensure consistency and compliance with the Shire’s Project Management Framework; and
- Replacement of various Finance paper-based forms with e-Forms with automated approval processes.

Post September 2023, OneComm Phase 3 (Property and Rating, Enterprise Content Management, Regulatory Compliance and Enterprise Cash Receipting) will commence. The OneComm resources will thereafter be allocated to implement OneComm Phase 3 which is a significant and transformation phase for the Shire.

**Attachments (available under separate cover)**

Nil.

**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:

<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire’s brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate Long-Term strategic and operational planning is undertaken and considered when making decisions

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	OneComm Consolidation Phase Quarterly Update on progress is Noted.	OneComm Consolidation List of Enhancements.	Organisational Performance	Possible	Minor	LOW	Regular Progress Status Reports to the Executive Team
2	OneComm Consolidation Phase Quarterly Update on progress is Not Noted.	OneComm Consolidation List of Enhancements.	Organisational Performance	Rare	Moderate	SIGNIFICANT	Regular Progress Status Reports to the Executive Team

**Voting Requirements:** Simple Majority

### OCM260/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

**Moved Cr Byas, seconded Cr Strautins**

**That Council NOTES the final report relating to the implementation of the OneComm Consolidation Phase.**

**CARRIED UNANIMOUSLY 8/0**





**10.3.4 – OneComm Project: Phase 3 Implementation Strategy (SJ3729)**

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

**Authority / Discretion**

Information	For the Council / Committee to approve/note.
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**Report Purpose**

This report seeks Council to CONSIDER the scope and the phased implementation strategy of OneComm Phase 3.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 19 September 2022 – OCM234/09/22– COUNCIL DECISION / Officer Recommendation – **extract***

*That Council:*

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

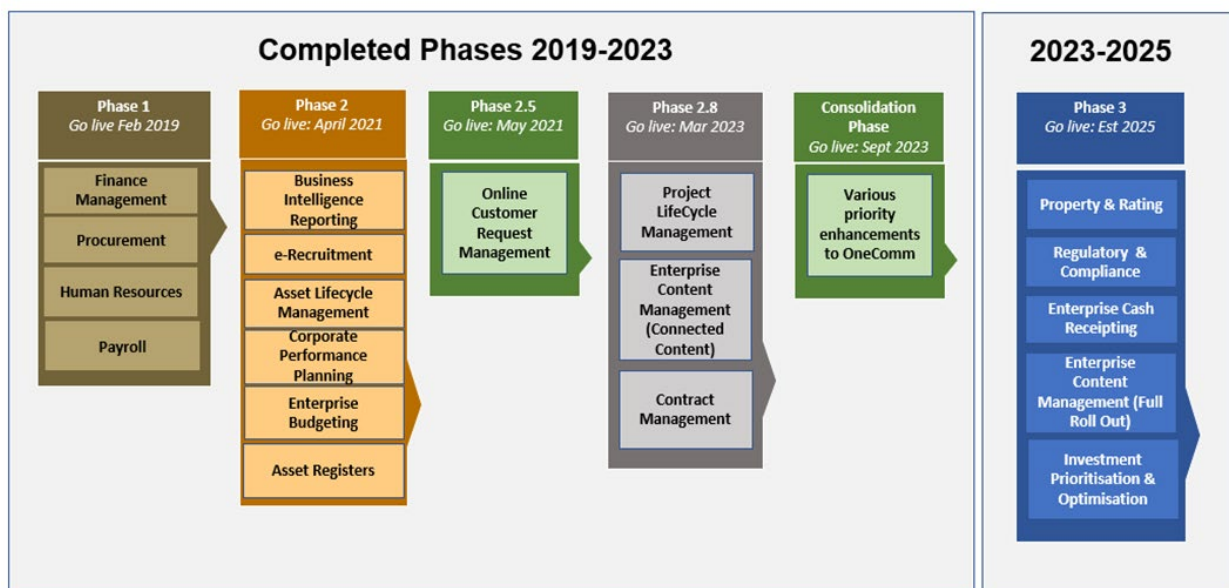
To date, the OneComm project team has successfully implemented the following:

- Phase 1 - Finance, Human Resources, Purchasing, Payroll, Safety and Financial Asset Registers;
- Phase 2 - Business Intelligence, Corporate Performance Planning, Asset Management for Operating Works, e-Recruitment and Enterprise Budgeting;
- Phase 2.5 - Online Customer Request Management;
- Phase 2.8 - Project Lifecycle Management, Enterprise Content Management – Connected Content and Contracts Management; and
- OneComm Consolidation Phase.

Phase 3 commenced in September 2023 and includes the implementation of the following modules:

- Property, Rating, Enterprise Content Management, Enterprise Cash Receipting, Investment Prioritisation and Optimisation and Regulatory and Compliance Management.

Effectively this means that the Shire has completed five (5) of the six (6) planned OneComm Phases as per the following:



OneComm Phase 3 is the final phase in the implementation of OneComm.

This report will outline the scope and implementation strategy for OneComm Project Phase 3.



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**Community / Stakeholder Consultation**

The scope and implementation milestones for OneComm Phase 3 were developed in consultation with the Shire's Executive Management Team, TechnologyOne and was supported by information provided by other Local Government Authorities (LGA) that have partnerships with the Shire.

**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**

OneComm Phase 3 is the final phase of the OneComm project. It is also the largest phase in terms of effort and scope as :

- All staff will be impacted with the implementation of a new Enterprise Records Management solution;
- A new system for managing the Shire's properties, leases and licences, planning, regulatory and compliance functions;
- A new system for managing Rates; and
- Residents will have access to a range of new Online e-services, via the Shire's web site, for registering building and development applications, registering and renewing animal licences, online payments and updating details.

The online e-services that will be made available to residents and customers are:

- eCustomer – allows registered users to log onto eServices to access contact information to update personal details. Areas that can be updated include my properties, my applications, my requests, my animals, my debtor account, and my infringements.
- elodgements – allows both guests and registered users to submit applications (e.g. development and building applications, consents, permits and certificates) and supporting attachments (e.g. site plans).
- ePayments – allows guest to pay any account via the payment reference. A registered user can pay any account via the payment reference or a payment hyperlink via the eCustomer function.
- eTrack – provides guests and registered users with a range of search options to track regulatory applications. Search via application number, via pre-set queries or application lodged within a date range. Similar date capable searches are supported for applications determined by council. Filters can be applied to search queries and by types of users e.g. guests only see generic public information details, while registered users are given access to more detailed information.

The original project strategy required the Shire to copy another LGA's configuration. The rationale in copying another LGA's configuration is to reduce cost and risk to the Shire. Discussions with the Cities of Mandurah, South Perth and Canning have indicated that they will complete the implementation of the Property and Rating Modules in 2024 and therefore at least one of these LGA's will be suitable candidates maintaining the OneComm project roll out strategy.



Supporting the implementation of OneComm Phase 3 is the development of the following deliverables:

- Project Plan – Gantt Chart; and
- Change Management Plan.

### Options and Implications

#### Option 1 – OneComm Phase 3 – Phased Implementation.

That Council AGREES to the scope and the phased implementation strategy of OneComm Phase 3.

This implementation method consists of multiple go-lives by OneComm Phase 3 module during 2024 through to mid-2025 to deliver benefits to the Shire's operations and residents as soon as practicable.

This approach smooths out the organisational impact over the duration of Phase 3. It also provides additional time to fully test the system prior to each go-live to ensure that the new module solution meets business needs. A phased implementation approach also :

- Provides extra time to train employees, increasing staff productivity during the initial use of the OneComm module; and
- Allows the early delivery of benefits to both the Shire and residents.

The phased implementation milestones are:

Date	Module
November 2023	Upgrade OneComm to version V2023B
February 2023	OneComm Phase 3 technical training
March 2023	Works Ledger Implementation
August 2024	Online Building and Development Applications
August 2024	Enterprise Cash Receipting
October 2024	Infringements
November 2024	Upgrade OneComm to version 2024B
December 2024	Pool Inspections
January 2025	Investment Prioritisation and Optimisation
February 2025	Enterprise Content Management
March 2025	Animal Registrations / Renewals
April 2025	Minutes and Agenda Management
April 2025	Waste Management
July 2025	Rates (** depending on readiness)

\*\* No Western Australian LGA has implemented the Rates module due to differences between the WA Local Government Act (Rules & Regulations) and Local Government Acts in the Eastern States. The Shire is liaising with Canning, South Perth and Mandurah to monitor their progress with implementing the Rates module.



Option 2 – OneComm Phase 3 – Big Bang Implementation.

That Council AGREES to the scope and big bang implementation strategy of OneComm Phase 3.

This method is an all-in-one approach where the goal is to implement every single Phase 3 module on one go-live date.

The implication of the Big Bang implementation is:

- Significant organisational impact at Go Live;
- Increase in change and project management effort;
- Staff turnover will result in key staff and/or OneComm project team members needing to be re-trained which will increase costs;
- As Manager's turnover and invariably change their business processes the OneComm system automation will need re-work which will increase costs;
- Staff may find it difficult to maintain commitment and enthusiasm for an extended period of time; and
- Productivity may be negatively affected due to the difficulty of training all employees before go-live.

Option 3 – Stop the OneComm Project.

That Council APPROVE stopping the OneComm Project.

This option is stopping the OneComm implementation until further notice. This option defers all implementation costs to future financial years. A decision will be required on the timing to re-start the OneComm project and this would be subject to a future Council report. This option would also see the Shire continue paying for antiquated end of life software and the partially implemented Technology One Solution.

Option 1 is recommended.

**Conclusion**

OneComm Phase 3 is the final phase of the OneComm Project and will complete the Shire's implementation of the Enterprise Resource Planning (ERP) strategy.

Whilst OneComm Phase 3 is the largest OneComm phase undertaken to date, the risks associated with Phase 3 have been mitigated with

- The phased roll out of Phase 3 modules with multiple Go Live dates;
- Recruitment of a full-time Change Manager and having a strong focus on managing the staff change during the life of the project;
- Engaging with other LGA's to leverage their experiences and project artefacts to accelerate implementation tasks and to reduce risk; and
- Technical staff dedicated to the OneComm Project.



During the project implementation, the Shire will remain in close contact with other LGA's that are implementing the OneComm Rating module to monitor their progress and successes.

**Attachments (available under separate cover)**

- **10.3.4 – attachment 1** - OneComm Project Schedule for Phase 3 (E23/13068)
- **10.3.4 – attachment 2** - OneComm Project Change Management Plan (E23/13070)

**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:

<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Strategy 3.4.1</b>	Identify and promote innovation and education opportunities
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest
<b>Strategy 4.2.2</b>	Ensure appropriate Long-Term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

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, other than what is included in the current Long-Term Financial Plan.



### 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	OneComm project benefits will be realised.	Project Management Plan, Change Management Plan, Benefits Management Plan.	Financial	Likely	Moderate	SIGNIFICANT	
2 & 3	OneComm project benefits will not be fully realised.	Implementation of a review period.	Organisational Performance	Possible	Minor	LOW	

**Voting Requirements:** Simple Majority

### OCM261/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strautins

That Council AGREES to the scope and the phased implementation strategy of OneComm Phase 3.

**CARRIED UNANIMOUSLY 8/0**





### 10.4 Community Engagement reports:

<b>10.4.1 – Sports Aircraft Builders Club Inc – 50<sup>th</sup> Anniversary Fly-In Event - Funding Requests (SJ3296)</b>	
<b>Responsible Officer:</b>	Manager Community Activation
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

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

The purpose of this report is for Council to consider funding requests received from the Sports Aircraft Builders Club Inc (SABC) for their 50<sup>th</sup> Anniversary Fly-In Event, to be held on 28 and 29 October 2023.

#### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 12 December 2022 - OCM323/12/22 - COUNCIL RESOLUTION / Officer Recommendation - <b>extract</b></i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>2. <i>APPROVES Major Event Grant funding to Serpentine Jarrahdale Food and Farm Alliance Inc for the Food and Farm Fest to be held in May 2023, to the value of \$20,000 ex GST; subject to the applicant's agreement of conditions outlined in CONFIDENTIAL attachment 4;</i></li> <li>3. <i>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;</i></li> <li>4. <i>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.</i></li> </ol>
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## Background

There are three categories of funding available through the Community Grants program, per *Council Policy 5.1.7 – Community Funding*:

- General Grant
- Friendly Neighbourhood Grants
- Major Event Grants

Broadly recognised as the Community Grants Program, each category of funding within this Policy has an individual description, set of conditions and assessment process, to provide a breadth of opportunities for local community and sporting groups to apply for funding from the Shire under an agreed Policy Framework.

Throughout July and August 2023, both the General Grant and Major Event Grant Rounds were advertised, which resulted in 11 x General Grant applications (Round 1 of 3) and 1 x Major Event Application (Round 1 of 2), with Major Event Applications requiring presentation to Council for the allocation of funds as outlined in the Policy.

The 1 application received in Round One of the Major Event Scheme 2023/2024 was from SABC for their 50<sup>th</sup> Anniversary Fly-In event, to be held on 28 and 29 October 2023.

This same organisation submitted an application to the General Grant for the same activity/event as follows:

<b>Council Policy 5.1.7 – Community Funding</b>		
<b>Application</b>	<b>Grant Category Value</b>	<b>Amount Requested by SABC</b>
General Grant	Up to \$5,000 ex GST	\$4,849.20 ex GST
Major Event Grant	\$5,000 - \$20,000 ex GST	\$10,796.16 ex GST

Through the assessment and recommendation processes for both schemes, Officers further identified that this event would qualify for funding under *Council Policy 5.1.14 – Community Contributions* as an Outgoing Sponsorship. Sponsorships can be received at any time and are considered on an individual basis. Sponsorship is not a community grant, and is completely separate from the assessment processes undertaken for the above schemes.

<b>Council Policy 5.1.14 – Community Contributions</b>		
<b>Category</b>	<b>Applicable Category Value</b>	<b>50<sup>th</sup> Anniversary Fly-In Sponsorship Value</b>
Outgoing Sponsorship	Not specified. All contributions articulated within the Policy are subject to the availability of funds.	\$10,796.16 ex GST

To ensure equitable and transparent consideration across all the relevant funding conditions and Policies, this report is presented for Council to consider and provide a final determination on the awarding of funding for SABC's 50<sup>th</sup> Anniversary Fly-In event.



### Community / Stakeholder Consultation

Advertising for General Grant Applications and Major Event Applications occurred through the following channels between 3 July and 14 August 2023:

- Facebook posts throughout July and August
- SJ Matters eNewsletters in July and August
- Linked in posts in July and August
- Shire website banner and email signature
- Direct email campaigns to local community and sporting groups and to event organisers who are known to deliver events in the Shire of Serpentine Jarrahdale.

### Statutory Environment

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

### Comment

#### Event Summary

<b>Description</b>	Pilots from across Australia are invited to fly their aircraft to this annual fly-in, hosted by the Sports Aircraft Builders Club Inc at their venue on Yangedi Road, Hopeland. This year marks the 50 <sup>th</sup> anniversary of SABC. On that basis, the organisation is expecting a larger attendance and format for their annual event.
<b>Expected attendance</b>	3,000 patrons
<b>Event Cost</b>	\$18,896.16 cash and in-kind (other sources) expenditure \$54,250.00 volunteer hours <i>Total event cost \$73,146.16</i>

#### **Saturday 28<sup>th</sup> October:**

Pilots and associates only

Flying displays, demonstrations, competitions

#### **Sunday 29<sup>th</sup> October:**

Open to a broader audience, including friends and family of pilots, aircraft builders and mechanics and other Community based clubs. The day includes:

- Ground displays including unique, amateur built and historic aircraft
- Flying displays/demonstrations
- History and tours of the field
- Displays from related interest groups e.g. car clubs, steam engine builders
- Workshops/demonstrations on aircraft building and maintenance
- Interviews with pilots and members



- Entertainment
- Food and drink stalls

SABC are also planning to get a diversity of Aviation interests including hot air balloons, helicopters, museum displays, gyrocopters and model aircraft.

#### Assessment of Applications under Council Policy 5.1.7 – Community Funding

<b>Council Policy 5.1.7 – Community Funding</b>		
<b>Application</b>	<b>Grant Category Value</b>	<b>Amount Requested by SABC</b>
General Grant	Up to \$5,000 ex GST	\$4,849.20 ex GST
Major Event Grant	\$5,000 - \$20,000 ex GST	\$10,796.16 ex GST

The complete applications and funding assessment details are included with this report as **CONFIDENTIAL attachment 1**.

Both the General and Major Event categories described within Council Policy 5.1.7 – Community Funding are considered on the following basis:

#### 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 consolidated/agreed score against subjective criteria. This includes criteria such as community benefit and capacity/ability of the applicant to deliver the project described in the application.

- General Grants – 5 criteria for a total maximum score of 24
- Major Events - 4 criteria for a total maximum score of 16

#### 3. Priority.

Considers whether the timeline for delivery is achievable, whether the application could/should be considered in a future round – particularly where the applications received exceed the available funds - or whether duplication of similar or other like-minded activities exist resulting in the application being a lower priority for community funding in that round.

The ability to consistently apply the principles of each assessment process to future rounds is critical to maintaining the integrity of community funding scheme:

- Ensuring each applicant meets the minimum parameters of the eligibility criteria, as outlined in Policy.
- Encouraging quality applications, that well articulate and demonstrate:
  - The caliber of activities to be delivered with Shire funds.
  - Genuine community support and/or interest for the initiative.
  - Ability to meet the intent of the funding scheme.
  - Ability to be complimentary to the programming, events and expectations of the Shire.



- Prioritising these within the available funding allocations, to maximise community outcomes.

### *Summary of Assessments*

<b>1. Eligibility</b>
<p>The organisation is eligible for funding under both categories, and applicants of one category are not precluded from applying to any other category outlined in this policy.</p> <p>However, applications for projects that have been financially supported by the Shire via an alternative grant category or other community contribution process, for the same initiative in the same financial year will not be accepted.</p>
<b>2. Funding Criteria Score</b>
<ul style="list-style-type: none"> <li>• General Grant – 19/24 (79%)</li> <li>• Major Event Grant – 8/16 (50%)</li> </ul>
<b>3. Priority and Final Assessment Outcomes</b>
<p>Across both applications, the event demonstrated relevance to the local Serpentine Jarrahdale community, that is not replicated by any other organisation or event within the Shire. The event has a broad reach given the number of organisations and affiliates of the Club involved, however, as a result of event requirements for activities of this nature, broad scale advertising to the general public is not permissible.</p> <p>As a result of assessments across both Schemes, under policy 5.1.7 Officers recommend:</p> <ul style="list-style-type: none"> <li>• General Grant Funding to the value requested: \$4,849.20 (\$4,850) ex GST.</li> <li>• No award of Major Event funding.</li> </ul>

### Assessment of Event under Council Policy 5.1.14 – Community Contributions

<b>Council Policy 5.1.14 – Community Contributions</b>		
<b>Category</b>	<b>Applicable Category Value</b>	<b>50<sup>th</sup> Anniversary Fly-In Sponsorship Value</b>
Outgoing Sponsorship	Not specified. All contributions articulated within the Policy are subject to the availability of funds.	\$10,796.16 ex GST

Given the extenuating circumstances surrounding the Aviation event and necessary compliance with specified conditions, impacting on the events reach to the general public and overall assessment outcomes for the Major Event scheme, Officers further considered the total \$10,797 ex GST request from SABC as an outgoing sponsorship.

Sponsorship considerations are to align with Council Policy 5.1.14 – Community Contributions, with the assessment undertaken for the event included with this report as **attachment 2**.

*Summary of Assessment*

<b>Eligible</b>
Yes
<b>Comment and Final Assessment Outcome</b>
Overall, the interest this event generates across the aviation industry, and the significant exposure it brings to SABC as a local community group and to the Shire of Serpentine Jarrahdale as a whole, demonstrates its suitability for an outgoing sponsorship. As a result, under policy 5.1.14 Officers recommend funding to the value of \$10,796.16 ex GST

**Options and Implications**Option 1

That Council:

1. APPROVES an Outgoing Sponsorship (Community Contribution) to Sport Aircraft Builders Club Inc for the Annual Fly-In 50<sup>th</sup> Anniversary event to the value of \$10,797 ex GST.
2. REQUESTS the Chief Executive Officer:
  - i) advise Sport Aircraft Builders Club Inc of the outcome of their funding request;
  - ii) finalise a funding agreement between the Shire and Sport Aircraft Builders Club Inc, reflective of conditions within Council Policy 5.1.14.

Option 2

That Council:

1. APPROVES a General Grant (Community Funding) allocation to Sport Aircraft Builders Club Inc for the Annual Fly-In 50<sup>th</sup> Anniversary event, to the value of \$4,850 ex GST.
2. REQUESTS the Chief Executive Officer:
  - i) advise Sport Aircraft Builders Club Inc of the outcome of their funding request;
  - ii) advise Sport Aircraft Builders Club Inc that a funding allocation under the Major Event Grant scheme would be encouraged in future rounds, where the Shire could promote the event to the general public with longer lead-in times.

Option 3

That Council:

1. DOES NOT APPROVE funding to Sport Aircraft Builders Club Inc for the Annual Fly-In 50<sup>th</sup> Anniversary event.
2. REQUESTS the Chief Executive Officer advise Sport Aircraft Builders Club Inc of the outcome of their funding requests.

Option 1 is recommended.



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**Conclusion**

To ensure equitable and transparent consideration across all the relevant funding conditions and Policies, this report is presented for Council to consider and provide a final determination on the awarding of funding for the Sport Aircraft Builders Club Inc. (SABC) 50<sup>th</sup> Anniversary Fly-In event.

Officers recommend awarding an amount of \$10,796.16 ex GST as an outgoing Sponsorship, consistent with provisions of Council Policy 5.1.14 – Community Contributions to SABC, given the interest this event generates across the aviation industry, and the significant exposure it brings to SABC as a local community group and to the Shire of Serpentine Jarrahdale as a whole.

**Attachments (available under separate cover)**

- **10.4.1 – CONFIDENTIAL attachment 1** – Sport Aircraft Builders Club Inc Application and Assessment per Council Policy 5.1.7 – Community Funding (E23/10920)
- **10.4.1 – attachment 2** - Sport Aircraft Builders Club Inc Sponsorship Assessment per Council Policy 5.1.14 – Community Contributions (E23/13277)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 3.2</b>	A vibrant tourist destination experience

**Financial Implications**

Sufficient funds exist within the Community Funding and Contribution allocations to support the Options presented, with an overall allocation of \$68,500 across all categories.

Officers will address any adjustments to the individual accounts via the upcoming Quarterly Budget process, following the final outcome of this report.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1 & 2	Financial commitment from the Shire to an event that is not promoted to the general public leads to dissatisfaction from residents.	Officer's Recommendation Funding Agreement aligned to Council Policy 5.1.14 – Community Contributions	Reputation	Possible	Minor	MODERATE	
3	No financial commitment to the Anniversary event leads to dissatisfaction from local community group (also a lease holder and LEMC member) as well as event affiliates.	Officer's Recommendation	Strategic Stakeholder Relationships	Possible	Insignificant	LOW	

**Voting Requirements:** Simple Majority

### OCM262/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Coales

That Council:

1. **APPROVES** an Outgoing Sponsorship (Community Contribution) to Sport Aircraft Builders Club Inc for the Annual Fly-In 50<sup>th</sup> Anniversary event to the value of \$10,797 ex GST.
2. **REQUESTS** the Chief Executive Officer:
  - i) advise Sport Aircraft Builders Club Inc of the outcome of their funding request;
  - ii) finalise a funding agreement between the Shire and Sport Aircraft Builders Club Inc, reflective of conditions within Council Policy 5.1.14.

**CARRIED UNANIMOUSLY 8/0**





**Councillor Strange declared an Impartiality Interest in item 10.4.2.**

<b>10.4.2 - 2023/2024 Activate Byford Proposal (SJ3373)</b>	
<b>Responsible Officer:</b>	Manager Community Activation
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to provide Council with an update of activities undertaken by the Activate Byford Group (previously known as the Byford Town Team) and for Council to consider their proposal for 2023/2024 activities, that would require a financial commitment to deliver.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 19 September 2022 - OCM236/09/22 – Council Resolution / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>RECEIVES the Activate Byford Town Team Outcomes Report at attachment 1.</i></li> <li>2. <i>REQUESTS the Chief Executive Officer to work with the Activate Byford group to identify opportunities for the delivery of activation projects within the Byford Town Centre.</i></li> </ol>
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<p><i>Ordinary Council Meeting – 19 April 2021 - OCM094/04/21 – COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>APPROVES an amount of \$17,850 excluding GST from the 2019/2020 Budget Surplus to engage Town Team Movement to establish a Town Team in the Byford CBD as per the proposal contained in attachment 3;</i></li> <li>2. <i>APPROVES an amount of \$23,000 from the 2019/2020 Budget Surplus to support the activities of the Byford Town Team Movement and APPROVES that the Chief Executive Officer distribute these funds at his discretion;</i></li> <li>3. <i>APPROVES an amount of \$7,000 from the 2019/2020 Budget Surplus to fund the creation of items that Neighbourhood Watch groups can distribute to members of the community to encourage the identification and reporting of antisocial behaviour within the Shire of Serpentine Jarrahdale;</i></li> </ol>
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4. *APPROVES a sole source supply arrangement with Town Team Movement under Council Policy 3.2.4 - Purchasing-Procurement of Goods or Services up to \$250,000; and*

5. *APPROVES the following budget amendment:*

<i>Account</i>	<i>Type</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
4300-15508-6392	Increase Expenditure	Town Teams - External Contractor	17,850	
4300-15508-6276	Increase Expenditure	Town Teams - Community Activation Funding	23,000	
2400-12201-6125	Increase Expenditure	Community Safety Neighbourhood Watch initiative	7,000	
		Adjustment to Net Current Assets		47,850
<i>Reason: Funding for Town Teams and Community Safety initiative from 2019-2020 surplus.</i>				

### **Background**

At its April 2021 meeting, Council endorsed the establishment of a Byford Towns Team as an opportunity to proactively engage residents and businesses early in the development of the town centre, to ensure that design and provision is responsive to community and business needs.

The Town Team Movement is a social enterprise that was formed in 2018, providing support to 55 Town Teams across Australia and New Zealand. Council further resolved to allocate \$23,000, that the Byford Town Team Movement could access to support their activities over the first 12-month period. These are referred to as “Town Centre Activation funds” throughout this report.

In September 2022, Council received an Outcomes Report for Byford Town Team, outlining outcomes of the first 12 months of the Town Team initiative. This report highlighted both the achievements and challenges the group had experienced. Overall, the group outlined that they had successfully convened as a group throughout the 2021/22 financial year to deliver initiatives, successfully developed a brand (transitioning from the Byford Town Team, to Activate Byford) and became their own incorporated entity. However, the group also acknowledged they had been challenged throughout the 2021/22 financial year to simultaneously establish as a group and identify initiatives achievable within the available timeframes, budgets and expertise of their members. The impacts of Covid-19 caused disruption to the momentum of event planning and delivery amongst a newly forming cohort of individuals.

On that basis, support to the groups ongoing endeavors has occurred via continued access to the Town Centre Activation funds. There is currently \$6,821 ex GST remaining from the original \$23,000 committed by Council. A total \$16,179 has been awarded to Activate Byford for delivery of the following projects:



Project	Date	Cost	Summary
Byford Theatre Project	January 2023	\$8,479 ex GST	Performances at the Byford Secondary College promoting historical stories of Byford. Sales included promotions for dinners and discounts at local town centre restaurants: <ul style="list-style-type: none"> <li>• Lemas Roof Top Bar – provided 10% discount on meal or coffee and cake with ticket.</li> <li>• Byford Tavern – confirmed interest in participating in promotions of event.</li> <li>• Dome Restaurant – Supported a draw on ticket numbers for a free dinner.</li> </ul>
Byford Pictures	November 2021	\$5,200 ex GST	Utilising a blank wall facing/adjoining the Byford Dome, a banner has been installed and images have been displayed celebrating the special moments experienced while living in, or visiting, Byford.
Open Mic event	August 2021	\$2,500 ex GST	15 Music Students from Byford Secondary College attended a workshop with Musician Jack Davies before performing to family and friends at Dôme Byford
<b>TOTAL</b>		<b>\$16,179 ex GST</b>	

### Community / Stakeholder Consultation

Officers have continued to attend Activate Byford meetings upon request, providing guidance and comment as may be beneficial to proposed projects. Officers have also met with Activate Byford representatives to discuss their proposals on the following dates:

- 17 May 2023
- 7 June 2023
- 15 September 2023

Outcomes of these meetings are described further in this report, where relevant.

### Statutory Environment

Nil.

**Comment**

On 17 May 2023, Activate Byford representatives met with Shire Officers to discuss a proposal for 2023/2024 activities. The group indicated in their proposal:

*The group has now had time to achieve a few wins, to consolidate its status as a NFP as Activate Byford Inc, to gather lessons learnt, and to reflect on the original stated objectives for the Byford Town Team, and extent to which the group has been consistent adhering to these objectives. The group is developing possible ways forward to better deliver activation outcomes within the Byford town centre, in partnership with the Shire.*

In order to deliver their proposed initiatives, Activate Byford was requesting \$24,044 as a total financial commitment by the Shire. A full outline of the projects and amounts requested is included in the proposal provided by Activate Byford, being **attachment 1** to this report. However, in summary the request was for the following projects:

<b>Project Title</b>	<b>Description</b>	<b>Amount Requested</b>
Byford Pictures	Continuation of initiative supported in November 2021. Changeover of images provided by community members opposite Byford Dome.	\$6,916
Byford Theatre	Development and delivery of a new production, following success of the "Oak Tree" production (Theatre Project supported in January 2023).	\$10,528
Artisan Markets	4 x market events, including a small event located in the park behind Byford SJ Library Services around Christmas time, to support local artisans	\$6,600
<b>TOTAL</b>		<b>\$24,044</b>

At that time, feedback was provided that as the group is now an established not for profit entity, the group would be best placed to apply for funding the Shire's Community Grant Funding Program in order to secure the value of funds for each project. In particular, successful delivery of the Byford Theatre project via a Major Events Grant Scheme could lead to a request for 3 years of funding that would provide greater certainty for the initiative over the long term, rather than annual proposals for funding. Activate Byford did not submit any applications through the July 2023 round of the Shire's Community Grant Funding Program.

Officers indicated that the initiatives seemed suitable to activation of the town centre, however no financial commitment existed outside of the original allocation by Council, of which only \$6,821 ex GST remained. There was also no guarantee that these funds could be access in the 2023/2024 financial year as Council would need to agree/confirm these funds could be carried forward.

Since this time, Activate Byford has further refined the scope of their projects and have considered a range of sources available for funding. This process resulted in a follow up meeting with Officers on 15 September 2023 to present and discuss an updated proposal, included as **attachment 2** to the report. A summary of the proposed 2023/2024 initiatives and funding request is as follows:



## Ordinary Council Meeting Minutes Monday, 16 October 2023

Project	Description	Amount requested
Byford Pictures	Continuation of initiative supported in November 2021. Changeover of images provided by community members opposite Byford Dome.	\$2,770.26
Byford Theatre	Development and delivery of a new production, following success of the "Oak Tree" production (Theatre Project supported in January 2023).	\$7,416.14
Open Mic	Continuation of initiative supported August 2021.	\$0  Officers have also offered support from Youth Development team where appropriate for community connection.
Artisans Markets	1 x Artisan Market behind SJ Library Services. Proposed date 24 November 2023 in the afternoon/evening. Amount requested includes 12 months insurance.	\$4,770. Byford Library will extend their opening hours on the event date.
Footpath Art road safety decals	72 large colourful decals at slow vehicle and pedestrian crossing points on the South Western Highway and Abernethy Road. Local students will help with designs to enhance road safety messages approved by the RAC. This project will not only highlight road safety issues but will visually enhance the carriageway through the Town Centre.	\$0 Funding of \$13,753.00 has been secured from the RAC and a local business owner.
<b>TOTAL</b>		<b>\$14,956.40</b>

Activate Byford have requested a total amount of \$14,956.40 (\$14,957) ex GST from Council for their 2023/2024 initiatives. If approved by Council, this would consist of \$6,821 carry forward funds (being the remainder of the initial \$23,000 allocation) and additional funds of \$8,136. It is proposed that these additional funds are deducted from the Arts & Culture account as outlined under Financial Implications.

In recognition of the efforts of the group has undertaken over the past 6 months, in particular their success in securing funds from external projects and formalise an achievable, cost-efficient schedule of activities for the 2023/2024 financial year, Officers recommend supporting the projects submitted by Activate Byford.



## Options and Implications

### Option 1

That Council:

1. APPROVES a total funding allocation of \$14,957 to the Activate Byford Inc to deliver the following three projects in 2023/2024:
  - i) Byford Pictures to the value of \$2,770;
  - ii) Byford Theatre to the value of \$7,417; and
  - iii) Artisan Markets to the value of \$4,770.
2. APPROVES a budget amendment as follows:

Account number	Type	Account description	Debit	Credit
4300-15508-6610-0000	Increase Expenditure	Town Teams – Carryforward expenditure	\$8,136	
4300-15501-6125-0000	Decrease Expenditure	Materials / Consumables		\$8,136
Reason: To facilitate the delivery of final Activate Byford initiatives in 2023/2024				

3. REQUESTS the Chief Executive Officer:
  - i) advise Activate Byford of the outcome of their funding request;
  - ii) finalise a funding agreement between the Shire and Activate Byford for \$14,957; and
  - iii) advise Activate Byford that future funding requests are to be received and considered via the Shire's Community Funding Program.

### Option 2

That Council:

1. REQUESTS Activate Byford resubmit a 2023/2024 project proposal that is consistent with the Town Centre Activation funds remaining (being \$6,821 ex GST).
2. REQUESTS the Chief Executive Officer advise Activate Byford of the outcomes of their funding request and encourage the group to apply to upcoming Shire grant rounds for any values outside of the available \$6,821 ex GST.

### Option 3

That Council:

1. DECLINES funding to the Activate Byford group for 2023/2024 initiatives.
2. REQUESTS the Chief Executive Officer advise Activate Byford of the outcomes of their funding request, and encouraging the group to apply to the available Shire's Community Funding Program.

Option 1 is Recommended.



### Conclusion

At its April 2021 meeting, Council endorsed the establishment of a Byford Towns Team as an opportunity to proactively engage residents and businesses early in the development of the town centre, to ensure that design and provision is responsive to community and business needs.

A Town Teams group has successfully convened and established itself in Byford, becoming its own incorporated entity, Activate Byford. To support to the group's endeavors, access to \$23,000 of Town Centre Activation funds has occurred, with \$6,821 ex GST remaining following the implementation of 3 projects.

Activate Byford have successfully received funds from alternative funding sources to support their endeavors in 2023/2024, however have requested a total \$14,957 from Council (being \$6,821 of remaining funds plus an additional \$8,136 ex GST) to deliver all initiatives proposed in **attachment 2** to this report. Officers recommend supporting this allocation, with payments being subject to milestone requirements and a final outcomes report.

Officers further recommended that any future initiatives of the group post 2023/2024 that require a contribution from the Shire are submitted via the available grant schemes that provide a more sustainable option for their activities.

### Attachments (available under separate cover)

- **10.4.2 - attachment 1** – May 2023 - Activate Byford Project Proposal (including costs) (E23/12879)
- **10.4.2 - attachment 2** – September 2023 – Activate Byford Project Proposal (including costs) (E23/12880)

### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community

### Financial Implications

To support the projects proposed by Activate Byford, an additional contribution of \$8,136 to account 4300-15508 is required.

Officers recommend a reallocation of funds from the Arts & Culture account given the activities proposed by Activate Byford align to that program (e.g.: artisan markets).

Account number	Type	Account description	Debit	Credit
4300-15508-6610-0000	Increase Expenditure	Town Teams – Carryforward expenditure	\$8,136	
4300-15501-6125-0000	Decrease Expenditure	Materials / Consumables		\$8,136
Reason: To facilitate the delivery of final Activate Byford initiatives in 2023/2024				



**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 for Activate Byford to deliver all projects identified in the financial year.	Develop a funding agreement between the Shire and Activate Byford to further support the communication of initiatives within the community and help drive new memberships for the group.	Social / Community Outcomes	Possible	Insignificant	LOW	
2 & 3	Inability for Activate Byford to sustain their operations.	Officer's Recommendation	Strategic Stakeholder Relationships	Likely	Insignificant	MODERATE	





**Voting Requirements:** Absolute Majority (6.8 of the *Local Government Act 1995*)

**OCM263/10/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Strautins**

**That Council:**

- 1. APPROVES a total funding allocation of \$14,957 to the Activate Byford Inc to deliver the following three projects in 2023/2024:**
  - i) Byford Pictures to the value of \$2,770;**
  - ii) Byford Theatre to the value of \$7,417; and**
  - iii) Artisan Markets to the value of \$4,770.**
- 2. APPROVES a budget amendment as follows:**

Account number	Type	Account description	Debit	Credit
4300-15508-6610-0000	Increase Expenditure	Town Teams – Carryforward expenditure	\$8,136	
4300-15501-6125-0000	Decrease Expenditure	Materials / Consumables		\$8,136

**Reason: To facilitate the delivery of final Activate Byford initiatives in 2023/2024**

- 3. REQUESTS the Chief Executive Officer:**
  - i) advise Activate Byford of the outcome of their funding request;**
  - ii) finalise a funding agreement between the Shire and Activate Byford for \$14,957; and**
  - iii) advise Activate Byford that future funding requests are to be received and considered via the Shire’s Community Funding Program.**

**CARRIED UNANIMOUSLY 8/0**



**10.4.3 – Local Emergency Management Committee Information Report (SJ514-11)**

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

**Authority / Discretion**

Information	For the Council / Committee to note.
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**Report Purpose**

The purpose of this report is for Council to:

- receive the minutes from the Shire of Serpentine Jarrahdale Local Emergency Management Committee (LEMC) meeting held on 12 September 2023; and
- consider adopting the Vulnerable Communities Plan for inclusion in the Local Emergency Management Arrangements to replace the Special Needs Plan.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 17 July 2023 - OCM177/07/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 13 June 2023 contained in attachment 1.*

*Ordinary Council Meeting – 14 December 2020 - OCM403/12/20 - COUNCIL RESOLUTION / Local Emergency Management Committee Recommendation - **extract***

*That Council:*

3. *ADOPTS the draft Local Emergency Management Arrangements (2020) at attachment 2 and the draft Local Recovery Plan (2020) at attachment 3 and REQUESTS the Shire President and Chief Executive Officer to sign the documents and provide a copy to the State Emergency Management Committee for noting.*

**Background**

Section 38 of the *Emergency Management Act 2005* requires that the Shire of Serpentine Jarrahdale convene a Local Emergency Management Committee (LEMC). The Shire of Serpentine Jarrahdale LEMC operates under a Terms of Reference as endorsed by Council; however, the LEMC is not a Committee of Council as described in the *Local Government Act 1995*.

Council adopted Local Emergency Management Arrangements (LEMA) for the Shire in 2020. The LEMA consists of a number of plans, contact lists and procedures to inform preparedness, planning, response and recovery when an emergency incident occurs.



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## Community / Stakeholder Consultation

Nil.

## Statutory Environment

*Emergency Management Act 2005*

*Section 38 - local emergency management committees*

*(1) A local government is to establish one or more local emergency management committees for the local government's district.*

*Section 39 - Functions of local emergency management committees*

*The functions of a local emergency management committee are, in relation to its district or the area for which it is established —*

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

*Section 41 - Emergency management arrangements in local government district*

*(1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.*

*Section 42 - Reviewing and renewing local emergency management arrangements*

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.*
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.*

## Comment

A LEMC meeting was held on 12 September 2023 with the minutes of the meeting at **attachment 1**.

At its June meeting, a draft Vulnerable Communities Plan was presented to the Committee and feedback requested. No feedback or suggested changes were provided to Shire Officers.

The purpose of the Vulnerable Communities Plan, provided at **attachment 2**, is to document emergency management arrangements for concentrations of at-risk persons during an emergency within the Shire of Serpentine Jarrahdale.

The Plan identifies the demographic composition, geographic location, arrangements, communication, support networks for concentrations of people at-risk in the Shire of Serpentine Jarrahdale and the resources available to support at-risk persons plan for an emergency.

The Vulnerable Communities Plan was presented back to the LEMC at its September meeting and the following recommendation made to Council:



*The Local Emergency Management Committee recommends that Council ADOPTS the Vulnerable Communities Plan for inclusion in the Local Emergency Management Arrangements at Appendix 6 to replace the Special Needs Plan.*

If supported by Council, the Vulnerable Communities Plan will be included in the Shire's Local Emergency Management Arrangements at Appendix 6 to replace the Special Needs Plan.

### **Options and Implications**

#### Option 1

That Council:

1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 12 September 2023 contained in **attachment 1**.
2. ADOPTS the Vulnerable Communities Plan contained in **attachment 2** for inclusion in the Local Emergency Management Arrangements at Appendix 6 to replace the Special Needs Plan.

#### Option 2

That Council:

1. DOES NOT RECEIVE the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 12 September 2023 contained in **attachment 1**.
2. DOES NOT ADOPT the Vulnerable Communities Plan contained in **attachment 2**.

Option 1 is recommended.

### **Conclusion**

The minutes of the Local Emergency Management Committee meeting held 12 September 2023 are provided to Council for information.

If supported by Council, the Vulnerable Communities Plan will be included in the Shire's Local Emergency Management Arrangements at Appendix 6 to replace the Special Needs Plan and will provide information regarding emergency management arrangements for concentrations of at-risk persons during an emergency within the Shire of Serpentine Jarrahdale.

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

- **10.4.3 - attachment 1** – Local Emergency Management Committee (LEMC) - Minutes – 12 September 2023 (OC23/18053)
- **10.4.3 - attachment 2** – Vulnerable Communities Plan (E21/13495)

### **Alignment with our Strategic Community Plan**

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



### Financial Implications

There are no financial implications for Council receiving the minutes.

### 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	
	Nil						
	That the LEMC members feel their contribution is not respected.	Nil	Reputation	Rare	Moderate	LOW	Nil

**Voting Requirements:** Simple Majority

### OCM264/10/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Atwell

That Council:

1. **RECEIVES** the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 12 September 2023 contained in attachment 1.
2. **ADOPTS** the Vulnerable Communities Plan contained in attachment 2 for inclusion in the Local Emergency Management Arrangements at Appendix 6 to replace the Special Needs Plan.

**CARRIED UNANIMOUSLY 8/0**



Continued

## Ordinary Council Meeting Minutes Monday, 16 October 2023

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### **10.5 Executive Services reports:**

**Nil reports.**

**10.6 Confidential reports:**

<b>10.6.1 – CONFIDENTIAL – Legal Advice – Unsigned Waste to Energy Contract Financier’s Direct Deed (SJ581)</b>	
<b>Responsible Officer:</b>	Manager Waste and Fleet
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer’s Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**OCM265/10/23****COUNCIL RESOLUTION****Moved Cr Byas, seconded Cr Strautins****That the meeting be closed to members of the public while item 10.6.1 is discussed pursuant to section 5.23(2)(d) of the *Local Government Act 1995*.****CARRIED UNANIMOUSLY 8/0****At 8:37pm, the meeting went behind closed doors.****Officers assisting the meeting stopped the recording of the meeting.****Voting Requirements: Simple Majority****OCM266/10/23****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Byas, seconded Cr Duggin****That Council NOTES the advice provided by Civic Legal as contained within CONFIDENTIAL attachment 2.****CARRIED UNANIMOUSLY 8/0****OCM267/10/23****COUNCIL RESOLUTION****Moved Cr Byas, seconded Cr Dagostino****That the meeting be reopened to members of the public.****CARRIED UNANIMOUSLY 8/0****At 8:41pm, 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 10.6.1.**

**11. Urgent business:**

The Presiding Member, in accordance with clause 3.12 of the *Standing Orders Local Law 2002 (as Amended)* had approved this item being considered as Urgent Business prior to the meeting. The report was distributed to Councillors and published on the Shire's website on Friday, 13 October 2023.

<b>11.1 – Watkins Road Waste Transfer Station Closure and Interim Measures</b>	
<b>Responsible Officer:</b>	Manager Waste and Fleet
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is to provide Council with an update on the recent closure of the Watkins Road Waste and Recycling Transfer Station and propose short-term actions for management of green waste and household bulk waste.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The Watkins Road Waste Transfer Station (WTS) is located at 40 (Lot 512) Watkins Road, Mundijong.

Until the year 2000, the site was used as a Class I and Class II landfill facility for inert and putrescible waste. The Shire's records indicate that the two cells of the landfill, the area where green waste has been stored and processed since the site was opened as a waste transfer station in 2020, was the last part of the landfill to be filled and capped with 300mm of clean fill soil.

In 2008, following the introduction of the Contaminated Sites legislation, the Department of Water and Environmental Regulation (DWER), formerly Department of Environment and Conservation (DEC) wrote to the Shire informing of the memorial that was being placed on the title of the land, stating that the site was being classified as a Contaminated Site – Possibly Contaminated. The DEC had advised earlier that the soil and groundwater sampling and analysis by the Shire would be required.





The Shire received DWER licence L9073 in June 2020, which includes approvals for the following operations at the WTS:

<b>Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)</b>	<b>Assessed production / design capacity</b>
Category 13: Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned	5,000 tonnes per annual period
Category 57: Used tyre storage (general): premises (other than premises within category 56) on which used tyres are stored	Not greater than 250 tyres at any one time
Category 61A: Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land	1,400 tonnes per annual period
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	16,000 tonnes per annual period

The facility has been operational since December 2020 and open to Shire residents for drop-off of bulky waste items and green waste.

In approving the use of the site, Council agreed to stop providing verge collection services and have some restricted on-demand collections. Therefore, most residents use the WTS for disposal of bulky household items such as furniture, whitegoods, mattresses, and green waste. Green waste was being received and processed to produce mulch in the area above the last two landfill cells. The mulch was being provided to residents free of charge, on demand.

During August 2023, Officers identified the need for drainage improvements to prevent storm water runoff into the adjoining DBCA reserve. In preparation for the drainage works, in September 2023. Prior to starting minor drainage works, a consultant was engaged to investigate the area of works, limited to the green waste processing site, to confirm if there was any asbestos in the former landfill cells. This investigation focused on sub surface layers to determine integrity of the cap and risk of asbestos exposure. The consultant, Environmental Risk Consultants (ERC), collected twelve samples from subsurface test pits across the green waste processing area, confirming two of the twelve test sites contained asbestos. The depth where the asbestos was located in the two test pits was at half a metre (0.5m) from the surface.

The Consultant's report indicated that this may have been due to depletion of the cap in some areas.

Following this advice, Shire Officers cordoned off the high risk area where the cap had been severely depleted to prevent access to this part of the site. During this inspection and testing, presence of asbestos on surface was not identified.

The initial consultant's report was considered by the Executive Management Group (EMG) on Tuesday, 3 October who determined the need for further investigation and decided to have the Shire's Environmental Health Team and Workplace Health and Safety Officer inspect the site. This occurred on 3 October, when the WTS was closed to the public. The Officers found suspected asbestos fragments in a wider section of the facility including the area in the vicinity of the Reuse Shop and provided recommendations for the EMG to consider.



Talis Consultants were then requested to visit site on 5 October to confirm the presence of asbestos and prepare a fee proposal to undertake a more comprehensive investigation across the entire facility to determine the extent of contamination. During that site inspection, fragments of asbestos were found on surface.

EMG met to consider the findings and recommendations from the staff and Talis visits on Thursday, 5 October and decided to close the facility in the interest of public health that day.

Talis Consultants commenced an inspection on 6 October. This inspection identified that potential asbestos fragments were spread widely across the entire site, refer **attachment 1**. These fragments along with soil samples have been collected and sent for testing to a laboratory with the results and confirmation due by Wednesday, 18 October. However, the consultants were confident that the fragments were asbestos and raised concern in relation to the extent of the contamination.

*Talis' initial response stated, "There are also a range of areas onsite that have previously been covered and are likely to contain ACM and other potential contaminants (not the subject of this investigation). Given this, we would suggest that activity onsite has the potential to create further asbestos risk. The fragments themselves do not necessarily reflect a significant concern, but where vehicular movements and equipment is used onsite, this has the potential to mobilise asbestos fibres. To this end, we would suggest that all public access to the site is immediately prohibited and any workers onsite have their activities restricted and are provided with appropriate PPE. Ideally, the site will be closed to all activity, pending further discussion/advice."*

It is evident based on this information and further discussions with DWER, it is unlikely that the site can be opened to the public for an extended period. The site will need to be closed until an asbestos management plan and remediation methodology is developed and approved by the Shire and State Government authorities and the site is remediated. As per the contaminated sites information, it is important for the Shire to now also complete the soil and underground water testing that was previously required by DWER. The length of closure will be better known once further information becomes available regarding the scale of remediation and State Government approval process.

Officers are operating in accordance with the Shire's Business Continuity Plan, and a Crisis Management Team including members of the EMG, and relevant senior Officers have been assembled to manage a range of aspects including risk management and communications with stakeholders. It is important to note that all external and internal communications in relation to this matter will be managed as per the Business Continuity Plan.

Given there is no timeframe for the WTS to re-open at this stage. Officers consider it important to provide residents with bulk and green waste disposal options in the intervening period. This report focuses on the interim measures proposed to provide residents with a service to manage green waste and bulk waste until January 2024. A follow-up report on the measures to manage the site for the coming calendar year will be presented to Council before the end of 2023.



## **Community / Stakeholder Consultation**

### Community

In accordance with the Shire's Business Continuity Plan, a Crisis Communications Plan was developed and the following communication activities have been undertaken:

- Media Release
- Variable Message Board at WTS
- Notice of closure on WTS gates
- FAQs for website/customer service
- Social media updates
- eNewsletter updates

### Councillors

Elected Members have received an email update and a briefing was provided to Elected Members on Monday, 9 October 2023.

## **Statutory Environment**

### *Environmental Protection Act 1986*

This is the peak legislative body that sets direction on environmental protection matters including licensing of prescribed premises and management of waste.

### *Environmental Protection Regulations 1987*

Premises with potential to cause pollution or environmental harm to the environment, water resources, public health and/ or amenity are known as 'prescribed premises'. Prescribed premises categories are outlined in Schedule 1 of the regulations.

### *Contaminated Sites Act 2003*

Provides a framework for the identification, recording, management and remediation of land to be classed as contaminated sites.

### *Contaminated Sites Regulations 2006*

These regulations stipulate the process to be followed to register and manage contaminated sites.

### *Waste Avoidance and Resource Recovery Act 2007*

The Act provides waste avoidance and resource recovery, management of local government waste including charging of fees and application of levies on waste.

## **Comment**

### Update on Asbestos Findings

During their visual inspection on Tuesday, 9 October 2023 Talis Consultants found potential asbestos fragments were spread widely across the entire site. Figure 1 below shows the walking track of the Officer conducting the sampling. A total of 16 fragments and 31 soil samples have been collected from various locations across the facility and sent to an accredited laboratory for testing.



*Figure 1: Site Plan showing track of asbestos walkover*

Given the extent of contamination, Talis has recommended closing the site and preventing access to the site until further notice. Talis is likely to recommend in the Summary Findings report following the laboratory results, that a detailed site investigation including air monitoring be conducted to further investigate the matter to better understand the extent of surface, sub surface soil contamination and associated risks.

The following key stakeholders have been notified of the findings:

- DWER - in relation to the contamination and are expecting further information before providing some direction on the matter.
- Worksafe WA - who are satisfied with the actions taken so far in relation to workplace, health and safety and anticipate further updates as available.
- LGIS the Shire's insurer.
- WTS Contractors - informed not to visit the site until further notice.
- C-Wise – who received the greenwaste from the Shire have also been advised of the matter and to visually inspect the loads received from the Shire.

Officers are currently seeking legal advice on this matter as well.



### Planned Time Phases

Given the current uncertainty in relation to the extent of the remediation required for the site and the time required to complete the remediation works, the time periods have been broken up into three phases as per Table 1 below:

Phase	Date Range	Council Report Date
Short-term	November 2023 to January 2024	October 2023
Medium-term	February 2024 to December 2024	Before end 2023
Long-term	January 2024 onwards	TBA

This report therefore focuses on the short-term strategies to provide bulk green waste and hard waste services for the Shire's residents between November 2023 and January 2024. Plans for management of these waste types for the medium-term will be covered in a separate report to Council before the end of 2023.

### Greenwaste Provisions

There is a need to urgently remove green waste from residential properties.

Given the short timeframe to implement, there are two alternatives available to the Shire for management of green waste:

1. Shire-wide green waste verge collection in November 2023
2. City of Armadale green waste tip passes

#### *Shire-wide green waste verge collection in November 2023*

Prior to the opening the WTS to the public, the Shire managed the collection of green waste using contractors through a verge collection contract. This option proposes to re-establish the previous green waste collection practice by engaging a contractor. On planned dates based on geographical areas, residents place greenwaste materials on their verge. In the week following the scheduled place out dates, the Shire's contractor will collect and transport the greenwaste to the designated facility for processing.

#### Advantages

- As many properties present large volumes of green waste at the WTS, placing green waste on the verge allows unrestricted amounts, which can be taken away by the contractor.
- Removal of larger volumes of green waste reduces the risk of fires.
- Not all residents have access to trailers, therefore this option is practical for most residents.
- It is likely to attract less negative feedback from the community in relation to the option chosen.
- Once set up, the customer service requirements are minimal (generally). However, as this is a change, there are anticipated to be more calls than normal for a scheduled verge collection, which will be a change to the status quo.
- Larger volumes of green waste collected for processing increase material recovery rates and reduce the need for burning the materials (public health hazard).



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### Disadvantages

- The green waste can only be removed within a 5-week period in Nov-Dec 2023.
- New contracts are required to be set up within a short timeframe putting pressure on limited staffing resources.
- Longer time-frame to set up the start of green waste verge collection service.
- The cost of service is expected to be higher.

### Cost of Service

The Shire has received an estimated charge of \$185 per tonne for collection and transport of green waste. It is anticipated that processing of green waste could be as much as \$80 per tonne, in addition to the collection and transport cost. Therefore, if 400 tonnes are collected during the collection cycle, the green waste service would cost the Shire approximately \$106,000.

### *City of Armadale green waste tip passes*

The City of Armadale have informed the Shire that tailor made tip passes can be designed for use by the Shire's residents. The letters containing the green waste tip passes can be made available for collection by residents at the Administration Building Reception and Library. Each tip pass will have a unique identifying number, which will be used to invoice the Shire once presented to the City of Armadale at the end of each month.

Letters with tip passes will be issued to residents of the Shire upon presentation of identification and/or proof of residence within the Shire. Each tip pass allows a maximum of 1.3m<sup>3</sup> of green waste to be taken to the facility. A maximum volume of 2.6m<sup>3</sup> (two passes) is allowed for each visit.

Given the short timeframe validity (until January 2024) for these passes, it is anticipated that tip passes will need to be limited to two per household.

### Advantages

- There is less administration required to set-up and make the tip passes available to residents within two weeks.
- Once introduced, residents can commence dropping off greenwaste materials to the City of Armadale facility at 145 Hopkins Road, Hilbert on the same day.
- The passes can be used until the end of January 2024.
- The cost of the service is anticipated to be lower.

### Disadvantages

- Even two passes per household might not be sufficient for households with large volumes of greenwaste.
- It presents challenges for residents to access the service if they do not have a trailer or utility vehicle available.
- More negative feedback from the community may be received with this service provision. Especially because tip pass numbers will need to be limited.
- Customer Service for provision of tip passes and management of enquiries will be ongoing.



### Cost of Service

Assuming that 400 tonnes of green waste is delivered to the City of Armadale landfill site at 0.15 tonnes/m<sup>3</sup>, this would equate to 2,667m<sup>3</sup> of green waste or use of 2,051 tip passes. If all of the 400 tonnes of green waste was delivered to the City of Armadale using a single tip pass, the total cost to the Shire would equate to \$72,820. Additionally, design and printing of the passes will cost the Shire \$1,200.

Although, there are advantages to issuing tip passes for green waste including less administrative work involved and lower costs, Officers recommend that a scheduled green waste verge collection service be provided. The main reasons being the larger volumes of green waste for households that use the service at the WTS, which would be complicated to manage with the volume restrictions on tip passes.

### Bulk Waste Service Provision

Unlike green waste there is not as much of an urgency to provide a bulk waste services. However, given that the WTS will be closed, some provision needs to be made available for residents.

Given the short timeframe to implement the service and also because the service would only be applicable until January 2024, the only viable option available for the Shire for bulk waste is the use of City of Armadale tip passes.

Reasons to use City of Armadale bulk waste tip passes:

- The set up of a bulk waste verge collection requires the set up a range of different contracts for different material types such as waste, mattresses, metals, whitegoods. There is insufficient time for this.
- The collection and transport costs vary as the materials need to be separated in a verge collection scenario.
- Contractors are unlikely to be available over the Christmas and New Year period.
- A scheduled bulk waste verge collection service would cost the Shire more due to the large distances to be covered and because of the cost of disposal, which includes the waste levy.
- The City of Armadale passes could be limited to two passes for each household.
- The set up of bulk waste tip passes would be a quick process and allows residents flexibility on when they could take their bulky materials to the Armadale facility.

### Cost of Service

As per the City of Armadale's adopted Fees and Charges, the Shire will be charged \$54.50 for use of one tip pass with a maximum limit of 1.3m<sup>3</sup> per load. If two passes are used in the same trip for a maximum of 2.6m<sup>3</sup>, the Shire will be charged \$87.50.

Based on the bulk waste volumes collected in 2022/23 at the WTS, it is assumed that during the November 2023 to January 2024 timeframe, approximately 1,000 tonnes of waste may be collected. Assuming a conversion factor of 0.3 tonnes/m<sup>3</sup>, this would equate to 3,333m<sup>3</sup> or 2,564 tip passes. If all tip passes were used singularly, it would cost the Shire \$139,744. Additionally, design and printing of the passes would cost the Shire \$1,200.

Officers recommend seeking an arrangement to make available for residents at the Shire's Administration Building and Library, a letter with two bulk waste tip passes valid until January 2024.



## **Options and Implications**

### Option 1

That Council:

1. Notes that Officers have activated the Shire's Business Continuity Plan and is managing the incident through the Crisis Management Team.
2. Notes the interim findings of the asbestos investigation at the Watkins Road Waste and Recycling Transfer Station as per **attachment 1**.
3. Authorises the Chief Executive Officer to engage suitable contractors to provide a scheduled greenwaste verge collection service starting in November 2023, noting that the standard advertising periods to obtain quotes will be limited to one week.
4. Authorises the Chief Executive Officer to purchase sufficient tip passes from the City of Armadale to provide for two bulk waste tip passes per residential property to be distributed as best determined by the Officers for the period ending January 2024.
5. Costs incurred in relation to the above points to be charged against the Waste Transfer Station Cost Centre.
6. Requests the Chief Executive Officer present a follow-up report before the end 2023 to Council detailing:
  - a) The asbestos investigations findings;
  - b) Options for management of remediation and management of the Watkins Road Waste and Recycling Transfer Station;
  - c) Options for management of green waste and household bulk waste for the 2024 calendar year; and
  - d) A detailed budget variation.

The recommendations in Option 1 allow the Shire to handle the matter systematically, strategically and with timely updates and prioritises a verge collection for greenwaste over tip passes.

### Option 2

That Council:

1. Notes that Officers have activated the Shire's Business Continuity Plan and is managing the incident through the Crisis Management Team.
2. Notes the interim findings of the asbestos investigation at the Watkins Road Waste and Recycling Transfer Station as per **attachment 1**.
3. Authorises the Chief Executive Officer to purchase sufficient tip passes from the City of Armadale to provide for two green waste tip passes per residential property to be distributed as best determined by the Officers for the period ending January 2024.
4. Authorises the Chief Executive Officer to purchase sufficient tip passes from the City of Armadale to provide for two bulk waste tip passes per residential property to be distributed as best determined by the Officers for the period ending January 2024.
5. Costs associated to be incurred in relation to the above points to be incurred against the Waste Transfer Station Cost Centre.





6. Requests the Chief Executive Officer present a follow-up report before the end 2023 to Council detailing:
  - a. The asbestos findings;
  - b. Options for management of remediation and management of the Watkins Road Waste and Recycling Transfer Station;
  - c. Options for management of green waste and household bulk waste for the 2024 calendar year; and
  - d. A detailed budget variation.

The recommendations in Option 2 allow the Shire to handle the matter systematically, strategically and with timely updates and prioritises City of Armadale tip passes for both greenwaste and bulky waste.

### Option 3

That Council:

1. Notes that Officers have activated the Shire's Business Continuity Plan and is managing the incident through the Crisis Management Team.
2. Notes the interim findings of the asbestos investigation at the Watkins Road Waste and Recycling Transfer Station as per **attachment 1**.
3. Authorises the Chief Executive Officer to engage suitable contractors to provide a scheduled green waste verge collection service starting in November 2023, noting that the standard advertising periods to obtain quotes will be limited to one week.
4. RESOLVES that costs associated to be incurred in relation to the above points to be incurred against the Waste Transfer Station Cost Centre.
5. Requests the Chief Executive Officer present a follow-up report before the end 2023 to Council detailing:
  - a. The asbestos findings;
  - b. Options for management of remediation and management of the Watkins Road Waste and Recycling Transfer Station;
  - c. Options for management of green waste and household bulk waste for the 2024 calendar year; and
  - d. A detailed budget variation.

The recommendations in Option 3 allow the Shire to handle the matter by making arrangements for single round of collecting green waste only.

Option 1 is recommended.



## Conclusion

In response to the identification of asbestos at the WTS, the Business Continuity Plan was activated. The Crisis Management Team has determined three phases for management of the crisis. This report details options for the short-term for Councils consideration for provision of temporary bulk and green waste options for residents.

## Attachments (available under separate cover)

- **11.1 - attachment 1** – Email from Talis Consultants following Preliminary Site Investigation (IN23/22280)

## Alignment with our Strategic Community Plan

<b>Strategy 2.2.3</b>	Continue to minimise the volume and impact of waste generated with the district
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community

## Financial Implications

As the WTS will be closed in the short-term, the funds allocated for the operation of facility could be deployed towards the costs of the scheduled green waste verge collection service and City of Armadale bulk waste tip passes.

### Option 1 Costs –

It is anticipated that Option 1 recommendations including the scheduled green waste collection and City of Armadale tip passes will cost the Shire ~\$247,000. This is based on the volumes delivered to the WTS in 2022/23.

In the unlikely worst case scenario that all households issued with tip passes take up both bulk passes singularly, this option would cost the Shire \$1.44 million for bulk waste tip passes and \$106,000 for the green waste verge collection. This scenario is very unlikely as the reported actual rate of tip pass usage in some of the surrounding Local Governments is around 35%.

### Option 2 Costs –

It is anticipated that Option 2 recommendations including City of Armadale tip passes for both green waste and bulk waste will cost the Shire ~214,000. This is based on the volumes presented at the WTS in 2022/23.

In the unlikely, worst case scenario that all households take up both bulk passes singularly, this option would cost the Shire \$1.44 million for the bulk waste tip passes along with \$937,200 for 100% take up of the green waste tip passes.

Option 3 Costs – It is anticipated with only one green waste verge collection service, the costs for 400 tonnes collected would equate to \$106,000. If the number of green waste tonnes collected during the verge collection doubled, so would the costs.

Officers will present a report before the end of 2023 for Council's consideration detailing the associated financial impacts of this matter, including but not limited to employee costs, materials and contracts, collections and disposal costs, consultants, legal and technical advice.



**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	Availability of contractors to implement the verge collection service	Preliminary discussions held with contractors.	Organisational Performance	Unlikely	Moderate	MODERATE	
1	Cost blow outs due to excessive take-up of bulk waste tip passes.	Preliminary discussions with City of Armadale assuring that the take up rate through the year is 27%	Financial	Rare	Major	HIGH	
2	Timeliness to implement tip pass system.	Preliminary discussions held with City of Armadale.	Organisational Performance	Unlikely	Moderate	MODERATE	
2	Cost blow outs due to excessive take-up of bulk waste tip passes.	Preliminary discussions with City of Armadale assuring that the take up rate through the year is 27%	Financial	Rare	Major	HIGH	
3	Residents pushback due to lack of bulk waste options.	Time period is until January 2024	Reputation	Likely	Moderate	SIGNIFICANT	



**Voting Requirements:** Absolute Majority

**OCM268/10/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Duggin**

**That Council:**

- 1. Notes that Officers have activated the Shire's Business Continuity Plan and is managing the incident through the Crisis Management Team.**
- 2. Notes the interim findings of the asbestos investigation at the Watkins Road Waste and Recycling Transfer Station as per attachment 1.**
- 3. Authorises the Chief Executive Officer to engage suitable contractors to provide a scheduled greenwaste verge collection service starting in November 2023, with an advertising period to obtain quotes limited to one week.**
- 4. Authorises the Chief Executive Officer to purchase sufficient tip passes from the City of Armadale to provide for two bulk waste tip passes per residential property to be distributed as best determined by the Officers for the period ending January 2024.**
- 5. RESOLVES that costs associated to be incurred in relation to the above points to be incurred against the Waste Transfer Station Cost Centre.**
- 6. Requests the Chief Executive Officer present a follow-up report before the end 2023 to Council detailing:**
  - a. The asbestos investigation findings;**
  - b. Options for management of remediation and management of the Watkins Road Waste and Recycling Transfer Station;**
  - c. Options for management of green waste and household bulk waste for the 2024 calendar year; and**
  - d. A detailed budget variation.**

**CARRIED UNANIMOUSLY 8/0**



## 12. Councillor questions of which notice has been given:

<b>12.1 - Councillor Questions of which Notice has been Given - Main Roads Speed Audit of the Shire's Road Network (SJ4088)</b>	
<b>Councillor</b>	Councillor Duggin
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

The following question was received from Councillor Duggin via email on Monday, 2 October 2023.

### Question 1

Further to the Notice of Motion tabled at the 15 March 2021 Ordinary Council Meeting, and the following report presented at the 20 June 2022 Ordinary Council Meeting regarding the Main Roads Speed Audit of the Shire's road network, considering the substantial length of time taken to complete the speed audit, can Officers provide an update on status of the speed audit being assessed by MRWA detailing any cause for the extended time required to complete the audit?

### Officer Response

During the first quarter of 22/23 financial year a desk top assessment of the entire Shire road network was undertaken by Shire Officers to determine which roads needed to be audited. The assessment was based on crash data, encroaching new developments and posted speed zoning. In October 2022, Officers sought quotations from Traffic Engineering Consultants to undertake Investigations and audits and prepare reports for Main Roads WA to review Speed Limits for a select number of roads. On 22 November 2022, a consultant was engaged to undertake the audits. The scope of works included inspection of all the roads to be audited, preparation of reports as per MRWA requirements and submission to MRWA for their consideration and approval.

Below is the list of roads that were determined to be audited:

<b>High Speed Distributors with Existing Posted Limits and High-speed Crash Histories</b>	
Kargotich Road	South of Bishop Road
King Road	Entirety
Mundijong Road	Entirety
Nettleton Road	Entirety
Kingsbury Drive	Entirety
Karnup Road	Entirety
Orton Road	West of Hopkinson Road



<b>Default (110km/h) Open/Rural Roads (No posted limit)</b>	
Abernethy Road	West of Hopkinson Road
Nicholson Road	South of Thomas Road
Lowlands Road	Between Rapids Road and Wright Road
Wright Road	Between Watkins Road and Karnup Road
Rapids Road	Entirety
Hopeland Road	Entirety
Rowe Road	Between Hopeland Road and Rapids Road
Gossage Road	Entirety
Leipold Road	Entirety

**Developing, urban fringe and built up roads**

<b>Byford / Oakford</b>	<b>Cardup / Mundijong / Mardella</b>	<b>Serpentine / Jarrahdale</b>	<b>Hopeland / Keysbrook</b>
Larsen Road	Norman Road	Feast Road	Punrak Road
Malarkey Road	Bishop Road	Summerfield Road	Utley Road
Thatcher Road	Evelyn Street	Gull Road	Westcott Road
Doley Road	Roman Road	Hall Road	Jarrah Road
Orton Road (E of Hopkinson Road)	Galvin Road	Selkirk Road	Yangedi Road South
Warrington Road (S of Mead Street)	Randell Road	Scrivener Road	Yangedi Road South
Turner Road	Lightbody Road	Walker Road	Henderson Road
Abernethy Road (W of Kargotich Road)	Shanley Road	Wattle Road	Elliott Road
Hopkinson Road (S of Orton Road)	Coogly Road	Rapids Road (S of Karnup Road)	Gobby Road
Tuart Road		Jarrahdale Road (SW Hwy to Townsite)	



The first batch of road audits were undertaken on 12 January 2023. Following this work, the consultant became unavailable to undertake the remaining audits until 23 March 2023 when the second and final audits were completed. The consultant then became unavailable for an extended period of time due to health issues (as advised by the consultant). A meeting was held between Shire Officers and the consultant on 28 April and despite the consultant agreeing to supply the draft road audit report during the following week, the consultant neither supplied the report nor did the consultant respond to numerous emails and phone calls from the Shire Officers.

On 25 May 2023, a Non-Delivery of Services Notice was sent to the Consultant via email and Post. Following a 10 day notice period during which no response was received from the consultant, the contract with the consultant was terminated in accordance with the Shire's contact terms and conditions. Failure by this consultant to meet their contractual obligations resulted in an extended delay in completing the audits. A new consultant was engaged on 11 July 2023 to undertake the audits which were completed in two stages, on 26 July and 2 August. The Shire submitted the audit report to Main Roads WA for review and consideration on 30 August 2023. Main Roads WA have advised that they anticipate a response to the Shire with the outcome of their review will be received by Friday, 13 October 2023. This will be followed by implementation of the changes to posted speeds by Main Roads WA.



Continued

**Ordinary Council Meeting Minutes  
Monday, 16 October 2023**

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**13. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 8:44pm.

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 November 2023.

.....Presiding Member – President Coales

22 Nov 2023

.....Date