



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 17 July 2023

Contact Us

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In Person

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



www.sjshire.wa.gov.au



Councillor Attendance Register

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

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

Council 1 January 2023 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
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



Continued

Ordinary Council Meeting Minutes Monday, 17 July 2023

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



Continued

Ordinary Council Meeting Minutes Monday, 17 July 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
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



Table of Contents

1. Attendances and apologies (including leave of absence):.....	7
2. Public question time:	7
2.1 Response to previous public questions taken on notice:.....	7
2.2 Public questions:	18
3. Public statement time:	26
4. Petitions and deputations:.....	34
5. President’s Report:	35
6. Declaration of Councillors and Officer’s interest:.....	37
7. Confirmation of minutes of previous Council meeting(s):	37
7.1 Ordinary Council Meeting – 19 June 2023	37
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:.....	38
9. Motions of which notice has been given:	39
9.1 - Notice of Motion – Westport Landside and Logistics Study (SJ4084).....	39
10. Chief Executive Officer reports:	41
10.1 Development Services reports:	41
10.1.1 - Proposed ‘Radio, TV and Communications Installation’ (Telecommunications Tower and Associated Infrastructure) - Lot 11, 10 Charolais Court, Oakford (PA23/290).....	41
10.1.2 - Proposed ‘Single House’ - Lot 118, 9 McNeil Grove, Jarrahdale (PA23/303)	56
10.1.3 - Proposed Sand ‘Industry Extractive’ - Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale (PA23/275)	72
10.1.4 - Proposed ‘Commercial Vehicle Parking’ - Lot 500, 6 Lulu Close, Byford (PA23/361)	104
10.1.5 - Proposed Lot Boundary Fence and Carport Extension - Lot 822, 9 Kingsbury Drive, Jarrahdale (PA23/267).....	116
10.1.6 - Proposed ‘Patio’ - Lot 15, 30 Granfell Way, Byford (PA23/201)	126
10.1.7 - Adoption of the annual update of the Community Infrastructure Development Contribution Plan Report No. 3 (PA18/781).....	132
10.1.8 - Consideration to adopt Development Contribution Plan Report No. 7 for Development Contribution Area 1 (Amendment 208) (PA18/778).....	139
10.1.9 - Consideration to adopt DCP Report No. 4 for West Mundijong Industrial DCP and DCP Report No. 1 for Mundijong-Whitby Urban Traditional DCP (Amendment 209) (PA18/780)	147
10.1.10 - Serpentine District Golf Club – Facility Upgrade (SJ2226)	155
10.1.10 - Thomas Road Duplication Project and Update Regarding Equine Trail Request (SJ3770).....	170
10.2 Infrastructure Services reports:	180
10.2.1 - Minutes of the Rivers Regional Council – 15 June 2023 (SJ581).....	180
10.2.2 - Road Closure and Land Exchange - Portion of Doley Road, Byford (SJ3580) ...	183
10.2.3 – RFT 04/2023 – Orton Road Telstra Assets Relocation (SJ4219).....	188



10.3 Corporate Services reports:	193
10.3.1 - Confirmation of Payment of Creditors – June 2023 (SJ801)	193
10.3.2 - Monthly Financial Report – May 2023 (SJ801)	196
10.4 Community Engagement reports:	201
10.4.1 – 2023/2024 Bushfire Mitigation Activity Fund (SJ4214)	201
10.4.2 – Equine Advisory Group - Equine Priorities Update and Recommendation (SJ3224-2)	206
10.4.3 – Local Emergency Management Committee Information Report (SJ716-02)	213
10.4.4 - Serpentine District Golf Club – Facility Upgrade (SJ2226)	217
10.5 Executive Services reports:	218
10.5.1 - Consideration of Motions Carried at the Annual General Meeting of Electors held on Wednesday, 14 June 2023 (SJ4197)	218
10.5.2 - Peel Regional Leaders Forum Minutes (SJ1350)	223
10.6 Confidential reports:	226
10.6.1 – CONFIDENTIAL - Kwinana Waste to Energy Project Practical Completion – Variation Agreement No. 2 (SJ581)	226
11. Urgent business:	228
12. Councillor questions of which notice has been given:	229
12.1 – Councillor Questions of which Notice has been Given – Mundijong Netball Facilities (SJ4085)	229
13. Closure:	231

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, 17 July 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.

Minutes

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

Attendees:

Councillors: M Rich.....Presiding Member
 D Atwell
 R Coales
 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 SullivanDirector Corporate Services
 Mr A TrosicDirector Development Services
 Dr K ParkerManager Governance and Strategy
 Ms M Gibson.....Governance Officer – Council and Committees
 (Minute Taker)

Leave of Absence: Nil.

Apologies: Councillor M Byas
 Councillor M Dagostino
 Councillor S Mack

Observers: 47

2. Public question time:

2.1 Response to previous public questions taken on notice:

General Meeting of Electors – Wednesday, 14 June 2023

Questions asked by **Ms Lisa Brazier** at the General Meeting of Electors - Wednesday, 14 June 2023. Correspondence was sent to Ms Brazier on Thursday, 22 June 2023 (OC23/11854).



Question 2

Also on the balance sheet, line item Other liabilities in both the Current and noncurrent liabilities representing \$2.496 million and \$6.2 million – which developments do these relate to?

Response (Director Corporate Services)

\$2,496,231 current liabilities – other liabilities (capital grant/contribution liabilities) related to a combination of grants received but not earned in that they have not been spent yet and cannot be recognised as revenue.

Kiernan Park	742,783
Install Retractable Basketball Backboards at SJ Rec Centre	13,584
Construct Baseball Dugouts at Briggs Park	48,380
Install accessible toilets at Kitty's Gorge Walk Trail	35,000
Jarrahdale Community Collective - Outdoor Hub Project	30,000
Serpentine Historical Society Inc - Old Serpentine Bridge School - Disability Access Upgrade	16,452
Grant - WA Bicycle Network	15,546
Main Roads Australia Black Spot Program 20-21 - Nettleton Road crossing to South Millars - Cla	65,790
Main Roads Australia Black Spot Program 20-21 - Nettleton Road - Claim 1	154,061
Main Roads State Black Spot Program 20-21 - Keirnan Street - Claim 1	39,684
Main Roads State Election Commitments First 40% - Soldiers Road	63,437
Main Roads State Election Commitments First 40% - Kargotich Road Stage 1	391,913
Main Roads State Election Commitments First 40% - Orton Road	215,705
Karnup Road & Yangedi Road Intersection	17,124
Main Roads - Hopkison Rd (Bishop Rd - South of Karbo Drive)	28,209
Tonkin Street, Mundijong - Section Between Straight Line kilometres 0.49 - 1.17 where 0 starts	63,656
Keirnan Street, Mundijong - Section Between Straight Line Kilometers 3.8 - 3.25 where 0 starts	36,908
Upgrade Fencing - Serpentine Sports Reserve	68,000
Byford Skate Park Milestone Payment 1	400,000
Contribution to Repair Roads Paterson Rd Water Corporat	50,000
Total	2,496,231

\$6,200,000 non-current liabilities – other liabilities related to a grant received by Main Roads for Soldiers Road, Kargotich Road and Orton Road but are unearned in that they have not been spent yet and cannot be recognised as revenue.

Question 3

In relation to the Comprehensive income statement line item – other expenditure – the \$1.8 million dollars of repayment of DCP credits. Which development/s does this relate to and why was there a credit needing to be distributed?

Response (Director Corporate Services)

These payments were authorised at the September 2021 Ordinary Council Meeting and relate to Thomas Road Developments and Australasian Property Investments.

In relation to the second part of the question, that is the nature of DCPs. The local government collects money on behalf of developers and then refunds developers when the appropriate infrastructure is constructed e.g. roads and parks.

Question 4

Capital grants, subsidies and contributions. Note 2(a) shows operating capital grant / contributions of \$4.36 million and non -operating capital grants / contributions of \$25.597 million – what do each of these figures mean?

Response (Director Corporate Services)

The table referred at note 2 (a) is contained in the Annual Financial Statements as both AASB 15 and AASB 1058 require an entity to disclose income recognised in a



period, disaggregated into categories that reflect how the nature and amount of income are affected by economic factors.

Both the \$4,362,487 and \$25,597,971 falls under the Capital Grants/Contributions which identifies revenue received as capital grants or contributions from external sources. For 21/22 this included Main Roads Black Spot Funding, Financial Assistance grants, Volunteer Bushfire Brigade grants and DCP contributions.

Question asked by **Mr Christopher Jacobs** at the General Meeting of Electors - Wednesday, 14 June 2023. Correspondence was sent to Mr Jacobs on Friday, 7 July 2023 (OC23/12746).

Question 1

At the May Council Meeting on the night the President stated she wasn't aware of the court proceedings relating to her unpaid rates.

Now in The Examiner article dated May 25th she said she first learned of it in the May meeting.

This is incredulous for several reasons in my view and I ask you Madam President to demonstrate that you have not misled the Council and ratepayers about your knowledge of the unpaid rates.

By way of background:

The Shire goes through quite a process before a writ is issued includingPursuant to public document council policy 3.2.9, the notification of payment of rates involves the following steps:

1. A rates notice is posted to the resident from the Shire.
2. A reminder marked "final notice" is posted to the resident from the Shire.
3. If monies still owing, a "Letter of Demand" is posted to the resident.
4. If still no satisfactory repayment plan has been organised, court proceedings are commenced with the bailiff HAND-DELIVERING notification of a General Procedures Claim to the rate payer and the rate payer has to acknowledge service of the writ.
5. If payment isn't made or a defence not lodged within 14 days of the Writ being served on the rate payer then a Default Judgement is obtained.
6. The means inquiries are generally only arranged when the debtor has contacted the creditor or the court and advised that they don't have capacity to pay and so they've asked for a payment plan and the means inquiry examines their financial capacity to make the payment plan.

The Means Inquiry was set for June 27th, 2023.

So to clarify the Shire President is asking us to believe that:

1. She did not receive any of the 3 letters posted to her about the rates and that they were owing.
2. She did not accept service of the writ by the bailiff - the writ is normally served on a person and they must sign for it.



3. She did not sign for and accept the writ - and normally default judgement cannot be entered without proof of service, thus without the debtor signing, acknowledging receipt of the writ from the bailiff.

I ask the President prove that she has not misled ratepayers about the non-payment of her rates.

Specifically, I ask her to provide within 14 days of this meeting for public record:

a) a statutory declaration certifying that:

1. She did not receive any (at least three) letters reminding her that her rates were unpaid.
2. She did not receive a notice of Demand about the unpaid rates.
3. She did not accept service of the writ from the bailiff.
4. She did not receive notification by way of letter or otherwise - that judgement was entered against her - once judgement is entered this is also advised to the defendant by mail.
5. The means Inquiry is also served by a bailiff - can she confirm that she did not receive service of the means inquiry hearing?
6. She did not contact the Court or the Shire's lawyers requesting payment leniency and a means inquiry - once judgement is entered against the debtor - normally the only reason it goes to a means inquiry (as happened on this occasion and as was set down for 26 June).

b) a copy of Court records of service of the writ - she can obtain from the court a copy of the Service by the bailiff.

In this case she is saying that she did not accept service which can only mean that the court deemed constructive service which can sometimes occur when a bailiff has attended at a property on three occasions and not been able to serve the defendant.

So I ask Madam President to provide a copy of the court record showing that service was not effected personally on her.

So Madam Present can, by providing a statutory declaration certifying the issues detailed and also by providing the court record that she didn't get served personally, restore our faith in her and support her claims that she didn't know about her unpaid rates.

If not, I believe there is a good case Madam President should resign.

Response (Shire President)

This question has been directed to the Shire President as an individual elected member, rather than to the organisation.

As such, the Shire President has provided the following response:

It is not a crime to have a debt.

The Shire process for debt recovery as set out in Council Policy 3.2.9 – Rates Collection and General Debtors was followed for my debt as it would be for any other ratepayer in the Shire of Serpentine Jarrahdale.



Question asked by **Mr Garry Tomlinson** at the General Meeting of Electors - Wednesday, 14 June 2023. Correspondence was sent to Mr Tomlinson on Friday, 7 July 2023 (OC23/12751).

Question 1

Why did you meaningfully deny knowing about your court case listed for the 27/06/23 when you were asked about it at the 15/05/23 OCM by a Councillor, then call a recess break?

Response (Shire President)

This question has been directed to the Shire President as an individual elected member, rather than to the organisation.

As such, the Shire President has provided the following response:

I did not deny knowledge. The question was taken on notice and a full written response provided to the member of the public who posed the question.

Following the disorderly behaviour that occurred once the question was taken on notice I performed my duty as presiding member under 15.9 of the Shire's Standing Orders Local Law 2002 (as amended).

15.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

(1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. This action cannot be challenged by any councillor or member. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting—

(a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and

(b) the provisions of clause 9.5 apply when the debate is resumed.

Question asked by **Ms Margaret Cala** at the General Meeting of Electors - Wednesday, 14 June 2023. Correspondence was sent to Ms Cala on Thursday, 22 June 2023 (OC23/11740).

Question 1

What is the Shire doing to arrest and treat the spread of dieback in the Jarrah and Banksia trees along the Eastern side of Paterson Street in Mundijong?

Response (Director Infrastructure Services)

Thank you for bringing this issue to our attention. The spread of dieback within the bushland along Paterson Street is a focus area of work for the Shire. The annual allocated budget for the treatment of dieback across several areas has already been committed for this financial year.



The draft budget for 23/24 does not have capacity for any dieback control work at this site as well as the reserves within the existing treatment program. However, the Operations team will seek a quote for soil samples and treatment of all the vegetation within the reserve to inform a Business Case seeking Council's approval for the additional budget to enable the engagement of a suitably qualified dieback contractor to fully treat this area.

In the interim, the Shire has been working with Landcare SJ to seek assistance in finding alternative sources of treatment, potentially using volunteers for the treatment of specific trees and vegetation. This outcome has not yet been confirmed as viable and will take several months to realise in on-ground activity if confirmed and resourced by Landcare.

Questions asked by **Mrs Lee Bond** at the General Meeting of Electors - Wednesday, 14 June 2023. Correspondence was sent to Mrs Bond on Wednesday, 28 June 2023 (OC23/11808).

Question 1

How much money has the Jarrahdale Community Collective received from the Ratepayers of Serpentine Jarrahdale since the 20/02/21 and what reason were these funds granted?

Response (Director Corporate Services)

The Jarrahdale Community Collective has received a total of \$6,565 from the Shire since 20/02/2021, \$3,597 was for Rural Roadside Rubbish Collection and a further \$2,968 in community grants. Please find an itemised list of transactions below:

Reference	Date	Details	Amount
3	17-May-2022	General Grant - February 2022 - Jarrahdale's 150 th Celebratory High Tea - Jarrahdale Community Collective	1,850.00
00000007	24-May-2023	Jarrahdale Community Active - General Grants - Jarrahdale Community Collective	868.00
OC23/4782	10-Mar-2023	Friendly Neighbourhood Grant - 2023	250.00
IN23/11670	14-Jun-2023	Rural Roadside Rubbish Collection - 08/06/2023 - 70 Bags	210.00
IN23/9534	11-May-2023	Rural Roadside Rubbish Collection - 11/05/2023 - 30 Bags	90.00
IN23/6898	19-Apr-2023	Rural Roadside Rubbish Collection - 18/04/2023 - 75 bags	225.00
IN23/4972	14-Mar-2023	Rural Roadside Rubbish Collection - 14/03/23	240.00
IN22/25000	05-Dec-2022	Rural Roadside Rubbish Collection - 05/12/22	102.00
IN22/22881	08-Nov-2022	Rural Roadside Rubbish Collection - 08/11/22	240.00
IN22/20202	07-Oct-2022	Rural Roadside Rubbish Collection - 07/10/22	105.00



Ordinary Council Meeting Minutes Monday, 17 July 2023

IN22/18222	02-Sep-2022	Rural Roadside Rubbish Collection - 02/09/22 (x50) - Millars Rd RV Centre	150.00
IN22/15608	10-Aug-2022	Rural Roadside Rubbish Collection - 05/08/22 (x25 bags)	75.00
IN22/13222	11-Jul-2022	Rural Roadside Rubbish Collection - 04/07/22 (x55 bags) - RV Centre	165.00
IN22/11029	10-Jun-2022	Rural Roadside Rubbish Collection - 09/06/22 (x26 bags)	78.00
IN22/9111	23-May-2022	Rural Roadside Rubbish Collection - 20/05/22 (x43 bags)	129.00
IN22/6735	07-Apr-2022	Rural Roadside Rubbish Collection - 07/04/22 (x38 bags)	114.00
IN22/4614	10-Mar-2022	Rural Roadside Rubbish Collection - 10/03/22 (x38 bags)	114.00
IN21/29024	09-Dec-2021	Rural Roadside Rubbish Collection - 09/12/21 (x35 bags)	105.00
IN21/26590	11-Nov-2021	Rural Roadside Rubbish Collection - 11/11/21 (x50 bags)	150.00
IN21/23875	30-Sep-2021	Rural Roadside Rubbish Collection - 30/09/21 (x45 bags)	135.00
IN21/21740	10-Sep-2021	Rural Roadside Rubbish Collection - 10/09/21	84.00
IN21/19265	07-Aug-2021	Rural Roadside Rubbish Collection - (x 65 bags)	195.00
IN21/16207	09-Jul-2021	Rural Roadside Rubbish Collection - 09/07/21 (x50 bags)	150.00
IN21/14218	06-Jun-2021	Rural Roadside Collection - 10/06/21 (x56 bags)	168.00
IN21/11750	07-May-2021	Rural Roadside Rubbish Collection - 07/05/21 (x20 bags)	60.00
IN21/10149	15-Apr-2021	Rural Roadside Rubbish Collection - 10/04/21 (66 bags)	198.00
IN21/6432	06-Mar-2021	Rural Roadside Rubbish Collection - 09/03/2021	315.00
		Total	\$6,565.00

Question 2

When was the last date Serpentine Jarrahdale Council Strategic Risk Register was reviewed and what risks were identified and their causes and what action has been taken regarding those risks? If no action has been taken, why not?

Response (Director Corporate Services)

In accordance with Council Policy Council Policy 3.3.3 - Risk Management, the Shire's Strategic Risk Register is reviewed quarterly by the Shire's Audit, Risk and Governance Committee. The last review occurred at the 22 May 2023 Audit, Risk and Governance Committee Meeting. The Strategic Risk Register published on the Shire's website and updated following each meeting currently identifies sixteen strategic risks. For each strategic risk, corresponding risk mitigation strategies in the



form of actions are identified. When these actions are completed, they become controls to the strategic risk.

The quarterly review process involves assessing whether the Shire's risk profile has changed, including if new strategic risks are required to be added or could be removed as well as evaluating whether the likelihood or consequence of risks identified has been altered by the operating environment, external factor and the success of controls or risk mitigation strategies.

By presenting the Strategic Risk Register for adoption on a quarterly basis, the Shire's Audit, Risk and Governance Committee is actively engaged in risk management which is reflected in the positive findings of the most recent independent Regulation 17 review.

Question 3

Did the President of Serpentine Jarrahdale Shire Council fail to attend a hearing listed in the Magistrates Court in 2022 regarding her rate arrears and as a result the Shire of Serpentine Jarrahdale made application for a default judgement against her and her failure to attend that hearing resulted in a means enquiry hearing being listed for the 27/06/2023?

Response (Director Corporate Services)

No.

A default judgement was entered in the Magistrates Court. A default judgment can be made where all of the following pre-conditions have been satisfied:

- (a) the claimant has commenced a General Procedure claim in the Magistrates Court;*
- (b) the claim is for a specific sum of money plus interest and costs;*
- (c) that General Procedure claim is considered to have been served on the defendant by means of one of the methods which qualifies as 'personal service';*
- (d) the claimant or their lawyer lodged an Affidavit with the Court attesting to how and when personal service was affected on the defendant;*
- (e) the defendant has not lodged a Notice of Intention to Defend form with the Court within 14 days of being served;*
- (f) the defendant has still not paid the claim; and*
- (g) the claimant or their lawyer lodges with the Court a 'Form 13 – Application for Default Judgment by Claimant'.*

In those circumstances, the Court will usually issue a default judgment 'on the papers' with no physical attendance by either party at the Court being necessary.

One of the compliant means by which a person is considered to be personally served, is if a document is handed to an adult person at the usual place of abode of the defendant. Personal service of a defendant in a civil Magistrates Court proceeding does not always involve literally handing it to that very person.



Ordinary Council Meeting – Monday, 19 June 2023

Question asked by **Mr Bill Denholm** at the Ordinary Council Meeting – Monday, 19 June 2023. Correspondence was sent to Mr Denholm on Monday, 26 June 2023 (OC23/11750).

Question 2

If the Shire does not receive funding, State or Federal, how much do the Officers think it would cost the SJ Shire to bring the netball facilities up to a standard acceptable to the community, that is canteen and courts, etc.?

Response (Director Infrastructure Services)

Approximately \$120,000 would be required to upgrade the netball canteen to an acceptable standard. To get a more accurate estimate, it is advisable to consult with contractors or kitchen design specialists who can assess the specific needs and provide a detailed cost breakdown based on the project requirements.

Item	Estimated Cost
<i>Kitchen Equipment</i>	<i>\$15,000</i>
<i>Benchtops</i>	<i>\$10,000</i>
<i>Plumbing</i>	<i>\$8,000</i>
<i>Building Consultants (Permits/Design)</i>	<i>\$8,000</i>
<i>Commercial Kitchen Ventilation System</i>	<i>\$8,000</i>
<i>Electrical</i>	<i>\$6,000</i>
<i>Flooring</i>	<i>\$5,000</i>
<i>Tiling/Splashbacks</i>	<i>\$5,000</i>
<i>Storage</i>	<i>\$5,000</i>
<i>Miscellaneous items</i>	<i>\$5,000</i>
<i>Contingency @ 30%</i>	<i>\$22,500</i>
Total Estimated Building Cost	\$97,500
<i>Shire Overheads (Project Management)</i>	<i>\$22,500</i>
Total Estimated Project Costs	\$120,000

Approximately \$112,000 would be required to upgrade the netball courts to a basic level. This upgrade would involve the court surface and drainage improvements only. This does not include an upgrade to the goal posts or court lighting.

Item	Estimated Cost
<i>Court Upgrade supply and install basic repair and recoat</i>	<i>\$55,000</i>
<i>Court Drainage</i>	<i>\$15,000</i>
<i>Construction Contingency @30%</i>	<i>\$21,000</i>
Total Estimated Construction Costs	\$91,000
<i>Shire Overhead Costs (Project Management)</i>	<i>\$21,000</i>
Total Estimated Project Costs	\$112,000



Question asked by **Mrs Lee Bond** at the Ordinary Council Meeting – Monday, 19 June 2023. Correspondence was sent to Mrs Bond on Monday, 26 June 2023 (OC23/11970).

Question 1

Council needs to explain what a million dollars has been specifically spent on in the Keirnan St / Whitby project in 2010 or explain what this amount of money was spent on in the Whitby area in 2010?

Response (Director Corporate Services)

Officers can find no project to this value in that locality in that time period.

Question asked by **Mr Norm Anderson** at the Ordinary Council Meeting – Monday, 19 June 2023. Correspondence was sent to Mr Anderson on Friday, 30 June 2023 (OC23/12415).

Question 3

If they have not, which governing body regulates this and why are they able to operate without them?

Response (Director Development Services)

In respect of the planning framework, the Shire regulates this and previously commenced compliance action, consistent with Council Policy, on the basis of development being undertaken on land without development approval. This being the concrete product making general industry aspect to the development.

The planning framework does permit for any applicant/landowner to seek retrospective development approval for any development that was first developed without obtaining development approval.

The retrospective development application pertaining to the concrete product making general industry is currently being assessed, and will be presented to a future Council meeting to consider the Responsible Authority Report and Recommendation to be made to the Development Assessment Panel (DAP). The Panel will determine the application, due to the decision of the applicant to opt into the DAP process.

In respect of the Environmental Protection framework, this is the responsibility of the Department of Water and Environmental Regulation (DWER) to administer. Officers have been in contact with DWER, seeking their attention to the matter and for this to be a priority to address. The nature of the development requires both a works approval and environmental license to operate, from the DWER.

Questions asked by **Ms Karen McEwan** at the Ordinary Council Meeting – Monday, 19 June 2023. Correspondence was sent to Ms McEwan on Friday, 30 June 2023 (OC23/12415).

Question 1

What are the components and chemicals in the concrete?

*Response (Director Development Services)*

In its most basic form, concrete is a mixture of cement ('Portland' or blended), water, and fine and coarse aggregates (sand and crushed rock or natural gravel). In respect of the chemical constituents of the cement component, this depends on the type of cement being manufactured and the composition of the raw materials being used. Given the wide range of raw materials found in Australia, it is not usual for all cements, even of the same type, to have exactly the same chemical composition. Portland cement includes four major minerals which are formed during the clinkering process. These are identified as:

- tricalcium silicate (C3S), which exists in clinker in the impure form (and is also known as alite);*
- dicalcium silicate (C2S) (which is also known as belite);*
- tricalcium aluminate (C3A);*
- and the ferrite phase which exists as a compound close in composition to tetracalcium aluminoferrite (C4AF).*

Each of these four minerals (phases) exists in several different crystal forms exhibiting some variation in properties.

Question 2

What are the effects of this operation on the ground water and rain water tanks in the area?

Response (Director Development Services)

The planning framework for the Cardup Business Park seeks to limit all offsite impacts associated with any industrial development taking place. The retrospective development application includes details regarding proposed management of groundwater and dust lift off impacts, and this will be carefully assessed as part of the application process. The planning framework provides for no external offsite impacts being permitted, and this is the position Officers will carefully assess as part of the application.

Question 3

What contaminants are expected and what are the expected long term effects on health?

Response (Director Development Services)

The planning framework for the Cardup Business Park seeks to limit all offsite impacts associated with any industrial development taking place. Furthermore, the State Government Department of Water and Environmental Regulation (DWER) regulates emissions and discharges from the construction and operation of all prescribed premises through a works approval and licensing process, under Part V, Division 3 of the Environmental Protection Act 1986. Premises known as 'cement products manufacturing' which produce more than 100t/year are a prescribed premise, and therefore the Environmental Protection Act 1986 requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration (for operation) is held for the premises. The specific issue of assessing and regulating



contaminants is required to be undertaken by the DWER process of a works approval and licence.

Question asked by **Mrs Leann Schneider** at the Ordinary Council Meeting – Monday, 19 June 2023. Correspondence was sent to Mrs Schneider on Thursday, 22 June 2023 (OC23/11940).

Question 1

Can you please advise what is the longest time frame that an applicant in the Claire Morris Estate has been made to endure, in relation to submitting a Development Application for a Shed, from initial application date to date of approval?

Response (Director Development Services)

Following an analysis of properties within the Claire Morris Estate based on the records contained within the Shire's Record Management System, the longest timeframe was 203 days.

2.2 Public questions:

Public question time commenced at 7:02pm.

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

Mr Daniel Jackson, Facility Manager, Serpentine Camping Centre regarding item 10.1.3 - Proposed Sand 'Industry Extractive' - Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale (PA23/275)

Question 1

We have requested the distance between edge of quarry and fence line to be between 50 – 100 metres, particularly due to noise pollution and dust suppression. If this is not adhered to, do the developers consent to compensating surrounding businesses for a loss of business, particularly as those surrounding the proposed sand quarry have been established for a number of years – ours for 50+ years?

Response (Director Development Services)

This development application is on tonight's Agenda – item 10.1.3 - Proposed Sand 'Industry Extractive' - Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale (PA23/275). The application proposes the excavation area having a minimum setback of 40m from the lot boundaries of Southwestern Highway and Transit Road. This setback is supplemented by the construction of a 2m high perimeter bund, plus vegetation screening in the setback area, to address noise and dust matters. This combination of setback, bund installation and vegetation screening is proposed by the application to reflect adequate measures to address noise and dust, reflecting the 2013 approval by the State Administrative Tribunal. Officers in their assessment have identified further requirements that need to form part of dust control, specifically securing a groundwater resource to establish and maintain sprinklers and supplies for water carts to control dust. Conditions have been recommended to provide detailed management plans in order to safeguard this ongoing regulation of amenity matters. The planning framework does not provide for compensation to be



considered as a relevant planning matter, rather the planning framework requires all developers to operate in accordance with a valid approval and the conditions associated with such, and to ensure amenity levels are suitably protected. This is for Council to consider tonight.

Question 2

What dust mitigation strategies are being proposed and how will this be monitored – where do they propose to get their water allocation from for this? Particularly as we have multiple factors such as kitchen contamination, solar panel efficiency, and customer comfort that are our main concern.

Response (Director Development Services)

The application originally proposed that perimeter bunds and vegetation be the primary structural mechanism to provide wind breaks and wind screening to control dust. As part of the Officer assessment, it is noted that the vegetation buffer will slow down the speed of wind, thus limiting the potential for sand particle lift off. The application also proposed that operations would be temporarily halted when the wind was sufficiently strong to produce excessive dust. As part of the Officer assessment however, it has been further recommended that a site specific dust management plan be required that identifies securing groundwater resources in order to implement and maintain a regime of sprinklers and supplies for water carts to control dust on internal access ways and open extraction areas. This is for Council to consider tonight.

Question 3

Can we receive a guarantee that Transit Road will not be used for entry or exit and if it is, does the developer propose to both upgrade the road and have a traffic management plan that would protect our campers, who are mainly children, that would be to our satisfaction?

Response (Director Development Services)

The use of Transit Road is not proposed by the development, and is not permitted to occur should the application be approved by Council based on the Officer Recommendation.

The Presiding Member, Councillor Rich called forward Mr Alfred Mariassouce to ask his submitted Public Questions. Mr Mariassouce was not in attendance at the meeting. The Presiding Member, Councillor Rich advised that written responses will be provided to Mr Mariassouce.

Mr Bill Denholm, Byford WA 6122

Question 1

How much would it cost to upgrade the existing Mundijong netball courts and supplementary facilities to a standard that:

- i) is compliant with current standards;
- ii) will cater for the long term future needs of the netball sporting community, i.e. 10-20 years?



Response (Director Infrastructure Services)

For upgrades of this complexity and significance especially in the current construction market and age of the facility, producing accurate estimates of this infrastructure would require the preparation of a project initiation document which includes:

- *Council mandate*
- *project objectives and expected benefits*
- *scope*
- *engineering services report*
- *feasibility, including land matters and lifecycle and operational costs*
- *project governance*
- *geotechnical report*
- *preliminary stakeholder needs analysis*

In accordance with the Shire's Project Management Framework, this Project Initiation Document would be considered by the Project Change Board before budget consideration by Council.

In respect to long term future needs the feasibility would need to examine whether it would be possible to house the required number of Courts and associated infrastructure such as car parking at the Mundijong site.

Mr Bill Denholm read out the questions on behalf of Mr Rob Blackburn, Byford WA 6122 regarding item 10.1.3 - Proposed Sand 'Industry Extractive' - Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale (PA23/275)

Question 1

Where is the water coming from for dust control?

Not allowed to use scheme water or bores as all the ground water allocation has been issued.

Response (Director Development Services)

A suitable groundwater supply would need to be demonstrated as part of assessing the Dust Management Plan, which currently forms recommended condition (d) of the Officer report to Council. Current DWER mapping indicates groundwater allocation availability, however, this is for the applicant to investigate and gain approval.

Question 2

What are they doing late at night when the east winds start to control the sand drift across the S.W. Highway?

Response (Director Development Services)

The dust management plan will need to demonstrate how dust is to be managed at all times to comply with DWER Environmental Protection (Ambient Air) Measures. Currently, the application includes construction of a 2m high perimeter bund, plus vegetation screening in the setback area, to address dust matters. This combination



of setback, bund installation and vegetation screening reflects the 2013 approval by the State Administrative Tribunal. Officers in their assessment have identified further requirements that need to form part of dust control, specifically securing a groundwater resource to establish and maintain sprinklers and supplies for water carts to control dust. This is for Council to consider on tonight's Agenda.

Question 3

Who do we contact if there is an issue after normal business hours? Who is liable for damage done to our stock or property?

Response (Director Development Services)

As part of the condition requiring a site specific Dust Management Plan, this will need to include details of a 24/7 contact in order for nearby landowners to raise any amenity concerns with the operator, and for the operator to address such consistent with the approved Dust Management Plan. Additionally, concerns could be reported at any time via the Shire's Customer Request Module, available via the Shire's website. In terms of property damage, this would be a private matter for a landowner to pursue and Officers are not able to comment on this.

Ms Karen McEwan

Question 1

Permacast arranged a dilapidation report of our house using McDowell Affleck. The technician that did the report advised me that she did many similar reports. I asked her if the residences were as close as we are to the Permacast Facility. She advised me that she has never seen anything so big, so close to a residence.

What other heavy industry Facilities, comparable in size to Permacast are located 100m from the closest residence?

Response (Director Development Services)

The Shire does not have any equivalent concrete product making industries of this nature in its district, so cannot advise on distances other than in accordance with the State Government Guideline.

Question 2

This Facility has apparently several government contracts for infrastructure projects as well as contracts with private companies.

Have you informed the relevant government organisations and private companies that the Facility will be using equipment that they do not have approvals to construct or operate, to fulfill their contracts? In fact, they have not even applied for approvals for some of this equipment as yet.

Do you think that this situation is fair to other potential tenderers that are legally and ethically operating with all the relevant approvals in place?

Response (Director Development Services)

In accordance with the Shire's responsibilities, the retrospective development application has been referred to the Department of Water and Environment Regulation for comment. The Shire has also made the department aware of complaints pertaining to environmental emissions.



Any issues regarding State Government contracts should be referred to the State Government.

Mr Jack McEwan

Question 1

Please explain the exact 'Retrospective Approval' Process that will occur with regard to Permacast and what roles the Shire, the Shire Councillors, DWER and MODAP will play in the process.

Response (Director Development Services)

Shire Officers have received a development application for a general industry (concrete product making), which seeks approval for both retrospective and further prospective elements of development on the site occupied by Permacast.

Given the estimated cost of development, this application is required to be determined by the Metro Outer Joint Development Assessment Panel (MOJDAP).

Officers are required to progress the application through the development assessment phases, including public advertising and planning assessment, including referral to State Government agencies.

Officers are then required to prepare a Responsible Authority Report Recommendation, for Council to consider endorsing to be the local government recommendation to the MOJDAP.

Once Council considers the RAR, the MOJDAP will convene to determine the application.

Question 2

Are the Retrospective Approval Applications publicly available?

Response (Director Development Services)

Yes. This has been advertised on the Shire's yoursaySJ web platform. Details can be found as follows: <https://www.yoursaysj.sjshire.wa.gov.au/pa23-198>

Question 3

The Facility has expended large sums of money in relation to expansion that has not been approved. They would not have expended the money unless they were sure of a positive outcome. In fact the Manager Antonio Ferrero advised us that they already had all licences and approvals. Is this retrospective approval process just formality, a sham? Can you prove that it is not?

Response (Director Development Services)

This application is neither a formality nor sham. Like all applications (retrospective or otherwise) it is required to be assessed on its planning merits, and reported to the MOJDAP for determination.

Ms Keila Pillay

Question 1

What chemical additives are added to concrete during the casting process?



Response (Director Development Services)

All the details which have been provided to the Shire by the applicant about chemicals added during the casting process are included in the publicly available information on the Shire's yoursaySJ web page.

Question 2

Please explain how this Permacast Facility benefits us, considering the downsides of noise and traffic commencing at around 4:30am most mornings, dust and pollution.

Response (Director Development Services)

The development application is required to be assessed on its merits, which includes consideration and assessment of potential impacts.

Mr Jesse McEwan

Question 1

The Facility seems to have been designed in a piece meal fashion, with approval for bits and pieces. Do you have an understanding of the entire plant operation and external impacts?

Response (Director Development Services)

The aspect of the development that is not approved is the general industry (concrete product making) aspect. Previous approvals have been granted for an onsite concrete batching facility, and hardstand/storage area on the corner of Southwestern Highway and Norman Rd.

Question 2

The Cardup Business Park and the West Mundijong Business Park, both zoned for General Industry, which includes Heavy Industry, are a mere 5 kilometers apart with a bunch of privately owned properties (such as ours) sandwiched in between.

When do you plan to develop the West Mundijong Business Park and what consequences do you foresee for the residents trapped between the two Business Parks?

Response (Director Development Services)

The Shire has advanced the planning framework for WMIA, it is not the Shire's role to develop privately owned land. Two existing industries are currently located within WMIA. Officers note that subdivision approval has been secured for a further eight lot industrial subdivision, to expand land opportunities for new development to locate, or existing development to relocate to. Officers understand that the current subdivision approval is awaiting further information in terms of power supply infrastructure. The Shire has recently received a request to comment on a preliminary metropolitan scheme amendment seeking to rezone the Cardup Business Park from industry to urban. This is intended to be presented to Council for consideration in August.



Mr Norm Anderson

Question 1

We have been advised by Real Estate Agents that the value of the properties 1 to 2 kilometers from the Facility will decrease substantially, will our rates be substantially reduced?

Response (Director Corporate Services)

Rates are based upon valuations undertaken by the State Government Valuer General's Office, based on their valuation methodology. If you disagree with their valuation, the Valuer General's Office provides avenues for appeal. Changes in land value will affect rates.

Mrs Lee Bond, Box 44 Armadale WA 6122

Question 1

What Shire buildings are included in "extinguisher services" payment of \$14,724.60, what did this service include?

Response (Director Infrastructure Services)

Purchase Order number PU009421 for Keyoak for the amount of \$14,724.60 was for fire equipment and emergency lighting testing at the following 42 Shire Facilities:

Baker Hall, Bill Hicks Oval – Pavilion; Briggs Park Pavilion; Bruno Gianatti Hall; Byford Child Health Clinic; Byford Fire Station; Byford Kindergarten; Byford Scout Hall; Byford Tennis Pavilion; Clem Kentish Hall; Hopeland Community Hall; Hugh Manning Tractor Museum; Jarrahdale Fire Station; Jarrahdale Tennis Pavilion; Kalimna Oval Kiosk; Keysbrook Fire Station; Mundijong Landcare Building; Old Mundijong Library building; Mundijong Men's Shed Building; Mundijong Oval – Atwell Pavilion and main building; SES Building; The House Mundijong; Oakford Community Hall; Oakford Fire Station; Old Bridge School; Old Jarrahdale Post Office; Peel Metropolitan Horse and Pony Club; Railway Park Stations Building; Serpentine Fire Station; Serpentine Golf Club; SJ Community Recreation Centre; SJ Community Resource Centre; Serpentine Jarrahdale Library; Eric Senior Pavilion; Ivan Elliot Pavilion; Serpentine Tennis Pavilion; Shire Civic Centre; Shire Administration Building; Operations Depot; St Pauls Church Jarrahdale and Watkins Road Transfer Station.

Question 2

Explain what is meant by "feature survey"?

Response (Director Infrastructure Services)

A 'feature survey' is a topographical survey of a particular area of land where horizontal and vertical coordinates of the land are measured at a specified interval and recorded in a specific grid. This survey will also include identifying type and geographical location of any assets or other features within the area of land, ie trees, drainage assets, buildings etc. As an example, a feature survey is required to inform the detailed design of infrastructure projects, and the survey is undertaken by qualified professional surveyors.

**Question 3**

Holmes Road is a very short road a progress payment of \$102,854.74 for resurfacing, how many more progress payments and what are the amounts, Darling Downs trails refurbishment of \$59,730.00 and other payments to this group in the past, why hasn't any money been budgeted for a proper and safe Shire pound when the pound has been neglected for 30 years plus and these other events are given priority over the safety and wellbeing of peoples animals?

Response (Director Infrastructure Services)

This amount, \$102,854.74, was the payment to the contractor for their first and final claim for the resurfacing of Holmes Road. There are no further payments to be made for Holmes Road resurfacing works.

In regards to the pound, the draft Council Plan currently out for advertising includes reference to the development of a new Depot and pound as a major initiative for the development in the medium term (4-6 years).

Mr Christopher Jacobs**Question 1**

Everyone understands that people experience tough financial times and have debts. This is not an issue, what is an issue however, is ratepayers are being misled.

So, Madam President, on page 10 of 195 in the July special electors meeting agenda, your answer to my question taken on notice read, and I quote, "it is not a crime to have a debt". This answer would imply to me, and I assume the ratepayers of SJ Shire, that you, Madam President had some level of awareness to the outstanding debt associated with your rates – even though you stated at the OCM, May 15th and later in the Examiner newspaper that you first learnt of the court proceedings at the May OCM.

Given this statement implies you knew of the rate debt, I again ask Madam President to sign a stat dec. As a reminder, the stat dec would be as follows:

- Confirming that her statement, in the May OCM and then the examiner, is correct
- That you Madam President, did not receive any of the post or other notifications advising of the rates debt from the Shire, the Shire's lawyers and the Court
- That you, Madam President, were not otherwise aware of whether the court proceedings relating to your unpaid rates until the May OCM when the issue was raised.

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

On page 10 of 195 in the July special electors meeting agenda, in answer to a question from Mr Garry Tomlinson at the General Electors Meeting on 14 June 2023 you, Madam President, responded with "I did not deny knowledge".



It appears to me that by this statement, Madam President, is now stating that she did have knowledge of the unpaid rates and/or the court action.

Can you, Madam President, reconcile for the SJ ratepayers your statement, "I did not deny knowledge" against your previous statements, e.g. at the May OCM on the night where you, as the president stated you were unaware of the court proceedings relating to your unpaid rates and in the examiner article dated May 25 where you said you learned of it at the May OCM.

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.

Public question time concluded at 7:36pm.

3. Public statement time:

Public statement time commenced at 7:37pm.

The Presiding Member, Councillor Rich called forward Mr John Kirkpatrick to make his submitted Public Statement. Mr Kirkpatrick was not in attendance at the meeting.

Mr Michael van den Dool, Mundijong WA 6123

Good evening, Madam President Michelle Rich and Councillors. May I again refer you to the Footpaths Petition submitted to the SJ Shire Council late last year.

On behalf of the petitioners, I ask you again to urgently consider this matter in your final budget discussions, and or as you put together the draft budget so that the proposed footpath on Adonis Street and Richardson Street may be approved to be constructed in the 2023/2024 financial year.

Of the 100 local residents who signed the petition there are a significant number of aged members who mentioned they would get out and about more and use the local shops if there was a footpath, we also have at least 2 disabled people who use the 2 above mentioned roads to get around and there's the kids commuting to the local primary school who have to jump kerbs when cars are approaching.

This petition isn't about asking for a footpath on every road in town that doesn't have one, this petition is about giving all the local residents an equal opportunity to get around town safely, from the able-bodied people to those who aren't so able bodied.

We look forward to seeing the outcome of the approved budget soon!

On behalf of the petitioners, Thank you.

The Presiding Member, Councillor Rich called forward Mr Alfred Mariassouce to make his submitted Public Statement. Mr Mariassouce was not in attendance at the meeting.



Mr Bill Denholm, Byford WA 6122 regarding item 9.1 - Notice of Motion – Westport Landside and Logistics Study (SJ4084)

Rumours in the community have many ratepayers scratching their heads and asking many questions. Word is an idea regarding relocating the sporting precinct from Keirnan Street to West Mundijong Industrial area or surrounding buffer zone is being circulated! Surely not.

It's called an industrial zone or buffer zone for a reason, the air, water or soil may be polluted! Sport is to help people have better mental and physical health. Ratepayers go to the beach, the bush, the river, the dam, i.e. Serpentine, Wungong, to relax, walk the dog etc., not an industrial site. A lot of effort and time went into designing a function centre, etc. at Keirnan Street so that the Shire would be able to hire out to the community for weddings etc. Who wants a wedding at an industrial site or buffer zone? It would be like putting a school there, crazy!

Mr Norm Anderson

I live directly across from the Permacast Facility, my fence line is 99 m from the Facility fence. I would like to bring your attention to some of the issues we face.

Firstly dust

We get inundated with dust from the Facility, particularly during the warmer months when we have strong easterly winds.

We have had to seal the vents in the house to prevent the dust from coming in.

I have to vacuum the pool everyday because the poolshark cannot keep up with the amount of dust that blows in.

The Facility stated that they would manage the dust using water trucks, however they do not manage the dust and whatever they are doing is not effective.

Secondly Noise

The Gantry Cranes above the concrete pit are approximately 120 metres in from their boundary fence. The noise from this pit is so loud that I can't hear the television inside my own house. The noise is a continuous droning noise with no relief.

On Saturday 15th July the noise started at 5:30 am and carried on all day. The machinery noise was even present on Sunday the 16th of July.

We have no peace. This has to stop.

Thirdly Water

We bought our house 8½ years ago. We had our bore water tested at the time and it was good quality. We rely on this water for all our uses including for drinking and cooking. I am very concerned that the chemicals from the Facility are leaching into the ground water.

Real Estate

We have been warned that the value of our properties will substantially reduce. This is particularly alarming because some people have paid over 1 million dollars for their properties.

Buffer Zone

There is no buffer zone between the Facility and the residences. Cardup is the buffer zone.



Ms Karen McEwan

I will be opening my statement by reading out from the Shire of Serpentine Jarrahdale webpage the first dot point under the duties of a Councillor, being:

- Represent the interests of electors, ratepayers and residents

Represent OUR interests above all others – there is no mention of representing the interests of industry or the Department of Planning.

In the last Shire meeting we were advised that the land which the Permacast Facility operates from is zoned as ‘General Industry’. It was only after the meeting that we actually came to the horrifying understanding of what ‘General Industry’ stands for. It is basically ANY industry excluding light industry and a few other industries. Basically ‘General Industry’ includes ‘Heavy Industry’.

Let me define Heavy Industry: Heavy Industry refers to an industry that produces large industrial products for infrastructure, mining and oil and gas industries, which requires large and heavy machinery and facilities and involves complex production processes.

This statement is from the Permacast website – ‘Permacast is Western Australia’s leading supplier of precast and prestressed concrete products for the state’s major infrastructure, oil and gas and resources industry projects.’ basically Permacast defines itself as a Heavy Industry.

You as Councillors have approved a Heavy Industry to establish itself less than 100 metres from local residences. Less than a kilometer from a school. By enabling that operation, you betrayed your primary duty – you did not represent the interests of the electors, ratepayers and residents.

By calling it a ‘General Industry’, by glossing over the fact that it is a Heavy Industry, you lower the bar. You make it sound benign rather than something that has a huge adverse impact on us, (who you are meant to be representing as your primary duty), and subsequently the controls placed on it are reduced.

I will also discuss some of the answers to the questions that were taken on notice at the last Shire meeting.

The response to the question “What are the components of concrete?” was that Portland cement contains di and tri calcium silicates, tetra calcium aluminoferrite and tricalcium aluminate. According to all the Australian and West Australian MSDSs I have looked at, Portland Cement also contains Chromium (VI), which is carcinogenic and silica which of course causes silicosis. The Dust Management Plan, prepared by an independent contractor on behalf of the Facility, reports on easterly wind patterns in summer that blow directly through the Facility. Furthermore this report states that Buffer zones for this type of industry are 1 to 1.5 km. We certainly get a huge amount of dust blowing onto our property from the Facility as do our nearest neighbours. There have been no studies conducted that show how far the dust is actually carried.

By calling this Facility a “General Industry” and ignoring the advice by professionals and Shire Officers regarding the appropriate buffer zones for this Facility, it is allowed to operate, although it is less than 100 metres from the closest residences, and less than 1 kilometer from a school.

The responses to the questions regarding the effects of the operation to groundwater, tank water and long term health, in short was that “the planning framework seeks to limit all



offsite impacts". Well, there has been no action to limit offsite impacts to date. Some water is sent to an unsealed dam, while most of it flows into an unsealed drain and subsequently onto private land (one of the identified sensitive residences).

Neither the Shire nor DWER seem to be able to control the offsite impacts of this Facility, with the operation being a mere fraction in size to what it will be, if approved. In fact, no one seems to have the authority to stop the Facility from illegally increasing its size or operating.

The response to the question regarding, what actions have been taken to protect us, was that the Shire has written emails and called DWER. In other words NO protections have been put in place to date. The Facility is allowed to operate at any time of the day or night, emit whatever noise or dust or water pollution with no controls in place.

The first and primary duty of a Councillor, is:

- Represent the interests of electors, ratepayers and residents

Disappointingly, the Councillors appear to be ignoring their primary duty and in doing so, have not only not protected the community, you have put us in a position of discomfort, stress and potential ill health.

Mr Jesse McEwan

I would like to re-enforce that the first and primary duty of a Councillor, is to:

- Represent the interests of electors, ratepayers and residents

I have been living in Cardup since I was 2 years old. Now I myself am looking at buying in this area. But in light of the issues my parents are facing I seriously reconsider living here.

An independent environmental consultancy company, Accendo, prepared the Dust Management Plan for the Facility. This was presented at the Ordinary Council Meeting on 16 August 2021. This company drew buffer zones of 500 metre, 1 kilometer and 1.5 kilometers from the boundary of the entire site. This drawing demonstrated that the site area was inappropriate for the safety and wellbeing of the nearby residences and school. This was backed up by the Shire Offices that spoke at the meeting.

To get approval, another drawing was provided. This drawing called '500 m buffer zone', did not cover the entire Facility, instead a 500 m ring was drawn around a single point on the map, of where the cement batching plant was to operate. This supposed buffer zone is just a ring around the Facility, not a real buffer at all, and it still impinges on Norm Anderson's property. We cannot understand how it is possible, that despite expert opinion, this cement batching plant was given DWER approval. It is licenced to operate at 146,000 tonnes / year. Its actual design capacity is far larger, at 280,000 tonnes / year. There is no doubt, that the Facility plans to operate at a much higher rate than it currently has a licence for. We can hear noise which we believe is this batching plant operating all day and late into the night.

The Facility continues to expand seeking retrospective approvals with no concern that it will be handed to it on a plate. An example of this is that it has already commenced the construction and operation of the Casting Plant for which approvals have not even yet been applied for!

Neither the Shire nor DWER seems to have the authority to stop the Facility from illegally increasing its size or operating outside its means.



It did not have the appropriate buffer zones for the initial smaller plant it applied for and certainly does not have a buffer zone for this much larger operation.

The Councillors need to stand up and protect their residents and rate payers.

Ms Keila Pilay

I am going to bring your attention to State Planning Policy 4.1 - Industrial Interface, which is the State Industrial Buffer Policy.

Section 3 of this document is titled "Industrial Interface Planning". I will quote from this Section:

"The relevant decision-maker is responsible for considering:

- a) Potential risks to health and amenity of people and the environment.
- b) Any future strategic land use plans for the area including potential long-term expansion of industrial land uses."

Basically – the very first point is that decision-makers need to consider the PEOPLE, us.

When making decisions about Permacast, the very first consideration you need to give, based on the Department of Planning Lands and Heritage, State Planning Policy 4.1 is to the potential risks of this Facility on the health and amenity of us, the residents, and the environment.

I work at Armadale hospital with vulnerable patients that I have to be able to give 100% to. I can't do that when I'm woken up over 2 hours early by heavy machinery noise pollution. My home is meant to be a place of calm and serenity especially after a long day looking after sick patients. Now, I don't want to come home. My home is place of distress and anxiety.

The operation of this Facility already impacts on the residents with its noise, dust and pollution. There are potential long-term effects on the larger population in terms of it's impacts on dust and ground water.

This Facility has been granted contracts for the Byford railway extension. They will no doubt increase both output volume, working hours and staff numbers. There will be a consummate increase in traffic, noise, dust and other pollution.

This Facility is located too close to residences without any significant buffer between the Facility and residences. The size of the land is too small for the size of the operation and it is impossible for it to have no offsite impacts. There is no room for a heavy industry in this area.

We understand the motivation for the Shire to promote industry due to the financial and employment benefits. However in this circumstance, it is at the cost of the residents.

This Facility should be moved to a suitable location where it can grow and expand its operation without external impacts..

Do your duty and represent the interests of electors, ratepayers and residents. Abide by the State Planning Policy 4.1 and first and foremost consider the potential risks to health and amenity of people and the environment.

**Ms Karen McEwan read a statement from Ms Maureen Tucci**

The residents living close to this Facility are woken up at 4:30 in the morning, 5 to 6 days a week, as the employees of the Facility race to work, many along Karbro Drive, turning right onto Soldiers Road, then left onto Norman Road and back down Robertson Road. By 5:00 am, the lights on the Facility are blaring, and the hammering, machinery and alarms begin, and so it continues through the day. If we are lucky, the vibrating machine is not turned on. If it is, we are subjected to the most horrendous sickening noise. There have been several days when this noise continued until 7:00 pm. On Saturday the 15th a type of milling, grinding noise started at around 5:30 am and continued until around 2:00 pm. At night and early in the morning we can hear a low frequency type humming noise, which is possibly the concrete batching plant operating. The Facility operated on Sunday the 16th and we had to put up with their machinery, banging and hammering. We were woken up at 2:30 am this morning by a machinery mixing noise, we believe this is from the operation of the concrete batching plant.

This Facility has a huge impact on our lives. The vibrating noise when it is going is like a form of torture. You cannot escape the noise inside the house and definitely cannot sit or work outside. No one would want to live here and it has already impacted the value of our properties. Once it is fully operational, it will be impossible to live here and we will not be able to sell our property. We are anxious about what it is going to be like living here as this Facility continues to increase operation. We are stressed about the decreasing value of our property.

Do your duty as a Councillor and represent the interests of electors, ratepayers and residents.

Mr Jack McEwan

A famous quote of John Steinbeck is a very appropriate way of describing our situation and despair.

“One can only understand a situation, once you are involved in it yourself “

This quote is so applicable to the dire situation that we find ourselves, living in very close proximity to this uncontrollable facility which has managed to expand and operate without full approvals, while not meeting many of the conditions of the initial approval that was passed by Council in August 2021.

- There were dust breaches by the Facility throughout the Summer months, as witnessed and experienced by the residents directly west of the Facility and less than 100 metres boundary to boundary.
- Storm water flows from the Facility onto private land, little if any flows into the drainage basin. The drainage basin on the property is not sufficiently large to hold all the storm water.
- Heavy haulage double trucks are regularly used by the Facility (photo evidence can be supplied).
- The trucks servicing the Facility regularly access the Facility via Norman Road and Soldiers Road in direct contravention of the approval conditions.

The statements made by the residents prior to the 2021 approvals contained similar issues to what we experience, that is noise, dust, ground water pollution. Council disregarded the concerns of the residents, experts and Shire officials and granted approval anyway.



This decision by the Council has had the most dire effects on everyone concerned. The residents have lost their basic rights of sleep, peace and security in their own homes. The Facility cannot operate without impacting the residents and the environment because the land is too small and there is no buffer zone. They certainly cannot expand their operations. The Shire seems to have no ability to control what the Facility is doing. And we have no idea what DWER is doing. It is time for you to fix this situation, not send it into a worsening spiral.

The Facility is a prescribed premise (by producing more than 100 t/year of cement), yet it is continuously causing offsite impacts – dust, noise, lights, water. It is breaching the Environmental Protection Act by not only constructing, but also operating plant without a licence.

It is absolutely ludicrous that the Council can even CONSIDER extending its initial approvals let alone retrospective approvals for an expanded operation.

DO YOUR DUTY, represent US and don't lower the bar.

Mrs Lee Bond, Box 44 Armadale WA 6122

The CEO recently informed me that \$50,000 had been budgeted for proper lighting for the intersections of Hopkinson/ Orton Road and Hopkinson /Abernethy Road, why hasn't this been done as a matter of urgency given the deaths on these two intersections.

I note a lot of spending on mowing / slashing in the glades but still many ratepayers in the Shire cannot get their drains cleaned or verges mowed and there are plenty of trees growing in the road bitumen. One day they will grow to be adult and damage the roads and nothing motivates the Shire to rectify this before the damage and unnecessary expense. However it appears it is okay to waste ratepayers money to inflict behaviour onto ratepayers who have not sought nor require interference with their verges because they have managed them for more than 20 years and continue to do so. Spraying carcinogens into verge drains and then claiming there is no water in those drains is despicable. Paying the contractor to loiter in the street is not a productive use of ratepayers money either. Isn't it council policy to encourage ratepayers when they wish to look after their verges.

Is it appropriate behaviour to divulge information to particular people about my questions and statements before Council meetings and is it appropriate to contact people before the meetings and question people about my questions and statements.

Ms Kelly Berry, Byford WA 6122

On 22nd March 2023 I requested via email to Cr Coales a copy of his Certificate from the Company Directors course that the Shire paid \$7235 for.

On 15th May 2023, almost 2 months later, several requests and even a warning of defamation from Cr Coales, I finally received his certificate.

Cr Coales informed me that he had to request the certificate from the Institute of Company Directors as he was moving house.

Following the last ARG meeting, Cr Coales asked me if I had any questions regarding the Certificate. I asked if that was the only Certificate he received, to which he replied, "that is all they gave me".

The Certificate received is a "Statement of Attendance" certificate.

Upon emailing the Institute myself, they have confirmed in writing:



A Graduate Certificate:

- *Is only given to those who have passed the course. This means that they have attended the required course dates (statement of attendance) AND have passed all three Assessments.*

A Statement of Attendance:

- *Confirms that they attended the required course dates.*
- *This can be provided to a graduate, if they require it, to prove that they attended the course. (However, from our point of view, this is somewhat redundant, as if they have received our graduate certificate, it is a given that they had attended the required course dates.)*
- *The Statement of Attendance is usually reserved for those that have attended the required course dates but have NOT attempted or passed the three assessments. They can however return to complete the Assessments at a later date, if they are so inclined.*

So, if someone has passed the 3 assessments, they could technically provide you with both a Statement of Attendance AND a graduate certificate. But if they only hand you a graduate certificate then you know that they have also attended the course as well, and you don't need another record to prove that they also attended the course. (If someone also has a GAICD post nominal after their name, it means that they have passed the Company Directors Course and also hold a current membership subscription with us.)

If someone has only sat through the course without attempting/passing the assessments, they will only be able to provide you with a Statement of attendance.

I have this email in writing should the Shire of Councillors like to see it.

I also called the Australian Institute of Company Directors and they have stated that the course fee includes 1 attempt at all of the required assessments. They have also said that a Graduate has full access to the resources. They said that people can become members in order to access these resources if they are not graduates.

By Cr Coales own admission on his Shire profile, he states that he is an Associate of the Institute of Company Directors. Again, there is no such category. Should Cr Coales mean that he is a member instead of Associate, or if they are interchangeable in Cr Coales mind, then by his own admission, he is NOT a graduate.

This is more than enough evidence to prove that Cr Coales did not complete the course paid for in 2018 by the Shire, and has hidden this fact, whether deliberately or not, for the last 5 years.

The Councillors and Shire must recoup these misused funds from Cr Coales immediately plus interest for the delay in this information being disclosed. The perception by ratepayers is that this Council is corrupt.... Prove them all wrong. Do the right this time by ratepayers in this Shire. Put those funds to better use.

I also request that you don't make this a confidential item to hide it, and to please record the names in tonight's voting.

Public statement time concluded at 8:09pm.

**4. Petitions and deputations:****Mr Mark Baade, Planning Consultant, SAQ Consulting regarding item 10.1.1 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 11, 10 Charolais Court, Oakford (PA23/290)**

My name is Mark Baade from SAQ Consulting and I am the planning consultant for Australia Tower Network, or ATN, and Optus on this application, which is for a new telecommunications facility at 10 Charolais Court, Oakford.

The proposed facility, which consists of a monopole, antennas and ground-based equipment, will provide improved Optus network coverage to the suburbs of Oakford and Byford, as well as the existing and future transport network in the area, which includes the Tonkin Highway extension.

As discussed in the accompanying planning statement, current Optus infrastructure in the wider area is located between two and four kilometres from the selected location and additional infrastructure is required to properly service the area, with customer demand and the growing population in the area too great for the existing network to manage.

Indeed, in-building coverage in the area, particularly Byford, is poor and data speeds are slow especially during peak times – both of these issues are the result of existing infrastructure being too far away to adequately service the area.

There are no telecommunications facilities of this type within 1.85 kilometres, which is too far away for collocation to occur. However, the proposed facility will support collocation, which is a desirable outcome.

The proposed facility is set back from Hopkinson Road and is substantially screened in all directions by existing tree cover, including the creek and riparian reserve to the north, with no vegetation removal required to construct, operate or maintain the facility along with no loss of habitat occurring.

Whilst some concerns have been raised by surrounding owners and occupiers as to the visual impact of the facility, those impacts have been minimised to the extent they can, are likely to be much more localised than perhaps imagined and could certainly not be described as unreasonable, unacceptable or over-bearing from a planning policy perspective. In reality, the proposed structure, once built, will be a relatively insignificant and not at all unusual element in this predominantly urban landscape.

In terms of design, some visibility of the structure is unavoidable to allow for desired and efficient improvements to network services to be made (as well to allow for collocation), but an appropriate balance has been struck between the need and impacts as required by State Planning Policy 5.2. The proposed facility also demonstrates a high level of consistency with SPP 5.2 more generally

The proposed facility is also generally consistent with the requirements of the Shire's local planning policy for telecommunications, as set out in the application documentation and the Officer's report including with respect to collocation, visual impact and health and safety.

These issues, along with the other key issues raised by submitters, have been discussed in both the planning statement lodged with the application and the response to submissions letter dated 8 June 2023.

In summary, the proposed facility's design and siting in this instance has demonstrated a balance between the need for improved telecommunications services in the area and an



acceptable level of visual impact – a key consideration in the determination of such applications.

I have reviewed the recommendation for approval and associated conditions and advise they are acceptable to the applicant. Thank you.

Mr Matt Craven-Kelly, Senior Development Manager, Parcel Property regarding item 10.1.3 - Proposed Sand 'Industry Extractive' - Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale (PA23/275)

My name is Matt Craven-Kelly and I represent the applicant of the proposed sand extraction license. Thank you for the opportunity to provide a deputation.

The applicant understands the history of the previous extraction operation undertaken on the subject site and acknowledge the frustrations felt by the surrounding impacted residents. To this end, we would like to note that we are not the same applicant nor operator as the previous license and our aim is to try and reset the communities perception on those negative impacts.

Whilst extracting sand is not without risks, we believe that proper planning and a coordinated approach to the work can greatly reduce the effects of sand drift and resultant effects to surrounding residents. It is through the various Management Plan requirements proposed as part of the recommended approval that we will work with the Shire's Officers to achieve this.

We note that as Perth's population grows in both our inner and outer suburbs, sand is a key resource for establishing new communities for an new generation of residents. We support the Shire pragmatic approach in assessing the risks associated with our proposal against the continued need to provide resources to grow the community. We commit to working closely with the Shire to ensure we minimize negative impacts to the surrounding community. Thank you for your time.

Councillor Atwell left the meeting at 8:15pm.

Councillor Atwell returned to the meeting at 8:17pm.

Councillor Atwell left the meeting at 8:19pm and immediately returned.

5. President's Report:

Good evening and welcome to the July Ordinary Council Meeting.

Youth training and employment was in the spotlight last month when Byford Secondary College hosted the first Serpentine Jarrahdale Careers and Enterprise Expo.

I was proud to open the two-day expo at the Pell Chamber of Commerce and Industry's Business After Dark event, which was a great opportunity for SJ to showcase how education, government, employers and industry collaborated to help connect young people with training and employment opportunities.

At the end of June we celebrated the outstanding contribution local firefighters and State Emergency Service volunteers make to our community at the Shire's annual Emergency Services Awards Night.

It was an extra special evening for Mundijong Volunteer Bush Fire Brigade's Les Harris, who was recognised for 45 Years of Service as well as Carolyn Fawcett and Christine



Ordinary Council Meeting Minutes Monday, 17 July 2023

Morris, who were both recognised for 30 Years of Service with the Emergency Support Brigade.

Congratulations to all volunteers who were recognised with years of service certificates and thank you to all of our emergency services volunteers for their efforts over the past year.

This Wednesday, 19 July marks the first anniversary of the SJ Library Service operating from Byford Hall.

It was great to join with the community last Saturday for the library's first birthday celebrations, with hundreds of parents and children attending throughout the day.

It is fantastic to see the library service continue to grow in Byford, as well as providing a valuable outreach service in our southern suburbs through the Mobile Library Service.

On Saturday I was also pleased to join Jackie Jarvis MLC , Minister for Agriculture and Food, Forestry and Small Business with Member for Darling Range, Hugh Jones, at the SJ Farmers Market.

The Minister heard from our dedicated volunteers from Serpentine Jarrahdale Food & Farm Alliance about how vitality important peri-urban and small acre agriculture along with farmers markets are to local communities.

The Minister also spent time hearing from the Jarrahdale Forest Protectors about the importance of protecting the remaining Northern Jarrah Forest from mining and other damaging industries and preserving the forest for the well-being of generations into the future.

Finally, thank you to local residents who attended the Shire's Draft 2023/24 Budget Breakfast last Thursday. The event provided attendees the opportunity to learn more about the how the Shire's draft Budget has been developed, how it responds to community priorities as well as to ask questions of Shire Officers.

The Shire's 2023/24 Budget will be considered by Council at a Special Council Meeting on Monday, 31 July at 7pm.

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

19 June 2023	Ordinary Council Meeting	Civic Chambers
20 June 2023	Meeting with RDA Peel - Regional Investment Framework	Shire Offices
	Australia Citizenship Ceremony	Civic Chambers
21 June 2023	Ordinary Council Meeting (reconvened)	Civic Chambers
22 June 2023	Junior Dale Fest	Kelmscott
	2023 SJ Career and Enterprise Expo Opening	Byford
23 June 2023	2023 SJ Career and Enterprise Expo Opening	Byford
24 June 2023	2023 SJ Career and Enterprise Expo	Byford
	City of Gosnells Annual Civic Dinner	Beckenham
27 June 2023	WALGA CEO Performance Review Committee Meeting	Perth
	Neighbourhood Watch Meeting	Jarrahdale
28 June 2023	Weekly meeting with CEO	Shire Offices



	Emergency Services Awards Night Briefing	Shire Offices
	WALGA Environment Policy Team / MWAC meeting	Online
30 June 2023	Emergency Services Awards Night	Mardella
3 July 2023	Policy Concept Forum	Shire Offices
5 July 2023	WALGA Environment and Waste Policy Team Meeting	Online
	WALGA State Council Meeting and Strategic Forum	Perth
10 July 2023	Q&A Agenda Briefing	Chambers
11 July 2023	Mandurah Council Chambers Tour	Mandurah
12 July 2023	Weekly Catch up with CEO	Shire Offices
13 July 2023	Draft Budget Breakfast	Civic Centre
	Joint Development Assessment Panel Meeting	Online

6. Declaration of Councillors and Officer's interest:

Councillor David Atwell declared a Financial Interest in item 10.1.1 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 11, 10 Charolais Court, Oakford (PA23/290). The nature of the interest is Financial. The extent of the interest is I am part owner of a property with an Optus tower on it. We receive a rental each year for the site. Councillor Atwell will leave the meeting while this item is discussed.

Councillor David Atwell declared a Financial Interest in item 10.1.9 - Consideration to adopt DCP Report No. 4 for West Mundijong Industrial DCP and DCP Report No. 1 for Mundijong-Whitby Urban Traditional DCP (Amendment 209) (PA18/780). The nature of the interest is Financial. The extent of the interest is part owner of land in West Mundijong Industrial Area. Councillor Atwell will leave the meeting while this item is discussed.

Councillor Robert Coales declared a Financial Interest in item 10.5.1 - Consideration of Motions Carried at the Annual General Meeting of Electors held on Wednesday, 14 June 2023 (SJ4197). The nature of the interest is potential Financial interest if motion is passed. The extent of the interest is potentially required to pay \$7,235 for the insidious motion per GME003/6/23. Councillor Coales will leave the meeting while this item is discussed.

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

7.1 Ordinary Council Meeting – 19 June 2023

OCM157/07/23

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Atwell

That the minutes of the Ordinary Council Meeting held on 19 June 2023 be CONFIRMED (E23/8032).

CARRIED UNANIMOUSLY 6/0



Continued

**Ordinary Council Meeting Minutes
Monday, 17 July 2023**

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

Nil.

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

9.1 - Notice of Motion – Westport Landside and Logistics Study (SJ4084)	
Councillor	Councillor Mack
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from Councillor Mack via email on Monday, 12 June 2023.

The Notice of Motion is “That Council:

1. REQUESTS the Chief Executive Officer invite the CEO of Westport to engage with Council, Shire staff and the local community on the options being considered within the Shire regarding the Westport Landside and Logistics Study, and how an innovative design approach could be taken to address other community infrastructure needs of the Shire.
2. REQUESTS the invitation set out the current groundwater challenges being experienced within the Shire, and the need for community infrastructure in the form of sporting ovals to be delivered to keep pace with rates of residential development.”

Officer Comment

With regard to any large industrial infrastructure project, such as a landside freight handling facility, there could be the opportunity to promote the inclusion of supporting community infrastructure as part of such. This could, for example:

- Provide greater physical separation of a facility with external impacts from any nearby sensitive areas (residential or rural residential dwellings);
- Provide a community or recreation space for workers to utilise;
- Provide further community infrastructure for Shire residents to utilise.

Based on the proposed freight handling options that have been identified in the Westport Study, these are located on the west side of Kargotich Road, either within West Mundijong (which is a preferred location) or on the south side of Thomas Road. These locations include areas which are potentially mapped as having available groundwater, subject to investigation.

Engaging with Westport specific to community infrastructure and groundwater opportunities, may assist with raising further options for their consideration.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 19 June 2023 - OCM126/06/23 - COUNCIL RESOLUTION
That the matter be DEFERRED.*

Attachments (available under separate cover)

Nil.



Continued

Ordinary Council Meeting Minutes Monday, 17 July 2023

Voting Requirements: Simple Majority

Councillor Recommendation

That Council:

1. REQUESTS the Chief Executive Officer invite the CEO of Westport to engage with Council, Shire staff and the local community on the options being considered within the Shire regarding the Westport Landside and Logistics Study, and how an innovative design approach could be taken to address other community infrastructure needs of the Shire.
2. REQUESTS the invitation set out the current groundwater challenges being experienced within the Shire, and the need for community infrastructure in the form of sporting ovals to be delivered to keep pace with rates of residential development.

The item LAPSED for want of a mover.



10. Chief Executive Officer reports:

10.1 Development Services reports:

Councillor Atwell declared a Financial Interest in item 10.1.1 and left the Meeting at 8:24pm prior to this item being discussed.

10.1.1 - Proposed 'Radio, TV and Communications Installation' (Telecommunications Tower and Associated Infrastructure) - Lot 11, 10 Charolais Court, Oakford (PA23/290)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Australia Tower Network
Owner:	Ian and Gail Player
Date of Receipt:	27 April 2023
Lot Area:	2.0912ha
Town Planning Scheme No 2 Zoning:	'Special Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a telecommunication facility, inclusive of a 42m high monopole, at Lot 11, 10 Charolais Court, Oakford.

The item is presented to Council as the proposal varies Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6) by way of its location within 200m of land zoned 'Urban' under the Metropolitan Region Scheme (MRS). Furthermore, 25 objections have been received during the consultation process. Officers do not have delegated authority to determine development applications which vary Local Planning Policies or where two or more objections have been received that cannot be satisfied through amendments or imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

For the reasons detailed in the report, Officers consider the proposed development to be consistent with the objectives of the planning framework and recommend that Council approve the application, subject to specific conditions to address compatibility and amenity matters. The location is considered to deal with the balance of providing telecommunication infrastructure, in a



manner that maintains local character. Adjoining the future Tonkin Highway and being on the interface of residential and rural residential areas, creates a varied local character where edge effects from utility infrastructure is considered acceptable.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

The subject site is located in a rural residential area comprising of lots with an approximate size of two hectares in the Charolais Court area, down to 5,000sqm in the Jersey Road area to the north. The northern boundary of the site abuts a Shire Reserve, which contains the western extent of the Oaklands Drain. Hopkinson Road borders the site to the east, and will be severed from its current function as a main connector between Thomas Road and Abernethy Road once Tonkin Highway is extended. Once this occurs, the northern extent will be a limited local access to the small number of properties in the Charolais Court area.

The following images depict context and also details of the Tonkin Highway project and changes to road networks:

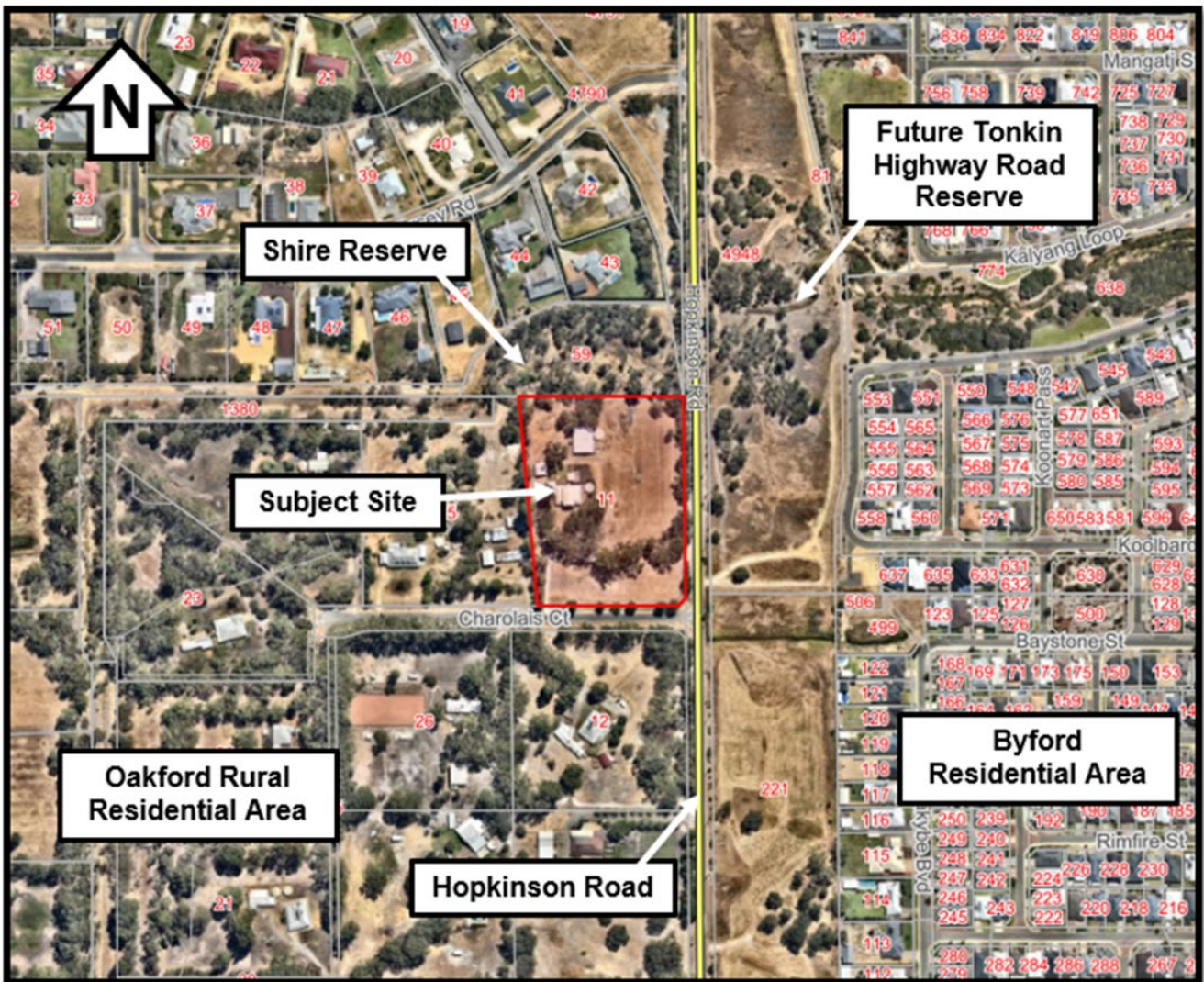


Figure 1a: Aerial Location Plan

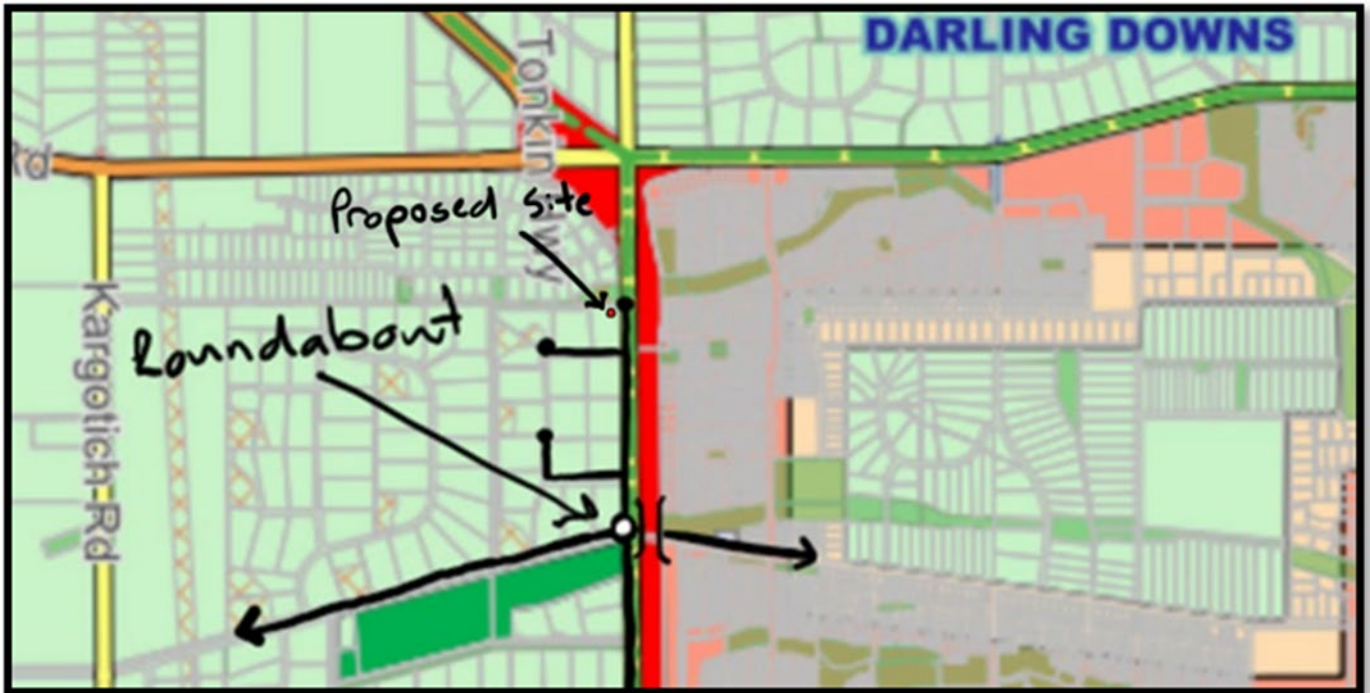


Figure 1b: Context of site post Tonkin Highway

The subject site is developed with a dwelling and associated outbuildings, located in the north and west portion of the site. The majority of the site has been cleared of vegetation although there are trees scattered across the site and in particular along Hopkinson Road.

Proposed Development

The application seeks approval for a telecommunications facility comprising of the following:

- One 42m high monopole located within a 9m x 12m compound area in the north-east corner of the site near Hopkinson Road;
- A triangular headframe mounted to the monopole to accommodate the necessary telecommunications equipment, with a maximum finished height of 42.5m;
- Three 4G panels and six 5G panel antennas mounted to the headframe at the top of the tower;
- Other ancillary equipment including remote radio units and combiners which are mounted to the headframe;
- A four-bay cabinet with dimensions of 2.32m H x 0.75m D x 2.87m L to house the necessary base-station equipment;
- A cable tray connecting the equipment cabinet to the monopole;
- Fencing to surround the compound.

The fencing surrounding the telecommunication facility compound is set back 15m from the Hopkinson Road frontage and abuts the north side boundary, while the monopole is set back approximately 21.5m from the frontage. The application details that the proposal forms part of the Optus 4G and 5G network solution primarily for the Byford residential area to the east of Hopkinson Road. Current services levels in the locality are inadequate, and continued growth in the area will further impact service levels if not supplemented by additional infrastructure.



The applicant explains the current and future service level concerns as follows:

- 5G services cannot be delivered to the area without the new facility, as the service range of 5G is significantly less than 4G;
- 5G services allow for a far greater network capacity with many more customers able to be serviced at the same time and with increased data speed reliability;
- Without the service upgrade and continued population growth, there will be increased dropouts, slow data speed and inability to access services;
- Without the service upgrade, the current poor level of service will continue, impacting resident's ability to work from home and cater for visitors and workers in the area; and
- The service upgrade will be necessary to provide for increased demand resulting from the Tonkin Highway extension.

The site plan and elevation of the monopole are depicted below, full details of the proposal are contained within **attachment 1**.

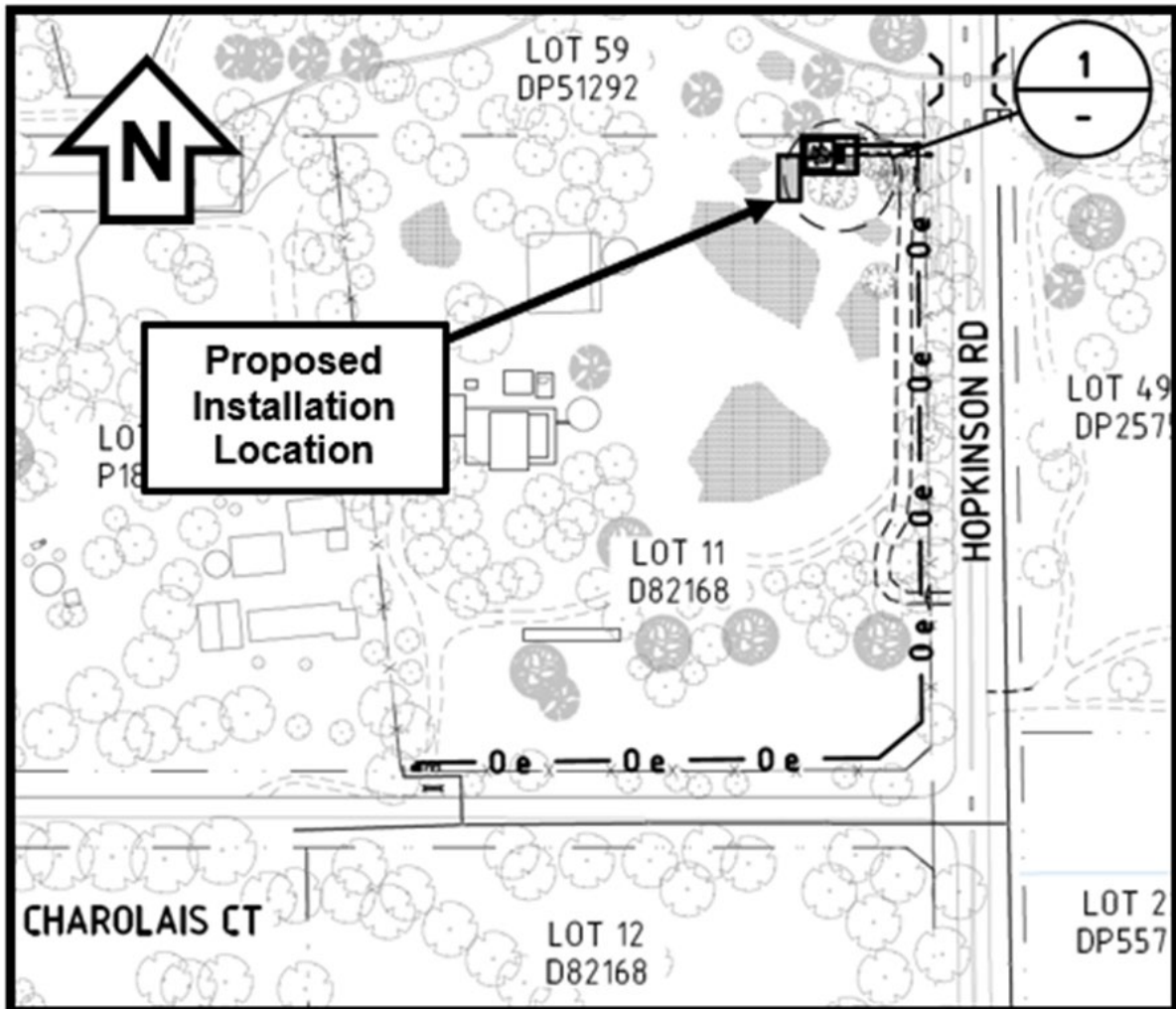


Figure 2: Site Plan

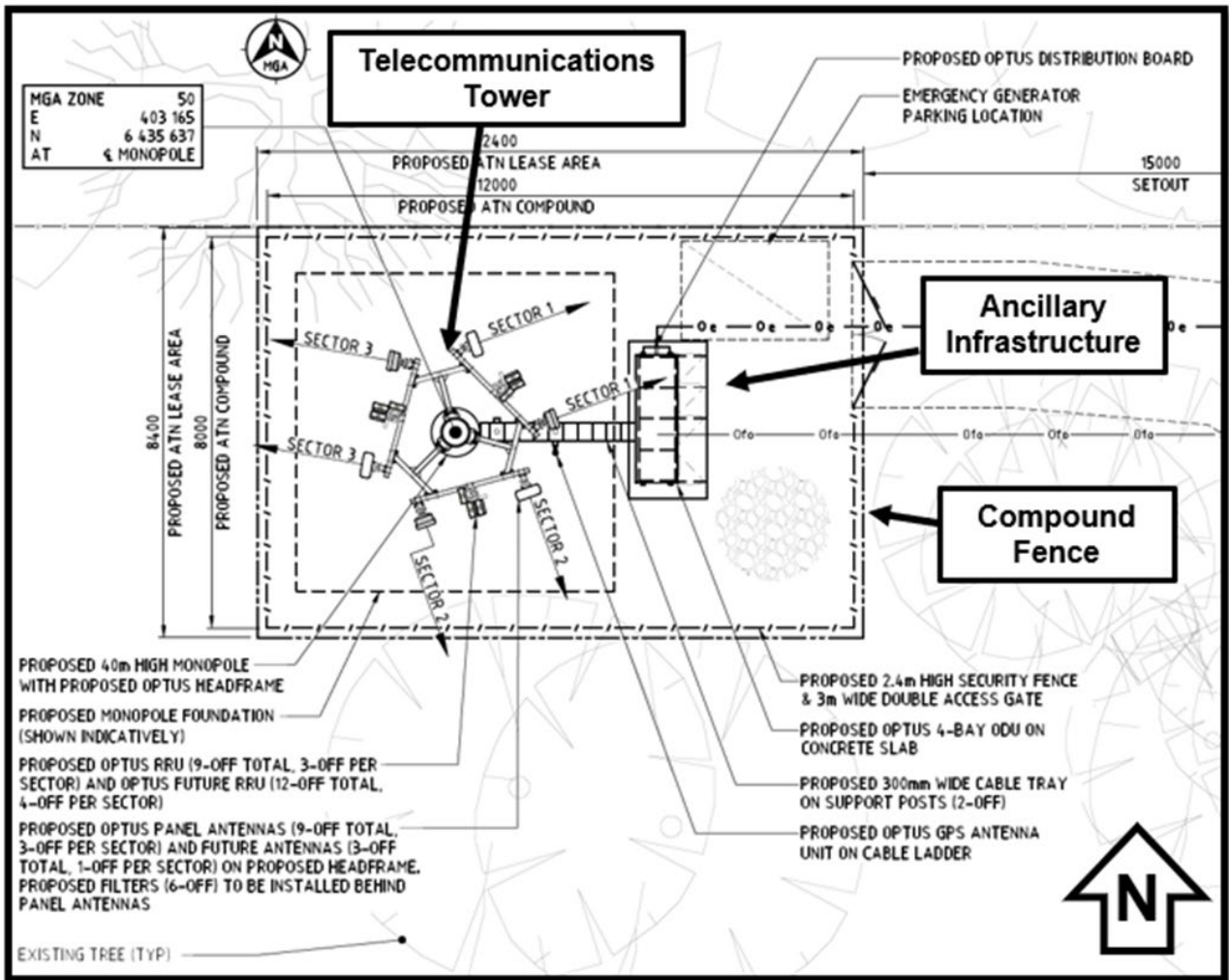


Figure 3: Site Layout Plan

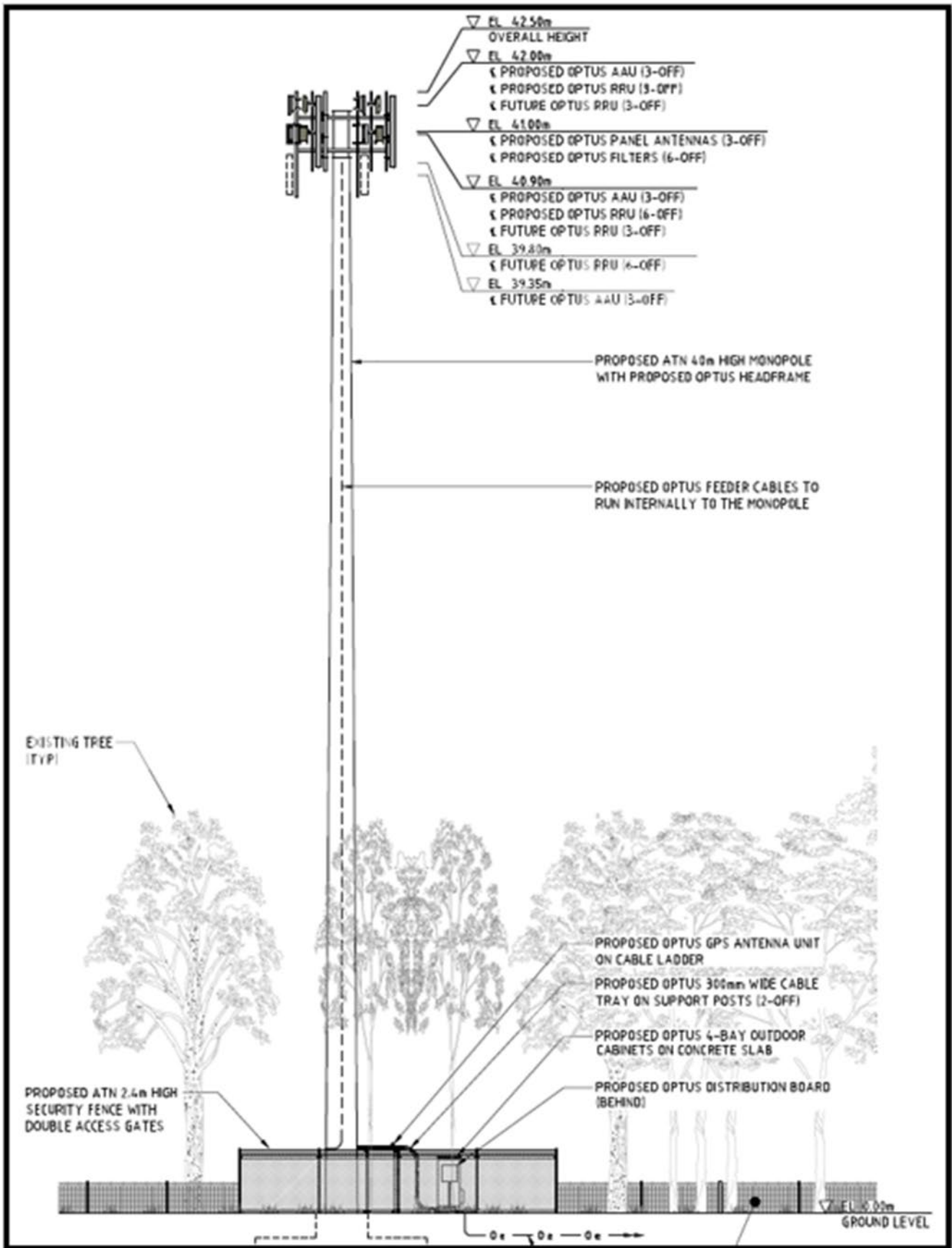


Figure 4: Elevation Plan



Community / Stakeholder Consultation

The application was advertised to surrounding landowners within a 500m radius for a period of 21 days, in accordance with LPP1.4 - Consultation for Planning Matters, between 1 May 2023 and 22 May 2023.

During the consultation period, 28 submissions were received, 25 objecting to the proposal and three in support (including Water Corporation and Main Roads Western Australia). A full copy of the submissions and the Officers comments are contained within **attachment 2**. The reasons for objecting are addressed within the relevant headings of the report and include the following:

- Health;
- Visual impact;
- Tree removal and habitat loss;
- Opportunity for colocation with existing facilities; and
- Reduction in property prices.

Submissions of support for the proposal, indicate the current inadequacies of digital infrastructure to support the locality.

Officer Comment

In relation to property prices, whilst this is acknowledged as a concern for local residents, it is not a relevant or valid planning matter, and is not able to be considered as part of the merits based assessment of the application.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2)

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS)
- Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6)

Planning Assessment

A comprehensive assessment has been undertaken in accordance with clause 67 of the Deemed Provisions, and the assessment can be viewed within **attachment 3**. For the purpose of this report, discussion is confined to the areas of community concern, and where Council is required to exercise discretion.

Land Use:

The application seeks approval for a telecommunications facility that falls within the land use classification of 'Radio, TV and Communications Installation', which is defined under TPS2 as:

Radio, T.V. and Communication Installation - *"means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antenna domestic."*

The proposed development would transmit and relay signals for telecommunications and is considered to meet the definition above. Under the 'Special Rural' zone, the proposed Telecommunications Facility is an 'AA' use which means that the Council may, at its discretion, permit the use. The proposal is considered capable of consideration within the zone.

Under Draft Local Planning Scheme No.3 (LPS3), the proposed development would be considered to meet the land use definition of 'Telecommunications Infrastructure', which is defined as:

Telecommunications Infrastructure - *"means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network."*

The site is to be rezoned 'Rural Residential' in LPS3 and a 'Telecommunications Infrastructure' land use is an 'A' use. This means such a land use can be considered for approval at the discretion of the Shire, subject to community consultation and consideration of any submissions.

State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2):

SPP5.2 seeks to balance the need for infrastructure with the potential amenity impacts generally associated with this type of development. It states that it should be located to avoid detracting from a significant view of a heritage item or place, a landmark, streetscape, vista or panorama. SPP5.2 sets out requirements in relation to visual impact, location/co-location, siting and design and the need for services. In this regard, the subject site is surrounded by large rural residential properties to the west and south; a bushland reserve to the north; and the future Tonkin Highway to the east. The nearest residential area to the compound is approximately 142m to the east, beyond the Hopkinson Road and Tonkin Highway extension, which the latter will begin elevation as it rises to project over Abernethy Road. There is currently, and will be more pronounced, a buffer between the proposed telecommunications facility and the Byford residential area. Additionally, screening provided by surrounding bushland, landscaping in the Tonkin Highway project and other existing vegetation will provide filtered views of the development, thus further ensuring acceptable amenity outcomes. The development is considered consistent with SPP5.2.

Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6):

In addition to SPP5.2, LPP4.6 supplements the SPP and seeks to protect the character and amenity of areas within the Shire and ensure telecommunications infrastructure is located appropriately and with minimal impact. The development is considered to align with the LPP, which is explained following:

Co-location:

LPP4.6 states that, *"Carriers must co-locate onto existing towers/monopoles, other existing structures or replace existing structures where possible. If there is an existing facility in the locality and the Carrier chooses not to co-locate with that facility, the applicant will be required to demonstrate that the proposal cannot be co-located for technical/structural reasons"*. The plan



below shows the proposed facility marked in orange, existing Optus facilities in blue and Telstra facilities in green.

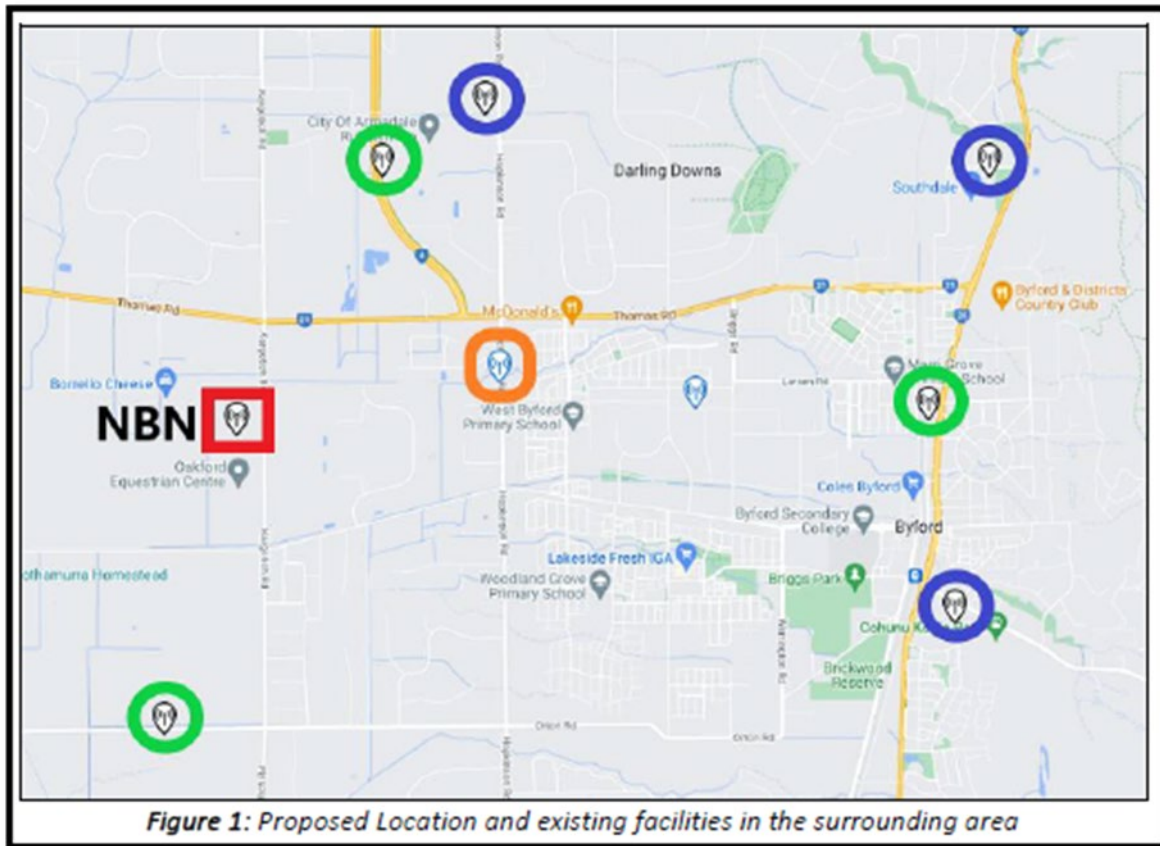


Figure 5: Location of existing telecommunications facilities

The submitted planning report states that all existing Optus facilities are between 2km and more than 4km from the proposed facility, with the nearest mobile phone base station of any type a Telstra facility 1.85km to the north-west on Kellet Drive. For 4G service, distances of more than 1km in urban areas are unreliable, while 5G service requires an even greater density of facilities. Consequently, there are no opportunities for co-location, and current service levels will continue to decline as further residential expansion of Byford continues to the south.

Location:

LPP4.6 states that this type of development “*should not be located within 200 metres of land zoned Urban or Urban Deferred in the Metropolitan Region Scheme*” (MRS), unless there are special circumstances such as a physical buffer between the development and the residential area. As mentioned above, although the subject site is located within 200m of the residential area to the east, a significant separation is provided by Hopkinson Road and the future Tonkin Highway extension. The reconfiguration of Hopkinson Road, once the Tonkin Highway is extended, will see this as a minor local road only, servicing the immediate rural residential locality. The increasing elevation of Tonkin Highway at this point will also occur, given the need for this to project over the Abernethy Road connection. This is shown following:



Figure 6: Map depicting Tonkin Highway southern projection towards and over Abernethy Road

Visual Impact:

The policy framework acknowledges that telecommunication infrastructure is generally located in prominent positions where they are more likely to be visible to the public in order for them to be effective. However, SPP5.2 states that telecommunication infrastructure should be sited and designed to “*minimise visual impact*” and where possible be located where such will not detract from a streetscape where viewed from public or private land, under provision 5.1.1(11)(b).

As stated previously, the proposed location of the development is separated from residential development to the east by Hopkinson Road and the Tonkin Highway extension. Further, the telecommunications tower is sited approximately 22m from Hopkinson Road and views will be screened by both roadside and onsite vegetation. Views from the north will be obscured by the bushland reserve, which will remain associated with the riparian and upland vegetation fringing Oakland drain. No vegetation removal is required. The position and site can be viewed in the following figures.



Figure 7: View of vegetation in the north east corner of the site



Figure 8: View of vegetation along Hopkinson Road frontage (looking south)



Figure 9: Vegetation screening



The proposal balances both the need for infrastructure within the locality and the potential amenity impacts. The proposal is considered to meet the objectives of the planning framework, and provide critical infrastructure for the growing community. Officers consider that having an adequate mobile telecommunications network at interfaces between rural and urban areas is important in managing the risk of bushfire. Being able to communicate and activate early warning systems, for example, form central aspects to both preparedness and response. This is an important risk to be address by this proposed development.

Health and Safety:

It is noted that several residents raised objections in relation to impact of telecommunications infrastructure on human health. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provide standards for limits of exposure which must be complied with by all installations. The limits for electromagnetic energy (EME) exposure given in the standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours a day 7 days a week. A report has been provided as part of the application detailing information in relation to levels of radiofrequency (RF) and EME. The report shows that the highest EME exposure level of the tower is 0.91% of the ARPANSA standard exposure limit. This is very low and represents nil risk.

Options and Implications

Option 1

That Council APPROVES the development application for the proposed telecommunications tower and associated infrastructure at Lot 11, 10 Charolais Court, Oakford, as contained within **attachment 1**, subject to the following conditions:

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

Plans and Specifications	P1-P3 received at the Shire's Offices on the 7 June 2023
--------------------------	--

- b. Existing native trees and revegetated areas on the lot shall be retained and protected from damage as part of implementing the development.

Option 2

That Council REFUSES the development application, as contained in **attachment 1**, for proposed telecommunications tower with associated infrastructure at Lot 11, 10 Charolais Court, Oakford for the following reasons:

- a. The development is considered to pose an unacceptable visual amenity impact on the surrounding locality.

Option 1 is recommended.



Conclusion

The proposal seeks approval for a telecommunications facility to include a 42.5m high monopole and associated infrastructure. In balancing the services provided by the infrastructure and the impact on the character and amenity of the area, it is considered that the proposed location and siting would minimise the visual impact of the development, consistent with the planning framework. The application is therefore recommended for approval.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Application Details (E23/7308)
- **10.1.1 - attachment 2** - Summary of Submissions (E23/5835)
- **10.1.1 - attachment 3** - Clause 67 Checklist (E23/5297)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment

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	Council approves the development which creates the risk of an adverse amenity impact	Condition to retain existing vegetation on the subject land	Social / Community Outcomes	Unlikely	Minor	LOW	Nil.
2	Council refusing the application, which may result in reducing levels of mobile phone coverage, which increases the vulnerability of communicating in times of an emergency, for example during bushfire.	There are no apparent controls that Council has before it to address this risk.	Physical or Psychological	Possible	Major	SIGNIFICANT	Nil.
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 of Council which differs from the Officer recommendation, causing costs to be incurred.	Reasons for refusal reflecting valid planning concerns or variations.	Financial	Possible	Minor	LOW	Nil.



Voting Requirements: Simple Majority

OCM158/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Coales

That Council **APPROVES** the development application for the proposed telecommunications tower and associated infrastructure at Lot 11, 10 Charolais Court, Oakford, as contained within attachment 1, subject to the following conditions:

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

Plans and Specifications	P1-P3 received at the Shire’s Offices on the 7 June 2023
---------------------------------	---

- b. Existing native trees and revegetated areas on the lot shall be retained and protected from damage as part of implementing the development.

CARRIED 3/2

In accordance with section 5.21(4) the individual vote of each member of the Council be recorded.

*Councillors Rich, Duggin and Strange voted FOR the motion.
Councillors Coales and Strautins voted AGAINST the motion.*

Councillor Atwell returned to the Chambers at 8:38pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.1.



10.1.2 - Proposed 'Single House' - Lot 118, 9 McNeil Grove, Jarrahdale (PA23/303)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Rural Building Company Pty Ltd
Owner:	Erin and Paul Gill
Date of Receipt:	24 April 2023
Lot Area:	850m ²
Town Planning Scheme No 2 Zoning:	'Residential'
Metropolitan Region Scheme Zoning:	'Residential'

Report Purpose

The purpose of the report is for Council to consider a development application for a 'Single House' at Lot 118, 9 McNeil Grove, Jarrahdale. The application proposes a variation to Local Planning Policy 3.1 - McNeil Grove Design Guidelines (LPP3.1) by way of the primary street setback. The application also proposes variations to State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes) by way of lot boundary setbacks.

The application is presented to Council as Officers do not have delegated authority to determine development applications that vary Local Planning Policies 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 objectives of LPP3.1 and the broader planning framework and it is therefore recommended that the application is approved 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 located at the end of a cul-de-sac within a residential area of Jarrahdale. The lot is irregular in shape, vacant and has been cleared of vegetation. The land falls approximately 2.5m from the east side boundary to a low point at the north-west corner of the lot, as depicted following:



Figure 1: View from the south of the subject site

The site is surrounded by single storey detached dwellings with the exception of the west adjoining property which is a Crown reserve, vested to the Shire, for public recreation. The subject site is located within the Jarrahdale Townscape Precinct while the properties to the north (rear) along Jarrahdale Road are located within the Jarrahdale Heritage Precinct.

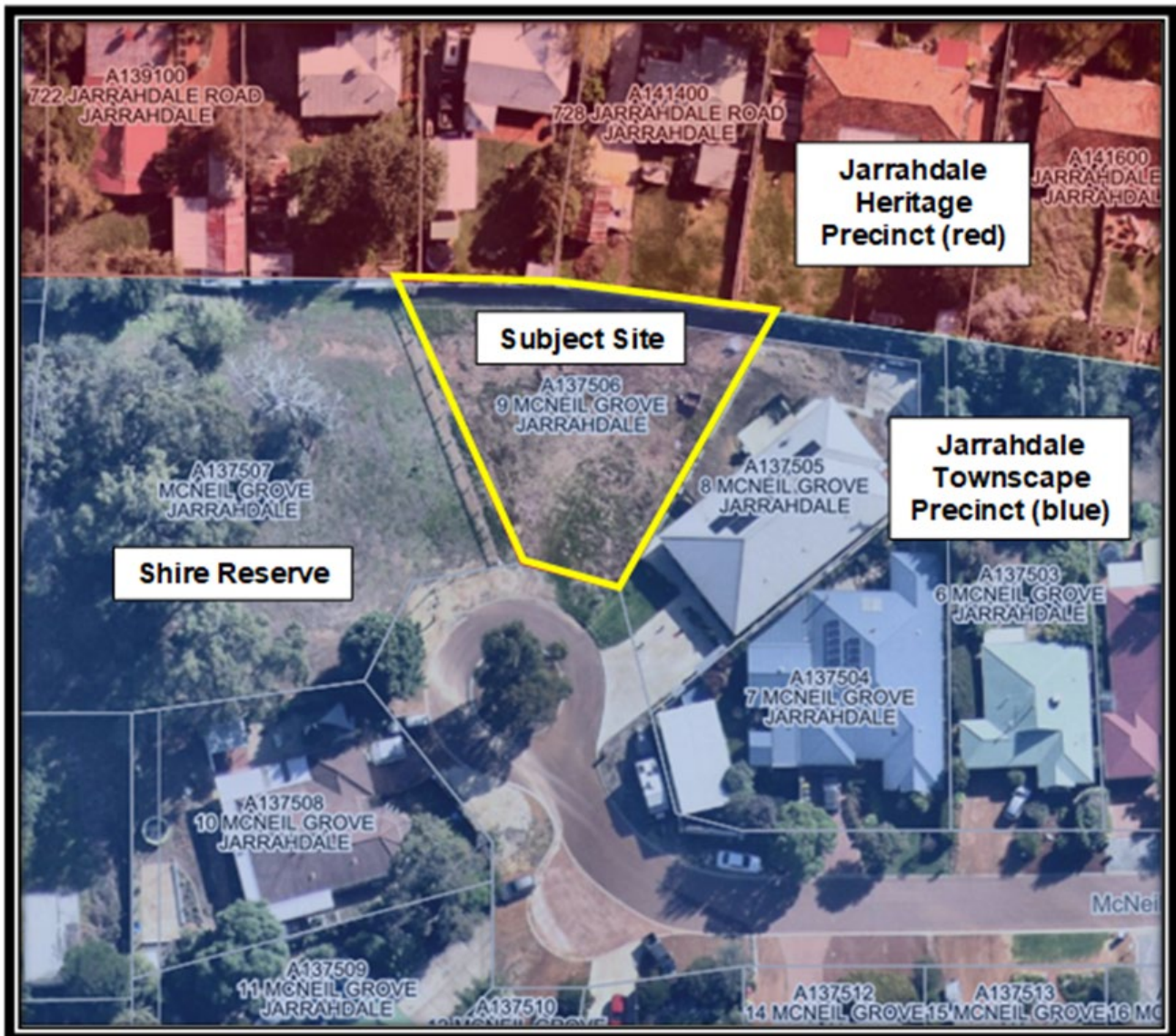


Figure 2: Aerial view of the subject site and surrounds

Proposed Development

The proposal seeks development approval for a 'Single House'. The development is a single storey dwelling, sited towards the eastern side boundary. It is set back 4m from the McNeil Grove Street boundary and 3.3m from the north (rear) boundary. The site plan and elevations are depicted following, and full details of the proposal are contained within **attachment 1**.

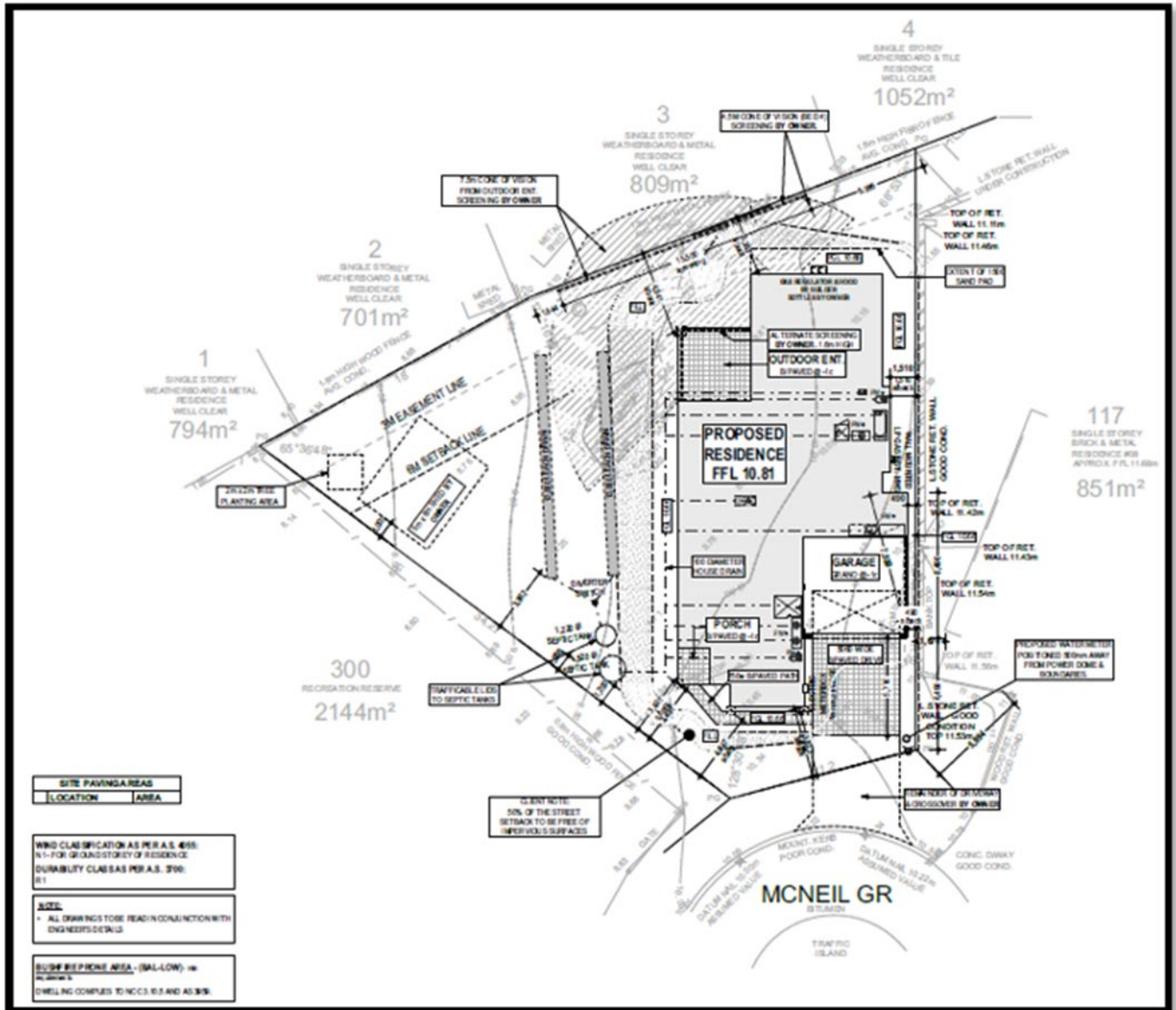


Figure 3: Site Plan

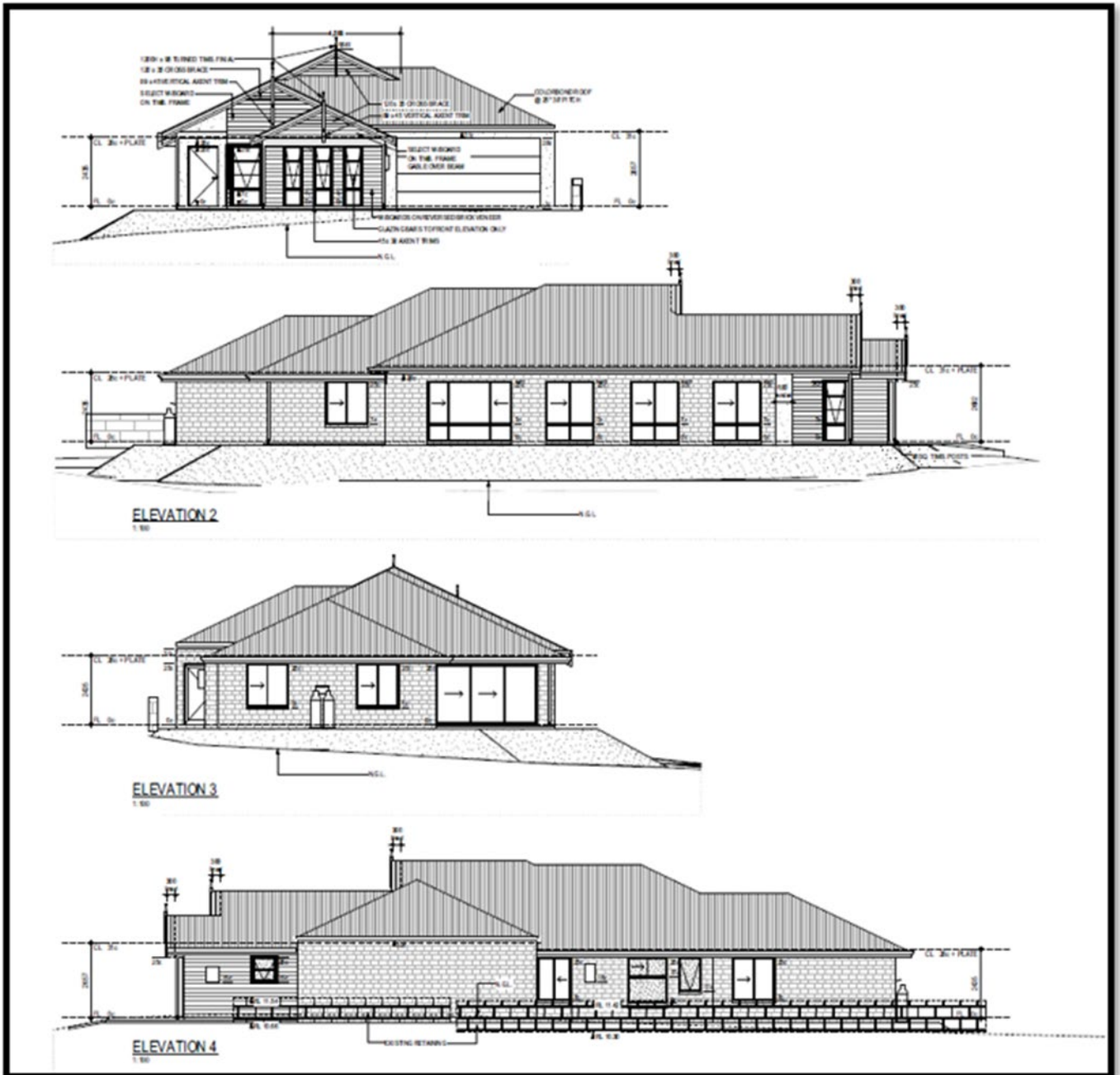


Figure 4: Elevation Plans

Community / Stakeholder Consultation

The application was advertised to adjoining landowners for a period of 14 days from 24 April 2023 to 8 May 2023, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. During this period, no submissions were received.



Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS)
- Local Planning Policy 1.4 - Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 3.1 - McNeil Grove Design Guidelines (LPP3.1)

Planning Assessment

A comprehensive assessment has been undertaken in accordance with Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the assessment is contained within **attachment 2**. For the purposes of this report, discussion is confined to the proposed variations to LPP3.1 and the R-Code lot boundary setback requirements, where Council is required to exercise its discretion in determining the application.

Land Use

The subject site is located within the 'Residential' zone under TPS2 where the land use of 'Residential - Single House' is a permitted use.

Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2):

As previously stated, the subject site is within the Jarrahdale Townscape Precinct in accordance with Appendix 8 of TPS2. Clause 5.16 - Jarrahdale Heritage and Townscape Policy Precinct of TPS2 states "*Council's objective, recognising the Precincts' historic and townscape significance, is to ensure retention of the character of the Precincts as a whole and the buildings within the Precincts*".

Clause 5.16.4 of TPS2 sets out matters to be considered when assessment development applications in the Townscape Precinct. These matters are addressed in the table below:

Guideline / Policy	Comments
a) <i>A building on a lot abutting the Heritage Precinct shall demonstrate architectural design detail which reflects the scale, style and spatial arrangements of existing buildings in the Heritage Precinct.</i>	The proposal is a relatively modest single storey dwelling. Furthermore, the front façade of the proposed dwelling features weatherboard cladding that complements the timber cottages in the Heritage Precinct while also providing areas of open space for gardens and landscaping, characteristic of residences in the Heritage Precinct.



Guideline / Policy	Comments
<i>b) Existing vegetation and natural land form feature should be retained to the fullest extent possible. Replanting of local native vegetation is to be encouraged.</i>	The subject site has been cleared and therefore no vegetation removal is required.
<i>c) Use of earthy colours and materials of low reflective quality for walls and roofs is to be encouraged.</i>	The materials and colours to be used are of an earthy tone and are non-reflective.
<i>d) Site disturbance should be minimised. Cut and fill should be discouraged.</i>	A moderate level of fill is proposed for the sand pad to accommodate for the slope of the land. No high retaining walls or steep batters are proposed. It is considered this would not result in a significant impact to the existing landscape.
<i>e) Utilisation of solar energy is to be encouraged. Improvements in thermal comfort and reduced cooling and heating costs can occur through careful orientation and siting of buildings achieved by design of windows, verandahs and material choice</i>	The living room is located on the north side of the development to maximise solar access into the building. Full length windows have also been provided along the north elevation of bedrooms 3 and 4. The outdoor area adjacent to the living room is covered to provide shade during the summer months and shelter from the rain in the winter months.
<i>f) Fencing - shaped post and rail, with or without cyclone mesh wire, or timber pickets is recommended.</i>	No fencing is proposed. Fencing is required to comply with the Scheme and associated local law.

It is considered that the development proposed is consistent with the requirements under TPS2 and the proposal would not adversely impact upon the character of the Jarrahdale Townscape or Heritage Precincts.

Local Planning Policy 3.1 - McNeil Grove Design Guidelines (LPP3.1)

LPP3.1 provides design guidelines for development within the McNeil Gove locality which forms part of the Jarrahdale Townscape, as established by Clause 5.16 of TPS2. The guidelines are intended to “*create a continuous residential streetscape of uniform character and indicate the desired form and nature of development*”. A full assessment against LPP3.1 was undertaken as part of the Technical Assessment contained within **attachment 2**.

The development is generally consistent with the requirements of LPP3.1, though varies design guideline ‘4.1 Setbacks’. This states that “*All dwellings should be setback at the front boundary in line with adjoining dwellings...*”. The dwelling on the east adjoining property is setback 6.49m from the McNeil Grove frontage. The proposal varies this existing setback line, seeking approval for a 4m street boundary setback.



Despite this variation, Officers note that within the broader McNeil Grove streetscape, there are a number of structures or dwellings which vary this requirement. This would mean that considering the wider streetscape, the propose dwelling would be considered uniform. The figure following details these existing structures:



Figure 5: Existing buildings in the streetscape

The subject site also has an irregular shape and is located at the end of a cul-de-sac. The site has a narrower frontage (11m) and shallower depth (31m) between front and rear lot boundaries. These factors have resulted in the dwelling positioning and the front setback proposed.

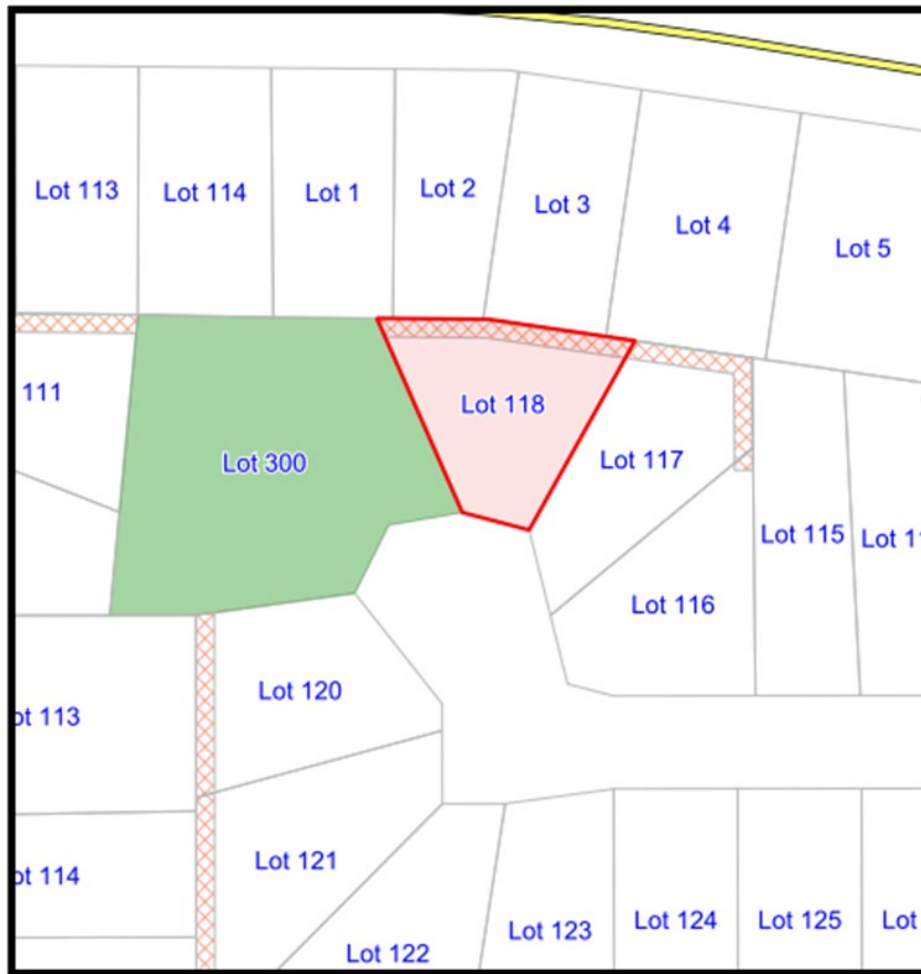


Figure 6: Plan showing irregular shape of the site

Variation to the front setback requirement of LPP3.1 in this instance is considered reasonable given the irregular shape of the subject site. Other site constraints include the limited depth of the lot, a 6m rear setback requirement and the need to maintain an appropriate interface to the Jarrahdale Heritage Precinct to the rear boundary.

The subject site is located at the end of a cul-de-sac and abuts a Reserve to the west. This means that the dwelling does not noticeably project beyond the established building line (as there is no building to the west) and therefore will not have an adverse impact on the streetscape character of McNeil Grove. Additionally, the proposed dwelling is single storey and has visual treatments to the front façade congruent with the earthy tones and colours of development within the Townscape Precinct. Consequently, it is not considered that the proposal would visually dominate the surrounding area.

Where a line of dwellings has not been established, Clause '4.1 Setbacks' of LPP3.1 states, "...then the front setback shall comply with the R12.5 setback requirements in the Residential Planning Codes". The required setback to the street boundary for the R12.5 density within Table 1 of the R-Codes is 7.5m, the proposal is for a 4m setback. However, according to Clause 5.1.2 of the R-Codes development projecting into the street setback area is permissible where it is compensated for by equal or additional open space behind the street setback line. In this instance, the siting of the dwelling meets the R-Code front setback averaging requirement. Only 16.56m² of the dwelling floor area encroaches beyond the 7.5m front setback requirement while a compensating area of 53.51m² has been provided. This is seen in the averaging diagram below.

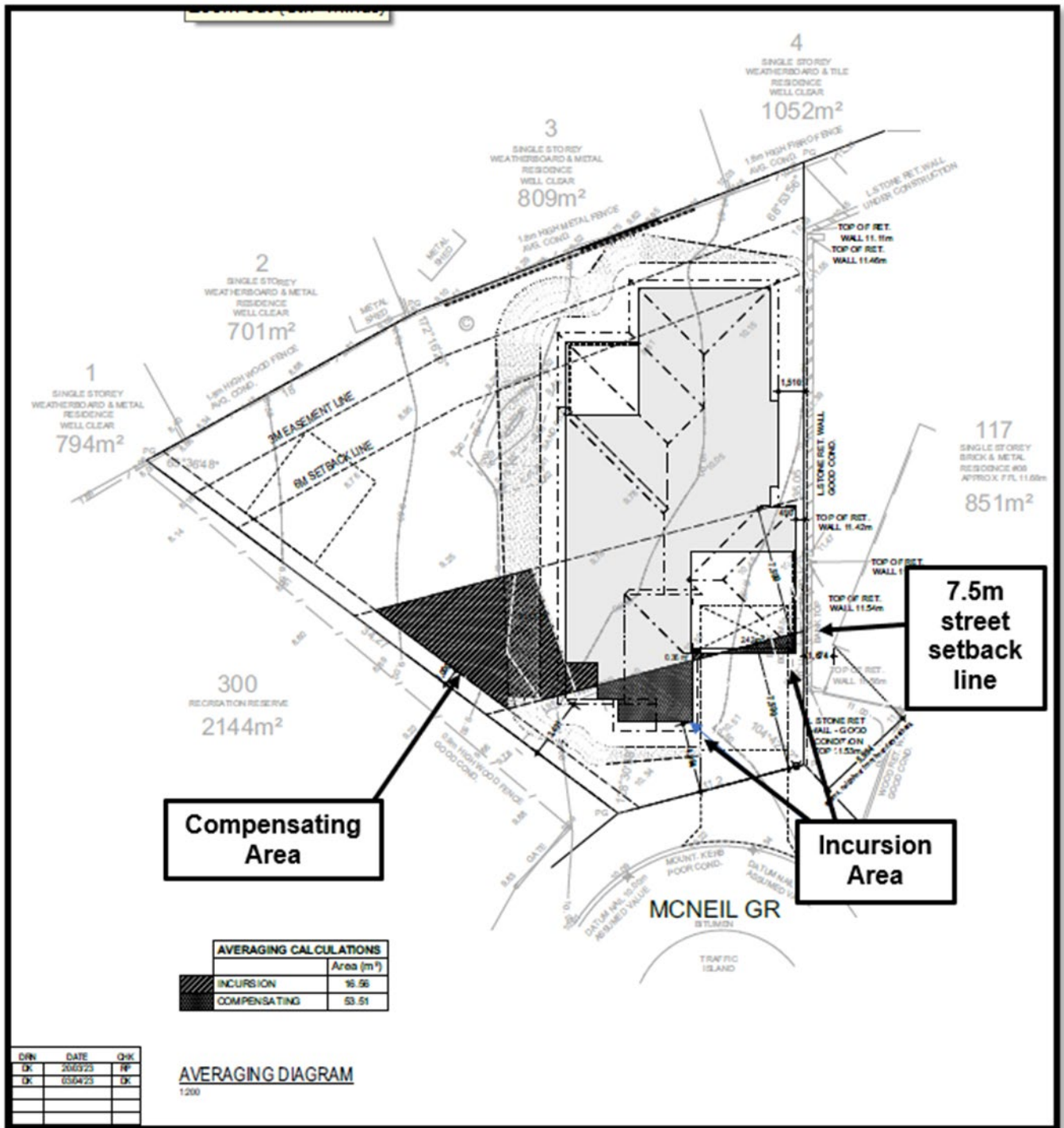


Figure 7: Averaging Diagram

The proposal is considered to be consistent with the established streetscape of McNeil Grove.



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

The proposal seeks the following variations to the deemed-to-comply requirements of the R-Codes for lot boundary setbacks (Clause 5.1.3):

- Proposed 3.38m rear setback in lieu of the 6m requirement for the R12.5 density; and
- Proposed 8.46m long nil boundary wall to the east lot boundary, whereas the R-Codes does not permit a nil boundary wall from the R12.5 density.

Where a development does not meet the deemed-to-comply requirements, Council should be satisfied the Design Principles of the R-Codes are met in order to exercise discretion and approve the application. The relevant Design Principles are discussed and addressed in the table below against the two variations:

Clause 5.1.3 Lot Boundary Setback	
Design Principles	Comments
<p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>Reduce impacts of building bulk on adjoining properties.</i> 	<p><u>Rear boundary setback variation</u> Regarding the variation to the 6m rear (north) setback requirement, this is considered reasonable given the irregular shape and reduced depth of the subject site. This combined with a narrow lot frontage has resulted in the dwelling being pushed closer to the rear boundary than would normally occur on a regular shaped lot. Officers identify that the 3.38m building setback from the rear boundary is taken from the nearest corner of the dwelling. Only a small proportion of the dwelling would be within the 6m rear boundary setback.</p> <p><u>Nil boundary wall variation</u> The finished floor level of the proposed boundary wall is between 0.8m - 1.1m below the neighbors retaining wall and ground level (pictured in the below image).</p> <div style="text-align: center;"> </div> <p>Therefore, the proposed nil boundary wall of 2.657m would effectively appear as a 1.8m high wall. Officers consider that as a result, the overall height and bulk of the dwelling is reduced when viewed from the east adjoining property, resulting in minimal visual impact.</p>



Clause 5.1.3 Lot Boundary Setback	
Design Principles	Comments
<ul style="list-style-type: none"> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties.</i> 	<p><u>Rear boundary setback variation</u> The dwelling would not result in overshadowing to the north rear boundary and is set back sufficiently to ensure ventilation flows to that boundary.</p> <p><u>Nil boundary wall variation</u> The proposed nil boundary wall is a garage and laundry. These rooms do not have any windows and are non-habitable rooms, so not require direct sun or ventilation.</p> <p>Regarding the impact to the adjoining property, as stated earlier the nil lot boundary wall is set lower than the adjoining property. Therefore, there would be a minimal impact to overshadowing to that property. Officer assessment concludes that no more than 0.8% of the neighbouring site will be shaded by the proposed dwelling, at the point of assessing overshadowing per the R Codes. This is compliant with the 25% deemed-to-comply standard of the R-Codes.</p>
<ul style="list-style-type: none"> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 	<p><u>Rear boundary setback variation</u> The proposed dwelling would be elevated on a sand pad. The development plans propose a screen to the rear lot boundary to be installed by the owner, so as to comply with visual privacy requirements of the R-Codes. Officers note however that this would about the Jarrahdale Heritage Precinct. A condition of approval is therefore recommended to require amended plans providing details of the proposed screening device to ensure privacy is maintained and the device would be consistent with expected form of development within the Heritage Precinct. A modest screening device, such as wooden or metal lattice, is recommended to be in keeping with the modest forms of development that typifies the heritage precinct.</p> <p><u>Nil boundary wall variation</u> As stated above, the proposed nil boundary wall is lower than the adjoining site and would not have any windows. Therefore, visual privacy is considered to be managed appropriately to the east adjoining property.</p>
<p><i>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas.</i> 	<p><u>Nil boundary wall variation</u> Siting the dwelling close to the east side boundary allows for a greater provision of usable open space and outdoor living along the west side of the development. This is also considered to enhance the amenity of the Reserve located to the west of the site.</p>



Clause 5.1.3 Lot Boundary Setback	
Design Principles	Comments
<ul style="list-style-type: none"> Does not have any adverse impact on the amenity of the adjoining property. 	<p><u>Nil boundary wall variation</u> As stated above, the proposed nil boundary wall is located at a lower ground level in comparison to the east adjoining property and therefore will have minimal impact on the amenity of that site.</p>
<ul style="list-style-type: none"> Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted. 	<p><u>Nil boundary wall variation</u> As stated above, the proposed nil boundary wall is located at a lower ground level in comparison to the east adjoining property and therefore will have minimal overshadowing impact to the adjoining site.</p>
<ul style="list-style-type: none"> Positively contributes to the prevailing development context and streetscape. 	<p><u>Nil boundary wall variation</u> The closest portion of the garage would be set back 6.5m from the street boundary, compliant with the 4.5m deemed-to-comply requirement of the R-Codes. Officers consider that this and the cladding treatments to the front façade of the dwelling ensure the proposal contributes positively to the existing streetscape character.</p>

In summary, Officers consider that the proposed development is consistent with the design principles of the R-Codes for lot boundary setbacks (Clause 5.1.3).

Options and Implications

Option 1

That Council APPROVES the development application for a 'Single House' at Lot 118, 9 McNeil Grove, Jarrahdale as contained in **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 to P3 received at the Shire's offices on 29 May 2023
--------------------------	---

- b. Plans submitted for a Building Permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
- i. Schedule of colours and materials for external wall cladding and roof that meet the materials and colour requirements of Local Planning Policy 3.1: McNeil Grove Design Guidelines;
 - ii. A screening device provided to the north lot boundary, compliant with Clause 5.4.1 of the R-Codes. The screening device shall demonstrate modest form and suitable colours and materials consistent with the Jarrahdale Heritage Precinct.

Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit application.

- c. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.

**Option 2**

Council resolves to REFUSE the application for the following reasons:

1. The front and lot boundary setback variations are considered to compromise the Jarrahdale townscape character provisions, by virtue of creating excessive bulk and visual prominence of development;
2. The front setback variation, having regard for the McNeil Grove Design Guidelines Local Planning Policy, is considered to not reflect the intended character for the area.

Option 1 is recommended.

Conclusion

The proposal seeks approval for a dwelling which proposes a variation to LPP3.1 by way of not being sited in line with the adjoining dwelling. Officers consider the proposal is consistent with the broader established streetscape and the objectives of LPP3.1. Furthermore, the development is consistent with the Design Principles of the R-Codes and the broader planning framework. Therefore, Officers recommend approval.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Development Plans (E23/7165)
- **10.1.2 - attachment 2** - Technical Assessment (E23/5390)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1.						
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 of Council which differs from the Officer recommendation, causing costs to be incurred.	Reasons for refusal reflecting valid planning concerns or variations	Financial	Possible	Minor	LOW	Nil.



Voting Requirements: Simple Majority

OCM159/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strange

That Council APPROVES the development application for a ‘Single House’ at Lot 118, 9 McNeil Grove, Jarrahdale as contained in 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 to P3 received at the Shire’s offices on 29 May 2023
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- b. Plans submitted for a Building Permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:**

- i. Schedule of colours and materials for external wall cladding and roof that meet the materials and colour requirements of Local Planning Policy 3.1: McNeil Grove Design Guidelines;**
- ii. A screening device provided to the north lot boundary, compliant with Clause 5.4.1 of the R-Codes. The screening device shall demonstrate modest form and suitable colours and materials consistent with the Jarrahdale Heritage Precinct.**

Revised plans being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit application.

- c. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.**

CARRIED UNANIMOUSLY 6/0



10.1.3 - Proposed Sand 'Industry Extractive' - Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale (PA23/275)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Kerrboyle Pty Ltd
Owner:	Redire Pty Ltd
Date of Receipt:	19 April 2023
Lot Area:	Lot 6 - 19.71ha Lot 100 - 13.67ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

This purpose of the report is for Council to consider a development application for 'Industry Extractive' at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale. The application is seeking a five-year time limited approval for extraction of approximately 160,000m³ of sand.

The property has been subject to a previous Extractive Industry approval granted by the State Administrative Tribunal (SAT) on 9 December 2013 to operate for a period of five years. Under this approval, extraction was required to cease on 9 December 2018. Whilst sand has been extracted over this period, the application details that the majority of the resource remains. The proposal therefore seeks to extract the remaining sand mounds on the property, which formed part of the previous approval for the site. No additional extraction areas are proposed beyond the extent of the previous approval, and the site remains zoned Rural as it was in the 2013 approval. The SAT decision is within **attachment 1**.

The report is presented to Council as the Shire's Extractive Industries Local Law requires Council to authorise the granting of an extractive industry licence, should Council resolve the grant the planning approval. There were also more than two objections received, which further require Council to determine the application consistent with the Shire's Register of Delegations.

Officers consider that the proposal is consistent with the planning framework, and should be granted approval subject to conditions, and that Council should also authorise the grant of an extractive industry licence. As detailed within the report, it is considered that the impacts



associated with the extraction can be appropriately managed and as such the application is recommended for approval subject to conditions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 11 February 2013 - OCM131/02/13 - COUNCIL DECISION / New Motion

A. That Council refuse the application for extractive industry licence and development approval - lots 4 and 5 Transit Road and lots 6 and 7 Jarrahdale Road, Jarrahdale on the following grounds:

- 1. The proposed development does not meet the objectives of the Serpentine Jarrahdale Shire Landscape Protection Policy (LPP8) because it does not, and cannot:
 - i) Preserve the amenity deriving from the scenic value of the Darling Scarp.*
 - ii) Maintain the integrity of the Landscape Protection Area.*
 - iii) Protect and enhance the landscape.*
 - iv) Maintain the integrity of the landscapes in the line of sight view along the South Western Highway.*
 - v) Meet the community expectations of the management of the site.*
 - vi) Preserve and enhance the natural features and vegetation of the area.**
- 2. The proposed development does not meet the criteria under 6.4.2 of the TPS2 because it does not:
 - i) Meet the purpose for which the subject land is zoned (rural).*
 - ii) Meet the requirement to preserve the amenity of the locality.**
- 3. The proposed development does not fall within the State Planning Policy 2.4 Basic Raw Materials area or other state designated resource areas.*

B) Recommend to the Western Australian Planning Commission that development approval be refused under the Metropolitan Region Scheme for sand extraction at Lots 4 and 5 Transit Road and Lots 6 and 7 Jarrahdale Road, Jarrahdale for the following reasons:

- 1. The proposed development does not meet the objectives of the Serpentine Jarrahdale Shire Landscape Protection Policy (LPP8) because it does not, and cannot:
 - i) Preserve the amenity deriving from the scenic value of the Darling Scarp.*
 - ii) Maintain the integrity of the Landscape Protection Area.*
 - iii) Protect and enhance the landscape.*
 - iv) Maintain the integrity of the landscapes in the line of sight view along the South Western Highway.*
 - v) Meet the community expectations of the management of the site.*
 - vi) Preserve and enhance the natural features and vegetation of the area.**
- 2. The proposed development does not meet the criteria under 6.4.2 of the TPS2 because it does not:
 - i) Meet the purpose for which the subject land is zoned (rural).*
 - ii) Meet the requirement to preserve the amenity of the locality.**
- 3. The proposed development does not fall within the State Planning Policy 2.4 Basic Raw Materials area or other state designated resource areas.*



This refusal was subject to an appeal and final hearing of the SAT, whereby SAT determined that the preferable planning decision was for the application to be approved subject to a number of conditions.

Background

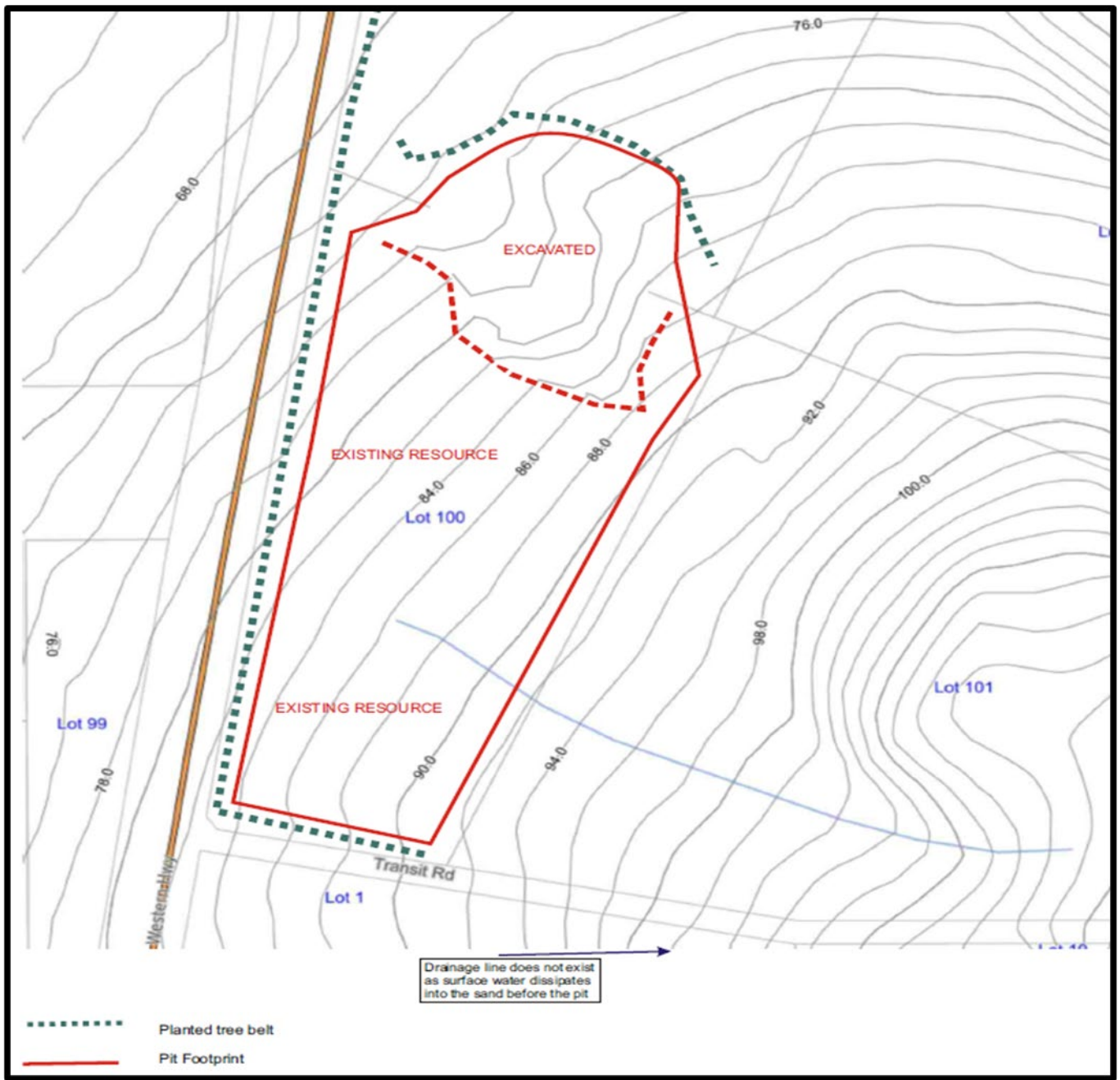
Existing Development

The site lies on the western side of the Darling Scarp, slightly back from the Darling Fault, at the exit of Medulla Brook through the Scarp. The subject site comprises of two 'Rural' zoned lots with a total area of 33.38ha. The site is bound by Jarrahdale Road to the north, South Western Highway to the west and Transit Road to the southern boundary. Vehicle access to the site is proposed through an existing approved driveway north of the site off Jarrahdale Road. The site is cleared of vegetation with excavation having occurred towards the north of Lot 100, as depicted following:



Location Plan

Historically, the site had been planted with pines; however, these have been cleared and only limited remnant vegetation remains which will be removed as part of the ongoing excavation process. The contours for the current excavation area ranges from 76 metres Australian Height Datum (AHD) at the northern edge to 90 metres AHD at the south-east corner of the site.



Proposed Development

The proponents are seeking a new development approval to extract sand from the subject property. Details of the development application has been listed below. The previous image depicts the area proposed to be extracted. The application seeks approval for the following.

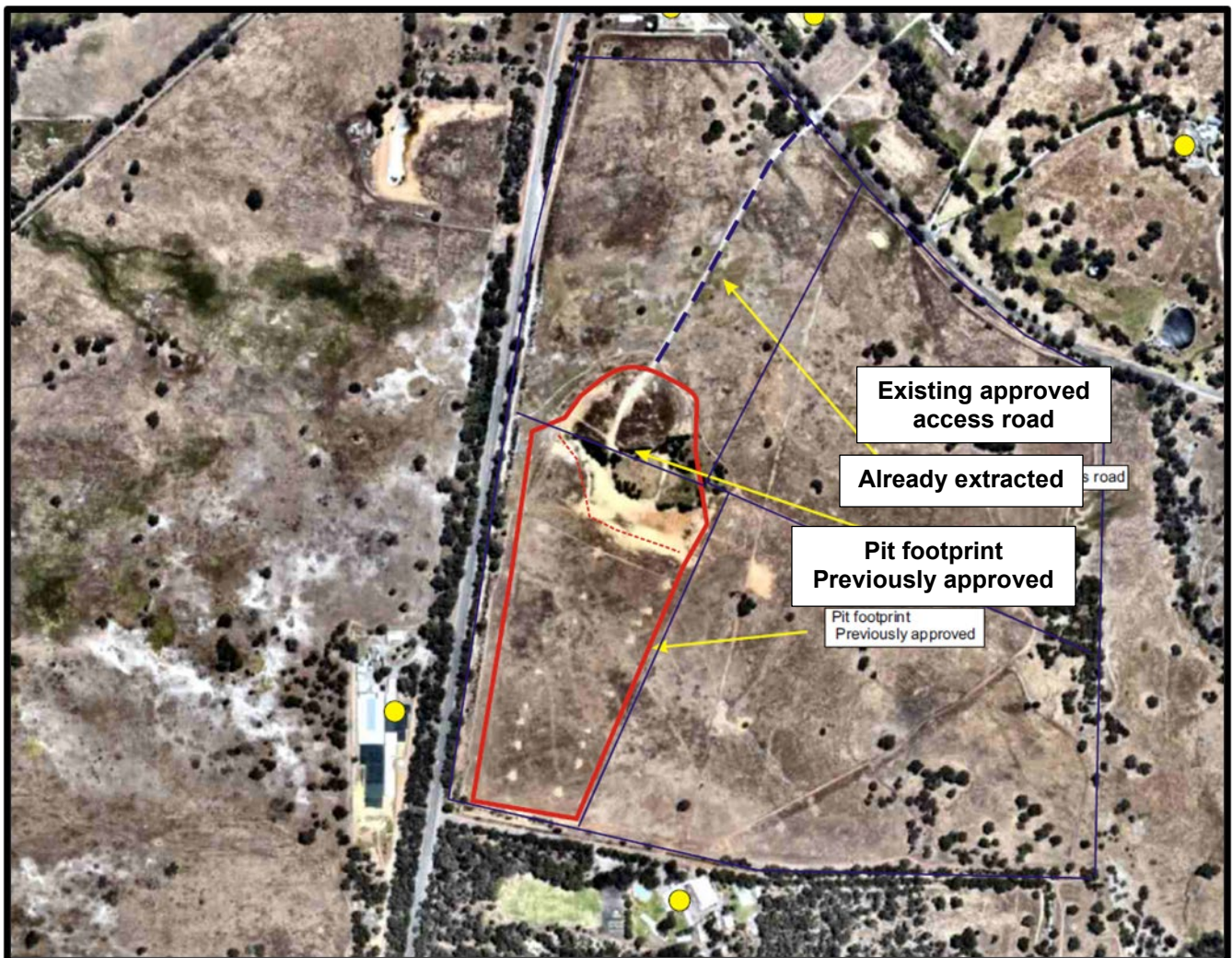
- Estimated extraction of approximately 160,000 cubic metres (m³) of sand over over a 7ha area for a period of five years on the eastern portion of the site;
- Depth of excavation ranges between 2m to 4m depending on groundwater levels and separation distance to the groundwater table;
- A worst-case scenario of maximum of seven laden truck movements per hour over the day depending on the contract;



- Hours of operation between 7:00am to 5:00pm Monday to Friday;
- Rehabilitation post extraction to allow for the establishment of pastureland;
- No screening of sand on site is proposed;
- 40m setback to the eastern boundary; and
- Access to the site would via an internal access way and crossover on Jarrahdale Road which were constructed and approved as part of the initial approved application.

The resource once extracted will be used for fill of land within the southern corridor, particularly the development areas of Mundijong and Byford. Full details of the proposal are contained within **attachment 1**.

The proposed site plan is depicted following:





Excavation Program

The applicant provided information that extraction of the sand pit would be staged to enable sequencing of clearing topsoil followed by overburden and then the restoration of the land surface, to manage risk of sand drift. The timing in which the sand will be removed will depend on whether the sand is taken as part of a single, large contract or via a number of smaller contracts. Sands underlying the excavation are described medium grained, grey to white, and pale-yellow sand grading to earthy yellow sand. The extracted sand will be supplied to the land development industry within the Shire and the south-eastern corridor. The method of extraction for the proposed is described as follows:

- Topsoil will be removed, recovered and stockpiled for future spreading directly onto areas to be revegetated;
- Sand will then be excavated in stages from the floor of the pit up to the natural ground level within the setback limits;
- Where possible topsoil and overburden will be directly transferred from an area being cleared to an area to be rehabilitated;
- Overburden, as subgrade sand, will be pushed to the perimeters of the excavation, to assist with visual and noise screening. From there it will be pushed back across the excavated floor as part of the soil restoration;
- Excavation will be worked progressively from north to south. The southern stage will be taken during the winter months, if this is possible, as this will minimise potential dust generation risk;
- Topsoil clearing will be undertaken in the seasonal transition to drier months, to ensure optimal soil moisture;
- The landform will be rehabilitated and revegetated in stages in accordance with a rehabilitation management plan and;
- No processing of sand is proposed on site.

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 19 July 2021 to 9 August 2021 to surrounding landowners within a 1km radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

At the conclusion of the consultation, 10 submissions were received, consisting of eight objections and two letters of support. The objections are discussed under the relevant headings of the report and are summarised into the following issues:

- Traffic movements;
- Dust and air emissions;
- Noise concerns;
- Hours of operation;
- Impact on tourists;
- Impact on the environment, groundwater and surface water; and
- Devaluation of nearby properties.



In relation to property prices, whilst this is acknowledged as a concern for local residents, it is not a relevant or valid planning matter, and is not able to be considered as part of the merits based assessment of the application.

*A full copy of the summary of submissions together with the applicant and Officer commentary is contained within **attachment 2**.*

Consultation with other Agencies or Consultants

Department of Water and Environment Regulation (DWER)

The application was referred to DWER for a period of 42 days, who did not object to the proposal.

Main Roads Western Australia (MRWA)

The application was referred to MRWA for a period of 42 days, as the vehicles associated with the proposed extractive industry would take access and move directly onto MRWA controlled land (Primary Regional Roads). No submission was received. Officers also note that MRWA did not object to the previous application for the site in 2013.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

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



Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 3**.

Land Use

The application seeks approval for an Extractive Industry. This falls within the land use of 'Industry Extractive' as per the land use definitions of TPS2. Within zoning Table 1 of TPS2 the use class has an 'AA' designation. Under Clause 3.2.2 of TPS2 this means that Council may at its discretion, permit the use if it is satisfied that the proposal will not have a detrimental impact on the amenity of the locality.

Under the Shire's Draft Local Planning Scheme No.3 (LPS3), the subject land is identified to remain zoned 'Rural', whereby the sand mining would still fall in the land use category of 'Industry Extractive'. This use is an 'A' use, which is equivalent to the 'SA' use under TPS2 meaning that meaning the use is not permitted unless Council has exercised its discretion to permit the use after public notice. Public notice has taken place on this application.

Metropolitan Region Scheme (MRS)

The subject land is zoned Rural under the MRS. Extractive industries in the rural zone under the MRS are the subject of a 'clause 32' resolution, requiring a determination to be made both under TPS2 and the MRS. Accordingly, it is a requirement that Council provide a recommendation to the WAPC who will determine the application under the provisions of the MRS, with Council separately determining the application under the Town Planning Scheme.

Town Planning Scheme No.2 (TPS2)

The purpose and intent of the 'Rural' zone specified in clause 5.10.1 of TPS2 is to:

"allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."

While TPS2 does not define a 'rural pursuit', the general definition as determined by SAT is something that relates to, or are 'characteristics of the country' as sited in (*Attwell and City of Albany*) where in the Macquarie Dictionary rural means:

- "(1) Of, relating to, or characteristic of the country (as distinguished from towns or cities), country life, or country people, rustic;*
- (2) Living in the country;*
- (3) Of or relating to agriculture.*

And

"Pursuit. (1) The act of pursuing; efforts to secure; quest; any occupation, pastime or the like, regularly or customarily pursued."

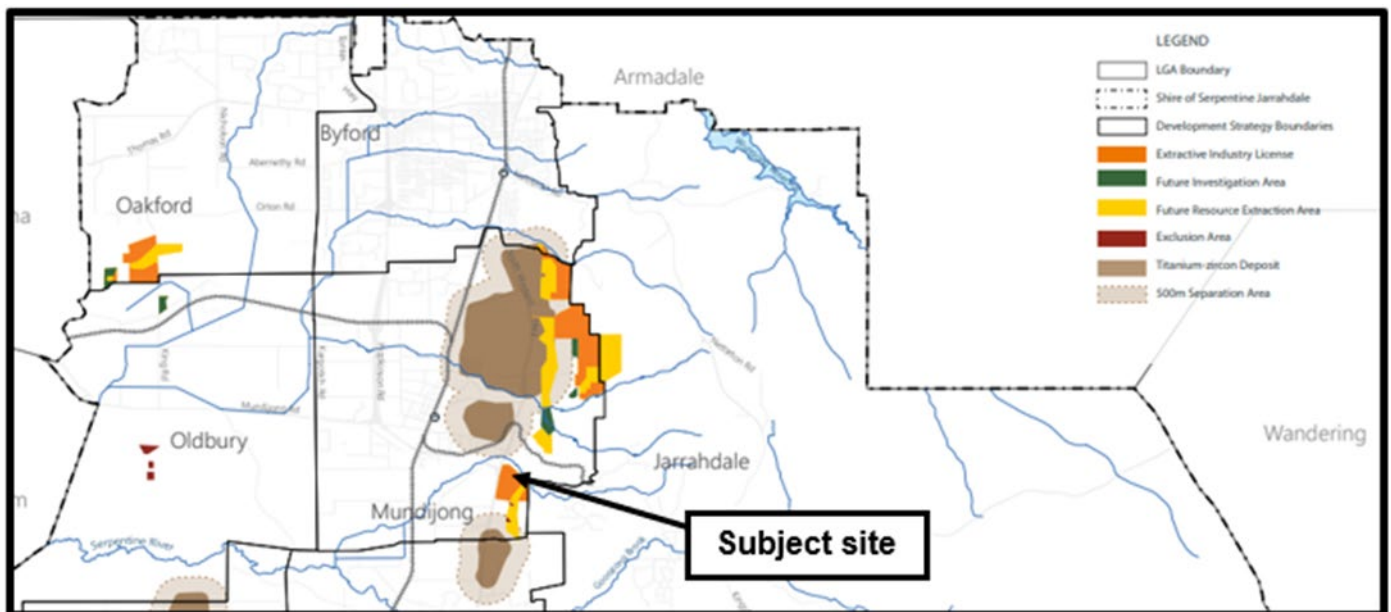
Sand mining is an activity commonly undertaken within the rural areas of the Shire and is a common characteristic of the country. The proposal is considered to be consistent with the objectives of the Rural zone, and is capable of approval.



Local Planning Strategy (LPS) and Draft Local Planning Scheme No.3 (LPS3)

The subject lot is designated as rural land under the LPS and would be zoned 'Rural' under LPS3. The land use of 'Industry Extractive' is an 'A' use under LPS3 meaning it is a discretionary use requiring advertising.

The objectives of rural land under the LPS seek to protect large rural lots for productive rural uses and agricultural production. The LPS also recognises the importance to protect basic raw materials whilst preserving amenity and includes the subject site as being within a 'Extractive Industry Licence Area' as depicted below:



Extract from the Shire's Local Planning Strategy

The subject site is located within Special Control Area 5 - Extractive Industries (SCA5) within LPS3. SCA5 is used to identify areas in which existing extractive industries are located and to protect their operation. The provisions of SCA5 also require separation distances to be designated for the purpose of protecting sensitive receptors from the impacts of amenity commonly caused by extractive industries, in accordance with the Environmental Protection Authority's (EPA) *Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses*.

The subject site also lies within Special Control Area 2 - Darling Scarp Landscape Protection (SCA2) within LPS3. The aim of SCA2 is to preserve the landscape character and amenity of the Darling Scarp. Amenity impacts are discussed under the relevant headings of the report. The proposal is consistent with both the LPS and draft LPS3 subject to amenity impacts being managed appropriately.

Local Planning Policy 4.3: Landscape Protection Area Policy

The subject site is located within the Shire's Landscape Protection Policy area. The objectives of this policy are:

- *To protect and enhance the landscape characteristics of the Darling Scarp.*
- *To preserve the visual amenity of the Darling Scarp from the coastal plain.*

This policy focuses on the protection and enhancement of valued landscapes through the appropriate siting and design, rather than the general prohibition of particular development and



land uses. The policy recognises that different landscapes have different capacities to absorb change, including those changes that may arise due to extractive industry. The visual impact considerations of this development are further outlined later in this report.

Statement of Planning Policy 2.4 - Basic Raw Materials (BRM) (SPP2.4)

The intent of SPP2.4 is to, *“ensure basic raw materials (BRM) and extractive industries matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State’s BRM resources.”*

The subject site is not identified as having ‘Significant Geological Supplies’ under the SPP.

Officers have considered that the proponent can adequately address the policy provisions including amenity and environmental requirements, through the implementation of dust, noise, traffic and flora management plans, as well as conditions that regulate these aspects and impose contributions to road impacts. Officers are satisfied that the proposed extraction of sand will not result in land degradation, and will not have a detrimental impact on the amenity of the locality. The management plans will form part of the planning approval if the application is approved. It is considered that the proposal is compatible with the objectives of SPP2.4.

State Planning Policy 2.0 - Environment and Natural Resources (SPP2)

SPP2 identifies basic raw materials such as sand, clay, hard rock, limestone and gravel together with other construction and road building materials as being important natural resource assets and a vital part of the State’s economy. SPP2 indicates that a ready supply of such materials in close proximity to developing areas is required in order to keep downward pressure on the cost of land development and the resultant price of housing.

Officers consider that this application is consistent with the policy as it proposes to extract sand deposits which are suitable for use as construction and fill sand. Extraction of sand will facilitate the continued supply of a valuable sand resource to support Perth’s land development industry, and particularly the hypergrowth of the Shire in locations like Byford and Mundijong. It is considered that the proposal is compatible with the intent of SPP2.

State Planning Policy 2.5 - Rural Planning (SPP2.5)

The purpose of this policy is to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome. Within the Perth and Peel Regions, it is recognised that rural land will become more contested as land is required for other purposes including basic raw material extraction.

It is considered that once the resource has been extracted and the site rehabilitated, the land could be used in the future for productive rural uses. The application details that the site will be returned to pasture once extraction is complete, consistent with the aims of SPP2.5.

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

SPP3.7 seeks to implement effective risk-based planning and development to preserve life and reduce the impact of bushfires on property and infrastructure. The site is designated as bushfire prone however a Bushfire Management Plan (BMP) has not been provided. SPP3.7 was not gazetted in 2013 when then initial approval was granted.

It is considered that bushfire risk can be appropriately managed and as such a condition is recommended requiring an BMP to be provided demonstrating compliance with SPP3.7 and the *Guidelines for Planning in Bushfire Prone Areas*.



Local Planning Policy 4.10 - Extractive Industries (Including Extraction of Mineral Sand and Other Minerals) (LPP4.10)

LPP4.10 sets out requirements when assessing an application for an Extractive Industry. Under the policy if the 'Acceptable Development' criteria are met, an application is considered appropriate. If a proposal does not meet the Acceptable Development criteria, the applicant must demonstrate how the proposal meets the 'Performance Criteria'. These policy measures have been assessed in the table below.

Performance Criteria (PC)	Acceptable Development (AD)	Proposal
Element: Amenity		
PC1.1.1 Development does not prejudice the productive use of agricultural land on site or in the surrounding locality.	AD1.1.1 Development is located away from sensitive land uses unless appropriate measures can be taken to ameliorate adverse impacts.	Acceptable Criteria - Officers are satisfied with proposed rehabilitation strategies of the site. Proper implementation of the strategies would result in the site being used for agricultural purposes as proposed. A condition of approval has been recommended that a Rehabilitation Management Plan be provided to the satisfaction of the Shire. Furthermore, Officers recommend a suite of management plans as conditions of development approval to ensure offsite impacts are suitably managed.
PC1.1.2 Development does not unduly disrupt surrounding residents by way of vehicular traffic, noise, blasting and dust vibration.	AD1.1.2 Hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. No operation on public holiday days.	Acceptable Development
PC1.1.3 Consultation has occurred with the local community and relevant government departments.	AD 1.1.4 Extraction of material occurs from only one site per property at any one time.	Acceptable Development
PC1.1.4 The site is able to be rehabilitated in a way that is compatible with the long term	AD1.1.5 Sites are filled with clean material only.	Acceptable Development - no fill is proposed to be imported to the site



Performance Criteria (PC)	Acceptable Development (AD)	Proposal
planning for the site and surrounding area.		
Element: Environmental		
<p>PC1.2.1 Development is located so as to minimise impact upon native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.</p>	<p>AD1.2.1 Development does not prejudicially affect native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.</p> <p>AD1.2.2 Dieback is managed in accordance with Best Practice Guidelines - Management of Phytophthora Dieback in Extractive Industries (2005 - Dieback Working Group).</p> <p>AD1.2.3 Sites can be suitably rehabilitated in accordance with an agreed management plan.</p>	<p>Performance Criteria An environmental assessment has been prepared to assess the impact on the natural features of site. The site has been cleared for excavation and management plans provided demonstrating that water will not be adversely impacted upon.</p> <p>Acceptable Development - Weed management measures are included in the application details to the satisfaction of Officers.</p> <p>Acceptable Development - A Rehabilitation Plan has been provided to address this and it is considered that the site can be appropriately rehabilitated.</p>
Element: Buffers		
<p>PC1.3 Development is sited in accordance with the principles of State Planning Policy 4.1 State Industrial Buffer Policy and Guidance Note 3 - Separation Distances Between Industrial and Sensitive Land Uses (EPA - 2005).</p>	<p>AD1.3.1 Quarry of hard rock (including blasting), crushing and screening - requires a buffer distance of 1000m. Quarry (not hard rock). Processing rock ore etc. by blasting, grinding and milling works - material processed by grinding, milling or separated by sieving, aeration etc. - requires a buffer distance of 1000m. Quarry (no blasting) - material processed by grinding, milling or separated by sieving, aeration etc. - requires a buffer</p>	<p>Performance Criteria There are two sensitive receptors within 500m of the proposed site. The applicant will be required to submit a site-specific dust management plan, noise management plan prior to works occurring to demonstrate how the development will manage offsite emissions.</p>



Performance Criteria (PC)	Acceptable Development (AD)	Proposal
	distance of 500m. Sand and limestone extraction no grinding or milling Works - Requires a buffer distance of 500m.	
Element: Visual Impact		
PC1.4 Development is unobtrusive and does not prejudicially affect the natural landscape.	AD1.4.1 Development is to be visually in evident in the landscape when viewed from major travel routes	Acceptable Development - a Visual and Rehabilitation Plan was approved as part of the initial application. The site is located on a foothill and not visually prominent within the landscape.
Element: Transport		
<p>PC1.5 Development satisfactorily addresses the following issues:</p> <ul style="list-style-type: none"> • Proximity to and interaction with school bus routes; • Conditions and nature of roads to be used; • Impact on higher traffic volume on higher risk roads; • Size of trucks and number of truck movements; • Access points to the operation site; • Existence of any other extractive industry or heavy haulage in the vicinity and cumulative effects on the transport network; and • Comments of Main Roads WA. 	<p>AD1.5.1 Development is located in proximity to heavy haulage routes.</p> <p>AD1.5.2 Development which does not utilise school bus routes for haulage purposes.</p> <p>AD1.5.3 Development where a road maintenance agreement has been entered into with the Shire prior to operation, or where financial contributions have been made to ensure the upgrading of roads where necessary to improve the standard of access.</p>	<p>Acceptable Development - The site is located in close proximity to South Western Highway</p> <p>Acceptable Development MRWA has not raised objections to the proposal.</p> <p>Acceptable Development - A condition is recommended to be imposed to address the accelerated decline in road pavement life for all local government roads that form part of specific haulage contracts. This will vary throughout the life of the operation, and will be required to be documented and reported annually, with annual payments made commensurate with the WALGA calculation methodology for those local roads used.</p>



Extractive Industry Licence

Under the Shire of Serpentine Jarrahdale Local Law: Extractive Industry, all such operations are required to obtain a license under the Local Law prior to the operations occurring. The criteria within the Local Law is generally assessed through the planning process. Key considerations are identified as amenity impacts, consultation and traffic impacts, which are all required to be assessed. Officers do not have delegation to issue an Extractive Industry License; rather Council is required to determine this.

Officers recommend Council approve the issue of a license conditionally as part of this process, for a period of 5 years. It is considered that the current practice supported by the SAT to approve licences for the same period of time as the planning approval.

Amenity

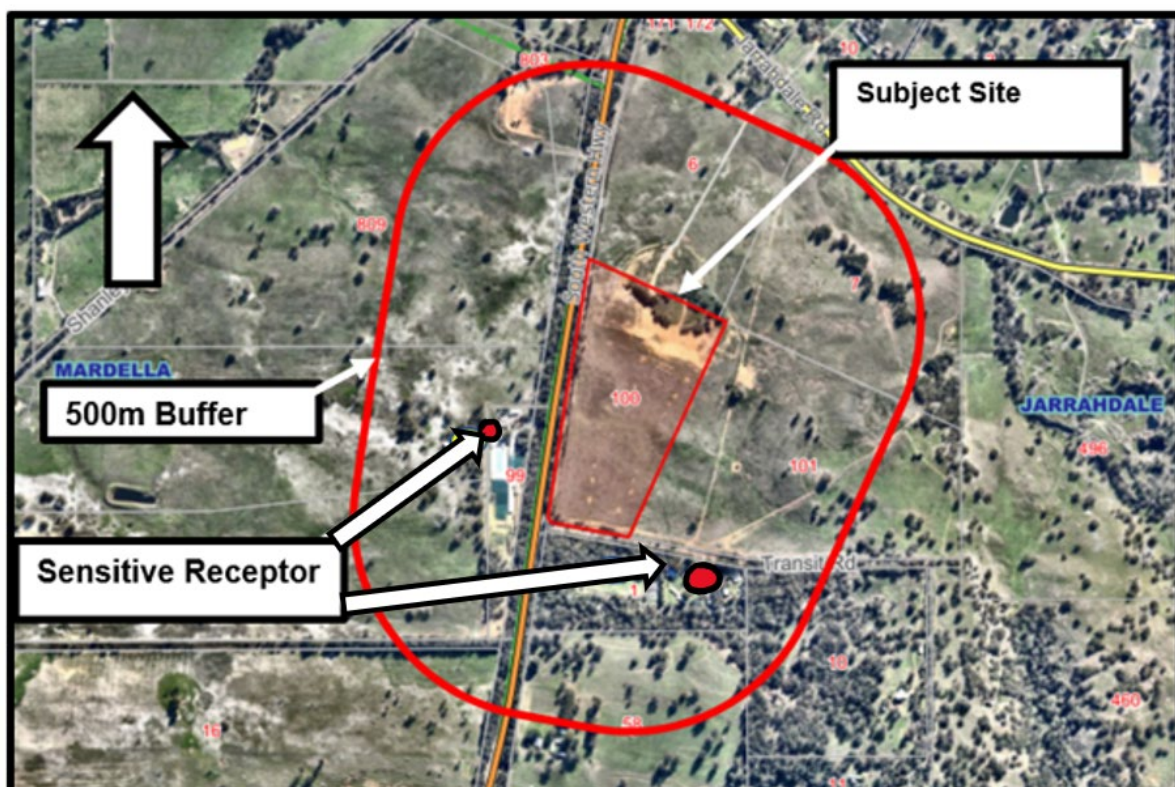
Environmental Protection Authority (EPA) - Guidance Statement No.3

The Environmental Protection Authority Guidance Statement Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides guidance to proponents, responsible authorities and stakeholders on generic separation distances between industries and sensitive land uses. The purpose of these separation distances is to avoid or minimise the potential for land use conflicts. The guideline separation distance between extractive industry and sensitive land uses is between 300-500m depending on the size of the operation.

Clause 2.3 of the document defines a sensitive land use as:

“Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings”.

The sensitive receptors are depicted in the diagram following:



Sensitive receptors within 500m buffer of the site



The proposal has two sensitive receptors within the generic 500m buffer as identified in the previous figure. These are located to the west and south of the proposal. The closest sensitive receptor is the existing campsite to the south. The residence on that property is on the east boundary, situated between 200m and 300m from the proposed extraction area. The applicant has provided information that excavation in that area should be completed within a two to four week timeframe if that portion of sand was taken in one contract or several concurrent smaller contracts.

Noise

A Noise Assessment was undertaken as part of the initial application which was prepared in May 2013. Noise modelling was undertaken to assess noise generated from the proposal against the assigned levels for during the day. Noise generating sources included the extraction activities (use of excavators), the use of the front-end loader and trucks.

To determine the worst-case scenario noise levels received at the premises to the west and south of the pit, noise modelling was undertaken with extraction occurring opposite these residences to the west and at the south end of the pit. The noise modelling also included the 2m high bund that was created around the pit area from the overburden.

The results of the assessment are depicted below:

Table 10 –Assessment of Front End Loader

Residence	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A10} Assigned Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
West	41	0700 – 1900 hours Monday to Saturday	50	Complies
South	43	0700 – 1900 hours Monday to Saturday	48	Complies
Adjacent to access road	34	0700 – 1900 hours Monday to Saturday	49	Complies

Table 11 –Assessment of Trucks

Residence	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A10} Assigned Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
West	46	0700 – 1900 hours Monday to Saturday	60	Complies
South	49	0700 – 1900 hours Monday to Saturday	58	Complies
Adjacent to access road	54	0700 – 1900 hours Monday to Saturday	59	Complies

As detailed in the tables above, the proposal is considered to comply with the Noise Regulations and noise would not adversely impact upon the amenity of the locality by way of noise.

However, during the consultation period concerns were raised with regards to the close proximity of the southern sand pit to the existing sensitive receptor south of Transit Road. As mentioned previously, noise sources from the activities mainly comprise of vehicle movements to and from the site, and excavators. In order to address these concerns, the applicant has advised that no screening or washing of sand will take place on site thereby eliminating noise in that regard. Vehicle movements should be away from Transit Road and towards Jarrahdale Road only.



Officers also note that the proposal seeks to operate between 7am - 5pm Monday to Friday only. Acceptable noise levels under the Noise Regulations are higher during these times.

Officers consider that noise emissions can therefore be managed within the acceptable levels of the Noise Regulations. To ensure this occurs in an ongoing manner, Officers recommend a condition of determination requiring a noise management plan to be prepared and approved prior to the commencement of operations. This plan shall demonstrate measures to be implemented by the operator to detail how noise levels are to be managed and not exceed assigned noise levels.

Dust

An extractive industry has the potential to generate dust during stages of the operation which includes removal of overburden, stripping of topsoil, sand excavation, sand loading and sand stockpiling. Dust may also be generated by vehicles using the access road between Jarrahdale Road and the excavation area. Dust has the potential to adversely impact amenity particularly due to the location of the subject site at the bottom of the Darling Scarp. The area is susceptible to strong easterly katabatic winds. The application details that in summer, prevailing winds are easterly in the morning and south westerly in the afternoon.

The application uses meteorological data from Perth airport, Kelmscott and Bickley and details that perimeter bunds and vegetation, "*provide effective wind breaks and wind screening*". The vegetation buffer is considered to slow down the speed of the wind and allow sand particles to drop from suspension.

The application primarily relies on the perimeter bunds and vegetation to manage dust. It also states that operations will be temporarily halted when the wind is sufficiently strong to produce excessive dust. Officers consider dust management to be a very important amenity issue, which needs to be robustly managed.

During the consultation process, concerns were raised in relation to dust impacts from when excavation occurred during the approval and once excavation had ceased. Based on this, Officers consider that the vegetation acting as a wind break is not sufficient to appropriately manage dust impacts. In addition, given the unique nature of the site and the local climate, it is considered that a site-specific Dust Management Plan (DMP) should be undertaken prior to any excavation occurring. Furthermore, as there is no water availability on the site, the DMP should detail the utilisation of water carts and sprinklers, for dust suppression. This will need to detail how groundwater can be secured, and the systems in place to establish and maintain sprinklers and watering regimes of the likely dust source areas.

The applicant has stated that water for dust suppression would be sourced from a licenced bore offsite or scheme water as required. The applicant anticipated that a maximum of around 1,500KL water will be required annually in drier months for the access road. While noting this detail, Officers consider a DMP warranted in order to fully address the requirements associated with effective dust management at all times.

A condition is therefore recommended that a DMP be provided in accordance with the Department Water and Environment Regulation's (DWER) Dust Guidelines document. Officers consider that dust can be appropriately managed through the preparation, approval, and implementation of the DMP.



Visual Amenity

Local Planning Policy 4.3 - Landscape Protection Area Policy (LPP4.3) seeks to protect and enhance the landscape character and amenity of the Darling Scarp. LPP4.3 focuses on the 'seen area' and discourages development on ridge lines and visually exposed areas particularly as viewed from South Western Highway. The excavation area is located on the foot of the hill and not within the 'seen area' of the Scarp.

Visual impact will be on road users travelling along South Western Highway and to the property to the immediate south on Transit Road, which is a campsite. As part of the initial application trees have been planted along the western and southern perimeter of the subject site. During the consultation period, concerns have been raised by the local residents in regard to the potential impact the proposed use will have on the rural nature of the locality, the attractiveness of the area to tourists, and to the local community. It is acknowledged however that travelling from the North on South Western Highway, there is generally an effective existing vegetation screen within the road reserve as depicted following:



View towards the site from the corner of South Western Highway and Transit Road

The image shows a row of mature vegetation that contribute significantly toward screening the development from this location. However, it is noted that there are gaps in the vegetation. Also, the trees planted previously have not yet fully matured to provide an effective screen and themselves have gaps, where the future extraction site would be visible from. This is seen as follows:



View from South Western Highway, adjacent to the existing extracted area

It is considered that further screening would ensure that development does not have an adverse visual impact on the Darling Scarp as viewed portions of South Western Highway and adjoining neighbours land. The location of the existing trees and the area where additional trees on Lot 100 to the south lot boundary and in gaps along the western lot boundary, as depicted on the plan following. A condition has been recommended to this effect. Also, the Plan should include a commitment to maintain and replace vegetation where necessary.



The areas in green above are recommended for replacement or additional screening



In summary though, it is considered that the visibility of the development from South Western Highway is limited and can be managed. As such, the development would not adversely impact upon the visual character or amenity of the Darling Scarp, consistent with LPP4.3. The recommendation of a condition for additional and replacement planting along the property boundaries abutting South Western Highway, and along Transit Road, will ameliorate concerns of visual amenity impacts effectively.

Traffic

Access to and from the site would be via an existing driveway which has a crossover onto Jarrahdale Road. The portion of Jarrahdale Road that the site would take access from and South Western Highway are both under the control of MRWA (who have not commented on this application). This access arrangement and the frequency of vehicle movements were approved as part of the previous application in 2013.

During the consultation period concerns were raised regarding the following:

- The potential increase of trucks on Jarrahdale Road;
- The impact this would have on the safety of road users;
- The capacity of the roads to cater for increased heavy traffic volumes;
- The capability of the existing crossover to accommodate additional traffic in its current condition; and
- Concerns were also raised with the regard to the potential use of Transit Road in its current state as an emergency access route.

With regards to the proposed traffic movements, the applicant has advised that their transport contracts have not yet been awarded. The frequency of the movement of sand would depend on whether a bulk single contract is awarded or, over a period of time, through various contracts. One large contract would result in the average movement of seven laden truck movements per hour over the day, with lesser average truck numbers for smaller contracts. The applicant has provided information that individual contracts may specify preference for a certain type of sand product and therefore due to this uncertainty, a Traffic Management Plan has not been submitted as part of the previous and current application.

As discussed above, the development will generate approximately seven laden truck movements per hour over the day. The Western Australian Planning Commission's Transport Assessment Guidelines for Development (Vol. 4) states that, "*Where a traffic increase as a result of a proposed development is less than 10% of the current road capacity, it would not normally have a material impact.*" Officers note that the previously approved application in 2013 generated approximately seven truck movements per hour and so the reapplication of this to be within the road networks capacity. Also, as the additional vehicle movements are low (less than 10 movements in the peak hour) in context to the existing capacity of the road network, Officers consider that traffic generated by the proposal would not adversely impact on network.

Officers note that the type of vehicles proposed have not been expressly defined by the applicant. However, the applicant has identified that the trucks would on average move between 30-40 tonnes of sand per load. This would mean that the trucks are not Restricted Access Vehicles (not road trains), which are not permitted on Jarrahdale Road. The crossover on Jarrahdale Road and the internal driveway were approved by the Shire with the initial application (2013) and has been constructed in accordance with the Shire's Engineering standards. Officers however consider that the applicant should provide a Traffic Management Plan (TMP) to satisfy the concerns raised in



objection to the proposal. This would include confirmation that the type of truck proposed is acceptable, the frequency of movements and confirmation that safe vehicle movements can occur.

At some point, trucks will access local road infrastructure, which will lead to an accelerated decline in the pavement life of such road assets. Based on the planning framework, it has been shown to be a reasonable condition, with a proper planning purpose to require an annual contribution to account for those local roads whereby an accelerated deterioration occurs. Such monies are reserved and utilised at the point whereby such local roads need intervention to maintain a safe asset condition. This is aligned to the WALGA user guide that is used across the sector for this issue.

Environmental Considerations

The site slopes moderately from east to west and is elevated from the South Western Highway. It contains free draining sandy soils and as such surface run off is unlikely to occur. The site is not within a groundwater protection area. The Groundwater Atlas measurement of the highest known water table in this area is 30m AHD. The extraction is proposed to a depth of 2m - 4m. It is considered that excavation will not impact on groundwater at its highest known level. The final excavated land surface over the majority of the site will remain unchanged. The seven-hectare excavation area in the central west will be lowered by up to four metres in the centre grading back to natural ground elevation at the perimeters.

Rehabilitation and Management

The long-lasting biodiversity impact that an extractive industry proposal can have on a landscape is an important planning consideration. During the consultation period, concerns were raised in regard to the rehabilitation of the site, the long-term use of the site and the ability for the Shire to enforce the effective management and rehabilitation processes which have been proposed in the application.

Following completion of extraction, the site is proposed to be rehabilitated to pastureland with areas of vegetation around the western and southern perimeter. With the previous application, the applicant has provided that upon completion of the sand extraction, all facilities and equipment will be removed, and the site being rehabilitated to a condition suitable for rural other land uses. The application also outlines broad actions to be undertaken for the rehabilitation process which includes progressive replanting, revegetation erosion control and monitoring. This includes:

- *Progressive rehabilitation, completed areas of the excavation being revegetated as soon as practicable. Revegetation is to commence within 12 months of the completion of each portion of the excavated pit.*
- *Respread of topsoil stockpiles to increase the total organic carbon fraction, improving soil properties such as resistance to water and wind erosion and moisture retention to assist in the establishment of pasture species.*
- *At the end of excavation the floor of the quarry will be contoured and covered by a layer of overburden and top soil and rehabilitated with pasture.*
- *Revegetation will take place during the first winter months following the restoration earth works of each particular section of quarry.*
- *Where available a minimum of 100 mm of overburden will be spread over the surface to provide a substrate for agricultural soils, followed by topsoil.*



- *The land surface will be as a gently sloping floor with minimal need for batter slopes, some 2 - 4metres below natural ground level, with a similar form to natural ground.*
- *During late summer an assessment of the success of the rehabilitation will be made to determine the rehabilitation requirements for the following winter.*
- *Monitoring will be undertaken for a period of three years or until sufficient pasture cover is established to secure the sand and provide a basis for rural land pursuits.*

Officers have considered such rehabilitation measures can be implemented through the conditions of a planning approval. In that regard, the report recommends a condition for a rehabilitation management plan to be submitted to the Shire. The management plan will be required to outline the process of revegetation and biodiversity management that is to be continued over the site. Officers are satisfied that through this measure, the site can be comprehensively rehabilitated over time once the extraction on the site has ceased. Furthermore, this measure would ensure that the development would not have a lasting adverse impact on environmental values, landscape characteristics and rural uses from occurring on this area of the Darling Scarp.

Officers consider the application as consistent with the planning framework, provided the appropriate range of management plans and actions are conditioned to ensure amenity impacts are controlled at all times.

Options and Implications

Option 1

That Council:

1. APPROVES the development application for the ‘Industry Extractive’ at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale 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	Application Details received at the Shire Offices on 19 April 2023; and Noise Assessment dated May 2013.
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- b. This approval is valid for a period of five years from the date of this approval and is limited to a total extraction volume of 160,000 cubic metres of sand, within the area identified on the approved plans.
- c. The landowner shall submit an annual report to the Shire by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The annual report shall also provide details relating to complaints and complaint responses, and all proactive and reactive interventions taken to address issues raised or identified.
- d. Prior to any extraction, the applicant shall prepare and submit to the Shire a site-specific Dust Management Plan prepared by a suitably qualified consultant demonstrating the dust management measures to be put in place. The Plan must be approved by the Shire prior to the commencement of any operations. The Plan shall include measures to minimise dust generated from the development to ensure that dust levels comply at all times with



Department of Water and Environmental Regulation Environmental Protection (Ambient Air) Measures. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.

- e. Prior to commencing of development, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall include measures to ensure the development does not cause adverse noise impacts on surrounding sensitive land uses, in accordance with the Environmental Protection (Noise) Regulations. Once approved, the development shall be undertaken in accordance with the Noise Management Plan.
- f. The landowner shall ensure that all loads leaving the premises are enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism, used to prevent dust nuisance.
- g. No on-site fuel storage or major servicing of equipment shall take place.
- h. The operator shall ensure that:
 - (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules, pads and heavy duty waste bag, sufficient to clean and fully remove accidental spill of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;
 - (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;
 - (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
 - (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.
- i. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table, or as per the approved plans, whichever provides for the greater separation.
- j. Prior to commencement of works, a Rehabilitation Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the appropriate staged rehabilitation of the land, to ensure a viable end state for rural use commensurate with its rural zoning. Once approved, the Plan must be implemented on a staged basis to avoid areas being left unmanaged and prevent weed infestation.
- k. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.
- l. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5:00pm, Monday to Friday, excluding any public holidays.
- m. Prior to operation of the development, a Bushfire Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must address the requirements of SPP3.7 - Planning in Bushfire Prone Areas to the satisfaction of the Shire.
- n. Prior to the commencement of works, a Traffic Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the type



of vehicles proposed to be employed at the site, the frequency of movements and that safe vehicle movements can occur when entering and existing the property. Once approved, the Traffic Management Plan must be implemented, and ongoing operations occur in accordance with it.

- o. Prior to operation of the development, a Landscape Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall identify additional screening to be planted along the southern and western lot boundaries, to effectively screen the development and provide for effective dust management. The Plan shall identify a commitment to maintain and replace vegetation where necessary. Once approved, the Landscape Management Plan must be implemented, and vegetation maintained in accordance with it.
 - p. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of vehicles generated by the development based on verified surveyor certificate of such vehicle movements, and the length of local government road used by such vehicles. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload.
2. APPROVES an Extractive Industry Licence at Lot 100 King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following condition:
 - a. The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an extractive Industry at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale.
 3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

Option 2

That Council REFUSES the amendment to the existing approval for the 'Industry Extractive' at Lot 100, Jarrahdale Road, Jarrahdale for the following reasons:

1. The risks associated with offsite dust and noise impacts are not considered to be sufficiently addressed by the proposal;
2. The proposal has not demonstrated effective screening of the development as viewed from the vehicle corridor along South Western Highway.

Option 1 is recommended.



Conclusion

The application seeks approval for the extraction of sand for a period of five years. The proposal is considered to generally align with the planning framework and otherwise be consistent with existing development in the locality. The proposal will provide a resource that is increasingly required locally and throughout the State for development. The local area is growing rapidly and the increased urban development within the south-eastern corridor requires sand fill due to the topography characterised by low lying areas prone to flooding.

Officers have assessed the application and are satisfied that development issues such as road impact, dust, noise, and rehabilitation of the site can be adequately managed through the application of proper planning conditions. For the reasons outlined and discussed within the report, the proposal is supported by Officers.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - SAT Decision (E23/7571)
- **10.1.3 - attachment 2** - Application Details (E23/8471)
- **10.1.3 - attachment 3** - Summary of Submissions (E23/5496)
- **10.1.3 - attachment 4** - Clause 67 Checklist (E23/7419)
- **10.1.3 - attachment 5** - Noise Assessment (E23/7426)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council approves the development but amenity issues arise and these cause community concerns.	Shire of Serpentine Jarrahdale Town Planning Scheme No.2	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensure suitable conditions such as dust and noise management plans, so that these potential amenity impacts can be managed.
2	That Council refuses the development application for the 'Industry Extractive' and the decision is appealed to the SAT, which requires independent planning representation in order to defend the decision of Council which differs from the Officer recommendation, causing costs to be incurred.	Shire of Serpentine Jarrahdale Town Planning Scheme No.2	Financial	Possible	Moderate	MODERATE	Council provides detailed valid planning reasons for its decision.

**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. APPROVES the development application for the 'Industry Extractive' at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale 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	Application Details received at the Shire Offices on 19 April 2023; and Noise Assessment dated May 2013.
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- b. This approval is valid for a period of five years from the date of this approval and is limited to a total extraction volume of 160,000 cubic metres of sand, within the area identified on the approved plans.
- c. The landowner shall submit an annual report to the Shire by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The annual report shall also provide details relating to complaints and complaint responses, and all proactive and reactive interventions taken to address issues raised or identified.
- d. Prior to any extraction, the applicant shall prepare and submit to the Shire a site-specific Dust Management Plan prepared by a suitably qualified consultant demonstrating the dust management measures to be put in place. The Plan must be approved by the Shire prior to the commencement of any operations. The Plan shall include measures to minimise dust generated from the development to ensure that dust levels comply at all times with Department of Water and Environmental Regulation Environmental Protection (Ambient Air) Measures. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.
- e. Prior to commencing of development, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall include measures to ensure the development does not cause adverse noise impacts on surrounding sensitive land uses, in accordance with the Environmental Protection (Noise) Regulations. Once approved, the development shall be undertaken in accordance with the Noise Management Plan.
- f. The landowner shall ensure that all loads leaving the premises are enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism, used to prevent dust nuisance.
- g. No on-site fuel storage or major servicing of equipment shall take place.
- h. The operator shall ensure that:
- (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules, pads and heavy duty waste bag, sufficient to clean and fully remove accidental spill of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;



- (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;
 - (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
 - (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.
- i. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table, or as per the approved plans, whichever provides for the greater separation.
 - j. Prior to commencement of works, a Rehabilitation Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the appropriate staged rehabilitation of the land, to ensure a viable end state for rural use commensurate with its rural zoning. Once approved, the Plan must be implemented on a staged basis to avoid areas being left unmanaged and prevent weed infestation.
 - k. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.
 - l. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5:00pm, Monday to Friday, excluding any public holidays.
 - m. Prior to operation of the development, a Bushfire Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must address the requirements of SPP3.7 - Planning in Bushfire Prone Areas to the satisfaction of the Shire.
 - n. Prior to the commencement of works, a Traffic Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the type of vehicles proposed to be employed at the site, the frequency of movements and that safe vehicle movements can occur when entering and existing the property. Once approved, the Traffic Management Plan must be implemented, and ongoing operations occur in accordance with it.
 - o. Prior to operation of the development, a Landscape Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall identify additional screening to be planted along the southern and western lot boundaries, to effectively screen the development and provide for effective dust management. The Plan shall identify a commitment to maintain and replace vegetation where necessary. Once approved, the Landscape Management Plan must be implemented, and vegetation maintained in accordance with it.
 - p. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of vehicles generated by the development based on verified surveyor certificate of such vehicle movements, and the length of local government road used by such vehicles. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload.



2. APPROVES an Extractive Industry Licence at Lot 100 King Road, Oldbury under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following condition:
 - a. The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale’s Extractive Industry Local Law and the Shire’s development approval conditions for an extractive Industry at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale.
3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

Alternative Officer Recommendation

That Council:

1. APPROVES the development application for the ‘Industry Extractive’ at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale 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	Application Details received at the Shire Offices on 19 April 2023; and Noise Assessment dated May 2013.
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- b. This approval is valid for a period of five years from the date of this approval and is limited to a total extraction volume of 160,000 cubic metres of sand, within the area identified on the approved plans.
- c. The landowner shall submit an annual report to the Shire by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The annual report shall also provide details relating to complaints and complaint responses, and all proactive and reactive interventions taken to address issues raised or identified.
- d. Prior to any extraction, the applicant shall prepare and submit to the Shire a site-specific Dust Management Plan prepared by a suitably qualified consultant demonstrating the dust management measures to be put in place. The Plan must be approved by the Shire prior to the commencement of any operations. The Plan shall include measures to minimise dust generated from the development to ensure that dust levels comply at all times with Department of Water and Environmental Regulation Environmental Protection (Ambient Air) Measures. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.
- e. Prior to commencing of development, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall include measures to ensure the development does not cause adverse noise impacts on surrounding sensitive land uses, in accordance with the Environmental Protection (Noise) Regulations. Once approved, the development shall be undertaken in accordance with the Noise Management Plan.
- f. The landowner shall ensure that all loads leaving the premises are enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism, used to prevent dust nuisance.
- g. No on-site fuel storage or major servicing of equipment shall take place.



- h. The operator shall ensure that:
 - (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules, pads and heavy duty waste bag, sufficient to clean and fully remove accidental spill of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;
 - (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;
 - (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
 - (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.
- i. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table, or as per the approved plans, whichever provides for the greater separation.
- j. Prior to commencement of works, a Rehabilitation Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the appropriate staged rehabilitation of the land, to ensure a viable end state for rural use commensurate with its rural zoning. Once approved, the Plan must be implemented on a staged basis to avoid areas being left unmanaged and prevent weed infestation.
- k. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.
- l. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5:00pm, Monday to Friday, excluding any public holidays.
- m. Prior to operation of the development, a Bushfire Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must address the requirements of SPP3.7 - Planning in Bushfire Prone Areas to the satisfaction of the Shire.
- n. Prior to the commencement of works, a Traffic Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the type of vehicles proposed to be employed at the site, the frequency of movements and that safe vehicle movements can occur when entering and exiting the property. Once approved, the Traffic Management Plan must be implemented, and ongoing operations occur in accordance with it.
- o. Prior to operation of the development, a Landscape Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall identify additional screening to be planted along the southern and western lot boundaries, to effectively screen the development and provide for effective dust management. The Plan shall identify a commitment to maintain and replace vegetation where necessary. Once approved, the Landscape Management Plan must be implemented, and vegetation maintained in accordance with it.



- p. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of vehicles generated by the development based on verified surveyor certificate of such vehicle movements, and the length of local government road used by such vehicles. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload.
- 2. APPROVES an Extractive Industry Licence at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following condition:
 - a. The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an extractive Industry at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale.
- 3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

OCM160/07/23

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Atwell

That Council:

- 1. **APPROVES the development application for the 'Industry Extractive' at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale 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	Application Details received at the Shire Offices on 19 April 2023; and Noise Assessment dated May 2013.
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- b. **This approval is valid for a period of five years from the date of this approval and is limited to a total extraction volume of 160,000 cubic metres of sand, within the area identified on the approved plans.**
- c. **The landowner shall submit an annual report to the Shire by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and management plans. The annual report shall also provide details relating to complaints and complaint responses, and all proactive and reactive interventions taken to address issues raised or identified.**
- d. **Prior to any extraction, the applicant shall prepare and submit to the Shire a site-specific Dust Management Plan prepared by a suitably qualified consultant demonstrating the dust management measures to be put in place. The Plan must be approved by the Shire prior to the commencement of any operations. The Plan shall include measures to minimise dust generated from the development to ensure that**



dust levels comply at all times with Department of Water and Environmental Regulation Environmental Protection (Ambient Air) Measures. For water based dust suppression, the Plan must include details of either an onsite secure groundwater source, or a system of storage tanks to be kept full via a secure offsite groundwater source, to the Shire's satisfaction. Once approved, the development shall be undertaken in accordance with the Dust Management Plan.

- e. Prior to commencing of development, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall include measures to ensure the development does not cause adverse noise impacts on surrounding sensitive land uses, in accordance with the Environmental Protection (Noise) Regulations. Once approved, the development shall be undertaken in accordance with the Noise Management Plan.
- f. The landowner shall ensure that all loads leaving the premises are enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism, used to prevent dust nuisance.
- g. No on-site fuel storage or major servicing of equipment shall take place.
- h. The operator shall ensure that:
 - (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules, pads and heavy duty waste bag, sufficient to clean and fully remove accidental spill of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;
 - (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;
 - (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
 - (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.
- i. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table, or as per the approved plans, whichever provides for the greater separation.
- j. Prior to commencement of works, a Rehabilitation Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the appropriate staged rehabilitation of the land, to ensure a viable end state for rural use commensurate with its rural zoning. Once approved, the Plan must be implemented on a staged basis to avoid areas being left unmanaged and prevent weed infestation.
- k. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.



- I. The hours of operation of the 'Industry Extractive' are restricted to 7:00am to 5:00pm, Monday to Friday, excluding any public holidays.
 - m. Prior to operation of the development, a Bushfire Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must address the requirements of SPP3.7 - Planning in Bushfire Prone Areas to the satisfaction of the Shire.
 - n. Prior to the commencement of works, a Traffic Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate the type of vehicles proposed to be employed at the site, the frequency of movements and that safe vehicle movements can occur when entering and existing the property. Once approved, the Traffic Management Plan must be implemented, and ongoing operations occur in accordance with it.
 - o. Prior to operation of the development, a Landscape Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall identify additional screening to be planted along the southern and western lot boundaries, to effectively screen the development and provide for effective dust management. This is to include medium and ground level infill shrub planting, to create a more complete screen. The Plan shall identify a commitment to maintain and replace vegetation where necessary. Once approved, the Landscape Management Plan must be implemented, and vegetation maintained in accordance with it.
 - p. By 31 July each year in which the development operates, the landowner shall pay an annual contribution to the Shire reflective of the road pavement asset deterioration associated with the development. The contribution is to be based upon a Road Deterioration Impact Audit which is to be submitted by 1 July each year, documenting the amount of vehicles generated by the development based on verified surveyor certificate of such vehicle movements, and the length of local government road used by such vehicles. The contribution is to be calculated in accordance with WALGA User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, utilising Figure 4, ESA per vehicle for increasing payload.
2. **APPROVES** an Extractive Industry Licence at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale under the Shire of Serpentine Jarrahdale Extractive Industries Local Law subject to the following condition:
 - a. The landowner/licensee shall operate the site in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and the Shire's development approval conditions for an extractive Industry at Lot 6 and Lot 100 Jarrahdale Road, Jarrahdale.
3. **AUTHORISES** the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

CARRIED UNANIMOUSLY 6/0

Reason for difference to Officer Recommendation

To ensure onsite dust suppression during the operation of the sand extraction and to provide adequate screen from both Transit Road and the South West Highway.



10.1.4 - Proposed 'Commercial Vehicle Parking' - Lot 500, 6 Lulu Close, Byford (PA23/361)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Genevieve Tomlins
Owner:	As above
Date of Receipt:	23 May 2023
Lot Area:	374m ²
Town Planning Scheme No 2 Zoning:	'Residential'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a retrospective development application for the parking of a coffee trailer ('Commercial Vehicle Parking') at Lot 500 (No. 6) Lulu Close, Byford.

Three submissions either objecting to or raising concerns with the proposal were received during the public consultation period. Officers do not have delegated authority to determine development applications where more than two objections are received, in accordance with Delegated Authority 12.1.1 - Determination of Development Application.

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 appropriately managed through conditions to regulate components of the development. It is recommended that the retrospective development application is approved subject to conditions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

Existing Development

The subject site is 374m² and located within Byford by the Scarp residential estate, to the south-east of the town centre. The site is developed with a single dwelling and an outbuilding as depicted on the image below. The locality consists of similar typical residential development.



Figure 1: Aerial view of subject site



Figure 2: Aerial view of subject site and surrounds



Development

The retrospective application seeks approval for the use of 'Commercial Vehicle Parking', containing the following:

- The parking of a single trailer used for the offsite sale of coffee;
- The trailer would be parked in front of the double garage, within the property boundaries of the site, to the eastern boundary;
- The trailer has an area of 7.6m², width of 2m, a height of 2.5m, a length of 3.8m and weighs one tonne;
- The trailer leaves site to operate six to seven days per week;
- The trailer typically leaves the site at 4:30am and returns at 3:00pm;
- The trailer is towed from site by a typical passenger vehicle; and
- The business employs one person, who lives at the property.

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

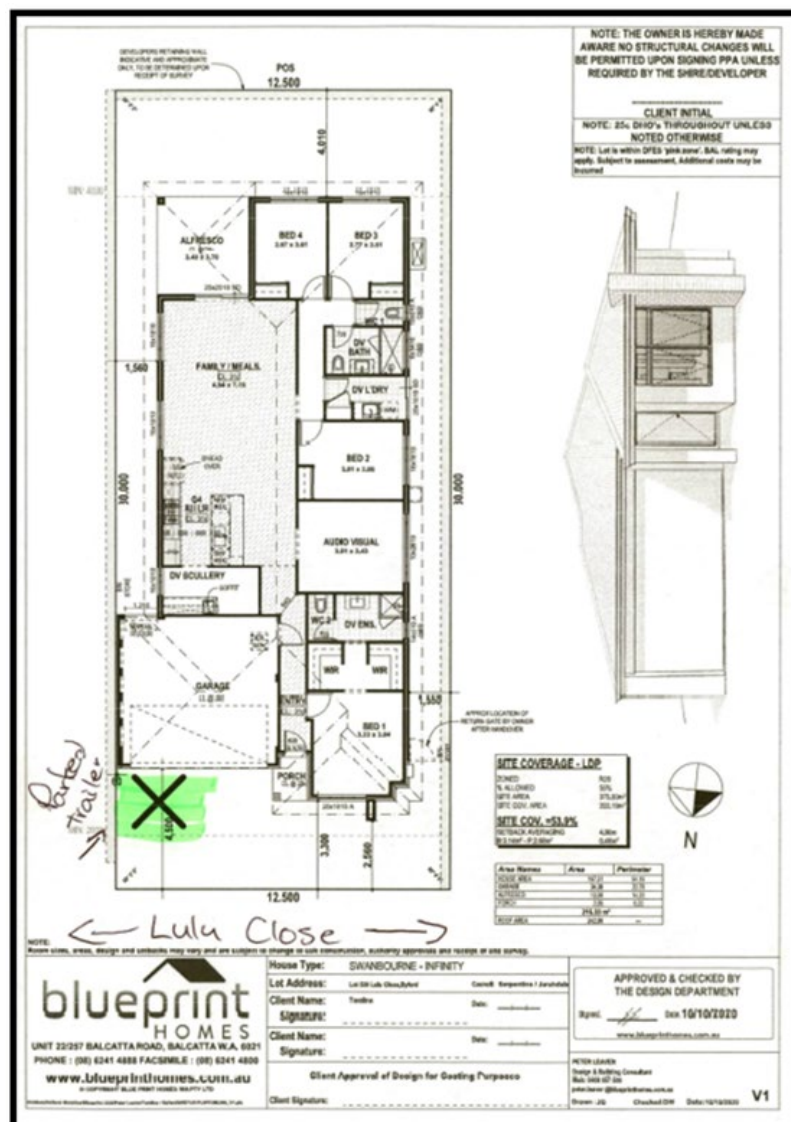


Figure 3: Site plan showing proposed parking location



Figure 4: Photo of the commercial trailer

Community / Stakeholder Consultation

Advertising was carried out for a period of 14 days from 23 May 2023 to 6 June 2023 whereby three submissions were received either objecting to or raising concerns with the proposal. The key concerns of the submissions are listed below. The full submissions are contained within **attachment 2**.

- Vehicles parking on the footpath, verge, front garden and blocking driveways.
- Traffic / safety hazard.
- Noise from operating of the generator on the vehicle.

The concerns of the submitters are discussed under the relevant headings of the report.

Statutory Environment

Legislation

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

State Planning Framework

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)



Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A comprehensive assessment has been undertaken in accordance with Clause 67 of the Deemed Provisions (**attachment 3**). For the purpose of this report, discussion is confined to the objections and where Council is required to exercise discretion.

Land Use

The proposal relates to a one tonne trailer intended to be parked on site. The trailer is fitted out and designed specifically for offsite commercial purposes, as a coffee trailer. A 'Commercial Vehicle' is defined under Town Planning Scheme No.2 (TPS2) as follows:

“Commercial Vehicle – means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession, and without limiting the generality of the foregoing includes any van, truck, trailer, tractor and any attachment to any of them, and any bus or any other passenger vehicle, or any earth moving machine whether self-propelled or not, but the term shall not include a vehicle designed for use as a passenger car or a trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or a light truck which is rated by the manufacturer as being suitable to carry loads of not more than three (3) tonnes.”

Therefore, the proposal fits most appropriately within the 'Commercial Vehicle Parking' land use classification under TPS2, which is defined below:

“Commercial Vehicle Parking – means

(a) The parking of one or more commercial vehicles on any land within the Scheme Area. A vehicle shall be parked for the purpose of this definition if it is present on the subject land for more than two hours and is not in that time being used to load or unload anything, or in connection with building or development work carried on with all necessary Council approvals.”

Officers consider that the proposal fits within the land use definition of 'Commercial Vehicle Parking', as this definition includes trailers used for a commercial purpose. 'Commercial Vehicle Parking' is an 'SA' or discretionary land use (subject to advertising) within the 'Residential' zone according to TPS2. This means Council could permit the use under the current framework by exercising its discretion, subject to advertising.

Local Planning Scheme No.3 (LPS3) represents a seriously entertain planning document. It is currently awaiting final approval with the Western Australian Planning Commission (WAPC) and Hon Minister. Considering the appropriate land use under LPS3, the definition of a 'Commercial Vehicle' would be as follows:

“Commercial Vehicle – means a vehicle, whether licensed or not, that has a gross vehicle mass of greater than 4.5 tonnes including:

(a) A utility, van, truck, tractor, bus or earth moving equipment; and

(b) A vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).”

The proposal is for a one tonne trailer, which would have a gross vehicle mass of less than 4.5 tonnes. Therefore, the proposal would not be considered a 'Commercial Vehicle' under LPS3. This is noted as under LPS3, the land use of 'Commercial Vehicle Parking' is not permitted within the 'Residential' zone. The new LPS3 thus recognises vehicles below 4.5 tonnes as not requiring



approval under the planning framework, and would be governed according to the normal Local Laws pertaining to parking, non-obstruction of paths and roads, etc.

Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)

Clause 5.5.5 of TPS2 provides parameters for the parking of 'Commercial Vehicles' within a 'Residential' zone. It provides that Council shall not grant its approval for parking of a commercial vehicle on a lot used for residential purposes, or on a lot where any adjoining lot is used for residential purposes unless certain criteria are met. These are considered as follows, of which provision a) states:

“provision is made for the vehicle to be housed in a garage, or parked behind the building line;”

In this instance, the commercial trailer is in front of the garage of the dwelling and therefore forward of the building line.

Provision b) requires that the vehicle should not be greater than 2.5m in width, 4.3m in height, 12.5m in length and 42.5 tonnes in maximum loading mass. The proposed food truck has a width of 2m, a height of 2.5m, a length of 3.8m and a maximum loading mass of 1 tonne. The proposed trailer is well within these allowable dimensions, and thus while parked forward of the building line, presents a similar scale to a boat or caravan, which are commonly stored on driveway.

Provision c) of Clause 5.5.5 states the following:

“In the Council’s opinion the parking of the vehicle will not prejudicially affect the amenity of the neighbourhood due to emission of light, noise, vibration, smell, fumes, smoke or dust.”

The proposed commercial trailer is custom made for the purpose of making and serving coffee and other hot drinks. The trailer is to be towed from the site from 4.30am and return at 3.00pm. Officers note the proposal would be to move the trailer early in the morning. However, the trailer would be towed by a typical residential passenger vehicle, and therefore not considered to pose undue noise or impact the amenity of neighbouring properties.

Finally, provision d) of this clause seeks to ensure that that the vehicle is predominantly used by a person who is an occupier of the dwelling. The subject commercial trailer is operated by one occupier of the subject site.

The proposal generally satisfies Clause 5.5.5 of TPS2, however varies provision a) as the trailer would be parked forward of the building line.

In accordance with Clause 5.2 of TPS2, provisions of the Scheme may be varied should Council be satisfied by the merits of the proposal and consider that it would not adversely impact the locality. Therefore, Officers have considered the proposal in terms of streetscape, parking and traffic, and noise impacts in the following sections of the report.

Streetscape

Clause 67(2) of the *Deemed Provisions*, specifically (m) requires consideration of the impact of the development upon the character and visual amenity of the locality. This includes impacts to the visual amenity of the public realm or streetscape, a concern which was raised in the submissions received.

Officers consider that the provisions of Clause 5.5.5 of TPS2 set expectations for the size and types of vehicles which can be parked in residential areas. As detailed earlier in this report, provision b) of this clause permits the parking of vehicles far larger than the proposed trailer. Despite it being parked forward of the building line, the small scale of the trailer and its simplistic form leads Officers to consider that the trailer would not adversely impact the visual amenity of



the streetscape. The trailer is no larger than the garage door which it is to be parked in front of as seen following:



Figure 5: Photo of vehicles parked on footpath and verge

Officers consider it is not uncommon for residential trailers, boats or caravans to be seen within the streetscapes of the Byford residential area, where sited appropriately within property boundaries. The proposed trailer is considered consistent with these by way of scale and form, and therefore not an unexpected presence within the streetscape.

Parking and Traffic

Clause 67(2) of the *Deemed Provisions*, specifically (s) and (t) require consideration of the impacts of a development to the local road network and vehicle safety. Several submissions against the proposal raised concern with potential traffic issues resulting from the parking of the trailer. This is that by parking the commercial trailer in the driveway near the east side boundary, it would make it difficult for other vehicles to access and park within the double garage. Consequently, resident or visitor vehicles would be forced to park on the footpath and verge, as shown by the aerial image and photos below. This may lead to decreased safety for pedestrians or vehicle movements within the cul-de-sac.

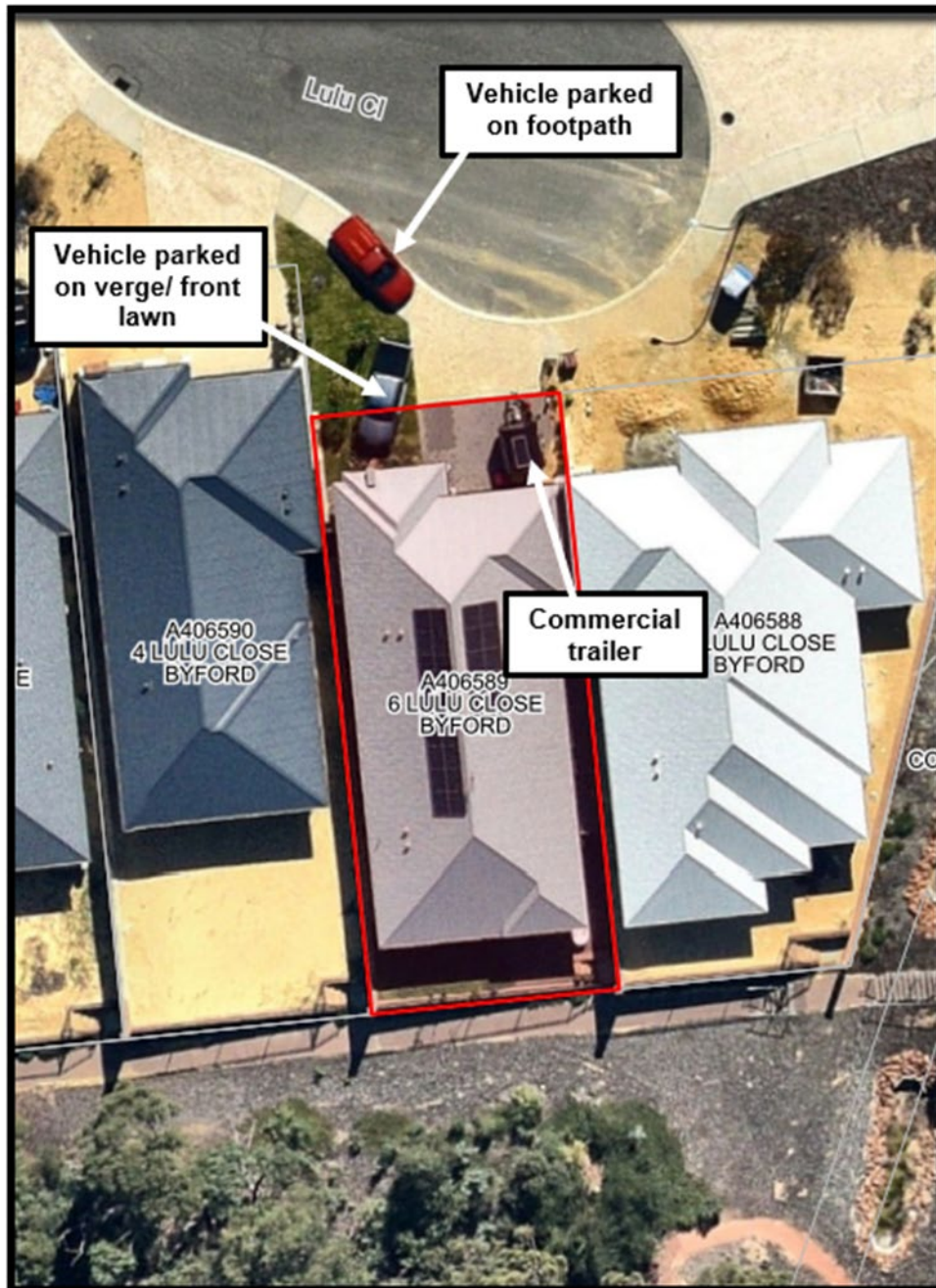


Figure 6: Aerial image of vehicles parked on footpath and verge

The applicant advises that their trailer would be parked on the driveway only and not within the road reserve or verge. The location and the small nature of the trailer leads Officers to consider that it would not reduce visibility for vehicles within the cul-de-sac. The trailer would maintain approximately 3.5m from the road carriageway itself, being within the property boundaries. Additionally, the trailer would not inhibit sight lines or views of oncoming pedestrians utilising the footpath due to the distance maintained.

Despite the parking of the trailer on the driveway, the site still has sufficient capacity to park three other private vehicles. This includes two inside the double garage and one on the driveway, next to the commercial vehicle. This complies with the deemed-to-comply requirements of the R-Codes (Clause 5.3.3 – Parking), which requires that a minimum of two parking bays are provided



for a dwelling site. Officers therefore consider that the site has sufficient capacity to manage vehicles within property boundaries, not impacting on the local road network or safety of pedestrians and vehicles.

It is considered that the objections also relate to concerns that other private vehicles of the landowner will be parked in the road reserve or verge, impacting on traffic and pedestrian safety. However, the *Parking and Parking Facilities Local Law 2014* prohibits vehicles from being parked on a footpath or otherwise obstruct the flow of traffic. Therefore, this legislation can be relied upon to enforce any non-compliance in relation to the parking of vehicles. Nonetheless, it is recommended that a planning advice note on the determination state, "*The parking of vehicles at the site is required to comply with the Parking and Parking Facilities Local Law 2014*".

Noise

Clause 67(2) of the *Deemed Provisions*, specifically (n) requires consideration given to the potential impacts to the amenity of the locality, including noise. The small-scale nature of the commercial vehicle means that it can be towed by a typical passenger vehicle. The parking and moving of the vehicle are not considered to generate noise that would be uncharacteristic of a typical residential use of the land. Any noise generated from standard residential passenger vehicles is regulated by the *Environmental Protection (Noise) Regulations 1997*.

A concern was raised in the submissions that a generator located on the front of the trailer was being used while the vehicle is parked at the site. Officers consider that the proposal for 'Commercial Vehicle Parking' would only enable parking the vehicle and not its use. Therefore, a condition of this determination is recommended to prevent the operation or use of the vehicle while it is parked at the site.

Options and Implications

Option 1

That Council APPROVES the development application for 'Commercial Vehicle Parking' at Lot 500, 6 Lulu Close, Byford as contained in **attachment 1**, subject to the following conditions:

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

Plans and Specifications	P1 – P2 received at the Shire's Offices on 23 May 2023.
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- b. The commercial vehicle shall only be parked in the location specified in the site plan. The commercial vehicle shall not be operated or used while parked on site, including any use of generators.
- c. The parking of vehicles at the site is required to comply with the *Parking and Parking Facilities Local Law 2014*.

Option 2

That Council REFUSES the development application for commercial trailer parking at Lot 500, 6 Lulu Close, Byford as contained in **attachment 1**, due to the development being not in keeping with the expected amenity of a residential zone.

Option 1 is recommended.



Conclusion

It is considered that the proposal is consistent with the planning framework and the matters raised in objection to the proposal can be appropriately managed through conditions of approval. The application is therefore recommended for approval, subject to conditions.

Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Development Plans (E23/7545)
- **10.1.4 - attachment 2** - Summary of Submissions (E23/6885)
- **10.1.4 - attachment 3** - Technical Assessment (E23/6809)

Alignment with our Strategic Community Plan

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

Financial Implications

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	Council approving the application and the development impacting on amenity.	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 Conditions of approval	Reputation	Possible	Minor	MODERATE	Ensuring conditions regulate the potential amenity impacts
2	The applicant seeking a review of the decision by the SAT, which requires independent planning representation in order to defend the decision of Council which differs from the Officer recommendation, causing costs to be incurred.	Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 Reasons for refusal	Financial	Possible	Minor	LOW	Ensure appropriate reasons for refusal



Voting Requirements: Simple Majority

OCM161/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strautins

That Council APPROVES the development application for ‘Commercial Vehicle Parking’ at Lot 500, 6 Lulu Close, Byford as contained in attachment 1, subject to the following conditions:

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

Plans and Specifications

P1 – P2 received at the Shire’s Offices on 23 May 2023.
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- b. The commercial vehicle shall only be parked in the location specified in the site plan. The commercial vehicle shall not be operated or used while parked on site, including any use of generators.
- c. The parking of vehicles at the site is required to comply with the *Parking and Parking Facilities Local Law 2014*.

CARRIED UNANIMOUSLY 6/0



10.1.5 - Proposed Lot Boundary Fence and Carport Extension - Lot 822, 9 Kingsbury Drive, Jarrahdale (PA23/267)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Damian and Joclyn Lamont
Owner:	Damian and Joclyn Lamont
Date of Receipt:	27 April 2023
Lot Area:	2,188.805m ²
Town Planning Scheme No 2 Zoning:	'Special Use'
Metropolitan Region Scheme Zoning:	'Special Use'

Report Purpose

The purpose of this report is for Council to consider a development application for a lot boundary fence and carport extension at Lot 822, 9 Kingsbury Drive, Jarrahdale.

Development approval is required for the proposal as the site is zoned 'Special Use', in which residential development is not exempt as there is no R-Code designated for these properties under the Shire's Town Planning Scheme No. 2. This report focuses on where Council is required to exercise discretion in regard to the proposed variations to provisions of Local Planning Policy 3.2 - Woodlot Subdivision Jarrahdale Design Guidelines (LPP3.2).

The application is presented to Council as Officers do not have delegated authority to determine development applications where variations to Local Planning Policies are proposed, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Notwithstanding the variations proposed, Officers consider the proposal to be consistent with the planning framework, and expected amenity of the area. For the reasons detailed in the report, Officers recommend that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

Existing Development

The subject site of approximately 2,118m² is located within the Jarrahdale 'Woodlot' residential area. The site is currently developed with a dwelling, outbuilding and ancillary structures.



Figure 1: Aerial imagery of existing site

Proposed Development

The development application seeks approval for a carport and lot boundary fence, comprising of the following:

- A carport extension with:
 - An area of 6m by 7m;
 - A wall height of 3.3m;
 - A roof height of 3.9m; and
 - Set back 5m from the side lot boundary (north).
- A lot boundary fence to all boundaries:
 - 1.2m high; and
 - Of a post and wire design.

The development plans can be viewed in full in **attachment 1** and are depicted in the following figures:

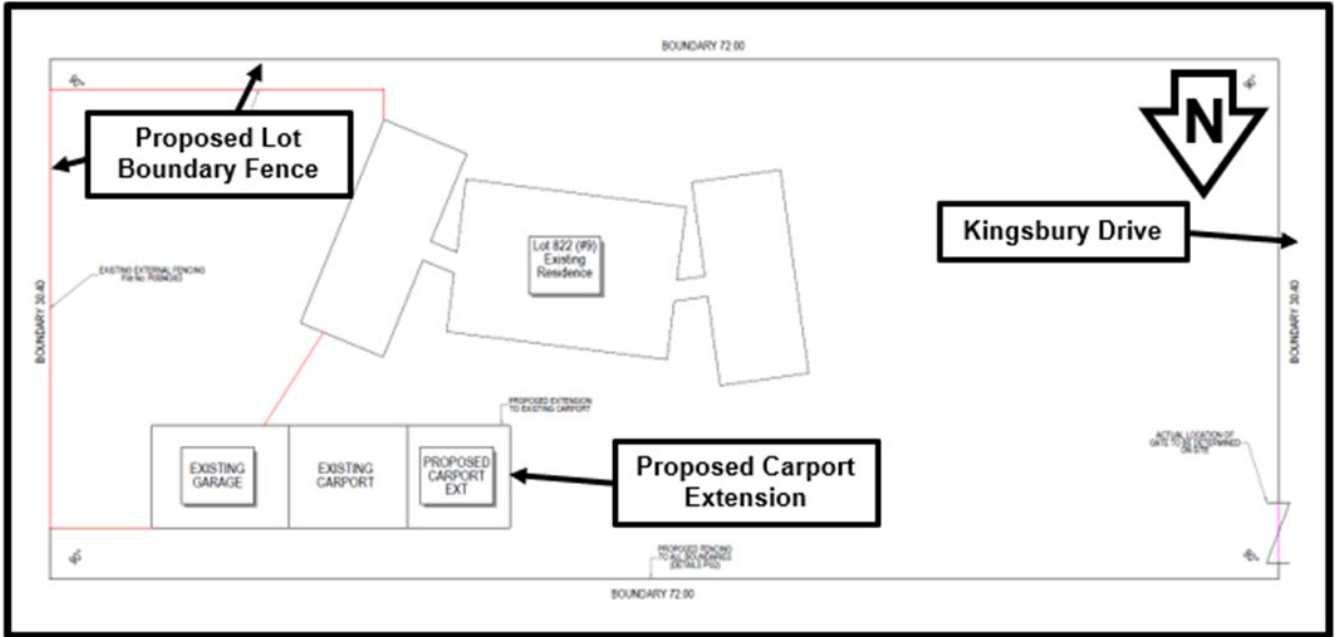


Figure 2: Site plan depicting proposed carport extension and lot boundary fence to all boundaries

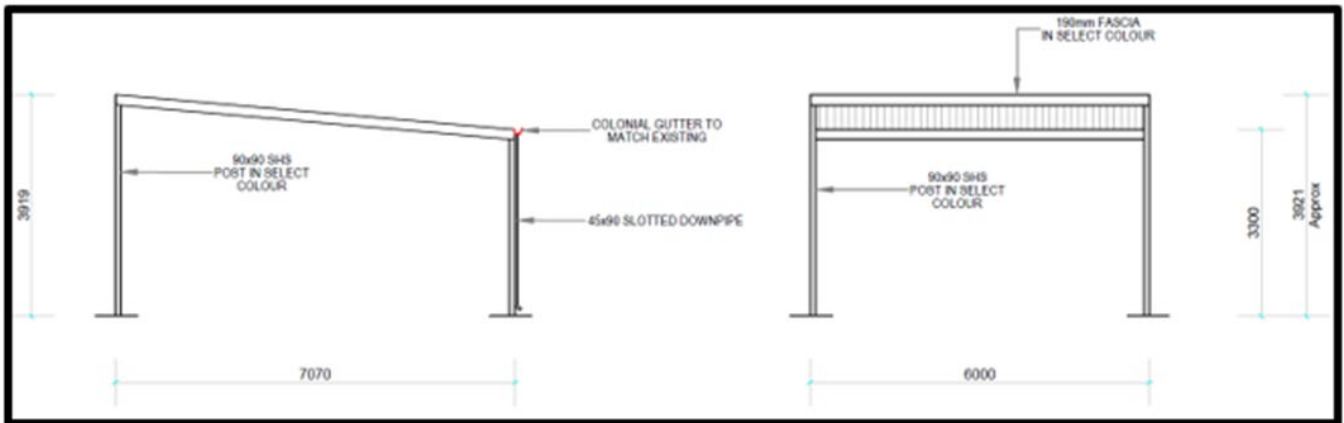


Figure 3: Elevation plan of carport extension

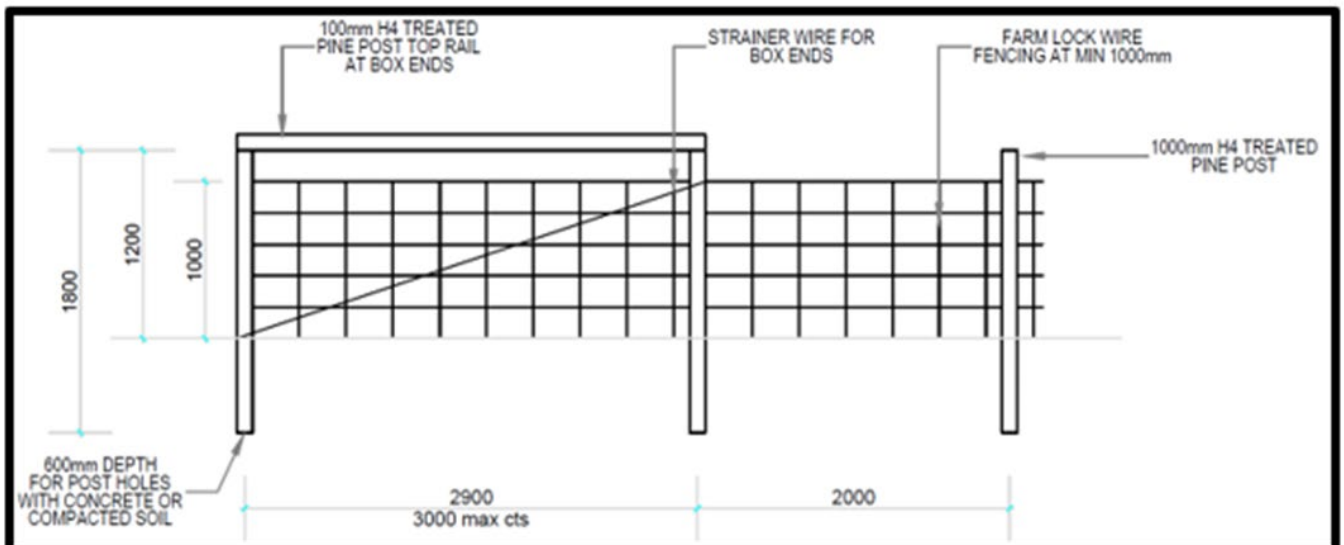


Figure 4: Elevation plan of lot boundary fence



Community / Stakeholder Consultation

The application was advertised to adjoining landowners for a period of 14 days from 27 April 2023 to 11 May 2023, in accordance with the Shire's Local Planning Policy 1.4 – Public Consultation for Planning Matters. During this period, no submissions were received by the Shire.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2);
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3); and
- Local Planning Policy 3.2 - Woodlot Subdivision Jarrahdale Design Guidelines (LPP3.2).

Planning Assessment

A full technical assessment of the proposed carport extension and lot boundary fence was carried out against the planning framework in accordance with Clause 67 of the *Deemed Provisions*. This can be viewed within **attachment 2**. For the purpose of this report, discussion is confined to the variations to LPP3.2, which resulted in the item being presented to Council and where Council is required to exercise discretion.

Land Use

The subject site is zoned 'Special Use' under TPS2. The proposal is for a carport extension and lot boundary fence to be used in association with the existing 'Residential - Single House' land use. Section 4 of Appendix 2 in TPS2 indicates that within this 'Special Use' zone, the proposal would constitute a permitted land use. Therefore, by way of land use the proposal is considered consistent with the planning framework.

Local Planning Policy 3.2 – Woodlot Subdivision Jarrahdale Design Guidelines (LPP3.2)

The purpose of LPP3.2 is to provide design guidelines to development within the 'Woodlot Subdivision'. LPP3.2 seeks to ensure development takes into account the historic context of the Jarrahdale Townsite and employs sustainable building design, noting the nearby presence of the State Forest. The background of LPP3.2 states:

“The development control provisions of these guidelines will be given full regard by Council and any development application to depart from these provisions will require justification and approval of the Council.”

The proposal maintains general consistency with LPP3.2, though seeks variation to three provisions. Approval may be issued should Council be satisfied that the objectives of the guidelines of LPP3.2 are satisfied. The Primary Objective of LPP3.2 is as follows:

“Council’s objective, recognising the site’s ecological significance and relationship to the Jarrahdale Heritage Park site and adjoining State Forest, is to ensure retention of the



character of the site as a whole and set a new standard in building design and construction that incorporates sustainable building principles and practices.”

Consistency with the above objective and relevant design principles are considered in the following sections of the report.

3.1 Site Layout & 3.2 Existing Site: Landform, Soil and Vegetation

The relevant aims of Clause 3.1 and 3.2 of LPP3.2 seek to protect the integrity of the site and vegetation. The provisions varied relate to the same matter and are as follows:

- Buildings are only permissible to be constructed within the 350m² building footprint area. Figure 1 shows approximate locations for siting of buildings on each lot. The 350sqm area allowable for buildings can be any shape to allow flexibility in the design of the building. Written approval by Council is required to substantially vary the location of the building envelope.
- Maximum 350sqm of site can be used for building (measured by building footprint and inclusive of garage and shed). This is also the maximum area that can be cleared of existing vegetation if required for building (including all existing site vegetation groundcovers, shrubs and trees). This area is to be from within the designated building footprint envelope area as per, 3.3.1 Site Layout and Figure 1.

The proposed carport extension would mean the total building footprint of development on site would total to 477m², varying the 350m² acceptable standard. Also, the carport extension would be location outside of the modified building footprint area. The dwelling was approved in 2008 and the building footprint altered as shown in the image below:

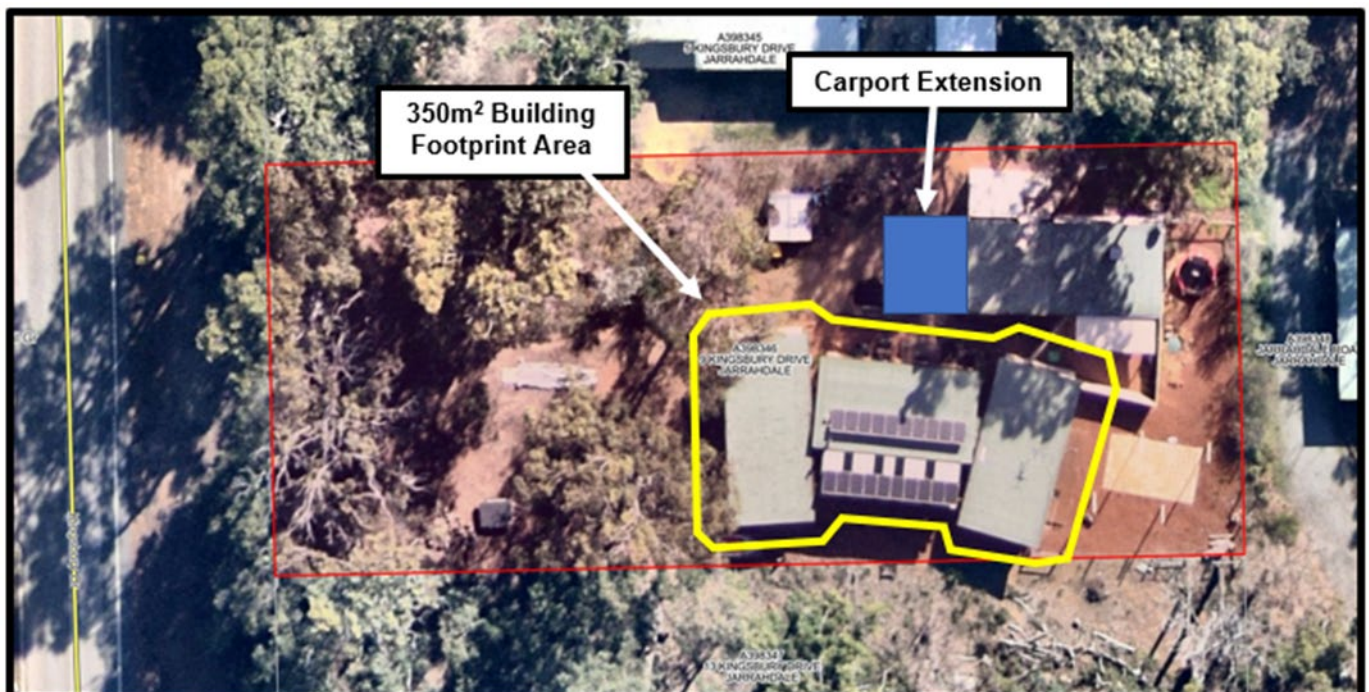


Figure 5: Approximate location of building footprint area as per Figure 1 of LPP3.2



Officers note that the design principles and objectives of LPP3.2 relevant to this provision seek to ensure development has a minimal impact on existing vegetation and landform features. The proposed carport extension has only a small building footprint. It would be positioned next to the existing carport, which is already levelled and is in an area already clear of vegetation. The carport has a simplistic design, being a steel post framed structure. The carport would not require significant earthworks or foundation works to establish a building pad, meaning there would be a minimal impact on the landform of the site. Furthermore, the close proximity of the carport to existing structures on site would maintain a clustered form of development, ensuring vegetation to the west of site is retained and not impacted by development. Officers therefore consider the proposal consistent with the design provisions of Clause 3.1 and 3.2, as well as the primary objective of LPP3.2 in this regard.

The proposed carport includes a 'colonial gutter' design and a form generally consistent with existing development within the Jarrahdale Townscape. The aim of LPP3.2 includes ensuring development is consistent with heritage themes. Therefore, Officers recommend a condition requiring a colour and materials schedule for the structure so that it either matches the existing colours and materials of development on site, or demonstrates consistency with broader heritage themes of Jarrahdale, to the satisfaction of the Shire.

3.4 Hard Landscaping

The aim of Clause 3.4 of LPP3.2 includes the intention to, "*maintain existing water flows on site*". This is achieved mainly through limiting hard surfaces across development. One provision in this section states:

- *No boundary fences are permitted between properties. Properties can be marked by posts on corners of boundary to adjacent properties. Boundary fencing to the street frontage and the state forest boundary interface is permissible as a 1.2m post and rail to street frontage and 1.2m post and wire to the State Forest interface. No vegetation is to be cleared when any such fences are constructed.*

In this instance, the variation is that a lot boundary fence is proposed to all boundaries of the site. Additionally, the boundary fence to the street boundary is proposed to be of 'post and wire' instead of 'post and rail' construction. LPP3.2 seeks to limit fencing within the subdivision area to minimise the removal of vegetation and therefore maintain existing water flows, in line with sustainable development principles.

The natural materials involved in the proposed post and wire fencing style maintains strong consistency with rural and historical Jarrahdale themes. Post and wire fences are characteristic of the broader Jarrahdale Heritage Town area. Additionally, Officers note that the properties within the Woodlot Subdivision area itself already have post and wire fences addressing Jarrahdale Road. This can be viewed in the following figure. Therefore, Officers consider the proposed fencing would be consistent with Jarrahdale Heritage themes, in line with the primary objective of LPP3.2.



Figure 6: Existing post and wire fencing on street lot boundaries in the Woodlot Subdivision Area

The proposal to install a post and wire fence would result in minimal impact to existing vegetation on site. The process of installing posts only has a small, immediate area of impact. Posts can be placed around or in between existing vegetation and then connected by wire. The applicant has advised in writing to Officers that no existing vegetation would need to be removed when installing the fence. A condition has been recommended to this effect. As the proposal would not result in the removal of vegetation and be sympathetic to the heritage themes of Jarrahdale, Officers consider that the proposal would meet the objectives of LPP3.2 in this regard.

Options and Implications

Option 1

That Council APPROVES the development application for the proposed carport extension and lot boundary fence at Lot 822, 9 Kingsbury Drive, Jarrahdale 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-P2 received at the Shire's Offices on 27 April 2023
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.
- c. All existing trees or vegetation identified on the site plan shall be retained and protected for the duration of the approved works, unless otherwise approved by the Shire of Serpentine Jarrahdale.
- d. Prior to the issue of a Building Permit, a Schedule of Colours and Materials shall be provided to and approved by the Shire of Serpentine Jarrahdale. The Schedule shall demonstrate how the colours and materials of the carport extension are either consistent with existing development on site or the broader heritage themes of Jarrahdale, to the satisfaction of the Shire.

**Option 2**

That Council REFUSES the development application for the proposed carport extension and lot boundary fence at Lot 822, 9 Kingsbury Drive, Jarrahdale as contained within **attachment 1** due to the following reasons:

- a. The development proposes a large building form, which creates an adverse amenity outcome by reducing the ability for the landscape to absorb development within it.
- b. Having due regard to the local planning policy, the proposed variations are considered to weaken the intended development outcomes for the precinct.

Option 1 is recommended.

Conclusion

The application seeks approval for a carport extension and lot boundary fence. It is considered that despite the variation to the provisions of LPP3.2, the policy objectives are satisfied. A condition of determination is recommended to ensure the protection of the existing vegetation on site and that the design of the carport extension is consistent with existing development in the locality. Therefore, Officers recommend approval for the application subject to conditions.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Development Plans (E23/8181)
- **10.1.5 - attachment 2** - Technical Assessment (E23/8182)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks considered for this option.						
2	That Council refuses the development application and an appeal is lodged to the SAT, which requires independent planning representation in order to defend the decision of Council which differs from the Officer recommendation, causing costs to be incurred	Town Planning Scheme No.2 and Local Planning Policy 3.2 - Woodlot Subdivision Jarrahdale Design Guidelines	Financial	Unlikely	Minor	LOW	Ensuring reasons for refusal are valid planning reasons.



Voting Requirements: Simple Majority

OCM162/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council APPROVES the development application for the proposed carport extension and lot boundary fence at Lot 822, 9 Kingsbury Drive, Jarrahdale 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-P2 received at the Shire’s Offices on 27 April 2023
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b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.

c. All existing trees or vegetation identified on the site plan shall be retained and protected for the duration of the approved works, unless otherwise approved by the Shire of Serpentine Jarrahdale.

d. Prior to the issue of a Building Permit, a Schedule of Colours and Materials shall be provided to and approved by the Shire of Serpentine Jarrahdale. The Schedule shall demonstrate how the colours and materials of the carport extension are either consistent with existing development on site or the broader heritage themes of Jarrahdale, to the satisfaction of the Shire.

CARRIED UNANIMOUSLY 6/0



10.1.6 - Proposed 'Patio' - Lot 15, 30 Granfell Way, Byford (PA23/201)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> . A third party consultant has been engaged for the preparation of the report as Applicant is an employee of the Shire.

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:	PSF Home Improvements
Owner:	Devonshire Lesa and Yana Kriesta Gabriel
Date of Receipt:	4 April 2023
Lot Area:	176m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for the Council to consider a development application for the construction of a new patio at Lot 15 (No. 30) Granfell Way, Byford.

In accordance with the Shire's Business Operating Procedure, whereby the applicant is an employee of the Shire, the Shire is required to engage third-party consultant to assess the development application and present the item for Council determination.

The development seeks variation to the deemed-to-comply requirements of State Planning Policy 7.3 - Residential Design Codes (Volume 1) (R-Codes) by way of reduced uncovered open outdoor living area.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



Background

The subject site is located on Granfell Way within an 'Urban Development' zone under Town Planning Scheme No. 2 (TPS2) and is designated 'Residential R60' as part of the Byford Town Centre Local Structure Plan. Draft Local Planning Scheme No. 3 (draft LPS3) indicates subject site as 'Residential R60'.

Residential development within the immediate locality generally consists of one to two storey single house dwellings with a R60 density as guided by the Local Development Plan - Village Reserve Lot 9200 Abernathy Road, Byford (LDP).

An existing primary school is located on the opposite side of Granfell Way and secondary school approximately 200m away to the west.

Existing Development

The subject site is 176m² in area and has an existing single storey dwelling. The existing dwelling has street frontage (south) to Granfell Way. Vehicular access and carport are located at the rear (north) of the subject site and can be accessed via Spinifex Lane.

An existing outdoor living area is situated between the carport and the dwelling.



Image 1 - Aerial of subject site

Proposed Development

The application seeks the approval for the construction of a patio between the dwelling and the carport.

The proposed patio spans 4.6m across the rear of the existing dwelling and extends 3.87m towards the carport. A 0.8m wide skylight is also proposed to allow filtered sunlight to the patio area. Both sides to the east and west of the patio are setback from the side boundary by 0.9m.

The patio has a flat roof with a height of 2.41m measured from the carport and slopes down towards to the existing dwelling to a height of 2.3m. Stormwater for patio are drained via the existing downpipes attached to the existing dwelling. Proposed plans and elevations for the patio can be seen at **attachment 1**.



Community / Stakeholder Consultation

The application is not advertised as the development is incidental in nature and occur within the property boundary.

Statutory Environment

Legislation

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

State Government Policies

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Byford Town Centre Local Structure Plan
- Local Development Plan Village Reserve - Lot 9200 Abernethy Road, Byford
- Local Planning Policy 2.2: Residential Development Standards (R25 – R60)

Planning Assessment

A full technical assessment was carried out against the planning framework in accordance with Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 (Deemed Provisions) and R-Codes provisions, the assessment can be viewed as part of **attachment 2**.

Land Use

The subject site is zoned 'Urban Development' under TPS2 and designated 'Residential R60' under the Byford Town Centre Local Structure Plan (LSP). The subject site is further guided by the Village Reserve – Lot 9200 Abernethy Road, Byford Local Development Plan (LDP). Proposed land use is considered incidental to the 'Residential – Single House' land use which is a permitted use within the 'Residential R60' zone. This is considered consistent with the planning framework.

Application of Local Development Plan and R-Codes

Provisions of TPS2 and R-Codes are varied as prescribed within the LDP. The proposed patio exceeds deemed-to-comply requirements by way of outdoor living area roof coverage and landscaping. As a result of proposed patio, outdoor living area is uncovered for 7m², in lieu of 16m² as per the LDP requirement. In addition, soft landscaping is required for at least one-third of the outdoor living area, whereby the proposal does not indicate areas for soft landscaping.

Variation to the deemed-to-comply requirements is sought for Clause 5.3.1 (as per LDP) and Clause 5.3.2 (as per LDP), both clauses are to be assessed against design principles Clause 5.3.1 (P1) and 5.3.2 (P2).

Clause 5.3.1 Outdoor Living Area (P1)

When considering the proposal, no changes are being made to the configuration of the existing outdoor living area apart from the addition of the proposed patio which partially covers this area. In this regard, it is noted that the proposed patio is setback 0.9m from both sides providing an



uncovered area of 7m². A proposed 0.8m x 4.6m (3.7m²) skylight located just north of the patio allow for winter sun access.

Considering the relatively small lot size, the proposed patio will allow reasonable usage of outdoor living area in conjunction of primary living space. In addition, the site is orientated in a north-south direction, it is considered that the skylight proposed for the patio still allows for some degree of solar access for the dwelling.

Having regard to the surrounding area, a review of aerial photography indicates similar coverage of outdoor living areas which is visible on some neighbouring properties.

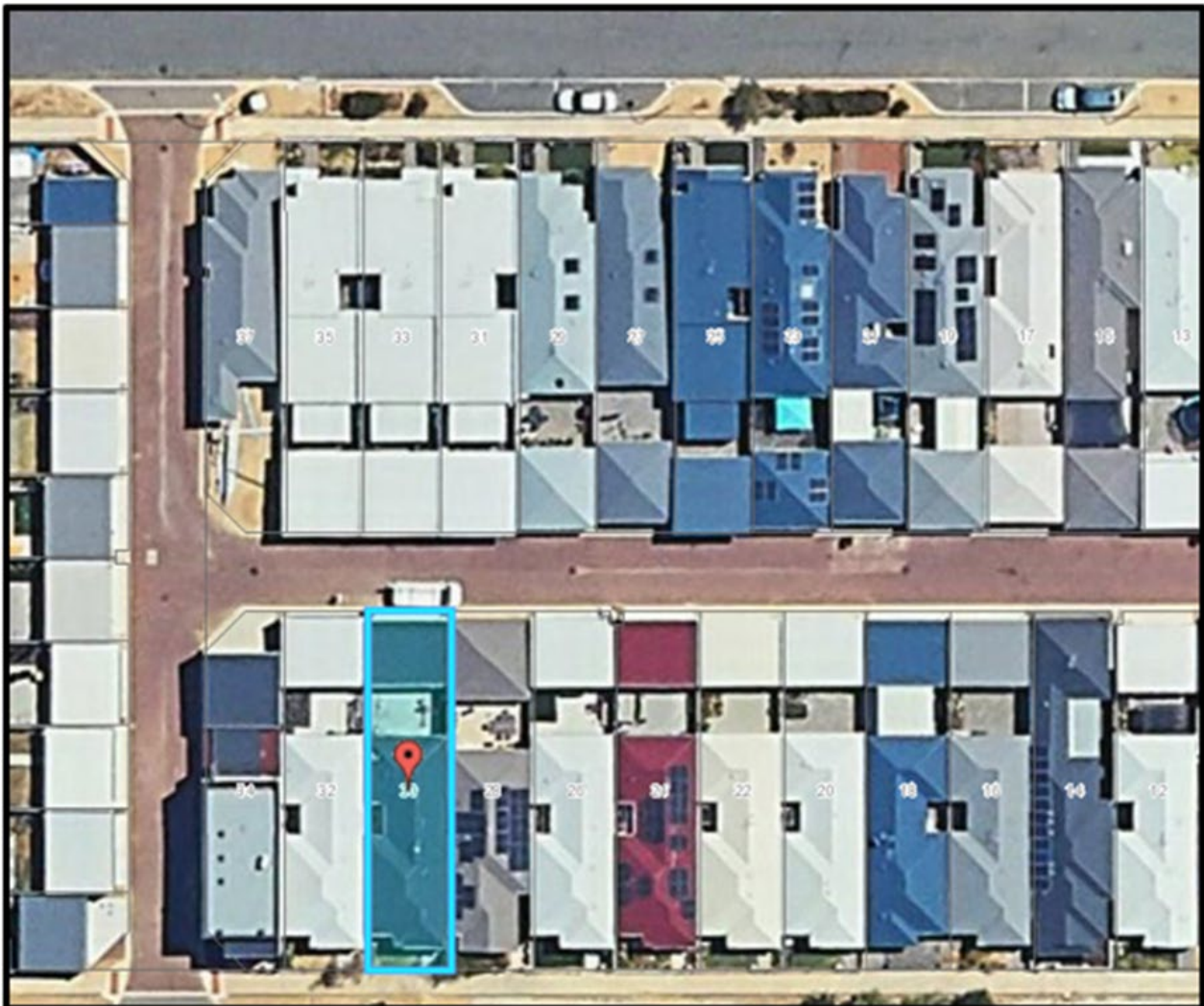


Image 2 – Surrounding properties with coverings over outdoor living area

Clause 5.3.2 Landscaping (P2)

Given that the proposal does not present itself to any of the primary and secondary street frontage, there is no impact on any streetscapes. However, it is acknowledged that covering outdoor living spaces does limit landscaping options.

As a result, it is recommended that soft landscaping shall be proposed within the 0.9m setback of the uncovered area on both sides of the patio, to contribute to the microclimates and amenity of the residents.



Options and Implications

Option 1

That Council APPROVES the development application for the construction of a new patio at Lot 15 (No. 30) Granfell Way, Byford 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:
- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.
- c. Landscaping shall be provided on the outdoor living areas on either side of the proposed patio.

Option 2

That Council REFUSES the development application for the construction of a new patio at Lot 15 (No. 30) Granfell Way, Byford due to undesirable amenity impacts caused by:

- a. Insufficient uncovered outdoor living areas being provided.
- b. Insufficient soft landscaping being provided in the outdoor living area.

Option 1 is recommended.

Conclusion

The proposed construction of a patio is incidental in nature will not result in adverse impact to the residents or the adjoining property. The patio meets deemed to comply requirements of relevant planning framework with the exception of roof coverage and landscaping of outdoor living area. However, it is considered that the proposal is consistent with the design principles of R-Codes and is compatible with the existing character of the locality.

Attachments (available under separate cover)

- **10.1.6 - attachment 1** - Amended Plans (E23/7304)
- **10.1.6 - attachment 2** - Technical Assessment (E23/7862)

Alignment with our Strategic Community Plan

Strategy 1.1.2	Provide a healthy community environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to not present any strategic or operational risks.						
2	Council refuses the application, and an appeal is lodged with the State Administrative Tribunal.	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

OCM163/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council **APPROVES** the development application for the construction of a new patio at Lot 15 (No. 30) Granfell Way, Byford 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:
- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.
- c. Landscaping shall be provided on the outdoor living areas on either side of the proposed patio.

CARRIED UNANIMOUSLY 6/0



10.1.7 - Adoption of the annual update of the Community Infrastructure Development Contribution Plan Report No. 3 (PA18/781)

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

Authority

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.

Report Purpose

The purpose of this report is for Council to approve the annual update of the Community Infrastructure Development Contribution Plan - being Report Revision No. 3 (CIDCP3). A copy of this is provided within **attachment 1**. This revision updates:

- Remaining Lots
- Remaining Infrastructure costs (indexed as required)
- Administration costs (actual costs to date plus future cost forecast)
- Minor textual changes to update references to informing strategies, documents, etc.

It is a requirement of State Planning Policy 3.6 Development Contributions for Infrastructure, that the DCP Report for a gazetted Development Contribution Scheme is updated at least annually. These annual updates are to be minor in nature and the primary purpose is to update development progress and the associated cost impact, in order to keep the Contribution Per Lot value in line with remaining development. More significant modifications are done every five years.

It is recommended that Council adopt the annual update.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 June 2022 - OCM134/06/22 - COUNCIL RESOLUTION

That Council:

- 1. APPROVES the Community Infrastructure Development Contribution Plan Report 2, in accordance with attachment 1, for adoption and that the new revision be effective from 1 July 2022 and published on the Shire website.*
- 2. AUTHORISES the Chief Executive Officer to update the Community Infrastructure Development Contribution Plan Report appendices prior to publishing the Report, in order to capture any DCP transactions occurring between the submission of this Report and the date of the Council adoption of the Report.*
- 3. NOTES that the changes in respect of revised construction timeframes and increase in annual contributions will be reflected in the Shire's Long-Term Financial Plan.*



Background

On 4 June 2021, the Community Infrastructure DCP came into effect through the work associated with Amendment No. 207 to Shire of Serpentine Town Planning Scheme No. 2.

Following the gazettal of the DCP, Council adopted the first DCP Report (CIDCP1), which set out in detail the cost base and calculation methodology of the cost contribution for each developing landowner. This first revision was adopted on 1 July 2021, and the second revision subsequently adopted on 1 July 2022.

State Planning Policy 3.6, under section 6.10.4 *Requirements of a DCP*, states that “the costs of infrastructure must be transparent, appropriate and reviewed at least annually”.

The CIDCP3 report, achieves the annual review requirement. Once adopted by Council, CIDCP3 will be in place until the following annual review.

Community / Stakeholder Consultation

There is no statutory obligation for the Shire to advertise or seek comment on the minor annual review of a DCP report, however section 18 of the DCP Report states that:

“...where the costing and details of the DCP Report are:

- revised based on accounting for completed works;
- revised based on construction cost increases/decreases;
- revised based on land value increases/decreases;
- revised based on revisions to the anticipated undeveloped lot yield; and
- not subject to other material change

the Shire will consult with the Byford Industry Reference Group (BIRG) and Mundijong Industry Reference Group (MIRG).”

The BIRG and MIRG groups represent the interests of developers who may be subject to the provisions of this DCP. The group also provides advice and guidance as to where and when future development will occur, which assists in developing timelines for provision of the DCP infrastructure. This CIDCP3 has been reviewed by BIRG and MIRG, and feedback has been considered and included within the DCP report.

This CIDCP revision number 3 seeks only to update those items listed above and therefore is not required to be advertised prior to adoption.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.6 Development Contributions for Infrastructure 2021 (SPP3.6)

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)



Comments

State Planning Policy 3.6 Development Contributions for Infrastructure section 6.10.4 Requirements of a DCP, states that *“the costs of infrastructure must be transparent, appropriate and reviewed at least annually”*.

The cost of infrastructure items, and other associated costs, such as administration costs, are shared across the remaining lots anticipated to be developed within the DCP lifespan.

The annual reconciliation of costs and remaining lots set the starting Contribution Per Lot value for each annual DCP revision. Likewise, any DCP Fund surplus or deficit at the time of the annual review, informs and adjusts the Contribution Per Lot cost. This annual update serves to maintain the “cost neutral” position of the DCP, in order to ensure equitable sharing of costs and minimise the risk that the DCP fund closes in either a deficit or a surplus.

In accordance with Clause 9.3.11.1 of the Scheme, the determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

In this revision, all Infrastructure costs have been indexed by 1.8% on last year’s costs. Last year was a large indexing of costs of 18%, reflective of the state of construction costs. A further 1.8% is forecast for Non-Residential Construction for 2022/23, as detailed within the March 2023 WALGA Economic Briefing (the latest available WALGA Economic Briefing).

The total cost of the included Community Infrastructure at this revision number 3, including administration costs and adjusting for grants received, totals \$50.190m. The remaining costs estimated at this CIDCP3 total \$49.769m – this takes account of contributions already received from development activity since the CIDCP came into existence.

The cost apportionment for the remaining CIDCP Shire Share is \$17.235m. The cost apportionment for the remaining CIDCP Developers share is thus \$32.534m. This equates to a current per lot contribution rate for developers as follows:

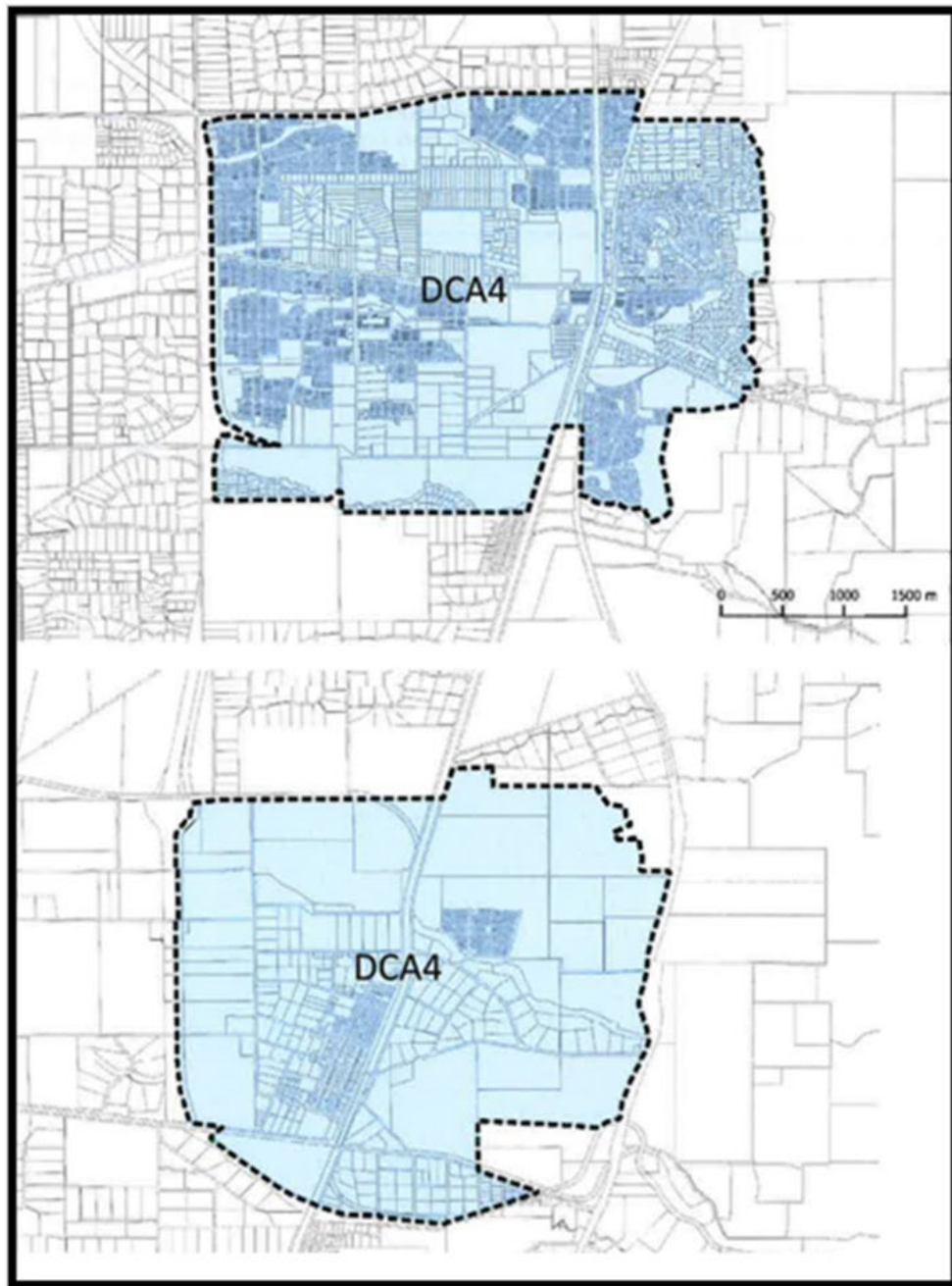
- Byford = \$2,409.12 (was \$2,277.73 in CIDCP2)
- Mundijong = \$1,787.13 (was \$1,702.35 in CIDCP2)

Expenditure to date includes Administration costs and design costs for the developer’s share of the BMX Track relocation to Keirnan Park (CIDCP item SO1).

Officers will continue to advocate for a variety of funding sources to assist in easing the cost burden for both the DCP and Municipal funds, and ultimately enable earlier delivery of infrastructure than currently planned.

The estimated infrastructure delivery timeline for the CIDCP projects is contained within “Appendix C - Capital Expenditure Plan” of the CIDCP Report (CIDCP 3) that accompanies this report.

The following contains the map showing the land covered by the CIDCP.



CIDCP area

Options and Implications

The cost of construction is estimated to have risen 1.8% since the adoption of CIDCP Report No. 2 which experienced a then 18% increase. This further increase is essential to ensure that contribution per lot values (which relate to the Developers' share) keep pace with costs of infrastructure. This revision updates the DCP costs and increases the per lot contribution values for the developer's share accordingly.

The increase in construction costs also impacts the Shire-share component of the included projects, and thus there is a need for the Shire to review the level of contributions made into the CIDCP Cashback fund once the revision is adopted. This will be reflected within the Shire's Long Term Financial Plan.



Option1

That Council:

1. APPROVES the Community Infrastructure Development Contribution Plan Report 3, in accordance with **attachment 1**, for adoption and that the new revision be effective from 17 July 2023 and published on the Shire website.
2. AUTHORISES the Chief Executive Officer to update the Community Infrastructure Development Contribution Plan Report appendices prior to publishing the Report, in order to capture any DCP transactions occurring between the submission of this Report and the date of the Council adoption of the Report.

Option 2

That Council DOES NOT APPROVE the Community Infrastructure Development Contribution Plan Report 3.

Option 1 is recommended.

Conclusion

The Community Infrastructure Contribution Plan Report No. 3 has been updated to reflect current costs and development progress, which inform an accurate Contribution Per Lot rate as at the date of adoption of the revised DCP Report. This rate will form the basis for Contributions for the forthcoming DCP year.

The report is presented to Council for consideration for adoption. If approved, CIDCP3 will immediately succeed CIDCP2 as the operative DCP for Development Contribution Area 4 (DCA4).

Attachments (available under separate cover)

- **10.1.7 - attachment 1** – Development Contribution Plan Report No.3 (E23/7652)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 2.1	A diverse, well planned built environment
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Once the CIDCP Report revision is adopted, the updated infrastructure costs will be integrated into the Shire’s Long-Term Financial Plan and will deliver a planned capital expenditure over the next 13 years (to 2036).

The type and cost of Community Infrastructure identified within the CIDCP (as remains at this revision) has been updated and totals \$50.089m.

Due to the Shire-share for the existing population residing within the DCA4 area, costs of infrastructure are apportioned between the CIDCP funding (Developers) and Shire funding.



At this revision the cost apportionment is as follows:

- CIDCP Shire Share: \$17.235m
- CIDCP Developers' Share: \$32.534m

In order to meet the Shire's funding requirements under the plan, the Shire will align its component of costs through annual cash backing of the CIDCP reserve, and reflect increases in the Long Term Financial Plan.

In this revision, all Infrastructure costs have been indexed by 1.8% on last year's costs. Last year was a large indexing of costs of 18%, reflective of the state of construction costs. A further 1.8% is forecast for Non-Residential Construction for 2022/2023, as detailed within the March 2023 WALGA Economic Briefing (the latest available WALGA Economic Briefing).

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest risk option.						
2	If Council does not approve CIDCP Report No. 3 Council will not conform to State Planning Policy 3.6 and the Shire's Town Planning Scheme.	There is an existing CIDCP2 that would continue to operate but would collect inadequate funds to deliver the infrastructure.	Strategic Stakeholder Relationships	Unlikely	Moderate	MODERATE	Provide reasons for decision



Voting Requirements: Simple Majority

OCM164/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Duggin

That Council:

- 1. APPROVES the Community Infrastructure Development Contribution Plan Report 3, in accordance with attachment 1, for adoption and that the new revision be effective from 17 July 2023 and published on the Shire website.**
- 2. AUTHORISES the Chief Executive Officer to update the Community Infrastructure Development Contribution Plan Report appendices prior to publishing the Report, in order to capture any DCP transactions occurring between the submission of this Report and the date of the Council adoption of the Report.**

CARRIED UNANIMOUSLY 6/0



10.1.8 - Consideration to adopt Development Contribution Plan Report No. 7 for Development Contribution Area 1 (Amendment 208) (PA18/778)

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

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.

Report Purpose

For Council to adopt Development Contribution Plan Report No. 7 (DCP7), for Development Contribution Area 1 (DCA1). This is required in accordance with Clause 9.3.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 which states:

“Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.”

A development contribution plan for this area is already in effect, however the recent gazettal of Amendment 208, which amends the current plan, also triggers the requirement of this clause. This DCP Report will enable cost contributions, in line with the requirements of Amendment 208, to be collected for traditional infrastructure, in accordance with the requirements of DCA1 and its associated DCP Report No. 7. DCA1 covers the urban area of Byford.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 November 2020 – OCM366/11/20 – COUNCIL RESOLUTION / Officer Recommendation:

That Council:

- 1. Pursuant to Section 75 of the Planning and Development Act 2005 and regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, ADOPTS Scheme Amendment No. 209 SUBJECT to the modifications outlined in accordance with attachment 5;*
- 2. As part of Amendment 209, resolves to APPROVES the West Mundijong Industrial Development Contribution Plan revision 3 (DCP3) and Mundijong Urban Development Contribution Plan revision 1 (DCP1), SUBJECT to the modifications outlined in accordance with attachment 5;*
- 3. FORWARDS two (2) copies of Amendment No. 209 to Town Planning Scheme No. 2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.*



It is noted that the above resolution references DCP Revision 6 (DCP6) in respect of Amendment 208, however since an Annual Review to the current DCP has occurred since this resolution, the revision to accommodate Amendment 208 is now DCP Revision 7 (DCP7).

Background

The amendment to include the Byford Traditional Infrastructure Development Contribution Area within the Shire was gazetted in January 2014 (under Amendment 168). This allowed the Western Australian Planning Commission (WAPC) to place the obligation to pay a DCP contribution on subdivision and development approvals.

In December 2018, Council adopted the Complex Amendment 208 which introduced new items of infrastructure, and amended the provisions of some existing infrastructure, within the DCP.

Approval for advertising was granted by the WAPC in April 2020, with advertising and consultation taking place between May and July 2020. Further to submissions received during the consultation process, a schedule of modifications to the original Amendment was adopted by Council in November 2020 and submitted for Ministerial approval on 25 November 2020.

The Amendment was considered by the Statutory Planning Committee (SPC) in August 2022. This dealt with changes since the 2020 consideration by Council, particularly to account for a number of infrastructure items being delivered by other agencies or covered by grants received. These were:

- Removal of Clara Street and the associated rail crossing (delivered by Metronet)
- Removal of George Street (delivered by Metronet)
- Removal of the remaining costs associated with Sansimeon Boulevard (delivered by Metronet)
- Removal of Soldiers Road (State funding received)
- Removal of the remaining section/costs of Thomas Road (transferred to Main Roads WA)

The Minister's response and Schedule of Modifications was received on 2 February 2023 and Amendment 208 updated and resubmitted accordingly.

In general, the Minister supported the majority of the recommendations, as resolved by Council, including those adjustments mentioned previously. The Minister resolved not to support the inclusion of Lot 33 Hopkinson Road, as this area had not been included in the originally advertised Amendment (due to that lot being zoned "Rural" at the time advertising commenced). Correspondingly, the associated infrastructure identified to service Lot 33 (being the Doley Road extension between Orton Road and Cardup Siding Road), was also not supported.

It is noted that Officers intend to progress a new Amendment to include Lot 33 Hopkinson Road within the Byford Traditional Infrastructure DCP and the Community Infrastructure DCP, once the new Local Planning Scheme (LPS3) is gazetted - with the gazettal of LPS3 being a prerequisite for the Amendment.

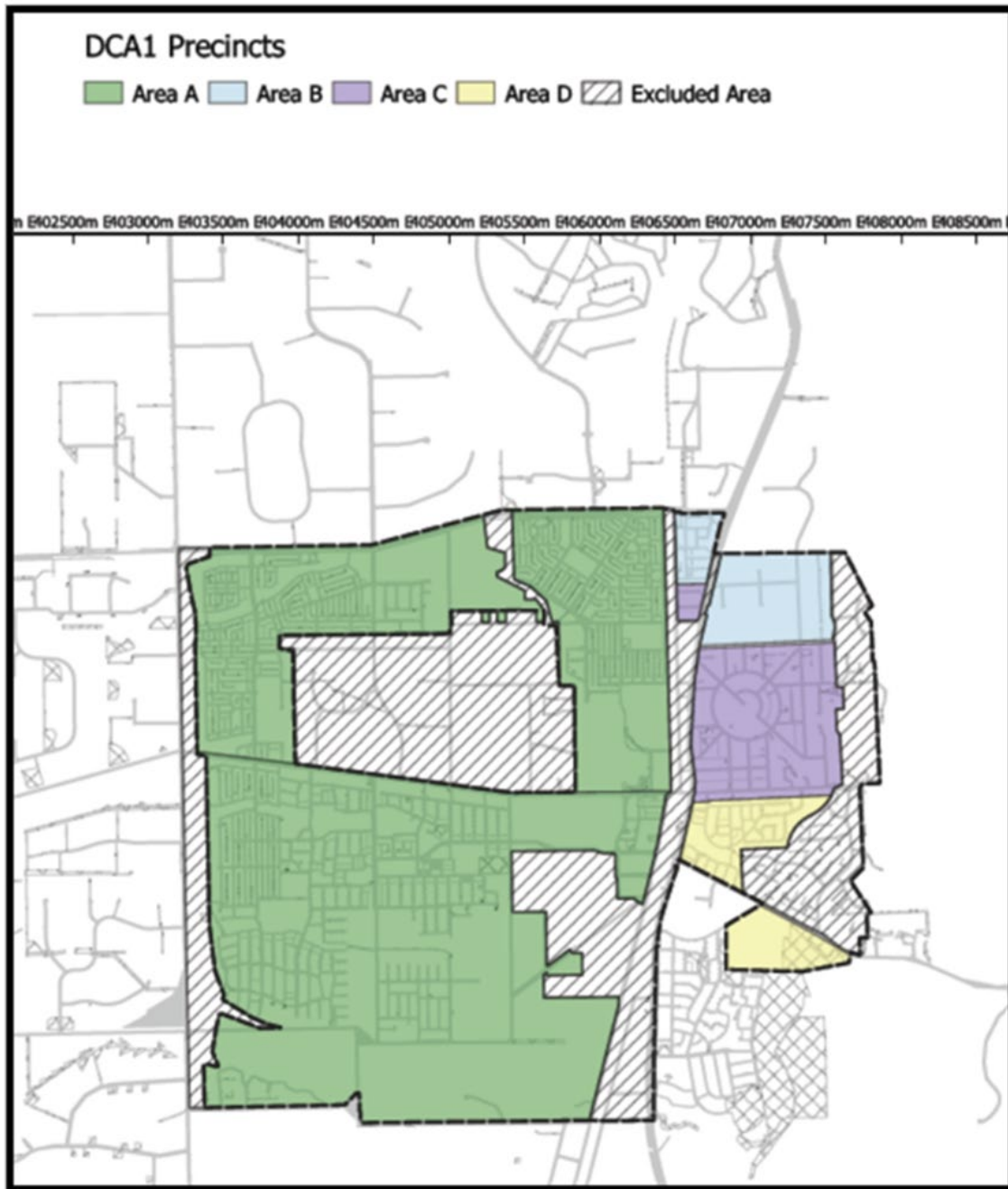
Final approval of the Amendment 208 (**attachment 1**) was received on 17 May 2023, with Gazettal occurring on 23 May 2023.

An updated DCP Report to accompany the Amendment is required to be adopted within 90 days of Gazettal of an associated Amendment, as detailed within State Planning Policy 3.6, which is also reflected within Clause 9.3.10.1 of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 ("Scheme").



Attachment 2 contains the revised DCP Report (DCP7) which reflects the approved Amendment and associated infrastructure costs. This revision also achieves the requirement for the Annual Review of the DCP, and reconciles all historic development and associated costs, up to the date of the new revision.

The following image shows the Byford DCA extent:



Byford DCA Extent

Community / Stakeholder Consultation

This updated DCP7 Report has been circulated to the Byford Industry Reference Group (BIRG) for review and feedback. Feedback received has been incorporated into this report where appropriate.



Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.6 Development Contributions for Infrastructure 2020

Local Planning Framework

- Town Planning Scheme No.2
- Draft Local Planning Scheme No. 3
- Draft Community & Public Open Space Strategy (CIPOSS)
- Byford District Structure Plan 2020

Planning Assessment

DCP Report No. 7 for DCA1 has been finalised as follows:

- To reflect the Minister's Schedule of Modifications.
- Costs of infrastructure included have been reviewed independently by Quantity Surveyors as of October 2022, and designs reviewed where applicable.
- Where grant funding has been confirmed, this is reflected in the cost of that infrastructure item.
- Administration costs and allocations have been adjusted to reflect the budget forecast for the Financial Year 2023/2024.
- Land Values and escalation rates have been updated by an independent valuer and are current as of February 2023.

The above ensures that the most accurate and up to date information is reflected in the DCP Report No. 7 for DCA1.

Clause 9.3.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 states:

"Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area."

Further to this time requirement, conditions of development relating to Amendment 208 have been imposed since the Amendment was submitted for approval to the WAPC (when it became a "seriously entertained document"), however contributions associated with the Amendment may not be collected until gazettal of the Amendment and adoption of the associated DCP Report. Clearances relating to such DCP payments relating to the Amendment are currently managed using legal deeds of agreement or bond payments. Once this DCP7 Report is adopted, these outstanding DCP contributions can be collected and reflected in the DCP fund balance.

As the DCP is currently operational, transactions associated with the current DCP6 Report will continue to occur up to the date of adoption of DCP7. The appendices contained within DCP7 will need to be updated by Officers to reflect these transactions occurring up to the day of Council adoption.



Options and Implications

Option 1

That Council, in accordance with Clause 9.3.10.1 of the Scheme, ADOPTS Development Contribution Plan Report No. 7 for DCA1 without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption.

Option 2

That Council DOES NOT ADOPT Development Contribution Plan Report No. 7 for DCA1.

Option 1 is recommended.

Conclusion

The attached DCP7 Report is an accurate and up to date reflection of the Minister's determination, current construction costs, and contains all information that is required under SPP 3.6 and the Town Planning Scheme. It is also reflective of other local informing strategies.

Timelines included within the Report are based on discussions with developers and landowners (where available) and are aligned with when development in those areas is expected to occur. As such, the timeline reflects the infrastructure build occurring as the need arises for the infrastructure (i.e., at the time of local development).

Adoption of the DCP7 Report will ensure compliance with the legislative timeline of 90 days from gazettal of the Amendment, and enable Officers to reconcile all outstanding DCP contributions, giving certainty to Developers around the timelines and values associated with DCP infrastructure items.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Final Amendment 208 (E23/6648)
- **10.1.8 - attachment 2** - Development Contribution Plan Report No. 7 for Development Contribution Area No. 1 (E23/3054)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration



Financial Implications

All infrastructure within this DCP is funded wholly by Developers and/or grant funding. There is no Shire contribution associated with this DCP, and therefore no financial implication associated with the Municipal fund.

With respect to financial implications for developers, the estimated costs associated with this DCP, on a “per lot” basis, will be as follows:

	Area A	Area B	Area C	Area D
DCP6 (current) Cost	\$10,986.25	\$ 7,472.44	\$ 3,264.99	\$ 7,472.44
DCP7 (updated) Cost	\$14,847.10	\$10,674.42	\$ 5,367.36	\$10,674.42

The per lot cost increase is reflective of increases in construction cost and additional infrastructure and associated land now included for in the new Amendment.

The previous image shows the different precincts.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council, in accordance with Clause 9.3.10.1 of the Scheme, adopts Development Contribution Plan Report No. 7 for DCA1 without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption.	There are no significant risks associated with Council ADOPTING the DCP Report No. 7 without modification.					
3	If Council does not approve DCP No. 7, Council will not conform to State Planning Policy 3.6 and the Shire's Town Planning Scheme.	There is an existing DCP Report that would continue to operate but would collect inadequate funds to deliver the infrastructure, placing extreme risk upon the Shire in having to make good cost shortfall at or before the end of the DCP timeframe.	Financial	Unlikely	Major	SIGNIFICANT	Accept Officer recommendation



Continued

**Ordinary Council Meeting Minutes
Monday, 17 July 2023**

Voting Requirements: Simple Majority

OCM165/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council, in accordance with Clause 9.3.10.1 of the Scheme, ADOPTS Development Contribution Plan Report No. 7 for DCA1 without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption.

CARRIED UNANIMOUSLY 6/0



Councillor Atwell declared a Financial Interest in item 10.1.9 and left the Meeting at 8:44pm prior to this item being discussed.

10.1.9 - Consideration to adopt DCP Report No. 4 for West Mundijong Industrial DCP and DCP Report No. 1 for Mundijong-Whitby Urban Traditional DCP (Amendment 209) (PA18/780)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, and setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.

Report Purpose

For Council to adopt DCP Report No. 4 (DCP4), for the West Mundijong Industrial DCP area, and DCP Report No. 1 (DCP1) for the Mundijong-Whitby Urban DCP area, as the Amendment 209 has been approved by the Minister and Gazetted.

This is required in accordance with Clause 9.3.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 which states:

“Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.”

The recent gazettal of Amendment 209, which amends the current plan for the West Mundijong Industrial DCP area and introduces a new plan for the Mundijong-Whitby Urban DCP area, triggers the requirement of this clause for both DCPs.

Adoption of these reports will enable cost contributions, in line with the requirements of Amendment 209, to be collected for shared/common infrastructure.

**Relevant Previous Decisions of Council**

Ordinary Council Meeting – 16 November 2020 – OCM366/11/20 – COUNCIL RESOLUTION / Officer Recommendation:

That Council:

- 1. Pursuant to Section 75 of the Planning and Development Act 2005 and regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, ADOPTS Scheme Amendment No. 209 SUBJECT to the modifications outlined in accordance with attachment 5;*
- 2. As part of Amendment 209, resolves to APPROVES the West Mundijong Industrial Development Contribution Plan revision 3 (DCP3) and Mundijong Urban Development Contribution Plan revision 1 (DCP1), SUBJECT to the modifications outlined in accordance with attachment 5;*
- 3. FORWARDS two (2) copies of Amendment No. 209 to Town Planning Scheme No. 2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

It is noted that the above resolution references DCP Revision 3 (DCP3) in respect of the West Mundijong Industrial DCP, however since the regular Annual Review for this DCP has occurred since this resolution, the next revision for the West Mundijong Industrial DCP is now DCP Revision 4 (DCP4).

Background

The amendment to include the West Mundijong Traditional Infrastructure Development Contribution Area within the Shire was gazetted in February 2018. This allowed the Western Australian Planning Commission (WAPC) to place the obligation to pay a DCP contribution on subdivision and development approvals.

In December 2018, Council adopted the Complex Amendment 209 which updates the infrastructure provisions for the West Mundijong Industrial DCP and also introduces a new DCP and DCP area for the Mundijong urban area - the Mundijong-Whitby Urban Traditional Infrastructure DCP.

Approval for advertising of the proposed Amendment 209 was granted by the WAPC in April 2020, with advertising and consultation taking place between May and July 2020. Further to submissions received during the consultation process, a schedule of modifications to the original Amendment was adopted by Council in November 2020 and submitted for Ministerial approval on 25 November 2020.

The Amendment was considered by the Statutory Planning Committee (SPC) in August 2022. The Shire's deputation noted the removal of Soldiers Road, as State funding had since been received for this item.

The Minister's response and Schedule of Modifications was received on 2 February 2023 and Amendment 209 updated and resubmitted accordingly.

The Minister supported all the recommendations, as resolved by Council, including those made by Officers at the SPC deputation.

Final approval of the Amendment (**attachment 1**) was subsequently received on 17 May 2023, with Gazettal (being published in the Government Gazette) occurring on 23 May 2023.

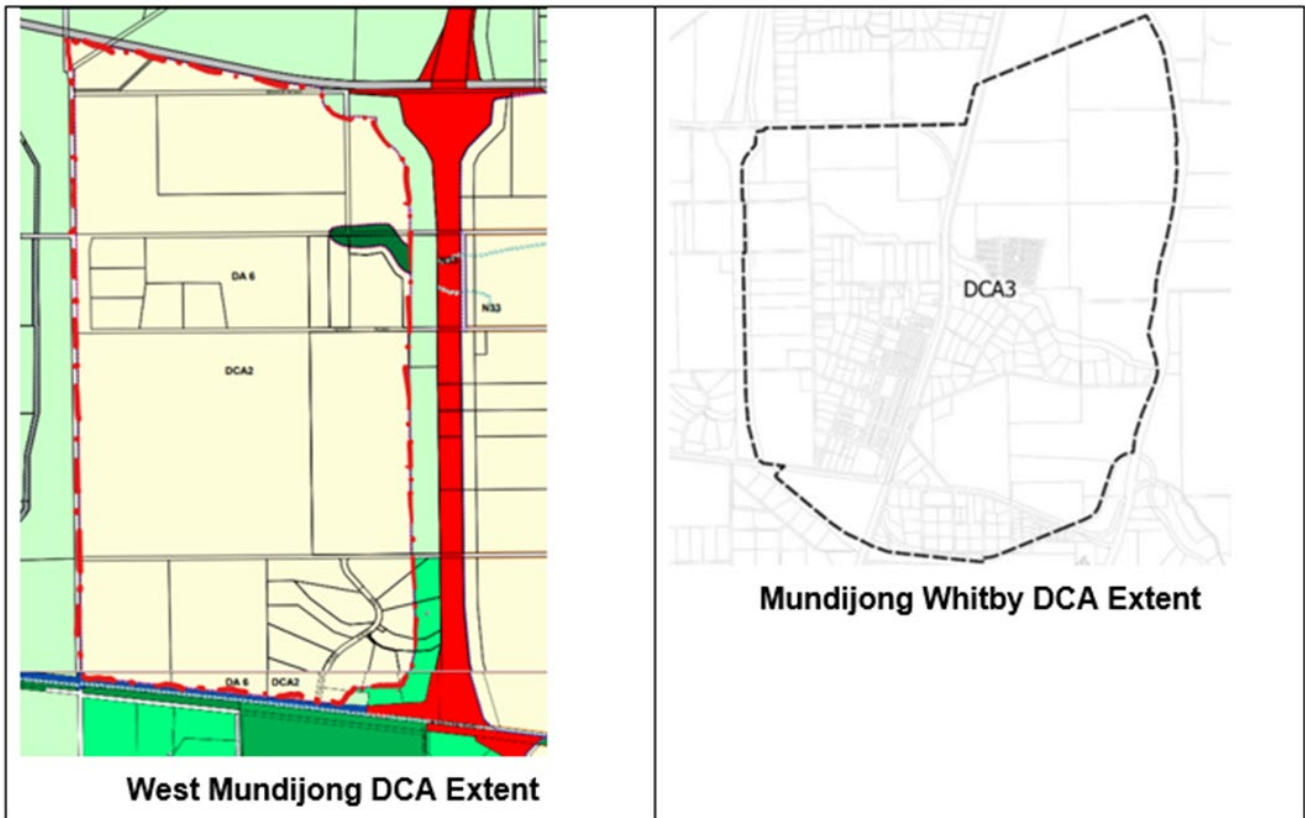


As the Amendment 209 addresses two separate DCPs, a separate DCP Report is required to be adopted for each area. The DCP Reports must be adopted within 90 days of Gazettal of the associated Amendment, as detailed within State Planning Policy 3.6, which is also reflected within Clause 9.3.10.1 of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (“Scheme”).

Attachment 2 contains the revised DCP Report for the West Mundijong Industrial DCP (DCP4) and **attachment 3** contains the revised DCP Report for Mundijong-Whitby Urban DCP (DCP1). The reports are reflective of the approved Amendment.

This report revision for the West Mundijong Industrial DCP also achieves the requirement for the Annual Review of the DCP, and reconciles all historic development and associated costs, up to the date of the new revision.

The following image shows the extent of the West Mundijong DCA, and the Mundijong Whitby Urban DCA.



Community / Stakeholder Consultation

The updated DCP Reports have been circulated to the Mundijong Industry Reference Group (MIRG) for review and feedback. Feedback received has been incorporated into this report where appropriate.



Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.6 Development Contributions for Infrastructure 2020

Local Planning Framework

- Town Planning Scheme No.2
- Draft Local Planning Scheme No. 3
- Draft Community & Public Open Space Strategy (CIPOSS)
- Mundijong District Structure Plan 2020
- West Mundijong Industrial Area Structure Plan October 2022

Planning Assessment

The DCP Reports have been finalised as follows:

- To reflect the Minister's Schedule of Modifications.
- Costs of infrastructure included have been reviewed independently by Quantity Surveyors as of October 2022, and designs reviewed where applicable.
- Where grant funding has been confirmed, this is reflected in the cost of that infrastructure item.
- Administration costs and allocations have been adjusted to reflect the budget forecast for the Financial Year 2023/24.
- Land Values and escalation rates have been updated by an independent valuer and are current as of February 2023.

The above ensures that the most accurate and up to date information is reflected in the DCP Reports.

Clause 9.3.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 states:

"Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area."

Further to this time requirement, conditions of development relating to Amendment 209 have been imposed since the Amendment was submitted for approval to the WAPC (when it became a "seriously entertained document"), however contributions associated with the Amendment may not be collected until gazettal of the Amendment and adoption of the associated DCP Report. Clearances relating to such DCP payments relating to the Amendment are currently managed using legal deeds of agreement or bond payments. Once this DCP Reports are adopted, these outstanding DCP contributions can be collected and reflected in the respective DCP fund balances.

As the DCP for West Mundijong Industrial is currently operational, transactions associated with the current DCP3 Report will continue to occur up to the date of adoption of DCP4. The



appendices contained within DCP4 will need to be updated by Officers to reflect these transactions, which may occur up to the day of Council adoption.

Options and Implications

Option 1

That Council, in accordance with Clause 9.3.10.1 of the Scheme, ADOPTS the Development Contribution Plan Report No. 4 for the West Mundijong Industrial DCP and Report No. 1 for the Mundijong-Whitby Urban Traditional Infrastructure DCP without modifications, and authorises the Chief Executive Officer to update the appendices as required at the date of adoption.

Option 2

That Council DOES NOT ADOPT Development Contribution Plan Report No. 4 for the West Mundijong Industrial DCP and Report No. 1 for the Mundijong-Whitby Urban Traditional Infrastructure DCP.

Option 1 is recommended.

Conclusion

The attached DCP Reports are an accurate and up to date reflection of the Minister's determination, current construction costs, and contains all information that is required under SPP 3.6 and the Town Planning Scheme. It is also reflective of other local informing strategies.

Timelines included within the Report are based on discussions with developers and landowners (where available) and are aligned with when development in those areas is expected to occur. As such, the timeline reflects the infrastructure build occurring as the need arises for the infrastructure (i.e., at the time of local development).

Adoption of the DCP Reports will ensure compliance with the legislative timeline of 90 days from gazettal of the Amendment, and enable Officers to reconcile all outstanding DCP contributions, giving certainty to Developers around the timelines and values associated with DCP infrastructure items.

Attachments (available under separate cover)

- **10.1.9 - attachment 1** - Final Amendment 209 (E23/6650)
- **10.1.9 - attachment 2** - Development Contribution Plan Report No. 4 for the West Mundijong Industrial DCP (E23/3435)
- **10.1.9 - attachment 3** - Development Contribution Plan Report No. 1 for the Mundijong-Whitby Urban Traditional DCP (E23/3065)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected, and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Strategy 1.1.2	Provide a healthy community environment
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

All infrastructure within these DCPs is funded wholly by Developers and/or grant funding. There is no Shire contribution associated with either DCP, and therefore no financial implication associated with the Municipal fund.

With respect to financial implications for developers, the estimated costs associated with the respective DCPs are as follows:

West Mundijong Industrial Traditional Infrastructure DCP

	Cost per m²
DCP3 (current) Cost	\$10.57
DCP4 (updated) Cost	\$20.32

The m² cost increase is reflective of increases in construction cost and additional infrastructure included for in the new Amendment.

Mundijong-Whitby Urban Traditional Infrastructure DCP

	Per lot cost
DCP1 Cost	\$11,217.16

This represents the inaugural per lot contribution rate for the Mundijong Whitby Urban Area.

The previous image shows the respective DCA areas.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Council adopts the DCP reports without modifications and authorises the Chief Executive Officer to update the appendices at the date of adoption.	There are no significant risks associated with Council ADOPTING the DCP Reports without modification.					
2	If Council does not approve the two DCP reports, Council will not conform to State Planning Policy 3.6 and the Shire's Town Planning Scheme.	There is an existing DCP Report for West Mundijong, which would continue to collect half of the per lot rate necessary to deliver infrastructure. For Mundijong and Whitby, there would not be a DCP report, and no monies could be collected until adoption occurs.	Financial	Unlikely	Major	SIGNIFICANT	Accept Officer recommendation

Voting Requirements: Simple Majority

Officer Recommendation

That Council, in accordance with Clause 9.3.10.1 of the Scheme, ADOPTS Development Contribution Plan Report No. 4 for the West Mundijong Industrial DCP and Development Contribution Plan Report No. 1 for the Mundijong-Whitby Urban Traditional Infrastructure DCP without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption.



OCM166/07/23

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Duggin

That Council:

1. In accordance with Clause 9.3.10.1 of the Scheme, **ADOPTS** Development Contribution Plan Report No. 4 for the West Mundijong Industrial DCP and Development Contribution Plan Report No. 1 for the Mundijong-Whitby Urban Traditional Infrastructure DCP without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption; and
2. **REQUESTS** that the Chief Executive Officer write to the Hon Rita Saffioti MLA in her capacities as WA State Treasurer and Minister for Transport (encompassing responsibility for Westport):
 - i. Requesting financial support for the provision of essential infrastructure to service the West Mundijong Industrial Area, as has been provided by the State for both the Nambelup and Forrestdale Industrial Areas situated in neighbouring municipalities;
 - ii. Advising that in relation to the Westport Landside Logistics Options presented to Council at the briefing held earlier this year, the Council does not support Option 3 (Oakford Major Logistics Hub), given its undermining of the Shire's Local Planning Framework and significantly its impact on the West Mundijong Industrial Area;
 - iii. Copying the correspondence to the Hon David Michael MLA in his capacity as Minister supporting the Minister for Transport.

CARRIED 4/1

In accordance with section 5.21(4) the individual vote of each member of the Council be recorded.

*Councillors Rich, Duggin, Strange and Strautins voted FOR the motion.
Councillor Coales voted AGAINST the motion.*

Reason for difference to Officer Recommendation

To remind the State Government of the Shire's adopted Local Planning Framework and seek their support for West Mundijong Industrial Area in its decision making.

Councillor Atwell returned to the Chambers at 9:03pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.9.

OCM167/07/23

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strange

That in accordance with clause 3.4 of the *Standing Orders Local Law 2002 (as Amended)*, item 10.4.4 be the next item of business.

CARRIED UNANIMOUSLY 6/0



10.4.4 - Serpentine District Golf Club – Facility Upgrade (SJ2226)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Director Community Engagement
Disclosure of Officer’s Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider in-principle support to the Serpentine & Districts Golf Club for progression of a Community Sporting and Recreation Facilities Fund (CSRFF) application in the 2024/2025 annual Forward Planning round.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The Serpentine & Districts Golf Club (Golf Club) have approached Shire Officers with a request to progress a CSRFF application with the Department of Local Government, Sport and Cultural Industries (DLGSC) as part of the upcoming Forward Planning Round, advertised annually. This grant round closes 30 September 2023 and if successful, would see the project scheduled for construction/delivery in the 2024/2025 financial year. Details for the project as proposed by the Golf Club – being an upgrade to their Clubroom facilities – is contained in **attachment 1**.

The Golf Club Precinct site (located at 1412 Karnup Road, Serpentine) is depicted in Figure 1 below:



— Golf course site

Figure 1: Serpentine & Districts Golf Club Precinct – 1412 Karnup Rd, Serpentine

Further information regarding the Serpentine & Districts Golf:

- The Serpentine & Districts Golf Club course is the only golf course in the Shire, with the nearest facility being 26km away at Marri Park Golf Course in Casuarina.
- The Club currently holds a 20-year lease for the site, that commenced in 2013 and expires 17 December 2033.
- The course is open to the public during all daylight hours, every day of the week. Some minor restrictions during club competitions three mornings and one afternoon per week, do apply.
- Public players are required to pay a green fee of \$10 for 9 holes, or \$15 for 18 holes. Green fee players average over 2,000 players per year, depicting a steady increase since 2014.
- The Club's members play in competitions held every Tuesday, Thursday and Sunday mornings, as well as Saturday afternoons. Fully paid members can play casually at all other times, with an estimated 20,000 rounds of golf played annually.
- The first stage of the existing Clubhouse was constructed in the 1970's and has been extended three times. Alterations have also been made numerous times over subsequent years. Approximately one half of the existing building exists through the conversion of a verandah, leading to variations in the internal floor levels and a 'ramp' connecting adjacent floor areas.
- The building does not have an accessible toilet or shower, which severely limits the Club's ability to host large scale events. The existing toilets are dated, with poorly ventilated spaces and limited fixtures.

Attachment 2 contains images of the current clubrooms and amenities.



Community / Stakeholder Consultation

- 23 February 2023 – Shire Officers met onsite with Serpentine & Districts Golf Club to discuss project proposal.
- 29 March 2023 – Shire Officers met onsite with Serpentine & Districts Golf Club to discuss project proposal and potential works.
- 4 May 2023 - Shire Officers met with representatives from DLGSC and Serpentine & Districts Golf Club, to discuss eligibility of project.
- 31 May 2023 – Officers presented details of project as known, to the Shire’s Project Board for consideration.
- 9 June 2023 – Feedback provided to Serpentine & Districts Golf Club on requirement to ascertain preliminary support from Council, prior to progressing with a CSRFF application.

Statutory Environment

Nil.

Comment

Community Sporting and Recreation Facilities Fund (CSRFF)

The purpose of CSRFF grants is to provide financial assistance to community groups and local governments for the development of sport and recreation infrastructure. The program aims to maintain or increase participation in sport and recreation, with an emphasis on *physical activity*, through rational development of good quality, well-designed and well-utilised facilities.

Through the Forward Planning funding, the total value of the project is to be \$500,001 and over, exclusive of GST. The value of grant funding provided can range from a minimum of \$166,667 and a maximum of \$2,500,000. Projects will generally be of either district or regional level.

Key dates for the annual 2024/2025 forward planning round is as follows:

June 2023	Application forms become available via DGLSC and the relevant Local Government Authority (LGA). Applications may request funding for one of the upcoming 3 financial year periods (e.g.: construction in 2024/25, construction in 2025/26, or construction in 2026/27).
End August 2023	Applications are to be lodged with the relevant LGA, with exact dates these are to be received varying between municipalities.
September 2023	All applications received from community groups to the LGA are to be assessed by local government staff, with recommendations prepared for Council consideration. Council is required to rate and rank all applications received, in order of priority. This priority order, alongside the formal application must be lodged at DLGSC regional offices by 4pm on 30 September 2023.
October 2023	Applications are assessed by DLGSC regional managers and relevant State Sporting Associations.
December 2023 / January 2024	CSRFF Advisory Committee considers applications and makes recommendations to the Hon Minister for Sport and Recreation. The



	Minister considers recommendations and grants approvals, with successful/unsuccessful applicants notified approximately January to March 2024.
1 July 2024	Funds become available to successful applicants.
15 June 2025	Grant must be acquitted. Forward Planning grants that have approval to expend the funds in the second or third year of funding are to acquit in accordance with relevant timeframes.

Golf Club Proposal

The Management Committee of the Serpentine & Districts Golf Club have considered the Club's medium to long term future and what action is required to ensure its viability. They have identified a long term action plan that:

1. Endeavours to increase membership:
 - Allow for natural attrition of the current membership due to an aged demographic profile.
 - Increase the number of people making use of an excellent community sporting facility.
 - Be able to run junior coaching programs.
2. Endeavours to increase sources of income:
 - Maximise the use of the Club's facilities – including clubhouse and kitchen/bar facilities.
 - Host regional and state golfing events.
 - Utilise the Club's facilities to run income producing events.
 - Improve the Club's facilities so that they can be hired out to the wider community.

The Club has concluded that in order to effectively achieve these objectives, it is essential to upgrade the existing clubhouse to create contemporary and functional amenities that are accessible and inclusive, as well as improve building efficiencies and ongoing maintenance requirements.

The Club have been fundraising for approximately eight years to facilitate these upgrades, with various versions of upgrades and associated costs considered over this time. The current extent of building improvements suggested by the Golf Club are depicted in figure 2, with grey areas demonstrating extent of upgrades proposed. These potential works were discussed with representatives from DLGSC in May, who confirmed all items/works currently proposed would be eligible for CSRFF funds, although may have varying degrees of priority. This would ultimately be considered in context of all CSRFF applications received.

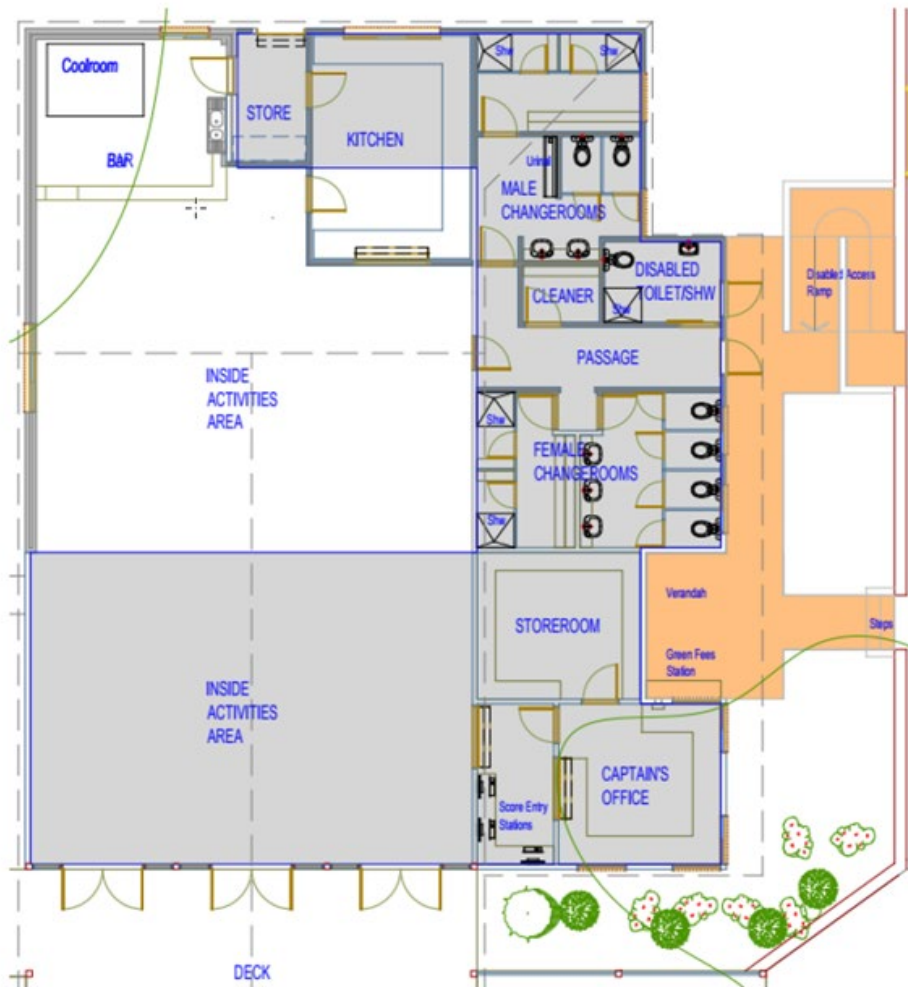


Figure 2: Extent of facility upgrade works proposed

The project would see a major upgrade to the Clubhouse, and is indicatively proposed to include the following works:

- Demolish the existing changerooms.
- Construct a new changerooms area to create additional space for a universal access toilet/shower, increased numbers of toilet, shower and change areas for men and women, and rebuilt with improvements to standard of space, access, fixtures, and finishes.
- Re-build the external walls of the kitchen to create a larger kitchen, and fit-out to commercial kitchen standards (it is noted that no amenity relevant to a bar or service of alcohol is included in the proposed works).
- Create a loading bay to service deliveries to the kitchen.
- Demolish southern half of the internal activities area built from sub-standard materials.
- Re-build the internal activities area with a new southern section – with new concrete floor slab to achieve one common floor level throughout.
- Remove existing brick and metal internal columns in the lounge – where necessary, replace with steel roof beams.



- Construct full height glazed sliding doors to the full width of the southern section of the Internal activities.
- Construct new roof to the entire building to replace the sub-standard roof sheeting and to achieve increased ceiling heights.
- Upgrade all services, fixtures, and fittings through the building to meet requirements of the National Construction Code.

All works would meet required building codes, servicing existing and future needs of the Club and other users. Figure 3 depicts the overall elevations proposed.

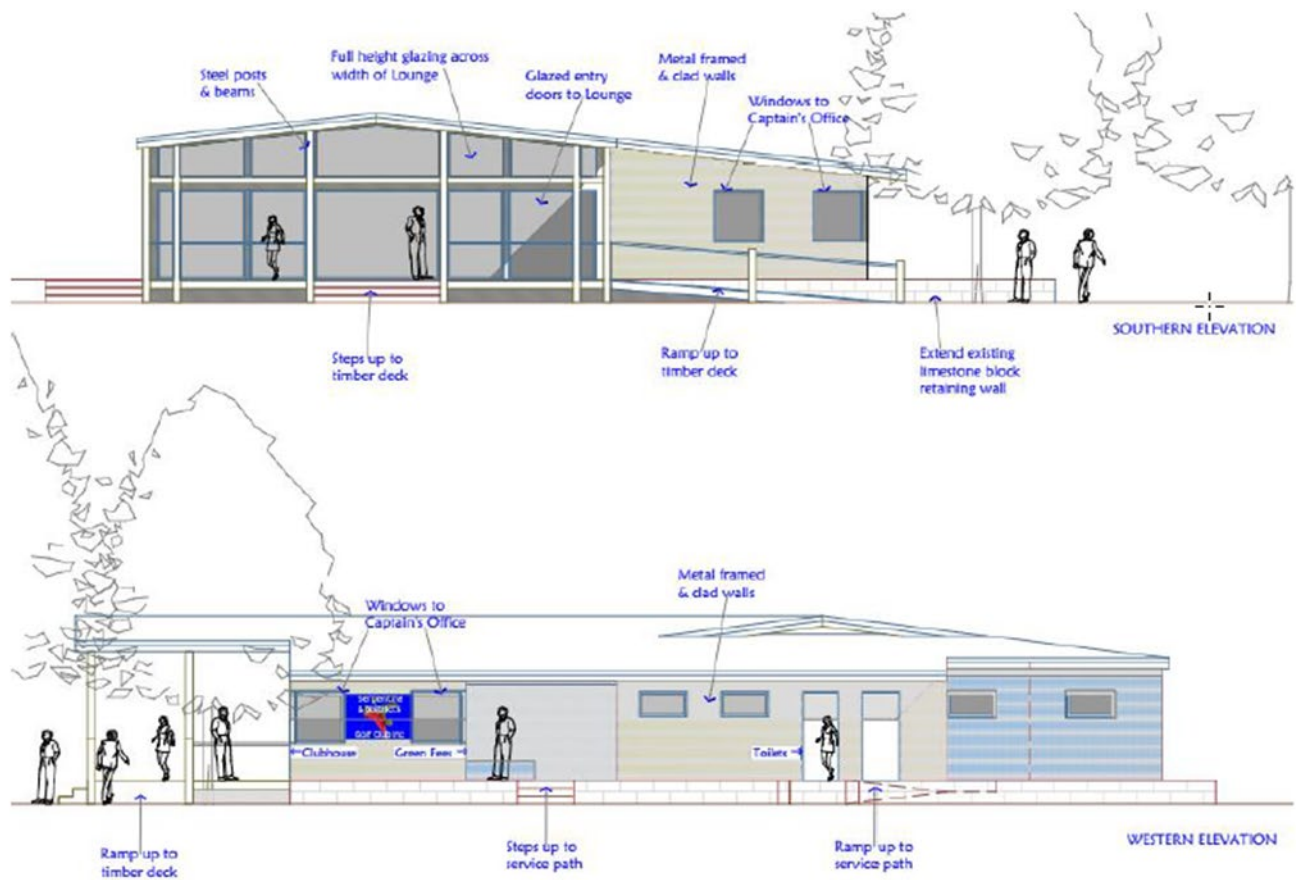


Figure 3: Golf Club Elevations proposed

Shire Asset Details

Shire asset data for the facility has items at the venue rated between a 2 (Good) and 3 (Fair) for the clubhouse. The below table provides a description for each of the 5 levels of asset rating.

Rating	Condition	Description
1	Excellent	New asset or an asset recently rehabilitated back to new condition
2	Good	Some superficial deterioration evident. Serviceability may be impaired slightly.
3	Fair	Obvious condition deterioration. Asset serviceability is now affected and maintenance costs are rising



Rating	Condition	Description
4	Poor	Serviceability is heavily affected by asset deterioration. Maintenance cost is very high and the asset is at a point where it requires major reconstruction or refurbishment.
5	Failed	Level of deterioration is such to render the asset unserviceable.

With an asset rating of 2-3 the building is in good to fair condition and is an excellent candidate for upgrade works. Any required remediation works could be dealt with as part of the upgrade works.

Officers note that the septic tanks and leech drains at the venue are currently experiencing maintenance issues, with these being the responsibility of the Shire. Emergency works were carried out at the site in May 2023 in order for the Club's Ladies Day Open to proceed. This issue is now being monitored to determine the potential frequency of failures and whether a replacement system is required.

Project Costs and Request to Shire

The Golf Club have preliminary estimates for the project placing the total project costs at approximately \$600,000. This is based on current local construction costs rates of \$2,170 per m² with additional amounts for site services and demolition. The Golf Club has noted that these preliminary cost estimates need further refinement and will be subject to the Shire's endorsement or conditions for the project.

The Golf Club would like to seek financial assistance from the State Government via CSRFF, noting that no more than 1/3 of eligible costs would qualify for funding. Through fundraising efforts, the Golf Club has up to approximately \$150,000 to contribute and have requested the remainder of project costs be covered by the Shire.

Whilst final and exact costs are not yet known, the Shire's contribution is expected to be in the vicinity of \$200,000. The Golf Club have further requested to manage the project themselves (with support from the Shire as may be appropriate for approval processes), given they have capacity to advocate for in-kind contributions and discounted work from their contacts in the construction industry, as well as local contractors and suppliers. It is difficult to put an accurate figure to this, but it may equate to an estimated value of \$50,000 – making the total contribution of the Club at approximately \$200,000. Through the CSRFF application, the remaining (\$200,000) would be requested from DLGSC.

CSRFF Application and Project Requirements

At this time, a number of project requirements to minimise risk and to meet the conditions of the grant scheme are still to be completed. These include:

Item	Purpose	Comment
Preliminary site investigations, including: a) Geotechnical investigations, and	a) An Engineering service report will assist in understanding if essential services, such as potable water supply, sewerage reticulation, electrical supply and telecommunication services will be able to manage the increase capacities proposed to the facility or if there is a need to upgrade any of these services.	The cost of these investigative works are estimated at approximately \$10,000.



Item	Purpose	Comment
b) Engineering service reports.	b) A Geotechnical report for the site is also recommended to summarise key information about the ground conditions across the proposed development area, and commonly includes design advice and recommendations relating to those conditions. The geotechnical report typically presents factual and/or interpreted information which serves as a basis for the civil and structural design of a development. In particular, it will highlight any potentially problematic conditions, so these are addressed early in the design of the proposed structure or otherwise anticipated for mitigation during the construction.	
Strategic Plan and Facility Management Plan	A Strategic Plan outlines the vision and key outcomes to be achieved by a club or organisation. Where a club has responsibility for the management and coordination of a facility, a Facility Management Plan should also exist that is aligned and consistent with the vision of the Club.	The Golf Club have accessed support to update their Strategic Plan and Facility Management Plan via the Shire's Club Development program. These are required to be submitted with the CSRFF application.
Needs Assessment and Feasibility	<p>A draft needs assessment and associated feasibility detail has been completed, requiring final refinement and completion. The Club is requesting initial indication of support in order to appropriately scale final detail. These documents are to outline:</p> <ul style="list-style-type: none"> • Key community and organisational values. • Review of existing provisions. • Determination of needs/requirements (in line with Vision and capacity). • Proposal development and market analysis (such as user segments). • Concept plans and financial detail/viability. 	Draft documentation completed by the Golf Club is attached to this report. This is expected to be refined and finalised in order to accompany the CSRFF application.
Analysis of Project costs	<p>Supporting documentation for the cost estimates will be required, such as an Opinion of Probable costs from a Quantity Surveyor and/or associated builder quotes. In accordance with feedback from DLGSC, how the project demonstrates the best "value for money proposition" should be outlined:</p> <ul style="list-style-type: none"> • Project scopes/costs considered; 	This supporting detail and documentation is to be submitted with the final CSRFF application.



Item	Purpose	Comment
	<ul style="list-style-type: none"> • Various project delivery options considered; • Timeline, milestone and/or staging options considered; • Final project cost and scope to be delivered. This will also be aligned with the operating philosophy and projected operating costs (Facility Management Plan and lifecycle cost analysis).	
Development of a lifecycle cost analysis	Developing a life cycle cost will assist in making effective financial, economic and operationally sustainable decisions to derive the final scope and scale of the project.	This is required to be submitted with the CSRFF application.

It is currently unknown whether the above documentation and investigative works can be undertaken in time to meet the 2023 closing dates for the 2024/25 CSRFF funding rounds. All works would need to be complete by 11 August 2023 to meet timeframes for a September Council report.

If the timelines cannot be achieved, Officers would continue to support the Club over the coming 12 month period to finalise required documentation in order to make an application to the 2024 CSRFF round.

Next steps and options

Should Council support the Serpentine & Districts Golf Club's request to submit an application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades, Officers have identified two approaches:

Option 1 – The Club leads the project and undertakes the following work to support their application:

- Geotechnical investigations and Engineering service reports
- Strategic Plan (required as part of CSRFF application)
- Facility Management Plan (required as part of CSRFF application)
- Analysis of Project costs (required as part of CSRFF application)
- Development of a lifecycle cost analysis (required as part of CSRFF application)

Option 2 – The Club leads the project and the Shire undertakes the Geotechnical investigations and Engineering service reports. The Club undertakes the following work to support their application:

- Strategic Plan (required as part of CSRFF application)
- Facility Management Plan (required as part of CSRFF application)
- Analysis of Project costs (required as part of CSRFF application)
- Development of a lifecycle cost analysis (required as part of CSRFF application)

If the Analysis of Project costs determines the project is unachievable with a budget of \$600,000, the Shire also recommends the Golf Club undertake a value management exercise to ensure their project remains achievable, prior to a CSRFF application. Through this process:



- a) A reduction in project scope may be required; or
- b) Securing financial contributions from alternative sources may be required.

No additional contribution would be made by the Shire, to meet a shortfall in project funding.

Options and Implications

Option 1

That Council:

1. AGREES to provide in-principle support to Serpentine & Districts Golf Club's request to submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.
2. REQUESTS the Chief Executive Officer writes to the Serpentine & Districts Golf Club to:
 - a) advise Council has provided in-principle support for the Club to submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.
 - b) request the Club undertakes the following work to support a Community Sporting and Recreation Facilities Fund application:
 - Geotechnical investigations and Engineering service reports
 - Strategic Plan
 - Facility Management Plan
 - Analysis of Project costs
 - Development of a lifecycle cost analysis
 - c) advise the Club would need to undertake a value management exercise to ensure their Community Sporting and Recreation Facilities Fund application is achievable, should their analysis of costs exceed \$600,000.
3. AGREES to consider a co-contribution to the Serpentine & Districts Golf Club's project to the value of \$200,000, subject to the outcomes of a Community Sporting and Recreation Facilities Fund application.
4. NOTES a further report will be presented to Council for the Serpentine & Districts Golf Club's Community Sporting and Recreation Facilities Fund application when the required documentation in point 2 is completed.

Option 2

That Council:

1. AGREES to provide in-principle support to Serpentine & Districts Golf Club's request to submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.
2. REQUESTS the Chief Executive Officer carries out an Engineering Services Report and Geotechnical Report for the Golf Club site located at 1412 Karnup Road, Serpentine, to support the Serpentine & Districts Golf Club's future application to the Community Sporting and Recreation Facilities Fund and NOTES that \$10,000 has been allocated in the draft 2023/24 Budget for this work.
3. REQUESTS the Chief Executive Officer writes to the Serpentine & Districts Golf Club to:



- a) advise Council has provided in-principle support for the Club submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.
 - b) request the Club undertakes the following work to support a Community Sporting and Recreation Facilities Fund application:
 - Strategic Plan
 - Facility Management Plan
 - Analysis of Project costs
 - Development of a lifecycle cost analysis
 - c) advise the Club would need to undertake a value management exercise to ensure their Community Sporting and Recreation Facilities Fund application is achievable, should their analysis of costs exceed \$600,000.
4. AGREES to consider a co-contribution to the Serpentine & Districts Golf Club's project to the value of \$200,000, subject to the outcomes of a Community Sporting and Recreation Facilities Fund application.
 5. NOTES a further report will be presented to Council for the Serpentine & Districts Golf Club's Community Sporting and Recreation Facilities Fund application when the required documentation in point 2 is completed.

Option 3

That Council:

1. DOES NOT SUPPORT the Serpentine & Districts Golf Club's request to submit an application to the Community Sporting and Recreation Facilities Fund to deliver improvements to its clubhouse facilities.
2. REQUESTS the Chief Executive Officer to advise the Serpentine & Districts Golf Club of Council's decision.

Option 1 is recommended.

Conclusion

Officers are requesting preliminary in-principle support from Council for a project proposed by the Serpentine & Districts Golf Club. The Golf Club would like to seek financial assistance from the State Government via Community Sporting and Recreation Facilities Funding (CSRFF), noting that no more than 1/3 of eligible costs would qualify for funding and endorsement of the application must be provided by the Local Government Authority.

Through fundraising efforts, the Golf Club has up to approximately \$150,000 to contribute (excluding the value of any leveraged in-kind support or donated materials for the project), and have requested a co-contribution from the Shire, anticipated to be in the vicinity of \$200,000 to meet the total estimated value of the project.

A range of documentation is required to meet the conditions of the CSRFF grant application. Preliminary site investigations are also recommended to ensure viability of scope recommendations. As such, indicative support in these preliminary stages from Council is requested in order to determine key parameters for consideration through the development of this project documentation.

**Attachments (available under separate cover)**

- **10.4.4 - attachment 1** - Serpentine District Golf Club - Serpentine District Golf Clubs project outline for clubhouse upgrade - 2023 (E23/7635)
- **10.4.4 - attachment 2** - Serpentine District Golf Club - Images of current clubrooms and amenities (E23/7841)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

Financial Implications

Option 1 - There are no financial implications in the 2023/24 financial year under Option 1.

Option 2 - \$10,000 for the Engineering and Geotechnical investigations would be allocated in the draft 2023/2024 Budget.

Option 3 - There are no financial implications in the 2023/24 financial year under Option 3.



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	Serpentine & Districts Golf Club do not have financial capacity to complete the Geotechnical investigations and Engineering service reports as part of the suggested documentation for the Forward Planning Round application through the Community Sporting and Recreation Facilities Fund.	A report to Council to consider their CSRFF application.	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Option 2.
2	Relevant documentation to support a CSRRF application are not completed or meet requirements for a Forward Planning Round application through the Community Sporting and Recreation Facilities Fund.	Sport and Recreation team to provide support and guidance to Club with their application.	Reputation	Possible	Moderate	MODERATE	Present further report back to Council.
3	Serpentine & Districts Golf Club and members disgruntled that project is not supported or progressed.	Engagement with Club in development of project proposal by Shire officers and Department of Local Government, Sport and Cultural Industries.	Strategic Stakeholder Relationships	Likely	Minor	MODERATE	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. AGREES to provide in-principle support to Serpentine & Districts Golf Club's request to submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.
2. REQUESTS the Chief Executive Officer writes to the Serpentine & Districts Golf Club to:
 - a) advise Council has provided in-principle support for the Club submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.
 - b) request the Club undertakes the following work to support a Community Sporting and Recreation Facilities Fund application:
 - Geotechnical investigations and Engineering service reports
 - Strategic Plan
 - Facility Management Plan
 - Analysis of Project costs
 - Development of a lifecycle cost analysis
 - c) advise the Club would need to undertake a value management exercise to ensure their Community Sporting and Recreation Facilities Fund application is achievable, should their analysis of costs exceed \$600,000.
3. AGREES to consider a co-contribution to the Serpentine & Districts Golf Club's project to the value of \$200,000, subject to the outcomes of a Community Sporting and Recreation Facilities Fund application.
4. NOTES a further report will be presented to Council for the Serpentine & Districts Golf Club's Community Sporting and Recreation Facilities Fund application when the required documentation in point 2 is completed.



OCM168/07/23

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Duggin

That Council:

- 1. AGREES to provide in-principle support to Serpentine & Districts Golf Club's request to submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.**
- 2. REQUESTS the Chief Executive Officer writes to the Serpentine & Districts Golf Club to:**
 - a) advise Council has provided in-principle support for the Club to submit a future application to the Community Sporting and Recreation Facilities Fund for Clubhouse upgrades.**
 - b) request the Club undertakes the following work to support a Community Sporting and Recreation Facilities Fund application:**
 - Geotechnical investigations and Engineering service reports**
 - Strategic Plan**
 - Facility Management Plan**
 - Analysis of Project costs**
 - Development of a lifecycle cost analysis**
 - c) advise the Club would need to undertake a value management exercise to ensure their Community Sporting and Recreation Facilities Fund application is achievable, should their analysis of costs exceed \$600,000.**
- 3. APPROVES a contribution of \$5,000 to the Serpentine & Districts Golf Club to support them with carrying out the Geotechnical investigations and Engineering Service reports and REQUESTS the Chief Executive Officer to provide an allocation of \$5,000 in the 2023/24 Budget for this item.**
- 4. AGREES to consider a co-contribution to the Serpentine & Districts Golf Club's project to the value of \$200,000, subject to the outcomes of a Community Sporting and Recreation Facilities Fund application.**
- 5. NOTES a further report will be presented to Council for the Serpentine & Districts Golf Club's Community Sporting and Recreation Facilities Fund application when the required documentation in point 2 is completed.**

CARRIED UNANIMOUSLY 6/0

Reason for difference to Officer Recommendation

To assist the Serpentine District Golf Club with regards to them carrying out their geotechnical investigations and engineering service reports.



10.1.10 - Thomas Road Duplication Project and Update Regarding Equine Trail Request (SJ3770)

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to update Council on the response received from Main Roads Western Australia (MRWA), in response to Council's request for an equine path on the south side of Thomas Road, linking the equestrian underpass with the planned Pegasus Crossing along Thomas Road.

The report discusses the response from MRWA, and a recommended approach to be able to provide effective trails which can utilise the infrastructure being delivered as part of the Thomas Road duplication project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 12 December 2022 – OCM293/12/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

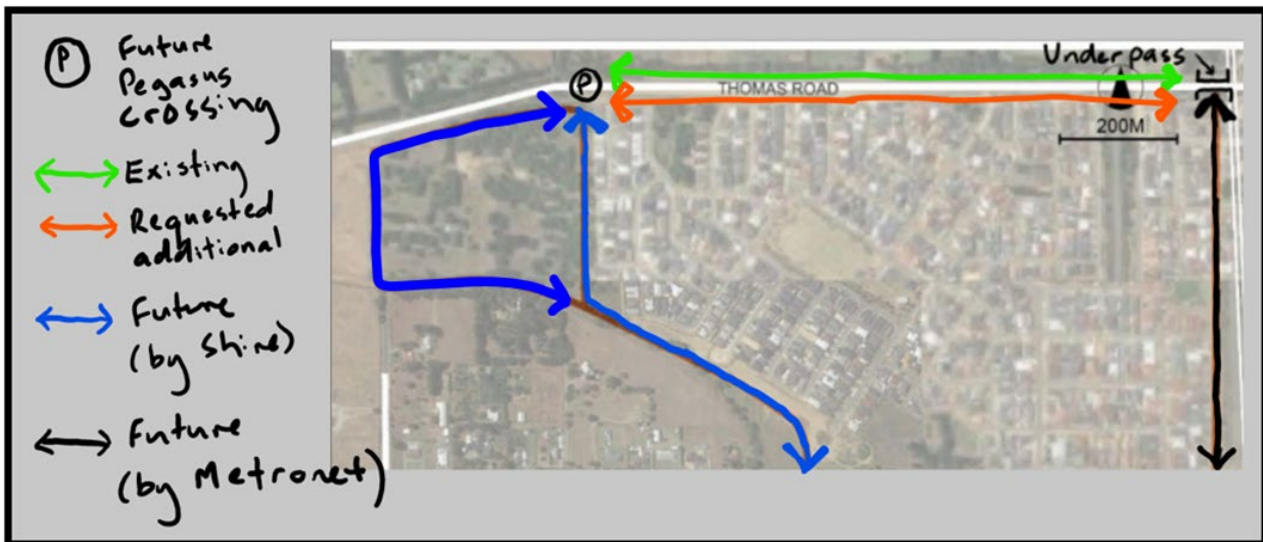
1. *REQUESTS the Chief Executive Officer to plan with Metronet a south of Thomas Road bridle path connection between the new under Thomas Road horse tunnel and existing bridle path beside Thatcher Road between Larsen Road and Binshaw Avenue, paying particular attention to improved safety via:

 - a. *the use of fines road base instead of concrete;*
 - b. *the use of fencing to separate from pedestrians and or vehicles;*
 - c. *Pegasus Road crossing; and*
 - d. *train triggered warning lights for bridle paths parallel to train line and before tunnel entry.**
2. *ENSURE that all bridle trails in the Trotting Complex/Byford area are included on all Shire controlled equine maps showing bridle paths.*
3. *DEVELOP Improved awareness and enforcement of the Trotting Complex zoning policy.*



Background

At the December 2022 meeting, Council resolved (inter alia) to request the Chief Executive Officer to plan with Metronet a south of Thomas Road equine path. This request pertains to replicating the equine path on the north side of Thomas Road, between the Thomas Road bridge and planned Pegasus crossing, with a similar path on the south side. This is shown in orange in the following image, as well as other existing and emerging equine infrastructure.



Council's resolution of December identified three items, and this report deals specifically with Part 1. In respect of Parts 2 and 3, Officers advise as follows:

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

Shire Officers are currently developing a map showing the bridle trails around the Byford Trotting and Training Complex. It is expected this work will be completed by end of August 2023.

All applications will continue to be checked in accordance with the resolution and discussed with developers where necessary. Future revisions of the Shire's Equine Strategy or Trails Masterplan will include proposals as determined by the outcome of this decision.

Consideration is currently being given as to how best the Shire's Public Art Strategy can be utilised to implement medium size artworks in trail corridors to provide a moment of interest and delight for drivers and riders around equestrian centres and areas.

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

A successful equine safety campaign was conducted during May of this year <https://www.sjshire.wa.gov.au/equine-road-safety.aspx>. A video strengthening the message was also developed which has increase the community awareness around equine safety and the need to share the bridle trail spaces. 'Make every journey safe' is being promoted across several different channels including newspapers, websites, social media advertising, organic post content, radio stations and more. Posters and informative signs were placed across the Shire and promotional materials for the campaign were also made available to the community.





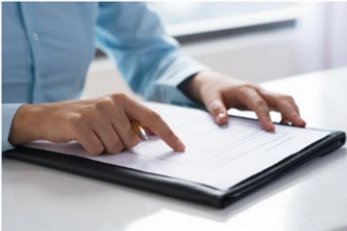


Officers have developed and maintained a dedicated equine portal under the planning section of the Shire’s website. This includes the following information:

- Online equine portal that educates residents on best practice equine management;
- A guide to bridle trails within the Shire. This is currently being reviewed, with the intent to include Byford Trotting Complex trails in the section;
- Equine documents, which includes information on the Shire’s Equine Strategy, Local Law, Council Policy on Trails and Equine Management Plan Guidelines;
- Guidance in respect of submitting development applications;
- Emergency management considerations.

This section of the website will also be updated to coincide with the gazettal of the new Local Planning Scheme No. 3, which modernises the planning framework pertaining to equestrian management and keeping within the Shire.

The landing page for the website is <https://www.sjshire.wa.gov.au/development-services/planning/equine-in-sj> and shows the following:

Equine in SJ

 <p>Equine Portal</p> <p>Online resources to assist the Shire’s local equine community.</p>	 <p>Bridle Trails</p> <p>Information on Serpentine Jarrahdale’s signature bridle trails.</p>	 <p>Guiding Documents</p> <p>Documents and policies to assist the equine community.</p>
 <p>Development Applications and FAQs</p> <p>All you need to know about lodging a development application.</p>	 <p>Horses in Emergencies</p> <p>Find out how to best plan ahead for emergency situations.</p>	

The Byford District Structure Plan, Shire’s Local Planning Strategy and the Shire’s Local Planning Scheme are documents that have been recently approved by the Western Australian Planning Commission. All these documents signify the importance of equine land uses including bridle trails in the vicinity of the Trotting complex, recognising the value of Byford Trotting Complex and associated equine activity to the local economy making it clear that future planning for the Trotting complex will expand the existing equine industry. This is the message currently being included in discussions with the state government, agencies, developers, community and landowners.



Community / Stakeholder Consultation

In respect of Part 1 of Council’s resolution, MRWA were approached, with a detailed request to consider the inclusion of the south of Thomas Road equine path. MRWA were the appropriate agency to approach, as Metronet are not delivering the Thomas Road duplication project. The following is a summary of correspondence sent to MRWA:

Date	Summary of Correspondence
23 Dec 2022	<p>Email sent to MRWA, following Council’s resolution, requesting MRWA to consider as follows:</p> <ol style="list-style-type: none"> 1. A potential limestone trail, that is on the south side of Thomas Road, that will link between the equine underpass of Thomas Road over rail bridge, and the Pegasus crossing. 2. The intent is to be able to provide two options for equine users wanting to cross Thomas Road. Either the at grade Pegasus crossing, or walking up to the underpass, crossing under, then heading back along Thomas Road on the other side where there is a trail being protected. <p>The following suggested image was included, showing a ‘narrowing’ of the main drain on the south side of Thomas Road to fit a path:</p>



Date	Summary of Correspondence
10 Jan 2023	<p>Response received from MRWA as follows:</p> <p><i>“There are a number of issues that would need to be considered to accommodate the additional limestone equine pathway on the southern verge.</i></p> <ul style="list-style-type: none"><i>• A level surfacing area of minimum 1 m width is required either side of the Western Power transmission poles for service and maintenance purposes. The proposed limestone equine pathway would reduce the available surfacing area for Western Power to be below the acceptable limit, and it is unlikely that undergrounding of the overhead power purely for this purpose can be justified.</i><i>• Design of a second equine trail on the southern side would need to incorporate an additional equine crossing at Plaistowe Boulevard (further complicated by the slip lane at Plaistowe Boulevard) to reach the mid-block crossing.</i><i>• Results of the waterway analysis will determine if the capacity of the open drain can be reduced as indicated in the sketch you provided. However, based on a high-level assessment, there is little potential for the reduction of the open drain capacity due to the large water volumes in the area.</i> <p><i>Unfortunately, for the reasons listed above, Main Roads will not be able to accommodate an additional equine path on the southern side of Thomas Road.”</i></p>
15 Mar 2023	<p>Follow up sent back to MRWA, enquiring whether the proposed maintenance corridor required by Western Power would be limestone and could potentially be available for equine use.</p>
19 Apr 2023	<p>Response received from MRWA as follows:</p> <p><i>“there are several constraints which make this impractical to accommodate within the current cross section and recent discoveries in the development of the project have compounded this.</i></p> <p><i>We have a constrained drainage corridor along Thomas Road which in the recent weeks has become more constrained as we have discovered the more onerous constraints to the west with the developments of the neighbourhood centre and the adjacent lots between Briggs and Malarkey which are significantly impacting upon the available widths for the drainage downstream. The design is potentially requiring as much upstream capacity to limit the flows conveyed to this area to allow for the online storage of drainage and therefore, we are not in apposition to reduce the cross sectional area of the open drain in this location.</i></p> <p><i>With regards to the Western Power easement, the available width is limited to 3.0m which allows for 1.0m either side of the power poles and a Main Roads fence on the southern side which therefore leaves no practical available width for an equine path.</i></p> <p><i>I trust this is sufficient to now close out this matter.”</i></p>
3 May 2023	<p>Follow up email sent back to MRWA, requesting further clarity on whether a bridle trail could run <u>from</u> the horse tunnel <u>up to the</u> Pegasus crossing (which is before Briggs Road), given the response of 19 April 2023 was not specific to location.</p>



Date	Summary of Correspondence
3 May 2023	<p>Response received from MRWA as follows:</p> <p><i>“there are several constraints which make this impractical to accommodate within the current cross section and recent discoveries in the development of the project have compounded this.</i></p> <p><i>We have a constrained drainage corridor along Thomas Road which in the recent weeks has become more constrained as we have discovered the more onerous constraints to the west with the developments of the neighbourhood centre and the adjacent lots between Briggs and Malarkey which are significantly impacting upon the available widths for the drainage downstream. The design is potentially requiring as much upstream capacity to limit the flows conveyed to this area to allow for the online storage of drainage, including the section from the proposed Pegasus crossing to the horse tunnel and therefore we are not in a position to reduce the cross sectional area of the open drain in this location.</i></p> <p><i>With regards to the Western Power easement, the available width is limited to 3.0m which allows for 1.0m either side of the power poles and a Main Roads fence on the southern side which therefore leaves no practical available width for an equine path.</i></p> <p><i>I trust this is sufficient to now close out this matter.”</i></p> <p><i>[Emphasis added]</i></p>

This report deals with the response from MRWA of 3 May 2023.

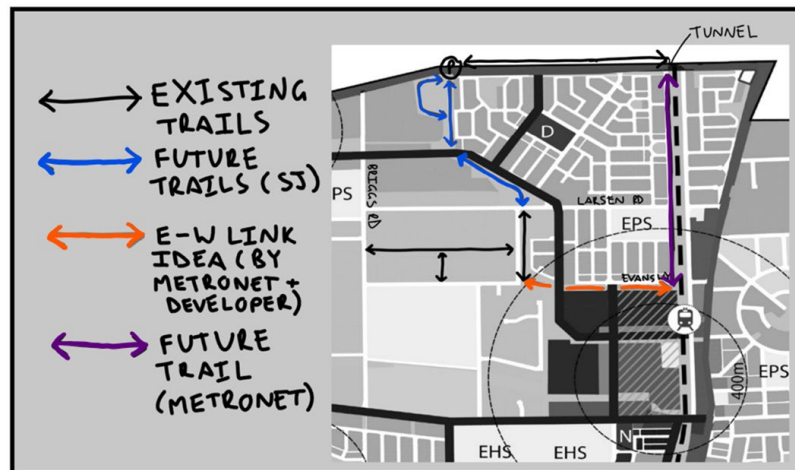
Statutory Environment

Nil.

Report

In discussions with MRWA, as evidenced by the previous table, there has been consideration of the equine link proposal resolved by Council. The response from MRWA references issues associated with drainage management and provision of utility corridor protection, which according to MRWA prevents inclusion of an equine path in the southern road verge of Thomas Road.

With this knowledge, Officers have been considering other potential solutions that could take place, which provide for trail connectivity throughout the various precincts. This looks to offer Council some alternative options that could link between the future tunnel and Pegasus crossing, by providing east west connectivity options further south of Thomas Road. These would be at Evans Road / Padra Turn, as illustrated in the ‘orange’ on the following image:



Officers consider that these could help implement the Council objective of east west connectivity, despite MRWA not being supportive of a trail on the south Thomas Road verge.

In order to deliver this connected network, the following aspects would be needed:

1. The Shire delivering the equine trail network shown in the 'blue';
2. MRWA delivering the Pegasus Crossing, as denoted in the 'P' as part of the Thomas Road duplication project;
3. Metronet formalising the link along Alexander Road, as shown in the 'purple', and connecting through the equine underpass;
4. Metronet delivering the 'orange' link.

Officers recommend that Council note the position of MRWA, and support an alternative equine network approach consistent with this report.

Options and Implications

Option 1

That Council:

1. NOTES the response from Main Roads WA regarding not being able to deliver an equine path on the south side of Thomas Road, between the Thomas Road bridge underpass and future Pegasus crossing;
2. REQUESTS the Chief Executive Officer to pursue the equine trail network solutions show in **attachment 1**, that achieves east west connectivity between precincts, via the following elements including formalising requests of those external stakeholders listed below:
 - a. The Shire delivering the equine trail network components shown in 'blue', and particularly including an equine trail and crossing as part of design work for Indigo Parkway next financial year;
 - b. Main Roads WA delivering the Pegasus Crossing, as denoted in the 'P' as part of the Thomas Road duplication project;
 - c. Metronet formalising and delivering the equine link along Alexander Road, as shown in the 'purple', and connecting this through the equine underpass;
 - d. Metronet delivering the 'orange' link east to west link as part of the Byford Rail Extension project.



Option 2

That Council REQUESTS the Shire President and Chief Executive Officer to write to the Minister for Transport, requesting that the design for the proposed Thomas Road duplication project be amended to make provision for an equine trail on the southern side.

Option 1 is recommended.

Conclusion

In response to requests of Officers, Main Roads WA have advised that, due particularly to drainage and Western Power infrastructure constraints, that an equine path on the south side of Thomas Road is not physically possible. Officers propose an innovative solution to still achieve east west connectivity, as intended by the southern Thomas Road path, and it is recommended Council pursue this.

Attachments (available under separate cover)

- 10.1.10 - attachment 1 - Equine trail network (E23/8507)

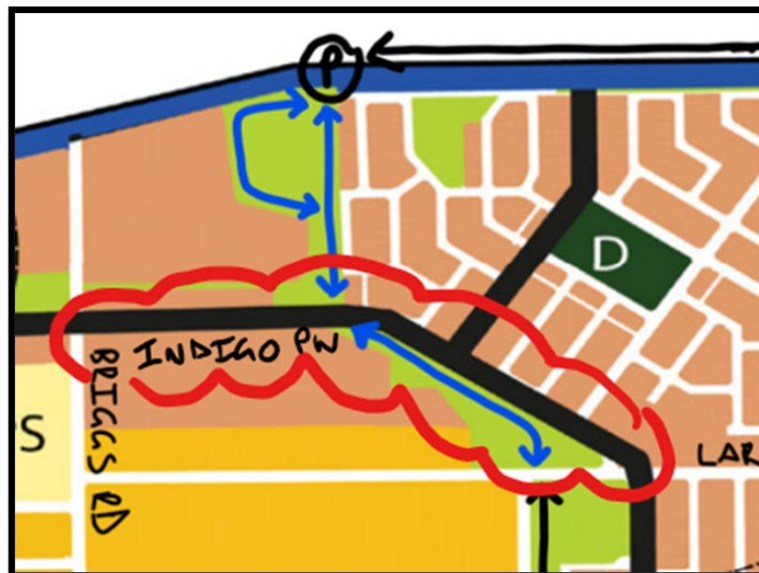
Alignment with our Strategic Community Plan

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

Financial Implications

At this stage, it is not possible to envisage both capital and ongoing operation costs for the equine network. Such will evolve incrementally, and the Shire trail element would be timed to coincide with the delivery of the Indigo Parkway link and also once the Pegasus Crossing is provided. These will be subject to future business cases.

In terms of next financial year, the Shire is designing the Indigo Parkway link between Briggs Road and Larsen Road and therefore this provides opportune time to include planning for the equine link as part of that.





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 supporting the revised approach, however agencies do not agree to deliver the key elements.	Officer input into design evolution	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensuring justification to explain reason for requests
2	Council request that the Minister be approached to review the decision of MRWA, but the decision does not change.	Officer input into design of Thomas Road duplication, showing potential equine path	Social / Community Outcomes	Possible	Moderate	MODERATE	Ensuring justification to explain reason for requests

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. NOTES the response from Main Roads WA regarding not being able to deliver an equine path on the south side of Thomas Road, between the Thomas Road bridge underpass and future Pegasus crossing;
2. REQUESTS the Chief Executive Officer to pursue the equine trail network solutions show in attachment 1, that achieves east west connectivity between precincts, via the following elements including formalising requests of those external stakeholders listed below:
 - a. The Shire delivering the equine trail network components shown in 'blue', and particularly including an equine trail and crossing as part of design work for Indigo Parkway next financial year;
 - b. Main Roads WA delivering the Pegasus Crossing, as denoted in the 'P' as part of the Thomas Road duplication project;
 - c. Metronet formalising and delivering the equine link along Alexander Road, as shown in the 'purple', and connecting this through the equine underpass;
 - d. Metronet delivering the 'orange' link east to west link as part of the Byford Rail Extension project.



OCM169/07/23

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Duggin

That Council:

- 1. NOTES** the response from Main Roads WA regarding not being able to deliver an equine path on the south side of Thomas Road, between the Thomas Road bridge underpass and future Pegasus crossing;
- 2. REQUESTS** the Chief Executive Officer to pursue the equine trail network solutions show in attachment 1, that achieves east west connectivity between precincts, via the following elements including formalising requests of those external stakeholders listed below:
 - a. The Shire** delivering the equine trail network components shown in 'blue', and particularly including an equine trail and crossing as part of design work for Indigo Parkway next financial year;
 - b. Main Roads WA** delivering the Pegasus Crossing, as denoted in the 'P' as part of the Thomas Road duplication project;
 - c. Metronet** formalising and delivering the equine link along Alexander Road, as shown in the 'purple', and connecting this through the equine underpass;
 - d. Metronet** delivering the 'orange' link east to west link as part of the Byford Rail Extension project.
- 3. REQUESTS** the Chief Executive Officer to write to Metronet to seek the Byford Rail Extension project to:
 - a. Include** suitable advanced incoming train triggered direction indicating warning signals being installed for both directions along the Alexander Road equine trail;
 - b. Install** a riding chicane at each end of the trail parallel to the railway line to assist in maintaining a safe riding environment for riders and their horses along the trail;
 - c. Complete** the trail ASAP so that riders can make use of the trail long before urban trains begin using the new Byford train station.

CARRIED UNANIMOUSLY 6/0

Reason for difference to Officer Recommendation

To further improve safety.

**10.2 Infrastructure Services reports:**

10.2.1 - Minutes of the Rivers Regional Council – 15 June 2023 (SJ581)	
Responsible Officer:	Director Infrastructure Services
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council Ordinary Meeting held on 15 June 2023.

Relevant Previous Decisions of Council

Nil.

Background

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale is a member of the Rivers Regional Council.

The RRC provides waste services on behalf of member local governments.

Community / Stakeholder Consultation

Nil.

Statutory Environment

From a legislative perspective, the RRC is a distinct local government entity. Except for the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government.

Comment

On 15 June 2023 an Ordinary Council Meeting of the RRC was held. The unconfirmed minutes of the meetings are contained in **attachment 1**. While Council is under no obligation to consider the minutes of the meetings, the unconfirmed minutes are presented for Council's information. Council's decision on this matter does not confer endorsement or otherwise of the minutes. The confirmation of minutes will be a matter for the members of the RRC at their next meeting.

As part of the Rivers Regional Council Meeting held on 15 June 2023, the Waste to Energy Plant – Project Completion item was discussed. Resolutions pertaining to the amendments to the Kwinana Waste to Energy Project Waste Supply Agreement – Variation Agreement No. 2 and the



Participants Agreement – Variation Agreement are included in a separate Confidential report on this agenda.

The RRC meeting of 15 June 2023, also considered the draft Budget for the Financial Year ending 30 June 2024. The Shire of Serpentine Jarrahdale's Member Councils contribution for 2023/2024 is \$23,530. \$25,000 has been requested as part of the Shire's 2023/2024 budget.

Options and Implications

Option 1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 15 June 2023 as contained in **attachment 1**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 15 June 2023.

Option 1 is recommended.

Conclusion

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 15 June 2023 are attached for Council's information.

Attachments (available under separate cover)

- **10.2.1 - attachment 1** - Rivers Regional Council Ordinary Council Meeting Minutes – 15 June 2023 (IN23/12786)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

The Shire of Serpentine Jarrahdale's contribution for the Rivers Regional Council 2023/2024 Financial year in is \$23,530.

This figure is within expectations as \$25,000 has been requested as part of the Shire's 2023/2024 budget.

Risk Implications

Nil.



Continued

**Ordinary Council Meeting Minutes
Monday, 17 July 2023**

Voting Requirements: Simple Majority

OCM170/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Strange

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary Meeting held on 15 June 2023 as contained in attachment 1.

CARRIED UNANIMOUSLY 6/0

**10.2.2 - Road Closure and Land Exchange - Portion of Doley Road, Byford (SJ3580)**

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

Authority / Discretion

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

The purpose of this report is for Council to consider the permanent closure of the unbuilt portions of Doley Road road reserve and resolve to endorse the advertising of the proposed road closure in accordance with the *Land Administration Act 1997*, Section 58, Closure of Roads (LAA 1997).

Relevant Previous Decisions of Council

23 May 2016 - Ordinary Council Meeting - OCM088/05/16 - Council Decision / New Motion That Council:

- 1. Receives the memo from Shire officers in response to questions raised as attachment OCM088.4/05/16*
- 2. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the amended schedule of submissions and comments contained within attachment OCM088.3/05/16 and attachment OCM088.4/05/16.*
- 3. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission approval of the amended Byford Main Precinct (The Glades) Structure Plan for all proposed amendments north of Orton Road as outlined the Schedule of Modifications contained within attachment OCM088.2/05/16 and recommends to the Western Australian Planning Commission not to support the amendments proposed south of Orton Road for reasons as contained in attachment OCM088.4/05/16 and forward to the Western Australian Planning Commission the following:*
 - a. A list of the submissions considered by the local government;*
 - b. Any comments by the local government in respect of those submissions;*
 - c. A schedule of any proposed modifications to address issues raised in the submissions;*
 - d. This Council Report as the local government's assessment of the proposal based on appropriate planning principles; and*
 - e. Council's resolution recommending to the Western Australian Planning Commission to approve the amended local structure plan with modifications.*
 - f. The memo included within attachment OCM088.4/05/16.*



27 April 2011 - Ordinary Council Meeting - SD093/04/11 - COUNCIL DECISION / Committee / Officer Recommended Resolution:

That Council:

- A. Note the decision of the Western Australian Planning Commission to approve the Local Structure Plan*
- B. Pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 adopt the proposed Local Structure Plan for the Byford Main Precinct.*
- C. Pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 adopt the proposed modification to the Byford Structure Plan to delete the hatching on the Plan and the associated notation that has previously stated that 'land subject to further study - planning to be finalised subject to resolution of alignment of Orton Road.'*
- D. Advise all persons who lodged a submission during the advertising of the Local Structure Plan of Council's decision.*

Background

An application from the Developer of the Glades Cardup Brook Development, Byford - LWP has been received to initiate a formal application to permanently close the unbuilt sections of the Doley Road road reserve.

In accordance with the proposed Glades Cardup Brook Precinct Local Structure Plan, which is currently being assessed by the Shire, the closure is necessary for the progression of the Glades Cardup Brook Precinct development.

Community / Stakeholder Consultation

Meetings have been held with Shire's Officers, the Developer - LWP, Main Roads WA and the Department of Planning, Lands and Heritage to discuss the proposed road closure, road connectivity and access/egress for the planned future urban areas of The Glades Cardup Brook Precinct based on the impacts of the Tonkin Highway extension project. This is in consideration of the proposed Tonkin Highway extension severing the existing Cardup Siding Road connection to Hopkinson Road and remove the portion of Hopkinson Road between Cavanagh Close and Gossage Road.

Statutory Environment

Land Administration Act 1997, Section 58, Closure of Roads (LAA 1997).

Comment

The Shire is in receipt of an application from the Developer of the Glades Cardup Brook Development, Byford - LWP to initiate a formal application to permanently close portions of an unbuilt section of the Doley Road road reserve, facilitating a land swap for the purpose of constructing a portion of Doley Road on a new alignment.

The proposed closure is to allow future development to reflect the road network identified in the proposed Glades Cardup Brook Precinct Local Structure Plan.

The portions of the unbuilt Doley Road road reserve to be closed are indicated in **attachment 1**, depicted by the light blue colour and labeled Existing Road Reserve 'A'.



The portion of Doley Road to be closed has been indicated on old original colony mapping of the area dating back over a century and has remained as a road reserve on current day plans. Planning of the proposed Glades Cardup Brook development, in consideration of road connectivity, now informs the need for the realignment of this portion of road reserve.

Further, the delivery of the portion of Doley Road within the realigned reservation, marked Proposed Doley Road 'B' within **attachment 1**, has been agreed to be delivered by Main Roads WA as part of the Tonkin Highway extension project on the assumption that the new road reserve will be created. The design of this portion of Doley Road has been progressed along with the design stages of the Tonkin Highway extension.

Typically, it is the Department of Planning Lands and Heritage general position that where an unconstructed road is proposed to be closed and amalgamated into a freehold landowner's property, the freehold landowner is required to purchase the closed road at market value and the new road would be dedicated via their freehold subdivision process.

However, where there is merit that the proposal is of benefit to the State, in order to consider a land exchange proposal, the Department requires appropriate justification. In this case, this would be based on how this will fit in with the overall Tonkin Highway Extension project.

It is the Developer's position that a land exchange, as opposed to an acquisition, is more appropriate considering the State significance of the Tonkin Highway Extension.

During meetings held with Shire's Officers, representatives from the Department of Planning Lands and Heritage the Developer - LWP and Main Roads WA, it was identified that the Tonkin Highway extension project removing the Cardup Siding Road/Hopkinson Road intersection removes the west bound link. This creates the potential for existing residents north of Cardup Siding Road and south of Cardup Brook, to be potentially trapped by a bushfire approaching from the east, pushed by summer easterly winds. It was therefore agreed by Main Roads WA that the link from Cardup Siding Road to Orton Road, needs to be designed and constructed as part of the Tonkin Highway project, on the new proposed Doley Road alignment

On the basis of the State significance of the Tonkin Highway project, and the associated local access/egress implications this road alignment creates, it is proposed that as part of the exchange, the closed road reservation be incorporated into one of the Developers' (LWP) balance title landholdings. The Developer will dedicate the new road reserve via their freehold subdivision process. This however is a matter that is subject to agreement between the relevant parties, being the Developer and the State of WA.

The next step in the process of land exchange between the developer and State of WA is that the proposed road reservation closure is advertised for a period of 35 days in accordance with the Land Administration Act following the resolution of Council to do so. Subject to no objections received following the advertising period, the Shire will then submit a formal request to the Minister for Lands to close the portion of the road as depicted in **attachment 1**.



Options and Implications

Option 1

That Council:

1. ENDORSES the closure of existing portion of Doley Road, marked Existing Road Reserve 'A', Byford, within **attachment 1**, and
2. PROCEEDS with advertising of the closure at the cost of the applicant in accordance with Section 58(3) of the *Land Administration Act 1997*, for a period of not less than 35 days; and
3. Subject to no objections being received during the advertising period required in 2. above, formally REQUESTS, pursuant to Section 58(1) of the *Land Administration Act 1997*, the Minister for Lands to formally close the portion of road as depicted in **attachment 1**.

Option 2

That Council DOES NOT ENDORSE the closure of existing portion of Doley Road, marked Existing Road Reserve 'A', within attachment 1, Byford.

Option 1 is recommended.

Conclusion

The closure is required to progress the Glades Cardup Brook Development in accordance with the proposed Local Structure Plan. The portion of Doley Road reserve subject to this closure application is to be incorporated into the adjoining Developers, LWP balance title holding.

Attachments (available under separate cover)

- **10.2.2 - attachment 1** - Proposed Doley Road road closure and land exchange plan - (E23/6930)

Alignment with our Strategic Community Plan

Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Outcome 3.3	An innovative, connected transport network

Financial Implications

There are no financial Implications for the Shire. In accordance with the Shires Fees and Charges Schedule, the cost of advertising of the road closure is at the applicant's expense.



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		Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Explain reasons why.
2	That Council do not support the closure and advertising, which creates potential delays to the Tonkin Highway Project and associated implementation of future residential development	Land Administration Act 1997 powers available to Main Roads WA to acquire land	Strategic Stakeholder Relationships	Possible	Moderate	MODERATE	Accept Officer Recommendation

Voting Requirements: Simple Majority

OCM171/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Duggin

That Council:

1. **ENDORSES** the closure of existing portion of Doley Road, marked Existing Road Reserve 'A', Byford, within attachment 1, and
2. **PROCEEDS** with advertising of the closure at the cost of the applicant in accordance with Section 58(3) of the *Land Administration Act 1997*, for a period of not less than 35 days; and
3. Subject to no objections being received during the advertising period required in 2. above, formally **REQUESTS**, pursuant to Section 58(1) of the *Land Administration Act 1997*, the Minister for Lands to formally close the portion of road as depicted in attachment 1.

CARRIED UNANIMOUSLY 6/0



10.2.3 – RFT 04/2023 – Orton Road Telstra Assets Relocation (SJ4219)

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

Authority / Discretion

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

The purpose of this report is for Council to consider awarding RFT 04/2023 – Orton Road Telstra Assets Relocation to Telstra Corporation in accordance with Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996* on the basis that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier.

Relevant Previous Decisions of Council

Nil.

Background

The Shire has successfully obtained funding through the State Government election commitment funding program to upgrade three hypergrowth roads within the Shire, one of which is Orton Road. In order to satisfy the funding agreement conditions, the allocated funding is required to be spent before the next State Government election.

The detailed design for this project has been completed. The scope of works includes pavement rehabilitation and resurfacing, road widening (to form a pavement with two 3.5 m 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, pruning of the trees within the clear zone and street light installation as required.

Following the completion of detailed design of this project it became evident that a 1.9km long section of the existing Telstra copper network cables is located within the road widening area between the Kargotich Road and Hopkinson Road. The Telstra cable is located on the south side of the road below the road shoulder instead of the standard telecommunication services alignment of 0.9m from the property boundary and therefore needs to be relocated in order to widen the road..

Due to the proximity of overhead power lines located on the northern edge of the road, realigning the road towards north to avoid relocating the Telstra assets is not feasible. The cost of relocating or undergrounding the power lines is substantial and cannot be justified as part of this project.

As per the initial road design, the Telstra asset relocation spanned 1.9km , stretching from Kargotich Road to Hopkinson Road. However, due to the Tonkin Highway extension project and its overlap with Orton Road project, Officers requested Telstra to review the length of Telstra



cables requiring relocation in light of imminent Tonkin Highway Extension project. As a result, the length of relocation was limited to the tie in point with the Tonkin Highway extension, resulting in a 600m reduction in the length of the assets to be relocated for the Orton Road upgrade project, refer below and **attachment 1**.

The final scope of works includes relocating 1.3km of Telstra communications cables (copper network cable) between Kargotich Road and 250m east of Bullock Drive to enable the road widening works.



Prior to the start of road construction, it is necessary to complete the service relocation and obtain a clearing permit. The clearing permit process has already begun and is expected to be completed by March 2024. According to information received from Telstra, the communication assets relocation typically takes approximately six months to complete.

In order to achieve the project delivery milestones within the agreed project management framework, it is important to initiate the service relocation works as soon as possible. Therefore, it is recommended that the CEO is authorised to undertake tender exempt procurement for the Orton Road telecommunication assets relocation.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Legislation requires tenders to be publicly invited before entering into a contract valued at \$250,000 or more.

Regulation of the *Local Government (Functions and General) Regulations 1996* provides exemptions from this requirement. These exemptions include Regulation 11(f) where because of the unique nature of the services required, it is unlikely that there is more than one potential supplier.

Council's delegation to CEO of section 3.57 is restricted by a condition that limits use of the exemption provided by Regulation 11(f) to contracts of a value of not greater than \$500,000.

Comment

To proceed with the road widening, it is necessary to relocate the Telstra asset to the standard telecommunication service corridor, away from the road.

Officers have contacted Telstra, the owner of the asset, and requested the relocation. However, Telstra has responded stating that the asset relocation is required due to a specific network improvement (in this case, the road upgrade) and is the responsibility of the project proponent (in this case, the Shire).



Based on the received Telstra quotation (**CONFIDENTIAL attachment 2**), the cost for Telstra assets relocation works for Orton Road upgrade project is equal to \$717,941.60 ex GST. The 2023-24 Draft Budget proposes a budget of \$1,592,000 for this project.

Telstra has confirmed that the asset relocation must be carried out by a Telstra-certified contractor and organised by Telstra itself. The Shire is not permitted to directly contact private contractors for this purpose (refer **attachment 3**).

Please refer to the below extract from annexure 3 of **CONFIDENTIAL attachment 2**:

Please be aware that Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets.

There is a requirement that all access to Telstra's network is facilitated by Telstra. Tampering with, or interfering with telecommunications infrastructure or a facility owned or operated by a carrier (being Telstra) is an offence under the *Criminal Code Act 1995* (Cth). Heavy penalties may be applied by the authorities for breach of this prohibition. You agree to indemnify Telstra against any damages suffered, or costs incurred, by Telstra as a result of any such interference.

We put you on notice that you may be liable for all costs associated with damaging, tampering with or relocating the Telstra cable without Telstra's agreement. Telstra may seek to recover any and all associated costs from you, and if required, will take appropriate legal action against you and reserve our rights in that respect.

Telstra has confirmed that while its original quote obtained in May 2023 had a thirty-day validity period, it has agreed to extend that validity period.

Officers are confident that the tender meets the criteria of Regulation 11(f) that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier. As such the contract is presented for Council's consideration for awarding.

As Telstra are the only company that is permitted to undertake the works, public advertising calling for tenders to conduct the works would be inappropriate as the Shire could not successfully award to another and would result in delays in the project. Therefore, Officers are recommending a sole supplier arrangement.

Options and Implications

Option 1

That Council:

1. RESOLVES, in accordance with Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996*, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier;
2. APPROVES the Shire entering into a sole supplier contract with Telstra to the value of \$717,941.60 ex GST, as contained within **CONFIDENTIAL attachment 2**;
3. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for completion of the works specified in **CONFIDENTIAL attachment 2**.

Option 2

That Council REQUESTS that tenders are publicly advertised for RFT 04/2023 with the results presented for Council's consideration.

Option 1 is recommended.



Conclusion

Council's award of RFT 04/2023 to Telstra would enable telecommunications assets relocation as part of Orton Road upgrade project to proceed.

Attachments (available under separate cover)

- **10.2.3 - attachment 1** – Orton Road - Telstra service relocation – Request for reducing the length of the asset (IN23/14116)
- **10.2.3 - CONFIDENTIAL attachment 2** – Orton Road - Telstra service relocation quotation (IN23/13403)
- **10.2.3 - attachment 3** – Orton Road - Telstra service relocation – Telstra confirmed the contractors can only be engaged by Telstra (IN23/14141)

Alignment with our Strategic Community Plan

Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no immediate financial implications associated with this decision.

The proposed 2023/24 Long Term Financial Plan has a total proposed budget for this project of the following:

Financial Year	Budget
2021-22	\$370,000
2022-23	\$152,000
2023-24 (Proposed)	\$1,592,000
2024-25 (Proposed)	\$2,660,000
2025-26 (Proposed)	\$1,315,250
Total	\$6,089,250

To date there has been spends of \$369,728 on this project which still leaves sufficient funds for these works and the funds are confirmed via an executed funding agreement with the State Government.



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 this option						
2	Public advertising of the tender would create an expectation amongst potential suppliers that the Shire is unable to meet and would result in delays to the project	Nil	Organisational Performance	Possible	Minor	MODERATE	Nil

Voting Requirements: Simple Majority

OCM172/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strange

That Council:

1. **RESOLVES**, in accordance with Regulation 11(f) of the *Local Government (Functions and General) Regulations 1996*, that because of the unique nature of the services required, it is unlikely that there is more than one potential supplier;
2. **APPROVES** the Shire entering into a sole supplier contract with Telstra to the value of \$717,941.60 ex GST, as contained within CONFIDENTIAL attachment 2;
3. **AUTHORISES** the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for completion of the works specified in CONFIDENTIAL attachment 2.

CARRIED UNANIMOUSLY 6/0

**10.3 Corporate Services reports:**

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

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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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 June 2023 to 30 June 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 June 2023 to 30 June 2023, totalling \$6,800,904.01.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 June 2023 to 30 June 2023, totalling \$6,800,904.01.

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 June 2023 (E23/8535)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 April 2023 to 28 May 2023 – Redacted (E23/8529)

Alignment with our Strategic Community Plan

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

Financial Implications

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

The accounts paid under delegated authority for 1 June 2023 to 30 June 2023 totalled \$6,800,904.01.



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

OCM173/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Strautins

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 June 2023 to 30 June 2023 totalling \$6,800,904.01 as contained in attachment 1.

CARRIED UNANIMOUSLY 6/0

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

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

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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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 May 2023.

Relevant Previous Decisions of Council

Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract

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

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

Whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at a point in time.

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

Comment

Monthly Financial Report

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

The municipal surplus as at 31 May 2023 is \$7,678,708 which is favourable, compared to a budgeted surplus for the same period of \$5,696,634. The primary cause of this is a higher than anticipated 2022/23 opening surplus position.

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

Operating Revenue

Rates

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

Operating Grants, Subsidies and Contributions

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

Fees and Charges

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

Interest Earnings

Favourable variance of \$153,919 due primarily to:

- Higher interest rates than anticipated.

Other Revenue

Favourable variance of \$196,285 due primarily to:

- Reimbursement on legal cost from rates outstanding debtors for various assessment fees - \$95,962.
- A credit received from Local Government Insurance Scheme (LGIS) for workers compensation for 21/22 of \$60,618 due to lower wages than originally anticipated.
- Reimbursement on workers compensation claim from LGIS - \$55,262.

Profit on Asset Disposal

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

Operating Expenses

Employee Costs

Favourable variance of \$1,089,981 due to vacant positions within the organisation.



Materials and Contracts

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

Utility Charges

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

Depreciation on Non-Current Assets

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

Insurance Expenses

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

Other Expenditure

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

Interest Expenses

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

Loss on Disposal of Assets

Unfavourable variance of \$110,417 due to the:

- Disposal of a depot transportable building – Non Cash.

Other

Contributions/Grants for the Construction of Assets

Favourable variance of \$737,119 due primarily to:

- Byford Developer Contribution - \$692,821.

Capital Expenditure

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

Refer to Capital Works Expenditure within **attachment 1** for further details.

Proceeds from Disposal of Assets

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

Repayment of Loans

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

Repayment of Leases

Unfavourable variance of \$13,379 due primarily to:

- Extension of Civic Centre photocopier lease until 31 March 2023.

Transfer to Reserve

Variance in Transfer to Reserve of \$881,899 due primarily to:

- Byford Developer Contribution - \$692,821.

Transfer from Reserve

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



Options and ImplicationsOption 1

That Council RECEIVES the Monthly Financial Report for May 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 May 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 – May 2023 (E23/7979)

Alignment with our Strategic Community Plan

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

Financial Implications

As at 31 May 2023, the Shire's respective cash position was as follows:

Municipal Fund: \$8,497,531.73

Trust Fund: \$304,221



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for May leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer Recommendation

Voting Requirements: Simple Majority

OCM174/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Duggin

That Council **RECEIVES** the Monthly Financial Report for May 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 6/0



10.4 Community Engagement reports:

10.4.1 – 2023/2024 Bushfire Mitigation Activity Fund (SJ4214)	
Responsible Officer:	Coordinator Emergency Services
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to recognise in the draft 23/24 Budget the Shire's successful 2023/2024 Bushfire Mitigation Activity Fund Round 1 application. This has yielded a new grant of \$500,000 which will continue the shared responsibility of bushfire mitigation. The report also seeks to authorise the Chief Executive Officer to sign the funding agreement for the Shire's successful application.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 15 August 2022 – OCM192/08/22 - COUNCIL RESOLUTION / Officer Recommendation</i>				
<i>That Council:</i>				
1. <i>APPROVES the following Budget amendment:</i>				
<i>Account Number</i>	<i>Type</i>	<i>Account Description</i>	<i>Debit</i>	<i>Account Number</i>
<i>2410-12101-6460-0000</i>	<i>Increase Expenditure</i>	<i>Firebreaks – Bushfire Mitigation</i>	<i>231,754</i>	
<i>2410-12101-4126-0000</i>	<i>Increase Revenue</i>	<i>Firebreaks – Grant – Operating - DFES</i>		<i>231,754</i>
<i>Reason: Increase bushfire mitigation expenditure budget as a result of successfully attaining funding from DFES through the Mitigation Activity Fund.</i>				
2. <i>AUTHORISES the Chief Executive Officer to sign the funding agreement as contained within attachment 1; and</i>				
3. <i>NOTES the works to be undertaken as contained within attachment 2.</i>				



Ordinary Council Meeting – 17 December 2018 - OCM141/12/18 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. Endorses the Bushfire Risk Management Plan in attachment OCM141.1/12/18; and*
- 2. Requests the Chief Executive Officer present the Treatment Schedule once completed to Council for endorsement.*

Background

The Western Australian Government established the Bushfire Mitigation Activity Fund to proactively treat extreme, very high and high bushfire risks in combination with the progressive rollout of the Bushfire Risk Management Planning framework.

The Mitigation Activity Fund (MAF) seeks to continue supporting activities that build the fire management capacity and overall resilience of communities. It targets on-ground treatments that address extreme, very high and high bushfire risks on State-owned or vested lands located within or adjacent to town sites across Western Australia.

Community / Stakeholder Consultation

The Bushfire Risk Management Plan (OCM141.1/12/18) includes a Communication Strategy. Consultation is critical to the development of the Bushfire Risk Management Plan and associated treatments, particularly because it is tenure blind, and looks at risk across all tenures.

Statutory Environment

Section 2.2.8 of the State Hazard Plan - Fire requires all local governments identified as having high or extreme bushfire risk, to develop an integrated BRMP outlining a strategy to treat or reduce bushfire related risk across all land tenures. The Shire adopted its BRMP in 2018. The risk management processes used to develop the BRMP is aligned to the key principles of AS/NZS ISO31000:2017 Risk Management - Principles and Guidelines (AS/NZS ISO31000:2017). This approach is consistent with State Emergency Management Policy (State Emergency Management Policy) 3.2 - Emergency Risk Management Planning.

Comment

The Shire was notified on 30 June 2023 that its funding application was successful for 2023/2024 Bushfire Mitigation Activity Fund Round 1 for the amount of \$500,000. The Mitigation Activity Fund Funding Agreement is at **attachment 1**.

The funding for treatments includes prescribed burning, verge and reserve mulching to restructure fuel load and fencing to allow for grazing to manage fuel load. The full funded works are set out in **attachment 2**.

A copy of the Shire's Bushfire Risk Management Plan is contained in **attachment 3**.

The identified projects are to be completed and funding acquitted by 30 June 2024, as well as a new application made for the 2024/2025 round. This grant of \$500,000 is an increase on the previous round of \$268,246 and will assist the Shire in its ongoing implementation of bushfire risk management, consistent with its adopted plan. The delivery of this programme is contingent on Council's approval of the second Bushfire Mitigation Officer as contemplated in the draft 23/24 budget.



By including the grant funding in the 23/24 draft Budget and authorising the Chief Executive Officer to sign the funding agreement, the funds can be released and works commenced.

Options and Implications

Option 1

That Council:

1. NOTES that the funding amount of \$500,000 and associated expenditure budget is included in the draft 2023 / 2024 Budget;
2. NOTES that delivery of this funded bushfire mitigation activity work is contingent on the second Bushfire Mitigation Officer FTE being supported in the draft 2023 / 2024 Budget;
3. AUTHORISES the Chief Executive Officer to sign the funding agreement as contained within **attachment 1**; and
4. NOTES the works to be undertaken as contained within **attachment 2**.

Option 2

That Council DOES NOT AUTHORISE the Chief Executive Officer to sign the funding agreement and DOES NOT UNDERTAKE any mitigation works for the 2023/2024 financial year.

Option 1 is recommended

Conclusion

The Department of Fire and Emergency Services 2023/2024 Bushfire Mitigation Activity Fund provides an opportunity for the Shire of Serpentine Jarrahdale to complete identified treatments by June 2024. This reflects the application made by the Shire, consistent with its adopted Bushfire Risk Management Plan.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Mitigation Activity Fund Grant Agreement (IN23/14029)
- **10.4.1 - attachment 2** - Projects Funded (E23/8424)
- **10.4.1 - attachment 3** - Bushfire Risk Management Plan (E18/6845)

Alignment with our Strategic Community Plan

The Bushfire Mitigation Activity Fund addresses these key strategic themes within the Shire of Serpentine Jarrahdale Strategic Community Plan 2017 - 2027, in particular:

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.3	Enhance community safety
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.



Financial Implications

The Department of Fire and Emergency Services will pay the grant funds (no GST applied) in two instalments. The initial 50% of the total grant will be paid once the Funding Agreement has been executed, and the remaining 50% (up to the total grant and total cost) will be paid following acceptable grant acquittal.

Any unexpended funds are returned to the Department of Fire and Emergency Services within 30 days of the acceptance of the grant acquittal, as per conditions of the grant.

The Shire of Serpentine Jarrahdale must keep adequate financial accounts and records to enable identification of the grant, payments and receipts.

Upon signing the funding agreement, the monies can be invoiced and works commenced. To recognise the funding, Option 1 provides for it to be recognised in the 2023/2024 Budget.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Not supporting the second Bushfire Mitigation Officer in the draft 2023/2023 budget will result in a reduced delivery of the funded works.	Strategic Risk Register	Organisational Performance	Unlikely	Minor	LOW	Adopt draft 23/24 budget
2	Fire Danger to the community if the Shire does not seek all available funding opportunities to mitigate such risk.	Bush Fire Risk Management Plan	Social / Community Outcomes	Rare	Major	SIGNIFICANT	Nil



Voting Requirements: Simple Majority

OCM175/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strange, seconded Cr Strautins

That Council:

- 1. NOTES that the funding amount of \$500,000 and associated expenditure budget is included in the draft 2023 / 2024 Budget;**
- 2. NOTES that delivery of this funded bushfire mitigation activity work is contingent on the second Bushfire Mitigation Officer FTE being supported in the draft 2023 / 2024 Budget;**
- 3. AUTHORISES the Chief Executive Officer to sign the funding agreement as contained within attachment 1; and**
- 4. NOTES the works to be undertaken as contained within attachment 2.**

CARRIED UNANIMOUSLY 6/0



10.4.2 – Equine Advisory Group - Equine Priorities Update and Recommendation (SJ3224-2)

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

Authority / Discretion

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

The purpose of this report is for Council to

- Receive an update on the progress against the Equine Priorities, and
- Consider a recommendation from the Equine Advisory Group.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 March 2021 - OCM066/03/21 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RECEIVES* the Equine Advisory Group priorities as contained in attachment 1;
2. *NOTES* the Officers comments as contained in the report and attachment 1 in regard to the ability to achieve priorities;
3. *CONSIDERS* the following projects through the annual Corporate Business Plan review:
 - a) *Signage on equine trails;*
 - b) *Equine Emergency Preparedness program;*
 - c) *Equine Officer position (0.5 FTE); and*
 - d) *Equine Facility Feasibility and Business Case.*
4. *NOTES* that there will be a need to consider an allocation of funds in future budgets to meet priorities as described in this report; and
5. *THANKS* the Equine Advisory Group for their efforts to deliver the priorities.

Background

The purpose of the Equine Advisory Group is to provide the Shire with advice in regard to the needs and priorities of the Serpentine Jarrahdale Equine Community and support Council in the delivery of projects to enhance the Serpentine Jarrahdale Equine Industry and Community.

The functions of the Equine Advisory Group are to:



- Advocate to the Shire on behalf of the Serpentine Jarrahdale equine industry and community, representing their needs.
- Contribute to the development, implementation and review of projects to enhance and support the Serpentine Jarrahdale equine industry and community.
- Form partnerships with and support the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale equine community.
- Provide recommendations to the Council, as required, in relation to support and development of the equine industry and community in the Shire of Serpentine Jarrahdale based on stakeholder input.

Council endorsed a list of Equine Priorities developed by the Equine Advisory Group at its meeting on 21 March 2021. The priorities are diverse and cover direct service provision by the Shire to the equine community, planning for future infrastructure, working in partnership with the equine community and advocacy to State Government agencies to enhance the use of equine facilities in the Shire.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

Equine Priorities Update

Since the adoption of the Equine Priorities in March 2021, Shire Officers have worked collaboratively with the Equine Advisory Group, local equine clubs and businesses and external government agencies and departments to further enhance and support the Serpentine Jarrahdale equine industry and community.

At the Equine Advisory Group meeting on 8 June 2023 (minutes at **attachment 1**), Shire Officers presented a status update on the Equine Priorities document, which is provided at **attachment 2**.

The Equine Priorities document contains 38 actions, and a summary of the status the actions is provided below:

- 12 completed
- 9 ongoing
- 10 in progress
- 3 not progressing
- 4 not started

Highlights of actions that have been completed or ongoing include:

- Fabrication of improved signage to Darling Downs Equestrian Park.
- Adoption of the Equine Trails Master Plan and Equine Facilities Master Plan.
- Delivery of an equine road safety campaign.



- Support for a major equestrian show jumping event through the Major Grants Scheme.
- Emergency evacuation planning resources available on Shire website.
- Review of the Emergency Animal Evacuation Plan including an operational process for activating evacuation areas for large animals.
- Jarrahdale Horse Trail Network progressing through the trail development process and securing funding.

Equine Advisory Group Recommendation

The Equine Advisory Group reviewed the Equine Priorities document and discussed items that had not yet started, and identified the following action for consideration to be progressed by Shire Officers in 2023/24:

Ensure an assessment of existing and clarity on required signage is included within the Equine Trails Masterplan.

Given upgrades to signage at the Darling Downs Equestrian Park are currently being completed, which has a current signage plan, the Equine Advisory Group identified that upgrades and improvements to signage at other horse trails in the Shire was the next natural progression for this action as contained with the Equine Priorities document.

In the Shire's Equine Trails Master Plan, the Implementation Plan identifies the following Strategy (**attachment 3**) relating to horse trail signage:

Strategy C1: Signage, Maps and Supporting Information

Provide consistent and reliable signage, maps & supporting information for equine trails within the Shire.

Rationale:

Horse trail signage has been identified as a key issue on the majority of the existing equine trails through community consultation and on-ground site visits. Installing contemporary trail signage is a key component to upgrading each of the equine trails to enhance trails for both enjoyment and safety. Existing signage on the equine trails is generally worn/dated and information requires significant upgrade. It is important that equine trails have effective signage which aligns with the requirements for their level of difficulty (refer WA Horse Trail Classifications).

The availability and dissemination of horse trail related information is also important as this was rated as poor for multiple equine trails in the community survey. Trails WA and the Shire website both provide information and maps for the Shire's equine trails, and it is important that these websites are continually updated to align with the new information and trails identified in this Master Plan. The existing information relating to equine trails across the Shire is generally inconsistent, outdated, limited and unreliable. Information relating to equine trails is also available on a range of third-party online sources with user-generated content, such as AllTrails, which varies in accuracy and consistency.

As part of the development of this Master Plan, existing equine trails were audited and mapped. This information should now be used to update current maps and develop reliable equine trail maps and supporting information for the newly identified trails. The maps and information can be in printed form, online and/or integrated into interactive online applications. It is important that equine trail maps and information are presented in a range of formats to cater for all levels



of technological ability. It is also important that outdated equine trail information is removed from circulation.

Shire Officers support this action being progressed. Should the recommendation be supported by Council, further engagement will occur with the Equine Advisory Group to determine a priority order for horse trail signage plans to be developed. Work to develop plans for sign type and location per bridle trail can be completed with in-house resources.

Following the completion of signage plans, Shire Officers will explore external grant opportunities or allowances within existing signage renewal budgets to deliver signage improvements and upgrades to horse trail signage in the Shire as well as preparing business cases for Council's consideration as part of future Budget setting processes.

Future of the Equine Advisory Group

As 2023 is a local government election year, the Terms of Reference for the Equine Advisory Group stipulates the end of tenure for all current members.

The ongoing relationship with members of our equine community is valuable for the Shire to continue work identified by the current Equine Priorities. Officers recommend the continuation of the Equine Advisory Group to build upon those relationships and foster new ones.

Should Council wish to continue the Equine Advisory Group, nominations will be sought from the equine community in September. Once Council has made appointments after the local government election, Officers will work with the Equine Advisory Group to review the Equine Priorities to build upon work already commenced by the Equine Facilities Master Plan and Equine Trails Master Plan as well as other areas of interest or concern for the equine community.

Options and Implications

Option 1

That Council:

1. RECEIVES the progress update on the status of work undertaken on the Equine Priorities, as contained at **attachment 2**.
2. REQUESTS the Chief Executive Officer to progress "Strategy C1 Signage, Maps and Supporting Information" from the Equine Trails Master Plan in the 2023/24 financial year.
3. SUPPORTS the continuation of the Equine Advisory Group and REQUESTS the Chief Executive Officer to seek nominations for the Equine Advisory Group for appointment after the local government election.

Option 2

That Council:

1. RECEIVES the progress update on the status of work undertaken on the Equine Priorities.
2. NOTES the recommendation from the Equine Advisory Group to progress Strategy C1 Signage, Maps and Supporting Information from the Equine Trails Master Plan but DOES NOT SUPPORT this Strategy being progressed at this time.
3. DISSOLVES the Equine Advisory Group at the 2023 local government election.

Option 1 is recommended.

**Conclusion**

Over the past 2 years, Shire Officers have worked collaboratively with the Equine Advisory Group, local equine clubs and businesses and external government agencies and departments to further enhance and support the Serpentine Jarrahdale equine industry and community.

An update on the Equine Priorities document is provided to Council for noting.

A recommendation by the Equine Advisory Group to progress the Strategy C1 Signage, Maps and Supporting Information from the Equine Trails Master Plan is presented to Council for its consideration.

Officers recommend the continuation of the Equine Advisory Group post the 2023 local government election.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Equine Advisory Group Minutes – 8 June 2023 (E23/7140)
- **10.4.2 - attachment 2** – Equine Priorities Update – July 2023 (E23/7648)
- **10.4.2 - attachment 3** – Strategy C1, Equine Trails Master Plan Extract (E23/7679)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil. Development of horse trail signage plans can be delivered within existing resources.



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	Development of horse trail plans for other horse trails in the Shire may set expectations within the equine community that they will be delivered by the Shire, which may not be the case if funding cannot be secured for the implementation of the signage plans.	Council report outlining that future horse signage plans will only be implemented if external or internal funding is secured.	Reputation	Possible	Minor	MODERATE	Further engagement with Equine Advisory Group
2	Not supporting the recommendation from the Equine Advisory Group and dissolving the Equine Advisory Group could result in the Group and/or individual members feeling that their feedback or input is not valued by Council	Recommendation from the Equine Advisory Group aligns with Council's endorsed Equine Priorities list and Equine Trails Master Plan	Strategic Stakeholder Relationships	Unlikely	Minor	LOW	



Voting Requirements: Simple Majority

OCM176/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Coales

That Council:

- 1. RECEIVES** the progress update on the status of work undertaken on the Equine Priorities, as contained at attachment 2.
- 2. REQUESTS** the Chief Executive Officer to progress “Strategy C1 Signage, Maps and Supporting Information” from the Equine Trails Master Plan in the 2023/24 financial year.
- 3. SUPPORTS** the continuation of the Equine Advisory Group and **REQUESTS** the Chief Executive Officer to seek nominations for the Equine Advisory Group for appointment after the local government election.

CARRIED UNANIMOUSLY 6/0

**10.4.3 – Local Emergency Management Committee Information Report (SJ716-02)**

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

Authority / Discretion

Information	For the Council / 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 13 June 2023.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 15 May 2023 - OCM117/05/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 14 March 2023 contained in attachment 1.*
- 2. ADOPTS the Emergency Animal Welfare Plan at attachment 2 for inclusion in the Shire's Local Emergency Management Arrangements.*
- 3. REQUESTS the Chief Executive Officer prepare plans, processes and policy to address the identified gaps from the Exercise Scorcher Post Exercise Report at attachment 3 to support the Shire's Local Emergency Management Arrangements.*
- 4. REQUESTS the Chief Executive Officer provide a copy of the Exercise Scorcher Post Exercise Report to the District Emergency Management Committee (DEMC) for noting.*

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.

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 13 June 2023 with the minutes of the meeting at **attachment 1**. There are no recommendations for Council to consider at this time.



Options and Implications

Option 1

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 13 June 2023 contained in **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 13 June 2023 contained in **attachment 1**.

Option 1 is recommended.

Conclusion

The minutes of the Local Emergency Management Committee meeting held 13 June 2023 are provided to Council for information.

Attachments (available under separate cover)

- **10.4.3 - attachment 1** – Local Emergency Management Committee (LEMC) - Minutes – 13 June 2023 (E23/7372)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no 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	
1	Nil						
2	That the LEMC members feel their contribution is not respected.	Nil	Reputation	Rare	Moderate	LOW	Nil



Continued

**Ordinary Council Meeting Minutes
Monday, 17 July 2023**

Voting Requirements: Simple Majority

OCM177/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Duggin

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held 13 June 2023 contained in attachment 1.

CARRIED UNANIMOUSLY 6/0



10.4.4 - Serpentine District Golf Club – Facility Upgrade (SJ2226)

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

This report was dealt with earlier in the Meeting.



10.5 Executive Services reports:

Councillor Coales declared a Financial Interest in item 10.5.1 and left the Meeting at 9:15pm prior to this item being discussed.

10.5.1 - Consideration of Motions Carried at the Annual General Meeting of Electors held on Wednesday, 14 June 2023 (SJ4197)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to enable Council to consider the motions carried at the Annual General Meeting of Electors held on Wednesday, 14 June 2023.

Relevant Previous Decisions of Council

Nil.

Background

In accordance with section 5.27 of the *Local Government Act 1995* (the Act), the Annual General Meeting of Electors was held on 14 June 2023. Notice of the media was provided in accordance with the requirements for the Act in the Examiner Newspaper, public notice boards and the Shire's social media on 18 May 2023.

There were 32 members of the public recorded at the meeting.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Under section 5.27 of the Act, a general meeting of the electors of a district is to be held once every financial year. A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Under section 5.33 of the Act all decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable at the first ordinary council meeting after that meeting; or at a special meeting called for that purpose whichever happens first.



If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

Comment

In addition to receiving the Annual Report for the Shire of Serpentine Jarrahdale for the year 2021-2022 incorporating the 2021-2022 Annual Financial Statements and the 2021-2022 Auditor's Report, two motions were carried by electors for Council's consideration:

GME002/06/23**MOTION**

Moved Mr Hoyer, seconded Ms Star

That the Shire and Councillors support the advocacy approach being progressed by the Peel local governments and partners.

MOTION CARRIED

GME003/06/23**MOTION**

Moved Ms Berry, seconded Ms Plant

That Council requests the CEO progress the process of recouping \$7,235 plus interest from Councillor Coales, if proven not completing the Australian Institute of Company Directors Course.

MOTION CARRIED

These two are discussed separately below.

GME002/06/23

In respect to GME002/06/23

This motion relates to the "Policy Position Statement – Mining and Extractive Industries" which has been prepared by the Peel Alliance. The Peel Alliance consists of the following members:

- City of Mandurah
- Shire of Boddington
- Shire of Murray
- Shire of Serpentine Jarrahdale
- Shire of Waroona
- Peel Community Development Group
- Peel Harvey Catchment Council
- Regional Development Australia – Peel
- Peel Development Commission (observing member)

Members of the Peel Alliance are currently considering if they will adopt the policy position statement and contribute funds towards advocacy.



Officers circulated the draft policy position statement to Councillors for information and consideration in May. It was listed for discussion at Policy Concept Forums on both the 1 May and 29 May 2023 however timing of other items on the agenda prevented it from being discussed.

Officers are proposing to list it for discussion with Councillors at the next Policy Concept Forum on 24 July 2023. Following this, Officers will present a report to an Ordinary Council meeting for Councils formal consideration.

Therefore, Officers propose the following recommendation:

That Council requests the CEO lists the Peel Alliance Policy Position Statement at the Policy Concept Forum on 24 July 2023 following which it is presented to Council for formal consideration at an Ordinary Council Meeting.

GME003/06/23

In respect to GME003/06/23 regarding the Australian Institute of Company Directors Course, in 9 April 2018 a purchase order was raised for Cr Coales for the Australian Institute of Company Directors Course to be held from 7 – 11 May 2018.

On 26 April 2018, the Shire paid the invoice valued at \$7,235.

This matter was raised during public question time at the 20 March 2023 Ordinary Council Meeting. The response recorded in the minutes of the 17 April 2023 Ordinary Council Meeting states:

“No, in response to a public question at a recent Council Meeting, Officers contacted all training providers that had provided training to Councillors in the period posed by the question where certificates of completion were not immediately able to be sourced from Shire held records. In this case, the Australian Institute of Company Directors advised that while its privacy policy prevented disclosing details or providing a copy of the certificate, the Councillor had completed the training.”

At the time Councillor training matters was dealt with in Council Policy 1.1.15 – Councillor Fees and Entitlements.

“3.1.9 In the event that a Councillor does not attend a training session or finalise the local government diploma then the Councillor to repay the Shire for the expenditure.

Note: 3.1.9 does not apply where evidence can be provided that the Councillor had reasonable cause to be absent through sickness or other mitigating circumstances that can be clarified to Council.”

The Shire’s Code of Conduct provides that a Councillor must comply with all policies, procedures and resolutions of the local government.

The motion at the electors meeting essentially deals with a question of a Councillor’s compliance with a Council Policy. Other than a motion passed at the Electors Meeting Officers have no further information to consider the validity of the electors’ request.

If a person believes that a Council Policy has not been complied by a Councillor the most appropriate pathway is through a code of conduct complaint.



Options and Implications

Option 1

That Council:

1. RECEIVES the minutes of the Annual General Meeting of Electors held on Wednesday, 14 June 2023.
2. In respect to GME002/06/23, REQUESTS the Chief Executive Officer lists the Peel Alliance Policy Position Statement on mining in the Peel Region at the Policy Concept Forum on 24 July 2023 following which it is presented to Council for formal consideration at an Ordinary Council Meeting.
3. In respect to GME003/06/23, REQUESTS that the Chief Executive Officer writes to the mover of the motion at the electors meeting regarding options if they believe that a Councillor has not complied with a Council Policy.

Option 2

For Council's consideration.

Option 1 is recommended.

Conclusion

In accordance with legislation, the motions carried at the Annual General Meeting of Electors are presented for Council's consideration.

Attachments (available under separate cover)

- **10.5.1 – attachment 1** – Minutes General Meeting of Electors – 14 June 2023 (E23/7915)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	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 & 2	There are no significant risks associated with these options						

Voting Requirements: Simple Majority

OCM178/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council:

1. **RECEIVES** the minutes of the Annual General Meeting of Electors held on Wednesday, 14 June 2023.
2. In respect to GME002/06/23, **REQUESTS** the Chief Executive Officer lists the Peel Alliance Policy Position Statement on mining in the Peel Region at the Policy Concept Forum on 24 July 2023 following which it is presented to Council for formal consideration at an Ordinary Council Meeting.
3. In respect to GME003/06/23, **REQUESTS** that the Chief Executive Officer writes to the mover of the motion at the electors meeting regarding options if they believe that a Councillor has not complied with a Council Policy.

CARRIED UNANIMOUSLY 5/0

Councillor Coales returned to the Chambers at 9:18pm.

Presiding Member, Councillor Rich advised Councillor Coales of the Council Resolution for item 10.5.1.

**10.5.2 - Peel Regional Leaders Forum Minutes (SJ1350)**

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

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is to enable Council to note the minutes of the Peel Regional Leaders Forum meetings held on:

- 24 November 2022;
- 2 March 2023;
- 13 April 2023; and
- 14 June 2023.

Relevant Previous Decisions of Council

Nil.

Background

The Peel Regional Leaders Forum (PRLF) was established in 2010 to provide a vehicle for the coordination and prioritisation of project funding across the Peel Region. Its membership comprises the local governments of the Region (the City of Mandurah and the Shires of Boddington, Murray, Serpentine Jarrahdale and Waroona) together with Regional Development Australia (RDA) Peel, the Peel Community Development Group and the Peel Harvey Catchment Council. The Peel Development Commission (PDC) attends meetings of the PRLF as a non-voting member.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.



Comment

A summary of the matters discussed at each meeting is provided in the table below:

Meeting date	Matters discussed
24 November 2022	<ul style="list-style-type: none"> • Peel Regional Water Supply Initiative • Peel Region District Leadership Group and Peel Health and Wellbeing Taskforce • Peel Trails Committee • Allocation of funding for Joint Position Statement on Mining in the Peel Region
2 March 2023	<ul style="list-style-type: none"> • Regional advocacy principles and framework • Development of Joint Position Statement on Mining in the Peel Region • Peel Regional Water Supply Initiative • Peel Trails Committee
13 April 2023	<ul style="list-style-type: none"> • Peel Regional Water Supply Initiative • Regional advocacy principles and framework • Joint Position Statement on Mining in the Peel Region • Peel Trails Committee • Review of insurance coverage
14 June 2023	<ul style="list-style-type: none"> • Peel Regional Water Supply Initiative • Draft Operational Funding Plan 2023-24 and 3 Year Forecast • Peel Trails Committee • Regional Priorities for Advocacy • South West Native Title Settlement • Eligibility for Growing Regions Program and Other Programs

The full minutes from the meetings are attached for Council to note in **attachments 1** through **4**.

Options and Implications

Option1

That Council NOTES the Peel Regional Leaders Forum meeting minutes held on:

- 24 November 2022;
- 2 March 2023;
- 13 April 2023; and
- 14 June 2023.

Option 1 is recommended.

Conclusion

As a member of the PRLF the minutes of the last four meetings are presented for Council to note.



Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Peel Regional Leaders Forum Minutes - 24 November 2022 (IN22/24741)
- **10.5.2 – attachment 2** - Peel Regional Leaders Forum Minutes - 2 March 2023 (IN23/13491)
- **10.5.2 – attachment 3** – Peel Regional Leaders Forum Minutes - 13 April 2023 (IN23/8132)
- **10.5.2 – attachment 4** – Peel Regional Leaders Forum Minutes - 14 June 2023 (IN23/12710)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

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

Voting Requirements: Simple Majority

OCM179/07/23

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Atwell, seconded Cr Rich

That Council NOTES the Peel Regional Leaders Forum meeting minutes held on:

- 24 November 2022;
- 2 March 2023;
- 13 April 2023; and
- 14 June 2023.

CARRIED UNANIMOUSLY 6/0

**10.6 Confidential reports:**

10.6.1 – CONFIDENTIAL - Kwinana Waste to Energy Project Practical Completion – Variation Agreement No. 2 (SJ581)	
Responsible Officer:	Manager Waste and Fleet
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

OCM180/07/23**COUNCIL RESOLUTION****Moved Cr Duggin, 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)(c) and (d) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 6/0

At 9:19pm, the meeting went behind closed doors.

Officers assisting the Meeting stopped the recording of the Meeting.

Voting Requirements: Simple Majority

OCM181/07/23**COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Strautins, seconded Cr Coales****That Council:**

- 1. SUPPORTS** the negotiated extension of the Avertas Kwinana Waste to Energy Practical Completion date to 31 December 2024;
- 2. APPROVES** the Kwinana Waste to Energy Project Waste Supply Agreement – Variation Agreement No. 2 as contained within CONFIDENTIAL attachment 1 and the Participants Agreement – Variation Agreement as contained within CONFIDENTIAL attachment 2, and requests that they are executed by the Shire President and Chief Executive Officer;
- 3. REQUESTS** that the Chief Executive Officer advise the Rivers Regional Council of this decision; and
- 4. REQUESTS** that the Chief Executive Officer obtain legal advice with respect to the unsigned 2018 Direct Deed and reports this advice to Council.

CARRIED UNANIMOUSLY 6/0



OCM182/07/23

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Strautins

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 6/0

At 9:21pm, 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.



Continued

Ordinary Council Meeting Minutes Monday, 17 July 2023

11. Urgent business:

Nil.



12. Councillor questions of which notice has been given:

12.1 – Councillor Questions of which Notice has been Given – Mundijong Netball Facilities (SJ4085)	
Councillor:	Councillor Byas
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

The following questions were received from Councillor Byas via email on Monday, 10 July 2023.

Question 1

What would be delivered for the \$112,000 investment in the courts, and what would be the associated guarantees on the works? Of specific interest, is there a warranty on the cracking of the playing surface?

Officer Response

The scope of works is as follows:

- Install additional drainage pit and modify existing pipe drain localised ponding at the centre of courts;
- Heavy diamond grind the entire surface to take back the old acrylic to a sound condition;
- Cut out all visible cracks via crack chasing grinder;
- Pressure wash the entire area to remove excess dirt and buildup of algae;
- fill all visible cracks with a flexible polyurethane sealer ;
- fill any low areas that hold water, patch binder and grind back flush as required;
- Supply and application of fiberglass membrane with tycaot (65gsm 9x9);
- Supply and application of 1 acrylic filler coat to entire court surfaces;
- Supply and application of 2 coats of high performance acrylic top coats;
- Mark out and line mark court for netball x 4 as required.

In respect to the warranty, application of the acrylic system will be in accordance with the manufacturer's recommendations with a manufacturer's warranty of 5 years, expected life prior to resurfacing is anticipated to be 10 years. Warranty does not include the result of vandalism or undue care.

In addition no guarantee is offered or implied against existing and or new cracks reflecting through the surface. Sub-grade movement experienced during seasonal changes and expansion and contraction of the pavement cannot be calculated and may be in excess of the system capabilities.

Question 2

What recommendations are there for water management on the site to prevent damage to the courts and ensure player safety, noting Netball WA's standards concerning surface water and player safety? Is there an estimated cost for water management works if not included in the aforementioned \$112,000 figure?



Officer Response

The above cost includes minor correction of the ponding water as seen in the scope of works which includes the minor drainage improvement, chasing existing cracks, filling cracking and any low areas that hold water. The \$112,000 allowed for minor drainage improvements by installation of an additional drainage pit which would address some of the water ponding.

Drainage for this area is a complex issue given the large catchment area and land uses. Drainage for the area was considered outside the scope of the question posed by a member of the public at the June 2023 Ordinary Council Meeting. If the netball courts were to remain in this area on a longer term basis an investigation in accordance with the Shire's Project Management Framework would need to be conducted to ensure that stormwater drainage needs and solutions are accurately designed and costed.

Question 3

As the netball courts are used concurrently with the adjoining AFL oval, have Officers investigated the costs of upgrading the following:

- on-site toilets;
- change rooms;
- sealing of the carpark;
- CCTV;
- lighting and associated electrical works;
- storeroom.

If not, can the estimated costs associated with each of the above please be provided as an itemised list?

Officer Response

These have not been investigated to date. For upgrades of this complexity and significance especially in the current construction market and age of the facility, producing accurate estimates of this infrastructure would require the preparation of a project initiation document which includes:

- Council mandate
- project objectives and expected benefits
- scope
- engineering services report
- feasibility, including land matters and lifecycle and operational costs
- project governance
- geotechnical report
- preliminary stakeholder needs analysis.

In accordance with the Shire's Project Management Framework, this Project Initiation Document would be considered by the Project Change Board before budget consideration by Council.



13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 9:24pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on
21 August 2023.

..... Presiding Member – Councillor Rich

..... 05/10/2023 Date