



Shire of
Serpentine
Jarrahdale



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 17 March 2025

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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."

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
17/10/25	OCM	✓	✓	A	✓	✓	✓	✓
10/3/25	Q&A (OCM)	✓	EP	A	✓	✓	✓	✓
5/3/25	SCM	✓	A	LoA	✓	✓	✓	A
4/3/25	Q&A (SCM)	✓	EP	LoA	✓	✓	✓	A
24/2/25	PCF	✓	A	LoA	✓	✓	✓	✓
17/2/25	PCF	EP	EP	LoA	✓	✓	✓	✓
10/2/25	OCM	✓	✓	LoA	✓	✓	✓	✓
3/2/25	Q&A (OCM)	✓	EP	LoA	✓	✓	✓	✓
28/1/25	PCF	✓	EP	A	✓	✓	✓	✓

Key:

✓ - Attended

A - Apology

LoA - Leave of Absence

NA - Non Attendance

EPNG - Electronic Participation Not Granted

EP - Electronic Participation



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

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

Council and Committee Meetings will be live streamed and audio recorded. If you are asking a public question or making a statement or deputation to the meeting this will be live streamed and audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.



Ordinary Council Meeting Minutes Monday, 17 March 2025

Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 17 March 2025 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

President Coales declared the meeting open at 7pm and welcomed Councillors, Staff, and members of the gallery.

President Coales advised members of the gallery that tonight's meeting will be live streamed and audio recorded.

If you are asking a public question or making a statement or deputation to the meeting, we request that you take a seat at the table.

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):

President: R Coales.....Presiding Member

Councillors: N Bishop

T Duggin

S Mack

R Jerrett

C Mazzini

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

Mr N Scidone.....Acting Director Infrastructure Services

Mr A Trosic Director Development Services

Mr F Sullivan Director Corporate Services

Mr B Oliver..... Director Community Engagement

Ms C Mortimer.....Manager Corporate Performance

Ms J Bavaro.....PA to Director Corporate Services (Minute Taker)

Leave of Absence: Nil.

Apologies: M Byas

Observers: 24



2. Public question time:**2.1 Response to previous public questions taken on notice:**

Questions asked by **Mr Hawkin-Salt** at the Ordinary Council Meeting, Monday, 10 February 2025. Correspondence was sent to Mr Hawkin-Salt on 20 February 2025 (OC25/2695).

Question 1

As a regular recreational mountain bike rider, I have been dismayed at the growing proliferation of rubbish being illegally dumped in our beautiful bush. Since the closure of the Watkins Road Transfer Facility, the increase and volume of illegal dumping in the Shire has sky rocketed. The Shire says they have increased activity to prevent illegal dumping. Can the Shire please provide statistics on the number and value of fines issued for illegal dumping both before and after the closure of the transfer facility.

Response (Director Development Services)

The Shire implements proactive and reactive measures to police illegal dumping. Where evidence of a person littering is gained, the Shire will investigate the matter and where the evidence allows, offenders are issued with an infringement notice or prosecuted. The offender is also required to remove and dispose of their waste at an appropriate facility and further required to show proof of this disposal.

The Shire uses CCTV, dash cameras and similar, whether Shire owned or submitted from a private owner, to catch offenders.

The Shire does not directly monitor Department of Biodiversity, Conservation and Attractions (DBCA) or Water Corporation land, such as State Forrest 21, Wungong Regional Park, Serpentine Dam or similar, as these agencies have their own measures in place to monitor the land in their control.

The Shire does however work with DBCA, Department of Water and Environmental Regulation (DWER) and Water Corporation, previously investigating and assisting in litter offences on such land.

A lot of the large-scale dumping offences have been identified to contain items that were either not accepted at the Transfer Station or items that incurred a cost to be deposited at the Transfer Station, such as tyres, mattresses, rubble, chemicals and asbestos.

In 2022, during the open hours of the Transfer station, one litter offender that was caught by Officers actively dumping waste in bush/and this person was shown to have visited the Transfer Station that same day, prior to the offence.

The number of infringements issued per year are as below:

- 2025 - 7 infringements - totalling \$1,700 (a/ 7 being hot-spot roadside litter)
- 2024 - 4 infringements - (totalling \$800) - 1 Prosecution (Court Penalty \$400; Costs \$849)
- 2023 - 19 infringements (totalling \$5,600) - 3 issued after closure of the Shire Transfer Station 6/10/23
- 2022 - 13 infringements - totalling \$3,500



- 2021 - **19** infringements - totalling \$5,000
- 2020 - **5** infringements - totalling \$1,000
- 2019 - **5** infringements - totalling \$1,000
- 2018 - **1** infringement - totalling \$200
- 2017 - **3** infringements - totalling \$600
- 2016 - **9** infringements - totalling \$1,800
- 2015 - **2** infringements - totalling \$400.

Questions asked by **Mr Atwell** at the Ordinary Council Meeting, Monday, 10 February 2025. Correspondence was sent to Mr Atwell on 20 February 2025 (OC25/02389).

Question 1

My questions are in regard to our problems we have with fires in the area and the lack of work being done by both the government and the Shire to alleviate these. Are Main Roads, and in particular with the Tonkin Highway extension, going down Hopkinson Road? Parts of the reserve were still being done last week in 40 degree heat. Do we have any control over them or are they allowed to get away with whatever they like?

Response (Director Community Engagement)

We can confirm that contractors for Main Roads WA have been working to manage vegetation in the vicinity of Hopkinson Road at the request of Shire Officers.

If you are concerned about contractors operating during declared Vehicle Movement Bans we encourage you to contact the Shire so we can investigate any compliance issues.

Question 2

The Shire once again has failed to do their own firebreaks and yet they prosecute other people for not doing theirs. Either we get ourselves into gear and get our own firebreaks done in time or else we get fined. Is the Shire exempt from having their firebreak done by the required time?

Response (Director Community Engagement)

While the Shire is not bound by the Bush Fires Act 1954 and therefore not required to comply with its Fire Hazard Reduction Notice, we remain committed to responsible bushfire mitigation within the available resources.

In the 2024/25 Budget, approximately \$90,000 has been allocated for annual maintenance works within Shire-owned and managed reserves. Some firebreaks are carried out on a biannual schedule to enable other essential maintenance, such as this spring's maintenance on 124 access gates for emergency services. While we do not undertake firebreaks on all Shire-managed land, our strategy ensures we manage risk effectively and allocate resources where they are most needed.

Should you have any concerns about bushfire risk for any specific Shire-managed land, please contact the Shire's Officers to discuss.



Question 3

Is the Shire going to do anything about road verges which are falling into worse and worse repair.

Response (Executive Manager Operations)

The Shire recently adopted the revised Urban and Rural Verge Policy and Guidelines at the 18 November 2024 Ordinary Council Meeting, which provides direction for the maintenance and development of road verges. This policy aims to improve biodiversity, visual amenity, and safety while reducing traffic noise.

Regarding the condition of road verges, we have a maintenance program based on field assessments, customer feedback, and historical data. Areas in need of attention are prioritised, with budgets allocated accordingly, and we actively seek external funding for repairs.

We regret that the road verges in your area haven't met expectations and are reviewing this matter under the new policy guidelines.

Questions asked by **Mrs Bond** at the Ordinary Council Meeting, Monday, 10 February 2025. Correspondence was sent to Mrs Bond on 20 February 2025 (OC25/2289).

Question 2

A Councillor who has continuously not attended Ordinary Council meetings, Policy Concept Forums, Special Council Meetings and workshops infrequently attending one out of three Ordinary Council Meetings so he cannot be removed, has been on leave so he can concentrate on running for a position in state politics. Where is the fairness in paying a sitting fee to this person when he is not working for the ratepayer and overall has done little regarding his Councillor duties?

Response (Acting Director Corporate Services)

The Local Government Act allows a local government to resolve to pay Elected Members either fees and allowances for attending meetings, or an annual fee and allowance. The Shire has resolved to pay an annual fee and allowance. There is no requirement under the legislation for an Elected Member to reimburse the local government due to nonattendance at meetings if they are paid an annual fee.

When an Elected Member is on an approved leave of absence, it provides leave from attending meetings during the period in accordance with the 'disqualification for failure to attend meeting' provisions under the Act. While an Elected Member is not required to attend and participate in formal decision making at meetings, they remain an Elected Member and continue to carry out their roles and responsibilities.

Question 3

Has a former Councillor who made a big noise about how he would pay an ex-gratia payment to the Shire of Serpentine Jarrahdale for land he wanted to purchase paid any money to the Shire regarding this land (May 2024)?

Response (Director Development Services)

Following consideration at the 20 May 2024 ordinary meeting, a written agreement was requested from the landowner, to address the circumstances set out under clauses (2) and (3).



This written agreement has subsequently been received.

As per the Council resolution, only once the Reserve is purchased by, or on behalf of, the landowner, or is otherwise made available to the landowner by lease, will the payment be made. This is yet to occur, and is subject to State Government processes and timing, given they ultimately have the power to consider the disposal of the reserve.

Questions asked by **Ms Reynolds** at the Ordinary Council Meeting, Monday, 10 February 2025. Correspondence was sent to Ms Reynolds on 20 February 2025 (OC25/2393).

Question 4

Under Waste and Recycling on the Shire website, under illegal dumping, it stated that illegal dumping cost the Shire approximately half a million dollars per year in clean-up costs and resources. However, after going through the creditors reports and OCM Agendas since the 1 December 2023, actual costs spent on illegal dumping were a mere \$14,388.93. Can you please provide a detailed summary on how the point 5 of a million dollars was generated?

Response (Executive Manager Operations)

In previous years, when the transfer station was operational, illegal dumping was being picked up by the Shire's Operations staff and contractors as applicable. Further, the dumped materials were brought to the WTS and disposed along with the other materials dropped off by residents.

Prior to the 2024/25 financial year the Shire did not have an account specifically to capture costs relating to illegal dumping. The \$500K per annum was an estimate based on staff time - \$300,000, transport- \$20,000, contracts (asbestos and traffic management) - \$50,000 and a percentage of the waste disposal costs - \$130,000 in 2023/24.

2.2 Public questions:

Public question time commenced at 7.01pm.

Ms Miriam Botman, Oakford, 6121

Question 1

Who authorised the subdivision of Lot 207 Kargotich Road Oakford?

Response (Director Development Services)

The subdivision of the subject land is approved by the Western Australian Planning Commission (WAPC). In terms of the planning framework, Lot 207 is zoned Rural Residential 1 and provides for future subdivision to occur.

Question 2

Where is the Shire of Serpentine Jarrahdale's duty of care for its residents over the lack of planning for the closure of Kargotich Road?



Response (Acting Director Infrastructure Services)

The closure was carefully planned in advance, with thorough coordination between the Shire and the contractor. The contractor has provided all relevant documents, including Traffic, Emergency, Safety, and Quality Management Plans.

A comprehensive internal communication plan was implemented. Two written notices were sent to residents on 24 December 2024 and 31 January 2025 and one to Main Roads WA on 07 January 2025, informing them of the planned works and necessary traffic management measures ahead of the commencement of works and implementation of the closure on 10 February 2025. To further ensure road users were informed and could plan ahead, variable message boards were installed at various locations on 28 January 2025. The works were also advertised through the Shire's website and Facebook page.

Emergency access has also been a key consideration, with coordination between the contractor and DFES to ensure their approval of the proposed emergency access arrangements.

Ms Jenny Gaunt, Casuarina, 6167

Question 1

The Kwinana City Council ran a workshop for rural landholders last week about black cockatoo and habitat preservation. It takes 100-150 years for a tree to become a nesting location for these birds. This is a wildlife corridor. Is it morally right for private landholders to be the only ones responsible for maintaining biodiversity in our area? How does this mine align with the Serpentine Jarrahdale Shire's Cockatoo Action Plan?

Response (Director Development Services)

Officers have and continue to be guided by the DWER expertise in respect of assessing the clearing of native vegetation and impacts on fauna, including impacts on black cockatoos.

The Shire has several strategies that deal with protection and enhancement of the environment. These include the Urban and Rural Forest Strategy, State of the Environment Report, and Local Biodiversity Strategy. However, this application requires a clearing permit being issued by DWER.

DWER approved the original clearing permit in 2016, and amended it in 2019, and again are being asked to amend it to allow this sand mine.

Question 2

The Council already turned this proposal down in October 2024. Why would the Council go back on their previous decision?

Response (Director Development Services)

Following the October 2024 decision, the applicant has appealed the Council's decision through the State Administrative Tribunal (SAT).

Council has been invited by SAT to reconsider its decision in accordance with Section 31 of the State Administrative Tribunal Act 2004.



Question 3

Has SAT heard this again since 25 November 2014 and on what basis?

Response (Director Development Services)

No, the 2015 SAT approval of the application remains in place. The application being considered this evening originated last year, in respect of an application to amend condition 1 of the 2015 approval which seeks to extend the time period of the proposal.

Mr Philip Kenworthy, Casuarina, 6167

Question 1

Has SAT heard this again since 25 November 2014 and on what basis?

Response (Director Development Services)

No, the SAT approval of the application remains in place. This application being considered this evening originated last year, in respect of an application to amend condition 1 of the 2015 approval (issued by SAT). This seeks to extend the time period of the proposal.

Question 2

The EPA states that a buffer of 300-500m is appropriate for the type of extractive industry proposed. The mining proposal and remedial action plan confirmed the use of screening and sieving machinery. This states the buffer between this industrial activity and sensitive land uses is a minimum of 500 meters. This buffer zone is inadequate considering dust particles can travel for kilometres. Is the Council happy to break these EPA recommendations?

Response (Director Development Services)

The planning framework does not impose buffers on surrounding properties.

This was the basis of the SAT 2015 approval, which remains unchanged in this proposal to extend the time period of that approval.

Question 3

Considering some residents received a letter about this only last Monday, giving them just 2 days to prepare a deputation, and your Local Planning Policy 1.4 (Public Consultation for Planning Matters Point 3) states you are required to give a minimum of 14 days notice for the lodgement of any submission and consult with immediate surrounding landowners, have you really followed the spirit of this Policy?

Response (Director Development Services)

The requirement for 14 days notice applies to applications being advertised for submission which does not apply in this case.

In this case, Officers notified submitters to make them aware of the upcoming meeting following the normal process upon release of the agenda.



Ms Vanessa Reynolds, Oakford, 6121

Question 1

Can you please advise how many of the Bookable Hardwaste Collections 2 x 3m³ per household have been collected since 01.12.2023?

- a. How many of those collections were additional collections paid for by the resident @ \$160.00 per 3m³?
- b. Currently how many SJ residences are eligible to use this service in the SJ Shire?

Response (Chief Executive Officer)

The bookable hard waste collections commenced in June 2024, following appointment of the contractor. To date, there have been 4,424 bookings, of which 155 were cancelled prior to the collection being completed.

- a. 4
- b. 13,038 in November 2024

Question 2

- a. What is the best estimated cost of the additional service agreed to at the Jan OCM in regard to Cr Mack's alternate motion – of residents being provided with 1 free pass to deliver greenwaste and 1 free pass to deliver Hard waste at their convenience to Watkins Rd WTS using skip bins to contain and dispose of the waste?

Including, staff wages, disposal and transport costs, hire of skip bins, facilities on site for staff, etc – meaning everything needed to make this additional 2 pass available for residents?

- b. How is this expected to be provided? I.e: attached to rates notice etc and how will it be managed for rental properties and tenants? If a residence is charged for an ancillary dwelling in their rates – will they receive additional passes?

Response (Acting Director Infrastructure Services)

- a. *The alternative adopted by Council is a reduced version of Concept Option 1. It will likely result in some savings from not having to redevelop the re-use shop forecourt area. Once the detailed design has been completed the Shire will have a better estimate of the costs.*

The operating costs for the redeveloped transfer station will be included in the relevant future annual budget for Council's consideration.

- b. *Officers have proposals about how access to the station will be managed and monitored. The exact model and operation of this will be determined prior to the opening of the facility.*



Mr Ian Morrow, Wellard, 6170

Question 1

SAT and Council Officers deem the noise and dust element to be a closed book issue. The Officers state nothing has materially changed within the locality. I challenge this as there has been a detrimental change to our climate, our area is extremely hot, dry and dusty, this has not been considered by the Officers. Secondly since the original approval there has been substantial changes to the exposure standards of crystalline silica substances (CSS) which came into effect on September 1, 2024. Us residents will be in the direct firing line to this dust. This impacts the communities and should be considered a priority. Who will be responsible for us being exposed to crystalline silica substances every day?

Response (Director Development Services)

The SAT carefully considered the issue of dust in its previous approval. Dust remains a very important issue, however SAT have considered this and found that the imposition of suitable conditions to control dust, manages the risk of dust lift off. Provided dust is managed according to the relevant conditions, it will remain consistent with the previous decision of the SAT.

In terms of the silica sand question, this proposal seeks approval for sand extraction to be used in the building and construction industry – this takes the form of the common regular yellow sands, used extensively in housing estates and road construction. The applicant is not proposing to extract silica sands, to then be ground and refined, to create silica dust.

DWER has issued a works approval for a prescribed premise on the land which also includes stringent dust management, monitoring and reporting requirements.

Question 2

I am curious to the advantage for the Shire and its residents and adjoining cities residents for this mine. The Officers have stated these are the following items that will benefit and align with the Council plan.

1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3. Strengthen and grow the local tourism industry.

Can I please get an explanation on how each of these items benefit the Shire and its residents?

Response (Director Development Services)

1. *Plan for the sustainable growth of the Shire of Serpentine Jarrahdale*

The Shire is one of the fastest growing local governments in WA. In order to achieve urbanisation, large quantities of yellow sand is needed to be imported to lift ground levels, and thus enable new residential communities to grow. The growth of the Shire is made more sustainable in sourcing sand material close to the major development fronts that it would service, such as Byford and Mundijong, and the new Tonkin Highway.



This reduces the carbon emissions from transportation, which features as an important aspect of sustainable development (being to reduce carbon emissions).

2. *Advocate and attract businesses to grow and thrive, increasing opportunities for local employment*

Local businesses employ a workforce, which creates the opportunity for members of the Shire's labour force to access these jobs. Businesses also form supply chains that benefit other business growth in the Shire. Employment capacity of our Shire remains one of the most challenging issues associated with high growth.

3. *Strengthen and grow the local tourism industry.*

Any development within the Shire requires sand importation, whether that's new residential communities, new roads, new public infrastructure etc. By connecting the Shire to the Perth Metropolitan Region through the Tonkin Hwy extension, the trails town of Jarrahdale will become one of the most accessible world class trails destinations in WA. This will strengthen and grow tourism. As mentioned previously, the Tonkin Hwy project requires extensive sand fill to be constructed.

Question 3

This mine will greatly affect my neighbours and me in a financial manner. The values of our homes and properties will drop with this application being granted. Who will compensate the loss of value for our properties?

Response (Director Development Services)

This application was granted in 2015, and the matter being considered tonight concerns a request to extend the time period of that approval only.

Planning decisions made under the Planning and Development Act 2005, do not extend to the local government paying compensation or charging of betterment, associated with development. Proponents of proposals can consider this at their discretion.

Mr Bill Denholm, Byford, 6122

Question 1

Last week Andrew Hastie the Federal Member for Canning representing the federal Liberal Party generously committed \$2.4 million for the improvement of the Serpentine Jarrahdale netball facilities.

In the scope of works and costings for the \$2.4 million, item priority (2) netball kiosk upgrade \$100,000 could I have a breakdown of how this figure was arrived at please?

Response (Director Community Engagement)

The \$100,000 was estimated on market rates and includes new stainless steel benches and appliances, repainting and tiling.



Question 2

While at the Mundijong courts, making the above generous commitment, I took Andrew Hastie to show him how run down the current facilities are and how much this \$2.4 million means to the community. The president of the Shire was also in attendance. After completing the tour, I pointed out that the netball kiosk upgrade figure appeared low and that \$420,000 to formalise car parking was a costed item and could the carparking money be used to do the canteen properly.

His answer was that the \$2.4 million was for the netball and that was fine to reallocate commitment money, whatever was maximum benefit to netballers and value for the community. Mr President confirm this as accurate?

Response (Shire President)

With any successful election commitments, the Shire enters into a funding agreement with the relevant government department who is responsible for administering the funding. If the Federal Coalition is successful at the upcoming Federal election, the Shire would be required to enter into a funding agreement for this election commitment, where the scope, funding and timeline for delivery is agreed upon to by both parties.

Question 3

Could I have a progress report on the new Oakford Volunteer Fire Station please?

Response (Acting Director Infrastructure Services)

Council awarded Tender RFT 10/2024 Oakford Bush Fire Brigade Station (Design and Construct) to Cloudbreak (WA) Pty Ltd at the December 2024 Ordinary Council Meeting.

As per the Council Resolution, Officers are progressing contract and funding negotiations.

Ms Aleesha Denholm, Byford, 6122

Question 1

Why was the fence removed on the east and south sides of the netball courts, as it was not in the scope of works under the budget line item for re-painting the courts and drainage. The fence was old but served its purpose well.

Response (Chief Executive Officer)

The fencing on the east and south sides of the netball courts was removed and will be replaced to enhance the facility, as the existing fence was in poor condition. The new mesh fencing will improve the court's appearance while also providing a safety benefit by preventing balls from entering the adjacent car park.

Question 2

If as we were told by the Acting CEO on Monday night, after he kindly made some phone calls, that an electrical wire was shorting inside the steel pipe conduit, we the committee are extremely concerned safety wise, as we reported the light regularly tripping off last year. We were told the short was on top of the light poles. This steel pipe conduit has only been there for a couple of years. How is the power going to be reinstated to lights?



Response (Chief Executive Officer)

The power will be reinstated by relocating the wiring underground, providing a more reliable, safer and durable solution. All work will be carried out by a licensed electrician in accordance with required standards.

Question 3

Is the fence going to be replaced in its original position or is there a hidden agenda to suit Peel Football League, because after last year, the committee feels that netball is always disadvantaged after internal decision are made by the Shire.

Response (Chief Executive Officer)

The fence will be replaced in the same location.

Ms Leeann Main, Wellard, 6170

Question 1

With the WHS Silica Laws introduced in September 2024, is this going to have any implications to the health of the local residents?

Response (Director Development Services)

The WHS Silica Laws relate to the health and safety of employees not the broader community.

The application is not proposing to extract silica sands, to then be ground and refined, to create silica dust.

Question 2

Has this been presented to State Tribunal since October 2024?

Response (Director Development Services)

The applicant sought a review of the refusal that was determined at the October 2024 meeting of Council. The matter has been subject to a process of mediation, whereby the SAT has invited the Shire to reconsider its decision of October 2024. The approval issued by the SAT in 2015, remains their only approval of the development.

Question 3

There is conflicting information on operating times. Can you confirm the hours of operation?

Response (Director Development Services)

As part of the 2015 SAT approval, a condition is imposed as follows:

e. Operating hours are restricted to 7:00am to 5:00pm Monday to Saturday.



Mr Lionel Main, Wellard, 6170

Question 1

The EPA states the buffer of 300-500m is appropriate for the type of extractive industry proposed. The mining proposal and remedial action plan confirmed the use of the screening and sieving machinery. This states the buffer between Industrial activity and sensitive land issues is a minimum of 500 meters. What will the buffer be?

Response (Director Development Services)

The planning framework does not impose buffers on surrounding properties.

This was the basis of the SAT 2015 approval, which remains unchanged in this proposal to extend the time period of that approval.

Question 2

The Banksia Woodland is a nationally protected ecological community grown on deep mineral sand. How do you expect to rehabilitate when you have extracted the sand?

Response (Director Development Services)

Officers have and continue to be guided by the DWER expertise in respect of assessing the clearing of native vegetation, and how rehabilitation takes place, which forms a requirement of the clearing permit.

Question 3

Has the Council considered the oversight that the driveway entry to the site on Lot 6 seems not to have a provision, as the works approval states?

Response (Director Development Services)

Conditions are included on the development approval issued by the SAT including condition 11 (location of crossovers); 13 (sealing of crossovers); 15 (upgrading of existing crossovers). It is a standard process that prior to commencement of operations, officers would check all conditions to ensure they have been complied with.

Ms Kylie Francis, Wellard, 6170

Question 1

To be able to apply for an extension of time, it is stated that the development approval must be substantially commenced. What has taken place on the site to date, or what is the reasoning for no works commenced but the application for extension of time since approval in March 2015? If you look under LLP1.3 (b) Whether the development would likely receive approval now, please refer to the Banksia now being listed as a TEC (Threatened Ecological Community) under the *Environmental Protection and Biodiversity Conservation Act 1999*. This Banksia was listed as a TEC since September 2016.



Response (Director Development Services)

In terms of assessing this application to extend the time validity period, the report presented to Council in October 2024 detailed the relevant considerations. These considerations were:

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

In respect to criteria (a) to (c):

- a) The permissibility for extractive industries has not changed from an “A” land use within the rural zone from TPS2 upon the gazettal of LPS3. It remains a use which may therefore be approved in the Rural zone under the new Scheme.*
- b) The application would likely be able to receive approval given the assessment detailed within the report provides sufficient justification that the proposal meets all the relevant state and local planning frameworks.*
- c) Whilst no development has occurred on site, the applicant has sought to pursue and commence development since the initial proposal. The applicant has provided amended reporting, documentation and other studies. Revised extraction plans and other documents have been formulated to support the request for the extension of time.*

Officers have and continue to be guided by the DWER expertise in respect of assessing the clearing of native vegetation, and how rehabilitation takes place, which forms a requirement of the clearing permit.

DWER approved the original clearing permit in 2016, and amended it in 2019, and again are being asked to amend it to allow this sand mine. DWER have confirmed that they will be carefully assessing the amendment application, and have regard for all relevant environmental matters, as is discussed on page 90 of the agenda.

Question 2

In all of the literature, I cannot find a Provision of Works. Is there an idea of how this project will run day to day, week to week and the actual impact it will have on the sites, roads and community? Where would the community find a Provision of Works for this application?

Response (Director Development Services)

The original 2015 SAT approval, which this application seeks to extend, includes condition 2 requiring all development to comply with the Environmental Management Plan and Extractive Industry Licence once approved. The Environmental Management Plan is attachment 8 on tonight’s agenda for this item. This states:

The EMP details the management framework for the following issues, as required by the Shire:

- 1. Traffic management*



2. Dust management
3. Noise management
4. Rehabilitation
5. Visual amenity
6. Urban water management.

This is the primary document that manages all aspects of the operation. Separate to this, the DWER has issued a works approval for a Category 12 Screening Prescribed Premise. This was issued on 1 June 2022. This includes a detailed set of conditions that require control of dust and noise, compliance reporting and ongoing monitoring. These combined with the conditions of development approval manage the operations of the proposal.

Question 3

The approved routes for operation include rural roads which are not built to withstand the traffic which will be generated by these sites when operating. 25 loads of sand taken away a day (assuming operation is 6 days a week, 52 weeks a year for 5 years equalling the proposed 2,000,000 tonnes of Bassendean sand, not including waste). Half of the approved roads in the application are actually outside of the SJ Shire. Who will pay to have these roads amended for such usage and also for repairs. In particular Banksia Road, Lydon Road and the intersection at Lydon Road and Coyle Road.

Response (Director Development Services)

In terms of haulage routes, Condition (r) reflects the 2015 SAT approval which limits haulage to specific routes only.

- r. Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.*

Approved routes:

- (i) Boomerang Road between the work site and Banksia Road;*
- (ii) Banksia Road between Boomerang Road and Lydon Road;*
- (iii) Lydon Road between Banksia Road and Coyle Road;*
- (iv) Coyle Road between Lydon Road and King Road; and*
- (v) King Road between Coyle Road and Thomas Road.*

No deviation from this approved route is permitted without the prior written approval of the Shire of Serpentine Jarrahdale.

There is also, linked to this condition, the following conditions from the 2015 approval being (o) specifying road upgrades and (q) rectifying of damage caused. A new condition (an) is being recommended to provide for an annual contribution to road pavement asset deterioration.

Where roads exist outside of the Shire, the applicant would be negotiating this matter directly with the affected local government.



Ms Alannah Foulkes, Wellard, 6170

Question 1

According to the Planning Officer, should the council resolve to refuse the application, the matter will be heard by SAT at a full hearing. Apparently, this will require the engagement of a legal rep as well as specialist witnesses to represent the shire, costing the shire in the vicinity of \$50,000. Would it help if the community materially supported this fight?

Response (Director Development Services)

The Shire does not have a practice of seeking community members to help fund legal matters.

Question 2

Your agenda for tonight states that a new SAT hearing would cost in the vicinity of \$50,000. Where does this figure come from?

Response (Director Development Services)

This is an approximate cost based on the Shire's legal advocate costs, and costs of engaging expert witnesses in order to be able to defend a matter if such was subject to a full hearing of the SAT.

Question 3

Residents who are not on mains water, rely on rainwater and ground water for all aspects of living. Who is responsible for water testing to ensure their safety when silica dust covers their roof and the water table drops?

Response (Director Development Services)

As per the conditions of the 2015 SAT approval and the works approval recently issued by DWER for the Prescribed Premise activities, dust is required to be comprehensively managed with ongoing monitoring and reporting. Landowners have the opportunity to raise concerns with DWER at any time.

Ms Jill Sheridan, Wellard, 6170

Question 1

Can I ask why they have changed the Stages, as Stage 1 is now taking out the large Banksia Woodlands and have changed times to Monday - Saturday 7am to 5 pm?

Response (Director Development Services)

The 2015 SAT approval included condition 4), which provided operational hours 7am to 5pm, Monday to Saturday.

The extent of excavation is unchanged from the 2015 approval.

Question 2

As per WorkSafe if you are working on site with Bassendean Sand (Silica) you must wear protective clothing but where is the protection for the adults and children living close by with no protection, especially with the easterly winds blowing on a regular basis sometimes all day. Who will take the responsibility to protect people in the area especially families living within the buffer zone. Will Hanson be responsible for our doctor and hospital bills if we get sick through mining Silica Sand?



Response (Director Development Services)

As per the 2015 approval and the Works Approval recently issued by the DWER, dust is required to be effectively managed at all times. Specifically, the DWER works approval for the Category 12 Screening Prescribed Premise states conditions for dust management, dust monitoring and compliance reporting. Dust should not escape beyond the limits permitted under the Works Approval, and there are abilities to report this via the DWER's 24/7 Pollution Watch.

Question 3

Will Hanson guarantee, with mining these properties that my rural lifestyle will change and not be interrupted with the sound of Trucks and machinery possibly running from 7 am till 5 pm. We live in a rural community not industrial. We love our bush and look after it for the environment.

Response (Director Development Services)

Noise is required to be managed in accordance with the 2015 SAT approval and the Works Approval. In specific regard to noise, environmental noise assessment shows that the assigned levels are met during the daytime period at the closest point to the nearest noise sensitive receiver. This compliance was demonstrated assuming construction of a temporary noise bund at the top of the quarry for Stage 2 works. The report also recommended that additional best practices should be implemented to minimise noise impacts where practicable:

- Stockpiles should be located to provide acoustic screening to the residents, wherever practicable;*
- If reversing alarms are deemed necessary, all plant should to be fitted with broadband reversing alarms; and*
- The road required for loading of trucks should be designed such that the trucks are not required to reverse, this ensures truck reversing alarms are minimised.*

SAT in approving the application determined that noise can be managed within the acceptable levels of the Noise Regulations.

Mrs Michelle Rich on behalf of Mr Ian Rich, Serpentine, 6125

Question 1

In which financial year would the Shire expect the upgrade of each road listed in Notice of Motion 9.3 Ordinary Council Meeting, 17 March 2025 to commence?

Response (Acting Director Infrastructure Services)

There is currently no schedule to upgrade these roads. Whilst Officers are finalising a 10-year road program which takes into account condition assessment, traffic volumes, funding opportunities, the road hierarchy, strategic and societal fit it only includes roads for upgrades within the Shire for roads older than 10 years and currently with an asset rating of and very poor. This plan is unlikely to schedule each road listed in the Notice of Motion but it is likely to include some sections of these roads.



Question 2

What is the expected current cost of upgrading all the roads listed in Notice of Motion 9.3 Ordinary Council Meeting, 17 March 2025?

Response (Acting Director Infrastructure Services)

The costings on the roads are currently in draft and will be presented to a future Council meeting as part of the 10-year forward works road program. However, this will most likely be only sections of the roads listed in the Notice of Motion and some roads may not be included at all.

Question 3

What is the projected cost of upgrading all the roads listed in Notice of Motion 9.3 Ordinary Council Meeting, 17 March 2025 and upgrade commencement time frames expected by the Shire?

Response (Acting Director Infrastructure Services)

Refer answers 1 and 2.

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

OCM048/03/25

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Jerrett

Council APPROVES an extension to public question time by 10 minutes at 7.49pm

CARRIED UNANIMOUSLY 6/0

Todd Dixon, Casuarina, 6167

Question 1

I am led to believe that after this court case about the sand mine, if you say no again and it goes to court again you have to pay the legal costs, is that true?

Response (Director Development Services)

The State Administrative Tribunal is a no cost jurisdiction so it is quite unusual that the tribunal would impose a cost order against a party, it has happened in the past but its only where a party has generally been found to be acting in bad faith so I would not expect that to be something that would be routinely done at the tribunal.

Mrs Lee Bond, 6112

Question 1

Does Council still have any reports of the contamination of this site and has Council inspected the site after the previous occupiers of the site moved not too far from 766 King Road after this site was shut down. Is the Shire going to apply the same loose conditions as previously and what contamination report does Council have if any of both sites?



Response (Director Development Services)

The site in question was owned by a different entity which in 2018 undertook a significant range of unlawful development. The Shire successfully prosecuted that entity and had a court imposed fine just shy of half a million dollars given the significant unlawful development that had occurred. Now the site is a suspected contaminated site and further investigation is required. The terminology used by the DWER contaminated sites branch is it's a known or suspected contaminated site further investigation required, so to undertake remediation will also involve the contaminated sites branch of the DWER. Conditions that are recommended on tonight's Agenda go some way to recognising there is a risk associated with the previous activities that did occur on the site, and that risk is required to be managed and conditions are there to manage that risk as part of the remediation and rehabilitation of the proposal.

Question 2

This matter was refused by Council at the Ordinary Council Meeting held 21 October 2024 and SAT has now instructed this be reconsidered, what is the cost to the ratepayer if this matter was challenged by the Shire. How likely is it the Shire would win this challenge or is it a foregone conclusion the applicant knows they have already secured approval which will result in the destruction of sensitive bush and spread toxic silica dust to people living in their vicinity?

Response (Director Development Services)

The SAT don't instruct a local government to reconsider, they invite a local government to reconsider their decision. Council before it has the opportunity to reaffirm its decision from October or modify its decision from October or reinstate a different decision from one that was made in October. Ultimately whatever decision is made tonight it still is up to the applicant to choose whether they continue their Tribunal proceedings or vacate their Tribunal proceedings. I did mention that the Tribunal is a no cost jurisdiction so if Council doesn't change its decision from October it's probably likely that the matter would proceed to a full hearing of the Tribunal and in those cases it would be up to the Shire to meet its cost in defending that decision as it would be up to the applicant to meet their own costs in trying to press the final decision.

Question 3

What are the rules regarding those community groups which are provided with the yellow bags by the Shire to collect roadside rubbish for which we pay them, is it appropriate to leave the bags on roads throughout the Shire until the bag turns yellow and starts to fall apart and lots of other rubbish is thrown on and around these piles?

Response (Presiding Member)

The Presiding Member advised the question will be taken on notice. In accordance with Council Policy 1.1.3 - Public Question and Public Statement Time and Deputations, a written response will be provided.



Mr Brian Manning, Mundijong, 6123

Question 1

Where is septic and water supply coming from for the Mundijong Structure Plan?

Response (Director Development Services)

You are correct in saying that for land in Mundijong to be converted for residential development it needs both deep sewer and water reticulation to be extended. The sewer system will be extended via a pressure main from Byford to a new sewer pump station being constructed near the intersection of Scott Road and the new Tonkin Highway, it will then be up to developers to haul that sewer to their development projects such as the area F6 structure plan area so that will be a requirement for developers to meet. Water is located within the Paterson Street main water supply system. You might recall that was upgraded in about 2020-2021, they essentially dug it up and re-laid new pipework, that was in anticipation of urban development taking place. So, for an area like F6 to be able to develop they would need to haul a suitable water main from that trunk main up to their development precinct.

Question 2

I've been on Leopold Road today. Now a lot of signs are going up around the Shire. 50km signs. Leopold Road was used for a transfer for Mundijong while they were upgrading it. I went down there with an empty water truck today and nearly got thrown out of the seat and I wasn't exceeding the speed limit, and my seat belt was on. The road is still signposted in both directions 80 kilometres an hour. It would be lucky to be suitable for 40 kilometres an hour.

There are no shoulders on the road, particularly when you turn off Kargotich Road on to Leopold Road. There is a 180 millimetres of right angle drop, if someone pulls off a car like she did tonight when I was coming out and there's no way in hell she can get back on the road without ripping the wall of the tyres out. It's one of the worst roads in the Shire and I know this Shire pretty intimately.

How can that still have an 80km speed limit when it's had heavy traffic for months and months and months while they work on Mundijong Road, the shoulders haven't been touched, nothing's been touched and it's still signposted 80km.

Response (Presiding Member)

The Presiding Member advised the question will be taken on notice. In accordance with Council Policy 1.1.3 - Public Question and Public Statement Time and Deputations, a written response will be provided.



MOTION

Moved Cr Bishop, seconded

Council APPROVES an extension to public question time by 10 minutes at 8.02pm

Motion lapsed for want of a seconder

In accordance with clause 15.9 of the *Standing Orders Local Law 2002 (as Amended)* the Presiding Member, President Coales adjourned the meeting for a period of 10 minutes at 8.02pm,

Officers assisting the meeting stopped the recording of the meeting.

The Presiding Member, President Coales, resumed the meeting at 8.12pm with the following in attendance:

President: R Coales.....Presiding Member

Councillors: N Bishop

T Duggin

S Mack

R Jerrett

C Mazzini

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

Mr N Scidone.....Acting Director Infrastructure Services

Mr A Trosic Director Development Services

Mr F Sullivan Director Corporate Services

Mr B Oliver..... Director Community Engagement

Ms C Mortimer.....Manager Corporate Performance

Ms J Bavaro.....PA to Director Corporate Services (Minute Taker)



3. Public statement time:

Public statement time commenced at 8.12pm.

Ms Danielle Bennett, Wellard, 6170

I am writing to formally express my opposition to the mining application and to highlight concerns regarding its impact, particularly in terms of noise and dust. It has been noted that there have been "no substantial changes to the locality," but I would like to emphasize that from October 2023 to April 2024, Perth experienced its driest six-month period on record. This severe drought undeniably exacerbated the risk of dust pollution, which has a significant impact on both the environment and the health of surrounding residents. Given these conditions, I strongly believe that this factor should not be overlooked and warrants a refusal of the application.

Additionally, I am still awaiting a response to my previous application for refusal, which sought clarification on accountability measures in the event that noise and dust pollution directly affect my property or family, especially as we are within 500 meters of the proposed buffer zone.

In light of these concerns, I respectfully urge the Council to opt for Option 2 and refuse the application for an extension, for two main reasons:

1. The preservation of the already-threatened Banksia Woodland and the endangered Black Cockatoo species that depend on this habitat.
2. The significant negative impact that this mining operation would have on the well-being and livelihood of the surrounding community.

Overlooking issues such as dust, noise, traffic, and environmental degradation would not only pose a grave risk to local wildlife but would also represent a historic mistake for the community. I implore the Council to prioritise the long-term health of both the environment and the local residents by rejecting this proposal.

Thank you for considering my concerns.

The Presiding Member asked if there were any further public statements from the floor.

Mrs Michelle Rich, Serpentine, 6125

Made a statement regarding Item 9.3 - Notice of Motion - Request Main Roads WA Remove Speed Limits.

The Presiding Member asked if there were any further public statements from the floor.

Mrs Lee Bond, 6112

With regards to item 10.1.2 this property was a seriously contaminated site and the cost of remediation was suggested to be around 2-3 million dollars. The Operators at the time moved to another site not far from this site after being removed by the Shire. The owner at the time could not afford to remediate the site. How often is this Council going to put the cart before the horse. Has anyone checked the new address to see whether this other site is now contaminated, you should be able to guess why I have asked that.



With regards to item 10.1.3 sand extraction sounds simple enough, not so when it will destroy sensitive bush and provide a health risk to people living near it. Silicosis has no cure and the silica dust is as lethal as asbestos and we all know the rules which apply to asbestos why not this toxic lethal dust. What use are Councils if governments override Council decisions brought about by the Community. Don't allow our Shire to be further turned into a scarred toxic dump and don't allow governments and their no nothing bureaucrats to shift the blame to Councils.

The unsightly "mundi" signs are an eyesore, why the need for so many.

When a councillor has a vested interest which is very obvious to many in the Shire regarding our environment, they should be up front and remove themselves from voting on any environment issues it is huge conflict.

The Presiding Member asked if there were any further public statements from the floor.

Mr Ian Morrow, Wellard, 6170

Made a statement regarding item 10.1.3 - Section 31 Reconsideration - Proposed Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' - Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury.

The Presiding Member asked if there were any further public statements from the floor.

Mr Philip Kenworthy, Casuarina, 6167

Made a statement regarding item 10.1.3 - Section 31 Reconsideration - Proposed Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' - Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury.

The Presiding Member asked if there were any further public statements from the floor.

Mr Bill Denholm, Byford, 6122

Firstly, something positive, I would like to acknowledge the great job the reception and front desk staff do. They are the first point of call for ratepayers so they are extremely important. Unfortunately, we are losing a customer service team leader, I am unable to name her due to the council policy, but she has done a great job for a few years now. Goodluck in the future and thanks. Secondly, as stated in question time the \$100,000 is for new stainless steel benches and appliances. It proves to me that the Officers doing the advocating don't really know what they are advocating for, the canteen needs completely rewiring, there is no range hood or exhaust fan for all 6 deep fryers and the floor surface needs to be anti slip, not lino, and the oven door doesn't even close. Sometimes we do nearly 80 kilos of chips on a Saturday. Try \$300,000 and you might be closer.



The Presiding Member asked if there were any further public statements from the floor.

Ms Danelle Kennedy, Darling Downs, 6122

It is quite ironic that the proposed area involves clearing Banksia woodlands and is bounded by Banksia Road, significant don't you think?

The clearing of 11.2 hectares of Banksia menziesii and Banksia attenuata Woodland, which is a nationally protected ecological community under the EPBC Act 1999, located on the Swan Coastal Plain and in predominantly very good ecological condition, will worsen the loss of foraging habitat essential for the survival of the endangered Carnaby's Black-Cockatoo (Zanda latirostris) population in southwestern Western Australia.

The application is deemed to have an unacceptable impact on the remaining Banksia Woodlands in the Shire of Serpentine Jarrahdale. These Woodlands are part of a nationally protected ecological community and provide vital foraging habitat for the endangered Carnaby's Black-Cockatoo. Given the planning framework, any negative effects on this endangered species are considered unacceptable, as this would further reduce the capacity of the natural environment to sustain the species within the Swan Coastal Plain region.

"Decisions made by local governments play a vital role in whether black cockatoo flocks thrive in a particular area, or are lost entirely from some suburbs."

On the Shire's own website date stamped 25th June 2024, it states, Shire President Rob Coales affirmed the Shire's commitment to caring for and protecting native wildlife.

"We are extremely lucky in the Shire, as we host populations of all three black cockatoo species", President Coales added.

"We will continue to do all we can to ensure these remarkable birds are enabled to thrive in our beautiful Shire."

The Shire of SJ's Black Cockatoo Conservation Action Plan acknowledges that the number one main cause to these birds' decline is where their foraging, roosting and breeding habitat have been stripped away, with fragmentation and degradation.

WA's black cockatoos face a storm of cumulative impacts driving their declines: the clearing of food sources such as marri, jarrah and banksia without sufficient replacement, causing ongoing 'net loss' of food; the felling of roost trees and breeding trees which can take centuries to replace.

Replacing Banksia and rehabilitation has been attempted before and has not been very successful, they are a hard species to grow and trees are slow growing. They will not be useful for black cockatoos for many years and by then, it may very well be too late.

The Presiding Member asked if there were any further public statements from the floor.

As there were no further public statements, Public Statement time concluded at 8.29pm.



4. Petitions and deputations:

Sandra Hawkins, Secretary, Serpentine Jarrahdale Lions Club Regarding Funding for the Jarrahdale Log Chop and Country Fair

On Sunday, 5 October 2025 will be the annual Jarrahdale Log Chop and Serpentine Jarrahdale Lions Country Fair organised and run by the Serpentine Jarrahdale Lions Club members. I am not sure of the date when the first Serpentine Jarrahdale Lions Fair was run but the Log Chop has been in Jarrahdale for a lot longer than the Lions 30 or so years.

Each year cost increase as they do everywhere however last year saw a dramatic rise and this has necessitated my being here presenting this deputation.

The event has always been a very popular event on the calendar and will continue to do so as long as sufficient funds are available from our sponsors.

The members have discussed the future of the event including the positioning of it as to whether we move it to a larger area, as expansion is not possible on the Jarrahdale oval. But for the foreseeable future it will remain where it is.

Once again the event will be a free entry for all, it has been suggested quite a few times that a donation box at the entry would not be out of order, whether this will be done depends on the members vote. Our continued aim is to provide as much free components as possible especially as the economy is still not on a good footing.

Our applications for funding at this point in time being prepared for our usual sponsors. The Shire being a little different.

Last year we obtained a grant of \$60,000 spread over three years at \$20,000 per year.

In short, we can not survive on the \$20,000, our traffic management alone was over \$18,000 and I do know that the Shire are very well aware of this having used traffic management for their own events.

I ask you all now to consider amending our contract to \$30,000 for the next two years which is an increase of \$10,000 per year.

The Serpentine Jarrahdale Shire is the primary sponsor and the Log Chop and Fair are one of the largest events on the Shire's calendar, let us make it truly memorable.

The sponsor funding not only assists the Lions Club to put on the event but others when we ask other volunteer groups to help us on the day. They are the Serpentine Volunteer Fire Brigade, the Mundijong Volunteer Fire Brigade, the Food and Farm Alliance, the SJ market team, the Armadale Police Rangers, the JCC and the Byford Boy Scouts. If we did not have these volunteers the cost would be very much higher.

Never have so many volunteer groups come together to provide a day of enjoyment of hundreds of families not only from the Shire but from Albany to Geraldton.



Jason Hunt, Statewest Planning regarding Item 10.1.2 - Alterations and Additions to Approved Tree Grinding Facility ('Resource Recovery Centre') and 'Transport Depot' at Lot 102, 766 King Road, Oldbury (PA24/262)

Thank you for the opportunity to speak to Item 10.1.2 tonight.

My name is Jason Hunt. I'm with Statewest Planning and we are the proponents.

With me is:

- Jonnie Morton, the landowner;

A separate deputation is being done by the Environmental Consultant regarding DWER and the Remediation and Rehabilitation Plan

- Noel Davies from Jevsands Pty Ltd; and
- Paul Byrnes from Corterra Environmental

They are here to be able to assist with answering questions if the Council has any.

I am here to support the officer recommendation, with a requested modification to condition 5 and the removal of condition 8.

The land as is detailed in the Officer report has an existing approval. We lodged an application seeking to amend this approved footprint in May 2024 and to also resolve the legacy issues at the site from the previous owner.

This application will resolve old issues and be useful for the community.

The current owner settled on the purchase of the site in early May 2023, which as detailed in the Officer's report has historically been the subject of compliance matters due to the waste material stockpiled on the site. The management of this is part of the application and this aspect is being dealt with specifically by the Environmental Consultant in their deputation.

We have been working with the Shire Officer on this application for a significant period of time and we thank them for their input in this process. The report prepared by the staff is very comprehensive.

The site as Councillors will be aware has been significantly developed and this application will be contained within the existing approval footprint. The works will occur in two stages with stage 1 critically involving the clean-up of the site.

The portion of the site to be used for tree grinding and associated mulching activities will be reduced from the current 6.2ha to 8,000m². The location of this activity has, following community consultation, been relocated in a portion of the site furthest from King Road and the existing and recently approved developments to the south.

There is one condition which we are seeking to have been amended (#5) and another we are seeking to have removed (#8) and we do this following SAT procedure.

There is an adopted approach by the State Administrative Tribunal and other appeal bodies when considering the validity and appropriateness of specific conditions. For a condition to be valid it must satisfy what has evolved to be five tests:

- a. Be imposed for planning purposes
- b. Fairly and reasonably relate to the development for which the condition is given. The condition needs to have relevance and a nexus to the application.



- c. Be reasonable
- d. Be certain, so it is understandable and enforceable by people not involved in the original application
- e. Be final, not leaving a requirement to obtain further approvals that potentially change important aspects of the approval

There are multiple documents that provide details on this matter and it is the lack of validity for two conditions which we are seeking assistance from Council to resolve.

Condition 5 as per the Officer's recommendation in option 1, is not, in our view able to satisfy the 'reasonable' test as it effectively nullifies the benefits of the approval.

'5. Mechanical servicing, repairs, painting, wash down or degreasing of the commercial vehicles, in part or whole, is not permitted on the subject land at any time.'

We request that the proposed condition be removed and the below two conditions be used to deal with the items currently contained in proposed condition 5

The proposed condition does not allow for repairs to maintain the commercial vehicles in a road worthy condition. Changing a tyre or repairing a broken light under the proposed condition could not occur. This does not align with achieving the Western Australian Heavy Vehicle Accreditation (WAHVA) requirements.

We propose the condition below: (in two parts)

'Only routine maintenance of a quiet and minor nature, such as servicing or wheel changing for commercial vehicles is permitted on the property. No panel beating, spray painting or removal of major body parts is permitted.'

The existing plan shows washdown bays, and this detail does not align with parts of condition 5. The recommended condition wording below in our view achieves the intent of the condition. This ensures the condition, and the approved plans align and are certain, understandable and enforceable to people not involved in the original application.

We propose the condition below:

'Washing of the commercial vehicles on the property shall be limited to the wash bay locations, with only the use of water and mild detergent and shall not involve the use of any solvents, substances, equipment or processes which may cause pollution or unreasonable noise or odour.'

Condition 8 (below) in our view does not satisfy the test for a suitable condition and we request this is removed.

'8. 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. 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.'

Our concerns can be summarised as follows:



- Engagement with Shire staff has confirmed that there is no 'specific local planning policy that links with this condition'. The condition has no planning purpose.
- The site has an existing approval for the similar footprint. This approval includes the use of heavy vehicles entering and exiting the site.
- King Road as detailed in the Traffic impact Statement (TIS) is part of the Restricted Access Vehicle (RAV) network and is classified as a 'Primary Distributor Road' with a daily vehicle capacity of 15,000 vehicles. The road is used by multiple other landowners in the location and is part of the existing RAV network. The TIS has advised that no network upgrades or road works are required due to the proposed vehicle movements at the site (this application).
- Development works include crossover upgrades associated with the driveway currently abutting King Road. This crossover will be maintained by the landowner to ensure vehicles can suitably access and egress the site.
- The guidelines referenced in the condition relate to increased loads above the normal loads. This is not a new development and the movement of vehicles is in multiple directions for multiple small operators making the enforcement of the condition uncertain and unmanageable.

We again thank the Officers for the work and request the Council support their recommendation, with the two requested changes. This will allow the site to be cleaned up and to contribute to the local community in a positive way.

Noel Davies from Jevsands Pty Ltd and Paul Byrnes from Corterra Environmental regarding item 10.1.2 - Alterations and Additions to Approved Tree Grinding Facility ('Resource Recovery Centre') and 'Transport Depot' at Lot 102, 766 King Road, Oldbury (PA24/262)

Mr Davies and Mr Byrnes made a deputation in support of item 10.1.2.

Tim Trefry on behalf of Hanson and Urban Resources regarding item 10.1.3 - Proposed Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' – Lot 6, 194 Banksia Road / Lot 300 and 301 Boomerang Road, Oldbury.

Mr Trefry made a deputation in support of item 10.1.3.



5. President's Report:

Good evening, and welcome to the March Ordinary Council Meeting.

It's truly an exciting time for our Shire as we continue to make great strides in delivering key projects that will shape the future of our community. I want to start by thanking all of our residents for their patience and understanding, especially with the ongoing roadworks and street closures. I know that these can be inconvenient, but I want to reassure you that they are a clear sign of progress – we are actively working to improve our infrastructure and deliver the best outcomes for our community.

As many of you know, local road upgrades have been a key priority for the Shire. We've worked hard to ensure that these important projects are front and centre, and I'm pleased to say that our efforts have paid off. Thanks to the support of the State Government and local residents, we're seeing much-needed upgrades to our local roads. And, with the Tonkin Highway extension set to begin later this year, these roadworks are crucial to improving the overall connectivity and safety of our region.

One of the most exciting infrastructure developments is the Keirnan Park Recreation Precinct. Earlier this month, we announced the award of the tender for the first stage of this much-anticipated project to CivCon Civil and Project Management. This is a significant milestone for our Shire, and I am thrilled that we are one step closer to providing our community with the top-quality sports and recreation facilities we've all been waiting for. Over the next few months, we will see this project come to life, and I can't wait to watch it unfold.

These projects are a reflection of our commitment to improving the liveability and progress of our Shire. I understand that roadworks and closures can be challenging, but they are an essential part of building the infrastructure that will serve our community for generations to come. Your continued patience and support are invaluable, and I want to sincerely thank you for your understanding as we work to deliver these vital upgrades.

In addition to the local projects, the Shire has also worked hard ahead of the State election to ensure our community's priorities were heard by all major parties. The result has been significant commitments from all three major parties, including support for road upgrades and the recreation centre. This is a clear sign that our voices are being heard, and we are on track to deliver more for our Shire.

Looking ahead, we are also preparing to advocate for the issues that matter most to our community in the upcoming Federal election. We will continue to ensure that the progress, liveability, and future development of our Shire remain a priority for all Federal candidates in the region.

Earlier this month, we welcomed Hon Andrew Hastie MP to the Shire, who announced that a Federal Liberal Government would invest \$2.4 million to upgrade the Mundijong Netball Courts. This commitment is significant, and we gladly welcome it.

I'd also like to take a moment to congratulate the Premier of Western Australia, Roger Cook, and our local member, Hugh Jones MLA for Darling Range, on their re-election to the WA Parliament. Since becoming Shire President in October 2023, I've witnessed Hugh's dedication to our community and his strong understanding of the priorities that matter most to our residents and ratepayers. I look forward to continuing our partnership and collaboration to achieve the best outcomes for our Shire.



I also want to acknowledge the hard work and commitment of WA Liberal and Nationals WA candidates, Paul Mansfield and Morgan Byas, and all the other candidates throughout the election campaign. Their dedication to our community has been evident, and I wish them both the very best in their future endeavours.

I would like to make an announcement and thank sincerely the efforts of Councillor Morgan Byas. Councillor Byas was first elected on to Council for the Noth West ward in October 2017 and we have been advised by email last night that Councillor Byas will be resigning from the 31 March 2025. On behalf of Council and behalf of the community it is not an easy job being a Councillor and it is not an easy job to get re-elected and I would like to acknowledge on behalf of all Councillors the excellent work, dedication and service Councillor Morgan Byas has done for the residents and ratepayers of Serpentine Jarrahdale since October 2017.

Finally, I would like to pay tribute to former Councillor Barry Urban. My deepest condolences go to his family and friends during this difficult time.

Thank you all for your continued support. We are moving forward, delivering projects that will enhance our community's future, and I couldn't be more excited for what's to come.

Together, we are building a brighter tomorrow for our Shire.

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

Chief Executive Officer Paul Martin declared a financial interest in item 8.2 - Special CEO Employment Committee Meeting - 24 February 2025. The nature of my interest is the CEO employment Committee deals with matters relating to my employment. The extent of my interest is I am the Chief Executive Officer.

President Rob Coales declared an Impartiality Interest in Item 10.1.1 - Display of 16 'Mundi Estate' Signs (Retrospective) at Various Locations within the Mundijong, Oakford and Cardup Localities. The nature of the interest is I am friends with a landowner that has a container on their property. The extent of my interest is impartiality.

Councillor Shaye Mack declared an Impartiality Interest in Item 10.1.1 - Display of 16 'Mundi Estate' Signs (Retrospective) at Various Locations within the Mundijong, Oakford and Cardup Localities. The nature of the interest is he is friends with someone who is displaying signage on their property. The extent of his interest is impartiality.

President Rob Coales declared an Impartiality Interest in Item 10.4.2 - Byford and Districts Country Club Request for Financial Support. The nature of the interest is I am a member of the Byford and Districts Country Club. The extent of my interest is impartiality.

Councillor Shaye Mack declared an Impartiality Interest in Item 10.4.2 - Byford and Districts Country Club Request for Financial Support. The nature of the interest is I am a social member of the Byford and Districts Country Club. The extent of my interest is impartiality.

Councillor Courtney Mazzini declared an impartiality interest in Item 10.4.2 - Byford and Districts Country Club Request for Financial Support. The nature of my interest is impartiality. The extent of the interest is that I am a BDCC member and I am friends with the chair of the BDCC.



Councillor Tricia Duggin declared an Impartiality Interest in Item 10.4.2 - Byford and Districts Country Club Request for Financial Support. The nature of the interest is she is a member of the Byford and Districts Country Club. The extent of her interest is she is a member of the Byford and Districts Country Club.

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

7.1 Ordinary Council Meeting - 10 February 2025

OCM049/03/25

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Mazzini

That the minutes of the Ordinary Council Meeting held on 10 February 2025 be CONFIRMED (E25/1652).

CARRIED UNANIMOUSLY 6/0

7.2 Special Council Meeting - 5 March 2025

OCM050/03/25

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Jerrett

That the minutes of the Special Council Meeting held on 5 March 2025 be CONFIRMED (E25/2593).

CARRIED UNANIMOUSLY 6/0

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

8.1 Audit, Risk and Governance Meeting - 24 February 2025

Attachments (available under separate cover)

- 8.1 - attachment 1 - Audit, Risk and Governance Meeting Minutes - 24 February 2025 (E25/2270)**

Voting Requirements: Simple Majority

OCM051/03/25

COUNCIL RESOLUTION

Moved Cr Jerrett, seconded Cr Mack

That Council:

- 1. RECIEVES the Unconfirmed Minutes of the Audit, Risk and Governance Meeting held on 24 February 2025 (E25/2270)**
- 2. ADOPTS Audit Risk and Governance Resolution ARG07/02/25 and**



1. **NOTES** the proposed 2025 review sections of the Shire of Serpentine Jarrahdale Bush Fire Service - Brigade Operating Procedures.
 2. **NOTES** the timeline and scope outlined for the review of the Serpentine-Jarrahdale Bush Fire Brigade Local Law 2021.
 3. **NOTES** the summary of compliance by volunteer brigade members and ongoing efforts to ensure all members acknowledge the Shire's Code of Conduct by 28 February 2025.
 4. **NOTES** that for brigade volunteers who do not complete and return the acknowledgement form of the Brigade Operating Procedures and Code of Conduct by the 28 February 2025:
 - i. the Chief Bush Fire Control Officer will suspend the volunteers brigade membership, and;
 - ii. the Chief Bush Fire Control Officer will recommend to the Chief Executive Officer to terminate the membership of brigade volunteers who do not complete and return the acknowledgement form of the Brigade Operating Procedures and Code of Conduct by 30 May 2025.
 5. **REQUESTS** the Chief Executive Officer provide a report to a future Audit, Risk and Governance Committee on the status of Elected Members serving as bushfire volunteers, in particular whether there is a conflict of interest.
3. **ADOPTS** Audit Risk and Governance Resolution ARG08/02/25 and
1. **APPROVES** the 2024 Compliance Audit Return for the period 1 January 2024 to 31 December 2024, as shown in attachment 1;
 2. **AUTHORISES** the Shire President and Chief Executive Officer to certify the Compliance Audit Return; and
 3. **AUTHORISES** the certified 2024 Compliance Audit Return be submitted to the Department of Local Government, Sport and Cultural Industries.
4. **ADOPTS** Audit Risk and Governance Resolution ARG09/02/25 and
1. **NOTES** the Strategic Risk Register Review as contained within this paper.
 2. **ENDORSES** the updated Strategic Risk Register as contained within attachment 1.
 3. **NOTES** the review of the Strategic Risk Register is underway and a workshop with the Audit, Risk and Governance Committee will be scheduled in May 2025.

CARRIED UNANIMOUSLY 6/0



The Chief Executive Officer, Mr Paul Martin declared a Financial Interest in Item 8.2 and left the meeting at 9.04pm prior to this item being discussed.

The Director Corporate Services, Mr Frazer Sullivan assumed the Chair of Chief Executive Officer at 9.04pm

8.2 Special CEO Employment Committee Meeting - 24 February 2025

Attachments (available under separate cover)

- 8.2 - attachment 1 - Special CEO Employment Committee Meeting Minutes - 24 February 2025 (E25/2176)

Voting Requirements: Simple Majority

OCM052/03/25

COUNCIL RESOLUTION

Moved Cr Duggin, seconded CR Jerrett

That Council:

1. RECEIVES the Unconfirmed Minutes of the Special CEO Employment Committee meeting held on 24 February 2025 (E25/2176)
2. ADOPTS CEO Employment Committee Resolution CEO004/02/25 and
 1. In accordance with *Standing Orders Local Law 2002 (as Amended)* clause 11.1(b), adjourns the question to allow further consultation with the Chief Executive Officer and Price Consulting to investigate an alternate consultant.
 2. REQUESTS the Director Corporate Services present a report back to a Special CEO Committee Meeting on 4 March 2025.

CARRIED UNANIMOUSLY 6/0

Mr Martin returned to the meeting at 9.04pm and resumed the Chair of Chief Executive Officer.

Presiding Member, President Coales, advised Mr Martin of the Council Resolution for item 8.2.

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

9.1 - Notice of Motion - Financial Support for the Byford Baptist Church	
Elected Member	President Coales
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

A Notice of Motion was received from President Coales via email on 28 February 2025.

The Notice of Motion is: *'That Council, in accordance with Council Policy 5.1.14 - Community Contributions, APPROVES a donation of \$2000 to the Byford Baptist Church Community Food Market to support their work to the Serpentine Jarrahdale community over the 2024 Christmas period.'*

Relevant Previous Decisions of Council

Nil.

Officer Comment**Byford Baptist Church**

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

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

In December 2024, Byford Baptist Church request a donation of \$2000 towards their Christmas Food Market. Due to the timing of the request, a report to Council was unable to be achieved to consider the request. Despite this, the Shire made a donation of \$500 in accordance with Council Policy 5.1.14 - Community Contributions.

This Notice of Motion requests Council to consider a donation to the Byford Baptist Church in recognition of their activities over the 2024 Christmas period. Byford Baptist Church have provided the following information regarding the support they provided to the SJ Community over the 2024 Christmas period:

We spent over \$5000 from our own funds to supplement the 280 boxes given out in the week before Christmas. If you do the maths that is only \$18 per family. They received tinned fruit, can of beetroot, biscuits, pasta sauce, jelly and bag of lollies in addition to the normal box full.



Council Policy 5.1.14 - Community Contributions

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

Acceptable donations to third parties.

It is preferable for organisations to request funding via a community grant process. However, it is acknowledged that in some instances a donation is a more appropriate contribution. These might include charity, community organisations, events or extraordinary crisis support.

Donations are a direct, one-off contribution to the organisation or party and do not require an acquittal.

The donation may be used for general purposes or allocated to a specific activity to a maximum value of \$500 (ex GST). Examples of acceptable donation from the Shire may include, but not be limited to:

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

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

While the Council Policy states an amount that can be considered as an outgoing donations, it is at Council's discretion as to what donation, if any, it would like to make to the Byford Baptist Church.

Financial implications

The Shire has made a donation to Byford Baptist Church in December 2024 of \$500 towards their Christmas activities.

Account 4300-15430 (Donations) currently has \$4,500 available for the purposes of Community Contributions (donations).

Attachments (available under separate cover)

- Nil.

Voting Requirements: Simple Majority

OCM053/03/25

COUNCIL RESOLUTION / Elected Member Recommendation

Moved President Coales, seconded Cr Duggin

That Council, in accordance with Council Policy 5.1.14 - Community Contributions, APPROVES a donation of \$2000 to the Byford Baptist Church Community Food Market to support their work to the Serpentine Jarrahdale community over the 2024 Christmas period.

CARRIED UNANIMOUSLY 6/0

**9.2 - Notice of Motion - Establishing a Food Security and Peri-Urban Agriculture Action Group within the Shire of Serpentine Jarrahdale (SJ4563)**

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

Notice of Motion

A Notice of Motion was received from President Coales via email on 26 February 2025.

The Notice of Motion is:

“That Council REQUESTS the Chief Executive Officer to:

- 1. Prepare a report to the May Council meeting to investigate options to establish a Food Security and Peri-Urban Agriculture Action Group within the Shire of Serpentine Jarrahdale;*
- 2. Address in the report how formation of the group may occur, including membership and reporting expectations, what purpose / aims such a group will seek to achieve and what a draft terms of reference would include; and*
- 3. Engage with the SJ Food and Farm Alliance in preparing the report for Council consideration.”*

Officer Comment

A letter has been prepared by the SJ Food and Farm Alliance, a copy of which is provided at **attachment 1**. The letter seeks support for the *“establishment of a Food Security and Peri-Urban Agriculture Action Group, to work collaboratively with the Shire on essential matters relating to food security, food policies, and regenerative agriculture...”*

In establishing any group within the structure of a local government, there are a range of options available, with a range of representation and reporting aspects, all of which influence levels of resourcing that may be needed. Officers consider the Notice of Motion to be prudent, insofar that it recommends preparing a Report to a future Council meeting, to detail these options for Council consideration.

In undertaking a preliminary assessment of the proposal, such a group appears to share alignment to a number of corporate and planning documents of the Shire. These documents set out a priority focus for the future, and can be useful as a quick sense check. The documents of relevance include:

1. The Council Plan, with reference to a liveable community and with an enhanced rural environment and where people in the community have access to services and facilities.
2. The Shire’s current Health and Wellbeing Strategy, with its focus on growing safe and sustainable environments and specifics about ensuring the community has food security and support local food businesses and a food safety culture.
3. The Local Planning Strategy, with its focus on preserving land classified as having a high land capability for annual and perennial horticulture and grazing in the regional soil-landscape to enable the protection of productive rural land.



Based on this, Officers consider there to be undertaking a thorough investigation and assessment and report back to a future Council meeting.

By undertaking a detailed investigation of what role such a group may be able to play in assisting Council and the Shire in realising these (and other) priority focus areas pertaining to food production and security, Officers will be able to inform Council of the options before it.

Attachments (available under separate cover)

- **9.2 - attachment 1** - letter from SJ Food and Farm Alliance - proposal for Food Security Action Group (IN25/4612)

Voting Requirements: Simple Majority

OCM054/03/25

COUNCIL RESOLUTION / Elected Member Recommendation

Moved President Coales, seconded Cr Jerrett

That Council REQUESTS the Chief Executive Officer to:

- 1. Prepare a report to the May Council meeting to investigate options to establish a Food Security and Peri-Urban Agriculture Action Group within the Shire of Serpentine Jarrahdale.**
- 2. Address in the report how formation of the group may occur, including membership and reporting expectations, what purpose / aims such a group will seek to achieve and what a draft terms of reference would include; and**
- 3. Engage with the SJ Food and Farm Alliance in preparing the report for Council consideration.**

CARRIED UNANIMOUSLY 6/0

**9.3 - Notice of Motion - Request Main Roads WA Remove Speed Limits (SJ4563)**

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

Notice of Motion

A Notice of Motion was received from Councillor Duggin via email on 24 February 2025.

The Notice of Motion is *“That Council:*

- 1. REQUESTS the Chief Executive Officer write to Main Roads WA to formally request a return to the default (i.e. non-signposted) speed limit the following roads which were recently gazetted/signposted at 50 km/h:*
 - Lightbody Road*
 - Shanley Road*
 - Coogly Road*
 - Feast Road*
 - Summerfield Road*
 - Gull Road*
 - Scrivener Road*
 - Selkirk Road*
 - Jarrah Road*
 - Yangedi Road South*
 - Punrak Road*
 - Utley Road*
 - Westcott Road*
 - Henderson Road*
 - Elliott Road*
 - Rapids Road*
 - Hall Road - SLK 0.00 (Summerfield Road) to SLK 1.76 (Karnup Road)*
- 2. REQUESTS the Chief Executive Officer write to Main Roads WA to provide options on suitable traffic signage available for installation in rural areas to remind drivers of the risks associated with driving on rural roads.”*



Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 June 2022 - OCM140/06/22 - COUNCIL RESOLUTION / Alternative Officer Recommendation

That Council:

- 1. NOTES the formal written response from MRWA received on 16 February 2022, advising that in order to review speed limits for road sections the Shire is to undertake a speed audit of each road/area identified for review, prior to MRWA evaluation of speed limit change requests for each particular road/area.*
- 2. SUPPORTS the allocation of \$40,000 from the 2022/23 Infrastructure Services operating budget, and AUTHORISES for the Chief Executive Officer to engage an external consultant to undertake a review and audit of speed limits on roads identified as having crashes due to speeding, and apply to Main Roads WA for formal review of the speed limit on these roads.*

Ordinary Council Meeting – 15 March 2021 - OCM046/03/21 - COUNCIL RESOLUTION / Councillor Recommendation

That Council:

- 1. REQUESTS the CEO write to Main Roads to formally request a speed audit be conducted on the Shire of Serpentine Jarrahdale's local road network for both Rural and Urban roads.*
- 2. REQUESTS the CEO bring a report to Council detailing Main Roads' response once received.*

Officer Comment

At the 15 March 2021, Ordinary Council Meeting, the following resolution was made relating to speed limits within the Shire:

That Council:

- 1. REQUESTS the CEO write to Main Roads to formally request a speed audit be conducted on the Shire of Serpentine Jarrahdale's local road network for both Rural and Urban roads.*
- 2. REQUESTS the CEO bring a report to Council detailing Main Roads' response once received.*

Requests for speed limit reviews have historically occurred by the Shire submitting road review request applications to Main Roads WA (MRWA) on an ad-hoc, road by road basis, generally triggered by land developments and urbanisation in an area. The request noted in the above Council Resolution was put forward to MRWA during a face-to-face meeting where this issue and other speed limit matters in the Shire were discussed.

Further to this meeting and subsequent correspondence, MRWA advised that they do not undertake the function of speed zone audits of this scale for Local Government areas and that the Shire must undertake/seek its own audits on a holistic, area-wide basis to justify speed limit changes based on professional traffic engineering advice, to then submit an application for consideration by MRWA.



At the 20 June 2022 Ordinary Council Meeting, a subsequent resolution was made:

That Council:

1. *NOTES the formal written response from MRWA received on 16 February 2022, advising that in order to review speed limits for road sections the Shire is to undertake a speed audit of each road/area identified for review, prior to MRWA evaluation of speed limit change requests for each particular road/area.*
2. *SUPPORTS the allocation of \$40,000 from the 2022/23 Infrastructure Services operating budget, and AUTHORISES for the Chief Executive Officer to engage an external consultant to undertake a review and audit of speed limits on roads identified as having crashes due to speeding, and apply to Main Roads WA for formal review of the speed limit on these roads.*

The Shire therefore engaged with external traffic engineering consultants and Main Roads WA to review multiple speed zonings of many arterial and local distributor roads throughout the Shire. A key component of these reviews was investigating roads which have historically been subject to a default speed limit (i.e. not a sign-posted limit), with a view towards providing appropriate signposted speed zoning on these roads as traffic growth and urban/regional development continues to grow at pace within the Shire to improve road safety.

After receiving the audit reports and recommendations from the Shire, Main Roads agreed to work with the Shire in implementing formal speed limits in line with the audit recommendations. The resulting speed limit changes are shown in Table 1 below, where a formal signposted limit was agreed upon.

Table 1 – Speed Limit Changes agreed upon with Main Roads

Road	Section	Previous Speed Limit (km/h)	New Gazetted Speed Limit (km/h)
Leipold Road	King Road to Kargotich Road	110	80
Rowe Road	Hopeland Road to Rapids Road	110	90
Rapids Road	Lowlands Road to Karnup Road	110	90
	Karnup Road to Utley Road	110	50
Gossage Road	King Road to Kargotich Road	110	80
Gossage Road	Kargotich Road to Hopkinson Road	110	70
Lowlands Road	Rapids Road to Wright Road	110	80
Wright Road	From 250m north of Summerfield Road to existing 80 km/h zone south of Summerfield Road	100	80
Hopeland Road	Henderson Road to Lakes Road	110	100
Abernethy Road	Nicholson Road to Kargotich Road	110	90
	Kargotich Road to Hopkinson Road	80	70
Nicholson Road	Thomas Road to Abernethy Road	110	90

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Road	Section	Previous Speed Limit (km/h)	New Gazetted Speed Limit (km/h)
Karnup Road	Wellard Street to South Western Highway	70	60
Orton Road	Casuarina Road to 1km east of King Road	90	80
Nettleton Road	Existing 100 km/h sections	100	90
Kingsbury Drive	Existing 90 km/h sections north and south of Serpentine Dam	90	80
Norman Road	Entirety	Default (50 urban, 110 rural)	80
Bishop Road	Kargotich Road to existing 80 km/h section	Default (50 urban, 110 rural)	80
Jarrahdale Road	Existing 50 km/h zone through Jarrahdale Townsite	50	50 (Reminder/repeater signage to be installed)
	Existing 110 km/h zone East of Jarrahdale	110	90
Doley Road	Orton Road to Abernethy Road	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)
Wattle Road	Hall Road to Rapids Road	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)
Malarkey Road	Entirety	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)

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Road	Section	Previous Speed Limit (km/h)	New Gazetted Speed Limit (km/h)
Thatcher Road	Entirety	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)
Orton Road	Hopkinson Road to Warrington Road	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)
Warrington Road	Mead Street to Orton Road	Default (50 urban, 110 rural)	60
Tuart Road	Thomas Road to Anketell Road	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)
Roman Road	Entirety	Default (50 urban, 110 rural)	60
Galvin Road	Entirety	Default (50 urban, 110 rural)	60
Walker Road	Karnup Road to Wattle Road	Default (50 urban, 110 rural)	70
Larsen Road	Briggs Road to Rail Line	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)



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Road	Section	Previous Speed Limit (km/h)	New Gazetted Speed Limit (km/h)
Turner Road	Entirety	Default (50 urban, 110 rural)	50 (Reminder/repeater signage to be installed)
Evelyn Street	Entirety	Default (50 urban, 110 rural)	60
Randell Road	Entirety	Default (50 urban, 110 rural)	60
Hall Road	SLK 6.11 (Utley Road) to South Western Highway (inc. Fisher Road)	Default (50 urban, 110 rural)	80
Yangedi Road North	Karnup Road to Henderson Road	Default (50 urban, 110 rural)	80
Elliott Road	South Western Highway to Rail Line	Default (50 urban, 110 rural)	60
	Rail Line to Westcott Road		80

The Shire and Main Roads also investigated the roads which come under this Notice of Motion, with the Shire desiring an enforceable, signposted speed limit rather than the default open limit of 110 km/h. As these roads contain sections with pavement widths of 4.5 metres or less, Main Roads stipulated that if a signposted speed limit was to apply rather than the default unposted limit, they would be subject to a posted limit of 50 km/h due to road safety considerations.

This adopted measure was in line with many of the audit recommendations for these roads which indicated high crash risks if the default, unposted 110km/h limit were to remain on these roads (due to roadside hazards). In comparison, normal Main Roads policy dictates a default, unposted limit for roads under 5.5 metre seal width (with 5.5m being the minimum standard width for two-way traffic).

Main Roads began implementing this 50 km/h speed limit change (together with the other speed limit changes) during 2024 and early 2025, however, this was questioned by community members due to the significant speed differential between a default 110km/h limit and an enforced 50 km/h.



In addition, other outer metropolitan and regional jurisdictions have continued with the normal Main Roads policy of unposted limits for narrow roads and hence the different approach in the Shire of Serpentine Jarrahdale was also questioned.

On the basis of providing consistency across the Shire and adjacent jurisdictions' road networks, Officers are in general supportive of the concept of requesting Main Roads to revert these roads to a default (unposted) speed limit, however the prevailing conditions along these roads will continue to present road safety risks for the Shire going forward. Table 2 below further details the road sections which are requested to revert back to the default limit.

Shire Officers therefore support the Councillor Recommendation that Main Roads be requested to revert the above listed roads to default speed limits.

Table 2 – Road Sections Requested to Revert to Default Speed Limit

Road	Section	Length (km)	Pavement Width (m)	Previous Speed Limit (km/h)	New Gazetted Speed Limit (km/h)
Lightbody Road	Entirety	3.23	4.3 - 5.5	Default (50 urban, 110 rural)	50
Shanley Road	Entirety	4.11	3.9	Default (50 urban, 110 rural)	50
Coogly Road	Entirety	1.34	3.6	Default (50 urban, 110 rural)	50
Feast Road	Entirety	1.97	4.2	Default (50 urban, 110 rural)	50
Summerfield Road	Lowlands Road to Richardson Street	2.17	4.9 - 6.5	Default (50 urban, 110 rural)	50
Gull Road	Entirety	5.07	3.6 - 4.4	Default (50 urban, 110 rural)	50
Scrivener Road	South Western Highway to Scarp Road North	6.00	3.6 - 4.5	Default (50 urban, 110 rural)	50
Selkirk Road	Entirety	1.63	3.6	Default (50 urban, 110 rural)	50
Punrak Road	Karnup Road to Yangedi Road	8.50	3.6 - 3.7	Default (50 urban, 110 rural)	50
Utlely Road	Entirety	6.56	3.6 - 4.4	Default (50 urban, 110 rural)	50
Westcott Road	Utlely Road to Elliott Road	7.68	3.6	Default (50 urban, 110 rural)	50
Jarrahdale Road	Karnup Road to Punrak Road	5.56	5.2	Default (50 urban, 110 rural)	60
Henderson Road	Hopeland Road to Westcott Road	4.10	3.5 - 6	Default (50 urban, 110 rural)	50



Road	Section	Length (km)	Pavement Width (m)	Previous Speed Limit (km/h)	New Gazetted Speed Limit (km/h)
Henderson W Road	River Road to Punrak Road	2.14	7.0m sealed section	Default (50 urban, 110 rural)	50
Hall Road	SLK 0.00 (Summerfield Road) to SLK 1.76 (Karnup Road)	1.76	3.0 – 5.2	Default (50 urban, 110 rural)	50
Yangedi Road South	Punrak Road to Shire Boundary	4.04	3.9	Default (50 urban, 110 rural)	60
Elliott Road	Westcott Road to Hopeland Road	4.07	3.4 - 6	Default (50 urban, 110 rural)	50
	Sealed section West of Hopeland Road	3.20	4.4		50
Rapids Road	Karnup Road to Utley Road	3.1	3.5 - 4	Default (50 urban, 110 rural)	50

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	27 November 2023
Elected Members in Attendance	President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack,

Attachments (available under separate cover)

Nil.



Voting Requirements: Simple Majority

OCM055/03/25

COUNCIL RESOLUTION / Elected Member Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council:

- 1. REQUESTS the Chief Executive Officer write to Main Roads WA to formally request a return to the default (i.e. non-signposted) speed limit the following roads which were recently gazetted/signposted at 50 km/h:**
 - Lightbody Road
 - Shanley Road
 - Coogly Road
 - Feast Road
 - Summerfield Road
 - Gull Road
 - Scrivener Road
 - Selkirk Road
 - Jarrah Road
 - Yangedi Road South
 - Punrak Road
 - Utley Road
 - Westcott Road
 - Henderson Road
 - Elliott Road
 - Rapids Road
 - Hall Road - SLK 0.00 (Summerfield Road) to SLK 1.76 (Karnup Road)
- 2. REQUESTS the Chief Executive Officer write to Main Roads WA to provide options on suitable traffic signage available for installation in rural areas to remind drivers of the risks associated with driving on rural roads.**

CARRIED UNANIMOUSLY 6/0

**10. Chief Executive Officer reports:****EN BLOC**

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

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

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

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

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

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

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

Report number	Report Title
10.3.1	Confirmation of Payment of Creditors - February 2025 (SJ801)
10.3.2	Monthly Financial Report - January 2025 (SJ4229)

OCM056/03/25**COUNCIL RESOLUTION**

Moved Cr Jerrett, seconded Cr Bishop

That the Officer Recommendations contained in Officer Reports 10.3.1 and 10.3.2 be ADOPTED en bloc at 9.07pm.

CARRIED UNANIMOUSLY 6/0

**10.1 Development Services reports:****President Rob Coales and Councillor Mack declared an impartiality Interest in Item 10.1.1**

10.1.1 - Display of 16 'Mundi Estate' Signs (Retrospective) at Various Locations within the Mundijong, Oakford and Cardup Localities (PA24/5035, PA24/5036, PA24/5037, PA24/5038, PA24/5041)	
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:	Ant Marketing
Owner:	Shire of Serpentine Jarrahdale
Date of Receipt:	17 December 2024
Lot Area:	N/A
Local Planning Scheme No 3 Zoning:	Local Road, Local Distributor Road, Primary Distributor Road
Metropolitan Region Scheme Zoning:	N/A

Report Purpose

The purpose of this report is for Council to consider five retrospective development applications seeking approval for a total of 16 signs located on various road reserves within the Mundijong, Oakford and Cardup localities. The signs display advertising for a proposed housing development, 'Mundi Estate', to be undertaken by Parcel Property Pty Ltd.

The application is presented to Council as the signage varies 'Council Policy 4.1.8 - Commercial Signage on Local Road Reserves'. Officers do not have delegated authority to determine development applications that vary policies where such variations cannot be addressed by way of amendments or through the imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.



Whilst the signage is not strictly consistent with the Council Policy, it is considered that it plays an important role in supporting housing delivery and raising community awareness about the significant development planned for Mundijong. Such signage assists with Shire advocacy, as housing affordability and housing supply remain as important messages that underpin the adopted advocacy agenda currently taking place.

Given the signage siting, scale and appearance, and its temporary nature, it is considered to not unduly impact the amenity of the locality long term. It is therefore recommended that Council approve the development application for a period of 24 months to allow for the subdivision and sale of the lots to commence, so that estate awareness occurs to the point that large amounts of signage are not required any further.

Given the likely increase in commercial signage applications as places like Mundijong begin their urban transformation, it is also recommended that the current Council Policy be reviewed to consider how to manage the expected increase in future applications for signs.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to these applications.

Background

Existing Development

The signage is located within various Local Road, Local Distributor Road and Primary Distributor Road reserves within the Mundijong, Oakford and Cardup localities under Local Planning Scheme No. 3 (LPS3). The directional signage provides advertisement to the 'Mundi Estate' located at 142 Taylor Road, Mundijong within the 'Mundijong Precinct E1 - Taylor Road and Adams Street'

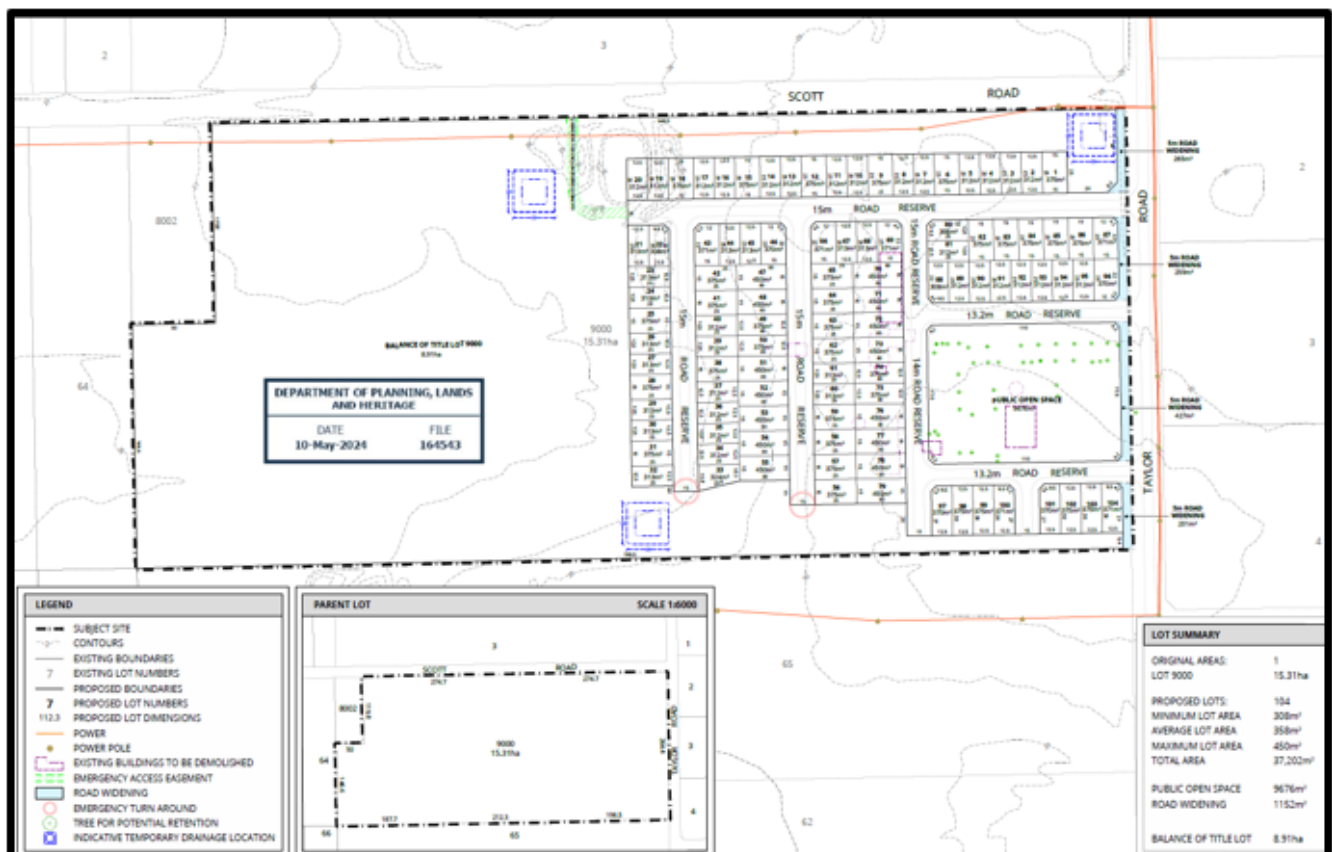


Figure 1.0: Approved subdivision layout



Local Structure Plan (LSP). Subdivision approvals were issued by the Western Australian Planning Commission (WAPC), in accordance with the LSP, on 21 May 2024 and 31 January 2025. The approved subdivision layout is shown following:

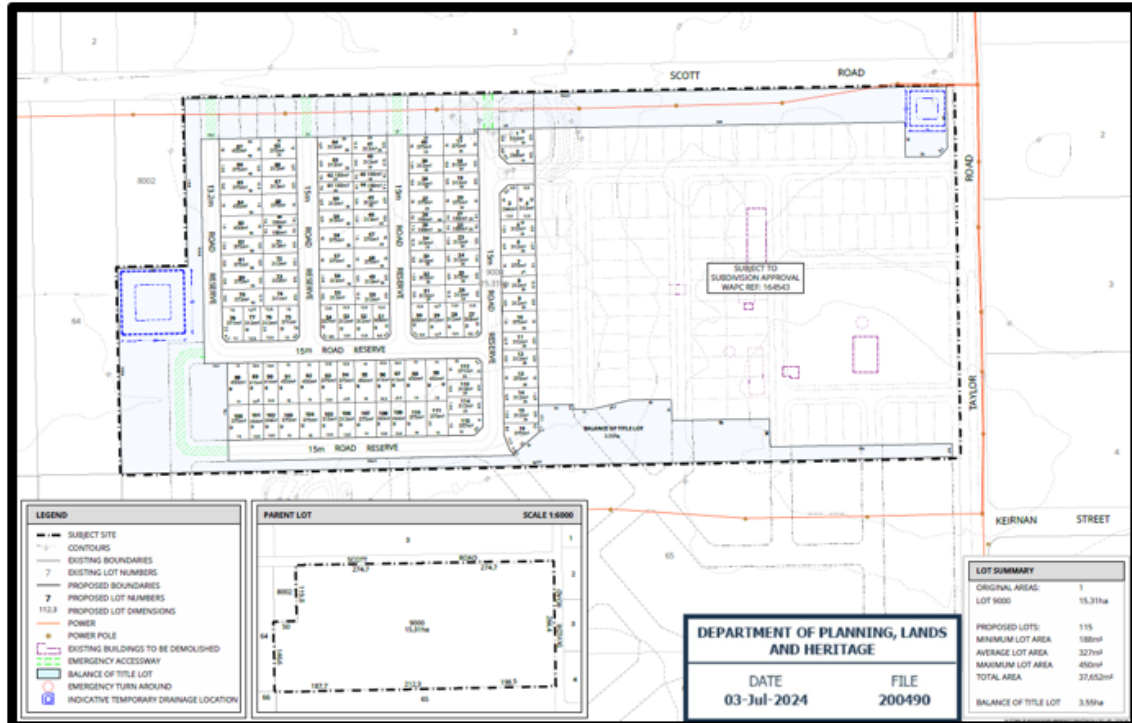


Figure 1.1: Approved subdivision layout

Subsequently, approvals relating to bulk earthworks, road naming and change of use to a 'Display Village' have been granted by the Shire. Temporary approvals have also been granted for signage affixed to sea containers advertising the 'Mundi Estate' located at the intersections of Kargotich Road / Bishop Road, Bishop Road / Taylor Road, and on Mundijong Road, west of Adonis Street. An information bay and associated signage has also been approved at the entrance to the subdivision on Taylor Road. All existing signage is wholly contained within private landholdings as shown following:

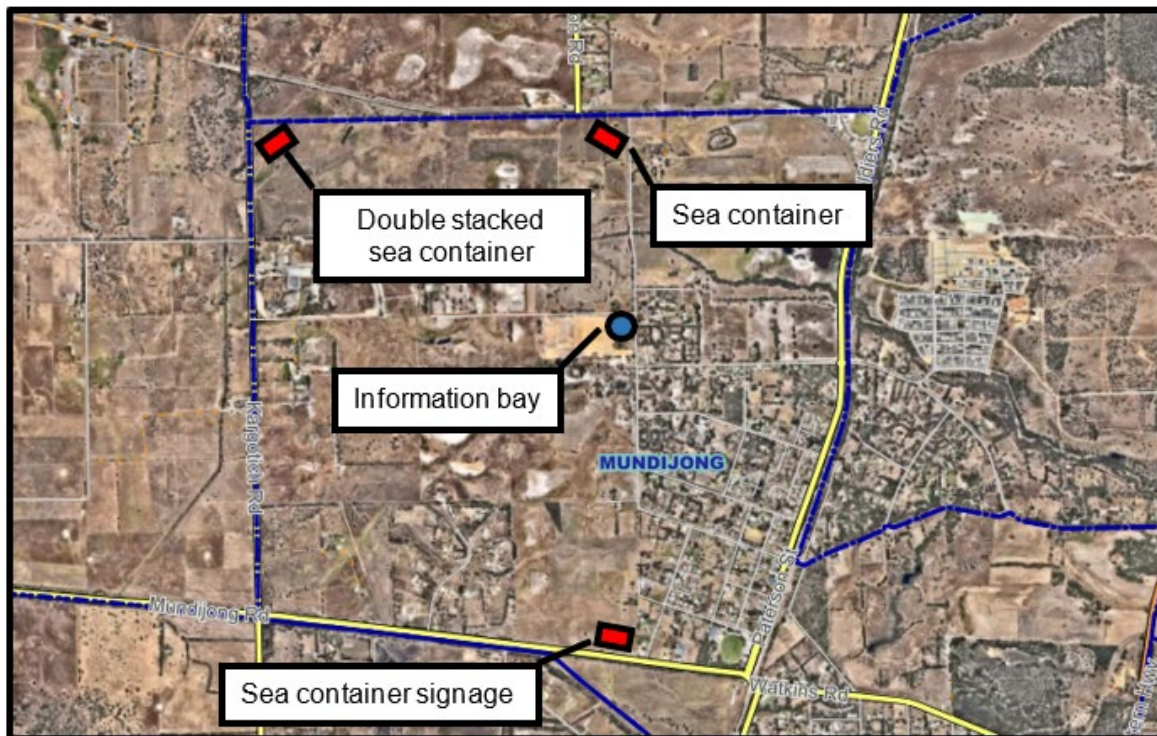


Figure 2: Existing approved Mundi Estate signage

Proposed Development

The five subject applications seek retrospective approval for 16 signs located on various road reserves within the Mundijong, Oakford and Cardup localities. The signage has been established according to the size of the road reserve that they are located within. The signs are freestanding pylon signs located outside of road carriageways and provide directions to the Mundi Estate located on Taylor Road. The signs are double sided and face bidirectional traffic flows. The sign dimensions are shown following:

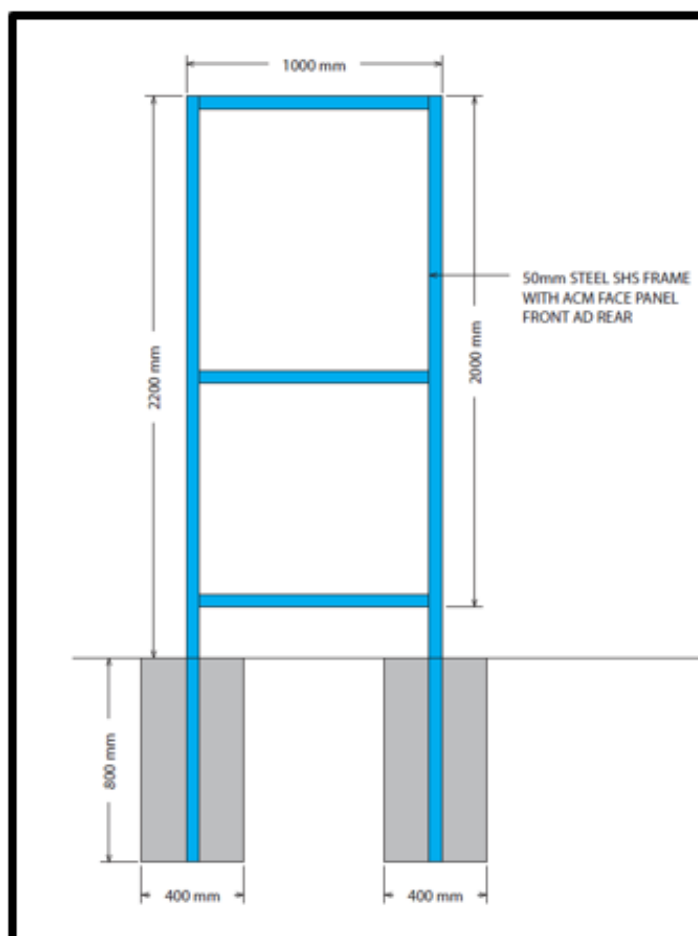


Figure 3: Signage design specifications

It is worth noting that a further application has been received for three signs within the Mundijong Road reserve, which is classified as a State road, outside of the administrative control of the Shire. Whilst these signs form part of the overall proposal, no decision is required from Council. Specifically, one of these signs is located within Planning Control Area 178 (PCA178) which relates to the Mundijong Freight Rail Realignment. This has been referred to the Department of Planning, Lands and Heritage (DPLH) for determination accordingly. The two other signs forming part of this application are located within the land required for the Tonkin Highway Extension Project and require approval from Main Roads WA. These agencies have yet to provide comment or determine the application.



Ordinary Council Meeting Minutes Monday, 17 March 2025

Full details of the proposal are contained within **attachment 1**. The content of each development application, site plan, and advertisement display are shown following:

Application Reference	Road Reserve	Number of Signs
PA24-5035	Bishop Road	3
PA24-5036	Taylor Road and Adams Street	7
PA24-5037	Richardson Street	1
PA24-5038	Adonis Street	2
PA24-5041	Kargotich Road	3

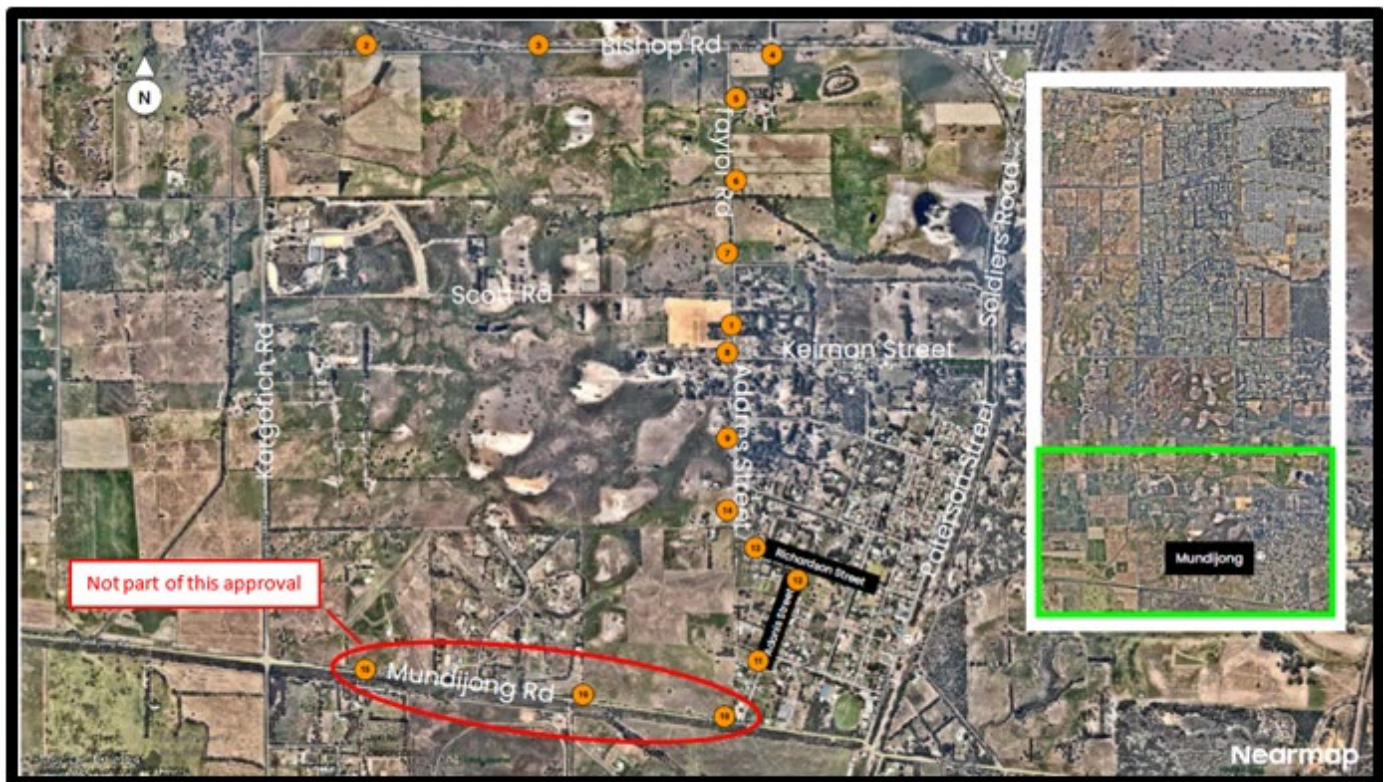


Figure 4.0: Site plan

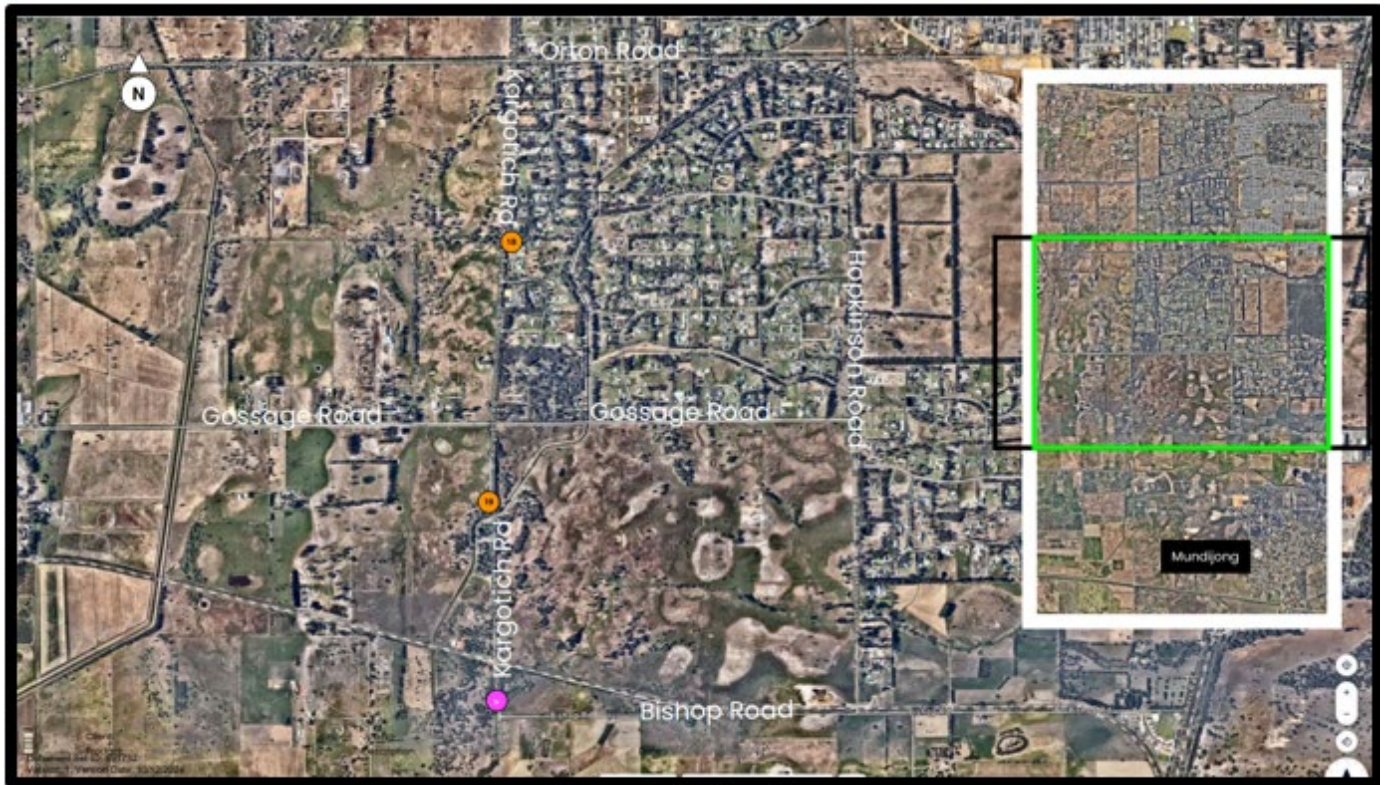


Figure 4.1: Site plan

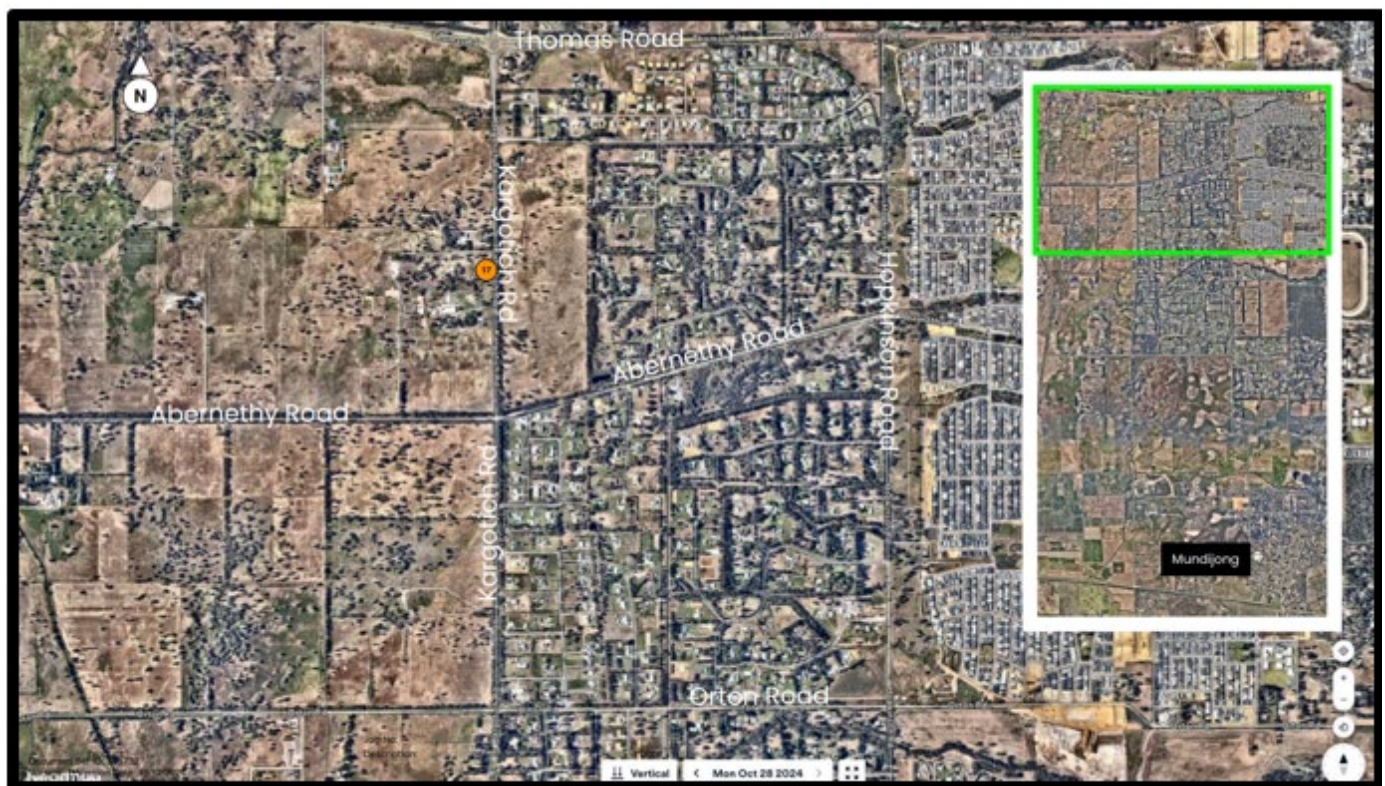


Figure 4.2: Site plan



Figure 5: Signage

Community / Stakeholder Consultation

The applications were advertised for a period of 14 days (inclusive of public holidays) to surrounding landowners of the subject sites, in accordance with LPP1.4 - Advertising Development Applications. Overall, the advertisement period spanned from 17 December 2024 to 29 January 2025. At the conclusion of the consultation, three submissions were received, one supporting the development and two objecting.

The objections relate to concerns that the signage does not contribute positively to the character of established streetscapes in which they are located. In summary, the reasons provided for this are:

- Proliferation of signage: *“The amount of signage is excessive and poorly designed and detracts from the natural beauty of the area, leading to visual clutter.”*
- Unsightly appearance: *“The signage does not blend with the surrounding environment and heritage of the area and disrupts the visual harmony of the space.”*
- Traffic safety concerns: *“The signage are potentially distracting to drivers and may contribute to accidents or traffic violations.”*

The full list of submissions can be viewed in attachment 2. The matters raised are considered in the relevant sections of the report.



Statutory Environment

Legislation

Planning and Development Act 2005;

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Framework

Shire of Serpentine Jarrahdale Local Planning Scheme No. 3;

Council Policy 4.1.8 - Commercial Signage on Local Road Reserves

Planning Assessment

Council Policy 4.1.8 - Commercial Signage on Local Road Reserves

The policy provides a framework for the assessment of applications for commercial signage within local road reserves. The objectives of the policy are:

1. *“To provide a framework for the effective regulation of commercial signage on Shire road reserves, which ensures public safety is maintained and which protects the character and amenity of the area where signage may be proposed.*
2. *To avoid the general proliferation of commercial signage, and to focus commercial signage within town centre areas where they relate to promoting the range of businesses and services available.*
3. *To actively avoid commercial signage in rural areas and all areas of high amenity within the Shire, especially natural amenity.*
4. *To guide applicants in understanding where commercial signage may be considered.”*

The applications are considered to generally meet the above objectives although not explicitly complying with all policy provisions relating to the location, display and positioning of the signage. It is considered that granting a 24 month temporary approval for the signage will balance the important strategic benefits of promoting the development of Mundijong to the broader community and stakeholders, compared to the visual amenity aspects of the streetscape

A complete assessment against all provisions of Council Policy 4.1.8 - Commercial Signage on Local Road Reserves can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the areas of community concern or where Council is required to exercise discretion.

Location/Amenity:

The policy states that signage will only be considered within commercial, centre, or mixed use zones. Further, it is detailed that *“commercial signage in rural areas and areas of high amenity within the Shire, especially natural amenity, will not be supported.”*

The location of the signage is outside of the Mundijong Town Centre where there is perceived rural amenity. However, the erection of commercial signage does not, in the opinion of Officers, detrimentally impact any rural streetscape qualities long term. Specifically, there has been no removal of trees or obstruction to buildings associated with the development that would detract from the established rural amenity. The locations are not considered to be unrelated to the area they are promoting, being located on important entry roads. The locations also are not considered to negatively impact the operation of surrounding land uses or overlap with the siting of existing ‘Mundi Estate’ signage approvals. For these reasons, it is considered that the location of the signage is acceptable for a temporary period of 24 months.



The policy specifies acceptable distances a sign should be from the carriageway based on the street type. In this case all signs are compliant except one sign (#19), located on Kargotich Road, which as proposed does not meet the required 2.75m separation distance. The applicant was notified of the non-compliance and agreed to relocate the sign to the acceptable position in accordance with the policy.

The image shown following depicts the existing signage on Kargotich Road. The azure colour is not offensive to the surrounding landscape, although not directly reflective of the rural backdrop. It is considered that whilst this type of signage is not commonplace, it would not unduly impact the level of rural amenity currently afforded to the locality.



Figure 6: Kargotich Road signage

Quantity of Signage

The policy requires that consideration should be given to “*whether the commercial signage would result in an excess/proliferation of signage in the area (taking account of existing commercial signage either located on private land or within local government road reserves).*” As previously discussed, the Mundi Estate has been granted approval for four different signs on private landholdings, with these applications seeking approval for an additional 16 signs across the Mundijong, Oakford and Cardup localities. However, it is noted that existing signage approvals have been granted on a 12 month temporary basis, expiring as early as June 2025. It is recommended that a condition is also imposed on the subject signage to ensure that it is removed once the ‘Mundi Estate’ has become established and the information displayed ceases to be relevant. This is recommended as a period of 24 months.



The signage promotes new housing opportunities within the 'Mundi Estate', particularly those located on distributor roads such as Bishop Road and Kargotich Road that will receive exposure from drivers passing by the localities. The signs represent a low impact and effective method of promoting the strategic importance of Mundijong as a major growth centre for Perth, and thus building on the adopted advocacy agenda of Council. It is considered that the approval of these applications would not encourage the erection of other commercial road signage within rural areas given the circumstances and context surrounding 'Mundi Estate'. A temporary approval will ensure that the function of the development is controlled, and the signs will be removed following that period.

Safety

As previously stated, the signage is positioned at an acceptable distance from the edge of road carriageways and intersections to minimise traffic issues related to distracted drivers or obstructed sightlines. The sign faces have a relatively small area of 2m², which would not be highly conspicuous for passing traffic particularly on Kargotich Road, Bishop Road, Taylor Road and Adams Street. In terms of design, the signage has a minimalist and uncluttered appearance that does not demand the extended attention of drivers. This diminishes the visual impact of the advertisements, in turn showing regard for the rural amenity of the Mundijong, Oakford and Cardup localities.

The construction of the signage does not require a building permit to be obtained from the Shire since the signage is located within various road reserves. Nevertheless, since the signs are freestanding, relatively small and erected on a temporary basis, it is considered that there is minimal risk concerning the structural adequacy of the signs. The applicant would be responsible for the ongoing maintenance of the signage to ensure they remain safe, in good condition and free from hazards throughout the life of the development. In accordance with the policy provisions, the applicant would also be charged an annual licencing fee of \$500 per sign and be required to provide evidence of Public Liability Insurance indemnifying the Shire against all actions, suits, claims, damages, losses and expenses incurred as a result of the development. Officer considers that these matters can be addressed appropriately through conditions of the approval.

Policy review

When drafting the Council Policy, it was not anticipated that applications would be received for temporary signage, and such signage to comprise of a number of signs. Given the anticipated increase in demand for directional signage as Mundijong begins its urbanisation, it is considered appropriate to review the current Council Policy to consider these issues, and also where placement of signs may be considered appropriate outside of town centres.



Options**Option 1**

That Council

1. TEMPORARILY APPROVES the development applications for 'Retrospective Signage' within various road reserves of the Mundijong, Oakford and Cardup localities, as contained within **attachment 1**, subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1-P5 received at the Shire's Offices on 17 December 2024
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 - b. Pursuant to clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) this approval is granted for a period of 24 months commencing on the date of this approval. Following, the signs must be removed to the satisfaction of the Shire of Serpentine Jarrahdale.
 - c. Within 90 days of this approval, the applicant shall provide the Shire with appropriate evidence of Public Liability Insurance indemnifying the Shire against all actions, suits, claims, damages, losses, and expenses incurred as a result of this approval. The insurance must be maintained for the duration of the approval and have a minimum coverage of \$10 million, or an amount deemed appropriate to the level of risk involved.
2. REQUESTS the Chief Executive Officer to undertake a review of Council Policy 4.1.8 - Commercial Signage on Local Road Reserves, to consider issues including temporary signage, applications involving multiple signs, and areas suitable for directional signage outside of town centres.

Option 2

1. That Council REFUSES the development applications for 'Retrospective Signage' within various road reserves of the Mundijong, Oakford and Cardup localities, as contained within **attachment 1**, for the following reasons:
 - a. The development is considered to pose an unacceptable visual amenity impact on the surrounding locality, by virtue of having commercial advertisements located within public road reserves.

Option 1 is recommended.

Conclusion

The applications seek retrospective approval for signage advertising the upcoming Mundi Estate. The signs are not considered to pose an adverse impact on the character and amenity of the locality, noting their small scale and temporary nature. It is considered that the location and number of signs would not negatively impact the visual amenity of the locality, consistent with the planning framework and the intent of the Council Policy. The application is therefore recommended for approval for a period of 24 months.



In granting approval, Officers also see merit in undertaking a review of the Council Policy, given the expected increase in directional and estate signs expected over the coming short to medium term, as Mundijong particularly begins urbanisation.

Attachments (available under separate cover)

- **10.1.1 - attachment 1** - Development Plans (E25/1470)
- **10.1.1 - attachment 2** - Summary of Submissions (E25/1471)
- **10.1.1 - attachment 3** - Technical Assessment (E25/1637)

Alignment with our Council Plan 2023-2033

Thriving	
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale	
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment	

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications.

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						
2	That Council refuse the development and the decision is appealed to the SAT, creating financial costs on the Shire.	Reasons for refusal being valid planning reasons.	Financial	Possible	Minor	MODERATE	Council provide detailed reasoning for its decision to assist the applicant in rectifying Councils concerns with the proposal if an appeal is lodged.



Voting Requirements: Simple Majority

OCM057/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Mazzini

That Council

1. **TEMPORARILY APPROVES** the development applications for 'Retrospective Signage' within various road reserves of the Mundijong, Oakford and Cardup localities, as contained within attachment 1, subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1-P5 received at the Shire's Offices on 17 December 2024
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 - b. Pursuant to clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) this approval is granted for a period of 24 months commencing on the date of this approval. Following, the signs must be removed to the satisfaction of the Shire of Serpentine Jarrahdale.
 - c. Within 90 days of this approval, the applicant shall provide the Shire with appropriate evidence of Public Liability Insurance indemnifying the Shire against all actions, suits, claims, damages, losses, and expenses incurred as a result of this approval. The insurance must be maintained for the duration of the approval and have a minimum coverage of \$10 million, or an amount deemed appropriate to the level of risk involved.
2. **REQUESTS** the Chief Executive Officer to undertake a review of Council Policy 4.1.8 - Commercial Signage on Local Road Reserves, to consider issues including temporary signage, applications involving multiple signs, and areas suitable for directional signage outside of town centres.

CARRIED UNANIMOUSLY 6/0

**10.1.2 - Alterations and Additions to Approved Tree Grinding Facility ('Resource Recovery Centre') and 'Transport Depot' at Lot 102, 766 King Road, Oldbury (PA24/262)**

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:	Statewest Planning
Owner:	Thomas Road Property Pty Ltd
Date of Receipt:	11 June 2024
Lot Area:	24.62ha
Local Planning Scheme No. 3 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for alterations to an approved Tree Grinding Facility and a retrospective 'Transport Depot' at Lot 102, 766 King Road, Oldbury. The application seeks to reduce the scale of the approved Tree Grinding Facility, facilitate a separate 'Transport Depot' and undertake remediation and rehabilitation works.

The application is presented to Council as seven objections were received during the consultation process. Officers do not have delegated authority to determine development applications where more than five objections are received, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Officers consider that the proposal is generally consistent with the planning framework and that the impacts associated with the operations can be appropriately managed. It is therefore recommended that Council approve the development application subject to conditions.

**Relevant Previous Decisions of Council**

Ordinary Council Meeting - 14 December 2020 - OCM385/12/20 - COUNCIL RESOLUTION / Officer Recommendation

1. That Council APPROVES the development application for temporary works (screening, sorting and crushing of materials) associated with the remediation of the site only at 766 King Road, Oldbury, and for the construction of a hardstand 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:

<i>Plans and Specifications</i>	<i>Revised Planning Application received on 13 October 2020, Traffic Impact Assessment received on 22 May 2020 Remediation Management Plan received on the Shire on 13 October 2020</i>
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b) Full site remediation, and specifically the screening, sorting and crushing activities associated with the temporary works and the construction of the hard stand, must be fully completed within twelve months of the date of this approval.

c) Prior to works occurring onsite, an updated Remediation Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to include the construction of a washdown facility, to control the risk of contaminated material leaving the site on vehicles, to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Plan is to be implemented at all times during the temporary works. Note the submissions received during the advertising period as per attachment OCM019.3/02/15.

d) Prior to the works occurring onsite, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must contain the details prescribed within the updated Environmental Management Plan. The Construction Management Plan must demonstrate how pre-development works will be undertaken without causing emissions being generated offsite, and the location of any incidental structures associated with the proposal. Once approved, the Plan is to be implemented at all times during the temporary works.

e) Prior to the works occurring onsite, an Asbestos and Hazardous Materials Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation and Department of Health. The Plan must include the following details:

- Asbestos and hazardous materials register;*
- Site induction and training;*
- ACM and hazardous material management;*
- Personal Protective Equipment;*
- Barricading and/or signage;*
- Vehicle and mobile equipment management;*
- Personal decontamination;*



- Air quality monitoring;
- Asbestos and hazardous material waste disposal;
- Emergency, contingency and incident management.

Once approved, the Plan is to be implemented at all times during the temporary works.

- f) Prior to the works occurring onsite, a Stockpiling and Screening Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following detail to the satisfaction of the Shire of Serpentine Jarrahdale: The location of a designated area to set up the mechanical screener and crusher; The location of a designated area for temporary stockpiles of different materials including amount of limestone material required to create pad base for stockpile areas: - Stockpile sampling requirements for waste classification - A waste tracking log to track all waste leaving the site; - Inclusion of contingency measures to manage unexpected finds. Once approved, the Plan is to be implemented at all times during the temporary works.
- g) Prior to works occurring onsite, an Acoustic Assessment and Noise Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This Plan must quantify noise impacts from the development on nearby sensitive receptors, from all noise generating activities to occur as part of the temporary works. Recommendations resulting from the acoustic assessment shall be incorporated within the Noise Management Plan, to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Plan is to be implemented at all times during the temporary works.
- h) Prior to works occurring onsite, a site specific Dust Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation and Department of Health. The Dust Management Plan must be prepared in accordance with the Department of Water and Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'. Once approved, the Plan is to be implemented at all times during the temporary works.
- i) Prior to works occurring onsite, an updated Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must demonstrate how the existing channels and detention ponds will be reinstated to remove existing debris located within it resulting from the existing stockpiles. It must also include how water runoff from the proposed hardstand will be treated prior to being discharged into the environment. Once approved, the Plan is to be implemented at all times during the temporary works.
- j) Prior to works occurring onsite, a Traffic Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Traffic Management Plan must include provisions which alert oncoming traffic that vehicles will be exiting the site and adhered to thereafter. Once approved, the Plan is to be implemented at all times during the temporary works.
- k) The processed stockpiles subject to this development must not exceed 4 metres in height and must be located within the bunded areas
- l) The driveway into the site from King Road, must be kept clean and maintained free of debris, mud and sand at all times.



- m) The temporary works shall not occur during the weekend period, and will be limited to hours of operation between 7am to 7pm Monday to Friday.*
- n) The applicant shall undertake two monthly reporting to the Shire of Serpentine Jarrahdale against all conditions of planning approval, specific to any exceedances of adopted Management Plans and what process adjustments have occurred, and will continue to occur, to avoid any such further exceedances taking place.*
- o) The applicant shall provide monthly reporting to the Shire of Serpentine Jarrahdale which details: - the starting volume for that month of remaining material on the subject land to be processed; - the amount of volume processed and placed within the hard stand area; - the amount of volume exported from the subject land.*

Ordinary Council Meeting - 23 February 2015 - OCM019/02/15 - COUNCIL RESOLUTION
That Council:-

- A. Note the submissions received during the advertising period as per attachment OCM019.3/02/15.*
- B. Approve the Planning Application seeking approval for a Tree Grinding Facility at Lot 102 (No.766) King Road, Oldbury, subject to the following conditions:-*
 - 1. This approval shall be in accordance with the amended site plan received by the Shire on the 14 January 2015.*
 - 2. A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the Shire, prior to development commencing. All works must be carried out in accordance with the approved Dust Management Plan, for the duration of development to the satisfaction of the Shire.*
 - 3. The development must be designed and all works must be carried out in accordance with the Environmental Noise Assessment prepared by Daniel Lloyd and dated 16 October 2014, for the duration of development to the satisfaction of the Shire.*
 - 4. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to development commencing.*
 - 5. A Landscaping Plan must be prepared and approved to include the following detail, to the satisfaction of the Shire, prior to development commencing:-*
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;*
 - (ii) any lawns to be established;*
 - (iii) any natural landscape areas to be retained;*
 - (iv) those areas to be reticulated or irrigated; and*
 - (iv) verge treatments.*



The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire.

6. *The screen bunds and vegetation buffer must be vegetated such that the development minimises visual impact from adjoining properties and King Road, to the satisfaction of the Shire, prior to the commencement of development and must be retained and maintained in good condition at all times.*
7. *The car park must:-*
 - (i) *be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to occupation of the development; and*
 - (ii) *be constructed, sealed, kerbed, drained and marked to the satisfaction of the Shire prior to the development being occupied and maintained thereafter.*

The car park must comply with the above requirements for the duration of the development.

8. *A Waste Management Plan must be prepared and approved, to and include the following detail to the satisfaction of the Shire, prior to occupying the development:-*
 - (i) *the location of bin storage areas and bin collection areas;*
 - (ii) *the number, volume and type of bins, and the type of waste to be placed in the bins;*
 - (iii) *management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and*
 - (iv) *frequency of bin collections.*

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

9. *Floodlighting must not be illuminated after 10:00pm or before 7:00am. Light source must be hooded with no direct illumination visible outside the property, in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.*
10. *Stockpiled material must not exceed a height of four (4) metres at any time.*
11. *The development must only operate between the hours of 7.00am and 5.00pm from Monday to Friday and not at all on Saturday, Sundays and Public Holidays. Grinding machinery is not permitted to be used after 2.00pm on Fridays and not at all on Saturdays.*
12. *A Fire Management Plan being prepared for approval by the Shire and thereafter implemented at all times, including the provision of a 92,000 litre water supply tank.*

Background

The subject site of 24.62ha in area is located within the 'Rural' zone in Oldbury. Lots in the locality are rural in nature with broad pastureland used for mainly extensive agricultural activities. King Road runs along the eastern lot boundary and the King Road Brewery is located immediately to the south. The site and locality are shown following:

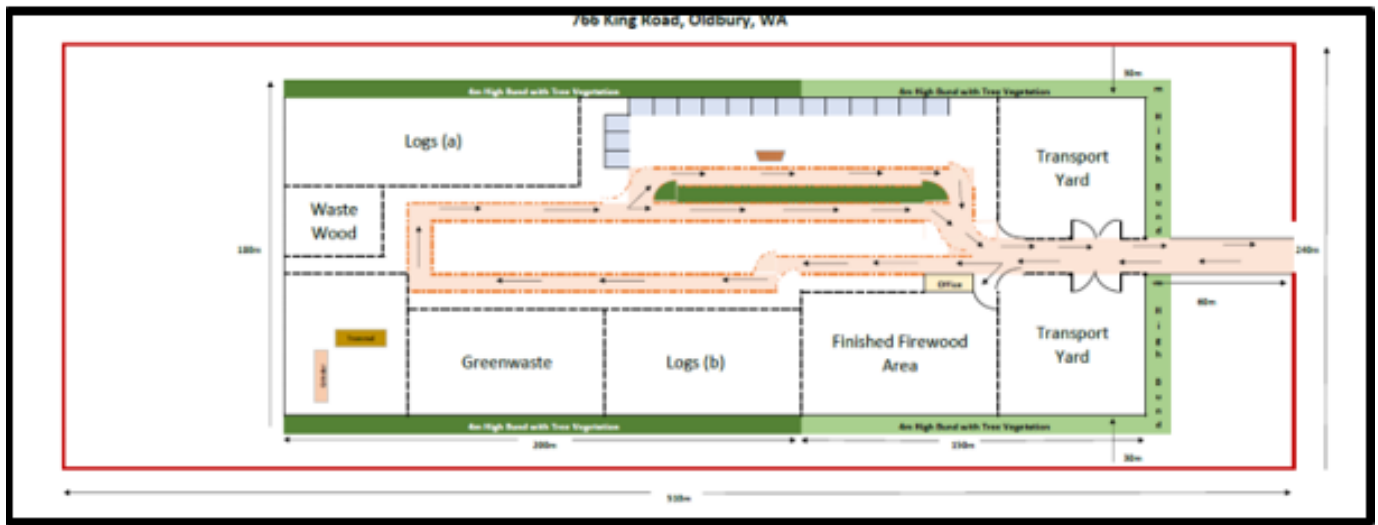


Figure 1 - Site context image

The subject lot is currently developed with a large area of hardstand divided into compounds by chain link fencing. The hardstand area is surrounded by a vegetated earthen bund, four to five metres in height. The hardstand is used for the parking of heavy vehicles and associated storage. The site contains stockpiles of material, predominantly construction and demolition waste, which is discussed following.

Existing Development

On 23 February 2015, Council approved a development application described as a 'Tree Grinding Facility' at the subject site. The development involved the receipt of green waste and wood pallets for processing and reuse. The application estimated that 80% would be material from pruning and removal of trees and 20% would be processing of timber pallets. The previously approved site plan is shown following:

**Figure 2 - Previously approved site plan**

A development application was subsequently submitted seeking to amend the approval by extending the area of the Tree Grinding Facility. This was refused under delegated authority on 15 February 2018 due to insufficient information being provided in relation to offsite amenity impacts namely traffic and stormwater management. This decision was appealed to the State Administrative Tribunal (SAT) however was subsequently withdrawn.

On 29 November 2018 the site was reported to the Department of Water and Environment Regulation (DWER) as a known or suspected contaminated site under the *Contaminated Sites Act 2023*. This was a result of unauthorised stockpiling of materials to an extent of approximately 30,000m³. The material was mostly made up of demolition and construction waste.

The stockpiling of this material was subject to a formal investigation by the Shire in 2018. After a comprehensive investigation, the Shire prosecuted the landowners for the unauthorised development. This prosecution was successful, with a significant Court imposed penalty of more than \$400,000 imposed on the offending parties.

Following, Council at its Ordinary Council Meeting of 15 July 2019, resolved to endorse issuing a Direction Notice to the landowner under the *Planning and Development Act 2005*. The directions required the removal of the material and to reinstate the land to its original condition prior to the development occurring. The Direction Notice also required the landowner to submit an Environment Assessment Report (EAR) detailing how the site would be remediated, acknowledging the impacts the removal of the material could have on nearby sensitive receptors and the locality.

The Shire received the EAR on 25 October 2019 which provided details of the material and identified that it was made up, in part, of asbestos containing materials (ACM). The EAR made recommendations for the safe removal of the waste from the site. It also proposed the removal of 100mm of surface soil from the site after the waste has been removed to ensure the complete removal of asbestos. The landowners at the time the EAR was submitted, sought to remove the entire stockpiles from site and to process offsite at an approved facility. The EAR was presented to Council at its Ordinary Council Meeting of 18 November 2019, where Council resolved to accept the EAR and request that the applicant submit an application for development approval by no later than 1 March 2020. This was successfully received prior to this deadline.



Subsequently, a development application was submitted seeking approval to remove approximately 60% of the material and to process approximately 40% of the uncontaminated material onsite. The approximate 40% was proposed to be used in the construction of a hardstand associated with the existing approved development. This application was approved by Council at its Ordinary Council Meeting of 14 December 2020 with a condition requiring the works to be completed within 12 months of the approval. The approval was also subject to several conditions requiring further documentation to be submitted as follows:

- Remediation Management Plan
- Construction Management Plan
- Asbestos and Hazardous Materials Management Plan
- Stockpiling and Screening Management Plan
- Acoustic Assessment and Management Plan
- Dust Management Plan
- Stormwater Management Plan
- Traffic Management Plan

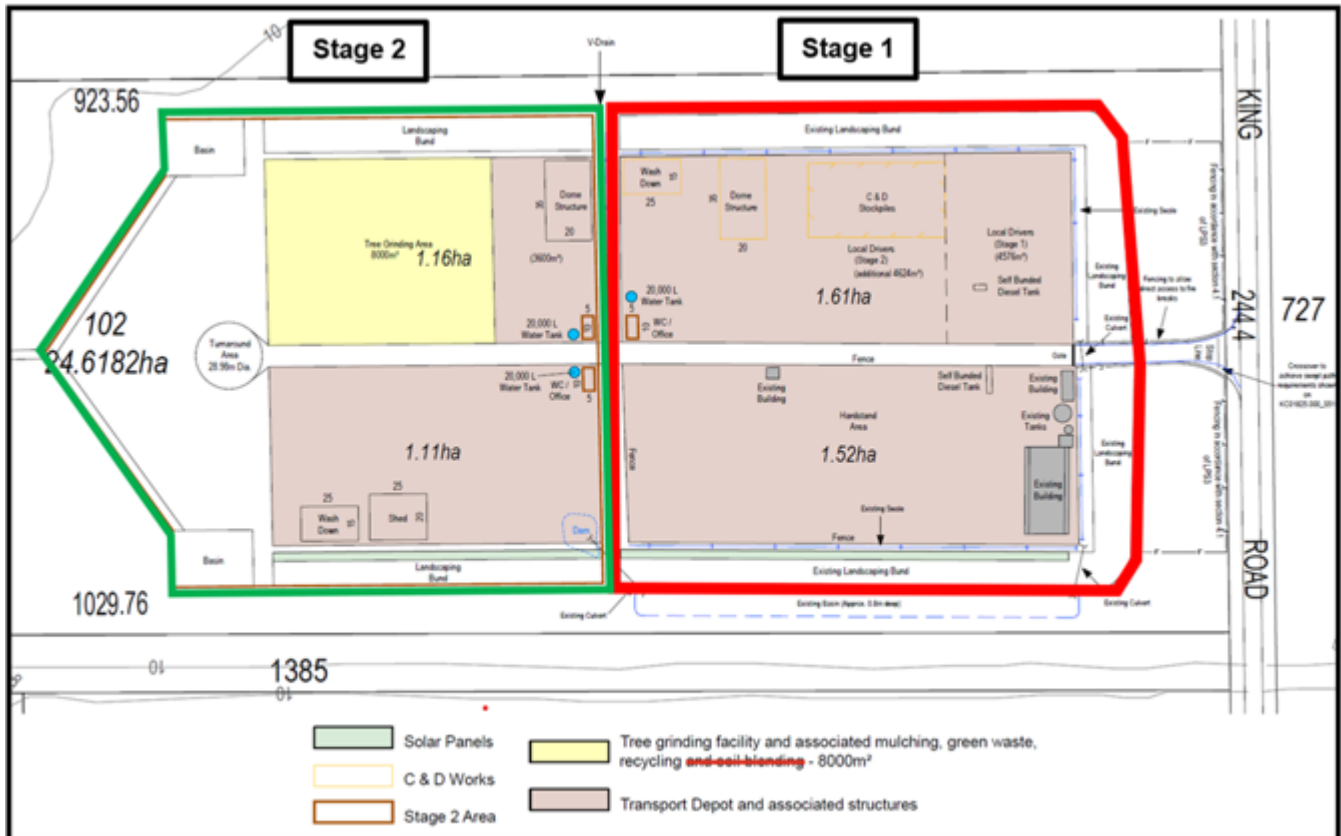
To date, this approval has not been enacted and the material remains on site. More recently, the land has changed ownership. The new owner now seeks to continue the process of remediation as well as the operation of a 'Tree Grinding Facility' and 'Transport Depot'.

Proposed Development

As previously stated, the application seeks approval for works to enable the re-use of the material stockpiled onsite to construct the hardstand area as approved. This process would result in the remediation of the site and any materials containing ACM or other contaminants removed. A Remediation and Rehabilitation Plan has been provided to support this, however, the regulating body for these types of works is the DWER.

The application also seeks approval for alterations to the layout of the approved 'Tree Grinding Facility' which would be reduced in size in comparison to the existing approval. The 'Transport Depot', which has previously been approved for the site, would be independent to the 'Tree Grinding Facility'. It is worth noting that this is located within a different area of the site to the stockpiled materials.

The development is proposed to be undertaken in two stages. As part of Stage 1, the 'Transport Depot' would operate at a reduced scale whilst remediation of the site occurs concurrently. Once remediation has occurred and the additional area of hardstand completed, the development would operate at full capacity (Stage 2). The proposed site plan and staging of the development is shown following:

**Figure 3 - Proposed site plan (extract)**

Stage 1 is located within the eastern portion of the site and includes the 'Transport Depot', rehabilitation works and extension of the area of hardstand. The 'Transport Depot' would be limited to a maximum of 30 heavy vehicles at any one-time during Stage 1. Stage 2 of the development would commence once the rehabilitation works are completed, and the hardstand is fully established.

Stage 2 incorporates the Tree Grinding Facility to the north-west of the site and a further area to be used for the 'Transport Depot'. Its capacity at Stage 2 is proposed to be 60 heavy vehicles. The application states that the rehabilitation works would be completed within 12 to 24 months of approval being issued. Officers recommend a condition to this effect to ensure the site does not continue to operate for an extended period without the successful rehabilitation being undertaken.

Details of each aspect of the development is shown following. Full details of the proposal are contained within **attachment 1**.

Remediation:

Currently, various stockpiled materials are contained on site as shown following:

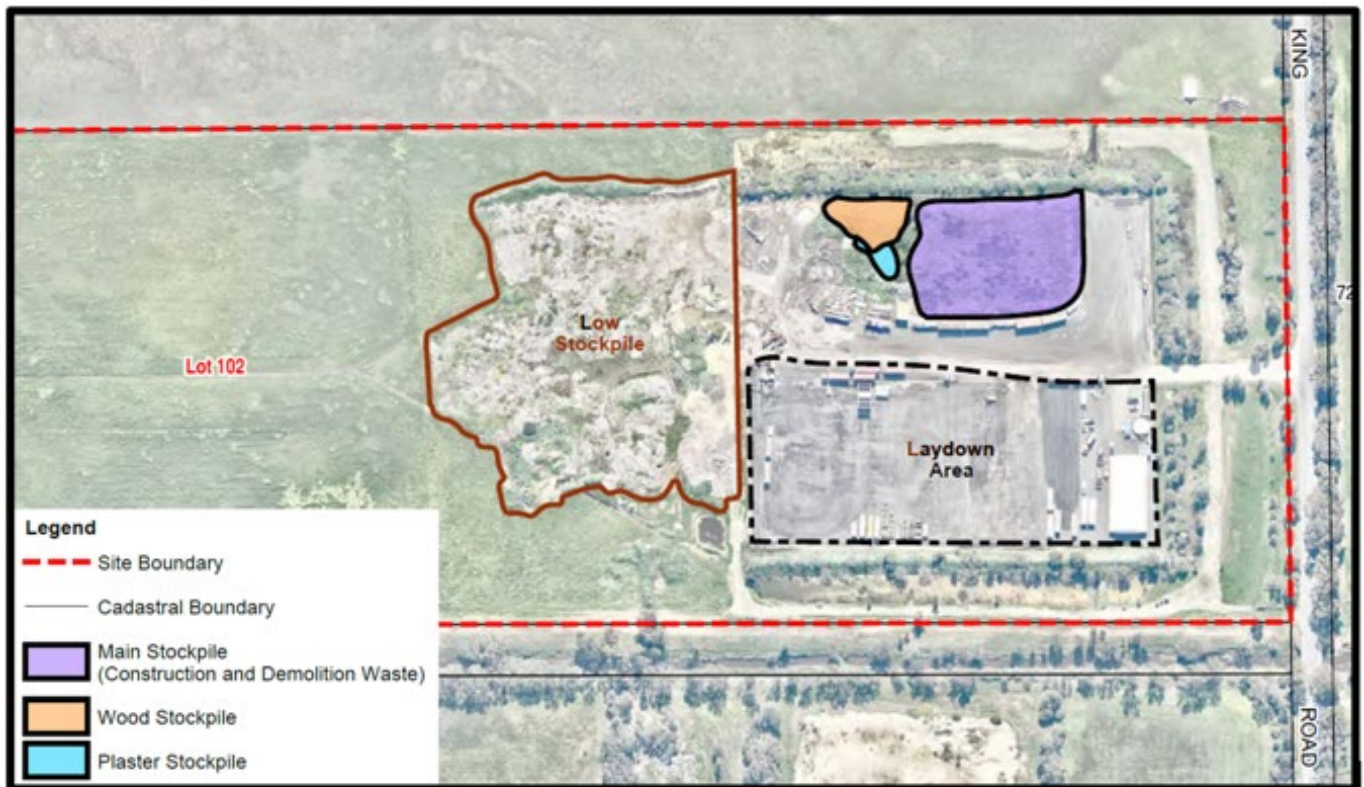


Figure 4 - Stockpile layout

To date, wood chips and mulch located on site have been tested and processed to separate gypsum plasterboard and then placed in stockpiles (wood stockpile and plaster stockpile).

The Remediation Plan estimates that the main stockpile contains up to 20,000m³ of material. The application proposes the processing of the main stockpile as follows:

- Magnetic separation of ferrous metals.
- Separation of timber waste for recycling.
- Screening to separate fine materials.
- Removal/screening of smaller pieces of concrete and bricks which would then be crushed and used for filling areas of the site.
- Crushing and screening of large pieces of concrete to produce a mixture suitable for placement and compaction to create the area of hardstand.
- Once processed the clean material would be placed in the western area of the site as subsurface fill compacted with a depth of 1m - 1.5m. This would then be covered with a 300mm layer of sand or limestone sub-base and a nominal 40mm of recycled asphalt.

The potential risk of ACM would be managed at all times through strict compliance with the legislative frameworks pertaining to Work Health and Safety, Contaminated Sites and Public Health, and the various management plans required to control this activity. Conditions would be imposed to ensure this occurs, as previously done in the Council decision of 14 December 2020.



In terms of other materials, the wood stockpile is to be used to extend the northern earth bund and the plaster stockpile is to be crushed, screened and then used as an agricultural supplement. The Remediation Plan identifies that there are smaller stockpiles of material (low stockpile) estimated to have a volume of 2,000m³. These are proposed to be raked to remove vegetation, screened and then used as subsurface fill.

The crushing and screening works will require a separate Works Approval from DWER, which is currently under assessment.

Tree Grinding Facility:

The approved Tree Grinding Facility would be reduced in area from 6.3ha to 0.8ha and would be located to the northwest of the site. It would involve the receipt of green waste for recycling or mulching. As previously approved, the facility would operate from 7:00am to 5:00pm, Monday to Friday, with no grinding machinery operating after 2:00pm on Fridays. The facility would utilise as of right vehicles (19m length) for deliveries of material.

Transport Depot:

A 'Transport Depot' is proposed with an ultimate area of 4.6ha. The 'Transport Depot' is proposed to operate from 7:00am to 7:00pm, Monday to Sunday with an ultimate capacity for the parking of 60 heavy vehicles as well as:

- Security and internal fencing;
- Upgrading the compacted limestone area to sealed asphalt;
- The installation of solar panels;
- The erection of two additional sea container dome structures, a 20m by 25m shed, three site office and toilets, two bunded fuel tanks and three 20,000L water tanks; and
- Stormwater management measures including drains and detention basins.

Community / Stakeholder Consultation

The application was advertised for 28 days to surrounding landowners within a 1km radius of the site from 17 June 2024 to 15 July 2024, in accordance with LPP1.4 - Advertising Development Applications. The application was also advertised on the Shire's website for the same period. At the conclusion of the consultation, seven submissions were received objecting to the proposal. A full copy of the submissions with the applicant's response and Officer comment is contained within **attachment 2**. The concerns raised are addressed under the relevant headings of the report, and are summarised following:

- The historical and ongoing non-compliance of the site.
- Incompatibility with surrounding land uses and rural zone, setting a bad precedent in this regard.
- Impacts of the development to visual amenity and character of the area.
- Potential health and safety risks from hazardous waste at the site.
- Impacts to amenity, including noise, dust and odour.
- Lack of bushfire management.

**Government Agency Referral**

The proposal was also advertised to the following government agencies:

Water Corporation
Department Comment: <i>Water Corporation does not have any objections to the amended DA as the outlined amendment in the report does not impact Water Corporation's infrastructure.</i>
Officer Comment: Noted.

Department of Water and Environmental Regulation (DWER)		
Department Comment: <i>The Department has identified that the proposed transport depot has the potential to impact upon environment and water resource values and management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed.</i>		
Issue <i>Industry Regulation</i>		
Advice <i>...Based on the information provided, the proposed operations will cause the premises to be considered a prescribed premise as per Schedule 1 of the Environmental Protection Regulations 1987 for the following categories:</i>		
Category	Category description	Production or design capacity
61A	<i>Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.</i>	<i>1 000 tonnes or more per year</i>
63	<i>Class 1 inert landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.</i>	<i>500 tonnes or more per year</i>
13	<i>Crushing of building material: premises on which waste building or demolition material</i>	<i>1 000 tonnes or more</i>



	(for example, bricks, stones or concrete) is crushed or cleaned.	
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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...

Issue

Stormwater Management Plan

Advice

The proponent should manage stormwater in accordance with the 'Decision process for stormwater management in WA (DoW 2016)' and the 'Stormwater Management Manual for Western Australia (DoW 2004-2007)'.

Furthermore, the Department recommends the proponent prepare a Stormwater Management Plan (SMP) as part of the development approval process. The SMP should include, but not be limited to:

- Required storage for each rainfall event (Stormwater runoff should be fully contained onsite for small and minor storm events).*
- Proposed on-site detention and design cross-sections of stormwater infiltration measures including inverts.*
- Permitted outflow of stormwater/floodwater runoff from the site (post development discharge off-site should not exceed predevelopment discharge)*
- Stormwater quality management objectives and proposed treatment train*

The Department further recommends that the first 15 mm of stormwater runoff from the hardstand areas should be designed to undergo water quality treatment via biofiltration through measures such as biofiltration basins, vegetated swales or tree pits. Biofiltration areas should be lined with amended soil with a PRI of at least 10. The amended soil should have a minimum thickness of 300 mm and have an invert at least 0.3 metre above the local maximum groundwater level (MGL).

The Department prefers the use of historical MGL levels as it gives a higher degree of confidence in drainage basin design given the natural variations in yearly rainfall and likely increase in groundwater levels that occur through development. The Department's nearby long term groundwater monitoring bore (T310) indicates a local MGL of approximately 10.7 metres AHD and this level should be used when determining inverts of drainage basins and biofiltration basins. Alternatively, the proponent may provide an on-site winter MGL and correlate this with the nearby Departmental monitoring bores to determine an on-site MGL.

Issue

Government Sewerage Policy

Advice

In accordance with the Government Sewerage Policy (GSP) (Government of Western Australia, 2019) and draft State Planning Policy 2.9 - Planning for Water (WAPC, 2021), the subject land is located within a sewage sensitive area. As this land is not connected to reticulated sewerage



infrastructure, future development must adhere to the aforementioned policies, including the requirement for a secondary treatment system with nutrient removal and setback requirements.

The Department recommends that the Shire of Serpentine Jarrahdale ensure that the Stage 1 ATU irrigation pad meets the following GSP requirements:

- Not be located within any area subject to inundation and/or flooding in a 10% Annual Exceedance Probably (AEP) flood event.
- Be located at least 100 metres from the Manjedal Brook which runs along the southern border of the Lot.
- The irrigation discharge point should be at least 1.5 metres above the areas recorded MGL. The Department's local monitoring bore T310 indicates an approximate MGL of 10.7 metres AHD in the area. The Onsite Wastewater Management Plan, Stage 1, 766 King Road, Oldbury, (Revision A, 22/4/2024, VPE Consulting) should be amended to use this MGL.
- Be appropriately sized to handle wastewater from the proposed operations.

The Department does not support the proposed location of the Stage 2 ATU irrigation area as it does not comply with GSP requirements that it be at least 100 metres from a waterway or significant wetland. The Manjedal Brook is only approximately 50 metres from the proposed Stage 2 ATU irrigation pad.

Should the applicant find a location that achieves the setback requirement the Department recommends that the Shire of Serpentine Jarrahdale ensure that the Stage 2 ATU irrigation pad meets the following GSP requirements:

- Not be located within any area subject to inundation and/or flooding in a 10% Annual Exceedance Probably (AEP) flood event.
- The irrigation discharge point should be at least 1.5 metres above the areas recorded MGL. The Department's local monitoring bore T310 indicates an approximate MGL of 10.7 metres AHD in the area. The Onsite Wastewater Management Plan, Stage 2, 766 King Road, Oldbury, (Revision A, 22/4/2024, VPE Consulting) should be amended to use this MGL.
- Be appropriately sized to handle wastewater from the proposed operations.

The Shire of Serpentine Jarrahdale should also refer the development application to the Department of Health for assessment.

Issue

Floodplain Management

Advice

The Department provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. Our guiding principles for floodplain management are to ensure that:

- Proposed development has adequate flood protection.
- Proposed development does not detrimentally impact on the existing flooding regime of the general area.



The Birrega and Oaklands Flood Modelling and Drainage Study shows that the general area is affected by shallow overland flooding during major events with the following flood levels estimated:

1 in 10 (10%) AEP 11.4 metres AHD

1 in 100 (1%) AEP 11.5 metres AHD (see attached plan).

More importantly, the proposed development is located within the 1 in 100 AEP floodplain. When proposed development (i.e. filling, building, etc) is located within the floodplain the Department assesses proposals based on their individual merits. Some of the factors examined include depth of flooding, velocity of flow, its obstructive impact on flow, possible structural and potential flood damage, difficulty/safety in evacuation during major floods and its regional benefit.

With regards to the proposed development, the following comments regarding major flooding are provided:

- The proposal will not obstruct flows and detrimentally affect the general flooding regime of the area.*
- The 1% AEP flood depths are shallow (< 0.2 metres in depth).*
- The Lot may become isolated during major flood events with floodwaters overtopping access roads to the property.*
- The available survey information shows that the general natural surface level of the lot is ~ 11.0 metres AHD.*

Please note that this advice is related to major flooding only and other planning issues, such as groundwater, stormwater drainage, environmental and ecological considerations, may also need to be addressed. It should be noted that this advice does not take into account local stormwater drainage.

Issue

Water Quality Protection

Advice

Any on-site repair or maintenance of machinery should be managed in accordance with the Department's Water quality protection note (WQPN) 28: Mechanical servicing and workshops (September 2013). In particular, the operation should ensure that:

- Mechanical servicing is carried out on a durable, low-permeability floor or pad (such as reinforced concrete) finished and graded to contain any spilt material or washdown water.*
- Parts cleaning operations should occur within a workshop. Where this is impractical, these operations should occur within a roofed paved area which prevents stormwater mixing with wastewater and process fluids and prevents their escape to the environment.*
- Used fluids such as lubricating or hydraulic oils, brake fluid and coolants should be drained into product-specific, secure containers for recycling or disposal at an approved local government facility.*
- Used batteries, chemical containers, machinery parts, tyres and contaminated waste products should be stored inside a workshop or in a contained weatherproof area until they can be moved off-site for recycling.*

**Issue**

Groundwater Licence

Advice

The subject lot is located within the Serpentine Groundwater Area (Byford 2 sub area) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, would be subject to licencing by the Department.

The Department is currently assessing an application for a groundwater licence (059508) for the property for compost production and stock watering.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Officer Comment:

The advice of DWER has been forwarded to the applicant and is reflected within the recommended conditions specifically in relation to:

- An amended Stormwater Management Plan to manage onsite detention, pre/post development water flows and provide details of how bioretention will occur.
- The management of water quality through the requirement for a Spill Management Plan.

DWER's advice regarding an alternative location for the irrigation field has also been addressed by the applicant through relocation of the irrigation fields to the raised earth bunds. Council should note that the Department of Health will be required to issue approval for the wastewater system.

Department of Water and Environmental Regulation's (DWER) Contaminated Sites Branch**Department Comment:**

As per the requirements under section 58(6)(b) of the Contaminated Sites Act 2003 (CS Act), advice is required as to the suitability of the land for the proposed development.

Land at Lot 102 on Diagram 82617 (the site) was classified under the CS Act as possibly contaminated - investigation required on 21 January 2019 and a memorial (reference number O146108 ML) was placed on the certificate of title. The classification was based on the presence of uncontrolled construction and demolition waste that were found to contain fragments of asbestos-containing materials (ACM). Aerial photographs indicate that the site had been used as an unauthorised waste depot since 2015. The material, which appears to primarily comprise construction and demolition waste, has been stored as stockpiles on the surface of the site.

A previous development application was made to the Shire to manage the construction and demolition waste materials and to remediate the site through off-site disposal. It is understood that the Shire approved these works, subject to conditions that included the development of suitable remediation and environmental management plans that were required to be acceptable to both the department and the Department of Health (DoH).



However, alternative consideration was later given to the possible management of construction and demolition waste materials, such as on-site containment in preference to off-site disposal.

Recent letter reports 1, 2 provide the findings of recent investigations carried out from the main stockpile, the wood/ plaster stockpiles and the smaller western stockpiles. The findings indicated that the main stockpile did not appear to contain gross contamination and ACM was not encountered. The wood stockpile was found to contain inert wood and timber materials. Further targeted soil investigations were recommended to support final assessment of the material's suitability to be re-used to construct a hardstand area on site. In addition, groundwater monitoring was also recommended to determine whether heavy metals had leached into the underlying groundwater. Small quantities of ACM were found within the smaller western stockpiles, however, it was assessed that the stockpile materials were considered suitable to be retained on the site and re-used to develop compacted hardstand for laydown areas where they are not crushed and are covered with a sufficient thickness of certified imported clean fill. An appropriate Health and Safety Management Plan was recommended to control the potential for airborne asbestos fibre generation during the works and other hazards.

Based on available information, and consistent with historical advice from the department, the site is considered suitable for the proposed commercial/ industrial ('transport depot' and 'light industry') development. Therefore, the department has no objection to the proposed development of the site and recommends that the approval should not include a contamination condition.

However, given the risks associated with the historical use of the site, the department recommends that the following advice note be applied to any approval granted by the Shire of Serpentine Jarrahdale:

Advice

- Additional targeted investigations should be carried out within the stockpiled material to further characterise the stockpiles and assess suitability for re-use.
- Surface and sub-surface soil quality beneath the stockpiled areas should be characterised following the proposed removal and relocation of the stockpiles to assess suitability for the proposed development.
- Groundwater investigations should be carried out to confirm that the stockpiles have not impacted the underlying groundwater quality.
- The results of further investigations should be reported in a site investigation report and submitted to the Department of Water and Environment Regulation, prior to stockpile relocation and construction within the stockpile footprint area.
- A management plan is required to provide adequate controls during the relocation and reuse of stockpiled material and during future ground disturbance works associated with construction. The management plan should be submitted to the Department of Water and Environment Regulation prior to stockpile relocation and construction within the stockpile footprint area.

The department will consult with the Department of Health following submission of the investigation report/ management plan in relation to the on-site management of asbestos and associated potential public health risks.

Acid sulfate soil risk mapping shows that Lot 102 lies within an area identified as having a moderate to low risk of acid sulfate soils occurring within three metres of the natural soil surface, but high to moderate risk of acid sulfate soils beyond three metres below the natural soil surface.



As the proposed development works have the potential to disturb acid sulfate soils the department recommends that the following advice note be applied to any approval granted by the Shire of Serpentine Jarrahdale:

Advice

Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

Given that the proposed development is unlikely to require dewatering or excavation of more than 100 cubic metres of soil, the department advises that an acid sulfate soils condition is not considered necessary in this instance.

Please note that this advice relates to potential contamination and acid sulfate soil issues only. You may receive additional advice from other areas within the department.

Officer Comment:

Officers note the advice of DWER's Contaminated Sites Branch. The recommendations for additional material, soil and groundwater testings have been addressed within the Remediation and Rehabilitation section of this report and the advice notes documented in the recommendation.

Department of Health (DoH)**Department Comment:**

The DoH has the following comments:

1. Wastewater Management

The wastewater generated on site is required to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations, 1974.

As the proposed development appears to have drainage issues, a site-specific Site and Soil Evaluation (SSE) will be required to be undertaken by a qualified consultant during the wettest seasonal time of the year (mid-July/August) as per AS/NZS 1547:2012 to ensure the land application area is located and sized appropriately.

A formal application for each onsite wastewater treatment system, temporary or otherwise will be required to be submitted to the Local Government for assessment, who will forward onto the DoH for assessment and approval.

2. Drinking Water Management

All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011.

**3. Chemical Hazards**

The DoH acknowledges that the Department of Water and Environmental Regulation (DWER) are currently regulating activities at this site, it is recommended that additional information is obtained in relation to these activities and whether a works approval has been issued. A standard condition (EN9) should apply to this proposal, as published in 'Model Subdivision Conditions Schedule' (Department of Planning, Lands and Heritage, January 2024).

Prior to commencement of subdivision works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. If required, the remediation (including validation) of any contamination identified shall be completed prior to the issuing of titles on advice from the DWER. This is to ensure that the lots created are suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current DWER Contaminated Sites Guidelines.

Officer Comment:

Noted, the Remediation and Rehabilitation Report recommends additional material stockpile, soil and groundwater investigations as the remediation works occur. This advice has been included in the recommendation.

Main Roads Western Australia (MRWA)**Department Comment:**

Thank you for your development application referral received 13 June 2024 inviting comment on proposed 'Retrospective Transport Depot & Proposed Alteration to Non-Conforming Use (Tree Grinding Facility)' at Lot 102 (No.766) King Road, Oldbury.

Please be advised Main Roads has no objection to the development proposal.

Officer Comment:

Noted.

Statutory EnvironmentLegislation

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 (SPP2.5)

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

Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses



Local Planning Framework

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

Local Planning Strategy (LPS)

Local Planning Policy 4.26 - Development in the Rural Zone (LPP4.26)

Planning Assessment

Land Use

The existing approval was granted under Town Planning Scheme No.2 (TPS2) for a 'Tree Grinding Facility'. At that time the development was classified as falling within two land uses, 'Light Industry' and 'Transport Depot'. These land uses remain under Local Planning Scheme No.3 (LPS3), albeit with amendments to the definitions as shown following.

Transport Depot - *"means premises used primarily for the parking or garaging of three (3) or more commercial vehicles including -*

- (a) any ancillary maintenance or refuelling of those vehicles; and*
- (b) any ancillary storage of goods brought to the premises by those vehicles; and*
- (c) the transfer of goods or persons from one vehicle to another."*

Light Industry - *"means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed."*

The land use of 'Transport Depot' is an 'A' or discretionary in the 'Rural' zone.

The 'Tree Grinding Facility' is considered to no longer fall within the land use of 'Light Industry' as LPS3 has a more specific use of 'Resource Recovery Centre' which means,

"premises other than a waste disposal facility used for the recovery of resources from waste."

This land use is also an 'A' use in the 'Rural' zone. Both land uses are therefore not permitted unless the discretion of the Shire is exercised following a period of public advertising.

Local Planning Scheme No. 3 (LPS3)

The objectives of the 'Rural' zone under LPS3 are:

- *To provide for the maintenance or enhancement of specific local rural character.*
- *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a limited range of non-rural land uses, only where they have demonstrated a direct benefit to the local community and are compatible with surrounding rural uses.*



The character of the locality comprises of large open vistas of rural landscapes. Land is mainly used for grazing and cropping purposes, with views of vegetation and strands of trees. It is considered that the landscaped bunding surrounding the development ensures that views of vegetation and natural landscapes are maintained, despite the expanse of hardstand and development on site. The proposal is comparative in size with the approved development which also included a Transport Yard towards the front of the lot. The total development area would be reduced from the 2015 approval, as shown following:

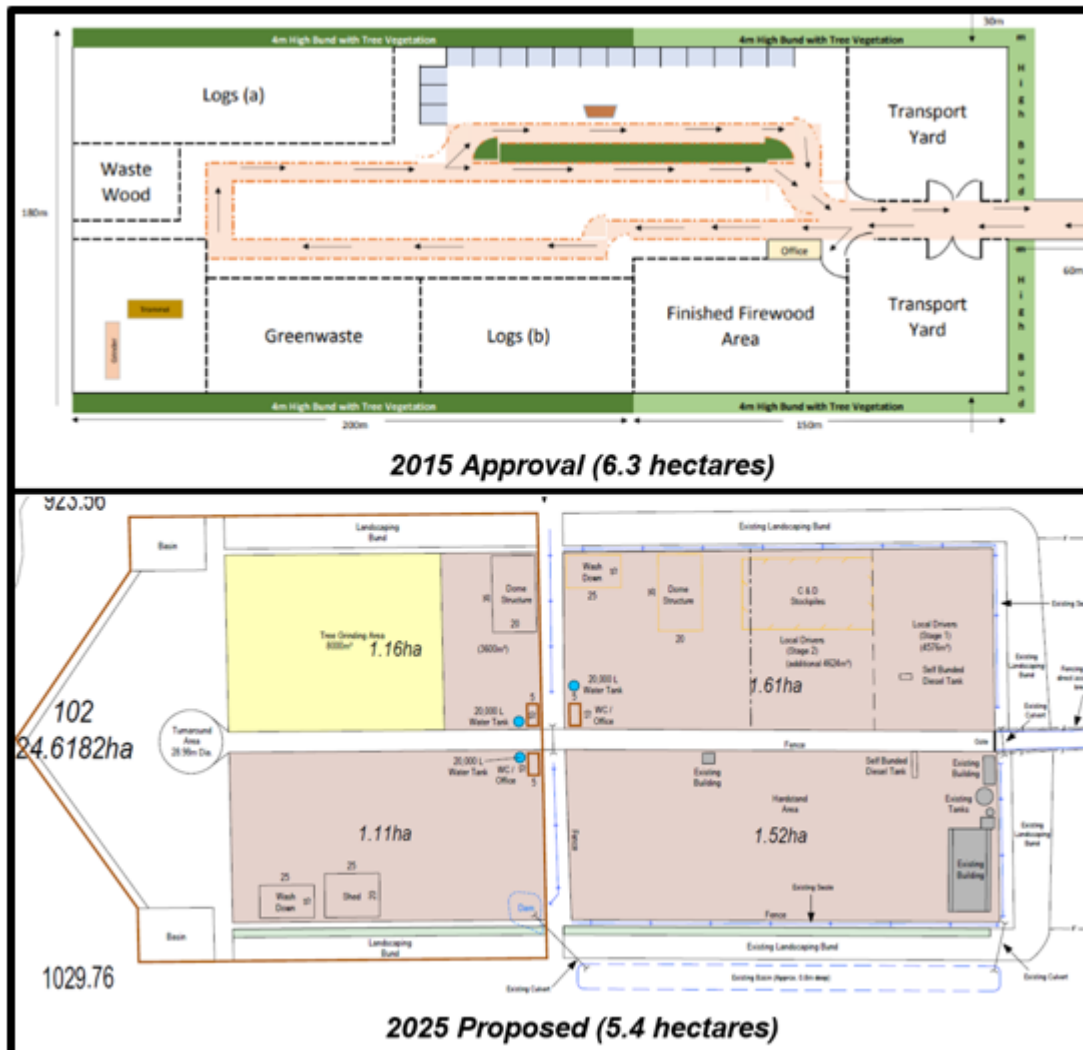


Figure 5 - Comparison of the area of the existing and proposed developments

The proposed development would utilise approximately 5.4ha of the site resulting in approximately 19.2ha available to be used for traditional rural uses. The nature of the proposal would not inhibit the rest of the site from being used for this purpose, as the activities would be contained within the hardstand areas. Furthermore, while the proposal constitutes a 'non-rural land use', the site has a current valid approval in place and has an already established area of hardstand constructed. As this has been substantially commenced, the landowner could continue to develop the site to the extent of the current approval. They would however have to revert to the layout as shown on the 2015 site plan.

**Section 4.2 - Setbacks, Site Coverage and Plot Ratio:**

The proposal includes water tanks, sea container dome structures, sheds, site office buildings and incidental structures. These structures are all contained within the established landscaped earth bunding and set back in compliance with LPS3 as shown following:

Rural Zone Development Standards of LPS3			
Standard	Required	Setback from Bunding	Compliant?
Primary street boundary	20m	40m	Yes
Side boundary (north)	10m	17m	Yes
Side boundary (south)	10m	20m	Yes
Rear boundary (west)	10m	563m	Yes

Remediation and Rehabilitation Works***Investigation:***

The Remediation and Rehabilitation Plan states that extensive investigations have been undertaken to determine the quality of the material within the stockpiles. The findings of these investigations are shown following:

- Chemical contaminants (metals, hydrocarbons, volatile hydrocarbons and pesticides are all within the guidelines for Commercial and Industrial land uses.
- One test pit in the large C&D waste stockpile exhibited slightly elevated levels of arsenic and zinc, albeit still within the allowable limits for commercial and industrial land use
- No asbestos or asbestos containing material were observed in the main C&D waste stockpile.
- Several fragments of asbestos containing materials were observed in the Western stockpiles and these were removed. The frequency/concentrations of these finds were consistent with the proposed commercial and industrial land use.

The Remediation and Rehabilitation Plan states that the materials are suitable to be used for the construction of the hardstand, covered by a layer of clean material. Notwithstanding this, further investigations are proposed to be undertaken to manage the risks and to support the reclassification of the site by DWER to “*Remediated for Restricted Use (Commercial and Industrial)*”. The additional investigations are detailed following:

- A Preliminary Site Investigation (PSI) is to be completed to support the reclassification.
- 4 shallow groundwater wells are installed to assess groundwater quality and flow directions.
- An environmental management plan is developed to guide the rehabilitation process. This plan is to address dust and noise control, monitoring of works and management of unexpected finds of material such as asbestos.
- On completion of the works, a final report is to be submitted to DWER requesting reclassification of the site as described previously.



Not only does the applicant wish to remediate the site for the development, but they are also seeking to have the site reclassified. The reclassification will require a separate process through DWER and will require further site investigation, groundwater testing and an environmental management plan.

Methodology:

The Plan details the following approach for rehabilitating the stockpiled materials:

- 1. Sand and vegetation in the area to be used to accept the fill will be excavated to a nominal depth of 1.4 m. This excess spoil will either be used to form visual bunds or as part of the clean fill cap.*
- 2. Before commencing works on the C&D waste stockpile, the area surrounding Test Pit 27 where slightly elevated levels of arsenic and zinc were detected will be excavated and this material will be tested before being directed to a suitable licensed landfill. It is estimated that this may involve disposal of 20-50m³ of material. This work is being done out of an abundance of caution as the material is still suitable for commercial and industrial land use. After the material is removed, additional samples will be taken from the walls of the excavation that has been created to verify the more heavily contaminated material has been effectively removed.*
- 3. Ferrous metals will be removed from the stockpile using powerful magnets.*
- 4. Timber will be progressively segregated for recycling.*
- 5. The fine material in the lower part of the stockpile will be placed in the excavation and compacted using a suitable roller (sheepsfoot or vibrating roller). Any larger pieces of concrete will be set aside for crushing and screening.*
- 6. The higher portion of the stockpile will be progressively processed to remove metal and timber and segregate larger pieces of concrete. Bricks, fines and smaller pieces of concrete will be separated from larger pieces of concrete and this smaller material will again be placed directly in the excavation for compaction. Where necessary the material may be passed through a mechanical screen.*
- 7. Larger pieces of concrete will be segregated for crushing and screening and dedicated jaw crusher and screen. The crushed and screened material will also be placed and compacted. The proposed location for the crushing and Screening Plant is at the western end of the main stockpile. The site plan shows the proposed location for the crushing and screening equipment, this is west of the main stockpile.*

The smaller stockpiles on the western part of the site will be managed as follows:

- 1. Any residual vegetation will be removed.*
- 2. The stockpile material will be screened in a waste bucket before being placed in the prepared excavation as fill.*
- 3. These works will be supervised by an environmental scientist to ensure any significant amount of asbestos is removed for off-site disposal.*

The Plan acknowledges that whilst the investigations find the material to have no or little contamination this does not preclude that nothing further will be found once works commence. As such the following controls would be put in place:



- An unexpected fines procedure will be developed which describes possible hazardous materials, how to identify them and what actions to take should suspicious materials be detected.
- All personnel working on the site will undergo an induction which describes the controls in the unexpected finds procedure.
- An experienced environmental scientist will monitor the operations on a regular basis.
- Suitable enclosed bins will be provided on site to store unexpected finds pending off-site disposal.
- In the unlikely event that extensive contamination is detected within the deeper part of the stockpile, work will be halted while a review of work procedures is conducted and if necessary, air monitoring may be implemented.

Officer Comment

Officers consider that the Remediation Plan provides a comprehensive analysis of the testing undertaken and methodology for how the stockpiles will be processed resulting in remediation of the site. It is considered that the proposed measures put in place can appropriately manage the risks associated with the works.

DWER's submission states that the site is suitable for the development proposed and has no objections. DWER has advised that the Remediation Plan provides acceptable methodology to undertake the rehabilitation works. Council should note that DWER will ultimately be responsible for regulating the remediation of the site as part of the Works Approval. A Works Approval has been received by DWER and is currently under assessment. DWER also administer the *Contaminated Sites Act*, which will provide further controls to the approaches for site remediation, and the assessment of future requests following remediation for reclassification of the site under the *Contaminated Sites Act*.

Furthermore, as detailed in the Remediation Plan, further investigations will be undertaken of the stockpiles, soil, and groundwater to support both the Works Approval and the contaminated site reclassification. This goes further to ensure that appropriate controls will be in place to manage the risks associated with the works.

Local Planning Policy 4.26 - Development in the Rural Zone (LPP4.26)

The purpose of LPP4.26 is to assist in the consideration of non-rural land uses in the rural zone. The LPP expands upon the objective of the rural zone "*To provide for a limited range of non-rural land uses, **only** where they have demonstrated a direct benefit to the local community and are compatible with surrounding rural uses.*"

A 'Transport Depot' and 'Resource Recovery Centre' are identified as non-rural uses that are potentially unbeneficial. The applicant is therefore required to provide a detailed benefits analysis to account for possible positive, neutral and negative impacts to the local community. The applicant is also required to define the local community area.



In response, the applicant has provided a document which can be viewed in full within **attachment 3** to this report. The applicant defines the local community as shown following:

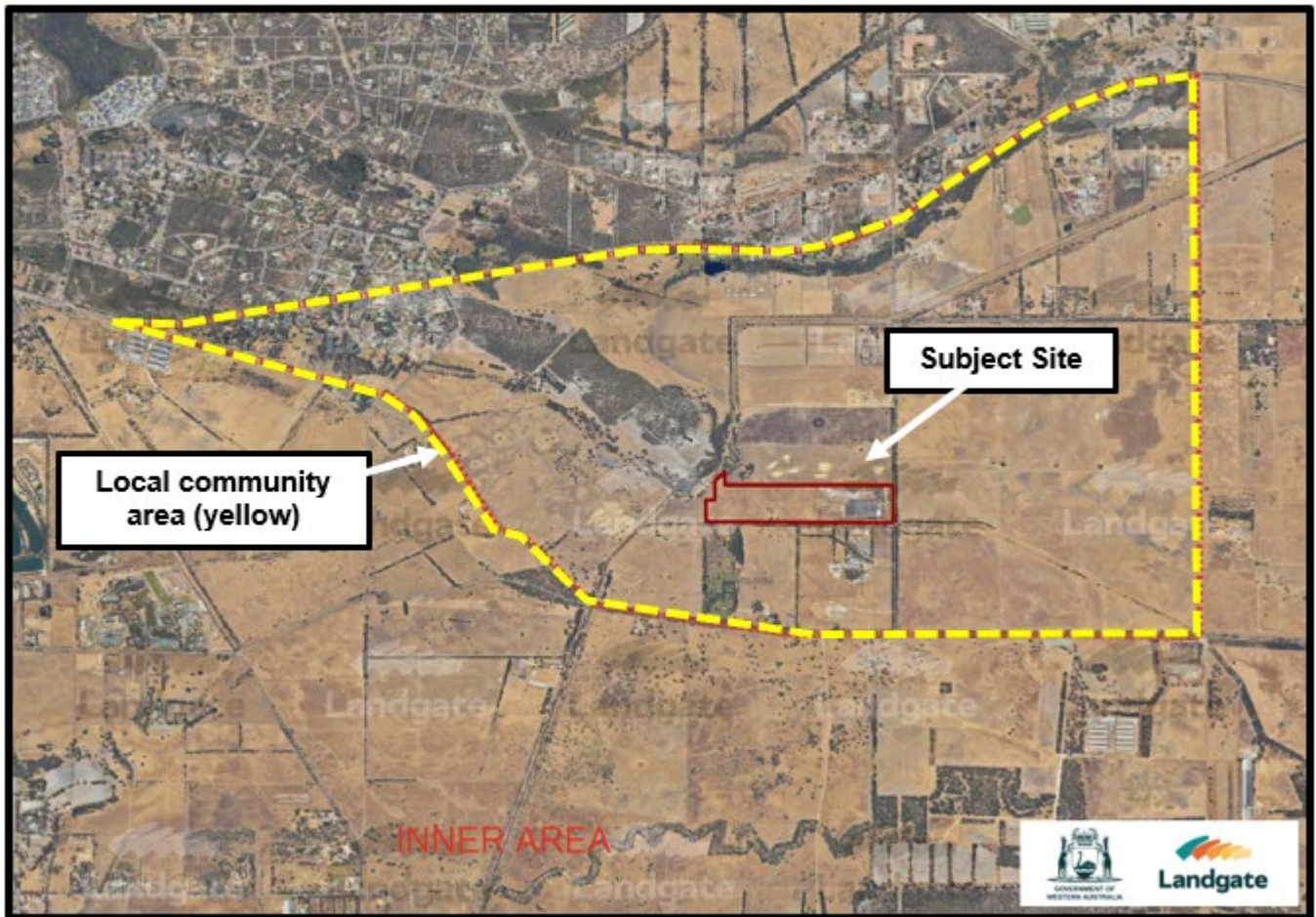


Figure 6 - Applicant's identified local community area

Officers consider the identified area as appropriate given its spatial proximity to the site and its general reliance on the same local road network.

Given the need to maintain large rural landholdings where tree removal is commonplace, it is considered that tree grinding services would be a suitable service for the local community. Furthermore, it is considered that the recycling of garden waste has an association with rural uses.

With regard to the 'Transport Depot, several letters of support have been provided by the applicant stating that there is an increased demand for local land for the parking of heavy vehicles. Commercial vehicle parking on private rural or rural residential properties in the locality would result in an increased burden to local roads and has the potential to adversely impact upon amenity. This proposal would consolidate these impacts to a site that is more suitably positioned to manage such them. The site has key access to heavy haulage roads being Mundijong Road and King Road, and is not in close proximity to a significant number of sensitive receptors. The site is already established with a large area of hardstand which is unlikely to be used for an alternate use given the existing approval in place.



LPP4.26 also requires consideration of the compatibility of non-rural uses with surrounding rural uses and whether the non-rural uses would prevent future rural uses occurring. The development area would utilise approximately 34% of the site for the 'Transport Depot' and 'Tree Grinding Facility'. A significant portion of land remains available for rural uses, which are intended to be carried out alongside the development. According to the land capability study contained within the Local Planning Strategy, more than 70% of the site has a moderate to high capability for grazing activities. Grazing activities are also undertaken on the surrounding properties and could be undertaken alongside the subject development.

Traffic

The local road network includes King Road and Mundijong Road, both of which have a 100km/hr speed limit. The site entry point is approximately 830m to the intersection of Mundijong Road and King Road. This intersection has been upgraded with turning and slip lane treatments. Both roads form part of the Restricted Access Vehicle (RAV) Network. The RAV network is a Tandem Drive Network 2-4 category, which means heavy vehicles up to 27.5m can utilise it.

A Transport Impact Statement (TIS) was provided to consider the traffic impacts of the development on the local road network. The TIS accounts for the complete development of the whole site, at which time the 'Transport Depot' would have a capacity of up to 60 heavy vehicles. The TIS states that the peak hours of traffic for the development would be 7:00am to 8:00am for the morning peak and 4:00pm to 5:00pm for the afternoon peak.

King Road is classified as a 'Primary Distributor Road' with a daily vehicle capacity of 15,000 vehicles. The proposal would result in a total of 182 vehicle trips per day, with 32 during the AM peak period and 28 during the PM peak period. The total daily trips combined with existing background counts would total in 2,497 vehicles on this part of King Road, which is within capacity of the road.

The TIS states that the number of vehicles turning in and out of the site during peak periods would not result in a safety risk. As such, it does not recommend the construction of auxiliary lanes or turning pockets at the site's entrance. Swept path diagrams demonstrate that heavy vehicle movements can occur safely, subject to minor upgrades to the crossover. The figure below details that widening of the crossover is required to accommodate the largest vehicles as they leave the site, turning north on King Road. This requirement for widening will form a condition of the Officer recommendation.

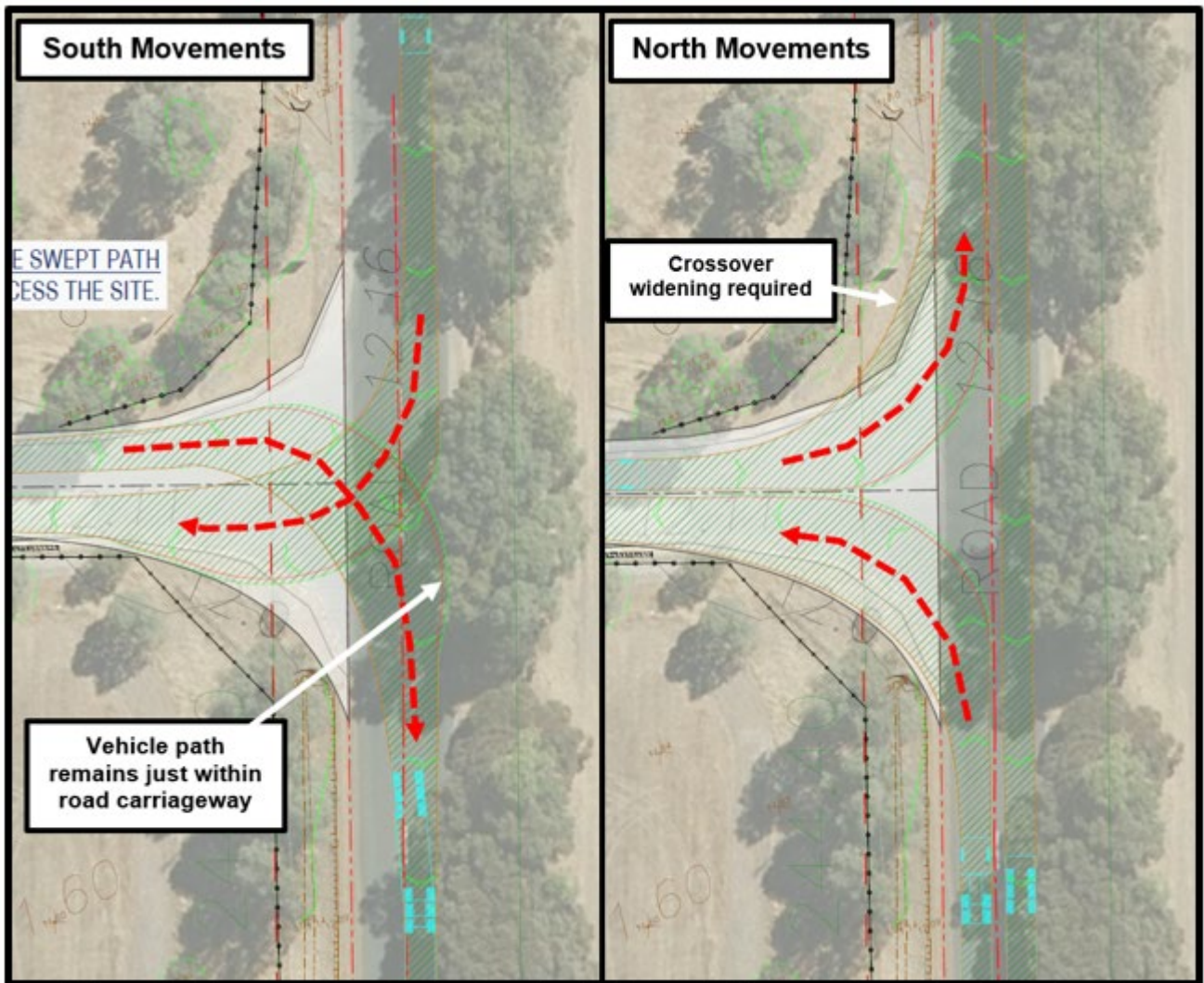


Figure 7 - Swept path analysis showing 27.5m vehicles entering and exiting the site

The internal driveway is of a sufficient width to enable two heavy vehicles to pass one another ensuring that vehicles would not need to idle or reverse on the internal driveway. This is shown following:

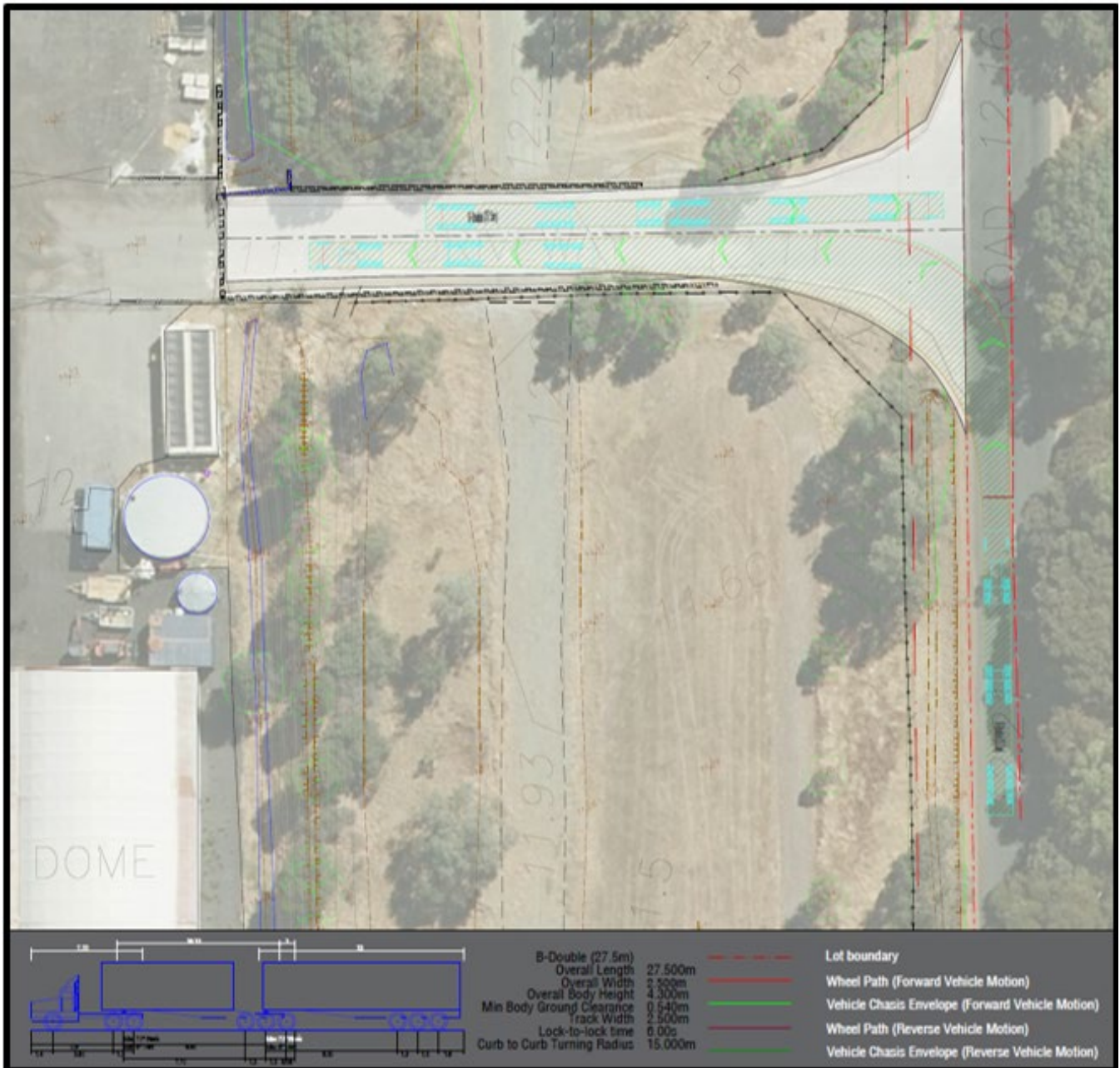


Figure 8 - Swept path analysis showing vehicles can enter and exit on the crossover at the same time without conflict

Amenity

The Environmental Protection Agency Guidance Statement No. 3 - Guideline for Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement) sets out generic separation distances between industrial developments and sensitive receptors. Where a sensitive receptor is located within a generic separation distance, detailed technical reports are required to address potential amenity impacts.

The Guidance Statement states that a 'Transport Vehicles Depot' has the potential to generate gaseous, noise, dust and odour emissions. The recommended separation distance is 200m. The tree grinding component is best classified under the Guidance Statement as a 'Sawmill' with potential impacts including noise and dust emissions.



A separation distance of 500m-1000m is recommended depending on the size and location. Officers consider a 500m separation distance is appropriate in this instance given its scale.

The separation distances and sensitive receptors are shown following:

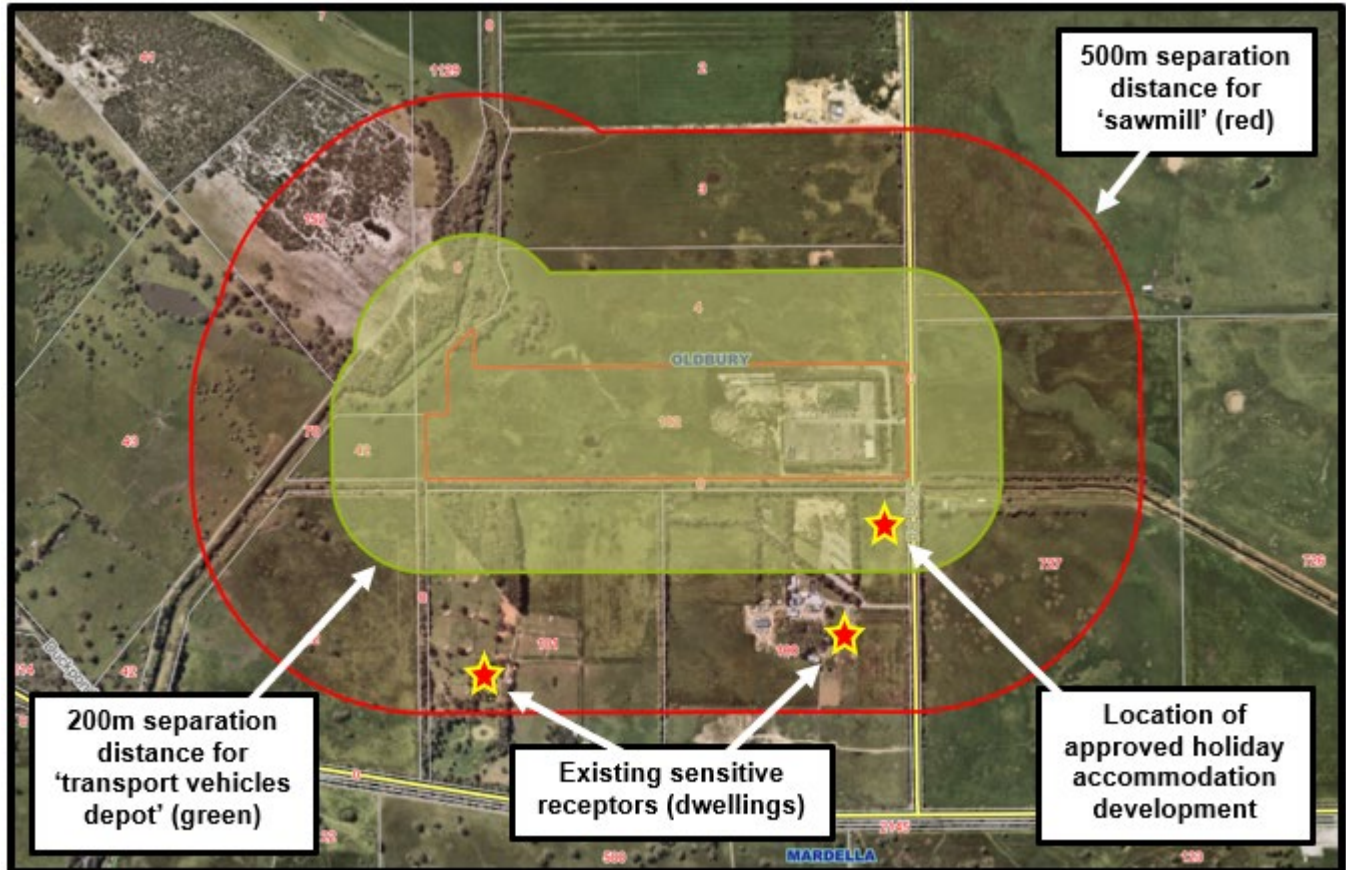


Figure 9 - Buffer zone of 200m (green) and 500m (red)

There are three sensitive receptors within the generic separation distances, two dwellings and the site for approved holiday accommodation. The prospective holiday accommodation units on the neighbouring site to the south are the only sensitive receptors within the 200m buffer for the 'Transport Depot' component of this application.

Noise:

An Environmental Acoustic Assessment (EAA) was provided as part of the application to determine whether compliance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) can be achieved. A supplementary acoustic note was also provided with updated modelling to ensure the correct sensitive receptors were accounted for and to address all noise sources associated with the 'Transport Depot'.

The Noise Regulations set out the maximum allowable noise levels (assigned levels) that can be received at a sensitive premises. The assigned levels are determined by considering such factors as the type of noise, its duration, meteorology, any noise shielding from structures or landforms, accumulative noise sources and the distance to the noise source. In this instance the EAA identifies noise generating activities on the site as shown following:

- The storage of vehicles on site;
- Ancillary maintenance and minor repairs onsite;



- The mulching of tree and plant materials;
- The potential need for ancillary storage of goods brought to the premise by commercial vehicles if (and when) required; and
- The transfer of goods or person(s) from one vehicle to another.

Noise sources vary in their duration and impact, so different noise criteria are used to assess differing noise sources. The L_{Amax} criterion refers to the highest noise levels measured in any given period. This criterion is useful to model loud, sharp noises that occur over a short period of time. The L_{A10} criterion is best used when a noise source produces noise that exceeds the assigned levels for 10% of the measurement period. The EAA (figure 10 below) considers that noise from vehicles, servicing and repair work qualifies under the L_{Amax} and L_{A10} criterion. The results of the modelling are shown following:

Table 7: Assessment of Results					
Receiver	Type of Receiver	Noise Prediction (dB)	Assigned Noise Level (dB)	Difference (dB)	Comments
Light Vehicles (prior 0700hrs)					
Rural Shed	Existing Residential	L_{Amax} 45	L_{Amax} 56	-11	Complies
South Dwelling	Existing Residential	L_{Amax} 48	L_{Amax} 56	-8	Complies
Brewery	Existing Commercial	L_{Amax} 47	L_{Amax} 80	-33	Complies
Light Vehicles (0700 to 1900hrs)					
Rural Shed	Existing Residential	L_{Amax} 45	L_{Amax} 66	--21	Complies
South Dwelling	Existing Residential	L_{Amax} 48	L_{Amax} 66	-18	Complies
Brewery	Existing Commercial	L_{Amax} 47	L_{Amax} 80	-33	Complies
Heavy Vehicles (0700 to 1900hrs)					
Rural Shed	Existing Residential	L_{Amax} 53	L_{Amax} 66	-13	Complies
South Dwelling	Existing Residential	L_{Amax} 56	L_{Amax} 66	-10	Complies
Brewery	Existing Commercial	L_{Amax} 55	L_{Amax} 80	-25	Complies
Servicing / Repair Work (0700 to 1900hrs)					
Rural Shed	Existing Residential	L_{A10} 43	L_{A10} 46	-3	Complies
South Dwelling	Existing Residential	L_{A10} 45	L_{A10} 46	-2	Complies
Brewery	Existing Commercial	L_{A10} 44	L_{A10} 60	-16	Complies
Servicing / Repair Work (0700 to 1900hrs)					
Rural Shed	Existing Residential	L_{Amax} 54	L_{Amax} 66	-12	Complies
South Dwelling	Existing Residential	L_{Amax} 56	L_{Amax} 66	-10	Complies
Brewery	Existing Commercial	L_{Amax} 55	L_{Amax} 80	-25	Complies

Figure 10 - Noise level modelling in the EAA



The acoustic note (Figure 11 below) provided updated modelling accounting for the dwelling on the property to the south (R1) and the additional receptor of the prospective holiday accommodation units (R2 future). The acoustic note also replaced the use of the L_{Amax} criterion with the L_{A10} criterion for vehicle movements. The TIS models that there would be approximately 12 heavy vehicle movements during the peak morning hour (7:00am-8:00am). Based on this, it is reasonable to consider that in a worst-case scenario, the noise generating activities associated with the proposal would exceed the noise levels for 10% of any given period of the development. Therefore, L_{A10} is a relevant criterion for this assessment.

Based on the original EAA, the L_{A10} assigned level for sensitive receptors would be 46dB(A). As seen in the figure below, the acoustic note models that the dwelling to the south (R1) would receive 34dB(A) and the prospective holiday accommodation units (R2) would receive 39dB(A). The acoustic note also reasons that because background noise levels at the site are around L_{Amin} 45dB(A), then it would not be considered that the proposal would contain 'annoying characteristics' to nearby sensitive receptors.

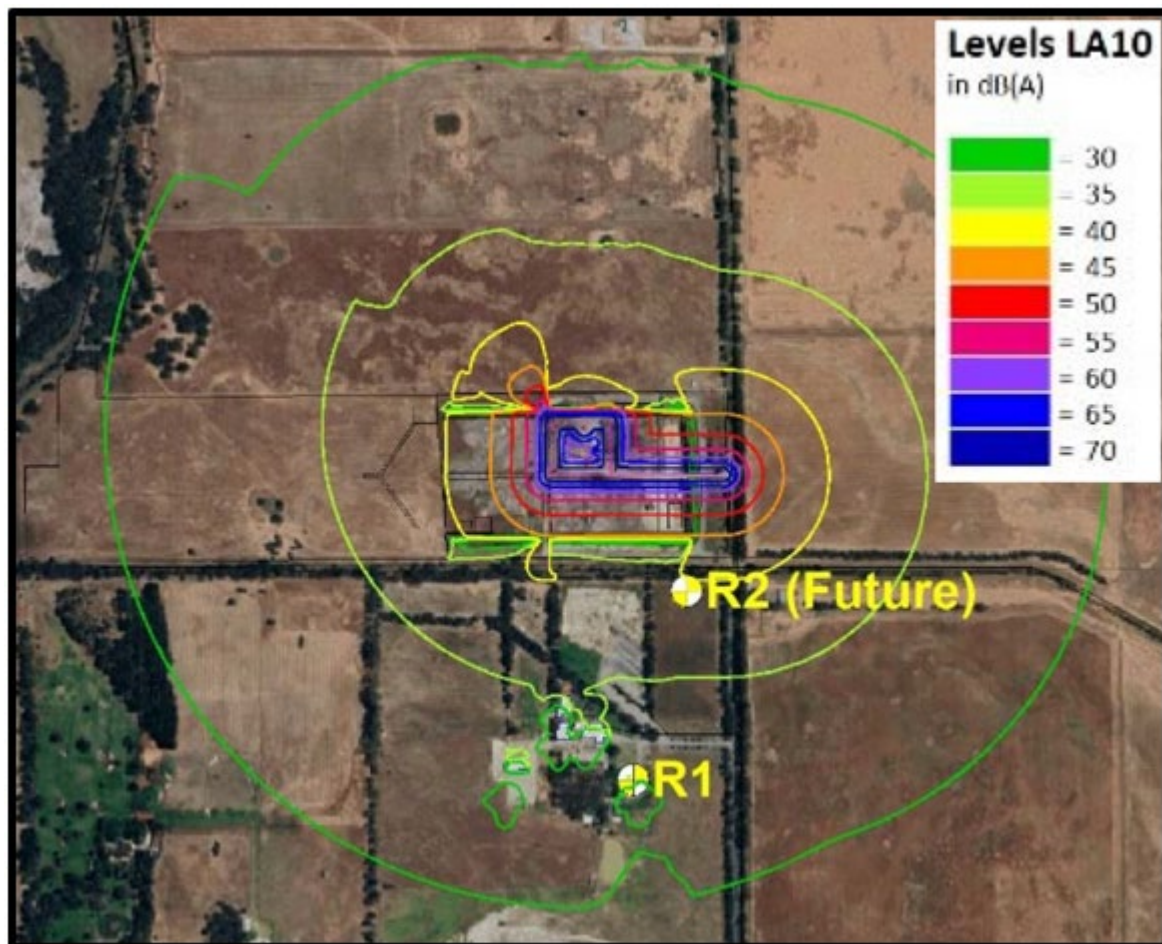


Figure 11 - Acoustic note updated modelling (R1 is a dwelling, R2 is the proposed holiday accommodation units)

Both the EAA's noise modelling and the updated acoustic note contour mapping demonstrate that the noise generated from the 'Transport Depot' would be compliant with the assigned levels under the Noise Regulations.

However, the EAA and acoustic note did not take into account noise from the Tree Grinding Facility, which includes mulching and grinding. Whilst this modelling has not occurred, the tree grinding facility has a current approval to operate at a far greater scale.



At the time of the approval, it was demonstrated that compliance with the Noise Regulations could be achieved subject to the installation of the noise bunding. Officers consider that a revised EAA should be submitted prior to Stage 2 of the development commencing to account noise from the Tree Grinding Facility. A condition has been recommended to this effect.

The EAA also included recommendations to manage noise in an ongoing manner, as shown following:

- Driver behaviour.
- Ensuring vehicles are maintained and serviced.
- Ensuring the access road is well maintained.
- Vehicle noise and minor repairs/maintenance to be mitigated via earth bunds.
- Maximise the distance between the noisy plant items and the receivers as much as practicable.
- Maintain good management practices on site and review policy procedures periodically.

A condition requiring a Noise Management Plan is recommended in this regard. The plan should also include additional noise mitigation measures such as restricting reversing beepers on vehicles to 'reversing croakers' which emit lower noise compared with standard beepers. Additionally, details on the recording and managing of noise complaints is to be addressed in the management plan.

Dust Management

The proposal includes dust generating activities such as the remediation works, expansion of the earthen bund and vehicle movements. No Dust Management Plan has been provided however, it is considered that dust can be adequately managed through measures including:

- Sealing hardstand and driveways with asphalt.
- Reticulation and landscaping the earthen bund.
- When rehabilitation works occur measures such as water carts and dust monitoring to be employed.

A condition requiring a Dust Management Plan is therefore recommended.

Landscaping

The application includes a Landscaping Plan for the site. The intent of the plan is to propose planting to replenish failed vegetation on the existing earth bunds. The plan also proposes additional planting on the extended earth bunds associated with Stage 2 of the development. Officers are satisfied with the proposed landscaping however recommended a condition to ensure further detail is provided as shown following:-

- A clear planting plan to ensure suitable location and spacing of new plantings for both the existing and extended earth bund.
- Details of a commitment to control weeds and re-establish any vailed vegetation.
- The application of plants to the drainage basins to assist with bioretention treatment of water managed onsite.
- Non-native species to be substituted for local native alternatives.

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

The subject site is located within a bushfire prone area and therefore the provisions of SPP3.7 apply. The intent of SPP3.7 is to, *“implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.”*

The predevelopment Bushfire Attack Level (BAL) rating identified for the structures and work areas is Flame Zone due to the presence of unmanaged grassland and vegetation nearby. The applicant has submitted a Bushfire Management Plan (BMP) to outline how bushfire risk will be addressed for this development. The relevant elements of the Guidelines that are to be considered are ‘Siting and Design’, ‘Vehicular Access’ and ‘Water Supply’.

Siting and Design:

This section of the Guidelines requires consideration to ensure that the bushfire risk to people on the site is mitigated through appropriate location and design of the development. In this instance, an Asset Protection Zone (APZ) is required to be installed to ensure appropriate separation is achieved between nearby vegetation, working areas and the storage of hazardous or flammable materials. The APZs can be viewed in orange, as shown following:

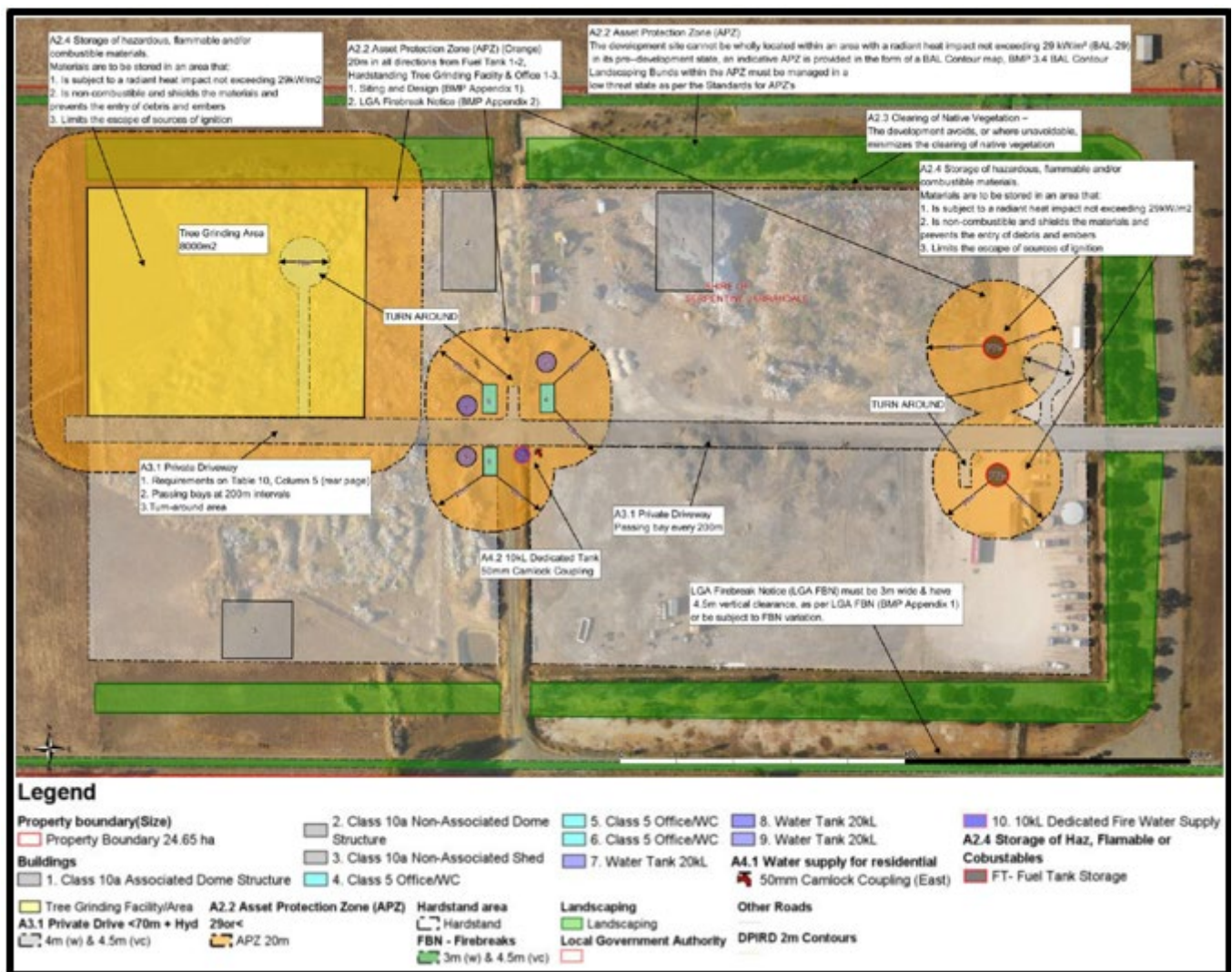


Figure 12 - Map showing APZs to be installed



The establishment of the APZ will not result in the removal of any vegetation and is generally within areas that are already managed, formed with hardstand and screened by a bund. Officers consider the siting and design is therefore appropriate subject to the requirements of the BMP to implement APZs being maintained in perpetuity. However, it is considered that landscaping to be installed along the new bunds should account for the APZ of the tree grinding area and be managed in accordance with a low fuel standard.

Vehicular Access:

The vehicular access requirements for commercial development relate only to the private driveway of the site. In this case the private driveway is longer than 70m. Therefore, the driveway needs to be designed with an appropriate width, turnaround and overtaking areas to enable effective evacuation for the site. In this case the private driveway has a fully sealed asphalt carriageway, with a width of 9.5m. This ensures there is sufficient width for vehicles to overtake or pass one another. There are also several dedicated turnaround areas that emergency service vehicles can utilise in an emergency. Officers consider that these measures achieve compliance with the vehicular access requirements of the Guidelines.

Water Supply:

Regarding water supply, the Guidelines would require that a 10,000L water supply is provided for each habitable building. The plans include three 20,000L water tanks centrally within the site, adjacent to the three office buildings. It is considered that the proposed development satisfies the water supply requirements in this regard. The BMP also identifies that the water tanks would be provided with suitable valves and adjacent turnaround areas that emergency services vehicles can utilise during a fire event.

Storage of hazardous, flammable and/or combustible materials:

Section 7.1.1 of the Guidelines also acknowledge that commercial development often involves the storage of hazardous or flammable materials, which includes petroleum. This section requires that any such materials should be appropriately identified, located and designed within the BMP to address the risk they pose. In this instance, the applicant has noted the two fuel storage tanks to be located towards the east of the development area. These tanks are positioned away from unmanaged vegetation, within the asphalt hardstand and bunded area and will have an APZ established around them. Officers consider that this appropriately ensures risk will be managed for the storage of this material.

The BMP is included in the development plans for determination, meaning the development will be required to comply with all Elements of the Guidelines for the duration of the development.

Stormwater

The subject land is relatively level, though there is a slight fall in an east to west direction. There are several internal drainage channels and a dam central to the site that overland flows are directed to. Ultimately water travels along the natural slope of the site towards the west flowing into the Berriga Main Drain.

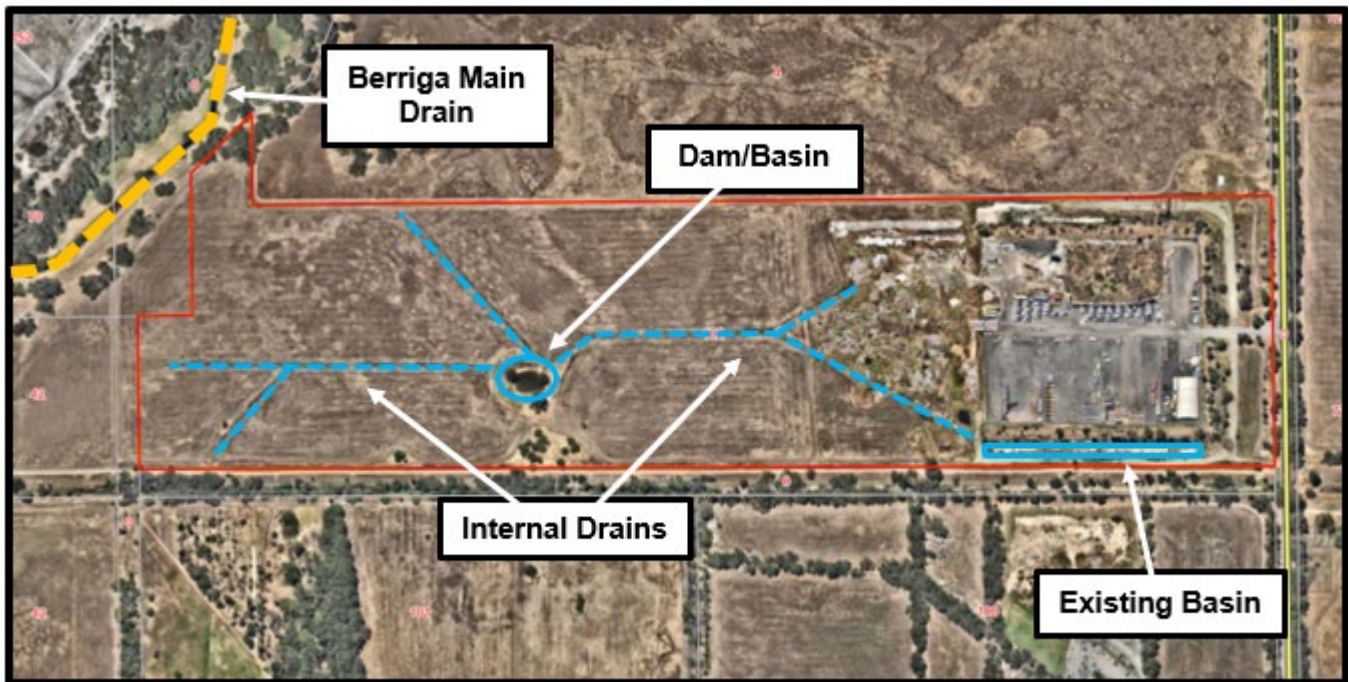


Figure 13 - Existing stormwater infrastructure on site

Given additional hardstand and raised areas are proposed, this has the potential to impact on surface water flows onsite. The proposal would result in slightly less raised hardstand area than that which was approved in the 2015. The Stormwater Management plan is show following:

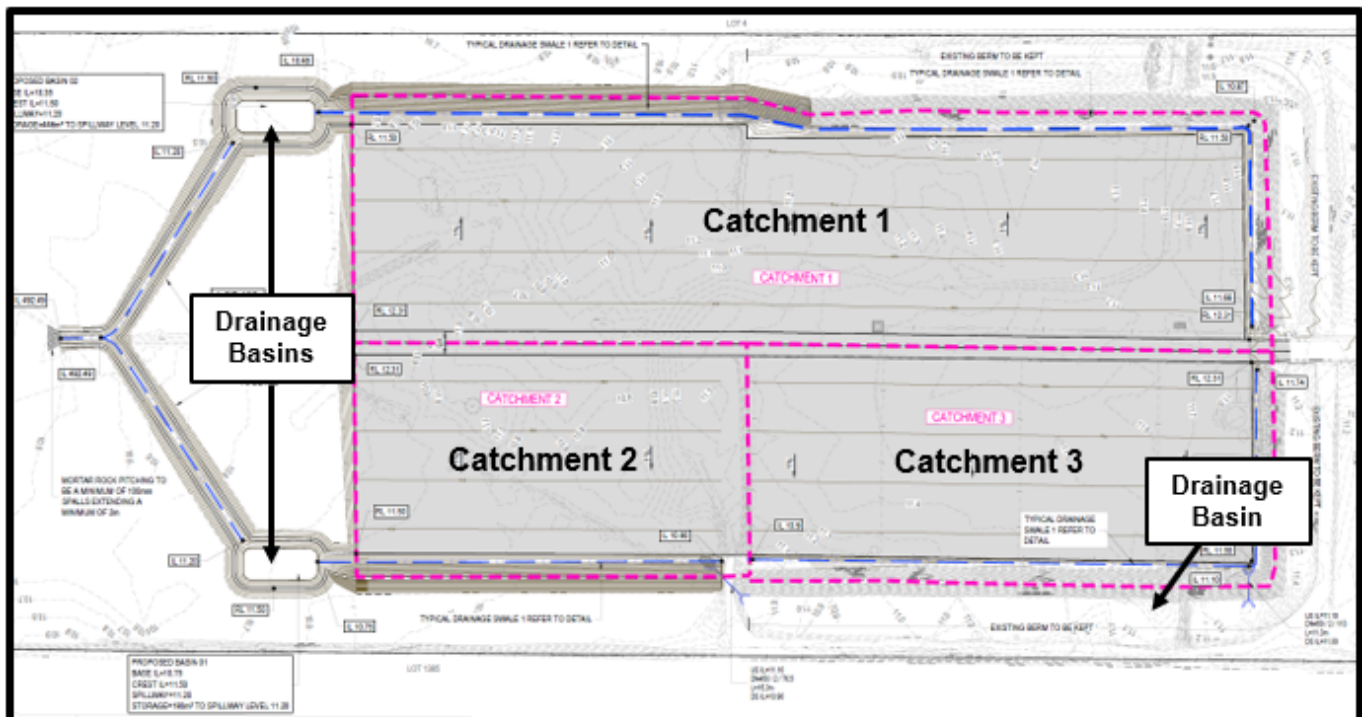


Figure 14 - Extract showing stormwater management proposal

Stormwater is proposed to be contained within the earthen bunds and directed to a series of drainage swales located along the inside of the bunds. The swales separate the site into three distinct catchment areas. Each catchment area would have its own appropriately sized and designed drainage basin.



Whilst these measures are considered appropriate, it is considered that further information should be provided to demonstrate the following:

- Calculations to demonstrate that stormwater would be released from the basins at pre-development rates.
- Calculations showing the maximum volume of storage required to manage runoff at any given rainfall or storm event.
- How bioretention of the swales will be provided to manage nutrients and contaminants.

Officers consider that these measures can be addressed through an amended SWMP, to which a condition has been recommended.

Generally, for a 'Transport Depot' that operates on a hardstand area, a Spill Management Plan is required to manage the risk of contaminants washing off into the environment during rain events or should they be spilled during operation. A Spill Management Plan has not been provided by the applicant, though a condition of approval has been recommended to manage risk in this regard.

Options

Option 1

That Council APPROVES the development application for the Alteration to Approved Tree Grinding Facility (Resource Recovery Centre) and Transport Depot at Lot 102, 766 King Road, Oldbury as contained in **attachment 1**, subject to the following conditions:

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

Plans and Specifications	Development Plans (P1) dated 3 February 2025 Stormwater Management Plan (P2) dated 30 August 2024 Landscaping Plan (P3) dated October 2024 Technical Acoustic Note (P4) dated 3 October 2024 Traffic Impact Statement (P5) dated 4 February 2025 Tenant Management Plan (P6) received at the Shire's Offices on 4 February 2024 Remediation and Rehabilitation Plan (P7) dated May 2024 Bushfire Management Plan (P8) dated 5 February 2025
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2. The hours of operation of the Transport Depot are restricted from 7:00am to 7:00pm, Monday to Saturday. The hours of operation of the Tree Grinding Facility are restricted to 7:00am to 5:00pm, Monday to Saturday.
3. The operation of the Transport Depot and Tree Grinding Facility are restricted to the areas identified on the approved plans. Stage 2 of the approval is not permitted to be enacted until such time that remediation and rehabilitation of the site has occurred to the satisfaction of the Shire of Serpentine Jarrahdale, on advice of the DWER and Department of Health.



4. No more than 30 commercial vehicles shall be parked at the premises until the completion of the remediation and rehabilitation, to the satisfaction of the Shire of Serpentine Jarrahdale. Once remediation and rehabilitation has completed, no more than 60 commercial vehicles are permitted to be parked at the site at any one time. A record/log of the Commercial Vehicles parked on the site must be kept in order to demonstrate compliance with this condition, and must be provided to the Shire of Serpentine Jarrahdale upon request.
5. Mechanical servicing, repairs, painting, wash down or degreasing of the commercial vehicles, in part or whole, is not permitted on the subject land at any time.
6. All remediation and rehabilitation shall be undertaken in accordance with the report provided by Aurora Environmental dated May 2024. All remediation and rehabilitation shall be completed within 12 months from the date of this approval unless otherwise agreed upon in writing by the Shire of Serpentine Jarrahdale.
7. Prior to the works occurring onsite, an Asbestos and Hazardous Materials Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation and Department of Health. The Plan must include the following details:
 - Asbestos and hazardous materials register;
 - Site induction and training;
 - ACM and hazardous material management;
 - Personal Protective Equipment;
 - Barricading and/or signage of found or known hazardous of ACM;
 - Vehicle and mobile equipment management;
 - Personal decontamination;
 - Air quality monitoring to ensure that all rehabilitation and remediation work is avoiding the release of any hazardous materials or dust;
 - Asbestos and hazardous material waste disposal;
 - Emergency, contingency and incident management.

The Plan shall also set out the following actions to be undertaken during the remediation and rehabilitation works:

- Additional targeted investigations within the stockpiled material to further characterise the stockpiles and assess suitability for re-use;
- Surface and sub-surface soil quality beneath the stockpiled areas being characterised following the removal and relocation of the stockpiles to assess suitability for the development;
- Groundwater investigations being carried out to confirm that stockpiles have not impacted the underlying groundwater quality;
- The results of further investigations being reported in a site investigation report and submitted to the Shire and Department of Water and Environment Regulation, prior to stockpile relocation and construction within the stockpile footprint area.



The Plan shall also include details of the adequate controls to be used during the relocation and reuse of stockpiled material and during future ground disturbance works associated with construction.

The Plan should be submitted prior to stockpile relocation and construction within the stockpile footprint area. Once approved, the Plan is to be implemented at all times during all remediation and rehabilitation works.

8. 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. 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.
9. Within 90 days of this determination, detailed drawings showing the upgraded crossover shall be submitted and approved by the Shire. Once approved, the crossover shall be upgraded in accordance with the approved plans within 90 days thereafter.
10. Within 90 days of this determination, the applicant shall submit a Dust Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale, on advice of the DWER and Department of Health. The Dust Management Plan shall be prepared to ensure appropriate measures are implemented for dust management during the construction phase, the operation of the use and detail how dust complaints will be recorded and actioned. In respect of activities associated with rehabilitation and remediation, the Dust Management Plan must be prepared in accordance with the Department of Water and Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'. Once approved, the Plan is to be implemented at all times.
11. Within 90 days of this determination, the applicant shall submit a Noise Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale. The plan shall incorporate all operational recommendations as specified within the Environmental Acoustic Assessment, to the satisfaction of the Shire of Serpentine Jarrahdale. Development shall adhere to the Noise Management Plan thereafter.
12. Within 90 days of this determination, an amended Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended Landscaping Plan shall include the following to the satisfaction of the Shire:
 - a. A planting plan to identify the location of existing and proposed vegetation;
 - b. Container size of proposed vegetation;
 - c. Details of a commitment to control weeds and re-establish any vailed vegetation;
 - d. The application of plants to the drainage basins to assist with bioretention treatment of water managed onsite; and
 - e. Non-native species to be substituted for local native alternatives.

Once approved, the amended Landscaping Plan shall be implemented and maintained to the satisfaction of the Shire.



13. Within 90 days of this determination, a Spill Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Spill Management Plan shall be implemented and maintained thereafter.
14. Prior to any operations associated with the 'Tree Grinding Facility', an amended Environmental Acoustic Assessment shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended assessment shall demonstrate compliance with the Noise Regulations. Any recommendations from the Environmental Acoustic Assessment shall be incorporated into a Noise Management Plan and adhered to thereafter.
15. Within 90 days of this determination, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and maintained thereafter.
16. Prior to the works occurring onsite, a Stockpiling and Screening Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following detail to the satisfaction of the Shire of Serpentine Jarrahdale:
 - The location of a designated area to set up the mechanical screener and crusher;
 - The location of a designated area for temporary stockpiles of different materials including amount of limestone material required to create pad base for stockpile areas;
 - Stockpile sampling requirements for waste classification;
 - A waste tracking log to track any waste leaving the site;
 - Inclusion of contingency measures to manage unexpected finds.

Once approved, the Plan is to be implemented at all times during the remediation and rehabilitation works.

Advice Notes:

NOTE 1: Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

NOTE 2: The applicant should contact the Department of Water and Environmental Regulation regarding the requirement to lodge a works approval under the *Environmental Protection Act 1986*, as per the Department's advice.

Option 2

That Council REFUSES the development application for the Alteration to Approved Tree Grinding Facility (Resource Recovery Centre) and Transport Depot at Lot 102, 766 King Road, Oldbury as contained in **attachment 1**, due to concerns relating to levels of traffic associated with the transport development exceeding the safe operating capacity of King Road in terms of its capacity to carry further freight vehicles in the absence of upgrading.

Option 1 is recommended.



Conclusion

The application seeks approval for the alteration and additions to an approved Tree Grinding Facility ('Resource Recovery Centre') and 'Transport Depot' at the site. The proposal would also result in works being undertaken to remediate and rehabilitate the site, which would ensure a desirable community safety and environmental outcome. Officers therefore recommend approval is granted by Council, subject to a strict set of conditions that would ensure relevant controls are established for the works. Critically, the conditions should also ensure that offsite amenity impacts of the development's ongoing operation are managed appropriately.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** - Development Plans (E25/1717)
- **10.1.2 - attachment 2** - Summary of Submissions (E25/1947)
- **10.1.2 - attachment 3** - Applicant's LPP4.26 Benefits Analysis (E25/1969)
- **10.1.2 - attachment 4** - Technical Assessment (E25/2044)

Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2.	Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
Connected	
2.	Contribute to a well-connected, accessible and health community
3.	Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest risk possible.						
2	That Council refuses the development application and the decision is appealed to SAT, causing financial costs on the Shire.	Planning Framework	Financial	Possible	Moderate	MODERATE	Valid planning reasons for refusal.

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPROVES the development application for the Alteration to Approved Tree Grinding Facility (Resource Recovery Centre) and Transport Depot at Lot 102, 766 King Road, Oldbury as contained in attachment 1, subject to the following conditions:

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

Plans and Specifications	Development Plans (P1) dated 3 February 2025 Stormwater Management Plan (P2) dated 30 August 2024 Landscaping Plan (P3) dated October 2024 Technical Acoustic Note (P4) dated 3 October 2024 Traffic Impact Statement (P5) dated 4 February 2025 Tenant Management Plan (P6) received at the Shire's Offices on 4 February 2024 Remediation and Rehabilitation Plan (P7) dated May 2024 Bushfire Management Plan (P8) dated 5 February 2025
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2. The hours of operation of the Transport Depot are restricted from 7:00am to 7:00pm, Monday to Saturday. The hours of operation of the Tree Grinding Facility are restricted to 7:00am to 5:00pm, Monday to Saturday.



3. The operation of the Transport Depot and Tree Grinding Facility are restricted to the areas identified on the approved plans. Stage 2 of the approval is not permitted to be enacted until such time that remediation and rehabilitation of the site has occurred to the satisfaction of the Shire of Serpentine Jarrahdale, on advice of the DWER and Department of Health.
4. No more than 30 commercial vehicles shall be parked at the premises until the completion of the remediation and rehabilitation, to the satisfaction of the Shire of Serpentine Jarrahdale. Once remediation and rehabilitation has completed, no more than 60 commercial vehicles are permitted to be parked at the site at any one time. A record/log of the Commercial Vehicles parked on the site must be kept in order to demonstrate compliance with this condition, and must be provided to the Shire of Serpentine Jarrahdale upon request.
5. Mechanical servicing, repairs, painting, wash down or degreasing of the commercial vehicles, in part or whole, is not permitted on the subject land at any time.
6. All remediation and rehabilitation shall be undertaken in accordance with the report provided by Aurora Environmental dated May 2024. All remediation and rehabilitation shall be completed within 12 months from the date of this approval unless otherwise agreed upon in writing by the Shire of Serpentine Jarrahdale.
7. Prior to the works occurring onsite, an Asbestos and Hazardous Materials Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation and Department of Health. The Plan must include the following details:
 - Asbestos and hazardous materials register;
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 - Barricading and/or signage of found or known hazardous of ACM;
 - Vehicle and mobile equipment management;
 - Personal decontamination;
 - Air quality monitoring to ensure that all rehabilitation and remediation work is avoiding the release of any hazardous materials or dust;
 - Asbestos and hazardous material waste disposal;
 - Emergency, contingency and incident management.

The Plan shall also set out the following actions to be undertaken during the remediation and rehabilitation works:

- Additional targeted investigations within the stockpiled material to further characterise the stockpiles and assess suitability for re-use;
- Surface and sub-surface soil quality beneath the stockpiled areas being characterised following the removal and relocation of the stockpiles to assess suitability for the development;
- Groundwater investigations being carried out to confirm that stockpiles have not impacted the underlying groundwater quality;



- The results of further investigations being reported in a site investigation report and submitted to the Shire and Department of Water and Environment Regulation, prior to stockpile relocation and construction within the stockpile footprint area.

The Plan shall also include details of the adequate controls to be used during the relocation and reuse of stockpiled material and during future ground disturbance works associated with construction.

The Plan should be submitted prior to stockpile relocation and construction within the stockpile footprint area. Once approved, the Plan is to be implemented at all times during all remediation and rehabilitation works.

8. 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. 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.
9. Within 90 days of this determination, detailed drawings showing the upgraded crossover shall be submitted and approved by the Shire. Once approved, the crossover shall be upgraded in accordance with the approved plans within 90 days thereafter.
10. Within 90 days of this determination, the applicant shall submit a Dust Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale, on advice of the DWER and Department of Health. The Dust Management Plan shall be prepared to ensure appropriate measures are implemented for dust management during the construction phase, the operation of the use and detail how dust complaints will be recorded and actioned. In respect of activities associated with rehabilitation and remediation, the Dust Management Plan must be prepared in accordance with the Department of Water and Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'. Once approved, the Plan is to be implemented at all times.
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12. Within 90 days of this determination, an amended Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended Landscaping Plan shall include the following to the satisfaction of the Shire:
 - a. A planting plan to identify the location of existing and proposed vegetation;
 - b. Container size of proposed vegetation;
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 - d. The application of plants to the drainage basins to assist with bioretention treatment of water managed onsite; and
 - e. Non-native species to be substituted for local native alternatives.



Once approved, the amended Landscaping Plan shall be implemented and maintained to the satisfaction of the Shire.

13. Within 90 days of this determination, a Spill Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Spill Management Plan shall be implemented and maintained thereafter.
14. Prior to any operations associated with the 'Tree Grinding Facility', an amended Environmental Acoustic Assessment shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended assessment shall demonstrate compliance with the Noise Regulations. Any recommendations from the Environmental Acoustic Assessment shall be incorporated into a Noise Management Plan and adhered to thereafter.
15. Within 90 days of this determination, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and maintained thereafter.
16. Prior to the works occurring onsite, a Stockpiling and Screening Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following detail to the satisfaction of the Shire of Serpentine Jarrahdale:
 - The location of a designated area to set up the mechanical screener and crusher;
 - The location of a designated area for temporary stockpiles of different materials including amount of limestone material required to create pad base for stockpile areas;
 - Stockpile sampling requirements for waste classification;
 - A waste tracking log to track any waste leaving the site;
 - Inclusion of contingency measures to manage unexpected finds.

Once approved, the Plan is to be implemented at all times during the remediation and rehabilitation works.

Advice Notes:

- NOTE 1: Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>
- NOTE 2: The applicant should contact the Department of Water and Environmental Regulation regarding the requirement to lodge a works approval under the *Environmental Protection Act 1986*, as per the Department's advice.

**OCM058/03/25****COUNCIL RESOLUTION****Moved Cr Duggin, seconded Cr Bishop**

That Council APPROVES the development application for the Alteration to Approved Tree Grinding Facility (Resource Recovery Centre) and Transport Depot at Lot 102, 766 King Road, Oldbury as contained in attachment 1, subject to the following conditions:

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

Plans and Specifications	Development Plans (P1) dated 3 February 2025 Stormwater Management Plan (P2) dated 30 August 2024 Landscaping Plan (P3) dated October 2024 Technical Acoustic Note (P4) dated 3 October 2024 Traffic Impact Statement (P5) dated 4 February 2025 Tenant Management Plan (P6) received at the Shire's Offices on 4 February 2024 Remediation and Rehabilitation Plan (P7) dated May 2024 Bushfire Management Plan (P8) dated 5 February 2025
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- 2. The hours of operation of the Transport Depot are restricted from 7:00am to 7:00pm, Monday to Saturday. The hours of operation of the Tree Grinding Facility are restricted to no more than four hours per day, during the hours of 7:00am to 5:00pm, Monday to Saturday. Dust lift off must be suitably controlled and contained to the property boundaries during times that the tree grinding facility is operating. Where dust control is not viable and causes dust lift off beyond the property boundaries (such as during high wind conditions), the tree grinding facility is to cease operations until such time that control of dust to within property boundaries, is regained.**
- 3. The operation of the Transport Depot and Tree Grinding Facility are restricted to the areas identified on the approved plans. Stage 2 of the approval is not permitted to be enacted until such time that remediation and rehabilitation of the site has occurred to the satisfaction of the Shire of Serpentine Jarrahdale, on advice of the DWER and Department of Health.**
- 4. No more than 30 commercial vehicles shall be parked at the premises until the completion of the remediation and rehabilitation, to the satisfaction of the Shire of Serpentine Jarrahdale. Once remediation and rehabilitation has completed, no more than 60 commercial vehicles are permitted to be parked at the site at any one time. A record/log of the Commercial Vehicles parked on the site must be kept in order to demonstrate compliance with this condition, and must be provided to the Shire of Serpentine Jarrahdale upon request.**



5.
 - a. Only routine maintenance of a quiet and minor nature, such as servicing or wheel changing for commercial vehicles is permitted on the property. No panel beating, spray painting or removal of major body parts is permitted.
 - b. Washing of the commercial vehicles on the property shall be limited to the wash bay locations, with only the use of water and mild detergent and shall not involve the use of any solvents, substances, equipment or processes which may cause pollution or unreasonable noise or odour.
6. All remediation and rehabilitation shall be undertaken in accordance with the report provided by Aurora Environmental dated May 2024. All remediation and rehabilitation shall be completed within 12 months from the date of this approval unless otherwise agreed upon in writing by the Shire of Serpentine Jarrahdale.
7. Prior to the works occurring onsite, an Asbestos and Hazardous Materials Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation and Department of Health. The Plan must include the following details:
 - Asbestos and hazardous materials register;
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 - Vehicle and mobile equipment management;
 - Personal decontamination;
 - Air quality monitoring to ensure that all rehabilitation and remediation work is avoiding the release of any hazardous materials or dust;
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The Plan shall also set out the following actions to be undertaken during the remediation and rehabilitation works:

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- Groundwater investigations being carried out to confirm that stockpiles have not impacted the underlying groundwater quality;
- The results of further investigations being reported in a site investigation report and submitted to the Shire and Department of Water and Environment Regulation, prior to stockpile relocation and construction within the stockpile footprint area.

The Plan shall also include details of the adequate controls to be used during the relocation and reuse of stockpiled material and during future ground disturbance works associated with construction.



The Plan should be submitted prior to stockpile relocation and construction within the stockpile footprint area. Once approved, the Plan is to be implemented at all times during all remediation and rehabilitation works.

8. 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. 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.
9. Within 90 days of this determination, detailed drawings showing the upgraded crossover shall be submitted and approved by the Shire. Once approved, the crossover shall be upgraded in accordance with the approved plans within 90 days thereafter.
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11. Within 90 days of this determination, the applicant shall submit a Noise Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale. The plan shall incorporate all operational recommendations as specified within the Environmental Acoustic Assessment, to the satisfaction of the Shire of Serpentine Jarrahdale. Development shall adhere to the Noise Management Plan thereafter.
12. Within 90 days of this determination, an amended Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended Landscaping Plan shall include the following to the satisfaction of the Shire:
 - a. A planting plan to identify the location of existing and proposed vegetation;
 - b. Container size of proposed vegetation;
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 - d. The application of plants to the drainage basins to assist with bioretention treatment of water managed onsite; and
 - e. Non-native species to be substituted for local native alternatives.

Once approved, the amended Landscaping Plan shall be implemented and maintained to the satisfaction of the Shire.



13. Within 90 days of this determination, a Spill Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Spill Management Plan shall be implemented and maintained thereafter.
14. Prior to any operations associated with the 'Tree Grinding Facility', an amended Environmental Acoustic Assessment shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended assessment shall demonstrate compliance with the Noise Regulations. Any recommendations from the Environmental Acoustic Assessment shall be incorporated into a Noise Management Plan and adhered to thereafter.
15. Within 90 days of this determination, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and maintained thereafter.
16. Prior to the works occurring onsite, a Stockpiling and Screening Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following detail to the satisfaction of the Shire of Serpentine Jarrahdale:
 - The location of a designated area to set up the mechanical screener and crusher;
 - The location of a designated area for temporary stockpiles of different materials including amount of limestone material required to create pad base for stockpile areas;
 - Stockpile sampling requirements for waste classification;
 - A waste tracking log to track any waste leaving the site;
 - Inclusion of contingency measures to manage unexpected finds.

Once approved, the Plan is to be implemented at all times during the remediation and rehabilitation works.

Advice Notes:

- NOTE 1:** Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>
- NOTE 2:** The applicant should contact the Department of Water and Environmental Regulation regarding the requirement to lodge a works approval under the *Environmental Protection Act 1986*, as per the Department's advice.

CARRIED UNANIMOUSLY 6/0

Reason for difference:

Control of dust mitigation.

**10.1.3 - Section 31 Reconsideration - Proposed Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' - Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury (PA24/200)**

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:	Heidelberg Materials Australia Pty Ltd
Owner:	Hanson Construction Materials Pty Ltd, R and R Tilbury, K and L Ditchfield
Date of Receipt:	20 November 2024 (Appeal Lodged)
Lot Area:	32.32ha
Local Planning Scheme No. 3 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to reconsider its decision for the extension of time to substantially commence a development approval for 'Industry Extractive' at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury.

The approval, issued by the State Administrative Tribunal (SAT) on 17 March 2015, facilitated the extraction of approximately two million tonnes of 'Bassendean' sand within a 15.2ha area. This approval expired on 6 December 2024 and subsequently an application was received to extend this timeframe for a further five years (2029).



At its Ordinary Council Meeting of 21 October 2024, Council resolved to refuse the development application to extend the validity of the approval for reasons pertaining to noise, dust and the clearing of Banksia Woodland. Subsequently, the applicant appealed the decision to the SAT and following mediation, Council has been invited to reconsider its decision. A reconsideration under Section 31(1) allows for Council to either:

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

For the reasons detailed in the report, Officers consider that noise and dust impacts can be appropriately managed, and these issues have been addressed through the previous approval. With regard to vegetation clearing, it is considered that this matter is best placed to be determined by the Department of Water and Environment Regulation (DWER) through the clearing permit process. As there have been no substantial changes to the locality or the planning framework to warrant refusal of the application, it is recommended that Council set aside its previous decision and approve the application subject to conditions.

There is no information before Officers to show that noise or dust cannot be adequately managed. Officers also consider that in order to demonstrate giving due regard to the environmental impacts of the development (on both flora and fauna), this should be done through relying on the expertise and detailed legislative framework that is administered by the DWER pertaining to native vegetation clearing.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 October 2024 - OCM284/10/24 - COUNCIL RESOLUTION / COUNCIL RESOLUTION

That Council REFUSES the extension and amendment to the existing approval for Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury for the following reasons:

- a. The level of noise impacts is considered to represent an adverse impact on the amenity of the area;
- b. The level of dust impacts is considered to represent an adverse impact on the amenity of the area;
- c. The clearing of 11.2ha of *Banksia menziesii* and *Banksia attenuata* Woodland (a nationally protected ecological community under the EPBC Act 1999) in predominately very good ecological condition on the swan coastal plain will further exacerbate the reduction of foraging habitat suitable for the successful continuation of the endangered endemic Carnaby's Black-Cockatoo (*Zanda latirostris*) population in the Southwest of WA.

Ordinary Council Meeting - 28 July 2014 - OCM152/07/04 - COUNCIL RESOLUTION / Recommendation

That Council:

1. Approves the application to amend the planning approval granted by Council on 24 March 2014 by modifying the wording of conditions 8 and 17 to read as follows:



Condition 8:

The landowner is to submit to the Shire, by 28 October 2014, a plan for a Community Consultation Framework. The plan shall feature but not be limited to, formation of a committee comprising the relevant landowner, community representatives from the Shire of Serpentine Jarrahdale and City of Kwinana and government agency representatives, terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety.

Condition 17:

Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.

Approved routes:

- *Boomerang Road between the work site and Banksia Road;*
- *Banksia Road between Boomerang Road and Lydon Road;*
- *Lydon Road between Banksia Road and Coyle Road;*
- *Coyle Road between Lydon Road and King Road; and*
- *King Road between Coyle Road and Thomas Road.*

No deviation from this approved route is permitted without the prior written approval of the Director Engineering.

2. *Reaffirm its previous decision on 9 June 2014 that it does not support modifications to conditions 4, 6 and 13 for the reasons previously provided.*

Ordinary Council Meeting - 9 June 2014 - OCM195/06/014 - COUNCIL RESOLUTION

That Council:

1. *Approves the application to amend the planning approval granted by Council on 24 March 2014 by modifying the wording of conditions 3, 4, 6, 13, 14, 17, 22, 23, 24 and advice note 3 to read as follows:*
 - a) *Condition 3 - "Vegetation buffers/setbacks of:*
 - i) *40 metres from the northern, southern and western lot Boundaries of Lot 6 Banksia Road and from the northern and southern lot boundaries of Lots 300 and 301 Boomerang Road; and*
 - ii) *20 metres from the firebreak on the eastern boundary of Lot 301, are to be established to the satisfaction of Director Engineering."*
 - b) *Condition 4 - Operating hours are restricted to Monday to Friday 7am to 5pm only. Operations on Saturdays, Sundays and Public Holidays are not permitted.*
 - c) *Condition 6 - The applicant shall not undertake any screening or washing of excavated material on the development site'.*
 - d) *Condition 13 - All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from*



the site extends beyond the site boundary. Such sealing shall extend a minimum of 60 metres from any public road into the subject site.

- e) *Condition 14 - Prior to the commencement of development on site, details of the upgrading of:*

- *The intersection of Banksia and Boomerang Roads; and*
- *Boomerang Road between Banksia Road and the existing crossover,*

shall be submitted to and approved by the Director Engineering and thereafter implemented."

- f) *Condition 17 - Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.*

Approved routes:

- i) *Boomerang Road between work site and Banksia Road;*
- ii) *Banksia Road between Boomerang Road and Lydon Road;*
- iii) *Lydon Road between Banksia Road and Coyle Road;*
- iv) *Coyle Road between Banksia Road and King Road; and*
- v) *King Road between Coyle Road and Thomas Road.*

No deviation from this approved route is permitted without the written permission of the Director of Engineering.'

- g) *Condition 22 - The landowner must complete the rehabilitation and revegetation of each preceding stage within three years of commencing excavation of any subsequent stage.*
- h) *Condition 23 - Prior to the commencement of excavation activities, the identified ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south western wetland to Lot 53 Banksia Road is to be fenced to protect the vegetation. Such fencing is to consist of post and wire or post and rail and to be located on the external edge of the buffer area identified in the Environmental Management Plan.*
- i) *Condition 24 - Rehabilitation of the ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south western wetland to Lot 53 Banksia Road as an offset to the proposed extractive industry operations activity is to commence within one year of the commencement of mining operations and is to be completed to the satisfaction of the Director Engineering prior to the commencement of Stage 6.*

- j) *Advice note 3*

The use of a Restricted Access Vehicle (RAV) as defined by the Western Australian Road Traffic (vehicle standards) Regulations 2002 or the Western Australian Road Traffic (vehicle standards) Rules 2002 are not permitted without the approval of the Commissioner for Main Roads.



Ordinary Council Meeting - 24 March 2014 - OCM152/03/14 - COUNCIL DECISION / Foreshadowed Motion

That Council:

- A. *Reluctantly grant development approval for an Extractive Industry at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury, the Council acknowledges that this area is recognised by the State Government as a sand extraction area, State Planning Policy 2.4 Basic Raw Materials, subject to the following conditions:*

PLANNING

1. *This approval is valid for a period of ten years expiring on 24 March 2024.*
2. *Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the Environmental Management Plan and Extractive Industry Licence application as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as may be agreed in writing between the Shire and the applicant from time to time.*
3. *Vegetation buffers to a minimum of 40 metres from lot boundaries are to be established in accordance with the requirements of the Shire's Local Law.*
4. *Operating hours are restricted to 7:00am to 5:00pm Monday to Friday.*
5. *Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the Shire.*
6. *The applicant shall not undertake any screening or washing of excavated material on the development site.*
7. *Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties*
8. *The landowner is to submit to the Shire, within 3 months of the date of this approval, a plan for a Community consultation Framework. The plan shall feature, but not be limited to, formation of a committee comprising the relevant landowner, community representatives from the Shire of Serpentine Jarrahdale and City of Kwinana and government agency representatives, terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety.*

COMPLIANCE

9. *The landowner shall submit an Annual Compliance Assessment Report to the Shire by 31 December each year. The Annual Compliance Assessment Report shall include an internal compliance audit of the Environmental Management Plan, Community Consultation Framework and all the development and licence approval conditions and management plans, complaints and complaint responses. pacts on neighbouring properties.*

ENGINEERING

10. *At the completion of each stage of mining operations, the landowner shall ensure that all sand faces, non-operational stock piles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short, medium and long term stability.*



11. *Crossovers to be constructed in accordance with the Shire of Serpentine Jarrahdale standard industrial crossover specifications and be located and maintained to the satisfaction of the Director Engineering.*
12. *A loop road shall connect the crossover to the main vehicle access within the site to reduce risk of vehicle conflict and enable unimpeded entry and exit for trucks.*
13. *All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary. Such sealing shall extend a minimum of 60 metres from any public road into the subject site.*
14. *Prior to the commencement of development on site, details of the upgrading of Banksia Road and Boomerang Road and the existing crossover shall be submitted to and approved by Director Engineering and thereafter implemented, prior to the commencement of excavation.*
15. *Prior to the commencement of development on site, details of the upgrading of the existing crossover shall be submitted to and approved by Director Engineering and thereafter implemented.*
16. *Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Council's Director Engineering.*
17. *Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.*

All general access heavy vehicles (as of right type) as defined by the Western Australian Road Traffic (vehicle standards) Regulations 2002 or the Western Australian Road Traffic (vehicle standards) Rules 2002 must use the following route when operating into or out of Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury.

Approved routes:

- (a) Boomerang Road between work site and Banksia Road;*
- (b) Banksia Road between Boomerang Road and Lydon Road;*
- (c) Lydon Road between Banksia Road and Coyle Road;*
- (d) Coyle Road between Banksia Road and King Road; and*
- (e) King Road between Coyle Road and Thomas Road.*

No deviation from this approved route is permitted without the written permission of the Director of Engineering.

ENVIRONMENTAL

18. *Prior to commencement of operations, a Rehabilitation and Restoration Management Plan is to be submitted to and approved by Director Engineering and thereafter implemented.*
19. *The landowner is to maintain buffers identified in the Environmental Management Plan between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to*



be established within the 20 metre buffer of all property boundaries to the satisfaction of the Shire.

- 20. The landowner is not to commence excavation of Stage 2 until they have received written confirmation from the Shire that screen planting in the identified buffer areas and any batter slope stabilisation have been established to the satisfaction of the Shire.*
- 21. The landowner is not to commence Stage 3 until they have received written confirmation from the Shire that Stage 1 has been rehabilitated and revegetated to the satisfaction of the Shire.*
- 22. The landowner must complete the rehabilitation and revegetation of each subsequent stage within two years of commencing excavation of any preceding stage.*
- 23. Prior to the commencement of excavation activities, the identified ecological corridor is to be fenced to protect the vegetation. Such fencing is to consist of post and wire or post and rail and to be located on the external edge of the buffer area identified in the Environmental Management Plan. Rehabilitation of the ecological corridor activity is to commence within one year of the commencement of extractive industry operations and is to be completed to the satisfaction of the Shire prior to the commencement of Stage 6.*
- 24. Rehabilitation of the ecological corridor as an offset to the proposed extractive industry operations activity is to commence within one year of the commencement of mining operations and is to be completed to the satisfaction of the Shire prior to the commencement of Stage 6.*
- 25. Where extractive industry activities involve the use of machinery including stockpiling, the use of access ways, storage and haulages, are located within close proximity (30 metres or less) to the buffer and exclusion areas, rehabilitation areas or any other sensitive area, the landowner shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.*

Noise:

- 26. Prior to the commencement of development, details of the proposed temporary bund for noise attenuation purposes shall be submitted to and approved by Director Planning and thereafter implemented.*

Dust:

- 27. The applicant shall implement dust management measures (including but not limited to dust monitoring) in accordance with the approved Environmental Management Plan (including Dust Management Plan) and Extractive Industry License Application, so as to minimize dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.*
- 28. During periods of inactivity when excavation is not being undertaken, the applicant must ensure, prior to and during the period of inactivity as required, that the access road to all trafficable areas and other operational areas on the site, are watered down or treated in a manner which prevents or minimises the generation of visible dust crossing beyond the boundaries of the site.*



29. *Dust monitoring is to be undertaken at the commencement of each stage of development. Plans of the monitoring stations including locations and periods of monitoring are to be submitted to and approved by Director Planning and thereafter implemented.*
30. *The results and assessment of the monitoring are to be submitted to the Shire. If required, additional management measures shall be implemented to the satisfaction of Director Planning.*

Hazardous Chemicals:

31. *A hardstand refuelling area bunded and drained constructed in accordance with relevant Australian Standards. The refuelling area is to be drained to a pollutant receptor to prevent any spilled fuel entering the natural ground shall be provided on site to the satisfaction of the Director Engineering. All refuelling shall take place within this hardstand area.*
32. *The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Serpentine Jarrahdale Shire.*
33. *The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.*

Acid Sulfate Risk:

34. *On site testing and monitoring of groundwater levels within the excavation area is to be undertaken during winter and spring of each year of excavation to:*
 - (a) *confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater.*
 - (b) *to verify that any potential contaminants not limited to acid sulfates, are not liberated from the dunal systems as a result of mining activities; and*
 - (c) *ensure management actions in accordance with the Department of Environment Regulation's guidelines "Treatment and management of disturbed acid sulfate soils" and "General Guidance on Managing Acid Sulfate Soils".*

EMERGENCY MANAGEMENT

35. *Prior to commencement of operations, a Fire and Emergency Management Plan is to be prepared and submitted to the Director Engineering for approval. In addition to the standard requirements of the Fire and Emergency Management Plan, suitable management measures are required to enable emergency access both during and after hours and for the 5,000L of diesel fuel stored on the site. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.*
36. *All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.*

ADVICE NOTES



1. *Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.*
2. *Separate approval may need to be obtained from the Department of Water for a bore licence.*
3. *The use of a Restricted Access Vehicle (RAV) as defined by the Western Australian Road Traffic (vehicle standards) Regulations 2002 or the Western Australian Road Traffic (vehicle standards) Rules 2002 are not permitted.*
4. *The applicant must take all reasonable measures to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.*
5. *The applicant is advised to seek the necessary approvals from the Department of Environment Regulation for any clearing of native vegetation on site.*
6. *In relation to conditions 8 and 9, the Annual Compliance Assessment Report shall include a report in summary on: (a) The community engagement activities carried out during the preceding year;*
 - (b) The Stakeholder interaction accrued out during the year, including the number and nature of any complaints made and the response to those complaints; and*
 - (c) The meetings of the Community Consultation Group. Any records kept by the operator pursuant to the Community Consultation Framework, including the minutes of the Community Consultation Group meetings must be provided to the local government if requested in writing. The annual Compliance Assessment Report and records kept pursuant to the Community Consultation Framework are to be made publicly available.*
- B. *Grant Extractive Industry Licence for an Extractive Industry at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury, subject to the following conditions:*
 1. *The applicant shall undertake the extractive industry operations in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law.*
 2. *The applicant shall pay the annual extractive industries licence fee on or before 31 December each year as determined by the Shire of Serpentine Jarrahdale from time to time.*
 3. *The extractive industry licence is granted for a term of ten years from the date of approval.*
- C. *Recommend to the Western Australian Planning Commission that development approval be granted under the Metropolitan Region Scheme for an Extractive Industry at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury, subject to the following condition:*
 1. *The approval is for a period of 10 years only expiring on 24 March 2024.*



Background

Existing Development

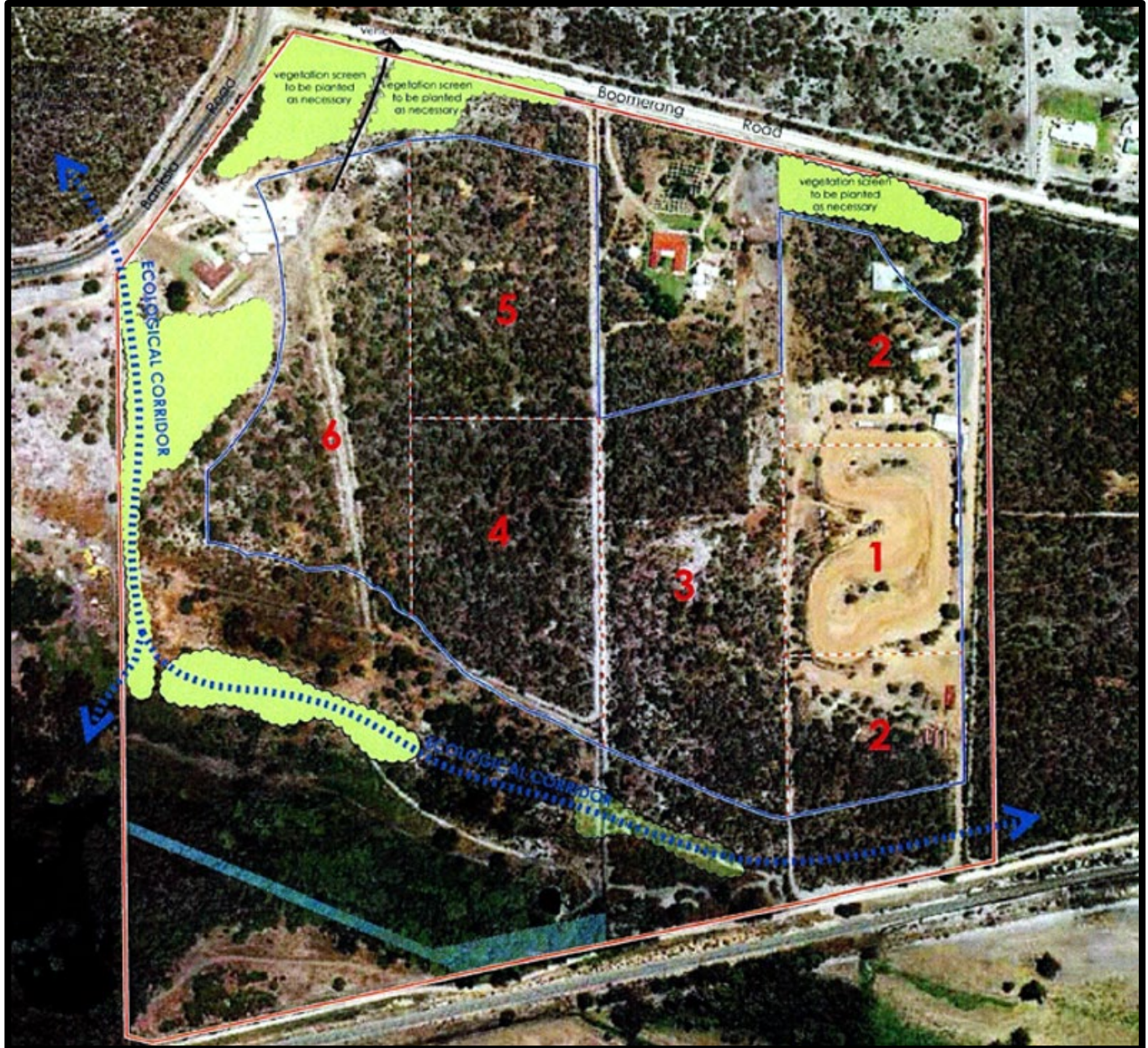
The subject site comprises of three lots, Lot 6 Banksia Road, and Lots 300 and 301 Boomerang Road with a combined area of 32.32ha. The site is bound by Boomerang Road and Banksia Road to the north and the Mundijong - Kwinana Port / Mundijong Junction Railway to the south. Land to the east adjoins existing private rural and rural residential landholdings. The City of Kwinana governs the land in the locality to the west of the site. The site is currently used for residential purposes. Access to the site is by Banksia Road and Boomerang Road which run along the boundary of the subject site.





Approved Development

As previously stated, the approval allowed extraction of approximately two-million tonnes of Bassendean sand in six stages and clearing of 11.6ha of vegetation within the 15ha extraction area. The SAT approved the excavation staging plan as shown following:



Proposed Development

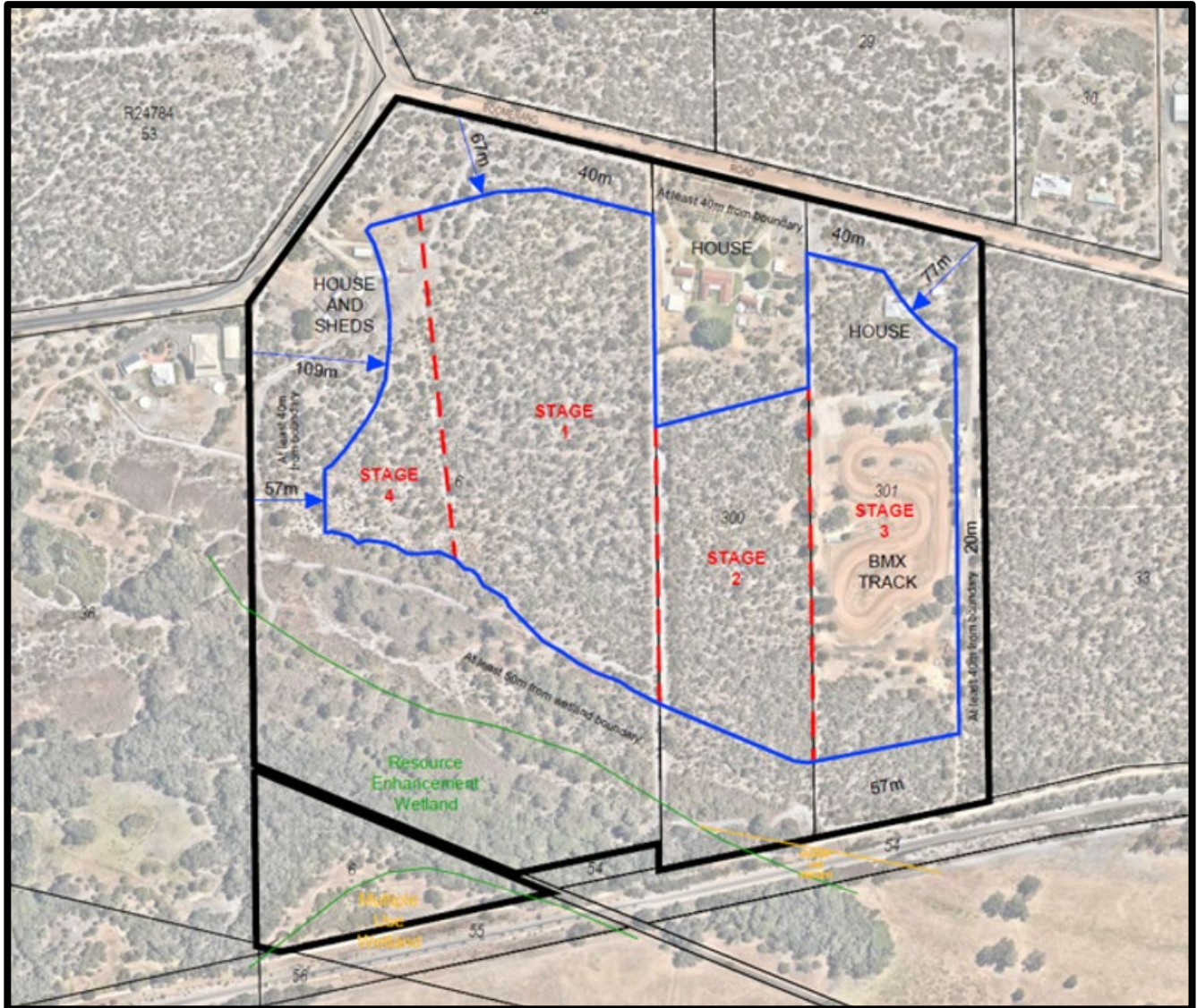
The application subject to review seeks approval to amend Condition 1 of the existing approval to allow extraction of sand material within Stages 1 - 4 (Figure 3) for an additional period of five years. The application does not seek to change or intensify any component of the approved development other than reducing the time for extraction and stages from six to four stages.

The hours of operations would be between 7.00am to 5.00pm from Monday to Friday and 7.00am to 12.00pm on Saturdays. No processing of sand is proposed on-site (washing) however mobile screening takes place to remove organic and stone materials before being taken offsite.



Extraction is proposed to occur on a staged basis with subsequent rehabilitation following each stage of mining.

The revised stages are depicted following:



Community / Stakeholder Consultation

No new information has been provided through the SAT process and as such no further advertising has been undertaken. It is noted that 15 objections were received during the initial consultation period relating to the matters shown following:

- Noise impacts;
- Dust and air emissions impacts;
- Impacts on Safety and Health;
- Traffic and suitability of local roads to cater for additional traffic;
- Clearing of vegetation and impacts on flora and fauna;
- Clearing of endangered Banksia Woodlands of the Swan Coastal Plain;



- Impact on Black Cockatoo habitat and potential nesting hollows;
- Impact on the environment, wetlands, groundwater and surface water;
- Validity of Environmental approvals; and
- Devaluation of nearby properties.

Policy Concept Forum

Nil

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Metropolitan Region Scheme*

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 - Rural Planning (SPP 2.5)
- State planning Policy 2.1 - Peel Harvey Coastal Plan Catchment (SPP 2.1)
- State Planning Policy 2 - Environment and Natural Resources (SPP 2)
- State Planning Policy 2.4 - Basic Raw Materials (SPP 2.4)
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy (LPS).
- Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals Policy (LPP1.3)
- 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)
- Local Planning Policy LPP27 - Biodiversity Planning



Planning Assessment

The development application was made under Clause 77(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) which state:

77(1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following -

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
- (b) to amend or delete any condition to which the approval is subject;*
- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
- (d) to cancel the approval.*

Furthermore, Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals (LPP1.3) provides guidance on the assessment of applications seeking to extend the period within which a development approval must be substantially commenced, outlining the key criteria for such assessments. In reviewing the application, Officers must determine whether the use or development remains consistent with the following provisions, in accordance with Clause 2 of the policy. These provisions stem from the [2017] WASAT 138 case, SAT set out the criteria for granting extensions of time, based on the following:

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

With respect to criteria (a) to (c):

- a) The permissibility for extractive industries has not changed from an a “A” land use within the ‘Rural’ zone from TPS2 upon the gazettal of LPS3. It remains a use which may be approved in the ‘Rural’ zone. Moreover, under LPS3 the site now falls within a Special Control Area (SCA4) which identifies the location of extractive industries, protects the operation of extractive industries and designates separation distances to properties with extractive industries. The site is one of a small number of regional significant sand resources within the South Metropolitan region.
- b) The application would likely be able to receive approval as it meets all the relevant state and local planning frameworks. There have been no changes to the planning framework that would warrant refusal of the application.
- c) Whilst no development has occurred on site, the applicant has sought to pursue and commence development since the initial proposal. The applicant has provided amended reporting, documentation and other studies. Revised extraction plans and other documents have been formulated to support the request for the extension of time.

A full assessment of the application was undertaken as part of the previous application, for the purpose of this report, discussion is confined to the refusal reasons of Council.



Noise and Dust:

Whilst Officers acknowledge the concerns of both the objectors and Council in relation to dust and noise impacts, these matters fall outside of the scope of consideration in an assessment for an application made under Clause 77 of the Deemed Provisions. These matters have already been addressed as part of the initial approval, and determined to be able to be managed. Although a substantial amount of time has passed since the approval, nothing has materially changed within the locality or the planning framework pertaining to noise and dust that would require reconsideration of these issues. For these reasons, the issues of noise and dust cannot be advanced as part of the appeal process. It is therefore recommended that should Council wish to uphold its refusal, the decision should be varied so that noise and dust do not form part of the reasons.

Clearing of Vegetation:

As detailed in the previous Officer report, a survey assessment for the presence of rare or priority flora for Lot 6 Banksia Road was undertaken by (GHD) in 2005 and a subsequent Level 1 flora and vegetation survey undertaken by RPS in 2008 to include Lots 300 and 301. The assessment was against a criterion of rarity, biodiversity, representatives of flora and vegetation condition.

It was identified that the extraction area does not contain any declared or rare species of flora. It specifically states that no threatened flora or matters of National Environmental Significance (vegetation communities) occur within the mining area. No Declared Rare Flora were located within the site during a botanical survey in spring 2008 and similarly, no Threatened Ecological Communities were recorded for the site.

Previous surveys undertaken by RPS did however identify habitat trees for black cockatoos within the proposal area. These potential impacts were assessed under principle (b) of the Native Vegetation Clearing Regulations as part of the clearing permit which was issued by DWER.

As part of DWER's assessment, the impacts on fauna were considered capable of being managed through an offset in the form of monetary contribution towards purchase of land containing remnant vegetation that included a habitat of three black cockatoos. Furthermore, staged clearing of the site would allow for fauna movement away from mining operations and clearing.

The clearing permit imposed a condition that no native vegetation could be cleared after 6 December 2024 and therefore clearing can no longer be undertaken under this permit.

Notwithstanding this information and the assessment by DWER, Council resolved the following refusal reason:

"The clearing of 11.2ha of Banksia menziesii and Banksia attenuata Woodland (a nationally protected ecological community under the EPBC Act 1999) in predominately very good ecological condition on the swan coastal plain will further exacerbate the reduction of foraging habitat suitable for the successful continuation of the endangered endemic Carnaby's Black-Cockatoo (Zanda latirostris) population in the Southwest of WA."

The reason is documented as *"...the application is considered to pose an unacceptable impact on the remaining extent of Banksia Woodlands in the Shire of Serpentine Jarrahdale. Banksia Woodlands are part of nationally protected ecological communities, and provide foraging habitat to the endangered Carnaby's Black-Cockatoo. Such impacts on an endangered species is considered unacceptable in light of the planning framework, and will deplete the capacity of the natural environment to support this species remaining on this part of the Swan Coastal Plan."*



As with noise and dust, the question remains as to what has changed within the planning framework or environment to require reassessment of vegetation clearing. In this regard, the Clearing Permit was initially issued by the DWER 7 July 2016, subject to conditions. At this time, Banksia was not listed as a Threatened Ecological Community (TEC) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This did not occur until September 2016.

Whilst the ultimate Clearing Permit was issued on 29 January 2019, this was an amendment to one of the Conditions of the 2016 permit and as such a reassessment against the clearing principles was not undertaken in 2019. The full assessment of the clearing undertaken by DWER was in 2016 when Banksia was not listed as a TEC. Whilst this represents a change to the legislative framework around tree clearing, the role of this assessment lies with DWER and is outside the role of the development application process. It is considered that the detailed regulation of environmental matters should be dealt with by DWER and the Shire should not be duplicating matters. This topic has been consistently upheld by Tribunals. In particular, a common view has been formed from the 2005 decision of VCAT, providing that:

“The existence of a power does not provide a justification to use it. Thought must always be given, not just to whether an outcome is desirable, but what is the best method to achieve that outcome [emphasis added]. The journey can be as important as the destination. When more than one method is available to achieve an outcome, it will be necessary to consider which is the best or better method, having regard to questions of efficiency, equity, certainty and freedom, as well as the extent to which the substantive objective will be achieved” (Hason v Moreland City Council [2005] VCAT).

In this case, DWER is the specialist decision-maker and the principle regulator for environmental matters. Whilst it is true that a local government development application decision must have regard for, inter alia, environmental impacts of a development, it is generally held that in cases where a more specific and expert jurisdiction with detailed legislative provisions exists to deal with that issue, that jurisdiction should be expected to be best placed to decide on such matter. A local government can be considered to demonstrate its due regard in that way.

It is therefore considered that the DWER are best placed to assess the legislative changes with regard to Banksia Woodland.

The applicant has submitted an application to DWER to amend the 2019 permit so as to extend the clearing duration. DWER’s draft policy provisions for Applications for Amendments to Clearing Permits states:

“In considering whether to grant an amendment to redescribe the boundaries of an area, or to vary or add a condition, the CEO shall have regard to whether the change relates to the original area, and whether the impacts would have an environmental impact which is in addition to or different from what was assessed under the original permit application.”{emphasis added}.

As such, in order to determine the permit, DWER would be required to have regard for the fact that Banksia Woodland was not listed as a TEC when the original clearing permit was issued. DWER will be required to have regard for the following clearing principles:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.



- (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community.
- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.
- (i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence of flooding.

These principles are focussed primarily on the environmental impacts and notably states that clearing should not be permitted if it comprises part of a significant habitat for indigenous fauna. As previously stated, DWER are considered best placed to determine these factors and the planning assessment should not replicate the assessment by another body.

Given that a development approval will not be able to be enacted without a clearing permit, Council can be assured that the environmental impacts of the development will be assessed through the expert jurisdiction and specific legislation administered by the DWER.

Options

Option 1

That Council:

1. In response to the Section 31 Request for Reconsideration issued by the State Administrative Tribunal, SET ASIDE its decision of 21 October 2024 and APPROVES the application seeking an Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other Conditions of this consent.

Plans and Specifications	P1 - P3 - Development Application Plans (Staging Plan) received on 25 June 2024 P4 - Transport Impact Statement dated May 2024 P5 - Environmental Management Plan dated 21 June 2024 P6 - Environmental Noise Assessment dated 11 September 2024
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- b. This approval is valid for a period of five years expiring on 17 March 2030.



- c. Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the Environmental Management Plan and Extractive Industry Licence application as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as may be agreed in writing between the Shire and the applicant.
- d. Vegetation buffers/setbacks of:
 - (i) 40 metres from the northern, southern and western lot boundaries of Lot 6 Banksia Road and from the northern and southern lot boundaries of Lots 300 and 301 Boomerang Road; and
 - (ii) 20 metres from the firebreak on the eastern boundary of Lot 301 are to be established to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Operating hours are restricted to 7:00am to 5:00pm Monday to Saturday.
- f. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. The applicant shall not undertake any washing of excavated material on the development site.
- h. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.
- i. The landowner is to submit to the Shire of Serpentine Jarrahdale, by 30 November 2024, a plan for a Community Consultation Framework. The plan shall feature but not be limited to, formation of a committee comprising the relevant landowner, community representatives from the Shire of Serpentine-Jarrahdale and City of Kwinana and government agency representatives, terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety for the life and duration of the development inclusive of rehabilitation periods thereafter.
- j. The landowner shall submit an Annual Compliance Assessment Report to the Shire of Serpentine-Jarrahdale by 31 December each year. The Annual Compliance Assessment Report shall include an internal compliance audit of the Environmental Management Plan, Community Consultation Framework and all the development and licence approval conditions and management plans, complaints and complaint responses.
- k. At the completion of each stage of mining operations, the landowner shall ensure that all sand faces, non-operational stockpiles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short-, medium- and long-term stability.



- l. Crossovers to be constructed in accordance with the Shire of Serpentine-Jarrahdale standard industrial crossover specifications and be located and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- m. A loop road shall connect the crossover to the main vehicle access within the site to reduce risk of vehicle conflict and unimpeded entry and exit for trucks.
- n. All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary. Such sealing shall extend a minimum of 60 metres from any public road into the subject site.
- o. Prior to the commencement of development on-site, details of the upgrading of:
 - (i) the intersection of Banksia and Boomerang Roads; and
 - (ii) Boomerang Road between Banksia Road and the existing crossover shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- p. Prior to the commencement of development on-site, details of the upgrading of the existing crossover shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- q. Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Shire.
- r. Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.

Approved routes:

- (i) Boomerang Road between the work site and Banksia Road;
- (ii) Banksia Road between Boomerang Road and Lydon Road;
- (iii) Lydon Road between Banksia Road and Coyle Road;
- (iv) Coyle Road between Lydon Road and King Road; and
- (v) King Road between Coyle Road and Thomas Road.

No deviation from this approved route is permitted without the prior written approval of the Shire of Serpentine Jarrahdale .

- s. All vehicles and equipment (used for or in association with on-site excavation activities) fitted with reversing beepers must not be used on-site unless the reversing beepers are in the nature of a low frequency beeper or buzzer.
- t. During all stages of development, internal roads must be designed and constructed so that haulage trucks can enter the site, access relevant stockpiles, undergo loading and exit the site without the use of reverse gear.



- u. Prior to commencement of operations, a Rehabilitation and Restoration Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- v. The landowner is to maintain buffers identified in the Environmental Management Plan between the top of all quarry pits and the property boundary, and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical, the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to be established within the 20-metre buffer of all property boundaries to the satisfaction of the Shire of Serpentine Jarrahdale.
- w. The landowner is not to commence excavation of Stage 2 until they have received written confirmation from the Shire of Serpentine Jarrahdale that screen planting in the identified buffer areas and any batter slope stabilisation have been established to the satisfaction of the Shire.
- x. The landowner is not to commence Stage 3 until they have received written confirmation from the Shire of Serpentine Jarrahdale that Stage 1 has been rehabilitated and revegetated to the satisfaction of the Shire.
- y. The landowner must complete the rehabilitation and revegetation of each preceding stage within three years of commencing excavation of any subsequent stage.
- z. Prior to the commencement of excavation activities, the identified ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south-western wetland to Lot 53 Banksia Road is to be fenced to protect the vegetation. Such fencing is to consist of post and wire or post and rail and to be located on the external edge of the buffer area identified in the Environmental Management Plan.
- aa. Rehabilitation of the ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south-western wetland to Lot 53 Banksia Road as an offset to the proposed extractive industry operations activity is to commence within one year of the commencement of mining operations and is to be completed to the satisfaction of the Shire of Serpentine Jarrahdale prior to the commencement of Stage 4.
- ab. Where extractive industry activities involve the use of machinery including stockpiling, the use of accessways, storage and haulages, are located within close proximity (30 metres or less) to the buffer and exclusion areas, rehabilitation areas or any other sensitive area, the landowner shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.
- ac. Prior to the commencement of development, details of the proposed temporary bund for noise attenuation purposes shall be submitted to and approved by Shire of Serpentine Jarrahdale and thereafter implemented.
- ad. The applicant shall implement dust management measures (including but not limited to dust monitoring) in accordance with the approved Environmental Management Plan (including Dust Management Plan) and Extractive Industry Licence Application, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
- ae. During periods of inactivity when excavation is not being undertaken, the applicant must ensure, prior to and during the period of inactivity as required, that the access road to all trafficable areas and other operational areas on the site are watered down or treated in a



manner which prevents or minimises the generation of visible dust crossing beyond the boundaries of the site.

- af. Dust monitoring is to be undertaken at the commencement of each stage of development. Plans of the monitoring stations including locations and periods of monitoring are to be submitted to and approved by Shire of Serpentine Jarrahdale and thereafter implemented.
- ag. The results and assessment of the monitoring are to be submitted to the Shire of Serpentine-Jarrahdale. If required, additional management measures shall be implemented to the satisfaction of the Shire.
- ah. A hardstand refuelling area is to be provided on-site, which is bunded and drained constructed in accordance with relevant Australian Standards. The refuelling area is to be drained to a pollutant receptor to prevent any spilled fuel entering the natural ground shall be provided on-site to the satisfaction of the Shire of Serpentine Jarrahdale. All refuelling shall take place within this hardstand area.
- ai. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.
- aj. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
- ak. On-site testing and monitoring of groundwater levels within the excavation area is to be undertaken during winter and spring of each year of excavation to:
 - (i) confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater;
 - (ii) to verify that any potential contaminants not limited to acid sulfates are not liberated from the dunal systems as a result of mining activities; and
 - (iii) ensure management actions in accordance with the Department of Environment Regulation's guidelines 'Treatment and management of disturbed acid sulfate soils' and 'General Guidance on Managing Acid Sulfate Soils'.
- al. Prior to commencement of operations, a Fire and Emergency Management Plan is to be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. In addition to the standard requirements of the Fire and Emergency Management Plan, suitable management measures are required to enable emergency access both during and after hours and for the 5,000L of diesel fuel stored on the site. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.



- am. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.
 - an. 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 number of vehicles generated by the development based on verified surveyor certificate of such vehicle movements. 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 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury contained within **attachment 9** 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 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury
3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.

Option 2

That Council:

- 1. In response to the Section 31 Request for Reconsideration issued by the State Administrative Tribunal, VARIES its decision of 21 October 2024 and REFUSES the application seeking an Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury for the following reason:
 - a. The clearing of 11.2ha of *Banksia menziesii* and *Banksia attenuata* Woodland (a nationally protected ecological community under the EPBC Act 1999) in predominately very good ecological condition on the swan coastal plain will further exacerbate the reduction of foraging habitat suitable for the successful continuation of the endangered endemic Carnaby's Black-Cockatoo (*Zanda latirostris*) population in the Southwest of WA.

Conclusion

Council has been invited by the SAT to reconsider its decision to refuse the extension of a development approval for an Extractive Industry. Officers consider that Council's refusal reasons pertaining to noise and dust have already been considered by the SAT as part of the approval and found to be acceptable. Officers consider that the environmental impacts pertaining to the clearing of native vegetation should be assessed and determined through the clearing permit process and whilst relevant to planning considerations, it should be for the environmental specialists and subsequent regulators to deal with these matters through their more specific and expert regime.



Attachments (available under separate cover)

- **10.1.3 - attachment 1** - SAT Decision (E24/13259)
- **10.1.3 - attachment 2** - Clearing Permit (E24/13256)
- **10.1.3 - attachment 3** - Staging and Locality Plans (E24/13275)
- **10.1.3 - attachment 4** - Technical Assessment (E24/13423)
- **10.1.3 - attachment 5** - Ground Water Modelling Assessment (E24/13330)
- **10.1.3 - attachment 6** - Traffic Impact Assessment (E24/13093)
- **10.1.3 - attachment 7** - Environmental Noise Assessment (E24/13276)
- **10.1.3 - attachment 8** - Environmental Management Plan (E24/13280)
- **10.1.3 - attachment 9** - Extractive Industry Licence Application (E24/13426)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2. Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3. Strengthen and grow the local tourism industry

Financial Implications

Should Council resolve to refuse the application, the matter will be heard by the SAT at a full hearing. This will require the engagement of a legal representative to act as advocate as well as specialist witnesses to represent the Shire. This will expect to cost the Shire in the vicinity of \$50,000, noting the requirement for expert evidence and likely complexity of a hearing on the issues.

A Condition has been recommended to precipitate monetary contributions from the applicant towards the accelerated decline in pavement life, associated with haulage routes along local government roads within the Shire.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered to be the lowest risk Option.						
2	That Council refuses the development application and the matter progresses to a full hearing before the SAT, which requires independent legal representation and a range of experts, which will cost in the vicinity of \$50,000.	Shire of Serpentine Jarrahdale Local Planning Scheme No. 3	Financial	Possible	Moderate	MODERATE	Accept Option 1

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. In response to the Section 31 Request for Reconsideration issued by the State Administrative Tribunal, SET ASIDE its decision of 21 October 2024 and APPROVES the application seeking an Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury subject to the following conditions:
 - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other Conditions of this consent.

Plans and Specifications	P1 - P3 - Development Application Plans (Staging Plan) received on 25 June 2024 P4 - Transport Impact Statement dated May 2024 P5 - Environmental Management Plan dated 21 June 2024 P6 - Environmental Noise Assessment dated 11 September 2024
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- b. This approval is valid for a period of five years expiring on 17 March 2030.
- c. Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the Environmental Management Plan and Extractive Industry Licence application as approved by the Shire of Serpentine Jarrahdale and any subsequent amendments to them as may be agreed in writing between the Shire and the applicant.
- d. Vegetation buffers/setbacks of:
 - (i) 40 metres from the northern, southern and western lot boundaries of Lot 6 Banksia Road and from the northern and southern lot boundaries of Lots 300 and 301 Boomerang Road; and
 - (ii) 20 metres from the firebreak on the eastern boundary of Lot 301 are to be established to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Operating hours are restricted to 7:00am to 5:00pm Monday to Saturday.
- f. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. The applicant shall not undertake any washing of excavated material on the development site.
- h. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.
- i. The landowner is to submit to the Shire of Serpentine Jarrahdale, by 30 November 2024, a plan for a Community Consultation Framework. The plan shall feature but not be limited to, formation of a committee comprising the relevant landowner, community representatives from the Shire of Serpentine-Jarrahdale and City of Kwinana and government agency representatives, terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety for the life and duration of the development inclusive of rehabilitation periods thereafter.
- j. The landowner shall submit an Annual Compliance Assessment Report to the Shire of Serpentine-Jarrahdale by 31 December each year. The Annual Compliance Assessment Report shall include an internal compliance audit of the Environmental Management Plan, Community Consultation Framework and all the development and licence approval conditions and management plans, complaints and complaint responses.
- k. At the completion of each stage of mining operations, the landowner shall ensure that all sand faces, non-operational stockpiles and bund walls are safe and stable and must provide a report from a certified Geotechnical Engineer to verify their short-, medium- and long-term stability.



- l. Crossovers to be constructed in accordance with the Shire of Serpentine-Jarrahdale standard industrial crossover specifications and be located and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- m. A loop road shall connect the crossover to the main vehicle access within the site to reduce risk of vehicle conflict and unimpeded entry and exit for trucks.
- n. All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary. Such sealing shall extend a minimum of 60 metres from any public road into the subject site.
- o. Prior to the commencement of development on-site, details of the upgrading of:
 - (i) the intersection of Banksia and Boomerang Roads; and
 - (ii) Boomerang Road between Banksia Road and the existing crossover shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- p. Prior to the commencement of development on-site, details of the upgrading of the existing crossover shall be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- q. Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Shire.
- r. Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.

Approved routes:

- (i) Boomerang Road between the work site and Banksia Road;
- (ii) Banksia Road between Boomerang Road and Lydon Road;
- (iii) Lydon Road between Banksia Road and Coyle Road;
- (iv) Coyle Road between Lydon Road and King Road; and
- (v) King Road between Coyle Road and Thomas Road.

No deviation from this approved route is permitted without the prior written approval of the Shire of Serpentine Jarrahdale .

- s. All vehicles and equipment (used for or in association with on-site excavation activities) fitted with reversing beepers must not be used on-site unless the reversing beepers are in the nature of a low frequency beeper or buzzer.
- t. During all stages of development, internal roads must be designed and constructed so that haulage trucks can enter the site, access relevant stockpiles, undergo loading and exit the site without the use of reverse gear.



- u. Prior to commencement of operations, a Rehabilitation and Restoration Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.
- v. The landowner is to maintain buffers identified in the Environmental Management Plan between the top of all quarry pits and the property boundary, and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical, the diversion of fire breaks around existing indigenous vegetation. Screening vegetation is to be established within the 20-metre buffer of all property boundaries to the satisfaction of the Shire of Serpentine Jarrahdale.
- w. The landowner is not to commence excavation of Stage 2 until they have received written confirmation from the Shire of Serpentine Jarrahdale that screen planting in the identified buffer areas and any batter slope stabilisation have been established to the satisfaction of the Shire.
- x. The landowner is not to commence Stage 3 until they have received written confirmation from the Shire of Serpentine Jarrahdale that Stage 1 has been rehabilitated and revegetated to the satisfaction of the Shire.
- y. The landowner must complete the rehabilitation and revegetation of each preceding stage within three years of commencing excavation of any subsequent stage.
- z. Prior to the commencement of excavation activities, the identified ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south-western wetland to Lot 53 Banksia Road is to be fenced to protect the vegetation. Such fencing is to consist of post and wire or post and rail and to be located on the external edge of the buffer area identified in the Environmental Management Plan.
- aa. Rehabilitation of the ecological corridor along the boundaries of Lot 6 and Lot 36 linking the south-western wetland to Lot 53 Banksia Road as an offset to the proposed extractive industry operations activity is to commence within one year of the commencement of mining operations and is to be completed to the satisfaction of the Shire of Serpentine Jarrahdale prior to the commencement of Stage 4.
- ab. Where extractive industry activities involve the use of machinery including stockpiling, the use of accessways, storage and haulages, are located within close proximity (30 metres or less) to the buffer and exclusion areas, rehabilitation areas or any other sensitive area, the landowner shall utilise post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.
- ac. Prior to the commencement of development, details of the proposed temporary bund for noise attenuation purposes shall be submitted to and approved by Shire of Serpentine Jarrahdale and thereafter implemented.
- ad. The applicant shall implement dust management measures (including but not limited to dust monitoring) in accordance with the approved Environmental Management Plan (including Dust Management Plan) and Extractive Industry Licence Application, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
- ae. During periods of inactivity when excavation is not being undertaken, the applicant must ensure, prior to and during the period of inactivity as required, that the access road to all trafficable areas and other operational areas on the site are watered down or treated in a



manner which prevents or minimises the generation of visible dust crossing beyond the boundaries of the site.

- af. Dust monitoring is to be undertaken at the commencement of each stage of development. Plans of the monitoring stations including locations and periods of monitoring are to be submitted to and approved by Shire of Serpentine Jarrahdale and thereafter implemented.
- ag. The results and assessment of the monitoring are to be submitted to the Shire of Serpentine-Jarrahdale. If required, additional management measures shall be implemented to the satisfaction of the Shire.
- ah. A hardstand refuelling area is to be provided on-site, which is bunded and drained constructed in accordance with relevant Australian Standards. The refuelling area is to be drained to a pollutant receptor to prevent any spilled fuel entering the natural ground shall be provided on-site to the satisfaction of the Shire of Serpentine Jarrahdale. All refuelling shall take place within this hardstand area.
- ai. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine-Jarrahdale.
- aj. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
- ak. On-site testing and monitoring of groundwater levels within the excavation area is to be undertaken during winter and spring of each year of excavation to:
 - (i) confirm depth to groundwater table and ensure that a minimum 2 metre clearance is maintained between excavation floor and highest known groundwater;
 - (ii) to verify that any potential contaminants not limited to acid sulfates are not liberated from the dunal systems as a result of mining activities; and
 - (iii) ensure management actions in accordance with the Department of Environment Regulation's guidelines 'Treatment and management of disturbed acid sulfate soils' and 'General Guidance on Managing Acid Sulfate Soils'.
- al. Prior to commencement of operations, a Fire and Emergency Management Plan is to be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. In addition to the standard requirements of the Fire and Emergency Management Plan, suitable management measures are required to enable emergency access both during and after hours and for the 5,000L of diesel fuel stored on the site. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.



- am. All firebreaks and gates are to conform to the requirements of Councils' firebreak notice and the Fire and Emergency Management Plan and be installed prior to commencement of operations.
 - an. 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 number of vehicles generated by the development based on verified surveyor certificate of such vehicle movements. 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 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury contained within attachment 9 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 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury
3. AUTHORISES the Chief Executive Officer to issue an Extractive Industry Licence, in accordance with this decision.



OCM059/03/25

COUNCIL RESOLUTION

Moved, Cr Duggin, Seconded Cr Jerrett

That Council:

- 1. In response to the Section 31 Request for Reconsideration issued by the State Administrative Tribunal, VARIES its decision of 21 October 2024 and REFUSES the application seeking an Extension of Development Approval and Extraction Timeframe for 'Industry Extractive' at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury for the following reason:**
 - a. The clearing of 11.2ha of *Banksia menziesii* and *Banksia 143ttenuate* Woodland (a nationally protected ecological community under the EPBC Act 1999) in predominately very good ecological condition on the swan coastal plain will further exacerbate the reduction of foraging habitat suitable for the successful continuation of the endangered endemic Carnaby's Black-Cockatoo (*Zanda latirostris*) population in the Southwest of WA.**

CARRIED UNANIMOUSLY 6/0

Reason for Difference

- No practical works appear to have commenced on site.
- No Aboriginal heritage or cultural significance study has been done since 2009.
- No recent environmental survey being done based on the latest standards with the last one done in 2008.
- It has been suggested that it is a threatened ecological community which is yet to be disproved.
- We are unsure of the risk to federally protected tumulus springs to the south of the site.
- Rehabilitation of land where it is suitable for supporting black cockatoos take many decades so therefore cannot be considered an acceptable form of compensation for the mining operation.
- DWER approval has not been considered for the site since 2019 and unknown if this is based on the latest standards.
- The application does not meet community expectation.



10.1.4 - Mundijong Precinct F6 Local Structure Plan (PA24/754)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Planning Solutions
Owner:	Various Landowners
Date of Receipt:	12 November 2024
Lot Area:	10.78 hectares
Local Planning Scheme No. 3 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider the submissions received during the advertising of the proposed Mundijong Precinct F6 Local Structure Plan and make a recommendation to the Western Australian Planning Commission (WAPC) on whether the proposed Structure Plan should be approved. It is recommended that the Structure Plan be approved subject to modifications.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

A proposed Local Structure Plan (LSP) has been prepared for various lots within Mundijong Precinct F6, as identified within the Mundijong District Structure Plan. Precinct F6 is bounded by Adams Street, Cockram Street, Richardson Street and Adonis Street. The Structure Plan area is 10.78 hectares of land zoned Urban Development under the Shire of Serpentine Jarrahdale's Local Planning Scheme No. 3, and Urban under the Metropolitan Region Scheme.

The proposed Structure Plan has been prepared to guide and inform future subdivision and development of the site. The Structure Plan proposes 150 new residential dwellings with a density of R25, and 1.37ha of Public Open Space. The proposed LSP map is shown following.



Figure 1 - Mundijong Precinct F6 subject site





Community / Stakeholder Consultation

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed Local Structure Plan was advertised for a period of 42 days, from 5 December 2024 to 24 January 2025. A total of 28 submissions were received. The Shire received 11 of these submissions from government agencies and 17 were received from residents and landowners.

Government Agencies

The Shire received 11 submissions from government agencies. No objections were received by ATCO, Department of Health, Public Transport Authority, DPLH Heritage, Department of Biodiversity Conservation and Attractions, and Main Roads Western Australia.

Comments, requiring additional information or modifications to be undertaken, were highlighted by Department of Water and Environmental Regulation (DWER), Department of Transport, Water Corporation, Department of Fire and Emergency Services (DFES), and Department of Education.

DWER requested modifications to the Local Water Management Strategy (LWMS). These modifications are supported by Officers and have been incorporated within the recommended Schedule of Modifications. DWER concerns were in relation to matters such as the confirmation of groundwater irrigation, Water Corporation sewerage arrangements, designs of bioretention areas, outlets and flood storage areas, and subsoil drains.

Water Corporation highlighted that the water and sewerage servicing of the site has been planned for within the Water Corporation's infrastructure planning. Subdivision is dependent on the construction of the Scott Road Interim Wastewater pump station, and as such, the delivery of this LSP is dependent on the timeframes for the delivery of this infrastructure. The pump station has been accounted for within the Water Corporation 5-year Capital Investment Program, however the gravity sewer required is not within the scope of the pump station works and is not included within the capital investment program. This would be required to be delivered by any subsequent subdivider, within the structure plan area, who may choose to develop, should the structure plan be approved.

DFES requested modifications to the Bushfire Management Plan (BMP). Matters to be addressed include vegetation classifications, such as demonstration that POS will be managed to low threat, as well as the identification of road verges as excludable vegetation which does not account for tree retention.

Department of Education highlighted that given the site's proximity to a future school (across Adams Street), the TIA should be updated to account for requirements surrounding school sites, including Liveable Neighbourhoods and State Operational Policy 2.4. This includes pedestrian paths, cycling networks, and parking. Department of Transport also highlighted that the proposed LSP lacks reference to pedestrian and cycle networks and integration within the LSP document and the TIA.

These agency comments have been incorporated within the Schedule of Modifications and are able to be addressed through modifications to the LSP and its appendices.

Residents/landowners

The Shire received 17 submissions from residents and landowners. Three (3) submissions were supportive or had no objection to the proposed LSP, and 14 submissions provided objections to the LSP.

Objections were raised in regard to the proposed density and lot sizes, and the character of Mundijong being different to the smaller lots sizes proposed. The LSP proposes an R25 density,



translating to approximately 150 dwellings, at a lot size of around 350sqm. Residents raised concerns that the residential density is too high and lot sizes are too small.

Officers note that the future subdivision of the existing Mundijong urban area has been identified within the State and Local Planning Frameworks. The Mundijong District Structure Plan identifies the site as 'Low (Suburban) R20-35'. Therefore, the R25 density proposed by the LSP aligns with the DSP and the planning framework, being towards the low end of the density range anticipated.

Residents raised concerns regarding the protection of trees and fauna. Officers support the retention of existing vegetation where possible within road reserves and Public Open Space, and have recommended several modifications to be made to the LSP to increase provisions relating to fauna management and tree retention, particularly within road verges.

There were concerns raised in regard to the capacity for the new lots to be serviced by power, water and sewerage services. The LSP requires that all necessary upgrades and extensions of servicing be addressed within subdivision applications, ensuring that all new lots are connected to the necessary utilities and a reticulated water and sewerage service. This is a requirement that must be addressed by future subdividers, and it is important that any future subdividers undertake early engagement with servicing authorities in order to fully understand the level of utility extension (and thus cost) that subdivision will face. Such costs are not associated with development contribution arrangements administered by the Shire, insofar that the Shire DCA arrangements do not extend to cover power, water or waste water utilities. These instead are managed through funding mechanisms of the relevant utility agencies.

The LSP states that it is likely that upgrades will be required to the Western Power, and Water Corporation networks to accommodate for increased development and capacity requirements. Further information on servicing is provided within the Officer assessment of this report.

Statutory Environment

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Government Policies

Metropolitan Region Scheme

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

State Planning Policy suite

Operational Policy 2.4 Planning for School Sites

Liveable Neighbourhoods

Local Planning Framework

Shire of Serpentine Jarrahdale Local Planning Strategy

Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

Mundijong District Structure Plan

Local Planning Policy suite



Planning Assessment

Planning Framework

The subject site is zoned Urban under the Metropolitan Region Scheme, identified as Urban Settlement under the Shire of Serpentine Jarrahdale's Local Planning Strategy, and zoned Urban Development under the Shire of Serpentine Jarrahdale's Local Planning Scheme No. 3.

The site falls within the Mundijong District Structure Plan (DSP). The DSP requires structure plans to be prepared within identified Local Structure Plan Precincts, prior to subdivision and development. As the subject site is identified as Precinct F6, a local structure plan has been prepared to guide subdivision. The DSP identifies the F6 Precinct as having a Residential land use, as shown in the figure following.

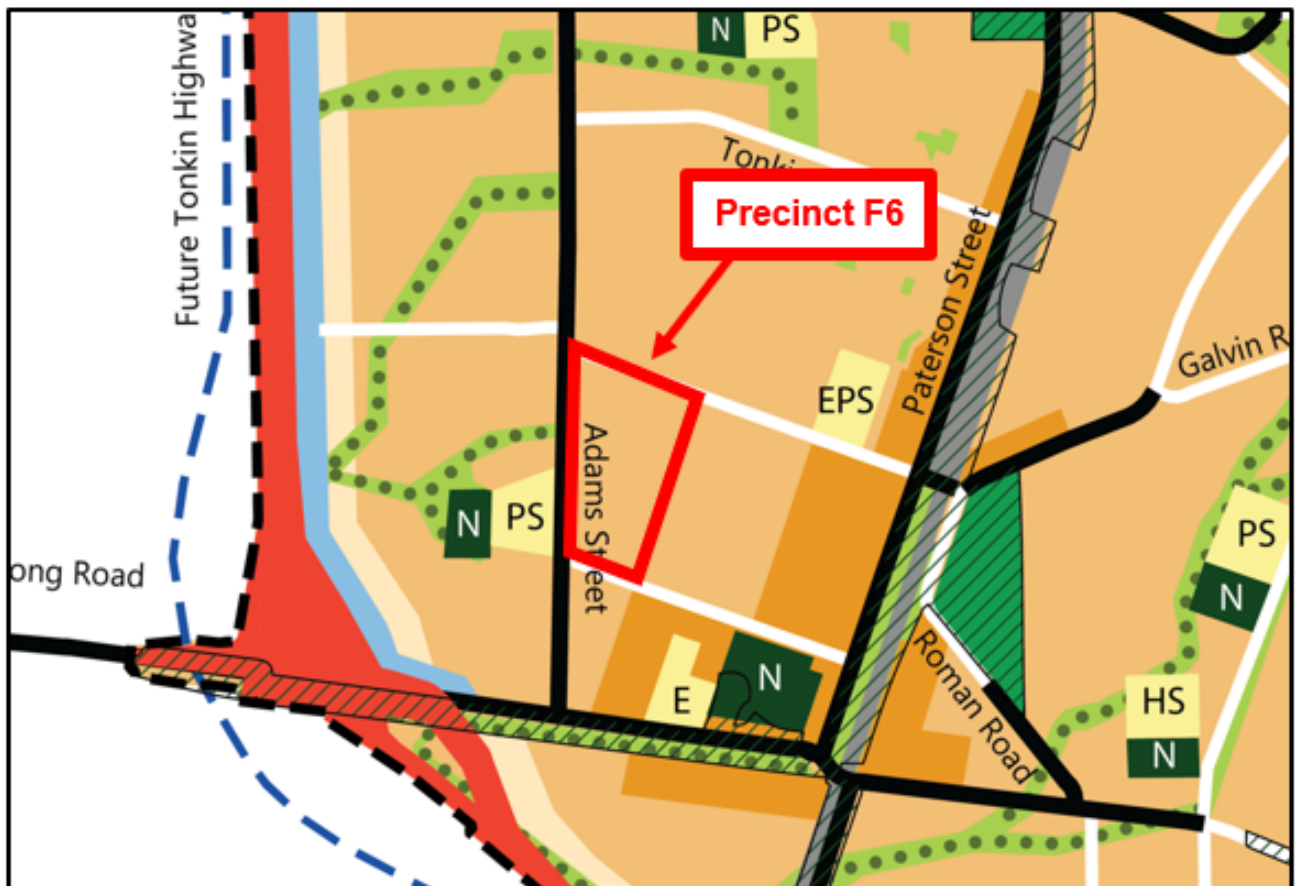


Figure 3 - Mundijong District Structure Plan 2025

Residential Density

The LSP proposes a residential density of R25 for the whole LSP site, with no locational criteria for a variation in this density. The Mundijong District Structure Plan (incorporating modifications as required by the WAPC) identifies the subject site as 'Low (Suburban) R20-35'. Therefore, the proposed density is consistent with this framework and is supported by Officers, being at the lower end of the density range.

Officers recommend that a base density code of R25 be applied across the LSP site, with locational criteria being added for higher densities of R30-35 where adjacent to Public Open Space or at the end of street blocks. This will ensure the dwelling targets of the DSP are realised.



As will be explained further on, Officers are recommending a range of changes to the proposal, which, with regard to density, extends to considering how best to manage the interface with development on the opposite side of Adonis Street. In this respect, it is recommended that an R20 interface area be required, which will give opportunity for a more gradual change in lot frontages to take place in the streets as development moves to the west.

This is depicted following:

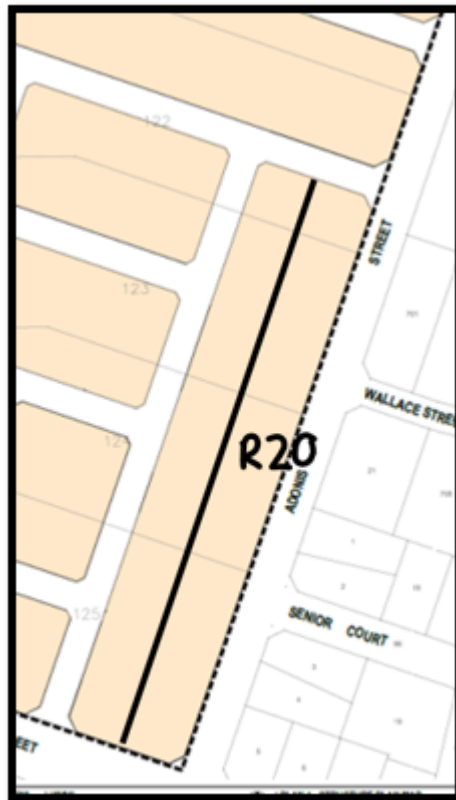


Figure 3a - R20 transition area

Movement network

The LSP states that *'the structure plan area does not rely on Adams Street being constructed (with no lots fronting Adams Street)'*. This is not supported by the Shire. Adams Street needs to be constructed as a requirement of future subdivision. The DSP identifies Adams Street as connecting to Mundijong Road, with Adonis Street intending to be converted to a cul-de-sac. Therefore, Adams Street is identified as accommodating higher volumes of traffic and must be constructed in association with this LSP over Precinct F6, and the adjacent LSP over Precinct E2. Attempting to place access requirements upon the existing Adonis Street, is considered to represent a vehicle and pedestrian safety risk, insofar that it will increase traffic along a road without precipitating intersection improvements or footpaths on both sides. Specifically, a 4-way intersection would be created at the intersection of Adonis Street and Cockram Street, which would carry an appreciable traffic volume on all four legs. Further, a footpath does not exist on both sides of Adonis Street, and does not exist at all on the western leg of Cockram Street, creating increased risk for pedestrians compared to a normal residential street which has footpaths established on both sides. Given the intended reduction in access along Adonis Street once Adams Street connects to Mundijong Road, which is facilitated by the development of Mundi Estate, Officers consider that it would not represent an appropriate response to rely on Adonis Street for all access. Therefore, the construction of Adams Street, for the full extent of the



structure plan frontage, will balance traffic without undue pressure being placed on the existing lower order road network of the townsite.

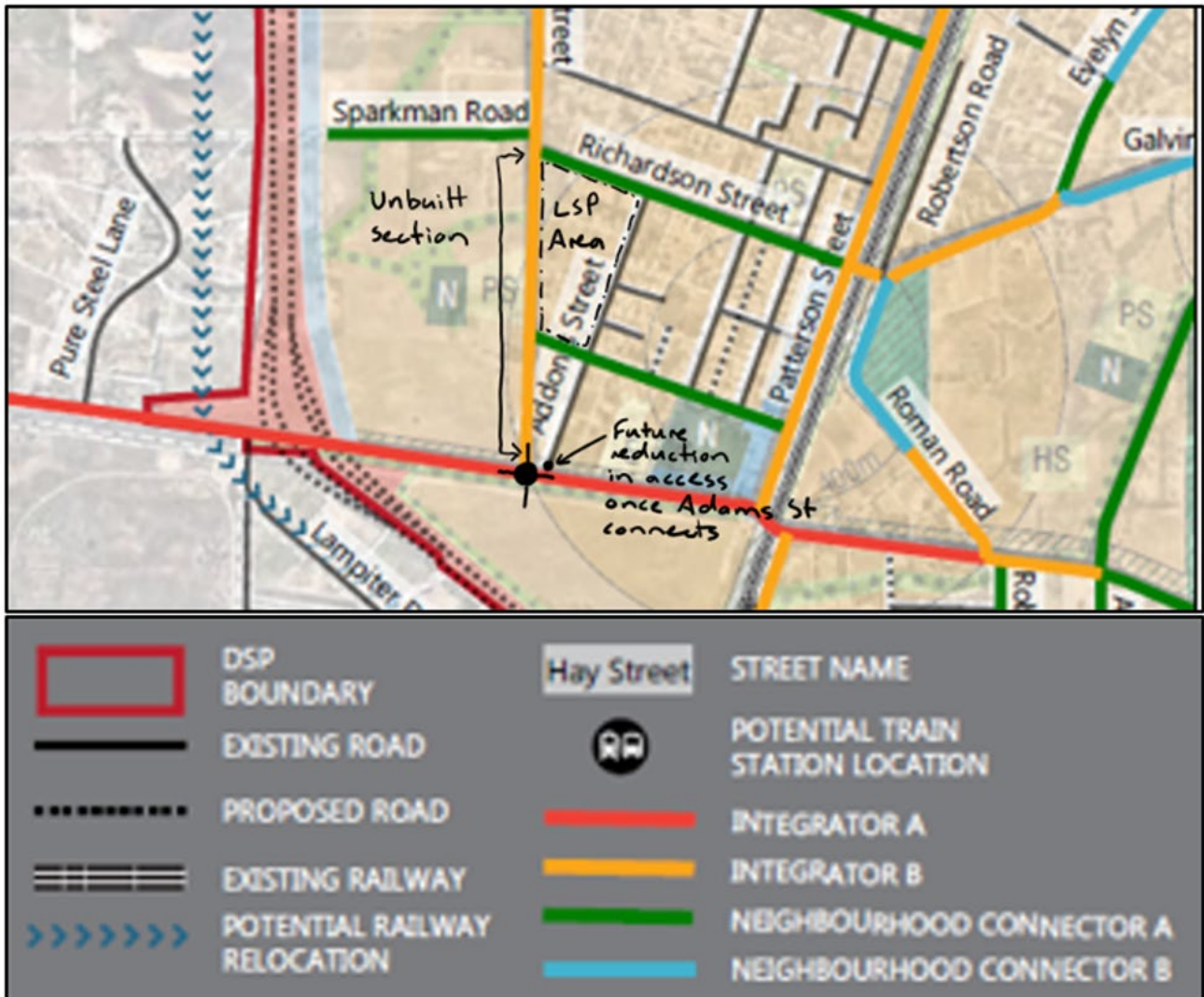


Figure 3b - Road infrastructure coordination according to the District Structure Plan

Additionally, the proposed LSP identifies POS fronting Adams Street, which will require adequate road access to be provided. A provision has been recommended within Part 1 of the LSP for necessary Adams Street widening and construction. This requirement must be added within the LSP report to ensure the necessary land for Adams Street widening (5m either side) is provided, and that construction takes place for the frontage of the structure plan area.

Part 1 of the LSP currently does not prescribe road widening or upgrades, only stating that the structure plan proposes 'local roads'. Local roads are acceptable for the internal access streets, however the site is bordered by Cockram Street, Adonis Street, Richardson Street, and Adams Street, which require higher road classifications.



The Mundijong District Structure Plan Transport Impact Assessment 2025 prescribes the below road hierarchy:

- Richardson Street - Neighbourhood Connector A
- Cockram Street - Neighbourhood Connector A
- Adonis Street - Local Road
- Adams Street - Integrator B

Therefore, the LSP and TIA must be updated to reference these road classifications. These road upgrade requirements must be included within Part 1 of the LSP to ensure that they are imposed through conditions of subdivision.

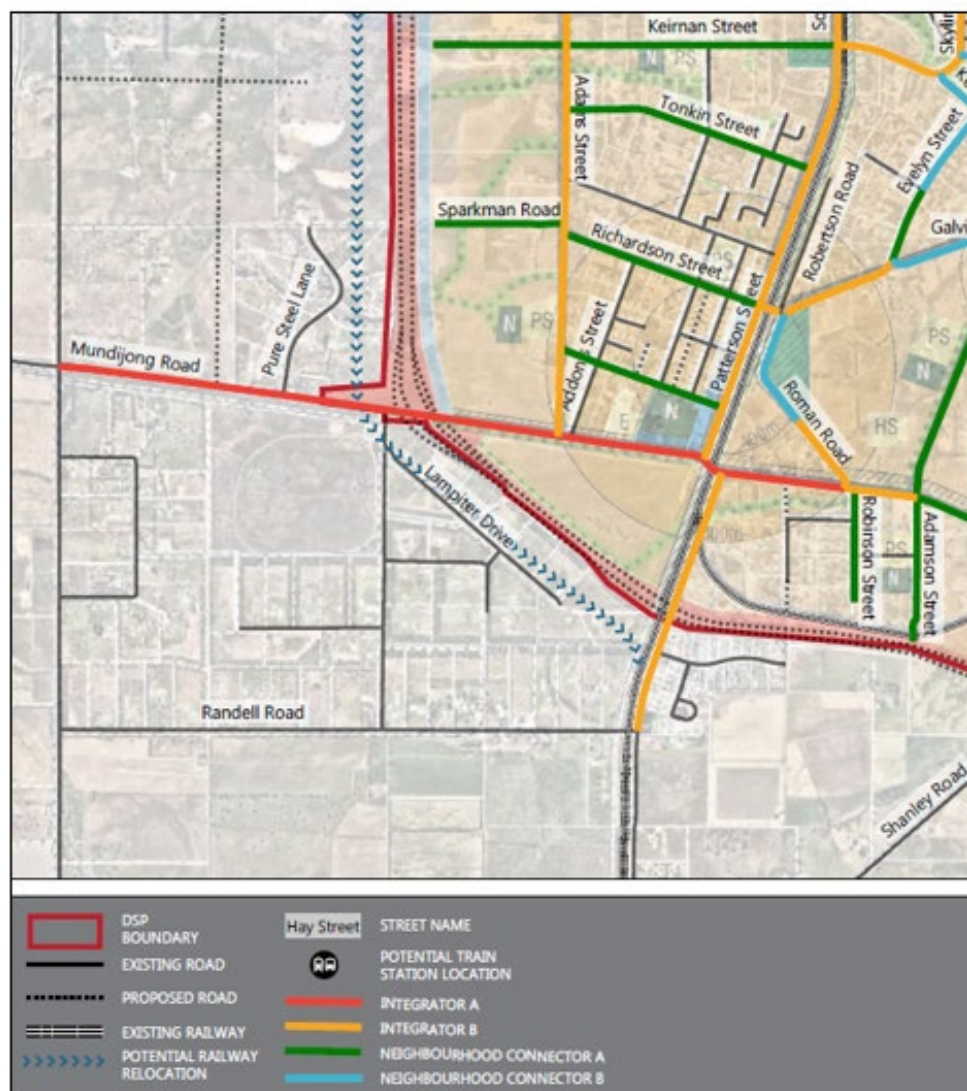


Figure 4 - Mundijong District Structure Plan Transport Impact Assessment 2025



Pedestrian and cycle network

The subject site is located within proximity to an existing school and a proposed school adjacent west of the site. The site is also located within the 800m catchment of the Mundijong Town Centre, which is identified under the planning framework as a future District Activity Centre. Therefore, walkability and connectivity of pedestrian and cycle infrastructure is a significant consideration.

The TIA includes information on pedestrian and cycle infrastructure. However, there is limited references within the LSP report, nor the integration of the site with its surrounding developments and existing land uses. Modifications are recommended to the LSP report to include provisions for paths on both sides of roads within 800m walkable catchments of the district centre, train station, and primary schools, as per Liveable Neighbourhoods.

This includes:

- The section of Adonis Street, where a footpath exists only partially on the frontage of Adonis Street to the structure plan area;
- Richardson Street, where no footpath exists for the frontage of the structure plan area;
- Western section of Cockram Street, where no footpath exists for the frontage of the structure plan area.

It is a requirement that the existing footpath network be extended for the full adjoining frontages of the structure plan area.



Figure 5 - Primary School Context



Environment

Tree Retention

There are many large trees present within the subject site and the adjacent road reserves which should be retained where possible as they contribute significantly to the area's ecology, canopy coverage, urban cooling, and amenity.

Trees may be retained through subdivisions within road verges, medians, or POS. However, the LSP's proposed configuration of POS, lots, and internal roads does not adequately account for the existing trees. For example, POS has largely not been proposed within locations of high vegetation. (This has occurred along Richardson Street, however, not elsewhere throughout the site).

The Environmental Assessment Management Strategy identifies remnant vegetation within adjacent road reserves, such as Cockram Street, which is in good condition with ecological significance. However, the LSP does not propose any commitment or provisions to retain trees within road reserves. The landscape plans provided also do not indicate any tree retention within proposed internal road reserves. Tree retention measures must be imposed at the LSP stage to guide the location and widths of roads at the subdivision stage.

The design of these roads should prioritise the retention of existing trees. This is particularly relevant for Cockram Street, where lots may take access off this road, resulting in the risk of tree removal from crossover locations.

Siteworks at the subdivision stage should also prioritise tree retention, and fill should be designed to avoid existing trees and their root zones, as this jeopardises their survival.

Modifications to the LSP have been recommended by Officers, to ensure that tree retention is considered at the LSP stage through road reserve design and fill requirements. For example, a provision has been recommended to be added to Part 1 of the LSP stating that further road widening (additional to Liveable Neighbourhoods requirements) may be required to retain significant trees within wider road verges at the subdivision stage. Additionally, it is recommended that Local Development Plans address crossover and garage locations, to ensure that crossovers are sensitively located to avoid removing existing trees from within road reserves where possible.

This further road widening is recommended for Richardson Street, in lieu of a strip of public open space that will be incapable of performing an acceptable active or passive recreation purpose. In order to protect the existing street trees in this part of the subject land, it is recommended that the road reserve for Richardson Street be suitably widened, in order to protect the trees within the verge.

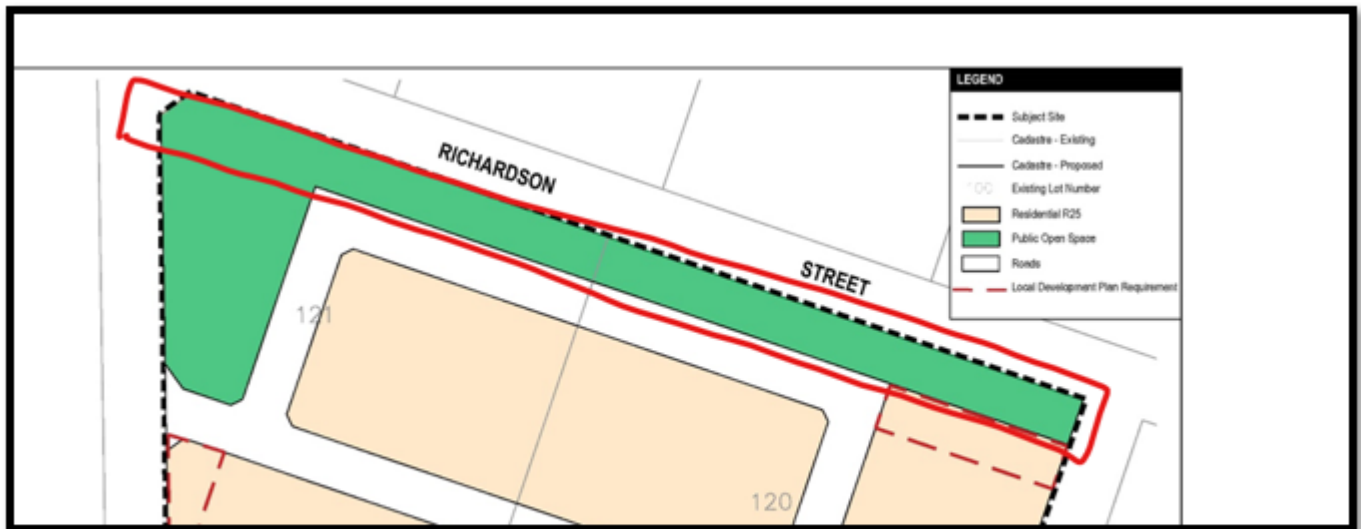


**Figure 5a - Protection trees within the portion of land
via a widened road reserve - not public open space.**

Also verge to become an urban standard by removing drain and providing footpath

Fauna Management

The Environmental Assessment found 0.25ha of high-quality foraging habitat for Black Cockatoo species. Adams Street contains large trees which are feeding habitats for Black Cockatoo species, and Cockram Street has significant remnant native vegetation on the verges, which belongs to a critically endangered threatened ecological community, shown following. Eight potential black cockatoo nesting trees have been identified, four of which are located within Cockram Street as shown following.

Therefore, Officers recommend that a Fauna Management Plan be imposed as a requirement for future subdivision. This should include inspection by a fauna specialist to ensure that nesting is not occurring, and if nesting birds are found, necessary measures are undertaken to address this.



Figure 6 - Potential Black Cockatoo Nesting Trees

Environmentally Sensitive Area

Cockram Street and the south-eastern portion of the LSP site is identified as an Environmentally Sensitive Area. Any proposed clearing of native vegetation associated with the development should be undertaken in accordance with the *Environmental Protection Act 1986 (EP Act)* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and should be discussed with the Department of Water and Environmental Regulation. Modifications have been recommended to state this within the LSP report.

There may be opportunity, for example, to shape the road pavement through the section of Cockram Street new Adonis Street, to retain significant trees. There are recent examples across the Perth Metropolitan Region that demonstrate the viability of this.



Figure 6a - Showing adjusted road pavements to protect trees

Public open space*POS Schedule*

The POS Schedule states that there are no deductions from the gross subdivisible area of 10.78ha, and that therefore 1.07ha of POS is required to fulfil the 10% Liveable Neighbourhoods requirement. However, the POS Schedule is incorrect and does not align with Liveable Neighbourhoods or the Local Water Management Strategy (LWMS).

The schedule currently states 1.38ha of POS, consisting entirely of unrestricted POS, with no restricted POS. This is not accurate, as vegetated bioretention areas will be included within the POS. The LSP report states that whilst areas of POS are used as bio-retention areas, the entire area is classified as 'unrestricted POS'. This statement is not supported by Officers, and in the opinion of Officers is not reflective of Liveable Neighbourhoods. These areas should be deducted from the gross subdivisible area or shown as restricted POS in accordance with Liveable Neighbourhoods.

The schedule must be modified to demonstrate the deduction of the 1:1 stormwater event areas, which is stated in the LWMS as 732m². This is a standard requirement under Liveable Neighbourhoods. The schedule also does not show restricted POS for the 20% Annual Exceedance Probability (AEP) areas (which is stated in the LWMS as 1,297m²). These deduction areas and restricted open space areas are also not shown graphically within the LWMS. As such, modifications to the LSP are required to accurately demonstrate that the 10% POS requirement of Liveable Neighbourhoods is met and required amounts of restricted and unrestricted POS are provided.

Total site area (ha)		10.78
Deductions		
Nil		
Total Deductions		0
Gross subdivisible area (total area minus deductions)		10.78
Public open space @ 10 per cent		1.07738
May comprise:		
Minimum 80% unrestricted public open space	8.624	
Maximum 20% restricted use public open space	2.156	
Breakdown of POS provided		
Restricted use public open space	0	
Unrestricted public open space	1.38	
Total public open space provision		1.38
POS Provision as Percentage of Gross Subdivisible Area		12.74%

Figure 7 - Public Open Space Schedule



POS configuration

The configuration of the POS within the site provides limited usability for residents and is recommended by Officers to be modified. The POS areas proposed are small, triangular portions of land located mainly along Adams Street, and a long narrow strip running along Richardson Street. These spaces appear impractical and lack usability for recreation. On lots which have limited private open space available, distributing POS in a manner which results in limited functionality is not supported, and impacts the liveability of this future neighbourhood.





While POS must take account of drainage needed, and opportunities to preserve natural features like trees, Officers consider the current layout should be reviewed taking a greater focus upon the need of future residents for active play spaces and reflective of the requirements of Liveable Neighbourhoods. LN states, for example that:

(Element 1 Community Design R26) The layout should provide well-distributed parkland that contributes to the legibility and character of the development, provides for a range of uses and activities, is cost-effective to maintain and assists with urban water management.

Whilst it may be reasonable to have some element of POS which is constrained in function due to drainage, Officers consider that the current design provides for a lack of uses and activities, and will represent a significant ongoing management cost to the local government.

When looking closely at the current design, many of the drainage basins are located centrally within POS area, rendering the remainder of the POS mostly difficult to use. There is opportunity for the POS to be reconfigured to be activated, positioned more centrally, with linkages through the local area for the wider subdivision, as opposed to delivering the POS on the periphery and in largely broken and fragmented forms.

Drainage basin locations and sizes within POS are recommended to be reconfigured. For example, the basin within the below POS would be better suited being located against Adams Street, allowing for the POS area closest to residents to be usable, rather than providing narrow areas of usable POS along a roadside. Alternatively, basins may be amalgamated to be provided within one of the POS areas. A reconfiguration of the POS layout and the usability for active recreation function within the LSP, LWMS, and Landscape Masterplan is recommended. A recommended sketch could be such as follows, noting that the expectation is for the applicant (not Officers) to ultimately adjust design, based on the recommendations of the Shire:

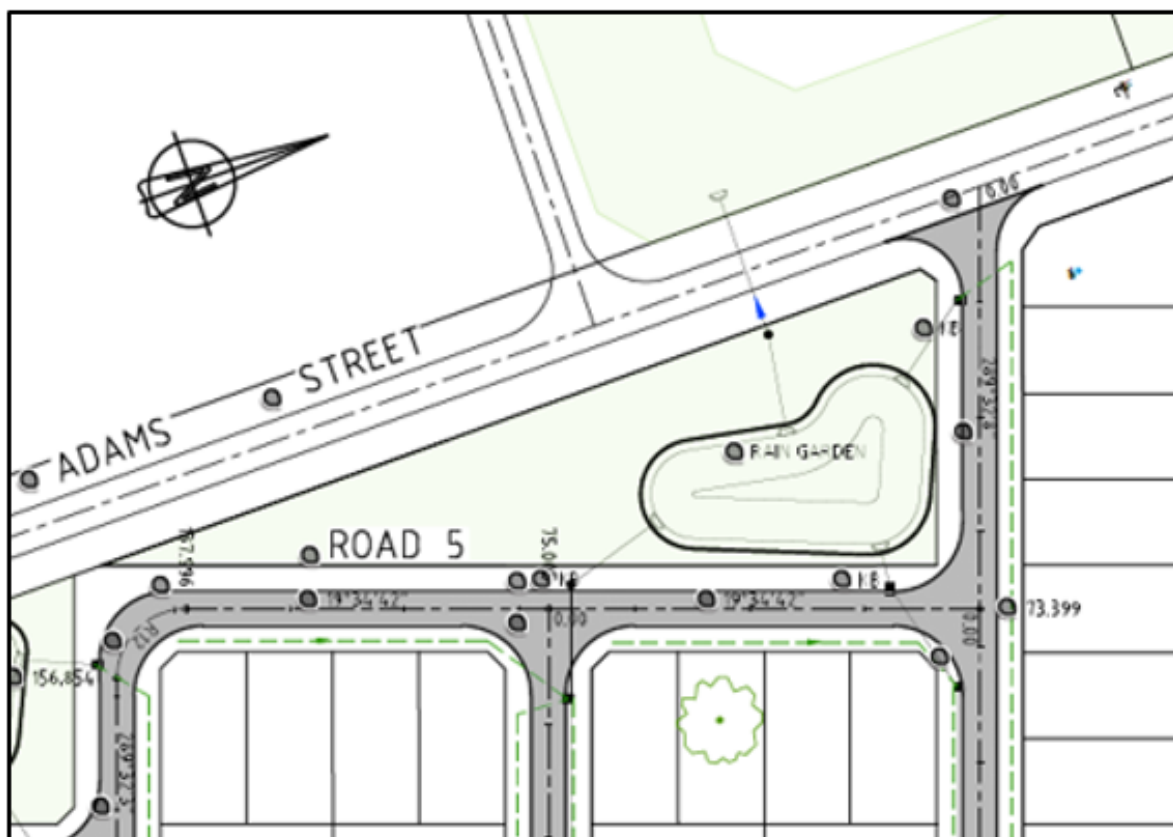


Figure 9 - Basin within proposed POS



this is not consistent with the LWMS, which shows dense vegetated basins with species for nutrient uptake. Fully turfed basins are not maintainable within the one-year event, as this turf will be regularly wet and unmaintainable. With a proposed 300mm separation from groundwater, the basin areas will be sodden marshland. Furthermore, the slope of the biofiltration areas means that grassing is not appropriate. The landscape plans are currently showing greater turf, which is not reflective of the requirements set out in the LWMS. The structure plan thus needs to be re-examined, in light of the suggested changes for more legible and consolidated design, and for this to then be considered in respect of LWMS requirements and landscape design opportunity. Taking into account the modifications required to align the Landscape Masterplan with the LWMS and both with a modified structure plan layout, Officers recommend the Landscape Masterplan be modified to demonstrate active, functional recreation areas within the final agreed layout of POS.



Figure 10 - POS landscape plans



Stormwater Drainage

Various modifications are required to be made to the Local Water Management Strategy (LWMS), recommended by DWER and Shire Officers.

Catchment flows

Clarification and further figures are required regarding catchment areas, and pre and post development flows. Further details are required regarding surface water levels, catchment areas, and pre and post development flow rates, demonstrating that post development flow rates leaving the site is consistent with the District Water Management Strategy (DWMS) and/or the predevelopment flow rate up to 1% AEP. The LWMS must ensure that that surrounding upstream areas contributing to runoff has been considered and that the natural flow of water from upstream is not obstructed. Various modifications have been recommended by DWER and Officers in regard to the LWMS.

Private lot subsoil drains

The LSP proposes subsoil drains within private lots, along the rear. The use of subsoil drains within private property to manage and control groundwater is not supported by the Shire or DWER. Subsoil drains must only be provided within road reserves and POS.

Bioretention Basins and Flood Storage Areas

Further details are required to be shown for the proposed bioretention basins and flood storage areas. This should include cross sections of the proposed basins and swales, showing critical invert levels, rainfall events, designs of inlets and outlets, depths of amended soils, Maximum Groundwater Level, and how the subsoils integrate.

As mentioned already, the design layout of the structure plan, namely street blocks, roads, POS and drainage, needs adjustment in light of the issues documented in terms of POS. This will shape and improve opportunities for drainage design, which will assist in delivering a response to the challenges ground conditions which exist.

For example, the LWMS states a maximum 500mm depth for bioretention areas, with side slopes of 1:3. This is too large and too steep. Depths should be maximum 300mm, with 1:4 slopes. This is in accordance with DWER recommendations and to ensure that vegetation can be maintained on these slopes, and for safety. By increasing and consolidation POS, there will be greater opportunities for larger and thus more flexible drainage design to accommodate drainage needs.

The LWMS proposes Flood Storage Areas 300mm above MGL. This is not standard practice and should be amended to 500mm above MGL. This separation from groundwater is to allow for subsoils and amended soil profiles, and to avoid maintenance issues and mosquito breeding habitats from basins holding water during winter and peak groundwater increase periods. If the invert to MGL is only 300mm, this means the amended soil profile will be in the groundwater zone, suggesting sodden basins in winter. It is also known that there is a perched groundwater level on site likely to present in these winter months. This limited separation does not provide contingency for rising groundwater levels post development. The standard of 500mm separation is also consistent with the Cockram Street, Sparkman Road and Adams Street Mundijong LWMS, which is referred to within this LWMS.



Bushfire management

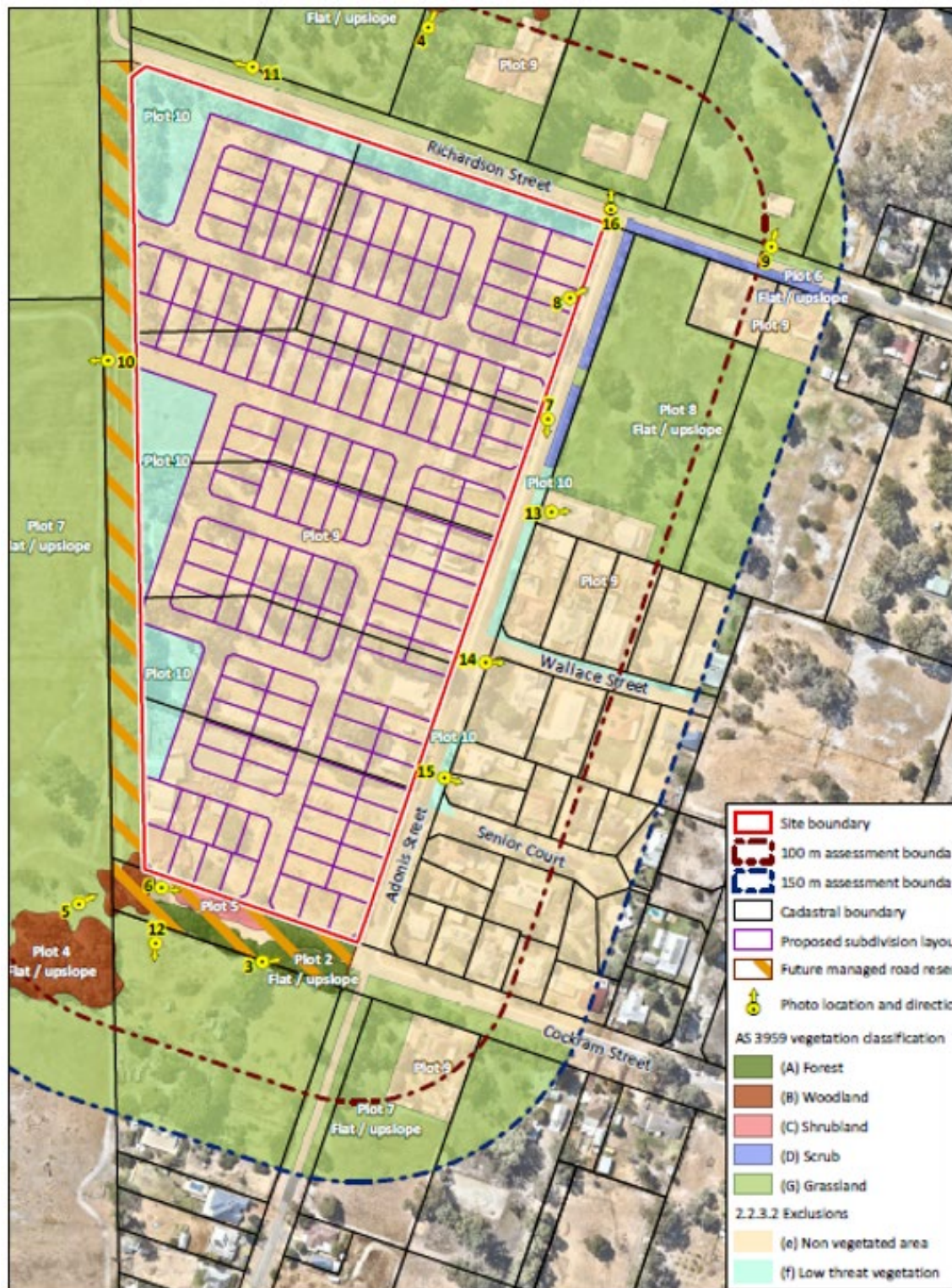
A revised Bushfire Management Plan is required to accurately demonstrate the vegetation classifications and associated bushfire risk across the site. Modifications have been recommended by DFES and Shire Officers in this regard.

As shown in the image below, the BMP classifies all areas of POS as being maintained to a low threat level. The POS are proposed to contain drainage basins, which will be planted with vegetation. Therefore, it must be demonstrated that these basins can be planted and maintained to this level. Road reserves are also classified under the BMP as a 'non-vegetated area'. However, as discussed previously, there are significant trees along existing road verges such as Cockram Street and Richardson Street, which should be retained where possible within verges. The BMP has therefore not accommodated for the retention of any trees within these road reserves.

Given the structure plan design is requiring a review, in light of the issues identified, the BMP needs to be revisited in regard to both layout and detailed design issues.

Upon completion of the LSP and the construction of all four perimeter roads, the proposed lots will achieve multiple access routes in multiple directions, in accordance with State Planning Policy 3.7 Bushfire (SPP3.7). The LSP's compliance with SPP3.7 is dependent on the construction and upgrading of the perimeter road network, such as Adams Street. Therefore, it is essential that the LSP Report be modified to include requirements for the construction and upgrade of all necessary roads, within Part 1 (statutory requirements).

As suggested in the revised structure plan layout, there could be a commensurate rationalisation of street block and road design, to create a simpler, and safer network of streets that can aid in familiarisation and emergency evacuation. Thus the BMP will also need to demonstrate, based on the final design layout, how road infrastructure coordination occurs so that no development is permitted which is a single entry in / out only.





Servicing

Water

The LSP site will achieve a connection to a reticulated water supply through an extension of the recently constructed water main along Paterson Street and Cockram Street. This is in alignment with Water Corporation's long-term planning for the Mundijong urban area. The subject site falls within the Mundijong Water Zone and is within the Water Corporation's long-term planning area. This area is planned to be served by a proposed DN250 along Cockram St, which is to be connected into the DN610 Steel main on the corner of Cockram Street and Paterson Street.

Sewerage

There are currently no reticulated sewerage services in Mundijong. This is currently a major constraint to subdivision and development within the Mundijong District Structure Plan area. However, the subject land is situated in the Water Corporation's Byford Sewer District, and the predicted wastewater flows from the proposed land uses and dwelling yields has been conceptually allowed for in the Water Corporation's wastewater infrastructure planning.

Water Corporation intend to establish a sewerage connection to the subject site through an extension of existing sewerage infrastructure in Byford. A waste water pump station is also proposed along Scott Road, outside of the subject site. This pump station is a part of the Water Corporation's long-term planning for the Mundijong urban area. The subdivision and development of the LSP site is dependent on the timeframes for the delivery of this pump station, which has been accounted for within the Water Corporation's 5-year Capital Investment Program. The delivery of the LSP is therefore dependent on the delivery of Water Corporation infrastructure to Mundijong. Water Corporation highlighted that the subject site also requires a DN450 and DN300 gravity sewer, which are not part of the scope of the Water Corporation's 5-year Capital Investment Program.

This issue needs to be addressed by the applicant, so that all proponents within the structure plan area understand the utility constraints that need to be overcome privately with the servicing authorities, to enable development to occur.

Options

Option 1

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVE the Mundijong Precinct F6 Local Structure Plan, subject to the Schedule of Modifications contained within **attachment 3**.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - 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 proposed modifications to address issues raised in the submissions and planning assessment;
- d. the local government's assessment of the proposal based on appropriate planning principles; and
- e. the recommendation by the local government to approve the Proposed Structure Plan, subject to modifications.

Option 2

That Council:

1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DOES NOT ENDORSE the schedule of submissions and comments contained within **attachment 2**.
2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission REFUSE the Mundijong Precinct F6 Local Structure Plan.
3. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES the following documents to the Western Australian Planning Commission:
 - 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 proposed modifications to address issues raised in the submissions and planning assessment;
 - d. the local government's assessment of the proposal based on appropriate planning principles; and
 - e. the recommendation by the local government to refuse the Proposed Structure Plan.

Option 1 is recommended.

Conclusion

The Local Structure Plan proposes 150 new residential dwellings and 1.37 ha of Public Open Space. Submissions received by agencies and residents mainly raised concerns and objections related to the lot sizes, tree retention, servicing, and revisions required to the technical appendices. It is considered that these concerns are not insignificant, and support the technical assessment by Officers, which recommend a range of modifications to the Local Structure Plan and its technical appendices to address issues.

Of note is a broader redesign requirement, to address issues associated with interface, POS and drainage layout, which may also assist in rationalising the amount of road assets and improving opportunities for increased yields.

The proposed Local Structure Plan is expected to provide new residential dwellings to accommodate for the projected population growth of the Mundijong Urban Area and will facilitate future development within the Mundijong District Structure Plan area, through establishing connections to services. Officers recommend that the WAPC approve the proposed local structure plan, subject to modifications.



Attachments (available under separate cover)

- **10.1.4 - attachment 1** - Mundijong Precinct F6 Local Structure Plan - Report and Appendices - as advertised (E24/16938)
- **10.1.4 - attachment 2** - Mundijong Precinct F6 Local Structure Plan - Summary of Submissions (E24/18192)
- **10.1.4 - attachment 3** - Mundijong Precinct F6 Local Structure Plan - Schedule of Modifications (E25/2072)

Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable	
1.	Advocate for public transport and focus on connectivity within communities
2.	Improve maintenance and investment in roads and paths
3.	Preserve and enhance our natural places, parks, trails and reserves
4.	Invest in facilities and amenities to meet current and future needs
Connected	
2.	Contribute to a well-connected, accessible and health community

Financial Implications

There are no direct financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the option with the lowest strategic risk.						
2	That Council recommends refusal of the structure plan and the WAPC approve it, without the input of Shire recommended modifications.	Planning framework	Social Community Outcomes /	Possible	Moderate	MODERATE	Give reason for decision.



Voting Requirements: Simple Majority

OCM060/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council:

- 1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ENDORSES the schedule of submissions and comments contained within attachment 2.**
- 2. Pursuant to Clause 20 (2) Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend that the Western Australian Planning Commission APPROVE the Mundijong Precinct F6 Local Structure Plan, subject to the Schedule of Modifications contained within attachment 3.**
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 - c. a schedule of proposed modifications to address issues raised in the submissions and planning assessment;**
 - d. the local government's assessment of the proposal based on appropriate planning principles; and**
 - e. the recommendation by the local government to approve the Proposed Structure Plan, subject to modifications.**

CARRIED UNANIMOUSLY 6/0



10.1.5 - Response to Petition by Stephanie Griffiths - Structure Plan for Stage 2 of Doobarda Business Park - Blair Road roundabout (SJ685-02)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

Report Purpose

The purpose of this report is to respond to a petition of 63 people regarding the Structure Plan for Stage 2 of Doobarda Business Park - Blair Road roundabout received from Stephanie Griffiths at the 10 February 2025 Council meeting.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 10 February 2025 - OCM002/02/25 - COUNCIL RESOLUTION / Officer Recommendation

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

Background

On 10 February 2025, a petition was received from Ms Stephanie Griffiths in accordance with clause 3.6(1) of the Shire of Serpentine Jarrahdale Standing Orders Local Law. The Petition is in relation to the Structure Plan for Stage 2 of the Doobarda Business Park, in particular the proposed roundabout at the intersection of Blair Road and Rowley Road. This is a structure plan within the City of Armadale, and which was referred to comment by the Shire as well as to surrounding landowners.



The Petition is requesting that Council either:

1. Advise the City of Armadale and Western Australian Planning Commission of its objection to the proposed roundabout, or
2. If the roundabout is approved, commence investigations into traffic mitigation measure to minimise the impact on Blair Road from the development.

A summary of the reasons for the petition is:

“The City of Armadale have advertised the Stage 2 Structure Plan for public comment, the Stage 2 area is estimated to generate approximately 10,000 vehicle trips per day onto Rowley Road, the primary access road to Stage 2 is proposed to be located opposite Blair Road, a full movement roundabout is proposed at the intersection of Rowley Road. Blair Road and the new primary access road with no restrictions preventing vehicles from Stage 2 using Blair Road. Blair Road is already used a shortcut to get from Rowley Road to Nicholson Road and vice versa, so as to avoid the Rowley Road and Nicholson intersection. Blair Road is not constructed to a standard to accommodate the likely increased traffic volumes or regular use by trucks and larger vehicles. Residents feel that the overall amenity of the area will be greatly reduced there will be an increase in safety issues for residents (including children and horses) and increased damage to Blair Road’s surface if the proposed roundabout is approved with direct access between the Stage 2 and Blair Road. Blair Road is a local road under the control of the Shire and therefore the need to address traffic impacts on Blair Road from the development will rest with the Shire.”

The Structure Plan is for Stage 2 of the Doobarda Industrial Area which was formerly known as the South Forrestdale or Rowley Road Industrial Area. The suburb name for this part of Forrestdale was changed to Doobarda about 18 months ago. The Shire was requested to comment on the structure plan, with that request received towards the end of 2024.

Community / Stakeholder Consultation

The City of Armadale advised that invitations to comment on the structure plan were sent in writing to a large amount of landowners of properties south of Rowley Road within the Shire of Serpentine Jarrahdale.

Officers acknowledge other submitters who have provided their comments to the City of Armadale and who have advised the Shire of doing so.

The Shire is not required to advertise the proposal to its residents, as it is not a Shire proposal. Adjacent local governments generally respond to such proposals based on the planning framework for the area, highlighting key issues and importantly emphasising consideration for amenity protection and infrastructure adequacy. The Shire raised a number of points of concern regarding the Proposed Structure Plan, including not supporting the proposed Blair Road roundabout connection to the industrial estate.

Statutory Environment

Under the Planning and Development (Local Planning Schemes) Regulations 2015, the local government (City of Armadale) is required to:

18. Advertising structure plan

- (1) *The local government must, within 28 days of preparing a structure plan or accepting an application for a structure plan to be assessed and advertised*



-
- (a) *advertise the proposed structure plan in accordance with subclause (2); and*
 - (b) *seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate; and*
 - (c) *provide to the Commission -*
 - (i) *a copy of the proposed structure plan and all accompanying material; and*
 - (ii) *details of the advertising and consultation arrangements for the plan.*
- (2) *The local government -*
- (a) *must advertise the proposed structure plan by publishing in accordance with clause 87-*
 - (i) *the proposed structure plan; and*
 - (ii) *a notice of the proposed structure plan; and*
 - (iii) *any accompanying material in relation to the proposed structure plan that the local government considers should be published; and*
 - (b) *may also advertise the proposed structure plan by doing either or both of the following-*
 - (i) *giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the proposed structure plan*
 - (ii) *erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan giving notice of the proposed structure plan.*
- (3) *A notice published or given, or on a sign erected, under subclause (2) in relation to a proposed structure plan must specify -*
- (a) *the manner and form in which submissions may be made; and*
 - (b) *the period under subclause (3A) for making submissions and the last day of that period.*

The advertising of the abovementioned structure plan was done in accordance with this requirement. The locational map and structure plan are attached as **attachment 2** and **attachment 3** respectively.

Comment

Officers provided comment on the Draft Structure Plan - Stage 2 Doobarda Industrial Area on 28 January 2025 (refer **attachment 4**). The due date for comments was 28 January 2025, which was an extended period given the advertising taking place over the Christmas / New Years period.

The Shire commented on a range of issues, including the Blair Road intersection issue. Other comments made related to:

1. Land Use Compatibility and Amenity.
2. Interface Concerns.
3. Rowley Road.
4. Blair Road Intersection.
5. Transport and Industrial Noise Impacts.



The following details comments and concerns raised in regard to the points made in the submission.

1. Land Use Compatibility and Amenity

The proposed Structure Plan identifies an 'Industrial Business' designation adjacent to an existing Rural Residential area within the Shire located to the south of Rowley Road. This Rural Residential area contains sensitive residential land uses. The location of the proposed 'Industrial Business' land use in relation to the existing Rural Residential lots on the southern side of Rowley Road does not provide a buffer from the proposed industrial uses to the existing sensitive land uses. The Shire has concerns that the location of 'Industrial Business' adjacent to rural living land uses may result in land use conflicts. The 'Industrial Business' land uses may generate offsite impacts that have the potential to adversely affect the amenity of the adjacent rural living properties. As such, the Shire recommends that the Structure Plan outlines measures to protect the amenity of the rural living properties to the south and address any potential impacts from the 'Industrial Business' area. It must be demonstrated that the proposal can ensure compliance with the Environmental Protection Authority (EPA) Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses. Consideration should also be given to visual amenity impacts to the rural living area and how such impacts can be mitigated.

Additionally, the Shire recommends that the visual amenity impacts to the rural living properties within the Shire be addressed with measures such as landscaped planted buffers and vegetation screening. This is important to retain the established rural character and visual amenity within the Shire's rural living areas. A vegetation edge will also reduce the pressure to front development onto Rowley Road, which is often a direct preference for the likes of service stations, quasi bulky goods land uses and the like. A deep vegetation screen of 50m, stretching the full width of the interface (and taking account of Rowley Road widening), would be effective in this respect.

2. Interface Concerns

The Shire would recommend associated controls within Part 1 of the Structure Plan to address the careful interface issues. Already landowners along Rowley Road have raised amenity concerns associated with development within Stage 1 of the Structure Plan, particularly pertaining to light and traffic impacts. Whilst an Industrial Business interface would imply a graduation of land use with less impacting uses fronting Rowley Road, there is still concerns that land uses at this interface could generate offsite impacts that could adversely effect the amenity of the adjacent rural living properties. The Shire recommends that Part 1 of the Structure Plan ensure that this ribbon of land use contain controls to ensure that industrial impacts can be (ideally) avoided, or if unavoidable, mitigated or managed. An option to do this could be to designate preferred and non-preferred land uses, based on the principle of separating incompatible development forms from one another.

3. Rowley Road

Rowley Road is identified as a primary freight road by the Western Australian Planning Commission. This reflects particularly its servicing of east west traffic, but also its function for supporting the development of this planned industrial precinct. The proposed Stage 2 Structure Plan will generate significant traffic impacts and increased traffic volumes on Rowley Road, which cannot be accommodated under the current infrastructure extent. The Shire also raised safety concerns pertaining to the current Rowley Road / Nicholson Road intersection, which is a documented blackspot, and which has been earmarked for upgrading but currently is impacted by funding shortfalls. The abutting sections of Rowley Road should be required to be upgraded



as part of the Structure Plan, as well as the intersection with Nicholson Road. Should the intersection be unable to be upgraded, the Structure Plan would be considered premature until such time that the uncertainty for how this intersection will be upgraded, is removed.

4. Blair Road Intersection

The proposed road network integrates different land use zones by virtue of the draft road design depicting an intersection with Blair Road. Based on the adopted Subregional Frameworks, there is no proposed integration of these zones, with the Shire's strategic planning framework maintaining a Rural Residential interface commensurate with the regional strategic plan for Perth and Peel. It is therefore recommended that this full movement intersection be shifted east to coincide with the Western Power easement, or proximate location to that. Such shifting will place what is likely a major noise and traffic generating intersection to a point whereby sensitive development is already separated by virtue of the influence of the Western Power easement.

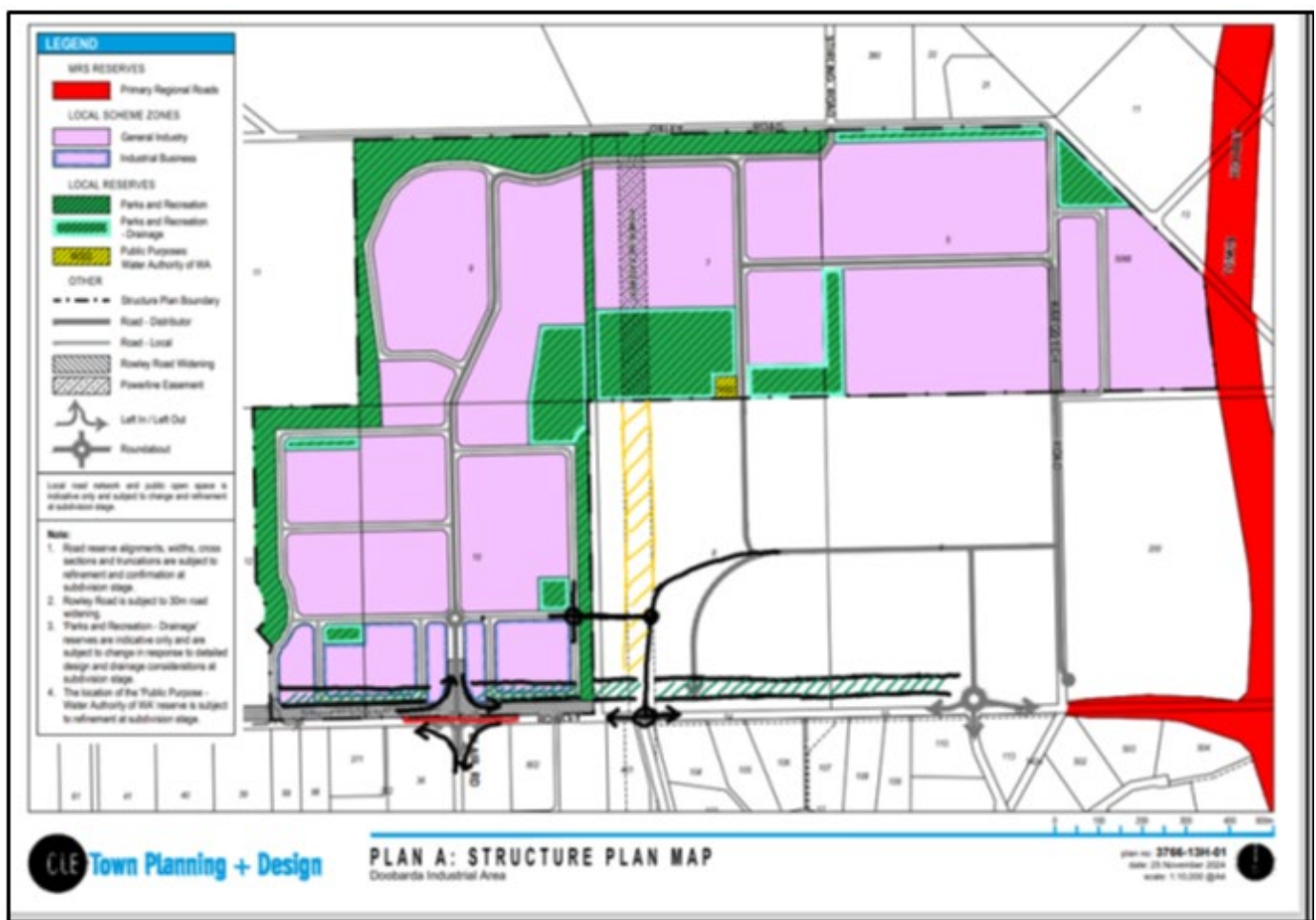


Figure 1 - Proposed areas that require further infrastructure and upgrades to accommodate the future use

The image above was included in the Shire's submission, to demonstrate how adjustment to the Blair Road intersection, to become a left in left out and similar treatment on the north side, would help protect the local community from incompatible forms of traffic emanating from the development on the north side of Rowley Road.

5. Transport and Industrial Noise Impacts

It is noted that the proposed Structure Plan has not been assessed against State Planning Policy 5.4 Road and Rail Noise (SPP5.4). The Shire considers it necessary that the proposal is assessed



against SPP5.4. Consideration to increased transport noise received at sensitive receptors (residential dwellings) within the 200 metre SPP 5.4 trigger distance of Rowley Road is required. The Transport Impact Assessment (TIA) prepared by Shawmac in August 2024 for the proposed Stage 2 Structure Plan, estimates at full build out, the Industrial Area including the first Stage 1 'Warehouse' site would ultimately generate traffic flows of **18,167 vehicles per day** (vpd). Further consideration must also be given to trucks generating high levels of noise on acceleration and deceleration into the area. Rowley Road is identified as a strategic freight/major traffic route by the Department of Planning, Lands and Heritage pursuant to SPP5.4. The Structure Plan is therefore required to be supported by a Transport Noise Impact Assessment, prepared in accordance with SPP5.4, with the purpose to assess the extent of transport noise impacts generated by vehicles accessing the proposed development.

Sensitive receivers abutting the industrial area must be protected in full by the Environmental Protection (Noise) Regulations 1997. There is currently no information provided to address noise generated from the industrial area. There are no measures suggested to buffer impacts from the industrial area to the rural residential areas to the south of Rowley Road that abut the proposed Stage 2 development and City of Armadale border.

It is recommended that an Environmental and Transport Noise Impact Assessment is prepared for the Structure Plan Stage 2, to demonstrate that noise impacts associated with the future stages of the industrial development can be managed and allow for suitable planning outcomes. This Environmental and Transport Noise Impact Assessment should outline appropriate measures to ensure the amenity of the nearby residential properties is protected.

Matters specifically addressed by the petition

The Petition is in relation to the Structure Plan for Stage 2 of the Doobarda Business Park, in particular the proposed roundabout at the intersection of Blair Road and Rowley Road.

The Petition is requesting that Council either:

1. advise the City of Armadale and Western Australian Planning Commission of its objection to the proposed roundabout; or
2. if the roundabout is approved, commence investigations into traffic mitigation measure to minimise the impact on Blair Road from the development.

In light of the submission made by Officers, point (1) has been suitably addressed. If Shire and community concerns ultimately did not result in a change to the structure plan, Officers do agree that traffic calming measures would be needed to address a direct roundabout connection between Blair Road and the future industrial estate.

Blair Road would present a desirable shortcut to get from Rowley Road to Nicholson Road, and vice versa, to especially avoid the Rowley Road and Nicholson intersection which is very problematic. Officers, based on the information provided in the Proposed Structure Plan, would recommend that the roundabout not be supported and measures be taken to manage the intersections such that north south cross movements are not permitted. This could be through left in left out intersection reconfigurations, with shifting of the main access further east.

The next step in the process is for the City of Armadale to consider all submissions received regarding the advertising process, make a determination as to their view on the submissions received and any modifications they believe are required to the structure plan, and submit it to the Western Australian Planning Commission within 60 days from the day the advertising closes.



The Western Australian Planning Commission then needs to make a determination to approve the structure plan, approve it with modifications, or refuse it. The Commission must then give the local government (City of Armadale) and any person who prepared the proposed structure plan (developer) written notice of its decision to approve or to refuse to approve a structure plan.

As a submitter on the proposed Structure Plan, Officers would be given the opportunity to make a deputation to the WAPC to explain the details of its submission, and any additional matters of concern in that regard. In addition to this, given the importance of also raising awareness of the petition with the City of Armadale, it is recommended that the resolution include a request for the Shire President to write to the Mayor of Armadale, for this purpose.

Options

Option 1

That Council:

1. NOTES the information contained in this report in response to the Petition received on 10 February 2025.
2. NOTES the Shire's submission made on the Proposed Structure Plan as contained within **attachment 4**.
3. REQUESTS that the Chief Executive Officer makes a deputation to the future meeting of the Western Australian Planning Commission, whereby final determination of the Proposed Structure Plan will occur.
4. REQUEST the Shire President to write to the Mayor of the City of Armadale, advising that a petition was received in respect of the Proposed Structure Plan currently being considered by the City, and attach a copy of this report that sets out the concerns of the petition in detail.

Option 2

That Council:

1. NOTES the information contained in this report in response to the Petition received on 10 February 2025.
2. NOTES the Shire's submission made on the Proposed Structure Plan as contained within **attachment 4**.

Option 1 is recommended.

Conclusion

A petition was received in relation to the Structure Plan for Stage 2 of the Doobarda Business Park. The petition specifically addressed the proposed roundabout at the intersection of Blair Road and Rowley Road and requested Council to either advise the City of Armadale and Western Australian Planning Commission of its objection to the proposed roundabout, or if the roundabout is approved, commence investigations into traffic mitigation measure to minimise the impact on Blair Road from the development.

Officers previously responded to the City of Armadale, raising concerns, and specifically recommending a suite of modifications in order to address concerns relating to, inter alia, Blair Road roundabout, infrastructure coordination and noise and amenity impacts.

**Attachments (available under separate cover)**

- **10.1.5 - attachment 1** - Petition by Stephanie Griffiths - Structure Plan for Stage 2 of Doobarda Business Park - Blair Road roundabout (IN25/2841)
- **10.1.5 - attachment 2** - Structure Plan for Stage 2 of Doobarda Business Park - Location Plan (E25/2220)
- **10.1.5 - attachment 3** - Structure Plan for Stage 2 of Doobarda Business Park Structure Plan - Map (E25/2221)
- **10.1.5 - attachment 4** - Shire Comment on Draft Structure Plan - Stage 2 Doobarda Industrial Area (OC25/674)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable
4. Invest in facilities and amenities to meet current and future needs
Connected
3. Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

There is no direct impact related to the petition or advertising. However, if Blair Road is utilised by heavy vehicle traffic in the future as a shortcut, the cost of the maintenance of Blair Road will increase in the opinion of Officers. Officers consider that asset management costs would increase to the point of a much greater level of road rehabilitation being needed. There is no readily apparent way in which the costs for such could be borne by any else apart from the Shire.

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to lowest risk option						
2	By not providing a deputation to the WAPC meeting which considers the structure plan for final approval, there is risk that the key issues pertaining to Blair Road and broader infrastructure coordination will not receive the detailed attention needed.	The Western Australian Planning Commission as the planning authority has to weigh-up and make a final decision based on the planning framework	Reputation	Possible	Moderate	MODERATE	Accept Option 1

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. NOTES the information contained in this report in response to the Petition received on 10 February 2025.
2. NOTES the Shire's submission made on the Proposed Structure Plan as contained within attachment 4.
3. REQUESTS that the Chief Executive Officer makes a deputation to the future meeting of the Western Australian Planning Commission, whereby final determination of the Proposed Structure Plan will occur.
4. REQUEST the Shire President to write to the Mayor of the City of Armadale, advising that a petition was received in respect of the Proposed Structure Plan currently being considered by the City, and attach a copy of this report that sets out the concerns of the petition in detail.



OCM061/03/25

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Jerrett

That Council:

1. **NOTES** the information contained in this report in response to the Petition received on 10 February 2025.
2. **NOTES** the Shire's submission made on the Proposed Structure Plan as contained within attachment 4.
3. **REQUESTS** that the Chief Executive Officer makes a deputation to the future meeting of the Western Australian Planning Commission, whereby final determination of the Proposed Structure Plan will occur.
4. **REQUEST** the Shire President to write to the Mayor of the City of Armadale, advising that a petition was received in respect of the Proposed Structure Plan currently being considered by the City, and attach a copy of this report that sets out the concerns of the petition in detail.
5. **REQUESTS** the Chief Executive Officer, if changes are not made to the Proposed Structure Plan to prohibit a direct roundabout connection between Blair Road and the future industrial estate, bring a report to Council no more than 3 months after Western Australian Planning Commission approval, with options to investigate and/or implement traffic calming measures which may be necessary.

CARRIED UNANIMOUSLY 6/0

Reason for difference:

To ensure a proactive plan is in place to address residents' concerns in the event the Proposed Structure Plan is approved without amendment.

**10.2 Infrastructure Services reports:**

10.2.1 - Abernethy Road and Hopkinson Road Intersection - Street Lighting Upgrade (SJ3580)	
Responsible Officer:	Acting Manager Engineering Services
Senior Officer:	Acting 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 street lighting project (80408) at the intersection of Abernethy Road and Hopkinson Road.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting - 16 May 2022 - OCM087/05/22- COUNCIL RESOLUTION / Alternate Officer Recommendation</i>	
<i>1. That Council NOTES the work undertaken to date to investigate the lighting conditions at the intersection of Abernethy Road / Hopkinson Road intersection; and</i>	
<i>2. That Council LIST for consideration the amount of \$49,689 for 2022/2023 budget for the upgrade to the lighting at the intersection.</i>	

Background

In May 2022, Council resolved to investigate the lighting conditions at the intersection of Abernethy Road and Hopkinson Road. Following completion of a lighting audit in June 2022, the Shire submitted an application to Western Power in November 2022 for the installation of new lighting and upgrade of the existing street light at the intersection. As part of this process, Officers also engaged an Electrical Design Consultant to complete the lighting upgrade design who subsequently submitted the design to Western Power in June 2023. The Western Power construction quote was received on 29 December 2023. Western Power quotes are valid for 60 days, requiring the Shire to accept the quote within that timeframe to be able to proceed with the project.

On consideration of the quote, the Tonkin Highway Extension Project and its imminent timing was also considered by officers as this project will remove the existing intersection of Abernethy Road and Hopkinson Road. This intersection will become redundant and be replaced with a roundabout intersection meaning any money spent to upgrade street lighting at this intersection will be of little benefit as it will be demolished with the construction of the roundabout.



As the Tonkin Highway project was progressing through the concept design process, Officers requested the Shires Lighting Consultant look at alternate lighting methods (Solar Lighting) in lieu of on the Western Power grid on the basis of standard delays experienced with Western Power for street lighting projects (in excess of 18 months), the likelihood the lighting would be delivered around the time the Tonkin Highway projects commenced, to be able to install lighting that could then be removed and re-used at a different location within the Shire when the Tonkin Highway works proceed.

Following completion of their review, the Consultant advised solar lighting was not a feasible option given the site constraints and associated costs to relocate services to achieve adequate lighting at this intersection. By the completion of this review, the Western power quote had expired. Shire Officers contacted Western Power to request renewing their quote, however Western Power advised it is not their process to reinstate expired quotes. Western power required the Shire to resubmit the application and design as a new request, prioritising it based on the previous submission.

As a result, the Shire re-engaged the electrical consultant to update the design and resubmit the application to Western Power. The re-submission was made in September 2024. The Western power revised construction quote has not yet been received.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

In February 2025, the State awarded the tender for the design and construction of the Tonkin Highway Extension Project. The construction of this project is expected to commence in mid to late 2025. Given the Western power quotation has not yet been received and with Western power works scheduling being greater than 6 months following acceptance of quotes, lighting at the intersection will not be installed prior to the Tonkin Highway works commencing. It is therefore recommended to not proceed with this project, as any further funds spent on this project will be of no benefit.

Of the \$49,649 budget allocated for this project (80408), \$5,790 has been expended in the process of Western power applications and completion of designs by the electrical consultant. The budget has \$43,899 remaining.

As part of the current 2024/25 financial year, a street lighting upgrade project is proposed for the intersection of Hopkinson Road and Rowley Road (80469). This intersection is not impacted by the Tonkin Highway extension works and is located within the existing urban development area of Darling Downs. The Shire has received a quote from Western power for this lighting project 80469 of \$42,904.00. The adopted budget for this project is \$23,491.00, resulting in a shortfall of \$19,413.00. The difference in cost between design construction quote from Western Power and the budget is due to Western power requiring a section of underground power to be provided to provide a low voltage cable to the existing pole the proposed light is to be installed on. Officers recommend allocating the difference of \$19,413.00 in funding to the Hopkinson Road and Rowley Road Street Lighting Upgrade Project. If this additional funding is not able to be reallocated to this project, the Hopkinson Road/Rowley Road intersection lighting project will not be able to proceed within the current budget period.



The remaining funds, \$24,486 are to then be allocated to the Medulla Road, Jarrahdale 80529 intersection improvements project which upon completion of the detailed design has been identified as having a shortfall in funds to construct.

OptionsOption 1

That Council:

1. RESOLVES not to proceed with the intersection of Abernethy Road and Hopkinson Road Street Lighting Upgrade Project;
2. ALLOCATES \$19,413 to the intersection of Hopkinson Road and Rowley Road Street (80469) Lighting Upgrade Project budget;
3. ALLOCATES the remaining \$24,486 to the Medulla Road (80529) intersection improvements budget;
4. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80469-6600-0000	Increase Expenditure	Hopkinson Road and Rowley Road - Capital Expenditure	19,413	
6400-80529-6600-0000	Increase Expenditure	Medulla Rd, Jarrahdale - Capital Expenditure	24,486	
6400-80408-6610-0000	Decrease Expenditure	Street Lighting - Abernethy and Hopkinson Road intersection - Carryforward Expenditure		43,899

Reason:

Budget no longer required due to Tonkin Hwy extension with funds to be re-allocated to Hopkinson/Rowley Rd Street Lighting Upgrade and Medulla Rd Project.

Option 2

That Council:

1. RESOLVES to proceed with the intersection of Abernethy Road and Hopkinson Road Street Lighting Upgrade Project;
2. RESOLVES not to proceed with the intersection of Hopkinson Road and Rowley Road Street Lighting Upgrade Project;
3. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80408-6600-0000	Increase Expenditure	Street Lighting - Abernethy and Hopkinson Road intersection - Capital Expenditure	22,763	
6400-80469-6610-0000	Decrease Expenditure	Hopkinson Road and Rowley Road - Carryforward Expenditure		22,763
Reason: Budget no longer required due to Tonkin Hwy extension with funds to be re-allocated to Hopkinson/Rowley Rd Street Lighting Upgrade.				

Option 1 is recommended.

Conclusion

The Tonkin Highway Extension Project will remove the existing intersection of Abernethy Road and Hopkinson Road. This intersection will become redundant and will be replaced with a roundabout intersection. On this basis, any further money spent on the process to upgrade the street lighting at this intersection will be wasted and of no benefit, given it is expected the Tonkin Highway works will proceed prior to Western Power installing any street lighting upgrades.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

Thriving
1. Ensure sustainable and optimal use of Shire resources and finances
Liveable
1. Advocate for public transport and focus on connectivity within communities
2. Improve maintenance and investment in roads and paths
3. Invest in facilities and amenities to meet current and future needs



Financial Implications

Given the current expenditure on the project, and not having received Western Powers revised quote, there is likely to be insufficient budget to complete the Abernethy Road and Hopkinson Road Street Lighting Upgrade Project. Officers recommend not proceeding with the Abernethy Road and Hopkinson Road Street Lighting Upgrade Project with the budget to be re-allocated to Hopkinson Road and Rowley Road Street Lighting Upgrade Project and Medulla Road Project to ensure these works can be completed.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Not reallocate the funds to the Hopkinson Road/ Rowley Road intersection, therefore not delivering this lighting project	Detailed design and Western power cost estimate.	Reputation	Possible	Minor	LOW	Reallocate the funds to enable the project to proceed
2	Proceed with the Hopkinson Road/Abernethy Road lighting project, continue expending funds knowing the project will not be able to be delivered.	Detailed design	Reputation	Likely	Moderate	MODERATE	Reallocate the funds and not proceed with this project.

Voting Requirements: Absolute Majority (Section 6.8 of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. RESOLVES not to proceed with the intersection of Abernethy Road and Hopkinson Road Street Lighting Upgrade Project;
2. ALLOCATES \$19,413 to the intersection of Hopkinson Road and Rowley Road Street (80469) Lighting Upgrade Project budget;
3. ALLOCATES the remaining \$24,486 to the Medulla Road (80529) intersection improvements budget;



4. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80469-6600-0000	Increase Expenditure	Hopkinson Road and Rowley Road - Capital Expenditure	19,413	
6400-80529-6600-0000	Increase Expenditure	Medulla Rd, Jarrahdale - Capital Expenditure	24,486	
6400-80408-6610-0000	Decrease Expenditure	Street Lighting - Abernethy and Hopkinson Road intersection - Carryforward Expenditure		43,899
Reason: Budget no longer required due to Tonkin Hwy extension with funds to be re-allocated to Hopkinson/Rowley Rd Street Lighting Upgrade and Medulla Rd Project.				

OCM062/03/25

COUNCIL RESOLUTION

Moved Cr Mack, seconded Cr Jerrett

That Council:

- 1. RESOLVES not to proceed with the Western Power Street Lighting Upgrade Project application for the intersection of Abernethy Road and Hopkinson Road;**
- 2. ALLOCATES \$19,413 to the intersection of Hopkinson Road and Rowley Road Street (80469) Lighting Upgrade Project budget;**
- 3. ALLOCATES \$22,150 to the purchase of a new mobile lighting tower for the use at the intersection of Abernethy Road and Hopkinson Road;**
- 4. APPROVES the following budget variation:**

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80469-6600-0000	Increase Expenditure	Hopkinson Road and Rowley Road - Capital Expenditure	19,413	
6400-NEW-6600-0000	Increase Expenditure	Purchase of Lighting Tower - Capital Expenditure	22,150	



6400-80408-6610-0000	Decrease Expenditure	Street Lighting - Abernethy and Hopkinson Road intersection - Carryforward Expenditure		41,563
Reason: Budget no longer required due to Tonkin Hwy extension works with funds to be re-allocated to Hopkinson/Rowley Rd Street Lighting Upgrade and to the purchase of a new mobile lighting tower by the Shire for the temporary lighting of the Abernethy Road and Hopkinson Road intersection and future Shire use as required thereafter.				
5. REQUESTS the Chief Executive Officer write to Western Power and the Shire President write to the Western Australian Minister for Energy and Local Member raising concern with their prolonged time frames for delivery of lighting projects, seeking improvements with the view of reducing delivery timeframes, particularly in the case of non-complex projects or projects associated with improving lighting of blackspot locations.				
CARRIED UNANIMOUSLY 6/0				

Reason for difference:

To ensure adequate lighting of a blackspot location within our shire being the intersection of Abernethy Road and Hopkinson Road.

**10.3 Corporate Services reports:**

10.3.1 - Confirmation of Payment of Creditors - February 2025 (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 01 February 2025 to 28 February 2025 is provided in **attachment 1**.

Options and ImplicationsOption1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 February 2025 to 28 February 2025, totalling \$5,215,650.87, as contained in attachment 1.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 February 2025 to 28 February 2025, totalling \$5,215,650.87 as contained in attachment 1.

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 28 February 2025 (E25/2429)
- **10.3.1 - attachment 2** - Westpac Purchasing Card Report - 30 December 2024 to 27 January 2025 - Redacted (E25/2430)
- **10.3.1 - attachment 3** - Fuel Purchasing Cards Report - 01 January 2025 - 31 January 2025 - Redacted (E25/2431)

Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances

**Financial Implications**

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

The accounts paid under delegated authority for 01 February 2025 to 28 February 2025 totalled \$5,215,650,.87

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

Voting Requirements: Simple Majority

OCM063/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 February 2025 to 28 February 2025, totalling \$5,215,650.87, as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 9.07pm) 6/0

**10.3.2 - Monthly Financial Report - January 2025 (SJ4229)**

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

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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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 January 2025.

Relevant Previous Decisions of Council

Special Council Meeting - 25 July 2024 - SCM003/07/24 - COUNCIL RESOLUTION - extract

7. That Council, in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2024/25 for reporting material variances shall be:

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

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

Background

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

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

Community / Stakeholder Consultation

Nil.



Statutory Environment

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

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

Comment

Monthly Financial Report

The attached report shows the month-end position as at the end of 31 January 2025.

The municipal surplus as at 31 January 2025 is \$17,230,435 which is favourable, compared to a budgeted amount of \$15,352,132.

Further information on material variances are listed in the analysis below.

Operating Activities

Operating Revenue

Rates

Unfavourable variance of \$173,726 primarily due to:

- Interim Rates less than anticipated due to timing of subdivision clearance - \$173,726

Operating Grants, Subsidies and Contributions

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

Fees and Charges

Favourable variance of \$215,180 primarily due to:

- Permanent variance - Refuse Charges higher than anticipated due to interim rate service charges for new properties - \$73,884
- Permanent variance - Building and Development Application fees higher than anticipated \$60,846

Interest Earnings

Favourable permanent variance of \$440,069 primarily due to:

- Higher than anticipated interest received on Reserve Term Deposits - \$213,009
- Higher than anticipated interest received on Municipal Term Deposits - \$162,323
- Higher than anticipated interest received on Rates instalments - \$36,783

Other Revenue

Favourable variance of \$153,276 primarily due to:

- Favourable permanent variance - Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - \$134,098

Profit on Asset Disposal

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



Operating Expenses

Employee Costs

Favourable variance of \$274,237 primarily due to vacancies across 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

Unfavourable permanent variance of \$622,862 primarily due to the recognition of significant previously contributed developer assets in 2023/24 financial year, resulting in higher than anticipated depreciation.

Finance Costs

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

Insurance Expenses

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

Other Expenditure

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

Loss on Disposal of Assets

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

Investing Activities

Contributions/Grants for the Construction of Assets

Favourable permanent variance of \$1,295,894 due to:

- Byford DCP - \$1,118,522
- Community Infrastructure DCP - \$220,119

Proceeds from Disposal of Assets

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

Capital Expenditure

Unfavourable variance of \$31,745 primarily due to:

- 80396 Mens Shed Upgrade - Unfavourable permanent variance to complete the compliance requirement for electrical, water and sewage connection for the toilet and fixtures - \$20,376
- 80460 Depot Refurbishment - Outdoor Canopy - Unfavourable permanent variance due to additional expenditure on drainage and project management - \$17,592
- 80540, 80544 and 80549 Fleet Replacement SUV Hybrid - Favorable permanent variance due to receiving a discounted rate on fleet costs which was more than anticipated - \$30,407



Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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

Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

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

Transfer to Reserve

Permanent variance of \$1,441,544 due to:

- Byford DCP - \$1,118,522
- Community Infrastructure DCP - \$220,119
- Higher than anticipated interest received on Reserve Term Deposits - \$213,009

Options

Option 1

That Council RECEIVES the Monthly Financial Report for January 2025 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 January 2025, 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 - January 2025 (IN25/3931)



Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
2.	Advocate and attract businesses to grow and thrive, increasing opportunities for local employment
3.	Ensure sustainable and optimal use of Shire resources and finances
Liveable	
1.	Improve maintenance and investment in roads and paths
2.	Invest in facilities and amenities to meet current and future needs
Connected	
1.	Invest in community recreation and support local clubs and groups to increase opportunities for participation

Financial Implications

As at 31 January 2025, the Shire's respective cash position was as follows:

Municipal Fund:	\$1,467,833
Cash Reserve:	\$14,116,249
Keirnan Park Grant Account:	\$1,823,069
Trust Fund:	\$304,222

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for January 2025 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

OCM064/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council RECEIVES the Monthly Financial Report for January 2025 in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 9.07pm) 6/0

**10.3.3 - Budget Adjustment for Unallocated Surplus (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

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

The purpose of this report is to seek approval from Council to adjust the 2024/25 Budget to redistribute the unallocated surplus from the 2023/24 financial year.

Relevant Previous Decisions of Council

*Special Council Meeting - 25 July 2024 - SCM003/07/24 - COUNCIL RESOLUTION - **extract***

6. ADOPTS, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1 - Amended, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2025 incorporating amendments as per the following table:

<i>Description</i>	<i>Expenditure Type</i>	<i>Amount</i>
<i>Removal of Engineering Technical Officer</i>	<i>Operating</i>	<i>\$39,395</i>
<i>Removal of Community Perception Survey</i>	<i>Non-Recurrent</i>	<i>\$35,000</i>
<i>Removal of 0.4 Youth Activity Officer</i>	<i>Operating</i>	<i>\$28,829</i>
<i>Removal of The Glade Lake - Existing Boardwalk Retrofit</i>	<i>Capital</i>	<i>\$21,400</i>
<i>Reduce Cemetery Position from 1.0 to 0.8</i>	<i>Capital</i>	<i>\$16,814</i>
<i>Removal of Volunteer Brigade Perception Survey</i>	<i>Non-Recurrent</i>	<i>\$10,000</i>
<i>Deficit Position to be resolved at first quarter budget review</i>		<i>\$1,952</i>
<i>Amend resident CCTV Subsidy to included businesses</i>		<i>\$0</i>
<i>Total Reduction</i>		<i>\$153,390</i>

**Ordinary Council Meeting - 16 September 2024 - OCM265/09/24 - COUNCIL RESOLUTION - extract**

5. *NOTES that funding required to update design documentation and Shire Project Management Costs for a staged delivery plan for the Byford BMX project will be considered as part of the allocation of the Shire's 2023/24 operating surplus.*

Background

At the time the 2024/25 Budget was adopted by Council on 25 July 2024, the Annual Financial Statements for the 2023/24 year end had not been completed, therefore any surplus or deficit resulting from the 2023/24 financial year was not known.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required*

Comment

The 2023/24 Annual Financial Statements have now been audited and the actual income and expenditure to be carried forward has been finalised.

2023/24 Surplus Position

After all adjustments are processed, an additional \$1,209,114 has become available to be allocated in the 2024/25 Budget.

	Surplus/(Deficit)
2023/24 Total Surplus	\$6,427,164
Less Carry Forwards	(\$5,218,050)
Remaining Unallocated Surplus/(Deficit)	\$1,209,114



The 2023/24 Surplus is made up of the following key variances:

- Salaries and wages less than anticipated due to a number of vacant positions across the majority of directorates - \$424,249
- Higher than anticipated fines/penalties income- \$353,032
- Higher than anticipated interest received on Rates Instalments & Overdue fees - \$180,282
- Higher than anticipated building permit income - \$166,640
- Jarrahdale Road Rehabilitation project completed under budget as method of delivery was revised to reduce traffic management and construction time costs - \$150,698
- Waste collection expenditure less than anticipated due to receiving a reduced tonnage rate from City of Rockingham - \$121,555
- Consultancy and marketing expenditure less than anticipated due to work being completed by internal resources - \$98,856
- Higher than anticipated DFES grant related to 2021/22 acquittal - \$80,455
- Legal expenditure less than anticipated due to fewer disputes and regulatory matters - \$79,025
- Unanticipated refund received from Telstra due to overcharge in prior months - \$75,050
- Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - \$71,177
- Unbudgeted agency and labour hire across the organisation due to vacancies - (\$541,086)

Additional Information

Surplus Allocation

Officers recommend that the 2023/24 surplus funds be allocated in the 2024/25 budget as follows:

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5244-0000	Increase Transfer to Reserve	Reserve Transfer - Trf To ICT Reserve	330,000	
Reason: Additional transfer to the ICT reserve to fund the OneComm project.				
5300-17302-5233-0000	Increase Transfer to Reserve	Reserve Transfer - Trf To Road and Bridge Reserve	148,234	
Reason: Return funds to Road and Bridge Reserve for Rowley Rd and Hopkinson Rd projects completed in 2024/25.				



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6400-NEW-6600-0000	Increase Expenditure	Kardan Blvd Drainage Works - Capital Expenditure	210,880	
Reason: Additional funds required to complete drainage works at Kardan Blvd to mitigate flooding in the area.				
6500-80514-6600-0000	Increase Expenditure	Irrigation Renewal - Capital Expenditure	184,575	
Reason: Budget required for bore replacement at Soldiers Rd due to a casing collapsed that has rendered the asset unserviceable.				
10-9000-9000-3900-0	Retained Equity	Accumulated Surplus - Municipal	350,425	
Reason: Portion of surplus not to be allocated and retained as budgeted surplus to allow for flexibility for any unforeseen future expenditure.				

At the September OCM, Council resolved to consider an allocation of funds for design documentation and Shire Project Management Costs for a staged delivery plan for the Byford BMX project. Due to election commitments and progress of the project, funds have not been considered for allocation of the 2023/24 surplus and will be considered at a future point in time.

Option 1

That Council APPROVE the schedule of variations to the 2024/25 Budget as contained within this report, in accordance with section 6.8 of the Local Government Act 1995.

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5244-0000	Increase Transfer to Reserve	Reserve Transfer - Trf To ICT Reserve	330,000	
5300-17302-5233-0000	Increase Transfer to Reserve	Reserve Transfer - Trf To Road and Bridges Reserve	148,234	
6400-NEW-6600-0000	Increase Expenditure	Kardan Blvd Drainage Works - Capital Expenditure	210,880	
6500-80514-6600-0000	Increase Expenditure	Irrigation Renewal - Capital Expenditure	184,575	

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10-9000-9000-3900-0	Retained Equity	Accumulated Municipal Surplus	-	335,425	
10-9000-9000-3900-0	Increase Equity	Accumulated Municipal Surplus	-		1,209,114

Option 2

That Council DOES NOT APPROVE the schedule of variations to the 2024/25 Budget as contained within this report, in accordance with section 6.8 of the *Local Government Act 1995*.

Option 1 is recommended.

Conclusion

At the time the 2024/25 Budget was adopted by Council on 25 July 2024, the Annual Financial Statements for the 2023/24 year had not been completed. Any surplus or deficit resulting from the 2023/24 financial year was not known.

Following finalisation of the 2023/24 Annual Financial Statements and subsequent adoption by council, the surplus position has now been finalised and surplus funds are recommended to be allocated as per above.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
3. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no significant risk associated with Council adopting the budget amendments						
2	Council DOES NOT allocate the surplus the proposed funding usage cannot proceed affecting service and delivery and organisational capability.	Adopted 2024/25 budget.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)

**Voting Requirements:** Absolute Majority**OCM065/03/25****COUNCIL RESOLUTION / Officer Recommendation:****Moved Cr Jerrett, seconded Cr Duggin****That Council APPROVE the schedule of variations to the 2024/25 Budget as contained within this report, in accordance with section 6.8 of the *Local Government Act 1995*.**

Account Number	Type	Account Description	Debit \$	Credit \$
5300-17302-5244-0000	Increase Transfer to Reserve	Reserve Transfer - Trf To ICT Reserve	330,000	
5300-17302-5233-0000	Increase Transfer to Reserve	Reserve Transfer - Trf To Road and Bridges Reserve	148,234	
6400-NEW-6600-0000	Increase Expenditure	Karden Blvd Drainage Works - Capital Expenditure	210,880	
6500-80514-6600-0000	Increase Expenditure	Irrigation Renewal - Capital Expenditure	184,575	
10-9000-9000-3900-0	Retained Equity	Accumulated Surplus - Municipal	335,425	
10-9000-9000-3900-0	Increase Equity	Accumulated Surplus - Municipal		1,209,114

CARRIED UNANIMOUSLY 6/0

**10.3.4 - 2024/25 Statutory Budget Review (SJ801)**

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

Authority / Discretion

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

This report represents the Statutory Budget Review of the 2024/25 Budget. A number of budget variations are proposed as part of this review.

Relevant Previous Decisions of Council

*Special Council Meeting - 25 July 2024 - SCM003/07/24 - COUNCIL RESOLUTION - **extract***

*6. **ADOPTS**, in accordance with section 6.2 of the Local Government Act 1995, the Municipal Fund Budget as contained in attachment 1 - Amended, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2025 incorporating amendments as per the following table:*

<i>Description</i>	<i>Expenditure Type</i>	<i>Amount</i>
<i>Removal of Engineering Technical Officer</i>	<i>Operating</i>	<i>\$39,395</i>
<i>Removal of Community Perception Survey</i>	<i>Non-Recurrent</i>	<i>\$35,000</i>
<i>Removal of 0.4 Youth Activity Officer</i>	<i>Operating</i>	<i>\$28,829</i>
<i>Removal of The Glade Lake - Existing Boardwalk Retrofit</i>	<i>Capital</i>	<i>\$21,400</i>
<i>Reduce Cemetery Position from 1.0 to 0.8</i>	<i>Capital</i>	<i>\$16,814</i>
<i>Removal of Volunteer Brigade Perception Survey</i>	<i>Non-Recurrent</i>	<i>\$10,000</i>
<i>Deficit Position to be resolved at first quarter budget review</i>		<i>\$1,952</i>



<i>Amend resident CCTV Subsidy to included businesses</i>		<i>\$0</i>
<i>Total Reduction</i>		<i>\$153,390</i>

Ordinary Council Meeting - 19 August 2024 - OCM233/08/24 - Extract

Moved Cr Duggin, seconded Cr Mazzini

The Council NOTES the over expenditure of \$120,000 for the preparation of 2 Shire applications outlined in point 1 and a future application to be confirmed on the completion of the SJCRC and Briggs Park Masterplan Project.

Background

This is a statutory review of the budget, undertaken, in accordance with the *Local Government Act 1995* and Regulation 33A of the *Local Government (Financial Management) Regulations 1996*. The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary.

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation.

Statutory Environment

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that:

- “(1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must —*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
 - (d) include the following —*
 - (i) the annual budget adopted by the local government;*
 - (ii) an update of each of the estimates included in the annual budget;*
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.*



- (2) *The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
**Absolute majority required*
- (4) *Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

Comment

The mid-year review of the 2024/25 Budget includes all proposed budget adjustments to amend the adopted budget for 2024/25 as presented in the body of this report.

Forecast Financial Position

The following is a summary of the Shire's forecast financial position as at 31 January 2025.

Operating Activities

Operating Revenue

Rates

Unfavourable variance of \$173,726 primarily due to:

- Interim Rates less than anticipated due to timing of subdivision clearance - \$173,726

Fees and Charges

Favourable permanent variance of \$215,180 primarily due to:

- Refuse Charges higher than anticipated due to interim rate service charges for new properties - \$73,884
- Building and Development Application fees higher than anticipated - \$60,846

Interest Earnings

- Favourable permanent variance of \$440,069 primarily due to:
- Higher than anticipated interest received on Reserve Term Deposits - \$213,009
- Higher than anticipated interest received on Municipal Term Deposits - \$162,323
- Higher than anticipated interest received on Rates instalments - \$36,783

Other Revenue

Favourable variance of \$153,276 primarily due to:

- Favourable permanent variance - Reimbursement on workers compensation claim from Local Government Insurance Scheme (LGIS) - \$134,098

Operating Expenses

Employee Costs

Favourable variance of \$274,237 primarily due to vacancies across organisation.

**Depreciation**

Unfavourable permanent variance of \$622,862 primarily due to the recognition of significant previously contributed developer assets in 2023/24 financial year, resulting in higher than anticipated depreciation.

Investing Activities**Contributions/Grants for the Construction of Assets**

Favourable permanent variance of \$1,295,894 due to:

- Byford DCP - \$1,118,522
- Community Infrastructure DCP - \$220,119

Capital Expenditure

Unfavourable variance of \$31,745 primarily due to:

- 80396 Mens Shed Upgrade - Unfavourable permanent variance to complete the compliance requirement for electrical, water and sewage connection for the toilet and fixtures - \$20,376
- 80460 Depot Refurbishment - Outdoor Canopy - Unfavourable permanent variance due to additional expenditure on drainage and project management - \$17,592
- 80540, 80544 and 80549 Fleet Replacement SUV Hybrid - Favorable permanent variance due to receiving a discounted rate on fleet costs which was more than anticipated - \$30,407

Financing Activities**Transfer to Reserve**

Permanent variance of \$1,441,544 due to:

- Byford DCP - \$1,118,522
- Community Infrastructure DCP - \$220,119
- Higher than anticipated interest received on Reserve Term Deposits - \$213,009

Capital Works

The following Capital projects have been identified as requiring adjustments to the current budget and will result in an additional total budget required of \$42,674.

Account Number	Type	Account Description	Debit \$	Credit \$
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP	1,118,522	
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP		1,118,522

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Account Number	Type	Account Description	Debit \$	Credit \$
6000-89001-5210-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions - Transfer to Reserve - Community Infrastructure Reserve	220,119	
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP		220,119
Reason: Recognition of Developer Contribution funds received year to date as well as the corresponding transfer to reserve.				
6400-80528-4806-0000	Decrease Income	Gravel Resheeting - Jarrah Rd - Grant Capital Roads to Recovery	150,171	
6400-80528-6600-0000	Decrease Expenditure	Gravel Resheeting - Jarrah Rd - Capital Expenditure		150,171
Reason: Reduction in budget due to the cost of the project being more than Roads to Recovery funding for 2024/25. As such a revision of the scope of works has been completed to split the works into two stages with Stage 1 being completed this year to utilise remaining funding and Stage 2 is subject to a business case for consideration in the 2025/26 budget.				
6400-80352-4827-0000	Decrease Income	Culvert Replacement - Karnup Rd - DFES Emergency Grant	110,108	
6400-80352-5233-0000	Decrease Transfer to Reserve	Culvert Replacement - Karnup Rd - Transfer to Reserve - Road & Asset Management		110,108
Reason: Grant funding initially advised of \$440,436 which was adjusted at Quarter 1 budget review however this did not take into account the Shire portion of works which was deducted from grant funds from DFES received in Quarter 2.				
6200-80394-6600-0000	Increase Expenditure	Byford Kindy Refurbishment - Capital Expenditure	63,010	



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Account Number	Type	Account Description	Debit \$	Credit \$
6200-80400-6610-0000	Decrease Expenditure	SJ Community Rec Centre - Defect Repairs - Carryforward Expenditure		63,010
Reason: Recreation Centre Defects project completed under budget with remaining budget to be transferred to Byford Kindy project to complete works including repainting and limestone wall repairs. Business case to be submitted for consideration in the 2025/26 budget for reroofing and ceiling works.				
6300-80551-5021-0000	Decrease Transfer from Reserve	P&G Truck Replacement - Transfer from Reserve - Light Fleet & Plant Acquisition	85,000	
6300-80551-4600-0000	Decrease Income	P&G Truck Replacement - Proceeds from Sale of Asset	20,000	
6300-80551-6600-0000	Decrease Expenditure	P&G Truck Replacement - Capital Expenditure		105,000
6300-NEW-6600-0000	Increase Expenditure	P&G Ute & Trailer - Capital Expenditure	85,000	
6300-NEW-5021-0000	Increase Transfer from Reserve	P&G Ute & Trailer - Transfer from Reserve - Light Fleet & Plant Acquisition		65,000
6300-NEW-4600-0000	Increase Income	P&G Ute & Trailer - Proceeds from Sale of Asset		20,000
6300-80552-5021-0000	Decrease Transfer from Reserve	P&G Truck Replacement - Transfer from Reserve - Light Fleet & Plant Acquisition	85,000	
6300-80552-4600-0000	Decrease Income	P&G Truck Replacement - Proceeds from Sale of Asset	20,000	
6300-80552-6600-0000	Decrease Expenditure	P&G Truck Replacement - Capital Expenditure		105,000
6300-NEW-6600-0000	Increase Expenditure	P&G Ute & Trailer - Capital Expenditure	85,000	
6300-NEW-5021-0000	Increase Transfer from Reserve	P&G Ute & Trailer - Transfer from Reserve - Light Fleet & Plant Acquisition		65,000

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Account Number	Type	Account Description	Debit \$	Credit \$
6300-NEW-4600-0000	Increase Income	P&G Ute & Trailer - Proceeds from Sale of Asset		20,000
Reason: Parks & Gardens truck replacements to be replaced with ute and trailers to increase accessibility within built up areas and provides ongoing cost savings as well as reduced purchase costs providing a reduction in funds being transferred from reserve.				
6300-80441-4600-0000	Decrease Income	Dual Cab Ute - Replace 51153 - Proceeds from Sale of Asset	17,500	
Reason: Reduction in budget due to reduced sale price received at auction.				
6300-80511-4600-0000	Increase Income	Sale of Excess Fleet Assets - Proceeds from Sale of Asset		25,202
Reason: Recognising proceeds from sale of excess fleet assets including 1 vehicle and several small plant items.				
6200-80427-6600-0000	Increase Expenditure	Health & Safety Corrective Actions - Capital Expenditure	30,000	
Reason: Budget required to complete compliance works as identified through the hazard reporting and WHS scorecard.				
6200-80396-6600-0000	Increase Expenditure	Men's Shed Upgrade - Capital Expenditure	20,376	
Reason: Budget required for additional works to complete the compliance requirement for electrical, water and sewage connection for the toilet and fixtures.				



Operating Projects

The 2024/25 Operating Budget has been reviewed and approval is sought for the following budget adjustments, these adjustments will result in a reduction of the total budget required of \$42,674.

Account Number	Type	Account Description	Debit \$	Credit \$
5000-NEW-6230-0000	Increase Expenditure	AI Policy - Consultancy	30,000	
3700-14200-6230-0000	Decrease Expenditure	Executive Manager Operations - Consultancy		30,000
Reason: Additional funds required to complete an AI policy and strategy, offset by savings in the Executive Manager Operations consultancy budget by completing works schedules inhouse.				
2100-12504-5230-0000	Increase Transfer to Reserve	Town Planning - Transfer to Reserve - Public Art	20,500	
2100-12504-4170-0000	Increase Income	Town Planning - Contributions		20,500
Reason: Recognising additional income for public art contributions and reflect transfer to reserve.				
4300-15717-6392-0000	Increase Expenditure	Muddy Buddies - External Contractor	40,000	
4300-15717-4116-0000	Increase Income	Muddy Buddies - Event Sponsorship		40,000
4300-15726-4122-0000	Decrease Income	Christmas Street Party - Grant Operating	37,000	
4300-15726-4116-0000	Increase Income	Christmas Street Party - Event Sponsorship		37,000
4300-15701-6392-0000	Increase Expenditure	Australia Day - External Contractor	20,700	
4300-15701-4116-0000	Increase Income	Australia Day - Event Sponsorship		12,700

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Account Number	Type	Account Description	Debit \$	Credit \$
4300-15701-4122-0000	Increase Income	Australia Day - Grant Operating Other		8,000
4300-15727-6392-0000	Increase Expenditure	Summer Splash - External Contractor	15,500	
4300-15727-4116-0000	Increase Income	Summer Splash - Event Sponsorship		15,500
4300-15723-6392-0000	Increase Expenditure	Harmony Week - External Contractor	12,500	
4300-15723-4116-0000	Increase Income	Harmony Week - Event Sponsorship		12,500
Reason: Recognise sponsorship income from various sponsorship partners including Lotterywest (\$57,100), Parcel Property (\$30,000) and Alcoa (\$22,000) which is offset by an increase in event expenditure.				
4300-15420-6276-0000	Increase Expenditure	General Grant - Community Grant/Sponsorship	8,885	
4300-15703-6131-0000	Decrease Expenditure	Christmas - Program Activities		7,000
4300-15725-6125-0000	Decrease Expenditure	Community & Bushfire Safety Event - Materials/Consumables		1,885
Reason: Utilise savings from other events due to event sponsorship to enable third round of community grants due to the increase in number of applications received in the first two rounds.				
5300-17501-4004-0000	Decrease Income	Rates - Interim Rates	160,000	
Reason: Interim rates forecast to be less than anticipated due to timing of subdivision clearance.				

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Account Number	Type	Account Description	Debit \$	Credit \$
3210-13300-4304-0000	Decrease Income	Subdivision - Subdivision Fees	60,000	
Reason: Subdivision fees forecast to be less than anticipated due to a decrease in applications received.				
5300-17300-4501-0000	Increase Income	General Purpose Funding - Interest in Investments - General Funds		200,000
Reason: Forecast interest income on municipal investments to be higher than anticipated following review of Shires investment strategy and continued high rate term deposits in the first half of 2024/25				
3230-13400-4420-0000	Increase Income	Waste Services - Refuse Charges		60,000
Reason: Recognising additional waste refuse charges received from interim rates service charges.				
2100-12504-4300-0000	Increase Income	Town Planning - Development Applications		35,000
Reason: Recognising additional development application fees received and align budget with anticipated.				
5300-17501-4530-0000	Increase Income	Rates - Interest on Instalments		20,000
Reason: Recognising additional interest on instalments received due to increased take up of instalment options.				
3300-14005-4134-0000	Increase Income	Urban Greening Grant - Plaistowe/Bill Hicks - Grant Operating WALGA		18,372
3300-14007-4134-0000	Increase Income	Urban Greening Grant - Arnold Rd Reserve - Grant Operating WALGA		4,888

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Account Number	Type	Account Description	Debit \$	Credit \$
3300-14006-4134-0000	Increase Income	Urban Greening Grant - Raingardens - Grant Operating WALGA		1,754
Reason: The Shire received various Urban Greening grants with works to be completed by internal resources and Landcare volunteers.				
2310-12600-4341-0000	Increase Income	Building Services - Swimming Pool Inspection Fees		25,000
Reason: Recognising additional swimming pool inspections fees received due to a change in legislation allowing for an initial inspection charge.				
2500-10404-4700-0000	Increase Income	Career Expo - Reimbursements		15,000
Reason: Recognising additional income received relating to prior year expo.				
2300-12400-4359-0000	Increase Income	Health - Food Business Licences		8,500
Reason: Recognising additional food business licence fees received due to an increase in the number of registered food businesses.				
2200-12500-4308-0000	Increase Income	Strategic Planning - Structure Fees		5,000
Reason: Recognising additional structure fees received due to an increase in structure plan amendments.				
3610-40000-6395-0000	Increase Expenditure	Road Maintenance - Traffic Management	63,000	
3610-40000-6392-0000	Increase Expenditure	Road Maintenance - External Contractors	45,000	

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Account Number	Type	Account Description	Debit \$	Credit \$
Reason: Additional funds required for maintenance works on multiple locations along Tourmaline Blvd and Abernethy Rd.				
3610-40010-6392-0000	Increase Expenditure	Footpath/Kerb Maintenance - External Contractors	33,974	
3610-40010-6395-0000	Increase Expenditure	Footpath/Kerb Maintenance - Traffic Management	19,485	
Reason: Additional funds required for maintenance works to footpaths and kerbing at various locations including Hall Rd and Karnup Rd, Doley Rd, Beenyup Cr, Edward Cr and Old Brickworks Rd.				
3410-60007-6392-0000	Increase Expenditure	Byford BMX Briggs Park - External Contractors	30,073	
Reason: Additional funds required for works to the drainage system including repairs and cleaning of subsurface drainage system to return the system to working order.				
3610-40020-6395-0000	Increase Expenditure	Drains - Routine Maintenance - Traffic Management	29,755	
3610-40020-6392-0000	Increase Expenditure	Drains - Routine Maintenance - External Contractors	8,750	
Reason: Additional funds required for drainage and culvert repairs at various locations including Kargotich Rd, Kowin Ct, Masters Rd, Richards St and Binshaw Rd.				
3410-60131-6392-0000	Increase Expenditure	Jarrahdale RV Parking Bay - External Contractors	25,000	
Reason: Additional funds required due to increased frequency of pumping services required from additional usage of the dump point.				



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Account Number	Type	Account Description	Debit \$	Credit \$
3510-Multiple-6392-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - External Contractors	25,000	
Reason: Additional funds required to complete compliance requirements across community facilities including electrical testing, fire system testing and air conditioning servicing.				
2500-10101-6386-0000	Increase Expenditure	Economic Development - Advertising & Promotion	20,000	
4300-15301-6131-0000	Decrease Expenditure	Community Development Program - Program Activities		5,000
Reason: Additional funds required for changing of billboards for events partially offset by contribution from community programs.				
1100-10301-6055-0000	Increase Expenditure	Occupational Health and Safety - First Aid	18,500	
Reason: Additional funds required to supply and ongoing maintenance of first aid kits in Shire vehicles.				
3510-Multiple-6393-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - Cleaning	13,500	
Reason: Additional funds required due to increase in the cleaning contract across community facilities.				
3410-60141-6392-0000	Increase Expenditure	Byford Dog Park - External Contractor	10,972	
Reason: Additional funds required for gate repairs and installation of solar lights.				
3510-Multiple-6362-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - Security	10,500	
Reason:				



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Account Number	Type	Account Description	Debit \$	Credit \$
Additional funds required for security monitoring/works to improve public safety at community facilities.				
3510-Multiple-6245-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - Pest Control	10,000	
Reason: Additional funds required for security monitoring/works to improve public safety at community facilities.				
5200-17105-6383-0000	Increase Expenditure	Automating Agendas - Nonrecurrent Expenditure	10,000	
5200-17101-6906-0000	Decrease Expenditure	Elected Members - Training/Mentoring		16,669
Reason: Additional funds required to complete project following procurement offset by a reduction in Elected member mentoring program that did not proceed.				
5300-17400-6230-0000	Decrease Expenditure	Asset Management - Consultancy		100,000
Reason: Reduction in budget due to not proceeding with drainage surveys this year and will be included in 2025/26 budget.				

To ensure prudent financial management, Officers have undertaken a thorough review of operating budgets to enhance efficiency. Most of these savings have come from optimizing training budgets across the shire, focusing on high-impact training and making greater use of in-house expertise. By leveraging the skills and knowledge within our teams, we have been able to reduce reliance on external consultancy while maintaining high-quality outcomes for our community.

Account Number	Type	Account Description	Debit \$	Credit \$
2300-12400-6050-0000	Decrease Expenditure	Health - Training		5,000

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2100-12504-6050-0000	Decrease Expenditure	Town Planning - Training		4,000
3210-13300-6050-0000	Decrease Expenditure	Subdivision - Training		3,000
2310-12600-6050-0000	Decrease Expenditure	Building Services Administration - Training		3,000
2200-12500-6230-0000	Decrease Expenditure	Strategic Planning - Consultancy		25,000
2100-12300-6230-0000	Decrease Expenditure	Development Compliance - Consultancy		3,000
2300-12400-6230-0000	Decrease Expenditure	Health - Consultancy		2,000
4500-15200-6326-0000	Decrease Expenditure	Community Projects - Legal Expenses		5,000
1000-10110-6386-0000	Decrease Expenditure	Election Advocacy - Advertising & Promotion		15,000
4300-15703-6386-0000	Decrease Expenditure	Christmas - Advertising & Promotion		5,000
1100-10303-6610-0000	Decrease Expenditure	Organisational Development Roadmap - Carryforward Expenditure		20,000
4300-15507-6610-0000	Decrease Expenditure	Trails Promotion - Carry Forward Expenditure		4,000
4300-15301-6131-0000	Decrease Expenditure	Community Development - Program Activities		5,000
4800-12100-6365-0000	Decrease Expenditure	Fire & Emergency Management - Software Subscriptions		15,000
3210-13304-6396-0000	Decrease Expenditure	Crossovers - Crossover Subsidies		5,000
2400-12200-6160-0000	Decrease Expenditure	Ranger Services - Minor Equipment Purchases		2,000



Options

Option1

That Council:

1. ADOPT the 2024/25 Statutory Budget Review report as per **attachment 1** and APPROVES the schedule of variations to the 2024/25 Budget as contained within this report.
2. REQUESTS the Chief Executive Officer to submit a copy of the review and determination to the Department of Local Government, Sport and Cultural Industries.

Option 2

1. DOES NOT ADOPT the 2024/25 Statutory Budget Review report as per attachment 1, APPROVES the schedule of variations to the 2024/25 Budget as contained within this report.
2. DOES NOT REQUESTS the Chief Executive Officer to submit a copy of the review and determination to the Department of Local Government, Sport and Cultural Industries.

Option 1 is recommended.

Conclusion

A Statutory Review of the Annual Budget has been completed. A list of budget variations requiring approval has been identified.

Attachments (available under separate cover)

10.3.4 - attachment 1 - 2024/25 Budget Review (E25/2165)

Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4.	Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.

**Risk Implications**

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is no significant risk associated with Council adopting the budget amendments.						
2	Council DOES NOT adopt budget adjustments leading to poor fiscal management resulting in financial risk due to overspending as well as being non-compliant with Financial regulations.	The organisation undertakes a quarterly finance and costing review prior to making council recommendation. Law restricts expenditure when expenditure from municipal fund not included in annual budget unless authorised by resolution.	Financial	Unlikely	Moderate	MODERATE	Accept Officer Recommendation (Option 1)



Voting Requirements: Absolute Majority (section 6.8 of the *Local Government Act 1995*)

OCM066/03/25

COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Duggin, seconded Cr Jerrett

That Council:

- 1. ADOPT the 2024/25 Statutory Budget Review report as per attachment 1 and APPROVES the schedule of variations to the 2024/25 Budget as contained within this report and detailed below:**

Account	Type	Account Description	Debit \$	Credit \$
6000-89000-5204-0000	Increase Transfer to Reserve	Byford Developer Contributions - Transfer to Reserve - Byford DCP	1,118,522	
6000-89000-4908-0000	Increase Income	Byford Developer Contributions - Capital Contributions - Byford DCP		1,118,522
6000-89001-5210-0000	Increase Transfer to Reserve	Community Infrastructure DCP Contributions - Transfer to Reserve - Community Infrastructure Reserve	220,119	
6000-89001-4909-0000	Increase Income	Community Infrastructure DCP Contributions - Capital Contributions - Community Infrastructure DCP		220,119
6400-80528-4806-0000	Decrease Income	Gravel Resheeting - Jarrah Rd - Grant Capital Roads to Recovery	150,171	
6400-80528-6600-0000	Decrease Expenditure	Gravel Resheeting - Jarrah Rd - Capital Expenditure		150,171
6400-80352-4827-0000	Decrease Income	Culvert Replacement - Karnup Rd - DFES Emergency Grant	110,108	

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6400-80352-5233-0000	Decrease Transfer to Reserve	Culvert Replacement - Karnup Rd - Transfer to Reserve - Road & Asset Management		110,108
6200-80394-6600-0000	Increase Expenditure	Byford Kindy Refurbishment - Capital Expenditure	63,010	
6200-80400-6610-0000	Decrease Expenditure	SJ Community Rec Centre - Defect Repairs - Carryforward Expenditure		63,010
6300-80551-5021-0000	Decrease Transfer from Reserve	P&G Truck Replacement - Transfer from Reserve - Light Fleet & Plant Acquisition	85,000	
6300-80551-4600-0000	Decrease Income	P&G Truck Replacement - Proceeds from Sale of Asset	20,000	
6300-80551-6600-0000	Decrease Expenditure	P&G Truck Replacement - Capital Expenditure		105,000
6300-NEW-6600-0000	Increase Expenditure	P&G Ute & Trailer - Capital Expenditure	85,000	
6300-NEW-5021-0000	Increase Transfer from Reserve	P&G Ute & Trailer - Transfer from Reserve - Light Fleet & Plant Acquisition		65,000
6300-NEW-4600-0000	Increase Income	P&G Ute & Trailer - Proceeds from Sale of Asset		20,000
6300-80552-5021-0000	Decrease Transfer from Reserve	P&G Truck Replacement - Transfer from Reserve - Light Fleet & Plant Acquisition	85,000	
6300-80552-4600-0000	Decrease Income	P&G Truck Replacement - Proceeds from Sale of Asset	20,000	
6300-80552-6600-0000	Decrease Expenditure	P&G Truck Replacement - Capital Expenditure		105,000

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6300-NEW-6600-0000	Increase Expenditure	P&G Ute & Trailer - Capital Expenditure	85,000	
6300-NEW-5021-0000	Increase Transfer from Reserve	P&G Ute & Trailer - Transfer from Reserve - Light Fleet & Plant Acquisition		65,000
6300-NEW-4600-0000	Increase Income	P&G Ute & Trailer - Proceeds from Sale of Asset		20,000
6300-80441-4600-0000	Decrease Income	Dual Cab Ute - Replace 51153 - Proceeds from Sale of Asset	17,500	
6300-80511-4600-0000	Increase Income	Sale of Excess Fleet Assets - Proceeds from Sale of Asset		25,202
6200-80427-6600-0000	Increase Expenditure	Health & Safety Corrective Actions - Capital Expenditure	30,000	
6200-80396-6600-0000	Increase Expenditure	Men's Shed Upgrade - Capital Expenditure	20,376	
5000-NEW-6230-0000	Increase Expenditure	AI Policy - Consultancy	30,000	
3700-14200-6230-0000	Decrease Expenditure	Executive Manager Operations - Consultancy		30,000
2100-12504-5230-0000	Increase Transfer to Reserve	Town Planning - Transfer to Reserve - Public Art	20,500	
2100-12504-4170-0000	Increase Income	Town Planning - Contributions		20,500
4300-15717-6392-0000	Increase Expenditure	Muddy Buddies - External Contractor	40,000	
4300-15717-4116-0000	Increase Income	Muddy Buddies - Event Sponsorship		40,000

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4300-15726-4122-0000	Decrease Income	Christmas Street Party - Grant Operating	37,000	
4300-15726-4116-0000	Increase Income	Christmas Street Party - Event Sponsorship		37,000
4300-15701-6392-0000	Increase Expenditure	Australia Day - External Contractor	20,700	
4300-15701-4116-0000	Increase Income	Australia Day - Event Sponsorship		12,700
4300-15701-4122-0000	Increase Income	Australia Day - Grant Operating Other		8,000
4300-15727-6392-0000	Increase Expenditure	Summer Splash - External Contractor	15,500	
4300-15727-4116-0000	Increase Income	Summer Splash - Event Sponsorship		15,500
4300-15723-6392-0000	Increase Expenditure	Harmony Week - External Contractor	12,500	
4300-15723-4116-0000	Increase Income	Harmony Week - Event Sponsorship		12,500
4300-15420-6276-0000	Increase Expenditure	General Grant - Community Grant/Sponsorship	8,885	
4300-15703-6131-0000	Decrease Expenditure	Christmas - Program Activities		7,000
4300-15725-6125-0000	Decrease Expenditure	Community & Bushfire Safety Event - Materials/Consumables		1,885
5300-17501-4004-0000	Decrease Income	Rates - Interim Rates	160,000	
3210-13300-4304-0000	Decrease Income	Subdivision - Subdivision Fees	60,000	



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5300-17300-4501-0000	Increase Income	General Purpose Funding - Interest in Investments - General Funds		200,000
3230-13400-4420-0000	Increase Income	Waste Services - Refuse Charges		60,000
2100-12504-4300-0000	Increase Income	Town Planning - Development Applications		35,000
5300-17501-4530-0000	Increase Income	Rates - Interest on Instalments		20,000
3300-14005-4134-0000	Increase Income	Urban Greening Grant - Plaistowe/Bill Hicks - Grant Operating Walga		18,372
3300-14007-4134-0000	Increase Income	Urban Greening Grant - Arnold Rd Reserve - Grant Operating Walga		4,888
3300-14006-4134-0000	Increase Income	Urban Greening Grant - Raingardens - Grant Operating Walga		1,754
2310-12600-4341-0000	Increase Income	Building Services - Swimming Pool Inspection Fees		25,000
2500-10404-4700-0000	Increase Income	Career Expo - Reimbursements		15,000
2300-12400-4359-0000	Increase Income	Health - Food Business Licences		8,500
2200-12500-4308-0000	Increase Income	Strategic Planning - Structure Fees		5,000
3610-40000-6395-0000	Increase Expenditure	Road Maintenance - Traffic Management	63,000	
3610-40000-6392-0000	Increase Expenditure	Road Maintenance - External Contractors	45,000	

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3610-40010-6392-0000	Increase Expenditure	Footpath/Kerb Maintenance - External Contractors	33,974	
3610-40010-6395-0000	Increase Expenditure	Footpath/Kerb Maintenance - Traffic Management	19,485	
3410-60007-6392-0000	Increase Expenditure	Byford BMX Briggs Park - External Contractors	30,073	
3610-40020-6395-0000	Increase Expenditure	Drains - Routine Maintenance - Traffic Management	29,755	
3610-40020-6392-0000	Increase Expenditure	Drains - Routine Maintenance - External Contractors	8,750	
3410-60131-6392-0000	Increase Expenditure	Jarrahdale RV Parking Bay - External Contractors	25,000	
3510-Multiple-6392-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - External Contractors	25,000	
2500-10101-6386-0000	Increase Expenditure	Economic Development - Advertising & Promotion	20,000	
4300-15301-6131-0000	Decrease Expenditure	Community Development Program - Program Activities		5,000
1100-10301-6055-0000	Increase Expenditure	Occupational Health and Safety - First Aid	18,500	
3510-Multiple-6393-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - Cleaning	13,500	
3410-60141-6392-0000	Increase Expenditure	Byford Dog Park - External Contractor	10,972	
3510-Multiple-6362-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - Security	10,500	

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3510-Multiple-6245-0000	Increase Expenditure	Facilities Maintenance - Multiple Projects - Pest Control	10,000	
5200-17105-6383-0000	Increase Expenditure	Automating Agendas - Nonrecurrent Expenditure	10,000	
5200-17101-6906-0000	Decrease Expenditure	Members of Council - Training		16,669
5300-17400-6230-0000	Decrease Expenditure	Asset Management - Consultancy		100,000
2300-12400-6050-0000	Decrease Expenditure	Health - Training		5,000
2100-12504-6050-0000	Decrease Expenditure	Town Planning - Training		4,000
3210-13300-6050-0000	Decrease Expenditure	Subdivision - Training		3,000
2310-12600-6050-0000	Decrease Expenditure	Building Services Administration - Training		3,000
2200-12500-6230-0000	Decrease Expenditure	Strategic Planning - Consultancy		25,000
2100-12300-6230-0000	Decrease Expenditure	Development Compliance - Consultancy		3,000
2300-12400-6230-0000	Decrease Expenditure	Health - Consultancy		2,000
4500-15200-6326-0000	Decrease Expenditure	Community Projects - Legal Expenses		5,000
1000-10110-6386-0000	Decrease Expenditure	Election Advocacy - Advertising & Promotion		15,000
4300-15703-6386-0000	Decrease Expenditure	Christmas - Advertising & Promotion		5,000

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1100-10303-6610-0000	Decrease Expenditure	Organisational Development Roadmap - Carryforward Expenditure		20,000
4300-15507-6610-0000	Decrease Expenditure	Trails Promotion - Carry Forward Expenditure		4,000
4300-15301-6131-0000	Decrease Expenditure	Community Development - Program Activities		5,000
4800-12100-6365-0000	Decrease Expenditure	Fire & Emergency Management - Software Subscriptions		15,000
3210-13304-6396-0000	Decrease Expenditure	Crossovers - Crossover Subsidies		5,000
2400-12200-6160-0000	Decrease Expenditure	Ranger Services - Minor Equipment Purchases		2,000

2. REQUESTS the Chief Executive Officer to submit a copy of the review and determination to the Department of Local Government, Sport and Cultural Industries.

CARRIED UNANIMOUSLY 6/0

**10.3.5 - Corporate Business Plan Performance Report - October to December 2024 (SJ940-3)**

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

Authority / Discretion

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

Report Purpose

The purpose of this report is to provide Council with a quarterly performance report against the 2024-28 Corporate Business Plan (CBP) for the period 1 October to 31 December 2024.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 November 2024 - OCM325/11/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the performance report against the 2024-28 Corporate Business Plan for the period 1 July to 30 September 2024 as contained in this report and attachment 1.*
- 2. ADOPTS the amendments to the Corporate Business Plan 2024-28 as outlined in this report and attachment 2.*

Background

On 19 August 2024, Council adopted the Shire of Serpentine Jarrahdale Corporate Business Plan 2024-28 (OCM228/08/24) and subsequently amended it in November 2024 (OCM325/11/24) as part of the quarterly performance reports.

The Corporate Business Plan 2024-28 is the Shire of Serpentine Jarrahdale's four-year delivery program, aligned to the Shire's Integrated Planning and Reporting Framework (i.e. Council Plan, Annual Budget, Long Term Financial Plan and other supporting strategies). The purpose of the plan is to operationalise the Community's vision and the Shire's strategic objectives by detailing the projects and activities that will be undertaken to address the initiatives contained within the Council Plan.



The Shire of Serpentine Jarrahdale has established periodic performance reporting against the 2024-28 Corporate Business Plan to provide Council and the Community with an update towards the achievement of these actions, such as the delivery of key projects and the successful implementation of service level changes.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Local governments have a statutory obligation under s5.56(1) of the *Local Government Act 1995* (WA) ('the Act') to plan for the future of their district. Regulations have been made under s5.56(2) of the Act to provide minimum requirements for IPR.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* (WA) ('the Regulations') require a local government to ensure that a Strategic Community Plan and Corporate Business Plan are made for its district. Any amendments to a Corporate Business Plan must be adopted by absolute majority (Regulation 19DA(6)).

Guidelines for the monitoring and reporting against the Corporate Business Plan are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government, Sport and Cultural Industries. The Guideline states, "*it is open to local governments to design complementary means of reporting progress and outcomes to the community*".

Reform of the *Local Government Act 1995*

The State Government is reforming the *Local Government Act 1995*. Theme 6 - 'Improved Financial Management and Reporting' proposes to amend the *Local Government (Administration) Regulations 1996* to replace the Strategic Community Plan with a Council Plan. On 11 December 2023, Council adopted the Council Plan 2023-2033 (OCM313/12/23). The Department of Local Government, Sport and Cultural Industries continue to progress the policy work behind the Integrated Planning and Reporting Framework reforms. From a compliance perspective, Regulation 19DA of the *Local Government (Administration) Regulations 1996* remains in place until new regulations are in effect and provisions commence. The Shire's Council Plan aligns with existing regulations.

Comment

The Shire of Serpentine Jarrahdale has completed a quarterly performance report against the 2024-28 Corporate Business Plan for the period 1 October to 31 December 2024 ('the Report'). The Report is contained in **attachment 1** for the Council to note.

As the Report relates to the period up to 31 December 2024, changes to projects that have occurred in the period from 1 January 2025 will be reflected in subsequent reports.



Report Structure

Grouped under each key pillar of the Council Plan (Thriving, Liveable and Connected), the Report provides a narrative update against each respective action of the CBP's Delivery Program. To ensure consistency and to enable summary reporting, each action is also allocated a traffic light status in accordance with the following key:

Status	Selection Criteria
 On Track or Complete	Action is complete or on target.
 At Risk or Behind Target	An issue has arisen that threatens to delay or has delayed this project or service from meeting its targets. The issue must be able to be rectified or managed as part of regular or routine internal procedures.
 Critical	An issue has arisen that prevents the project / service from commencing or continuing. The issue requires immediate intervention and/or escalation in order to rectify or realign the project/service.
 On hold	Work is unable to commence due to a dependency out of the Shire's control (e.g. awaiting grant funding or completion of another project).
 Deferred or Not Proceeding	Action is no longer proceeding within its planned year of the Corporate Business Plan but will be occurring within a future year of the Corporate Business Plan Or Action is no longer proceeding within the timeframe of the current Corporate Business Plan. This may be due to a change in direction caused by external factors (e.g. loss of grant funding / change of government) or a change of direction by Council.

Report Summary

The Report provides an update against 119 actions in the Corporate Business Plan. Statistics this period show:

- **94%** are on track or complete (112/119);
- **6%** are at risk or behind target (7/119);
- **0%** are critical;
- **0%** are on hold; and
- **0%** are deferred or not proceeding.



Key achievements and highlights this reporting period are as follows:

- Hosted WA State Government representatives on 14 October 2024 as part of the Community Cabinet visit, which included the signing of an \$18.5 million State Government funding agreement for the Keirnan Park Recreation Precinct, by Minister for Sport and Recreation David Templeman.
- Endorsement of the Keirnan Park Netball Needs Assessment and Concept Design.
- Adoption of the Asset Management Policy and Asset Management Strategy 2024-2027.
- Endorsement of the Briggs Park Master Plan.
- Launched live streaming of Council meetings from 21 October 2024
- Endorsement of the Terms of Reference for the Serpentine Jarrahdale / Cardup Career Fire Station Integration Working Group.
- Endorsement of the Clay-Based Wetlands Management Plan.
- Endorsement of the Banksia Woodland Management Plan.
- Adoption of the Marri Woodland Management Plan.
- Approval of the installation of a 22KW electric vehicle (EV) charger at the Shire's administration building carpark, co-funded from Charge-Up Grant.
- Recognition at the 2024 Volunteer Employer Recognition Award (VERA) ceremony as an organisation that supports emergency services volunteers to respond to emergencies during business hours.
- Adoption of the following amended / revised Council Policies:
 - Council Policy 3.3.11 - Live Streaming and Recording of Council and Committee Meetings
 - Council Policy 3.3.7 - Electronic Meetings
 - Council Policy 1.1.3 - Public Question and Public Statement Time and Deputations
 - Council Policy - 5.1.3 - Lease and Licence Management
 - Council Policy 2.2.6 - Urban and Rural Verge Policy
- Award of Tenders for the following projects:
 - Hopeland Road (A & B) Rehabilitation
 - Briggs Park Pump Track (Design and Construct)
 - Nicholson Road - Widening and Improvement
 - Karnup Road and Richardson Street Roundabout Upgrade
 - Oakford Bush Fire Brigade Station (Design and Construct)
 - Kargotich Road Stages 2 & 3
 - Orton Road
- Delivery of WA Seniors Week 2024 activities including creative workshops, fitness classes, social gatherings and a bus trip.
- Delivery of the 2024 SJ Christmas Street Festival, and the 2024 Christmas Lights Competition which had a record breaking 2700 entries, and winners across five categories.



- Attendance by the Shire President and Chief Executive Officer at the National Growth Areas Alliance National Congress in Canberra, meeting with key leaders and decision makers on the Shire's key advocacy projects leading into the 2025 State and Federal Elections.
- Completion of the following projects:
 - Council Chamber Minor Refurbishment
 - Mundijong Landcare Building (electrical wiring and switchboard)
 - Scout Hall Fence Installation
 - Clondyke Footpath Renewal Stage 2
 - Briggs Precinct Masterplan
 - Hopeland Road Upgrade
 - Mens Shed Upgrade



The 7 actions identified as **at risk or behind target** are:

Action 1:	<u>Minor Facility Renewals and Upgrades (Civils) (2023-24 Carry-Forward)</u> Minor Facility Renewals and Upgrades (Civils): (2023-24 Carry-Forward) - Upgrade road surface at Shire Depot	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	☐	N	☒
Comment:	Design and construction planning has been completed. Procurement has not progressed due to a delay in the design and construction report submission.				
Remedial Action:	Procurement will be undertaken early in quarter 3 and construction to commence early March 2025.				

Action 2:	<u>Parks and Environment Renewal (2023-24 Carry-Forward) - Claire Morris Reserve Fencing</u> Clare Morris Reserve Fencing	Status			
		Q1	Q2	Q3	Q4
		Grant funded:			
		Y	☐	N	☒

**Ordinary Council Meeting Minutes
Monday, 17 March 2025**

Comment:	Due to the developers working in the area adjacent to the fencing scope, works were not completed during the original timeframes. Numerous delays due to internal and external issues have meant the project has not been completed
Remedial Action:	The original contractor has been reengaged to complete the works as per original scope. Works are anticipated to be completed by beginning of Q4.

Action 3:	<u>Kalimna Oval Lighting</u>	Status			
	Installation of lighting at Kalimna Oval, Byford.	Q1	Q2	Q3	Q4
					
		Grant funded:			
		Y	☒	N	☐
		DLGSC grant			
Comment:	During this reporting period, the detailed design has progressed to 100% completion, and on site Geotech investigations have been completed. Additionally, the outcome of the Shire's application to the Club Lights Grant to the Department of Local Government, Sport, and Cultural Industries was received on 13th December 2024. The grant was less than anticipated and additional funds are required to deliver the project.				
Remedial Action:	In alignment with the Shire’s Project Management Framework, this project is scheduled for discussion at the February 2025 Project Board meeting to consider options for project timeline and budget.				

Action 4:	<u>Jarrahdale Oval</u>	Status			
	Prepare a Detailed Design document for Jarrahdale Oval.	Q1	Q2	Q3	Q4
					
		Grant funded:			
		Y	☐	N	☒



Ordinary Council Meeting Minutes Monday, 17 March 2025

Comment:	Following the RFQ process, quotes exceeded the available budget to undertake the full detail design for Jarrahdale Oval. A revised approach is proposed to undertake a landscape design for the public car park area of Jarrahdale Oval, which will compliment the work being carried out by DBCA as part of the delivery of the new Horse Trails construction.
Remedial Action:	A future report will be presented to Council to receive a landscape design for the public car park area of Jarrahdale Oval.

Action 5:	<u>Universal Access and Inclusion Program 2024-25</u> Engage a consultant to design internal accessibility solutions to meet current standards at: - Bruno Gianatti Hall, Jarrahdale - The House, Mundijong	Status			
		Q1	Q2	Q3	Q4
					
		Grant funded:			
		Y	☐	N	☒
Comment:	During this reporting period, the current construction estimates from the Consultant for these two projects exceeded the available budget. Officers shall explore alternative options and evaluate the budget implications to proceed.				
Remedial Action:	Officers shall present to the next available Project Board meeting in early 2025.				

Action 6:	<u>Minor Facility Renewals (2022-23 Carry-Forward)</u> Bush Fire Brigade Management Program and Projects: - Byford Changerooms	Status			
		Q1	Q2	Q3	Q4
					
		Grant funded:			
		Y	☐	N	☒
Comment:	The pre-tender estimate for this project exceeds the available budget. Officers shall explore alternative options and evaluate the budget implications to proceed.				



Remedial Action:	Project scope and cost estimates together with the QS to be presented to the Project Board for decision making.
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Action 7:	<u>Minor Facility Renewals and Upgrades (Facilities)</u> <u>(2023-24 Carry-Forward)</u> Youth Centre	Status			
		Q1	Q2	Q3	Q4
					
		Grant funded:			
		Y	☐	N	☒
Comment:	The pre-tender estimate for this project exceeded the available budget. Officers shall explore alternative options and evaluate the budget implications to proceed.				
Remedial Action:	Project scope and cost estimates together with the QS to be presented to Project Board for decision making.				

Details of the remaining 112 actions **on track** or **completed** this reporting period are outlined in **attachment 1**.

Further commentary on these results is provided later in this report under the conclusion.

Corporate Business Plan Amendments

To uphold the principle of an Integrated Planning and Reporting Framework and to ensure the Corporate Business Plan (CBP) remains aligned to the Shire's Annual Budget and other supporting strategies, Officers recommend Council amend the CBP following each quarterly budget review and corporate business plan performance reporting process. Conscious of the requirement to uphold the integrity of reporting against the CBP Key Performance Indicators, the following principles are applied when considering whether to amend the CBP:

1. If there is a Council resolution, projects may be amended to match. This can include amendments to project descriptions, start and finish dates, and milestones. It can also include the removal of a project and the addition of a project.
2. If the project has not commenced for a planned reason (such as awaiting grant funds, recruitment of a resource or the completion of another project), once this dependency is no longer the project can be updated to reflect its new timeline.
3. Any amendments made as a result of quarterly budget reviews and formal change requests approved in accordance with the Project Management Framework are to be reflected.



In line with the above-mentioned principles, the following amendments to the Corporate Business Plan are proposed:

Under Principle One:

- Staff Office Accommodation - Amendment of the Project name and description as resolved by Council at the February Ordinary Council Meeting (OCM/031/02/25)
- Addition of 'Waste Transfer Station - Consultancy' Strategic Operating Project, for detailed design of Waste Transfer Station redevelopment works, as resolved by Council at the February 2025 Ordinary Council Meeting (OCM021/02/25).
- Amendment to total project value of 'Hopeland Road' Major Capital Project to align budget, as approved by Council at the December Ordinary Council Meeting (OCM363/12/24).
- Addition of the 'Home Composting Subsidy Program' Strategic Operating Project, as resolved by Council at the October Ordinary Council Meeting (OCM306/10/24).
- Amendment to total project value of 'Nicholson Road Upgrade' Major Capital Project to align budget as project is now fully Federal funded, as resolved by Council at the October 2024 Special Council Meeting (SCM006/10/24).
- Amendment to total project value of 'Mundijong Road Rehabilitation' Major Capital Project to align budget, as resolved by Council at the November 2024 Ordinary Council Meeting (OCM326/11/24).
- Amendment to total project value of 'Oakford Bush Fire Brigade Station' Major Capital Project to align budget, as approved by Council at the December 2024 Ordinary Council Meeting (OCM351/12/24).
- Amendment to total project value of 'Kargotich Road Upgrade' Major Capital Project to align budget, as approved by Council at the December 2024 Ordinary Council Meeting (OCM352/12/24).
- Amendment to total project value and project description of 'Orton Road Upgrade' Major Capital Project, as approved by Council at the December 2024 Ordinary Council Meeting (OCM352/12/24).
- Amendment to total project value of 'Mundijong Road and King Road Intersection' Major Capital Project to align budget, as approved by Council at the December 2024 Ordinary Council Meeting (OCM362/12/24).

Under Principle Two:

Nil.

Under Principle Three:

- Updated project finish date of 'State Blackspot - Karnup Road Upgrade' to 30 June 2026, to accommodate clearing permit approval process, as approved in accordance with the Project Management Framework.
- As outlined in the July to September 2024 Budget Review at agenda item 10.3.7 of the November 2024 Ordinary Council Meeting:
 - Increase of Plant and Fleet New by \$70,000 within the Capital Works Program.
- As outlined in Statutory Budget Review at agenda item 10.3.4 of the March 2025 Ordinary Council Meeting, subject to Council adoption:



- Decrease of Plant and Fleet Renewal by \$40,000, within the Capital Works Program.
- Increase of Bore, Pumps and Irrigation Renewal by \$184,575 for bore replacement on Soldiers Road, within the Capital Works Program.
- Increase of Minor Facility Renewals by \$20,000 for Men's Shed Upgrade additional works, within the Capital Works Program.

These amendments are detailed in tracked changes at **attachment 2**.

Corporate Business Plan Key Performance Indicators

The Corporate Business Plan 2024-28 contains the following Key Performance Indicators:

1. 80% of strategic operating projects are completed by their due date
2. 80% of road projects planned are delivered by their due date
3. 80% of facility projects planned, are delivered by their due date
4. Financial Sustainability - maintain a financial health indicator above 70.

A progress update on each KPI, including a projected end of year result, is provided below for the Council to note.

KPI 1: 80% of strategic operating projects are completed by their due date

Projected Result: 93% (13/14)

Comment:

The Corporate Business Plan 2024-28 contains 14 Strategic Operating Projects due between 1 July 2024 to 30 June 2025. As of 31 December 2024, eleven (11) are on track, one (1) is flagged as 'at risk / behind schedule' and two (2) have been completed on time.

The projected result for this KPI is 93% (13/14), which assumes:

- The one (1) project identified as 'at risk or behind target' in this report (Jarrahdale Oval) does not get back on track.
- The eleven (11) projects reported on track in this report, remain on track and are completed by their due dates.

Note - the following Strategic Operating Project have been completed by its due date:

- Expansion of SJ Recreation Centre - Briggs Park (due 30 September 2024, completed 16 September 2024)
- Briggs Precinct Masterplan (due 31 March 2025, completed 16 December 2024).

KPI 2: 80% of road projects planned are delivered by their due date

Projected Result: 100% (25/25)



Comment:

There are eleven (11) major capital road projects and fourteen (14) minor capital road projects due to be constructed by 30 June 2025. Of these, twenty-two (22) are 'on track' and the following three (3) projects are complete:

- Soldiers Road Upgrade (due 30 September 2024, completed 15 August 2024)
- Tuart Road Base Repair (due 30 June 2025, completed 11 September 2024)
- Hopeland Road Upgrade (due 31 December 2024, completed 24 December 2024)

The projected result for this KPI is 100% (25/25) which assumes the twenty-two (22) projects reported on track in this report, remain on track and are completed by their due dates.

KPI 3: 80% of facility projects planned, are delivered by their due date.

Projected Result: 75% (12/16)

Comment:

There are 16 facility projects due for delivery by 30 June 2025. Of these, seven (7) are 'on track', four (4) are flagged as 'at risk/behind schedule' and five (5) projects have been completed on time.

The projected result for this KPI is 75% (12/16), which assumes:

- The four (4) projects identified as 'at risk or behind target' in this report (Upgrade road surface at Shire Depot, Universal Access and Inclusion Program 2024-25; Bruno Gianatti Hall and The House, Byford Volunteer Bush Fire Brigade Changerooms, and Youth Centre) do not get back on track.
- The eleven (11) projects reported on track in this report, remain on track and are completed by their due dates.

Note - the following five (5) facility projects have been completed by their due dates:

- Depot Refurbishment: Outdoor Canopy (due 30 June 2025, completed 2 October 2024)
- Council Chamber Minor Refurbishment (due 31 October 2024, completed 21 October 2024)
- Mundijong Landcare Building (electrical wiring and switchboard) (due 31 October 2024, completed 31 October 2024)
- Scout Hall Fence Installation (due 30 June 2025, completed 30 November 2024)
- Mens Shed Upgrade (due 30 June 2025, completed 31 January 2025)

KPI 4: Financial Sustainability - maintain a financial health indicator above 70

Comment: 72 for the 2023-24 financial year.



Options

Option 1

That Council:

1. NOTES the performance report against the 2024-28 Corporate Business Plan for the period 1 October to 31 December 2024 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2024-28 as outlined in this report and **attachment 2**.

Option 2

That Council:

1. NOTES the performance report against the 2024-28 Corporate Business Plan for the period 1 October to 31 December 2024 as contained in this report and **attachment 1**.
2. ADOPTS the amendments to the Corporate Business Plan 2024-28 as outlined in this report and **attachment 2**, with the following amendments.
 - *[Elected Member moving motion to specify]*

Option 3

That Council:

1. NOTES the performance report against the 2024-28 Corporate Business Plan for the period 1 October to 31 December 2024 as contained in this report and **attachment 1**.
2. DOES NOT ADOPT the amendments to the Corporate Business Plan 2024-28 as outlined in this report and **attachment 2**.

Option 1 is recommended.

Conclusion

The performance reporting against the Corporate Business Plan this reporting period details 8% of actions are currently 'at risk or behind target' and 92% are 'on track or complete'. Projected results indicate Strategic Operating and Roads projects are on track to meet the Shire's Corporate Business Plan key performance indicators (KPIs). The Shire has already met KPI 4 regarding financial sustainability, achieving a financial health indicator of 73 for the 2023-24 financial year. Some Facilities projects with scope and budgetary challenges are being considered to determine next steps, and will continue to be managed in accordance with the Project Management Framework.

Attachments (available under separate cover)

- **10.3.5 - attachment 1** - Corporate Business Plan Performance Report 1 October to 31 December 2024 (E25/2590)
- **10.3.5 - attachment 2** - Corporate Business Plan Quarter Two Review - Tracked Changes (E25/2445)



Alignment with our Council Plan 2023-33

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

There are no financial implications associated with the Officer Options.

Risk Implications

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1 and Option 2.						
3	If Council do not adopt the CBP, this will result in documents that are not aligned with the annual budget. This will create a fragmented environment for the Shire to operate in.	Existing Corporate Business Plan 2024-28 2024-25 Annual Budget	Organisational Performance	Unlikely	Minor	LOW	Nil.

Voting Requirements: Absolute Majority (Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*)

OCM067/03/25

COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Jerrett, seconded Cr Bishop

That Council

1. NOTES the performance report against the 2024-28 Corporate Business Plan for the period 1 October to 31 December 2024 as contained in this report and attachment
2. ADOPTS the amendments to the Corporate Business Plan 2024-28 as outlined in this report and attachment 2.

CARRIED UNANIMOUSLY 6/0

**10.3.6 - Council Policy Review (SJ4577)**

Responsible Officer:	Manager Corporate Performance
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

This report presents the outcomes of the Council Policy Review. A Policy Manual is being presented to Council for consideration which includes amendments to existing Policies, and recommends that a number of Policies are rescinded.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

Council Policies are required to support delivery of the Shire's strategic goals, assist in fulfilling statutory requirements, and provide guidance to employees when exercising delegations.

The Shire commenced a review of the Shire's Council Policies in mid-2024 with a view to ensuring that all Council Policies:

- have continued relevance and applicability, and
- are up-to-date, relevant and useful.

Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	24 February 2025
Elected Members in Attendance	President Coales, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini

Statutory Environment

Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) provides that one of the roles of Council is to 'determine the local government's policies'. The amendment, adoption or rescindment of any Council Policy must therefore be resolved by Council.

Section 5.41(2)(a) of the Act provides that the role of the Chief Executive Officer is to cause Council decisions to be implemented.



Comment

Under section 2.7 of the Act, one of the roles of Council is to determine the local government's policies.

At the time of writing, Council has 91 Council Policies.

The purpose of the Council Policies varies, from those used daily, such as the Procurement Policies, to those which are used less frequently, such as Flags and the Christmas Shut Down.

In addition to all Policies being reformatted into a new template, the Policy review has resulted in identification of the following:

- Policy rescinded - the review identified that the Policy is no longer deemed required. In some instances, the existing Policy has been determined to be a duplicate of other documents or an administrative procedure.
- Requiring minor amendments - the review identified that only minor changes to language, style, formatting, etc. are required. These do not impact on the objectives of the policy.
- Requiring major amendments -
- the review identified that major changes are required that significantly alter Council's position on an issue or change the strategic intent/objectives of the Policy.

Revised Policies recommended for adoption

Most of the changes to Council Policies have been minor in nature including updating references to the Council Plan. The balance of the changes relates to amending details such as formatting, grammatical changes, and references to state legislation or guidelines. These changes are identified in **attachment 1**. A summary of changes to each Policy are outlined in **attachment 2**.

Some more specific changes to the Policies are outlined below:

Corporate Purchasing Cards

Amendments to provide for a second card holder for when the primary card holder is on leave. This approach aligns to the Officer of the Auditor General's Performance Audit on Purchasing Cards conducted in June 2024, that suggests card-sharing when the cardholder is out of the office could increase the likelihood of unauthorised or fraudulent purchases. The Shire's process was to ensure purchases were approved by the acting cardholder however, it was subsequently identified in a recent financial audit that an officer in an acting capacity cannot approve purchases as they are not the actual cardholder.

Councillor Fees and Entitlements

Amendment to specify that the Shire President and Elected Members do not receive any discounted property rates. This amendment was requested by Elected Members at the PCF discussion on 24 February 2025.

Customer Service

Amendments to remove the Customer Service Charter from the policy, which is available as a separate document on the Shire's website. As the Charter includes statutory building and planning application timelines, having the Charter separate from the Policy provides a more flexible approach to amend the Charter following any legislative changes. The Charter is due to be reviewed in 2025.



Honorary Freeman of the Municipality

Amendments to clarify the application process and remove the requirement for a special council meeting to consider an application.

Media

Amendments to specify the Shire President can authorise, in writing, the Deputy President or Chief Executive Officer to speak on their behalf. The authorisation may include details such as timeframes or specific topic/s or event/s. This amendment was requested by Elected Members at the PCF discussion on 24 February 2025.

Procurement of Goods or Services through Public Tendering

Amendments to remove duplication of legislation and make framework improvements identified through recent large tender processes, for example Keirnan Park. The approach to exemptions has also been enhanced to ensure relevant reference to the Shire's Delegation register.

Procurement of Goods or Services up to \$250,000

Amendments to make minor amendments to the principles and an increase to the procurement thresholds to align with the increase in the tender threshold. The approach to exemptions has also been enhanced to align to current process, including clarifying that CEO approval is required.

Public Question and Public Statement Time and Deputations

Amendments made to:

- specify that the content of statements will not be included in the minutes of the meeting, and
- align deputation requests with Council Resolution OCM313/12/22. This amendment was requested by Elected Members at the PCF discussion on 24 February 2025.

Serpentine Jarrahdale Communication Protocol

Amendments to reflect recent changes to the *Local Government Act 1995* which amended roles and responsibilities for Council, the Shire President, Elected Members and the Chief Executive Officer.

A flowchart and summary of the communication triaging methodology has also been included.

Street Trees

Amendments, including renaming from Shire Trees to Street Trees, to improve clarity and update reference material.

Outdated or redundant Policies recommended for rescinding

The review identified a number of Policies that were outdated or superseded by various documents such as our Town Planning Scheme, state government guidelines or changes to legislation. It is proposed that the following Policies are rescinded (also outlined in **attachment 1**):

- Community Perception Survey (incorporated into the Community Engagement Policy)
- Social Media (more appropriate as a Business Operating Procedure as it relates to Shire Officers. There is a separate Policy on use of Social Media for Elected Members)
- Road Closures (managed under legislation and local law)
- Energy and Water Efficiency (duplicates State Planning Policy)



- Trails (incorporated into the Jarrahdale Trail Town Business Case and Equine Trails Master Plan that provide comprehensive guidelines)
- Use of Shire Logos and Branding (addressed in the Shire's Brand Style Guide)
- Significant Accounting Policies (Significant accounting policies are included and adopted in both the Annual Budget as well as the annual financial report)
- Bed and Breakfast Accommodation (covered in Planning documents)
- COVID-19 leave (no longer required - this policy was required during the pandemic to manage the process for COVID-19 leave; however, it is no longer required now that COVID-19 leave is not a mandatory leave category)
- Watkins Road Transfer Station and Recycling - On Demand Waste Collections (no longer required. A new Council Policy will be developed before the Transfer Station reopens)

Review of Policies going forward (major review)

A number of Policies have been identified as requiring more significant amendments. These Policies have been incorporated into the manual with minor formatting changes, but it is intended that these will be presented to Council over the next 12 months for consideration of more substantial changes.

These Policies include:

- Procurement of Goods or Services through Public Tendering and Procurement of Goods or Services up to \$250,000
- Serpentine and Jarrahdale Cemeteries
- Community Funding
- Community Contributions
- CCTV
- Child Safety and Wellbeing
- Graffiti (new)
- Commercial Signage on Local Road Reserves
- Refreshments and Alcohol
- Communication Protocol (including the content of Friday Facts)

Ongoing Policy Review

To ensure Policy review remains an ongoing process, Officers propose a full review of the Policy Manual is integrated into business as usual, to occur every 2 years.



Options

Option 1

That Council:

1. ADOPTS the Council Policy Manual at **attachment 3**.
2. RESCINDS the Council Policies as contained in **attachment 4**.
3. REQUESTS the Chief Executive Officer categorises and numbers the policies in accordance with the Shire's Chart of Account categories (**attachment 5**) prior to publishing the Council Policies on the Shire's website.
4. NOTES the Council Policies listed within this report that will undergo a major review in 2025.
5. NOTES a review of the Council Policy Manual will occur on a biennial basis.

Option 2

That Council:

1. ADOPTS the Council Policy Manual at **attachment 3** with the following amendments:
[Elected Member moving motion to specify]
2. RESCINDS the following Council Policies:
[Elected Member moving motion to specify]
3. REQUESTS the Chief Executive Officer undertake a review of the following:
[Elected Member moving motion to specify]
4. REQUESTS the Chief Executive Officer categorises and numbers the policies in accordance with the Shire's Chart of Account (**attachment 5**) prior to publishing the Council Policies on the Shire's website.
5. NOTES the Council Policies listed within this report that will undergo a major review in 2025.
6. NOTES a review of the Policy Manual will occur on a biennial basis.

Option 3

That Council:

1. DOES NOT ADOPT the Council Policy Manual at **attachment 3**.
2. DOES NOT RESCIND the Council Policies as contained in **attachment 4**.
3. REQUESTS the Chief Executive Officer represent the Council Policy Manual to a future Policy Concept Forum.

Option 1 is recommended.

Conclusion

A review of the Shire's Council Policies has been undertaken, with a number of minor, administrative amendments made to Council Policies to improve clarity and accuracy. The review also identified a number of Policies that could be rescinded, and those that require more substantial amendments.



Attachments (available under separate cover)

- **10.3.6 - attachment 1** - Shire of Serpentine Jarrahdale Policy Manual - tracked changes (E25/1765)-
- **10.3.6 - attachment 2** - Summary of Policy Changes (E25/1763)
- **10.3.6 - attachment 3** - Shire of Serpentine Jarrahdale Policy Manual (E25/2565)
- **10.3.6 - attachment 4** - Council Policies to be rescinded (E25/2564)
- **10.3.6 - attachment 5** - Chart Account Table for policy categorisation (IN25/4492)

Alignment with our Council Plan 2023-2033

N/A

Financial Implications

Not applicable.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	Amendments may not be informed by sufficient operational information.	Nil	Organisational Performance	Possible	Minor	MODERATE	Nil
3	The risk of outdated policies is that they can lead to non-compliance with current laws and regulations, inconsistent practices within the organisation, and a lack of employee understanding regarding expectations	Current Policies	Organisational Performance	Likely	Moderate	SIGNIFICANT	Nil



- Voting Requirements:** Absolute Majority for the following policies:
- Councillor Training and Continuing Professional Development (section 5.128 of the *Local Government Act 1995*)
 - Councillor Fees and Entitlements (section 5.129 of the *Local Government Act 1995*)
 - Temporary Employment or Appointment of Acting CEO (section 5.39C of the *Local Government Act 1995*)
 - Councillor and CEO Attendance at Events (section 5.90A of the *Local Government Act 1995*)
- All other policies by Simple Majority

OCM068/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Jerrett

That Council:

- 1. ADOPTS the Council Policy Manual at attachment 3.**
- 2. RESCINDS the Council Policies as contained in attachment 4.**
- 3. REQUESTS the Chief Executive Officer categorises and numbers the policies in accordance with the Shire's Chart of Account categories (attachment 5) prior to publishing the Council Policies on the Shire's website.**
- 4. NOTES the Council Policies listed within this report that will undergo a major review in 2025.**
- 5. NOTES a review of the Council Policy Manual will occur on a biennial basis.**

CARRIED UNANIMOUSLY 6/0

**10.3.7 - Superannuation for Elected Members (SJ4563)**

Responsible Officer:	Manager Corporate Performance
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 an update to Council on new provisions regarding the payment of superannuation to elected members, and seek a decision on the payment of superannuation in advance of the date that it becomes mandatory for payments to be made.

Relevant Previous Decisions of Council

Special Council Meeting - 6 December 2021 - SCM089/12/21 - COUNCIL RESOLUTION - extract

That Council:

1. RESOLVES the following positions regarding the proposed Local Government reforms announced by the Minister on 10 November 2021:

<i>5.4</i>	<i>Local Governments May Pay Superannuation Contributions for Elected Members</i>	<i>NOT SUPPORTED</i>
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Background

On 1 February 2025, provisions in the *Local Government Amendment Act 2024* took effect which introduced the option for local governments to decide to pay superannuation contributions to elected members.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 5.99B of the *Local Government Act 1995* provides that local governments can pay superannuation contribution payments to Elected Members.



Section 5.99B(4) provides that regulations may require a local government to pay superannuation. On 1 February 2025, amendments to the *Local Government (Administration) Regulations 1996* took effect which introduced a compulsory requirement for all local governments in Band 1 and Band 2 (which includes the Shire of Serpentine Jarrahdale) to pay superannuation from 19 October 2025 (Regulation 32A).

Section 5.99C provides that an Elected Member can opt out of superannuation contributions by giving written notice to the Chief Executive Officer. An opt-out notice remains in effect unless the Elected Member, by written notice, revokes the notice.

Superannuation payments need to be the same amount as that paid to employees. From 1 July 2025, the rate is 12 per cent. Superannuation will be calculated on Ordinary Time Earnings, which will include annual attendance fees and allowance, but will not include expense allowances (such as the ICT allowance).

Section 5.63 provides that it is not a conflict of interest for Elected Members to decide to pay superannuation.

Comment

Following Royal Assent of the *Local Government Amendment Act 2024*, provisions allowing payment of superannuation contributions to Elected Members have been proclaimed and took effect on 1 February 2025.

From 19 October 2025, it will be mandatory for the Shire to pay superannuation to all elected members (to a nominated account) unless the individual provides written notification to the CEO to opt-out of the payment. In accordance with the Act, an opt-out notice remains in effect unless the Elected Member, by written notice, revokes the notice. An Elected Member who opts out of superannuation cannot direct how the unspent budget allocation is utilised.

Elected Members need to seek their own financial advice when considering whether to receive superannuation or opt-out of the payments.

Whilst it is mandatory from October, Council is entitled to determine that superannuation is paid prior to this date (by absolute majority).

In making a decision to pay superannuation in advance of the mandatory date, there will be a financial impact on the 2024-2025 budget which will require a budget amendment. Alternatively, Council may consider it appropriate to commence payments from 1 July 2025 or from the mandatory period of 19 October 2025, allowing the payments to be factored into the 2025-2026 budget.

Options

Option 1

That Council:

1. NOTES that from 19 October 2025, a superannuation contribution payment is required to be paid to all Elected Members in accordance with section 5.99B(4) of the *Local Government Act 1995* and Regulation 32A of the *Local Government (Administration) Regulations 1996*.
2. NOTES the cost to pay a superannuation contribution payment to all Elected Members from 1 October 2025 will be incorporated into the 2025-2026 Annual Budget Process as part of setting the annual Fees and Allowances.



3. NOTES that any Elected Member can opt-out of superannuation contribution payment by providing written notice to the Chief Executive Officer, and in accordance with the Act, it will remain in effect until written notice is provided to revoke it. An Elected Member who opts out of superannuation cannot direct how the unspent budget allocation is utilised.

Option 2

That Council:

1. APPROVES a superannuation contribution payment to all Elected Members from 1 July 2025, in accordance with section 5.99B of the *Local Government Act 1995*.
2. NOTES the cost to pay a superannuation contribution payment to all Elected Members from 1 July 2025 will be incorporated into the 2025-2026 Annual Budget Process as part of setting the annual Fees and Allowances.
3. NOTES that any Elected Member can opt-out of superannuation contribution payment by providing written notice to the Chief Executive Officer, and in accordance with the Act, it will remain in effect until written notice is provided to revoke it. An Elected Member who opts out of superannuation cannot direct how the unspent budget allocation is utilised.

Option 3

That Council:

1. APPROVES a superannuation contribution payment to all Elected Members from 1 April 2025, in accordance with section 5.99B of the *Local Government Act 1995*.
3. NOTES that any Elected Member can opt-out of superannuation contribution payment by providing written notice to the Chief Executive Officer, and in accordance with the Act, it will remain in effect until written notice is provided to revoke it. An Elected Member who opts out of superannuation cannot direct how the unspent budget allocation is utilised.
3. APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
5200-17101-6032-0000	Increase Expenditure	Members of Council - Superannuation	5,331	
5200-17101-6906-0000	Decrease Expenditure	Members of Council - Training/Mentoring		5,331

Reason:

To provide for superannuation payments to Elected Members from 1 April 2025 to 30 June 2025 on current Fees and Allowances rates.

For Council's consideration.

Conclusion

Legislative amendments have been introduced to provide for superannuation contribution payments to Elected Members. Council's consideration is required on the commencement date for superannuation payments, noting that it will become mandatory from 19 October 2025

**Attachments (available under separate cover)**

Nil.

Alignment with our Council Plan 2023-2033

Thriving
4. Ensure sustainable and optimal use of Shire resources and finances

Financial Implications

The introduction of superannuation payments to Elected Members will have a financial impact as outlined in the table above. This is likely to increase further following the adoption of the 2025-26 fees and allowances.

The below tables show the financial impact of superannuation payments for three scenarios:

- Payment calculated assuming current Attendance Fee and President and Deputy Allowances remain unchanged in 2025-2026
- Payment calculated assuming Attendance Fee and President and Deputy Allowances are set at 75% of Band 2 in 2025-2026 (and 2024-2025 rates set by the Salaries and Allowances Tribunal do not increase)
- Payment calculated assuming Attendance Fee and President and Deputy Allowances are set at 100% of Band 2 in 2025-2026 (and 2024-2025 rates set by the Salaries and Allowances Tribunal do not increase)

Scenario 1: Superannuation Costs (Based on current Attendance Fee and President and Deputy Allowances but excluding ICT allowance)

Budget Year	Period:	Cost:
2024-25	1 April 2025 - 30 June 2025	\$5,331.32
2025-26	1 July 2025 - 30 June 2026	\$22,252.00
2025-26	19 October 2025 - 30 June 2026 (mandatory period)	\$15,566.24

Scenario 2: Superannuation Costs (Based on 75% of Band 2 Attendance Fee and President and Deputy Allowances but excluding ICT allowance)

Budget Year	Period:	Cost:
2025-26	1 July 2025 - 30 June 2026	\$24,319.62
2025-26	19 October 2025 - 30 June 2026 (mandatory period)	\$17,012.63

**Ordinary Council Meeting Minutes
Monday, 17 March 2025****Scenario 3: Superannuation Costs (Based on 100% of Band 2 Attendance Fee and President and Deputy Allowances but excluding ICT allowance)**

Budget Year	Period:	Cost:
2025-26	1 July 2025 - 30 June 2026	\$32,426.16
2025-26	19 October 2025 - 30 June 2026 (mandatory period)	\$22,683.51

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
All	Reputational loss as a result of community concern regarding Councillor remuneration	Appropriately accounting for the expense in the budget process	Reputation	Likely	Minor	MODERATE	Depending on what option is chosen, will depend on whether it can be noted as a State requirement (option 3)



Voting Requirements: Option 1 - Simple Majority

Options 2 and 3 - Absolute Majority (s5.99B(2) of the *Local Government Act 1995*)

OCM069/03/25

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Duggin

That Council:

- 1. NOTES that from 19 October 2025, a superannuation contribution payment is required to be paid to all Elected Members in accordance with section 5.99B(4) of the *Local Government Act 1995* and Regulation 32A of the *Local Government (Administration) Regulations 1996*.**
- 2. NOTES the cost to pay a superannuation contribution payment to all Elected Members from 1 October 2025 will be incorporated into the 2025-2026 Annual Budget Process as part of setting the annual Fees and Allowances.**
- 3. NOTES that any Elected Member can opt-out of superannuation contribution payment by providing written notice to the Chief Executive Officer, and in accordance with the Act, it will remain in effect until written notice is provided to revoke it. An Elected Member who opts out of superannuation cannot direct how the unspent budget allocation is utilised.**

CARRIED UNANIMOUSLY 6/0

**10.4 Community Engagement reports:**

10.4.1 - Commemorative naming proposal for Reserves 19197 and 24162 (SJ3296-2)	
Responsible Officer:	Manager Community Projects & Property
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 a commemorative naming proposal for Reserve 19197 and 24162 and invite public comment on the proposed name of 'Ivy Muller Reserve'.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

An application was received from Mike Muller on behalf of the estate of Ivy May Muller on 14 November 2024 requesting Council to consider naming Reserve 19197 and 24162 (Lot 1 and Lot 1285) 'Ivy Muller Reserve' after Ivy May Muller in commemoration of her contribution to the community. The application is provided at **attachment 1**.

Community / Stakeholder ConsultationLandgate's Geographic Names Team

The Geographic Names Team (GNT) is responsible for administering all naming actions on behalf of the Minister for Lands. The GNT is required to approve the naming proposal.

Officers discussed the proposal and application of the Policies and Standards for Geographical Naming in WA with the Geographic Names Team. GNT is supportive in-principal for the commemorative naming.

Hopeland Community Association

On receipt of the application officers have requested feedback and received written support from the Hopeland Community Association (being the main users of the hall) on naming the Reserve's 'Ivy Muller Reserve'. This is included as **attachment 2**.



Further Community Consultation Required

Policies and Standards for Geographical Naming in WA is explicit in its community consultation requirements for commemorative naming proposals. Should the Council accept the Officer's recommendation, the following community consultation is required to inform an application to Geographic Names Team:

- Public Notice inviting comment on the proposal for a period of 30 days,
- Letters to adjoining land owners.

Statutory Environment

In line with *Council Policy - Naming of Shire Owned or Administered Buildings, Structures and other Assets*, naming requests are to be presented to Council and states proposals to give recognition to specific members of the community through naming of facilities must be able to establish an association between that individual and the facility to be named or provide other justification such as that person's notable contribution to the community.

This proposal withstands assessment and diligence searches conducted by officers verifying Ivy Mullers historical connection to the area; and being a respected community members of considerable service who was a resident or working within the region (20 years or more).

Landgate's *Policies and Standards for Geographical Naming in WA* sets out the requirements and considerations for commemorative geographic naming of topographic features. Applications for naming are to be assessed by the local government for endorsement by Council ahead of a submission being made to Geographic Names Team (GNT) for approval. The GNT is responsible for administering all naming actions on behalf of the Minister for Lands. The GNT is required to approve the naming proposal.

Comment

Reserves 19197 and 24162

Reserve 19197 (Lot 1) is 18406m² and Reserve 24162 (Lot 1285) is 1821m² both being parcels of Crown Land bounded by Hopeland Road in Hopeland. The Shire has a management order over the two reserves as a Hall site and Childrens Playground.



Aerial of Reserve 19197 (Lot 1) and 24162 (Lot 1285)



The Hall building on Reserve 19197 (Lot 1) also known as the Hopeland School is heritage listed. The school has historic, social and aesthetic value, being associated with the Group Settlement scheme of the 1920's which led to the development of the Hopeland district.

Family History and Connection to Reserves 19197 and 24162

As verified through historic records and the Hopeland Community Association Ivy Muller taught for approx. 23 years in the Shire being at Hopeland 1941 -1949, Keysbrook 1950 and Hopeland 1950 - 1964.

In the early years, teaching was the only profession that allowed married women to continue as employees, due to the shortage of male and single female teachers. Married women were only allowed temporary status and had to be re-appointed each year. Mrs Muller taught on three quarters of a man's wage because she was married.

The significance of a one teacher school at this time meant that Ivy was the sole administrator and teacher who provided quality education for all of the students of various ages in her school room. During World War 2, Ivy had the challenge of teaching 33 children in one classroom as city parents had sent their children from Perth to the country for safety reasons. Their ages ranged from infants to the high school students who needed supervision to do correspondence lessons.

Being the sole teacher at a one teacher school, Ivy also attended voluntary to the maintenance of school grounds including, gardening, mowing and the cleaning of the school room and toilets. Ivy also would chop the wood for the school fire to keep the students warm in winter as there was no electricity in her years of teaching at Hopeland School.

Mr Muller has provided the following information in support of their request to have Reserves 19197 and 24162 named after Ivy Muller:

- Ivy's love for teaching and nurturing approach extended to the wider community, where she was well-loved and respected.
- Ivy organised sports days and the annual Christmas celebration that's still active today.
- Ivy was active and encouraging in the community, attending past students' weddings and supporting new parents. Ivy provided free 'after school care' to students when needed.
- Due to her husband's illness, she was the sole income earner for her family.
- Ivy was an active member of Hopeland P&C Association, being president in 1943 and 1944 and continuing as an active committee member until the school closed in 1978
- After Ivy retired from teaching, she became a member of the Hopeland Book Club and a member of the Serpentine and Districts CWA.
- In 1977 Ivy and Mervyn celebrated their 50th wedding anniversary at Hopeland School
- Ivy and Mervyn are both buried at the Serpentine Cemetery.

Mr Muller has provided the following information in support of their request to have Reserves 19197 and 24162 named after Ivy Muller:

Ivy May Muller (Nee Gibbs) was born in the Ferguson Valley on the 10th of July 1900.

Ivy completed her education at the age of 14 at Ferguson School. She was immediately asked to return to the school in the capacity of a Monitor which for all intents and purposes is what a Teacher's aide does today.



Probably in her late teenage years or possibly in her early twenties she enrolled at the Claremont Teacher's Training College to complete her Teacher's Training. This in itself was such an achievement as her family were all manual workers with limited formal education, her own father was semi-illiterate when he married his wife who set about teaching him to read and write.

Eric (her 2nd son) believes her first posting was at Loudon (Approx. 1924) which supported the vast timber industry, so possibly this was a larger school.

It is unsure of her conditions of employment but somewhere here Eric believes there are papers showing her annual wage which he suspects was something like 24 pounds per year (Approx. \$48.00), probably not paid for holidays.

Busselton was possibly her next posting. This would have been a promotion. It was here she met Mervyn (her future husband) who was employed by the Forrest Department. As soon as she married, she had to resign from the Education Department as under the Act at the time no married women allowed!!

In and around this time, Mervyn contracted the Spanish Flu, and on recovery started to show signs of Parkinson Disease, which is now believed to be linked together.

During the Second World War the Department had to change their stance on this as there was a big shortage of teachers. Ivy was appointed to East Broome Hill, a one teacher school. As far as we can work out Eric had not started school but would have been 4 going on 5 years of age. Ivy found herself pregnant with Athol (3rd Son) and would have had to ceased working. The family moved to Bunbury to live with Sam her father. Eric commenced school at Rathmines primary school.

The following year Ivy was posted to Jarrahwod. Rhoda, Ivy's younger sister moved with them in the role of Nanny. Ivy's meagre wage had to support the family by this time as Mervyn was too ill to work and no social benefits were available. They lived here about 6 months and then they moved to Sussex Mill which was close to Jarrahwod where she completed her year of teaching.

This time was followed by a period of unemployment, so they moved to Australind to live with Sam and Rhoda. There would have been no income other than Child Endowment which was a pittance.

In 1941 Ivy was appointed to Hopeland. She rented a house, which was located virtually opposite the school. Eric & Lindsey (1st Son) were sent to Donnybrook to live with sister Evangeline (Aunty Van) and Uncle Randel Trigwell. They returned to Hopeland in 1942 and completed their primary education under their mother.

In 1948 Ivy was appointed to Keysbrook School where she taught for a short time until the Department sent her back to Hopeland. The appointed teacher at Hopeland couldn't find accommodation. She remained at Hopeland until the end of 1964.

Family Consent

Family heritage, connection to the land and community involvement are all considerations in Landgate's Policies and Standards for Geographical Naming in WA and reflected in Council Policy - Naming of Shire Owned or Administered Buildings, Structures and other Assets.

Where a proposal to name relates to a person, the consent of the family is required under the *Policies and Standards for Geographical Naming in WA*. The Estate of Ivy May Muller has provided this consent as part of their application.



Assessment

Council Policy - Naming of Shire Owned or Administered Buildings, Structures and other Assets states proposals to give recognition to specific members of the community through naming of facilities must be able to establish an association between that individual and the facility to be named or provide other justification such as that person's notable contribution to the community.

This proposal withstands assessment and diligence searches conducted by officers verifying Ivy Mullers historical connection to the area; and being a respected community members of considerable service who was a resident or working within the region (20 years or more).



Image: 1955 Sports Day Cup, Mrs Muller with school children outside the Hopeland School



Options**Option 1**

That Council:

1. SUPPORTS the proposal to name Reserve's 19197 and 24162 (Lot 1 and Lot 1285) as 'Ivy Muller Reserve' for the purpose of community engagement.
2. REQUESTS the Chief Executive Officer to invite public comment on the proposal to name Reserve's 19197 and 24162 (Lot 1 and Lot 1285) as 'Ivy Muller Reserve' for a period of 30 days and present a report back to Council to consider community support for the proposal.

Option 2

That Council:

1. DOES NOT SUPPORT the proposal to name Reserve 19197 and 24162 (Lot 1 and Lot 1285) 'Ivy Muller Reserve' for the following reason/s *[Elected Member moving motion to provide reason/s]*
2. REQUESTS the Chief Executive Office to advise the proponent of Council's decision.

Option 1 is recommended.

Conclusion

Consideration of a commemorative naming proposal for Reserve 19197 and 24162 (Lot 1 and Lot 1285) recognises the contribution by Ivy Muller to the community through her ties to the reserves and the Shire of Serpentine Jarrahdale.

Consultation and feedback from the local community organisations and historical research shows strong links to the community and specifically the site that is supported in principle by Landgate's Geographic Names Teams.

Following Council endorsement of this report further community consultation is required and the feedback from the community should be analysed and if community support is achieved the application should be forwarded to the Geographic Names Team for official approval.

Attachments (available under separate cover)

- **10.4.1 attachment 1** - Application to Name/Rename Shire owned facilities and other assets (E24/16914)
- **10.4.1 attachment 2** - Hopeland Community Association support (E25/2408)

Alignment with our Council Plan 2023-2033

Connected
3. Empower the community to engage with the Shire and collaborate on matters that are important to them
4. Facilitate an inclusive community that celebrates our history and diversity

Financial Implications

The approximate cost for public notice is \$200.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Objections raised through public comment	Future report to be presented to Council to consider feedback	Social / Community Outcomes	Unlikely	Minor	LOW	
2	Negative reputational outcome for the Shire due to community support for the proposal	Council to provide reason for its decision	Reputation	Unlikely	Minor	LOW	Consider other ways to acknowledge Ivy Muller

Voting Requirements: Simple Majority

OCM070/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Duggin

That Council:

1. **SUPPORTS** the proposal to name Reserve's 19197 and 24162 (Lot 1 and Lot 1285) as 'Ivy Muller Reserve' for the purpose of community engagement.
2. **REQUESTS** the Chief Executive Officer to invite public comment on the proposal to name Reserve's 19197 and 24162 (Lot 1 and Lot 1285) as 'Ivy Muller Reserve' for a period of 30 days and present a report back to Council to consider community support for the proposal.

CARRIED UNANIMOUSLY 6/0



President Rob Coales, Councillor Mack, Councillor Mazzini and Councillor Duggin declared an Impartiality Interest in Item 10.4.2

10.4.2 - Byford and Districts Country Club Request for Financial Support (SJ281)	
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 consider a request for financial support from the Byford and Districts Country Club (BDDC).

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting - 18 November 2024 - OCM329/11/24 - COUNCIL RESOLUTION</i> <i>That Council:</i> <i>1. NOTES the letter from the Byford and Districts Country Club requesting financial support towards their bowling green replacement project, provided at attachment 1.</i> <i>2. REQUESTS the Chief Executive Officer to continue to engage with the Byford and Districts Country Club to identify community benefit opportunities that the Byford and Districts Country Club can provide in recognition of a financial contribution from the Shire to the Byford and Districts Country Club for their bowling green replacement project and present a further report back to Council for consideration.</i>
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Background

On Monday, 23 September 2024, the Shire received a letter from the BDCC requesting financial support towards their bowling green replacement project. The letter from BDCC is provided at **attachment 1**.

At its November meeting, Council requested the Chief Executive Officer to identify community benefit opportunities that the BDCC can provide in recognition of a financial contribution from the Shire to the BDCC for their bowling green replacement project and present a further report back to Council for consideration.



Community / Stakeholder ConsultationPolicy Concept Forum

Nil.

Byford and Districts Country Club

Officers met with the BDCC Chair and General Manager in December 2024 and Officers met with the BDCC General Manager in February 2025. Outcomes of the meetings are addressed in the comment section of the report.

Statutory Environment

Nil.

CommentEngagement with BDCC

Officers and representatives met in December 2024 to identify community benefit opportunities that the Byford and Districts Country Club could provide in recognition of a financial contribution from the Shire. While no community benefit opportunities were identified at the meeting, drainage issues at BDCC were discussed and it was agreed the Shire would explore this matter and what works were required to address the flooding issues that have been experienced by the Club in winter.

Investigations of the existing drainage at the BDCC site, starting at Linton St North and travelling to the south of the BDCC building, has found that drainage channels to the East and North of the car park have a build up of silt and soil which is hindering the flow and capacity of the system. In addition to this, rock pitching works are unable to handle expected water volumes and flow rates.

To address the drainage issues, Officers have identified the following works to be undertaken:



	Drainage Channel to be cleared
	Location of new drainage channel from carpark to meet drainage channel
	Rock pitching of culvert exit



The works are estimated to cost \$40,000 and can be delivered as part of the Shire's drainage renewal program in 2024/25, as a project in the current financial year has had to be deferred to the 2025/26 FY.

Officers met with the BDCC in February to discuss the issues identified with the existing drainage system and required works to have them working properly. Officers discussed that in lieu of providing a financial contribution to the Club for their bowling green replacement project, the Shire could deliver the drainage renewal works. This option was sent to the Club for formal feedback, and their response is provided at **attachment 2**.

Given that the BDCC facility is located on Shire-managed land, investment in drainage works provides a long-term strategic benefit to the Shire and the community to ensure that drainage in and around the facility is operating to its optimum capacity and protecting the physical assets of the site from possible future flooding events of the bowling green or the building.

BDCC lease

The BDCC have a peppercorn lease of 88 Linton Street North, Byford. The key lease details are:

Term

- Term: 20 years - 1 September 2014 - 31 August 2034
- Further Term Option: 20 years 1 September 2034 - 31 August 2054
- Rate: \$1.00 per annum

The stated purpose of this lease is to provide land on which the lessee may, at its expense, construct a new clubhouse and uses reasonably ancillary thereto.

Agreed outgoings for this lease are:

- (a) Local government rates, specified area rates, taxes, service and other charges and including charges for rubbish and garbage removal.

Facility Maintenance

- The tenant is responsible for all maintenance and insurance of the premises.
- There is no obligation to Lessor to repair or maintain.

Asset Renewal

16.2 Restriction

- (1) The Lessee must not without prior written consent:
 - (ii)(b) make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises; or

16.4 Cost of works

All works undertaken under this clause 16 will be carried out at the Lessee's expense.

Options for Council to consider

Option 1 - given no community benefit initiative was identified that could be delivered by the Club in recognition of a financial contribution, Council could advise BDCC it is unable to provide a financial contribution to the Club towards its bowling green replacement project.

Option 2 - the Council makes a financial contribution to the Club for its bowling green replacement project.



Option 3 - the Council supports the Shire undertaking drainage rectification works at the BDCC, valued at approximately \$40,000, in lieu of a financial contribution to the bowling green project.

OptionsOption 1

That Council:

1. NOTES the engagement that has occurred with the Byford and Districts Country Club.
2. AGREES to the drainage renewal works, estimated at approximately \$40,000, to remediate drainage issues at the Byford and Districts Country Club.
3. ADOPTS the following Budget Variation as detailed below:

Account Number	Type	Account Description	Debit \$	Credit \$
3610-30010-6392-0000	Increase Expenditure	Byford Districts Country Club - External Contractors	40,000	
3610-40020-6392-0000	Decrease Expenditure	Drains Maintenance - External Contractors		40,000

Reason:

Funds required for drainage rectification works at Byford Districts Country Club.

4. REQUESTS the Chief Executive Officer to write to the Byford and Districts Country Club and:
 - i) Advise them that while Council is unable to make a financial contribution to its bowling green replacement project, it will carry out drainage rectifications works valued at approximately \$40,000.
 - ii) Request that the Shire is provided with recognition for delivery of the works identified in point 3(i) above.

Option 2

That Council:

1. NOTES the engagement that has occurred with the Byford and Districts Country Club
2. PROVIDES a financial contribution of [Elected Member moving motion to specify amount] to the Byford and Districts Country Club for their bowling green replacement project.
3. REQUESTS the Chief Executive Officer to write to the Byford and Districts Country Club to advise them of Council's decision.

Option 3

That Council:

1. NOTES the engagement that has occurred with the Byford and Districts Country Club
2. DOES NOT PROVIDE a financial contribution to the Byford and Districts Country Club for their bowling green replacement project.



3. REQUESTS the Chief Executive Officer to write to the Byford and Districts Country Club to advise them of Council's decision.

Option 1 is recommended.

Conclusion

Officers have engaged with the BDCC regarding opportunities for the Shire to provide financial support to the club for their bowling green project. In lieu of a financial contribution to the bowling green project, Officers propose undertaking drainage rectification works at the BDCC, valued at approximately \$40,000. This will provide a long-term strategic benefit to the Shire and the community to ensure that drainage in and around the facility is operating to its optimum capacity and protecting the physical assets of the site from possible future flooding events of the bowling green or the building.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** - Byford and Districts Country Club - Request for Financial Support (E24/14154)
- **10.4.2 - attachment 2** - Byford and Districts Country Club email regarding drainage works (E25/2425)

Alignment with our Council Plan 2023-2033

Thriving	
1. Ensure sustainable and optimal use of Shire resources and finances	
Connected	
1. Empower the community to engage with the Shire and collaborate on matters that are important to them	

Financial Implications

Option 1:

Account Number	Type	Account Description	Debit \$	Credit \$
3610-30010-6392-0000	Increase Expenditure	Byford Districts Country Club - External Contractors	40,000	
3610-40020-6392-0000	Decrease Expenditure	Drains Maintenance - External Contractors		40,000

Reason:

Funds required for drainage rectification works at Byford Districts Country Club.

Option 2:

If Council resolved option 2, it would need to identify projects or initiatives to forego in order to make a financial contribution to the Byford and Districts Country Club.



Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Officers are unable to the carry out the drainage renewal works before winter	Engagement with BDCC on proposed works and review of current drainage renewal program to scope out works and internal resourcing	Organisational Performance	Unlikely	Insignificant	LOW	
2	The financial contribution is unbudgeted, and Council will need to identify projects or initiatives to forego in order to make a financial contribution to the BDCC.	Adoption of 2024/25 Budget	Financial	Almost Certain	Minor	SIGNIFICANT	A project or projects could be cancelled or deferred
3	Providing no support (financial or in kind) could have a negative impact on the Shire's relationship with BDCC	Engagement with BDCC on options	Strategic Stakeholder Relationships	Likely	Minor	MODERATE	Provide reason for decision.



Voting Requirements: Absolute Majority (section 6.8 of the *Local Government Act 1995*)

OCM071/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Bishop

That Council:

- 1. NOTES** the engagement that has occurred with the Byford and Districts Country Club.
- 2. AGREES** to the drainage renewal works, estimated at approximately \$40,000, to remediate drainage issues at the Byford and Districts Country Club.
- 3. ADOPTS** the following Budget Variation as detailed below:

Account Number	Type	Account Description	Debit \$	Credit \$
3610-30010-6392-0000	Increase Expenditure	Byford Districts Country Club - External Contractors	40,000	
3610-40020-6392-0000	Decrease Expenditure	Drains Maintenance - External Contractors		40,000

Reason:

Funds required for drainage rectification works at Byford Districts Country Club.

- 4. REQUESTS** the Chief Executive Officer to write to the Byford and Districts Country Club and:
 - i) Advise** them that while Council is unable to make a financial contribution to its bowling green replacement project, it will carry out drainage rectifications works valued at approximately \$40,000.
 - ii) Request** that the Shire is provided with recognition for delivery of the works identified in point 3(i) above.

CARRIED UNANIMOUSLY 6/0



10.5 Executive Services reports:

Nil.

OCM072/03/25

COUNCIL RESOLUTION

Moved Cr Jerrett, seconded Cr Mack

That the meeting be closed to members of the public while item 10.6.1 is discussed pursuant to section 5.23(2)(c), (d), and (f) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 6/0

At 9.39pm, the meeting went behind closed doors.

Officers assisting the meeting stopped the recording of the meeting.

**10.6 Confidential reports:**

10.6.1 - CONFIDENTIAL - Traffic Management Services (SJ3964)	
Responsible Officer:	Manager Corporate Performance
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> .

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(c), (d), and (f) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

Voting Requirements: Simple Majority

OCM073/03/25

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. AUTHORISES the Chief Executive Officer to negotiate and execute a termination agreement for the RFT 06/2022 – Traffic Management Services contract with QTM.**
- 2. NOTES a new tender process will be undertaken for traffic management services.**

CARRIED UNANIMOUSLY 6/0



OCM074/03/25

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Mack

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 6/0

At 9.43pm, the doors were reopened, and the public returned to the Gallery.

Officers assisting the meeting resumed the recording of the meeting.

Presiding Member, President Coales advised the public of the Council Resolution for item 10.6.1.



11. Urgent business:

Nil.

12. Elected Member questions of which notice has been given:

Nil.

13. Closure:

There being no further business, the Presiding Member declared the meeting closed at 9.45pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on
Monday, 14 April 2025

.....Presiding Member – President Coales

14 APRIL 25.

.....Date